

**CITY OF MILWAUKIE
PLANNING COMMISSION
MINUTES
Milwaukie City Hall
10722 SE Main Street
TUESDAY, July 26, 2011
6:30 PM**

COMMISSIONERS PRESENT

Nick Harris, Vice Chair
Scott Churchill
Chris Wilson
Mark Gamba
Russ Stoll (*arrived during Agenda Item 5.1*)

STAFF PRESENT

Susan Shanks, Senior Planner
Ryan Marquardt, Associate Planner
Justin Gericke, City Attorney

COMMISSIONERS ABSENT

Lisa Batey, Chair

1.0 Call to Order – Procedural Matters

Vice Chair Harris called the meeting to order at 6:33 p.m. and read the conduct of meeting format into the record.

2.0 Planning Commission Minutes

2.1 May 24, 2011

Commissioner Churchill moved to approve the May 24, 2011, Planning Commission meeting minutes as presented. **Commissioner Gamba** seconded the motion, which passed 3 to 0 to 2 with Commissioners Gamba and Wilson abstaining.

3.0 Information Items – None.

4.0 Audience Participation –This is an opportunity for the public to comment on any item not on the agenda. There was none.

5.0 Public Hearings

5.1 Summary: Royalton Place

Applicant/Owner: Lee Winn

File: CSU-11-05

Staff Person: Ryan Marquardt

Commissioner Stoll arrived at this time.

Vice Chair Harris called the public hearing to order and read the conduct of quasi-judicial hearing format into the record.

Ryan Marquardt, Associate Planner, cited the applicable approval criteria of the Milwaukie Municipal Code (MMC) as found on 5.1 Page 4 of the packet, which was entered into the record. Copies of the report were made available at the sign-in table.

Vice Chair Harris asked if any Commissioners wished to abstain or declare any ex parte contacts. None were declared.

Vice Chair Harris, and **Commissioners Churchill, Gamba**, and **Wilson** declared for the record that they had visited the site. No Commissioners however, declared a conflict of interest, bias or conclusion from a site visit. No Commissioners abstained and no Commissioner's participation was challenged by any member of the audience.

Susan Shanks, Senior Planner, noted that the Applicant was not yet present and confirmed with an audience member that he was en route.

Ryan Marquardt, Associate Planner, presented the staff report via PowerPoint. The proposal was to convert part of an existing senior and retirement living facility into a continuing care facility that would have assisted living and memory care components in addition to senior and retirement living facilities.

- The Engineering Department had commented that they would review the stormwater runoff for the site when the permit was reviewed. They also noted that the proposal would not increase the number of trips to the site; therefore, the public facility improvement section did not apply to the proposal.
- The Linwood NDA did submit a letter stating they did not have any objection or concern about the proposal but wanted to ensure that the City would look at the stormwater runoff, which would be evaluated as mentioned.
- The 120-day deadline for the application was October 10, so there was room for continuation, if needed.

Commissioner Stoll confirmed that as far as staff was concerned, the Applicant was 90% approvable, being substantially compliant with the relevant criteria.

Commissioner Gamba noted that the interior landscape buffer on the east and north property lines at mid-property were 2 ft, 6 in and 3 ft, 9 in respectively and did not meet the required 6-ft buffer.

- **Mr. Marquardt** replied this was an existing development and with no additions to the building, there was not enough construction to require the Applicant to meet that setback.
- He clarified that the bicycle parking would be looked at when the permits were reviewed for the development. It was one of the upgrades that was consistently considered when the City required upgrading nonconforming parking areas. However, it was not specifically addressed in the staff report. The bicycle parking would be strongly encouraged.
- **Ms. Shanks** clarified that the Code amendments recently adopted by City Council created the new development review application type, so in terms of reviewing the application through the land use process, the Commission was really approving the use. Another step would be carried out in the process at a more administrative level. The work being done to build the patio would trigger a small amount of parking improvements, but because it was nonconforming and because of the scope of work being done, staff could not require them to redo the entire parking lot or bring it up to code. Staff could ask the Applicant to improve the parking lot up to 10% of the permit value.
- **Mr. Marquardt** added that the Commission could direct staff to make sure bicycle parking was a top priority when reviewing the application.

Commissioner Wilson:

- Asked how the calculation for no change in trips was determined.

- **Mr. Marquardt** responded that on 5.1 Page 38, staff had requested the Applicant to provide some clarification on the occupancy loads before and after the project. Within the packet, the Applicant had specifically listed out the occupancy before which worked out to 98 persons, and after which worked out to be 93 persons, so the actual number of occupants was decreasing slightly. This was what was relied upon by the Engineering Director in making the determination.
- Stated it seemed the changes proposed were more labor-intensive, requiring more labor, employees, and visitation as people were not as independent.
 - **Mr. Marquardt** replied that he did not know about the exact staffing levels and believed that would be a good question to ask the Applicant.
 - **Commissioner Stoll** stated that even if they were off by 10 to 20%, they were only talking about 1 or 2 more parking spaces. The main difference is between the number of existing and proposed units.

Commissioner Gamba stated he had come up with 4 different totals from 4 different lists for the number of units.

- **Mr. Marquardt** clarified that he had confirmed with the Applicant that the material on Page 38 included their final numbers. The Applicant had not indicated an increase in staffing levels, but it was a fair question for the Applicant.

Commissioner Wilson asked if parking contingencies existed for things such as holidays for this type of facility, when more visitors might be expected; or did the Applicant have to work with the neighborhood to provide additional parking.

- **Mr. Marquardt** was not sure of the specifics of how it operated during such peak times. The parking ratios were applied based on the uses that were presented which could actually be under, and even over, what was needed.
- **Ms. Shanks** added that the Engineering Director and Engineering staff looked at the application carefully and had used the Institute of Transportation Engineers (ITE) Trip Generation manual in terms of comparing uses. The manual did not drill down to the number of units per se, but considered what the previous and proposed uses in a larger sense. Because no transportation impact study was required, Engineering used the appropriate tools at hand.

Commissioner Stoll noted that the aerial photo in the staff presentation presented a data point showing there was still a lot of parking left over. The picture looked like it was taken at about noon.

Commissioner Gamba added that he did not foresee parking being a huge issue.

Commissioner Churchill confirmed that the actual number of occupants would be 93 on Page 38 of the proposal versus 85 for the current use.

- **Mr. Marquardt** clarified that the independent living facility was based on units and the memory care and assisted living was based on beds, so there was some crossover.

Mr. Marquardt noted that Attachment 1, which was distributed to the Commission, was basically just corrections to ensure the findings were in agreement with the numbers presented on Page 38, and that the parking calculations were correct with those numbers.

Vice Chair Harris confirmed that no correspondence had been received other than that included in the agenda materials. He called for the Applicant's presentation. The Applicant declined to make a presentation.

Vice Chair Harris called for public testimony in favor of, opposed, and neutral to the application.

Margaret "Pepi" Anderson, 10080 SE 54th Ct, asked if there was an increase in the security needed for a memory care unit, and if this type of unit would pose an issue for the community with people more apt to walk about the neighborhood when it was not particularly appropriate for them to do so. She asked if the purpose of the courtyard and fencing was to help secure the facility.

Lee Winn, Applicant, 29179 SW Charlotte Ln, Wilsonville, OR, responded that the memory care courtyard fence was 7-ft high and nonclimbable. The licensing through DHS required the security. The entry into the memory care area was keypad operated and tied into the fire alarm system for evacuation. It was a completely secured area. Boeing Property Management (BPM) had facilities all over the West Coast, and securing these facilities is what they did. The security requirements were based on the State requirements.

Commissioner Churchill:

- Asked if the Applicant had received support from the resident to the east of the property.
 - **Mr. Winn** responded he had not had any conversations with him.
 - **Mr. Marquardt** confirmed staff had not received any comments from the resident to the east after sending the 300-ft mailing notice.
- Pointed out that even though the landscaping buffer on the east edge was not part of the application, any concern by that neighbor should be addressed through buffering with landscaping material. If it was not an issue, he would let that rest.

Commissioner Gamba noted there was a decent sized, red maple located where the patio was to go and asked if this would need to be removed.

- **Mr. Winn** responded yes, they planned to remove the maple.

Commissioner Wilson:

- Asked if the parking lot had ever been full.
 - **Mr. Winn** responded that since January when the process had been initiated, it had never been full. The majority of the residents did not drive. They also had their own bus and the public bus stopped there as well. He clarified that he was the architect for BPM, who was the owner, manager, and operator of the facility.
- Asked if there was a parking policy manual or some way of dealing with the need for more space during the holidays.
 - **Mr. Winn** stated he was not aware of such a manual, but would ask BPM if they had a plan for increased parking needs during such times.

Vice Chair Harris called for additional comments from staff.

Ms. Shanks stated that with regard to Commissioners Churchill and Gamba's comments about buffering, because it was a CSU, there was a bit more leeway in terms of adding conditions to mitigate impacts. The CSU could allow the Commission to draw outside the boxes of the Off-Street Parking Code a bit if they felt it was warranted to make the use compatible with its

neighbors. They had not received any comments that this was a real or perceived impact; the Parking Code was one piece of the puzzle and the CSU was another piece.

Commissioner Churchill quoted from a letter submitted by the Linwood Neighborhood District Association (NDA), "The Linwood Ad Hoc Land Use Committee, Linwood Co-Chairs Lynn and Beth Kelland and Treasurer Dolly Macken-Hambright reviewed the application as sent to your office. After review, driving by, and discussion, we only have one concern, which is that it seems to be a great deal of build-out on a small piece of property. While we empathize with the property owners and their need to get the most 'bang for the buck', we also have some concerns on how this may affect the livability of the most immediate surrounding neighbors." He explained that this was why he asked if there was a concern of the neighbor to the east, or for that matter, to the west, adjacent to the property. Since there were no written comments or Applicant challenges, he would probably let it rest.

Commissioner Stoll stated that in regard to the drainage, the drawing indicated it would not be simply a concrete path but permeable pavers, so they would not really be adding to the impermeable surfaces on the lot, which seemed to be in line with what the community wanted.

Vice Chair Harris confirmed that the Applicant had no rebuttal or additional comments in response to public testimony. He closed the public hearing at 7:08 p.m.

Commissioner Wilson asked if any signs were posted, such as lawn signs regarding this proposal.

- **Mr. Marquardt** responded that two signs were posted 14 days prior to the hearing, which were still up when he drove by this afternoon. Both were visible from King Rd.

Commissioner Stoll commented the facility sounded like it was a good neighbor and as such, he was in favor of approving their proposal.

Commissioner Churchill said that he did not have any major objections.

Commissioner Gamba:

- Did not have any objections. It looked like a good proposal, but he had two suggestions:
 - He quoted the last sentence of the interior landscape buffer paragraph, "In addition, the required 40-ft on center shade trees planting at the right-of-way and interior buffers is not met." He requested that a few trees be planted, particularly on the right-of-way buffer. This would help shade the new patio, which was an advantage to the residents.
 - He also requested that bicycle parking be a priority.
- **Ms. Shanks** asked if he was suggesting that trees be planted in the right-of-way or on private property as part of the perimeter landscaping.
- Stated he would love to see as many trees as possible, but having trees in the right-of-way made the most sense for the proposal because they would shade the patio.
 - **Ms. Shanks** responded it could be more appropriate to have the trees in the right-of-way and it fell under a different Code, but the suggestion was well taken in terms of having trees be a priority and requiring the Applicant to come closer to conformance with parking lot landscaping. She hesitated to specify exactly where they should go, because things like stormwater could become an issue, but it was a good point.

Commissioner Stoll agreed it should be added as a priority for the Planning Department to look at the trees and the bicycle parking, and then exercise their good judgment.

Commissioner Churchill stated it could be added as a condition of approval essentially.

- **Ms. Shanks** suggested they could add a general condition to make these issues priorities. It could be that the money they could require the Applicant to spend on parking lot improvements was minimal, and could buy one tree. That number was not known yet. In addition, the CSU approval criteria were about balancing benefits against impacts. If there was an impact that could be mitigated by vegetation, that would be in a different slot. There was more flexibility in that direction than in adding more vegetation in the parking lot under the Off-Street Parking Code. It depended on what umbrella they wanted to put the condition under and what the Commission was trying to achieve.
- **Mr. Marquardt** clarified that Commissioner Gamba was reading from the Applicant's response to the parking standards in the Code. Staff did not address those in detail in the findings because when the future development permit was looked at, they looked at which aspects of the parking area were nonconforming and attempted to bring those into conformance. The bicycle parking and the 40-ft tree issue were both parking lot nonconformities. It would be appropriate to recommend adding something to Condition 1B that staff should prioritize bicycle parking and tree planting along perimeter landscaping to bring the parking area closer to conformance.

Commissioner Churchill:

- Asked if staff had a photograph of the area to the east to see if any landscape buffering existed.
 - **Mr. Marquardt** did not believe they had such a photograph.
 - **Commissioner Gamba** believed there were a couple of big trees there, but they were on their property.
 - **Mr. Winn** explained that the entry into the site had a large landscape buffer at the front end of the entry, which was a big planter strip. When it went back into the parking areas, a fence ran all the way back to where the property turned to the east, and there was planting all along that edge along the fence.
- Was most interested in the buffer between the west side of the structure and the residence to the west.
 - **Mr. Winn** responded there were fairly large trees along that edge, and a retaining wall where the grade changed. There was planting all the way along that edge.

Commissioner Stoll agreed that the bicycle parking and trees should be a staff priority in determining what changes should be made when doing the parking. He would hate to micromanage the staff on this. The priority was getting some bicycle parking and more trees along the right-of-way.

Ms. Shanks suggested amending Condition 1B on 5.1 Page 12 to state, "The Applicant shall bring the existing parking area closer to conformance. The cost of bringing the parking area closer to conformance will be per MMC 19.602.5.B. The areas to be brought closer to conformance will be identified by the Planning Director using MMC 19.602.5.C ***with priority given to adding trees along the site's perimeter and bicycle parking per Planning Commission direction.***"

Commissioner Gamba moved to approve CSU-11-05 adopting the recommended findings and conditions of approval found in Attachments 1 and 2 with the slight change in 1B, as stated above. Commissioner Stoll seconded the motion, which passed unanimously.

Vice Chair Harris read the rules of appeal into the record.

6.0 Worksession Items

6.1 Summary: Riverfront Park update Staff Person: JoAnn Herrigel

JoAnn Herrigel, Community Services Director, presented the Riverfront Park update via PowerPoint providing a brief overview of Riverfront Park and the proposed amenities. She distributed a color brochure titled, "Help make Milwaukie Riverfront Park a reality," which featured key elements of the proposed park, as well as a 1-page handout with the overall Riverfront Park Development Site Plan (Figure 2) on one side and a specific site plan of Klein Point (Sheet C2) on the other side. She reviewed the key points of her memo, dated July 18, 2011, with additional comments as follows:

- They were still waiting for the US Army Corps of Engineers (Corps) to issue a permit. There had been 2 or 3 inquiries from the Corps, National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service and lately Department of Environmental Quality (DEQ) about whether or not the plan had been changed since submission. In each case, a response was submitted that the plan had not been changed and should be reviewed as originally submitted. Still, there was neither a permit in hand nor any indication of when a permit would be forthcoming. She suggested meeting with the reviewers to go over the plan to see if they had specific questions.
- Regarding access on McLoughlin Blvd, she was awaiting further decisions regarding wastewater rates and the use of the riverfront site before pursuing discussion about whether this access was adequate for the sewage treatment trucks.
 - They had talked with engineers from Clackamas County and Oregon Department of Transportation (ODOT) 5 or 6 months ago about the possibility of putting some kind of a transponder on the wastewater trucks so they might trigger a longer light at the intersection, allowing them more time to exit the access out onto McLoughlin Blvd safely. No action had taken place yet, because they could not get anybody from Water Environmental Services (WES) to come to the table to discuss the actuality of installing the transponders on trucks.
- The Klein Point funding was an exciting update. Noting Figure 2, she explained that in January they had partnered with the Johnson Creek Watershed Council (JCWC) to submit an application to Metro under the Nature in Neighborhoods capital grant program to do 3 things:
 - Build Klein Point, which did not require Corps final approval, because it was at a higher elevation and did go down toward the water or have anything sticking out into the water. This was estimated to cost about \$213,000.
 - Create a riffle over a sewer pipe that crossed Johnson Creek. The City owned the pipe, and the JCWC was interested in putting some kind of a natural rock configuration around the pipe so it did not create such a dam for the water and would be more of a natural habitat.
 - Create a manufactured root wad system that JCWC would be building.
- These particular projects of the Johnson Creek Confluence Project were being funded because they are on government land, which was a requirement of the grant through Metro.

- As far as the Klein Point project, one whole area would be recontoured to create a gentle slope from the upper level by McLoughlin Blvd down toward Klein Point.
 - An entranceway would be built with a formalized sign reading, "Welcome to Milwaukie Riverfront Park."
 - A concrete pathway would be built going down the hill and another pathway going out to Klein Point. The area was partly in the Water Quality Resource (WQR) area, so the materials used on the accessway needed to be permeable to the greatest extent possible. For the grant, Metro would like it to be ADA accessible and relatively formal, not just a gravel path.
 - The Kleins, who donated the property, have asked that a large oak tree on the site be maintained. The City would probably hire an arborist as part of the design team to monitor the health of the tree.
 - When the plaza is built with the retaining wall and railing for people to look down at the confluence project, the work would need to be done and materials moved in by foot with wheelbarrows. They did not want heavy equipment near the site because of danger to the oak tree by compacting the soil, ruining the roots or hitting the tree with a piece of equipment.
 - Interpretive signs would be put in. The 3 things they wanted to draw attention to in the area was the confluence project; the Trolley Trail segment, which used to go over Johnson Creek; and that it was called Klein Point for the Kleins' donation. The Planners would need to review everything to ensure it met Code and was appropriate for the site.
- Completion of the final design was anticipated after the first week of August. They needed to review the design with the Riverfront Board and the Kleins, and then submit it to Planning for review. They hoped to have a request for proposals out for contractors by the end of August. Klein Point could possibly be built by the end of September or further into the fall if things got complicated.
- The Johnson Creek Confluence Project would start the second week in August, so the projects would overlap a bit, but would not necessarily be in the way of each other. The confluence project would have most of its equipment and most of the movement to north of the creek, and Klein Point would be mostly uphill and south of the creek.
- She responded to comments and questions from the Commission with these comments:
 - The pervious concrete such as that used on the Logus Road Project might meet both required standards for the pathway. They would have to look into the cost of the material and whether or not others had said it was a good use for a property such as this. They were considering both asphalt and concrete.
 - The paths in the sculpture garden were compacted granite, which was ADA compliant. Once the landscape designers were involved, they could show them the preferred options.
- Moving the entrance was not necessarily an advantage so much as a requirement. Referring to the map in the distributed brochure, she demonstrated that if the boat ramp were moved to where Number 5 was instead of up by Number 6, the ramp could not actually be accessed logistically from the current Washington St entrance. She described how the boat ramp would have to be configured if the entrance were not changed.
 - The issue was trying to fit many amenities in a very small parcel.
 - The entrance issue had been discussed for 5 years, and about 5 or 6 different designs had been considered.

- There would not be a light at the new entrance. The harbor lanes would enable traffic to get into the park from either direction. The issue was whether the trucks had enough time to exit the site, which was why the elongation of the red light had been discussed.
 - If only the sewage trucks triggered the elongation of the red light, people with underpowered vehicles or large boats were at their own peril. This had been a discussion as well. The Riverfront Board did not necessarily want transponders on anything, but suggested the light somehow be triggered by some kind of sensor mechanism in the accessway. They had not gotten far enough in the discussion to know whether that was acceptable to either WES or ODOT.
- The entrance itself would not be signaled. ODOT stated that 75 vehicles per hour were required to enter that western side of the property in order to warrant a light. Right now, there was a maximum of 50 to 100 per day, but not per hour. The number would change drastically with a newly configured boat ramp.
- A sloping beach area would be next to the nonmotorized boat ramp. There had been lengthy discussion about this matter. There used to be a zigzag area that allowed people to get down to the beach. In the pre-application meetings, the Corps, NOAA Fisheries, and DEQ discussed decreasing any access to the river edge because it all needed to be revegetated, and they wanted to keep people away from that area. They were asked to remove any additional access to the river by foot, so that was removed when it was submitted to the Corps.
 - At the Planning Commission hearings in May 2010, it was strongly encouraged that a nonmotorized boat ramp of some type be put back in, or failing that find alternatives for access to the water by nonmotorized boats. Some options included lowering one of the forks of the water ramp so it was 6-in as opposed to 18-in off the water and having a similar access ramp in a different area that was also lower to the water. The options raised concerns from motorized boaters and those funding motorized boater facilities about the interaction between nonmotorized and motor boaters. It was one of those puzzles of trying to make everybody happy in a small parcel.
 - She indicated an area where putting anything in was frowned upon and another area that was the only place anyone was allowed to access the water by foot. This area was sort of a cascading boulder area and did not necessarily have plants in it. Although it had been suggested that eliminating that access would be better, they had maintained it through the design to date.
- 18 months seemed like a long time for the Corps to consider the proposal; however, the light rail bridge on the Willamette River and the South Waterfront project were in line ahead of the Riverfront Park permits, and only one or two people were actually reviewing all of this at each of the agencies.
- She encouraged anyone interested in more information to call her personally or attend any of the Riverfront Board meetings which are held the third Wednesday of every month.

