



March 24, 2016

Land Use File: CSU-2015-008/CU-2015-002/TFR-2015-001

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Commission on March 22, 2016.

Applicant: Stephen McMurtry, Northwest Housing Alternatives

Location(s): 2316 SE Willard St
Multiple tax lots at the SE corner of 23rd Avenue and Lake Road

Tax Lot(s): 11E36BC0 6000, 6100, 6200, 6300, 6400, 6500, 6600, 6700, 6800, & 6900

Application Type: Community Service Use, Conditional Use, and Transportation Facility Review

Decision: **Approved, with Conditions**

Review Criteria: **Milwaukie Zoning Ordinance:**

- Section 19.1006 Type III Review
- Section 19.904 Community Service Uses
- Section 19.905 Conditional Uses
- Section 19.500 Supplementary Development Regulations
- Chapter 19.600 Off-Street Parking and Loading
- Section 19.700 Public Facility Improvements
- Section 19.302 Medium and High Density Residential Zones)

Neighborhood: Historic Milwaukie

Appeal period closes: 5:00 p.m., April 12, 2016

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 Keith Liden, at 503-757-5501 or keith.liden@gmail.com if you wish to view this case file.

This decision may be appealed by 5:00 p.m. on April 12, 2016, which is 15 days from the date this notice of decision was mailed. 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

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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, Northwest Housing Alternatives, has applied for approval to completely redevelop its entire site with:
 - A shelter designed to provide temporary housing for up to 8 families. This building would be located in the center of the site.
 - A 12,500 square-foot office building located on Willard Street and 23rd Street (see Sheets 1.4 Site Plan, 2.2 Shelter Floor Plans, and 3.1 Exterior Elevations, 2.0 and 2.1 Office Floor Plans, and 3.0 Office Exterior elevations).
 - In addition, the applicant intends to develop a portion of the site with 28 multi-family units. The multi-family project is not a part of this application
1. The site consists of 10 tax lots located at the intersection of Willard Street/23rd Avenue and Lake Road. The entire site is zoned Residential R-2. The land use application master file number is CSU-2015-008, with associated file numbers CU-2015-002, and TFR-2015-001.
2. The proposed components of the proposed redevelopment require different application reviews. The shelter requires a Community Service Use approval, the office requires Conditional Use approval, and the multi-family buildings are a permitted use in the R-2 Zone requiring a non-discretionary Type I Development Review. The CSU and CU components are subject to a Type III review process, and the multi-family component is subject to a Type I review process, which will be conducted at a later date. A Transportation Facilities Review was also found to be necessary because a Transportation Impact Study was required due to the potential impact of the development on transportation facilities (MMC 19.703.2 B and 19.704.1).
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC 19.1006 Type III Review
 - MMC 19.904 Community Service Uses
 - MMC 19.905 Conditional Uses
 - MMC 19.302 Medium and High Density Residential Zones (pertaining to the R-2 Zone)
 - MMC 19.500 Supplementary Development Regulations
 - MMC 19.600 Off-Street Parking and Loading
 - MMC 19.700 Public Facility Improvements

4. MMC 19.1006 Type III Review

The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review. A public hearing was held by the Planning Commission on March 22, 2016, as required by law.

5. MMC Section 19.904 Community Service Uses

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 include such uses as schools, hospitals, nursing or convalescent homes, and temporary or transitional facilities.

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

The proposed use by the applicant does not represent a change in the use of the property to provide short-term housing for families and individuals. The proposal will increase Northwest Housing Alternatives' ability to serve the community with improved facilities and housing options. The shelter is a temporary or transitional facility as defined MMC 19.201 and 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 activity is not a wireless communication facility, nor does it represent a minor modification to the existing CSU. The proposed redevelopment represents a major modification of the existing temporary or transitional facility.

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

c. MMC 19.904.4 contains 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 must be met.

The subject property is zoned Residential R-2. The standards for the base zone are addressed in Section 8 of this findings document.

The Planning Commission finds that the proposed activity is subject to the development standards of the underlying R-2 zone.

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

As a temporary or transitional facility, the proposed activity 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 activity 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.

The Director of Engineering determined that sufficient infrastructure is in place to serve the development. However, street frontage improvements are required to provide sidewalk that comply with city standards. The improvements along SE Lake Road also include 6.5 ft of right-of-way dedication to satisfy current arterial street standards. Finally, on-site storm drainage improvements will be required to adequately treat and dispose of stormwater runoff. 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 Willard Street, SE 23rd Avenue, and SE 25th Avenue, which are all local streets. SE Willard Street and SE 23rd Avenue in turn provide direct access to SE Lake Road, an arterial.

Because access to a collector street is not feasible and easy access to an arterial street is available, 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.

The proposed shelter will be located internally on the site. With a maximum height of approximately 28 ft and setbacks significantly greater than 19 ft, this standard is met.

- (d) MMC 19.904.9.D allows the height limit of the base zone to be exceeded up to a maximum of 50 ft if the setback requirements in MMC 19.904.9 C are satisfied.

The maximum height proposed for the shelter (27' 10") is less than 50 ft and the maximum height in the R-2 Zone. This standard is met.

- (e) 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.

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

The proposal includes a plan for new exterior lighting (see Sheets 1.5 Site Lighting Plan and 1.6 Lighting Cut Sheets). The light fixtures in the parking lot are designed to cast light downward and away from adjoining properties. Illuminated bollard lights are proposed within the remainder of the development. Based upon the information provided, it appears this standard is met. A condition of approval will require confirmation of compliance.

