

CITY OF MILWAUKIE
PLANNING COMMISSION MINUTES
TUESDAY, JANUARY 23, 2007

COMMISSIONERS PRESENT

Jeff Klein, Chair
Lisa Batey
Teresa Bresaw
Scott Churchill
Paulette Qutub

STAFF PRESENT

Katie Mangle, Planning Director
Brett Kelter, Assistant Planner
Ryan Marquardt, Assistant Planner
Kate Badenoch, Hearings Reporter

COMMISSIONERS ABSENT

Dick Newman, Vice-Chair
Catherine Brinkman

1.0 CALL TO ORDER

The meeting was called to order at 6:35 p.m.

2.0 PROCEDURAL MATTERS – None

3.0 PLANNING COMMISSION MINUTES

3.1 Planning Commission Minutes – November 14, 2006

Commissioner Bresaw suggested that the Commission wait to approve the November 14, 2006 Planning Commission minutes until the next meeting on February 13, 2006.

Motion carried unanimously.

3.2 Planning Commission Minutes – November 14, 2006

Commissioner Batey moved to approve December 12, 2006 Planning Commission minutes.

Motion carried unanimously.

Commissioner Batey also noted the she preferred the more detailed style of the December 12, 2006 minutes to an abbreviated format used in the past.

4.0 INFORMATION ITEMS -- City Council Minutes

City Council Minutes can be found on the City web site at www.cityofmilwukie.org.

5.0 PUBLIC COMMENT

Chair Klein opened the meeting for public comment.

At this time the Commissioners chose to address Agenda Item 1.1 - Gary Firestone farewell.

5.1 Gary Firestone farewell

Gary Firestone, outgoing City Attorney, was called before the Commission to give his farewell.

Mr. Firestone said that he looked forward to the challenges of his new job for the City of Newport. He noted that the Planning Commission was doing a great job keeping up with the code. **Mr. Firestone** went on to commend the Planning Staff, which he believed to be the best to date. He encouraged the Commissioners to continue its appreciation of the Planning Staff. Additionally, **Mr. Firestone** encouraged on-going communication with the City. **Mr. Firestone** re-iterated his appreciation of the excellent Planning Staff, with special thanks to Ms. Mangle, Planning Director.

Mr. Firestone then left the Planning Commission meeting. All Commissioners and Planning Staff present applauded.

At this time Chair Klein chose to address Agenda Item 1.2 – Introduction of new Engineering Director, Gary Parkin.

5.2 Introduction of Gary Parkin, new Engineering Director

Gary Parkin, the new Engineering Director, was given the opportunity to sit before the Commission to introduce himself. **Mr. Parkin** introduced himself briefly to the Commission with some background information. **Mr. Parkin** informed the Commission that he came to work for the City of Milwaukie from the City of West Linn. **Mr. Parkin** informed the Commission that he was with the City of West Linn for twelve years. There, he dealt with many City planning issues. **Mr. Parkin** offered to answer any of the Planning Commissioners questions.

Commissioner Churchill asked Mr. Parkin what he perceived to be his biggest task as the new Engineering Director for the City of Milwaukie. **Mr. Parkin** replied that becoming familiar with the City of Milwaukie's needs and priorities was his biggest task at the moment.

Commissioner Churchill asked Mr. Parkin what his greatest asset would be as the new Engineering Director. **Mr. Parkin** replied that he brought a great deal of experience with the City's different utilities.

Commissioner Batey inquired what role Mr. Parkin and the Engineering Department would play in the TSP process. **Mr. Parkin** stated that he would be acting as a team leader. **Commissioner Batey** also asked if every team in the TSP process had an engineer. **Mr. Parkin** noted that he and one other individual would be closely involved with the process. **Mr. Parkin** noted further that the major issues with the TSP process were storm and water issues. **Commissioner Batey** then asked Mr. Parkin what percentage of his time in West Linn was spent working on street or transportation issues. **Mr. Parkin** replied that he spent about half of his time in West Linn working on street and transportation issues. **Ms. Mangle** noted that Mr. Parkin has a strong background working with transportation issues. **Ms. Mangle** further observed that Mr. Parkin not only has experience with transportation, but that he also has a strong background in working with other city utilities as well. **Ms. Mangle** stated that Mr. Parkin very much values community involvement.

Commissioner Qutub asked Mr. Parkin what degree he had. **Mr. Parkin** stated that he had a degree in Civil Engineering.

Chair Klein commented that Milwaukie was an evolving city with a vision. However, he noted that sometimes the vision of the City gets lost in the details. **Chair Klein** thanked Mr. Parkin for answering the Commissioner's questions and welcomed him to the City of Milwaukie.

6.0 PUBLIC HEARINGS AND PLANNING COMMISSION DECISIONS

6.1 Norm Scott Land Use Approval Extension Request

Brett Kelter, Assistant Planner reviewed the preceding proceedings regarding Mr. Scott's property. **Mr. Kelter** stated that the Planning Department was in favor of granting Mr. Scott the six-month extension he had requested to complete the improvements on his property. **Mr. Kelter** explained that when someone goes through process of dividing his or her lot the first step is preliminary plat approval. This was granted to the property in question in 2004. The subdivision is located on SE Rockvorst Street and SE 28th Avenue. At the time of the initial approval there were very few improvements. The sub-division application was

CITY OF MILWAUKIE PLANNING COMMISSION

Minutes of January 23, 2007

Page 4

heard in 2004. The Planning Commission approved four buildable lots with conditions attached. **Mr. Kelter** stated that the applicant appealed the Planning Commission's decision. The City Council upheld the Planning Commission's decision. The City Council also upheld the Planning Commission's recommendation to deny Mr. Scott's request for street vacations. That decision was made by the City Council on February 7, 2006.

Mr. Kelter further explained that according to the City Code, an applicant could ask for one six-month extension. The following are the criteria for granting the extension: 1) that there are no changes to the original plan as approved, 2) that the applicant has the intent to record within six months, and 3) that there have been no changes in the City Ordinance that would affect the plan. **Mr. Kelter** concluded with a recommendation from the Planning Staff that the Commission approve Mr. Scott's requested six-month extension.

Mr. Kelter then answered questions from the Planning Commissioners.

Commissioner Batey asked Mr. Kelter if he really believed that the applicant, Mr. Scott, intended to go through with the original plan as approved. **Mr. Kelter** encouraged the Commissioners to inquire of Mr. Scott what his intent is. **Mr. Kelter** also stressed that a lot of Planning Staff time had been spent on this approved plan and that Planning Staff would prefer not to start exploring other development options on this property at the same time there is an extension on the land use approval.

Chair Klein thanked Mr. Kelter and asked the applicant to step forward and to state his name and address.

Applicant: Norm Scott, 8555 SE 28th Avenue, Milwaukie

Chair Klein asked Mr. Scott to explain his intent with the proposed subdivision. **Mr. Scott** said that his intent was to develop property and create extra income for his family. He said that he had spent lots of time, effort and money on the project.

Mr. Scott said that he has talked with JoAnn Herrigel, Community Services Director, as well as other people on various City of Milwaukie boards. **Mr. Scott** went on to say that there was some interest in a park. **Mr. Scott** said that he waited on development because there was a possibility the City would be interested in purchasing some of the property for use as a park. **Mr. Scott** said that Ms. Herrigel indicated to him that the City might not consider the park as a priority at this time. **Mr. Scott** said that he felt that there were some extreme requirements on developing the property and that he did not feel that it was fair. He said that there are at least two hundred and five thousand dollars worth of street improvements left to do in addition to the thirty five thousand dollars he has put into the proposed development. He emphasized that he has to get it (the

CITY OF MILWAUKIE PLANNING COMMISSION

Minutes of January 23, 2007

Page 5

development) to pencil out. **Mr. Scott** said that it would cost him at least eighty thousand dollars to build each lot. He said that he does not want to put a whole lot more money into the project. He said that he wants to find a developer to come in and finish the project. **Mr. Scott** said that he wants to pursue every option he can so that he can find the most economically beneficial outcome for the property. **Mr. Scott** stated that he was indecisive about whether he was going to be able to "pencil it (the project) out."

Mr. Scott stated that he feels it would be fair to grant an extension because he has not liked the process as it is, because he has had to put so much money into it. He stated that this was his first development project. He stated that his friends think that he has been treated unfairly on this project. **Mr. Scott** stated that he would like the extension to have the opportunity to pursue another buyer for his property. **Mr. Scott** said that he was not going to promise anything if granted the extension. **Mr. Scott** also said that he was going to go with whichever option was most economically beneficial to him.

Commissioner Batey asked Mr. Scott if he had a timeline on when he thought he would have resolution. **Mr. Scott** said that he was working on it. **Mr. Scott** thought he had a buyer. However the buyer thought the lots were townhouse rather than duplex lots. **Mr. Scott** stated that his potential buyer said that because the lots were only duplex lots he was no longer interested in purchasing Mr. Scott's property. **Mr. Scott** stated that he was looking into selling to other builder friends. **Mr. Scott** said that he was not going to do something that would not pencil out.

Commissioner Qutub said that Mr. Scott felt like he was dealt with unfairly. **Mr. Scott** agreed that he did feel that way. **Commissioner Qutub** asked Mr. Scott to tell her what he had encountered in the process that caused him to believe it was unfair. **Mr. Scott** said that on SE 28th Avenue the Springwater Bike Corridor had just been opened. **Mr. Scott** said that the City wanted him to build sidewalks and bring the street closer to his house. He said that this had nothing to do with the subdivision. **Mr. Scott** said that he feels he has done a lot and feels like he was forced to do so because of the Springwater Bike Corridor. **Mr. Scott** said that he felt like he had to fix 28th Avenue even though it has nothing to do with the development. **Mr. Scott** said that he felt really strongly that everything he asked for was denied and that the Commission did not look at it in a realistic way. **Mr. Scott** said that he felt the City was strict in its application of the rules to his development.

Commissioner Batey reminded Chair Klein that he had a question about the fill. **Chair Klein** asked Mr. Scott what all of the fill was for if there were going to be no developments until the street improvements occurred. **Mr. Scott** said that there was a lot of fill required for the street. **Mr. Scott** said that he was asked by the City to build a road all the way down into the wetlands and that building that

CITY OF MILWAUKIE PLANNING COMMISSION

Minutes of January 23, 2007

Page 6

road was expensive. **Chair Klein** asked if the road was permitted and Mr. Scott responded affirmatively.

Commissioner Churchill asked what assurances did the Planning Commission have that Mr. Scott will proceed with the project, if given a six month extension. **Commissioner Churchill** also asked Mr. Scott that in the time Mr. Scott was waiting for the City to pursue the park option if he had also been pursuing other developers aside from the buyer who did not wish to purchase the parcels because he could subdivide a duplex parcel into two parcels. **Mr. Scott** said that he had not pursued any other developers, other than maybe one other one. **Mr. Scott** also said that he was kind of waiting to see what happened.

Chair Klein asked Mr. Scott what the six-month extension would really grant him. **Chair Klein** stated that it seemed like Mr. Scott was putting his eggs in one basket and hoping that the City would purchase the property and turn it into a park for him. **Chair Klein** said that it sounded like what Mr. Scott wanted to do was another application and to bring in another developer and have him find something that would work out economically for Mr. Scott. **Mr. Scott** responded by asking the Commission what it would cost them to grant him the additional time. **Chair Klein** said that it would cost time – the Planning Staff and the City's time. **Mr. Scott** said that he would give an effort to finishing the street improvements. He also said that he would not invest any more money into the project and that the only way the project will work is if he can find another developer to take on the project. **Mr. Scott** said that he would like the opportunity to pursue that option.

Chair Klein asked Mr. Scott if he would proceed with the application if it were just he doing the project. **Mr. Scott** responded affirmatively. **Chair Klein** asked Mr. Scott if what he wanted was another application. **Mr. Scott** said that he did not want to do another application, but rather that he would like someone else to take on the project and finish the improvements. **Ms. Mangle** clarified that Mr. Scott wants to sell it to another developer to finish the project as already approved. **Mr. Scott** said that Ms. Mangle was correct. **Chair Klein** asked Mr. Scott if his intent was to sell to a potential purchaser who would develop that project that was already approved, as opposed to bringing in a developer who would present a new application. **Mr. Scott** said that Chair Klein was correct.

Chair Klein stated that a six-month extension was not out of the question. **Commissioner Churchill** stated that the duplex market for value of the land was not there. **Chair Klein** said that he did not see the harm in granting the extension; however, he did not see the point of granting the extension, unless Mr. Scott could find someone to finish the project for him.

Commissioner Churchill asked the Planning Staff what the downside would be to granting the six-month extension. **Ms. Mangle** said that there was very little

CITY OF MILWAUKIE PLANNING COMMISSION

Minutes of January 23, 2007

Page 7

downside to approving the six-month extension. The Planning Staff's hesitation began when Mr. Scott started floating new ideas. **Ms. Mangle** said that what the Planning Staff would love to see is finishing this project. **Ms. Mangle** stated that if Mr. Scott wanted to start talking about other options, that Planning Staff would appreciate it if Mr. Scott would inform them first. The biggest impact was on staff time. **Ms. Mangle** stated that initially Mr. Scott's request was very reasonable and that only in the last few weeks had things gotten complicated, as things do when complicated projects are involved.

Commissioner Bresaw asked Ms. Mangle if there was a process to stop the extension if Mr. Scott decided that the project could not be completed as approved. **Mr. Mangle** said that there was not a formal process for stopping the extension. **Mr. Monahan**, City Attorney, said that if granted the six months, Mr. Scott was entitled to sell his property at any point during that period.

Mr. Kelter said that the applicant is empowered to withdraw this application at any point, which is what Planning Staff would encourage if at some point it becomes clear that the project is not going to be something he will pursue.

Commissioner Churchill asked Planning Staff how long the street improvements could remain uncompleted. **Ms. Mangle** said that the improvements needed to be completed or bonded by the six-month dead line. **Commissioner Bresaw** clarified that the deadline for completion would be February 7, 2007, if the six-month extension were not granted. **Commissioner Churchill** asked what would be accomplished by granting the extension, other than possibly prolonging this issue while Mr. Scott looked for other buyers.

Chair Klein said that it gave Mr. Scott the opportunity to find someone who could put a bond down and finish the improvements. **Chair Klein** said that Mr. Scott had a difficult piece of property and that it is a beautiful piece of property and this project presents interesting issues. **Mr. Scott** reiterated his desire to have as many options as possible and that the six-month extension, if granted, would allow him to pursue those options.

Chair Klein closed the public testimony.

Commissioner Churchill wanted to hear from the Planning Staff about the history of granting extensions. **Mr. Kelter** said that this was the only one he was aware of in the time he had been on the City's Planning Staff. **Ms. Mangle** was not aware of any similar extensions. However, **Ms. Mangle** added that granting these extensions was a common practice. **Chair Klein** said that he thought these six-month extensions were usually granted on similar projects and that his conversations with Donald Hammang, the previous Chair bore that out.

CITY OF MILWAUKIE PLANNING COMMISSION

Minutes of January 23, 2007

Page 8

Commissioner Batey said that this project has involved a lot of time and community involvement, including lots of neighbors out to testify. Further, she said that this project already has a thorny history and that the best thing would be if this project were built. A new application would be another thorny mess.

Commissioner Churchill said he was worried about staff time and more iteration on this scheme. Further, **Commissioner Churchill** said that he was concerned about the fee, which had already been eaten up several times over with the amount of time the Planning Staff has had to spend on this project. **Chair Klein** agreed with Commissioner Churchill and also added that it is nice that Planning Staff is there, but that they are not free planning consultants.

Commissioner Churchill said he was not confident that the project would be completed as approved and that a lot more Planning Staff time will be used. **Commissioner Bresaw** noted that Planning Staff made the recommendation.

Commissioner Bresaw moved to approve the applicant's six-month extension for the land use approval for the four-lot subdivision at SE 28th Avenue and SE Rockvorst Street. File Number: FP-06-05.

Commissioner Qutub seconded the motion.

Ayes: Klein, Batey, Bresaw, Qutub

Nays: Churchill

MOTION CARRIED 4-1.

6.2 PUBLIC HEARING

Type: Minor-Quasi Judicial

Applicant: Dancevolve LLC

Owner: Watumull Properties

Location: 4252 SE International Way, Suite H (TL 1 2E 31C 00712)

Proposal: Community Service Use to maintain existing location in the BI Zone

File Number: CSU-06-06

NDA: Not Applicable

Chair Klein called the hearing to order and stated that the applicant has the burden of proving that the application is consistent with the City of Milwaukie Zoning Subdivision Ordinance, Comprehensive Plan and any applicable Municipal Code provisions. **Chair Klein** asked Planning Staff to cite the relevant provisions.

Mr. Marquardt cited:

MMC 19.321.5 – Standards for Community Service Uses.

MMC 19.321.12 – Standards for Institutions.

MMC 19.324.6 – Standards for the Business Industrial Zone.

