

CITY OF MILWAUKIE
PLANNING COMMISSION MINUTES
TUESDAY, JUNE 12, 2001

COMMISSIONERS PRESENT

Tracy Cook, Chair
Barbara Cartmill
Donald Hammang
Mike Miller
Howard Steward

COMMISSIONERS ABSENT

Judith Borden

STAFF PRESENT

Alice Rouyer,
Planning Director
John Gessner,
Associate Planner
Ken Kent,
Associate Planner
Lindsey Nesbitt,
Assistant Planner
Gary Firestone,
City Counsel
Shirley Richardson,
Hearings Reporter

1.0 CALL TO ORDER

The meeting was called to order at 6:30 p.m.

2.0 PROCEDURAL QUESTIONS -- None.

3.0 PLANNING COMMISSION MINUTES -- May 22, 2001

Mike Miller moved to approve the minutes of May 22, 2001, as presented.
Donald Hammang seconded the motion. MOTION CARRIED 3-0 with two abstentions. Barbara Cartmill and Howard Steward were not at that meeting.
Ayes: Cook, Hammang, Miller; abstentions: Cartmill, Steward; Nays: None.

4.0 INFORMATION ITEMS

- 4.1 City Council Work session Minutes
- 4.2 City Council Minutes

5.0 PUBLIC COMMENT -- None.

6.0 PUBLIC HEARINGS

- 6.1 Applicant: Father Francis Chun
Owner: St. John's Catholic Church
Location: 10955 SE 25th
Proposal: Add a childcare and extended care program to the Parish Center.
File Numbers: CSO-01-03
NDA: Historic Milwaukie

Chair Cook opened the public hearing on Community Service Overlay CSO-01-03 to allow the addition of extended care and a day care facility in the St. John's Catholic Church. The criteria to be addressed are found in Sections 307 - Residential-Business-Office-Commercial Zone; 321 - Community Service Overlay Zone; 500 - Off-Street parking; and 1011.3 - Minor Quasi-Judicial Review.

Chair Cook asked if there were any conflicts of interest or ex-parte contacts to declar?. There were none. **Chair Cook** asked if any member of the Planning Commission visited the site; four hands were raised. No one who visited the site spoke to anyone at the site or noted anything different from what is indicated in the Staff Report. No one in the audience challenged the impartiality of any Commission member or the jurisdiction of the Planning Commission to hear this matter.

STAFF REPORT

Lindsey Nesbitt reviewed the staff report with the Commission. This is a proposal by St. John the Baptist Catholic Church and School to add extended care program and a day care facility (Mary's Day Care) in the parish center basement.

Staff feels that the four key issues of the application have been met:

- This program provides a benefit for the children and families that live in the area. This is a growing need in communities today.
- After review by the building inspector it was determined that two forms of egress were needed. It was determined that the day care could be used for up to six months with a temporary occupancy as long as the temporary dividers were not used. After six months, the second egress must meet ADA Standards.
- Findings have been revised and were distributed to the Commission.
(1) The applicant is requesting that the number of children be increased

CITY OF MILWAUKIE PLANNING COMMISSION

Minutes of June 12, 2001

Page 3

from 25 to 39; and (2) There was also a request to increase the number of staff members required on the premises at all times.

Staff is recommending approval of this application based upon the review of the approval criteria.

QUESTIONS FROM THE COMMISSIONERS -- None.

CORRESPONDENCE RECEIVED -- None.

APPLICANT PRESENTATION

Speaking: Cheryl Johnson, 4964 SE Mason Lane, Milwaukie

Ms. Johnson stated that she was here on behalf of St. Johns. They are proposing a child care facility in the lower level of the Parish Center. The main goal is to have one classroom of ten children full-time and extended care for kindergartners who get out at noon, starting in September, and for the after school program from 3:00-6:00 p.m. The childcare will be open from 7:30 a.m. to 6:00 p.m., Monday through Friday, year-round. One pre-school class is planned for up to 14 children three days a week, 9:00 a.m. to 11:30 a.m. The pre-school class will be in session only on the days that North Clackamas School District is in session.

Plans were to open on June 18th, however, due to several building improvements, they have decided to open in September. This will allow time during the summer to complete the upgrades required. A doorway and ADA handicap needs to be added. Plumbing, wall, and floor improvements will also be done. The play area in the back will be fenced.

QUESTIONS FROM THE COMMISSIONERS -- None.

TESTIMONY IN FAVOR

Speaking: Ed Zumwalt, 10888 SE 29th, Milwaukie

Mr. Zumwalt stated that he is the chair of the Historic Milwaukie Neighborhood Association. Ms. Johnson came to their meeting on May 10th and made a presentation about the proposed day care. Usually, the neighborhood association's main concern is traffic. They are confident, however, that this is under control. It was the consensus of the Association that this day care is something that the neighborhood needs and approve of the use.

Chair Cook asked if there were any conflicts of interest or ex-parte contacts to declare? There were none. **Chair Cook** asked if any member of the Planning Commission visited the site; two hands were raised. No one who visited the site spoke to anyone at the site or noted anything different from what is indicated in the Staff Report. No one in the audience challenged the impartiality of any Commission member or the jurisdiction of the Planning Commission to hear this matter.

STAFF REPORT

John Gessner reviewed the staff report with the Commission. A copy of the site plan was displayed. Based on the dimensional requirements of parking regulations, the site is undevelopable at the level of intensity requested. The site is only 50-feet wide and because of the need to maneuver vehicles and provide adequate parking, any use of the site would require the same type of variance. The building is over 48 feet; however, as conditioned the building can be widened so that the western building line will meet the requirements of Section 408. The Applicant has provided parking based on the square footage requirements for manufacturing uses and has taken advantage of a 10% discount for proximity to transit.

Based upon a review of the approval criteria, staff recommends approval of this application.

Mr. Gessner reported that the adjacent property owner, Mr. Anderson, came in and wanted to look at the application. There were no adverse comments to the application and he indicated that he supported the application and welcomed the Stankewitschs' to the neighborhood.

QUESTIONS FROM THE COMMISSIONERS -- None.

CORRESPONDENCE RECEIVED -- None.

APPLICANT PRESENTATION

Speaking: Kathy Stankewitsch, 15202 SE 142nd Avenue, Clackamas

Ms. Stankewitsch stated that it is their intent to put up a manufacturing building for a business that they own. They plan on meeting all the requirements that are imposed. There have been no negative responses from the neighbors regarding this proposed use.

QUESTIONS FROM THE COMMISSIONERS -- None.

TESTIMONY IN FAVOR -- None

QUESTIONS OR COMMENTS -- None.

TESTIMONY IN OPPOSITION -- None.

ADDITIONAL COMMENTS FROM STAFF

Mike Miller asked for clarification of the buffers required on each side of the property. **John Gessner** stated that two of the buffers do not meet the six-foot requirement. The purpose of the variance is to require a lesser standard.

Mike Miller asked if there were any requirements for shielding headlights for this application? **John Gessner** reported that Section 500 does not require shielding. Consideration was given to whether there should be some mitigation because of the deficient width. However, staff did not feel this would be a problem because of the nature of the businesses on each side of the site. The Commission could condition the application with additional landscaping in the buffers to mitigate the shielding of headlights.

APPLICANT'S CLOSING COMMENTS -- None.

DELIBERATION AMONG THE COMMISSIONERS

Chair Cook closed the public portion of the hearing and opened the meeting to discussion among the Commissioners.

Mike Miller moved to approve Applications TPR-01-01 and VR-01-10 authorizing a reduction in landscape buffer requirements, construction of a manufacturing building, and site improvements, and adopt recommended Findings and Conditions of Approval. **Barbara Cartmill** seconded the motion. THE MOTION CARRIED 5-0.

Ayes: Cook, Cartmill, Hammang, Miller, Steward

Nays: None.

- 6.3 Applicant: Dr. Tim Shannon
 Owner: Allied Chemist Building
 Location: 4450 SE Johnson Creek Blvd
 Proposal: Increase the size of the parking for adjacent to a Natural
 Resource Area to accommodate a dental office.

 File Numbers: NR-01-01
 NDA: Lewelling

Chair Cook opened the public hearing on application NR-01-01 to allow the revision of an approved parking lot plan to provide an additional 6 parking spaces. The criteria to be addressed are found in Sections 314 - Manufacturing Zone; 322 - Natural Resource Overlay Zone; 500 - Off-Street parking and Loading; and 1011.3 - Minor Quasi-Judicial Review.

Chair Cook asked if there were any conflicts of interest or ex-parte contacts to declare? There were none. **Chair Cook** asked if any member of the Planning Commission visited the site; four hands were raised. No one who visited the site spoke to anyone at the site or noted anything different from what is indicated in the Staff Report. No one in the audience challenged the impartiality of any Commission member or the jurisdiction of the Planning Commission to hear this matter.

STAFF REPORT

Ken Kent reviewed the staff report with the Commission. This proposal includes a new parking lot to the south of the existing building which provided 8 parking spaces, the minimum necessary for a professional office use. A condition of approval requires that the existing parking lot to the north of this building be removed to minimize impacts related to Johnson Creek in a trade-off for the new parking lot that will be constructed to the south.

The applicant is proposing to modify the approved plan to increase the number of parking spaces from the approved 8 spaces up to 14 spaces. The basis of the request is to provide the required parking for a dental office. This plan provides a setback of 35 to 60 feet from Johnson Creek, which is the natural resource feature on the site.

Staff finds that the increased impervious surface with the additional parking area for this proposed parking lot, along with the reduction in the setback from the previous 35-foot minimum down to 30-foot would not provide adequate protection to the resource. Staff is recommending an alternative to minimize impact to

CITY OF MILWAUKIE PLANNING COMMISSION

Minutes of June 12, 2001

Page 8

Johnson Creek by limiting the parking spaces to 12 instead of the proposed 14. This will reduce the total impervious surface and provide a greater setback between the creek and the parking area. Staff is also recommending that additional plantings of native species be included in the area between the parking lot and the banks of the creek. This will enhance the buffer and minimize impacts of the parking area on the creek.

Comments were submitted from the Lewelling Neighborhood District Association to relocate the driveway to the southern portion of the site. An overhead was shown of the subject site and surrounding area.

QUESTIONS FROM THE COMMISSIONERS -- None.

CORRESPONDENCE RECEIVED -- None.

APPLICANT PRESENTATION

Speaking: Timothy Shannon,

Dr. Shannon stated that he has been practicing in the City of Milwaukie for the past four years. He purchased the practice from a business that has been in dentistry here in Milwaukie for 30 years. This site is good for him because it has adequate space for a dental practice and a natural environment. It was also important that he provide safe parking for his staff and patients.

This building has 2080 square feet; sufficient for a dental office. He is in agreement with the findings and conditions. The additional plantings requested by staff and the removal of the existing parking lot will improve and enhance the site overall. Removal of the existing drain in the existing parking lot and changing the drainage in the new parking lot into Johnson Creek Blvd. sewer system is also a nice feature. The 8-foot buffer around the entire parking lot provides many more plants and trees than proposed. This provides aesthetic value to the site and natural habitat for animals. The buffer zone will also be planted and non-native species will be removed.

Dr. Shannon stated that he accepts the condition of approval regarding the parking spaces. One of his day-to-day concerns is the safety and well being of his staff and patients. There are six people who work in his office and the six additional spaces proposed will be for staff. The seven additional spaces and one handicap space would then be available to patients.

Dr. Shannon stated that he has spoken to the neighborhood association the land use chair three times and comments have always been positive. He has no problems with moving the driveway. There is also a bus stop on that corner and water works building close to the proposed driveway. He stated that he is willing to work with the location of the driveway.

Dr. Shannon stated that he has talked with a consultant about the site plan and it was suggested to make 2 or 3 of the parking spots, #12, #13, and #14 compact spaces. This will reduce the encroachment onto the natural area.

QUESTIONS FROM THE COMMISSIONERS -- None.

TESTIMONY IN FAVOR

Speaking: Jean Michel, Lewelling NDA Land Use Chair

Mr. Michel stated that he chairperson of the Lewelling Neighborhood Association. He has spoken several times with Dr. Shannon and he and other members have gone down and visited the site.

It is the consensus of the Association that the driveway entrance should be moved further south. People who are coming from the north on Johnson Creek Blvd., that would be making a left-hand turn into the doctor's office parking lot, would have a much better chance of more line-of-sight to the corner. This configuration would meet all the requirements of the code. They feel that there is adequate buffer for the additional parking spaces.

QUESTIONS FROM THE COMMISSIONERS -- None.

QUESTIONS OR COMMENTS -- None.

TESTIMONY IN OPPOSITION -- None.

ADDITIONAL COMMENTS FROM STAFF

Mike Miller asked when the Title 3 regulations would be adopted? **Gary Firestone** stated that these regulations would be adopted at some point in the future, but not at this time.

Barbara Cartmill asked if consideration was given to the queuing of cars from the corner and the proposed driveway? **Ken Kent** stated that there was discussion between the Planning Commission and the applicant indicating that by locating the parking lot on this side, it would move the driveway further away from the intersection reducing conflicts with vehicles that back up from the traffic signal. This is one of the benefits of providing the parking lot on this side; it makes it further from the intersection.

Donald Hammang asked how the applicant's last suggestion about parking space sizes would affect the buffer. **Ken Kent** stated that this proposal could result in a savings of 2-1/2 feet in length and 2 feet in width. Fifty (50) percent of the parking spaces could be compact. This may reduce the setback 2-1/2 feet and increase the buffer.

APPLICANT'S CLOSING COMMENTS -- None.

DELIBERATION AMONG THE COMMISSIONERS

Chair Cook closed the public portion of the hearing and opened the meeting to discussion among the Commissioners.

Donald Hammang stated that he feels the applicant can have the number of parking spaces he wants provided the spaces area is small as possible to maximize the setbacks.

Suggested changes were:

- Finding #2, changed to read: "To minimize the amount of impervious surface adjacent to Johnson Creek, a condition of approval requires that the applicant incorporate compact parking spaces within their parking plan to reduce the area of the parking lot."
- Finding #4, changed to read: "As conditioned, the proposal will result in mitigation to natural resource impacts through the addition of native plantings and eradication of non-native plant species between the proposed use and Johnson Creek to enhance the natural resource."
- Revised Condition #8(e) to read: "A maximum of 14 parking spaces shall be provided."
- A new Condition #8(f) to read: "A modified parking lot design moving the driveway further south to be consistent with the Lewelling Neighborhood District Association comments shall be provided."

- A new Condition #8(g) to read: “A modified parking lot design to include compact spaces as a means to increase the natural resource buffer.”

Donald Hammang moved to approve NR-01-01 with recommended modified Findings and additional Conditions of Approval as indicated at tonight’s hearing. The proposal at 4450 SE Johnson Creek Boulevard includes revision of an approved parking lot plan to provide an additional 6 parking spaces. **Howard Steward** seconded the motion. THE MOTION CARRIED 5-0.
Ayes: Cook, Cartmill, Hammang, Miller, Steward
Nays: None.

