



September 27, 2012

File: CSU-12-08

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Commission on September 25, 2012.

Applicant:	Leah Robbins for TriMet
Location:	2316 SE Monroe St
Tax Lot:	1S1E36BB04500
Application Type:	Community Service Use
Decision:	Approved with Conditions
Review Criteria:	<u>Milwaukie Zoning Ordinance:</u> <ul style="list-style-type: none">• MMC 19.904 Community Service Uses• MMC 19.308 Residential-Business Office Zone R-1-B• MMC 19.502 Accessory Structures• MMC 19.600 Off-Street Parking and Loading• MMC 19.700 Public Facility Improvements• MMC 19.1006 Type III review
Neighborhood:	Historic Milwaukie

This notice is issued in accordance with Milwaukie Municipal Code 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 Brett Kolver, Associate Planner, 503-786-7657, at 503-786-7657 or kolverb@ci.milwaukie.or.us, if you wish to view this case file.

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. The period during which an appeal can be filed expires on the date shown below. This decision becomes final on the date below if no appeal is filed during the appeal period.

Appeal period closes: 5:00 p.m., October 12, 2012

Appeals of Planning Commission decisions must follow the procedures of Milwaukie Municipal Code Section 19.1010 Appeals. Milwaukie Planning staff can provide information regarding forms, fees, and the appeal process at 503-786-7630 or planning@ci.milwaukie.or.us.

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Findings in Support of Approval

1. The applicant, Leah Robbins on behalf of TriMet (“the applicant”), is seeking land use approval to construct a substation utility building for the Portland-Milwaukie Light Rail (PMLR) project. The project will demolish an existing single-family dwelling and replace it with the substation.

The application materials (including forms, narrative, and site plans) were originally submitted on May 2, 2012. Final revised materials were submitted on August 9, 2012, with a request by the applicant that City staff deem the application complete that same day.

2. The subject property is at 2316 SE Monroe Street (Assessor Map 1S1E36BB, tax lot 4500). The site has a base zone designation of Residential-Business Office (R-1-B) and is currently occupied by a detached single-family dwelling. The property encompasses approximately 9,650 sq ft adjacent to the Union Pacific Railroad (UPRR) right-of-way to the west and northwest in downtown Milwaukie; adjacent to the northeast is a detached single-family dwelling at 2326 SE Monroe St; adjacent to the east is a large parking lot for St. John the Baptist Catholic Church; and adjacent to the south is a professional office building at 2305 SE Washington St.

The property does not have frontage on a public street and currently takes access from Monroe St through a paved portion of the UPRR right-of-way. As proposed, access to the new substation will be through the parking area for the professional office building to the south at 2305 SE Washington St.

At the time of application submittal, the subject property at 2316 SE Monroe St was owned by Gary and Linda Methven; however, TriMet is acquiring the property through eminent domain for the PMLR project.

3. The proposal is subject to the following provisions of Milwaukie Municipal Code (MMC) Title 19 Zoning:

- MMC 19.904 Community Service Uses
- MMC 19.308 Residential-Business Office Zone R-1-B
- MMC 19.502 Accessory Structures
- MMC 19.600 Off-Street Parking and Loading
- MMC 19.700 Public Facility Improvements
- MMC 19.1006 Type III review

4. The substation project also requires a development permit prior to construction, pursuant to MMC 19.906 Development Review. The purpose of Development Review is to ensure compliance with applicable standards and conditions of approval through an efficient review process that effectively coordinates the City’s land use and development permit review functions.
5. The PMLR alignment, which includes the location of specific project elements such as the proposed substation utility building, has an existing land use approval that was issued by Metro in 2008.¹ This land use final order (LUFO) was made pursuant to House Bill 3478 (1996), which provides for the review and siting of regional transportation facilities through local jurisdictions. The City may subject the substation project to reasonable and necessary

¹ Metro Resolution No. 08-3964 entitled 2008 South/North Land Use Final Order (LUFO) Amendment.

conditions of approval to ensure conformance with local standards and appropriate mitigation of local impacts. It cannot, however, condition the approval of the building in such a way as to prevent the implementation of the 2008 LUFO.

