



# CITY OF MILWAUKIE

June 29, 2022

Land Use File(s): VR-2021-012; DEV-2021-006; P-2021-003

## NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Commission on June 28, 2022.

*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>        | Troy Lyver, Lyver Engineering and Design, LLC   |
| <b>Location(s):</b>         | 9285 SE 58 <sup>th</sup> Dr   |
| <b>Tax Lot(s):</b>          | 12E30AD01500  |
| <b>Application Type(s):</b> | Variance; Development Review; Parking Modification  |
| <b>Decision:</b>            | Approved with Conditions  |
| <b>Review Criteria:</b>     | Milwaukie Zoning Ordinance: <ul style="list-style-type: none"><li>• MMC 19.309 Manufacturing Zone (M)</li><li>• MMC 19.600 Off Street Parking and Loading</li><li>• MMC 19.700 Public Facility Improvements</li><li>• MMC 19.906 Development Review</li><li>• MMC 19.911 Variances</li></ul> Milwaukie Municipal Code <ul style="list-style-type: none"><li>• MMC 12.16 Access Management</li></ul> |
| <b>Neighborhood(s):</b>     | Lewelling   |

**Appeal period closes: 5:00 p.m., July 14, 2022**

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 Vera Koliass, Senior Planner, at 503-786-7653 or [koliassv@milwaukieoregon.gov](mailto:koliassv@milwaukieoregon.gov), if you wish to view this case file.

**This decision may be appealed by 5:00 p.m. on July 14, 2022, 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.) 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](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. The site shall be used in a manner as proposed and approved through this land use action and as submitted in materials received by the City on June 15, 2021 and revised on December 8, 2021, and supplemental information received by the City on March 30, 2022.
2. Prior to start of any site work or earth removal, a fenced tree protection zone (TPZ) must be established on the subject property for the large blue spruce located on the adjacent property at 9208 SE 58<sup>th</sup> Dr. The TPZ is defined as the tree canopy drip line. The TPZ must be maintained with a 4 ft – 6 ft tall fence around the perimeter of the TPZ; signage is required on the fencing stating that no one, and no equipment, is allowed to enter or disturb the area. Fencing required to be installed prior to any earth-disturbing activity and must be maintained throughout the project. An inspection of the TPZ fencing is required prior to any earth-disturbing activity.
3. Site landscaping must be maintained in good and healthy condition.
4. Prior to the certificate of occupancy, the following shall be resolved:
  - a. All required landscaping must be installed.
  - b. Construct a 5-ft setback sidewalk, a 5-ft landscape strip (or water quality facility), a 6-ft parking strip, and curb and gutter fronting the proposed development property along SE 58<sup>th</sup> Drive. An issued Right-of-Way permit is required prior to the start of any work within the public right-of-way.

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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.

- c. Construct a driveway approach to meet all guidelines of the Americans with Disabilities Act (ADA). An issued Right-of-Way permit is required prior to the start of any work within the public right-of-way.
- d. Install stormwater detention and water quality treatment facilities. Stormwater plan review and approval by the Engineering Department required before issuance of building permit and prior to the start of construction.

**Other requirements**

1. Prior to issuance of building permits, the following shall be resolved:
  - a. Provide an erosion control plan and obtain an erosion control permit, if needed. Consult with the Engineering Department to determine if an erosion control permit is needed for the driveway and frontage improvements.



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Laura Weigel, AICP  
Planning Manager

**Exhibits**

1. Findings in Support of Approval
- cc: Troy Lyver, Lyver Engineering and Design, LLC (via email)  
Keith and Carol Phelps (via email)  
Robert Price (via email)  
Jenai Fitzpatrick, Fitz Design Group (via email)  
Planning Commission (via email)  
Joseph Briglio, 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)  
Shawn Olson, CFD#1 (via email)  
NDA(s): Lewelling (via email)  
Interested Persons  
Land Use File(s): VR-2021-012; DEV-2021-006; P-2021-003

**ATTACHMENT 1**  
**Findings in Support of Approval**  
**File #VR-2021-012; DEV-2021-006; P-2021-003, 58th Dr Manufacturing Building**

