

MILWAUKIE PLANNING
 6101 SE Johnson Creek Blvd
 Milwaukie OR 97206
 503-786-7630
 planning@milwaukieoregon.gov

Application for Land Use Action

Master File #: **VR-2021-013**

Review type*: I II III IV V

CHECK ALL APPLICATION TYPES THAT APPLY:

- | | | |
|---|--|--|
| <input type="checkbox"/> Amendment to Maps and/or Ordinances: | <input type="checkbox"/> Land Division: | <input type="checkbox"/> Residential Dwelling: |
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Final Plat | <input type="checkbox"/> Accessory Dwelling Unit |
| <input type="checkbox"/> Comprehensive Plan Map Amendment | <input type="checkbox"/> Lot Consolidation | <input type="checkbox"/> Duplex |
| <input type="checkbox"/> Zoning Text Amendment | <input type="checkbox"/> Partition | <input type="checkbox"/> Manufactured Dwelling Park |
| <input type="checkbox"/> Zoning Map Amendment | <input type="checkbox"/> Property Line Adjustment | <input type="checkbox"/> Temporary Dwelling Unit |
| <input type="checkbox"/> Code Interpretation | <input type="checkbox"/> Replat | <input type="checkbox"/> Sign Review |
| <input type="checkbox"/> Community Service Use | <input type="checkbox"/> Subdivision | <input type="checkbox"/> Transportation Facilities Review |
| <input type="checkbox"/> Conditional Use | <input type="checkbox"/> Miscellaneous: | <input checked="" type="checkbox"/> Variance: |
| <input type="checkbox"/> Development Review | <input type="checkbox"/> Barbed Wire Fencing | <input type="checkbox"/> Use Exception |
| <input type="checkbox"/> Director Determination | <input type="checkbox"/> Mixed Use Overlay Review | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Downtown Design Review | <input type="checkbox"/> Modification to Existing Approval | <input type="checkbox"/> Willamette Greenway Review |
| <input type="checkbox"/> Extension to Expiring Approval | <input type="checkbox"/> Natural Resource Review** | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Historic Resource: | <input type="checkbox"/> Nonconforming Use Alteration | <input type="checkbox"/> Use separate application forms for:
Annexation and/or Boundary Change |
| <input type="checkbox"/> Alteration | <input type="checkbox"/> Parking: | <input type="checkbox"/> Compensation for Reduction in Property Value (Measure 37)
Daily Display Sign |
| <input type="checkbox"/> Demolition | <input type="checkbox"/> Quantity Determination | <input type="checkbox"/> Appeal |
| <input type="checkbox"/> Status Designation | <input type="checkbox"/> Quantity Modification | <input type="checkbox"/> Appeal |
| <input type="checkbox"/> Status Deletion | <input type="checkbox"/> Shared Parking | |
| | <input type="checkbox"/> Structured Parking | |
| | <input type="checkbox"/> Planned Development | |

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant—see reverse): **MWSH Milwaukie LLC**

Mailing address: **3425 Boone Rd SE, Salem** State/Zip: **OR, 97317**

Phone(s): **503-373-3151 - 503-586-4104 -cell** Email: **MLowen@livebsl.com**

Please note: The information submitted in this application may be subject to public records law.

APPLICANT'S REPRESENTATIVE (if different than above): **Mark D. Lowen**

Mailing address: **3425 Boone RD SE, Salem** State/Zip: **OR, 97317**

Phone(s): **503-586-4104** Email: **MLowen@livebsl.com**

SITE INFORMATION:

Address: **5801 SE Kellog Creek Dr** Map & Tax Lot(s): **22E06AD00901**

Comprehensive Plan Designation: **MED.D** Zoning: **R-3 / R-10** Size of property: **14.07 acres**

PROPOSAL (describe briefly):

Request for a variance to waive the requirement to install pervious PCC walkways, per the recommendation provided by our Geotechnical Engineer (Attached)

SIGNATURE:

ATTEST: I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code (MMC) Subsection 19.1001.6.A. If required, I have attached written authorization to submit this application. To the best of my knowledge, the information provided within this application package is complete and accurate.

Submitted by: **Kelley Hamilton** Date: **July 1, 2021**

IMPORTANT INFORMATION ON REVERSE SIDE

*For multiple applications, this is based on the highest required review type. See MMC Subsection 19.1001.6.B.1.

