



May 16, 2019

Land Use File(s): CSU-2019-002

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Commission on May 14, 2019.

Applicant:	North Clackamas School District
Location:	2301 SE Willard St (Milwaukie High School)
Tax Lot:	1S1E36BC05600
Application Type:	Major modification to Community Service Use
Decision:	Approved, with Conditions
Review Criteria:	Milwaukie Municipal Code (MMC): <ul style="list-style-type: none">• Title 12 Streets, Sidewalks, and Public Places Milwaukie Zoning Ordinance (MMC Title 19): <ul style="list-style-type: none">• MMC Section 19.302 Medium and High Density Residential Zones (including R-2)• MMC Section 19.504 Site Design Standards• MMC Chapter 19.600 Off-Street Parking and Loading• MMC Chapter 19.700 Public Facility Improvements• MMC Section 19.904 Community Service Uses• MMC Section 19.911 Variances• MMC Section 19.1006 Type III Review
Neighborhood(s):	Historic Milwaukie, Lake Road

Appeal period closes: 5:00 p.m., May 31, 2019

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 by appointment 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 May 31, 2019, which is 15 days from the date of this decision.¹ (Note: Please arrive by 4:45 p.m. for appeal payment processing.) Only persons who submitted comments or made an appearance of record at the public hearing have standing to appeal the decision by filing a written appeal. An appeal of this decision would be heard by the Milwaukie City Council following the procedures of MMC Section 19.1010 Appeals. This decision will become final on the date above if no appeal is filed during the appeal period. Milwaukie Planning staff can provide information regarding forms, fees, and the appeal process at 503-786-7630 or planning@milwaukieoregon.gov.

Per MMC Subsection 19.1001.7.E, this land use approval expires unless the applicant has: (1) obtained and paid for all necessary development permits and started construction within 2 years of land use approval, and (2) passed final inspection and/or obtained a certificate of occupancy within 4 years of land use approval. Extensions can be granted per MMC Section 19.908.

Findings in Support of Approval

The Findings for this application are included as Exhibit 1.

Conditions of Approval

1. In conjunction with the required submittal for development review, the applicant shall make the following revisions to all relevant plan sheets:
 - a. As per Finding 4-a, shift the Willard St driveway to the east as needed to meet the minimum 100-ft spacing requirement from the intersection with 25th Ave.
 - b. As per Finding 7-d-1, widen the drive aisle adjacent to the 90° spaces as needed to provide a minimum 22-ft width.
 - c. As per Finding 7-d-2(a), ensure that the perimeter landscaping buffer at the southwest corner of the site is at least 8 ft wide.
 - d. As per Finding 7-d-2(a), revise the landscaping plan as needed to ensure that perimeter landscaping areas will be planted with trees spaced at 30-ft intervals and that the required trees will provide a minimum 20-ft diameter shade canopy within 10 years of planting, based on expected growth of the selected trees.
2. Prior to final inspection to allow official use of the new parking lot, the following shall be resolved:
 - a. As per Finding 7-d-2(a), demonstrate that adjacent residential properties will be adequately screened from vehicle lights as required by MMC Subsection 19.606.2.C.3, whether with the plantings proposed or by some other means.

¹ As per MMC Section 19.1010, if the 15th day falls on a weekend or legal holiday, the end of the appeal period shall be extended to the end of the next business day.

- b. As per Finding 7-d-3(f), provide shielding as needed to reduce light trespass onto adjacent properties to no more than 0.5 footcandles along the eastern perimeter of the project area.
- c. Confirm that all applicable conditions of approval from CSU-2017-007 related to frontage improvements, bonding, stormwater management, driveway widths, and clear vision have been met.
- d. As per Finding 9-d, the applicant shall provide an 8-ft-tall wooden sight-obscuring fence and a gate to replace the existing 8-ft-tall fence and gate that will be removed for the parking lot construction.

Other requirements

The following items are not conditions of approval necessary to meet applicable land use review criteria. They relate to other development standards and permitting requirements contained in the Milwaukie Municipal Code (MMC) and Public Works Standards that are required at various points in the development and permitting process.

1. At the time of submittal of the associated development permit application(s), the following shall be resolved:
 - a. The applicant shall submit an application for Development Review in accordance with the standards established in MMC Section 19.906.
 - b. Except as otherwise modified by these conditions of approval, final plans submitted for development permit review shall be in substantial conformance with the plans approved by this action, which are the plans stamped received by the City on March 13, 2019; with modified Sheets L1.0 (Planting Plan) and EPH1 (Site Photometrics—Lighting), stamped received on March 20, 2019; and modified Sheets C204 (Site & Horizontal Control Plans), C215 (Circulation Plan), C304 (Grading Plan), C402 (Storm Drainage Plan), and C1005 (Erosion & Sediment Control Plan), stamped received on May 6, 2019. Note that Sheets L1.0 and EPH1 should be revised to show the on-site walkway connection to 25th Ave as shown on the various plan sheets received by the City on May 6, 2019.
 - c. Provide a narrative describing all actions taken to comply with these conditions of approval. In addition, describe any changes made after the issuance of this land use decision that are not related to these conditions of approval.
2. In conjunction with the final inspection(s) necessary to allow official use of the new parking lot, the following shall be resolved:
 - a. Submit a letter from the project landscape designer attesting that all required site plantings have been completed in conformance with the approved site plans and with City standards.
 - b. Construct and receive Engineering Department inspection for all required public improvements.