CITY OF MILWAUKIE PLANNING COMMISSION

Minutes of January 23, 2007

Page 9

Chair Klein said: All testimony and evidence must be directed towards the applicable substantive criteria just described or other criteria in the Plan or Land Use Regulation which one believes to apply to the decision. Failure to raise an issue accompanied by statements or evidence sufficient to afford the Planning Commission an adequate opportunity to respond to each issue precludes appeal to the City Council or LUBA based on that issue. Failure to raise constitutional or other issues related to the proposed conditions of approval with sufficient specificity to allow a response precludes an action for damages in Circuit Court.

No member of the Planning Commission wished to abstain.

No member of the Planning Commission wished to declare an actual or potential conflict of interest.

All of the Planning Commissioners present had been to the site, except Commissioner Qutub. No member of the Planning Commission spoke to anyone at the site or knew anything different from what was on the Planning Staff's report or on the application. No other ex-parte contacts or conflicts were declared by the Commission. No member of the audience wished to challenge the jurisdiction of the Planning Commission.

Mr. Marquardt, Assistant Planner, gave the Staff presentation. **Mr. Marquardt** recommended that the Planning Commission approve Dancevolve's application. Dancevolve is located in a standard office park in the BI Zone. Dancevolve was granted a temporary certificate of occupancy that has since been extended through the date of this hearing, January 23, 2007. **Mr. Marquardt** stated that Staff believes that Dancevolve does qualify for Community Service Use. No other development was proposed with Dancevolve's application. If the CSU is approved it would only apply to Dancevolve.

Mr. Marquardt stated that there were two issues.

1. Is Dancevolve a Community Service Use?
 - a. Yes, it can be considered a private school.
 - b. CSUs can be permitted in other zones.
 - c. Because an entity is permitted in another zone, does not disqualify that entity as being a CSU in the zone where it currently resides.
2. Public Benefits Test, which applies to all CSUs
 - a. Public Benefits Test: Weighs the Public Benefit of the proposed use against the impacts of the use.
 - i. Benefits – As assessed by Planning Staff:
 - A. Dancevolve enriches community by providing performances.
 - B. Milwaukie only has two dance studios, thus Dancevolve provides one of two forums for that fine art.
 - C. Service to community by performing at public schools.

D. Dancevolve is supported by a wide variety of local entities, including the Milwaukie Academy of Arts.

ii. Impacts:

- A. Dancevolve's use is not the use intended for the BI Zone.
- B. Dancevolve is using space in the BI Zone that other businesses could be using.
- C. Traffic and parking conflicts that might interfere with other BI zone occupiers.

iii. Mitigating Factors:

- A. Dancevolve's use is lighter, not heavier, use of the space than other businesses in the BI Zone.
- B. Dancevolve does not appear to crowd the available office space. There is still plenty of space available for other businesses.
- C. Dancevolve's hours are offset from normal business hours, which reduces the potential for parking and traffic conflicts.

Mr. Marquardt stated that the only approval criteria for this application were those in MMC 19.321.5. **Mr. Marquardt** stated that based on the criteria, Planning Staff recommends that Dancevolve be approved as a CSU.

Mr. Marquardt stated that Planning Staff is required to continue the hearing until February 13, 2007 so that noticing requirements can be met. The Commissioners had no questions for Mr. Marquardt.

Chair Klein inquired if the Planning Staff or the Commission had received any correspondence other than what has been enclosed with the agenda materials. No additional correspondence has been received.

Chair Klein opened the hearing for public comment.

Speaking: Sara Manougian, Dancevolve, 4252 SE International Way, Milwaukie
Erin Lee, Dancevolve, 4252 SE International Way, Milwaukie

Sarah Manougian and Erin Lee, the founders of Dancevolve spoke first.

Ms. Manougian said that Dancevolve was established in 2004 to provide dance and the performing arts experience for all, regardless of age, gender or socio-economic background. **Ms. Manougian** stated that their vision was to foster an appreciation for the arts amongst the people in the community. Dancevolve's students come from Milwaukie and the surrounding areas. **Ms. Manougian**

stated that Dancevolve provides a service not prevalent in the area and that they provide full and partial scholarships. Dancevolve's philosophy is to emphasize

dance as an art and not as a competition. **Ms. Manougian** highlighted some of Dancevolve's involvement with schools in Milwaukie. **Ms. Manougian** and **Ms. Lee** thanked the Planning Staff and the Planning Commission.

Commissioner Qutub asked what type of dance Dancevolve provides. **Ms. Manougian** stated that Dancevolve offers hip-hop, ballet, tap, jazz, modern ballroom and salsa. Some of their dancers tour the country. Their students range in age from five years old to forty-five years old.

Commissioner Batey asked whether Dancevolve has grown as a business. **Ms. Manougian** and **Ms. Lee** responded affirmatively by stating that they regularly see new faces.

Commissioner Churchill asked **Ms. Manougian** and **Ms. Lee** if they had to start again and select a different site, where they would have chosen to locate their studio. **Ms. Manougian** and **Ms. Lee** stated that they would have selected a location that was more visible and that was more community friendly.

Chair Klein asked if the Commission had any further questions for **Ms. Manougian** and **Ms. Lee**. There were no other questions from the Commission at that time.

Chair Klein noted that several people wanted to speak in favor of Dancevolve. He suggested that they select a few people to speak in favor of their application to qualify as a Community Service Use. **Chair Klein** also said that they were all welcome to speak, if they wished to.

Speaking: Jana Kopp, 14845 SE Moreland Road, Portland

Ms. Kopp spoke to the benefits of dance in her life, including teaching her focus and exposing her to modes of artistic expression. **Ms. Kopp** also said that dance was important to her as a physical and mental outlet. She noted that an activity like dancing allowed children from different high schools to meet and work together. Further, that it brings siblings and families together. **Ms. Kopp** said that she has been teaching for four years and teaches young children as well as adults.

Speaking: Michael Schade, 8687 SE 57th Avenue, Portland

Mr. Schade said that he has been a student of **Ms. Lee's** for six years. He spoke to the benefits of tap dancing as a valuable extracurricular activity. He said that felt he had learned a lot from dance.

Speaking: Mary Trute, 20992 South Ferguson Road, Oregon City

Ms. Trute spoke to the tremendous benefits that dance has given her daughter. Her daughter obtained a scholarship at The Edge as a result of the instruction at Dancevolve. Instead of traveling to Los Angeles, California, her daughter chose to come back to the community and teach at Dancevolve.

Speaking: Dorian Tanase, 14913 SW Falkland Ct., Beaverton

Mr. Tanase said he is a hip-hop teacher who commutes from Tigard to teach at Dancevolve. **Mr. Tanase** expressed an interest in involving more males in the dance community. He also expressed interest in involving centers for disadvantaged youth with programs at Dancevolve.

Speaking: Mike Manougian, 15712 SE First Drive, Milwaukie

Mr. Manougian said he is the father of Sarah Manougian, one of the founders of Dancevolve. **Mr. Manougian** said he is also a teacher at Aldercreek Middle School and a citizen of Milwaukie. He said that, as a teacher, he sees students who have trouble connecting to education. He also stated that Dancevolve provided a way for students to learn and participate that was not the traditional way, but was still a great way.

Chair Klein opened the hearing for questions or comments on the application. There were no further questions. No one wished to speak in opposition.

Commissioner Batey asked Mr. Marquardt if the required notices of the hearing went out to the business in the office park where Dancevolve is located. **Mr. Marquardt** responded affirmatively. **Commissioner Batey** noted that businesses tend to come out when they are in opposition to a proposed application and that no businesses had come out in opposition or written any letters.

Chair Klein stated that the decision on the application would be continued until the next hearing on February 13, 2007.

7.0 WORKSESSION ITEMS

7.1 North Main Village Sign Permit – Advisory discussion of Planning Director's Decision.

Ms. Mangle stated that there was a wall that was designed as part of the North Main Village project. The wall was required by the Planning Commission to be big enough to screen the parking lot. In December Ms. Mangle and Mr.

Marquardt were approached about a sign for the wall. The sign met the standards for downtown signage in every way except it was a little too big. **Ms. Mangle**

stated that the problem with the proposed sign was that it was a little bigger than sixteen square feet. Sixteen square feet is the maximum size for a downtown sign, according to the letter of the Code. **Ms. Mangle** also stated that the proposed sign is also bigger than a monument sign. A monument sign is only allowed to be thirty-two square feet.

Ms. Mangle and **Mr. Marquardt** talked with the applicant and came up with three options: 1) to require the sign be sixteen square feet (a wall sign), 2) to allow the applicant to build another wall and build a monument sign and 3) to allow the applicant to build a thirty-two square foot monument sign on the wall.

Ms. Mangle stated that the third option met the intent of the Sign Code and also allows the applicant to use the wall as a monument sign, knowing that it is not a monument sign only because it was required to be larger than a monument sign by the Planning Commission.

Ms. Mangle stated that although this is a Staff level decision, because it involves downtown signs and North Main Village, she wanted to review the decision with the Planning Commission.

Commissioner Batey said that the Design Review Committee had envisioned more plants and that this was just a brick wall. **Ms. Mangle** stated that a brick wall was what was required. **Commissioner Batey** asked if there were supposed to be screening plants. A conclusion was reached that the plant requirement was not determined.

Chair Klein asked about any lighting that might accompany the sign. **Ms. Mangle** stated that if there were going to be any lighting, it would be exterior lighting. **Mr. Marquardt** stated that the letters would be metal letters. **Ms. Mangle** noted that the letters would be applied letters and that the logo and image were the ones used throughout the building. **Ms. Mangle** also noted that the applicant had been very patient.

Commissioner Churchill asked if the applicant was going to ask for a variance. He also noted that the sign was proportional to the project and that he would not be opposed to a variance in this case.

Chair Klein stated that it was the Planning Director's decision. **Ms. Mangle** stated that she was comfortable with the sign at thirty-two square feet as a modified monument sign, but only with the Planning Commission's blessing.

Chair Klein stated that the Commission should make it a monument and that the sign should be a monument sign. He also noted that the sign was tasteful. **Commissioner Batey** stated that she had some qualms about naming the sign a monument, although she was fine with the sign at its proposed size.

Commissioner Churchill stated that he did not want signage to be so restricted so that proportional signs such as this one would be impermissible. He also stated that the intent of the sign ordinance was to prevent visual clutter. **Chair Klein** stated that it was his understanding that North Main Village had more restrictive sign permissions for its tenants than what the Planning Commission would require. **Ms. Mangle** indicated that absent Commissioner Brinkman was also inclined to be in favor of the Planning Director's decision.

Commissioner Bresaw asked if there would be Section 8 housing in the development. **Ms. Mangle** clarified that some of the units would be affordable, but that there was no Section 8 housing.

NO VOTE REQUIRED.

8.0 DISCUSSION ITEMS

Bill Monahan was introduced as the new City Attorney. Mr. Monahan was the City Attorney from 1989-1994. **Mr. Monahan** expressed his excitement at being back with the City.

Commissioner Batey expressed interest in what is going on with signs around town. She expressed concern that the Planning Commission gets back to the Sign Code. **Commissioner Churchill** seconded Commissioner Batey's suggestion that the Commission adhere to the Sign Code. **Commissioner Batey** brought up the idea of bringing in pictures of signs that clearly violate the sign code.

Chair Klein suggested a joint session with the City Council. He noted the benefits of having the backing of City Council. **Commissioner Batey** noted the value of having a discussion among the Planning Commissioners before going to the City Council.

Commissioner Churchill suggested involving the NDAs to get a barometer of community interest and concern. **Chair Klein** suggested that the Commission should address this with both the citizens and the business community.

Ms. Mangle noted that she would like to spend some time at the next meeting discussing the work plan and the budget for the next fiscal year.

Ms. Mangle asked the Commissioners if they would like worksession notebooks. **Commission Qutub** said that she would find them helpful. **Ms. Mangle** said that

these notebooks would be particularly helpful for recurring issues. **Commissioner Batey** also thought the notebooks would be helpful.

Commissioner Batey asked what was going on with a sign at the high school. **Commissioner Churchill** noted that if the Historic Milwaukie NDA and the

applicant came up with a lower impact solution that the decision would return to Ms. Mangle for an administrative decision.

Commissioner Churchill agreed with Ms. Mangle about the significance of the work plan. He also noted the significance of signage and the reduction of visual clutter in creating a vibrant downtown atmosphere. **Chair Klein** agreed with Commissioner Churchill. He also expressed a desire for a homogenous Sign Code. **Ms. Mangle** stated that it was important to make the objective clear when suggesting revisions to the Sign Code. **Chair Klein** said that City Council had told the Planning Commission that the Commission was regulating and governing good taste. However, **Chair Klein** stated that he did not think that was a bad thing.

9.0 OLD BUSINESS

Ms. Mangle asked for feedback about the December meeting.

Commission Qutub mentioned that Mr. Parecki was concerned that there was pre-laid sidewalk in front of his building because he wanted to plant trees.

Ms. Mangle said that Mr. Parecki felt that the Commission was going to change code on the spot. As that is not the case, **Ms. Mangle** said that the Planning Staff was working with him to find a solution. She also mentioned that the tenant – J.L. Hair Salon had been very cooperative.

Commissioner Batey said that it was important to her that re-zoning to encourage other developments along Hwy 224 does not conflict with the revitalization of downtown.

Commissioner Churchill suggested that information on the square footage of vacant commercial space would be useful. **Mr. Marquardt** stated that the exact number was 86,500 square feet. He also said that current information is available at oregonprospector.com, which is linked from the City's website. **Chair Klein** indicated that in his experience, 86,500 square feet was not that much vacant space.

Commissioner Batey stated that downtown should not just be defined by who lives downtown. She expressed hesitation about creating too many opportunities

for business outside of downtown. She expressed a desire to see how North Main Village and King Road turn out.

Ms. Mangle mentioned the Myrtle Street area and zoning it for commercial use. She said that the question there was whether to wait and see if the City does it or wait for a developer to do it. **Ms. Mangle** also said that the Staff recommendation was to clean up the zoning and get rid of the mixed-use overlay.

Chair Klein agreed with Ms. Mangle's point and mentioned the importance of considering density requirements in commercial areas – particularly as the downtown area grows. **Commissioner Batey** said that Myrtle Street is an easier case because it is surrounded by commercially zoned property.

10.0 OTHER BUSINESS/UPDATES -- None.

11.0 NEXT MEETING

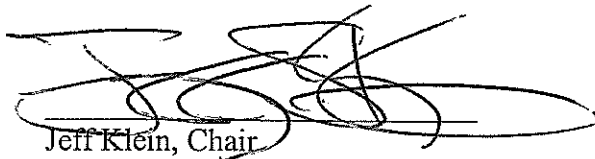
Chair Klein said that the next meeting would be February 13, 2007. It will be the illegal lot worksession discussion.

Commissioner Batey moved to adjourn the meeting of January 23, 2007.

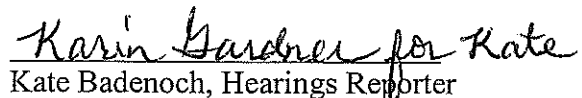
Commissioner Bresaw seconded the motion.

MOTION PASSED UNANIMOUSLY.