7.0 WORKSESSION -- None.

8.0 DISCUSSION ITEMS

Discussion followed on which Commissioners would not be at the next meeting. If a quorum becomes an issue, staff will keep the Commissioners updated on whether the meeting is cancelled.

9.0 OLD BUSINESS -- None

10.0 OTHER BUSINESS/UPDATES

10.1 Matters from the Planning Director

Planning Commission Opening **Alice Rouyer** reported that no one has applied yet for the open position on the Planning Commission. She asked if the members might know of anyone that would be a good candidate.

APA Award Nomination for the Milwaukie Downtown Plan **Alice Rouyer** reported that she has been working with Don Arambula and George Crandall to put together a package for The American Planning Association, Oregon Chapter, award nomination for the Downtown Plan. The state conference will be held in October.

City Employee Update **Alice Rouyer** announced that the selection is down to two candidates for the City Manager position. This Friday, department heads and

CITY OF MILWAUKIE PLANNING COMMISSION

Minutes of June 12, 2001

Page 12

neighborhood leaders will be interviewing the candidates with a follow-up interview with City Council on Saturday.

Alice Rouyer announced that it was Martha Bennett's last day Friday. Scott Burgess, former City Manager at West Linn, is filling in half time in the Community Development Director position.

Alice Rouyer reported that Dennis Lively has been hired as the new Engineer Director/City Engineer. Dennis comes to the City with 17 years of experience, with his last employer being the United Sewerage Agency (USA) in Beaverton.

Design Workshop **Mike Miller** reported on the design workshop that was held in a joint work session with neighborhood leaders, Tri-Met, and City Council. There was a large turnout of residents. The presentation resulted in two final options for the light rail and two options for the bus. One light rail option had the station in the industrial area with a commuter route that goes behind the junior high. The other option has the light rail at the junior high site and at the end of Main Street and 21st Avenue. The bus option put the buses and the light rail at the same terminal at the north of town near the Hannah Harvester site. This would still leave bus access to downtown Milwaukie and cut down on the number of buses having to go into downtown Milwaukie because the transfer would be made at the station. There will be another meeting at the end of July.

Barbara Cartmill reported that the Gentle Dental site received an award from the North Clackamas Chamber of Commerce special recognition for design and architecture of building placement. The Credit Union also received recognition.

Barbara Cartmill asked when the Safeway sign would be coming down? **Alice Rouyer** stated that the sign belongs to Safeway and the Council will be considering whether the City will purchase the site at this time. The sign pole belongs to Safeway and they probably want to have it remain as long as possible. The City has applied for a grant for the Safeway site that might get transferred into a loan to purchase the property.


Design and Landmark Commission Report **Alice Rouyer** reported that there was a community workshop on downtown design guidelines to kick off the project. Discussion centered on what they would like to see reflected in the design guidelines. The meeting on May 23rd was a discussion of educating the new members on the downtown plan.

Other Business

A member of the audience came forward and asked the Commission if they were aware that there was an earthquake fault in the City? She asked where it was located in the area of 28th Avenue and Van Water and whether the City was going to do anything about it? **Alice Rouyer** stated that there is a City map that shows the earthquake fault locations. She invited the resident to come to the office and talk with the Planning staff.

- 11.0 NEXT MEETING -- June 26, 2001
- 11.1 TSP Project Update

Mike Miller moved to adjourn the meeting of June 12, 2001. **Donald Hammang** seconded. MOTION PASSED UNANIMOUSLY. The meeting adjourned at 8:07 p.m.



Tracy Cook, Chair



Shirley Richardson, Hearings Reporter

Milwaukie Planning Commission Statement

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

Public Hearing Procedure

1. **STAFF REPORT.** EACH HEARING STARTS WITH A BRIEF REVIEW OF THE STAFF REPORT BY STAFF. THE REPORT LISTS THE CRITERIA FOR THE LAND USE ACTION BEING CONSIDERED, AS WELL AS A RECOMMENDED DECISION WITH REASONS FOR THAT RECOMMENDATION.
2. **CORRESPONDENCE.** THE STAFF REPORT IS FOLLOWED BY ANY VERBAL OR WRITTEN CORRESPONDENCE WHICH HAS BEEN RECEIVED SINCE THE COMMISSION WAS PRESENTED WITH ITS PACKETS.
3. **APPLICANT'S PRESENTATION.** WE WILL THEN HAVE THE APPLICANT MAKE A PRESENTATION, FOLLOWED BY:
4. **PUBLIC TESTIMONY IN SUPPORT.** TESTIMONY FROM THOSE IN FAVOR OF THE APPLICATION.
5. **COMMENTS OR QUESTIONS.** COMMENTS OR QUESTIONS FROM INTERESTED PERSONS WHO ARE NEITHER IN FAVOR NOR OPPOSED TO THE APPLICATION.
6. **PUBLIC TESTIMONY IN OPPOSITION.** WE WILL THEN TAKE TESTIMONY FROM THOSE IN OPPOSITION TO THE APPLICATION.
7. **QUESTIONS FROM COMMISSIONERS.** WHEN YOU TESTIFY, WE WILL ASK YOU TO COME TO THE FRONT PODIUM AND GIVE YOUR NAME AND ADDRESS FOR THE RECORDED MINUTES. PLEASE REMAIN AT THE PODIUM UNTIL THE CHAIR PERSON HAS ASKED IF THERE ARE ANY QUESTIONS FOR YOU FROM THE COMMISSIONERS.
8. **REBUTTAL TESTIMONY FROM APPLICANT.** AFTER ALL TESTIMONY, WE WILL TAKE REBUTTAL TESTIMONY FROM THE APPLICANT.
9. **CLOSING OF PUBLIC HEARING.** THE CHAIR PERSON WILL CLOSE THE PUBLIC PORTION OF THE HEARING. WE WILL THEN ENTER INTO DELIBERATION AMONG THE PLANNING COMMISSIONERS. FROM THIS POINT IN THE HEARING WE WILL NOT RECEIVE ANY ADDITIONAL TESTIMONY FROM THE AUDIENCE, BUT WE MAY ASK QUESTIONS OF ANYONE WHO HAS TESTIFIED.
10. **COMMISSION DISCUSSION/ACTION.** IT IS OUR INTENTION TO MAKE A DECISION THIS EVENING ON EACH ISSUE BEFORE US. DECISIONS OF THE PLANNING COMMISSION MAY BE APPEALED TO THE CITY COUNCIL. IF YOU DESIRE TO APPEAL A DECISION, PLEASE CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT DURING NORMAL OFFICE HOURS FOR INFORMATION ON THE PROCEDURES AND FEES INVOLVED.
11. **MEETING CONTINUANCE.** THE PLANNING COMMISSION MAY, IF REQUESTED BY ANY PARTY, ALLOW A CONTINUANCE OR LEAVE THE RECORD OPEN FOR THE PRESENTATION OF ADDITIONAL EVIDENCE, TESTIMONY OR ARGUMENT. ANY SUCH CONTINUANCE OR EXTENSION REQUESTED BY THE APPLICANT SHALL RESULT IN AN EXTENSION OF THE 120-DAY TIME PERIOD FOR MAKING A DECISION.

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

Milwaukie Planning Commission:

Tracy Cook, Chair
Judith Borden, Vice Chair
Patricia Cartmill
Linda Hammang
Michele Miller
Howard Steward

Community Development Department Staff:

Alice Rouyer, Planning Director
John Gessner, Associate Planner
Ken Kent, Associate Planner
Lindsey Nesbitt, Assistant Planner
Jeanne Garst, Staff Assistant
Marcia Hamley, Office Assistant
Shirley Richardson, Hearings Reporter



To: Planning Commission

Through: Alice Rouyer, Planning Director *AR*

From: John Gessner, Associate Planner *JG*
Lindsey Nesbitt, Assistant Planner *LN*

Subject: Application CSO-01-03
Proposed day care and extended care facility at St. John the Baptist Catholic Church and School
10955 SE 25th Ave.

I. ACTION REQUESTED

Approve application CSO-01-03 for St. John the Baptist extended care and day care facility, thereby authorizing year round child care of 20 to 25 school aged children Monday through Friday from 7:30 a.m. to 6:00 p.m., and adopt recommended Findings and Conditions of Approval.

II. CODE AUTHORITY AND APPROVAL CRITERIA

Milwaukie Zoning Ordinance Section

1. 307-Residential-Business-Office-Commercial Zone (R-1-B)
2. 321-Community Service Overlay Zone
3. 500-Off-Street parking
4. 1011.3-Minor Quasi-Judicial Review

III. DECISION MAKING PROCESS

The application submitted by St. John the Baptist Church is subject to minor quasi-judicial review, which requires the Planning Commission to consider whether the applicant has demonstrated compliance with the code sections shown above. In quasi-judicial reviews the Commission assesses the application against approval criteria and evaluates testimony received at the public hearing. The Commission has three decision-making options as follows:

1. Approve the applications upon finding that all approval criteria have been met.
2. Approve the applications subject to conditions when they are needed for compliance with approval criteria.
3. Deny the applications upon a finding that they do not meet approval criteria.

The final decision on these applications, which includes any appeals to the City Council must be made by August 25, 2001 in accordance with the Oregon Revised Statutes and the Milwaukie Zoning Ordinance. (The applicant can waive the 120-day time period in which the application must be decided.)

IV. BACKGROUND

1. Statistics

Location	10955 SE 25 th Ave.
Property Owner	Archdioceses of Portland
Applicants	Fr. Francis Chun and Sheryl Johnson
Zone	R-1-B
Lot Size	.36 acres
Proposal	Operate a day-care and extended care program.
Parking	137 existing, none proposed.
Tax Lot	11E36BB05100

2. Project description

St. John the Baptist Catholic Church is proposing to operate an extended care and day-care facility in the lower level of the Parish Center for current school families, parish members, and families living within the area. The day-care/extended care program will run year round from 7:30 a.m. to 6:00 p.m. The pre-school program will accommodate 10 to 14 children and operate Monday, Wednesday, and Friday from 9:00 a.m. to 11:30 a.m. during the school year.

The extended care program will operate during the school year beginning at 12:00 p.m. for 5 to 10 kindergarten children. Extended care service would also be provided for older school children between 2:50 p.m. and 6:00 p.m. Enrollment will not exceed 25 children.

The program will use existing structures. No new structures are proposed other than the addition of a fenced play area in the lawn south of the Parish Center. Minor improvements will be made to the interior of the building such as the replacement of ceiling tiles, installation of a sink and window screens. See Exhibits 2, 3, and 4 for site plan, floor plan and the applicant's narrative.

V. ANALYSIS OF PROPOSAL

1. Zoning Authority & Substantive Criteria

- Section 307-Residential –Business-Office-Commercial Zone (R-1-B) specifies use restrictions and development standards.
- Section 321-Community Service Overlay Zone establishes approval criteria and specific standards for schools.
- Section 500- Off-street Loading and Parking, specifies standards for required parking.
- Section 1011.3-Minor Quasi-Judicial Review, governs public notice and the application process.

2. Evaluation of Zoning Criteria

This section addresses aspects of the project that either require conditions be imposed to bring the application into compliance with zoning criteria or otherwise warrant discussion. Staff analysis of compliance with all other standards is included in Exhibit 1. A summary of key zoning issues follows:

Does the application meet the public benefits test of the Community Service Overlay Zone?

Staff believes that proposal is in the public interest and will result in public benefits. No adverse impacts have been identified.

Section 321 Community Service Overlay Zone

1. Public Benefit Test

In considering a CSO proposal, the Planning Commission must make a finding that the use is in the public interest and that the benefits to the public outweigh the possible adverse impacts.

Daytime care of children is customarily recognized as meeting important family and social needs by providing care of children while meeting the needs of working families. Accordingly, staff believes the proposal is in the public interest.

The applicant has indicated that the benefits of the day-care and extended child care program exceed any negative impacts by providing a year round day-care and extended care program for school age children to families of the surrounding area. Potential impacts of use or development typically involve effects related to noise, light, environmental pollution, traffic, or incompatibility of uses. There may be additional short-term traffic on 25th Avenue and Washington, but staff believes there will be no appreciable adverse impacts as follows:

- a. Child pick-up and drop-offs will be distributed throughout the day;
 - b. the site has adequate access and parking;
 - c. no new vehicle trips will be created by drop-offs and pick-ups for those children who already attend the school.
2. Section 321.4(B) authorizes the Commission to impose conditions, which assure the compatibility of the uses with other uses in the vicinity. Staff believes the use will be compatible with the surrounding area. Accordingly, no conditions are recommended.
 3. Section 321.7(B) requires preschools, nursery schools, day care centers, and kindergartens to provide fenced, outdoor play area of at least 75 square feet for each child of total capacity. The applicant has indicated that a fenced play area will be provided for the children.

COMMENTS

Building Department, John Wheeler, Building Official

It has been determined that the area planned for day care occupancy is suitable for temporary occupancy up to six months provided the existing room dividers are not used to create more than one room unless an additional means of egress with appropriate exit lighting and emergency signage is installed.

The space can be permanently occupied provided an additional handicap accessible exit, exit lighting, and emergency signage are provided within six months of occupying the building.

VI. RECOMMENDED FINDINGS IN SUPPORT OF APPROVAL

1. St. John the Baptist Church is proposing the following:
 - a. Extended care and day-care facility operating during the hours of 7:30 a.m. to 6:00 p.m.
 - b. Preschool program operating three days a week from 9:00 a.m. to 11:30 a.m.
 - c. Extended care program for kindergarten students beginning at 12:00 p.m. and for older school children between 2:50 p.m. and 6:00 p.m.
 - d. Enrollment for all of these programs combined will not exceed 25 children.

- e. A fenced play area in accordance with section 321.7(B) and applicable state regulations.
 - f. The facility will have a maximum of 4 staff any at any given time.
 - g. The facility will not have a vehicle on-site for child transportation.
2. Application CSO-01-03 has been processed, and public notice has been provided in accordance with Zoning Ordinance Section 1011.3 and Section 1403.
3. The proposal is consistent with Section 321-Community Service Overlay Zone as follows:
 - a. Daytime care of children is customarily recognized as meeting important family and social needs by providing care of children while meeting the needs of working families. Accordingly, the proposal is in the public interest.
 - b. The benefits of the day-care and extended child care program exceed any potential negative impacts by providing a year round day-care and extended care program for school age children. Potential impacts of any use or development typically involve effects related to noise, light, environmental pollution, traffic, or incompatibility of uses. No such impacts resulting from the proposal have been identified. There may be additional short-term traffic on 25th Avenue and Washington Avenue during drop-off and pick-up hours, but there will be no appreciable adverse impacts resulting from this traffic.
 - c. Section 321.(B)(4) authorizes the Commission to impose conditions that assure the compatibility of the uses with other uses in the vicinity for conditions to be place on this proposal. The Commission finds that the use will be compatible with the surrounding area. Accordingly, no conditions of use are warranted.
 - d. Section 321.7(B) requires preschools, nursery schools, day care centers, and kindergartens to provide fenced, outdoor play area of at least 75 square feet for each child of total capacity. A fenced play area will be provided.
 - e. Section 321.7(F) requires safe site ingress and egress. The parking areas on Washington Street are served by three curb cuts, two of which appear to be one way. Directional signs are needed to eliminate potential traffic conflicts.
4. The proposal is consistent with section 500-Off-street Parking and Loading. The number of parking spaces available on-site greatly exceeds the daytime weekday needs of church activities and the proposed day care facility.

