



Harmony Storage

Conditional Use

Narrative

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GENERAL INFORMATION

Property Owner and Applicant: **HT Investment Properties, LLC**
1962 Wallace Road, NW
Salem, OR 97034
Contact: Hans Thygeson
Phone: (503) 485-1836
Email: hans@htpllc.com

Applicant's Representative: **3J Consulting, Inc.**
5075 SW Griffith Drive, Suite 150
Beaverton, OR 97005
Contact: Andrew Tull
Phone: 503-545-1907
Email: andrew.tull@3j-consulting.com

SITE INFORMATION

Parcel Number: 12E 31D 1900, 1990, & 1800
Address: 5900 & 6011 SE Harmony Road

Size: 2.96 acres

Neighborhood Association:

Zoning Designation: Business Industrial Zone BI

Existing Use: Residential (Vacant)

Street Functional Classifications: Harmony Road is classified as an arterial

Surrounding Zoning: The properties to the west are zoned BI, Business Industrial. The property to the east is zoned R5. The properties to the north are zoned R7PD. The properties to the south are not within the city limits of Milwaukie.

INTRODUCTION

APPLICANT'S REQUEST

The Applicant seeks approval of an application for a Conditional Use Permit and a Type II Variance for a property located at 5900 and 6011 SE Harmony Road in the Business Industrial Zone (BI). The Applicant is proposing to develop a warehouse storage facility consisting of enclosed storage units. The Applicant concurrently seeks the approval of a Natural Resource Review and Transit Facility Review of the subject property. This narrative has been prepared in order to document compliance with the relevant sections of Milwaukie's Municipal Code (MMC).

PROPOSAL

The intent of this application is to provide a warehouse storage facility of 1,005 enclosed storage units, a use permitted through a Conditional Use Permit. An additional intent of this development is to minimize impacts and provide mitigation for the Water Quality Resource Area (Minthorn Creek) that transverses the property.

The project site consists of a total of 2.96 acres. The property is located on SE Harmony Avenue west of SE Linwood Avenue and south of Railroad Avenue.

APPLICABLE CRITERIA

The following sections of Milwaukie’s Municipal Code (MMC) have been extracted as they have been deemed to be applicable to the proposal. Following each **bold** applicable criteria or design standard, the Applicant has provided a series of draft findings. The intent of providing code and detailed responses and findings is to document, with absolute certainty, that the proposed development has satisfied the approval criteria for conditional use permit and variance.

City of Milwaukie Municipal Code (Chapter MMC 19):

MMC 19.310	BUSINESS INDUSTRIAL ZONE BI
MMC 19.402	NATURAL RESOURCES
MMC 19.501	GENERAL EXCEPTIONS
MMC 19.600	OFF STREET PARKING AND LOADING
MMC 19.700	PUBLIC FACILITY IMPROVEMENTS
MMC 19.905	CONDITIONAL USE PERMIT
MMC 19.911	VARIANCES

CHAPTER 19.300 BASE ZONES

19.310 BUSINESS INDUSTRIAL ZONE BI

19.310.5 CONDITIONAL USES

- A. **Conditional uses may be established in a business industrial district subject to review and action on the specific proposal, pursuant to Section 19.905 Conditional Uses. Approval shall not be granted unless the proposal satisfies the criteria in Section 19.905; and, in addition, the proposed use:**
- 1. Will have minimal adverse impact on the appropriate development of uses permitted outright on abutting properties and the surrounding area considering location, size, design, and operating characteristics of the use;**

Applicant's Finding:

The purpose of the Business Industrial (BI) Zone is to implement the policies of the Comprehensive Plan for industrial land uses providing a mix of clean, employee-intensive, industrial and offices uses with associated services in locations supportive of mass transit and the regional transportation network.

The Applicant has proposed to locate a Mini-Storage facility within a site that is zoned for Business Industrial Uses. The project will consist of two new public storage buildings, two parking areas, and a small bridge which will link the two parking areas to the site’s primary access. The site is located adjacent to the international way business center to the west which contains a mixture of office and warehouse styled facilities. To the north

is right-of-way belonging to the Southern Pacific Railroad, and to the east is an existing residential neighborhood. The site is zoned for business industrial uses, within which mini-storage uses are a conditionally permitted use. The proposed development will be setback appropriately from surrounding uses. The proposed operation of the site as a mini-storage facility will be a relatively low generator of traffic. The Applicant has prepared and submitted a traffic impact statement which estimates that a total of 80 trips per day will be generated by the site (Appendix C).

The proposal considers the existing development within the area, has been sized in accordance with the requirements of the underlying zone, and will have no adverse impacts on the surrounding neighborhood.

2. Is compatible with the character and scale of uses allowed within the district and on a site no larger than necessary for the use and operational requirements of the use;

Applicant's Finding:

The proposed development will meet the height and coverage standards allowed outright in the Business Industrial Zone.

The requirements of this section have been satisfied.

3. Will provide vehicular and pedestrian access, circulation, parking, and loading areas which are compatible with uses on the same site or adjacent sites; and

Applicant's Finding:

The proposal will meet the requirements of the Business Industrial Zone and Clackamas County's requirements for pedestrian access, circulation, parking and loading areas.

The requirements of this section have been satisfied.

4. Is a needed service/product in the district, considering the mix of potential clientele and the need to maintain high-quality development in a highly visible area.

Applicant's Finding:

The applicant is proposing to construct an attractive, high quality storage facility on the subject property. The Applicant previously submitted an application for the development of this site as a storage facility in 2008. That development was approved but never constructed due to market conditions.

The Applicant, as part of the 2008 submission, prepared a market analysis which estimated that based upon the existing number of residences and businesses within the area, a demand for approximately 452,000 sf of storage currently could be supported. The proposed development would respond to that demand through the provision of nearly 100,000 sf of consumer oriented, high quality secured storage.

The Applicant anticipates that this high quality facility will generate a significant amount

of use from the surrounding neighborhoods and businesses.

B. Uses allowed subject to the above conditions are:

- 1. Public and private community buildings, indoor and outdoor recreational facilities, such as swimming pools, racquetball clubs, athletic clubs, health and exercise spas, gymnasiums, tennis courts, playground, and other similar uses, developed to serve primarily the recreational needs of clients and employees of the district;**
- 2. Mini-warehousing, mini-storage, public storage, and similar commercial facilities that lease storage space to the general public;**
- 3. A limited use or uses that exceed 25% of the building's square footage as per Subsection 19.310.4.B.2 above.**

Applicant's Finding:

Under Section 2 above, mini-warehousing, mini-storage, public storage, and similar commercial facilities that lease storage space to the general public are allowed uses subject to the conditions listed in 19.310.5.A. The conditions listed in 19.310.5.A have been met.