WHO IS ELIGIBLE TO SUBMIT A LAND USE APPLICATION (excerpted from MMC Subsection 19.1001.6.A):

Type I, II, III, and IV applications may be initiated by the property owner or contract purchaser of the subject property, any person authorized in writing to represent the property owner or contract purchaser, and any agency that has statutory rights of eminent domain for projects they have the authority to construct.

Type V applications may be initiated by any individual.

PREAPPLICATION CONFERENCE:

A preapplication conference may be required or desirable prior to submitting this application. Please discuss with Planning staff.

REVIEW TYPES:

This application will be processed per the assigned review type, as described in the following sections of the Milwaukie Municipal Code:

- Type I: Section 19.1004
- Type II: Section 19.1005
- Type III: Section 19.1006
- Type IV: Section 19.1007
- Type V: Section 19.1008

****Note:** Natural Resource Review applications **may require a refundable deposit**. Deposits require completion of a Deposit Authorization Form, found at www.milwaukieoregon.gov/building/deposit-authorization-form.

THIS SECTION FOR OFFICE USE ONLY:

FILE TYPE	FILE NUMBER	AMOUNT <small>(offer discount, if any)</small>	PERCENT DISCOUNT	DISCOUNT TYPE	DATE STAMP
Master file	VR-2021-013	\$ \$2,000 (Type III variance)			July 2, 2021 (materials & payment received)
Concurrent application files		\$			
		\$			
		\$			
		\$			
Deposit (NR only)				<input type="checkbox"/> Deposit Authorization Form received	
TOTAL AMOUNT RECEIVED: \$ \$2,000			RECEIPT #:	RCD BY: BK	
Associated application file #s (appeals, modifications, previous approvals, etc.): CU-2018-003					
Neighborhood District Association(s): Lake Road					
Notes: Variance request for on-site walkways for overall project previously approved with master file #CU-2018-003.					



City of Milwaukie
Attention: Brett Kelter, Associate Planner
6101 SE Johnson Creek Blvd.
Milwaukie, OR 97206

July 2, 2021

Subject: Request for variance

Site: MSWH Milwaukie – 5801 SE Kellogg Creek Dr

Mr. Kelter,

Enclosed please find the following:

Land Use Application*
Fee Check # 1008 in the amount of \$2000.00
Narrative - Waiver Approval Criteria*
Submittal Requirements form*
Preapplication waiver form*
Letter from Redmond Geotechnical Engineering*
Site Plan identifying the area impacted in the waiver request*

*Original and 4 copies

Please accept these documents and drawing as our official application for a Type III variance request.

Feel free to contact me for any additional information or clarification.

I look forward to working with you on this project.

Thank you,

A handwritten signature in blue ink that reads 'Mark Lowen'.

Mark Lowen

Project Manager

3425 Boone Road SE | Salem, OR 97317

W: 503 480 3151 | C: 503 586 4104

mlowen@livebsl.com

3425 Boone Rd. SE | Salem, OR 97317



Phone: (503) 566-5715 | Fax: (503) 588-3531

BONAVENTURE OF MILWAUKIE Milwaukie, Oregon

A Land Use Application for:

**Type III Variance
Request to waive pervious concrete requirement.**

Applicant:
MWSH Milwaukie LLC

Submitted:
July 2, 2021

Prepared by:
Bonaventure

I. Applicable Project Team

Applicant & Property Owner

MWSH Milwaukie LLC
3425 Boone Road SE
Salem, OR 97317
Contact: Mark D. Lowen
503-480-3151 - o
503-586-4104 - c
MLowen@liveBSL.com

Geotechnical Engineering

Redmond Geotechnical Services
437 N. Tomahawk Island Rd
Portland, OR 97217
Contact : Daniel M Redmond, PE., G.E.
503-285-0598 - o
503-268-7176 - f

II. Background

Bonaventure identified a need for additional senior housing in the City of Milwaukie, entered contract with Turning Point Church to purchase land along Highway 224, and submitted land use applications to the city with the intent of building a community consisting of 78 Independent Living Suites, 60 Assisted Living Suites, and 32 Memory Care Suites.

Per the Notice of Decision, on February 28, 2019, the Milwaukie Planning Commission approved with conditions the Conditional Use, Community Service Use, Natural Resource Review, Variance Request, Parking Determination, Transportation Facilities Review, Lot Consolidation, and Property Line Adjustment requested by Bonaventure Senior Living. The appeal period closed at 5:00 p.m. on March 15, 2019. Master File CU-2018-003

Following the decision by the planning commission, MWSH Milwaukie LLC purchased the land from Turning Point Church and submitted building permits to the City. Site Development permits were issued, and work began.

