



October 25, 2017

Land Use File(s): DEV-2017-013, NR-2017-004

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Director on October 25, 2017.

Applicant(s):	Suvi Wesa, Day Wireless Systems
Appellant (if applicable)	Lee Leighton, Mackenzie
Location(s):	11405 SE 37th Ave.
Tax Lot(s):	11E36AD07200
Application Type(s):	Development Review, Natural Resource Review
Decision:	Approved with Conditions
Review Criteria:	<u>Milwaukie Zoning Ordinance:</u> <ul style="list-style-type: none">• MMC 19.310 - Business Industrial Zone• MMC 19.402 – Natural Resources NR• MMC 19.500 – Supplementary Development Regulations• MMC 19.600 – Off-Street Parking and Loading• MMC 19.700 - Public Facility Improvements• MMC 19.906 – Development Review• MMC 19.1005 – Type II Review

Appeal period closes: 5:00 p.m., November 9, 2017

This notice is issued in accordance with Milwaukie Municipal Code (MMC) Section 19.1005 Type II 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 Mary Heberling, Assistant Planner, at 503-786-7658 or heberlingm@milwaukieoregon.gov, if you wish to view this case file or visit the project webpage at <http://www.milwaukieoregon.gov/planning/DEV-2017-013>

This decision may be appealed by 5:00 p.m. on October 25, 2017, which is 15 days from the date of this decision.¹ Any person who is adversely affected or aggrieved by this decision may appeal the decision by filing a written appeal. An appeal of this decision would be heard by the Milwaukie Planning Commission following the procedures of MMC Section 19.1010

¹ As per MMC Section 19.1010, if the 15th day falls on a weekend or legal holiday, the end of the appeal period shall be extended to the end of the next business day.

Appeals. This decision will become final on the date above if no appeal is filed during the appeal period. Milwaukie Planning staff can provide information regarding forms, fees, and the appeal process at 503-786-7630 or planning@milwaukieoregon.gov.

Per MMC Subsection 19.1001.7.E, this land use approval expires unless the applicant has: (1) obtained and paid for all necessary development permits and started construction within 2 years of land use approval, and (2) passed final inspection and/or obtained a certificate of occupancy within 4 years of land use approval. Extensions can be granted per MMC Section 19.908.

Findings in Support of Approval


1. Exhibit 1

Conditions of Approval

1. Prior to the construction, the following shall be resolved:
 - A. Submit a stormwater 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.
 - B. Comply with the engineering and public works requirements for work in the right-of-way (ROW):
 - 1) Obtain a ROW permit for construction of all public improvements that require work in the ROW.
 - 2) Submit full-engineered plans for construction of all required public improvements. The plans shall be reviewed and approved by the City of Milwaukie Engineering Department.
 - 3) Pay an inspection fee equal to 5.5% of the cost of the public improvements.
 - 4) Provide a payment and performance bond for 100% of the cost of the required public improvements.
 - C. As required by MMC Chapter 12.16, obtain a permit for access to 37th Ave. This code chapter also requires the maintenance of clear vision at the intersection of driveways and streets.
 - D. Obtain an erosion control permit.
 - E. Submit a construction management plan for work in natural resource areas per standards of MMC 19.402.9.
 - F. Meet the development standards for protection of natural resources during site development listed in MMC 19.402.11.A prior and during construction.
 - G. Provide a lighting plan meeting the standards of MMC 19.606.3.F. The Planning Director shall review and approve the plan.
 - H. Submit revised site and landscape plans or addendums to the plans indicating the following:

- 1) Bicycle parking. The site plans, dated October 3 and 17, 2017, submitted by email, depict bicycle parking to the north of the main entrance. Revise the landscape plan to illustrate the proposed bicycle parking.
 - 2) Landscaped areas. The revised landscape plan shall indicate how all areas on the site are being landscaped including areas to the south and west of the existing retaining wall. The revised plan shall include calculations and “take-offs” demonstrating that all landscape area requirements set forth by the code are being satisfied.
 - 3) Interior landscaping. The site plans, dated October 3 and 17, 2017, submitted by email, depict the two landscape areas that extend into the parking lot from the perimeter landscape strip along 37th Ave as meeting the minimum size requirement of 120 sq ft. The new site plan also expanded a landscape area and eliminated a parking space in the southwest corner of the parking lot so that cars do not back into the driveway aisle within 20 ft of the sidewalk. Revise the landscaping plan to include these larger landscape areas and provide information about the landscaping materials that will be installed.
 - 4) 37th Ave Frontage. The landscape plan depicts 5 Silver Linden trees in the landscape strip between the sidewalk and the parking area. Technically, these are not considered street trees because they are proposed to be on private property. The Business Industrial (BI) zone requires street trees spaced approximately 40 ft on-center. By definition, street trees are to be within the public ROW and they are required to be those from the Street Tree list in the Public Works Standards. Revise the landscape plan to include street trees planted in the landscape strip in the public ROW. This may require changes to the landscape plan to reposition or remove some of the proposed Silver Linden trees. All changes to the landscape plan to accommodate the required street trees are subject to the approval of the Engineering Director.
 - 5) Highway 224 Frontage. The site abuts the public ROW along Hwy 224 but the landscaping plan does not depict street trees along this frontage. Revise the landscape plan to ensure that trees are provided in such a manner to effectively satisfy the 40 ft on-center tree spacing requirement of the BI zone.
 - 6) Loading and Circulation. The site plans, dated October 3 and 17, 2017, submitted by email, depict the proposed truck circulation pattern for accessing and exiting the site. Based on MMC 12.16.040.D, the City Engineer will only allow two driveways if each one only allows for one-way ingress or egress. The site plans must be revised to depict the one-way pattern. In addition, plan details shall be submitted to the satisfaction of the City Engineer for signage and striping for the driveways.
 - 7) Landscape Plan Approval. The revised landscape plan shall be approved by the Planning Director.
 - I. Provide building elevation details illustrating that the rooftop mechanical equipment will not be visible from public streets – both 37th Ave and Hwy 224.
 - J. Submit a Fire Access and Water Supply Plan meeting the requirements of Fire District #1.
2. Provide the following public improvements prior to occupancy:
 - A. Construct 6-ft setback sidewalk on 37th Ave frontage.

- B. Construct Americans with Disabilities (ADA) compliant ramps on east and west side of the marked crosswalk.
 - C. Construct driveway approaches to meet all ADA guidelines. The driveway approach aprons shall be between 9 ft and 20 ft in width and least 7.5 ft from the side property line.
 - D. Install all underground utilities, including stubs for utility service prior to surfacing any streets.
3. Prior to final inspection and occupancy of the development, the following shall be resolved:
- A. All roof drains and parking lot must run to approved stormwater facility.
 - B. Install and complete landscaping per the landscape plan (as revised based on these conditions) or submit a bond or financial guarantee for landscape completion.
 - C. Install and complete all required natural resource mitigation plantings consistent with the standards of MMC 19.402.11.B.6.a.
 - D. Adhere to the required practices and recommended practices for tree and shrub survival in MMC 19.402.11.B.9.
 - E. No more than 20% of the site's required landscaped area may be covered in mulch or bark dust.
 - F. Provide 2 bicycle parking spaces that adhere to the space, rack, and lighting standards per MMC 19.609.3.
 - G. Provide signage and striping for the one-way entrance and exit driveways.
 - H. Install lighting in compliance with the approved lighting plan.
 - I. Provide a final approved set of Mylar and electronic PDF "As Constructed" drawings to the City of Milwaukie prior to final inspection.