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

The surrounding properties include the high school, a church, and residences. The shelter will have the characteristics of a normal residential use with the addition of an evening curfew for its residents (10 p.m. weekdays/11 p.m. weekends). This standard is met.

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

No spire is proposed. This standard is not applicable.

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

The site will provide approximately 33% landscaped area. This standard is met.

- (j) 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 uses may be encouraged to allow portions of their parking areas to be used for park-and-ride lots.

There is a TriMet bus route (#32) on SE Lake Road, and MAX service is available a short distance to the north in downtown Milwaukie. However, park-and-ride use, which peaks during the day, would conflict with the daytime parking demand related to the office and residential uses. This standard is not applicable.

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

- (3) MMC 19.904.4 C requires the hours and levels of operation of the proposed use to be reasonably compatible with surrounding uses.

The shelter will have the characteristics of a normal residential use with the addition of an evening curfew for its residents.

The Planning Commission finds that this standard is met.

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

The shelter will be primarily oriented toward SE Willard Street, which also serves the high school and the associated activities and traffic. The shelter has provided critical temporary housing for homeless families and individuals for approximately 30 years on this site. Although the operation will expand with capacity for up to 8 families in the shelter (current capacity is 5 families), the character of the use will not change appreciably, and no additional impacts on the neighborhood are anticipated.

The Planning Commission finds that this standard is met.

- (5) MMC 19.904.4 E requires the location to be appropriate for the type of use proposed.

The shelter and office will be primarily oriented toward SE Willard Street and SE Lake Road. The site has excellent transit access with a bus stop on SE Lake Road and MAX service within two blocks to the north. This will reduce the need for employees and residents to drive. The surrounding uses are a mix of public,

institutional, and residential. There will be virtually no evening activity on the site to disturb nearby residents.

The Planning Commission finds that this standard is met.

As conditioned, the Planning Commission finds that the proposed activity 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 activity represents a major modification to a CSU because the entire site will be redeveloped. With this application for CSU, Conditional Use, and Traffic Facilities Review and the relevant criteria in the Milwaukie Municipal Code will be used to determine if the relevant code criteria are satisfied. 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.

As conditioned, the Planning Commission finds that the proposed redevelopment of the existing shelter will remain 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 CSU through the Type I review process, subject to compliance with specific criteria. The proposed activity represents a major, not minor, modification to the existing CSU.

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

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 activity. The application was reviewed by the planning staff and deemed complete.

The Planning Commission finds that this standard is met.

The Planning Commission finds that the proposed activity meets all applicable standards of MMC 19.904 to be approved as a CSU.

6. MMC Section 19.905 Conditional Uses

MMC 19.905 establishes regulations for conditional use applications to evaluate the establishment of certain uses that may be appropriately located in some zoning districts, but only if appropriate for the specific site on which they are proposed.

- a. MMC 19.905.2 B applies to major modifications of existing conditional uses.

The Planning Commission finds that the requirements of MMC 19.905 are applicable to the proposed activity.

- b. MMC 19.905.3 provides that new conditional uses or major modifications of them require a Type III review process. The Planning Commission finds that the application is being processed as a Type III application.

- c. MMC 19.905.4 A lists the relevant approval criteria for a major modification to a 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 total site area is approximately 1.7 acres, and as outlined elsewhere in these findings, the proposed redevelopment of the site will be able to satisfy all of the development standards associated with the R-2 Zone. In addition, relevant standards pertaining to other relevant MMC provisions will also be will be satisfied.

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.

As noted under the applicant's findings (p. 7), the surrounding area contains a distinctive mix of different uses. Immediately surrounding uses include public, institutional, and residential uses. The primary orientation of the office building will be to SE Willard Street and SE 23rd Avenue across from the high school. The daytime hours of operation for the office (8:30 a.m. to 5:00 p.m.) will minimize any potential disruption for nearby residential uses, which are primarily located to the south and east. The proposed size, height, and setbacks for the new office building satisfy the code standards, retaining a development scale that is compatible with surrounding uses.

The Planning Commission finds that this standard is met.

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

The primary potential impacts identified for this development pertain to adequacy of on-site parking, perimeter landscaping and buffering related to the parking lot, and exterior lighting. These issues are addressed in this document under the relevant MMC sections.

- (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.

As noted herein, the office use will be limited to daytime hours during the weekdays. This, along with the size, scale, and location will ensure a development character, which is compatible with nearby uses. In addition, the office will not attract or involve significant truck deliveries or customer traffic.

Outdoor events or any other disturbance related to noise, odor, lighting, or vibration will not be associated with this development.

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 noted herein, all the applicable standards in the Milwaukie Municipal Code will be satisfied as conditioned.

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.

Chapter 4 Land Use – Objective #2 Residential Land Use: Density and Location

6. High Density in Mixed Use Areas will be based on the following policies:

- a. Within the Mixed Use Area designated on Map 7, a range of different uses including residential, commercial and office are allowed and encouraged. It is expected that redevelopment will be required to implement these policies, and that single structures containing different uses will be the predominant building type.
- b. Commercial uses will be allowed at the ground floor level, and will be located relative to the downtown area so that pedestrian access between areas is convenient and continuous.
- c. Office uses will be allowed at the ground and first floor levels.
- d. High Density residential uses will be allowed on all levels. At least fifty (50) percent of the floor area within a project must be used for residential purposes.
- e. Within the Mixed Use Area, a residential density bonus of fifteen (15) percent over the allowable density may be granted in exchange for exceptional design quality or special project amenities.
- f. All parking must be contained within a project.

