



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

# Application for Land Use Action

Master File #: CSU-2022-003

Review type\*:  I  II  III  IV  V

**CHECK ALL APPLICATION TYPES THAT APPLY:**

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

**RESPONSIBLE PARTIES:**

**APPLICANT** (owner or other eligible applicant—see reverse): **Steve Adams, City Engineer**

Mailing address: **6101 SE Johnson Creek Blvd, Milwaukie, OR 97206** State/Zip:

Phone(s): **503-786-7605** Email: **adamss@milwaukieoregon.gov**

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

**APPLICANT'S REPRESENTATIVE** (if different than above):

Mailing address: State/Zip:

Phone(s): Email:

**SITE INFORMATION:**

Address: **2301 SE Willard St** Map & Tax Lot(s): **1S1E36BC 05600**

Comprehensive Plan Designation: **Public (P)** Zoning: **R-2 (w/ R-1-B & Size of property: 14.6 acres**

**PROPOSAL (describe briefly):**

Modify a condition of approval from file #CSU-2017-007 (major renovation of MHS campus) to require a public access easement instead of right-of-way dedication between Adams St & 23rd Ave.

**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: 

Date: **May 4, 2022**

**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](http://www.milwaukieoregon.gov/building/deposit-authorization-form).

**THIS SECTION FOR OFFICE USE ONLY:**

FILE TYPE	FILE NUMBER	AMOUNT <small>(after discount, if any)</small>	PERCENT DISCOUNT	DISCOUNT TYPE	DATE STAMP
Master file	CSU-2022-003	\$ 0	100%	City-initiated application	RECEIVED MAY 04 2022 CITY OF MILWAUKIE PLANNING DEPARTMENT
Concurrent application files		\$			
		\$			
		\$			
		\$			
Deposit (NR only)				<input type="checkbox"/> Deposit Authorization Form received	
TOTAL AMOUNT RECEIVED: \$0			RECEIPT #:	RCD BY:	
Associated application file #s (appeals, modifications, previous approvals, etc.):					
Neighborhood District Association(s): Historic Milwaukie					
Notes:					





**MILWAUKIE PLANNING**  
6101 SE Johnson Creek Blvd  
Milwaukie OR 97206  
503-786-7630  
[planning@milwaukieoregon.gov](mailto:planning@milwaukieoregon.gov)

# Submittal Requirements

**For all Land Use Applications  
(except Annexations and Development Review)**

All land use applications must be accompanied by a signed copy of this form (see reverse for signature block) and the information listed below. The information submitted must be sufficiently detailed and specific to the proposal to allow for adequate review. Failure to submit this information may result in the application being deemed incomplete per the Milwaukie Municipal Code (MMC) and Oregon Revised Statutes.

Contact Milwaukie Planning staff at 503-786-7630 or [planning@milwaukieoregon.gov](mailto:planning@milwaukieoregon.gov) for assistance with Milwaukie's land use application requirements.

1. **All required land use application forms and fees**, including any deposits.

*Applications without the required application forms and fees will not be accepted.*

2. **Proof of ownership or eligibility to initiate application** per MMC Subsection 19.1001.6.A.

*Where written authorization is required, applications without written authorization will not be accepted.*

3. **Detailed and comprehensive description** of all existing and proposed uses and structures, including a summary of all information contained in any site plans.

*Depending upon the development being proposed, the description may need to include both a written and graphic component such as elevation drawings, 3-D models, photo simulations, etc. Where subjective aspects of the height and mass of the proposed development will be evaluated at a public hearing, temporary onsite "story pole" installations, and photographic representations thereof, may be required at the time of application submittal or prior to the public hearing.*

4. **Detailed statement** that demonstrates how the proposal meets the following:

A. All applicable development standards (listed below):

1. **Base zone standards** in Chapter 19.300.
2. **Overlay zone standards** in Chapter 19.400.
3. **Supplementary development regulations** in Chapter 19.500.
4. **Off-street parking and loading standards and requirements** in Chapter 19.600.
5. **Public facility standards and requirements**, including any required street improvements, in Chapter 19.700.

B. All applicable application-specific approval criteria (check with staff).

*These standards can be found in the MMC, here: [www.qcode.us/codes/milwaukie/](http://www.qcode.us/codes/milwaukie/)*

5. **Site plan(s), preliminary plat, or final plat** as appropriate.

*See Site Plan, Preliminary Plat, and Final Plat Requirements for guidance.*

6. **Copy of valid preapplication conference report**, when a conference was required.



