



June 16, 2014

Land Use File(s): P-14-01, DR-14-03, WG-14-01

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Commission on June 10, 2014.

Applicant: Moda Health
Location: 10505 SE 17th Ave
Tax Lot: 1S1E35AA 03500
Application Types: Parking Quantity Modification, Downtown Design Review, Willamette Greenway conditional use review
Decision: Approved with Conditions
Review Criteria: Milwaukie Zoning Ordinance:

- Section 19.1006 Type III Review
- Chapter 19.600 Off-Street Parking and Loading
- Section 19.907 Downtown Design Review
- Section 19.1011 Design Review Meetings
- Section 19.401 Willamette Greenway Zone
- Section 19.905 Conditional Uses
- Chapter 19.700 Public Facility Improvements

Neighborhood: Historic Milwaukie

Appeal period closes: 5:00 p.m., July 1, 2014

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 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, Associate 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 July 1, 2014, which is 15 days from the date of this decision. 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.

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

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, Moda Health, has applied for approval to construct additional off-street parking at the company's office building at 10505 SE 17th Avenue. The proposal requires modification of the maximum allowed parking quantity for the office use. This site is in the Downtown Office Zone, and a portion of the site is covered by the Willamette Greenway overlay. The land use application file numbers are P-14-01, DR-14-03, and WG-14-01.
2. The proposed development will expand the off-street parking area that currently exists on the west side of the office building, extending it to the south and reconfiguring some of the existing layout. Approximately 25 existing spaces will be removed and 55 new spaces added, resulting in a net increase of approximately 30 spaces. Twenty four (24) spaces will be designated for carpool use and 3 spaces will be reserved for fleet vehicles. Interior and perimeter landscaping will be installed in the expanded and reconfigured areas and additional lighting will be provided to match existing lighting.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Section 19.1006 Type III Review
 - MMC Chapter 19.600 Off-Street Parking and Loading
 - MMC Section 19.907 Downtown Design Review
 - MMC Section 19.1011 Design Review Meetings
 - MMC Section 19.401 Willamette Greenway Zone
 - MMC Section 19.905 Conditional Uses
 - MMC Chapter 19.700 Public Facility Improvements
4. The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review. As required by MMC Subsection 19.907.8, and in accordance with the procedures outlined in MMC Section 19.1011, a public design review meeting was held by the Design and Landmarks Committee on May 19, 2014. A public hearing was held by the Planning Commission on June 10, 2014, as required by law.
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 (see Finding 5-a-(3)).

(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 (see Finding 5-d).

(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 Commission 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.

The application package (Downtown Design Review, Willamette Greenway conditional use review, and Parking Modification request) is subject to Type III review by the Planning Commission, which is therefore the body with authority to apply the provisions of Chapter 19.600.

(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 Commission 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 office use and will be available for the office use.

The Planning Commission 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 general office uses, a minimum of 2 spaces per 1,000 sq ft of floor area are required; a maximum of 3.4 spaces per 1,000 sq ft are allowed.

The subject property is developed with an office building approximately 58,500 sq ft in area. A minimum of 117 parking spaces are required for that size of office use; a maximum of 199 spaces are allowed. The site includes two existing off-street parking areas that provide a total of 206 spaces. Six of those spaces are for carpool parking and 3 spaces are for fleet vehicles, which are exempt from counting toward the maximum number as per MMC Subsection 19.605.3. Therefore, the site currently provides a net total of 197 spaces, which falls between the minimum requirement and maximum allowance for the current use.

The proposed development would result in a total of 236 spaces, with 24 carpool spaces and 3 fleet vehicle spaces, for a net total of 209 spaces. 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 Commission 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 3.6 spaces per 1,000 sq ft of office space.

(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 general office uses established in MMC Table 19.605.1 (3.4 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 4.1 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 office uses using smaller and more collaborative work spaces. As more employees occupy a fixed square footage, the potential demand for parking increases and the existing ratio fails to adequately address this reality.

