



May 14, 2015

Land Use File: CSU-2015-001

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Commission on May 12, 2015.

Applicant: GracePointe Church
Location(s): 10750 SE 42nd Ave and 10707 SE 44th Ave
Tax Lot(s): 1S2E31BB07100 & 1S2E31BB06600
Application Type: Community Service Use (Major Modification)
Decision: Approved
Review Criteria: Milwaukie Zoning Ordinance:

- Section 19.1006 Type III Review
- Section 19.904 Community Service Uses
- Chapter 19.600 Off-Street Parking and Loading
- Section 19.301 Low Density Residential Zones (incl. R-5)
- Section 19.302 Medium and High Density Residential Zones (incl. R-3)

Neighborhood: Hector Campbell

Appeal period closes: 5:00 p.m., May 29, 2015

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 kelperb@milwaukieoregon.gov, if you wish to view this case file.

This decision may be appealed by 5:00 p.m. on May 29, 2015, 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, GracePointe Church, has applied for approval to expand the existing off-street parking area, in the northeastern corner of the site at 10750 SE 42nd Avenue and 10707 SE 44th Avenue. The site is split-zoned, with a majority of the project area in the Residential R-5 Zone and most of the rest of the church site in the Residential R-3 Zone. There are no special zoning overlays. The proposal is a major modification of the church as an approved Community Service Use (CSU). The land use application file number is CSU-2015-001.
2. The proposed development will expand the existing off-street parking area onto a residential lot owned by the church (10707 SE 44th Ave). The previously existing house at 10707 SE 44th Ave has been demolished. The proposed development will reconfigure 27 existing spaces and add 15 new spaces, resulting in a total of 42 parking spaces within the project area. Interior and perimeter landscaping will be installed where it does not already exist, as will additional lighting and an on-site walkway.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Section 19.1006 Type III Review
 - MMC Section 19.904 Community Service Uses
 - MMC Chapter 19.600 Off-Street Parking and Loading
 - MMC Section 19.301 Low Density Residential Zones (incl. R-5)
 - MMC Section 19.302 Medium and High Density Residential Zones (incl. R-3)

The proposed development consists of expansion of an existing parking area, without any accompanying expansion or change to the building square footage. The municipal code relies on an increase in building square footage to calculate vehicle trip generation to and from the site, and therefore the Engineering Department has determined that MMC Chapter 19.700 Public Facility Improvements does not apply to this application.

4. 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 12, 2015, as required by law.
5. The Planning Commission reviewed the application for compliance with the code sections listed in Finding 3.

The Planning Commission finds that code sections not addressed in these findings are not applicable to the decision.

6. MMC Section 19.904 Community Service Use

MMC 19.904 provides standards and procedures for review of applications for community service uses. 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. Community service uses may include schools, government buildings, hospitals, religious institutions, utilities, parks, or communication facilities.

- a. MMC 19.904.2 establishes applicability of the Community Service Use (CSU) regulations.

The proposed development is an expansion of the existing off-street parking area at GracePointe Church, located at 10750 SE 42nd Ave. The church is a religious institution as identified in MMC 19.904.2.A.

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

- b. 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 proposed development is not a wireless communication facility, nor does it represent a minor modification to the existing CSU. The proposed expansion of the existing parking area is a significant physical change to the existing site and represents a major modification of the existing church use.

The Planning Commission finds that the proposed development is subject to the procedures for Type III review outlined in MMC 19.1006.

- c. 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 in the CSU, the standards of the underlying zone are met.

The subject property is split-zoned, with most of the overall site zoned Residential R-3 but a majority of the actual project area (where the parking expansion is proposed) zoned Residential R-5. MMC Subsection 19.107.5 addresses the issue of lots with multiple zones and applies the base zone which covers the greater area, except when the difference is a distance of more than 20 ft. In this case, the western edge of the project area extends approximately 25 ft into the R-3 portion of the site, so the applicable standards from both base zones will be applied to the relevant portions of the project area.

For the proposed development, the only applicable development standard for the base zones is the minimum vegetation requirement. However, the specific standard for minimum required landscaping for public, private, religious, and other facilities is the lesser of 15% of total site area and the percentage required by the underlying zone (as per MMC Subsection 19.404.9.I—see Finding 6-c-(2)-(h)). The minimum vegetation requirement for the R-5 zone is 25% of lot area; the minimum for the R-3 zone is 35% of lot area. The 15% standard is the lesser, therefore, 15% of total site area is required to be landscaped.