The requirements of this section have been satisfied.

19.310.6. STANDARDS

In the BI district, the following standards shall apply to all uses:

- A. Lot size. None, except that lots created shall be of a size sufficient to fulfill the applicable standards of this district.**

Applicant's Finding:

No new lots will be created as a part of the proposed development.

The requirements of this section have been satisfied.

- B. Front yard. A front yard shall be at least 20 ft unless additional setback is required in Subsection 19.501.2.A.**

Applicant's Finding:

Section 19.501.2.A requires that properties along Harmony Road be provided with a special setback of 40 feet from the centerline. The Applicant has proposed a right-of-way dedication that will create a new half-width right-of-way width along the project's frontage of 40 feet. The proposed building has been located approximately 20 feet away from the new right-of-way line. Three small portions of the building project into the front setback but only for a few feet each. The Applicant has provided an application for a variance for the front yard setback encroachment and has addressed the applicable sections of 19.911 for a Type II variance.

The requirements of this section have been satisfied.

C. Side yard. No side yard shall be required except on corner lots where a side yard shall be at least 10 ft on the side abutting the street, unless additional setback is required in Subsection 19.501.2.A.

Applicant's Finding: The side yard setback for buildings within the BI district typically have no side yard setback. Because this site is adjacent to a lower density zone, the City's transition area measures apply (Section 19.504.6). A 20' foot side yard setback has therefore been applied to the site's eastern boundary, adjacent to the R-5 zoning district.

The requirements of this section have been satisfied.

D. Rear yard. No rear yard shall be required except as provided in Subsection 19.501.2.A.

Applicant's Finding: Zoning to the North of the property is R-7PD and requires a 10' setback. Even though Railroad Avenue runs between the subject property and the adjacent property Transitional Area Measures in MC Subsection 19.504.6 require the rear yard of the proposed development be at least as wide as the required front yard in the adjacent zone (10').

The requirements of this section have been satisfied.

E. Off-street parking and loading. As specified in Chapter 19.600.

Applicant's Finding: Off-street parking and loading has been addressed as part of the Applicant's response to section 19.600.

The requirements of this section have been satisfied.

F. Site Access

One curb cut (45 ft maximum) per 150 ft of street frontage, or fraction thereof, for industrial uses; and 1 curb cut per 100 ft of street frontage or fraction thereof, for business park, limited or conditional uses.

Applicant's Finding: The Applicant is proposing to widen an existing access driveway which is currently shared with the property to the west. No new access to the site will be proposed therefore the curb cut standard does not apply to this application.

G. Height restriction. Maximum height of a structure shall be 3 stories or 45 ft, whichever is less.

Applicant's Finding: The Applicant proposes two buildings which will be three stories each. The height of building 1 from the lowest elevation to the highest point of the site will be 42 feet. The height of building 2 from the lowest site point along the building to the highest point on

the roof will be 39 feet.

The requirements of this section have been satisfied.

H. Landscaping

15% of the site must be landscaped, except for sites adjacent to Hwy. 224, which shall provide landscaping to 20% of the site. This should consist of a variety of lawn, trees, shrubbery, and ground cover. Street trees must be provided along street frontages and within required off-street parking lots to help delineate entrances, provide shade, and permeable areas for stormwater runoff. A bond or financial guarantee for landscape completion shall be required.

Applicant's Finding: A total of 20% of the site or 26,000 sf of landscaping will be provided along the edges of the building and along the parking areas.

This standard has been met.

I. Screening and Outside Storage

Outside storage adjacent to International Way, Freeman Way, 37th Ave., Lake Road, or Hwy. 224 is prohibited. Outside storage in side or rear yards is allowed, provided it is enclosed by a sight-obscuring fence or vegetative screen.

Applicant's Finding: No outside storage has been proposed along any of the roadways which are restricted by this section. The Applicant has not proposed any outdoor storage on site therefore this standard does not apply.

J. Building Siting and Design

Buildings and sites shall be designed using the following principles:

- 1. Sites shall be developed to the maximum extent practicable, so that buildings have solar access and utilize other natural features in their design.**

Applicant's Finding: The proposed building configuration has been aligned to specifically avoid impacts to the small section of Minthorn creek which traverses the property. Both the creek and the buffers associated with the creek will be maintained in their current alignment. Due to the presence of the creek, a small bridge has been proposed in order to link the northern and southern ends of the site; however, the proposed crossing has been kept as small as possible to avoid impacts.

The proposed buildings will be industrial in nature and the buildings do not require or benefit from an orientation which maximizes solar access. The occupied portions of the building, the sales and maintenance offices have been

oriented toward the south, both to clearly define the retail front of the property. This alignment also maximizes solar orientation for the occupied portions of the buildings.

The requirements of this section have been satisfied.

2. Assure that building placement and orientation and landscaping allow ease of security surveillance.

Applicant's Finding:

The Applicant has placed the buildings in an orientation which places the retail office for the facility near to the property's primary access location. This placement allows both convenience for users of the site and provides the opportunity for employees to monitor visitors to the site. With the primary office's southern orientation, security and surveillance will be passively available.

The requirements of this section have been satisfied.

3. Design buildings with shapes, colors, materials, textures, lines, and other architectural design features which enhance the character of the district and complement the surrounding area and development, considering, but not limited to, the following techniques:

- a. Use color, materials, and architectural design to visually reduce the scale and impact of large buildings;
- b. Use building materials and features that are durable and consistent with the proposed use of the building, level of exposure to public view, and exposure to natural elements.

Applicant's Finding:

Elevations of the proposed buildings have been provided within the attached architectural plans. The structures have been proposed to be plain and split faced CMU walls with standing seam metal siding in earth tone colors of tans and browns. The materials proposed will be durable and attractive and will be consistent with the look of other modern storage facilities within the region. The buildings have been architecturally designed to provide a modern and well considered appearance.

The requirements of this section have been met.

4. To the extent possible, screen or mask roof-mounted mechanical equipment, except solar collection apparatus, from view.

Applicant's Finding: No Mechanical equipment will be located on any of the proposed rooftops. This section does not apply.

5. Orient major service activity areas (e.g., loading, delivery, and garbage collection, etc.) of the development away from major streets.