Moda Health is not increasing the building square footage, though the company is experiencing growth in employment. Despite the company's efforts to manage parking demand—by offering transit pass subsidies, providing designated carpool parking near the building entrance, 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 proposed increase in parking ratio (to 3.6 spaces per 1,000 sq ft) is a reasonable request.

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

The office use at the subject property includes a call-center aspect, which does not require as large a workstation area for each employee as might be necessary with other office types. According to the applicant's materials, Moda Health has a very high ratio of employees to square footage, at approximately 4.19 employees per 1,000 sq ft. The applicant anticipates adding 36 more employees in the office, which would raise the ratio to approximately 4.8 employees per 1,000 sq ft. This is much higher than the 3.4 ratio established in MMC Table 19.605.1.F as the maximum number of spaces allowed for general office uses.

There is only one transit service near the subject property, a TriMet bus line (#70) with a stop on 17th Ave in front of the office building. There are approximately 10 other bus lines that utilize the Milwaukie transit center located on SE Jackson Street (between SE Main Street and SE 21st Avenue), but none of those lines have stops any closer to the subject property than approximately 1,500 ft (more than one-quarter mile). The route 70 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, approximately one-half 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.*

Moda Health currently purchases 30 monthly parking permits for employees to use any of the designated public parking lots downtown. The nearest of those public lots, at SE McLoughlin Boulevard and SE Harrison Street, is approximately 1,000 ft from the subject property. There are no private lots within 1,000 ft of the subject property that are available for shared parking, as established in MMC Subsection 19.605.4.

As proposed, the site will provide a total of 24 carpool spaces, which represents 20% of the minimum required number of spaces as discussed in Finding 5-d-(1). That number is approximately 10% of the total number of spaces that will be provided on the entire site. The applicant would have to designate 12 more carpool spaces to stay below the maximum of 197 allowed by the parking code. The total of 36 carpool spaces would equate to 30% of the minimum number required and 15% 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 general office uses is 3.4 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 net total of 209 spaces, or 3.6 spaces per 1,000 sq ft of office use. Given the large size of the overall site (approximately 314,000 sq ft, or 7.2 acres), the high ratio of employees per square foot within the 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 Commission finds that the approval criteria of MMC 19.605.2.C.1 are met.

The Planning Commission finds that the applicant's request to increase the maximum allowed number of off-street parking spaces for the existing office use, from 3.4 spaces per 1,000 sq ft of area to 3.6 spaces, is approved.

- (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 236 parking spaces. Twenty-four spaces will be reserved for carpool vehicles and 3 spaces will be reserved for fleet vehicles.

As proposed, the Planning Commission finds that the proposed development will result in net total of 209 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-degree-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 downtown zones, perimeter landscaping areas are not required along lot lines abutting other properties but must be at least 4 ft wide when abutting a right-of-way. At least 1 tree must be planted for every 40 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 near the public right-of-way along SE Riverway Lane are more than 20 ft wide and will have at least 1 tree planted every 40 lineal feet.

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 western parking area will provide 180 spaces, which require a total of 4,500 sq ft of interior landscaping. As proposed, interior landscaping areas appear to provide at least 4,500 sq ft of area. New interior landscaping areas appear to be at

least 6 ft wide and at least 120 sq ft in area, with at least 1 tree planted per island. A condition has been established to ensure that the final construction plans provided at the time of development permit submittal demonstrate that the applicable interior landscaping requirements are met.

As conditioned, this standard will be 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.

The applicant has submitted a parking plan that preserves some existing trees within the western parking area. As required, parking area landscaping will be installed prior to final inspection, unless a bond is posted with the City.

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 western parking area will be paved and striped, including designations for carpool spaces and fleet vehicle 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, curbing along the newly expanded perimeter of the western parking area will be provided in place of wheel stops. The width of all perimeter landscaping areas is at least 6 ft, which provides the required 4-ft width plus an additional 2 ft, sufficient to prevent vehicles from encroaching into the minimum required perimeter landscaping width in downtown zones.

