

BONAVENTURE SENIOR HOUSING Milwaukie, Oregon

A Land Use Application for:

**Community Service Use
Conditional Use
Variance
Natural Resources Review
Parking Determination
Transportation Facilities Review
Minor Modification to CSU**

Applicant:

Bonaventure Senior Living

Submitted:

December 2018

Revised & Resubmitted January 2019

Prepared by:



This page intentionally left blank.

TABLE OF CONTENTS

I.	PROJECT TEAM	2
II.	INTRODUCTION	3
	Summary of Proposal	3
	Zoning & Land Uses	3
	Wetlands	6
	Modifications to the Church Property.....	6
	Request.....	6
III.	COMPLIANCE WITH CITY OF MILWAUKIE DEVELOPMENT CODE	7
	Chapter 19.300 Base Zones	7
	Chapter 19.400 Overlay Zones & Special Areas	15
	Chapter 19.500 Supplementary Development Regulations.....	16
	Chapter 19.600 Off-Street Parking and Loading	22
	Chapter 19.700 Public Facility Improvements	34
	Chapter 19.900 Land Use Applications	43
IV.	CONCLUSIONS.....	57

EXHIBITS

- A. Preliminary Plan Set
- B. Parking Assessment Memo
- C. Pre-application Meeting Summary
- D. Traffic Impact Analysis
- E. Preliminary Drainage Report

I. PROJECT TEAM

Applicant

Bonaventure Senior Housing
3425 Boone Road SE
Salem, OR 97317
Contact: Daniel Dobson
503.373.3154
ddobson@liveBSL.com

Property Owner

Turning Point Church
13333 Rusk Road
Milwaukie, OR 97222
Contact: Pastor Bob Mihuc
503.305.8704
bob@turningpointcares.org

Planning/Civil Engineering

DOWL
720 SW Washington Street, Suite 750
Portland, OR 97221
Contact: Serah Breakstone, AICP
503.280.8661
sbreakstone@dowl.com

Traffic Engineering

Kittelson & Associates, Inc.
610 SW Alder Street, Suite 700
Portland, OR 97205
Contact: Chris Brehmer, PE
503.535.7433
cbrehmer@kittelson.com

Natural Resources

Pacific Habitat Services
9450 SW Commerce Circle, Suite 180
Wilsonville, OR 97070
Contact: John van Staveren
503.570.0800
jvs@pacifichabitat.com

Arborist

Morgan Holen & Associates
3 Monroe Parkway, Suite P220
Lake Oswego, Oregon 97035
Contact: Morgan Holen
971.409.9354
morgan.holen@comcast.net

II. INTRODUCTION

Summary of Proposal

The applicant, Bonaventure Senior Housing, is proposing a new senior living facility on a site located at 13333 Rusk Road in Milwaukie. The site currently consists of four tax lots, all under the same ownership (Turning Point Church). Those tax lots are:

- Tax Lot 22E06AD00600 – 4.05 acres
- Tax Lot 22E06AD00700 – 1.00 acres
- Tax Lot 22E06AD00900 – 0.63 acres
- Tax Lot 22E06AD00901 – 12.35 acres

The total site size is 18.03 acres. The applicant is also requesting a property line adjustment and lot consolidation to reconfigure the site into two lots. One lot will be used for the proposed new development and the other will continue to be the site of the existing Turning Point Church.

Bonaventure is a family of companies dedicated to the development, construction, and operation of exceptional senior living communities in the Western United States. The senior living facility proposed in Milwaukie will consist of a single, stair-stepped building that would house 170 senior living units on approximately six acres. Specifically, the proposed building will consist of:

- **78 Independent Living Suites:** One- and two-bedroom suites ranging from 570 to 1,150 square feet. While these residents receive some meals and services such as housekeeping and social programs, these units have complete kitchens and balconies. Approximately 30% of these residents are anticipated to keep a car on site.
- **60 Assisted Living Suites:** One- and two-bedroom suites ranging from 500 to 1,130 square feet. These residents are served all meals in a restaurant-style communal dining room; therefore, these suites are equipped with a microwave and refrigerator only for snacks. These residents are not anticipated to drive and tend to receive additional services to assist with activities of daily living.
- **32 Memory Care Suites:** This is a secured section of the building, with its own separate and enhanced administrative and care staff. It has a separate serving kitchen, dining room, outdoor area, and common amenities. The Memory Care units do not have any individual kitchen facilities.

Interior amenities include a large lobby and reception area, café, formal living room/parlor with public computers for resident use, hobby workshop, fitness center, piano lounge, beauty salon, large theater for movies and special events, activity space for cooking/baking programs, and a hospitality bar for meals and social functions.

Outside activity areas include a combination of open and covered patios where staff can engage residents in various scheduled activities and occasional meals in fair weather. Outdoor planting areas are provided for resident use as well as horseshoe pits and other exterior amenity areas.

The proposed development will take access from SE Kellogg Creek Drive, with additional emergency-only access available from SE Rusk Road through the church parking lot. The senior living facility will have on-site parking and drive aisles, but no new public roads are proposed as part of the development.

Zoning & Land Uses

The subject site currently has split zoning, with the western portion of the site zoned R-3 and the eastern portion of the site zoned R-10. See Figure 2 and the existing conditions plan (Sheet C100) in Exhibit A. The table below describes the uses and zoning on properties surrounding the subject site.

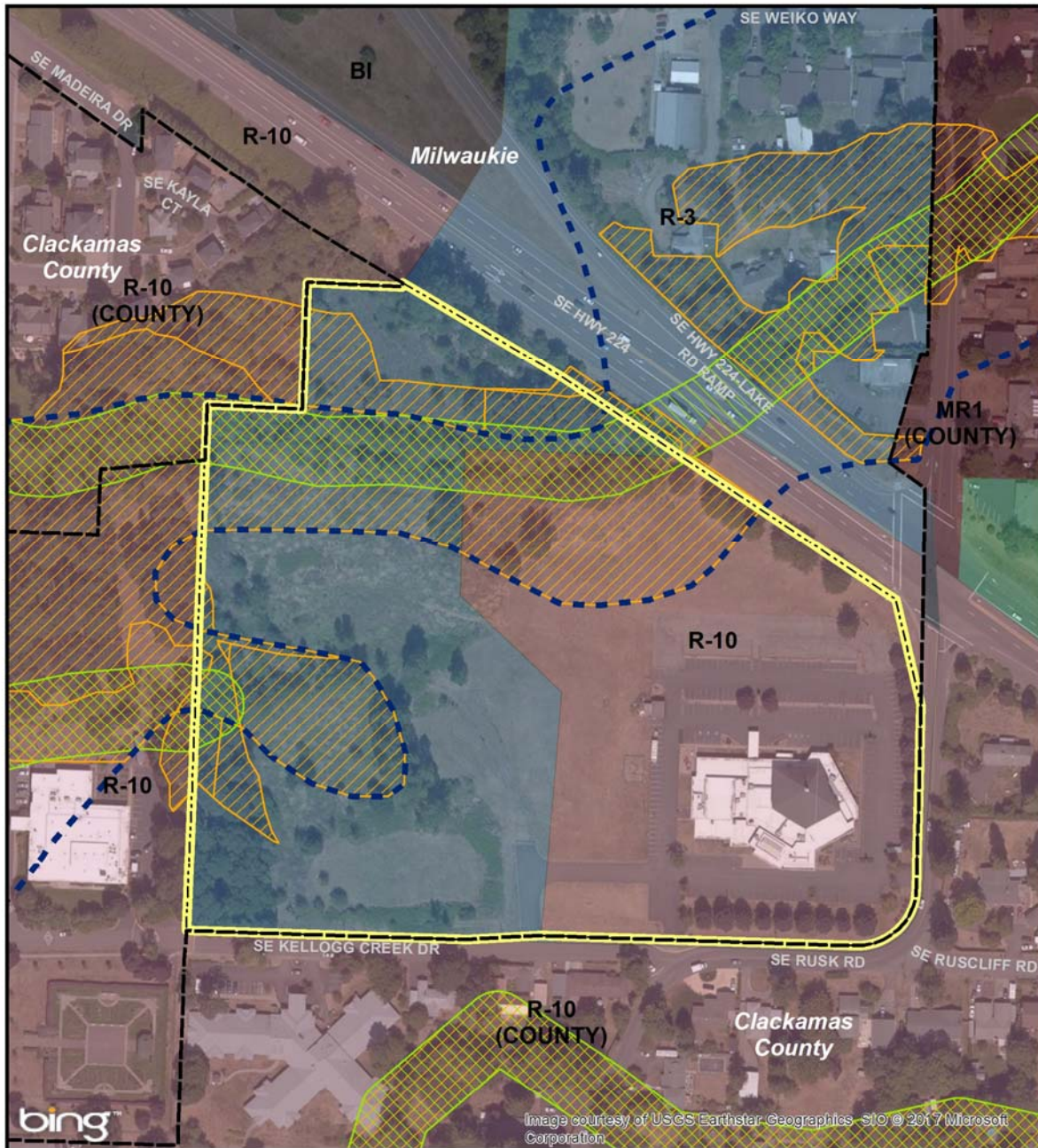
Table 1: Surrounding Uses

	<u>Zoning</u>	<u>Land Uses</u>
North	R-10	Single-family residences, Highway 224 right-of-way
East	R-10	Turning Point Church, SE Rusk Road, and single-family residences
South	R-10	SE Kellogg Creek Road, single-family residences, Deerfield Village Assisted Living Center
West	R-10	The Milwaukie Center, North Clackamas Park

Figure 1: Vicinity Map



Figure 2: Zoning & Existing Natural Resource Mapping



\\BIL-F\BIL-projects\22\14258-01\GIS\MXD\01_1_Zoning.mxd
Date Saved: 1/16/2017 3:10:53 PM

Natural Resources

The site contains approximately 4.5 acres of FEMA mapped floodplain area, which is regulated by Chapter 18.04 of the Milwaukie Municipal Code. The site also contains approximately 5.6 acres of designated Habitat Conservation Area (HCA) (See Figure 2 Natural Resource Areas). HCA lands are natural resources that have been identified by the City for protection and are regulated under Chapter 19.402 of the Milwaukie Zoning Code. Impacts to floodplain and HCA are permitted by the City if certain conditions can be met and mitigation of those impacts is provided.

Wetlands

Wetlands have been identified on the site and delineated by Pacific Habitat Services. A wetland delineation report prepared by Pacific Habitat Services will be provided. Impacts to the wetlands will occur in order to accommodate development on the site. Those impacts require a permit from the US Army Corps of Engineers (US Corps). A permit application for wetland impacts will be submitted as required.

Modifications to the Church Property

As noted previously, a property line adjustment request has been submitted to the City to reconfigure lots to result in a separate tax lot for the existing church and associated parking areas. As part of the proposed subdivision development, minor changes to the church property will occur, including:

- The church entrance from Rusk Road will be reconfigured to ensure that it is used only as an entrance; exit onto Rusk Road from that access point would not be permitted due to sight distance issues.

Because the church use is an approved Community Service Use (CSU) per Milwaukie's code (Section 19.904), a minor modification to the CSU approval is required by the City.

Request

This application package contains the following requests for approvals from the City of Milwaukie:

- Type III Conditional Use for the independent and assisted living units
- Type III Community Service Use for the memory care units
- Type III Variances (three)
- Type III Natural Resources Review/HCA Verification
- Type II Parking Determination to allow a reduced parking ratio
- Type II Transportation Facilities Review
- Type I Minor Modification to CSU approval (for the church)

III. COMPLIANCE WITH CITY OF MILWAUKIE DEVELOPMENT CODE

Section II of this narrative contains sections of the Milwaukie Municipal Code along with responses to demonstrate how the proposed project meets the applicable standards and requirements. Sections of the code that are not applicable are generally not included here unless necessary for context.

Title 18 Flood Hazard Areas

There is mapped FEMA 100-year floodplain on the senior living site; however, the current FEMA mapping does not accurately reflect the actual location of the 100-year floodplain. The applicant is requesting a conditional letter of map revision (CLOMR) from FEMA to revise the floodplain boundary on the site based on actual elevations and detailed topographic survey of the site. The request to FEMA must include a Community Acknowledgement Form signed by the City’s engineer stating they agree with the revision. The City engineer has indicated that the form will be signed after preliminary land use approval at the public hearing. Once that occurs, the CLOMR request will be submitted to FEMA.

Title 19 Zoning

Chapter 19.300 Base Zones

19.301 LOW DENSITY RESIDENTIAL ZONES*

19.301.2 Allowed Uses in Low Density Residential Zones

Response: The independent and assisted living units are considered “senior and retirement housing” which is allowed in the R-10 zone through a Conditional Use approval per Table 19.301.2. The memory care units are considered a “community service use”, which are allowed in all zones through a Community Service Use approval. Therefore, the proposed senior living facility is an allowed use in the R-10 zone.

19.301.4 Development Standards

In the low density residential zones, the development standards in Table 19.301.4 apply. Notes and/or cross references to other applicable code sections are listed in the “Standards/Additional Provisions” column. Additional standards are provided in Subsection 19.301.5.

See Sections 19.201 Definitions and 19.202 Measurements for specific descriptions of standards and measurements listed in the table.

Standard	R-10	Response
<i>Minimum lot size</i>	<i>10,000 SF</i>	Standard is met. The subject lot (after the related Property Line Adjustment) will exceed the minimum lot size.
<i>Minimum lot width</i>	<i>70 feet</i>	Standard is met. As shown on the Site Plan Sheet C201, the subject lot has dimensions that far exceed the minimum lot width, depth and frontage standards for the R-10 zone.
<i>Minimum lot depth</i>	<i>100 feet</i>	
<i>Minimum street frontage</i>	<i>35 feet</i>	
<i>Minimum front yard</i>	<i>20 feet</i>	Standard is met. As shown on the Site Plan Sheet C201, the proposed building will be setback from all property lines by a distance that exceeds the minimum yard requirements for
<i>Minimum side yard</i>	<i>10 feet</i>	
<i>Minimum street side yard</i>	<i>20 feet</i>	

<i>Minimum rear yard</i>	<i>20 feet</i>	this zone.
<i>Maximum bldg. height</i>	<i>2.5 stories or 35 feet</i>	This standard applies to the independent and assisted living portions of the building. Some portions of the building exceed this limit; for those portions, a variance is requested. For the memory care portion of the building, this standard is superseded by the standard for Community Service Uses in Section 19.904.8 which establishes a height limit of 45 feet for nursing or convalescent homes. The memory care portion of the building is one story and approximately 10.6 feet high, and therefore complies with this standard.
<i>Side yard height plane limit: Height above ground Slope of plane</i>	<i>20 feet 45 degrees</i>	Standard is met. As shown on the Site Plan Sheet C201, the proposed building will be located far enough away from the required side yard that the side yard height plane limit will not apply.
<i>Maximum lot coverage</i>	<i>30 percent</i>	As shown on the Site Plan Sheet C201, the total site area is 605,385 square feet and the total lot coverage is 167,270 square feet, or 27.6 percent of the lot.
<i>Minimum vegetation</i>	<i>35 percent</i>	As shown on the Site Plan Sheet C201, the total site area is 605,385 square feet and the total landscaped/vegetated area is 438,024 square feet (including preserved natural areas), or approximately 72 percent of the site, which exceeds the standard.
<i>Minimum density</i>	<i>3.5 units/acre</i>	Staff has stated that density standards do not apply for this proposal. The proposed use is a senior living facility with a mix of unit types housed within one building. Further, the use is a community service use split across two zones that have different density standards.
<i>Maximum density</i>	<i>4.4 units/acre</i>	

19.301.5 Additional Development Standards

A. Side Yards

In the R-7 Zone, one side yard shall be at least 5 ft and one side yard shall be at least 10 ft, except on a corner lot the street side yard shall be 20 ft.