3. Limitations on Development Activity

Development activity on the site shall be limited to 7:00 a.m. to 10:00 p.m. Monday through Friday and 8:00 a.m. to 5:00 p.m. Saturday and Sunday, as per MMC Subsection 8.08.070(I).

4. Landscaping Maintenance

As per MMC Subsection 19.606.2.E, installation of parking area landscaping shall be required before a certificate of occupancy is issued, unless a performance bond is posted with the City. In the latter case, the landscaping shall be installed within 6 months of the bond's posting, or else the bond will be foreclosed and plant materials installed by the City. Parking area landscaping shall be maintained in good and healthy condition.



Dennis Egner, FAICP
Planning Director

Exhibits

1. Findings in Support of Approval

cc: David Hobbs, North Clackamas School District (4444 SE Lake Rd, Milwaukie, OR 97222)
Andrew Tull, 3J Consulting, Applicant's representative (via email)
Planning Commission (via email)
Alma Flores, Community Development Director (via email)
Kelly Brooks, Acting City Engineer (via email)
Engineering Development Review (via email)
Samantha Vandagriff, Building Official (via email)
Stephanie Marcinkiewicz, Inspector/Plans Examiner (via email)
Harmony Drake, Permit Technician (via email)
Mike Boumann and Izak Hamilton, CFD#1 (via email)
NDA(s): Historic Milwaukie, Lake Road (via email)
Interested Persons
Land Use File(s): CSU-2019-002
Address File: 2301 SE Willard St

EXHIBIT 1
Findings in Support of Approval
File #CSU-2019-002
Milwaukie High School Parking Lot

Sections of the Milwaukie Municipal Code (MMC) not addressed in these findings are found to be inapplicable to the decision on this application.

1. The applicant, the North Clackamas School District, has applied for approval to redevelop the existing tennis courts at the Milwaukie High School campus into an off-street parking lot. The project area is in the southeast corner of the intersection of Willard St and 25th Ave in the southeast corner of the overall campus. The larger subject property (the overall campus) is comprised of a single tax lot approximately 14.7 acres in size, addressed as 2301 SE Willard St.

Most of the campus is zoned Residential R-2, including the project area for the proposed development. (A small area in the southwest corner of the campus is zoned Downtown Mixed Use and the parking lot in the northwest corner of the site is zoned Residential-Business Office (R-1-B).) The school is currently approved as a Community Service Use (CSU), and the proposed development represents a major modification to the CSU. The land use application file number is CSU-2019-002.

2. The applicant has proposed replacement of the existing tennis courts with a 30-stall parking lot to provide more off-street parking for the campus. The project area includes 3 tennis courts and 10 off-street parking spaces, all of which would be removed and replaced with a new off-street parking lot. As proposed, traffic would circulate through the parking area in a one-way fashion, entering from Willard St and exiting onto 25th Ave. Striping, wheelstops, landscaping, lighting, pedestrian walkways, and similar features would be provided in accordance with the design standards of MMC Subsection 19.606.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Title 12 Streets, Sidewalks, and Public Places
 - MMC Section 19.302 Medium and High Density Residential Zones (including R-2)
 - MMC Section 19.504 Site Design Standards
 - MMC Chapter 19.600 Off-Street Parking and Loading
 - MMC Chapter 19.700 Public Facility Improvements
 - MMC Section 19.904 Community Service Uses
 - MMC Section 19.911 Variances
 - MMC Section 19.1006 Type III Review

The applicant's submittal is an application for major modification of a Community Service Use. The application has been processed and public notice provided in accordance with

MMC Section 19.1006 Type III Review. A requirement for a preapplication conference was waived by the Planning Director, as allowed by MMC Subsection 19.1002.2.

Public notice was sent to property owners and current residents within 300 ft of the subject property on April 29, 2019. A public hearing with the Planning Commission was held on May 14, 2019, as required by law.

Note: Late in the review process, staff realized that it had provided inaccurate information to the applicant regarding the required driveway spacing from the intersection. Staff had incorrectly used the figure of 45 ft, which is the standard for single-family residential projects on local streets; in fact, 100-ft spacing is required for all other uses accessing local streets. The applicant designed the parking lot with the 45-ft standard in mind, and staff agrees that the design is acceptable in the context of the project area. However, a variance to the 100-ft spacing standard is technically required and has been addressed by staff as part of these recommended findings.

4. MMC Title 12 Streets, Sidewalks, and Public Places

a. MMC Chapter 12.16 Access Management

MMC Section 12.16.040 establishes standards for access (driveway) requirements, including access spacing, number and location of accessways, and limitations for access onto collector and arterial streets. For uses other than single-family residential development accessing local and neighborhood streets, one accessway is allowed per frontage and new driveways must be spaced at least 100 ft from the nearest intersection.

