



CITY OF MILWAUKIE

March 8, 2018

Land Use File(s): CSU-2017-010

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Commission on February 27, 2018.

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| Applicant(s): | North Clackamas School District |
| Location(s): | 3606 SE Lake Rd (Rowe Middle School) |
| Tax Lot(s): | 1S1E36DC 5700 & 5900, and 2S1E01AB 100 |
| Application Type(s): | Community Service Use (major modification) |
| Decision: | Approved with Conditions |
| Review Criteria: | <u>Milwaukie Zoning Ordinance (Title 19):</u> <ul style="list-style-type: none">• Subsection 19.1006 Type III Review• Section 19.904 Community Service Uses• Chapter 19.301 Low Density Residential Zones (incl. R-10)• Chapter 19.500 Supplementary Development Regulations• Chapter 19.600 Off-Street Parking and Loading• Chapter 19.700 Public Facility Improvements |
| Neighborhood(s): | Lake Road |

This notice is issued in accordance with Milwaukie Municipal Code (MMC) Section 19.1006 Type III Review. The complete case file for this application is available for review between 8:00 a.m. and 5:00 p.m. on regular business days at the Planning Department, Johnson Creek Facility, 6101 SE Johnson Creek Blvd. Please contact Brett Kelter, Associate Planner, at 503-786-7657 or kelterb@milwaukieoregon.gov, if you wish to view this case file.

This decision may be appealed by 5:00 p.m. on March 23, 2018, which is 15 days from the date of this decision.¹ Only persons who submitted comments or made an appearance of record at the public hearing have standing to appeal the decision by filing a written appeal. An appeal of this decision would be heard by the Milwaukie City Council following the procedures of MMC Section 19.1010 Appeals. This decision will become final on the date above if no appeal is filed

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.

during the appeal period. Milwaukie Planning staff can provide information regarding forms, fees, and the appeal process at 503-786-7630 or planning@milwaukieoregon.gov.

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

Findings in Support of Approval

Sections of the Milwaukie Municipal Code not addressed in these findings are found to be inapplicable to the decision on this application.

1. The applicant, North Clackamas County School District, has applied for approval of the following improvements:
 - Three new additions to the existing school building, with a net result of 2 additional classrooms (increasing from 31 to 33) and a total floor area expansion of approximately 11,870 sq ft.
 - Removal of 8 parking spaces in the southwest portion of the site, reducing the total number of parking spaces from 89 to 81. The location of the existing bicycle parking will be modified and the number of bike spaces will be increased to 12.
 - Construction of a covered play area in place of an existing ballfield in the southeast corner of the athletic field area.
 - Improvement of the existing baseball field for high school JV baseball.
 - Construction of 2 new tennis courts adjacent to the existing tennis courts to support the high school tennis program.
 - No lighting is proposed for any of the outdoor sports facilities.
 - A variety of renovation and maintenance items:
 - Renovation of the building's existing commons and kitchen.
 - Renovation and expansion of the building's existing media center.
 - Replacement of single-pane windows with new energy efficient windows.
 - Covering of existing rock-wall façade along the existing building's eastern and northern frontages with metal panel material.
 - Replacement of classroom door lock hardware within the building.
 - Re-roofing of the existing buildings.
 - Adjustment and potential replacement of some existing utilities.
 - Placement of 1 temporary modular classroom to be used during construction and removed upon project completion.

2. The site consists of three tax lots totaling approximately 14.1 acres, located at the intersection of Shell Ln and Lake Rd. The entire site is zoned Residential R-10, which allows low-density residential development.
3. The components of the proposed remodeling and improvements represent a major modification to the school as an existing Community Service Use. The CSU major modification is subject to a Type III review process, with a subsequent Type I review to be conducted in conjunction with the development permits for the above elements of the project. A Transportation Impact Study was not required due to the minimal anticipated impact of the development on transportation facilities (MMC 19.703.2 B and 19.704.1).
4. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC 19.1006 Type III Review
 - MMC 19.904 Community Service Uses
 - MMC 19.301 Low Density Residential Zones (including the R-10 Zone)
 - MMC 19.500 Supplementary Development Regulations
 - MMC 19.600 Off-Street Parking and Loading
 - MMC 19.700 Public Facility Improvements

5. MMC 19.1006 Type III Review

The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review. A public hearing was held by the Planning Commission on February 27, 2018, as required by law.

6. MMC Section 19.904 Community Service Uses

MMC 19.904 provides standards and procedures for review of applications for community service uses. These are uses that are not specifically allowed outright in most zoning districts but that address a public necessity or otherwise provide some public benefit. Community service uses include schools and accompanying sports facilities.