Response: Not applicable. The R-7 zoning does not apply to the subject site.

B. Lot Coverage

The lot coverage standards in Subsection 19.301.4.B.4 are modified for specific uses and lot sizes as described below. The reductions and increases are combined for properties that are described by more than one of the situations below.

1. Decreased Lot Coverage for Large Lots

The maximum lot coverage percentage in Subsection 19.301.4.B.4 is reduced by 10 percentage points for a single-family detached dwelling, duplex, or residential home on a lot that is more than 2.5 times larger than the minimum lot size in Subsection 19.301.4.A.1.

Response: Not applicable. This proposal does not include the uses listed in the standard above.

2. *Increased Lot Coverage for Single-Family Detached Dwellings*

Response: Not applicable. This proposal does not include detached single-family dwelling units.

3. *Increased Lot Coverage for Duplexes*

The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 20 percentage points for a duplex.

Response: Not applicable. This proposal does not include duplexes.

4. *Increased Lot Coverage for Detached Accessory Dwelling Units*

The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 5 percentage points for the development of a new detached accessory dwelling unit. This allowance applies only to the detached accessory structure and does not allow for the primary structure or other accessory structures to exceed lot coverage standards.

Response: Not applicable. This proposal does not include detached accessory dwelling units.

C. *Front Yard Minimum Vegetation*

At least 40% of the front yard shall be vegetated. The front yard vegetation area required by this subsection counts toward the minimum required vegetation for the lot. A property may provide less than the 40% of the front yard vegetation requirement if it is necessary to provide a turnaround area so that vehicles can enter a collector or arterial street in a forward motion.

Response: As shown on the landscape Sheet L111, the entire area between the proposed building and the front property line along Kellogg Creek Drive will be landscaped (except where the driveway is located). The landscaping will consist of vegetated storm facilities surrounded by shrubs, trees and ground cover.

D. *Residential Densities*

The minimum and maximum development densities in Subsection 19.301.4.C.1 are applicable for land divisions and replats that change the number of lots.

If a proposal for a replat or land division is not able to meet the minimum density requirement—due to the dimensional requirements for lot width, lot depth, or lot frontage—the minimum density requirement shall instead be equal to the maximum number of lots that can be obtained from the site given its dimensional constraints. The inability of new lot lines to meet required yard dimensions from existing structures shall not be considered as a basis for automatically lowering the minimum density requirement.

Response: The applicant is not proposing a land division or replat. In addition, density standards do not apply for the proposed senior living center. Therefore, this standard is not applicable.

E. Accessory Structure Standards

Standards specific to accessory structures are contained in Section 19.502.

Response: Not applicable. No accessory structures are proposed as part of this application.

F. Number of Dwelling Structures

In the low density residential zones, 1 primary building designed for dwelling purposes shall be permitted per lot. See Subsection 19.504.4.

Response: One primary building for senior living is proposed.

G. Off-Street Parking and Loading

Off-street parking and loading is required as specified in Chapter 19.600.

Response: Applicable standards from Section 19.600 are addressed later in this narrative.

H. Public Facility Improvements

Transportation requirements and public facility improvements are required as specified in Chapter 19.700.

Response: Applicable standards from Section 19.700 are addressed later in this narrative.

I. Additional Standards

Depending upon the type of use and development proposed, the following sections of Chapter 19.500 Supplementary Development Regulations may apply. These sections are referenced for convenience, and do not limit or determine the applicability of other sections within the Milwaukie Municipal Code.

- 1. Subsection 19.504.4 Buildings on the Same Lot*
- 2. Subsection 19.504.8 Flag Lot Design and Development Standards*
- 3. Subsection 19.505.1 Single-Family Dwellings and Duplexes*
- 4. Subsection 19.505.2 Garages and Carports*
- 5. Subsection 19.506.4 Manufactured Dwelling Siting and Design Standards, Siting Standards*

Response: Applicable standards from Section 19.500 are addressed later in this narrative.

19.302 MEDIUM AND HIGH DENSITY RESIDENTIAL ZONES

19.302.2 Allowed Uses in Medium and High Density Residential Zones

Response: The independent and assisted living units are considered “senior and retirement housing” which is allowed in the R-3 zone through a Conditional Use approval per Table 19.301.2. The memory care units are considered a “community service use”, which are allowed in all zones through a Community Service Use approval. Therefore, the proposed senior living facility is an allowed use in the R-3 zone.

19.302.4 Development Standards

In the medium and high density residential zones, the development standards in Table 19.302.4 apply. Notes and/or cross references to other applicable code sections are listed in the “Standards/Additional Provisions” column. Additional standards are provided in Section 19.302.5.

The standards in Subsection 19.302.4 are not applicable to cottage cluster development except where specifically referenced by Subsection 19.505.4.

Standard	R-3	Response
<i>Minimum lot size</i>	<i>5,000 SF</i>	Standard is met. The subject lot will exceed the minimum lot size.
<i>Minimum lot width</i>	<i>50 feet</i>	Standard is met. As shown on the Site Plan Sheet C201, the subject lot has dimensions that far exceed the minimum lot width, depth and frontage standards for the R-3 zone.
<i>Minimum lot depth</i>	<i>80 feet</i>	
<i>Minimum street frontage</i>	<i>35 feet</i>	
<i>Minimum front yard</i>	<i>15 feet</i>	Standard is met. As shown on the Site Plan Sheet C201, the building will be set back from all property lines at distances that exceed the minimums.
<i>Minimum side yard</i>	<i>0 feet</i>	
<i>Minimum street side yard</i>	<i>15 feet</i>	
<i>Minimum rear yard</i>	<i>15 feet</i>	
<i>Maximum bldg. height</i>	<i>2.5 stories or 35 feet</i>	This standard applies to the independent and assisted living portions of the building. Some portions of the building exceed this limit; for those portions, a variance is requested. For the memory care portion of the building, this standard is superseded by the standard for Community Service Uses in Section 19.904.8 which establishes a height limit of 45 feet for nursing or convalescent homes. The memory care portion of the building is one story and approximately 10.6 feet high, and therefore complies with the standard.
<i>Side yard height plane limit: Height above ground Slope if plane</i>	<i>20 feet 45 degrees</i>	Standard is met. As shown on the Site Plan Sheet C201, the proposed building will be located away far enough from the required side yard that the side yard height plane limit will not apply.
<i>Maximum lot coverage</i>	<i>40 percent</i>	Standard is met. As shown on the Site Plan Sheet C201, the total site area is 605,385 square feet and the total lot coverage is 167,270 square feet, or 27.6 percent of the lot.
<i>Minimum vegetation</i>	<i>35 percent</i>	As shown on the Site Plan Sheet C201, the total site area is 605,385 square feet and the total landscaped/vegetated area is 438,024 square feet (including preserved natural areas), or approximately 72 percent of the site, which exceeds the standard.
<i>Minimum density</i>	<i>11.6 units/acre</i>	Standard is not applicable. The proposed use is a senior living facility with a mix of unit types housed within one building. Further, the use is split across two zones that have different density standards. This is a unique situation and staff has
<i>Maximum density</i>	<i>14.5 units/acre</i>	

		stated that density standards do not apply for this proposal.
--	--	---

19.302.5 Additional Development Standards

A. Side Yards

In the medium and high density zones, the required side yard is determined as described below. These measurements apply only to required side yards and do not apply to required street side yards.

- 1. The side yard for development other than a rowhouse shall be at least 5 ft.*
- 2. There is no required side yard for rowhouses that share 2 common walls. The required side yard for an exterior rowhouse that has only 1 common wall is 0 ft for the common wall and 5 ft for the opposite side yard. An exterior rowhouse on a corner lot shall meet the required street side yard setback in Subsection 19.302.4.B.1.b.*

Response: No rowhouses are proposed as part of this development. The applicable minimum side yard of five feet will be met.

B. Lot Coverage

The lot coverage standards in Subsection 19.302.4.B.4 are modified for specific uses and lot sizes as described below. The reductions and increases are additive for lots that are described by one or more of the situations below.

- 1. Increased Lot Coverage for Single-Family Detached Dwellings*
- 2. Increased Lot Coverage for Duplexes and Rowhouses. The maximum lot coverage percentage in Subsection 19.302.4.B.4 is increased by 20 percentage points for a duplex or rowhouse.*
- 3. Increased Lot Coverage for Detached Accessory Dwelling Units*

Response: Not applicable. The proposal does not include the uses listed in (1-3) above.

C. Minimum Vegetation

At least half of the minimum required vegetation area must be suitable for outdoor recreation by residents, and not have extreme topography or dense vegetation that precludes access.

Response: Per the table above, the required minimum amount of vegetation on the site is 35 percent, or 211,885 square feet. Half of the required minimum is therefore 105,942 square feet. This standard will be met through a combination of formal landscaped areas close to the building and the preserved natural open space on the site. A portion of the natural open space will be suitable for outdoor recreation by residents because it will not have extreme topography or dense vegetation. The paved outdoor plaza has been designed for resident use and includes a horseshoe pit, raised planter beds for a vegetable garden, a gazebo and seating areas. In addition, the memory care courtyard has been designed to provide safe and secure outdoor space for memory care residents.

D. Front Yard Minimum Vegetation

At least 40% of the front yard shall be vegetated. The front yard vegetation area required by this subsection counts toward the minimum required vegetation for the lot. A property may provide less than the 40% of the

front yard vegetation requirement if it is necessary to provide a turnaround area so that vehicles can enter a collector or arterial street in a forward motion.

Response: As shown on the landscape Sheet L111, the entire area between the proposed building and the front property line along Kellogg Creek Drive will be landscaped (except where the driveway is located). The landscaping will consist of vegetated storm facilities surrounded by shrubs, trees and ground cover.

E. Height Exceptions

1 additional story may be permitted in excess of the required maximum standard. For each additional story, an additional 10% of site area beyond the minimum is required to be retained in vegetation.

Response: This standard applies to the independent and assisted living portions of the building. Those portions can be allowed an additional story due to the large amount of the site that will be retained as natural open space. Per the standards in Section 19.302.4, 35 percent of the site must be vegetated. As shown on the site plan, approximately 72 percent of the site will be either landscaped or remain as natural open space. Therefore, this height exception applies, and the building may be 3½ stories high (on the R-3 portion of the site). However, portions of the building are four stories and therefore exceed this limit. A variance is requested for those portions of the building that exceed the height limit. Variance criteria are addressed later in this narrative.

F. Residential Densities

1. The minimum and maximum development densities in Subsection 19.302.4.C.1 are applicable for land divisions, replats that change the number of lots, and any development that would change the number of dwelling units on a lot. Development of a single-family detached dwelling or an accessory dwelling is exempt from the minimum and maximum density requirements.

Response: The applicant is not proposing a land division or replat. In addition, density standards do not apply to the proposed senior living center. Therefore, this standard is not applicable.

2. Multifamily development in the R-2, R-1, and R-1-B Zones is subject to the minimum site size requirements in Table 19.302.5.F.2. In the event that the minimum site size requirements conflict with the development densities in Subsection 19.302.4.C.1, the site size requirements in Table 19.302.F.2 shall prevail.

Response: Not applicable. This project does not propose multifamily development in the R-2, R-1 or R-1-B zones.

G. Accessory Structure Standards

Standards specific to accessory structures are contained in Section 19.502.

Response: Not applicable. The proposal does not include accessory structures.

H. Building Limitations

1. In the R-3 Zone, 1 single-family detached dwelling or 1 duplex is permitted per lot. See Subsection 19.504.4. A detached accessory dwelling may be permitted in addition to a single-family detached dwelling, per Subsection 19.910.1.

Response: Not applicable. The proposal does not include any single-family detached or duplex units.

2. *Multifamily buildings shall not have an overall horizontal distance exceeding 150 linear ft as measured from end wall to end wall.*

Response: Not applicable. The proposal does not include multifamily buildings.

I. Transition Measures

The following transition measures apply to multifamily development that abuts an R-10-, R-7-, or R-5-zoned property.

Response: Not applicable. The proposal does not include multifamily development.

J. Off-Street Parking and Loading

Off-street parking and loading is required as specified in Chapter 19.600.

Response: Applicable standards from Section 19.600 are addressed later in this narrative.

K. Public Facility Improvements

Transportation requirements and public facility improvements are required as specified in Chapter 19.700.

Response: Applicable standards from Section 19.700 are addressed later in this narrative.

L. Additional Standards

Depending upon the type of use and development proposed, the following sections of Chapter 19.500 Supplementary Development Regulations may apply. These sections are referenced for convenience, and do not limit or determine the applicability of other sections within the Milwaukie Municipal Code.

1. *Subsection 19.504.4 Buildings on the Same Lot*
2. *Subsection 19.504.8 Flag Lot Design and Development Standards*
3. *Subsection 19.504.9 On-Site Walkways and Circulation*
4. *Subsection 19.504.10 Setbacks Adjacent to Transit*
5. *Subsection 19.505.1 Single-Family Dwellings and Duplexes*
6. *Subsection 19.505.2 Garages and Carports*
7. *Subsection 19.505.3 Multifamily Housing*
8. *Subsection 19.505.4 Cottage Cluster Housing*
9. *Subsection 19.505.8 Building Orientation to Transit*
10. *Subsection 19.506.4 Manufactured Dwelling Siting and Design Standards, Siting Standards*

Response: Applicable standards from Section 19.500 are addressed later in this narrative.

Chapter 400 Overlay Zones & Special Areas

Section 19.402 Natural Resources

19.402.3 Applicability

A. *The regulations in Section 19.402 apply to all properties that contain, or are within 100 ft of a WQR and/or HCA (including any locally significant Goal 5 wetlands or habitat areas identified by the City of Milwaukie) as shown on the Milwaukie Natural Resource Administrative Map (hereafter “NR Administrative Map”).*

Response: The subject property contains areas designated as HCA per the NR Administrative Map. Therefore, the regulations of 19.402 apply.

K. *Activities that are not exempt per Subsection 19.402.4, or prohibited per Subsection 19.402.5, are subject to the Type I, II, or III review process as outlined in Table 19.402.3.K.*

Response: This proposal includes activities that are not exempt or prohibited. Therefore, this proposal is subject to a Type III Natural Resources Review. A Natural Resource Review report prepared by Pacific Habitat Services will be provided. That report will include a detailed description of impacts to designated natural resources on the site and responses to applicable standards and criteria from Chapter 19.402 to demonstrate how the project will comply with this section of code.

Chapter 500 Supplementary Development Regulations

19.504 SITE DESIGN STANDARDS

19.504.1 Clear Vision Areas

A clear vision area shall be maintained on the corners of all property at the intersection of 2 streets or a street and a railroad according to the provisions of the clear vision ordinance in Chapter 12.24.

Response: The site does not have a corner at the intersection of two streets or at the intersection of a street and railroad crossing. Therefore, this standard does not apply.

