



June 6, 2012

File(s): P-12-02

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Community Development Director on June 6, 2012.

Applicant(s): TriMet
Location(s): 2103-5 SE Adams St;
2316 SE Monroe/2305 SE Washington
Tax Lot(s): 1S1E36BB 4400, 4500; 1S1E36BC 1901, 1902,
1903
Application Type(s): Parking Quantity Determination
Decision: Approved
Review Criteria: Milwaukie Zoning Ordinance:

- 19.605.2, Quantity Modifications and Required Parking Determinations

Neighborhood(s): Historic Milwaukie

This notice is issued in accordance with Milwaukie Municipal Code Section 19.1005 Type II 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 Ryan Marquardt, Associate Planner, at 503-786-7658 or marquadr@ci.milwaukie.or.us, if you wish to view this case file.

Any person who is adversely affected or aggrieved by this decision may appeal the decision by filing a written appeal. An appeal of this decision would be heard by the Milwaukie Planning Commission. 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., June 21, 2012

Appeals to the Planning Commission 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.

Findings in Support of Approval

1. TriMet, represented by Jeff Joslin of KLK Consulting ("the applicant"), is requesting a determination of the required off-street parking ratio for two sites that are part of the Portland

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Milwaukie Light Rail (PMLR). One site will contain a substation building that houses high-voltage electrical equipment that provides electricity to the PMLR line. The other site will contain a signal and communications building that houses communications equipment that regulates the light rail and freight rail crossing equipment. The applicant has requested a determination that no off-street vehicle parking is required for these uses. TriMet is either the owner of the subject properties in the application or has statutory rights of eminent domain for constructing the items that are described in their application. The application materials were submitted on April 12, 2012.

2. The site that will contain the substation building ("site A") consists of two tax lots: 11E36BB 04400 (2305 SE Washington St) and 04500 (2316 SE Monroe St). Lot 04400 will be used only as access for reaching the substation building on lot 04500, and no physical changes are proposed on that lot. Site A is located in the Residential-Business-Office Zone (R-1-B). The applicant has submitted a land use application (File #CSU-12-08) requesting approval of a CSU on the site.

The site that will contain the signal and communication building ("site B") consists of three tax lots: 11E36BC 01901 (2103 SE Adams St), 1902 and 01903 (2105 SE Adams St). Lot 1903 will be used only as access for reaching the signal and communication building, and no physical changes are proposed on that lot. Site B is located in the Downtown Office Zone (DO). The applicant has submitted a land use application (File #CSU-12-07) requesting approval of a CSU on the site

3. The parking quantity determination request is subject to the following provisions of the Milwaukie Zoning Ordinance (Milwaukie Municipal Code Title 19):
 - MMC Chapter 19.600 Off-Street Parking and Loading
 - MMC Section 19.1005 Type II Review

MMC Sections that are not addressed in these findings are found to not be applicable decision criteria for this review.

4. The application has been reviewed in compliance with the Type II review process described in MMC 19.1005. The application was deemed complete on May 9, 2012. As required by MMC 19.1005.3.B, public notice was mailed to surrounding property owners within 300 ft of the site on May 14, 2012, within 7 days after the application was deemed complete. As required by MMC 19.1005.3.C, public notice was posted on the subject property on May 17, 2012.
5. Site A and site B are subject to the standards of MMC Chapter 19.600 per MMC Section 19.308.3.E and 19.310.4.B.10, respectively. The applicant has requested a Parking Quantity Determination to establish the minimum number of off-street vehicle and bicycle parking spaces for the site, based on the proposed use. The approval criteria for the Parking Quantity Determination request are addressed in Finding 6, below.
6. MMC 19.600 Off-Street Parking and Loading
 - A. MMC 19.605 establishes off-street parking requirements for development based on anticipated parking needs. MMC 19.605.1 establishes minimum off-street parking requirements for listed uses. The proposed uses, a substation building and signal and communication building, are not a listed uses, and off-street parking standards for a similar use cannot be applied. The request is eligible for a Parking Quantity Determination per MMC 19.605.2.A.
 - B. MMC 19.605.2.B establishes review processes for Parking Quantity Determinations. The request is subject to Type II review per MMC 19.1005.

C. MMC 19.605.2.C establishes approval criteria for Parking Quantity Determination requests. Specifically, MMC 19.9605.2.C.1 provides the following approval criterion for Type II Parking Quantity Determinations:

1. *All modifications and determinations must demonstrate that the proposed parking quantities are reasonable based on:*

Existing parking demand for similar use in other locations:

The proposed uses of the sites are for a substation and a signal and communication building. The structures will house infrastructure for the operation of the PMLR alignment. It will not have employees housed at the site. The sites will be visited occasionally by TriMet maintenance workers, but will not otherwise have visitors.

There are 85 existing light rail substation and signal and communication buildings in Portland region and none of the buildings are associated with any off-street parking.

The applicant has requested an off-street vehicle parking ratio of 0:0 (0 minimum and 0 maximum required spaces).

Parking quantity requirements for the use in other jurisdictions:

TriMet's light rail system serves the following jurisdictions in the Portland area: Portland; Hillsboro; Beaverton; Clackamas; and Gresham. None of the jurisdictions served by light rail require off-street vehicle parking for substation or signal and communication buildings.

Professional literature about the parking demands of the proposed use:

Because of the nature of the uses as utility buildings, a search of professional literature has not found any applicable studies showing parking demand associated with these uses.

The Planning Director finds that the approval criterion for a Type II Parking Quantity Determination, as provided in MMC 19.605.2.C.1, is met.

The Planning Director finds that the proposed off-street vehicle parking ratio of 0:0 is appropriate per the standards of MMC 19.605.

7. The application was forwarded to the following City departments and related entities for review and comment on May 14, 2012: City of Milwaukie Building and Engineering Departments; Clackamas County Fire District #1; Design and Landmarks Committee (DLC); and the Historic Milwaukie Neighborhood District Association (NDA). As noted in Finding 4, public notice of the application was also sent to surrounding property owners within 300 ft of the site on May 14, 2012, with 14 days to provide comments.

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

- **Tom Larsen, City of Milwaukie Building Official:** No comments on the proposal.
- **Zach Weigel, City of Milwaukie Engineering Department:** The proposal is not subject to the requirements of MMC 19.700 Public Facility Improvements.

Conditions of Approval

1. As per MMC 19.1001.7.E.b, this parking quantity determination shall expire and become void unless the proposed development utilizes this approval within 4 years of this date (June 6, 2016).

Exhibits

Exhibits are not attached to the decision but are available for viewing upon request.

1. Applicant's Materials
 - a. Narrative
 - b. Illustrations



Kenny Asher
Community Development Director

cc: Applicant (Leah Robbins, TriMet, 710 NE Holladay St, Portland, OR 97232)
Property Owners:
Gary D & Linda C Methven, 10420 SE Hillcrest Dr, Happy Valley, OR 97086
Amato/Craig Properties Inc, 412 NE RoyalCt, Portland, OR 97232
O'Donnell Holdings LLC, 4040 SE International Way E105, Milwaukie, OR 97222
Gary Parkin, Engineering Director (via e-mail)
Zach Weigel, Civil Engineer (via e-mail)
Wendy Hemmen, Light Rail Design Coordinator (via e-mail)
Scot Siegel, Contract Planning Project Manager (via e-mail)
Tom Larsen, Building Official (via e-mail)
Bonnie Lanz, Permit Specialist (via e-mail)
Mike Boumann, Clackamas County Fire District #1 (via e-mail)
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