7.0 Planning Department Other Business/Updates

7.1 Planning Commission Notebook Replacement Pages – May Supplement for the Land Use and Development Review project updates

Ms. Shanks explained that the Commissioners should take everything out of Title 19 and replace it with the supplement. This was the final hardcopy form of the changes made with the Code tune-up project. She thanked Chair Batey, Commissioner Gamba, and the entire Commission for doing the work with staff. She asked that any questions be directed to her as Marcia Hamley, Administrative Specialist II, who usually handled these matters had been out of the office. If any Commissioners wanted to bring their updates and books in, staff would take care of it for them. The update was in the packet; however, certain Commissioners had

requested electronic copies only, so had not received the hard copy in the packet.

- She summarized the Milwaukie High School readerboard sign issue and gave an update on its progress. Staff had been contacted recently by the High School's District project manager, Dan Golden, stating they now had the funds to build the proposed sign. Staff reminded him that it would need to be built as proposed and approved, in terms of the limitations on how quickly the message changed, the height, size, etc. It was possible that the sign would be built this summer. Brett Kelter, Associate Planner, could answer any questions regarding the issue, as he was the Planner that handled that land use application and was more up to speed on the actual decision.

8.0 Planning Commission Discussion Items

There were none.

9.0 Forecast for Future Meetings:

- | | |
|-----------------|--|
| August 9, 2011 | 1. Worksession: South Downtown Concept Plan |
| | 2. Worksession: Commercial Core Enhancement Program |
| August 23, 2011 | 1. Public Hearing: CPA-10-01 North Clackamas Park Master Plan <i>tentative</i> |
| | 2. Public Hearing: Electronic Sign Code Amendments |


Ms. Shanks noted some changes had been made since the agenda was published:

- The South Downtown Concept Plan worksession was rescheduled from August 9 to August 23, 2011, and the worksession on the Commercial Core Enhancement Program was rescheduled from August 9 to September 13.
- On August 9, Kenny Asher, Community Development and Public Works Director, would come to the Commission to discuss the baseball site and the TGM grant received to do some land use and transportation planning in the area along McLoughlin Blvd/Hwy 99E and close to the Tacoma St light rail station that was actually in the city.
- The public hearing on the Electronic Sign Code Amendments was rescheduled from August 23 to September 13, 2011.
- The public hearing on the North Clackamas Park Master Plan was tentative. The Commission would learn at the August 9 meeting if that hearing would actually happen on that date.

Meeting adjourned at 8:03 p.m.

Respectfully submitted,

Paula Pinyerd, ABC Transcription Services, Inc. for
Alicia Stoutenburg, Administrative Specialist II


Lisa Batey, Chair



AGENDA

MILWAUKIE PLANNING COMMISSION Tuesday July 26, 2011, 6:30 PM

**MILWAUKIE CITY HALL
10722 SE MAIN STREET**

- 1.0 Call to Order - Procedural Matters**
- 2.0 Planning Commission Minutes** – Motion Needed
 - 2.1 May 24, 2011
- 3.0 Information Items**
- 4.0 Audience Participation** – This is an opportunity for the public to comment on any item not on the agenda
- 5.0 Public Hearings** – Public hearings will follow the procedure listed on reverse
 - 5.1 Summary: Royalton Place
Applicant/Owner: Lee Winn
File: CSU-11-05
Staff Person: Ryan Marquardt
- 6.0 Worksession Items**
 - 6.1 Summary: Riverfront Park update
Staff Person: JoAnn Herrigel
- 7.0 Planning Department Other Business/Updates**
 - 7.1 Planning Commission Notebook Replacement Pages – May Supplement LUDR
- 8.0 Planning Commission Discussion Items** – This is an opportunity for comment or discussion for items not on the agenda.
- 9.0 Forecast for Future Meetings:**
 - August 9, 2011
 - 1. Worksession: South Downtown Concept Plan
 - 2. Worksession: Commercial Core Enhancement Program
 - August 23, 2011
 - 1. Public Hearing: CPA-10-01 North Clackamas Park Master Plan *tentative*
 - 2. Public Hearing: Electronic Sign Code Amendments

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 capacity, 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

1. **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. For background information on agenda items, call the Planning Department at 503-786-7600 or email planning@ci.milwaukie.or.us. Thank You.
2. **PLANNING COMMISSION MINUTES.** Approved PC Minutes can be found on the City website at www.cityofmilwaukie.org
3. **CITY COUNCIL MINUTES** City Council Minutes can be found on the City website at www.cityofmilwaukie.org
4. **FORECAST FOR FUTURE MEETING.** These items are tentatively scheduled, but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.
5. **TME LIMIT POLICY.** The Commission intends to end each meeting by 10:00pm. The Planning Commission will pause discussion of agenda items at 9:45pm to discuss whether to continue the agenda item to a future date or finish the agenda item.

Public Hearing Procedure

Those who wish to testify should come to the front podium, state his or her name and address for the record, and remain at the podium until the Chairperson has asked if there are any questions from the Commissioners.

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.** Staff will report any verbal or written correspondence that has been received since the Commission was presented with its meeting packet.
3. **APPLICANT'S PRESENTATION.**
4. **PUBLIC TESTIMONY IN SUPPORT.** Testimony from those in favor of the application.
5. **NEUTRAL PUBLIC TESTIMONY.** Comments or questions from interested persons who are neither in favor of nor opposed to the application.
6. **PUBLIC TESTIMONY IN OPPOSITION.** Testimony from those in opposition to the application.
7. **QUESTIONS FROM COMMISSIONERS.** The commission will have the opportunity to ask for clarification from staff, the applicant, or those who have already testified.
8. **REBUTTAL TESTIMONY FROM APPLICANT.** After all public testimony, the commission will take rebuttal testimony from the applicant.
9. **CLOSING OF PUBLIC HEARING.** The Chairperson will close the public portion of the hearing. The Commission will then enter into deliberation. From this point in the hearing the Commission will not receive any additional testimony from the audience, but may ask questions of anyone who has testified.
10. **COMMISSION DISCUSSION AND ACTION.** It is the Commission's intention to make a decision this evening on each issue on the agenda. Planning Commission decisions may be appealed to the City Council. If you wish to appeal a decision, please contact the Planning Department for information on the procedures and fees involved.
11. **MEETING CONTINUANCE.** Prior to the close of the first public hearing, *any person* may request an opportunity to present additional information at another time. If there is such a request, the Planning Commission will either continue the public hearing to a date certain, or leave the record open for at least seven days for additional written evidence, argument, or testimony. The Planning Commission may ask the applicant to consider granting an extension of the 120-day time period for making a decision if a delay in making a decision could impact the ability of the City to take final action on the application, including resolution of all local appeals.

The City of Milwaukie will make reasonable accommodation for people with disabilities. Please notify us no less than five (5) business days prior to the meeting.

Milwaukie Planning Commission:

Lisa Batey, Chair
Nick Harris, Vice Chair
Scott Churchill
Chris Wilson
Mark Gamba
Russ Stoll

Planning Department Staff:

Katie Mangle, Planning Director
Susan Shanks, Senior Planner
Brett Kelter, Associate Planner
Ryan Marquardt, Associate Planner
Li Alligood, Assistant Planner
Alicia Stoutenburg, Administrative Specialist II
Paula Pinyerd, Hearings Reporter

**CITY OF MILWAUKIE
PLANNING COMMISSION
MINUTES
Milwaukie City Hall
10722 SE Main Street
TUESDAY, May 24, 2011
6:30 PM**

COMMISSIONERS PRESENT

Lisa Batey, Chair
Nick Harris, Vice Chair
Scott Churchill
Russ Stoll

STAFF PRESENT

Katie Mangle, Planning Director
Ryan Marquardt, Associate Planner
Jason Rice, Civil Engineer
Damien Hall, City Attorney

COMMISSIONERS ABSENT

Mark Gamba
Chris Wilson

1.0 Call to Order – Procedural Matters

Chair Batey called the meeting to order at 6:30 p.m.

2.0 Planning Commission Minutes

2.1 March 22, 2011

Commissioner Stoll corrected Line 215 of 2.1 Page 7 as follows, “and that the size of the property should not be taken into...”

Vice Chair Harris moved to approve the March 22, 2011, Planning Commission minutes as corrected. **Commissioner Stoll** seconded the motion, which passed 3 to 0 to 1 with **Commissioner Churchill** abstaining.

3.0 Information Items – None

4.0 Audience Participation –This is an opportunity for the public to comment on any item not on the agenda. There was none.

5.0 Public Hearings

5.1 Summary: Wastewater Master Plan

Applicant/Owner: City of Milwaukie

File: CPA-10-02

Staff Person: Ryan Marquardt

Vice Chair Harris moved to initiate CPA-10-02. Commissioner Stoll seconded the motion, which passed unanimously.

Chair Batey called the hearing to order at 6:34 p.m. and read the conduct of legislative hearing format into the record.

No Planning Commissioners wished to abstain from the hearing.

Ryan Marquardt, Associate Planner, explained the application was for adoption of the Wastewater Master Plan (Master Plan) in its entirety as an ancillary document to the Comprehensive Plan (Comp Plan). In the application were some minor text amendments to the existing Comp Plan.

Jason Rice, P.E., Civil Engineer gave a brief overview of the staff report via PowerPoint, including a review of the document's history. The current Master Plan the City was working with was the 1994 Master Plan which was obviously outdated. In 2004, the City consulted with an engineering firm to develop a completely new Master Plan, which later became a foundation for the proposed document. Key topics of the current plan were documentation of the existing conditions, capital improvement project identification, the concept sewer design for the Waverly Heights area, and review of staffing levels both in the Engineering and Operations Departments for the wastewater utility. The Master Plan also calculated monthly sewer rates as well as payments, and briefly reviewed the current intergovernmental agreements.

Mr. Marquardt noted City Council and the Citizen's Utility Advisory Board (CUAB) minutes were included as an attachment to the staff report as requested at the worksession. Regarding this being a plan that covered the infrastructure for wastewater controlled by the City, he explained this pertained to the pipes and pumps and not necessarily the treatment plants. Treatment plants were under the control and jurisdiction of other agencies and not part of the proposed Master Plan. He reviewed the amendments proposed to the Comp Plan which would ensure the language was up-to-date, accurate, and consistent with the Master Plan document being adopted. Staff also made the proposed language of the Comp Plan more general and on a policy level rather than on the detailed factual reporting level. Many details about the wastewater treatment infrastructure were in the Master Plan itself, which was appropriate as an ancillary document, but the broader policy statements should be in text of the Comp Plan, so

staff tried to make some of those things a little more general. Two areas where text changes were being made were sections referring to the Northeast Sewer Extension area and regarding the Kellogg Creek Wastewater Treatment Plant. Staff recommended the Commission recommend that Council adopt the Comp Plan amendments as proposed.

Commissioner Stoll noted the big increases in the recommended wastewater rate increase schedule in the introduction on Page 3 of the proposed Master Plan.

- **Mr. Rice** responded the increases were due to the City falling behind on the maintenance side, so rates needed to be ramped up to catch up before balancing out, if everything in the system stayed the same. The inflation assumption was 3%. He confirmed the system development charge was for new developers.

Commissioner Churchill stated that it seemed as if the Commission was being asked to support some pretty significant rate hikes. They did not have a lot of grounds to validate this other than trusting staff, which was not an issue, but the Commission did not have a lot of rate analysis to comment on.

- **Katie Mangle, Planning Director**, responded the Transportation System Plan (TSP) also had a financing chapter which addressed what it would take to fund the projects planned. The rates and Capital Improvement Plan (CIP) projects were all approved by Council with the budget every year, and it did not have to match the Master Plan.
- She agreed that, technically, the Commission was supporting the findings of the proposed financials going forward. Even though Council could adjust and make the final decision, the Commission was being asked to support the financial recommendations of the rates.

Commissioner Stoll understood staff to say that without the rate increases, the City could not do the Master Plan, because this was an estimate of what it would take to fund the project.

- **Mr. Rice** responded that was correct, noting the consultants, Parametrics, stopped working for the City in the budget year 2009-10, so any data completed since that time was the City's doing. The estimates were updated through the current budget process and presented to the CUAB, so they were aware of the rate increases. Council would understand the Commission had not dove into each number and detail; staff sought approval/feedback on the policy behind completing the work and moving forward with completing that work.

Commissioner Churchill noted the protocol was to come to the Commission first and then onto Council. As the Commission was being asked to support this, they would be essentially rubber stamping the financials. He wanted to go on record to say that the Commission had not studied the financials in depth, and although not opposed to the recommendations, they had not analyzed them to vet them and assumed that both the Budget Committee and Council would review this in detail. The Commission's support of such a plan would not be on the basis of the proposed financials.

- **Ms. Mangle** stated this could be reflected in the staff's report to Council.

Mr. Rice confirmed for **Chair Batey** that the numbers presented included the County's treatment rate increase, a 5% increasing in staffing per year, as well as that for the City's infrastructure.

Commissioner Stoll suggested it would be good to present such information in terms of how much of an increase the average homeowner would have.

- **Mr. Rice** responded it was presented that way to the Budget Committee and to the CUAB. For all utilities, the increase was about \$5.70 per month on average.

Chair Batey noted the CUAB minutes were not very illuminating.

- **Mr. Rice** replied that staff hoped to bring a CUAB representative to tonight's hearing, but none were available. He confirmed that the CUAB was completely comfortable with all the numbers and had recommended that the Budget Committee support the rate increases in the Master Plan. Council and the Budget Committee would be considering the rate increases separately from the Master Plan. The 7% was in this year's budget proposal, but increasing individual rates would be a separate meeting from the Master Plan adoption. The Master Plan was labeled 2010 as opposed to 2011 because most of the work was put together in 2010 and the document was finalized for presentation to CUAB that year. The delay between the open house and the hearing was caused by the disagreement between Clackamas County Service District and the City on how much the City should help fund the new Tri-City Water Pollution Control Plant in Gladstone. Aside from notifying the neighborhoods about the open house, there was no additional outreach to individual neighborhoods.

Commissioner Churchill:

- Asked for further detail about the disaster recovery plan for the pump stations, given current environmental disasters.
- **Mr. Rice** replied that the Operations Department had a documented standard operating procedure for such events, but that was not included in the proposed Master Plan. Each lift stations had a backup, and depending on the station, the backup could be an overflow, a backup generator, or the capacity to hold 2 hours of sewerage in the event of a power failure. Of the current 5 pump stations, 1 had a generator.
- Stated it was great that the arteries were working well, but the catch basins and transfer points were equally important, especially when the City did not have holding tanks of any significance with 2-hour hold times. There should be a report to Council about what the risks were in the event of an emergency.

Chair Batey:

- Asked why some things were not addressed, such as the old information about the City's well water.
- **Mr. Marquardt** responded because staff was trying to get the Master Plan adopted without getting into doing a Comp Plan mini-overhaul. Most sections of the Comp Plan had things that were out of date or somewhat inaccurate. They were trying to just deal with the wastewater issues within the water quality section. Other issues were likely to be addressed in future Code update projects or a larger Comp Plan overhaul. Additionally, addressing some inaccuracies were not easy due to the amount of research required.
- Noted on 5.1 Page 166 of the packet (Attachment 1 Exhibit C) the sentence, "The only potential point source for water pollution is the Kellogg Creek Treatment Plant, operated by Clackamas County Service District #1," was a really broad sentence. In environmental law and to DEQ, "point source" meant something. Maybe the Kellogg Creek Wastewater Treatment Plant was the only city or public point source, but Precision Cast Parts and other businesses along Johnson Creek were also potential point sources for water pollution.
- **Mr. Marquardt** replied this got into discussions of what exactly was "point source" pollution. He agreed the sentence was probably not accurate, but the task of fixing it was beyond a quick solution.

- 174 • **Mr. Rice** added that DEQ was discussing potentially permitting manholes and lift
175 stations as point source polluters. He believed the sentence was referring to points in the
176 public system, which was not clear.
- 177 • Understood figuring out the number of permits and point sources was beyond the scope of
178 this project, but believed the sentence should be qualified by including "public" or "City of
179 Milwaukie."
- 180 • **Ms. Mangle** suggested replacing the first 2 words of the sentence with something not as
181 categorical, such as, "One significant point source." This would be easy to do without
182 doing much more research.
- 183 • Did not understand why the 40% capacity number was removed from the last paragraph
184 before Objective 4 on 5.1 Page 166, as this number had been useful for the City in the
185 negotiations over the rates.
- 186 • **Ms. Mangle** stated that fact did not need to be in the Comp Plan. Staff was trying to pull
187 out some details that really did not belong in the Comp Plan but rather in the Master
188 Plan or elsewhere. The City Manager and City Attorney had reviewed the proposed
189 changes and were not concerned.
- 190 • **Mr. Marquardt** confirmed that the date in Finding 4A on 5.1 Page 9 was supposed to be
191 April 6, 2011. Also, the blank on that same page about when the Master Plan was
192 referred to Metro should read April 27, 2011.
- 193 • Noted that the finding in Objective 3 on 5.1 Page 10 did not make a lot of sense.
- 194 • **Mr. Marquardt** agreed the language was not clear. He suggested that it read, "The City
195 does not have a consolidated Public Facilities Plan covering the city's entire
196 infrastructure. ***The City has adopted various individual master plans that in effect***
197 ***substitute for having a consolidated Public Facilities Plan.*** Adopting the WWMP and
198 other master plans as ancillary documents to the Comprehensive Plan furthers the intent
199 of officially adopting ~~and consolidating~~ the various master plans ***into the overall***
200 ***Comprehensive Plan.***" He distributed a handout with the revised language.
201
- 202 **Commissioner Churchill** proposed that the Commission support the plan with the stipulation
203 that staff present a detailed report to Council on the disaster recovery plan currently in place
204 and outline exactly what the time frame response and expected durations were given the
205 seismic risk to the area. He assumed the Engineering Department would highly recommend
206 putting all pump stations on diesel generator backup. The temptation was to address arteries,

but if the pump stations failed the bigger issue involved transferring sewage, especially on a 48-hour cycle with no power.

- **Mr. Rice** stated staff could present what was suggested to Council, but it was up to Council to decide whether to spend the money on the backup generators.

Chair Batey stated the other big issue was the financial one and saying Commission was relying on the CUAB and had not done the financial analysis. Council obviously had spent a lot of time on part of that question over the last few years in terms of the overall rate increases.

Chair Batey moved to recommend approval of CPA-10-02 to City Council with the change presented by staff on Finding 4.B.1 of Exhibit 1; editing the first sentence of Chapter 3 of the Comprehensive Plan to state, " ~~The only~~ A significant potential point source..." and with the two major issues highlighted in the staff report as discussed. Vice Chair Harris seconded the motion, which passed unanimously.

6.0 Worksession Items

6.1 Summary: Baseline Residential Code draft

Staff Person: Katie Mangle

Ms. Mangle explained that staff would be proposing a lot of big and little policy changes with the Residential Development Standards project. They would also be doing their best to improve communication and make the Code easier to use for both citizens and staff alike. The draft in the packet was what staff was calling the "policy-neutral Code"; it was only reformatting and did not show any of the policies, but could actually help highlight some of the problems.

Mr. Marquardt presented the staff report, noting that the reformatting was a big help as the proposed residential code relied more heavily on tables, making it a lot easier to see at a glance what uses were allowed in each of the different zones as well as the base zone standards, their densities, setbacks, height limits, etc. While fewer overall pages, the reformatted policy-neutral Code also referenced modifications to the base zone standards found in other Code sections.