19.504.2 Maintenance of Minimum Ordinance Requirements

No lot area, yard, other open space, or off-street parking or loading area shall be reduced by conveyance or otherwise below the minimum requirements of this title, except by dedication or conveyance for a public use.

Response: The minimum ordinance requirements applicable to this site will be maintained. Lot area, yards, open space, off-street parking and loading will not be reduced below the minimum requirements.

19.504.3 Dual Use of Required Open Space

No lot area, yard, or other open space or off-street parking or loading area which is required by this title for one use shall be used to meet the required lot area, yard, or other open space or off-street parking area for another use, except as provided in Subsection 19.605.4.

Response: Dual use of required open space, parking and loading areas is not proposed and will not occur as part of this project.

19.504.4 Buildings on the Same Lot

A. In R-10, R-7, and R-5 Zones, 1 primary dwelling shall be permitted per lot. A detached accessory dwelling unit may be permitted per Subsection 19.910.1.

B. In the R-3 Zone, 1 single-family detached dwelling shall be permitted per lot. A detached accessory dwelling unit may be permitted per Subsection 19.910.1. Multifamily housing, with multiple structures designed for dwelling purposes, may be permitted as a conditional use per Section 19.905.

Response: The proposed development is for one senior living building split across two zones (R-10 and R-3). Multiple buildings are not proposed.

19.504.5 Distance from Property Line

Where a side or rear yard is not required and a structure is not to be erected at the property line, it shall be set back at least 3 ft from the property line.

Response: Not applicable. Side and rear yards are required in the R-3 and R-10 zones.

19.504.9 On-Site Walkways and Circulation

A. Requirement

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

Response: As shown on the site plan, a walkway will be provided around the entire building to connect the parking areas with building entrances. The walkway will also connect to the public sidewalk along Kellogg Creek Road at the driveway.

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

Response: The site has approximately 653 feet of street frontage along Kellogg Creek Drive, which requires two walkway connections into the site. As shown on the Site Plan Sheet C201, two walkway connections into the site will be provided from Kellogg Creek Drive. The site also has approximately 64 feet of frontage along SE Rusk Road. However, providing a connection along that frontage is not appropriate for this use. As such, the applicant requests a variance to the standard. Applicable variance criteria are addressed later in this narrative.

C. Connections

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

Response: As shown on the site plan, a walkway will be provided around the entire building to connect the parking areas with building entrances. The walkway will also connect to the public sidewalk along Kellogg Creek Drive at two locations. The sidewalk along Kellogg Creek Drive connects to the adjacent North Clackamas Park, providing a safe and direct connection for residents of the senior center to the nearby park amenities.

D. Routing

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

Response: As shown on the site plan, the on-site walkway loops around the entire building and provides direct access for residents and employees from the various parking areas to the nearest building entrance. The on-site walkway connects to the public sidewalk along Kellogg Creek Drive at two locations, which provides a direct connection to the adjacent park amenities.

E. Design Standards

Walkways shall be constructed with a hard surface material, shall be permeable for stormwater, and shall be no less than 5 ft in width. If adjacent to a parking area where vehicles will overhang the walkway, a 7-ft-wide

walkway shall be provided. The walkways shall be separated from parking areas and internal driveways using curbing, landscaping, or distinctive paving materials. On-site walkways shall be lighted to an average 5/10-footcandle level. Stairs or ramps shall be provided where necessary to provide a direct route.

Response: Walkways will be six feet in width and will be separated from parking areas and the drive aisle by curbing. Wheel stops will be installed in the parking spaces to prohibit overhang into the walkway. On-site walkways will be lit consistent with this standard. No stairs or ramps are proposed as part of the on-site walkways.

19.504.11 Preliminary Circulation Plan

A preliminary circulation plan is intended to guide site development by establishing a plan for multimodal access, connectivity, and circulation. A preliminary circulation plan is a conceptual plan, in that it does not establish a precise alignment for street, pedestrian, or bicycle facilities.

A. *Applicability.* A preliminary circulation plan is required for nonresidential development on sites 3 acres and larger that are subject to development review per Section 19.906 and where any of the following is true:

1. The site is vacant.
2. The proposed new development or redevelopment will result in reconfiguration of the transportation and development pattern for > 50% of the site.
3. The development is in the Flex Space Overlay Zone.

Response: The proposed senior living center is a residential use. Therefore, this section is not applicable.

19.505 BUILDING DESIGN STANDARDS

19.505.3 Multifamily Housing

B. *Applicability.* The design elements in Table 19.505.3.D in this subsection apply, as described below, to all multifamily and congregate housing developments with 3 or more dwelling units on a single lot. Cottage cluster housing and rowhouses on their own lots are subject to separate standards and are therefore exempt from Subsection 19.505.3. Housing development that is on a single lot and emulates the style of cottage cluster housing or rowhouses is subject to the standards of this subsection.

Response: The design standards in this section do not technically apply to the proposed senior living center. However, for context, this narrative describes how the proposed development will be consistent with the design guidelines, where appropriate and applicable. The table below lists the design guidelines found in Table 19.505.3.D Multifamily Design Guidelines and Standards, and briefly describes how the proposed senior living development will be consistent with the overall intent of the design guidelines.

Design Guideline from Table 19.505.3.D	Response
<p>1. Private open space. The development should provide private open space for each dwelling unit. Private open space should have direct access from the dwelling unit and should be visually and/or physically separate from common areas.</p> <p>The development may provide common open space in lieu of private opens space if the common open space is well designed, adequately sized, and functionally similar to</p>	<p>The proposed senior living facility will provide a variety of common open spaces for residents, including an outdoor plaza and a secure outdoor courtyard for memory care residents. In addition, a large portion of the site (approximately half) will remain as natural open space that can be accessed by residents of the facility. Common open space is also available at North Clackamas Park, directly adjacent to the site.</p>

Design Guideline from Table 19.505.3.D	Response
<i>private open space.</i>	
2. <i>Public open space. The development should provide sufficient open space for the purpose of outdoor recreation, scenic amenity, or shared outdoor space for people to gather.</i>	
3. <i>Pedestrian circulation. Site design should promote safe, direct, and usable pedestrian facilities and connections throughout the development. Ground-floor units should provide a clear transition from the public realm to the private dwellings.</i>	The site has been designed to provide safe and convenient pedestrian access around the site, and to minimize walking distance between parking areas and building entrances. A walkway will be provided around the building to connect parking areas to building entrances.
4. <i>Vehicle and bicycle parking. Vehicle parking should be integrated into the site in a manner that does not detract from the design of the building, the street frontage, or the site. Bicycle parking should be secure, sheltered, and conveniently located.</i>	Vehicle parking on the site has been designed to provide safe and convenient parking for all users of the facility, including residents, visitors and employees. Parking has been distributed around the building to help minimize walking distances between parking spaces and building entrances. Residents and visitors can park in those spaces that are nearest the portion of the building they are accessing. Employees will be directed to park in the spaces furthest from the building to reserve the most convenient spaces for residents of the facility.
5. <i>Building entrances and orientation. Buildings should be located with the principal façade oriented to the street or a street-facing open space such as a courtyard. Building entrances should be well-defined and protect people from the elements.</i>	The proposed senior living development will have multiple entrances, two of which will be visible from Kellogg Creek Drive. The memory care entrance will face Kellogg Creek Drive and will be well-defined through pillars that extend out from the building. This entrance will also be covered. Another building entrance will be located further back from Kellogg Creek Drive on the east side of the building. This entrance will be large, covered, and will have a drop-off/pick-up area for residents and visitors. See the elevations on Sheet A3.1 for details.
6. <i>Building façade design. Changes in wall planes, layering, horizontal datums, vertical datums, building materials, color, and/or fenestration shall be incorporated to create simple and visually interesting buildings.</i> <i>Windows and doors should be designed to create depth and shadows and to emphasize wall thickness and give expression to residential buildings.</i> <i>Windows should be used to provide articulation to the façade and visibility into the street.</i> <i>Building façades shall be compatible with adjacent building façades.</i>	As shown on the elevations on Sheet A3.1, the proposed building will provide articulation on all sides through the use of varied building materials and colors, a combination of vertical and horizontal siding, ample widow coverage, balconies and pillars, building offsets, and articulated rooflines.
7. <i>Building materials. Buildings should be constructed with architectural materials that provide a sense of permanence and high quality.</i> <i>Street-facing façades shall consist predominantly of a simple palette of long-lasting materials such as brick, stone, stucco, wood siding, and wood shingles.</i> <i>A hierarchy of building materials shall be incorporated. The</i>	As shown on Sheet A3.1, a variety of building materials and colors will be included in the proposed building. A hierarchy of building materials will define the different portions and stories of the building. Building materials will be durable and high-quality.

Design Guideline from Table 19.505.3.D	Response
<i>materials shall be durable and reflect a sense of permanence and quality of development.</i>	
<i>8. Landscaping. Landscaping of multifamily developments should be used to provide a canopy for open spaces and courtyards, and to buffer the development from adjacent properties. Existing, healthy trees should be preserved whenever possible. Landscape strategies that conserve water shall be included. Hardscapes shall be shaded where possible, as a means of reducing energy costs (heat island effect) and improving stormwater management.</i>	As shown on the planting plans (Sheets L100-L121), landscaping will be provided throughout the development to enhance the visual aesthetic of the building, emphasize building entrances, and provide pleasant outdoor gathering spaces for residents. The large stand of White Oak trees located in the southwest corner of the site will be preserved. Other healthy trees within the wetland area and near Mount Scott Creek will also be preserved. The paved plaza located near the middle of the development will include a gazebo and tree for shading.
<i>9. Screening. Mechanical equipment, garbage collection areas, and other site equipment and utilities should be screened so they are not visible from the street and public or private open spaces. Screening should be visually compatible with other architectural elements in the development.</i>	Mechanical equipment and trash storage areas will be located near the northwest corner of the building, away from the public street and adjacent properties. As shown on Sheet A3.1, the trash storage area will be fully enclosed using materials similar in color to the main building.
<i>10. Recycling areas. Recycling areas should be appropriately sized to accommodate the amount of recyclable materials generated by residents. Areas should be located such that they provide convenient access for residents and for waste and recycling haulers. Recycling areas located outdoors should be appropriately screened or located so that they are not prominent features viewed from the street.</i>	The recycling area will be located in the same enclosure as the trash storage. Recycling storage will be sized appropriately for the proposed use and will be accessible to employees of the senior living center. A separate drive aisle will be provided to allow trash and recycling pick-up to occur without blocking the main drive aisle around the building.
<i>11. Sustainability. Multifamily development should optimize energy efficiency by designing for building orientation for passive heat gain, shading, day-lighting, and natural ventilation. Sustainable materials, particularly those with recycled content, should be used whenever possible. Sustainable architectural elements shall be incorporated to increase occupant health and maximize a building's positive impact on the environment.</i> <i>When appropriate to the context, buildings should be placed on the site giving consideration to optimum solar orientation. Methods for providing summer shading for south-facing walls, and the implementation of photovoltaic systems on the south-facing area of the roof, are to be considered.</i>	The main residential wing of the proposed building will be oriented along a solar-beneficial east/west axis, providing many residential units the advantage of passive heat gain, daylighting, and natural ventilation. The remainder of the building is oriented horizontally and vertically to maximize sun exposure into the memory care courtyard and adjacent unit windows. Exact construction details and specifications have not been completed for this project; however, the building will incorporate elements of sustainable design. The building will be wood-framed construction and comprised of a variety of wood products. Bonaventure anticipates that the majority of wood products for the project will be locally sourced (within 500 miles of project site). Bonaventure building designs typically exceed base energy code standards and earn incentives for energy efficient design primarily in heating/ventilation/cooling systems and lighting.
<i>12. Privacy considerations. Multifamily development should consider the privacy of, and sight lines to, adjacent residential properties, and be oriented and/or screened to maximize the privacy of surrounding residences.</i>	The nearest adjacent residential properties are located to the south, across Kellogg Creek Drive. The proposed building will be setback from Kellogg Creek Drive approximately 75 feet and will be over 130 feet from the southern Kellogg Creek Drive right-of-way line. Privacy for adjacent residences will be provided primarily by distance. Trees will also be planted along the site's frontage with Kellogg Creek Drive, which will provide additional screening for the

Design Guideline from Table 19.505.3.D	Response
	residences across the street.
<p><i>13. Safety. Multifamily development should be designed to maximize visual surveillance, create defensible spaces, and define access to and from the site. Lighting should be provided that is adequate for safety and surveillance, while not imposing lighting impacts to nearby properties. The site should be generally consistent with the principles of Crime Prevention Through Environmental Design:</i></p> <ul style="list-style-type: none"> · <i>Natural Surveillance: Areas where people and their activities can be readily observed.</i> · <i>Natural Access Control: Guide how people come to and from a space through careful placement of entrances, landscaping, fences, and lighting.</i> · <i>Territorial Reinforcement: Increased definition of space improves proprietary concern and reinforces social control</i> 	<p>Safety for residents of the proposed senior living facility is a top priority and is considered in all aspects of the building design and site layout. The entire development is surrounded by an access drive that will be lit to ensure safety and surveillance. Windows will be placed along the ground floor of all building elevations. An on-site walkway will be provided to directly connect parking areas with building entrances. Outdoor gathering spaces are located close to the building to enhance surveillance. Access to the site is limited to one access point along Kellogg Creek Drive and all visitors must check in at the main entrance. All building entrances will be access-controlled.</p>

Chapter 19.600 Off-Street Parking and Loading

19.604 GENERAL PARKING STANDARDS

19.604.1 Parking Provided with Development Activity

All required off-street parking areas shall be provided at the time the structure is built; at the time a structure or site is enlarged; or when there is change in use or an increase in density or intensity. All required off-street parking areas shall be provided in conformance with the standards of Chapter 19.600 prior to issuance of a certificate of occupancy, or final development permit approval, or as otherwise specified in any applicable land use decision.

Response: As shown on the site plan, off-street parking will be provided on the site at the time the development is built and in conformance with applicable standards of this chapter.

19.604.2 Parking Area Location

Accessory parking shall be located in one or more of the following areas:

- A. On the same site as the primary use for which the parking is accessory.*
- B. On a site owned by the same entity as the site containing the primary use that meets the standards of Subsection 19.605.4.B.2. Accessory parking that is located in this manner shall not be considered a parking facility for purposes of the base zones in Chapter 19.300.*
- C. Where shared parking is approved in conformance with Subsection 19.605.4.*

Response: Parking will be located on the same site as the primary use. Shared parking is not proposed as part of this project.

19.604.3 Use of Parking Areas

All required off-street parking areas shall continually be available for the parking of operable vehicles of intended users of the site. Required parking shall not be rented, leased, sold, or otherwise used for parking that is unrelated to the primary or accessory use of the site, except where a shared parking agreement per Subsection 19.605.4 has been recorded. Subsection 19.604.3 does not prohibit charging fees for parking when the parking serves the primary or accessory uses on site.

Response: All required off-street parking will be continually available for residents, employees and visitors of the senior living development. Parking will not be rented, leased, sold or otherwise used for parking that is not related to the senior living center.

19.604.4 Storage Prohibited

No required off-street parking area shall be used for storage of equipment or materials, except as specifically authorized by Subsection 19.607.2 Commercial Vehicle, Pleasure Craft, and Recreational Vehicle Parking. (Ord. 2025 § 2, 2011)

Response: Off-street parking will not be used for storage.

