



February 1, 2017

Land Use File(s): DEV-2017-002

## NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Director on February 1, 2017.

**Applicant(s):** Kirsten Canfield  
**Location(s):** 2171 SE Moores St., Milwaukie, OR 97222  
**Tax Lot(s):** 11E25BB02000  
**Application Type(s):** Development Review: Change in primary use to allow a professional service (salon) in addition to the existing dwelling unit.  
**Decision:** Approved with Conditions  
**Review Criteria:** Milwaukie Zoning Ordinance:

- Section 19.906 Development Review
- Section 19.1004 Type I Review

**Appeal period closes: 5:00 p.m., February 16, 2017**

### Conditions of Approval

1. Per MMC 19.605.1 and meeting the dimensional requirements of MMC 19.606.1, 2 additional parking spaces shall be striped on the existing paved area at the rear of the building.
2. Per MMC 19.609.2.A, 2 bicycle parking spaces shall be installed near the front entrance to the building prior to the issuance of a certificate of occupancy.
3. The site is subject to the provisions in MMC 19.803 for a non-conforming use (dwelling unit).

### Other requirements

1. Business Registration

Per MMC 5.08, the applicant must register as a business prior to operation. This is done by submitting an application and the appropriate fees to the Finance Department. The full year registration fee is \$121.00 standard base fee plus \$6.00 for each full-time employee, including owners. Two part-time employees equal one full-time employee. A new business which begins January through June will pay the full year fee. A new business which begins July through December will pay a \$64.00 standard base fee plus \$6.00 for each full-time

employee, owner and part-time employee. More information can be found at <http://www.milwaukieoregon.gov/finance/business-registration-1>.

## 2. Limitations on Development Activity

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

### **Findings in Support of Approval**

The Findings for this application are included as Exhibit 1.

### **Case File**

This notice is issued in accordance with Milwaukie Municipal Code (MMC) Section 19.1004 Type I 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 Vera Koliass, Associate Planner, at 503-786-7653 or [koliassv@milwaukieoregon.gov](mailto:koliassv@milwaukieoregon.gov), if you wish to view this case file.

### **Appeal**

**This decision may be appealed by 5:00 p.m. on February 16, 2017, which is 15 days from the date of this decision.** An appeal of this decision would be heard by the Milwaukie Planning Commission following the procedures of MMC Section 19.1010 Appeals. This decision will become final on the date above if no appeal is filed during the appeal period. Milwaukie Planning staff can provide information regarding forms, fees, and the appeal process at 503-786-7630 or [planning@milwaukieoregon.gov](mailto:planning@milwaukieoregon.gov).

### **Expiration**

Per MMC Subsection 19.1001.7.E, this land use approval expires unless the development utilizes its approvals within 4 years of land use approval. Extensions can be granted per MMC Section 19.908.

### **Exhibits**

1. Findings in Support of Approval



---

Dennis Egner, FAICP  
Planning Director

cc: Kirsten Canfield (2149 SE Moores St, Milwaukie, OR 97222)  
Ann Ober, City Manager, Interim Community Development Director (*via e-mail*)  
Chuck Eaton, Engineering Director (*via e-mail*)  
Alex Roller, Engineering Technician II (*via e-mail*)

Samantha Vandagriff, Building Official (*via e-mail*)  
Bonnie Lanz, Permit Specialist (*via e-mail*)  
Land Use File(s): DEV-2017-002

**EXHIBIT 1**  
**Findings for Development Review for File #DEV-2017-002**  
**Kirsten Canfield**

The proposal meets the applicability criteria listed in Milwaukie Municipal Code (MMC) Subsection 19.906.2.A. The application has been processed in accordance with MMC Section 19.1004 Type I Review. This table contains the City's findings on the Development Review criteria in MMC 19.906.4 and the standards associated with each criterion. Standards that are not identified in the table are found to not be applicable to the proposal.