The proposed redevelopment supports this land use objective by providing a mix of office and moderate density residences in a location that has excellent access to transit and downtown Milwaukie.

Chapter 4 Land Use – Objective #2 Employment Opportunity

2. The City will encourage new professional and service-oriented employment opportunities to meet the diverse needs of City residents.

Redevelopment of the site will enable better accommodation of existing employees and allow for anticipated growth. The employment opportunities will be available for Milwaukie residents.

Chapter 4 Land Use – Objective #12 Town Center

To emphasize downtown Milwaukie and the expanded city center as a Town Center with the major concentration of mixed use and high density housing, office, and service uses in the City.

Redevelopment of the site will support this objective by providing a mix of office and residential uses within the Town Center.

The Planning Commission finds that the proposed Conditional Use is consistent with relevant Comprehensive Plan objectives and policies.

- (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 city departments have verified that with the improvements required in the conditions of approval, adequate public facilities and utilities are available to serve the site.

The Planning Commission finds that this standard is met.

As conditioned, the Planning Commission finds that the application meets all applicable standards of MMC 19.905.

7. MMC Section 19.302 Medium and High Density Residential Zones

MMC 19.302 establishes standards for several residential zones including the R-2 Zone.

- a. MMC 19.302.2 lists the permitted and conditional uses in the R-2 Zone. Multi-family development is permitted, offices are a conditional use, and the shelter (Accessory and Other Uses) is listed a community service use. The proposed uses are allowable in the R-2 Zone, subject to city approval.
- b. MMC 19.302.3 B includes a specific limitation for offices in medium density residential zones (R-2) to have the characteristics of a professional office.
- c. MMC 19.302.4 includes the development standards for the R-2 Zone including:
 - Minimum lot size for “all other lots” of 5,000 square ft;
 - Minimum lot width of 50 ft;
 - Minimum lot depth of 80 ft;
 - Minimum street frontage of 35 ft;
 - Maximum building height of 3 stories or 45 ft whichever is less;
 - Side yard plane limit height of 25 ft;
 - Maximum lot coverage of 45%;
 - Minimum vegetation area of 15%; and
 - Minimum/maximum density 11.6/17.4 units/acre.
- d. MMC 19.302.5 provides additional development standards, several of which do not apply to this application. The applicable provisions include:
 - MMC 19.302.5 C requires that at least one-half of the minimum required vegetation area is suitable for recreation;
 - MMC 19.302.5 D requires that 40% of the front yard must be vegetated;

- MMC 19.302.5 F sets the minimum lot size for multi-family development in the R-2 Zone at 5,000 sq ft for the first dwelling and a 2,500 sq ft for each additional residence; and
- MMC 19.302.5 H requires multi-family buildings not to exceed 150 ft in length.

The requirements of this section are satisfied because:

- The uses proposed are either permitted or allowed conditionally;
- The lot dimensions for lot width, depth, and street frontage exceed the minimum requirements;
- The proposed shelter and office have maximum heights of less than 28 and 39 ft respectively;
- The side yard plane requirement is satisfied for both the shelter and office building due to their 50-foot minimum setbacks from side yard property lines (multi-family building will be evaluated through a separate Type I review);
- The lot coverage will be approximately 31%;
- Approximately 33% (24,352 sq ft) will be vegetated;
- The 28 residential units proposed are within the allowed range of between 20 and 30 units for this property (based upon 1.7 acres and 11.6 d.u./ac. minimum and 17.4 d,u./ac. maximum);
- Well over one-half of the vegetated area is suitable for recreation;
- Almost the entire front and front side yards are landscaped;
- The minimum lot area required for 28 units is 72,500 sq ft and the property is 74,243 sq ft; and
- The largest of the three multi-family buildings is proposed to be 150 ft in length (to be confirmed as part of the separate Type I review).

The Planning Commission finds that the relevant provisions are satisfied.

8. MMC19.500 Supplementary Development Regulations

MMC 19.500 provides additional standards for a variety of development types and locations. The applicable portions of this section are addressed.

- a. MMC 19.501.2 requires additional building setbacks from the centerline of several streets in the city including SE Lake Road, which requires additional yard area of 30 ft from centerline plus the applicable yard requirement.

SE Lake Road currently has a 60-foot wide right-of-way, and a 30-foot setback from center line plus the required yard area of 15 ft will be provided.

The Planning Commission finds that this additional yard area requirement is met.

- b. MMC 19.501.3 establishes building height and side yard height plane exceptions.

As noted above with the office and shelter satisfy the applicable dimensional standards.

The Planning Commission finds that the applicable dimensional requirements are met.

- c. MMC 19.505.3 establishes design standards for multi-family housing, which are not relevant to the office and shelter. They will be relevant for the future Type I review of the three multi-family buildings.

The Planning Commission finds that the standards in this section are not applicable to this Community Service Use and Conditional Use application.

- d. MMC 19.505.7 requires office and institutional development within 500 ft of a transit route to have the primary buildings oriented toward the transit route.

