



May 28, 2014

Land Use File: CSU-13-12

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Commission on May 27, 2014.

Applicant: Steve Butler on behalf of City of Milwaukie
Location: 5908 SE Monroe St
Tax Lot: 1S2E31AA 08300
Application Type: Community Service Use
Decision: Approved with Conditions
Review Criteria: **Milwaukie Zoning Ordinance:**

- Section 19.1006 Type III Review
- Section 19.904 Community Service Uses
- Section 19.301 Low Density Residential Zones (R-10, R-7, R-5)
- Section 19.504 Site Design Standards
- Chapter 19.700 Public Facility Improvements
- Section 14.08.090 Conditional and Community Service Use Signs
- Section 19.1001 General Provisions

Neighborhood: Linwood

Appeal period closes: 5:00 p.m., June 12, 2014

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 Brett Kelter, Associate Planner, at 503-786-7657 or kelterb@milwaukieoregon.gov, if you wish to view this case file.

This decision may be appealed by 5:00 p.m. on June 12, 2014, 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, and as modified by the conditions of approval (as allowed by the provisions of MMC Section 19.908), this land use approval expires unless the applicant has: (1) obtained and paid for all necessary development permits and started construction within 3 years of land use approval, and (2) passed final inspection and/or obtained a certificate of occupancy within 6 years of land use approval. Further extensions can be granted per MMC 19.908.

Findings in Support of Approval

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, Community Development Director Steve Butler on behalf of the City of Milwaukie, has applied for approval to establish Wichita Park as an official community service use to be developed at 5908 SE Monroe Street. This site is in the Residential R-7 Zone and has no special zoning overlays. The land use application file number is CSU-13-12.
2. The proposed development will construct and install improvements and amenities at Wichita Park that are consistent with the approved park master plan in the City's Comprehensive Plan. Park development includes establishment of a central play area, benches and picnic tables, perimeter exercise path, open lawn, disc golf basket, and additional landscaping.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Section 19.1006 Type III Review
 - MMC Section 19.904 Community Service Uses
 - MMC Section 19.301 Low Density Residential Zones (R-10, R-7, R-5)
 - MMC Section 19.504 Site Design Standards
 - MMC Chapter 19.700 Public Facility Improvements
 - MMC Section 14.08.090 Conditional and Community Service Use Signs
 - MMC Section 19.1001 General Provisions

Note: MMC Chapter 19.600 (Off-Street Parking and Loading) does not apply because of the parking quantity determination provided in land use file #P-13-02, which concluded that, because Wichita Park is a "neighborhood park" (as defined in the Comprehensive Plan) no off-street parking is required.

4. The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review. A public hearing was held on May 27, 2014, as required by law.
5. MMC Section 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 Subsection 19.904.2 Applicability

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

The proposed development is a package of improvements at Wichita Park, an existing but undeveloped City park in the Linwood neighborhood. Public parks are identified as a community service use in MMC 19.904.2.C. The Planning Commission finds that the standards of MMC 19.904 are applicable to the proposed development.

b. MMC Subsection 19.904.3 Review Process

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 Subsection 19.904.4 Approval Criteria

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

- (1) *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 R-7. Development standards for the R-7 zone are provided in MMC Table 19.301.4. The standards applicable to the proposed development are addressed in the following table:

Residential Zone R-7 Development Standards				
Standard	Requirement	Existing (undeveloped)	Proposed	Staff Comment
Minimum Setbacks	20 ft (front, rear) 5 ft / 10 ft (side)	n/a	75 ft (front) 50 ft (rear) 25 ft (west side) 70 ft (east side)	<i>Complies with standard</i>
Front Yard Minimum Vegetation	40% minimum	100%	>95%	<i>Complies with standard</i>
Height Restriction	2½ stories or 35 ft	n/a	<20 ft tall (play structure)	<i>Complies with standard</i>
Lot Coverage	30% maximum	0% coverage	<2% coverage (play structure)	<i>Complies with standard</i>
Minimum Vegetation	35% minimum	99% vegetation	>65% vegetation	<i>Complies with standard</i>
Off-Street Parking and Loading	None	0	0	<i>No spaces required for neighborhood park (see parking determination file P-13-02)</i>

Based on the foregoing analysis, the Planning Commission finds that the proposed development meets the applicable development standards of the underlying R-7 zone.