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 western parking area has only one access onto a public street, onto SE Lava Drive at the north end of the lot. No new accessways are proposed. As proposed, all new drive aisles, as well as drive aisles modified by the proposed development, appear to meet the minimum dimensional requirements. A condition has been established to ensure that the final construction plans provided at the time of development permit submittal demonstrate that all new and modified drive aisles meet the applicable requirements of Subsection 19.606.1.

As conditioned, this standard will be 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 established in Subsections 19.606.3.D and 19.504.9.E.

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 180 parking spaces in the western off-street parking area, which has existing lighting fixtures. As discussed in Finding 6-d, lighting will be provided in new and modified parts of the western parking area, consistent with the existing lighting style. All new lighting will be reviewed through the development permitting process to ensure compliance with the various applicable illumination standards established in Subsection 19.606.3.F.

This standard is met.

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

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

f. MMC Section 19.608 Loading

MMC 19.608 establishes standards for off-street loading areas. For nonresidential buildings with more than 50,000 sq ft of total floor area, a minimum of 2 loading spaces are required, with minimum dimensions of 35 ft long and 10 ft wide.

The existing office building is approximately 58,500 sq ft. There are two existing loading spaces in the western parking area, each approximately 30 ft long and 12 ft wide. When the parking area was developed in 2000, the City's dimensional standards for off-street loading areas were 30-ft length and 12-ft width. The proposed development will not change these existing, nonconforming loading spaces and does not include any new loading spaces.

The Planning Commission finds that this standard is met.

g. 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.

As discussed in Finding 5-d-(1), the existing office use requires a minimum of 117 vehicle spaces; a minimum of 12 bicycle spaces are required. According to the applicant's materials, the existing development provides 29 bicycle spaces, including an exterior 5-space rack near the southern entrance to the building and an interior 24-space storage room within the building. No additional bicycle parking is proposed.

The Planning Commission finds that this standard is met.

h. 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.

As discussed in Finding 5-d-(1), the existing office use requires a minimum of 117 vehicle spaces; a minimum of 12 carpool spaces are required. The existing development provides 6 carpool spaces; the proposed improvements will add 18 more carpool spaces near the building entrance, for a total of 24 designated carpool spaces on the site.

The Planning Commission finds that this standard is met.

6. MMC Section 19.907 Downtown Design Review

MMC 19.907 establishes the procedures and standards for design review in the downtown zones. The purpose of downtown design review is to preserve and enhance the character of downtown Milwaukie; to ensure a degree of order, harmony, and quality in the

downtown zones; and to ensure that new development and enlargement of existing development are consistent with the Downtown Design Guidelines.

a. MMC Subsection 19.907.2 Applicability

MMC 19.907.2 establishes that all new construction and changes to buildings and/or properties in the downtown zones is subject to design review.

The proposed development involves expansion of an existing parking area on the subject property, which is a change to the subject property.

The Planning Commission finds that the proposed development is subject to design review in accordance with the procedures provided in MMC Subsection 19.907.5.

b. MMC Subsection 19.907.5 Application Procedure

MMC 19.907.5 establishes the procedures by which applications for design review shall be processed. As per MMC 19.907.5.C, major exterior alterations are subject to Type III review. The Planning Director has determined that new construction is similar to a major exterior alteration with respect to the necessary level of review.

The Planning Commission finds that, as new construction, the proposed development is subject to Type III downtown design review.

c. MMC Subsection 19.907.6 Application

MMC 19.907.6 establishes the requirements for downtown design review applications, including a completed design review checklist, written statement describing how the proposal meets applicable design guidelines, and site plan showing the proposed development.

The applicant's submittal includes a completed design review checklist, narrative describing the proposed development and addressing applicable criteria, and site plans showing the proposed improvements.

The Planning Commission finds that this standard is met.

d. MMC Subsection 19.907.7 Approval Criteria for Design Review

MMC 19.907.7 establishes the approval criteria for design review applications and the process for modifications to the downtown design standards. The approval authority may approve, approve with conditions, or deny a design review application based on the following criteria:

(1) *Compliance with Title 19 Zoning Ordinance*

The proposed development does not involve construction of a building. No standards from MMC 19.304 Downtown Zones are applicable to the project.

The Planning Commission finds that this approval criterion has been met.