Meeting adjourned at 9:25 p.m



Jeff Klein, Chair



Kate Badenoch, Hearings Reporter

MILWAUKIE CITY HALL
10722 SE MAIN STREET

ACTION REQUIRED

		ACTION REQUIRED
1.0 1.1 1.2	Call to Order Gary Firestone farewell Gary Parkin, new Engineering Director	
2.0	Procedural Matters If you wish to speak at this meeting, please fill out a yellow card and give to planning staff. Please turn off all personal communication devices during meeting. Thank You.	
3.0 3.1 3.2	Planning Commission Minutes November 14, 2006 (see January 9 packet) December 12, 2006 Approved PC Minutes can be found on the City web site at: www.cityofmilwaukie.org	Motion Needed
4.0	Information Items – City Council Minutes City Council Minutes can be found on the City web site at: www.cityofmilwaukie.org	Information Only
	Public Comment This is an opportunity for the public to comment on any item not on the agenda	
6.0 6.1 6.2	Public Hearings and Planning Commission Decisions Norm Scott Land Use Approval extension request Type of Hearing: Minor Quasi-Judicial Applicant: DancEvolve LLC Owner: Watumull Properties Location: 4252 SE International Way, Suite H (TL 1 2E 31C 00712) Proposal: Community Service Use to maintain existing location in BI Zone File Number: CSU-06-06 NDA: n/a Staff Person: Ryan Marquardt	Discussion and Motion Needed For These Items
7.0 7.1	Worksession Items North Main Village sign permit – advisory discussion of Planning Director’s decision	
8.0	Discussion Items This is an opportunity for comment or discussion by the Planning Commission for items not on the agenda.	Review and Decision
9.0 9.1	Old Business Follow-up on December worksession	
10.0	Other Business/Updates	Information Only Review and Comment
11.0	Next Meeting: February 13, 2007 – Illegal Lot worksession discussion The above items are tentatively scheduled, but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.	

recast for Future Meetings: February 27, 2007

Milwaukie Planning Commission Statement

The Planning Commission serves as an advisory body to, and a resource for, the City Council in land use matters. In this city, the mission of the Planning Commission is to articulate the Community's values and commitment to socially and environmentally responsible uses of its resources as reflected in the Comprehensive Plan

Public Hearing Procedure

1. **STAFF REPORT.** Each hearing starts with a brief review of the staff report by staff. The report lists the criteria for the land use action being considered, as well as a recommended decision with reasons for that recommendation.
2. **CORRESPONDENCE.** The staff report is followed by any verbal or written correspondence that has been received since the Commission was presented with its packets.
3. **APPLICANT'S PRESENTATION.** We will then have the applicant make a presentation, followed by:
4. **PUBLIC TESTIMONY IN SUPPORT.** Testimony from those in favor of the application.
5. **COMMENTS OR QUESTIONS.** Comments or questions from interested persons who are neither in favor of nor opposed to the application.
6. **PUBLIC TESTIMONY IN OPPOSITION.** We will then take testimony from those in opposition to the application.
7. **QUESTIONS FROM COMMISSIONERS.** When you testify, we will ask you to come to the front podium and give your name and address for the recorded minutes. Please remain at the podium until the Chairperson has asked if there are any questions for you from the Commissioners.
8. **REBUTTAL TESTIMONY FROM APPLICANT.** After all testimony, we will take rebuttal testimony from the applicant.
9. **CLOSING OF PUBLIC HEARING.** The Chairperson will close the public portion of the hearing. We will then enter into deliberation among the Planning Commissioners. From this point in the hearing we will not receive any additional testimony from the audience, but we may ask questions of anyone who has testified.
10. **COMMISSION DISCUSSION/ACTION.** It is our intention to make a decision this evening on each issue before us. Decisions of the Planning Commission may be appealed to the City Council. If you desire to appeal a decision, please contact the Planning Department during normal office hours for information on the procedures and fees involved.
11. **MEETING CONTINUANCE.** The Planning Commission may, if requested by any party, allow a continuance or leave the record open for the presentation of additional evidence, testimony or argument. Any such continuance or extension requested by the applicant shall result in an extension of the 120-day time period for making a decision.
12. **TIME LIMIT POLICY.** All meetings will end at 10:00pm. The Planning Commission will pause hearings/agenda items at 9:45pm to discuss options of either continuing the agenda item to a future date or finishing the agenda item.

The Planning Commission's decision on these matters may be subject to further review or may be appealed to the City Council. For further information, contact the Milwaukie Planning Department office at 786-7600.


Milwaukie Planning Commission:

Jeff Klein, Chair
Dick Newman, Vice Chair
Lisa Batey
Teresa Bresaw
Catherine Brinkman
Scott Churchill
Yusef Qutub

Planning Department Staff:

Katie Mangle, Planning Director
Susan Shanks, Associate Planner
Brett Kelter, Assistant Planner
Ryan Marquardt, Assistant Planner
Jeanne Garst, Office Supervisor
Karin Gardner, Administrative Assistant
Marcia Hamley, Administrative Assistant
Kate Badenoch, Hearings Reporter



To: Planning Commission
Through: Katie Mangle, Planning Director
From: Brett Kelter, Assistant Planner 
Date: January 23, 2007
Subject: File: FP-06-05
Applicant: Norm Scott
Address: 8555 SE 28th Ave.
NDA: Ardenwald - Johnson Creek

Action Requested

Approve the applicant's request for a six-month extension of the land use approval for a four-lot subdivision at SE 28th Avenue and SE Rockvorst Street.

Background

In 2004, the applicant initiated the process for replatting his property at SE 28th Avenue and SE Rockvorst Street. The proposal was to create four buildable lots and one wetland tract, with a variance request to not construct certain street improvements, an adjustment request to not install a landscape strip and to narrow the required sidewalk width, and a street vacation request for portions of the right-of-way where the applicant's house encroaches on SE Rockvorst and SE 28th Avenue.

The applicant submitted land use applications for subdivision, transportation plan review, water quality resource review, variance, and street vacation. The Planning Commission approved the subdivision with conditions, including a requirement to construct a sidewalk along SE 28th Avenue. The applicant appealed that condition to the City Council, but the Council upheld the Planning Commission's decision. The Council also supported the Planning Commission's recommendation to deny the requested street vacations. That decision was issued on February 7, 2006.

The applicant was required to submit the final plat application within six months of the end of the 21-day appeal period following the City Council decision (February 28, 2006). The applicant met this requirement by submitting the final plat application on August 7, 2006. Staff has reviewed the submission, provided comments, and met with the applicant on several occasions to clarify the conditions and other requirements.

Per the City's Land Division Ordinance, land use approvals expire within one year of the date of approval. In this case, the City Council's decision regarding this subdivision will expire on February 7, 2007. The public improvements that must be constructed for this project are substantial and the applicant is still working to revise the plans. It is unlikely that the applicant will be able to meet the City's requirements for final plat approval before February 7, 2007.

Subsection 17.04.050.B of the Milwaukie Municipal Code allows for a six-month extension of the land use approval, provided that:

- 1) No changes have been made to the original plans as approved.
- 2) The applicant can show intent of recording the land division within the six-month extension period.
- 3) There have been no changes in the ordinance provisions on which the approval was based.

Staff Recommendation

Staff finds that neither the approved plans nor the relevant ordinance provisions have been changed. The applicant has discussed several viable options for finishing the street improvements and finalizing the plat within the six-month extension period, if granted. Staff recommends that the Planning Commission approve the applicant's request for a six-month extension of the land use approval.

Summary

Staff believes the applicant has demonstrated compliance with applicable criteria for a six-month extension of the applicant's land use approval.

1. No changes have been made on the original plan as approved.
2. The applicant has shown intent of recording the land division within the requested six-month extension period.
3. There have been no changes in the ordinance provisions on which the approval was based.

As the original decision-making authority, the Planning Commission is authorized by Subsection 17.04.050.B of the Milwaukie Municipal Code to grant or deny this request.

Attachment

1. Applicant's Extension Request

RECEIVED

JAN 04 2007

CITY OF MILWAUKIE
PUBLIC WORKS

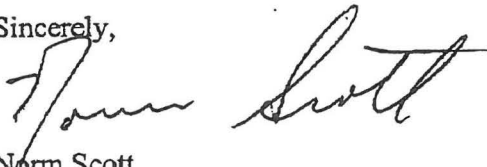
1-4-07

To: Planning Commission
C/o Milwaukie Planning Department
Brett Kelter fax 774-8236
6101 SE Johnson Creek Blvd.
Milwaukie, Oregon 97222

Dear Planning Department,

I would like to apply for a six month extension on my land use approval at 8555 SE 28th Ave.. I had some indication from the City of Milwaukie and Portland Parks that if the bond measure passed this November there might be interest in purchasing it for a park. At this point I would like the opportunity to finish the project and to do this I will need a six month extension. There has been no major changes to the original plans and no changes in the ordinance provision.

Sincerely,



Norm Scott
503 654-9293 Hm
503 891-9293 Cell
nescott215@msn.com



To: Planning Commission
From: Ryan Marquardt, Assistant Planner *RM*
Through: Katie Mangle, Planning Director *KM*
Date: January 16, 2007, for January 23, 2007 Hearing
Subject: Files: CSU-06-06
 Applicant: Erin Lee, Dancevolve LLC
 Address: 4252 SE International Way, Suite H; Tax Map 1S
 2E 31C Tax Lot 00712
 NDA: N/A

Action Requested

Approve application CSU-06-06 and adopt the recommended findings and conditions in support of approval, authorizing Dancevolve as a Community Service Use in the BI zone.

Background

The purpose of this application is to approve Dancevolve LLC as a Community Service Use (CSU) and allow it to remain in its existing location in the Business Industrial (BI) zone. Dancevolve was established in 2004 and moved into the space at 4252 SE International Way, Suite H in August of that year. In 2004, Dancevolve submitted permits to the building department for tenant improvements that had already been completed in the space. At this time, the Planning Director reviewed the use against the uses allowed in the BI zone. In a Director's Determination from September 2004, the City determined that Dancevolve does not fit the definition of a trade school, which is an outright permitted use in the BI zone. Zones in which Dancevolve's use may be permitted outright are R1B, ROC, CL, CG, downtown zones except for DOS, and C-CS. Dancevolve appealed the determination and was scheduled for a Planning Commission hearing on October 26, 2004, but withdrew the appeal.

Past and present planning department staff have been supportive of Dancevolve and have not wanted to see the studio leave Milwaukie. As a compromise, in 2004 the City granted Dancevolve a two-year temporary certificate of occupancy, which expired on September 10, 2006. The City has extended the temporary certificate of occupancy pending the resolution of this application. If Dancevolve is approved as a CSU, it will be granted a permanent certificate of occupancy and allowed to remain in its present location, subject to any conditions of

approval. If the CSU application is denied, the temporary certificate of occupancy will be terminated, and Dancevovle will be forced to move.

Key Issues

- 1) Is Dancevovle a Community Service Use?
- 2) Does Dancevovle meet the Community Service Use public benefits test?
- 3) Is the location appropriate for the use and is the use reasonably compatible with surrounding uses?

Analysis of Key Issues

Key Issue #1 - Is Dancevovle a Community Service Use?

Dancevovle has applied for designation as a Community Service Use. Dancevovle could be allowed in some zones as either a commercial school, as defined in the zoning code, or as an office for an artist studio. This raises the question of why Dancevovle should be permitted as a Community Service Use. Staff believes that Dancevovle is a Community service use for the following reasons:

- *Included in the applicability section of MMC 19.321.2.*

Staff believes Dancevovle can be considered a private school, which may qualify as a CSU use (MMC 19.321.2.A.1). However, the definition section of the Title 19, Zoning (MMC Chapter 19.100) does not define "private school." The only distinction offered by the definition section is between Commercial School¹ and Primary, Elementary, Junior or High School. Dancevovle does meet the definition for a Commercial School because it provides instruction in arts and operates as a private enterprise not supported by taxation. Staff believes that Dancevovle meets both the definition of "commercial school" and the intent of the term "private school."

- *Community Service Uses can be permitted uses in other zones.*

Dancevovle can be permitted as a commercial school or artist studio in the R1B, ROC, CL, CG, and C-CS zones. However, the fact that it may be permitted in these zones does not disqualify it from consideration as a Community Service Use. Examples of Community Service Uses that may be permitted in other zones include:

- Governmental offices, which are allowed in the R1B, ROC, CL, CG and downtown zones.
- Government public works shops. Depending upon the mixture of uses, these may be permitted outright in the CG zone as shops,

¹ MMC 19.103, Definitions, "School, Commercial. "Commercial school" means a place where instruction is given to pupils in arts, crafts, trades or other occupational skills, and operated as a commercial enterprise as distinguished from schools endowed or supported by taxation."

automobile service stations, and repair garages. Such uses may also be permitted in the Manufacturing zone.

- Auditorium or stadium, which could be a CSU associated with a school, but may be permitted conditionally in the CG zone.
- Gyms, pools, sport courts and other recreational facilities. These can be permitted as a CSU or as a conditional use in the Business Industrial zone.
- *Dancevovle meets the criteria for establishing a Community Service Use.*

Uses listed in MMC 19.321.2 must meet the criteria in MMC 19.321.5 for establishing a CSU before they are granted a CSU. These criteria address the appropriateness of the use in the proposed location and the public benefit of the proposed use. Few commercial schools would pass the public benefits test. Staff believes that Dancevovle does meet the public benefits test and should be granted a CSU. The reasons supporting this belief are detailed in Key Issues 2 and 3.

Key Issue #2 - Does Dancevovle meet the Community Service Use public benefits test?

Milwaukie Municipal Code (MMC) subsection 19.321.5.A.4 requires that the Planning Commission weigh the public benefits of the proposed use against its possible adverse impacts. A list of benefits and impacts that the Commission may wish to consider is presented below:

Benefits

- *One of only two providers of instruction for this branch of fine arts in Milwaukie.*

A search of Milwaukie's business license records shows that there are only two organizations involved in dance performance and instruction in Milwaukie.² Dancevovle is one of the two schools in a city of over 20,000 people that serve the demand for instruction in this branch of fine arts. Dancevovle provides instruction in several types of dance for students across the demographic spectrum. Their current student roster is thirty-five students, with ten between ages six and eleven, and the remainder with ages from twelve to fifty five.

Dancevovle is an organization that is well qualified to provide dance instruction. The three teachers that run Dancevovle are committed, professional dancers; one of whom has 30 years of dance instruction

² Staff searched City records for business licenses valid through 12/31/2007, in the business categories of non-profit, amusement services, and educational services. These organizations are Dancevovle LLC and Pacific Dance Academy. The search also revealed one business license for a home occupation that offers instruction in hula dance.

experience. This is substantiated in the letter of support from the Director of the Milwaukie Academy of Arts.

- *Enriches the culture in the community through dance performances.*

According to the applicant's narrative, Dancevolve has been involved in at least 15 performances in the last couple of years and has reached literally thousands of Milwaukie area residents. These performances have provided groups of twelve to thirty dancers with the opportunity to showcase their talents before the community.

- *Service to the community in the arts field.*

Dancevolve has worked within the community to increase interest in dance and provide quality dance instruction on a volunteer basis and at no charge to those who cannot afford instruction. Dancevolve currently has five students on full scholarship. Several of Dancevolve's recent performances have been at public schools, including Rex Putnam, Milwaukie, Sunset and Estacada High Schools, and at Aldercreek Middle School. Their involvement with these schools includes free performances, classes, and training for dance teams. They have also offered guidance to high school students for their Senior Seminar projects.

- *Organizational philosophy that emphasizes dance as an art and contribution to the community.*

Dancevolve is committed to teaching dance as an art form and not as a competition, and believes in providing dance and performing arts experience to students regardless of age, gender or background. The instructors believe that exposure to arts is an important part of human growth and development. Through their involvement with Dancevolve they seek to spread arts through the community and encourage their students to give to the community through performances.

The beliefs of the instructors are a subjective factor in determining benefit to the community. However, their artistic probity suggests that Dancevolve is an institution that is committed to providing a public cultural benefit and not merely offering dance lessons.

Adverse Impacts

- *Use not allowed in the Business Industrial (BI) Zone.*

Dancevovle's use is not allowed in the BI zone. The purpose of the BI zone is to provide a mix of clean, employee intensive industrial and office uses. Dancevovle takes space in this zone for a use that is not intended.

- *Less space is available in the BI zone for other offices.*

Dancevovle's presence in the BI zone occupies building space that could be used by light industry or more employment intensive office uses. Precluding such uses from the space underutilizes the space and creates less economic activity.

- *Traffic and parking conflicts.*

Dancevovle currently has classes with up to 15 teachers and students present. As part of their lease, Dancevovle is allocated seven parking spaces. This means that during their largest classes, Dancevovle exceeds the number of spaces allowed by their lease.³ Permitting a dance studio that generates more parking than agreed upon by the land owner and tenant can create parking conflicts with surrounding uses.

Overall, staff believes that the benefits of Dancevovle outweigh the adverse impacts. Dancevovle benefits the community by providing a service for which there are few providers in Milwaukie. As an organization, Dancevovle appears committed to furthering the arts and has a history of service to the Milwaukie arts community, including *pro bono* instruction and free performances for school groups. The adverse impacts include the use of BI land for a use that is not allowed in the zone and the conflicts that may arise between Dancevovle and other uses. As discussed in Key Issue #2 below, staff believes there are mitigating factors that make Dancevovle a use that is compatible with surrounding uses.

Key Issue #3 - Is the location appropriate for the use and is the use reasonably compatible with surrounding uses?

In considering community service uses, the Planning Commission must consider if the proposed location is appropriate for the use, including the compatibility with surrounding uses. Staff believes that the proposed use is appropriate for the location, and that Dancevovle will have a minimal impact on surrounding uses. This conclusion is based on consideration of the following characteristics:

³ The city does not regulate parking agreements between tenants and lessees.

- *Land Use*

The operation of a dance instruction studio does not interfere with business office uses that surround the site. The site is not identified as Title 4 Land by Metro, which designates employment, industrial, and regionally significant industrial land. Dancevovle does not create nuisances greater than those created by uses allowed outright in the BI zone. Examples of outright allowed uses are laboratories, manufacturing and processing from previously prepared materials, trade schools, and bookbinding and photographic production facilities.

- *Employment and Business Operation*

Dancevovle is a limited liability corporation. As such, it is not a tax-exempt organization. It is a place of employment for three instructors that occupy one business suite in the Lincoln Business Center at 4252 SE International Way.

A potential impact of Dancevovle's operation in the BI zone is that it precludes other businesses from operating in the BI zone. However, there are currently over 86,500 square feet of vacant office space and over 159,500 square feet of vacant industrial space in Milwaukie.⁴ This large amount of vacancy suggests that Dancevovle's use of 5,900 square feet of space is not taking away building space in a scarce market.

