



August 30, 2012

File: NR-12-05

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Commission on August 28, 2012.

Applicant: John Arand on behalf of Blount International
Location: 4909 SE International Way
Tax Lot: 1S2E31CD00300
Application Type: Natural Resource Review
Decision: Approved with Conditions
Review Criteria: Milwaukie Zoning Ordinance:

- MMC 19.316 Business Industrial Zone (BI)
- MMC 19.402 Natural Resources
- MMC 19.600 Off-Street Parking and Loading
- MMC 19.700 Public Facility Improvements
- MMC 19.1006 Type III Review

Neighborhood(s): n/a (Milwaukie Business-Industrial)

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 Kever, Associate Planner, at 503-786-7657 or kerverb@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., September 14, 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.

Findings in Support of Approval

1. The applicant, John Arand on behalf of Blount International (“the applicant”), is seeking land use approval to expand an existing parking lot in the southeastern corner of its campus on SE International Way. The project will establish 53 new off-street parking spaces and will disturb a designated Water Quality Resource and Habitat Conservation Area.

The application materials (including forms, narrative, figures, and site plans) were originally submitted on May 8, 2012. City staff deemed the application complete on July 13, 2012. Final revised materials were submitted on July 17, 2012.

2. The project area encompasses approximately 26,000 sq ft (0.6 acres) in the southeastern corner of the Blount International campus. The campus is comprised of multiple tax lots, including Tax Lot 300 on Map 1S2E31CD, which is bisected by SE International Way. The subject property is zoned Business Industrial BI.

The project area has frontage on International Way to the north and on Oregon Department of Transportation (ODOT) right-of-way for Highway 224 to the south. The Bob's Red Mill campus is adjacent to the east. An adjacent parking lot to the west provides approximately 110 off-street spaces for Blount employees.

A small perennial stream flows northwest to southeast through the ODOT right-of-way, separated from the project area by a steep slope. The stream, along with an associated 50-ft vegetated corridor, is a designated Water Quality Resource (WQR). The project area also includes a designated Habitat Conservation Area (HCA) beyond the WQR area. The project area is undeveloped and is vegetated by a mix of trees and ground cover.

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

MMC 19.316 Business Industrial Zone BI

MMC 19.402 Natural Resources

MMC 19.600 Off-Street Parking and Loading

MMC 19.700 Public Facility Improvements

MMC 19.1006 Type III review

4. 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 August 28, 2012.

5. 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.

6. MMC 19.316 Business Industrial Zone BI

A. MMC 19.316.2 establishes the uses permitted outright in the BI zone, including manufacturing and fabrication as well as business offices and corporate headquarters.

The Blount campus includes a substantial manufacturing component as well as business offices that serve as the company's world headquarters. The existing uses on the overall site are permitted outright in the BI zone. The proposed development will provide off-street parking in support of the existing, allowed uses on the site.

- B. MMC 19.316.6 establishes development standards for the BI zone, including requirements for landscaping on 20% of the site.

Tax lot 300 constitutes approximately 8.4 acres of the overall Blount campus. As evidenced by the applicant's submittal materials, approximately 3.5 acres (just over 40%) of tax lot 300 is landscaped. The proposed development will reduce the area of landscaping by approximately 0.4 acres, leaving nearly 37% of tax lot 300 landscaped. This standard is met.

The Planning Commission finds that the proposed development meets the applicable standards of MMC 19.316.

7. MMC 19.402 Natural Resources

MMC 19.402 establishes regulations for designated natural resource areas. The standards and requirements of MMC 19.402 are an acknowledgment that many of the riparian, wildlife, and wetland resources in the community have been adversely impacted by development over time. The regulations are intended to minimize additional negative impacts and to restore and improve natural resources where possible.

- A. MMC 19.402.3 establishes applicability of the Natural Resource (NR) regulations, including all properties containing Water Quality Resources (WQRs) and Habitat Conservation Areas (HCAs) as shown on the City's NR Administrative Map. Specifically, MMC 19.402.3.G requires the submittal of a construction management plan for projects that will disturb more than 150 sq ft of WQR and/or HCA.

The project area is adjacent to a small perennial stream in the ODOT right-of-way for Highway 224. As per MMC Table 19.402.15, the perennial stream is a primary protected water feature and, along with its associated vegetated corridor, constitutes a WQR on the site. The City's Natural Resource (NR) Administrative Map also shows a designated HCA within the project area.

As evidenced by the applicant's submittal materials, the proposed development will disturb approximately 13,750 sq ft of WQR and/or HCA area. The proposed development is not listed as exempt according to the standards outlined in MMC 19.402.4.

The Planning Commission finds that the requirements of MMC 19.402 are applicable to the project area, including the requirement to provide a construction management plan according to the standards of MMC 19.402.9.

- B. MMC 19.402.8 establishes that certain activities within a designated WQR and/or HCA, including development activities allowed in the base zone, are subject to Type III review (MMC 19.1006) and the general discretionary review criteria provided in MMC 19.402.12.

The proposed construction of an expanded parking lot within a designated WQR and HCA is not exempt from the provisions of MMC 19.402, nor is it permitted as a Type I or Type II activity.

The Planning Commission finds that the proposed development is subject to Type III review according to the procedures provided in MMC 19.1006. The Commission finds

that the general discretionary review criteria of MMC 19.402.12 apply to the proposed disturbance of the WQR and HCA.