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, Troy Lyver, on behalf of the property owners, has applied for approval to construct a manufacturing building and associated site improvements at 9285 SE 58<sup>th</sup> Dr. This site is in the Manufacturing M Zone. The land use application file numbers are VR-2021-012, DEV-2021-006, and P-2021-003.
2. The applicant proposes to construct a 2-story 1,848-sq ft building, site landscaping and parking, and frontage improvements. The proposed development requires variances to minimum front yard setbacks, width of parking area perimeter landscaping, and minimum spacing standards between a driveway apron and a property line and to the nearest intersection. The application proposes to have the required on-site parking space be the accessible space and provide other parking on-street.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
  - MMC 12.16 Access Management
  - MMC 19.309 Manufacturing Zone (M)
  - MMC 19.600 Off Street Parking and Loading
  - 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 19.1006 Type III Review. Public hearings were held on January 25, 2022, April 12, 2022, and May 24, 2022 as required by law.

4. MMC 19.309 Manufacturing
  - a. MMC 19.301 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.

*The proposal is a 2-story building for light manufacturing uses with office space.*

**Table 1: Overview of Compliance with Development Standards**

| <b>Manufacturing Zone - M Development Standards</b> |  |                               |                                |
|---|--|-------------------------------|--------------------------------|
| Standard  | Required                               | Proposed                      | Staff Comment                  |
| 1. Setbacks<br>Front<br>Side<br>Rear<br>Street side | Min.<br>20 ft<br>None<br>None<br>10 ft | 0 ft<br>0 ft<br>0 ft<br>10 ft | A variance has been requested. |
| 2. Building Height                                  | 45 ft (max.)                           | 28 ft-10 in                   | Complies with standard.        |
| 3. Landscaping                                      | 15% min.                               | Approx. 20%                   | Complies with standard.        |

*Subject to approval of the requested variance, the Planning Commission finds that the proposal complies with the applicable standards of the M 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, and MMC Subsection 19.602.3 establishes thresholds for full compliance with the standards of MMC 19.600. Development of a vacant site is required to provide off-street parking and loading areas that conform fully to the requirements of MMC 19.600.

*The proposed development is an 1,848-sq ft manufacturing building and is required to conform fully to the requirements of MMC 19.600.*

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

b. 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 proposed manufacturing building would be 1,848 sq ft.*

*As per MMC Table 19.605.1, the minimum/maximum number of required off-street parking spaces for a manufacturing use is 1/2 spaces per 1,000 sq ft of floor area; for an office use the number is 2/3.4 per 1,000 sq ft. According to MMC Table 19.605.1, the proposed development should provide a minimum of 1 space and would have a maximum of 4 spaces allowed. As proposed, the development would provide 1 accessible (ADA) space on-site and 2 on-street spaces.*

*Subject to approval of the requested parking modification, the Planning Commission finds that this standard is met.*

c. MMC Subsection 19.605.2 Quantity Modifications and Required Parking Determinations

- (1) MMC Subsection 19.605.2 A. allows for the modification of minimum and maximum parking ratio standards as calculated per Table 19.605.1.

*The applicant has requested a modification to the minimum required parking for the development and proposes to provide an on-site accessible parking space and 2 on-street spaces for the development. This allows the required accessible space to be located as close to the building entrance as possible and provides 2 on-street parking spaces as part of the required frontage improvements on 58<sup>th</sup> Dr.*

- (2) MMC Subsection 19.605.2 C.1. contains the approval criteria for granting a parking modification, including a demonstration that the proposed parking quantities are reasonable based on (1) existing parking demand for similar uses in other locations, (2) quantity requirements from other jurisdictions, and (3) professional literature. In addition to this criterion, a request for modifications to decrease the amount of minimum required parking must meet the following criteria:

- (a) The use of transit, parking demand management (TDM) programs, and/or special characteristics of the site users will reduce expected vehicle use and parking space demand for the proposed use or development, as compared with the standards in Table 19.605.1.
- (b) The reduction of off-street parking will not adversely affect available on-street parking.
- (c) The requested reduction is the smallest reduction needed based on the specific circumstances of the use and/or site.

