# Regular Session RS

# Milwaukie City Council

CITY OF **MILWAUKIE**

# COUNCIL **REGULAR SESSION**

City Hall Council Chambers
10722 SE Main Street
www.milwaukieoregon.gov

2250th Meeting

## REVISED AGENDA

JULY 18, 2017

(Revised July 13, 2017)

**1. CALL TO ORDER – 6:00 p.m.** **Page #**
Pledge of Allegiance

**2. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**

~~**A. Police Meritorious Service Award**~~ [Removed from the Agenda on July 13, 2017]
~~Staff: Steve Bartol, Chief of Police~~

**3. CONSENT AGENDA**
These items are considered routine, and therefore, will not be allotted discussion time on the agenda; these items may be passed by the Council in one blanket motion; any Councilor may remove an item from the "Consent" agenda for discussion by requesting such action prior to consideration of that part of the agenda.

**A. City Council Meeting Minutes:** **2**
1. **June 13, 2017, Study Session;**
2. **June 20, 2017, Work Session; and**
3. **June 20, 2017, Regular Session.**

**B. Washington Street Storm System Consultant – Resolution** **11**

**4. AUDIENCE PARTICIPATION**
The presiding officer will call for citizen statements regarding City business. Pursuant to Milwaukie Municipal Code (MMC) Section 2.04.140, only issues that are "not on the agenda" may be raised. In addition, issues that await a Council decision and for which the record is closed may not be discussed. Persons wishing to address the Council shall first complete a comment card and submit it to the City Recorder. Pursuant to MMC Section 2.04.360, "all remarks shall be directed to the whole Council, and the presiding officer may limit comments or refuse recognition if the remarks become irrelevant, repetitious, personal, impertinent, or slanderous." The presiding officer may limit the time permitted for presentations and may request that a spokesperson be selected for a group of persons wishing to speak.

**5. PUBLIC HEARING**
Public Comment will be allowed on items under this part of the agenda following a brief staff report presenting the item and action requested. The presiding officer may limit testimony.

**A. Adoption of the North Milwaukie Industrial Area (NMIA) Framework Plan and Implementation Strategy – Resolution** **33**
Staff: Amy Koski, Resource and Economic Development Specialist

**B. Keil Gardens Zoning and Comprehensive Plan Amendments – Ordinance** **203**
Staff: Vera Kolias, Associate Planner

## 6. OTHER BUSINESS

These items will be presented individually by staff or other individuals. A synopsis of each item together with a brief statement of the action being requested shall be made by those appearing on behalf of an agenda item.

### A. Council Input on Legislative, Regional, and County Issues

Staff: Mitch Nieman, Assistant to the City Manager

### B. Council Reports

## 7. INFORMATION

## 8. ADJOURNMENT

**Americans with Disabilities Act (ADA) Notice**

The City of Milwaukie is committed to providing equal access to all public meetings and information per the requirements of the ADA and Oregon Revised Statutes (ORS). Milwaukie City Hall is wheelchair accessible and equipped with Assisted Listening Devices; if you require any service that furthers inclusivity please contact the Office of the City Recorder at least 48 hours prior to the meeting by email at ocr@milwaukieoregon.gov or phone at 503-786-7502 or 503-786-7555. Most Council meetings are streamed live on the City's website and cable-cast on Comcast Channel 30 within Milwaukie City Limits.

**Executive Sessions**

The City Council may meet in Executive Session pursuant to ORS 192.660(2); all discussions are confidential and may not be disclosed; news media representatives may attend but may not disclose any information discussed. Executive Sessions may not be held for the purpose of taking final actions or making final decisions and are closed to the public.

**Meeting Information**

Times listed for each Agenda Item are approximate; actual times for each item may vary. Council may not take formal action in Study or Work Sessions. Please silence mobile devices during the meeting.

CITY OF **MILWAUKIE**
COUNCIL **REGULAR SESSION**
City Hall Council Chambers
10722 SE Main Street
www.milwaukieoregon.gov

2250th Meeting
**MINUTES**
JULY 18, 2017

**Council President Lisa Batey called the Council meeting to order at 5:58 p.m.**

**Present:** Councilors Angel Falconer, Wilda Parks, Shane Abma

**Excused:** Mayor Mark Gamba

**Staff:**
City Manager Ann Ober
City Recorder Scott Stauffer
City Attorney Tim Ramis
Police Chief Steve Bartol
Assistant to the City Manager Mitch Nieman
Community Development Director Alma Flores
Engineering Director Charles Eaton
Planning Director Denny Egner
Associate Planner Vera Kolias
Economic Resource Coordinator Amy Koski

## 1. CALL TO ORDER
Pledge of Allegiance.

**Council President Batey** announced that Mayor Gamba had been excused from the meeting and noted that Agenda Item 6. B. would be heard before Agenda Item 6. A.

## 2. PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS
**A. Police Meritorious Service Award [removed from agenda]**

## 3. CONSENT AGENDA
**It was moved by Councilor Parks and seconded by Councilor Falconer to approve the consent agenda.**

**A. City Council Meeting Minutes:**
1. **June 13, 2017, Study Session;**
2. **June 20, 2017, Work Session; and**
3. **June 20, 2017, Regular Session.**

**B. Resolution 70-2017: A Resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, authorizing the City Manager to execute a contract for engineering services for the Washington Street Storm Replacement Project.**

**Motion passed with the following vote: Councilors Parks, Abma, and Falconer, and Council President Batey voting "aye." [4:0]**

## 4. AUDIENCE PARTICIPATION
**Council President Batey** reviewed the Audience Participation procedures. **Ms. Ober** noted that Chief Bartol and Mr. Stauffer would provide the staff response to comments received at the July 5, 2017, Audience Participation.

**Chief Bartol** noted corrections to his July 5, 2017, Audience Participation comments regarding the Milwaukie Police Department (MPD) and the media. He explained that a review of the MPD's business practices had determined that it was not cost-effective to provide a public copy of the desk log. He reported that the MPD had been providing incident lists to the media and that the public and media could submit a records request and pay a fee to obtain specific incident reports. He noted that he had apologized to the editor of the *Clackamas Review* for his previous statements and that the MPD would work to improve its information release processes.

**Mr. Stauffer** demonstrated where records could be accessed on the City's website and provided an overview of the City's records request process. He discussed the City's compliance with State Law and records management best practices.

**Noreen Telisman**, Milwaukie Lions Club, asked that the City consider installing Lions Club signs on existing "Welcome to Milwaukie" signs. **Council President Batey** and **Ms. Telisman** briefly remarked on the size, style, and content of the Lions Club signs. It was noted that staff would follow-up on Ms. Telisman's request.

## 5. PUBLIC HEARING

**Council President Batey** noted that Council would hear Agenda Item 6. B. before 6. A.

**B. Keil Gardens Zoning and Comprehensive Plan Amendments – Ordinance**

Opening: **Council President Batey called the hearing to order at 6:19 p.m.** She noted the Planning Commission's consideration of the proposed development.

Purpose and Procedure: **Council President Batey** announced that the purpose of the hearing was to consider the Planning Commission's recommendation to approve the proposed Zoning Map and Code amendments. She reviewed the applicable standards and hearing procedure guidelines.

Conflicts of Interest: It was noted that no Council member declared a conflict of interest and no audience member questioned Council's ability to participate in the hearing.

Staff Presentation: **Ms. Kolias** described the development to be located north of Railroad Avenue at 42nd Avenue. She noted the number of houses to be built, and reported that the Planning Commission had recommended that Council approve the development application.

**Council President Batey** and **Ms. Kolias** noted that the development would have two numbered streets going in different directions.

**Ms. Kolias** reviewed the development application approval process and the proposed zoning changes. She noted that the Hector Campbell Neighborhood District Association (NDA) was supportive of the development and discussed the approval criteria and key zoning issues for Council to consider. She reported that staff recommended Council approve the requested rezoning and permit construction of the proposed subdivision. She confirmed that the applicant was present and planned to address Council.

Correspondence: Staff reported that no additional correspondence had been received.

Applicant: Mark Dane, Mark Dane Planning, briefly remarked on the plans for the Keil Gardens development and noted that the neighborhood supported the project.

**Councilor Parks** and **Mr. Dane** remarked that the size of the homes to be built in the development would be based on market assessments.

**Council President Batey** and **Mr. Dane** discussed the history of the site and the origin of the name Keil Gardens. It was noted that construction would begin in August 2017.

Conduct of Hearing: **Council President Batey** reviewed the conduct procedures.

Testimony in Support of the Proposal: **Dave Aschenbrenner**, Chair of the Hector Campbell NDA, reported that the neighborhood supported the development.

Neutral Testimony and Testimony in Opposition of the Proposal: It was noted that there were no speakers that were neutral or opposed to the development.

Staff Comments: It was noted there was no further remarks from staff.

Questions of Clarification: **Councilor Abma** asked who was responsible for naming the streets in the development. **Ms. Kolias** explained that the City's Engineering Department would reconcile the names through the final plat process.

**It was moved by Councilor Abma and seconded by Councilor Falconer to close the public hearing. Motion passed with the following vote: Councilors Parks, Abma, and Falconer, and Council President Batey voting "aye." [4:0]**

**Council President Batey closed the public hearing at 6:38 p.m.**

Discussion: **Councilors Abma** and **Falconer** and **Council President Batey** expressed support for the proposed development.

Decision by Council: **It was moved by Councilor Parks and seconded by Councilor Abma to approve the Ordinance to amend the Zoning Map to rezone tax lots 12E31BC, lots 8000, 8100, 8200, and 8300 from Residential R-7 to Residential R-5, remove the Historic Resource Overlay from the property located at 4217 SE Railroad Ave; to amend the Milwaukie Comprehensive Plan Land Use Map to designate tax lots 12E31BC, lots 8000, 8100, 8200, and 8300 as Moderate Density rather than Low Density, and to remove the property located at 4217 SE Railroad Ave from Comprehensive Plan Appendix 1 – Historic Resources Property List (File #ZA-2017-002 and CPA-2017-001). Motion passed with the following vote: Councilors Parks, Abma, and Falconer, and Council President Batey voting "aye." [4:0]**

**Ms. Ober** read the ordinance two times by title only.

**Mr. Stauffer polled the Council with Councilors Parks, Abma, and Falconer, and Council President Batey voting "aye." [4:0]**

**ORDINANCE 2151:**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, TO AMEND THE ZONING MAP TO REZONE TAX LOTS 12E31BC, LOTS 8000, 8100, 8200, AND 8300 FROM RESIDENTIAL R-7 TO RESIDENTIAL R-5, REMOVE THE HISTORIC RESOURCE OVERLAY FROM THE PROPERTY LOCATED AT 4217 SE RAILROAD AVE; TO AMEND THE MILWAUKIE COMPREHENSIVE PLAN LAND USE MAP TO DESIGNATE TAX LOTS 12E31BC, LOTS 8000, 8100, 8200, AND 8300 AS MODERATE DENSITY RATHER THAN LOW DENSITY, AND TO REMOVE THE PROPERTY LOCATED AT 4217 SE RAILROAD AVE FROM COMPREHENSIVE PLAN APPENDIX 1 – HISTORIC RESOURCES PROPERTY LIST (FILE #ZA-2017-002 AND CPA-2017-001).**

**Council President Batey** read the Land Use Board of Appeals (LUBA) information.

**A. Adoption of North Milwaukie Industrial Area (NMIA) Framework Plan and Implementation Strategy – Resolution**

Opening: **Council President Batey called the hearing to order at 6:45 p.m.**

Purpose, Conflict of Interest and Jurisdiction: **Council President Batey** announced that the purpose of the hearing was to consider a resolution directing staff to prepare plan and code amendments to implement the NMIA Plan. It was noted that no Council member declared a conflict of interest and no audience member questioned Council's ability to participate in the hearing.

Staff Presentation: **Ms. Koski** introduced Alex Dupey with MIG Consultants.

**Mr. Dupey** described the location of the NMIA and discussed the proposed adjustments to the zoning established by the Tacoma Station Area Plan (TSAP). He reviewed the NMIA Framework Plan and the project's goals and objectives. He summarized the needs of the NMIA as identified through the project's outreach efforts.

**Council President Batey** and **Mr. Dupey** noted that the sock company, Sock It to Me, had made upgrades to the building they leased in the NMIA.

**Mr. Dupey** suggested that internet connectivity and the low commercial vacancy rate in the NMIA presented issues for companies looking to move into the area and for the City as it looked to provide services. He discussed regional changes regarding industrial, commercial, and office space needs, and the feasibility of developing an eco-district framework. He noted benefits and issues related to Johnson Creek. He remarked on building the area's brand and developing the area's transportation options.

**Council President Batey** and **Mr. Dupey** remarked on the need to improve intersection safety along McLoughlin Boulevard and to encourage non-vehicle traffic in the NMIA.

**Ms. Koski** reviewed and explained the current and proposed zoning in the NMIA.

**Council President Batey** asked if any development proposals in the NMIA had been denied since adoption of the TSAP. **Ms. Koski** reported that staff had not seen any proposals for the NMIA and that interest had remained focused on using existing buildings. She suggested a need to promote the area with a better branding strategy.

**Ms. Koski** described the goals of the proposed zoning changes. She reported that previous Council discussions and public comments had suggested that residential zoning should not be allowed in the NMIA. She noted Council would need to decide whether residential zoning would be allowed in the NMIA.

**Mr. Dupey** discussed future infrastructure needs in the NMIA and explained that an eco-district framework would partly focus on energy use.

The group discussed how elements of the planned McBrod Avenue paving project had taken future infrastructure and eco-district needs into consideration. **Mr. Dupey** suggested the presence of rail lines could be part of the NMIA's branding.

**Mr. Dupey** presented approaches for incremental implementation of the NMIA Plan. **Councilor Parks** and **Mr. Dupey** noted that it would be possible to incorporate a transportation management association (TMA) into the NMIA structure.

**Ms. Koski** reported that staff, the NMIA Advisory Group, and the Planning Commission had recommended Council adopt the proposed NMIA Framework with several caveats. She asked for Council feedback on the proposed amendments. The group noted that existing conditional uses would be grandfathered in under any Code changes.

**Ms. Koski** and **Mr. Egner** reported that the Planning Commission had recommended that marijuana production be a conditional use in the NMIA. They discussed what was currently allowed in the area's zones and what would be permitted in the proposed zoning. The group discussed the changes considered by the Planning Commission and noted the number of marijuana grow sites currently operating in the area.

**Ms. Koski** reviewed the Planning Commission's recommendations regarding building height and retail space in the proposed NMIA zone. The group discussed the proposed and desired square-footage for retail stores in the area.

**Ms. Koski** reported that the Planning Commission had recommended that waste management services be a permitted use in the NMIA zone with a 10-year sunset and some caveats. She reviewed the questions for Council to consider, including modified zoning language and addressing development connections with the City of Portland.

The group discussed the planned bicycle pathway and vehicle bridge over Johnson Creek between the cities of Portland and Milwaukie. They noted that there were residential and industrial zones around the bridge site and that the adjacent property owners had concerns about the planned bridge.

**Ms. Koski** summarized the next steps in the NMIA Plan process through fall 2017.

**Council President Batey recessed the Regular Session at 7:46 p.m. and reconvened the Regular Session at 7:54 p.m.**

Correspondence: **Ms. Koski** and **Council President Batey** noted that correspondence had been received from Elvis Clark, Michael Schiess, and L. Patrick and Cathy Stinson.

Conduct of Hearing: **Council President Batey** reviewed the hearing guidelines.

Audience Testimony: **Pat Stinson**, Portland resident, noted that his property was adjacent to the site of the proposed bridge over Johnson Creek. He commented on possible alternate routes for a Milwaukie-Portland connection and expressed concerns about increased vehicle and truck traffic and flooding in the area.

**Catherine Stauffer**, Milwaukie resident, explained that the proposed bridge would encroach on her residential property. She recommended that the area be zoned for lesser density and asked that the proposed bridge be removed from the plan.

**Peter Stark**, Oregon Worsted Company (OWC) representative, presented letters from consultants hired to look at flooding issues around the Mill End Store. He discussed the flooding potential in the southwest corner of the NMIA and OWC's ability to redevelop the Mill End site given flooding and parking concerns. He reported OWC's interest in pursuing a mixed-use commercial and residential development.

**Eric Hovee**, ED Hovee and Company, explained that he was an economic development consultant hired by OWC to analyze the economic viability of the Mill End site given the floodplain issues. He commented on the Planning Commission's recommendation to allow residential zoning and suggested that raising a new building on stilts would be the only way to viably redevelop the Mill End site.

**Jerry Baysinger**, Baysinger Partner Architects, explained that OWC had asked him to look at future development options for the Mill End site. He presented slides containing floodplain information and a proposed redevelopment concept for the site. **Council President Batey**, **Councilor Abma**, and **Mr. Baysinger** discussed how parking, retail space, and the use of stilts were incorporated in the presented redevelopment concept.

**Brian Heiberg**, Heiberg Garbage and Recycling (HGR), explained that his trucking company had been operating in the NMIA for 20 years and they had recently invested in a natural gas fueling station on their property. He described how HGR operates and expressed frustration that the proposed NMIA zone would not allow his company to exist on their current property. The group noted that HGR would be grandfathered in under any new zoning restrictions and that the Planning Commission had recommended that HGR be allowed to continue to operate. **Mr. Heiberg**, **Councilor Abma**, and **Council President Batey** discussed HGR's hours of operations, traffic patterns, and issues raised at the Planning Commission hearing about late-night noise.

**Scott Churchill**, Milwaukie resident, remarked on the proposed development concepts and the overall density of the NMIA and expressed support for the zoning overlay recommendations made by the Planning Commission.

**Howard Dietrich III**, OWC representative, urged Council to adopt the zoning overlay and read a letter from Nancy Bishop Dietrich into the record:

> "The Oregon Worsted Company will be 100 years old next year. To continue to exist in Milwaukie we need a Zoning Overlay allowing Mixed Use/Residential.
>
> In 99 years Oregon Worsted Company has employed over 100,000 people most of which have lived in Milwaukie. We have supported many civic events, concerts, parades. We donate office space and helped found The Johnson Creek Corridor Association Watershed Council and Acap.
>
> In 1981 The Oregon Worsted Company became a women owned business. 95% of our employees are women. In 1993, ODOT required us to move The Mill End Store to build the Tacoma Street Overcrossing.
>
> In 1993 The City encouraged us to relocate the Mill End Store to the former Omark Industries Building and gave us an easement on Milwaukie's land for our Storm Water treatment facility. The land is about 3.5 acres and the building is 65,000 sq. ft. The City applauded our remodeling efforts installing revolutionary Daylighting illumination and Storm Water treatment systems.
>
> We are non-conforming Use without Grandfather rights to rebuild because we are in the Willamette River Flood zone. In 1996, our property had 46 inches of water covering the site.
>
> In 2016 we promoted the cities' rezoning effort that is before the commission now. It was our understanding that the plan was to help the current land owners and their

businesses. We have our neighbors support and the support of the Downtown Business Association.

Our building is 63 years old, and might not survive another flood. We hired an economist and Flood Water Specialist and found that we could not re-build the Mill End Store under the proposed re-zoning and flood plain rules. Our economist indicates our redevelopment plan has to include a Residential component to justify the· need to elevate the Building.

Because our property is completely in the Flood Plain, we ask that the Commission put a Zoning Overlay on this site allowing mixed use/Residential uses so we can rebuild."

Staff Comments: **Ms. Koski** noted that the proposed NMIA zone would increase the allowed building height in the area. **Mr. Egner** and **Mr. Koski** commented on the proposed building height as presented in the Mill End site redevelopment concept and noted other ways the site's flooding issues could be addressed.

**Ms. Koski** and **Council President Batey** discussed the funding gap for multi-story mixed-use office buildings identified in an EcoNorthwest study of areas like the NMIA, and they remarked on the regional demand for office space.

**Ms. Koski** commented on Mr. Heiberg's concerns about HGR's conditional use status under the proposed NMIA zone and suggested that staff would be agreeable to whichever direction Council wished to take regarding HGR's status. **Mr. Egner** remarked on previous and current NMIA zoning regarding fleet and hauling operations. The group discussed HGR's status as a hauling company operating in the NMIA and what actions Council could take to permit HGR's continued operations in the area.

**Mr. Egner** noted that staff was asking for Council direction to begin the process of preparing amendments to the Milwaukie Municipal Code (MMC).

Questions of Clarification: **Councilor Abma** and **Ms. Koski** noted the NMIA advisory and technical groups had included 35 people.

**Councilor Abma** and **Mr. Egner** noted that residential use was not currently allowed in the southwest corner of the NMIA.

**Councilor Falconer** and **Ms. Koski** noted that the NMIA Advisory Group had included NDA representatives and that around 100 people had responded to the public survey.

**Councilor Abma** and **Ms. Koski** noted that the City had only heard from the OWC regarding the proposed zoning changes; no other property owners in the floodplain section of the NMIA had responded. The group discussed the existing buildings in the southwest corner of the NMIA and remarked on the compatibility of that area with residential uses. It was noted that the Planning Commission had recommended allowing residential use in the entire southwest corner of the NMIA.

**Ms. Koski** noted which individuals mentioned during the Audience Testimony as being in support of allowing residential use in the NMIA zone had been a member of the Advisory Group.

**It was moved by Councilor Parks and seconded by Councilor Falconer to close the public hearing. Motion passed with the following vote: Councilors Parks, Abma, and Falconer, and Council President Batey voting "aye." [4:0]**

**Council President Batey closed the public hearing at 8:44 p.m.**

Council Discussion: The group discussed the status of marijuana grow facilities in the City's industrial areas. It was the consensus of the Council members present to allow marijuana grow facilities as a conditional use in the NMIA.

**Council President Batey** reviewed the question for Council to consider regarding building height flexibility. The group discussed the feasibility of offering additional building height to encourage development and maker space or office space. It was

noted that Council would have opportunities in the future to consider specific height limits. **Council President Batey** summarized that Council would be open to considering higher building height limits.

The group expressed support for allowing HGR to continue to operate in the NMIA while not encouraging similar companies to move into the area. It was the consensus of the Council members present that existing businesses should be supported.

The group discussed the planned vehicle and pedestrian bridge over Johnson Creek to Portland. They noted the importance of increasing connectivity to Portland and expressed empathy for the concerns expressed by the residents and businesses near the planned bridge site. They commented that the bridge was not likely to be built soon. It was the consensus of the Council members present that the NMIA Plan should be less specific about details regarding the planned bridge.

**Council President Batey** recalled previous Planning Commission hearings regarding the amount of retail space to be allowed in the NMIA. **Councilor Falconer** expressed concern about allowing large retail developments into the area. The group discussed the impact of large retail developments in the NMIA on the City's other commercial areas. It was the consensus of the Council members present to agree with the staff recommendation of limiting commercial use in the NMIA to 20,000 square-feet.

The group discussed Planning Commission's recommendation to allow residential use in the southwest section of the NMIA. They noted that the proposed zoning overlay that would allow residential use would cover all properties in the southwest section and that only one property owner had asked for the overlay. **Councilor Parks** and **Councilor Falconer** noted the importance of protecting the City's existing commercial and industrial areas. **Council President Batey** observed that the southwest section of the NMIA could make a good office park and that there were noise and odor issues in the area that could make residential use less attractive. The group noted the importance of not hindering commercial development in Downtown and Central Milwaukie by changing allowed uses in the NMIA. **Councilor Abma** suggested that most of the Advisory Group members had not been in support of allowing residential use. The group commented on the public support for preserving the City's industrial space. It was the consensus of the Council members present to not allow the zoning overlay that would permit residential use in the southwest section of the NMIA.

Decision by Council: **It was moved by Councilor Abma and seconded by Councilor Parks to approve the Resolution directing preparation of plan and code amendments to implement the North Milwaukie Industrial Area Framework Plan and Implementation Strategy including those amendments as further clarified at July 18, 2017, Council meeting. Motion passed with the following vote: Councilors Parks, Abma, and Falconer, and Council President Batey voting "aye." [4:0]**

**Resolution No. 71-2017:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DIRECTING PREPARATION OF PLAN AND CODE AMENDMENTS TO IMPLEMENT THE NORTH MILWAUKIE INDUSTRIAL AREA FRAMEWORK PLAN AND IMPLEMENTATION STRATEGY.**

## 6. OTHER BUSINESS

### A. Council Input on Legislative, Regional, and County Issues

**Ms. Ober** reported that a recent OregonLive.com story had listed Milwaukie as the 13th safest city in Oregon. She thanked the MPD for their work to ensure the City's safety.

**Councilor Abma** provided a brief update on recent and upcoming meetings regarding waste water services in the North Clackamas County area.

**Councilor Parks** noted that she would be attending a meeting where the Clackamas Board of County Commissioners (BCC) would convene as the District Advisory Board

(DAB) for the North Clackamas Parks and Recreation District (NCPRD). **Ms. Ober** added that staff would also attend the BCC's DAB meeting.

**B. Council Reports**

**Council President Batey** commented on the success of the recent Kellogg Dam removal event and announced an upcoming Metro hazardous waste recycling event. The group noted that the City would be sponsoring a bulky waste curbside pick-up event on August 19, 2017.

**Council President Batey** noted that the City would be co-sponsoring a Sunday Parkways event in September 2017 and that the Milwaukie Sunday Farmers Market season was going well. The group reported that the Milwaukie Station food cart pod grand opening was scheduled to occur during the August First Friday event.

**7. INFORMATION**

**8. ADJOURNMENT**

**It was moved by Councilor Parks and seconded by Councilor Abma to adjourn the Regular Session. Motion passed with the following vote: Councilors Parks, Abma, and Falconer, and Council President Batey voting "aye." [4:0]**

**Mayor Gamba moved to adjourn the regular session at 9:21 p.m.**

Respectfully submitted,

Scott S. Stauffer, City Recorder

MILWAUKIE CITY COUNCIL
*Office of the City Recorder*

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# Speaker Registration

The City of Milwaukie encourages all citizens to express their views to their city leaders in a **respectful** and **appropriate** manner. If you wish to speak before the City Council, fill out this card and hand it to the City Recorder. Note that this Speakers Registration card, once submitted to the City Recorder, becomes part of the public record.

**Name:** Noreen Telisman

Organization:

Address:

Phone:

Email:

**Meeting Date:** 7/18 **Topic:** Mins Sept

Agenda Item You Wish to Speak to:

- [x] #4 Audience Participation
- [ ] #5 Public Hearing, Topic:
- [ ] #6 Other Business, Topic:

You are Speaking...

- [x] in Support
- [ ] in Opposition
- [ ] from a Neutral Position
- [ ] to ask a Question

**Comments:**

EXHIBIT
RS. 4
7-18-17

Thirty inches in diameter, single faced, reflective

HIGHWAY SIGN PANEL




| | |
|---|---|
| Description: | Single-faced 8" x 24" panel. Enhanced with reflective Scotchlite for increased visibility. Maximum of 3 lines per panel, maximum of 28 characters (letters or numbers & spaces) per line. Allow a minimum of 3 weeks for delivery. |
| Base SKU: | D93A |

More Info

Milwaukie Lions
7/18/2017

# Milwaukie Lions Club

*"We Serve"*

*Milwaukie & No. Clackamas County since 1948*



| Regular Session Agenda Item No. | 3 |
|---|---|

# Consent Agenda

CITY OF MILWAUKIE

# COUNCIL **STUDY SESSION**

City Hall Conference Room
10722 SE Main Street
www.milwaukieoregon.gov

# MINUTES

JUNE 13, 2017

**Mayor Mark Gamba called the Council meeting to order at 5:15 p.m.**

**Present:** Council President Lisa Batey; Councilors Angel Falconer, Wilda Parks, Shane Abma

**Staff:** City Manager Ann Ober
City Recorder Scott Stauffer
Engineering Director Charles Eaton
Community Development Director Alma Flores
Resource and Economic Development Specialist Amy Koski

## Memorandum of Understanding (MOU) with Portland State University (PSU) College of Engineering

**Ms. Flores** introduced Dr. Renjeng Su, Dean of the Maseeh College of Engineering and Computer Science at PSU. **Dr. Su** provided an overview of the College of Engineering and discussed the benefits of the City collaborating with PSU. **Ms. Flores** and **Mr. Eaton** commented on the in-kind cost savings of working with PSU students.

Council expressed support for the MOU and commented on the benefits of staff working with PSU students. **Ms. Flores** noted that Ms. Ober would sign the MOU for the City.

## Kellogg Dam Project Discussion

**Mr. Eaton** discussed a request from the Oregon Department of Transportation (ODOT) to transfer funds designated for the Kellogg Creek culvert project to other projects. He reported that there had been uncertainty as to how the funds had been programmed.

**Kelly Brooks**, Policy and Development Manager at ODOT Region I, provided background on the Statewide Culverts Program (SCP). She explained that there was a culvert embedded in Kellogg Dam and that the funding set aside for the project was considered inadequate since the culvert replacement would trigger the bridge replacement. She reported that the SCP had recommended reallocating the funds to other projects that could be completed. She suggested that ODOT could help explore other options to enhance the Kellogg Dam fish passage.

The group discussed when the project funding had been originally designated.

**Mayor Gamba** commented on the conflicting project overlap of a large culvert and a small bridge. **Ms. Brooks** agreed that the Kellogg Dam culvert was a top priority on the culvert list, and that the bridge was at the bottom of the bridge projects list. The group discussed the idea of finding alternatives to get the projects done.

**Mayor Gamba** and **Ms. Brooks** discussed the fish ladder and mitigation work needed at the Kellogg Dam.

The group discussed the Cityôs willingness to agree to ODOTôs request and they noted the complicated projects involved in the removal of the Kellogg Dam. They noted Federal and State timelines for using project funds and commented on upcoming regional meetings where the Cityôs position on the funding reallocation could be stated.

It was noted that the Study Session was no longer being broadcast live as of 6:15 p.m.

**Councilor Abma** and **Ms. Brooks** noted that the reallocated funding would allow other culvert projects to happen and they commented on how the City could continue to work with ODOT and other agencies to remove the Kellogg Dam.

**Council President Batey**, **Ms. Brooks**, and **Mr. Eaton** noted the locations of the culvert projects that would benefit from the reallocated funds.

**Mayor Gamba** and **Ms. Brooks** remarked on ODOT's ability to help the City work with the Portland Harbor Superfund Site and other regional partners to address fish mitigation issues while also replace ODOT's aging Kellogg Creek Hwy 99E bridge.

**Mayor Gamba recessed the Study Session at 6:20 p.m. and reconvened the Study Session at 6:29 p.m.**

The group continued to discuss the City's response to ODOT's request to reallocate funding that had been designated for the Kellogg Dam culvert project. They noted the influence of the Clackamas County Coordinating Committee (C4) and Metro's Joint Policy Advisory Committee on Transportation (JPACT) and Metropolitan Transportation Improvement Program (MTIP) on project funding. They considered what Mayor Gamba could say regarding the reallocation of project funding on behalf of the City at upcoming C4 and JPACT meetings.

It was Council consensus to consent to ODOT's funding reallocation request.

**Mr. Eaton** briefly commented on recent City staff and PSU student collaborations.

## Vertical Housing Development Zone (VHDZ) Application

**Councilor Falconer**, **Ms. Koski**, **Mayor Gamba**, and **Ms. Flores** discussed what percentage of a building had to be affordable housing for the developer to receive an abatement on the land price. They noted the formula for determining the affordable housing abatement percentage and remarked on the planned development of the former Bernardo's Garage site.

The group noted other affordable housing projects in Oregon. They discussed the development of North Main Village (NMV), the planned development of the Bernardo's Garage site, and project concepts for the Coho Point at Kellogg Creek property. They commented on the possibility of reducing or forgiving system development charges (SDCs) to provide a benefit for development.

**Councilor Falconer**, **Ms. Flores**, and **Ms. Koski** commented on the importance of offering different tools to encourage development. The group commented on projects in the region that have utilized VHDZ and other developer incentive tools.

**Mayor Gamba**, **Council President Batey**, and **Ms. Flores** commented on the VHDZ boundary maps in the staff report. The group noted recent State Legislation that transferred administrative and approval duties for VHDZs to cities.

The group discussed the timing of the City's adoption of a construction excise tax (CET) related to pending development projects. **Ms. Flores** noted that staff had been working to identify CET adoption options for Council to consider soon.

**Ms. Flores** and **Council President Batey** remarked on recent State activity regarding inclusionary zoning (IZ) and noted Council's interest in discussing IZ. **Ms. Flores** explained how developer tax benefits have been used as sales incentives in Portland.

**Ms. Ober** asked if Council was comfortable proceeding with the VHDZ application. **Councilors Parks and Abma**, and **Mayor Gamba** said they supported the application.

**Council President Batey** expressed support for the application and suggested that the application include a time limit. **Ms. Flores** noted that the VHDZ program would last for 10 years and **Council President Batey** confirmed that she was suggesting the program last for 10 years but the application window would only last 3-4 years.

The group talked about limiting the number of years a developer could apply for the VHDZ. It was Council consensus that the City would market the VHDZ for 5 years. They noted that the program would last for 10 years and that Council could extend the application period in the future.

**Council President Batey** suggested that the resolution adopting the VHDZ should define the application and program timelines. **Ms. Flores** remarked that the City had the ability to manage the program parameters and confirmed that the resolution approving the VHDZ application would be on the July 5, 2017, Regular Session Consent Agenda.

**Ms. Koski** and **Mayor Gamba** discussed what kind of program information the adopting resolution would include. **Ms. Ober** reported that staff would bring the VHDZ application form for Council review after the application resolution was adopted.

The group talked about the timing for starting the VHDZ program and the programôs potential impact on proposed development projects.

**Ms. Flores** noted that staff would reach out to the State with questions about how the City can develop the program. **Ms. Koski** added that the City would run the program within the Stateôs statutes and rules.

**Ms. Ober** and **Ms. Koski** remarked on whether the adopting resolution would need to indicate the Cityôs intention of adding criteria to the program application.

**Ms. Ober** summarized that Council wished to move forward with the VHDZ application. **Ms. Flores** and **Ms. Ober** confirmed that staff would return for further Council feedback on the VHDZ program and the adoption of a CET.

It was the group consensus that a CET should be considered as soon as possible.

**Mayor Gamba adjourned the Study Session at 7:29 p.m.**

Respectfully submitted,

Amy Aschenbrenner, Administrative Specialist II

Scott Stauffer, City Recorder

CITY OF MILWAUKIE

# COUNCIL **WORK SESSION**

City Hall Conference Room
10722 SE Main Street
www.milwaukieoregon.gov

# MINUTES

JUNE 20, 2017

**Mayor Mark Gamba called the Council meeting to order at 4:30 p.m.**

**Present:** Councilors Angel Falconer, Wilda Parks, Shane Abma
**Excused:** Council President Batey

**Staff:** City Manager Ann Ober
Assistant to the City Manager Mitch Nieman
Administrative Specialist II Amy Aschenbrenner
Solarize Intern, Alma Frankenstein

## Solar Milwaukie Update

**Mr. Nieman** introduced Alma Frankenstein, Solarize Milwaukie program intern. He provided background information on the Solarize program, an update on the programôs status, and an executive summary of the program. He noted the purpose of the program, the role of the City, marketing plans, and steps taken to-date.

**Mr. Nieman** discussed the process of creating the request for proposal (RFP) and the community partners involved. The RFP was released on June 12, 2017, and would close on July 3, 2017. Staff hoped to have a contractor, or multiple contractors, selected by July 14, and an executed contract by August 1, 2017. He discussed the next steps once a contractor was selected.

**Ms. Frankenstein** explained Googleôs Project Sunroof and how to use the online tool. She discussed the approach to find 20 houses per neighborhood to select which may be viable houses. Staff would send post cards noting a homeôs potential savings if solar panels were installed. She noted she would likely do this process multiple times.

**Mayor Gamba** noted the additional factors for why a person would or would not want to install solar panels. **Mr. Nieman**, **Mayor Gamba, Councilor Falconer**, and **Ms. Frankenstein** discussed the process for sending personalized postcards. **Ms. Ober** noted it would be good to send the postcards and see if it added program participants.

**Ms. Frankenstein** confirmed that over 120 people had filled out the Solarize program interest form online. **Mr. Nieman** reported that people were excited about the program.

**Mr. Nieman** noted the available funding for Solarize Milwaukie. He explained the Cityôs role as a third party, and the details of the parties involved in the program.

**Mr. Nieman** responded to Councilor Abmaôs questions about solar panel contractorsô discount plans. The group discussed different pricing and efficiency factors. **Ms. Ober** noted the City should be able to compare the companies that submitted RFPs, based on kilowatt hours. The group discussed the customer benefits of installing solar panels through the Cityôs program.

**Mr. Nieman** confirmed the Cityôs intake form would be available until September 30, 2017. The chosen contractor(s) would guarantee price points until December 31, 2017. He added that the process to get solar panels installed could be a four-month operation. **Mayor Gamba** and **Mr. Nieman** noted that March 1, 2018, was the deadline to install panels and receive 2017 tax credits, and that multiple contractors maybe selected to participate in the program.

**Councilor Abma** and **Mr. Nieman** discussed additional language that could be added to the agreement with the contractor(s) to note the City would not be held liable for poor installation or other factors.

**Mr. Nieman** responded to Councilor Abmaõs question about equitable distribution of work. He noted that the Energy Trust of Oregon recommended connecting contractors to customers randomly and equally. The group discussed possible issues related to certain contractors being connected with certain customers.

**Mr. Nieman** said he would keep Council updated as the program progressed. He encouraged interested parties to pay attention to upcoming workshops.

**Mr. Nieman** noted the program goal to solarize less than 8% of Milwaukie single family homes in five years. He explained that would translate to a need of 100 to 110 households to participate this year to be on track to meet the goal.

**Mayor Gamba** explained after the residential piece of Solarize Milwaukie was completed, the focus would shift to the community solar program, which included renters, shaded roofs, and more. The 3rd piece was a commercial program for installing solar panels on industrial roofs.

**Mayor Gamba adjourned the Work Session at 5:20 p.m.**

Respectfully submitted,

_____

Amy Aschenbrenner, Administrative Specialist II

CITY OF MILWAUKIE
COUNCIL **REGULAR SESSION**
City Hall Council Chambers
10722 SE Main Street
www.milwaukieoregon.gov

2248th Meeting
**MINUTES**
JUNE 20, 2017

**Mayor Mark Gamba called the Council meeting to order at 6:05 p.m.**

**Council Present:** Councilors Angel Falconer, Wilda Parks, Shane Abma

**Council Excused**: Council President Batey

**Staff:** City Manager Ann Ober
Administrative Specialist Amy Aschenbrenner
City Attorney Dan Olsen
Municipal Court Judge Kimberly Graves
Public Works Director Gary Parkin
Engineering Director Charles Eaton
Finance Director Haley Fish
Assistant Finance Director Bonnie Dennis
Building Official Sam Vandagriff

**SWEARING-IN OF NEWLY ELECTED COUNCILOR**
**Judge Graves administered the Oath of Office for Councilor Abma.**

**Recognition of Public Works Director Gary Parkin's Retirement**
Council thanked Mr. Parkin for his service. **Mr. Parkin** discussed his time at the City and expressed gratitude for the opportunity to serve Milwaukie.

**Mayor Gamba recessed the Regular Session at 6:12 p.m. and reconvened the Regular Session at 6:30 p.m.**

## 1. CALL TO ORDER
Pledge of Allegiance.

## 2. PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS

### A. Rowe Middle School (RMS) Food for Success Program
**Evan King**, RMS Social Worker, provided an overview of the Food for Success Program and noted the high poverty rate in the community.

**Ari Oliver**, RMS student, discussed her involvement with the program. She explained that the program includes free breakfast and afternoon snacks for everyone, a share table at lunch, and free dinner for anyone who attends after school programs.

**Reece Healy**, RMS student, and **Ms. King** described how students benefited from the program and noted that $17,000 had been fundraised to fund the program.

Council thanked Ms. King, Ms. Oliver, and Mr. Healy and applauded their efforts.

## 3. CONSENT AGENDA
**It was moved by Councilor Parks and seconded by Councilor Falconer to approve the consent agenda.**

**A. City Council Meeting Minutes:**
   **1. May 16, 2017, Work Session, and**
   **2. May 16, 2017, Regular Session.**
**B. Resolution 60-2017: A Resolution of the City Council of the City of Milwaukie, Oregon, Certifying the Results of the May 16, 2017, Special Election.**
**C. Resolution 61-2017: A Resolution of the City Council of the City of Milwaukie, Oregon, Making Appointments to City Boards and Commissions.**

**Motion passed with the following vote: Councilors Abma, Falconer, and Parks, and Mayor Gamba voting "aye." 4:0]**

## 4. AUDIENCE PARTICIPATION

**Mayor Gamba** noted that no member of the audience wished to address Council and **Ms. Ober** noted that staff would provide an update on the questions about parklets raised at the June 6, 2017, Audience Participation at a future meeting.

## 5. PUBLIC HEARING

### A. Adoption of Master Fee Schedule (MFS) – Resolution

**Mayor Gamba** suggested that Council discuss proposed changes to the MFS before the public hearing. **Ms. Ober** concurred with Mayor Gambaôs proposed approach.

**Ms. Fish** reviewed the MFS and noted changes that had been made related to a personnel cost of living adjustment (COLA), the parklet program, and parking variances.

**Mayor Gamba** asked if there could be clearer definitions for buildings and inspections. **Ms. Vandagriff** noted that definitions were set by international and State requirements.

**Ms. Fish** discussed the possibility of enacting a policy to waive or subsidize fees for certain types of projects. **Ms. Ober** said she would provide Council possibilities regarding such a policy at a future meeting.

**Mayor Gamba** and **Ms. Vandagriff** discussed retaining wall and fence heights, inspections, and permits. **Ms. Vandagriff** agreed to ask the State Building Codes Division to review proposed modifications to the sections of the MSF related to retaining walls and fences. **Ms. Fish** suggested that the building-related parts of the MSF be left as proposed until the Stateôs review of the proposed changes was finished.

**Mayor Gamba** and **Mr. Eaton** discussed how fees for a retaining wall in a right of way (ROW) would be charged. They noted the process the bicycle group Bike Milwaukie went through to install bike repair stations in Downtown Milwaukie. **Ms. Vandagriff** noted that ROW inspection fees were governed by the State and that staff would check with the State Building Codes Division on modifying the fees and report back to Council.

The group discussed building investigation fees and the difference between work that is permitted and work that is done without permits.

**Councilor Falconer** commented on the Cityôs monthly parking permit fees and suggested that lower parking permit costs had been incentivizing individuals driving personal vehicles. She noted the conflict between incentivizing driving and Councilôs climate goals related to greenhouse gasses. **Mayor Gamba** and **Councilor Falconer** remarked on the need for parking and related costs and fees. **Ms. Fish** noted the number of parking passes issued monthly by the City.

**Mayor Gamba** suggested that the monthly parking pass be increased from $40 to $50 and that the quarterly pass be increased to $140 to provide a discount. The group noted that the existing $5 daily parking pass was on par with a daily TriMet transit pass.

**Mayor Gamba** and **Ms. Fish** discussed the proposal to change the current parking variance procedure to a standardized per-space fee. Council expressed agreement with the proposed change.

The group noted that the fine for failing to have a parking pass should increase to $50 so that it continues to mirror the parking pass fee.

**Mayor Gamba** discussed the traffic control device request fee and asked if Council wanted to consider modifying it. **Ms. Ober** reported that accident reports were recorded when an incident occurs. **Councilor Falconer** asked if there needed to be a larger conversation about traffic calming and adding stop signs throughout the city. **Ms. Ober** noted the need for maintenance of signs, law enforcement needs, and the idea of a larger, technical City-wide traffic study. **Mayor Gamba** clarified that he wanted to make sure the software would be able to provide data from police and traffic accidents. **Ms. Ober** noted that Chief Bartol was working on a report to provide to Council.

The group noted that traffic calming covered a variety of issues. **Councilor Parks** suggested staff research topics to bring to a future Council meeting. **Mayor Gamba** discussed fines for parking on a sidewalk or path. **Councilor Parks** asked about the fees for blocking and unauthorized parking in a handicap space.

**Mayor Gamba** asked about street tree cutting and **Ms. Ober** suggested bringing the question to the new Tree Board. **Mayor Gamba** asked about smoking enforcement and solar fees. It was noted that staff would follow-up on the items noted by Council.

**Ms. Fish** summarized which changes could be corrected in the MFS now and which items staff would research further.

Opening and Purpose: **Mayor Gamba called the public hearing to order at 8:27 p.m.** He explained that the purpose of the hearing was to consider updates to the Cityôs MSF.

Staff Report: **Ms. Fish** noted that Council had received and discussed the staff report.

Correspondence: Staff reported that no additional correspondence had been received.

Audience Testimony: It was noted that no member of the audience wished to speak.

Staff Comments: It was noted that there were no additional staff comments.

Questions of Clarification: It was noted that Council had no further questions.

Close Public Testimony: **It was moved by Councilor Falconer and seconded by Councilor Abma to close the public testimony portion of the hearing. Motion passed with the following vote: Councilors Abma, Falconer, and Parks, and Mayor Gamba voting "aye." [4:0]**

**Mayor Gamba closed the public testimony portion of the meeting at 8:29 p.m.**

Council Discussion: It was noted that there was no additional Council discussion.

Decision by Council: **It was moved by Councilor Falconer and seconded by Councilor Abma to approve the Resolution Revising Fees and Charges as Shown in Attachment 1 with amendments to the monthly parking permit fee from $40 to $50, and quarterly permit fees from $115 to $140, and amending parking fines of over 1 foot from curb, over space line, overtime parking, and permit only parking from $40 to $50, and updating the Master Fee Schedule of the City of Milwaukie for Fiscal Year 2018.**

**Motion passed with the following vote: Councilors Abma, Falconer, and Parks, and Mayor Gamba voting "aye." [4:0]**

> **RESOLUTION 62-2017:**
>
> **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, REVISING FEES AND CHARGES AS SHOWN IN ATTACHMENT 1 AND UPDATING THE MASTER FEE SCHEDULE OF THE CITY OF MILWAUKIE FOR FISCAL YEAR 2018.**

**Ms. Ober** noted that staff would provide Council with information on State regulations regarding bike lane and bike path fines at a future meeting.

## 6. OTHER BUSINESS

### A. Election of Council President

**Mayor Gamba** explained that Council was required to elect a Council President after each swearing-in of a new Councilor,.

**It was moved by Councilor Abma and seconded by Councilor Parks to nominate Councilor Batey to serve as Council President. Motion passed with the following vote: Councilors Abma, Falconer, and Parks, and Mayor Gamba voting "aye." [4:0]**

**B. Purchase of Property Adjacent to Public Works Yard – Resolution**
**Mr. Parkin** provided background on the process to acquire the property adjacent to the Cityôs Public Works yard located on Johnson Creek Boulevard. He reported that the agreement had not been fully signed by the sellers and that there may be minor changes proposed. He noted the importance of the property and that the City currently rented a portion of the property.

**Mayor Gamba**, **Mr. Parkin**, and **Ms. Ober** noted the long-term process that had led to the proposed property purchase.

**It was moved by Councilor Parks and seconded by Councilor Falconer to approve the Resolution to Purchase Property Adjacent to the Public Works Main Site on Johnson Creek Blvd for Use as a Public Works Facility. Motion passed with the following vote: Councilors Abma, Falconer, and Parks, and Mayor Gamba voting "aye." [4:0]**

**RESOLUTION 63-2017:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, TO PURCHASE PROPERTY ADJACENT TO THE PUBLIC WORKS MAIN SITE ON JOHNSON CREEK BLVD FOR USE AS A PUBLIC WORKS FACILITY.**

**C. Milwaukie Redevelopment Commission (MRC) Meeting**
**Mayor Gamba recessed the Regular Session at 8:40 p.m. to convene the MRC meeting and reconvened the Regular Session at 8:51 p.m.**

**D. Council Input on Legislative, Regional, and County Issues**
**Ms. Ober** and **Mayor Gamba** provided an update on the proposed transportation funding package under consideration by the State Legislature. They noted the potential funding that would be made available to the City should the package be adopted.

The group noted the status of other pending State Legislation and noted the loss of State funding previously dedicated for the removal of the Kellogg Creek Dam.

**E. Council Reports**
The group noted the upcoming Friends of the Ledding Library (FOLL) book sale. They discussed the speed limit reduction and planned closure of Hwy 99E northbound.

**Mayor Gamba** noted that the City had launched the Solarize Milwaukie program.

The group remarked on the annual North Clackamas Chamber of Commerce awards dinner where Councilor Parks had received a lifetime achievement award.

**7. INFORMATION**

**8. ADJOURNMENT**

**It was moved by Councilor Parks and seconded by Councilor Abma to adjourn the Regular Session. Motion passed with the following vote: Councilors Abma, Falconer, and Parks, and Mayor Gamba voting "aye." [4:0]**

**Mayor Gamba moved to adjourn the regular session at 9:05 p.m.**

Respectfully submitted,

_____

Amy Aschenbrenner, Administrative Specialist II

CITY OF MILWAUKIE
COUNCIL **STAFF REPORT**

To: Mayor and City Council
Through: Ann Ober, City Manager
Reviewed: Charles Eaton, P.E., Engineering Director
From: Sheri Markwardt, P.E., Civil Engineer

Date: June 28, 2017 for July 18, 2017

Subject: **Washington Street Storm Pipe Replacement Consultant Selection**

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**ACTION REQUESTED**
Acting as the Local Contract Review Board, approve a resolution to authorize the City Manager to execute a contract with Environmental Science Associated (ESA) for engineering services to the City for the Washington Street Storm Pipe Replacement and Green Streets project.

**HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**
The Washington Street Storm Pipe Replacement project was first adopted by City Council in the 2001-2004 Capital Improvement Plan (CIP) and again in the 2003-2007 CIP.

The 2004 Stormwater Master Plan adopted by City Council continued to identify the need for the project due to projected flooding during a 10-year storm event. And the project was included in the 2004-2008 CIP and the 2005-2009 CIP, adopted by City Council.

The 2014 Stormwater Master Plan, adopted by City Council on October 1, 2013 includes the current project identified as Washington Street Pipe Capacity (project 6-1) and Washington Street Green Streets (project 6-2). The combined Washington Street Storm Pipe Replacement project is included in the current 2017-2022 CIP adopted by City Council with the 2017-2018 Biennium Budget.

Resolution Number 56-2017 was passed on May 16, 2017 by City Council authorizing the City Manager or her designee to enter negotiation on compensation and scope of services with ESA for the Washington Street Storm Replacement Project.
http://ormswd.synergydcs.com/HPRMWebDrawer/RecordView/5978241

**ANALYSIS**
Staff has negotiated a scope and price proposal in the amount of $400,904 in conformance with PCR 70.015 for the work required to design and administer the contract for the project.

**BUDGET IMPACTS**
Project is funded for design through the Cityôs Stormwater Fund within the FY2017-2018 budget. The budget for the proposed scope of services is $401,700.

**WORKLOAD IMPACTS**
Once selected, the engineering design team will be working closely with the engineering department throughout the design process. Staffing levels have already been taken into consideration and accounted for.

**COORDINATION, CONCURRENCE, OR DISSENT**
The Public Works department had been notified of the project and no objections or concerns were raised.

## STAFF RECOMMENDATION

Staff recommends that City Council, acting as the Local Contract Review Board, award a personal services contract for engineering services for the Washington Street Storm Pipe Replacement and Green Streets to ESA.

## ALTERNATIVES

1. Reject the selected firm and proceed to the next most qualified consultant.

## ATTACHMENTS

1. Resolution
2. ESA Scope of Work
3. ESA Fee Estimate

CITY OF MILWAUKIE

COUNCIL **RESOLUTION No.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR ENGINEERING SERIVCES FOR THE WASHINGTON STREET STORM REPLACEMENT PROJECT.**

**WHEREAS,** the City of Milwaukie 2014 Master Stormwater Plan identified the existing storm system in Washington Street as under capacity and without water quality treatment; and

**WHEREAS,** the projects needed to address stormwater quality and quantity were included in the 2017-2022 Capital Improvement Plan adopted by City Council; and

**WHEREAS,** it is in the City of Milwaukieôs best interest to contract out the engineering services for the design; and

**WHEREAS,** a formal competitive Request for Qualifications process following Public Contract Rule 70.015; and

**WHEREAS,** Environmental Science Associates (ESA) is recommended as the most qualified firm for the project; and

**WHEREAS,** Resolution Number 56-2017 was passed by City Council authorizing the City Manager or her designee to enter negotiations on compensation and scope of services with the selected engineering firm, ESA.

**Now, Therefore, be it Resolved** that the City Council, acting as the Local Contract Review Board, authorizes the City Manager to execute a personal services contract for engineering services for the Washington Street Strom Replacement with Chapter 70.015 of the Cityôs Public Contracting Rules in an amount Not to Exceed $400,904 with ESA.

Introduced and adopted by the City Council on _____.

This resolution is effective on _____.

Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Scott S. Stauffer, City Recorder

City Attorney

**WASHINGTON STREET STORM PIPE REPLACEMENT AND WATER QUALITY PROJECT**
**SCOPE OF SERVICES - FINAL**
**July 10, 2017**

Environmental Science Associates (ESA) has prepared the following scope of services for **SE Main Street / SE Lake Road Water Quality Vault (Project 1)** and **SE Washington Street Stormwater Pipe Replacement and Green Street (Project 2).** Services for these two projects include stormwater design, engineering, landscape architecture, utility coordination, public engagement, and construction documentation. In addition to services performed by ESA, MurraySmith will lead utility coordination for the project as a sub consultant.

Project 1 is on an expedited schedule and requires coordination with an ongoing City of Milwaukie project that involves roadway lowering along SE Lake Road. The bidding and construction of these projects is anticipated for late summer and fall of 2017.

Project 2 will follow a more traditional design schedule (30/60/90/Final) and is anticipated for construction in the summer of 2018.

The estimated fee for both of these projects is **$443,563** ($18,115 for Project 1 and $425,448 - including contingency for Project 2). Please refer to **Table 1** and **Table 2** for a detailed breakdown of fees.

**PROJECT 1 – SE MAIN STREET / SE LAKE ROAD WATER QUALITY VAULT**

**Project 1 Understanding**

TriMet's Light Rail Orange line project requires stormwater management for an additional 104,328 square feet of impervious area. The City of Milwaukie is proposing to design and install a water quality filter vault system in the vicinity of SE Main Street and SE Lake Road to treat an equivalent amount of stormwater runoff from the existing conveyance network. It is understood that this water quality vault will be bid and constructed in conjunction with the proposed roadway lowering improvements associated with SE Lake Road. City of Milwaukie will be preparing the construction bid documents and ESA engineering staff will review the design packages for consistency with the design intent.

The sizing of this vault may accommodate additional flow to provide water quality treatment for impervious areas within the SE Washington Street basin that are not able to be managed upstream. **Task 2.2.3 - Preliminary Water Quality Assessment** in Project 2 will evaluate the need for additional treatment capacity for this vault. The timing of this task will be coordinated with the schedule for Project 1.

Tasks for this phase of the project are described below and in **Table 1.**

**Task 1.1 Project Management and Coordination**

Task 1.1.1 – Project Management and Administration
ESA will provide Project Management throughout the duration of the Project 1. This includes the work necessary to guide and direct the overall project team, monitoring progress, directing ESA's quality control activities. Specific project management activities include:

- Schedule, coordinate, and supervise ESA's project work
- Coordination with the City's project manager
- Provide telephone and email status updates
- Monitor the project budget
- Prepare and update project schedule

*Task 1.1 Deliverables:*

- Project Schedule and regular schedule updates

*Task 1.1 Assumptions:*

- Project invoicing and reporting will be provided as part of Task 2.1.2 as described under **Project 2**. While ESA intends to provide the City a single invoice for these two projects, the invoices will be broken down by task and project.
- Coordination meetings for this project are identified below in the individual task.
- The duration of this project is assumed to be six months

**Task 1.2 Pre-Design**

Task 1.2.1 – Review of Existing Documentation

ESA staff will review available project documentation which may include: existing site survey, the City's design and construction plans for SE Lake Road lowering, TriMet Design Plans, and other documentation that may affect the location of the proposed vault and is provided by the City.

Task 1.2.2 – Verify Site Conditions

ESA staff will review current site conditions and compare them to the existing survey and other existing documentation provided by the City.

Task 1.2.3 – Task Kick-off Meeting

ESA's Project Manager will coordinate with the City's Project manager to set up a kick-off meeting for the project. It is anticipated that this meeting will include key staff from both ESA and the City. The main goal of this meeting is to discuss how ESA's water quality vault design will integrate into the City's design package for the SE Lake Road lowering project.

*Task 1.2 Deliverables:*

- Meeting Notes
- List of any questions or discrepancies identified during this task work

*Task 1.2 Assumptions:*

- (3) ESA staff will attend the meeting which will last (2) hours and will be held at ESA or City of Milwaukie Offices.

**Task 1.3 Concept Design Review**

Task 1.3.1 – Evaluation of Vault Size and Location

ESA will provide the City with the stormwater runoff rates that will flow through the system at the proposed vault location determined by the City and determine any additional filters that may be needed for upstream water quality as determined from Task 2.2. ESA will identify any conflicts with the proposed location and ensure that the proposed vault will be compatible with the Washington Street Stormwater portion of the project. ESA will provide the City with the sizes and the slopes for the new pipes associated with the construction of this vault.

*Task 1.3.1 Deliverables:*

- Brief technical and narrative describing the proposed vault size and location

*Task 1.3.1 Assumptions:*

- It is assumed that the largest vault with a built-in by-pass can hold up to 53 filter cartridges.

**Task 1.4 Construction Document Design Packages**

Task 1.4.1 – Construction Document Review

ESA engineering staff will review the design drawings and specifications associated with the water quality vault during the design process. ESA will provide comments and redlines to the City staff to incorporate into the final design and bid packages.

*Task 1.4 Deliverables:*

- Review redlines and comments

*Task 1.4 Assumptions:*

- ESA will review two design packages, one at 90 percent and one final design prior to bidding.
- City of Milwaukie will prepare and stamp the construction documents (plans, specifications, and cost estimate)
- Fee estimate is based on a level of effort of 14 hours.

**PROJECT 2 – SE WASHINGTON STREET STORMWATER PIPE REPLACEMENT AND GREEN STREETS**

**Project 2 Understanding**

This Project addresses two of the Capital Improvement Projects (CIP) 6-1 Washington Street and 6-2 Washington Street Green Streets identified in the City of Milwaukie's 2014 Stormwater Master Plan.

CIP 6-1 Washington Street

The 21-inch storm pipe on SE Main Street near Kellogg Lake and the 18-inch storm pipes along SE Washington Street are under capacity, which is causing predicted flooding along SE Washington Street between SE Main Street and Highway 224 during the 10-year storm event.

This CIP includes the replacement of 239 feet of existing 21-inch concrete storm pipe with a 30-inch pipe along Main Street and the replacement of 3,312 feet of existing 18-inch concrete pipe with a 24-inch storm pipe along SE Washington Street between SE Main Street and Highway 224.

CIP 6-2 Washington Green Streets

The contributing area from SE Washington Street has been identified as a high pollutant load generating area and City Council has recently required stormwater runoff from all impervious areas within the City's right-of-way to be treated. The City prefers the use of vegetated stormwater facilities to underground treatment vaults. This project includes the design and construction of stormwater treatment facilities (both green street facilities and possibly underground treatment vaults) within the entire SE Washington Street drainage basin as defined in CIP 6-2. Green street facilities will be designed to be similar to those constructed by TriMet between SE 21st Avenue and SE 23rd Avenue.

Additionally, the City has identified localized flooding within the adjacent neighborhood streets south of Washington Street between SE 30th Avenue and SE 35th Avenue that they would like to also address in this project work, as the project budget allows. Addressing these flooding areas may include a combination of additional green street facilities and/or catch basin inlets.

ESA has developed the following tasks for this phase of the project described below with the associated fee estimate in **Table 2.**

**Task 2.1 Project Management and Coordination**

Task 2.1.1 – Project Management and Administration

ESA will provide Project Management throughout the duration of the Project 2. This includes the work necessary to guide and direct the overall project team, administering the contract with the City, monitoring progress, directing ESA's quality control activities. Specific project management activities include:

- Schedule, coordinate, and supervise ESA's project work
- Coordination with the City's project manager
- Develop and manage sub-consultant contracts
- Provide telephone and email status updates

- Monitor the project budget
- Prepare and update project schedule

Task 2.1.2 – Monthly Invoicing and Reporting

ESA's project manager and accounting staff will prepare monthly invoices that includes the number of hours and hourly rates for task activities performed by staff. The invoices will also include monthly sub-consultant costs. Each invoice package will include a progress report of task activities performed during the previous month, a list of upcoming deliverables, and any issues that need to be addressed. Duration of this project is anticipated to last 18 months.

Task 2.1.3 – Project Coordination Meetings

ESA's project manager will schedule and facilitate up to five project meetings during the design and engineering of the project. Below is a list of the anticipated project meetings covered by this task:

- A Project Kick-off Meeting,
- A meeting to review the Basis of Design Report (Task 2.3.1)
- A 30% Design Review Meeting
- A 60% Design Review Meeting
- A 90% Design Review Meeting

Each of these design meetings will last up to 2 hours in duration and will be attended by the appropriate design team staff. ESA will prepare agendas and summary notes for each of these meetings for the City to review and approve. This task also includes internal team meetings necessary to complete project work.

*Task 2.1 Deliverables:*

- Project Schedule and regular schedule updates
- Monthly invoice packages and progress reports by the 15$^{th}$ of each month
- Meeting agendas and summary notes

*Task 2.1 Assumptions:*

- Monthly Invoicing and Reporting will be consolidated for both Projects 1 and Project 2 in a single report.
- Coordination meetings will an average of (2) hours in length and will be attended by an average of (3) ESA staff.

**Task 2.2 Verification of Existing Project Conditions**

Task 2.2.1 – Verification of Survey and Existing Hydraulic Model

ESA engineering staff will review the existing topographical survey and compare the survey information against the pipe and structures identified in the existing hydraulic model. ESA will use the existing survey to review and verify the runoff conditions and drainage basins developed for the existing hydraulic model.

Task 2.2.2 – Review of Existing Site Conditions

ESA design staff will perform a windshield survey of the project extents and walk specific portions of the site that have known flooding issues and will include green street facilities.

*Task 2.2.2 Deliverables:*

- ESA will provide the City with a list any major discrepancies identified during the review of the site, survey, and hydraulic model that may pose a significant impact to the overall scope of the project.

Task 2.2.3 – Preliminary Water Quality Assessment

ESA will provide a preliminary water quality assessment to inform the sizing for SE Lake Road/ SE Main Street Water Quality vault (Project 1). ESA staff will quantify the impervious right-of-way area within in the SE Washington Street Basin that requires treatment. ESA design staff will determine the feasibility of treating this water within the project areas and determine how much extra capacity, if any, is needed for the water quality being designed and sized in Project 1. This work will be performed in a timely manner so that is can support the design and construction of Project 1.

*Task 2.2.3 Deliverables:*

- ESA will provide preliminary stormwater treatment breakdowns summary and figure of facility locations.

*Task 2.2.3 Assumptions:*

- ESA assumes that the existing survey and hydraulic model provide the necessary information to design and engineer this project. Any issues or concerns about the veracity of the existing data will be identified and discussed with the City's project manager.

Task 2.2.4 – Basin Infiltration Characterization

ESA will perform infiltration tests in accordance to the City of Portland's Stormwater Management Manual to characterize the infiltration and soil characteristics within the project area that will support the design of the proposed green street facilities. Infiltration tests will be performed at a depth of 3 feet that correspond to the anticipated green street planter design. Infiltration tests will be based on the encased falling head methodology. ESA will contract with a contractor to dig the test holes and provide the necessary water for these tests if the City cannot provide these services.

*Task 2.2.4 Deliverables:*

- ESA will provide a map indicating the location and infiltration rate measured at east test site.
- A characterization of the soil encountered at each test site.

*Task 2.2.4 Assumptions:*

- Up to 30 infiltration tests will be performed.
- The City will pay for any street permit fees necessary for the work.
- ESA and/or their contractor will prepare the necessary permit applications and utility locate requests.

**Task 2.3 Preliminary Design (30% Design)**

Task 2.3.1 – Basis of Design Report

The purpose of the Basis of the Design Report is to summarize the recommended improvement elements for the project based on the review of the existing site conditions, preliminary review of the

hydraulic modeling, and an understanding of the project drivers including design storms, areas of known flooding, the preliminary water quality assessment, water quality standards, and the findings from the infiltration results. The report will:

- Include the findings from the preliminary hydraulic modeling, including drainage basins, catchment areas, and runoff volumes that will be used to size the new Washington Street conveyance pipe,
- Identify the site opportunities and constraints associated with the placement and sizing of the green street facilities,
- Describe other flooding or stormwater conveyance issues identified within the project corridor, and
- Provide a narrative list of project recommendations to be addressed in the project.

ESA will provide this report to City of Milwaukie staff for review and discussion prior to the initialization of the 30% design.

Task 2.3.2 – 30% Construction Drawings

Upon agreement of the project approach and elements described in the Basis of Design Report, ESA's design team will prepare the 30% design drawings. This design package will layout the plan and profile sheets (estimate 12 sheets) along entire stormwater conveyance pipe corridor at 1 inch = 20 feet scale. These plan and profile sheets will be used as the basis for the Utility Coordination described in Task 2.7. It is anticipated that there will be an additional six plan sheets outside of the main pipe corridor that will be used to address other flooding and drainage issues within the project.

Task 2.3.3 – Opinion of Probable Construction Costs

ESA engineers and design staff will identify preliminary construction quantities and the associated unit costs to develop an opinion of probable construction costs for this project. This construction cost opinion can be used as check-in to verify project budget.

*Task 2.3 Deliverables:*

- Basis of Design Report – two hard copy and one electronic pdf format.
- 30% Construction Drawings – four, half sized hard copies (11x17) and one electronic pdf set
- Opinion of Probable Construction Costs – Excel spreadsheet file

*Task 2.3 Assumptions:*

- Evaluation of drainage basins areas will be based on a desktop and field review of the City's drainage pipe network, existing topographic data, and the land use characteristics described in the Stormwater Master Plan.
- Green street design and sizing will be based on the City of Portland methodology for water quality treatment only.
- A review of contaminated soils is not included in this scope. The City of Milwaukie will provide the ESA team with any know information regarding contaminated soils that may affect the placement of green street facilities.

**Task 2.4 60% Design**

Task 2.4.1 – 60% PSE

Upon the completion of the City's review of the 30% design package, ESA and City staff will have a design review meeting to discuss the comments from the 30% review. These comments will be incorporated into the preparation of the 60% design package.

The 60% design package will include the following plan sheets:

- Cover Sheet
- Construction Notes, Legend, and Abbreviations
- Erosion Control Plans and Details
- Utility Relocation and Demolition Plans
- Stormwater Plan and Profile
- Green Street Grading Plans
- Construction Details
- Landscaping Plans and Details

ESA will prepare draft technical construction specifications, quantities, and cost estimate to support the 60% design package.

Task 2.4.2 – Draft Design Report

ESA will prepare a Draft Design Report that documents the engineering calculations, analysis, and assumptions to support the design elements of the project. This report will include a design narrative, basin figures, summary table of pipe conveyance capacity and green street facility sizes, and appendix of calculations.

*Task 2.4 Deliverables:*

- 60% Construction Drawings – four, half sized hard copies (11x17) and one electronic pdf set
- Technical Specifications – four hard copies and one electronic copy in MSWord.
- Draft Cost estimate with quantities and unit costs – Excel spreadsheet file
- Draft Design Report – two hard copy and one electronic pdf format.

*Task 2.4 Assumptions:*

- The City will provide ESA with a consolidated set of 30% review comments on a single set of plans and specifications.

**Task 2.5 90% Design**

Task 2.5.1 – 90% PSE

Upon the completion of the City's review of the 60% design package, ESA and City staff will have a design review meeting to discuss the comments from the 60% review. These comments will be incorporated into the preparation of the 90% design package.

ESA will update the technical construction specifications, quantities, and cost estimate to be consistent with the 90% design package.

Task 2.5.2 – Final Design Report

ESA will update and finalize the Design Report to address any City comments and to be consistent with the 90% design package.

*Task 2.5 Deliverables:*

- 90% Construction Drawings – four, half sized hard copies (11x17) and one electronic pdf set
- Technical Specifications – four hard copies and one electronic copy in MSWord.
- Updated cost estimate with quantities and unit costs – Excel spreadsheet file
- Final Design Report – two hard copy and one electronic pdf format.

*Task 2.5 Assumptions:*

- ESA will not provide an irrigation plan. The contractor will be responsible for providing temporary irrigation during planting establishment.
- Contactor will be responsible for preparing and submitting a construction management and traffic control plan for this project. ESA will work with the City staff to develop the requirements for this construction management plan for the contractor. These requirements will include construction phasing, requirements for roadway lane closures and traffic management, local access, site staging, and site restoration.
- The City will provide ESA with a consolidated set of 60% review comments on a single set of plans and specifications.

**Task 2.6 Final Bid Documents and Bid Support**

Task 2.6.1 – Final Plans and Specifications

Upon the completion of the City's review of the 90% design package, ESA and City staff will have a design review meeting to discuss the comments from the 90% review. These comments will be incorporated into the preparation of the final construction plans. ESA will update the technical construction specifications and special provisions based on comments and design revisions from the 90% review.

Task 2.6.2 – Bid Form and Bid Book Coordination

ESA will assist the City's project manager with the preparation of the Construction Bid Form and Bid Book. ESA will provide a list of bid items and quantities and review the final bid book to ensure that it is consistent with final design plans and specifications

Task 2.6.3 – Respond to Bidder Questions

ESA will assist the City's project manager with any questions that come up during the project bidding. ESA staff will attend the pre-bid meeting and prepare any written responses to bidder questions. ESA will also assist in preparing (1) addendum for the bid package, as needed.

*Task 2.6 Deliverables:*

- Final Construction Drawings – Scanned full-size stamped and signed electronic drawing set to be included into the City's Bid Documents
- CAD File of final construction drawings
- Final Technical Specifications – One electronic copy in MSWord.
- Bid List of materials and associated quantities – Excel spreadsheet file
- Written responses to bidder questions.
- Assist in preparing (1) addendum for bid package, if needed.

*Task 2.6 Assumptions:*

- The City will lead the preparation of the Bid Book. ESA will provide the City with the Bid Form and Technical Specifications.
- Construction specifications and special provisions will use ODOT Template
- The City will provide ESA with a consolidated set of 90% review comments on a single set of plans and specifications.
- The fee estimate for Task 2.6.3 is based on a 40 hours of effort.

**Task 2.7 Utility Coordination**

ESA's sub-consultant, MurraySmith with be leading the tasks for utility coordination.

Task 2.7.1 – Utility Coordination

- Identify utilities within the project limits and obtain and review their system mapping. Verify system mapping consistency with project base-mapping.

- Conduct a utility reconnaissance of the project area to determine visual evidence of underground and aboveground utility facilities and confirm utility-provided facility maps and project basemap completeness.

- Serve as Single Point of Contact through the design phase of the project for utilities in addressing their need for project information and design requests, including distribution of design plans. Serve as liaison between utilities and the Project Design Team. Identify and discuss with each utility special requirements associated with their facility relocation or modification. Assume up to 1 hour per week for utility provider coordination throughout the project duration. Approximately 12 months.

Task 2.7.2 – Utility Meetings

- Prepare for and attend up to four meetings for strategizing and planning utility coordination and relocations with City and/or Project Design Team.

- Organize group or individual utility meetings as necessary to provide latest overall project information. Such meetings will address known facilities, potential for impact, timing requirements for potential relocations, initial information of reimbursable requirements. Meetings will also allow the exchange of each utility's relocation plans with the other utilities in order to maximize compatibility of relocation designs and utility and storm sewer facility construction sequencing. Organize up to 5 individual or group utility meetings. Prepare and transmit meeting agendas and meeting minutes to all concerned parties.

Task 2.7.3 – Conflict Identification, Analysis and Recommended Resolution

Identify and analyze utility conflicts, compile and distribute utility conflict lists involving aboveground, surface and underground conflicts, and make conflict resolution recommendations to utilities.

- Produce utility conflict plan sheets based on preliminary (~30%) design plans and accompanying utility conflict spreadsheets indicating, but not limited to, conflict item number, type of utility, conflict status, average cover during and after construction, whether utility is in or out of public right-of-way, and comments. Assume eight different utility operators.

- Revise conflict analysis and conflict spreadsheets based on 60% design plans.

- Revise conflict analysis and conflict spreadsheets based on 90% design plans.

Task 2.7.4 – Conflict Notification and Utility Relocations

Notify the impacted utilities and coordinate the efforts of the utility agencies in developing and executing a plan for relocating utilities to resolve conflicts with the project design. As part of that effort:

- Prepare and deliver to each involved utility owner a Conflict Notice with attached conflict list and map. Follow up on conflict notification. Assume up to eight different utility operators. Notice will require a utility response in the form of a proposed facility adjustment plan and schedule to complete the utility work. Allow each utility a 30-day period to respond with a proposal from date of the notice.

- Review utilities' proposed relocation plans to verify that identified conflict items are addressed and that the plans accommodate and conform to the construction requirements for the Project. Provide written approval of each utility's relocation plan. Up to eight total reviews will be performed for the utilities' relocation plans.

*Task 2.7 Deliverables:*

- Meeting agendas and summaries for each utility meeting.
- Preliminary utility conflict analysis based on 30% plans within 20 days of 30% submittal.
- 60% utility conflict analysis based on 60% plans within 20 days of 60% submittal.
- 90% utility conflict analysis based on 90% plans within 20 days of 90% submittal.
- Conflict notice letters and attachments for each utility.

- Review and comments on utility relocation plans.

*Task 2.7 Assumptions:*

- Meeting agendas and summaries for each utility meeting.
- It is assumed that the following utilities, municipalities, or other public or commercial entities may have utility facilities within the project area: City of Milwaukie, NW Natural, Portland General Electric, Comcast, CenturyLink, Electric Lightwave, Clackamas County DOT, Frontier Communications, and Portland & Western RR.
- No coordination with the railroad will be required for this project
- City will provide utility plans, GIS, and other supporting documentation for City-owned utilities potentially affected by this project and pertinent utility system mapping and agreements in its possession.
- Utilities will provide designating and locating information for their facilities at their expense.
- Additional right-of-way and/or easements that may be required for relocated utilities, is the responsibility of the utilities or the City in the event of prior rights.

**Task 2.8 Public Outreach and Engagement**

ESA's design team will assist the City of Milwaukie with the public outreach and public engagement efforts associated with this project. We understand that the City anticipates submitting a preliminary project notification to project neighbors and stakeholders shortly after the 30% design, holding a public meeting/open house between the 60% and 90% design milestones, and providing a notification of the proposed construction notifications prior to construction. Stakeholders for this project include, but are not limited to the St. John the Baptist Catholic Church, the Milwaukie High School, businesses within historic downtown, and the neighborhood residents within the eastern portion of the project area.

Task 2.8.1 – Development of Project Figures and Presentation Boards

ESA's engineering and landscape architect staff will assist the City in preparing graphical figures that can be including into the City's project mailings and notifications. ESA's design staff will also prepare colored renderings and display boards that to be used at the City's public Meeting and Open House.

Task 2.8.2 – Stakeholder Meetings and Open House

ESA's design staff will support the City and participate in one public meeting/open house and one additional stakeholder meeting. We anticipate that these meetings will be up to 2 hours in duration.

*Task 2.8 Deliverables:*

- Up to (6) graphic figures and/or projects maps to be included into the City's project mailings and notifications.
- Up to (8) colored displayed boards to be used during the project's open house and stakeholder meeting.

*Task 2.8 Assumptions:*

- The City will initiate and organize the Public Outreach and Engagement events.
- Only two meetings (one open house and an additional stakeholder meeting) are estimated for this task.

**Task 2.9 Construction Administration**

ESA will provide Construction Administration (CA) services during the construction of the project. The CA services to be provided are as follows:

- Attend pre-construction meeting per bid package, if asked to by Contractor
- Review and respond to Contractor RFI's
- Final site visit at completion of project

*Task 2.9 Deliverables:*

- RFI responses
- Written recommendation for final payment to contractor.

*Task 2.9 Assumptions:*

- Task does not include construction inspection services
- Fee estimate for this task is based on a total of 90 hours of effort

**Task 2.10 Contingency Tasks**

ESA's design team identified the following contingency tasks for this project.

<u>Task 2.10.1 – Exploratory Excavation for Utility Locating</u>

Consultant will prepare an existing utility conditions map showing mapped utilities. The map will overlay current design information and identify locations of risk for utility conflicts. Where it is necessary to establish accurate vertical and horizontal coordinates of underground utility facilities, Consultant shall perform test hole surveys. Test holes must be excavated to a depth of eight (8) feet or less. Pothole locations will be selected based on risk of conflict. Consultant will complete up to ten (10) individual utility potholes on an as-needed basis to determine existing utility locations.

*Task 2.10.1 Deliverables:*

- Street opening permit application and associated traffic control plan
- Utility pothole site plan
- Field report and field measurement data

*Task 2.10.1 Assumptions:*

- This task may be initiated by the City after the 30% design work is completed

- City will pay street opening permit fees if required

- Traffic control plans will be submitted two weeks before work begins

- The subsurface material is not contaminated and no testing will be performed to investigate the possible presence of toxic or hazardous materials and petroleum products

- Excavated material from potholes will be removed from the site

- The potholes will be abandoned and backfilled per Oregon Department of Water Resources regulations. All potholes through pavement will be patched with cold patch asphalt emulsion, or quick set PCC as appropriate

- Potholing, less ESA's team's coordination time, will be charged as a project expense and on a per each basis so the City will only pay for potholing completed. Unit price per each assumes all potholes will be completed during single contractor mobilization. The unit price does not apply for multiple mobilizations

Task 2.10.2 Sanitary Sewer Lateral Locating

Consultant will attempt to locate existing sanitary sewer laterals using CCTV equipment that can be tracked at the ground surface. This may include equipment launched from the sewer main or push cameras deployed from existing cleanouts. Video collected during this work will be recorded on digital video files. Locate marks noting the depth of the pipe will be provided at 25-foot intervals and at bends. Locate marks will be transcribed into the project survey by ESA's engineering staff.

*Deliverables:*

- Lateral locate marks and digital video files for up to fourteen (14) laterals.

*Assumptions:*

- CCTV and lateral launching, less ESA's team's coordination time, to be paid as a project expense, and completed by others.

- Up to fourteen laterals will be investigated.

- Laterals will be located within the right of way only.

- A reasonable attempt will be made to locate each lateral, but multiple pipe bends or obstructions may cause the locates to be incomplete.

- If a sewer lateral cannot be located from the main using a lateral launcher, then a cleanout may be used to locate the lateral. An attempt will be made to find a cleanout and the City will be notified if none is found.

*Deliverables:*

- Lateral locate marks and digital video files for up to fourteen (14) laterals.

Task 2.10.3 Separate Bid Package for SE Main Street

Because of the large-scale development projects that are currently being permitted and designed, there may be the need to accelerate the construction of the storm pipe improvements along SE Main Street. This contingency task is for the preparation of a separate bid package for this work, including plans, specifications, special provisions, and cost estimate

*Task 2.10.3 Deliverables:*

- Final Construction Drawings – Scanned full-size stamped and signed electronic drawing set to be included into the City's Bid Documents
- Final Technical Specifications – One electronic copy in MSWord.
- Bid List of materials and associated quantities – Excel spreadsheet file
- Final Design Report, Signed and Stamped – one hard copy and one electronic pdf format.

*Task 2.10.3 Assumptions:*

- The City will lead the preparation of the Bid Book. ESA will provide the City with the Bid Form and Technical Specifications.
- Construction specifications and special provisions will use ODOT Template

ESA

**Table 1 - Design Fee Estimate**
**Main Street / Lake Road Water Quality Vault**

**June 30, 2017**

| TASK | PIC QA/QC $215 | PM $185 | PE $125 | Eng. Staff $95 | Adm. Staff $80 | Hour Totals | Task Costs Sub-Totals | |
|---|---|---|---|---|---|---|---|---|
| **1.1 Project Management and Coordination** | | | | | | | | |
| Task 1.1.1 - Project Management and Administration | 2 | 26 | | | | 28 | $5,240 | |
| | | | | | | | | $5,240 |
| **1.2 Pre-Design** | | | | | | | | |
| Task 1.2.1 - Review of Existing Documentation | | 6 | 4 | 4 | | 14 | $1,990 | |
| Task 1.2.2 - Verify Site Conditions | | 2 | 3 | 3 | | 8 | $1,030 | |
| Task 1.2.3 - Task Kick-off Meeting | | 3 | 3 | 4 | 1 | 11 | $1,390 | |
| | | | | | | | | $4,410 |
| **1.3 Concept Design Review** | | | | | | | | |
| Task 1.3.1 - Evaluate Vault Size and Piping | 1 | 8 | 16 | 24 | | 49 | $5,975 | |
| | | | | | | | | $5,975 |
| **1.4 Review of Construction Document Design Packages** | | | | | | | | |
| Task 1.4.1 - Construction Document Review | | 4 | 10 | | | 14 | $1,990 | |
| | | | | | | | | $1,990 |
| Total Hours | 3 | 49 | 36 | 35 | 1 | 124 | | |
| Total Labor Cost | $645 | $9,065 | $4,500 | $3,325 | $80 | | | $17,615 |
| Project Expenses | | | | | | | $ 500 | |
| | | | | | **Project Total Labor + Expenses** | | | **$18,115** |

**Table 2 - Design Fee Estimate**

**Project 2 - SE Washington Street Stormwater Pipe Replacement and Green Streets**

**June 30, 2017**

| | Envrionmental Science Associates | | | | | | | MurraySmith | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| TASK | PIC QA/QC $215 | Project Manager $175 | Prof. Engineer $130 | Eng. Staff $95 | Landscape Architect $125 | Landscape Designer $90 | Adm. Staff $80 | Principal Engineer III $207 | Prof. Engineer VI $157 | Prof. Engineer III $135 | Hour Totals | Task Costs Sub-Totals | Task Expenses | TASK TOTALS |
| **2.1 Project Management and Coordination** | | | | | | | | | | | | | | |
| Task 2.1.1 - Project Management and Administration | 4 | 60 | | | | | | | | | 64 | $11,360 | | |
| Task 2.1.2 - Monthly Invoicing and Reporting | | 24 | 18 | | | | 24 | | 12 | | 78 | $10,344 | | |
| Task 2.1.3 - Project Coordination Meetings | 4 | 25 | 20 | 20 | 14 | 6 | 5 | 2 | 8 | | 104 | $14,095 | | |
| | | | | | | | | | | | | | $150 | **$35,949** |
| **2.2 Verification of Existing Project Conditions** | | | | | | | | | | | | | | |
| Task 2.2.1 - Review of Survey and Hydraulic Model | | 8 | 32 | 80 | | | | | | | 120 | $13,160 | | |
| Task 2.2.2 - Review of Existing Site Conditions | | 6 | 6 | 4 | 6 | 4 | | | | | 26 | $3,320 | | |
| Task 2.2.3 - Preliminary Water Quality Assessement | | 8 | 16 | 50 | 8 | | | | | | 82 | $9,230 | | |
| Task 2.2.4 - Basin Infiltration Characterization | | 12 | 50 | 60 | | | 4 | | 4 | | 130 | $15,248 | | |
| Contractor Expenses for Task 2.2.4 | | | | | | | | | | | | | $13,500 | |
| | | | | | | | | | | | | | | **$54,458** |
| **2.3 Preliminary Design (30% Design)** | | | | | | | | | | | | | | |
| Task 2.3.1 - Basis of Design Report | 2 | 12 | 34 | 80 | 6 | 12 | 2 | | | | 148 | $16,540 | | |
| Task 2.3.2 - 30% Construction Drawings | 4 | 20 | 60 | 160 | 12 | 50 | | | | | 306 | $33,360 | | |
| Task 2.3.3 - Opinion of Probable Construction Costs | | 1 | 4 | 16 | 4 | 8 | | | | | 33 | $3,435 | | |
| | | | | | | | | | | | | | $250 | **$53,585** |
| **2.4 60% Design** | | | | | | | | | | | | | | |
| Task 1.4.1 - 60% PSE | 2 | 20 | 100 | 280 | 30 | 80 | | | | | 512 | $54,480 | | |
| Task 2.4.2 - Draft Design Report | 2 | 12 | 50 | 24 | 6 | | 2 | | | | 96 | $12,220 | | |
| | | | | | | | | | | | | | $250 | **$66,950** |
| **2.5 90% Design** | | | | | | | | | | | | | | |
| Task 2.5.1 - 90% PSE | 2 | 16 | 80 | 220 | 30 | 60 | | | | | 408 | $43,680 | | |
| Task 2.5.2 - Final Design Report | 2 | 4 | 20 | 16 | 4 | | 2 | | | | 48 | $5,910 | | |
| | | | | | | | | | | | | | $250 | **$49,840** |
| **2.6 Final Bid Documents** | | | | | | | | | | | | | | |
| Task 2.6.1 - Final Plans and Specifications | 2 | 12 | 50 | 120 | 20 | 30 | | | | | 234 | $25,630 | | |
| Task 2.6.2 - Bid Form and Bid Book Coordination | | 12 | 24 | 16 | 16 | 8 | | | | | 76 | $9,460 | | |
| Task 2.6.3 - Response to Bidder Questions | | 4 | 20 | 6 | 6 | 4 | | | | | 40 | $4,980 | | |
| | | | | | | | | | | | | | | **$40,070** |

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| | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **2.7 Utility Coordination** | | | | | | | | | | | | | | |
| Task 2.7.1 - Utility Coordination | | | | | | | | | 22 | 64 | 86 | $12,094 | | |
| Task 2.7.2 - Utility Meetings | | 6 | | | | | | | 10 | 32 | 48 | $6,940 | | |
| Task 2.7.3 - Conflict Identification, Analysis, Resolution | | 2 | 8 | 12 | | | | 1 | 22 | 86 | 131 | $17,801 | | |
| Task 2.7.4 - Conflict Notification and Utility Relocations | | 2 | 8 | 12 | | | | | 16 | 56 | 94 | $12,602 | | |
| | | | | | | | | | | | | | $150 | **$49,587** |
| **2.8 Public Outreach and Engagement** | | | | | | | | | | | | | | |
| Task 2.8.1 - Development of Figures and Boards | | 2 | 16 | 50 | 24 | 80 | | | | | 172 | $17,380 | | |
| Task 2.8.2 - Stakeholder Meetings and Open House | | 8 | 4 | | 6 | 4 | | | | | 22 | $3,030 | | |
| | | | | | | | | | | | | | $800 | **$21,210** |
| **2.9. Construction Administration** | | | | | | | | | | | | | | |
| Task 2.9 - Construction Administration | | 8 | 40 | 20 | 16 | 6 | | | | | 90 | $11,040 | | |
| | | | | | | | | | | | | | $100 | **$11,140** |
| **2.10 Contingency Tasks** | | | | | | | | | | | | | | |
| Task 2.10.1 - Utility Locates and Potholing | | 2 | 8 | | | | | | 2 | 26 | 38 | $5,214 | $11,536 | **$16,750** |
| Task 2.10.2 - Sanitary Sewer Locates | | 1 | 12 | 24 | | | | | 2 | 16 | 55 | $6,489 | $8,500 | **$14,989** |
| Task 2.10.3 - Separate Bid Package for SE Main Street | | 4 | 24 | 40 | 10 | 20 | | | | | 98 | $10,670 | $250 | **$10,920** |
| Total Hours without Contingency | 24 | 276 | 620 | 1226 | 192 | 346 | 39 | 3 | 94 | 238 | **3058** | | | |
| Total Labor Cost without Contingency | $5,160 | $48,300 | $80,600 | $116,470 | $24,000 | $31,140 | $3,120 | $621 | $14,758 | $32,130 | | $356,299 | $15,350 | **$382,789** |
| **With Contingency** | | | | | | | | | | | | | | |
| Total Hours with Contingency | 24 | 291 | 704 | 1310 | 218 | 372 | 39 | 3 | 98 | 280 | **3339** | | | |
| Total Labor Cost with Contingency | $0 | $6,984 | $12,672 | $0 | $0 | $0 | $936 | $0 | $1,176 | $0 | | $331,540 | $35,486 | **$425,448** |

RS31

# Regular Session Agenda Item No. 5

# Public Hearing

CITY OF MILWAUKIE
COUNCIL **STAFF REPORT**

To: Mayor and City Council Date: June 30, 2017 for July 18, 2017 RS
Through: Ann Ober, City Manager
Reviewed: Alma Flores, Community Development Director, and
Denny Egner, Planning Director
Charles Eaton, Engineering Director
From: Amy Koski, Economic Development and Resource Coordinator

Subject: **Resolution for the North Milwaukie Industrial Area Draft Framework Plan and Implementation Strategy**

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**ACTION REQUESTED**
Request that City Council adopt a resolution for the concepts set forth in the North Milwaukie Industrial Area (NMIA) Draft Framework Plan and Implementation Strategy (the Plan) with minor amendments and direct staff to prepare Comprehensive Plan and Zoning Code amendments.

**HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**
A timeline of recent actions and discussions regarding the NMIA is presented below. More details are included in the Background section of the staff report.

- **May 2003** ï The North Industrial Area Land Use/Transportation Plan was completed.
- **June/November 2013** ï The Tacoma Station Area Plan was completed and the new Tacoma Station Area Manufacturing (M-TSA) Zone was adopted.
- **July 2014** ï The City Economic Development Team made a presentation to the Clackamas County Economic Development Commission and highlighted opportunities in the NMIA.
- **November 2014** ï The City Economic Development team, along with Catherine Comer, Manager, Clackamas County Business and Economic Development Team, and Rob Campbell, Director, Clackamas Small Business Development Center, lead a discussion regarding employment land priorities and redevelopment opportunities in the NMIA.
- **December 2014** ï Council sent a letter to the Clackamas Board of County Commissioners encouraging them to identify the NMIA as a priority employment area.
- **May 2015** ï Mayor Parks sent a letter to Metro supporting the joint application for the Metro Community Planning and Development Grant for the NMIA Plan.
- **September 2015** ï Metro announced that Milwaukie and Clackamas County were awarded a $250,000 grant to develop a plan for the NMIA.
- **November 2015** ï Council approved Resolution No. 100-2015 authorizing execution of two Intergovernmental Agreements with Clackamas County and Metro to work with a consultant team to develop the NMIA Plan.
- **July 2016** ï Council received an introduction to the new NMIA project team.
- **January 19, 2017 –** Council received a Mid-Term Progress Report on the NMIA planning process as part of the Metro Community Development and Planning Grant.
- **April 25, 2017** ï Planning Commission received an overview of the NMIA planning process.
- **May 9, 2017** ï Council provided guidance with a policy direction for the NMIA project management team not to allow additional residential in a newly-proposed NMIA zone.
- **May 25, 2017** ï Planning Commission held a work session on the draft NMIA Plan to discuss land use and zoning related recommendations to City Council. The Commission discussion focused on the land use and transportation sections as they related to the

potential modifications of the M-TSA Zone, Subareas 1, 2, 3, and 4 and consideration of a new NMIA Zone made up of M-TSA Subarea 4 and M Zone focused on employment.

- **June 27, 2017** ï Planning Commission held a public hearing to recommend adoption of a City Council resolution with recommended amendments directing staff to prepare Comprehensive Plan and Zoning Code amendments for the concepts set forth in the NMIA Draft Framework Plan and Implementation Strategy.

**ANALYSIS**

The Planning Commission focused their June 27th discussion on the key concepts included in the Third Draft of the Plan. The current phase of work on the NMIA Plan will culminate with adoption of a resolution directing the staff to proceed with preparation of Comprehensive Plan and Zoning Code amendments. Assuming the Council provides that direction, staff expects to return to Planning Commission and City Council in the fall with draft ordinances for formal adoption. Standard legal notice will be provided and public hearings will be held prior to any final Commission or Council land use decisions regarding the Plan.

**Figure 1.** Southwest Quadrant of the new proposed NMIA Zone showing Mill End site




Among other recommendations from Planning Commission outlined below is one key question for City Council consideration: Is residential use appropriate in the new NMIA Zone? Planning Commission heard from stakeholders about the floodplain and redevelopment constraints on the Mill End site at 9701 SE McLoughlin Blvd (See attached testimony and letter entered into the record at the June 27th Planning Commission public hearing.). Planning Commission voted 5:0 in favor of allowing an overlay of the modified M-TSA Zone to the parcels in the southwest quadrant of the new NMIA Zone that would include allowing mixed-use residential with commercial on the ground floor and residential above as well as live work units.

The primary reasons outlined by the property owner of the Mill End site for requesting residential zoning is that the parcel is in the floodplain and would require new development to build above the floodplain with structured parking and a hydrostatically neutral area for water to flow through. While this would potentially allow the greatest density on the site, it is not the only development option.

The proposed new NMIA Zone that is currently proposed for these parcels does not take away residential as that has never been allowed in this zone but does provide additional flexibility with up to a maximum of 20,000 sf of retail per development (5,000 sf for individual retail) and increased height from 45 to 65 ft. Changing this quadrant to the M-TSA overlay would, as proposed by Planning Commission, allow for residential use and at least 20,000 sf of standalone retail per development with no restriction on the size of individual retail uses. As recommended by the Planning Commission, the standalone retail could go up to 30,000 sf of standalone retail as a Conditional Use. Staff originally did not open the new NMIA Zone for this density of commercial/retail use in order not to compete with downtown but instead focus the uses on employment serving uses.

On May 9, 2017, City Council held a Study Session on whether to allow additional residential in a newly-proposed NMIA Zone in strategic, compatible areas on the periphery. The NMIA project team brought this question to City Council for guidance because they had heard from one property owner located in the Manufacturing (M) Zone who would like to see more flexibility on their property for residential. Given that the primary reason for separating residential uses from

the traditional manufacturing and warehouse/distribution area of the district in the M and M-TSA Subarea 4 zones is due to encroachment issues associated with residential adjacency to heavier manufacturing uses and prohibiting residential was in line with stakeholder feedback received to date throughout the NMIA process, in addition to approximately 75 percent of the city currently zoned residential, Council provided the policy direction not to allow additional residential in a newly-proposed NMIA Zone.

**Plan Summary**
A summary of the key concepts from the draft Plan is provided below to provide an outline for Council review and discussion:

A. Ecodistrict Framework (Chapter 3)
   - Incorporate and enhance Johnson Creek as a natural amenity
   - Enhance the stormwater system through a variety of means to improve water quality
   - Improve SE McBrod Ave and integrate green street features
   - Incorporate solar energy systems
   - Develop greywater systems to reduce impacts on water supply and wastewater treatment facilities
   - Create a Transportation Management Association to manage parking and transit access
   - Create a NMIA brand

B. Transportation (Chapter 4)
   - Improve circulation and wayfinding at the Ochoco and Milport intersections with McLoughlin
   - Extend the public ROW for an extension of Mailwell from the MAX line to SE Crystal Lake Drive and design the road to restrict large trucks from entering the adjacent neighborhoods
   - Reconfigure the street network at Moores/Ochoco/23rd
   - Provide a road connection over Johnson Creek at SE 24th
   - Develop a parking management plan, including shared on-street facilities
   - As redevelopment occurs, create a local street network to support a more walkable development pattern
   - Maintain efficient freight access
   - Improve bike and pedestrian connections throughout the district

C. Land Use (Chapter 5)
   - Consolidate the M-TSA Subareas 1, 2, and 3 into one M-TSA zone
   - Create a new NMIA zone that includes areas currently zoned M-Manufacturing and M-TSA Subarea 4. Allow a wider range of office and employment uses in the new zone
   - Prohibit residential use and limit retail and service uses in the NMIA zone. Continue to allow warehouse and distribution uses.
   - Increase maximum building height to 65 feet within the NMIA zone and consider requiring a minimum building height of 25 feet
   - Encourage active street frontages along key streets such as McBrod

D. Infrastructure (Chapter 6)
   - Retrofit sites with regional or district level stormwater and green streets
   - Incorporate renewable energy
   - Allow for easy access to fiber and high speed internet

E. Implementation Matrix (Chapter 7)
   - Short- and long-term actions are identified along with a proposed timeframe, estimated costs, potential funding sources, and the responsible agency/department.

**NMIA Plan Outreach Process and Implementation**
The Project Management Team comprised of City and County staff began meeting early in 2016

to handle the IGA development, finalize the scope of work, and develop a request for proposal (RFP) process. In June 2016, MIG was selected as the project consultant and the full Project Team held a kick-off meeting in July. Listed below are the completed project milestones and deliverables to date:

- August 10, 2016 ï Advisory Group Kick-Off Meeting and Tour
- August 30, 2016 ï Public Involvement Plan
- September 2016 ï Stakeholder Interviews and Focus Groups
- October 2016 ï Project Website: www.northmilwaukie.com
- October 13, 2016 ï Advisory Group Meetings
- October 17, 2016 ï Existing Conditions Report
- October 26, 2016 ï NMIA Open House #1
- October 31, 2016 ï Market Study and Economic Feasibility Analysis
- December 15, 2016 ï Online Survey Closed
- January 5, 2017 ï Advisory Group Meetings
- January 19, 2017 ï City Council Work Session
- January 2017 ï Preliminary Elements for Draft Framework Plan
- March 9, 2017 ï Advisory Group Meetings
- March 2017 ï Development Feasibility Analysis
- April 5, 2017 ï NMIA Open House #2
- April 13, 2017 ï Advisory Group Meetings
- April 2017 ï Draft Framework Plan and Implementation Strategy
- April 25, 2017 ï Planning Commission Work Session
- May 9, 2017 ï City Council Study Session
- May 25, 2017 ï Planning Commission Work Session
- June 8, 2017 ï Advisory Group Meetings
- June 27, 2017 ï NMIA Open House #3
- June 27, 2017 ï Planning Commission Public Hearing
- July 18, 2018 ï City Council Public Hearing

The next steps include proposed adoption of the Draft Framework Plan and Implementation Strategy by City Council on August 1, 2017. This will be followed by a Comprehensive Plan and Zoning Code amendment process in Fall 2017.

**Proposed Recommendations**

*Proposed Recommendations from Planning Commission*

The first public hearing before the Planning Commission was held on June 27, 2017. After a robust conversation, the Planning Commission voted to adopt the Plan, but made the following recommendations for City Council consideration:

1. Allow Marijuana Production (growing) as a Conditional Use (CU) in the NMIA Zone.
2. Consider if a height of 65 ft. is tall enough and create a floor area ratio (FAR) and height bonuses to meet the ecodistrict or entrepreneurial goals.
3. Continue to allow the same amount of retail throughout the modified M-TSA Zone as currently provided in M-TSA Subarea 3 with 20,000 sf per building or development and 30,000 sf as a CU.
4. Allow Waste Management as a permitted use in the NMIA Zone versus a CU.
5. Create an overlay of the modified M-TSA Zone and apply it to the parcels that make up the southwest quadrant of the new NMIA Zone bordered by SE Milport Rd to the north, SE McLoughlin Blvd to the east, and SE 17th Ave to the west with a sunset in 10 years. The overlay would allow all the uses permitted in the modified M-TSA Zone, including mixed use residential, except standalone multifamily residential.

*Proposed Staff Recommendations*

Staff has additional modifications to the Plan for City Council to consider:

1. Reword Figure 7: Non-motorized Street Network, #1 to say: Provide a pedestrian connection over Johnson Creek within the area and remove the map symbology on Figure 7 for any specific route.

   *This is based on concerns raised from several property owners near SE Clatsop St and SE 24th Ave, who staff met with onsite on July 7, 2017, where early versions of the 2013 Tacoma Station Area Plan (TSAP) identified a new bike/pedestrian connection on SE 24th Ave across Johnson Creek into SE Portland. The final adopted TSAP removed the connection on SE 24th Ave and instead suggested a connection west from Clatsop St. The connection on SE 24th was included in the new NMIA Plan based on feedback from the community and to accommodate a new road connection as well. While a bike/pedestrian connection is needed, alternative options such as west on SE Clatsop St across Johnson Creek into Johnson Creek Park are possible and staff suggest leaving the option open without identifying a specific route.*

2. Reword Figure 4: Future Street Network, #4 to say: Provide a road connection for an alternative egress from the area to accommodate future redevelopment and remove the map symbology on Figure 4 for any specific route.

   *The purpose of a new road connection over Johnson Creek at SE 24th Ave in the NMIA Plan is to address the need for an alternative egress from the area to accommodate future redevelopment and increased density. Currently the entire area is served by only one right-in/right-out access point via McLoughlin Blvd which has already reached the threshold for the generation of additional traffic. While a connection will be required with any significant new development, there may be alternative options such as along SE 23rd Ave under the Springwater Corridor to connect with SE Ochoco St and staff suggests leaving the requirement in the Plan without identifying a specific route or potentially removing it completely.*

3. Add the stateôs Brownfields Redevelopment Fund as a funding source to Table 5 in Chapter 7.

   *The U.S. Environmental Protection Agency grant program to fund brownfield assessments was included in the Plan, however, the state grant and loan program to fund assessments and remediation were left out.*

**Staff Comments on Proposed Recommendations from Planning Commission**

The staff project team provides the following comments related to the recommendations from Planning Commission for City Council consideration:

1. Allow Marijuana Production (grow) as a Conditional Use (CU) in the NMIA Zone.

   *Currently marijuana production is a permitted use in the Manufacturing (M) Zone and a CU in the M-TSA. If it is a CU, current grow facilities would be grandfathered but would need to go through a CU process for future changes. In either case, the 1,500-foot buffer required between facilities will need to be reconciled.*

2. Consider if a height of 65 feet is tall enough and create a floor area ratio (FAR) and height bonuses to meet the ecodistrict or entrepreneurial goals.

   *Staff suggests an increased height of up to 90 feet in the modified M-TSA and new*

*NMIA Zones to accommodate at least a five-story building, given clear height requirements for industrial buildings and/or a FAR of up to 4:1. Staff recommends that these additional heights could be achieved through FAR and height bonuses that would be defined through the Comprehensive Plan process.*

3. Continue to allow the same amount of retail throughout the modified M-TSA Zone as currently provided in M-TSA Subarea 3 with 20,000 sf per building or development and 30,000 sf as a CU.

   *Current zoning allows for 20,000 sf per building or development in M-TSA Subareas 1, 2, and 3 with a CU for up to 30,000 sf in Subarea 3. Staff agrees that at least 20,000 per square feet per building or development should be allowed only in the M-TSA, but allowing a CU for up to 30,000 square feet throughout the entire modified M-TSA Zone could encourage big box retail and increased competition with the downtown. Staff does not recommend the change to allow 30,000 sf of retail recommended by the Planning Commission.*

*4.* Allow Waste Management as a permitted use in the NMIA Zone versus a CU.

   *In response to testimony from Heiberg Garbage, the Planning Commission recommended that the city continue to allow this as a permitted use. The staff had originally proposed this use as a CU to discourage additional waste management uses in the district, however as the district redevelops, it is likely that these types of uses will opt for more heavy industrial areas.*

5. Create an overlay of the modified M-TSA Zone and apply it to the parcels that make up the southwest quadrant of the new NMIA Zone bordered by SE Milport Rd to the north, SE McLoughlin Blvd to the east, and SE 17th Ave to the west with a sunset in 10 years. The overlay would allow all the uses permitted in the modified M-TSA Zone, including mixed use residential, except standalone multifamily residential.

   *Planning Commission's recommendation was in response to the issues raised by the property owner of the site located at 9701 SE McLoughlin Blvd that has not been fully substantiated, in a way that still upholds planning principles. Some concerns with this recommendation include allowing large scale retail uses that could directly compete with downtown. The Commission's proposed M-TSA overlay will also create side-by-side development of incompatible uses by allowing residential use in a traditional industrial area. Staff suggests that Council consider how these issues might affect the overall district and community and consider other options that include continued zoning for high employment uses in this area as proposed in the Plan.*

   *As previously mentioned, the proposed zoning allows increased flexibility of uses from the current Manufacturing (M) Zone. This includes increased height from 45 to 65 ft. and the addition of office and some commercial uses up to 20,000 sf of retail per development with 5,000 sf for individual retail. While most of the parcels in this quadrant are in the floodplain, the actual floodway in this area is relatively narrow allowing for some grading within the floodplain for a traditional development. It is also possible to develop ground floor parking within the floodplain with manufacturing and commercial above. It is not uncommon for industrial land to be in a floodplain, as that is typically the cheapest land in a community and is zoned accordingly to allow lower-cost options for manufacturing uses. Staff believes that the proposed zoning in the Plan meets the vision of the community that participated throughout the process, which was to see this area in the new NMIA Zone become a more intensive innovative employment district without compromising community development through incompatible uses and endangering downtown redevelopment.*

Key questions for Council consideration:

1. Do we allow Marijuana Production (growing) as a Conditional Use (CU) in the NMIA Zone?
2. Should we provide more flexibility with height by providing height bonuses above the 65 feet or modify the plan to indicate height up to 90 feet given that industrial uses require greater clear heights than traditional mixed-use buildings (vertical flex industrial spaces)? Should we create FAR or height bonuses to encourage development to meet ecodistrict or entrepreneurial goals?
3. Do we continue to allow the same amount of retail throughout the modified M-TSA Zone as currently provided in M-TSA Subarea 3 with 20,000 per building or development and 30,000 as a CU?
4. Do we allow Waste Management as a permitted use in the NMIA Zone versus a CU?
5. Do we create an overlay of the modified M-TSA Zone and apply it to the parcels that make up the southwest quadrant of the new NMIA Zone bordered by SE Milport Rd to the north, SE McLoughlin Blvd to the east, and SE 17th Ave to the west with a sunset in 10 years? The overlay would allow all the zoning permitted in the modified M-TSA Zone except standalone Multifamily Residential.
6. Do we reword Figure 7: Non-motorized Street Network, #1 to say: Provide a pedestrian connection over Johnson Creek within the area and remove the map symbology on Figure 7 for any specific route?
7. Do we reword Figure 4: Future Street Network, #4 to say: Provide a road connection for an alternative egress from the area to accommodate future redevelopment and remove the map symbology on Figure 4 for any specific route?
8. Do we add the stateôs Brownfields Redevelopment Fund as a funding source to Table 5 in Chapter 7?

**BUDGET IMPACTS**
The Plan includes a variety of General Fund actions in addition to actions that require other funding sources such as a various economic development tools, grants, and Capital Improvement Projects.

**WORKLOAD IMPACTS**
Implementation of an adopted Plan would include work of the city staff Amy Koski, NMIA Project Manager/Economic Development and Resource Coordinator, Alma Flores, Community Development Director, and an economic development intern. The Planning Department would oversee the Comprehensive Plan and Zoning Code amendment process for The Plan.

**COORDINATION, CONCURRENCE, OR DISSENT**
The Community Development Department, Planning Division, Engineering Division, and City Manager concur with this project.

**STAFF RECOMMENDATION**
Staff recommends adoption of the Framework Plan with the decision of the amendments clearly defined.

**ALTERNATIVES**
Alternative for City Council include:

A. Adopt the Plan with all recommendations from Planning Commission.
B. Adopt the Plan with all recommendations from Planning Commission and modifications based on staff comments on increased building heights and FARs, a limit on the CU for retail square footage up to 30,000 sf, and maintaining the new NMIA Zone on the southwest quadrant with no overlay allowing residential.

C. Adopt the Plan with all recommendations from Planning Commission with modifications to the way the southern quadrant is addressed:
    1. No residential
    2. Modified overlay
    3. Floating zone concept
    4. Other
D. Suggest additional editorial changes to the Plan.

**ATTACHMENTS**

1. NMIA Draft Framework Plan and Implementation Strategy, Third Draft, June 2017
2. Draft Resolution
3. Proposed Zoning Table and Definition
4. Proposed Development Requirements
5. Floodplain Map
6. NMIA Existing Conditions Report, October 2016
7. NMIA Development Feasibility Analysis, March 28, 2017
8. June 27, 2017 Planning Commission public hearing testimony from Nancy Bishop Dietrich
9. June 27, 2017 Planning Commission public hearing testimony from Peter T. Stark, AIA
10. June 27, 2017 Planning Commission public hearing letter from Ann Ober




# DRAFT FRAMEWORK PLAN













## NORTH Milwaukie Industrial Area Plan

*This is the third draft leading to the final document, following five public meetings as follows:

- June 27, 2017 - Public Open House #3 and Planning Commission Public Hearing
- July 18, 2017 - City Council Public Hearing
- August 1, 2017 - City Council Meeting

MIG

*In association with*
DKS Associates | ECONorthwest | Puttman Infrastructure

THIRD DRAFT | JUNE 2017

# North Milwaukie Industrial Area Plan

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APPENDIX C: TRANSPORTATION PLANNING RULE (TPR) ANALYSIS (TO COME)

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Appendices can also be found on the project website at www.northmilwaukie.com/document-library/

# EXECUTIVE SUMMARY



*Pendleton Woolen Mills*

Today, the City of Milwaukie sits on the cusp of unprecedented new development and new pressures. To address this dynamic opportunity, the City has undertaken several projects focused on how it retains its individualism, while moving forward in a planned and focused way.

The North Milwaukie Industrial Area (NMIA) is one of three industrially zoned areas in Milwaukie that is experiencing high demand for space and is an important location for the region's food processing industry cluster, warehousing and distribution functions, and incubator for future entrepreneurs. Building on this energy and these opportunities can create new activity and increased employment for the region.

The City, in partnership with Clackamas County and Metro, created this plan to understand how the NMIA is currently functioning as an employment hub and how to support and help guide its growth and evolution as a 21st century innovation district that meets the needs of diverse employment options over the next 20 years.



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## Vision

The North Milwaukie Industrial Area capitalizes on the District's strategic location to attract **innovative and entrepreneurial businesses** to create a strong regional center for **next-generation traded sector employment, manufacturing, makers and doers.** The area supports existing and future businesses that provide family-wage jobs accessible by all modes of travel, respects the natural environment and incorporates sustainable design to reduce demand on citywide infrastructure.

The North Milwaukie Industrial Area Plan (the Plan) is focused on:

- Increasing job density for the area;
- Providing much needed commercial amenities to serve employees; and
- Accommodating office and industrial flex space for Milwaukie's broader community's growing and changing population.

The City is proud of the NMIA's history, providing jobs that match the city's demographic: blue collar work done by the hard-working men and women residing in and around the city. However, the city and region are changing with demographic shifts, a strengthening business market, and a diminishing number of commercial and industrial properties to provide the space and services that entrepreneurs seek.

The Plan builds upon the work of the Tacoma Station Area Plan that recommended improved multimodal connections and a greater mix of land uses that take advantage of the Tacoma light rail station at the north end of the NMIA. This Plan incorporates that planning area and adds areas west of McLoughlin Boulevard to create an entire district made up of 200 acres. Additionally, the Plan includes findings from the City's recently completed economic opportunities analysis, guiding the economic feasibility analysis and recommendations for the Plan.

The Plan establishes a vision for how we get there, with specific implementation strategies that:

- Identify connections and development potential created on both sides of McLoughlin Boulevard;
- Integrate the adopted Tacoma Station Area Plan findings and projects, as applicable;
- Identify and analyze sites that can catalyze development within the NMIA;
- Capitalize on Johnson Creek as a character-defining amenity that attracts new investment covering a mix of uses;
- Integrate McLoughlin Boulevard as both a transportation hub and gateway opportunity into Milwaukie that supports employment growth in the NMIA;
- Develop an identity and brand for the NMIA that supports the district;
- Incorporate existing development, infrastructure and transportation systems, identifying expansion or modification of those systems, as needed, to attract the next generation of employers; and
- Identify phasing, funding and prioritization of projects to implement the vision.

The city, with the help from its partners, will treat this plan as a living document and work to move the needle toward achieving the vision.



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# chapter 1: introduction

## PURPOSE

The North Milwaukie Industrial Area Framework Plan (Plan) positions the North Milwaukie Industrial Area (NMIA) to leverage its strategic location and attractiveness as an employment center as well as an innovative, dynamic location for the next generation of entrepreneurs.

The Plan provides recommendations and strategies to increase employment opportunities and support existing businesses through in-depth technical analysis or land use, development feasibility, open space, transportation and infrastructure. The Plan is a long-term vision that identifies regulatory, programmatic and infrastructure investments and is anticipated to be implemented over the next 20 years.

The Plan builds upon the work completed through the Tacoma Station Area Plan recommendations to improve multimodal connections and create a mix of land uses that take advantage of the Tacoma light rail station at the north end of the NMIA and the City's current citywide visioning process. This project incorporates that planning area and adds areas west of McLoughlin Boulevard to create an entire district. Additionally, the City recently completed a citywide economic opportunities analysis, that has been incorporated into the Plan and guiding the economic feasibility analysis and recommendations for the Plan.

The Plan establishes a vision and a set of implementation strategies that:

- Identify connections and development potential for both sides of McLoughlin Boulevard;
- Integrate the adopted Tacoma Station Area Plan findings and projects, as applicable;
- Identify and analyze sites that can catalyze development within the NMIA;
- Capitalize on Johnson Creek as a character defining amenity that attracts new investments covering a mix of uses;
- Integrate McLoughlin Boulevard as both a transportation hub and gateway opportunity into Milwaukie that supports employment growth in the NMIA;
- Develop an identity and brand for the NMIA district;
- Incorporate existing development, infrastructure and transportation systems, identifying expansion or modification of those systems, as needed, to attract the next generation of employers; and
- Identify phasing, funding and prioritization of projects to implement the vision.

**In this chapter:**


- Purpose
- Project Area
- Existing Land Uses and Building Stock
- Area History, Parcels and Buildings




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**FIGURE 1: REGIONAL CONTEXT**




The Framework Plan includes an implementation strategy designed to help catalyze the NMIA's vision, providing a general trajectory for the area for the next 20 years. This strategy will guide economic development programs and tools as well as branding of the district, in light of the area's history as a traditional warehouse and distribution hub. It will also encourage catalytic opportunities, expanding upon the strengths as a key industrial district for Milwaukie and the region.

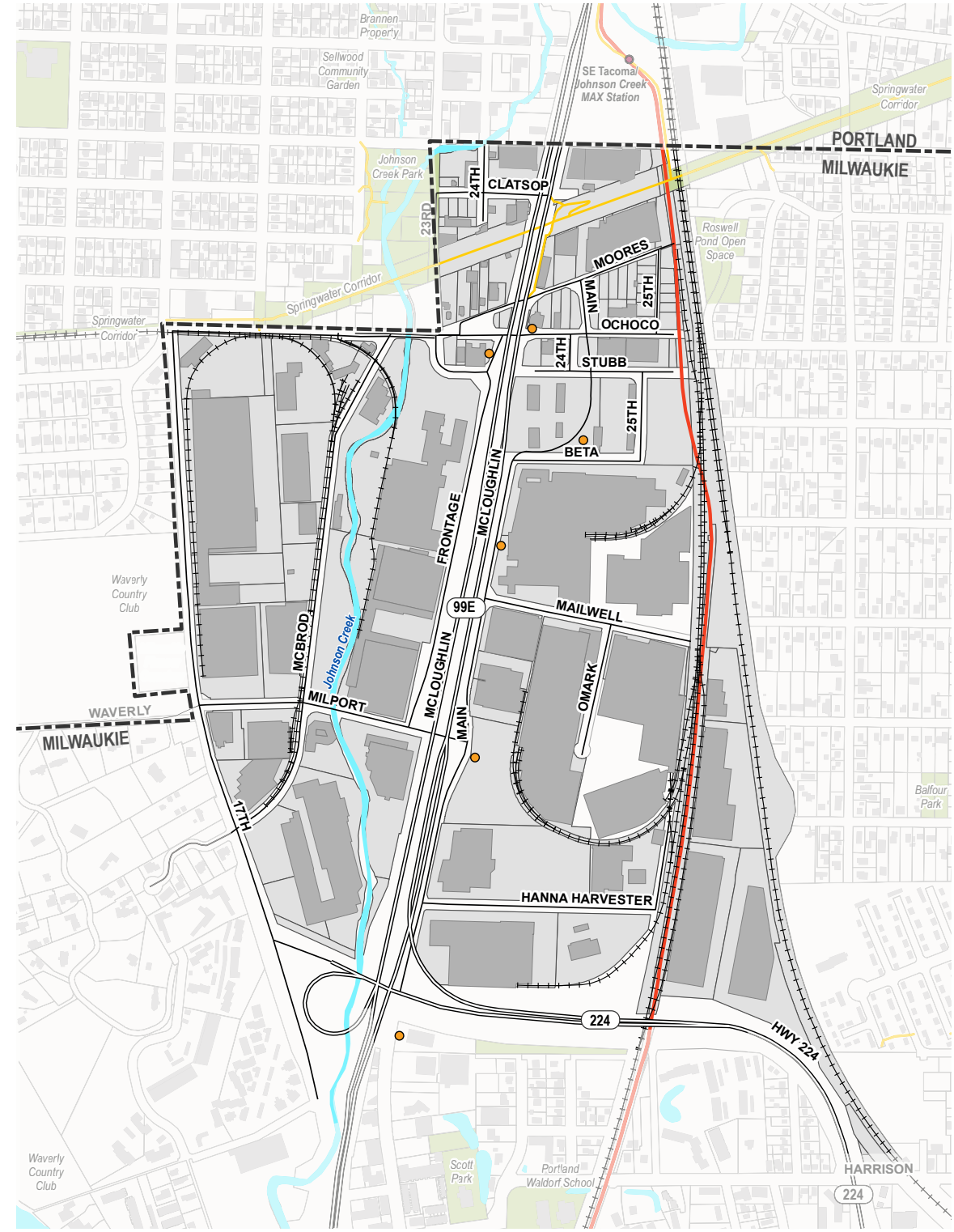
## PROJECT AREA

The NMIA is centrally located in the region shown in **Figure 1**. It is one of the City of Milwaukie's three major industrial centers. It has a long history of industrial uses with good access to the regional transportation network. The NMIA is a distinctive district with clearly defined political and physical boundaries (**Figure 2**):

- Portland City Limits to the north;
- 17th Avenue to the west;
- Highway 224 to the south;
- Union Pacific railroad and MAX Orange Line to the east; and
- Springwater bicycle and pedestrian corridor as an east-west connection.

McLoughlin Boulevard (OR 99E) and Johnson Creek are also major defining characteristics in the center of the area.

## FIGURE 2: PROJECT AREA




North Milwaukie Industrial Area Plan

## EXISTING LAND USES AND BUILDING STOCK

Most of the approximately 195 acres in the NMIA is used for industrial purposes (57 percent) with various types of manufacturing, distribution, storage and similar uses. Approximately one-third of all parcels are vacant (Table 1), although many are used by adjacent businesses for surface storage. Nine vacant parcels totaling 4.4 acres are rights-of-way, with Metro's Springwater Trail accounting for 3.7 acres.

The project area also includes multiple publicly owned parcels, including the Oregon Liquor Control Commission offices, a TriMet park-and-ride and the Clackamas County Community Corrections Center and Women's Center. Fronting the east side of McLoughlin Blvd., the now vacant ODOT offices sit adjacent to approximately eight acres of outdoor storage.

The NMIA currently contains around 3.4 million square feet of rentable commercial space, supporting approximately 9.5 employees per acre. Most of this rentable area is classified as industrial space, with the industrial subcategories of distribution and warehousing comprising over 80 percent of the total square footage. The remaining rentable area in the NMIA is classified as flex office/industrial, general office and general retail.






*Top: Historic photo of ODOT facility under construction*
*Right: Present-day photo of the ODOT site*



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## Area History, Parcels and Buildings

Over the last 100 years, the NMIA has developed as a warehousing and manufacturing district built around its easy access to heavy rail and McLoughlin Boulevard. Many of the buildings in the area retain rail spurs, some of which are used today, although most shipping is now done via truck and many of the rail spurs have been vacated.

The NMIA is generally composed of smaller parcels, shown in **Figure 3.** Most parcels (56 percent) are half an acre or smaller. Larger parcel sizes (sites over four acres) account for only 12 percent of the total parcels.