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

The application does not represent a change in use, and the improvements will increase the ability of Rowe Middle School to serve the community with improved educational and sports facilities. Schools and "their accompanying sports facilities" are identified as a community service use in MMC Subsection 19.904.2.A.

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

- b. MMC Subsection 19.904.3 establishes the review process for CSUs. Except for wireless communication facilities and minor modifications to existing CSUs, applications for CSUs are subject to Type III review (MMC Section 19.1006).

The proposed improvements will increase the intensity of the use, and therefore, it does not qualify as a minor modification to the existing CSU (MMC Subsection 19.904.5.C). The proposed improvements constitute a major modification of the existing school and sports facilities.

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

- c. MMC Subsection 19.904.4 contains the following approval criteria for CSUs:

- (1) MMC Subsection 19.904.4.A requires that the building setback, height limitation, and off-street parking and similar requirements governing the size and location of development in the underlying zone are met. Where a specific standard is not proposed for a CSU, the standards of the underlying zone must be met.

The subject property is zoned Residential R-10. The standards for the base zone are addressed in Finding 7.

The Planning Commission finds that the proposed activity is subject to the development standards of the underlying R-10 zone.

- (2) MMC Subsection 19.904.4.B requires that specific standards for the proposed uses as found in MMC Subsections 19.904.7-11 are met.

The proposed improvements are subject to the standards provided in MMC 19.904.7 for schools. The standards of MMC 19.904.7 applicable to the proposed activity are addressed as follows:

- (a) MMC Subsection 19.904.7.A requires public elementary or secondary schools to provide a site area/pupil ratio as required by state law. The staff and the applicant have been unable to local this standard. Therefore, the alternate standard is applied.

The school has 2017-2018 enrollment of 784 students (a reduction from 810 in 2016-2017) and the site is approximately 14.1 acres, and it is proposed to have 33 classrooms. The alternate to the state standard is to provide a minimum of 1 acre of site area per 75 students or for every 2.5 classrooms, whichever is greater. The 1 acre/75 student ratio would allow up to 1,058 students on the site and the classroom ratio would require a minimum site area of 13.2 acres for student body of 800. This standard is met.

- (b) MMC Subsection 19.904.7.B has outdoor play area requirements for preschools, nursery schools, day-care centers, or kindergartens.

This section does not apply to a middle school.

- (c) MMC Subsection 19.904.7.C requires walkways, both on and off the site for safe pedestrian access.

The school currently has complete sidewalks along the western driveway and Shell Ln that connect with the sidewalk along Lake Rd. Crosswalk access is provided to allow safe crossing to and from the north side of Lake Rd. Finally, the campus has walkways connecting building entrances, parking areas, bus and automobile pick-up and drop-off areas, and outdoor sports facilities. This standard is met.

- (d) MMC Subsection 19.904.7.D requires sight obscuring fencing of 4 to 6 ft in height to separate play areas from adjacent residential uses.

This standard only applies to playgrounds, and not to outdoor sports fields and facilities. This standard is not applicable.

- (e) MMC Subsection 19.904.7.E requires adequate public facilities to serve the school.

The school is currently served with adequate public services and facilities, including full street improvements along the site frontages on Lake Rd and Shell Ln. This criterion is met.

- (f) MMC Subsection 19.904.7.F safe loading and ingress and egress on and to the site.

As noted above, sidewalks and walkways are currently provided in a manner that meets this requirement. The existing vehicle and pedestrian circulation system was approved through earlier City action, and with the exception of eliminating some parking at the southwestern side of the building, it is not proposed to be changed. Conditions have been established to require street improvements along the property's Shell Ln frontage in proportion to anticipated impacts from the modified athletic fields. As conditioned, this standard is met.

- (g) MMC Subsection 19.904.7.G requires compliance with the parking standards in MMC 19.600.

These standards are addressed in the findings pertaining to this code chapter.

- (h) MMC Subsection 19.904.7.H requires minimum yard setbacks of 20 ft.

The school exceeds these setback requirements. The building additions on the east and north sides will not reduce the current building setbacks. The addition on the southwest portion of the school building will have a side yard setback of over 25 ft. The proposed covered play structure will also have a setback of over 25 ft from the Shell Ln right-of-way. This standard is met.

- (i) MMC Subsection 19.904.7.I requires bicycle facilities which “adequately serve the site.”

As noted under the discussion related to MMC Chapter 19.600, bicycle parking standards will be satisfied. A low traffic driveway, local street, and bike lanes along the Lake Rd frontage all contribute to accommodating bicycle access to and from the site. This criterion is met.

- (j) MMC Subsection 19.904.7.J requires a minimum landscaped area of 15%.