The total site area is approximately 100,500 sq ft in area. As proposed, a total of over 22,000 sq ft (or 22%) will be landscaped as a result of the project. The Planning Commission finds that the proposed development meets the applicable development standards of the underlying R-5 and R-3 zones.

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

As a religious institution, the proposed development is subject to the relevant standards for facilities not covered by other subsections of the community

service use regulations, provided in MMC 19.904.9. The standards of MMC 19.904.9 applicable to the proposed development are addressed as follows:

- (a) MMC 19.904.9.A requires that utilities, streets, or other improvements necessary for the institutional use shall be provided by the agency constructing the use.

No utility, street, or other improvements are necessary for the proposed development. This standard is met.

- (b) MMC 19.904.9.B encourages access to be provided on a collector street if practicable.

Access to the subject property is provided from SE Monroe Street, 42nd Ave, and SE Jackson Street. Both Monroe St and 42nd Ave are classified as collector streets in the City's Transportation System Plan; Jackson St is classified as a local street. This standard is met.

- (c) MMC 19.904.9.C requires community service uses in residential zones to provide setbacks equal to two-thirds the height of the principal structure.

No new buildings are included in the proposed development. This standard is not applicable.

- (d) MMC 19.904.9.E requires noise-generating equipment to be sound-buffered when adjacent to residential areas.

The proposal does not include any noise-generating equipment. This standard is not applicable.

- (e) MMC 19.904.9.F requires lighting to be designed to avoid glare on adjacent residential uses and public streets.

As proposed, three new lights will be provided in the new and reconfigured parking area. A condition has been established to ensure that the new lighting meets the applicable standards of MMC Subsection 19.606.3.F, which relates to cutoff angles and illumination levels. As conditioned, this standard is met.

- (f) MMC 19.904.9.G encourages hours and levels of operation to be adjusted to be compatible with adjacent uses where possible.

Based on information provided by the applicant, the existing church use includes a weekday office function (8:30 a.m. to 5:00 p.m.) in the east end of the building, as well as Sunday services in the sanctuary (at 9:30 a.m. and 11:00 a.m.) and other church-related activities throughout the week. No use begins earlier than 7:30 a.m. or ends later than 9:00 p.m. No changes in hours or level of operation are included with the proposed parking expansion. The hours and levels of operation of church facility will continue to be compatible with adjacent uses. This standard is met.

- (g) MMC 19.904.9.H allows a spire on a religious institution to exceed the maximum height limitation.

The existing church building does not include a spire and none is included with the proposed development. This standard is not applicable.

- (h) MMC 19.904.9.I establishes that the minimum landscaping required for religious institutions is the lesser of 15% of the total site area and the percentage required by the underlying zone.

As discussed in Finding 6-c-(1), 15% landscaping is the applicable requirement, and the proposed development will result in at least 22% of the site area being landscaped. This standard is met.

- (i) MMC 19.904.9.J allows park-and-ride facilities to be encouraged for institutions along transit routes that do not have days and hours in conflict with weekday uses (such as religious institutions). Such uses may be encouraged to allow portions of their parking areas to be used for park-and-ride lots.

No transit route currently exists adjacent to the church site, and the nearest transit stop is approximately 600 ft away via the existing sidewalks on 42nd Ave between SE Harrison Street and SE King Road. There is no compelling reason at this point in time to encourage the church to allow a portion of its parking area to be used for a park-and-ride lot. This standard is not applicable.

As conditioned, the Planning Commission finds that the proposed development meets the applicable standards of MMC 19.904.9.

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

As discussed in Finding 6-c-(2)-(f), the proposed development will not affect the hours and levels of operation of the existing church use, which are reasonably compatible with surrounding uses.

The Planning Commission finds that this standard is met.

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

The proposed development does not diminish the public benefits of the existing church use, and there are no significant impacts on the neighborhood. The church is not expanding its hours or levels of operation with the proposed development. Rather, the purpose of the project is to provide more accessible off-street parking for current church users and to reduce the impacts of those users who may currently park in the right-of-way on Jackson St or 44th Ave. No new accessways are proposed for the site, so there will be no new points of potential conflict with users of adjacent streets. Existing laurel hedges along the southern boundary of the site already screen adjacent houses from the parking area and will remain in place.

The Planning Commission finds that this standard is met.