Some buildings in the NMIA are nearly 100 years old and have been continually repurposed. This includes the ODOT facility, a now vacant 1938 Works Progress Administration Project. The building initially housed State Highway Division engineers, support staff, and State Police for the Portland area. The building is eligible but not listed on the National Register of Historic Places. It is listed as a historic local resource in Milwaukie.

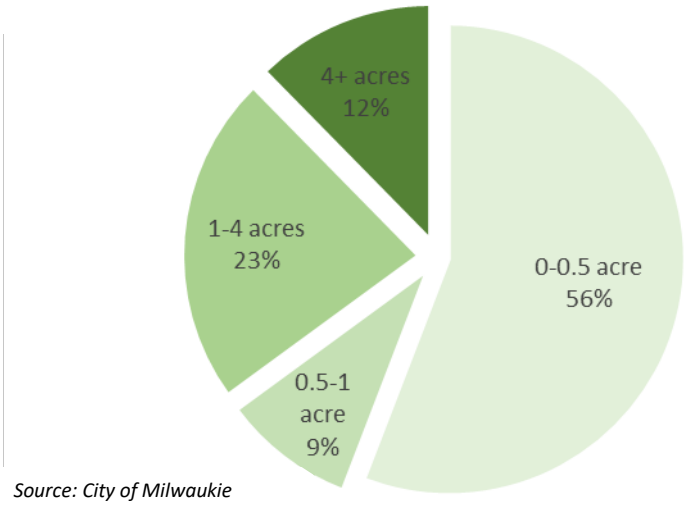
Other buildings reflect different eras and types of development. Of the 54 buildings in the project area, nine were built between 1918-1949, 29 were built from 1950-1969 and the remaining 16 were built from 1970-1982. No buildings have been constructed since the 1990s although some buildings are transitioning from single large tenants to flex space uses, where a single building holds multiple tenants and often through short-term leases.

*As of 2014, there were 65 firms with 1,833 total employees within the project area. According to Hoovers and ReferenceUSA, top employers in the NMIA are Portland Mechanical Construction, Alpine Food Distributing, Goodwill, PCC Structurals, Stoner Electric, Advanced Entry Systems and the Oregon Liquor Control Commission.*

**TABLE 1: NMIA PARCELS BY CURRENT LAND USE AND SIZE (ACREAGE)**

| | | | |
|---|---|---|---|
| Commercial | 10 | 8% | 6.1 |
| Industrial | 75 | 57% | 174.6 |
| Residential | 4 | 3% | 1.3 |
| Vacant | 42 | 32% | 13.4 |
| Total | 131 | 100% | 195.4 |

**FIGURE 3: NMIA PARCEL SIZES AND PERCENT OF TOTAL NMIA ACREAGE**




*Source: City of Milwaukie*



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# chapter 2: plan vision, goals and objectives

## VISION

The future success of the NMIA depends on a shared long-term vision as a diverse employment area that is inspiring and supported by the community. This vision sets forth specific goals and objectives that lead to short and long-term actions.

The vision was created by the community after an open house, online survey, stakeholder interviews, and input from a project advisory group made up of businesses, community members, technical staff and area residents.

## GOALS AND OBJECTIVES

The goals and objectives of the Plan guide future development and infrastructure improvements in the NMIA. In turn, these strategic decisions will ultimately serve to support and increase employment and economic opportunities in the district.

The following five goals and related objectives provide a comprehensive approach to achieve the envisioned future, providing implementable actions that can be completed as single projects or phased over time.

Chapter 7 presents specific actions to implement the goals and objectives.

**Goal 1:**
**Economic Development and Employment**

**Goal 2:**
**Infrastructure**

**Goal 3:**
**Land Use and Urban Design**

**Goal 4:**
**Transportation and Mobility**

**Goal 5:**
**Community Supported Vision**

### Vision

*The North Milwaukie Industrial Area capitalizes on the District's strategic location to attract innovative and entrepreneurial businesses to create a strong regional center for next-generation traded sector employment, manufacturing, makers and doers. The area supports existing and future businesses that provides family-wage jobs accessible by all modes of travel, respects the natural environment and incorporates sustainable design to reduce demand on citywide infrastructure.*



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## GOAL 1

**Economic Development and Employment.** Encourage a balance of employment-focused land uses, programs and resources that increase private capital investment and family-wage jobs.

**Objective 1.1.** Support existing businesses as the district evolves over time.

**Objective 1.2.** Build upon the locational advantages of the NMIA and its role within the region to increase employment density.

**Objective 1.3.** Support catalytic development of identified opportunity sites by incentivizing cluster-style development for multiple businesses to locate and grow.

**Objective 1.4.** Support creative re-use of existing buildings that permit flex-space uses.

**Objective 1.5.** Attract development and users that will take advantage of existing transit and non-motorized travel options.

**Objective 1.6.** Create an environment where a variety of small, medium and large businesses thrive and co-exist.

**Objective 1.7.** Support emerging small businesses, including small-scale manufacturing and "maker" spaces.

**Objective 1.8.** Actively recruit target industries while also assisting existing businesses that want to expand employment.

**Objective 1.9.** Identify strategies to fund public improvements through a combination of public and private sources.

**Objective 1.10.** Develop a parking management plan for the district.

## GOAL 2

**Infrastructure.** Identify infrastructure improvements necessary to meet existing and future planned development needs.

**Objective 2.1.** Create a phased infrastructure improvement program that upgrades existing infrastructure to meet current and future demand, including facilities for electric vehicle charging, leverages private investment that embodies the vision for the area and provides a strong return on investment.

**Objective 2.2.** Explore strategies for infrastructure that reduce demand on citywide systems, such as on-site or district-wide stormwater and wastewater treatment.

**Objective 2.3.** Extend high speed fiber optic service to the NMIA.

**Objective 2.4.** Increase the use of solar energy and related infrastructure that reduces energy/resource use for existing building retrofits and new building construction.

**Objective 2.5.** Identify landscape and streetscape enhancements that help address flooding, and enhance key gateways to the NMIA District and near significant public use areas such as the Johnson Creek corridor.

**Objective 2.6.** Coordinate infrastructure improvements, including parking management, across agencies to implement infrastructure goals.

**Objective 2.7.** Increase and protect tree canopy along Johnson Creek, parking areas and streets where right-of-way is available.

## GOAL 3

**Land Use and Urban Design.** Provide for a diverse array of land uses that create an active employment center and facilitate commercial and mixed-use development that supports the employment focus of the district.

**Objective 3.1.** Identify land use strategies that increase employment densities and encourage cluster uses.

**Objective 3.2.** Enhance Johnson Creek as an open space amenity and important natural resource that helps attract new and more intensive development, through measures such as riparian restoration and possible creation of a linear park in the open area on the west side of the creek, consistent with the City's designated Habitat Conservation Area requirements.

**Objective 3.3.** Ensure that land use and urban design requirements permit multi-story buildings to accommodate "vertical industrial" and manufacturing uses.

**Objective 3.4.** Focus on branding, public art and wayfinding to create distinct, identifiable features of the NMIA as a true district.

**Objective 3.5.** Through zoning, restrict residential development to areas where it is already permitted.

**GOAL 4**

**Transportation and Mobility.** Create a transportation system that provides safe and direct connections for bicycles and pedestrians while also providing for efficient truck access and circulation.

**Objective 4.1.** Create safer and more efficient transportation connections within the district, to Downtown and the neighborhoods and across busy corridors, especially McLoughlin Boulevard.

**Objective 4.2.** Maintain access to heavy rail service where appropriate.

**Objective 4.3.** Develop a street grid that provides options for transit, vehicles, pedestrians and bicyclists to connect to and through the District, where appropriate.

**Objective 4.4.** Provide safe, direct connections to the Tacoma/ Johnson Creek light rail station and Springwater Corridor from both the east and west sides of McLoughlin Boulevard.

**GOAL 5**

**Community Supported Vision.** Create opportunities for NMIA businesses, landowners, employees and the greater community to stay informed and involved in the ongoing development of the District.

**Objective 5.1.** Continue to engage businesses and employees in the NMIA and the Milwaukie community in a conversation about the NMIA and its role as an employment and mixed-use district.

**Objective 5.2.** Maintain ongoing communications with existing businesses and landowners to identify potential opportunities and issues in implementing the Plan.



RS55

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# chapter 3: ecodistrict framework

The NMIA is an active employment center that takes advantage of its proximity to Portland, light rail and surrounding neighborhoods in Milwaukie and Clackamas County.

More recently, long time uses have shifted to include increasingly in-demand flex space, where current buildings are being converted from a single large use to multiple smaller uses that share facilities and equipment like forklifts or other machinery. This flexibility allows new businesses to start in small spaces and then expand as they grow with smaller overhead commitments. The challenge for the NMIA is that many similar areas around the region are also competing for similar tenants, so attracting both the makers and doers as well as traditional manufacturing requires a plan that differentiates it from other areas.

Given the NMIA's proximity to South Waterfront and Central Eastside in Portland, a focus on sustainable design, attractions and innovative infrastructure development can attract new tenants who are looking to be in a forward-thinking ecodistrict but may be priced out of other locations. Developing the Plan through ecodistrict lenses also aligns future tenants with the current City trajectory of increased sustainable measurable action.

The ecodistrict framework for the NMIA is an incremental approach and different than ecodistricts developed on a greenfield (see Chapter 6: Infrastructure). Ecodistrict implementation must work with existing infrastructure and strategies need to encourage a transition over time. Creating an ecodistrict, even incrementally, will require a commitment from the City, land and building owners to make it happen.

There are many actions needed to implement an ecodistrict, either directly through projects (identified in this chapter) or indirectly through land use action, funding and financing support or other types of incentives.

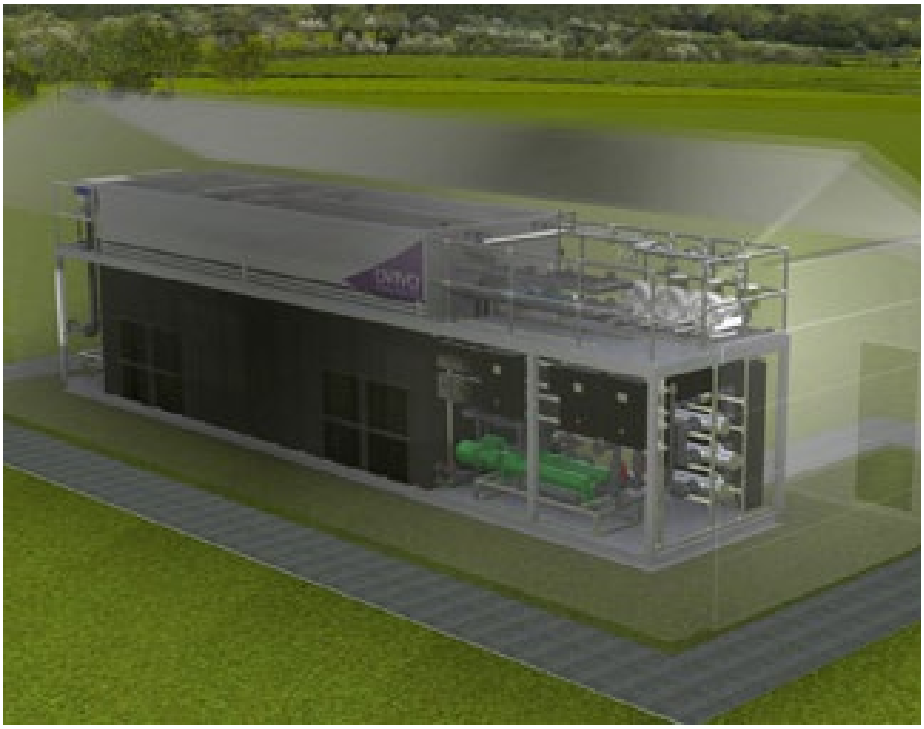
**In this chapter:**


- Integrating Natural Resources
- Addressing Infrastructure Needs
- Making Transportation Work for Everyone
- Creating a NMIA Brand
- Putting It All Together


*An **ecodistrict** is a holistic approach that creates a more sustainable, ecologically sensitive development pattern, focusing on sustainable infrastructure systems that also provide financial benefits to businesses that locate in the area. It is also an important marketing tool for attracting future businesses to the NMIA. It works in tandem with other parts of the Framework Plan.*



RS57






*Top: Conceptual diagram of sewer mine*
*Bottom: Sewage and effluent samples*

## INTEGRATING NATURAL RESOURCES

The NMIA is both natural and urban. The NMIA ecodistrict should demonstrate the benefits of this human/nature connection by reconnecting with Johnson Creek as a functioning natural resource as well as a recreation attraction. Success will require collaboration between City, local and state agencies and non-profits, such as the Johnson Creek Watershed Council. There are several actions needed to transform Johnson Creek from what it is today to become a district amenity:

- Complete a Johnson Creek Corridor Plan that identifies both water quality and physical improvements to the corridor. The focus should be on improving watershed health and stormwater management from adjacent right-of-way and development (**Action 2.2.2**).
- Identify partnership opportunities, including with the Johnson Creek Watershed Council, to identify and develop grant applications to fund riparian area and stormwater improvements (**Action 3.2.1**).
- Improve access and viewing opportunities along Johnson Creek by designing existing vacant land east of SE McBrod Avenue for recreation. Add viewpoints at the existing bridge crossings (**Action 3.2.2**).

## ADDRESSING INFRASTRUCTURE NEEDS

Industry is about efficiency and reducing the cost to run a business, to make products and deliver services. The NMIA ecodistrict can create a competitive advantage compared to competing districts by identifying and implementing efficient energy, water and stormwater systems to help reduce operating costs. While some of these recommendations may add complexity to building design, short-term costs for sustainable systems



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can often pay off over time as reduced operating costs over the life of the project.

### Energy

Creating a district energy system can be challenging to successfully implement, even incrementally, where there is already existing infrastructure and development. District energy systems are often created in new development or through a phased development plan where the district energy system is designed along with the buildings.

However, there may be opportunities to incorporate solar energy. The large roof areas of the industrial businesses may provide opportunity for solar panels. Portland General Electric provides power to the project area and the State of Oregon's net metering program is an option for customers to get credit for excess energy produced at their facility. Solar and other energy conservation measures can be implemented over time as buildings are redeveloped or building owners choose to install systems. The large number of existing buildings may be able to support some solar installations for building owners who may be interested, but the age of the roof, weight bearing capacity and the impact of drilling many holes into a roof to anchor a solar project need to be considered. Another factor to consider is shading. As the area develops, new taller buildings might create shading on existing single story buildings and that would decrease the amount of energy that solar panels produce. With those considerations, the ecodistrict can implement solar energy project through the following actions:

- Assist existing businesses in applying for renewable energy grants, using the NMIA District Coordinator position (**Action 1.1.3**) as the point person to aid in applying for grant funding for solar energy (**Action 2.4.3**).
- Integrate renewable energy consumption and production goals for energy into a future Climate Action Plan (**Action 2.4.1**).
- Retrofit existing streetlights with LED lighting to reduce energy consumption (**Action 2.4.2**).

### Sewer and Water Infrastructure

Based on the existing conditions analysis and mapping completed for the NMIA and proposed zoning densities, no significant infrastructure upgrades are anticipated other than projects already identified in existing capital improvement programs. Additionally, installation of new sewer and water infrastructure requires reconstructing existing roadways, but this infrastructure may remain unused for many years before new development occurs.

A more cost-effective approach is to focus on incentivizing building retrofits to reduce water usage and install greywater recycling systems either when extensive remodeling is completed or new buildings are constructed. Greywater is safe for use in toilets, for irrigation and other facilities where it is not consumed. Water and wastewater implementing actions for the ecodistrict include:

- Update existing building standards to encourage all new buildings or significant remodels to double plumb buildings for greywater recirculation and install fixtures with low-flow and other water saving devices (**Action 2.2.5**).
- Provide incentives for existing businesses to replace existing plumbing with low flow and/or greywater recirculation systems (**Action 2.2.6**).

The existing wastewater trunk line is located at the southwestern end of the NMIA. There may be an opportunity to create a **"sewer mining district"** (**Action 2.2.8**) that connects to the sewer trunk line to reduce wastewater flow to the City's main treatment system. A sewer mining system extracts sewage directly from the sewer, treats it to produce recycled water and then discharges residual wastes back to the sewer. The recycled water




*SE Tacoma/Johnson Creek light rail station*

can then be piped back to existing buildings for use in a greywater system. The most likely location for installing this type of system is the western side of McLoughlin Boulevard, where greywater circulation systems could be installed when SE McBrod is reconstructed or located on the shoulder without affecting the existing right-of-way. As buildings are redeveloped or remodeled, they would be connected to the greywater system.

## Stormwater

Perhaps one of the biggest opportunities to create a sustainable, visually distinctive district is to address stormwater management on site and within the public right-of-way. There are several actions that will be required, from short-term planning actions to long-term district wide solutions. These include:

- Develop a stormwater master plan **(Action 2.2.4)** that identifies both short and long-term actions to manage stormwater for the NMIA. This should include short-term actions that are property-focused and can be implemented immediately, particularly adjacent to Johnson Creek. The Plan should also identify locations and sizing for one or more regional facilities on the west side of McLoughlin Boulevard; explore an integrated street/shared facility approach and provide funding options such as public/private partnerships and fee-in-lieu approaches.
- Assist in identifying funding sources to retrofit existing buildings with green/eco roofs. Through updated design standards, encourage all new buildings to integrate green stormwater infrastructure into the building and/or site design **(Action 2.2.7).**
- Address regional and onsite and/or regional detention for stormwater to reduce untreated runoff from entering Johnson Creek. This should include green street and streetscape enhancements to address flooding and enhance key gateways, using the stormwater management system also as a branding element for the district **(Objective 2.5).**
- Partner with ODOT to develop a green street demonstration project for McLoughlin Boulevard between Downtown Milwaukie and the Springwater Corridor Pedestrian Bridge **(Action 2.2.1).** This project can showcase the specific ecodistrict approaches, improve the attractiveness of the corridor and create a visual demarcation of the district through stormwater management and design.



RS60

- Redesign SE McBrod Avenue as a demonstration project that integrates green street/shared stormwater facility approaches to treat both right-of-way and adjacent development (Action 2.2.3). Treating adjacent development in the street as opposed to on site may spur development because it reduces the cost to developers to develop or redevelop property to modern stormwater standards. If this action is undertaken, it should be combined with stormwater reduction techniques such as eco roofs (Action 2.2.7) to reduce stormwater flows entering the street.

### Making Transportation Work for Everyone

Transportation connections must be safe, convenient and efficient for all modes of travel. Additionally, providing usable multimodal connections helps reduce the carbon footprint of vehicles and ties directly to a future citywide Climate Action Plan. As a branded district that focuses on sustainable development, providing multiple options for people to get to work and for businesses to receive materials and ship products is essential. Today, the NMIA is dominated by vehicles and is not a safe environment for people to ride their bikes to work or walk to transit. If they do drive, parking can be challenging. Creating a more connected environment will require several actions:

- Develop and implement a parking management plan that addresses several issues, including parking management and transportation demand strategies that permit centralized parking in specific locations and/or offering flexible parking options for new construction to locate parking on-site or through a district parking program (Action 1.10.3).
- Create a Transportation Management Association (TMA) that manages parking, transit and non-automobile circulation (Action 1.10.1). Potential roles for the TMA could include creating and managing an incentive program that provides free or reduced cost bus passes for NMIA employees and/or commuter incentives for those walking, carpooling or riding bicycles to work (Action 1.10.5). The TMA could also act as the lead for creating and managing a local circulator system that connects shared parking locations with employers and Downtown Milwaukie (Action 1.10.4).
- Implement recommendations from the Tacoma Station Area Plan that address improved vehicle, bicycle and pedestrian connectivity between the Tacoma light rail station and Downtown Milwaukie (Action 4.1.3).
- Partner with ODOT to extend/improve bicycle and pedestrian connections throughout the NMIA, including across McLoughlin Boulevard, and connecting to the Tacoma light rail station, Downtown Milwaukie and Sellwood (Actions 4.3.1- 4.3.4).
- Integrate the NMIA Business Association recommendation (Action 1.1.1) and the City economic development coordinator for the NMIA (Action 1.1.3) as part of the TMA management structure.



RS61






*Top: Build on specific elements in the NMIA to brand the area.*
*Bottom: Example of a branded water tower*

## CREATING A NMIA BRAND

Many people drive through the NMIA and know it only as that space "in between Portland and Downtown Milwaukie." While it is an in-demand area, attracting new businesses and development will require a branding strategy to increase the visibility of and competitiveness of the area. Creating a district brand will require several actions, including:

- Build local energy within the NMIA and City through the creation of a NMIA Business Association that will advocate for the needs of existing and future businesses (**Action 1.1.1**), and hire or assign a City economic development coordinator for the NMIA to be the single point of contact for all business activity in the district (**Action 1.1.3**).
- Develop a wayfinding and branding strategy that builds upon the historic industrial, rail and natural resources of the NMIA (e.g. the ODOT building, Johnson Creek and water tower) and focuses on businesses that encourage transit use, pedestrian and bicycling as modes of travel (**Actions 1.2.1**).
- Visually demarcate the NMIA through gateway elements and wayfinding signage that identifies the area as a unique district identifiable from McLoughlin Boulevard and identifies paths from the NMIA to the Tacoma light rail station, Downtown Milwaukie and Sellwood (**Action 1.2.1**).

Together, these strategies form the basis of an implementation strategy to make the ecodistrict more visible. The branding strategy should also be organized in a manner that facilitates its use for marketing to attract future businesses.

## PUTTING IT ALL TOGETHER

Creating an ecodistrict will take time, but several of the initial actions can be implemented easily now, with more focused design and construction of major infrastructure occurring later as the district evolves and funding is identified. Creating a place, at least initially, is as much about branding, business engagement and recruitment as it is about the projects that create the infrastructure to achieve the vision of a sustainable, employment-focused district.



RS62

# chapter 4: transportation

The NMIA's access to transportation routes like McLoughlin Boulevard and the heavy rail system has made it a desirable business location for many years. The transportation infrastructure recommendations support the vision for the NMIA, calling for better connectivity within the district, to Downtown Milwaukie and to the adjacent neighborhoods.

The future street network for NMIA builds on previous planning efforts. Street types for the Plan are consistent with the Tacoma Station Area Plan (TSAP) project list which improves vehicle, bicycle and pedestrian connectivity in the NMIA.

The existing NMIA transportation network works for vehicles and freight, but lacks sufficient sidewalks and bike facilities. Additionally, there are a few connections for pedestrians either because there are no sidewalks or the long block lengths make it difficult to navigate by foot.

Key elements of the future system are shown in **Figure 4** and **Figure 7** and include:

- **McLoughlin Boulevard Safety Improvements:** Safety improvements include creating safer and more efficient transportation connections for all modes across McLoughlin Boulevard in the NMIA, including maintaining freight access to businesses. The SE Milport Road and SE Ochoco Street intersections at McLoughlin Boulevard should be designed to permit better multimodal movements (including freight) and increase pedestrian safety and accessibility for businesses along Frontage Drive and Main Street.
- **Maximum block lengths:** Establishing a maximum block length standard for future streets will identify potential areas where roads can be located when new development occurs. All new roads should have sidewalks. Future block length standards are 600-1,200 feet for the proposed NMIA district and 300-530 feet for TSA 1, TSA 2, and TSA 3.

**In this chapter:**


- Future Street Network
- Future Bike and Pedestrian Circulation
- Transit Access Considerations




*McLoughlin Boulevard and Highway 224*



RS63



*Wheel stops provide physical separation for pedestrians and delineate the travel way.*







*In the interim, streets can be re-channelized between existing curbs to begin the behavior change process as the City anticipates future roadways built out to the specifications. For example, Dexter Street, Seattle WA (before-after pictures above) include paint to delineate and channelize narrowed travel lanes in addition to bus stop bulb-outs and buffered bike lanes.*

- **Transitional Streets:** Developing a transitional street design allows for low-cost, interim improvements to address existing network deficiencies and complete connections for people traveling by foot or bike. Transitional streetscape improvements can enhance walkability by providing continuous pedestrian access while still providing vehicle mobility as the NMIA redevelops. Transitional street modifications can also begin to engender behavior change amongst roadway users consistent with the streetscape characteristics planned for full build out. **Figure 4 (Future Street Network)** shows the proposed transitional street designation applied on four streets including SE McBrod Avenue and three other future local street connections. **Figures 5 and 6** show how SE McBrod Avenue could change over time with a transitional street approach.

## FUTURE STREET NETWORK

**Figure 4** shows the future street network and builds on several opportunities that exist in the NMIA. **Table 2** summarizes the future street network.

### Collector Streets

- **Ochoco Street:** Ochoco Street's role in the NMIA will evolve to serve a variety of land uses. Ochoco Street is currently classified in the Transportation System Plan (TSP) as part local and part collector (at the McLoughlin Boulevard Blvd./99 E. intersection). Its future design should provide multimodal access.

  The Tacoma Station Area Plan (TSAP) cross section for Ochoco Street (Figures 17 and 18, page 26 in the TSAP) west and east of McLoughlin Boulevard generally depicts the recommendation of this Plan, and requires 10' of additional right-of-way to be dedicated west of McLoughlin Boulevard. The TSAP notes minimum 8' wide sidewalks are required along key streets, including Ochoco Street. Street trees should have columnar form to prevent trucks from clipping their drip lines.

  The Ochoco corridor is a gateway from the Sellwood neighborhood to the heart of the district. Johnson Creek is an important feature on the west side of the NMIA.



RS64

Where Ochoco crosses Johnson Creek, viewing areas should be included at the bridge and green street design should incorporate, to the extent possible, native vegetation that is also appropriate to the riparian area along the creek.

- **Main Street:** The Plan maintains the TSAP cross section (Figures 15 and 16, page 23 of the TSAP) for a separated 12'-14' wide multi-use path all along Main Street. In addition, the Plan also recommends an improved pedestrian path under the Springwater Trail at Main Street, connecting pedestrians and bicyclists to the LRT station. The TSAP notes minimum 8' wide sidewalks along Main Street with special paving, wayfinding signage and public art.

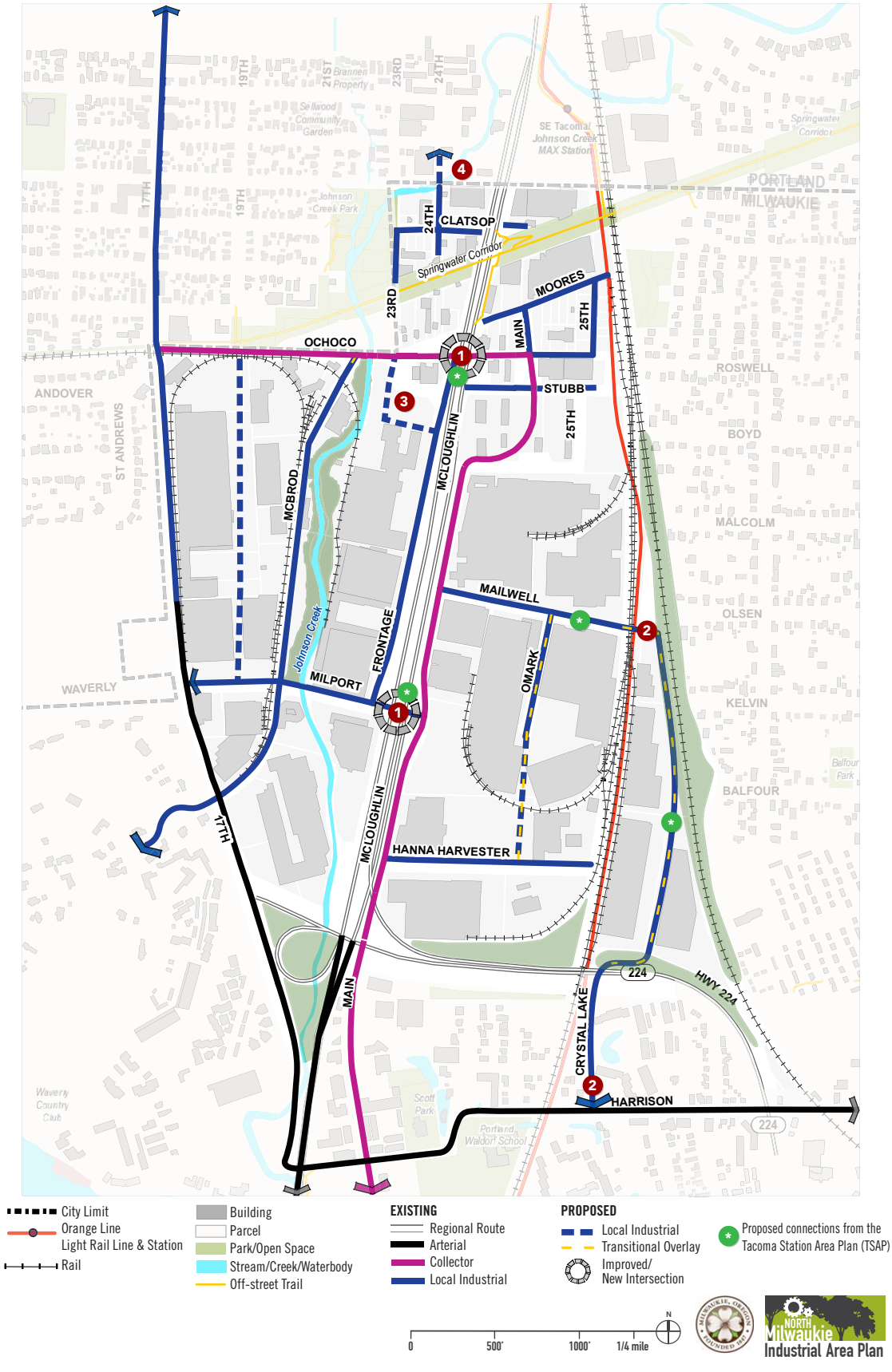
**TABLE 2: PROPOSED NMIA PLAN STREET TYPES**

| Street Name | Regional Route | Arterial | Collector | Local Industrial | Transitional Street Approach |
|---|---|---|---|---|---|
| McLoughlin Boulevard/99E | X | | | | |
| Highway 224 | X | | | | |
| 17th Avenue | | X | | | |
| Main Street | | | X | X | |
| Ochoco Street | | | X | X | |
| Beta Street | | | | X | |
| Clatsop Street | | | | X | |
| Frontage Road | | | | X | |
| Hanna Harvester Drive | | | | X | |
| Mailwell Drive | | | | X | X |
| Milport Road | | | | X | |
| McBrod Avenue | | | | X | X |
| Moores Street | | | | X | |
| Omark Drive | | | | X | X |
| Stubb Street | | | | X | |
| 24th Avenue | | | | X | |
| 25th Avenue | | | | X | |
| New streets | | | | X | X |



RS65

## FIGURE 4: FUTURE STREET NETWORK






RS66

## FUTURE VEHICULAR STREET NETWORK AND IMPROVEMENTS

1. Improve circulation and/or make geometric and wayfinding/signage improvements at the Ochoco and Milport intersections at McLoughlin that improves freight access and other modes.

2. Extend Mailwell east across the MAX line connecting to Harrison via the Hwy. 224 underpass. Acquire right-of-way along private parking and loading dock area and also design road to restrict large trucks from entering the adjacent neighborhoods.

3. Reconfigure the street network at Moores/Ochoco/23rd to open up the area for a potential development site at the intersection and remove the turning movements that are dangerous for pedestrians.

4. Provide a road connection over Johnson Creek at SE 24th.

**District-wide:** Develop a parking management plan, including shared on-street facilities.

**District-wide:** As redevelopment occurs, create a local street network to support a more walkable development pattern.

**District-wide:** Maintain efficient freight access.



RS67






*Top: Renton, WA has integrated heavy rail into its Downtwon to carry 737 fuselages. Bottom: Rail and other uses can function together if properly designed.*

## Local Industrial Streets

- **Mailwell Drive:** Cross sections for Mailwell Drive (between Main Street and the railroad track) include bicycle and pedestrian facilities to establish direct connections for pedestrians and bicyclists between the project area and the Ardenwald neighborhood. The Plan incorporates Figure 23 of the TSAP, which reconciles truck and pedestrian uses. The 12-14' multi-use path should designate bike and pedestrian-only zones to minimize potential conflicts.

  Mailwell Drive is the only street in the NMIA that crosses the LRT line. Though it could offer opportunities for enhanced connectivity, it ends at a private road immediately east of the tracks. The private road (also known as Mailwell Drive) runs south through industrial loading sites in the southeast corner of the project area and subsequently ends under the Hwy. 224 overpass, where it connects with Crystal Lake Dr. The private section of street should be dedicated as a public right-of-way by extending Mailwell Drive to connect to Harrison Street via Crystal Lake Drive. The cross section for this street should be designed to restrict large trucks from entering adjacent neighborhoods.

- **Stubb Street:** The TSAP cross section and recommendation (Figure 24, page 33 of the TSAP) for Stubb Street is incorporated into this Plan. When redevelopment opportunities arise for adjacent properties, continuous access for head-in parking should be replaced with a 12' travel lane, a 5' sidewalk and 4' planting.



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**FIGURE 5: INTERIM IMPROVEMENTS ON MCBROD AVENUE (TRANSITIONAL STREET)**

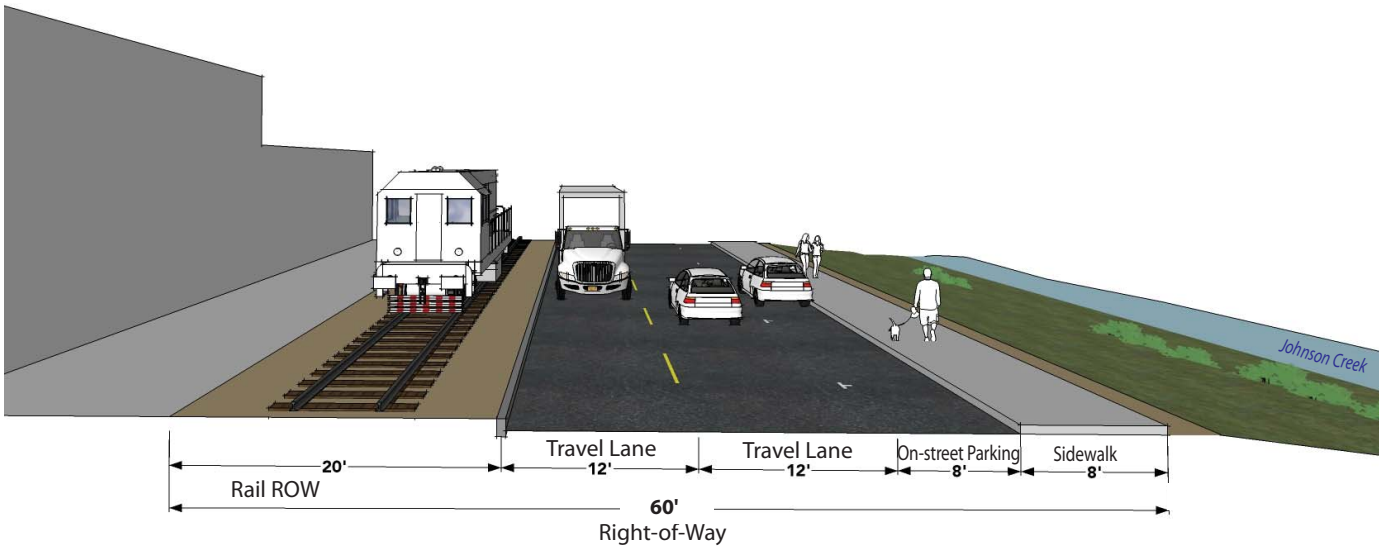
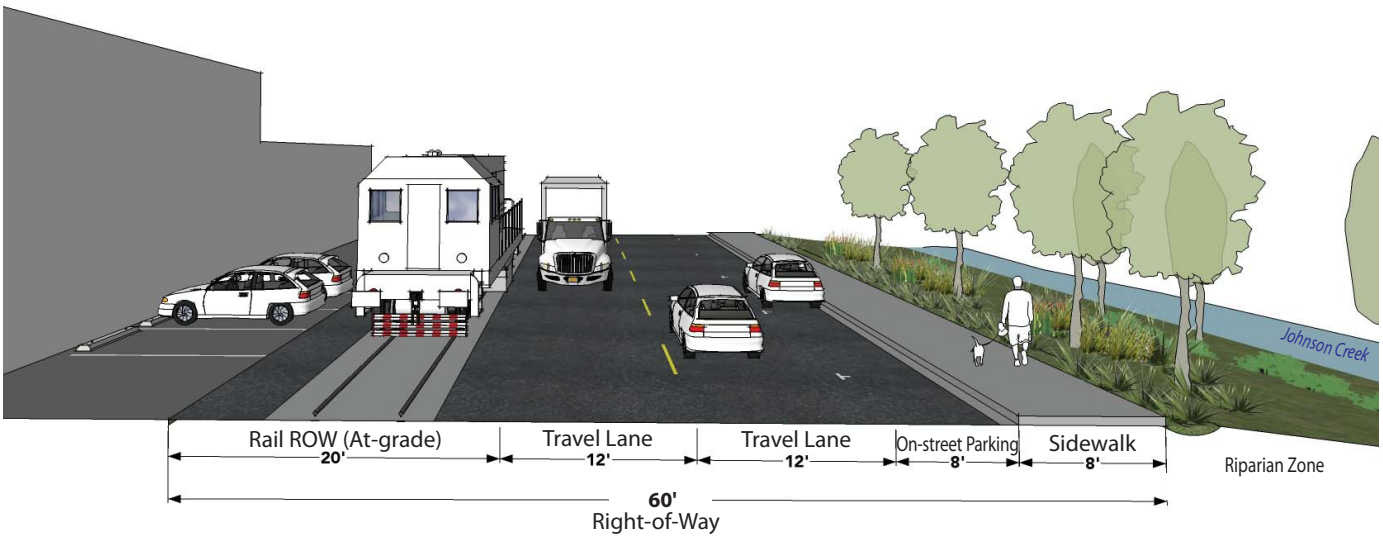



**FIGURE 6: FULL BUILD-OUT OF MCBROD AVENUE**



- **Other streets:** Other local streets within the project area vary in right-of-way width from 40'-60.' For streets that are not anticipated to carry additional pedestrian load, the TSAP cross sections of 60' (Figure 21, page 31 of the TSAP) are adequate. TSAP notes that all sidewalks should be 8' wide and stormwater planters should also be at least 5' wide to function as designed (preferably wider). These streets should meet the desired intersection spacing standards and maximum block length recommendations described in **Chapter 5: Land Use.**

### Transitional Street-Phasing

Creating a transitional street is one way to complete initial modifications that enhances mobility, particularly for pedestrians and bicyclists, but the cost of completely rebuilding the street is high.

### Example

SE McBrod Avenue, which is essentially the recommended transitional street, has approximately 60' right-of-way with an active rail spur. At present, cars and trucks park on-street in the right-of-way. **Figure 5** illustrates what a transitional street might include. The City of Milwaukie is already planning on improving the roadway, which will address stormwater treatment for the rail line and add sidewalks to the east side of McBrod. A future modification **(Figure 6)** should create an at-grade rail line to provide better access to the adjacent buildings, and incorporate stormwater, open space and riparian area improvements to Johnson Creek.

## FUTURE BIKE AND PEDESTRIAN CIRCULATION

**Figure 7** shows the non-motorized street network, which would provide better access to MAX, the Springwater Corridor, and areas within and outside the project area.

- **Better east-west connections to the Tacoma LRT station:** Future redevelopment of the NMIA should improve bike and pedestrian circulation to take better advantage of the Tacoma LRT station by addressing the barriers to reaching the station and the challenging pedestrian environment along McLoughlin Boulevard and Ochoco Street. This includes adding bike lanes and signage along Ochoco Street and an improved intersection at Ochoco Street and McLoughlin for all modes of travel.
- **Improved access to the Springwater Corridor:** The Plan incorporates the TSAP recommendations to create a separated multi-use path. This path will eliminate gaps in the pedestrian network to establish a seamless connection between the Springwater Corridor (as well as the Tacoma LRT station) and other parts of the NMIA, to separate bicycles and pedestrians from freight traffic along the roadway.
- **Creating connections adjacent to the project area as well as within the district:** Better connections for bikes and pedestrians from the Ardenwald neighborhood (east of project area) at Mailwell Drive and Ochoco Street/Roswell.

On the west side of the NMIA, a multi-use path is proposed along SE McBrod Avenue adjacent to Johnson Creek. This new path will make it possible for people traveling along the Springwater Corridor to access the lower reach of Johnson Creek, as well as tie into the 17th Avenue multi-use path that connects to Downtown Milwaukie.



RS70

## TRANSIT ACCESS CONSIDERATIONS

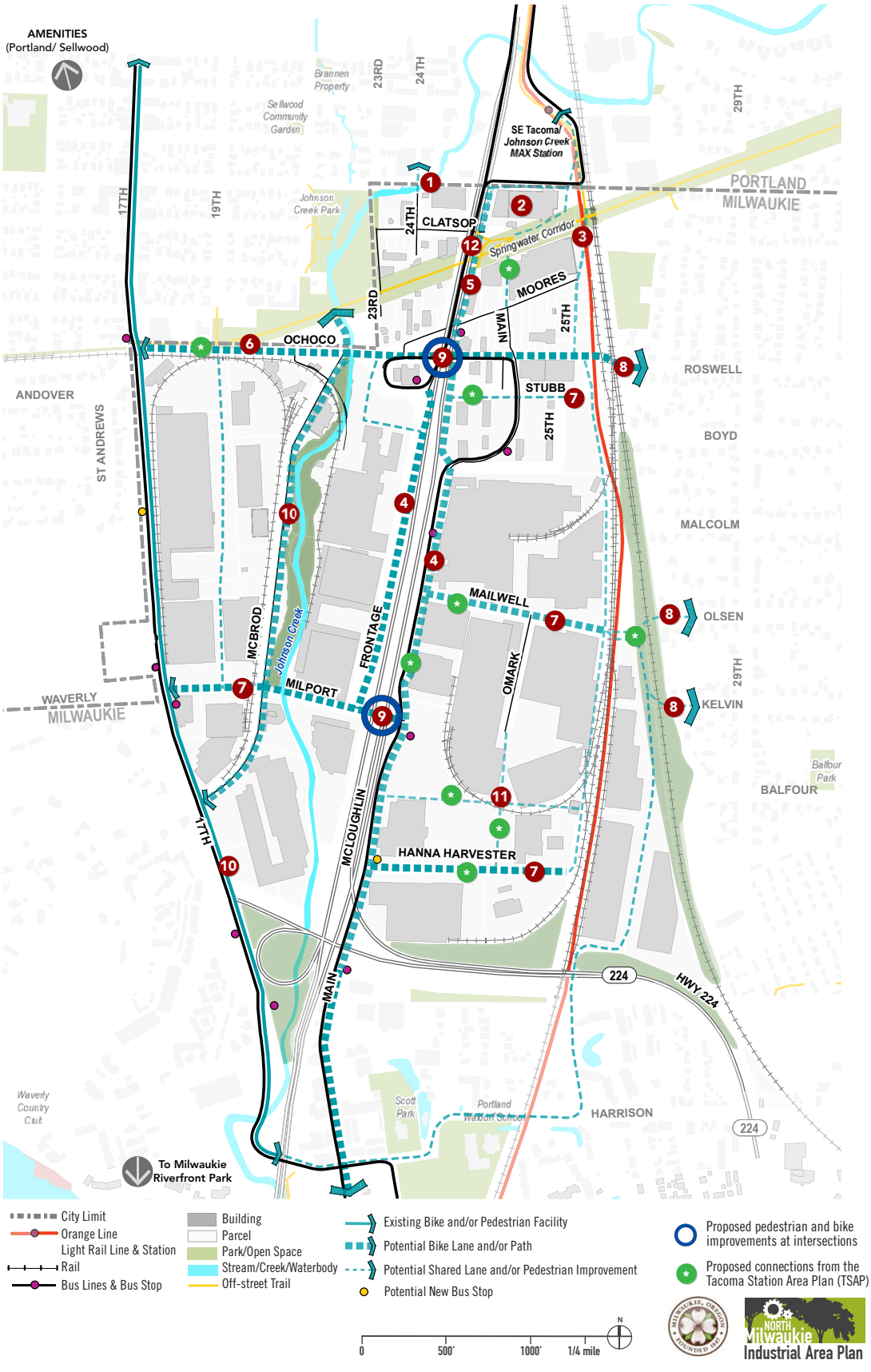
TriMet bus routes 70 (along 17th Avenue) and 30, 34, and 99 (along Main St) serve the project area. The project area is also served by the Tacoma/Johnson Creek MAX Station, located north of the project boundary.

New smaller-scale, flexible industrial and incubator spaces (without accompanying residential) on both west and east sides of the project area will bring more workers to NMIA. While some NMIA employees will use personal vehicles, a portion of them will rely on transit to get to and from work. Improving connections to adjacent neighborhoods can provide nearby residents access to work, transit, and recreation. Additionally, the Plan recommends creating a transportation management association (TMA) to coordinate transportation and parking issues within the NMIA. The goal of the TMA is to reduce single occupancy vehicle use, support businesses in the NMIA, and coordinate and manage transportation and parking needs. Implementation of an NMIA parking management plan will further support this effort.



RS71

## FIGURE 7: NON-MOTORIZED STREET NETWORK






RS72

## NON-MOTORIZED STREET NETWORK AND IMPROVEMENTS

1. Provide a pedestrian connection over Johnson Creek at 24th.
2. Extend the pedestrian path from the Springwater Trail near Clatsop to circle the Pendleton site and connect to the LRT station.
3. Create a future separated pathway upon redevelopment on the west side of the LRT track from Ochoco north crossing the Springwater Trail and connecting to the LRT station or use the existing proposed connection from the TSAP on Main.
4. Enhance pedestrian and bicycle facilities on Main and Frontage with multi-use paths.
5. Add buffer and signage to protect pedestrians and bicycles along McLoughlin north of Main to the LRT station as a current/interim connection.
6. Provide bike lanes along the length of Ochoco.
7. Improve Stubb, Milport, Hanna Harvester and Mailwell for pedestrian and bicycle access and develop a future connection from each of these to a north/south access from Ochoco to Hanna Harvester along the west side of the LRT track, upon redevelopment.
8. Develop at-grade bicycle/pedestrian connection across the railroad tracks at Kelvin or Olsen and at Roswell.
9. Create a safe crossing for bicyclists and pedestrians at the Ochoco and Milport intersections at McLoughlin.
10. Connect Johnson Creek Park to Riverfront Park via greenway trail along Johnson Creek or along McBrod. South of Milport, trail follows McBrod to 17th.
11. Develop pedestrian linkages or path upon redevelopment.
12. As an interim measure to connect the light rail station to the NMIA south of the Springwater Corridor, add bicycle/pedestrian improvements of existing right-of-way along McLoughlin under the Springwater Corridor.

**District-wide:** Provide pedestrian and bicycle connections along new local streets and fill gaps in the sidewalk system on one or both sides of these streets.



RS73

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RS74

# chapter 5: land use

Creating an innovative and diverse business mix in the NMIA requires both a commitment to creating and implementing an economic development strategy, one of the recommended actions of the Plan, and adopting a land use regulatory system that is flexible.

The Land Use Framework balances new and existing uses, but also promotes higher density employment with recommended changes to permitted uses. **Figure 8** illustrates the proposed land use zoning for the NMIA.

## Recommended Land Uses

**Table 3** summarizes the primary land uses envisioned for NMIA and indicates whether these uses are currently permitted as a primary use or as an accessory or conditional use. Recommended primary land uses include similar uses in today's NMIA, as well as additional uses that are more flexible in creating employment uses.

The primary land uses in Table 3 will be translated into zoning and site design standards as part of the project implementation process, one of the first steps in implementing the Plan.

Primary land uses are the major land uses that implement the NMIA vision. Proposed zoning designations include combining the three existing Tacoma Station Area subareas (1, 2, and 3), and one new zone (NMIA). This reduces the number of zones within the NMIA to two districts. For existing zoning in the NMIA, refer to the Existing Conditions Report (Page 10)
Map 3: Zoning.

**In this chapter:**


- Recommended Land Uses
- Desired Built Form




RS75




*Hood River Industrial Area mixes traditional warehousing and manufacturing with office mixed-use.*

Tacoma Station Area Plan Zoning prescribed under the Tacoma Station Area Plan will be combined into one zoning district. The TSA district will continue to take advantage of the area's strategic location near the Tacoma MAX Station, the Sellwood neighborhood, Johnson Creek and the Springwater Corridor. The general purpose of the TSA district is to still allow some commercial and residential uses as well as intensive employment uses.

Design considerations within the TSA district include the following:

- 19.303.3 Development Standards regarding commercial mixed-use zones
- Building heights: minimum of 25 ft. and maximum of 65 ft., allowing for multistory mixed use buildings
- Street frontage: development should be oriented to the local street network where there are strong pedestrian connections.
- Maximum block length: 300-530 feet

## Desired Built Form

The NMIA (proposed) zone would permit existing industry, but also increase the type and extent of employment uses. Future design considerations should include the following:

- Emphasis on increasing employment density with varied uses and building types, potentially using incentives;
- Priority for flex space, light manufacturing (including maker space), research & development (R&D);
- Building heights: minimum of 25 ft. and maximum of 65 ft. Mixed use and vertical industrial permitted;
- Street frontage: per standards in the TSAP;
- Maximum block length: 600 to 1,200 feet.; and
- Parking standards recommended in the parking management strategy (To be completed).

Future streets and buildings should blend the physical design of buildings in relationship to the street front, and consider a range of factors such as density, public spaces and natural features, and green building design and development. Specific applications can include:

- Activated Street fronts: Successful urban streetscapes attract people because they are active, exciting and safe. Elements such as blank walls and surface parking adjacent to sidewalks discourage street activity and erode the pedestrian realm. Active streetscapes should be encouraged by adopting design standards to ensure that buildings provide a safe and attractive edge to the pedestrian realm. This could include:
  - » Main building entrances should be located on the street (as opposed to a parking lot);
  - » New buildings should meet minimum transparency requirements for the building's primary frontage. This can include glass doors and windows, transparent garage doors and other elements that reduce the monolithic features of large buildings (including warehouses);
  - » Require varied façade treatments to reduce the monolithic qualities of a building. Typical requirements found in mixed-use and employment areas require changes in building façade every forty feet;
  - » Building materials. While this is an employment district, tilt up concrete construction should only be permitted if it can meet materials and transparency requirements described above. Raw concrete exteriors should be painted.
- Public Spaces and Natural Features: NMIA is well suited to build on unique and district-defining features to create an identity and brand. Existing water towers, historic machinery and rail materials, and Johnson Creek can all be used to better define the unique character of the area. These features should be enhanced, showcased and integrated into the design of new site amenities and public spaces, creating a common identity for NMIA.
- Reuse and Repurposing: Many of the buildings in the NMIA are very old (more than 50 years), but are well maintained and fully utilized. Older buildings can be creatively and adaptively reused as new office space, flex-space and small scale manufacturing. Sites such as the former ODOT building should be preserved and enhanced to protect the character of the NMIA. The Pendleton Woolen Mills adjacent to the Tacoma LRT station is a prime development opportunity.
- Green Design and Development: Green infrastructure includes alternative energy sources, a healthy urban forest, on-site stormwater management such as green roofs, regional stormwater retention in planted areas, pervious paving, rain barrels and on-site detention tanks, and reuse of stormwater and greywater for irrigation, toilets and heat recovery. Energy consumption can be reduced by adaptively reusing existing buildings and requiring that all new construction and major remodels meet the goals of the greater NMIA as an ecodistrict.
- Restoration and Integration of Johnson Creek: Chapter 7 provides several actions to improve Johnson Creek, an important local and regional asset that provides a contrasting natural green space to the surrounding industrial lands within NMIA. New development along Johnson Creek should be oriented to the water, including building entrances and pedestrian areas. Other improvements could include stormwater infrastructure, native plant and tree restoration, public trail or interpretive sites and impervious surface reduction projects.



RS77

### TABLE 3: PRIMARY LAND USES AND PROPOSED ZONING

| Proposed Primary Land Use Category (with examples) | Proposed Zoning | |
|---|---|---|
| | MTSA (combined 1-3) | NMIA |
| MANUFACTURING | | |
| Manufacturing and Production | • | • |
| Creative space; studios | • | • |
| Repair and Service; Construction-related businesses | • | • |
| Waste Management | | •[4] |
| DISTRIBUTION | | |
| Wholesale Trade | • | • |
| Warehousing and Storage | •[1] | • |
| OFFICE | | |
| Service Office<br>*High level of face to face interaction with customers* | • | • |
| Production Office; Research and Development<br>*Limited face to face interaction with customers* | • | • |
| COMMERCIAL/RETAIL | | |
| Retail Sales; Personal Service; Repair Businesses | •[3] | •[3] |
| Eating and Drinking Establishments | • | •[3] |
| Health Club/Gym | •[3,4] | •[3,4] |
| COMMUNITY SERVICE USE | | |
| Government offices | •[4] | • |
| Transit Facilities | •[4] | •[4] |
| Schools (public or private) | •[4] | •[4] |
| Recreation facilities (public or private) | •[4] | •[4] |
| Parks and open space | • | • |
| Utilities (pumping stations, water wells); communication facilities | •[4] | • |
| RESIDENTIAL | | |
| Multifamily/Mixed Use | • | |

[1] Warehouse must be accessory to an industrial use or other permitted use

[2] See definitions for Service Office and Production Office

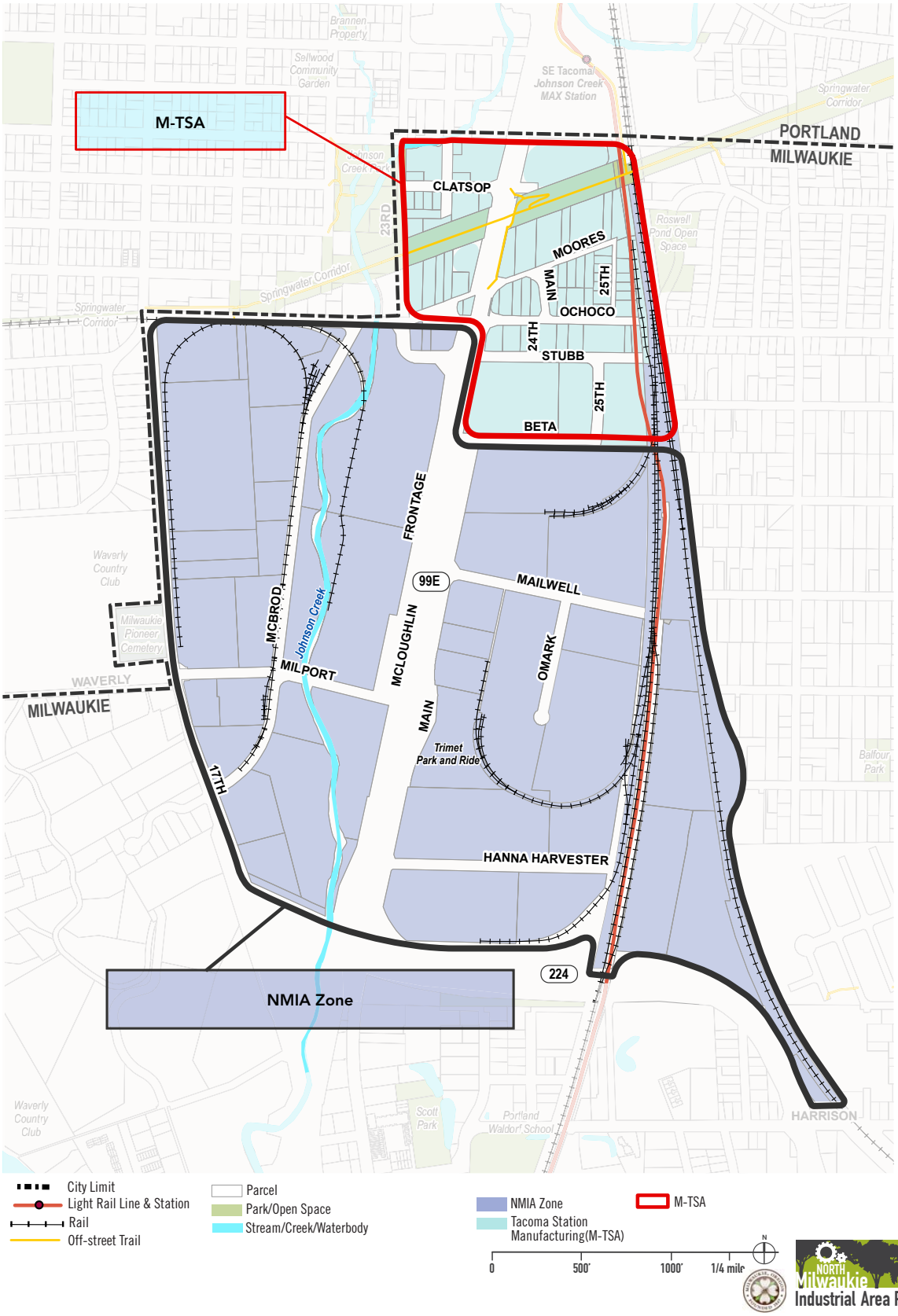
[3] Limited Uses: Limitations on size, location, and/or review process; primarily intended to serve district employees

[4] Conditional Use or Community Service Review (Type III)



RS78

## FIGURE 8: PROPOSED ZONING

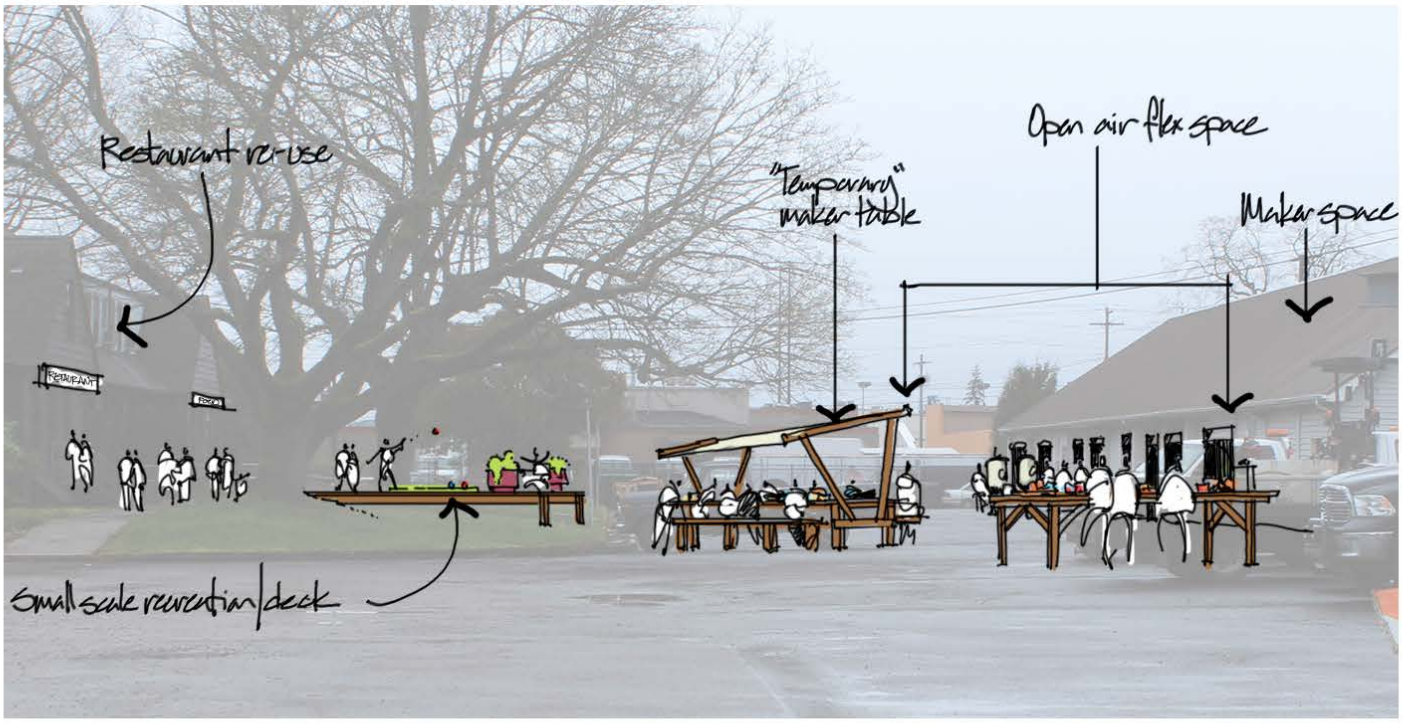





RS79

**FIGURE 9: (ODOT SITE) EXISTING AND CONCEPTUAL**

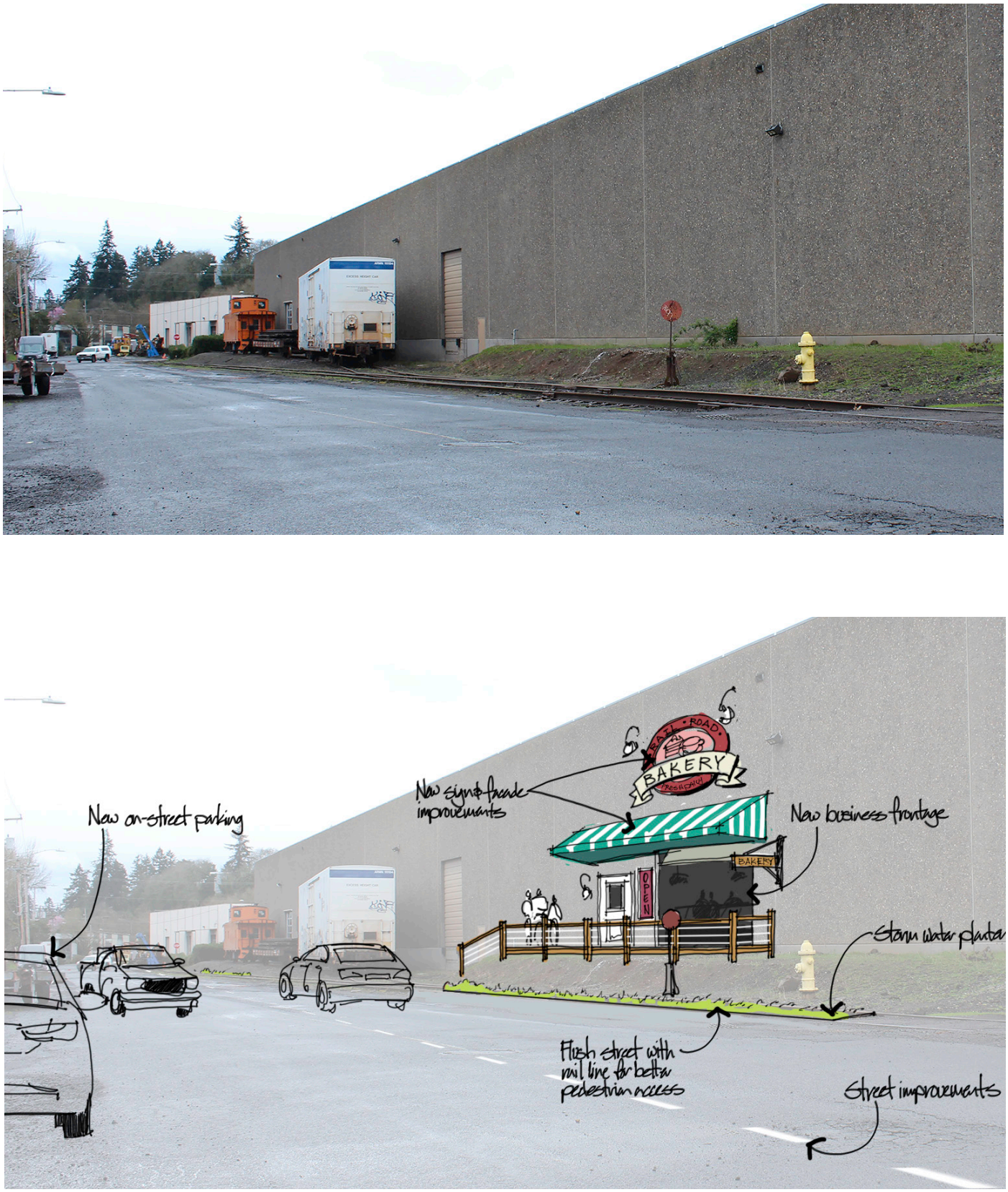







RS80

FIGURE 10: MCBROD AVE. NORTH EXISTING AND CONCEPTUAL

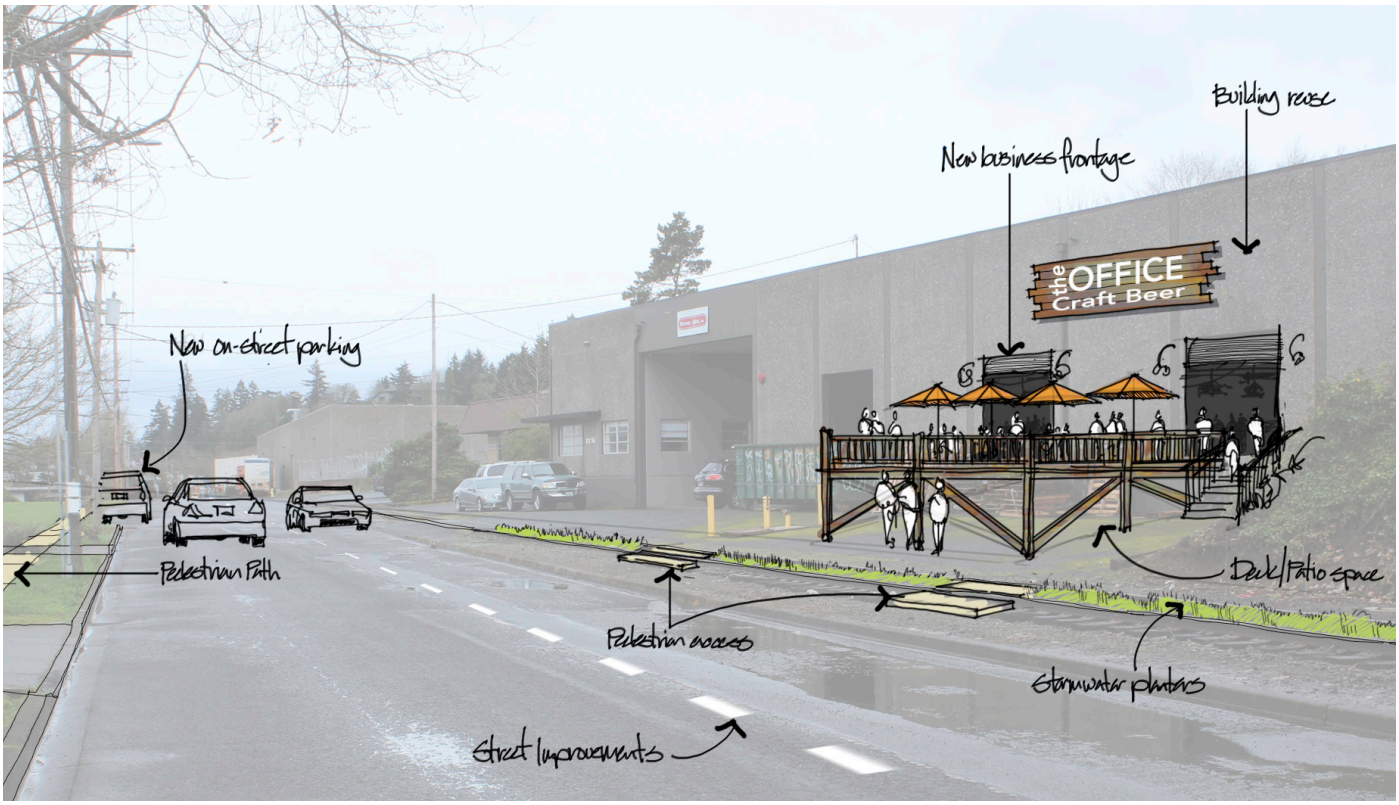





RS81

FIGURE 11: MCBROD AVE. SOUTH EXISTING AND CONCEPTUAL








RS82

# chapter 6: infrastructure

As the NMIA redevelops, there will be opportunities to upgrade and improve existing infrastructure systems and restore natural areas.

Specific strategies for stormwater management and district-level services will help support existing businesses as well as redefine the area as an ecodistrict (see Chapter 3: Ecodistrict Framework) and attractive environment for future development. Infrastructure improvements focus on implementable strategies that can be reasonably developed without significant changes to existing buildings, while still providing infrastructure to support future uses and construction that implements the sustainability goals of the Plan.

Retrofitting areas with more sustainable and resource reducing systems, such as greywater systems, can be challenging when an area is already highly developed. Incremental infrastructure improvements are more likely to occur. For the NMIA, a combination of building focused systems that can be developed at the individual site level in combination with systems that are easier to create incrementally through public investment and development fees, such as regional or district level stormwater and green streets, are often more feasible and have greater branding and economic development potential.

Generally, existing infrastructure is located within existing rights-of-way. As new development occurs in the NMIA on existing vacant parcels or through redevelopment of existing buildings, water and sewer infrastructure would be extended from the existing system to serve new development. New public roads should include infrastructure to serve future development.

**In this chapter:**


- Sewer and Water
- Stormwater and Johnson Creek
- District Energy
- Fiber and High Speed Internet




RS83




*Johnson Creek near Ochoco Street*

## SEWER AND WATER

The 2010 Water System Master Plan states that there is generally capacity in the existing system for build out based on the current zoning. Upgrades to existing sewer and water lines are not assumed to be necessary under the proposed land use mix for this plan.

However, water saving features should be required in all new development to reduce water and sewer demand. Greywater systems should be encouraged (through incentives, such as reduced fees or rates) for new buildings.

The 2011 Wastewater Master Plan states that the system has capacity based on the existing zoning, although there are some failing or damaged pipes that need to be replaced within the NMIA. This would not necessarily limit redevelopment within the area.

There is an existing sewer main along SE McBrod Avenue that could provide an opportunity to treat wastewater and redistribute it back within the industrial area.

A membrane bioreactor (MBR) facility (sewer mine) would treat the water for non-potable uses such as irrigation or toilet flushing in new buildings or retrofitted existing buildings. Non-potable uses are distributed in a separate purple pipe system to differentiate from potable uses.



RS84

## STORMWATER AND JOHNSON CREEK

According to the Department of Environmental Quality, Johnson Creek exceeds the total maximum daily loads for bacteria, temperature, mercury, PCBs, PAHs, DDE, DDT, and Dieldrin, which can originate from untreated stormwater entering Johnson Creek from adjacent areas. Reducing the amount of untreated stormwater can be a challenge if both on site and regional stormwater options are not considered.

Onsite stormwater systems can be challenging to develop, particularly on smaller sites where a high percentage of building coverage can limit stormwater retention and treatment options. An additional challenge is that any new development will trigger the current stormwater code that requires on site treatment. Regional stormwater treatment should be considered for the following reasons:

- Creating regional facilities represents a potential cost savings to individual development projects, insofar as the regional facility creates economies of scale.
- It is an opportunity (with one or more regional facilities) to treat multiple properties in a single facility. These can include detention ponds, bioswales or similar facilities without needing redevelopment to occur to address the stormwater issue onsite.
- Regional stormwater is an opportunity to pursue grant funding through partnerships with other organizations interested in improving conditions along the Johnson Creek corridor, in conjunction with land use changes and infrastructure improvements including roads and natural areas.
- Developing a stormwater treatment project can improve the quality of Johnson Creek, benefiting existing businesses and helping to develop a brand for the area through the project outcome, catalyzing redevelopment along McBrod.
- Existing Johnson Creek riparian and stream buffers could be locations for low impact facilities to treat stormwater runoff and where the City could allow properties to mitigate for on-site stormwater off site in a regional facility.

Regional stormwater facilities may require a variance from the City's "Design and Performance Criteria for Stormwater Detention and Water Quality Treatment Facilities Constructed on Private Property," which states:

*"Except as permitted by the Engineering Director, as provided by the Public Works Standards, on-site mitigation facilities shall be located on private property and shall not be located on property that will become a public right-of-way, public stormwater easement, or future street plan."*

The Johnson Creek Watershed Council has been working to promote stewardship and restoration of Johnson Creek. There are precedent examples where they have coordinated with businesses and property owners in the project area to restore and improve Johnson Creek and its associated riparian corridor. Working as a partner, the City can coordinate and partner with this group to identify additional restoration efforts that could both meet the needs of Johnson Creek and provide a positive impact to property owners and as a catalyst project for the NMIA.

Potential projects related to Johnson Creek include channel and buffer restoration and upstream stormwater quality improvements to reduce quantity of polluted runoff into the stream.

## DISTRICT ENERGY

Creating a district energy system can be challenging to successfully implement, even incrementally, where there is already existing infrastructure and development. District energy systems are often created in new development or through a phased development plan where the district energy system is designed along with the buildings.

However, there are opportunities to incorporate renewable energy, specifically solar energy. The large roof areas of the industrial businesses may provide opportunity for solar panels. Portland General Electric provides power to the project area and individual properties and may provide buy back opportunities for excess energy produced in the district. Solar and other energy conservation measures can be implemented over time as buildings are redeveloped or building owners choose to install systems. The large number of existing buildings could support a significant amount or renewable energy.

## FIBER AND HIGH SPEED INTERNET

Fiber and high speed internet (wired or wireless) are essential for future businesses, particularly those with a web presence or where large amounts of data are shared between offices. From a NMIA marketability standpoint, access to high speed internet is something that businesses expect. While some businesses might add their own service if there are other features of the NMIA that make it attractive and affordable, easy access to this infrastructure is a basic component of any modern employment area.



RS86

# chapter 7: interventions, prioritized actions and funding

The Plan provides a framework for short- and long-term actions to implement the vision, goals, and objectives through specific actions that will be accomplished over the life of the Plan. Change happens slowly, and for dramatic long term change to happen, many factors will need to be addressed.

The Plan focuses on incremental actions and strategic policy initiatives such as zoning, forging key partnerships, and appropriate infrastructure investments scaled to the City's limited resources. The NMIA will not change overnight, nor is the intent to force unwanted change on existing property owners. The aim is to strengthen the best aspects of the area, take advantage of opportunities as they arise, and gradually move towards the aspirations set forth in the vision and goals.

Understanding that the market can change at any time, the City wants to be ready and poised for change in a strategic way that responds to the public feedback received through this process, and in a way that adequately contributes to a healthy jobs/housing balance for the City as whole, providing increased employment density and living wages for a variety of skills and education. In turn, this will allow the City to move toward the aspirations set by the vision and goals as market and opportunities allow.

## PRIORITIZED IMPLEMENTATION MATRIX

This chapter identifies the specific action items necessary to implement the Plan with approximate timing and potential funding resources. Advancing the broad range of goals, strategies and projects included in the Plan will require the thoughtful and collaborative implementation of numerous specific actions. In some cases, regulatory actions may be the best ways to facilitate implementation. In other instances, public, private or public-private investment may be required. The City can also facilitate change directly through use of public property (existing or acquired) and/or to help broker property transactions based on implementation strategies. As always, good working collaboration between the City, other public agencies and key stakeholders will be crucial, and where gaps in partnerships exist, the formation of new partnerships will be needed. Table 4 summarizes the prioritized plan recommendations.

This Implementation Plan will be used by the City throughout the life of the Plan and should be periodically reviewed and updated to reflect conditions as they change over time. Some funding sources, such as Local or Businesses Improvement Districts and Urban Renewal, will require additional analysis to determine if they are appropriate for the NMIA.

**In this chapter:**


- Prioritized Implementation Matrix
- Funding and Financing
- Tax Credits and Abatements
- Other Incentives




RS87

**TABLE 4: PRIORITIZED IMPLEMENTATION MATRIX**

| | Action Items | Timeframe | Estimated Cost | Primary Responsibility/ Partners | Potential Funding Sources |
|---|---|---|---|---|---|
| | **Goal 1: Economic Development and Employment. Encourage a balance of employment-focused land uses, programs and resources that increase private capital investment and family-wage jobs.** | | | | |
| | **Objective 1.1. Support existing businesses as the district evolves over time.** | *See actions for this objective* | | | |
| • | Action 1.1.1. Create a NMIA Business Association that will advocate for the needs of existing and future businesses. | 1-2 years | NA | Business and Property Owners, City Staff | Business or Economic Improvement District, General Fund |
| | Action 1.1.2. Maintain a current business contact list, including those in flex space locations to be used to inform businesses of relevant NMIA and citywide issues. | Ongoing | NA | Community Development Department | General Fund, BID/EID |
| • | Action 1.1.3. Hire or assign a City economic development coordinator for the NMIA to be the single point of contact for all businesses activity in the district. | Complete | NA | Community Development Department | General Fund, BID/EID |
| | **Objective 1.2. Build upon the locational advantages of the NMIA and its role within the region to increase employment density.** | *See actions for this objective* | | | |
| • | Action 1.2.1. Develop a branding strategy that highlights the industrial history of the area. Specific elements should include:<br>» The historic ODOT building, the water tower on Hanna Harvester, mechanical infrastructure on Frontage Road, and Johnson Creek as branded elements;<br>» Identifies the area as a unique district and identifiable from McLoughlin Boulevard;<br>» Focuses on taking advantage of the district's proximity to transit and TOD supportive zoning. | 1-3 years | 50-100K | Community Development Department | Urban Renewal, Local Improvement District, (LID), City CIP/Grants |
| | Action 1.2.2. Develop and implement a business recruitment strategy that targets businesses identified in the City's Economic Opportunities Analysis. | Complete | TBD | Community Development Department | General Fund |

"•" denotes Ecodistrict-related element



RS88

**TABLE 4: PRIORITIZED IMPLEMENTATION MATRIX (CONTINUED)**

| | Action Items | Timeframe | Estimated Cost | Primary Responsibility/ Partners | Potential Funding Sources |
|---|---|---|---|---|---|
| | **Objective 1.3. Support catalytic development of identified opportunity sites by incentivizing cluster-style development for multiple businesses to locate and grow.** | *See actions for this objective* | | | |
| | Action 1.3.1. Coordinate with Clackamas County and the State of Oregon to relocate OLCC, County correctional facilities, TriMet and ODOT facilities and acquire properties. | ODOT:1-2 years; Others: TBD | TBD | Community Development Department, Clackamas County Economic Development | Urban Renewal, General Fund or GO Bonds |
| | Action 1.3.2. Develop a revenue source, such as urban renewal to devote money to acquiring and controlling land within the NMIA for future development. | 2-4 years | 50K (for Urban Renewal Study) | Community Development Department | Urban Renewal, General Fund or GO Bonds |
| | **Objective 1.4. Support creative re-use of existing buildings that permit flex-space uses.** | *See actions for this objective* | | | |
| | Action 1.4.1. Create a funding and incentive program to assist existing building owners to complete low-cost upgrades to systems that increase usage for flex space. | 2-4 years | TBD | Community Development Department | Tenant Improvement Grants could be funded by Urban Renewal, CDBG Loans or grants, or tax exempt bonds. Microenterprise and Small Business Loans |
| | **Objective 1.5. Attract development and users that will take advantage of existing transit and non-motorized travel options.** | Ongoing | NA | Community Development Department | General fund |
| | *See actions under Objective 1.2* | | | | |
| | **Objective 1.6. Create an environment where a variety of small, medium and large businesses thrive and co-exist.** | *See actions for this objective* | | | |
| | Action 1.6.1. Modify zoning to allow multi-story buildings | 6-12 months | NA | Community Development Department | General fund |
| | Action 1.6.2. Permit small scale retail uses in conjunction with other employment or residential development. Retail development should not be the primary use in any portion of the NMIA. | 6-12 months | NA | Community Development Department | General fund |

"•" denotes Ecodistrict-related element



RS89

**TABLE 4: PRIORITIZED IMPLEMENTATION MATRIX (CONTINUED)**

| | Action Items | Timeframe | Estimated Cost | Primary Responsibility/ Partners | Potential Funding Sources |
|---|---|---|---|---|---|
| | **Objectives 1.7. Support emerging small businesses, including small-scale manufacturing and "maker" spaces.** | *See actions for this objective* | | | |
| | Action 1.7.1. Fund and implement a "storefront improvement program" to fund small-scale improvements of existing buildings. | 2-5 years | TBD | Community Development Department | Urban Renewal, General Fund, BID/EID |
| | Action 1.7.2. Partner with the Portland Community College and Clackamas Community College to provide small business training assistance for emerging small businesses. | 1-3 years | TBD | Community Development Department, Clackamas and Portland Community Colleges, Clackamas County | General Fund, BID |
| | **Objective 1.8. Actively recruit target industries while also assisting existing businesses that want to expand employment.** | Ongoing | NA | Community Development Department | General Fund, BID, EID |
| | *See Action 1.1.3.* | | | | |
| | **Objective 1.9. Identify strategies to fund public improvements through a combination of public and private sources.** | *See actions for this objective* | | | |
| | Action 1.9.1 Encourage the use of local and/or business improvement districts to fund projects. | 2-5 years | NA | Community Development and Finance Departments | NA |
| | **Objective 1.10 Develop a parking management plan for the district.** | *See actions for this objective* | | | |
| • | Action 1.10.1. Create a Transportation Management Association (TMA) that coordinates with the City on managing parking, transit and non-automobile circulation for the workers it serves. | 2-5 years | TBD | Community Development Department, City of Milwaukie | Transportation Management Area (TMA), General Fund |
| • | Action 1.10.2. Acquire or lease land for centralized parking locations. | 1-5 years | TBD | Community Development and Finance Departments, City of Milwaukie | Urban Renewal, LID, General fund or GO Bonds |

"•" denotes Ecodistrict-related element



RS90

**TABLE 4: PRIORITIZED IMPLEMENTATION MATRIX (CONTINUED)**

| | Action Items | Timeframe | Estimated Cost | Primary Responsibility/ Partners | Potential Funding Sources |
|---|---|---|---|---|---|
| • | Action 1.10.3. Offer flexible parking options for new construction to locate parking on-site or through a district parking program. | 1-5 years | TBD | Community Development Department, City of Milwaukie | Transportation Management Area (TMA), General Fund |
| • | Action 1.10.4. Through a TMA, create a local circulator system that connects shared parking locations with employers and Downtown Milwaukie. | 5-7 years | TBD | | TMA, BID, General Fund |
| • | Action 1.10.5. Through a TMA, create an incentive program that provides free or reduced cost bus passes for NMIA employees and/or commuter incentives for those walking, carpooling or riding bicycles to work. | 5-7 years | TBD | | TMA, BID, General Fund |
| **Goal 2: Infrastructure. Identify infrastructure improvements necessary to meet existing and future planned development needs.** | | | | | |
| | **Objective 2.1. Create a phased infrastructure improvement program that upgrades existing infrastructure to meet current and future demand, including facilities for electric vehicle charging, leverages private investment that embodies the vision for the area and provides a strong return on investment.** | *See actions for this objective* | | | |
| • | Action 2.1.1. On an annual basis, the City planning and public works staff should review the prioritized project list within this Plan to identify projects to include within the City's Capital Improvement Program. | 1-2 years, ongoing review | NA | Community Development, Finance and Public Works departments | General Fund |
| | **Objective 2.2. Explore strategies for infrastructure that reduce demand on citywide systems, such as on-site or district-wide stormwater and wastewater treatment.** | *See actions for this objective* | | | |
| • | Action 2.2.1. Partner with ODOT to develop a green street demonstration project for McLoughlin Boulevard between Downtown Milwaukie and the Springwater Corridor Pedestrian Bridge. | 5-10 years | TBD | Public Works and ODOT | Urban Renewal; Regional & State Grants |

"•" denotes Ecodistrict-related element



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**TABLE 4: PRIORITIZED IMPLEMENTATION MATRIX (CONTINUED)**

| | Action Items | Timeframe | Estimated Cost | Primary Responsibility/ Partners | Potential Funding Sources |
|---|---|---|---|---|---|
| • | Action 2.2.2. Develop a Johnson Creek Corridor Plan that identifies both water quality and physical improvements to the corridor. The focus should be on improving watershed health and stormwater management from adjacent right-of-way and development. | 3-5 years | 75-150K | Community Development Department, Watershed Council | Grants, Urban Renewal, General Fund |
| • | Action 2.2.3. Develop SE McBrod Avenue as a demonstration project that integrates green street/shared facility approaches to treat both right-of-way and adjacent development. | 3-5 years | TBD | Public Works Department (Integrate with current project)<br><br>Adjacent businesses | Grants, LID, Urban Renewal |
| • | Action 2.2.4. Develop a stormwater master plan for the NMIA that addresses the following:<br><br>» Focus on short-term actions that are property focused and can be implemented immediately, particularly adjacent to Johnson Creek.<br><br>» Identifies locations and sizing for one or more regional facilities on the west side of McLoughlin Boulevard.<br><br>» Explores an integrated street/shared facility approach.<br><br>» Identifies green or eco roof options to treat stormwater on-site<br><br>» Explores funding options such as public/ private partnerships and fee-in-lieu approaches. | 2-5 years | 150-200K | Community Development and Public Works Departments<br><br>Adjacent Businesses<br><br>DEQ<br><br>Johnson Creek Watershed Council | Grants, General Fund |
| • | Action 2.2.5. Update existing building standards to encourage all new buildings or significant renovations to double plumb buildings for greywater recirculation. | 1-2 years | NA | Community Development Department | General Fund |
| • | Action 2.2.6. Provide incentives for existing businesses to replace existing plumbing fixtures with low-flow and other water saving materials. | 2-5 years | TBD | Community Development Department | Grants, BID, Private Businesses |

"•" denotes Ecodistrict-related element



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**TABLE 4: PRIORITIZED IMPLEMENTATION MATRIX (CONTINUED)**

| | Action Items | Timeframe | Estimated Cost | Primary Responsibility/ Partners | Potential Funding Sources |
|---|---|---|---|---|---|
| • | Action 2.2.7. Encourage green/eco roof retrofits for existing buildings. Encourage all new buildings to integrate green stormwater infrastructure into the building and/or site design. | 1-3 years. Ongoing | NA | Community Development Department | Grants, LID, Urban Renewal |
| • | Action 2.2.8. Create a "sewer mining district" that connects to the sewer main line at the southwest corner of the NMIA to reduce wastewater flow to the City main treatment system. | 10-15 years | $3.5-4 million | Public Works Department | Grants, Urban Renewal, Private Businesses |
| | **Objective 2.3. Extend high speed fiber optic service to the NMIA.** | 3-5 years | TBD | | Business Oregon, LID, Urban Renewal |
| | **Objective 2.4. Increase the use of solar energy and related infrastructure that reduces energy/resource use for existing building retrofits and new building construction.** | *See actions for this objective* | | | |
| • | Action 2.4.1. Identify a goal for energy consumption in the NMIA that will originate from renewable sources as part of a future citywide Climate Action Plan. | 1-2 years | NA | Community Development Department | General Fund |
| • | Action 2.4.2. Retrofit existing streetlights with LED lighting. | 3-5 years | TBD | Public Works Department, ODOT | LID, Urban Renewal |
| • | Action 2.4.3. Through the NMIA coordinator position, aid in securing grant funding for solar energy. | Ongoing | NA | Community Development Department | Energy Trust of Oregon |
| • | **Objective 2.5. Identify landscape and streetscape enhancements that help address flooding and enhance key gateways to the NMIA District and near significant public use areas such as the Johnson Creek corridor.** | 1-5 years | TBD | Community Development and Public Works Departments<br><br>Johnson Creek Watershed Council | General Fund, BID, Grants |

"•" denotes Ecodistrict-related element



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**TABLE 4: PRIORITIZED IMPLEMENTATION MATRIX (CONTINUED)**

| | Action Items | Timeframe | Estimated Cost | Primary Responsibility/ Partners | Potential Funding Sources |
|---|---|---|---|---|---|
| | **Objective 2.6. Coordinate infrastructure improvements, including parking management, across agencies to implement infrastructure goals.** | Ongoing | NA | Community Development, Public Works and Finance Departments<br><br>ODOT<br><br>TMA | TMA, Private Businesses, General Fund |
| • | **Objective 2.7. Increase and protect tree canopy along Johnson Creek, parking areas and streets where right-of-way is available.** | 1-5 years | TBD | Community Development, Public Works and Finance Departments<br><br>Johnson Creek Watershed Council<br><br>Regional Organizations Partnership | Grants, LID, BID |
| | *See Action 3.3.1.* | | | | |
| **Goal 3: Land Use and Urban Design. Provide for a diverse array of land uses that create an active employment center and facilitate commercial and mixed-use development that supports the employment focus of the district.** | | | | | |
| | **Objective 3.1. Identify land use strategies that increase employment densities and encourage cluster uses.** | *See actions for this objective* | | | |
| | Action 3.1.1. Adopt zoning ordinances that direct where retail can be located. | 6-12 months | NA | Community Development Department | General Fund |
| | **Objective 3.2. Enhance Johnson Creek as an open space amenity and important natural resource that helps attract new and more intensive development, through measures such as riparian restoration and possible creation of a linear park in the open area on the west side of the creek, consistent with the City's designated Habitat Conservation Area requirements** | *See actions for this objective* | | | |
| • | Action 3.2.1. Identify partnership opportunities, including with the Johnson Creek Watershed Council, to identify and develop grant applications to fund riparian area and stormwater improvements. | 6-12 months, ongoing | NA | City of Milwaukie<br><br>Johnson Creek Watershed Council | Metro Natural Areas Grant; Foundations |

"•" denotes Ecodistrict-related element



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**TABLE 4: PRIORITIZED IMPLEMENTATION MATRIX (CONTINUED)**

| | Action Items | Timeframe | Estimated Cost | Primary Responsibility/ Partners | Potential Funding Sources |
|---|---|---|---|---|---|
| • | Action 3.2.2. Improve access and viewing opportunities along Johnson Creek by designing existing vacant land east of SE McBrod Avenue for passive recreation. Add viewpoints at the existing bridge crossings. | 5-7 years | TBD | Community Development Department<br><br>North Clackamas Parks and Recreation District<br><br>Johnson Creek Watershed Council | Grants, LID, Urban Renewal |
| | **Objective 3.3. Ensure that land use and urban design requirements permit multi-story buildings to accommodate "vertical industrial" and manufacturing uses.** | 6-12 months | NA | Community Development Department | General Fund |
| | **Objective 3.4. Focus on branding, public art and wayfinding to create distinct, identifiable features of the NMIA as a true district.** | 1-5 years | NA | Community Development Department | General Fund, Urban Renewal, LID |
| | *See actions under Objective 1.2.* | | | | |
| | **Objective 3.5. Through zoning, restrict residential development except in areas to where it is already permitted.** | 6-12 months | NA | Community Development Department | General Fund |
| **Goal 4: Transportation and Mobility. Create a transportation system that provides safe and direct connections for bicycles and pedestrians while also providing for efficient truck access and circulation.** | | | | | |
| | **Objective 4.1. Create safer and more efficient transportation connections within the district, to Downtown and the neighborhoods and across busy corridors, especially McLoughlin Boulevard.** | *See actions for this objective* | | | |

"•" denotes Ecodistrict-related element



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**TABLE 4: PRIORITIZED IMPLEMENTATION MATRIX (CONTINUED)**

| | Action Items | Timeframe | Estimated Cost | Primary Responsibility/ Partners | Potential Funding Sources |
|---|---|---|---|---|---|
| | Action 4.1.1. Complete a traffic study to identify potential actions to reduce speeds on McLoughlin Boulevard to 30-35 miles per hour and reconfigure the Ochoco and Milport intersections to be more accessible for pedestrians and cyclists. | 7-10 years | TBD | Community Development and Public Works Departments<br>ODOT<br>TMA | General Fund, ODOT, TMA |
| | Action 4.1.2. Based on the outcomes of Action 4.1.1, redesign the Ochoco and Milport intersections to improve wayfinding, circulation and pedestrian safety. Improvements should include geometric and wayfinding/signage improvements. | 7-10 years | TBD | Community Development and Public Works Departments<br>ODOT | LID, Urban Renewal, MTIP and CIP |
| • | Action 4.1.3. Implement recommendations from the Tacoma Station Area Plan that address improved vehicle, bicycle and pedestrian connectivity between the Tacoma light rail station and Downtown Milwaukie. | 5-10 yeas, ongoing | See Tacoma Station Area Plan Project List | Community Development and Public Works Departments<br>ODOT | LID, Urban Renewa, MTIP and CIP |
| | Action 4.1.4. Create a public right-of-way from Mailwell through the existing loading docks to SE 26th. Road design should restrict large trucks from entering the adjacent neighborhoods south of the project area. | 7-10 years | TBD | Community Development and Public Works Departments<br>Private Businesses<br>TriMet<br>UP/P & W Railroads<br>Neighborhoods | LID, Urban Renewal, CIP |
| | **Objective 4.2. Maintain access to heavy rail service where appropriate.** | *See actions for this objective* | | | |

"•" denotes Ecodistrict-related element



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**TABLE 4: PRIORITIZED IMPLEMENTATION MATRIX (CONTINUED)**

| | Action Items | Timeframe | Estimated Cost | Primary Responsibility/ Partners | Potential Funding Sources |
|---|---|---|---|---|---|
| | Action 4.2.1. Redesign SE McBrod Avenue to permit heavy rail access, on street parking and unimpeded vehicle access to the buildings west of the heavy rail tracks (see also Action 2.2.3). | 5-10 years | TBD | Community Development and Public Works Departments<br><br>Local Railroad<br><br>Private Businesses | Grants, LID, Urban Renewal, CIP |
| | Objective 4.3. Develop a street grid that provides options for transit, vehicles, pedestrians and bicyclists to connect to and through the District, where appropriate. | 10-20 years, or as development warrants new road construction | TBD, based private development plans | Community Development and Public Works Departments<br><br>Private Businesses<br><br>Tri Met<br><br>UP/P & W Railroads<br><br>Neighborhoods | Grants, Urban Renewal, Private Development, MTIP and CIP |
| | *See actions under Objectives 4.1.* | | | | |
| • | Action 4.3.1. Extend bicycle and pedestrian connections along SE Ochoco Street to SE Roswell Street across the railroad tracks to improve connectivity and circulation to/ from the project area. | 5-10 years, or as new development creates connections | TBD | Community Development and Public Works Departments<br><br>Private Businesses<br><br>UP and P&W Railroads<br><br>Neighborhoods | Grants, LID, Urban Renewal, MTIP and CIP |

"•" denotes Ecodistrict-related element



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**TABLE 4: PRIORITIZED IMPLEMENTATION MATRIX (CONTINUED)**

| | Action Items | Timeframe | Estimated Cost | Primary Responsibility/ Partners | Potential Funding Sources |
|---|---|---|---|---|---|
| • | Action 4.3.2. Extend the Main Street multi-use path from SE Beta to the light rail station. | 3-5 years | TBD | Community Development and Public Works Departments<br><br>ODOT<br><br>Tri Met | Grants, LID, Urban Renewal, MTIP and CIP |
| • | Action 4.3.3. Develop a bicycle and pedestrian connection across the railroad tracks at approximately Kelvin or Olsen Streets to connect to SE 29th Street. | 5-10 years, or as new development creates connections | TBD | Community Development and Public Works Departments<br><br>Tri Met<br><br>UP/P&W Railroad<br><br>Neighborhoods | Grants, LID, Urban Renewal, MTIP and CIP |
| • | Action 4.3.4. Connect Johnson Creek Park to Riverfront Park via a greenway trail along Johnson Creek and SE McBrod Avenue. The trail would terminate at the multi-use path along SE 17th Avenue. | 5-10 years | TBD | Community Development and Public Works Departments<br><br>Johnson Creek Water shed Council | Grants, LID, Urban Renewal |
| | Action 4.3.5. Provide sidewalks along Milport, Ochoco and new local streets. This includes filling gaps in the sidewalk network. | 5-20 years, as development occurs. | TBD, depending on extent of gaps in sidewalk network | Community Development and Public Works Departments | Grants, LID, Urban Renewal, MTIP and CIP |
| | Action 4.3.6. Reconfigure the Moores/ Ochoco/23rd Avenue area to be more navigable and easier to develop adjacent properties. | 10-20 years | TBD | Community Development and Public Works Departments<br><br>ODOT | Grants, LID, Urban Renewal, MTIP and CIP |

"•" denotes Ecodistrict-related element



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**TABLE 4: PRIORITIZED IMPLEMENTATION MATRIX (CONTINUED)**

| | Action Items | Timeframe | Estimated Cost | Primary Responsibility/ Partners | Potential Funding Sources |
|---|---|---|---|---|---|
| | **Objective 4.4. Provide safe, direct connections to the Tacoma light rail station and Springwater Corridor from both the east and west sides of McLoughlin Boulevard.** | 5-10 years | See Tacoma Station Area Plan Project List | Community Development and Public Works Departments<br><br>ODOT<br><br>Tri Met | Grants, LID, Urban Renewal |
| | *See actions under Objectives 4.1 and 4.3.* | | | | |
| **Goal 5: Community Supported Vision. Create opportunities for NMIA businesses, landowners, employees and the greater community to stay informed and involved in the ongoing development of the District.** | | | | | |
| | **Objective 5.1. Continue to engage businesses and employees in the NMIA and the Milwaukie community in a conversation about the NMIA and its role as an employment and mixed use district.** | *See actions for this objective* | | | |
| | Action 5.1.1. Maintain and regularly update an NMIA website that identifies ongoing projects, new businesses and actions. | Ongoing | 5-10K (annual) | Community Development Department | General Fund |
| | **Objective 5.2. Maintain ongoing communications with existing businesses and landowners to identify potential opportunities and issues in implementing the Plan.** | *See actions for this objective* | | | |
| | Action 5.2.1. Develop and maintain an NMIA email list that is regularly updated with changing businesses to provide district information (see also Objective 1). | Ongoing | NA | Community Development Department | General Fund |

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## FUNDING AND FINANCING

Encouraging new development and redevelopment of properties in the NMIA and improving infrastructure to meet the needs of new and existing users will require financial tools to fill feasibility gaps (especially in the near future when redevelopment is financially challenged), and capital funding programs to construct infrastructure projects. Filling these gaps and financing infrastructure could take several forms and come from several sources. Every community is different, and have difference assumptions, expectations, and capacities to support private development and fund public infrastructure projects.

This chapter contains a library of potential programs and tools that could be used by public and private stakeholders to support existing business, assist with new developments, and finance needed infrastructure. Some of these tools may not be attractive, feasible, or realistic for each private development or infrastructure project. Nevertheless, few areas that have undergone significant redevelopment have relied on a single source of funds or a single public financing tool. It is through the collaboration of multiple stakeholders working in partnership that successful area rejuvenation happens.

Below are four criteria for use when evaluating programs and tools to identify the most appropriate tool for each project. These criteria are focused on public investments and tools, but also provide a helpful framework for any funding mechanism.

1. Economic feasibility. This category covers everything related to creating and maintaining net revenues as efficiently as possible. Efficiency can be broken down into four subcategories: (1) revenue-generating capacity, (2) administrative costs, (3) revenue stability, and (4) revenue flexibility:

    » Revenue-generating capacity considers how much money the source can generate.

    » Administrative cost considers the portion of gross revenues that will be spent on administration. The easier it is to administer the tax or fee, the more of the gross revenue collected that will be available as net revenue for transportation projects and programs in the corridor.

    » Revenue stability and predictability considers whether the source is likely to avoid large fluctuations each year and whether the source is likely to be close to the forecasts analysts might make.

    » Revenue flexibility considers limitations on the types of projects that can be funded with a given source. A funding source may be a little less useful to jurisdictions if its use is limited to certain types of projects.

    » Return on investment. To justify the use of public funds, whether directly as part of a public-private partnership or indirectly in the form of infrastructure investment, the public funds should generate a considerably higher return over time. That is, for every public dollar of investment, the project generates several dollars or more of property tax revenues over time. Other measures, may be considered, such as jobs created or value of private investment.



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2. Political acceptability. Will stakeholders accept or support the tool? Political acceptability considers whether elected officials and the public at large are likely to support the funding source. This depends to a large extent on the efficiency components described above: if a revenue source is legal, efficient, and fair, then it should get political support from the public, advisory groups, and decision makers. For this analysis, we evaluate whether a source is politically acceptable using two approaches: (1) is the source widely used elsewhere in Oregon? And (2) does the source collect revenue mostly from non-locals (as opposed to local residents)?

3. Fairness. In the context of infrastructure funding, the key question related to fairness is "who pays?" A standard definition of fairness in public finance, especially relating to transportation infrastructure, is that the charges that fund the infrastructure system are tied to the users who receive benefits from (or impose costs on) the system. Fairness may also be referred to as equity.

4. Legality. All the benefits of a funding source are moot if the source is not legal or cannot become legal within the desired timeframe. If the source is currently prohibited by State statute, then there is a very big administrative hurdle to be surmounted up front.

Using the above criteria identified a range of potential funding tools. The tools outlined below are grouped into the following funding categories:

- Local Financing – Development Driven
- Tax Abatements and Credits
- Other Incentives



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**TABLE 5: LOCAL FINANCING - DEVELOPMENT DRIVEN**

| 1. URBAN RENEWAL / TAX INCREMENT FINANCE (TIF) | |
|---|---|
| How It Works | Tax increment finance revenues are generated by the increase in total assessed value in an urban renewal district from the time the district is first established. As property values increase in the district, the increase in total property taxes (i.e., city, county, school portions) is used to pay off the bonds. When the bonds are paid off the entire valuation is returned to the general property tax rolls. Urban renewal funds can be invested in the form of low interest loans and/or grants for a variety of capital investments:<br><br>» Redevelopment projects, such as public/private, mixed-use or infill housing developments.<br><br>» Economic development strategies, such as capital improvement loans for small or startup businesses which can be linked to family-wage jobs.<br><br>» Streetscape improvements, including new lighting, trees and sidewalks.<br><br>» Land assembly for public as well as private re-use.<br><br>» Transportation enhancements, including intersection improvements.<br><br>» Historic preservation projects.<br><br>» Parks and open spaces. |
| Fund Sources | Local taxing jurisdictions' permanent rate property taxes. |
| Benefits | » Over the long term (most districts are established for a period of 20 or more years), the district could produce significant revenues for capital projects.<br><br>» TIF can be used to help pay for infrastructure improvements (including parking garages), and provide loans/grants for adaptive re-use and new development.<br><br>» Among the most flexible incentives.<br><br>» Option exists to have a single project-based TIF district |
| Drawbacks | » Defers incremental property tax accumulation by the city and county until the urban renewal district expires or pays off bonds.<br><br>» Due to the sometimes slow or indirect nature of property tax growth in relation to targeted projects, urban renewal can often take five or more years to produce meaningful levels of revenue resulting in loss of project alignment.<br><br>» Complex process requires extensive public involvement and community support, especially from other taxing jurisdictions. The City would need to explore options with county officials and elected leadership, tracking legislative changes in urban renewal law, and meeting with adjacent jurisdictions and overlapping taxing entities.<br><br>» Use of urban renewal can be politically contentious because of its impact on funds available to overlapping taxing districts, and because of the perception that the school districts are adversely impacted.<br><br>» Investing over $750,000 in TIF directly into a new or rehab private project may trigger prevailing wage requirements, which can increase overall project costs by 10 – 20%. |



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**TABLE 5: LOCAL FINANCING - DEVELOPMENT DRIVEN (CONTINUED)**

| 2. LOCAL IMPROVEMENT DISTRICT (LID) | |
|---|---|
| How It Works | A special assessment district where property owners are assessed a fee to pay for capital improvements, such as streetscape enhancements, underground utilities, or shared open space. LIDs must be supported by most affected property owners. |
| Fund Sources | LID bonds are backed by revenue committed by property owners (which can be public as well as private). |
| Benefits | » Organizes property owners around a common goal.<br>» Allows property owners to make payments over time to bring about improvements quickly that benefit them individually.<br>» Improvements within smaller areas can enhance catalytic and redevelopment value of the area.<br>» LIDs can be bundled with other resources such as TIF. |
| Drawbacks | » Setting up fair LID payments for various property owners, who are located different distances from the improvement, is challenging.<br>» Some lenders insist that LIDs be paid off when properties are transferred.<br>» Small geographic areas may not have sufficient LID revenues to support bonds for the desired improvement. |
| **3. ECONOMIC IMPROVEMENT DISTRICT (EID) / BUSINESS IMPROVEMENT AREA (BID)** | |
| How It Works | An EID is a funding mechanism designed to enable a community to fulfill its commercial revitalization goals and plans; and is established as an assessment to property owners for use in promoting and improving the defined business district. A BID is a funding mechanism designed to enable a community to fulfill its commercial revitalization goals and plans; and is established as an assessment (surcharge on business licenses) to business owners for use in promoting and improving the defined business district |
| Fund Sources | EID (property owners), BID (Business Owners) |
| Benefits | » Flexible source of funding that organizes property owners around a common goal.<br>» Allows property owners to make payments over time to bring about improvements quickly that benefit them individually.<br>» Improvements within smaller areas can enhance catalytic and redevelopment value of the area.<br>» Like LID's, can be bundled with other resources such as TIF.<br>» A BID can be renewed indefinitely, but an EID has a term limit of 5 years. |
| Drawbacks | » Can be disestablished with property or business owner petition.<br>» Does not fund capital improvements. |



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**TABLE 5: LOCAL FINANCING - DEVELOPMENT DRIVEN (CONTINUED)**

| 4. MICROENTERPRISE AND SMALL BUSINESS LOANS | |
|---|---|
| How It Works | Direct loans to help start-ups, micro-enterprises and small businesses expand or become established. |
| Fund Sources | Urban Renewal (capital projects only), CDBG |
| Benefits | » Targeted to support small businesses and start-ups<br>» Can be tailored to support local economic development strategies |
| Drawbacks | » Requires careful underwriting and program administration to reduce public sector risk |
| **5. TENANT IMPROVEMENT GRANTS/LOANS** | |
| How It Works | Assist property owners and new business owners with tenant improvements to the interiors of commercial spaces. Used for office and industrial assistance in addition to retail. |
| Fund Sources | Urban Renewal and CDBG loans or grants, tax exempt revenue bonds. |
| Benefits | » Reduces costs of tenant improvements |
| Drawbacks | » Often tied to job goals<br>» In some cases, prevailing wage would apply |
| **6. SDC FINANCING OR CREDITS** | |
| How It Works | SDC financing enables developers to stretch their SDC payment over time, thereby reducing upfront costs. Jurisdictions may opt to subordinate financed SDCs to other debt, potentially making this tool even more beneficial. Alternately, credits allow developers to make necessary improvements to the site in lieu of paying SDCs. Note that the City can control its own SDCS, but often small cities manage them on behalf of other jurisdictions including the County and special districts. |
| Fund Sources | SDC fund / general fund. In some cases, there may be no financial impact. |
| Benefits | » Reduced up-front costs for developers can enable quicker development timeframe and increase the availability of property to be taxed. |
| Drawbacks | » Reduces the availability of SDC funds over the short term. |



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**TABLE 6: TAX CREDITS AND ABATEMENTS**

| 7. ELECTRONIC COMMERCE ZONE (STATE OF OREGON ENABLED, LOCALLY ADOPTED) | |
|---|---|
| How It Works | Qualifying businesses in the zone receive a credit against the business's annual state income or corporate excise tax liability based on 25% of the investment cost made in capital assets used in electronic-commerce operations. |
| Fund Sources | State general fund (via income tax), and local general fund (via property taxes) |
| Benefits | » Reduces the costs of operating a business, which increases the business' financial viability |
| Drawbacks | » Limited to supporting just electronic commerce (transactions via the internet or an internet-based computer platform) |
| **8. ENTERPRISE ZONE (STATE OF OREGON ENABLED, LOCALLY ADOPTED)** | |
| How It Works | Enterprise zones exempt businesses from local property taxes on new investments for a specified amount of time (3-5 years). Qualified investments include a new building/structure, structural modifications or additions, or newly installed machinery and equipment but not land, previously used property value and miscellaneous personal items. Eligible businesses include manufacturers, processors, and shippers. Retail, construction, financial and certain other defined activities are ineligible. The NMIA is currently inside the North Clackamas Enterprise Zone |
| Fund Sources | Foregone revenue from general funds of local taxing jurisdictions that agree to participate–cities, school districts, counties, etc. |
| Benefits | » Targeted tool to support businesses that is already adopted. |
| Drawbacks | » Entails foregone general fund revenue funds for all overlapping taxing districts. |
| **9. INDUSTRIAL DEVELOPMENT BONDS** | |
| How It Works | Tax-exempt bonds issued by the state of Oregon that provide long-term financing for land, buildings and equipment for manufacturers. |
| Fund Sources | Bonds are purchased by institutional investors |
| Benefits | » Lower interest rates and tax-exempt status assist in reducing capital expenses.<br>» Generally, provide the greatest benefit to the borrower for bonds of $5 million or more. The Oregon Express Bond program is available for loans between $500,000 and $5 million.<br>» Can pay for up to 100% of project's development costs |
| Drawbacks | » Requires State backing<br>» Must have identified end user (can't be used for speculative development) |



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**TABLE 6: TAX CREDITS AND ABATEMENTS (CONTINUED)**

| 10. STRATEGIC INVESTMENT PROGRAM (STATE OF OREGON) | |
|---|---|
| How It Works | Exempts a portion of very large (100M+)capital investments from property taxes, most often used for manufacturing firms and other "traded-sector" businesses. |
| Fund Sources | Foregone revenue from local taxing jurisdictions' general funds–cities, school districts, counties, etc. |
| Benefits | » Targeted specifically to support traded-sector firms<br>» Can be very beneficial for businesses, depending on the investment size, in terms of net present value |
| Drawbacks | » Revisitation clause is necessary to ensure that the program is functioning for the jurisdiction and the business.<br>» Foregone revenue from general funds for all overlapping taxing districts. |
| **11. VERTICAL HOUSING TAX ABATEMENT (STATE OF OREGON ENABLED, LOCALLY ADOPTED)** | |
| How It Works | Subsidizes "mixed-use" projects to encourage dense development or redevelopment by providing a partial property tax exemption on increased property value for qualified developments. The exemption varies in accordance with the number of residential floors on a mixed-use project with a maximum property tax exemption of 80 percent of imporvement value over 10 years. An additional property tax exemption on the land may be given if some or all the residential housing is for low-income persons (80 percent of area is median income or below). The proposed zone must meet at least one of the following criteria:<br>» Completely within the core area of an urban center.<br>» Entirely within half-mile radius of existing/planned light rail station.<br>» Entirely within one-quarter mile of fixed-route transit service (including a bus line).<br>» Contains property for which land-use comprehensive plan and imple¬menting ordinances effectively allow "mixed use" with residential.<br>State program webpage: http://www.oregon.gov/OHCS/Pages/HFS_Vertical_Housing_Program.aspx |
| Fund Sources | Foregone revenue from general funds of local taxing jurisdictions that agree to participate–cities, school districts, counties, etc. |
| Benefits | » Targeted tool to support mixed-use development in places with locational advantages.<br>» City may control on project-by-project basis, or it may create a zone as allowed by right. |
| Drawbacks | » Entails foregone revenue from general fund for all overlapping taxing districts.<br>» Requires a lengthy approval process with taxing districts. |



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**TABLE 6: TAX CREDITS AND ABATEMENTS (CONTINUED)**

*The list of tax credits and abatements can be used for industrial and economic development, and mixed-use buildings.*

| 12. LAND BANKING (STATE OF OREGON ENABLED FOR BROWNFIELD REDEVELOPMENT) | |
|---|---|
| How It Works | Municipalities purchase or acquire real property in anticipation of a future public/private partnership for private development or other public/community use. Property acquisition is most advantageous in down market cycles or before property values have appreciated to high levels. |
| Fund Sources | Urban Renewal or general funds |
| Benefits | » City-controlled development process<br>» Ability to achieve community goals after land prices have appreciated, e.g. affordable housing, or park development. |
| Drawbacks | » Can be costly<br>» There may be legal restrictions on land acquisition or future disposition. |
| **13. EPA BROWNFIELDS GRANTS** | |
| How It Works | EPA funds several grant programs that help to pay for assessment, planning, remediation, revolving loan funds and environmental job training for sites identified as brownfields. EPA collaborates with other federal partners and state agencies to leverage resources for a variety of brownfields activities. These grants include:<br>» Cleanup Grants. Directly fund remediation of brownfield sites.<br>» Area-Wide Planning Grants. Grants fund research, planning and development of implementation strategies for areas affected by brownfields. Plans should inform the assessment, cleanup and reuse of brownfields and promote area-wide revitalization.<br>» Cleanup Grants. Directly fund remediation of brownfield sites.<br>» Environmental Workforce Development and Job Training Grants. Provide funding for recruitment, training and placement of low-income, minority, unemployed and under-employed residents of solid and hazardous waste-impacted communities with the skills needed to secure full-time, sustainable employment in environmental fields, including the assessment and cleanup work taking place in their communities.<br>» Training, Research and Technical Assistance Grants. Provide funding to eligible organizations to facilitate brownfields revitalization.<br>» More information: https://www.epa.gov/brownfields/types-brownfields-grant-funding#tab-5<br>In 2016, Clackamas County received EPA Assessment grant funds to identify brownfields in 5 communities, including Milwaukie, along McLoughlin Blvd. |
| Fund Sources | Federal and State funds |
| Benefits | » Direct public investment into private projects.<br>» Does not impact City funds. |
| Drawbacks | » Highly competitive and must meet EPA-identified criteria (varies by program). |



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**TABLE 6: TAX CREDITS AND ABATEMENTS (CONTINUED)**

| 14. AFFORDABLE HOUSING PROPERTY TAX ABATEMENT (LOCALLY MANAGED, ENABLED BY STATE OF OREGON) | |
|---|---|
| How It Works | Since 1985, the State of Oregon has allowed for affordable housing property tax abatements when they are sought separately by non-profits that develop and operate affordable rental housing. Only the residential portion of a property located within a City that is used to house very low-income people, or space that is used directly in providing housing for its low-income residents is eligible for a property tax exemption. |
| Fund Sources | Local taxing jurisdictions' general funds–cities, school districts, counties, etc. |
| Benefits | » Targeted tool to support multi-family rentals or mixed-use development in places with locational advantages.<br>» The affordable housing tax abatement can stand alone (without tax credits). For example, if a non-profit housing provider were to use bonds, it could still be eligible for an abatement, but it must apply for them separately.<br>» Can be blended with other resources such as TIF, tax credits, housing bonds. |
| Drawbacks | » Reduces general fund revenues for all overlapping taxing districts if property tax abatement is sought by affordable housing providers and approved by local jurisdictions. |
| **15. OREGON AFFORDABLE HOUSING TAX CREDIT (OAHTC)** | |
| How It Works | Provides a state income tax credit for affordable housing equity investments that help reduce the financing costs for multi family rental units. Applications must demonstrate a 20 year term that the benefit of the tax credit will be entirely passed on to reduce rents for the tenants.<br>Program webpage: http://www.oregon.gov/ohcs/pages/hrs_oahtc_program.aspx |
| Fund Sources | Institutional investors or high net worth individuals makes investments. State general fund is impacted. |
| Benefits | » Targeted tool to support multi-family rentals or mixed-use development in places with locational advantages.<br>» The credit contributes to project equity, reducing developer's out-of-pocket investment and can be a significant incentive for the provision of affordable housing. |
| Drawbacks | » The state allows for affordable housing property tax abatements. These are applied for separately.<br>» Entails foregone revenue from general fund.<br>» Highly competitive process. |



RS108

**TABLE 6: TAX CREDITS AND ABATEMENTS (CONTINUED)**

| 16. LOW-INCOME HOUSING TAX CREDIT (FEDERAL PROGRAM, ADMINISTERED BY STATE OF OREGON) | |
|---|---|
| How It Works | Provides federal and state income tax credit for affordable housing equity investments that help reduce the financing costs for multi-family rental units. Applications must demonstrate that the project will be maintained as affordable housing for a minimum 30-year term. To be eligible, at least 20% of units must be at or below 50% or AMI, OR 40% must be at or below 60% AMI. There are two rates:<br>» The "9%" credit rate. New construction and substantial rehabilitation projects that are not otherwise subsidized by the federal government earn credits at a rate of approximately 9% of qualified basis, each year for a 10-year period. "9%" credits are more powerful but also more competitive.<br>» The "4%" credit rate. The 4% rate applies to acquisition of eligible, existing buildings and to federally-subsidized new construction or rehabilitation. The 4% rate also applies to all eligible bases in projects that are financed through the issuance of volume-cap multi-family tax-exempt bonds (the associated LIHTCs are sometimes called "as of right" credits because they are automatically attached to the volume-cap bonds).<br>State program webpage: http://www.oregon.gov/OHCS/Pages/HRS_LIHTC_Program.aspx |
| Fund Sources | Institutional investors or high net worth individuals make investments by purchasing tax credits, which infuses cash equity into a project that does not require repayment. Income tax receipts are impacted because investors' income tax payments are reduced. |
| Benefits | » Targeted tool to support multi-family rentals or mixed-use development in places with locational advantages. The credit contributes to project equity, reducing developer's out-of-pocket investment and can be a significant incentive (particularly at the 9% level) for the provision of affordable housing.<br>» Can be blended with other resources such as TIF, property tax abatements, and housing bonds. |
| **17. EB5** | |
| How It Works | Attracts investment dollars for new commercial enterprises that will benefit the US economy primarily by creating new jobs for US citizens. There are two versions of the program: 1) the original program that requires foreign investor to commit $1 million for eligible projects that create at least 10 full-time direct jobs, and 2) the newer program that allows foreign investors to commit $500,000 in eligible projects within Targeted Employment Areas that create at least 10 direct and/or indirect jobs. In return for these investments, foreigners are eligible for US citizenship. |
| Fund Sources | Foreign investors |
| Benefits | » Relatively low-cost source of equity for appropriate projects. Projects can be construction (new or rehabilitation), or direct investments into businesses that will create required jobs.<br>» EB5 can be bundled with many other funding sources such as TIF.<br>» Among the most commonly sought-after projects are hotels and senior housing developments since both generate considerable jobs. |
| Drawbacks | » $500,000 program investor projects must be in an EB-5 eligible "targeted employment area" or TEA. TEAs are areas that have unemployment rates in excess of 150% of the federal rate for a given year. TEAs are established and adjusted by the governors of each state.<br>» Must meet job generation requirements within 2.5 years.<br>» Investors expect to get their equity investment repaid at the end of five years.<br>» It takes added time to secure EB5 funds due to federally required process. |



RS109

**TABLE 6: TAX CREDITS AND ABATEMENTS (CONTINUED)**

| 18. LAND ASSEMBLY AND PROPERTY PRICE BUY DOWN | |
|---|---|
| How It Works | The public sector sometimes controls land that has been acquired with resources that enable it to dispose of that land for targeted private and/or nonprofit redevelopment. Land acquired with funding sources such as urban renewal, EB5, or through federal resources such as CDBG or HUD Section 108 can be sold or leased at below market rates for various projects to help achieve redevelopment objectives. Publicly owned parcels can often be disposed of at lower costs or more flexible terms to induce redevelopment.<br><br>The public sector can provide technical assistance with the process of acquiring a private parcel for redevelopment or combining parcels together into one developable site. Other times, the public sector acquires the parcel(s), combines them, and sells to a private party. |
| Fund Sources | Urban Renewal, CDBG/HUD 108 |
| Benefits | » Can help overcome development feasibility challenges by creating more viable redevelopment sites. Public ownership of assembled land makes land write-downs or ground leases more viable.<br><br>» Increases development feasibility by reducing development costs.<br><br>» Gives the public sector leverage to achieve its goals for the development via development agreement process with developer. |
| Drawbacks | » Public agencies sometimes buy land at the appraised value because they want to achieve multiple goals – which can impact costs of future public and private acquisitions.<br><br>» Requires careful underwriting and program administration to reduce public sector risk and ensure program compliance. |
| **19. WORKFORCE DEVELOPMENT PROGRAMS** | |
| How It Works | Specially designed workforce training programs that cities, community colleges and workforce training entities help to jointly provide to businesses to train existing and potential employees. |
| Fund Sources | Various |
| Benefits | » Reduces difficulty of recruiting and cost of training staff<br><br>» Creates opportunities to partner with community colleges and other educational institutions<br><br>» Creates lasting benefits for individuals |
| Drawbacks | » No clearly-delineated source of funds<br><br>» May require re-tooling of existing programs to ensure that the training programs are targeted to local industry needs |



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**TABLE 6: TAX CREDITS AND ABATEMENTS (CONTINUED)**

| 20. PRE-DEVELOPMENT ASSISTANCE | |
|---|---|
| How It Works | Pre-development assistance. Grants or low interest loans for pre-development (evaluation of site constraints and opportunities, development feasibility, conceptual planning, etc.) to reduce pre-development costs. |
| Fund Sources | CDBG, General Fund, Urban Renewal |
| Benefits | » Reduces what are often risky pre- development costs for developments that fulfill community goals.<br>» Enables developers and communities to explore wider range of project possibilities, particularly those that can meet more community as well as private sector objectives. |
| Drawbacks | » Can be perceived as favoring particular developers or property owners.<br>» CDBG and Urban Renewal are only available in eligible areas |
| **21. NEW MARKETS TAX CREDITS (FEDERAL PROGRAM, ADMINISTERED BY A COMMUNITY DEVELOPMENT ENTITY)** | |
| How It Works | The New Markets Tax Credits (NMTC) program is designed to attract capital investment to low-income communities by allowing investors to receive a tax credit (against their Federal income tax) in return for equity investments in Community Development Entities (CDEs), which invest in low-income communities. The tax credit is 39% of the original investment, claimed over seven years. |
| Fund Sources | Investors |
| Benefits | » Relatively low-cost source of equity for appropriate projects.<br>» Projects can be construction (new or rehabilitation).<br>» NMTC can be bundled with many other funding sources such as TIF. |
| Drawbacks | » NMTC are only available for use in areas identified as distressed within a community.<br>» Requires partnership with a CDE to receive the NMTC.<br>» Costly and complex to use<br>» It takes added time to secure NMTC due to federally required process. |
| **22. MICROENTERPRISE AND SMALL BUSINESS LOANS** | |
| How It Works | Direct loans to help start-ups, micro-enterprises and small businesses expand or become established. |
| Fund Sources | Urban Renewal (for capital only), CDBG |
| Benefits | » Targeted to support small businesses and start-ups<br>» Can be tailored to support local economic development strategies |
| Drawbacks | » Requires careful underwriting and program administration to reduce public sector risk |



RS111
















**RS112**

CITY OF MILWAUKIE

COUNCIL **RESOLUTION No.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DIRECTING PREPARATION OF PLAN AND CODE AMENDMENTS TO IMPLEMENT THE NORTH MILWAUKIE INDUSTRIAL AREA FRAMEWORK PLAN AND IMPLEMENTATION STRATEGY.**

**WHEREAS,** the City of Milwaukie adopted the Tacoma Station Area Plan in 2013 to address land use and transportation for a portion of the North Milwaukie Industrial Area (NMIA) in advance of the opening of the Orange MAX light rail; and

**WHEREAS,** the City of Milwaukie, in partnership with Clackamas County, wrote and received a Community Planning and Development Grant from Metro to provide guidance for future redevelopment of the NMIA; and

**WHEREAS,** the NMIA Plan is focused on increasing job density for the area, providing amenities to serve employees, and accommodating office and industrial flex space for Milwaukieôs broader communityôs growing and changing population; and

**WHEREAS,** the NMIA Plan vision is to capitalize on the Districtôs strategic location to attract innovative and entrepreneurial businesses to create a strong regional center for next-generation traded sector employment, manufacturing, makers and doers. The NMIA Plan supports existing and future businesses that provide family-wage jobs accessible by all modes of travel, respects the natural environment and incorporates sustainable design to reduce demand on citywide infrastructure; and

**WHEREAS,** the NMIA Plan was developed through an extensive community process that included discussion and review through an on-line public survey, three open houses, five Advisory Group meetings, three Planning Commission meetings, two City Council work sessions, and numerous stakeholder meetings.