- C. MMC 19.402.9 establishes standards for construction management plans, which are required for projects that disturb more than 150 sq ft of natural resource area. Construction management plans must provide information related to site access, staging of materials and equipment, and measures for tree protection and erosion control.

As noted in Finding 7-A, a construction management plan is required prior to commencement of the proposed development activity. A construction management plan was not included with the application submittal. A condition is established to ensure that a construction management plan, including the information required by MMC 19.402.9, is provided as part of the development permit review process.

The Planning Commission finds that, as conditioned, this standard is met.

- D. MMC 19.402.11 establishes development standards for projects that impact a natural resource.
- i. MMC 19.402.11.A provides standards for protecting natural resource areas during development, including requirements to mark work areas, flag WQRs and HCAs that are to remain undeveloped, and conduct all work in accordance with an approved construction management plan.

The proposed project is subject to all relevant standards in MMC 19.402.11.A. A condition is established to ensure that all project work is performed in accordance with an approved construction management plan.

As conditioned, the Planning Commission finds that this standard is met.

- ii. MMC 19.402.11.B establishes general standards for required mitigation, including requirements related to items such as plant species, size, spacing, and diversity, as well as location of mitigation area, removal of invasive vegetation, and plant survival.

The applicant has provided a mitigation plan for the proposed disturbance to the WQR and HCA within the project area. The plan includes information about species, size, spacing, and survival within an extensive designated mitigation area. As proposed, existing nuisance species vegetation will be removed and mitigation plantings will be maintained for 2 years as required. The applicant has proposed to install a layer of bark mulch around new plantings within the flat portions of the mitigation area.

Although MMC 19.402.11.B.9.a(1) encourages mulching around new plantings to enhance survival, MMC 19.402.11.B.8 requires planting or seeding with native grasses or other ground covers around new mitigation plantings, to achieve 100% surface coverage. Bark mulch would be acceptable for standard perimeter and interior landscaping areas as per the City's off-street parking standards in MMC 19.600, but where interior and/or perimeter parking landscaping is also serving as mitigation for WQR or HCA disturbance, bark mulch is not acceptable as an extensive ground cover.

A condition is established to require a final version of the mitigation plan, including revisions to ensure that the mitigation area is planted or seeded to achieve 100% coverage and that a contingency component is included.

As conditioned, the Planning Commission finds that this standard is met.

- iii. MMC 19.402.11.C establishes mitigation requirements for disturbance within WQRs. The requirements vary depending on the existing condition of the WQR, according to the categories established in MMC Table 19.402.11.C. For Class A "Good" WQR conditions, MMC Table 19.402.11.C requires that the applicant submit a plan for mitigating water quality impacts related to the development.

According to the applicant's inventory of vegetation in the WQR, there is 100% coverage of the project area by trees and ground cover with about 70% tree canopy coverage. Although the applicant's submittal categorized the area as Class B "Marginal," MMC Table 19.402.11.C categorizes any area with more than 80% combined coverage and at least 50% tree canopy as Class A "Good."

Within the WQR, the proposed development will permanently disturb approximately 5,660 sq ft and temporarily disturb approximately 1,320 sq ft. As evidenced by the applicant's submittal materials, all temporary disturbance areas will be revegetated with native plants. As mitigation for permanent disturbance to the WQR, as well as for approximately 8,085 sq ft of permanent disturbance to the HCA within the project area, the applicant has proposed to restore approximately 17,635 sq ft within or adjacent to the WQR area on the subject property.

ESA, the City's on-call natural resource consultant, reviewed the applicant's submittal materials and visited the site to assess existing conditions. ESA concluded that, with a few minor revisions, the proposed mitigation plan provides an adequate response to the proposed WQR and HCA disturbance. ESA provided several specific recommendations related to mitigation-plant species to increase the likelihood that the 80% survival requirement of MMC 19.402.11.B.9 will be met. A condition is established to ensure that these recommendations, addressed in more detail in Finding 7-E-i(f), are incorporated into the final revised mitigation plan.

In its deliberations, the Planning Commission agreed that the proposed number of mitigation plantings is adequate for the proposed disturbance to the WQR and HCA. However, the proposed mitigation planting area includes existing tree canopy that shades the stream in the adjacent right-of-way for Highway 224. The Planning Commission determined that the mitigation planting effort would more effectively improve conditions for water quality and habitat on the overall Blount campus if a percentage of the mitigation trees were planted to provide shade for "Mallard Pond," another protected water feature northeast of the project area on the Blount campus that lacks significant tree canopy. A condition is established to reflect this determination.

As conditioned, the Planning Commission finds that this standard is met.

The Planning Commission finds that, as conditioned, the proposed development meets the applicable standards of MMC 19.402.11.

- E. MMC 19.402.12 establishes a discretionary process for analyzing the impacts of development on WQRs and HCAs.
 - i. MMC 19.402.12.A requires a report presenting an evaluation of impacts and analysis of alternatives for the proposed development. The report must be prepared and signed by a qualified natural resource professional and must include several specific elements, which are addressed below.

The submittal materials include an Impact Evaluation and Alternatives Analysis report ("NR report") prepared by John McConnaughey, a professional wetland

scientist with the firm Environmental Technology Consultants. The report includes an evaluation of impacts and analysis of alternatives sufficient to address the required elements listed below.