Ms. Mangle stated that staff would not bring the real Code proposals to the Commission until the fall. The draft was probably the format that would be used as the baseline to show what was changing. Paragraphs in the current Code would be shown as struck out, and this format would

make it easier for people to understand. She also invited feedback about the format from the Commission, which could be provided outside the meeting.

Staff responded to questions and comments from the Commission as follows:

- The cross-referenced modifications might potentially be revisited in this project. In reviewing all the development standards for the residential zones, some issues were within the scope of the project, but it would depend on the issue. The parking standards would not be revisited unless it was one specific thing, because that chapter was just rewritten. However, it would all be up for discussion.
- This Code project would help to highlight connections to other related code, such as street-specific items, because they were important when people were trying to make decisions. The connections or cross references in the Code made it look like there were more regulations in some instances, but that was really not the case. Often, the connections just highlighted what already existed and was just not clear in the current Code.
- Going from straight text to a table was one step and helped make things clearer. The next step was to add illustrations and graphics to illustrate some of the residential design standards, bringing the 1970s-style Zoning Code to a modern, easy to understand Zoning Code.
- Having it all in a table was a marked improvement and was very clear.
- The term "usual household pets" was vague. Staff would forward an internal Code interpretation memo to the Commission, which stated one could have up to 50 chickens and small goats. One challenge was that the Code addressed animals in 4 or 5 different sections. Tim Salyers, Code Compliance Officer, suggested putting it all in one place so people would know all the rules.
- The term "livestock" was defined, although the definition was unclear. If 10,000 sq ft was required per head of livestock, did 2 goats constitute the need for 20,000 sq ft?
- Improving upon these animal issues might involve moving it out of the Zoning Code and into Code Compliance.
- There was a movement toward more backyard farm life throughout the Portland regional area as well as nationally, including New York City. It would be a challenge to define what was appropriate, and bringing in reigns or controls could be a challenge.

- Milwaukie has been more agrarian in its approach to animals in general and that approach should be retained. However, the City should get definitions of livestock and other items out of the Residential Code as much as possible.
- 6.1 Page 3 noted the definition of an interior single-family unit, but no such thing was allowed because only duplexes were allowed, and wondered if and when that had been allowed. Staff confirmed this was allowed at one time, but research revealed the regulation was more of an oversight, and acknowledged that it had big policy implications.
- It was odd that an applicant could only build 2 duplexes and not 3 attached townhouse units.

7.0 Planning Department Other Business/Updates

7.1 Summary: New Zoning Code Tune-up project implementation

Staff Person: Ryan Marquardt

Ms. Mangle noted the PC Interim Update Notebook binders had been distributed to the Commission which was basically the attachment for the new Zoning Ordinance now in effect due to the Land Use and Development Review Code Tune-up project. The entire Municipal Code was published quarterly to capture new regulations, revisions, and modifications. Mr. Marquardt had been working on ways to improve the City's systems, scripts, forms, applications, etc. to reflect the new Zoning Code policies.

Mr. Marquardt distributed and discussed several forms that he and Marcia Hamley, Administrative Specialist II, had reviewed and revised as a result of recent Code revisions.

Discussion and feedback from the Commission included the following comments with clarifications from staff:

- In reference to the Code amendment on Page 137 of 298 regarding the required parking spaces per thousand square feet of floor area, staff clarified the definition of floor area was on Page 13 under Definitions, as well as how it was calculated.
- Staff should consider using Building Owners and Maintenance Association (BOMA) standards as a reference for calculating floor area, as they had dealt with the different ways to measure and calculate floor area for many years.
- The Accessory Uses section of the Code stated that residential properties could apply to the Commission for approval to keep up to 2 colonies of bees and must also get consent of

property owners within 100 ft, which was actually not legally enforceable. No criteria currently existed for the Commission to use in such a review.

- The bee colony issue was currently on the Code fix list, following the Commission's decision that it was not a housekeeping amendment when presented with the parking Code project.
- Staff received some example codes from other cities in Oregon about some of the more current standards being used for evaluating bee colonies.
- It was not known if Portland regulated bee colonies. Because of the colony collapse issue, there was a lot of encouragement toward small colonies.

Ms. Mangle noted that putting everything in an organized table in one location would daylight all the different applications and allow for further refining of the Code.

- For example, it was ridiculous to think the City would have an application for a multifamily recycling area, but it was included because no standards exist for multifamily development. Staff was developing those standards with the Residential Development Standards project, which could then just be incorporated into that chapter.
- She asked what the Commission did and did not like about the Commissioner binder and how it was used by the Commissioners. The binder had 2 parts, the Zoning Code, and the other resources which included the bylaws, scripts, etc. The entire Municipal Code was published quarterly for the staff and Commissioners, and the City paid for each copy. She was interested in doing an online version which would have more resources, such as training resources and links, and would be easier for staff to keep updated. It would also be a lot less work for the administrative staff and save paper; however, she did not want to go paperless if the paper version was a good resource. There would be WiFi at City Hall within the next year.

Chair Batey said she had not found herself using it lately due to fewer applications, but she traditionally used it to look up Code. She preferred the paper version for the actual Zoning Code, but was fine with the procedural and other items being electronic.

Vice Chair Harris stated he dug through the Zoning Code and procedural material every time there was an application, but he would be fine with an online version.

Commissioner Churchill said he would love to be able to go paperless and trade files electronically as much as possible; however, the platform on which the online Code was built was not very searchable-friendly. He would be fine with the Code and procedures being all electronic, but a more searchable format was needed. It was easier to stay current if the Code was electronic, and it would also save the City money.

- **Ms. Mangle** stated staff was trying to find the right balance in not reducing service while using the website more. Ms. Hamley had done a tips and tricks sheet on how to get good results searching on the QCP website, which could be posted online.

Commissioner Stoll agreed the more electronic, the better. He suggested that all Commission messages have "PC" at the start of the subject line to allow for easier organization in their email programs.

- **Ms. Mangle** agreed that was a good idea, but because the links from the website were automated, she would check to see if the subject line could be changed. The messages went to everyone, not just the Commissioners, so perhaps 2 lists could be created.

Ms. Mangle stated staff maintained good paper and electronic versions of the Code versions over the years, so Commissioners could research past codes if desired. Code alerts were sent online of newly adopted Code changes. Perhaps having a Commissioner page would be helpful where a link could be provided for quick access to current Code versions created between the quarterly paper Code publishing.

- She would send a quick email survey, especially to ascertain how many copies of the Zoning Code needed to be ordered from the publisher in the next interim update.

8.0 Planning Commission Discussion Items

Chair Batey stated she had a conversation with ODOT about the electronic billboard on McLoughlin Blvd. The person had been cited and the owners had requested a hearing. She had requested that she be notified when the hearing was scheduled. It had not been assigned to an administrative law judge yet and was still with the Oregon Department of Justice lawyer who was negotiating with the sign owner. The hearing would probably be weeks, if not months, away. Another sign in Oak Grove over one of the car lots that had been there for a few years was also cited. On that sign, they had quit making it move, and they seemed to have faded the lighting level. Brightness was a key criteria in the ODOT regulations.

- 371
- 372 **9.0 Forecast for Future Meetings:**
- 373 June 1, 2011 1. PC/DLC Joint Session: Kellogg Lake Light Rail Bridge
- 374 June 14, 2011 1. Public Hearing: ZA-11-01/CPA-11-01 Natural Resource Regulation
- 375 Amendments *continued from 4/26/11*
- 376 June 28, 2011 1. Joint study session with City Council on Residential Development
- 377 Standards project and other land use items – *tentative*
- 378 **Ms. Mangle** reviewed the Forecast for Future Meetings with these additional comments:
- 379 • At the Planning Commission and Design & Landmarks Committee joint session, the design
- 380 team would present the current plans for the bridge, essentially what was in the 60%
- 381 drawings, and how the comments made by the Commission were or were not incorporated.
- 382 This would be the last worksession before it came to public hearing in the
- 383 September/October or October/November time frame. DLC Chair Frank Hemer would chair
- 384 the meeting as Chair Batey would not be present.
- 385 • City Council was scheduled to have a study session on June 28, the Commission's regular
- 386 meeting night, so staff decided to have a joint meeting. Council was interested in talking
- 387 about the Residential Development Standards project, and she would be doing a general
- 388 land use training for Council similar to those done for the NDAs. The meeting would also
- 389 provide an opportunity for the Commission to discuss other issues with Council.
- 390 • After the meeting with Council, the Commission would convene to discuss the downtown
- 391 and billboard electronic signs. Staff would have a draft proposal for the Commission to
- 392 review.
- 393 • Staff had not heard about when the North Clackamas Park North Side Master Plan
- 394 application would be ready; the hearing would probably be sometime in July.
- 395 • She clarified that just being a Commissioner did not grant one entry rights into a
- 396 construction site. If the foreman wanted to grant a Commissioner access, they would provide
- 397 a hard hat. Staff could connect Commissioners with the people running the site.
- 398 • Things were going very slowly with the Harmony Road mini storage. All the building permits
- 399 were in, under review, and approved or almost approved. Staff was becoming concerned
- 400 that they would not make the extension deadline, but the project was still moving.
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- 402 **Chair Batey** noted the other building on Harmony Rd was completely built and looked lovely.
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- 404 Meeting adjourned at 8:10 p.m.

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Respectfully submitted,

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Paula Pinyerd, ABC Transcription Services, Inc. for

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Alicia Stoutenburg, Administrative Specialist II

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Lisa Batey, Chair



MILWAUKIE

Dogwood City of the West

To: Planning Commission

Through: Katie Mangle, Planning Director

From: Ryan Marquardt, Associate Planner

Date: July 19, 2011, for July 26, 2011, Public Hearing

Subject: **File:** CSU-11-05
Applicant: Lee Winn
Owner(s): BPM Senior Living
Address: 5555 SE King Rd
Legal Description (Map & Taxlot): 1S2E30DC02700
NDA: Lewelling

ACTION REQUESTED

Approve application CSU-11-05 and adopt the recommended Findings and Conditions of Approval found in Attachments 1 and 2. This action would allow for conversion of space in the existing senior housing facility to add assisted living and memory care facilities.

BACKGROUND INFORMATION

A. Site and Vicinity

The site is located at 5555 SE King Road. A majority of the site is already developed with a two-story, 27,728 sq ft, 79-unit senior independent living facility and associated parking area. The site has one access to SE King Rd on its southern border. Its northern border fronts on SE Mullan St, which is an undeveloped right-of-way. Much of the surrounding development is large lot single family dwellings. Areas to the east of the site are in unincorporated Clackamas County.

B. Zoning Designation

Residential Zone R-7 (R-7).

C. Comprehensive Plan Designation

Low Density (LD).

D. Land Use History

- **1978:** City Council approved annexation of the site through Resolution #10-1979 (File # A-1978-6). The existing structure on the site for senior and retirement housing was constructed prior to annexation, and the property owner wanted to annex into the city for water service.
- **2005:** Planning Commission approval of a conditional use application for changes to the roof and façade of the structure. This review and approval established the facility as a Conditional Use in the R-7 zone.
- **2011:** The Planning Commission provided direction about whether the applicant's proposal for a continuum care facility should be evaluated as a Conditional Use and Community Service Use, or a Community Service Use only. The Planning Commission decided that the proper review would be as a Community Service Use only. The Planning Commission emphasized that their input on the review of this application does not set a precedent for reviewing all similar continuum care facilities as a Community Service Use.

E. Proposal

The applicant is seeking land use approvals required to convert the existing Royalton Place facility into a continuing care facility. The plans for the facility are included in Attachment 3, Applicant's materials.

Currently, the Royalton Place has 80 units for senior and retirement housing. Following the proposed work, the Royalton Place site would contain:

1. Senior independent living apartments – 27 units. These units would be occupied by persons who are capable of living with minimal assistance.
2. Assisted living – 27 beds. This facility would be occupied by persons that require personal or medical care on an on-going basis.
3. Memory care unit – 28 beds. This would be occupied by persons requiring specialized care, such as those with Alzheimer's disease.

An area to the east of the building on the southern portion of the property would be converted to an enclosed outdoor patio area. This conversion would remove some existing parking spaces, reducing the number of spaces from 59 spaces to 48 spaces. The reduction in parking spaces does not cause the site to go out of conformance with minimum off-street parking requirements.

The project requires approval of a Community Service Use application. This type of facility is not listed specifically within the Community Service Use regulations, and would be considered a private institution similar to those listed in MMC 19.904.2.A. The entire facility would be considered as a Community Service Use, and it would no longer be considered a Conditional Use.

KEY ISSUES

Summary

Staff has identified the public benefits test of the Community Service Use application as the key issue for the Planning Commission's deliberation. Other aspects of this proposal are addressed in the Findings (see Attachment 1) and generally require less analysis and discretion by the Commission.

Analysis – Public Benefits Test for Community Service Uses

All new CSU applications must demonstrate that the public benefits of the proposed use are greater than the negative impacts, if any, on the neighborhood. The applicant has identified the following benefits for this proposal:

- Need for Continuing Care Facilities – The need for facilities like the one proposed is found in general news sources, such as that included in the applicant's materials. The need is a result of the "baby boom" population reaching an age where there is increased risk for Alzheimer's disease. The applicant has also submitted a market study that demonstrates the need for this type of facility. A letter from the Oregon Department of Human Services concurs with the study presented by the applicant.
- Appropriateness of the location – The land use would remain residential in nature. This facility has operated in this location since 1979. Staff is not aware of complaints or conflicts with surrounding properties, and concludes that the use and surrounding properties are basically compatible. The site has good access to transit, which benefits residents, employees and visitors. Being located in a residential area also allows employees and family members of residents the option of living nearby.

Staff has identified few impacts for the proposed use. The Engineering Director does not believe the proposal would result in increased trips to the site. The hours of operation and number of staff present are expected to remain similar to their current levels. The only proposed exterior change to the site is the addition of the patio. Staff has proposed basic design guidelines for the wall around the patio so that it does not detract from the appearance of the site or make the site's appearance incompatible with the surrounding residential neighborhood.

Staff believes the proposal is a benefit to the community by providing a facility that will help meet an increasing demand in the coming years. The proposal would change very little about the existing area and would present few, if any, negative impacts. For these reasons, staff believes the proposal stratifies the public benefits test.

CONCLUSIONS

Staff recommendation to the Planning Commission is as follows:

1. Approve the Community Service Use application for conversion of space in the existing senior housing facility to add assisted living and memory care facilities. The proposal would not add any floor space to the existing structure, and would change the site by adding a courtyard on the southern portion of the site and removing some of the existing off-street parking area.

2. Adopt the attached Findings and Conditions of Approval. Staff has not proposed significant conditions of approval for this application. The recommended conditions of approval are in Attachment 2.

CODE AUTHORITY AND DECISION-MAKING PROCESS

The proposal is subject to the following provisions of the Milwaukie Zoning Ordinance, which is Title 19 of the Milwaukie Municipal Code (MMC).

- Subsection 19.904.4, Community Service Use Approval Criteria
- Subsection 19.904.9, Specific Standards for Institutions—Public, Private, Religious, and Other Facilities not Covered by Other Standards
- Section 19.302, Residential zone R-7
- Chapter 19.600, Off-Street Parking and Loading

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

The Commission has 4 decision-making options as follows:

- A. Approve the application subject to the recommended Findings and Conditions of Approval.
- B. Approve the application with modified Findings and Conditions of Approval. Such modifications need to be read into the record.
- C. Continue the hearing. This option should be used if more information is needed for the Planning Commission's consideration of the application, or the Planning Commission requires more time for deliberation.
- D. Deny the application upon finding that it does not meet approval criteria.

The final decision on these applications, which includes any appeals to the City Council, must be made by October 10, 2011, 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

Notice of the proposed changes was given to the following agencies and persons: City of Milwaukie Engineering Department, City of Milwaukie Building Department, and the Lewelling and the Linwood Neighborhood District Association (NDA) Chairs and Land Use Committees, Clackamas County, and TriMet.

The Milwaukie Engineering Department commented that Chapter 19.700 does not apply to this proposal, and that a stormwater management plan would be required for the proposed development. The Milwaukie Building Department, and TriMet responded that they did not have any comments. The Linwood NDA responded that they wanted to ensure that the increased development on site does not cause stormwater runoff problems for surrounding properties, and that they have not otherwise see any reason why the proposal should not be approved. Staff

believes that the Engineering Department's review of a stormwater management plan will adequately address the concerns about stormwater. See Attachment 4 for the comments received.

No other responses were received from the application referral.

ATTACHMENTS

Attachments are provided only to the Planning Commission unless noted as being attached. All material is available for viewing upon request.

1. Recommended Findings in Support of Approval (attached)
2. Recommended Conditions of Approval (attached)
3. Applicant's Narrative and Supporting Documentation dated May 26, 2011 – (narrative and reduced size site plans attached)
4. Comments Received (attached)
5. Exhibits List

Recommended Findings in Support of Approval

Sections of the Milwaukie Municipal Code that are not addressed in these findings are found to not be applicable decision criteria for the development proposal.

1. BPM Senior Living (applicant) has submitted a Community Service Use application (File #CSU-11-05). The applicant is seeking approval to convert part of a senior independent living facility to an assisted living and memory care facility. The application materials were initially submitted May 26, 2011. City staff deemed the application complete on June 13, 2011.
2. The project site is 5555 SE Kind Road, Tax Lot 1S 2E 30DC 02700. A large majority of the site is already developed with a two-story, 27,728 sq ft, 79-unit senior independent living facility and associated parking area. The site has one access to SE King Rd on its southern border. Its northern border fronts on SE Mullan St, which is an undeveloped right-of-way. Much of the surrounding development is large lot single family dwellings. Areas to the east of the site are in unincorporated Clackamas County.
3. The base zone of the site is Residential zone R-7 (R-7), and the Comprehensive Plan land use designation is Low Density Residential. There are no overlay zones or designations on the site.
4. The proposed project would convert space on the ground floor of the southern portion of the existing building to create a 28-bed memory care facility. A new courtyard area would be built to the east of the converted memory care area in an existing landscaped area and parking area. A 7-ft tall wall would surround the patio area to ensure memory care patient safety. The remaining space in the building would contain a 27-bed assisted living area and a 27-unit independent living facility. The amount of parking on site would decrease from 59 spaces to 48 spaces.
5. The history of land use applications on the site is as follows.
 - A. A-1978-6: City Council approved annexation of the site through Resolution #10-1979. The existing structure on the site for senior and retirement housing was constructed prior to annexation, and the property owner wanted to annex into the city for water service.
 - B. CU-2005-01: Planning Commission approval of a conditional use application for changes to the roof and façade of the structure. This review and approval established the facility as a Conditional Use in the R-7 zone.
 - C. 2011 CSU Determination: The Planning Commission provided direction about whether the applicant's proposal for a continuum care facility should be evaluated as a Conditional Use and Community Service Use, or a Community Service Use only. The Planning Commission decided that the proper review would be as a Community Service Use only. The Planning Commission emphasized that their input on the review of this application does not set a precedent for reviewing all similar continuum care facilities as a Community Service Use

There are no outstanding issues or conditions of approval from these land use decisions that affect the current proposal.

6. The proposed conversion of senior and retirement housing to memory care and assisted living housing requires approval of a Community Service Use (CSU) application. The proposed uses are described as Community Service Uses per Milwaukie Municipal Code (MMC) 19.904.2.A: other uses similar to those listed in MMC 19.904.2.A, as determined by the Planning Commission.
7. MMC 19.904.3 requires a Type III review process for approval of a new CSU. Public notice has been provided per the requirements listed in MMC 19.1006.3. The Planning Commission held a public hearing to consider the application on July 26, 2011. Notice of the hearing was provided 20 days before the hearing to property owners and the Neighborhood District Associations that received the application referral, and was posted at the site for 14 days prior to the hearing.
8. MMC 19.904.4 contains approval criteria for a CSU. The Planning Commission finds that the proposed CSU meets these criteria

A. *MMC 19.904.4.A.1: The building setback, height limitation, and off-street parking and similar requirements governing the size and location of development in the underlying zone are met. Where a specific standard is not proposed in the CSU, the standards of the underlying zone are met.*

The site is in the R-7 zone, and subject to the development standards of MMC 19.302.3.