19.605 VEHICLE PARKING QUANTITY REQUIREMENTS

19.605.1 Minimum and Maximum Requirements

A. *Development shall provide at least the minimum and not more than the maximum number of parking spaces as listed in Table 19.605.1. Modifications to the standards in Table 19.605.1 may be made as per Section 19.605. Where multiple ratios are listed, the Planning Director shall determine which ratio to apply to the proposed development or use.*

Response: There are three different unit types within the proposed senior living center: independent living, assisted living and memory care. The memory care units are considered “nursing, convalescent and extended-care” units and have a required parking ratio of one space per four beds, per Table 19.605.1. However, the independent living and assisted living units do not have a corresponding or similar use in Table 19.605.1 and therefore do not have an explicit parking requirement. For that reason, a parking determination is requested, consistent with Section 19.605.2, to establish an appropriate minimum and maximum parking standard for the proposed senior center.

19.605.2 Quantity Modifications and Required Parking Determinations

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. Parking determinations shall be made when the proposed use is not listed in Table 19.605.1 and for developments with large parking demands.

A. Applicability

The procedures of Subsection 19.605.2 shall apply in the following situations:

- 1. If the proposed use is not listed in Table 19.605.1 and the quantity requirements for a similar listed use cannot be applied.*
- 2. If the applicant seeks a modification from the minimum required or maximum allowed quantities as calculated per Table 19.605.1.*

Response: Of the three proposed types of senior living, only the memory care units have a clear parking requirement per Table 19.605.1. The assisted living and independent living units do not. Therefore, a parking determination is requested for the entire development.

B. Application

Determination of parking ratios in situations listed above shall be reviewed as a Type II land use decision, per Section 19.1005 Type II Review. The application for a determination must include the following:

- 1. Describe the proposed uses of the site, including information about the size and types of the uses on site, and information about site users (employees, customers, etc.).*

Response: The proposed use is a senior living center with a mix of units that include independent living, assisted living and memory care facilities. The senior living center will employ approximately 50-60 employees over three shifts; on average there will be about 25 employees on the site at any given time. Visitors to the center are generally spaced throughout the day; visitors tend to stay about one hour. Peak visitor hours tend to be between 11:00 AM to 1:00 PM and 5:00 - 8:00 PM; peak number of visitors on the site at any one time is typically 10 visitors (requiring 10 parking spaces). Based on data derived from 45 Bonaventure senior living facilities with similar sizes and mix of units, residents of the facilities average 82 years of age. Generally, no more than 50 percent of the independent living residents drive and keep a vehicle on site (and therefore need a

parking space). Parking spaces are not needed for the assisted living and memory care residents because they do not drive.

2. *Identify factors specific to the proposed use and/or site, such as the proximity of transit, parking demand management programs, availability of shared parking, and/or special characteristics of the customer, client, employee or resident population that affect parking demand.*

Response: As noted above, the residents of the proposed senior living facility will have significantly lower parking demand than typical residential uses. Generally, no more than 50 percent of the independent living residents drive and maintain a vehicle on site (and therefore need a parking space). Parking spaces are not needed for the assisted living and memory care residents because they do not drive. As such, the primary users of parking on the site will be the independent living residents, employees and visitors.

3. *Provide data and analysis specified in Subsection 19.605.2.B.3 to support the determination request. The Planning Director may waive requirements of Subsection 19.605.2.B.3 if the information is not readily available or relevant, so long as sufficient documentation is provided to support the determination request.*
 - a. *Analyze parking demand information from professional literature that is pertinent to the proposed development. Such information may include data or literature from the Institute of Transportation Engineers, American Planning Association, Urban Land Institute, or other similar organizations.*
 - b. *Review parking standards for the proposed use or similar uses found in parking regulations from other jurisdictions.*
 - c. *Present parking quantity and parking use data from existing developments that are similar to the proposed development. The information about the existing development and its parking demand shall include enough detail to evaluate similarities and differences between the existing development and the proposed development.*
4. *Propose a minimum and maximum parking ratio. For phased projects, and for projects where the tenant mix is unknown or subject to change, the applicant may propose a range (low and high number of parking spaces) for each development phase and both a minimum and maximum number of parking spaces to be provided at buildout of the project.*
5. *Address the approval criteria in Subsection 19.605.2.C.*

Response: A Parking Assessment Memo dated December 13, 2016 is provided in Exhibit B that summarizes parking data for multiple Bonaventure senior living centers and establishes a parking ratio that can be applied to the proposed Milwaukie development. As shown in Table 2 of the exhibit, parking ratios for other senior living developments of similar size and type range from 0.38 to 1.01 parking spaces per unit, with an average of 0.70 spaces per unit (not including sites where parking was found to be inadequate). Based on this data, the applicant proposes a minimum parking ratio of 0.70 spaces per unit and a maximum ratio of 0.90 spaces per unit. The proposed development will have 170 units, which would require a minimum of 119 parking spaces and a maximum of 153 spaces. The development proposes 139 parking spaces, which is within this allowable range.

C. *Approval Criteria*

The Planning Director shall consider the following criteria in deciding whether to approve the determination or modification. The Planning Director, based on the applicant's materials and other data the Planning Director

deems relevant, shall set the minimum parking requirement and maximum parking allowed. Conditions of approval may be placed on the decision to ensure compliance with the parking determination.

1. All modifications and determinations must demonstrate that the proposed parking quantities are reasonable based on existing parking demand for similar use in other locations; parking quantity requirements for the use in other jurisdictions; and professional literature about the parking demands of the proposed use.

Response: As demonstrated in the Parking Assessment Memo provided in Exhibit B, the proposed parking ratios for the senior living center will be reasonable and adequate based on parking demand for other Bonaventure facilities of similar size and mix of units.

2. In addition to the criteria in Subsection 19.605.2.C.1, requests for modifications to decrease the amount of minimum required parking shall meet the following criteria:
3. In addition to the criteria in Subsection 19.605.2.C.1, requests for modifications to increase the amount of maximum allowed parking shall meet the following criteria:

Response: The applicant is requesting a parking determination, not a modification. Therefore, criteria 2 and 3 are not applicable.

19.606 PARKING AREA DESIGN AND LANDSCAPING

19.606.1 Parking Space and Aisle Dimensions

A. The dimensions for required off-street parking spaces and abutting drive aisles, where required, shall be no less than in Table 19.606.1. The minimum dimensions listed in Table 19.606.1 are illustrated in Figure 19.606.1.

Table 19.606.1

Minimum Parking Space And Aisle Dimensions

Angle (A)	Width (B)	Curb Length (C)	1-Way Aisle Width (D)	2-Way Aisle Width (D)	Depth (E)
0° (Parallel)	8.5'	22'	12'	19'	8.5'
30°	9'	17'	12'	19'	16.5'
45°	9'	12'	13'	19'	18.5'
60°	9'	10'	17'	19'	19'
90°	9'	9'	22'	22'	18'

B. The dimension of vehicle parking spaces provided for disabled persons shall be according to federal and State requirements.

C. Parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles may enter the street in a forward manner.

D. Drive aisles shall be required in parking areas greater than 5 spaces. Drive aisles shall meet the minimum width standards of Subsection 19.606.1. Where a drive aisle or portion thereof does not abut a parking space(s),

the minimum allowed width for a one-way drive aisle shall be 8 ft and the minimum allowed width for a two-way drive aisle shall be 16 ft.

Response: All on-site parking spaces will be 90-degree with dimensions of 9 feet wide by 19 feet deep. Dimensions of the parking spaces will be consistent with the standards in the table above. See Sheet C201 for details. The width of the drive aisle on the site will be 26 feet, which exceeds the standard for a two-way drive aisle. On-site parking is configured so that all vehicles leaving the site may enter the street (Kellogg Creek Drive) in a forward manner.

19.606.2 Landscaping

B. General Provisions

- 1. Parking area landscaping shall be required for the surface parking areas of all uses, except for cottage clusters, rowhouses, duplexes, and single-family detached dwellings. Landscaping shall be based on the standards in Subsections 19.606.2.C-E.*
- 2. Landscaped areas required by Subsection 19.606.2 shall count toward the minimum amount of landscaped area required in other portions of Title 19.*
- 3. Parking areas with 10 or fewer spaces in the Downtown Mixed Use Zone are exempt from the requirements of Subsection 19.606.2.*

Response: As shown on the landscape Sheets L100-L112, parking area landscaping will be provided as required for the proposed surface parking on the site. Parking lot landscaping has been counted toward the overall minimum amount of required landscaping for the site (35 percent).

C. Perimeter Landscaping. *The perimeter landscaping of parking areas shall meet the following standards which are illustrated in Figure 19.606.2.C.*

- 1. Dimensions. The minimum width of perimeter landscape areas are shown in Table 19.606.2.C.1. Where a curb provides the border for a perimeter landscape area, the dimension shall be measured from the inside of the curb(s). The Planning Director may reduce the required minimum width of a perimeter landscaping area where existing development or site constraints make it infeasible to provide drive aisles, parking spaces, and the perimeter landscaping buffer width listed in Table 19.606.2.C.1.*

<i>Location</i>	<i>Downtown Zones</i>	<i>All Other Zones</i>
<i>Lot line abutting a right-of-way</i>	<i>4'</i>	<i>8'</i>
<i>Lot line abutting another property, except for abutting properties that share a parking area</i>	<i>0'</i>	<i>6'</i>

Response: The perimeter landscaping requirements apply where proposed parking abuts the church property to the east. As shown on the landscape plan Sheets L110 and L111, a landscaped strip at least six feet wide will be provided along the perimeter of those parking spaces.

2. *Planting Requirements. Landscaping requirements for perimeter buffer areas shall include 1 tree planted per 40 lineal ft of landscaped buffer area. Where the calculation of the number of trees does not result in a whole number, the result shall be rounded up to the next whole number. Trees shall be planted at evenly spaced intervals along the perimeter buffer to the greatest extent practicable. The remainder of the buffer area shall be grass, ground cover, mulch, shrubs, trees, or other landscape treatment other than concrete and pavement.*

Response: As shown in the landscape planting plan Sheets L110 and L111, planting in the parking lot perimeter landscape strip will be done consistent with this standard. The parking area on the east side of the site that abuts the church property has approximately 300 lineal feet, which requires eight trees. As shown on the landscape plans, nine trees will be provided in the landscape strip, which exceeds the requirement. The trees will be evenly spaced and the remainder of the strip will be planted with shrubs and groundcover.

3. *Additional Planting Requirements Adjacent to Residential Uses. In addition to the planting requirements of Subsection 19.606.2.D.2, all parking areas adjacent to a residential use shall have a continuous visual screen in the landscape perimeter area that abuts the residential use. The area of required screening is illustrated in Figure 19.606.2.C.3. The screen must be opaque throughout the year from 1 to 4 ft above ground to adequately screen vehicle lights. These standards must be met at the time of planting. Examples of acceptable visual screens are a fence or wall, an earth berm with plantings, and other plantings of trees and shrubs.*

Response: The adjacent property to the east of the senior living site is zoned residential but is developed with a church use. The standard in this section applies only where abutting a residential use, therefore, it does not apply.

D. Interior Landscaping

The interior landscaping of parking areas shall meet the following standards which are illustrated in Figure 19.606.2.D.

1. *General Requirements. Interior landscaping of parking areas shall be provided for sites where there are more than 10 parking spaces on the entire site. Landscaping that is contiguous to a perimeter landscaping area and exceeds the minimum width required by Subsection 19.606.2.C.1 will be counted as interior landscaping if it meets all other requirements of Subsection 19.606.2.D.*

Response: The proposed development will have more than 10 parking spaces; therefore, interior landscaping is required.

2. *Required Amount of Interior Landscaped Area*

At least 25 sq ft of interior landscaped area must be provided for each parking space. Planting areas must be at least 120 sq ft in area and dispersed throughout the parking area.

Response: The proposed development will include 139 parking spaces, which requires 3,475 square feet of interior parking landscaping. As shown on the landscape plan Sheet L100, 5,347 square feet of interior parking lot landscaping will be provided, which exceeds the minimum. All interior landscape areas are at least 120 square feet in size and are dispersed throughout the parking areas.

3. *Location and Dimensions of Interior Landscaped Areas*

- a. *Interior landscaped area shall be either a divider median between opposing rows of parking, or a landscape island in the middle or at the end of a parking row.*
- b. *Interior landscaped areas must be a minimum of 6 ft in width. Where a curb provides the border for an interior landscape area, the dimension shall be measured from the inside of the curb(s).*

Response: Interior parking lot landscaping is provided in landscape islands at the ends and middles of parking rows. All landscape islands have been designed to be consistent with these dimensional standards.

4. *Planting Requirements for Interior Landscaped Areas*

- a. *For divider medians, at least 1 shade or canopy tree must be planted for every 40 linear ft. Where the calculation of the number of trees does not result in a whole number, the result shall be rounded up to the next whole number. Trees shall be planted at evenly spaced intervals to the greatest extent practicable.*
- b. *For landscape islands, at least 1 tree shall be planted per island. If 2 interior islands are located contiguously, they may be combined and counted as 2 islands with 2 trees planted.*
- c. *The remainder of any divider median or landscape island shall be grass, ground cover, mulch, shrubs, trees, or other landscape treatment other than concrete and pavement.*

Response: There are no divider medians in the proposed parking areas. Each landscaped island contains at least one tree, consistent with this standard. The remainder of the landscaped islands will be planted with shrubs and groundcover. See the planting plan Sheets L100-L121 for details.

5. *Additional Landscaping for Large Parking Areas. Parking areas with more than 100 spaces on a site shall not have more than 15 spaces in a row without providing an interior landscaped island. See Figure 19.606.2.D.5.*

Response: There are no rows of parking within the proposed development with more than 15 contiguous spaces. All proposed parking rows are 10 spaces or less.

E. *Other Parking Area Landscaping Provisions*

- 1. *Preservation of existing trees is encouraged in the off-street parking area and may be credited toward the total number of trees required, based on staff's review.*

Response: Preservation of existing trees in the off-street parking areas is not proposed.

- 2. *Installation of parking area landscaping shall be required before a certificate of occupancy is issued, unless a performance bond is posted with the City. Then landscaping shall be installed within 6 months thereafter or else the bond will be foreclosed and plant materials installed by the City.*

Response: Installation of required parking area landscaping will be done concurrently with site development. The applicant does not anticipate requesting a six-month delay.

3. *Parking area landscaping shall be maintained in good and healthy condition.*

Response: All on-site landscaping will be maintained in good and healthy condition by the property owner.

4. *Required parking landscaping areas may serve as stormwater management facilities for the site. The Engineering Director has the authority to review and approve the design of such areas for conformance with the Public Works Standards. This allowance does not exempt the off-street parking landscape area from meeting the design or planting standards of Subsection 19.606.2.*

Response: Proposed parking landscaped areas have not been designed to serve as stormwater facilities for the site. Stormwater facilities are separate from parking lot landscaping.

5. *Pedestrian walkways are allowed within perimeter and interior landscape buffer if the landscape buffer is at least 2 ft wider than required in Subsections 19.606.2.C.1 and 19.606.2.D.3.b.*

Response: Pedestrian walkways within the perimeter and interior landscaped areas are not proposed.