The project area is located in the southeast corner of the intersection of Willard St and 25th Ave, two local streets. As proposed, a new one-way driveway would be established on each frontage. Staff incorrectly directed the applicant to use the 45-ft spacing standard allowed for single-family residential projects on local streets, when a 100-ft spacing should have been applied. The applicant designed the in-only driveway on Willard St to be just under 100 ft from the intersection and the out-only driveway on 25th Ave to be just over 50 ft from the intersection. Staff realized this error late in the review process and has recommended a variance to the standard for the 25th Ave driveway, as addressed in Finding 10. The Willard St driveway can be shifted the few feet necessary to meet the standard, and a condition has been established accordingly. Compliance with the conditions of approval established for CSU-2017-007 will ensure that the new driveways will meet all other applicable standards for access management.

As conditioned, and as per the variance for driveway spacing addressed in Finding 10, the development is consistent with the applicable standards of MMC 12.16.

b. MMC Chapter 12.24 Clear Vision at Intersections

MMC 12.24 establishes standards for maintenance of clear vision at intersections to protect the safety and welfare of the public in their use of City streets.

Compliance with the conditions of approval established for CSU-2017-007, including right-of-way dedication and frontage improvements, will ensure that all driveways, accessways, and intersections associated with the proposed development conform to the applicable standards of MMC 12.24.

The Planning Commission finds that, as conditioned and with approval of the variance for driveway spacing addressed in Finding 10, the development meets all applicable requirements of MMC Title 12. This standard is met.

5. MMC Section 19.302 Medium and High Density Residential Zones (including R-2)

The project area on the subject property is zoned Residential R-2. MMC 19.302 establishes the allowable uses and development standards for the residential R-2 zone.

a. Permitted Uses

As per MMC Table 19.302.2, community service uses (CSUs) are allowed subject to the provisions of MMC Section 19.904.

Milwaukie High School is an approved CSU on the subject property. The proposed development, which would significantly change a portion of the school campus, represents a major modification to the CSU and is subject to the provisions of MMC 19.904.

b. Development Standards

MMC Table 19.302.2 establishes development standards for the R-2 zone. However, given that the project area represents such a small part of the overall campus area and that the proposed development is a surface parking lot and no new structures, few of the R-2 development standards are applicable.

The R-2 minimum vegetation requirement of 15% is the same as the landscaping requirement for school CSUs as established in MMC Subsection 19.904.7.J. As addressed in Finding 9-b, the proposed development will result in an increase in landscaping on the overall campus, which is currently over 18% of the total lot area. No other R-2 development standards are applicable.

The Planning Commission finds that the applicable development standards of the R-2 zone are met.

As proposed, the Planning Commission finds that the proposed development meets the applicable standards of the underlying R-2 zone. This standard is met.

6. MMC Section 19.504 Site Design Standards

MMC 19.504 provides standards for various aspects of site design. The applicable portions of this section are addressed below.

a. MMC Subsection 19.504.1 Clear Vision Areas

MMC 19.504.1 refers to clear vision area requirements in MMC Chapter 12.24.

As addressed in Finding 4-b, all driveways, accessways, and intersections associated with the proposed development conform to the applicable standards of MMC 12.24.

This standard is met.

b. MMC Subsection 19.504.7 Minimum Vegetation

MMC 19.504.7 requires that no more than 20% of the required vegetation area may be covered with bark mulch.

As proposed, the new landscaping areas would be planted with a mix of trees, shrubs, and ground covering grasses. Very little of the newly vegetated areas would be covered with bark mulch.

This standard is met.

c. MMC Subsection 19.504.9 On-Site Walkways and Circulation

MMC 19.504.9 establishes standards for on-site walkways, including requirements that on-site walkways be at least 5 ft wide, provided for every 300 ft of frontage, constructed of hard surface materials that are permeable for stormwater, and lighted to a minimum level of 0.5 footcandles.

The proposed development includes a pervious, 5-ft-wide walkway through the parking area, with lighting sufficient to meet the minimum 0.5-footcandle standard. As proposed, one on-site walkway would run north-south through the parking area to connect with the public sidewalk on the project area's Willard St frontage. As shown on revised plan sheets provided by the applicant prior to the public hearing, another on-site walkway would connect to the public sidewalk on the project area's 25th Ave frontage.

This standard is met.

The Planning Commission finds that the applicable site design standards of MMC 19.504 are met.

7. MMC Chapter 19.600 Off-Street Parking and Loading

MMC 19.600 regulates off-street parking and loading areas on private property outside the public right-of-way (ROW). The purpose of these requirements includes providing adequate space for off-street parking, minimizing parking impacts to adjacent properties, and minimizing environmental impacts of parking areas.

a. MMC Section 19.602 Applicability

MMC 19.602 establishes the applicability of the provisions of MMC 19.600. In particular, MMC Subsection 19.602.4.A establishes applicability for parking projects developed to serve an existing use but not associated with other development activity or change in use. Such activity shall conform to the requirements of MMC Sections 19.604 and 19.606-19.611. In addition, the total number of new spaces in the existing and new parking areas shall not exceed the maximum allowed quantity of parking as established in MMC Section 19.605.

The proposed development is a new off-street parking area in the southeast corner of the site that would serve the existing school use.

The Planning Commission finds that the provisions of MMC 19.600 are applicable to the proposed development.

b. MMC Section 19.604 General Parking Standards

MMC Subsections 19.604.1 to 19.604.4 establish general standards for off-street parking areas, including requirements related to the provision of parking in conjunction with development activity, the location of accessory parking, and use and availability of parking areas, and the prohibition of using parking areas for storage.