- i) MMC 19.302.3.A – D, F, G, and I are not applicable because the proposal would not alter the property boundaries or the height, location or extent of the structures on site.
- ii) MMC 19.302.3.E requires off-street parking and loading, per the requirements in MMC Chapter 19.600. Compliance with these standards is addressed in Finding 9.
- iii) MMC 19.302.3.H requires that at least 30% of the lot area have vegetation. The lot area of the site is 91,984 sq ft, and the vegetated area on site after the addition of the patio would be 39,323 sq ft, or 42% of the site.
- iv) MMC 19.302.3.J requires minimum and maximum residential density standards for certain types of applications reviewed through a Type III land use review process. The Planning Commission finds that this standard is applicable to proposals involving residential dwelling units. The proposed CSU is an institutional use, and not a typical residential use. The Planning Commission finds that minimum and maximum density standards are not applicable to the proposed CSU.
- v) MMC 19.302.3.K requires public infrastructure improvements per the requirements of MMC Chapter 19.700. The proposed CSU would take the total floor area on site from a maximum occupancy of 98 persons to 93 persons following the remodeling. The Planning Commission finds that the proposal does not trigger the applicability section for MMC Chapter 19.700 as outlined in MMC 19.702.

B. *MMC 19.904.4.A.2: Specific standards for the proposed uses as found in Subsections 19.904.7-11 are met*

The Planning Commission finds that the proposed continuum care facility does not fall under any of the use specific standards in MMC 19.904.7, 8, 10 or 11, and that the applicable CSU specific standards are those of MMC 19.904.9, Specific Standards for Institutions—Public, Private, Religious, and Other Facilities not Covered by Other Standards. These standards are met as described below.

- i) *MMC 19.904.9.A: Utilities, streets, or other improvements necessary for the public facility or institutional use shall be provided by the agency constructing the use.*

The Planning Commission finds that the proposed changes to the site do not necessitate new or upgraded public facilities.

- ii) *MMC 19.904.9.B: When located in or adjacent to a residential zone, access should be located on a collector street if practicable. If access is to a local residential street, consideration of a request shall include an analysis of the projected average daily trips to be generated by the proposed use and their distribution pattern, and the impact of the traffic on the capacity of the street system which would serve the use. Uses which are estimated to generate fewer than 20 trips per day are exempted from this subsection.*

The site's only access is on King Rd, which is an arterial street. The site does not have access on a residential street, and the proposal would not increase the number of trips to the site. The Planning Commission finds that this standard is met.

- iii) *MMC 19.904.9.C: When located in a residential zone, lot area shall be sufficient to allow required setbacks that are equal to a minimum of $\frac{2}{3}$ the height of the principal structure. As the size of the structure increases, the depth of the setback must also increase to provide adequate buffering.*

The existing building is 25 ft tall. A setback of $\frac{2}{3}$ of this height is 16.66 ft. The smallest setback is 21 ft 7 in on the western side of the building. All other setbacks on the property exceed this requirement. The Planning Commission finds that this standard is met.

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

The existing building is 25 ft tall. The Planning Commission finds that this standard is met.

- v) *MMC 19.904.9.E: Noise-generating equipment shall be sound-buffered when adjacent to residential areas.*

The applicant indicates that an emergency generator is required for the facility. Aside from operation during power outages, it is required to be tested once a month for 30 minutes. The applicant has not yet determined where the generator will be located on site. As conditioned, the applicant shall record the noise level from the operating generator after its installation and submit this data to the Planning Director. The Planning Director shall evaluate the data against MMC Chapter 8.08, Noise Control, and require noise buffering to appropriately buffer noise from the generator, consistent with MMC 19.8.08. The Planning Commission finds that this standard is met.

- vi) *MMC 19.904.9.F: Lighting shall be designed to avoid glare on adjacent residential uses and public streets.*

The applicant has not identified proposed or existing lighting that would be in conflict with this standard. As conditioned, the applicant shall show existing and proposed lighting, and include photometric studies as appropriate, to demonstrate that lighting on the site will not cause glare or excessive light trespass onto the street or other properties. The Planning Commission finds that this standard is met.

- vii) *MMC 19.904.9.G: Where possible, hours and levels of operation shall be adjusted to make the use compatible with adjacent uses.*

The facility is residential in nature and is in continuous operation, with 5-15 employees on-site. The operation of the facility would not change from the existing hours and level of operation. The City has not received comment from adjacent residents or any Neighborhood District Association that the existing use is incompatible. The Planning Commission finds that the continuing care facility, as proposed, meets this standard.

- viii) *MMC 19.904.9.H-J apply to religious institutions and park and ride facilities, and the standards in these sections are not applicable to the proposed continuing care facility.*

- C. *MMC 19.904.4.A.3: The hours and levels of operation of the proposed use are reasonably compatible with surrounding uses.*

As described in Finding 8.B.vii, the Planning Commission finds that the continuing care facility, as proposed, is consistent with the surrounding uses in terms of hours and levels of operation.

- D. *MMC 19.904.4.A.4: The public benefits of the proposed use are greater than the negative impacts, if any, on the neighborhood.*

The applicant has submitted a market study and other information which documents the need for more specialized care for the aging population. The proposed facility would meet this demand by adding increased levels of care to an existing senior and retirement facility. The care and operation of the facility would be overseen by the Oregon Department of Human Services. An additional benefit of the proposal is that it is a conversion of an existing building, and would not significantly change the character of the area. Locating this type of facility within the city allows for more convenient access by employees and visitors.

There are not any significant impacts identified with the proposed development. The proposed wall surrounding the patio would be visible from the street and other properties. If not well designed, the wall could present a monotonous and blank face at the front of the property. As conditioned, the wall surrounding the patio must include variations in material, pattern, and/or color to break up the expanse of the wall. The wall shall incorporate colors, styles, and materials from the existing building to the extent possible. The Planning Commission finds that the proposed benefits of the proposal outweigh the negative impacts.

E. MMC 19.904.4.A.5: The location is appropriate for the type of use proposed.

The facility would be located on King Road. The location allows convenient access for residents to the King Road shopping center. The site is also located on a transit route, which allows convenient transportation for employees, visitors, and residents. The facility is residential in nature and is located in a predominantly residential area. The Planning Commission finds that the location is appropriate for the proposed continuing care facility.

9. MMC Chapter 19.600 regulates off-street parking and loading. The Planning Commission finds that the standards of this chapter are met, as described below.

A. MMC 19.602.3 defines the applicability of the off-street parking and loading standards for development and change in use activity. The Planning Commission finds that the proposal is a change in use, and that the existing off-street parking and loading areas shall be brought closer into conformance with the standards of Chapter 19.600, per Subsection 19.602.5.

B. MMC 19.602.5 regulates the improvements made to existing off-street parking and loading areas when a change of use or development occurs. As conditioned, the applicant shall bring the existing parking area closer to conformance. The cost of bringing the parking area closer to conformance will be limited per MMC 19.602.5.B. The areas to be brought closer to conformance will be identified by the Planning Director during the review of the final development plans for this proposal as part of a Type I Development Review application.

C. MMC 19.605 determines the vehicle parking quantity requirements. The applicable uses listed in Table 19.605.1 are A.2, Multifamily dwellings containing 3 or more dwelling units (includes senior and retirement housing), with a minimum requirement of 1.25 spaces per dwelling unit and a maximum of 2 spaces per dwelling unit and B.7, Nursing, convalescent, and extended-care facilities with a minimum requirement of 1 space per 4 beds and a maximum of 1 space per 3 beds.

The proposed development would have 27 independent living dwelling units, and 55 beds in the assisted living and memory care facility. The total minimum parking requirement is 48 spaces, and the total maximum parking allowed is 73 spaces. The applicant proposed to have a total of 48 spaces on site after the addition of the outdoor courtyard. As proposed, the Planning Commission finds that the required quantity of off-street parking spaces is met. As conditioned, further land use review is required if changes in the amount of floor area devoted to the senior independent living, assisted living, or memory care facility causes the site to go out of conformance with the minimum amount of required parking.

10. MMC Section 19.702.1 defines the applicability of Chapter 19.700, Public Facility Improvements, for non-single family residential development. The Planning Commission

finds that the proposed development does not increase the number of trips to the site, and is not otherwise described by the applicability criteria in MMC 19.702.1, and that MMC Chapter 19.700 is not applicable to this proposal. As conditioned, further land use review would be required if future changes to the site would result in an increase in the number of trips.

11. MMC 19.906.2.A requires a Type I Development Review application for changes in primary use. As conditioned, the final development plans for the proposed facility will be reviewed as a Type I Development Review application to evaluate compliance with this land use approval and other applicable development standards.
12. Per MMC 19.1001.7.E.1, land use approvals expire if the approved development is not constructed and completed within specified periods of time. As conditioned, this land use approval will expire within four years of this land use approval unless the conditions in MMC 19.1001.7.E.1 are met or an extension is granted per MMC 19.908.
13. MMC 19.905.8.B.1 governs loss of conditional use status for existing conditional uses and de facto conditional uses. Through approval of a Community Service Use application for this facility, the site will automatically lose its status as a Conditional Use.
14. The proposed development requires a storm water management plan to be reviewed and approved by the City of Milwaukie Engineering Department. The plan shall be prepared in accordance with Section 2 – Stormwater Design Standards of the City of Milwaukie Public Works Standards.
15. The proposal was referred to the following agencies: City of Milwaukie Engineering Department, City of Milwaukie Building Department, and the Lewelling and the Linwood Neighborhood District Association (NDA) Chairs and Land Use Committees, Clackamas County, and TriMet. Comments from the Milwaukie Engineering Department are incorporated into these findings. The Building Department and TriMet responded that they had no comment. The Linwood NDA responded that they wanted to ensure that the increased development on site does not cause stormwater runoff problems for surrounding properties, and that they have not otherwise see any reason why the proposal should not be approved. No other responses from the application referral were received.

Recommended Conditions of Approval

1. The applicant shall submit a Type I Development Review application with final construction plans for the proposed development for review and approval by the Planning Department. These plans shall be in substantial conformance with the plans presented in Land Use File #CSU-11-05. The following items shall be addressed during review of this application.
 - A. The applicant shall show existing and proposed lighting, and include photometric studies as appropriate, to demonstrate that lighting on the site will not cause glare or excessive light trespass onto the street or other properties.
 - B. The applicant shall bring the existing parking area closer to conformance. The cost of bringing the parking area closer to conformance will be limited per MMC 19.602.5.B. The areas to be brought closer to conformance will be identified by the Planning Director using MMC 19.602.5.C.
 - C. The wall surrounding the patio must include variations in material, pattern, and/or color to break up the expanse of the wall. The wall shall incorporate colors, styles, and materials from the existing building to the extent possible.
2. Prior to the issuance of a building permit, the applicant shall submit a storm water management plan to the City of Milwaukie Engineering Department for review and approval. The plan shall be prepared in accordance with Section 2 – Stormwater Design Standards of the City of Milwaukie Public Works Standards. In the event the storm management system contains underground injection control devices, submit proof of acceptance of the storm system design from the Department of Environmental Quality.
3. The applicant shall record the noise level from the operating generator after its installation and submit this data to the Planning Director. The Planning Director shall evaluate the data against MMC Chapter 8.08, Noise Control, and require noise buffering to appropriately buffer noise from the generator, consistent with MMC 19.8.08.
4. The land use approval granted by Land Use File #CSU-11-05 will expire unless the conditions in MMC 19.1001.7.E.1 are met or an extension is granted per MMC 19.908.
5. Future changes made to shift the amount of floor area devoted to the senior independent living, assisted living, and memory care portions of the facility are allowed outright if the total occupant load does not increase and the property maintains conformance with the minimum parking requirements. Land use approval is required for changes that increase the occupancy or would bring the property out of conformance with the parking quantity requirements.

APPLICATION FOR LAND USE ACTION COMMUNITY SERVICE USE

Royalton Place Senior Living Facility

Submitted to:

City of Milwaukie Planning Department

Submitted on Behalf of:

BDC / Milwaukie, LLC

1331 NW Lovejoy Suite # 775

Portland, OR 97209-2785

Prepared by:

WINN ARCHITECTURE LLC

29179 SW Charlotte Lane

Wilsonville, OR 97070

Proposal Summary Information

File No:

TBD

Applicant:

Michael T. Baugh
Director of Construction and Facilities
BPM Senior Living
1331 NW Lovejoy Suite #775
Portland, OR 97209-2785
Phone: (503) 724 6151
Fax: (503) 764 2479
Email: mtbaugh@bpmsl.com

**Applicant's
Representative:**

Lee Winn
WINN ARCHITECTURE LLC
29179 SW Charlotte Lane
Wilsonville, OR 97070
Phone: (503) 803 6996
Email: lee.r.winn@gmail.com

Request:

Community Service Use Approval

Location:

5555 SE King Road
Portland, OR 97222

Legal Description:

Property ID C231165
Tax Lot 2700
State ID 12E30DC02700
Size: 2.20 Acres 95,925 sq.ft.

Plan Designation:

Comprehensive Plan Designation: LD
Zoning Designation: R7

PROJECT DESCRIPTION

The Royalton Place Senior Living Facility and BDC / Milwaukie, LLC is seeking approval for a Community Service Use to allow the addition of Assisted Living and Memory Care services to the existing Senior Independent Living facility. The existing 79 unit, 27,728 square foot, 2 story facility is sited on 2.2 acres and is currently allowed as a non-conforming (parking) Conditional Use in an R-7 Zone.

The proposed services expansion would create a 28 bed Memory Care facility on the ground floor of the south wing with a connected courtyard on the east side of the building. The second floor above the new Memory Care would be a 27 bed Assisted Living unit. The remainder of the facility would remain a 27 unit Independent Living facility. (See attached plans)

We are requesting a Planning Commission approval based on the direction provided by the 5/10/11 Planning Commission Work Session determination of a Community Service Use (CSU) 19.904 for the entire facility and subject to 19.904.9 CSU Private Institution standards.

Conformance with the Comprehensive Plan Designation

Response: This Property is in conformance with the City of Milwaukie Comprehensive Plan Designation.

19.302 RESIDENCE ZONE R-7**19.302.2 Conditional Uses Permitted****19.302.2.C Senior and Retirement Housing**

Response: The existing use is a legal nonconforming allowed under Conditional Use

19.302.3 Standards

In an R-7 Zone the following standards shall apply:

A. Lot size. Lot area shall be at least 7,000 square feet. For a single-family attached dwelling the lot area shall be an average of at least 7,000 square feet per unit. Lot width shall be at least 60 feet. The minimum lot width shall be 30 feet for interior single-family attached units. Lot depth shall be at least 80 feet.

Response: The existing lot is 95,925 square foot and exceeds the required minimum width and depth.

B. Front Yard. A front yard shall be at least 20 feet.

Response: Special Development Regulations supersede Table 19.501.2 King Road frontage requires 40' from center line of road plus 16'-6" or a total setback of 56'-6" (based on front yard requirements from MMC 19.904.C). The existing measurement from the centerline of King Road to the property line is 36'-6". The existing setback from the property line to the face of building is 24'. Thus the setback from the centerline of King Road is 60'-6". This standard is met.

C. Side Yard. A side yard shall be at least 5 feet and one side yard shall be at least 10 feet, except on corner lots a side yard shall be at least 20 feet on the side abutting the street. For interior single-family attached units, side yards are not required.

Response: CSU Standard Supersedes: see 19.904.9.C

C. Rear Yard. A rear yard shall be at least 20 feet.

Response: CSU Standard Supersedes: see 19.904.9.C.

F. Off-street parking and loading. (per 19.600, table 19.605.1.A.2.b & 19.605.1.B.7)

Dwelling units with more than 800 sq ft of floor area. Minimum 1.25 spaces per dwelling unit.

Response:

MINIMUM SPACES REQUIRED

Response: Senior Independent Apartments:.....27 dwellings @ 1.25 per unit = 34 spaces

Assisted Living Units.....27 beds @ 1 space per 4 beds = 7 spaces

Memory Care Units.....28 beds @ 1 space per 4 beds = 7 spaces

TOTAL MINIMUM SPACES 48 spaces

MAXIMUM SPACES ALLOWED

Senior Independent Apartments.....27 dwelling @ 2 spaces per unit = 54 spaces

Assisted Living Units.....27 beds @ 1 space per 3 beds = 9 spaces

Memory Care Units.....28 beds @ 1 space per 3 beds = 10 spaces

TOTAL MAXIMUM SPACES 73 spaces

TOTAL SPACES after Memory Care Courtyard addition = 48 spaces

19.606 PARKING AREA DESIGN AND LANDSCAPING

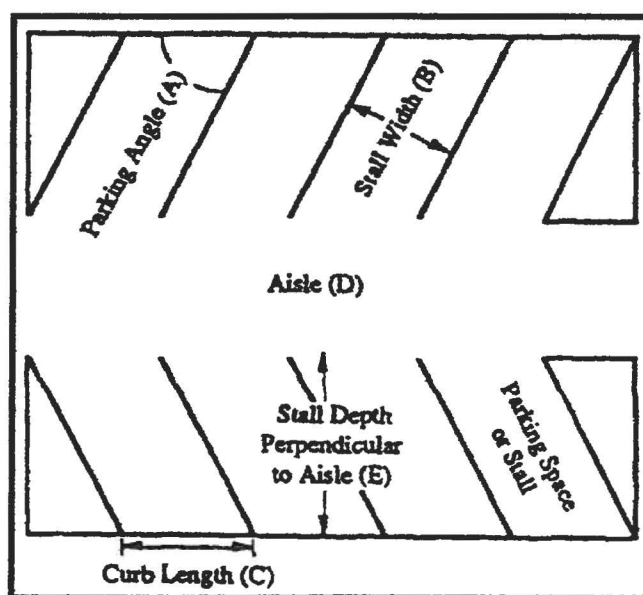
The purpose of Section 19.606 is to ensure that off-street parking areas are safe, environmentally sound, aesthetically pleasing, and that they have efficient circulation. These standards apply to all types of development except for single-family attached dwellings, single-family detached dwellings, and residential homes.

19.606.1 Parking Space and Aisle Dimensions

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

| Table 19.606.1 Minimum Parking Space And Aisle Dimensions | | | | | |
|--|-----------|-----------------|-----------------------|-----------------------|-----------|
| Angle (A) | Width (B) | Curb Length (C) | 1-Way Aisle Width (D) | 2-Way Aisle Width (D) | Depth (E) |
| 0° (Parallel) | 8.5' | 22' | 12' | 19' | 8.5' |
| 30° | 9' | 17' | 12' | 19' | 16.5' |
| 45° | 9' | 12' | 13' | 19' | 18.5' |
| 60° | 9' | 10' | 17' | 19' | 19' |
| 90° | 9' | 9' | 22' | 22' | 18' |

**Figure 19.606.1
Parking Dimension Factors**



- B. The dimension of vehicle parking spaces provided for disabled persons shall be according to federal and State requirements.
- C. Parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles may enter the street in a forward manner.
- D. Drive aisles shall be required in parking areas greater than 5 spaces. Drive aisles shall meet the minimum width standards of Subsection 19.606.1. Where a drive aisle or portion thereof does not abut a parking space(s), the minimum allowed width for a one-way drive aisle shall be 8 ft and the minimum allowed width for a two-way drive aisle shall be 16 ft.

Response: The existing non-conforming parking has a row of ten 60 degree spaces that are non conforming in length. Also, the two-way isle is 21'-3" wide instead of 22'. The other 90 degree spaces are conforming. (See attached Existing and Proposed Site Plans A0.1 and A0.1a)

19.606.2 Landscaping

A. Purpose

The purpose of the off-street parking lot landscaping standards is to provide vertical and horizontal buffering between parking areas and adjacent properties, break up large expanses of paved area, help delineate parking spaces and drive aisles, and provide environmental benefits such as stormwater management, carbon dioxide absorption, and a reduction of the urban heat island effect.

B. General Provisions

1. Parking area landscaping shall be required for the surface parking areas of all uses, except for single-family detached and single-family attached residences. Landscaping shall be based on the following standards in Subsections 19.606.2.C-H.
2. Landscaped areas required by Subsection 19.606.2 shall count toward the minimum amount of landscaped area required in other portions of Title 19.
3. Parking areas with 10 or fewer spaces in the Downtown Storefront Zone, and the portion of the Downtown Office Zone located to the north of Washington Street and east of McLoughlin Boulevard, are exempt from the requirements of Subsection 19.606.2.

