



CITY OF MILWAUKIE

March 15, 2018

Land Use File(s): CSU-2017-007, VR-2017-012

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Commission on March 13, 2018.

Applicant(s): North Clackamas School District
Location(s): 2301 SE Willard St (Milwaukie High School)
Tax Lot(s): 1S1E36BC05600
Application Type(s): Community Service Use (major modification), Variance Request
Decision: Approved with Conditions
Review Criteria: Milwaukie Zoning Ordinance (Title 19):

- Section 19.1006 Type III Review
- Section 19.904 Community Service Uses
- Section 19.302 Medium and High Density Residential Zones (incl. R-2 zone)
- Chapter 19.500 Supplementary Development Regulations
- Chapter 19.600 Off-Street Parking and Loading
- Chapter 19.700 Public Facility Improvements
- Section 19.911 Variances

MMC Title 12 Streets, Sidewalks, and Public Places
Neighborhood(s): Historic Milwaukie, Lake Road

Appeal period closes: 5:00 p.m., March 30, 2018

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 30, 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 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, the North Clackamas School District, has applied for approval of a major renovation of the Milwaukie High School campus. The site consists of 1 tax lot (totaling approximately 14.7 acres) located northeast of the intersection of Lake Rd with 23rd Ave and Willard St. The subject property was recently assigned a new address of 2301 SE Willard St, though it had been addressed as 11300 and/or 11200 SE 23rd Ave in the past.

The site is in the Residential R-2 zone, though a portion of the Performing Arts Center on the southwestern portion of the campus is zoned DMU Downtown Mixed Use and a parking lot at the northwestern corner of the site is zoned R-1-B Residential-Business Office. The school is currently approved as a Community Service Use (CSU), and the proposed development represents a major modification to the CSU. The land use application master file number is CSU-2017-007, with VR-2017-012 for a variance request for the carpool parking standard. An earlier request for a parking determination (P-2017-001) was withdrawn.

2. The applicant has proposed the following improvements:
 - a. A new main classroom building, including demolition of the original school structure built in 1925. This will result in a floor area increase from approximately 94,500 sq ft to 138,000 sq ft. The overall student capacity of the new building will not change (1,500 students), though the expansion is designed to accommodate an increase in the number of staff, from 110 currently to 140 in the future.
 - b. Remodeling of the existing Commons building, including a new connection to the main building.

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.

- c. Various site improvements, including a new main entry plaza, replacement of the existing softball field with a new parking lot in the southeast corner of the site, reconfiguration of the existing parking lot in the southwest corner pedestrian and vehicular circulation improvements, athletic field turf replacement, track resurfacing, replacement scoreboard, and new landscaping.
 - d. Increasing the total number of on- and off-site parking spaces from 259 to 333, with a variance request for relief from the carpool/vanpool parking requirements of MMC Section 19.610
 - e. Temporary use of modular buildings (27 classroom structures and 6 restroom/custodial structures) will be located on the athletic field, with pedestrian walkway connections to the Commons building, existing gymnasium, and Performing Arts Center, which will all remain in use during construction.
 - f. During construction, bus and vehicular traffic will be provided via the drop-off area that currently exists along 23rd Ave (off of Washington St).
 - g. A proposal to replace the existing tennis courts on Willard St and 25th Ave with a new off-street parking area is not part of the proposed development and will be considered under a separate review process in the future. Likewise, the proposal for an electronic reader board sign facing Willard St will be considered under a separate review process.
2. The components of the proposed development represent a major modification of a Community Service Use (CSU) approval, subject to a Type III review process. The requested variance also require Type III review. A formal Transportation Impact Study was not required because the student capacity of the school is not proposed to increase, and the impacts to transportation facilities are being reviewed as part of the associated land use applications. A subsequent Type I review process will be conducted to evaluate the development permits required for the project elements listed above in Finding 2.
 3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Section 19.1006 Type III Review
 - MMC Section 19.904 Community Service Uses
 - MMC Section 19.302 Medium and High Density Residential Zones (incl. R-2 zone)
 - MMC Chapter 19.500 Supplementary Development Regulations
 - MMC Chapter 19.600 Off-Street Parking and Loading
 - MMC Chapter 19.700 Public Facility Improvements
 - MMC Section 19.911 Variances
 - MMC Title 12 Streets, Sidewalks, and Public Places

4. MMC Section 19.1006 Type III Review

The application has been processed and public notice provided in accordance with MMC 19.1006. A public hearing was held by the Planning Commission on March 13, 2018, as required by law.

5. MMC Section 19.904 Community Service Uses

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

a. MMC Subsection 19.904.2 Applicability

MMC 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 Milwaukie High 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 Review Process

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

The proposed development will increase the intensity of the use and result in some negative impacts to nearby properties during the construction phase; therefore, it does not qualify as a minor modification to the existing CSU as per MMC Subsection 19.904.5.C. The proposed development constitutes 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.

c. MMC Subsection 19.904.4 Approval Criteria

MMC 19.904.4 establishes the following approval criteria for CSUs:

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

The subject property is primarily zoned Residential R-2, with small portions zoned R-1-B Residential-Business Office and DMU Downtown Mixed Use. The proposed

development's compliance with the applicable standards of the primary R-2 base zone are addressed in Finding 7.

The Planning Commission finds that this standard is met.

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

The proposed improvements are subject to the standards provided in MMC Subsection 19.904.7 for schools. The standards of MMC 19.904.7 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. Neither City staff nor the applicant has been able to locate this standard. Therefore, the alternate standard 1 acre of site area per 75 pupils of capacity or for each 2.5 classrooms, whichever is applicable, is applicable.

The school currently has an enrollment capacity of approximately 1,500 students. The site is approximately 14.7 acres, and the high school has access to other outdoor sports fields and facilities on Lake Rd. At a ratio of 1 acre per 75 students, a minimum site area of 20 acres would be required for a capacity of 1,500 students. At a ratio of 1 acre per 2.5 classrooms, a minimum site area of approximately 18 acres would be required for the 45 classrooms indicated in the architectural plans. The Lake Rd sports field property is 15.3 acres, which makes a total of 30 acres available to the high school. 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 subsection is not applicable to a high school.

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

The school campus currently has complete sidewalks along the Willard St, 23rd Ave, and Washington St frontages, which connect with the on-site sidewalk system serving the high school campus. Crosswalk access is provided to allow safe crossing of Washington St to the north side of the campus and crossing of Willard St to the south side of the campus. Finally, the campus has sidewalks 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 applies to playgrounds and not to outdoor sports fields and facilities. This standard is not applicable to the proposed development.

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

The school site is currently served with full street improvements along the frontages of Willard St, 23rd Ave, and Washington St. As addressed in Finding 9, street improvements are required along the Lake Rd frontage to bring that frontage up to City standards. In addition, improvements to the existing stormwater system in Lake Rd are also required. Conditions have been established to ensure that public facilities are adequate to serve the school. As conditioned, 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 are currently provided in a manner that meets this requirement. As proposed in the applicant's narrative and construction plans, the existing vehicle and pedestrian circulation system will be improved to enhance pedestrian safety in and around the site. The primary improvements pertain to the modified bus loading arrangement along Willard St and the car drop-off/pick-up and parking arrangement for the southwestern parking lot and driveway. Pedestrian crosswalks will be provided at the intersection of 23rd Ave and Lake Rd, at 23rd Ave and Washington St, and on Willard St at 25th Ave near the existing tennis courts. The pedestrian access points on the north and west sides of the campus are proposed to remain as they are today.

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 Finding 8.

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

The replacement building will have a setback of approximately 30 ft along Willard St and is well over 20 ft from any other property line. No changes are proposed to any other buildings on the campus. This standard is met.

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

As noted in the discussion of Finding 8 related to MMC 19.600, bicycle parking standards will be satisfied by retaining the existing bicycle parking facility located at the south end of 23rd Ave near the Performing Arts Center. Local streets and bike lanes along the Lake Rd frontage all contribute to accommodating bicycle access to and from the site. This standard is met.

