



# CITY OF MILWAUKIE

April 13, 2018

Land Use File(s): CSU-2018-002; DR-2018-001;  
NR-2018-001; P-2018-002

## NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Commission on April 10, 2018.

<b>Applicant(s):</b>	<b>Tyler Nishitani, Hacker Architects and the City of Milwaukie</b>
<b>Location(s):</b>	<b>10660 SE 21<sup>st</sup> Ave</b>
<b>Tax Lot(s):</b>	<b>11E36BB01800</b>
<b>Application Type(s):</b>	<b>Major Modification to a Community Service Use; Downtown Design Review; Natural Resources Review; Parking Modification</b>
<b>Decision:</b>	<b>Approved with Conditions</b>
<b>Review Criteria:</b>	<b><u>Milwaukie Zoning Ordinance:</u></b> <ul style="list-style-type: none"><li>• MMC 19.304 Downtown Zones</li><li>• MMC 19.402 Natural Resources</li><li>• MMC 19.508 Downtown Site and Building Design Standards</li><li>• MMC 19.605 Vehicle Parking Quantity Requirements</li><li>• MMC 19.700 Public Facility Improvements</li><li>• MMC 19.904 Community Service Uses</li><li>• MMC 19.907 Downtown Design Review</li><li>• MMC 19.1006 Type III Review</li></ul>
<b>Neighborhood(s):</b>	<b>Historic Milwaukie</b>

**Appeal period closes: 5:00 p.m., April 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 Vera Kolias, Associate Planner, at 503-786-7653 or [koliasv@milwaukieoregon.gov](mailto:koliasv@milwaukieoregon.gov), if you wish to view this case file.

**This decision may be appealed by 5:00 p.m. on April 30, 2018, which is 15 days from the date of this decision.** 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](mailto: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, Tyler Nishitani, Hacker Architects, on behalf of the City of Milwaukie, has applied for approval to construct a new 20,000-sq ft Ledding Library at 10660 SE 21<sup>st</sup> Ave. This site is in the Downtown Mixed Use Zone and the proposal requires the following reviews: Community Service Use review, Natural Resources review, Downtown Design Review, and a Parking Modification. The master land use application file number is CSU-2018-002, with associated land use files DR-2018-001, NR-2018-001, and P-2018-002.
2. The project involves the complete structural replacement of the Ledding Library resulting in a new 20,000-sq ft one-story library on the existing library site. Site improvements include a reconfigured parking lot, stormwater planters, and other landscape elements. The applicant is seeking a parking modification to allow 28 parking spaces rather than the maximum 24 parking spaces on the site.

The property includes areas designated as Water Quality Resource (WQR) and Habitat Conservation Area (HCA), including delineated wetlands. The proposed development would result in some WQR and HCA disturbance, triggering a need for Natural Resource Review.

3. The proposal is subject to the Milwaukie Downtown Design Guidelines and following provisions of the Milwaukie Municipal Code (MMC):
  - MMC 19.304 Downtown Zones
  - MMC 19.402 Natural Resources
  - MMC 19.508 Downtown Site and Building Design Standards
  - MMC 19.605 Vehicle Parking Quantity Requirements

- MMC 19.700 Public Facility Improvements
  - MMC 19.904 Community Service Uses
  - MMC 19.907 Downtown Design Review
  - MMC 19.1006 Type III Review
4. The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review and MMC Section 19.1011 Design Review Meetings. A public design review meeting was held on March 5, 2018, and a public hearing was held on April 10, 2018, as required by law.
5. MMC 19.304 Downtown Zones

MMC 304.2 identifies allowed uses in the Downtown Mixed Use Zone DMU.

*Community Service Uses (CSU) are permitted in the DMU subject to Community Service Use Review per MMC 19.904. The proposed development is a major modification of an existing CSU and an application for this review has been submitted.*

*The proposed development is consistent with MMC 19.304.2.*

MMC 19.304.4 and 19.304.5 establish the development standards that are applicable to this site.

**Table 1. Compliance with relevant DMU standards**

DMU	Standards	Proposed
<b>FAR</b>	1:1 min/4.5:1 max with bonus for structured parking	1:1 (when excluding park land) <sup>1</sup>
<b>Min. Building height</b>	25 ft	27 ft-9 in (measured from sidewalk)
<b>Max Street setback/build to lines</b>	10 ft	0 ft
<b>Frontage Occupancy</b>	50% (Harrison St)	Same as existing – 50% when excluding natural resources/park land area <sup>2</sup> along Harrison St
<b>Primary entrances</b>	At least 1 primary entrance facing an	Main entry faces 21 <sup>st</sup> Ave

<sup>1</sup> The site includes both the library, Scott Park, and Spring Creek and Pond. The FAR has been calculated based on the net site area which does not include the Park or creek and pond areas.

<sup>2</sup> The Harrison St frontage includes natural resources, which have been removed for the purpose of this calculation, leaving only the net developable frontage.

DMU	Standards	Proposed
	abutting street	
<b>Off-street parking</b>	Min. 1 space/1,000 sq ft; Max. 1.2 spaces/1,000 sq ft	<i>Maximum allowed = 24 spaces; 28 spaces proposed</i> <b>Parking modification required</b>

*Subject to the approval of the parking modification, this criterion is met.*

6. MMC 19.402 Natural Resources Review

MMC 19.402 establishes regulations for designated natural resource areas. The standards and requirements of MMC 19.402 are an acknowledgment that many of the riparian, wildlife, and wetland resources in the community have been adversely impacted by development over time. The regulations are intended to minimize additional negative impacts and to restore and improve natural resources where possible.

a. MMC Subsection 19.402.3 Applicability

MMC 19.402.3 establishes applicability of the Natural Resource (NR) regulations, including all properties containing Water Quality Resources (WQRs) and Habitat Conservation Areas (HCAs) as shown on the City’s Natural Resource (NR) Administrative Map.

*The site is adjacent to Spring Creek which is a protected water feature. As per MMC Table 19.402.15, primary protected water features, along with their associated vegetated corridors, constitute a WQR on the site. The City’s NR Administrative Map also shows the HCA designation over a large portion of the site between the existing library and the creek below.*

*As presented in the applicant’s submittal materials, the existing library encroaches on 5,260 sq ft of WQR and 3,104 sq ft of HCA. Construction of the new library building, path, and stormwater planter will result in a permanent disturbance of an additional 1,705 sq ft of WQR and 1,926 sq ft of HCA.*

	WQR	HCA
<b>Total Existing Area</b>	21,389 sq ft	34,026 sq ft

	WQR	HCA
<b>Current library encroachment</b>	5,260 sq ft	3,104 sq ft
<b>Proposed additional encroachment</b>	1,705 sq ft	1,926 sq ft

*The Planning Commission finds that the requirements of MMC 19.402 are applicable to the proposed activity.*

b. MMC Subsection 19.402.8 Activities Requiring Type III Review

MMC 19.402.8 establishes that certain activities within a designated WQR and/or HCA are subject to Type III review in accordance with MMC 19.1006. As per MMC 19.402.8.A.1, this includes activities allowed in the base zone that are not otherwise exempt or permitted as a Type I or II activity.

*The proposed activity is a major modification to a Community Service Use, which is an allowed use in the DMU. The level of disturbance proposed within the WQR and HCA areas on the subject property exceeds the levels allowed by Type I and II review, as provided in MMC 19.402.6 and 402.7, respectively. As such, the activity must be reviewed using Type III review and the discretionary process established in MMC 19.402.12.*

*The Planning Commission finds that the proposed activity shall be processed with Type III review.*

c. MMC Subsection 19.402.9 Construction Management Plans

MMC 19.402.9 establishes standards for construction management plans, which are required for projects that disturb more than 150 sq ft of designated natural resource area. Construction management plans must provide information related to site access, staging of materials and equipment, and measures for tree protection and erosion control.

*The applicant's submittal materials do not include a construction management plan that would show the locations of proposed erosion control measures, access to the work area for machinery and people, and a staging area for equipment and materials.*

*As conditioned, requiring a construction management plan that is sufficient to satisfy the requirements of MMC 19.402.9, this standard is met.*

d. MMC Subsection 19.402.12 General Discretionary Review

MMC 19.402.12 establishes the discretionary review process for activities that substantially disturb designated natural resource areas.