6. The Planning Commission reviewed the application in compliance with the Type III review process described in MMC 19.1006. As required, the applicant posted public notice at the site and the City mailed notices to surrounding property owners and residents within 300 ft of the site. The Planning Commission held a duly advertised public hearing considering the application on September 25, 2012.

7. The Planning Commission reviewed the application for compliance with the code sections listed in Finding 3.

The Planning Commission finds that code sections not addressed in these findings are not applicable to the decision.

8. MMC 19.904 Community Service Uses

MMC 19.904 provides standards and procedures for review of applications for community service uses. These are uses that are not specifically allowed outright in most zoning districts but that address a public necessity or otherwise provide some public benefit. Community service uses may include schools, government buildings, hospitals, religious institutions, utilities, parks, or communication facilities.

- A. MMC 19.904.2 establishes applicability of the Community Service Use (CSU) regulations.

The proposed development is a substation utility building that will provide electrical power to the Portland-Milwaukie Light Rail (PMLR). As one component of a larger public transit facility, the proposed substation qualifies as a "utility" as identified in MMC 19.904.2.B. The Planning Commission finds that the standards of MMC 19.904 are applicable to the proposed development.

- B. MMC 19.904.3 establishes the review process for community service uses. Except for wireless communication facilities and minor modifications to existing community service uses, applications for community service uses are subject to Type III review (MMC 19.1006).

The proposed development is neither a wireless communication facility nor a minor modification to an existing community service use. As a new community service use, the proposed development is subject to the procedures for Type III review outlined in MMC 19.1006.

- C. MMC 19.904.4 establishes the following approval criteria for community service uses:

- i. The building setback, height limitation, and off-street parking and similar requirements governing the size and location of development in the underlying zone are met. Where a specific standard is not proposed in the CSU, the standards of the underlying zone are met.

The subject property is zoned Residential-Business Office (R-1-B). Development standards for the R-1-B zone are provided in MMC 19.308.3. The standards applicable to the proposed development are addressed as follows:

- a. MMC 19.308.3.B requires a minimum front yard of 15 ft.

The subject property has no frontage on a public street but will take access from Washington St through the property addressed as 2305 SE Washington St to the south. For purposes of determining yard setbacks, the southern lot line of the subject property shall be considered the front lot line. As proposed, the new substation building will be approximately 22 ft from the front lot line. This standard is met.

- b. MMC 19.308.3.C requires minimum side yards of 5 ft, with an additional 1 ft of side yard for each 3 ft of building height over 2 stories or 25 ft, whichever is less.

As proposed, the new substation building will be approximately 15 ft tall, with side-yard setbacks of approximately 19 ft. This standard is met.

- c. MMC 19.308.3.D requires a minimum rear yard of 15 ft.

As proposed, the new substation building will be set back a minimum of 19 ft from the rear property line to the north. This standard is met.

- d. MMC 19.308.3.E requires off-street parking as per MMC 19.600.

MMC Table 19.605.1 does not provide a specific parking ratio for uses such as the proposed substation building. However, the applicant previously requested a parking quantity determination as per the procedures outlined in MMC 19.605.2. In the Notice of Decision for land use application P-12-02, the Planning Director found that the proposed development would generate no demand for off-street parking. This standard is not applicable.

Note: *Access to the subject property will be through an access easement with the adjacent property to the south at 2305 SE Washington St. The easement agreement does not result in the loss of any existing parking spaces on the adjacent property and will not otherwise impact parking and circulation at 2305 SE Washington St.*

- e. MMC 19.308.3.F limits the height of any structure to 3 stories or 45 ft, whichever is less.

As proposed, the new substation building will be approximately 15 ft in height. This standard is met.

- f. MMC 19.308.3.G limits the area of lot coverage to 50% of total lot area.

The subject property is approximately 9,650 sq ft in area. As proposed, the new substation building will cover approximately 940 sq ft, well below the 50% maximum. This standard is met.

- g. MMC 19.308.3.H requires a minimum of 15% of total lot area to be landscaped with trees, grass, shrubs, etc.

As proposed, the new substation building and associated paved and graveled areas will cover approximately 3,430 sq ft, or roughly 35% of total lot area. This leaves approximately 65% of the site in landscaped area.