**Now, Therefore, be it Resolved** that the Milwaukie City Council directs staff to prepare the Comprehensive Plan and Zoning Code amendments necessary to implement the concepts outlined in the North Milwaukie Industrial Area Framework Plan and Implementation Strategy.

Introduced and adopted by the City Council on _____.

This resolution is effective on _____.

_____
Lisa Batey, Council President

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

_____
Scott S. Stauffer, City Recorder

_____
City Attorney

## Proposed Zoning Table and Definitions

| Proposed Primary Land Use Category | Proposed Zoning | |
|---|---|---|
| | **MTSA** (combined 1-3) | **NMIA** |
| **MANUFACTURING** | | |
| Construction: Contractors and Related Businesses | P | P |
| Manufacturing and Production | P | P |
| Waste Management | N | P |
| Repair and Service | P | P |
| Creative space | P | P |
| | | |
| **DISTRIBUTION** | | |
| Wholesale Trade | P | P |
| Warehousing and Storage | P[1] | P |
| | | |
| **OFFICE[2]** | | |
| Service Office<br>• *High level of face to face customers* | P | L[34] |
| Production Office<br>• *Limited face to face interaction with customers* | P | P |
| Research and Development/bioscience | P | P |
| Trade Schools | P | P |
| | | |
| **COMMERCIAL/RETAIL** | | |
| Retail Sales | L[4] | L[4] |
| Eating and drinking establishments | P | L[5] |
| Personal Service | P | L[6] |
| Repair-oriented | P | P |
| Hotel/Motel | CU | N |
| | | |
| **COMMUNITY SERVICE USE** | | |
| Government offices | P | P |
| Public Transit Facilities or passenger terminal | CSU | CSU |
| Schools (public or private) | CSU | CSU |
| Recreation facilities (public or private) | CSU | CSU |
| Parks and open space | P | P |
| Transitional or correctional facility (public or private) | CSU | CSU |
| Hospital | CSU | CSU |

[1] Warehouse must be accessory to an industrial use or other permitted use
[2] See definitions for Service Office and Production Office
[3] Not permitted on the ground floor
[4] Limitation on maximum size of retail uses and offices; limited in NMIA ï intended as employee amenities
[5] Limitation on maximum size of restaurants; intended as employee amenities
[6] Limitation on maximum size of personal service uses; intended as employee amenities

| | | |
|---|---|---|
| **INFRASTRUCTURE** | | |
| Utilities (sewage pumping stations, water wells, pump stations) | P | P |
| Communication facilities (includes WCF) | P | P |
| Electrical power substations | P | P |
| | | |
| **RESIDENTIAL** | | |
| Single family/duplex | N | N |
| Multifamily | P | N |
| Mixed Use | P | N |
| Live/work | P | N |
| | | |
| **MARIJUANA BUSINESSES** | | |
| Retailers | P | N |
| Processing, testing, research, warehousing | P | P |
| Production | P[7] | CU[7] |

P = Permitted

L = Limited

N = Not Permitted/Prohibited

CSU = Community Service Review (Type III)

CU = Conditional Use Review (Type III)

[7] Subject to the standards of Subsections 19.509.2 and 19.509.3

## DEFINITIONS

### Manufacturing

This category comprises establishments engaged in the mechanical, physical, or chemical transformation of materials, substances, or components into new products, including the assembly of component parts. Examples include: alternative energy development; biosciences; food and beverage processing; software and electronics production; printing; fabrication of metal products; products made from manufactured glass; products made from rubber, plastic, or resin; converted paper and cardboard products; and microchip fabrication. Manufacturing may also include high-tech and research and development companies.

### Creative Space

Industrial/manufacturing space specifically for artist-type uses. Examples include: artist manufacturing studios (welding, pottery, ceramics, glass, etc.); sound stage and/or film production; set design and production; music studio/production

### Construction Related Businesses

This category comprises businesses whose primary activity is performing specific building or other construction-related work, on- or off-site. Examples include: residential and nonresidential building construction, utility/civil engineering construction, specialty trade contractors, and moving companies. Any associated on-site office use must be accessory to the primary construction business.

### Repair and Service

This category comprises firms involved in repair and servicing of industrial, business, or consumer electronic equipment, machinery, and related equipment, products, or by-products. Examples include: welding shops; machine shops; tool, electric motor, and industrial instrument repair; sales, repair, or storage of heavy machinery, metal, and building materials; heavy truck servicing and repair; tire retreading or recapping; exterminators, including chemical mixing or storage and fleet storage and maintenance; janitorial and building maintenance services that include storage of materials and fleet storage and maintenance; fuel oil distributors; solid fuel yards; and large-scale laundry, dry-cleaning, and carpet cleaning plants. Few customers come to the site, particularly not general public daily customers. Auto service and repair shops for personal vehicles are not included in this category and are not allowed.

### Waste Management

This category comprises businesses that provide garbage and recycling hauling, including fleet parking and maintenance. Storage of waste or recycling materials collected by a waste management business for any period of time is not permitted

### Wholesale Trade

This category comprises establishments engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, or professional business users; or to other wholesalers, generally without transformation, and rendering services incidental to the sale of merchandise. Wholesalers sell or distribute merchandise exclusively to other businesses, not the general public, and normally operate from a warehouse or office and are not intended for walk-in traffic.

### Warehousing and Storage

This category comprises industries that are primarily engaged in operating warehousing and storage facilities for general merchandise, refrigerated goods, and other products and materials that have been manufactured and are generally being stored in anticipation of delivery to final customer. Examples include: transportation and distribution uses with loading docks, temporary outdoor storage, and fleet parking. Ministorage facilities (generally used by many individual customers to store personal property) are not considered industrial warehousing and storage and are not permitted.

### Service-related Office

Traditional office uses are characterized by activities that generally focus on business, government, professional, medical, or financial services. These office uses generally involve a high level of face-to-face customer contact and are typically expected to generate foot traffic.

Examples include: professional services such as lawyers; financial businesses such as lenders, retail brokerage houses, bank branches, or real estate agents; sales offices; government offices and public utility offices; dance/theatre studios; counseling offices; government or utility service offices; and medical and dental clinics.

### Production-related Office

Production-related office uses are characterized by activities that, while conducted in an office-like setting, involve less face-to-face customer contact and do not tend to generate foot traffic. Their operations are less service-oriented than traditional office uses and focus on the development, testing, research, production, processing, packaging, or assembly of goods and products.

Examples include: corporate headquarters, architects, engineers, financial services or accounting firm headquarters, call offices/call center, software and internet content development and publishing; telecommunication service providers; data processing; television, video, radio, and internet studios and broadcasting; scientific and technical services; government and utility research offices; call centers, marijuana testing and research facilities, and medical and dental labs or research facility.

### Retail Sales

Sales-oriented retail firms are involved in the sale, leasing, and rental of new or used products to the general public.

Examples include stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronics, fabric, gifts, groceries, hardware, household products, jewelry, pets and pet products, pharmaceuticals, plants, printed materials, stationery, and printed and electronic media.

**Personal Service**

Personal-service-oriented firms are involved in providing consumer services.

Examples include hair, tanning, and spa services; pet grooming; photo and laundry drop-off; dry cleaners; and quick printing.

**Repair-oriented**

Repair-oriented uses are establishments providing product repair of consumer and business goods.

Examples include repair of televisions and radios, bicycles, clocks, jewelry, guns, small appliances, office equipment, tailors and seamstresses, shoe repair, locksmiths, upholsterers, and some automobile service and repair.

**Eating and drinking establishment**

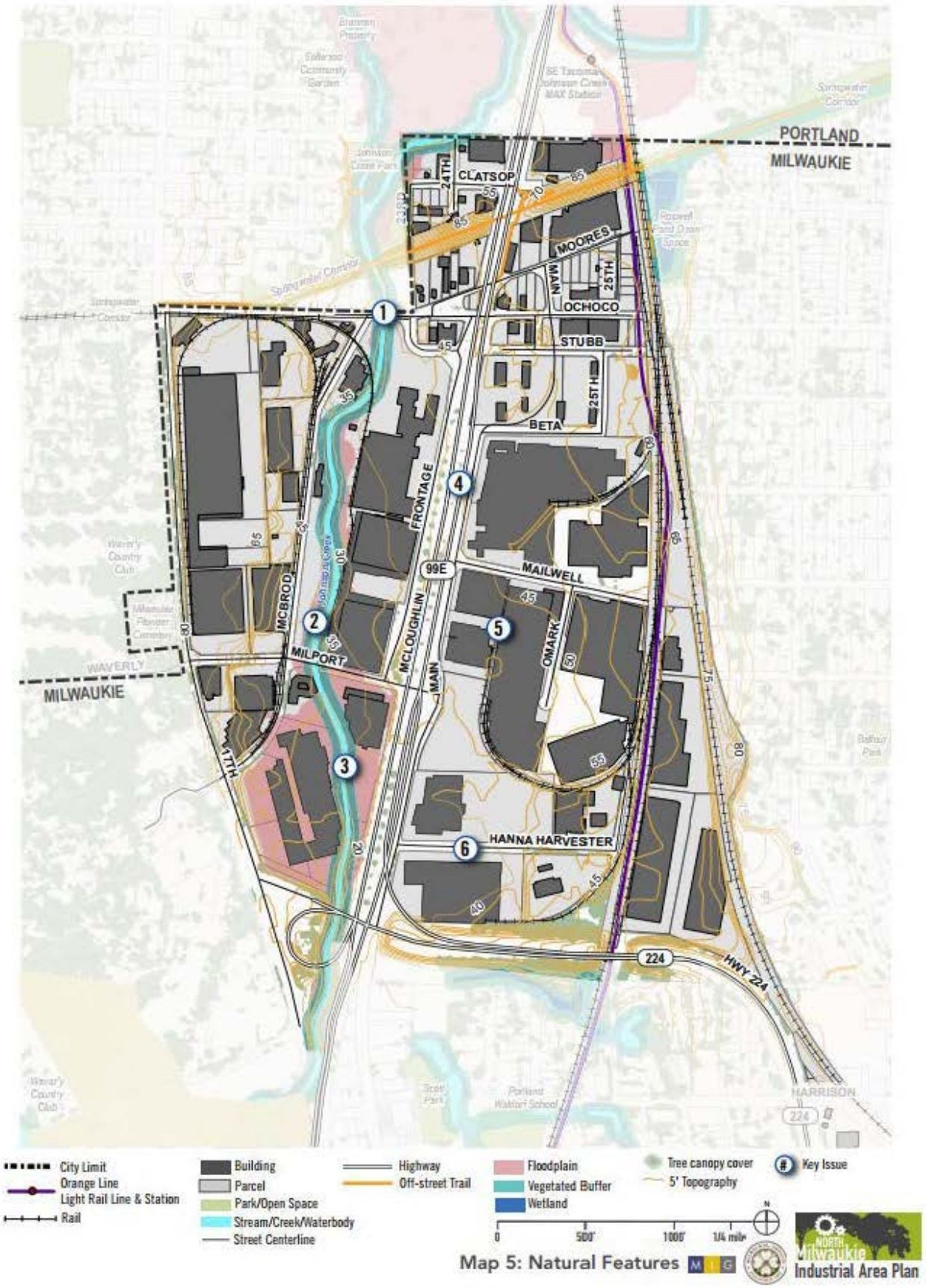
Eating and drinking establishments primarily involve the sale of prepared food and beverages for on-site consumption or takeaway.

Examples include restaurants, delicatessens, retail bakeries, taverns, brewpubs, coffee shops, concession stands, wine bars, and espresso bars.

North Milwaukie Industrial Area Plan

## Proposed Development Requirements

| Land Use Details | | M-TSA 1 | M-TSA 2 | M-TSA 3 | Proposed Modified M-TSA | M-TSA 4 | M | Proposed New NMIA |
|---|---|---|---|---|---|---|---|---|
| **Maximum Height** | Existing | 65’ | 65’ | 45’ | | 45’ | 45’ | |
| | Proposed | | | | 65’ | | | 65’ |
| **Minimum Height** | Existing | None | None | None | | None | None | |
| | Proposed | | | | 25’ or None | | | 25’ or None |
| **FAR Min/Max** | Existing | .5/3 | .5/3 | .5/3 | | 0 | 0 | |
| | Proposed | | | | .5/3 | | | .5/3 |
| **Block Length** | Existing | 600’-1,200’ | | | | 600’-1,200’ | | |
| | Proposed | | | | 600’-1,200’ | | | 600’-1,200’ |
| **Retail Square Footage** | Existing | 60,000 | 20,000 per building or development | 20,000 per building or development | | 20,000 per building or development | 5,000 | |
| | Proposed | | | | 20,000 per building or development | | | 20,000 (5,000 for individual retail. Max 20,000 per development) |
| **Standalone Retail** | Existing | Yes | Yes | Yes | | Yes | No | |
| | Proposed | | | | Yes | | | No |
| **Residential Density: Min/Max units per acre** | Existing | No Min/32 Max | No Min/32 Max | No Min/32 Max | | NA | NA | |
| | Proposed | | | | Min 16/No Max | | | NA |
| **Standalone Warehouse** | Existing | No | No | No | | Yes | Yes | |
| | Proposed | | | | No | | | Yes |


PORTLAND
MILWAUKIE
CLATSOP
24TH
MOORES
MAIN
25TH
OCHOCO
STUBB
BETA
FRONTAGE
99E
MAILWELL
MCBROD
MILPORT
MCLOUGHLIN
MAIN
OMARK
11TH
HANNA HARVESTER
224
HWY 224
WAVERLY
MILWAUKIE
HARRISON
1
2
3
4
5
6
City Limit
Orange Line
Light Rail Line & Station
Rail
Building
Parcel
Park/Open Space
Stream/Creek/Waterbody
Street Centerline
Highway
Off-street Trail
Floodplain
Vegetated Buffer
Wetland
Tree canopy cover
5' Topography
Key Issue
0
500'
1000'
1/4 mile
N
Map 5: Natural Features
North Milwaukie Industrial Area Plan

Attachment 6




# EXISTING CONDITIONS REPORT













## North Milwaukie Industrial Area Plan

October 2016

*In association with*

DKS Associates | ECONorthwest | Puttman Infrastructure

# Introduction

The North Milwaukie Industrial Area (NMIA) Plan provides a unique opportunity to further create an employment-oriented, vibrant, mixed-use urban area where light industrial, manufacturing, commercial and residential uses are developed in strategic and compatible ways. The Plan will also address the regulatory, financial and economic obstacles that may limit redevelopment of the NMIA into an employment and mixed-use area. Long term, the Plan is intended to increase private capital investment and family-wage jobs, achieving the community and economic goals of the City of Milwaukie and Clackamas County.

Intended outcomes for this project include:

- Establishing a vision, framework plan and an implementation strategy that support existing businesses and industries, while creating opportunities for the next generation of entrepreneurs;
- Involving stakeholders and community members throughout the planning process;
- Incorporating and validating land use and zoning adopted as part of the 2013 Tacoma Station Area Plan;
- Identifying strategies to fund infrastructure improvements through a combination of public and private sources; and
- Updating zoning code and comprehensive plan amendments to implement the Plan.

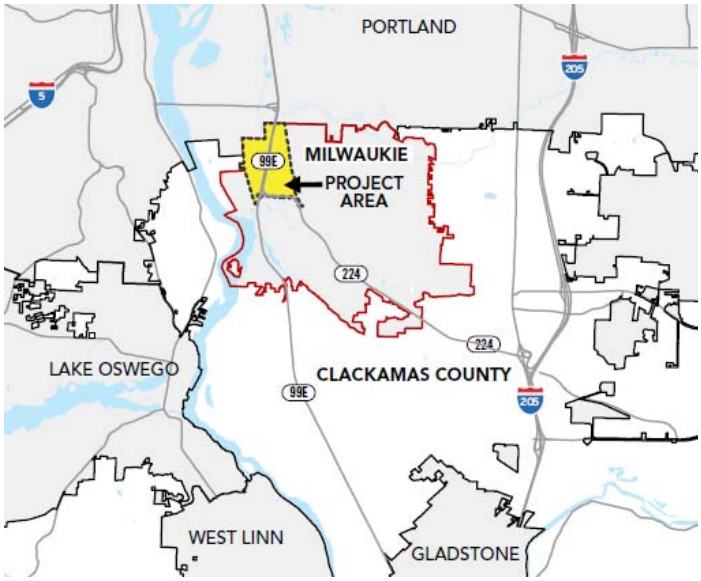
This Existing Conditions Report summarizes the key considerations that impact existing and future development in the NMIA and is the first in a series of studies that will inform the implementation strategies and final plan.

## Public Involvement

The project team and advisory groups developed a Public Involvement Plan as an initial step in the process that will guide public participation throughout this project. The public will have several opportunities to be involved in the planning process, beginning in the fall of 2016. During the summer of 2016, the City convened a series of meetings with landowners, business owners and other stakeholders with an interest in the NMIA to discuss their ideas and perspectives of the project area. Along with a variety of data sources, the outcomes of these discussions helped frame the major opportunities and challenges used throughout this document.

## Background

The North Milwaukie Industrial Area is one of the City of Milwaukie's three major industrial centers. It has a long history of industrial uses with good access to the regional transportation network. In the early 2000s, the City conducted a redevelopment study for the area to evaluate the land use, market, infrastructure and transportation conditions. Recommendations from this study included additional discussion and planning with property owners and businesses to make the area more attractive for redevelopment. A decade later, the City of Milwaukie adopted the Tacoma Station Area (TSA) Plan, which focused on the industrial zone near the planned Tacoma light rail station, generally east of McLoughlin Blvd. except for a small section of land northwest of the Ochoco/McLoughlin Blvd. intersection. Outcomes from this effort included the creation of four overlay zones and transportation efforts. Building on these efforts, the NMIA Plan encompasses the broader industrial area, including uses on both sides of McLoughlin Blvd. (see Map 1: Project Area).




## Stakeholder Interviews

The project team met with seven existing NMIA businesses and landowners, as well as two businesses that have considered locating in the NMIA or leasing building space, to identify current challenges and opportunities facing the project area. The following is a sample of the findings from these interviews.

- Several stakeholders see the project area's location outside of Multnomah County as an asset due to lower costs/taxes and easier permitting. Some noted that they deliberately moved their business from Portland to Milwaukie for these reasons. At the same time, development pressure within the region is a concern and opportunities to expand businesses already located in the NMIA are limited by a number of factors.
- Some meeting participants said that flexible zoning and the incorporation of smaller/flex spaces could help the project area evolve with industrial trends while meeting the needs of existing businesses. Other participants expressed satisfaction with the current situation and are concerned that any changes might

weaken the area's industrial base. The former tended to be newer or potential tenants while the latter have owned land or businesses in the project area for many years, sometimes decades.

- Some stakeholders expressed concern that changes to zoning and uses in the NMIA would create conflicts with traditional uses that produce noise or odors, forcing costly improvements or upgrades, as well as relocation to other industrial areas.
- Some parcels and sections of the project area have adequate parking. However, some stakeholders indicated that they do not have enough space for their employees, customers or deliveries. This creates congestion on some local side streets as curbs are used for parking. Improved access to transit is one potential solution, although several businesses stated that varied or irregular business schedules in the NMIA, such as operations very early in the morning or very late at night, make its use difficult. Transit and bicycle usage also appear to differ depending on office culture. Generally, businesses that relocated from Portland or elsewhere and used transit or bicycles in the past continue to do so today.
- The capacity of McLoughlin Blvd. offers many benefits for the industrial-heavy project area, but access to industrial sites and frontage streets is challenging and all stakeholders said access is dangerous, with numerous accidents and close calls. Stakeholders identified the intersections at Milport Rd. and Ochoco St. as confusing for drivers, while the speed of traffic and lack of sidewalks create barriers for cyclists/pedestrians. Ochoco is also the only street that spans both sides of the project area.
- Mailwell Dr. is the only street in the project area that crosses the MAX rail line. Though it could offer opportunities for enhanced connectivity, it ends at a private road immediately east of the tracks. Stakeholders said they use that road to access downtown Milwaukie with personal vehicles. The private road runs south through industrial loading sites in the southeast corner of the project area and subsequently ends under the Hwy. 224 overpass, where it connects with Crystal Lake Dr.
- Although initial development in the NMIA was highly dependent on rail, this has changed as transportation options have evolved into primarily truck shipments. Very few stakeholders or business owners in the NMIA rely on trains, but rail spurs and/or their remnants proliferate throughout the project area. Their presence is an opportunity to reconsider the spaces they occupy, which could be utilized for more productive uses.
- Flooding and water run-off is a concern, especially in the south edge of the project area along Hwy. 224 and also on portions of Johnson Creek. Some participants indicated that stormwater conditions near Hwy. 224 worsened after construction of the light rail line. Suggested solutions included improved pipes

for drainage. Opportunities also exist for improved stormwater capture and treatment.

- Stakeholders widely agreed that employee amenities are needed within the project area. In particular, places to gather and eat lunch were identified as important priorities. At the present time, convenience stores offer the only option for food in the project area; although downtown Milwaukie and Sellwood provide some of the desired amenities, they are challenging due to their distance and issues with parking.
- For some stakeholders, visibility from McLoughlin Blvd. is important. At the present time, drivers may not see the businesses they are passing because of trees, the frontage road, the speed of traffic and lack of awareness. Opportunities include signage and wayfinding to direct potential customers to the businesses in the NMIA.

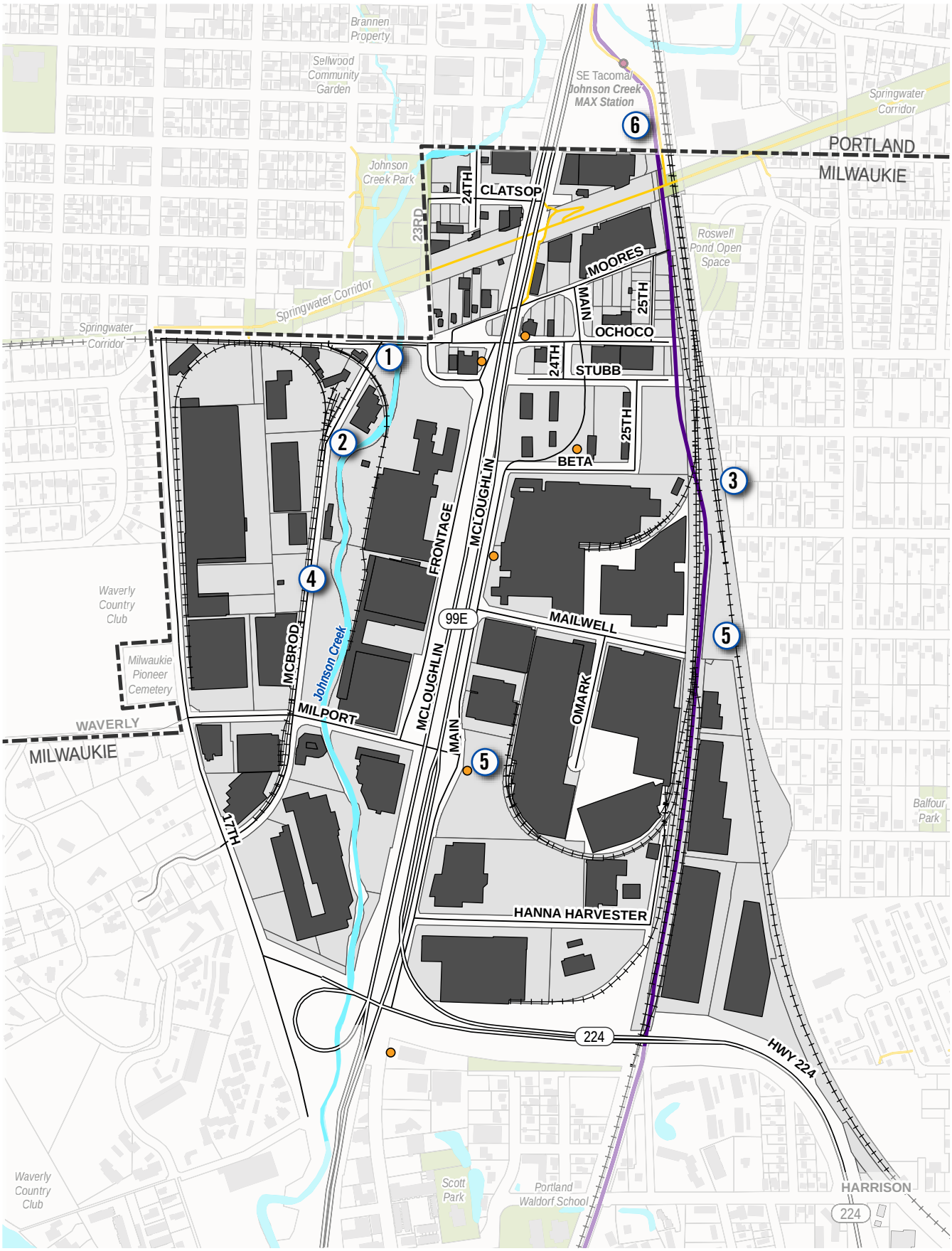
Findings from the stakeholder meetings and other data are identified on Map 1: Project Area. The numbers on the map, as well as their locations, correspond to the images and narrative on the immediately following pages.



(1) Johnson Creek offers opportunities to meet City goals by improving stormwater treatment and providing recreational uses such as walking trails and natural areas. It could also be an amenity for attracting new uses, including office, commercial, light manufacturing and residential.



(2) Some stakeholders expressed concern about the potential impact of the two county correctional facilities on McBrod Ave. on the attractiveness and perception of the NMIA for future development. Other stated the number of publicly-owned parcels diminished development potential.




City Limit
Orange Line
Light Rail Line & Station
Rail

Building
Parcel outside/inside Project area
Park/Open Space
Stream/Creek/Waterbody

# Key Issues
Off-street Trail
Bus Stops

0 500' 1000' 1/4 mile

N

**RS127** Map 1: Project Area

North Milwaukie Industrial Area Plan



(3) Some stakeholders were concerned about transient populations gaining access to their facilities along the rail lines and public rights-of-way. However, improved access for employees, customers and others is desired, as well as adding safety features such as fencing between the rights-of-way and buildings.



(4) Off-street parking is challenging on the west side of the project area. Employees and large trucks are forced to park along local streets, such as Frontage Rd. (shown here), McBrod Ave. and Main St.



(5) Opportunities for additional parking exist at the TriMet park-and-ride, the vacant land east of the MAX line at Mailwell Dr. and the corner of McLoughlin Blvd. and Moores St. The TriMet park-and-ride was also identified more generally as an opportunity site due to its large size and underutilization.



(6) The new MAX station just beyond the district's northern boundary improves regional connectivity and increases the likelihood of foot traffic within the district, but local connections are still challenging because of the Springwater Corridor berm. However, the project area lacks amenities such as dining, plazas and safe streets for employees, visitors and future land uses such as housing.

# Land Use

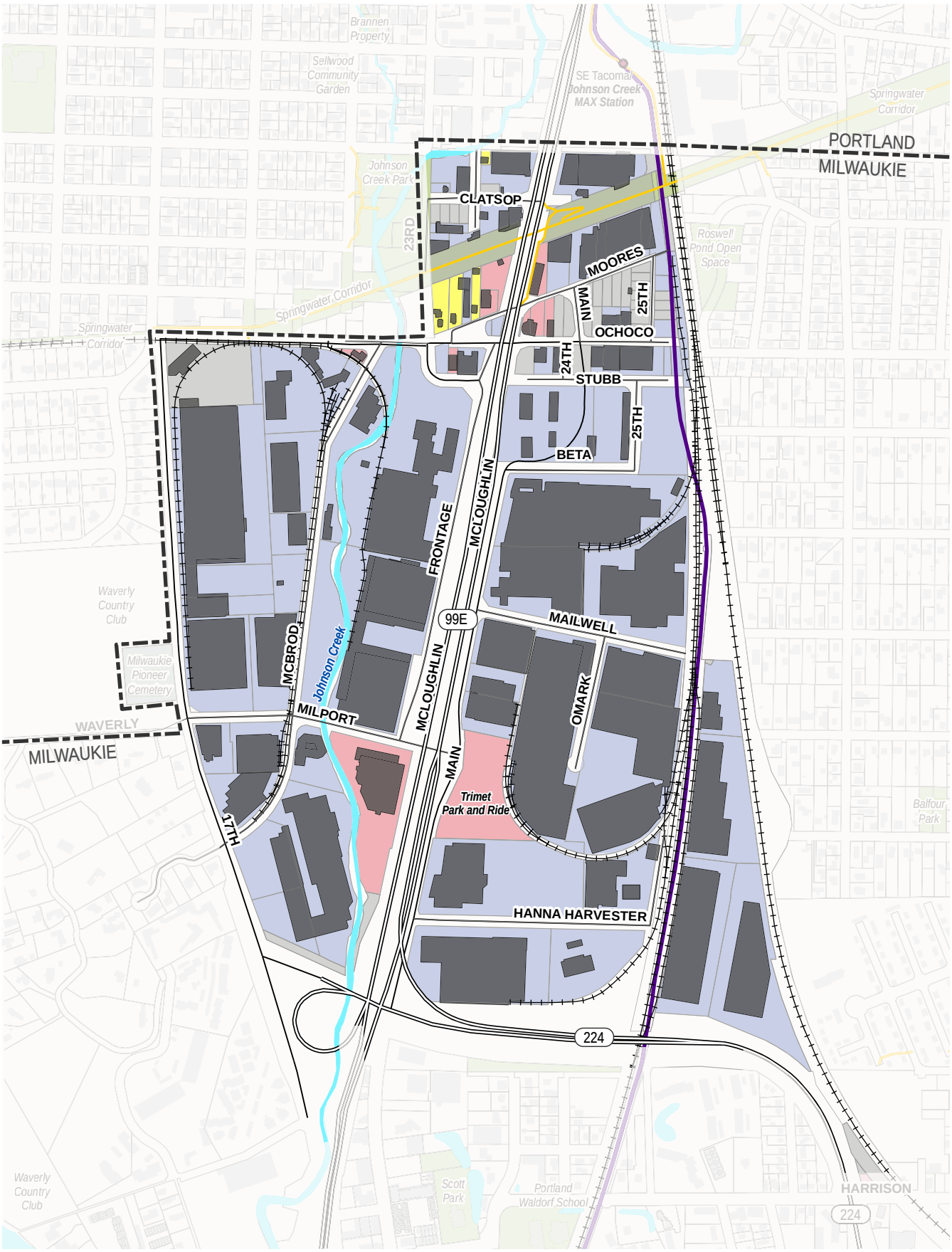
The majority of the NMIA is currently used for industrial purposes (57 percent) with various types of manufacturing, distribution, storage and similar uses. Map 2 shows current land uses in the NMIA based on the City's most recent GIS data. Approximately one-third of all parcels are vacant (Table 1).[1] Map 2 also shows the vacant properties, many of which are used by adjacent businesses for surface storage. Nine vacant parcels totaling 4.4 acres are rights-of-way, with Metro's Springwater Trail accounting for 3.7 acres and TriMet properties accounting for 0.7 acres. The remaining vacant parcels are typically very small, ranging from 0.02 to 0.6 acres, except one parcel totaling 3.3 acres. On the north end of the project area, the four residential parcels were previously used for single family residential sites.

**Table 1: NMIA Parcels by Current Land Uses and Size (Acreage)**

| Current Land Use | Number of Parcels | Percentage of Parcels | Total Acreage |
|---|---|---|---|
| Commercial | 10 | 8% | 6.1 |
| Industrial | 75 | 57% | 174.6 |
| Residential | 4 | 3% | 1.3 |
| Vacant | 42 | 32% | 13.4 |
| Total | 131 | 100% | 195.4 |

The project area also includes multiple publicly owned parcels, including the Oregon Liquor Control Commission offices, a TriMet park-and-ride and the Clackamas County Community Corrections Center and Women's Center. Fronting the east side of McLoughlin Blvd., the now vacant ODOT offices sit adjacent to approximately eight acres of outdoor storage. The building was constructed in 1938 through the Works Progress Administration program to house the state's transportation headquarters. The building is eligible but not listed on the National Register of Historic Places. It is listed as a historic local resource in the City of Milwaukie.

[1] Vacant parcels are those with no site improvements, such as buildings, although they may be occupied by businesses using them for outside storage.



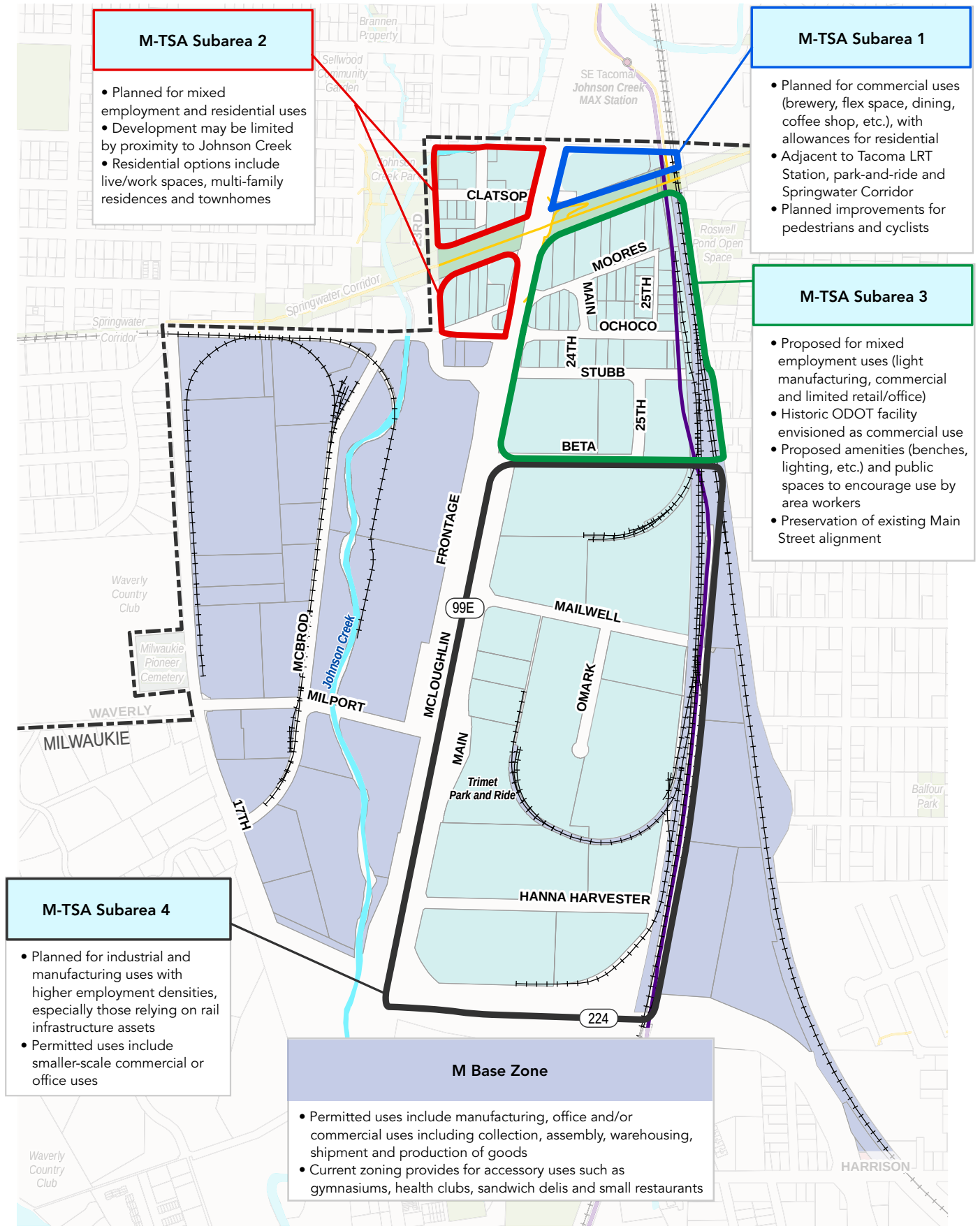

Map 2: Current Land Use

## Zoning

The project area includes two major zoning designations: Manufacturing (M) and Tacoma Station Manufacturing Zone (M-TSA). Map 3: Zoning also shows the four overlay zones in the M-TSA Zone. Residential uses are the primary adjacent land uses outside of the NMIA, located both in the City of Portland and the City of Milwaukie. The Downtown Mixed-Use (DMU) Zone and an Open Space (OS) Zone are adjacent to the project area on its south end. Along the west side of the project area, the Willamette Greenway Overlay Zone covers portions of 17th Ave.

Portions of the project area are also regulated through the M-TSA, an overlay zone that permits some additional uses. The M Zone promotes clean, employee-intensive industries including related accessory uses such as commercial and office uses. Residential uses are not permitted in this zone. The M-TSA Zone is intended to support the goals and policies of the TSA Plan and retain the area as an industrial zone for uses involving production, manufacturing, processing and transportation of goods. The TSA Plan provides specific land use and urban design recommendations for the subareas within the M-TSA Zone. Based on existing zoning, several general observations could impact future redevelopment in the project area.

- Limitations on non-industrial uses: Within the M Zone, non-industrial uses are only permitted if there is some type of industrial use on site (25 percent of the total project). The majority of permitted non-industrial uses are only permitted as an accessory use.
- Limitations on retail building sizes: The M Zone limits the size of retail structures, prohibiting large retail uses (exceeding 60,000 square feet) as well as stand-alone retail buildings over 5,000 square feet.
- Lower maximum building height limit: Both the M and M-TSA zones have lower 45-foot height restrictions that are equivalent to a three-to-four-story building. For a mixed-use building, most ground-floor retail uses have taller (15+ foot) ceilings, which would likely result in a three-story building.
- Rigid front setback requirement: Both M and M-TSA zones have 20-foot front setbacks. This requirement would prevent potential non-industrial uses from being designed closer to the street front, where pedestrian activity occurs.
- Lack of design guidance: Within the M Zone, the code has limited design requirements that distinguish industrial from non-industrial uses.



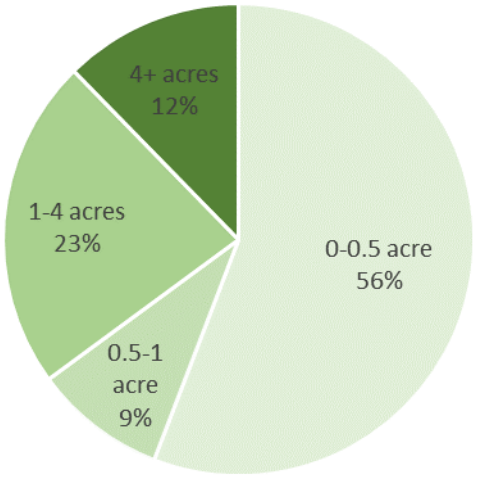

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Map 3: Zoning

North Milwaukie Industrial Area Plan

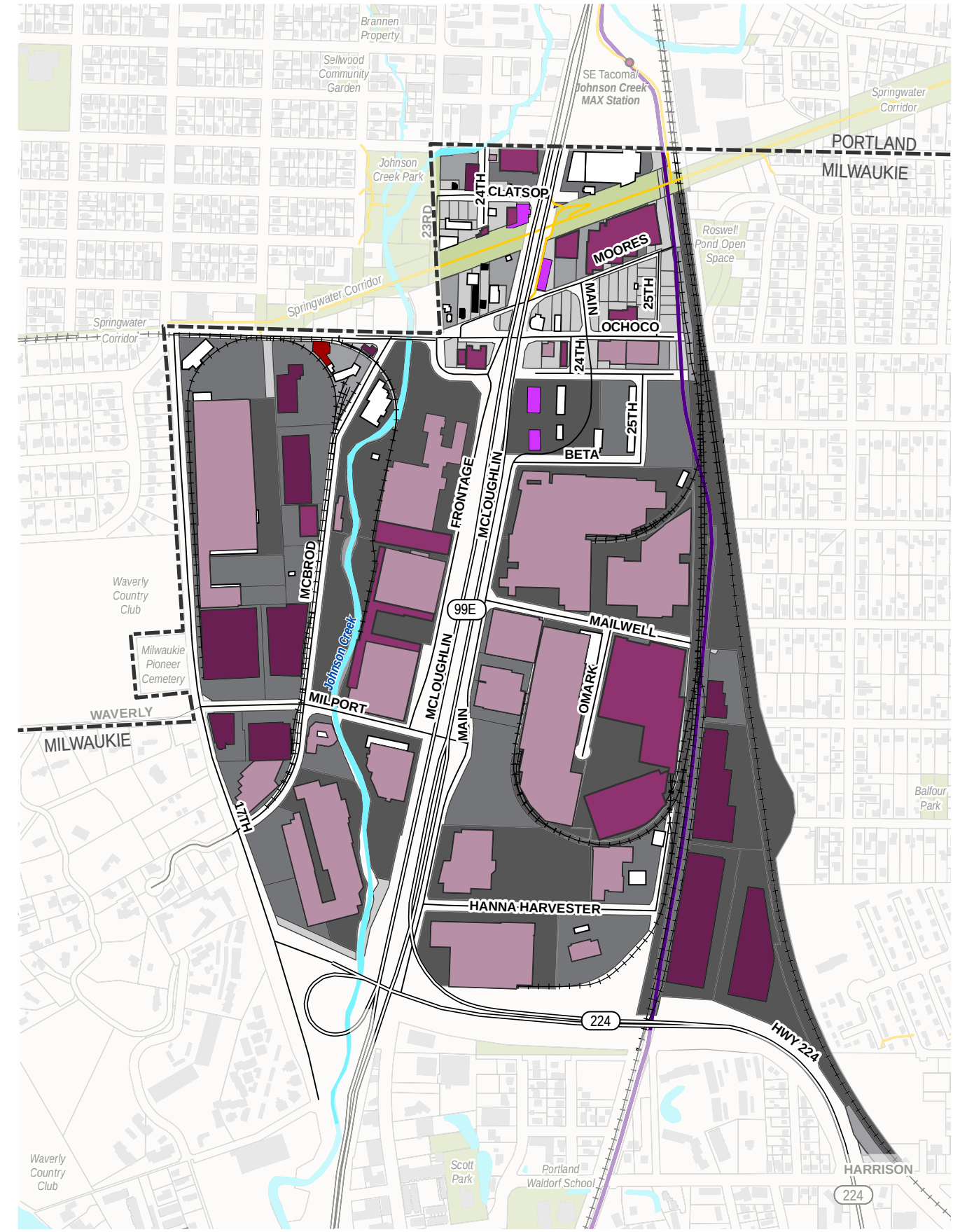
## Parcels and Buildings

Parcel size is one factor in determining suitable locations for new uses and redevelopment opportunities. The following chart summarizes the share of all parcel sizes in the project area by acreage. The majority of parcels (56 percent) are half an acre or smaller. Larger parcel sizes (sites over four acres) account for only 12 percent of the total parcels.




*Source: City of Milwaukie Tax Lot Data*

Existing buildings in the project area will also play a role in redevelopment opportunities. At the present time, the various buildings reflect different eras and types of development. Of the 54 buildings in the project area, nine were built between 1918-1949, 29 were built from 1950-1969 and the remaining 16 were built from 1970-1982. Map 4 shows parcel size and building age.




Map RS134 Parcel Size and Building Age

# Natural Resources and Infrastructure

As the North Milwaukie Industrial Area redevelops, there will be opportunities to upgrade and improve existing infrastructure and restore natural areas. Stormwater management, drinking (potable) water, wastewater and communications infrastructure are located within the study area. To the west, Johnson Creek serves as a unique natural feature coursing through the district. Map 5: Natural Features identifies key opportunities and constraints based on each infrastructure type. Number on the map correspond to the list below. Each location identifies where general issues exist, but could also apply to larger areas where infrastructure improvements are likely needed throughout the NMIA. Map 6: Infrastructure provides the location of primary utility lines in the project area.

There are several opportunities and constraints related to existing infrastructure and stormwater, as indicated by the corresponding numbers on Map 5.

1. **Johnson Creek Stormwater Outfall at Ochoco Street:** As the north end of the project area redevelops, stormwater control and water quality improvements will improve the quality of stormwater runoff that enters the creek at this outfall. The catchment area for this outfall extends beyond the study area boundary. Within the project area, individual parcels can reduce impervious surfaces by adding more vegetation and stormwater controls.
2. **Johnson Creek Stormwater Outfall at Milport Road:** As the project area redevelops, stormwater control and water quality improvements will improve the quality of stormwater runoff that enters the creek at this outfall. Green infrastructure, including green roofs and vegetated stormwater facilities, can reduce impervious surfaces and pollutants that enter the creek. Due to the size of the existing parcels, there is significant potential for stormwater mitigation, though the existing pipe network may need to be reconfigured to accommodate changes in land use.

### Utility Service Providers

The following utilities and agencies provide infrastructure services in the City of Milwaukie:

- City of Milwaukie Public Works Operations
- Northwest Natural Gas Co.*
- Oregon Department of Transportation
- Portland General Electric Co.*
- Comcast*
- Century Link*
- Water Environment Services of Clackamas County

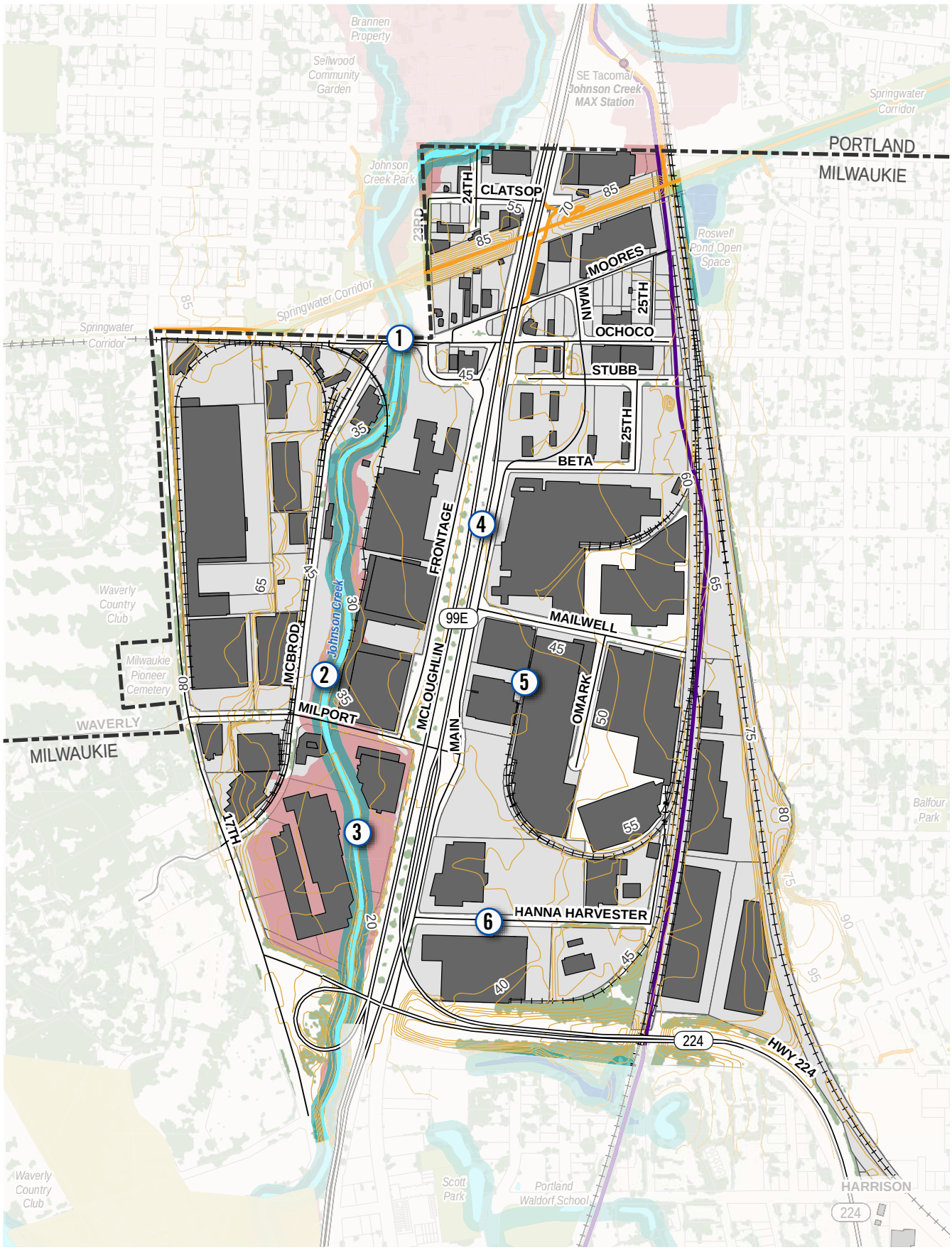
*These utilities have franchise agreements with the City of Milwaukie and will need coordination to confirm locations of existing facilities and requirements for new services within the planning area.

3. Johnson Creek: Johnson Creek has a large watershed that extends beyond the Milwaukie city limits. This portion of the creek is the last segment before it discharges into the Willamette River. There may be opportunities to improve the function and riparian habitat of the creek. However, there are also potential challenges regarding redevelopment of parcels adjacent to the creek channel, including building setbacks and buffer restoration. Johnson Creek is part of the Habitat Conservation Area designation that limits and/or requires mitigation for new development to occur.

4. Trees and vegetated stormwater facilities: As both public and private improvements are made to parcels and the public rights-of-way, elements such as street trees, landscaping and vegetated stormwater facilities can be incorporated to reduce impervious surfaces or mitigate runoff. Installing these facilities will require coordination with existing utility locations to meet setback requirements for installation.

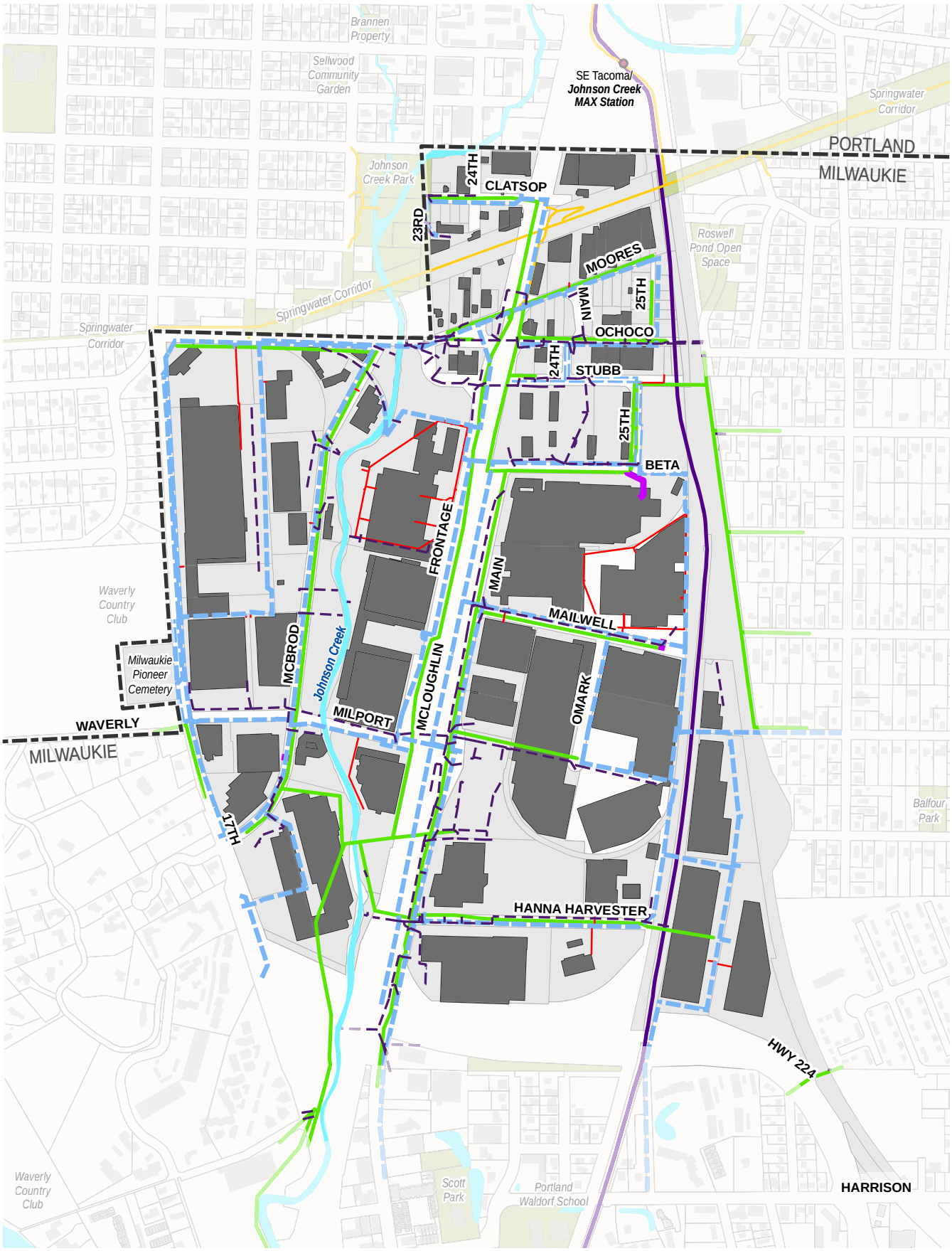
5. Wastewater: Wastewater from the study area is conveyed to the Kellogg Treatment Plant just south of the planning area. Improvements to existing mainlines and service lines may be required to update alignment and materials to meet current standards. As parcels redevelop, further reduction in wastewater flows could occur with water saving fixtures and water reclamation.

6. Drinking (potable) water: The water supply for Milwaukie is provided by the Troutdale Gravels Aquifer through seven wells located within the city. Upgrades to materials and service connections may be needed based on land use and fire system requirements.




**RS137** Map 5: Natural Features

North Milwaukie Industrial Area Plan




**RS138** Map 6: Infrastructure

North Milwaukie Industrial Area Plan

# Transportation

This section summarizes baseline transportation conditions in the planning area, including existing traffic volumes and intersection operations, potential trip generation under existing zoning and current parking utilization. Map 7 shows the transportation system within the NMIA.

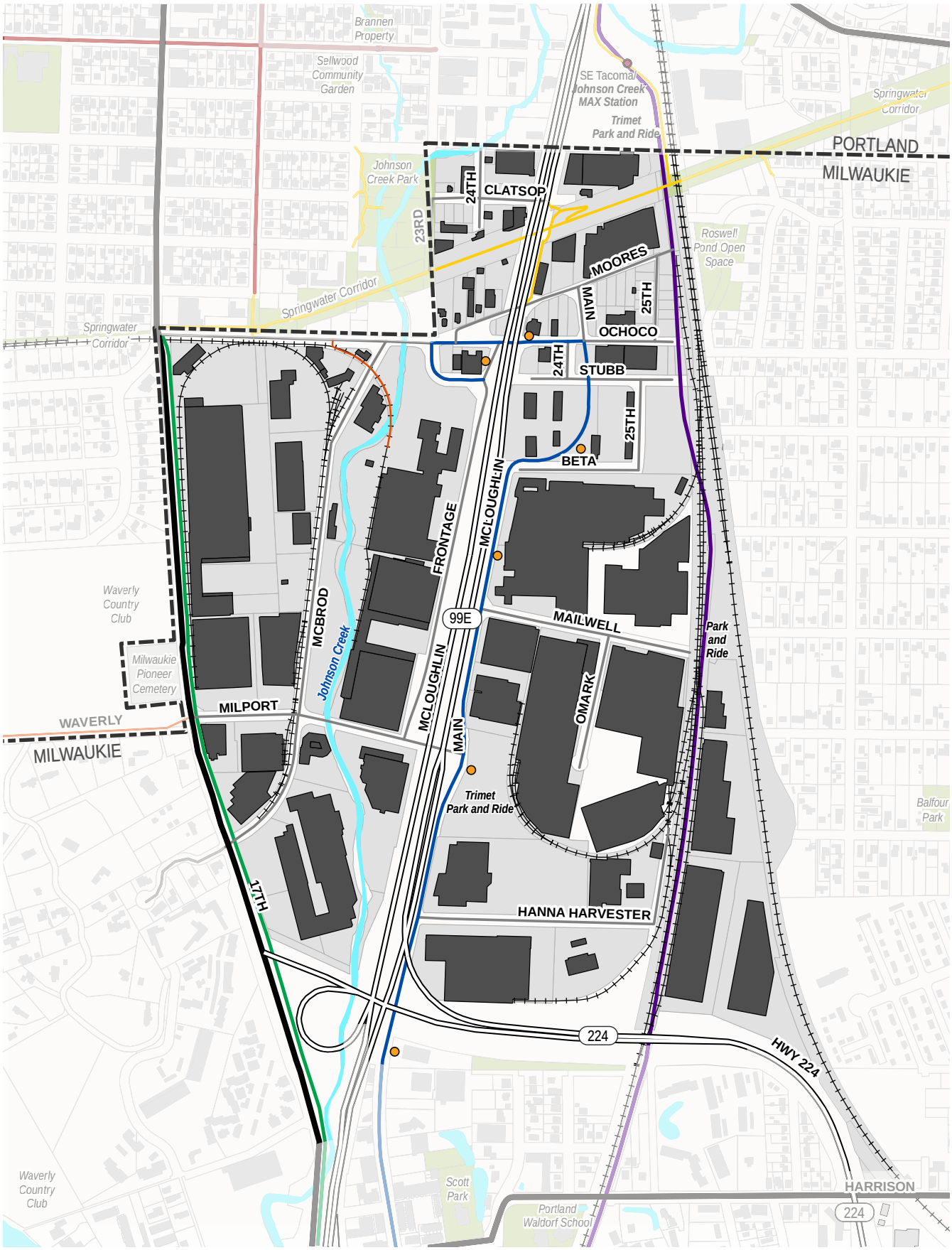
## Current Traffic Volumes and Intersection Operations

The NMIA is bisected by a major state highway, SE McLoughlin Blvd. (OR 99E), with signalized intersections at SE Ochoco St., SE Milport Rd. and just south of the project area at SE Harrison St. These signalized intersections already fail to meet mobility targets under 2035 PM peak hour conditions identified in the Milwaukie Transportation System Plan, which may have an impact of future development options generated in the Framework Plan development (future task). For the current Plan, these intersections and other unsignalized intersections in the area are included for new traffic count collection and analysis. The study intersections are listed below.

### Study Area Intersections

The transportation analysis for this project includes the following study intersections:

- SE McLoughlin Blvd./SE Ochoco St.
- SE McLoughlin Blvd./SE Moores St.
- Main St./SE Ochoco St.
- SE McLoughlin Blvd. Loop/ SE Ochoco St.
- SE McLoughlin Blvd. Loop/ SE Frontage Rd.
- SE McLoughlin Blvd./ SE Milport Rd.
- SE Frontage Rd./ SE Milport Rd.
- SE Main St./ SE Harrison St.
- SE McLoughlin Blvd./Harrison St.


Brannen Property
Sellwood Community Garden
SE Tacoma/Johnson Creek MAX Station
Trimet Park and Ride
Springwater Corridor
PORTLAND
MILWAUKIE
Johnson Creek Park
24TH
CLATSOP
23RD
Roswell Pond Open Space
MOORES
MAIN
25TH
OCHOCO
Springwater Corridor
Springwater Corridor
24TH
STUBB
25TH
BETA
MCLOUGHLIN
FRONTAGE
Waverly Country Club
MCBROD
Johnson Creek
99E
MAILWELL
Park and Ride
Milwaukie Pioneer Cemetery
MILPORT
MCLOUGHLIN
MAIN
OMARK
WAVERLY
MILWAUKIE
Trimet Park and Ride
Balfour Park
HITH
HANNA HARVESTER
224
HWY 224
Waverly Country Club
Scott Park
HARRISON
Portland Waldorf School
224
City Limit
Light Rail Line & Station
Rail
Bus Stops
Building
Park/Open Space
Stream/Creek/Waterbody
Parcel
Street Hierarchy
Highway
Arterial
Private
Neighborhood Collector
Minor Residential
Bike Facilities
Bike Lane
Bike Blvd.
Shared Lane
Multi-use Path
N
0
500'
1000'
1/4 mile
RS140 Map 7: Transportation
North Milwaukie Industrial Area Plan

## Existing PM Peak Hour Operations

Intersection operations were analyzed to ensure that the mobility needs of the transportation system are being met today and to set a baseline for future forecasting. PM peak hour intersection volumes, collected on a weekday in September 2016, were used to determine the existing study intersection operating conditions based on the 2000 Highway Capacity Manual (HCM) methodology for signalized intersections and HCM 2010 methodologies for all-way and two-way stop controlled intersections.[2] These methodologies, implemented with Synchro 9 software, result in measures of effectiveness that allow comparison of baseline traffic conditions to agency mobility targets.

## Definition of Traffic Measures of Effectiveness

Jurisdictions primarily use two measures of effectiveness (MOEs) to measure intersection operations: level of service (LOS) and volume-to-capacity (v/c) ratio. Intersection delay is typically reported as well.

- LOS: LOS is similar to a "report card" rating based upon average vehicle delay. LOS A, B and C indicate conditions where traffic moves without significant delays over periods of peak hour travel demand. LOS D and E are progressively worse peak hour operating conditions. LOS F generally represents conditions where demand has exceeded capacity. This condition is typically evident in long queues and delays.
- V/C Ratio: V/C ratio takes into account the total volume entering an intersection and compares it to the overall intersection capacity to determine a ratio on a scale of 0.0 to 1.0. As an intersection's v/c ratio approaches 1.0, intersection conditions are more congested, meaning longer queues and delays exist. V/C is also calculated for individual movements at an intersection.
- Control Delay: Control delay is the average delay per vehicle in seconds at the intersection. For Two-Way Stop-Controlled (TWSC) intersections, the worst movement (highest control delay) is used to represent the intersection. For All-Way Stop-Controlled (AWSC) and signalized intersections, the control delay for the intersection is used. The results of this analysis are listed in Table 2 for the PM peak hour.

[2] 2000 Highway Capacity Manual, Transportation Research Board, Washington DC, 2000.

## Mobility Targets

Intersections in Milwaukie are subject to one or more mobility targets based on the above MOEs. Milwaukie has a LOS D standard during the peak hour for all intersections within the City's jurisdiction.[3] ODOT uses a v/c ratio as a MOE and has two sets of acceptable v/c ratios for OR 99E. The standards, along with existing intersection operating conditions, are shown in Table 2. As listed, each of the signalized and unsignalized study intersections meets the mobility standards during the PM peak hour.

**Table 2: Existing PM Peak Hour Operations**

| Intersection | Jurisdiction | Control | Mobility Target | Delay (sec) | LOS | V/C |
|---|---|---|---|---|---|---|
| McLoughlin Blvd. & Ochoco St. | ODOT | Signal | 1.10/0.99 | 7.7 | A | 0.75 |
| McLoughlin Blvd. & Milport Rd. | ODOT | Signal | 1.10/0.99 | 4.7 | A | 0.77 |
| McLoughlin Blvd. & Harrison St. | ODOT | Signal | 1.10/0.99 | 26.3 | C | 0.79 |
| Main St. & Harrison St. | City of Milwaukie | AWSC | D | 10.2 | B | 0.39 |
| Milport Rd. & SE Frontage Rd. | City of Milwaukie | TWSC | D | 9.6 | A | 0.12 |
| Main St. & Ochoco St. | City of Milwaukie | AWSC | D | 6.8 | A | 0.12 |
| McLoughlin Blvd. & SE Moores St. | ODOT | TWSC | 1.10/0.99 | 30.4 | D | 0.59 |
| McLoughlin Ramp EB & Ochoco St. | ODOT | TWSC | 1.10/0.99 | 10.4 | B | 0.06 |
| McLoughlin Ramp EB & SE Frontage Rd. | ODOT | TWSC | 1.10/0.99 | 9.3 | A | 0.01 |

*Note: ODOT v/c target shown for first/second most congested hour*

## Comparison to Previous Analysis

Intersection operations at the busiest locations are slightly improved compared to the analysis shown in the Milwaukie TSP. The PM peak hour turning movement counts for this Plan were collected on September 15, 2016, compared to Fall/Winter 2006 for the TSP. An example comparison of the traffic counts is shown in Table 3.

[3] Milwaukie Transportation System Plan, 2013

**Table 3: Traffic Count Comparison (Year 2016 vs. 2006)**

| Intersection | TSP Counts (2006) | | NMIA Counts (2016) | | Difference | |
|---|---|---|---|---|---|---|
| | NB | SB | NB | SB | NB | SB |
| McLoughlin Blvd. & Ochoco St. | 1706 | 3167 | 2173 | 2926 | +467 | -241 |

The northbound volume increased by 400-500 vehicles on McLoughlin Blvd., but the southbound volume decreased by 200-300 vehicles. In both cases, counts reflect just a single day of observation. TriMet opened the new MAX line for service in September 2015, which may have helped shift some of the PM peak commute direction trips off of McLoughlin Blvd. and onto transit.

## Potential Trip Generation

This section describes the reasonable worst-case scenario for vehicle trips under the existing zoning in the planning area. This establishes the trip threshold under current zoning that would be compared against in determining if possible rezones in the NMIA would require traffic impact evaluation for significant effect determination based on applying Transportation Planning Rule (TPR) 660-012-0060. The threshold is important for the project area as future year conditions, documented in the City's TSP, result in mobility deficiencies along SE McLoughlin Blvd. These deficiencies would likely require costly mitigation if a significant effect were found.

### Zoning and Assumed Land Uses

As noted in previous sections, the project area zoning designations include the M Zone, M-TSA Zone and four subareas in the M-TSA Zone. To create a reasonable worst-case development scenario, this analysis assigns the highest allowable percentage of floor area, based on Section 19.309 and 19.312 of the City's Zoning Ordinance, to the highest trip-generating uses reasonably allowed under the zoning. The proposed land use mix for this analysis was previously vetted through the TSA Plan effort.

Table 4 shows the percentage allocations for each land use based on percentage of leasable square feet in each area.

**Table 4: Land Use Mix Assumptions**

| Land Use Type | M | M-TSA 1 | M-TSA 2 | M-TSA 3 | M-TSA 4 |
|---|---|---|---|---|---|
| Industrial | 25% | 0% | 25% | 35% | 75% |
| Office | 67.5% | 35% | 25% | 40% | 23% |
| Retail | 7.5% | 65% | 10% | 20% | 2% |
| Residential | 0% | 0% | 40% | 5% | 0% |

M-TSA assumptions were developed as part of the TSA Plan. For the M zone, Milwaukie's Zoning Ordinance requires that a minimum of 25 percent of every project consist of industrial uses. The remaining 75 percent of leasable square footage was allocated to non-industrial uses in order to create a worst-case scenario. The 7.5 percent retail shown must be accessory to a permitted office use.

## Buildable Acreage

The analysis for reasonable worst-case scenario is based on buildable acreage. Analysis for the M-TSA zone, including buildable acreage, was performed previously in the TSA Plan effort. The remaining buildable acreage for the current Plan is zoned M. The net buildable acreage is derived as shown in Table 5.

**Table 5: Buildable Acreage Calculation**

| | Acres |
|---|---|
| Planning Area Parcel Acreage | 192.4 |
| Buildable Acreage Previously Analyzed for Tacoma Station Area Plan (Zone M-TSA) | (91.7) |
| Remaining Buildable Acreage (Zone M) | 100.7 |

*Source: DKS Associates, 2016*

## FAR Assumptions and Calculations

For trip generation purposes, Floor Area Ratio (FAR) refers to total floor area of the structures on a parcel expressed as a percentage of the parcel area. For example, a two-story building with two floors of 3,000 square feet each on a 10,000 square foot lot would have a FAR of:

$$\frac{2 \times 3{,}000}{10{,}000} = 0.60$$

The reasonable worst-case analysis relies on observed FARs for areas with comparable uses and locations within the Portland Region.[4] The analysis uses the following FARs for the assumed land uses, with comparable areas noted:

- Manufacturing: 0.20 (Rivergate Industrial Area, 0.21)
- Office: 0.35 (Tigard Employment Area, 0.33)
- Retail: 0.25 (Division Main Street, 0.26)

When applied to the buildable acreage with leasable square footage in the proportions shown in Table 4, square footage totals are derived as shown in Table 6:

**Table 6: Estimated Leasable Square Feet by Land Use and Subarea (1,000 SF)**

| Land Use Type | M | M-TSA 1 | M-TSA 2 | M-TSA 3a | M-TSA 3b | M-TSA 4 |
|---|---|---|---|---|---|---|
| Industrial | 315.8 | 0 | 25.36 | 35.8 | 42.0 | 199.3 |
| Office | 850.5 | 11.3 | 25.3 | 40.9 | 48.0 | 536.7 |
| Retail | 94.3 | 21.0 | 10.1 | 20.4 | 24.0 | 59.5 |
| Total | 1,260.7 | 32.3 | 60.7 | 97.1 | 114.0 | 795.5 |
| Residential (units) | 0 | 0 | 63 | 8 | 11 | 0 |

Subarea 3 is divided into two parts (3a and 3b) to account for the fact that the area north of Stubb St. (3a) is closer to the LRT station and can be considered a Station Area under Metro's Urban Growth Management Functional Plan, while the part south of Stubb St. (3b) is too far from the LRT station to be considered a Station Area in that context. This distinction affects the assumptions for trip generation, as described below.

## Trip Generation

The following Institute of Traffic Engineers (ITE) codes were used for estimating reasonable worst-case trip generation for each of the land uses. Trip rates reflect the PM peak hour of adjacent street traffic, including General Office, for which the peak hour of the trip generator coincides with the peak hour of adjacent street traffic.

- **Industrial:** ITE Code 110, Light Industrial, 0.97 PM peak hour trips per 1,000 square feet (KSF).
- **Office (including Station Area):** ITE Code 710, General Office, 1.49 PM peak hour trips per KSF.

[4] Metro Employment Density Study, 1999

- **Retail:** Split between two uses. ITE Code 932, Sit-Down Restaurant, 9.85 PM peak hour trips per KSF; ITE Code 492, Health/Fitness Club, 3.53 PM peak hour trips per KSF.
- **Residential:** ITE Code 221, Low-Rise Apartment, 0.58 PM peak hour trips per dwelling unit.
- **Subarea 2 (Pendleton Site) Retail:** ITE Code 820, Shopping Center, 3.71 PM peak hour trips per KSF.

The General Office (710) use meets the ITE guidelines for using the given fitted curve equation rather than specific trip generation rates. The equation for Code 710 was applied to the total leasable office space in the study area and then the trips derived from the equation were allocated proportionately back to the subareas. All other land uses relied on rates per 1,000 square feet or dwelling unit. For the Sit-Down Restaurant (932) and Shopping Center (820) uses, it is appropriate to apply a reduction for "pass-by" trips (trips attracting motorists who are already on the street). The pass-by reduction applied for code 932 is 43 percent and for code 820 it is 34 percent.

Additionally, a 30% reduction from ITE rates for trips generated north of Stubb Street was included, given certain conditions in Metro's Urban Growth Management Functional Plan[5] being met for Station Communities.[6] This resulted in a reduction of 19 trips from Subarea 1, 44 trips from Subarea 2 and 56 trips from Subarea 3A, for total reduction of 119 trips.[7] Final trip generation totals are shown in Table 7, below.

**Table 7: Existing Zoning Reasonable Worst Case Development Trip Generation Estimates (PM Peak Hour)**

| Land Use (ITE Code) | M | M-TSA 1 | M-TSA 2 | M-TSA 3a | M-TSA 3b | M-TSA 4 | TOTAL |
|---|---|---|---|---|---|---|---|
| Light Industrial (110) | 306 | 0 | 18 | 25 | 41 | 193 | 583 |
| General Office (710) | 1031 | 10 | 27 | 36 | 60 | 667 | 1831 |
| Sit-Down Restaurant (932) | 264 | 0 | 22 | 46 | 76 | 190 | 598 |
| Health/Fitness Club (492) | 166 | 0 | 13 | 25 | 42 | 105 | 351 |
| Shopping Center (820) | 0 | 36 | 0 | 0 | 0 | 0 | 36 |

[5] Metro Urban Growth Management Functional Plan 3.07.630 (b) accessed at http://www.oregonmetro.gov/urban-growth-management-functional-plan

[6] Milwaukie's Tacoma Station Community was adopted as part of the Tacoma Station Area Plan and includes the area north of Ochoco Street west of Highway 99E and the area north of Beta Street east of Highway 99E.

[7] All assumptions on mode split were vetted through the TSA Plan effort.

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Low-Rise Apartment (221) | 0 | 0 | 26 | 4 | 6 | 0 | 36 |
| TOTAL | 1767 | 46 | 106 | 136 | 225 | 1155 | 3435 |

*Source: DKS Associates*

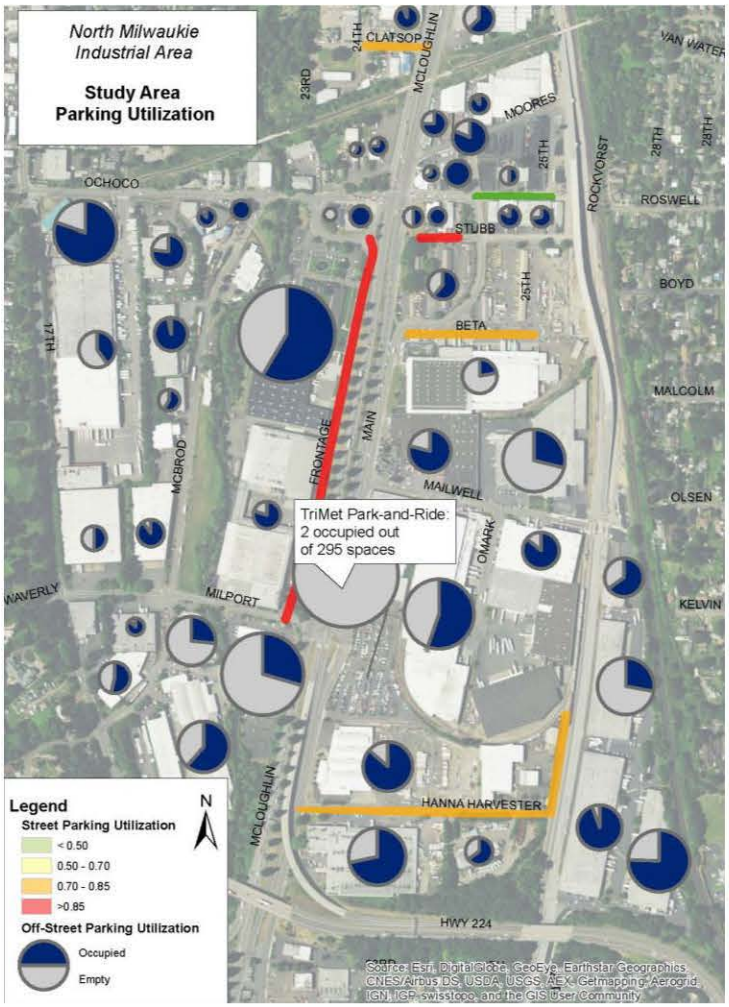
The reasonable worst case trip generation shown in Table 7 establishes a baseline against which trip generation will be compared to any zone change that may be contemplated when developing the Framework Plan (future tasks). Transportation analysis in the Draft Framework Plan task of this project will address these Transportation Planning Rule (TPR)-related considerations. Analysis in that future task will include:

- A reasonable worst case trip generation estimate for a proposed rezoning scenario, if applicable;
- Additional traffic forecasts for weekday PM peak hour volumes at study intersections under baseline (existing zoning) future conditions;
- Intersection operations analysis for the weekday PM peak hour at study intersections under existing zoning, establishing a baseline for TPR analysis
- Intersection operations analysis for the weekday PM peak hour at study intersections under proposed zoning, assessing TPR impacts and identifying potential mitigations as needed

Future analysis will also take into account existing conditions and what the projected demand on the roadways might be, given that the City of Milwaukie TSP already shows projected capacity issues in the future for some intersections. This will include identifying whether or not there are projects or other improvements that can mitigate project-generated traffic impacts.

# Parking

The Planning team evaluated parking capacity and utilization in the project area. This evaluation provides a baseline for consideration of parking management strategies later in this planning process.




Team members inventoried off-street and on street parking spaces on Tuesday, September 20, 2016 between the hours of 9:30 AM and 2:30 PM, omitting the hour between noon and 1:00 PM. The time frame was selected to best reflect peak parking usage in an employment area.

The image at right illustrates supply and utilization of existing parking throughout the project area. The relative supply of each off-street parking area is indicated by the size of the pie graph, with the largest off-street parking area (290 spaces) being the former TriMet park-and-ride lot at Main St. and Hanna Harvester St. On-street parking utilization is indicated by color on the streets that allow on-street parking. Results for the entire project area are shown in Table 8.

**Table 8: Parking Capacity and Utilization in the NMIA**

| Parking Type | Supply | Usage | % Utilization |
|---|---|---|---|
| On-Street Parking | 135 | 109 | 81% |
| Off-Street Parking | 2,205 | 1,158 | 53% |
| Total | 2340 | 1267 | 0.54 |

*Source: DKS Associates, 2016*

## Summary of Parking Observations

- **Higher levels of off-street parking utilization in the northern half of the project area**: More than half of the parking lots north of Mailwell St. were over 50 percent utilized, while the majority of parking lots south of Mailwell St. were less than half occupied. This includes the former TriMet park-and-ride lot, which was nearly empty at the time of the survey, but was also surrounded by other lots that appeared to have available capacity. Lots east of the light rail tracks near Hwy. 224, however, were more than 75 percent full.
- **High on-street utilization west of McLoughlin Blvd**: South of the Springwater Trail and west of McLoughlin Blvd., on-street parking is limited to about 45 spaces on Frontage Rd. running between Ochoco St. and Milport St. A total of 44 of these spaces were utilized at the time of the parking inventory.



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# Market Analysis

## Industries and Employment

The NMIA currently contains around 3.4 million square feet of rentable commercial space, supporting approximately 9.5 employees per acre.[6] The vast majority of this rentable area is classified as industrial space, with the industrial subcategories of distribution and warehousing comprising over 80 percent of the total square footage. The remaining rentable area in the NMIA is classified as flex office/industrial, general office and general retail.

As of 2014, there were 65 firms with 1,833 total employees within the project area. Table 9 shows that average pay per employee varies from sector to sector, with the highest average pay in the area coming from the construction and wholesale trade sectors. According to Hoovers and ReferenceUSA, top employers in the NMIA are Portland Mechanical Construction, Alpine Food Distributing, Goodwill, PCC Structurals, Stoner Electric, Advanced Entry Systems and the Oregon Liquor Control Commission.

**Table 9: Employment and Pay by Sector, NMIA, 2014[7]**

| Employment Sector (2-Digit NAICS) | Total Firms | Total Employees | Total Pay | Average Pay per Employee |
|---|---|---|---|---|
| Construction | 8 | 486 | $32,642,322 | $67,188 |
| Manufacturing | 14 | 135 | $6,068,585 | $44,814 |
| Wholesale trade | 14 | 231 | $13,464,485 | $58,246 |
| Retail trade | 6 | 81 | $2,459,561 | $30,522 |
| Transportation and Warehousing | 6 | 76 | $2,945,947 | $39,019 |
| Health Care and Social assistance | 3 | 473 | $14,102,271 | $29,836 |
| Other services (except public administration) | 3 | 8 | $220,879 | $27,901 |
| All other employment sectors* | 11 | 344 | $15,690,740 | $45,624 |
| Total | 65 | 1,833 | $87,594,790 | $47,788 |

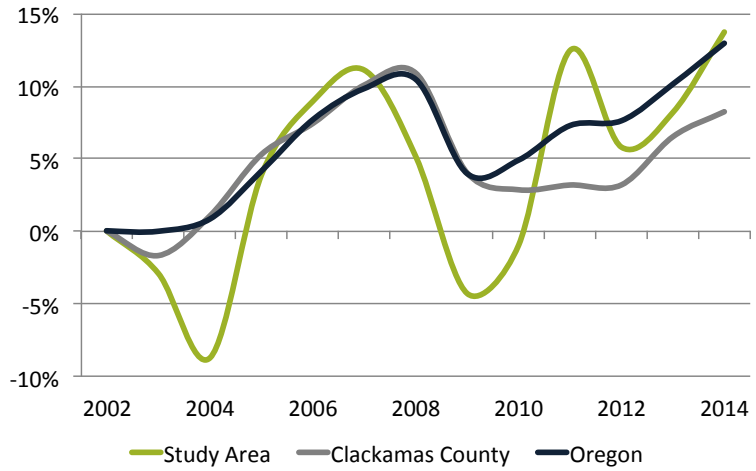
*Source: Quarterly Census on Employment and Wages (QCEW)*

[6] CoStar Property Analytics; Quarterly Census on Employment and Wages: Total Employment.

[7] Because of disclosure laws, the data in "All other employment sectors" is aggregated to avoid disclosing confidential information.

United States Census Longitudinal-Employer Household Dynamics (LEHD) data allows for tracking of employment over time.[8] Figure 1 shows the change in employment from 2002 to 2014. Total employment in the NMIA increased by 14 percent during this period. This increase is higher than both Clackamas County (eight percent total increase since 2002) and the State of Oregon (13 percent increase since 2002). The chart also illustrates that there have been larger swings in employment in the NMIA compared to the larger geographies since 2002.

**Figure 1: Employment Change, 2002-2014**

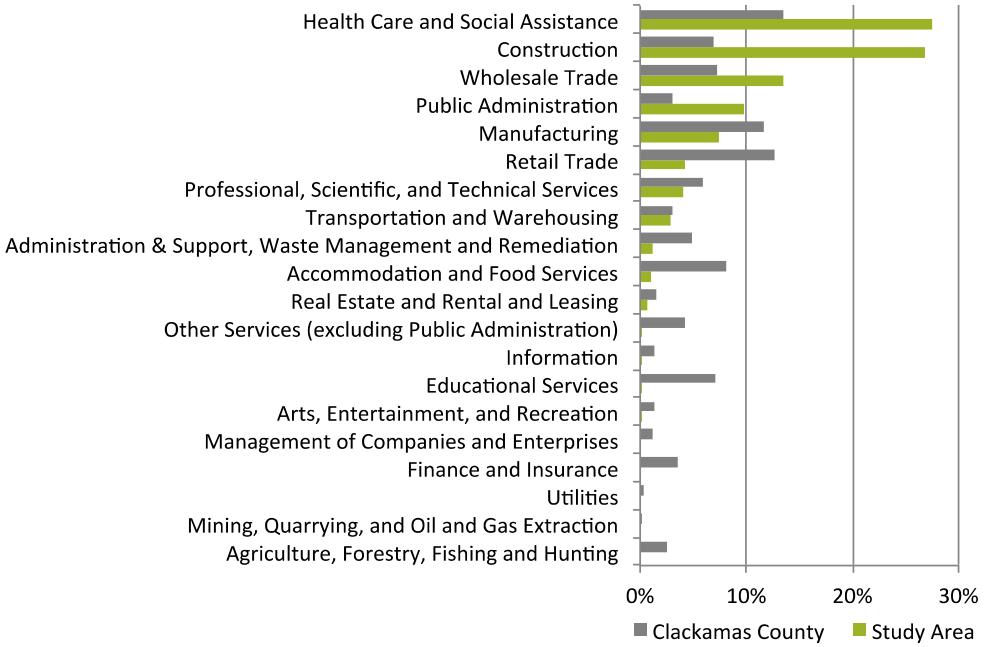



*Source: U.S. Census Longitudinal-Employer Household Dynamics (LEHD) data, 2016*

[8] U.S. Census Bureau. 2016. OnTheMap Application. Longitudinal-Employer Household Dynamics Program. http://onthemap.ces.census.gov/

Figure 2 breaks down total employment in the NMIA by sector for 2014, the latest data year available. It also compares the NMIA to Clackamas County.

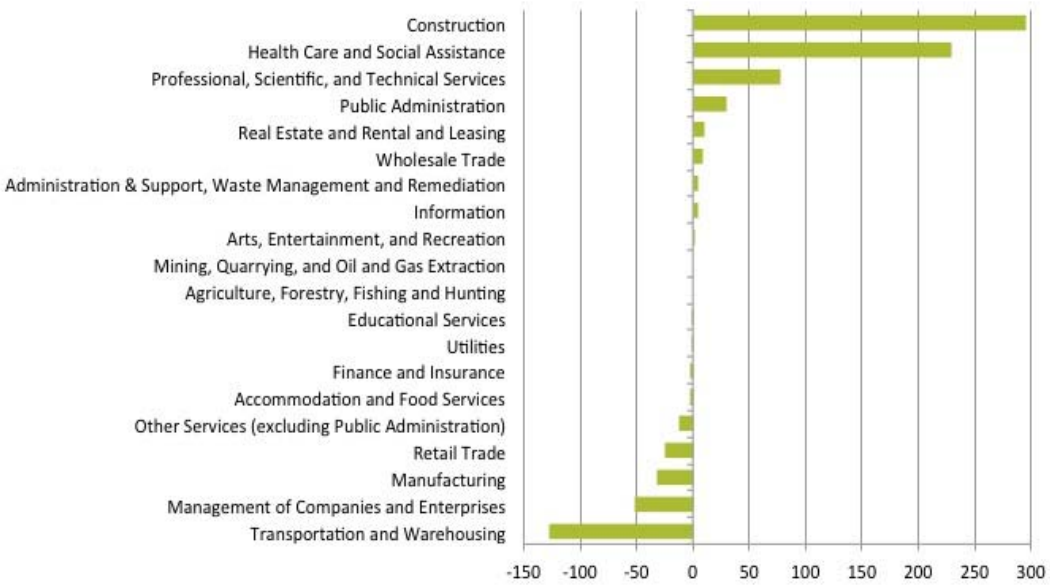
**Figure 2: Employment Share by Industry, 2014**




*Source: U.S. Census Longitudinal-Employer Household Dynamics (LEHD) data, 2016*

Employment growth in the NMIA by sector from 2004 to 2014 is illustrated in Figure 3. As of 2014, the sectors with the largest increases in total employment, but not largest percent increases, were construction (increased by almost 300 employees or 112 percent) and heath care and social assistance (increased by over 200 employees, or 67 percent).

**Figure 3: Employment Growth by Industry**




*Source: U.S. Census Longitudinal-Employer Household Dynamics (LEHD) data, 2016*

By percent of employees, professional, scientific and technical services saw the largest employment growth from 2004-2014 (1,300 percent growth, an increase of approximately 80 employees). Employment in real estate, rental and leasing increased by 200 percent, an increase of around 15 employees. The largest decrease in employment by sector was most notable in the transportation and warehousing sector. This sector decreased by almost 130 employees over the time period, a 69 percent decrease. Large employment decreases were observed in four other sectors – other services, management of companies and enterprises, finance and insurance, and utilities. However, these sectors had minimal employees to begin with and therefore do not represent a significant or noticeable loss in overall area employment.

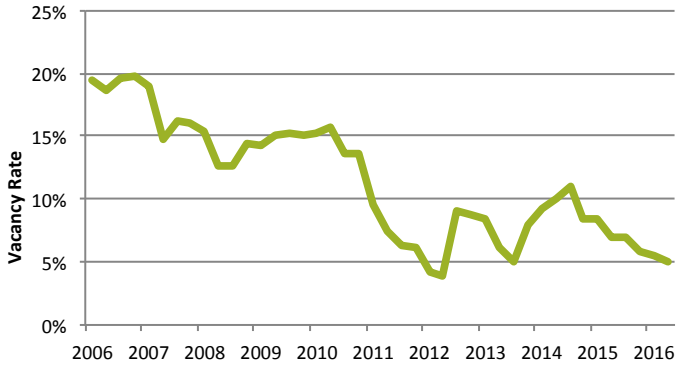


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## Real Estate Market

CoStar Property Analytics provides key real estate data for the North Milwaukie Industrial Area. In the past 10 years, the overall property vacancy rate for the project area declined steadily. Figure 4 shows vacancy rate for all commercial property in the project area from 2006 through 2016.

**Figure 4: NMIA Vacancy Rate, 2006-2016**

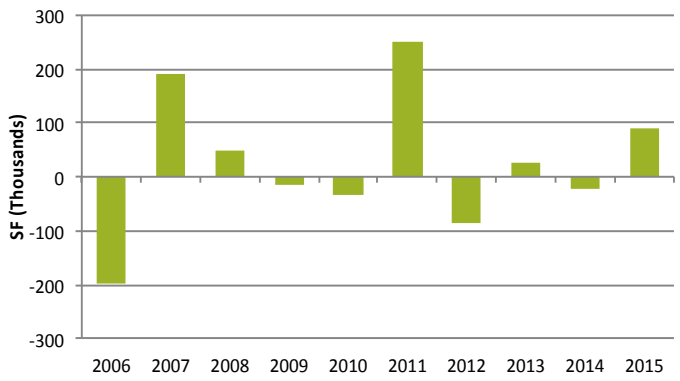



*Source: Costar Property Analytics*

Since the fourth quarter of 2006, when the vacancy rate peaked at 19.8 percent, vacancies steadily declined to five percent in the second quarter of 2016. That is slightly higher than when it reached its lowest point (3.9 percent) in the second quarter of 2012.

In alignment with a decline in vacancy is the absorption of commercial space, shown in Figure 5. Net absorption in the area between 2006 and through 2015 was 276,513 square feet. Generally starting in 2011, there has been an increased level of lease transactions and overall positive absorption of space.

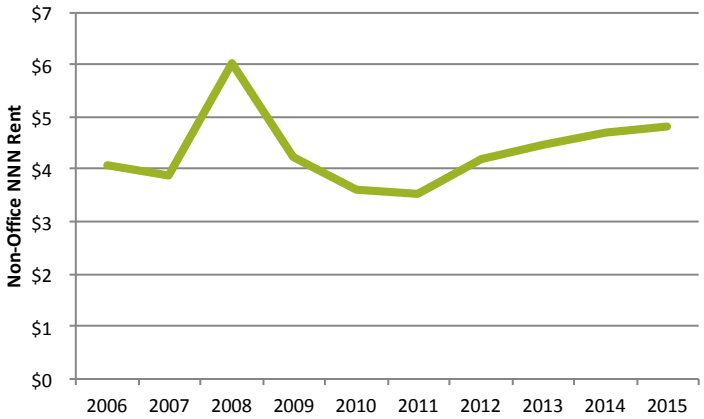
**Figure 5: NMIA Annual Absorption, 2006-2015**




*Source: Costar Property Analytics*

In 2015, a total of 91,000 square feet of space was absorbed by the local market. However, over this time period there have been no new buildings constructed in the project area. This has equated to increasing rents in the NMIA in recent years, illustrated in Figure 6. However, there have been some improvements to existing buildings. Harder Mechanical made an investment in new equipment and Sock it to Me, a new business leasing space in the NMIA used an Enterprise Zone investment to purchase new equipment and complete building modifications. OLCC recently used Enterprise Zone for their new conveyor system.

**Figure 6: NMIA Average Rent, 2006-2015**




*Source: Costar Property Analytics*

Industrial rents in the NMIA make up the vast majority of overall properties in the area and currently average around $0.40 per square foot on a monthly basis, or a little less



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than $5.00 per square foot annually. Recent asking rates of available spaces in the NMIA appear to be higher than average, starting around $0.55 per square foot monthly or above $6.60 per square foot on an annual basis.[9] This rent level is in line with other industrial areas in the region.

[9] Internet search: LoopNet, Norris & Stevens. September 2016.

# Opportunities and Constraints:

The North Milwaukie Industrial Area is well-suited for a variety of future development patterns. Its central location in the Portland metropolitan region makes it an ideal location for a diversity of business types that benefit from direct access to the entire market area. Further, with increased transit access via the recently opened MAX line, and a growing demand for close-in business locations, the area is increasingly competitive with other regional employment areas. Specific opportunities include:

- Interested and engaged property owners: The greatest opportunity for redevelopment of any area resides with the interests and motivations of existing tenants and property owners. The NMIA is no different. There are a number of engaged and motivated local property owners who are actively shaping the future of the area. For example, NW Flex Space, a business that subleases flexible warehouse, light manufacturing and office space, is providing low barrier-to-entry work spaces for local small businesses, allowing them additional flexible space to continue to grow their businesses as needed. NW Flex Space now has two locations in the area, hosting a variety of businesses. This adaptive and flexible use of existing area improvements highlights an efficient and attractive redevelopment pattern that can incrementally bring increased employment and business activity to the area.
- Attractiveness to potential new businesses: Existing local businesses cite a number of reasons why the NMIA is attractive for business location and expansion. Besides the central location of the area, existing businesses list tax advantages of locating in the City of Milwaukie and Clackamas County, where taxes are typically lower than across the border in the City of Portland and Multnomah County. Lower rents and availability of space are also listed as reasons for locating in the area.
- Competitive advantage: Generally, the combination of a central location, above average transportation linkages and tax benefits, make the NMIA a competitive location with other employment areas. In the increasingly competitive world of attracting talented employees, the NMIA provides a central location that is a short distance from the close-in core of the Portland market – the coveted live, work and play center of the growing millennial workforce.
- Transportation and parking issues: Despite transportation linkages in and out of the area that are above average, local businesses report that access to Highway 99E can back up at a few choke points and that weak access to Interstate 5 is a detractor for some businesses. In some locations (including on-street parking west of McLoughlin), tight parking supply is also cited as a constraint by local businesses, although businesses also mention that their employees are not taking full advantage of local transit options and the recent

parking study shows that there is generally adequate existing parking capacity except in certain locations.

- Limited or aging building inventory: The existing building inventory is aging and out of sync with many of the needs of modern industrial or warehouse users. Common features in modern industrial/warehouse/flex space buildings that are lacking or inadequate in many of the NMIA spaces include: adequate ceiling heights, wide column spacing and sufficient dock height loading doors, water, sewer and fiber infrastructure, among others. While many of these buildings may be creatively reused in a variety of ways, some are functionally obsolete for many modern employment area users, thus limiting the potential range of businesses that are able to locate in the NMIA.

ECONorthwest
ECONOMICS • FINANCE • PLANNING

DATE: March 28th, 2017
TO: City of Milwaukie
FROM: ECONorthwest
SUBJECT: NMIA CATALYST SITE OUTLINE (DEVELOPMENT FEASIBILITY STUDY)

# 1 Introduction

The purpose of this memorandum is to summarize the development feasibility analysis performed by ECONorthwest for the North Milwaukie Industrial Area (NMIA) project[1]. ECONorthwest conducted feasibility analyses to inform decision-making and policy direction for the NMIA project. Analyses were conducted at two different scales using multiple techniques. First, ECONorthwest used the MapCraft webtool to test development feasibility of a multitude of building prototypes across the entire NMIA. Second, ECONorthwest took an in-depth look into four sites in the NMIA to better understand the mechanics and nuances of feasibility on specific properties. It is important to note that this analysis provides a snapshot in time.

This memorandum is organized into three additional sections:

- **Section Two, Summary of MapCraft Feasibility Analysis** outlines the area wide analysis ECONorthwest conducted using the MapCraft webtool.
- **Section Three, Catalytic Site Analyses** provides detail into the in-depth analyses conducted on four sites in the NMIA.
- **Section Four, Summary of Findings and Recommendations** summarizes the findings of the analyses conducted and provides detail on how the public sector can encourage development or redevelopment that is aligned with the NMIA vision.

[1] NMIA Scope – Metro Exhibit A – Completion of Development Feasibility Analysis: A development feasibility analysis that includes the following: 1) Matching potential uses with existing and new buildings and performing a financial feasibility analysis; the feasibility will be based on development costs and economic viability in the near, mid, and long term. 2) Identified financial sources and uses. 3) List of draft Framework Plan refinements and actions necessary for implementation based on the feasibility analysis and focus group meetings with development experts. NMIA Scope Item 8.4 – Catalytic Site Analysis: Consultant will conduct in-depth case study analysis of up to four catalytic sites, depending on property owner interest and the results of site-specific property analysis in Task 8. This analysis will include pro forma evaluations that identify potential financial sources and uses. As part of the catalytic site(s) analysis, Consultants will provide recommendations for how to optimize the sites' contributions to public outcomes and support redevelopment that aligns with the public vision.

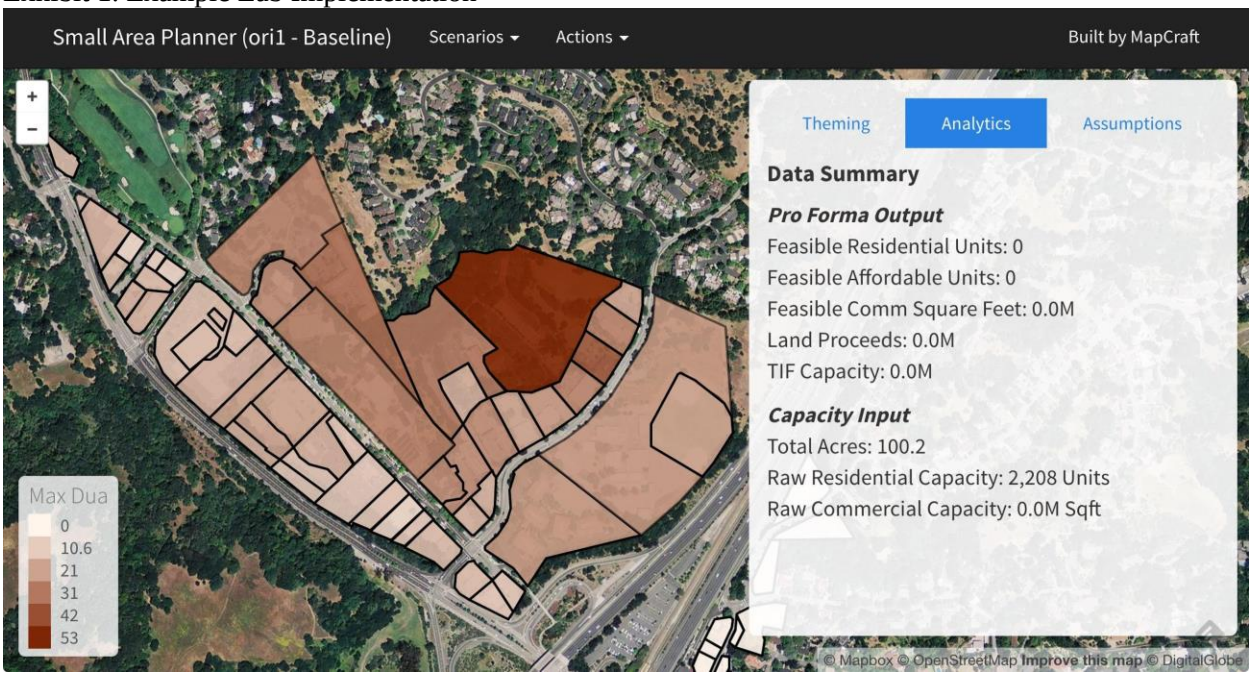
# 2 NMIA MapCraft Feasibility Analysis

The consultant team employed the MapCraft Labs webtool to conduct an area-wide feasibility analysis for the NMIA project. This section describes the MapCraft Labs setup process, analysis conducted, findings and implications of those findings.

## 2.1 MapCraft Labs Application in NMIA

ECONorthwest utilized MapCraft's Labs webtool (also referred to simply as "Labs") to evaluate the feasibility of development in the NMIA as part of the project's Framework Plan process. MapCraft Labs is the critical component of the methodology for assessing development feasibility across the area and a first-step analysis prior to deep-dive feasibility assessments of several sites. The NMIA Feasibility Lab was configured to assess parcel-level development opportunities across the NMIA. Furthermore, the consultant team developed a comprehensive set of Labs scenarios to test the potential for the adaptive reuse or retrofit of existing buildings in the NMIA into other desired uses as outlined in the NMIA vision.

Exhibit 1. Example Lab Implementation




Source: MapCraft

MapCraft Labs works by applying vetted real estate industry financial modeling techniques to assess development feasibility under varied policy options, future public investment scenarios, and market environments. MapCraft Labs allows on-the-fly sensitivity analyses of policy and market changes with immediate results in intuitive color-coded maps.

For the NMIA MapCraft Lab, the consultant team gathered area inputs and market assumptions, developed prototypes, and created scenarios to test future policy and

infrastructure changes. Inputs and scenarios were presented to the NMIA Project Management Team (PMT) who helped refine the inputs and clarify the outputs.

The primary metric used to assess development feasibility in the NMIA MapCraft Lab is residual land value (RLV). Residual land value is the value produced by a development that can be spent by a developer on the acquisition of a property. Basically, the income generated from a development project is calculated using a targeted return threshold, with RLV as an output. It is a way of asking a question a developer might ask - "if I have a certain development type in mind, how much can I pay to acquire the property to build it?" Feasibility is broadly defined as the ability of a development project to overcome financial hurdles and attract investment.

## 2.2 NMIA MapCraft Labs Inputs

The analysis rests on several inputs and assumptions critical to assessing the feasibility of development and potential land use changes. ECONorthwest gathered the following inputs to be directly input into the NMIA MapCraft Lab:

Exhibit 2. NMIA MapCraft Lab Inputs

| Data Input | ECO Data Acquisition Plan |
|---|---|
| Market Conditions | |
| Rents | Costar, Broker interviews, Existing Conditions Report, Market Study and Economic Feasibility Analysis |
| Vacancy | Costar, Broker interviews Existing Conditions Report, Market Study and Economic Feasibility Analysis |
| Sales prices | Zillow and other data sources |
| Development Costs | |
| Construction Costs | RS Means; Local contractors; Developer interviews |
| Operating Costs | Broker interviews |
| Parcel Price | County assessor data |
| Return Rates | Broker interviews |
| Cap Rates | Broker interviews |
| Existing Policies | |
| Zoning | Jurisdiction's zoning maps and other policy docs |
| Existing incentives | Jurisdiction-provided information on existing development incentives in the area |

Source: ECONorthwest

All development scenarios, unless otherwise noted, model arms-length market rate transactions. The model uses the above inputs as a baseline for understanding of the market conditions in the NMIA. Models can only be as accurate as the inputs provided; should assessor data, for example, not accurately reflect real market values, then the model will be off as well.

Inaccuracy of data inputs can present significant challenges to the analysis, even if these data are the best available. Careful research, including stakeholder interviews, has gone into building a model that is as accurate as possible.

## 2.3 NMIA MapCraft Labs Prototypes

The prototypes fall into three primary development categories: industrial, office, and multifamily as shown in Exhibit 3. Both the office and multifamily categories contain some mixed-use prototypes. These are prototypical buildings that contain either office or multifamily residential as well as a retail component. The prototypes generally model buildings that exist or are under construction in the Portland region. We have also included two specific prototypes requested by the NMIA PMT. These include vertical manufacturing buildings and models that mimic the redevelopment of current buildings within the NMIA into maker space.

### 2.3.1 Industrial Prototypes

- Manufacturing – These buildings host companies that fabricate, transform, or assemble physical resources into physical goods. Building design can vary significantly for manufacturing buildings as assembly lines and specifications for heavy equipment often dictate building size, shape, and site orientation.

  Manufacturing buildings can be more expensive to construct than other industrial buildings. Reinforced flooring for heavy equipment loads, heavy power requirements, air-conditioned spaces, and crane-ways all add to construction cost.

  For the NMIA, we modeled manufacturing buildings that vary in size and configuration. Like almost all industrial buildings, manufacturing buildings are typically only one story in height. The visioning of the future NMIA included multistory manufacturing buildings. We have modeled these prototypes as well.

- Distribution – Distribution warehouses are essentially single-story square structures with many truck level doors. These buildings are relatively inexpensive to construct; most are either metal frame or concrete tilt-up construction. Interior build-out is minimal, with only modest heating and cooling systems necessary. Office build-out is much reduced from other industrial buildings. Office build-out in distribution buildings typically occupies 10 percent or less of the interior space.

  For the NMIA, we modeled several distribution buildings that represent industry standard sizes and configurations.

- Warehouse – The warehouse category of industrial buildings varies more than any other type of industrial building. These buildings are used for light manufacturing, services, large-scale storage, and small-scale distribution businesses. The level of office build-out typically ranges from 10 to 20 percent, but can be up to 50 percent for smaller facilities. These buildings can be single tenant or multitenant. Due to their high employment occupancy and often a need for outdoor space to park service vehicles, trailers, or other equipment, many warehouses demand more parking and yard space than other

industrial buildings.

For the NMIA, we modeled a range of warehouse buildings that represent single and multitenant buildings.

- Flex Warehouse – Flex warehouse buildings differ from typical industrial warehouses due to their appearance (more office like) and their high percent of interior office build-out. Clusters of flex warehouses are synonymous with "business parks." The term "flex" comes from the flexibility of the interior spaces to expand or contract to the needs of the tenants. Almost all flex office buildings are multitenant and feature interior office build-out ranging from 30 to 90 percent of the interior space. Outdoor yard space is minimal, however because flex office buildings typically have the highest employee occupancy of any industrial type, large parking areas are necessary.

  For the NMIA, we modeled flex warehouse building types that are common in the Portland industrial market.

### 2.3.2 Office Prototypes

- General Office - Office building types vary significantly by location. For example, urban office spaces are usually found in multi-story buildings with integrated and/or underground parking. The associated construction costs and rents are subsequently higher for urban office spaces and lower for suburban office spaces. Additionally, office spaces have "classes" which correlate to construction type, cost, type of parking supplied, and market rent. A Class A office building for example will have much better interior finishes and exterior appearance, for which a cost premium is demanded.

  For the NMIA, we modeled a range of suburban and urban office spaces ranging from a Class B suburban, one-story buildings with only surface parking to a Class A downtown office tower with only underground parking.

- Mixed Use Office - Mixed use commercial is a similar category of prototypes to that of office, but with the addition of retail on the ground floor.

  For the NMIA, we modeled a subset of the range of office prototypes where it was appropriate to add retail (e.g. towers, mid-rise buildings). In addition to the inputs for office (e.g. construction costs, rents), the mixed-use commercial prototypes have additional inputs for the retail component.

### 2.3.3 Residential Prototypes

- Multifamily Residential - Multifamily residential consists of any commonly-built construction type that contains multiple residences. These different construction types include, but are not limited to, Type-I towers, mid-rise buildings with a concrete podium and stick-built (wood frame construction) apartments above, stick-built townhomes, and stick-built duplexes. Associated with these construction types is a mix of parking construction that includes underground, integrated structure, tuck-under, and surface parking. The building design and incorporation of parking can vary drastically by region and regulatory environment.

For the NMIA, we modeled a range of residential types (towers down to duplex homes) with inputs associated with for-rent and for-sale properties (e.g. high construction costs with for-sale).

- Mixed Use Residential - Mixed use residential is a similar category of prototypes to that of multifamily residential, but with the addition of commercial uses on the ground floor.

  For the NMIA, we modeled a subset of the range of multifamily residential where it was appropriate to add retail (e.g. towers, mid-rise buildings). In addition to the inputs for residential (e.g. construction costs, rents), the mixed-use residential prototypes have additional inputs for the retail component.

## 2.4 Retrofit Prototypes

- Industrial Retrofits - Retrofits are redevelopments of existing buildings. In Mapcraft, we're able to model retrofit prototypes by using data from existing properties and making assumptions about how they would be redeveloped. For the NMIA, we have developed two retrofit prototypes: Maker Space, and Tech Office. These two prototypes mimic the two kinds of redevelopment of existing industrial buildings that is occurring in other parts of the Portland region. As will be discussed in the scenarios section of this report, we also further modified these prototypes to try to better understand retrofits that are currently taking place in the NMIA.
  - Maker Space: Maker Space is closely aligned with manufacturing or flex space and in the current market has similar rents, vacancies, and absorption rates, but there is a spectrum of different levels of quality and amenities resulting in higher and lower-cost retrofits.
  - Tech Office: Tech Office draws from data on creative office spaces throughout the Portland office market. Rents tend to be close to Class A rents, despite starkly different internal space buildouts.

Exhibit 3. Summary Table of Prototypes from NMIA MapCraft Lab

| Type | Prototype Name | Land Area of Prototype's Parcel | Gross Building Area | Residential units / acre | FAR | Height (stories) | Height (ft) | Building footprint | Lot Coverage | Impervious area |
|---|---|---|---|---|---|---|---|---|---|---|
| | | sq ft | sq ft | units / acre | # | stories | ft | sq ft | % | sq ft |
| Office | Class B Suburban - 1 | 48,231 | 20,000 | 0 | 0 | 1 | 15 | 20,000 | 41% | 38,585 |
| Office | Class B Suburban - 2 | 71,856 | 40,000 | 0 | 1 | 2 | 25 | 20,000 | 28% | 57,485 |
| Office | Class B Suburban - 3 | 95,088 | 60,000 | 0 | 1 | 3 | 35 | 20,000 | 21% | 76,070 |
| Office | Class B Suburban - 4 | 118,713 | 80,000 | 0 | 1 | 4 | 45 | 20,000 | 17% | 94,970 |
| Office | Class B Suburban - 5 | 141,944 | 100,000 | 0 | 1 | 5 | 55 | 20,000 | 14% | 113,555 |
| Office | Class A Suburban - 1 | 45,394 | 20,000 | 0 | 0 | 1 | 15 | 20,000 | 44% | 38,585 |
| Office | Class A Suburban - 2 | 51,159 | 75,000 | 0 | 1 | 2 | 25 | 20,000 | 39% | 25,985 |
| Office | Class A Suburban - 3 | 54,494 | 112,500 | 0 | 2 | 3 | 35 | 20,000 | 37% | 28,820 |
| Office | Class A Suburban - 4 | 58,200 | 150,000 | 0 | 3 | 4 | 45 | 20,000 | 34% | 31,970 |
| Office | Class A Suburban - 5 | 61,535 | 187,500 | 0 | 3 | 5 | 55 | 20,000 | 33% | 34,805 |
| Office | Class A Suburban - 7 | 88,489 | 266,000 | 0 | 3 | 7 | 75 | 20,000 | 23% | 37,640 |
| Office | Class A Suburban - 9 | 151,050 | 480,000 | 0 | 3 | 9 | 95 | 30,000 | 20% | 93,945 |
| Office | Class A Suburban - 15 | 338,300 | 660,000 | 0 | 2 | 15 | 155 | 30,000 | 9% | 262,470 |
| Office | Class A Urban - 1 | 21,053 | 20,000 | 0 | 1 | 1 | 15 | 20,000 | 95% | 20,000 |
| Office | Class A Urban - 2 | 21,053 | 40,000 | 0 | 2 | 2 | 25 | 20,000 | 95% | 20,000 |
| Office | Class A Urban - 3 | 21,053 | 60,000 | 0 | 3 | 3 | 35 | 20,000 | 95% | 20,000 |
| Office | Class A Urban - 5 | 21,053 | 90,125 | 0 | 4 | 5 | 55 | 20,000 | 95% | 20,000 |
| Office | Class A Urban - 7 | 21,053 | 132,250 | 0 | 6 | 7 | 75 | 20,000 | 95% | 20,000 |
| Office | Class A Urban - 11 | 21,053 | 216,875 | 0 | 10 | 11 | 115 | 20,000 | 95% | 20,000 |
| Office | Class A Urban - 16 | 21,053 | 301,500 | 0 | 14 | 16 | 165 | 20,000 | 95% | 20,000 |
| Office | Class A Urban - 16 | 31,579 | 452,625 | 0 | 14 | 16 | 165 | 30,000 | 95% | 30,000 |
| Office | Class A Urban - 28 | 31,579 | 833,250 | 0 | 26 | 28 | 285 | 30,000 | 95% | 30,000 |
| Office | Suburban Office Research | 95,088 | 60,000 | 0 | 1 | 3 | 35 | 20,000 | 21% | 76,070 |
| Industrial | Manufacturing - 10k | 14,505 | 10,000 | 0 | 1 | 1 | 20 | 10,000 | 69% | 13,780 |
| Industrial | Manufacturing - 20k | 29,342 | 20,000 | 0 | 1 | 1 | 20 | 20,000 | 68% | 27,875 |
| Industrial | Manufacturing - 30k | 44,179 | 30,000 | 0 | 1 | 1 | 20 | 30,000 | 68% | 41,970 |
| Industrial | Manufacturing - 40k | 59,016 | 40,000 | 0 | 1 | 1 | 20 | 40,000 | 68% | 56,065 |
| Industrial | Distribution - 25k | 35,268 | 25,000 | 0 | 1 | 1 | 20 | 25,000 | 71% | 33,505 |
| Industrial | Distribution - 50k | 70,868 | 50,000 | 0 | 1 | 1 | 20 | 50,000 | 71% | 67,325 |
| Industrial | Distribution - 75k | 106,468 | 75,000 | 0 | 1 | 1 | 20 | 75,000 | 70% | 101,145 |
| Industrial | Distribution - 100k | 141,737 | 100,000 | 0 | 1 | 1 | 20 | 100,000 | 71% | 134,650 |
| Industrial | Distribution - 150k | 212,937 | 150,000 | 0 | 1 | 1 | 20 | 150,000 | 70% | 202,290 |
| Industrial | Warehouse - 25k | 42,895 | 25,000 | 0 | 1 | 1 | 20 | 25,000 | 58% | 40,750 |
| Industrial | Warehouse - 50k | 79,158 | 50,000 | 0 | 1 | 1 | 20 | 50,000 | 63% | 75,200 |
| Industrial | Warehouse - 75k | 118,737 | 75,000 | 0 | 1 | 1 | 20 | 75,000 | 63% | 112,800 |
| Industrial | Warehouse - 100k | 151,353 | 100,000 | 0 | 1 | 1 | 20 | 100,000 | 66% | 143,785 |
| Industrial | Warehouse - 150k | 216,253 | 150,000 | 0 | 1 | 1 | 20 | 150,000 | 69% | 205,440 |
| Industrial | Flex - 20k | 34,316 | 20,000 | 0 | 1 | 1 | 20 | 20,000 | 58% | 32,600 |
| Industrial | Flex - 40k | 68,963 | 40,000 | 0 | 1 | 1 | 20 | 40,000 | 58% | 65,515 |
| Industrial | Flex - 60k | 103,279 | 60,000 | 0 | 1 | 1 | 20 | 60,000 | 58% | 98,115 |
| Industrial | Flex - 80k | 137,926 | 80,000 | 0 | 1 | 1 | 20 | 80,000 | 58% | 131,030 |
| Industrial | Multi-story manufacturing - 80k | 81,786 | 80,000 | 0 | 1 | 3 | 60 | 26,667 | 33% | 77,697 |
| Industrial | Multi-story manufacturing - 120k | 105,837 | 120,000 | 0 | 1 | 5 | 100 | 24,000 | 23% | 100,545 |
| Retrofit* | Retrofit - Maker Space | Parcel specific | Parcel specific | Parcel specific | Parcel specific | Parcel specific | Parcel specific | Parcel specific | Parcel specific | Parcel specific |
| Retrofit* | Retrofit - Maker Space reduced | Parcel specific | Parcel specific | Parcel specific | Parcel specific | Parcel specific | Parcel specific | Parcel specific | Parcel specific | Parcel specific |
| Retrofit* | Retrofit - Tech Office | Parcel specific | Parcel specific | Parcel specific | Parcel specific | Parcel specific | Parcel specific | Parcel specific | Parcel specific | Parcel specific |
| Retrofit* | Retrofit - Tech Office reduced | Parcel specific | Parcel specific | Parcel specific | Parcel specific | Parcel specific | Parcel specific | Parcel specific | Parcel specific | Parcel specific |
| Retrofit* | Retrofit - Warehouse | Parcel specific | Parcel specific | Parcel specific | Parcel specific | Parcel specific | Parcel specific | Parcel specific | Parcel specific | Parcel specific |
| Mixed Use Commercial | MUC - 2 - 5000 | 74,819 | 40,000 | 0 | 1 | 2 | 25 | 20,000 | 27% | 74,819 |
| Mixed Use Commercial | MUC - 2 - 10000 | 99,630 | 40,000 | 0 | 0 | 2 | 25 | 20,000 | 20% | 99,630 |
| Mixed Use Commercial | MUC - 3 - 5000 | 124,079 | 60,000 | 0 | 0 | 3 | 35 | 20,000 | 16% | 124,079 |
| Mixed Use Commercial | MUC - 3 - 10000 | 149,253 | 60,000 | 0 | 0 | 3 | 35 | 20,000 | 13% | 149,253 |
| Mixed Use Commercial | MUC - 4 - 5000 | 58,702 | 80,000 | 0 | 1 | 4 | 45 | 20,000 | 34% | 58,702 |
| Mixed Use Commercial | MUC - 4 - 10000 | 83,513 | 80,000 | 0 | 1 | 4 | 45 | 20,000 | 24% | 83,513 |
| Mixed Use Commercial | MUC - 5 - 5000 | 139,760 | 100,000 | 0 | 1 | 5 | 55 | 20,000 | 14% | 139,760 |
| Mixed Use Commercial | MUC - 5 - 10000 | 164,933 | 100,000 | 0 | 1 | 5 | 55 | 20,000 | 12% | 164,933 |
| Mixed Use Commercial | MUC - 7 - 5000 | 177,337 | 140,000 | 0 | 1 | 7 | 75 | 20,000 | 11% | 177,337 |
| Mixed Use Commercial | MUC - 7 - 10000 | 223,416 | 140,000 | 0 | 1 | 7 | 75 | 20,000 | 9% | 223,416 |
| Mixed Use Commercial | MUC - 9 - 7500 | 416,312 | 270,000 | 0 | 1 | 9 | 95 | 30,000 | 7% | 416,312 |
| Mixed Use Commercial | MUC - 9 - 15000 | 617,084 | 270,000 | 0 | 0 | 9 | 95 | 30,000 | 5% | 617,084 |

Source: ECONorthwest

*The information about the "Retrofit" prototypes vary depending on the unique information about each parcel (e.g. site size, existing building area, etc.). These prototypes differ from the new developments because they are not static.