- *Traffic and Parking*

Staff believes that Dancevovle does not create significant traffic or parking problems. The space occupied by Dancevovle is zoned BI and is expected to generate traffic and parking demand during normal business hours. Dancevovle's impacts should be considered adverse or incompatible only as far as they may generate more trips or demand for parking than an allowed BI zone use during normal business hours.

In their lease agreement, Dancevovle is allocated seven parking spaces. This number is an appropriate proxy for the number of cars that are intended to use the space leased to Dancevovle, relative to other uses in the business park at 4252 SE International Way.

According to the applicant's narrative, hours of operation for surrounding businesses range from 7:00 AM at the earliest to 5:30 PM at the latest. Dancevovle's weekly schedule has classes that

⁴ Staff conducted a search on www.oregonprospector.com for available land and building space in Milwaukie on December 15, 2006. The website is sponsored by the Oregon Economic Development Association and Oregon of Economic and Community Development Department. The applicant conducted a similar search as part of their application.

start at 4:00 PM on Monday, 4:30 PM Tuesday through Thursday, and 5:30 PM on Friday. The studio also occasionally hosts recitals.

Because Dancevovle operates during off-peak hours, parking conflicts with businesses in the same building are minimized. There are 134 parking spaces for the building. Based on their current schedule and enrollment, no more than 15 people are involved in any one class. Due to the small number of people present at any one time and the off-peak operating hours, the existing parking lot at 4252 SE International Way is adequate to handle Dancevovle's parking demand.

Because Dancevovle does use more than the number of spaces allocated to it, staff recommends a condition of approval that Dancevovle not use more than the number of spaces allocated by their lease until after 5 PM, when most of the surrounding businesses are closed for the day. Staff also recommends that the condition be re-evaluated by staff if it is found that the hours of operation for surrounding businesses change and that the change creates a parking conflict for the spaces at 4252 SE International Way. This condition encourages visitors to Dancevovle to carpool, bicycle, or use TriMet, which has a stop for Route 152 adjacent to the site.

Summary

As conditioned, staff believes the applicant has demonstrated compliance with applicable criteria as follows:

- 1) Dancevovle is eligible as a Community Service Use as a private school. The fact that it is an allowed use in other zones does not preclude it from CSU consideration, and it must meet the approval criteria for all community service uses.
- 2) Dancevovle meets the public benefits test since its public benefit outweighs its adverse impacts. Dancevovle offers instruction in an area of fine arts for which there are few instructors in the city, the organization has a strong history of public service and volunteerism, and adds to the cultural milieu in the city. Its impacts are minimal and do not significantly impact the area where Dancevovle is located.
- 3) Dancevovle is appropriate for the proposed location and surrounding land uses. As a land use, it does not conflict with the business and office uses in the area, and its operations are mainly when other businesses are closed.
- 4) The conditions of approval recommended for Dancevovle are that their parking be limited to the number of spaces allowed by their lease until after 5:00 PM; that the Community Service Use is applied only so long as Dancevovle is a tenant in the space, and that bicycle racks are added pursuant to MMC Chapter 19.500 to minimize parking conflicts.

- 5) The approval of this application should be specific to Dancevovle and not transferable to subsequent tenants.

Code Authority and Decision Making Process

The proposal is subject to the following provisions of the Milwaukie Zoning Ordinance as follows:

- 19.321.5, Standards for Community Service Uses
- 19.321.12, Specific Standards for Institutions – Public, Private, Religious and Other Facilities not Covered by Other Standards
- 19.324.6, Standards (for the Business Industrial zone)

This application is subject to minor quasi-judicial review, which requires the Planning Commission to consider whether the applicant has demonstrated compliance with the code sections shown above. In quasi-judicial reviews, the Planning Commission assesses the application against review criteria and development standards and evaluates testimony and evidence received at the public hearing.

The Commission has the following options:

1. Approve the applications and adopt the recommended findings and conditions in support of approval.
2. Adopt additional findings and conditions in support of approval to comply with the Milwaukie Municipal Code.
3. Deny the applications upon finding that they do not meet approval criteria.

The final decision on this application, which includes any appeals to the City Council, must be made by March 22, 2007, in accordance with the Oregon Revised Statutes and the Milwaukie Zoning Ordinance. The applicant can waive the time period in which the application must be decided.

Comments

Comments were received from the City Building, Engineering, and Community Development departments. The following bullet points summarize comments received:

- The Building Department commented that prior to issuance of a Certificate of Occupancy, the applicant shall schedule a walkthrough with the Building Official to identify any life/safety requirements.
- The Engineering Department commented that in the event a building permit is required as part of the Building Official walkthrough and the permit value exceeds \$231,855.00, the applicant shall comply with the requirements of Chapter 19.1400 at the time of building permit review.

- Alex Campbell, City of Milwaukie Economic and Resource Development Specialist, commented in support of the application. He stated that he has not heard any complaints about Dancevolve's use of their leased space, and that Dancevolve does not prevent other businesses from locating in Milwaukie.

Attachments

1. Recommended Findings in Support of Approval
2. Recommended Conditions of Approval
3. Dancevolve CSU application (11" by 17" site plan to Planning Commission only)
4. Building Department Comments
5. Engineering Department Comments
6. Fire Department Comments
7. Letter from City of Milwaukie Economic & Resource Development Specialist

ATTACHMENT 1

Recommended Findings in Support of Approval

Milwaukie Municipal Code sections and subsections not addressed in these findings are found not to be applicable to this application.

1. The applicant is Dancevolve LLC, represented by Erin Lee, and the property owner is Waltnull Properties.
2. The applicant has applied for a Community Service Use (File# CSU-06-06) for 4252 SE International Way, Suite H (the site)(Tax Assessors Map 1S 2E 31C Tax Lot 00712). The Community Service Use (CSU) applies only to the applicant's use of that area of the property. The proposal is to approve Dancevolve LLC as a private school CSU and allow them to legally occupy the space they currently lease.
3. Public notice has been provided in accordance with the Milwaukie Municipal Code (MMC) Section 19.1011.3 – Minor Quasi Judicial Review. A public hearing was held January 23, 2007 as required by law.
4. The site is in the Business Industrial (BI) Zone. Dancevolve's operation is not a use allowed outright, accessory, limited or conditional in the BI zone. However, CSUs are allowed in any zone, per Milwaukie Municipal Code (MMC) 19.321.1.
5. The proposal is subject to the following sections of the Milwaukie Zoning Ordinance, Title 19:
 - 19.321, Community Service Use CSU
 - 19.324, Business Industrial Zone BI
 - 19.1011.3, Minor Quasi-Judicial Review
6. MMC Chapter 19.321 governs the approval and development standards for Community Service Uses. The Planning Commission finds that Dancevolve LLC meets the requirements of Chapter 19.321 as follows:
 - A. MMC Section 19.321.2, Applicability, lists the types of uses subject to the provisions of the Community Service Use chapter. Section 19.321.2(A)(1) lists private schools as community service uses subject to Chapter 19.321. The Planning Commission finds that Dancevolve is a private school that is eligible for a CSU, and must meet the requirements of Chapter 19.321 to receive approval.
 - B. MMC Section 19.321.4, Notice requirements, requires that notices and public hearings for CSU uses be conducted in accordance with MMC 19.1011.3, Minor Quasi-Judicial Review, Community Service Overlay. The Planning Commission finds that the public notice and

public hearing for this application satisfy the requirements of this section.

- C. MMC Section 19.321.5 provides approval standards for a Community Service Use. The Planning Commission finds that the standards of this section are met, as follows:
- i. MMC Section 19.321.5(A)(1) requires a community service use to meet the development standards of the underlying zone. Finding 7 demonstrates that the base zone standards are met.
 - ii. MMC Section 19.321.5(A)(2) requires that a community service use meet the development standards of MMC Sections 19.321.10 through 19.321.14. The Planning Commission finds that MMC Section 19.321.12 are applicable to this CSU, and that these standards are met, as demonstrated in Finding 6(F).
 - iii. MMC Section 19.321.5(A)(3) requires that the hours and levels of operation of the proposed use are reasonably compatible with surrounding uses. The Planning Commission finds that Dancevovle's dance studio is compatible with the surrounding office park uses. The dance studio does not generate noise, glare, or other off-site impacts to the extent where it would be problematic.

Dancevovle's hours of operation are as follows:

Monday, 4:00 PM – 7:00 PM
Tuesday, 4:30 PM – 9:00 PM
Wednesday, 4:30 PM – 7:00 PM
Thursday, 4:30 PM – 9:30 PM
Friday, 5:30 PM – 7:00 PM
Saturday, 9:00 AM – 12:00 PM
Occasional dance performances

Given that the typical hours of operation for businesses in the BI zone are 7:30 AM – 5 PM, Monday - Friday, Dancevovle operates mainly when surrounding uses are closed. Dancevovle's lease stipulates that they are allocated seven parking spaces. To ensure that the use stays compatible with the parking and traffic generated by surrounding uses, a condition of approval is that Dancevovle not utilize more than the amount of parking spaces allocated by their lease before 5:00 PM on weekdays, and includes both regular classes and any recitals or events. This

condition may be modified if it is found that the hours of operation for surrounding businesses change significantly from 7:30 AM – 5:00 PM Monday through Friday, and that the change in hours creates a conflict for off street parking at 4252 SE International Way.

- iv. MMC Section 19.321.5(A)(4) directs the Planning Commission to consider whether the public benefits of the proposed use outweighs the adverse impacts of the proposed use.

The public benefits of the proposed use are:

- Dancevovle provides a service to the Milwaukie arts community for which there are few instructors;
- Dancevovle has contributed to the Community by performing fifteen dance events since Fall 2004, both at their studio and at local theaters and public schools;
- The events have provided dance groups of 10 – 30 students to share their art;
- Providing full or partial scholarships to students that cannot afford instruction;
- Involvement with public schools, including dance performances, classes, and mentorship for student projects; and
- A philosophy that emphasizes dance as an art and enriching the community through that art.

The possible adverse impacts of the proposal are that: the use of space in the BI zone for a use different than allowed in MMC Sections 19.324.2 – 6, less space is available for BI uses, and there is potential for parking conflicts with surrounding uses.

In weighing the benefits and impacts, The Planning Commission finds that the public benefits of the proposed use outweigh the possible adverse impacts. Dancevovle is a valuable cultural institution in Milwaukie and has a history of supporting and contributing to Milwaukie's arts community. The adverse impacts are mitigated by the condition of approval regarding parking use. Impacts are also mitigated by the fact that the site is not located in a Metro Title 4 area, which identifies Industrial and Employment land in the region. Impacts are further mitigated by the fact that as of December 15, 2006, Milwaukie has 86,500 square feet of vacant office area. The use of 5,900 square feet of office

space by Dancevovle does not significantly crowd out other office uses from Milwaukie.

The public benefit of the use is specific to Dancevovle. Therefore, a condition of approval is that the Community Service Use applies only to Dancevovle LLC, and does not authorize a similar use to occupy the site as a CSU.

- v. MMC Section 19.321.5(A)(5) requires the location of the community service use to be appropriate for the type of use proposed. The Planning Commission finds that the use is compatible with the location for the reasons stated in Finding 6(c)(iii).
- D. MMC Section 19.321.6 specifies the procedures for reviewing a CSU. The Planning Commission finds that the appropriate hearing has been held and the appropriate criteria have been considered. The Planning Commission also finds that conditions of approval have been made to make the CSU compatible with other uses in the vicinity.
- E. MMC Section 19.321.8 specifies the materials that must be submitted with an application for a community service use. Based on the materials contained in the Land Use File# CSU-06-06, the Planning Commission finds that the applicant has submitted all required materials.
- F. MMC Section 19.321.12, Specific Standards for Institutions-Public/Private, Religious, and Other Facilities not Covered by Other Standards, contains the development standards for the proposed community service use. As demonstrated below, the proposal complies with the section.
 - i. MMC Subsection 19.321.12.A requires that public improvements necessary for the proposed use be constructed by the agency constructing the use. The Planning Commission finds that public utilities that adequately serve the proposed use and surrounding uses already exist.
 - ii. MMC Subsection 19.321.12.B requires that CSUs in or adjacent to residential zones take access on a collector street, if available. The Planning Commission finds that this criterion is not applicable because the proposed use is not in a residential base zone.

- iii. MMC Subsection 19.321.12.C requires setbacks of 2/3 the height of the principal structure when the proposed use is located in a residential zone. The Planning Commission finds that this criterion is not applicable because the proposed use is not in a residential base zone.
 - iv. MMC Subsection 19.321.12.D allows the height limitation of any zone to be exceeded to 50 feet, provided that MMC Subsection 19.321.12.C is met. The Planning Commission finds that this standard is not applicable since no development is proposed.
 - v. MMC Subsection 19.321.12.E and F require noise and glare from the proposed CSO to be mitigated. The Planning Commission finds that these criteria are not applicable since the site is not adjacent to residential areas and no additional exterior lighting is proposed.
 - vi. MMC Subsection 19.321.12.G states that the hours and levels of operation shall be adjusted to be compatible with adjacent uses, where possible. As stated in Finding 6(C)(iii) the hours and level of operation will be compatible with the existing neighborhood. As conditioned, the Planning Commission finds that this criterion is met.
 - vii. MMC Subsections 19.321.12.H and I contain standards for religious institutions, and are not applicable.
7. MMC Section 19.324.6, Standards, contains development standards for lots within the BI zone. The Planning Commission finds that because the proposed use does not entail any site development, Subsection A, B, C, D, E, G, H, I, and K are not applicable.
- A. MMC Subsection 19.324.6.F requires compliance with the off-street parking and loading provisions of MMC Chapter 19.500. As demonstrated below, the Planning Commission finds that the proposed use complies with the applicable provisions of MMC Chapter 19.500:
 - i. MMC Subsection 19.503.6 allows the Planning Commission to determine the appropriate number of parking spaces for unlisted uses. The Planning Commission finds that the listed uses for schools and recreational facilities do not adequately describe the type of use proposed by Dancevovle. The existing parking lot at 4252 SE International Way contains 134 parking spaces, and seven of these spaces are

allocated to Dancevovle by their lease. As discussed in finding 6(c)(iii) above, a condition of approval will limit Dancevovle's use of the existing parking lot to the number allocated by their lease until after 5:00 PM on weekdays. During non-business hours, Dancevovle may use available spaces in the existing parking lot as long as it does not create conflicts with surrounding businesses.

- ii. MMC Subsection 19.505 requires bicycle parking for all new community service uses. As a condition of approval, Dancevovle must install two bicycle parking spaces near the space that they occupy. The spaces will be installed subject to the standards of MMC Section 19.505. The Planning Commission finds that this criteria is met, as conditioned.
- B. MMC Subsection 19.324.6.L prohibits outdoor storage on SE International Way. The applicant indicates that screened outdoor storage exists on site. As conditioned, the Planning Commission finds this standard is met.
- C. MMC Subsection 19.324.6.J requires that uses in the zone do not create nuisances incompatible with surrounding uses. As discussed in Finding 6(F)(v), Dancevovle is not expected to have impacts that are nuisances to surrounding uses. As conditioned, the Planning Commission finds this standard is met.

Attachment 2
Recommended Conditions of Approval

1. The Community Service Use approved in this application is valid only as long as Dancevovle LLC is a tenant at 4252 SE International Way, Suite H. It is not transferable to any subsequent tenants.
2. Dancevovle LLC and its clients and visitors shall not use more than the number of parking spaces allocated by their lease in the off-street parking area at 4252 SE International Way until after 5:00 PM, Monday through Friday. After 5:00 PM Monday through Friday and on weekends, Dancevovle may use available parking spaces in the above-mentioned parking area.

The Planning Director may modify this condition of approval if it is found that a majority of the surrounding uses at 4252 SE International Way have operating hours that extend beyond 5:00 PM on weekdays and that parking conflicts arise due to the extended hours of operation.

3. Prior to issuance of a certificate of occupancy, the following must be completed:
 - A. Complete a walkthrough with the Building Official to identify any fire/life/safety issues, and correct any issues identified in the walkthrough.

In the event that a building permit is required as part of the Building Official walkthrough and the permit value exceeds \$231,855.00, the applicant shall comply with the requirements of MMC Chapter 19.1400 at the time of building permit review.
 - B. Install two bicycle parking spaces near the space occupied by Dancevovle LLC, subject to the standards of MMC Chapter 19.505.
4. Outdoor storage, as described in MMC Subsection 19.324.6(J), is prohibited.
5. Dancevovle LLC shall not create nuisances, as described in MMC Subsection 19.324.6(L), that are incompatible with surrounding uses. The Planning Director will investigate complaints regarding such nuisances caused by Dancevovle, and determine appropriate mitigation actions.