With over 9 acres of sports fields and landscaped area, this standard is met.

As conditioned, the Planning Commission finds that the proposed activity meets the applicable standards of MMC 19.904.7.

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

The school will retain its normal hours, which have proven to be compatible with neighboring residential properties. The outdoor sports facilities will continue to be limited to daytime use only. This standard is met.

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

The character of the school will not change appreciably, and no adverse impacts to the neighborhood are anticipated. The required street improvements on at the southern end of the property’s Shell Ln frontage will improve circulation and access as well as pedestrian safety and will facilitate future redevelopment of the southernmost property on the east side of the street. This standard is met.

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

The school has functioned appropriately at its Lake Rd location for many years without negatively affecting the neighborhood. The site has good transit access with a bus stop on its Lake Rd frontage. The proposed site improvements will not significantly affect the character of the school, although the nature and intensity of use of the athletic fields will change. Conditions have been established to require street improvements along the property’s Shell Ln frontage in proportion to anticipated impacts from the modified athletic fields. This standard is met.

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

- d. MMC Subsection 19.904.5 establishes the procedures for reviewing CSUs.

- (1) MMC Subsection 19.904.5.A requires the Planning Commission to hold a public hearing to consider the establishment of new CSUs or the major modification of

existing CSUs. The Planning Commission shall determine whether the proposed use meets the approval criteria of MMC Subsection 19.904.4.

The proposed activity represents a major modification to a CSU because of the nature of the improvements proposed. With this application, the Planning Commission will determine if the relevant code criteria are satisfied. This requirement is met.

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

As conditioned, the existing school will remain compatible with other uses in the vicinity. This standard is met.

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

The proposed activity represents a major, not minor, modification to the existing CSU because the intensity of the use will increase. Therefore, this subsection is not applicable.

The Planning Commission finds that the applicable standards of MMC 19.904.5 are met.

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

The applicant's submittal materials include site plans and a narrative description of the proposed activity. The application was reviewed by the Planning staff and deemed complete. This standard is met.

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

7. MMC Section 19.301 Low Density Residential Zones

MMC 19.301 establishes standards for several residential zones, including the R-10 Zone.

- a. MMC Subsection 19.301.2. lists the permitted and conditional uses in the R-10 Zone. Community service uses, which include schools, are allowed through CSU review.

The proposed major modification to a CSU is allowable in the R-10 Zone, subject to City approval.

- b. MMC Subsection 19.301.3 includes several limitations and restrictions for specified uses that do not include schools.

This subsection is not applicable.

- c. MMC Subsections 19.301.4 and 19.301.5 provide applicable development standards for the R-10 Zone, summarized in Table 7:

| Table 7 R-10 Development Standards | | |
|---|---|---|
| Standard | R-10 Requirement | Proposed New Lots |
| Front Yard | 20 ft | Existing front yard setback is well over 20 ft and will not change. |
| Side Yard | 10 ft | Existing side yard setbacks are well over 10 ft and will not change. |
| Rear Yard | 20 ft | Existing rear yard setback is well over 20 ft and will not change. |
| Maximum Building Height | 2.5 stories or 35 ft (whichever is less) | Existing building is 38.5 ft tall, as approved by VR-07-03—proposed additions will not exceed that height. Proposed covered play structure is <23 ft in height. |
| Maximum lot coverage | 30% | Approximately 17% |
| Minimum vegetation | 35% | Approximately 64% |
| Front yard minimum vegetation | 40% | >50% |

The Planning Commission finds that the applicable standards of these subsections are met.

The Planning Commission finds that the proposed development meets all applicable standards of MMC 19.301 for the underlying R-10 zone.

8. MMC Chapter 19.500 Supplementary Development Regulations

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

- a. MMC Subsection 19.501.2 requires additional building setbacks from the centerline of several streets in the city including Lake Rd, which requires additional yard area of 30 ft from centerline plus the applicable yard requirement. Lake Rd is fully improved to City standards, and a 30-ft setback from center line plus the required yard area of 15 ft will continue to be exceeded.

This additional yard area requirement is met.

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

As noted above, the school additions and covered play structure will satisfy the applicable dimensional standards because the setback requirements are exceeded, the structures are not that tall, and there are no architectural features, such as eaves, which would extend into setback or height plane limits.

- c. MMC Subsection 19.504.1 refers to clear vision area requirements in MMC 12.24.

The proposal will not have any impact on the current vision clearance along Lake Rd at the western driveway or Shell Ln. Any new accessways onto Shell Ln will be designed to meet the clear vision standards.

- d. MMC Subsection 19.504.7 requires that no more than 20% of the required vegetation area may be covered with bark mulch.