(2) *Specific standards for the proposed uses as found in MMC 19.904.7-11 are met.*

As a public park, 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 discussed in Finding 7 and as conditioned, all necessary utilities and street improvements warranted by the proposed development will be provided by the applicant. As conditioned, this standard will be met.

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

Access to the subject property is provided from Monroe St, which 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 5-c-(1), the tallest point of the play structure will be less than 20 ft tall and will provide front, side, and rear setbacks of well over 15 ft. This standard is met.

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

The proposal does not include any noise-generating equipment. This standard is met.

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

As proposed, the project does not include any lighting. As discussed in Findings 5-d-(2) and 6, no lighting will be required and a condition has been established to require further discussion prior to any future decision to install lighting in the park, which will ensure that any future lighting is designed to avoid glare on adjacent residential uses and public streets. As conditioned, this standard will be met.

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

The surrounding area is primarily developed with single-family residential uses. As per MMC Subsection 9.28.020.F, parks open 30 minutes before sunrise and close 30 minutes after sunset. Wichita Park employs these same hours, so it is essentially a facility for daytime-use only. As a neighborhood park, Wichita Park is intended to be used by residents within an approximately half-mile radius.

The Planning Commission finds that the proposed development is compatible with adjacent uses and that no adjustment of hours or levels of operation is necessary. This standard is met.

As conditioned, the Planning Commission finds that the applicable standards of MMC 19.904.9 will be met.

- (3) *The hours and levels of operation of the proposed use are reasonably compatible with surrounding uses.*

As discussed in Finding 5-c-(2)-(f), the Planning Commission finds that the hours and levels of operation of the proposed development are reasonably compatible with surrounding uses. This standard is met.

- (4) *The public benefits of the proposed use are greater than the negative impacts, if any, on the neighborhood.*

Wichita Park is classified in the Milwaukie Comprehensive Plan as a “neighborhood park,” which means it is intended to serve residents within approximately a half-mile of the site. The nature and scale of amenities that will be provided (including play structure, swings, benches, picnic tables, mulch exercise path, open lawn, and single disc golf basket) are not intended to attract users from farther parts of the city or the larger parks district. The park will serve as a recreational amenity for the adjacent neighborhood.

The park will be officially open only during daylight hours throughout the year. No off-street parking will be provided at the park, as most users will access the site from the adjacent neighborhood area by bicycle or on foot. Impacts from increased vehicle traffic will be minimal. The proposed improvements do not include athletic fields for organized sporting events, so noise impacts will be minimal.

The Planning Commission finds that the public benefits of the proposed development are greater than any negative impacts. This standard is met.

- (5) *The location is appropriate for the type of use proposed.*

The subject property has a “Public” land use designation in the Milwaukie Comprehensive Plan. Wichita Park is classified as a “neighborhood park” that is intended to serve the surrounding neighborhood. The property is located on SE Monroe Street, a collector street in a single-family residential area. Although there are no pedestrian facilities in the surrounding area and bicycle facilities are substandard, Monroe St is identified in the Milwaukie Transportation System Plan as a “neighborhood greenway” and is the focus of a planning effort to develop concepts for future pedestrian and bicycle improvements, which will make the park more safely accessible for neighbors in the future.

The Planning Commission finds that the proposed development is appropriate for the type of use proposed. This standard is met.

As conditioned, the Planning Commission finds that the approval criteria of MMC 19.904.4 will be met.

- d. MMC Subsection 19.904.5 Procedures for Reviewing a Community Service Use
MMC 19.904.5 establishes the procedures for reviewing community service uses.

- (1) *MMC 19.904.5.A requires the Planning Commission to hold a public hearing to consider the establishment of a new community service use or major modification of an existing community service use. 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. The Planning Commission held a public hearing on May 27, 2014, to evaluate the proposed community service use in the context of the approval criteria of MMC 19.904.4. This standard is met.

- (2) *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 park development and finds that it is generally compatible with the residential character of the surrounding area. As discussed in Finding 5-c, the park is designed to be an amenity for the neighborhood. Operational hours will be consistent with those allowed by City code (essentially sunrise to sunset) and similar to those of other parks in Milwaukie.