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

Currently, well over half of the site is landscaped area and sports fields. The stadium field is artificial turf, which does not meet the definition of landscaping in MMC Section 19.201 and so is not included in the calculation of landscaping.

The proposed development includes removal of the existing natural turf softball field and replacement with a parking lot, but other landscaping areas will be added or will remain in place. As proposed, the proposed development will provide a total of approximately 120,250 sq ft of landscaping on the overall site (approximately 640,000 sq ft), for a total of just under 19%.

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 of operation, which have proven to be compatible with neighboring residential properties. The outdoor sports facilities will continue to be used as they have in the past. During construction, the project will be subject to the standard limitations on noise and hours of operation as apply throughout the city.

The Planning Commission finds that this standard is met.

- (4) MMC Subsection 19.904.4.D requires that the public benefits of the proposed use be 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. In addition, all applicable code standards that ensure compatibility between different land uses, such as building heights, setbacks, and landscaping, will be satisfied. The new parking lot proposed in the southeastern corner of the site should reduce the number of vehicles parking on local streets throughout the neighborhood. The new parking lot will replace the existing softball field, so no new building mass will be inserted into what serves as a spatial buffer between the main classroom building and the neighboring properties to the east. The requirements for screening along the parking lot perimeter will prevent impacts from vehicle lights, and the existing landscaping buffer along the eastern boundary of the campus will remain. To ensure the long-term survival of existing and proposed landscape plantings, a condition has been established to require removal of the invasive plants that have begun to establish themselves within this landscaped area.

The required improvements on Willard St, including new sidewalk from the school property east to 27th Ave will be sufficient to accommodate the increase in trips by vehicles accessing the new parking lot. The City has a process in place for establishing a

residential parking permit program, in the event that on-street parking conflicts emerge within the neighborhood.

As conditioned, the Planning Commission finds that this standard will be 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 this location for many years without negatively affecting the neighborhood. The site has good transit access to TriMet bus and MAX service. The enrollment capacity of the school will remain unchanged at 1,500 students and the general building envelope of the existing school will remain essentially the same. The proposed improvements will not encroach upon neighboring properties or significantly affect the character of the school or the use of the sports facilities.

The Planning Commission finds that this standard is met.

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

- d. MMC Subsection 19.904.5 Procedures for Reviewing a CSU

- (1) MMC 19.904.5.A requires the Planning Commission to hold a public hearing to consider the establishment of new CSUs or the major modification of existing CSUs. The Planning Commission shall determine whether the proposed use meets the approval criteria of MMC 19.904.4.

The proposed activity represents a major modification to a CSU because of the nature of the improvements proposed. With this application, the Planning Commission will determine if the relevant

- (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 proposed, 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 Application Requirements

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

The applicant's submittal materials include site plans and a narrative description of the proposed activity. The application was reviewed by Planning staff and deemed complete on January 25, 2018, at the applicant's request. This standard is met.

As conditioned, the Planning Commission finds that the proposed activity meets all applicable standards of MMC 19.904 to be approved as a major modification of a community service use.

6. MMC Section 19.302 Medium and High Density Residential Zones

MMC 19.302 establishes standards for several residential zones, including the R-2 Zone. The subject property includes areas zoned R-1-B and DMU, but the proposed development does not involve those portions of the site.

a. MMC Subsection 19.302.2 Allowed Uses in Medium & High Density Residential Zones

MMC 19.302.2 lists the permitted and conditional uses in the R-2 Zone. Community service uses, which include schools, are allowed through CSU review.

The proposed major modification to a CSU is allowable in the R-2 and R-1-B Zones, subject to city approval.

b. MMC Subsections 19.302.4 and 19.302.5 Development Standards

MMC 19.302.4 and 19.302.5 provide applicable development standards for the R-2 Zone, the primary zone designation for the site, summarized in Table 7:

Table 7 Applicable R-2 Development Standards		
Standard	R-2 Requirement	Proposed Development
Front Yard	15 ft	>28 ft (measured from Willard St property line)
Side Yard	5 ft	>250 ft on both sides
Rear Yard	15 ft	>450 ft
Maximum Building Height	3 stories or 45 ft (whichever is less)	Proposed new building is 3 stories and approximately 44 ft tall, as measured from the highest adjoining ground surface within 5 ft of the exterior wall, as per MMC Subsection 19.202.2.B, because the base point is less than 10 ft above the lowest grade point.
Maximum lot coverage	45%	<25%
Minimum vegetation	15%	>18%

Front yard minimum vegetation	40%	>50%
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The Planning Commission finds that the applicable development standards of these subsections are met.

The Planning Commission finds that the proposed development meets all applicable standards of MMC 19.302 for the underlying R-2 Zone.

7. 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 below.

a. MMC Subsection 19.501.2 Yard Exceptions

MMC 19.501.2 requires additional building setbacks from the centerline of several streets in the city including Lake Rd and Washington St, which require an additional yard area of 30 ft from centerline plus the applicable yard requirement.

A 30-ft setback from centerline plus the required yard area of 15 ft will continue to be exceeded. This additional yard area requirement is met.

b. MMC Subsection 19.504.1 Clear Vision Areas

MMC 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 Washington St because no driveway or landscaping changes are proposed along that frontage. Along Willard St, the existing driveway to the southwestern parking lot will be modified, but the proposed improvements, along with the proposed landscaping, will continue to comply with clear vision standards. The driveway for the new southeastern parking lot will be located and landscaped in a manner that will also satisfy these standards. As proposed, the applicable clear vision requirements are met.

c. MMC Subsection 19.504.7 Minimum Vegetation

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

This standard is satisfied as proposed and will be confirmed by the Planning Director during the subsequent Type I Development Review.

d. MMC Subsection 19.504.9 On-Site Circulation and Walkways

MMC 19.504.9 contains several applicable requirements related to the provision of on-site circulation and walkways:

- (1) MMC Subsection 19.504.9.A requires a system of on-site walkways to provide safe and convenient pedestrian movement within and through the development.

The walkway system will remain fundamentally as it is today, with sidewalk connections to the adjoining streets. The existing campus has several walkways and pedestrian routes. A series of changes are proposed along the site's southern boundary, in response to the placement and positioning of the new building. The newly proposed pedestrian circulation system provides convenient and direct routing from the site's Willard St and Lake Rd frontages to the new building entrances. The existing walkway system on the north side of the site will continue to provide connections with Washington St.

The newly proposed walkways have also been designed to connect to the site's existing pedestrian network where applicable.

- (2) MMC Subsection 19.504.9.B requires a walkway into the site for every 300 ft of frontage.

The new permanent improvements are located mainly in the southern portion of the site. The new replacement building will have frontage and primary access along Willard St. With approximately 800 linear feet of frontage on Willard St, at least 2 walkways into the site are required. The proposed plan has 2 direct walkways leading to the school entry/exit doors. In addition, walkway access is available to the tennis courts along 25th Ave in the extreme southeastern portion of the site. The site will also provide a nearly continuous expanded pedestrian sidewalk along the new bus drop-off area. On the north, the Washington St frontage is approximately 450 ft in length, with 1 walkway access plus a second provided by 23rd Ave.

The proposed pedestrian connection system meets this standard.

- (3) MMC Subsection 19.504.9.C requires connections between building entrances and other destinations on adjacent properties.

As proposed, the new main classroom building will retain the location and orientation of the existing building. The pedestrian connections that currently exist between the main building, the site's parking lots, the bus drop-off area, and the Commons building and Performing Arts Center will continue to function as they do today. A large pedestrian plaza is proposed between the Performing Arts Center, Commons building, southwestern parking lot, and the new main building. All existing and proposed walkways are designed to meet at the main plaza. All new walkways on the site, primarily south of the new building, will also be connected to the plaza and the other on-site walkways, including those that connect to Washington Ave. The applicant has proposed to dedicate a strip of public right-of-way to extend a pedestrian walkway from Adams St to 23rd Ave.