- (5) The location is appropriate for the type of use proposed.

A larger portion of the project area already includes an off-street parking area; the remaining portion is a residential property owned by the church, where the pre-existing, vacant house was recently demolished. This portion of the larger church site has been utilized for off-street parking for many years.

The Planning Commission finds that this standard is met.

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

d. MMC 19.904.5 establishes the procedures for reviewing CSUs.

- (1) MMC 19.904.5.A requires the Planning Commission to hold a public hearing to consider the establishment of new CSUs or the major modification of existing CSUs. The Commission shall determine whether the proposed use meets the approval criteria of MMC 19.904.4.

The proposed development represents a major modification to a CSU, in the form of significant physical changes to the existing site. The Planning Commission held a public hearing on May 12, 2015, to evaluate the proposed major modification to the CSU in the context of the approval criteria of MMC 19.904.4. This standard is met.

- (2) MMC 19.904.5.B establishes the types of conditions that the Planning Commission may impose on CSUs to ensure compatibility with other uses in the vicinity. Conditions may involve such aspects as hours or intensities of operation, measures to limit noise or glare, special yard setbacks, design of vehicle access points, and size or location of a building.

The Planning Commission has evaluated the proposed parking expansion and finds that, between the applicant's proposal and the conditions established by the Planning Commission, the modified CSU will be compatible with the other uses in the vicinity, which are primarily residential. Specific conditions have been established to ensure the proposal's compliance with other applicable criteria, such as for parking lot lighting and landscaping.

As conditioned, the Planning Commission finds that the existing CSU remains compatible with other uses in the vicinity. This standard is met.

- (3) MMC 19.904.5.C authorizes the Planning Director to approve minor modifications to an approved community service use through the Type I review process, subject to compliance with specific criteria.

The proposed development represents a major modification to the existing community service use.

The Planning Commission finds that MMC 19.904.5.C does not apply to this application.

As conditioned, the Planning Commission finds that the applicable standards of MMC 19.904.5 are met.

e. MMC 19.904.6 establishes the application requirements for CSUs, including a narrative describing the proposed use, maps showing the vicinity and existing uses, and detailed plans for the project.

The applicant's submittal materials include site plans and a narrative description of the proposed development.

The Planning Commission finds that this standard is met.

As conditioned, the Planning Commission finds that the proposed development meets all applicable standards of MMC 19.904 and is approvable as a major modification to a CSU.

7. 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.A (see Finding 7-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 7-e). The proposed development will not cause adjacent portions of the existing parking area to become out of conformance or further out of conformance if already nonconforming.

(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 noted in Findings 7-c and 7-e through 7-h and as conditioned, the proposed development meets all applicable standards of MMC Sections 19.604 and 19.606-611. As noted in Finding 7-d, the total number of parking spaces (144) will not exceed the maximum number allowed for this particular use (225).

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 for major modification of a Community Service Use is subject to Type III review by the Planning Commission, which is 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 the existing off-street parking area related to the existing CSU (church) on the subject property. The new parking spaces will be on the same site as and available for the primary church 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. In particular, MMC Table 19.605.1 provides minimum and maximum requirements for a range of different uses. For religious institutions, a minimum of 1 space per 4 seats is required; a maximum of 1 space per 2 seats is allowed.

The subject property is developed with a church building, including a sanctuary with approximately 450 seats, as well as associated offices and meeting/activity spaces. The minimum number of required spaces is 113; the maximum allowed is 225. The site currently provides 129 off-street parking spaces, including 7 marked ADA spaces and approximately 36 spaces on the church-owned lot at the northwest corner of 42nd Ave and Monroe St. As proposed, the site will provide 144 spaces, or approximately 1 parking space per 3.1 seats, which falls within the allowed range for a church use.

The Planning Commission finds that this standard is met.

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 45°-angle spaces, the minimum width is 9 ft and

minimum depth is 18.5 ft, with a 12-ft minimum curb length and 13-ft-wide one-way drive aisles.

The applicant has submitted a parking plan that utilizes 45°-angle spaces and one-way drive aisles. As proposed, the dimensions for new and reconfigured spaces and drive aisles meet the minimum standards.