PLANNING DEPARTMENT
6101 SE JOHNS CREEK E
MILWAUKIE, OREGON 97206

PHONE: (503) 786-7630
FAX: (503) 774-8236

ATTACHMENT 3

6.2 Page 17

Application for Land Use Action

COMMUNITY SERVICE USE

☐ Admin. I ☐ Minor QJ ☐ Leg.
☐ Admin. II ☐ Major QJ

Type of Community Service Use: *Private Institution*

RESPONSIBLE PARTIES:

(Please print or type)

APPLICANT(S): *Dancevolve LLC*

Phone: *971 645-2315*

Address: *4252 SE International Way # H milwaukie, OR*

Zip: *97222*

PROPERTY OWNER(S): *Watumull Properties*

Phone: *Norris & Stevens
503 223-3171*

Address: *307 Lewers Street 6th Floor Honolulu, HI*

Zip:

SITE INFORMATION:

Address: *4252 SE International Way # H*

Map & Tax Lot(s): *DD712-12E31C*

Comprehensive Plan Designation: *I*

Zoning: *BI*

Size of property: *3.45 Ac*

PROPOSAL (describe briefly):

Dancevolve proposes to be considered a community service use

PLEASE NOTE: The Land Use Committee (LUC) of your Neighborhood District Association (NDA) will receive a review copy of this application. They may contact you and/or you may wish to contact them:

NDA: *Milwaukie Business & Industrial*

LUC Chair:

Phone:

ATTEST: I am the property owner or I have attached the owner's authorization to submit this application. To the best of my knowledge, the information provided within this application package is complete and accurate.

Submitted by: *Elm Lee*

Date: *11/15/06*

THIS SECTION FOR OFFICE USE ONLY:

File #: *CS4-06-06*

Fee: \$ *1500*

Rcd. by: *RWM*

Date stamp:

Notes:

CITY OF MILWAUKIE
PLANNING DEPARTMENT

NOV 22 2006

RECEIVED

SEE REVERSE SIDE FOR APPLICATION CHECKLIST

COMMUNITY SERVICE USE

APPLICATION CHECKLIST

THE FOLLOWING REQUIRED ATTACHMENTS ARE TO BE PROVIDED AT COUNTER:

General requirements:

- ☐ Submission Requirements checklist (please note that additional submission requirements may be contained in applicable code sections below)
- ☐ Site Plan Checklist
- ☐ Submission Requirements for Fire Protection & Access

Application-specific requirements:

- ☐ Review Procedures:
 - ☐ Type I Administrative (Section 19.1011.1)
 - ☐ Type II Administrative (Section 19.1011.2)
 - ☐ Minor Quasi-Judicial (Section 19.1011.3)
 - ☐ Major Quasi-Judicial (Section 19.1011.4)
 - ☐ Legislative (Section 19.1011.5)
- ☐ Applicable Code sections:
 - ☐ 19.321 Community Service Use CSU includes specific standards by type of use:
 - ☐ 19.321.10 Schools
 - ☐ 19.321.11 Nursing or Convalescent Homes
 - ☐ 19.321.12 Institutions--Public, Private, Religious, and Other Facilities not covered by Other Standards
 - ☐ 19.321.13 Solid Waste Facilities
 - ☐ 19.321.14 Wireless Communication Facilities
 - ☐ 19.400 Supplemental Regulations
 - ☐ 19.500 Off-Street Parking and Loading
 - ☐ 19.1400 Transportation Planning, Design Standards and Procedures (as applicable)
 - ☐ Other: _____

Underlying zone requirements:

- ☐ Code section for applicable zone: _____
- ☐ Minimum Vegetation worksheet
- ☐ Lot Coverage worksheet
- ☐ Floor Area worksheet

Preapplication conference:

A preapplication conference may be desirable or required for this action. Please discuss with Planning staff.

Public notification (by City of Milwaukie):

- ☐ Administrative process:
 - ☐ Type I: No notification required
 - ☐ Type II: Notify property owners and/or residents within 300 feet of site. (If a public hearing is requested, follow notification for Minor Quasi-Judicial below.)
- ☐ Minor/Major Quasi-Judicial process:
 - ☐ Notify property owners and/or residents within 300 feet (Minor) or 400 feet (Major) of site.
 - ☐ Advertise public hearing in local newspaper.
 - ☐ Post sign at site 10 or more days prior to public hearing.
- ☐ Legislative process
 - ☐ Advertise public hearing in local newspaper.
- ☐ Other notifications as may be required.

Other requirements:

Applicant must demonstrate that the proposal is in the general public interest and that the benefits to the public outweigh the potential adverse impacts of the use in accordance with Zoning Ordinance Section 321.4.D.



PLANNING DEPARTMENT
6101 SE JOHNSON CREEK BLVD.
MILWAUKIE, OREGON 97206

PHONE: (503) 786-7630
FAX: (503) 774-8236

For Land Use Applications

Submission Requirements

All applications for land use action must be accompanied by this form and the information listed below. Failure to submit the information below may result in the application being declared incomplete for the purposes of the Milwaukie Zoning Ordinance and Oregon Revised Statutes.

1. Detailed and comprehensive narrative description of existing and proposed uses, including all activities by type of use and other information that would facilitate public review of the application. *(Conditional Use, Community Service Overlay, Variance, and Exception applications have special approval criteria that require very detailed and comprehensive description of the proposed use.)*
2. Detailed written statement that demonstrates how the application meets all applicable approval criteria and land use regulations. Planning staff can help identify applicable criteria on request.
3. All materials identified on the Planning Department forms—*Site Plan Checklist, Preliminary Plat Checklist and Procedures, or Final Plat Checklist and Procedures* as appropriate.
4. All materials identified on the *Submission Requirements for Fire Protection & Access*.
5. A report indicating how staff comments from any preapplication conference on the project have been incorporated into the plan or submission materials.
6. A detailed narrative description of existing uses, including an analysis of applicable zoning regulations. All nonconformities and prior zoning approvals are to be identified. The description is to include identification of all uses, floor areas, and parking.
7. All required application forms and fees are due at the time of submission. *Applications submitted without required forms and fees are declared incomplete and will not be accepted.*
8. A statement certifying that the applicant owns all real property that is shown in the submitted plans. Where the applicant is not the owner of all real property shown in the proposed plans, a statement of the property owner authorizing the applicant to make application for land use action shall be required. *Applications will not be accepted if this statement is omitted.*

Milwaukie Land Use Application Requirements
Page 2 of 2

9. City of Milwaukie community involvement policies are implemented through its Neighborhood District Associations (NDAs). Applicants are strongly encouraged to meet with the NDA before the land use application is submitted. Planning staff can provide information for contacting NDA representatives. The applicant shall submit minutes of the NDA meeting that was attended for the purpose of presenting the proposal. *(Failure to meet with the NDA may result in delays in the processing of the application but will not result in the application being deemed incomplete.)*
10. Signature of the applicant in the space provided below.

As the authorized applicant I, (print name) Erin Lee, attest that all required application materials have been submitted in accordance with City of Milwaukie specifications unless officially waived by Planning staff as indicated below. I understand that any unauthorized omission of required items may constitute grounds for a determination that the application is incomplete for the purposes of the Milwaukie Zoning Ordinance Section 1004 and the Oregon Revised Statutes 227.178. I understand that review of the application may be delayed if it is found to be incomplete.

In agreement with the above, (applicant signature) Erin Lee,

(date) 11/22/04, (phone number) 971-645-2315.

Please contact Milwaukie Planning staff at 786-7630 for any questions or help with this form.

Official Use Only

Date Received
(date stamp)

Submission Waivers

- ☐ None
☐ As listed below

Waivers _____

Waiver authorized by _____ (Planning staff)

Application received by _____



PLANNING DEPARTMENT
6101 SE JOHNSON CREEK BLVD.
MILWAUKIE, OREGON 97206

PHONE: (503) 786-7630
FAX: (503) 774-8236

For Land Use Applications

Site Plan Checklist

All applications for land use action require submission of a site plan. Site plans shall consist of the following information. In special cases certain items listed below may not be required and can be waived by Planning staff. All items below must be submitted except when waived by staff and authorized by staff signature at the end of the form.

All plans must be drawn to an appropriate scale, have accurate measurements, and be of appropriate graphic quality. Errors, omissions, or poor quality may result in an application being declared incomplete, pursuant to the Milwaukie Zoning Ordinance and Oregon Revised Statutes.

1. **12 copies of a plan showing existing conditions including the following:**
 - a. Street and property lines, curbs, edges of pavement, sidewalks, easements, rights-of-way, and access or utility easements.
 - b. Location, dimensions, and setbacks of all existing buildings, parking, structures, walls, fences, utility facilities such as fire hydrants, storm drains, light or electric poles, subsurface electric and cable lines, and other similar features.
 - c. The location of all trees greater than 6 in. in diameter at breast height, wetlands, waterways, surface drainage ways, and intermittent streams.
 - d. All features located within the adjoining right-of-way including traffic controls, trees, catch basins, hydrants, and telephone, cable, and electric lines.
 - e. The location of all flood hazard area and floodway boundaries (per National Flood Insurance Rate Maps) and a note indicating the map panel number and flood zone.
 - f. Existing topographic contours at no more than a 5-ft. vertical interval. A lesser contour may be required for lots within special flood hazard areas.
 - g. North arrow, scale, date (and revisions dates if any), title block, and the name and signature of the person that prepared the plan.
2. **12 copies of a detailed plan showing the proposed development including the following:**
 - a. Location, dimension, and setbacks of all proposed buildings, structures, walls, and fences.
 - b. Location and specifications for all stormwater management facilities including catch basins, drywells, drainage swales, subsurface piping, and the like.
 - c. Location and dimension of all parking and loading spaces, circulation aisles, curb cuts, sidewalks, and ADA access provisions.

- d. Approximate location of all proposed utility lines including water, gas, electricity, and sewer.
 - e. Existing and proposed topographic contours at not more than a 2-ft. vertical interval.
 - f. Estimated volume of cut and fill.
 - g. Location, size, and type of proposed trees and landscaping, and boundaries of areas of natural vegetation that will not be disturbed.
 - h. Location, type, design, shielding, power, and hours of operation of all proposed lighting.
 - i. Dimensioned architectural plans of all floors and exterior elevations showing the design of interior space, exterior architectural materials, color, and height. The floor plans are to show dimensions and proposed uses of all areas.
 - j. An 8½- by 11-in. graphic reduction, or other appropriately sized reduction of the site development plan.
 - k. Location of wetlands, waterways, flood hazard area boundaries, and flood hazard area base flood elevation.
 - l. Construction plan and details of all improvements to be constructed within the public right-of-way such as utilities, sidewalk, roadway, and fire hydrants.
 - m. All information specified on the City form "Submission Requirements for Fire Protection & Access."
3. **12 copies of a location plan** drawn to an appropriate scale (on no larger than 8½- by 11-in. paper) showing nearest cross streets, drives opposite the site, and location of buildings and parking areas on adjoining lots.
4. **A detailed narrative description** of the proposed uses, including a zoning analysis demonstrating that the proposal meets all applicable zoning design standards (setbacks, height, parking, etc.) and other zoning criteria.
5. **One set of floor plan worksheets** showing all interior spaces dimensioned and labeled as to proposed use. Floor areas for all uses, and the method by which floor areas were calculated, shall be provided. Floor area shall be measured in accordance with Zoning Ordinance Section 100-Definitions. A sample method for measuring floor area is available from the Planning Department.
6. **A worksheet showing how "vegetated area" was determined.** Vegetated areas shall be consistent with the definition of "vegetation" in Zoning Ordinance Section 100.

Please contact Milwaukie Planning staff at 786-7630 for any questions or help with this form.

Erin Lee
Applicant Name

Erin Lee
Applicant Signature

11/22/06
Date

Waived Items

Signature of
Milwaukie Planner

Date

CITY OF MILWAUKIE

COMMUNITY SERVICE USE

**PROPOSED COMMUNITY SERVICE USE:
DANCEVOLVE PERFORMING ARTS
4252 SE INTERNATIONAL WAY # H
MILWAUKIE, OR 97222**

**SUBMITTED BY:
DANCEVOLVE PERFORMING ARTS
4252 SE INTERNATIONAL WAY
MILWAUKIE, OR 97222
971.645.2315**

NOVEMBER 15TH, 2006

Dancevolve Performing Arts

To the City of Milwaukie Planning Commission:

First of all, I would like to thank the City of Milwaukie for working with us in the CSU process. We have been struggling to find a solution to our zoning problem for two years now, and the City of Milwaukie's help and understanding is greatly appreciated.

Dancevolve was established in 2004 by me, and two other local artists. Candalee Wrede, a ballet instructor and choreographer who has trained Olympic athletes and hundreds of young dancers over the past thirty years; Erin Lee, a teacher and choreographer who has collaborated with some of the best tap dancers in the nation; and myself, a young jazz dancer, choreographer and teacher. Our dream is to provide the dance and performing arts experience for all regardless of age, gender or socio-economic background. We believe that dance, music, and theater cross all cultures. Providing young people opportunities to be exposed to the arts is an invaluable part of their growth and development.

After years of working in other dance venues in Portland, as well as across the country, we felt it was the right time to give back all the knowledge we had gathered. Dancevolve set out to offer what you could not find in other studio's in the area. We offer our students exposure to dance as an art form, not as competition. Our students use their skills and talent to give back to the community and inspire others to get involved in the arts. In August of 2004, after two months of searching, we were lucky enough to find a home at 4252 SE International Way # H. Finding a space large enough to accommodate our needs for dance space was very difficult. Unfortunately for the industry, however fortunately for us there were many large industrial spaces vacant. The space at 4252 SE International Way met almost all our needs and seemed to be the perfect fit.

Since Dancevolve's establishment in 2004, our company has grown to include the mentoring of four former student apprentices who are developing their own teaching programs. Dancevolve has a clientele of thirty-five arts students, ten between the ages of six and eleven and twenty-five more students who range in age from twelve to fifty-five. In addition, we have offered classes to the Rex Putnam H.S. dance team, and the Milwaukie H.S. dance team. Our students have performed at many venues within the community including a diversity assembly at Aldercreek Middle School and a celebration of tap dancing at Milwaukie Arts Academy.

We believe, as many others do, that we are a benefit to the community and a great fit for the building we are in. The facility at 4252 SE International Way meets our needs with out being a hardship on the community in any way. We would like to ask for your help in this matter. At this time we have no other options open to us. As a small business, we need this space to work in order to continue offering the community our services.

We respectfully ask that you grant our request for Community Service Use for 4252 SE International Way # H in Milwaukie. Thank you.

Best Regards,



Sara Manougian, Candalee Wrede, and Erin Lee
Dancevolve Directors

4252 SE International Way Milwaukie, OR 97222 Phone 971.645.2315 or 503.349.8273
Sara Manougian, Candalee Wrede, and Erin Lee

SECTION 19.324

Business Industrial Zone BI

Section 19.324 Business Industrial Zone BI

19.324.6 Standards. In the BI district, the following standards shall apply to all uses:

- A. Lot size: None, except that lots created shall be of size sufficient to fulfill the applicable standards of this district.

RESPONSE: N/A

- B. Front yard: A front yard shall be at least twenty (20) feet unless additional setback is required in subsection E below.

RESPONSE: Our current front yard and landscaping exceed this requirement-see site plan for details.

- C. Side yard: No side yard shall be required except on corner lots where a side yard shall be at least ten (10) feet on the side abutting the street, unless additional setback required in subsection E below.

RESPONSE: Our current side yard exceeds this requirement - see site plan

- D. Rear yard: No rear yard shall be required except as provided in subsection E below.

RESPONSE: We do not have a rear yard.

- E. (Repealed by Ord. 1983)

RESPONSE: N/A

- F. Off-street parking and loading: As specified in chapter 19.500

RESPONSE: Please see response in parking 19.500

- G. Site access: One curb cut (forty-five (45) feet maximum per one hundred fifty (150) feet of street frontage, or fraction thereof, for industrial uses; and one curb cut per one hundred (100) feet of street frontage for fraction thereof, for business park, limited or conditional uses.

RESPONSE: We have a 25 foot entrance from International Way to our parking lot therefore we meet this requirement.

- H. Height restrictions: Maximum height of a structure shall be three (3) stories or forty five (45) feet, whichever is less.

RESPONSE: The height of our building is 18ft, which meets this requirement.

- H. Landscaping: Fifteen percent (15%) of the site must be landscaped, except for sites adjacent to Hwy. 224, which shall provide landscaping to twenty percent (20%) of the

site. This should consist of a variety of lawn, trees, shrubbery, and ground cover. Street trees must be provided along street frontages and within required off street parking lots to help delineate entrances, provide shade and permeable areas for storm water runoff. A bond or financial guarantee for landscape completion shall be required.

RESPONSE: We meet this requirement with 15% of your site being landscaped.

- I. Screening and outside storage: Outside storage adjacent to International Way, Freeman Way, 37th Ave., Lake Road, or Hwy. 224 is prohibited. Outside storage in side or rear yards is allowed, provided it is enclosed by a sight-obscuring fence or vegetative screen.

RESPONSE: Our building has outside storage in the rear yard, which is obscured by trees and vegetation.

- J. Building siting and Design. Buildings and sites shall be designed using the following principles.

1. Sites shall be developed to the maximum extent practicable, so that buildings have solar access and utilizes other natural features in their design;

RESPONSE: Our building is pre-existing and has maximum solar access and utilizes natural features for the style of the building.