Dennis Egnor, FAICP
Planning Director

cc: Suvi Wesa, 4620 SE International Way, Milwaukie 97222
Lee Leighton, 1515 SW Water Ave. #100 Portland 97214
Planning Commission (*via e-mail*)
Alma Flores, 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*)
Mike Boumann and Matt Amos, CFD#1
Interested Persons
Land Use File(s): DEV-2017-013, NR-2017-004

EXHIBIT 1
Findings for Development Review for File #DEV-2017-013; NR-2017-004
Day Wireless Systems

The proposal meets the applicability criteria listed in Milwaukie Municipal Code (MMC) Subsection 19.906.2.B. The application has been processed and public notice provided in accordance with MMC Section 19.1005 Type II 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.

MMC SUBSECTION 19.906.4.A	
<i>The proposal complies with all applicable base zone standards in Chapter 19.300.</i>	
Applicable Standards	Findings
<p>11405 SE 37th Avenue, Milwaukie, OR 97222 ("site") is located in the Business Industrial (BI) Zone, and the following standards of MMC Section 19.310 are applicable.</p> <p>19.310.2 Uses Permitted Outright</p> <p>19.310.2. A The following business and industrial uses are allowed outright, subject to the standards of Subsection 19.310.6.</p> <p style="padding-left: 40px;">19.310.2.A.2 Manufacturing, processing, fabrication, packaging, or assembly of products from previously prepared materials;</p> <p>19.310.2.B Business and professional offices, including product design, sales, service, packaging; corporate headquarters or regional offices.</p> <p>19.310.2.C Warehousing and distribution.</p>	<p>The site is underdeveloped and vacant. The proposal is to build a single-story building containing 12,300 square feet of floor area, with areas for warehouse and service (45-55%), accessory office (25-30%) and limited retail showroom (20-25%) activities.</p> <p>This standard is met.</p>
<p>19.310.3 Accessory Uses</p> <p>19.310.3.H Retail outlets associated with manufacturing uses as outlined in Subsection 19.310.2.A.2 of this section. Products sold at the accessory retail outlet shall be primarily those assembled or manufactured onsite. The accessory retail outlet shall be located within the associated manufacturing building and occupy up to a maximum of</p>	<p>The retail sale of tools at this site is considered a limited use under MMC 19.310.4 rather than an accessory use and therefore retail sales are not subject to the accessory use standard.</p> <p>The standard is not applicable.</p>

MMC SUBSECTION 19.906.4.A

The proposal complies with all applicable base zone standards in Chapter 19.300.

Applicable Standards	Findings
<p>25% of the floor area of the associated manufacturing building or 4,000 sq ft, whichever is less.</p>	
<p>19.310.4 Limited Use</p> <p>19.310.4.A Limited retail or service uses may be allowed that primarily service the needs of BI Zone clients, employees, and businesses, as opposed to the general public. These uses, subject to the provisions of Subsection 19.310.4.B below, shall include:</p> <ol style="list-style-type: none"> 1. A restaurant or deli, offering at least breakfast and/or lunch items, without a drive-in or drive-through service; 2. Office supply and equipment, sales, or service; 3. Personal service businesses such as a barber, beauty parlor, tailor, dressmaking, shoe repair shop, self-service laundry, dry cleaning, photographer, instruction studios, or similar uses; 4. A bank or other financial institution; 5. A computer or other similar small electronic office machines store, sales and service; and 6. Any other use similar and compatible to the above-listed uses. <p>19.310.4.B Limitations and conditions on the development of the limited uses itemized above shall be as follows:</p> <ol style="list-style-type: none"> 1. All limited uses shall be located, arranged, and integrated within the district to serve primarily the shopping and service needs of clients, businesses, and employees of the district; 	<p>The applicant is proposing a development of a new building to house the Charles H. Day Company which sells and services electric and pneumatic tools for various industries including construction, automotive, and industrial manufacturing. The use is considered a limited use in the BI zone similar to the sales and service of office equipment and computers.</p> <p>The retail component of the business will occupy no more than 25% (3,075 sq ft) of the total building area.</p> <p>The standard is met.</p>

MMC SUBSECTION 19.906.4.A

The proposal complies with all applicable base zone standards in Chapter 19.300.

Applicable Standards	Findings
<p>2. Limited uses may occupy up to a maximum of 25% of the square footage of a building. A limited use that is to be located in a building and exceeds 25% of the building's square footage shall be reviewed as a conditional use;</p> <p>3. Maximum floor area for a limited use shall be 4,000 sq ft;</p> <p>4. All limited uses shall comply with the standards under Subsection 19.310.6.</p>	
<p>19.310.6 Standards</p> <p>In the BI district, the following standards shall apply to all uses:</p> <p>19.310.6.A Lot size.</p> <p>None, except that lots created shall be of a size sufficient to fulfill the applicable standards of this district.</p>	<p>The lot is 45,894 sq ft and the proposed building has a floor area of 12,300 sq ft.</p> <p>The standard is met.</p>
<p>19.310.6.B Front yard.</p> <p>A front yard shall be at least 20 ft unless additional setback is required in Subsection 19.501.2. A.</p>	<p>The proposed structure has a setback of more than 80 feet. Parking and circulation are located in front of the building.</p> <p>The standard is met.</p>
<p>19.310.6.F Site Access</p> <p>One curb cut (45 ft maximum) per 150 ft of street frontage, or fraction thereof, for industrial uses.</p>	<p>The property frontage along 37th Ave measures 205 ft. As an industrial use, the site is eligible for two curb cuts to provide access. Both proposed driveways are shown in preliminary plans at widths of 24 ft, consistent with the allowed maximum width of 45 ft. The updated site plans dated October 3 and 17, 2017 depict the southern driveway as providing ingress and egress and the northern driveway as egress only.</p>

MMC SUBSECTION 19.906.4.A

The proposal complies with all applicable base zone standards in Chapter 19.300.

Applicable Standards	Findings
<p>19.310.6.G. Height restriction. Maximum height of a structure shall be 3 stories or 45 ft, whichever is less.</p>	<p>The total height of the proposed structure is 30 ft. The standard is met.</p>
<p>19.310.6.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.</p>	<p>The site is adjacent to Hwy 224, triggering the 20% landscaping requirement. The applicant has submitted a landscaping plan that depicts more than 44% of the site as being landscaped or in natural vegetation. The landscape plan depicts 5 Silver Linden trees along the public right-of-way (ROW) on private property. Technically, the code defines street trees as trees in the public ROW. A condition has been added to revise the landscape plan to include street trees in the ROW and, if necessary, move or remove the Silver Linden trees to accommodate the street trees. Street trees are also required along the Hwy 224 ROW but this ROW is not under City jurisdiction and there are already numerous trees on private property near the ROW which effectively serve a similar purpose. A condition has been added to either plant additional trees or provide documentation that tree spacing in this area is equivalent to the spacing required for street trees – i.e., 40 ft on-center. A bond or financial guarantee for landscape completion will be required if the building is occupied before the landscaping is installed. With conditions, the standard is met.</p>

MMC SUBSECTION 19.906.4.A

The proposal complies with all applicable base zone standards in Chapter 19.300.