The proposed pedestrian connection system to the site's existing buildings meets this standard.

- (4) MMC Subsection 19.504.9.D requires that pedestrian routes are reasonably direct.

All proposed walkways are logically arranged to provide reasonably direct access between the main building entries, nearby transit (TriMet bus route #32 and the downtown MAX station), street sidewalks, and parking areas. Wherever possible, driveway crossings have been minimized. Two new ADA-compliant curb ramps are proposed on the northern corner of the intersection of Lake Rd and 23rd Ave. These curb connections will be part of a continuous public sidewalk and private walkway system that lead to the entrance and exit doors of the new building.

The proposed pedestrian connection system meets this standard.

- (5) MMC Subsection 19.504.9.E requires a hard-surface but permeable material for walkways, with a minimum width of 5 ft and minimum lighting level of 0.5 footcandles.

The proposed improvements to the site's new pedestrian walkways will be constructed using a mixture of concrete and pervious concrete. Plan sheets C200, C201, C202, and C203 illustrate the location and type of materials proposed for the site's new walkways. Each proposed walkway has a minimum width of 5 ft. Where walkways have been proposed along parking lots, wheel stops or wider landscape buffers or walkway widths will be used to prevent vehicle encroachment into the minimum walkway. As shown on the lighting and photometric plans submitted, all new walkways on site will be illuminated at levels between 1.42 and 15.7 footcandles. The placement of light fixtures has been designed to provide the highest levels of lighting along the primary pedestrian routes.

The proposed pedestrian connection system meets these walkway standards.

As proposed, the applicable standards of MMC 19.504.9 are met.

- e. MMC Subsection 19.504.10 Setbacks Adjacent to Transit

MMC 19.504.10 requires new commercial, office, or institutional development adjacent to a transit route to be set back no more than 30 ft from the right-of-way that is providing transit service. Subsection 19.504.10.C allows flexibility for institutional campuses if enhanced sidewalk connections are provided.

TriMet bus route #29 travels along Washington St, with a stop near the school track. TriMet bus route #32 travels along Lake Rd, with a stop at the Lake Rd intersection with 23rd Ave and Willard St. The site has a very limited amount of frontage on Lake Rd, and given the current configuration of the school campus, it would be impractical to have a setback of 30 ft or less along Lake Rd. As shown in the site plans, the new replacement building will be set back approximately 30 ft from Willard St, which leads directly to the TriMet bus stop on Lake Rd. The proposed development will improve upon the existing pedestrian connections and overall environment to support walking and transit use.

This standard is met.

f. MMC Subsection 19.504.11 Preliminary Circulation Plan

MMC 19.504.11 requires provision of a preliminary circulation plan for street, pedestrian, and bicycle facilities.

Site circulation facilities are described and illustrated in the submittal materials, including a traffic memorandum prepared by Lancaster Engineering (Appendix D in the applicant's submittal). As discussed in Finding 8-e(3)(d), the proposed development will enhance the pedestrian walkway system. Bus pick-up and drop-off will occur in a more organized fashion along Willard St than under current conditions, which will reduce conflicts with automobile traffic. Auto pick-up and drop-off will occur primarily in the southwestern parking lot, as well as on 23rd Ave near the gymnasium.

The proposed circulation plan satisfies the requirements of this section. This standard is met.

g. MMC Subsection 19.505.8 Building Orientation to Transit

MMC 19.505.8 applies to new development within 500 ft of an existing or planned transit route measured along a public sidewalk and requires that new buildings have their primary orientation toward an adjacent transit street or toward a public right-of-way leading to a transit street.

As proposed, the primary entrance for the new main building will continue to be located within 400 to 500 ft of the nearest transit stop location. The new entrance will be visible from the TriMet's #32 bus stop on Lake Rd and 23rd Ave. This standard is met.

As proposed, the Planning Commission finds these provisions are met.

8. 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 increase the total number of off-street parking spaces from 259 to 333 through the addition of one new lot replacing the

existing softball field and with the reconfiguration of other existing parking facilities. The provisions of MMC 19.602.3 are applicable because the proposed redevelopment of the site will increase the floor area of buildings on the school site.

(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 regarding ongoing maintenance, operations, and use of off-street parking areas. Any change to an existing off-street parking area shall not bring the area out of conformance, or further out of conformance if already nonconforming.

The on-site parking facilities are reviewed as part of this application and required to comply with applicable standards. No changes are proposed that would bring the site further out of or conformance with any applicable standards. In fact, the proposed development will bring many aspects of the existing parking situation (e.g., parking quantity, parking lot landscaping) closer to conformance.

(3) MMC Subsection 19.602.3 Applicability for Development and Change in Use Activity

MMC 19.602.3 establishes thresholds for full compliance with the standards of MMC 19.600 as well as for bringing existing off-street parking areas closer to conformance. Development that results in an increase of less than 100% of the existing floor area or that does not involve a change in use is required to bring existing nonconforming parking areas closer to conformance in accordance with the provisions of MMC Subsection 19.602.5.

The proposed development does not represent a change in use but does involve replacing the existing main classroom building with a new building that represents less than 100% of the total existing floor area of all the buildings on the site. Existing nonconforming off-street parking areas on the site are subject to a requirement for improvement.

(4) 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 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.

The proposed development includes a new off-street parking area in the southeast corner of the site that would serve the existing school use. The new parking area is subject to the applicable requirements of MMC Sections 19.604 and 19.606-19.611. As proposed, the

total number of new spaces will not exceed the maximum allowed quantity as discussed in Finding 9-d.

(5) MMC Subsection 19.602.5 Improvements to Existing Off-Street Parking and Loading Areas

MMC Subsection 19.602.5.A requires improvement of nonconforming off-street parking and loading as redevelopment occurs. MMC Subsection 19.602.5.B provides that the cost of materials for any required parking improvements shall not exceed 10% of the total development cost.

The proposed improvements include voluntary adjustments to the existing parking lot in the southwest corner of the site to improve its functionality, as well as a new parking lot to replace the existing softball field in the southeast corner of the site. As the site has historically been nonconforming with respect to providing the minimum required number of parking spaces and the proposed development addresses this situation with substantial voluntary improvements, this standard is met.

The Planning Commission finds that the provisions of MMC 19.600 are applicable to the proposed development as discussed above.

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.

This CSU application 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 this subsection.

The Planning Commission finds that these requirements are met.

c. MMC Section 19.604 General Parking Standards

MMC Subsections 19.604.1 to 19.604.4 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, and the prohibition of using parking areas for storage.

The applicant proposes to increase the total number of parking spaces by reconfiguring one parking lot and constructing one new lot. As proposed, the existing number of off-site parking spaces available to the school will be retained and all spaces will continue to be available to support the existing 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. The section establishes processes for modification and determination of parking requirements, exemptions and reductions to the required ratios, and provisions for shared parking.

(1) MMC Subsection 19.605.1 Minimum and Maximum Requirements

MMC Table 19.605.1 provides minimum and maximum quantity requirements for high schools of 1 space per 0.25 and 0.33 students, respectively. In addition, one space per staff person is required.

According to MMC Table 19.605.1, the existing capacity of 1,500 students and 110 staff requires a minimum of 485 spaces and allows a maximum of 605 spaces. With the proposal to maintain a 1,500-student capacity and increase to 140 staff, the parking requirements for the school rise to a minimum of 515 and maximum of 635 spaces. The school currently provides a total of 259 off-street spaces on site and through off-site shared parking agreements. The proposed development will increase the number of available spaces by 74, for a total of 333. See below for discussion of the reductions available to the proposed development.

(2) MMC Subsection 19.605.3 Exemptions and By-Right Reductions to Quantity Requirements

MMC 19.605.3 allows a variety of options for reducing the minimum number of required spaces, up to a maximum reduction of 25%. Specifically, MMC Subsection 19.605.3.B allows a 25% reduction for development that is within 1,000-ft walking distance of a light rail transit stop.

