



# CITY OF MILWAUKIE

August 25, 2020

Land Use File(s): DEV-2020-004

## NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Director on August 25, 2020.

*Traducciones de este documento e información sobre este proyecto están disponibles en español. Para solicitar información o preguntar en español, favor de email [espanol@milwaukieoregon.gov](mailto:espanol@milwaukieoregon.gov).*

<b>Applicant(s):</b>	Keith Johns
<b>Location(s):</b>	3716 SE international Way
<b>Tax Lot(s):</b>	11E36DA00600
<b>Application Type(s):</b>	Development Review; Variance; Parking Modification
<b>Decision:</b>	Approved with Conditions
<b>Review Criteria:</b>	Milwaukie Zoning Ordinance: <ul style="list-style-type: none"><li>• MMC 19.310 – Business Industrial Zone</li><li>• MMC 19.504 – Site Design Standards</li><li>• MMC 19.600 – Off-street Parking</li><li>• MMC 19.700 – Public Facility Improvements</li><li>• MMC 19.906 – Development Review</li><li>• MMC 19.911 - Variances</li></ul>

**Appeal period closes: 5:00 p.m., September 9, 2020**

This notice is issued in accordance with Milwaukie Municipal Code (MMC) Section 19.1005 Type II 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 Vera Koliass, Senior Planner, at 503-786-7653 or [koliassv@milwaukieoregon.gov](mailto:koliassv@milwaukieoregon.gov), if you wish to view this case file or visit the project webpage at [www.milwaukieoregon.gov/planning/dev-2020-004](http://www.milwaukieoregon.gov/planning/dev-2020-004).

**This decision may be appealed by 5:00 p.m. on September 9, 2020, which is 15 days from the date of this decision.**<sup>1</sup> (Note: Please arrive by 4:45 p.m. for appeal payment processing.) Any person who is adversely affected or aggrieved by this decision may appeal the decision by filing a written appeal. An appeal of this decision would be heard by the Milwaukie Planning Commission 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](mailto: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. An application for Type I development review is required in conjunction with the submittal of the associated development/building permit application. Final construction plans provided at the time of development permit submittal shall demonstrate that the applicable design, landscaping, and lighting requirements are met, including the following:
  - a. An additional tree is required to be planted in the new flow-through planter.
  - b. An additional perimeter tree is required to comply with the minimum spacing of one tree per 30 lineal ft per MMC 19.606.C.2 – Perimeter Landscaping.
2. Prior to final inspection for any building on the proposed development, the following shall be resolved:
  - a. Reconstruct adjacent sidewalk and ramp to conform with current ADA standards. Maintaining the adjacent sidewalk, including the sidewalk portion of the driveway, is the duty of property owners, per MMC 12.04, to comply with ADA standards and that responsibility is referenced again in 19.708.3.B.3. Half street improvements would not be necessary, but replacement of sidewalk panels, including those comprising the driveway, in excess of 2% cross slope would. This, along with improving the ADA ramp at the corner, would satisfy the development's 19.700 requirements.

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<sup>1</sup> As per MMC Section 19.1010, if the 15<sup>th</sup> 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.

3. Prior to issuance of any building permit for the proposed expansion:

Obtain a right-of-way permit for driveway, sidewalk, and ramp construction improvements listed in these recommended conditions of approval.

**Other requirements**

1. Stormwater Management

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

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

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

**Director's Declaration of Impartiality**

I certify that neither I nor any member of my immediate family has a material, personal, or financial relationship with the applicant. I further certify that no other relationship, bias, or ethical conflict exists which would have prevented me from evaluating the land use application solely on its merits and in accordance with the Milwaukie Municipal Code.