This standard appears to be satisfied and will be confirmed during the subsequent Type I development review by the Planning Director.

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

TriMet bus route #29 travels along Lake Rd, and it has a stop along the site frontage. Two sidewalk routes on Shell Ln and the western driveway provide pedestrian connections between the main building entrance and the bus stop.

The Planning Commission finds that the applicable provisions of MMC 19.500 are met.

9. MMC Chapter 19.600 Off-Street Parking and Loading

MMC 19.600 regulates off-street parking and loading areas on private property outside the public right-of-way. The purpose of these requirements includes providing adequate space for off-street parking, minimizing parking impacts to adjacent properties, and minimizing environmental impacts of parking areas.

- a. MMC Section 19.602 Applicability

MMC 19.602 establishes the applicability of the provisions of MMC 19.600.

- (1) MMC Subsection 19.602.1 General Applicability

MMC 19.602.1 provides that the regulations of MMC 19.600 apply to all off-street parking areas, whether required by the City as part of development or voluntarily installed for the convenience of users. Activity that is not described by MMC Subsections 19.602.3 or 19.602.4 is exempt from compliance with the provisions of MMC 19.600.

The proposed improvements to the school will reduce the total on-site parking from 89 to 81 spaces through the removal of 8 spaces to accommodate the new building wing in the southwest portion of the school. The provisions of MMC 19.602.3 are applicable because the total redevelopment of the site will increase the total building floor area, the number of classrooms from 31 to 33, and the intensity of outdoor sports facility usage.

- (2) MMC Subsection 19.602.2 Maintenance Applicability

MMC 19.602.2 provides that property owners shall ensure conformance with the standards of MMC 19.600 with regard to ongoing maintenance, operations, and use of off-street parking areas. Any change to an existing off-street parking area

shall not bring the area out of conformance, or further out of conformance if already nonconforming.

Other than removing 8 parking spaces as noted above, the proposed school building and campus improvements will retain the remaining off-street parking in its current form. These parking improvements were previously approved by the city, and they are in conformance with the applicable standards of MMC Section 19.606, including stall dimensions, landscaping, and lighting.

(3) MMC Subsection 19.602.4 Applicability not Associated with Development or Change in Use

MMC 19.602.4.A addresses applicability for parking projects developed to serve an existing use but not associated with other development activity or a change in use. Such activity shall conform to the requirements of MMC Sections 19.604 and 19.606-19.611. In addition, the total number of new spaces in the existing and new parking areas shall not exceed the maximum allowed quantity of parking as established in MMC Section 19.605.

This code section does not apply because no new parking spaces are proposed.

The Planning Commission finds that the standards and requirements of MMC 19.600 are applicable to the proposed development.

b. MMC Section 19.603 Review Process and Submittal Requirements

(1) MMC Subsection 19.603.1 Review Process

MMC 19.603.1 establishes the Planning Director as the entity with authority to apply the provisions of Chapter 19.600 unless an application is subject to a quasi-judicial review or appeal, in which case the body reviewing the application has the authority.

The application for a CSU is subject to Type III review by the Planning Commission, which is the body with authority to apply the provisions of Chapter 19.600.

(2) MMC Subsection 19.603.2 Submittal Requirements

MMC 19.603.2 establishes the requirements for submittal of a parking plan, including the various details that must be presented.

The applicant has submitted a parking plan and supporting information with sufficient detail for the CSU application to demonstrate compliance with the applicable standards of Chapter 19.600.

The Planning Commission finds that these requirements are met.

c. MMC Section 19.604 General Parking Standards

MMC 19.604.1 to 19.604.3 establish general standards for off-street parking areas, including requirements related to the provision of parking in conjunction with

development activity, the location of accessory parking, and use and availability of parking areas.

The applicant proposes only to remove 8 parking spaces and retain the remainder on the site as they are currently configured. All spaces shall continue to be available to support the school use.

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

d. MMC Section 19.605 Vehicle Parking Requirements

MMC 19.605 establishes standards to ensure that development provides adequate vehicle parking based on estimated parking demand.

- (1) In particular, MMC Table 19.605.1 provides minimum and maximum requirements for elementary and junior high schools of 1 space/classroom and 2 spaces/classroom respectively.

The applicant proposes to reduce the number of standard parking spaces from 86 to 78 spaces and to retain the 3 existing ADA spaces, for a total of 81 off-street spaces. The total minimum and maximum parking requirements for the school are 33 and 66 spaces, respectively, according to MMC Table 19.605.1. This reduction will bring the parking for the school closer to compliance with the maximum parking standard. In addition, the reduction is consistent with the 2011 parking quantity adjustment (CSU-10-12/P-10-01), which approved a maximum of 85 spaces. Although use of the fields will expand from simply recess-type activity to include some high school athletics, the hours of field use are not anticipated to conflict with those of regular school activity. The Planning Commission finds that the proposed changes to parking will be adequate for the modified use of the school site.