(1) Impact Evaluation and Analysis

MMC 19.402.12.A requires an impact evaluation and alternatives analysis in order to determine compliance with the approval criteria for discretionary review and to evaluate alternatives to the proposed development. A technical report prepared by a qualified natural resource professional is required and should include the following components:

- Identification of ecological functions
- Inventory of vegetation
- Assessment of water quality impacts
- Alternatives analysis
- Demonstration that no practicable alternative method or design exists that would have a lesser impact on the resource and that impacts are mitigated to the extent practicable
- Mitigation plan

*The applicant's submittal materials include a technical report prepared by Pacific Habitat Services, Inc., a consulting firm with staff experience and expertise in environmental studies, natural system design, regulatory permitting, wetland delineation, and natural resource assessments. The technical report includes an impact evaluation and alternatives analysis consistent with the required components listed above.*

*In summary, the technical report notes that construction of the proposed library and associated infrastructure will result in impacts to WQR and HCA; however, much of the proposed construction within mapped WQR and HCA will occur within the footprint of the existing building and parking lot. Construction of the new building and stormwater planter will result in permanent disturbance to approximately 1,705 sq ft of WQR and 1,926 sq ft of HCA outside the footprint of the existing building and parking lot. Temporary disturbance to approximately 3,494 sq ft of WQR and approximately 3,185 sq.ft. (0.03 ac.) of HCA will result from the construction of the proposed library building, stormwater planter, and stormwater outfall and the removal of portions of the existing building and walkways that are outside the footprint of the proposed structure. Measures will be taken to limit temporary disturbance to the minimum area necessary for the construction of the new facilities and the removal of existing structures. The proposed library building was sited specifically to overlap the footprint of the existing building and parking lot to the extent practicable to minimize disturbance to the WQR and mapped HCA.*

*The report presents an analysis of alternatives to the proposed activity. In 2016, the City of Milwaukie passed a bond measure to fund improvements and expand the Ledding Library. The City proposes to replace the existing library with a new, larger library building to meet community needs with a children's library, an adult's library, and a space for community events. Both the existing and proposed buildings are*

*partially located within WQR and mapped HCA. As part of the design process, a two-level design alternative was considered to reduce the overall footprint of the new building and minimize disturbance to the WQR and HCA. However, a two-story building was determined to be not practicable for the following reasons:*

- The addition of a second floor to a library building would increase the distance that materials must be moved through the building to provide the expected service, and would result in a loss of efficiency.*
- The addition of a second floor to the library would require increased staff to provide direct supervision in all public areas. This additional staffing would result in increased costs to operate the library.*
- The addition of a second floor would result in an increase in ongoing expenses associated with maintenance of an elevator.*
- The addition of a second floor would result in an increase in ongoing expenses associated with maintenance of additional restrooms and work spaces.*

*A one-story building was selected as the preferred alternative for the project. The WQR and mapped HCA occupy almost all of the eastern half of the project site. Because of the location and extent of the resources on the site, it is not possible to construct a library building large enough to meet the community's needs and to provide the required parking, walkways, and other required infrastructure and totally avoid impacts to the WQR and HCA.*

*Development within the WQR and HCA has been limited to the area necessary to allow for the proposed use. The proposed building has been sited as far west on the site as possible to allow for the required parking spaces, provide the minimum amount of space necessary for the construction of a library building of a size that meets community needs, and minimize disturbance to the WQR and mapped HCA. Much of the proposed library building will be constructed within the existing footprint of the existing building and parking lot, to minimize impacts to the vegetated portion of the WQR. The eastern side of the building foundation will be constructed in a manner that minimizes the extent of temporary encroachment into the WQR. Measures are proposed to minimize the proposed stormwater planter east of the building; it is the minimum size necessary to provide the required treatment of the rooftop runoff in order to minimize permanent disturbance in the WQR. Proposed parking areas will be located entirely outside the WQR and HCA.*

*Per the WQR and HCA Mitigation Plan, all temporary or permanent disturbances will be either restored or mitigated. Mitigation for the unavoidable impacts will be provided through the following measures:*

- Inventory of man-made debris and noxious materials throughout the vegetated corridor that might be present within the WQR and the removal of any such material present;*

- *Implementation of a stormwater plan that meets City requirements for runoff rates and water quality;*
- *Tree protection measures to prevent impacts to existing trees to remain within the vegetated corridor. Protective measures will include a 6-foot-high fence installed at a distance of one foot per one inch of trunk diameter at breast height (dbh) to protect the tree's root zone. Pedestrian and vehicular access will also be limited within the tree protection zones to protect the roots of the trees;*
- *Removal of non-native, invasive plants from the vegetated corridor in the entire area; and*
- *Installation of 19 trees and 96 shrub plantings within the vegetated corridor to enhance and restore a diverse, native plant community. The total planting area proposed is 11,367 sq ft which is 3 times the area of permanent disturbance. Comprehensive planting lists are included to identify tree and plant species, size, and quantity in the ratios listed in MMC Subsection 19.402.11.D.2.b. All species proposed are native species and are identified on the Milwaukie Native Plant List. The native species of trees, shrubs, and groundcover planted will improve the quality of vegetated cover within the WQR and HCA. A final planting and restoration plan is required prior to any construction activities, and shall include the marginal Class B WQR area at the southern end of the pond. A condition of approval has been included to address this.*

*The technical report demonstrates that the proposed activity is the least impactful option that also restores and improves the streambank area and reduces the likelihood of further slope erosion.*

*As conditioned, the Planning Commission finds that the applicant's impact evaluation and alternatives analysis is sufficient for purposes of reviewing the proposed activity against the approval criteria provided in MMC 19.402.12. This standard is met.*

(2) Approval Criteria

MMC 19.402.12.B provides the approval criteria for discretionary review as follows:

- a) Avoid – The proposed activity avoids the intrusion of development into the WQR and/or HCA to the extent practicable, and has less detrimental impact to the natural resource areas than other practicable alternatives.
- b) Minimize – If the applicant demonstrates that there is no practicable alternative to avoid disturbance of the natural resource, then the proposed activity shall minimize detrimental impacts to the extent practicable.
- c) Mitigate – If the applicant demonstrates that there is no practicable alternative that will avoid disturbance of the natural resource, then the proposed activity shall mitigate for adverse impacts to the resource area.



The applicant shall present a mitigation plan that demonstrates compensation for detrimental impacts to ecological functions, with mitigation occurring on the site of the disturbance to the extent practicable, utilization of native plants, and a maintenance plan to ensure the success of plantings.

*The proposed activity would minimize disturbance impacts to the WQR and HCA on the site to the extent practicable while still achieving the goal of constructing a new library to meet community needs.*

*The report provides rationale for why an alternative with less impact on WQR and HCA (a two-story building) is not practicable. The report notes that the proposed building has been sited as far to the west as possible to avoid impacts to the vegetated portion of the WQR/HCA as much as possible, and it is clear from the site constraints that a one-story library expansion that avoids HCA/WQR entirely is likely not practicable. The fact that the existing, undersized library extends into the WQR and HCA highlights this point.*

*The report identifies measures that the project will incorporate to minimize impacts to habitat and ecological functions, soil and vegetation, hydrologic conditions, and wildlife corridors. The most significant natural resources on the site are the mature riparian trees that provide the basis for the HCA designation. A Construction Management Plan (CMP) must establish root protection zones (RPZs) around trees in WQR and HCA adjacent to any approved work area. Per 19.402.9, the RPZ shall extend from the trunk to the outer edge of the tree's canopy, or as close to the outer edge of the canopy as is practicable for the approved project. The proposed project involves ground-disturbing activities within the outer edge of the tree canopy, but the report does not mention RPZs or document any analysis of the potential for tree impacts resulting from ground disturbance within default RPZs. Since protecting the existing mature trees on-site is critical to avoiding and minimizing resource impacts, a condition has been added to require a CMP that must provide additional analysis to minimize impacts to mature trees.*

*The proposed planting area covers the entire temporary disturbance area within the HCA/WQR, as well as additional area within the HCA/WQR where no disturbance is proposed, totaling 11,367 sq ft. The species proposed in the PHS mitigation plan include bigleaf maple, red alder, and western red cedar trees, along with red-osier dogwood, Indian plum, and snowberry shrubs. The proposed mix of native trees and shrubs is well-suited for the riparian conditions at the site, and most of the proposed species can be found on the site currently, indicating a good potential for planting success. As conditioned, the riparian restoration planting should include removal of English ivy, along with other non-native invasive vegetation. The removal of invasive species and proposed two-year monitoring/maintenance period will help ensure plant establishment. A final planting and restoration plan is required prior to any construction activities, and shall include the marginal Class B WQR area at the*

*southern end of the pond.*

*The proposed mitigation approach for addressing adverse impacts to the HCA appears to be adequate and commensurate with the impacts.*

*As conditioned, the Planning Commission finds that the proposed activity meets the approval criteria for discretionary review.*

e. MMC Subsection 19.402.15 Boundary Verification and Map Administration

MMC 19.402.15 establishes standards for verifying the boundaries of WQRs and HCAs and for administering the City's Natural Resource (NR) Administrative Map.