- a. MMC 19.402.12.A.1 requires identification of the ecological functions of riparian habitat found on the subject property.

The applicant's NR report discusses the existing ecological functions of the stream and adjacent riparian area. Adjacent to the project area, the stream is exposed and unobstructed, separated from the project area by a steep slope; however, the stream is piped underground for long stretches both above and below the project area. While there are some native trees and plants, the overall plant diversity within the project area is low and dominated by invasive nuisance species such as clematis and blackberry.

ESA reviewed the applicant's NR report and generally concurs with the applicant's assessment of ecological functions and values of the WQR. The project area is relatively small and surrounded by urban development. The stream appears to be perennial. The applicant's identification of ecological functions is sufficient to meet this requirement.

- b. MMC 19.402.12.A.2 requires an inventory of vegetation, sufficient to categorize the existing condition of the WQR per MMC Table 19.402.11.C.

The applicant's NR report includes an inventory of existing vegetation within the project area. Trees and an apparent mix of common lawn grasses provide 100% coverage, with approximately 70% tree canopy. The trees are identified as primarily cottonwood and alder, with a cedar and a couple of maples. There is no significant shrub layer and the understory is dominated by nuisance species, including clematis and blackberry. The applicant's NR report categorized the WQR area as Class B "Marginal."

ESA reviewed the applicant's NR report and visited the site to assess existing conditions. In general, ESA concurred with the applicant's NR report but noted that the 100% overall coverage and approximately 70% tree canopy should categorize the condition of the WQR area as Class A "Good," according to MMC Table 19.402.15.

- c. MMC 19.402.12.A.3 requires an assessment of the water quality impacts related to the proposed development.

The applicant's NR report discusses the impacts of the proposed development on the WQR and HCA, including the removal of a majority of existing trees on the site and the addition of impervious surface. The report states that 152 native trees and 762 native shrubs will be planted as mitigation and that the new impervious surface will be graded to drain away from the WQR and HCA for on-site treatment in a swale facility. A minimum 20-ft-wide vegetated buffer area will be established between the new parking lot and the top of the stream bank in the adjacent right-of-way for Highway 224.

ESA reviewed the applicant's NR report and concurred with the applicant's assessment of the proposed development's impacts on water quality. ESA concluded that the proposed development will have minimal to no impact on water quality or basic stream function.

- d. MMC 19.402.12.A.4 requires an analysis of alternatives to the proposed development, including an explanation of the rationale behind choosing the alternative selected.

The applicant's NR report presents and discusses 5 alternatives to the proposed development. The alternatives that were examined include building a larger parking lot within the project area, building a parking structure within the project area, or building a parking lot in 3 other locations beyond the project area.

The applicant's NR report provides the following conclusions en route to asserting that the proposed development within the project area represents the most practicable alternative:

- *There is a clear need for additional off-street parking in the vicinity, evidenced by the number of vehicles commonly parked in the public right-of-way along SE International Way. In addition, Blount has hired more than 60 full-time and temporary employees within the last year.*
- *Blount already participates in the Department of Environmental Quality's Employee Commute Options program, aimed at reducing the number of vehicle trips and limiting the need for parking. Numerous employees use alternative transportation modes, telecommute, or use a compressed work-week to reduce parking demand.*
- *Building a larger parking lot within the project area would provide more parking spaces but would disturb more of the WQR and would reduce the width of the vegetated buffer area between the new parking lot and the top of the stream bank.*
- *It is not economically feasible to build a 2-storied parking structure that would provide the same number of stalls but in a smaller footprint within the project area.*
- *Two other undeveloped areas on the Blount campus that are large enough to accommodate a new parking lot also include WQRs and/or HCAs that would be disturbed by the project.*
- *One additional possible location on the Blount campus is the site of a proposed future expansion of the existing office building, as per a master plan for the site. Building a parking lot in that location would conflict with the master plan.*

Given these considerations, the applicant's analysis concludes that the proposed development is the most practicable, least impactful option.

- e. For alterations to existing structures within the WQR, MMC 19.402.12.A.5 requires the presentation of evidence that 1) no practicable alternative design or method of development exists that would have a lesser impact on the WQR than the one proposed and 2) mitigation is provided for impacts to the WQR.

The proposed development does not involve altering an existing structure. This standard is not applicable.

- f. MMC 19.402.12.A.6 requires a mitigation plan, including a description of the proposed development's impacts to the WQR, a map showing where mitigation activities will occur and a schedule and timeline for implementation.

The applicant's NR report includes a description of the proposed disturbances to the WQR and HCA. The new parking lot will result in permanent disturbances of approximately 5,662 sq ft of the WQR and 8,085 sq ft of the HCA. Temporary disturbances for construction will impact approximately 1,320 sq ft of the WQR and 170 sq ft of the HCA. The applicant's NR report includes a map (Figures 3A and 3B) that shows the location of temporary and permanent disturbance areas within the WQR and HCA, in addition to a timeline for implementation.