2. Assure that building placement and orientation and landscaping allow ease of security surveillance;

RESPONSE: Security surveillance can be performed from International Way, as well as from all sides and rear of building via parking lots and driveways which surround the business park.

3. Design building with shapes, colors, materials, textures, lines, and other architectural design features which enhance the character of the district and complement the surrounding area and development, considering, but not limited to, the following techniques:

- a. Use color, materials and architectural design to visually reduce the scale and impact of large buildings.

RESPONSE: Color, building materials and architecture are consistent with other buildings in the area.

- b. Use building materials and features that are durable and consistent with the proposed use of the building, level of exposure to public view, and exposure to natural elements;

RESPONSE: Building materials and features are consistent with entire business park.

4. To the extent possible, screen or mask roof-mounted mechanical equipment, except solar collection apparatus from view;

RESPONSE: All roof mounted equipment is hidden by the roof line of the building.

5. Orient major service activity areas (e.g., loading, delivery, and garbage collection, etc.) of the development away from major streets;

RESPONSE: All loading doors, delivery areas and garbage collection areas are located at the rear of the building and are screened from International Way and surrounding buildings by our building and mature landscaping.

6. Arrange use and buildings to maximize opportunities for shared circulation, access, parking, loading, pedestrian walkways and plazas, recreational areas and transit related facilities;

RESPONSE: Our use of the building and our hours of operation maximize the opportunity to share parking and walkways in the most efficient manner. Our heavy operating times coincide with the times when the other tenants businesses are closed. Access to parking, walkways, etc. meet the city's requirements.

7. Provisions for bus shelters, bike racks, street furniture, kiosks, drinking fountains, art sculptures, and/or other pedestrians and transit amenities as required by Chapter 19.1400

RESPONSE: See response under Chapter 19.1400

8. Nuisances: the use shall not be of a type of intensity which produces dust, odor, smoke, fumes, noise, glare, heat, or vibrations and therefore poses no nuisance to the area.

RESPONSE: As a place of instruction, our use does not produce any dust, odor, smoke, fumes, excessive noise, heat or vibrations and therefore we pose no nuisance to the area.

SECTION 19.321

Community Service Use

19.321 Community Service Use

19.321.1 Purpose. This section allows development of certain uses which, because of their public convenience, necessity, and unusual character, may be appropriately located in most zoning districts, but which may be permitted only if appropriate for the specific location for which they are proposed. This section provides standards and procedures for review of applications for such community uses. Community service may be sited in any zone, except where expressly prohibited, if they meet the standards of this section. Approval of a CSU does not change the zoning of the property.

A. Institutions- Public/Private and Other Public Facilities.

1. Schools, public or private, and their accompanying sports facilities, daycare centers, private kindergartens;
2. Government office buildings for local, state, or federal government such as a city hall, courthouse, police station, or other similar buildings;
3. Hospital;
4. Cemetery;
5. Nursing or convalescent home;
6. Religious institutions;
7. Community meeting building;
8. Temporary or transitional facility;
9. Other similar uses as determined by the planning commission.

RESPONSE: Dancevolve is submitting a Community Service Use application as described above under A9 "other similar uses as determined by the Planning Commission. Dancevolve is a performing arts center which we propose be considered a private facility.

In our search for a place to locate Dancevolve, we found it very difficult to find the right building to suite our needs. The building at 4252 SE International Way #H suits our needs perfectly and we believe we are a benefit to the City of Milwaukie and the surrounding community. This makes the approval of our proposal not only a benefit to us but also a benefit to the community.

We believe the City of Milwaukie should grant our request for a CSU for the following reasons:

1. We are a great benefit to the community (see description below)
2. We are a good fit for the area we are located in: when we use the facility the business park is nearly empty, and at our heaviest hours of operation between 6:00pm and 9:00 pm the business park, as well as surrounding streets are completely empty.
3. According to our research, there is currently over ½ million vacant square feet of commercial industrial property available in the immediate area. Therefore we are not posing a hardship on planning and economic development for the City of Milwaukie. One example is 4,000 square feet of available space, just three doors down from us in the same business park we are located in.

4. We will not be in this building forever. We just want to be allowed to fulfill our lease agreement. Our long term goal is to purchase our own facility.

Description of Dancevolve:

Dancevolve's mission is to provide the dance and performing arts experience to all persons regardless of age, gender, or socio-economic background. We believe that dance, music, and theater cross all cultures. Providing young people opportunities to be exposed to the arts is an invaluable part of their growth and development. Many of our students are from Milwaukie and the surrounding areas. Our vision is to foster an appreciation for the arts amongst all people, of all ages in our community.

19.321.5 Standards for Community Service Uses.

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

1. The building setbacks, 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: Please see attached section 19.324.6 for proof that all requirements were met for the underlying BI zone.

2. Specific standards for the proposed use as found in subsections 19.321.10-19.321.14 are met;

RESPONSE: Please see below section 19.321.12 for specific standards for Institutions-Public, Private, Religious, and Other Facilities covered by Other Standards.

3. The hours and levels of operation of the proposed uses are reasonably compatible with surrounding uses;

RESPONSE CONCERNING HOURS AND LEVEL OF OPERATION

COMPATIBILITY: Our weekly operations are limited to evening hours, primarily Monday through Friday from 4pm to 9:30 pm, and occasional Saturday morning rehearsals. We have 5 part time staff members. Due to scheduling there is never more than 3 staff members and their vehicles onsite at one time. On an average evening there are 8-10 cars in the parking lot that belong to Dancevolve's employees or students. At the time of our operation there are typical 10 other cars in the parking lot associated with other businesses in the park. There are 30 parking spaces directly in front of our site as well as an addition 134 surrounding the entire business park. At this time of day International Way, as well as the businesses surrounding the park are quiet with very little traffic. At 6pm when the bulk of our students are in classes, all the businesses around us have been closed for 1 hour. Dancevolve serves a total of 35 students. On an average night we see 15-20 students total. Our students drive themselves or are dropped off by parents and are in classes for 1 to 5 hours at a time. This means we do not have groups of people coming and going frequently. Please review our weekly schedule and enrollment below.

In conclusion, our compatibility with this area is ideal. Our business is conducted when the area is vacant, and few other businesses are open. During the weekdays when the surrounding businesses are busy, we are closed and have no students or staff onsite or vehicles in the parking lot.

DANCEVOLVES WEEKLY SCHEDULE:

- Monday: 4:00-4:45 Beg Ballet (2 students)
 4:30-9:00 Adv Ballet/Jazz Training (12 Students)
 6:00-7:00 Teen Ballroom (3 students)
- Tuesday: 4:30-6:30 Mini Ballet/Jazz (6 students)
 5:30-6:30 Tap I (3 students)
 6:30-7:30 Teen Jazz (4 students)
 6:30-9:00 Adv/Professional Tap (8 students)
- Wednesday: 4:30-9:00 Adv Ballet/Jazz (12 students)
 6:00-7:00 Dance Conditioning (4students)
- Thursday: 4:30-5:30 Interm/Adv Ballet (5 students)
 4:30-6:30 Mini Jazz/Tap (5 students)
 5:30-9:30 Adv Jazz (12 students)
 8:30-9:30 Adult Tap (5 students)
- Friday: 5:30-7:00 Adult Ballet (3 students)
- Saturday: 9:00am-12:00pm Rehearsals (5-12 students)

4. The public benefit of the proposed use are reasonably greater than the negative impacts, if any, on the neighborhoods; and

RESPONSE: We believe we are a benefit to the community for the following reasons:

1. Cultural benefit- Dancevolve offers a one of the kind experience to our students, as well as the community. Our students gain an invaluable appreciation for the arts which they pass on to the community through performances. We have been involved with many local schools including Aldercreek Middle School, Milwaukie High School, Rex Putnam High School, and Estacada High School. Our involvement with these schools includes free performances, exhibitions, classes, and training for the dance teams. In addition, we have been community contacts for many students Senior Seminar projects. Dancevolve's training is offered to our students at a very affordable rate. We currently have 5 students on full scholarship, and work to never turn away students because of inability to pay for classes. We plan on continuing our relationship with these local schools and offering more collaborative opportunities. (See attachment)
2. BI Zone Location- According to local real estate brokers and the City of Milwaukie's Economic Development website, there is currently over 500,000 square feet of industrial space available in the area, much of which is on Industrial Way. We believe we are providing occupancy in a high vacancy area.

3. We are a LLC business- Therefore we do not remove any taxable land for community service use.

4. Hours of Use- We operate on off-peak business hours, which avoid conflicts with other tenants. Our hours of operation are 4:00 pm – 9:30 pm Monday through Friday, and occasional use on Saturdays. The businesses in the surrounding area begin to close at 4:00 pm and all are closed by 5:00 pm. The parking lot is nearly empty during our peak hours of operation. According to our lease we are allotted 7 parking spaces. These spaces are unassigned and can be anywhere in the business park. (See attachment)

Dancevolve's students, families, and employees never occupy more than 15 parking spots. These spots are in use at a time when there are 134 parking spots empty and available to us.

The tenants that are immediately around us are as follows:

Graphic Digital – Hours of operation: 7:30am – 4:30pm, Monday through Friday

Windows Only – Hours of operation: 8:30am - 5:30pm, Monday through Friday

Oregon State Department of Human Resource – Hours of operation: 8:00am – 5:00pm, Monday through Friday

Western Cutting & Tool Supply – Hours of operation: 7:00am – 5:00 pm, Monday through Friday

ACS – We could not find nor get a response on what their hours of operation are.

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

RESPONSE: The location is a perfect fit for our needs. It allows us enough space to serve our students and is in a location which allows us to serve our local community of Milwaukie. We do all of this at a time of day that complements the businesses surrounding us.

19.321.6 Procedures for Reviewing a Community Service Use.

A. The planning commission will hold a public hearing on the establishment of, or major modification of, the proposed community service use. If the commission finds that the approval standards in 19.321.5 are met, the commission shall approve the designation of the site for community service use. If the commission finds otherwise, the application shall be denied. An approval allows the use on the specific property for which the application was submitted, subject to any conditions the Planning Commission may attach.

RESPONSE: We believe we are a great candidate for Community Service Use. We are willing to comply with any conditions attached by the Planning Commission.

B. In permitting a community service use or the modification of an existing one, the planning commission, or the community development director in the case of a minor change, may impose suitable conditions which assure compatibility of the use with other uses in the vicinity. These conditions may include but are not limited to:

1. Limiting the manner in which the use is conducted by restricting the time an activity may take place and by minimizing such environmental effects as noise and glare;
 2. Establishing a special yard, setback, lot area, or other lot dimension;
 3. Limiting the height, size, or location of a building or other structure;
 4. Designating the size, number, location, and design of vehicle access points;
 5. Increasing roadway widths, requiring street dedication, and/or requiring improvements within the street right-of-way including full street improvements;
 6. Designating the size, location, screening, drainage, surfacing or other improvement of a parking area or truck loading area; and/or
 7. Limiting or otherwise designating the number, size, location, height and lighting of signs.
- C. The planning director may approve minor modifications to an approved community service use pursuant to type I procedure, provided that such modification:
1. Does not increase the intensity of any use;

RESPONSE: As has been previously established, our use would not increase intensity of use on parking or traffic because our dance services are only operated when most all businesses in the immediate area are closed.

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: See response to 19.324.6, Standards for zone BI.

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

RESPONSE: We do not affect adjacent property because our hours of operation, we do not pose any threat to open spaces, natural features or public facilities-all our operation are self contained within our building.

4. Does not alter or contravene any conditions specifically placed on the development by the planning commission or city council; and

RESPONSE: We are not aware of any special conditions that affect our use of this property.

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: We are located in a pre-existing building, and have no intentions of making any changes or alterations unless instructed by the city. Therefore we do not cause any public facility to fail to meet standards.

In summary we believe that because of our unique situation, in being able to use our facility and the surrounding parking and streets in the business park when others do not use them, we are an ideal fit for the Community Service Use as defined by the City of Milwaukie. Dancevolve is a performing arts center which has the ability to influence and inspire our community about the arts. We believe, as well as many others in the community, that we have a very positive affect on the youth of Milwaukie and the surrounding areas. Granting Dancevolve a CSU for our facility would be a positive decision for all parties involved and will not be a decision that the planning commission will ever regret. Thank you very much for your time and consideration.

19.321.12 Specific Standards for Institutions – Public, Private, Religious, and Other Facilities not Covered by Other Standards.

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

RESPONSE: We plan on making no changes or improvements to our existing building. If the city informs us of any changes which need to be made, we accept the responsibility to change them.

- B. When located in or adjacent to a residential zone, access should be located on a collector street if practicable. If access is to a local residential street, consideration of a request shall include an analysis of the projected average daily trips to be generated by the proposed use and their distribution pattern, and the impact of traffic on the capacity of the street system which would serve the use. Uses which are estimated to generate fewer than twenty (20) trips per day are exempt from this subsection B.

RESPONSE: N/A

- C. When located in a residential zone, lot area shall be sufficient to allow required set back that are equal to a minimum of two thirds (2/3) of the height of the principal structure. As the size of the structure increases, the depth of the setback must also increase to provide adequate buffering.

RESPONSE: N/A

- D. The height limitation of a zone may be exceeded to a maximum height of fifty (50) feet provided subsection C above is met.

RESPONSE: N/A

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

RESPONSE: N/A

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

RESPONSE: There are several low glare lights which illuminate our parking lot, but we are not adjacent to a residential area.

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

RESPONSE: Our hours and level of operation is already compatible. We operate when all surrounding businesses are closed, and there is little traffic on the surrounding streets.

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

RESPONSE: N/A

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

RESPONSE: N/A

SECTION 19.503

Off Street Parking Standards

19.503.6 **Determination of Required Parking for Unlisted Uses.** The planning director shall determine the minimum required parking spaces and maximum allowable parking spaces for all uses not listed in Table 19.503.9; unless an application is under review by the planning commission, in which case the commission shall make the determination. In all determinations for unlisted uses, the applicant shall be required to submit studies or technical information about the use, parking demand, traffic (vehicle trip) generation, and otherwise as deemed necessary to make a determination. The city may consider testimony and publications of individuals, agencies, or institutions experienced in parking and traffic engineering in its determination of parking standards.

RESPONSE: We at Dancevolve request the City of Milwaukie and the Planning Commission to determine the appropriate level of parking for our use. Please see Section 19.321.5 **Response Concerning Hours and Levels of Operation and Weekly Schedule.** In addition please see plot map of parking spaces as well as the attachment of our lease stating the number of parking spot assigned to us.

Proof of Cultural Benefit

Events conducted by Dancevolve since Fall, 2004.

<u>Event</u>	<u># of Performing Students</u>	<u># of Audience</u>
"Nutkrakr" (at Winningstad Theater)	30	400
Choreographer Showcase (at Aldercreek Middle School)	25	250
"Elements" (Dance Concert) (at Aldercreek Middle School)	20	310
"Rhythm Section" (Tap Show) (at the Hollywood Theater)	25	150
"Black and White" (Extreme Dance Co.) (at the Crown Ballroom; event to benefit Cancer Society of Oregon)	25	300
Community Workshop (at Dancevolve Studio)	20	N/A
"Shift" (Extreme Dance Co.) (at the Crown Ballroom)	30	450
Diversity Assembly (at Aldercreek Middle School)	12	750
Milwaukie Arts Academy, Student Show (at Milwaukie High School)	12	100
Beginning Dance Class (at Aldercreek Middle School)	35	N/A
Exhibition at Rex Putnam Dance Comp. (Rex Putnam High School – 2005 and 2006)	10	1,000
Summer Dance Team Workshop (for Rex Putnam High School, held at Dancevolve)	30	N/A
Winter Dance Team Workshop (for Milwaukie High School, held at Dancevolve)	18	N/A
Summer Dance Team Workshop (for Sunset High School, held at Dancevolve)	14	N/A
Summer Dance Team Workshop (for Estacada High School, held at Dancevolve)	12	N/A

**Blount, Inc.**

4909 SE International Way, Milwaukie, OR 97222
Main Phone: 503.653.8881
Web: www.oregonchain.com

October 20th, 2006

To whom it may concern,

It is an honor to have the opportunity to write about all of the wonderful things that Dancevolve has contributed to our community and the communities that surround them.

I have known the teachers at Dancevolve for over 10 years. During that time, not only have they been excellent teachers and role models, they have also given so much of their time and effort to great causes including dance teams, students in need, fundraising events and local charities.

I have worked with them (the studio and teachers) in several capacities. They have been my teachers (both Jazz and Ballet), they have assisted me in coaching 2 local dance teams – Estacada and Sunset, they have helped our communities with fundraising by bringing in local talent to star in musicals & plays – but mostly, they have given me the opportunity to work with professionals who are unselfishly dedicated to making a difference.

Thanks to their undying support and teaching, to both me and my dance teams, I was able to coach a first time State Championship Team in Estacada and was able to make history at Sunset High School by having the first team to place at state since the team was created nearly 40 years ago. None of this would have been possible without their creative input and nurturing.