C. Perimeter Landscaping

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

1. Dimensions

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

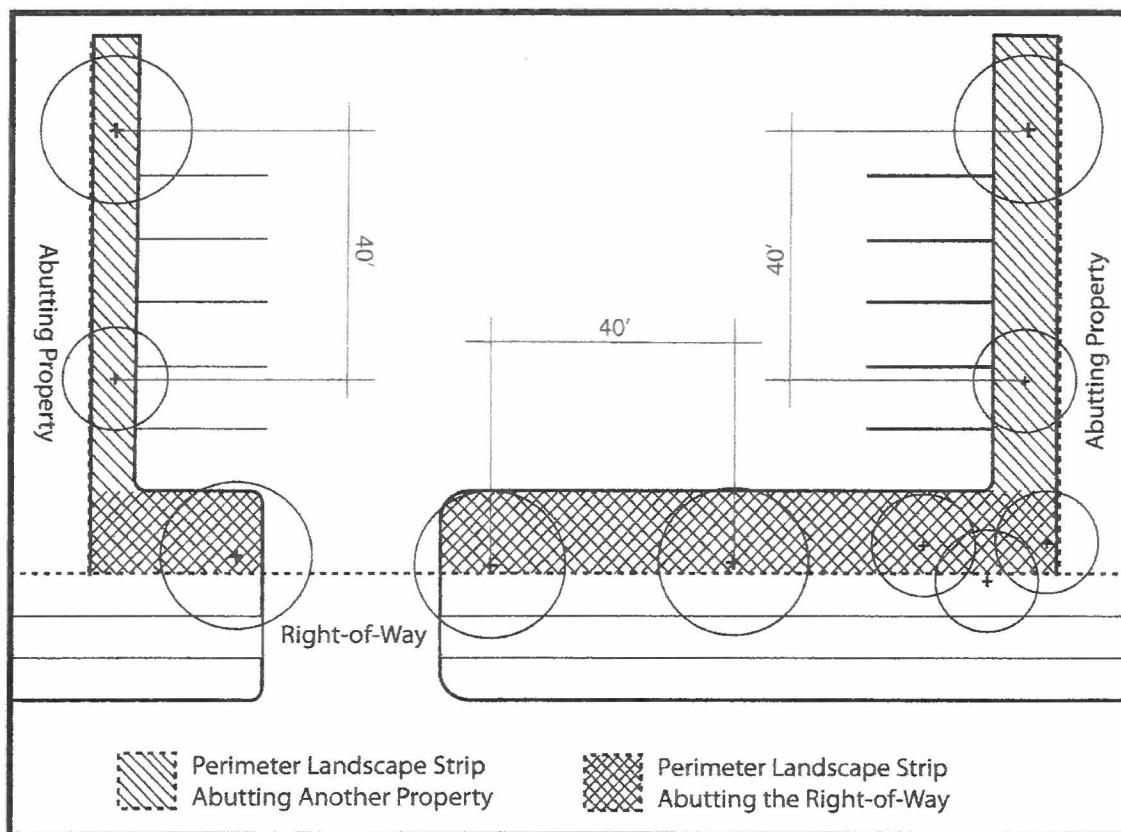
Table 19.606.2.C.1

| Minimum Perimeter Landscape Strip Dimensions | | |
|--|----------------|-----------------|
| Location | Downtown Zones | All Other Zones |
| Lot line abutting a right-of-way | 4' | 8' |
| Lot line abutting another property, except for abutting properties that share a parking area | 0' | 6' |

2. Planting Requirements

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

Figure 19.606.2.C
Perimeter Landscaping Areas

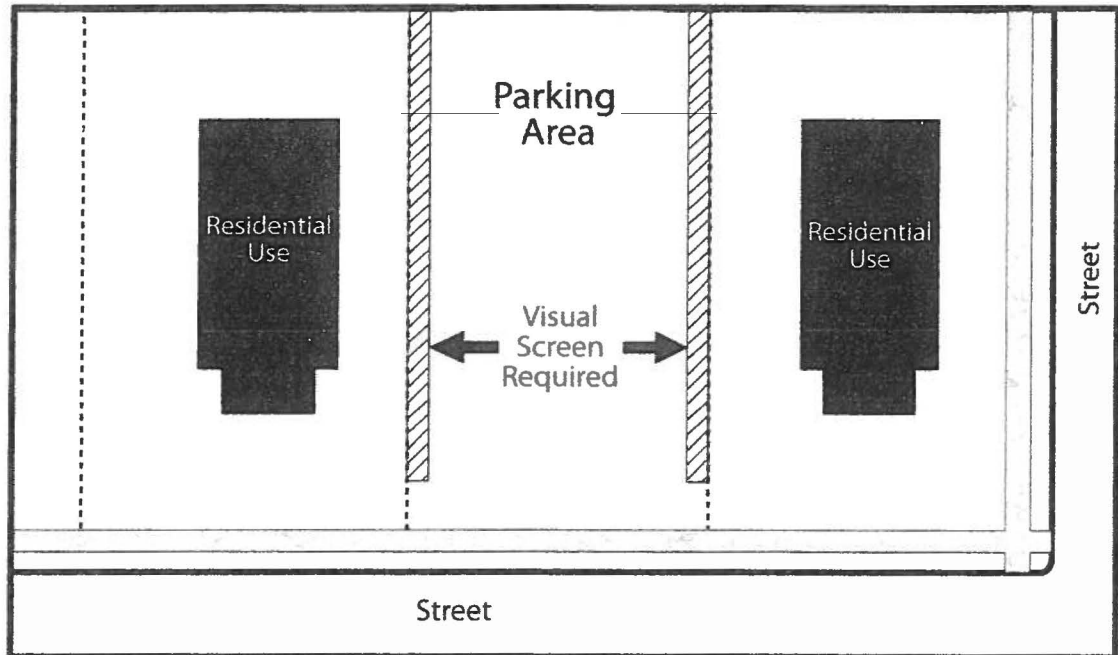


3. Additional Planting Requirements Adjacent to Residential Uses

In addition to the planting requirements of Subsection 19.606.2.D.2, all parking areas adjacent to a residential use shall have a continuous visual screen in the landscape perimeter area that abuts the residential use. The area of required screening is illustrated in Figure 19.606.2.C.3. The screen must be opaque throughout the year from 1 to 4 ft above ground to adequately screen vehicle lights. These standards must

be met at the time of planting. Examples of acceptable visual screens are a fence or wall, an earth berm with plantings, and other plantings of trees and shrubs.

Figure 19.606.2.C.3
Additional Planting Requirements Adjacent to Residential Uses



D. Interior landscaping

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

1. General Requirements

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

2. Required Amount of Interior Landscaped Area

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

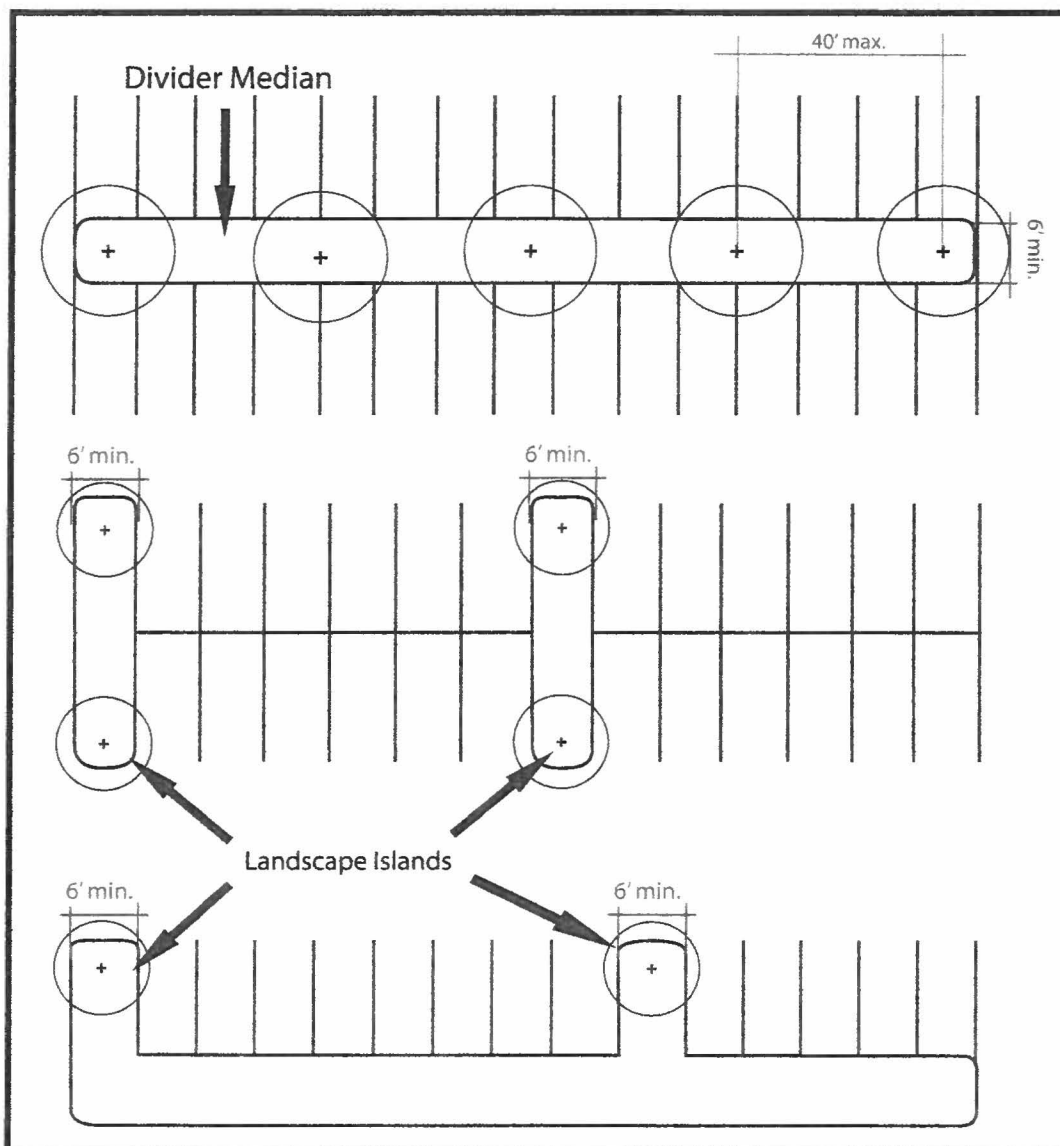
3. Location and Dimensions of Interior Landscaped Areas

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

4. Planting Requirements for Interior Landscaped Areas

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

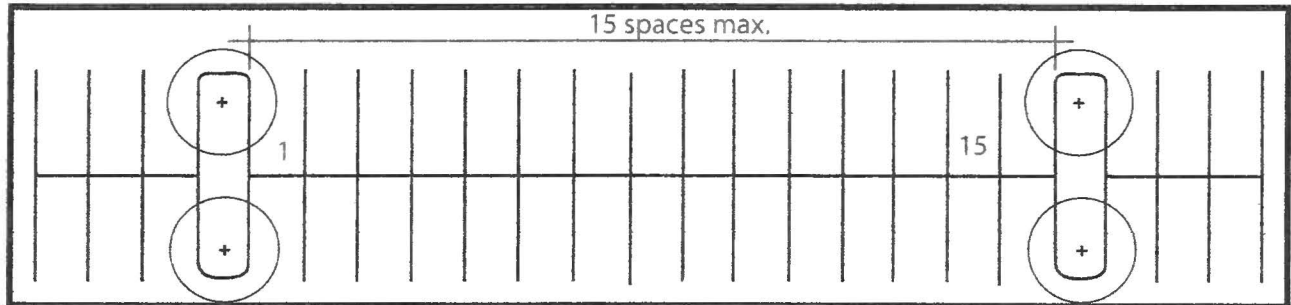
Figure 19.606.2.D
Location and Dimensions of Interior Landscaped Areas



5. Additional Landscaping for Large Parking Areas

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

Figure 19.606.2.D.5
Additional Landscaping for Large Parking Areas



E Other Parking Area Landscaping Provisions

1. Preservation of existing trees is encouraged in the off-street parking area and may be credited toward the total number of trees required, based on staff's review.
2. Installation of parking area landscaping shall be required before a certificate of occupancy is issued, unless a performance bond is posted with the City. Then landscaping shall be installed within 6 months thereafter or else the bond will be foreclosed and plant materials installed by the City.
3. Parking area landscaping shall be maintained in good and healthy condition.
4. Required parking landscaping areas may serve as stormwater management facilities for the site. The Engineering Director has the authority to review and approve the design of such areas for conformance with the Public Works Standards. This allowance does not exempt the off-street parking landscape area from meeting the design or planting standards of Subsection 19.606.2.
5. Pedestrian walkways are allowed within perimeter and interior landscape buffer if the landscape buffer is at least 2 ft wider than required in Subsections 19.606.2.C.1 and 19.606.2.D.3.b.

Response: The interior landscape buffer on the east property line and north property line at mid property are 2'-6" and 3'-9" respectively and do not meet the required 6' buffer. In addition the required 40' on center shade tree planting at the right of way and interior buffers is not met. (See attached existing Landscape Plan)

19.606.3 Additional Design Standards

A. Paving and Striping

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

B. Wheel Stops

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

C. Site Access and Drive Aisles

1. Accessways to parking areas shall be the minimum number necessary to provide access while not inhibiting the safe circulation and carrying capacity of the street. Driveway approaches shall comply with the access spacing standards of Chapter 12.16.
2. Drive aisles shall meet the dimensional requirements in Subsection 19.606.1.
3. Parking drive aisles shall align with the approved driveway access and shall not be wider than the approved driveway access within 10 ft of the right-of-way boundary.
4. Along collector and arterial streets, no parking space shall be located such that its maneuvering area is in an ingress or egress aisle within 20 ft of the back of the sidewalk, or from the right-of-way boundary where no sidewalk exists.
5. Driveways and on-site circulation shall be designed so that vehicles enter the right-of-way in a forward motion.

D. Pedestrian Access and Circulation

Subsection 19.504.10 establishes standards that are applicable to an entire property for on-site walkways and circulation. The purpose of Subsection 19.606.3.D is to provide safe and convenient pedestrian access routes specifically through off-street parking areas. Walkways required by Subsection 19.606.3.D are considered part of the on-site walkway and circulation system required by Subsection 19.504.10.

1. Pedestrian access shall be provided for off-street parking areas so that no parking space is further than 100 ft away, measured along vehicle drive aisles, from a building entrance, or a walkway that meets the standards of Subsection 19.606.3.D.2.
2. Walkways through off-street parking areas must be continuous, must lead to a building entrance, and meet the design standards of Subsection 19.504.10.E.

E. Internal Circulation**1. General Circulation**

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

2. Connections to Adjacent Parking Areas

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

3. Drive-Through Uses and Queuing Areas

The following standards apply to uses with drive-through services and uses such as gas stations and quick vehicle service facilities where vehicles queue rather than park on the site. The Planning Director has the authority to determine when the standards apply to a proposed use.

- a. The drive-up/drive-through facility shall be along a building face that is oriented to an alley, driveway, or interior parking area, and shall not be on a building face oriented toward a street.
- b. None of the drive-up, drive-in, or drive-through facilities (e.g., driveway queuing areas, windows, teller machines, service windows, kiosks, drop-boxes, or similar facilities) are located within 20 ft of the right-of-way.
- c. Queuing areas shall be designed so that vehicles do not obstruct a driveway, fire access lane, walkway, or public right-of-way. Applicants may be required to submit additional information regarding the expected frequency and length of queues for a proposed use.

Response: The existing parking areas are in general compliance with the Additional Standards. (See attached existing and proposed Site Plans A0.1 and A0.1a)

F. Lighting

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

1. Lighting luminaires shall have a cutoff angle of 90 degrees or greater to ensure that lighting is directed toward the parking surface.
2. Parking area lighting shall not cause a light trespass of more than 0.5 footcandles measured vertically at the boundaries of the site.
3. Pedestrian walkways and bicycle parking areas in off-street parking areas shall have a minimum illumination level of 0.5 footcandles, measured horizontally at the ground level.

Response: The existing lighting conforms in general with the standards of this section. (See attached existing and proposed Site Plans A0.1 and A0.1a)

19.608 LOADING

19.608.1 General Provisions

- A. The purpose of off-street loading areas is to contain loading activity of goods on-site and avoid conflicts with travel in the public right-of-way; provide for safe and efficient traffic circulation on the site; and minimize the impacts of loading areas to surrounding properties.

- B. Off-street loading areas may be required for commercial, industrial, public, and semipublic uses for the receipt or distribution of merchandise, goods, or materials by vehicles. Off-street loading is not required in the Downtown Storefront and Downtown Office Zones.

19.608.2. Number of Loading Spaces

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

A. Residential Buildings

Buildings where all of the floor area is in residential use should meet the following standards:

1. Fewer than 50 dwelling units on a site that abuts a local street: no loading spaces required.
2. All other buildings: 1 loading space.

B. Nonresidential and Mixed Use Buildings

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

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

19.608.3 Loading Space Standards

- A. Loading spaces shall be at least 35 ft long and 10 ft wide, and shall have a height clearance of at least 13 ft.
- B. Loading areas shall be provided on the site and be separate from parking spaces.
- C. Off-street loading areas shall have a durable and dust-free hard surface. Permeable paving surfaces may be used to reduce surface water runoff and protect water quality.
- D. Lighting of loading areas shall conform to the standards of Subsection 19.606.3.F.
- E. Off-street loading areas for materials and merchandise shall be located outside of the minimum front and side yard requirements for structures.
- F. Off-street loading areas shall be located where not a hindrance to drive aisles, walkways, public or private streets, or adjacent properties.

19.608.4 Prohibitions

- A. Loading activity for a site, regardless of whether loading spaces are required, shall not obstruct travel within the right-of-way.
- B. The accumulation of goods in loading areas shall be prohibited when it renders the space useless for loading and unloading of goods and passengers.

Response: The existing loading dock is 28'-0" long and 6'-0" wide. The loading area in front of the dock is 35'-0" wide and 22'-0" long. The existing loading area conforms in general to the standards of this section. (see attached existing Site Plan A0.1)

19.609 BICYCLE PARKING

19.609.1 Applicability

Bicycle parking shall be provided for all new commercial, industrial, community service use, and multifamily residential development. Temporary and seasonal uses (e.g., fireworks and Christmas tree stands) and storage units are exempt from Section 19.609. Bicycle parking shall be provided in the downtown zones and at transit centers.

19.609.2 Quantity of Spaces

- A. The number of bicycle parking spaces shall be at least 10% of the minimum required vehicle parking for the use. In no case shall less than 2 spaces be provided. The number of bicycle parking spaces at transit centers shall be provided at the ratio of at least 1 space per 100 daily boardings.
- B. Covered or enclosed bicycle parking. A minimum of 50% of the bicycle spaces shall be covered and/or enclosed (lockers) in either of the following situations:
 - 1. When 10% or more of vehicle parking is covered.
 - 2. If more than 10 bicycle parking spaces are required.