No lighting is proposed for any portion of the park, including the walkway between the public sidewalk and the central play area. This is consistent with the operation of other neighborhood parks in Milwaukie. To reduce the potential for the park to attract undesired after-hours activity, and to ensure that the park's daytime-focused operational level remains compatible with the surrounding neighborhood, a condition has been established to require that no lighting be provided at the park as part of this approval. As conditioned, a future proposal for lighting in the park shall be handled as a modification to the approved community service use, in accordance with the applicable standards provided in MMC Subsection 19.904.5.

As conditioned, this standard will be met.

- (3) *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.*

The proposed development represents the establishment of a new community service use.

The Planning Commission finds that MMC 19.904.5.C does not apply to this application.

The Planning Commission finds that the applicable standards of MMC 19.904.5 are met.

e. MMC Subsection 19.904.6 Application Requirements

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, address of the applicable standards of the municipal code, site and vicinity maps, and a concept plan showing proposed improvements.

The Planning Commission finds that this standard is met.

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

6. MMC Section 19.504 Site Design Standards

MMC Section 19.504 establishes a variety of site design standards. In particular, MMC Subsection 19.504.9 establishes standards for on-site walkways and circulation, to encourage safe and convenient pedestrian movement within and through the site. The design standards provided in MMC 19.504.9.E require that walkways be constructed with a hard surface material, permeable for stormwater, at least 5 ft in width, and lighted to an average 0.5-footcandle level. As per MMC 19.504.9.A, redevelopment projects that involve remodeling or changes in use shall be brought closer into conformance with this requirement to the greatest extent practicable.

MMC 19.504.9.A requires walkways between parts of a site where the public is invited to walk. As proposed, the park improvements include an 8-ft-wide concrete walkway leading to and around a portion of the central play area, as well as a mulch exercise path around the perimeter of the park. The mulch path is a recreational facility within the park and is not subject to the standards of MMC 19.504.9. Likewise, walkways are not required across the open lawn portions of the park site.

As proposed, the new on-site walkway would not be permeable. However, a condition has been established to ensure that the portion of the walkway between the public sidewalk along Monroe St and the central play area new walkway will be constructed of pervious material.

As proposed, the new walkway will not be lighted. The park will be open only during daylight hours and, as discussed in Finding 5-d-(2), no other portions of the site will be illuminated.

As conditioned, the Planning Commission finds that the applicable standards of MMC 19.504.9 will be met.

7. MMC Chapter 19.700 Public Facility Improvements

MMC 19.700 establishes provisions to ensure that development provides public facilities that are safe, convenient, and adequate in rough proportion to their public facility impacts.

a. MMC Section 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 construction of a new neighborhood park that increases the vehicle trip generation to and from the site.

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

b. MMC Section 19.703 Review Process

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

(1) MMC Subsection 19.703.1 Preapplication Conference

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

The applicant requested and attended a preapplication conference on February 21, 2013, to discuss with City staff proposed improvements to the site.

The proposed development complies with MMC 19.703.1.

(2) MMC Subsection 19.703.2 Application Submittal

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 Subsection 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 Section 19.704. The proposed development does require submission of other land use applications, so a TFR land use application is not required. Compliance with MMC 19.700 is being reviewed as part of this application for the community service use.

The proposed development complies with MMC 19.703.2.

(3) MMC Subsection 19.703.3 Approval Criteria

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

Any required public facility improvements shall comply with the standards and requirements of MMC 19.700 and the Public Works Standards. The proposed development shall provide transportation improvements and mitigation at the time of development in rough proportion to the potential impacts of the development.

The proposed development currently meets the safety and functionality standards of MMC Subsection 19.703.3.C.

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

c. MMC Section 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 Engineering Director has determined that the projected impacts to the transportation system, specifically the projected increase in trip generation, are not significant enough to require a TIS.

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

d. MMC Section 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 Engineering Director has determined that the proposed development will increase trip generation to and from the site. As a result, the proposed development will be required to provide transportation facility improvements in proportion to this impact. Transportation facility requirements of MMC Section 19.708 do apply to the proposed development.

The proposed development complies with MMC 19.705.

e. MMC Section 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 has not requested to pay a fee in lieu of construction of required street improvements at this time.