Note: *Access to the subject property will be through an access easement with the adjacent property to the south at 2305 SE Washington St (the "access property"). As established by the applicant's submittal materials, approximately 20.5% of the access property area is landscaped. As proposed, approximately 450 sq ft of existing landscaping on the access property will be removed to establish a paved entrance to the subject property. The change will reduce the existing landscaping*

by only 1% of total lot area, leaving approximately 19.5% of the access property area in landscaping. The proposed development will not cause the access property to go out of conformance with the landscaping standard of the R-1-B zone.

This standard is met.

- h. MMC 19.308.3.J requires establishment of a transition area as per the standards of MMC 19.504.6.

MMC 19.504.6 requires transition measures where multi-family, commercial, or industrial development is proposed adjacent to properties zoned for lower-density uses, except in the downtown zones. The proposed development is a community service use, in particular a type of utility associated with PMLR. The zoning for adjacent properties is Downtown Residential to the west and Residential-Business Office (R-1-B) to the north, east, and south. Surrounding properties are not zoned for lower-density residential uses.

This standard is not applicable to the proposed development.

- i. MMC 19.308.3.L requires compliance with the public facility improvement standards of MMC 19.700.

See Finding 10 for a discussion of the proposed development's compliance with the applicable requirements and standards of MMC 19.700. As addressed in Finding 10, this standard is met.

Based on the foregoing analysis, the Planning Commission finds that the proposed development meets the applicable development standards of the underlying R-1-B zone.

- ii. Specific standards for the proposed uses as found in MMC 19.904.7-11 are met.

As a type of utility, the proposed development is subject to the relevant standards for facilities not covered by other subsections of the community service use regulations, provided in MMC 19.904.9. The standards of MMC 19.904.9 applicable to the proposed development are addressed as follows:

- a. MMC 19.904.9.A requires that utilities, streets, or other improvements necessary for the public facility shall be provided by the agency constructing the use.

As evidenced by the applicant's submittal materials, all necessary utilities and street improvements warranted by the proposed development will be provided by the applicant. This standard is met.

- b. MMC 19.904.9.B encourages access to be provided on a collector street if practicable.

As proposed, access to the subject property will be provided from Washington St, through an access easement over the property at 2305 SE Washington St. Washington St is classified as a Collector street in the City's Transportation System Plan. This standard is met.

- c. MMC 19.904.9.C requires community service uses in residential zones to provide setbacks equal to two-thirds the height of the principal structure.

As noted in Finding 8-C-i, the new substation building is approximately 15 ft in height and will provide front, side, and rear setbacks of at least 20 ft. This standard is met.

- d. MMC 19.904.9.E requires noise-generating equipment to be sound-buffered when adjacent to residential areas.

As evidenced by the applicant's submittal materials, the new substation building does not include any noise-generating equipment. This standard is not applicable.

- e. MMC 19.904.9.F requires lighting to be designed to avoid glare on adjacent residential uses and public streets.

As evidenced by the applicant's submittal materials, exterior lighting on the new substation building will be provided by an LED fixture over each of the 5 doors to the building. As proposed, the light fixtures will be focused downward to avoid any glare. This standard is met.

- f. MMC 19.904.9.G encourages hours and levels of operation to be adjusted to be compatible with adjacent uses where possible.

As proposed, hours of use of the new substation will be infrequent and intermittent, with no fixed schedule of operation. Most of the activity on the site will occur within the substation building itself. The use will not result in noise or lighting impacts on adjacent properties.

Surrounding uses include a large parking area for St. John the Baptist Catholic church to the east, a professional office building to the south, an outdoor storage area for Milwaukie Lumber to the west, and a single-family residence to the northeast. As proposed, the substation building is located on the southern portion of the site, farthest from the adjacent residential property. Access to the site will also be provided from the south.

As proposed, the hours and levels of operation of the new substation will be compatible with adjacent uses. This standard is met.

The Planning Commission finds that the proposed development meets the applicable standards of MMC 19.904.9.

- iii. The hours and levels of operation of the proposed use are reasonably compatible with surrounding uses.

As discussed in Finding 8-C-ii(f), the hours and levels of operation of the proposed development are reasonably compatible with surrounding uses.

The Planning Commission finds that the proposed development meets this standard.

- iv. The public benefits of the proposed use are greater than the negative impacts, if any, on the neighborhood.

As discussed in the applicant's submittal materials, electrical substations such as the one proposed in this application are a key component of an electrified light rail transit line. The new substation will provide electrical power necessary for efficient operation of the PMLR system.