The locations of WQRs are determined based on the provisions of MMC Table 19.402.15. For streams, the WQR includes the feature itself and a vegetated corridor that extends 50 ft from the ordinary high water mark or 2-year recurrence interval flood elevation. Where the slope exceeds 25% for less than 150 ft, the vegetated corridor is measured with a 50-ft width from the break in the 25% slope. For wetlands, a wetland delineation report prepared by a professional wetland specialist and approved by the Department of State Lands (DSL) is required.

For HCAs, the City's NR Administrative Map is assumed to be accurate with respect to location unless challenged by the applicant, using the procedures outlined in either MMC Subsection 19.402.15.A.1 or MMC Subsection 19.402.15.A.2.b.

*The applicant's report explains that Spring Creek and its adjacent wetland are Primary Protected Water Features under MMC and that the WQR includes the stream/wetland and the Vegetated Corridor that extends outward 50 feet from the wetland boundary. The applicant submitted a wetlands delineation report prepared by Apex, which was also submitted to DSL. Combining Spring Creek (below ordinary high water) with its adjacent wetland (above ordinary high water) into a single "wetland" feature representing the Primary Protected Water feature is acceptable for establishing the adjacent vegetated corridor and thus the WQR regulated by MMC. It is a conservative approach that maximizes resource protections.*

*The applicant is not challenging the accuracy of the NR Administrative Map with respect to the HCA location on the site. Through field reviews of the site, the City's consultant has confirmed that the mapped HCA boundaries are reasonable for planning purposes and are reflective of the resources warranting protection. However, as a result of the disturbance allowed by the approval of the proposed development, the NR Administrative Map shall be adjusted accordingly to remove those HCA locations that will be permanently disturbed by the proposed development.*

*The Planning Commission finds that the City's NR Administrative Map shall be adjusted to reflect the information provided by the applicant with respect to the location of the permanent disturbance to the HCA.*

As conditioned, the Planning Commission finds that the proposed activity, including

disturbance and restoration of a portion of the designated natural resource areas on the subject property, meets all applicable standards of MMC 19.402.

7. MMC 19.508 Downtown Site and Building Design Standards

MMC 19.508.4 establishes the building design standards for development in the DMU Zone.

a. Building Façade Details

(1) 19.508.4.A.2.a Vertical Building Façade

Nonresidential and mixed-use buildings 2 stories and above shall provide a defined base, middle, and top.

*Not applicable as the proposed development is 1 story.*

(2) 19.508.4.A.2.b. Horizontal Building Façade

(a) Horizontal datum lines—such as belt lines, cornices, or upper-floor windows—shall line up with adjacent façades if applicable.

*Not applicable as there are no adjacent facades.*

(b) Significant breaks shall be created along building façades at least every 150 linear ft by either setting the façade back at least 20 ft or breaking the building into separate structures. Breaks shall be at least 15 ft wide and shall be continuous along the full height of the building. The area or areas created by this break shall meet the standards of Subsection 19.304.5.H.

*This standard is not met on the 21<sup>st</sup> Ave facade. This requirement is mitigated by the main large central glass entry area which breaks up the elevation into 2 distinct facades. The glass entry area is the full building height. The applicant has addressed the applicable Downtown Design Guidelines as detailed in Finding 11).*

*The proposed development complies with this standard as the 21<sup>st</sup> Ave façade complies with Downtown Design Guidelines (see Finding 11).*

b. 19.508.4.B.2 Corners

Nonresidential or mixed-use buildings at the corner of two public streets— or at the corner of a street and a public area, park, or plaza—shall incorporate two of the following features (for the purposes of this standard an alley is not considered a public street):

(1) The primary entry to the building located within 5 ft of the corner.

*The proposed development does not comply with this standard. To reflect the building program, the main entry is centrally located mid-block on the 21<sup>st</sup> Ave façade.*

(2) A prominent architectural element, such as increased building height or massing, a cupola, a turret, or a pitched roof at the corner of the building or within 20 ft of the corner of the building.

*The proposed development complies with this standard. The undulating roof form creates a taller building volume at the corner of Harrison St and 21<sup>st</sup> Ave.*

(3) The corner of the building cut at a 45° angle or a similar dimension “rounded” corner.

*The proposed development features a building cut that is at a shallower angle for the entire south façade, displaying architectural contrast.*

(4) A combination of special paving materials; street furnishings; and, where appropriate, plantings, in addition to the front door.

*A broad exterior canopy with large planting areas and seating extends from the SW corner at Harrison St all the way to main entry mid-block on 21<sup>st</sup> Ave.*

*The proposed development complies with this standard as two of the required elements are found in the proposed design.*

c. 19.508.C.2 Weather Protection

All buildings shall provide weather protection for pedestrians as follows:

(1) Minimum Weather Protection Coverage

(a) All ground-floor building entries shall be protected from the weather by canopies or recessed behind the front building façade at least 3 ft.

(b) Permanent awnings, canopies, recesses, or similar weather protection shall be provided along at least 50% of the ground-floor elevation(s) of a building where the building abuts a sidewalk, civic space, or pedestrian accessway.

(c) Weather protection used to meet the above standard shall extend at least 4 ft, and no more than 6 ft, over the pedestrian area, and a maximum of 4 ft into the public right-of-way. Balconies meeting these dimensional requirements can be counted toward this requirement.

(d) In addition, the above standards do not apply where a building has a ground-floor dwelling, as in a mixed-use development or live-work building, and the dwelling entrance has a covered entrance.

(2) Weather Protection Design

Weather protection shall comply with applicable building codes and shall be designed to be visually compatible with the architecture of a building. Where applicable, weather protection shall be designed to accommodate pedestrian signage (e.g., blade signs) while maintaining required vertical clearance.

*The proposed development complies with this standard. A broad canopy 11 ft – 13 ft wide protects pedestrians along the primary pedestrian path from Harrison St to the library's main entrance. Nearly 60% of the fronting sidewalk area is covered by the broad canopy. While the proposed canopy exceeds the maximum 6 ft in width, this is because the pedestrian walkway is much wider than a typical sidewalk.*

d. 19.508.D.2 Exterior Building Materials

The following standards are applicable to the street-facing façades of all new buildings. For the purposes of this standard, street-facing façades are those abutting streets, courtyards, and/or public squares in all of the downtown. Table 19.508.4.D specifies the primary, secondary, and prohibited material types referenced in this standard.

(1) Buildings shall utilize primary materials for at least 65% of each applicable building façade.

(2) Secondary materials are permitted on no greater than 35% of each applicable building façade.

(3) Accent materials are permitted on no greater than 10% of each applicable building façade as trims or accents (e.g. flashing, projecting features, ornamentation, etc.).

(4) Buildings shall not use prohibited materials on any exterior wall, whether or not it is a street-facing façade.

*The proposed development complies with this standard. The project utilizes primarily of stained, vertically oriented cedar siding, fiberglass-framed insulated glazing units and some dark grey matte finish sheet metal panels. The chosen cedar material is intended to have the building closely relate to the adjacent natural area and act as a transition from downtown development to the natural area and residential neighborhoods.*

e. 19.508.4.E Windows and Doors

(1) 19.508.4.E.3 Other Streets

For all other block faces, the exterior wall(s) of the building facing the street/sidewalk must meet the following standards:

(a) 40% of the ground-floor street wall area must consist of openings; i.e., windows or glazed doors.