TriMet bus route #32 travels along SE Lake Road, and it has a stop at the intersection with SE 23rd Avenue. The main sidewalk entry to the office and internal courtyard connects with the SE 23rd Avenue sidewalk and the bus stop.

The Planning Commission finds this provision is met.

9. 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 proposed development will include new on-site parking. The provisions of MMC 19.602.3 apply because the total redevelopment of the site will increase in the total building floor area by over 100%.

(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 provide a new off-street parking area. As noted herein, the proposed improvements are in conformance with the applicable standards of MMC 19.606, including stall dimensions, landscaping, and lighting.

(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.

This code section does not apply to this case because a total redevelopment of the property is proposed.

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 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 for the Community Service Use and Conditional Use application 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 19.604.1 to 19.604.3 establish 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 applicant proposes to provide new parking spaces on the same site as the office, shelter, and residential uses.

The Planning Commission finds that the standards of this section are 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 multi-family units (including the 8-unit shelter), which are 800 sq ft or less, a minimum of 1 space per unit is required and a maximum of 2 spaces is permitted per unit. An 8-unit shelter is proposed along with 4 multi-family units in the same size range. An additional 24 multi-family units are also proposed, which are larger than 800 sq ft, requiring 1.25 spaces per unit. As noted herein, the 28 multi-family units in the three buildings shown on the site plan will be subject to a future Type I application review. However, the application is showing the parking lot as it is intended to support all of the uses proposed. The 12,500 sq ft office requires a minimum of 2 spaces per 1,000 sq ft. The applicant proposes 48 standard parking spaces and 2 accessible

spaces for a total of 50. The total minimum parking requirement for the development is 67 spaces according to MMC Table 19.605.1. A 25% parking space reduction is sought according MMC 19.605.3 B, which is addressed below.

The Planning Commission finds that the standards of this section are met.

MMC 19.605.2 allows the director to adjust parking requirements through Type II process.

This is not being proposed and is not relevant to this application.

MMC 19.605.3 B 2 c allows up to a 25% reduction in the required number of parking spaces for the proposed office and multi-family uses when located within 1,000 ft of a light rail stop. The applicant is proposing to reduce the parking requirement as allowed by this section for developments that are located within 1,000 ft of a light rail transit stop. The Milwaukie/Main MAX stop is within an approximate 900-foot walking distance from the station to the shelter. Therefore, the 25% reduction in required parking spaces for the office, shelter, and multi-family units of 67 spaces to 50 spaces is justified.

The Planning Commission finds that the normal parking standards may be reduced by up to 25% as provided in MMC 19.605.3 B.

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 90°-angle spaces, the minimum width is 9 ft and minimum depth is 18 ft with a 9-ft minimum curb length and 22-foot-wide drive aisles. In addition, 4 parallel spaces are proposed with 22-foot lengths and widths of 8.5 ft.

The applicant has submitted a parking plan that satisfies these dimensional standards.

(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.

Initial staff review identified deficiencies in the amount of interior landscaping and pedestrian circulation. The applicant submitted revised Site Plan (Sheet 1.4) on March 10, 2016 for consideration.

- 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.

The perimeter landscaping areas abutting the public rights-of-way along SE Willard Street and SE 25th Street are proposed to be 8 ft wide. The width of the perimeter landscaping areas abutting the adjacent properties are proposed to be 6 ft on the east side, 10.75 ft on the north side near SE 25th Avenue (including a 6-foot wide storm water treatment area), and 2.5 to 3.5 ft on the south side (revised Site Plan – Sheet 1.4). This landscaped edge of 2.5 to 3.5 ft is also proposed to have a 5-foot wide sidewalk. Such a sidewalk may be part of the perimeter landscaping if the total width is 8 ft. This southern landscape strip should be modified to meet this requirement. Also, because of the minimal width of this buffer it should include a sight-obscuring fence.

Sheet 1.3 Landscape Concept Plan in the application depicts that 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 with spacing of 30 to 40 ft around the perimeter of the parking lot.

In addition to trees, landscape planting in the buffer area must be vegetated with grass, ground cover, other vegetation, or mulch. The landscaping concept indicates the buffer area between the parking lot and adjoining properties will be landscaped with continuous hedge planting to satisfy MMC 19.606.2 D 2 and 19.606.2 D 3. The current buffer between the site and adjacent properties includes a combination of fencing (chain link and wood) and hedges. However, this existing buffer does not appear to be continuous. A condition has been established to ensure that the final landscaping plan demonstrates that a suitable evergreen hedge buffer will be provided along the entire boundary between the parking lot and adjoining properties.

As conditioned, this standard is met.

- 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.

The applicant proposes to provide 50 spaces, which require a total of 1,250 sq ft of interior landscaping. The proposed interior landscaping areas meet the minimum dimensional standards with approximately 1,291 sq ft of landscaped area. Because the landscaped strip (4.75 ft) wide and landscaped stormwater treatment facility (6 ft wide) along the north side of the eastern portion of the lot is greater than the required 6-foot buffer, the 4.75 ft may be counted as interior landscaping. A condition of approval is included to provide the additional landscaped area within the parking lot to satisfy the area standard in this section. For interior landscaping islands, at least 1 tree is proposed per island as required.

As conditioned, this standard is met.