Applicable Standards	Findings
<p>19.310.6.J Building Siting and Design</p> <p>Buildings and sites shall be designed using the following principles:</p> <ol style="list-style-type: none"> 1. Sites shall be developed to the maximum extent practicable, so that buildings have solar access and utilize other natural features in their design. 2. Assure that building placement and orientation and landscaping allow ease of security surveillance. 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: <ol style="list-style-type: none"> 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. 4. To the extent possible, screen or mask roof-mounted mechanical equipment, except solar collection apparatus, from view. 5. Orient major service activity areas (e.g., loading, delivery, and garbage collection, etc.) of the development away from major streets. 	<p>The design of the building and parking have been laid out in a way that utilizes and protects the natural resources and features of the site. A wetland is located along the north property line and in the northwest corner of the site. Based on the size of drainage basin, it is classified as a secondary water feature with a 15-ft wide vegetated corridor. The building and parking areas avoid the wetland areas and the stormwater facilities are incorporated within the vegetated corridor.</p> <p>The building and parking allow for effective security surveillance from public rights-of-way and are not obstructed due to orientation or landscaping.</p> <p>The proposed design uses a combination of ground-face and split-face Concrete Masonry Unite (CMU) blocks, in difference shades of grey with some burgundy red CMU and currant red doors, which visually break down the building into small components. On the east, south and west elevations, window/door systems with dark bronze frame elements provide for light into the building and visibility out of the building. Storefront doors and pedestrian-level windows on the east and south clarify entrance locations, complemented by vertically-oriented dark grey box rim metal inserts between CMU column structures. The applicant states that these durable materials are designed to withstand exposure to natural</p>

MMC SUBSECTION 19.906.4.A

The proposal complies with all applicable base zone standards in Chapter 19.300.

Applicable Standards	Findings
<p>6. Arrange us and buildings to maximize opportunities for shared circulation, access, parking, loading, pedestrian walkways and plazas, recreation areas, and transit-related facilities.</p> <p>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.</p>	<p>elements and remain attractive, while supporting the proposed industrial use at a visible public location.</p> <p>The applicant states that rooftop mechanical equipment locations and dimensions will be specified to remain below the sight line (cutoff) formed by the parapet wall, so equipment will not be visible from public streets. A condition has been included to ensure mechanical equipment is hidden from view.</p> <p>Major activities, such as loading, parking, and refuse handling will all be located on the east side of the proposed building, along 37th Ave, reducing public visibility from Hwy 224. Locations on the north and west portions of the site are constrained by natural resource features.</p> <p>The original site plan did not include bike parking. The revised site plans submitted by email on October 3 and 17, 2017 depict a bike rack immediately north of the front door. A condition is included to ensure bicycle parking is provided.</p> <p>With conditions, these standards are met.</p>
<p>19.310.6.K Nuisances</p> <p>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.</p>	<p>The proposed use is for a power tool sales and service business. These activities are consistent with the site's industrial zoning, and will be entirely enclosed within the building. External dust, odor, smoke, fumes, noise, glare, heat or vibrations are not anticipated.</p> <p>The standard is met.</p>