The COVID-19 pandemic resulted in a halt and delay the Milwaukie project. MWSH Milwaukie LLC requested and was granted an extension to the original approvals, Land Use File EXT-2021-001 effective February 25, 2021 (no appeal filed).

During this interim we have reviewed and evaluated the site and building approvals. As a result, we propose the following variance request.

III. Request

The applicant requests that the City consider and approve a Type III Variance waiving the requirement of onsite pavements and walkways being constructed of pervious PCC concrete.

IV. Compliance with City of Milwaukie Development Code

19.900 Land Use Applications

19.504.9 On-Site Walkways and Circulation

A. Requirement

All development subject to Chapter 19.700 (excluding single-family and multifamily residential development) shall provide a system of walkways that encourages safe and convenient pedestrian movement within and through the development site. Redevelopment projects that involve remodeling or changes in use shall be brought closer into conformance with this requirement to the greatest extent practicable. On-site walkways shall link the site with the public street sidewalk system. Walkways are required between parts of a site where the public is invited to walk. Walkways are not required between buildings or portions of a site that are not intended or likely to be used by pedestrians, such as truck loading docks and warehouses.

Response: The site design and sidewalk locations remain unchanged; the variance only addresses the type of material used in the construction of the sidewalks

B. Location

A walkway into the site shall be provided for every 300 ft of street frontage.

Response: No modifications are request to the location of the on-site sidewalks as currently approved.

C. Connections

Walkways shall connect building entrances to one another and building entrances to adjacent public streets and existing or planned transit stops. On-site walkways shall connect with walkways, sidewalks, bicycle facilities, alleys, and other bicycle or pedestrian connections on adjacent properties used or planned for commercial, multifamily, institutional, or park use. The City may require connections to be constructed and extended to the property line at the time of development.

Response: All proposed sidewalk connections remain as designed and approved.

D. Routing

Walkways shall be reasonably direct. Driveway crossings shall be minimized. Internal parking lot circulation and design shall provide reasonably direct access for pedestrians from streets and transit stops to primary buildings on the site.

Response: All proposed sidewalk connections remain as designed and approved.

E. Design Standards

Walkways shall be constructed with a hard surface material, shall be permeable for stormwater, and shall be no less than 5 ft in width. If adjacent to a parking area where vehicles will overhang the walkway, a 7-ft-wide walkway shall be provided. The walkways shall be separated from parking areas and internal driveways using curbing, landscaping, or distinctive paving materials. On-site walkways shall be lighted to an average 5/10-footcandle level. Stairs or ramps shall be provided where necessary to provide a direct route.

Response: Design and location of all sidewalks will remain as approved. Regarding the permeable stormwater standard. Applicant requests a Type III Variance waiving the permeable materials requirement for sidewalk construction. This request is due to the condition of the on-site soils, based on the observations and recommendations included in the letter from Redmond Geotechnical Services, Daniel M. Redmond, P.E., G.E. dated October 23, 2020 (attached)

19.911.4 Approval Criteria

B. Type III Variances

An application for a Type III variance shall be approved when all of the criteria in either Subsection 19.911.4.B.1 or 2 have been met. An applicant may choose which set of criteria to meet based upon the nature of the variance request, the nature of the development proposal, and the existing site conditions.

1. Discretionary Relief Criteria

- a. 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.
- b. The proposed variance is determined by the Planning Commission to be both reasonable and appropriate, and it meets one or more of the following criteria:

- (1) The proposed variance avoids or minimizes impacts to surrounding properties.

Response: Due to this sites substantial pervious area (70%+) stormwater runoff from the sidewalks will be mitigate onsite, creating no additional impacts on the surrounding properties.

(2) The proposed variance has desirable public benefits.

Response: This site will function as a Senior Living Facility; our residents have varying degrees of mobility challenges. Some utilizing canes, walkers, wheelchairs and other mobility assist devices. Great care needs to be exercised to assure our residents, staff and guests always have reliable, safe, convenient, stable pedestrian access and pathways. Pervious concrete has a greater probability for damage and instability when subject to Oregon's inclement weather resulting in stormwater and freeze conditions. Standard concrete hard surfaces provide a stable, all weather, long term, safe surface for all pedestrian access and uses.

(3) The proposed variance responds to the existing built or natural environment in a creative and sensitive manner.