The project area is approximately 26,000 sq ft, with 23,275 sq ft directly affected by the proposed development. Within the area of direct impact, the total disturbance (permanent and temporary) to the WQR and/or HCA is approximately 15,240 sq ft. Because there is very little room for mitigation within the project area, the applicant has proposed to install mitigation plantings within the adjacent WQR and HCA that extends to the west. The mitigation area is approximately 17,635 sq ft and includes a combination of flat upland areas and steep stream bank. The mitigation plan includes some detail (Figures 4A and 4B) distinguishing how the flat upland and steep stream bank areas will be planted. Throughout the mitigation area, 152 native trees and 762 native shrubs will be planted.

ESA reviewed the mitigation plan provided in the NR report and concluded that it will result in restoration of the WQR to an equal or better condition. ESA noted that the plan calls for installing Oregon white oak (also referred to as Garry oak) in the shady area at the top of the stream bank, although this species is slow-growing and generally more successful in full-sun conditions. ESA recommended using Big-leaf maple, Grand fir, Western red cedar, and/or Oregon ash instead of Garry oak in that location. Furthermore, ESA recommended that the applicant consider planting more than just two tree species at the top of the slope and confirmed that retaining some large wood from trees removed from the site would be ecologically beneficial. Conditions are established to incorporate these recommendations into a final revised mitigation plan.

As noted in Finding 7-D-iii, the Planning Commission determined that the mitigation planting effort would more effectively improve conditions for water quality and habitat on the overall Blount campus if a percentage of the mitigation trees were planted to provide shade for "Mallard Pond," another protected water feature northeast of the project area on the Blount campus that lacks significant tree canopy. A condition is established to reflect this determination.

As conditioned, the Planning Commission finds that the NR report provided by the applicant meets the applicable standards of MMC 19.402.12.A.

- ii. MMC 19.402.12.B establishes criteria for approving disturbances to the WQR and/or HCA.
 - a. MMC 19.402.12.B.1.a requires that the proposed development avoid intrusion into the WQR and/or HCA to the extent practicable and that it be the least impactful alternative.

As discussed in Finding 7-E-i(d), the applicant has analyzed several alternatives to the proposed development. Two of those alternatives, the option of building a new parking lot in front of the southeast corner of the main administrative building (identified by the applicant as Alternative E) and the option of building a two-story

parking structure on a smaller footprint within the project area (Alternative C), do not involve disturbance of a WQR or HCA.

Alternative E is found to be not practicable because the applicant has identified that area as one where future expansion of the office and/or manufacturing operations will be located. Staff identified an additional, similar alternative of building a parking lot in front of the southwest corner of the main administrative building. This area, too, has been identified as one for future expansion of the company's office function. For this reason, this similar alternative is also found to be not practicable.

The costs of developing Alternative C, the parking structure option, are estimated at up to 10 times those of developing a surface lot of similar capacity. This alternative is effectively cost-prohibitive for providing the proposed number of new parking spaces (53).

Of the remaining alternatives examined, Alternative B, a larger surface lot closer to the stream, would disturb a greater area of WQR to gain at most 1 to 2 additional spaces. Alternatives D1 and D2, a surface lot at one of two locations in the northwest corner of the campus, would also disturb WQR and HCA, including direct impacts to the protected water feature itself. These alternatives are found to be at least as impactful to the WQR and/or HCA as the proposed development.

The proposed development (Alternative A), pushes the new parking lot as far away as possible from the top of the stream bank while still providing the proposed number of new parking spaces (53) in a way that meets the applicable design standards for off-street parking. As proposed, the new parking lot avoids intrusion into the WQR and/or HCA to the greatest extent practicable and is the least impactful alternative.

As proposed, this criterion is met.

- b. MMC 19.402.12.B.1.b requires that the proposed development minimize detrimental impacts to the WQR and/or HCA to the extent practicable.

The proposed development will maintain a vegetated buffer at least 20 ft wide between the new parking lot and the top of the stream bank in the adjacent right-of-way for Highway 224. As evidenced by the applicant's submittal materials, the surface of the new parking lot will be graded to drain stormwater away from the top of bank and the protected water feature below. Where practicable, the applicant has proposed to limit the number of trees that must be removed to those that are directly impacted by the proposed development. A condition is established to ensure that removal of any of the 10 existing trees within the mitigation area along the southern edge of the new parking area is mitigated on a one-for-one basis. Another condition is established to ensure that temporary disturbance along the southern edge of the new parking lot is limited to a 5-ft width as proposed in Figure 3A of the applicant's submittal materials, to limit the impacts of grading on existing trees in the adjacent mitigation planting area.

In addition, a condition is established to require that the applicant make an effort to save at least 4 of the existing trees greater than 6 in dbh (diameter at breast height) designated for removal in the applicant's submittal materials within the interior of the parking lot. The condition requires that the applicant consider redistribution of the parking spaces to provide planter areas around protected

trees, except where an arborist report demonstrates that tree protection is not advisable.

The proposed development is subject to all applicable development standards, including measures to protect areas within the WQR and HCA that will not be disturbed by the proposed development. A condition is established to ensure that all project work is performed in accordance with an approved construction management plan.

As conditioned, this criterion is met.

- c. MMC 19.402.12.B.1.c requires that the proposed development mitigate for detrimental impacts to the WQR and/or HCA. Mitigation shall be on site, use native plants, be done in accordance with allowable windows for in-water work, and follow a mitigation maintenance plan.