MMC SUBSECTION 19.906.4.B <i>The proposal complies with all applicable overlay zone and special area standards in Chapter 19.400.</i>	
Applicable Standards	Findings
<p>The site is located in the Natural Resource (NR) Overlay Zone, and the following standards of MMC Section 19.402 are applicable.</p> <p>A Water Quality Resource (WQR) and Habitat Conservation Area (HCA) is located at the site, and the following standards of MMC Section 19.402 are applicable.</p> <p>19.402.3 Applicability</p> <p>19.402.3.A. The regulations in Section 19.402 apply to all properties that contain, or are within 100 ft of a WQR and/or HCA.</p>	<p>The site and proposed building are within 100 ft of a WQR and HCA and the on-site water quality facilities will be partially within the WQR.</p> <p>The standards are applied below.</p>
<p>19.402.4.B Limited Exemptions Within HCAs</p> <p>The following activity within HCAs are exempt from the provisions of Section 19.402, except that a construction management plan is required and where the activity disturbs a total of more than 150 sq ft.</p> <p>19.402.4.B.5. Facilities that infiltrate stormwater on the site, including the associated piping, so long as the forest canopy and the areas within the driplines of the trees are not disturbed. Such facilities may include, but are not limited to, vegetated swales, rain gardens, vegetated filter strips, and vegetated infiltration basins. Native or nonnative vegetation may be planted in these facilities, provided that none of the plantings are identified as a nuisance species on the Milwaukie Native Plant List.</p>	<p>The applicant proposes to locate on-site water quality facilities partially within the WQR vegetated corridor along the unnamed tributary to Mount Scott Creek that flows generally along the north property boundary. Such siting is consistent with the Limited Exemptions within the HCAs. This action is exempt and does not contribute to the 10% maximum disturbance allowed by 19.402.11.D.1.b.</p> <p>The standard is met.</p>
<p>19.402.6 Activities Requiring Type I Review</p> <p>19.402.6.B. Activities within HCAs in Compliance with Nondiscretionary Standards</p> <p>Within HCAs, but outside of WQRs, nonexempt development that is not listed in Subsections 19.402.7 or 19.402.8, and that is in compliance with the nondiscretionary standards provided in Subsection 19.402.11.D, is subject to Type I Review.</p>	<p>The HCA disturbance caused by the on-site water quality facilities are exempt provided in 19.402.4.B. A 576-sq ft portion of the proposed building will cause minor permanent impacts to the HCA. This proposed disturbance is subject to the nondiscretionary standards of 19.402.11.D.</p> <p>The standards are applied below.</p>
<p>19.402.11.D Nondiscretionary Standards of HCAs</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
<p>The following nondiscretionary standards may be applied to proposals that are subject to Type I review and located within HCAs only. These standards do not apply to activities proposed within WQRs.</p> <p>19.402.11.D.1. Disturbance Area Limitations in HCAs</p> <p>To avoid or minimize impacts to HCAs, activities that are not otherwise exempt from the requirements of Section 19.402, and that would disturb an HCA, are subject to the following disturbance area limitations as applicable:</p> <p style="padding-left: 40px;">19.402.11.D.1.b. A maximum net disturbance area of 10% of the HCA on the site is allowed by right, subject to the mitigation requirements described in 19.402.11.D.2.</p>	<p>The proposed plan results 576 sq ft of minor permanent impacts to the HCA, which is 4% of the total HCA area of 14,4312 sq ft. The applicant has provided an on-site plan consistent with 19.402.11.D.2 to mitigate for those impacts, as demonstrated below.</p> <p>The standard is met.</p>
<p>19.402.11.D.2. Mitigation Requirements for Disturbance in HCAs</p> <p>To achieve the goal of reestablishing forested canopy that meets the ecological values and functions described in Subsection 19.402.1, when development intrudes into an HCA, tree replacement and vegetation planting are required according to the following standards, unless the planting is also subject to wetlands mitigation requirements imposed by state and federal law.</p> <p>An applicant shall meet the requirement of Mitigation Option 1 or 2, whichever results in more tree plantings; except that where the disturbance area is 1 acre or more, the applicant shall comply with Mitigation Option 2.</p> <p>Mitigation Option 1: This mitigation requirement is calculated based on the number and size of trees that are removed from the site.</p> <p>Mitigation Option 2: This mitigation requirement is calculated based on the size of the disturbance area within an HCA.</p>	<p>Since no trees will be removed in the HCA, the mitigation requirement has been calculated according to the size of the disturbance area in the HCA. The mitigation area will be located on-site in the existing portion of the HCA that lacks tree canopy. Native trees and shrubs are required to be planted at a rate of 5 trees and 25 shrubs per 500 sq ft of HCA impact. The mitigation requirement is 6 trees and 29 shrubs based on the 576 sq ft of HCA impact.</p> <p>Invasive Himalayan blackberry will be removed in the HCA prior to installing the mitigation plantings, and resulting bare ground areas will be seeded with a native grass seed mix. In addition, to mitigate for the impacts within the WQR vegetated corridor due to construction of the stormwater facility, the remaining portion of the HCA without existing tree cover will also be enhanced to meet the City’s good condition vegetated corridor standards in accordance with Table 19.402.11.C. The total number of HCA plantings required for the 1,151 sq ft area that currently lacks tree cover is 12 trees and 58 shrubs.</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
	<p>Lastly, the portion of the HCA that has existing tree cover but was determined to be in marginal condition due to having 45% tree canopy and low native species cover will also be enhanced with native tree and shrub plantings. Trees and shrubs will be planted at lower densities in the area with existing trees that the area without existing trees will be planted. Mitigation plantings shall be mulched, and invasive species shall be removed from the mitigation period in accordance with 19.402.11.B.9.a.</p> <p>The proposed plantings are sufficient to comply with Mitigation Option 2.</p> <p>The standard is met.</p>
<p>19.402.7 Activities Requiring Type II Review</p> <p>Within either WQRs or HCAs, the following activities and items are subject to Type II review and approval by the Planning Director unless they are otherwise exempt or permitted as a Type I activity.</p> <p>19.402.7.A. Special Uses</p> <p>If not listed as exempt in Subsection 19.402.4, and not able to meet the nondiscretionary standards for HCAs as established in Subsection 19.402.11.D, any special use activity listed below shall be subject to Type II review if the proposal complies with the applicable standards provided in Subsection 19.402.11.E.</p> <ol style="list-style-type: none"> 1. Improvement or construction of public or private utility facilities. 2. New stormwater facilities. 3. Walkways and bike paths. 4. Stormwater management plans. 	<p>The proposed on-site water quality facilities is partially within the WQR on the site and fits the standard for a special use that must meet the standards in 19.402.11.E as a new stormwater facility.</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
<p>19.402.11.E Standards for Special Uses 19.402.11.E.1 General Standards for Special Uses</p> <p>Except for stormwater management plans, all nonexempt special uses listed in Subsection 19.402.11.E.2 through 5 that do not meet the nondiscretionary standards for HCAs provided in Subsection 19.402.11.D shall comply with the specific applicable standards in Subsection 19.402.11.E, as well as with the following general standards:</p> <p>a. In addition to a construction management plan prepared according to 19.402.9; a mitigation plan shall be submitted per 19.402.11.D.2 or 19.402.12.C.2 for HCAs, as applicable, or per 19.402.11.C for WQRs and HCAs shall be restored and maintained in accordance with the approved mitigation plan.</p> <p>b. Existing vegetation outside of approved work areas shall be protected and left in place. Work areas shall be carefully located and marked to reduce potential damage to WQRs and HCAs. Trees in WQRs or HCAs shall not be used as anchors for stabilizing construction equipment.</p> <p>c. Where existing vegetation has been removed, or the original land contours disturbed, the site shall be revegetated and the vegetation shall be established as soon as practicable. Interim erosion control measures, such as mulching, shall be used to avoid erosion on bare areas.</p>	<p>The applicant proposes to include on-site surface facilities for stormwater quality treatment and detention, located adjacent to the delineated wetlands in the northern part of the site. The submitted plans, including the mitigation recommendations contained in a report prepared by Wetland Solutions Northwest (WSNW) (attachment 3 at pages 4-5 of the submitted plans) demonstrate compliance with these general standards.</p> <p>No construction management plan per the standards of 19.402.9 was submitted by the applicant. The Notice of Decision includes a condition requiring a construction management plan.</p> <p>As conditioned, that standard is met.</p>
<p>19.402.11.E.3 New Stormwater Facilities</p> <p>In addition to the requirements of 19.402.11.E.1, new stormwater facilities that are not exempted by 19.402.4, or that do not meet the nondiscretionary standards for HCAs provided in 19.402.11.D, shall not encroach more than 25 ft into the outer boundary of the WQR adjacent to a primary protected water feature.</p>	<p>The proposed stormwater facility is exempt per 19.402.4.B.5.</p> <p>This standard does not apply.</p>
<p>19.402.11 Development Standards 19.402.11.A Protection of Natural Resources During Site Development</p>	<p>The applicant has provided an on-site stormwater management plan and report demonstrating that stormwater flows that result from proposed development</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
<p>During development of any site containing a designated natural resource, the following standards apply:</p> <ol style="list-style-type: none"> 1. Work areas shall be marked to reduce potential damage to the WQR and/or HCA. 2. Trees in WQRs or HCAs shall not be used as anchors for stabilizing construction equipment. 3. Native soils disturbed during development shall be conserved on the property. 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. 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. 6. Stormwater flows that result from proposed development within and to natural drainage courses shall not exceed predevelopment flows. 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. 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. 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. 10. All work on the property shall conform to a construction management plan prepared according to 19.402.9. 	<p>within and to natural drainage courses shall not exceed predevelopment flows.</p> <p>The applicant has submitted and erosion and sediment control plan.</p> <p>The applicant shall meet the development standards listed in 19.402.11.A prior and during construction.</p> <p>As conditioned, the standards are met.</p>
<p>19.402.11.B General Standards for Required Mitigation</p>	<p>The applicant has provided an analysis report and recommendations by Stacy Benjamin, Principal Ecologist</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
<p>Where mitigation is required by 19.402 for disturbance to WQRs and/or HCAs, the following general standards shall apply:</p> <p>19.402.11.B.1 Disturbance</p> <p>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 19.402.11.C for WQRs and 19.402.11.D.2 for HCAs.</p> <p>b. Landscape plantings are not considered disturbances, except for those plantings that are part of a non-exempt stormwater facility; e.g. raingarden or bioswale.</p>	<p>at Wetland Solutions Northwest, LLC (WSNW). Ms. Benjamin performed research, site inventory and analysis; identified boundaries of natural features corresponding to the City’s WQR and HCA definitions, including assessment of functions and values; and consulted with the applicant’s design team in site planning; including the location for surface stormwater management facilities. The WSNW report identifies the resulting impacts and provides specific mitigation recommendations consistent with the applicable provisions of 19.402.11.C and 19.402.11.D.</p> <p>The WSNW report (attachment 3 of the applicant proposal) provides mitigation planting recommendations for disturbances consisting of 576 sq ft of minor permanent impacts to the HCA and the proposed stormwater management facility that will impact 1,863 sq ft of the required 15-ft wide vegetated corridor, but which does not encroach into the wetland resource itself.</p> <p>The standard is met.</p>
<p>19.402.11.B.2 Required Plants</p> <p>Unless specified elsewhere in 19.402, all trees, shrubs, and ground cover planted as mitigation shall be native plants.</p> <p>19.402.11.B.3 Plant Size</p> <p>Required mitigation trees shall average at least a 1/2in 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. Required mitigation shrubs shall be at least 1-gallon size and 12 in high.</p> <p>19.402.11.B.4 Plant Spacing</p>	<p>The WSNW report provides mitigation planting recommendations consistent with the City Native Plant List, sizing, spacing, and plant diversity standards.</p> <p>The standard is met.</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
<p>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.</p> <p>19.402.11.B.5 Plant Diversity</p> <p>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.</p>	
<p>19.402.11.B.6 Location of Mitigation Area</p> <p>a. On-site mitigation</p> <p>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 planning area by executing a deed restriction such as a restrictive covenant.</p>	<p>All required mitigation plantings will be located within the site and consistent with the standards of 19.402.11.B.6.a.</p> <p>As conditioned, the standard is met.</p>
<p>19.402.11.B.7 Invasive Vegetation</p> <p>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.</p> <p>19.402.11.B.8 Ground Cover</p> <p>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.</p>	<p>Proposed mitigation activities include removal of invasive non-native plant species and seeding of bare ground areas with native grass seed mix.</p> <p>The standard is met.</p>
<p>19.402.11.B.9 Tree and Shrub Survival</p>	<p>The applicant shall adhere to the required practices and recommended practices in MMC 19.402.11.B.9.</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
<p>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.</p>	<p>As conditioned, the standard is met.</p>
<p>19.402.11.B.10 Light Impacts</p> <p>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.</p>	<p>No active human use areas around the building (e.g., main entrances, parking and loading areas) are immediately adjacent to WQR or HCA boundaries. Lighting with a steep cutoff angle can be specified to minimize light impacts on these features.</p> <p>The standard is met.</p>
<p>19.402.11.C Mitigation Requirements for Disturbance within WQRs</p> <p>1. The requirements vary for mitigation 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.</p> <p>2. When disturbance within the 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.</p>	<p>The applicant has provided an analysis report and recommendations by Wetland Solutions Northwest (WSNW). They performed research, site inventory, and analysis, identified boundaries of the HCA and WQR, including assessment of functions and value, and consulted with the applicant’s design team in site planning. The WSNW report identifies the resulting impacts and provides specific mitigation recommendations consistent with the applicable provisions of 19.402.11.C and D. Those recommendations have been incorporated into the proposed development plans.</p> <p>That standard is met.</p>