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

- (2) MMC Subsections 19.605.2 through 19.605.4 allow adjustments and reductions to parking requirements and to allow shared parking.

No parking reductions or adjustments are proposed; therefore, these code sections are not applicable to the proposed development.

e. MMC Section 19.606 Parking Area Design and Landscaping

- (1) MMC Subsection 19.606.1 Parking Space and Aisle Dimension

MMC 19.606.1 establishes dimensional standards for required off-street parking spaces and drive aisles. For 90-degree-angle spaces, the minimum width is 9 ft and minimum depth is 18 ft with a 9-ft minimum curb length and 22-ft-wide drive aisles. In addition, 4 parallel spaces are proposed with 22-ft lengths and widths of 8.5 ft.

The applicant has submitted a parking plan that continues to satisfy these dimensional standards.

(2) MMC Subsection 19.606.2 Landscaping

MMC 19.606.2 establishes standards for parking lot landscaping, including for perimeter and interior areas. The purpose of these landscaping standards is to provide buffering between parking areas and adjacent properties, break up large expanses of paved area, help delineate between parking spaces and drive aisles, and provide environmental benefits such as stormwater management, carbon dioxide absorption, and a reduction of the urban heat island effect.

(a) MMC Subsection 19.606.2.C Perimeter Landscaping

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

The perimeter landscaping areas abutting the public rights-of-way on Lake Rd and Shell Ln are significantly greater than the code minimum and the landscaping materials, approved previously, will be retained. A condition has been established to ensure that any required right-of-way dedication along Shell Ln will not cause existing perimeter landscaping areas to come out of conformance with the applicable standards of MMC 19.606.2.C.

As conditioned, this standard is met.

(b) MMC 19.606.2.D Interior Landscaping

At least 25 sq ft of interior landscaped area must be provided for each parking space. Planting areas must be at least 120 sq ft in area, at least 6 ft in width, and dispersed throughout the parking area. For landscape islands, at least 1 tree shall be planted per island, with the remainder of the buffer planted with grass, shrubs, ground cover, mulch, or other landscaped treatment.

The applicant proposes to retain 81 spaces, which require a total of 2,025 sq ft of interior landscaping. The proposed interior landscaping areas meet the minimum dimensional standards by providing well over that amount.

This standard is met.

(c) MMC 19.606.2.E Other Parking and Landscaping Provisions

Preservation of existing trees in the off-street parking area is encouraged and may be credited toward the total number of trees required. Parking area landscaping must be installed prior to final inspection, unless a

performance bond is posted with the City. Required landscaping areas may serve as stormwater management facilities, and pedestrian walkways are allowed within landscape buffers if the buffer is at least 2 ft wider than required by MMC Subsections 19.606.2.C and 19.606.2.D.

The applicant submitted information regarding the removal of two existing trees within the project area (Sheet C-102, Demolition Plan). One tree in the existing southwestern parking lot will be removed along with the adjoining parking spaces to make way for the southwestern building addition. The other tree is within the courtyard area and not relevant to this section. As proposed, the landscaping for the parking areas being retained will otherwise be maintained as is. As required, any new or modified parking area landscaping will be installed prior to final inspection, unless a bond is posted with the City.

The applicable standards are met.

As conditioned, the applicable standards of MMC 19.606.2 are met.

(3) MMC Subsection 19.606.3 Additional Design Standards

MMC 19.606.3 establishes various design standards, including requirements related to paving and striping, wheel stops, pedestrian access, internal circulation, and lighting.

(a) MMC Subsection 19.606.3.A Paving and Striping

Paving and striping are required for all required maneuvering and standing areas, with a durable and dust-free hard surface and striping to delineate spaces and directional markings for driveways and accessways.

The parking areas will continue to be paved and striped.

This standard is met.

(b) MMC Subsection 19.606.3.B Wheel Stops

Parking bumpers or wheel stops are required to prevent vehicles from encroaching onto public right-of-way, adjacent landscaped areas, or pedestrian walkways. Curbing may substitute for wheel stops if vehicles will not encroach into the minimum required width for landscape or pedestrian areas.

The existing parking areas were constructed to City standards and will remain that way, as proposed.

This standard is met.

(c) MMC Subsection 19.606.3.C Site Access and Drive Aisles

Accessways to parking areas shall be the minimum number necessary to provide access without inhibiting safe circulation on the street. Drive aisles shall meet the dimensional requirements of MMC 19.606.1.