Applicant's Finding: The proposed service areas for the project's southernmost building will be located to face the west, with the major public street, Harmony Road, being located to the south of the site. The northern building's proposed access will be located to face the south however, this access area will be shielded from the street by distance, vegetation, and the other building. A single refuse collection facility will be located between the two buildings, near the eastern edge of the northern parking lot. The garbage collection facility will not be visible from the street.

The requirements of this section have been met.

6. Arrange use and buildings to maximize opportunities for shared circulation, access, parking, loading, pedestrian walkways and plazas, recreation areas, and transit-related facilities.

Applicant's Finding: The site will take access to Harmony Road via an access area that the project will share with the site located immediately west of the site. The functional classification of Harmony and the proximity of the existing access drive to the west to the site's frontage necessitates the shared connection. As a result of the shared access drive, the southern portion of the western site boundary will be shared with the property to the west, allowing ample opportunity for shared circulation and access between businesses. The Applicant will also be proposing a new sidewalk along Harmony Road. The new sidewalk will provide direct access to Trimet's Lake and Harmony Bus Lines (29 and 152) at the intersection of Harmony and Lake Road.

The requirements of this section have been met.

7. Provisions for bus shelters, bike racks, street furniture, kiosks, drinking fountains, art sculptures, and/or other pedestrian and transit amenities as required by Chapter 19.700.

Applicant's Finding: Section 19.700 describes the types of projects to which the provision of shelters, bike racks, street furniture, kiosks, drinking fountains, and other pedestrian and transit amenities apply. The proposed use does not trigger the need for the

installation of any such facilities along the project's frontage.

K. Nuisances

The use shall not be of a type or intensity which produces dust, odor, smoke, fumes, noise, glare, heat, or vibrations which are incompatible with other uses allowed in this zone; and the use does not produce off-site impacts that create nuisance as defined by the Oregon D.E.Q. and the City Noise Ordinance.

**Applicant's
Finding:**

The finished state of the site will result in no greater amount of dust than is currently present. Sixty-one percent of the site will be covered with buildings and paved surfaces, which will not generate dust. The only dust that will occur will be the construction phase of the project, and that can be mitigated through the use of watering trucks. All areas that will be disturbed by the proposed improvements will eventually be returned to a near dust-free state through landscaping and paving.

No manufacturing processes of any type will be conducted on the property. Storage will be fully enclosed within buildings and dangerous or hazardous materials will not be allowed to be stored at this location. No outdoor storage will be permitted anywhere on the site.

The storage units will be semi-heated but will not contain electrical outlets except for a few ground level units. The absence of running water and power precludes users of the facility from creating noise and dust and limits the use of the storage units to storage only.

The presence of employee and user vehicles at the facility will generate only a small percentage of the emissions from vehicles in the area, and no odor should be generated from the property.

The buildings should minimize or altogether eliminate glare potential to the apartment buildings to the east. The painted metal roof, CMU and metal siding with earth tones and mat finish will serve to reduce glare rather than enhance it. No chrome or other reflective material will be affixed to the exterior of the buildings.

The requirements of this section have been satisfied.

19.402 NATURAL RESOURCES

19.402.11. DEVELOPMENT STANDARDS

A. Protection of natural resources during site development

During development of any site containing a designated natural resource, the following standards shall apply:

1. Work areas shall be marked to reduce potential damage to the WQR and/or HCA.

Applicant's Finding: The site contains a section of Minthorn Creek, a small group of wetlands, and a vegetative corridor. The natural resource area present on the site has been mapped by the City's Natural Resource Administrative Map. The site has been visited by a qualified wetland biologist and the resources on the property have been mapped by a qualified wetland biologist.

The Applicant has prepared a site plan which avoids the wetlands and creek to the greatest possible extent while providing a single two-way access bridge over the creek and wetlands which will connect the northern and southern buildable portions of the site.

The areas of the Water Quality Resources on site will be marked during construction to reduce the potential for damage to the Water Quality Resources.

The requirements of this section are met.

2. Trees in WQRs or HCAs shall not be used as anchors for stabilizing construction equipment.

Applicant's Finding: No trees or vegetation located within the Water Quality Resource area or the vegetative corridors will be used as anchors or for stabilizing construction equipment. These areas on site will be marked to prohibit entry.

The requirements of this section are met.

3. Native soils disturbed during development shall be conserved on the property.

Applicant's Finding: Native soils located within the Water Quality Resource areas shall not be disturbed during construction.

The requirements of this section are met.

- 4. An erosion and sediment control plan is required and shall be prepared in compliance with requirements set forth in the City's Public Works Standards.**

**Applicant's
Finding:**

The Applicant has prepared a preliminary grading and erosion control plan. Prior to the start of any construction activities, the applicant will apply for a grading and erosion control permit, consistent with the standards required by the City's Public Works Department.

The requirements of this section are met.

- 5. Site preparation and construction practices shall be followed that prevent drainage of hazardous materials or erosion, pollution, or sedimentation to any WQR adjacent to the project area.**

**Applicant's
Finding:**

The Applicant is prepared to implement best management practices on site to prevent the drainage of hazardous materials, erosion, pollution or sedimentation within the resources and the vegetative corridors.

The requirements of this section are met.

- 6. Stormwater flows that result from proposed development within and to natural drainage courses shall not exceed predevelopment flows.**

**Applicant's
Finding:**

The Applicant has prepared a preliminary stormwater detention and water quality plan for the project which has been designed to prevent flows within and to natural drainage courses which might exceed pre-developed conditions. The stormwater management report has been attached hereto within Appendix D.

The requirements of this section are met.

- 7. Prior to construction, the WQR and/or HCA that is to remain undeveloped shall be flagged, fenced, or otherwise marked and shall remain undisturbed. Such markings shall be maintained until construction is complete.**

**Applicant's
Finding:**

The Applicant has identified and mapped the site's Water Quality Resource overlays. While a portion of these areas will be impacted through the installation of a small bridge, the remaining portions of the resource will be fenced during construction to ensure that construction activities are not undertaken within the protected areas. The requirements of this section can be met.

8. **The construction phase of the development shall be done in such a manner as to safeguard the resource portions of the site that have not been approved for development.**

Applicant's Finding: The Applicant intends to avoid construction activities within the resource areas which are not approved for development through this application. The requirements of this section are met.