The applicant proposes to increase the total number of parking spaces by constructing a new off-street parking lot on the school campus. As proposed, the existing number of off-site parking spaces available to the school will be retained and all spaces will continue to be available to support the existing school use.

The Planning Commission finds that the applicable standards of this section are met.

c. MMC Section 19.605 Vehicle Parking Quantity Requirements

MMC 19.605 establishes standards to ensure that development provides adequate vehicle parking (off-street) based on estimated parking demand. The section establishes processes for determination of parking requirements, exemptions and reductions to the required ratios, and provisions for shared parking.

For high schools, MMC Table 19.605.1 establishes minimum and maximum quantity requirements of 1 space per 0.25 and 0.33 students, respectively. In addition, one space per staff person is required.

Land use approval for a renovation of the overall school campus (including replacement of the main classroom building, reconfiguration of an existing off-street parking lot, and construction of a new off-street parking lot) was granted through master file #CSU-2017-007 and addressed off-street parking. With a 1,500-student capacity and a staff of 140, MMC Table 19.605.1 requires a minimum of 515 spaces and allows a maximum of 635 spaces. The proximity of the campus to the Orange line light-rail station in downtown Milwaukee qualifies for a 25% reduction in the minimum parking requirement, reducing it from 515 to 386. No changes to the school capacity or staffing are included with the current proposal.

The school has shared parking agreements with two nearby churches (St. John the Baptist Catholic Church on Washington St and St. Stephens Serbian Orthodox Church on 27th Ave) that provide a total of 90 off-street spaces. With the improvements approved by CSU-2017-007, the school site provides a total of 333 off-street parking spaces (243 spaces in on-site parking lots and 90 shared spaces). The proposed development would add a net total of 20 off-street spaces, bringing the total number of parking spaces available to the school up to 353.

The Planning Commission finds that the proposed development would bring the school site closer to conformance with the adjusted minimum standard of 386 spaces. This standard is met.

d. MMC Section 19.606 Parking Area Design and Landscaping

MMC 19.606 establishes standards for parking area design and landscaping, to ensure that off-street parking areas are safe, environmentally sound, and aesthetically pleasing, and that they have efficient circulation.

(1) MMC Subsection 19.606.1 Parking Space and Aisle Dimension

MMC 19.606.1 establishes dimensional standards for required off-street parking spaces and drive aisles. For 45°-angle spaces, the minimum width is 9 ft and minimum depth is 18.5 ft, with a 12-ft minimum curb length and 13-ft one-way drive aisles. For 90°-angle spaces, the minimum width is 9 ft and minimum depth is 18 ft, with a 9-ft minimum curb length and 22-ft drive aisles.

The proposed development includes 27 spaces set at a 45° angle, with the remaining 3 spaces set at a 90° angle near the exit onto 25th Ave. For both configurations, the proposed stall dimensions meet the minimum standards, and the 15-ft-wide drive aisle that runs through the parking area is adequate to serve the 45° spaces. However, the proposed 20-ft-wide drive aisle adjacent to the 90° spaces does not meet the minimum standard of 22 ft; a condition has been established to require widening the drive aisle accordingly where adjacent to the 90° spaces.

As conditioned, the applicable standards are met.

(2) MMC Subsection 19.606.2 Landscaping

MMC 19.606.2 establishes standards for parking lot landscaping, including for perimeter and interior areas. The purpose of these landscaping standards is to provide buffering between parking areas and adjacent properties, break up large expanses of paved area, help delineate between parking spaces and drive aisles, and provide environmental benefits such as stormwater management, carbon dioxide absorption, and a reduction of the urban heat island effect.

(a) MMC Subsection 19.606.2.C Perimeter Landscaping

In all but the downtown zones, perimeter landscaping areas must be at least 6 ft wide where abutting other properties and at least 8 ft wide where abutting the public ROW. At least 1 tree must be planted for every 30 lineal ft of landscaped buffer area, with the remainder of the buffer planted with grass, shrubs, ground cover, mulch, or other landscaped treatment. Required trees must be species that will provide a minimum 20-ft diameter shade canopy within 10 years of planting, based on the expected growth of the selected trees. Parking areas adjacent to residential uses must provide a continuous visual screen from 1 to 4 ft above the ground to adequately screen vehicle lights.

The project area is adjacent to the public ROW on its northern (Willard St) and western (25th Ave) perimeters and is adjacent to other properties on its southern and eastern perimeters. As proposed, the new parking area would provide

perimeter planting areas at least 8 ft wide around the entire lot, except at the very southwest corner. A condition has been established to require the applicant to revise the site plan to ensure an 8-ft landscaping buffer at the southwest corner of the site. As proposed, trees would be spaced at approximately 30-ft intervals (with the exception of the northwest corner of the project area), with shrubs and ground cover planted within the remainder of the landscaping area. A condition has been established to ensure that enough trees are provided to meet the required spacing and to confirm that the species chosen will provide at least a 20-ft diameter shade canopy within 10 years.

Where the parking lot is adjacent to residential areas on the south, the applicant has proposed screening vegetation to shield vehicle lights, though it is not clear that the size and species proposed will provide the required visual screening from 1 to 4 ft above the ground when initially planted. A condition has been established to ensure that plantings or fencing will be provided to sufficiently screen adjacent residential properties from vehicle lights prior to a final inspection that would allow the parking lot to be put into official use.