The Planning Commission finds that the requirements of MMC 19.706 do not apply to the proposed development.

f. MMC Section 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 200 ft of Monroe St, a designated collector and transit route. Notice of the land use application has been provided to Metro, Clackamas County, and TriMet for their review and comment.

The proposed development complies with MMC 19.707.

g. MMC Section 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.

(1) MMC Subsection 19.708.1 General Street Requirements and Standards

MMC 19.708.1 establishes requirements for access management, clear vision, development in downtown and non-downtown zones, street layout and connectivity, and intersection design and spacing.

The applicant shall remove all signs, structures, or vegetation in excess of 3 ft in height from "vision clearance areas" at intersections of streets, driveways, and alleys. A condition has been established to ensure that this standard will be met.

As conditioned, the proposed development is consistent with MMC 19.708.1.

(2) MMC Subsection 19.708.2 Street Design Standards

MMC Section 19.708.2 establishes standards for street design and improvement.

The Milwaukie Transportation System Plan and Transportation Design Manual classify the fronting portions of Monroe St a collector street. A collector street is the minimum street standard and is designed to safely and adequately handle traffic such as that generated by this development.

The existing right-of-way width of Monroe St fronting the proposed development is currently 50 ft. According to MMC Table 19.708.2 Street Design Standards, the required right-of-way width for a collector street is 60 ft. The property owner dedicated the necessary right-of-way in May 2012 on the southern side of Monroe St along the length of the property's frontage. Any future dedication will take place on the north side of Monroe St to achieve the required full right-of-way width. The applicant will not be responsible for any additional right-of-way dedication.

The applicant is responsible for construction of a half street improvement on the south side of Monroe St along the site's frontage to improve access to the property. The street improvement includes construction of a 17-ft-wide paved half street, standard curb and gutter, 6-ft-wide planter strip, and a minimum 6-ft-wide setback sidewalk; or whatever improvements are otherwise identified in the Monroe Street Neighborhood Greenway Concept Plan. A condition has been established to ensure that this standard will be met.

As conditioned, the proposed development is consistent with MMC 19.708.2.

(3) MMC Subsection 19.708.3 Sidewalk Requirements and Standards

MMC 19.708.3 establishes that sidewalks shall be provided on the public street frontage of all development.

The construction of sidewalk along the proposed development property abutting Monroe St is included in the street frontage requirements. The sidewalk is necessary to provide for safe and adequate pedestrian travel from the site. As noted in Finding 7-g-(2), a condition has been established to ensure that this standard will be met.

As conditioned, the proposed development is consistent with MMC 19.708.3.

(4) MMC Subsection 19.708.4 Bicycle Facility Requirements and Standards

MMC 19.708.4 establishes standards for bicycle facilities.

The portion of Monroe St fronting the proposed development is classified as a bike route in the Milwaukie Transportation System Plan. As a result, bicycle facility improvements consisting of a standard shared bike lane within the 17-ft travel lane will be required for the proposed development. As noted in Finding 7-g-(2), a condition has been established to ensure that this standard will be met.

As conditioned, the proposed development complies with MMC 19.708.4.

(5) MMC Subsection 19.708.5 Pedestrian/Bicycle Path Requirements and Standards

MMC 19.708.5 establishes standards for on-site pedestrian and bicycle paths that connect new development to adjacent residential areas, transit stops, and neighborhood activity centers.

The proposed development property is surrounded by single-family residences. The proposed development does not present an opportunity to provide a

pedestrian or bicycle path; therefore, the neighborhood park is not required to provide one.

The proposed development complies with MMC 19.708.5.

(6) MMC Subsection 19.708.6 Transit Requirements and Standards

MMC 19.708.6 establishes standards for transit facilities.

The portion of Monroe St fronting the proposed development is not classified as a transit route in the Milwaukie Transportation System Plan. As a result, no additional transit facility improvements are needed.

The proposed development complies with MMC 19.708.6

As conditioned, the Planning Commission finds that the proposed development will comply with MMC 19.708.

h. MMC Section 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.

As conditioned, the Planning Commission finds that the proposed development will comply with all applicable standards of MMC 19.700.