MMC SUBSECTION 19.906.4.C

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

Applicable Standards	Findings
<p>The following standards of MMC 19.504 Site Design Standards are applicable:</p>	

<p>19.504.5 Distance from Property Line</p> <p>Where a side or rear yard is not required and a structure is not to be erected at the property line, it shall be set back at least 3 ft from the property line.</p>	<p>The proposed building will be set back at least 13 ft from all property lines.</p> <p>The standard is met.</p>
<p>19.504.6 Transition Area Measures</p> <p>Where commercial, mixed-use, or industrial development is proposed abutting or adjacent to properties zoned for lower-density residential uses, the following transition measures shall be required. These additional requirements are intended to minimize impacts on lower-density residential uses.</p> <p>A. All yards that abut, or are adjacent across a right-of-way from, a lower-density zone shall be at least as wide as the required front yard width of the adjacent lower-density zone. This additional yard requirement shall supersede the base zone yard requirements for the development property where applicable, except in the NMU Zone. In the NMU Zone, the base zone front yard requirements supersede these requirements.</p> <p>B. All yards that abut, or are adjacent across a right-of-way from, a lower-density zone shall be maintained as open space. Natural vegetation, landscaping, or fencing shall be provided to at least the 6-ft level to screen lower-density residential uses from direct view across the open space, subject to the provisions of Subsection 19.502.2.B.</p>	<p>Single family residential, R-5 zoning is located to the west of the proposed development, across Hwy 224. None of the properties across Hwy 224 have front yards facing the proposed development site. However, the proposed building is set back approximately 24 ft from Hwy 224's ROW, which exceeds the R-5 front yard minimum of 20 ft.</p> <p>The site's rear yard abuts Hwy 224, and contains open space in the form of wetlands, Water Quality Resources, and Habitat Conservation areas. The use of natural vegetation and other mitigation will provide necessary screening.</p> <p>These standards are met.</p>
<p>19.504.7 Minimum Vegetation</p> <p>No more than 20% of the required vegetation area shall be covered in mulch or bark dust. Mulch or bark dust under the canopy of trees or shrubs is excluded from this limit. Plans for development shall include landscaping plans which shall be reviewed for conformance to this standard.</p>	<p>No more than 20% (1,836 sq ft) of the site's required landscaped area may be covered in mulch or bark dust. And, due to its location next to Hwy 224, a minimum of 20% of the total area must be landscaped (9,180 sq ft).</p> <p>The landscape plan indicates six types of ground cover, none of which are mulch or bark dust. Provided the landscape plan is followed, the standard will be satisfied.</p>
<p>19.504.9 On-Site Walkways and Circulation</p>	

A. Requirement

All development subject to Chapter 19.700 (excluding single-family and multifamily residential development) shall provide a system of walkways that encourages safe and convenient pedestrian movement within and through the development site. Redevelopment projects that involve remodeling or changes in use shall be brought closer into conformance with this requirement to the greatest extent practicable. On-site walkways shall link the site with the public street sidewalk system. Walkways are required between parts of a site where the public is invited to walk. Walkways are not required between buildings or portions of a site that are not intended or likely to be used by pedestrians, such as truck loading docks and warehouses.

B. Location

A walkway into the site shall be provided for every 300 ft of street frontage.

C. Connections

Walkways shall connect building entrances to one another and building entrances to adjacent public streets and existing or planned transit stops. On-site walkways shall connect with walkways, sidewalks, bicycle facilities, alleys, and other bicycle or pedestrian connections on adjacent properties used or planned for commercial, multifamily, institutional, or park use. The City may require connections to be constructed and extended to the property line at the time of development.

D. Routing

Walkways shall be reasonably direct. Driveway crossings shall be minimized. Internal parking lot circulation and design shall provide reasonably direct access for pedestrians from streets and transit stops to primary buildings on the site.

E. Design Standards

Walkways shall be constructed with a hard surface material, shall be permeable for stormwater, and shall be no less than 5 ft in width. If adjacent to a parking area where

The proposed site plan includes a pedestrian walkway directly in front of the building entrance, extending east to connect with the proposed new sidewalk along SE 37th Avenue. Paved walkways are located along the southern part of the east building façade, and along the south building façade.

The proposed building provides a pedestrian walkway to connect to the sidewalk along the SE 37th Avenue street frontage. The SE 37th Avenue street frontage is less than 300 feet in length. No direct access to the building is proposed from Hwy 224 so no walkway connection to the Hwy is provided or required.

The proposed development contains a single building with walkways connecting building entrances to each other and to the SE 37th Ave.

The walkway between the proposed building entrances and the public street makes a linear, direct connection to the sidewalk in the SE 37th Avenue right-of-way.

Walkways are proposed in the form of a curbed concrete sidewalk adjacent to the building's south wall and along

<p>vehicles will overhang the walkway, a 7-ft-wide walkway shall be provided. The walkways shall be separated from parking areas and internal driveways using curbing, landscaping, or distinctive paving materials. On-site walkways shall be lighted to an average 5/10-footcandle level. Stairs or ramps shall be provided where necessary to provide a direct route.</p>	<p>roughly the southerly half of its east wall, together with striping for a pedestrian crossing of the parking lot drive aisle.</p> <p>These standards are met.</p>
<p>19.505.8 Building Orientation to Transit</p> <p>The following requirement applies to all new commercial, office, mixed-use, and institutional development within 500 ft of an existing or planned transit route measured along the public sidewalk that provides direct access to the transit route:</p> <p>New buildings shall have their primary orientation toward a transit street or, if not adjacent to a transit street, a public right-of-way which leads to a transit street. The primary building entrance shall be visible from the street and shall be directly accessible from a sidewalk connected to the public right-of-way. A building may have more than 1 entrance. If the development has frontage on more than 1 transit street, the primary building entrance may be oriented to either street or to the corner.</p>	<p>TriMet currently provides bus service on SE 37th Avenue in front of the proposed development. The proposed building's main entrance is oriented toward, and visible from, SE 37th Ave. A pedestrian walkway is proposed between the main entrance and the sidewalk in SE 37th Avenue.</p> <p>The standard is met.</p>