Exhibit 3. Summary Table of Prototypes from NMIA MapCraft Lab (continued)

| Type | Prototype Name | of Prototype's Parcel | Gross Building Area | Residential units / acre | FAR | Height (stories) | Height (ft) | Building footprint | Lot Coverage | Impervious area |
|---|---|---|---|---|---|---|---|---|---|---|
| | | sq ft | sq ft | units / acre | # | stories | ft | sq ft | % | sq ft |
| Residential | 24 Point Tower | 45,853 | 414,606 | 316 | 9 | 24 | 279 | 43,560 | 95% | 43,560 |
| Residential | 12 Point Tower | 45,853 | 200,520 | 148 | 4 | 11 | 136 | 43,560 | 95% | 43,560 |
| Residential | 4 Over 2 - MF | 48,400 | 235,176 | 158 | 5 | 6 | 81 | 43,560 | 90% | 43,560 |
| Residential | 4 Over 1 - MF | 48,400 | 193,216 | 158 | 4 | 5 | 70 | 43,560 | 90% | 43,560 |
| Residential | Texas Doughnut-4 - MF | 51,247 | 156,657 | 101 | 3 | 4 | 59 | 43,560 | 85% | 43,560 |
| Residential | Texas 2xDoughnut-4 - MF | 85,882 | 288,240 | 117 | 3 | 4 | 59 | 73,000 | 85% | 76,500 |
| Residential | 3 Over 1 - MF | 51,247 | 155,802 | 112 | 3 | 4 | 59 | 43,560 | 85% | 43,560 |
| Residential | Texas Doughnut-3 - MF | 52,800 | 113,097 | 73 | 2 | 3 | 48 | 43,560 | 83% | 43,560 |
| Residential | 4-story Stick Apartments | 43,560 | 64,000 | 60 | 1 | 4 | 54 | 16,000 | 37% | 42,250 |
| Residential | 3-story Stick Apartments | 43,560 | 51,000 | 60 | 1 | 3 | 43 | 17,000 | 39% | 38,000 |
| Residential | 2-story L Stacked Flat Walkups | 43,560 | 47,573 | 4 | 1 | 2 | 32 | 23,786 | 55% | 43,036 |
| Residential | Tuck Under Townhomes | 43,560 | 36,000 | 110 | 1 | 4 | 54 | 12,000 | 28% | 17,000 |
| Residential | 5 - story Mid Rise 19 | 20,000 | 71,250 | 166 | 4 | 5 | 53 | 19,000 | 95% | 19,000 |
| Residential | 5 - story Mid Rise 17 | 20,000 | 62,424 | 131 | 3 | 5 | 53 | 16,600 | 83% | 19,000 |
| Residential | 5 - story Mid Rise 12 | 20,000 | 48,654 | 102 | 2 | 5 | 53 | 13,000 | 65% | 19,000 |
| Residential | 5 - story Mid Rise 8 | 20,000 | 30,269 | 70 | 2 | 5 | 53 | 8,000 | 40% | 16,000 |
| Residential | 3 - story Low Rise | 10,000 | 10,778 | 52 | 1 | 3 | 35 | 4,800 | 48% | 8,400 |
| Residential | Quadplex 7 | 7,000 | 3,300 | 25 | 0 | 2 | 26 | 2,170 | 31% | 4,200 |
| Residential | Multiplex Large | 13,500 | 12,150 | 39 | 1 | 3 | 35 | 5,400 | 40% | 8,100 |
| Residential | Rowhouse Medium | 4,875 | 5,041 | 27 | 1 | 3 | 35 | 2,243 | 46% | 3,900 |
| Residential | Quadplex 9 | 9,000 | 3,224 | 19 | 0 | 2 | 26 | 2,160 | 24% | 4,950 |
| Residential | Multiplex Medium | 11,500 | 5,570 | 23 | 0 | 2 | 26 | 3,680 | 32% | 6,325 |
| Residential | Quadplex 11 | 11,000 | 3,224 | 16 | 0 | 2 | 26 | 2,200 | 20% | 4,950 |
| Residential | Duplex Stacked 1.5 | 5,500 | 2,325 | 16 | 0 | 2 | 26 | 1,540 | 28% | 2,475 |
| Residential | Duplex Stacked 1.9 | 6,000 | 2,850 | 15 | 0 | 2 | 26 | 1,900 | 32% | 2,700 |
| Residential | Cottage Court A | 20,000 | 4,950 | 13 | 0 | 1 | 17 | 6,600 | 33% | 9,000 |
| Residential | House Medium | 6,500 | 2,475 | 7 | 0 | 2 | 22 | 2,200 | 34% | 2,600 |
| Residential | Cottage Court B | 20,000 | 4,950 | 13 | 0 | 1 | 17 | 6,600 | 33% | 9,000 |
| Residential | House Medium Large | 10,000 | 2,775 | 4 | 0 | 1 | 17 | 3,700 | 37% | 4,500 |
| Mixed Use Residential | MUR - 24 Point Tower | 45,853 | 389,406 | 279 | 8 | 22 | 257 | 43,560 | 95% | 43,560 |
| Mixed Use Residential | MUR - 12 Point Tower | 45,853 | 175,320 | 111 | 4 | 9 | 114 | 43,560 | 95% | 43,560 |
| Mixed Use Residential | MUR - 4 Over 2 - MF | 48,400 | 235,176 | 158 | 5 | 6 | 81 | 43,560 | 90% | 43,560 |
| Mixed Use Residential | MUR - 4 Over 1 - MF | 48,400 | 193,216 | 158 | 4 | 5 | 70 | 43,560 | 90% | 43,560 |
| Mixed Use Residential | MUR - Texas Doughnut-4 - MF | 51,247 | 174,240 | 94 | 3 | 4 | 59 | 43,560 | 85% | 43,560 |
| Mixed Use Residential | MUR - Texas 2xDoughnut-4 - MF | 85,882 | 298,240 | 112 | 3 | 4 | 59 | 73,000 | 85% | 73,000 |

Source: ECONorthwest

## 2.5 NMIA Mapcraft Analysis

The purpose of the MapCraft analysis was to:

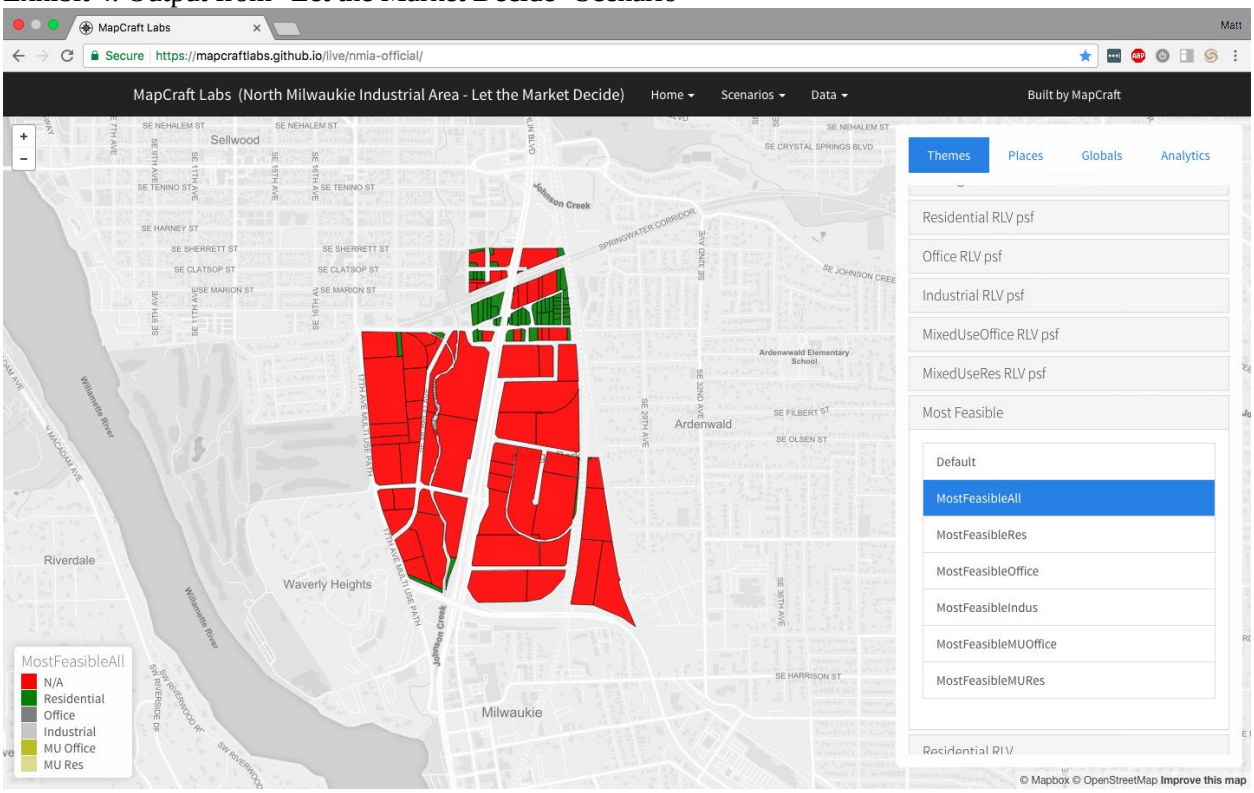
- Evaluate the feasibility of a range of development prototypes across the NMIA.
- To test the impacts of future investment scenarios
- To identify locations where development is most likely to occur

To accomplish this task ECONorthwest started by developing several scenarios to model current, future, and hypothetical development conditions. The first scenario is titled, "Let the Market Decide."

The Let the Market Decide scenario considered the NMIA as if there were no land use regulations in place. The scenario asks the question, "What would be built in the current market if developers had no land use restrictions at all?" This scenario provides an example of the highest and best use for each property, without any regulatory filter.

Exhibit 4 shows the results of the Let the Market Decide Scenario.

Exhibit 4. Output from "Let the Market Decide" Scenario




The most feasible building prototype category in this scenario is residential. However, as can been seen in the exhibit above, residential prototypes are only feasible in select areas of the NMIA (areas in green). Most parcels in the NMIA cannot be feasibly developed by any of the development prototypes (areas in red). A second MapCraft scenario used the same assumptions and inputs as the Let the Market Decide scenario, but with a filter for current land use restrictions. In this second scenario the green areas of the map fall off, with the exception of parcels to the north that are located closer to the transit station.

Having found that new construction of almost all development prototypes were not feasible and that residential prototypes were the most likely to occur (a land use that, while allowed in select locations is not the primary focus of the area) the consultant team shifted to investigate development types that are seen in the market today, meet the vision and goals of the project, and/or are likely to occur in the near term.

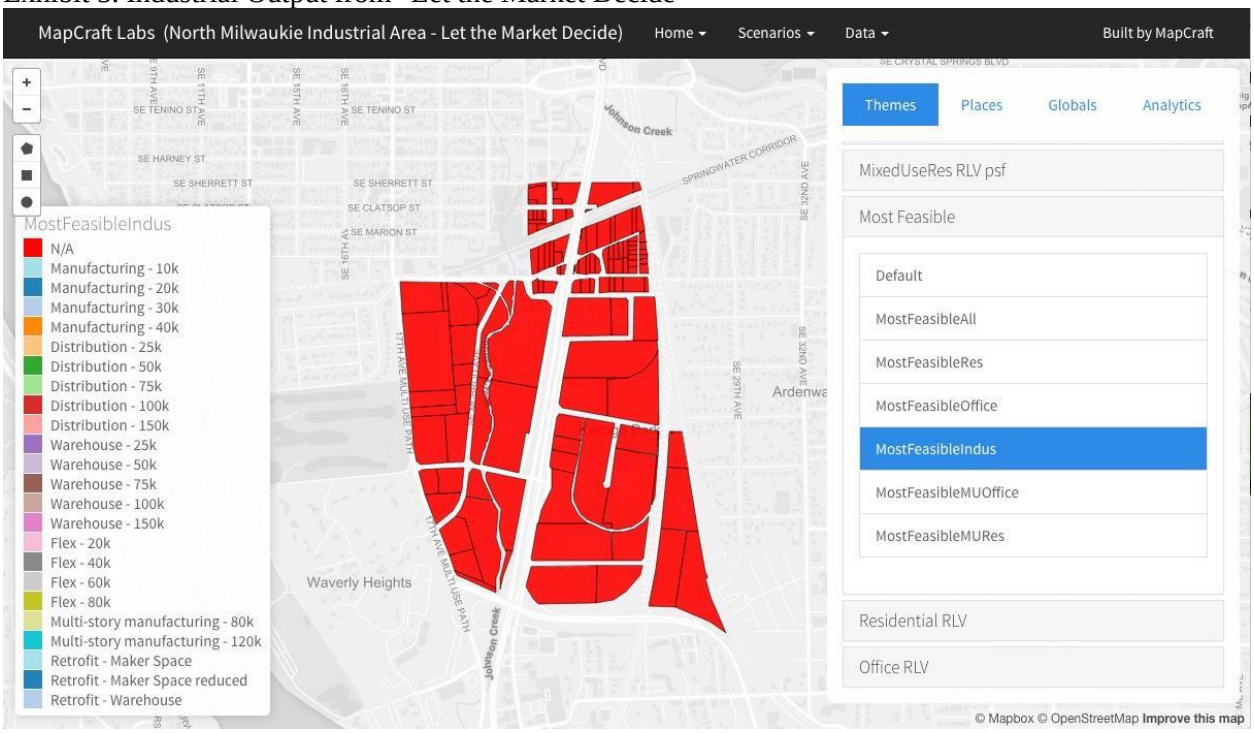
### 2.5.1 Retrofit Scenarios

The NMIA today has almost full occupancy of its commercial space. In the current market, there are several businesses that have invested heavily in their properties, others that only made minimal structural improvements to their properties, and a few that are conducting low-cost adaptive reuse of existing buildings.

The two prototypes the consultant team initially created to model retrofit space – maker space and tech office - are not feasible in the NMIA today with current market conditions. As

described earlier in this section, these prototypes are intended to mimic higher-cost build-outs of industrial space that is occurring in Portland's inner eastside. Exhibit 5 below illustrates the lack of feasibility of industrial prototypes generally, including these two retrofit prototypes.

Exhibit 5. Industrial Output from "Let the Market Decide"

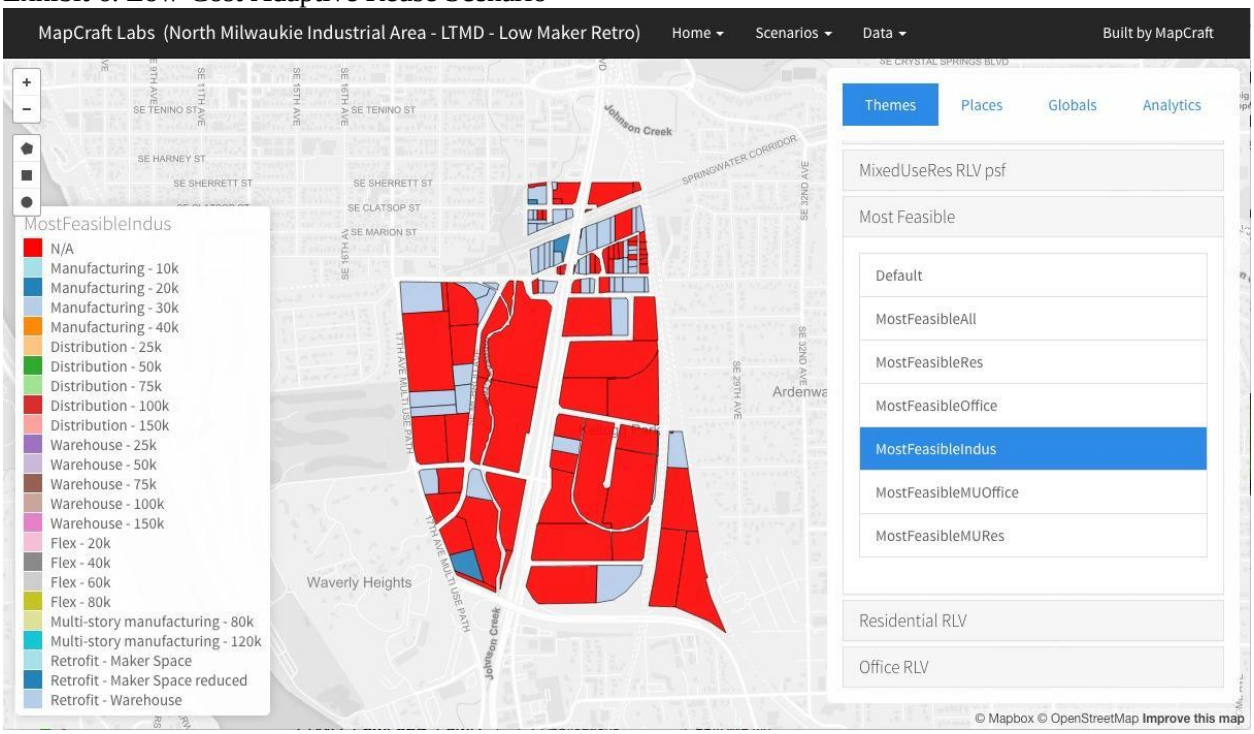



Realizing that there are retrofits of existing space occurring in the NMIA today such as Northwest Flex Space at 10100 SE Main Street and 1887 SE Milport Road[2], the consultant team attempted to model this current market activity by making changes to the two retrofit prototypes.

Making one change in the assumptions for these prototypes yields a slightly different result. Moving the retrofit redevelopment cost from the baseline assumption of $80 per square foot, down to $20 per square foot enables low-cost retrofits to be feasible on a few select parcels. This is analogous to minimal improvement and division of existing warehouse space in return for slightly higher rents. Exhibit 6 illustrates this difference from the infeasibility of higher-cost retrofits shown in Exhibit 5 to lower-cost retrofits.

[2] These parcels do not show up as feasible in the model even though we know that there are retrofits of these spaces currently taking place. This is due to that fact that we do not have full knowledge of the terms and conditions of the new leases, the buildings' conditions and retrofit costs, or other expenses incurred by the property or business owners. However, this could be an indicator that there may be more opportunity for this type of use than what the model shows within the district.

Exhibit 6. Low-Cost Adaptive Reuse Scenario




Making additional changes to required parking ratios further adds to retrofit feasibility, but still only on select parcels. Information gathered from property owners currently redeveloping properties in the NMIA indicate that a lack of current on-site and area-wide parking is an issue for their businesses. Retrofitting buildings to a more employee dense use will only exacerbate this problem, leading to less competitiveness for NMIA spaces. The parking issue is not only a regulatory challenge, but a physical and market issue. Existing NMIA properties have large site coverage ratios, leaving little space for parking. Parking regulations are lenient and flexible, but many current and prospective businesses demand more parking than is available or required by the regulations.

Generally, the combination of low market rents, the high opportunity cost to redevelop existing properties (most of which have rent paying tenants), and the parking necessary to support higher intensity retrofit uses, are the primary inhibitors to retrofits as well as other new development types in the NMIA.

### 2.5.2 Feasibility Gaps

The previous MapCraft exhibits showed where development prototypes were feasible or infeasible, but provided no indication of how far the infeasible prototypes were from being viable projects.

The following two exhibits present the range of the feasibility gap for the two retrofit prototypes – maker space and warehouse, using the lower redevelopment retrofit cost ($20/Square Foot). The gap at the parcel level ranges from zero dollars (feasible) up to nine

million dollars for larger and more valuable parcels for the Retrofit Maker Space prototype. There is a similar range for the Retrofit Warehouse Prototype.

Exhibit 7. Retrofit Maker Space Feasibility Gaps

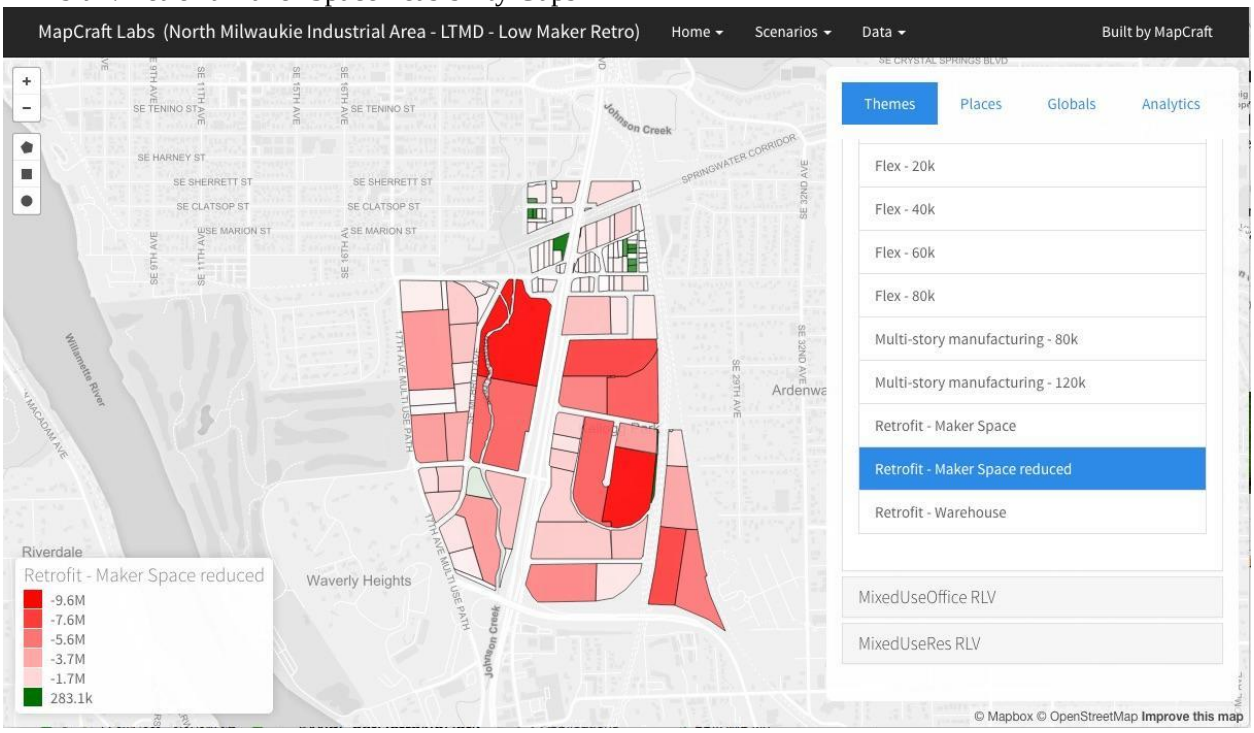
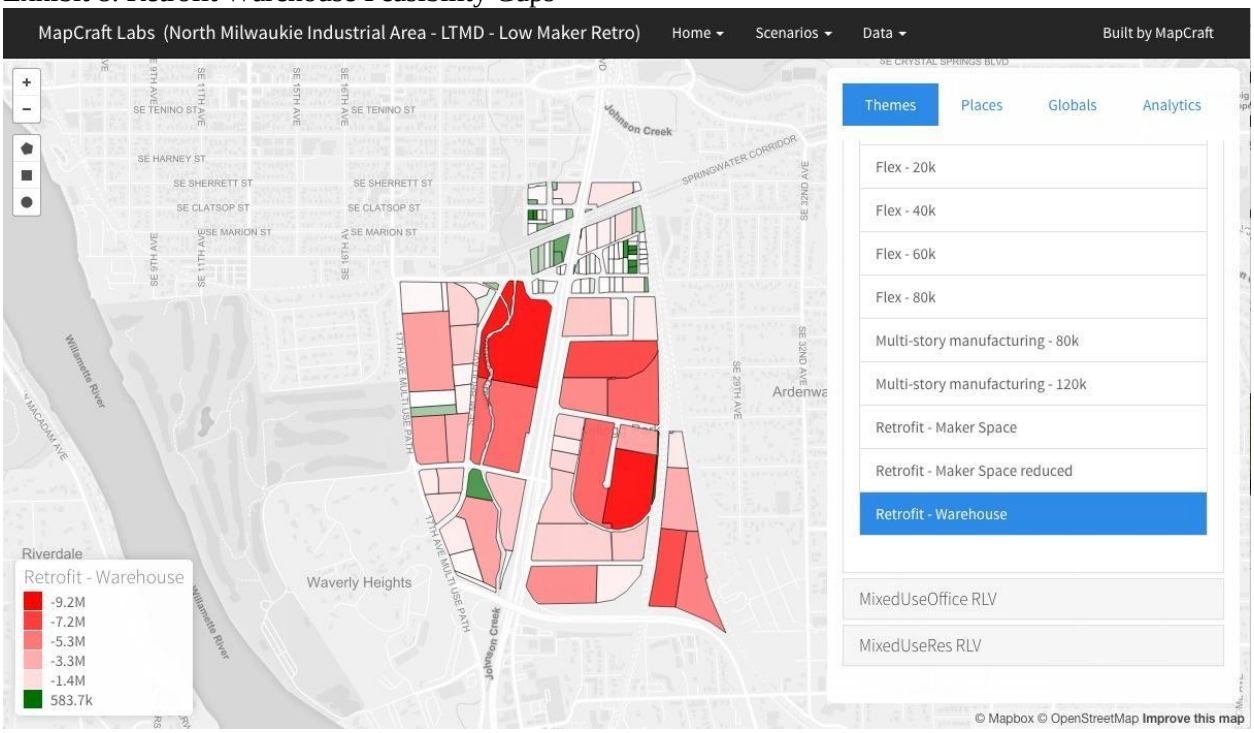
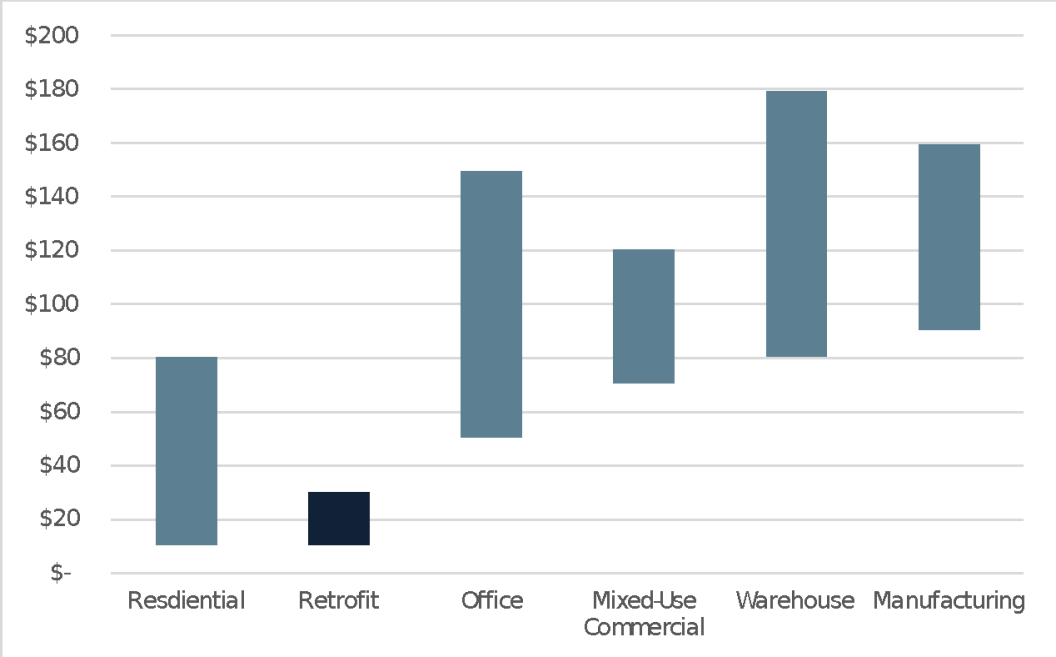



Exhibit 8. Retrofit Warehouse Feasibility Gaps



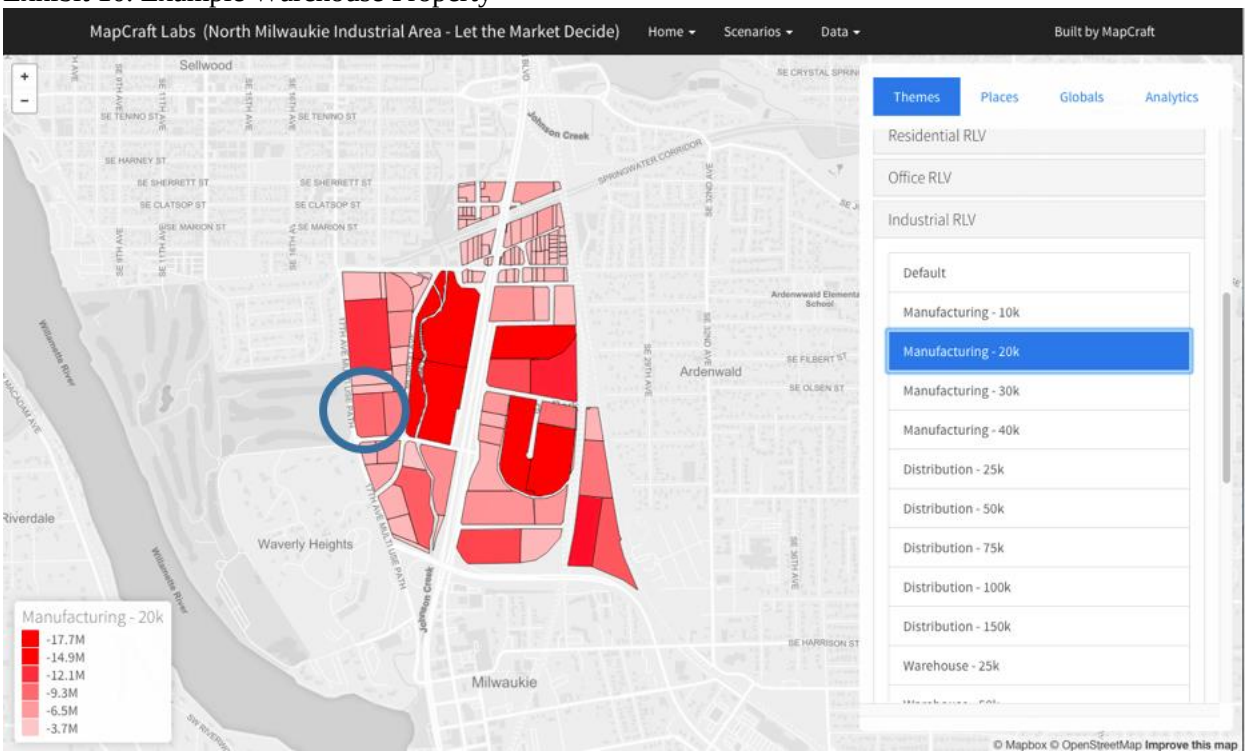
These are significantly large gaps for development to overcome. Exhibit 9 shows the feasibility gaps on a per square foot basis for each general development type across the NMIA. After residential prototypes, retrofit prototypes are the closest to feasibility, followed by office, mixed-use commercial, warehouse, and manufacturing.

Exhibit 9. General Development Types - Feasibility Gaps (Dollar per Square Foot)



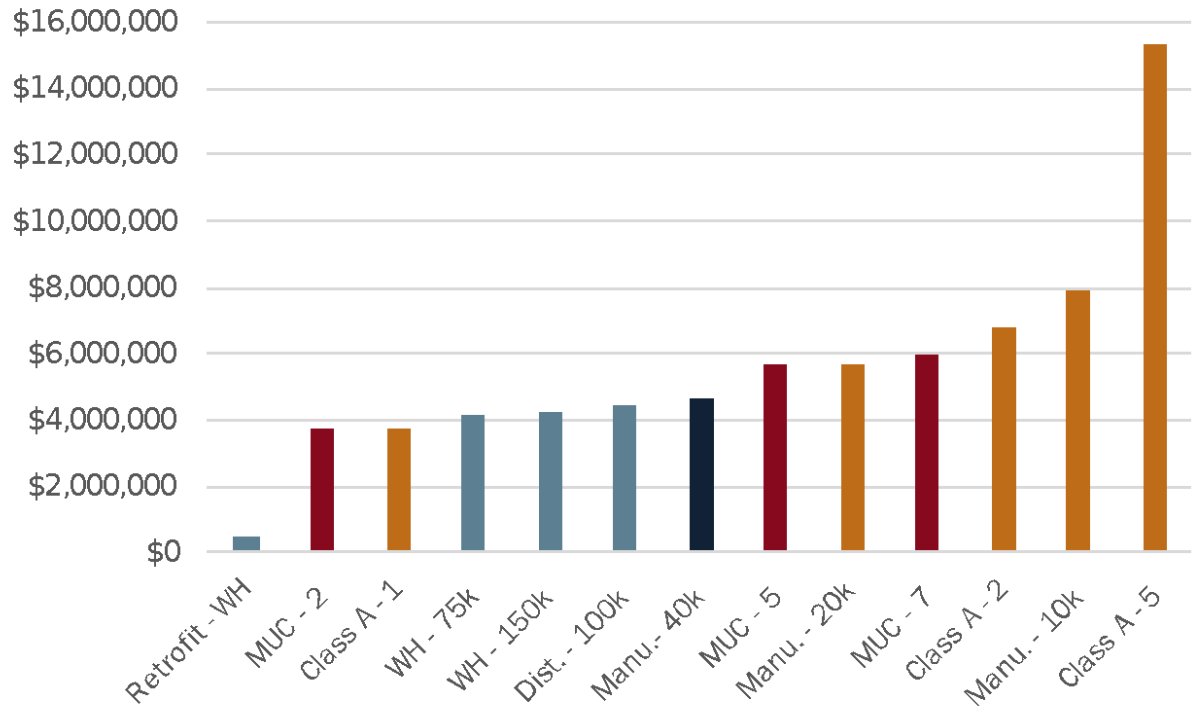

How does this dollar per square foot feasibility gap look at the site level? Exhibit 10 below identifies a warehouse property on the west side of the NMIA. The exhibit shows the feasibility gap range for a 20,000 square foot manufacturing prototype. This development type is infeasible on the site and across the NMIA.

Exhibit 10. Example Warehouse Property




The following exhibit displays the feasibility gap range for the identified warehouse site. The gap ranges from around $500,000 for a warehouse retrofit to millions of dollars for office or manufacturing prototypes, as also illustrated in Exhibit 11.

Exhibit 11. Example Warehouse Site - Gross Feasibility Gap Range




### 2.5.3 Key Findings from MapCraft Labs

The area-wide MapCraft Labs analysis showed that most new development in the NMIA is infeasible. After low-intensity residential (a building type out-of-sync with the vision of the NMIA) retrofitting existing buildings with low cost improvements is the next most feasible prototype. New construction prototypes, situations where a developer purchases a property, razes existing structures, and builds a new building are, by and large, infeasible without significant subsidy. The primary takeaways from the MapCraft Labs exercise are:

- **Zone for residential, get residential** – Land use restrictions play an important role in shaping the future of the NMIA. Low intensity residential prototypes were shown to be the most feasible prototypes on many parcels. To maintain the employment, industrial, and manufacturing focus of the area, restrictive zoning should continue to be employed and enforced.
- **Parking is a major barrier to investment** – Parking was shown to restrict retrofit prototypes and also contributed significantly to the infeasibility of new development. Developing a parking strategy and management plan will assist with future reinvestment in the area.
- **Smaller sites offer the best opportunities for investment** – Larger sites in the NMIA have considerable value and would require major investments to redevelop. Conversely, smaller sites may offer opportunities for reinvestment that only require inexpensive subsidies.

- **Most prototypes have a feasibility gap –** Some type of subsidy would be needed to make most development prototypes feasible, but the most feasible and desired prototype include retrofit as this point in time.

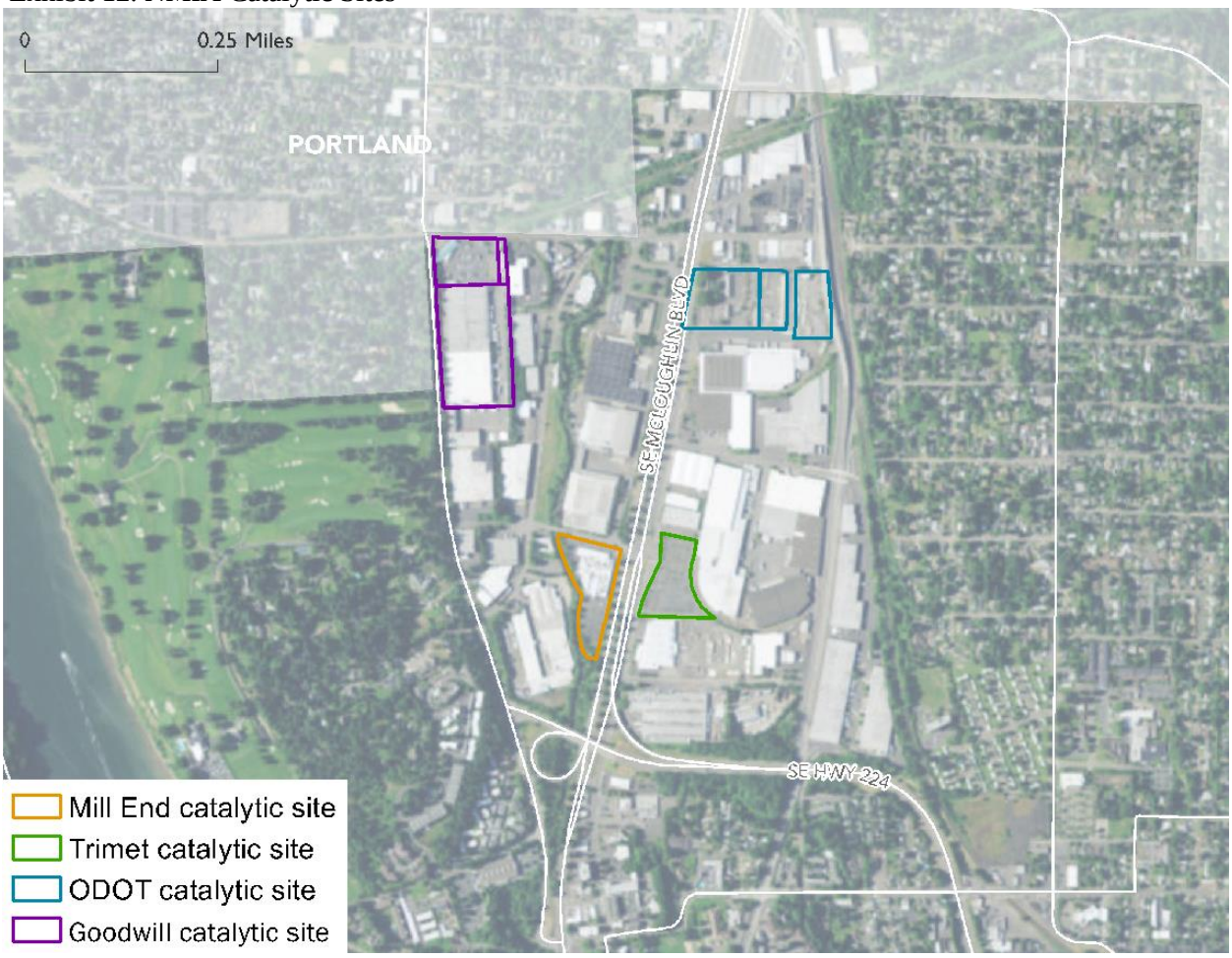
# 3 Catalytic Site Analyses

### 3.1.1 Framework

The catalytic sites were chosen based on specific attributes, including the variety of locations within the NMIA, proximity to other assets like nearby neighborhoods or infrastructure, property ownership diversity (including publicly and privately owned), and expressed willingness to redevelop. For each of the sites, the consultant team considered multiple development types that fit with the unique characteristics of each site. The selection of development types was informed by the results of the MapCraft analysis, which led to some sites having a greater sampling of hypothetical industrial developments and others a greater representation of mixed-use developments.

The team analyzed four sites in the NMIA. These are identified in the map below and further referenced by their current ownership or use - Goodwill, ODOT, TriMet, and Mill End.

Exhibit 12. NMIA Catalytic Sites




On each of the catalyst sites the consultant team analyzed the existing use as the baseline scenario followed by a minor rehabilitation (if applicable – not used on vacant sites), and a couple of new developments ranging from industrial to mixed-use residential.

The inputs for market demand and assumptions for the catalytic site analyses were derived from the existing conditions analysis conducted for the NMIA. We modified the inputs, when appropriate, for the various developments. For example, rents for the baseline analysis were lower than the average, while rents for new construction were higher than the average.

The consultant team summarized the typical inputs used for market demand, along with the total range of the values, and compared those values to the market demand in central Portland.

Exhibit 13. Market Demand Assumptions

| | NMIA Average | | NMIA Range | | | | Central Portland Average | |
|---|---|---|---|---|---|---|---|---|
| | Rent/mo. | Vacancy | Min Rent | Max Rent | Min Vacancy | Max Vacancy | Rent/mo. | Vacancy |
| Retail | $ 1.50 | 10% | $ 1.17 | $ 1.67 | 10% | 30% | $ 1.67 | 3% |
| Office | $ 1.08 | 2% | $ 0.83 | $ 1.25 | 2% | 6% | $ 2.17 | 2.8% |
| Industrial | $ 0.45 | 0.5% | $ 0.35 | $ 0.50 | 0.5% | 2% | $ 0.90 | 1.5% |
| Industrial Office | $ 0.60 | 0.5% | $ 0.55 | $ 0.65 | 0.5% | 1.5% | $ 1.17 | 1.5% |
| Studio | $ 1.50 | 10% | $ 1.40 | $ 1.60 | 10% | 30% | $ 2.40 | 10% |
| 1 Bed | $ 1.40 | 10% | $ 1.30 | $ 1.50 | 10% | 30% | $ 2.20 | 10% |
| 2 Bed | $ 1.30 | 10% | $ 1.20 | $ 1.40 | 10% | 30% | $ 2.15 | 10% |
| Parking | $ - | 20% | $ - | $ 60.00 | 20% | 60% | $ - | N/A |

Similarly, we modeled the construction costs based on the existing data we acquired during the MapCraft Labs phase and then slightly modified these costs where appropriate. The largest range of costs was for the retrofit developments. For instance, on the ODOT site, retrofitting the existing historic building for a commercial use would cost a different amount than retrofitting the garages that currently exist on the rest of the site.

Exhibit 14. Typical Construction Costs

| Construction Costs | Cost | Unit |
|---|---|---|
| Retail | $ 165 | sf |
| Office | $ 180 | sf |
| Residential | $ 165 | sf |
| Industrial | $ 125 | sf |
| Industrial Office | $ 160 | sf |
| Retrofit Costs | $20 to $100 | sf |
| Parking Costs | $ 7,000 | stall |
| Wet Infra. Costs | $ 5 | sf |
| Other Costs | $ 5 | sf |
| Demolition | $ 5 | sf |

The analysis of each development, across all sites, was based on a one-year construction period with a ten-year hold and sale at the end of year ten. We also assumed a two-year stabilization period with vacancies higher in year one than in year three. Most importantly, we assumed that for every development the owner and/or developer was leasing to a third party in an arms-length transaction.

The results of our analyses consider the following measures of development feasibility:

- **Construction Cost** – This is the total cost to construct the project. This number excludes land value but includes hard costs, soft costs (e.g. design fees, contingency), and the developer fee.
- **Rate of Return** – This is the rate of return the investors would receive based on each project's cash flow.
- **Residual Land Value** – This is the value of the land, derived from the income potential of the development.
- **Financing Gap** – This is the total gap in funding sources. To make the development

feasible, this gap would need to be closed, likely through a subsidy. This value takes into consideration the likely market transaction value.

- **Equity Required** – This is the total amount of money required from the investors. If investors were to contribute more money to the deal (for instance, to eliminate the financing gap) they would receive a lower, and in most cases negative, return on their investment.

We chose to assess each scenario with and without land price because it is illustrative to review the feasibility at a minimum land value and then at the likely market transaction value. Additionally, for each new development we assumed that the minimum internal rate of return needed to attract equity was 14 percent - holding this value constant was important for equally comparing the development options.

After analyzing each development scenario on each catalytic site, and identifying any potential development feasibility gap, we compared the gap to the potential benefits of job growth and tax revenue. We used existing data from prior ECONorthwest research on the average number of jobs per unit of different uses (e.g. square feet of use, or leasable apartment unit). The table below shows the average jobs per use, which we adjusted where appropriate (e.g. boutique retail has less employees than a restaurant use). We also collected tax information from Clackamas County to approximate the new revenue.

Exhibit 15. Typical Amount of Jobs by Use

| Development Type | Per unit | Unit size | Unit |
|---|---|---|---|
| Residential | 3 | 100 | residential units |
| Retail | 1 | 500 | rentable sf |
| Office | 1 | 275 | rentable sf |
| Industrial Office/ Creative Space | 1 | 2000 | rentable sf |
| Industrial office | 1 | 350 | rentable sf |

### 3.1.2 Site Analyses

#### The Goodwill Site, 1740 SE Ochoco Street

The Goodwill site is in the northwest corner of the NMIA and is also currently occupied by Darigold, close to the amenity-rich Sellwood neighborhood although furthest away from downtown Milwaukie.

Exhibit 16. Map of Goodwill Site




We analyzed the following development types on the Goodwill site:

- **Baseline** – assumed the existing owner, and use as a Goodwill retail location and Darigold warehouse, remained the same.
- **Minor Rehab** – assumed the existing owner remained the same, but took out a loan to complete some critical upgrades (at $20 per square foot), which led to slightly higher rents.
- **Creative Maker Space** – assumed a new owner purchased the land, retrofitted the building to address necessary upgrades and subdivide into smaller leasable spaces, and subsequently achieved higher than market rents for the spaces.
- **Mixed Use Residential** – assumed a new owner purchased the land, demolished the existing buildings, and constructed both a 5-story mixed-use building with 176 units (retail on the ground floor) on the corner of the site and 4-story stick apartments with 675 units on the rest of the site. We modeled the maximum of the existing market rents.
- **Flex Industrial** – assumed a new owner purchased the land, demolished the existing buildings, and constructed a new flex industrial warehouse with 50% of the interior devoted to office use. We assumed a new building would achieve slightly higher rents than other industrial spaces in the NMIA.

The results of this analysis show that for the new development options, if the land price was excluded, the developer of the "Creative Maker Space" would be able to pay $6.3 million dollars, while the developer of the "Mixed Use Residential" or "Flex Industrial" would face a feasibility gap of $25.1 million dollars and $4.3 million dollars respectively.

If the land price was factored in, and based on the value of the highest and best use on the site (in this case the baseline at $10.5 million dollars), then the developer would have a total gap of $4.1 million to build "Creative Maker Space", $34.6 million to build "Mixed Use Residential", and $14.8 million to build "Flex Industrial". In addition to these feasibility gaps, the investors would need to come up with a range of equity contributions to get these projects to completion. In some cases, like "Mixed Use Residential", the equity required of the development exceeds current equity contributions to new tower projects in Downtown Portland. This means that "Mixed Use Residential" would need to be more compelling than a new development in downtown in order to attract institutional equity.

Exhibit 17. Feasibility Results for the Goodwill Site

| | Construction Cost (w/o land) | Leveraged IRR | Residual Land Value (14% Leveraged IRR) | Total Finance Gap (w/ Baseline Value) | Equity Required |
|---|---|---|---|---|---|
| Baseline | $ 20,000.00 | 5164.17% | $ 10,507,848.86 | $ - | $ 20,000.00 |
| Minor Rehab | $ 7,353,910.00 | 151.08% | $ 8,738,990.97 | $ - | $ 6,779,591.67 |
| Creative Maker Space | $ 11,067,634.55 | 13.97% | $ 6,340,740.28 | $ (4,167,108.57) | $ 15,231,693.83 |
| Mixed Use Residential | $ 170,727,157.20 | 14.03% | $ (24,122,999.03) | $ (34,630,847.88) | $ 61,240,579.57 |
| Flex Industrial | $ 64,554,377.50 | 14.01% | $ (4,322,085.08) | $ (14,829,933.93) | $ 27,955,103.67 |

The subsidy for "Creative Maker Space" and "Flex Industrial" would result in the creation of approximately 184 jobs and 327 jobs respectively, while demolishing the Goodwill building and developing residential would result in a loss of approximately 96 jobs.

Exhibit 18. Benefits of New Development on the Goodwill Site

| | Jobs | Estimated Jobs (incremental) | Gap per Job | Additional Property Tax Revenue over 10 years |
|---|---|---|---|---|
| Baseline | 129 | 0 | $ - | $ - |
| Minor Rehab | 155 | 26 | $ - | $ 3,273,530.64 |
| Creative Maker Space | 313 | 184 | $ (22,647.33) | $ 3,530,619.04 |
| Mixed Use Residential | 33 | -96 | $ - | $ 20,969,189.11 |
| Flex Industrial | 456 | 327 | $ (45,351.48) | $ 7,618,348.99 |

## The ODOT Site, 9002 SE McLoughlin Blvd

The ODOT site is located in the eastern half of the NMIA, and has great visibility from McLoughlin Boulevard. It currently houses a historic Works Progress Administration-era building eligible for the National Registry and maintenance sheds and storage for ODOT facilities.

Exhibit 19. Map of ODOT Site




On the ODOT site, we analyzed the following:

- **Baseline** – assumed the existing owner, ODOT, and use as maintenance yard and storage, remain the same.
- **Minor Rehab** – assumed the existing owner remained the same, but leases space to a user who took out a loan to complete some critical upgrades (at $20 per square foot), which led to slightly higher rents.
- **Commercial and Manufacturing** – assumed a new owner purchased the land, retrofitted the buildings to provide retail/office space, retrofitted the garages to be suitable for manufacturing and built a small, new industrial building, or a restaurant and brewery. We also assumed this was a build-to-suit development, so it achieved higher than market rents as well as lower vacancies.
- **Commercial and Manufacturing (Alternate)** – assumed the same physical development as the previous "Commercial and Manufacturing" scenario, but that the purchaser absorbed all development costs. We also assumed the tenant was willing to pay market rents equivalent to those achieved in Portland's Central Eastside, instead of the market rents in the NMIA. This development served as an approximation of the best-case scenario for an arms-length transaction.
- **Light Manufacturing** – assumed a new owner purchased the land, demolished the

existing buildings, and constructed a new manufacturing building with 15% of the interior devoted to office use. We assumed a new building would achieve slightly higher rents than other industrial spaces in the NMIA.

The results of this analysis show that for the new development options, if the land price was excluded, the developer and occupant of the "Commercial and Manufacturing (Alternate)" would be able to pay $626,000 dollars, while the developer of the "Commercial and Manufacturing" or "Light Manufacturing" would face a feasibility gap of $1.3 million dollars and $7.3 million dollars respectively.

If the land price was factored in, and based on the value of the highest and best use on the site (in this case the Minor Rehab at $2.4 million dollars), then the developer would face a gap of $1.8 million to build "Commercial and Manufacturing (Alternate)", $3.8 million to build "Commercial and Manufacturing", and $9.7 million to build "Light Manufacturing". In addition to these feasibility gaps, the investors would need to come up with a range of equity contributions, $3.2 million to $8.3 million, to get these new development projects to completion.

It is important to note that if the National Registry eligibility of the historic building on site was realized, it would influence the economics of a rehab through a freeze of the property tax and a 20% income tax credit.

Exhibit 20. Feasibility Results for the ODOT Site

| | Construction Cost (w/o land) | Leveraged IRR | Residual Land Value (14% Leveraged IRR) | Total Finance Gap (w/ Minor Rehab Value) | Equity Required |
|---|---|---|---|---|---|
| Baseline | $ 20,000 | 809.50% | $ 1,621,160.75 | $ - | $ 20,000 |
| Minor Rehab | $ 1,149,247 | 285.49% | $ 2,427,374.56 | $ - | $ 1,626,507 |
| Commercial and Manufacturing | $ 9,218,346 | 14.07% | $ (1,366,184.94) | $ (3,793,559.50) | $ 3,242,988 |
| Commercial and Manufacturing (Alternate) | $ 8,863,794 | 14.01% | $ 626,883.40 | $ (1,800,491.16) | $ 5,058,780 |
| Light Manufacturing | $ 31,324,331 | 14.01% | $ (7,281,975.11) | $ (9,709,349.66) | $ 8,380,190 |

The subsidy for the "Commercial and Manufacturing" developments would result in the creation of approximately 78 jobs and the "Light Manufacturing" would result in 97 jobs.

Exhibit 21. Benefits of New Development on the ODOT Site

| | Jobs | Estimated Jobs (incremental) | Gap per Job | Additional Property Tax Revenue over 10 years |
|---|---|---|---|---|
| Baseline | 20 | 0 | $ - | $ - |
| Minor Rehab | 45 | 25 | $ - | $ 785,342.90 |
| Commercial and Manufacturing | 98 | 78 | $ (48,635) | $ 906,442.38 |
| Commercial and Manufacturing (Alternate) | 98 | 78 | $ (23,083) | $ 1,381,447.19 |
| Light Manufacturing | 117 | 97 | $ (100,096) | $ 2,347,261.33 |

## The Mill End Site, 9701 SE McLoughlin Blvd

The Mill End site is located in the western half of the NMIA, and has great visibility from McLoughlin Boulevard. It is currently occupied by Mill End Store, a fabric retailer.

Exhibit 22. Map of Mill End Site




On the Mill End site, we analyzed the following:

- **Baseline** – assumed the existing owner, Mill End, leases out the space, via an arms-length transaction, to a new warehouse tenant[3].
- **Minor Rehab** – assumed the existing owner remained the same, but took out a loan to complete some upgrades (at $20 per square foot), which led to slightly higher rents from a new warehouse tenant.
- **MultiStory Industrial Office** – assumed a new owner purchased the land, demolished the existing building, and constructed a new multi-story industrial building with 50% of the interior devoted to office use. We assumed a new building would achieve slightly higher rents than other industrial spaces in the NMIA.
- **Commercial and Manufacturing** – assumed a new owner purchased the land and

[3] Our baseline scenario is structured differently than the actual real estate lease structure at the Mill End property today. We have used the assumption that the business and the property owner are two different entities. In actuality these entities are one and the same. Commonly, when businesses own their own real estate, their business income and expenses gets intertwined with those of the real property. This is difficult to model, as the comingling of cash flows can be structured quite differently than an arm's length market transaction. Our baseline scenario, with separate business and property owners, is a better model for how an independent property owner would approach their property in today's market.

retrofitted the building to provide retail/office space and new manufacturing capabilities. We also assumed this was a build-to-suit development, so it achieved higher than market rents as well as lower vacancies.

The results of this analysis show that for the new development options, if the land price was excluded, the developer of the "MultiStory Industrial Office" would face a feasibility gap of $8 million dollars while the developer of the "Commercial and Manufacturing" retrofit would face a gap of only $137,760.

If the land price was factored in, and based on the value of the highest and best use on the site (in this case the Baseline at $2.5 million dollars), then the developer would have a gap of $10.5 million to build "MultiStory Industrial Office" and $3.8 million to retrofit the building to "Commercial and Manufacturing." An important factor to note about the multi-story development on the Mill End site is that the land size, and subsequent value, is relatively small which makes the subsidy for this development less than it might be on a different site.

In addition to these feasibility gaps, the investors would need to come up with either $18.4 million or $3.8 million respectively in equity to get these projects to completion.

Exhibit 23. Feasibility Results for the Mill End Site

| | Construction Cost (w/o land) | Leveraged IRR | Residual Land Value (14% Leveraged IRR) | Total Finance Gap (w/ Baseline Value) | Equity Required |
|---|---|---|---|---|---|
| Baseline | $ 20,000 | 1237.38% | $ 2,497,446.91 | $ - | $ 20,000 |
| Minor Rehab | $ 1,758,872 | 151.08% | $ 2,093,434.67 | $ - | $ 1,621,509 |
| MultiStory Industrial Office | $ 53,066,318 | 14.00% | $ (8,094,618.57) | $ (10,592,065.48) | $ 18,438,540 |
| Commercial and Manufacturing | $ 7,451,623 | 14.09% | $ 137,780.68 | $ (2,359,666.22) | $ 3,863,592 |

The subsidy for the "MultiStory Industrial Office" development would result in the creation of approximately 274 jobs.

Exhibit 24. Benefits of New Development on the Mill End Site

| | Jobs | Estimated Jobs (incremental) | Gap per Job | Additional Property Tax Revenue over 10 years |
|---|---|---|---|---|
| Baseline | 30 | 0 | $ - | $ - |
| Minor Rehab | 37 | 7 | $ - | $ 782,946.81 |
| MultiStory Industrial Office | 304 | 274 | $ (38,657) | $ 5,078,899.33 |
| Commercial and Manufacturing | 102 | 72 | $ (32,773) | $ 737,224.41 |

## The TriMet Site, 9600 SE Main Street

The TriMet site is located in the eastern half of the NMIA, has great visibility from McLoughlin Boulevard, and is currently a TriMet Park and Ride.

Exhibit 25. Map of TriMet Site




On the TriMet site, we analyzed the following:

- **Minor Rehab – Parking low**– assumed the use as a parking lot remains the same but that the owner, TriMet, improved the lot with charging stations and rented each parking stall for $1 per day.
- **Minor Rehab – Parking high** – assumed the existing use as a parking lot remains the same but that the owner, TriMet, improved the lot with charging stations and rented each parking stall for $2 per day.
- **Warehouse** – assumed a new owner purchased the land, and constructed a new warehouse building with 30% of the interior devoted to office use. We assumed a new building would achieve slightly higher rents than other industrial spaces in the NMIA.
- **Light Manufacturing** – assumed a new owner purchased the land, and constructed a new manufacturing building with 15% of the interior devoted to office use. We assumed a new building would achieve slightly higher rents than other industrial spaces in the NMIA.

The results of this analysis show that for the new development options, if the land price were excluded, the developer of the "Warehouse" or "Light Manufacturing" would face a feasibility gap of $1.3 million dollars and $4.7 million dollars respectively.

If the land price was factored in, and based on the value of the highest and best use on the site (in this case the "Minor Rehab-Parking high" at $1.2 million dollars), then the developer would need a total subsidy of $2.6 million to build the "Warehouse" and $6 million to build "Light Manufacturing". In addition to these feasibility gaps, the investors would need to come up with $5.5 million in equity to get either of these new projects to completion.

Exhibit 26. Feasibility Results for the TriMet Site

| | Construction Cost (w/o land) | Leveraged IRR | Residual Land Value (14% Leveraged IRR) | Total Finance Gap (w/ Minor Rehab - Parking High Value) | Equity Required |
|---|---|---|---|---|---|
| Minor Rehab - Parking low | $ 55,665 | 105.46% | $ 600,086.33 | $ - | $ 27,832 |
| Minor Rehab - Parking high | $ 55,665 | 259.69% | $ 1,271,632.11 | $ - | $ 27,832 |
| Warehouse | $ 13,878,280 | 14.01% | $ (1,341,054.59) | $ (2,612,686.70) | $ 5,598,085 |
| Light Manufacturing | $ 20,691,346 | 14.06% | $ (4,765,231.99) | $ (6,036,864.10) | $ 5,580,441 |

The subsidy for the "Warehouse" development would result in the creation of approximately 110 jobs and the "Light Manufacturing" would result in 78 jobs.

Exhibit 27. Benefits of New Development on the TriMet Site

| | Jobs | Estimated Jobs (incremental) | Gap per Job | Additional Property Tax Revenue over 10 years |
|---|---|---|---|---|
| Minor Rehab - Parking low | 0 | 0 | $ - | $ - |
| Minor Rehab - Parking high | 0 | 0 | $ - | $ - |
| Warehouse | 110 | 110 | $ (23,752) | $ 1,530,599.21 |
| Light Manufacturing | 78 | 78 | $ (77,396) | $ 1,564,840.88 |

## 3.2 Potential Gap Financing Tools

Most of the development scenarios require gap financing to achieve feasibility. Filling the gap for these projects could take several forms and come from several sources. Below is a list of possible gap financing tools. Some of these tools and programs may only be applicable to specific sites or certain uses. Also, we have added additional tools that the City should consider for supporting business retention and recruitment as these strategies usually go hand in hand with encouraging new development.

- **Urban Renewal (Tax Increment Financing)** - Tax increment finance revenues are generated by the increase in total assessed value in an urban renewal district from the time the district is first established. As property values increase in the district, the increase in total property taxes (i.e., city, county, school portions) is used to pay off the bonds. When the bonds are paid off the entire valuation is returned to the general property tax rolls. Urban renewal funds can be invested in the form of low interest loans and/or grants for a variety of capital investments including development gap financing.
- **Microenterprise and Small Business Loans** - Direct loans to help start-ups, micro-enterprises and small businesses expand or become established. These loans could assist target businesses interested in relocating to the NMIA
- **Tenant Improvement Grants/Loans** - Assist property owners and new business owners with tenant improvements to the interiors of commercial spaces. Used for office and

industrial assistance in addition to retail. Funding can come from a variety of sources including Urban Renewal and Community Development Block Grant (CDBG) loans or grants, tax exempt revenue bonds.

- **System Development Charge (SDC) Financing and Credits** - SDC financing enables developers to stretch their SDC payment over time, thereby reducing upfront costs. Alternately, credits allow developers to make necessary improvements to the site in lieu of paying SDCs. Note that the City can control its own SDCs, but often small cities manage them on behalf of other jurisdictions including the County and special districts.
- **Electronic Commerce Zone** - Qualifying businesses in the zone receive a credit against the business's annual state income or corporate excise tax liability based on 25% of the investment cost made in capital assets used in electronic-commerce operations.
- **Enterprise Zone** - Enterprise zones exempt businesses from local property taxes on new investments for a specified amount of time (3-5 years). Qualified investments include a new building/structure, structural modifications or additions, or newly installed machinery and equipment may qualify for exemption but not land, previously used property value and miscellaneous personal items. Eligible businesses include manufacturers, processors, and shippers. Retail, construction, financial and certain other defined activities are ineligible.
- **Industrial Development Bonds** - Tax-exempt bonds issued by the state of Oregon that provides long-term financing for land, buildings and equipment for manufacturers.
- **State of Oregon Strategic Investment Program** - Exempts a portion of large capital investments from property taxes, Most often used for manufacturing firms and other "traded-sector" businesses.
- **Land Banking –** Land banking, when a public or non-profit entity acquires real property with the intent to save it for a future use, is an advantageous tool for well capitalized jurisdictions. Land banking can be used to hold key properties for either more valuable future uses or those that may struggle to pencil in a higher valued market, i.e. affordable housing projects.
- **Brownfields Assistance** – There are several regional, state, and federal grant programs that provide environmental assessments, and pre-development assistance for sites that are potentially contaminated. Many of these funds are flexible, enabling jurisdictions to provide a range of planning and assessment services to private property owners.
- **Vertical Housing Development Zone -** Subsidizes "mixed-use" projects to encourage dense development or redevelopment by providing a partial property tax exemption on increased property value for qualified developments.

## 3.3 Developer Interview Summary

The feasibility analysis conducted for the North Milwaukie Industrial Area (NMIA) presented comprehensive findings regarding near to long term possibilities for future development. The

consultant team invited development professionals to comment on the findings of the analysis, and offer their reflections on the NMIA in general. The participants for this development "reality check" were:

- **Josh Fuhrer** – Developer with experience in retail, industrial, and mixed-use projects. Josh is also a former City Council Member for the City of Gresham, and the current head of the Gresham Redevelopment Commission.
- **Roy Kim** – Developer with experience in land, subdivision, and mixed-use development.
- **Phil Hanshew, MAI** – Managing Director of Integra Realty Resources (Portland office); the largest commercial real estate appraisal firm in the U.S.

Interview comments are summarized below.

### NMIA Opportunities

- The NMIA location is terrific given its proximity to downtown, access to light rail and freeway linkages.
- There's dwindling supply of industrial land in the region. The NMIA will continue to be an attractive location for development.
- Distribution uses are a great fit because of location and access – hence the legacy users.
- Existing building floorplates are quite a bit larger than those in Inner SE Portland. This is a huge benefit to distribution/logistics businesses.
- Large building footprints could serve as a niche for expanding startup to have space to grow within the district.
- As to when [new development] happens, sooner than later. Five years, not 20 years, especially given the dearth of industrial/employment land in the region (and land that, again, is so well located).
- This area is not as strong for new high density development as Central Eastside, but stronger than 217/Western Avenue. Hold on in the meanwhile. In the next market cycle, there may well be a few bellwether projects – perhaps even a multi-story employment use like the New York Building in NW Industrial. Multi-story distribution is only happening in markets with much higher land values.
- There's opportunity for businesses that don't need to expand but need to be around something cool. The challenge becomes creating a community "personality" that is attractive and cool to these businesses.
- Preserve limited industrial land.

### NMIA Constraints/Challenges

- Big hurdle to upgrade the area, to create higher density development, higher concentration of jobs. Existing built environment a deterrent.

- Noise is a challenge with maker space. For that reason, it's a difficult use to mix with housing.
- Startups cannot pay high rents. When they're successful they need to expand and if there isn't room for the expansion, they will need to move. (This is also an opportunity, as there are a number of large existing buildings in the NMIA that could fit expanding startups).

### Development Feasibility

- The question is what/when will the tipping point be? The point at which the existing buildings are no longer the highest and best use (today they are – ECO's analysis confirms that – nothing new pencils).
- Unlikely to see typical suburban industrial development, because these product types grossly underutilize land.
- Industrial land in the NMIA is more and more valuable relative to buildings in the NMIA. Once land becomes more valuable than a building on it, the property will flip to a much more intense development type.
- Transition to maker space is already happening and is a good transitional use.

### Encouraging Development

- What's the vision for the area? What story does NMIA want to tell? Is there a specific industry or sector? Could be a configuration of space and/or an industry. Without that, development is going to feel random.
- Engage with long-term property owners to create a legacy to move forward
- If you're looking for more intensive uses, focus manufacturing to the east, more flexibility to the west. That would make it more attractive for redevelopment.
- City's backstopping loans is an attractive option for developers, but there are some legal limitations that make these programs difficult to implement.
- Allow a certain percentage of the property to be self-storage as long as it's not the focal point of the development. This would help with development feasibility.
- Destination retail/industrial - Rebuilding Center or similar anchor user that can draw people in is needed. These uses are unique and tell a story. Think Hippo hardware. Could you rethink the hardware store in the NMIA?
- Should look at the most scenic area for housing as a part of a mix of uses. The question is how to not turn away industrial uses. More of a design question.
- Locating housing near downtown Milwaukie will feed and complement what's happing there today.
- There's a lot of development risk for industrial projects that is wrapped up in the entitlement process. The City holds the keys to this process and therefore has some ability to lessen this risk and encourage development.

- Maker space can have difficult economics. Gresham has found a way to make it work in new development through gap financing (via Urban Renewal).
- Can a shuttle service assist NMIA employee access to the area from centralized parking or light rail?

# 4 Summary of Findings and Recommendations for Framework Plan

The consultant team conducted two levels of development feasibility analyses for the North Milwaukie Industrial Area. First, the consultant team used the MapCraft webtool to test development feasibility of a multitude of building prototypes across the entire area. Second, ECONorthwest took an in-depth look into four sites in the NMIA to better understand the mechanics and nuances of feasibility on specific properties. Each analysis modeled arm's length transactions using current market inputs.

Based mainly on the value of both land and existing buildings, the area-wide MapCraft Labs analysis showed that most new development in the NMIA is infeasible. After low-intensity residential (a building type out of sync with the vision of the NMIA), retrofitting existing buildings is the next most feasible prototype. New construction prototypes, situations where a developer purchases a property, razes and existing structures, and builds a new building are by and large infeasible without significant subsidy.

The second analysis, a deep-dive into the nuance of development on four specific potentially catalytic properties, produced results consistent with the MapCraft Labs findings. New development prototypes were shown to be infeasible without subsidies. The catalytic analysis emphasized that, for many building owners, the best financial decision in the near term is to conduct a minor retrofit of existing buildings. The balance of the low investment cost to complete the retrofit, with the slight boost in achievable rent results in the best overall financial outcome.

### 4.1.1 Recommendations

*"The North Milwaukie Industrial Area capitalizes on the District's strategic location that attracts innovative and entrepreneurial businesses* ***to create a hub for employment and manufacturing*** *that respects the natural environment. Existing and future businesses provide family-wage jobs that are accessible by all modes of travel, and incorporate sustainable design that reduces demand on citywide infrastructure while serving as a model in the region." – NMIA Vision Statement*

We must first acknowledge that the NMIA is already a hub for employment and manufacturing with a high occupancy rate and relatively high employment density (currently at 9.5 jobs per acre) when compared to other warehouse areas in the region. The City is striving to increase the density through increased intensification of uses and new innovative uses as part of the NMIA vision

The findings from the analyses have shown that new construction of desired employment focused building types is unlikely to occur in the current market or in the near to mid-term. Low-cost retrofits of existing buildings however, are already occurring in the area and have proven to be feasible in the models employed in the analyses. The consultant team recommends the following for achieving the NMIA's vision as part of the Framework Plan:

1. **Easy wins are low cost** – Creating a parking management plan and hiring an area property manager are low cost actions that can make a difference for current business and property owners, especially those that are considering a reinvestment in their properties. In the near term, the focus should be enhancing an already successful area and setting the stage for the future. Other actions include; initiating a district funding strategy, conducting property owner outreach (to both public and private property owners), branding and wayfinding initiatives, and a reevaluation of zoning and parking strategies.

2. **Set the stage for a "unicorn" project** – Sometimes property owners sell land for less than market value, and other times businesses are willing to pay more than a market rate to be in a specific area. These situations happen, often times in locations like the NMIA where long term property owners have a low basis in their buildings, but these developments are difficult to model and impossible to predict. Increasing the likelihood that a "unicorn" project happens in the NMIA will involve effective outreach with property and business owners and identification of conditions to support a desired target sector. A new office build-to-suit situation or a brewery that desires the NMIA location are possible soon, but only if provided a subsidy (e.g. costs are lowered), or are willing to pay more than current market rates. The City has the opportunity to make the case for these businesses to be in the NMIA no matter what and be ready for a property owner that is able and willing to part with the land for less than full value.

3. **Maintain focus on goals and vision** – The NMIA has a compelling vision for a vibrant employment and manufacturing center. Maintaining focus on the area's vision will reinforce the area's brand and strengthen the case for existing businesses to reinvest, and for new businesses to move in. Maintaining focus involves conducting capital improvements that are consistent with the vision, and opportunistically funding onsite and offsite improvements that support core businesses. Most importantly, make sure that restrictive policies preclude uses that are not compatible with the area's vision and goals, and encourage uses that complement and build upon the NMIA's location and strengths.

4. **Zone with care** – If the city wants to continue industrial uses and discourage expanded residential and/or other uses such as big box retail, zone appropriately to manage this vision. But also allow some flexibility for innovative uses that can adapt and thrive as the market changes to create more jobs and foster creative uses of the district.

**Attachment 8**

Received at PC / CC
Public Hearing
Date: 06/27/2017
By: AB

# Oregon Worsted Company

Mill End Store

Real Estate

Milwaulkie Planning Commission Meeting June 27, 2017

The Oregon Worsted Company will be 100 years old next year. To continue to exist in Milwaulkie we need a Zoning Overlay allowing Mixed Use/Residential.

In 99 years Oregon Worsted Company has employed over 100,000 people most of which have lived in Milwaulkie. We have supported many civic events, concerts, parades. We donate office space and helped found The Johnson Creek Corridor Assoc, \ Watershed Council and Acap.

In 1981 The Oregon Worsted Company became a women owned business. 95% of our employees are women. In 1993, ODOT required us to move The Mill End Store to build the Tacoma Street Overcrossing.

In 1993 The City encouraged us to relocate the Mill End Store to the former Omark Industries Building and gave us an easement on Milwaulkie's land for our Storm Water treatment facility. The land is about 3.5 acres and the building is 65,000 sq. ft. The City applauded our remodeling efforts installing revolutionary Daylighting illumination and Storm Water treatment systems.

We are non-conforming Use without Grandfather rights to rebuild because we are in the Willamette River Flood zone. In 1996, our property had 46 inches of water covering the site.

In 2016 we promoted the cities' rezoning effort that is before the commission now. It was our understanding that the plan was to help the current land owners and their businesses. We have our neighbors support and the support of the Downtown Bussiness Association.

Our building is 63 years old, and might not survive another flood. We hired an economist and Flood Water Specialist and found that we could not re-build the Mill End Store under the proposed re-zoning and flood plain rules. Our economist indicates our redevelopment plan has to include a Residential componant to justify the need to elevate the Building.

Because our property is completely in the Flood Plain, we ask that the Commission put a Zoning Overlay on this site allowing mixed use/Residential uses so we can rebuild.

Nancy Bishop Dietrich



P.O. Box 82098 • Portland, OR 97282, USA
Phone: 503-786-1234 • Fax: 503-786-2022

PETER T STARK AIA
Architecture and Planning

Received at PC / CC
Public Hearing
Date: 06/27/2017
By: AE

June 27, 2017

Planning Commission
City of Milwaukie
1077 SE Main
Milwaukie, OR 97222

Re: North Milwaukie Industrial Area Plan

Dear Planning Commission Members:

My firm represents the Oregon Worsted Company that owns and operates the Mill End Store at 9701 SE McLoughlin, the Bromar Building and various other properties in the City of Milwaukie. Please make this letter and attached reports part of your hearing record.

I am a member of the North Milwaukie Industrial Area Plan committee. In those meetings I expressed concern with the impact this plan will have on the Oregon Worsted Site. The plan as drafted will make the site undevelopable for many years.

We are requesting the Planning Bureau allow a zoning overlay for mixed use including residential development on the Oregon Worsted site.

We have contacted a number of NMIA committee members and local businesses that support our request (see list below)

To substantiate the need for this request, attached are two consultant reports. Both consultants are experts in their field:

- *Cascade Water Resources (a water resources consultant), NMIA Oregon Worsted Property Flooding Assessment, May 25, 2017*

- *E.D. Hovee & Company (an economic and development services consultant), NMIA Dietrich/Oregon Worsted Property Impact Assessment, May 30, 2017*

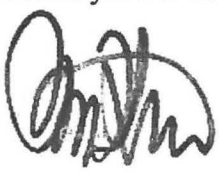
The reports note the following:

1) As shown in the NMIA floodplain Map, the Oregon Worsted Site (and adjacent site to the west) are the only properties completely impacted by the 100 year floodplain.
2) The site has frequently flooded. After flooding in 1996, engineers determined it would be impractical to make the building "flood proof" or elevate the structure above the floodplain. Further it was noted that "cut and fill" to mitigate the floodplain is not possible on this site since the site lacks enough elevation to create land above the base flood elevation (BFE).

3) If Oregon Worsted were removed from the site, the only feasible way to develop, while satisfying local floodplain management and regulations would be to build on stilts – in effect creating structured parking beneath with the building above the BFE.
4) Industrial use is not consistent with structured parking and is not expected to prove financially feasible at this location.
5) High-rise office is allowed under the NMIA plan and if successful could pay for structured parking. However, high-rise office is not currently feasible until such time the market discovers the McLoughlin corridor as an attractive metro area location for high-rise, high-rent corporate or tech-related office space.
6) The only economically feasible development on the site that can support structured parking is multi-story mixed use including residential.

In conclusion: The Oregon Worsted site is the NMIA property most severely affected by floodplain designation. Due to these unique floodplain limitations and it's location separated by SE Millport Road at the southern end of the industrial area, re-designation of this site can be accomplished without affecting the industrial character and focus of the rest of the NMIA and would become an attractor for other development in the NMIA. Residential at this location would also support the downtown and possibly provide housing for employees in the NMIA.

Thank you for considering our request.



Peter T Stark, AIA
Design, Architecture and Planning

The following individuals and NMIA Committee Members support allowing residential use on the Oregon Worsted Site:

Rick Anderson, NMIA Committee Member, Anderson Die
Denise Emmerling-Baker, NMIA Committee Member, Historic Milwaukie
Kim Cairo, Owner Enchante
Dan Canfield, NMIA Committee Member, Alpha Stoneworks
Kelly Keaner, Downtown Milwaukie Business Association
Kenneth Simpson, NMIA Committee Member
Tennant Investors, Properties include the Goodwill and Darigold sites

**Peter T Stark AIA** Design, Architecture and Planning
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CASCADE
WATER RESOURCES

May 25, 2017

Peter T Stark, AIA
Associate Planner
Design Architecture Planning
2939 NW Cornell Road,
Portland OR 97210

**Subject: NMIA Oregon Worsted Property Flooding Assessment**

Dear Mr. Stark:

At your request, I'm providing this letter of support for the re-designation of the zoning for what is known as the Oregon Worsted properties located in the southwestern corner of the North Milwaukie Industrial Area (NMIA). This re-designation is needed to allow for future development that would be economically viable for this property because it is located almost entirely in a FEMA specified Special Flood Hazard Area (SPHA) commonly known as the 100-year floodplain.

I'm a water resources (WR) consulting engineer registered as a Professional Engineer (PE) in the State of Oregon. I have been practicing WR engineering in Oregon since 1978 and currently have over 45 years of water resources engineering experience including considerable experience in both the modeling and delineation of floodplains and floodways using the guidelines and procedures developed by FEMA and perhaps the most experience of anyone in the state with the modification of these floodplains and floodway using FEMA's Letter of Map Change (LOMC) procedures more commonly known as CLOMAs, LOMAs, LOMRs, CLOMRs, and PMRs. So my knowledge of FEMA floodplain regulations and local regulations is quite good. In February 1996 during the historic Oregon floods, I was contacted by CBS News out of New York and spent two days with a film crew and was featured throughout a 6-minute documentary that aired nationwide on the CBS' Sunday Morning show.

I've known Howard Dietrich the co-owner of the Oregon Worsted properties for approximately 23 years. I meet him while I working on the water resources aspects of the 1995 Johnson Creek Resources Management Plan where Howard participated as a co-founding member of the Johnson Creek Corridor Committee. Johnson Creek is the waterway that flows through the Oregon Worsted properties but it isn't the source of the extreme flooding that has occurred in this area since that would be the Willamette River which is only 0.28 miles downstream. The backwater from the Willamette during an extreme event like the February 1996 flood is what inundates the building that houses the Mill End Store and Oregon Worsted's offices.

Howard has been a client of mine since late 1996. Following the February flood that inundated the Mill End Store building, Howard hired me to lead a team of engineering specialists to explore the feasibility of flood proofing the structure. The final decision was that it was not technically feasible to flood proof the structure due to its age and the nature of its construction primarily its foundation. Buoyancy issues were the major concern if the structure was made water tight with specially designed closure structures. The consensus was that it would most likely float out of the ground.

Under the current floodplain regulations it would be impossible to bring in fill and elevate the critical first floor entry elevation for any redevelopment. That is due to the passage of Metro's flood management regulation referred to as Title 3: Water Quality and Flood Management around 1999. Adoption by local jurisdictions like the City of Milwaukie quickly followed. Title 3's Performance Standards Section 3.07.340 (a) (2) (B) states "All fill placed at or below the design flood elevation in Flood Management Areas shall be balanced with at least an equal amount of soil material removal." And (a) (2) (C) states "Excavation shall not be counted as compensating for fill if such areas will be filled with water in non-storm winter conditions." The problem with the Oregon Worsted properties is that the base flood elevations (BFEs) (i.e. 100-year water surface elevations (WSE)) are so deep that there isn't enough "cut" available onsite to "balance" the loss of floodplain storage. So the use of fill to elevate new development is not feasible due to this regulation.

I hope we can all agree that the regulation to balance the loss of floodplain storage with an on-site cut of the same volume across the range of elevations that would not be inundated during non-winter storm conditions is a local regulation and not a FEMA regulation. FEMA has no regulations requiring the need to balance the volume of fill placement with the same volume of cut. FEMA's minimum floodplain standards allows for all of the engineered fill need to elevate the first floor entry elevations of any new structure to an elevation of at least one foot greater than the BFE provided the building pad is outside of any designated floodway or is located in what is referred to as the floodplain fringe area and the fill will not cause a rise in the floodplain elevation. The no-rise requirement is not a problem on this site since the BFE is based on backwater from the Willamette which is not affected by the fill placement. The only technically feasible way to satisfy this local floodplain management regulation is to design a development with engineered structure parking beneath the above-grade development. The parking structure would be designed to safely be inundated and easily drained by gravity after the floodwaters subside. I'm certainly not a development consultant but even I know that industrial uses are not a feasible use for these type of elevated development designs.

I remember being a part of the discussion when the Metro Title 3 regulations were being debated in the late 1990s. I was a proponent of the regulation but I also cautioned the discussion group about two issues where the regulation doesn't make much sense. One is when the waterway involved has very large drainage area and it becomes clear that the loss of the storage from the fill of concern will

have absolutely zero impact on the water surface elevations of the base flood since a no-rise condition needs to apply. I was specifically thinking about the Willamette River flowing through Portland and other communities like Milwaukie whose drainage area at its confluence with the Columbia River is 11,478 square miles. Clearly the filling of the Worsted properties will have absolutely zero impact on the WSE of the Willamette River. And remember the BFE on the Worsted properties are govern by backwater from the Willamette River and not the flood elevations on Johnson Creek which flows through the site. The second concern was for those properties that are entirely or almost entirely shown to be in the SFHA. Since the flood storage balance regulation cannot be satisfied, the concern is that if challenged the courts may view this as an unjustified taking of the rights of a property owner to develop his property. To my knowledge neither of these concerns have been addressed for this area in the existing regulations.

If the buildings were removed and given the conditions of the site, they would be encumbered by the floodplain regulations and would require remediation. Any new structure would need to be built above the BFE. The only feasible way that could occur and still satisfy the Title 3 regulation for the offsetting balance of flood storage is by using structured parking below an elevated development and it is impractical to think that the development could be any industrial use. So I'm appealing to you on behalf of Oregon Worsted to solve this problem by re-designating the zoning of the Oregon Worsted properties to something more compatible like mixed use or high density residential.

Thanks for considering these arguments and feel free to call me with any questions.

Sincerely,

**Cascade Water Resources, LLC**

Roger Sutherland, PE
Principal Water Resources Engineer &
President

# E. D. Hovee & Company, LLC

Economic and Development Services

May 30, 2017

Peter T Stark, AIA
Design Architecture Planning
2939 NW Cornell Road, Portland OR 97210

Subject: NMIA Dietrich/Oregon Worsted Property Impact Assessment

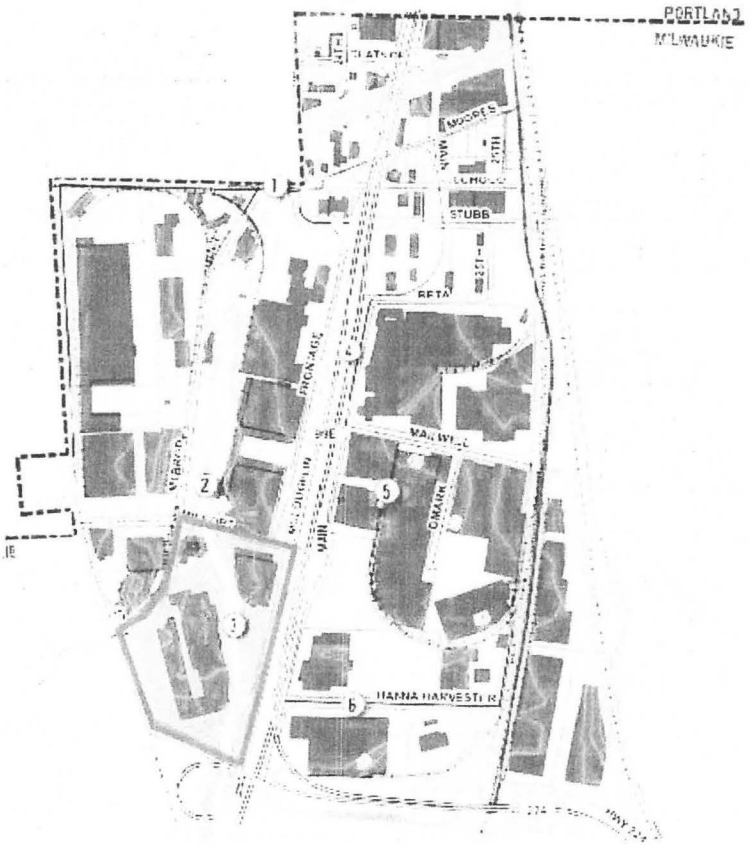
Dear Mr. Stark:

At your request, the economic and development consulting firm is providing this letter of support for re-designation of what is known as the Oregon Worsted properties owned by at the southern end of the North Milwaukie Industrial Area (NMIA) to allow continued economically viable use now and financially feasible reuse in the years ahead.

As I understand, circumstances pertinent to the economic viability of this property (outlined as site area 1 by the map to the right) are:

- Of all NMIA properties, the subject site is nearly all located in the Johnson Creek floodplain – effectively precluding any redevelopment except for development that includes structured parking beneath above-grade development.
- Current zoning allows industrial, office/ technology, distribution, repair and related uses – but precludes residential and limits the size of retail and food service only to what supports local employment uses.

**North Milwaukie Industrial Area (NMIA)**




Note: All area shaded in pink is in the Johnson Creek floodplain. Subject site is outlined in red.

Internet: • e-mail: edhovee@edhovee.com
P.O. Box 225 • Vancouver, WA 98666
(360) 696-9870 • (503) 230-1414 • Fax (360) 696-8453

Based on our experience and as consistent with economic and pro forma financial feasibility analysis conducted by others in the metropolitan region (including Metro), industrial use is not consistent with structured parking and is not expected to prove financially feasible except where parking can be provided with an at-grade, surface parking lot. However, as the accompanying letter from Mr. Roger Sutherland of Cascade Water Resources makes clear, any development that involves replacement of existing structures will require elevation of the building by placing structured parking beneath – a solution that is not feasible for industrial use. **Consequently, there is no reasonable scenario to expect economically viable redevelopment of this site for industrial use consistent with the NMIA for the foreseeable future.**

Uses that conceivably might support redevelopment of this site, albeit with caveats, are:

- **Retail** – but this use is allowed in the NMIA only as an ancillary activity and not as a dominant or stand-alone use. Furthermore, land values associated with retail generally are not high enough to support development with structured parking – except when retail is situated at a very high demand urban core or regional center location, or serves as the ground floor use of a multi-story office and/or residential development project.
- **Office** – is allowed in the NMIA but, as with retail, is not currently associated with land prices in the Milwaukie area anywhere near high enough to support the substantial added cost of structured rather than surface parking. In the Portland metro area, structured parking has proven economically feasible only at locations with mid- to high-rise office buildings – in the urban core of Portland and at major suburban office centers as at Kruse Way or with land constrained major medical centers.
- **Residential** – is the one use that, to date, has demonstrated economics strong enough to justify structured parking at a more diverse set of locations throughout the metro region. Structured parking can be financially feasible with market-rate, high-rise apartment and condominium projects at high amenity, high land value locations.
- **Mixed Use** – might be considered for different combinations of uses. However, mixed use is generally more costly and often is more difficult to finance than single use development. For development to be economically viable, the primary use(s) must themselves be feasible – essentially on a stand-alone basis, generating enough return to pay part of the way for the less financially viable secondary uses – including structured parking. The only primary use for mixed use development that might be feasible with structured parking in a multi-story configuration at this location and at this time is housing. Retail or office might be included within the mixed use development, but as secondary use with little or no ability currently or in the reasonably foreseeable future to pay for the added costs of structured parking as well.

The practical effect of limiting uses to what is currently NMIA-allowed at this flood plain restricted site is that, as tenants turn over and existing structures become functionally obsolete, financing for significant improvement or renovation in a flood zone will become more difficult to obtain – leading to lower rent uses and to more underutilized or vacant space over time.

Redevelopment will be effectively precluded, unless: a) the office market discovers the McLoughlin corridor as an attractive metro area location for high-rise, high-rent corporate or tech-related office space as might be currently allowed within the NMIA; or b) zoning within this portion of the NMIA is changed to allow multi-story residential and mixed use development.

Re-designating this property to allow multi-story office, retail, residential, and mixed use development is the only way to assure that this property can support redevelopment that covers the substantial added cost of structured parking – as essential to comply with flood plain regulatory requirements. Allowing for the choice of office, retail and/or residential will provide the flexibility needed to make an economically viable investment decision consistent with market conditions once a significant redevelopment opportunity materializes.

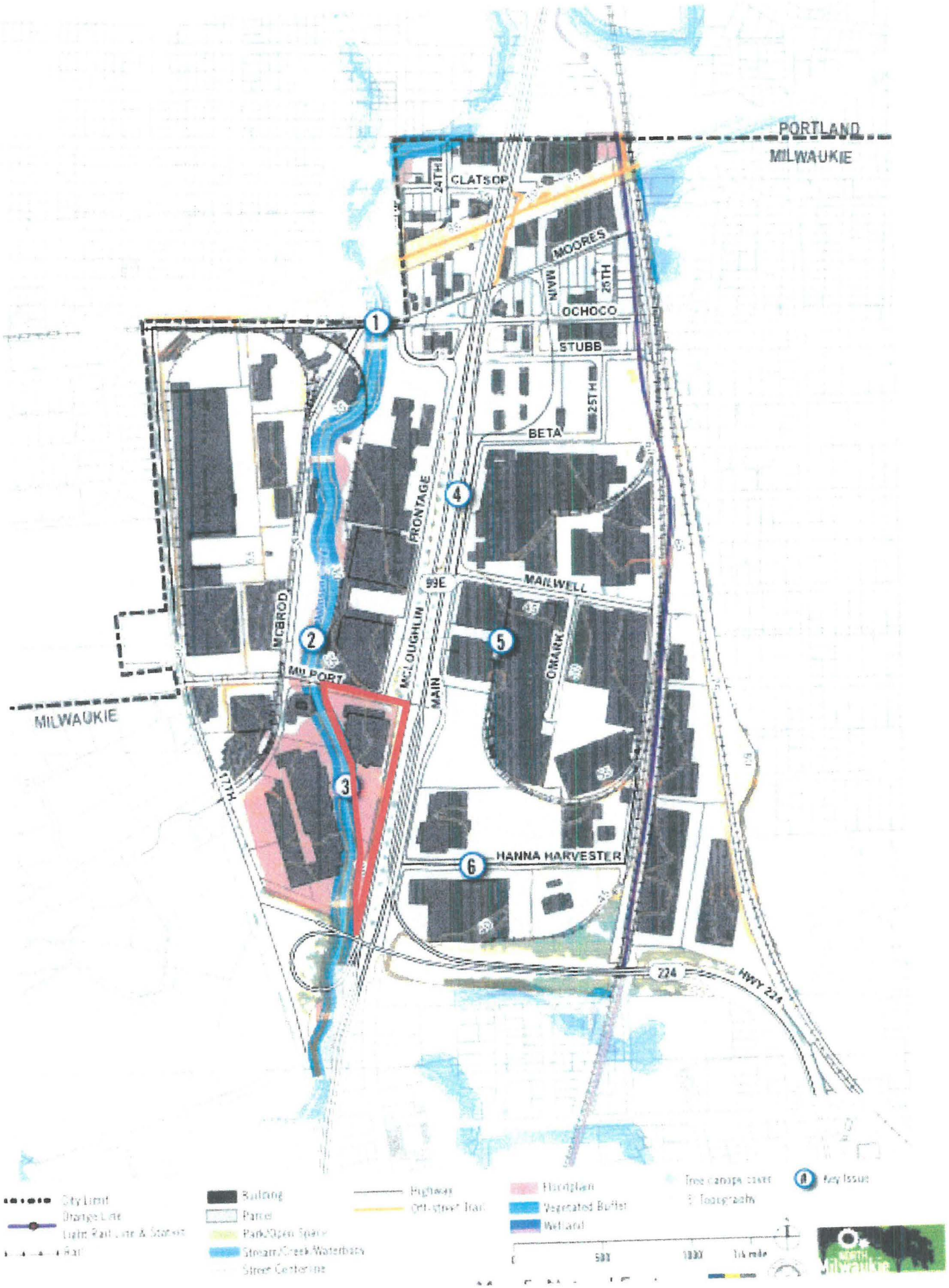
The Oregon Worsted site is the NMIA property most severely affected by floodplain designation. Due to these unique floodplain limitations and to a location separated by SE Milport Road at the southern end of the industrial area, re-designation of this subject site can be accomplished without affecting the industrial character and focus of the rest of the Milwaukie's NMIA.

I would be happy to respond to questions or provide added information regarding any aspect of this analysis. In summary, re-designating the Oregon Worsted property to allow for future redevelopment that includes residential and mixed use opportunity is strongly encouraged. City of Milwaukie consideration of this request is most appreciated.

Sincerely,



Eric Hovee - Principal


PORTLAND
MILWAUKIE
24TH
CLATSOP
MOORES
MAIN
25TH
OCHOCO
STUBB
25TH
BETA
FRONTAGE
99E
MAILWELL
McBROD
McLOUGHLIN
MAIN
O'MARK
MILPORT
MILWAUKIE
17TH
HANNA HARVESTER
224
HWY 224
1
2
3
4
5
6
City Limit
Orange Line
Light Rail Line & Station
Rail
Building
Parcel
Park/Open Space
Stream/Creek/Waterbody
Street Centerline
Highway
Off-street Trail
Floodplain
Vegetated Buffer
Wetland
Tree canopy cover
Topography
Key Issue
0
500
1000
1/4 mile

**RS200**

Received at PC / CC
Public Hearing
Date: 06/27/2017
By: AK

June 27, 2017

Mr. and Mrs. Howard Dietrich
Mill End Store
9701 SE McLoughlin Blvd
Milwaukie, OR 97222

Dear Mr. and Mrs. Dietrich:

Thank you for taking the time to meet with the city to discuss your property in the North Milwaukie Industrial Area (NMIA) on Tuesday, May 29, 2017. I sincerely appreciate your time and contributions as long-standing business and property owners in Milwaukie. I value your business and employees that have contributed to a vibrant workforce in this community.

I understand your need to fully assess the opportunity and constraints on your property both from an environmental/natural resource and floodplain perspective as well as from an economic viability of redevelopment potential. I have reviewed the assessments you provided from Cascade Water Resources, LLC and E.D. Hovee & Company, LLC for taxlots 11E26DA00101, 11E26DA00300 on the east side of Johnson Creek at 9701 SE McLoughlin Blvd and taxlots 11E26DA00100, 11E26DA00200, 11E26DA00600, and 11E26DA00601 on the west site of Johnson Creek at 1900 SE Milport Road and 9800 SE McBrod Avenue. I am writing this response to address the concerns in these documents and those you provided verbally. My intention is to better explain the city's position.

First, on May 9, 2017, City Council established a policy decision not to allow additional residential in a newly-proposed NMIA Zone. This decision is mainly because approximately 75 percent of the city is currently zoned residential with 12.3 percent of that zoned medium and high density residential, while only 18.4 percent is for industrial. The current Manufacturing-Tacoma Station Area (M-TSA) Zoning in the NMIA already allows for mixed-use residential in Subareas 1, 2, and 3 based on proximity to adjacent light rail and to foster Transit-Oriented Development-related projects in that area and will continue to do so even through the NMIA planning and zoning process. The NMIA is also one of three employment districts that make up the 18.4 percent employment-zone land and provides more than 12,300 jobs. The city's new Economic Opportunities Analysis forecasts that job growth needs within the city will be at least 6,131 jobs by 2035. Alternatively, the city's Housing and Residential Land Needs Assessment indicated a need for 1,150 new housing units by 2036, of which we currently have approximately 300 new units expected in newly proposed multi-family residential developments to be completed within the next two years. We are also concerned with providing additional job opportunities for our residents, especially since only about seven percent live and work in Milwaukie.

Second, the city is concerned about compatible uses and encroachment issues with appropriate buffering between heavier industrial and residential uses. A strong consideration in the policy decision around no additional residential in the proposed NMIA Zone is focused around ensuring

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that the city protects industrial uses from encroachment by residential since we know we are working with limited, finite industrial land.

Third, the proposed NMIA Zone includes increased flexibility and uses from the current Manufacturing (M) Zone as it exists today for your property. This includes increased height from 45 feet to 65 feet and the addition of office and some commercial uses. The NMIA is experiencing an extremely low vacancy rate with increasing industrial and flex space demand from businesses seeking to expand or relocate from Portland. The primary goal of the NMIA Plan process is to position the NMIA to leverage its strategic location and attractiveness as an employment center.

I hope that, based on these facts, you can understand the city's and City Council's need to balance jobs and housing in a compatible way that preserves key employment land for future generations.

It was also mentioned during our discussion that perhaps you are only interested in redevelopment of the taxlots east of Johnson Creek at 9701 SE McLoughlin Blvd where the Mill End Store is located. This additional detail, while helpful in better understanding your desires, adds an additional complication because, while we are open to working with you as a partner, we cannot consider creative options for a limited-duration floating zone concept that might allow some residential without maintaining adjacency to existing residential zones. As described, developing the parcel of interest to you would lead to an encroachment conflict.

As partners, I appreciate you bringing your concerns to me and hope we can continue open, honest dialogue about viable options for your property that meet the established vision and goals for this industrial district. I am open to a continuing discussion around a temporary, floating zone allowance using a "first-in" concept. This concept would be for no more than a limited five-year duration in the proposed NMIA Zone in strategic, compatible areas on the periphery of the NMIA. This was brought up by me to Council during a discussion in which they did a straw poll against new housing in the NMIA. Council was open to the floating zone concept. I respect that this may not be of interest to you based on your desire to provide stability to your current workforce. However, the offer to pursue discussions on this topic stands.

I am also open to further discussing a zoning solution for the area within the floodplain that excludes residential and large retail if you think something more specific is needed. Staff believes that we area already providing this for the area, but are open to amendments specific to these parcels if further options are needed.

I look forward to hearing from you regarding your interest to pursue this potential option that is meant to help catalyze compatible redevelopment in the NMIA district.

Sincerely,

Ann Ober
City Manager

Cc: Alma Flores, City of Milwaukie, Community Development Director
Amy Koski, City of Milwaukie, NMIA Project Manager
Peter Stark, Design Architecture Planning, Associate Planner

RS 5. A.
7/18/17
Correspondence

**Public Testimony – July 18, 2017**
**Re: Agenda item 5A: North Milwaukie Industrial Area Framework**
Public Hearing, City Council, July 18th, 2017, regular session

**Elvis Clark**
**Resident of the City of Milwaukie's Ardenwald neighborhood**

**Dear Mayor Gamba, Councilors Parks, Batey (chair), Falconer and Abma, (and City Manager Ober):**

**I believe the North Milwaukie Industrial Area (NMIA) Plan before you can be a useful document depending on how it is implemented.**

**On the positive side:**

1. **It provides direction as to how the City makes improvements in the NMIA area when maintenance and other city works are required or arise.**
2. **It provides direction on shaping zoning and other regulatory matters when business/property ownership changes, providing a low impact way of evolving the area without disrupting existing businesses.**
3. **It maintains for Ardenwald the potential for adding a new bicycle and pedestrian route to downtown which would "under" pass Highway 224 (presently one of the primary routes for these two modes of transportation is crossing at Harrrison street and 224 around Ardenwald's southeast corner).**

**On the cautionary side:**

1. **The plan is a potential draw on the City and County's scarce general funds (property tax revenues) if urban renewal is for instance implemented for NMIA. Milwaukie citizens - according to the City's recent survey (per the "Pilot" I think it was) - are concerned about higher taxes and fees. Money is the normal rub and so, any investments of City funds into NMIA should have very short paybacks, not in the decade terms of urban renewal but something within a few years.**
2. **The time lines in the plan may if strictly followed impinge on the heathy levels of business activity currently happening within the NMIA community. Evolving NMIA in a flexible and low impact way is most likely the optimal way forward, and not adhering to time lines in a plan such as the one before you.**

**Well, I am appreciative to have worked with others in making inputs to the plan; and here in these comments, I step outside my Ardenwald NDA representation in these meetings, to provide sentiment as a citizen and those of my most immediate neighbors on 36th avenue just off Harvey street.**

**Sincerely,**
**Elvis Clark**

Michael Schiess
2405 S.E. Clatsop St.
Portland, Or. 97202
503-236-6207

July 18, 2017

To the Milwaukie City Council,

I am the home owner of 2405 SE Clatsop which is located in MTSA area 2. The North Milwaukie Industrial Area Plan recommendation from the planning commission includes a plan to put a road down 24th Street, and a bridge over Johnson Creek.

My house was built in 1953, and encroaches 3 feet into 24th street. The planning commission's plan if enacted, would lead to the destruction of my home and privacy. At best, if my home still stood (with a bridge built within feet of it), I would have no access into my home or anywhere within 6 blocks to legally park 2 cars.

My property is in both Portland and Milwaukie. The creek at 24th Street is in Portland on both the east and west side, so both sides of the planned bridge would be in Portland.

There are only two residential homes on this street and it is a functioning industrial area. My house sits on three lots and I have spent 12 years working on making it a very beautiful place. There is a community on this street. The two residential home owners understand that this is an industrial area.

I strongly object to any plan to put a road or bridge through my house or up against it, and will take immediate action if anyone attempts to enact this plan.

The retired civil engineer who owns the property across the creek has explained to me the enormous list of engineering obstacles involved and they seem daunting and very, very expensive at best. It sounds like this bridge is probably impossible, even without the issue of paying for it. Furthermore, this bridge would function to bring industrial truck traffic into a residential neighborhood in Portland.

For that reason, I would recommend to the city council that they remove the bridge over Johnson Creek from the plan and change the zoning of this area for lower density and intensity as a solution to their planning problems. Writing this bridge into the plan, will cause myself and my fiancé years of undue stress and worry.

Please eliminate the bridge from the plan.

Sincerely,

Michael Schiess

July 9, 2017

Amy Koski
Economic Development and Resource Coordinator
City of Milwaukie Community Development
6101 SE Johnson Creek Blvd.
Milwaukie, Oregon 97222

Re: North Milwaukie Industrial Area Plan
Chapter 4: Transportation
Figure 4: Future Street Network
Goal 4 Provide a road connection over Johnson Creek
at SE 24th (page 21)
Figure 7: Non-Motorized Streeet Network
Goal 1 Provide a pedestrian connection over Johnson Creek
at 24th (page 27)

Dear Amy:

Thank you for the opportunity to meet with you and Dennis on Friday, July 7. As we discussed, the purpose of this letter is to express our concerns regarding a road connection at SE 24th Ave. crossing Johnson Creek, as part of the North Milwaukie Industrial Area Plan.

We participated in the dialogue for development of the Tacoma Station Area Plan. It was our impression that agreement was reached that pedestrian and bike access from the Clatsop Street Area would be better served with a bike path proceeding west off SE 23rd Ave. into Johnson Creek Park, continuing across Johnson Creek via a replacement bridge to be built at the site of a previously existing bridge, which had served the area for years. This would connect the area with the developed section of Johnson Creek Park and with SE 19th Ave. and SE 21st Ave., which are already part of the City of Portland Bike Way System.

To address the additional concern of having an alternate bike/pedestrian route from the Clatsop Street Area to the Tacoma Orange Line Station, it appears feasible that a tie to the Clearwater Trail could be developed easily and economically by creating a path following SE 23rd Ave. south up to the Clearwater Trail where bikes and pedestrians could safely cross SE Mcloughlin and have easy access to the Orange Line station.

Regarding Goal 4 of Figure 4: Future Street Network, "Provide a road connection over Johnson Creek at SE 24th." We would like to point out that the infrastructure across the creek to the north, located in the City of Portland, is not designed or constructed to handle this type of traffic. Existing SE 24th Ave. and SE Harney St. are unimproved gravel roads. SE 23rd Ave. and SE Umatilla St. are paved, but otherwise unimproved. This access would allow traffic out onto McLoughlin Blvd. with southbound access only. This access already exists out of Clatsop Street Area and would gain nothing. The proposed access from Clatsop Street Area west on SE Umatilla St. offers no viable route out of the area until SE 17th Ave. This is a non-signaled intersection which is already at maximum capacity to and from the Sellwood Bridge.

These reasons were some of the points the City of Portland Planning made when we were building our studio at 2410 SE Harney. They insisted we would have no retail activity, only manufacturing at our facility, as the surrounding area could not handle the increased traffic. The renter of the property adjacent to us on SE Harney has a showroom, but was a told by the City of Portland that warehousing activity was allowed but not retail sales, again due to neighborhood traffic issues.

The last point we would like to make is that the north end of any bridge constructed on SE 24th Ave. lies in the 100 year flood plain, as do unimproved SE 24th Ave. and SE Harney St. Both of these streets have been flooded on a number of occasions, the most recent being December 8, 2015. Subsequently, both streets were shut down by the Portland Fire

Department.  Our studio is above the Corp of Engineers determination of the 100 year flood zone for this area and has been certified as such. However, it seriously concerns us if the hydrology of this site were to be altered in any way, a strong potential for flooding our building and losing land because of flooding, would be created.

For these reasons, we respectfully request that any type of crossing over Johnson Creek at SE 24th Ave. be removed from the North Milwaukie Industrial Area Plan.

Respectfully,

L. Patrick Stinson
Cathy L. Stinson
2410 SE Harney St.
Portland, OR  97202

# PUBLIC HEARING ATTENDANCE SIGN-UP SHEET

*If you wish to have standing and/or to be on the mailing list for Council information from tonight's hearing, please sign-in below.*

**7/18/17** | **North Milwaukie Industrial Area Draft Framework Plan & Implementation Strategy**

**Land Use File No.** [none]

| NAME | ADDRESS | PHONE | EMAIL |
|---|---|---|---|
| Pat Stinson | 7535 SE 21st | 206-999-3041 | pashastinson@gmail.com |
| Catherine Stauffer | 2405 SE CLATSOP | 503-236-6207 | lucciblue@yahoo.com |
| PETER STARK | | | |
| ERIC HOVEE | | | |
| JERRY BAYSINGER | 1006 SE GRAND, STE 300 | 503.546-1600 | jerryb@baysingerpartners.com |
| Noreen Teli sman | 3703 SE Pinehurst 97267 | | |
| Howard Dietrich Main | | | |
| Brian Heiberg | | 503-794-5212 | RecycWaste@q.com |
| SCOTT CHURCHILL | | 5039299138 | |
| RUTH WATANABE | 4314 SE FRANKLIN ST. | | |

MILWAUKIE CITY COUNCIL
*Office of the City Recorder*

10722 SE Main Street
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F) 503-653-2444
ocr@milwaukieoregon.gov

# Speaker Registration

The City of Milwaukie encourages all citizens to express their views to their city leaders in a **respectful** and **appropriate** manner. If you wish to speak before the City Council, fill out this card and hand it to the City Recorder. Note that this Speakers Registration card, once submitted to the City Recorder, becomes part of the public record.

**Name:** Pat Stinson

Organization:

Address:

Phone:

Email:

**Meeting Date:** 7/18/17 **Topic:** NMIA

Agenda Item You Wish to Speak to:

- ☐ #4 Audience Participation
- ☒ #5 Public Hearing, Topic: Goal A Figure 4
- ☐ #6 Other Business, Topic:

You are Speaking...

- ☐ in Support
- ☒ in Opposition
- ☐ from a Neutral Position
- ☐ to ask a Question

**Comments:**

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**Name:** CATHERINE STAUFFER

Organization:

Address: 2405 SE CLATSOP AVE
Phone: 503-236-6207
Email: lucciblue@yahoo.com

**Meeting Date:** 7-8-17 **Topic:**

Agenda Item You Wish to Speak to:

- ☐ #4 Audience Participation
- ☐ #5 Public Hearing, Topic: MTSA AREA 2
- ☐ #6 Other Business, Topic:

You are Speaking...

- ☐ in Support
- ☒ in Opposition
- ☒ from a Neutral Position
- ☐ to ask a Question

**Comments:**
THE PLAN FOR MTSA AREA 2 WOULD DESTROY OUR HOME.

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**Name:** PETER STARK

Organization:

Address: 2939 NW Cornell Rd. Portland 97210
Phone: (503) 274-414
Email:

**Meeting Date:** 7/18/17 **Topic:** N. MILWAUKIE IND PLAN

Agenda Item You Wish to Speak to:

- ☐ #4 Audience Participation
- ☑ #5 Public Hearing, Topic:
- ☐ #6 Other Business, Topic:

You are Speaking...

- ☑ in Support
- ☐ in Opposition
- ☐ from a Neutral Position
- ☐ to ask a Question

**Comments:**

MILWAUKIE CITY COUNCIL
*Office of the City Recorder*

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# Speaker Registration

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**Name:** ERIC HOVEE

Organization:

Address:

Phone:

Email:

**Meeting Date:** 07/18/07 **Topic:** N. MILWAUKIE IND. AREA PLAN

Agenda Item You Wish to Speak to:

- ☐ #4 Audience Participation
- ☑ #5 Public Hearing, Topic:
- ☐ #6 Other Business, Topic:

You are Speaking...

- ☑ in Support
- ☐ in Opposition
- ☐ from a Neutral Position
- ☐ to ask a Question

**Comments:**

MILWAUKIE CITY COUNCIL
*Office of the City Recorder*

10722 SE Main Street
P) 503-786-7502
F) 503-653-2444
ocr@milwaukieoregon.gov

# Speaker Registration

The City of Milwaukie encourages all citizens to express their views to their city leaders in a **respectful** and **appropriate** manner. If you wish to speak before the City Council, fill out this card and hand it to the City Recorder. Note that this Speakers Registration card, once submitted to the City Recorder, becomes part of the public record.

**Name:** JERRY BAYSINGER

Organization:

Address: 1006 SE Grand Ave. Ste 300 Portland 97214
Phone: (503) 546-1600
Email: jerry@baysingerpartners.com

**Meeting Date:** 07.18.17 **Topic:** N. Milwaukie IAMP Plans

Agenda Item You Wish to Speak to:

- ☐ #4 Audience Participation
- ☑ #5 Public Hearing, Topic:
- ☐ #6 Other Business, Topic:

You are Speaking...

- ☑ in Support
- ☐ in Opposition
- ☐ from a Neutral Position
- ☐ to ask a Question

**Comments:**

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Brian Heiberg

**Name:** Brian Heiberg

Organization: Heiberg Garbage & Recycling

Address: 2300 SE Hanna Harvester Dr

Phone: 503-794-8212

Email: RecycWaste@cs.com

**Meeting Date:** 7-18-17 **Topic:** Industrial Area

Agenda Item You Wish to Speak to:

- ☐ #4 Audience Participation
- ☒ #5 Public Hearing, Topic:
- ☐ #6 Other Business, Topic:

You are Speaking...

- ☐ in Support
- ☒ in Opposition
- ☐ from a Neutral Position
- ☐ to ask a Question

**Comments:**

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**Name:** SCOTT CHURCHILL

Organization:

Address:

Phone:

Email:

**Meeting Date:** 7/18/17 **Topic:** NMIA FRAMEWORK PLAN - A

Agenda Item You Wish to Speak to:

- ☐ #4 Audience Participation
- ☐ #5 Public Hearing, Topic:
- ☐ #6 Other Business, Topic:

You are Speaking...

- ☐ in Support
- ☒ in Opposition - 1 OBJECTION
- ☐ from a Neutral Position
- ☐ to ask a Question

**Comments:**

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# Speaker Registration

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**Name:** Howard Dietrich III

Organization:

Address: 9701 SE McLoughlin Blvd

Phone:

Email:

**Meeting Date:** _____ **Topic:** Proposed NMIA

Agenda Item You Wish to Speak to:

- [x] #4 Audience Participation
- [ ] #5 Public Hearing, Topic:
- [ ] #6 Other Business, Topic:

You are Speaking...

- [ ] in Support
- [ ] in Opposition
- [ ] from a Neutral Position
- [ ] to ask a Question

**Comments:**

PETER T STARK AIA
Architecture and Planning




July 18, 2017

City Council
City of Milwaukie
1077 SE Main
Milwaukie, OR 97222

Re: North Milwaukie Industrial Area Plan

Dear Mayor and Council Members:

My firm represents the Oregon Worsted Company that owns and operates the Mill End Store at 9701 SE McLoughlin, the Bromar Building and various other properties in the City of Milwaukie. Please make this letter and attached reports part of your hearing record.

I am a member of the North Milwaukie Industrial Area Plan committee. In those meetings I expressed concern regarding the impact this plan will have on the Oregon Worsted Site. The plan as drafted will make the site undevelopable for the foreseeable future.

We are requesting the City Council support Planning Commissions recommendations to create an overlay of the modified M-TSA Zone allowing mixed use residential development on the Oregon Worsted site.

In addition to planning commission, the following individuals and NMIA Committee Members support allowing residential use on the Oregon Worsted Site:

Rick Anderson, **NMIA Committee Member**, Anderson Die
Denise Emmerling-Baker, **NMIA Committee Member**, Historic Milwaukie
Kim Cairo, Owner Enchante
Dan Canfield, **NMIA Committee Member**, Alpha Stoneworks
Kelly Keaner, Downtown Milwaukie Business Association
Kenneth Simpson, **NMIA Committee Member**
Tennant Investors, Properties include the Goodwill and Darigold sites

To substantiate the need for this request, attached are four consultant reports and letter. Both consultants are experts in their field.

Given the expert testimony and the support from Planning Commission, we are surprised by the staff's report suggesting Council not accept Planning Commission's request. Errors in the staff report and lack of a map showing the floodplain's impact raise concern that staff did not read the reports issued by our experts or didn't understand them. Here are the facts noted in the consultants reports:

1) As shown in the NMIA existing conditions Map, the Oregon Worsted Site (and adjacent site to the west) are the only properties completely impacted by the 100 year floodplain.
2) The site has frequently flooded. After flooding in 1996, engineers determined it would be impractical to make the building "flood proof" or elevate the structure above the floodplain. Under current floodplain regulations it would be impossible to bring in fill and elevate the first floor to an on grade elevation [1] [4].
3) If Oregon Worsted were removed from the site, the only feasible way to develop, while satisfying local floodplain management and regulations would be to build on stilts – in effect creating structured parking beneath with the building above the BFE [1].
4) Industrial use is not consistent with structured parking and is not expected to prove financially feasible at this location [2] [3].
5) High-rise office is allowed under the NMIA plan and if successful could pay for structured parking. However, high-rise office is not currently feasible [2] [3].
6) The only economically feasible development on the site that can support structured parking is multi-story mixed use including residential [2] [3].

In conclusion: The Oregon Worsted site is the NMIA property most severely affected by floodplain designation. Due to these unique floodplain limitations and it's location separated by SE Millport Road at the southern end of the industrial area, re-designation of this site can be accomplished without affecting the industrial character and focus of the rest of the NMIA and would become an attractor for other development in the NMIA. Residential at this location would also support the downtown and possibly provide housing for employees in the NMIA.

Thank you for considering our request.



Peter T Stark, AIA
Design, Architecture and Planning

*[1] Cascade Water Resources (a water resources consultant), NMIA Oregon Worsted Property Flooding Assessment, May 25, 2017*
*[2] E.D. Hovee & Company (an economic and development services consultant), NMIA Dietrich/Oregon Worsted Property Impact Assessment, May 30, 2017*
*[3] E.D. Hovee & Company, Feasibility of Multi-Story NMIA Industrial Development, June 30, 2017*
*[4] Cascade Water Resources, email from Roger Sutherland to Peter Stark July 16, 2017*
*[5] E.D. Hovee & Company, Proposed Plan Revision, July 18, 2017*
*[6] Nancy Bishop Dietrich Testimony*

**Peter T Stark AIA** Design, Architecture and Planning
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503/274-4111 • 503/274-4409 fax • www.starkdesign-ap.com

CASCADE
WATER RESOURCES

May 25, 2017

Peter T Stark, AIA
Associate Planner
Design Architecture Planning
2939 NW Cornell Road,
Portland OR 97210

**Subject: NMIA Oregon Worsted Property Flooding Assessment**

Dear Mr. Stark:

At your request, I'm providing this letter of support for the re-designation of the zoning for what is known as the Oregon Worsted properties located in the southwestern corner of the North Milwaukie Industrial Area (NMIA). This re-designation is needed to allow for future development that would be economically viable for this property because it is located almost entirely in a FEMA specified Special Flood Hazard Area (SPHA) commonly known as the 100-year floodplain.

I'm a water resources (WR) consulting engineer registered as a Professional Engineer (PE) in the State of Oregon. I have been practicing WR engineering in Oregon since 1978 and currently have over 45 years of water resources engineering experience including considerable experience in both the modeling and delineation of floodplains and floodways using the guidelines and procedures developed by FEMA and perhaps the most experience of anyone in the state with the modification of these floodplains and floodway using FEMA's Letter of Map Change (LOMC) procedures more commonly known as CLOMAs, LOMAs, LOMRs, CLOMRs, and PMRs. So my knowledge of FEMA floodplain regulations and local regulations is quite good. In February 1996 during the historic Oregon floods, I was contacted by CBS News out of New York and spent two days with a film crew and was featured throughout a 6-minute documentary that aired nationwide on the CBS' Sunday Morning show.

I've known Howard Dietrich the co-owner of the Oregon Worsted properties for approximately 23 years. I meet him while I working on the water resources aspects of the 1995 Johnson Creek Resources Management Plan where Howard participated as a co-founding member of the Johnson Creek Corridor Committee. Johnson Creek is the waterway that flows through the Oregon Worsted properties but it isn't the source of the extreme flooding that has occurred in this area since that would be the Willamette River which is only 0.28 miles downstream. The backwater from the Willamette during an extreme event like the February 1996 flood is what inundates the building that houses the Mill End Store and Oregon Worsted's offices.

Howard has been a client of mine since late 1996. Following the February flood that inundated the Mill End Store building, Howard hired me to lead a team of engineering specialists to explore the feasibility of flood proofing the structure. The final decision was that it was not technically feasible to flood proof the structure due to its age and the nature of its construction primarily its foundation. Buoyancy issues were the major concern if the structure was made water tight with specially designed closure structures. The consensus was that it would most likely float out of the ground.

Under the current floodplain regulations it would be impossible to bring in fill and elevate the critical first floor entry elevation for any redevelopment. That is due to the passage around 1999 of the floodplain management regulations in Metro's Urban Growth Management Functional Plan - Title 3: Water Quality and Flood Management. Adoption by local jurisdictions like the City of Milwaukie quickly followed. Title 3's Performance Standards Section 3.07.340 (a) (2) (B) states "All fill placed at or below the design flood elevation in Flood Management Areas shall be balanced with at least an equal amount of soil material removal." And (a) (2) (C) states "Excavation shall not be counted as compensating for fill if such areas will be filled with water in non-storm winter conditions." The problem with the Oregon Worsted properties is that the base flood elevations (BFEs) (i.e. 100-year water surface elevations (WSE)) are so deep that there isn't enough "cut" available onsite to "balance" the loss of floodplain storage. So the use of fill to elevate new development is not feasible due to this regulation.