**Decision**

- Approved  
 Approved with Conditions  
 Denied



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Dennis Egner, FAICP  
Planning Director

**Exhibits**

1. Findings in Support of Approval

cc: Dr. Keith Johns (via email)  
Steve Miller, Emerio Design, LLC (via email)  
Planning Commission (via email)  
Leila Aman, Community Development Director (via email)  
Steve Adams, 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)  
Tim Salyers, Code Enforcement Coordinator (via email) (variances only)  
Mike Boumann and Matt Amos, CFD#1 (via email)  
Oregon Department of Transportation  
Land Use File(s): DEV-2020-004

**EXHIBIT 1**  
**Findings in Support of Approval**  
**File #DEV-2020-004, Milwaukie Chiropractic**

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

1. The applicant, Keith Johns, has applied for approval to construct an addition at 3716 SE International Way and to expand the existing parking lot. This site is in the Business Industrial BI Zone. The land use application file number is DEV-2020-004.
2. The applicant is seeking land use approval for a side yard setback variance for a proposed addition to the existing home on the property.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
  - MMC 19.310 – Business Industrial Zone
  - MMC 19.504 – Site Design Standards
  - MMC 19.600 – Off-street Parking
  - MMC 19.700 – Public Facility Improvements
  - MMC 19.906 – Development Review
  - MMC 19.911 – Variances

The application has been processed and public notice provided in accordance with MMC Section 19.1005 Type II Review with a decision by the Planning Director.

4. MMC 19.310 Business Industrial Zone
  - a. MMC 19.310 establishes the development standards that are applicable to this site. Table 1 summarizes the existing and proposed conditions on the subject property with respect to the standards relevant to this proposal.

**Table 1. Compliance with relevant BI standards**

<b>Table 19.301 Residential Zone R-7 Development Standards</b>			
Standard	Required	Proposed	Staff Comment
1. Street Side yard setback	10 ft	8 ft (addition)	<i>Variance requested for the proposed addition from the 10 ft required setback on the west side. See Finding 7</i>
2. Landscaping	20% min. if abutting Hwy 224	20%	<i>As proposed, complies with standard.</i>

3. Building Height	3 stories/45 ft max.	18.7 ft	<i>As proposed, complies with standard.</i>
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*Subject to a Type II variance, the proposal complies with the applicable standards of the BI zone.*

5. 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. 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.

(1) MMC Subsection 19.602.1 General Applicability

MMC 19.602.1 provides that the regulations of MMC 19.600 apply to all off-street parking areas, whether required by the City as part of development or voluntarily installed for the convenience of users. Activity that is not described by MMC Subsections 19.602.3 or 19.602.4 is exempt from compliance with the provisions of MMC 19.600.

*The subject property includes existing off-street parking areas. The proposed development is an activity that meets the applicability standards of MMC 19.602.4.*

(2) MMC Subsection 19.602.2 Maintenance Applicability

MMC 19.602.2 provides that property owners shall ensure conformance with the standards of MMC 19.600 with regard to ongoing maintenance, operations, and use of off-street parking areas. Any change to an existing off-street parking area shall not bring the area out of conformance, or further out of conformance if already nonconforming.

*The proposed development will expand an existing off-street parking area. The proposed improvements are in conformance with the applicable standards of MMC 19.606, including for stall dimensions, landscaping, and lighting.*

(3) MMC Subsection 19.602.4 Applicability not Associated with Development or Change in Use

MMC 19.602.4.A addresses applicability for parking projects developed to serve an existing use but not associated with other development activity or a 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 will serve an existing use on the subject property and is not associated with other development activity or a change in use. As addressed in Findings*

*5-c and 5-e through 5-h, the proposed development will meet all applicable standards of MMC Sections 19.604 and 19.606-611. As discussed in Finding 5-d, the applicant has requested a modification to the maximum allowed parking quantity.*

*The Planning Director finds that the standards and requirements of MMC 19.600 are applicable to the proposed development.*

b. MMC Section 19.603 Review Process and Submittal Requirements

(1) MMC Subsection 19.603.1 Review Process

MMC 19.603.1 establishes the Planning Director as the entity with authority to apply the provisions of Chapter 19.600 unless an application is subject to a quasi-judicial review or appeal, in which case the body reviewing the application has the authority.

(2) MMC Subsection 19.603.2 Submittal Requirements

MMC 19.603.2 establishes the requirements for submittal of a parking plan, including the various details that must be presented.

*The applicant has submitted a parking plan and supporting information with sufficient detail to demonstrate compliance with the applicable standards of Chapter 19.600.*

*The Planning Director finds that this standard is met.*

c. MMC Section 19.604 General Parking Standards

MMC 19.604 establishes 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.