This standard is 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 all but the downtown zones, perimeter landscaping areas must be at least 6 ft wide where abutting other properties and at least 8 ft wide where abutting the public right-of-way. At least 1 tree must be planted for every 40 lineal feet of landscaped buffer area, with the remainder of the buffer planted with grass, shrubs, ground cover, mulch, or other landscaped treatment. Parking areas adjacent to residential uses must provide a continuous visual screen from 1 to 4 ft above the ground to adequately screen vehicle lights.

As proposed, perimeter landscaping areas abutting the public rights-of-way along Jackson St and 44th Ave will be at least 8 ft wide. Perimeter landscaping areas abutting the adjacent properties to the south will be at least 6 ft wide, with existing laurel hedges proposed to remain along most of the southern perimeter. All perimeter landscaping areas will have at least 1 tree planted every 40 lineal feet, utilizing existing trees on the property where possible (as allowed by MMC Subsection 19.606.2.E.1). New trees will be distributed proportionally around the perimeter to account for places where the existing laurel hedges along the southern perimeter leave no room for new trees. A condition has been established to ensure that the final landscaping plan demonstrates that the existing hedges will remain in place, that gaps in the existing hedges will be filled with sight-obscuring screening on the church property, and that the tree-planting requirement for the entire perimeter landscaping area (approximately 495 ft) will be met.

As conditioned, 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 expansion and reconfiguration of existing parking, the project area will provide 42 spaces, which require a total of

1,050 sq ft of interior landscaping. The proposed interior landscaping areas that meet the minimum dimensional standards provide approximately 1,700 sq ft of area. For interior landscaping islands, at least 1 tree is proposed per island as required.

This standard is 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 shows preservation of some existing trees within the project area. Where the proposed on-site pedestrian walkway is located within a landscape buffer, the buffer is at least 2 ft wider than required. 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 reconfigured parking area will be paved and striped.

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 will be provided along the perimeter of the parking area in place of wheel stops. A condition has been established to ensure that wheel stops are provided in the stalls abutting the southern perimeter landscaping area, to prevent vehicles from encroaching into the minimum required landscaping width in that location.

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 project area is accessible to Jackson St on the north and Monroe St on the south, and no new accessways are proposed. As proposed, the new and reconfigured drive aisles meet the minimum width requirement of 13 ft for one-way aisles serving 45°-angle spaces.

This standard is 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 building entrance or pedestrian walkway that leads to a building entrance. As proposed, the new on-site walkway will be constructed of pervious concrete; the existing sidewalk along the northern perimeter of the site is impervious concrete and is not required to be modified.

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.

The proposed development will result in a total of 42 parking spaces within the project area, which triggers the requirement for lighting in the project area. A condition has been established to ensure that all new lighting is compliant with the various applicable illumination standards established in Subsection 19.606.3.F.

As conditioned, this standard is met.

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

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

f. MMC Section 19.608 Loading

MMC 19.608 establishes standards for off-street loading areas and empowers the Planning Director to determine whether or not loading spaces are required. In the case of the existing church use and the proposed parking expansion, the Planning Director has determined that no loading spaces are required.

The Planning Commission finds that this standard is not applicable.

g. MMC Section 19.609 Bicycle Parking

MMC 19.609 establishes standards for bicycle parking. However, the standards apply only for new development of various uses, including CSUs. The proposed development is an expansion of an existing parking area and does not constitute new development of the church CSU. Furthermore, no bicycle parking is proposed as part of this project.

The Planning Commission finds that this standard is not applicable.

h. MMC Section 19.610 Carpool and Vanpool Parking

MMC 19.610 establishes parking standards for vehicles used to carpool. However, the standards apply only for new development of various uses, including CSUs. The proposed development is an expansion of an existing parking area and does not constitute new development of the church CSU. Furthermore, no carpool parking is proposed as part of this project.

The Planning Commission finds that this standard is not applicable.

As conditioned, the Planning Commission finds that the proposed development meets all applicable standards MMC 19.600 for off-street parking.

8. As per MMC Subsection 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 two (2) years of land use approval.
- b. Pass final inspection and/or obtain a certificate of occupancy within four (4) years of land use approval.

As per MMC Subsection 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.