As conditioned, the applicable standards of this subsection are met.

(b) MMC Subsection 19.606.2.D Interior Landscaping

At least 25 sq ft of interior landscaped area are required for each parking space. Planting areas must be at least 120 sq ft in area, at least 6 ft in width, and dispersed throughout the parking area. For landscape islands, at least 1 tree shall be planted per island, with the remainder of the buffer planted with grass, shrubs, ground cover, mulch, or other landscaped treatment.

The proposed development would establish 30 new parking spaces, for which a minimum of 750 sq ft of interior landscaping is required. As proposed, the site plan provides at least 3,000 sq ft of interior landscaping, well over the minimum required. All interior landscaped areas are at least 120 sq ft in size and are disbursed throughout the various parking areas on the site.

This standard is met.

(c) MMC Subsection 19.606.2.E Other Parking and Landscaping Provisions

Preservation of existing trees in off-street parking areas is encouraged and may be credited toward the total number of trees required. Parking area landscaping must be installed prior to final inspection, unless a performance bond is posted with the City. Required landscaping areas may serve as stormwater management facilities, and pedestrian walkways are allowed within landscape buffers if the buffer is at least 2 ft wider than required by MMC 19.606.2.C and 19.606.2.D.

The plans submitted indicate that 8 of the 9 existing trees on the site would be removed for the proposed development, due either to direct conflicts with improvements or to their proximity to the work area and the likelihood of

irreparable root damage. Proper and complete installation of landscaping will be confirmed as part of the subsequent Development Review and final inspection. As proposed, no pedestrian walkway would interfere with the minimum dimensions of a landscaping area.

This standard is met.

As conditioned, the Planning Commission finds that the applicable standards of MMC 19.606.2 are met.

(3) MMC Subsection 19.606.3 Additional Design Standards

MMC 19.606.3 establishes various design standards, including requirements related to paving and striping, wheel stops, pedestrian access, internal circulation, and lighting.

(a) MMC Subsection 19.606.3.A Paving and Striping

Paving and striping are required for all required maneuvering and standing areas, with a durable and dust-free hard surface and striping to delineate spaces and directional markings for driveways and accessways.

The plans submitted indicate that all parking areas would be paved and striped.

This standard is met.

(b) MMC Subsection 19.606.3.B Wheel Stops

Parking bumpers or wheel stops are required to prevent vehicles from encroaching onto public rights-of-way, adjacent landscaped areas, or pedestrian walkways. Curbing may substitute for wheel stops if vehicles will not encroach into the minimum required width for landscape or pedestrian areas.

The plans submitted show wheel stops in every new parking stall.

This standard is met.

(c) MMC Subsection 19.606.3.C Site Access and Drive Aisles

Accessways to parking areas shall be the minimum number necessary to provide access without inhibiting safe circulation on the street. Drive aisles shall meet the dimensional requirements of MMC 19.606.1 (addressed in Finding 7-d-1). Along collector and arterial streets, no parking space shall be located such that its maneuvering area is in an ingress or egress aisle within 20 ft of the back of the sidewalk. Driveways and on-site circulation shall be designed so that vehicles enter the ROW in a forward motion.

As proposed, traffic would circulate through the parking area in one-way fashion, entering from Willard St and exiting onto 25th Ave, both of which are classified as local streets. As addressed in Finding 7-d-1, a condition has been established to ensure that all drive aisles meet the applicable width standard. The one-way

circulation pattern would ensure that all vehicles using the parking area will enter the ROW in a forward motion.

As conditioned, this standard is met.

(d) MMC Subsection 19.606.3.D Pedestrian Access and Circulation

Pedestrian access shall be provided so that no off-street parking space is farther than 100 ft away, measured along vehicle drive aisles, from a building entrance or a walkway that is continuous, leads to a building entrance, and meets the design standards of MMC Subsection 19.504.9.E.

As proposed, no off-street parking space is farther than 100 ft away from a building entrance or walkway that meets the standards of this subsection. As addressed in Finding 6-c, on-site walkways are proposed that meet the applicable design standards of MMC 19.504.9.E.

This standard is met.

(e) MMC Subsection 19.606.3.E Internal Circulation

The Planning Director has the authority to review the pedestrian, bicycle, and vehicular circulation of the site and impose conditions to ensure safe and efficient on-site circulation. Such conditions may include, but are not limited to, on-site signage, pavement markings, addition or modification of curbs, and modification of drive aisle dimensions.

The Planning Director has reviewed the proposed circulation plan and concluded that it provides safe and efficient on-site circulation.

This standard is met.

(f) MMC Subsection 19.606.3.F Lighting

Lighting is required for parking areas with more than 10 spaces and must have a cutoff angle of 90° or greater to ensure that lighting is directed toward the parking surface. Lighting shall not cause a light trespass of more than 0.5 footcandles measured vertically at the boundaries of the site and shall provide a minimum illumination of 0.5 footcandles for pedestrian walkways in off-street parking areas.

The applicant's submittal includes a photometric plan that confirms the parking area an on-site walkway would be illuminated to at least 0.5 footcandles. Along the eastern perimeter, there are 3 points where the illumination level on the adjacent church property would exceed 0.5 footcandles, so a condition has been established to ensure that adequate screening is provided to adjust the light trespass down to an acceptable level.