(2) *Substantial consistency with the Downtown Design Guidelines*

Refer to Table 1 below for detailed findings.

The Planning Commission finds that the proposal is substantially consistent with the Downtown Design Guidelines and that this approval criterion has been met.

(3) *Submittal of a complete application and applicable fee as adopted by the City Council*

The applicant submitted an application on April 11, 2014, and it was deemed complete on April 25, 2014. The applicable design review application fee was paid April 11, 2014.

The Planning Commission finds that this approval criterion has been met.

The Planning Commission finds that the approval criteria for downtown design review are met.

Table 1. Design Review Compliance

MILWAUKIE CHARACTER GUIDELINES	
Guideline	Recommended Findings
<p><i>Promote Architectural Compatibility</i> <i>Buildings should be “good neighbors.” They should be compatible with surrounding buildings by avoiding disruptive excesses. New buildings should not attempt to be the center of attention.</i></p>	<p>The proposed development is not a building, but it involves expansion of a parking area that is a significant accessory feature of the existing building. The expansion is limited in scale, with new disturbance concentrated in a portion of the site that does not affect many adjacent properties. Landscaping will be installed to provide screening from adjacent properties and to maintain consistency with the character of existing Moda Health development and adjacent areas.</p> <p>The proposed development meets this guideline.</p>
<p><i>(9 other guidelines related to Milwaukie Character)</i></p>	<p>None of the other Milwaukie Character guidelines are applicable to this project.</p>
PEDESTRIAN EMPHASIS GUIDELINES	
Guideline	Recommended Findings
<p><i>Reinforce and Enhance the Pedestrian System</i> <i>Barriers to pedestrian movement and visual and other nuisances should be avoided or eliminated, so that the pedestrian is the priority in all development projects.</i></p>	<p>The proposed development will extend the existing on-site pedestrian walkway to connect the new parking spaces with the office building.</p> <p>The proposed development meets this guideline.</p>
<p><i>Integrate Barrier-Free Design</i> <i>Accommodate handicap access in a manner that is integral to the building and public right-of-way.</i></p>	<p>The proposed development includes the provision of one new ADA parking space, with accompanying signage, side aisle, and access ramp. The site currently provides 4 ADA spaces, 2 each near the east and west entrances to the office building.</p> <p>The proposed development meets this guideline.</p>
<p><i>(4 other guidelines related to Pedestrian Emphasis)</i></p>	<p>None of the other Pedestrian Emphasis guidelines are applicable to this project.</p>
ARCHITECTURE GUIDELINES	
Guideline	Recommended Findings
<p><i>(12 guidelines related to Architecture)</i></p>	<p>The proposed development is an expansion of an existing off-street parking area and does not involve a building. The Architecture guidelines refer to buildings and are not applicable to this project.</p>

LIGHTING GUIDELINES	
Guideline	Recommended Findings
<p><u>Parking Lot Lighting</u></p> <p><i>Ornamental street lights should be used to be compatible with downtown streetlight standards identified in the Public Area Requirements.</i></p>	<p>The existing parking area was established in 2000, prior to the adoption of the Downtown Design Guidelines in 2003. The existing lighting fixtures do not match the ornamental style prescribed in the Downtown Design Guidelines. However, the site is not physically connected to the central downtown area, where other ornamental lights have been installed. To require the new lights to be a different style than the existing lights would promote incongruous design on the site. Furthermore, the ornamental style of light does not avail itself to shielding for limiting light trespass into the natural resource areas on the site adjacent to the parking area.</p> <p>The proposed development meets this guideline with the style of lights matching the existing lights.</p>
<p><i>(3 other guidelines related to Lighting)</i></p>	<p>None of the other Lighting guidelines are applicable to this project.</p>
SIGN GUIDELINES	
Guideline	Recommended Findings
<p><i>(7 guidelines related to Signs)</i></p>	<p>No signs are proposed as part of this application. The Sign guidelines are not applicable to this project.</p>

7. MMC Section 19.401 Willamette Greenway Zone

MMC 19.401 establishes standards for the Willamette Greenway overlay designation. The subject property is within the Willamette Greenway zone as shown on the City’s zoning map.

a. MMC Subsection 19.401.5 Procedures

MMC 19.401.5 establishes procedures related to proposed uses and activities in the Willamette Greenway zone. Development in the Willamette Greenway zone requires conditional use review, subject to the standards of MMC Section 19.905 and in accordance with the approval criteria established in MMC Subsection 19.401.6.