<b>MMC SUBSECTION 19.906.4.A</b>	
<i>The proposal complies with all applicable base zone standards in Chapter 19.300.</i>	
<b>Applicable Standards</b>	<b>Findings</b>
<p>2171 SE Moores St ("site") is located in the Tacoma Station Area Manufacturing (M-TSA) Zone, and the following standards of MMC Section 19.312 are applicable.</p> <p>19.312.2.G Limited Uses</p> <p>This category comprises uses that are primarily intended to support and serve other allowed uses in the M-TSZ Zone. Professional services that cater to employees and customers are permitted as Limited Uses. Examples include bank branches, day care centers, dry cleaners and health clubs.</p>	<p>The proposal is to change the first floor of the existing structure to a full-service salon, measuring approximately 500 sq ft. Under the examples given in MMC 19.312.2.G, a salon is determined to be a similar service use to a health club. The existing structure was last used for an office/residential use, triggering Type I Development Review. This change establishes a professional service use that is permitted as a Limited Use in the M-TSA Zone.</p> <p>This standard is met.</p>

<b>MMC SUBSECTION 19.906.4.B</b>	
<i>The proposal complies with all applicable overlay zone and special area standards in Chapter 19.400.</i>	
<b>Applicable Standards</b>	<b>Findings</b>
<p>The site is located within the Tacoma Station Area (TSA) Overlay Zone, and the following standards of MMC Section 19.406 are applicable.</p> <p>19.406.6 Subarea 2: West of McLoughlin</p> <p>Per MMC 19.406.6.C, permitted uses in Subarea 2 are the same as those permitted in the base M-TSA Zone, with the following exceptions: Retail commercial and</p>	<p>The proposed development will be a professional service on the ground floor. As set forth in MMC 19.803, the dwelling unit on the second floor is permitted as the continuation of a non-conforming use. This is an existing structure that has, in the past, contained both residential and commercial (office) uses.</p>

**MMC SUBSECTION 19.906.4.B**

*The proposal complies with all applicable overlay zone and special area standards in Chapter 19.400.*

Applicable Standards	Findings
professional service uses may be permitted in a stand-alone building; multifamily residential is permitted outright in a stand-alone building or in stories above a ground-floor commercial or office use; rowhouse development is permitted and can include live/work style units with groundfloor work space or commercial space.	This standard is met.

**MMC SUBSECTION 19.906.4.C**

*The proposal complies with all applicable supplementary development regulations in Chapter 19.500.*

Applicable Standards	Findings
City staff has not identified any provisions in Chapter 19.500 that are applicable to the proposal.	The standard of 19.906.4.C is not applicable.

**MMC SUBSECTION 19.906.4.D**

*The proposal complies with all applicable off-street parking and loading standards and requirements in Chapter 19.600.*

Applicable Standards	Findings
19.602.5 Improvements to Existing Off-Street Parking and Loading Areas The purpose of Subsection 19.602.5 is to improve nonconforming off-street parking and loading areas as redevelopment occurs. These improvements should occur in conjunction with a development or change in use.	The site does not provide bicycle parking. Per MMC 19.609.2.A, the proposed development requires a minimum of 2 bicycle parking spaces for 500 sq ft of floor area, which is the minimum quantity required per 19.609.2. As conditioned, this standard is met.
19.604.1 Parking Provided with Development Activity All required off-street parking areas shall be provided at the time the structure is built; at the time a structure or site is enlarged; or when there is change in use or an increase in	The existing site provides 2 marked off street parking spaces for a building of approximately 884 sq ft. A minimum of 3 parking spaces would be required under the

**MMC SUBSECTION 19.906.4.D**

*The proposal complies with all applicable off-street parking and loading standards and requirements in Chapter 19.600.*

Applicable Standards	Findings
density or intensity.	current zoning code and a maximum of 4 spaces would be allowed, so there is an existing nonconformity. The proposed change in use requires that 2 additional parking spaces be designated on the site.  As conditioned, this standard is met.
19.605.1 Minimum and Maximum Requirements MMC 19.605.1 requires a minimum of 4 and a maximum of 5.4 parking spaces per 1,000 sq ft of floor area for personal/professional services. MMC 19.605.1 requires a minimum of 1 parking space per dwelling unit.	A minimum of 3 parking spaces would be required under the current zoning code and a maximum of 4 spaces would be allowed, for a professional service of 500 sq ft and 1 dwelling unit.  As conditioned, this standard is met.

**MMC SUBSECTION 19.906.4.E**

*The proposal complies with all applicable public facility standards and requirements, including any required street improvements, in Chapter 19.700.*

Applicable Standards	Findings
The proposal will not result in an intensification of use, so per MMC 19.702.1.E, Chapter 19.700 is not applicable. The Engineering Department has determined that the proposal does not require a Transportation Impact Evaluation or any street improvements.	This standard is met.

**MMC SUBSECTION 19.906.4.F**

*The proposal complies with all applicable conditions of any land use approvals for the proposal issued prior to or concurrent with the development review application.*

Applicable Standards	Findings
There are no prior or concurrent approvals.	This standard is met.