*A small manufacturing building like the one proposed would have a very low parking demand. The total number of onsite employees will be small. The site would provide the required parking space, but it would be the required ADA accessible space. The site is close by a Trimet transit stop and the Springwater Corridor Trail, so alternative modes of travel are possible to the site. No formal on-street parking is currently available on 58<sup>th</sup> Dr.; the proposed development includes frontage improvements which would provide two on-street parking space.*

*The Planning Commission finds that the applicant has adequately addressed the criteria for a parking modification to allow for the required accessible space to be provided on-site, with non-accessible spaces provided on-street.*

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 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. Parallel spaces require with 22-ft lengths and a width of 8.5 ft.

*The parking areas shown on the Planned Development plan have been laid out conceptually based on the standards of Table 19.606.1 using a 9-ft wide and 18-ft long parking space. Full compliance with these standards will be shown at the time of development.*

(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 right-of-way. 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. 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 perimeter parking lot landscaping adjacent to the property line has been designed at 3.5-ft wide.*

*Subject to the approval of the requested variance, 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 the parking area will 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 indicate that the parking area will meet this standard.*

*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, including a 22-ft minimum width for drive aisles serving 90°-angle stalls and a 16-ft minimum width for drive aisles not abutting a parking space. 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 right-of-way in a forward motion.

*The plans submitted indicate that the parking area will meet this standard.*

*This standard is met.*

6. MMC 19.700 Public Facility Improvements

*See Public Facilities Improvement findings below in Finding 9.*

7. MMC Chapter 19.911 Variances

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

*The applicant proposes to: reduce the front yard setback to 0 ft; reduce the perimeter landscaping to 3.5 ft; and reduce the minimum accessway spacing standards.*

*The Planning Commission finds that the request is subject to a Type III Variance review.*

b. MMC 19.911.4 establishes criteria for approving a variance request.



The applicant has chosen to address the discretionary relief criteria of MMC 19.911.4.B.1.

(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.
- *0-ft setback on Johnson Creek Blvd: the parcel is less than 4,000 sq ft and the required 20-ft dedication on Johnson Creek Blvd results in a lot size of 2,605 sq ft. Further, the shape of the lot is effectively a triangle, creating an additional development constraint. In addition to the required 10-ft setback on 58th Dr, parking, and landscaping, the developable area of the site is reduced by nearly 50%. The alternative to the variance would be to not develop the site, given the multitude of constraints. The applicant has submitted a narrative explaining that maintaining the 20-ft setback, in addition to all of the other requirements, would render the site undevelopable.*
  - *Spacing between driveway and property line and to the intersection with Johnson Creek Blvd: As noted above, the small size of the site and its triangular shape limit the options for development on the site. Access from Johnson Creek Blvd is not permitted, so access from 58th Dr is the only option. In order to provide as much space between the driveway and the intersection with Johnson Creek Blvd, a reduction in the minimum spacing of 10 ft between the driveway apron and the property line is necessary. The applicant's narrative outlines the ramifications of requiring the 10 ft spacing, which would affect the internal circulation on the site and put the driveway even closer to the intersection. Per Finding 8.b, the submitted access study and additional engineering analysis confirm that a spacing of 72 ft rather than the minimum required 100 ft will not result in impacts to safety or sight distance.*
  - *3.5-ft perimeter landscaping: As noted above, the small size of the site and its triangular shape limit the options for development on the site. Requiring the full 6 ft width of landscaping would further reduce an already very small building footprint on the site and render the site effectively undevelopable.*

*This criterion is met.*

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

*The proposed variances avoid creating adverse impacts for surrounding properties. The site is a corner lot and has only two adjacent properties, both of which are commercial/industrial properties. The 0-ft setback on Johnson Creek Blvd includes*

*the required 20-ft dedication for future improvements to the street. The proposed design includes a “living wall” on the building to help soften the building when it is adjacent to the future sidewalk. The proposed driveway would be located as far as possible from the intersection with Johnson Creek Blvd to maximize safety, while still separating it from the adjacent property. The 3.5-ft space is proposed to be landscaped. The reduction in the width of the landscaped perimeter is a reduction, not an elimination, and would still include landscaping and plants. The proposal minimizes impacts while still providing the ability to develop the site, which is now vacant and underutilized. The spacing between the driveway and the intersection with Johnson Creek Blvd would still provide 72 ft of distance which will not impact surrounding properties. The City Engineer agrees that the proposed design will not result in any safety issues.*

*This criterion is met.*

(ii) The proposed variance has desirable public benefits.