9. **Where practicable, lights shall be placed so that they do not shine directly into any WQR and/or HCA location. The type, size, and intensity of lighting shall be selected so that impacts to habitat functions are minimized.**

Applicant's Finding: No lighting is proposed which would shine directly into or at the vegetative corridor associated with the Minthorn Creek Water Quality Resource area. The requirements of this section are met.

10. **All work on the property shall conform to a construction management plan prepared according to Subsection 19.402.9.**

Applicant's Finding: The site contains a section of Minthorn Creek, a small group of wetlands, and a vegetative corridor. The natural resource area present on the site has been mapped by the City's Natural Resource Administrative Map. The site has been visited by a qualified wetland biologist and the resources on the property have been mapped by a qualified wetland biologist.

The Applicant has prepared a site plan which avoids the wetlands and creek to the greatest possible extent while providing a single two-way access bridge over the creek and wetlands which will connect the northern and southern buildable portions of the site. The Applicant has prepared a construction management plan which will conform to the requirements of 19.402.9. The Final Construction management plan will be provided to the City's Engineering Department prior to the commencement of construction activities.

The requirements of this section are met.

B. General Standards for Required Mitigation

Where mitigation is required by Section 19.402 for disturbance to WQRs and/or HCAs, the following general standards shall apply:

1. Disturbance

- a. **Designated natural resources that are affected by temporary disturbances shall be restored, and those affected by permanent disturbances shall be mitigated, in accordance with the standards provided in Subsection 19.402.11.C for WQRs and Subsection 19.402.11.D.2 for HCAs, as applicable.**

Applicant's Finding: Any temporary impacts associated with construction of the proposed bridge across Minthorn creek shall be restored. The proposed bridge crossing, which will require approximately 4,777 square feet of permanent impact through the establishment of the permanent crossing, will be mitigated for on site in accordance with the requirements of Section 19.402.11.C. The proposed mitigation area for the site is located along the northern side of the southern building, adjacent to the creek and vegetative corridor. The total area identified for mitigation is 5,442 square feet.

The requirements of this section are met.

b. Landscape plantings are not considered to be disturbances, except for those plantings that are part of a non-exempt stormwater facility; e.g., raingarden or bioswale.

2. Required Plants

Unless specified elsewhere in Section 19.402, all trees, shrubs, and ground cover planted as mitigation shall be native plants, as identified on the Milwaukie Native Plant List. Applicants are encouraged to choose particular native species that are appropriately suited for the specific conditions of the planting site; e.g., shade, soil type, moisture, topography, etc.

Applicant's Finding: The Applicant will only plant native plants, as identified on the Milwaukie Native Plant List, as mitigation plantings. The proposed plantings will be appropriately suited for the site's specific conditions.

The requirements of this section are met.

3. Plant Size

Replacement trees shall average at least a ½-in caliper—measured at 6 in above the ground level for field-grown trees or above the soil line for container-grown trees—unless they are oak or madrone, which may be 1-gallon size. Shrubs shall be at least 1-gallon size and 12 in high.

Applicant's Finding: The Applicant will incorporate the guidelines required by this section in selecting plants which are appropriately sized to satisfy the mitigation requirements.

The requirements of this section are met.

4. Plant Spacing

Trees shall be planted between 8 and 12 ft on center. Shrubs shall be planted between 4 and 5 ft on center or clustered in single-species groups of no more than 4 plants, with each cluster planted between 8 and 10 ft on center. When planting near existing trees, the dripline of the existing tree shall be the starting point for plant spacing measurements.

Applicant's Finding: A preliminary Landscaping plan has been provided. The Applicant will provide a final planting plan along with the final construction documents which will illustrate the required mitigation plantings. Within the final landscape plan, trees will be planted in the proposed mitigation area and will be spaced in accordance with the requirements of this section.

The requirements of this section are met.

5. Plant Diversity

Shrubs shall consist of at least 2 different species. If 10 trees or more are planted, then no more than 50% of the trees shall be of the same genus.

Applicant's Finding: The Applicant will provide a planting plan along with the final construction documents which will illustrate the required mitigation plantings. Within the final landscape plan, plantings meeting the City's diversity requirements will be provided.

The requirements of this section are met.

6. Location of Mitigation Area

a. On-Site Mitigation

All mitigation vegetation shall be planted on the applicant's site within the designated natural resource that is disturbed, or in an area contiguous to the resource area; however, if the vegetation is planted outside of the resource area, the applicant shall preserve the contiguous planting area by executing a deed restriction such as a restrictive covenant.

Applicant's Finding: The Applicant will provide a planting plan along with the final construction documents which will illustrate the required mitigation plantings. The proposed mitigation area is to be fully located on site and will consist of a total of 5,442 square feet. The proposed mitigation area will be planted immediately adjacent to the vegetative corridor adjacent to the resource. The proposed planting area will be provided with a deed restriction identifying the mitigation planting area as a restricted planting area.

The requirements of this section are met.

b. Off-Site Mitigation

- 1) For disturbances allowed within WQRs, off-site mitigation shall not be used to meet the mitigation requirements of Section 19.402.
- 2) For disturbances allowed within HCAs, off-site mitigation vegetation may be planted within an area contiguous to the subject-property HCA, provided there is documentation that the applicant possesses legal authority to conduct and maintain the mitigation, such as having a sufficient ownership interest in the mitigation site. If the off-site mitigation is not within an HCA, the applicant shall document that the mitigation site will be protected after the monitoring period expires, such as through the use of a restrictive covenant.

Applicant's Finding: All proposed mitigation planting areas are proposed to be located on-site. This section does not apply.

The requirements of this section are met.

7. Invasive Vegetation

Invasive nonnative or noxious vegetation shall be removed within the mitigation area prior to planting, including, but not limited to, species identified as nuisance plants on the Milwaukie Native Plant List.

Applicant's Finding: Any and all invasive plants will be removed from the mitigation planting area prior to planting.

The requirements of this section are met.

8. Ground Cover

Bare or open soil areas remaining after the required tree and shrub plantings shall be planted or seeded to 100% surface coverage with grasses or other ground cover species identified as native on the Milwaukie Native Plant List. Revegetation shall occur during the next planting season following the site disturbance.

Applicant's Finding: The Applicant will provide a planting plan along with the final construction documents which will illustrate the required mitigation plantings. Within the final landscape plan, any bare or open soil areas remaining after the required tree and shrub plantings shall be planted with ground covers selected from the City of Milwaukie's Native Plant List.

The requirements of this section are met.