*The proposed development is an expansion of an existing off-street parking area related to an ongoing office use on the subject property. The new parking will be on the same site as the primary medical office use and will be available for the medical office use.*

*The Planning Director finds that this standard is met.*

d. MMC Section 19.605 Vehicle Parking Requirements

MMC 19.605 establishes standards to ensure that development provides adequate vehicle parking based on estimated parking demand.

(1) MMC Subsection 19.605.1 Minimum and Maximum Requirements

MMC Table 19.605.1 provides minimum and maximum requirements for a range of different uses. For medical office uses, a minimum of 3.9 spaces per 1,000 sq ft of floor area are required; a maximum of 4.9 spaces per 1,000 sq ft are allowed.

*The subject property is developed with a medical office building approximately 2,620 sq ft in area. With the proposed addition, the total building area would be 3,919 sq ft. A minimum of 15 parking spaces are required for that size of medical office use; a*

*maximum of 19 spaces are allowed. The site's existing off-street parking area provides a total of 13 spaces.*

*The proposed development would result in a total of 26 spaces, with 3 of the spaces reserved for carpool vehicles (the carpool spaces are exempt from the maximum parking requirement). With that exemption, there would be a total of 23 parking spaces, which is a parking ratio of 6 spaces per 1,000 sq ft. The applicant has requested a quantity modification as per the standards provided in MMC Subsection 19.605.2. The quantity modification request is addressed in Finding 5-d-(2).*

*The Planning Director finds that, with the approved modification discussed in Finding 5-d-(2), this standard is met.*

(2) MMC Subsection 19.605.2 Quantity Modifications and Required Parking Determinations

MMC 19.605.2 establishes a process for modifying parking requirements and determining the requirements for uses not similar to those listed in the table.

(a) MMC 19.605.2.B Application

An application for determination of parking ratios shall be reviewed as a Type II land use decision, and shall include a description of the site and site users, factors such as proximity of transit and parking demand management programs, data and analysis to support the determination request, and proposal of a minimum and/or maximum ratio.

*The applicant has submitted a narrative that includes the information required by MMC 19.605.2.B, including a proposed maximum ratio of 6 spaces per 1,000 sq ft of office space. The Milwaukie Chiropractic Center and Milwaukie Massage Center currently has five (5) physicians and ten (10) massage therapists on staff in addition to the administrative staff to run the office. On any given day, thirteen (13) employees may be at the office ready to care for the patients' needs when they arrive. If each provider has only two (2) patients scheduled at a time and each of the three (3) massage therapists has a patient, which is not uncommon, then there would be thirteen (13) patients on site for treatment combined with the thirteen (13) staff members all at the same time. All of these employees and visitors create a substantial demand for onsite parking beyond what is normally allowed by the City of Milwaukie's maximum allowed parking standard.*

*The Milwaukie Chiropractic Center and Milwaukie Massage Center site is served by public transit. Tri-Met Bus route 152 has a stop on SE International Way located approximately 500 feet east of the practice. However, as described by the applicant, the patients who visit the practice day-to-day often are presented with great difficulty even getting out of their car, let alone trying to walk any significant distance. As such, the option of mass transit for the practices patients is not even a consideration. The distance they would have to walk to access their healthcare is simply not reasonable.*



*As described by the applicant, they have engaged in trying to find parking spots in the surrounding businesses' sites. At one point they were able to park at the Mar-Hy business just the east. This arrangement continued for a few months, then because of potential liability issues, Mar-Hy decided it could be vulnerable, so they stopped allowing the Milwaukie Chiropractic Center and Milwaukie Massage Center to share their lot. The applicant also spoke with Public Storage, which is located immediately north of their business across SE International Way, about shared parking. The owners of Public Storage declined to share their parking area. It is believed that the liability issue is also a concern for Public Storage since they are a large corporation. Thus, support from the adjacent businesses for shared parking to allow the applicant's staff to park on their lots is not available.*

(b) MMC 19.605.2.C Approval Criteria

MMC 19.605.2.C.1 establishes the approval criteria for parking quantity modification requests, with an allowance for placing conditions of approval to ensure compliance with the parking determination. In addition, MMC 19.605.2.C.3 provides other specific criteria for requests to increase the maximum amount of parking allowed for a particular use.

- (i) Demonstration that the proposed parking quantities are reasonable, based on existing parking demand for similar use in other locations, parking quantity requirements for the use in other jurisdictions, and professional literature about the parking demands of the proposed use.