The western side of the campus is directly across 21st Ave from the Orange line MAX light rail stop for downtown Milwaukie and so qualifies for a 25% reduction. The reduction brings the minimum required number of spaces for the school down from 515 to 386.

(3) MMC Subsection 19.605.4 Shared Parking

MMC 19.605.4 establishes standards for utilizing shared off-premises spaces to meet the minimum parking requirement, including a requirement that the nearest parking spaces be no further than 1,000 ft from the principal structure or use.

The school has recorded shared parking agreements with the St John the Baptist Catholic Church (Washington St and 25th Ave) and the St Stephens Serbian Orthodox Church (Willard St and 27th Ave), for a total of 90 shared spaces. Both shared sites are within 1,000 ft of the school campus and main classroom building.

The proposed development will increase the total number of parking spaces available on site and through shared parking agreements from 259 to 333. With the allowed reduction, a total of 386 spaces are required, so the school's off-street parking situation will remain out of conformance with the minimum quantity requirement. However, on a percentage basis, the 6% increase in parking demand (from 485 to 515) will be accompanied by a 29% increase in the amount of parking provided.

The Planning Commission finds that the proposed development will bring the site closer to conformance with the applicable parking quantity standards of MMC 19.605.

e. MMC Section 19.606 Parking Area Design and Landscaping

MMC 19.606 establishes standards for parking area design and landscaping, to ensure that off-street parking areas are safe, environmentally sound, and aesthetically pleasing, and that they have efficient circulation.

(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 drive aisles. Parallel spaces require with 22-ft lengths and a width of 8.5 ft.

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

(2) MMC Subsection 19.606.2 Landscaping

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

(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.

As proposed, the existing perimeter landscaping areas in the southwestern parking lot are significantly greater than the minimum where abutting the public rights-of-way on Lake Rd, Willard St, and 23rd Ave, and the existing landscaping materials will be retained. The new southeastern parking lot will exceed the required standard for buffer width, but the required trees are not shown in the landscaping plan. A condition has been established to require a detailed landscaping plan as part of the subsequent Type I Development Review, to include more information regarding plant materials.

As conditioned, this standard will be met.

(b) MMC Subsection 19.606.2.D Interior Landscaping

At least 25 sq ft of interior landscaped area are required 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.

As proposed, the interior landscaping in the new southeastern parking lot will meet the required standards for area and dimension, though the landscaping plan does not include specific information on the required trees. A condition has been established to require a detailed landscaping plan as part of the subsequent Type I Development Review, to include more information regarding plant materials.

As conditioned, this standard will be met.

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

Preservation of existing trees in off-street parking areas is encouraged and may be credited toward the total number of trees required. Parking area landscaping must be installed prior to final inspection, unless a performance bond is posted with the City. Required landscaping areas may serve as stormwater management facilities, and pedestrian walkways are allowed within landscape buffers if the buffer is at least 2 ft wider than required by MMC 19.606.2.C and 19.606.2.D.

The site and landscaping plans indicate that trees will not be removed to accommodate the new southeastern parking lot or the reconfiguration of the southwestern lot. Proper installation of landscaping will be confirmed as part of the Type I development review and final inspection.

This standard is met.

As conditioned, the Planning Commission finds that the applicable standards of MMC 19.606.2 will be 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 plans submitted indicate that all parking areas will 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 plans submitted indicate that wheel stops will be installed as needed.

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.

As proposed, one driveway each will provide access from Willard St to the southwestern and southeastern parking lots, which the Engineering Department has deemed adequate to allow safe circulation on the street. The existing and proposed drive aisles meet the minimum applicable dimensional 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 MMC Subsection 19.504.9.E.

Many of the spaces in the existing southwestern parking lot and proposed new southeastern lot are farther than 100 ft from a building entrance or approvable walkway. There is no good opportunity to improve this nonconforming situation in the southwestern lot without significantly modifying the existing configuration

and losing parking spaces. For the new southeastern lot, however, a condition has been established to require revisions to the plans for the southeastern lot to establish walkways or connections to walkways as needed to meet this standard.

As conditioned, this standard will be 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 Planning Director has reviewed the plans and confirmed that, as proposed, on-site circulation will be safe and efficient.

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 lighting and photometric plans submitted show that the lighting for the southwestern and southeastern parking lots will provide the minimum 0.5-footcandle level for pedestrian walkways, with less than 0.5-footcandle spill onto adjacent properties.

This standard is met.

As conditioned, the Planning Commission finds that the applicable standards of MMC 19.606.3 will be 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 site currently has at least 1 designated loading space on the west side of the campus. 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. MMC Subsection 19.609.2 requires bicycle parking at a rate of 10% of the minimum number vehicular parking spaces, with 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 ft by 6 ft, with 5-ft-wide aisles for maneuvering. MMC Subsection 19.609.4 requires bike racks to be located within 50 ft of a main building entrance.

With a minimum parking requirement of 515 vehicular spaces reduced to 386, the minimum bike parking requirement for the school is 38 spaces (rounded down as per MMC Subsection 19.605.1.D). The applicant proposes to retain the existing covered bike parking spaces at the south end of the turnaround on 23rd Ave near the Commons building and Performing Arts Center. A total of 48 covered bike spaces were required as part of the school's 2007 CSU approval; they were installed and remain in place.

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 19.610.2 requires that based upon the minimum parking requirement, at least 10% must be for carpool/vanpool use.

With a minimum parking requirement of 515 vehicular spaces reduced to 386, the minimum carpool/vanpool parking requirement for the school is 38 spaces. The site does not currently provide any designated carpool spaces and is nonconforming with respect to this standard. The applicant has requested a variance to not provide any carpool or vanpool spaces to bring the site closer to conformance. The variance request, with a recommendation for approval, is discussed in Finding 10.

As per the approved variance discussed in Finding 10, the Planning Commission finds this standard is met.

As conditioned and as per the variance discussed in Finding 10, the Planning Commission finds that the proposed development meets all applicable standards MMC 19.600 for off-street parking.

9. MMC Chapter 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, including new construction and modification or expansion of an existing structure or a change or intensification in use that result in any projected increase in vehicle trips or any increase in gross floor area on the site.

The applicant proposes to demolish the existing classroom building, construct a building that is significantly larger, and reconfigure the uses on the site, all of which result in an intensification of use of the site and a projected increase in vehicle trips. The development triggers the requirements of MMC 19.700.

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

b. MMC Section 19.703 Review Process

MMC 19.703 establishes the review process for development that is subject to MMC 19.700.

(1) MMC Subsection 19.703.1 Preapplication Conference

MMC 19.703.1 establishes that all proposed development that is subject to MMC 19.700 shall schedule a preapplication conference with the City prior to submittal of the land use application.

A preapplication conference was held prior on June 12, 2017, prior to the initial submittal of the land use application on October 10, 2017.

(2) MMC Subsection 19.703.2 Application Submittal

MMC 19.703.2 requires that all proposed development that is subject to MMC 19.700 and that requires a land use application shall submit a Transportation Facilities Review (TFR) application. For projects that do not require a Transportation Impact Study (TIS) as per MMC Section 19.704, a separate TFR application is not required and compliance with MMC 19.700 will be reviewed with the other concurrent land use application(s).

A TIS was not triggered as discussed in Finding 10-c, other land use applications are required and so compliance with MMC 19.700 will be reviewed as part of this land use application submittal.

(3) MMC Subsection 19.703.3 Approval Criteria

MMC 19.703.3 establishes approval criteria for development subject to MMC 19.700, including requirements for transportation facility improvements and mitigation at the time of development in rough proportion to the potential impacts of the development as per MMC Section 19.705.

As discussed elsewhere in Finding 10, the applicant will provide transportation improvements and mitigation in accordance with the standards in 19.700 and the Public

Works Standards. Required improvements and mitigation will be in rough proportion to the potential impacts of the development as per MMC 19.705.