As conditioned, this standard is met.

As conditioned, the Planning Commission finds that the applicable standards of MMC 19.606.3 are met.

As conditioned, the Planning Commission finds that the applicable design and landscaping standards of this section are met.

e. MMC Section 19.608 Loading

MMC 19.608 establishes standards for off-street loading areas and empowers the Planning Director to determine whether loading spaces are required. For residential development with fewer than 50 dwelling units on a site that abuts a local street, no loading space is required; otherwise, 1 space is required. Loading spaces shall be at least 35 ft long and 10 ft wide, with a height clearance of 13 ft, and located where not a hindrance to drive aisles or walkways.

As addressed previously in the findings for CSU-2017-007, the site currently has at least 1 designated loading space on the west side of the campus. The Planning Director has determined that no additional loading spaces are required.

The Planning Commission finds that the applicable standards of this section are met.

f. MMC Section 19.609 Bicycle Parking

MMC 19.609 establishes standards for bicycle parking for new development of various uses. Unless otherwise specified, the number of bicycle spaces provided shall be at least 10% of the minimum required vehicle parking for the use. When at least 10 bicycle spaces are required, a minimum of 50% of the spaces shall be covered and/or enclosed. MMC Subsection 19.609.3.A provides that each bicycle parking space shall have minimum dimensions of 2 ft by 6 ft, with 5-ft-wide aisles for maneuvering. MMC Subsection 19.609.4 requires bike racks to be located within 50 ft of a main building entrance.

As discussed in Finding 7-c, the school has an adjusted minimum parking requirement of 386 vehicular spaces; therefore, the minimum bike parking requirement for the school is 38 spaces. A total of 48 existing covered bike parking spaces remain available on the site, so no additional bike spaces are required.

The Planning Commission finds that the applicable standards of this section are met.

g. MMC Section 19.610 Carpool and Vanpool Parking

MMC 19.610 establishes carpool parking standards for new industrial, institutional, and commercial development. The number of carpool/vanpool parking spaces shall be at least 10% of the minimum amount of required parking spaces. Carpool/vanpool spaces shall be located closer to the main entrances of the building than other employee or student parking, except ADA spaces and shall be clearly designated with signs or pavement markings for use only by carpools/vanpools.

As part of the review of the larger campus renovation approved by CSU-2017-007, the applicant was granted a variance from the requirement to provide carpool parking spaces. No carpool spaces are required for the proposed development.

The Planning Commission finds that the applicable standards of this section are met.

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

8. MMC Chapter 19.700 Public Facility Improvements

MMC 19.700 is intended to ensure that development, including redevelopment, provides public facilities that are safe, convenient, and adequate in rough proportion to their public facility impacts.

MMC Section 19.702 establishes the applicability of the provisions of MMC 19.700, including new construction. MMC Subsection 19.708.1 provides general standards for streets, including for access management, clear vision, street layout and connectivity, and intersection design and spacing.

The applicant proposes to redevelop existing tennis courts into an off-street parking lot. By itself, the proposed development would trigger the requirements of MMC 19.700. However, the larger campus renovation reviewed and approved with CSU-2017-007 established that there would be an increase in traffic resulting from the larger high school (although the size of the student body would not increase). The conditions written for CSU-2017-007 that apply to the 25th Ave and Willard St frontages also apply to this land use application.

As addressed in Finding 4, and with approval of the variance discussed in Finding 10, the proposed development complies with all applicable standards for access management and clear vision as established in MMC 19.708.1.

The Planning Commission finds that the proposed development meets all applicable standards of MMC 19.700.

9. MMC Section 19.904 Community Service Uses

MMC 19.904 provides standards and procedures for review of applications for community service uses (CSUs). 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. CSUs include public and private schools and their associated sports facilities. MMC Subsection 19.904.3 provides that the establishment of a new CSU or a major modification to a CSU shall be evaluated through a Type III review per Section 19.1006.

The redevelopment of the existing tennis courts to construct an additional off-street parking lot on the school campus represents a major modification to the school's existing CSU and so is subject to Type III review.

MMC Subsection 19.904.4 provides the following approval criteria for establishment of a new CSU or a major modification to a CSU:

- a. 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 for a CSU, the standards of the underlying zone must be met.

As discussed in Finding 5, the proposed development meets the applicable standards of the underlying R-2 zone, except where those standards are superseded by the specific applicable standards for schools as provided in MMC Subsection 19.904.7 and discussed below in Finding 9-b.

The Planning Commission finds that this standard is met.

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

MMC Subsection 19.904.7 establishes specific standards for schools, which are addressed as follows:

- (1) MMC Subsection 19.904.7.A requires public elementary or secondary schools to provide a site area/pupil ratio as required by state law. However, the proposed development does not include any changes to the size of the existing school campus.

This standard is not applicable to the proposed development.

- (2) MMC Subsection 19.904.7.B has outdoor play area requirements for preschools, nursery schools, day-care centers, or kindergartens.

This standard is not applicable to a high school.

- (3) MMC Subsection 19.904.7.C requires walkways, both on and off the site for safe pedestrian access.