*The applicant's narrative provides a comparison of the maximum allowed parking ratio for medical office uses established in MMC Table 19.605.1 (4.9 spaces per 1,000 sq ft) with the ratios from several other nearby jurisdictions. In general, the Milwaukie maximum allowance is more restrictive than that from other nearby jurisdictions, which allow up to 5.9 spaces per 1,000 sq ft.*

*The applicant has noted that the professional literature on this specific issue is inconclusive and indicates a wide variety of standards across the country. There is some description of a growing trend in medical practices that shows a shift from single doctor practices to group style practices with multiple providers seeing clients at the same time. As more employees occupy a fixed square footage, the potential demand for parking increases and the existing ratio fails to adequately address this reality.*

*Despite the company's efforts to manage parking demand—by offering transit pass subsidies, a monthly incentive program for users of alternative means of transportation and providing bicycle parking and amenities—the applicant reports a continued increase in parking demand and that the existing parking areas are filled to capacity. The company has also worked to establish shared parking agreements with two abutting businesses, but has not been successful, due to liability concerns on the part of those businesses.*

*The proposal also includes 3 carpool spaces to encourage shared travel. The proposed increase in parking ratio (to 6 spaces per 1,000 sq ft) is a reasonable request given the current use of existing parking.*

- (ii) The proposed development has unique or unusual characteristics that create a higher-than-typical parking demand.

*The medical office use at the subject property includes 5 physicians and 10 massage therapists, in addition to administrative staff, which are more employees than in a traditional single-provider medical office. The 4.9 per 1,000 sq ft ratio established in MMC Table 19.605.1.F as the maximum number of spaces allowed for medical office uses does not account for patients/clients and other visitors to the business.*

*There is one transit service stop near the subject property. A TriMet bus line (#152) stops on SE International Way approximately 500 feet east of the site. The route 152 bus provides 20-minute peak hour service, but it is the only line within one-quarter mile that does so. The nearest station for the new light rail line opening in 2015 is in the south downtown area, nearly 1 mile from the subject property. Despite the company's provision of subsidies for transit passes, mass transit is not conveniently located to significantly reduce parking demand.*

- (iii) The parking demand cannot be accommodated by shared or joint arrangements or by increasing the supply of spaces that are parking exempt from the maximum amount of parking allowed under Subsection 19.605.3.A.

*According to the Applicant, in the past, employees of Milwaukie Chiropractic Center/Milwaukie Massage Center were able to park at the Mar-Hy business just east of the site. However, because of potential liability, this was discontinued by Mar-Hy. The applicant also contacted Public Storage, located immediately north of the site, about shared parking, but permission was not granted. Shared parking with adjacent businesses, the only sites reasonably located in proximity to the site, is not possible.*

*As proposed, the site will provide a total of 3 carpool spaces, which is approximately 11% of the total number of spaces that will be provided on the entire site. The applicant would have to designate 11 more carpool spaces to stay below the maximum of 13 allowed by the parking code. The total of 14 carpool spaces would equate to 52% of the total spaces on site. It would be highly unusual to require more than 10% carpool parking on the site in order to meet parking demand.*

- (iv) The requested increase is the smallest increase needed based on the specific circumstances of the use and/or site.

*According to MMC Table 19.605.1, the maximum number of spaces allowed for medical office uses is 4.9 spaces per 1,000 sq ft of floor area. Considering the exemptions to the maximum parking allowance provided in MMC Subsection 19.605.3.A, the applicant is proposing a total of 26 spaces, 3 of which would be carpool spaces, or 6 spaces per 1,000 sq ft of office use. Given the high ratio of employees per square foot within the medical office building, and the applicant's efforts to reduce parking demand including by providing transit passes, bicycle parking, and promotion of carpooling, the requested increase represents the smallest increase needed.*

*The Planning Director finds that the approval criteria of MMC 19.605.2. are met.*

(3) MMC Subsection 19.605.3 Exemptions and By-Right Reductions to Quantity Requirements

MMC 19.605.3.A provides exemptions to the maximum quantity of parking allowed, including for employee carpool parking and fleet parking.