19.606.3 Additional Design Standards

A. Paving and Striping

Paving and striping are required for all required maneuvering and standing areas. Off-street parking areas shall have a durable and dust-free hard surface, shall be maintained for all-weather use, and shall be striped to show delineation of parking spaces and directional markings for driveways and accessways. Permeable paving surfaces may be used to reduce surface water runoff and protect water quality.

Response: The off-street parking and maneuvering areas will be paved and striped as required and as shown on the Site Plan Sheet C201. Paving and striping will be durable and will be maintained by the property owner. Permeable paving is not proposed.

B. Wheel Stops

Parking bumpers or wheel stops, of a minimum 4-in height, shall be provided at parking spaces to prevent vehicles from encroaching on the street right-of-way, adjacent landscaped areas, or pedestrian walkways. Curbing may substitute for wheel stops if vehicles will not encroach into the minimum required width for landscape or pedestrian areas.

Response: Wheel stops will be installed in all parking spaces and will be a minimum of four inches in height, consistent with this standard.

C. Site Access and Drive Aisles

1. *Accessways to parking areas shall be the minimum number necessary to provide access while not inhibiting the safe circulation and carrying capacity of the street. Driveway approaches shall comply with the access spacing standards of Chapter 12.16.*

Response: Access to parking areas on the site will be from the single driveway on Kellogg Creek Drive, via the drive aisle that loops through the site around the senior living building. The proposed driveway on Kellogg Creek Drive will not inhibit safe circulation or the carrying capacity of Kellogg Creek Drive. The proposed driveway

approach will be 30 feet wide and has been designed consistent with Chapter 12.16 standards. The proposed driveway is approximately 180 feet from the intersection of Rusk Road and Kellogg Creek Drive, which exceeds the required spacing per MMC 12.16.040.C (100 feet required).

2. *Drive aisles shall meet the dimensional requirements in Subsection 19.606.1.*

Response: The drive aisle on the site will be 26 feet wide, which is consistent with the requirement for a two-way drive aisle per Subsection 19.606.1.

3. *Parking drive aisles shall align with the approved driveway access and shall not be wider than the approved driveway access within 10 ft of the right-of-way boundary.*

Response: The parking drive aisle is a loop that aligns with the driveway access at Kellogg Creek Drive. The drive aisle is not wider than the proposed driveway access.

4. *Along collector and arterial streets, no parking space shall be located such that its maneuvering area is in an ingress or egress aisle within 20 ft of the back of the sidewalk, or from the right-of-way boundary where no sidewalk exists.*

Response: The site does not have frontage on a collector or arterial street. Therefore, this standard does not apply.

5. *Driveways and on-site circulation shall be designed so that vehicles enter the right-of-way in a forward motion.*

Response: The driveway and on-site circulation loop have been designed so that vehicles leaving the site will enter the right-of-way in Kellogg Creek Drive in a forward motion.

D. Pedestrian Access and Circulation

Subsection 19.504.9 establishes standards that are applicable to an entire property for on-site walkways and circulation. The purpose of Subsection 19.606.3.D is to provide safe and convenient pedestrian access routes specifically through off-street parking areas. Walkways required by Subsection 19.606.3.D are considered part of the on-site walkway and circulation system required by Subsection 19.504.9.

1. *Pedestrian access shall be provided for off-street parking areas so that no parking space is further than 100 ft away, measured along vehicle drive aisles, from a building entrance, or a walkway that meets the standards of Subsection 19.606.3.D.2.*

Response: As shown on the Site Plan Sheet C201, off-street parking areas are distributed around the perimeter of the building so that no parking space is more than 100 feet from a building entrance. A walkway will be provided around the site that connects the parking areas to building entrances.

2. *Walkways through off-street parking areas must be continuous, must lead to a building entrance, and meet the design standards of Subsection 19.504.9.E.*

Response: A continuous walkway will be provided around the perimeter of the building that connects the parking areas to building entrances. The walkway will be at least five feet wide and constructed of a hard-surface material, consistent with the standards in 19.504.9.E.

E. Internal Circulation

1. General 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 modifying drive aisle dimensions.

2. Connections to Adjacent Parking Areas

Where feasible, parking areas shall be designed to connect with parking areas on adjacent sites to eliminate the use of the street for cross movements.

Response: Proposed parking areas on the site will be connected to the parking area on the church site to the east. The church property will share the driveway onto Kellogg Creek Drive with the proposed senior center.

3. Drive-Through Uses and Queuing Areas

Response: Drive-through uses are not proposed as part of this development. This section is not applicable.

F. Lighting

Lighting is required for parking areas with more than 10 spaces. The Planning Director may require lighting for parking areas of less than 10 spaces if the parking area would not be safe due to the lack of lighting. Lighting shall be designed to enhance safe access for vehicles and pedestrians on the site, and shall meet the following standards:

- 1. Lighting luminaires shall have a cutoff angle of 90 degrees or greater to ensure that lighting is directed toward the parking surface.*
- 2. Parking area lighting shall not cause a light trespass of more than 0.5 footcandles measured vertically at the boundaries of the site.*
- 3. Pedestrian walkways and bicycle parking areas in off-street parking areas shall have a minimum illumination level of 0.5 footcandles, measured horizontally at the ground level.*
- 4. Where practicable, lights shall be placed so they do not shine directly into any WQR and/or HCA location. The type, size, and intensity of lighting shall be selected so that impacts to habitat functions are minimized.*

Response: The proposed senior living development will be lit according to the above requirements. All parking areas will be lit, regardless of number of spaces, and lighting will be designed to avoid light trespass onto surrounding properties. Lighting equipment will have cutoff angles of 90 degrees or greater. The walkway around the site that connects the parking areas to building entrances will also be lit. Outdoor lighting will be designed so that it does not shine directly into the natural resource areas on the site. Lighting equipment specifications and photometrics will be provided on request during building permit review.

19.608 LOADING

19.608.2. Number of Loading Spaces

The Planning Director shall determine whether to require off-street loading for commercial, industrial, public, and semipublic uses. The ratios listed below should be the minimum required unless the Planning Director finds that a different number of loading spaces are needed upon reviewing the loading needs of a proposed use.

B. Nonresidential and Mixed-Use Buildings

Buildings where any floor area is in nonresidential uses should meet the following standards:

- 1. Less than 20,000 sq ft of total floor area: no loading spaces required.*
- 2. 20,000 to 50,000 sq ft of total floor area: 1 loading space.*
- 3. More than 50,000 sq ft of total floor area: 2 loading spaces.*

Response: The proposed senior center is most similar to a mixed-use building where approximately 30,000 square feet of the floor area will be in non-residential use (common spaces, activity areas and program rooms). One loading space is proposed for the senior living facility, located south of the trash enclosure and west of the outdoor patio and gazebo area.

19.608.3 Loading Space Standards

A. Loading spaces shall be at least 35 ft long and 10 ft wide, and shall have a height clearance of at least 13 ft.

Response: The proposed loading space will be approximately 50 feet long and 12 feet wide and will have a height clearance of at least 13 feet, consistent with this standard.

B. Loading areas shall be provided on the site and be separate from parking spaces.

C. Off-street loading areas shall have a durable and dust-free hard surface. Permeable paving surfaces may be used to reduce surface water runoff and protect water quality.

D. Lighting of loading areas shall conform to the standards of Subsection 19.606.3.F.

Response: The proposed loading space will be provided on the site and separate from parking spaces. It will be paved and lit, consistent with the above requirements.

E. Off-street loading areas for materials and merchandise shall be located outside of the minimum front and side yard requirements for structures.

F. Off-street loading areas shall be located where not a hindrance to drive aisles, walkways, public or private streets, or adjacent properties.

Response: The proposed loading space will be located outside of required yards and will not be a hindrance to drive aisles, walkways, streets or adjacent properties.

19.608.4 Prohibitions

A. Loading activity for a site, regardless of whether loading spaces are required, shall not obstruct travel within the right-of-way.

B. The accumulation of goods in loading areas shall be prohibited when it renders the space useless for loading and unloading of goods and passengers. (Ord. 2110 § 2 (Exh. G), 2015; Ord. 2106 § 2 (Exh. F), 2015; Ord. 2025 § 2, 2011)

Response: Loading activity for the proposed use will be located internal to the site and will not obstruct travel on Kellogg Creek Drive. The accumulation of goods within the loading area will not occur. The loading area will remain available for loading and unloading of goods.

19.609 BICYCLE PARKING

19.609.2 Quantity of Spaces

A. The quantity of required bicycle parking spaces shall be as described in this subsection. In no case shall less than 2 spaces be provided.

1. Unless otherwise specified, the number of bicycle parking spaces shall be at least 10% of the minimum required vehicle parking for the use.

Response: There are 139 vehicle parking spaces proposed for the senior living facility, which means 14 bicycle parking spaces are required. As shown on the site plan (Sheet C201), 14 bicycle parking spaces will be provided on the site. Seven bicycle parking spaces will be located at the western edge of the outdoor patio area, near the trash enclosure. The other seven spaces will be located near the center of the building on the east side; those spaces will be covered.

2. The number of bicycle parking spaces at transit centers shall be provided at the ratio of at least 1 space per 100 daily boardings.

3. Multifamily residential development with 4 or more units shall provide 1 space per unit.

Response: Subsections 2 and 3 above do not apply because the use is not a transit center or multifamily residential development.

B. Covered or enclosed bicycle parking. A minimum of 50% of the bicycle spaces shall be covered and/or enclosed (in lockers or a secure room) in any of the following situations:

1. When 10% or more of vehicle parking is covered.

2. If more than 10 bicycle parking spaces are required.

3. Multifamily residential development with 4 or more units.

Response: More than 10 bicycle parking spaces are required; therefore at least 50 percent of them must be covered. As shown on the site plan, the seven spaces located near the middle of the building on the east side will be covered.

19.609.3 Space Standards and Racks

A. *The dimension of each bicycle parking space shall be a minimum of 2 x 6 ft. A 5-ft-wide access aisle must be provided. If spaces are covered, 7 ft of overhead clearance must be provided. Bicycle racks must be securely anchored and designed to allow the frame and 1 wheel to be locked to a rack using a high security, U-shaped, shackle lock.*

Response: Bicycle parking spaces will be at least 2x6 feet with five-foot access aisles. Where covered, at least seven feet of overhead clearance will be provided. Bicycle parking racks will be securely anchored.

B. *Lighting shall conform to the standards of Subsection 19.606.3.F.*

Response: Bicycle parking areas will be lit consistent with Subsection 19.606.3.F.

19.609.4 Location

A. *Bicycle parking facilities shall meet the following requirements:*

1. *Located within 50 ft of the main building entrance.*
2. *Closer to the entrance than the nearest non-ADA designated vehicle parking space.*
3. *Designed to provide direct access to a public right-of-way.*
4. *Dispersed for multiple entrances.*
5. *In a location that is visible to building occupants or from the main parking lot.*
6. *Designed not to impede pedestrians along sidewalks or public rights-of-way.*
7. *Separated from vehicle parking areas by curbing or other similar physical barriers.*

Response: As shown on the site plan Sheet C201, bicycle parking will be located within 50 feet of building entrances and will be consistent with the standards in 1-7 above.

19.610 CARPOOL AND VANPOOL PARKING

19.610.1 Applicability

New industrial, institutional, and commercial development with 20 or more required parking spaces shall provide carpool/vanpool parking.

Response: The proposed senior living center is not an industrial, institutional or commercial development. Therefore, this section does not apply.

Section 19.700 Public Facility Improvements

19.703 REVIEW PROCESS

19.703.1 Preapplication Conference

For all proposed development that requires a land use application and is subject to Chapter 19.700 per Section 19.702, the applicant shall schedule a preapplication conference with the City prior to submittal of the land use application. The Engineering Director may waive this requirement for proposals that are not complex.

Response: A pre-application conference was held with the city on September 6, 2018 (see Exhibit C). A second meeting to review the traffic study was not required by the Engineering Director.

19.703.2 Application Submittal

For all proposed development that is subject to Chapter 19.700 per Section 19.702, one of the following types of applications is required.

B. Transportation Facilities Review (TFR) Land Use Application

If the proposed development triggers a transportation impact study (TIS) per Section 19.704, a TFR land use application shall be required. Compliance with Chapter 19.700 will be reviewed as part of the TFR application submittal and will be subject to a Type II review process as set forth in Section 19.1005. The TFR application shall be consolidated with, and processed concurrently with, any other required land use applications.

Response: The proposed senior living center triggers a traffic impact statement (TIS). A TFR application is required and has been included as part of this land use submittal.

19.703.3 Approval Criteria

For all proposed development that is subject to Chapter 19.700 per Section 19.702, the required development permit and/or land use application shall demonstrate compliance with the following approval criteria at the time of submittal.

A. Procedures, Requirements, and Standards

Development and related public facility improvements shall comply with procedures, requirements, and standards of Chapter 19.700 and the Public Works Standards.

Response: All development and related public facility improvements will comply with Chapter 19.700 and the City's Public Works Standards.

B. Transportation Facility Improvements

Development shall provide transportation improvements and mitigation at the time of development in rough proportion to the potential impacts of the development per Section 19.705 Rough Proportionality, except as allowed by Section 19.706 Fee in Lieu of Construction.

Response: The traffic study provided to the city (Exhibit D) identifies recommended improvements that will be done as part of the proposed development. Those recommendations include:

- Improvements to the Rusk Road driveway on the church property to the east of the development site. Those improvements should include signage and other improvements as needed to restrict vehicles from exiting the church driveway onto Rusk Road.
- Construct a northbound right-turn lane on Rusk Road at OR-224 subject to available right-of-way and transportation system development changes credits.
- Provide adequate intersection sight distance at the proposed site access on Kellogg Creek Drive.

The applicant is not requesting any fee-in-lieu of construction.

The proposed project will also include a new bicycle pathway that provides a public connection from the intersection of Rusk Road and OR-224 south to Kellogg Creek Drive and then west to North Clackamas Park. See Sheet C201 for details.

C. Safety and Functionality Standards

The City will not issue any development permits unless the proposed development complies with the City's basic safety and functionality standards, the purpose of which is to ensure that development does not occur in areas where the surrounding public facilities are inadequate. Upon submittal of a development permit application, an applicant shall demonstrate that the development property has or will have all of the following:

1. *Adequate street drainage, as determined by the Engineering Director.*

Response: Adequate street drainage will be provided, as demonstrated in the Preliminary Drainage Report in Exhibit E.

2. *Safe access and clear vision at intersections, as determined by the Engineering Director.*

Response: Access to the proposed development will be provided along SE Kellogg Creek Drive. As demonstrated in the TIS provided to the City, the access point will be safe, adequate to serve the site, and consistent with City standards.

3. *Adequate public utilities, as determined by the Engineering Director.*

Response: As shown in the Composite Utilities Plan (Sheet C400), the development property has or will have adequate public utilities to serve the proposed development. Specifically:

- A Clackamas River Water main is available for connection in SE Kellogg Creek Drive and can provide service for the proposed development.
- There is an existing sanitary sewer line within SE Kellogg Creek Drive that is available for connection to serve the proposed development.
- The applicant has submitted a storm drainage report (Exhibit E) that demonstrates how stormwater will be managed on the site consistent with Milwaukie Public Works Standards and the Portland Stormwater Management Manual for design of water quality facilities.