*The proposed development does not comply with this standard. Along 21<sup>st</sup> Ave, 19.4% of the ground-floor street area consists of openings. Along Harrison St, 35% of the ground-floor street area consists of openings.*

*The west façade, facing 21st Ave, has less than the minimum required amount of openings/glazing. This is to limit thermal gain on the west side and to reduce the exposure to the adjacent residential development to maintain privacy. However, the building is designed at a human scale using natural construction materials in order to reduce the perceived bulk at the ground level. The use of large windows and native landscaping manages to soften the building and maintain a safe and comfortable pedestrian environment. Windows have been aligned such that one can see through the building from the west to the east to maximize visibility to the natural area at Spring Creek. The focus of the building is toward the natural areas and not to the parking lot to the west.*

*The applicant responds to this standard by addressing the applicable Downtown Design Guidelines (see Finding 11).*

(2) 19.508.4.E.5. General Standards

(a) Windows shall be designed to provide shadowing. This can be accomplished by recessing windows 4 in into the façade and/or incorporating trim of a contrasting material or color.

(b) All buildings with nonresidential ground-floor windows must have a visible transmittance (VT) of 0.6 or higher.

(c) Doors and/or primary entrances must be located on the street-facing block faces and must be unlocked when the business located on the premises is open. Doors/entrances to second-floor residential units may be locked.

(d) The bottom edge of windows along pedestrian ways shall be constructed no more than 30 in above the abutting walkway surface.

(e) Ground-floor windows for nonresidential buildings shall allow views into storefronts, working areas, or lobbies. No more than 50% of the window area may be covered by interior furnishings including, but not limited to, curtains, shades, signs, or shelves.

(f) Signs are limited to a maximum coverage of 20% of the required window area.

*The proposed development complies with this standard. However, in certain areas, the window sills are 30 inches above the adjacent walkway. This is to accommodate accessibility design as well as to accommodate interior power outlets and to provide a moderate level of privacy immediately adjacent to staff areas and workstations.*

*The applicant acknowledges these standards and will ensure compliance with window glass material.*

*The applicant responds to this standard by addressing the applicable Downtown Design Guidelines (see Finding 11).*

(3) 19.508.6. Prohibited Window Elements

For all building windows facing streets, courtyards, and/or public squares in the downtown, the following window elements are prohibited:

- (a) Reflective, tinted, or opaque glazing.
- (b) Simulated divisions (internal or applied synthetic materials).
- (c) Exposed, unpainted metal frame windows.

*The application materials, including a statement from the application, confirm that the proposed development will comply with this standard.*

f. 19.508.4.F Roofs and Rooftop Equipment

(1) 19.508.4.F.2 Roof Forms

(a) The roof form of a building shall follow one (or a combination) of the following forms:

- (1) Flat roof with parapet or cornice.
- (2) Hip roof.
- (3) Gabled roof.
- (4) Dormers.
- (5) Shed roof.

(b) All flat roofs, or those with a pitch of less than 4/12, shall be architecturally treated or articulated with a parapet wall that projects vertically above the roofline at least 12 in and/or a cornice that projects from the building face at least 6 in.

*The proposed design addresses this purpose statement through a roof form that undulates rather than a more traditional flat roof or gable roof design, which differentiates it from adjacent buildings. No parapet is proposed so that the sculptural form of the building is enhanced and to maximize the visibility of the roof-mounted solar photovoltaic panels.*

*The applicant responds to this standard by addressing the applicable Downtown Design Guidelines (see Finding 11).*

(2) 19.508.4.F.3. Rooftop Equipment and Screening

(a) The following rooftop equipment does not require screening:

- (1) Solar panels, wind generators, and green roof features.
- (2) Equipment under 2 ft high, if set back a minimum of 5 ft from the outer edge of the roof.

(b) Elevator mechanical equipment may extend above the height limit a maximum of 16 ft, provided that the mechanical shaft is incorporated into the architecture of the building.

(c) Satellite dishes, communications equipment, and all other roof-mounted mechanical equipment shall be limited to 10 ft high, shall be set back a minimum of 10 ft from the roof edge, and shall be screened from public view and from views from adjacent buildings by one of the following methods:

- (1) A screen around the equipment that is made of a primary exterior finish material used on other portions of the building, wood fencing, or masonry.
- (2) Green roof features or regularly maintained dense evergreen foliage that forms an opaque barrier when planted.

(d) Required screening shall not be included in the building's maximum height calculation.

*As proposed the development will meet these standards – the only roof top equipment proposed are solar panels.*

*The proposed design meets the design standards detailed in MMC 19.508, except for 19.508.4.A.2.b (2), 19.508.4.C.2.a (3), 19.508.4.E.3.a, 19.508.4.E.5.c, and 19.508.4.F as described above. Finding 11 details consistency with the applicable Downtown Design Guidelines as they relate to the above-mentioned design standards.*

8. MMC 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. Specifically, MMC Subsection 19.602.3 addresses applicability for development of vacant sites as well as for improvements to existing off-street parking areas for development and changes in use.



*The proposed development will construct a new, larger library on the subject property and will reconfigure the site and associated parking. This represents an increase of more than 50% of the existing floor area and more than 100% of the existing structure footprint, which triggers a requirement for compliance with MMC 19.600 as per MMC Subsection 19.602.3.A.*

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

b. 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. MMC Table 19.605.1 provides minimum and maximum requirements for a range of different uses. MMC 19.605.1 establishes minimum and maximum off-street parking requirements. The minimum number of off-street parking spaces required for a library is 1 space per 1,000 sq ft; the maximum is 1.2 spaces per 1,000 sq ft.

Subsection 19.605.2 allows for the modification of minimum and maximum parking ratios from Table 19.605.1 as well as the determination of minimum and maximum parking requirements.

*For the proposed library project, a minimum of 20 and a maximum of 24 parking spaces would be permitted. Park uses are not addressed in the table of uses to establish required off-street parking standards. The proposal includes 28 parking spaces, including 2 accessible spaces and 2 carpool spaces. In order to exceed the maximum number of parking spaces, the applicant has requested a parking modification to allow the additional 4 parking spaces. This is to account for use of Scott Park without impacting library parking needs. The existing library parking lot serves both the library and Scott Park and has 38 parking spaces, so the request is a reduction in overall parking.*

*Subject to approval of the parking modification, this criterion is met.*

c. 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°-angle spaces, the minimum width is 9 ft and minimum depth is 19 ft, with a 22-ft-wide drive aisles for either one- or two-way maneuvering.

*The applicant has submitted a parking plan that utilizes 90°-angle spaces and a two-way drive aisle. As proposed, the dimensions for new spaces is 6 inches narrower than permitted.*

*The design requires a variance to remain as proposed, or the parking lot must be redesigned to show spaces that meet the dimensional standard.*

(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 19.606.2.C Perimeter Landscaping

In the downtown, there is no minimum width for perimeter landscaping.

*The subject property is in the DMU Zone; this standard does not apply.*

(b) MMC 19.606.2.D Interior Landscaping

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

*The applicant's site plans show a single aisle of parking for all 28 spaces with 6 planted islands breaking up the spaces. The 28 spaces provided require a total area of 700 sq ft of interior landscaping; the total area of the proposed islands is over 1,000 sq ft. A final landscaping and planting plan is required prior to any construction activity begins.*

*As conditioned, this standard is 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.

*As proposed, meeting the minimum parking space dimensions or with an approved variance, the modified parking lot will be paved and striped in accordance with the standards of MMC 19.606.3.A.*

*As conditioned, this standard is met.*

(b) MMC 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.