The existing drive aisles meet the minimum dimensional requirements. Any new driveways to Shell Ln will be designed to satisfy these requirements.

This standard is met.

(d) MMC Subsection 19.606.3.D Pedestrian Access and Circulation

Pedestrian access shall be provided so that no off-street parking space is farther than 100 ft away, measured along vehicle drive aisles, from a building entrance or a walkway that is continuous, leads to a building entrance, and meets the design standards of Subsection 19.504.9.E.

The existing parking areas feature walkway access to a building entrance. No spaces are farther than 100 ft from either a building entrance or a walkway leading to an entrance. No changes are proposed that would impact this standard.

This standard is met.

(e) MMC Subsection 19.606.3.E Internal Circulation

The Planning Director has the authority to review the pedestrian, bicycle, and vehicular circulation of the site and impose conditions to ensure safe and efficient on-site circulation. Such conditions may include, but are not limited to, on-site signage, pavement markings, addition or modification of curbs, and modification of drive aisle dimensions.

The City staff has reviewed the proposed parking plan and determined that no additional changes are required to ensure safe and efficient on-site circulation.

This standard is met.

(f) MMC Subsection 19.606.3.F Lighting

Lighting is required for parking areas with more than 10 spaces and must have a cutoff angle of 90 degrees or greater to ensure that lighting is directed toward the parking surface. Lighting shall not cause a light trespass of more than 0.5 footcandles measured vertically at the boundaries of the site, and shall provide a minimum illumination of 0.5 footcandles for pedestrian walkways in off-street parking areas.

The existing parking areas have exterior lighting that was previously approved by the City, and no changes are proposed. A condition has been established to ensure that the standards of MMC 19.606.3.F are met.

As conditioned, this standard is met.

As conditioned, the applicable standards of MMC 19.606.2 are met.

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

f. MMC Section 19.608 Loading

MMC 19.608 establishes standards for off-street loading areas and empowers the Planning Director to determine whether or not loading spaces are required.

The school currently has one loading space on the west side of the school. Because the size of the school will not change appreciably, the Planning Director has determined that 1 loading space will continue to be sufficient.

The Planning Commission finds that this requirement is met.

g. MMC Section 19.609 Bicycle Parking

MMC 19.609 establishes standards for bicycle parking for new development of various uses, including CSUs. According to this section, the office and shelter need to provide bicycle parking at a rate of 10% of the minimum number vehicular parking spaces. MMC 1 Subsection 9.609.2 requires cover for a minimum of 50% of the bike spaces when the required number exceeds 10 spaces. MMC Subsection 19.609.3 A provides that each bicycle parking space shall have minimum dimensions of 2 feet by 6 ft, with 5-ft-wide aisles for maneuvering. MMC Subsection 19.909.4 requires bike racks to be located within 50 ft of a main building entrance.

With a minimum parking requirement of 33 vehicular spaces for the school, a minimum bike parking requirement would be 3 spaces (as MMC Subsection 19.605.1.D provides that fractions are rounded down for this particular standard). The applicant proposes to provide 6 bike racks at 2 spaces each, for a total of 12 spaces adjacent to the main building entrance. The applicant provided a specifications sheet demonstrating compliance with the dimensional standards of MMC Subsection 19.609.3. The proposed bike rack location satisfies MMC 19.609.4.

As proposed, the Planning Commission finds that this standard is met.

h. MMC Section 19.610 Carpool and Vanpool Parking

MMC 19.610 establishes parking standards for vehicles used to carpool. The standards apply to new development, including institutional uses. MMC Subsection 19.610.2 requires that based upon the minimum parking requirement, at least 10% must be for carpool/vanpool use.

With a minimum parking standard of 33 spaces, a minimum of 3 carpool/vanpool parking spaces are required. The applicant has indicated that no carpool/vanpool spaces are designated on the site, which represents a nonconforming situation. As MMC Subsection 19.602.3.B requires that such nonconforming situations be brought closer to conformance, a condition has been established to require the designation of at least 3 carpool-priority spaces.

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

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

10. MMC Section 19.700 Public Facility Improvements

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

a. MMC Section 19.702 Applicability

MMC 19.702 establishes the applicability of the provisions of MMC 19.700. MMC Subsection 19.702.1 provides that the regulations of MMC 19.700 apply to intensification of land use and/or increase in gross floor area.

The applicant proposes to increase the building square footage by 11,870 sq ft and intensification of the outdoor sports facilities with the introduction of high school use for the expanded tennis courts and junior-varsity baseball field. The proposed intensification of use triggers the requirements of MMC 19.700.

b. MMC Section 19.703 Review Process

(1) MMC Subsection 19.703.1 Preapplication Conference

A preapplication conference was held on January 31, 2017.