(4) MMC Subsection 19.703.4 Determinations

MMC 19.703.4 establishes the 4 key determinations related to transportation facility improvements that occur during the processing of a land use application. These include impact evaluation, street design, proportional improvements, and fee in lieu of construction.

The Engineering Director has determined that the proposed development would result in impacts to the transportation system. The applicant has provided sufficient information for the Engineering Director to determine the Impacts to the transportation system.

The applicant's proposal for an 18-ft half street design does not fully comply with City standards. The additional proposal to allow on-street loading and unloading on Willard St through a combination of designated loading area and utilization of on-street parking can be accomplished through additional mitigation requirements.

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

c. MMC19.704 Transportation Impact Evaluation

MMC 19.704 establishes the process and requirements for evaluating development impacts on the surrounding transportation system, including determining when a formal TIS is necessary and what mitigation measures will be required.

The Engineering Director has determined that the applicant has provided enough information for the Engineering Director to properly evaluate the proposed development's impacts, and the Engineering Director has determined there is an impact to the transportation system by the proposed development.

Although the existing site use is a high school and will continue to remain a high school, there is an expected trip increase of 42 PM peak-hour trips from construction of the new main building, which includes an additional 43,376 sq ft beyond the floor area of the existing building. The Engineering Director has determined that there is enough data to determine the new impact to the surrounding transportation system, based on the preapplication information; therefore, a TIS was not required.

The Planning Commission finds that this standard is met.

d. MMC Section 19.705 Rough Proportionality

MMC 19.705 requires that transportation impacts of the proposed development be mitigated, as determined by the Engineering Director. Specifically, MMC Subsection 19.705.2 establishes the following guidelines for consideration when determining proportional improvements:

- (1) Condition and capacity of existing facilities within the impact area in relation to City standards. The impact area is generally defined as the area within a ½-mile radius of the proposed development. If a TIS is required pursuant to Section 19.704, the impact area is the TIS study area.
- (2) Existing vehicle, bicycle, pedestrian, and transit use within the impact area.
- (3) The effect of increased demand associated with the proposed development on transportation facilities and on other approved, but not yet constructed, development projects within the impact area.
- (4) The most recent use when a change in use is proposed that does not involve new construction.
- (5) Applicable Transportation System Plan (TSP) goals, policies, and plans.
- (6) Whether any route affected by increased transportation demand within the impact area is listed in any City program including, but not limited to, school trip safety, neighborhood traffic management, capital improvement, and system development improvement.
- (7) Accident history within the impact area.
- (8) Potential increased safety risks to transportation facility users, including pedestrians and cyclists.
- (9) Potential benefit the development property will receive as a result of the construction of any required transportation facility improvements.
- (10) Other considerations as may be identified in the review process.

The Engineering Director has determined that the proposed development triggers mitigation of impacts beyond the required frontage improvements. The proposed development has potential impacts to Washington St, 23rd Ave, Adams St, 21st Ave, 27th Ave, Willard St, 25th Ave, and Lake Rd. The impacts are significant; however, the surrounding transportation system is anticipated to continue to operate at the level of service prior to the proposed development.

The majority of the impacts are anticipated on Willard St, 25th Ave, Lake Rd, and 27th Ave, primarily due to the reconfiguration of available parking for the development. The existing pedestrian circulation system is incomplete and has barriers, non-compliant ramps and sidewalks, and gaps within the existing system. The bicycle system is incomplete or non-existent. All surrounding streets are identified on the City's adopted Bicycle and Pedestrian Program. Lake Rd is identified within the Bicycle Master Plan. The transportation system is based on residential, local traffic with the exception of Lake Rd, which is identified in the City's TSP and Metro's Regional Transportation Plan for capital improvements; and Washington St, which is designated a collector street. The addition of expanded bus loading and unloading utilizing the public right-of-way creates additional impacts to Willard St, and the construction of new parking facilities creates impacts to Willard St, 23rd Ave, and 25th

Ave. In addition, the intersections of 27th Ave and Willard St, Willard St and Lake Rd, and 27th Ave and Lake Rd will also be impacted.

The applicant is proposing a half-street improvement of 18-ft only along a portion of the development's frontage. The applicant has indicated that a 9-ft parking area is necessary for the proposed bus loading and unloading, which extends past the applicant's frontage on Willard St to 27th Ave.

Without mitigation, the proposed CSU is not consistent with the traffic impacts associated from the underlying residential use. The Engineering Director has determined that rough proportionality guidelines 1, 2, 3, 5, 6, 8, 9, and 10 apply. As discussed in Finding 9-f, conditions have been established to ensure that adequate mitigation is provided.

As conditioned, the Planning Commission finds that the proposed development meets the minimum requirements to provide for mitigation to be consistent with MMC 19.705.

e. MMC Section 19.707 Agency Notification and Coordinated Review

MMC 19.707 establishes provisions for coordinating land use application review with other agencies that may have some interest in a project that is in proximity to facilities they manage.

The application was referred to the Oregon Department of Transportation (ODOT), Clackamas County, Metro, and TriMet for comment. TriMet provided comments that have been incorporated into these findings and the associated conditions of approval. ODOT responded that it had no comments on the proposal.

f. 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 requires that all development comply with access management, clear vision, street design, connectivity, and intersection design and spacing standards.

(a) MMC Subsection 19.708.1.A Access Management

Access requirements shall comply with access management standards contained in MMC Chapter 12.16 Access Management.

(i) MMC Section 12.16.040 Access Requirements and Standards

MMC 12.16.040 establishes standards for accesses (driveways).

- MMC 12.16.040.A requires that all properties be provided street access with the use of an accessway.

The proposed development is consistent with MMC 12.16.040A.

- MMC 12.16.040.B establishes standards for access spacing onto arterial and collector streets.

The proposed development is not modifying its access onto Washington St. The proposed development is consistent with MMC 12.16.040.B.

- MMC 12.16.040.C establishes standards for accessway locations, including double frontage, distance from property line, and distance from intersection.

The site is maintaining its existing accessway on Washington St, which is a collector street. Other accessways are proposed on Willard St and 23rd Ave, which are local streets. The proposed development is consistent with MMC 12.16.040.C.1.

A condition has been established to ensure that proposed driveways will conform to MMC 12.16.040.C.3.

The proposed site plan includes accessways that are outside of the 45-ft spacing requirement from adjacent intersections. The proposed development is consistent with MMC 12.16.040.C.4.a.

The existing accessway on Washington St is currently not conforming to the accessway spacing requirement for a collector. However, the proposed development is not modifying this accessway; therefore, the proposed development is consistent with MMC 12.16.040.C.4.c.

- MMC 12.16.040.D establishes standards for the number of accessway locations.

The proposed accessway for the southwest parking lot will direct traffic towards Lake Rd and away from the other accessways serving the site. The new driveway to the southeast parking lot shall be located directly opposite the approved alignment of 25th Ave; a condition has been established to ensure that the proposed new driveway will conform with MMC 12.16.040.D.1.

MMC 12.16.040.D.2 and D-3 do not apply to this development, as no new accessways onto arterials or collectors are proposed.

- MMC 12.16.040.E and 12.16.040.F establish standards for accessway design and size, respectively.

Proposed driveways will conform to MMC 12.16.040.E and 12.16.040.F through compliance with the Public Works Standards.

As conditioned, the Planning Commission finds that the proposed development complies with the applicable criteria of MMC Chapter 12.16 and MMC 19.708.1.A.

(b) MMC Subsection 19.708.1.B Clear Vision

MMC 19.708.1.B establishes standards for maintaining clear vision as required in MMC Chapter 12.24 Clear Vision at Intersections.

(i) MMC Section 12.24.030 Requirements

Proposed driveways, accessways, and intersections will conform to MMC 12.24.030 through compliance with the Public Works Standards.

The Planning Commission finds that the proposed development complies with the applicable criteria of MMC Chapter 12.24 and MMC 19.708.1.B.

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

MMC 19.708.1.D establishes standards for frontages in non-downtown zones that are not on street sections shown in the Public Area Requirements.