*As proposed, each parking space has a wheel stop meeting these requirements.*

*This standard is met.*

(c) MMC 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, the parking area drive aisle is 22 ft wide and meets the relevant dimensional requirements of MMC 19.606.1.*

*This standard is met.*

(d) MMC 19.606.3.D Pedestrian Access and Circulation

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

*As proposed, each parking space is adjacent to a pedestrian walkway.*

*This standard is met.*

(e) MMC 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 proposed parking plan. Per Finding 8.c(1), a revised plan showing parking spaces meeting the minimum dimensions, or an approved variance to these standards, are required.*

*As conditioned, this standard is met.*

(f) MMC 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 applicant's submittal materials include a site plan showing the locations of proposed light fixtures. However, a lighting plan was not included confirm the actual illumination levels. A condition has been established to require a lighting plan sufficient to demonstrate that all on-site walkways and parking spaces will be adequately lit. The Lighting Guidelines in the Downtown Design Guidelines are not applicable to this review, given that there are no lighting standards in MMC 19.508, but the DLC made recommendations regarding lighting, which have been incorporated into the conditions of approval.*

*As conditioned, this standard is met.*

*As conditioned, the applicable additional design standards of MMC 19.606.3 are met.*

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

d. 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. In the case of the new library, the Planning Director has determined that no loading spaces are required.

*The Planning Commission finds that this standard is not applicable.*

e. MMC Section 19.609 Bicycle Parking

MMC 19.609 establishes standards for bicycle parking, which is required for all new commercial and industrial development. The required quantity of bicycle parking spaces is equivalent to 10% of the minimum vehicle parking required, with a minimum of 2 bicycle spaces. Bicycle parking spaces must be at least 2 ft by 6 ft, with a 5-ft-wide access aisle and securely anchored racks that allow the frame and one wheel of a bike to be locked to the rack using a U-shaped lock. Bicycle parking spaces must be illuminated to a level of at least 0.5 footcandles and located within 50 ft of the main building entrance.

*As addressed in Finding 8-b, a minimum of 20 vehicle parking spaces are required for the proposed development, resulting in a minimum requirement of 2 bicycle parking spaces. The applicant's site plan shows 12 bicycle parking spaces located near a main entrance of the building, where they will be illuminated by the exterior building lighting.*

*The Planning Commission finds that this standard is met.*

f. MMC Section 19.610 Carpool and Vanpool Parking

MMC 19.610 establishes parking standards for vehicles used to carpool, which is required for all new commercial and industrial development. The required quantity of carpool parking spaces is equivalent to 10% of the minimum vehicle parking required, with a minimum of 2 bicycle spaces. Carpool parking spaces must be located closer to the main building entrances than other employee parking, except ADA spaces.

*As addressed in Finding 8-b, a minimum of 20 vehicle parking spaces are required for the proposed development, resulting in a minimum requirement of 2 carpool parking spaces. The applicant's materials indicate that 2 carpool parking spaces are proposed. However, additional details about the proposed on-site designation of the proposed carpool parking are needed to ensure that it complies with the signage or pavement marking standards of MMC Subsection 19.610.4. A condition has been established to ensure that these standards are met.*

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

*The Planning Commission finds that, as conditioned, the proposed development meets the applicable off-street parking standards of MMC 19.600.*

9. MMC 19.700 Public Facility Requirements

MMC 19.700 establishes provisions to ensure that development 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 land divisions, 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 library and construct a building that is significantly larger, which results 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.

*The applicant had a preapplication conference with City staff prior to application submittal, on September 21, 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 9-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.

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

c. MMC Section 19.704 Transportation Impact Evaluation

MMC 19.704 establishes the process and requirements for evaluating development

impacts on the surrounding transportation system, including determining when a formal Transportation Impact Study (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 library and will continue to remain a library, there is an expected trip increase of 56 PM peak-hour trips from construction of the new building, which includes an additional 7,750 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 does not trigger mitigation of impacts beyond the required frontage improvements. The proposed development has potential impacts to Harrison Street and 21<sup>st</sup> Avenue. 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 Engineering Director has determined that rough proportionality guidelines 1, 2, 3, 5, 6, 8, 9, and 10 apply. Condition of approval 7, has 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 TriMet for comment. None were received.*

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 to the right-of-way. Harrison St. Access will remain via 21<sup>st</sup> Avenue.*

*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 21<sup>st</sup> Avenue, which is a local street. The proposed development is consistent with MMC 12.16.040.C.1.*

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

*The site's single accessway will access the 21<sup>st</sup> Avenue right-of-way.*

*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.*

*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.C Development in Downtown Zones

MMC 19.708.1.C establishes standards for frontages in downtown zones that are on street sections shown in the Public Area Requirements.

*The street design for this portion of Harrison Street is addressed in Public Works Standards (PWS) drawing number 714C. The required improvements for this development are as follows: 10-foot curb-tight sidewalk, 5-foot bike lane, and an 11-foot travel lane. 21<sup>st</sup> Avenue no longer has a downtown design, as the street is*

*no longer planned to extend north to connect to Main Street. The remaining 21<sup>st</sup> Avenue serves as access for the North Main apartments to the west. Applicant will be responsible for constructing a concrete driveway approach across the 21<sup>st</sup> Avenue right-of-way that matches the existing width of the street. Applicant has expressed interest in paying fee in lieu of construction (FILOC). As this portion of Harrison is identified on the City's Capital Improvement Plan, this property is eligible for FILOC.*

*The existing right-of-way width of Harrison Street in front of development property is 60-feet. The total right-of-way width required for the full street improvements is 60-feet. The southeast corner of development site extends into the existing alignment of Harrison Street. Applicant will be responsible for establishing the right-of-way boundary that matches the alignment of Harrison Street per the Public Works Standards. If applicant elects to construct parking on the north side of Harrison Street, then an additional 8-feet of dedication will be required.*

*The Planning Commission finds that the proposed development is consistent with the applicable standards of MMC 19.708.1.C.*

10. MMC 19.904 Community Service Use Review

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 may include schools, government buildings, hospitals, religious institutions, utilities, parks, communication facilities, or private or public recreation facilities.

- a. MMC 19.904.2 Applicability – lists the various uses that are allowed through the Community Service Use Process.

*The applicant is seeking land use approvals for a major modification to a Community Service Use for the purpose of constructing a new 20,000-sq ft single-story library on the existing site of the Ledding Library.*

*MMC 19.904.2.A lists the Community Service Uses that are categorized as Institutions – Public or Private and Other Public Facilities. Examples of uses are schools, governments office buildings, hospitals, cemetery, nursing or convalescent home, religious institutions, community meeting building, temporary or transitional facility, and other similar uses as determined by the Planning Commission.*

*The Planning Commission finds that the proposed development is a major modification to a Community Service Use and the standards of MMC 19.904 are applicable to the proposed development*

- b. MMC 19.904.3 establishes the review process for CSUs. Except for wireless

communication facilities and minor modifications to existing CSUs, applications for new CSUs are subject to Type III review (MMC 19.1006).

*The proposed development is the demolition and construction of a new library.*

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

c. MMC 19.904.4 establishes the following approval criteria CSUs:

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

*The proposed development complies with the base zone standards for the DMU Zone (see Finding 5).*

*Parking and Loading – Subject to the approval of a parking modification, the proposed development complies with Chapter 19.600 (see Finding 7). The proposed development will have 28 parking spaces, which requires the provision of 3 bicycle parking spaces. The proposal includes 8 covered bicycle space and 4 uncovered bicycle spaces. The proposed development complies with MMC 19.609.*

*Landscaping – Landscaping using native plants is proposed to mitigate the and restore the disturbed natural resource areas.*

*Public Facility Improvements – Chapter 19.700 applies to this project (see Finding 9).*

*The Planning Commission finds that, as conditioned, this criterion is met.*

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

**19.904.9 Specific Standards for Institutions—Public, Private, Religious, and Other Facilities not Covered by Other Standards**

- A. Utilities, streets, or other improvements necessary for the public facility or institutional use shall be provided by the agency constructing the use.

*Utilities, streets, and other infrastructure improvements are existing for the site and are adequate for the proposed development.*

- B. When located in or adjacent to a residential zone, access should be located on a collector street if practicable. If access is to a local residential street, consideration of a request shall include an analysis of the projected average daily trips to be generated by the proposed use and their distribution pattern, and the impact of the traffic on the capacity of the street system which would serve the use. Uses which are estimated to

generate fewer than 20 trips per day are exempted from this subsection.

*The site is accessed from Harrison St, which is classified as an arterial street.*

- C. When located in a residential zone, lot area shall be sufficient to allow required setbacks that are equal to a minimum of  $\frac{2}{3}$  the height of the principal structure. As the size of the structure increases, the depth of the setback must also increase to provide adequate buffering.