9. The application was referred to the following departments and agencies on March 27, 2015:

- Milwaukie Building Department
- Milwaukie Engineering Department
- Clackamas Fire District #1

- Hector Campbell Neighborhood District Association (NDA) Chairperson and Land Use Committee
- Clackamas County
- Metro
- TriMet

The comments received are summarized as follows:

- Meganne Steele, Senior Regional Planner, Metro (Planning & Development):** Expansion of the existing parking lot will generate more trips onto the site and should therefore trigger a requirement for construction of public sidewalks along the street next to the new parking area.
- Samantha Vandagriff, City Building Official, Milwaukie Building Department:** Based on building square footage, the existing church use is required to provide a minimum of five (5) parking spaces compliant with the Americans with Disabilities Act of 1990 (ADA), including one (1) “Wheelchair User Only” space. Each ADA parking space must be a minimum of 8 ft wide with a 9-foot-wide striped loading area next to it. Two ADA spaces may share a single loading area between them. ADA spaces shall not have a cross slope of more than 2% in any direction, and shall be as close as possible to the entrance to the structure.
- Matt Amos, Fire Inspector, Clackamas Fire District #1:** No comments for this proposal.
- Brad Albert, Civil Engineer, Milwaukie Engineering Department:** MMC Chapter 19.700 Public Facility Improvements is not applicable to the proposed development. Other requirements related to stormwater management have been noted with the conditions of approval.
- Lars Campbell, Member, Hector Campbell NDA Land Use Committee:** Overall, the neighborhood supports the plan. There was a wish by one neighbor that the project included construction of sidewalks, as well as a few notes related to the Monroe Street Neighborhood Greenway project and the potential for diverted traffic to cut through the church parking lot and/or otherwise impact church traffic.

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 March 9, 2015, and except as otherwise modified by these conditions. The required changes are as follows:
 - (1) As per Finding 6-c-(2)-(e), provide sufficient detail to 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° or greater, does not cause a light trespass of more than 0.5 footcandles measured vertically at the boundaries of the site, and provides a minimum illumination level of 0.5 footcandles for pedestrian walkways in the new and reconfigured parking area.
 - (2) As per Finding 7-e-(2), provide a final landscaping plan showing that the existing hedges along the southern perimeter will remain in place, that gaps in the

existing hedges will be filled with sight-obscuring screening on the church property, and that at least 1 tree will be planted per 40 lineal feet of the perimeter landscaping area (approximately 495 ft total). Existing trees on the property will be utilized where possible (as allowed by MMC Subsection 19.606.2.E.1), and new trees shall be distributed proportionally around the perimeter to account for places where the existing laurel hedges along the southern perimeter leave no room for new trees.

- (3) As per Finding 7-e-(3)-(b), provide wheel stops in the parking stalls abutting the southern perimeter landscaping area, sufficient to prevent vehicles from encroaching into the minimum required landscaping width in this location.
- 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. Development Review

An application for Type I development review is required in conjunction with the submittal of the associated development permit application(s).

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. In the event the storm management system contains underground injection control devices, submit proof of acceptance of the storm system design from the Department of Environmental Quality.

Development/building permits will not be issued for construction until the stormwater management plan has been approved by the City of Milwaukie.

3. ADA Parking Spaces

As part of the development permit review for the proposed development, the Building Official will review the site for compliance with the relevant standards for parking spaces deemed accessible in conjunction with the Americans with Disabilities Act of 1990 (ADA). The site must provide the minimum number of ADA spaces, and existing ADA spaces may require modification to ensure they meet the relevant standards.

Based on building square footage, the existing church use is required to provide a minimum of five (5) ADA-compliant parking spaces, including one (1) “Wheelchair User Only” space. Each ADA parking space must be a minimum of 8 ft wide with a 9-foot-wide striped loading area next to it. Two ADA spaces may share a single loading area between them. ADA spaces shall not have a cross slope of more than 2% in any direction, and shall be as close as possible to the entrance to the structure.

4. Limitations on Development Activity

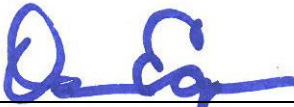
Development activity on the site shall be limited to 7:00 a.m. to 10:00 p.m. Monday through Friday and 8:00 a.m. to 5:00 p.m. Saturday and Sunday, as per MMC Subsection 8.08.070(l).

5. 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 two (2) years of land use approval.
- b. Pass final inspection and/or obtain a certificate of occupancy within four (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 and Acting Community
Development Director

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Jason Rice, Engineering Director (*via e-mail*)
Brad Albert, Civil Engineer (*via e-mail*)
Samantha Vandagriff, Building Official (*via e-mail*)
Bonnie Lanz, Permit Specialist (*via e-mail*)
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Land Use File: CSU-2015-001