The project involves the substantial alteration of natural site characteristics and constitutes “development” as defined in MMC Subsection 19.401.4. The proposed development is subject to conditional use review standards of MMC 19.905 and the approval criteria of MMC 19.401.6.

b. MMC Subsection 19.401.6 Criteria

MMC 19.401.6 establishes the criteria for approving conditional uses in the Willamette Greenway zone.

- (1) *Whether the land to be developed has been committed to an urban use, as defined under the State Willamette River Greenway Plan*

The State Willamette River Greenway Plan defines “lands committed to urban use” as “those lands upon which the economic, developmental and locational factors have, when considered together, made the use of the property for other than urban purposes inappropriate. Economic, developmental and locational factors include such matters as ports, industrial, commercial, residential or recreational uses of property; the effect these existing uses have on properties in their vicinity, previous public decisions regarding the land in question, as contained in ordinances and such plans as the Lower Willamette River Management Plan, the city or county comprehensive plans, and similar public actions.”

The subject property is zoned for Downtown Office use and is already developed with an office building and two adjacent off-street parking areas. The land is committed to an urban use.

(2) *Compatibility with the scenic, natural, historic, economic, and recreational character of the river*

The project area is at least 250 ft from the nearest point of the river, with at least one tier of residences between. The site is lower in elevation than the properties between it and the river, and the river is not visible from the project area. Two large trees that will be removed may be partially visible from the river; however, most of the structure of those trees is obscured from the river by adjacent development, and many other large trees on the site will remain. The proposed development presents no significant impacts to the character of the river and is compatible.

(3) *Protection of views both toward and away from the river*

The ground level of the project area is not visible from the river, due to topography and the existence of residential development between the site and the river. The removal of two large trees for the project will not significantly affect visual corridors to the river, as other large trees will remain on the site.

(4) *Landscaping, aesthetic enhancement, open space, and vegetation between the activity and the river, to the maximum extent practicable*

The project area is separated from the river by residential development to the west. Landscaping will be provided between the newly expanded portion of the parking area and the adjacent residential properties, as required by MMC Section 19.606 Parking Area Design and Landscaping.

(5) *Public access to and along the river, to the greatest possible degree, by appropriate legal means*

The subject property is not adjacent to the river and does not limit public access to the river.

(6) *Emphasis on water-oriented and recreational uses*

The site is at least 250 ft from the nearest point of the river. The existing office use is not water-oriented and is not directed toward the river.

(7) *Maintain or increase views between the Willamette River and downtown*

The proposed development will remove two large trees from the site, which will have little or no effect on views between the river and downtown.

(8) *Protection of the natural environment according to regulations in Section 19.402*

The proposed development will disturb 10% or less of the designated Habitat Conservation Area (HCA) on the site. According to the provisions of MMC Subsection 19.402.11.D.1.b, that amount of HCA disturbance is allowed by right, subject to the mitigation requirements of MMC 19.402.11.D.2. The evaluation of impacts and required mitigation will be handled during the development review stage of the process.

- (9) *Advice and recommendations of the Design and Landmark Committee, as appropriate*

The Design and Landmarks Committee (DLC) has reviewed the proposal and recommends approval of the project as proposed.

- (10) *Conformance to applicable Comprehensive Plan policies*

The Willamette Greenway Element in the Milwaukie Comprehensive Plan includes policies related to land use, public access and view protection, and maintenance of private property. These policies include the requirement of a conditional use permit for new development and intensification of existing uses; encouragement for uses that are not water-dependent or water-related to be directed away from the river; evaluation of development impacts to visual corridors; and limitations on authorizing the unrestricted public use of private land.