- 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 submitted information regarding the location of existing trees within the project area on Sheet 1.2 Existing Conditions. The existing trees in areas to be developed with the office building, shelter, and parking lot will not be feasible to save. Other trees in the vicinity of the multi-family units will be evaluated as part of the Type I review for that aspect of the development. Trees immediately nearby on adjacent properties should be evaluated to ensure they are adequately protected during construction. As required, parking area landscaping will be installed prior to final inspection, unless a bond is posted with the City.

With a condition to protect existing trees on adjoining properties, 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.

- 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 parking area will be paved and striped.

This standard is met.

- 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, wheel stops will be provided along the perimeter of the parking area. A condition has been established to ensure that wheel stops are provided in the stalls abutting the perimeter landscaping area.

As conditioned, this standard is met.

- 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 parking lot is proposed to have driveway access to SE Willard Street on the north and SE 25th Avenue on the east. As proposed, the drive aisles meet the minimum dimensional requirements.

This standard is met.

- MMC 19.606.3.D Pedestrian Access and Circulation

Pedestrian access shall be provided so that no off-street parking space is farther 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.

A continuous walkway is proposed along the western side of the parking lot. The closest building entrance is the eastern entry to the proposed shelter building. The majority of the parking spaces meet the 100-foot distance standard, but the spaces on the far eastern end of the parking lot will be more than 100 ft away. To address this issue, the applicant submitted an amended site plan (Sheet 1.4) showing an additional sidewalk along the southern edge of the parking lot to satisfy this standard. A condition of approval is included to ensure walkway access that meets the standards of this section and MMC 19.504.9 E.

As conditioned, this standard is met.

- 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.

- 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 include a total of 50 parking spaces within the project area, which triggers the requirement for lighting in the project area. The lighting information and plan suggests that the above lighting standard will be satisfied with a maximum footcandle illumination beyond the property line ranging between 0.1 and 0.5. A condition has been established to verify 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 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 proposed shelter and office use and the new parking lot, 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 for new development of various uses, including CSUs. According to this section, the office needs to provide bicycle parking at a rate of 10% of the minimum number vehicular parking spaces. For multi-family development, 1 space is required per unit for developments of more than 4 units. MMC 19.609.2 requires cover for a minimum of 50% of the bike spaces when the required number exceeds 10 spaces. MMC 19.609.3 A provides that each bicycle parking space shall have minimum dimensions of 2 ft by 6 ft, with 5-foot wide aisles for maneuvering. MMC 19.609.4 requires bike racks to be located within 50 ft of a main building entrance.

With a parking requirement of 25 vehicular spaces for the office, a minimum bike parking requirement would be 2 spaces (MMC 19.605.1 D provides fractions are rounded down). The applicant proposes to provide 6 bike spaces along the rear of the office building. The shelter, with 8 units and 1 space per unit, would require 8 bike parking spaces, but the applicant proposes 4 spaces. Combined, the office and shelter need to provide a minimum of 10 bike parking spaces. Once the bike parking for the 28 multi-family units is added to the office and shelter, a total of 38 bike parking spaces will be required. Although the bike parking for the 28 multi-family units will be addressed as part of the future Type I review of this aspect of the project, The applicant may want to consider how to provide all of the bike parking as it has for the vehicular demand of the entire development. Covered bike parking will ultimately be required for at least 50% of the bike parking spaces. The placement of the bike racks for the shelter does not appear to meet the dimensional standards of 19.609.3. The proposed bike rack locations satisfy MMC 19.609.4. A condition is included to require a minimum of 10 spaces and compliance the dimensional standards.

As conditioned, 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. The standards apply for new commercial development. As a major expansion and total redevelopment of the site, the proposed development is considered to be a new use. A condition of approval is included to identify carpool and vanpool spaces as required by this section for the office use. This is equal to 10% of the minimum number of required spaces, which in this case would be 2 spaces.

As conditioned, the Planning Commission finds this standard is met.

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

10. MMC Section 19.700 Public Facility Improvements

MMC 19.700 is intended to ensure that development, including redevelopment, provides public facilities that are safe, convenient, and adequate in rough proportion to their public facility impacts.

a. MMC19.702 Applicability

MMC 19.702 establishes the applicability of the provisions of MMC 19.700.

(1) MMC Subsection 19.702.1 General

MMC 19.702.1 provides that the regulations of MMC 19.700 apply to intensification of land use including new dwelling units and/or increase in gross floor area. The applicant proposes to increase the number of dwelling units and commercial use square footage by expanding their facilities with a redevelopment of the site. The intensification of use triggers the requirements of MMC Chapter 19.700.

The Planning Commission finds that the standards and requirements of MMC 19.700 are applicable to the proposed development.

b. MMC Section 19.703 Review Process

(1) MMC19.703.1 Preapplication Conference

A preapplication conference was held.

(2) MMC 19.703.2 Application Submittal

MMC 19.703.2 provides that a Transportation Facilities Review (TFR) is subject to a Type II review process, but should be consolidated with related applications. Therefore, the TFR application is being considered with this CSU/Conditional Use application.

(3) MMC 19.703.3 Approval Criteria

MMC 19.703.3 A requires compliance with procedures, requirements, and standards of MMC 19.700 and the Public works Standards.

The proposed development has, and will continue to comply with the applicable requirements noted above.

MMC 19.703.3 B Transportation Facility Improvements

As described in the Transportation Impact Study, by Kittleson and Assoc., the proposed project will not have any measurable adverse impacts on surrounding transportation facilities including streets and sidewalks.