As proposed, the applicant will mitigate for both permanent and temporary impacts to the WQR and HCA by restoring the remaining WQR and HCA within the project area as well as other WQR and HCA adjacent to the project area. As noted in Finding 7-E-i(f), the total disturbance area is approximately 15,240 sq ft, and the area proposed for mitigation is approximately 17,635 sq ft. The applicant has proposed to plant 152 native trees and 762 native shrubs, based on the formula established in MMC 19.402.11.D.2.b.

ESA assessed the proposed mitigation plan and determined that it is sufficient for the proposed disturbance to the WQR and HCA. As noted in Finding 7-E-i(f), ESA suggested that the proposed Garry oak should be replaced with Big-leaf maple, Grand fir, Western red cedar, and/or Oregon ash in the shady areas at the top of the stream bank, in order to enhance the survival chances for mitigation planting. Furthermore, ESA also recommended that the applicant consider planting more than just two tree species at the top of the slope. And ESA confirmed that retaining some large wood from trees removed from the site would be ecologically beneficial. Conditions are established to incorporate these suggestions and ensure that the mitigation plan adequately compensates for detrimental impacts to the ecological functions of the WQR.

As noted in Finding 7-D-iii, the Planning Commission determined that the mitigation planting effort would more effectively improve conditions for water quality and habitat on the overall Blount campus if a percentage of the mitigation trees were planted to provide shade for "Mallard Pond," another protected water feature northeast of the project area on the Blount campus that lacks significant tree canopy. A condition is established to reflect this determination.

As conditioned, this criterion is met.

The Planning Commission finds that, as conditioned, the proposed development meets the approval criteria established in MMC 19.402.12.B.

The Planning Commission finds that, as conditioned, the proposed development meets the applicable standards of MMC 19.402.12.

- F. MMC 19.402.15 establishes standards for verifying the boundaries of WQRs and HCAs and for administering the City's Natural Resource (NR) Administrative Map. The locations of WQRs are determined based on the provisions of MMC Table 19.402.15. In general, for primary protected water features the WQR includes the feature itself and a

vegetated corridor that extends 50 ft from the top of bank (for streams) or delineated edge of the feature (for wetlands).

The application submittal includes a map showing the location of the stream within the adjacent Highway 224 right-of-way. The applicant's materials portray the vegetated corridor adjacent to the protected water feature in accordance with the provisions of MMC Table 19.402.15, including an accounting for steep slopes in the project area. The applicant's materials also present the HCA within the project area as it is depicted on the City's NR Administrative Map.

ESA visited the site and reviewed the applicant's map of the WQR and HCA. ESA concurred with the applicant's presentation of the location of the primary protected water feature and the adjacent vegetated corridor that comprises the WQR.

The Planning Commission finds that the applicant has accurately mapped the WQR within the project area, according to the relevant provisions of MMC 19.402.15. Furthermore, the Commission finds that the applicant has not disputed the representation of the HCA on the City's NR Administrative Map.

The Planning Commission finds that, as conditioned, the proposed development meets all applicable standards of MMC 19.402.

8. MMC 19.600 Off-Street Parking and Loading

MMC 19.600 regulates off-street parking and loading areas on private property with several objectives, including ensuring there is adequate space for off-street parking, avoiding parking-related congestion on the streets, avoiding unnecessary conflicts between vehicles, bicycles, and pedestrians, improving the appearance and minimizing environmental impacts of parking areas.

A. MMC 19.602 Applicability

As per MMC 19.602.1, the regulations of MMC 19.600 apply to all off-street parking areas whether required as part of development or installed voluntarily for the convenience of users.

The proposed development is a voluntary expansion of an existing parking area and is therefore subject to the applicable standards of MMC 19.600. The proposed development does not include new loading spaces, bicycle parking, carpool and vanpool parking, or a parking structure; therefore, the standards of MMC 19.608, MMC 19.609, MMC 19.610, and MMC 19.611, respectively, are not applicable.

B. MMC 19.603 Review Process

MMC 19.603.2 requires that proposals subject to MMC 19.600 provide a parking plan that shows how all applicable standards are met. The plan must include a variety of items, including a delineation of individual spaces and wheel stops, drive aisles, pedestrian pathways, grading details, location of lighting fixtures, and landscaping.

The applicant's submittal materials include a scaled site plan showing the proposed parking-area improvements, including details related to the applicable requirements. This standard is met.

C. MMC 19.604 General Parking Standards

MMC 19.604.2 requires that accessory parking be located on the same site as the primary use for which the parking is accessory.

The proposed development is located on the same property as the primary use, the manufacturing and office operations of the property owner, Blount International. This standard is met.

D. MMC 19.605 Vehicle Parking Quantity Requirements

MMC Table 19.605.1 provides the minimum required and maximum allowable numbers of off-street parking spaces for various uses. For manufacturing uses, the minimum is 1 space per 1,000 sq ft of floor area and the maximum is 2 spaces per 1,000 sq ft of floor area. For general office uses, the minimum is 2 spaces per 1,000 sq ft of floor area and the maximum is 3.4 spaces per 1,000 sq ft of floor area. For eating and drinking establishments, the minimum is 4 spaces per 1,000 sq ft of floor area and the maximum is 15 spaces per 1,000 sq ft of floor area.

As per information provided by the applicant for the preapplication conference for the proposed development held on January 26, 2012, there are 3 primary uses on the overall Blount campus. Manufacturing occupies approximately 300,000 sq ft; office space occupies approximately 82,200 sq ft, and a café for employees occupies approximately 10,700 sq ft. As per the standards of MMC Table 19.605.1, the minimum required number of off-street parking spaces is 506; the maximum allowable number is 1039.