Dedication requirements are addressed in this section. All required improvements are addressed under the findings for MMC Subsection 19.708.2 (see Finding 9-f(2)).

The majority of the transportation system consists of local network. The proposed CSU is not consistent with local street standards without additional mitigation of impacts.

The existing right-of-way width of Willard St fronting the majority of the proposed development is 50 ft. The Milwaukie TSP and Transportation Design Manual classify the fronting portions of Willard St as a local street. According to MMC 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 improvements for Willard St (as determined by the Engineering Director) will fit in a 50-ft right-of-way. The applicant is not responsible for any right-of-way dedication along the north side of Willard St fronting the development property. The applicant is electing to dedicate 13 ft for a portion of the north side of the right-of-way to accommodate a bus loading lane and still maintain curb-tight sidewalk. The applicant is also proposing to dedicate 2.5 ft of right-of-way to accommodate bus parking along the remainder of Willard St. This design will comply with City standards. The applicant is responsible for a dedication of right-of-way along that portion of the property that is on the south side of Willard St that currently has tennis courts on it. The right-of-way along this portion is undetermined. The applicant will need to dedicate right-of-way to provide for a 25-ft half right-of-way.

The existing right-of-way width of 25th Ave fronting the proposed development is 50 ft. The Milwaukie TSP and Transportation Design Manual classify the fronting portions of 25th Ave as a local street. According to MMC Table 19.708.2,

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 improvements for 25th Ave (as determined by the Engineering Director) will fit in a 50-ft right-of-way. However, since 25th Ave is a permanent dead-end street without an approved turnaround, additional right-of-way for construction of a turnaround will be required at the south end of 25th Ave. The applicant will be responsible for dedication to accommodate a turnaround that will fit in a 60-ft right-of-way width.

The existing right-of-way width of Lake Rd fronting the proposed development is undetermined, as there are discrepancies between the tax map, site plan, and surveys. The Milwaukie TSP and Transportation Design Manual classify the fronting portions of Lake Rd as an arterial street. According to MMC Table 19.708.2, the required right-of-way width for an arterial street is between 54 ft and 89 ft depending on the required street improvements. The required improvements for Lake Rd (as determined by the Engineering Director) will fit in a 73-ft right-of-way. The applicant is responsible for a dedication to provide for a 36.5-ft half right-of-way on the Lake Rd frontage.

The applicant is also proposing the dedication of a half right-of-way, 25 ft, for Adams St on the west side of the property in accordance with the requirements of MMC 19.708. This is to connect the end of 23rd Ave with Adams St for pedestrian access. A condition has been established to ensure that the proposed development conforms to the dedication requirements established in MMC Subsection 19.708.1.D.3.

The applicant has proposed a right-of-way vacation along the intersection of 23rd Ave and Willard St. This can comply with the minimum requirements, provided that a 50-ft right-of-way width is maintained on 23rd Ave and Willard St. The City also has identified the possible vacation of right-of-way south of Adams St, approximately 154 ft of 23rd Ave's right-of-way.

As conditioned, the Planning Commission finds that the proposed development is consistent with the applicable standards of MMC 19.708.1.D.

(d) MMC Subsection 19.708.1.E Street Layout & Connectivity

MMC 19.708.1.E establishes standards for street layout and connectivity, including required turnarounds.

The existing 25th Ave is a permanent dead end, and an extension of this street through to Lake Rd would violate minimum intersection spacing on arterial streets. The applicant will be required to construct a turnaround at the south end of 25th Ave as per MMC Subsection 19.708.1.E.4, and conditions have been established to ensure that this standard is met.

Adams St and 23rd Ave dead end to the site. The applicant has proposed a dedication to connect these two street with pedestrian access.

As conditioned, the Planning Commission finds that the proposed development conforms to the applicable standards of MMC 19.708.1.E.

(e) MMC Subsection 19.708.1.F Intersection Design and Spacing

MMC 19.708.1.F establishes design and spacing standards to ensure that intersections are connected to provide for adequate traffic flow, safety, and turning movements.

Currently, the site does not provide the required connection between 23rd Ave and Adams St. The proposed development does not resolve the current nonconformity, but the proposed Adams St dedication does bring the site closer to compliance.

The Planning Commission finds that the proposed development conforms to the applicable standards of MMC 19.708.1.F.

As conditioned, the Planning Commission finds that the proposed development will meet the applicable standards of MMC 19.708.1.

(2) MMC Subsection 19.708.2 Street Design Standards

MMC 19.708.2 establishes standards for street design and improvement.

The proposal includes several nonconforming elements that require additional mitigation.

The applicant is proposing to construct frontage improvements on the north side of Willard St along the site's frontage, in accordance with MMC 19.708 and consisting of a 10.5-ft curb-tight sidewalk, curb and gutter, and 9-ft widening of the roadway to accommodate a bus loading zone. This design exceeds local minimum street standards. The remaining Willard St frontage with on-street bus parking is proposed with 5-ft sidewalk, curb and gutter, and 4-ft landscape strip. This satisfies minimum street standards.

However, the proposed frontage improvements do not provide for any connectivity to the existing pedestrian system on 27th Ave, as City-standard improvements are not present east of the development. The applicant is also proposing to include bus parking east of the development without City-standard improvements. The applicant shall provide a 6-ft curb-tight sidewalk with curb and gutter to establish an 18-ft half street along the remaining north side of Willard St to 27th Ave to mitigate for these impacts.

The applicant is proposing to construct frontage improvements on the west side of 23rd Ave between Willard St and Lake Rd along the site's frontage, in accordance with MMC 19.708. The applicant is proposing to construct a 5-ft sidewalk, curb and gutter, and 4-ft landscape strip. This satisfies minimum street standards.

The applicant is proposing to construct frontage improvements on the north side of Lake Rd along the site's frontage, consisting of an 8-ft curb-tight sidewalk with an 18-ft half street. This does not satisfy the minimum street standards for Lake Rd. The required

improvements are as follows: 6-ft setback sidewalk and 5-ft landscape strip (or 8-ft curb-tight sidewalk), curb and gutter, with a curb location that will vary to accommodate the taper for a left turn lane at 23rd Ave (24.5-ft half street width).

The applicant is not proposing to construct frontage improvements in front of the southeast portion of the parcel that currently has tennis courts on it. The required improvements for the Willard St and 25th Ave frontages are as follows: 5-ft setback sidewalk and 5-ft landscape strip (or 6-ft curb-tight sidewalk), curb and gutter. This will also include ADA ramps at the intersection of 25th Ave and Willard St. On-street parking can be waived on the east side of 25th Ave to align the travel lanes with the driveway at south end of 25th Ave. The improvements at the south end of 25th Ave will include a turn-around that will fit in a 60-ft right-of-way.

A condition has been established to ensure that the necessary right-of-way improvements are provided.

As conditioned, the Planning Commission finds that the proposed development will meet the applicable standards of MMC 19.708.2.

(3) MMC Subsection 19.708.3 Sidewalk Requirements and Standards

MMC 19.708.3 requires sidewalks to be provided on the public street frontage of all development.

The proposed construction of sidewalks along the subject property abutting all public rights-of-way is included in the street frontage requirements, except as follows:

- The applicant is proposing to provide for a pedestrian connection from 23rd Ave to Adams St.*
- The applicant is not proposing any sidewalk work along 23rd Ave (north of Adams St) or along the Washington St frontage.*

A condition has been established to ensure that the proposed pedestrian connection from 23rd Ave to Adams St is constructed.

As conditioned, the Planning Commission finds that the proposed development will meet the applicable standards of MMC 19.708.3.

(4) MMC Subsection 19.708.4 Bicycle Facility Requirements and Standards

MMC 19.708.4 establishes standards for bicycle facilities.

The portion of Lake Rd fronting the proposed development is classified as a bike route in the Milwaukie TSP. As a result, bicycle facility improvements on the Lake Rd frontage are required for the proposed development.