9. Tree and Shrub Survival

A minimum of 80% of the trees and shrubs planted shall remain alive on the second anniversary of the date that the mitigation planting is completed.

a. Required Practices

To enhance survival of the mitigation plantings, the following practices are required:

- 1) Mulch new plantings to a minimum of 3-in depth and 18-in diameter to retain moisture and discourage weed growth.
- 2) Remove or control nonnative or noxious vegetation throughout the maintenance period.

Applicant's Finding:

The Applicant will maintain the newly proposed plantings throughout the mitigation planting maintenance period, as required by this section.

The requirements of this section are met.

b. Recommended Practices

To enhance survival of tree replacement and vegetation plantings, the following practices are recommended:

- 1) Plant bare root trees between December 1 and April 15; plant potted plants between October 15 and April 30.
- 2) Use plant sleeves or fencing to protect trees and shrubs against wildlife browsing and the resulting damage to plants.
- 3) Water new plantings at a rate of 1 in per week between June 15 and October 15 for the first 2 years following planting.

Applicant's Finding:

The Applicant notes the planting recommendations and intends to follow the City's guidelines for recommended planting practices.

The requirements of this section are met.

c. Monitoring and Reporting

Monitoring of the mitigation site is the ongoing responsibility of the property owner. Plants that die shall be replaced in kind as needed to ensure the minimum 80% survival rate. The Planning Director may require a maintenance bond to cover the continued health and survival of all plantings. A maintenance bond shall not be required for land use applications related to

owner-occupied single-family residential projects. An annual report on the survival rate of all plantings shall be submitted for 2 years.

Applicant's Finding: The Applicant notes the City’s monitoring and maintenance bond requirements and will comply with the City’s requirements throughout the maintenance period.

The requirements of this section are met.

10. Light Impacts

Where practicable, lights shall be placed so that they do not shine directly into any WQR and/or HCA location. The type, size, and intensity of lighting shall be selected so that impacts to habitat functions are minimized.

Applicant's Finding: No lighting that will shine directly into the proposed Water Quality Resource area or the proposed mitigation planting areas has been proposed.

The requirements of this section have been met.

C. Mitigation Requirements for Disturbance within WQRs

- 1. The requirements for mitigation vary depending on the existing condition of the WQR on the project site at the time of application. The existing condition of the WQR shall be assessed in accordance with the categories established in Table 19.402.11.C.**
- 2. When disturbance within a WQR is approved according to the standards of Section 19.402, the disturbance shall be mitigated according to the requirements outlined in Table 19.402.11.C and the standards established in Subsection 19.402.11.B.**

Table 19.402.11.C Mitigation Requirements for WQRs	
Existing Condition of WQR	Requirements
Class A (“Good”)	
Extent and character of existing vegetation provides good conditions for water quality and wildlife habitat	
Combination of trees, shrubs, and ground cover are 80% present, with more than 50% tree canopy coverage in vegetated corridor.	<ul style="list-style-type: none"> • Submit a plan for mitigating water quality impacts related to the development, including: sediments, temperature, nutrients, or any other condition that may have caused the protected water feature to be listed on DEQ’s 303(d) list. • Inventory and remove debris and noxious materials.
Class B (“Marginal”)	
Extent and character of existing vegetation provides marginal conditions for water quality and	

wildlife habitat	
Combination of trees, shrubs, and ground cover are 80% present, with 25-50% canopy coverage in vegetated corridor.	<ul style="list-style-type: none"> • Restore and mitigate disturbed areas with native species from the Milwaukie Native Plant List, using a City-approved plan developed to represent the vegetative composition that would naturally occur on the site. • Inventory and remove debris and noxious materials.
Class C (“Poor”)	
Extent and character of existing vegetation provides poor conditions for water quality and wildlife habitat	
Combination of trees, shrubs, and ground cover are less than 80% present and/or less than 25% canopy coverage in vegetated corridor.	<ul style="list-style-type: none"> • Restore and mitigate disturbed areas with native species from the Milwaukie Native Plant List, using a City-approved plan developed to represent the vegetative composition that would naturally occur on the site. • Plant and/or seed all bare areas to provide 100% surface coverage. • Inventory and remove debris and noxious materials.

Applicant's Finding: The portion of Minthorn creek which will be impacted by the proposed development of a bridge crossing has been categorized by the project’s wetland biologist as being in poor quality. The Applicant intends to mitigate for the proposed crossing through the establishment of a mitigation planting area located to the north of the southernmost building. The proposed mitigation planting area will be planted with plants selected from the Milwaukie Native Plant List and with ground covers which would be capable of providing 100% surface coverage. As part of this planting plan, any noxious materials or invasive plantings shall be inventoried and removed.

The requirements of this section have been met.

CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

19.501 GENERAL EXCEPTIONS

19.501.2. YARD EXCEPTIONS

- A. In addition to yard requirements listed for each zoning district, buildings along certain major streets are subject to additional yard requirements as provided in Table 19.501.2.A below. Yards shall be measured so that the minimum distance from the center line of the right-of-**

way to the closest point of any building is the distance listed in Table 19.501.2.A plus the yard requirement of the underlying zone.

Table 19.501.2.A Additional Yard Requirements	
Major Street	Distance from Centerline (plus yard requirements in zone)
Firwood Street (55th Ave. to Stanley Ave.)	25'
Harmony Road	40'
Harrison Street (Milwaukie expressway to 44 th Ave)	40'
Harrison Street (Milwaukie Expressway to McLoughlin Blvd.)	30'
Harvey Street (32nd Ave. to 42nd Ave.)	25'
Howe Street (42nd Ave. to 43rd Ave.)	30'
Johnson Creek Boulevard	30'
King Road	40'
Linwood Avenue	40'
Lake Road	30'
Logus Road	25'
Monroe Street (52 nd Ave. to Linwood Ave)	30'
Oak Street	30'
Oatfield Road	30'
Ochoco Street	30'
Olsen Street	25'
Railroad Avenue	30'
River Road (south of Lark St.)	30'
Roswell Street (32nd Ave. to 42nd Ave.)	25'
Washington Street (west of Railroad Ave.)	30'
Willow Street (Windsor Dr. to Stanley Ave.)	25'
17th Avenue (Ochoco St. to McLoughlin Blvd.)	40'
32nd Avenue (north of Harrison St.)	30'
37th Avenue (Lake Rd. to Grogan Ave.)	25'
40th Avenue (Harvey St. to Railroad Ave.)	30'
42nd Avenue (Johnson Creek Blvd. to Howe St.)	30'
42nd Avenue (Harrison St. to King Rd.)	30'
43rd Avenue (Howe St. to King Rd.)	30'
55th Avenue (Firwood St. to Johnson Creek Blvd.)	25'

Applicant's Finding:

The Applicant is required to provide a special setback of 40 feet from the centerline of Harmony Road, along the project's frontage. This has resulted in the dedication of approximately 6 feet of property along the project's frontage. All setbacks and dimensional standards have been measured using the newly established right-of-way line as the new front property line.