The proposed development is being reviewed through the conditional use process. The existing approved use is not water-related and is not directed toward the river; the proposed development will not affect that status. No public access through the subject property is proposed, and no public access will be required as a condition of approval of the proposed development.

- (11) *The request is consistent with applicable plans and programs of the Division of State Lands*

The proposed development is not inconsistent with any known plans or programs of the Department of State Lands.

- (12) *A vegetation buffer plan meeting the conditions of Subsections 19.401.8.A through C*

The subject property is more than 250 ft from the river, more than 225 ft beyond the 25-ft buffer prescribed by MMC 19.401.8.

The Planning Commission finds that the proposed development meets all relevant approval criteria provided in MMC 19.401.6.

The Planning Commission finds that the proposed development meets all applicable standards of the Willamette Greenway zone.

8. MMC Section 19.905 Conditional Uses

MMC 19.905 establishes regulations for conditional uses, including standards for reviewing modifications to existing conditional uses.

a. MMC Subsection 19.905.3 Review Process

MMC 19.905.3 establishes the process by which a new conditional use, or a major or minor modification of an existing conditional use, must be reviewed.

As noted in Finding 6-a, the proposed development is an activity within the Willamette Greenway zone that requires review as a conditional use. The existing use on the subject property is a professional office with associated parking areas and was approved through the Willamette Greenway conditional use process in 2000 (land

use master file #MU-00-01). The proposed development, which involves increasing the amount of off-street parking on the site beyond the maximum allowed by MMC Section 19.605 for the square footage of use, represents a major modification to the existing use.

MMC 19.905.3.A requires that a major modification of an existing conditional use be evaluated through the Type III review process per MMC Section 19.1006.

b. MMC Subsection 19.905.4 Approval Criteria

MMC 19.905.4.A establishes the general criteria for approval of a new conditional use or a major modification to an existing conditional use.

(1) *The characteristics of the lot are suitable for the proposed use considering size, shape, location, topography, existing improvements, and natural features.*

The subject property is approximately 314,125 sq ft (7.2 acres) in size. The property is developed with an office building approximately 58,500 sq ft in area and two off-street parking areas that comprise approximately 85,000 sq ft. The proposed expansion of the western parking area will consume approximately 10,000 sq ft of additional site area.

Johnson Creek crosses through the southeastern portion of the property, with the developed areas located in the northern and northwestern portions of the property. The proposed development will tie in to existing improvements on the site and will maintain at least 50 ft between the edge of the expanded parking area and the adjacent stream.

The Planning Commission finds that this standard is met.

(2) *The operating and physical characteristics of the proposed use will be reasonably compatible with, and have minimal impact on, nearby uses.*

The existing western parking area is adjacent to single-family residences along its western edge (SE Riverway Lane), with screening provided by a combination of evergreen trees and shrubs. The proposed development will not affect the existing landscaping but will extend slightly toward single-family residences along the southern boundary of the site. Additional landscaping will be provided, sufficient to meet the requirements of MMC Section 19.606 Parking Area Design and Landscaping, including the provision of a continuous visual screen in the perimeter landscaping areas that abut a residential use.

The Planning Commission finds that this standard is met.

(3) *All identified impacts will be mitigated to the extent practicable.*

The primary impact of the proposed development will be the effect of extending the parking use closer to one or two adjacent residential properties across Riverway Ln. No new access points to the existing parking area will be opened. Stormwater runoff from newly paved areas will be treated on site according to the City's stormwater standards. As noted in Finding 7-b-2, landscape screening will be provided. As required by MMC 19.606.3.F, new parking lot lighting will be directed toward the parking area and shielded to limit light trespass.

The Planning Commission finds that this standard is met.

(4) *The proposed use will not have unmitigated nuisance impacts, such as from noise, odor, and/or vibrations, greater than usually generated by uses allowed outright at the proposed location.*

The proposed development will add to the number of parking spaces on the site but will not generate any significant nuisance impacts that will not be mitigated or are otherwise understood to be associated with off-street parking, which is an allowed activity that is accessory to the allowed office use.

The Planning Commission finds that this standard is met.