23rd Ave and Willard St are designated within the City's Bicycle and Pedestrian Accessibility program and Safe Routes to Schools. The applicant shall provide accommodation for bicycle facility improvements within this portion of 23rd Ave and Willard St and indicate the circulation route to the bicycle parking provided on-site.

This will require the elimination of parking along the north side of Willard St and 23rd Ave west of 25th Ave and along the south side of Willard St east of 25th Ave. A condition has been established to ensure that these standards are met.

As conditioned, the Planning Commission finds that the proposed development will meet the applicable standards of MMC 19.708.4.

- (5) MMC Subsection 19.708.5 Pedestrian/Bicycle Path Requirements and Standards
MMC 19.708.5 establishes standards for pedestrian and bicycle paths.

The applicant has not proposed any public pedestrian and bicycle path through the site.

MMC 19.708.5 states that a pedestrian/bicycle path shall be required at least every 300 ft when a street connection is not available. The applicant has provided site improvements that meet the minimum requirements to comply with this standard.

The Planning Commission finds that this standard is met.

- (6) MMC Subsection 19.708.6 Transit Requirements and Standards

MMC 19.708.6 establishes standards for transit facilities, including a reference to current TriMet standards.

TriMet has requested that the applicant provide front and back door landing pads for the existing bus stop on Washington St to allow for an ADA-compliant boarding area. A condition has been established to ensure that the required facilities are provided.

As conditioned, the Planning Commission finds that the proposed development will meet the applicable standards of MMC 19.708.6.

As conditioned, the Planning Commission finds that the proposed development will provide adequate transportation facilities in accordance with the standards of MMC 19.708.

As conditioned, the Planning Commission finds that the proposed development

10. MMC Chapter 19.911 Variances

MMC Section 19.911 establishes the variance process for seeking relief from specific code sections that have the unintended effect of preventing reasonable development or imposing undue hardship.

a. MMC Subsection 19.911.2 Applicability

MMC 19.911.2 establishes applicability standards for variance requests.

Variances may be requested to any standard of MMC Title 19, provided the request is not specifically listed as ineligible in MMC Subsection 19.911.2.B. Ineligible variances include requests that result in any of the following: change of a review type, change or omission of a procedural step, change to a definition, increase in density, allowance of a building code violation, allowance of a use that is not allowed in the

base zone, or the elimination of restrictions on uses or development that contain the word “prohibited.”

The applicant has requested a variance from the requirement to provide carpool/vanpool parking (10% of the minimum required vehicle parking). The requested variance meets the eligibility requirements.

The Planning Commission finds that request is eligible for a variance as per MMC 19.911.2.

b. MMC Subsection 19.911.3 Review Process

MMC 19.911.3 establishes review processes for different types of variances. MMC Subsection 19.911.3.B establishes the Type II review process for limited variations to certain numerical standards. MMC Subsection 19.911.3.C establishes the Type III review process for larger or more complex variations to standards than those allowed through the Type II review process as per MMC Subsection 19.911.3.B, variations that require additional discretion and warrant a public hearing.

The variance request for carpool/vanpool parking is not eligible for a Type II variance, as MMC Subsection 19.911.3.B does not address parking standards. Therefore, the carpool/vanpool variance is subject to the Type III approval criteria established in MMC Subsection 19.911.4.B.

c. MMC Subsection 19.911.4 Approval Criteria

MMC 19.911.4 establishes approval criteria for variance requests. Specifically, MMC Subsection 19.911.4.B.1 provides the following approval criteria for Type III variances where the applicant elects to utilize the Discretionary Relief Criteria:

- (1) The applicant’s alternatives analysis provides, at a minimum, an analysis of the impacts and benefits of the variance proposal as compared to the baseline code requirements.

As required by MMC Subsection 19.610.2, the school is required to provide a minimum of 38 carpool/vanpool parking spaces, representing at least 10% of the total minimum number of required vehicle spaces (386). The school currently provides no designated carpool/vanpool spaces, and none are included as part of the proposed development.

The applicant asserts that a significant number of students already use informal carpool methods to get to and from school, so carpools are already happening without the need for formal designation. The alternative of designating certain parking stalls as carpool/vanpool spaces would require monitoring, enforcement, and maintenance, at some expense to the District and without the expectation of much change in carpool activity.

The proposed development includes the net addition of 74 on-site parking spaces, which will greatly improve the nonconforming parking situation that exists for the school today. The site has proximity to bus and light rail transit, the District provides busing to and from the site, and there is ample bike parking on campus.

The Planning Commission finds that the applicant's submittal provides an adequate analysis of the impacts and benefits of the requested carpool/vanpool parking variance as compared to the baseline requirement. This criterion is met.

- (2) The proposed variance is determined to be both reasonable and appropriate, and it meets one or more of the following criteria:
 - (a) The proposed variance avoids or minimizes impacts to surrounding properties.
 - (b) The proposed variance has desirable public benefits.
 - (c) The proposed variance responds to the existing built or natural environment in a creative and sensitive manner.

As the school does not currently provide any designates carpool/vanpool parking spaces on the site, the request to continue not to provide any designated spaces does not itself result in any new impacts to surrounding properties. However, together with the construction of a new parking lot in the southeastern corner of the property and the proposed net increase of 74 off-street parking spaces, the continuation of the practice of not designating spaces for carpool/vanpool use may result in some impacts.

It is possible that students or staff that had previously been carpooling, parking on-street in the neighborhood, or using an alternative mode of transportation may decide to drive alone since there will be more parking available on the school site. An increase in the number of single-occupancy vehicle trips to and from the site would have a negative impact on the surrounding neighborhood.

The 2007 approval of the last significant campus renovation (master file #CSU-07-05) included a condition of approval requiring the school to develop a Transportation Demand Management (TDM) program to improve the function of the existing parking situation and reduce demand for limited off-street parking. At a minimum, the TDM program was to include a plan for establishing a Transportation Committee composed of students, faculty, and staff; and was to be responsible for studying parking demand, developing and promoting alternative transportation options (including carpooling), and establishing a Transportation Resource Center on the campus. The TDM condition was upheld in the 2009 approval of a variance granted to allow the school to count the parking spaces at the Lake Rd sports complex toward the minimum quantity required, despite being more than 1,000 ft from the school campus (file #VR-09-01). The school did develop a TDM plan that was reviewed and approved by the Planning Director, though annual reporting on the program has not been consistent over time.

The continuation of the school's TDM program would help avoid or minimize the potential impacts of the requested variance to not designate carpool/vanpool spaces. A condition has been established to require that an updated TDM plan be developed and provided to the Planning Commission for review and approval.

As conditioned, the Planning Commission finds that the requested carpool/vanpool parking variance is reasonable and appropriate and meets one or more of the criteria provided in MMC Subsection 19.911.B.1.b.

- (3) Impacts from the proposed variance will be mitigated to the extent practicable.

As discussed above, a condition has been established to require that an updated TDM plan be developed, which will mitigate any negative impacts from the requested variance.

As conditioned, the Planning Commission finds that the requested carpool/vanpool parking variance will not result in any impacts that require further mitigation.

As conditioned, the Planning Commission finds that the requested carpool/vanpool parking variance meets the approval criteria for Discretionary Relief for a Type III variance request, as provided in MMC 19.911.4.B.1.

The Planning Commission finds that, as proposed and conditioned, the requested variance is allowable as per the applicable standards of MMC 19.911.