VII. RECOMMENDED CONDITION OF APPROVAL

1. Prior to occupancy of the day care facility, directional signs shall be installed at all one-way curb cuts for parking lots on Washington Street. The applicant shall confer with Public Works staff to identify sign, type location, and clear vision requirements prior to installation.
2. The proposed space may be used a period of six months after the expiration of the appeal period, provided that the room dividers are fully retracted and are not used during periods of occupancy.
3. The space may be permanently occupied provided that the following are installed and inspected to the satisfaction of the Building Official:
 - a. second means of accessible egress;
 - b. exit lighting; and
 - c. emergency lighting.
4. That permits be obtained for installation of required sinks or other plumbing.

EXHIBITS

1. Zoning Compliance Report
2. Applicants Proposal
3. Site Plan
4. Floor Plan

EXHIBIT 1 – ZONING COMPLAINE**Section 321- Community Service Overlay**

1. 321.1 Purpose

The purpose of the Community Service Overlay Zone is to provide for the development of special uses which may be appropriate in one district but not another. The Community Service Overlay functions as an overlay designation for public and private institutions in most zone districts.

2. 321.2 Applicability

Schools and accompanying day care facilities require authorization by the Planning Commission.

3. 321.3 Notice Requirements

Public notice was provided to all property owners within 250 feet of the site and a notice of public hearing was placed on the site prior to the public hearing

4. 321.4 Authority to grant or deny a community service use. A community service use may be allowed if the standards of the underlying zone are met.

The requirements of the underlying zone, R-1-B, have been met.

5. 321.5 Application Requirements specifies submission requirements for CSO applications.

All submission requirements have been met.

6. 321.6 Review of application specifies the procedures the City must follow in reviewing a CSO application.

The city has complied with all requirements of this section

7. 321.7(B) specifies specific standards for schools including the following:

a. Fenced play area of 75 square feet per child.

A fenced area that is subject to state inspection and approval will be provided and is.

b. Walkways, both on and off the site will be provided as necessary for safe access to schools.

Adequate on-site walkways exist between the day care rooms, the church parking lot, and on-street parking along 25th Avenue. In addition sidewalks exist on nearby Washington and Monroe Streets. Given the age of the children attending the facility, it is

expected that adults will escort all whenever children use a walkway.

- c. Sight obscuring fences are required to separate play areas from adjoining residential areas.
The play area does not adjoin residential areas.
- d. Public facilities must be adequate to serve the facility.
Adequate public facilities are already in-place.
- e. Parking, yard setbacks, bike parking, and landscaping standards.
Parking, setback, bicycle parking, and landscaping requirements do not apply since no site changes are proposed.

Section 500 Off-street Parking and Loading

On-site parking is provided for church and related uses consistent with the Commission's approval of Variance application VR-73-14.

500.3 requires that day care facilities provide parking based on the number of staff, number of children, and the number of facility vehicles. The proposed daycare facility requires 4 parking spaces under Section 503; 22 spaces are reserved for the day care operation. The child-care program will only be operating on weekdays. 141 on-site spaces and 40 on-street spaces presently serve the church and school. In 1973 the Planning Commission approved a variance of parking requiring 130 spaces for the church. Staff believes the proposal is consistent with Section 500 since parking will be shared and not conflict with weekend peak use by the Church.

Section 1011.3 Minor Quasi-Judicial review

Public notice was provided to all property owners within 250 feet of the site and a notice of public hearing was placed on the site prior to the public hearing in accordance with provisions of this section.

EXHIBIT 2

3 PAGES

6.1 9

St. John the Baptist
10955 SE 25th Ave.
Milwaukie, OR 97222
(503) 654-5449

RECEIVED

APR 27 2001

CITY OF MILWAUKIE
PLANNING DEPARTMENT

To: Milwaukie Planning Commission
From: Sheryl Johnson /St. John's
4964 SE Mason Ln.
Milw. OR 97222
(503) 653-9603
Date: April 26, 2001
Subject: Childcare/Extended care at St. John's

ACTION REQUESTED

Obtain a land use approval for a Community Service overlay at St John the Baptist. As our world grows and changes, we the parents and parishioners of St. John the Baptist see the need for a day school and extended care here at our school. I, Sheryl Johnson on behalf of St. John's, propose to open a not-for-profit childcare that will provide care to an average of 20-25 children at any given time. The care will be offered year-round, Monday through Friday, 7:30am to 6:00pm. It will be closed on few selected national holidays and one week a year.

BACKGROUND

In the fall of 1996 there was an approval for the YMCA to run a before-and-after school care program (and summer care) in the lower level of the Parish Center. That program lasted two years. After discussion with school personnel and parents, I believe the reason that program no longer exists is due to lack of management, high fees, and lack of community in regards to our catholic school. We need to connect the care given to the children participating.

PROJECT DESCRIPTION

We propose to open a before-school-care program at 7:30am and also at that time, open for full time childcare for one classroom of up to 10 children. We then would enroll 5-10 kindergarten children for extended care starting at 12:00 noon. We would also be open to after-school children that are out of school at 2:50pm. Making the total amount of children in attendance approximately 25.

In addition, we propose to open one classroom for a pre school program with 10-14 children on M-W-F from 9:00 to 11:30am that runs September through May. This particular class would not run on days that St. John the Baptist is out of school. Still, the daytime enrollment would be 20-25.

We plan to use the lower level of the parish center (B-1,B-2,B-3) The childcare will be in B-2 and B-3 with occasional use in B-1. That room (B-1) can be available for religious education classes, boy scouts, or other group meetings.

I have been working with Mike Deegan from Child Care Division (503) 731-3386. I have submitted a Childcare registration application for no more than 39 children. It is one of two types of registrations. The other allows for 40+ children. I have also met with the local Sanitation representative and Fire Marshall personnel. There are minor adjustments to be taken care of, ie: 'EXIT' light bulb needs to be replaced.

We are not making any structural changes to the building. We plan to make the area more 'child friendly' on the inside; paint, new carpet, etc. There will be no physical changes proposed to the property other than adding a fence to boarder an already grassed play area.

We will be adding a 4 or 5 foot cyclone fence in the area directly against the sidewalk outside our proposed entrance and next to the church's rear parking area. We would like to add a Little Tykes type play structure in that fenced area.

APPROVAL CRITERIA SUMMARY

The planning Commission must make a decision on whether the use of extended care and childcare located in the parish center is in the public's best interest. The benefits of adding care for local parishioners and their friends and families must outweigh the potential adverse impacts.

- SUPPORT OF CRITERIA; to add a catholic based preschool/day-school atmosphere in the Milwaukie area, especially for, but not limited to our current school families and parish members. This would help build a sense of community for an entire family as each child grows with future classmates and with the comfort of familiar surroundings.
- SUPPORT OF CRITERIA; by having extended care, we may eliminate both parent and other childcare traffic at 12:00 noon and 3:00pm.

ADVERSE CONDITIONS; I cannot currently think of any adverse conditions. It is possible that loitering could occur by the additional play structure, however, we will be fencing that area. There is also adequate security lighting to help reduce the potential for unauthorized activities like mischief or loitering.

PARKING AND CIRRCULATION

According to chart 503.9 there must be 1 space per 5 seats in the church, or 1 per 12 linear feet of bench. An oversized map has been included that shows seating . The church has room for 950 people and 138 parking spaces in the rear. There is also street parking available that is not included in the first number.

The parking should not be an adverse condition due to the fact that the childcare will not be running on any given weekend, therefore not interfering with parishioner's parking.

We will also be including in our parent contract that there be a 5-10 minute limit for drop off and pick up. Therefore, the circulation is in a timely manner and available to a different use. Many of our potential parents will have students enrolled in St. John's and need to be at St. John's to drop off and may use the playground of the school for parking.

LOCAL MEETINGS

-NDA

I have talked to Ed Zumwalt from the local NDA and have been added to their May 10, 2001 meeting at Milwaukie Elementary. I have briefed him on the plan at St. John's.

-North Clackamas School District

This group relates to the church because Milwaukie High School has casual conditional use of the back parking. However, they are in the process of extending their own parking space and projected to be ready for the fall of 2001. There also has been a survey sent out regarding changing the start time of the high school, but those surveys have not been tallied yet.

EXHIBITS

- site map
- location plan map
- floor plan of parish center
- church interior
- exterior site w/ fence, lighting, walkway entrance

EXHIBIT 3a

6.1 12

S. E.

25TH AVE.

WASHINGTON

5400

5100

5200

4900

4800

4700

4600

00

5600

LOCATION OF DAY-CARE

PARKING



EXHIBIT 3b

6.1 13

ST JOHN'S CHURCH

BEDDING AND SHRUBS

GRASS

MARY'S CHILD CARE

ENTRANCE

BEDDING

BEDDING

BULBS

PK

PK

RAMP

PK

PK

PK

PK

PK

PK

PK

SHRUBS

25TH AVE
CROSS STREET

BUSHES

SHRUBS

BEDDING

GRASS

BEDDING

SIDEWALK

25 PARKING SPACES

7 18 - 20 TREES

SIDEWALK

WASHINGTON ST.

MILW A.S. I.



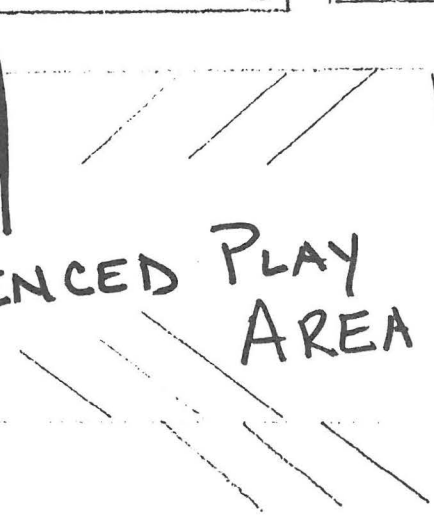
- PARKING AND DRIVEWAY ENTRANCE
- LIGHTING
- x- FENCE PROPOSED

ACCESS TO DAY-CARE

62 PARKING SPACES

(138 PARKING TOTAL)

FENCED PLAY AREA





To: Planning Commission
Through: Alice Rouyer, Planning Director *AR*
From: John Gessner, Associate Planner *JG*
Date: June 12, 2001
Subject: Applications TPR-01-01 & VR-01-01
 Victor and Kathy Stankewitsch
 2647 SE Ochoco Street

I. Action Requested

Approve applications TPR-01-01 and VR-01-01 thereby authorizing a reduction in landscape buffer requirements, construction of a manufacturing building and site improvements and adopt recommended Findings and Conditions of Approval.

II. CODE AUTHORITY AND APPROVAL CRITERIA

Milwaukie Zoning Ordinance Sections

- 314-Manufacturing Zone
- 400-Supplementary Regulations
- 500-Offstreet Parking and Loading
- 700-Variances, Exceptions, and Home Improvements
- 1011.3-Minor Quasi-Judicial Review
- 1400-Transportation Planning, Design Standards, and Procedures

III. DECISION-MAKING PROCESS

The variance and transportation review applications are subject to minor quasi-judicial review, which requires the Planning Commission to consider whether the applicant has demonstrated compliance with code sections identified above. In quasi-judicial reviews the Commission assesses the application against approval criteria and evaluates testimony received at the public hearing. The Commission has three decision-making options as follows:

1. Approve the applications upon finding that all approval criteria have been met.

2. Approve the applications subject to conditions when they are needed for compliance with approval criteria.
3. Deny the applications upon a finding that they do not meet approval criteria.

The final decision on these applications, which includes any appeals to the City Council must be made by August 25, 2001 in accordance with the Oregon Revised Statutes and the Milwaukie Zoning Ordinance. (The applicant can waive the time period in which the applications must be decided.)

IV. KEY POINTS

1. ***Has the applicant demonstrated compliance with Section 700 variance criteria?***
2. ***Has the applicant demonstrated compliance with Section 400 Supplementary Regulations?***
3. ***Has the applicant demonstrated compliance with Section 500-Offstreet Parking and Loading standards?***

V. Background

1. Statistics

Location	2467 SE Ochoco Street
Property Owner	Victor and Kathy Stankewitsch d.b.a. Standard Gear Manufacturing
Applicant	Kathy Stankewitsch
Zone	Manufacturing
Lot Size	7,957 square feet (7,725 square feet after right-of-way dedication.)
Proposal	Construct a 3,830 square foot manufacturing building, outdoor storage, three parking spaces, and landscaping.
No. of Stories	1 story

2. Project Description

The development proposal includes construction of a simple steel structure, outdoor storage on the north end of the site, and a small parking lot with access to Ochoco Street. The building is to be occupied by a machine shop. Situated among active industrial uses, the single-family home that formerly occupied the site was removed by the applicant in preparation for constructing the manufacturing building. Removal of the house eliminated a non-conforming use.

If approved, the project will result in dedication of additional right-of-way along Ochoco Street and construction of a sidewalk. A sidewalk was recently constructed along a property located to the west. The two sidewalks will be connected upon future improvement to the property located between the two.

The site plan shows preservation of the large oak located at the north end of the property.

VI. ANALYSIS OF PROPOSAL

1. Zoning Authority

The proposal is subject to the following regulations.

- Section 314 Manufacturing Zone specifies use restrictions and development standards.
- Section 411-Yard Requirements, General exceptions requires additional yard depth for development along major street including Ochoco Street.
- Section 500-Offstreet Loading and Parking, specifies standards for parking lot design, lighting, and landscaping.
- Section 700- Variance, Exceptions, and Home Improvement Exceptions specifies approval criteria.
- Section 1011.3-Minor Quasi-Judicial Review, governs public notice and the application process.
- Section 1400-Transportation Planning, Design Standards, and Procedures, addresses the adequacy of pedestrian, bicycle, and other transportation improvements.

2. Evaluation of Zoning Criteria

This section addresses specific aspects of the project that either require conditions be imposed to bring the application into compliance with zoning criteria or otherwise warrant discussion. A checklist showing staff analysis of compliance with all other standards is included in Exhibit 1- Zoning Compliance Report. A summary of key zoning issues follows:

A. *Has the applicant demonstrated compliance with Section 700 variance criteria?*

The applicant is seeking a variance of Section 503.19(A)(2), which requires a minimum of 6 feet landscape buffer between parking areas and the abutting property. The requested variance is 2 feet 6 inches for the western and eastern landscape buffer. The property width is 50 feet. Full compliance with the design standards for

landscape buffer, parking space depth and parking lot aisle requires a minimum of 55 feet in of lot width.

Staff advised the applicant to provide parking space and aisle dimensions as required in order ensuring safe and convenient use of the parking lot.

A variance may be granted only when the Planning Commission finds all of the following criteria are satisfied. Staff suggests that the negative effect of not granting the variance may exceed any potential negative effect of granting the variance.