- (5) *The proposed use will comply with all applicable development standards and requirements of the base zone, any overlay zones or special areas, and the standards in Section 19.905.*

As addressed in various other findings, the proposed development will comply with all applicable development standards, requirements of the underlying Downtown Office zone and other applicable overlay zones, and the standards of MMC 19.905.

The Planning Commission finds that this standard is met.

- (6) *The proposed use is consistent with applicable Comprehensive Plan policies related to the proposed use.*

As addressed in Finding 6-b-10, the proposed development is consistent with all relevant policies in the Comprehensive Plan.

The Planning Commission finds that this standard is met.

- (7) *Adequate public transportation facilities and public utilities will be available to serve the proposed use prior to occupancy pursuant to Chapter 19.700.*

The Engineering Department has reviewed the proposal and confirmed that existing public transportation facilities and public utilities are adequate to serve the proposed development.

The Planning Commission finds that this standard is met.

The Planning Commission finds that the proposed development meets all of the approval criteria outlined in MMC 19.905.4.A for a major modification to an existing conditional use.

c. MMC Subsection 19.905.5 Conditions of Approval

MMC 19.905.5 establishes the types of conditions that may be imposed on a conditional use to ensure compatibility with nearby uses. Conditions may be related to a number of issues, including access, landscaping, lighting, and preservation of existing trees.

The Planning Commission finds that, as proposed, the new development sufficiently mitigates any negative impacts as proposed and that no additional conditions are necessary to ensure compatibility with nearby uses.

d. MMC Subsection 19.905.6 Conditional Use Permit

MMC 19.905.6 establishes standards for issuance of a conditional use permit, including upon approval of a major modification of an existing conditional use. The provisions include a requirement to record the conditional use permit with the Clackamas County Recorder's Office and provide a copy to the City prior to commencing operations allowed by the conditional use permit.

The Planning Commission finds that the proposed development is consistent with the relevant standards established in MMC 19.905 for conditional uses.

9. MMC Chapter 19.700 Public Facility Improvements

MMC 19.700 establishes provisions to ensure that development provides public facilities that are safe, convenient, and adequate in rough proportion to their public facility impacts. MMC 19.702 establishes the applicability of the provisions of MMC 19.700, including land divisions, new construction, expansions of existing structures, and changes or intensifications in use.

The proposed development consists of expansion of an existing parking area, which in and of itself does not increase the vehicle trip generation to and from the site. The Engineering Department has reviewed the application and finds that MMC 19.700 does not apply to this application.

The Planning Commission finds that the standards and requirements of MMC 19.700 are not applicable to the proposed development.

10. The application was referred to the following departments and agencies on April 29, 2014:

- Milwaukie Building Department
- Milwaukie Engineering Department
- Clackamas Fire District #1
- Historic Milwaukie Neighborhood District Association Chairperson and Land Use Committee
- Milwaukie Design and Landmarks Committee
- Oregon Department of Transportation (ODOT)

In addition, notice of the application was provided to the Oregon Department of Parks and Recreation, Department of State Lands, Oregon Department of Fish and Wildlife, and State Marine Board.

The comments received are summarized as follows:

- a. **John Stelzenmueller, Milwaukie Building Department:** No comments on the proposal at this time.
- b. **Philip Kolb, Milwaukie Engineering Department:** Comments related to MMC Chapter 19.700 Public Facility Improvements, which is not applicable to the proposed development. Those comments have been incorporated into these findings. Other requirements related to stormwater management have been noted with the conditions of approval.
- c. **Jean Baker, Historic Milwaukie NDA Land Use Committee Chair:** The Historic Milwaukie NDA has no objection to the proposal.
- d. **Shawn Olson, Clackamas Fire District:** Comments related to the need for “No Parking Fire Lane” signs at appropriate locations and for turning radius dimensions on plans submitted with development permits. Those comments have been noted with the conditions of approval.
- e. **Seth Brumley, ODOT:** No comments on this proposal.