*The proposed development will result in a gross total of 26 parking spaces. Three (3) spaces will be reserved for carpool vehicles.*

*As proposed, the Planning Director finds that the proposed development will result in net total of 23 spaces that count toward the maximum allowed parking quantity.*

e. MMC Section 19.606 Parking Area Design and Landscaping

(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 perpendicular (90° angle) spaces, the minimum width is 9 ft and minimum depth is 18 ft, with 22 ft-wide drive aisles.

*The applicant has submitted a parking plan that utilizes perpendicular spaces. As proposed, the dimensions for new or reconfigured spaces and drive aisles appear to meet the minimum standards. A condition has been established to ensure that the final construction plans provided at the time of development permit submittal demonstrate that the applicable dimensional requirements are met.*

*As conditioned, this standard will be 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 19.606.2.C Perimeter Landscaping

In the BI zone, perimeter landscaping areas along lot lines abutting other properties must be at least 6-ft wide. At least 1 tree must be planted for every 30 lineal feet of landscaped buffer area, with the remainder of the buffer planted with grass, shrubs, ground cover, mulch, or other landscaped treatment.

*As proposed, perimeter landscaping areas at the lot line abutting the property to the east is 6 ft in width. Where existing perimeter landscaping does not already exist, ornamental landscaping will be added around the perimeter of the parking area to enhance its overall appearance. All introduced landscaping will be irrigated and kept alive and attractive.*

*As conditioned, this standard is met.*

(b) MMC 19.606.2.D Interior Landscaping

At least 25 sq ft of interior landscaped area must be provided 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.

*As a result of the proposed development, the new parking area will provide an additional 13 spaces, which require a total of 325 sq ft of interior landscaping. As shown on the submitted site plan, the applicant is proposing a total of 480 sq ft of interior landscaping as part of the parking lot expansion. The interior planter shown at the southwest corner of the lot will double as a flow-through planter to help with stormwater runoff. This planter will be landscaped with plants approved for flow-through planters. All proposed interior planting areas are at least 120 sq. ft. in area and are dispersed throughout the parking area to the greatest extent practicable given the existing built environment and topography.*

*This standard is met.*

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

Preservation of existing trees in the off-street parking area 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.

*One (1) shade tree will be provided in the new landscaped island and two (2) will be required in the new flow-through planter to offset the new pavement being installed. The remainder of the existing landscaped islands will be planted with*

*grass, ground cover, mulch, shrubs, and/or other landscape treatments other than concrete and pavement.*

*As conditioned, this standard is 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 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.

*As proposed, the expanded parking area will be paved and striped, including designations for carpool spaces.*

*This standard is met.*

(b) MMC 19.606.3.B Wheel Stops

Parking bumpers or wheel stops are required to prevent vehicles from encroaching onto public right-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.

*As proposed, all proposed parking spaces will be equipped with a parking bumper or wheel stop to prevent vehicles from encroaching on adjacent landscape areas or pedestrian walkways.*

*This standard is met.*

(c) MMC 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.

*The existing parking area has only 1 access onto a public street. Access is provided onto SE International Way at the north end of the lot. No new accessways are proposed and no modifications to the existing accessway are proposed. As proposed, the drive aisle for the parking lot area will be 24 ft wide, which will allow for two-way vehicle maneuvering on-site.*

*This standard is met.*

(d) MMC 19.606.3.D Pedestrian Access and Circulation

Pedestrian access shall be provided so that no off-street parking space is further 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 Subsection 19.504.9.E.

*As proposed, none of the new or modified parking spaces will be further than 100 ft from a pedestrian walkway. All new and modified pedestrian walkways will be reviewed through the development permitting process to ensure compliance with the various applicable standards.*

*This standard is met.*

(e) MMC 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 parking plan and determined that no additional requirements are necessary to ensure safe and efficient on-site circulation.*

*This standard is met.*

(f) MMC 19.606.3.F Lighting

Lighting is required for parking areas with more than 10 spaces and must have a cutoff angle of 90 degrees 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. Where practicable, lights shall be placed so they do not shine directly into any Water Quality Resource (WQR) and/or Habitat Conservation Area (HCA) location.