<p>MMC SUBSECTION 19.906.4.D <i>The proposal complies with all applicable off-street parking and loading standards and requirements in Chapter 19.600.</i></p>	
<p>Applicable Standards</p>	<p>Findings</p>
<p>The following standards of MMC 19.600 Off-Street Parking and Loading are applicable:</p> <p>19.604 General Parking Standards</p> <p>19.604.1 Parking Provided with Development Activity</p> <p>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 a change in use or an increase in density or intensity. All required off-street parking areas shall be provided in conformance with the standards of Chapter 19.600 prior to issuance of a certificate of occupancy, or final development permit approval, or as otherwise specified in any applicable land use decision.</p> <p>19.604.2 Parking Location Area</p>	<p>Based on the standards of MMC 19.600, adequate off-street parking is proposed within the proposed project site. All parking will be on the same lot as the primary use.</p> <p>The standard is met.</p>

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
<p>Accessory parking shall be located in one or more of the following areas:</p> <p>a. On the same site as the primary use for which the parking is accessory.</p> <p>b. On a site owned by the same entity as the site containing the primary use that meets the standards of Subsection 19.605.4.B.2. Accessory parking is located in this manner shall not be considered a parking facility for purposes of the base zones in Chapter 19.300.</p> <p>c. Where shared parking is approved in conformance with Subsection 19.605.4.</p>	
<p>19.604.3 Use of Parking Areas</p> <p>All required off-street parking areas shall continually be available for the parking of operable vehicles of intended users of the site. Required parking shall not be rented, leased, sold, or otherwise used for parking that is unrelated to the primary or accessory use of the site, except where a shared parking agreement per Subsection 19.605.4 has been recorded.</p>	<p>All required off-street parking shall be available for the intended users of the site. The applicant is not proposing to rent, lease, or sell the parking for unrelated uses and is not proposing a shared parking agreement.</p> <p>The standard is met.</p>
<p>19.604.4 Storage Prohibited</p> <p>No required off-street parking area shall be used for storage of equipment or materials, except as specifically authorized by Subsection 19.607.2.</p>	<p>The proposed site plan does not include any outdoor storage area and the parking area is not proposed for storage use.</p> <p>The standard is met.</p>
<p>19.605 Vehicle Parking Quantity Requirements</p> <p>19.605.1 Minimum and Maximum Requirements</p> <p>Commercial Services – Min: 2.8 spaces per 1,000 sq ft of floor area Max: 5.1 spaces per 1,000 sq ft of floor area</p> <p>General Retail – Min: 2 spaces per 1,000 sq ft of floor area Max: 5 spaces per 1,000 sq ft of floor area</p>	<p>Activity: Sales/Management Office (2,483 sq ft)</p> <ul style="list-style-type: none"> - Parking category: commercial services - Min – Max Allowed Spaces: 7 – 12.7 <p>Activity: Showroom (2,854 sq ft)</p> <ul style="list-style-type: none"> - Parking Category: general retail - Min – Max Allowed Spaces: 5.7 – 14.3 <p>Activity: Storage, Warehouse (6,441 sq ft)</p> <ul style="list-style-type: none"> - Parking Category: storage, warehouse, wholesale

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
<p>Storage, Warehouse, Wholesale establishment less than 150,000 sq ft Min: 0.5 spaces per 1,000 sq ft of floor area Max: 1 space per 1,000 sq ft of floor area</p>	<p>- Min – Max Allowed Spaces: 3.2 – 6.4 Total Min – Max Allowed Spaces: 15.9 – 33.4 The applicant is proposing 25 parking spaces, which falls within the allowed parking range. The standard is met.</p>
<p>19.605.1.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 (ADA) and shall be subject to review and approval by the Building Official. Spaces reserved for disabled persons are included in the minimum and maximum allowed number of off-street parking spaces.</p>	<p>The applicant has proposed one ADA-accessible van parking space near the main entrance to the office/showroom part of the building. The standard is met.</p>
<p>19.606 Parking Area Design and Landscaping 19.606.1 Parking Space and Aisle Dimensions a. The dimensions for required off-street parking spaces and abutting drive aisles, where required, shall be no less than in Table 19.606.1. The minimum dimensions listed in Table 19.606.1. b. The dimensions of vehicle parking spaces provided for disabled persons shall be according to federal and state requirements. c. Parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles may enter the street in a forward manner.</p>	<p>The dimensions of the 90-degree parking spaces are 9 ft wide by 18 ft deep. The aisle width for the parking area ranges from 29 ft to 31 ft. The dimensions of the parking spaces and aisle width meets the code language in Table 19.606.1. The ADA parking space meets federal and state requirements. The standard is met.</p>
<p>19.606.2 Landscaping 19.606.2.B General Provisions 1. Parking area landscaping shall be required for the surface parking area of all uses, except for cottage clusters, rowhouses, duplexes, and single-family detached dwellings.</p>	<p>The proposal is for a new office/sales/retail/warehouse building and surface parking in the BI zone with 25 parking spaces. The applicant has included parking area landscaping in the calculation of site landscaping, which totals 26,366 sq ft, or 44.4% of the site area. The standards for 19.606.2 are applied below.</p>

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
<p>2. Landscaped areas required by Subsections 19.606.2 shall count toward the minimum amount of landscaped area required by portions of Title 19.</p> <p>3. Parking areas with 10 or fewer spaces in the Downtown Mixed Use Zone are exempt from the requirements of Subsection 19.606.2.</p>	
<p>19.606.2.C Perimeter Landscaping</p> <p>1. Dimensions</p> <p>The minimum width of perimeter landscape areas are 8 ft for lot lines abutting a right-of-way and 6 ft for lot lines abutting another property, except for abutting properties that share a parking area.</p> <p>2. Planting Requirements</p> <p>Landscaping requirements for perimeter buffer areas shall include 1 tree planted per 40 lineal ft of landscaped buffer area. The remainder of the buffer area shall be grass, ground cover, mulch, shrubs, trees, or other landscape treatment other than concrete and pavement.</p>	<p>The applicant proposes perimeter landscaping of 6 to 11 ft. No trees can be provided near or on the top of the existing retaining wall on the southern lot line. 5 Silver Linden trees are proposed abutting SE 37th Ave in an area which includes the landscaped buffer for the parking lot. Other code sections require street trees in the SE 37th Ave ROW and to accommodate these street trees, it may be necessary to modify the locations of the proposed Silver Linden trees. A condition is included to address this issue.</p> <p>The landscape plan does not indicate how the area to the south and west of the existing retaining wall will be landscaped. An addendum to the landscape plan is required to ensure that this area is adequately landscaped. The addendum shall also depict existing tree spacing and any new trees that are necessary to ensure that trees are provided at approximately 40-ft on-center along the Highway 224 ROW.</p> <p>As conditioned, the standard is met.</p>
<p>19.606.2.D Interior Landscaping</p> <p>1. General Requirements</p>	<p>The original plans included two proposed planting areas that did not contain at least 120 sq ft of vegetation. The site plans dated October 3 and 17 increased the size of these landscaped areas to exceed the 120 sq ft standard.</p>