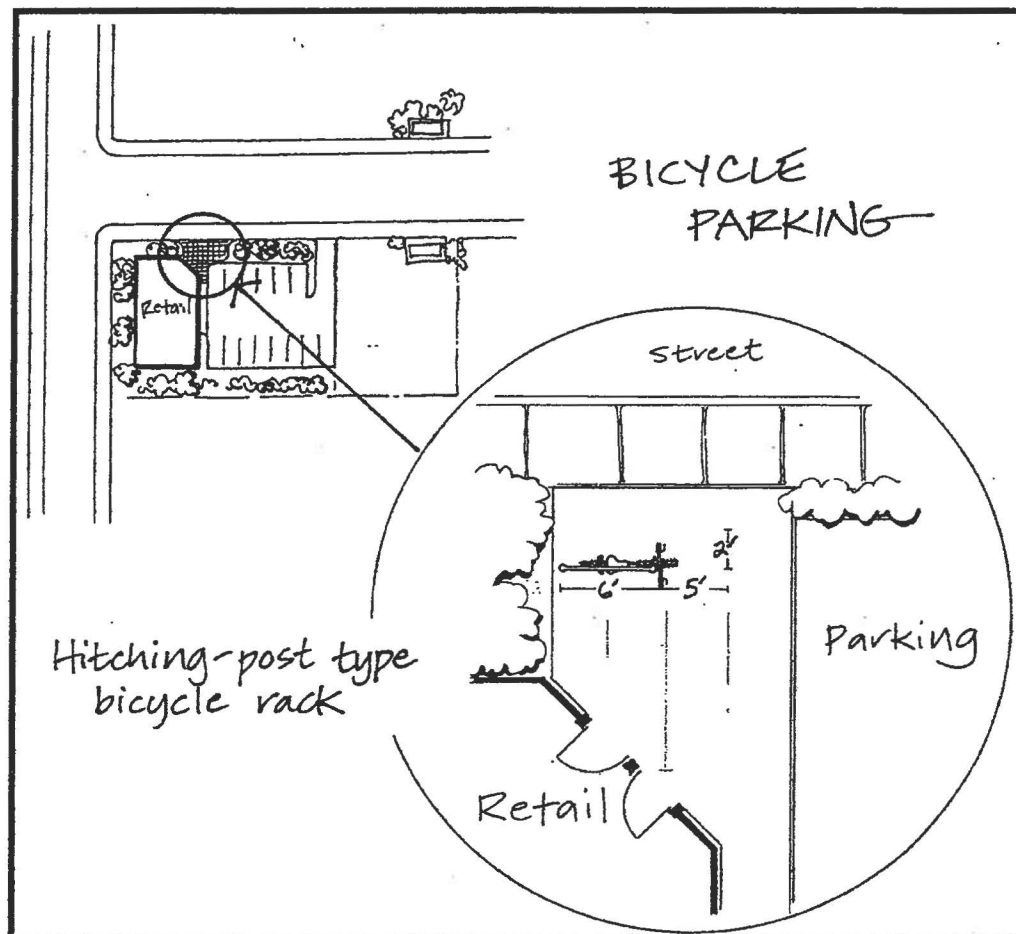
19.609.3 Space Standards and Racks

- A. The dimension of each bicycle parking space shall be a minimum of 2 x 6 ft. A 5-ft-wide access aisle must be provided. If spaces are covered, 7 ft of overhead clearance must be provided. Bicycle racks must be securely anchored and designed to allow the frame and 1 wheel to be locked to a rack using a high security, U-shaped, shackle lock.
- B. Lighting shall conform to the standards of Subsection 19.606.3.F.

19.609.4 Location

- A. Bicycle parking facilities shall meet the following requirements:
 - 1. Located within 50 ft of the main building entrance.
 - 2. Closer to the entrance than the nearest non-ADA designated vehicle parking space.
 - 3. Designed to provide direct access to a public right-of-way.
 - 4. Dispersed for multiple entrances.
 - 5. In a location that is visible to building occupants or from the main parking lot.
 - 6. Designed not to impede pedestrians along sidewalks or public rights-of-way.
 - 7. Separated from vehicle parking areas by curbing or other similar physical barriers.
- B. The public right-of-way may be utilized for bicycle parking when parking cannot be reasonably accommodated on the site and the location is convenient to the building's front entrance. The bicycle parking area in the right-of-way must leave a clear, unobstructed width of sidewalk that meets the Engineering Department's Public Works Standards for sidewalk passage. See Figure 19.609 for illustration of space and locational standards. A right-of-way permit is required.

**Figure 19.609
Bicycle Parking**



Response: There currently is no bicycle parking on the property.

G. Height Restriction. Maximum height of a structure shall be 2.5 stories or 35 feet, whichever is less.

Response: The CSU Standard Supersedes 19.904.9.D 50 ft. height limit. The existing building height is 25'.

H. Lot coverage. Maximum area that may be covered by the dwelling structure and accessory buildings shall be not exceed 30% of the total area of the lot.

Response: Existing Lot.....95,925.00 sq.ft.

Building Foot Print (including eaves and overhangs).....28,322.84 sq ft

Building Coverage 29.5% (see site plan)

I. Minimum vegetation. Minimum area that must be left or planted in trees, grass, shrubs, barkdust for planting beds, ect. Will be 30% of the total area of the lot.

Response: Building, parking, sidewalks, patios.....58,214.95 sq.ft.

Lot.....95,925.00 sq.ft.

Landscape Coverage 39.3% (see site plan)

J. Frontage requirements. Every lot shall abut a public street other than an alley for at least 35 feet, except as provided in the Land Division Ordinance.

Response: The existing Lot has 170.5 feet of frontage on SE King Road

K. Minimum and maximum density. Development densities for subdivision, planned development, mixed use development, and other proposals reviewed by the Planning Commission, pursuant to Subsection 19.1011.3 Minor Quasi-Judicial Review, shall be at least 5.0 and not more than 6.2 dwelling units per net acre.

Response: This Proposal is for a Private Institution under the Community Service Use, as such it does not meet the definition for dwelling unit. Since the density standard relies on the number of dwelling units, this standard is not applicable.

L. Transportation requirements and standards. As specified in Chapter 19.1400. (Ord. 1977 s 3,2008: Ord. 1893 (part), 2001: Ord. 1854 (part), 1999)

Response: Per the Pre Application Conference Report the Engineering Department has determined that the addition of the proposed new use does not trigger the requirements of MMC 19.1402.1.E, as it does not result in an increase in vehicle trips.

19.904 COMMUNITY SERVICE USE

19.904.2 Applicability

A.9 other similar uses as determined by Planning Commission (Continuum Care Facility)

19.904.4 Approval Criteria

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

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

Response: See above for compliance with R-7 base zone, and below for compliance with 19.904.9 Specific Standards for Institutions, Public, Private, Religious, and Other Facilities not covered by other standards.

2. Specific standards for the proposed uses as found in Subsections 19.904.7-11 are met:

Response: Meets standards applicable to continuing care facilities, i.e 19.904.9, per 5/10/11 Planning Commission work session direction

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

Response: The hours of use and operation are similar to those in Residential Zones. Employee shifts are 6am to 2pm, 2pm to 10pm, and 10pm to 6am. Staffing for the new facility will be 10-15 employees for the 6 to 2 shift; 5-10 employees for the 2 to 10 shift; and 3 to 5 employees for the 10 to 6 shift.

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

Response: The new CSU would accommodate a growing demand for specialized care and for an aging baby boomer segment of the population. (See attached State of Oregon Department of Human Services approval letter based on market analysis and Oregonian article dated 1/27/2011.) The Department of Human Services requires approval for licensing of Assisted Living and Memory Care in the State of Oregon. Approval is based on need and qualified by an independent market analysis. Attached please find, the application process materials including, 1) the synopsis letter from the independent marketing study, summarizing future need for Assisted Living and Memory Care at the location, 2) the application letter from the owner/operator BDC/Milwaukie, LLC, and 3) the letter of approval from DHS. Because the

number of units will not increase, and thus the number of occupants will be similar (if not less) we don't see any significant changes in the perceived use including traffic generated from residents, staff, or visitors.

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

Response: The new use is appropriate for the location and has been used in a similar capacity since its opening in 1979. The property is on SE King Road, a major arterial and Trimet Bus line that will service residents, employees, and visitors. A bus stop is on the corner of SE King and SE Stanley. The King Road shopping center is within walking distance. Because the use is residential in nature, it's location in a residential zone is appropriate.

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

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

Response: The Utilities, streets and other improvements for the facility are existing or in the case of the Memory Care Courtyard and emergency generator will be added upon approval.

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

Response: Facility access is located on an arterial street. Per the response from the Engineering Department the CSU doesn't trigger the requirements of the City's transportation code because it does not increase vehicle trips.

C. When located in a residential zone, lot area shall be sufficient to allow required setbacks that are equal to a minimum of two-thirds 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: The existing facility conforms to the standard. The existing building height is 25 feet x $2/3 = 16'-6"$ minimum required set back. The smallest set back is the western side yard at $21'-7"$. In addition, 19.501.2 King Road frontage requires 40' from center line of road plus

16'-6" or a total setback of 56'-6" (based on front yard requirements from MMC 19.904.C). The existing measurement from the centerline of King Road to the property line is 36'-6". The existing setback from the property line to the face of building is 24'. Thus the setback from the centerline of King Road is 60'-6". This standard is met.

D. The height limitation of a zone may be exceeded to a maximum height of 50 feet provided Subsection 19.321.12.c of this section is met.

Response: The existing building is 25 feet tall.

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

Response: DHS licensing requires the addition of an emergency generator. The generator is required to be tested one a month for 20 – 30 minutes. Testing will be during appropriate daylight hours. Table 8.08.090 requires that Noise-Sensitive properties not produce sound exceeding 55 decibels in the daytime and 50 decibels at night measured at the boundary of the receiving property. The exact location of the generator cannot be determined until the design is finale, but will most likely be at the rear of the property. Once the design is finale sound level measurements will be made to determine the appropriate sound attenuation shroud or enclosure to comply with the required decibel level at the receiving properties.

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

Response: The existing building and parking lighting will be analyzed to determine any impact on adjacent residences and public streets. As part of the parking up grades necessitated by the Change of Use stipulated in MMC 19.602.3 and MMC 19.605.A,B,&C. we will provide upgrades to the existing non-conforming parking areas per the direction of the Planning Director based on 10 % of the cost of the projects construction.

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

Response: The new CSU will not change the existing hours of use. The hours of use are residential in nature and are compatible with adjacent residential uses. As noted previously, the employee shifts are from 6am to 2pm, 2pm to 10pm, and 10pm to 6am. The 6am to 2pm shift has the largest employee base of 10 to 15. The other shift reduce the number of employees from 10 to 5. As noted above parking area lighting will be addressed as part of the

upgrades required in MMC 19.605.B. in insure that lighting levels will be adequate for the residents and staff but not adversely affect surrounding properties and 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 that is substantially smaller than the main structure and extends above the roofline of the main structure. "Spire" includes but is not limited to ornamental spires, bell towers, other towers, minarets, and other similar structures or projections. The number of spires on a religious institution property is not limited, so long as the spires remain only a small portion of the area of the structures.

Response: N/A

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

Response: N/A

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

Response: While this provision is not applicable to this facility. The facility provides a 16 seat shuttle service for residents that further minimizes vehicle trips during peak hours.

10085 Red Run Boulevard
 Owings Mills, Maryland 21117
 410 998 9310 fax 410 998 9320
 www.thevincagroup.com



February 3, 2111

Mr. Barclay Grayson
 Senior Vice President
 BDC Advisors, LLC
 1331 NW Lovejoy, Suite 775
 Portland, OR 97209

Dear Mr. Grayson,

The Vinca Group L.L.C. is pleased to present this self contained market study for independent living, routine assisted living and Alzheimer's disease/dementia assisted living for the three mile radius market area originating at Royalton Place in Milwaukie, OR.

The information and analysis contained in this document shows:

- The market area has a net need for 246 independent living beds assuming Royalton Place continues to operate 79 units for independent living.
- The market area is projected to need 38 additional private pay routine assisted living beds in 2011 and 55 additional private pay routine assisted living beds in 2014.
- The market area is projected to currently need 230 additional private pay dementia assisted living beds in 2011 and 246 additional private pay dementia assisted living beds in 2014.

The assumptions used in the analysis are stated through out the document.

This report is intended for use in the planning of this project. The report is based on estimates, assumptions and other information available to us when we conducted the study or developed in connection to the study. Sources of the information and the basis of the estimates and assumptions are stated in the appropriate places within this report.

Mr. Barclay Gray
February 3, 2111
Page 2

However, some assumptions may not materialize and unanticipated events and circumstances may occur. Therefore, actual results achieved may vary from those reported. We have not evaluated the effectiveness of the project's management and we are not responsible for future marketing efforts and other management actions upon which results will depend.

If we can answer any questions, or if you require additional information please do not hesitate to contact us at 410-998-9310. Thank you for this engagement.

Very truly yours,

Alice Katz
President



SCHWABE, WILLIAMSON & WYATT
ATTORNEYS AT LAW

Pacwest Center, 1211 SW 5th Ave., Suite 1900, Portland, OR 97204 | Phone 503.222.9981 | Fax 503.796.2900 | www.schwabe.com

PETER D. RICOY
Admitted in Oregon
Direct Line: 503-796-2973
E-Mail: pricoy@schwabe.com

February 4, 2011

VIA OVERNIGHT DELIVERY

Ms. Rebecca Mapes
Oregon Department of Human Services
Seniors and People with Disabilities Division
500 Summer Street, E13
Salem, Oregon 97301

Re: **Assisted Living and Memory Care -- Royalton Place**

Dear Rebecca:

Thank you for speaking by phone with me last week about the application process under OAR 411-054-0012.

On behalf of our client, BDC/Milwaukie, LLC, we are submitting to you the enclosed letter of intent. We appreciate your review, and look forward to receiving your decision.

If you have any questions or concerns, please do not hesitate to contact me at the numbers shown above.

Sincerely yours,

Peter D. Ricoy

PDR:al
Enclosures

Portland, OR 503.222.9981 | Salem, OR 503.540.4262 | Bend, OR 541.749.4044
Seattle, WA 206.622.1711 | Vancouver, WA 360.694.7551 | Washington, DC 202.488.4302

PDX/111844/142523/PDR/7090170.1

February 4, 2011

Ms. Rebecca Mapes
Oregon Department of Human Services
Seniors and People with Disabilities Division
500 Summer Street, E13
Salem, Oregon 97301

Re: Letter of Intent for Assisted Living and Memory Care -- Royalton Place

Dear Ms. Mapes:

In accord with the requirements of OAR 411-054-0012(2)(3), BDC/Milwaukie, LLC ("BDC") provides to you this letter of intent to submit an application to convert and operate certain existing independent living units at Royalton Place, located at 5555 SE King Road in Milwaukie, Oregon, as assisted living and memory care units.

BPM Senior Living Company, a Delaware corporation ("BPM") will continue to operate Royalton Place. BPM currently operates 17 senior living communities in 7 states, including 12 combined assisted living/memory care facilities, 1 dedicated memory care facility, 1 combined assisted living/independent living facility, and 3 dedicated independent living facilities. Within the State of Oregon, BPM operates the following separate facilities:

Regency Park (Assisted Living)
8300 S.W. Barnes Road
Portland, OR 97225

The Regent (Independent Living)
440 NW Elks Drive
Corvallis, OR 97330

Regent Court (Memory Care)
440 NW Elks Drive
Corvallis, OR 97330

Royalton Place (Independent Living)
5555 S.E. King Road
Milwaukie, OR 97222

Sheldon Park (Assisted Living / Memory Care)
2440 Willakenzie Road
Eugene, OR 97401

Upon completion of the conversion, Royalton Place would support the following types of units and capacity:

Independent (IL)

| | | |
|----------------|----|--|
| Studios | 20 | (single occupancy) |
| One Bedroom | 8 | (assume that 50% or 4 units will be double occupied) |
| Total IL Units | 28 | (assume 32 occupants) |

Assisted Living (AL)

| | | |
|----------------|----|--|
| Studios | 19 | (single occupancy) |
| One Bedroom | 5 | (assume 3 units will be double occupied) |
| Total AL Units | 24 | (assume 27 at licensed capacity) |

Memory Care (MC)

| | | |
|----------------|----|--|
| Studios | 16 | (10 single occupancy; 6 at double occupancy) |
| One Bedroom | 3 | (all double occupancy) |
| Total MC Units | 19 | (assume 28 at licensed capacity) |

Total All Types

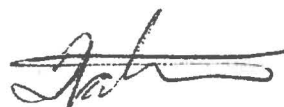
| | | |
|-------------|----|--|
| Studios | 55 | (35 licensed units [19 AL units & 19 licensed capacity; 16 MC units & 22 licensed capacity]) |
| One Bedroom | 16 | (8 licensed units [5 AL units & 8 licensed capacity; 3 MC units & 6 licensed capacity]) |
| Total Units | 71 | (43 licensed units [24 AL units & 27 licensed capacity; 19 MC units & 28 licensed capacity]) |

Enclosed please find a market study conducted by Vinca Group, LLC. The study supports the proposed conversion of some of the units at Royalton Place into assisted living and memory care units, as described in the study. BDC does not plan to provide services for an underserved population or to provide services through the state medical assistance program.

Thank you for your consideration. Please contact me at (503) 595-3090 if you have any questions related to this matter.

Very truly yours,

BDC/Milwaukie, LLC



Walter C. Bowen

Enclosure

Marquardt, Ryan

From: Lee Winn <lee.r.winn@gmail.com>
Sent: Friday, June 10, 2011 2:43 PM
To: Marquardt, Ryan
Cc: Albert, Brad
Subject: Re: CSU-11-05, Royalton Place

Hi Ryan,

Following is a comparison of the occupancy before and after the conversion. The counts made for submittal to DHS were made based on percentage of double occupancy for the one bedroom units. For this exercise I will make the comparrison on maximum occupancy. The occupancy is actually less after the conversion.

BEFORE:

| | | |
|----------------|---------------------------|-----------|
| Studios..... | 62 @ 1 occupant/unit..... | 62 |
| occupants | | |
| 1 Bedroom..... | 18 @ 2 occupant/unit..... | 36 |
| occupants | | |
| TOTALS | 80 units | 98 |
| occupants | | |

AFTER:**Senior Living**

| | | |
|----------------|---------------------------|----|
| Studios..... | 20 @ 1 occupant/unit..... | 20 |
| occupants | | |
| 1 Bedroom..... | 8 @ 2 occupant/unit..... | 16 |
| occupants | | |

Assisted Living

| | | |
|----------------|---------------------------|----|
| Studios..... | 19 @ 1 occupant/unit..... | 19 |
| occupants | | |
| 1 Bedroom..... | 5 @ 2 occupant/unit..... | 10 |
| occupants | | |

Memory Care

| | | |
|----------------------|---------------------------|----|
| Studios (small)..... | 10 @ 1 occupant/unit..... | 10 |
| occupants | | |
| Studios (large)..... | 6 @ 2 occupant/unit..... | 12 |
| occupants | | |
| 1 bedroom..... | 3 @ 2 occupant/unit..... | 6 |
| occupants | | |



Oregon

John A. Kitzhaber, MD, Governor

Department of Human Services

Seniors and People with Disabilities

Office of Licensing and Quality Care

500 Summer St NE E13

Salem, OR 97301-1074

800-232-3020

FAX (503) 378-8966



March 24, 2011

Walter Bowen,
BDC/ Milwaukie, LLC
1331 NW Lovejoy, Suite 775
Portland, OR 97209

RE: Royalton Place, Milwaukie, Oregon

Dear Mr. Bowen:

Enclosed is the letter that is being sent to Peter Ricoy indicating approval of the market analysis for Royalton Place in Milwaukie, OR. If you or your staff should have any questions, please contact me at 503-945-6918.

Sincerely,

Jan Karlen
CBC Policy Analyst
Office of Licensing & Quality Care



Oregon

John A. Kitzhaber, MD, Governor

Department of Human Services
Seniors and People with Disabilities
Office of Licensing and Quality Care
500 Summer St NE E13
Salem, OR 97301-1074
800-232-3020
FAX (503) 378-8966



March 24, 2011

Peter D. Ricoy
Schwabe, Williamson & Wyatt
Pacwest Center 1211 SW 5th Avel, Suite 1900
Portland, Oregon 97204

RE: Royalton Place, Milwaukie, OR

Dear Mr. Ricoy:

Seniors and People with Disabilities (SPD) has reviewed the market study for BDC/Milwaukie to convert independent living apartments at Royalton Place Senior Independent Living in Milwaukie, OR to develop a campus that will include an assisted living facility, memory care , as well as maintain independent living apartments. Upon completion of the project, the licensed capacity for the assisted living will be 27, and 28 licensed/endorsed capacity for the memory care community. This market study has been approved based on the information in the market study that demonstrates there is a need for assisted living and an endorsed residential/memory care community.

In reviewing the market study, SPD also looks at the history of the proposed management company. BPM is the proposed management company for Royalton Place. BPM currently manages Sheldon Park assisted living and memory care community in Eugene, Regent Court memory care community in Corvallis and Regency Park assisted living and memory care in Portland. All of these facilities have had histories of noncompliance with Oregon Administrative Rules. SPD will again review the compliance histories of these facilities when the licensing applications for Royalton Place are submitted. This will be done for the purpose to determine approval or denial of licensing Royalton Place.

You may proceed with the licensing process as described in OAR 411-054-0012. When building designs are completed, they may be submitted to Facilities Planning and Safety (FPS) for review. You may contact FPS at 503-373-7201.