The benefits of the overall PMLR project include those generally associated with mass public transit: increased options for commuters, reduced automobile usage and the accompanying reductions in traffic and pollution emissions, and generally improved access and mobility for local and regional residents.

As proposed, the new substation will have relatively few impacts on surrounding properties. Access to the site will be provided via an access easement through the

existing parking area on the adjacent property to the south at 2305 SE Washington St. Most of the activity on the site will occur within the substation building itself, with no noise-generating equipment. Hours of use will be infrequent and intermittent, with no fixed schedule of operation. Exterior lights will be shielded to prevent glare. Landscaping throughout the site will provide screening, and woven-wire mesh panels on all sides of the new building will provide an aesthetic treatment. A 6-ft tall, black powder-coated, welded-wire fence will provide an attractive enclosure around the perimeter of the site. Conditions have been established to ensure that some of these key elements are constructed/installed as part of the project, to ensure thematic congruence with the signal and communication building and other alignment features.

The applicant has proposed a standing seam metal roof, with a roof-mounted solar photovoltaic array if funding allows. The Planning Commission views the proposed solar-array roof as a feature that enhances the public benefit of the proposed substation. A condition is established to require installation of the proposed solar roof if funding becomes available. The solar roof may be installed pursuant to the applicant's submittal materials with approval of development or building permits; no formal modification of this community service use is required to install the solar roof.

The Planning Commission finds that, as conditioned, the public benefits of the proposed development are greater than any negative impacts.

- v. The location is appropriate for the type of use proposed.

The location of the light rail alignment and associated structures are consistent with the Locally Preferred Alternative (LPA) alignment adopted by City Council in 2008.² Additionally, the alignment was vetted through the Final Environmental Impact Statement (FEIS) process, which reviewed the impacts of the alignment on the downtown Milwaukie area.

As discussed in the applicant's submittal materials, electrical substations such as the one proposed are key components of electric light-rail transit system. For the PMLR project, substations have been spaced along the alignment to provide efficient and effective power to the system. Site locations have been selected to minimize impacts. As discussed in Finding 8-C-iv, there are no significant impacts associated with the new substation in the proposed location.

The subject property does not have frontage on a public street. Access to the site is currently provided from Monroe St through the adjacent UPRR right-of-way; as a result of the PMLR project, that access will no longer be available. The applicant has proposed to obtain access to Washington St by establishing an access easement with the adjacent property at 2305 SE Washington St. A condition is established to ensure that the proposed access easement is formalized and recorded.

As conditioned, the Planning Commission finds that the location is appropriate for the proposed development.

The Planning Commission finds that, as conditioned, the proposed development meets the approval criteria of MMC 19.904.4.

- D. MMC 19.904.5 establishes the procedures for reviewing community service uses.

² Light rail station location adopted by Res. 51-2008. LPA adopted by Res. 69-2008.

- i. MMC 19.904.5.A requires the Planning Commission to hold a public hearing to consider the establishment of new community service uses or major modification of existing community service uses. The Commission shall determine whether the proposed use meets the approval criteria of MMC 19.904.4.

The proposed development represents the establishment of a new community service use, in the form of a utility associated with the PMLR project. The Planning Commission held a public hearing on September 25, 2012, to evaluate the proposed community service use in the context of the approval criteria of MMC 19.904.4. This standard is met.

- ii. MMC 19.904.5.B establishes the types of conditions that the Planning Commission may impose on community service uses to ensure compatibility with other uses in the vicinity. Conditions may involve such aspects as hours or intensities of operation, measures to limit noise or glare, special yard setbacks, design of vehicle access points, and size or location of a building.

The Planning Commission has evaluated the proposed new substation utility building and established several conditions to limit the proposed development's impacts and ensure compatibility with surrounding uses. These conditions relate to the proposed access easement, perimeter fence, wall cladding materials, and solar roof.

- iii. MMC 19.904.5.C authorizes the Planning Director to approve minor modifications to an approved community service use through the Type I review process, subject to compliance with specific criteria.