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
<p>Interior landscaping of parking areas shall be provided for sites where there are more than 10 parking spaces on the entire site.</p> <p>2. Required Amount of Interior Landscaping Area</p> <p>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 and dispersed throughout the parking area.</p>	<p>The combined landscape area of all planting areas exceeds 625 sq ft (25 spaces x 25 sq ft per parking space), meeting the per-space requirement. A condition has been added to require the landscape plan to be updated to depict the increased size of these landscaped areas.</p> <p>As conditioned, the standard is met.</p>
<p>19.606.2.D.3 Location and Dimensions of Interior Landscaped Areas</p> <p>a. Interior landscaped area shall be either a divider median between opposing rows of parking, or a landscape island in the middle or at the end of a parking row.</p> <p>b. Interior landscaped areas must be a minimum of 6 ft in width. Where a curb provides the border for an interior landscape area, the dimension shall be measured from the inside of the curb(s).</p>	<p>Landscape islands are provided as end caps on groups of parking spaces, consistent with this requirement. They have a minimum width of 6 ft.</p> <p>The standard is met.</p>
<p>19.606.2.D.4 Planting Requirements for Interior Landscaped Areas</p> <p>a. For divider medians, at least 1 shade or canopy tree must be planted for every 40-linear ft. Where the calculation of the number of trees does not result in a whole number, the result shall be rounded up to the next whole number. Trees shall be planted at evenly spaced intervals to the greatest extent practicable.</p> <p>b. For landscape islands, at least 1 tree shall be planted per island. If 2 interior islands are located contiguously, they may be combined and counted as 2 islands with 2 trees planted.</p> <p>c. The remainder of any divider median or landscape island shall be grass, ground cover, mulch, shrubs, trees, or other landscape treatment other than concrete and pavement.</p>	<p>The applicant proposes 1 shade tree plant in each of their landscape islands. Other trees are planted in the perimeter landscaped areas.</p> <p>The standard is met.</p>
<p>19.606.2.E Other Parking Area Landscaping Provisions</p>	<p>There are no existing trees within the proposed parking/circulation area.</p>

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
<p>1. Preservation of existing trees is encouraged in the off-street parking area and may be credited toward the total number of trees required, based on staff’s review.</p>	<p>The standard does not apply.</p>
<p>19.606.2.E.2 Installation of parking area landscaping shall be required before a certificate of occupancy is issued, unless a performance bond is posted with the City. Then landscaping shall be installed within 6 months thereafter or else the bond will be foreclosed and plant materials installed by the City</p> <p>19.606.2.E.3 Parking area landscaping shall be maintained in good and healthy condition.</p>	<p>The applicant shall install parking area landscaping before a certificate of occupancy is issued. As an alternative, the applicant may post a bond to ensure a landscaping is installed.</p> <p>As conditioned, the standard is met.</p>
<p>19.606.2.E.4 Required parking landscaping areas may serve as stormwater management facilities for the site. The Engineering Director has the authority to review and approve the design of such areas for conformance with the Public Works Standards. This allowance does not exempt the off-street parking landscape area from meeting the design or planting standards.</p>	<p>The proposed plan incorporates two stormwater management facilities within the landscape area. One is in the northwest corner of the parking lot and the other is adjacent to SE 37th Ave, between the two proposed driveways.</p> <p>The standard is met.</p>
<p>19.606.3 Additional Design Standards</p> <p>A. Paving and Striping</p> <p>Paving and Striping are required for all required maneuvering and standing areas. Off-street parking areas shall have a durable and dust-free hard surface, shall be maintained for all-weather use, and shall be striped to show delineation of parking spaces and directional markings for driveways and accessways.</p>	<p>The proposed plan specifies paving with permanent materials, i.e. durable, weather-resistant asphalt and concrete, with striping and markings to guide circulation and to define parking spaces.</p> <p>The standard is met.</p>
<p>19.606.3. B Wheel Stops</p> <p>Parking bumpers or wheel stops, of a minimum 4-in height, shall be provided at parking spaces to prevent vehicles from encroaching on the street 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.</p>	<p>Wheel stops are proposed on the south and west sides of the parking area, where necessary to avoid vehicular contact with an existing retaining wall or encroachment on a pedestrian walkway.</p> <p>The standard is met.</p>

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
<p>19.606.3.C Site Access and Drive Aisles</p> <ol style="list-style-type: none"> 1. Accessways to parking areas shall be the minimum number necessary to provide access while not inhibiting the safe circulation and carrying capacity of the street. Driveway approaches shall comply with the access spacing standards of Chapter 12.16. 2. Drive aisles shall meet the dimensional requirements in Subsection 19606.1. 3. Parking drive aisles shall align with the approved driveway access and shall not be wider than the approved driveway access within 10 ft of the right-of-way boundary. 4. Along collector and arterial streets, no parking space shall be located such that its maneuvering area is in an ingress or egress aisle within 20 ft of the back of the sidewalk, or from the right-of-way boundary where no sidewalk exists. 5. Driveways and on-site circulation shall be designed so that vehicles enter the right-of-way in a forward motion. 	<p>The applicant indicates that two driveways are appropriate based on the site’s 205-ft frontage on SE 37th Ave. Both proposed driveways are narrower than the allowed maximum width for industrial driveways. Their spacing, locations relative to property boundaries, and other features are designed to meet the requirements of Chapter 12.16 Streets, Sidewalks, and Public Places.</p> <p>As conditioned, the southern driveway will be used for ingress and the northern driveway will be for egress only.</p> <p>The drive aisles satisfy the 22-ft minimum aisle width requirement for a 90-degree parking configuration.</p> <p>The drive aisles align with the proposed driveways and are the same width of the 24 ft wide driveway accesses within 10 ft of the right-of-way boundary.</p> <p>No access is proposed on Hwy 224. 37th Ave is listed as a collector street in the City’s Transportation Systems Plan so MMC 19.603.C.4 applies to the project. This standard requires that parking spaces be designed so that they do not allow vehicles to back into drive aisles within 20 feet of a sidewalk. The parking spaces in the northeast corner of the parking lot is not being required to meet this standard given that backing motion from this space will be into the traffic flow exiting the site rather than entering the site. In this location, there is no risk of backing up traffic on 37th Ave.</p> <p>All access to and from the public right-of-way is designed to operate only in a forward motion. Truck maneuvering to access freight doors can be accommodated within the</p>

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
	<p>proposed parking lot and require no reversing movements that would enter a public street right-of-way.</p> <p>As conditioned, the standard is met.</p>
<p>19.606.3.D Pedestrian Access and Circulation</p> <p>1. Pedestrian access shall be provided for off-street parking areas so that no parking space is further than 100 ft away, measured along vehicle drive aisles, from a building entrance, or a walkway that meets the standards of Subsection 19.606.3.D.2.</p> <p>2. Walkways through off-street parking areas must be continuous, must lead to a building entrance, and meet the design standards of Subsection 19.504.9.E.</p>	<p>The site's small size, with only 205 ft of eastern frontage on 37th Ave, limits the size of the parking and circulation area. A paved pedestrian walkway extends along the south of the building and along the southern half of its east side, such that no parking space is more than 100 ft from a walkway.</p> <p>The only walkway, other than the one along the south and east sides of the building, is an east-west crossing of the drive aisle that extends east from the main entrance to the 37th Ave sidewalk.</p> <p>The standard is met.</p>
<p>19.606.3.E Internal Circulation</p> <p>2. Connections to Adjacent Parking Areas</p> <p>Where feasible, parking areas shall be designed to connect with parking areas on adjacent sites to eliminate the use of the street for cross movements.</p> <p>3. Drive-Through Uses and Queuing Areas</p> <p>The following standards apply to uses with drive-through services and uses such as gas stations and quick vehicle service facilities.</p>	<p>The previous design and construction of neighboring sties, as well as the presence of wetlands along the north property boundary, make parking lot connectivity infeasible at this location.</p> <p>No drive-through service or use is proposed.</p> <p>The standard does not apply.</p>
<p>19.606.3.F Lighting</p> <p>1. Lighting luminaries shall have a cutoff angle of 90 degrees or greater to ensure that lighting is directed toward the parking surface.</p>	<p>The applicant is required to provide a compliant lighting plan as part of the construction permit application submittal package.</p>