If you should have any questions, please contact me at 503-945-6918 or email at Jan.Karlen@state.or.us.

Sincerely,



Jan Karlen
CBC Policy Analyst
Office of Licensing & Quality Care

Cc Facilities Planning and Safety
Walter Bowen, BDC/Milwaukie, LLC

Baby boomers set to become Generation Alzheimer's with 1 in 8 predicted to get the disease

Published: Thursday, January 27, 2011, 7:43 PM Updated: Friday, January 28, 2011, 10:29 AM

By Julie Sullivan, The Oregonian

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Pat and Joe Michaud have been together for 39 years, and she's cared for him the last eight, when he was diagnosed Alzheimer's. "He would have done the same for me," Pat says.

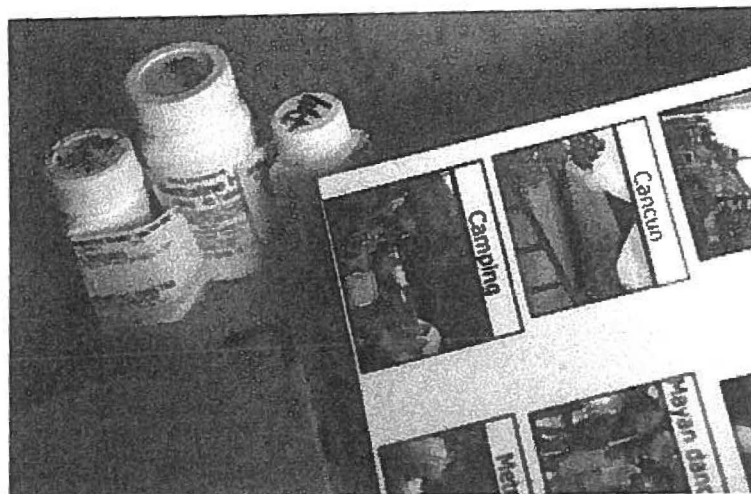
A new report warns that Alzheimer's will be the "defining disease" of the **baby boomers** with one in eight eventually developing the progressive brain disorder.

"**Generation Alzheimer's**," an analysis released Thursday, reports that as the post-World War II babies begin to turn 65, their risk doubles every five years. Up to 10 million boomers can expect to develop the disease, for which there is no prevention or cure.

Hard hit will be states with more boomers like Oregon. About 76,000 Oregonians have Alzheimer's today. That number is expected to nearly double by 2030 when the last baby boomers turn 65, says Judy McKellar, executive director of the **Alzheimer's Association-Oregon chapter**.

The generation of people who never trusted anyone over 30 and redefined "getting older" as they reached milestones themselves now must face the signature disease of old age.

"Baby boomers don't want to know about it. They think this is a normal process of aging. It isn't," says McKellar. "This one cause can bring down every health care system in the U.S."



✦ View full size

Motoya Nakamura, The Oregonian

Joe Michaud takes some Alzheimer's drugs to try and slow the disease. He also uses a collection of photos to improve his conversations with his wife.

Few baby boomers understand the life changing disease more than Pat Michaud, 59, and her husband Joe, 63. The Portland couple was on a plane to Las Vegas eight years ago when Joe, then 56, could not find his seat or remember where his shuttle ticket was. A Vietnam War veteran and programmer analyst and renowned ham radio operator had, unbeknownst to his wife, been having trouble at work and had stopped paying their bills.

They were referred to Dr. Joseph Quinn at Oregon Health & Sciences University. While they waited with a group of elderly people in the waiting room, the nurse asked where Joe's father was -- assuming Mr. Michaud was an older man.

But tests showed Joe was among the 5 percent of people who have early onset of Alzheimer's in the 40s and 50s.

Pat said as the doctor talked, their dream of retiring and seeing the country as campground hosts had just ended. She went home to tell their two daughters.

Joe didn't think anything was wrong at all.

Quinn says the number of patients with symptoms is increasing.

"We are seeing an increased demand for evaluations as the population ages," says Quinn, a neurologist at the **Layton Aging and Alzheimer's Disease Center** at OHSU.

The Portland center is a significant player in Alzheimer's research nationwide, one of 30 federally funded Alzheimer centers, and a leader in conducting clinical studies. Twenty patients are currently enrolled in two important studies into new treatments. Research is also aimed, Quinn says, at the "looming cloud" of boomers to identify the earliest changes that signal Alzheimer's.

Quinn says the biggest challenge of research remains recruiting patients, even for benign nutrition studies. Finding volunteers is the biggest and most expensive hurdle in most clinical trials.

Research is also underway at OHSU to improve quality of life and safety. People generally live four to six years after the onset but can survive as long as 20 years. The report estimates it already costs the country \$1 in every \$6 spent by Medicare -- triple what it costs to care for a person who does not have Alzheimer's.

The Alzheimer's Association, the nation's largest Alzheimer volunteer organization who released Thursday's report, rebukes the lack of federal funding for research. While the **National Institutes of Health** spends more than \$6 billion a year on cancer research and \$3 billion on HIV, about \$480 million goes to Alzheimer's.

In April an NIH panel agreed more research needs to be done. Since Alzheimer's was first described by a German psychiatrist in 1906, the rarely reported disorder has become one of the most common disabling diseases among the elderly, in part because people are living longer. Yet there is still no evidence that any drug or diet supplements prevents it.

* * *

Since her husband was diagnosed, Pat has assumed all power of attorney and decision-making for their family. She let go of their social life and many of their activities. He could no longer play gin rummy, talk about TV shows or keep track of the names of friends and even some relatives. She sold the travel trailer. Then she sold the pickup.

She works for Federal Emergency Management Administration as a disaster assistant, but has not been able to deploy for years. Instead, she cares for Joe. Lays out his tooth brush and clothes. Finds his glasses. Uses a sensor and their Rottweiler Abby to track his movements. She meets with researchers working on memorization and ways to stimulate conversation.

Joe is healthy. Pat, however, has high blood pressure and joined a Tuesday night support group to fight depression.

"If it was me being diagnosed, given what I know now, I would probably be committing suicide," she says.

Joe says, "I feel that I'm fine. I'm not pained anywhere. I'm still functioning. I like to walk."

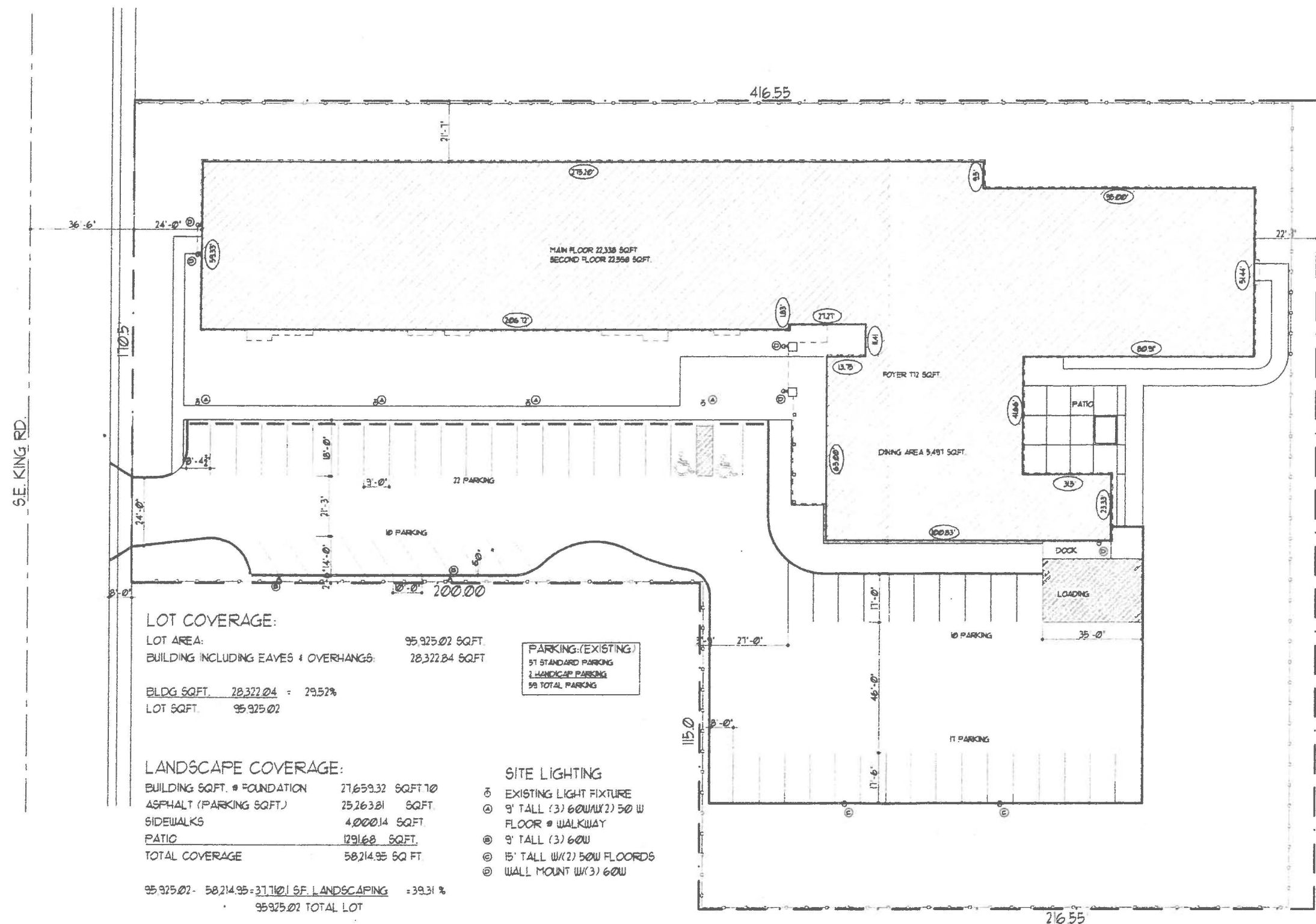
Pat says her biggest fear is that one night, she'll climb into bed and he will ask, "Who are you?"

"It can happen Joe," she says, "it really can."

Her husband smiles and nods, "I'm not pained."

"It's the disease," she says. "It's not his fault."

-- Julie Sullivan



1 **EXISTING SITE PLAN**
1"=40'

**WINN
ARCHITECTURE, LLC**
29719 SW CHARLOTTE LANE,
WILSONVILLE, OR 97070
503 803 6996
EMAIL: LEE.R.WINN@BMAIL.COM

CONSULTANT

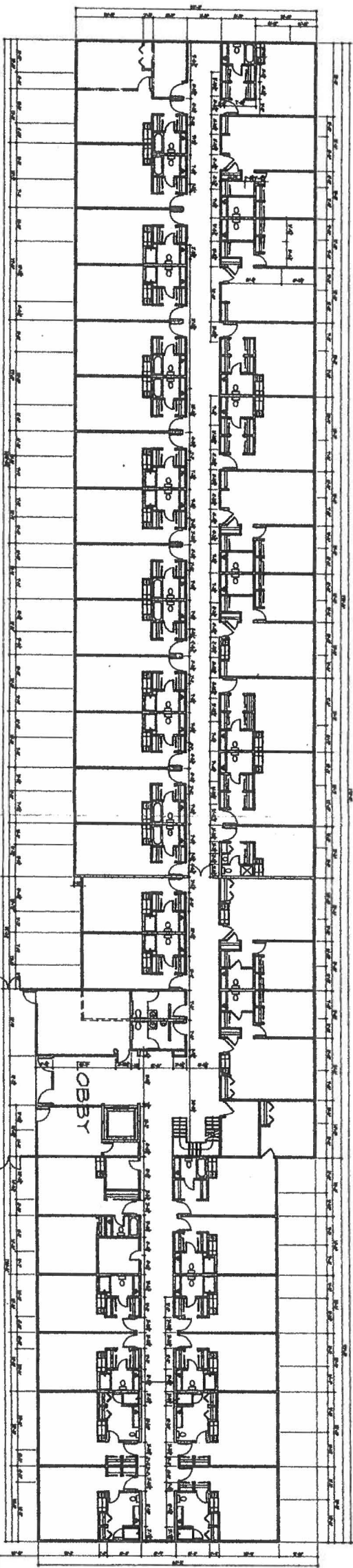
BPM SENIOR LIVING COMPANY
A TENANT IMPROVEMENT
1331 NW LOVEJOY, STE 775
PORTLAND, OR 97209
ROYALTON PLACE INDEPENDENT LIVING

PROJECT

REV-1 02.11.11
REV-2 05.18.11
REV-3 05.22.11
REV-4 05.24.11

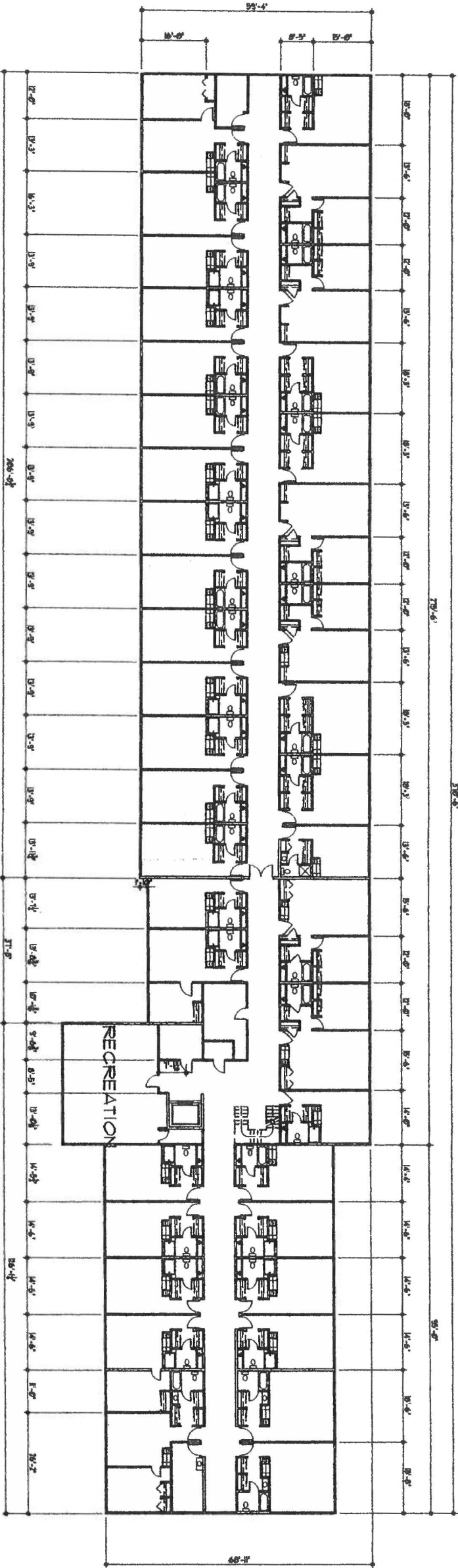
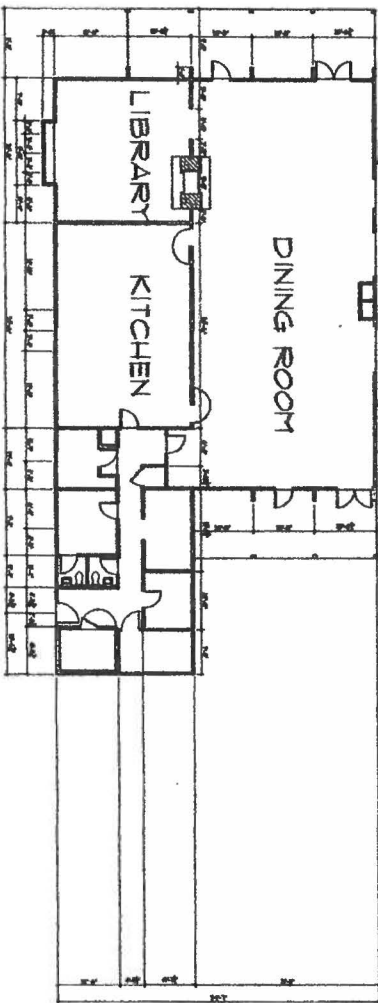
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DATE: 01.03.11

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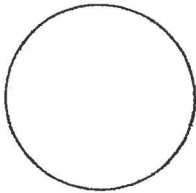


EXISTING MAIN FLOOR
SCALE 1"=16'-0" 37 APARTMENTS

TOTAL 74 APARTMENTS



EXISTING SECOND FLOOR
SCALE 1/32"=1'-0" 37 APARTMENTS



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PORTLAND, OR 97209

ROYALTON PLACE INDEPENDENT LIVING

PROJECT

REV 12.11.11

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CHECKED BY: LW
DATE: 01.03.11

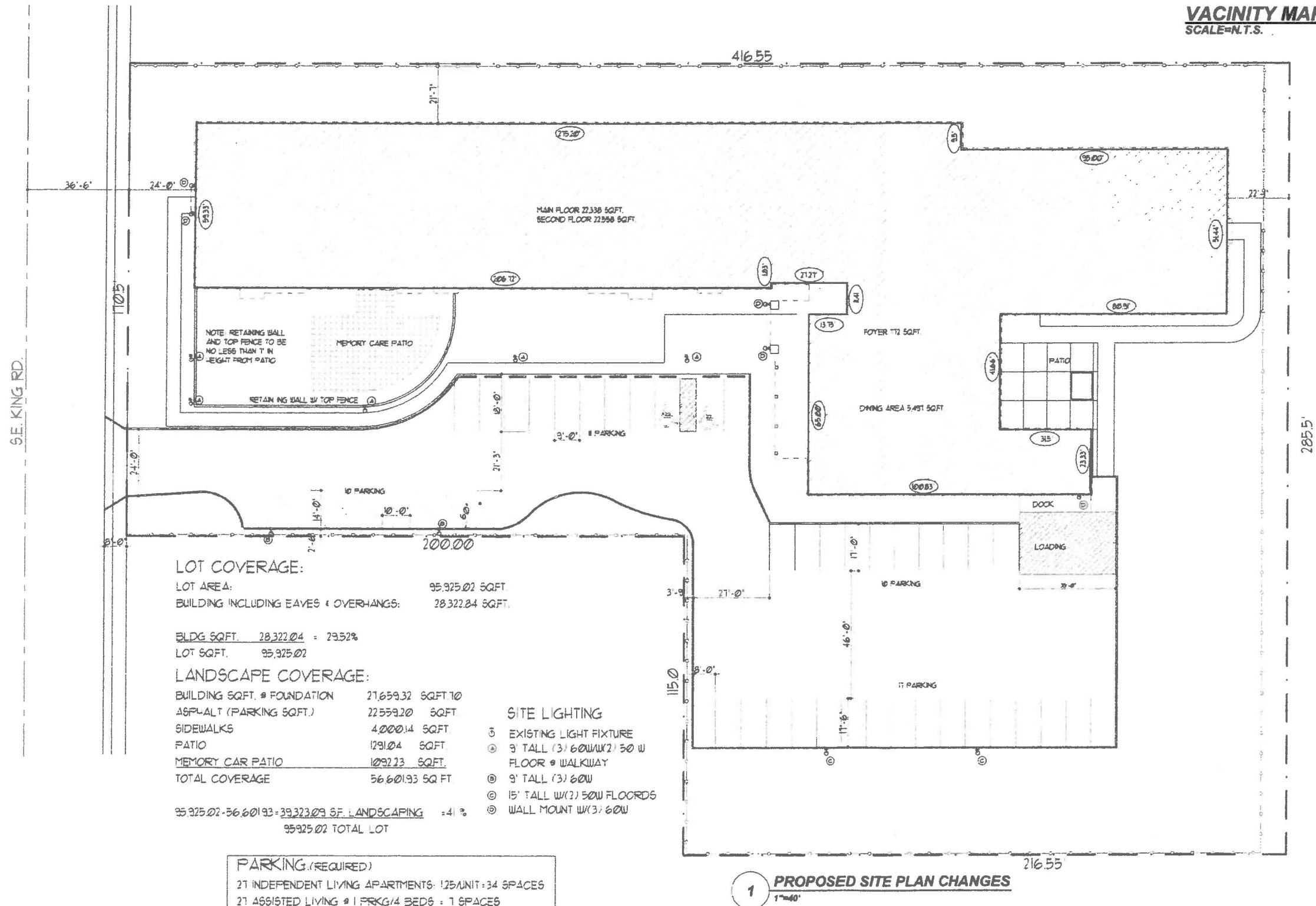
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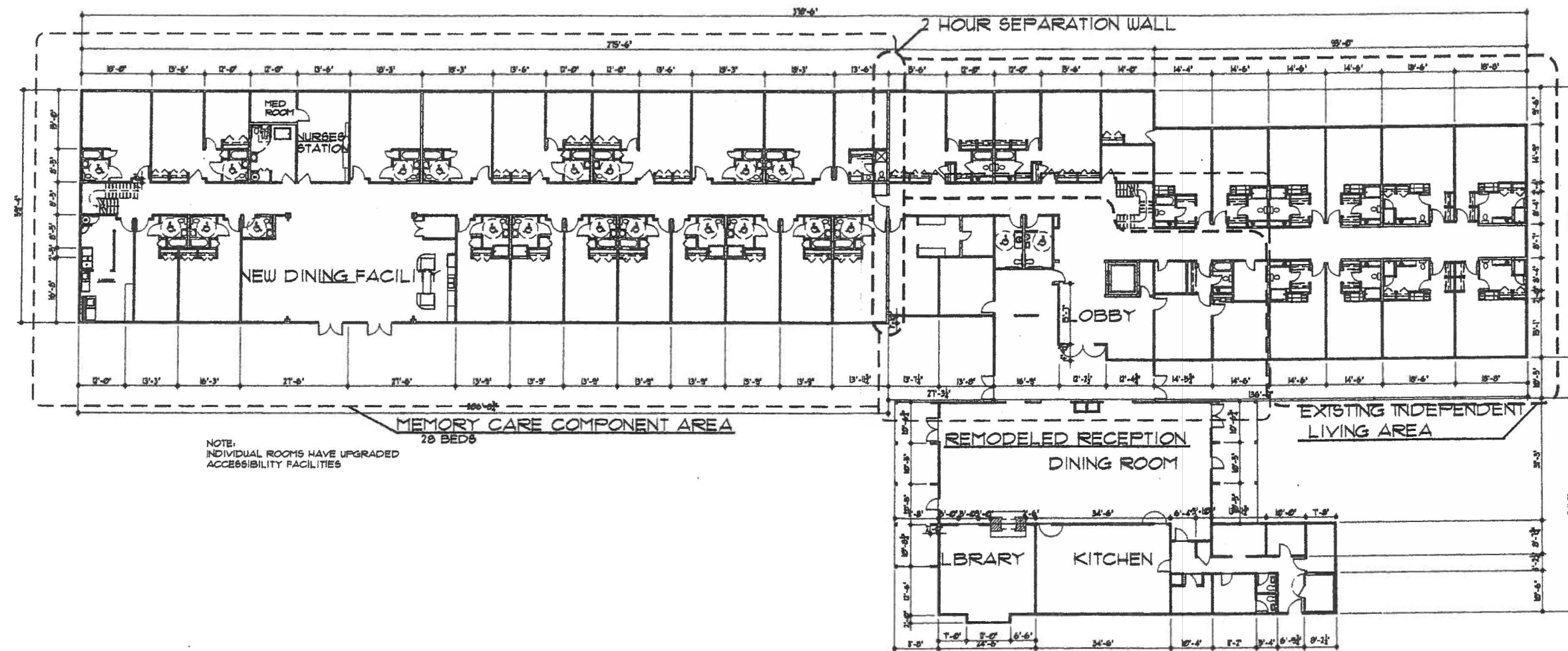
CONSULTANT