**APPLICATION PREPARATION REQUIREMENTS:**

- Five hard copies of all application materials are required at the time of submittal. Staff will determine how many additional hard copies are required, if any, once the application has been reviewed for completeness. Provide an electronic version, if available.
- All hard copy application materials larger than 8½ x 11 in. must be folded and be able to fit into a 10- x 13-in. or 12- x 16-in. mailing envelope.
- All hard copy application materials must be collated, including large format plans or graphics.

**ADDITIONAL INFORMATION:**

- Neighborhood District Associations (NDAs) and their associated Land Use Committees (LUCs) are important parts of Milwaukie's land use process. The City will provide a review copy of your application to the LUC for the subject property. They may contact you or you may wish to contact them. Applicants are strongly encouraged to present their proposal to all applicable NDAs prior to the submittal of a land use application and, where presented, to submit minutes from all such meetings. NDA information: [www.milwaukieoregon.gov/citymanager/what-neighborhood-district-association](http://www.milwaukieoregon.gov/citymanager/what-neighborhood-district-association).
- By submitting the application, the applicant agrees that City of Milwaukie employees, and appointed or elected City Officials, have authority to enter the project site for the purpose of inspecting project site conditions and gathering information related specifically to the project site.
- Submittal of a full or partial electronic copy of all application materials is strongly encouraged.

As the authorized applicant I, (print name) \_\_\_\_\_, attest that all required application materials have been submitted in accordance with City of Milwaukie requirements. I understand that any omission of required items or lack of sufficient detail may constitute grounds for a determination that the application is incomplete per MMC Subsection 19.1003.3 and Oregon Revised Statutes 227.178. I understand that review of the application may be delayed if it is deemed incomplete.

Furthermore, I understand that, if the application triggers the City's sign-posting requirements, I will be required to post signs on the site for a specified period of time. I also understand that I will be required to provide the City with an affidavit of posting prior to issuance of any decision on this application.

Applicant Signature: \_\_\_\_\_

Date: 5/4/2022

**Official Use Only**

Date Received (date stamp below):



Received by: \_\_\_\_\_

*question and its existing improvements (parking spaces and bus turnaround). The City will not assume undue liability and maintenance for the easement area but will retain the right to improve it in the future as needed to provide a public connection as needed. This criterion is met.*

E. The location is appropriate for the type of use proposed.

*The proposed modification does not impact the location of the area that will provide future public access. This criterion is met.*

# Project Narrative

## Modification to a Condition of Approval for CSU-2017-007

### Background and Proposal

In March 2018, the Milwaukie Planning Commission approved primary file #CSU-2017-007, an application for a significant renovation to the Milwaukie High School campus at 2301 SE Willard St. The project involved the demolition and replacement of the main classroom building, development of new off-street parking areas in the southeastern corner of the site, remodeling of various buildings, and other site improvements. The project was reviewed as a major modification to the existing community service use (CSU) for the high school and was approved with several conditions.

At some point after building permits were issued and construction started, the North Clackamas School District (the applicant) began working through the list of conditions and identified several items that were proving to be impractical. For example, Condition 6-g<sup>1</sup> required the construction of stairs and a pedestrian connection from the end of 23<sup>rd</sup> Avenue (the northern frontage of that street) west to the east end of Adams Street. After a City water main was found to conflict with the initial location for the stairs, no other acceptable alternative location could be identified. The applicant team asserted that the significant grade change at that location made it impractical to construct a stairway and landing that would safely connect to Adams Street. The applicant requested to pay a fee in lieu of construction (FILOC) instead to satisfy the condition of approval, and the City Engineer granted the request.

Condition 5-d required a 25-ft-wide right-of-way (ROW) dedication to extend Adams Street east to connect to 23<sup>rd</sup> Avenue. The City Engineer, who had not held that position in 2017-18 when the land use application was reviewed and approved, asserted that the requirement for ROW dedication was not practical in that location due to existing development (high school parking area and bus turnaround). In addition, an existing building is located within the adjacent northern 25 ft of ROW that would also need to be acquired to provide a full street connection. With a low likelihood of that part of the high school campus redeveloping in the near future, it would be preferable for the City not to take on the liability and maintenance responsibilities for the existing improvements that would remain in the newly dedicated ROW. The City Engineer suggested that a better solution would be to simply require a public access easement for future use.

Since the ROW dedication was a condition of approval from the Planning Commission, a major modification to the high school CSU is required. Therefore, on behalf of the applicant, the City Engineer is proposing to revise Condition 5-d to read as follows:

- d. ~~Dedicate right of way to achieve~~ Record a 25-ft-wide public access easement ~~a 25 ft half right of way~~ at the east end of Adams St to connect 23<sup>rd</sup> Ave to Adams St.