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
<p>2. Parking area lighting shall not cause a light trespass of more than 0.5 footcandles measured vertically at the boundaries of the site.</p> <p>3. Pedestrian walkways and bicycle parking areas in off-street parking areas shall have a minimum illumination level of 0.5 footcandles, measured horizontally at the ground level.</p> <p>4. Where practicable, lights shall be placed so 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.</p>	<p>As conditioned, the standard is met.</p>
<p>19.609 Bicycle Parking</p> <p>19.609.2 Quantity of Spaces</p> <p>A.1. Unless otherwise specified, the number of bicycle parking spaces shall be at least 10% of the minimum required vehicle parking for the use.</p>	<p>The text in the application states that 2 bicycle parking spaces are provided on the north side of the main entrance, adjacent to the east building wall. These were depicted on site plans submitted on October 3 and 17 but not on the landscape plan or building elevations. Bicycle parking is not permitted in the landscape area. A revised landscape plan is required depicting the bicycle parking area. Based on the minimum required vehicle parking, calculated above to be 15 spaces, the minimum of two bicycle parking spaces is required.</p> <p>As conditioned, the standard is met.</p>
<p>19.609.3 Space Standards and Racks</p> <p>A. The dimension of each bicycle parking space shall be a minimum of 2 x 6 ft. A 5-ft wide access aisle must be provided. If spaces are covered, 7 ft of overhead clearance must be provided. Bicycle racks must be securely anchored and designed to allow the frame and 1 wheel to be locked to a rack using a high security, U-shaped, shackle lock.</p> <p>B. Lighting shall conform to the standards of Subsection 19.606.3.F.</p>	<p>The applicant shall adhere to the space, rack, and lighting standards.</p> <p>As conditioned, the standard is met.</p>
<p>19.609.4 Location</p>	<p>The application states that 2 bicycle parking spaces will be provided, adjacent to the main entrance on the north</p>

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
<p>A. Bicycle parking facilities shall meet the following requirements:</p> <ol style="list-style-type: none"> 1. Located within 50 ft of the main building entrance. 2. Closer to the entrance than the nearest non-ADA designated vehicle parking space. 3. Designed to provide direct access to a public right-of-way. 4. Dispersed for multiple entrances. 5. In a location that is visible to building occupants or from the main parking lot. 6. Designed not to impede pedestrians along sidewalks or public rights-of-way. 7. Separated from vehicle parking areas by curbing or other similar physical barriers. 	<p>side. Cyclists can directly access the public right-of-way by crossing the drive aisle in the striped walkway aligned with the main entrance, or by traveling in the main drive aisle to either of the two driveways. The proposed location is prominently visible near the main entrance. The proposed location will not encroach or congest the public sidewalk or street. It is also at the same level as a curbed and elevated pedestrian walkway between the building and the parking area. A revised landscape plan is required depicting the bicycle parking area.</p> <p>As conditioned, the standard is met.</p>

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
<p>19.704 Transportation Impact Evaluation</p> <p>This section requires submission of a transportation impact study documenting the development impacts on the surrounding transportation system.</p>	<p>All of the trips for the proposed development affect 37th Ave and 42nd Ave, which are collector streets, and therefore will not trigger a significant increase in trip generation and therefore does not require a transportation impact study. The applicant has provided a trip generation analysis and truck turning exhibit that demonstrates that a full traffic impact study and turn lane modifications are not needed.</p> <p>This section does not apply.</p>

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
<p>19.705 Rough Proportionality This section requires that transportation impacts of the proposed development be mitigated.</p>	<p>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.</p> <p>The standard is met.</p>
<p>19.708 Transportation Facility Requirements 19.708.1 requires all development shall comply with access management, clear vision, street design, connectivity, and intersection design and spacing standards.</p> <p>A. Access Management Access requirements shall comply with access management standards contained in Chapter 12.16.</p> <p>B. Clear Vision Clear vision requirements shall comply with clear vision requirements contained in Chapter 12.24.</p>	<p>Compliance with access requirements is ensured through the City's access permitted process in MMC Chapter 12.16. Currently, no clear vision conflicts exist at proposed driveway locations on the property. Maintaining clear vision is an ongoing requirement.</p> <p>A condition of approval is included noting the need to obtain an access permit.</p>
<p>19.708.2 establishes standards for street design and improvement.</p>	<p>The applicant shall construct frontage improvements on the west side of 37th Ave along the site's frontage. The street improvement includes the construction of a 6-ft wide setback sidewalk, ADA compliant ramp at marked pedestrian crossing, and a receiving ramp on the east side of 37th Ave.</p> <p>Right-of-way improvements for the development will conform to 19.708.2 through Conditions of Approval H and I.</p>

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
	<p>The property has frontage on Oregon Hwy 224. No access is permitted from this arterial street and no improvements to the street are required. This section of the highway (from 37th Avenue to Oak St) currently lacks sidewalks and sidewalks are identified as a needed improvement in the City's Transportation Systems Plan. As conditioned, the standard is met.</p>
<p>19.708.3 requires sidewalks to be provided on the public street frontage of all development. 19.708.3.A.2 requires public sidewalks shall conform to ADA standards.</p>	<p>The construction of sidewalks along the proposed development property abutting the SE 37th Ave public right-of-way is included in the discussion of street frontage requirements above. Sidewalks are required along SE 37th Ave. The City Engineering department in consultation with the City Engineer determined that there is not a nexus to require a sidewalk along the Highway 224 frontage.</p> <p>The current proposal does not include a receiving ADA ramp on the east side of 37th Ave.</p> <p>With conditions, the proposed development will conform to MMC 19.708.3.A.2</p>
<p>19.708.4 establishes standards for bicycle facilities.</p>	<p>The portion of 37th Ave fronting the proposed development is classified as a bike route in the Milwaukie Transportation System Plan. As a result, bicycle facility improvements on the 37th Ave frontage are required for the proposed development. Current curb to curb width allows for all travel lanes and bike lanes, so no dedication is required. Striping for adjacent lots does not have bike lane striping so this development is not required to stripe either.</p>

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 standard is met.
19.708.5 establishes standards for pedestrian bicycle paths.	The proposed development does not present an opportunity to provide a pedestrian or bicycle path within the development and is not required to provide one. The standard is met.
19.708.6 establishes standards for transit facilities.	Transit facility improvements are not required for the proposed development. The standard does not apply.

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.

COMMENTS

Notice of the proposed changes was given to the following agencies and persons: City of Milwaukie Engineering and Building Departments, Clackamas County, Metro, and Trimet. The following is a summary of the comments received by the City.

- **Matt Amos, Clackamas Fire District:** “Clackamas Fire District #1 has no additional comments for this proposal. Note: Applicant did not appear to address comments provided from the Fire District from the Pre-Application meeting.”

Staff Response: The Notice of Decision includes a condition that requires a Fire Access and Water Supply Plan be submitted to Fire District #1.

- **Alex Roller, Engineering Department, City of Milwaukie:** Comments and conditions have been incorporated within the findings and conditions of approval.

Public Comments

- **Dr. Peter Garcia, Business Owner at 11084 SE Oak Street:** Dr. Garcia's concerns are the care and maintenance of the adjacent wetlands with the other properties and businesses that surrounding the area. As of now the wetland habitat is only partially complete and should be landscaped to its natural setting. A plan should be developed that removes the overgrown non-native plants in the wetlands. He is also concerned about possible noise impacts with the new building and business to the surrounding businesses in the area.