Response: The soil condition and type supporting the sidewalk locations on this site are not conducive with pervious sidewalk construction. These conditions are identified in the attached letter dated October 23, 2020. From *Daniel M Redmond of Redmond Geotechnical Services who states "Typical rates of infiltration for this type of structural fill subgrade soil would be less than 0.2 inches per hour which is considered practically impermeable"*, Potentially creating backup and clogging of storm water on and within the pervious surfaces. These conditions can result in damage and rapid deterioration of the sidewalk surface creating safety hazards and substantial maintenance issues.

c. Impacts from the proposed variance will be mitigated to the extent practicable.

Response: Storm water runoff will be controlled on site and released to meet all codes and standards, mitigating all sidewalk stormwater runoff issues.

V. Conclusions

The Type III Variance request for a waiver from utilizing pervious PCC concrete for the sidewalks and pavements on this site is reasonable and consistent with City standards and criteria. The applicant therefore requests that the Planning Director approve their request for said Type III Variance.



Project No. 1004.032.G
Page No. 1

October 23, 2020

Mr. Daniel Dobson
Bonaventure
3425 Boone Road SE
Salem, Oregon 97317

Dear Mr. Dobson:

**Re: Supplemental Geotechnical Consultation Services, Evaluation of Pervious Concrete Pavements,
Proposed Bonaventure of Milwaukie Project, SE Rusk Road, Milwaukie, Oregon**

In accordance with your request, we are providing you with the following professional opinion with regard to the reported planned use of pervious concrete pavements and/or sidewalks at the above subject project. As you are aware, we previously performed a Geotechnical Investigation for the project the results of which were presented in our formal report dated September 28, 2018.

Specifically, we understand that pervious PCC sidewalks and/or pavements are currently planned and/or required for the project. In general, pervious PCC sidewalks and/or pavements are suitable for use when the supporting subgrade soils have a Cation Exchange Capacity (CEC) greater than 5 milliequivalents per 100 grams of dry soil (USEPA Method 9091) and an Organic Content greater than one (1%) percent. However, the use of pervious pavements is generally not recommended above structural fill soils due to their limited and/or restrictive rate of infiltration.

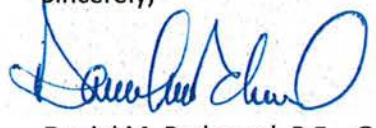
Based on the results of our previous Geotechnical Investigation as well as our observations made during the recent site grading and earthwork operations for the project, the subject site near surface soils consist of a well compacted structural fill soil. Specifically, the near surface subgrade soils across the site consist of a mixture of sand, silt and clay with a trace of and/or occasional gravel compacted to at least 92 percent of the maximum dry density as determined by the ASTM D-1557 (AASHTO T-180) test procedures. Typical rates of infiltration for this type of structural fill subgrade soil would be less than 0.2 inches per hour which is considered practically impermeable.

While an organic content test was not performed on the structural fill soils placed at the site, the results of our site observations made during the recent site grading operations would suggest that the organic content in the near surface subgrade soils is less than one (1%) percent. Additionally, based on the results of our observations made during the recent site grading operations as well as past experience with other similar types of structural fill soils, the structural fill soils which are present within the near surface subgrade soils across the site have a Cation Exchange Capacity of less than 5 milliequivalents per 100 grams of dry soil. Further, pervious pavements and/or sidewalks are susceptible and/or prone to clogging. As such, routine maintenance of the pervious pavement(s) will be required. In addition to the above, due to the limited ability of the near surface structural fill subgrade soils to infiltrate storm water, the thickness of the underlying aggregate base rock section will need to be increased and/or required to provide for storage of stormwater during the design storm and/or rainfall event. However, we also point out that under extreme rainfall events, even a properly designed and/or constructed pervious pavement would be susceptible to excess stormwater runoff. As such, pervious pavements should also be design and/or constructed with the ability to effectively convey excess stormwater runoff.

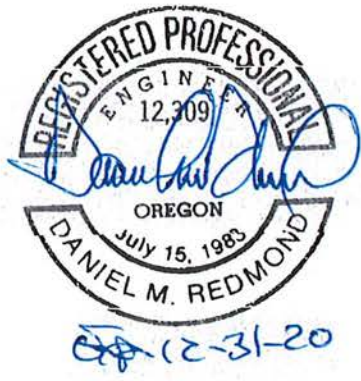
In this regard, based on the above, it is our professional opinion that the use of pervious PCC sidewalks and/or pavements for the above subject Bonaventure of Milwaukie project is generally not recommended.