Conditions of Approval

1. At the time of submission of the associated development permit application, the following shall be resolved:
 - a. Final plans submitted for building permit review shall be in substantial conformance with plans approved by this action, which are the plans stamped received by the City on April 25, 2014, and except as otherwise modified by these conditions. The required changes are as follows:

- (1) As per Finding 5-e, provide final construction plans for the western parking lot, with any revisions as necessary to demonstrate that the applicable design and landscaping standards of MMC Section 19.606 are met, including but not limited to parking space and drive aisle dimensions and interior landscaping. The final construction plans shall be accompanied by a narrative explaining how the applicable standards are met.
- b. Provide a narrative describing all actions taken to comply with these conditions of approval.
- c. Provide a narrative describing any changes made after the issuance of this land use decision that are not related to these conditions of approval.

Other requirements

1. An application for Type I development review is required in conjunction with the submittal of the associated development permit application.
2. 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.
3. Fire Apparatus Access
 - a. “No Parking Fire Lane” signs shall be placed on one or both sides of a fire apparatus access road when road widths are less than 26 ft wide and 26 ft to 32 ft in width. Signs shall be placed on both sides of a fire apparatus access road when roads are less than 26 ft in width and on one side when roads are 26 ft to 32 ft in width. Red painted curbs can be used in lieu of signs.
 - b. Provide turning radius dimensions on submitted plans. The inside turning radius and outside turning radius for a 20-ft-wide road shall be not less than 28 ft and 48 ft, respectively, measured from the center point.
4. Limitations on Development Activity
Development activity on the site shall be limited to 7 a.m. to 10 p.m. Monday through Friday and 8 a.m. to 5 p.m. Saturday and Sunday, as per MMC Subsection 8.08.070(I).
5. Prior to final inspection for the associated development permit, the following shall be resolved:
 - a. The applicant shall demonstrate that parking area landscaping has been installed sufficient to meet the standards of MMC Subsection 19.606.2, including the provision of a continuous visual screen in the perimeter landscaping areas that abut a residential use. As per MMC Subsection 19.606.2.E.2, a performance bond may be posted with the City in lieu of planting installation, as a temporary measure for no more than 6 months.

- b. The applicant shall demonstrate that the new parking lot lighting meets the standards of MMC Subsection 19.606.3.F. This includes ensuring that the new lighting has a cutoff angle of 90 degrees or greater, does not cause a light trespass of more than 0.5 footcandles measured vertically at the boundaries of the site, provides a minimum illumination level of 0.5 footcandles for pedestrian walkways in the new and modified parking area, and does not shine directly into any WQR and/or HCA location.
- c. The applicant shall record the conditional use permit issued by the City upon approval of the proposed development. The conditional use permit shall be recorded with the Clackamas County Recorder's Office, and a copy of the recorded permit shall be provided to the Planning Director.

6. Expiration of Approval

As per MMC 19.1001.7.E.1.a, proposals requiring any kind of development permit must complete both of the following steps:

- a. Obtain and pay for all necessary development permits and start construction within 2 years of land use approval.
- b. Pass final inspection and/or obtain a certificate of occupancy within 4 years of land use approval.

As per MMC 19.1001.7.E.2.b, land use approvals shall expire unless both steps noted above have been completed or unless the review authority specifies a different expiration date in the land use decision to accommodate large, complex, or phased development projects.



Dennis Egner, AICP
Planning Director

cc: David Shaffer for Moda Health (601 SW 2nd Ave, Portland, OR 97204)
Jerry Offer (c/o OTAK, Inc., 808 SW 3rd Ave, Suite 300, Portland, OR 97204)
Planning Commission (*via e-mail*)
Design and Landmarks Committee (*via e-mail*)
Steve Butler, Community Development Director (*via e-mail*)
Jason Rice, Engineering Director (*via e-mail*)
Brad Albert, Civil Engineer (*via e-mail*)
Bonnie Lanz, Permit Specialist (*via e-mail*)
Mike Boumann and Shawn Olson, CCFD#1 (*via e-mail*)
NDA: Historic Milwaukie (*via e-mail*)
Interested Persons
Land Use File(s): P-14-01, DR-14-03, WG-14-01