1. 702.1(A) That the property in question has unusual circumstances over which the applicant has no control. Such circumstances may only relates to physical characteristics of the property, lot or boundary configurations, or prior legally existing structures.

The unusual circumstance is the narrow lot width, which is insufficient for construction of parking and landscaping improvements at the dimensions required by the zoning ordinance for permitted development.

2. 702.1(B) That there are no feasible alternatives to the variance and that the variance is the minimum variance necessary to allow the applicant use of his/her property in a manner substantially the same as others in the surrounding area.

Alternatives are available but staff believes they are not feasible since they reduce development potential of manufacturing land. The requested variance is the minimum needed to develop the property. All neighboring properties in the north industrial area were developed prior to adoption of the landscaping regulations. Therefore, none have parking lot landscaping. Granting the variance would allow the site to be used in a manner substantially the same as other properties in the area. See following alternative analysis:

- a. *Option 1- reduce floor area by 830 square feet, which reduces parking requirements thereby allowing reorientation of the parking spaces and elimination of the parking aisle. This approach reduces the development potential of the site and may not fully meet the purpose of the Manufacturing Zone.*
- b. *Option 2-reduce required dimensions of parking spaces or parking aisles. Staff believes that this*

approach is not feasible due to the need to provide safe parking and site maneuvering space.

3. 702.1(C) That the adverse effects upon other properties that may be the result of this variance shall be mitigated to the extent feasible.

The landscape buffer helps reduce the visual impact of parking. Staff believes that there will be a minimal adverse impact based on the character of development on adjoining properties. The lot to the west has a sight-obscuring fence along the shared property line. The property to the east is an industrial storage yard surrounded by a barbed wire topped chain link fence.

2. **Has the applicant demonstrated compliance with Section 500-Offstreet Parking and Loading**

The application does not meet requirements for parking space wheel stops, irrigation plan, and trees (two are shown, three are required). Conditions of approval have been recommended to bring the application into compliance.

3. **Has the applicant demonstrated compliance with Section 400 Supplementary Regulations?**

- a. Section 401.1(A)(3) requires a sight obscuring fence for all outdoor storage areas. A condition of approval has been recommended to bring the application into compliance.
- b. Section 408 requires a minimum three-foot side yard setback, unless the building is located on the property line. The site plan shows the western yard setback at 1-foot 7 ½ inches. A condition of approval has been recommended to bring the application into compliance.

VII. COMMENTS

Milwaukie Public Works

Paul Roeger, Civil Engineer, April 12, 2001

Ochoco Street is an existing asphalt street with no curb or sidewalk within a 40-foot right-of-way. Per chapter 15.32 of the Milwaukie Municipal Code, the developer must construct improvements to Ochoco Street, including curb and sidewalk along the entire frontage of the property. Prior to the City issuing the building permit the developer must fund the improvements to insure completion of the improvements. Also, an additional right-of-way dedication of 5-feet is required at this time, for an

eventual 50-foot wide right-of-way as required by the Transportation System Plan for local industrial streets. Full-engineered plans must be submitted to the engineering department for review and approval at the time of building permit review.

City sanitary sewer and water serve the site from a previous building. Credit will be given for one connection unit. Additional system development charges (SDCs) will be based on the number of plumbing fixtures added to the building. A complete plumbing plan, including the existing fixtures in the building, must be submitted along with the building permit plan and application. No additional SDC is anticipated per the proposed plan.

On-site storm drainage must be connected into the City storm drain line in Ochoco Street. All new on-site catch basins must be inverted siphon basins. Additional SDCs will be based on the additional impervious surface added to the site. One connection unit equals 2,706 square feet. Credit will be given for one unit. Additional SDCs will be based on the impervious surface over 2706 square feet. Each additional connection unit will be assessed \$473. Calculation of the added impervious surface will be done at the time of building permit review.

The transportation SDC is based on the square footage of gross floor area added to the site and the number of trips generated by the proposed use of the building per the 6th edition of the Trip Generation handbook from the Institute of Transportation Engineers. Credit will be given for a single-family residence, 9.57 trips. Additional trips generated by the proposed use will be assessed at \$140 per trip, at the time of building permit review.

North Clackamas Fire District #1

Ernie Badeau, Deputy Fire Marshal, May 23, 2001

A fire hydrant must be provided within 250 feet of all parts of the building as measured by an approved route around the building. Verification of existing hydrants can be used to satisfy this requirement.

VIII. RECOMMENDED FINDINGS IN SUPPORT OF APPROVAL

1. The applicant is proposing to construct a 3,830 square feet, one story manufacturing building to house a machine shop, and provide related site improvements including outdoor storage, three parking spaces, and landscaping.
2. Applications TPR-01-01 and VR-01-01 have been processed, and public notice provided in accordance with Zoning Ordinance Section 1011.3 and Section 1403.

3. The proposal is consistent with permitted uses and development standards of Section 314-Manufacturing Zone.
4. The proposal is consistent with Section 411.1.C-Major Street Setback.
5. The proposal is consistent with Section 1400-Transportation Planning, Design Standards, and Procedures including right-of-way dedication and construction of curb and curb tight sidewalk.
6. The proposal is consistent with Section 700 criteria for granting a variance. The variance reduces the 6-foot perimeter landscape buffer on both the east and west side of the lot to 3 ½ feet. The application meets approval criteria as follows:

- a. 1. Section 702.1(A) That the property in question has unusual circumstances over which the applicant has no control. Such circumstances may only relate to physical characteristics of the property, lot or boundary configurations, or prior legally existing structures.

The unusual circumstance that supports the variance is the narrow lot width, which is insufficient for construction of parking and landscaping improvements at the dimensions required by the zoning ordinance.

2. 702.1(B) That there are no feasible alternatives to the variance and that the variance is the minimum variance necessary to allow the applicant use of his/her property in a manner substantially the same as others in the surrounding area.

Available alternatives are not feasible since due to their but negative effect on the purposes of the manufacturing zone as follows:

- A. *Reduce floor area by 830 square feet, which reduces parking requirements thereby allowing reorientation of the parking spaces and elimination of the parking aisle. This approach reduces the development potential of the site and does not fully meet the purpose of the Manufacturing Zone and Comprehensive Plan policies, which encourage support of the City's industrial base.*
- B. *Reduce required dimensions of parking spaces or parking aisles. This approach is not feasible due to the need to provide safe parking and site maneuvering space.*

The requested variance is the minimum needed to develop the property. All other properties in the north industrial area were

developed prior to adoption of the landscaping regulations. Therefore, none have parking lot landscaping. Granting the variance would allow the site to be used in a manner substantially the same as other properties in the area.

3. Section 702.1(C) That the adverse effects upon other properties that may be the result of this variance shall be mitigated to the extent feasible.

The landscape buffer helps reduce the visual impact of parking. There will be a minimal adverse impact based on the character of development on adjoining properties. The lot to the west has a sight-obscuring fence along the shared property line. The property to the east is an industrial storage yard surrounded by a barbed wire topped chain link fence.

7. By grant of the variance, and as conditioned, the proposal is consistent with standards of Section 500-Offstreet Parking and Loading.

IX. RECOMMENDED CONDITIONS OF APPROVAL

1. Plans submitted for building permit approval shall be in substantial compliance with the plans approved by the Planning Commission.
2. Prior to issuance of a building permit, the following shall be submitted to the satisfaction of the Planning Director:
 - a. written description of all actions taken to comply with conditions of this approval;
 - b. written description of all changes made to the plans but not required by conditions of approval;
 - c. parking and landscaping plan showing installation of three trees in accordance with Zoning Ordinance (ZO) 503.19(A)(6); installation of wheel blocks in accordance with ZO 503.19(C); and an irrigation plan in accordance with ZO 503.19(H);
 - d. a modified site plan showing correction of the side yard setback in accordance with ZO 408, which requires a minimum setback of 3 feet unless the building is on the property line, all zoning standards must be confirmed if the size of the footprint is increased;
 - e. erosion control plan in accordance with Milwaukie Municipal Code Title 17;
 - f. full-engineered plans for public improvements including curb and curb-tight sidewalk along the property frontage in accordance with Section 1405;

- g. funding for public improvements;
 - h. a complete plumbing plan including a plan showing on-site storm drainage connected into the City storm drain line in Ochoco Street, including inverted siphon basins for on-site catch basins;
 - i. installation of a sight-obscuring fence for all outdoor storage areas in accordance with ZO 401.1(A)(3);
 - j. submit instruments for the dedication of 5-foot right-of-way dedication for legal review;
 - k. System Development Charges for water, sanitary sewer, storm drainage, and transportation shall be paid; and
 - l. verification of any existing fire hydrant within 250 feet of all parts of the building along a route approved by the Fire Marshal, or submission of a plan approved by the Fire Marshal showing installation of a fire hydrant within 250 feet of all parts of the building.
3. Prior to issuance of any temporary occupancy permit, the following shall be resolved:
 - a. Required landscaping shall be installed or bonded in accordance with ZO 503.19.E;
 - b. all site improvements shall be completed and inspected to the satisfaction of the Planning Director; and
 - c. installation of all improvements in the right-of-way including sidewalks Ochoco Street.
 4. Prior to issuance of a certificate of occupancy, the instruments for dedication of the right-of-way shall be recorded with the Clackamas County Surveyor, copies of which shall be submitted to the City.

EXHIBITS

1. Zoning Compliance Report
2. Site Plan
3. Applicant's Narrative

EXHIBIT 1- ZONING COMPLIANCE**Section 314-Manufacturing Zone**

1. 314.1 A through H. The proposed manufacturing use is consistent with permitted industrial uses as follows:
 - a. Commercial accessory uses are permitted.
No commercial accessory uses are proposed.
 - b. Offsite impacts that create a nuisance are prohibited.
The applicant indicates that manufacturing processes will not result in off-site impacts.
 - c. The site shall have access to a collector or arterial.
The site has direct access to McLoughlin Boulevard from Ochoco Street.
 - d. Provisions for sidewalks and mass transit facilities shall be made.
Sidewalks shall be provided on-site. The small scale of the project does not warrant provision of off-site transit facilities.
 - e. Outdoor storage areas shall be screened with sight obscuring fence.
Outdoor storage is proposed for north end of the site. The yard of the manufacturer to the west is already fenced. New fencing is proposed for the north and northeast property line. (A condition has been recommended that ensures the fence is sight-obscuring.)
 - f. A warehouse that is accessory to an industrial use is permitted.
(No response needed.)
2. 314.2. Preexisting uses and development
Not applicable
3. 314.3 Prohibited Uses
No prohibited uses are proposed.
4. 314.4 Administrative decisions on manufacturing uses may be appealed to the Planning Commission
Not applicable
5. 314.5 Special Provisions for Conditional Uses
Not applicable; no conditional uses are proposed.

6. 314.6 Site Development Requirements

Standard	Minimum/ Maximum	Proposed	Comply?
Setbacks	Front -20 feet Side- none Rear- none	Front 60 feet Side- 1'-7 1/2 " Rear-	Front-Yes Side-No (1) Rear- yes
Height	45 feet	18'-1 3/4 " floor to peak	Yes
Parking and Loading	See review of Section 500.	n.a.	n.a.
Landscaping	15% of lot area- 1,196 square feet.	15.1%-1,167 square feet (2)	Yes
Site Access	1 curb cut per 150 feet of frontage	1 curb cut for 50 feet of frontage	Yes
Transition Area for sites within 120 feet of residential zones	not applicable	not applicable	not applicable

1. The building can be modified to meet this requirement. A condition of approval has been recommended to require compliance with this standard.
2. Based on post dedication lot area of 7,725 square feet.

Section 400-Supplementary Regulations

Only sections applicable to this project are shown below:

1. 401.1(A)(3) Maximum height for fences in industrial zone is 8-feet. Barbed wired may be allowed on an 8-foot fence when approved under administrative review. Screening fencing must be a minimum of 6 feet.
A condition of approval has been recommended to ensure compliance with fence standards.
2. 408 Distance from property line.
See staff report.
3. 411 Yard Requirements. Ochoco Street is a "major street", which requires an additional setback so that the total setback from centerline of the street is 50 feet.
The building setback exceeds 60 feet from the centerline of the street.

Section 500 Offstreet Parking and Loading

1. 501 Purpose statement
No response needed.
2. 502 Applicability
No response needed.
3. 503 Offstreet Parking Standards
 - a. 503.1(A) Offstreet parking is required outside of the Downtown Office Zone
Parking is provided.
 - b. 503.1(B) Offstreet parking shall be provided at the time of development.
The project will comply.
 - c. 503.1(C) Offstreet parking shall be provided unless shared parking is provided.
Shared parking is not proposed.
 - d. 503.1(D) Required parking shall not be used for storage.
The project can comply.
4. 503.2 Shared Parking is permitted under certain conditions
Not applicable
5. 503.3 Parking is required per table 503.9
Four parking spaces are required based on 1 space per 1,000 square feet of floor area. The number of parking spaces required has been reduced by one based reductions allowed under Section 503.7.
6. 503.4 Exemptions from maximum-allowed parking rates.
503.5 Determination of Parking Classifications
503.6 Determination of Required Parking for Unlisted Uses
Not applicable
8. 503.7.A Reduction of Required Parking when within 500 feet of a transit stop.
A 10% reduction of parking may be taken when within 500 feet of a transit stop. The applicant has indicated that the bus stop at McLoughlin Boulevard and Ochoco is 480 feet from the site. The required parking count has been reduced by one space.

9. 503.8, Modification of Minimum and Maximum Parking
Not applicable.
10. 503.9, Number of Required Parking Spaces
See discussion under 503.3.503.11
11. 503.10, Off-street Parking Space Standards.
The proposed parking spaces and parking aisle comply with dimensional standards this section.
12. 503.11, Parking areas shall be paved and striped.
The project will comply.
13. 503.12, The number of curb cuts shall be the minimum needed to provide access.
One curb cut is provided.
14. 503.13, Aisles are required in parking lots within three or more spaces.
An aisle has been provided.
15. 503.14, Parking lots shall provided for connection to adjoining site to minimize use of street for movement between adjoining sites.
No connections have been provided due to the small size of the site.
16. 503.15, Parking lot lighting that provides safe access for pedestrians and vehicles is required.
Wall mounted parking lot lighting is provided.
16. 503.16 Parking lot drainage shall meet city standards.
The parking lot will be required to connect with the city storm system.
17. 503.16, Pedestrian access through parking areas shall separated from vehicle circulation and parking. Walkways are required for parking areas with more than 20 spaces.
Separate pedestrian walkways are not feasible due to the small size of the site. The intent of the requirements has been met since the lot contains only three spaces, there will be low vehicle traffic and pedestrian use.
18. 503.17, Park and Ride Facilities may be encouraged as part of development review.
The site is too small for shared park and ride facilities.
19. 503.19(A) Perimeter Landscaping Requirements.