*The proposal will create a modest public benefit by taking a vacant, underutilized site and adding a productive use to the limited Manufacturing zone. Total relief from the landscaping requirement is not requested, as the site will include landscaping, a “living wall” on the building to improve its appearance, and required improvements include street trees, curb, and sidewalk on 58<sup>th</sup> Dr, none of which exist today.*

*This criterion is met.*

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

*The existing built and natural environment will be improved by the development, via the proposed “living wall”, constructing a new building and site improvements on a vacant, underutilized site, and constructing frontage improvements on 58<sup>th</sup> Dr.*

*This criterion is met.*

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

*As noted above, any impacts from the proposed variances will be mitigated via a “living wall”, smaller (but not eliminated) perimeter landscaping, and a reasonable spacing between the driveway apron and the intersection that is still safe. The combination of requested variances allows productive use of a very small vacant and underutilized site, while still adhering to the intent and purpose of the design and development standards in the Manufacturing zone.*

*This criterion is met.*

*The Planning Commission finds that these criteria are met.*

8. MMC 12 Streets, Sidewalks, and Public Places

a. MMC 12.08 – Street & Sidewalk Excavations, Construction, and Repair

MMC 12.08.020 establishes constructions standards for new sidewalks and alterations to existing sidewalks.

*The applicant must not engage in any work in the right-of-way without first obtaining City permit, including any activity resulting in alteration of the surface of the right-of-way or their access to the right-of-way.*

*As conditioned, the standards are met.*

b. MMC 12.16.040 – Access Requirements and Standards

MMC 12.16.040 establishes standards for access (driveway) requirements. As conditioned, the standards are met as summarized below.

(1) MMC 12.16.040.A – Access

MMC 12.16.040.A requires that all properties provide street access with the use of an accessway as set forth in the Public Works Standards.

*The proposed development shall construct a new accessway per the Public Works Standards.*

*As conditioned, standard is met.*

(2) MMC 12.16.040.C – Accessway Location

MMC 12.16.040.C requires that all driveway approaches in non-residential districts must be 10 ft from the side property line, and at least 100 feet away from the nearest intersection.

*The applicant has requested a variance to construct the new driveway 4 ft from the north side property line and approximately 72 ft from the intersection. Per the submitted Access Spacing Study, this location will not result in impacts to safety or sight distance.*

*Subject to approval of the Accessway Location variance, the standard is met.*

(3) MMC 12.16.040.E – Accessway Design

MMC 12.16.040.E requires that all driveway approaches meet Americans with Disabilities Act (ADA) standards and Milwaukie Public Work Standards.

*The applicant has proposed to construct a new driveway that will conform with the Americans with Disabilities Act (ADA) standards and the Milwaukie Public Works Standards.*

*As conditioned, the standard is met.*

(4) MMC 12.16.040.F – Accessway Size

MMC 12.16.040.F requires that industrial uses shall have a minimum driveway apron width of 15 ft and a maximum of 45 ft.

*The applicant has proposed a new driveway apron width of 20 ft which is in conformance with this standard.*

*As conditioned, this standard is met.*

c. MMC 12.24 – Clear Vision at Intersections

MMC 12.24 establishes standards to maintain clear vision areas at intersections in order to protect the safety and welfare of the public in their use of City streets. The clear vision area for all street and driveway or accessway intersections is the area within 20 ft radius from where the lot line and the edge of a driveway intersect. The provisions of this chapter relate to safety. They shall not be modified through variance and are not subject to appeal.

*The applicant must maintain or remove all trees, shrubs, hedges or other vegetation in excess of three feet in height, measured from the street center grade from the clear vision area. Trees exceeding this height may remain in this area; provided, all branches and foliage are removed to the height of eight feet above the grade.*

*This standard is met.*

*As conditioned, and subject to the approval of the Access Spacing variance, the Planning Commission finds the standards in MMC 12 are met.*

9. MMC 19.700 Public Facility Improvements

a. MMC 19.702 Applicability

MMC 19.702.E establishes the applicability of the provisions of MMC 19.700, including a new dwelling unit, any increase in gross floor area, land divisions, new construction, and modification or expansion of an existing structure or a change or intensification in use that result in any projected increase in vehicle trips or any increase in gross floor area on the site.