As evidenced by the applicant's submittal materials, the overall Blount campus currently provides 822 off-street parking spaces. With the addition of the proposed 53 new off-street parking spaces, the new total number of spaces will be 875, which falls between the minimum number required and the maximum number allowed. This standard is met.

In its deliberations, the Planning Commission discussed the importance of the applicant continuing to actively promote alternatives to single-occupancy vehicle travel among employees, to better manage the demand for additional on- and off-street parking. An advisory note has been established to encourage the applicant to develop a formal Transportation Demand Management plan to address this concern.

E. MMC 19.606 Parking Area Design and Landscaping

i. MMC 19.606.1 establishes the required dimensions for off-street parking spaces and their associated drive aisles. Spaces angled at 90 degrees must provide a minimum width of 9 ft and minimum depth of 18 ft, with drive aisles a minimum of 22 ft wide for one-way or two-way traffic. Parallel spaces must be at least 8.5 ft wide and 22 ft long, with a 12-ft-wide drive aisle for one-way traffic.

As evidenced by the applicant's submittal materials, all proposed parking spaces and drive aisles meet the applicable standards.

ii. MMC 19.606.2 establishes standards for landscaping for off-street parking areas.

a. MMC 19.606.2.C provides standards for perimeter landscaping, including a minimum planting-area width of 8 ft where adjacent to the public right-of-way or 6 ft where abutting another property. Perimeter landscaping areas must include 1 tree planted at least every 40 lineal ft.

As evidenced by the applicant's submittal materials, all perimeter landscaping areas have a minimum width of 8 ft where adjacent to the public right-of-way and 6 ft where adjacent to another property. The applicant's landscaping plan shows trees being planted at least 1 per every 40 lineal ft where adjacent to the public right-of-way on SE International Way. No trees are specifically shown within the perimeter area adjacent to the right-of-way on Highway 224; this area forms part

of the mitigation planting area where native trees and shrubs will be installed according to the standards of MMC 19.402.11.B. The plant-spacing requirements provided in MMC 19.402.11.B.4 ensure that this standard will be met.

- b. MMC 19.606.2.D provides standards for interior landscaping, including a requirement for at least 25 sq ft of interior landscaping for each parking space, with planting areas at least 120 sq ft in area. Interior landscaping areas shall be at least 6 ft wide and take the form of either divider medians between opposing rows of parking or landscaped islands in the middle or at the ends of parking rows. For landscaped islands, at least 1 tree shall be planted per island.

The proposed development will establish 53 new parking spaces, with a requirement to provide at least 1,325 sq ft of interior landscaping. As evidenced by the applicant's submittal materials, approximately 1,500 sq ft of landscaping area will be provided in 7 landscaped islands that are each at least 6 ft wide and with a minimum landscaping area of 120 ft. The applicant's landscaping plan shows 1 tree being planted in each landscaped island, except within the area of the stormwater detention pond. A condition is established to ensure that at least one species-appropriate tree will be planted along the edge of the stormwater detention pond. As conditioned, this standard is met.

- c. MMC 19.606.2.E provides additional standards for parking area landscaping, including an encouragement to preserve existing trees, an allowance for required landscaping areas to serve as stormwater management facilities, and an allowance for pedestrian walkways within required landscaping areas if the landscape buffer is at least 2 ft wider than required.

As evidenced by the applicant's submittal materials, most of the existing trees on the site will be removed as part of the proposed development, including 10 trees within the proposed perimeter landscaping area adjacent to the Highway 224 right-of-way. The applicant's narrative indicates that an effort will be made to preserve 7 of the trees that are close to but outside the permanent impact area. As noted in Finding 7-E-ii(b), a condition is established to ensure that removal of any of the 10 existing trees within the mitigation area along the southern edge of the new parking area is mitigated on a one-for-one basis. Another condition is established to ensure that temporary disturbance along the southern edge of the new parking lot is limited to a 5-ft width as proposed in Figure 3A of the applicant's submittal materials, to limit the impacts of grading on existing trees in the adjacent mitigation planting area.

In addition, a condition is established to require that the applicant make an effort to save at least 4 of the existing trees greater than 6 in dbh (diameter at breast height) designated for removal in the applicant's submittal materials within the interior of the parking lot. The condition requires that the applicant consider redistribution of the parking spaces to provide planter areas around protected trees, except where an arborist report demonstrates that tree protection is not advisable.

The applicant's landscaping plan includes a stormwater detention pond and bioswale area to handle stormwater runoff from the proposed development. As per MMC 19.606.2.E.4, these areas may be counted as the landscaping required for the new parking area.

The applicant has proposed a pedestrian walkway within a portion of the perimeter landscaping area adjacent to International Way. Accordingly, the applicant's submittal materials show that the total buffer area in that location is 10 ft wide instead of 8 ft.

The applicable standards of MMC 19.606.2.E are met.

As proposed and conditioned, the proposed development meets the applicable landscaping standards of MMC 19.606.2.

- iii. MMC 19.606.3 provides additional design standards for off-street parking areas, including requirements for paving and striping, wheel stops, drive aisles, pedestrian access, internal circulation, and lighting.