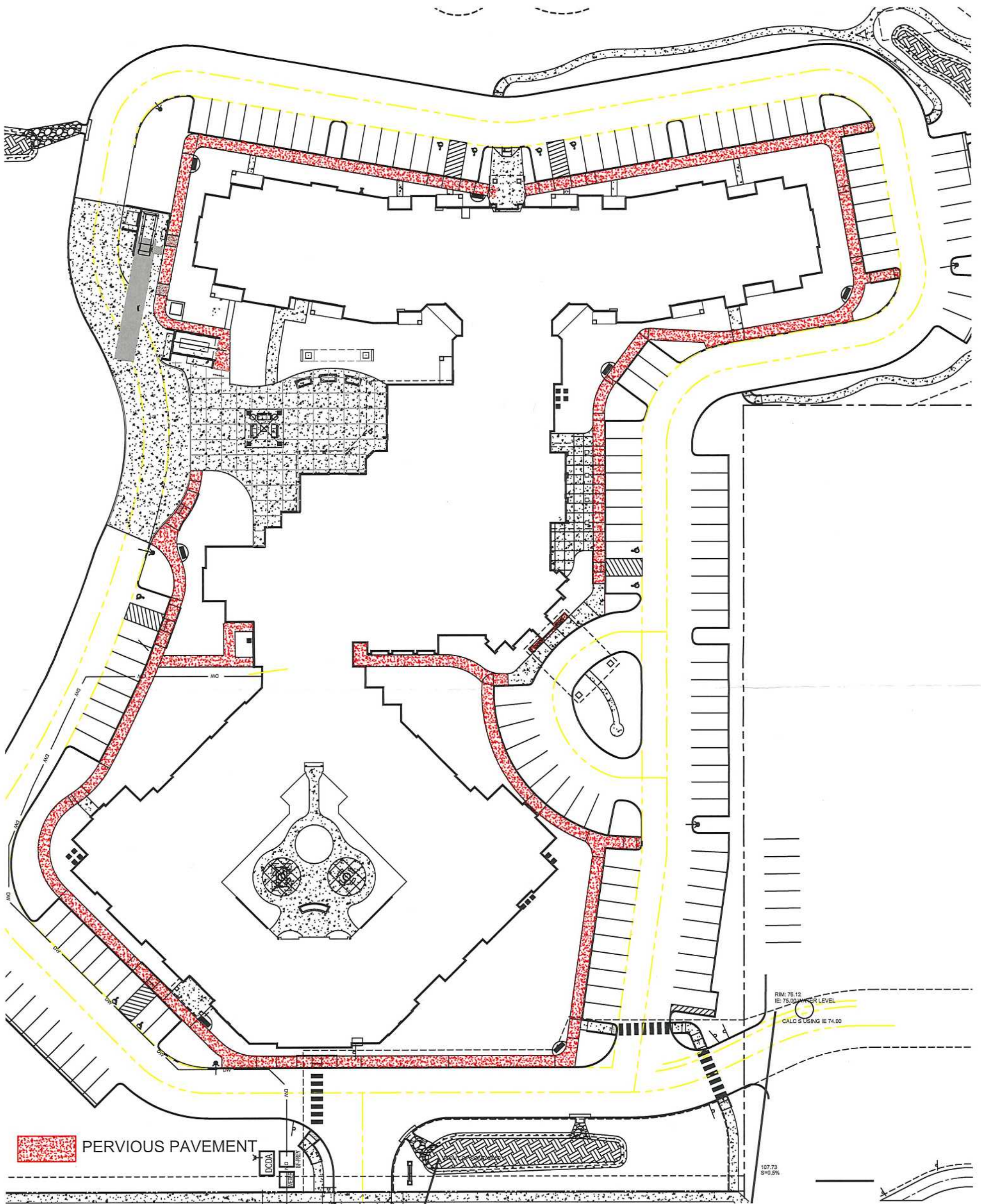
We appreciate this opportunity to be of service to you at this time and trust that the above information is suitable to your present needs. Should you have any questions regarding the above or if you require any additional information and/or assistance, please do not hesitate to call.

Sincerely,



Daniel M. Redmond, P.E., G.E.
President/Principal Engineer





 PERVIOUS PAVEMENT

ADDENDUM:
PAGE:
DATE: 6-30-21
DRAWN:
JOB NO.:

Bonaventure Milwaukie
Pervious Sidewalks

BONAVENTURE
Senior Living



3425 Boone Rd SE
Salem, Oregon 97317
Phone: (503) 361-7153
FAX: (503) 588-3531