I have had the opportunity to see their students grow and succeed in so many areas beyond dance. Because of their excellent and compassionate teaching, their students have moved on to excel in high school, college and work. In each of their students, no matter what their age, they have instilled a sense confidence and grace that will last a lifetime.

I look forward to many more years of working with these wonderful teachers!

Please feel free to contact me anytime, I would be happy to answer any questions.

Thank you,

A handwritten signature in cursive script that reads "Cindy Osterman".

Cindy Osterman
Employment Specialist, Oregon Cutting Systems
Head Dance Team Coach and Choreographer, Sunset High School

November 6, 2006

Milwaukie Academy of the Arts
11300 SE 23rd Avenue
Milwaukie, OR 97222



To Whom It May Concern:

This letter is in regards to Dancevole, a local dance studio located at 4252 SE International Way, Milwaukie, OR. I would like to voice my support of this studio in Milwaukie.

As the director of the Milwaukie Academy of the Arts, I have had some contact with Dancevolve and the business partners: Erin Lee, Sara Manougian and Candalee Wrede. One of our students is very involved in their program and has benefited a great deal from their service. We considered having the studio assist us with developing a dance program with our charter school.

Dancevolve performed at Milwaukie High School, where we are located. The program, a project formulated and produced by our student who is involved with Dancevolve, was about the history of Tap dance. Their work was excellent and well received by our audience. The dancers were professional, talented and very creative.

I hope this studio will continue to be part of the Milwaukie community. It provides a great service to students in the area and provides a very good contact for our school. We look forward to working with Dancevolve in the future.

If you have any further questions, please do not hesitate to contact me.

Sincerely,

William Maher

Director, Milwaukie Academy of the Arts

September 21, 2006

To Whom It May Concern,

It is my pleasure to write this letter of recommendation for Dancevolve.

In the city of Milwaukie, where opportunities for our youth to participate in constructive and positive activities is limited, Dancevolve provides an invaluable community service by its' existence. By employing quality instructors and positive role models, this dance school reaches out to the youth of the Milwaukie area to be involved in the arts.

Much like Bally's (down the street) provides an athletic outlet for the adults in the Milwaukie area, Dancevolve provides a prime outlet for physical fitness for the youth of the area.

Businesses such as Dancevolve are not only the kind of neighbors I would wish to see more of in Milwaukie, but are integral to the diversity and health of this area.

Sincerely,

Cindy Van Drimmelen

8. DIMENSIONS ARE FROM FACE OF STUD AND/OR CONCRETE OR INDICATED FROM CENTERLINE OF STUD. ONLY DIMENSIONS MARKED "CLEAR" ARE FROM FACE OF FINISH MATERIAL.
9. PATCH AND REPAIR ALL EXISTING WORK DAMAGED BY NEW WORK TO EXISTING CONDITION OR NEW CONSTRUCTION, WHICHEVER IS APPROPRIATE.
10. EACH SUB-CONTRACTOR MUST REFER TO DIAGNOSTIC PLANS AND SECTIONS AND MUST COORDINATE THEIR WORK WITH ALL TRADES TO AVOID CONFLICTS.
11. DOOR HARDWARE SHALL MEET THE REQUIREMENTS OF DOOR SEC. 1024.3 AND SHALL BE EITHER A LEVER OR PANIC TYPE REQUIRING ONLY A SINGLE MOTION TO OPEN. KEY-LOCKING HARDWARE MAY BE USED ON THE MAIN DOOR OF B, F, M OR S OCCUPANCIES ONLY, WITH THE UNLOCKED DOOR FREE TO SWING WITHOUT OPERATION OF ANY LATCHING DEVICE AND A SIGN READING "THIS DOOR REMAINS UNLOCKED DURING BUSINESS HOURS" PLACED ON OR ADJACENT TO THE DOOR.
12. VERIFY KEYING REQUIREMENTS WITH TENANT AND LANDLORD.
13. STRUCTURAL ENGINEER TO REVIEW ROOF LOADING CAPACITIES PRIOR TO PLACING ROOF TOP MECHANICAL UNITS. SUBMITTAL REQUIRED.
14. NO VEHICLES TO REMAIN INSIDE BUILDING OVERNIGHT BEFORE OR AFTER OCCUPANCY.
15. PROVIDE R-15 INSULATION AT OFFICE/WAREHOUSE WALLS, AND AT EXTERIOR FURRING. PROVIDE R-15 ON CEILINGS. PROVIDE VAPOR BARRIER AT OFFICE/WAREHOUSE WALLS AND FURRING ON WARM SIDE OF SPACE. PROVIDE 3/4" UNFACED BATT INSULATION AT ALL WALLS ADJACENT TO NEW TOILET ROOMS.
16. PROVIDE FIRE EXTINGUISHERS AS DIRECTED BY FIRE MARSHALL AT WALK-THROUGH.
17. PROVIDE HVAC 1/2" CFM OUTSIDE AIR PER OCCUPANT AT OFFICE AREAS.
18. MECHANICAL, ELECTRICAL AND PLUMBING BY SEPARATE PERMITS.
19. MAINTAIN (PROVIDE) 100% FIRE SPROKLEERS PER F.M.O. & LATEST EDITION OF NFPA 720-1101.
20. MAINTAIN (PROVIDE) SMOKE DETECTION PER F.M.O.


$$h^* = r = 0$$







$$1-1/2" \times 1"-0'$$


NOT TO SCALE



NOT TO SCALE

GENERAL BUILDING DESCRIPTION: FLEX
NUMBER OF STORIES: 1
FIRE SPROINKLERS: YES
BUILDING SIZE: 51,000 SF.
OCCUPANCY: B
CONSTRUCTION TYPE: III-N
TENANT SPACE SIZE: 5,800 SF.

- | | |
|---|---|
|  | EXISTING WALL TO REMAIN |
|  | EXISTING WALL TO BE REMOVED |
|  | NEW WALL - 3 1/2" x 20 GA METAL STUDS
16" O.C. 3/8" GYP. BD. EACH SIDE |
|  | EXISTING DOOR TO REMAIN |
|  | NEW OR RELOCATED DOOR
3'-0" X 7'-0" W.O.N. |
|  | DOOR TO BE REMOVED OR
RELOCATED |

See Attached

THESE PLANS INCLUDING THE ATTACHED PLAN EXAMINATION CHECKLIST HAVE BEEN REVIEWED FOR CONFORMANCE WITH STATE CODES. ANY PROPOSED CHANGES FROM REVIEWED PLANS MUST BE SUBMITTED FOR REVIEW BEFORE CONSTRUCTION. NO AUTHORIZATION IS IMPLIED FOR ANY CONSTRUCTION WHICH IS IN VIOLATION OF ANY OF THE PROVISIONS OF STATE CODES. THIS PLAN REVIEW SHALL NOT PREVENT THE CORRECTION OF ERRORS OR VIOLATIONS THAT ARE FOUND TO EXIST IN THE SUBJECT CONSTRUCTION. THIS REVIEW COVERS ONLY CONFORMANCE OF WRITTEN PLANS TO EXISTING CODES. NO WARRANTIES OR ACTUAL CONSTRUCTION CONFORMANCE OF QUALITY ARE EXPRESSED OR IMPLIED.

PLAYS CHECKED BY: Tom Jensen
PERMIT NO: 040394 DATE: 9-9-04

EXPANSION AND REMODEL FOR:

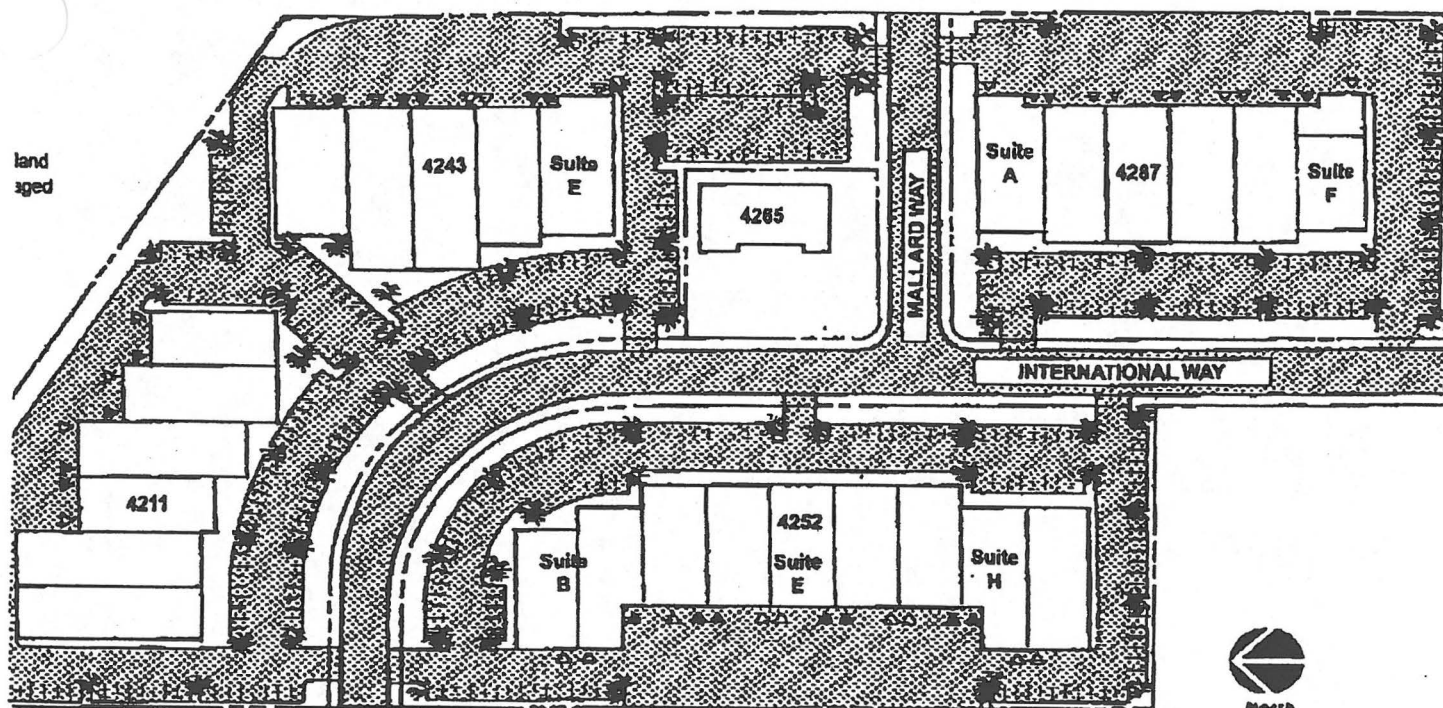
EXPANSTION AND REMODEL FOR:
DanceEvolve

TRADE SCHOOL
LINCOLN BUSINESS CENTER
4252 SE INTERNATIONAL WAY, SUITE H
MILWAUKIE, OREGON

08/31/04

OBA 0468

A-1

**BUILDING # 4252****SUITE B**

- 11,400 SF Shell
- 11,400 SF Office
- \$.35/SF Shell/\$.65/SF Office, NNN
- All office on end cap

SUITE E

- 5,910 SF Shell
- 2,684 SF Office
- \$.35/SF Shell/\$.65/SF Office, NNN

SUITE H

- 5,900 SF Shell
- 1,261 SF Office
- \$.35/SF Shell/\$.65/SF Office, NNN

BUILDING # 4287**SUITE A**

- 6,100 SF Shell
- 3,250 SF Office
- \$.35/SF Shell/\$.65/SF Office, NNN

SUITE F

- 4,000 SF Shell
- 4,000 SF Office
- \$.35/SF Shell/\$.65/SF Office, NNN
- Landlord would look to remove a portion of the existing office

For More Information or a Property Tour, Please

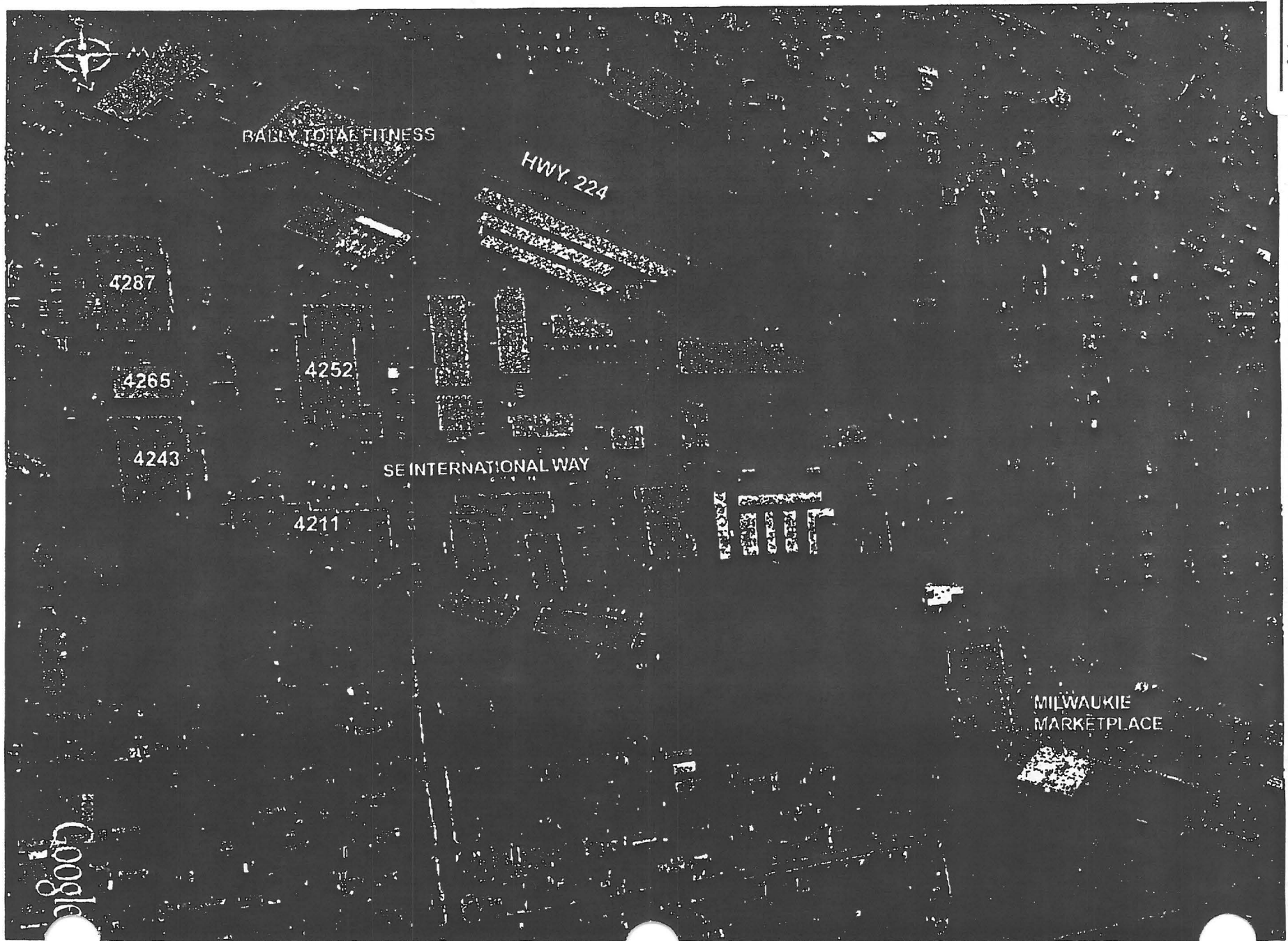
Greg Nestinggregn@norris.com
503.225.8440**Aaron**aaronw@
503.2

Lincoln Business Center, Milwaukie, OR

6.2 Page 42

NOV. 6. 2006 3:20PM NORRIS & STEVENS

NO. 5222 P. 3



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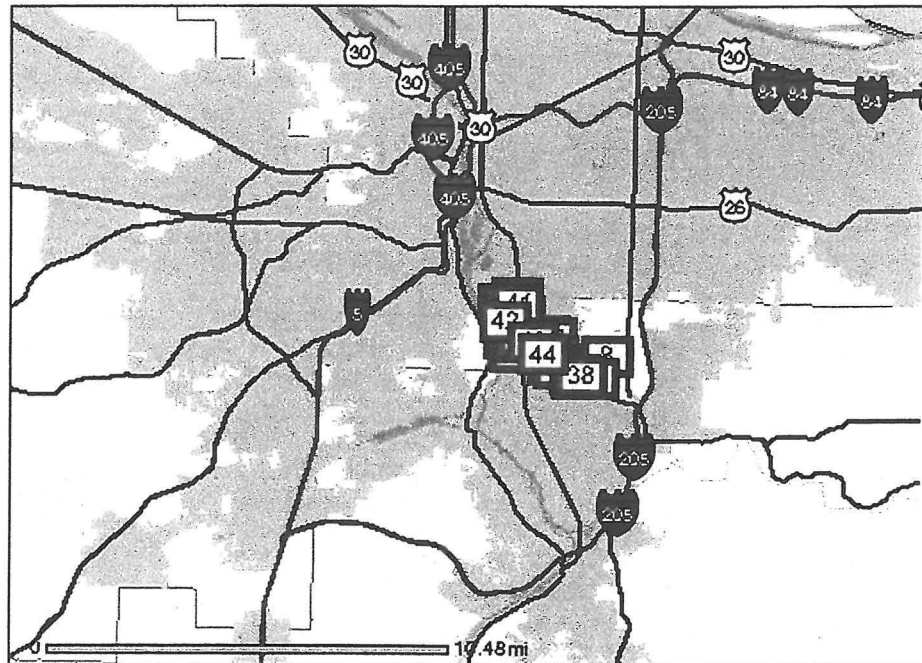
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PO Box 1088
Baker City, Oregon 97814
Phone (541) 523-0400
oregon@eoni.com