4. *Access onto a public street with the minimum paved widths as stated in Subsection 19.703.3.C.5 below.*

5. *Adequate frontage improvements as follows:*

- a. *For local streets, a minimum paved width of 16 ft along the site's frontage.*
- b. *For nonlocal streets, a minimum paved width of 20 ft along the site's frontage.*
- c. *For all streets, a minimum horizontal right-of-way clearance of 20 ft along the site's frontage.*

Response: The proposed development will have access onto SE Kellogg Creek Drive, which has a local street designation and at least 16 feet of paved width. As part of this proposed development, standard half street improvements along the site’s frontage with SE Kellogg Creek Drive will be constructed.

- 6. *Compliance with Level of Service D for all intersections impacted by the development, except those on Oregon Highway 99E that shall be subject to the following:*
 - a. *Level of Service F for the first hour of the morning or evening 2-hour peak period.*
 - b. *Level of Service E for the second hour of the morning or evening 2-hour peak period.*

Response: As demonstrated in the traffic study provided to the City (Exhibit D), all intersections within the study area will continue to operate within the City’s operational standards upon buildout of the proposed development.

19.708 TRANSPORTATION FACILITY REQUIREMENTS

19.708.1 General Street Requirements and Standards

A. Access Management

All development subject to Chapter 19.700 shall comply with access management standards contained in Chapter 12.16.

Response: The proposed development will take access from SE Kellogg Creek Drive and will comply with all applicable access management standards in Chapter 12.16.

B. Clear Vision

All development subject to Chapter 19.700 shall comply with clear vision standards contained in Chapter 12.24.

Response: The proposed development will comply with the clear vision standards contained in Chapter 12.24.

C. Development in Downtown Zones

Street design standards and right-of-way dedication for the downtown zones are subject to the requirements of the Milwaukie Public Works Standards, which implement the streetscape design of the Milwaukie Downtown and Riverfront Plan: Public Area Requirements (PAR). Unless specifically stated otherwise, the standards in Section 19.708 do not apply to development located in the downtown zones or on street sections shown in the PAR per Subsection 19.304.6.

Response: Not applicable. The site is not in a downtown zone.

D. Development in Non-Downtown Zones

Development in a non-downtown zone that has frontage on a street section shown in the PAR is subject to the requirements of the Milwaukie Public Works Standards, which implements the street design standards and right-of-way dedication requirements contained in the PAR for that street frontage. The following general provisions apply only to street frontages that are not shown in the PAR and for development that is not in any of the downtown zones listed in Subsection 19.708.1.C above:

1. *Streets shall be designed and improved in accordance with the standards of this chapter and the Public Works Standards. ODOT facilities shall be designed consistent with State and federal standards. County facilities shall be designed consistent with County standards.*

Response: The site has frontage on Kellogg Creek Drive, which is a local street. Right-of-way dedication and half-street improvements to the local street standard will be provided as part of this project.

2. *Streets shall be designed according to their functional classification per Figure 8-3b of the TSP.*

Response: No new streets are proposed as part of this development. Half-street improvements to the local street standard will be provided along the site's frontage with Kellogg Creek Drive.

3. *Street right-of-way shall be dedicated to the public for street purposes in accordance with Subsection 19.708.2. Right-of-way shall be dedicated at the corners of street intersections to accommodate the required turning radii and transportation facilities in accordance with Section 19.708 and the Public Works Standards. Additional dedication may be required at intersections for improvements identified by the TSP or a required transportation impact study.*

Response: Right-of-way along the site's frontage with Kellogg Creek Drive will be dedicated in order to accommodate the required half-street improvement. No other right-of-way dedication is proposed or required.

4. *The City shall not approve any development permits for a proposed development unless it has frontage or approved access to a public street.*

Response: The proposed development has frontage on, and will take access from, SE Kellogg Creek Drive.

5. *Off-site street improvements shall only be required to ensure adequate access to the proposed development and to mitigate for off-site impacts of the proposed development.*

Response: The proposed development will include off-site improvements to the church access on Rusk Road. Those improvements will restrict vehicles from exiting onto Rusk Road, which is prohibited due to sight distance issues. The project will also provide a northbound right-turn lane from Rusk Road to OR-224 to reduce queuing durations at that intersection during peak hours.

6. *The following provisions apply to all new public streets and extensions to existing public streets.*

7. *Traffic calming may be required for existing or new streets. Traffic calming devices shall be designed in accordance with the Public Works Standards or with the approval of the Engineering Director.*

Response: New public streets are not proposed as part of this development. Therefore, the above standards are not applicable.

8. *Railroad Crossings*

Where anticipated development impacts trigger a need to install or improve a railroad crossing, the cost for such improvements may be a condition of development approval.

Response: The proposed development does not anticipate any need to improve or install a railroad crossing.

9. Street Signs

The City shall install all street signs, relative to traffic control and street names, as specified by the Engineering Director. The applicant shall reimburse the City for the cost of all such signs installed by the City.

Response: The applicant understands the City will install any necessary street signs and the applicant will be required to reimburse the City for such costs.

10. Streetlights

The location of streetlights shall be noted on approved development plans. Streetlights shall be installed in accordance with the Public Works Standards or with the approval of the Engineering Director.

Response: The location of streetlights is noted on the site plan Sheet C201. All streetlights will be installed in accordance with the Public Works Standards or as required by the Engineering Director.

E. Street Layout and Connectivity

F. Intersection Design and Spacing

Response: New streets and intersections are not proposed as part of this development. Therefore, the above sections are not applicable.

19.708.2 Street Design Standards

Table 19.708.2 contains the street design elements and dimensional standards for street cross sections by functional classification. Dimensions are shown as ranges to allow for flexibility in developing the most appropriate cross section for a given street or portion of street based on existing conditions and the surrounding development pattern. The additional street design standards in Subsection 19.708.2.A augment the dimensional standards contained in Table 19.708.2. The Engineering Director will rely on Table 19.708.2 and Subsection 19.708.2.A to determine the full-width cross section for a specific street segment based on functional classification. The full-width cross section is the sum total of the widest dimension of all individual street elements. If the Engineering Director determines that a full-width cross section is appropriate and feasible, a full-width cross section will be required. If the Engineering Director determines that a full-width cross section is not appropriate or feasible, the Engineering Director will modify the full-width cross section requirement using the guidelines provided in Subsection 19.708.2.B. Standards for design speed, horizontal/vertical curves, grades, and curb return radii are specified in the Public Works Standards.

Response: The proposed development will include half-street improvements along the site's frontage with Kellogg Creek to bring the street up to the applicable standard cross section. As shown on Sheet C202, the frontage improvements will include a 10 to 12-foot travel lane, 5-foot bike lane, 8-foot parking strip, 4-foot landscape strip and 5-foot sidewalk. Along the southwest corner of the site, the Kellogg Creek Drive frontage improvements will be modified to avoid impacts to the stand of Oregon white oak trees. The cross section along that portion of the frontage (west of the proposed turn-around) will not include a parking lane. In addition, the sidewalk will cross Kellogg Creek Drive and continue into the park on the south side of the street.

A. *Additional Street Design Standards*

These standards augment the dimensional standards contained in Table 19.708.2 and may increase the width of an individual street element and/or the full-width right-of-way dimension.

1. *Minimum 10-ft travel lane width shall be provided on local streets with no on-street parking.*

Response: The half-street improvement along the site's frontage with Kellogg Creek Drive will include a 10-foot travel lane.

2. *Where travel lanes are next to a curb line, an additional 1 ft of travel lane width shall be provided. Where a travel lane is located between curbs, an additional 2 ft of travel lane width shall be provided.*

Response: Not applicable. Travel lanes will be next to a planter strip.

3. *Where shared lanes or bicycle boulevards are planned, up to an additional 6 ft of travel lane width shall be provided.*

Response: Shared lanes and bicycle boulevards are not proposed.

4. *Bike lane widths may be reduced to a minimum of 4 ft where unusual circumstances exist, as determined by the Engineering Director, and where such a reduction would not result in a safety hazard.*

Response: The bike lane provided along the site's frontage with Kellogg Creek Drive will be 5 feet wide.

5. *Where a curb is required by the Engineering Director, it shall be designed in accordance with the Public Works Standards.*

Response: All curbs will be designed in accordance with Public Works Standards.

6. *Center turn lanes are not required for truck and bus routes on street classifications other than arterial roads.*

7. *On-street parking in industrial zones shall have a minimum width of 8 ft.*

8. *On-street parking in commercial zones shall have a minimum width of 7 ft.*

Response: Items 6-8 above are not applicable.

9. *On-street parking in residential zones shall have a minimum width of 6 ft.*

Response: On street parking provided with the half-street improvements on Kellogg Creek Drive will be 8 feet wide, consistent with the local street cross section.

10. *Sidewalk widths may be reduced to a minimum of 4 ft for short distances for the purpose of avoiding obstacles within the public right-of-way including, but not limited to, trees and power poles.*

Response: The sidewalk along the site’s frontage will be 5 feet wide. At the western end of the site, the sidewalk will cross Kellogg Creek Drive and continue on the south side of the street to avoid impacts to the stand of White Oaks in the southwest corner of the site.

11. Landscape strip widths shall be measured from back of curb to front of sidewalk.

Response: Landscape strips provided will be four feet wide, as measured in accordance with this standard.

12. Where landscape strips are required, street trees shall be provided a minimum of every 40 ft in accordance with the Public Works Standards and the Milwaukie Street Tree List and Street Tree Planting Guidelines.

Response: As shown on the landscape Sheet L100 in Exhibit A, street trees will be provided consistent with this standard.

13. Where water quality treatment is provided within the public right-of-way, the landscape strip width may be increased to accommodate the required treatment area.

Response: Water quality treatment is not proposed within the public right-of-way. Therefore, this standard is not applicable.

14. A minimum of 6 in shall be required between a property line and the street element that abuts it; e.g., sidewalk or landscape strip.

Response: As shown on the Typical Street Sections (Sheet C202) in Exhibit A, six inches will be provided between a property line and the street element that abuts it.

19.708.3 Sidewalk Requirements and Standards

B. Sidewalk Requirements

1. Requirements

Sidewalks shall be provided on the public street frontage of all development per the requirements of this chapter. Sidewalks shall generally be constructed within the dedicated public right-of-way, but may be located outside of the right-of-way within a public easement with the approval of the Engineering Director.

Response: The half-street improvements along the site’s frontage with Kellogg Creek Drive will include a 5-foot sidewalk constructed within dedicated right-of-way. At the southwestern end of the site, the sidewalk will cross Kellogg Creek Drive and continue on the south side of the street to avoid impacts to the stand of White Oaks in the southwest corner of the site.

2. Design Standards

Sidewalks shall be designed and improved in accordance with the requirements of this chapter and the Public Works Standards.

Response: All sidewalks will be designed and improved in accordance with this chapter and the Public Works Standards.

19.708.5 Pedestrian/Bicycle Path Requirements and Standards

Response: The standards in this section are intended to provide connections within and from new residential subdivisions, multifamily developments, planned developments, shopping centers, and commercial districts to adjacent and nearby residential areas, transit stops, and neighborhood activity centers. The proposed senior living development does not match any of the listed development types. Therefore, this section is not applicable.

CHAPTER 19.900 LAND USE APPLICATIONS

Section 19.904 Community Service Uses

19.904.2 Applicability

Any community service use shall be subject to the provisions of this section. Application must be submitted to establish or modify a community service use. Community service uses include certain private and public utilities, institutions, and recreational facilities as listed below:

A. *Institutions—Public/Private and Other Public Facilities*

5. *Nursing or convalescent home;*

Response: The proposed 32 memory care units are considered a nursing or convalescent home use and are therefore a community service use. As such, the provisions of Section 19.904 apply.

19.904.4 Approval Criteria

An application for a community service use may be allowed if the following criteria are met:

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

Response: Except where superseded by the specific standards for nursing and convalescent homes in Section 19.904.8, the standards and requirements of the underlying zone will be met.

- B. *Specific standards for the proposed uses as found in Subsections 19.904.7-11 are met;*

Response: The specific standards for a nursing and convalescent home in Section 19.904.8 will be met. Those standards are addressed later in this narrative.

- C. *The hours and levels of operation of the proposed use are reasonably compatible with surrounding uses;*

Response: The proposed 32 memory care units will have full-time residents. Employees will also be on-site at all times and will work in shifts throughout the day and night. Visitors will be allowed during the hours of 7:00 AM to 7:00 PM. Memory care residents do not drive cars and do not leave the site unsupervised. Because of the special circumstances of memory care residents, the impact of those units on the surrounding neighborhood will be minimal.

Uses around the site include the Turning Point Church to the east, North Clackamas Park to the west, and some residential homes to the north. To the south of the site, across Kellogg Creek Drive, there are single-family homes and the Deerfield Village Assisted Living Center. No off-site noise impacts will result from the memory care units. There will be an outdoor courtyard for the memory care patients that will be located internally (enclosed by the building on all sides) for security reasons. Noise from the outdoor area will not be noticeable from adjacent properties. There are no light or odor impacts associated with the memory care units. The only noticeable outdoor activity from the memory care units will be the occasional traffic associated with employees and visitors to and from the site. The amount of traffic generated by the memory care units (and by the development as a whole) will not have significant impacts to the local street system (see the traffic study in Exhibit D).

D. The public benefits of the proposed use are greater than the negative impacts, if any, on the neighborhood; and

Response: As discussed above, negative impacts to the neighborhood are not anticipated from the proposed memory care units. The memory care units provide full-time care and supervision for patients with advanced Alzheimer’s disease and other significant memory-related conditions. Patients live on site and are cared for by professional staff educated in memory care treatment techniques. Supervision of the memory care units is provided 24 hours a day to ensure safety and security of the patients. Educational programs and support groups are also provided on-site for families of the memory care patients. Making this type of care available to communities in Milwaukie provides a significant public benefit.

E. The location is appropriate for the type of use proposed.

Response: The proposed site for the memory care units is appropriate because it is large enough to accommodate the senior living center as a whole. The site provides enough space to thoughtfully plan for memory care residents’ needs in terms of security, location within the overall building and dedicated outdoor spaces. The proximity to North Clackamas Park provides opportunity for additional outdoor activity beyond what will be offered on the site. There is also a community center (the Milwaukie Center) located in the park that provides indoor programs throughout the year. The site is relatively close to downtown Milwaukie and central to the Portland Metro region, providing convenience for employees and visitors/family of the memory care residents. The site is also located directly adjacent to the Turning Point Church, which provides religious services and community programs.

19.904.5 Procedures for Reviewing a Community Service Use

C. The Planning Director may approve minor modifications to an approved community service per Section 19.1004 Type I Review, provided that such modification:

Response: The proposed project will include some minor changes to the existing church property to reconfigure the church access point from Rusk Road. Due to site distance limitations, exit from that location is not allowed. The reconfiguration will help to enforce that access point as entrance-only and prohibit drivers from exiting onto Rusk Road.

1. Does not increase the intensity of any use;

Response: The proposed modifications to the church property will not add square footage to the church use or otherwise result in an increase in activity or use of the site. The modifications will be limited to reconfiguration of the existing access from Rusk Road.

2. Meets all requirements of the underlying zone relating to building size and location and off-street parking and the standards of Title 19;

Response: Applicable standards from Title 19 include those related to access and parking lot perimeter buffers. No other elements regulated by Title 19 (such as building size and location) will be impacted by the proposed modifications.