The requirements of this section are met.

CHAPTER 19.600 OFF-STREET PARKING AND LOADING

19.605 VEHICLE PARKING QUANTITY REQUIREMENTS

The purpose of Section 19.605 is to ensure that development provides adequate, but not excessive, vehicle parking based on their estimated parking demand. Subsection 19.605.1 establishes parking ratios for common land uses, and Subsection 19.605.3 allows certain exemptions and reductions to these ratios based on location or on-site amenities. Modifications to the established parking ratios and determinations of parking requirements for unique land uses are allowed with discretionary review per Subsection 19.605.2.

The Downtown Storefront (DS) Zone and the portion of the Downtown Office (DO) Zone north of Washington Street and east of McLoughlin Boulevard are exempt from the requirements of Section 19.605.

19.605.1. MINIMUM AND MAXIMUM REQUIREMENTS

- A. Development shall provide at least the minimum and not more than the maximum number of parking spaces as listed in Table 19.605.1. Modifications to the standards in Table 19.605.1 may be made as per Section 19.605. Where multiple ratios are listed, the Planning Director shall determine which ratio to apply to the proposed development or use.**

Applicant's Finding: Table 19.605.1 states that mini-storage units are required to provide parking at a rate of 1 space per 45 storage units, plus 1 space per employee of the largest shift.

Building number one will have a total of 607 storage units. The second building will have a total of 398 units. The total number of units proposed is 1,005. A total of two staff members is the total number of employees anticipated for the largest shift.

The total number of spaces that are therefore required is 25; 23 spaces based upon the unit count plus two additional spaces for staff.

The applicant has provided a total of 29 parking spaces on site, exceeding the minimum number of spaces required by four spaces. This standard has been met.

- E. Parking spaces for disabled persons, and other improvements related to parking, loading, and maneuvering for disabled persons, shall conform to the Americans with Disabilities Act and shall be subject to review and approval by the Building Official. Spaces reserved for disabled persons are included in the minimum required and maximum allowed number of off-street parking spaces.**

Applicant's Finding: The Applicant has proposed to locate two separate ADA compliant stalls on site, one in front of each of the two buildings. This proposal is consistent with the standards of the Americans with Disabilities Act. The requirements of this section have been met.

CHAPTER 19.700 PUBLIC FACILITY IMPROVEMENTS

19.708 TRANSPORTATION FACILITY REQUIREMENTS

19.708.1 GENERAL STREET REQUIREMENTS AND STANDARDS

A. Access Management

All development subject to Chapter 19.700 shall comply with access management standards contained in Chapter 12.16.

Applicant's Finding: Access to the property has been proposed in accordance with the standards listed within Chapter 12.16 of the City's Municipal Code and in consultation with Clackamas County's Department of Transportation and Development.

B. Clear Vision

All development subject to Chapter 19.700 shall comply with clear vision standards contained in Chapter 12.24.

Applicant's Finding: The Applicant has provided several diagrams on plan sheet C4 which illustrate the proposed access to the property, the proposed improvements to the driveway and Harmony, and a section drawing illustrating the site distance available to the site at the proposed driveway location. The proposed plans comply with the clear vision requirements listed within Chapter 12.24 of the City's Municipal Code and are consistent with the requirements provided by Clackamas County's Department of Transportation and Development.

D. Development in Non-Downtown Zones

Development in a non-downtown zone that has frontage on a street section shown in the PAR is subject to the requirements of the Milwaukie Public Works Standards, which implements the street design standards and right-of-way dedication requirements contained in the PAR for that street frontage. The following general provisions apply only to street frontages that

are not shown in the PAR and for development that is not in any of the downtown zones listed in Subsection 19.708.1.C above:

1. **Streets shall be designed and improved in accordance with the standards of this chapter and the Public Works Standards. ODOT facilities shall be designed consistent with State and federal standards. County facilities shall be designed consistent with County standards.**

Applicant's Finding: Harmony Road falls adjacent to the site's southern boundary. Harmony is currently under the jurisdiction of Clackamas County. Limited improvements to Harmony have been proposed. The improvements along Harmony have been designed to be consistent with the County's requirements.

The requirements of this section have been met.

2. **Streets shall be designed according to their functional classification per Figure 8-3b of the TSP.**

Applicant's Finding: Clackamas County classifies Harmony Road as a Three Lane Major Arterial, requiring an 80 foot wide right-of-way. The Applicant's proposed development includes a dedication of several feet of property along the project's frontage to create a 40 foot wide half right-of-way as measured from the roadway's centerline. The proposed development has been designed in accordance with the County's requirements for three lane major arterials.

The requirements of this section have been met.

3. **Street right-of-way shall be dedicated to the public for street purposes in accordance with Subsection 19.708.2. Right-of-way shall be dedicated at the corners of street intersections to accommodate the required turning radii and transportation facilities in accordance with Section 19.708 and the Public Works Standards. Additional dedication may be required at intersections for improvements identified by the TSP or a required transportation impact study.**

Applicant's Finding: All required dedications along Harmony have been proposed by the Applicant.

The requirements of this section have been met.

4. **The City shall not approve any development permits for a proposed development unless it has frontage or approved access to a public street.**

Applicant's Finding: The subject property has access from and frontage along Harmony Road.
The requirements of this section have been met.

5. Off-site street improvements shall only be required to ensure adequate access to the proposed development and to mitigate for off-site impacts of the proposed development.

Applicant's Finding: The Applicant has worked in consultation with the County's Department of Transportation and Development to identify and design any required off-site improvements. At this time, it does not appear that off-site improvements, beyond the improvements required to facilitate driveway access, will be required.
The requirements of this section have been met.

19.709 PUBLIC UTILITY REQUIREMENTS

19.709.1 REVIEW PROCESS

The Engineering Director shall review all proposed development subject to Chapter 19.700 per Section 19.702 in order to: (1) evaluate the adequacy of existing public utilities to serve the proposed development, and (2) determine whether new public utilities or an expansion of existing public utilities is warranted to ensure compliance with the City's public utility requirements and standards.