MMC 19.703.3 C Safety and Functionality Standards requires suitable public facilities to serve a development including:

- Adequate street drainage;
Adequate drainage will be provided as described in the Preliminary Stormwater Drainage Report, by KPFF.

- Safe access and clear vision at intersections;

The redevelopment will reduce the number of driveways on from 3 to 2, and as indicated in the Transportation Impact Study, the new driveways will meet city spacing standards including adequate sight distance. The landscaping concept shows that adequate vision clearance areas at

intersections, including these driveways, will be required as a condition of approval.

- Adequate public utilities;

Utilities are found by the Engineering Director to be adequate, with the installation of improvements listed in the conditions of approval.

- Access onto a public street with the minimum paved widths per MMC 19.703.3 C 5.

The development will have access to two public streets, SE Willard Street and SE 25th Avenue, both of which meet the minimum pavement width requirements for local streets.

- Adequate frontage improvements; and

All of the street frontages are currently improved including paved streets, curbs, and sidewalks. However, they are not fully consistent with current city standards. Therefore, conditions of approval include new sidewalk and other frontage improvements along SE Lake Road, SE 25th Avenue, SE Willard Street, and SE 25th Avenue.

- Compliance with Level of Service D for all intersections impacted by the development.

Table 7 of the Transportation Impact Study shows that Level of Service C or better will result after the development is completed, meeting this standard.

The Planning Commission finds that the appropriate review procedures have been followed, and the relevant criteria have been addressed.

c. MMC19.704 Transportation Impact Evaluation

- (1) MMC 19.704 .1 grants authority to the Engineering Director to determine if a Transportation Impact Study (TIS) is necessary.

Northwest Housing Alternatives submitted a transportation impact study on November 10, 2015, which was prepared by Kittelson and Associates, Inc. and meets all stated requirements in MMC Section 19.704.

- (2) MMC 19.704.2 describes the process for determining the TIS scope.

The provisions of this section were followed to guide the content of the TIS submitted by the applicant.

- (3) MMC 19.704.3 describes the requirements for conducting a TIS.

The requirements were followed by the applicant and are reflected in the contents of the TIS.

- (4) MMC 19.704.4 requires mitigation of any transportation impacts caused by the development.

As noted, the development is found to have insignificant impacts upon the existing vehicular traffic in the area, and no mitigation is necessary. Pedestrian and bicycle infrastructure is found to need improvement as articulated in the conditions of approval.

The Planning Commission finds that as conditioned, the requirements of this code section are met.

d. MMC 19.705 Rough Proportionality

The proposed development does not trigger mitigation of impacts beyond the required frontage improvements. The impacts are minimal and the surrounding transportation system will continue to operate at the level of service previous to the proposed development. The proposed development, as conditioned, is consistent with MMC 19.705.

e. MMC 19.706 Fee in Lieu of Construction

The applicant is not requesting to pay a fee in lieu of constructing transportation improvements.

f. MMC 19.707 Agency Notification

The appropriate agencies were notified of the application.

g. MMC 19.708 Transportation Facility Requirements

(1) MMC 19.708 .1 General Street Requirements and Standards.

MMC 19.708.1 A requires proper access management according to city standards. The applicant is proposing a design that complies because one driveway access will be eliminated. The city accessway location spacing standards as outlined in Section 5.0082 of Milwaukie's Public Works Standards are satisfied.

The applicant shall be required to construct a driveway approach to meet all guidelines of the Americans with Disabilities Act (ADA) to the proposed development on SE Willard Street and SE 25th Avenue. The driveway approach aprons shall be between 24 ft and 36 ft in width and least 7.5 ft from the side property line.

MMC 19.708.1 B requires clear vision at driveways. This will be provided for both proposed driveways consistent with city requirements and the recommendations in the TIS to limit vegetation and signage near the driveways to maintain appropriate vision clearance.

MMC 19.708.1 D applies to development outside of the downtown. This subsection requires:

- Streets designed in improved in accordance with city standards.
As conditioned by the Director of Engineering, all streets fronting the site shall be modified to meet current standards.
- Streets designed according to their functional classification.
As conditioned by the Director of Engineering, all streets fronting the site shall meet current design standards.

- Street right-of-way dedication as required.

Additional right-of-way dedication was found to be necessary along the SE Lake Road frontage, and it is required as a condition of approval.

- Development permits are contingent upon frontage or approved access to a public street.

This development will have direct access to SW Willard Street and SE 25th Avenue.

- Off-site improvements to mitigate off-site impacts.

No off-site impacts have been identified.

- New public streets.

New public streets are not proposed.

- Traffic calming.

Traffic calming was not found to be necessary.

- Railroad crossings.

No rail crossings are affected.

- Street signs.

The applicant shall remove all signs, structures, or vegetation in excess of 3 ft in height from “vision clearance areas” at intersections of streets, driveways, and alleys.

- Street lights.

Existing street lighting is adequate.

MMC 19.708.1 E applies to street layout and connectivity.

No new streets are proposed.

MMC 19.708.1 F applies to public street intersection design.

No new streets are proposed.

(2) MMC 19.708.2 Street Design Standards

The Director of Engineering determined that SE Lake Road is a deficient width for an arterial street. Therefore, as a condition of approval, the applicant shall be required to construct a half street improvement on the northeast side of SE Lake Road along the site’s frontage. The street improvement includes, from the fronting property line, construction of a 6-foot setback sidewalk, 5-foot planter strip, curb and gutter, and a 23-foot wide paved half-street. 15 ft of the paved half-street is already installed along the development property; the applicant is only responsible for 8 ft of paved width, curb and gutter, the planter strip, and sidewalk.