*The proposed development will result in a total of 26 parking spaces. The existing parking lot already has three (3) parking lot lights located along the east side of the existing parking lot. With this proposal the applicant is proposing to relocate the existing parking lot light located along the west side of the lot to the southwest corner of the new building addition to better light the new parking lot design, as well as to install an additional parking lot light at the southwest end of the lot to enhance the lighting of the lot. All existing and proposed parking lot lighting will have cutoff angles of 90 degrees or greater to ensure that lighting is directed downward toward the parking surface.*

*This standard is met.*

*As conditioned, the applicable additional design standards of MMC 19.606.3 will be met.*

*As conditioned, the Planning Director finds that the applicable design and landscaping standards of MMC 19.606 will be met.*

f. MMC Section 19.609 Bicycle Parking

MMC 19.609 establishes standards for bicycle parking, including a requirement to provide a number of bicycle spaces equal to at least 10% of the minimum number of required vehicle spaces. If more than 10 bicycle spaces are required, then a minimum of 50% of the bicycle spaces must be covered and/or enclosed in lockers or a secure room.

*The medical office with the proposed addition would require a minimum of 15 vehicle spaces; a minimum of 2 bicycle spaces are required. According to the applicant's materials, the existing development provides 5 bicycle spaces. No additional bicycle parking is proposed.*

*The Planning Director finds that this standard is met.*

g. MMC Section 19.610 Carpool and Vanpool Parking

MMC 19.610 establishes parking standards for vehicles used to carpool. For new development that requires at least 20 parking spaces, a minimum of 10% of the minimum amount of required parking shall be dedicated to carpool or vanpool vehicles. Carpool spaces shall be located closer to the main entrances of the building than other employee parking and shall be clearly designated with signage or pavement markings.

*The medical office use requires a minimum of 15 vehicle spaces; no carpool spaces are required. The existing development does not provide any carpool spaces; the proposed improvements will provide 3 carpool spaces near the building entrance, for a total of 3 designated carpool spaces on the site.*

*The Planning Director finds that this standard is met.*

6. 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.

a. MMC Section 19.702 Applicability

MMC 19.702 establishes the applicability of the provisions of MMC 19.700, including new construction.

*The applicant proposes to construct a 1,874-sq ft addition and expand the existing parking lot. The proposed new construction triggers the requirements of MMC 19.700.*

b. MMC Section 19.703 Review Process

MMC 19.703 establishes the review process for development that is subject to MMC 19.700, including requiring a preapplication conference, establishing the type of application required, and providing approval criteria.

*The applicant had a preapplication meeting with City staff on March 9, 2020, prior to application submittal. Finding 8-f addresses the proposal's compliance with the approval criteria established in MMC Subsection 19.703.3, particularly the required transportation facility improvements.*

c. MMC Section 19.704 Transportation Impact Evaluation

MMC 19.704 establishes the process and requirements for evaluating development impacts on the surrounding transportation system, including determining when a formal Transportation Impact Study (TIS) is necessary and what mitigation measures will be required.

*The proposed development is not significant enough to require a formal TIS.*

d. MMC Section 19.705 Rough Proportionality

MMC 19.705 requires that transportation impacts of the proposed development be mitigated in proportion to its potential impacts.

*The vehicle trip estimate from the proposed expansion was calculated using ITE land use number 720, medical office building. The average weekday PM peak hour of generation was estimated at 7.68 trip ends. For the proposed development, it was determined improvements to the existing sidewalk and accessibility ramps adjacent to the subject property are proportional to the impacts.*

*As conditioned, the proposal complies.*

e. MMC Section 19.707 Agency Notification and Coordinated Review

MMC 19.707 establishes provisions for coordinating land use application review with other agencies that may have some interest in a project that is in proximity to facilities they manage.

*The application was referred to the Oregon Department of Transportation (ODOT), TriMet, and Metro for comment. No comments were received.*

f. MMC Section 19.708 Transportation Facility Requirements

MMC 19.708 establishes the City's requirements and standards for improvements to public streets, including pedestrian, bicycle, and transit facilities.

(1) MMC Subsection 19.708.1 General Street Requirements and Standards

MMC 19.708.1 provides general standards for streets, including for access management, clear vision, street layout and connectivity, and intersection design and spacing.