ROYAL LION PLACE INDEPENDENT LIVING

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DATE: 01.03.11

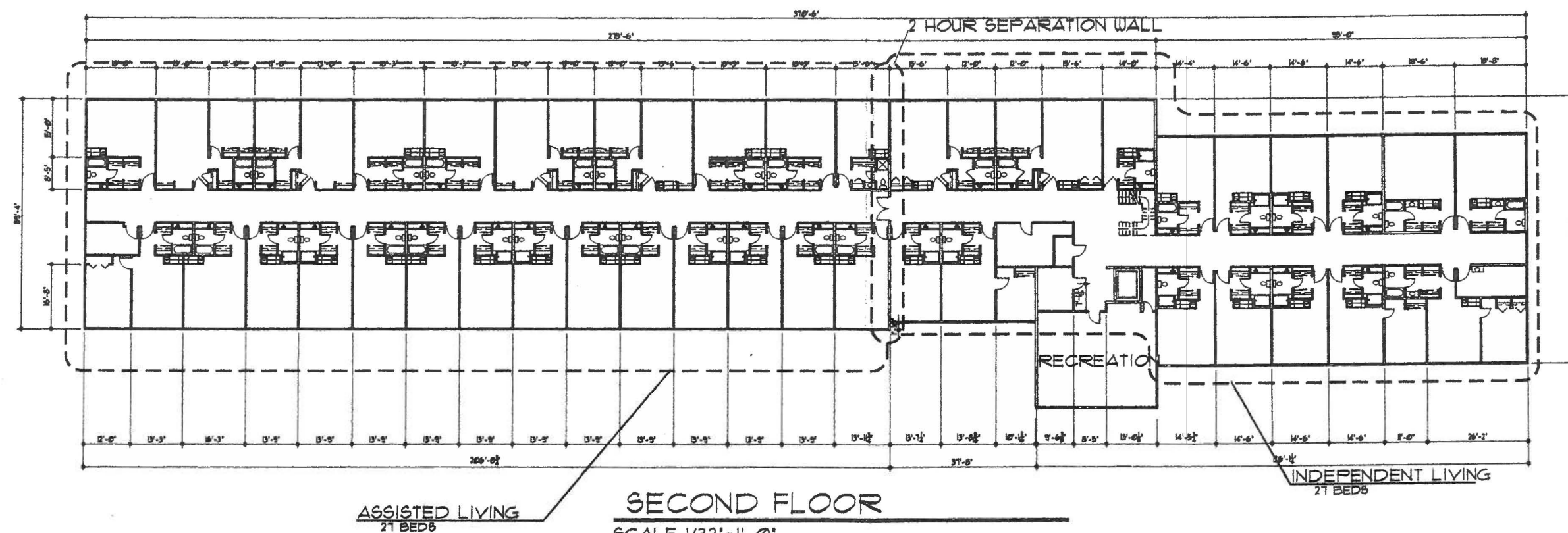
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NEW MAIN FLOOR ASSISTED LIVING W/ MEMORY CARE FACILITY

SCALE 1/32" = 1'-0"



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ROYALTON PLACE INDEPENDENT LIVING

PROJECT

REV-1 02.11.11

DRAWN BY: dnd-1

CHECKED BY: LW

DATE: 01.03.11

A0.2a



**Geertman Vothuis
landscape architects,
llc**
12115 nw old quarry road
portland, or 97229
tel: 503.646.3517
fax: 503.288.9343

[illegible]

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L.L.C.

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revisions

no. date description

| no. | date | description |
|-----|------|-------------|
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- for -
BMP Senior Living Company
1331 NW Lovejoy, Suite 775
Portland, OR 97209
tel: 503.227.4000
fax: 503.227.4685

ROYALTON PLACE
milwaukie, oregon
Memory Care Courtyard
Planting

project no: 624 date: 05/25/2011
drawn by: GY checked by: KB

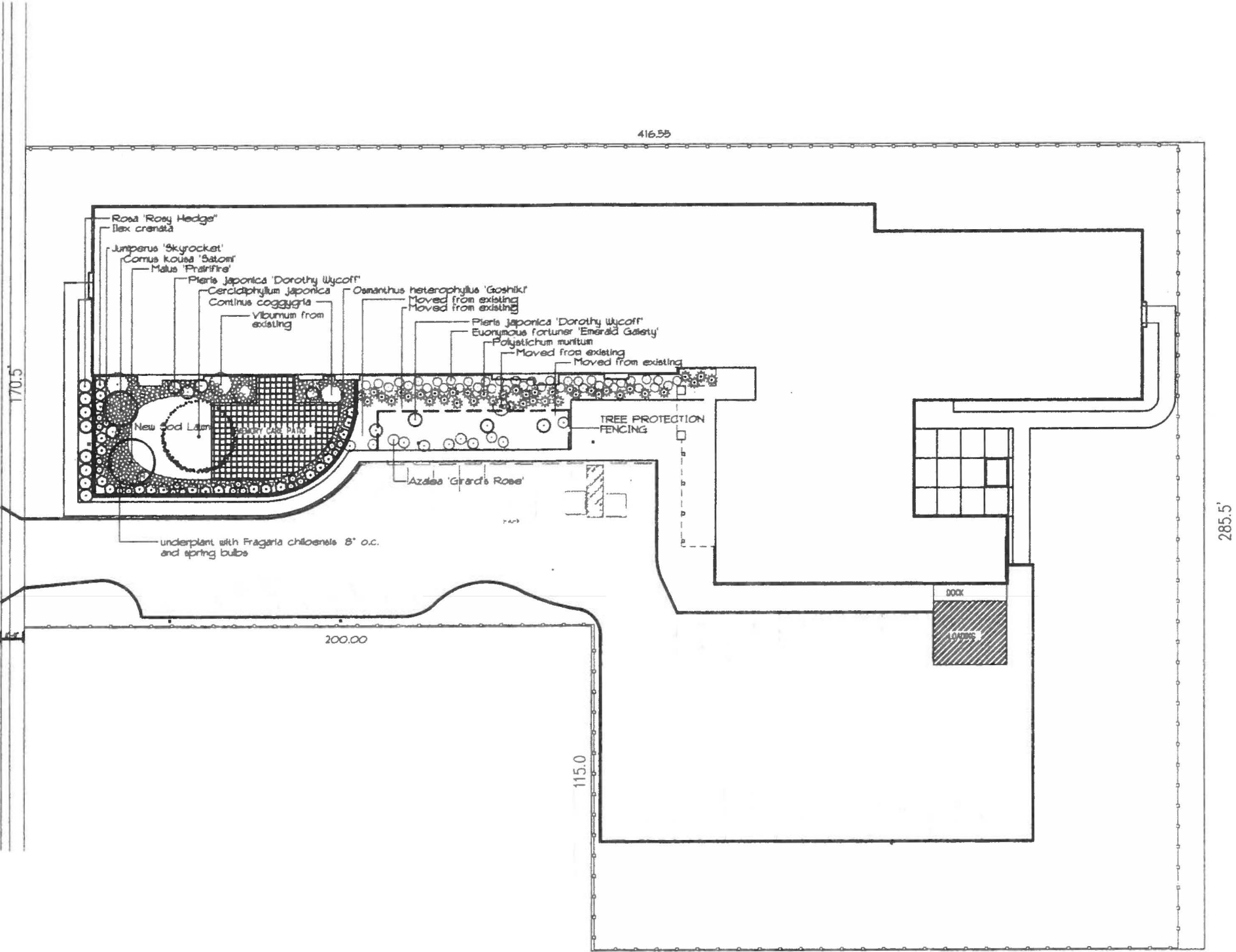
L2

of: ___ sheets

NEW PLANT MATERIALS

| SYMBOL | QUANTITY SIZE | SCIENTIFIC NAME COMMON NAME |
|--------------|-----------------------|---|
| TREES | | |
| | (1) 3" caliper | <i>Cercidiphyllum japonica</i> Katsura |
| | (2) 1-1/2" caliper | <i>Cornus coccinea</i> 'Royal Purple' RP" Smoke Tree |
| | (1) 2" caliper | <i>Cornus kousa</i> 'Satomi' S. Chinese Dogwood |
| | (1) 2" caliper | <i>Malus 'Prunifolia'</i> P" Flowering Crabapple |
| SHRUBS | | |
| | (14) 12-15" | <i>Azalea 'Grand's Rose'</i> Redwing Dogwood |
| | (22) 5 gallon | <i>Ilex crenata</i> Japanese Holly |
| | (21) 5-6" | <i>Juniperus virginiana</i> 'Skyrocket' S. Juniper |
| | (32) 2 gallon | <i>Osmanthus heterophyllus</i> 'Goshiki' Goshiki Osmanthus |
| | (10) 3 gallon | <i>Pieris japonica</i> 'Dorothy Wycoff' D.W. Pines |
| | (40) 2 gallon | <i>Polystichum munitum</i> Sword Fern |
| | (8) 3 gallon | <i>Rosa 'Rosy Hedge'</i> RH" Landscape Rose |
| GROUNDCOVERS | | |
| | (280) 4" pots | <i>Fragaria chiloensis</i> Beach Strawberry |
| | (38) 1 gallon | <i>Euonymus fortunei</i> 'Emerald Gaiety' EG" Euonymus |

S.E. KING RD.

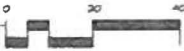


NOTE: EXISTING IRRIGATION TO BE REPAIRED AND REVISED TO COVER ALL NEW PLANTED AREAS.
TREE PROTECTION FENCING TO BE CHAIN LINK INSTALLED WITH POSTS EMBEDDED IN GROUND.



PROPOSED COURTYARD: PLANTING PLAN

SCALE 1" = 20' - 0"



MEMORANDUM

TO: Community Development Department
THROUGH: Gary Parkin, Director of Engineering
FROM: Brad Albert, Civil Engineer
RE: Community Service Use – 5555 SE King Road
CSU-11-05
DATE: July 14, 2011

Proposed parking lot addition on southeast corner of the site.

1. MMC Chapter 19.700 – Transportation Planning, Design Standards, and Procedures

The Engineering Department finds that MMC Chapter 19.700 does apply to this application.

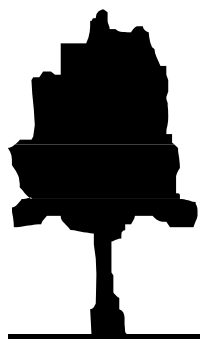
Recommended Conditions of Approval

None

Other notes

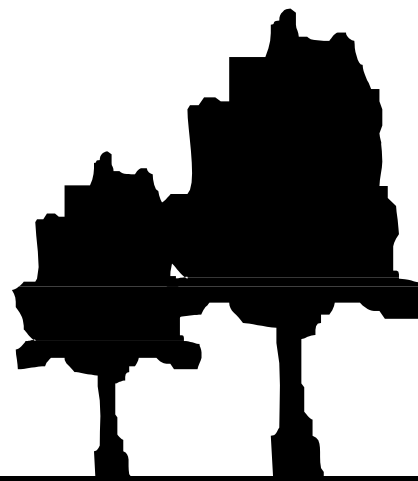
Prior to the issuance of a building permit the following shall be submitted:

Submit a storm water management plan to the City of Milwaukie Engineering Department for review and approval. The plan shall be prepared in accordance with Section 2 – Stormwater Design Standards of the City of Milwaukie Public Works Standards. In the event the storm management system contains underground injection control devices, submit proof of acceptance of the storm system design from the Department of Environmental Quality.



Linwood Neighborhood Association

12258 SE Grove Loop
Milwaukie, Oregon 97222
(503) 659-8908



Memo—Re: file #CSU-11-05, at location of 5555 SE king Rd., Milwaukie, OR

July 14, 2011

Atten: Ryan Marquardt, Assoc. Planner, City of Milwaukie, OR

The Linwood ad hoc land use committee, Linwood Co-Chairs, Lynn and Beth Kelland and treas., Dolly Macken-Hambright have reviewed the Application Referral as sent by your office.

After review, driving by and discussion, we have only one concern, which is that seems to be a great deal of build-out on a small piece of property. While we can empathize with the property owners and their need to get the most “bang for their buck” we also have some concerns as to how this may affect the livability of the most immediate surrounding neighbors.

There are times when over-building for the property size affects the drainage under and into other surrounding properties and we hope this specific issue has been addressed to the satisfaction of all appropriate engineers.

Since this type of business is usually fairly quiet and seems to cause little or no community disturbance and if those immediate neighbors are not in opposition, the Linwood NDA committee does not see any other reason why this plan may not be approved.

Linwood NDA
ad hoc land use committee

Beth and Lynn Kelland
Dolly Macken-Hambright

Exhibits List for Land Use File CSU-11-05

The following documents are part of the official record for this application:

1. Application
 - A. Application submittal forms – land use application form, property owner authorization, site plan requirements form, submittal requirements form
 - B. Application narrative and responses to code standards and criteria
 - C. Market study for independent living , assisted living, and Alzheimer's disease assisted living for Milwaukie area
 - D. Correspondence with applicant and Oregon Department of Human Services
 - E. January 27, 2011 *Oregonian* article on expected growth in persons with Alzheimer's
 - F. Milwaukie Pre-application conference report, February 11, 2011 (PA#11-001)
 - G. Site Plans
 - i) Surveyed site plan
 - ii) Existing site conditions and existing floor area layout
 - iii) Proposed site conditions and existing floor area layout
 - iv) Landscaping plans
2. Notification information
 - A. Application Referral sent June 14, 2011 – referred to Milwaukie Engineering Department, Milwaukie Building Official, Clackamas County Fire District #1, Chairs and Land Use Committee for Lewelling and Linwood Neighborhood District Associations, Clackamas County, and TriMet.
 - B. Mailing sent July 6, 2011 to property owners and occupants of properties within 300 ft of 5555 SE King Rd.
 - C. Hearing notice posted on site
 - i) Affidavit of posting from applicant
 - ii) Photos of posted notice signs
3. Materials from City Planning Staff
 - A. Staff Report – July 19, 2011 for July 26, 2011 Public Hearing
4. Comments Received
 - A. Milwaukie Building Official
 - B. Milwaukie Engineering Department
 - C. TriMet
 - D. Linwood Neighborhood District Association
5. Materials Received at the Hearing:

- A. Staff Presentation at July 26, 2011 Planning Commission hearing (not in file)
 - B. Applicant's testimony at July 26, 2011 Planning Commission hearing (not in file)
- 6. Public Testimony – to be received at October 12, 2010 hearing
 - A. Sign in Sheets from Public Hearings



To: Milwaukie Planning Commission

From: JoAnn Herrigel, Community Services Director

Subject: Milwaukie Riverfront Park Update

Date: July 18, 2011 for July 26, 2011 Worksession

I look forward to meeting with you all at your July 26th work session so that I may provide you with an update on the permitting, design and construction of Milwaukie Riverfront Park. Following is a brief summary of the aspects of the park I plan to cover:

- **Corps of Engineers Permit**

The Corps of Engineers has not yet completed its review of the City's joint permit application (submitted in January 2010) for the proposed riverfront park. James Holm, the Corp's project manager for this permit, has informed the City that DEQ and some federal environmental agencies have not yet provided him with comments on the project. No estimate for the completion of this review has been provided.

- **Access on McLoughlin Blvd**

The proposed park design would close existing access to the park and treatment plant property at Jefferson and Washington Streets and open a new access road south of Kellogg Creek. ODOT has stated that a traffic light at this new access would not be "warranted" due to the low number of vehicles using the access per hour. The design mitigates for the lack of a traffic light by providing a left hand turn refuge for northbound traffic entering the site and a harbor lane in the center of McLoughlin Blvd. for those leaving the site and travelling northbound.

The absence of a traffic light at this new access has been identified by Water Environment Services as a major safety concern for their wastewater truck drivers. In response to this concern, the Riverfront design team has met with ODOT and Clackamas County Engineering staff to develop ideas for increasing the safety of treatment plant personnel and park users alike. Options discussed to date include the use of triggering devices for increasing red light timing on the traffic light at Washington St. A formal application to ODOT for the new access has been

Council Staff Report -- (title of report)

Page -- 2

postponed pending the outcome of the permit review and discussions with the county regarding treatment plant issues.

- **Klein Point Funding/Construction**

In an attempt to build some momentum on the project while waiting for various approvals, staff from the Johnson Creek Watershed Council and the City of Milwaukie applied for a Metro Nature in Neighborhoods Capital grant this past winter. In May, Metro awarded a grant of \$213,000 to the City and the Council for construction of the Klein Point Overlook at the north end of the park, a woody debris structure at the confluence of Johnson Creek and a riffle near a City sewer pipe that traverses the Creek. The Johnson Creek work (managed by Robin Jenkinson of JCWC) will begin the first week of August and the Klein Point construction (managed by JoAnn Herrigel of Milwaukie) will begin later in August or early September. (Please note: the proposed work on Klein Point does not require Corps of Engineers approval and the Confluence project has already been approved by the Corps.)

- **Future Funding**

City staff has hired C3 Strategies to develop a capital campaign strategy for the Riverfront Park. The Riverfront Board is advising C3 on the project and interviews with potential funders will be held over the next few months.