As proposed, the new substation building will have a metal, standing seam roof that can support a photovoltaic array of solar panels. At the time of application, the applicant has indicated that funding is not available to install a photovoltaic array. If funding for the proposed photovoltaic array becomes available in the future and the applicant decides to install it, the Planning Commission finds that a formal minor modification to this community service use approval will not be necessary.

- E. MMC 19.904.6 establishes the application requirements for community service uses, including a narrative describing the proposed use, maps showing the vicinity and existing uses, and detailed plans for the project.

The applicant's submittal materials include a narrative description of the proposed development, site and vicinity maps, and detailed plans. The Planning Commission finds that this standard is met.

The Planning Commission finds that, as conditioned, the proposed development meets all applicable standards of MMC 19.904 and is approvable as a community service use.

9. MMC 19.502 Accessory Structures

MMC 19.502 establishes standards for accessory structures. Specifically, MMC 19.502.2.B establishes standards for fences. In residential zones, fence height is limited to 42 in for front yards and 6 ft for side and rear yards; in commercial zones, fence height is limited to 6 ft for all yards. Barbed or razor wire may be permitted for security purposes, but only on top of a maximum height fence and only with Type II review as per MMC 19.1005.

As evidenced by the applicant's submittal materials, the proposed development includes installation of a 6-ft welded wire fence around the perimeter of the subject property. No barbed or razor wire is proposed. The base zone of the subject property is Residential-Business Office (R-1-B), which allows both residential and limited commercial uses. The

Planning Commission finds that the fence-height restriction for commercial zones is appropriate for the proposed development and that the applicable standards of MMC 19.502 are met.

10. MMC 19.700 Public Facility Improvements

The purpose of MMC 19.700 is to ensure that development provides public facilities that are safe, convenient, and adequate in rough proportion to their public facility impacts.

A. MMC 19.702 Applicability

MMC 19.702 establishes the applicability of the provisions of MMC 19.700, including land divisions, new construction, expansions of existing structures, and changes or intensifications in use.

The proposed development consists of new construction. The Planning Commission finds that the proposed development is subject to the standards and requirements of MMC 19.700.

B. MMC 19.703 Review Process

MMC 19.703 establishes the review procedures for development that is subject to MMC 19.700.

- i. MMC 19.703.1 requires a preapplication conference for all proposed development that is subject to MMC 19.700.

A preapplication conference for the proposed development was held on November 17, 2011. This standard is met.

- ii. MMC 19.703.2 establishes the requirements for submittal of either a development permit application or Transportation Facilities Review (TFR) application to demonstrate compliance with MMC 19.700. As per MMC 19.703.2.B, if a proposed development does not require a Transportation Impact Study (TIS), but does require another type of land use application(s), then a TFR application is not required and compliance with MMC 19.700 will be evaluated during the review of the other land use application(s).

The Engineering Director has determined that a TIS is not required as part of the proposed development in accordance with MMC 19.704; therefore, a TFR land use application is not required. The proposed development requires submission of a Type III Community Service Use (CSU) application; compliance with MMC 19.700 will be reviewed concurrently with the CSU application. This standard is met.

- iii. MMC 19.703.3 establishes the approval criteria for all proposed development subject to MMC 19.700.

- a. As per MMC 19.703.3.A, public facility improvements shall comply with the Public Works Standards at the time of development.

Public facility improvements associated with the proposed development comply with the standards and requirements of MMC 19.700, as addressed in these findings. A condition is established to ensure that the public facility improvements comply with the Public Works Standards at the time of development. As conditioned, this standard is met.

- b. As per MMC 19.703.3.B, development shall provide transportation improvements in rough proportion to the potential impacts of the development.

The applicant proposes transportation facility improvements and mitigation at the time of development in rough proportion to the potential impacts of the development in accordance with MMC 19.705. This standard is met.

- c. MMC 19.703.3.C requires that a proposed development meet the City's basic safety and functionality standards prior to the issuance of any development permits.

The applicant proposes transportation facility improvements that meet or exceed the safety and functionality standards of MMC 19.703.3.C. This standard is met.

The Planning Commission finds that the proposed development, as conditioned, meets the approval criteria of MMC 19.703.3.

The Planning Commission finds that, as conditioned, the proposed development complies with the applicable standards of MMC 19.703.

C. MMC 19.704 Transportation Impact Evaluation

MMC 19.704 establishes the procedures for determining whether a proposed development requires a formal Transportation Impact Study (TIS). If required, a TIS evaluates the adequacy of the transportation system to serve the proposed development and determines the proportionate mitigation of impacts.