*As proposed, the development is consistent with the applicable standards of MMC 19.708.1.*

(2) MMC Subsection 19.708.2 Street Design Standards

MMC 19.708.2 provides design standards for streets, including dimensional requirements for the various street elements (e.g., travel lanes, bike lanes, on-street parking, landscape strips, and sidewalks).

*No changes to International Way are proposed or required as part of the proposed project.*

(3) MMC Subsection 19.708.3 Sidewalk Requirements and Standards

MMC 19.708.3 provides standards for public sidewalks, including the requirement for compliance with applicable standards of the Americans with Disabilities Act (ADA).

*As conditioned, regarding the maintenance and improvements to adjacent sidewalk and ADA ramps, the development is consistent with all applicable standards of MMC 19.708.3.*

(4) MMC Subsection 19.708.4 Bicycle Facility Requirements and Standards

MMC 19.708.4 provides standards for bicycle facilities, including a reference to the Public Works Standards.

*The proposed development does not trigger improvements or construction of bicycle facilities on International Way.*

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

MMC 19.708.5 provides standards for pedestrian and bicycle paths.

*The proposed development does not trigger improvements or construction of bicycle facilities on International Way.*

(6) MMC Subsection 19.708.6 Transit Requirements and Standards

MMC 19.708.6 provides standards for transit facilities.

*The subject property is approximately 500 ft from TriMet bus route 152 on International Way. As a result, transit facility improvements are not required for the proposed development.*

*As proposed, the development is consistent with all applicable standards of MMC 19.708.6.*

*As conditioned, the Planning Director finds that the proposed development meets the applicable public facility improvement standards of MMC 19.700.*

7. MMC 19.911 Variances

- a. MMC 19.911.3 establishes the review process for variance applications.

Type II variances allow for limited variations to numerical standards. A variance of up to 25% to a front, rear, or street side yard width standard shall be evaluated through a Type II review per Section 19.1005.

*The applicant is requesting a 20% variance to the required side yard setback of the BI zone from 10 ft to 8 ft.*

*The Planning Director finds that the application is subject to Type II review.*

- b. MMC 198.911.4.A establishes criteria for approving Type II Variance applications.

An application for a Type II Variance shall be approved when all of the following criteria have been met:

- (1) The proposed variance, or cumulative effect of multiple variances, will not be detrimental to surrounding properties, natural resource areas, or public health, safety or welfare.

*The proposed variance will not be detrimental to surrounding properties, natural resources areas, or public health, safety, or welfare.*

*The existing building was constructed in the 1980s and does not meet current minimum street side yard or front yard setbacks established in the BI zone. There is no minimum rear yard setback in the BI zone. The proposed addition would not meet the minimum street side yard setback. The proposal is to allow the addition to be constructed with an 8-ft setback rather than the minimum 10-ft required setback. The addition would be more consistent with current zoning requirements than the existing building. There are no surrounding properties that would be affected by the diminished street side yard setback, as the subject property is a corner lot.*

*There is no natural resource area applicable to this lot.*

- (2) The proposed variance will not interfere with planned future improvements to any public transportation facility or utility identified in an officially adopted plan such as the Transportation System Plan or Water Master Plan.

*The proposed variance will not interfere with planned future improvements to any public transportation facility or utility identified in an officially adopted plan such as the Transportation System Plan or Water Master Plan.*

- (3) Where site improvements already exist, the proposed variance will sustain the integrity of, or enhance, an existing building or site design.

*The proposed addition has been designed to match and blend with the existing building.*

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

*No impacts from the proposed variance to reduce the street side yard setback have been identified.*

*The Planning Director finds that the approval criteria have been met.*

8. As per MMC 19.1001.7.E, this variance request shall expire and become void unless the proposed development completes the following steps:

Obtain and pay for all necessary development permits and start development of the site within 2 years of land use approval (by September 3, 2022).

Pass final inspection and/or obtain a certificate of occupancy within 4 years of land use approval (by September 3, 2024).

9. The application was sent to all properties within 300 ft of the subject property and was referred to the following departments and agencies on August 5, 2020:

- Milwaukie Building Division
- Milwaukie Engineering Department
- Clackamas County Fire District #1
- Metro
- Oregon Department of Transportation
- TriMet
- NW Natural

Comments were received from the Oregon Department of Transportation. Their comments have been reflected in a condition of approval relative to improvements to the ADA ramp.