The requirement to balance the loss of floodplain storage with an on-site cut of the same volume across the range of elevations that would not be inundated during non-winter storm conditions is a regulation found in the Metropolitan area of Portland and not a FEMA regulation. FEMA has no regulations requiring the need to balance the volume of fill placement with the same volume of cut. FEMA's minimum floodplain standards allows for all of the engineered fill need to elevate the first floor entry elevations of any new structure to an elevation of at least one foot greater than the BFE provided the building pad is outside of any designated floodway or is located in what is referred to as the floodplain fringe area and the fill will not cause a rise in the floodplain elevation greater than one foot. The only technically feasible way to satisfy this regional floodplain management regulation is to design a development with engineered structure parking beneath the above-grade development. The parking structure would be designed to be inundated in a safe manner and easily drained by gravity after the floodwaters subside. I'm certainly not a development consultant but even I know that industrial uses are not a feasible use for these type of elevated development designs.

In summary, if the existing buildings on the Oregon Worsted properties were removed, then any new habitual structures would need to be built above the established BFE. The only feasible way that could occur and still satisfy the Title 3 regulation for the offsetting balance of flood storage is by using structured parking below an elevated development. And it is impractical to think that the development

could be of any industrial use. So I'm appealing to you on behalf of Oregon Worsted to solve this problem by re-designating the zoning of the Oregon Worsted properties to something more compatible like mixed use or high density residential, for example. In fact, the accompanying letter from Mr. Eric Hovee of E.D. Hovee & Company who is a respected economic and development consultant outlines the economically viable land use choices available that are compatible with structured parking.

Thanks for considering these arguments and feel free to call me with any questions.

Sincerely,

**Cascade Water Resources, LLC**



Roger Sutherland, PE
Principal Water Resources Engineer &
President

# E. D. Hovee & Company, LLC

Economic and Development Services

May 30, 2017

Peter T Stark, AIA
Design Architecture Planning
2939 NW Cornell Road, Portland OR 97210

Subject: NMIA Dietrich/Oregon Worsted Property Impact Assessment

Dear Mr. Stark:

At your request, the economic and development consulting firm is providing this letter of support for re-designation of what is known as the Oregon Worsted properties owned by at the southern end of the North Milwaukie Industrial Area (NMIA) to allow continued economically viable use now and financially feasible reuse in the years ahead.

As I understand, circumstances pertinent to the economic viability of this property (outlined as site area 1 by the map to the right) are:

- Of all NMIA properties, the subject site is nearly all located in the Johnson Creek floodplain – effectively precluding any redevelopment except for development that includes structured parking beneath above-grade development.
- Current zoning allows industrial, office/ technology, distribution, repair and related uses – but precludes residential and limits the size of retail and food service only to what supports local employment uses.

**North Milwaukie Industrial Area (NMIA)**




Note: All area shaded in pink is in the Johnson Creek floodplain.
Subject site is outlined in red.

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Based on our experience and as consistent with economic and pro forma financial feasibility analysis conducted by others in the metropolitan region (including Metro), industrial use is not consistent with structured parking and is not expected to prove financially feasible except where parking can be provided with an at-grade, surface parking lot. However, as the accompanying letter from Mr. Roger Sutherland of Cascade Water Resources makes clear, any development that involves replacement of existing structures will require elevation of the building by placing structured parking beneath – a solution that is not feasible for industrial use. **Consequently, there is no reasonable scenario to expect economically viable redevelopment of this site for industrial use consistent with the NMIA for the foreseeable future.**

Uses that conceivably might support redevelopment of this site, albeit with caveats, are:

- **Retail** – but this use is allowed in the NMIA only as an ancillary activity and not as a dominant or stand-alone use. Furthermore, land values associated with retail generally are not high enough to support development with structured parking – except when retail is situated at a very high demand urban core or regional center location, or serves as the ground floor use of a multi-story office and/or residential development project.
- **Office** – is allowed in the NMIA but, as with retail, is not currently associated with land prices in the Milwaukie area anywhere near high enough to support the substantial added cost of structured rather than surface parking. In the Portland metro area, structured parking has proven economically feasible only at locations with mid- to high-rise office buildings – in the urban core of Portland and at major suburban office centers as at Kruse Way or with land constrained major medical centers.
- **Residential** – is the one use that, to date, has demonstrated economics strong enough to justify structured parking at a more diverse set of locations throughout the metro region. Structured parking can be financially feasible with market-rate, high-rise apartment and condominium projects at high amenity, high land value locations.
- **Mixed Use** – might be considered for different combinations of uses. However, mixed use is generally more costly and often is more difficult to finance than single use development. For development to be economically viable, the primary use(s) must themselves be feasible – essentially on a stand-alone basis, generating enough return to pay part of the way for the less financially viable secondary uses – including structured parking. The only primary use for mixed use development that might be feasible with structured parking in a multi-story configuration at this location and at this time is housing. Retail or office might be included within the mixed use development, but as secondary use with little or no ability currently or in the reasonably foreseeable future to pay for the added costs of structured parking as well.

The practical effect of limiting uses to what is currently NMIA-allowed at this flood plain restricted site is that, as tenants turn over and existing structures become functionally obsolete, financing for significant improvement or renovation in a flood zone will become more difficult to obtain – leading to lower rent uses and to more underutilized or vacant space over time.

Redevelopment will be effectively precluded, unless: a) the office market discovers the McLoughlin corridor as an attractive metro area location for high-rise, high-rent corporate or tech-related office space as might be currently allowed within the NMIA; or b) zoning within this portion of the NMIA is changed to allow multi-story residential and mixed use development.

Re-designating this property to allow multi-story office, retail, residential, and mixed use development is the only way to assure that this property can support redevelopment that covers the substantial added cost of structured parking – as essential to comply with flood plain regulatory requirements. Allowing for the choice of office, retail and/or residential will provide the flexibility needed to make an economically viable investment decision consistent with market conditions once a significant redevelopment opportunity materializes.

The Oregon Worsted site is the NMIA property most severely affected by floodplain designation. Due to these unique floodplain limitations and to a location separated by SE Milport Road at the southern end of the industrial area, re-designation of this subject site can be accomplished without affecting the industrial character and focus of the rest of the Milwaukie's NMIA.

I would be happy to respond to questions or provide added information regarding any aspect of this analysis. In summary, re-designating the Oregon Worsted property to allow for future redevelopment that includes residential and mixed use opportunity is strongly encouraged. City of Milwaukie consideration of this request is most appreciated.

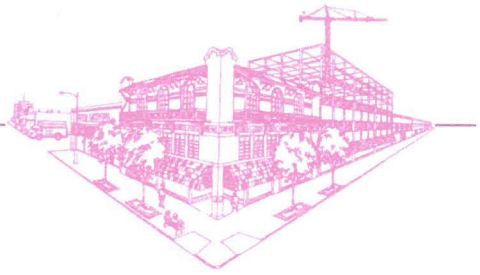
Sincerely,



Eric Hovee - Principal

E. D. Hovee
& Company, LLC

Economic and Development Services



June 30, 2017

Mr. Howard Dietrich
Oregon Worsted Company
9701 S.E. McLoughlin Boulevard
Milwaukie, Oregon 97222

Subject: Feasibility of Multi-Story NMIA Industrial Development

Dear Howard:

To follow-up on my testimony of earlier this week (on June 27) before the Milwaukie Planning Commission, I am writing to address the question of whether and under what conditions a multi-story industrial building would be feasible at the Oregon Worsted site. This letter is in response to discussion with Milwaukie's mayor regarding the City's interest in having a multi-story industrial building developed in the North Milwaukie Industrial Area (NMIA) similar to the New York Building recently completed in northwest Portland.

My understanding is that the New York building is a six -story building with structured parking on the ground level and five above-grade levels marketed as industrial-flex space. The building is advertised as Portland's first new multi-story industrial building constructed in 60 years.

The concept of multi-story industrial space is indeed intriguing as a potential future opportunity to increase the density of industrial employment. However, the concept has yet to be proven as marketable or financially viable outside of or even elsewhere within Portland's urban core area.

As I testified on June 27, my professional opinion is that a similar development would not be feasible for the Oregon Worsted site (or elsewhere in the NMIA) anytime in the reasonably foreseeable future. This is for two principal reasons:

1) **Rents for the New York building are about double the current flex and industrial space rents in the Milwaukie/Clackamas area.** Marketing materials for the New York building (as prepared by the brokerage firm Macadam Forbes) quote rents ranging from $16.80 per square foot per year for small tenant spaces of up to 2,500 square feet, down to $14.40 per square foot at up to 10,000 square feet – and negotiable over 10,000 square feet. To this is added $4.50-$6.00 per square foot in common area maintenance (CAM) charges – for effective combined rent rates in the range of about $19-$23 per square foot. By comparison, data as of the 4th quarter 2016 from the real estate brokerage firm Jones Lang LaSalle shows an average rental rate of about $10 per square foot for all industrial and flex space in the Milwaukie/Clackamas area.

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The ability to capture higher rents similar to those of the New York building is pivotal to feasibility of an industrial project that is expensive to construct due to multi-story rather than single-story construction plus the added costs of ground level structured parking. The bottom line for a similar NMIA project is that, unless heavily subsidized, financing simply would not be available for a real estate project that charges twice the going market rate.

2) **NMIA does not offer the mixed use ambience pivotal to successful marketing of the New York building to *top of market tenants* including Amazon.** While touted as industrial space, the reality is that this property is more accurately described as industrial-office serving tenants ranging from Amazon on two floors to creative firms in spaces as small as 1,080 square feet. And the New York building caters to tenants that place a premium on locating in a mixed use neighborhood at the heart of Portland's urban core.
   Consider this statement from the Macadam Forbes marketing brochure: "New York borders the Northwest District, a vibrant neighborhood offering an eclectic mix of bars, restaurants, boutiques, grand apartment buildings and sleek condominiums." NMIA does not offer this mixed use dynamic and the current proposed NMIA plan virtually assures that this market will not materialize over the duration that the proposed plan and resulting implementing regulations remain in effect.

While there is undoubtedly additional detail that could be researched regarding the New York project, its background, financing, tenant profile, and land use/zoning related issues, this letter focuses on critical features affecting financial feasibility. In short, the combination of rent levels inadequate to support the cost of multi-level construction coupled with absence of mixed use ambience necessary to attract top of market tenants render the New York concept infeasible for the Oregon Worsted property.

Due to floodplain constraints requiring the elevation of building uses and inadequate market rental support, I would not recommend pursuing a multi-story industrial project with structured parking at this site. Please let me know if there are questions regarding any aspect of this analysis. I appreciate the opportunity to be of assistance in this deliberation.

Sincerely,

Eric Hovee,
Principal

EMAIL SUTHERLAND
PAGE 1

*July 16, 2017*
*Email from Roger C. Sutherland, P.E., Water Resources Engineer,*
*Cascade Water Resources, LLC to Peter Stark AIA*

*Regarding: 2017-0718-rs_packet Staff Report*
*Staff Comments on Proposed Recommendations from Planning Commission*

Peter

Sorry I won't be available to attend the hearing since as I mentioned I will be on vacation. I would like to address two statements from the Staff Report Agenda Item 5. You have my permission to read my comments below into the record.

*Staff writes:*

*"While most of the parcels in this quadrant are in the floodplain, the actual floodway in this area is relatively narrow allowing for some grading within the floodplain for a traditional development."*

Comments from Roger C. Sutherland, P.E., Water Resources Engineer,
Cascade Water Resources, LLC

Staff either didn't read my May 25, 2017 letter to Peter Stark regarding the North Milwaukie Industrial Area (NMIA) Plan and my request to re-designate the zoning for the Oregon Worsted Property or most likely they didn't understand it. "Traditional grading in the floodplain" **DOES NOT APPLY** in this case because the flooding source is a back water coming from the Willamette River which is 0.28 miles downstream from the Oregon Worsted Property. The floodway on Johnson Creek that runs through the site and the Base Flood Elevations (BFEs) along Johnson Creek based solely on Johnson Creek's one percent annual chance flood peak discharge (i.e. 100-year return interval peak discharge) is **NOT** the BFE that inundates the property. The regulation BFE for the Oregon Worsted property is based on the 100-year flood elevation on the Willamette River at its confluence with Johnson Creek. And as stated in my letter, Metro's Tittle 3 regulation requiring a balancing of fill by the same amount of on site excavation limited to the flood elevations on site that are projected to occur **CAN NOT BE SATISFIED** in a traditional fill situation. So staff's statement is incorrect!

*Staff also writes:*

*"It is also possible to develop ground floor parking within the floodplain with manufacturing and commercial above"*

EMAIL SUTHERLAND
PAGE 2

Comments from Roger C. Sutherland, P.E., Water Resources Engineer,
Cascade Water Resources, LLC

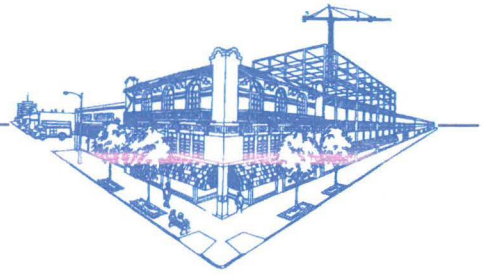
I know for a fact that trying to develop "ground floor parking within the floodplain" with commercial above is cost prohibitive and will **NOT** be built. Around 2007 while a co-owner of Pacific Water Resources, Inc. out of Beaverton Oregon I was the project manager for a development project for the Oregon Worsted Company. The property of interest was the site of the former Greenwood Inn south of SW Allen Blvd just east of Highway 217. Apparently at the time Wal-Mart was interested in building a Super Store at that location. But the site was totally inundated by flooding from Fanno Creek that borders it on the south side and the Metro regulation adopted by the City of Beaverton involving the need to balance the loss of floodplain storage with on site floodplain excavation needed to be satisfied, just like the Oregon Worsted Property in Milwaukie. Since it couldn't be satisfied in a traditional manner, a design was developed that included structured engineered parking below the commercial building. The result was an estimated construction cost that Wal-Mart said at the time if they were to build the store and I quote "It would be the **MOST EXPENSIVE** store we ever built". So needless to say they passed on its construction. A similar exercise followed for Lowe's with the same result. So staff's statement is incorrect!

Thank you for the opportunity to correct the record.

Roger C. Sutherland, PE
Cascade Water Resources LLC
503-704-0522

E. D. Hovee
& Company, LLC

Economic and Development Services



July 18, 2017

Mayor and City Council
City of Milwaukie
10722 SE Main Street
Milwaukie, OR 97222

Subject: Oregon Worsted Viability with North Milwaukie Industrial Area (NMIA) Proposed Plan Revision

Dear Mayor and Council Members:

As an economic and development consultant, I testified to the Planning Commission to request zoning for Oregon Worsted's Mill End Store that will enable **on-going economic use** – which is severely compromised due to a location 100% in the 100 year floodplain adjoining Johnson Creek. This testimony supports the proposal from Oregon Worsted for a designation that would allow mixed use residential above ground floor commercial. This is the only way to maintain the economic viability of this property for continued use and future redevelopment.

The Planning Commission voted unanimously in support of this recommendation. However, the Staff Report now proposes that the Planning Commission be overturned. Your reconsideration is requested for one primary reason: **if mixed use is not allowed, economic use of the Oregon Worsted property will cease when the existing obsolete and already flood-damaged structure can no longer safely and profitably support continued Mill End store operations.**

At pages 24-25 of the Development Study which is part of the NMIA Draft Framework Plan (pages RS 182-183 of the staff report), the NMIA economic consultant ECONorthwest concluded that a **MultiStory Industrial Office development is not feasible** at this site – unless a $10.5+ million subsidy is provided to the project.

This finding is consistent with my analysis, as referenced by a June 30 letter submitted regarding multi-story feasibility. While a project like the New York flex/office project in NW Portland is appealing, a **multilevel industrial building is simply not a feasible alternative** for redevelopment of NMIA properties, especially the Oregon Worsted site, any time soon.

ECONorthwest also concluded that **a retrofit of the existing building for retail and office space would not be financially viable** unless public subsidy is provided. Even worse, their analysis does not include any mention of the added cost that would be required to elevate building uses above the 100 year flood level – most likely with a parking structure. The need to address the flood issue consistent with Title 3 requirements makes reuse for industrial purposes even more infeasible – whether with a retrofitted building or with a new multi-story industrial structure.

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Your reconsideration is also requested to correct three other shortcomings of the Staff Report:

1. Even though the Oregon Worsted property is four feet below the 1996 flood level, Planning Staff have stated the site would allow for "some grading within the floodplain for a traditional (industrial) development." As with the ECONorthwest analysis, the Staff Report overlooks the testimony of Cascade Water Resources that being so deep in a flood zone combined with Title 3 regulations means that **cut and fill to elevate the site is simply not viable.** Within the NMIA plan district, this is the site most severely affected, virtually 100% constrained by today's regulatory standards.

2. The Staff Report contends that rezoning would allow large scale retail, competing with downtown Milwaukie. Just the opposite, the **intent of the rezone is to rebuild the Mill End store, not create new retail.** Rather than a detriment, the Mill End store is a visitor attractor, drawing customers into the downtown area for shopping and dining.

3. The Staff Report states that a re-zone would encroach on adjoining manufacturing use. Actually, encroachment is far greater with the M-TSA zone planned for the north end of the district around the Tacoma LRT station. By comparison, the Mill End site is more isolated from its neighbors – by McLoughlin and the rail line on the east, Milport on the north, Johnson Creek on the west and the Highway 224 interchange to the south. **Allowing residential use on the upper floors of this site would create virtually no negative precedent** for the closest but removed industrial uses north and east.

The fact is that the only economically viable reuse is a reuse that can afford to pay for the added costs of structured parking, so that the all building spaces are elevated above the 100-year flood plain. And the **only use that can afford structured parking at this time and at this location is multi-story residential.** The economics and the rents are simply not in place for multi-story office or multi-story industrial development over any reasonably foreseeable future.

In closing, I note that the very first objective (Objective 1.1) of the NMIA plan is to **"support existing businesses as the district evolves."** If this site cannot be feasibly re-developed, the Mill End store will eventually disappear – whether with the next flood or as this 63-year old former Omark building becomes ever-more obsolete. Because of the flood plain requirement to build structured parking, there is no industrial use that will be able to afford building new at rates anywhere near competitive with the rest of the Milwaukie/Clackamas industrial market.

Your support for a common-sense NMIA plan and rezone is important if this property is to serve as a place of **continued employment and economic vitality** not just now but for years to come. I would be happy to answer questions related to any aspect of this analysis and testimony on behalf of Oregon Worsted. Your consideration of this request is most appreciated.

Sincerely,

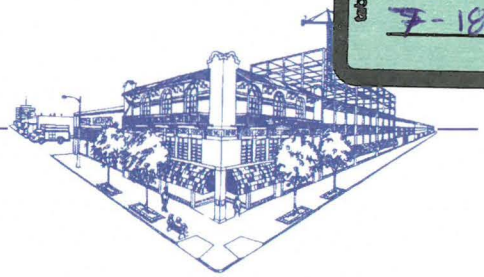


Eric Hovee, Principal

EXHIBIT
tabbies
RS S.A.
7-18-17

# E. D. Hovee & Company, LLC

Economic and Development Services



July 18, 2017

Mayor and City Council
City of Milwaukie
10722 SE Main Street
Milwaukie, OR 97222

Subject: Oregon Worsted Viability with North Milwaukie Industrial Area (NMIA) Proposed Plan Revision

Dear Mayor and Council Members:

As an economic and development consultant, I testified to the Planning Commission to request zoning for Oregon Worsted's Mill End Store that will enable **on-going economic use** – which is severely compromised due to a location 100% in the 100 year floodplain adjoining Johnson Creek. This testimony supports the proposal from Oregon Worsted for a designation that would allow mixed use residential above ground floor commercial. This is the only way to maintain the economic viability of this property for continued use and future redevelopment.

The Planning Commission voted unanimously in support of this recommendation. However, the Staff Report now proposes that the Planning Commission be overturned. Your reconsideration is requested for one primary reason: **if mixed use is not allowed, economic use of the Oregon Worsted property will cease when the existing obsolete and already flood-damaged structure can no longer safely and profitably support continued Mill End store operations.**

At pages 24-25 of the Development Study which is part of the NMIA Draft Framework Plan (pages RS 182-183 of the staff report), the NMIA economic consultant ECONorthwest concluded that a **MultiStory Industrial Office development is not feasible** at this site – unless a $10.5+ million subsidy is provided to the project.

This finding is consistent with my analysis, as referenced by a June 30 letter submitted regarding multi-story feasibility. While a project like the New York flex/office project in NW Portland is appealing, a **multilevel industrial building is simply not a feasible alternative** for redevelopment of NMIA properties, especially the Oregon Worsted site, any time soon.

ECONorthwest also concluded that **a retrofit of the existing building for retail and office space would not be financially viable** unless public subsidy is provided. Even worse, their analysis does not include any mention of the added cost that would be required to elevate building uses above the 100 year flood level – most likely with a parking structure. The need to address the flood issue consistent with Title 3 requirements makes reuse for industrial purposes even more infeasible – whether with a retrofitted building or with a new multi-story industrial structure.

Internet: www.edhovee.com • e-mail: edhovee@edhovee.com
P.O. Box 225 • Vancouver, WA 98666
(360) 696-9870 • (503) 230-1414 • Fax (360) 696-8453

Your reconsideration is also requested to correct three other shortcomings of the Staff Report:

1. Even though the Oregon Worsted property is four feet below the 1996 flood level, Planning Staff have stated the site would allow for "some grading within the floodplain for a traditional (industrial) development." As with the ECONorthwest analysis, the Staff Report overlooks the testimony of Cascade Water Resources that being so deep in a flood zone combined with Title 3 regulations means that **cut and fill to elevate the site is simply not viable.** Within the NMIA plan district, this is the site most severely affected, virtually 100% constrained by today's regulatory standards.

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The fact is that the only economically viable reuse is a reuse that can afford to pay for the added costs of structured parking, so that the all building spaces are elevated above the 100-year flood plain. And the **only use that can afford structured parking at this time and at this location is multi-story residential.** The economics and the rents are simply not in place for multi-story office or multi-story industrial development over any reasonably foreseeable future.

In closing, I note that the very first objective (Objective 1.1) of the NMIA plan is to **"support existing businesses as the district evolves."** If this site cannot be feasibly re-developed, the Mill End store will eventually disappear – whether with the next flood or as this 63-year old former Omark building becomes ever-more obsolete. Because of the flood plain requirement to build structured parking, there is no industrial use that will be able to afford building new at rates anywhere near competitive with the rest of the Milwaukie/Clackamas industrial market.

Your support for a common-sense NMIA plan and rezone is important if this property is to serve as a place of **continued employment and economic vitality** not just now but for years to come. I would be happy to answer questions related to any aspect of this analysis and testimony on behalf of Oregon Worsted. Your consideration of this request is most appreciated.

Sincerely,



Eric Hovee, Principal




Milwaulkie Planning Commission Meeting June 27, 2017

The Oregon Worsted Company was founded in 1918. We will be 100 years old next year. We need a zoning overlay to continue to exist.

Oregon Worsted Company has employed over 100,000 people most of which have lived in Milwaulkie. We have supported many civic events, concerts, parades. and currently donate space for Autistic Children and The Johnson Creek Watershed Council.

In 1981 my father died and this business became a women owned business. 95% of our employees are women. In 1993, ODOT required that we move The Mill End Store as they built a overcrossing at Tacoma and McLoughlin Blvd.

The City encouraged us to relocate the Mill End Store to the former Omark Industries Building and gave us an easement on Milwaulkie's land for our Storm Water treatment facility. The land is about 3.5 acres and the building is 65,000 sq. ft. The City applauded our remodeling efforts and installing revolutionary Daylighting illumination and Storm Water treatment systems.

We are non-conforming Use without Grandfather rights to rebuild because We are in the Willamette River Flood zone. In 1996, our property had 46 inches of water covering the site.

In 2016 we promoted the cities' rezoning effort that is before the commission now. It was our understanding that the plan was to help the current land owners and their businesses.

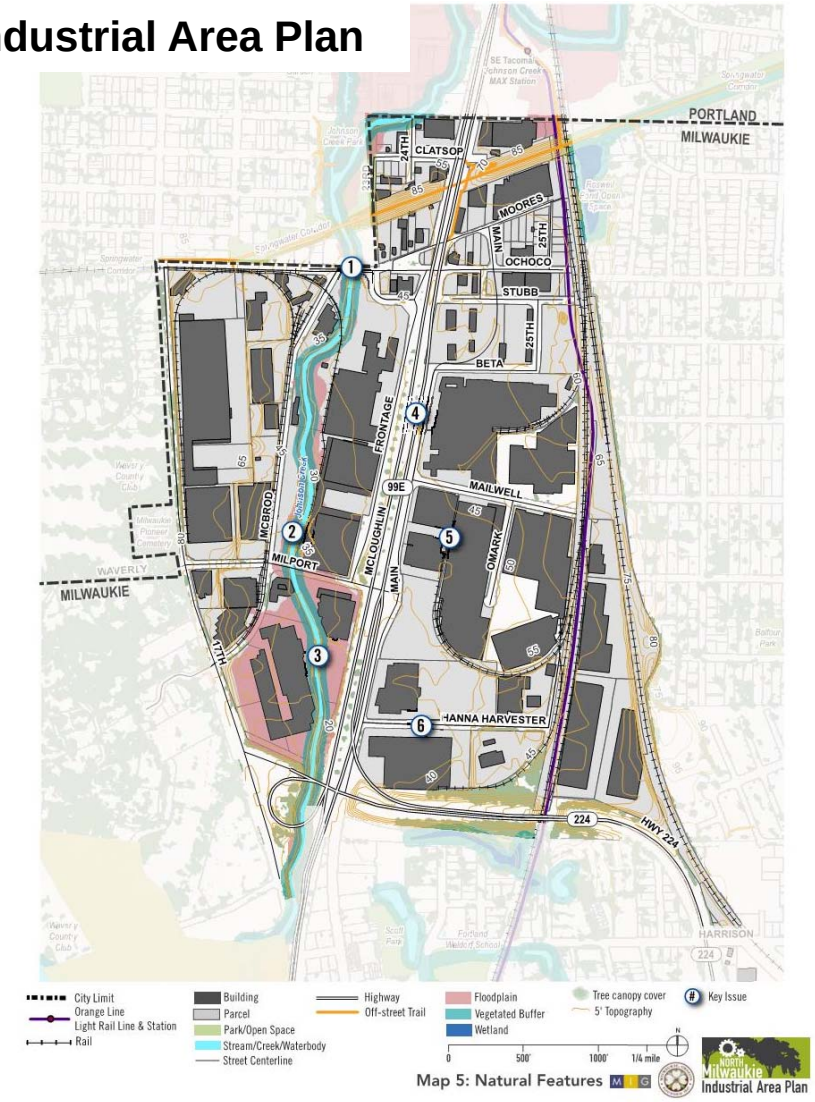
Because our building is 63 years old, and might not survive another flood, we have looked into building a new building on this site. We hired an economist and found that we could not re-build the Mill End Store under the proposed rezoning and because of the flood plain conditions. and our need have to be elevated. Our economist indicates our plan will have to include a residential componant to be financially feasible.

We have the approval of our Neighbors and The Downtown Business Association.

Because our property is completely in the Flood Plain we ask that the Commission put an Zoning overlay on this site to rebuild The Mill End Store with a Residential componant.

Nancy Bishop Dietrich

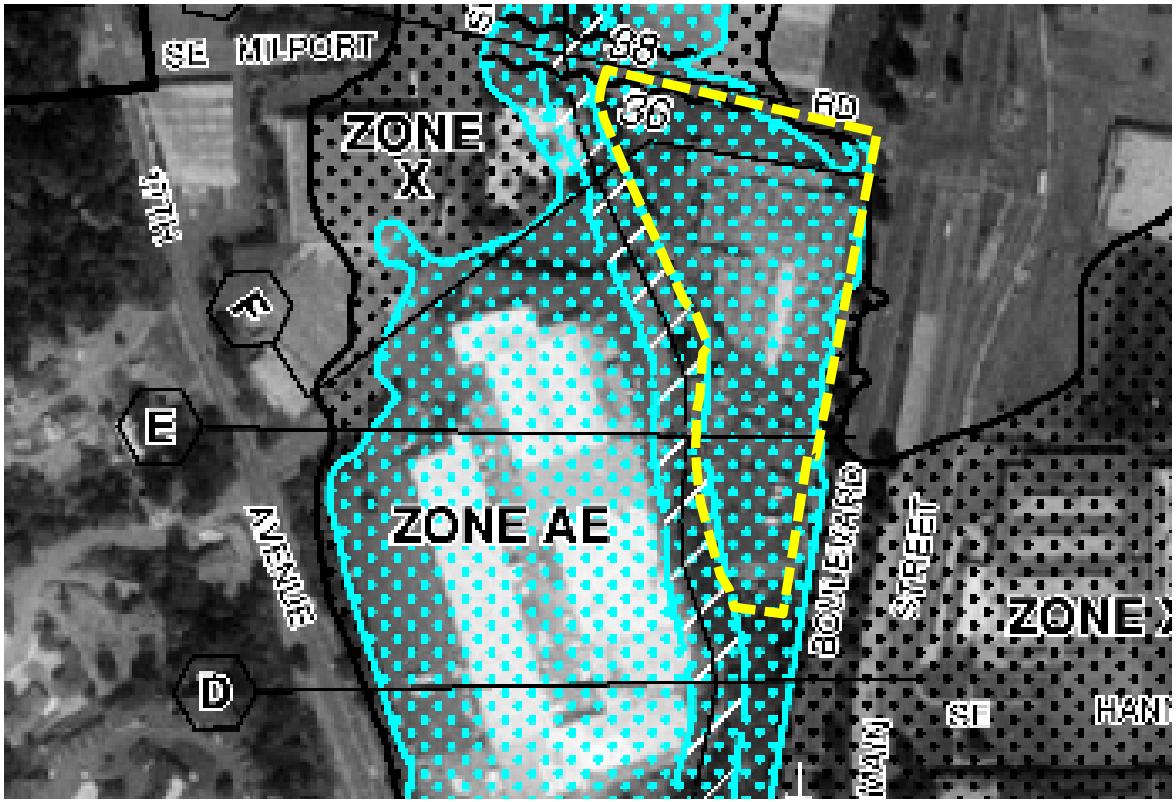
- **Floodplain**
  - **North Milwaukie Industrial Area Plan**



- **Floodplain**
  - **North Milwaukie Industrial Area Plan**



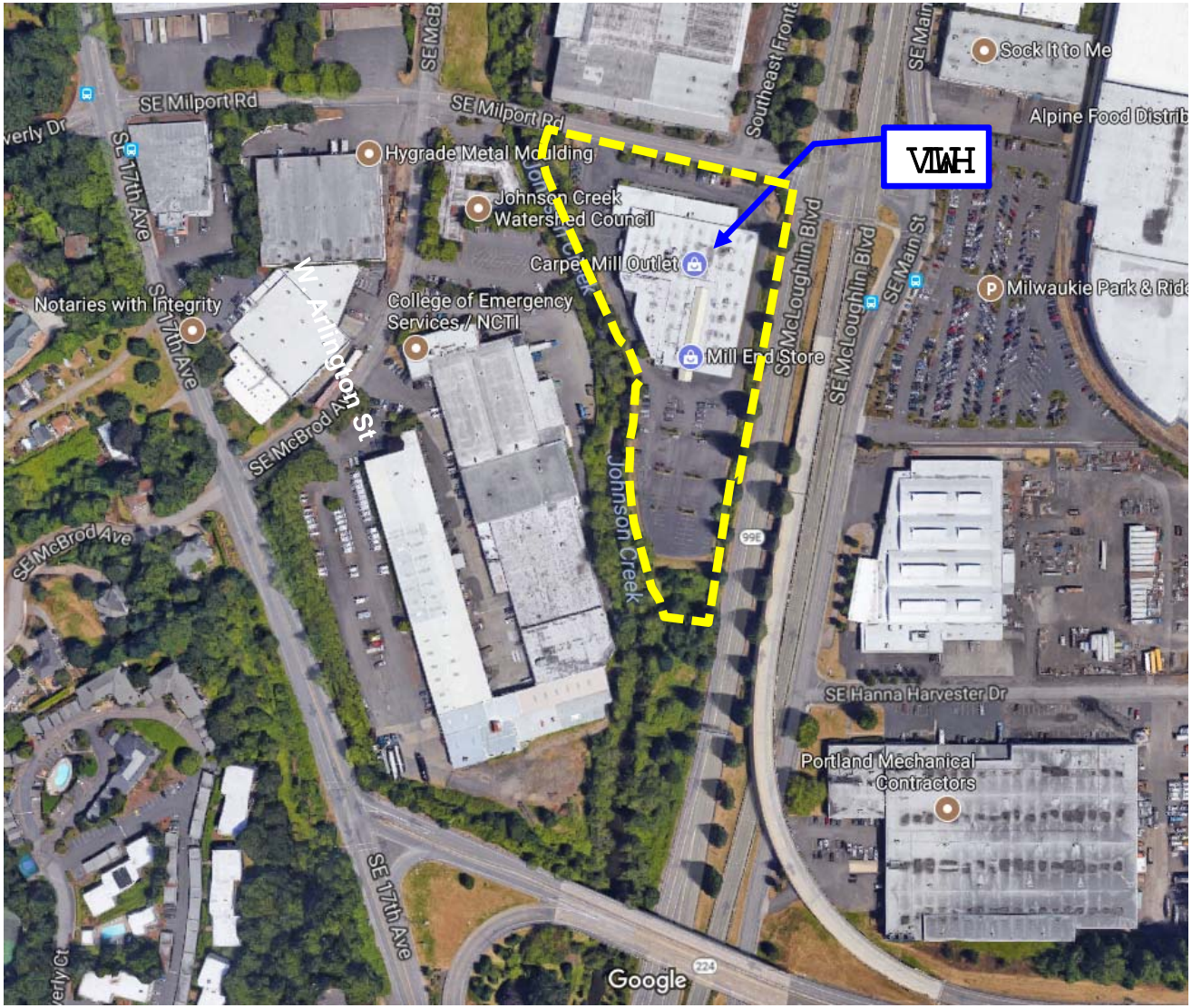
- **Floodplain**
  - **FEMA Map**



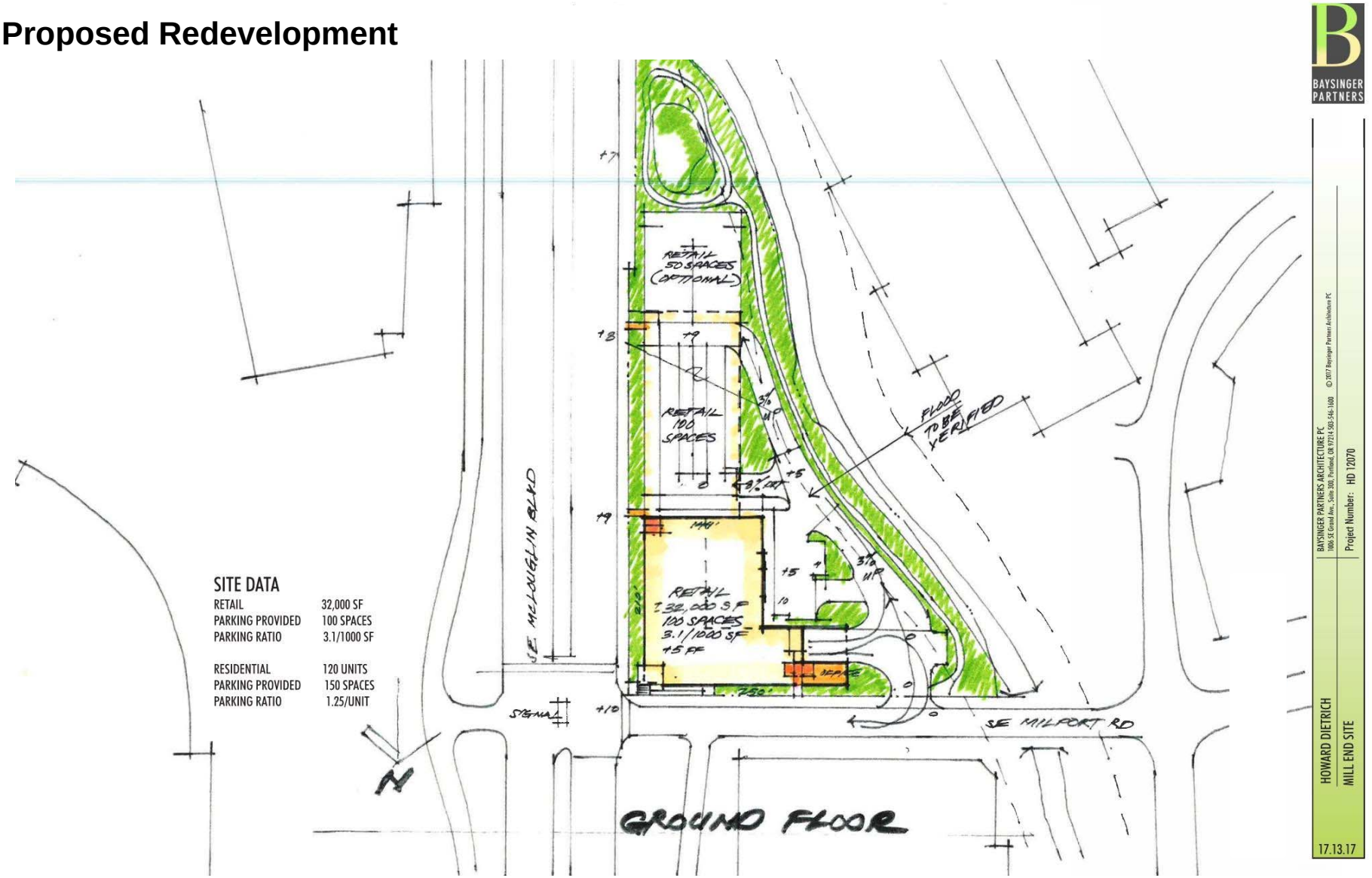
- **Floodplain**
  - **Clackamas County Map**



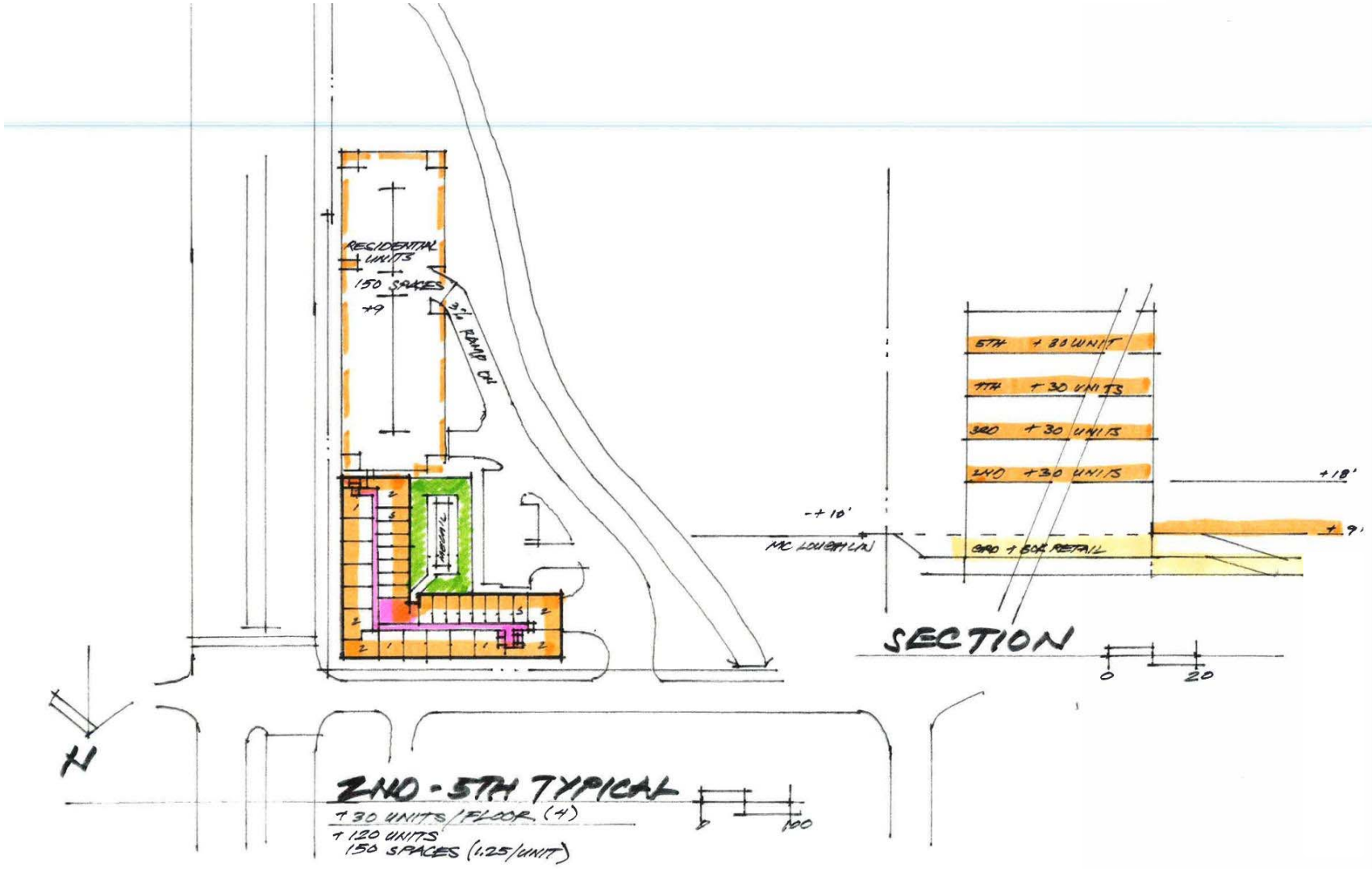
- **Site Aerial**


VWH
SE Milport Rd
Hygrade Metal Moulding
Johnson Creek Watershed Council
Carpet Mill Outlet
Mill End Store
Sock It to Me
Alpine Food Distrib
Milwaukie Park & Ride
SE McLoughlin Blvd
SE Main St
Notaries with Integrity
College of Emergency Services / NCTI
SE 17th Ave
W Arrington St
SE McBrod Ave
Johnson Creek
SE Hanna Harvester Dr
Portland Mechanical Contractors
Google
N

- **Proposed Redevelopment**



- **Proposed Redevelopment**




BAYSINGER PARTNERS

BAYSINGER PARTNERS ARCHITECTURE PC
1006 SE Grand Ave., Suite 300, Portland, OR 97214 503-546-1600
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Project Number: HD 12070

HOWARD DIETRICH
MILL END SITE

17.13.17

# Oregon Worsted Site – Milwaukie, OR

## City Council July 18, 2017- Comprehensive Plan and Zoning Map Amendments




# Industrial Area Plan

## City Council Hearing

**July 18, 2017**


Springwater Corridor Trail
SE Moores St
Main St
SE Beta St
SE Omark Dr
SE Milport Rd
SE Waverly Dr
SE Exeter Dr
SE St Andrews Dr
SE Sherrett St
SE Clatsop St
SE Marion St
SE Linn St
SE 9th Ave
SE 15th Ave
SE 16th Ave
SE 19th Ave
SE 21st Ave
SE Van Water St
SE 28th Pl
SE Barbo St
SE Floss St
SE Boyd St
SE Wake St
SE Malcolm St
SE Filbert St
SE Olsen St
SE Rockwood St
SE Kelvin St
SE Balfour St
SE Harvey St
SE Dwye Dr
SE Hillside Ct
SE 32nd Ave
SE 36th Ave
SE 34th Ave
SE 37th Ave
SE 24th Ave
SE 23rd Ave
SE Main St
SE Waverly Ct
SE Lava Dr
SE Harrison St
224
99E

# Requested City Council Actions

Adoption of a resolution directing the staff to proceed with preparation of Comprehensive Plan and Zoning Code amendments.

- Draft NMIA Framework Plan sets policy and steps to implementation
- Zoning modifications will follow in Fall 2017

NORTH Milwaukie Industrial Area Plan

# FRAMEWORK PLAN

# VISION

*The North Milwaukie Industrial Area capitalizes on the* ***District's strategic location to attract innovative and entrepreneurial businesses*** *to create a strong regional center for* ***next-generation employment and manufacturing, makers and doers****. The area supports existing and future businesses that provide* ***family-wage jobs accessible by all modes of travel, respects the natural environment*** *and incorporates sustainable design that reduces demand on citywide infrastructure.*

# NMIA Goals

**Goal 1:** Economic Development and Employment

**Goal 2:** Infrastructure

**Goal 3:** Land Use and Urban Design

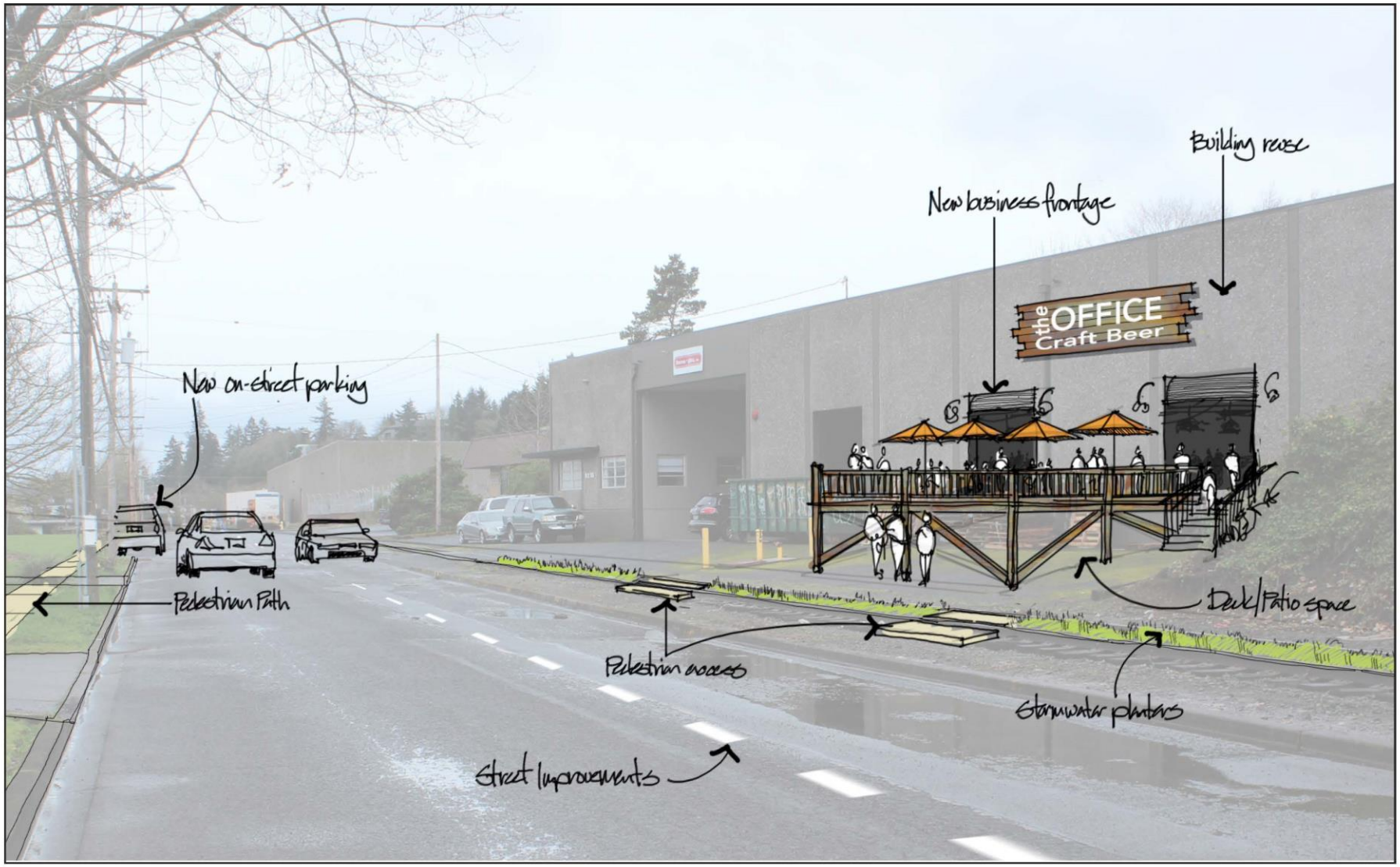
**Goal 4:** Transportation and Mobility

**Goal 5:** Community Supported Vision


HARDER
HARDER


9592
SOCK
it to me
30 MIN PARKING
GUESTS & CUSTOMER PICK UP
RESERVED PARKING
VAN ACCESSIBLE

Area 1a - Proposed




The NEW YORK
FOR LEASE
Creative Industrial Workspace
Divisible to 1,000 SF
TODD COLLINS
503-972-7283
MEGAN DAVIS
503-972-7274
MACADAM FORBES
227-2500

# Ecodistrict Framework

***What is an NMIA ecodistrict?***

- *A component of the implementation strategy*
- *Focuses on sustainable infrastructure systems*
- *Provides financial benefits to businesses that locate in the area*
- *Brands the area*
- *Incremental, linked actions*













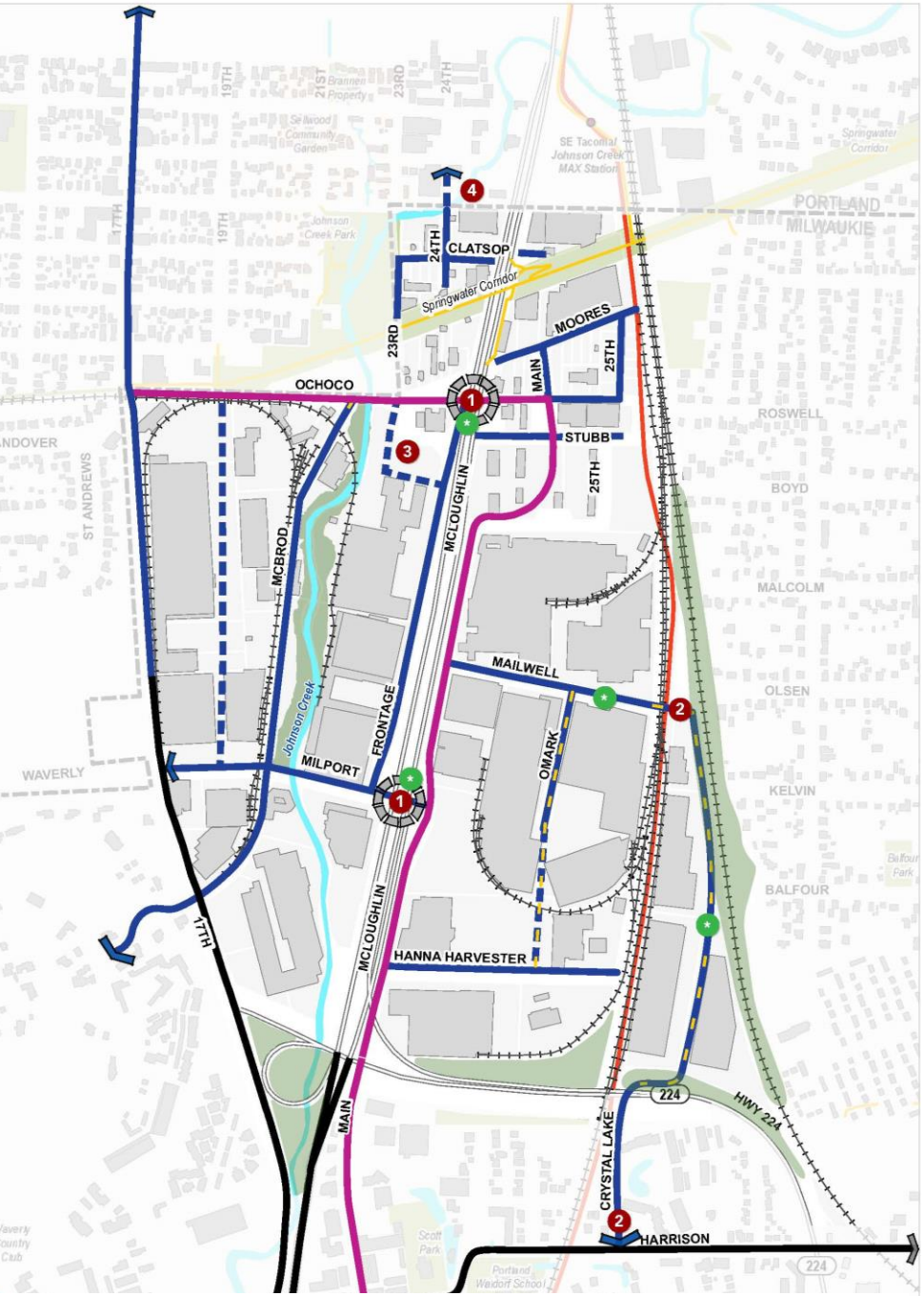




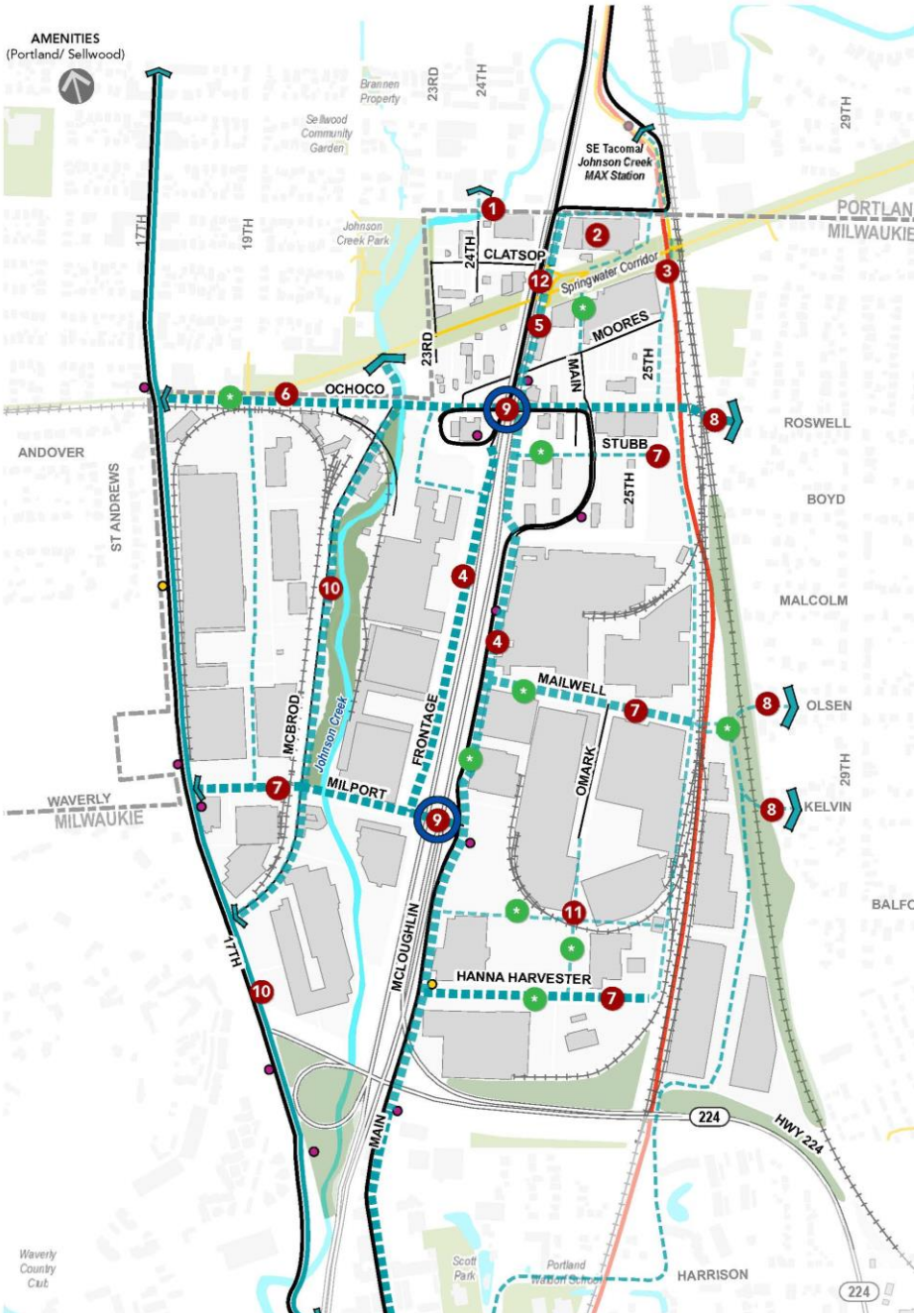
# Transportation




SE Tacoma
Johnson
Creek
City Center
SE Tacoma
Johnson
Creek
Milwaukie




**Road Network**

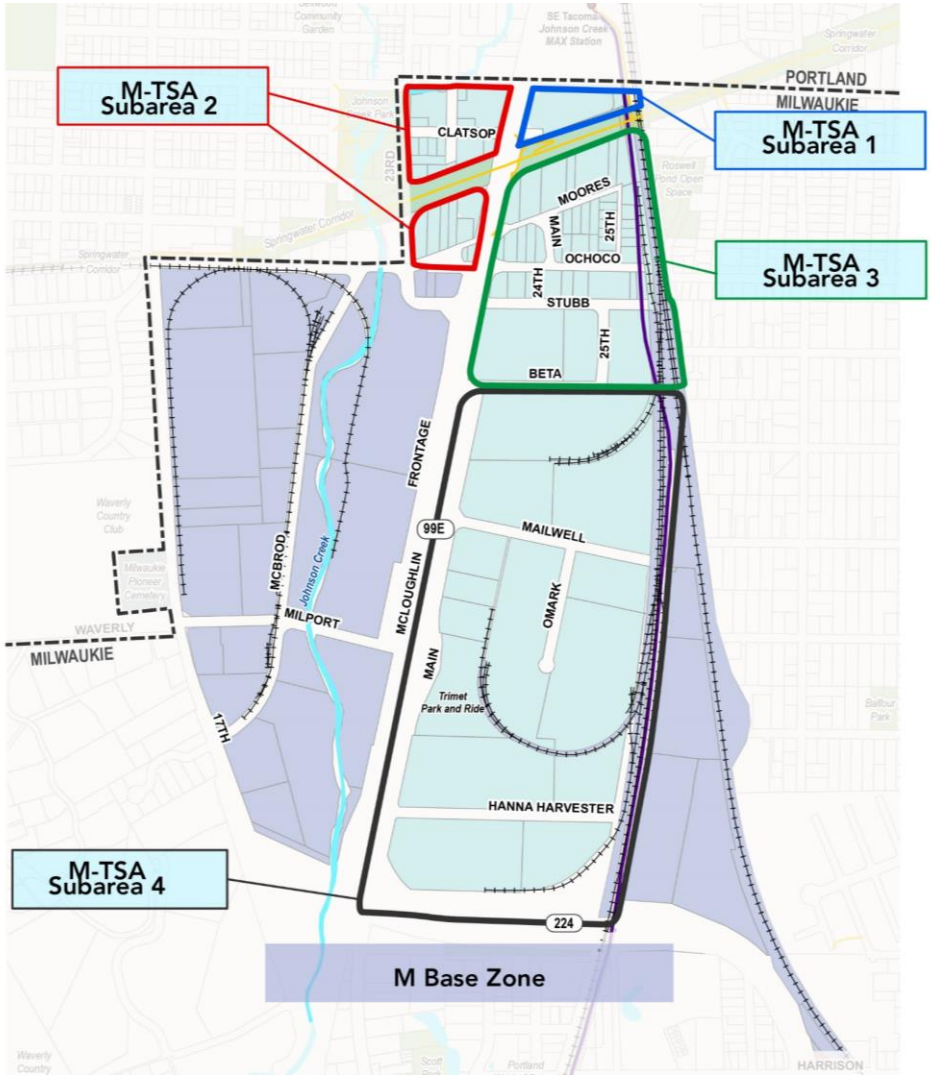



**Bike/Ped/Transit**

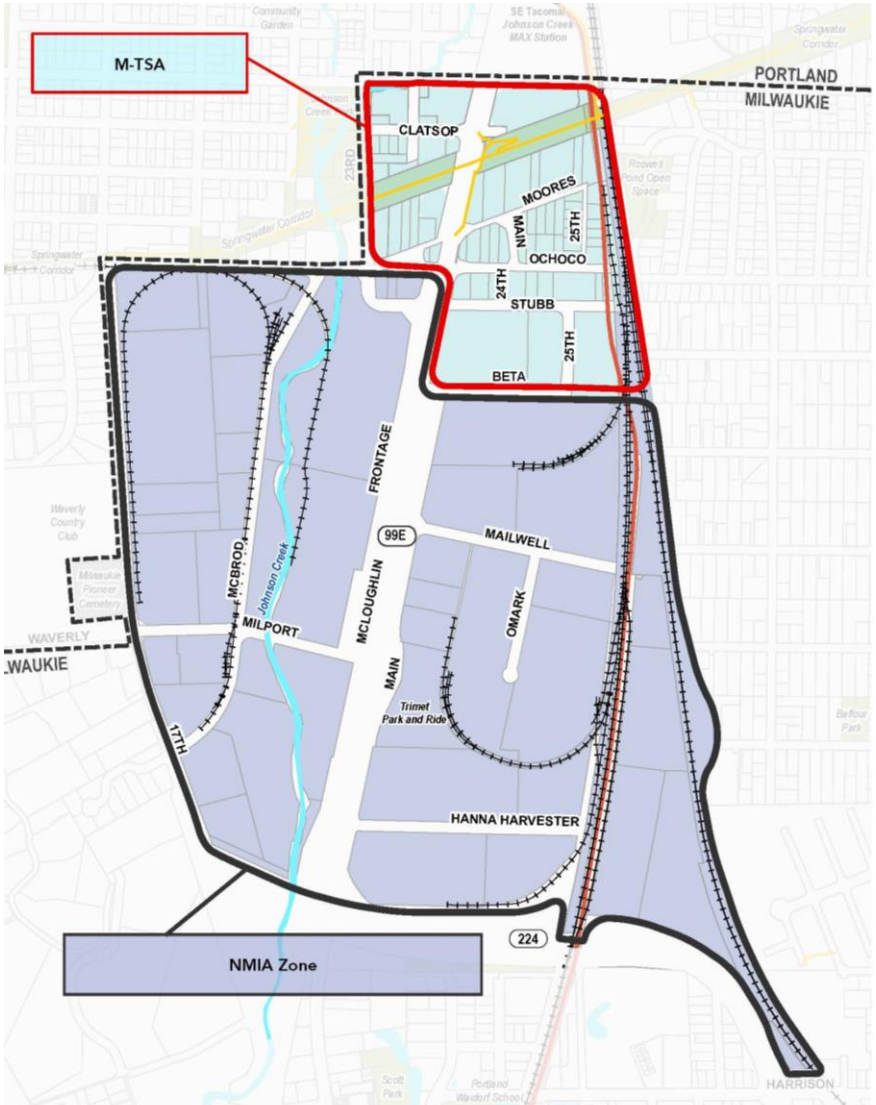
# Land Use



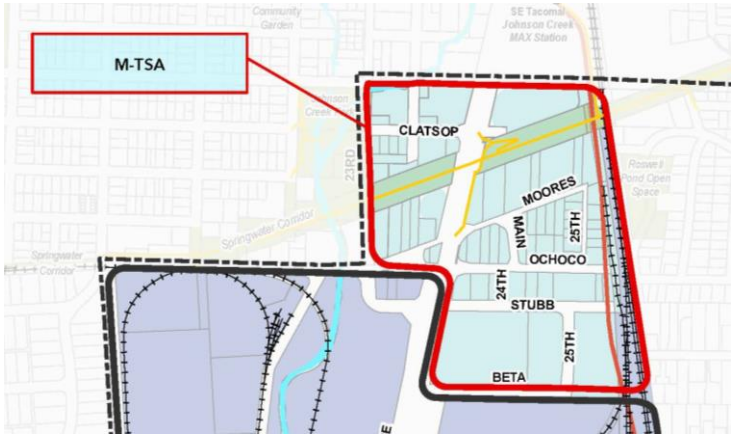
# Current Zoning




# Proposed Zoning



# Proposed Zoning




**M-TSA**

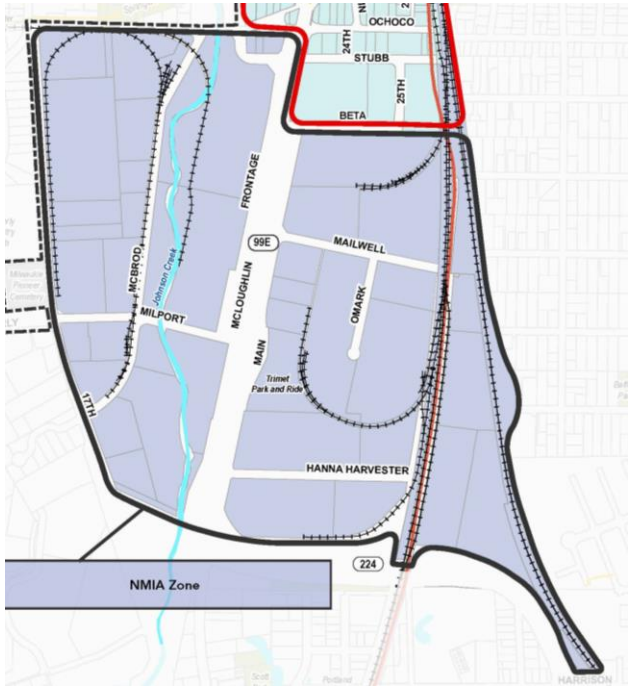
- Combine M-TSA Subareas 1-3
- Take advantage of the area's strategic location
- Allow residential and mixed while still supporting smaller-scale employment uses
- Allow limited commercial uses
- Decreased size of retail in M-TSA Subarea 1
- Increased building height

**A mix of employment, retail, residential and public spaces, including mixed use development.**

# Proposed Zoning

## NMIA Zone (new zone)

- Combines current (M) base zone and M-TSA 4
- Protect existing industry
- Increase employment uses
- Add production/ employment office
- Increased building height
- No residential uses, limited supporting commercial




Production office, manufacturing, R&D, creative space (artist manufacturing studios, sound stage, film/audio production), limited retail/commercial

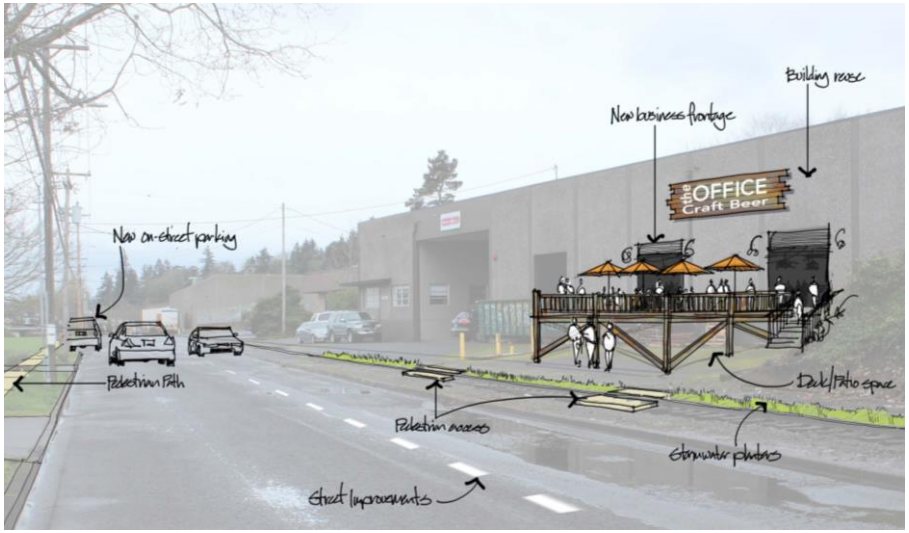
# Infrastructure



# Implementation Strategy








# Phased Interventions and Actions

**Near-Term (1-5 years) – Assign NMIA coordinator**

- Regulatory and branding
- Organizational strategies
- Wayfinding and low cost projects

**Mid-Term (5-10 years) – Initiate capital program**

- Low cost transportation and stormwater

**Long-Term (10-20 years) – Construct larger projects**

- Major capital investments

NORTH Milwaukie Industrial Area Plan

# INPUT AND RECOMMENDATIONS

# Staff Recommendation

- Staff recommends adoption of the Framework Plan with the decision of the amendments clearly defined.

# Advisory Group Recommendation

**Approved the NMIA Framework Plan with the following caveats:**

- Continue to discuss land use and zoning mix in the NMIA
- Assess traffic impacts of proposed changes

# Planning Commission: Public Comments

- Request to make waste management a permitted use
- Request (multiple comments) to permit housing at the Mill End Store site, 9701 SE McLoughlin Blvd

# Planning Commission: Recommendations

- Allow Marijuana Production (growing) as a Conditional Use (CU) in the NMIA Zone
- Assess 65 ft. building heights and consider creating floor area ratio (FAR) and height bonuses to meet ecodistrict goals
- Permit 20,000 sf retail per building or development and 30,000 sf as a CU throughout the modified M-TSA Zone (as currently allowed in M-TSA Subarea 3)

# Planning Commission: Recommendations

- Allow Waste Management as a permitted use in the NMIA Zone
- Create an overlay of the modified M-TSA Zone to parcels south of SE Milport Rd
  - Sunset in 10 years
  - Excludes standalone multifamily residential

# City Council:
# Questions for Consideration

- Marijuana Production (growing) as a Conditional Use (CU) in the NMIA Zone?
- Flexibility with building heights above 65 feet?
- Create FAR or height bonuses?
- Permit the same amount of retail throughout the modified M-TSA Zone as M-TSA Subarea 3?
- Permit Waste Management as a permitted use in the NMIA Zone?
- Create an overlay of the modified M-TSA Zone south of SE Milport Rd?
- Modify Figures 4 and 7 to be less specific on the location?

# Next Steps

**August 1:** City Council Meeting

**Fall 2017:** Comprehensive Plan and Zoning Amendment process

http://northmilwaukie.com/




Industrial Area Plan

# Primary Land Uses and Proposed Zoning

| Proposed Primary Land Use Category (with examples) | Proposed Zoning | |
|---|---|---|
| | MTSA (combined 1-3) | NMIA |
| MANUFACTURING | | |
| Manufacturing and Production | • | • |
| Creative space; studios | • | • |
| Repair and Service; Construction-related businesses | • | • |
| Waste Management | | •[4] |
| DISTRIBUTION | | |
| Wholesale Trade | • | • |
| Warehousing and Storage | •[1] | • |
| OFFICE | | |
| Service Office<br>*High level of face to face interaction with customers* | • | • |
| Production Office; Research and Development<br>*Limited face to face interaction with customers* | • | • |

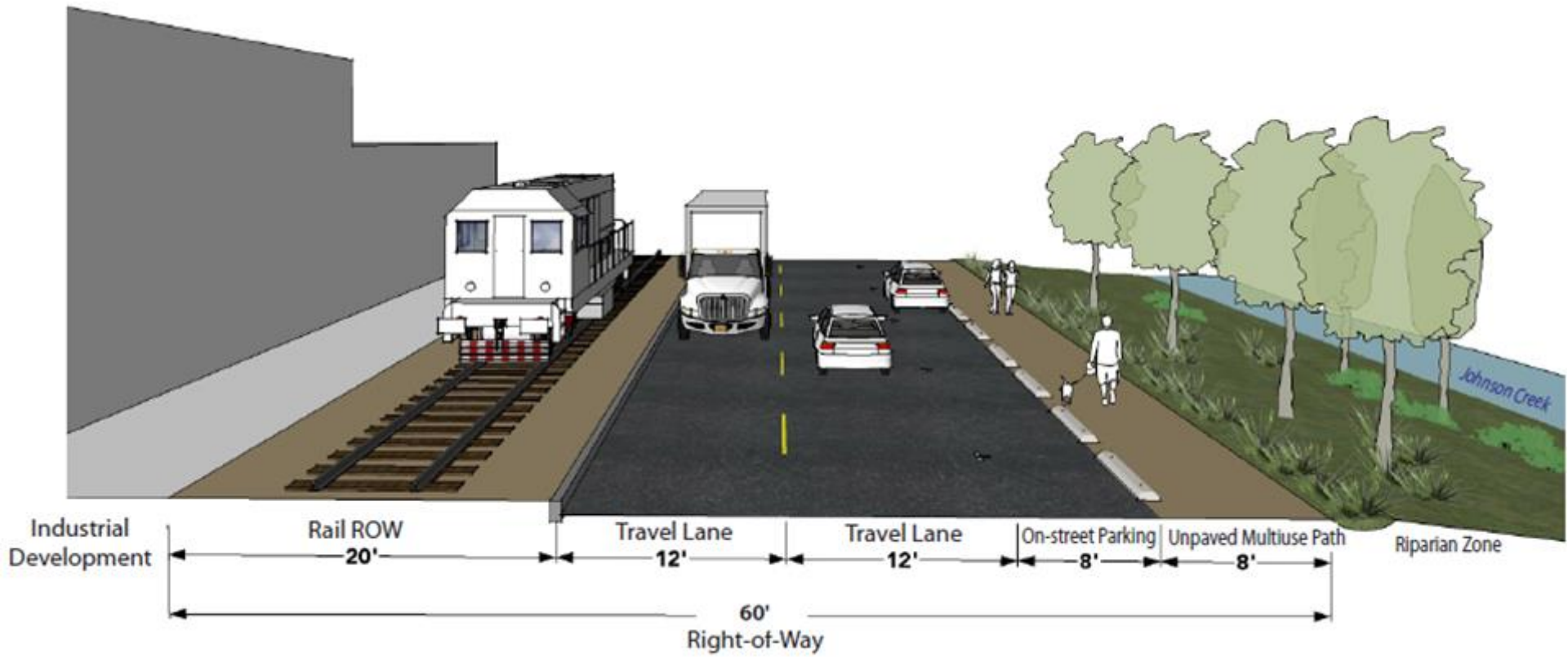
# Primary Land Uses and Proposed Zoning

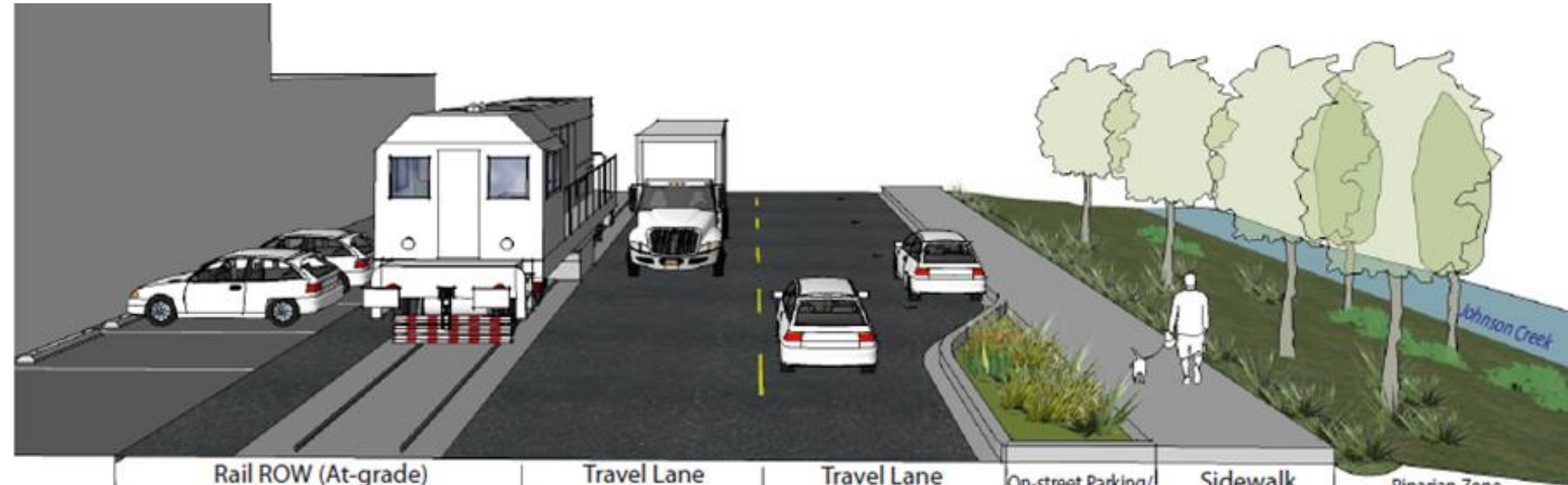
| | | |
|---|---|---|
| COMMERCIAL/RETAIL | | |
| Retail Sales; Personal Service; Repair Businesses | •[3] | •[3] |
| Eating and Drinking Establishments | • | •[3] |
| Health Club/Gym | •[3,4] | •[3,4] |
| COMMUNITY SERVICE USE | | |
| Government offices | •[4] | • |
| Transit Facilities | •[4] | •[4] |
| Schools (public or private) | •[4] | •[4] |
| Recreation facilities (public or private) | •[4] | •[4] |
| Parks and open space | • | • |
| Utilities (pumping stations, water wells); communication facilities | •[4] | • |
| RESIDENTIAL | | |
| Multifamily/Mixed Use | • | |

# Proposed Development Requirements

| Land Use Details | | M-TSA 1 | M-TSA 2 | M-TSA 3 | Proposed Modified M-TSA | M-TSA 4 | M | Proposed New NMIA |
|---|---|---|---|---|---|---|---|---|
| **Maximum Height** | Existing | 65' | 65' | 45' | | 45' | 45' | |
| | Proposed | | | | 65' | | | 65' |
| **Minimum Height** | Existing | None | None | None | | None | None | |
| | Proposed | | | | 25' or None | | | 25' or None |
| **FAR Min/Max** | Existing | .5/3 | .5/3 | .5/3 | | 0 | 0 | |
| | Proposed | | | | .5/3 | | | .5/3 |
| **Block Length** | Existing | 600'-1,200' | | | | 600'-1,200' | | |
| | Proposed | | | | 600'-1,200' | | | 600'-1,200' |
| **Retail Square Footage** | Existing | 60,000 | 20,000 per building or development | 20,000 per building or development | | 20,000 per building or development | 5,000 | |
| | Proposed | | | | 20,000 per building or development | | | 20,000 (5,000 for individual retail. Max 20,000 per development) |
| **Standalone Retail** | Existing | Yes | Yes | Yes | | Yes | No | |
| | Proposed | | | | Yes | | | No |
| **Residential Density: Min/Max units per acre** | Existing | No Min/32 Max | No Min/32 Max | No Min/32 Max | | NA | NA | |
| | Proposed | | | | Min 16/No Max | | | NA |
| **Standalone Warehouse** | Existing | No | No | No | | Yes | Yes | |
| | Proposed | | | | No | | | Yes |

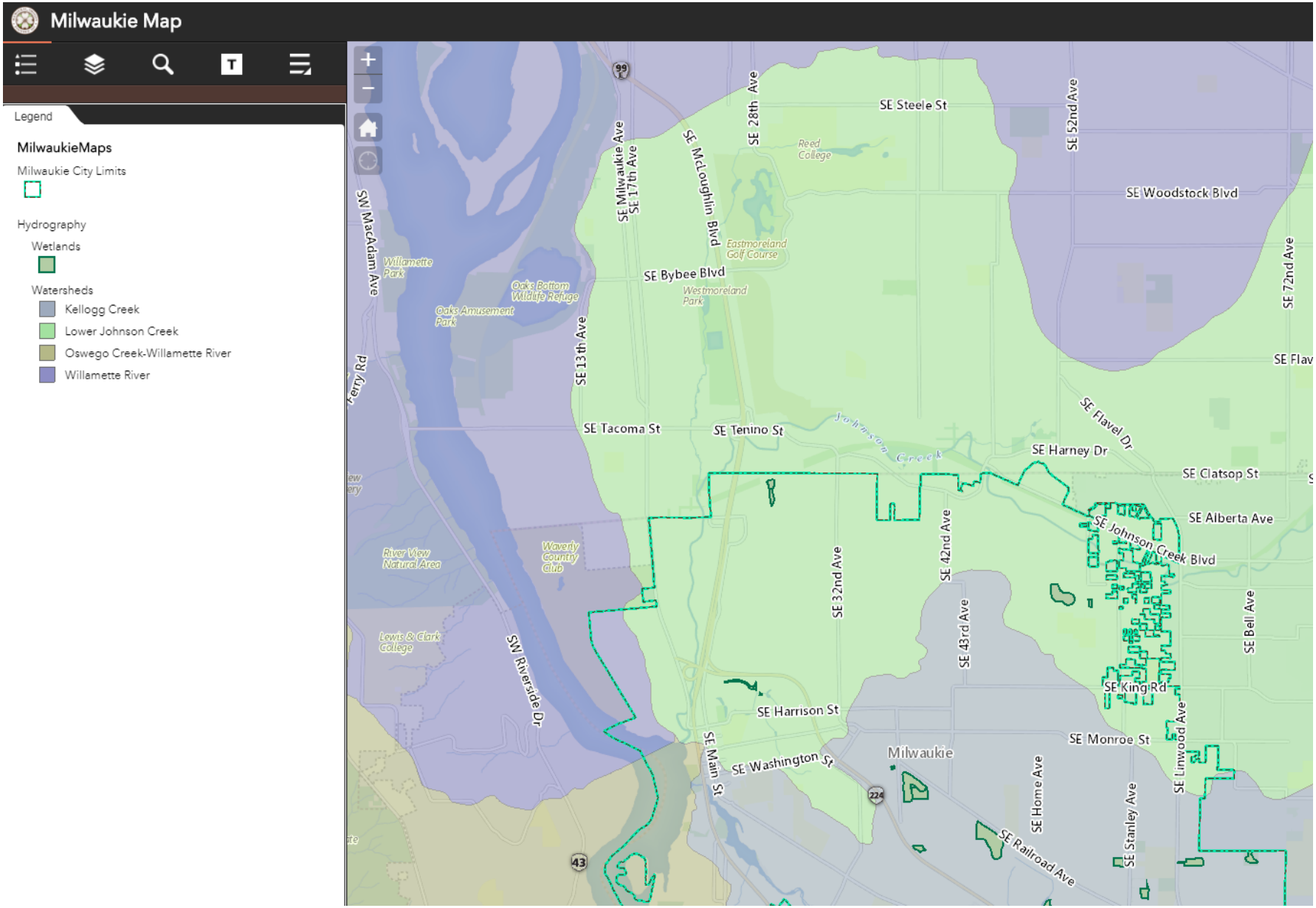


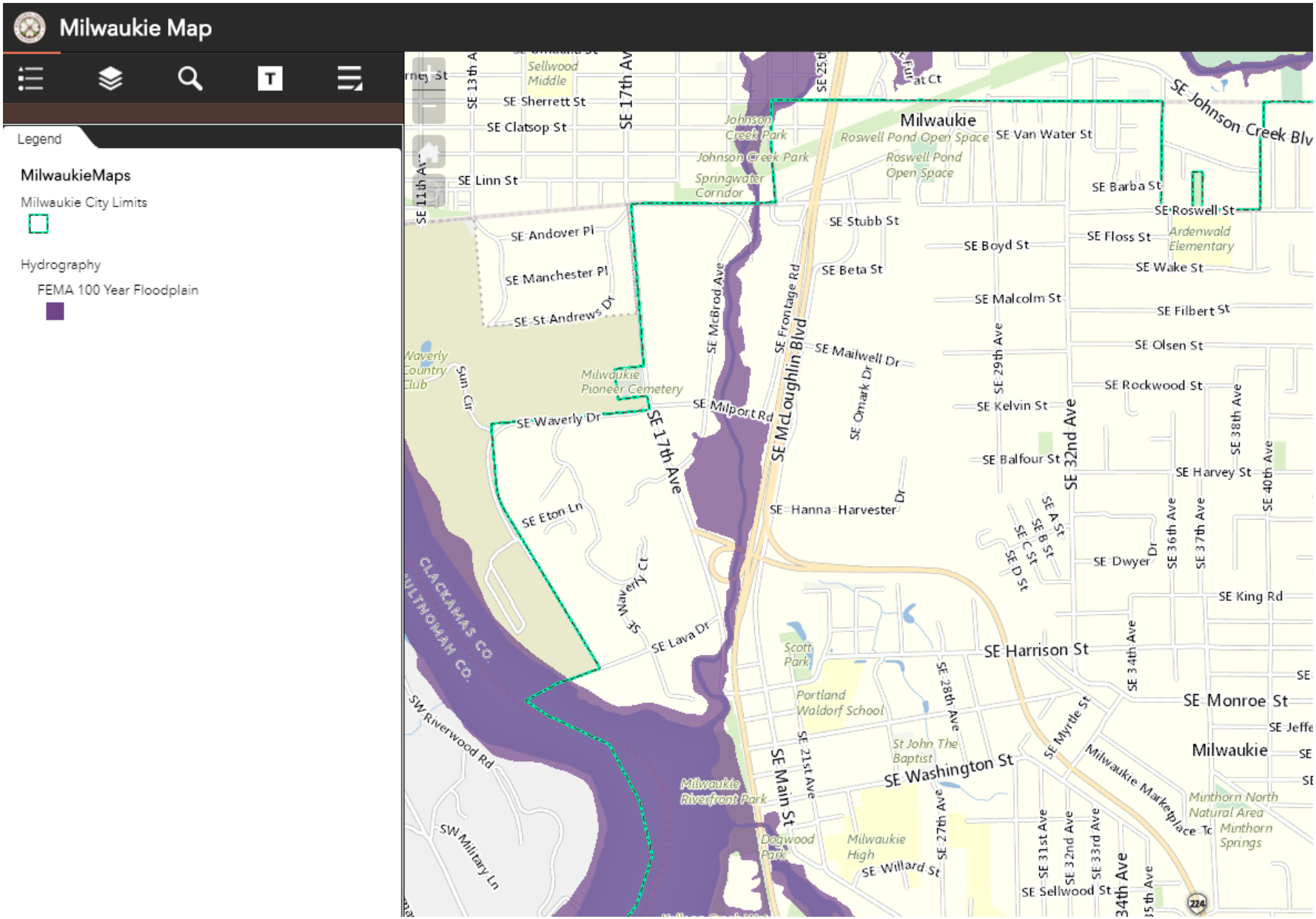

Industrial Development
Rail ROW
20'
Travel Lane
12'
Travel Lane
12'
On-street Parking
8'
Unpaved Multiuse Path
8'
Riparian Zone
Johnson Creek
60'
Right-of-Way


Rail ROW (At-grade)
Travel Lane
Travel Lane
On-street Parking/
Sidewalk
Johnson Creek

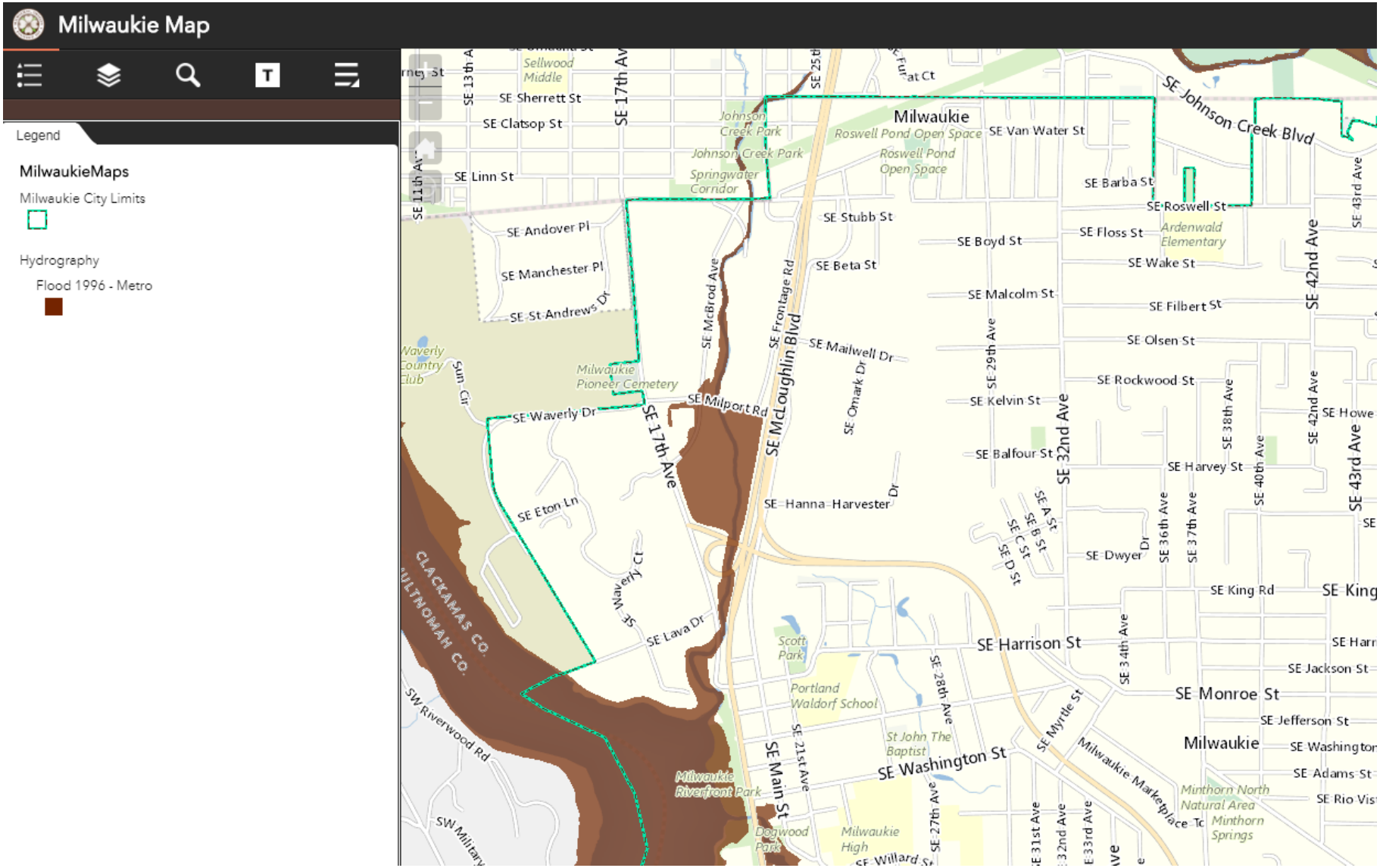

CINTAS
CINTAS
JAZZ
MELROSE
GRILL


HOOD
CHIROPRACTIC
RIVER
CHEVROLET

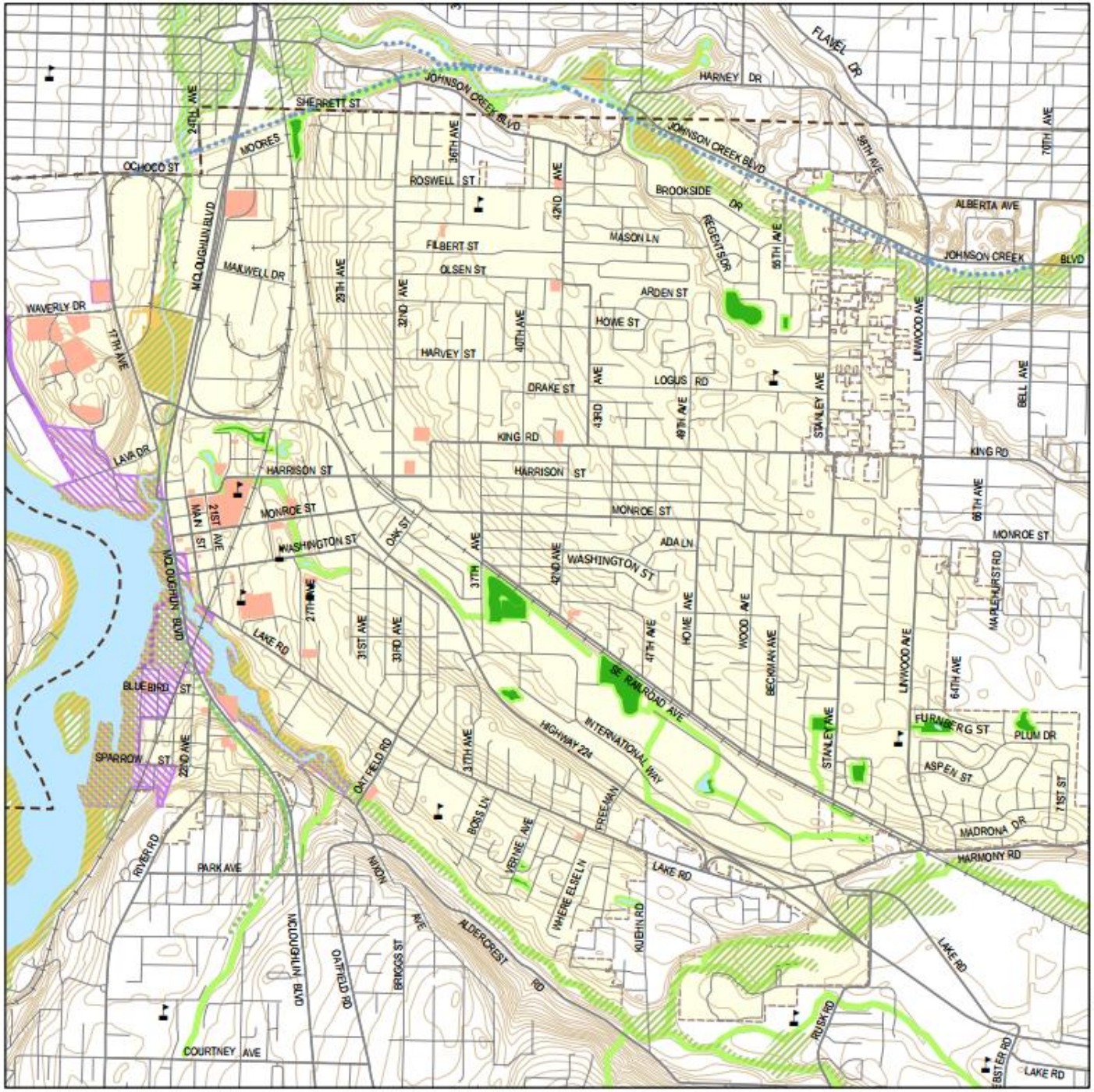

Milwaukie Map
Legend
MilwaukieMaps
Milwaukie City Limits
Hydrography
Wetlands
Watersheds
Kellogg Creek
Lower Johnson Creek
Oswego Creek-Willamette River
Willamette River
SE Steele St
SE 52nd Ave
SE Woodstock Blvd
SE 72nd Ave
SE Milwaukie Ave
SE 17th Ave
SE McLoughlin Blvd
SE 28th Ave
Reed College
Eastmoreland Golf Course
SE Bybee Blvd
Westmoreland Park
SW MacAdam Ave
Willamette Park
Oaks Bottom Wildlife Refuge
Oaks Amusement Park
SE 13th Ave
Terry Rd
SE Tacoma St
SE Tenino St
Johnson Creek
SE Flavel Dr
SE Harney Dr
SE Clatsop St
SE Alberta Ave
SE Johnson Creek Blvd
SE 42nd Ave
SE 32nd Ave
SE 43rd Ave
SE Bell Ave
River View Natural Area
Waverly Country Club
Lewis & Clark College
SW Riverside Dr
SE King Rd
SE Harrison St
SE Monroe St
SE Main St
SE Washington St
Milwaukie
SE Home Ave
SE Linwood Ave
SE Stanley Ave
SE Railroad Ave
99
224
43


Milwaukie Map
Legend
MilwaukieMaps
Milwaukie City Limits
Hydrography
FEMA 100 Year Floodplain
Sellwood Middle
SE Sherrett St
SE Clatsop St
SE 17th Ave
SE 13th Ave
SE 11th Ave
SE Linn St
Johnson Creek Park
Springwater Corridor
Roswell Pond Open Space
Roswell Pond Open Space
Milwaukie
SE Van Water St
SE Johnson Creek Blvd
SE Barba St
SE Roswell St
Ardenwald Elementary
SE Stubb St
SE Floss St
SE Boyd St
SE Wake St
SE Beta St
SE Malcolm St
SE Filbert St
SE Andover Pl
SE Manchester Pl
SE St Andrews Dr
SE McBrod Ave
SE Frontage Rd
SE McLoughlin Blvd
SE Mailwell Dr
SE Olsen St
SE 29th Ave
SE Rockwood St
Waverly Country Club
Sun Cir
Milwaukie Pioneer Cemetery
SE Milport Rd
SE Waverly Dr
SE 17th Ave
SE Omark Dr
SE Kelvin St
SE 32nd Ave
SE 38th Ave
SE Balfour St
SE Harvey St
SE 40th Ave
SE Hanna Harvester Dr
SE Eton Ln
SE A St
SE B St
SE C St
SE D St
SE 36th Ave
SE 37th Ave
SE Dwyer Dr
SE King Rd
CLACKAMAS CO.
MULTNOMAH CO.
Waverly Ct
SE Lava Dr
Scott Park
SE Harrison St
SE 34th Ave
SW Riverwood Rd
Portland Waldorf School
SE 28th Ave
SE Monroe St
SE Myrtle St
SE 21st Ave
St John The Baptist
Milwaukie
SE Washington St
Milwaukie Marketplace Tc
SE Main St
Milwaukie Riverfront Park
Minthorn North Natural Area
Minthorn Springs
SW Military Ln
Dogwood Park
Milwaukie High
SE 27th Ave
SE 31st Ave
SE 32nd Ave
SE 33rd Ave
SE Willard St
SE Sellwood St
224

SE Mailwell Dr
SE Omark Dr
SE Milport Rd
Trolley Trail and 17th Ave Connection
SE Main St
SE McLoughlin Blvd
SE Hanna Harvest


Milwaukie Map
Legend
MilwaukieMaps
Milwaukie City Limits
Hydrography
Flood 1996 - Metro
Milwaukie
SE Johnson Creek Blvd
SE 17th Ave
SE Sherrett St
SE Clatsop St
SE Linn St
SE Andover Pl
SE Manchester Pl
SE St Andrews Dr
SE Waverly Dr
SE Milport Rd
SE McLoughlin Blvd
SE Mailwell Dr
SE Stubb St
SE Beta St
SE Boyd St
SE Barba St
SE Roswell St
SE Floss St
SE Wake St
SE Malcolm St
SE Filbert St
SE Olsen St
SE Rockwood St
SE Kelvin St
SE Balfour St
SE Harvey St
SE Hanna Harvester Dr
SE Dwyer Dr
SE King Rd
SE Harrison St
SE Monroe St
SE Jefferson St
SE Washington St
SE Van Water St
SE 42nd Ave
SE 43rd Ave
SE 32nd Ave
SE Howe
SE Eton Ln
SE Lava Dr
SE Main St
SW Riverwood Rd
SW Military
Milwaukie Riverfront Park
Roswell Pond Open Space
Johnson Creek Park
Springwater Corridor
Ardenwald Elementary
Milwaukie Pioneer Cemetery
Waverly Country Club
Portland Waldorf School
St John The Baptist
Minthorn North Natural Area
Minthorn Springs
Milwaukie High
Dogwood Park
Scott Park
CLACKAMAS CO.
MULTNOMAH CO.

SE Mailwell Dr
SE Omark Dr
SE Milport Rd
Trolley Trail and 17th Ave Connection
SE Main St
SE Hanna Harvest
SE Mcloughlin Blvd




# Transportation System Plan

**FIGURE 3-20**

## WETLANDS, FLOOD & CULTURAL FEATURES

*November 2013*

### LEGEND

- Historic Resource
- 100 Year Flood Plain*
- Willamette Greenway
- 1996 Flood Extent
- Wetland
- Vegetated Corridor
- 10' Contours

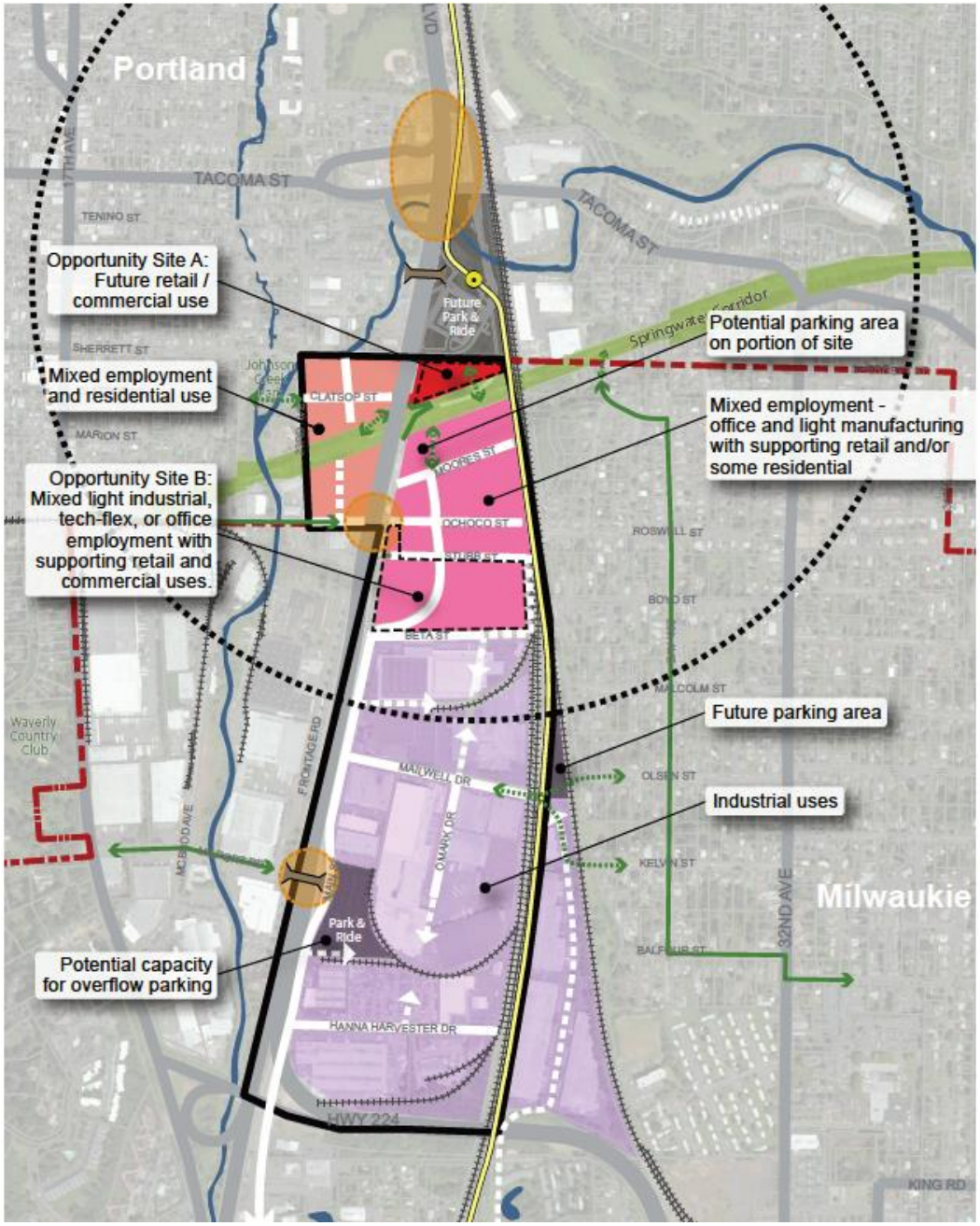
### Other Map Features

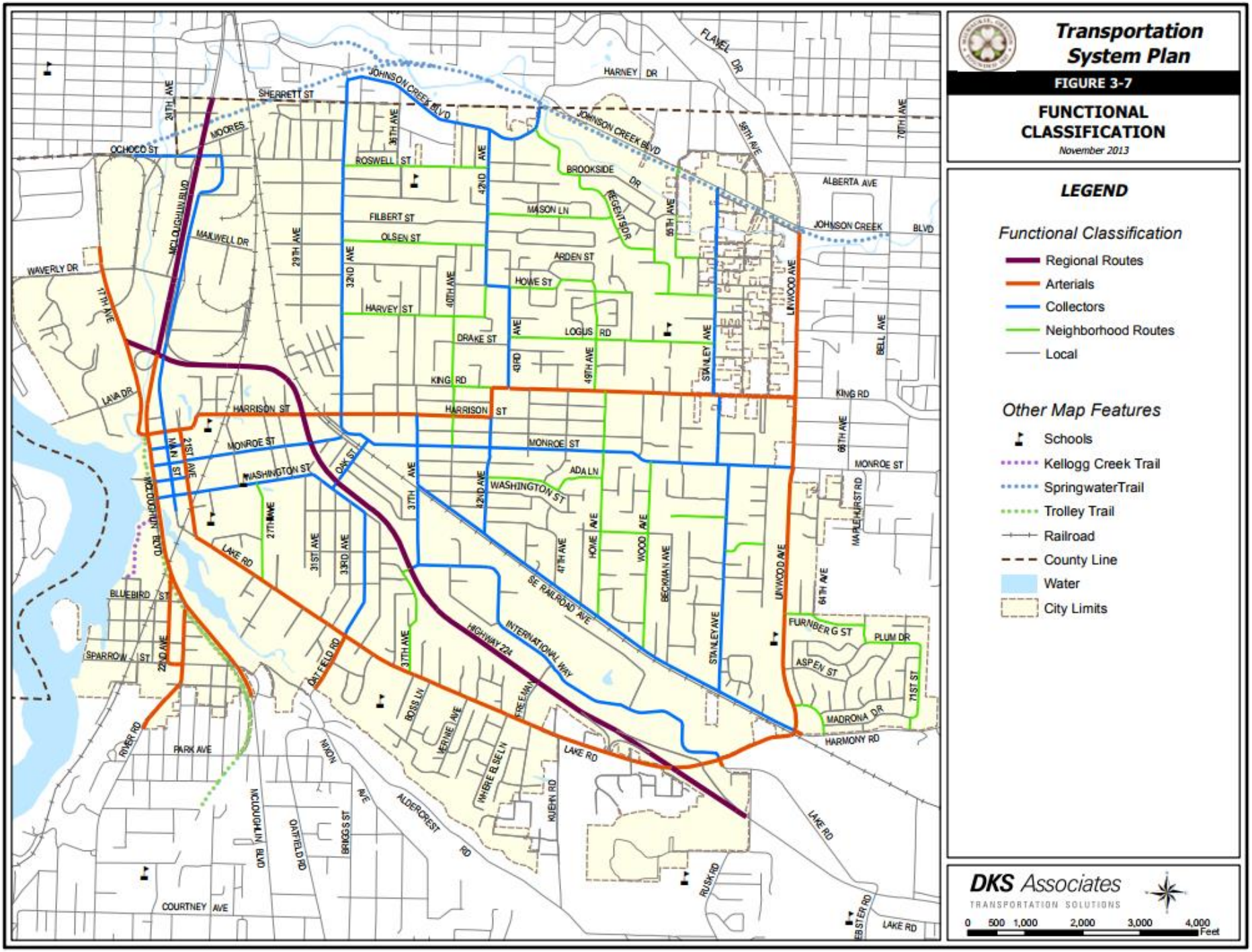
- Schools
- Kellogg Creek Trail
- SpringwaterTrail
- Trolley Trail
- Major Roads
- Streets
- Railroad
- County Line
- Water
- City Limits

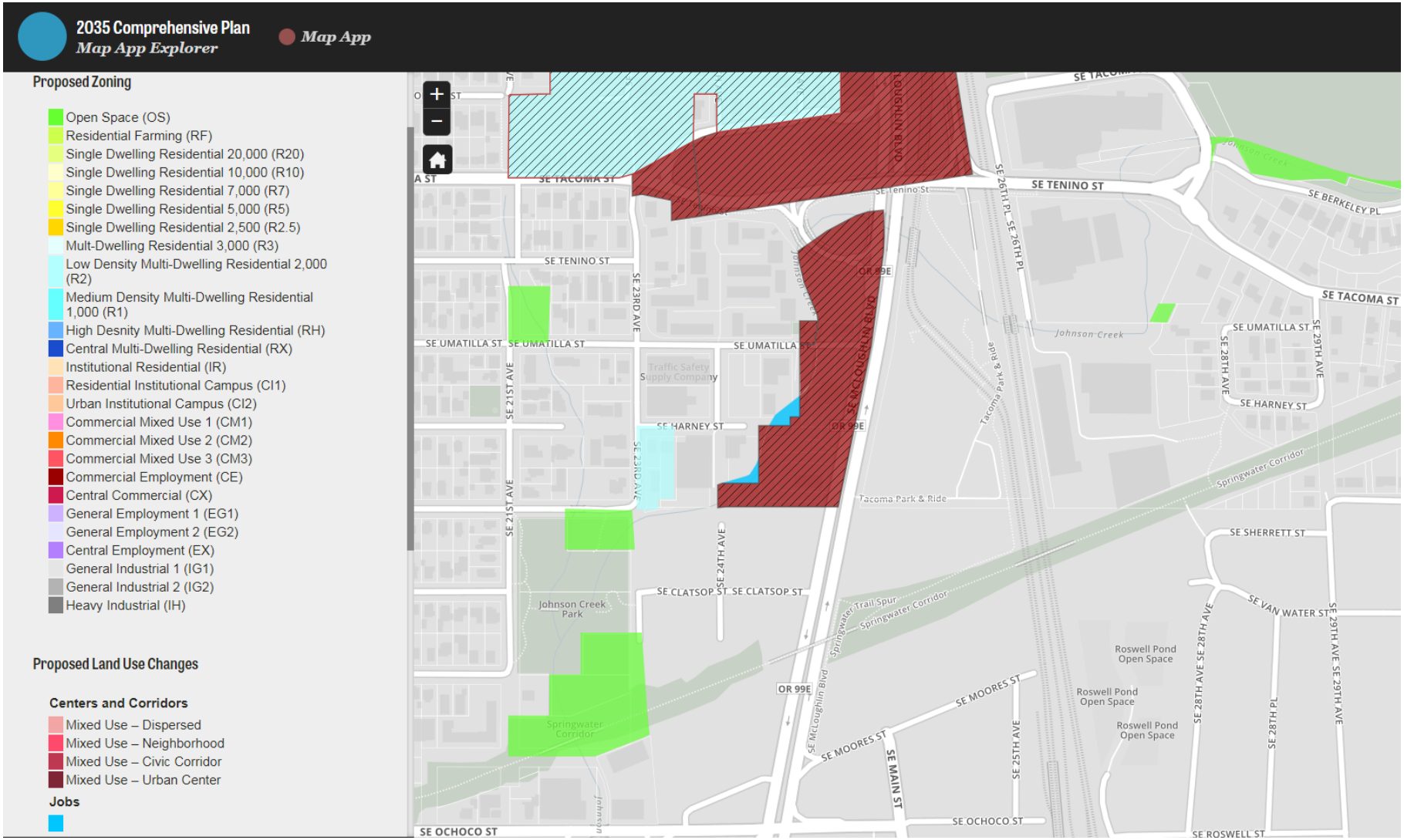
*Source: Metro RLIS; FEMA with local input

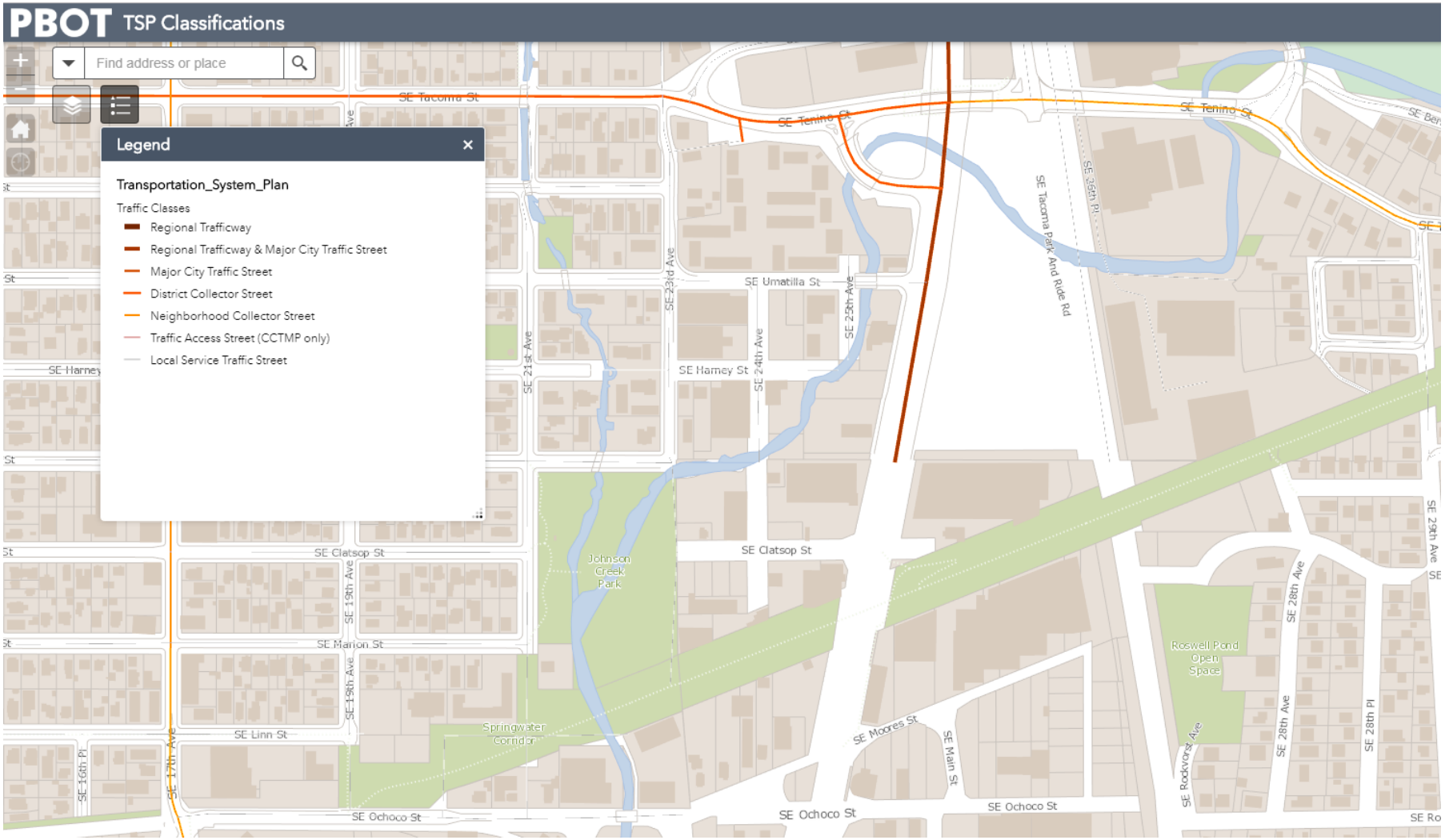
DKS Associates
TRANSPORTATION SOLUTIONS

0 500 1,000 2,000 3,000 4,000 Feet


Portland
Milwaukie
TACOMA ST
TENINO ST
SHERRETT ST
CLATSOP ST
MARION ST
MOORES ST
DCHOCO ST
BETA ST
ROSWELL ST
BOND ST
MALCOLM ST
OLSEN ST
KELVIN ST
BALFOUR ST
MALWELL DR
O'MARK DR
HANNA HARVESTER DR
HWY 224
KING RD
32ND AVE
FRONTIER RD
Waverly Country Club
Future Park & Ride
Park & Ride
Springwater Corridor
Opportunity Site A: Future retail / commercial use
Mixed employment and residential use
Opportunity Site B: Mixed light industrial, tech-flex, or office employment with supporting retail and commercial uses.
Potential capacity for overflow parking
Potential parking area on portion of site
Mixed employment - office and light manufacturing with supporting retail and/or some residential
Future parking area
Industrial uses


Transportation System Plan
FIGURE 3-7
FUNCTIONAL CLASSIFICATION
November 2013
LEGEND
Functional Classification
Regional Routes
Arterials
Collectors
Neighborhood Routes
Local
Other Map Features
Schools
Kellogg Creek Trail
SpringwaterTrail
Trolley Trail
Railroad
County Line
Water
City Limits
DKS Associates
TRANSPORTATION SOLUTIONS
0 500 1,000 2,000 3,000 4,000 Feet
JOHNSON CREEK BLVD
HARNEY DR
FLAVEL DR
SHERRETT ST
OCHOCO ST
MOORES
MCLOUGHLIN BLVD
MAXWELL DR
WAVERLY DR
17TH AVE
LAVA DR
24TH AVE
ROSWELL ST
FILBERT ST
OLSEN ST
HARVEY ST
DRAKE ST
KING RD
HARRISON ST
MONROE ST
WASHINGTON ST
LAKE RD
BLUEBIRD ST
SPARROW ST
RIVER RD
PARK AVE
COURTNEY AVE
ALDERCREST RD
BRIGGS ST
OATFIELD RD
NORTH AVE
BOSS LN
MERLANE AVE
WHERE B. BELL
FREEMAN
KUEHN RD
RUSK RD
HIGHWAY 224
INTERNATIONAL WAY
SE RAILROAD AVE
ADA LN
ARDEN ST
HOME ST
LOGUS RD
MAISON LN
BROOKSIDE DR
REGENT DR
ALBERTA AVE
BELL AVE
LINWOOD AVE
STANLEY AVE
BECKMAN AVE
WOOD AVE
HOME AVE
HARLEHURST RD
FURNBERG ST
PLUM DR
ASPEN ST
MADRONA DR
HARMONY RD
71ST ST
70TH AVE
68TH AVE
65TH AVE
64TH AVE
49TH AVE
47TH AVE
43RD AVE
42ND AVE
40TH AVE
37TH AVE
36TH AVE
32ND AVE
31ST AVE
29TH AVE
27TH AVE
21ST AVE
17TH AVE
13TH AVE
7TH AVE
OAK ST


2035 Comprehensive Plan
Map App Explorer
Map App
Proposed Zoning
Open Space (OS)
Residential Farming (RF)
Single Dwelling Residential 20,000 (R20)
Single Dwelling Residential 10,000 (R10)
Single Dwelling Residential 7,000 (R7)
Single Dwelling Residential 5,000 (R5)
Single Dwelling Residential 2,500 (R2.5)
Mult-Dwelling Residential 3,000 (R3)
Low Density Multi-Dwelling Residential 2,000 (R2)
Medium Density Multi-Dwelling Residential 1,000 (R1)
High Desnity Multi-Dwelling Residential (RH)
Central Multi-Dwelling Residential (RX)
Institutional Residential (IR)
Residential Institutional Campus (CI1)
Urban Institutional Campus (CI2)
Commercial Mixed Use 1 (CM1)
Commercial Mixed Use 2 (CM2)
Commercial Mixed Use 3 (CM3)
Commercial Employment (CE)
Central Commercial (CX)
General Employment 1 (EG1)
General Employment 2 (EG2)
Central Employment (EX)
General Industrial 1 (IG1)
General Industrial 2 (IG2)
Heavy Industrial (IH)
Proposed Land Use Changes
Centers and Corridors
Mixed Use – Dispersed
Mixed Use – Neighborhood
Mixed Use – Civic Corridor
Mixed Use – Urban Center
Jobs
SE TENINO ST
SE TACOMA ST
SE UMATILLA ST
SE HARNEY ST
SE CLATSOP ST
SE MOORES ST
SE OCHOCO ST
SE ROSWELL ST
SE BERKELEY PL
SE SHERRETT ST
SE VAN WATER ST
SE 21ST AVE
SE 23RD AVE
SE 24TH AVE
SE 25TH AVE
SE 26TH PL
SE 28TH AVE
SE 29TH AVE
SE MAIN ST
SE McLOUGHLIN BLVD
OR 99E
Johnson Creek
Johnson Creek Park
Springwater Corridor
Springwater Trail Spur
Tacoma Park & Ride
Roswell Pond Open Space
Traffic Safety Supply Company


PBOT TSP Classifications
Find address or place
Legend
Transportation_System_Plan
Traffic Classes
Regional Trafficway
Regional Trafficway & Major City Traffic Street
Major City Traffic Street
District Collector Street
Neighborhood Collector Street
Traffic Access Street (CCTMP only)
Local Service Traffic Street
SE Tacoma St
SE Tenino St
SE Umatilla St
SE Harney St
SE Clatsop St
SE Marion St
SE Linn St
SE Ochoco St
SE Moores St
SE 21st Ave
SE 23rd Ave
SE 24th Ave
SE 25th Ave
SE 17th Ave
SE 19th Ave
SE 28th Ave
SE 29th Ave
SE Main St
SE 36th Pl
SE 28th Pl
SE 16th Pl
SE Tacoma Park And Ride Rd
Johnson Creek Park
Springwater Corridor
Roswell Pond Open Space

CITY OF MILWAUKIE
COUNCIL **STAFF REPORT**

To: Mayor and City Council
Date: Written July 9 for July 18, 2017 Regular Session

Through: Ann Ober, City Manager
Reviewed: Alma Flores, Community Development Director, and Denny Egner, Planning Director

From: Vera Kolias, Associate Planner

Subject: **Proposed Zoning and Comprehensive Plan Amendments – Keil Gardens**

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**ACTION REQUESTED**

Hold a public hearing for applications ZA-2017-002 and CPA-2017-001 and adopt the Ordinance and Exhibits of Attachment 1 amending the Milwaukie Zoning Map and the Milwaukie Comprehensive Plan. Approval of the applications would rezone the subject property to Residential R-5 and permit the construction of a 19-lot subdivision, which was approved by the Planning Commission on June 13, 2017.

**HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**

**May 1, 2017:** The Design and Landmarks Committee voted (3-0) to recommend approval of the demolition of the mapped historic resource located at 4217 SE Railroad Ave.

**May 9, 2017:** The Planning Commission voted (7-0) to approve the demolition of the mapped historic resource located at 4217 SE Railroad Ave.

**June 13, 2017:** The Planning Commission voted (6-0) to approve the Subdivision and Variance applications (Land File #S-2017-002 and VR-2017-001) for the subject property. The Planning Commission voted (6-0) to recommend approval of the associated proposed zoning and comprehensive plan amendments.

**ANALYSIS**

**A. Site and Vicinity**

The subject property consists of 4 parcels zoned Residential R-7 in the Hector Campbell neighborhood. Two existing single family dwellings occupy the subject property at 4217 and 4219 SE Railroad in addition to 2 undeveloped lots. The property is generally open grass area with some trees scattered throughout and is approximately 3.25 acres in size. The surrounding area consists of residential uses on 3 sides. To the south is Railroad Ave, an active rail line, and the Business Industrial Zone. The structure located on 4217 SE Railroad Ave was identified as a Significant Historic Resource in the City's 1988 Cultural Resources Inventory. On May 9, 2017, the Planning Commission approved a demolition permit for the structure (land use file #HR-2017-001).

**B. Zoning Designation**

Residential zone R-7

## C. Comprehensive Plan Designation

Low Density Residential LD

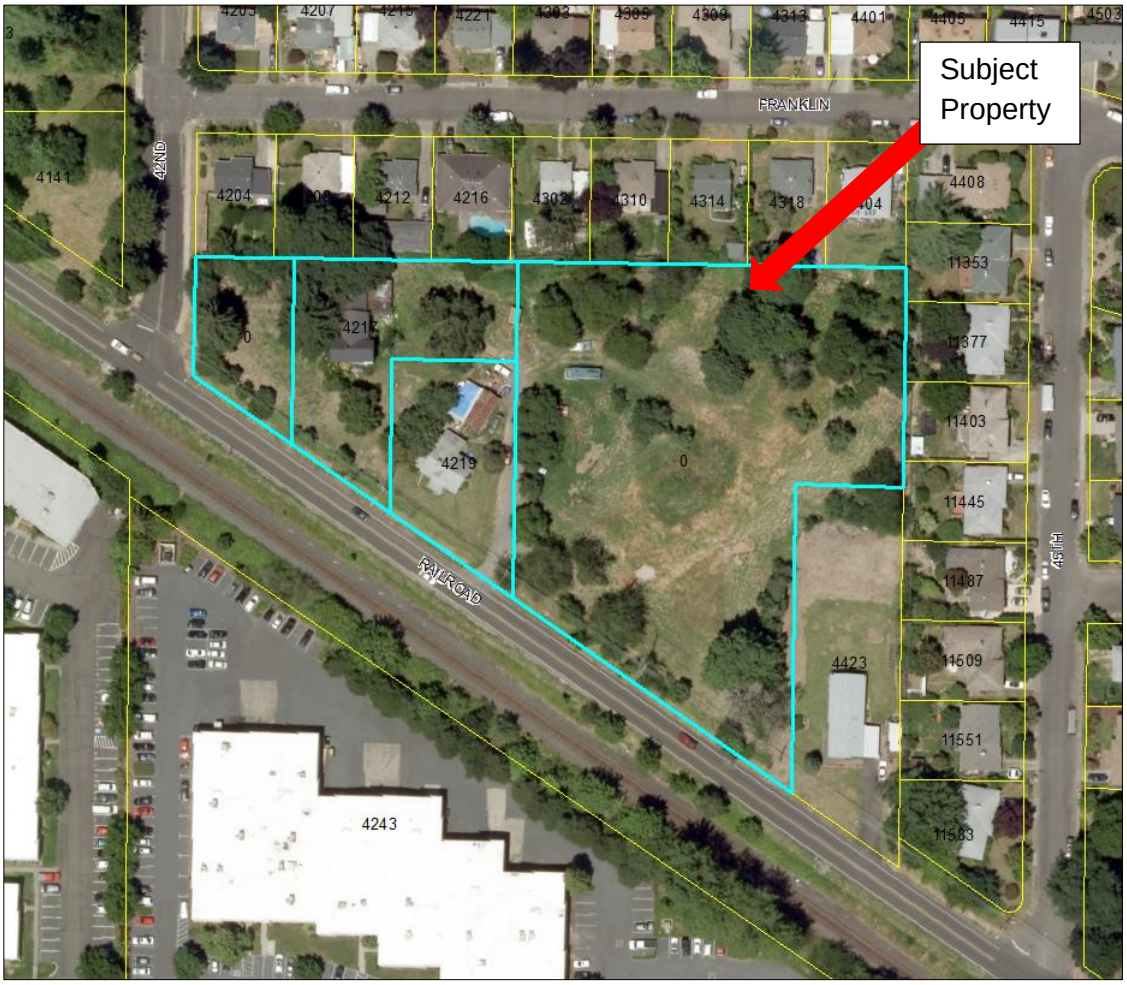



Figure 1. Site and Vicinity. Source: 2015 RLIS

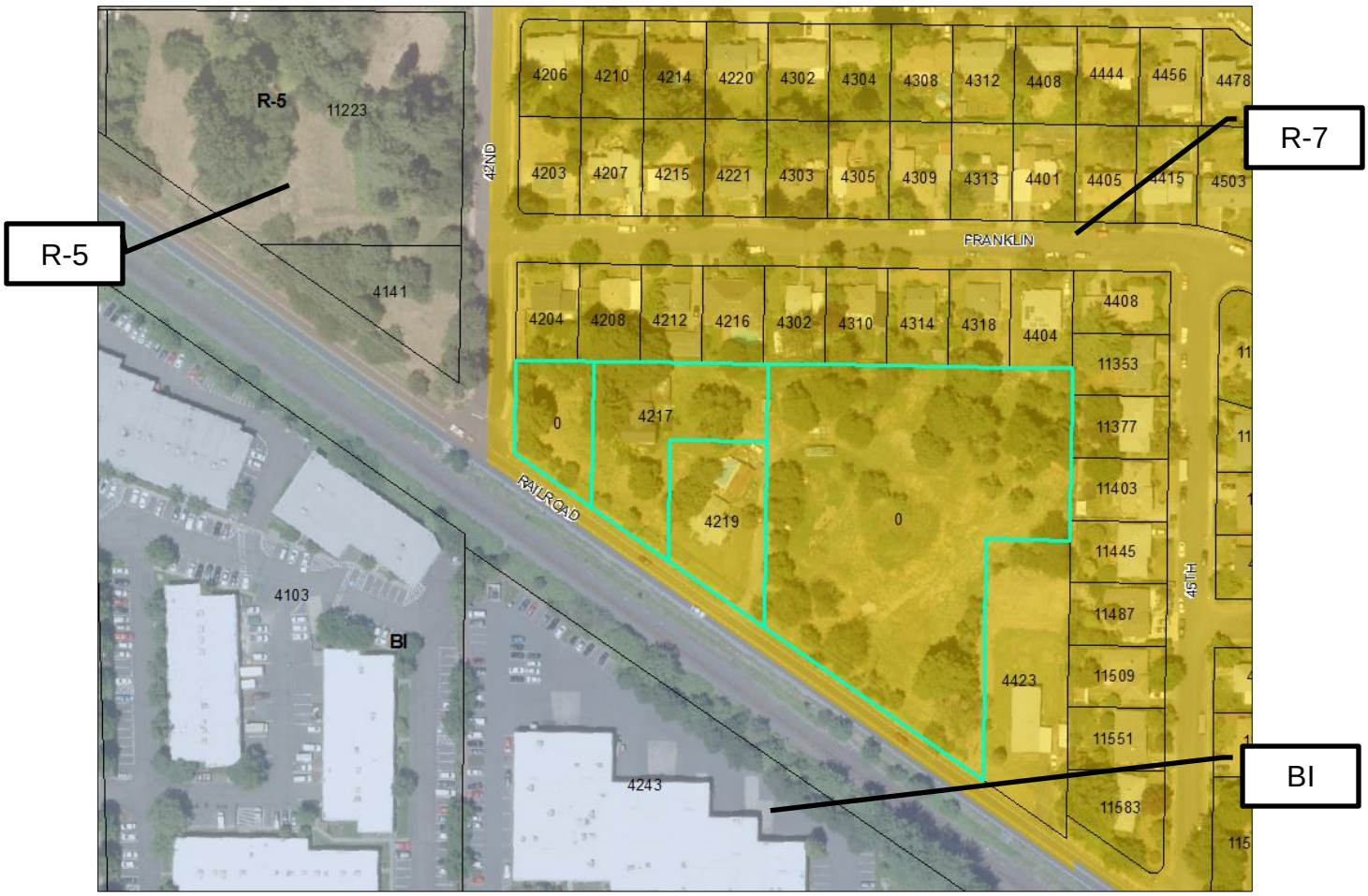


Figure 2. Zoning

## D. Proposal

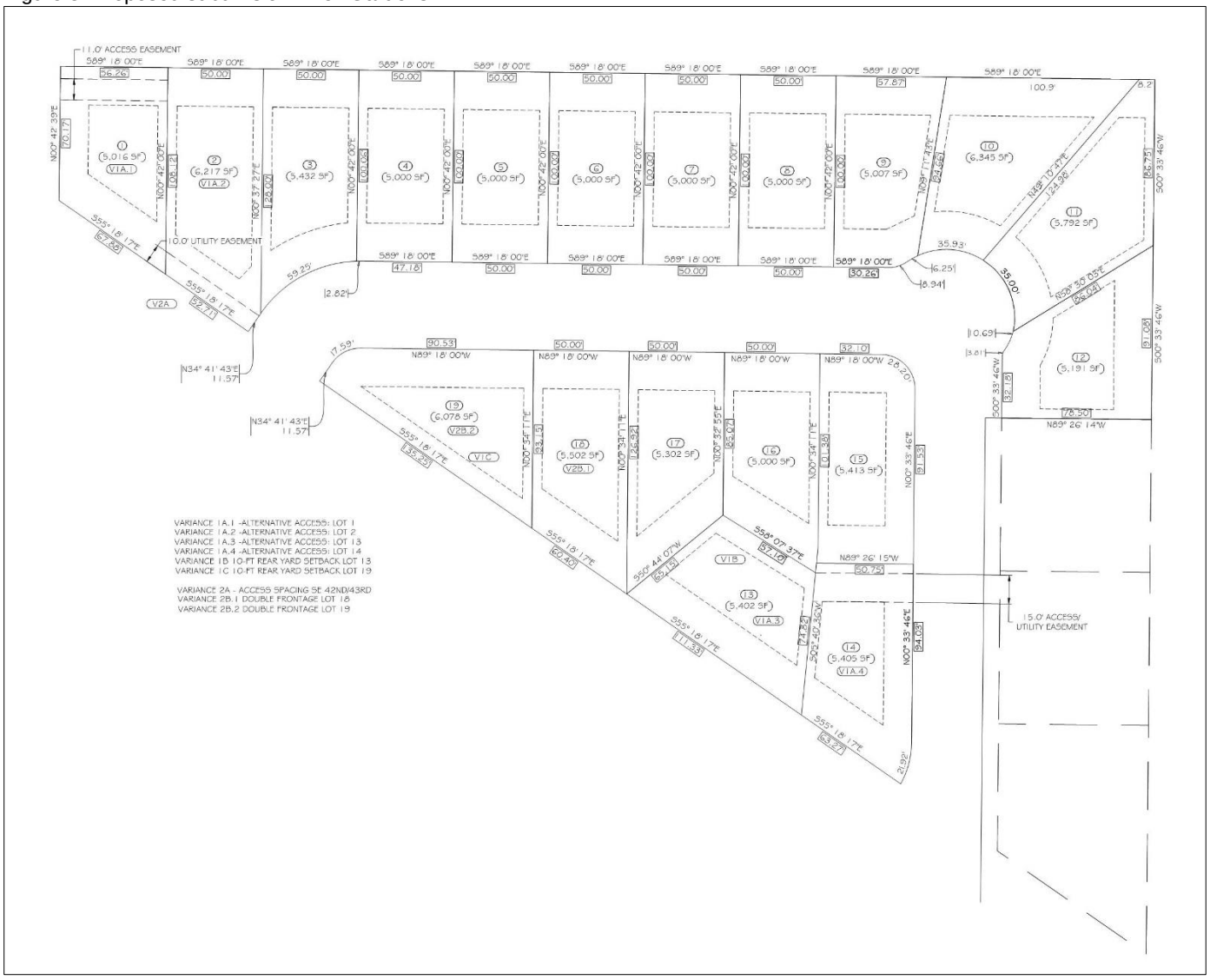
The application before the City Council includes:

- a proposed 19-lot Subdivision;
- a Zoning Map Amendment to rezone the subject property from Residential R-7 to Residential R-5 and a removal of the property at 4217 SE Railroad Ave from the Historic Resources Overlay;
- a Comprehensive Plan Map Amendment to change the land use designation of the subject property from Low Density (LD) to Moderate Density (MD);
- and a Comprehensive Plan Text Amendment to remove 4217 SE Railroad Ave from Appendix 1: Historic Resources Property List.

On June 13, 2017, the Planning Commission approved the 19-subdivision along with Variances for five aspects of the project (see Figure 3):

1. Variance to MMC 17.28.040.F to allow alternative access to Lots 1, 2, 13, and 14 rather than over the required frontage;
2. Two Variances to MMC 19.301.4 to allow a rear yard setback of 10 ft rather than the minimum 20 ft required on Lots 13 and 19;
3. Variance to MMC 19.708.1 to allow the access spacing between SE 42nd Ave and SE 43rd Ave to be approximately 126 ft rather than the minimum 300 ft required;
4. Variance to MMC 17.28.040.E to allow Lots 18 and 19 to be double frontage lots.

Figure 3. Proposed subdivision - Keil Gardens




See Attachment 3 for all the applicantôs materials.

## E. Land Use Review Process

The proposed project has involved 3 review processes, 2 of which have run concurrently. The first step was the review of the historic demolition application for the structure located at 4217 SE Railroad Ave (HR-2017-001). This application was reviewed by the Design and Landmarks Committee and the Planning Commission and was approved on May 9, 2017.

The second and third processes are the Type III Subdivision and Variance applications (S-2017-002 and VR-2017-001) and the Type IV Zoning Map Amendment and Comprehensive Plan Map and Text Amendments applications (ZA-2017-002 and CPA-2017-001). The Planning Commission reviewed and approved the Type III applications and made a recommendation of approval to City Council on the Type IV applications on June 13, 2017. Because the design of the subdivision is based on re-zoning the site from

R-7 to R-5, the subdivision and variance applications are contingent upon the approval of the zoning and comprehensive plan amendment applications.

The applicant has opted to have the Type III and Type IV review processes run concurrently. The applicant is assuming the risks associated with the possibility that the City Council may not approve the Type IV applications.

## KEY ISSUES

### Introduction

Staff has identified the following key issue for the Council's deliberation. Aspects of the proposal not listed below are addressed in the Findings (see Attachment 1) and generally require less analysis and discretion by the Council.

### Is re-zoning the site from R-7 to R-5 (and the associated Comprehensive Plan Map Amendment) appropriate?

The zone change proposal is appropriate given the characteristics of the surrounding area. To the west across SE 42nd Avenue is an area zoned R-5 with a Moderate Density designation in the Comprehensive Plan. To the south across SE Railroad Avenue is an area zoned Business Industrial (BI) with an Industrial designation in the Comprehensive Plan. In the R-7 zoned areas directly north and east of the site, many of the lots are sub-standard for the R-7 zone. Seventeen of the nineteen lots zoned R-7 that are adjacent to the site are 6,500 square feet or less. The loss of R-7 zone area does not raise concerns about compatibility. Although the R-5 zone and the Moderate Density land use designation reflect a higher density single-family residential use, they are similar in density with the surrounding neighborhood. Further, smaller minimum lot sizes will provide more opportunity for the development of additional housing, a need identified in the Housing Needs Assessment. The R-7 zone is also the largest zone in the city, comprising over 40% of the total land area (including right of way). By comparison, R-5 comprises just over 10% of the total land area.

**BUDGET IMPACTS**
None.

**WORKLOAD IMPACTS**
No impacts other than typical review and processing of an approved subdivision.

**COORDINATION, CONCURRENCE, OR DISSENT**
The Planning Commission held a public hearing on June 13 and recommended approval of the code amendments.

**STAFF RECOMMENDATION**
Staff recommends approval of the proposed amendments.

**ALTERNATIVES**
No alternatives are being presented. If there are significant issues, the Council could choose to continue the public hearing to a future date.

**ATTACHMENTS**
1. Draft Ordinance

Exhibit A. Recommended Findings in Support of Approval

Exhibit B. Proposed Zoning Map Amendments

Exhibit C. Proposed Comprehensive Plan Map Amendment

Exhibit D. Proposed Comprehensive Plan Text Amendment

2. Applicantôs Materials
3. Notice of Decision ï Land use file #S-2017-002; VR-2017-001

CITY OF MILWAUKIE

COUNCIL **ORDINANCE No.**

**An ordinance of the City Council of the City of Milwaukie, Oregon, to amend the Zoning Map to rezone taxlots 12E31BC, lots 8000, 8100, 8200, and 8300 from Residential R-7 to Residential R-5, remove the Historic Resource Overlay from the property located at 4217 SE Railroad Ave; to amend the Milwaukie Comprehensive Plan Land Use Map to designate taxlots 12E31BC, lots 8000, 8100, 8200, and 8300 as Moderate Density rather than Low Density, and to remove the property located at 4217 SE Railroad Ave from Comprehensive Plan Appendix 1 – Historic Resources Property List (File #ZA-2017-002 and CPA-2017-001).**

**WHEREAS,** the proposed amendments to the Zoning Map and Comprehensive Plan will result in a residential development that is compatible with the surrounding neighborhood; and

**WHEREAS,** legal and public notices have been provided as required by law; and

**WHEREAS,** on June 13, 2017, the Milwaukie Planning Commission conducted a public hearing, as required by MMC 19.1007.5 and adopted a motion in support of the amendment; and

**WHEREAS,** the Milwaukie City Council finds that the proposed amendments are in the public interest of the City of Milwaukie.

**Now, Therefore, the City of Milwaukie does ordain as follows:**

Section 1. Findings. Findings of fact in support of the amendments are adopted by the City Council and are attached as Exhibit A.

Section 2. Amendments. The Milwaukie Zoning Map is amended as described in Exhibit B (Proposed Zoning Map Amendments), and Exhibit C (Comprehensive Plan Land Use Map Amendment), and Exhibit D (Comprehensive Plan Text Amendment).

Section 3. Effective Date. The amendments shall become effective 30 days from the date of adoption.

Read the first time on _____, and moved to second reading by _____ vote of the City Council.

Read the second time and adopted by the City Council on _____.

Signed by the Council President on _____.

Lisa Batey, Council President

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Scott S. Stauffer, City Recorder

City Attorney

**Recommended Findings of Approval**
**File #ZA-2017-002; CPA-2017-001 – Keil Gardens**
**(4217-4219 SE Railroad Ave)**

Sections of the Milwaukie Municipal Code not addressed in these findings are found to be inapplicable to the decision on this application.

1. The applicant, Simon Lofts of Sustainable Infill Development LLC, has applied for approval to create a 19-lot subdivision at 4217-4219 SE Railroad Ave. The site is made up of 4 contiguous lots and is zoned Low Density Residential R-7. The land use application master file number is S-2017-002, with accompanying file numbers ZA-2017-002, CPA-2017-001, VR-2017-001, and VR-2017-006. An application to demolish the historic structure located at 4217 SE Railroad Ave was processed separately as Land Use File #HR-2017-001. The Planning Commission approved the demolition at a public hearing on May 9, 2017.

2. The land use application was submitted on March 24, 2017. It was initially deemed incomplete by City staff on April 11, 2017. The applicant revised and resubmitted the application on April 28, 2017 and requested that the City deem the application complete as of April 28, 2017.

3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
   - MMC 19.301 Low Density Residential Zones
   - MMC 19.902 Amendments to Maps and Ordinances
   - MMC 19.1007 Type IV Review

   The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review and Section 19.1007 Type IV Review. A Planning Commission public hearing was held on June 13, 2017 and a City Council public hearing was held on July 18, 2017, as required by law.

4. MMC 19.301 Low Density Residential Zones

   MMC 19.301 establishes the development standards that are applicable to this site. As proposed, the subdivision would create 19 lots that range in size between 5,000 sq ft to 6,345 sq ft. The minimum lot size for a single-family detached home in the R-5 zone is 5,000 sq ft. The minimum density requirement for the R-5 zone is 7 dwellings per acre and the maximum density requirement for the R-5 zone is 8.7 dwellings per acre. The 19 proposed lots total 79,501 sq ft or 1.82 acres, which results in an overall density of approximately 7.69 dwellings per acre. The minimum frontage requirement for a standard lot in the R5 zone is 35 ft. Lots 5 and 6 have 35 ft of frontage and have the smallest amount of street frontage of the 19 proposed lots.

   The City Council finds that the proposal complies with the applicable standards of the R-5 zone.

5. MMC 19.902 Amendments to Maps and Ordinances

   A. MMC 19.902.3.B establishes the approval criteria for Comprehensive Plan text amendments.

Changes to the Milwaukie Comprehensive Plan may be approved if the following criteria are met:

1. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, as proposed to be amended.

*The proposed Comprehensive Plan text amendment would remove the property located at 4217 SE Railroad Ave from Appendix 1 – Historic Resources Property List. This amendment is necessary as the Planning Commission approved the demolition of this historic structure on May 9, 2017 (land use file #HR-2017-001). Demolition of the structure results in a property which would no longer meet the criteria for an historic resource.*

2. The proposed amendment is in the public interest with regard to neighborhood or community conditions.

*Removing the property from Appendix 1 maintains a full and accurate historic resources property list in the Comprehensive Plan, which is in the public interest. The Hector Campbell Neighborhood District Association (NDA) and the Milwaukie Historical Society support the demolition based on the poor condition of the structure*.

3. The public need is best satisfied by this particular proposed amendment.

*Removing the property from Appendix 1 maintains a full and accurate historic resources property list in the Comprehensive Plan, which is in the public interest.*

4. The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

*This criterion is not applicable to the proposed amendment.*

5. The proposed amendment is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

*Removing the property from Appendix 1 maintains a full and accurate historic resources property list in the Comprehensive Plan. The removal follows the process outlined in city code which has been acknowledged as being in conformance with Statewide Planning Goal 5. Goal 5 addresses open space, natural resources, and historic resources.*

As conditioned, the City Council finds that this criterion is met.

B. MMC 19.902.4.B establishes the approval criteria for Comprehensive Plan Map Amendments

Changes to the maps of the Milwaukie Comprehensive Plan shall be evaluated against the approval criteria in Subsection 19.902.3.B. A quasi-judicial map amendment shall be approved if these criteria are met.

Changes to the Milwaukie Comprehensive Plan may be approved if the following criteria are met:

1. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, as proposed to be amended.

*The proposed Comprehensive Plan map amendment would change the land use designation of the site from Low Density (LD) to Moderate Density (MD). This application requests a zoning map amendment from Residential R-7 to Residential R-5; the new land use designation corresponds to that of the Residential R-5 Zone. This amendment is necessary to maintain consistency between the Comprehensive Plan and Zoning Map. Per Land Use Objective #2, Policy #3, areas may be designated Moderate Density if the predominant housing type will be single family detached on moderate to small lots. The proposed subdivision will be single family homes on lots ranging from 5,000 sq ft to 6,345 sq ft.*

2. The proposed amendment is in the public interest with regard to neighborhood or community conditions.

*The site is surrounded by residential development on 3 sides, with LD to the north and east and MD to the west across SE 42nd Ave. Lot sizes in the neighborhood to the north and east of the site are approximately 6,000 sq ft in size, less than the minimum 7,000 sq ft required in the R-7 Zone. Industrial land use is to the south across SE Railroad Ave as well as an active rail line. The MD land use designation reflects a slightly higher density single-family residential use that is still designated a low density residential zone in the zoning code. This change is consistent with the surrounding neighborhood as it contains predominantly single-family detached dwellings. The Hector Campbell NDA does not oppose the re-zoning of the site.*

3. The public need is best satisfied by this particular proposed amendment.

*The MD land use designation reflects a higher density single-family residential use that is consistent with the surrounding neighborhood. However, smaller minimum lot sizes will provide more opportunity for the development of additional housing. The loss of this Low Density area does not create compatibility conflicts given the surroundings land use pattern and density. Areas with a Low Density designation make up over 52% of the City (including right-of-way), the largest residential land use designation in the City. By comparison, Moderate Density comprises just over 10% of the land area.*

*Further, the 2016 Housing Needs Assessment (HNA), which assesses the city's 20-year housing and residential land needs projects the need for 1,150 new housing units by 2036. Designating the site with a higher density land use and the accompanying zoning amendment, will provide the opportunity for more housing units than allowed under the current designation. Although the HNA acknowledges no new need for housing in the middle of the pricing spectrum ($240,000 - $490,000), we can assume that homes built on R-5 lots will be less expensive than those built on R-7 lots. The proposal responds to an identified need for additional housing supply.*

4. The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

*The MD land use designation reflects a slightly higher density single-family residential use as compared to the LD land use designation, which is consistent with Metro Urban Growth Management Functional Plan (UGMFP) and relevant regional policies. Title 1 of the UGMFP states that plan amendments and zone changes cannot have the effect of lowering density. This proposal increases density on the property, which is not in conflict with Title 1.*

5. The proposed amendment is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

*The proposed land use map amendment from LD to MD still identifies single-family home development as the predominant land use type and is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule. The proposal addresses Goal 10 – Housing, by proposing residential development at a higher density. The 2016 Housing Needs Assessment (HNA), which assesses the city's 20-year housing and residential land needs projects the need for 1,150 new housing units by 2036. Designating the site with a higher density land use and the accompanying zoning amendment, will provide the opportunity for more housing units than allowed under the current designation.*

*Goal 12 – Transportation is addressed as the number of new dwelling units and the associated trips will not impact the functional classification of SE Railroad Ave or SE 42nd Ave, both of which are collector streets.*

As conditioned, the City Council finds that this criterion is met.

C. MMC 19.902.6.B establishes the approval criteria for Zoning Map amendments.

The proposal requests 2 zoning map amendments: rezone the site from Residential R-7 to Residential R-5; and remove the Historic Resources Overlay from the property located at 4217 SE Railroad Ave.

Changes to the Zoning Map shall be evaluated against the following approval criteria. A quasi-judicial map amendment shall be approved if the following criteria are met:

1. The proposed amendment is compatible with the surrounding area based on the following factors:

   a. Site location and character of the area.

   b. Predominant land use pattern and density of the area.

   c. Expected changes in the development pattern for the area.

*The zone change proposal is appropriate given the characteristics of the surrounding area. To the west across SE 42nd Avenue is an area zoned R-5 with a Moderate Density designation in the Comprehensive Plan. To the south across SE Railroad Avenue is an area zoned Business Industrial (BI) with an Industrial designation in the Comprehensive Plan. In the directly adjacent R-7 zoned areas, many of the lots are sub-standard for the R-7 zone. Seventeen of the nineteen lots zoned R-7 that are*

*adjacent to the site are 6,500 square feet or less. Although the R-5 zone and the Moderate Density land use designation reflect a higher density single-family residential use, they are similar in density with the surrounding neighborhood. Further, smaller minimum lot sizes will provide more opportunity for the development of 6 units of additional housing over the R-7 zone. The R-7 zone is also the largest zone in the city, comprising over 40% of the land area (including right of way). By comparison, R-5 comprises just over 10% of the land area.*

*Removing the Historic Resources Overlay from the property located at 4217 SE Railroad Ave is appropriate given the approval of the demolition permit for the historic structure (HR-2017-001).*

*The Hector Campbell Neighborhood District Association had no objections to the proposal.*

2. The need is demonstrated for uses allowed by the proposed amendment.

*The R-5 zone will provide the opportunity to build additional single-family homes on the site. The R-5 zone is considered a Low Density Residential Zone in the zoning code, with the same permitted uses. There is demonstrated need for additional housing in the city and in the greater region, illustrated by the Council's recent declaration of a housing emergency. Further, the 2016 Housing Needs Assessment (HNA), which assesses the city's 20-year housing and residential land needs projects the need for 1,150 new housing units by 2036. Designating the site with a higher density land use and the accompanying zoning amendment, will provide the opportunity for more housing units than allowed under the current designation.*

3. The availability is shown of suitable alternative areas with the same or similar zoning designation.

*This criterion is intended to ensure that a suitable number of other properties with the same base zone designation will remain available for development. The R-7 zone is the largest zone in the city, comprising over 40% of the land area (including right of way). By comparison, R-5 comprises just over 10% of the land area. There is ample area in the city available for larger-lot single family residential development.*

4. The subject property and adjacent properties presently have adequate public transportation facilities, public utilities, and services to support the use(s) allowed by the proposed amendment, or such facilities, utilities, and services are proposed or required as a condition of approval for the proposed amendment.

*This area is adequately served by public utilities and transportation infrastructure. There is a 10-inch sewer main and a 14-inch water line in SE Railroad Ave which are adequate to serve 19 new homes. Within the public rights-of-way that will serve the proposed development, new water and sanitary sewer mains will be constructed as per City standards and will be maintained by the City. The proposed development is estimated to have an average daily vehicle trip count of 190, which is not a significant increase to a collector street. As conditioned with additional improvements, the development will have adequate services.*

5. The proposed amendment is consistent with the functional classification, capacity, and level of service of the transportation system. A transportation impact study may be required subject to the provisions of Chapter 19.700.

*As conditioned with additional improvements, the proposed development will not have a negative impact on the existing transportation network. The proposed development is estimated to have an average daily vehicle trip count of 190, which is not a significant increase to a collector street. A transportation impact study was not required for the proposed development.*

6. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, including the Land Use Map.

*The proposed Comprehensive Plan map amendment would change the land use designation of the site from Low Density LD to Moderate Density MD. This subdivision application requests a zoning map amendment from Residential R-7 to Residential R-5; the new land use designation corresponds to that of the Residential R-5 Zone. This amendment is necessary to maintain consistency between the Comprehensive Plan and Zoning Map. Per Land Use Objective #2, Policy #3, areas may be designated Moderate Density if the predominant housing type will be single family detached on moderate to small lots. The proposed subdivision will be single family homes on lots measuring approximately 5,000 sq ft.*

7. The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

*The proposed zoning map amendment from R-7 to R-5 is still within the City's low density residential zones and is consistent with the Metro Urban Growth Management Functional Plan. The MD land use designation reflects a slightly higher density single-family residential use as compared to the LD land use designation, which is consistent with Metro Urban Growth Management Functional Plan (UGMFP) and relevant regional policies. Title 1 of the UGMFP states that plan amendments and zone changes cannot have the effect of lowering density. This proposal increases density on the property, which is not in conflict with Title 1.*

8. The proposed amendment is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

*The proposed zoning map amendment from R-7 to R-5 is still within the City's low density residential zones and is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.*

*The proposed land use map amendment from LD to MD still identifies single-family home development as the predominant land use type and is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and*

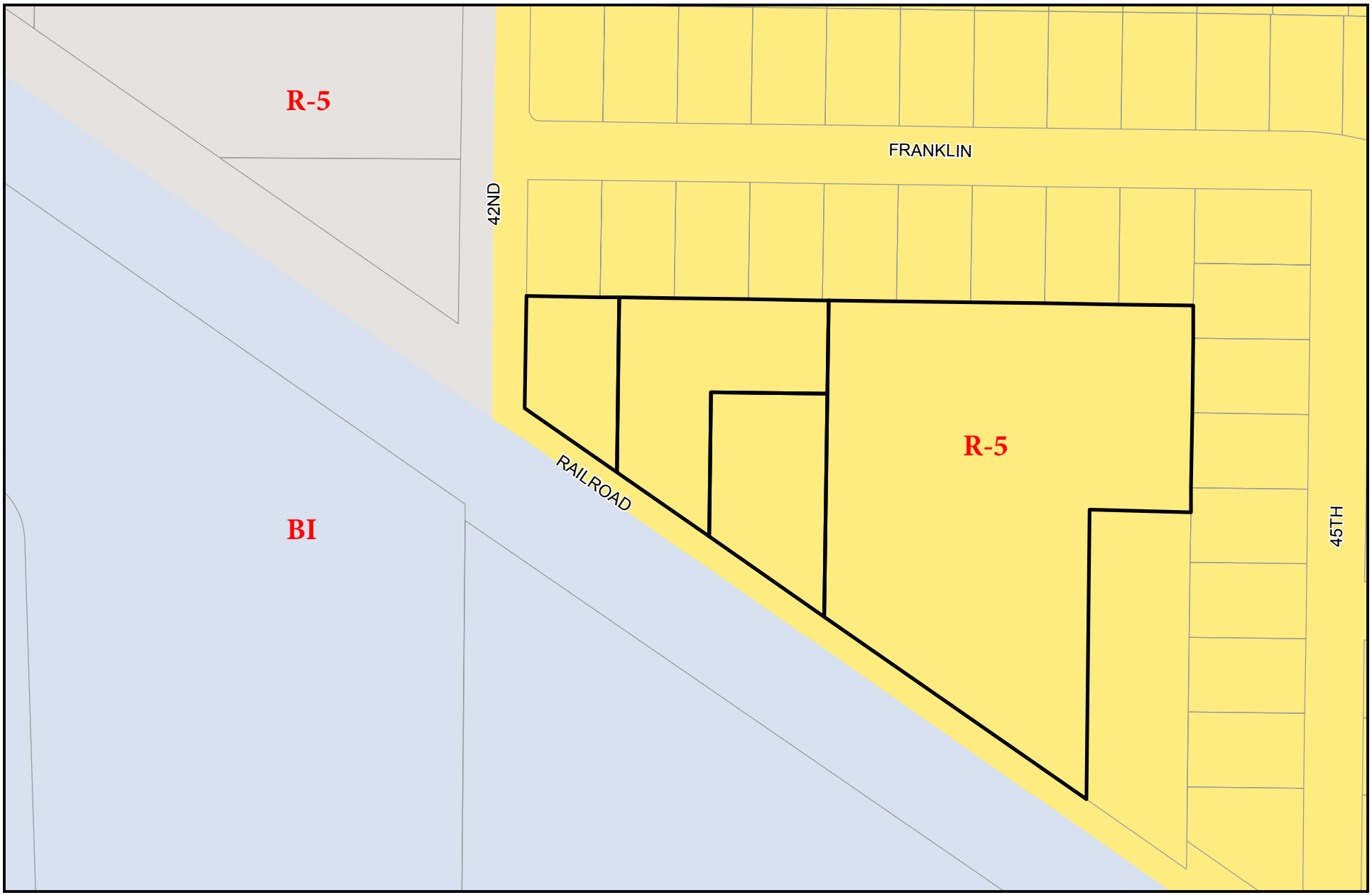
*Transportation Planning Rule. The proposal addresses Goal 10 – Housing, by proposing residential development at a higher density. The 2016 Housing Needs Assessment (HNA), which assesses the city's 20-year housing and residential land needs projects the need for 1,150 new housing units by 2036. Designating the site with a higher density land use and the accompanying zoning amendment, will provide the opportunity for 6 more housing units than allowed under the current designation.*

*Goal 12 – Transportation is addressed as the number of new dwelling units and the associated trips will not impact the functional classification of SE Railroad Ave or SE 42nd Ave, both of which are collector streets.*

As conditioned, the City Council finds that this criterion is met.

6. As described in Finding 3, public notice of these applications was posted on site and mailed to parties as identified in the Milwaukie Municipal Code. The applications were referred for comment to the following: Milwaukie Building Division; Milwaukie Engineering Department; Clackamas Fire District #1; Clackamas County; Metro; ODOT; and the Hector Campbell Neighborhood District Association Chairperson and Land Use Committee. The responses relevant to these land use applications received are summarized below. Agencies did not respond if a response is not listed below.

Exhibit B.




# Existing Zoning

Milwaukie Planning Dept.
Data: City of Milwaukie GIS; Metro RLIS
Date: 6/22/2017
Author: Planning Staff

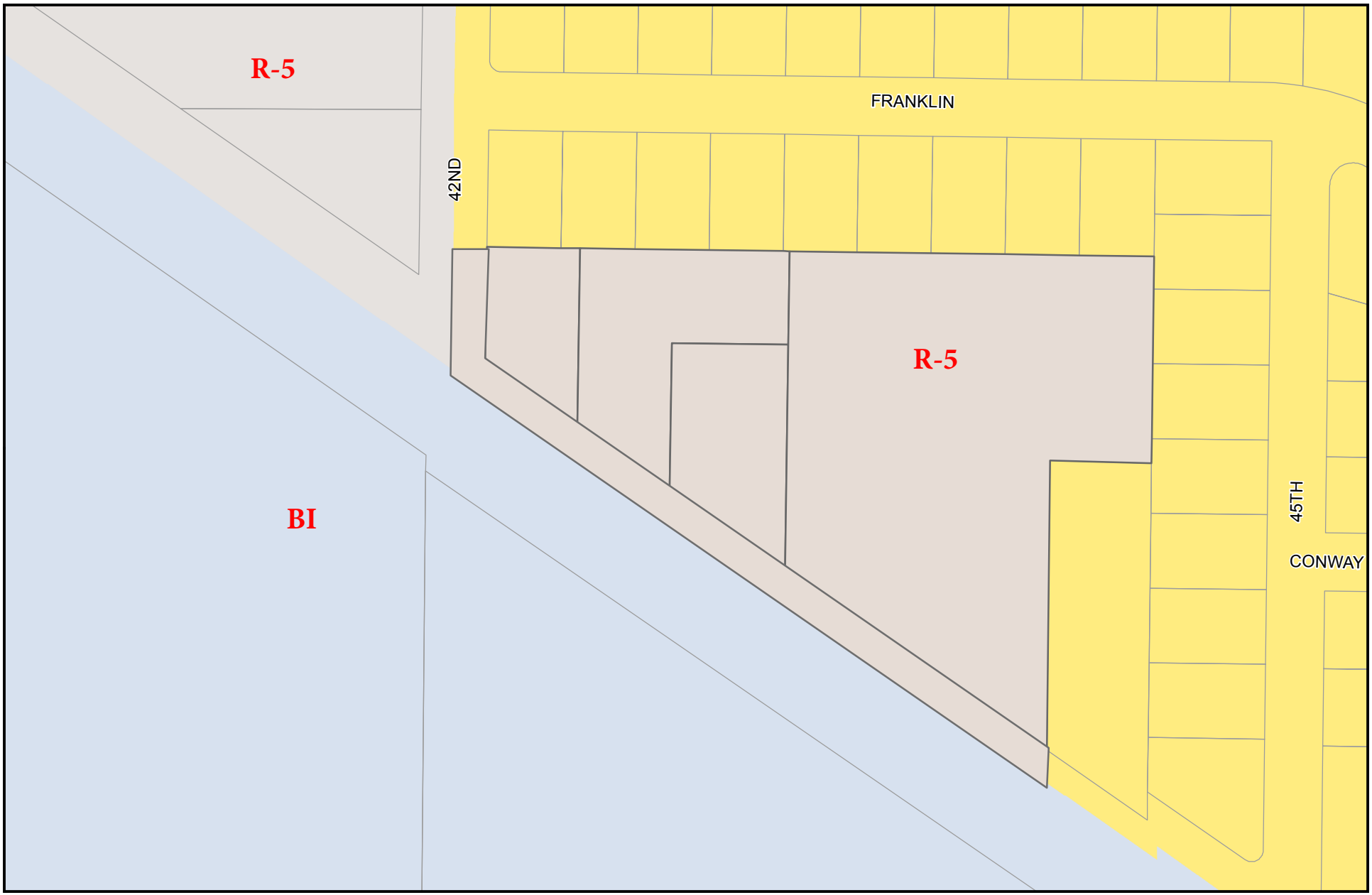
1 inch = 167 feet

N

0 30 60 120 180 240 Feet

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**RS217**




# Proposed Zoning

Milwaukie Planning Dept.
Data: City of Milwaukie GIS; Metro RLIS
Date: 6/22/2017
Author: Planning Staff

1 inch = 167 feet

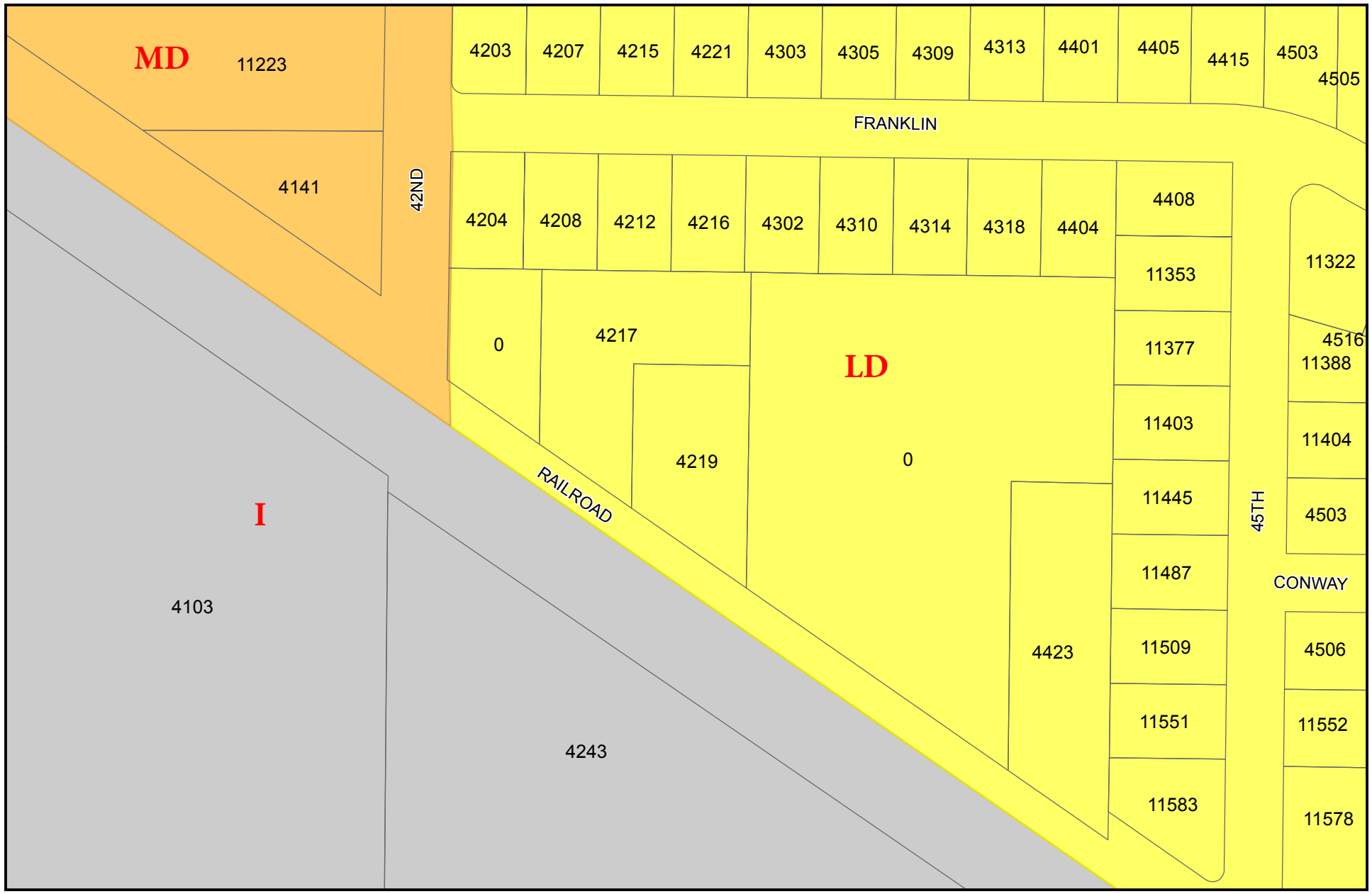
N

0 30 60 120 180 240 Feet

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**RS218**

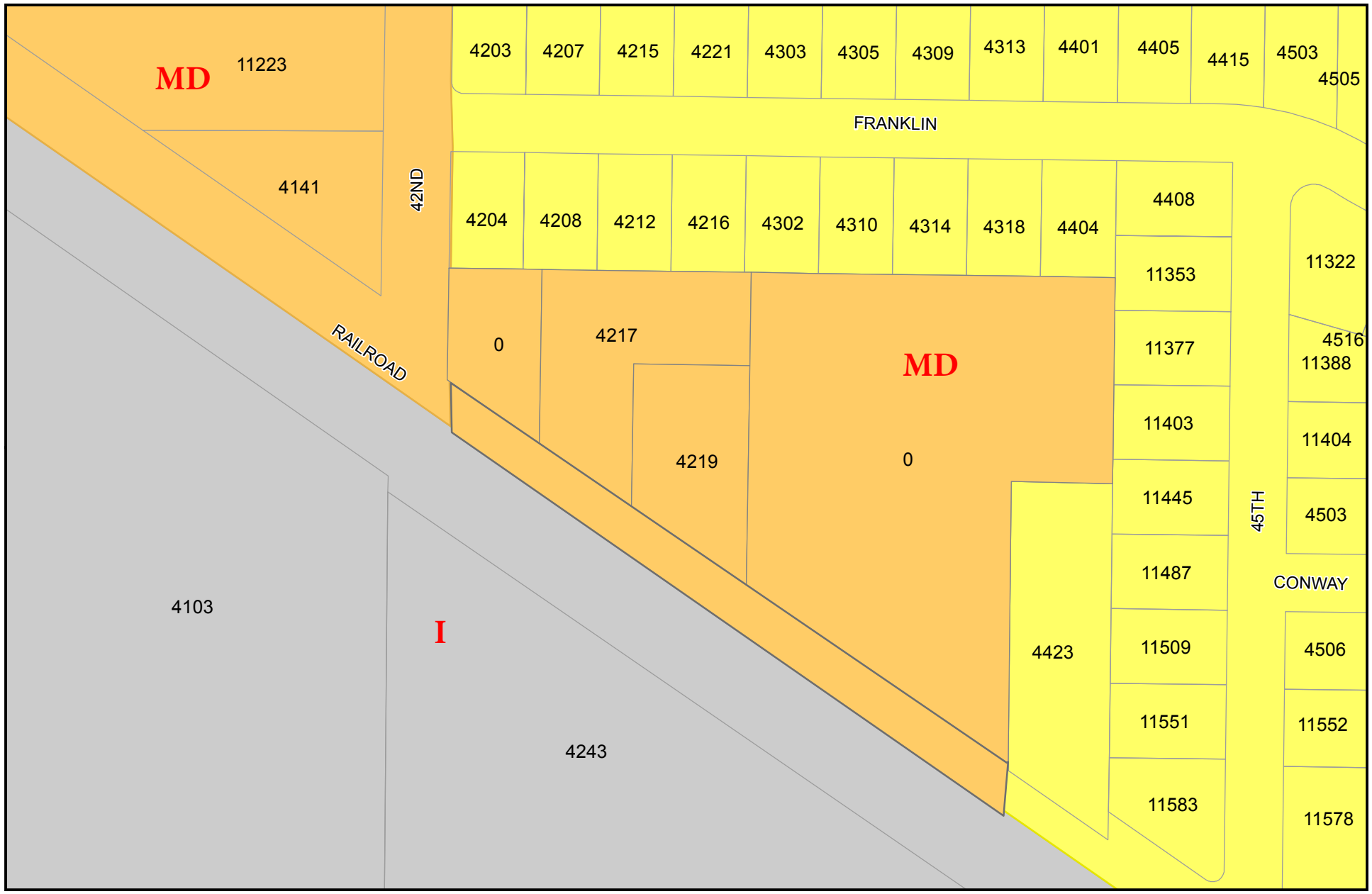
Exhibit C.




| | | | | |
|---|---|---|---|---|
| MILWAUKIE, OREGON FOUNDED 1847 | **Comprehensive Plan Existing Land Use** | Milwaukie Planning Dept.<br>Data: City of Milwaukie GIS; Metro RLIS<br>Date: 6/19/2017<br>Author: Planning Staff | 1 inch = 167 feet<br>0 30 60 120 180 240<br>Feet | The information depicted on this map is for general reference only. The City of Milwaukie does not accept any responsibility for errors, omissions or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. |

**RS219**

Exhibit C.




# Comprehensive Plan Proposed Land Use

Milwaukie Planning Dept.
Data: City of Milwaukie GIS; Metro RLIS
Date: 6/19/2017
Author: Planning Staff

1 inch = 167 feet

0 30 60 120 180 240 Feet

The information depicted on this map is for general reference only. The City of Milwaukie does not accept any responsibility for errors, omissions or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product.

**RS220**

**APPENDIX 1 — HISTORIC RESOURCES PROPERTY LIST**

| | SITE NO./ADDRESS/(YEAR BUILT)*** | TYPE | SCORE |
|---|---|---|---|
| | "Significant" properties: | | |
| 1 | 9712 SE Cambridge Lane (1941)* | House | 56 |
| 2 | 9717 SE Cambridge Lane (1938) | House | 52 |
| 3 | 9911 SE Cambridge Lane (1923)* | House | 50 |
| 4 | 10200 SE Cambridge Lane (1915)* | House | 45 |
| 5 | 2300 SE Harrison (1937)* | Milwaukie Jr. High School | 60 |
| 6 | 3235 SE Harrison (1888)* | House | 42 |
| 7 | 10636 SE Main (1925)* | Milwaukie Masonic Lodge | 58 |
| 8 | 10722 SE Main (1938)* | Milwaukie City Hall | 59 |
| 9 | 11008 SE Main (1905)* | Commercial Building | 43 |
| ~~10~~ | ~~4217 SE Railroad (1885)*~~ | ~~House~~ | ~~38~~ |
| 11 | 3125 SE VanWater (1886)* | Ardenwald Cong. Church | 62 |
| 12 | 1620 SE Waverly Dr. (1922)* | House | 54 |
| 14 | 11300 SE 23rd (1925)* | Milwaukie High School | 53 |
| 15 | 10399 SE 34th (1912)* | House | 46 |
| 24 | 12006 SE McLoughlin** | House | 32 |
| 34 | 11188 SE 27th** | House | 52 |
| 45 | 8835 SE 42nd (1923) | House | 67 |
| 46 | 9002 SE McLoughlin (1938) | Commercial Building | 71 |
| | "Contributing" properties: | | |
| 13 | 2316 SE Wren St. (1922)* | House | 32 |
| 16 | 2115 SE Adams** | House | 19 |
| 17 | 9900 SE Cambridge Lane** | House | 27 |
| 18 | 4141 SE King Rd.** | House | 36 |
| 19 | 2515 SE Lake Rd.** | House | 33 |
| 20 | 3182 SE Lake Rd.** | House | 44 |
| 21 | 10914 SE Main** | Commercial Building | 45 |
| 22 | 10999 SE Main** | Commercial Building | 38 |
| 23 | 11073 SE Main** | Commercial Building | 39 |
| 25 | 2526 SE Monroe** | House | 33 |
| 26 | 12374 SE Oatfield** | House | 35 |
| 27 | 12021 SE River Rd.** | House | 33 |
| 28 | 1612 SE Waverly Dr.** | House | 49 |
| 29 | 12671 SE Where Else Lane** | House | 36 |

| SITE NO./ADDRESS/(YEAR BUILT)*** | | TYPE | SCORE |
|---|---|---|---|
| 30 | 11912 SE 19th** | House | 38 |
| 31 | 10392 SE 23rd** | House | 37 |
| 32 | 10565 SE 23rd | House | 50 |
| 33 | Deleted | | |
| 35 | 11630 SE 27th** | House | 34 |
| 36 | Deleted by Ord. 1986 | Ardenwald School | |
| 37 | 9405 SE 42nd** | House | 36 |
| 38 | 9908 SE Cambridge Lane | House | 36 |

"Unrankable" properties:

| | | | |
|---|---|---|---|
| 39 | 2607 SE Monroe | House | ? |
| 40 | 2715 SE Monroe | House/First City Water Works | ? |
| 41 | Pioneer Cemetery | Cemetery | ? |
| 42 | Deleted by Ord. 1981 | | |
| 43 | 3438 SE Wake St. | House | ? |
| 44 | Deleted by Final Order of Council, April 3, 2007 | | ? |

* Has a rating score with at least two 10's from the Evaluation Worksheet.
** Has a rating score with at least one 10 from the Evaluation Worksheet.
*** Year built listed for significant structures only.

MARK DANE PLANNING INC.
14631 S.W. MILLIKAN WAY, SUITE 6, BEAVERTON OR 97003 / 503-332-7167 / markdaneplanning@gmail,com

April 28, 2017
Vera Kolias, AICP
Associate Planner
503.786.7653
6101 SE Johnson Creek Blvd • Milwaukie, OR 97206

RECEIVED
APR 28 2017
CITY OF MILWAUKIE
PLANNING DEPARTMENT

Master File: #S-2017-002
Site: 4217-4219 SE Railroad Ave

Dear Ms. Kolias,

The applicant is requesting that staff accept the application for the comprehensive plan map amendment, zone change, subdivision, and variances for the property located 4217 & 4219 SE Railroad as complete as of 4/28/17.

Mark Dane

Mark Dane, Mark Dane Planning Inc.

May 1, 2017

Simon Lofts
Sustainable Infill Development LLC
795 NW Torrey View Ln
Portland, OR 97229

**Master File: #S-2017-002**

**Site: 4217-4219 SE Railroad Ave**

Dear Mr. Lofts:

Please be advised that the above-referenced land use applications have been deemed complete as of April 28, 2017, per your direction that the application be deemed complete. This is in accordance with Milwaukie Municipal Code (MMC) Subsection 19.1003.3 and Oregon Revised Statutes 227.178. The 120-day deadline by which the City must take final action is August 26, 2017.

A hearing on your applications by the Milwaukie Planning Commission is tentatively scheduled for June 13, 2017. We will contact you if there is a change in the hearing date.

**Land Use Review Process**

The incompleteness letter dated April 11, 2017 discussed the land use review process for the Type III and Type IV applications that make up the project application package. The letter requested confirmation from you as to which of 2 review procedures you wished to take. Per a conversation and confirmation with Mark Dane, your representative, you have elected to continue the review process for all the applications concurrently, which will require conditions of approval in the Type III applications to state that they are dependent upon approval of the Type IV applications. We will proceed this way per this direction.

If you decide to withdraw your application before a decision is rendered, please be aware that application fees are nonrefundable. The City may retain some or all the deposits for technical reviews, such as traffic studies or natural resource studies, based on actual costs incurred by the City.

If you have any questions or concerns, you can call me at 503-786-7653 or email me at koliasv@milwaukieoregon.gov.

Sincerely,

Vera Kolias, AICP
Associate Planner

cc: Mark Dane (Mark Dane Planning, 14631 SW Millikan Way, Suite 6, Beaverton, OR 97003)
Dennis Egner, FAICP, Planning Director
Chuck Eaton, Engineering Director
Alex Roller, Engineering Technician II
Master File(s): S-2017-002 (ZA-2017-002, CPA-2017-001, VR-2017-001, HR-2017-001)

# MARK DANE PLANNING INC.

14631 SW MILLIKAN WAY, BEAVERTON, OR 97003 SUITE #6 Markdaneplanning@gmail.com 503-332-7167


April 17, 2017


Vera Kolias, AICP
Associate Planner
503.786.7653
6101 SE Johnson Creek Blvd • Milwaukie, OR 97206


**Master File: #S-2017-002**
**Site: 4217-4219 SE Railroad Ave " Keil Gardens"**

Dear Ms. Kolias,

Thank-you for your letter of April 11th, 2017. In order to allow staff to fully review, and accept the proposed subdivision as complete, the applicant is updating and revising the items listed below. Along with this letter the applicant is providing the additional information and materials necessary for approval. The responses to the issue raise in your letter and provided in the order narrated in your letter.

**Incompleteness Response:**

The following items were found to be incomplete or missing in your application:

1. Please submit a title deed verifying ownership of the property.

***Comment:*** *Applicant has provided a title deed verifying ownership. The Francar LLC has been confirmed as the owner of Tax lots 8000, 8100, 8200 and 8300, in Tax Map12E31B. The easterly 10-feet of TL 8300 is also described as Parcel 5. This parcel, while not disputed, does not have a clear lineage of title transfer. The applicant has therefore removed that portion of said Tax Lot from the proposed development, in order to create clean title. The applicant will create a Record of Survey for the adjusted parcel. The Title company will continue to confirm and clarify ownership. When said title is cleared this parcel will be dedicated into public right-of-way for SE 44th Avenue. It will have no impact of the proposed development.*

2. Applicant mentioned to staff a potential issue regarding the property and an additional lot affecting the subject property. This information must be included in the application package.

***Comment:*** *See previous statement*

3. Compliance with MMC Title 17.20 – Preliminary Plat

a. Sheet G-0.01 of the submitted plan set denotes a different property owner than the owner listed on page 1 of the application narrative. Please revise the submittal so that this information is correct and consistent within the application sections.

***Comment:*** *The new plan set, and narrative have been appended to reflect the correct ownership of the Tax lots to be developed.*

b. The preliminary plat as submitted (Sheet C-1.09) has not been stamped by an Oregon registered land surveyor as required.

***Comment:*** *The Preliminary Plat Plan has been updated to reflect that it has been prepared by and ORLS.*

c. The preliminary plat as submitted (Sheet C-1.09) does not include the location by section, township, and range and does not include a legal description as required.

*Comment: Preliminary Plat has been revised to include location by section, township, range, and legal descriptions describing said property.*

d. The preliminary plat as submitted (Sheet C-1.09) does not include the name and address of the person who prepared the plans as required.

*Comment: Preliminary Plat has been revised to include the name and address by whom have prepared (Centerline Concepts).*

e. The plan set does not include the name of the subdivision, although the narrative includes the name "Railroad Gardens". As required, please provide written verification that the County Surveyor has approved the subdivision name in accordance with ORS Chapter 92. Please revise the plan set accordingly.

*Comment: Plans have been revised to include the name of the subdivision* ***" Keil Gardens"***

f. The plan set does not include a conceptual plan showing connectivity to adjacent vacant or underutilized properties as required.

*Comment: The applicant has shown how the adjacent property to the north is fully developed. A concept plan for the parcel adjacent to the southern half of the east property line has also been included. With the completion of the proposed north south road, this parcel can be developed to its anticipated density.*

g. Please replace the word "tentative" on the plan set with "preliminary".

*Comment: Plans have been revised to replace the word "tentative" with "preliminary".*

h. A detailed narrative description demonstrating how the proposal meets all applicable provisions of Title 19 has not been submitted as follows:

(1) No information has been provided regarding compliance with the approval criteria found in MMC 19.911.4.B Type III Variances.

*Comment: Applicant has added approval criteria MMC 19.911.4.B Type III Variances. Please find attached narrative.*

(2) No information has been provided regarding compliance with the approval criteria found in MMC 902.4 Comprehensive Plan Map Amendments.

*Comment: Applicant has added approval criteria MMC 902.4 Comprehensive Plan Map Amendments. Please find attached narrative.*

(3) Calculations showing compliance with minimum and maximum density were not provided per MMC 19.301.4.C.1.

*Comment: After dedication of Right-of-way both along Railroad Avenue, and internally along the proposed public streets there is a Net Developable Area (NDA) of 97,637 SF, or 2.24 acres. The maximum density permitted under 19.301.4.C.1 is 8.7 lots per acre with a minimum of 7 lots per acre. The NDA permits therefore between 15.69, and 19.49 lots. The applicant is proposing the development of 19 lots within the permitted range.*

4. Compliance with MMC Title 17.28 – Design Standards

a. Per MMC 17.28.040.B, as far as practicable, the rear lot line shall run parallel to the street. The rear lot line on Lot 17 is not parallel to the street. Please revise the narrative to respond to this.

*Comment: Lots 14-19 are all located between the internal street, and Railroad Avenue. This parcel is triangular in nature. It therefore becomes difficult to meet all code criteria for rectangular design. The applicant believes the better lot design for lots 13, and 17 is derived, from extending the combined corner point to Railroad Avenue. Should staff prefer a different alignment the applicant will work with staff. The only other option is to create a series of small unbuildable triangular lots, which could be attached to the lots. This would allow the lots to be rectangular. However while possible the applicant believes this to be an impracticable solution.*

b. Per MMC 17.28.040.E, double frontage and reversed frontage lot should be avoided. Lot 1 and Lot 14 are double frontage lots and Lots 2, 18, and 19 are reversed frontage lots. Information addressing this code section is required.

*Comment: Per subsection E: Limits on Double and Reversed Frontage Lots: Double frontage and reversed frontage lots should be avoided, except where essential to provide separations of residential development from railroads, traffic arteries, or adjacent nonresidential uses, or to overcome specific disadvantages of topography and orientation.*

*Lot 18 & 19 are double frontage lots. They are the consequence of the triangular nature of the remnant parcel or property and the need for the loop street. Access will however be limited to SE 43rd.*

*Lots 2 and 13 have frontage on Railroad, but because access is prohibited onto Rail road will take access from SE 42nd, and SE 44th respectively*

*Lots 1 and 14 are corner lots that will take access from SE 42nd and se 44th.*

*The access limitation on Railroad, and the underlying shape of the parcel have caused this issue. Combined with a desire by the applicant to utilize the parcel for subdivision acknowledgment of the design limitations of the parcel need to be taken into consideration*

c. As defined in MMC 17.28.040.F, required frontage shall be measured along the street upon which the lot takes access. As shown on Sheet C-1.03, Lot 1, Lot 2, and Lot 13 show access via an

easement across an adjacent property from the new proposed public street and not from their frontage on Railroad Ave. A Type III variance from this requirement is required.

*Comment: The City has restricted access to Railroad Avenue. Therefore while several lots front onto Railroad, they are not permitted to take access. The lots meet the dimensional requirements of the zoning, but still require a Type III variance.*

5. Compliance with MMC Title 12.16

a. MMC 12.16.040.C.4.a – driveways shall be at least 45 ft from any intersection. The shared driveway for lots 1 & 2 will is only 30 feet from the intersection with Railroad Avenue. This would require approval of a Type III Variance. The City would prefer that access be taken from the northwest corner of lot 1. Please provide a narrative addressing the approval criteria for this variance, and the driveway's impact to the intersection of SE 43rd Ave and SE Railroad.

*Comment: The driveways for Lots 1 and 2 have been relocated to access SE 42nd Avenue. This will ensure that that remain more than 45-feet from any intersection*

b. MMC 12.16.040.C.3 – driveways must be a minimum of 7 ½ ft from the side property line.

*Comment: The applicant has revised the driveway locations on all sheets to ensure a minimum of 7.5 feet of spacing from the edge of concrete to the side, or rear property lines, except when it is the rear property line.*

6. Compliance with MMC Title 19.708

a. MMC 19.708.2 – Applicant has requested the removal of the planter strip on one side of the proposed right-of-way. Please supply the required narrative explaining the need for the reduced right-of-way width and removal of components from the right-of-way.

*Comment: The applicants original plan called for a 20-lot subdivision. However, the City required a loop Street. This serves several purposes including site circulation, and access. The applicant understands the need to provide good vehicular, and pedestrian circulation. Sidewalks are proposed on both side of the street where a full street is being developed. The standard for a planter strip is not so much a requirement for function but is more aesthetic in nature. In this the case the requirement for a planter strip on both side of the proposed street would reduce the amount of available square footage to cause the loss of a second lot, and would render lot 19 even less buildable than it currently is, even with the variance to the street side-yard setback. With eth street as proposed it meets the functional requirements, and aesthetically the applicant would be willing to decrease the spacing between street trees in mitigation for any possible loss of street-scape anticipated by removing one of the two planter strips.*

b. MMC 19.708.2.A.1 – a minimum 10-ft travel lane width shall be provided on local streets with no on-street parking. SE 44th Ave is currently shown with a paved width of only 16 ft. Minimum 20-ft will be required; please provide revised plans that reflect this requirement.

*Comment: The proposed internal street is 28-feet ( curb to curb) There is a cross section detail on Sheet C1.03. the 2/3rds street on the east side of the property will be 21-feet.*

Approvability Items

The following items are approvability items, not completeness items. They are listed here for your information and should be resolved at the beginning of the review process so that staff has sufficient time to analyze your proposal and formulate a recommendation with regard to approvability.

1. Access and utility easements are proposed, which will affect Lots 1, 2, 3, 13, and 14. Final language describing these easements will be required for the Final Plat.

*Comment: The applicant has shown the proposed easements on the Preliminary Plan Set. Upon redlines of the Construction Plans the applicant will submit a Final plat for review by the City, and County. Said plat will include all applicable easements.*

2. The south end of SE 44th Ave will have a matching 25-ft radius on the east side. This will not have to be curbed; asphalt only.

*Comment: The plans have been updated to reflect this requirement.*

Informational Items

The following items are informational items, not completeness items. They are meant to help you: prepare for review by the review authority, improve your application in ways that are unrelated to completeness and approvability, and anticipate future building permit requirements.

1. In various places throughout the narrative, reference is made to specific Exhibits, but the application package does not include a list of exhibits and the various attachments are not labeled. It would be very helpful to reviewers to have this reconciled.

*Comment: A list of Exhibits has been included with the twenty-five sets of materials being submitted to the City*

2. The narrative response to MMC 19.703.2.B references a 14-lot subdivision. This is incorrect as this is a proposed 19-lot subdivision.

*Comment: Applicant has revised narrative to correct the lot count to 19.*

3. Page 39 of the narrative includes a summary and request statement that references a 2.66-acre subdivision called Mission Park. This is an incorrect reference and should be revised.

*Comment: Applicant has revised narrative to change the mission park to Railroad Gardens. The Final Plat Name will be Keil Gardens in commemoration of the original purchaser of the property to who's family this property has been owned since the 19th century.*

4. In the section addressing MMC 19.902.6.B.5 (no page numbers included), reference is made to a 20-lot subdivision. Please revise for accuracy.

*Comment: Applicant has added page numbers to the narrative and has changed the lot count to 19.*

5. Plan Sheet C-1.03 indicates a right-of-way width of 45.5 ft. The sum of the components shown should be 48 ft.

*Comment: The applicant has requested that the right-of way width be reduced to reflect the removal of the planting strip. Not doing so would defeat the purpose of the request, and would eliminate a lot, and render lot 19 less buildable*

6. In the submitted stormwater report, the time of concentration should be 5 minutes for the proposed development. This will have a minor effect on facility sizing calculations. Also, the predevelopment curve number is not weighted, but a static number of 72 (Louis and Clark era). Applicant's result was still 72, so this will not require modification.

*Comment: This issue has been noted, and an updated report will be submitted with the Final Construction Plans.*

Land Use Review Process

Upon further review, the city attorney has determined that the application package will be processed as follows (see attached memorandum):

The following applications will be processed as Type IV applications:

- ZA-2017-002: zoning map amendment (R-7 to R-5); zoning map amendment for the removal of historic resource designation from 4217 SE Railroad Ave (dependent upon approval of land use file# HR-2017-001)
- CPA-2017-001: comprehensive plan map amendment to change the subject property from Low Density to Moderate Density; comprehensive plan text amendment to remove 4217 SE Railroad Ave from Appendix 1 Historic Resources Property List (dependent upon approval of land use file# HR-2017-001)

This process eliminates the need for a subsequent Type IV review process addressing the demolition of the historic resource and packages it all in one concurrent review process. The Type IV applications will be processed concurrently and require review by both the Planning Commission and the City Council. The subdivision and variance are Type III applications and require review and approval only by the Planning Commission. As the Type III applications are dependent upon approval of the Type IV applications, you as the applicant have the following options going forward:

- Continue the review process for all of the applications concurrently (will require conditions of approval in the Type III applications to state that they are depended upon approval of the Type IV applications);

OR

- Move forward with the Type IV applications first, followed by the Type III applications upon approval (will increase the length of the review time)

*Comment: After speaking with Staff the applicant agrees that all applications should be reviewed, and approved concurrently.*

The fees already paid to date cover this review process. However, the application requires a revised narrative to address the additional Type IV reviews:

- Zoning map amendment for the removal of historic resource designation from 4217 SE Railroad Ave; and
- Comprehensive plan text amendment to remove 4217 SE Railroad Ave from Appendix 1 Historic Resources Property List

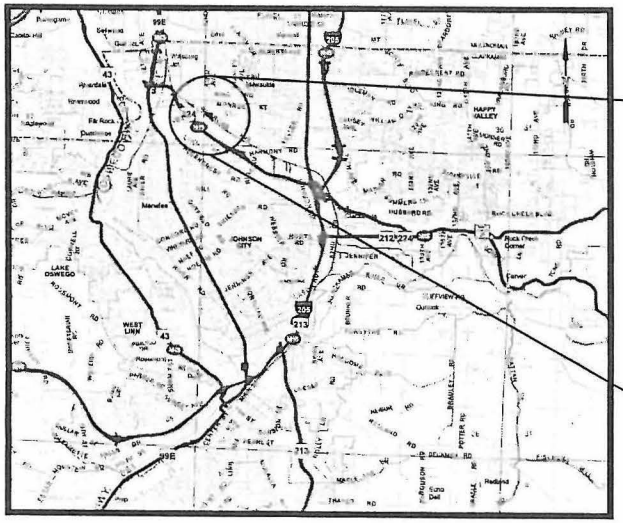
*Comment: the applicant has revised the original narrative to include response and comments that address both the zone map amendment for the Historic Designation, as well as the Comprehensive Plan Text Amendment.*

The applicant has attempted to address all completeness items. However, should further items need to be addressed through this review and approval process the applicant will continue to work with staff to clarify, or address outstanding issues. But eth applicant is requesting that the City deem this application as complete.

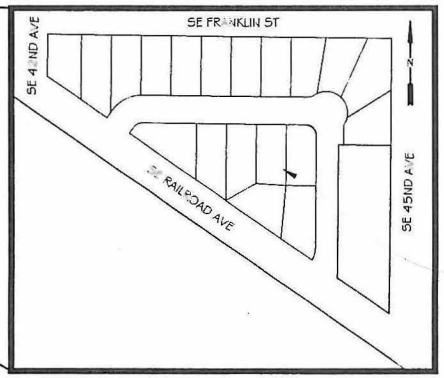
Twenty-five sets of the application to begin the referral and review process have been submitted for approvability.

# PRELIMINARY SUBDIVISON PLANS FOR KEIL GARDENS SUBDIVISION

A PROPOSED SUBDIVISION
MILWAUKIE, CLACKAMAS COUNTY, OREGON
April 2017



OVERALL VICINITY MAP
NTS




KEIL GARDENS
SUBDIVISION

SITE PLAN
1"=100'

| SHEET INDEX | |
|---|---|
| Sheet Number | DRAWING NAME |
| G-0.01 | COVER SHEET |
| C-1.01 | EXISTING CONDITIONS & DEMO PLAN |
| C-1.03 | SITE PLAN |
| C-1.05 | GRADING PLAN |
| C-1.07 | SANITARY AND WATER PLAN |
| C-1.09 | FIRE-PLAT |

811
Know what's below.
Call before you dig.
ATTENTION:

PROJECT CONTACTS


OWNER:
FRANCAIS LLC
6920 NE ST. JOHNS ROAD
VANCOUVER, WA 98665

SURVEYOR:
CENTERLINE CONCEPTS LAND SURVEYING, INC.
TOBY BOLDEN, PLS
15275 MCLALLA AVE SUITE 120,
OREGON CITY, OR 97045
503-650-0188 (OFFICE)
TOBYB@CENTERLINECONCEPTS.COM

CIVIL ENGINEER:
PROJECT DELIVERY GROUP, LLC
JAMES LOFTON, PE
3772 PORTLAND RD NE
SALEM, OREGON 97301
503-314-4004 (OFFICE)
JAMES@PDGNW.COM

LOCAL JURISDICTION:
CITY OF MILWAUKIE
6101 SE JOHNSON CREEK BLVD
MILWAUKIE, OR, 97206
503-786-7600 (OFFICE)


PROJECT DELIVERY GROUP

REGISTERED PROFESSIONAL ENGINEER
OREGON
JAMES DAVID LOFTON
EXPIRES: DECEMBER 31, 2018

SUSTAINABLE INFILL DEVELOPMENT, LLC
KEIL GARDENS SUBDIVISION
MILWAUKIE, OR

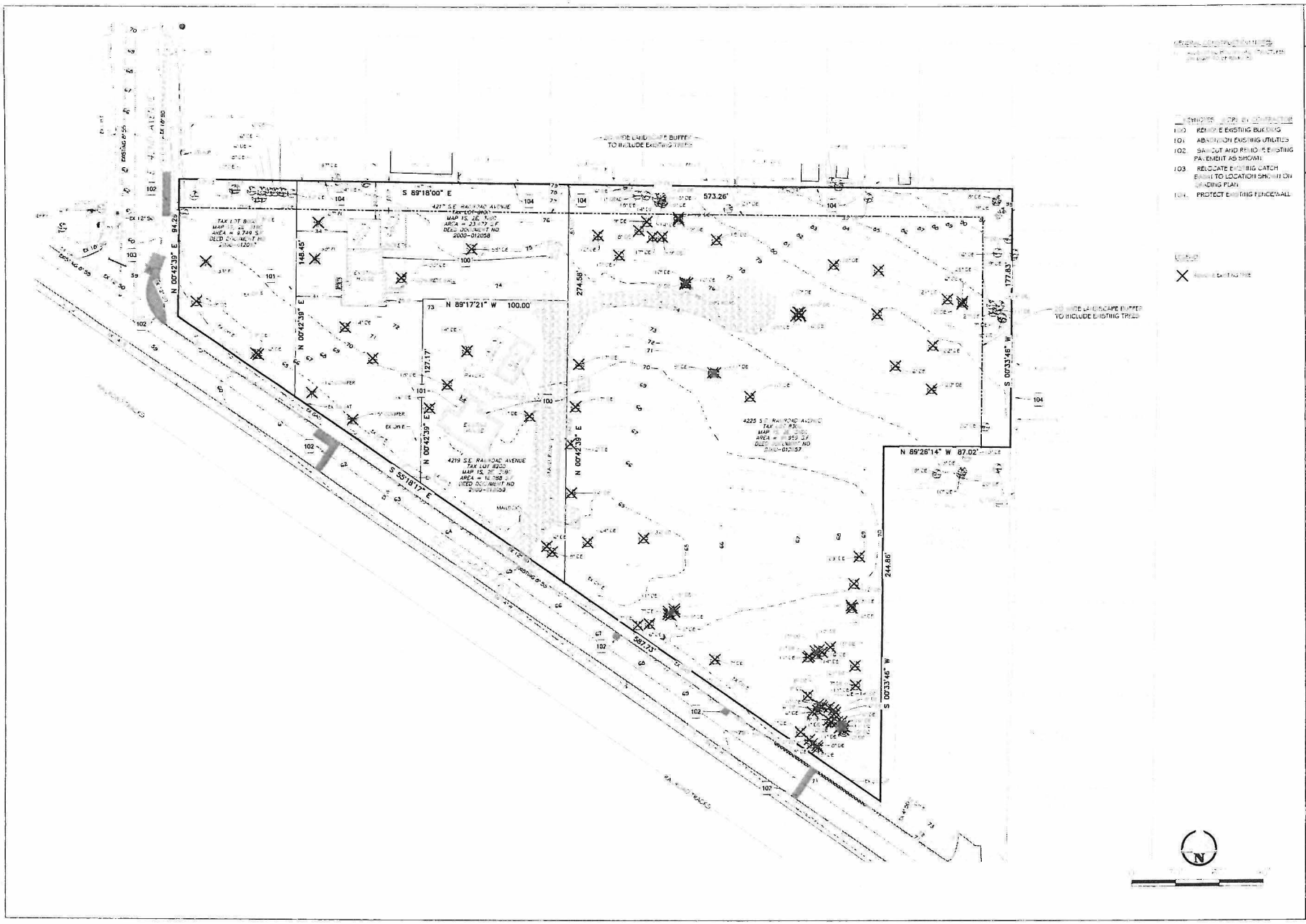
SCALE NOTE:
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COVER SHEET

G-0.01

RS233

RS234




PROJECT DELIVERY GROUP

REGISTERED PROFESSIONAL ENGINEER
OREGON
JAMES D. VIDLOPOLOV
EXPIRES: DECEMBER 31, 2018

SUSTAINABLE INFILL DEVELOPMENT, LLC

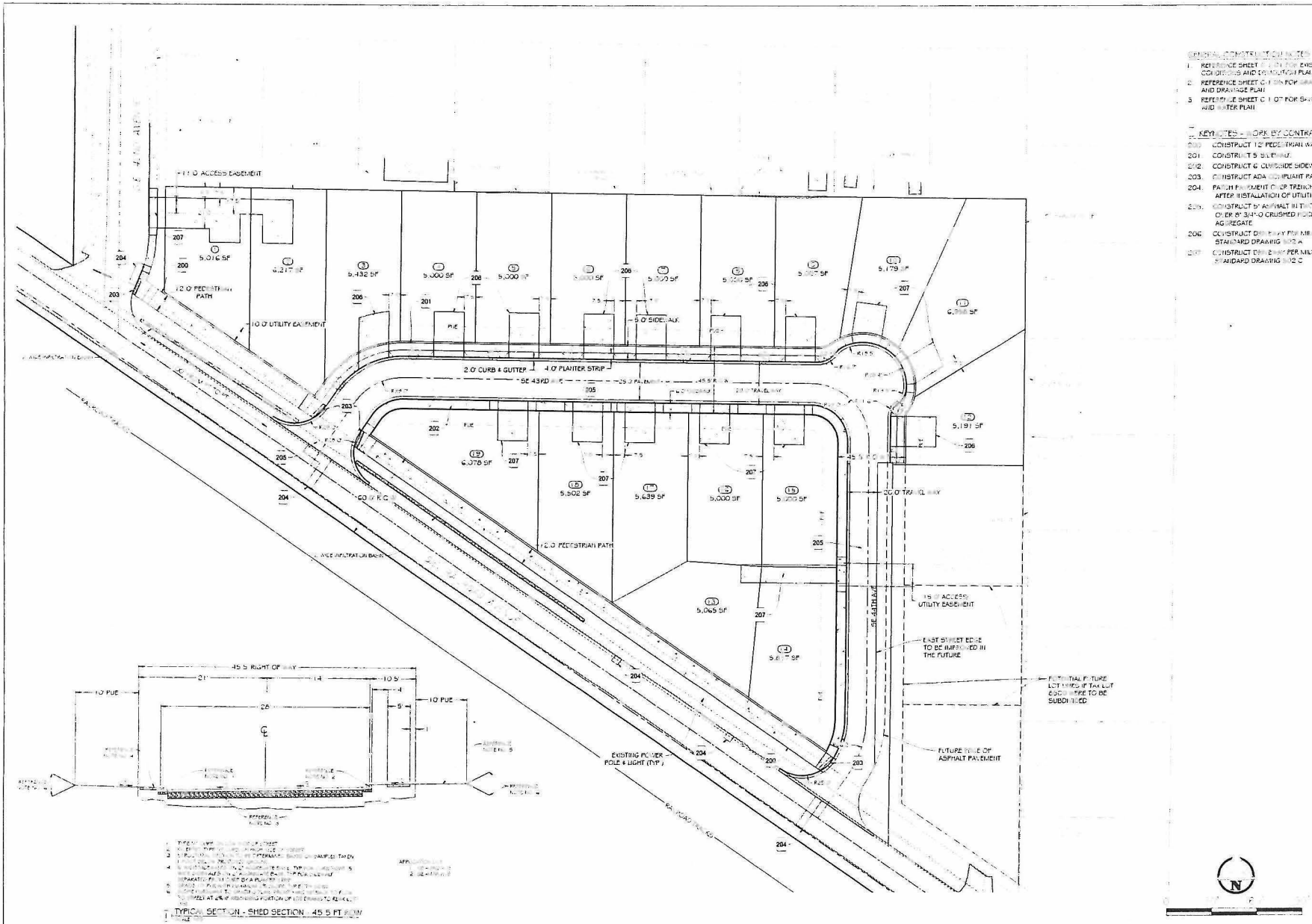
# KEIL GARDENS SUBDIVISION

MILWAUKIE, OR

SCALE NOTE:

EXISTING CONDITIONS & DEMO PLAN

C-1.01




PROJECT DELIVERY GROUP

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 14, 1995
JAMES DAVID LOFTON
EXPIRES: DECEMBER 31, 2018

SUSTAINABLE INFILL DEVELOPMENT, LLC

# KEIL GARDENS SUBDIVISION

MILWAUKIE, OR.

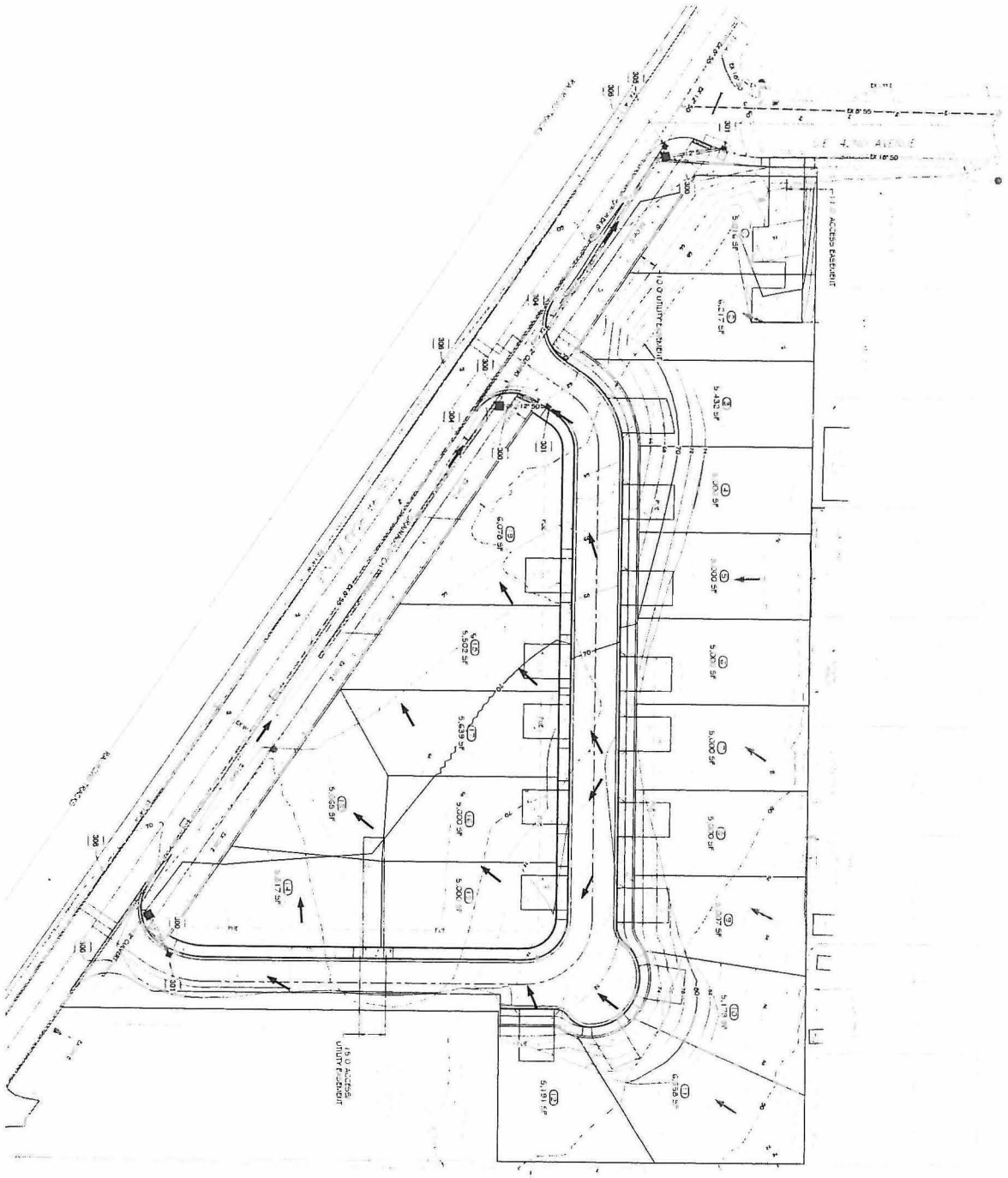
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RS235

SITE PLAN

C-1.03



SUSTAINABLE INFILL DEVELOPMENT, LLC

# KEIL GARDENS SUBDIVISION

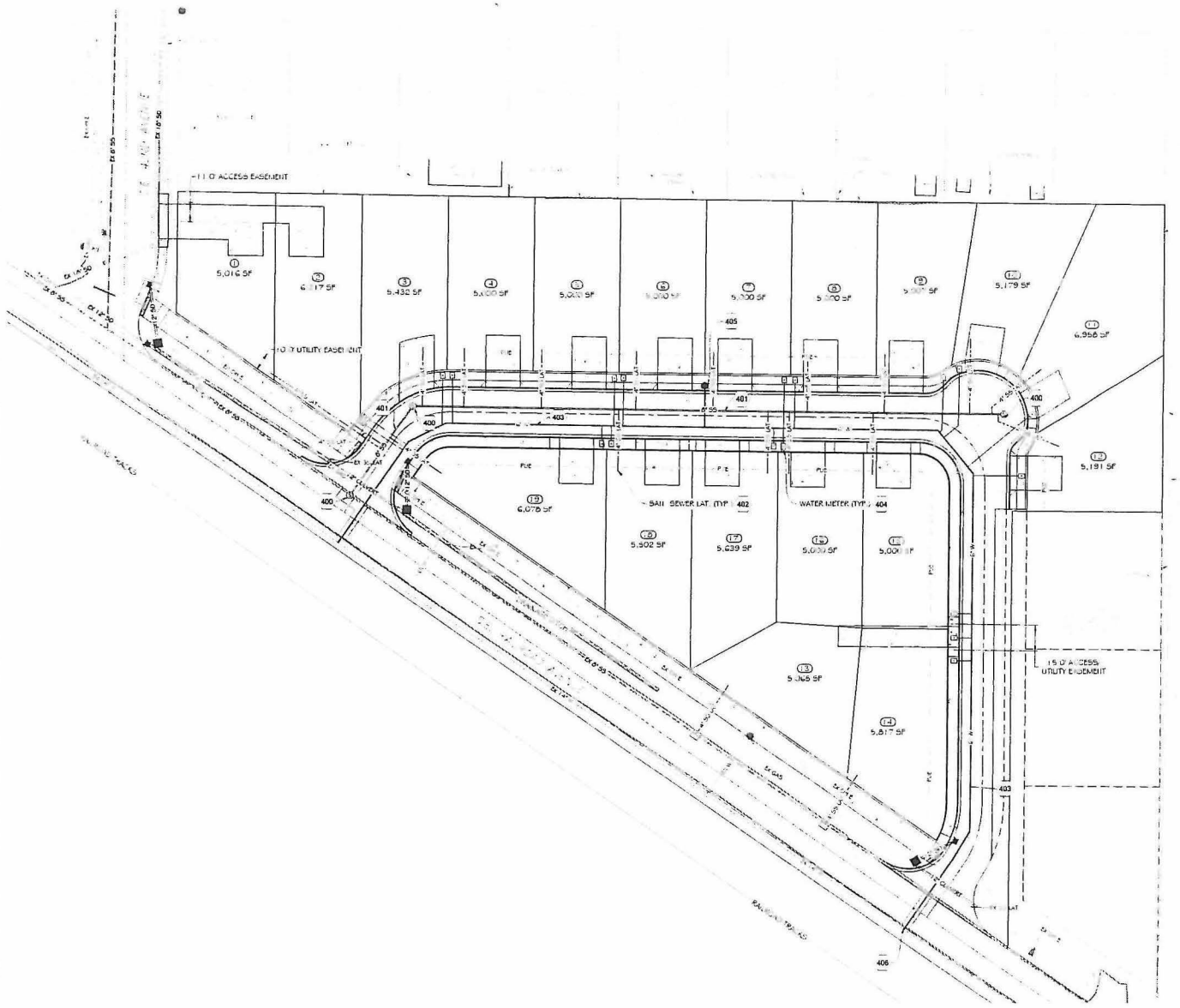
MILWAUKIE, OR

GRADING PLAN

C-1.05

PROJECT DELIVERY GROUP

RS236




400 INSTALL 48" SANITARY SEWER MANHOLE
401 INSTALL 8" SANITARY SEWER
402 INSTALL SANITARY SERVICE LATERAL
403 INSTALL DROP STEP MANHOLE
404 INSTALL WATER SERVICE INCLUDING WATER METER, BOX, 1" COPPER LINE, CORPORATION STOP AND TAP
405 INSTALL FIRE HYDRANT
406 INSTALL HOT TAP

PROJECT DELIVERY GROUP

REGISTERED PROFESSIONAL ENGINEER
OREGON
JANUARY 24, 2014
JAMES DAVID LOFTON
EXPIRES: DECEMBER 31, 2018

SUSTAINABLE INFILL DEVELOPMENT, LLC

# KEIL GARDENS SUBDIVISION

MILWAUKIE, OR

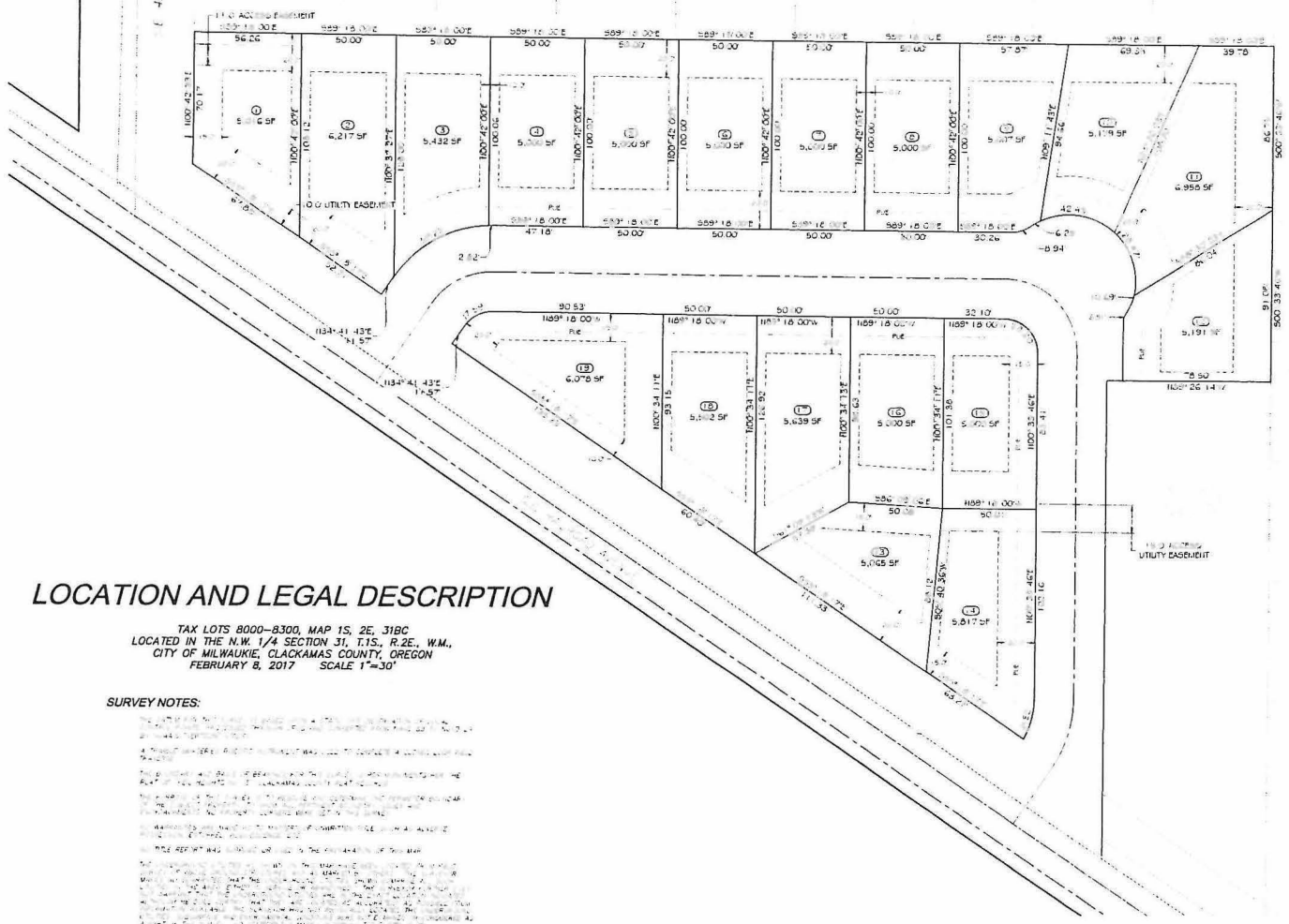
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RS237

SANITARY AND WATER PLAN

C-1.07



## LOCATION AND LEGAL DESCRIPTION

TAX LOTS 8000–8300, MAP 1S, 2E, 31BC
LOCATED IN THE N.W. 1/4 SECTION 31, T.1S., R.2E., W.M.,
CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON
FEBRUARY 8, 2017 SCALE 1"=30'

**SURVEY NOTES:**

GENERAL NOTES
SETBACKS
FRONT=
SIDE=5
REAR=20
SIDE STREET=15

PREPARED BY:
CENTERLINE CONCEPTS LAND SURVEYING, INC
TOBY BAGDEN, PLS
19376 MOLALLA AVE STE 120,
OREGON CITY, OR 97045
503.650.0188 (OFFICE)
TOBY@CENTERLINECONCEPTS.COM

PROJECT DELIVERY GROUP

SIGNED ON:
REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JULY 13, 2004
TOBY G. BOLDEN
60377LS
RENEWS: DECEMBER 31, 2017

SUSTAINABLE INFILL DEVELOPMENT, LLC

# KEIL GARDENS SUBDIVISION

MILWAUKIE, OR

SCALE NOTE:
IF THIS SHEET IS NOT 24"x36" THE DRAWING IF FROM ONE SHEET OF THIS SHEET, ADJUST ACCORDINGLY

RS238

PRE-PLAT

C-1.09

MARK DANE PLANNING INC.
14631 SW MILLIKAN WAY, BEAVERTON, OR 97003 SUITE #6 Markdaneplanning@gmail.com 503-332-7167

# Railroad Gardens

A Comprehensive Plan Map Amendment from Low to Medium Density
A Zone Change from R7 to R5
A Subdivision Land Use Application for 19 lots
Variances to street separation, and lot line standards
Comprehensive, Plan, and Map Amendment for Removal of an Historic Resource Preservation Overlay at 4217 SE Railroad Ave.

| | |
|---|---|
| **SUBJECT PROPERTY:** | Tax Map 12E31B<br>Tax Lots: 8000, 8100, 8200 and 8300<br>Tax ID: 00093149, 00093428, 00093400, 00093437 |
| **PROPERTY LOCATION:** | 4217 & 4219 SE RAILROAD AVE, Milwaukie, OR 97222 |
| **PROPOSAL:** | 19 Lot Subdivision |
| **SITE SIZE:** | 3.5 Acres |
| **CURRENT ZONING DESIGNATION:** | R-7 |
| **PROPOSED ZONING DESIGNATION:** | R-5 |
| **HISTORIC PRESERVATION OVERALY FOR:** | 4217 SE Railroad Avenue |
| **PROPERTY OWNER:** | Francar LLC - Marianne Russell, Member / Tom Hoesly, Member<br>Francar LLC., 6920 NE St. Johns Road, Vancouver, WA 98665 |
| **APPLICANT:** | Sustainable Infill Development LLC- Simon Lofts |
| **APPLICANT'S REPRESENTATIVE:** | Mark Dane Planning Inc.- Mark Dane |
| **APPLICANT'S ENGINEER:** | Project Delivery Group – Mark Ferris. |

Narrative Updated 4.28.17



RS239

Project Description

*Comment: The proposed development subdivision comprised of 19 lots on a 3.25 acre property fronting the north side of SW Railroad Avenue between SE 42nd Ave, and SE 45th Avenue in the City of Milwaukie (4217 & 4219 SE Railroad Avenue, Tax Map 1S 2E 31BC, Tax Lots: 8000, 8100, 8200, and 8300). Two existing single family dwellings will be removed. Nineteen new lots will be served by a single new public loop street which will connect out to SW Railroad Avenue.*

*City utility services are available providing public water and public sewer in the adjacent Railroad Avenue public right-of-way. The proposed 19-lot subdivision proposes to extend public sanitary and water lines as necessary to serve all of the proposed new lots. To obtain preliminary subdivision approval, the applicant will be seeking a zone change from R-7 to R-5. This in turn will require a Comprehensive Plan Map Amendment from Low to Medium Density Residential Zoning. Staff noted that Tax Lot 08500 should be included in the zone change proposal.*

*In addition, the proposed loop street design will require the removal of a home currently on the City's Historical Register. The triangular nature of the parent parcel, in conjunction with the need to build a loop street results in parcel fragments that are not rectangular in shape, and may require some additional variances from the basic code standards. A pre-application Conference was held (Project ID #: 17-001PA), and the proposal presented to the Neighborhood Association.*

*Both the Neighborhood Association, and Staff appear supportive of the zone change proposal, subdivision, and removal of the listed home. The project is appropriate given the characteristics of the surrounding area. To the west across SE 42nd Avenue is an area zoned R5 with a Moderate Density designation in the Comprehensive Plan. To the south across SE Railroad Avenue is an area zoned Business Industrial (BI) with an Industrial designation in the Comprehensive Plan. In the adjacent R7 zoned areas, many of the lots are sub-standard for the R7 zone. Seventeen of the nineteen lots zoned R7 that are adjacent to the site are 6,500 square feet or less. The loss of R7 zone area does not raise concern for Planning Staff. The R7 zone is also the largest zone in the city, comprising over 40% of the land area (including right of way). By comparison, R5 comprises just over 10% of the land area.*

Overall Project Presentation.

*Comment: The applicant presented the proposed zone change, and subdivision application, and described the proposed demolition process of the Historic Home at the Hector Campbell NDA on March 13th. It is anticipated that the HCNDA will support the proposed development.*

*For Type III reviews, the applicant will be submitting 5 complete copies of all application materials for the City's initial review. It is anticipated that a determination of the application's completeness will be issued within 30 days. Should additional copies or changes be required by staff as a part of this process they will be of course provided by the applicant. It is anticipated that Staff will determine the earliest available date for a public hearing with the Planning Commission 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 will be posted on the subject property at least 14 days prior to the hearing. Once the Planning Commission makes a decision on the application, notice of the decision will be issued, initiating a 15-day appeal period for the applicant and any party who has established standing by submitting comments or*



**RS240**

*participating in the public hearing process. Following the appeal period, the applicant will submit the necessary Final Plat application.*

Lot Geography:

*Comment: The subject property is comprised of 4 lots, with a total area of approximately 141,730 sq ft (3.25 acres). The property has frontage on SE Railroad Ave to the south.*

Minimum standards:

*Comment: For the existing current R7 Zone, the minimum standards are as follows: 7,000 square feet area, 60-foot width, 80-foot depth, 35-foot street frontage. For the proposed R5 Zone, the minimum standards are: 5,000 square feet area, 50-foot width, 80-foot depth, 35-foot street frontage*

*Lots in the subdivision will be subject to the requirements of MMC Chapter 17.28, Design Standards. No flag lots are proposed (MMC 17.28.080). The following are also criteria for lot design (MMC 17.28.040): lots are required to be rectilinear where practical; the lateral change in direction for a compound lot line cannot exceed 10% of the distance between opposing lot corners; and double frontage lots are generally not allowed.*

Natural Resource Review:

*Comment: This review is not applicable. The development site is not in any natural resource overlay zone.*

Application Procedures: The application procedures outlined below are for a 2-phase permitting process. The Applications in each phase will be submitted, and it is anticipated will be reviewed, concurrently.

## Phase 1.

1. Subdivision (Type III review)

*Comment: The subject property is comprised of 4 lots. The minimum size for new lots in the R-5 zone is 5,000 sq ft. The proposed development requires re-platting the subject property using the subdivision process. The current fee for subdivision applications (preliminary plat review) is $4,400, plus $100 for each lot over 4 lots. Thus the total fee will be $4,400 + ($100 x 15) = $5900.00*

2. Variance (Type III review)

*Comment: The proposal will require a Type III variance from street spacing standards under MMC 19.911.4.B:*

3. Demolition of an Historic Resource (Type III review)

*Comment: Due to the proposed roadway configuration of a loop road, the dwelling at #4217 SE Railroad Ave., an identified Significant Historic Resource (the Keil Hoesly Farm House), will be proposed for demolition. The applicant has submitted an application request and supporting narrative under MMC 19.403.7. The applicant has attached copies of all the steps necessary to meet this section.*

4. Zoning Map Amendment (Type III review)

*Comment: The proposal includes rezoning all 4 lots to R-5. The applicant is attempting to include Tax Lot 08500 in the zone change proposal, for a total of 5 lots to be re-zoned. However the applicant does not own 08500, and this last lot may not be involved in the final application. Because the process for the proposed zone change is quasi-judicial in nature and subject to Type III review. The process and approval criteria for a zone change including a zoning map amendment those sections of the code under MMC 19.902.6: must be addressed*

5. Comprehensive Plan Map Amendment (Type IV review)

*Comment: The Comprehensive Plan Designation of the proposed R5 zone is different from R7 Designation. Therefore as part of the proposal to rezone the property to R-5, a concurrent amendment to the Comprehensive Plan Map 4 – Land Use is required (from Low Density to Moderate Density). Compliance with the approval criteria for a quasi-judicial map amendment are addressed under MMC 19.902.3.B:*

6. Property Line Adjustment

*Comment: Initially it was anticipated that a series of property line adjustments may be necessary. This is no longer the case as the applicant will be re-platting all four lots in question.*

## Phase 2. ( now included in Phase 1)

*Comment: Assuming the Planning Commission approves the demolition of the historic structure on #4217 SE Railroad, the following application is required:*

*The Deletion of a Landmark This is a Type IV review process, per MMC 19.403.4: This process will result in the removal of the property from the Historic Resources List (Appendix 1 in the Comprehensive Plan) and the Historic Preservation Overlay from this property in the Comprehensive Plan (Map 4) and from the Zoning Map. Subject to the review procedures of MMC 19.1011.4, Major Quasi-Judicial Review. The first hearing will be at the Planning Commission. The Planning Commission will make a recommendation to the City Council, who will make the final decision on the application.*

Compliance with Applicable Standards for :

Subdivision Approval / Variance Approval / Zone Change / Comprehensive Plan Amendment


| | |
|---|---|
| Chapter 12.16.040 Access Requirements and Standards | 10 |
| Chapter 12.24.030 Requirements | 13 |
| Chapter 17.12 Application Procedure and Approval Criteria | 15 |
| Chapter 17.16 Application Requirements and Procedure | 16 |
| Chapter 17.20 Preliminary Plat | 16 |
| Chapter 17.28 Design Standards | 19 |
| Chapter 17.32 Improvements | 22 |
| Chapter 17.44 Exceptions and Variances | 23 |
| Chapter 19.300 Base Zones | 24 |
| Chapter 19.400 Overlay Zones and Special Areas | 24 |
| Chapter 19.500 Supplementary Development Regulations | 25 |
| Chapter 19.600 Off-Street Parking and Loading | 30 |
| Chapter 19.700 Public Facility Improvements | 31 |
| Chapter 19.10000 Review Procedures | 34 |
| Chapter 19.1200 Solar Access Protection | 35 |
| Chapter 19.111 Variances | 36 |
| Chapter 19.900 Amendments to Maps and Ordinances | 40 |

## PLANNING ISSUES

*Comment: The following Planning issues are based upon the assumption that the City has approved a zone change to the R-5 zone. The comments address the applicable criteria as they relate to said zone.*

Setbacks:

*Comment: Per MMC 19.301.4, setbacks for the R-7 zone are 20 feet front and rear yard, and side yard setbacks of at least 5 feet on one side and 10 feet on the other. In the R-5 zone, minimum front and rear yards are 20 ft, side yards are 5 ft, and street-side yards are 15 ft (for corner lots). Per MMC 19.501.2, setbacks for any yard bordering SE Railroad Avenue are measured 30 feet from the right of way centerline (e.g., a rear yard on SE Railroad Avenue must be at least 50 feet from the right of way center line (30 foot ROW setback + 20 foot rear yard setback)).*

*For Lot 19. The applicant has requested a variance to the street side-yard setback from 15ft to 10-ft to allow for a larger more reasonable envelope.*

Landscape:

*Comment: In the R-5 zone, a minimum of 25% of the site must be landscaped, including at least 40% vegetation in the front yard (measured from the front property line to the front face of the house). For example a 20-ft wide driveway over a 50-ft wide lot would result in 30-feet of 60% of the front yard being retained for landscaping. The Vegetated front yard areas will 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 MMC Subsection 19.504.7).*

*A maximum of 35% of any R-5 lot may be covered by structures, including decks or patios over 18 in above grade. Therefore if the lot is a minimum of 5,000 SF the maximum building / structure coverage would be 1,750 SF.*

Parking:

*Comment: MMC Chapter 19.600, states that properties that contain single-family dwellings must provide at least 1 off-street parking space per dwelling unit, and under MMC Subsection 19.607.1, required residential off-street parking spaces must be at least 9 ft. wide and 18 ft. deep. The applicant anticipates that each lot will have a minimum of four off-street spaces, two in the garage, and two in the driveway.*

*The garages spaces will meet the parking standards because the required spaces cannot be located in a required front or street-side yard. The driveway, and garages will be formed of concrete therefore having a durable and dust-free hard surface. The uncovered parking spaces and maneuvering areas will not exceed 50% of the front yard area and 30% of the required street-side yard area.*

*On any one lot no more than 3 residential parking spaces will be designed within the required front yard. The parking areas and driveways on the property shall align with the approved driveway approach and shall not be wider than the approach within 10 ft of the right-of-way boundary.*

Transportation Review:

*Comment: Because the proposed subdivision will trigger the requirements of MMC Chapter 19.700 Public Facility Improvements. The applicant will be meeting the requirements of MMC 19.700 and the necessary right-of-way dedication and street frontage improvements.*

## Public Works Issues

Water:

*Comment: Applicant has revised the roadway design to include a loop road system. The applicant will extend, and loop a 6" ductile iron water main which will be constructed to provide service to all properties within the subdivision. It is likely that there will be at least one, and possibly two water hydrants internal to the loop road. The subdivision will connect to a City of Milwaukie 14-inch water main on SE Railroad Avenue.*

*The applicant is aware that the water System Development Charge (SDC) is based on the size of water meter serving the property, and that the corresponding water SDC will be assessed with installation of a water meter. The applicant is requesting SDC credits (will be provided based on the size of any existing water meter serving the property removed from service). The water SDC will be assessed and collected at the time the building permits are issued.*

Sewer:

*Comment: An 8" sewer main will be constructed to provide sewer service to all properties within the subdivision. Manholes will be located within 400 feet. The new sewer main will connect to a City of Milwaukie 10-inch wastewater main on SE Railroad Avenue. Said line will connect at the west end of the property, and will dead end at the proposed knuckle.*

Storm:

*Comment: The applicant has submitted a storm water management plan demonstrating that the post-development runoff does not exceed the pre-development. Also, the plan demonstrates compliance with water quality standards. The report notes that all new impervious surfaces, including replacement of impervious surface with new impervious surfaces, are subject to the water quality standards. The proposed water quality swale to be located within the Railroad Right-of-way complies with the City of Milwaukie Public Works Standards for design and construction standards and detailed drawings.*

Street:

*Comment: The proposed development fronts the north side of SE Railroad Avenue, a collector. The portion of SE Railroad Avenue fronting the proposed development has a right-of-way width of 40 feet and a paved width of 25 feet with undeveloped roadside on both sides of the road. Said right-of-way will be widened by 20-feet, a water quality swale will separate the paved surface with a 12-ft asphalt – path / bicycle path that will run the length of the property.*

*Internally the applicant is proposing a 28-ft street with a curb tight sidewalk along the south, and west street frontage with a separated sidewalk, and planter strip along the north and east street frontage. The applicant will be*

*constructing a 2/3rds street along the east boundary where it connects to the underdeveloped parcel to the east. It is anticipated that when this property develops it will finish that portion of street along its parcel frontage. The north south street will be 21-feet wide – 20feet for fire access, and 1 ft for the space adjacent to a curb line.*

Frontage:

*Comment: 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. Therefore The Railroad Avenue cross-section will be improved to the following standard: Two 10-foot travel lanes; 4' shoulder; Storm ditch separating the road from the walking path; 12-foot asphalt path set 6" from north edge of right-of-way. Because Railroad Avenue was recently paved additional resurfacing requirements will be required. Both cuts to the street where the applicant is proposing street egress will require a 20' minimum length 2" grind and inlay according to Public Works Standards drawing 516. This replacement is only required in the lane that was cut into (shoulder, travel, etc). The applicant ash had to address where there is either double frontage, or corner lots, and how each lot will define the frontage, and where it will take access.*

New Interior Roads

*Comment: According to Code Table 19.708.2 and the Transportation Design Manual, the minimum local street cross-section is a 50' right-of-way which includes the following: Two 9' travel lanes; Two 6' parking lanes; Two 4' landscape strips; 5' setback sidewalk on both sides of the road. The applicant is requesting an adjustment to this standard to construct a 28-ft street with one planter strip, and a curb tight sidewalk on the south. The applicant has reduced the proposed right-of-way accordingly.*

Right of Way:

*Comment: The existing right-of-way on SE Railroad Avenue fronting the proposed development is 40 feet. The required right-of-way width for Railroad Avenue is 60'. The south side of the Railroad Avenue's right-of-way is adjacent to the Southern Pacific track right-of-way. This requires the full 20-foot dedication on the north side. Applicant has proposed a 20-foot dedication along entire frontage.*

Driveways:

*Comment: Code 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). The applicant either through direct access or through use of reciprocal access easements has restricted direct access to Railroad Avenue, instead proposing access to the proposed internal loop street. So that while some lot have frontage on Railroad, no access will be taken from said Collector Street. In addition the driveway approaches shall be improved to meet the requirements of Milwaukie's Public Works Standards. All driveways will be at least 7.5 feet from the adjacent property line.*

Erosion Control:

*Comment: Per Code Section 16.28.020(C), 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. To this end the applicant has submitted a preliminary Erosion Control, and Grading Plan calling out the limits of cut/ fill, and overall parcel disturbance. Where possible the applicant has not impacted the rear portion of the lots in an attempt to permit the retention of landscaping, and trees to continue to act as a buffer between adjacent lots, and to maintain a sense of the current age, and settled nature of the parcel.*

Traffic Impact Study:

*Comment: Code Section 19.704.1(A) states that the City will determine whether a transportation impact study (TIS) is required. That this determination is based on proposed preliminary subdivision design and the number of lots created. Based on the pre-app discussion, the City of Milwaukie Engineering Director determined that a TIS will not be required with the proposed loop road design.*

Fire Hydrants: Water Supply:

*Comment: For one and two family dwellings located in areas with reliable municipal fire fighting water supply the following shall apply: Any homes smaller than 3,600 square feet (including attached garage) shall have a water supply of 1,000 gpm @ 20 psi with hydrant within 600 feet of furthest portion of new residential construction; any homes larger than 3,600 square feet (including attached garage) shall have a water supply that meets fire flow requirements specified in Appendix B of the current Oregon Fire Code, (OFC, Table B105.1) and meets hydrant coverage as specified in Appendix C of the current Oregon Fire Code, (OFC, Table C105.1)*

Turn Arounds:

*Comment: No Turn arounds are proposed. The subdivision is being proposed with a loop street, allowing for two points of egress to the site for the purposes of general access, and fire protection*

Addressing:

*Comment: The existing Addresses will be changed to reflect the new street frontage on the proposed public streets*

Fire Access: Access:

1) Provide address numbering that is clearly visible from the street.
   *Comment: This will be included, and signed off on the individual building permits.*

2) 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.
   *Comment: The turning radius of the proposed internal roads are noted on the preliminary plat plan*

3) Fire Department turnarounds shall meet the dimensions found in the fire code applications guide. These dimensions need to be shown on the plans.
   *Comment: No turnarounds are created because a through street Is proposed permitting two points of egress from rail road some 300- feet apart.*

4) Access streets between 26 feet and less than 32 feet in width must have parking restricted to one side of the street. Access streets less than 26 feet in width must have parking restricted on both sides of the street. No parking restrictions for access roads 32 feet wide or more.

*Comment: The applicant is proposing a 28-ft street with parking permitted on one the south side, and west side of the internal street.*

Hazardous Mat.:

*Comment: There are no know hazardous materials onsite. The applicant is reviewing the possible location of a well or septic associated with the historic house, and will be looking for any evidence of the lead paint, or asbestos on the site.*

Fire Marshal Issues:

*Comment: Because 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 submitted plan sets show fire apparatus access, fire lanes, fire hydrants, fire lines, available fire flow, FDC location (if applicable), the anticipated building square footage ( 1800 – 2400 SF) , and type of construction ( wood) . As part of this application the applicant is providing fire flow tests per NFPA 291.*

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Land Use Permit Request: Subdivision Preliminary Plat Application

Per Milwaukie Municipal Code 17.12.020.E. (Application Procedure), subdivision preliminary plat applications shall be processed as a Type III Review in accordance with Section 19.1006. This application presents facts and narrative responses for approval of the Subdivision Preliminary Plat Application, pursuant to applicable requirements of the Milwaukie Municipal Code. The following text recites applicable provisions of the Milwaukie Municipal Code, followed by a **Comment** statement from the Applicant. References are made to several attached **Exhibits** containing evidence in support of the application.

TITLE 12: STREETS, SIDEWALKS AND PUBLIC PLACES
12.16.040 ACCESS REQUIREMENTS AND STANDARDS

A. Access
Private property shall be provided street access with the use of accessways. Driveway approaches shall be constructed as set forth in the Milwaukie Public Works Standards.

*Comment: All lots have frontage on a public street. All lots will take direct access, or will use an access easement to the interior local street to minimize access onto Railroad.*

B. Access Spacing
1. Standards

a. Spacing for accessways on arterial streets, as identified in the Milwaukie Transportation System Plan, shall be a minimum of six hundred (600) feet.
b. Spacing for accessways on collector streets, as identified in the Milwaukie Transportation System Plan, shall be a minimum of three hundred (300) feet.

*Comment: The applicant is proposing to close the two driveways on Railroad, and to create two new street intersections. The centerline of SE 43rd Avenue will be roughly 175-feet from the intersection of SE 42nd Avenue. The proposed stubs of SE 43rd, and SE 44 will be about 425-feet centerline to centerline. The intersection between SE 44th, and SE 45th will be roughly 275-feet. The applicant will require approval of an adjustment to the access spacing onto Railroad Avenue between the existing, and proposed streets.*

C. Accessway Location
1. Double Frontage: When a lot has frontage on two (2) or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street.

*Comment: Lots 18 & 19 are double frontage. For both lots access is being provided from SE 43rd. Lots 2 & 13 have frontage on Railroad but will take access via easements from SE 42nd and SE 44th. Lots 1, 9, 14, and 15 are corner lots. Each of these lots will take access from the lower classification of street.*

2. Location Limitations
Individual access to single-family residential lots from arterial and collector streets is prohibited. An individual accessway may be approved by the Engineering Director only if there is no practicable alternative to access the site, shared access is provided by easement with adjacent properties, and the accessway is designed to contain all vehicle backing movements on the site and provide shared access with adjacent properties.

*Comment: This provision is not applicable as no individual access to lots from arterial or collector streets is proposed. Lots 1, 2, 14, and 15 will take access from the proposed internal local street, either directly, or through a proposed easement.*

3. Distance from Property Line
The nearest edge of the driveway apron shall be at least seven and one-half (7½) feet from the side property line in residential districts and at least ten (10) feet from the side property line in all other districts. This standard does not apply to accessways shared between two or more properties.

*Comment: The applicant can satisfy this provision through the proposed lots that will allow future houses to be site upon each lot with driveways that can satisfy the standards of this section.*

4. Distance from Intersection
To protect the safety and capacity of street intersections, the following minimum distance from the nearest intersecting street face of curb to the nearest edge of driveway apron shall be maintained. Where intersecting streets do not have curb, the distance shall be measured from the nearest intersecting street edge of pavement.

a. At least forty-five (45) feet for single-family residential properties accessing local and neighborhood streets. Where the distance cannot be met on existing lots, the driveway apron shall be located as far from the nearest intersection street face of curb as practicable.

*Comment: The applicant has satisfied this provision by proposing lots that will allow future houses to be site upon each lot with driveways that can satisfy the standards of this section.*

b. At least three hundred (300) feet for collectors, or beyond the end of queue of traffic during peak hour conditions, whichever is greater.

*Comment: This provision is not applicable as the proposed development does not include any access ways on a collector road. All access will be take from the newly proposed local street.*

c. At least six hundred (600) feet for arterials, or beyond the end of queue of traffic during peak hour conditions, whichever is greater.

*Comment: This provision is not applicable as the proposed development does not include any accessways on an arterial road.*

D. Number of Accessway Locations
1. Safe Access Accessway locations shall be the minimum necessary to provide access without inhibiting the safe circulation and carrying capacity of the street.

*Comment: The applicant has satisfied this provision by designing the proposed subdivision with the minimum necessary amount of accessways, so as to ensure safe circulation, and to not inhibit the carrying capacity of the streets. Each proposed lot has one access onto a public street.*

2. Shared Access
The number of accessways on collector and arterial streets shall be minimized whenever possible through the use of shared accessways and coordinated on-site circulation patterns. Within commercial, industrial, and multifamily areas, shared accessways and internal access between similar uses are required to reduce the number of access points to the higher-classified roadways, to improve internal site circulation, and to reduce local trips or movements on the street system. Shared accessways or internal access between uses shall be established by means of common access easements.

*Comment: Lots 1 & 2 will utilize and access easement to enter the local street rather than directly out onto Railroad. Lots 14 & 15 will do the same.*

3. Single-Family Residential
One (1) accessway per property is allowed for single-family residential uses. a. For lots with more than one (1) street frontage on a local street and/or neighborhood route, one (1) additional accessway may be granted. Under such circumstances, a street frontage shall have no more than one (1) driveway approach.

*Comment: Those lots with more than one frontage will take their access from the internal local street.*

b. For lots with one (1) street frontage on a local street and/or neighborhood route, one (1) additional accessway may be granted where the driveway approaches can be spaced fifty (50) feet apart, upon review and approval by the Engineering Director. The spacing is measured between the nearest edges of the driveway aprons. Where the fifty (50)-foot spacing cannot be
met, an additional accessway shall not be granted.

*Comment: This provision is not applicable as the proposed subdivision does not propose lots with more than one accessway.*

E. Accessway Design
1. Design Guidelines Driveway approaches shall meet all applicable standards of the Americans with Disabilities Act and Milwaukie Public Works Standards.