The site plan meets perimeter landscaping requirements except as follows:

- a. *The required 6-foot buffer along adjacent property lines has not been provided. See the staff report section on the variance request.*
 - b. *503.19(A)(6) requires 1 tree for every 40 feet of landscape perimeter. The site plan shows 2 trees where 3 are required based on measurement of the parking area perimeter. A condition of approval has been recommended to bring the plan into compliance with this section.*
20. 503.19(B), Interior Landscaping Requirements
The site plan complies with this section.
 21. 503.19(C), wheel stops are required to prevent encroachment on planting areas.
Wheel stops are not shown. A condition of approval has been recommended to bring the plan into compliance with this section.
 22. 503.19(D), Preservation of existing trees in parking areas is encouraged.
There are not existing trees in the parking area.
 23. 503.19(E), Parking area landscaping shall be installed prior to issuance of a certificate of occupancy.
The project will comply.
 24. 503.19(F), Parking area landscaping shall be maintained.
The project can comply.
 25. 503.19(G), Alternative parking plans
Not applicable, applies to structured parking only.
 26. 503.19(H), Required landscaping plan.
The submitted landscaping plan complies with provisions of this section except that an irrigation plan was not submitted. A condition of approval has been recommended to bring the plan into compliance with this section
 27. 503.20, Required Parking Plan
The plan submitted meets the provisions of this section.
 28. 503.21, Off-street Parking in Residential Zones
503.22, Recreational Vehicles and Pleasure Crafts

Not applicable.

29. 504, Off-street Loading Standards

This project is exempt since off-street loading is required for buildings greater than 5,000 square feet.

30. 505, Bicycle Parking

Parking for 2 bicycles has been provided in accordance with this section.

31. 506, Carpool and Vanpool Parking for more than 50 employees.

Not applicable.

32. 507, Standards for Structured Parking.

Not applicable.

Section 1011.3 Minor Quasi-Judicial Review

Public notice was provided to all property owners within 250 feet of the site and a notice of public hearing was placed on the site prior to the public hearing in accordance with provisions of this section.

Section 1400 Transportation Planning, Design Standards, and Procedures

1. 1402, Section 1400 applies to all new industrial development.

No response needed.

2. 1403, Application process will be minor quasi-judicial when a concurrent application requires the same.

The TPR application must be heard under minor-quasi-judicial review since the variance request requires that type of review.

3. 1403.2, Applications shall be forwarded to Tri-Met, Metro, Clackamas County, and ODOT when within 200 feet of a highway, transit route, arterial, or collector.

The application was forwarded to the named agencies. See comment section of the staff report.

4. 1403.3 City initiated projects will be coordinated with other agencies.

Not applicable.

5. 1403.4, TPR Applications must comply with the underlying zone, supplementary regulations, and applicable corridor plan.

See discussion on compliance with Section 314-Manufacturing Zone and Section 400-Supplementary Regulations. There is no corridor plan for Ochoco Street.

6. 1404, Access Control

Not applicable.

7. 1405, Transportation Improvement Standards

The applicant will dedicate five feet along the property frontage and construct sidewalks in accordance with provisions of this section.

8. 1406, Connections to the right-of-way and adjoining properties.

Not applicable; applies only to commercial, institutional, and office uses.

9. 1407, Transit Stops for industrial uses creating more than 1,000 daily vehicle trips.

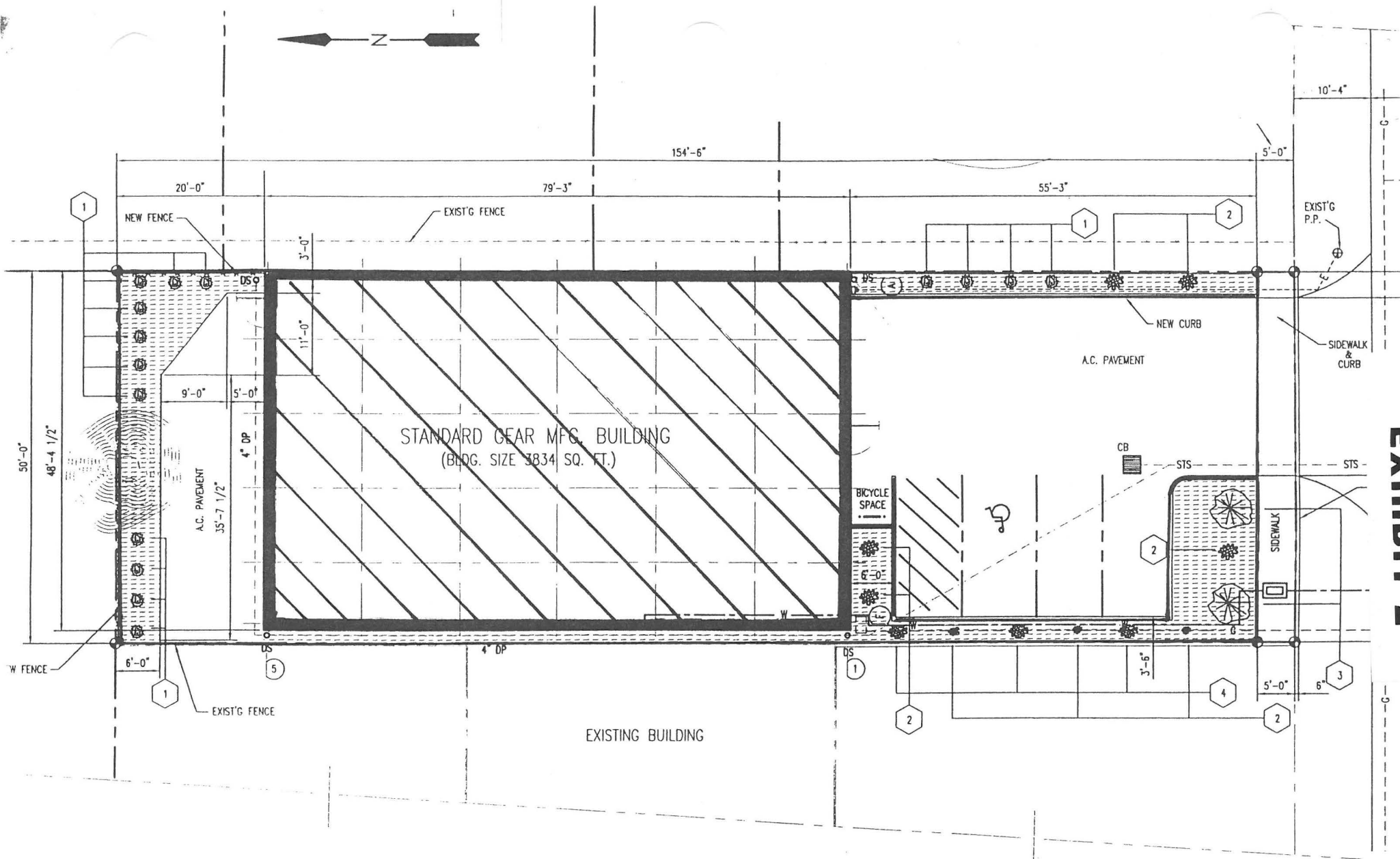
Not applicable.

10. 1408, when located on transit streets building shall have maximum setback.

Not applicable; the eastern segment of Ochoco is not a transit street.

11. 1409, Parking may be reduced when transit improvements are made.

Not applicable.



NOTES / SPECIFICATIONS

- 1. **INSTALLATION:** LANDSCAPE INSTALLATION SHALL BE CARRIED OUT TO CURRENT ACCEPTED NURSERY INDUSTRY STANDARDS FOR THE HIGHEST QUALITY CONSTRUCTION METHODS BOTH MATERIALS AND WORKMANSHIP. THE LANDSCAPE CONTRACTOR IS TO VISIT THE SITE AND DETERMINE CONDITIONS BEFORE PREPARING ANY BIDS OR SUBMITTING ANY PROPOSALS TO THE OWNER.
- 2. **TOPSOIL:** TOPSOIL SHALL BE SPREAD BY THE LANDSCAPE CONTRACTOR, AT A DEPTH OF 12 INS. OVER ALL AREAS TO BE LANDSCAPED. LANDSCAPE CONTRACTOR TO ACCEPT THE SITE FROM THE GENERAL CONTRACTOR AFTER SITE INSPECTION.

- 4. **DECIDUOUS TREES:** ALL DECIDUOUS TREES ARE TO BE OF NATURAL FORM AND SPECIMEN QUALITY IS REQUIRED. SEE FERTILIZER PROGRAM IN NOTE #7 AND DETAIL #1 THIS SHEET.
- 5. **SHRUBS:** PLANT MATERIALS TO BE HANDLED AND INSTALLED USING BEST EXCEPTED TRADE PRACTICES. SEE DETAIL #2 AND FERTILIZER PROGRAM IN NOTE #7.
- 6. **EIR BACK MULCH:** ALL SHRUB BED AREAS, GROUND COVER AREAS AND IN A 4 FT. CIRCLE AROUND THE BASE OF TREES IN SHRUB BEDS SHALL BE COVERED WITH 2" DEEP MULCH.

- 7. **FERTILIZER:** SHALL BE AGRIFORM PLANT TABLETS, 20-10-5, IN 10 AND 21 GRAM SIZES. GALLON SHRUBS AND GROUND COVERS UP TO 12 IN. SPREAD: TWO 10 GRAM TABLETS. SHRUBS 15 IN. TO 36 IN. SPREAD: FOUR 10 GRAM TABLETS. EVERGREEN TREES: FOUR 21 GRAM TABLETS, PLUS ONE PER FOOT OF HEIGHT, TO A MAXIMUM OF 8 TABLETS FOR EACH TREE. DECIDUOUS TREES: SIX 21 GRAM TABLETS, PLUS ONE PER FOOT OF TREE HEIGHT, TO A MAXIMUM OF 12 FOR EACH TREE.

BUILDING SITE & LANDSCAPE PLAN

1/2" = 1'-0"
(LOT SIZE 7725 SQ. FT.)

LANDSCAPE

- 4 -- DWARF RHODODENDRON - "PATTY BEE"
- 3 -- KWANZAN CHEERY - PRUNUS SERRULATA

EXHIBIT 2

6.2 17

VIC & KATHY STANKEWITSCH
STANDARD GEAR MFG., INC.

PAGE 1
APR 27 2001
CITY OF MILWAUKIE
PLANNING DEPARTMENT

2467 SE OCHOCO
MILWAUKIE, OR 97222

CITY OF MILWAUKIE

LAND USE APPLICATION

APPLICATION REQUIREMENTS

700 Series

PROPOSAL

We are proposing to erect a steel building at 2467 SE Ochoco St in Milwaukie, OR 97222 for manufacturing purposes & apply for a major variance of landscaping due to the narrow size of the lot and the conditions set by the City of Milwaukie..

Per your letter dated April 24, 2001

Item 1.

We can accommodate the 24' parking lot aisle in accordance with Table 503.10.

Item 2.

After measuring the distance from the southwest property line to the nearest transit stop we identified that measurement to be 480'. So, we are reducing the parking spaces by one (1) from four to three. This takes advantage of 703.7 and differs from the original narrative. We are, however, not taking advantage of the use of a compact space.

Item 3.

In order to achieve the 24' aisle it is necessary to reduce each area of the front landscaping, thus, the south end of the parking lot bed will be 12' and the east & west beds will each be 3'6" and the bed in front of the building will remain at 6'.

The 5' additional right-of-way width has been incorporated into the new design to comply with Table 1405 - Transportation Improvement Standards and section 1405.1.

Item 4.

There are no other deviations from other design standards required per your sections 300, 500 and 1400.

With the above changes to the original proposal we should be in compliance with Section 702.1, Criteria for granting variances.

VIC & KATHY STANKEWITSCH
STANDARD GEAR MFG., INC.

PAGE 1

2467 SE OCHOCO
MILWAUKIE, OR 97222

CITY OF MILWAUKIE

LAND USE APPLICATION

APPLICATION REQUIREMENTS

700 Series

PROPOSAL

We are proposing to erect a steel building at 2467 SE Ochoco St in Milwaukie, OR 97222 for manufacturing purposes & apply for a major variance of minimum landscape buffer strips.

Section 702.1 Criteria for granting variances:

- A. The property is a 50' X 159' lot size and the requirements to fulfill the parking area improvements require a 55' width. The staff of the City of Milwaukie is requiring that the aisle width be held to the 24' standard to accommodate traffic maneuverability now and in the future. The parking spaces must also be held to the standards set forth by the codes, that is 9' x 19'.
- B. Therefore, it must deem a reduction of the landscaping buffer strips as the only solution to making this project fit this properties limitations and get the most benefit for this available area. Even with this change in the landscaping buffers, this will greatly enhance the looks of the present lot and will be a hopeful incentive for the neighbors to want to beautify their own properties.
- C. In assessing the effects on the properties around this parcel, it can only be an improvement over what was previously there and my cause others to seek their own applications for improvements and set a precedence for some constructive use in planning their own property enhancements.

So in summary per your letter dated April 24, 2001

Item 1.

We can accommodate the 24' parking lot aisle in accordance with Table 503.10.

VIC & KATHY STANKEWITSCH
STANDARD GEAR MFG., INC.

2467 SE OCHOCO
MILWAUKIE, OR 97222

CITY OF MILWAUKIE

LAND USE APPLICATION

APPLICATION REQUIREMENTS

700 Series

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With the above changes to the original proposal we should be in compliance with Section 702.1, Criteria for granting variances.



TO: Milwaukie Planning Commission

THROUGH: Alice Rouyer, Planning Director *AR*

FROM: Kenneth Kent, Associate Planner *KK*

DATE: June 12, 2001

SUBJECT: NR-01-01; Parking Lot Expansion in a Natural Resource Area at 4450 SE Johnson Creek Boulevard

I. ACTION REQUESTED

Approve application NR-01-01 with recommended Findings. The proposal at 4450 SE Johnson Creek Boulevard includes revision of an approved parking lot plan to provide an additional 6 parking spaces.

II. CODE AUTHORITY

Milwaukie Zoning Ordinance Sections

- 314 - Manufacturing Zone M
- 322 - Natural Resource Overlay Zone
- 500 - Off Street Parking and Loading
- 1011.3 - Minor Quasi-Judicial Review

III. DECISION-MAKING PROCESS

A Natural Resource Overlay application is subject to quasi-judicial review, which requires the Planning Commission to consider whether the applicant has demonstrated compliance with approval criteria of the code sections identified above. In quasi-judicial reviews, the Commission assesses the application against applicable approval criteria and evaluates

testimony received at the public hearing. The Commission has three decision-making options as follows:

1. Approve the application upon finding that all approval criteria have been met.
2. Approve the application subject to conditions when they are needed for compliance with approval criteria.
3. Deny the application upon a finding that they do not meet approval criteria.

The final decision on this application, which includes any appeals to the City Council, must be made by September 1, 2001 in accordance with the Oregon Revised Statutes.

IV. KEY ISSUES

1. Has the applicant demonstrated that there is a development setback that adequately protects the resource, per Section 322.7.A.2?

V. BACKGROUND

1. **Statistics** (all standards below are as proposed)

Location: 4050 SE Johnson Creek Boulevard

Property Owner: Associated Chemists, Inc.

Applicant: Timothy Shannon, D.M.D.