11. The application was referred to the following departments and agencies on January 26, 2018:

- Milwaukie Building Department
- Milwaukie Engineering Department
- Historic Milwaukie Neighborhood District Association (NDA), Chairperson and Land Use Committee (LUC)
- Lake Road NDA, Chairperson and LUC
- Clackamas Fire District #1 (CFD#1)
- Clackamas County Department of Transportation and Development (DTD)
- Metro
- TriMet
- Oregon Department of Transportation (ODOT)

The comments received are summarized as follows:

- **Michelle Wyffels, Planner II, TriMet:** TriMet operates an eastbound bus stop on Washington St approximately 390 ft west of 27th Ave, along the frontage of the subject property. To accommodate the average daily ridership at this stop, the proposed development should provide front and back door landing pads to allow for an ADA-compliant boarding area that meets TriMet’s design standards.
- **Matt Amos, Fire Inspector, CFD#1:** No comments.
- **Ray Bryan, Chair, Historic Milwaukie NDA:** The NDA raised a host of questions regarding several elements of the project:
 - Details of nature and operation of proposed readerboard sign on Willard St

- Impacts related to new parking lot proposed in southeast corner of site (screening of headlights, garbage/recycling area, invasive species on eastern hillside)
- Questions about nature and function of proposed loading area on Willard St (stormwater management, landscaping, pedestrian crossings) and transition of new street improvements to existing conditions beyond school frontage on Willard St
- Nature of improvements on Lake Rd (bike lanes, landscape strip, tree preservation)
- Traffic impacts and opportunities to improve pedestrian and bicycle safety
- Concern about accuracy of assumptions in transportation memo
- Recommendations for good-neighbor agreement during construction period and storage of emergency-response equipment and supplies
- **Thomas Bachhuber, Jr., DMD, business/property owner at 2236 SE Washington St:** Concerns related to potential impacts to nearby medical and dental offices on 23rd Ave and Washington St during construction, primarily the need to maintain safe, ADA-compliant access to those sites 24 hours a day, 7 days a week.
- **Alex Roller, Engineering Tech II, Milwaukie Engineering Department:** Findings related to the proposal's compliance with MMC Chapter 19.700 Public Facility Improvements and Title 12 Streets, Sidewalks, and Public Places, with relevant recommended conditions of approval and additional requirements.
- **Joshua Brooking, Planner, ODOT Region 1:** No comments on the proposal.

Conditions of Approval

2. At the time of submittal of the associated development permit application(s), the following shall be resolved:
 - a. Final plans submitted for development permit review shall be in substantial conformance with plans approved by this action, which are the plans stamped received by the City on January 25, 2018; and modified by the stormwater management plan received on February 13, 2018; except as otherwise modified by these conditions of approval.
 - b. Provide a narrative describing all actions taken to comply with these conditions of approval. In addition, describe any changes made after the issuance of this land use decision that are not related to these conditions of approval.
 - c. The modifications required by these conditions of approval include the following revisions to all relevant plan sheets:

- (1) As per Finding 8-e(2), provide a detailed final landscaping plan that provides more information regarding plant materials, particularly for landscaping areas related to new and modified parking areas.
 - (2) As per Finding 8-e(3)(d), revise the plans for the southeastern parking lot to provide walkways that meet the standards of MMC Subsection 19.606.3.D.
3. As per Finding 10-c(2), update the school's Transportation Demand Management (TDM) plan, with review and approval by the Planning Commission within the first month of the new school year after construction begins. One criterion for approval will be evidence of carpooling activity.
4. Prior to issuance of a certificate of occupancy the following shall be resolved:
 - a. As per Finding 5-c(4), remove all invasive species vegetation from the landscaping areas along the eastern boundary of the subject property.
5. Right-of-way Requirements
 - a. Dedicate right-of-way on the south frontage of Willard St fronting the subject property to align with existing right-of-way or to provide for 50 ft of right-of-way, whichever is greater, with appropriate offset radius and sufficient radius on the intersection of Willard St and 25th Ave to accommodate an ADA ramp(s).
 - b. Dedicate sufficient right-of-way on the south end of 25th Ave to accommodate a turnaround meeting the Public Works Standards (60-ft right-of-way).
 - c. Dedicate right-of-way to achieve a 36.5-ft half right-of-way on the Lake Rd frontage, and sufficient radius at the intersection of Lake Rd and 23rd Ave to accommodate school buses and an ADA ramp(s).
 - d. Dedicate right-of-way to achieve a 25-ft half right-of-way at the east end of Adams St to connect 23rd Ave to Adams St.
 - e. Provide for right-of-way vacation of that portion of 23rd Ave/Willard St to provide for a 50-ft right-of-way.
 - f. Provide for right-of-way vacation of that portion or 23rd Ave, south of Adams St. Easements will be maintained for utilities and vehicular turnaround.
6. Frontage Improvements
 - a. Construct the frontage improvement proposed along Willard St/23rd Ave.
 - b. Construct a 6-ft curb-tight sidewalk, curb and gutter, and 18-ft half-street travel way for the remaining portion of Willard St along the north side to 27th Ave.
 - c. Construct a 5-ft set-back sidewalk, minimum 3-ft planter strip, curb and gutter, and 32-ft full street for the 23rd Ave frontage between Lake Rd and Willard St.

- d. Construct an 8-ft curb-tight sidewalk, curb and gutter, and varying width roadway that will accommodate a left turn lane for the intersection of 23rd Ave and Lake Rd along the Lake Rd frontage.
 - e. Construct 5-ft set-back sidewalks, 4-ft planter strips, curb and gutter, and 28-ft full street for the 25th Ave frontage.
 - f. Construct a turnaround meeting the Public Works Standards (60-ft right-of-way) at the south end of 25th Ave.
 - g. Construct stairs and a pedestrian connection from the end of 23rd Ave (the northern frontage of 23rd Ave on the subject property) to the east end of Adams St.
7. Construct landing pads in accordance with TriMet standards at the existing TriMet bus stop on Washington St.
 8. Remove ADA barriers and reconstruct noncompliant sidewalk access ramps along the applicant's frontage on Washington St and 23rd Ave.
 9. Align the new driveway serving the new southeastern parking lot with the approved alignment of 25th Ave.

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.

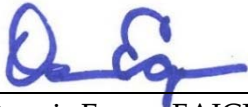
1. Prior to issuance of building permits, the following shall be resolved:
 - a. Provide an erosion control plan and obtain an erosion control permit. One permit will cover on-site as well as right-of-way work. If the total disturbed area is over 5 acres, that applicant must obtain a 1200C from the Oregon Department of Environmental Quality (DEQ).
 - b. 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 DEQ.
 - c. Submit full-engineered plans for construction of all required public improvements, reviewed and approved by the Engineering Department; or provide a performance guarantee for all required public improvements, reviewed and approved by the Engineering Department.

- d. Installation of all underground utilities, including stubs for utility service, must be done prior to surfacing any streets.
 - e. Obtain a right-of-way permit for construction of all required public improvements listed in these recommended conditions of approval; or provide a performance guarantee for all required public improvements, reviewed and approved by the Engineering Department.
 - f. Pay an inspection fee equal to 5.5% of the cost of the public improvements.
 - g. Provide a payment and performance bond for 100% of the cost of the required public improvements.
2. Prior to issuance of a certificate of occupancy the following shall be resolved:
- a. Construct all crosswalks, sidewalks and driveway approaches to meet all guidelines of the Americans with Disabilities Act (ADA). The driveway approach aprons shall be between 12 ft and 36 ft in width and least 7.5 ft from the side property line, in accordance with the Public Works Standards.
 - b. Provide a final approved set of Mylar and electronic PDF “As Constructed” drawings to the City of Milwaukie prior to final inspection.
 - c. Provide a report confirming that all landscaping has been installed as per the approved plans.
3. Clear Vision
- a. Clear vision areas shall be constructed and maintained at all driveways and accessways and on the corners of all property adjacent to an intersection in accordance with the Public Works Standards. 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.
4. Development Review
- An application for Type I development review is required in conjunction with the submittal of the associated development permit application(s).
5. 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).
6. Expiration of Approval
- a. As per MMC Subsection 19.1001.7.E.1.a, proposals requiring any kind of development permit must complete both of the following steps:

- (1) Obtain and pay for all necessary development permits and start construction within two (2) years of land use approval.
 - (2) Pass final inspection and/or obtain a certificate of occupancy within four (4) years of land use approval.
- b. 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): Historic Milwaukie, Lake Road (via email)
Interested Persons (via email)
Land Use File(s): CSU-2017-007, VR-2017-012