- a. MMC 19.606.3.A requires that off-street parking areas have a durable and dust-free hard surface, with striping to delineate parking spaces.

As evidenced by the applicant's submittal materials, the new parking area will be paved and striped. This standard is met.

- b. MMC 19.606.3.B requires that parking bumpers or wheel stops be provided to prevent vehicles from encroaching into public right-of-way, adjacent landscaped areas, or pedestrian walkways. Curbing may substitute for wheel stops.

As evidenced by the applicant's submittal materials, wheel stops will be provided in the parking spaces adjacent to the perimeter landscaping along International Way. A condition is established to ensure that wheel stops are provided in the parking spaces adjacent to the eastern perimeter landscaping area and in the interior spaces adjacent to the 12-ft-wide drive aisle. As conditioned, this standard is met.

- c. MMC 19.606.3.C provides standards for site access and drive aisles.

As proposed, no new access to International Way will be created. Access to International Way from the new parking area will be provided through the existing accesses to the adjacent parking area to the west. As evidenced by the applicant's submittal materials, the proposed drive aisles meet the applicable width standards of 12 ft for parallel and 22 ft for 90-degree spaces. This standard is met.

- d. MMC 19.606.3.D references the standards established in MMC 19.504.10 for on-site walkways and circulation. Specifically, on-site walkways through off-street parking areas must be continuous, lead to a building entrance, and in compliance with the design standards of MMC 19.504.10.E. In addition, no parking space shall be farther than 100 ft from a building entrance or compliant walkway.

As evidenced by the applicant's submittal materials, a 5-ft-wide striped pedestrian walkway through the middle of the new parking area will connect it to a 5-ft-wide pedestrian sidewalk leading to an existing crosswalk across International Way and on to the main entrance of the Blount office building. All new parking spaces are within approximately 100 ft of the striped pedestrian walkway. As noted in Finding 8-E-iii(f), a condition is established to require the submittal of a more detailed lighting plan, to ensure that the pedestrian walkways are sufficiently illuminated. As conditioned, this standard is met.

- e. MMC 19.606.3.E establishes standards for internal circulation, including connections to adjacent parking areas.

As proposed, the new parking area will be adjacent to an existing off-street parking lot to the west. The new parking area will connect directly to the adjacent parking lot and will access International Way through the existing access on the adjacent parking lot. This standard is met.

- f. MMC 19.606.3.F establishes standards for lighting off-street parking areas with more than 10 spaces.

As proposed, the new parking area will be lighted to provide a minimum illumination level of 0.5 foot candles at ground level. However, the applicant's submittal materials provide no detail about the new light fixtures, shielding to prevent glare, or distribution of illumination across the project area. A condition is established to ensure that the proposed lighting adequately illuminates the new parking area and associated pedestrian walkways, minimizes light trespass, and avoids shining directly into WQR and/or HCA areas. As conditioned, this standard is met.

As proposed and conditioned, the applicable standards of MMC 19.606.3 are met.

As evidenced by the applicant's submittal materials and as conditioned, the applicable parking area design and landscaping standards of MMC 19.606 are met.

The Planning Commission finds that, as conditioned, the proposed development meets all applicable standards of MMC 19.600.

9. 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. As per MMC 19.702.3.G, public capital improvement projects are exempt from the standards of MMC 19.700.

The proposed development does not constitute construction of any structures; therefore, the Planning Commission finds that the standards of MMC 19.700 are not applicable.

10. The City distributed the subject application to the following City departments and agencies for review and comment on July 19, 2012: City of Milwaukie Building and Engineering Departments; Clackamas County Fire District #1; North Clackamas Chamber of Commerce; and ESA, the City's on-call natural resource consultant. 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 August 8, 2012.

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

- **Brad Albert, City of Milwaukie Engineering Department:** The provisions of MMC 19.700 Public Facility Improvements are not applicable to the proposed development.
Response: This comment has been incorporated into the Findings.
- **Sarah Hartung, Senior Biologist with ESA:** As the City's on-call natural resource consultant, ESA reviewed the application; assessed the existing conditions, alternatives analysis, and proposed mitigation plan; and prepared a report summarizing the analysis.
Response: The ESA analysis has been incorporated into the Findings.
- **Mike Boumann, Clackamas County Fire District #1:** No comments on the proposal.
- **Tom Larsen, City of Milwaukie Building Official:** No comments on the proposal.

Conditions of Approval

1. Prior to issuance of any building or other permits for development on the subject property, the following shall be resolved:
 - A. Unless otherwise required by these conditions of approval, all plans submitted for development permits for the subject property shall be substantially similar to those submitted as part of the final land use application (stamped received on July 17, 2012, for most of the applicant's materials).
 - B. Provide a construction management plan that shows the following:
 - i. Demarcation of the Water Quality Resource (WQR) and Habitat Conservation Area (HCA) and the location of disturbance areas (temporary and permanent).
 - ii. Temporary disturbance area shall be consistent with Applicant Submittal, Figure 3A, not to exceed 5-ft width.
 - iii. Erosion and sediment control measures
 - iv. Measures to protect trees and other vegetation located within the WQR and/or HCA but outside of the approved disturbance area. This includes tree protection fencing around the 10 trees located within the proposed mitigation area along the southern edge of the new parking area. The applicant, in consultation with Planning staff, shall verify based on field inspection whether any of these 10 trees can be preserved. Tree protection fencing shall be installed around the drip line of trees to be preserved.