*Comment: The applicant acknowledges this provision. All future driveway approaches will comply with applicable standards of the Americans with Disabilities Act and Milwaukie Public Works Standards.*

F. Accessway Size
2. Single-family attached and detached residential uses shall have a minimum driveway apron width of nine (9) feet and a maximum width of twenty (20) feet.

*Comment: The applicant has satisfied this provision by designing all proposed driveway aprons with a width between 9 and 20 feet.*

12.24.030 REQUIREMENTS
A. No person shall maintain, or allow to exist on property which they own or which is in their possession or control, trees, shrubs, hedges, or other vegetation or projecting overhanging limbs thereof, which obstruct the view necessary for safe operation of motor vehicles or otherwise cause danger to the public in the use of City streets. It shall be the duty of the person who owns, possesses, or controls the property to remove or trim and keep trimmed any obstructions to the view.

*Comment: The applicant acknowledges the applicable provisions of this section*

B. A clear vision area shall be maintained at all driveways and accessways and on the
corners of all property adjacent to an intersection as provided by Section 12.24.040.

*Comment: The applicant is aware of these provisions. A clear vision area will be maintained at all driveways and accessways. Lots 1,2, 16, and 14 being adjacent to intersections, will also maintain a clear vision area. Compliance can be assured through a condition of approval.*

C. A clear vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction, except for an occasional utility pole or tree, exceeding three (3) feet in height, measured from the top of the curb, or where no curb exists, from the street centerline grade. Trees exceeding this height may be located in this area; provided, all branches and foliage are removed to the height of eight (8) feet above the grade. Open wire fencing that does not obscure sight more than ten percent (10%) is allowed to a maximum
height of six (6) feet. (Ord. 2004 § 1, 2009; Ord. 1679 § 3, 1990)

*Comment: The applicant is aware of these provisions. A clear vision area will be maintained at all driveways and acessways. Lots 1, 3, 8, 10 and 11 being adjacent to intersections, will also maintain a clear vision area. Compliance can be assured through a condition of approval.*

TITLE 17: LAND DIVISION
17.12.040 APPROVAL CRITERIA FOR PRELIMINARY PLAT

A. Approval Criteria
The approval authority may approve, approve with conditions, or deny a preliminary plat based on the following approval criteria:
1. The proposed preliminary plat complies with Title 19 of this code and other applicable ordinances, regulations, and design standards.

*Comment: The applicant is in compliance with this provision, as demonstrated by this application narrative and submitted exhibits, including preliminary engineering plans, preliminary plat and stormwater report.*

2. The proposed division will allow reasonable development and will not create the need for a variance of any land division of zoning standard.

*Comment: The applicant follows this provision as the proposed development will not create a need for a variance of any land division or zoning standard.*

3. The proposed subdivision plat name is not duplicative and the plat otherwise satisfies the provisions of ORS 92.090(1).

*Comment: The applicant follows this provision as the proposed subdivision plat name satisfies the applicable provisions of ORS 92.090(1) and is not duplicative (see Exhibit J).*

4. The streets and roads are laid out to conform to the plats of subdivisions already approved for adjoining property as to width, general direction, and in all other respects unless the City determines it is in the public interest to modify the street or road pattern.

*Comment: The applicant has satisfied this provision by proposing streets and roads laid out so as to conform to the width, general direction, and all other respects of that of the adjacent Streets.*

5. A detailed narrative description demonstrating how the proposal conforms to all applicable code sections and design standards.

*Comment: The applicant follows this provision as this narrative herein and submitted exhibits demonstrate how the proposal satisfies all applicable code sections and design standards.*

B. Conditions of Approval
The approval authority may attach such conditions as are necessary to carry out the applicable ordinances and regulations and may require access control strips be granted to the City for controlling access to adjoining undeveloped properties. (Ord.1965 §§ 6, 7, 2006; Ord. 1907 (Attach. 1), 2002)

*Comment: The applicant is aware of this provision. Compliance can be assured through a condition of approval.*

17.16.060 PRELIMINARY PLAT FOR PARTITION AND SUBDIVISION

The following shall accompany applications for partition:
A. Completed application form signed by all owners of property included in the proposal;

*Comment: The applicant has satisfied this provision by including with this application a completed application form signed by all property owners (see Exhibit A).*

B. Application fee as adopted by the City Council;

*Comment: The applicant has satisfied this provision by including with this application all associated fees.*

C. Completed and signed "submission requirements" and "partition checklist" or "subdivision checklist" forms as appropriate;

*Comment: The applicant has satisfied this provision by including with this application a completed and signed submission requirement form and subdivision checklist form (see Exhibit B and Exhibit C).*

D. All information specified on the "submission requirements" and "partition checklist" or "subdivision checklist" forms as appropriate;

*Comment: The applicant has satisfied this provision by including with this application a completed and signed submission requirement form and subdivision checklist form; all information specified is appropriate (see Exhibit B and Exhibit C).*

E. Requirements and information specified in Chapter 17.20; and

*Comment: The applicant has satisfied this provision by reviewing Chapter 17.20 and addressing compliance with all provisions found to be applicable to this application.*

F. Any additional information as may be needed to demonstrate compliance with approval

*Comments: The applicant has satisfied this provision by reviewing the Milwaukie Municipal Code and addressing compliance with all provisions found to be applicable to this application.*

17.20.010 SUBMISSION OF PLANS
Applicants for partition, subdivision, and replat shall prepare a preliminary plat and such improvement plans and other supplemental material including as may be required to describe and represent the objectives of the proposal. (Ord. 1907 (Attach. 1), 2002)

*Comment: The applicant has satisfied this provision by including with this application a preliminary plat (see Exhibit H), improvement plans, and all other necessary supplemental materials to properly represent the objectives of the proposal.*

17.20.020 SCALE

The preliminary plat shall be drawn at a scale and on a sheet size that reliably and conveniently represents design details sufficient for the proper plan review and determination of compliance with this title. (Ord. 1907 (Attach. 1), 2002)

*Comment: The applicant has satisfied this provision by providing a preliminary plat drawn to scale and on a sheet size to insure all design details are legible (see Exhibit H).*

17.20.030 GENERAL INFORMATION TO BE SHOWN ON THE PRELIMINARY PLAT

A. Preliminary plats shall be prepared by an Oregon registered land surveyor.

*Comment: The applicant has satisfied this provision by providing a preliminary plat prepared by a land surveyor registered in the state of Oregon.*

B. The following general information shall be submitted with the preliminary plat:
1. Proposed name of the subdivision/partition. The name shall not duplicate nor resemble the name of another subdivision in the county. Subdivision names shall be approved by the County Surveyor in accordance with ORS Chapter 92; 2. Date, north point, and scale of drawing; 3. Appropriate identification clearly stating the map is a preliminary plat; 4. Location by section, township, and range; and a legal description sufficient to define the location and boundaries of the area to be divided; 5. Names and addresses of the owner, subdivider, and engineer or surveyor; 6. Acreage; 7. Structures and yard setbacks; 8. The location, width, and purpose of easements; 9. The location, approximate dimensions, and area of all lots; 10. Lot and block numbers; and 11. Other information as maybe specified on application forms and checklists prescribed by the Planning Director.

*Comment: The applicant has satisfied 17.20.030.B.(1-11) by including all required general information with the preliminary plat (see Exhibit H).*

C. Vicinity map shall be drawn at an appropriate scale, showing all existing subdivisions, streets, and un-subdivided land between the proposed subdivision and the nearest existing arterial or collector streets, and showing how proposed streets may be extended to connect with existing streets. At a minimum, the vicinity map shall depict future street connections for land within 400 feet of the subject property. (Ord. 1907 (Attach. 1), 2002)

*Comment: The applicant has satisfied 17.20.030.C by including all necessary design standards with the vicinity map (see Exhibit H).*

17.20.050 EXISTING CONDITIONS
The following shall be shown on the preliminary plat: A. Location, width, and names of all existing or platted streets within or adjacent to the tract, together with easements, railroad right-of-way, and other important features, such as section lines and corners, City boundary lines, and monuments.; B. Contour lines related to an established benchmark or other datum approved by the Engineering Director, with intervals at a minimum of 2 feet for slopes up to 10% and 5 feet for slopes over 10%.; C. Location within the area to be divided, and in the adjoining streets and property, of existing sewers, water mains, culverts, storm drain system, and electric conduits or lines proposed to service the property to be subdivided, and invert elevations of sewer manholes, drain pipes, and culverts.; D. Zoning and existing uses within the tract and 200 feet on all sides, including the location and use of all existing structures indicating those that will remain and those to be removed; E. Approximate location of areas subject to inundation

or stormwater overflow with approximate high-water elevation. Location, width, direction, and flow of all watercourses on or abutting the tract including wetlands and watercourses as shown on City-adopted natural resource and Title 3 maps; F. Natural features such as rock outcroppings, drainages whether seasonal or perennial, wooded areas, and isolated trees, including type and caliper; G. Floodway and floodplain boundary.; H. Areas containing slopes of 25% or greater. (Ord. 1907 (Attach. 1), 2002)

*Comment: The applicant has satisfied 17.20.050 by including all applicable design standards for this 19-lot subdivision on the preliminary plat plans (see Exhibit H).*

17.20.060 PROPOSED CONDITIONS

A. 12 copies of a preliminary plat shall be submitted to the Planning Director. The plat shall include the following information: 1. Date, north point, scale, address, assessor reference number, and legal description; 2. Name and address of the record owner or owners and of the person who prepared the site plan; 3. Approximate acreage and square feet under a single ownership, or if more than 1 ownership is involved, the total contiguous acreage of all landowners directly involved in the partition; 4. For land adjacent to and within the area to be divided, the locations, names, and existing widths of all streets, driveways, public safety accesses, easements, and rights-of- way; location, width, and purpose of all other existing easements; and location and size of sewer and waterlines, drainage ways, power poles, and other utilities; 5. Location of existing structures, identifying those to remain in place and those to be removed; 6. Lot design and layout, showing proposed setbacks, landscaping, buffers, driveways, lot sizes, and relationship to existing or proposed streets and utility easements; 7. Existing development and natural features for the site and adjacent properties, including those properties within 100 feet of the proposal, showing buildings, mature trees, topography, and other structures; 8. Elevation and location of flood hazard boundaries; 9. The location, width, name, and approximate centerline grade and curve radii of all streets; the relationship of all streets to any projected streets planned by the City; whether roads will continue beyond the plat; and existing and proposed grade profiles. No street name may be used which will duplicate or be confused with the name of an existing street, except for extensions of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area.

*Comment: The applicant has satisfied 17.20.050.A.(1-9) by including all applicable design standards with the preliminary plat (see Exhibit H).*

B. A conceptual plan shall be provided for complete subdivision or partitioning of the property, as well as any adjacent vacant or underutilized properties, so that access issues may be addressed in a comprehensive manner. The concept plan shall include documentation that all options for access have been investigated including shared driveways, pedestrian accessways, and new street development.

*Comment: As depicted on the submitted preliminary plat, the 19 lots proposed in this application provide for the complete subdivision of the property under its proposed R5 zoning (see Exhibit I).*

C. A detailed narrative description demonstrating how the proposal meets all applicable provisions of this title, Title 19, and City design standards, including the Public Works Standards.

*Comment: The applicant has satisfied this provision by utilizing this narrative to demonstrate compliance with all applicable provisions of Title 17, Title 19, and City design standards, including the Public Works Standards.*

D. Plans and drawings as necessary to demonstrate compliance with all applicable provisions of chapters of this title, Title 19, and City design standards, including the Public Works Standards.

*Comment: The applicant has satisfied this provision by submitting plans and drawings which demonstrate compliance with all applicable provisions of Title 17, Title 19, and City design standards, including the Public Works Standards.*

G. A drainage summary report and plan prepared in accordance with the applicable Public Works Standards.

*Comment: The applicant has satisfied this provision by submitting with this application a drainage summary report and plan prepared in accordance with the applicable Public Works Standards (see Exhibit F).*

H. Proposed deed restrictions, if any, in outline form.

*Comment: The applicant has satisfied this provision by submitting with this application a title deed verifying ownership of the property (see Exhibit D).*

I. Improvements to be made by the developer and the approximate time such improvements are to be completed. Sufficient detail regarding proposed improvements shall be submitted so that they may be checked for compliance with the objectives of this title, State law, and other applicable City ordinances. If the nature of the improvements is such that it is impractical to prepare all necessary details prior to approval of the preliminary plat, the additional details shall be submitted with the request for final plat approval. (Ord. 2003 § 2, 2009; Ord. 1907 (Attach. 1), 2002)

*Comment: The applicant has satisfied this provision by submitting with this application detailed information regarding improvements to be made by the developer (see Exhibit H).*

17.28.010 CONFORMITY OF SUBDIVISION
Partitions and subdivisions shall conform with any development plans of the City and shall take into consideration any preliminary plans made in anticipation thereof and shall conform with the requirements of state laws and with the standards established by the City. (Ord. 2003 § 2, 2009; Ord. 1907 (Attach. 1), 2002)

*Comment: The applicant has satisfied this provision by proposing a subdivision which conforms to the development plans of the City, in accordance with the requirements of state laws and the standards established by the City.*

17.28.020 PUBLIC FACILITY IMPROVEMENTS
All land divisions and boundary changes that increase the number of lots shall be subject to the requirements and standards contained in Chapter 19.700 Public Facility Improvements and the Public Works Standards for improvements to streets, sidewalks, bicycle facilities, transit facilities, and public utilities. (Ord. 2025 § 3, 2011; Ord. 2003 § 2, 2009; Ord. 1907 (Attach. 1),
2002)

*Comment: The applicant has satisfied this provision by reviewing Chapter 19.700 Public Facility Improvements and the Public Works Standards, and proposing designs in compliance with all applicable provisions (see Exhibit H).*

17.28.030 EASEMENTS
A. Utility Lines - Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated

wherever necessary. The easements shall be provided in accordance with applicable design standards in the Public Works Standards.

*Comment: The applicant has satisfied this provision by providing easements for sewers, water mains, electric lines and other public utilities where necessary in accordance with applicable design standards set out by the Public Works Standards (see Exhibit H).*

B. Watercourses
If a subdivision is traversed by a watercourse such as a drainageway, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of the watercourse, and such further width as will be adequate for the purpose of construction and maintenance. Streets, parkways, bicycle ways, or pedestrian ways parallel to major watercourses may be required. (Ord. 2003 § 2, 2009; Ord. 1907 (Attach. 1), 2002)

*Comment: This provision is not applicable as the proposed subdivision is not traversed by a watercourse.*

17.28.040 GENERAL LOT DESIGN
This section does not apply to units of land that are created for purposes other than land development including parks, natural areas, right-of-way dedications, or reservations of a similar nature. Lots and tracts created for cottage cluster housing development, per Subsection 19.505.4, are also exempt from the requirements of this section.
A. Size and Shape Lot size, width, shape, and orientation shall be appropriate for the location and the type of use contemplated. Minimum lot standards shall conform to Title 19.

*Comment: The applicant has satisfied this provision by proposing lots appropriate for the area and type of use. All lot standards established by Title 19 and applicable to the R-5 zone have been satisfied (see Exhibit H).*

B. Rectilinear Lots Required
Lot shape shall be rectilinear, except where not practicable due to location along a street radius, or existing lot shape. The sidelines of lots, as far as practicable, shall run at right angles to the street upon which the lots face. As far as practicable, the rear lot line shall run parallel to the street.

*Comment: The applicant has satisfied this provision by proposing rectilinear lots. Sidelines of the proposed lots run at right angles to the street upon which the lots face, and rear lot lines run parallel to the street (see Exhibit H).*

C. Limits on Compound Lot Line Segments Changes in direction along side and rear lot lines shall be avoided. Cumulative lateral changes in direction of a side or rear lot line exceeding 10% of the distance between opposing lot corners along a given lot line is prohibited. Changes in direction shall be measured from a straight line drawn between opposing lot corners.

*Comment: The applicant would like to determine with the City which lots can be described as rear lot lines, and which are side lot lines.*

D. Adjustments to Lot Shape Standard Lot shape standards may be adjusted subject to Section 19.911 Variances.

*Comment: This provision is not applicable, as the applicant is not requesting a lot shape variance.*

E. Limits on Double and Reversed Frontage Lots Double frontage and reversed frontage lots should be avoided, except where essential to provide separations of residential development from railroads, traffic arteries, or adjacent nonresidential uses, or to overcome specific disadvantages of topography and orientation.

*Comment: This provision is not applicable as no lots with double frontage or reversed frontage are proposed. There are numerous corner lots, given the required geometry of the property, but none that could be defined as 'double frontage'*

F. Measurement of Required Frontage
Pursuant to the definition and development standards contained in Title 19 for frontage, required frontage shall be measured along the street upon which the lot takes access. (Ord. 2051 § 2, 2012; Ord. 2025 § 3, 2011; Ord. 2003 § 2, 2009; Ord. 1907 (Attach. 1), 2002)

*Comment: The applicant has satisfied this provision by measuring all frontage along the street upon which the lots takes access. The minimum street frontage requirement for a standard lot in the R-5 zone is 35 feet (see Table 19.301.4. Low Density Residential Development Standards). All applicable lot frontage standards have been satisfied (see Exhibit H).*

17.28.050 FLAG LOT DEVELOPMENT AND FUTURE ACCESS

Applicants for flag lot partitioning must show that access by means of a dedicated public street is not possible. Consideration shall be given to other inaccessible adjacent or nearby properties for which a jointly dedicated public right-of-way could provide suitable access and avoid other flag lots. The creation of flag lots shall not preclude the development of street access to surrounding properties. Where there is the potential for future development on adjacent lots with new roadway development, flag lots may be allowed as an interim measure. In this case, Planning Commission review shall be required and the flag lot(s) must be designed to allow for future street development. Dedication of the future street right-of-way shall be required as part of final plat approval. (Ord. 2003 § 2, 2009; Ord. 1907 (Attach. 1), 2002)

*Comment: This provision is not applicable as no flag lots are proposed.*

17.28.060 FLAG LOT DESIGN STANDARDS
A. Consistency with the Zoning Ordinance
Flag lot design shall be consistent with Subsection 19.504.8.
B. More than 2 Flag Lots Prohibited: The division of any unit of land shall not result in the creation of more than 2 flag lots within the boundaries of the original parent lot. Successive land divisions that result in more than 2 flag lots are prohibited. (Ord. 2051 § 2, 2012; Ord. 2025 § 3, 2011; Ord. 2003 § 2, 2009; Ord. 1907 (Attach. 1), 2002)

*Comment: These provisions are not applicable as no flag lots are proposed.*

17.28.070 FLAG LOT LIMITATIONS

Flag lots are prohibited in new subdivisions and subdivisions platted after August 20, 2002, the effective date of Ordinance #1907. (Ord. 2051 § 2, 2012; Ord. 2003 § 2, 2009; Ord. 1907 (Attach. 1), 2002)

*Comment: This provision is not applicable as no flag lots are proposed.*

17.32.010 IMPROVEMENT PROCEDURES

In addition to other requirements, improvements installed by the applicant, either as a requirement of these regulations or their own option, shall conform to the requirements of this title and to improvement standards and specifications in the Public Works Standards and Chapter 19.700 Public Facility Improvements. The improvements shall be installed in accordance with the following procedure:
A. Work shall not begin until plans have been checked for adequacy and approved by the City in writing. All such plans shall be prepared in accordance with requirements of the City.

*Comment: The applicant is aware of this provision. Compliance can be assured through conditions of approval.*

B. Work shall not begin until the City has been notified in advance, and if work is discontinued for any reason, it shall not be resumed until the City is notified.

*Comment: The applicant is aware of this provision. Compliance can be assured through conditions of approval.*

C. Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest.

*Comment: The applicant is aware of this provision. Compliance can be assured through conditions of approval.*

D. All underground utilities, installed in streets by the applicant, including but not limited to, water, sanitary sewers, and storm drains shall be constructed prior to the surfacing of streets. Stubs for service connections shall be extended to property lines long enough to avoid disturbing the street improvements when service connections are made. How utilities are to be serviced shall be indicated.

*Comment: The applicant is aware of this provision. Compliance can be assured through conditions of approval.*

E. A map showing all public improvements as built shall be filed with the City upon completion of the improvements. All such maps shall be prepared in accordance with requirements of the City. (Ord. 2025 § 3, 2011; Ord. 2003 § 2, 2009; Ord. 1907 (Attach. 1), 2002)

*Comment: The applicant is aware of this provision. Compliance can be assured through conditions of approval.*

17.32.030 GUARANTEE
All improvements installed by the applicant shall be guaranteed as to workmanship and material for a period of 1 year following acceptance by the City. Such guarantee shall be secured by cash deposit or bond in the amount of the value of the improvements as set by the Engineering
Director. Said cash or bond shall comply with the terms and conditions of Section 17.24.060.
(Ord. 2003 § 2, 2009; Ord. 1907 (Attach. 1), 2002)

*Comment: The applicant is aware of this provision. Compliance can be assured through conditions of approval.*

17.44.010 VARIANCE
A variance of any provision of this title may only be granted in accordance with Section 19.911.
(Ord. 2025 § 3, 2011; Ord. 1907 (Attach. 1), 2002)

*Comment: The three variances proposed by the applicant have addressed under the response to Code Section 19.911 later in this narrative.*

TITLE 19: ZONING
19.301 LOW DENSITY RESIDENTIAL ZONES
19.301.2 Allowed Uses in Low Density Residential Zones
Uses allowed, either outright or conditionally, in the low density residential zones are listed in Table 19.301.2 below. Similar uses not listed in the table may be allowed through a Director's Determination pursuant to Section 19.903. Notes and/or cross references to other applicable code sections are listed in the "Standards/Additional Provisions" column. See Section 19.201 Definitions for specific descriptions of the uses listed in the table.

*Comment: The applicant has satisfied this provision as single-family detached dwellings are a permitted use in the R-5 zone (see Table 19.301.2)*

19.301.4 Development Standards

In the low density residential zones, the development standards in Table 19.301.4 apply. Notes and/or cross references to other applicable code sections are listed in the "Standards/Additional Provisions" column. Additional standards are provided in Subsection 19.301.5. See Sections 19.201 Definitions and 19.202 Measurements for specific descriptions of standards and measurements listed in the table.

*Comment: The property is zoned R5, a Low Density Residential zoning district as per the provisions of this section. The applicant has satisfied the provisions of 19.301.4 Development Standards by reviewing Table 19.301.4 Low Density Residential Development Standards, and proposing a 19-lot preliminary plat that complies with all applicable lot standards, development standards and density requirements for the R-5 Zone (see Exhibit H).*

19.301.5 Additional Development Standards
A. Side Yards: In the R-7 Zone, one side yard shall be at least 5 ft and one side yard shall be at least 10 ft, except on a corner lot the street side yard shall be 20 ft.

*Comment: This provision is not applicable as the applicant's site is proposed to be zoned R-5.*

B. Lot Coverage
The lot coverage standards in Subsection 19.301.4.B.4 are modified for specific uses and lot sizes as described below. The reductions and increases are combined for properties that are described by more than one of the situations below.

1. Decreased Lot Coverage for Large Lots: The maximum lot coverage percentage in Subsection 19.301.4.B.4 is reduced by 10 percentage points for a single-family detached dwelling, duplex, or residential home on a lot that is more than 2.5 times larger than the minimum lot size in Subsection 19.301.4.A.1.

*Comment: The minimum lot size for a single-family detached home in the R-5 zone is 5,000 sq. this provision is thereby not applicable as no proposed lots are more than 2.5 times larger than the minimum lot size for the R-5 zone.*

2. Increased Lot Coverage for Single-Family Detached Dwellings: The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 10 percentage points for development of a single-family detached dwelling, or an addition to an existing single-family detached dwelling, provided that the portions of the structure that are in excess of 20 ft high, or in excess of one story, are limited to the lot coverage standard listed in Subsection 19.301.4.B.4. Only portions of the structure that are less than 20 and no taller than one story can exceed the listed lot coverage standard. See Figure 19.301.5.B.2 for an illustration of this allowance. A Type II variance per Subsection 19.911.4.A, to further increase this lot coverage allowance, is prohibited.

*Comment: This provision is not applicable as the applicant follows all applicable standards for maximum lot coverage percentages (see Exhibit H). No Type II variance per Subsection 19.911.4.A is requested.*

3. Increased Lot Coverage for Duplexes
The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 20 percentage points for a duplex.

*Comment: This provision is not applicable as no duplexes are proposed.*

4. Increased Lot Coverage for Detached Accessory Dwelling Units
The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 5 percentage points for the development of a new detached accessory dwelling unit. This allowance applies only to the detached accessory structure and does not allow for the primary structure or other accessory structures to exceed lot coverage standards.

*Comment: This provision is not applicable as no detached accessory dwellings are proposed.*

C. Front Yard Minimum Vegetation
At least 40% of the front yard shall be vegetated. The front yard vegetation area required by this subsection counts toward the minimum required vegetation for the lot. A property may provide less than the 40% of the front yard vegetation requirement if it is necessary to provide a turnaround area so that vehicles can enter a collector or arterial street in a forward motion.

Comment: At the future time of building permit, this section will be reviewed for compliance.

D. Residential Densities: The minimum and maximum development densities in Subsection 19.301.4.C.1 are

applicable for land divisions and replats that change the number of lots. If a proposal for a replat or land division is not able to meet the minimum density requirement—due to the dimensional requirements for lot width, lot depth, or lot frontage—the minimum density requirement shall instead be equal to the maximum number of lots that can be obtained from the site given its dimensional constraints. The inability of new lot lines to meet required yard dimensions from existing structures shall not be considered as a basis for automatically lowering the minimum density requirement.

***Comment:*** *The applicant has satisfied this provision by complying with all applicable minimum and maximum development densities. The minimum density requirement for the R-5 zone is 7 dwellings per acre and the maximum density requirement for the R-5 zone is 8.7 dwellings per acre. After dedication of Right-of-way both along Railroad Avenue, and internally along the proposed public streets there is a Net Developable Area (NDA) of 97,637 SF, or 2.24 acres. The maximum density permitted under 19.301.4.C.1 is 8.7 lots per acre with a minimum of 7 lots per acre. The NDA permits therefore between 15.69, and 19.49 lots. The applicant is proposing the development of 19 lots within the permitted range.*

E. Accessory Structure Standards
Standards specific to accessory structures are contained in Section 19.502.

***Comment:*** *This provision is not applicable as no accessory structures are proposed.*

F. Number of Dwelling Structures
In the low density residential zones, 1 primary building designed for dwelling purposes shall be permitted per lot. See Subsection 19.504.4.

***Comment:*** *The applicant has satisfied this provision by proposing only one primary dwelling per lot (see Exhibit H).*

G. Off-Street Parking and Loading

***Comment:*** *The applicant has reviewed Chapter 19.600 and has satisfied all applicable standards regarding off-street parking and loading.*

H. Public Facility Improvements
Transportation requirements and public facility improvements are required as specified in
Chapter 19.700.

***Comment:*** *The applicant has reviewed Chapter 19.700 and has satisfied all applicable standards regarding transportation requirements and public facility improvements.*

I. Additional Standards
Depending upon the type of use and development proposed, the following sections of Chapter 19.500 Supplementary Development Regulations may apply. These sections are referenced for convenience, and do not limit or determine the applicability of other sections within the Milwaukie Municipal Code.
1. Subsection 19.504.4 Buildings on the Same Lot
2. Subsection 19.504.8 Flag Lot Design and Development Standards

3. Subsection 19.505.1 Design Standards for Single-Family Dwellings and Duplexes
4. Subsection 19.505.2 Garage and Carport Standards
5. Subsection 19.506.4 Manufactured Dwelling Siting and Design Standards, Siting Standards

*Comment: Subsections 19.504.4 (Buildings on the Same Lot), 19.504.8 (Flag Lot Design and Development Standards), and 19.506.4 (Manufactured Dwelling Siting and Design Standard, Siting Standards) are not applicable as more than one building on the same lot, flag lots, and manufactured dwellings are not proposed. Future building permits for single family detached houses on each of the 19 lots proposed in this application will be reviewed for compliance with Subsection 19.505.1 (Design Standards for Single-Family Dwellings and Duplexes) and Subsection 19.505.2 (Garage and Carport Standards).*

19.501 GENERAL EXCEPTIONS
The exceptions listed in Subsections 19.501.1–4 below are "by right" exceptions. "By right" exceptions require no special review or approval by the City to implement.

19.501.1 Lot Size Exceptions
Any legal lot or lot of record that does not meet the area or dimensional requirements specified in Chapter 19.300 may be put to a use permitted by the requirements of the Zoning Ordinance, with the following limitations: A. The development must conform to all other applicable standards of Title 19, unless a variance is granted per Section 19.911. B. Single-family detached dwellings shall not be built on a lot with less than 3,000 sq ft of lot area.

*Comment: The applicant has satisfied all lot size dimensional requirements, and does not require any lot size exceptions.*

19.501.2 Yard Exceptions
A. In addition to yard requirements listed for each zoning district, buildings along certain major streets are subject to additional yard requirements as provided in Table 19.501.2.A below. Yards shall be measured so that the minimum distance from the center line of the right-of-way to the closest point of any building is the distance listed in Table 19.501.2.A plus the yard requirement of the underlying zone.

*Comment: The applicant has reviewed Table 19.501.2.A (Additional yard Requirements) and all proposed lots are in compliance with all applicable provisions of this section.*

B. Architectural features such as cornices, eaves, canopies, sunshades, gutters, steps, unroofed landings, and flues may project up to 24 in into a required side yard or 36 in into a required front or rear yard. Such features extending from an accessory structure shall not be closer than 3 ft from a property line.

*Comment: The applicant is aware of these provisions. Provisions will be satisfied at the time of future building permit and approval. Compliance can be assured through conditions of approval.*

C. A covered porch on a single-family detached dwelling may extend 6 ft into a required front yard if the following standards are met.
1. The porch is not enclosed on any side other than what is enclosed by the exterior walls of the dwelling. The following are not considered to be enclosures: structural supports for a covered porch, projections not extending more than 3 ft upward from the surface of the porch, railings, retractable sunshades, screens, or netting.

2. The surface of the porch does not exceed 18 in high above the average grade.
3. The porch is at least 5 ft from the front lot line.

*Comment: The applicant is aware of these provisions. Provisions will be satisfied at the time of future building permit and approval. Compliance can be assured through conditions of approval.*

19.501.3 Building Height and Side Yard Height Plane Exceptions

A. Projections such as chimneys, spires, domes, elevator shaft housings, flagpoles, and other similar objects not used for human occupancy are not subject to the building height and side yard height plane limitations of the Zoning Ordinance, except as provided in an LF Zone.
B. The following encroachments into a side yard height plane are allowed:
1. Roof overhangs or eaves, provided that they do not extend more than 30 in horizontally beyond the side yard height plane.
2. The gable end of a roof, provided that the encroachment is not more than 8 ft high above the side yard height plane or more than 40 ft wide.
3. Dormers, with the following limitations:
    a. The highest point of any dormer is at or below the height of the primary roof ridge.
    b. The encroachment is not more than 6 ft high above the side yard height plane or more than 8 ft wide.
    c. The combined width of all dormers does not exceed 50% of the length of the roof which they are located.

*Comment: The applicant is aware of these provisions. Provisions will be satisfied prior to the design of homes. Compliance can be assured through conditions of approval.*

19.501.4 Density Exceptions

In exchange for the dedication of parkland, residential density may be increased (and lot sizes decreased) so that overall parcel density remains the same. (Ord. 2051 § 2, 2012; Ord, 2025 § 2, 2011)

*Comment: This provision is not applicable as no variances to density requirements are requested.*

19.504 SITE DESIGN STANDARDS

19.504.1 Clear Vision Areas

A clear vision area shall be maintained on the corners of all property at the intersection of 2streets or a street and a railroad according to the provisions of the clear vision ordinance in Chapter 12.24.

*Comment: The applicant has satisfied this provision by maintaining a clear vision area on the corners of all property at the intersection of two internal street access points out to SE Railroad.*

19.504.2 Maintenance of Minimum Ordinance Requirements

No lot area, yard, other open space, or off-street parking or loading area shall be reduced by conveyance or otherwise below the minimum requirements of this title, except by dedication orconveyance for a public use.

*Comment: The applicant has satisfied this provision as no lot area, yard, other open space, or off-street parking or loading area reduced by conveyance have been proposed.*

19.504.3 Dual Use of Required Open Space

No lot area, yard, or other open space or off-street parking or loading area which is required by this title for one use shall be used to meet the required lot area, yard, or other open space or off-street parking area for another use, except as provided in Subsection 19.605.4.

*Comment: The applicant has satisfied this provision as no lot area, yard or off-street parking area has been used to meet the required lot area, yard or off-street parking area for another use.*

19.504.4 Buildings on the Same Lot

A. In R-10, R-7, and R-5 Zones, 1 primary dwelling shall be permitted per lot. A detached accessory dwelling unit may be permitted per Subsection 19.910.1.

*Comment: The applicant has satisfied this provision as only one primary dwelling unit is proposed per lot.*

B. In the R-3 Zone, 1 single-family detached dwelling shall be permitted per lot. A detached accessory dwelling unit may be permitted per Subsection 19.910.1. Multifamily housing, with multiple structures designed for dwelling purposes, may be permitted as a conditional use per Section 19.905.

*Comment: This is provision is not applicable as the proposed development is zoned R-5.*

19.504.5 Distance from Property Line
Where a side or rear yard is not required and a structure is not to be erected at the property line, it shall be set back at least 3 ft from the property line.

*Comment: This provision is not applicable as the R-5 zone has required side and rear yard setbacks.*

19.504.6 Transition Area Measures
Where commercial, mixed use, or industrial development is proposed adjacent to properties zoned for lower-density residential uses, the following transition measures shall be required. These additional requirements are intended to minimize impacts on lower-density residential uses.
A. All yards that abut, or are adjacent across a right-of-way from, a lower-density zone shall be at least as wide as the required front yard width of the adjacent lower-density zone. This additional yard requirement shall supersede the base zone yard requirements for the development property where applicable.
B. All yards that abut, or are adjacent across a right-of-way from, a lower-density zone shall be maintained as open space. Natural vegetation, landscaping, or fencing shall be provided to the 6-ft level to screen lower-density residential uses from direct view across the open space.

*Comment: These provisions are not applicable as the proposed development is not zoned commercial, mixed use or industrial.*

19.504.7 Minimum Vegetation

No more than 20% of the required vegetation area shall be covered in mulch or bark dust. Mulch or bark dust under the canopy of trees or shrubs is excluded from this limit. Plans for development shall include landscaping plans which shall be reviewed for conformance to this standard.

*Comment: The applicant will satisfy this provision as no more than 30% of the required vegetation area shall be covered in mulch or bark dust. Compliance can be assured through conditions of approval.*

19.504.8 Flag Lot Design and Development Standards
A. Applicability

*Comment: These provisions are not applicable as no flag lots are proposed.*

19.504.9 On-Site Walkways and Circulation

*Comment: These provisions are not applicable as the proposed development is for single-family residential development.*

19.504.10 Setbacks Adjacent to Transit

*Comment: These provisions are not applicable as the proposed development is not zoned for commercial, office or institutional development.*

**19.505 BUILDING DESIGN STANDARDS**
19.505.1 Design Standards for Single-Family Dwellings and Duplexes
C. Standards: All buildings that meet the applicability provisions in Subsection 19.505.1.B shall meet the following design standards. The graphics provided are intended to illustrate how development could comply with these standards and should not be interpreted as requiring a specific architectural style. An architectural feature may be used to comply with more than one standard. An applicant may request a variance to the Detailed Design standards in Subsection 19.505.1.C.4 through a Type II review, pursuant to Subsection 19.911.3.B. Variances to any other design standards requires a variance through a Type III review, per Subsection 19.911.3.C.

1. Articulation
All buildings shall incorporate design elements that break up all street-facing façades into smaller planes as follows. See Figure 19.505.1.C.1 for illustration of articulation.
a. For buildings with 30-60 ft of street frontage, a minimum of 1 of the following elements shall be provided along the street-facing façades.
(1) A porch at least 5 ft deep.
(2) A balcony that is at least 2 ft deep and is accessible from an interior room.
(3) A bay window that extends at least 2 ft wide.
(4) A section of the façade that is recessed by at least 2 ft deep and 6 ft long.
(5) A gabled dormer.
b. For buildings with over 60 ft of street frontage, at least 1 element in Subsection 19.505.1.C.1.a(1)-(4) above shall be provided for every 30 ft of street frontage. Elements shall be distributed along the length of the façade so that there are no more than 30 ft between 2 elements.

c. For buildings with less than 30 ft of street frontage, the building articulation standard is not applicable.

*Comment: The applicant is aware of this provision. Compliance can be assured through conditions of approval.*

2. Eyes on the Street
At least 12% of the area of each street-facing façade must be windows or entrance doors. See Figure 19.505.1.C.2 for illustration of eyes on the street.

*Comment: The applicant is aware of this provision. Compliance can be assured through conditions of approval.*

3. Main Entrance
At least 1 main entrance must meet both of the following standards. See Figure 19.505.1.C.3 for illustration of main entrances.

*Comment: The applicant is aware of this provision. Compliance can be assured through conditions of approval.*

4. Detailed Design
All buildings shall include at least 5 of the following features on any street-facing façade. See Figure 19.505.1.C.4 for illustration of detailed design elements.

*Comment: The applicant is aware of this provision. Compliance will be reviewed at the time of future building permit.*

5. Standards for Duplexes

*Comment: These provisions are not applicable as no duplexes are proposed.*

19.505.2 Garage and Carport Standards
C. Standards

Subsection 19.505.1.C.2 is met.

*Comment : The applicant is aware of this provision. Compliance can be assured through conditions of approval.*

19.605 VEHICLE PARKING QUANTITY REQUIREMENTS

19.605.1 Minimum and Maximum Requirements
A. Development shall provide at least the minimum and not more than the maximum number of parking spaces as listed in Table 19.605.1. Modifications to the standards in Table 19.605.1 may be made as per Section 19.605. Where multiple ratios are listed, the Planning Director shall determine which ratio to apply to the proposed development or use.

*Comment: The applicant has satisfied this provision by more than meeting the minimum off street parking requirement for the R-5 zone of one parking space per dwelling unit. There is no maximum off-street parking requirement for the R-5 zone (see Table 19.605.1).*

19.607 OFF-STREET PARKING STANDARDS FOR RESIDENTIAL AREAS
19.607.1 Residential Driveways and Vehicle Parking Areas
A. Dimensions: Off-street parking space dimensions for required parking spaces are 9 ft wide x 18 ft deep.
B. Location:
C. Parking Surface Materials
D. Parking Area Limitations

*Comment: The applicant is aware of these provisions and will address compliance when designing the proposed off-street parking.*

Figure 19.607.1.D
Front and Street Side Yard Parking Area Limits
E. Additional Driveway Standards

*Comment: The applicant is aware of this provision. Compliance can be assured through conditions of approval.*

19.703 REVIEW PROCESS

19.703.1 Preapplication Conference
For all proposed development that requires a land use application and is subject to Chapter 19.700 per Section 19.702, the applicant shall schedule a preapplication conference with the City prior to submittal of the land use application. The Engineering Director may waive this requirement for proposals that are not complex.

*Comment: This provision has been satisfied as the applicant attended a pre-application conference with the City on Thursday, March 10th, 2016.*

19.703.2 Application Submittal
For all proposed development that is subject to Chapter 19.700 per Section 19.702, one of thefollowing types of applications is required.
A. Development Permit Application: If the proposed development does not require a land use application, compliance with Chapter 19.700 will be reviewed as part of the development permit application submittal.
B. Transportation Facilities Review (TFR) Land Use Application If the proposed development triggers a transportation impact study (TIS) per Section 19.704, a TFR land use application shall be required. Compliance with Chapter 19.700 will be reviewed as part of the TFR application submittal and will be subject to a Type II review process as set forth in Section 19.1005. The TFR application shall be consolidated with, and processed concurrently with, any other required land use applications. If the proposed development does not trigger a TIS per Section 19.704, but does require the submittal of other land use applications, compliance with Chapter 19.700 will be reviewed during the review of the other land use applications.

*Comment: This provision is not applicable as a TFR is not required. The 19-lot residential development currently proposed is projected to generate 14 new trips during the evening peak hour, with 9 entering and 5 exiting the site. The estimated daily traffic volumes for the site are 170 new trips, with half entering and half exiting.*

19.703.3 Approval Criteria

For all proposed development that is subject to Chapter 19.700 per Section 19.702, the required development permit and/or land use application shall demonstrate compliance with the following approval criteria at the time of submittal.

A. Procedures, Requirements, and Standards
Development and related public facility improvements shall comply with procedures, requirements, and standards of Chapter 19.700 and the Public Works Standards.

***Comment:*** *The applicant has satisfied this provision and has documented compliance with the standards of Chapter 19.700 and the Public Works Standards via this narrative.*

B. Transportation Facility Improvements
Development shall provide transportation improvements and mitigation at the time of development in rough proportion to the potential impacts of the development per Section 19.705 Rough Proportionality, except as allowed by Section 19.706 Fee in Lieu of Construction. Development in downtown zones that is exempt per Subsection 19.702.3.B shall only be required to provide transportation improvements that are identified by a Transportation Impact Study as necessary to mitigate the development's transportation impacts. Such development is not required to provide on-site frontage improvements.

***Comment:*** *To satisfy this provision, at the time of development the applicant will provide transportation improvements and mitigation in rough proportion to the potential impacts of the development. Compliance can be assured through conditions of approval.*

C. Safety and Functionality Standards

***Comment:*** *The applicant will satisfy these provisions by demonstrating compliance upon submittal of a development permit application.*

19.704.2 TIS General Provisions
A. All transportation impact studies, including neighborhood through-trip and access studies, shall be prepared and certified by a registered Traffic or Civil Engineer in the State of Oregon.

***Comment:*** *The provisions of section 19.704.2. are not applicable as a transportation impact study is not required.*

19.708 TRANSPORTATION FACILITY REQUIREMENTS

19.708.1 General Street Requirements and Standards- A. Access Management: All development subject to Chapter 19.700 shall comply with access management standards contained in Chapter 12.16.

***Comment:*** *The applicant has utilized this narrative to address compliance with the access management standards contained in Chapter 12.16.*

B. Clear Vision: All development subject to Chapter 19.700 shall comply with clear vision standards contained in Chapter 12.24.

*Comment: The applicant has utilized this narrative to address compliance with the clear vision standards contained in Chapter 12.24.*

C. Development in Downtown Zones

*Comment: This provision is not applicable as the proposed development is not within a downtown zone.*

D. Development in Non-Downtown Zones

*Comment: These provisions govern implementation following approval of a plan to construct a public street. Compliance can be assured through a condition of approval.*

E. Street Layout and Connectivity

*Comment: The applicant examined the subject property's existing conditions, as well as the surrounding street network, circulation needs and traffic safety prior to the design of the proposed internal street loop. To show the lack of possible future development of surrounding properties the applicant has provided a future connectivity and development concept plan (see Exhibit J). This plan depicts conceptually how surrounding adjacent properties to the east of the subject site may be divided under current zoning. When overall configuration, gross lot areas, existing improvements, minimum setbacks and current zoning are combined for each, adjacent parcels east are divisible as depicted on Exhibit J and in the case of all other lots along the north, and east property line not dividable. The proposed public streets in this application to allow for and provide for future development adjoining properties. There are no permanent turnarounds proposed. The applicable provision of these sections are satisfied.*

F. Intersection Design and Spacing

*Comment: In satisfaction of these subsections, this subdivision application proposes local public streets on the property that are designed and located to provide for traffic flow and turning movements into and through the subject site. The proposed local streets are aligned at right angles and facilitate local circulation. The proposed SE 43rd and 44th local public streets will intersect with the existing Railroad Avenue and there is no existing intersection centerline offsets involved given there is no existing street opposite the subject site on the south side of Railroad.*
*Future extension of the proposed local street comply with block perimeter local street standards. This application proposes a 19 lot subdivision and two new local street intersections onto SE Railroad, a collector street some 150-feet east of SE 42nd, and some 300-feet west of SE 45th, with approximately 300 feet between the proposed intersections of SE 43rd and 44th the middle of the existing block between SE 42nd and 45th Avenues, which is less than 300' minimum distance between Collector intersections. The intersection location is proposed in this location due to a combination of existing conditions including the total length of public street frontage of the subject site on Railroad Road, existing driveway access of the adjacent property at the southeast corner of the subject site, underlying R5 zoning lot area and dimensional standards, and the proposed 20 feet of Railroad Road right-of-way dedication along the subject site Railroad frontage. The proposal is the best available given the size, and shape of the underlying parcel.*

19.708.2 Street Design Standards

Table 19.708.2 contains the street design elements and dimensional standards for street cross sections by functional classification. Dimensions are shown as ranges to allow for flexibility in developing the most appropriate cross section for a given street or portion of street based on existing conditions and the surrounding development pattern. The additional street design, Street, Classification, Minimum Distance Between Street Intersections, Maximum Distance Between Street Intersections, Maximum Block Perimeter. Subsection 19.708.2.A augment the dimensional standards contained in Table 19.708.2. The Engineering Director will rely on Table 19.708.2 and Subsection 19.708.2.A to determine the full-width cross section for a specific street segment based on functional classification. The full-width cross section is the sum total of the widest dimension of all individual street elements. If the Engineering Director determines that a full-width cross section is appropriate and feasible, a full-width cross section will be required. If the Engineering Director determines that a full-width cross section is not appropriate or feasible, the Engineering Director will modify the full-width cross section requirement using the guidelines provided in Subsection 19.708.2.B. Standards for design speed, horizontal/vertical curves, grades, and curb return radii are specified in the Public Works Standards.

*Comment: As depicted on the preliminary plan set submitted with this application, the internal street is proposed with 28' of asphalt which provides for parking on one side of street. All proposed on-street parking will have a minimum width of 6'. The applicant has proposed sidewalks on both side of the street. The proposed 2/3rds Street on SE 44th will be 21-feet wide to permit fire access, and vehicular circulation. It is anticipated that this street will be fully improved when the property to the east is developed.*

19.708.3 Sidewalk Requirements and Standards

B. Sidewalk Requirements

1. Requirements: Sidewalks shall be provided on the public street frontage of all development per the requirements of this chapter. Sidewalks shall generally be constructed within the dedicated public right-of-way, but may be located outside of the right-of-way within a public easement with the approval of the Engineering Director.
2. Design Standards:Sidewalks shall be designed and improved in accordance with the requirements of this chapter and the Public Works Standards.
3. Maintenance:Abutting property owners shall be responsible for maintaining sidewalks and landscape strips in accordance with Chapter 12.04.

*Comment: The applicant has proposed curb-tight 6 foot sidewalks on the south and west side of the internal street.. Proposed sidewalks are designed to satisfy all applicable Milwaukie Development Standards. ADA compliant ramps are proposed at the end of all sidewalks (see Exhibit H). The sidewalks on the north, and east right-o-fway will be separated by a planter strip.*

19.1003 APPLICATION SUBMITTAL AND COMPLETENESS REVIEW

19.1003.2 Application Submittal Requirements

A. Application form, including signature(s) of the property owner or public agency initiating the application.

B. Deed, title report, or other proof of ownership.

C. Detailed and comprehensive description of all existing and proposed uses and structures, including a summary of all information contained in any site plans. The description may need to include both a written and graphic component such as elevation drawings, 3-D models, and photo simulations, etc. For applications

where the subjective aspects of the height and mass of the proposed development will be evaluated at a public hearing, temporary on-site "story pole" installations that simulate the proposed development, and photographic representations thereof, may be required at the time of application submittal. D. Detailed statement that demonstrates how the proposal meets all applicable approval criteria, zoning and land use regulations, and development standards. E. Site plan(s), preliminary plat, or final plat as applicable.
F. All materials identified on the Submittal Requirements form, including the signature(s) of the applicant submitting the materials.
G. Payment of all applicable land use application fee(s) and deposit(s), based on the fee schedule in effect on the date of application submittal.
H. Copy of a valid preapplication conference report if one was required per Subsection 19.1002.2.

*Comment: The applicant has satisfied this provision by submitting with this application all required materials (see page List of Exhibits)*

19.1006 TYPE III REVIEW

19.1006.1 Preapplication Conference
A preapplication conference is required for Type III applications per Section 19.1002.

*Comment: This provision has been satisfied as the applicant attended a pre-application conference with the City in February 2017*

19.1006.2 Type III Application Requirements
A. Type III applications shall be made on forms provided by the Planning Director and shall include all of the information required by Subsection 19.1003.2.

*Comment: The applicant has satisfied this provision by including with this application all submittal materials required by Subsection 19.1003.2 (see page i – List of Exhibits).*

19.1203 SOLAR ACCESS FOR NEW DEVELOPMENT

19.1203.3 Design Standard: At least 80% of the lots in a development subject to these provisions shall comply with one or more of the options in this subsection; provided a development may, but is not required to, use the options in Subsections 19.1203.3.B or C below to comply with Section 19.1203.
A. Basic Requirement
A lot complies with Subsection 19.1203.3 if it:
1. Has a north-south dimension of 90 ft or more; and
2. Has a front lot line that is oriented within 30 degrees of a true east-west axis (seeFigure 19.1203.3).
Figure 19.1203.3

*Comment: As per the applicable provisions of this section, the design standard for solar access for a development creating lots in a single-family zone are contained in Section 19.1203.3, including the basic requirement of 80% of lots having a north-south dimension of 90 ft or more and a front lot line oriented within 30 degrees of a true east-west axis. Lots 1-10, + 15-18, or 84% of the lots meet this requirement.*

Summary and Request

The applicant has utilized a design team consisting of planning, engineering, development, and environmental disciplines to conduct research and reports and produce a detailed plan for the 2.35 acre site. The Applicant has presented substantial evidence to demonstrate that the proposed Railroad subdivision complies with all applicable standards and approval criteria, and requests approval of the Land Use Request.

19.911 VARIANCES

19.911.1 Purpose

Variances provide relief from specific code provisions that have the unintended effect of preventing reasonable development or imposing undue hardship. Variances are intended to provide some flexibility while ensuring that the intent of each development standard is met. Variances may be granted for the purpose of fostering reinvestment in existing buildings, allowing for creative infill development solutions, avoiding environmental impacts, and/or precluding an economic taking of property. Variances shall not be granted that would be detrimental to public health, safety, or welfare.

19.911.2 Applicability

A. Eligible Variances

Except for situations described in Subsection 19.911.2.B, a variance may be requested to any standard or regulation in Titles 17 or 19 of the Milwaukie Municipal Code, or any other portion of the Milwaukie Municipal Code that constitutes a land use regulation per ORS 197.015.

*Comment: The applicant is requesting the following variances:*

1) *A Variance for the spacing of a local Street ( SE 43rd ) from the required 300-feet standard. This variance is requested to allow for the safe and functional development of the "Railroad" property with a loop Street. The design as proposed will meet the street spacing between the existing 45th, Avenue and the proposed 44th Drive, and between 44th and 43rd. The variance is necessary between 42nd and 43rd.*
2) *The applicant is also seeking a variance from the Street-side yard setback for Lot 19 to allow for a buildable envelope on said lot.*
3) *The third variance is from the requirement to allow double frontage lots, where they are necessary, in this case for lots 18 & 19*

C. Exceptions

A variance application is not required where other sections of the municipal code specifically provide for exceptions, adjustments, or modifications to standards either "by right" or as part of a specific land use application review process.

*Comment: the applicant has asked for a modification to the basic street standard to allow for one planter strip rather than two, to help retain a lot, and to retain the buildability of Lot 19. The applicant has also request permission for alternative access for lots 2, and 13 which have frontage on Railroad, but which will be taking access via easement from 42nd, and 44th.*

19.911.3 Review Process

A. General Provisions

1. Variance applications shall be evaluated through either a Type II or III review, depending on the nature and scope of the variance request and the discretion involved in the decision-making process.

2. Variance applications may be combined with, and reviewed concurrently with, other land use applications.

3. One variance application may include up to three variance requests. Each variance request must be addressed separately in the application. If all of the variance requests are Type II, the application will be processed through a Type II review. If one or more of the variance requests is Type III, the application will be processed through a Type III review. Additional variance requests must be made on a separate variance application.

*Comment: The applicant is making a Variance Application. Said application does include multiple variances to the basic standards. All variances are necessary to allow development to proceed given the shape, and nature of the underlying parcel.*

B. Type II Variances

Type II variances allow for limited variations to numerical standards. The following types of variance requests shall be evaluated through a Type II review per Section 19.1005:

1. A variance of up to 40% to a side yard width standard.

2. A variance of up to 25% to a front, rear, or street side yard width standard. A front yard width may not be reduced to less than 15 ft through a Type II review.

3. A variance of up to 10% to lot coverage or minimum vegetation standards.

4. A variance of up to 10% to lot width or depth standards.

5. A variance of up to 10% to a lot frontage standard.

6. A variance to compliance with Subsection 19.505.1.C.4 Detailed Design, or with Subsection 19.901.1.E.4.c.(1) in cases where a unique and creative housing design merits flexibility from the requirements of that subsection.

*Comment: the applicant is requesting a variance to the street side yard setback from lot 19 to be reduced from 15-feet to 10 feet. This is a 33% adjustment to the standard. This is only being request for this lot to assist in the creation of a more buildable area on a heavily restricted lot layout.*

7. A variance to compliance with Subsection 19.505.7.C Building Design Standards in cases where a unique design merits flexibility from the requirements of that subsection.

C. Type III Variances

Type III variances allow for larger or more complex variations to standards that require additional discretion and warrant a public hearing consistent with the Type III review process. Any variance request that is not specifically

listed as a Type II variance per Subsection 19.911.3.B shall be evaluated through a Type III review per Section 19.1006.

*Comment: The proposed street spacing, and double frontage lots require a type III variance.*

19.911.4 Approval Criteria

A. Type II Variances

An application for a Type II variance shall be approved when all of the following criteria have been met:

1. The proposed variance, or cumulative effect of multiple variances, will not be detrimental to surrounding properties, natural resource areas, or public health, safety, or welfare.

2. The proposed variance will not interfere with planned future improvements to any public transportation facility or utility identified in an officially adopted plan such as the Transportation System Plan or Water Master Plan.

3. Where site improvements already exist, the proposed variance will sustain the integrity of, or enhance, an existing building or site design.

4. Impacts from the proposed variance will be mitigated to the extent practicable.

*Comment: For the side yard setback variance to Lot 19, said setback will allow for the construction of a more useable home. There is no evidence to suggest that the reduction in the street side yard setback would in any way impact the public improvements, the Transportation system or any other public service. It is also the only Street side yard setback on Railroad from this development. The applicant does not anticipate any negative impacts from the granting of this relief to allow a 10-ft street side yard setback on Railroad.*

B. Type III Variances

An application for a Type III variance shall be approved when all of the criteria in either Subsection 19.911.4.B.1 or 2 have been met. An applicant may choose which set of criteria to meet based upon the nature of the variance request, the nature of the development proposal, and the existing site conditions.

1. Discretionary Relief Criteria

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

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.

(2) The proposed variance has desirable public benefits.

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

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

2. Economic Hardship Criteria

a. Due to unusual site characteristics and/or other physical conditions on or near the site, the variance is necessary to allow reasonable economic use of the property comparable with other properties in the same area and zoning district.

b. The proposed variance is the minimum variance necessary to allow for reasonable economic use of the property.

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

***Comment:*** *The proposed reduction in the intersection spacing between SE 42nd , and SE 43rd does not create any real world issue. The standard was put in place to allow spacing points of egress. The requirement for the construction of a loop street internally requires two points of egress. The proposed locations allow for complete access to the site, and to the adjacent property to the west. It also allows compliance with the scaping standards between 43rd, 44th, and 45th. SE 42nd is a control intersection. Likewise, 43rd will also be Stop controlled. There are no sight distance issues either vertically or horizontally on Railroad between said intersections. There are no know impacts to adjacent properties caused by an approval of this variance. Granting this variance allows the property to be developed with a loop street, and for the property to be developed at its appropriate density. This variance is in fact a response to the underlying shape of the triangular parent parcel. There are further arguments noted in 19.708 TRANSPORTATION FACILITY REQUIREMENTS, subections E and F.*

*The variance to the double frontage lots is proposed to allow the development of the parcel without the creation of a 'buffer tract' that would serve no purpose, and would in fact create more a of a maintenance problem. This variance is necessary to allow the loops street to be effectively designed to access all lots. The triangular nature of the parent parcel obviously results in a portion of the property being designed in a 'pie' shape. The variance is a necessary requirement for the proposed design solution.*

*Both of these variances are necessary to allow the applicant to design, and efficient and effective subdivision that is both functional and safe, and allows an unusually shaped remnant parcel be developed to respond to the ever-increasing demand for housing. The granting of these variances has an overall benefit for the public good, creating efficiencies, and allowing the construction of single family homes where there is an insufficient supply for a balanced housing market.*

19.902 AMENDMENTS TO MAPS AND ORDINANCES

*Comment: The applicant is requesting a Comprehensive Plan Map Amendment to change the underlying Designation of the proposed development property from Low Density residential to Moderate Density residential. This is made a little confusing since both the R7, and R5 zoned are both included under 19.301 LOW DENSITY RESIDENTIAL ZONES. However, they have separate Low Density and Moderate Density residential land use designations in the Milwaukie Comprehensive Plan. Therefore, this Section of the Code must be addressed.*

*Secondly the applicants request to remove the Historic House from 4217 Se Railroad Avenue has the consequence of requiring both a Comprehensive Plan Map Amendment, and Comprehensive Plan Text Amendment. This second request is specific to this parcel, rather than the larger development property*

19.902.2 Applicability

The requirements of Section 19.902 apply to the amendments described below.

A. Amendments to add, modify, or delete the text of the Milwaukie Comprehensive Plan or its ancillary documents.

B. Amendments to add, modify, or delete the text of Titles 14, 17, and 19 of the Milwaukie Municipal Code, or any other portion of the Milwaukie Municipal Code that constitutes a land use regulation per ORS 197.015.

C. Amendments to change the maps of the Milwaukie Comprehensive Plan, including maps within ancillary documents. Changes to these maps resulting from actions taken by Section 19.1104 Expedited Process are exempt from the requirements of Section 19.902.

D. Amendments to change the "Zoning Map of Milwaukie, Oregon," which is the map established by Subsection 19.107.2. Changes to this map resulting from actions taken by Section 19.1104 Expedited Process are exempt from the requirements of Section 19.902.

*Comment: the application as proposed will change both eth Comprehensive Plan Map, and the text of the code, and therefore a review under this section is applicable.*

19.902.3 Comprehensive Plan Text Amendments

Changes to the text of the Milwaukie Comprehensive Plan shall be called Comprehensive Plan text amendments.

A. Review Process

Changes to the text of the Milwaukie Comprehensive Plan described by Subsection 19.902.2.A shall be evaluated through a Type V review per Section 19.1008.

B. Approval Criteria

Changes to the Milwaukie Comprehensive Plan may be approved if the following criteria are met:

1. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, as proposed to be amended.

2. The proposed amendment is in the public interest with regard to neighborhood or community conditions.

3. The public need is best satisfied by this particular proposed amendment.

4. The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

5. The proposed amendment is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

*Comment: The proposed change to the Comprehensive Plan text is a requirement necessary to update the Text as it relates to Site Specific elements. In this case, the removal of the house at 4217 SE Railroad Avenue from the Historical Inventory. Changing the code to accurately reflect a change to this specific designation is a response to a request by the applicant, and does in no way set a precedent for any further Text Changes. This is a reactive change, rather than a causal text amendment. Correcting the Text of a portion of the code to reflect a change approved by the City is necessary to keep the Plan Text consistent with the map change, and the removal of the property from the inventory.*

*The amendment is supported by the Neighborhood Association, the local Historical Society, and City Staff. The removal of the designation is necessary to allow the demolition of the structure, which in turn is necessary to allow the development of the subdivision in a manner that is consistent with the need to provide a loop street, and to develop the property in an efficient and effective manner.*

19.902.4 Comprehensive Plan Map Amendments

Changes to the maps of the Milwaukie Comprehensive Plan shall be called Comprehensive Plan map amendments.

A. Review Process

Changes to the maps of the Milwaukie Comprehensive Plan described in Subsection 19.902.2.C shall be evaluated through either a Type IV review, per Section 19.1007, or Type V review, per Section 19.1008. The City Attorney shall have the authority to determine the appropriate review process for each Comprehensive Plan map amendment. The City Attorney's review process determination is not a land use decision per ORS 197.015 and is not subject to appeal.

Generally, Comprehensive Plan map amendments that involve 5 or more properties or encompass more than 2 acres of land are legislative in nature and subject to Type V review. Comprehensive Plan map amendments that involve fewer properties and encompass a smaller area of land are quasi-judicial in nature and subject to Type IV review.

B. Approval Criteria

Changes to the maps of the Milwaukie Comprehensive Plan shall be evaluated against the approval criteria in Subsection 19.902.3.B. A quasi-judicial map amendment shall be approved if these criteria are met. A legislative map amendment may be approved if these criteria are met.

*Comment: The applicant is requesting a Comprehensive Plan Map Amendment to change the underlying Designation of the proposed development property from Low Density residential to Moderate Density residential. This property is located on the boundary between the R7 and R5 boundary. The subdivided lots adjacent to the north and east boundaries have been developed at a size, and with dimensions that would not approvable under the R7 zone. There is a significant imbalance between the R7 and R5 zone with R7 by far the dominant zone. This a reflection in large part of the size of the lotting patterns that were established prior to the zoning being put in place. They reflect a responsive designation. The R5 zone allows a slightly greater density that is a natural transition from larger 7,000 SF lots to the adjacent 6,000 SF lots to the proposed 5,000 SF lots. The Zoning code still considers these lots as being part of the Low Density Residential zoning.*

19.902.5 Zoning Text Amendments

Changes to the text of land use regulations within the Milwaukie Municipal Code shall be called zoning text amendments, regardless of the individual titles involved.

A. Review Process

Changes to Titles 14, 17, or 19 of the Milwaukie Municipal Code, or any land use regulation as defined by ORS 197.015, that are described by Subsection 19.902.2.B shall be evaluated through a Type V review per Section 19.1008.

B. Approval Criteria

Changes to the Milwaukie Municipal Code described by Subsection 19.902.2.B may be approved if the following criteria are met:

1. The proposed amendment is consistent with other provisions of the Milwaukie Municipal Code.

2. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan.

3. The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

4. The proposed amendment is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

5. The proposed amendment is consistent with relevant federal regulations.

*Comment: There should be no change in the Zone Text as a result of the zone change of the map from R7 to R5. Further the change in the Historical designation is a change to the Comprehensive Plan text NOT the Zoning Text.*

19.902.6 Zoning Map Amendments

Changes to the Zoning Map of Milwaukie, Oregon, shall be called Zoning Map amendments.

A. Review Process

1. Changes to the Zoning Map described in Subsection 19.902.2.D shall be evaluated through either a Type III review, per Section 19.1006, or Type V review, per Section 19.1008. The City Attorney shall have the authority to determine the appropriate review process for each Zoning Map amendment. The City Attorney's review process determination is not a land use decision per ORS 197.015 and is not subject to appeal.

Generally, Zoning Map amendments that involve 5 or more properties or encompass more than 2 acres of land are legislative in nature and subject to Type V review. Zoning Map amendments that involve fewer properties and encompass a smaller area of land are quasi-judicial in nature and subject to Type III review.

2. Changes that affect both the Zoning Map and text of Titles 14, 17, or 19, or other land use regulations within the Milwaukie Municipal Code shall be evaluated through a Type V review per Section 19.1008. These changes are subject to the approval criteria of Subsections 19.902.5.B and 19.902.6.B.

B. Approval Criteria

Changes to the Zoning Map shall be evaluated against the following approval criteria. A quasi-judicial map amendment shall be approved if the following criteria are met. A legislative map amendment may be approved if the following criteria are met:

1. The proposed amendment is compatible with the surrounding area based on the following factors:

a. Site location and character of the area.

b. Predominant land use pattern and density of the area.

c. Expected changes in the development pattern for the area.

2. The need is demonstrated for uses allowed by the proposed amendment.

3. The availability is shown of suitable alternative areas with the same or similar zoning designation.

4. The subject property and adjacent properties presently have adequate public transportation facilities, public utilities, and services to support the use(s) allowed by the proposed amendment, or such facilities, utilities, and services are proposed or required as a condition of approval for the proposed amendment.

5. The proposed amendment is consistent with the functional classification, capacity, and level of service of the transportation system. A transportation impact study may be required subject to the provisions of Chapter 19.700.

6. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, including the Land Use Map.

7. The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

8. The proposed amendment is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

***Comment:*** *The applicant is requesting a zone change from R7 to R5. This property is located on the boundary between the R7 and R5 boundary. The subdivided lots adjacent to the north and east boundaries have been developed at a size, and with dimensions that would not approvable under the R7 zone. There is a significant imbalance between the R7 and R5 zone with R7 by far the dominant zone. This a reflection in large part of the size of the lotting patterns that were established prior to the zoning being put in place. They reflect a responsive designation. The R5 zone allows a slightly greater density that is a natural transition from larger 7,000 SF lots to the adjacent 6,000 SF lots to the proposed 5,000 SF lots. The Zoning code still considers these lots as being part of the Low Density Residential zoning.*

*The frontage on Railroad Avenue, and the proximity to the Expressway reflect an ability of the site to have the capacity to absorb the increased vehicular traffic. There is also sufficient capacity in the sanitary, storm, and water systems.*

*The zone change was presented to the Neighborhood Association as part of the development package, and there were no objections.*

*There is a strong housing need in the area, and this parcel has remained an undeveloped remnant parcel for decades. The proposed Plan, and Zoning changes are necessary steps to the subdivision, and development of this parcel.*

*The proposal as submitted is consistent with the Housing Policies, and Goals of the City without coming into conflict with other general goals for the welfare, and growth of the City. Ultimately the dev elopement of this property will lead to a short-term employment for local trades from the Metro area, and will increase the tax base of the State, and City. This parcel has always been intended for residential development. But because of its shape, location, and the presence of several structures this property has not been able to develop for its intended use. Amendments to the Comprehensive Plan Map, the Plan Text, and the Zoning Map will aid in successful subdivision of this parcel.*

# PRELIMINARY STORMWATER MANAGEMENT REPORT

**For**

## Railroad Avenue Subdivision, Milwaukie

**Sustainable Infill Development, LLC**
**795 NW Torrey View Lane**
**Portland, OR 97229**

Prepared for:

CITY OF MILWAUKIE

10722 SE Main St.
Milwaukie, OR 97222

Date:
March 10th, 2017

Site Location:
4219 SE Railroad Avenue
12E31BC 8000, 8100, 8200, & 8300 – 3.24 Acres

Prepared by:

**Project Delivery Group, LLC**
3772 Portland Road NE
Salem, Oregon 97301

# Designer's Certification and Statement

I hereby certify that this Stormwater Management Report for SE Railroad Avenue Subdivision has been prepared by me or under my supervision and meets minimum standards of the City of Milwaukie and normal standards of engineering practice. I hereby acknowledge and agree that the jurisdiction does not and will not assume liability for the sufficiency, suitability, or performance of drainage facilities designed by me.




RENEWS:

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*Appendix D: Milwaukie Drywell Sizing Requirements*

# Project Overview and Description

## Size and Location of Project

The proposed project encompasses approximately 3.24 acres and is located at 4219 SE Railroad Avenue, Milwaukie Oregon 97222 (Site). The tax map and lot numbers are 12E31BC 8000, 8100, 8200, & 8300. Refer to the preliminary drawings for the Site map.

## Property Zoning

Although the property is to be subdivided, there will be no effect to the zoning.

## Type of Development and Proposed Improvements

The project consists of a 19-Lot single-family residential subdivision with public streets and public utilities. The project is being designed to 2016 City of Portland Stormwater Management Manual requirements. The proposed development incorporates drywells for the exfiltration of the runoff due to impervious roofs and an infiltration basin to provide the required stormwater flow control and water quality treatment for the new impervious streets, sidewalks, and driveways. A copy of the drainage basin developed for this report is provided in Appendix A.

## Description and Size of the Watershed Draining to the Site

The Site is in Milwaukie, near the Milwaukie Business – Industrial area, on the northeast side of SE Railroad Avenue, east of SE 42nd Avenue and west of SE 45th Avenue. The Site generally slopes southwest toward SE Railroad Avenue. Slopes range from 3 to 8%. The Site is bordered with upgradient properties along the northern and eastern boundaries. There is "run-on" of surface water onto the Site from these adjoining properties; yet, this water will be considered "flow-through," since the existing properties to the north and east will remain the same in the Pre-Developed and Post-Developed Site conditions.

There is a constructed storm water collection and conveyance drainage ditch along SE Railroad Avenue which will convey both the "pass-through" water from the adjoining properties as well as the run-off form the Site. For purposes of this report, it is assumed that this existing conveyance system has adequate capacity to convey the pre-development flows from the Site.

## Regulatory Permits Required

A 1200-C permit from the Oregon Department of Environmental Quality (DEQ) is required along with City of Milwaukie permits. There are not any environmental constraints on the Site or any wetlands; therefore, no additional regulatory permits are required.

## Existing vs. Post Construction Conditions

The existing Site contains two single-family residences with associated landscaping and paved access ways. There are also some out-buildings and graveled access ways on the Site. The remainder of the Site is lightly forested to open areas with trees and grass. The proposed Site will have 19 single-family residences with associated driveways, all gaining access from the proposed local street. The street will have parking along one side, with a landscape strip along the other, and sidewalks on both sides. The proposed Site will replace the existing trees (many are diseased and dying or dead) with new street trees and incorporate modern landscaping to minimize stormwater runoff. Each lot will have a drywell for infiltrating the runoff from their respective roofs (see the Milwaukie Drywell Sizing Requirements provided in Appendix D). The street stormwater conveyance system will terminate at the proposed curb inlets located at the intersections of SE 43rd and 44th Avenues with SE Railroad Avenue. The water will then be

conveyed in a reconfigured and regraded roadside ditch along Railroad Avenue which will have two infiltration basins located in the downgradient portion of the ditch, with any remaining waters being conveyed off-site in the existing roadside ditch.

# Methodology

## Drainage Conveyance

As mentioned above, the proposed stormwater treatment and infiltration system will be primarily for the additional runoff created by the impervious street and sidewalks. It also incorporates 400 sf for driveways from each lot.

The drain basin splits along the 43rd Avenue, at the proposed crown in the street just in front of lot 7 (refer to the attached Site Plan in appendix A). From this crown along the curb to the curb inlet, the distance in either direction is less than 400 sf, so catch basins are not needed until the crosswalks. This will reduce the cost for the Developer to construct and for the City to maintain. Once the water is in the drainage ditch, it will flow west toward the edge of the Site. The last 260 ft of the ditch will be reconstructed as an infiltration basin. The overflow for the infiltration basin will be a Type D manhole at the end of the second infiltration basin ditch (at the intersection with SE 42nd Ave). The water will be treated, detained, and infiltrated by the use of the basins, with any surplus waters being conveyed into the type D catch basin and continuing down the ditch to the west and off the Site.

## Infiltration Testing Results

A geotechnical evaluation of the Site has not been performed by the time this report was prepared. Groundwater elevations are expected to fluctuate seasonally in accordance with rainfall conditions, with levels greater than 80 inches from the surface for the northern half of the Site and 25 to 32 inches for the lower half of the Site according to information obtained from the Natural Resource Conservation Service (NRCS) Soil Survey website. Site grading will be accomplished to ensure that groundwater does not reach the foundation grades of the finished lots. Thus, groundwater was not included in the hydrology calculations of this report. After reviewing recent infiltration tests at nearby sites with City staff, and a review of on-site soils and soil infiltration and run-off performance during heavy and extended rainfall periods, it is assumed that the water table is deep enough and the soils are permeable enough to utilize drywells. According to City staff at the Pre-App meeting, a recent test at a nearby site yielded infiltration rates of 14 inches/hour. Using a minimum factor of safety of 2, as outlined in the infiltration testing procedures for the open pit falling head test, we utilized a design infiltration rate of 7 inches/hour for design. Once the geotechnical investigation and associated infiltration testing work has been completed, the design infiltration rate will be adjusted as needed as utilized in the final drainage design report.

## Stormwater Hierarchy Category Justification

This Site incorporates two categories of stormwater hierarchy. The first category is the roofs, which will use individual drywells for treatment and disposal. This falls into the hierarchy “Category 2” as identified in Figure 1-5 Stormwater Infiltration and Discharge Hierarchy of the 2016 City of Portland Stormwater Management Manual. The City of Milwaukie Drywell Sizing Requirements in Appendix D was used to select the drywell size. The second is the streets, driveways, and sidewalks that will run into the reconstructed drainage ditch along SE Railroad Avenue. These waters will be treated/detained/infiltrated and overflow discharged to the existing drainage way, eventually making its way to the wetlands, which is west of the Site. This falls into “Category 3” as identified in Figure 1-5 Stormwater Infiltration and Discharge Hierarchy of the 2016 City of Portland Stormwater Management Manual.

# Analysis

## Design assumptions

**Downstream System is Adequate**

It is assumed that there are no downstream capacity problems in the existing systems in SE Railroad Avenue, as the outflows from the Site are being limited to the calculated peak flow rates of the existing conditions of the Site (i.e. pre-development), for the various storm events, and the downgradient public storm drain systems should have been designed to accommodate these existing peak flow rates from the adjoining upgradient lands and the Site in a pre-development condition.

**Description of Soil Types and Any Other Geologic Features Impacting Stormwater Infrastructure Design**

Per the Natural Resource Conservation Service (NRCS) Soil Survey, the Site predominately (73.5%) consists of Woodburn silt loam (91B) hydrologic soil group C and (26.5%) Latourell loam (53B) hydrologic group B. See Appendix B for the NRCS soils report for this Site. The Latourell loam is primarily on the northern third of the Site according to the Soil Survey. Based on existing soil characteristics noted during the site walk during a period of intense and extended rainfall (i.e. noting very little run-off or and no ponded water presence), it is our belief that the Latourell loam type soil cover the Site more extensively. This will be confirmed with the geotechnical investigation for the final drainage report. The Site visit occurred on a rainy day, with intermittent precipitation for the prior week, yet, the Site appeared to drain very well; there was no accumulation of water in the low lying southern area and the ground still felt firm. Because of the infiltration properties of the Latourell loam, it is assumed that the drywells can be strategically located where this material occurs. There are no other geological features impacting stormwater infrastructure design or installation noted for the Site.

**Computation Methods and Software Utilized**

In accordance with 2016 City of Portland Stormwater Management Manual, the City of Portland Environmental Services online Stormwater Presumptive Approach Calculator (PAC) was utilized to calculate the treatment/detention facility. The storms, which the program utilizes, are as follows:

- 2 year 24-hour storm (2.40 inches)
- 5 year 24-hour storm (2.90 inches)
- 10 year 24-hour storm (3.40 inches)
- 25 year 24-hour storm (3.90 inches)

**The Site has been modeled as 1 drainage basin**

The Site will drain along the proposed curb and gutter before entering the catch basins at the crosswalks and then discharging into the drainage ditch. Roof drain laterals from each lot will be connected to drywells.

The drainage basin is illustrated on the drainage basin map provided in Appendix A.

**The storm runoff will be treated and discharged utilizing drywells**

Because of the limited space in the lots the house footprint will not be large. This coupled with high infiltration rates make this site an excellent candidate for the use of drywells. The Milwaukie Drywell Sizing Requirements were used

in selecting the correct size of drywell. It is assumed that the roofs per lot will be approximately 1600SF, thus a 48 inch diameter drywell with a depth of 5.09 feet will be sufficient. In the event that a larger or smaller home is built, the drywell size will be adjusted accordingly.

**Infiltration Basin Assumptions:**

As mentioned above, the infiltration basin will act as the detention and treatment facility. In accordance with 2016 City of Portland Stormwater Management Manual, the basin has been designed to have a 3H:1V slope. The basin has been sized to maintain a freeboard of 6-inch from the 25-year design storm water elevation as shown in the calculations in Appendix C. A riprap protected scour pad will be installed at the inflow into the drainage ditch from the proposed pipe outflow from the catch basins, to protect from erosion.

## Approved Results from the Presumptive Approach Calculator

The Presumptive Approach Calculator was used for the design of the infiltration basin to be used for treating the streets, driveways, and sidewalk. The results of the Presumptive Approach Calculator are attached in Appendix C. Both the Pollution Reduction and the Flow Control as designed passed the requirements.

## Conveyance Requirements and Design

For run-off estimation, a pre- and post-development flow path was determined for the drainage basin as illustrated in the drainage basin maps provided in Appendix A. The pre-development flow paths typically consist of sheet flow that transitions into shallow concentrated flow. The post-development flow paths typically consist of sheet flow across the lot and street. They then transition to shallow concentrated flow, down the gutter and drainage ditch to the infiltration basin. The Pre-Developed and Post-Developed areas and runoff CNs are shown below in Table A:

Table A: Pre and Post-Development Areas and CNs

| PRE-DEVELOPMENT | | | | |
|---|---|---|---|---|
| | Area (SF) | CN | Description | Notes |
| | 35,432 | 69 | 50-75% Grass cover, Fair, HSG B | |
| | 3,968 | 98 | Roofs, HSG B | |
| | 4,183 | 96 | Gravel surface, HSG B | |
| | 928 | 98 | Unconnected pavement, HSG B | |
| | 2,432 | 82 | Dirt roads, HSG B | |
| | 9,323 | 83 | 1/4 acre lots, 38% imp, HSG C | Run-on from neighboring lots |
| | 618 | 98 | Unconnected pavement, HSG C | Existing Sidewalk at SE 42nd Ave |
| **Total** | **156,884** | | | |
| **Weighted CN** | **72** | | | |
| POST-DEVELOPMENT | | | | |
| | Area (SF) | CN | Description | Notes |
| | 82,831 | 61 | >75% Grass cover, Good, HSG B | |
| | 30,530 | 98 | Paved parking, HSG B | Streets and sidewalks |
| | 3,800 | 98 | Paved parking, HSG B | private driveways |
| | 9,323 | 83 | 1/4 acre lots, 38% imp, HSG C | Run-on from neighboring lots |
| **Total** | **126,484** | | **30,400sf of roofs (1,600 sf/lot) treated by drywells. 126,484 + 30,400 = 156,484sf** | |
| **Weighted CN** | **73** | | | |

**Table A: Calculated CN**

The characteristics of each flow path and the associated runoff CN and areas were input into the Presumptive Approach Calculator and a pre- and post-development derived time of concentration (Tc) for the drainage basin was determined. A listing of the Tc for the basin, is shown below in Table B.

| PRE-DEVELOPMENT | | | | | | | |
|---|---|---|---|---|---|---|---|
| | TC (Minutes) | Method | Description | Mannings's No | Velocity Factor (ft/sec) | Flow Length (ft) | Slope |
| | 5.0 | Direct | ODOT prescribed lag time between when rainfall starts and run-off begins | | | | |
| | 14.4 | Sheet | Sheet Flow Across Grass | 0.150 | | 300 | 0.0930 |
| | 2.6 | Shallow | Concentrated Flow Across Grass | | 7.0 | 152 | 0.0197 |
| **Total** | **22.0** | | | | | | |
| **POST-DEVELOPMENT** | | | | | | | |
| | TC (Minutes) | Method | Description | Mannings's No | Velocity Factor (ft/sec) | Flow Length (ft) | Slope |
| | 5.0 | Direct | ODOT Allowed Delay | | | | |
| | 6.3 | Sheet | Sheet Flow Across Grass | 0.150 | | 131 | 0.1400 |
| | 0.8 | Sheet | Sheet Flow Across Road | 0.011 | | 55 | 0.0200 |
| | 1.1 | Shallow | Concentrated Flow Along Gutter | | 20.3 | 275 | 0.0400 |
| | 2.9 | Shallow | Concentrated Flow Through the Ditch | | 15.0 | 407 | 0.0250 |
| **Total** | **16.1** | | | | | | |

**Table B: Calculated TC**

Using the derived Tc's, and other drainage basin parameters, the following peak pre-and post-development flow rates (with and without stormwater conveyance system outlet control) for the water quality, 2-year, 10-year, and 25-year-design storm events were determined, and are as summarized in the Figure2-35 below: see output from the Presumptive Approach Calculator in Appendix C.

## Figure 2-35. Catchment and Facility Summary

| Catchment or Facility ID | IA Type (roof, road) | Impervious Area (SF) | Ownership (Private/Public) | Facility Type | Facilty Size (SF) | CN |
|---|---|---|---|---|---|---|
| 1 | Street & Sidewalk | 30,530 | Public | Infiltration Basin | 520 | 98 |
| 1 | Driveways | 7,600 | Private | | | 98 |

## Detention Basin and Flow Control for the 2, 10, and 25-year Storm Event

The estimated peak pre-development flow rate for the project Site for the 2, 5, 10, and 25-year storm events are 0.035, 0.085, 0.146, and 0.216 cubic feet per second (cfs) respectively (summarized in the Presumptive Approach Calculator report in Appendix C). In order to obtain post-development outflow rates equal to or less than peak pre-development outflow rates, supplemental stormwater detention (with outlet control) will be required. To reduce the outflow to pre-development flow rate, a total of 2,580 cubic feet (cf) of supplemental storage is required for the Project's drainage basin, as determined by the Presumptive Approach Calculator for the 25-year storm event. Detention will be facilitated by utilizing the detention storage volume of the proposed infiltration basin.

*Infiltration / Detention Basin:*

An outlet control type "D" ditch inlet (outlet control structure) will be placed at the downgradient end of the infiltration basin for head control. The Type "D" inlet grate will be set at an elevation 59.5 feet. The 2, 5, and 10 year storms will be infiltrated while the PAC model indicated the outflow from the 25-year design storm event will peak at 0.213 cfs, with a storage requirement of 2,580 cf. The PAC results indicated that there would be approximately 0.5 feet of freeboard at the peak of the 25-year storm event. The calculated peak predevelopment flow rate during the same storm event was 0.213 cfs.

The infiltration basin incorporates a permeable bottom, with an 18-inch depth of growing medium. The design assumes a minimum percolation rate through the permeable bottom of 2.0 inches per hour. PAC model results for the infiltration basin are provided in Appendix C and summarized below in Figure 2-36.

### Figure 2-36. Pre vs. Post Construction Flow Rates

| | Peak Flow Rate (CFS) | | | | | | | | Time of Concentration | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 2 YR | | 5 YR | | 10 YR | | 25 YR | | | |
| Catchment ID | Pre | Post | Pre | Post | Pre | Post | Pre | Post | Pre | Post |
| 1 | 0.035 | 0.000 | 0.085 | 0.000 | 0.146 | 0.022 | 0.216 | 0.213 | 22min | 15min |

### Escape route for the 100-year storm

The escape route for the stormwater runoff from the Site due to a 100-year storm event will be via the overflow device (type D inlet grate in the outlet control structure) and existing storm drainage ditch along SE Railroad Avenue. Refer to the Post-Developed basin map provided in Appendix A.

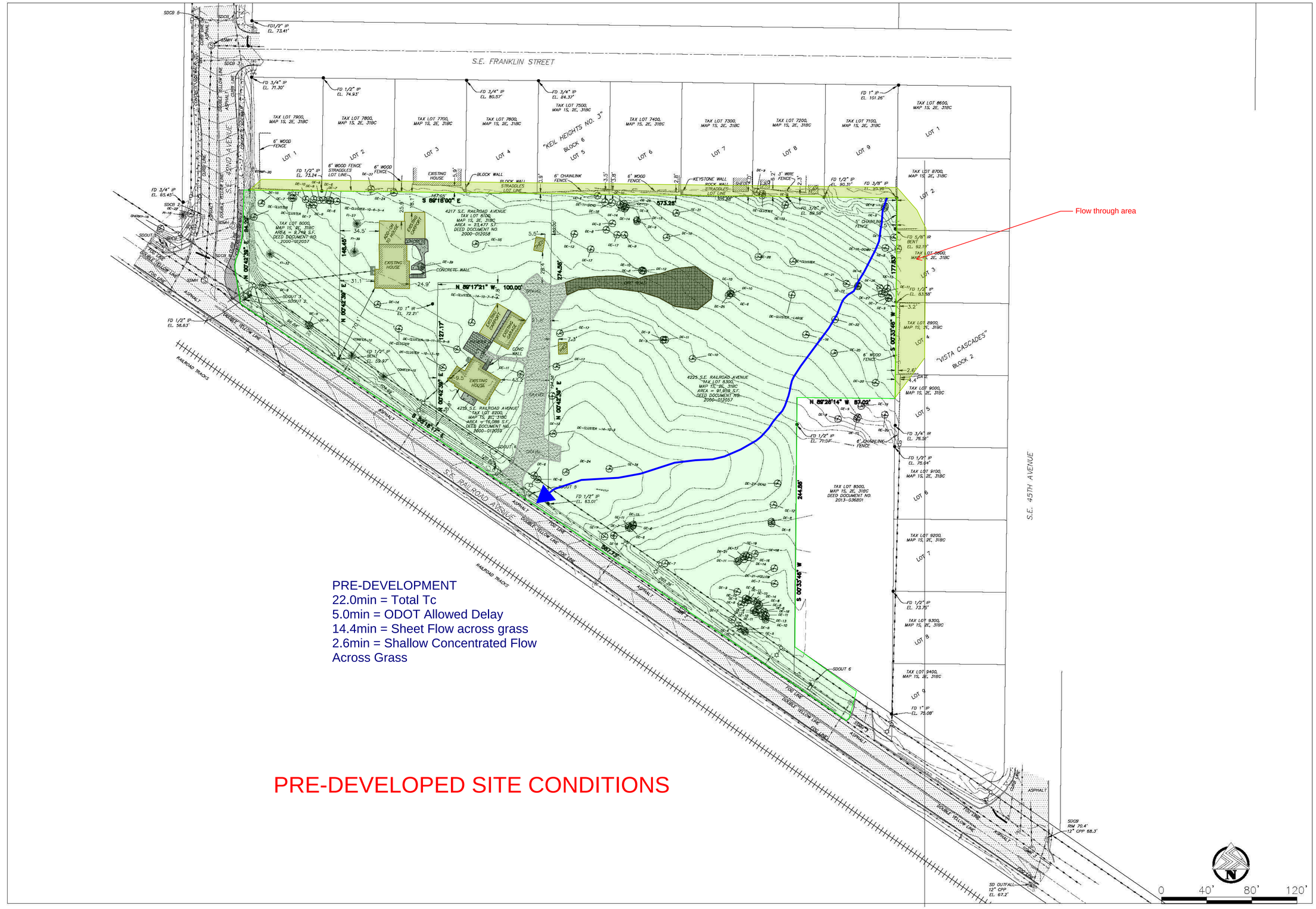
## Engineering Conclusions

The stormwater treatment and flow control for the Site have been designed and sized to be in compliance with the 2016 City of Portland Stormwater Management Manual (available online) and Milwaukie Drywell Sizing Requirements (copy provided in Appendix D).

For the streets, driveways and sidewalks, water quality improvement of the surface/storm water run-off will be provided using an infiltration basin. Stormwater detention storage will be provided in the same basin. A flow control structure is provided at the downgradient end the infiltration basin with an overflow type "D" inlet, which releases the runoff into the existing drainage ditch flowing west from the Site. The flow control structure limits the discharge from the Site to no more than the Pre-Developed flow rate for the 2-year, 5-year, 10-year, and 25-year design storm events. Flow control is designed and sized so that the drainage basin of the Site complies by limiting peak stormwater run-off discharge rates to be at or below the calculated peak pre-development runoff rates.

For the runoff created by the roofs, water quality improvement of the surface/storm water run-off will be provided using drywells.

The sizing of water quality and detention storage facilities are preliminary, and with detailed infrastructure design may change from what is presented in this report. It is possible that the areas of infiltration basin will be reduced with refinements in design. A final drainage report, documenting the resulting final design of the storm water infrastructure for the subdivision, will be submitted with the final improvement drawings for City of Milwaukie approval for infrastructure development of the subdivision.




PROJECT DELIVERY GROUP

DATE SIGNED:

Sustainable Infill Development LLC

# SE RAILROAD AVENUE SUBDIVISION

City Of Milwaukie, Oregon

SCALE NOTE:

BAR IS ONE INCH ON ORIGINAL DRAWING. IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.

REVISIONS

| NO. | DESCRIPTION | DATE | BY |
|---|---|---|---|
| | | | |

PROJECT NO: ###
HORIZ DATUM: ###
VERT DATUM: ###
HORIZ SCALE: AS SHOWN
VERT SCALE: AS SHOWN
DRAWN: ###
DESIGN: ###
APPROVED: ###

SHEET TITLE:

PRE-DEVELOPED SITE

EXHIBIT 1

Drawing2.dwg 3/1/2017 12:16:49 PM

RS293

Existing Culvert

Type D Catch Basin Inlet will serve as the Flow Control for the Infiltration Basin

Proposed 12" Culvert

Catch Basin Inlet will take street runoff and direct into drainage ditch.

Class 50 Riprap

Infiltration Basin: 2' wide with 18" of Growing Medium

Class 50 Riprap

G-2 Catchbasin Inlet will take street runoff and direct into drainage ditch.

Proposed 12" Culvert

Flow through area

EAST STREET EDGE TO BE IMPROVED IN THE FUTURE

POST-DEVELOPMENT
16.1min = Total Tc
5.0min = ODOT Allowed Delay
6.3min = Sheet Flow Across Grass
0.8min = Sheet Flow Across Street
1.1min = Shallow Concentrated Flow Along Gutter
2.9min = Shallow Concentrated Flow Through Ditch

# POST-DEVELOPED SITE CONDITIONS

DRAINAGE NOTES

1. EACH LOT TO HAVE A SEPARATE DRYWELL TO DISCHARGE ROOF DRAIN STORMWATER
2. STREET STORMWATER TO DISCHARGE INTO DRAINAGE DITCH

PROJECT DELIVERY GROUP

DATE SIGNED:

Sustainable Infill Development LLC

SE RAILROAD AVENUE SUBDIVSION

City Of Milwaukie, Oregon

SCALE NOTE:

0" 1"

BAR IS ONE INCH ON ORIGINAL DRAWING. IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.

| REVISIONS | | | |
|---|---|---|---|
| NO. | DESCRIPTION | DATE | BY |

PROJECT NO: 17022
HORIZ DATUM: LOCAL
VERT DATUM: LOCAL
HORIZ SCALE: AS SHOWN
VERT SCALE: AS SHOWN
DRAWN: SHS
DESIGN: JL
APPROVED: JL

SHEET TITLE:

POST-DEVELOPED SITE

EXHIBIT 2

P:\2017 Projects\17022 Milwaukie Subdivision - RR Property\The CAD\Civil\Tentative Subdivision Plan\17022_GRADING.dwg 3/10/2017 2:54:01 PM

RS294

United States Department of Agriculture

NRCS

Natural Resources Conservation Service

A product of the National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local participants

# Custom Soil Resource Report for Clackamas County Area, Oregon




RS296

March 1, 2017

# Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (https://offices.sc.egov.usda.gov/locator/app?agency=nrcs) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require

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# How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.



RS302

# Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

# Custom Soil Resource Report
## Soil Map




Map Scale: 1:1,140 if printed on A landscape (11" x 8.5") sheet.

N

Meters
0 15 30 60 90

Feet
0 50 100 200 300

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 10N WGS84

## MAP LEGEND

**Area of Interest (AOI)**
- Area of Interest (AOI)

**Soils**
- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

**Special Point Features**
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

**Water Features**
- Streams and Canals

**Transportation**
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

**Background**
- Aerial Photography

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Clackamas County Area, Oregon
Survey Area Data: Version 11, Sep 16, 2016

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 26, 2014—Sep 5, 2014

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

# Map Unit Legend

| Clackamas County Area, Oregon (OR610) | | | |
|---|---|---|---|
| **Map Unit Symbol** | **Map Unit Name** | **Acres in AOI** | **Percent of AOI** |
| 53B | Latourell loam, 3 to 8 percent slopes | 0.9 | 26.5% |
| 91B | Woodburn silt loam, 3 to 8 percent slopes | 2.6 | 73.5% |
| **Totals for Area of Interest** | | **3.5** | **100.0%** |

# Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the

development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

# Clackamas County Area, Oregon

## 53B—Latourell loam, 3 to 8 percent slopes

**Map Unit Setting**

*National map unit symbol:* 225k
*Elevation:* 50 to 400 feet
*Mean annual precipitation:* 40 to 60 inches
*Mean annual air temperature:* 52 to 54 degrees F
*Frost-free period:* 165 to 210 days
*Farmland classification:* All areas are prime farmland

**Map Unit Composition**

*Latourell and similar soils:* 90 percent
*Estimates are based on observations, descriptions, and transects of the mapunit.*

**Description of Latourell**

**Setting**

*Landform:* Terraces
*Landform position (three-dimensional):* Tread
*Down-slope shape:* Linear
*Across-slope shape:* Linear
*Parent material:* Stratified glaciolacustrine deposits

**Typical profile**

*H1 - 0 to 15 inches:* loam
*H2 - 15 to 48 inches:* loam
*H3 - 48 to 60 inches:* gravelly sandy loam

**Properties and qualities**

*Slope:* 3 to 8 percent
*Depth to restrictive feature:* More than 80 inches
*Natural drainage class:* Well drained
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high (0.57 to 1.98 in/hr)
*Depth to water table:* More than 80 inches
*Frequency of flooding:* None
*Frequency of ponding:* None
*Available water storage in profile:* High (about 9.5 inches)

**Interpretive groups**

*Land capability classification (irrigated):* 2e
*Land capability classification (nonirrigated):* 2e
*Hydrologic Soil Group:* B
*Hydric soil rating:* No

## 91B—Woodburn silt loam, 3 to 8 percent slopes

**Map Unit Setting**

*National map unit symbol:* 227z

*Elevation:* 150 to 400 feet
*Mean annual precipitation:* 40 to 50 inches
*Mean annual air temperature:* 52 to 54 degrees F
*Frost-free period:* 165 to 210 days
*Farmland classification:* All areas are prime farmland

**Map Unit Composition**

*Woodburn and similar soils:* 90 percent
*Minor components:* 4 percent
*Estimates are based on observations, descriptions, and transects of the mapunit.*

**Description of Woodburn**

**Setting**

*Landform:* Terraces
*Landform position (three-dimensional):* Tread
*Down-slope shape:* Linear
*Across-slope shape:* Linear
*Parent material:* Stratified glaciolacustrine deposits

**Typical profile**

*H1 - 0 to 16 inches:* silt loam
*H2 - 16 to 38 inches:* silty clay loam
*H3 - 38 to 60 inches:* silt loam

**Properties and qualities**

*Slope:* 3 to 8 percent
*Depth to restrictive feature:* More than 80 inches
*Natural drainage class:* Moderately well drained
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately low to moderately high (0.06 to 0.20 in/hr)
*Depth to water table:* About 25 to 32 inches
*Frequency of flooding:* None
*Frequency of ponding:* None
*Available water storage in profile:* High (about 12.0 inches)

**Interpretive groups**

*Land capability classification (irrigated):* 2e
*Land capability classification (nonirrigated):* 2e
*Hydrologic Soil Group:* C
*Other vegetative classification:* Moderately Well Drained < 15% Slopes (G002XY004OR)
*Hydric soil rating:* No

**Minor Components**

**Huberly**

*Percent of map unit:* 2 percent
*Landform:* Swales on terraces
*Landform position (three-dimensional):* Tread
*Down-slope shape:* Linear
*Across-slope shape:* Linear
*Other vegetative classification:* Poorly Drained (G002XY006OR)
*Hydric soil rating:* Yes

**Aquolls**

*Percent of map unit:* 1 percent

*Landform:* Flood plains
*Hydric soil rating:* Yes

**Dayton**

*Percent of map unit:* 1 percent
*Landform:* Terraces
*Landform position (three-dimensional):* Tread
*Down-slope shape:* Linear
*Across-slope shape:* Linear
*Other vegetative classification:* Poorly Drained (G002XY006OR)
*Hydric soil rating:* Yes

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United States Department of Agriculture, Soil Conservation Service. 1961. Land capability classification. U.S. Department of Agriculture Handbook 210. http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_052290.pdf

# PAC Report

| | | |
|---|---|---|
| Project Name<br>SE Railroad Avenue Subdivision | Permit No. | Created<br>3/8/17 10:34 AM |
| Project Address<br>4219 SE Railroad Ave<br>Milwaukie, OR 97222 | Designer<br>Lee Brennan | Last Modified<br>3/10/17 12:36 PM |
| | Company<br>Project Delivery Group | Report Generated<br>3/10/17 12:36 PM |

## Project Summary

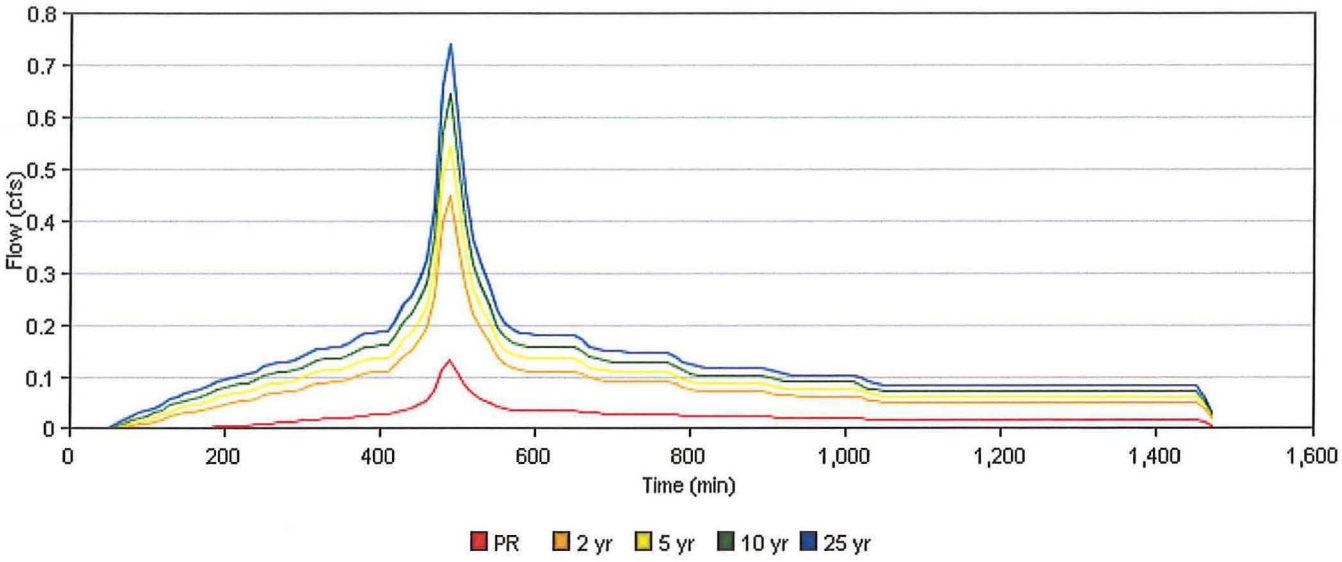
The proposed project encompasses approximately 3.24 acres and is located at 4219 SE Railroad Avenue, Milwaukie Oregon 97222(Site). Tax map and lot numbers 12E31BC 8000, 8100, 8200, & 8300.
The project consists of a 19-Lot single-family residential subdivision with public streets and public utilities. The project is being designed to 2016 City of Portland Stormwater Management Manual. The development incorporates drywells for the exfiltration of the runoff due to impervious roofs and a Combination Swale to provide the required stormwater flow control and water quality treatment for the new impervious streets.

| Catchment Name | Impervious Area (sq ft) | Native Soil Design Infiltration Rate | Hierarchy Category | Facility Type | Facility Config | Facility Size (sq ft) | Facility Sizing Ratio | PR Results | Flow Control Results |
|---|---|---|---|---|---|---|---|---|---|
| Streets, Sidewalks | 38130 | 14.00 | 3 | Basin | A | 520 | 9.9% | Pass | Pass |

## Catchment Streets, Sidewalks

| | | |
|---|---|---|
| **Site Soils & Infiltration Testing Data** | Infiltration Testing Procedure | **Open Pit Falling Head** |
| | Native Soil Infiltration Rate ($I_{test}$) | **14.00** |
| **Correction Factor** | $CF_{test}$ | **2** |
| **Design Infiltration Rates** | Native Soil ($I_{dsgn}$) | **7.00 in/hr** |
| | Imported Growing Medium | **2.00 in/hr** |
| **Catchment Information** | Hierarchy Category | **3** |
| | Disposal Point | **B** |
| | Hierarchy Description | **Off-site flow to drainageway, river, or storm-only pipe system** |
| | Pollution Reduction Requirement | **Pass** |
| | 10-year Storm Requirement | **N/A** |
| | Flow Control Requirement | **If discharging to an overland drainage system or to a storm sewer that discharges to an overland drainage system, including streams, drainageways, and ditches, the 2-year post-development peak flow must be equal or less than half of the 2-year pre-development rate and the 5, 10, and 25-year post-development peak rate must be equal or less than the pre-development rates for the corresponding design storms.** |
| | Impervious Area | **38130 sq ft**<br>**0.875 acre** |
| | Time of Concentration (Tc) | **15** |
| | Pre-Development Curve Number ($CN_{pre}$) | **72** |
| | Post-Development Curve Number ($CN_{post}$) | **98** |

## SBUH Results




| | Pre-Development Rate and Volume | | Post-Development Rate and Volume | |
|---|---|---|---|---|
| | Peak Rate (cfs) | Volume (cf) | Peak Rate (cfs) | Volume (cf) |
| **PR** | 0 | 2.199 | 0.131 | 1992.4 |
| **2 yr** | 0.035 | 1517.285 | 0.447 | 6899.466 |
| **5 yr** | 0.085 | 2380.743 | 0.546 | 8479.789 |
| **10 yr** | 0.146 | 3355.594 | 0.644 | 10062.477 |
| **25 yr** | 0.216 | 4418.006 | 0.742 | 11646.657 |

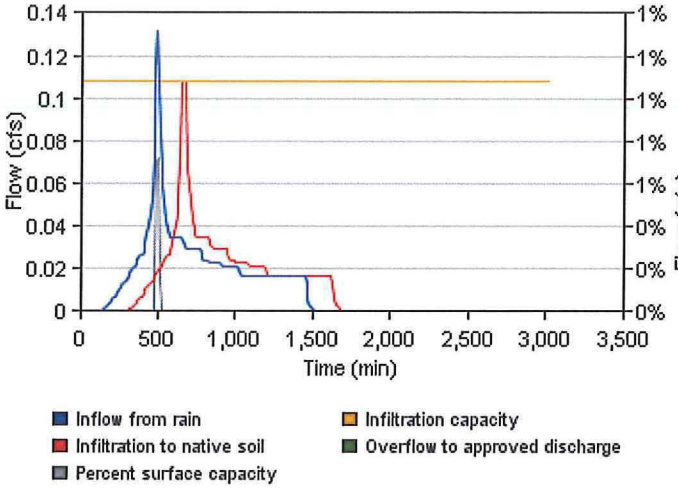

RS316

## Facility Streets, Sidewalks

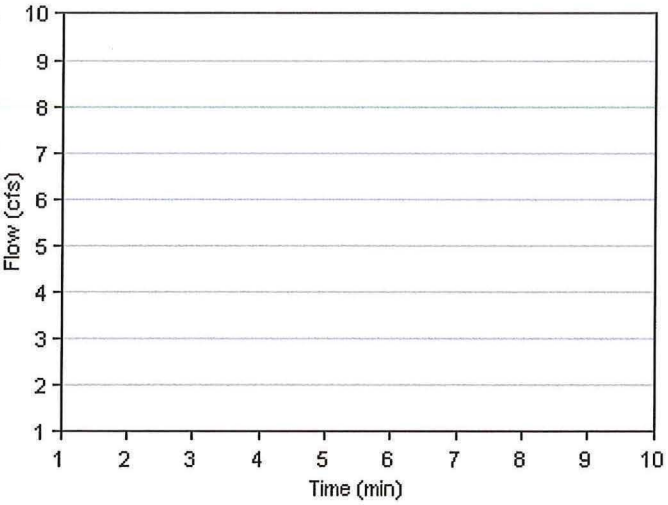
| | | |
|---|---|---|
| **Facility Details** | Facility Type | **Basin** |
| | Facility Configuration | **A: Infiltration (Infl.)** |
| | Facility Shape | **Rectangle** |
| | **Above Grade Storage Data** | |
| | Bottom Area | **520 sq ft** |
| | Bottom Width | **2.00 ft** |
| | Side Slope | **3.0:1** |
| | Storage Depth 1 | **18.0 in** |
| | Growing Medium Depth | **18 in** |
| | Freeboard Depth | **6.00 in** |
| | Surface Capacity at Depth 1 | **2580.3 cu ft** |
| | Design Infiltration Rate for Native Soil | **0.377 in/hr** |
| | Infiltration Capacity | **0.108 cfs** |
| **Facility Facts** | Total Facility Area Including Freeboard | **3777.10 sq ft** |
| | Sizing Ratio | **9.9%** |
| **Pollution Reduction Results** | Pollution Reduction Score | **Pass** |
| | Overflow Volume | **0.000 cf** |
| | Surface Capacity Used | **1%** |
| **Flow Control Results** | Flow Control Score | **Pass** |
| | Overflow Volume | **100.758 cf** |
| | Surface Capacity Used | **100%** |

| | Post-development outflow (cfs) | | Pre-development inflow (cfs) | |
|---|---|---|---|---|
| **2 year** | 0 | ≤ ½ of | 0.035 | **Pass** |
| **5 year** | 0 | ≤ | 0.085 | **Pass** |
| **10 year** | 0.022 | ≤ | 0.146 | **Pass** |
| **25 year** | 0.213 | ≤ | 0.216 | **Pass** |

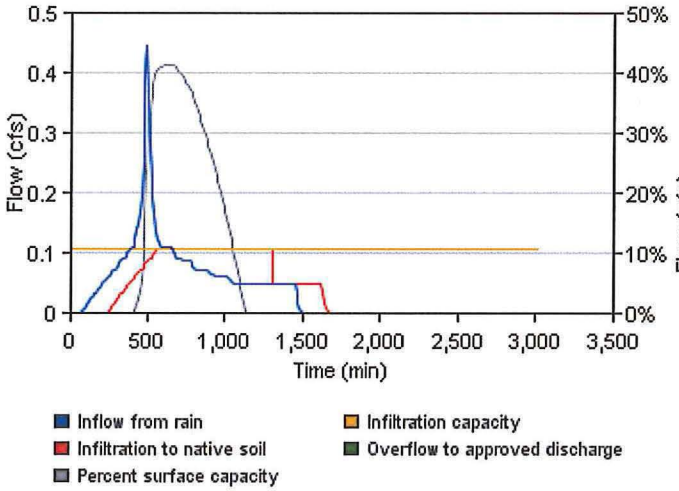
Pollution Reduction Event Surface Facility Modeling



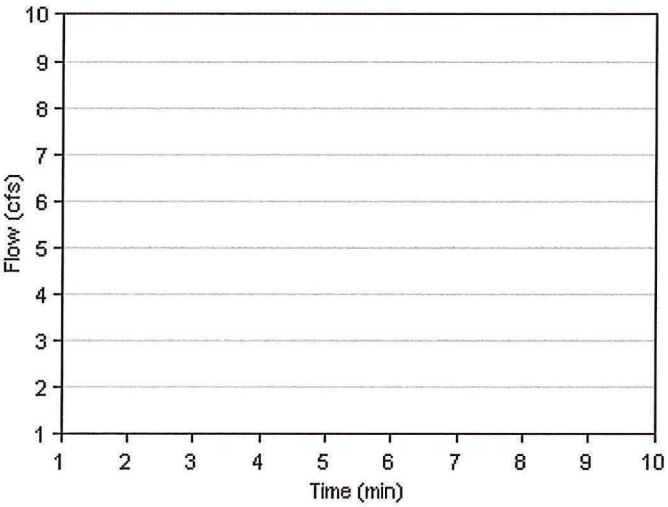

Pollution Reduction Event Below Grade Modeling



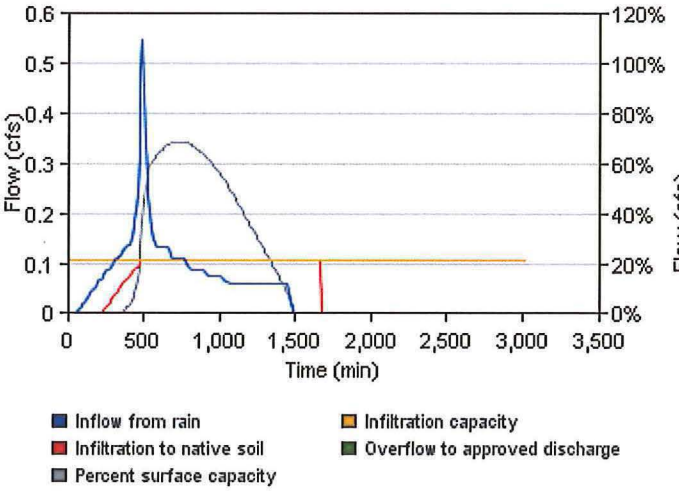

2 Year Event Surface Facility Modeling



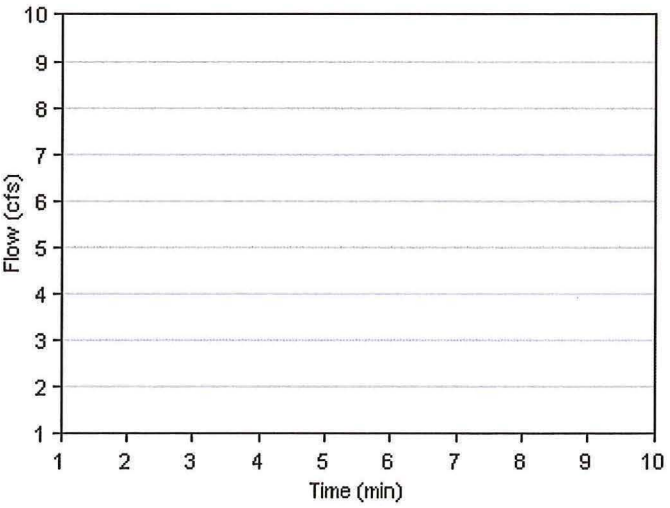

2 Year Event Below Grade Modeling



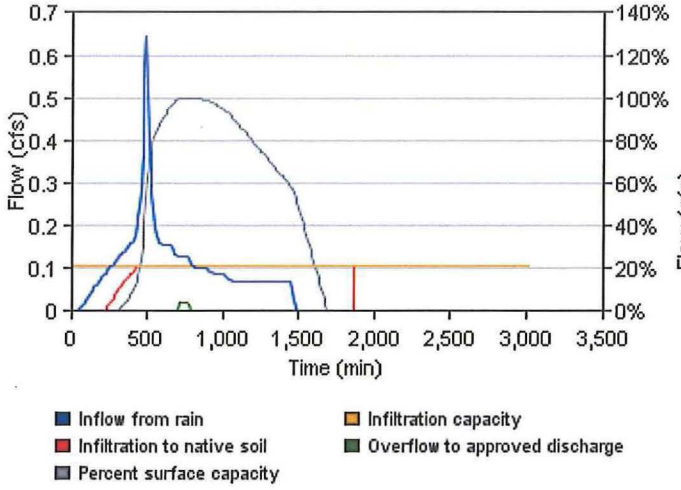

5 Year Event Surface Facility Modeling



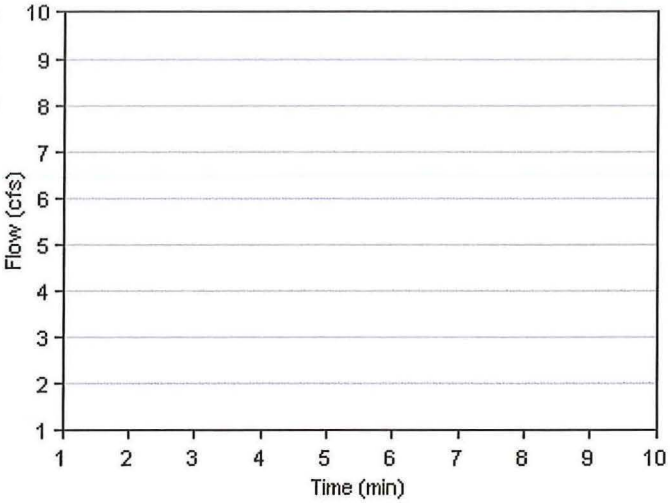

5 Year Event Below Grade Modeling



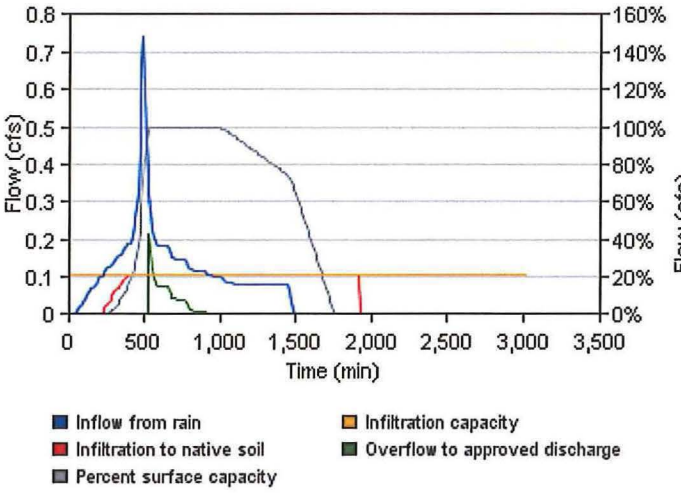
10 Year Event Surface Facility Modeling



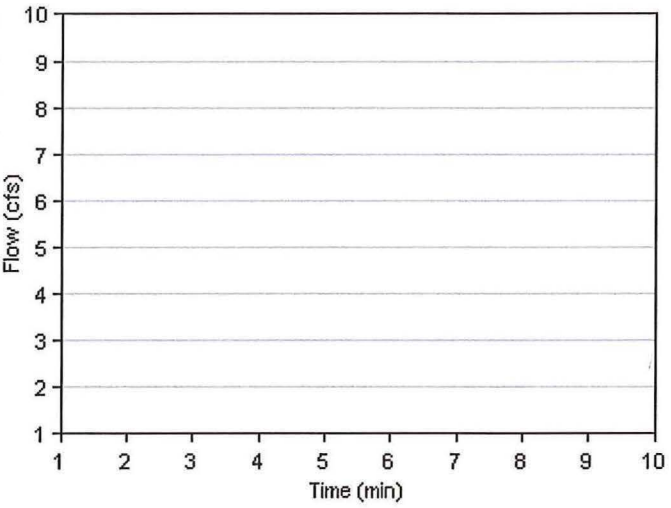

10 Year Event Below Grade Modeling




25 Year Event Surface Facility Modeling




25 Year Event Below Grade Modeling



**ENGINEERING DEPARTMENT**
*6101 SE Johnson Creek Blvd*
*Milwaukie OR 97206*

**INSPECTIONS:** **503-786-7575**
**PHONE:** *503-786-7606*
**FAX:** *503-774-8236*
**E-MAIL:** *engineering@ci.milwaukie.or.us*

# Residential/Light Traffic Drywell Requirements

## AUTHORIZATION:

City of Milwaukie Municipal Code Section 13.12.060(B) authorizes the use of drywells for the disposal of runoff water from roof rain drains and parking areas. **The City may require percolation tests** as proof that soil conditions are suitable for drywells.

## INSTALLATION:

The installation of drywells shall meet or exceed the requirements of Chapter 11 of the Oregon Plumbing Specialty Code (OPSC) as authorized by ORS 447.020(2), April 1, 2000. Installation shall further be in accordance with City of Milwaukie standard drawing 613B for residential drywells and shall meet all specifications and requirements stated in this outline.

## SIZES:

Drywells are intended to handle a known capacity of water based on the area in square feet being drained. The OPSC, Chapter 11, Section 1107, requires that reinforced concrete rings have a **minimum inside diameter** of twenty-eight (28) inches and a **minimum depth** of five (5) feet. Sizes larger than the minimum are determined by calculations for a specific drainage area. Larger sizes of rings for specific areas to be drained are shown on the attached drywell size chart.

## MATERIALS:

Drywells within the city of Milwaukie shall be reinforced concrete rings, constructed to the dimensions and specifications shown on standard drawing 613B. All other materials shall meet the sizes and specifications shown on drawing 613B. The City **may require certification** by an independent testing laboratory as proof that all drywell materials meet the stated specifications.

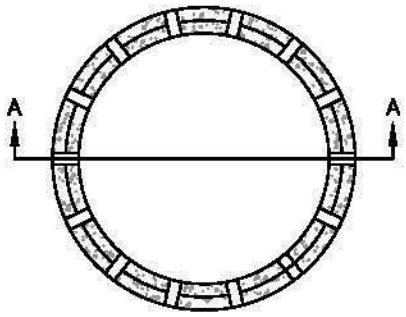
## PERMITS:

**Property owners may install drywells on their own property if they do all of their own work.** All **contractors must provide proof that they are licensed** by the State of Oregon and that they have a City of Milwaukie or Metro business license and a certificate of liability insurance. Any person seeking to install a drywell within the city of Milwaukie must first obtain a permit from the Building Department and pay all fees pertaining to such permit. Installation of a drywell without a permit is a violation of City Ordinance and may result in fines, additional fees, and the added expense for removal and disposal of unacceptable materials from the site.

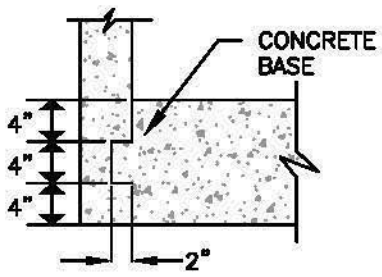
## INSPECTIONS:

Inspection and final approval of drywell installation and materials shall be by personnel of the City of Milwaukie Building Department. To avoid delays, **requests for inspection must be made before 7:30 a.m. of the day inspection is desired. Call 503-786-7575.**

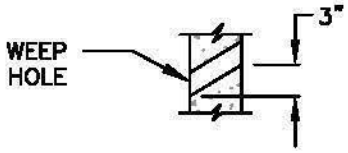
**Two inspections are required:** (1) when excavation is complete, **before** placing drywell rings or any other materials, and (2) when filter fabric and drywell rings are in place, **prior** to placing drain rock.



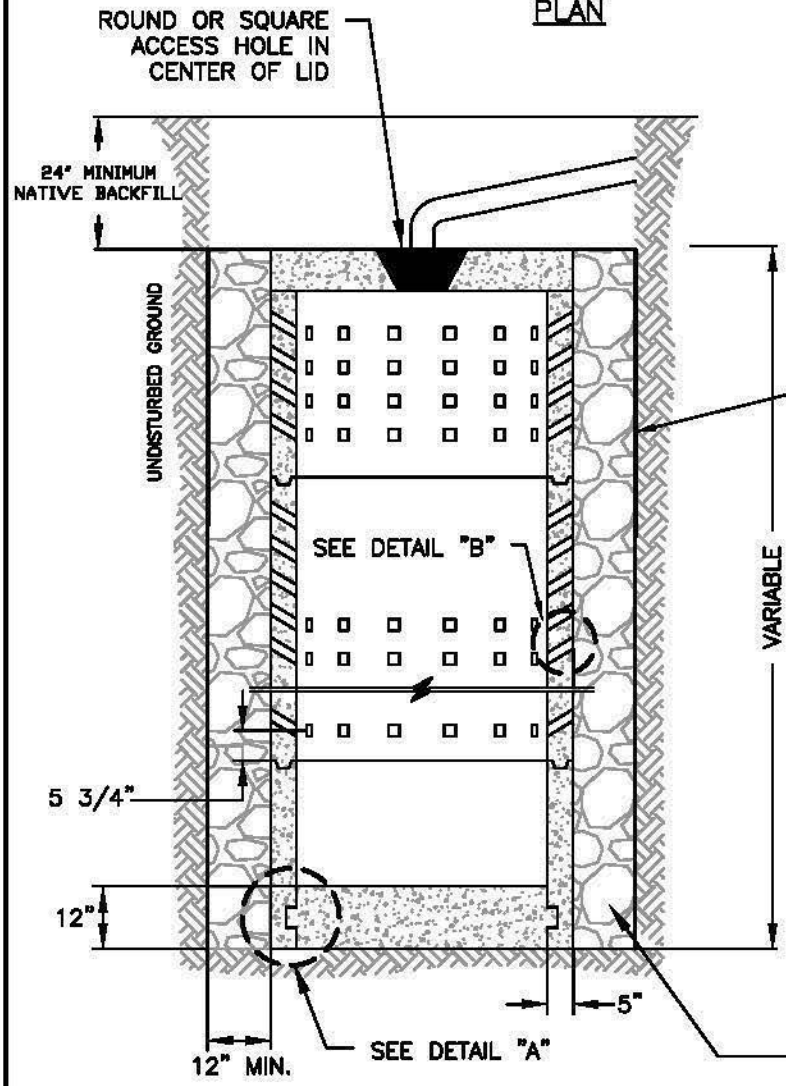

PLAN




DETAIL "A"




DETAIL "B"




GEOTEXTILE FABRIC – AMOCO NONWOVEN GEOTEXTILE NO. 4545, OR APPROVED EQUAL

3"–6" CLEAN ROUND RIVER DRAIN ROCK

SECTION A–A

NOTES:

1. ALL PRECAST SECTIONS SHALL CONFORM TO REQUIREMENTS OF ASTM C 478.

2. INVERT SHALL BE LEVEL AND SMOOTH.

3. EDGE OF DRYWELL RINGS MUST BE LOCATED A MINIMUM OF TEN (10) FEET FROM ANY BUILDING FOUNDATION AND A MINIMUM FIVE (5) FEET FROM ANY PROPERTY LINE.