The projected increase in trip generation resulting from the proposed development, a building to house mechanical equipment in support of light rail operations, is minimal. The Engineering Director has determined that the projected impacts to the transportation system are not significant enough to require a transportation impact study.

The Planning Commission finds that the proposed development complies with MMC 19.704.

D. MMC 19.705 Rough Proportionality

MMC 19.705 establishes standards to ensure that required transportation facility improvements are roughly proportional to the potential impacts of the proposed development.

The proposed development consists of new construction on an existing lot. The proposed development property does not front a public roadway. However, as part of the larger PMLR project, the applicant proposes design and construction of transportation facility improvements along 92 ft of Washington St fronting 2305 SE Washington St, the parcel through which access will be provided to the development property. The proposed transportation facility improvements include new curb, planter strip, sidewalk and street reconstruction consistent with the Public Works Standards.

The projected increase in trip generation resulting from the proposed development is minimal. The proposed transportation facility improvements are roughly proportional to the impacts of the proposed development.

The Planning Commission finds that the proposed development complies with MMC 19.705.

E. MMC 19.706 Fee in Lieu of Construction

MMC 19.706 establishes provisions to allow payment of a fee in lieu of constructing required transportation facility improvements.

The applicant proposes to construct the required transportation facility improvements. The Planning Commission finds that the proposed development complies with MMC 19.706.

F. MMC 19.707 Agency Notification and Coordinated Review

MMC 19.707 outlines the procedures for providing notice of a proposed development to other agencies when MMC 19.700 is applicable.

The proposed development is within 300 ft of a public railroad crossing. Notice of the proposed land use application has been provided to ODOT Rail Division for their review and comment.

The proposed development is within 200 ft of a designated collector roadway, Monroe St. Notice of the proposed land use application has been provided to Metro and Clackamas County for their review and comment.

The Planning Commission finds that the proposed development complies with the applicable standards of MMC 19.707.

G. MMC 19.708 Transportation Facility Requirements

MMC 19.708 establishes the City's requirements and standards for improvements to public streets, including pedestrian, bicycle, and transit facilities. These include requirements for access management, clear vision, development in non-downtown zones, street layout and connectivity, and intersection design and spacing. Transportation facility improvements are subject to the requirements of the Milwaukie Downtown and Riverfront Plan: Public Area Requirements.

The proposed development property does not front a public roadway. The applicant proposes to share existing access on Washington St with the adjacent property to the south, 2305 SE Washington Street. A condition is established to require the applicant to modify access, as necessary, in accordance with the access management standards of MMC 12.16.040.E and MMC 12.16.040.F.

Another condition is established to require the applicant to demonstrate compliance with the clear vision standards of MMC 12.24 prior to start of construction.

The proposed development is located within a non-downtown zone but has access to a public street (Washington St) that is shown in the Milwaukie Downtown and Riverfront Plan: Public Area Requirements. The applicant proposes transportation facility improvements on Washington St consistent with public area requirements.

The Planning Commission finds that the proposed development, as conditioned, complies with MMC 19.708.

H. MMC 19.709 Public Utility Requirements

MMC 19.709 establishes standards to determine whether existing public utilities are adequate to serve a proposed development, as well as to determine whether new or expanded public utilities are warranted to ensure compliance with the City's public utility requirements and standards.

The Engineering Director has determined that the existing public utilities are adequate to serve the proposed development. The Planning Commission finds that the proposed development complies with MMC 19.709.

The Planning Commission finds that, as conditioned, the proposed development complies with all applicable standards of MMC 19.700.

11. The City distributed the subject application to the following City departments and agencies for review and comment on August 10, 2012: City of Milwaukie Building and Engineering

Departments, Clackamas County Fire District #1, Metro, Clackamas County, Oregon Department of Transportation (ODOT), and TriMet. The application was also sent to the ODOT Rail Division for review and comment on August 22, 2012. The City mailed notice of the initial public hearing to property owners and current residents at all properties within 300 ft of the subject property on September 5, 2012.