---

<sup>1</sup> The conditions were inadvertently misnumbered, with the first condition being labeled as Condition 2 instead of Condition 1, and so forth.

This change also affects Condition 5-f, which references an accompanying vacation of existing 23<sup>rd</sup> Avenue ROW. If the requirement for ROW dedication to extend Adams Street is eliminated, Condition 5-f also needs to be modified to accurately reflect the northern edge of the 23<sup>rd</sup> Avenue ROW vacation area:

- f. Provide for right-of-way vacation of that portion of 23<sup>rd</sup> Ave, south of ~~Adams St~~ Tax lot 1S1E36BC 04801 (addressed as 11165 SE 23<sup>rd</sup> Ave). The northerly 25 ft of this vacated right-of-way will be part of the public access easement noted in Condition 5-d. Easements will be maintained for utilities and vehicular turnaround.

See Attachment 1 for a map of the project area and Attachment 2 for the conditions of approval from CSU-2017-007.

### Response to Applicable Criteria

The proposed revision to a condition of approval represents a major modification of a CSU. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):

- MMC Section 19.904 Community Service Uses
- MMC Section 19.1006 Type III Review

Specifically, the proposal is subject to the approval criteria established in MMC Subsection 19.904.4 for new CSUs and major modifications to CSUs:

- A. The building setback, height limitation, and off-street parking and similar requirements governing the size and location of development in the underlying zone are met. Where a specific standard is not proposed in the CSU, the standards of the underlying zone are met.

*The proposed modification does not affect building setbacks or other development standards. This criterion is not applicable.*

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

*MMC Subsection 19.904.7 establishes specific standards for schools, including a requirement for walkways both on and off the site as necessary to provide safe pedestrian access to schools subject to the requirements and standards of MMC Chapter 19.700 (Public Facility Improvements). The condition in question relates to providing a public connection between the current end of Adams Street and 23<sup>rd</sup> Avenue, which would be used by various modes including pedestrians. The proposed modification would not alter the overall benefit of the requirement to provide for a future pedestrian connection through the school site. This criterion is met.*

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

*The proposed modification does not affect the hours and levels of operation of the school. This criterion is not applicable.*

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

*By adjusting Condition 5-d to require a public access easement instead of public right-of-way dedication, the school will maintain clear ownership and maintenance responsibility for the area in question and its existing improvements (parking spaces and bus turnaround). The City will not assume undue liability and maintenance for the easement area but will retain the right to improve it in the future as needed to provide a public connection as needed. This criterion is met.*

