



CITY OF MILWAUKIE

May 31, 2022

Land Use File(s): CSU-2022-003

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Commission on May 24, 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.

Applicant(s):	Steve Adams, City Engineer (City of Milwaukie)
Location(s):	2301 SE Willard St
Tax Lot(s):	1S1E36BC 05600
Application Type(s):	Community Service Use (modification)
Decision:	Approved
Review Criteria:	Milwaukie Zoning Ordinance: <ul style="list-style-type: none">• Milwaukie Municipal Code (MMC) Section 19.904 Community Service Uses• MMC Section 19.1006 Type III Review
Neighborhood(s):	Historic Milwaukie

Appeal period closes: 5:00 p.m., June 15, 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 Brett Kelter, Senior Planner, at 503-786-7657 or kelterb@milwaukieoregon.gov, if you wish to view this case file.

This decision may be appealed by 5:00 p.m. on June 15, 2022, which is 15 days from the date of this decision.¹ (Note: Please arrive by 4:45 p.m. for appeal payment processing.) Only persons who submitted comments or made an appearance of record at the public hearing have standing to appeal the decision by filing a written appeal. An appeal of this decision would be

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

heard by the Milwaukie City Council following the procedures of MMC Section 19.1010 Appeals. This decision will become final on the date above if no appeal is filed during the appeal period. Milwaukie Planning staff can provide information regarding forms, fees, and the appeal process at 503-786-7630 or planning@milwaukieoregon.gov.

Per MMC Subsection 19.1001.7.E, this land use approval expires unless the development utilizes its approvals 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

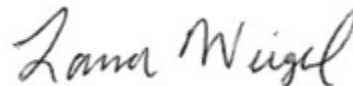
None

Other requirements

None

Decision

- Approved
- Approved with Conditions
- Denied



Laura Weigel, AICP
Planning Manager

Exhibits

1. Findings in Support of Approval

cc: Steve Adams, City Engineer (applicant) (via email)
Kevin Moisan, Project Manager, North Clackamas School District (property owner) (via email)
Planning Commission (via email)
Joseph Briglio, Community Development Director (via email)
Engineering Development Review (via email)
Shawn Olson, CFD#1 (via email)
NDA(s): Historic Milwaukie (via email)
Land Use File(s): CSU-2022-003; DEV-2021-003; CSU-2017-007

EXHIBIT 1
Findings in Support of Approval
File #CSU-2022-003
Modification of MHS approval CSU-2017-007

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

1. The applicant, Steve Adams (City Engineer), on behalf of the North Clackamas School District, has applied for approval to modify the conditions of approval from CSU-2017-007, related to renovations at Milwaukie High School at 2301 SE Willard St. The subject property is primarily zoned Residential R-2, though a small portion of the Performing Arts Center (southwest portion of campus) is zoned Downtown Mixed Use (DMU) and some of the parking and maneuvering areas at the northwest corner of the campus is zoned Residential-Business Office (R-1-B). The school is an approved community service use (CSU). The land use application file number is CSU-2022-003.
2. The applicant proposes to modify Condition 5-d, which required a 25-ft-wide right-of-way (ROW) dedication to extend Adams Street east to connect to 23rd Avenue. The City Engineer asserts that the requirement for ROW dedication is not practical due to existing development in that location that will make a future full-street connection unlikely. This requires a modification of both Condition 5-d and Condition 5-f, which relates to how much of the existing 23rd Avenue ROW should be vacated in that area.
3. 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

The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review. A public hearing was held by the Planning Commission on May 24, 2022, as required by law.

4. MMC Section 19.904 Community Service Uses

MMC 19.904 provides standards and procedures for review of applications for community service uses (CSUs). These are uses that are not specifically allowed outright in most zoning districts but that address a public necessity or otherwise provide some public benefit. CSUs include schools and accompanying sports facilities.

- a. MMC Subsection 19.904.2 Applicability

MMC 19.904.2 establishes applicability of the CSU regulations, including a requirement for review to establish or modify a CSU.

The application is for modifications to the conditions of approval for an approved CSU.

The Planning Commission finds that the standards of MMC 19.904 are applicable to the proposed development.

b. MMC Subsection 19.904.3 Review Process

MMC 19.904.3 establishes the review process for CSUs. Except for wireless communication facilities and minor modifications to existing CSUs, applications for CSUs are subject to Type III review (MMC 19.1006).

The proposal is for a modification to conditions of approval established by the Planning Commission for CSU-2017-007 and does not qualify as a minor modification to the existing CSU as per MMC Subsection 19.904.5.C. The proposal constitutes a major modification of CSU-2017-007.

The Planning Commission finds that the proposed modification is subject to the procedures for Type III review.

c. MMC Subsection 19.904.4 Approval Criteria

MMC 19.904.4 establishes the following approval criteria for CSUs:

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

The proposed modification does not affect building setbacks or other development standards.

This criterion is not applicable.

- (2) Specific standards for the proposed uses as found in MMC 19.904.7-11 are met.

The proposed modifications are subject to the standards provided in MMC Subsection 19.904.7 for schools. The only specific standard of MMC 19.904.7 that applies to the proposed modification is the requirement of MMC Subsection 19.904.7.C for walkways (both on and off the site) as necessary for safe pedestrian access to schools subject to the requirements and standards of MMC Chapter 19.700 (Public Facility Improvements).

The conditions in question relate to providing a public connection between the current end of Adams Street and 23rd 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.

- (3) MMC Subsection 19.904.4.C requires the hours and levels of operation of the proposed use to be 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.

- (4) MMC Subsection 19.904.4.D requires that the public benefits of the proposed use be greater than the negative impacts, if any, on the neighborhood.

By adjusting Condition 5-d to require a public access easement instead of public ROW dedication, the school (rather than the City) will retain 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.

- (5) MMC Subsection 19.904.4.E requires the location to be 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.

As proposed, the Planning Commission finds that the modification meets the approval criteria of MMC 19.904.4.

The Planning Commission finds that the proposed modification to conditions of approval for CSU-2017-007 meets all applicable standards of MMC 19.904 to be approved as a major modification of a CSU. The following conditions are therefore modified as follows:

- *Condition 5-d: ~~Dedicate right of way to achieve a~~ Record a 25-ft-wide public access easement a 25-ft half right-of-way at the east end of Adams St to connect 23rd Ave to Adams St.*
- *Condition 5-f: Provide for right-of-way vacation of that portion of 23rd Ave, south of ~~Adams St~~ Tax lot 1S1E36BC 04801 (addressed as 11165 SE 23rd 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.*

5. The application was referred to the following departments and agencies on May 4, 2022:
- Milwaukie Engineering Department
 - Milwaukie Public Works Department
 - Historic Milwaukie Neighborhood District Association (NDA) Chairperson and Land Use Committee (LUC)
 - Clackamas Fire District #1 (CFD)
 - North Clackamas Parks and Recreation District (NCPRD)

No comments were received.