- The Public Facility Improvements standards in Chapter 19.703 require that all development has safe access to a public street. The proposed modifications to the church site will facilitate safe access to the

site by improving the entry-only access point on Rusk Road. These improvements will help ensure that the entry-only access point is not used as an exit.

- Per MMC 19.606.2.C, perimeter landscape buffers are required where the parking area abuts another property. As shown on Sheet C201, a 6-foot buffer will be provided along the northern and western edges of the church parking lot where it abuts the adjacent property.

3. *Does not result in deterioration or loss of any protected natural feature or open space, and does not negatively affect nearby properties;*

Response: The proposed access modifications will not have any impact on natural resources or open spaces in the vicinity of the site. All proposed modifications to the church site will occur within the boundaries of the existing parking lot and will not negatively affect nearby properties.

4. *Does not alter or contravene any conditions specifically placed on the development by the Planning Commission or City Council; and*

Response: The most recent review of the church property was conducted in September 2014 when the Turning Point Church requested a CSU Minor Modification and Natural Resource Review in order to remove a section of off-street parking spaces from the church parking lot and replace them with landscaping (grass and ground cover). That decision (File Nos. CSU-14-06 and NR-14-06) did not include any conditions of approval. In the findings for that decision, prior conditions of approval for the church site were listed as follows:

The property was annexed into the city limits in 1981 (land use file #A-80-07). In 1983, use of the site for pasture land and grazing for horses was approved as a conditional use (file #C-83-08); however, the conditional use application was subsequently withdrawn.

The site was approved as a CSU for church use by the Milwaukie Assembly of God in 1984 (file #CS-84-02). Conditions of approval included requirements to provide plans for landscaping, public facilities, and exterior lighting, as well as a traffic study and right-of-way dedication along Rusk Rd and Kellogg Creek Dr.

In 1987, the City Council approved a zone change for the western portion of the property, from R-10 to R3, along with a conditional use approval for senior housing and an amendment to the Comprehensive Plan map (file #CPA-87-01, ZC-87-05, CU87-05, with Ordinance #1639). The senior housing project (called Parkside Village) was never developed.

In 1992, the City approved a 5,500-sq-ft addition to the church building (file #CSO-92-03, NR-92-01). Conditions of approval included requirements to install the approved landscaping and to direct lighting away from the designated natural resource area.

In 1997, the Planning Commission denied a sign permit request to locate an electronic reader board sign on the property near the intersection of Highway 224 and Rusk Rd (file #SP-97-01).

The proposed modifications to the church access will not contravene or alter any of the conditions of approval from the above-listed decisions.

5. *Does not cause any public facility, including transportation, water, sewer and storm drainage, to fail to meet any applicable standards relating to adequacy of the public facility.*

Response: No public facility will fail to meet adequacy standards as a result of the proposed modifications to the church property. The only public facility that will be impacted by the proposed modifications is public

transportation. The proposed modifications at the entry-only access point on Rusk Road will provide an overall improvement to safe access for the church property. The “no exit” requirement onto Rusk Road will be reinforced and a safe and convenient exit onto Kellogg Creek Drive will be provided through the proposed new development. The new access point on Kellogg Creek Drive will be designed consistent with applicable standards.

19.904.6 Application Requirements

An application for approval of a community service use shall include the following:

- A. Name, address and telephone number of applicant and/or property owner;*
- B. Map number and/or subdivision block and lot;*
- C. Narrative concerning the proposed request;*
- D. Copy of deed, or other document showing ownership or interest in property. If applicant is not the owner, the written authorization from the owner for the application shall be submitted;*
- E. Vicinity map;*
- F. Comprehensive plan and zoning designations;*
- G. A map showing existing uses, structures, easements, and public utilities and showing proposed development, placement of lot lines, etc.;*
- H. Detailed plans for the specific project;*
- I. Any information required by other applicable provisions of local, state or federal law;*
- J. Proof of payment of the applicable fees;*
- K. Additional drawings, surveys or other material necessary to understand the proposed use may be required.*

Response: All required submittal items for the Community Service Use application have been provided with this application package.

19.904.8 Specific Standards for Nursing or Convalescent Homes

- A. Public services must be adequate to serve the facility.*

Response: Per the notes provided by the Public Works Department in the pre-application notes (Exhibit C), there is an existing Clackamas River Water main in Kellogg Creek Drive that is available to provide public water service to the proposed development. There is also a Clackamas County Water Environment Services (WES) wastewater main in Kellogg Creek Drive that is available to provide sanitary sewer service to the proposed development. The site has frontage on, and access from, Kellogg Creek Drive, which is a designated local street. As part of this development, additional right-of-way along the frontage will be dedicated and half-street improvements will be constructed to bring the street up to the local street standard.

- B. Facilities will access on arterial or collector streets.*

Response: The proposed senior housing development will take access from SE Kellogg Creek Drive, which has a local street designation per City of Milwaukie. SE Rusk Road is a collector street; however, access from Rusk Road is not possible due to the presence of the existing church property. Furthermore, while the 32 memory

care units are considered a community service use, the remainder of the proposed senior housing facility (assisted and independent living units) is considered a conditional use and not subject to this standard. A traffic impact analysis has been conducted for this project and demonstrates that safe access from Kellogg Creek Drive is possible and all potential traffic impacts to the surrounding road network can be mitigated (see Exhibit D).

C. Setbacks must be the greater of 25 ft or the setback of an adjacent residential zone or of the underlying zone.

Response: The subject site is zoned R-10 (20-foot setbacks), and R-3 (15-foot setbacks). The adjacent properties are zoned R-10. Therefore, the setbacks must be 25 feet per this standard. As shown on the Site Plan Sheet C201, the building is located more than 25 feet from any property line and therefore meets this standard.

D. Maximum height shall not exceed 45 ft.

Response: The portion of the building that contains the memory care units will be one story, or 10.6 feet in height, which is below the maximum standard for this use.

E. Buffering of noise and light from adjacent streets and between adjacent properties may be required.

Response: Buffering of noise and light has not been required.

F. Sites which could cause hazard to disoriented patients through proximity to heavily traveled streets, water hazards, or ravines or steep slopes shall not be approved unless the applicant can satisfy the commission that safety measures will be used to prevent injury to patients.

Response: The proposed memory care units will be in a secured portion of the building and will have 24-hour surveillance. The internal and external doors to the memory care facility will be locked at all times; access through the doors will only be possible with an access card; only employees of the facility will have access cards. Visitors to the memory care facility will be escorted through the doors by employees. The outdoor memory care courtyard is entirely enclosed by the building and will not be accessible from outside the building. Landscape plants in the memory care courtyard have been specifically selected to ensure no toxic plant materials will be planted in that area. Bonaventure has owned and operated many memory care facilities and is experienced in providing quality care for their residents; safety and security for those residents is always a top priority.

G. On parcels surrounded by existing dwellings, additional conditions may be necessary to:

- 1. Mitigate the effects of traffic caused by shift changes, particularly regarding noise at night and safety of school children in transit; and/or*
- 2. Maintain neighborhood scale, particularly regarding size of structure, width of driveway, signs, exterior lighting, and placement of parking facilities.*

Response: The subject site is not surrounded by existing dwellings. There are existing dwellings south of the site, across Kellogg Creek Drive, and north of the site on the north side of Mount Scott Creek. As demonstrated in the traffic study provided in Exhibit D, traffic impacts from the proposed development will not be significant and can be mitigated. The overall site for the project is large (14+ acres) and the building will be buffered from nearby residences by the large amount of natural open space and proposed landscaping on the site. In addition,

there is a large church and associated parking lot directly to the east of the site, a large community center directly west of the site, and an existing assisted living center across Kellogg Creek Drive from the site. As such, the proposed use is consistent with the surrounding neighborhood in terms of scale and structure size. Exterior signage for the senior living center will be minimal. Exterior lighting will be designed to avoid trespass onto adjacent properties and onto the HCA and WRQ areas. On-site parking has been distributed around the site to avoid large surface parking areas and to ensure direct connections between parking and building entrances for residents and visitors.

H. Conversion of existing dwellings may be allowed if state codes and rules can be met and the conditions of this subsection are satisfied.

Response: Not applicable. The project does not propose conversion of existing dwellings.

I. Off-street parking must be provided as per Chapter 19.600.

Response: Off-street parking will be provided consistent with Chapter 19.600. Off-street parking provisions are addressed under that section of this narrative.

J. 15% of the total site is to be landscaped.

Response: As shown on the landscape plan Sheet L100 approximately 72 percent of the site will be landscaped or be preserved as natural open space, which exceeds this standard.

Section 19.905 Conditional Uses

19.905.4 Approval Criteria

A. Establishment of a new conditional use, or major modification of an existing conditional use, shall be approved if the following criteria are met:

- 1. The characteristics of the lot are suitable for the proposed use considering size, shape, location, topography, existing improvements, and natural features.*

Response: The subject site is large (14+ acres) and relatively flat with a few sloped areas. There is a large wetland on the western edge of the site, Mount Scott Creek along north end of the site, and a stand of mature White Oak trees in the southwest corner. In addition, there is mapped WQR and HCA associated with the creek, floodplain and wetland on the site. The site is large enough to accommodate the proposed senior living development and associated parking and drive aisle while still allowing preservation of most of the identified natural resources on the site. The large designated wetland located in the middle of the western half of the site will not be impacted by the proposed development, nor will the large stand of White Oaks. There will also be no impacts to the 100-year floodplain. There will be some impacts to WQR and HCA areas; however, those impacts will be mitigated to satisfy city requirements; impacts and mitigation details will be provided in a Natural Resources Review report prepared by Pacific Habitat Services. The presence of natural resources on the site will provide a benefit to residents of the senior center, allowing opportunities for outdoor recreation. To emphasize this element, the proposed development will include a soft-surface (mulch) walkway that meanders through the natural areas on the site so that residents can access the natural site amenities. The location of the site is suitable for a senior living center because it has proximity to North Clackamas Park, the Milwaukie Center and Turning Point Church, all of which offer recreational and other programs and services for residents of the center.

The site is located within a couple miles of downtown Milwaukie and various other shopping and service centers. The site is centrally located within the Portland region, providing convenience for families and visitors as well as employees.

2. The operating and physical characteristics of the proposed use will be reasonably compatible with, and have minimal impact on, nearby uses.

Response: Uses around the site include the Turning Point Church to the east, North Clackamas Park and the Milwaukie Center to the west, and some residential homes to the north across Mount Scott Creek. To the south of the site, across Kellogg Creek Drive, there are single-family homes and the Deerfield Village Assisted Living Center.

The proposed senior living center will be in operation at all times; residents will live on-site full time and employees will also be on-site full time. As demonstrated in the traffic study provided in Exhibit D, traffic impacts from the proposed development will not be significant and can be mitigated. Generally, traffic generated by the use will be distributed throughout the day and will not have the same peak hours that are typical of residential or employment uses. The overall site for the project is large and the building will be buffered from nearby residences by the large amount of natural open space and proposed landscaping. In addition, there is a large church and associated parking lot directly to the east of the site, a large community center directly west of the site, and an existing assisted living center across Kellogg Creek Drive from the site. As such, the proposed use is consistent with the surrounding neighborhood in terms of scale and use. Exterior lighting will be designed to avoid trespass onto adjacent properties and onto the HCA and WRQ areas. On-site parking has been distributed around the site to avoid large surface parking areas. The building has been designed with ample articulation, varied heights, and quality building materials (see the exterior building elevations on Sheet A3.1) to minimize massing and create a visually attractive building. No off-site noise impacts will result from the proposed use. There will be several outdoor areas for residents of the senior center. However, noise from those areas will be minimal and not be noticeable from adjacent properties.

3. All identified impacts will be mitigated to the extent practicable.

Response: Identified impacts from the proposed use are impacts to the WQR and HCA areas on the site and minor traffic impacts. A Natural Resources Review Report will be provided to demonstrate that the WQR and HCA impacts can be mitigated and will satisfy city requirements per Chapter 19.402. As demonstrated in the traffic study provided in Exhibit D, traffic impacts can be mitigated through provision of a northbound right-turn lane on Rusk Road at OR-224, improvements to the existing church driveway, and provision of safe intersection sight distance at the site driveway on Kellogg Creek Drive. In addition, half-street improvements including a bike lane will be provided along the site's frontage with Kellogg Creek Drive.

4. The proposed use will not have unmitigated nuisance impacts, such as from noise, odor, and/or vibrations, greater than usually generated by uses allowed outright at the proposed location.

Response: The proposed senior center will not result in noise, odor or vibration impacts that would be greater than those that would be generated by a residential development on the site.

5. The proposed use will comply with all applicable development standards and requirements of the base zone, any overlay zones or special areas, and the standards in Section 19.905.

Response: The proposed senior center will comply with applicable standards and requirements of the base zone and overlay zone, with the exception of building height. A variance has been requested as part of this proposal to allow a building height greater than the maximum. Variance criteria are addressed later in this narrative.

6. *The proposed use is consistent with applicable Comprehensive Plan policies related to the proposed use.*

Response: Applicable Comprehensive Plan policies include:

- Chapter 3, Objective 2 - Natural Resources: Policies in this section are intended to protect designated natural resources such as wetlands and habitat areas. To implement these policies, the city has developed a review process to regulate development within natural resources. The proposed senior living development will have some impacts to designated natural resources on the site. The applicant has provided a natural resources report and wetland delineation, consistent with the city’s natural resources review requirements and in support of these policies. Most of the natural resources on the site will be preserved; impacts have been minimized to the extent practicable and will be mitigated.
- Chapter 4, Objective 6 – Housing Assistance: Policies in this section encourage provision of housing for senior citizens. Special characteristics and needs of senior citizens should be considered in reviewing senior housing development proposals. The proposed senior living development supports these policies by providing a high-quality senior living center with a range of options and amenities.

7. *Adequate public transportation facilities and public utilities will be available to serve the proposed use prior to occupancy pursuant to Chapter 19.700.*

Response: Per the notes provided by the Public Works Department in the pre-application notes (Exhibit C), there is an existing Clackamas River Water main in Kellogg Creek Drive that is available to provide public water service to the proposed development. There is also a Clackamas County Water Environment Services (WES) wastewater main in Kellogg Creek Drive that is available to provide sanitary sewer service to the proposed development. The site has frontage on, and access from, Kellogg Creek Drive, which is a designated local street. As part of this development, additional right-of-way along the frontage will be dedicated and half-street improvements will be constructed to bring the street up to the local street standard. The applicable standards and requirements of Chapter 19.700 were addressed previously in this narrative.

19.905.9 Standards Governing Conditional Uses

A conditional use shall comply with the standards of the base zone, and any overlay zones or special areas, in which it is located, except as these standards have been modified by the Planning Commission when authorizing the conditional use and as otherwise modified by the standards in this subsection.

A. Yards

Additional yard width requirements may be imposed as a condition of approval to address impacts related to building height, mass, and proximity to residential land uses.

Response: Additional yard widths are not anticipated to be imposed due to the significant yard widths already being proposed for the senior housing facility. As shown on the Site Plan Sheet C201, the proposed building will have the following approximate setbacks:

- Front: 75 feet

- Side: 90 feet
- Rear: 130 feet

B. Access to Property and Building Openings

The City may limit or prohibit vehicle access from a conditional use to a residential street, and it may limit or prohibit building openings within 50 ft of residential property in a residential zone if the openings will cause glare or excessive noise or will otherwise adversely affect adjacent residential property.