The following is a summary of the comments received by the City:

- **Tom Larsen, City of Milwaukie Building Official:** No comments on the proposal.
- **Mike Boumann, Clackamas County Fire District #1:** No comments on the proposal.
- **Zach Weigel, City of Milwaukie Engineering Department:** Various comments related to MMC 19.700 Public Facility Improvements, MMC 12.16 Access Management, and MMC 12.24 Clear Vision at Intersections.

Response: These comments have been incorporated into the Findings.

Conditions of Approval

1. The applicant shall submit a Type I Development Review application prior to or concurrent with the building permit submittal for construction of the Portland Milwaukie Light Rail (PMLR) substation utility building and related site improvements.
2. The plans submitted to the City of Milwaukie for construction of the substation utility building and site improvements shall be in substantial conformance with the plans reviewed by the Planning Commission and date stamped as received by the City on August 9, 2012; except that construction plans shall additionally conform with the fencing detail sheets (Drawing #s A15E-560 and A15E-561) submitted September 4, 2012, and landscaping legend sheets (Drawing #s L15E-002 through L15E-007) submitted September 7, 2012. The plans shall be modified only as described in these conditions of approval or through a subsequent formal modification process.
3. The development permit submittal for the substation utility building and site improvements shall include a detailed description of any proposed plan changes that are not part of these conditions of approval, or that the final decision-making authority did not specify in its decision. Any such plan changes shall be subject to the City's review and approval.
4. Prior to issuance of any building or other permits for development on the subject property, the following shall be resolved:
 - A. Demonstrate compliance with clear vision standards of Milwaukie Municipal Code (MMC) Chapter 12.24.
5. Prior to final inspection for any building or other permits for development on the subject property, the following shall be resolved:
 - A. Modify access to 2305 SE Washington Street, as necessary, in accordance with MMC 12.16.040.E and MMC 12.16.040.F.
 - B. Construct transportation facility improvements on Washington St, fronting the western 92 ft of 2305 SE Washington St in accordance with the Milwaukie Downtown and Riverfront Plan: Public Area Requirements.

- C. Install woven-wire mesh panels within frames on the building's walls and doors, as presented in the applicant's submittal materials (Exhibits P8 and P11- P15).
 - D. Install 6-ft-tall, black powder-coated fencing of welded-wire construction around the perimeter of the subject property, as presented in the applicant's submittal materials (Drawing #s A15E-560 and A15E-561).
 - E. Plant landscaping consistent with that shown on Exhibit P2 (Landscaping Planting Plan, Drawing # L15E-209) and planting legend (Drawing #s L15E-002 through L15E-007).
 - F. Construct the proposed roof-mounted solar energy array if funding becomes available before building construction, with encouragement to use locally built components. TriMet shall actively seek funding for the proposed solar roof.
6. The land use approval shall expire and become void unless both of the following steps are completed:
- A. Obtain all necessary development permits and start construction within 2 years of land use approval.
 - B. Pass final inspection within 4 years of land use approval.

Advisory Notes

The advisory notes are a list of requirements that may apply to the proposed development at the time of building permit. The advisory notes are for informational purposes only.

1. Stormwater Management

Submit a stormwater management plan prepared by a qualified professional engineer with required development or building permits as part of the proposed development. The plan shall conform to Section 2 – Stormwater Design Standards of the City of Milwaukie Public Works Standards.

- a. The stormwater management plan shall demonstrate that the post-development runoff does not exceed the pre-development runoff, including any existing stormwater management facilities serving the development site.
- b. The stormwater management plan shall demonstrate compliance with water quality standards in accordance with the City of Portland Stormwater Management Manual.

Development/building permits will not be issued for construction until the stormwater management plan has been approved by the City of Milwaukie.



Stephen C. Butler
Planning Director

Copy: Applicant
Jeff Joslin, KLK Consulting (Applicant's Representative)
Jeb Doran, Urban Design Lead for TriMet

Joe Recker, Environmental Permits Coordinator for TriMet
Planning Commission
Kenny Asher, Community Development/Public Works Director
Stacy Bluhm, Light Rail Design Coordinator
Scot Siegel, Planning Project Manager
Gary Parkin, City Engineer
Zach Weigel, Civil Engineer
Tom Larsen, Building Official
Bonnie Lanz, Permit Specialist
Mike Boumann and Shawn Olson, CCFD#1
NDA: Historic Milwaukie
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