*The site is located in the DMU Zone. This standard does not apply.*

- D. The height limitation of a zone may be exceeded to a maximum height of 50 ft provided Subsection 19.904.9.C of this subsection is met.

*The proposed building will be 27 ft high as measured from the sidewalk.*

- E. Noise-generating equipment shall be sound-buffered when adjacent to residential areas.

*Exterior noise-generating equipment will be isolated within a mechanical courtyard.*

- F. Lighting shall be designed to avoid glare on adjacent residential uses and public streets.

*Modern exterior light fixtures have been selected to minimize light pollution, particularly toward the adjacent residences. A condition has been included that requires a photometric plan to be submitted showing compliance with applicable regulations.*

- G. Where possible, hours and levels of operation shall be adjusted to make the use compatible with adjacent uses.

*Proposed operational hours are expected to be similar to the hours for the existing facility. Currently, the library is open 7 days a week, Monday-Thursday 10:00am – 9:00pm, Friday-Saturday 10:00am – 6:00pm, Sunday 12:00pm – 6:00pm.*

- H. A spire on a religious institution may exceed the maximum height limitation. For purposes of this subsection, “spire” means a small portion of a structure that extends above the rest of the roofline, or a separate structure that is substantially smaller than the main structure and extends above the roofline of the main structure. “Spire” includes but is not limited to ornamental spires, bell towers, other towers, minarets, and other similar structures or projections. The number of spires on a religious institution property is not limited, so long as the spires remain only a small portion of the area of the structures.

*No spire is proposed. The proposed development is not a religious institution. This standard does not apply.*

- I. The minimum landscaping required for religious institutions is the lesser of 15% of the total site area and the percentage required by the underlying

zone.

*The proposed development is not a religious institution. This standard does not apply.*

- J. Park-and-ride facilities may be encouraged for institutions along transit routes that do not have days and hours in conflict with weekday uses (e.g., religious institutions or fraternal organizations). Such uses may be encouraged to allow portions of their parking areas to be used for park-and-ride lots.

*No part of this project is being proposed as a park-and-ride facility.*

*The Planning Commission finds that, as conditioned, this criterion is met.*

- (c) The hours and levels of operation of the proposed use are reasonably compatible with surrounding uses.

*The hours of operation are expected to be the same as the current library. The larger library will likely result in an increase in use, which is compatible with the downtown area, particularly as the library site is located close to City Hall and the Waldorf School, which are both civic uses.*

- (d) The public benefits of the proposed use are greater than the negative impacts, if any, on the neighborhood.

*A library has been located on this site for decades. In 2016, the citizens of Milwaukie supported a bond measure to fund improvements and an expansion to the Ledding Library on the existing site. Any impacts caused by increased use are outweighed by the public benefits of a new, larger public library located in the downtown core.*

- (e) The location is appropriate for the type of use proposed.

*The applicant considered constructing a new library on a different site. However, the property associated with the existing library was donated to the City with a stipulation that the land must be used for a public library. This fact, coupled with the current accessible location in the downtown core, makes this a very appropriate site for a new public library.*

## 11. MMC 19.907 Downtown Design Review

Per MMC 19.907.3.C, an applicant may elect to have a project reviewed through a Type III discretionary review process. In such cases, the applicant can address downtown design review requirements through a combination of satisfying certain design standards and, in instances where they choose not to utilize design standards, they must demonstrate that the proposal satisfies the purpose statement of the applicable standard or standards and the applicable design guidelines instead. In such a case, the public hearing and decision

must focus on whether or not the project satisfies the requirements of the applicable design guidelines only and the purpose statement of the applicable design standard.

MMC 19.907.7 establishes the approval criteria for design review applications and the process for modifications to the downtown design standards. The approval authority may approve, approve with conditions, or deny a design review application based on the following criteria:

a. Compliance with Title 19 Zoning Ordinance

*As detailed in Findings 3-9, the proposed development complies with Title 19.*

*As conditioned, this criterion is met.*

b. Compliance with applicable design standards in Section 19.508.

*As detailed in Finding 7, the proposed development complies with Section 19.508, except for 19.508.4.A.2.b (2), 19.508.4.C.2.a (3), 19.508.4.E.3.a, 19.508.4.E.5.c, and 19.508.4.F which are reviewed against the applicable Downtown Design Guidelines.*

c. Substantial consistency with the purpose statement of the applicable design standard and the applicable Downtown Design Guideline(s) being utilized in place of the applicable design standard(s).

The proposed design meets the design standards detailed in MMC 19.508, except for 19.508.4.A.2.b (2), 19.508.4.C.2.a (3), 19.508.4.E.3.a, 19.508.4.E.5.c, and 19.508.4.F, specifically:

- Building Façade Details Standard: The proposed design breaks the west elevation into 2 distinct facades, using the glass at the main entry as the break in the façade, rather than setting the façade back 20 ft or breaking the building into separate structures. The purpose of the Building Façade Details standard is “To provide cohesive and visually interesting buildings, particularly on the ground floor.”

*The proposed development addresses this purpose statement by using the glass main entrance area as a divide between the northern and southern “wings” of the building. The main entry area is the full building height. Together with the angle of the building which is not a flat façade, the features provide for an adequate architectural break in the façade.*

- Weather Protection Standard: The proposed design includes a pedestrian area that is significantly wider than a downtown sidewalk, which includes a canopy that is wider than 6 ft (11–13 ft), but does not project into the public right-of-way.

The purpose of the Weather Protection standard is “To create an all-season pedestrian environment.”

*The proposed development addresses this purpose statement by providing a wide pedestrian walkway along the west façade and a complimentary wide canopy measuring between 11 – 13 ft. The proposal provides a large covered pedestrian area that is wider than a typical sidewalk and that can accommodate groups of visitors to the library.*

- **Windows and Doors Standard:** The 21<sup>st</sup> Ave ground-floor area is 20% short of meeting the minimum required glazing/opening area.
- **Windows and Doors Standard:** In several areas, the bottom edge of windows along pedestrian ways are more than 30 inches above the walkway surface.

The purpose of the Windows and Doors standards is “To enhance street safety and provide a comfortable pedestrian environment by adding interest to exterior façades, allowing for day lighting of interior space, and creating a visual connection between interior and exterior spaces.”

*In certain areas, the window sills are 30 inches above the adjacent walkway. This is to accommodate accessibility design as well as to accommodate interior power outlets and to provide a moderate level of privacy immediately adjacent to staff areas and workstations.*

*The west façade, facing 21<sup>st</sup> Ave, has less than the minimum required amount of openings/glazing. This is to limit thermal gain on the west side and to reduce the exposure to the adjacent residential development to maintain privacy. However, the building is designed at a human scale using natural construction materials in order to reduce the perceived bulk at the ground level. The use of large windows and native landscaping manages to soften the building and maintain a safe and comfortable pedestrian environment. Windows have been aligned such that one can see through the building from the west to the east to maximize visibility to the natural area at Spring Creek. The focus of the building is toward the natural areas and not to the parking lot to the west. The DLC recommended that this wall meet a minimum of 24% - 30% of the standard, particularly on the northern one-third of the wall.*

- **Roofs Standard:** The proposed shed roof has an undulating form and does not include a parapet or cornice. The purpose of the Roofs and Rooftop Equipment standard is “To create a visually interesting condition at the top of the building

that enhances the quality and character of the building.”