(2) MMC Subsection 19.703.2 Application Submittal

Development will not require Transportation Facilities Review. This subsection is not applicable.

(3) MMC Subsection 19.703.3 Approval Criteria

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

A condition has been established to require the applicant to provide transportation improvements and mitigation in rough proportion to the potential impacts of the development.

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

c. MMC Section 19.704 Transportation Impact Evaluation

MMC Subsection 19.704.1 grants authority to the Engineering Director to determine if a Transportation Impact Study (TIS) is necessary.

All trips for this proposed development affect Shell Ln, a local street, and Lake Rd, a collector street. The new trips generated by changes to the athletic fields are not significant enough to affect Lake Rd, which is already constructed to City standards. However, the impacts to Shell

Ln are significant and require mitigation. The Engineering Director has determined that a TIS is not required, and the impact of new trips on Shell Ln is addressed under the findings for MMC 19.708 below.

d. MMC Section 19.705 Rough Proportionality

MMC 19.705 requires that transportation impacts of the proposed development be mitigated.

The proposed development triggers mitigation of impacts. A complete analysis of rough proportionality will be conducted by the Engineering Department in conjunction with the Type I review that will accompany the processing of development permits.

e. MMC Section 19.708 Transportation Facility Requirements

MMC 19.708 establishes the City's requirements and standards for improvements to public streets, including pedestrian, bicycle, and transit facilities.

(1) MMC Subsection 19.708.1 General Street Requirements and Standards

MMC 19.708.1 provides general standards for streets, including for access management, clear vision, street layout and connectivity, and intersection design and spacing.

(a) MMC Subsection 19.708.1.D – Development in Non-Downtown Zones

The Milwaukie Transportation System Plan and Transportation Design Manual classify the fronting portions of Shell Ln as a local street.

According to Table 19.708.2 Street Design Standards, the required right-of-way width for a local street is between 20 ft and 68 ft depending on the required street improvements.

The required right-of-way needed for the required street improvements is 50 ft. The applicant is responsible for 25 ft of right-of-way dedication along the Shell Ln frontage of Tax Lot 0100. The applicant is also responsible for dedicating sufficient right-of-way to accommodate improvements consistent with the City's Public Works Standards for a local street. No dedication or improvements are required on Lake Rd, which is already constructed to full City standards. A condition has been established to ensure that the proposed development conforms to MMC Subsection 19.708.1.D.

As conditioned, the proposed development is consistent with MMC 19.708.1.D.

(b) MMC Subsection 19.708.1.E.4 Street Layout and Connectivity - Permanent Turnarounds

There is no opportunity for Shell Ln to be extended to connect to a nearby street, therefore a permanent turnaround will be permitted. The applicant will be responsible for constructing a turnaround or looped driveway system consistent with the

City's Public Works Standards. A condition has been established to ensure that the proposed development conforms to MMC 19.708.1.E.4.

As conditioned, the proposed development is consistent with MMC 19.708.1.E.

(2) MMC Subsection 19.708.2 Street Design Standards

MMC 19.708.2 provides design standards for streets, including dimensional requirements for the various street elements (e.g., travel lanes, bike lanes, on-street parking, landscape strips, and sidewalks).

The applicant shall construct frontage improvements on the west side of Shell Ln along the site's frontage. A condition has been established to ensure that the required street improvement requirements are consistent with the City's Public Works Standards.

As conditioned, these standards will be met.

(3) MMC Subsection 19.708.3 Sidewalk Requirements and Standards.

MMC 19.708.3 provides standards for public sidewalks, including the requirement for compliance with applicable standards of the Americans with Disabilities Act (ADA).

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

As conditioned, these standards will be met.

(4) MMC Subsection 19.708.4 Bicycle Facility Requirements and Standards

MMC 19.708.4 provides standards for bicycle facilities.

Milwaukie's Transportation System Plan (TSP) does not identify Shell Ln as a bike route, and Lake Rd already provides bicycle lanes.

This standard is met.

(5) MMC Subsection 19.708.5 Pedestrian/Bicycle Path Requirements and Standards

MMC 19.708.5 provides standards for pedestrian and bicycle paths.

The proposed development property is surrounded by single family residences. 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.

MMC 19.708.5 does not apply to the proposed development.

(6) MMC Subsection 19.708.6 Transit Requirements and Standards

MMC 19.708.6 provides standards for transit facilities.

Transit facility improvements are not required for the proposed development.

MMC 19.708.6 does not apply to the proposed development.