Where a tree's drip line extends into a temporary or permanent disturbance area, or where the applicant otherwise demonstrates that construction activities are likely to damage a tree beyond the point of saving it or that a tree presents a safety hazard, protective fencing is not required for that tree, the tree may be removed, and the applicant shall mitigate for its loss as noted in Condition 2-A-v.
 - v. Location of any site access (ingress and egress) that construction or mitigation equipment will use
 - vi. Any equipment and material staging or stockpile areas
 - C. Provide a revised site plan and grading plan, consistent with Condition 1-B-ii (temporary disturbance area), including interior parking lot landscaping designed to protect 4 trees within the interior of the parking lot greater than 6 in dbh (diameter at breast height) designated for removal on the Applicant's Submittal, Preliminary Site Plan and Landscaping Plan, and considering redistribution of the parking spaces and providing planter areas around protected trees, except where the applicant's arborist report demonstrates tree protection is not advisable.
 - D. 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 Milwaukee Public Works Standards.
 - i. 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.

- ii. The stormwater management plan shall demonstrate compliance with water quality standards in accordance with the City of Portland Stormwater Management Manual.
 - iii. Development/building permits will not be issued for construction until the stormwater management plan has been approved by the City of Milwaukie.
- E. Provide a final mitigation plan that includes the following details:
- i. Clear indication of the person responsible for the mitigation work, including primary contact, phone number, and address
 - ii. Demarcation of all planting areas for mitigation of temporary and permanent disturbances to the WQR and HCA. Distribute mitigation tree planting with 50%-70% of trees located in proximity to Mallard Pond so as to provide maximum shading.
 - iii. Updated timeline for removal of invasive nonnative vegetation and for planting of mitigation plants, including a schedule for watering, maintenance, monitoring, and replacement of plants. The timeline shall note that monitoring and maintenance will continue for at least 2 years from the time of planting, to ensure 80% survival of the mitigation plantings. Throughout this 2-year establishment period, nuisance species plants shall be removed and/or otherwise controlled within the mitigation area.
 - iv. Revised list of native plantings for flat areas, in particular including more shade-tolerant tree species: Big-leaf maple (*Acer macrophyllum*), Grand fir (*Abies grandis*), Western red cedar (*Thuja plicata*), or Oregon ash (*Fraxinus latifolia*)
 - v. Notation that the entire mitigation area (flat and sloped areas) will be planted or seeded with native grasses or other native ground cover species to achieve 100% surface coverage after mitigation trees and shrubs have been installed. Bark mulch shall not be used to achieve 100% surface coverage.
 - vi. Notation that a minimum of 3 pieces of large wood from trees removed from within the WQR or HCA shall be placed within the western end of the mitigation area, to provide immediate nutrients and large woody and organic material for habitat or other ecological benefit. For purposes of these conditions, "pieces of large wood" shall mean logs at least 20 ft long and at least 15 in diameter at breast height.
 - vii. Contingency plan for ensuring that work will be completed as proposed
- F. Provide a lighting plan sufficient to demonstrate that the applicable standards of MMC 19.606.3.F and MMC 19.504.10.E are met. These standards include, but are not limited to, adequately illuminating the new parking area and associated pedestrian walkways, minimizing light trespass, and avoiding shining directly into WQR and/or HCA areas.
2. Prior to use of the subject parking area, the following shall be resolved:
- A. Implement the final mitigation plan for disturbances to the WQR and HCA, including the following tasks:
 - i. Remove all invasive nonnative vegetation and any debris or noxious material from within designated mitigation planting areas.

- ii. Install trees, shrubs, and ground cover according to the details provided in the final mitigation plan and in accordance with the standards provided in MMC 19.402.11.B. This includes standards for plant size, spacing, and survival.
 - iii. Provide a signed statement from the responsible party identified in Condition 1-E-i, stating that all mitigation plantings have been installed according to the final mitigation plan.
 - iv. As outlined in Condition 1-E-vi, demonstrate that a minimum of 3 pieces of large wood, from trees removed from within the WQR or HCA, are placed within the western end of mitigation area.
 - v. Provide one-for-one tree replacement of any trees removed that were protected as noted in Condition 1-B-iv, using shade-tolerant native species trees and sized according to the standards of MMC 19.402.11.B.3.
 - B. Install wheel stops in all 90-degree-angle parking spaces, to prevent vehicle encroachment into required landscaping areas or drive aisles.
 - C. Plant at least 1 tree within the required interior landscaping area along the edge of the stormwater detention pond, using a species suitable for planting in wet locations.
3. 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

1. The Planning Commission strongly encourages the applicant to actively promote alternatives to single-occupancy vehicle travel among employees, to better manage the demand for additional on- and off-street parking. In particular, the applicant is encouraged to develop a formal Transportation Demand Management Plan that addresses these concerns.



Scot Siegel
Interim Planning Director

cc: John Arand, Applicant for Blount International
Norm Harker, Applicant's Representative
Planning Commission
Kenny Asher, Community Development/Public Works Director
Brad Albert, Civil Engineer
Tom Larsen, Building Official
Bonnie Lanz, Permit Specialist
Mike Boumann, Lieutenant Deputy Fire Marshal
Land Use File (NR-12-05)
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