8. MMC Section 14.08.090 Conditional and Community Service Use Signs

MMC 14.08.090 establishes standards for community service use (CSU) signs. In general, CSU signs are limited to the sign allowances of the underlying zone. MMC 14.08.090.C provides an allowance for increased CSU signage with Type III review, with standards for different types of signs in MMC Table 14.08.090.C. Such review includes consideration of proximity of the sign to residences, the functional classification of adjacent streets, and the scale of surrounding development.

The applicant has requested Type III review for approval of a monument or freestanding sign for the park. Although the applicant has not presented a specific design, the proposed sign will meet the relevant standards of MMC Table 14.08.090.C for monument or freestanding signs: it will be no more than 30 sq ft in area per display surface, no more than 6 ft tall, and non-illuminated. As shown on the applicant's revised Concept Plan, the new sign will be located on the park property near where the new on-site walkway meets the public sidewalk but not in the public right-of-way. The new sign will not be near any residences and will be comparable to and consistent with similar signage in other parks in Milwaukie.

The Planning Commission finds that the proposed sign is approvable as part of the Type III review for this application. A condition has been established to clarify this approval and require that the proposed sign be reviewed through the standard sign permit process at the time of development.

9. MMC Section 19.1001 General Provisions

MMC 19.1001 establishes general provisions for the review and processing of land use applications. In particular, MMC Subsection 19.1001.7.E establishes standards for the expiration of land use decisions.

- a. As per MMC 19.1001.7.E.1, proposals requiring any kind of development permit must complete both of the following steps:
 - (1) Obtain and pay for all necessary development permits and start construction within 2 years of land use approval.
 - (2) Pass final inspection and/or obtain a certificate of occupancy within 4 years of land use approval.
- b. As per MMC 19.1001.7.E.2.b, land use approvals shall expire unless both steps noted above have been completed or unless the review authority specifies a different expiration date in the land use decision to accommodate large, complex, or phased development projects.

The applicant has requested an extension to the validity of this land use approval, due to funding constraints for the project and the likelihood that the development will be conducted in phases. The applicant has requested up to 3 years to obtain and pay for all necessary development permits and start construction and up to 6 years to pass final inspection. The Planning Commission finds that the funding constraints and likely phased nature of the project are sufficient grounds to extend the validity of this approval as requested. A condition has been established to clearly identify the expiration dates for this land use application.

10. The application was referred to the following departments and agencies on April 16, 2014:

- Milwaukie Building Department
- Milwaukie Engineering Department
- Clackamas Fire District #1
- Linwood Neighborhood District Association Chairperson and Land Use Committee
- Clackamas County Engineering Division
- Metro

The comments received are summarized as follows:

- a. **John Stelzenmueller, Milwaukie Building Department:** Several items will require permits at the time of development, including plumbing (for irrigation system, drinking fountain water supply and backflow, and underground stormwater system) and erosion control. The pathway from the sidewalk to central play area and accessible picnic table will require a permit and inspection. The playground equipment may require a permit and inspection as well, depending on the specific design.
- b. **Shawn Olson, Clackamas Fire District:** No comments on this proposal.
- c. **Zac Perry, Linwood NDA Chair:** Requirements to provide lighting and a pervious walkway will add cost to the project. The park is intended to be used during daylight hours only; lights will encourage unwelcome nighttime use of the park. Most of the park area is pervious landscaping, and the walkway can be designed to shed runoff into the grass; the requirement for a pervious walkway seems unnecessary and unreasonable.

- d. **Philip Kolb, Milwaukie Engineering Department:** Various comments related to MMC Chapter 19.700 Public Facility Improvements, which have been incorporated into these findings.
- e. **Miranda Bateschell, Metro:** No comments on this proposal.