Zone: Manufacturing Zone M, Natural Resource Overlay Zone NR

Lot Size 0.70 Acres

Proposed Use: Dental Office

2. **Site History**

The subject property is located on the east side of Johnson Creek Boulevard, south of the Springwater Corridor trail, and bound on the east by Johnson Creek, which runs through the property. The site is located within the Manufacturing (M) Zone and the Natural Resource Overlay Zone. The existing building was constructed in 1988/99, to serve as office space for the Associated Chemists manufacturing use located across Johnson

NR-01-01
June 12, 2001 Planning Commission
Page 3 of 10

Creek Boulevard. Office use is allowed in the Manufacturing Zone only when associated with a manufacturing use, or as an accessory use.

The property owner applied for a Use Exception in August of 2000 (File number E-00-01) under the provisions of Section 705 to allow office use of the site without an associated manufacturing use. The Planning Commission considered the Use Exception along with a Natural Resource Review application (NR-00-04) on October 10, 2000, approving the request. The approved Use Exception allows the subject building to be occupied by certain office uses, including "...offices of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants and others of a professional nature whose activities generate a minimal amount of traffic." As the applicant has noted in their written statement, the Use Exception allows for dentists but the approved parking lot plan does not provide the minimum parking space necessary for a dental office. The applicant's request addresses this parking issue.

The Natural Resource Review application addressed revisions to on-site parking. The existing building has a parking area located on the north side of the building that does not meet minimum parking standards. In order to establish the site as a stand-alone office use in the Manufacturing Zone, per a Use Exception, a new parking lot was proposed on the south side of the building. The Planning Commission's decision requires that the north parking lot be eliminated and a new eight-space parking lot be constructed on the south side of the building, prior to establishing use of the building. The Planning Commission Notice of Decision is attached as Exhibit 4.

3. Summary Project Description

The applicant is proposing to modify the approved parking lot plan for 4455 SE Johnson Creek Boulevard (see Exhibit 3 Applicant's Narrative). The goal of this project is to provide required parking for a dental office. As currently approved, the eight-space parking lot provides the minimum required parking for professional service office uses. A dental office, however, falls under the category of health practitioner's office, which requires four parking spaces per 1,000 square feet of building area. Therefore, based on a building size of 2,880 square feet, a minimum of 12 parking spaces are required for a dental office. The applicant is proposing the maximum number of parking spaces, which is 5 spaces per 1,000 square feet of building area, for a total of 14 spaces.

The approved parking lot plan provides 8 parking spaces in an area approximately 60 feet deep and 140 feet wide, located on the south side of the building, adjacent to Johnson Creek. The approved parking lot would be located in a generally level area that extends approximately 100 to 140 feet to the high water line of Johnson Creek. Along this portion

of Johnson Creek, the bank is relatively steep with the normal water line approximately 10 to 12 feet below the adjacent grade of the site. An 8-foot wide landscape area is provided around the parking lot, as shown in the approved plans, and includes plantings of Oregon Grape and Western Red Cedar. The approved parking lot was designed to maximize the buffer area between the parking lot and Johnson Creek.

The applicant's proposal follows the same design concept as the approved plan, adding six parking spaces to the east side of the parking area and continuing the same landscape strip around the expanded parking lot, thereby reducing the buffer area approved in October between the parking area and Johnson Creek. The applicant has indicated that they intend to comply with all conditions of approval from application NR-00-04.

The applicant has indicated that storm drainage for the proposed parking lot, will be connected to an existing stormwater line located in Johnson Creek Boulevard.

See Exhibit 2 for reductions of the site/landscape plan and NR site survey. See Exhibit 3 - Applicant's Narrative for further project information.

VI. ANALYSIS OF PROPOSAL

Evaluation of Zoning Criteria

This section addresses specific criteria that require commission consideration in reaching a decision in this application.

Natural Resource Overlay

The site is designated as a Natural Resource Site in the Comprehensive Plan. The resource feature on the subject property is Johnson Creek, situated along the east side of the property. Comprehensive Plan Chapter 3 – Environmental and Natural Resources Element establishes policies for protection of natural resource areas and their associated values through preservation, conservation, mitigation and acquisition of resources.

The Comprehensive Plan identifies that riparian buffers provide significant tree and vegetative cover, flood protection, sediment and erosion control, groundwater discharge and recharge, and wildlife habitat.

The resource boundary for Johnson Creek is defined as the 100-year floodplain. The applicant has depicted the 100-year flood elevation on the site plan, which show that the existing building is located within the resource boundary, while the proposed parking lot improvements are not. A new walkway connecting the parking lot to the building would be

NR-01-01
June 12, 2001 Planning Commission
Page 5 of 10

located within the Natural Resource Boundary. This walkway was part of the previous approved plan.

Section 322.7 specifies standards for development activities located in NR areas. These standards generally protect resources by limiting the type of activity, its location, or by limiting or compensating development impacts by requiring mitigation.

The applicant has responded to the approval criteria of section 322.7.A (Exhibit 3). The following discussion addresses those approval criteria that warrant discussion by the Planning Commission.

Has the applicant demonstrated that there is a development setback that adequately protects the resource, per Section 322.7.A.2?

The Planning Commission decision on October 10, 2000 provided for a parking area that maintains a buffer of from 35 to over 60 feet from the edge of the resource. The proposed plan will reduce the buffer from a minimum of 35 feet to 30 feet and from a maximum of 60 feet to 49 feet.

The applicant has indicated that the proposed parking lot modification will increase impervious area by 1,081 square feet. The applicant indicates that in relation to the total buffer area, the increase is not significant, and further notes that a buffer of 30 to 49 feet would adequately protect the resource.

The applicant has attempted to place the revised parking spaces to the furthest point south, where the greatest buffer would be achieved. However, the applicant is also requesting the maximum number of parking spaces, rather than the minimum necessary to locate a dental office on the site. By only constructing the minimum of 12 parking spaces, the buffer could be increased from a proposed minimum of 30 feet to minimum of 35 feet at the closest point.

It is staff's opinion that the development has not been designed to have the least amount of impact on the natural features/values of the site. The goal of the Natural Resource Overlay Zone is to assure adequate protection of resources where development occurs either within or adjacent to the resource. Protection of the resources means maintaining as much of the natural function of the resource as possible. In the case of creeks, a primary consideration is the viability of riparian vegetation that occurs along the creek. An adequate riparian buffer along a creek provides fish and wildlife habitat, wildlife travel corridors, stream bank stability, water quality and nutrient cycling. In order to serve these functions, there needs to be an adequate area to allow vegetation to exist in an undisturbed condition. A general standard that has been applied to the minimum size of

buffers adjacent to waterways is an area that is equal to the height of 1 to 2 site potential trees. This provides an adequate area for the trees and associated vegetation to provide valuable habitat. It also allows any trees that are to fall within the buffer to be able to remain and contribute to the complexity of the habitat and ultimately the nutrient cycle through decomposition processes

Metro Function Plan Title 3 establishes a 50-foot development setback from natural resource sites for the region. Although the City has not adopted this standard, it is considered as part of project review. Given this criterion, any development that occurs within 50 feet of a resource should provide mitigation to minimize potential impacts. The proposed project will be located within 50 feet of a natural resource and warrants appropriate mitigation. If the project were modified to limit the number of parking spaces to 12, it would be consistent with this standard.

Based on the above discussion, staff has determined that the proposal does not meet the approval criteria of Section 322, Natural Resource Overlay Zone. However, revisions to the proposal can provide mitigation that will adequately protect the resource. A recommended condition of approval limits the number of parking space to 12 to minimize the encroachment on the natural resource buffer. A recommended condition also requires additional plantings of native species between the bank of Johnson Creek and the proposed parking lot to enhance the riparian environment and mitigate impacts of additional parking area.

Off-Street Parking

As proposed, the parking lot meets the dimensional requirements of Section 500, relating to drive aisle widths, parking stall size and landscape requirements. Although the applicant's proposal of 14 spaces meets parking criteria, as noted above, staff is recommending the minimum number of parking spaces to mitigate impacts on the Johnson Creek.

VII. COMMENTS

The Public Works Department has review the proposal and determined that the proposed drainage plan meets City standards.

The Lewelling Neighborhood District Association (NDA) has provided comments attached as Exhibit 5. Their comments indicate a recommended revision to the access drive to the parking lot. The NDA recommends that the driveway to the proposed parking lot be moved to the south to provide improved site lines for northbound traffic on Johnson Creek Boulevard.

VIII. CONCLUSION

The Commission has the following options when considering this proposal:

- a) Approve a modified proposal that provides 12 parking spaces, which is the minimum required for a dental office, and require enhanced native plantings in the buffer area, as a means to mitigate against the reduction in development setback.
- b) Deny the request, finding that the proposal does not provide a development setback that is adequate to protect the resource.

- c) Approve the proposal as requested

IX. RECOMMENDED FINDINGS

1. Timothy Shannon D.M.D. (Applicant) and Associated Chemists, Inc. (Owner) are proposing to modify the approved parking lot plan at 4450 to provide required parking for a dental office, by increasing the number of parking spaces from 8 to 14.
2. To minimize the amount of impervious surface adjacent to Johnson Creek, a condition of approval limits that maximum number of parking spaces to 12.
3. Application NR-01-01 has been processed and public notice provided in accordance with requirements of Zoning Ordinance Section 1011.3 Quasi-Judicial Review.
4. As conditioned, the proposal will result in fewer water impacts by limiting the total impervious surface area to the minimum necessary for use of the site. In addition, native plantings and eradication of non-native plant species between the proposed use and Johnson Creek will enhance the natural resource.
5. Storm drainage from the proposed parking lot will be connected to the existing storm drain line in Johnson Creek Boulevard, minimizing impacts to Johnson Creek.
6. Various salmonid "species" have been listed as threatened in the region and regulations have been issued prohibiting actions that result in a "take". The regulations implementing the take prohibition list development as an activity that can result in a take. However, the rules also acknowledge that development can be properly conducted without resulting in a take. A condition of approval requires

compliance with all applicable laws, including the Endangered Species Act. Therefore, the activities authorized by this approval will not result in a violation of the Endangered Species Act.

X. RECOMMENDED CONDITIONS OF APPROVAL

1. Prior to issuance of a building permit, final site and architectural development plans, including landscaping plans shall be in substantial conformance with the plans approved by this action. Reference is made to development plans entitled Preliminary Plan, sheet 3/3 dated April 30, 2001, application submission materials, and minutes of the Planning Commission's public hearing.
2. Prior to issuance of a grading or building permit, the following shall be submitted to the satisfaction of the Planning Director:
 - a. Narrative of all actions taken to comply with these conditions of approval;
 - b. Narrative description of all changes made to the plans but not required by these conditions of approval;
 - c. Tree preservation methods for all trees that may be subject to construction impacts including excavation and soil compaction.
3. Prior to final inspection, a detailed narrative of actions taken to comply with all conditions of this approval shall be submitted to the satisfaction of the Planning Director.
4. Prior to final inspection, the approved landscape plan shall be installed to the satisfaction of the Planning Director.
5. Prior to final inspection, storm water from the parking lot shall be collected and piped to the existing City storm system in Johnson Creek Boulevard.
6. Prior to issuance of a grading or building permit, full-engineered plans shall be submitted subject to review and approval of the City Engineer for the on-site storm water collection facility, piping to the street and connecting to the existing City system.
7. Prior to issuance of a building or grading permit, the applicant shall submit a landscape plan for enhanced buffer planting between the Natural Resource Boundary and the proposed 8-foot buffer strip along the east side of the parking lot, subject to approval by the Planning Director. The landscape plan shall include native plant species that are suitable for the riparian setting adjacent to Johnson

Creek. The plan shall also identify a plan to eradicate non-native plant species within the buffer area.

8. Prior to issuance of any permit to construct a new parking area, the plans shall depict the following items, subject to the review and approval by the Planning and Public Works Departments:
 - a. The 8-foot landscape buffer on the east side of the parking lot shall be planted with native species vegetation.
 - b. Parking lot lighting with light sources facing away from the natural resource site and adjacent residential properties.
 - c. A trash/recycling enclosure including space for recycling containers in the area of the new parking lot. The trash enclosure shall be screened from the street and adjacent residential properties by sight-obscuring materials.
 - d. Street trees shall be provided for the Johnson Creek Boulevard frontage, not including the required parking lot landscaping. A tree theme is encouraged. The trees shall be located within the public right-of-way, between the back of sidewalk and property line.
 - e. A maximum of 12 parking spaces shall be provided.
9. Prior to final inspection for the new parking lot, the applicant shall remove the existing parking area on the north side of the office building and re-seed the area with native grass seed subject to review and approval of the Planning and Public Works Directors.
10. The applicant shall comply with all applicable federal, state and local laws and regulations relating to environmental protections, including but not limited to the Endangered Species Act and all water quality and stream protection regulations.
11. Prior to final inspection of the new parking lot, the existing driveway on the north side of the building shall be removed and replaced with fill height curb and standard sidewalk.