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

f. MMC Section 19.709 Public Utility Requirements

MMC 19.709 establishes standards for review of new development with respect to adequacy of existing public utilities.

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

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

11. The application was referred to the following city departments and agencies on January 17, 2018:

- Milwaukie Building Department
- Milwaukie Engineering Department
- Lake Road Neighborhood District Association (NDA)
- Clackamas Fire District #1
- Clackamas County Department of Transportation and Development (DTD)

The comments received are summarized as follows:

- **Matt Amos, Fire Inspector, CFD#1:** No comments.
- **Paul Hawkins, Member, Lake Road NDA:** The NDA fully supports the application.
- **Kenneth Kent, Senior Planner, Clackamas County DTD:** No comments.
- **Alex Roller, Engineering Tech II, Milwaukie Engineering Department:** Comments related to the proposals compliance with MMC Chapter 19.700 Public Facility Improvements, with relevant recommended conditions of approval.

Conditions of Approval

1. Prior to issuance of a certificate of occupancy the following shall be resolved:
 - a. Dedicate 25 ft of right-of-way on Shell Ln fronting Tax Lot 0100.
 - b. Demonstrate that a minimum of 4 bicycle parking spaces have been provided in accordance with the location and design standards in Milwaukie Municipal Code (MMC) Section 19.609.
 - c. Provide a final landscaping plan for those portions of the site that are modified or disturbed in or adjacent to off-street parking areas that demonstrates that the applicable requirements of MMC Section 19.606 are met, particularly regarding perimeter landscaping.

- d. Demonstrate that parking areas are lighted in conformance with the standards of MMC Subsection 19.606.3.F.
 - e. Designate a minimum of 3 carpool-priority parking spaces.
2. Construct street improvements on the subject property's Shell Ln frontage in accordance with the Public Works Standards. Coordinate with the City's Engineering Department to request modifications if desired, in order to develop a final design that is approved by the Engineering Director. A performance bond may be provided as an alternative to constructing the required improvements. A final approved set of Mylar and electronic PDF "As Constructed" drawings shall be provided to the City of Milwaukie.

Other requirements

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

1. Prior to issuance of a building permit, 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. Private properties may only connect to public storm system if percolation tests show that infiltration cannot be obtained on site. 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. Provide an erosion control plan and obtain an erosion control permit.
 - c. Obtain a right-of-way permit for construction of all required public improvements listed in these recommended Conditions of Approval.
 - d. Submit full-engineered plans for construction of all required public improvements, or provide a performance guarantee, reviewed and approved by the City of Milwaukie Engineering Department.
2. Prior to framing inspection, the following shall be resolved:
 - a. Pay an inspection fee equal to 5.5% of the cost of the public improvements.
 - b. Provide a payment and performance bond for 100% of the cost of the required public improvements.
3. Prior to issuance of a certificate of occupancy the following shall be resolved:
 - a. Connect all roof drains to private drywell or other approved structure.

4. Clear Vision

- a. Clear vision areas shall be maintained at all driveways and accessways and on the corners of all property adjacent to an intersection. Remove all signs, structures, or vegetation in excess of 3 ft in height located, except approved street trees, in “vision clearance areas” at intersections of streets, driveways, and alleys fronting the proposed development.

5. Development Review

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

6. Limitations on Development Activity

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

7. Expiration of Approval

As per MMC Subsection 19.1001.7.E.1.a, proposals requiring any kind of development permit must complete both of the following steps:

- a. Obtain and pay for all necessary development permits and start construction within two (2) years of land use approval.
- b. Pass final inspection and/or obtain a certificate of occupancy within four (4) years of land use approval.

As per MMC Subsection 19.1001.7.E.2.b, land use approvals shall expire unless both steps noted above have been completed or unless the review authority specifies a different expiration date in the land use decision to accommodate large, complex, or phased development projects.

Exhibits

None



Dennis Egner, FAICP
Planning Director

- cc: David Hobbs, North Clackamas School District (12451 SE Fuller Rd, Milwaukie, OR 97222)
Andrew Tull, 3J Consulting, Applicant's representative (via email)
Steve Nicholas, Heery International, Applicant's representative (via email)
Planning Commission (via email)
Alma Flores, Community Development Director (via email)

Chuck Eaton, Engineering Director (via email)
Alex Roller, Engineering Technician II (via email)
Samantha Vandagriff, Building Official (via email)
Stephanie Marcinkiewicz, Inspector/Plans Examiner (via email)
Mike Boumann and Matt Amos, CFD#1 (via email)
NDA(s): Lake Road (via email)
Interested Persons
Land Use File(s): CSU-2017-010