A. Permit Review

The Engineering Director shall make every effort to review all development permit applications for compliance with the City's public utility requirements and standards within 10 working days of application submittal. Upon completion of this review, the Engineering Director shall either approve the application, request additional information, or impose conditions on the application to ensure compliance with this chapter.

B. Review Standards

Review standards for public utilities shall be those standards currently in effect, or as modified, and identified in such public documents as Milwaukie's Comprehensive Plan, Wastewater Master Plan, Water Master Plan, Stormwater Master Plan, Transportation System Plan, and Public Works Standards.

19.709.2 PUBLIC UTILITY IMPROVEMENTS

Public utility improvements shall be required for proposed development that would have a detrimental effect on existing public utilities, cause capacity problems for existing public utilities, or fail to meet standards in the Public Works Standards. Development shall be required to complete or otherwise provide for the completion of the required improvements.

- A. **The Engineering Director shall determine which, if any, utility improvements are required. The Engineering Director's determination requiring utility improvements shall be based upon an analysis that shows the proposed development will result in one or more of the following situations:**
 1. **Exceeds the design capacity of the utility.**
 2. **Exceeds Public Works Standards or other generally accepted standards.**
 3. **Creates a potential safety hazard.**
 4. **Creates an ongoing maintenance problem.**
- B. **The Engineering Director may approve one of the following to ensure completion of required utility improvements.**
 1. **Formation of a reimbursement district in accordance with Chapter 13.30 for off-site public facility improvements fronting other properties.**
 2. **Formation of a local improvement district in accordance with Chapter 3.08 for off-site public facility improvements fronting other properties.**

Applicant's Finding:

The Applicant has received direction from the City's Engineering department that the site should take access to an existing eight inch water main located within Harmony. The proposed line has been designed within the plans to be extended to the east property line of the proposed development.

The Applicant notes that the property is entitled to a system development charge credit which will be based upon the size of the existing water meter serving the property.

Sewer has been provided to serve the two buildings on the site via the extension of a new sewer line which will connect the southernmost building to an existing sanitary line located within Harmony Road. These improvements are shown on Plan C1 within the preliminary development plans.

The proposed stormwater management system has been designed to capture, detain, and treat the stormwater which will be generated from the newly proposed impervious surfaces on the site. The system has been designed based upon the City's required stormwater manual and has been submitted for the City's review, along with a set of preliminary stormwater calculations, justifying the proposed design.

At no point during the Applicant's preliminary discussions with the City's Engineering Department have any concerns regarding capacity, safety, or hazardous conditions been raised. The Applicant has not requested the formation of a reimbursement district for the proposed improvements. The Applicant has requested System Development Charge credits for which the

development is entitled due to the presence of the recently demolished single family home on the property. The requirements of this section are met.

19.709.3 DESIGN STANDARDS

Public utility improvements shall be designed and improved in accordance with the requirements of this chapter, the Public Works Standards, and improvement standards and specifications identified by the City during the development review process. The applicant shall provide engineered utility plans to the Engineering Director for review and approval prior to construction to demonstrate compliance with all City standards and requirements.

Applicant's Finding: The Applicant has designed the proposed site improvement plans to be consistent with the City's Public Works Standards. The Applicant has provided the required preliminary engineering plans along with this submission and understands that the City's Engineering Department may require minor variations to ensure compliance with the City's standards and requirements. The requirements of this section have been met.

CHAPTER 19.900 LAND USE APPLICATIONS

19.905 CONDITIONAL USES

19.905.4. APPROVAL CRITERIA

A. Establishment of a new conditional use, or major modification of an existing conditional use, shall be approved if the following criteria are met:

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

Applicant's Finding: The buildings have been sized and situated on the lot to meet all applicable setbacks, parking, and turn radius requirements. The lot has access on Harmony Rd to allow easy ingress and egress for customers. The current use to the west is a commercial development that is similar in size and traffic type that is associated with the purposed use. The requirements of this section have been met.

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

Applicant's Finding:

The lot has several different uses on the adjacent properties; there is a commercial development to the west with lots of truck traffic and business activity. To the south is Harmony Rd. a busy thoroughfare with moderate traffic during business hours. There is an apartment complex to the east that has the rear of their apartment buildings facing the property. To the North are railroad tracks running in-between the property line and SE Railroad Ave. The front building (building#1) was situated on the site with the entry facing the commercial development to the west as well as all parking and vehicle unloading areas located on the west side as far away from the residential use to the East as possible. The site has a very similar use as the commercial development to the West. Both have tenants entering and exiting during normal business hours and occasional small truck traffic arriving to load or unload. It will share the entry with this development. The commercial development to the West also receives larger Simi-trucks delivering goods; we do not anticipate Simi-trucks entering our business as it does not contain large enough storage units to warrant the use of a Simi-truck to fill. The building (building#2) at the rear of the lot has a commercial building located to the West, with railroad tracks and SE Railroad Ave to the North and undevelopable open space to the East. The requirements of this section have been met.

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

Applicant's Finding:

The proposed Self-storage facility will use the existing driveway to the West currently used by the commercial development to the West so ingress and egress should not create any increased nuisance. The building is situated to position all activity (loading and unloading) as far from the residential uses that the geography of the lot will allow.

The Applicant did meet with the neighbors of the property and the Linwood Neighborhood Association on March 12, 2015 and no significant issues were raised by the neighborhood as potential nuisances or impacts. The requirements of this section have been met.

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

Applicant's Finding:

The proposed use is a Self-storage facility that is very similar in use to the "Uses allowed outright". Specifically, item "C" of the MMC 19.310.2 "Warehousing and Distribution"; Self-storage is basically a Warehouse for the public to lease space in. Both require the entry and egress of trucks and vehicles that load and

unload at the facility on a short term basis. However the self-storage will not have large tractor-trailer type trucks using the site as a large warehouse would.

The site will not generate any unmitigated impacts to other properties within the immediate vicinity and is similar to other uses which are permitted outright within the zone. The requirements of this section have been 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.

Applicant's Finding: The proposed development complies with the applicable development standards in that it meets the minimum required dimensional criteria for lot size, front, side and rear yards.

Off-street parking, per table 19.605.1, has been provided at a level which meets the requirements of the City's Codes.

The proposed building will not exceed the City's height limitations for structures within the BI zone and the project has been adequately buffered through the incorporation of a series of landscape plantings within the required buffers.

The requirements of this section have been met.