*The proposed design addresses this purpose statement through a roof form that undulates rather than a more traditional flat roof or gable roof design, which differentiates it from adjacent buildings. No parapet is proposed so that the sculptural form of the building is enhanced and to maximize the visibility of the roof-mounted solar photovoltaic panels.*

*The Applicable Downtown Design Guidelines to review in connection with these areas of non-compliance are:*

- *Milwaukie Character Guidelines*
- *Pedestrian Emphasis Guidelines*
- *Architectural Guidelines*

*Refer to Table 2 below for detailed findings for Downtown Design Guidelines.*

**Table 2. Downtown Design Guidelines**

<b>MILWAUKIE CHARACTER GUIDELINES</b>	
<b>Guideline</b>	<b>Recommended Findings</b>
<b>Reinforce Milwaukie's Sense of Place</b>	<p><i>The proposed design is oriented to connect the building and its patrons with the adjacent natural area and with Harrison St, providing a gateway into downtown for people traveling west on Harrison St. The new building would be located adjacent to Harrison St, rather than set back, which establishes a key corner and includes interior reading spaces with large windows creating a highly visible and inviting civic building</i></p> <p><i>The proposed development meets this guideline.</i></p>
<b>Integrate the Environment</b>	<p><i>The building connects the building to the adjacent natural area by using large windows and natural construction materials. The windows are located and sized to optimize views and energy conservation. The large areas of glazing open the library to Spring Creek and Scott Park. By extending the building north toward Scott Park, more activity is likely to occur there, particularly as the children’s area is located at this end so that activities can spill out into the park area. A number of occupiable spaces inside the</i></p>



	<p><i>building have been located along the perimeter to take advantage of particular views of the landscape. The interior is aligned in such a way as to allow views through the building from the parking lot to the natural area to the east. Rainwater management features allow visitors to view the filtration process.</i></p> <p><i>The proposed development meets this guideline.</i></p>
<p><b>Consider Context</b></p>	<p><i>Beyond the primary concept to visually connect the library’s main public spaces to the natural area surrounding Spring Creek, a number of interior spaces have been located along the perimeter of the building to take advantage of particular views of the surrounding landscape and built environment. Integrating the building into the surrounding environment (including the large oak tree), using native plants in the planting areas, and creating an important civic gateway, and integrating artwork, are all components of the design which distinguishes this building from surrounding development.</i></p> <p><i>The proposed development meets this guideline.</i></p>
<p><b>Promote Architectural Compatibility</b></p>	<p><i>The proposed building design includes natural stained cedar siding which is compatible with surrounding natural area. Because of its civic use and utilization of large-scale architectural contrast, more typical commercial or residential architectural vocabulary has been considered to a lesser degree. Scale however, and how it relates to the varying, surrounding site conditions, is a focus of the architectural design. The undulating roof form, in combination with distribution of glazed areas, are the two primary methods that create the scale responses.</i></p> <p><i>The proposed development meets this guideline.</i></p>
<p><b>Use Architectural Contrast Wisely</b></p>	<p><i>In addition to the materials selection of large glazed areas and cedar siding, the undulating roof form and connection to the adjacent natural area provide contrast.</i></p> <p><i>The proposed development meets this guideline.</i></p>

<b>PEDESTRIAN EMPHASIS GUIDELINES</b>	
<b>Guideline</b>	<b>Recommended Findings</b>
<p><b>Reinforce and Enhance the Pedestrian System</b></p> <p><b>Barriers to pedestrian movement and visual and other nuisances should be avoided or eliminated, so that the pedestrian is the priority in all development projects.</b></p>	<p><i>The proposed design includes specific design elements intended to provide direct and inviting access to both the library and to Scott Park. The existing library entrance is elevated above the sidewalk, requiring stairs or circuitous ramps. The proposed development will have a finished floor elevation that is essentially flush with the entry walkway.</i></p>
<p><b>Define the Pedestrian Environment</b></p> <p><b>Provide human scale to the pedestrian environment, with variety and visual richness that enhance the public realm.</b></p>	<p><i>The proposed design addresses pedestrians, and creates a human-scale environment, in a number of ways:</i></p> <ul style="list-style-type: none"> <li>• <i>Marked with a large, sheltering canopy with supporting colonnade and a series of landscaped areas featuring native and symbolic plant species, the pedestrian path is the primary circulation focus.</i></li> <li>• <i>The building is proposed with a zero lot line at Harrison St, establishing a street wall to reflect an urban character</i></li> </ul> <p><i>The proposed development, as conditioned, meets this guideline.</i></p>
<p><b>Protect the Pedestrian from the Elements</b></p>	<p><i>A wide fixed canopy is proposed to protect pedestrians from the elements.</i></p> <p><i>The proposed development meets this guideline.</i></p>
<p><b>Provide Places for Stopping and Viewing</b></p>	<p><i>A pair of benches near the main entrance give pedestrians an opportunity to sit and rest, wait for the library to open or wait for a ride.</i></p> <p><i>The proposed development meets this guideline.</i></p>
<p><b>Integrate Barrier-free Design</b></p>	<p><i>One of the primary factors in selecting a single-story library was to provide universal access for patrons. the design, unlike the existing library provides, direct, barrier-free site access, including the entirety of the library interior.</i></p>

<b>ARCHITECTURE GUIDELINES</b>	
<b>Guideline</b>	<b>Recommended Findings</b>
<p><b>Corner Doors</b></p>	<p><i>The proposed design does not include a main corner entrance. Rather, the design proposes a central entry point mid-block. This allows for the various user groups to enter at a single point and access their</i></p>

	<p><i>respective areas without disrupting other users (children, adults, community groups). To compensate for this, the design places emphasis on the corner of 21<sup>st</sup> Ave and Harrison St with very large windows at an open reading area mimicking a visible and inviting café-style space. The design also brings the building directly up to the sidewalk at Harrison St rather than maintain the large existing building setback.</i></p> <p><i>The proposed development meets this guideline.</i></p>
<p><b>Wall Materials</b></p>	<p><i>The proposed development promotes permanence through the primary wall assembly: a well-insulated, cedar siding clad rain screen which is a durable, high performance assembly. Cedar, a renewable, rot and insect resistant, material was selected to better relate to the adjacent Scott Park natural area. Other primary and secondary materials include insulated glazing units, and sheet metal siding and trim</i></p> <p><i>The proposed development meets this guideline.</i></p>
<p><b>Wall Structure</b></p>	<p><i>The proposed development provides scale defining devices through:</i></p> <ul style="list-style-type: none"> <li>• <i>Vertical siding</i></li> <li>• <i>Glazing and sheet metal bands</i></li> <li>• <i>Large, central glass main entry</i></li> <li>• <i>Vertical glazing providing views through the building to the natural area</i></li> </ul> <p><i>The proposed development meets this guideline.</i></p>
<p><b>Silhouette and Roofline</b></p>	<p><i>The roof form is sculptural, with an undulating shed roof, which creates a unique roof line and silhouette.</i></p> <p><i>The proposed development meets this guideline.</i></p>
<p><b>Rooftops</b></p>	<p><i>To accommodate unsightly, otherwise rooftop-mounted mechanical units, an outdoor mechanical courtyard has been created to conceal exterior units.</i></p> <p><i>The proposed development meets this guideline.</i></p>
<p><b>Green Architecture</b></p>	<p><i>The proposed development is committed to sustainable design through the following measures:</i></p> <ul style="list-style-type: none"> <li>• <i>Photovoltaic solar panel array, sized in accordance with the state of Oregon’s green technology requirement</i></li> <li>• <i>Participation in the Energy Trust of Oregon’s Path to Net Zero program and energy use target</i></li> <li>• <i>Extensive use of renewable materials (cedar</i></li> </ul>

	<p>siding and ceiling panels)</p> <ul style="list-style-type: none"><li>• <i>Optimized daylighting and shading to minimize thermal gain</i></li><li>• <i>Highly efficient radiant slab heating and cooling</i></li></ul> <p><i>The proposed development meets this guideline.</i></p>
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*The Lighting Guidelines are not applicable to this review, given that there are no lighting standards in MMC 19.508, but the DLC made observations and recommendations regarding lighting that have been incorporated into the conditions of approval. The Planning Commission finds that that the proposal, as conditioned, is substantially consistent with the applicable Downtown Design Guidelines and that this approval criterion has been met.*

*The Planning Commission finds that with the listed conditions the approval criteria for Downtown Design Review are met.*

12. The application was referred to the following departments and agencies of February 11, 2018: City of Milwaukie Community Development, Building, Public Works, and Engineering Departments; Clackamas Fire District #1; and the Historic Milwaukie Neighborhood District Association (NDA). Comments were received as follows:
- **Tom Madden, Historic Milwaukie NDA Land Use Committee (LUC):** The LUC provided detailed comments stating that: the proposed design does not fit in with the surrounding buildings and it will be an “outlier”; the proposed structure consumes too much property, negatively impacts the natural resources, and visually diminishes the park and wetlands area; the construction process will be very disruptive to surrounding properties and a meeting is recommended to review these impacts – multiple comments about this issue; and the proposed parking is inadequate and will have an impact on the neighborhood.
  - **Salena Sanford, 10677 SE 21<sup>st</sup> Ave:** Ms. Sanford expressed concern about the proposed bicycle racks, stating that they do not appear to provide security for bicycles.
  - **Lisa Lashbrook, Parks and Recreation Board:** Ms. Lashbrook asked that the Commission reconsider the north garden design so that it does not create an obstruction for future connectivity to Scott Park and that the path exiting the proposed children’s area be relocated to connect to Scott Park.
  - **Lisa Gunion-Rinker, 3012 SE Balfour St:** Ms. Gunion-Rinker expressed concern about the number of trees proposed for removal as part of the project. She also expressed concern that the proposed building will not provide shade on the south or west sides.