As addressed in Finding 6-c, the proposed development would provide on-site walkways to connect the new parking spaces with the public sidewalks on Willard St and 25th Ave.

This standard is met.

- (4) MMC Subsection 19.904.7.D requires sight-obscuring fencing of 4 to 6 ft in height to separate play areas from adjacent residential uses.

The proposed development would replace existing tennis courts with a new off-street parking lot. This standard is not applicable.

- (5) MMC Subsection 19.904.7.E requires adequate public facilities to serve the school.

The approval of CSU-2017-007 for the larger renovation of the overall school campus included a requirement for street improvements on the various public streets adjacent to the school property, including Willard St and 25th Ave. Improvements to the existing stormwater system in Willard St and 25th Ave were also required, including new manholes, catch basins, and bioswales. No additional updates to public facilities are required for the proposed development.

This standard is met.

- (6) MMC Subsection 19.904.7.F safe loading and ingress and egress on and to the site.

As proposed, traffic would circulate through the parking area in one-way fashion, entering from Willard St and exiting onto 25th Ave, both of which are classified as local streets. The one-way circulation pattern would ensure that all vehicles using the parking area will enter the ROW safely in a forward motion.

This standard is met.

- (7) MMC Subsection 19.904.7.G requires compliance with the parking standards in MMC 19.600.

These standards are addressed in Finding 7, with conditions established to ensure compliance with applicable off-street parking requirements.

As conditioned, this standard is met.

- (8) MMC Subsection 19.904.7.H requires minimum yard setbacks of 20 ft.

The proposed development does not include construction of any new structures that would be subject to setback requirements. This standard is not applicable.

- (9) MMC Subsection 19.904.7.I requires bicycle facilities which “adequately serve the site.”

As discussed in Finding 7-f, the school site currently provides more than the minimum required number of bike parking spaces.

This standard is met.

- (10) MMC Subsection 19.904.7.J requires a minimum landscaped area of 15%.

As discussed in the approval of CSU-2017-007, the larger campus renovation resulted in a total of over 18% landscaping for the overall site. The proposed development would replace an existing tennis court area (non-vegetated) with a parking lot that includes new landscaping areas. The minimum vegetation is already provided and would be increased somewhat by the proposed development.

This standard is met.

As conditioned, the Planning Commission finds that the proposed development meets the applicable standards of MMC 19.904.7.

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

The hours of operation of the proposed new parking lot would be similar to those of the school and other campus facilities, which have been found under previous land use reviews to be compatible with surrounding uses.

The Planning Commission finds that this standard is met.

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

The proposed development would result in a net gain of 20 off-street parking spaces, bringing the school campus closer to conformance with the minimum number of spaces required based on the current capacity of students and staff. The project includes frontage improvements on Willard St and 25th Ave, which would result in improved sidewalks, safer pedestrian crossings, and improved access spacing from intersections. Within the 25th Ave ROW, the replacement of 90°-parking spaces with parallel spaces would make more efficient use of the street surface and would make 25th Ave seem more like a roadway and less like a parking lot itself.

The nature of use of the project area would change, with the occasional tennis court use being replaced by a parking lot that would likely see daily use during the school year. However, the parking use is a relatively passive one for long periods during the average day and presents minor impacts when compared with the recreational use of the tennis courts. The code limits the amount of light spill onto other properties. The required tree planting and additional landscaping around the perimeter of the parking lot, including a continuous vegetated screen to prevent vehicle headlights from shining onto adjacent residential properties to the south and east, would provide a buffer between those properties and the main school use on the site.

In response to public testimony from adjacent neighbors to the south, a condition has been established to ensure that the existing sight-obscuring fence on the neighbors' side along the southern property boundary is replaced to maintain privacy and limit impacts from the new parking lot.

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

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

The project area is an appropriate location for the proposed parking lot, given its proximity on the school campus to the main classroom building. The majority of surface area within the project area is an existing impervious surface that would be replaced with another impervious surface for parking. Although several existing trees would be removed, twice that number of trees would be planted within several thousand square feet of new landscaped areas. The project area's location at the corner of two local streets allows for a one-way circulation design that would reduce vehicle conflicts and provide safe ingress and egress.

The Planning Commission finds that this standard is met.

As conditioned, the Planning Commission finds that the proposed development meets the approval criteria of MMC 19.904.4 as a major modification to the school as a CSU.

10. MMC Section 19.911 Variances

MMC Section 19.911 establishes the variance process for seeking relief from specific code sections that have the unintended effect of preventing reasonable development or imposing undue hardship.

- a. MMC Subsection 19.911.2 Applicability

MMC 19.911.2 establishes applicability standards for variance requests.

Variations may be requested to any standard of MMC Title 19, provided the request is not specifically listed as ineligible in MMC Subsection 19.911.2.B. Ineligible variations include requests that result in any of the following: change of a review type, change or omission of a procedural step, change to a definition, increase in density, allowance of a building code violation, allowance of a use that is not allowed in the base zone, or the elimination of restrictions on uses or development that contain the word “prohibited.”