*The applicant is proposing to construct a 2-story manufacturing building measuring 1,848 sq ft. MMC 19.700 applies to the proposed development.*

b. MMC Section 19.705 Rough Proportionality

MMC 19.705 requires that transportation improvements be in proportion to impacts of a proposed development. Mitigation of impacts, due to increased demand for transportation facilities associated with the proposed development, must be provided in rough proportion. Guidelines require consideration of a ½ mile radius, existing use within the area, applicable TSP goals, and the benefit of improvements to the development property.

*Based on proportionality guidelines found in MMC 19.705.2, the applicant is found responsible for constructing half street improvements along 58<sup>th</sup> Drive. This includes management of stormwater generated from new impervious surface, on-street parking, and a pedestrian ramp to provide connectivity traveling east along 58<sup>th</sup> Drive at the intersection of Johnson Creek Boulevard.*

*As conditioned, this standard is met.*

c. 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. The City's street design standards are based on the street classification system described in the City's Transportation System Plan (TSP).

*As conditioned, the proposal meets the standards of MMC 19.708, as summarized below.*

(1) MMC 19.708.1.A – Access Management

All development subject to 19.700 shall comply with the access management standards contained in Chapter 12.16.

*As mentioned in 8.b above, the applicant proposes to construct a new driveway in full compliance with the access management standards contained in Chapter 12.16 and the Public Works Standards.*

(2) MMC 19.708.1.B – Clear Vision

All development subject to 19.700 shall comply with Clear vision requirements in Chapter 12.24.

*As mentioned in 8.c, the proposed development is required to maintain and remove all obstructions within the clear vision area.*

(3) MMC 19.708.1.D – Development in Non-Downtown Zones

*Transportation improvements must be constructed in accordance with the Milwaukie Transportation System Plan and Transportation Design Manual street classification. The development fronts a portion of 58<sup>th</sup> Drive with local street classification.*

*As conditioned, the standards are met.*

d. MMC 19.708.2 Street Design Standards

MMC 19.708.2 establishes standards for street design and improvements.

*Development standards for 58<sup>th</sup> Drive require the construction of a 5 ft sidewalk, a 5 ft landscape strip, a 6 ft parking strip, and curb and gutter.*

*As conditioned, this standard is met.*

e. MMC 19.708.3 – Sidewalk Requirements and Standards

MMC 19.708.3.A.2 requires that sidewalks be provided on the public street frontage of all development in conformance to ADA standards.

*The applicant must construct and maintain ADA compliant 5 ft wide setback sidewalks.*

*As conditioned, this standard is met.*

*As conditioned, the Planning Commission finds the standards in MMC 19.700 are met.*

10. The application was referred to the following departments and agencies on December 10, 2021:

- Milwaukie Building Division
- Milwaukie Engineering Department
- Clackamas County Fire District #1
- Lewelling Neighborhood District Association Chairperson and Land Use Committee

Notice of the application was also sent to surrounding property owners and residents within 300 ft of the site on January 5, 2022, and a sign was posted on the property on January 7, 2022.

Comments were received from the following persons:

- **Milwaukie Engineering Department** – Engineering comments have been incorporated in the Findings under 19.700 and Chapter 12.
- **TriMet** – Comments related to the adjacent bus stop on Johnson Creek Blvd when improvements are made.

A public notice was sent on January 5, 2022 to all property owners within 300 ft of the site. The following comments were received:

- **E. Michael Connors** (representing Smith Rock)
- **Evan Geist and Kimberlee Morris, 9203 SE 58<sup>th</sup> Dr**
- **Jen Procter Andrews**
- **Tim and Jen Andrews**
- **Michelle Wyffels, TriMet**

Subsequent opportunities to provide written testimony during the public hearing process were provided. All written testimony is available on the application webpage:

<https://www.milwaukieoregon.gov/planning/vr-2021-012>.