IX. EXHIBITS

1. Vicinity Map
2.
 - A. Proposed Site/Landscape Plan
 - B. Approved Site/Landscape Plan
 - C. Existing Site Condition
 - D. Natural Resource Site Survey
3. Applicants Narrative
4. Planning Commission Decision, October 10, 2000
5. Comments

Exhibit #4

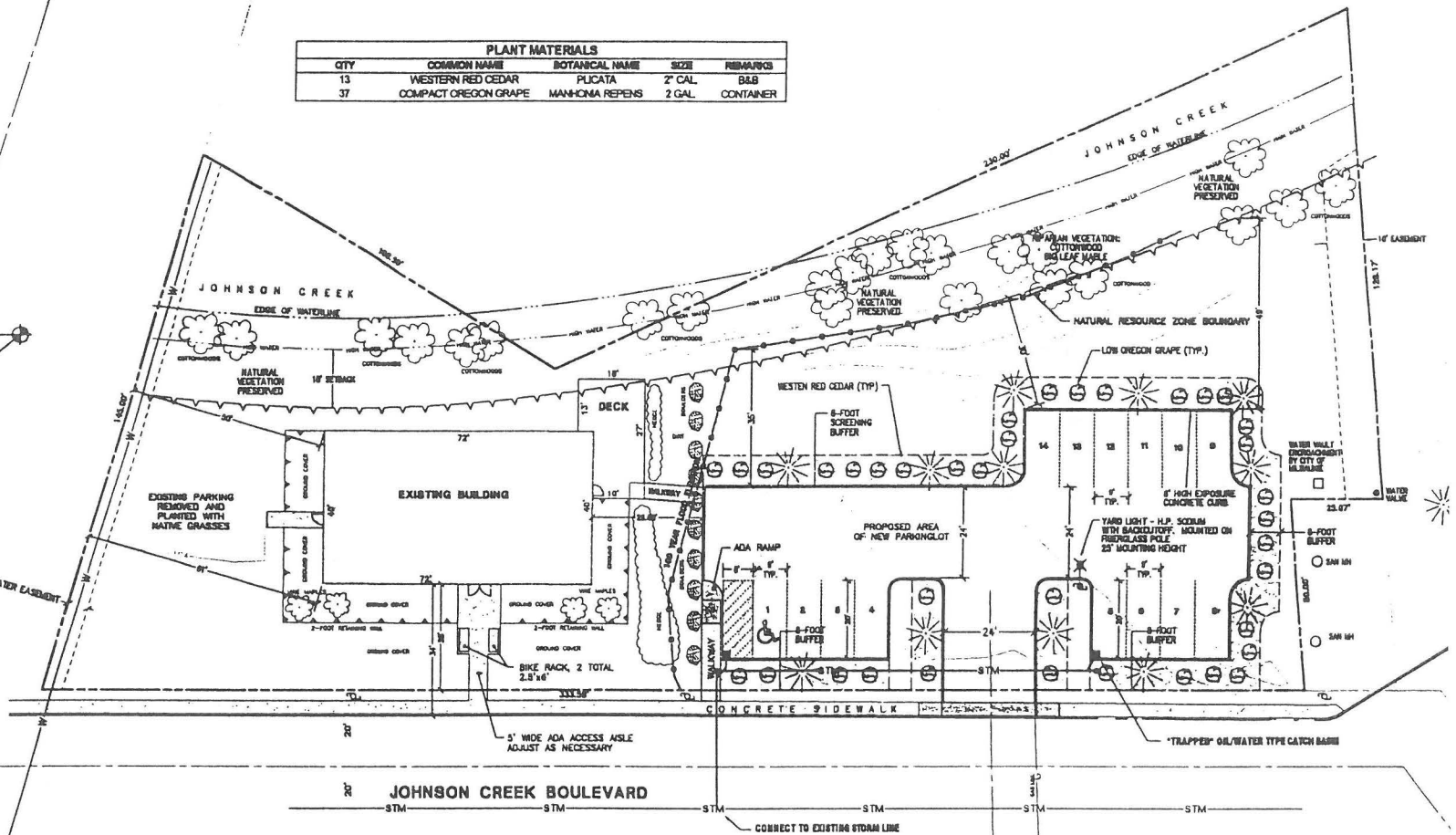
PLANT MATERIALS				
QTY	COMMON NAME	BOTANICAL NAME	SIZE	REMARKS
13	WESTERN RED CEDAR	PLICATA	2" CAL	B&B
37	COMPACT OREGON GRAPE	MANNHOMA REPENS	2 GAL	CONTAINER



PLAN
SCALE: 1" = 30'

BASE OF ELEVATIONS
FD RAILROAD SPIKE IN UTILITY POLE
EL. 105.84

PORTLAND TRACTION COMPANY RAILROAD



CALCULATIONS FOR REQUIRED PARKING SPACES:

USE: HEALTH PRACTITIONERS OFFICE

MINIMUM 4 SPACES PER 1000 S.F. GROSS LEASABLE AREA
MAXIMUM 5 SPACES PER 1000 S.F. GROSS LEASABLE AREA
GROSS LEASABLE AREA = 2,800 GSF

MINIMUM 12 SPACES
MAXIMUM 14 SPACES
1 DISABLED, 13 STANDARD

1S 2E 30 BB 800

04/30/0

PROPOSED PRELIMINARY PLAN

DRAWN BJS	DESIGNED BOG	CHECKED BOG
SCALE 1" = 30'	DATE JUL. 2000	
PLAN 00-4714-1440	4714PRC	DND



COMPASS ENGINEERING
ENGINEERING * SURVEYING * PLANNING
6824 S.E. LANE ROAD
PORTLAND, OREGON 97223
(503) 536-7828 PHONE
(503) 536-4020 FAX

Dr. Tim Shannon
503-654-7773

ASSOCIATED CHEMISTS, INC.
4401 S.E. JOHNSON CREEK BLVD.
PORTLAND, OREGON 97222

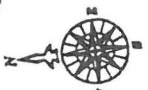
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EXHIBIT 2 - A

6.3

12

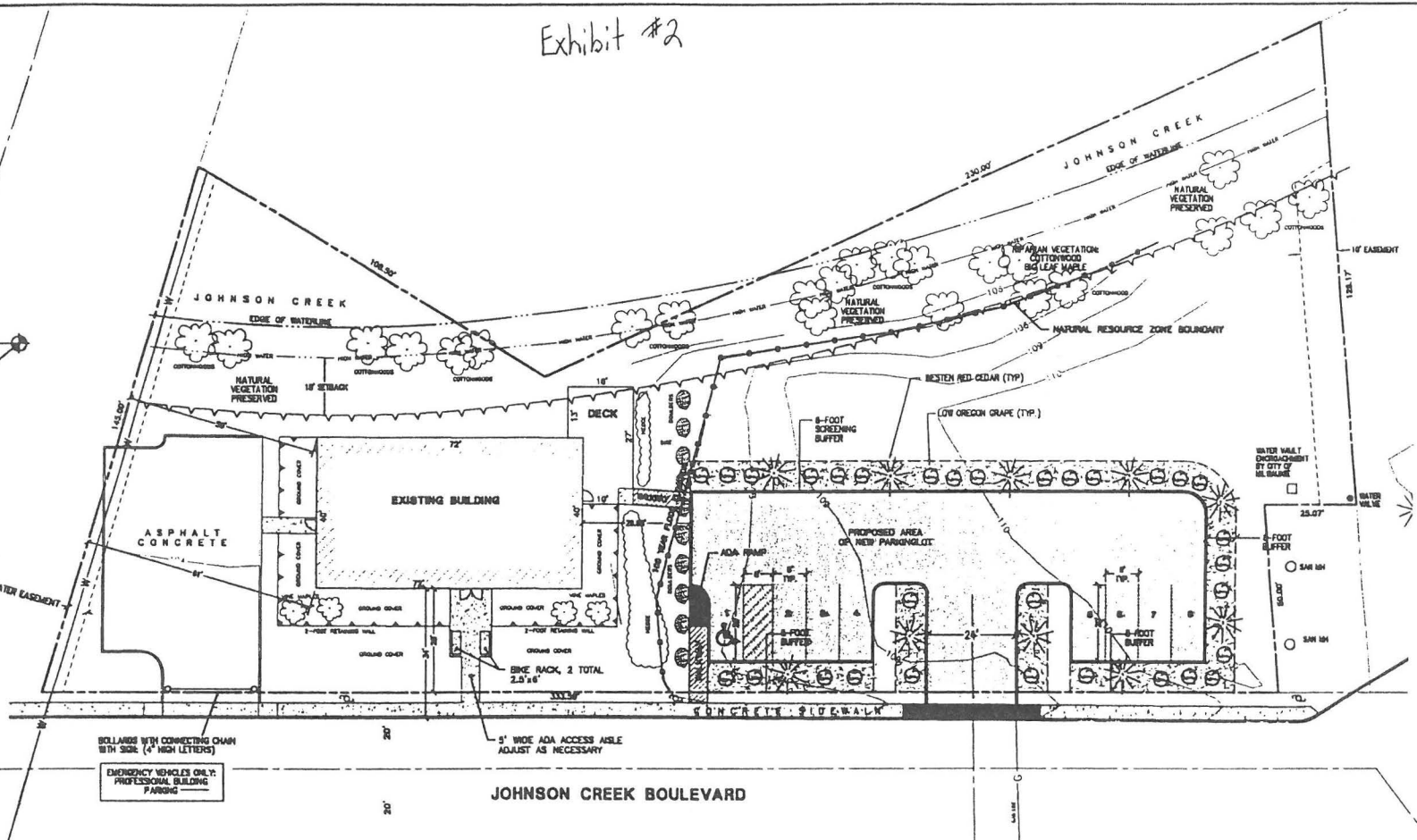
Exhibit #2



PLAN
SCALE: 1" = 30'

BASE OF ELEVATIONS
FD RAILROAD SPIKE IN UTILITY POLE
EL. 103.84

PORTLAND TRACTION COMPANY RAILROAD



CALCULATIONS FOR REQUIRED PARKING SPACES:
USE: PROFESSIONAL SERVICES
1 SPACE PER 370 SQ.FT. GROSS LEASABLE AREA
GROSS LEASABLE AREA = 2,880 GSP
 $\frac{2880}{370} = 7.78$
1 DISABLED, 7 STANDARD

1S 2E 30 BB 800

PRELIMINARY PLAN AS APPROVED

04/30/01

OWNER BJS	DESIGNED JS	CHECKED BGD
SCALE 1" = 30'	DATE JUL, 2000	
PLAN 00-4714-1440	4714PRE1	DWG



COMPASS ENGINEERING
ENGINEERING * SURVEYING * PLANNING
6804 S.E. LAKE ROAD
MILWAUKEE, OREGON 97003
PHONE 503-654-7773
FAX 503-654-7773

Dr. Tim Shannon
503-654-7773

ASSOCIATED CHEMISTS, INC.
4401 S.E. JOHNSON CREEK BLVD.
PORTLAND, OREGON 97222

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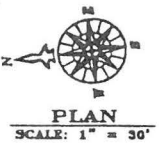
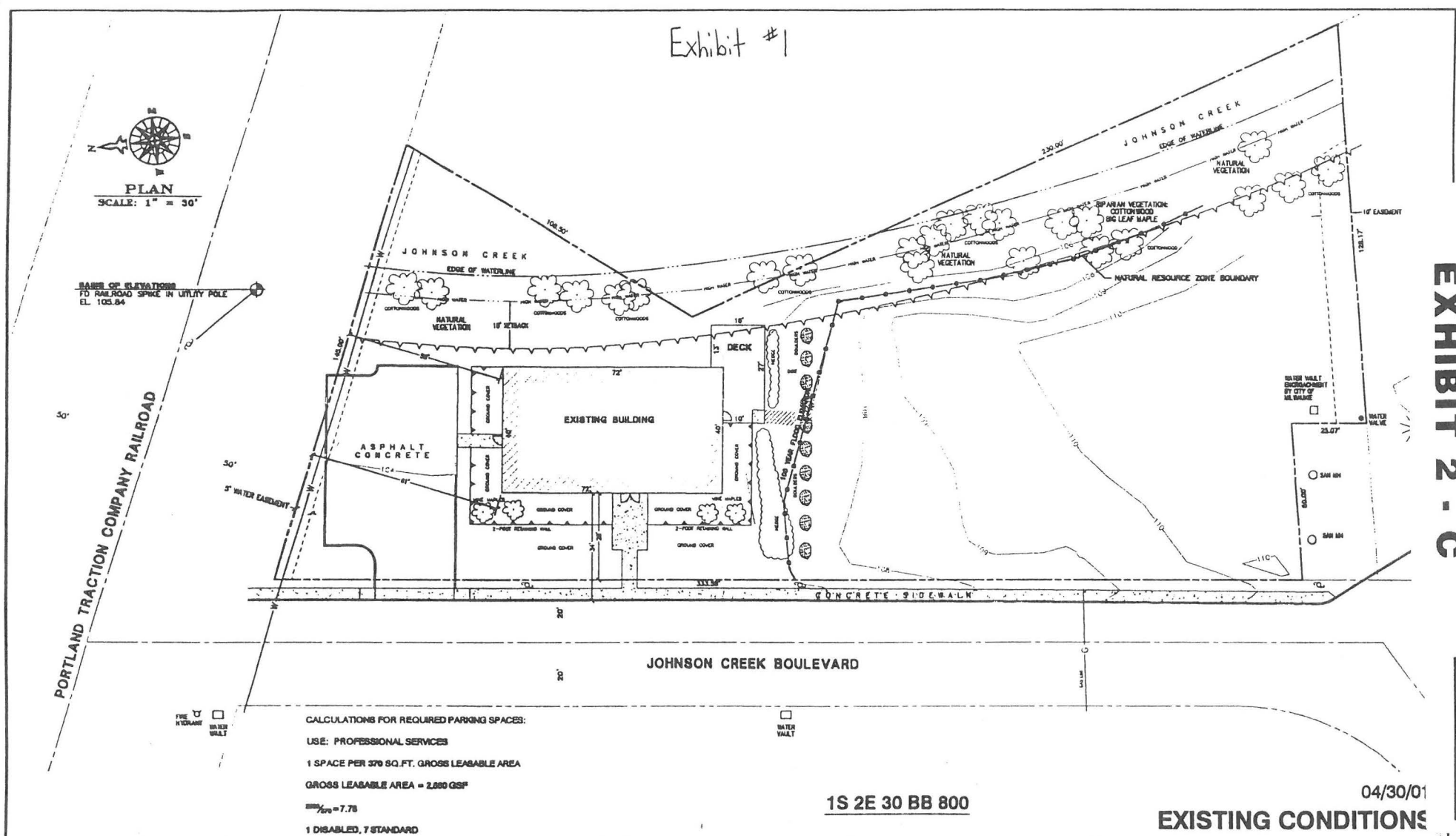
EXHIBIT 2 - B

6.3 13

Exhibit #1

EXHIBIT 2 - C

6.3
14



BASE OF ELEVATIONS
FD RAILROAD SPIKE IN UTILITY POLE
EL. 103.84

CALCULATIONS FOR REQUIRED PARKING SPACES:
 USE: PROFESSIONAL SERVICES
 1 SPACE PER 370 SQ. FT. GROSS LEASABLE AREA
 GROSS LEASABLE AREA = 2,680 GSF
 $\frac{2680}{370} = 7.24$
 1 DISABLED, 7 STANDARD

1S 2E 30 BB 800

04/30/01

EXISTING CONDITIONS

<table border="1"> <tr> <td>DESIGNER: BJS</td> <td>DRAWN: BOG</td> <td>CHECKED: BOG</td> </tr> <tr> <td>SCALE: 1" = 30'</td> <td colspan="2">DATE: JUL. 2000</td> </tr> <tr> <td>PLAN: 00-4714-1449</td> <td colspan="2">4714 PPRE-EXIST</td> </tr> </table>	DESIGNER: BJS	DRAWN: BOG	CHECKED: BOG	SCALE: 1" = 30'	DATE: JUL. 2000		PLAN: 00-4714-1449	4714 PPRE-EXIST		<p>COMPASS ENGINEERING ENGINEERING * SURVEYING * PLANNING 6000 S.E. LAKE ROAD MILWAUKEE, OREGON 97138 (503) 638-0300 PHONE (503) 638-0300 FAX</p>	<p>Dr. Tim Shannon 503-654-7773</p>	<p>ASSOCIATED CHEMISTS, INC. 4401 S.E. JOHNSON CREEK BLVD. PORTLAND, OREGON 97222</p>	<p>1 3</p>
DESIGNER: BJS	DRAWN: BOG	CHECKED: BOG											
SCALE: 1" = 30'	DATE: JUL. 2000												
PLAN: 00-4714-1449	4714 PPRE-EXIST												