Staff has recognized that it had inadvertently had provided inaccurate information to the applicant regarding the required driveway spacing from the intersection. Staff had incorrectly used the figure of 45 ft, which is the standard for single-family residential projects on local streets; in fact, 100-ft spacing is required for all other uses accessing local streets. The applicant designed the parking lot to meet the 45-ft standard, with the in-only driveway on Willard St spaced just under 100 ft from the intersection and the out-only driveway on 25th Ave spaced just over 50 ft from the intersection. A condition has been established to ensure that the Willard St driveway meets the 100-ft standard, but a variance is required to approve the 25th Ave driveway at the spacing proposed.

The requested variance meets the eligibility requirements established in MMC 19.911.2.

b. MMC Subsection 19.911.4 Approval Criteria

MMC 19.911.4 establishes approval criteria for variance requests. Specifically, MMC Subsection 19.911.4.B.1 provides the following Discretionary Relief Criteria:

- (1) The applicant’s alternatives analysis provides, at a minimum, an analysis of the impacts and benefits of the variance proposal as compared to the baseline code requirements.

One of the primary purposes of the minimum spacing requirement is to limit queuing impacts on intersections. Both driveways are designed to allow travel in only one direction, which by itself reduces potential conflicts on the street. The driveway on 25th Ave is designed as an exit-only access onto the street, so most queuing related to that accessway will occur within the parking lot rather than on the street. As proposed, the new driveway would be located directly opposite the driveway serving the residential property on the southwest corner of 25th Ave and Willard St (2460 SE Willard St), which would align turning movements and prevent vehicle conflicts.

In addition, 25th Ave dead-ends at the southern boundary of the project area. The block-long street does provide access to 11 garages for the adjacent condominiums to the south as well as to the 49-space parking lot for the newly redeveloped Northwest Housing Alternatives (NHA) property to the west. However, the NHA lot has another driveway on Willard St, so its trips are distributed between the two streets. Although the proposed school parking lot driveway on 25th Ave would be closer to the intersection with Willard St than the required 100 ft, the anticipated volume of traffic on the street is not high enough to cause queuing problems. And the school schedule is different enough from

that of the adjacent residential uses, especially with the 25th Ave driveway being exit-only, that no significant queuing impacts are anticipated.

The Planning Commission finds that an adequate analysis of the impacts and benefits of the requested variance compared to the baseline requirements has been provided. This criterion is met.

- (2) The proposed variance is determined to be both reasonable and appropriate, and it meets one or more of the following criteria:
 - (a) The proposed variance avoids or minimizes impacts to surrounding properties.
 - (b) The proposed variance has desirable public benefits.
 - (c) The proposed variance responds to the existing built or natural environment in a creative and sensitive manner.

As noted above, the one-way nature of both driveways minimizes possible conflicts on the street. In the initial stages of project planning, the applicant met with neighbors in the adjacent condominiums to the south and found significant opposition to the idea of locating a parking lot driveway farther to the south on 25th Ave, due to concerns about potential conflicts with the condominium driveway. As a result, the applicant has located the driveway as far to the north as practical to minimize potential impacts.

Additionally, the proposed driveway would be located directly across 25th Ave from the existing driveway serving 2460 SE Willard St. That alignment would provide a more uniform arrangement of access points and clearer vision for vehicles entering the roadway on that part of 25th Ave, considering that vehicles will only be exiting the school parking lot and always in a forward motion.

The Planning Commission finds that the requested variance is reasonable and appropriate and that it meets one or more of the criteria provided in MMC Subsection 19.911.B.1.b.

- (3) Impacts from the proposed variance will be mitigated to the extent practicable.

The reduced distance between the proposed 25th Ave driveway and the intersection with Willard St would result in a shorter space for queuing without blocking the driveway. However, the one-way nature of circulation proposed through the parking area and the proposal to make the driveway an exit-only access would effectively make the parking lot drive aisle a off-street queuing space. And the location of the two other significant driveways (for the condominiums and the NHA parking lot) at the southern end of 25th Ave (at least 100 ft from the proposed school parking lot driveway) allow ample space for queuing in that section of 25th Ave if needed.

The Planning Commission finds that the requested variance will not result in any impacts that require mitigation.

As proposed, the Planning Commission finds that the requested variance meets the approval criteria established in MMC 19.911.4.B.1 for Type III variances seeking discretionary relief.

The Planning Commission finds that the requested variance is allowable as per the applicable standards of MMC 19.911.

11. The application was referred to the following departments and agencies on March 28, 2019:

- Milwaukie Building Department
- Milwaukie Engineering Department
- Milwaukie Public Works Department
- Milwaukie Police Department
- City Attorney
- Historic Milwaukie Neighborhood District Association (NDA), Chairperson and Land Use Committee (LUC)
- Lake Road NDA, Chairperson and LUC
- Clackamas Fire District #1 (CFD#1)
- Clackamas County Department of Transportation and Development (DTD)
- Metro
- TriMet
- NW Natural

In addition, notice of the public hearing was mailed to owners and residents of properties within 300 ft of the subject property on April 29, 2019.

The comments received are summarized as follows:

- **Jodi Wright, East Metro Resource Engineer, NW Natural:** NW Natural has a 1-in steel main 13 ft south of the north property line on Willard St, as well as a service feeding the primary building site. Both need to be protected during construction activities.
- **Alex Roller, Engineering Tech II, City of Milwaukie Engineering Department:** Comments related to the proposal's compliance with MMC Title 12 Streets, Sidewalks, and Public Places; and MMC Chapter 19.700 Public Facility Improvements.