44 properties were found.
1-44



Directions: Click on a numbered property on the map to create a detailed prop

	Address	Type	Minimum Size	Maximum Size	City	Cou
1.	<input type="checkbox"/> 1780 SE OCHOCO ST, A/B/C	warehouse	20,000 SF	126,000 SF	Milwaukie	
2.	<input type="checkbox"/> 2515 SE MAILWELL DR	warehouse	28,385 SF	28,385 SF	Milwaukie	Clacka
3.	<input type="checkbox"/> 5505 SE INTERNATIONAL WAY	industrial	10,800 SF	32,400 SF	Milwaukie	Clacka
4.	<input type="checkbox"/> 5851 SE HARMONY RD, 1A	industrial	9,125 SF	9,125 SF	Milwaukie	Clacka
5.	<input type="checkbox"/> 8545 SE MCLOUGHLIN BLVD	industrial	26,500 SF	26,500 SF	Milwaukie	Clacka
6.	<input type="checkbox"/> 9304 SE MAIN ST	warehouse	51,000 SF	118,000 SF	Milwaukie	Clacka
7.	<input type="checkbox"/> 9696 SE OMARK DR, A and B	warehouse	48,640 SF	123,200 SF	Milwaukie	Clacka
8.	<input type="checkbox"/> Vacant Land in Milwaukie	land	1.18 Acres	1.18 Acres	Milwaukie	Clacka
9.	<input type="checkbox"/> 10466 SE MAIN ST	retail	8,075 SF	8,075 SF	Milwaukie	Clacka
10.	<input type="checkbox"/> 10554 SE Main St	retail	2,400 SF	8,158 SF	Milwaukie	Clacka

6.2 Page 44

11.	<input type="checkbox"/>	10600 SE MCLOUGHLIN BLVD	office	1,000 SF	1,000 SF	Milwaukie	Clackamas
12.	<input type="checkbox"/>	11073 SE Main St	office	2,800 SF	2,800 SF	Milwaukie	Clackamas
13.	<input type="checkbox"/>	11165 SE 23RD AVE	office	1,200 SF	1,200 SF	Milwaukie	Clackamas
14.	<input type="checkbox"/>	12400 SE FREEMAN WAY	office	2,700 SF	18,500 SF	Milwaukie	Clackamas
15.	<input type="checkbox"/>	13121 SE MCLOUGHLIN BLVD	office	61,430 SF	61,430 SF	Milwaukie	Clackamas
16.	<input type="checkbox"/>	15099 SE MCLOUGHLIN BLVD	retail	2,255 SF	4,300 SF	Milwaukie	Clackamas
17.	<input type="checkbox"/>	1777 SE Milport Rd	warehouse	104,832 SF	104,832 SF	Milwaukie	Clackamas
18.	<input type="checkbox"/>	1887 SE MILPORT RD	warehouse	70,000 SF	70,000 SF	Milwaukie	Clackamas
19.	<input type="checkbox"/>	1952 SE OCHOCO ST	warehouse	8,500 SF	8,500 SF	Milwaukie	Clackamas
20.	<input type="checkbox"/>	2100 SE LAKE RD	office	1,350 SF	2,910 SF	Milwaukie	Clackamas
21.	<input type="checkbox"/>	2403 SE Monroe St	office	475 SF	1,000 SF	Milwaukie	Clackamas
22.	<input type="checkbox"/>	2700 SE HARRISON ST	office	1,527 SF	3,003 SF	Milwaukie	Clackamas
23.	<input type="checkbox"/>	2780 SE HARRISON ST	office	1,850 SF	3,700 SF	Milwaukie	Clackamas
24.	<input type="checkbox"/>	3880 SE HARRISON ST	office	1,250 SF	1,250 SF	Milwaukie	Clackamas
25.	<input type="checkbox"/>	4099 SE INTERNATIONAL WAY	office	9,053 SF	9,053 SF	Milwaukie	Clackamas
26.	<input type="checkbox"/>	4141 SE HARRISON ST	retail	800 SF	2,700 SF	Milwaukie	Clackamas
27.	<input type="checkbox"/>	4160 SE INTERNATIONAL WAY	office	768 SF	2,304 SF	Milwaukie	Clackamas
28.	<input type="checkbox"/>	4243 SE INTERNATIONAL WAY	industrial	5,144 SF	5,144 SF	Milwaukie	Clackamas
29.	<input type="checkbox"/>	4252-4287 SE INTERNATIONAL WAY	industrial	4,000 SF	35,000 SF	Milwaukie	Clackamas
30.	<input type="checkbox"/>	4288 SE INTERNATIONAL WAY	industrial	33,328 SF	33,328 SF	Milwaukie	Clackamas
31.	<input type="checkbox"/>	4630 SE INTERNATIONAL WAY	office	1,245 SF	1,245 SF	Milwaukie	Clackamas
32.	<input type="checkbox"/>	5468 SE INTERNATIONAL WAY	industrial	6,000 SF	6,000 SF	Milwaukie	Clackamas
33.	<input type="checkbox"/>	5484 SE INTERNATIONAL WAY	industrial	9,800 SF	9,800 SF	Milwaukie	Clackamas
34.	<input type="checkbox"/>	5687 SE INTERNATIONAL WAY	industrial	1,800 SF	1,800 SF	Milwaukie	Clackamas
		5691 SE					

- | | | | | | | |
|-----|--|------------|------------|------------|-----------|-------|
| 35. | <input type="checkbox"/> INTERNATIONAL WAY | industrial | 1,600 SF | 7,000 SF | Milwaukie | Clack |
| | 5699 SE | | | | | |
| 36. | <input type="checkbox"/> INTERNATIONAL WAY | industrial | 1,600 SF | 4,800 SF | Milwaukie | Clack |
| | 5831 SE | | | | | |
| 37. | <input type="checkbox"/> HARMONY RD, 1B | industrial | 7,000 SF | 10,900 SF | Milwaukie | Clack |
| | 5831 SE Harmony | | | | | |
| 38. | <input type="checkbox"/> RD, 4 | industrial | 17,728 SF | 17,728 SF | Milwaukie | Clack |
| | 8500 SE | | | | | |
| 39. | <input type="checkbox"/> MCLOUGHLIN BLVD | warehouse | 13,400 SF | 63,074 SF | Milwaukie | Clack |
| | 8545 SE | | | | | |
| 40. | <input type="checkbox"/> MCLOUGHLIN BLVD | industrial | 17,200 SF | 17,200 SF | Milwaukie | Clack |
| | 8750 SE | | | | | |
| 41. | <input type="checkbox"/> MCLOUGHLIN BLVD | industrial | 6,400 SF | 6,400 SF | Milwaukie | Clack |
| | 9818 SE 17TH AVE | | | | | |
| 42. | <input type="checkbox"/> 9818 SE 17TH AVE | industrial | 1,500 SF | 6,500 SF | Milwaukie | Clack |
| | Oak Street | | | | | |
| 43. | <input type="checkbox"/> Oak Street | retail | 4,500 SF | 4,500 SF | Milwaukie | Clack |
| | SE 37th and HWY 224 | | | | | |
| 44. | <input type="checkbox"/> SE 37th and HWY 224 | land | 1.05 Acres | 1.05 Acres | Milwaukie | Clack |

Save Selected

Show Saved



APPLICATION DEVELOPED BY
GIS Planning
 WWW.GISPLANNING.COM

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the Lease is in full force and effect and has not been modified except as may be represented by the Landlord.

- f. Notices between the parties relating to this lease shall be in writing, effective when delivered, or if mailed, effective on the seventh day following mailing, postage prepaid to the address for the party stated in this lease or to such other address as either party may specify by notice to the other. Rent shall be payable to Landlord at the same address and in the same manner.
- g. All persons dealing with Landlord must look solely to the property for the payment of any claim against Landlord or for the performance of any obligation of Landlord as neither the general partner, limited partners, employees, agents, nor officers of Partnership assume any personal liability for obligations entered into on behalf of Property (or its predecessors in interest) and their respective properties shall not be subject to the claims of any person in respect of any such liability or obligation.
- h. Subordination and Attornment: This Lease shall be subject to and subordinate to any mortgages, deeds of trust, ground lease, master lease or land sale contracts (here after collectively referred to as encumbrances) now existing against the Building. At Landlord's option this Lease shall be subject and subordinate to any future encumbrance, ground lease or master lease hereafter placed against the Building (including the underlying land) or any modifications of existing encumbrances, and Tenant shall execute such documents as may reasonably be requested by landlord or the holder of the encumbrance to evidence this subordination. If any encumbrance is foreclosed, then if the purchaser at foreclosure sale gives to Tenant a written agreement to recognize Tenant's Lease, Tenant shall attorn to such purchaser and this Lease shall continue.
- i. Transfer of Building: If the Building is sold or otherwise transferred by Landlord or any successor, Tenant shall attorn to the purchaser or transferee and recognize it as the Landlord under this Lease, and, provided the purchaser or transferee assumes all obligations under this Lease thereafter accruing, the transferor shall have no further liability hereunder.
- j. Notices: Notices between the parties relating to this Lease shall be in writing, effective when delivered during business hours by facsimile transmission, hand delivery, private courier, or regular or certified U.S. mail. Notices shall be delivered postage prepaid, to the address or facsimile number for the party stated in the Basic Lease Terms or to such other address as either party may specify by notice to the other. Notice to Tenant may always be delivered to the Premises.

19. Severability

If any provision of this Lease is held to be invalid, unenforceable or illegal the remaining provisions shall not be affected and shall be enforced to the fullest extent permitted by law.

20. Indemnity

Tenant shall indemnify, defend and hold harmless Landlord, its employees and agents, any persons holding a security interest in the Premises and the respective damages, fines, losses, costs (including, without limitation, the cost of any investigation, remedial, removal, or other response action required by Environmental Law) and expenses (including, without limitation, attorney's fee and expert in connection with any trial, appeal, petition for review or administrative proceedings) arising out of or in any way relating to the use, treatment, storage generation, transport, release, leak, spill, disposal or other handling of Hazardous Substances on the Premises by Tenant or any of its contractors, agents or employees or invitees. Tenant's obligations under this paragraph are in addition to and in lieu of any other rights or remedies to which Landlord may be entitled under this agreement or otherwise.

21. Improvements

Landlord agrees to complete the following improvements at their sole cost and expense, prior to occupancy;

Warehouse Area-

Landlord shall construct a ceiling to floor demising wall from the rear of the office area to the back concrete wall. One man door shall be installed in the demising wall.

Tenant shall have the right to complete the following improvements at their sole cost and expense, during their occupancy;

Install new carpet in the office area, color shall be acceptable to Landlord and Tenant.

Paint the office walls in a professional manner, color shall be acceptable to Landlord and Tenant.

22. Parking

~~Tenant shall have the use of parking at no additional cost, and shall not exceed the use of seven parking spaces at one time.~~

In witness whereof, the duly authorized representatives of the parties have executed this lease as of the day and year first written above.

LANDLORD:
Watumull Properties

TENANT:
DancEvolve, LLC

By: _____

Title: _____

By: Candace Wade

Title: Managing Member 8-20-04

**Norris &
Stevens**
Inc.621 SW Morrison, Suite 800
Portland, OR 97205
503/223-3171 TEL
503/228-2136 FAX
www.norris-stevens.com

Commercial Real Estate Sales, Leasing, and Property Management

To Whom It May Concern:

Watumull Properties Corp. has received a statement from Dancevolve regarding intent to submit a CFU proposal to the City of Wilwaukie.

If you have any questions, feel free to contact me.

Thank you,

Rhonda Scott
Commercial Property Manager
Norris & Stevens, Inc.
503.225.8471

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LANDLORD:
Watumull Properties

TENANT:
DancEvolve, LLC

By: _____
Title: _____

By: Candace Wade
Title: Managing Member 8-2004

**Norris &
Stevens**
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Commercial Real Estate Sales, Leasing, and Property Management

To Whom It May Concern:

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If you have any questions, feel free to contact me.

Thank you,

Rhonda Scott
Commercial Property Manager
Norris & Stevens, Inc.
503.225.8471

**CITY OF MILWAUKIE
BUILDING
DEPARTMENT**

Memo

To: Ryan Marquardt, Assistant Planner

From: Tom Larsen, Building Official 

Date: December 19, 2006

Re: CSU-06-06. Dancevolve

-
1. Prior to the issuance of a Certificate of Occupancy, the applicant shall schedule a walkthrough with the Building Official to identify any Life / safety requirements.

MEMORANDUM

TO: Community Development Department
THROUGH: Gary Parkin, Director of Engineering
FROM: Zach Weigel, Civil Engineer
RE: Community Service Use – 4252 SE International Way, Ste. H
CSO-06-06
DATE: December 21, 2006

Rec'd
12/21/06

Proposal: Allow a dance studio to exist within the Business Industrial zone as a Community Service Use.

CHAPTER 19.1400

Chapter 19.1400 of the Milwaukie Municipal Code, herein referred to as the Code, applies to partitions, subdivisions, and new construction. However, Code Section 19.1403.1(A) states that all development other than partitions, subdivisions, and single-family residential is exempt from Adequacy Requirements when the value of improvements is less than \$231,855.00.

The applicant is not proposing improvements to the building. However, the Building Official may require life safety improvements as part of the required walkthrough. In the event the required improvements exceed \$231,855.00, the applicant shall be subject to the requirements of Chapter 19.1400 at the time of building permit review.

RECOMMENDED CONDITIONS OF APPROVAL

1. In the event a building permit is required as part of the Building Official walkthrough and the permit value exceeds \$231,855.00, the applicant shall comply with the requirements of Chapter 19.1400 at the time of building permit review.

Clackamas County Fire District #1

Fire Prevention Office



RECEIVED

JAN 09 2007

CITY OF MILWAUKIE
PLANNING DEPARTMENT

E-mail Memorandum

To: Ryan Marquardt, City of Milwaukie Planning Dept**From:** Ron Schumacher, Deputy Fire Marshal, Clackamas County Fire District #1**Date:** 1/9/2007**Re:** CSU-06-06; Erin Lee, Dancevolve

This review is based upon the current version of the Oregon Fire Code (OFC), as adopted by the Oregon State Fire Marshal's Office. The scope of review is typically limited to fire apparatus access and water supply, although the applicant must comply with all applicable OFC requirements. When buildings are completely protected with an approved automatic fire sprinkler system, the requirements for fire apparatus access and water supply may be modified as approved by the fire code official. The following items should be addressed by the applicant:

COMMENTS:

A walk-through with the building official would be required to discuss possible fire code violations.



January 9, 2007

City of Milwaukie Planning Commission
C/o Ryan Marquardt
Planning Department
6101 SE Johnson Creek Blvd.
Milwaukie, Ore.

Subject: Dancevolve CSU Application

Dear Commissioners:

I am writing in support of Dancevolve's CSU application. I believe the benefits of Dancevolve's continued operation at their current location on International Way outweigh any negative consequences.

I believe the city has allowed Dancevolve to put itself in an untenable situation by providing them with a temporary Certificate of Occupancy, set to expire prior to the termination of their lease. As a staff member who is frequently in contact with prospective and current Milwaukie businesses, I feel strongly that resolving this situation without placing undue hardship on the business is in the City's best interest. Given the minimal negative impacts of their presence in the area, I believe the City has an opportunity to do so by approving this application.

I am not aware of any complaints regarding Dancevolve's presence in the area. This is unsurprising given (1) the relatively minimal profile of the business (particularly as compared to the type of public-serving retail activities the Code clearly intends to exclude from the area); and (2) the more intense activity is during the evening and, therefore, not in conflict with nearby businesses. Second, I do not believe that the company is preventing another business from locating in Milwaukie. There are comparable spaces available for lease within the International Way corridor.

As the Commission considers the benefits of the CSU, please consider the city's downtown development plan and the arts focus within that plan. The more arts-based organizations and business that succeed in Milwaukie, the better opportunity the City has to realize that vision.

Sincerely,

A handwritten signature in dark ink, appearing to read "Alex Campbell".

Alex Campbell
Economic & Resource Development Specialist

COMMUNITY DEVELOPMENT DEPARTMENT

Engineering • Operations • Planning • Building • Fleet • Facilities
6101 S.E. Johnson Creek Blvd., Milwaukie, Oregon 97206
PHONE: (503) 786-7600 • FAX: (503) 774-8236