MILWAUKIE, OREGON ★ FOUNDED 1847 ★

CITY OF MILWAUKIE, OREGON – PUBLIC WORKS DEPT.

**Drywell – Residential**

DRAWING NO. 613B

APPROVED JASOURCE 12/14
CITY ENGINEER DATE

| NO. | REVISIONS | DATE | BY |
|---|---|---|---|
| 1 | NEW DRAWING | 12/14 | AJR |

**ENGINEERING DEPARTMENT**
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**E-MAIL:** *engineering@ci.milwaukie.or.us*

# Drywell Sizes

| DRAINAGE AREA (square feet) | 2.33' Diameter* (28 inches) Depth shown in feet | 2.5' Diameter (30 inches) Depth shown in feet | 3.0' Diameter (36 inches) Depth shown in feet | 4.0' Diameter (48 inches) Depth shown in feet |
|---|---|---|---|---|
| <550 | 5.00* | 5.00* | 5.00* | 5.00* |
| 550 | 5.16 | " | " | " |
| 600 | 5.63 | " | " | " |
| 700 | 6.57 | 5.70 | " | " |
| 800 | 7.50 | 6.52 | " | " |
| 900 | 8.44 | 7.33 | 5.09 | " |
| 1000 | 9.38 | 8.15 | 5.66 | " |
| 1100 | 10.32 | 8.96 | 6.22 | " |
| 1200 | 11.26 | 9.78 | 6.79 | " |
| 1300 | 12.20 | 10.59 | 7.36 | " |
| 1400 | 13.13 | 11.41 | 7.92 | " |
| 1500 | 14.07 | 12.22 | 8.49 | " |
| 1600 | | 13.04 | 9.05 | 5.09 |
| 1700 | | 13.85 | 9.62 | 5.41 |
| 1800 | | 14.66 | 10.18 | 5.73 |
| 1900 | | 15.48 | 10.75 | 6.05 |
| 2000 | | | 11.32 | 6.36 |
| 2100 | | | 11.88 | 6.68 |
| 2200 | | | 12.45 | 7.00 |
| 2300 | | | 13.01 | 7.32 |
| 2400 | | | 13.58 | 7.64 |
| 2500 | | | 14.14 | 7.96 |
| 2600 | | | 14.71 | 8.27 |
| 2700 | | | 15.28 | 8.59 |
| 2800 | | | 15.84 | 8.91 |
| 2900 | | | 16.41 | 9.23 |
| 3000 | | | 16.98 | 9.55 |
| 3100 | | | 17.54 | 9.87 |
| 3200 | | | 18.11 | 10.19 |
| 3300 | | | | 10.51 |
| 3400 | | | | 10.83 |
| 3500 | | | | 11.15 |

The above chart indicates the depth of drywell required to serve a specified drainage area. Diameters shown are those generally available from suppliers.

$$\text{DEPTH} = \frac{(A \times 0.04 \text{ feet})}{[(\frac{1}{2} \text{ diameter})^2 \times \pi]}$$

| | | |
|---|---|---|
| Depth | = | depth, in feet, of drywell excluding thickness of cover |
| A | = | total drainage area in square feet |
| 0.04 | = | constant for depth of water covering the drainage area |
| diameter | = | the diameter, in feet, of the drywell to be installed |
| $\pi$ | = | 3.1416 |

**NOTE:**
**Preferred Maximum depth to diamater ratio is 6:1**

Oregon P.S.C. requires minimum **inside** diameter of 28" and min. depth of 5.0 ft of reinforced concrete rings.

**RS324**

## 1107.0 Dry Wells; Construction, Use and Limitations

**1107.1 Construction.** Where permitted by the Administrative Authority, dry wells may be used. The Administrative Authority may require soil percolation tests. When authorized, dry wells may be of reinforced concrete rings with an inside diameter of not less than twenty-eight (28) inches (0.7 m) with a minimum depth of five (5) feet (1.5 m), measured from the bottom to the top of the reinforced concrete cover and set on undisturbed soil. All dry wells shall be covered with at least two (2) feet (0.6 m) of compacted earth when measured from the top of the lid to the finished grade. When first approved by the Administrative Authority, dry wells may be constructed of brick or other approved material in of not less than four (4) inches (0.1 m) thickness. Brick or block may be assembled with or without openings, provided the openings on the outside of the dry well are not greater than three (3) inches (7.5 cm). This type of dry well shall have a brick arched top or an arched top of other approved materials.

**1107.2 Location.** No dry well shall be located closer than five (5) feet (1.5 m) of a property line nor closer than ten (10) feet (3 m) to any building unless approved by the Administrative Authority. Each drainage connection to a dry well shall be made at the top center of the lid by the use of an approved ninety (90) degree waste fitting. Support of piping shall be as required by Chapter 3 of this Code. Special permission may be granted to enter the side of the dry well when grade and structural conditions make top entrance impractical.

**1107.3 Backfill.** The particle size of the backfill surrounding a dry well shall be of sufficient size to prevent its incursion into the interior of the dry well. The backfill shall form a continuous layer around the dry well not less than six (6) inches (150 mm) in thickness and shall extend to the full height of the dry well.

> **Exception:** When the dry well is installed in sandy-type soil an approved filter material shall be placed around the exterior of the liner to prevent infiltration of sand. The backfill shall be of native soil properly compacted.

**1107.4 Abandonment.** When required by the Administrative Authority, every drywell which has been abandoned or has been otherwise discontinued from further use shall be completely filled with earth, sand, gravel, concrete, or other approved material.

ENGINEERING DEPARTMENT
*6101 SE Johnson Creek Blvd*
*Milwaukie OR 97206*

INSPECTIONS: 503-786-7575
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E-MAIL: *engineering@ci.milwaukie.or.us*

# Drywell Materials
# Specifications & Suppliers

## Specifications

**Geotextile Filter Fabric**

The following geotextile filter fabrics are approved "equals" for use in drywells within the city of Milwaukie. Fabrics manufactured by other suppliers, which meet or exceed the quoted specifications, are also acceptable **if the City receives verifiable written specifications prior to installation.**

| | LINQ GTF 125EX | MIRAFI 140NL | AMOCO 4545 |
|---|---|---|---|
| **Grab** | 95 | 90 | 90 |
| **Elongation** | 50 | 50 | 50 |
| **Puncture** | 55 | 55 | 55 |
| **Tear** | 45 | 35 | 40 |
| **Mullen burst** | 215 | 185 | 185 |
| **AOS** | 70 | 70 | 70 |
| **Permitivity** | 2.0 | 2.0 | 2.1 |

All three of the above fabrics meet ODOT requirements for Type I drainage geotextile.

## Suppliers:

The following are lists of local suppliers who carry some or all of the required materials for drywells. These lists are provided as **information only, and do not constitute recommendations.**

**Geotextile Filter Fabric**

**Note:** Some suppliers will cut fabric to size, while others sell only full rolls. **Ask before you buy!**

**ACF West Inc.**
**Geosynthetic Products**
8951 SE 76th Dr.
Portland OR 97206
ph) 503-771-5115 fax) 503-771-1161
1-800-878-5115

**ADS Advanced Drainage Systems Inc**
3695 Truman St
Washougal WA 98671
ph) 1-360-835-8522 fax) 1-360-835-3822
1-800-733-8523

**CSI Geosynthetics**
3500 SE Columbia Way
Bldg 44 Suite 100
Vancouver WA 98661
ph) 1-360-699-1426 fax) 1-360-699-1344
1-800-426-7976

**Familiar Northwest Inc**
Clackamas Showroom
14600 SE 82nd Dr
Clackamas OR 97015
ph) 503-655-1911

**Fowler HD Co Inc**
15632 SE 102nd
Clackamas OR 97015
ph) 503-656-3900

**Oregon Culvert Co**
Tualatin Sherwood Rd
ph) 503-692-0410

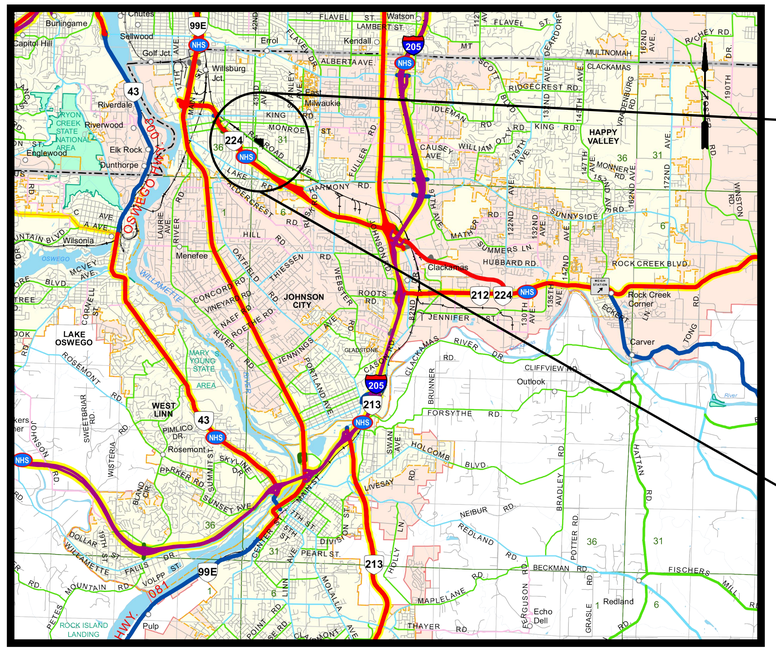
**United Pipe & Supply Co Inc**
7600 SE Johnson Creek Blvd
Portland OR 97206
ph) 503-788-8813 fax) 503-788-9747
1-800-933-8813

**Drywell Rings**

**Johnson Cement Products**
6500 SE Johnson Creek Blvd
Portland OR 97206
ph) 503-774-2351

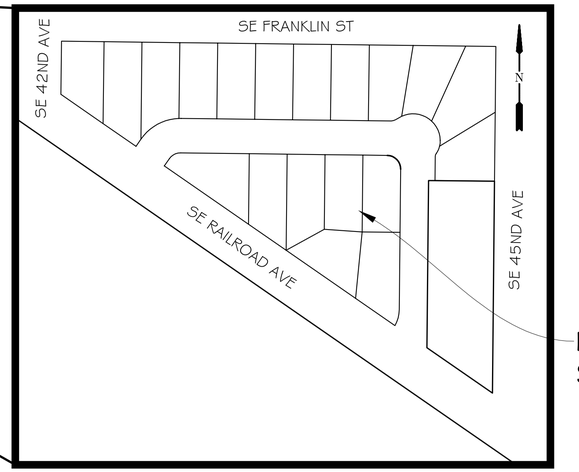
Others may be available

**Drain Rock**
Many suppliers—listed in yellow pages under "Rock"




OVERALL VICINITY MAP

NTS




SITE PLAN

1"=100'

# PRELIMINARY SUBDIVISON PLANS FOR KEIL GARDENS SUBDIVISION

A PROPOSED SUBDIVISION
MILWAUKIE, CLACKAMAS COUNTY, OREGON
April 2017

811

Know what's **below.**
**Call** before you dig.

**ATTENTION:**
OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH 952-001-0090. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER AT (503) 232-1987.

## SHEET INDEX


| Sheet Number | DRAWING NAME |
|---|---|
| G-0.01 | COVER SHEET |
| C-1.01 | EXISTING CONDITIONS & DEMO PLAN |
| C-1.03 | SITE PLAN |
| C-1.05 | GRADING PLAN |
| C-1.07 | SANITARY AND WATER PLAN |
| C-1.09 | PRE-PLAT |


## PROJECT CONTACTS


**OWNER:**
FRANCAR LLC
6920 NE ST. JOHNS ROAD
VANCOUVER, WA 98665

**SURVEYOR:**
CENTERLINE CONCEPTS LAND SURVEYING, INC.
TOBY BOLDEN, PLS
19376 MOLALLA AVE SUITE 120,
OREGON CITY, OR 97045
503-650-0188 (OFFICE)
TOBYB@CENTERLINECONCEPTS.COM

**CIVIL ENGINEER:**
PROJECT DELIVERY GROUP, LLC
JAMES LOFTON, PE
3772 PORTLAND RD NE
SALEM, OREGON 97301
503-364-4004 (OFFICE)
JAMESL@PDGNW.COM

**LOCAL JURISDICTION:**
CITY OF MILWAUKIE
6101 SE JOHNSON CREEK BLVD
MILWAUKIE, OR, 97206
503-786-7600 (OFFICE)


PROJECT DELIVERY GROUP

REGISTERED PROFESSIONAL ENGINEER
84967PE
OREGON
MAR 14, 2017
JAMES DAVID LOFTON
EXPIRES: DECEMBER 31, 2018

PRELIMINARY NOT FOR CONSTRUCTION

DATE SIGNED:

SUSTAINABLE INFILL DEVELOPMENT, LLC

KEIL GARDENS SUBDIVISION

MILWAUKIE, OR

SCALE NOTE:

BAR IS ONE INCH ON ORIGINAL DRAWING. IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.

REVISIONS

| NO. | DESCRIPTION | DATE | BY |
|---|---|---|---|
| | | | |

PROJECT NO: 17022
HORIZ DATUM: LOCAL
VERT DATUM: LOCAL
HORIZ SCALE: AS SHOWN
VERT SCALE: AS SHOWN
DRAWN: JSL
DESIGN: JDL
APPROVED: JDL

SHEET TITLE:

COVER SHEET

G-0.01

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GENERAL CONSTRUCTION NOTES

1. ALL EXISTING HOUSES AND STRUCTURES ON SIGHT TO BE REMOVED.

KEYNOTES - WORK BY CONTRACTOR

100. REMOVE EXISTING BUILDING
101. ABAONDON EXISTING UTILITIES
102. SAWCUT AND REMOVE EXISTING PAVEMENT AS SHOWN
103. RELOCATE EXISTING CATCH BASIN TO LOCATION SHOWN ON GRADING PLAN
104. PROTECT EXISTING FENCE/WALL

LEGEND

X REMOVE EXISTING TREE

0 30' 60' 90'

PROJECT DELIVERY GROUP

REGISTERED PROFESSIONAL ENGINEER
84967PE
OREGON
MAR 14, 2017
JAMES DAVID LOFTON
EXPIRES: DECEMBER 31, 2018

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SUSTAINABLE INFILL DEVELOPMENT, LLC

# KEIL GARDENS SUBDIVISION

MILWAUKIE, OR

SCALE NOTE:

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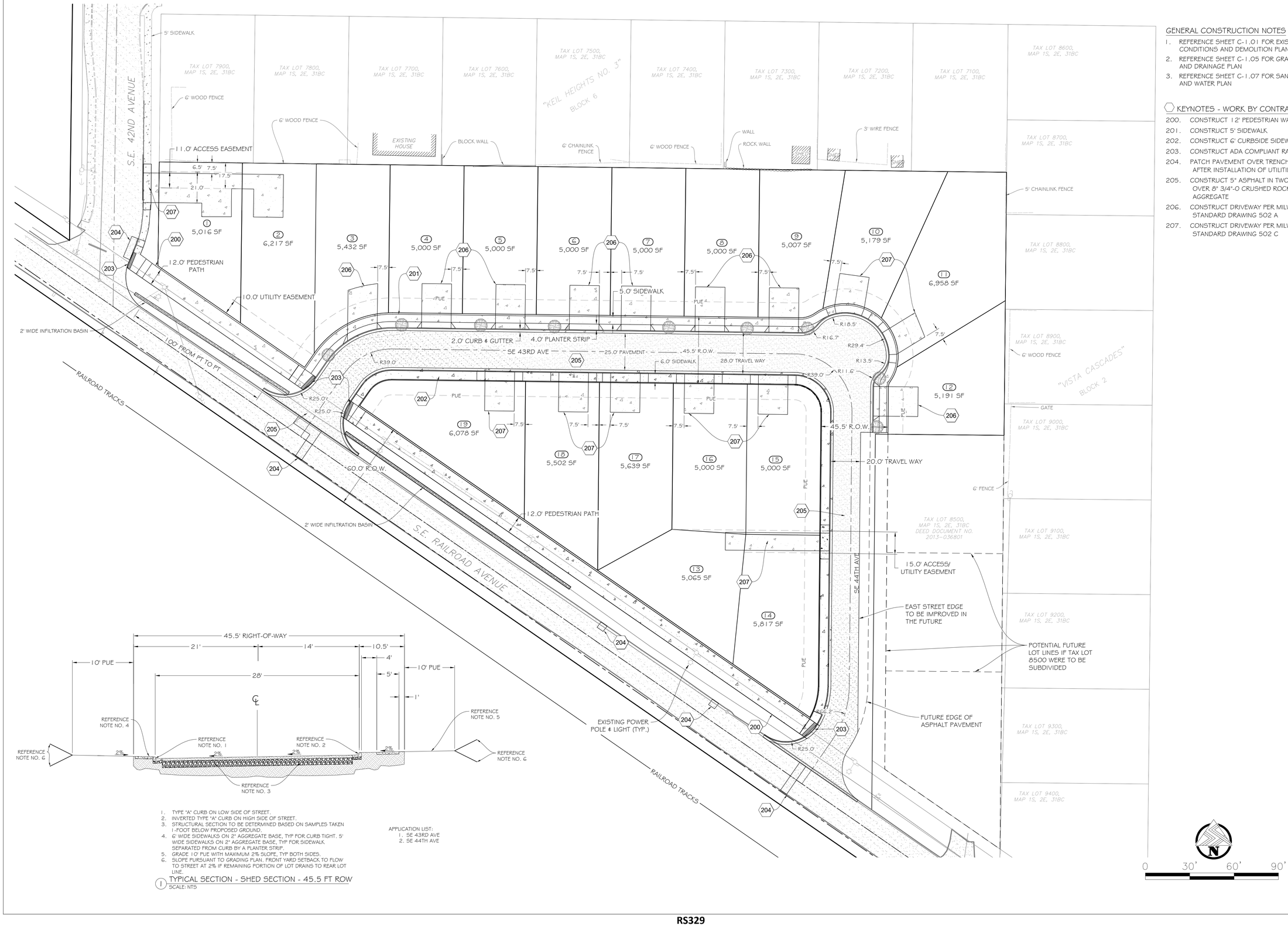
SHEET TITLE:

EXISTING CONDITIONS & DEMO PLAN

C-1.01

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RS328







1. TYPE 'A' CURB ON LOW SIDE OF STREET.
2. INVERTED TYPE 'A' CURB ON HIGH SIDE OF STREET.
3. STRUCTURAL SECTION TO BE DETERMINED BASED ON SAMPLES TAKEN 1-FOOT BELOW PROPOSED GROUND.
4. 6' WIDE SIDEWALKS ON 2" AGGREGATE BASE, TYP FOR CURB TIGHT, 5' WIDE SIDEWALKS ON 2" AGGREGATE BASE, TYP FOR SIDEWALK SEPARATED FROM CURB BY A PLANTER STRIP.
5. GRADE 10' PUE WITH MAXIMUM 2% SLOPE, TYP BOTH SIDES.
6. SLOPE PURSUANT TO GRADING PLAN. FRONT YARD SETBACK TO FLOW TO STREET AT 2% IF REMAINING PORTION OF LOT DRAINS TO REAR LOT LINE.

APPLICATION LIST:
1. SE 43RD AVE
2. SE 44TH AVE

1 TYPICAL SECTION - SHED SECTION - 45.5 FT ROW
SCALE: NTS

## GENERAL CONSTRUCTION NOTES

1. REFERENCE SHEET C-1.01 FOR EXISTING CONDITIONS AND DEMOLITION PLAN
2. REFERENCE SHEET C-1.05 FOR GRADING AND DRAINAGE PLAN
3. REFERENCE SHEET C-1.07 FOR SANITARY AND WATER PLAN

## KEYNOTES - WORK BY CONTRACTOR

200. CONSTRUCT 12' PEDESTRIAN WALKWAY
201. CONSTRUCT 5' SIDEWALK
202. CONSTRUCT 6' CURBSIDE SIDEWALK
203. CONSTRUCT ADA COMPLIANT RAMP
204. PATCH PAVEMENT OVER TRENCH CUT AFTER INSTALLATION OF UTILITIES
205. CONSTRUCT 5" ASPHALT IN TWO LIFTS OVER 8" 3/4"-0 CRUSHED ROCK AGGREGATE
206. CONSTRUCT DRIVEWAY PER MILWAUKIE STANDARD DRAWING 502 A
207. CONSTRUCT DRIVEWAY PER MILWAUKIE STANDARD DRAWING 502 C

0 30' 60' 90'

PROJECT DELIVERY GROUP

REGISTERED PROFESSIONAL ENGINEER
84967PE
OREGON
MARCH 14, 2017
JAMES DAVID LOFTON
EXPIRES: DECEMBER 31, 2018

PRELIMINARY NOT FOR CONSTRUCTION

DATE SIGNED:

SUSTAINABLE INFILL DEVELOPMENT, LLC

# KEIL GARDENS SUBDIVISION

MILWAUKIE, OR

SCALE NOTE:

0" 1"

BAR IS ONE INCH ON ORIGINAL DRAWING. IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.

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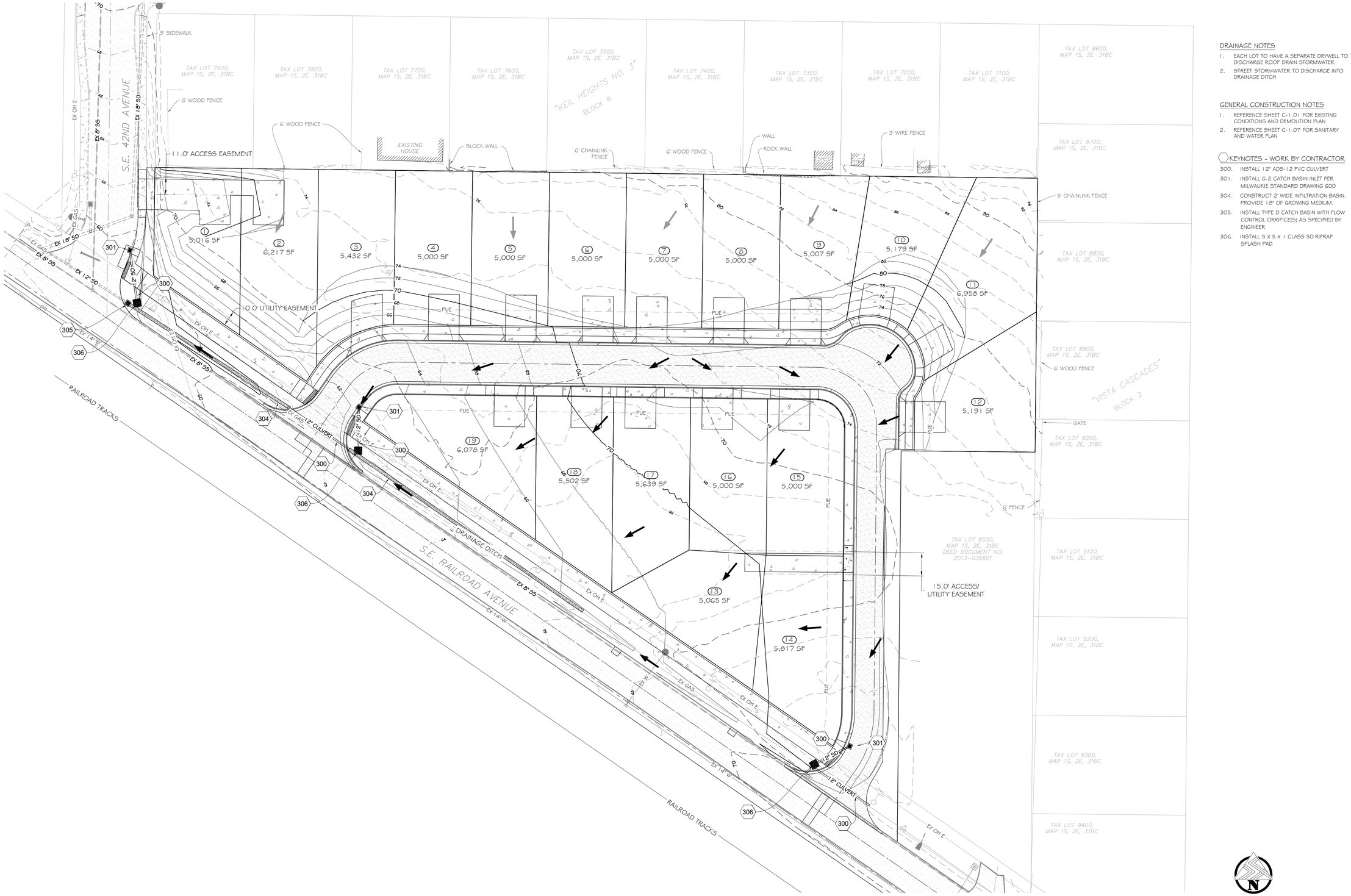
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| HORIZ DATUM: | LOCAL |
| VERT DATUM: | LOCAL |
| HORIZ SCALE: | AS SHOWN |
| VERT SCALE: | AS SHOWN |
| DRAWN: | JSL |
| DESIGN: | JDL |
| APPROVED: | JDL |

SHEET TITLE:

SITE PLAN

C-1.03

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## DRAINAGE NOTES

1. EACH LOT TO HAVE A SEPARATE DRYWELL TO DISCHARGE ROOF DRAIN STORMWATER
2. STREET STORMWATER TO DISCHARGE INTO DRAINAGE DITCH

## GENERAL CONSTRUCTION NOTES

1. REFERENCE SHEET C-1.01 FOR EXISTING CONDITIONS AND DEMOLITION PLAN
2. REFERENCE SHEET C-1.07 FOR SANITARY AND WATER PLAN

## KEYNOTES - WORK BY CONTRACTOR

300. INSTALL 12" ADS-12 PVC CULVERT
301. INSTALL G-2 CATCH BASIN INLET PER MILWAUKIE STANDARD DRAWING 600
304. CONSTRUCT 2' WIDE INFILTRATION BASIN. PROVIDE 18" OF GROWING MEDIUM.
305. INSTALL TYPE D CATCH BASIN WITH FLOW CONTROL ORRIFICE(S) AS SPECIFIED BY ENGINEER
306. INSTALL 5 X 5 X 1 CLASS 50 RIPRAP SPLASH PAD

PROJECT DELIVERY GROUP

REGISTERED PROFESSIONAL ENGINEER
84967PE
OREGON
MARCH 14, 2017
JAMES DAVID LOFTON
EXPIRES: DECEMBER 31, 2018

PRELIMINARY NOT FOR CONSTRUCTION

DATE SIGNED:

SUSTAINABLE INFILL DEVELOPMENT, LLC

# KEIL GARDENS SUBDIVISION

MILWAUKIE, OR

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HORIZ SCALE: AS SHOWN
VERT SCALE: AS SHOWN
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APPROVED: JDL

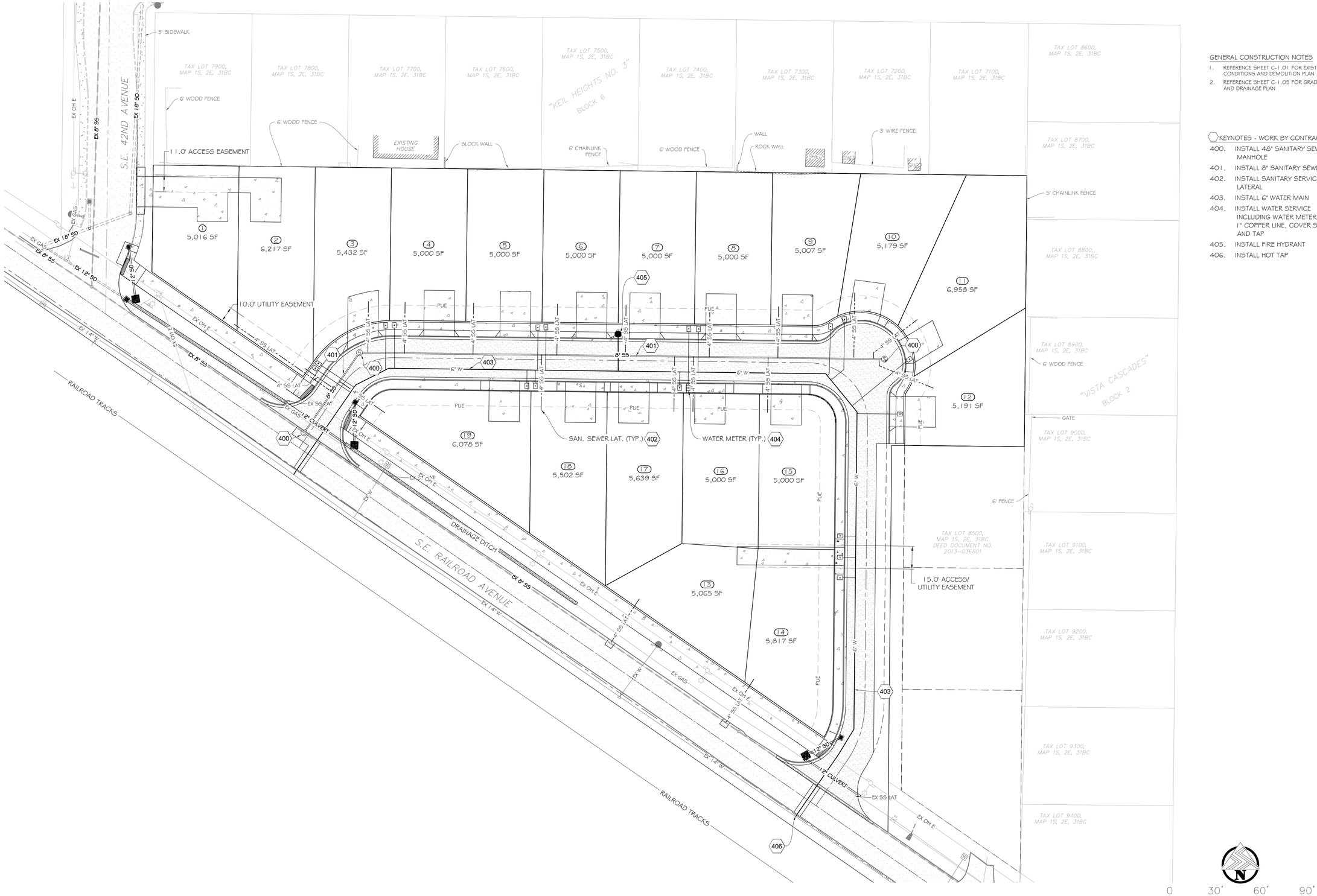
SHEET TITLE:

GRADING PLAN

C-1.05

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RS330




GENERAL CONSTRUCTION NOTES

1. REFERENCE SHEET C-1.01 FOR EXISTING CONDITIONS AND DEMOLITION PLAN
2. REFERENCE SHEET C-1.05 FOR GRADING AND DRAINAGE PLAN

KEYNOTES - WORK BY CONTRACTOR

400. INSTALL 48" SANITARY SEWER MANHOLE
401. INSTALL 8" SANITARY SEWER
402. INSTALL SANITARY SERVICE LATERAL
403. INSTALL 6" WATER MAIN
404. INSTALL WATER SERVICE INCLUDING WATER METER, BOX, 1" COPPER LINE, COVER STOP AND TAP
405. INSTALL FIRE HYDRANT
406. INSTALL HOT TAP

PROJECT DELIVERY GROUP

REGISTERED PROFESSIONAL ENGINEER
84967PE
OREGON
MARCH 14, 2017
JAMES DAVID LOFTON
EXPIRES: DECEMBER 31, 2018

PRELIMINARY NOT FOR CONSTRUCTION

DATE SIGNED:

SUSTAINABLE INFILL DEVELOPMENT, LLC

# KEIL GARDENS SUBDIVISION

MILWAUKIE, OR

SCALE NOTE:

0" 1"

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| VERT DATUM: | LOCAL |
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| VERT SCALE: | AS SHOWN |
| DRAWN: | JSL |
| DESIGN: | JDL |
| APPROVED: | JDL |

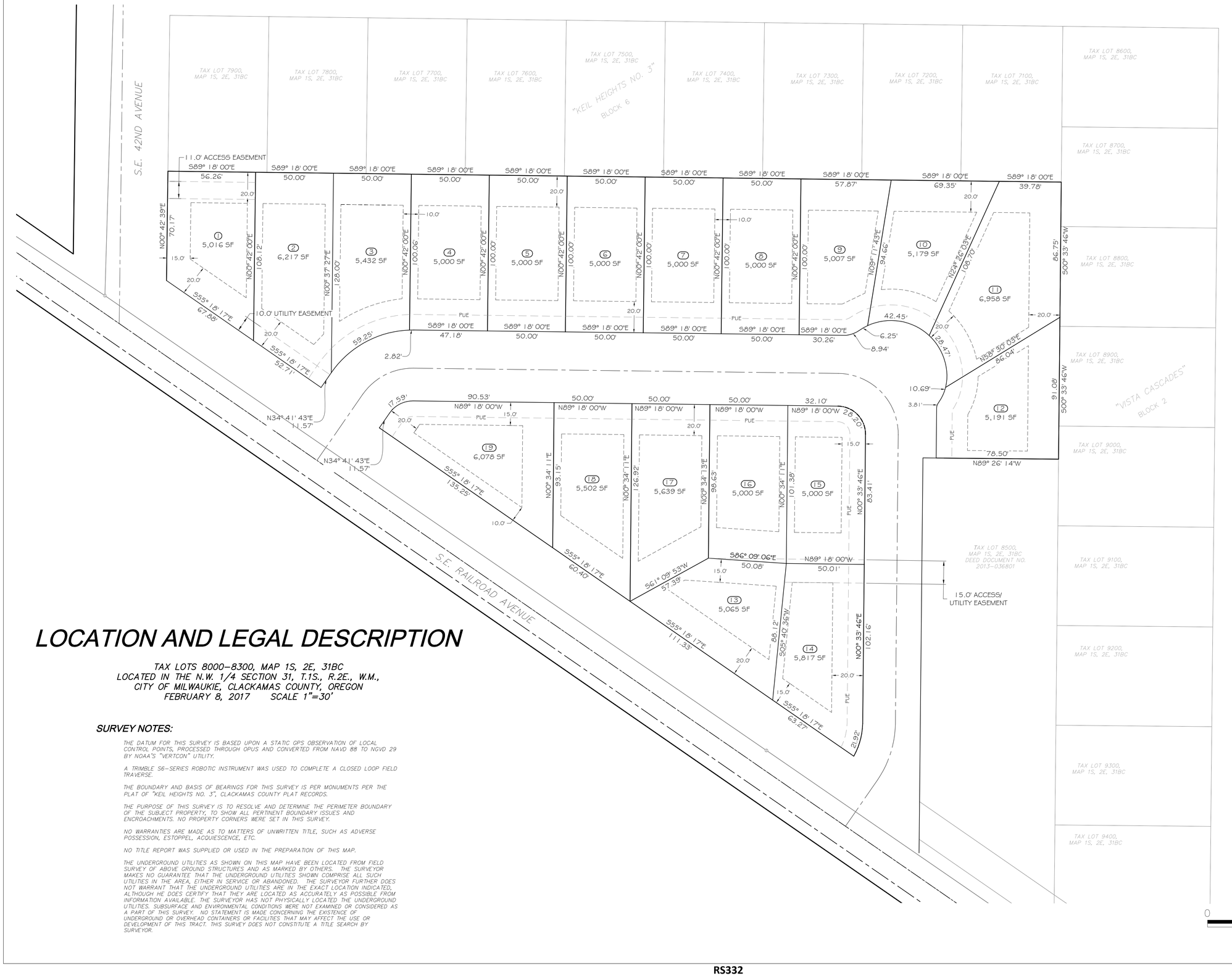
SHEET TITLE:

SANITARY AND WATER PLAN

C-1.07

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RS331




# LOCATION AND LEGAL DESCRIPTION

TAX LOTS 8000–8300, MAP 1S, 2E, 31BC
LOCATED IN THE N.W. 1/4 SECTION 31, T.1S., R.2E., W.M.,
CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON
FEBRUARY 8, 2017 SCALE 1"=30'

## SURVEY NOTES:

THE DATUM FOR THIS SURVEY IS BASED UPON A STATIC GPS OBSERVATION OF LOCAL CONTROL POINTS, PROCESSED THROUGH OPUS AND CONVERTED FROM NAVD 88 TO NGVD 29 BY NOAA'S "VERTCON" UTILITY.

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

THE BOUNDARY AND BASIS OF BEARINGS FOR THIS SURVEY IS PER MONUMENTS PER THE PLAT OF "KEIL HEIGHTS NO. 3", CLACKAMAS COUNTY PLAT RECORDS.

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.

## GENERAL NOTES

SETBACKS:
-FRONT=20'
-SIDE=5'
-BACK=20'
-SIDE STREET=15'


PREPARED BY:
CENTERLINE CONCEPTS LAND SURVEYING, INC.
TOBY BOLDEN, PLS
19376 MOLALLA AVE SUITE 120,
OREGON CITY, OR 97045
503-650-0188 (OFFICE)
TOBYB@CENTERLINECONCEPTS.COM


PROJECT DELIVERY GROUP

SIGNED ON:

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JULY 13, 2004
TOBY G. BOLDEN
60377LS
RENEWS: DECEMBER 31, 2017

PRELIMINARY NOT FOR CONSTRUCTION

DATE SIGNED:

SUSTAINABLE INFILL DEVELOPMENT, LLC

# KEIL GARDENS SUBDIVISION

MILWAUKIE, OR

SCALE NOTE:

0 1"

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| PROJECT NO: | 17022 |
| HORIZ DATUM: | LOCAL |
| VERT DATUM: | LOCAL |
| HORIZ SCALE: | AS SHOWN |
| VERT SCALE: | AS SHOWN |
| DRAWN: | JSL |
| DESIGN: | JDL |
| APPROVED: | JDL |

SHEET TITLE:

PRE-PLAT

C-1.09

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601-17-000171

PLANNING DEPARTMENT
6101 SE Johnson Creek Blvd
Milwaukie OR 97206

PHONE: 503-786-7630
FAX: 503-774-8236
E-MAIL: planning@milwaukieoregon.gov

# Application for Land Use Action

S-2017-002
Master File #: VR-2017-006

Review type*: ☐ I ☐ II ☒ III ☐ IV ☐ V

**☐ CHECK ALL APPLICATION TYPES THAT APPLY:**

- ☐ Amendment to Maps and/or Ordinances:
  - ☐ Comprehensive Plan Text Amendment
  - ☐ Comprehensive Plan Map Amendment
  - ☐ Zoning Text Amendment
  - ☐ Zoning Map Amendment
- ☐ Code Interpretation
- ☐ Community Service Use
- ☐ Conditional Use
- ☐ Development Review
- ☐ Director Determination
- ☐ Downtown Design Review
- ☐ Extension to Expiring Approval
- ☐ Historic Resource:
  - ☐ Alteration
  - ☐ Demolition
  - ☐ Status Designation
  - ☐ Status Deletion
- ☐ Land Division:
  - ☐ Final Plat
  - ☐ Lot Consolidation
  - ☐ Partition
  - ☐ Property Line Adjustment
  - ☐ Replat
  - ☐ Subdivision
- ☐ Miscellaneous:
  - ☐ Barbed Wire Fencing
- ☐ Modification to Existing Approval
- ☐ Natural Resource Review
- ☐ Nonconforming Use Alteration
- ☐ Parking:
  - ☐ Quantity Determination
  - ☐ Quantity Modification
  - ☐ Shared Parking
  - ☐ Structured Parking
- ☐ Planned Development
- ☐ Preliminary Circulation Plan
- ☐ Residential Dwelling:
  - ☐ Accessory Dwelling Unit
  - ☐ Duplex
  - ☐ Manufactured Dwelling Park
  - ☐ Temporary Dwelling Unit
- ☐ Sign Review
- ☐ Transportation Facilities Review
- ☒ Variance:
  - ☐ Building Height Variance
  - ☐ Use Exception
  - ☒ Variance
- ☐ Willamette Greenway Review
- ☐ Other: _____

**Use separate application forms for:**

- Annexation and/or Boundary Change
- Compensation for Reduction in Property Value (Measure 37)
- Daily Display Sign
- Appeal

## RESPONSIBLE PARTIES:

**APPLICANT** (owner or other eligible applicant—see reverse): SIMON LOFTS.

Mailing address: 795 NW Turkey View Ln Zip: 97229

Phone(s): 971-300-6862 E-mail:

**APPLICANT'S REPRESENTATIVE** (if different than above): MARK DANE 97003

Mailing address: 14631 SW MILLIKAN WAY #6 Zip: BEAVERTON

Phone(s): 503-332-7167 E-mail: markdaneplanning@gmail.com

## SITE INFORMATION:

Address: Map & Tax Lot(s):

Comprehensive Plan Designation: Zoning: Size of property:

**PROPOSAL (describe briefly):** VARIANCE TO REAR YARD SETBACK FOR LOT 13, + VARIANCE TO ALLOW ALTERNATE ACCESS FOR LOTS 1+2+13+14.

**SIGNATURE:** 5/19/19

**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: Date:

## IMPORTANT INFORMATION ON REVERSE SIDE

RS333

*For multiple applications, this is based on the highest required review type. See MMC Subsection 19.1001.6.B.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

## THIS SECTION FOR OFFICE USE ONLY:

| FILE TYPE | FILE NUMBER | FEE AMOUNT* | PERCENT DISCOUNT | DISCOUNT TYPE | DEPOSIT AMOUNT | DATE STAMP |
|---|---|---|---|---|---|---|
| Master file | | $ | | | $ | RECEIVED MAY 19 2017 CITY OF MILWAUKIE PLANNING DEPARTMENT |
| Concurrent application files | | $ | | | $ | |
| | | $ | | | $ | |
| | | $ | | | $ | |
| | | $ | | | $ | |
| SUBTOTALS | | $ | | | $ | |
| TOTAL AMOUNT RECEIVED: $ | | | RECEIPT #: | | | RCD BY: |

**Associated application file #s** (appeals, modifications, previous approvals, etc.):

**Neighborhood District Association(s):**

**Notes:**

*After discount (if any)

VR-2017-006 (601-17-000071)

# Transaction Receipt

Record Number: 601-17-000071-PLNG

Receipt Number: 12804

MILWAUKIE
6101 SE Johnson Creek Blvd
Milwaukie,OR 97206
Phone: 503-786-7613

www.milwaukieoregon.gov

building@milwaukieoregon.gov

Address: 4217 SE RAILROAD AVE, MILWAUKIE, OR 97222
Parcel Number: 12E31BC08100

Receipt Date: 5/22/17

**Fee Items Paid**

| DESCRIPTION | ACCOUNT CODE | AMOUNT PAID |
|---|---|---|
| Type III Quasi-Judicial Review | 110-000-4480-0000 | $1,500.00 |
| | | **$1,500.00** |

**Payment Summary**

| PAYMENT METHOD | PAYER | COMMENTS | AMOUNT PAID |
|---|---|---|---|
| Credit Card Authorization - 01851G | SIMON W LOFTS | PAYOR IS SIMON LOFTS | $1,500.00 |
| | | | **$1,500.00** |



**RS335**

19.911.1 Purpose

Variances provide relief from specific code provisions that have the unintended effect of preventing reasonable development or imposing undue hardship. Variances are intended to provide some flexibility while ensuring that the intent of each development standard is met. Variances may be granted for the purpose of fostering reinvestment in existing buildings, allowing for creative infill development solutions, avoiding environmental impacts, and/or precluding an economic taking of property. Variances shall not be granted that would be detrimental to public health, safety, or welfare.

19.911.2 Applicability

A. Eligible Variances

Except for situations described in Subsection 19.911.2.B, a variance may be requested to any standard or regulation in Titles 17 or 19 of the Milwaukie Municipal Code, or any other portion of the Milwaukie Municipal Code that constitutes a land use regulation per ORS 197.015.

*Comment: The applicant is submitting two variance applications:*

*The first variance application is for the following three variances*

*1A. A variance to permit alternate access for lots 1, 2, 13, and 14, all of whom have frontage onto Railroad, but are required to seek alternative access from an adjacent local Street. For lots 1 & 2 this is SE 42nd. For lots 13 & 14 this is SE 43rd.*

*1B. A reduction in the rear yard setback from lot 19 from 20-feet to 10-feet to create a more viable building envelope.*

*1C. A reduction in the rear yard setback for lot 13 to create a more variable rear yard setback.*

*The second variance application is to the following standards*

*2A. A Variance for the access spacing between SE 42nd, and SE 43rd to reduce the necessary street spacing from 300-feet down to the spacing proposed by the applicant.*

*2B. A variance to permit both lots 18 & 19 to have double frontage, where the lot front yard takes access from SE 43rd, but each lot's rear yard abuts SE Railroad.*

B. Ineligible Variances

*Comment: None or the variances proposed by the applicant are ineligible*

C. Exceptions

A variance application is not required where other sections of the municipal code specifically provide for exceptions, adjustments, or modifications to standards either "by right" or as part of a specific land use application review process.

19.911.3 Review Process

A. General Provisions

C. Type III Variances

Type III variances allow for larger or more complex variations to standards that require additional discretion and warrant a public hearing consistent with the Type III review process. Any variance request that is not specifically listed as a Type II variance per Subsection 19.911.3.B shall be evaluated through a Type III review per Section 19.1006.

*Comment: All of the variances are proposed in response to the requirements placed on the applicant either by the underlying shape of the site, or to comply with a conflict in the code, whereby the once section take precedent over the other. For example the need to take access from the front property line is superseded by the need to not allow access directly from any lot onto SE Railroad.*

19.911.4 Approval Criteria

B. Type III Variances

An application for a Type III variance shall be approved when all of the criteria in either Subsection 19.911.4.B.1 or 2 have been met. An applicant may choose which set of criteria to meet based upon the nature of the variance request, the nature of the development proposal, and the existing site conditions.

1. Discretionary Relief Criteria

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

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.

(2) The proposed variance has desirable public benefits.

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

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

2. Economic Hardship Criteria

a. Due to unusual site characteristics and/or other physical conditions on or near the site, the variance is necessary to allow reasonable economic use of the property comparable with other properties in the same area and zoning district.

b. The proposed variance is the minimum variance necessary to allow for reasonable economic use of the property.

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

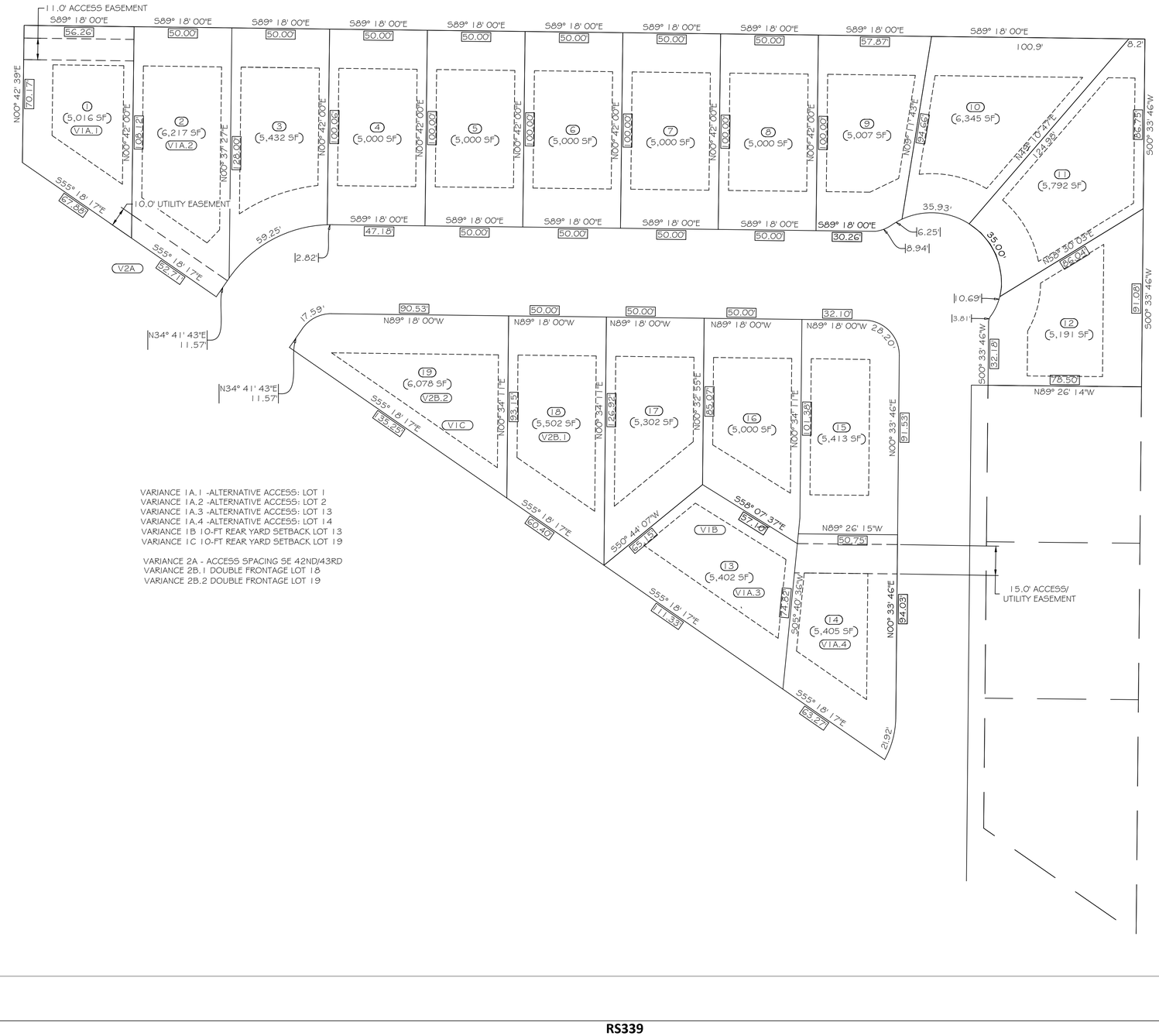
*Comment: All of the variances proposed are to allow this project to be built in a manner that meets as many of the zoning criteria as applicable. The secondary access variance is necessary to prevent access on SE Railroad. The double frontage variance is a consequence of the shape of the underlying parcel, combined with the required internal loop street. The loop street in turn to provide access to all lots requires that it be pushed as far east and west as possible, which as a consequence requires a variance to access spacing.*

*The variance to the rear yard setbacks for lots 13 and 19 is to allow a buildable envelope that is similar in nature to those adjacent lots.*

19.911.5 Use Exceptions N/A

19.911.6 Building Height Variance in the Downtown Mixed Use Zone N/A

19.911.7 Building Height Variance in the General Mixed Use Zone N/A




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# RAILROAD AVE SUBDIVISION

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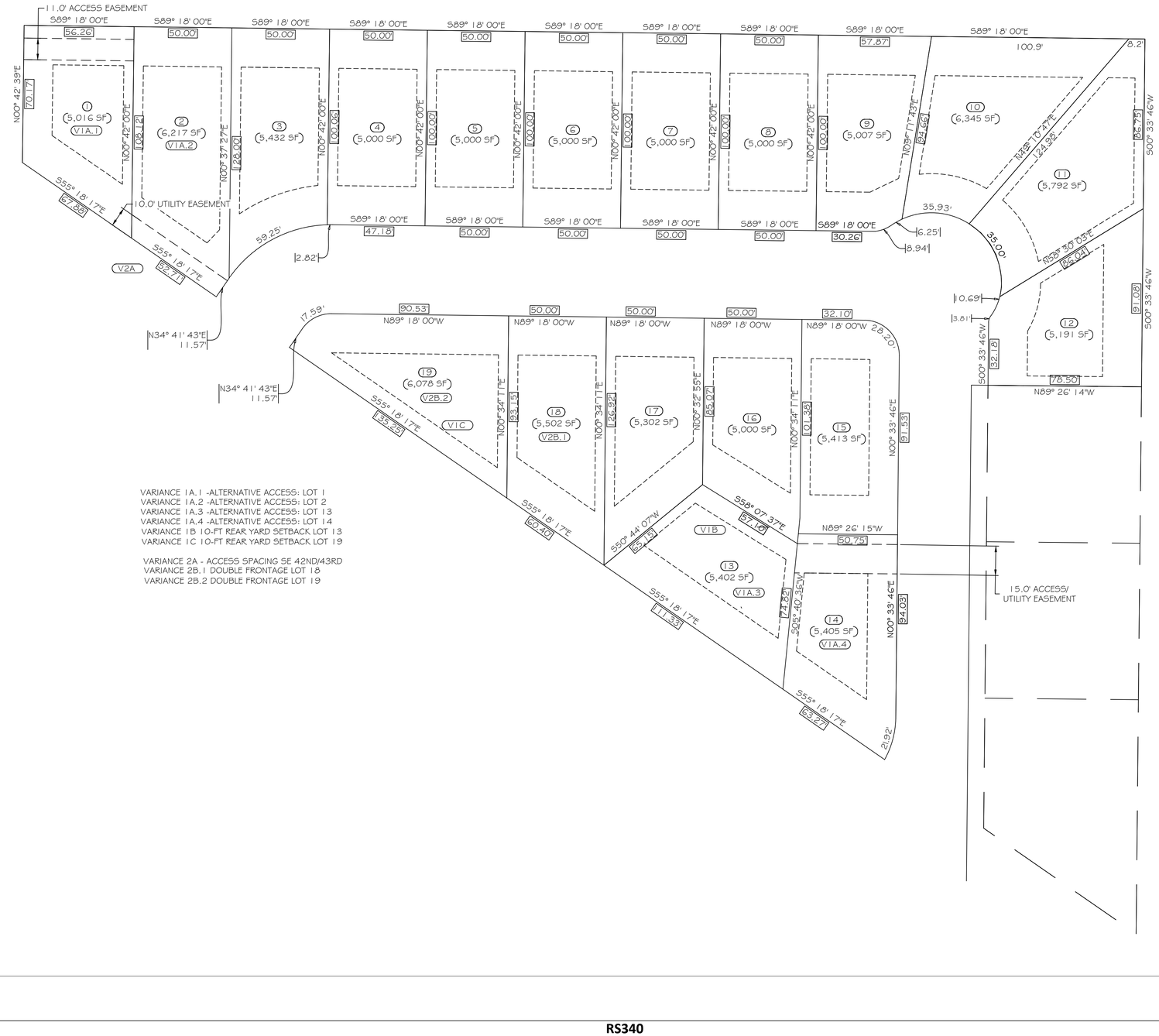
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PROJECT NO: 17022
HORIZ DATUM: LOCAL
VERT DATUM: LOCAL
HORIZ SCALE: AS SHOWN
VERT SCALE: AS SHOWN
DRAWN: SHS
DESIGN: JL
APPROVED: JL

SHEET TITLE:

LOT LAYOUT

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DATE SIGNED:

# RAILROAD AVE SUBDIVISION

SALEM, OR

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PROJECT NO: 17022
HORIZ DATUM: LOCAL
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HORIZ SCALE: AS SHOWN
VERT SCALE: AS SHOWN
DRAWN: SHS
DESIGN: JL
APPROVED: JL

SHEET TITLE:

LOT LAYOUT

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June 15, 2017 Land Use File(s): S-2017-002; VR-2017-001; VR-2017-006

# NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Commission on June 13, 2017.

| | |
|---|---|
| **Applicant(s):** | **Sustainable Infill Development, LLC** |
| **Location(s):** | **4217-4219 SE Railroad Ave** |
| **Tax Lot(s):** | **12E31BC 08000, 08100, 08200, 08300** |
| **Application Type(s):** | **Subdivision; Variance** |
| **Decision:** | **Approved with Conditions** |
| **Review Criteria:** | **Milwaukie Zoning Ordinance:**<br>• MMC 12.16 Access Management<br>• MMC 12.24 Clear Vision at Intersections<br>• MMC 17.12 Application Procedure and Approval Criteria - Land Division<br>• MMC 17.20 Preliminary Plat<br>• MMC 17.28 Design Standards<br>• MMC 17.32 Improvements<br>• MMC 19.301 Low Density Residential Zones<br>• MMC 19.500 Supplementary Development Regulations<br>• MMC 19.600 Off-street Parking<br>• MMC 19.700 Public Facility Improvements<br>• MMC 19.902 Amendments to Maps and Ordinances<br>• MMC 19.911 Variances<br>• MMC 19.1006 Type III Review<br>• MMC 19.1007 Type IV Review<br>• MMC 19.1200 Solar Access Protection |
| **Neighborhood(s):** | **Hector Campbell** |

**Appeal period closes: 5:00 p.m., June 30, 2017**

This notice is issued in accordance with Milwaukie Municipal Code (MMC) Section 19.1006 Type III Review. The complete case file for this application is available for review between 8:00 a.m. and 5:00 p.m. on regular business days at the Planning Department, Johnson Creek

Facility, 6101 SE Johnson Creek Blvd. Please contact Vera Kolias, Associate Planner, at 503-786-7653 or koliasv@milwaukieoregon.gov, if you wish to view this case file.

**This decision may be appealed by 5:00 p.m. on June 30, 2017, which is 15 days from the date of this decision.** Only persons who submitted comments or made an appearance of record at the public hearing have standing to appeal the decision by filing a written appeal. An appeal of this decision would be heard by the Milwaukie City Council following the procedures of MMC Section 19.1010 Appeals. This decision will become final on the date above if no appeal is filed during the appeal period. Milwaukie Planning staff can provide information regarding forms, fees, and the appeal process at 503-786-7630 or planning@milwaukieoregon.gov.

Per MMC Subsection 19.1001.7.E, this land use approval expires unless the applicant has: (1) obtained and paid for all necessary development permits and started construction within 2 years of land use approval, and (2) passed final inspection and/or obtained a certificate of occupancy within 4 years of land use approval. Extensions can be granted per MMC Section 19.908.

## Findings in Support of Approval

1. The applicant, Simon Lofts of Sustainable Infill Development LLC, has applied for approval to create a 19-lot subdivision at 4217-4219 SE Railroad Ave. The site is made up of 4 contiguous lots and is zoned Low Density Residential R-7. The land use application master file number is S-2017-002, with accompanying file numbers ZA-2017-002, CPA-2017-001, VR-2017-001, and VR-2017-006. An application to demolish the historic structure located at 4217 SE Railroad Ave was processed separately as Land Use File #HR-2017-001. The Planning Commission approved the demolition at a public hearing on May 9, 2017.

2. The subdivision application was submitted on March 24, 2017. It was initially deemed incomplete by City staff on April 11, 2017. The applicant revised and resubmitted the application on April 28, 2017 and requested that the City deem the application complete as of April 28, 2017.

3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
   - MMC 12.16 Access Management
   - MMC 12.24 Clear Vision at Intersections
   - MMC 17.12 Application Procedure and Approval Criteria - Land Division
   - MMC 17.20 Preliminary Plat
   - MMC 17.28 Design Standards
   - MMC 17.32 Improvements
   - MMC 19.301 Low Density Residential Zones
   - MMC 19.500 Supplementary Development Regulations
   - MMC 19.600 Off-street Parking
   - MMC 19.700 Public Facility Improvements
   - MMC 19.902 Amendments to Maps and Ordinances
   - MMC 19.911 Variances
   - MMC 19.1006 Type III Review
   - MMC 19.1007 Type IV Review
   - MMC 19.1200 Solar Access Protection

   The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review and Section 19.1007 Type IV Review. A public hearing was held on June 13, 2017, as required by law.

4. MMC 12.02 Public Works Standards

   MMC 12.02.010 requires "all new public works, including streets, sanitary sewers, storm sewers, and water lines constructed or installed in the City shall be constructed in conformance with the applicable public works standards adopted under Section 12.02.020 of this chapter."

   The public works standards require intersections which are not directly aligned with street centerlines, the centerline spacing must meet the following:

   Collector - Minimum 300 feet

   As proposed, the distance between SE 42nd Ave to the west of the site and the new SE 43rd Ave will be only 126 ft.

   A variance application has been submitted to respond to this requirement. As conditioned, subject to the approval of said variance, this criterion is met.

5. MMC 12.08 Street and Sidewalk Excavations, Construction and Repair

   MMC 12.08 applies to all construction that is completed within right-of-way that will be dedicated to the City. The public improvement process for this project shall follow MMC 12.08.020.

6. MMC 12.16 Access Management

   MMC Chapter 12.16.040 establishes standards for access (driveway) requirements.

   - MMC 12.16.040.A requires that all properties be provided street access with the use of an accessway.

     The proposed development, as conditioned to be constructed in compliance with the City of Milwaukie Public Works Standards, is consistent with MMC 12.16.040A.

   - MMC 12.16.040.B provides requirements for access spacing onto arterial and collector streets.

     The proposed development, as conditioned, is consistent with MMC 12.16.040B. As proposed, Lot 1 will have an accessway onto SE 42nd Ave, which is a collector street. The other frontage of Lot 1, SE Railroad Ave, is also a collector. It is the city's preference that access be taken from SE 42nd Ave, not SE Railroad Ave as there is no other practicable alternative to this driveway location. Shared accessways must be designed to contain all vehicle backing movements on site. The applicant has proposed that a shared driveway be provided across Lot 1 to serve Lot 2. To avoid conflicts and potential backing movements onto SE 42nd Ave, a condition has been included that requires a shared access for Lots 2 and 3 onto the proposed new street.

   - MMC 12.16.040.C provides requirements for accessway locations.

     Two double frontage lots are proposed (Lots 18 and 19). The proposed development, as conditioned, is consistent with MMC 12.16.040.C.1. A variance has been submitted to permit 2 double frontage lots. However, only 1 accessway per lot is proposed, with access taken from the proposed local street.

     As proposed, Lot 1 will have an accessway onto SE 42nd Ave, which is a collector street. The other frontage of Lot 1, SE Railroad Ave, is also a collector. It is the city's

preference that access be taken from SE 42nd Ave, not SE Railroad Ave as there is no other practicable alternative to this driveway location. As noted above in the finding for MMC 12.16.040.D, a condition has been included that requires that Lot 2 receive access via a shared drive with Lot 3.

The proposed development, as conditioned, is consistent with MMC 12.16.040.C.2.

Driveways in the proposed development, as conditioned, are consistent with MMC 12.16.040.C.3.

- MMC 12.16.040.C regulates accessway locations. MMC 12.16.040.C.4 regulates the distance of an accessway from an intersection.

  The proposed lot layout allows for the siting of houses that will facilitate the required 45 ft accessway spacing distance from intersections.

  The proposed development, as conditioned, is consistent with MMC 12.16.040.4.a, b, and c.

- MMC 12.16.040.D provides requirements for the number of accessway locations.

  The proposed development, as conditioned, is consistent with MMC 12.16.040.D.1 (please refer to the Finding above related to MMC 12.16.040.C) and only 1 accessway per property is proposed.

- MMC 12.16.040.E and MMC 12.16.040.F provide requirements for ADA standards and width for accessways.

The proposed development, as conditioned to be constructed in compliance with the City of Milwaukie Public Works Standards, will conform to MMC 12.16.040.E and F.

7. MMC 12.24 Clear Vision at Intersections

   MMC 12.24.040 provides requirements for clear vision.

   The proposed driveways, accessways, and intersections in the proposed development, as conditioned, will conform to the standards in MMC 12.24.030.

8. MMC 19.301 Low Density Residential Zones

   MMC 19.301 establishes the development standards that are applicable to this site. As proposed, the subdivision would create 19 lots that range in size between 5,000 sq ft to 6,345 sq ft. The minimum lot size for a single-family detached home in the R-5 zone is 5,000 sq ft. The minimum density requirement for the R-5 zone is 7 dwellings per acre and the maximum density requirement for the R-5 zone is 8.7 dwellings per acre. The 19 proposed lots total 79,501 sq ft or 1.82 acres, which results in an overall density of approximately 7.69 dwellings per acre. The minimum frontage requirement for a standard lot in the R5 zone is 35 ft. Lots 5 and 6 have 35 ft of frontage and have the smallest amount of street frontage of the 19 proposed lots.

   The Planning Commission finds that the proposal complies with the applicable standards of the R-5 zone.

9. MMC 19.607 Off-Street Parking Standards for Residential Areas

MMC 19.607 establishes off-street parking standards for residential areas. The applicant's materials indicate awareness of these requirements and will address compliance during the development permit process.

10. MMC 19.700 contains regulations for Public Facility Improvements. The proposal complies with these regulations as described in this finding.

A. MMC Chapter 19.700 applies to partitions, subdivisions, new construction, and modification or expansion of an existing structure or a change or intensification in use that result in any projected increase in vehicle trips or any increase in gross floor area on the site.

The applicant proposes to partition the existing 4 parcels into 19 new lots. The subdivision triggers the requirements of MMC Chapter 19.700.

MMC 19.700 applies to the proposed development.

B. MMC 19.703 contains the requirements for the review process for all proposed developments subject to Chapter 19.700.

(1) MMC 19.703.1 requires a pre-application conference for proposals that require a land use application. The requirement was satisfied on January 26, 2017.

(2) MMC 19.703.3.B requires that development shall provide transportation improvements and mitigation at the time of development in rough proportion to the potential impacts of the development per MMC 19.705. As conditioned, the proposal is consistent with MMC 19.703.3

C. MMC 19.704 requires submission of a transportation impact study documenting the development impacts on the surrounding transportation system.

Nearly all of the trips for this proposed development affect SE Railroad Ave. An accessway for 2 lots is proposed from SE 42nd Ave. Each of these streets is classified as a collector street. The proposed development will not trigger a significant increase in trip generation and therefore the subdivision itself does not require a transportation impact study.

MMC 19.704 does not apply to the proposed development.

D. MMC 19.705 requires that transportation impacts of the proposed development be mitigated in rough proportion of the impacts.

The proposed development does not trigger mitigation of impacts beyond the required frontage improvements. The impacts are minimal and the surrounding transportation system will continue to operate at an acceptable level of service, the same as prior to the proposed development.

The proposed development, as conditioned, is consistent with MMC 19.705.

E. MMC 19.708.1 requires that all development shall comply with access management, clear vision, street design, connectivity, and intersection design and spacing standards.

19.708.1.A – Access Management

Access requirements shall comply with access management standards contained in Chapter 12.16.

19.708.1.B – Clear Vision

Clear vision requirements shall comply with clear vision requirements contained in Chapter 12.24.

19.708.1.D – Development in Non-Downtown Zones

The existing right-of-way width of SE Railroad Ave fronting the proposed development is 40 feet. The Milwaukie Transportation System Plan and Transportation Design Manual classify the fronting portions of SE Railroad Ave as a collector street. Per Table 19.708.2 Street Design Standards, the required right-of-way width for a collector street is between 40 feet and 74 feet depending on the required street improvements. The required right-of-way needed for the required street improvements is 60 feet. The applicant is responsible for 20 feet of right-of-way dedication along SE Railroad Avenue fronting the development property.

As conditioned, the proposed development is consistent with MMC 19.708.1.D.3.

MMC Section 19.708.1.E.3 requires that streets shall be extended to the boundary lines of the developing property where necessary to give access to or allow for future development of adjoining properties. The proposed streets abut property to the east and provide opportunity for land development. The City can maintain control over access to public streets by requiring a 1-ft wide reserve strip along the east edge of proposed SE 44th Ave along tax lot 8500.

A condition of approval is proposed to require this reserve strip.

The proposed development is consistent with the remainder of MMC 19.708.3.E.

F. MMC 19.708.1.F includes specific intersection design and spacing requirements.

The proposed development requires a variance from the requirements of MMC 19.708.1. The applicant is requesting a variance from the minimum intersection spacing requirements of 300 ft to 126 ft.

G. MMC Section 19.708.2 establishes standards for street design and improvement.

The applicant shall construct frontage improvements on the north side of SE Railroad Ave along the site's frontage. The street improvement includes the construction of a 12-foot wide asphalt pedestrian path.

The required street construction for proposed SE 43rd Ave and SE 44th Ave are as follows: 5-ft setback sidewalk, 3-ft landscape strip, and curb & gutter on both sides, and 25-ft asphalt. The total right-of-way width is 46 feet. This will provide for two 8-ft travel lanes and two 6-ft parking lanes.

The applicant originally proposed cross sections for SE 43rd Ave and SE 44th Ave that do not include the required landscape strip on one side, and have insufficient width to

accommodate parking on both sides of the street. The applicant has not demonstrated the need to remove any of these components.

The proposed development, as conditioned, will include right-of-way improvements for internal streets that will conform to MMC 19.708.2.

H. MMC 19.708.3 requires that sidewalks shall be provided on the public street frontage of all development.

The construction of sidewalks along the proposed development property abutting all public rights-of-way is included in the street frontage requirements.

19.708.3.A.2 requires that public sidewalks shall conform to ADA standards. The current proposal does not include a receiving ADA ramp on the west side of SE 42nd Ave.

The proposed development, as conditioned to comply with the MMC 19.708.3 and the City of Milwaukie Public Works Standards, is consistent with MMC Section 19.708.3.

I. MMC 19.708.4 establishes standards for bicycle facilities.

The portion of SE Railroad Ave fronting the proposed development is classified as a bike route in the Milwaukie Transportation System Plan. As a result, bicycle facility improvements on the Railroad Ave frontage are required for the proposed development.

The proposed development as proposed is consistent with MMC 19.708.4.

J. MMC 19.708.5 establishes standards for pedestrian and bicycle paths.

The proposed development property is surrounded by single family residences. Except for required sidewalks, the proposed development does not present an opportunity to provide a pedestrian or bicycle path, and is not required to provide them.

MMC 19.708.5 does not apply to the proposed development.

K. MMC Section 19.708.6 establishes standards for transit facilities.

SE Railroad Ave is not classified as a transit route in the Milwaukie Transportation System Plan. Therefore, MMC 19.708.6 does not apply to the proposed development.

L. MMC Section 19.709 establishes standards for public utility improvements.

The proposed development will be installing new water and wastewater public utilities to serve the proposed lots which are to be connected to utilities in SE Railroad Ave.

The proposed development, as conditioned, is consistent with MMC Section 19.709.

11. MMC 19.902 Amendments to Maps and Ordinances

A. MMC 19.902.3.B establishes the approval criteria for Comprehensive Plan text amendments.

Changes to the Milwaukie Comprehensive Plan may be approved if the following criteria are met:

1. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, as proposed to be amended.

*The proposed Comprehensive Plan text amendment would remove the property located at 4217 SE Railroad Ave from Appendix 1 – Historic Resources Property List. This amendment is necessary as the Planning Commission approved the demolition of this historic structure on May 9, 2017 (land use file #HR-2017-001). Demolition of the structure results in a property which would no longer meet the criteria for an historic resource.*

2. The proposed amendment is in the public interest with regard to neighborhood or community conditions.

*Removing the property from Appendix 1 maintains a full and accurate historic resources property list in the Comprehensive Plan, which is in the public interest. The Hector Campbell Neighborhood District Association (NDA) and the Milwaukie Historical Society support the demolition based on the poor condition of the structure*.

3. The public need is best satisfied by this particular proposed amendment.

*Removing the property from Appendix 1 maintains a full and accurate historic resources property list in the Comprehensive Plan, which is in the public interest.*

4. The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

*This criterion is not applicable to the proposed amendment.*

5. The proposed amendment is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

*Removing the property from Appendix 1 maintains a full and accurate historic resources property list in the Comprehensive Plan. The removal follows the process outlined in city code which has been acknowledged as being in conformance with Statewide Planning Goal 5. Goal 5 addresses open space, natural resources, and historic resources.*

As conditioned, the Planning Commission finds that this criterion is met.

B. MMC 19.902.4.B establishes the approval criteria for Comprehensive Plan Map Amendments

Changes to the maps of the Milwaukie Comprehensive Plan shall be evaluated against the approval criteria in Subsection 19.902.3.B. A quasi-judicial map amendment shall be approved if these criteria are met.

Changes to the Milwaukie Comprehensive Plan may be approved if the following criteria are met:

1. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, as proposed to be amended.

*The proposed Comprehensive Plan map amendment would change the land use designation of the site from Low Density LD to Moderate Density MD. This application requests a zoning map amendment from Residential R-7 to Residential R-5; the new land use designation corresponds to that of the Residential R-5 Zone. This amendment is necessary to maintain consistency between the Comprehensive Plan and Zoning Map. Per Land Use Objective #2, Policy #3, areas may be designated Moderate Density if the predominant housing type will be single family detached on moderate to small lots. The proposed subdivision will be single family homes on lots ranging from 5,000 sq ft to 6,345 sq ft.*

2. The proposed amendment is in the public interest with regard to neighborhood or community conditions.

*The site is surrounded by residential development on 3 sides, with LD to the north and east and MD to the west across SE 42nd Ave. Lot sizes in the neighborhood to the north and east of the site are approximately 6,000 sq ft in size, less than the minimum 7,000 sq ft required in the R-7 Zone. Industrial land use is to the south across SE Railroad Ave as well as an active rail line. The MD land use designation reflects a slightly higher density single-family residential use that is still designated a low density residential zone in the zoning code. This change is consistent with the surrounding neighborhood as it contains predominantly single-family detached dwellings. The Hector Campbell NDA does not oppose the re-zoning of the site.*

3. The public need is best satisfied by this particular proposed amendment.

*The MD land use designation reflects a higher density single-family residential use that is consistent with the surrounding neighborhood. However, smaller minimum lot sizes will provide more opportunity for the development of additional housing. The loss of this Low Density area does not create compatibility conflicts given the surroundings land use pattern and density. Areas with a Low Density designation make up over 52% of the City (including right-of-way), the largest residential land use designation in the City. By comparison, Moderate Density comprises just over 10% of the land area.*

*Further, the 2016 Housing Needs Assessment (HNA), which assesses the city's 20-year housing and residential land needs projects the need for 1,150 new housing units by 2036. Designating the site with a higher density land use and the accompanying zoning amendment, will provide the opportunity for more housing units than allowed under the current designation. Although the HNA acknowledges no new need for housing in the middle of the pricing spectrum ($240,000 - $490,000), we can assume that homes built on R-5 lots will be less expensive than those built on R-7 lots. The proposal responds to an identified need for additional housing supply.*

4. The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

*The MD land use designation reflects a slightly higher density single-family residential use as compared to the LD land use designation, which is consistent with Metro Urban Growth Management Functional Plan (UGMFP) and relevant regional policies. Title 1 of the UGMFP states that plan amendments and zone changes cannot have the effect of lowering density. This proposal increases density on the property, which is not in conflict with Title 1.*

5. The proposed amendment is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

*The proposed land use map amendment from LD to MD still identifies single-family home development as the predominant land use type and is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule. The proposal addresses Goal 10 – Housing, by proposing residential development at a higher density. The 2016 Housing Needs Assessment (HNA), which assesses the city's 20-year housing and residential land needs projects the need for 1,150 new housing units by 2036. Designating the site with a higher density land use and the accompanying zoning amendment, will provide the opportunity for more housing units than allowed under the current designation.*

*Goal 12 – Transportation is addressed as the number of new dwelling units and the associated trips will not impact the functional classification of SE Railroad Ave or SE 42nd Ave, both of which are collector streets.*

As conditioned, the Planning Commission finds that this criterion is met.

C. MMC 19.902.6.B establishes the approval criteria for Zoning Map amendments.

The proposal requests 2 zoning map amendments: rezone the site from Residential R-7 to Residential R-5; and remove the Historic Resources Overlay from the property located at 4217 SE Railroad Ave.

Changes to the Zoning Map shall be evaluated against the following approval criteria. A quasi-judicial map amendment shall be approved if the following criteria are met:

1. The proposed amendment is compatible with the surrounding area based on the following factors:

a. Site location and character of the area.

b. Predominant land use pattern and density of the area.

c. Expected changes in the development pattern for the area.

*The zone change proposal is appropriate given the characteristics of the surrounding area. To the west across SE 42nd Avenue is an area zoned R-5 with a Moderate Density designation in the Comprehensive Plan. To the south across SE Railroad Avenue is an area zoned Business Industrial (BI) with an Industrial designation in the Comprehensive Plan. In the directly adjacent R-7 zoned areas, many of the lots are sub-standard for the R-7 zone. Seventeen of the nineteen lots zoned R-7 that are*

*adjacent to the site are 6,500 square feet or less. Although the R-5 zone and the Moderate Density land use designation reflect a higher density single-family residential use, they are similar in density with the surrounding neighborhood. Further, smaller minimum lot sizes will provide more opportunity for the development of 6 units of additional housing over the R-7 zone. The R-7 zone is also the largest zone in the city, comprising over 40% of the land area (including right of way). By comparison, R-5 comprises just over 10% of the land area.*

*Removing the Historic Resources Overlay from the property located at 4217 SE Railroad Ave is appropriate given the approval of the demolition permit for the historic structure (HR-2017-001).*

*The Hector Campbell Neighborhood District Association had no objections to the proposal.*

2. The need is demonstrated for uses allowed by the proposed amendment.

*The R-5 zone will provide the opportunity to build additional single-family homes on the site. The R-5 zone is considered a Low Density Residential Zone in the zoning code, with the same permitted uses. There is demonstrated need for additional housing in the city and in the greater region, illustrated by the Council's recent declaration of a housing emergency. Further, the 2016 Housing Needs Assessment (HNA), which assesses the city's 20-year housing and residential land needs projects the need for 1,150 new housing units by 2036. Designating the site with a higher density land use and the accompanying zoning amendment, will provide the opportunity for more housing units than allowed under the current designation.*

3. The availability is shown of suitable alternative areas with the same or similar zoning designation.

*This criterion is intended to ensure that a suitable number of other properties with the same base zone designation will remain available for development. The R-7 zone is the largest zone in the city, comprising over 40% of the land area (including right of way). By comparison, R-5 comprises just over 10% of the land area. There is ample area in the city available for larger-lot single family residential development.*

4. The subject property and adjacent properties presently have adequate public transportation facilities, public utilities, and services to support the use(s) allowed by the proposed amendment, or such facilities, utilities, and services are proposed or required as a condition of approval for the proposed amendment.

*This area is adequately served by public utilities and transportation infrastructure. There is a 10-inch sewer main and a 14-inch water line in SE Railroad Ave which are adequate to serve 19 new homes. Within the public rights-of-way that will serve the proposed development, new water and sanitary sewer mains will be constructed as per City standards and will be maintained by the City. The proposed development is estimated to have an average daily vehicle trip count of 190, which is not a significant increase to a collector street. As conditioned with additional improvements, the development will have adequate services.*

5. The proposed amendment is consistent with the functional classification, capacity, and level of service of the transportation system. A transportation impact study may be required subject to the provisions of Chapter 19.700.

*As conditioned with additional improvements, the proposed development will not have a negative impact on the existing transportation network. The proposed development is estimated to have an average daily vehicle trip count of 190, which is not a significant increase to a collector street. A transportation impact study was not required for the proposed development.*

6. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, including the Land Use Map.

*The proposed Comprehensive Plan map amendment would change the land use designation of the site from Low Density LD to Moderate Density MD. This subdivision application requests a zoning map amendment from Residential R-7 to Residential R-5; the new land use designation corresponds to that of the Residential R-5 Zone. This amendment is necessary to maintain consistency between the Comprehensive Plan and Zoning Map. Per Land Use Objective #2, Policy #3, areas may be designated Moderate Density if the predominant housing type will be single family detached on moderate to small lots. The proposed subdivision will be single family homes on lots measuring approximately 5,000 sq ft.*

7. The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

*The proposed zoning map amendment from R-7 to R-5 is still within the City's low density residential zones and is consistent with the Metro Urban Growth Management Functional Plan. The MD land use designation reflects a slightly higher density single-family residential use as compared to the LD land use designation, which is consistent with Metro Urban Growth Management Functional Plan (UGMFP) and relevant regional policies. Title 1 of the UGMFP states that plan amendments and zone changes cannot have the effect of lowering density. This proposal increases density on the property, which is not in conflict with Title 1.*

8. The proposed amendment is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

*The proposed zoning map amendment from R-7 to R-5 is still within the City's low density residential zones and is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.*

*The proposed land use map amendment from LD to MD still identifies single-family home development as the predominant land use type and is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and*

*Transportation Planning Rule. The proposal addresses Goal 10 – Housing, by proposing residential development at a higher density. The 2016 Housing Needs Assessment (HNA), which assesses the city's 20-year housing and residential land needs projects the need for 1,150 new housing units by 2036. Designating the site with a higher density land use and the accompanying zoning amendment, will provide the opportunity for 6 more housing units than allowed under the current designation.*

*Goal 12 – Transportation is addressed as the number of new dwelling units and the associated trips will not impact the functional classification of SE Railroad Ave or SE 42nd Ave, both of which are collector streets.*

As conditioned, the Planning Commission finds that this criterion is met.

12. MMC 19.911 Variances

A. MMC 19.911.3 establishes the review process for variance applications.

The applicant has requested the following variances:

- A variance to the required intersection spacing standards established in MMC 19.708.1.F. The variance would reduce the minimum spacing standard of 300 ft to 126 ft. This type of variance is not specified in the list of Type II variances.
- A variance to allow double frontage lots, which is not specified in the list of Type II variances
- Variances to the minimum rear yard setback on Lots 13 and 19 to allow 10 ft rather than the minimum of 20 ft, which exceeds 25% for a Type II variance.
- A variance to allow alternative access to Lots 1, 2, 13, and 14, which is not specified in the list of Type II variances

The Planning Commission finds that the Variance applications for the 5 variances are subject to Type III Variance review.

B. MMC 19.911.4.B establishes criteria for approving Type III Variance applications.

An application for a Type III Variance shall be approved when all of the criteria in either 19.911.4.B.1 or 2 have been met. An applicant may choose which set of criteria to meet based upon the nature of the variance request, the nature of the development proposal, and the existing site conditions.

The applicant has chosen to address the criteria of 19.911.4.B.1 Discretionary Relief Criteria.

(1) The applicant's alternatives analysis provides, at a minimum, an analysis of the impacts and benefits of the variance proposal as compared to the baseline code requirements.

*The applicant's alternatives analysis states that the variance to the street spacing requirement is to provide a loop road, as required by the City. Because the site is nearly triangular, the variance to allow double frontage lots allows the development of*

*the site without a separate tract, which would not be part of a buildable lot and would be a maintenance issue. Although not explicitly stated, the alternative to the requested variances would likely be fewer buildable lots.*

*The applicant has submitted 2 Variance applications for a total of 5 variances:*

- *Variance to MMC 17.28.040.F to allow alternative access to Lots 1, 2, 13, and 14 rather than over the required frontage;*
- *2 Variances to MMC 19.301.4 to allow a rear yard setback of 10 ft rather than the minimum 20 ft required on Lots 13 and 19;*
- *Variance to MMC 19.708.1 to allow the access spacing between SE 42nd Ave and SE 43rd Ave to be approximately 126 ft rather than the minimum 300 ft required;*
- *Variance to MMC 17.28.040.E to allow Lots 18 and 19 to be double frontage lots.*

*The applicant has requested variances due to the City's restriction of access to Railroad Ave and the Engineering Department's request that Lot 1 should be accessed from SE 42nd Ave. The applicant has proposed that a shared driveway be provided across Lot 1 to serve Lot 2, which requires a variance. To avoid conflicts and potential backing movements onto SE 42nd Ave, a condition has been included that would require a shared access for Lots 2 and 3 onto the proposed new street.*

*Similarly, the applicant is requesting a variance to the minimum rear yard setback for Lot 13 and to allow alternative access to it via an easement over Lot 14. Due to the triangular shape of the parent lot, the variance to the rear yard setback for Lots 13 and 19, a corner lot, and the variance to the standard discouraging double frontage lots (Lots 18-19) are reasonable. Given the odd shape of the parent lot, design options for the street network and lot layout are limited.*

*The requested variances are to allow the project to maximize the number of lots that can be built in a manner that meets as many of the zoning criteria as applicable. The double frontage variance is a consequence of the shape of the underlying parcel, combined with the required internal loop street. For the loop street to provide access to all lots requires that it be pushed as far east and west as possible, which consequently requires a variance to the minimum access spacing standards.*

*The variance to the rear yard setbacks for lots 13 and 19 is to allow a buildable envelope that is similar in nature to those adjacent lots.*

*As conditioned, the Planning Commission finds that this criterion is met for the variances as noted above.*

2) 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:

   (a) The proposed variance avoids or minimizes impacts to surrounding properties.

   *No impacts to surrounding properties have been identified. The proposed variances to minimum street spacing, rear yard setback for Lots 13 and 19, and*

*double frontage lots respond to the existing lot shape, roadway design standards, and applicable code requirements. The Planning Commission approves the variances to alternative access for Lots 1, 2, 13, and 14 and the variance to the minimum required rear yard setback for Lots 13 and 19.*

*As conditioned, the Planning Commission finds that this criterion is met for the variances as noted above.*

(b) The proposed variance has desirable public benefits.

*"Public benefits" are typically understood to refer to benefits to be enjoyed by members of the general public as a result of a particular project, or preservation of a public resource. Aesthetic improvements of a specific and limited nature do not typically constitute a public benefit.*

*The Planning Commission finds that this criterion is not applicable.*

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

*This criterion encourages flexibility in site planning and development when the existing built or natural environment provide challenges to standard development or site planning.*

*The Planning Commission finds that this criterion is not applicable.*

(3) Impacts from the proposed variance will be mitigated to the extent practicable.

*As noted in Finding 11.B (1), the Commission finds there are no negative impacts. As conditioned, the proposed variances to minimum street spacing, rear yard setback for Lots 13 and 19, and double frontage lots respond to the existing lot shape, roadway design standards, and applicable code requirements. Similarly, the Planning Commission approves the variances to alternative access for Lots 1, 2, 13, and 14.*

*As conditioned, the Planning Commission finds that this criterion is met for the variances noted above.*

As conditioned, the Planning Commission finds that this criterion is met.

13. MMC 19.1200 contains standards for solar access. These standards as described below.

A. MMC 19.1203.2 states that the standards of Chapter 19.1200 apply to applications for a development to create lots in single-family zones, and are applicable to the proposed subdivision.

B. MMC 19.1203.3 establishes the design standard for compliance with the solar access requirement: at least 80% of the lots in a development shall comply with one or more of the options in this subsection, including the following basic requirement:

- Has a north-south dimension of 90 ft or more; and

- Has a front lot line that is oriented within 30 degrees of a true east-west axis (see Figure 19.1203.3).

As proposed, Lots 1-10 and 15-18 meet this basic requirement, totaling 84% of the lots.

The Planning Commission finds that this criterion is met.

14. MMC 17.12.040 contains approval criteria for a preliminary plat. These criteria are met as described below.

A. MMC 17.12.040.A.1 requires that the proposed preliminary plat complies with Title 19 of this code and other applicable ordinances, regulations, and design standards. These findings demonstrate that the proposed subdivision and preliminary plat comply with the applicable ordinances, regulations, and design standards in the Milwaukie Municipal Code.

MMC 19.708.1.F includes specific intersection design and spacing requirements, which the proposed development does not meet. These standards are addressed in Finding 10. The required minimum distance between local street intersections on collector streets (SE Railroad Ave) is 300 ft. The proposed development includes a new local street intersection between SE 42nd Ave and the proposed SE 43rd Ave which is less than the required 300 ft. The required minimum intersection spacing of 300 ft must be met, or a variance will be required.

As provided in MMC 19.703.5.A, the proposed development requires a variance to the standards in MMC 19.708.1. A variance application has been submitted to respond to this requirement. As conditioned, subject to the approval of said variance, this criterion is met.

B. MMC 17.12.030.A.2 requires that "the boundary change will allow reasonable development of the affected lots and will not create the need for a variance of any land division or zoning standard."

The proposed development requires a variance to the minimum intersection spacing to satisfy this requirement. A variance application has been submitted to respond to this requirement. As conditioned, subject to the approval of said variance, this criterion is met.

C. MMC 17.12.040.A.2 requires that the proposed land division will allow reasonable development and will not create the need for a variance of any land division or zoning standard. However, as proposed, the buildable areas for the primary structures on the parcels are not all adequate to accommodate the uses allowed in the R-5 zone. Variances have been requested to allow a reduction in the minimum rear yard setback on Lots 13 and 19 to provide a reasonable building envelope. A variance has also been requested to allow alternate access to Lot 13 via an easement across Lot 14. A few lots will have a decreased building envelope due to the required minimum lot width, which is measured at the building line. Further, as proposed, Lots

16 and 17 do not meet the standard of MMC 17.28.040.B as the rear lots lines are not parallel to the street.

MMC 19.708.1.F includes specific intersection design and spacing requirements, which the proposed development does not meet. Please refer to Finding 10.F.

As provided in MMC 19.703.5.A, the proposed development requires a variance to the standards in MMC 19.708.1. A variance application has been submitted to respond to this requirement. As noted above, variances have been requested to increase the buildable area on Lots 13 and 19 due to lot shape as well as variances to allow alternate access. The proposal responds to the triangular-shaped parcel and maximizes the development potential of the site, resulting in multiple variances. A consequence of the proposed design, with requested variances, is the creation of irregularly shaped lots including rear lot lines on Lots 16 and 17 that do not meet MMC 17.28.040.B, and the need for shared access. However, to efficiently develop the property, the Planning Commission approves the variances to alternative access for Lots 1, 2, 13, and 14 and the variance to the rear yard setback for Lots 13 and 19.

As conditioned, the Planning Commission finds that this criterion is met for the variances noted above.

D. MMC 17.12.040.A.3 requires that the proposed subdivision plat name is not duplicative and the plat otherwise satisfies the provisions of ORS 92.090(1). The applicant has stated that the proposed subdivision plat name of "Keil Gardens" is not duplicative in this jurisdiction and will satisfy the provisions of ORS 92.090(1). However, documentation showing the approval of the subdivision plat name by the Clackamas County Surveyor was not provided as required.

As conditioned to require proof of approval by the Clackamas County Surveyor, this criterion is met.

E. MMC 17.12.040.A.4 requires that the streets and roads are laid out to conform to the plats of subdivisions already approved for adjoining property as to width, general direction, and in all other respects unless the City determines it is in the public interest to modify the street or road pattern. This criterion is satisfied within the confines of what the City can obtain for street right-of-way per MMC Chapter 19.700.

MMC 19.708.1.F includes specific intersection design and spacing requirements, which the proposed development does not meet. Please refer to Finding 10.F.

As provided in MMC 19.703.5.A, the proposed development requires a variance to the standards in MMC 19.708.1. A variance application has been submitted to respond to this requirement. As conditioned, subject to the approval of said variance, this criterion is met.

F. MMC 17.12.040.A.5 requires a detailed narrative description demonstrating how the proposal conforms to all applicable code sections and design standards. The applicant has submitted this information in the materials submitted for the land use application.

15. MMC 17.20 contains the information required for a preliminary plat application. The materials submitted by the applicant satisfy the requirements of this chapter except for the necessity for a variance to the requirements of MMC 19.708.1.

16. MMC 17.28 contains design standards for land divisions and boundary changes. The proposed subdivision satisfies these as described below.

    A. MMC 17.28.010 requires that partitions and subdivisions shall conform with any development plans of the City and shall take into consideration any preliminary plans made in anticipation thereof and shall conform with the requirements of state laws and with the standards established by the City. The proposed streets abut property to the east and provide opportunity for land development in this location and to access these new streets. As demonstrated by these findings, and as conditioned to accommodate the future development of adjoining property, the subdivision conforms with applicable city criteria and standards.

    B. MMC 17.28.020 requires that all land divisions and boundary changes that increase the number of lots shall be subject to the requirements and standards contained in Chapter 19.700 Public Facility Improvements and the Public Works Standards for improvements to streets, sidewalks, bicycle facilities, transit facilities, and public utilities. As described elsewhere in these findings, the proposed subdivision complies with Chapter 19.700. Utilities and work within the right-of-way will be reviewed by the Milwaukie Engineering Department for conformance with Public Works Standards.

    C. MMC 17.28.040 contains standards for lot design.

        (1) MMC 17.28.040.A requires that the lot size, width, shape, and orientation shall be appropriate for the location and the type of use contemplated. Minimum lot standards shall conform to Title 19. The proposed design includes parcels that do not have adequate dimensions for development and uses allowed in the R-5 zone (Lots 13, 16, 17, and 19), as described in these findings. Variances have been requested to allow less than the minimum rear yard setback on Lots 13 and 19; Lots 16 and 17 have rear lot lines that are not parallel to the front lot line as required.

        (2) MMC 17.28.040.B requires that lot shape shall be rectilinear, except where not practicable due to location along a street radius, or existing lot shape. The sidelines of lots, as far as practicable, shall run at right angles to the street upon which the lots face. As far as practicable, the rear lot line shall run parallel to the street. As proposed, Lots 16 and 17 do not meet this standard as their rear lot lines are not parallel to the front lot line. As demonstrated by these Findings, and as conditioned, this issue has been addressed.

        (3) MMC 17.28.040.C limits compound lot lines for side or rear lot lines. As proposed, Lot 11 has a compound lot line, but the cumulative lateral changes in direction in the rear lot line is less than 10% as allowed.

        (4) MMC 17.28.040.D allows lot shape standards to be varied pursuant to MMC 19.911. No variance is requested in this application for lot shape standards.

(5) MMC 17.28.040.E states that double frontage and reversed frontage lots should be avoided except in certain situations. Two of the parcels in the proposed subdivision have frontage on more than 1 public right-of-way. A variance application has been submitted to respond to this requirement. As conditioned, subject to the approval of said variance, this criterion is met.

(6) MMC 17.28.040.F requires that pursuant to the definition and development standards contained in Title 19 for frontage, required frontage shall be measured along the street upon which the lot takes access. This standard applies when a lot has frontage on more than 1 street. As proposed, 4 parcels in the proposed subdivision will take access from other than the required frontage. A variance application has been submitted to respond to this requirement. The Planning Commission approves these variances, as noted above. As conditioned, to provide shared access for Lots 2 and 3 onto the proposed new street, this criterion is met.

D. MMC 17.28.080 contains criteria for public open spaces. The Milwaukie Comprehensive Plan does not identify any planned park or open space for the site. As such, no dedication for public open space is required.

17. MMC 17.32 describes required public improvements. The applicant proposes that all public improvements will meet the standards of this chapter. As conditioned, the proposal is consistent with MMC 17.32.

18. As described in Finding 3, public notice of these applications was posted on site and mailed to parties as identified in the Milwaukie Municipal Code. The applications were referred for comment to the following: Milwaukie Building Division; Milwaukie Engineering Department; Clackamas Fire District #1; Clackamas County; Metro; ODOT; and the Hector Campbell Neighborhood District Association Chairperson and Land Use Committee. The responses received are summarized below. Agencies did not respond if a response is not listed below.

**Milwaukie Building Department** – no comment

**Milwaukie Engineering Department** – the Milwaukie Engineering Department responded with a memorandum regarding public improvements and stormwater. The memorandum has been incorporated as the findings for MMC Chapter 19.700 and in the “Conditions of Approval” and “Other Requirements” sections of this notice.

**Clackamas Fire District #1** – responded with comments regarding the required access and water supply plan as well as turning radius requirements. These requirements are incorporated into the findings and conditions of approval.

**ODOT –** The applicant is advised that a residential development on the proposed site may be exposed to noise from heavy rail freight trains, passenger trains or transit vehicles. It is generally not the State’s responsibility to provide mitigation for receptors that are built after the noise source is in place. Builders should take appropriate measures to mitigate the noise impacts.

**Hector Campbell NDA** – The NDA generally supports the project, but has the following comments/concerns:

- They prefer a diversity of street trees.
- They would like to see plans that include trees on each lot.
- They have concerns about the roadway access for Lots 1 and 2 onto SE 42nd Ave and would prefer the Commission consider a variance for access to the new SE 43rd Ave.
- They have no concerns about double frontage lots and alternate access.
- They would like to see some of the wood from the historic house used in the new home construction if possible to honor the history of the area.

**Conditions of Approval**

1. The Planning Commission approves the following requested variances:

    a. Variance to the minimum street spacing requirement;
    b. Variance to the minimum rear yard setback for Lots 13 and 19;
    c. Variance to allow double frontage lots for Lots 18 and 19
    d. Variance to allow alternate access for Lots 1, 2, 13, and 14

2. Approval of the Preliminary Plat and Variances shall be subject to:
    a. Approval by the City Council of a Zoning Map Amendment rezoning the subject property from Residential R-7 to Residential R-5 and removing the property located at 4217 SE Railroad Ave from the Historic Preservation Overlay Zone.

    b. Approval by the City Council of a Comprehensive Plan Map Amendment rezoning the subject property from Low Density Residential to Medium Density Residential.

    c. Approval by the City Council of a Comprehensive Plan Text Amendment removing the property located at 4217 SE Railroad Ave from Appendix 1 – Historic Resources Property List.

    d. A revised design that reflects the approved variances noted above and provides shared access for Lots 2 and 3 onto the proposed new street.

3. The applicant shall submit a final plat application within 6 months of the preliminary plat approval in accordance with MMC Subsection 17.24.040. The applicant shall obtain approval of the final plat prior to the expiration of this preliminary plat approval.

4. The applicant's final plat application shall include the items listed on the City of Milwaukie Final Plat Checklist. The following specific items and changes are required as part of the application:

    a. A written narrative describing all changes made to the final plat that are not related to these conditions of approval.

    b. A final plat that substantially conforms to the plans received by the Planning Department on April 28, 2017, as revised and received on May 23, 2017 and approved by this action, except as modified by these conditions of approval.

c. The final plat shall include spaces for signatures by the Milwaukie Planning Director and Milwaukie Engineering Director, and a note indicating that this subdivision is subject to the requirements of City of Milwaukie Land Use Application S-2017-002; -ZA-2017-002, CPA-2017-001; VR-2017-001; VR-2017-006.

5. Prior to approval of the final plat, the following issues shall be resolved.

a. Provide confirmation that the proposed subdivision plat name is not duplicative and the plat otherwise satisfies the provisions of ORS 92.090(1). Approval by the County Survey is required.

b. Obtain a variance, as submitted in an application, to the standards of MMC 19.708.1.F for minimum intersection spacing.

c. Dedicate 20 feet of right-of-way on SE Railroad Ave fronting the proposed development property.

d. Construct a 12-ft wide asphalt bike bath on the SE Railroad Ave frontage.

e. Construct 5-ft setback sidewalks, 3-ft landscape strips, curb and gutter, 25-ft asphalt surface and driveways (28-ft travel way) on SE 43rd Ave and SE 44th Ave on both sides of the street. Only half street improvements and 20-ft asphalt surface required on the portion of SE 44th Ave fronting Taxlot 8500 to the east.

f. Construct a driveway approach to meet all guidelines of the Americans with Disabilities Act (ADA) to each new lot. The driveway approach aprons shall be between 9 ft and 20 ft in width and least 7.5 ft from the side property line.

g. The on-site shared driveway for Lot 1 must accommodate all vehicle backing movements on site.

h. Construct a receiving ADA ramp on west side of SE 42nd Ave.

i. Dedicate a 1-ft reserve strip to the City of Milwaukie along the west side of Taxlot 8500.

j. Provide a final Access and Water Supply plan to be reviewed and approved by Clackamas Fire District #1.

**Other requirements**

The following items are not conditions of approval necessary to meet applicable land use review criteria. They relate to other development standards and permitting requirements contained in the Milwaukie Municipal Code and Public Works Standards that are required at various points in the development and permitting process. They are included for the applicant's convenience and do not necessarily represent all standards or requirements that may be applicable.

1. Prior to approval of the final plat, the following are required:

a. Submit a storm water management plan to the City of Milwaukie Engineering Department for review and approval. The plan shall be prepared in accordance with Section 2 – Stormwater Design Standards of the City of Milwaukie Public Works Standards. Private properties may only connect to public storm system if percolation

tests show that infiltration cannot be obtained on site. In the event the storm management system contains underground injection control devices, submit proof of acceptance of the storm system design from the Department of Environmental Quality.

b. Submit full-engineered plans for construction of all required public improvements, including the entire intersection of the proposed new public streets with SE Railroad Ave, reviewed and approved by the City of Milwaukie Engineering Department.

c. Obtain a right-of-way permit for construction of all required public improvements listed in these recommended conditions of approval.

d. Pay an inspection fee equal to 5.5% of the cost of the public improvements.

e. Provide a payment and performance bond for 100 percent of the cost of the required public improvements.

f. Provide an erosion control plan and obtain an erosion control permit.

g. Install all underground utilities, including stubs for utility service prior to surfacing any streets.

h. Clear vision areas shall be maintained at all driveways and accessways and on the corners of all property adjacent to an intersection.

i. Provide a final approved set of Mylar and electronic PDF "As Constructed" drawings to the City of Milwaukie prior to final inspection.

j. Remove all signs, structures, or vegetation in excess of three feet in height located in "vision clearance areas" at intersections of streets and driveways fronting the proposed development.

2. Prior to final inspection for any building within the proposed development, the following shall be resolved:

   a. Connect all residential roof drains to private drywells or other approved structures.

3. The Time Limit on Approval established in MMC 17.04.050 applies to this proposed subdivision.

   a. MMC 17.040.050.A: All decisions on boundary changes and land divisions shall expire 1 year after the date of approval. Reactivation of expired decisions may only be made by submission of a new application and related fees. *Staff note - approval of a final plat must occur prior to the expiration of the preliminary plat approval on which the final plat is based.*

   b. MMC 17.04.050.B: Approvals may be extended up to 6 months upon submission of formal request to the original decision-making authority. One extension of the approval period not to exceed 6 months will be granted if the criteria in MMC 17.04.050.B are satisfied.

4. The requirements on MMC 17.24 for preparation and recording the final plat are as follows:

   a. MMC 17.24.040: Within 6 months of City approval the applicant shall submit the final plat for City signatures. Approval of the final plat shall be null and void if the plat is not submitted within the time specified or if the plat is not recorded within 30 days after the date the last required signature has been obtained. One copy of the recorded plat shall be supplied to the City.

b. MMC 17.04.120.B: Prior to recording a lot consolidation, property line adjustment, subdivision, or partition plat or replat, the applicant shall submit the recording instruments to the Planning Director for a determination of consistency with the City Code and required approvals.

c. MMC 17.04.120.A: Recording instruments for boundary change, subdivision, partition, and replat shall be submitted to the County Surveyor within 6 months of City approval.

5. Submit and pass a hydrant flow test per the requirements of Clackamas Fire District #1.



Dennis Egner, FAICP
Planning Director

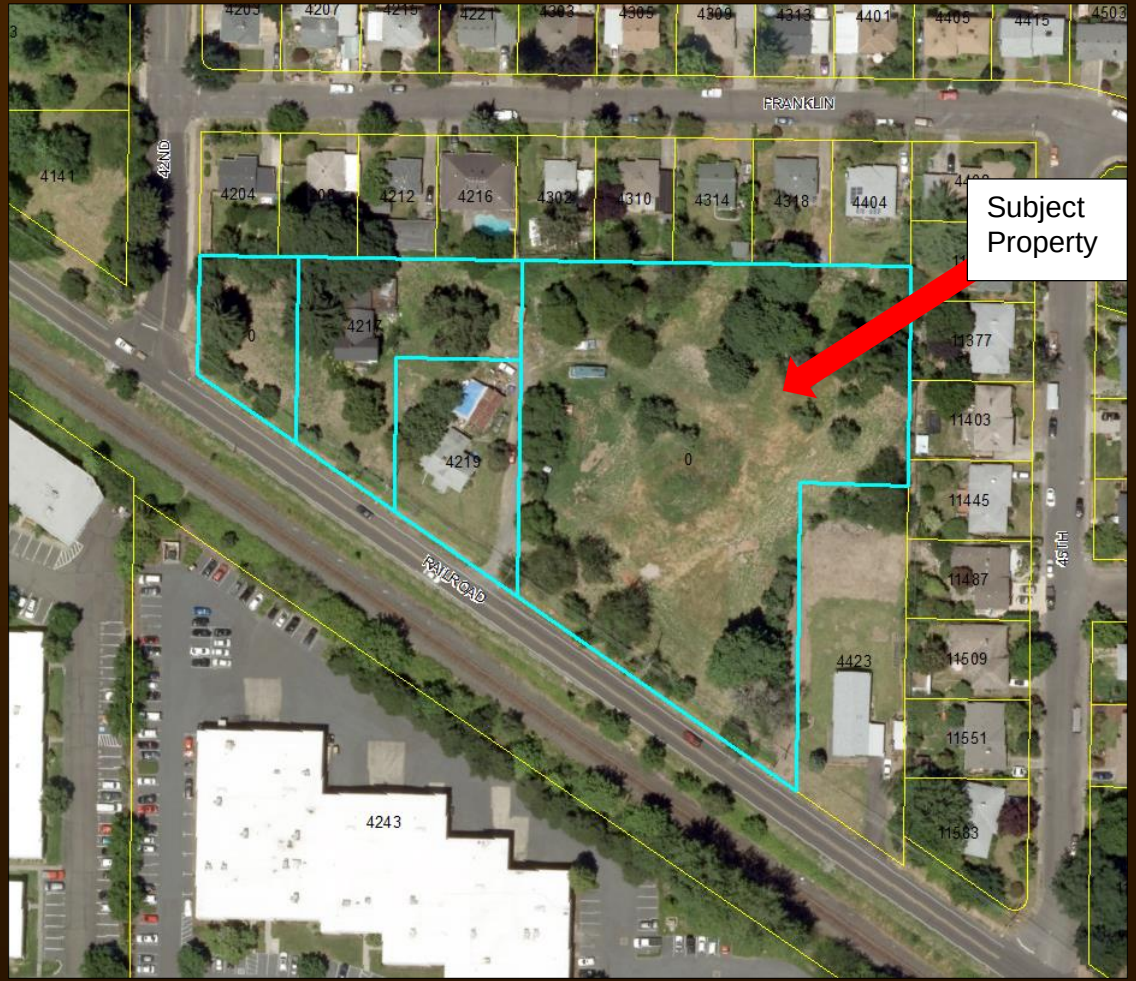
cc: Simon Lofts, Sustainable Infill Development, LLC (795 NW Torrey View Ln., Portland, OR 97229)
Mark Dane, Mark Dane Planning (14631 SW Millikan Way, #6, Beaverton, OR 97003)
Planning Commission *(via e-mail)*
Alma Flores, Community Development Director *(via e-mail)*
Chuck Eaton, Engineering Director *(via e-mail)*
Alex Roller, Engineering Technician II *(via e-mail)*
Samantha Vandagriff, Building Official *(via e-mail)*
Bonnie Lanz, Permit Specialist *(via e-mail)*
Mike Boumann and Matt Amos, CFD#1
NDA(s): Hector Campbell *(via e-mail)*
Interested Persons
Land Use File(s): S-2017-002; VR-2017-001; VR-2017-006

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Presentation

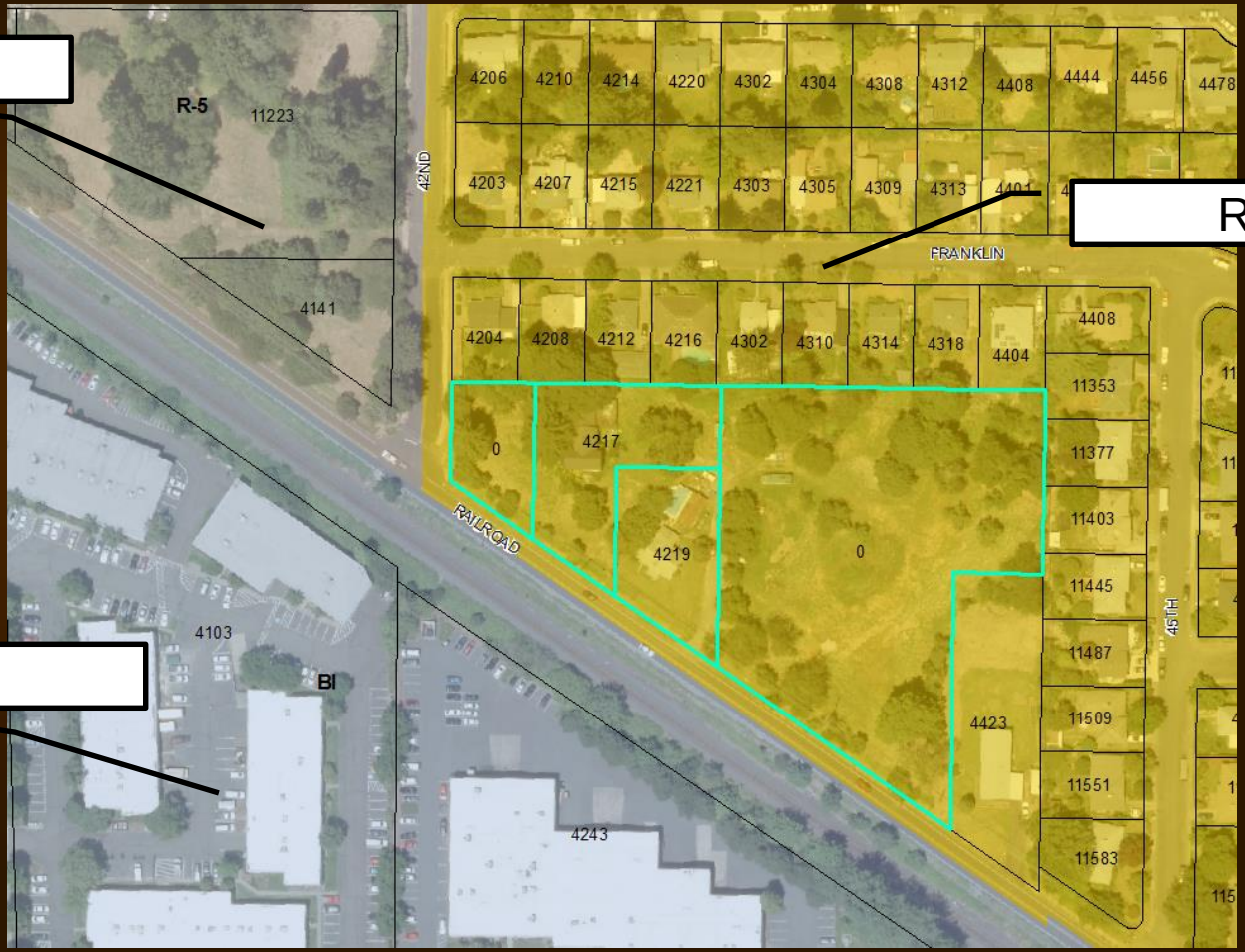
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# 4217-4219 SE Railroad Ave

Milwaukie City Council
Vera Kolias, Associate Planner
July 18, 2017

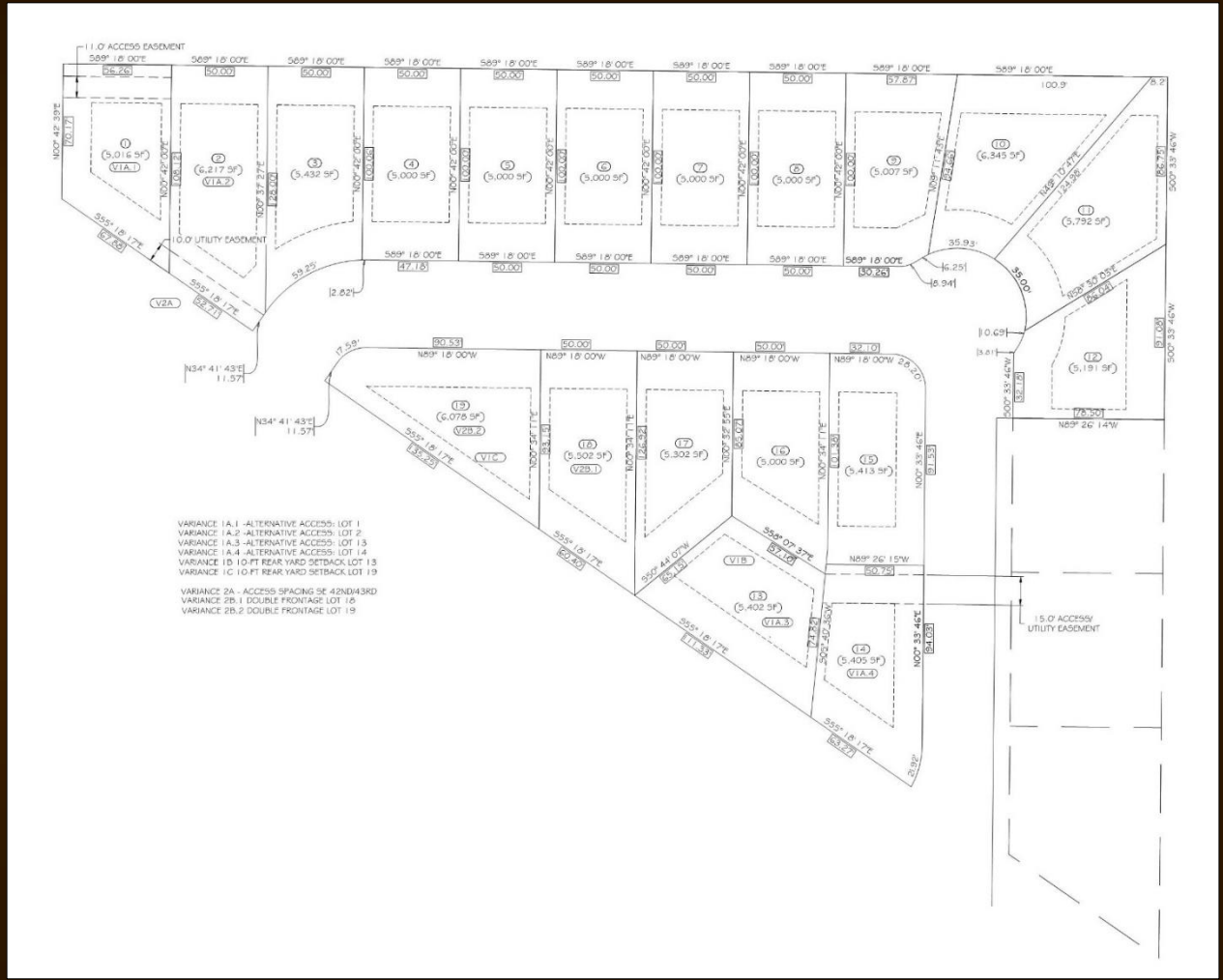
# Location


FRANKLIN
42ND
RAILROAD
45TH
Subject Property
4141
4204
4212
4216
4302
4310
4314
4318
4404
4217
4219
0
11377
11403
11445
11487
11509
11551
11583
4423
4243

# Zoning


R-5
R-7
BI
R-5
11223
4141
42ND
FRANKLIN
RAILROAD
45TH
4103
BI
4243
4423
0
4217
4219
4206
4210
4214
4220
4302
4304
4308
4312
4408
4444
4456
4478
4203
4207
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4303
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4309
4313
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4208
4212
4216
4302
4310
4314
4318
4404
4408
11353
11377
11403
11445
11487
11509
11551
11583

# Proposal


11.0' ACCESS EASEMENT
10.0' UTILITY EASEMENT
15.0' ACCESS/ UTILITY EASEMENT
VARIANCE 1A.1 -ALTERNATIVE ACCESS: LOT 1
VARIANCE 1A.2 -ALTERNATIVE ACCESS: LOT 2
VARIANCE 1A.3 -ALTERNATIVE ACCESS: LOT 13
VARIANCE 1A.4 -ALTERNATIVE ACCESS: LOT 14
VARIANCE 1B 10-FT REAR YARD SETBACK LOT 13
VARIANCE 1C 10-FT REAR YARD SETBACK LOT 19
VARIANCE 2A - ACCESS SPACING SE 42ND/43RD
VARIANCE 2B.1 DOUBLE FRONTAGE LOT 18
VARIANCE 2B.2 DOUBLE FRONTAGE LOT 19

# Applications/Approvals Required

- Subdivision – *Planning Commission approval on June 13, 2017*
- 2 Variance applications – *Planning Commission approval on June 13, 2017*
- Zoning Map Amendments
- Comprehensive Plan Map & Text Amendments

# Review Process

- ✓ Historic Demolition Review
- ✓ Type III Subdivision and Variances
- Type IV Zoning and Comprehensive Plan Amendments (text and maps)

# Approval Criteria - Zoning Map Amendments

- Compatibility with surrounding neighborhood and predominant land use pattern
- Demonstrated need
- Adequate facilities
- Consistency with comp plan, Metro, and State goals and policies

# Approval Criteria - Comp Plan Amendments

- Consistency with City goals and policies
- In the public interest and serves a public need
- Consistency with Metro and State goals and policies

# Key Issue

Is re-zoning the site from R-7 to R-5 appropriate?

# Key Issue – Rezoning R-7 to R-5

- Similar density to surrounding neighborhood (6,000-sq ft lots)
- R-5 across 42nd Ave from the site; BI zone across Railroad Ave
- R-7 zone is the largest zone in the city

# Staff Recommendation

- Approve land use applications #ZA-2017-002 and #CPA-2017-001 and the recommended Findings and Conditions of Approval found in Attachments 1 and 2.

# Comments Received

- None.

# Decision-Making Options

A. Approve the Type IV applications subject to the recommended Findings.
B. Approve the Type IV applications with modified Findings.
C. Deny the Type IV applications upon finding that they do not meet approval criteria.
D. Continue the hearing to August 1, 2017.

# PUBLIC HEARING ATTENDANCE SIGN-UP SHEET

*If you wish to have standing and/or to be on the mailing list for Council information from tonight's hearing, please sign-in below.*

**7/18/17** | **Keil Gardens – Proposed Zoning and Comprehensive Plan Amendments**

**Land Use File No.** ZA-2017-002, CPA-2017-001

| NAME | ADDRESS | PHONE | EMAIL |
|---|---|---|---|
| MARK DANE | 12725 SW GLENHAVEN ST PDX OR 97225 | 503-332-7167 | |
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MILWAUKIE CITY COUNCIL
*Office of the City Recorder*

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ocr@milwaukieoregon.gov

# Speaker Registration

The City of Milwaukie encourages all citizens to express their views to their city leaders in a **respectful** and **appropriate** manner. If you wish to speak before the City Council, fill out this card and hand it to the City Recorder. Note that this Speakers Registration card, once submitted to the City Recorder, becomes part of the public record.

**Name:** DAVID ASCHENBRENNER Address: 11505 Home Ave 97222

Organization: HECTOR CAMPBELL NW Phone: ON FILE

Email: ON FILE

**Meeting Date:** 7/18/2017 **Topic:** 5B

Agenda Item You Wish to Speak to:

- ☐ #4 Audience Participation
- ☒ #5 Public Hearing, Topic:
- ☐ #6 Other Business, Topic:

You are Speaking...

- ☒ in Support
- ☐ in Opposition
- ☐ from a Neutral Position
- ☐ to ask a Question

**Comments:**