**Conditions of Approval**

1. Approval of Master File# CSU-2018-002 shall be subject to approval by the City Council of a Comprehensive Plan amendment to repeal the Scott Park Master Plan, an ancillary document (land use file# CPA-2018-001).
2. The applicant shall submit a Construction Management Plan (CMP) that satisfies the requirements of MMC 19.402.9 and shows the following:
  - a. The CMP must establish root protection zones (RPZs) around trees in WQR/HCA adjacent to any approved work area. Per 19.402.9, the RPZ shall extend from the trunk to the outer edge of the tree's canopy, or as close to the outer edge of the canopy as is practicable for the approved project.
  - b. Clarify the location of all staging and access areas, and ensure that all temporary disturbance areas have been identified and accounted for in the mitigation plan.
  - c. The CMP shall include a tree removal and tree impact study and shall provide information assessing whether or not the WQR/HCA Mitigation Plan needs to be updated. If tree removal numbers are higher than what the Pacific Habitat Services report described (more than 3), then the calculations for tree/shrub plantings would change. If enough trees are removed that the calculations for Option 1 (tree removal) would result in more tree plantings than Option 2 (area of disturbance), then the Mitigation Plan needs to be updated accordingly to stay in compliance with MMC 19.402.
3. The applicant shall submit a Type I Development Review application with final plans for construction of the building. The final plans shall address the following:
  - 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 18, 2018 and revised on February 9, 2018, except as otherwise modified by these conditions.
  - b. The parking lot in the final plans submitted for development permit review shall comply with the parking space dimensional standards in MMC 19.606.1 or the applicant shall submit an application for a Variance.
  - c. Final plans submitted for development permit review shall include a detailed planting and restoration plan showing all parking lot, site, and mitigation plantings (including plant types and size, and planting locations). The planting plan shall include restoration of the marginal Class B WQR area at the southern end of the pond.
  - d. The applicant shall redesign the northern one-third of west-facing wall to include more transparency or, where windows are not appropriate, include a change of materials to break up the blank wall to meet a minimum of 21.6% of wall openings.

- e. The site lighting shall include an ornamental light fixture on the site closest to Harrison St; the other parking lot light fixtures may be the proposed contemporary fixtures.
  - f. The applicant shall add lighting compliant with MMC 14.16.060 to ensure that the proposed monument sign near Harrison St is visible.
  - g. The path in the garden area to the north of the children's section of the library shall be redesigned in coordination with the Parks and Recreation Board and the North Clackamas Parks and Recreation District.
  - h. Provide a narrative describing all actions taken to comply with these conditions of approval.
  - i. Provide a narrative describing any changes made after the issuance of this land use decision that are not related to these conditions of approval.
4. The applicant shall submit a lighting plan showing compliance with MMC 19.606.3, that that all on-site walkways and parking spaces are lit to a minimum level of 0.5 footcandles, and demonstrating that lights are located and/or shielded as necessary to avoid light shining directly into the WQR and HCA and neighboring properties.
  5. As per Finding 8-f, provide pavement marking and/or signage details for each of the proposed carpool parking spaces.
  6. Prior to the issuance of a building permit, the applicant shall submit an access and water supply plan as required by the Clackamas Fire District #1 for full review and approval.
  7. Prior to final inspection of any building permit, the following shall be resolved:
    - Submit a letter from the project landscape designer attesting that all required site plantings have been completed in conformance with the approved site plans and with City standards, including all mitigation plantings. This includes removal of all invasive or nuisance species vegetation (as identified on the Milwaukie Native Plant List) per the Natural Resources report and mitigation plan.
  8. Prior to final occupancy, the following shall be resolved:
    - A. Frontage Improvements
      1. Construct 10-foot curb-tight sidewalks, curb and gutter, and 16-foot half street travel way on Harrison Street frontage, in accordance with the downtown public area requirements and the Milwaukie Public Works Standards.
      2. Construct driveway approach to meet all guidelines of the Americans with Disabilities Act (ADA) across the accessway at Harrison Street to align with 21<sup>st</sup> Avenue right-of-way.
    - B. Dedication Requirements

1. Dedicate right-of-way along the Harrison St to comply with Public Works standards.
- C. If applicant elects to pay Fee In Lieu of Construction, then a FILOC application is required, conditions 8 A-B and items noted in Other Requirements #6 will not be required.

### **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 (MMC) and Public Works Standards that are required at various points in the development and permitting process.

1. The level of use approved by this action shall be permitted only after issuance of a certificate of occupancy. The site may be used in a manner substantially similar to what has been proposed and approved through this land use action, including the hours and levels of proposed activities and services.
2. Limitations on Development Activity  

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

Prior to commencement of any earth-disturbing activities, the applicant shall obtain an erosion control permit. One permit will cover on-site as well as work in the right-of-way.
3. Landscaping Maintenance  

As per MMC Subsection 19.606.2.E.3, required parking area landscaping shall be maintained in good and healthy condition. As per MMC Subsection 19.402.11.B.9, a minimum of 80% of all required mitigation plantings for WQR or HCA disturbance shall remain alive on the second anniversary of the date the planting is completed.
4. Requirements from Clackamas Fire District #1 (CFD#1)  

The following requirements are based on review of the applicant's original plan submittal and may not be all inclusive. Review of a full set of scaled revised plans will be required.

Submit an access and water supply test as required by the Clackamas Fire District #1 for full review and approval.
5. Other Engineering Requirements  

Submit a stormwater management plan to the City of Milwaukie Engineering Department for review and approval. The plan shall be prepared in accordance with Section 2 - Stormwater Design Standards of the City of Milwaukie Public Works Standards. In the event the stormwater management system contains underground injection control devices,

submit proof of acceptance of the storm system design from the Department of Environmental Quality.

The stormwater management plan shall demonstrate that the post-development runoff does not exceed the pre-development, including any existing stormwater management facilities serving the development site.

The stormwater management plan shall demonstrate compliance with water quality standards in accordance with the City of Portland Stormwater Management Manual.

Development/building permits will not be issued for construction until the stormwater management plan has been approved by the City of Milwaukie.

6. Prior to final inspection, the following shall be resolved:
  - a. Submit full-engineered plans for construction of all required public improvements, reviewed and approved by the City of Milwaukie Engineering Department.
  - b. Obtain a right-of-way permit for construction of all required public improvements listed in these recommended conditions of approval.
  - c. Pay an inspection fee equal to 5.5% of the cost of the public improvements.
  - d. Provide a payment and performance bond for 100 percent of the cost of the required public improvements.
  - e. Provide a final approved set of Mylar and electronic PDF “As Constructed” drawings to the City of Milwaukie prior to final inspection.
  - f. Install all underground utilities, including stubs for utility service prior to surfacing any streets.
  - g. Clear vision areas shall be maintained at all driveways and accessways and on the corners of all property adjacent to an intersection.
  - h. Remove all signs, structures, or vegetation in excess of three feet in height located in “vision clearance areas” at intersections of streets, driveways, and alleys fronting the proposed development.



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Dennis Egner, FAICP  
Planning Director

cc: Leila Aman, Development Project Manager



Tyler Nishitani, Applicant's representative (Hacker Architects, 1615 SE 3<sup>rd</sup> Ave, 5<sup>th</sup> Floor,  
Portland, OR 97214

Amy Winterowd, Plan B Consultancy (via email)

Planning Commission (via email)

Design and Landmarks Committee (via email)

Ann Ober, City Manager (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)

Matt Amos, CFD#1 (via email)

NDA(s): Historic Milwaukie (via email)

Interested Persons

Land Use File(s): CSU-2018-002