The existing right-of-way width of SE Lake Road fronting the proposed development is 60 ft. The Milwaukie Transportation System Plan and Transportation Design Manual classify the fronting portions of SE Lake Road an Arterial street. According to Table 19.708.2 Street Design Standards, the required right-of-way width for an arterial street is between 54 ft and 89 ft depending on the required street improvements. The required right-of-way needed for the required street improvements is 73 ft. The applicant is responsible for 6.5 ft of right-of-way dedication along SE Lake Road fronting the development property.

The applicant shall construct a half street improvement on the south side of SE Willard Street along the site's frontage. The street improvement includes, from the fronting property line, construction of a 5-foot wide setback sidewalk, 3-foot wide planter strip, curb and gutter, and an 18-foot wide paved half-street. The 18-foot wide paved half-street is already installed along the development property; the applicant is only responsible for curb and gutter, the planter strip, and sidewalk.

The existing right-of-way width of SE Willard Street fronting the proposed development is 50 ft. The Milwaukie Transportation System Plan and Transportation Design Manual classify the fronting portions of SE Willard Street a local street. According to Table 19.708.2 Street Design Standards, the required right-of-way width for a local street is between 20 ft and 68 ft depending on the required street improvements. The required right-of-way needed for the required street improvements is 50 ft. The applicant is not responsible for right-of-way dedication along SE Willard Street fronting the development property.

The applicant shall construct a half street improvement on the east side of SE 23rd Avenue along the site's frontage. The street improvement includes, from the centerline of the asphalt pavement, construction of a 23-foot wide paved half-street, curb and gutter, a 6-foot curb-tight sidewalk, a stormwater facility of sufficient size to treat runoff from the asphalt pavement, and curb ramps designed in accordance with the Americans with Disabilities Act (ADA). The 23-foot wide paved half-street is already installed along the development property; the applicant is only responsible for curb and gutter, sidewalk, the stormwater facility, and curb ramps.

The existing SE 23rd Avenue right-of-way fronting the proposed development varies in width. The Milwaukie Transportation System Plan and Transportation Design Manual classify the fronting portions of SE 23rd Avenue a local street. According to Table 19.708.2 Street Design Standards, the required right-of-way width for a local street is between 20 ft and 68 ft depending on the required street improvements. The required right-of-way needed for the required street improvements is sufficient in its current state. The applicant is not responsible for right-of-way dedication along SE 23rd Avenue fronting the development property.

The proposed development, as conditioned, is consistent with MMC Section 19.708.2.

(3) MMC 19.708.3 Sidewalk Requirements and Standards.

The construction of sidewalks along the proposed development property abutting all public rights-of-way is included in the street frontage requirements.

The proposed development, as conditioned, is consistent with MMC Section 19.708.3.

(4) MMC 19.708.4 Bicycle Facility Requirements and Standards

The portions of SE 23rd Avenue and SE Willard Street fronting the proposed development are not classified as a bike route in the Milwaukie Transportation System Plan. The portion of SE Lake Road fronting the proposed development is classified as a bike route in the Milwaukie Transportation System Plan. The additional width of asphalt required in the street improvements to SE Lake Road

is sufficient to accommodate a future bike lane, which will be striped as part of a project identified in the Capital Improvement Plan to re-pave Lake Road from SE Guilford Drive to SE 21st Avenue.

The proposed development, as conditioned, is consistent with MMC Section 19.708.4.

(5) MMC 19.708.6 Transit Requirements and Standards

The portions of SE 23rd Avenue and SE Willard Street fronting the proposed development are not classified as a transit route in the Milwaukie Transportation System Plan. The portion of SE Lake Road fronting the proposed development is classified as a transit route in the Milwaukie Transportation System Plan, however, transit facilities are already in place. As a result, transit facility improvements are not required for the proposed development.

The Planning Commission finds that the requirements of this code section are met.

h. MMC 19.709 Public Utility Requirements

As noted, public utilities are adequate to serve the proposed development. Some specific improvements, particularly on-site stormwater facilities, are required as conditions of approval.

The Planning Commission finds that as conditioned, the requirements of this code section are met.

The application was referred to the following city departments and agencies on February 24, 2016:

- Milwaukie Building Department
- Milwaukie Engineering Department
- Clackamas Fire District #1
- Ray Bryan, Historic Milwaukie Neighborhood District Association (NDA) Chairperson and Land Use Committee (LUC)
- Lake Road Neighborhood District Association (NDA) Chairperson and Land Use Committee (LUC)

The comments received are summarized as follows:

- Ray Bryan, resident or Historic Milwaukie NDA representative: Submitted a March 9, 2016 letter expressing several concerns regarding the adequacy of the traffic study, the sufficiency of the proposed on-site parking, and overall compatibility of the NW Housing development and the surrounding neighborhood.
- Matt Amos, Fire Inspector, Clackamas Fire District #1: Submitted comments in response to the proposed development on June 30, 2015, which are included in the application. In response to the request for agency comments, he indicated the district had no further comment.
- Chrissy Dawson CAPM, Engineering Technician II, Milwaukie Engineering Department, submitted comments and recommended conditions of approval.
- Letters and emails of support from David Robinson, Bethany Robinson, Elizabeth and Eric Foxman, Joe Gillock, Shirley Stageberg, Stephan Lashbrook, Stacey Torgusson, Colby Phillips, and David and Cynthia DeVore.