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

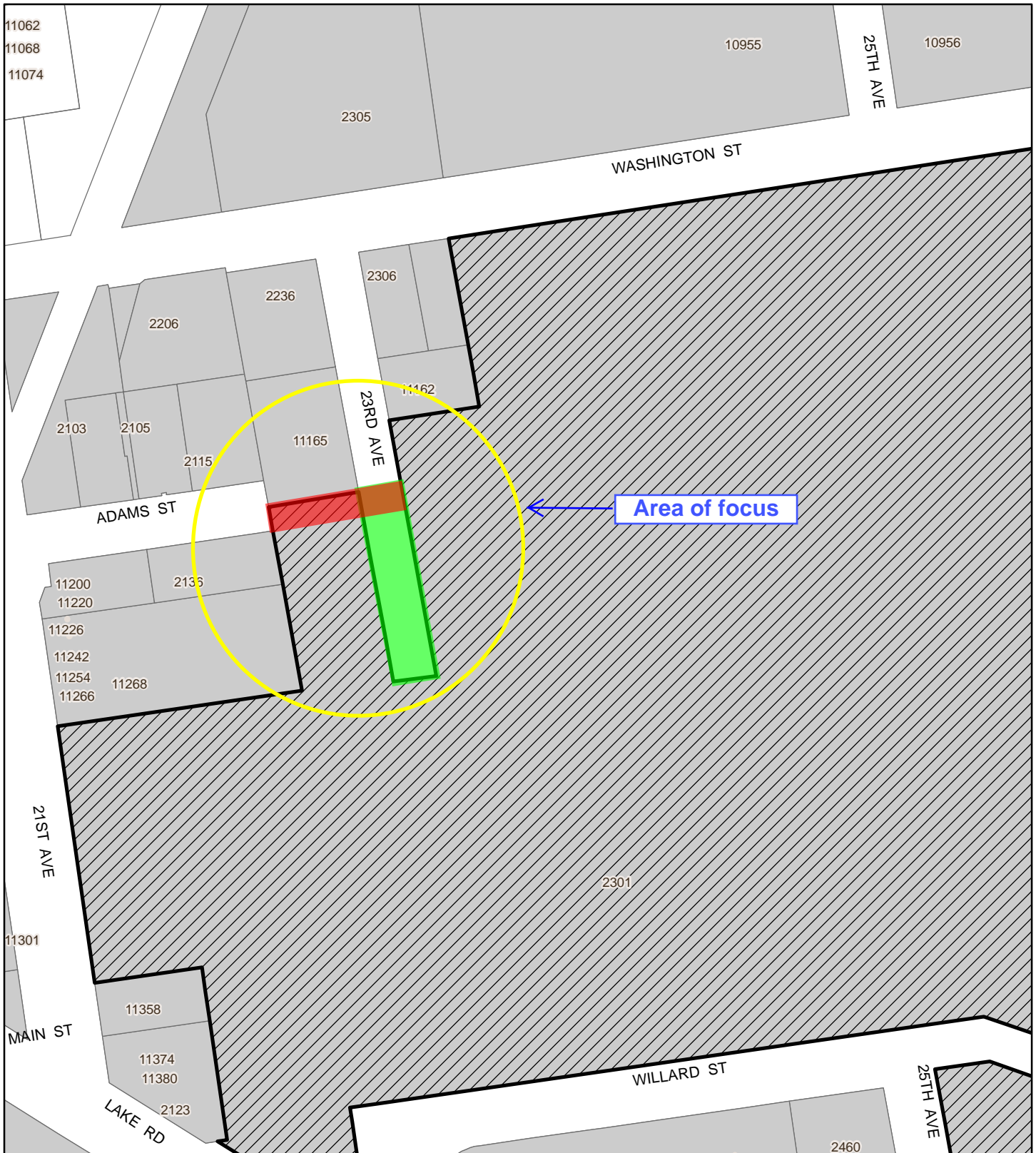
*The proposed modification does not impact the location of the area that will provide future public access. This criterion is met.*

### **Attachments**

1. Project Area Map
2. Conditions of Approval from CSU-2017-007






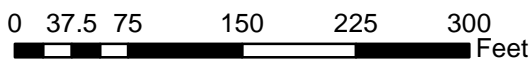
# Attachment 1



**Project Area Map**  
**2301 SE Willard St**  
**(Tax Lot 1S1E36BC 05600)**  
**File #CSU-2022-003**

## Legend

-  CSU-2022-003 site
-  Area of public access easement to Adams St
-  Area of partial vacation of 23rd Ave right-of-way



# Attachment 2

- Impacts related to new parking lot proposed in southeast corner of site (screening of headlights, garbage/recycling area, invasive species on eastern hillside)
- Questions about nature and function of proposed loading area on Willard St (stormwater management, landscaping, pedestrian crossings) and transition of new street improvements to existing conditions beyond school frontage on Willard St
- Nature of improvements on Lake Rd (bike lanes, landscape strip, tree preservation)
- Traffic impacts and opportunities to improve pedestrian and bicycle safety
- Concern about accuracy of assumptions in transportation memo
- Recommendations for good-neighbor agreement during construction period and storage of emergency-response equipment and supplies
- **Thomas Bachhuber, Jr., DMD, business/property owner at 2236 SE Washington St:** Concerns related to potential impacts to nearby medical and dental offices on 23rd Ave and Washington St during construction, primarily the need to maintain safe, ADA-compliant access to those sites 24 hours a day, 7 days a week.
- **Alex Roller, Engineering Tech II, Milwaukie Engineering Department:** Findings related to the proposal's compliance with MMC Chapter 19.700 Public Facility Improvements and Title 12 Streets, Sidewalks, and Public Places, with relevant recommended conditions of approval and additional requirements.
- **Joshua Brooking, Planner, ODOT Region 1:** No comments on the proposal.