Response: The proposed senior living facility will have access from SE Kellogg Creek Drive, which is a local street. The city has not limited or prohibited access from that street; access from other streets is not available. The building will be oriented to avoid openings within 50 feet of a residential property.

C. Surface Mining

D. Junk or Wrecking Yard

E. High-Impact Commercial Use

F. Multifamily Dwellings

Response: The standards in C through F are not applicable to the proposed use.

G. Senior and Retirement Housing

In considering a conditional use application for senior and retirement housing, the Planning Commission shall consider the following:

1. Pedestrian access to transit.

Response: Pedestrian access to transit from the site is not realistic for residents of the proposed senior center. The closest TriMet bus stop is approximately one-half mile away at the intersection of Rusk and Lake Roads. Although the project will provide a new public pathway from the site up to the intersection of Rusk Road and OR-224, senior center residents are typically not expected to walk that distance, and cross OR-224, in order to access transit.

2. Pedestrian access to convenience facilities such as grocery store, pharmacy, laundromat, park and open space, and senior activity center.

Response: Pedestrian access to some facilities will be available for the senior living development. North Clackamas Park and the Milwaukie Center are located directly adjacent to the site. The Milwaukie Center entrance is less than one-quarter mile from the senior center driveway. The park offers a variety of outdoor recreation opportunities, and the Milwaukie Center offers year-round programs, workshops and volunteer opportunities, some of which are designed to serve the elderly population.

3. Pedestrian access to banking, churches, hospitals, and restaurants.

Response: Turning Point Church is directly adjacent to the site to the east and provides convenient access to religious and other community programs for residents of the proposed senior living center. Pedestrian access to baking, hospitals and restaurants is not realistic due to distance and the proximity of the site to OR-224.

4. *Quality of project as a living environment for residents.*

Response: The proposed senior living development is intended to provide a quality living environment that allows residents to “age in place” and transition and their need for assistance changes. The development will include:

- 78 Independent Living Suites: One and two-bedroom suites ranging from 570 to 1,150 sf. While these residents do receive some meals and services such as housekeeping and social programs, these units have complete kitchens and balconies.
- 60 Assisted Living Suites: One and two-bedroom suites ranging from 500 to 1,130 sf. These residents are served all meals in a restaurant-style communal dining room; therefore, these suites are equipped with a microwave and refrigerator only for snacks. These residents are not anticipated to drive and tend to receive additional services to assist with activities of daily living.
- 32 Memory Care Suites: This is a secured section of the building, with its own separate and enhanced administrative and care staff. It has a separate serving kitchen, dining room, outdoor area, and common amenities.

Interior amenities include a large and gracious lobby and reception area, café, formal living room/parlor with public computers for resident use, garden/hobby/workshop, fitness center, piano lounge, beauty salon, large theater for movies and special events, activity space for cooking/baking programs, and a hospitality bar for meals and social functions.

With a generous site and large setbacks, the site will provide ample yards and open spaces for residents to enjoy. Outside activity areas include a combination of open and covered patios where staff can engage residents in various scheduled activities and occasional meals in fair weather. Outdoor planting areas are provided for resident use, as well as horseshoe pits and other exterior amenity areas. The memory care units have a dedicated, secure outdoor courtyard designed and landscaped specifically for memory care patients.

5. *Minimizing impact on the surrounding area.*

Response: As demonstrated in the traffic study provided in Exhibit D, traffic impacts from the proposed development will not be significant and can be mitigated. Generally, traffic generated by the use will be distributed throughout the day and will not have the same peak hours that are typical of residential or employment uses. The overall site for the project is large and the building will be buffered from nearby residences by the large amount of natural open space and proposed landscaping on the site. Exterior lighting will be designed to avoid trespass onto adjacent properties and onto the HCA and WRQ areas. On-site parking has been distributed around the site to avoid large surface parking areas. The building has been designed with ample articulation, varied heights, and quality building materials (see the exterior building elevations on Sheet A3.1) to minimize building mass and create a visually attractive building. No off-site noise impacts will result from the proposed use. There will be several outdoor areas for residents of the senior center. However, noise from those areas will be minimal and not be noticeable from adjacent properties. Impacts to the HCA and WQR areas on-site have been minimized to the extent practicable and can be mitigated in accordance with the Natural Resources provisions in Chapter 19.402.

An applicant shall submit materials and the Planning Commission shall attach conditions that will ensure that the special nature of the housing, and the groups to be served, are clearly defined and maintained in perpetuity. A project is required to meet the definition for this type of housing in Section 19.201.

Response: Per Section 19.201, the definition for senior and retirement housing is:

“...a multiunit dwelling where persons who are of retirement age reside. Activity levels, including traffic generation and parking of cars, are generally lower than for other types of housing. Common facilities for eating and activities may be provided; nursing care, medical supplies, and personal services may be provided on a limited basis. One person may own the entire complex, or each dwelling unit may be owned separately as in a condominium.”

The proposed senior living development will be a multiunit building intended to serve a variety of users, including those of retirement age, those who need special assistance, and those who have significant memory care needs. Common facilities for eating and activities will be provided, in addition to nursing care and other personal services. The entire complex will be under one ownership.

Section 19.911 Variances

19.911.2 Applicability

A. Eligible Variances

Except for situations described in Subsection 19.911.2.B, a variance may be requested to any standard or regulation in Titles 17 or 19 of the Milwaukie Municipal Code, or any other portion of the Milwaukie Municipal Code that constitutes a land use regulation per ORS 197.015.

Response: The applicant is requesting three variances to standards in Title 19 of the MMC, as described below.

19.911.3 Review Process

A. General Provisions

- 1. Variance applications shall be evaluated through either a Type II or III review, depending on the nature and scope of the variance request and the discretion involved in the decision-making process.*
- 2. Variance applications may be combined with, and reviewed concurrently with, other land use applications.*
- 3. One variance application may include up to three variance requests. Each variance request must be addressed separately in the application. If all of the variance requests are Type II, the application will be processed through a Type II review. If one or more of the variance requests is Type III, the application will be processed through a Type III review. Additional variance requests must be made on a separate variance application.*

Response: The applicant is requesting three variances:

1. A variance to the building height standard of 2.5 stories or 35 feet, whichever is greater, for those portions of the building that are not memory care (which has a separate height limit that will be met). As shown on Sheet A3.1, the three-story portions of the building will be 37 feet, 1 inch as measured per the average height of the highest gable. The four-story portions of the building will be, at highest, 47 feet, 9

inches as measured per average height of the highest gable. Therefore, the applicant requests a variance to allow greater building height for the three- and four-story portions of the building.

2. MMC 19.504.9 requires a walkway connection into the site for every 300 feet of street frontage. The site has approximately 64 feet of frontage along SE Rusk Road, which requires one walkway connection into the site. However, a connection at this location is not appropriate for the proposed use and a variance is requested to reduce the requirement to zero connections from SE Rusk Road.
3. MMC 19.904.8 requires that nursing or convalescent homes have access from an arterial or collector street. Although the site will have access to a collector street (SE Rusk Road) via the church property, that access is intended as an emergency-only access and not a full access. Therefore, a variance is requested to allow primary access from SE Kellogg Creek Drive, which is a local street.

C. Type III Variances

Type III variances allow for larger or more complex variations to standards that require additional discretion and warrant a public hearing consistent with the Type III review process. Any variance request that is not specifically listed as a Type II variance per Subsection 19.911.3.B shall be evaluated through a Type III review per Section 19.1006.

Response: The requested variances are not listed as Type II variances per Subsection 19.911.3.B. Therefore, Type III variances are requested and have been included as part of this application package.

19.911.4 Approval Criteria

B. Type III Variances

An application for a Type III variance shall be approved when all of the criteria in either Subsection 19.911.4.B.1 or 2 have been met. An applicant may choose which set of criteria to meet based upon the nature of the variance request, the nature of the development proposal, and the existing site conditions.

Response: The applicant is requesting variances using the discretionary relief criteria in subsection B.1 below.

1. Discretionary Relief Criteria

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

Response:

1. **Building height variance.** In order to provide a building of the same size that meets the height limits for the base zone, the building would have a significantly larger footprint than the one proposed. A larger footprint for this development is not practical or appropriate for two reasons:
 - The site has a significant amount of designated natural resources, including wetlands and habitat conservation area, located on the western half of the site. The proposed building and associated site improvements have been designed to minimize impacts to those natural resources as much as possible. A building that meets the applicable height requirements would have a larger footprint and would therefore have greater impacts to natural resources, particularly the large wetland located in the middle of the western half of the site. The height variance will allow a more compact building footprint and facilitate preservation of natural resources on the site.

- This proposal is for a senior living facility; the average age of residents is anticipated to be 82 years. More than half of the residents will be either in assisted living or memory care units. For these reasons, the building must be designed to minimize walking distances (corridor lengths) between the residential units and the communal areas such as dining, cafes and other amenities and services. A mix of three and four stories provides the appropriate corridor lengths and ensures that residents are not required to walk long distances to access services. A building of the same size that complied with the height limits of the base zone would be more spread out and would result in corridor lengths that are not practical for its residents.
2. **Walkway from SE Rusk Road variance.** A walkway connection into the site from SE Rusk Road is not appropriate for several reasons. First, the only feasible location for a walkway would be north of the church property, connecting to Rusk Road near its intersection with OR-224. The walkway would be approximately 300 feet (to connect to the nearest developed portion of the senior living facility) and would travel in an undeveloped area behind the church parking lot. There would be very limited visibility into this area because both the church and the proposed senior living building are not in close proximity and could not provide surveillance for the walkway. Thus, it would not be a secure or particularly comfortable place for pedestrians to walk. In addition, the senior living facility must provide a safe and secure home for its residents; doing so requires that the facility have more limited access than a typical residential or commercial use. Ensuring that access (for visitors, employees, and other users) occurs in a more centralized location that is more visible is important to maintaining a safe environment for the senior living residents.
3. **Access variance.** The proposed primary access from Kellogg Creek Drive provides safe access for the senior living facility and allows efficient and convenient site circulation. Access to an arterial or collector, as required per the standard, would not be safe and would not be consistent with established access spacing standards, as follows:
- Access to an arterial is not possible because the site does not have frontage on an arterial street. OR-224 is designated as a Regional Route per Milwaukie's Transportation System Plan (Figure 8-1). It is also a state highway with limited access. Even if access were permitted to OR-224, the required spacing standard (1,100 feet for a state highway with posted speeds of 50 MPH) could not be met from the site because it would be too close to the OR-224/Rusk Road intersection.
 - Although the site does have access to Rusk Road (a designated Collector per Clackamas County's Transportation System Plan, Map 5-4a), that access is through the church property and is intended for emergency-only access. A full access to Rusk Road is not feasible. The only site frontage on Rusk Road is approximately 64 feet and located at the intersection of Rusk Road with OR-224. Access from that location would not meet intersection spacing standards (300 feet for Collectors). Any other access to Rusk Road would require impacting the church property. The existing emergency-only access through the church property cannot be converted into a full access because exit onto Rusk Road is not permitted at that location due to sight distance limitations and north-bound queuing issues on Rusk Road. The proposed driveway access from Kellogg Creek Drive meets (and exceeds) the applicable spacing standard (100 feet) and will provide safe access to the site.

b. The proposed variance is determined by the Planning Commission to be both reasonable and appropriate, and it meets one or more of the following criteria:

(1) The proposed variance avoids or minimizes impacts to surrounding properties.

(2) *The proposed variance has desirable public benefits.*

(3) *The proposed variance responds to the existing built or natural environment in a creative and sensitive manner.*

Response:

- 1. Building height variance.** The proposed height variance will facilitate development of a senior living facility that is appropriately designed for its residents and that minimizes impacts to the significant area of natural resources on the site. Development of a senior living facility that allows residents to age in place and transition to higher levels of care as needed provides a public benefit. The site is centrally located within the region, providing a convenient option for families who are considering this type of senior living arrangement. This type of development is specifically encouraged in Comprehensive Plan policies and addresses the significant demographic trend of the aging “baby boomer” generation. The proposed variance will also allow a more compact development footprint, thereby minimizing impacts to natural resources on the site and facilitating preservation of those areas.
- 2. Walkway from SE Rusk Road variance.** The requested variance to not build a walkway connection to SE Rusk Road will not have any impacts on surrounding properties. It is a reasonable and appropriate variance because a walkway in this location will not achieve the intent of the standard, which includes the following language:

On-site walkways shall link the site with the public street sidewalk system. Walkways are required between parts of a site where the public is invited to walk. Walkways are not required between buildings or portions of a site that are not intended or likely to be used by pedestrians.

The undeveloped area north of the church parking lot is not an area where the public should be invited to walk and is not likely to be used by pedestrians because the surrounding sidewalk system is inadequate. Transit service in the area is limited; there are no sidewalks on OR-224 and the only sidewalk along Rusk Road is south of the Rusk Road/OR-224 intersection.

- 3. Access variance.** The proposed access variance responds to the built environment by putting access along a local street (Kellogg Creek Drive) where it can meet spacing standards and avoid impacts to the church property. This driveway location will result in some additional traffic on Kellogg Creek Drive; however, per the traffic study, traffic resulting from the project will not cause deficiencies in the surrounding street network. In addition, this project includes improvements to Rusk Road to provide a north-bound right-turn lane onto OR-224 which will help alleviate existing traffic congestion at that intersection.

c. Impacts from the proposed variance will be mitigated to the extent practicable.

Response:

- 1. Building height variance.** Potential impacts from the proposed height variance have to do with compatibility with the surrounding neighborhood in terms of building size and scale. These impacts have been minimized through significant building setbacks, extensive landscaping on the site, preservation of a large natural resource area, and a high-quality and articulated building exterior.
- 2. Walkway from SE Rusk Road variance.** The lack of a walkway connection into the site from Rusk Road will be mitigated by the proposed new bike-pedestrian path extending from the Rusk Road/OR-224 intersection south and west to connect with the bike lane and sidewalk on Kellogg Creek Drive. While

this connection is not as direct as a connection from the north end of Rusk Road, it will be more visible and will facilitate security and safety for the senior living center.

- 3. Access variance.** Taking access from a local street instead of an arterial or collector will result in additional traffic on Kellogg Creek Drive, as noted above. However, the traffic study provided in Exhibit D concludes that traffic resulting from the project will not cause deficiencies in the surrounding street network. This project also includes improvements to Rusk Road to provide a northbound right-turn lane onto OR-224 which will help alleviate existing traffic congestion in the area. In addition, the driveway on Kellogg Creek Drive is located between two landscaped storm swales and the internal perimeter loop road is setback from Kellogg Creek Drive by more than 40 feet. This will help to reduce visual and noise impacts that may result from the site driveway. Furthermore, as shown on Figure 8 in the traffic study, the trips resulting from the proposed senior center will account for only a small percentage of the traffic occurring on Kellogg Creek Drive, meaning that any noise resulting from the site access will be negligible considering background conditions.

IV. CONCLUSIONS

As established in the discussion and responses provided in this narrative, the proposed senior living development is consistent with City standards and criteria. The applicant therefore requests that the City approve the applications contained in this submittal.