Conditions of Approval

1. Prior to occupancy of the site, the following shall be resolved.
 - A. Dedicate 6.5 ft of right-of-way on SE Lake Road fronting the proposed development property.
 - B. Install all underground utilities, including stubs for utility service prior to surfacing any streets. Relocate or provide a private utility easement for all utilities encroaching onto adjacent properties.
 - C. Construct a 6-foot setback sidewalk, 5-foot planter strip, curb and gutter, and 8-ft of paved asphalt width along the north side of SE Lake Road. The half street improvements include all storm water system improvements necessary to accommodate the street improvements.
 - D. Construct a 5-foot wide setback sidewalk, 3-foot wide planter strip, and curb and gutter along the south side of SE Willard Street fronting the proposed development. The half-street improvements include all storm water system improvements necessary to accommodate the street improvements.
 - E. Construct curb and gutter, a 6-foot curb-tight sidewalk, a stormwater facility of sufficient size to treat runoff from the asphalt pavement, and curb ramps designed in accordance with the Americans with Disabilities Act (ADA) along the east side of SE 23rd Avenue fronting the proposed development.
 - F. Provide an exterior lighting plan that will satisfy the standards in MMC 19.904.9 F.
 - G. Provide a minimum of 50 parking spaces for the entire NHA development that meet the design standards in MMC 19.606 and the carpool/vanpool parking requirements of MMC 19.610.
 - H. Provide a final landscaping plan that satisfies the requirements of MMC 19.606. In particular, the provisions of MMC 19.606.2 shall be satisfied for perimeter and interior landscaping for parking lots. This shall include a 6-foot high, sight-obscuring fence.
 - I. Install the parking facilities in compliance with the design standards in MMC 19.606.3.
 - J. Pedestrian walkways on the site that comply with MMC 19.606.3 D.
 - K. A minimum of 10 bicycle parking spaces shall be provided in accordance with the location and design standards in MMC 19.609.
 - L. Hours of operation for the office shall be weekdays 8:00 a.m. to 5:30 p.m. and the shelter shall observe an evening curfew of 10:00 p.m. Sunday through Thursday and 11:00 p.m. on Friday and Saturday.
2. Prior to final inspection for any building on the proposed development, the following shall be resolved:
 - A. Construct a private storm management system (e.g. drywell) on the proposed development property for runoff created by the proposed development. Connect all rain drains to the private storm management system.
3. This approval does not imply approval of the 28-unit multi-family development, which is subject to a separate Type I development review.

4. The applicant shall pursue reasonable and good faith efforts to reach a good neighbor agreement with the Historic Milwaukie NDA.
5. Development activity on the site shall be limited to 7:00 a.m. to 10:00 p.m. as per MMC 8.08.070(I). In addition, construction shall be limited to weekdays - Monday through Friday.

Additional Requirements

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

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. **Other Engineering Requirements**

- A. Submit a storm water management plan to the City of Milwaukie Engineering Department for review and approval. The plan shall be prepared in accordance with Section 2 – Stormwater Design Standards of the City of Milwaukie Public Works Standards. 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.
 1. 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.
 2. The stormwater management plan shall demonstrate compliance with water quality standards in accordance with the City of Portland Stormwater Management Manual.
 3. Development/building permits will not be issued for construction until the stormwater management plan has been approved by the City of Milwaukie.
- B. Submit full-engineered plans for construction of all required public improvements, reviewed and approved by the City of Milwaukie Engineering Department.
- C. Obtain a right-of-way permit for construction of all required public improvements listed in these recommended conditions of approval.
- D. Pay an inspection fee equal to 5.5% of the cost of the public improvements.
- E. Provide a payment and performance bond for 100 percent of the cost of the required public improvements.
- F. Provide an erosion control plan and obtain an erosion control permit.
- G. Construct a driveway approach to meet all guidelines of the Americans with Disabilities Act (ADA) to the proposed development on SE Willard Street and SE 25th Avenue in accordance with City of Milwaukie Public Works Standard Detail #502B. The driveway approach aprons shall be between 24 ft and 36 ft in width and least 7.5 ft from the side property line.
- H. Provide a final approved set of Mylar and electronic PDF “As Constructed” drawings to the City of Milwaukie prior to final inspection.

- I. Remove all signs, structures, or vegetation in excess of 3 ft in height located in “vision clearance areas” at intersections of streets, driveways, and alleys fronting the proposed development.
3. 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

cc: Stephen McMurtry for Northwest Housing Alternatives (2316 SE Willard St. #401, Milwaukie, OR 97222)
Planning Commission (*via e-mail*)
Chuck Eaton, Director of Engineering (*via e-mail*)
Chrissy Dawson, Engineering Technician (*via e-mail*)
Samantha Vandagriff, Building Official (*via e-mail*)
Bonnie Lanz, Permit Specialist (*via e-mail*)
Mike Boumann, CFD#1 (*via e-mail*)
Matt Amos, CFD#1 (*via e-mail*)
NDA: Historic Milwaukie, Lake Rd (*via e-mail*)
Interested Persons
Land Use File: CSU-2015-008