Conditions of Approval

1. At the time of submission of any development permit application, the following shall be resolved:
 - a. Final plans submitted for building permit review shall be in substantial conformance with the Concept Plan approved by this action, labeled as Attachment 5 in the applicant's submittal materials and stamped received by the City on February 28, 2014, except as otherwise modified by these conditions. Required changes are as follows:
 - (1) The on-site walkway leading from the public sidewalk to the central play area shall be permeable for stormwater, as discussed in Finding 6 and required in MMC Subsection 19.504.9.C.
 - b. Provide a narrative describing all actions taken to comply with these conditions of approval.
 - c. Provide a narrative describing any changes made after the issuance of this land use decision that are not related to these conditions of approval.
2. Prior to approval of any development permit, the following shall be resolved:
 - a. Submit a stormwater management plan prepared by a qualified professional engineer with required development/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.
 - (1) The stormwater management plan shall demonstrate that the post-development runoff does not exceed the pre-development, including any existing stormwater management facilities serving the development site.
 - (2) The stormwater management plan shall demonstrate compliance with water quality standards in accordance with the City of Portland Stormwater Management Manual.
 - (3) Development/building permits will not be issued for construction until the storm water management plan has been approved by the City of Milwaukie.
 - b. Construct a half-street improvement on the south side of Monroe St along the proposed development property. The half-street improvement shall consist of, beginning at the center of the public right-of-way, a 17-ft wide paved half street with shared bike lane, standard curb and gutter, 6-ft planter strip, and 6-ft setback sidewalk; or whatever improvements are otherwise identified in the Monroe Street Neighborhood Greenway Concept Plan. The half-street improvements shall include all necessary stormwater system improvements necessary to accommodate the street improvements.
3. As discussed in Finding 5-d-(2), no lighting shall be provided in the park as part of this approval. A future proposal for lighting in the park shall be handled as a modification to the approved community service use, in accordance with the applicable standards provided in MMC Subsection 19.904.5.

4. Prior to installation of the signage approved with this application and discussed in Finding 8, the applicant shall obtain a sign permit. The accompanying site plan shall demonstrate that the sign location is substantially consistent with that shown on the approved Concept Plan (i.e., on the park property near where the new on-site walkway meets the public sidewalk but not in the public right-of-way, on one side or the other of the on-site walkway) and that the sign meets the relevant standards for monument or freestanding signs established in MMC Table 14.08.090.C, including but not limited to:
 - a. Maximum area of 30 sq ft per display surface, with a maximum length of 10 ft
 - b. Maximum height of 6 ft above ground
 - c. No illumination
5. The effective date of this approval shall be consistent with the standards established in MMC Subsection 19.1001.7.E and incorporating the adjustments discussed in Finding 9. The development must complete both of the following steps:
 - a. Obtain and pay for all necessary development permits and start construction within 3 years of land use approval.
 - b. Pass final inspection and/or obtain a certificate of occupancy within 6 years of land use approval.

Other requirements

1. Prior to approval of any development permit, the following shall be resolved:
 - a. Submit full-engineered plans for construction of all required public improvements, reviewed and approved by the City of Milwaukie Engineering Department.
 - b. Obtain a right-of-way permit for construction of all required public improvements listed in these recommended conditions of approval.
 - c. Pay an inspection fee equal to 5.5% of the cost of the public improvements.
 - d. Provide a payment and performance bond for 100% of the cost of the required public improvements.
 - e. Provide an erosion control plan and obtain an erosion control permit.
 - f. Provide a final approved set of Mylar “As Constructed” drawings to the City of Milwaukie prior to final inspection of the required public improvements.
 - g. Remove all signs, structures, or vegetation in excess of 3 ft in height located in “vision clearance areas” at intersections of streets, driveways, and alleys fronting the proposed development.
2. Prior to final inspection of any development permit, the following shall be resolved:
 - a. Construct a private storm management system (e.g., drywell) on the proposed development property for runoff created by the proposed development. Connect all rain drains to the private storm management system.
3. Development activity on the site shall be limited to 7 a.m. to 10 p.m. Monday through Friday and 8 a.m. to 5 p.m. Saturday and Sunday, as per MMC Subsection 8.08.070(I).



Dennis Egner, AICP
Planning Director

cc: Steve Butler, Community Development Director (Applicant—6101 SE Johnson Creek Blvd)
Planning Commission (*via e-mail*)
Jason Rice, Engineering Director (*via e-mail*)
Brad Albert, Civil Engineer (*via e-mail*)
John Stelzenmueller, Building Official (*via e-mail*)
Bonnie Lanz, Permit Specialist (*via e-mail*)
Mike Boumann and Shawn Olson, CFD#1 (*via e-mail*)
Kenneth Kent, Clackamas County Engineering Div. (150 Beaver Creek Rd, Oregon City, OR 97045)
Miranda Bateschell, Metro (600 NE Grand Ave, Portland, OR 97232)
NDA: Linwood (*via e-mail*)
Interested Persons
Land Use File: CSU-13-12