6. The proposed use is consistent with applicable Comprehensive Plan policies related to the proposed use.

Applicant's Finding: The proposed development is a use which is Conditionally permitted within the underlying zoning district. The Conditional approval of the proposed development would successfully implement the policies and goals of the City's Comprehensive Plan.

The requirements of this section have been met.

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

Applicant's Finding: The proposed development will take access to Harmony Road via a shared driveway which will receive minor improvements to facilitate the required access. Harmony Road will be improved to the County's current standards for a three lane minor arterial, consistent with the County's requirements for

roadway improvements. All transportation access and public utilities will be improved prior to the Applicant's request for final occupancy.

The requirements of this section have been met.

19.911 VARIANCES

19.911.1 Purpose

Variances provide relief from specific code provisions that have the unintended effect of preventing reasonable development or imposing undue hardship. Variances are intended to provide some flexibility while ensuring that the intent of each development standard is met. Variances may be granted for the purpose of fostering reinvestment in existing buildings, allowing for creative infill development solutions, avoiding environmental impacts, and/or precluding an economic taking of property. Variances shall not be granted that would be detrimental to public health, safety, or welfare.

19.911.2 Applicability

A. Eligible Variances

Except for situations described in Subsection 19.911.2.B, a variance may be requested to any standard or regulation in Titles 17 or 19 of the Milwaukie Municipal Code, or any other portion of the Milwaukie Municipal Code that constitutes a land use regulation per ORS 197.015.

B. Ineligible Variances

A variance may not be requested for the following purposes:

- 1. To eliminate restrictions on uses or development that contain the word "prohibited."**
- 2. To change a required review type.**
- 3. To change or omit the steps of a procedure.**
- 4. To change a definition.**
- 5. To increase, or have the same effect as increasing, the maximum permitted density for a residential zone.**
- 6. To justify or allow a Building Code violation.**
- 7. To allow a use that is not allowed outright by the base zone. Requests of this nature may be allowed through the use exception provisions in Subsection 19.911.5, nonconforming use replacement provisions in Subsection 19.804.1.B.2, conditional use provisions in Section 19.905, or community service use provisions in Section 19.904.**

C. Exceptions

A variance application is not required where other sections of the municipal code specifically provide for exceptions, adjustments, or modifications to standards either "by right" or as part of a specific land use application review process.

19.911.3 Review Process

A. General Provisions

1. Variance applications shall be evaluated through either a Type II or III review, depending on the nature and scope of the variance request and the discretion involved in the decision-making process.
2. Variance applications may be combined with, and reviewed concurrently with, other land use applications.
3. One variance application may include up to three variance requests. Each variance request must be addressed separately in the application. If all of the variance requests are Type II, the application will be processed through a Type II review. If one or more of the variance requests is Type III, the application will be processed through a Type III review. Additional variance requests must be made on a separate variance application.

**Applicant's
Finding:**

The Applicant has requested approval of a Type II variance application to allow for a small encroachment of a stairway and part of the front retail office into the front 20 yard setback on the property. The Applicant has shown that the requested variance qualifies for review as a Type II limited variation to the City's numerical standards and has provided responses to the City's approval criteria for a Type II review. The Applicant requests that this request for a variance to the front yard setback be considered concurrently with this request for a Conditional Use Permit for the property.

B. Type II Variances

Type II variances allow for limited variations to numerical standards. The following types of variance requests shall be evaluated through a Type II review per Section 19.1005:

1. A variance of up to 40% to a side yard width standard.
2. A variance of up to 25% to a front, rear, or street side yard width standard. A front yard width may not be reduced to less than 15 ft through a Type II review.

**Applicant's
Finding:**

The Applicant has requested an encroachment of 5 feet into the property's front yard setback in order to allow for a small encroachment by an external stairway and a small portion of the southernmost building's retail and sales office. Less than 25% of the required 20 foot setback will be impacted by this variance request, and the 5-foot encroachment represents 25% of the required 20-foot front yard setback. The small areas of encroachment into the front yard setback will not reduce the front yard width to less than 15 feet and, therefore, a Type II review is appropriate.

The requirements of this standard have been met.

3. A variance of up to 10% to lot coverage or minimum vegetation standards.

4. A variance of up to 10% to lot width or depth standards.
5. A variance of up to 10% to a lot frontage standard.
6. A variance to compliance with Subsection 19.505.1.C.4 Detailed Design, or with Subsection 19.901.1.E.4.c.(1) in cases where a unique and creative housing design merits flexibility from the requirements of that subsection.

19.911.4 Approval Criteria

A. Type II Variances

An application for a Type II variance shall be approved when all of the following criteria have been met:

1. The proposed variance, or cumulative effect of multiple variances, will not be detrimental to surrounding properties, natural resource areas, or public health, safety, or welfare.

Applicant's Finding:

The proposed variance for encroachment into the front yard setback is minor in nature and will not create any detrimental effects on any of the surrounding properties. The proposed variance allows the proposed improvements on the site to better avoid the natural resource areas located on site. The public's health, safety, and welfare will not in any way be affected through the approval of the requested setback reduction.

The requirements of this standard have been met.

2. The proposed variance will not interfere with planned future improvements to any public transportation facility or utility identified in an officially adopted plan such as the Transportation System Plan or Water Master Plan.

Applicant's Finding:

The City of Milwaukie requires a half right-of-way width of 40 feet along Harmony Road as does Clackamas County's Department of Transportation and Development. The proposed development has dedicated additional right-of-way along Harmony in response to this requirement. The proposed setback for development of the subject site is measured from the edge of the newly dedicated right-of-way and a front yard setback of 20 feet is typically required. The proposed variance would enable a small portion of southernmost building to encroach into the required front setback area but not into the right-of-way. The proposed width of the right-of-way has been specifically identified as necessary by the County's transportation system plan and the proposed variance for the front yard setback is not anticipated to interfere with any further planned improvements along Harmony.

The requirements of this standard have been met.

3. **Where site improvements already exist, the proposed variance will sustain the integrity of, or enhance, an existing building or site design.**

Applicant's Finding: All site improvements are related to new improvements. This criteria does not apply.

4. **Impacts from the proposed variance will be mitigated to the extent practicable.**

Applicant's Finding: The Applicant is unaware of any impacts associated with the proposed variance which may require mitigation.

SUMMARY AND CONCLUSION

Based upon the materials submitted herein, the Applicant respectfully requests a recommendation for approval from the City's Planning Department and a favorable decision from the City's Planning Commission for this application for a Conditional Use permit and for the requested Type II Variance.