## Conditions of Approval

2. At the time of submittal of the associated development permit application(s), the following shall be resolved:
  - a. Final plans submitted for development permit review shall be in substantial conformance with plans approved by this action, which are the plans stamped received by the City on January 25, 2018; and modified by the stormwater management plan received on February 13, 2018; except as otherwise modified by these conditions of approval.
  - b. Provide a narrative describing all actions taken to comply with these conditions of approval. In addition, describe any changes made after the issuance of this land use decision that are not related to these conditions of approval.
  - c. The modifications required by these conditions of approval include the following revisions to all relevant plan sheets:

- (1) As per Finding 8-e(2), provide a detailed final landscaping plan that provides more information regarding plant materials, particularly for landscaping areas related to new and modified parking areas.
  - (2) As per Finding 8-e(3)(d), revise the plans for the southeastern parking lot to provide walkways that meet the standards of MMC Subsection 19.606.3.D.
3. As per Finding 10-c(2), update the school's Transportation Demand Management (TDM) plan, with review and approval by the Planning Commission within the first month of the new school year after construction begins. One criterion for approval will be evidence of carpooling activity.
4. Prior to issuance of a certificate of occupancy the following shall be resolved:
  - a. As per Finding 5-c(4), remove all invasive species vegetation from the landscaping areas along the eastern boundary of the subject property.
5. Right-of-way Requirements
  - a. Dedicate right-of-way on the south frontage of Willard St fronting the subject property to align with existing right-of-way or to provide for 50 ft of right-of-way, whichever is greater, with appropriate offset radius and sufficient radius on the intersection of Willard St and 25<sup>th</sup> Ave to accommodate an ADA ramp(s).
  - b. Dedicate sufficient right-of-way on the south end of 25<sup>th</sup> Ave to accommodate a turnaround meeting the Public Works Standards (60-ft right-of-way).
  - c. Dedicate right-of-way to achieve a 36.5-ft half right-of-way on the Lake Rd frontage, and sufficient radius at the intersection of Lake Rd and 23<sup>rd</sup> Ave to accommodate school buses and an ADA ramp(s).
  - d. Dedicate right-of-way to achieve a 25-ft half right-of-way at the east end of Adams St to connect 23<sup>rd</sup> Ave to Adams St.
  - e. Provide for right-of-way vacation of that portion of 23<sup>rd</sup> Ave/Willard St to provide for a 50-ft right-of-way.
  - f. Provide for right-of-way vacation of that portion or 23<sup>rd</sup> Ave, south of Adams St. Easements will be maintained for utilities and vehicular turnaround.
6. Frontage Improvements
  - a. Construct the frontage improvement proposed along Willard St/23<sup>rd</sup> Ave.
  - b. Construct a 6-ft curb-tight sidewalk, curb and gutter, and 18-ft half-street travel way for the remaining portion of Willard St along the north side to 27<sup>th</sup> Ave.
  - c. Construct a 5-ft set-back sidewalk, minimum 3-ft planter strip, curb and gutter, and 32-ft full street for the 23<sup>rd</sup> Ave frontage between Lake Rd and Willard St.



- d. Construct an 8-ft curb-tight sidewalk, curb and gutter, and varying width roadway that will accommodate a left turn lane for the intersection of 23<sup>rd</sup> Ave and Lake Rd along the Lake Rd frontage.
  - e. Construct 5-ft set-back sidewalks, 4-ft planter strips, curb and gutter, and 28-ft full street for the 25<sup>th</sup> Ave frontage.
  - f. Construct a turnaround meeting the Public Works Standards (60-ft right-of-way) at the south end of 25<sup>th</sup> Ave.
  - g. Construct stairs and a pedestrian connection from the end of 23<sup>rd</sup> Ave (the northern frontage of 23<sup>rd</sup> Ave on the subject property) to the east end of Adams St.
7. Construct landing pads in accordance with TriMet standards at the existing TriMet bus stop on Washington St.
  8. Remove ADA barriers and reconstruct noncompliant sidewalk access ramps along the applicant's frontage on Washington St and 23<sup>rd</sup> Ave.
  9. Align the new driveway serving the new southeastern parking lot with the approved alignment of 25<sup>th</sup> Ave.

### **Other requirements**

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

1. Prior to issuance of building permits, the following shall be resolved:
  - a. Provide an erosion control plan and obtain an erosion control permit. One permit will cover on-site as well as right-of-way work. If the total disturbed area is over 5 acres, that applicant must obtain a 1200C from the Oregon Department of Environmental Quality (DEQ).
  - b. Submit a stormwater management plan to the City of Milwaukie Engineering Department for review and approval. The plan shall be prepared in accordance with Section 2 – Stormwater Design Standards of the City of Milwaukie Public Works Standards. Private properties may only connect to public storm system if percolation tests show that infiltration cannot be obtained on site. In the event the storm management system contains underground injection control devices, submit proof of acceptance of the storm system design from DEQ.
  - c. Submit full-engineered plans for construction of all required public improvements, reviewed and approved by the Engineering Department; or provide a performance guarantee for all required public improvements, reviewed and approved by the Engineering Department.