Exhibit #6

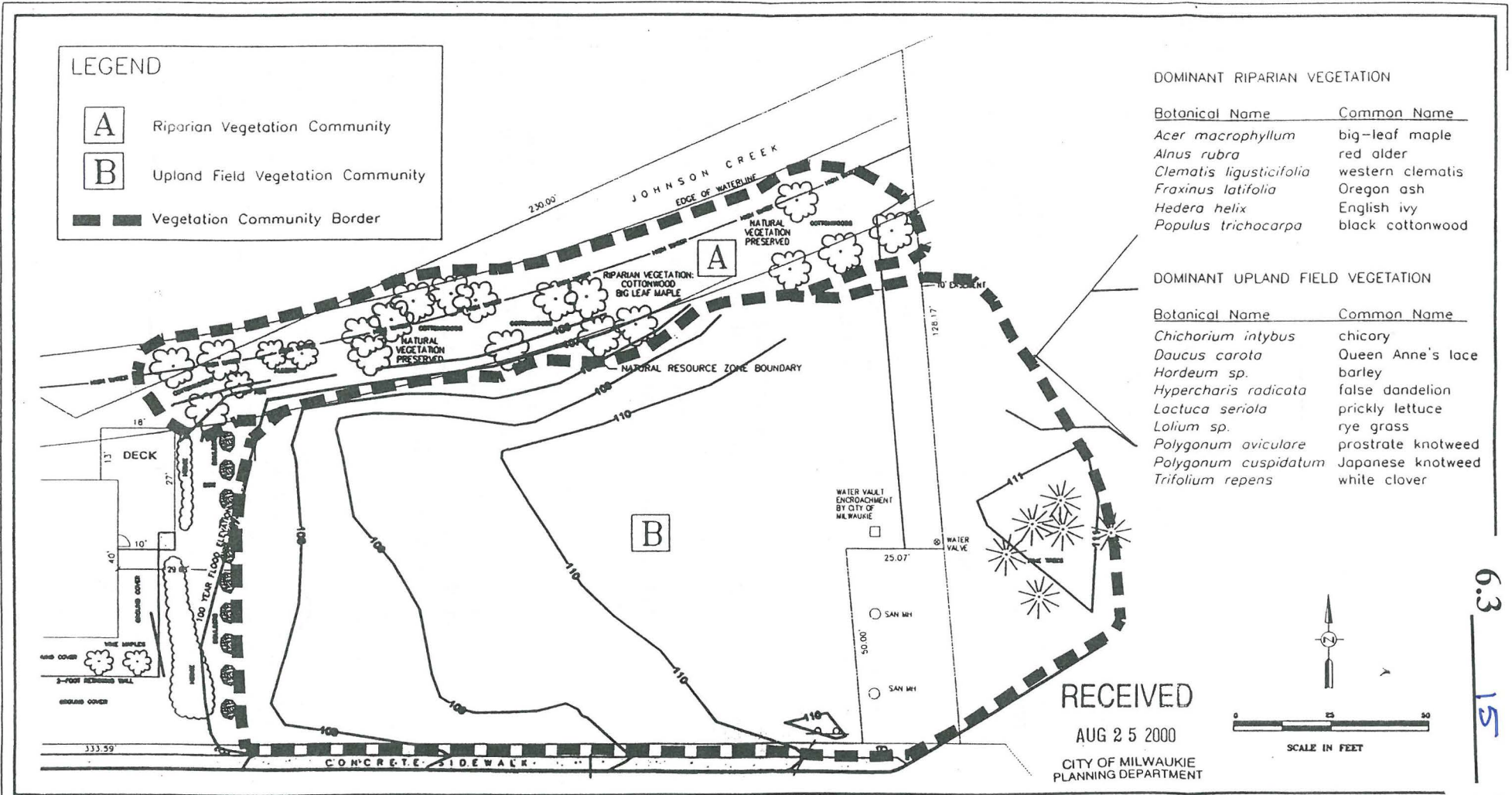


EXHIBIT 2 - D (3 pages)

6.3 15

Site Survey Narrative
Land Use Action text
Associated Chemists parking lot on Johnson Creek Blvd.
Prepared by Pacific Habitat
August 24, 2000

RECEIVED

APR 30 2001

CITY OF MILWAUKIE
PLANNING DEPARTMENT

Associated Chemists proposes to construct a parking lot on a currently undeveloped site across the street from their office at 4401 SE Johnson Creek Boulevard, Milwaukie, Oregon. The parking lot will be in an open field adjacent to and south of an office building. Johnson Creek flows north on the east side of the property (Figure 1.). There are no wetlands on the site.

The proposed parking lot will not impact the stream and no riparian trees will be removed. There will be no construction activity within 20 feet of the ordinary high water line of Johnson Creek. Stormwater from the parking lot will be collected and will not flow as surface water into the creek.

There are three types of habitat on the site: 1) a perennial stream, i.e. Johnson Creek; 2) a wooded riparian area; and 3) an open, disturbed field. The site contains two dominant vegetation communities: 1) riparian trees, shrubs and ground cover species and 2) upland field species (Figure 2.).

The channel of Johnson Creek contains a mix of boulders and smaller rock, gravel and silt. The stream bank appears stable, with an approximate 1:1 slope. The creek is probably channelized, as evident by the presence of boulder riprap that armors the slope. There is almost no bare soil on the bank. Himalayan blackberries and other herbaceous understory plants are well established. There is one small clump of reed canarygrass near the water level.

The dominant vegetation in the wooded riparian consists of about 16 large cottonwood trees (*Populus trichocarpa*). Some of these are 36-inch diameter at breast height. There is one large dead cottonwood among them. The other trees within the riparian area include two Oregon ash (*Fraxinus latifolia*), two red alder (*Alnus rubra*) and one bigleaf maple (*Acer macrophyllum*). The trees create a nearly 100 percent canopy cover. English ivy (*Hedera helix*) is well established along the riparian area and is present on all the cottonwood trees. There are Himalayan blackberries (*Rubus discolor*) and Western clematis (*Clematis ligusticifolia*) along the top bank of the creek.

The field appears to have been vacant for many years. A black-and-white photograph, (viewed 8/15/00 at the City of Milwaukie; taken by Spencer Gross) dated 2/5/1968, shows the site to be very similar to today's conditions. Since the vegetation is still herbaceous, it is likely that the site has been periodically mowed. The dominant vegetation contains weedy species that are commonly found in disturbed sites. They constitute a nearly 100 percent cover. The species include rye grass (*Lolium* sp.), Queen

Ann's lace (*Daucus carota*), false dandelion (*Hypercharis radicata*), chicory (*Cichorium intybus*), Japanese knotweed (*Polygonum cuspidatum*), prostrate knotweed (*Polygonum aviculare*), prickly lettuce (*Lactuca seriola*), white clover (*Trifolium repens*) and barley (*Hordeum* sp.).

The open field has some habitat value but it is marginal due to the kinds of vegetation that are present. Some birds and mammals may use the field but it does not contain significant food sources or high-value nesting or shelter areas. A vegetated buffer will be planted on both sides of the driveway and on the ends of the parking lot. This will include evergreen trees and shrubs which will provide significant habitat in the form of nesting and shelter areas. It will also create a visual barrier between the site and Johnson Creek which will reduce the disturbance to wildlife along the riparian area.

Revised Application for Natural Resource Review

(Pursuant to request by Community Development Department dated April 4, 2001)

Applicant: Timothy P. Shannon, D.M.D.

Re: Application NR-01-01 for 4450 SE Johnson Creek Boulevard

RECEIVED**APR 30 2001****A. Describe Proposal**CITY OF MILWAUKIE
PLANNING DEPARTMENT

The site at 4450 SE Johnson Creek Blvd. is currently owned by a manufacturing company, Associated Chemist, Inc (ACI). The 2880 SF building was built in 1989 and has been used for 12 years for office and administrative purposes. The sight currently has a parking lot north of the building that contains six parking spaces (see exhibit #1). The additional two spaces required under Section 500, Off-Street Parking and Loading, were accommodated for in ACI's parking lot across the street. In November of 2000, ACI put the property up for sale to separate itself from the subject parcel, therefore making the parking lot substandard, deficient one disabled space and one standard space. Prior to the listing of this property on August 25th, ACI provided formal application to the City of Milwaukie for an exception to use and natural resource review (E-00-01 and NR-00-04). With the approval of exception E-00-01 allowing for uses other than manufacturing, ACI proposed to build a new eight space parking lot on the south side of the building to accommodate the minimum requirements mandated by Section 500 zoning code (see exhibit #2). This proposal was approved by the City of Milwaukie Planning Commission on October 10th, 2000.

In February 2001, Dr. Shannon made a formal offer to purchase the property contingent on appropriate parking to meet the needs of a professional healthcare facility (dental office). The Notice of Decision, dated October 10th, 2000, approves the use exception for "Dentist" as indicated by condition #4 in the Conditions of Approval for E-00-01 and NR-00-04. To meet the "health practitioner's office" requirements of the Section 500, Off-Street Parking and Loading, a minimum of four spaces per 1,000 SF of floor area (11.52 spaces) and a maximum of five spaces per 1,000 SF of floor area (14.40 spaces) are mandated.

In the Pre-Application meeting a proposal was presented by Dr. Shannon to modify "condition of approval #11" in the Notice of Decision for E-00-01 and NR-00-04 to maximize the parking for a health practitioner's office. Leaving the existing six space north parking lot and developing the approved eight space south lot, giving a total of 14 standard parking spaces, would together meet the Section 500 health practitioner's office requirement with minimal impact to the surrounding environment (see exhibit #3). In this request proposals and suggestions were made for the existing north parking lot to improve the ingress/egress to the right of way Johnson Creek Blvd and to prevent drainage of the oil/water separator catch basin into Johnson Creek by connecting it to the storm system in Johnson Creek Blvd. City of Milwaukie planners continued to reference this condition requiring the removal of the north parking lot in the Notice of Decision as a decision that could not be changed, therefore, indicating the need for another alternative.

Dr. Shannon therefore proposes to modify the previous approval for NR-00-04 by increasing the south lot to fourteen spaces (see exhibit #4). The six additional 90 degree standard spaces have been designed with minimal impact on the surrounding environment and maintain an adequate buffer between the use and the natural resource. All parking spaces are outside the Natural Resource Boundary Zone and would continue to meet the criteria spelled out under code section 322 and 500 in the attached application. The proposal includes removal of the north parking lot.

B. Address Approval Criteria

Zoning Ordinances Sections: 322 Natural Resource Overlay Zone NR

Section 322.2 Designations

This site abuts to Johnson Creek and the boundary of the resource zone is the same as the 100-year flood plain. The resource boundary/100-year flood plain is depicted on the preliminary site plan (see exhibit #4). The previously approved parking lot plan and the proposed modified plan are both outside the Natural Resource Zone Boundary. The proposed new walkway connecting the parking lot with the building, the new bike racks and the sidewalk along the old parking lot are within the NR Boundary. These improvements within the NR Boundary were already approved by the Planning Commission in the Notice of Decision dated October 10th.

Note: The existing six space north parking lot will be removed per the Planning Commission’s “conditions of approval #11” in the Notice of Decision and the area will be re-seeded with native grass seed. The existing oil/water separator catch basin in that lot will be plugged.

Section 322.3 Primary Uses

Dr. Shannon proposes to use the building as a dental office, as allowed in the Notice of Decision regarding E-00-01 (see proposed office space plan, exhibit #5).

Section 322.4 Applicability

This review and approval are necessary. The proposed 90 degree additional six standard parking spaces will modify the previous approved eight space lot in the Notice of Decision regarding NR-00-04. This modification will have minimal impact on the natural buffer zone. In the previously approved plan, the setback buffer from the natural resource boundary varied from 30’ at the narrowest to 65’ at the widest. In the proposed fourteen space lot the setback buffer from the NR boundary has minimal change and does not encroach any closer than the previously approved 30’ setback. The proposed setback from the NR boundary with the addition of the six spaces, will continue to vary from 30’ at the narrowest and 49’ at the widest (see exhibit #4).

Section 322.5 Exemptions From Review

The alterations to the building are exempt from development review since there will be no increase in floor area or impervious area.

Section 322.6 Development Review Process

The Planning Commission shall review this request due to the proposed modification of the approved parking lot (NR-00-04) within the Natural Resource Overlay Zone.

Section 322.7 Developmental Standards

- A. Development activities within a designated Natural Resource Site, which is adjacent to or outside of the specific natural resource location, may show by on-site survey that the boundary of the NR Overlay Zone should exclude the activity site, but in any event, must comply with the following:**

The proposal does not seek to exclude the activity site from NR Overlay Zone. The following criteria will be met.

1. **Site preparation and construction practices shall be following that prevent drainage of hazardous materials or erosion, pollution, or sedimentation to the adjacent natural resource location.**

All site preparation and construction activities will be conducted in a manner which erosion, pollution, sedimentation or drainage of hazardous materials will be prevented. An erosion control and grading plan will be submitted with the application for the parking lot. The construction of the modified 14 standard space parking lot will take place during the lighter rain months of late spring, summer or early fall to minimize impact on Johnson Creek.

2. **A development setback which adequately protects the resource site is required.**

The proposed modified parking lot continues to provide a large buffer area between the parking lot and the top of the creek bank. The square footage of impervious surface (1,080 SF) added by the six parking spaces into this buffer area is minimal when compared to the overall square footage of the buffer (approximately 2,925 SF). The six additional standard spaces would be developed in a flat area of the sight continuous with the rest of the parking lot. The set back buffer from the Natural Resource Boundary would continue to vary from 30' at the narrowest to 49' at the widest. The eight foot landscaping buffer using native species on the east side of the modified parking lot would be contiguous to the open space, resource area. The 13 Western Red Cedar at 2" caliper and the 37 Low Oregon Grape at 2 gallon size surrounding the parking lot will provide significant habitat in the form of nesting and shelter areas. It will also create a visual barrier between the site and Johnson Creek, which will reduce the disturbance to wildlife along the riparian area (see exhibit #4). Additional native species planted in the 30' to 49' buffer zone could enhance the vegetation along the creek providing for a more dense and natural barrier.

3. **Development consisting of vehicle maneuvering and parking areas, outside storage and display areas, and trash collection areas shall also be screened from the natural resource location by sight-obscuring vegetation or fencing.**

The landscaping buffer will be landscaped with native species. A trash enclosure constructed with sight-obscuring materials will be provided.

4. **Outdoor activities including open fabrication or operations which create large amounts of noise, dust, or glare, except for river related and river-dependent uses, are not allowed due to their higher potential for adverse impacts on adjacent natural resource locations.**

Not applicable.

5. **The types, sizes and intensities of lights must be placed so that they do not shine directly into the natural resource locations.**

Parking lot lighting will be provided with a shield design and be automatically controlled by a timer electrical circuit to turn the parking lot lights on and off to minimize light pollution on the resource area and neighboring residential properties located to the south, southwest and southeast of the property. The timers will have adjustments for seven days and for seasonal daylight variations and provisions for reset and power disruption. The lighting will provide for safe access to the site for vehicles and pedestrians (see exhibit #4 for lighting location).

B. Development Activities within the natural resource area shall comply with the following:

- 1. Development of trails, rest points, viewpoints, and other facilities for the enjoyment of the resource must be done in such a manner so as to reduce impacts on the natural resource while allowing for the enjoyment of the natural resource.**

Not applicable. There is no such development proposed.

- 2. Development in areas of dense standing trees will be designed to minimize the number of trees to be cut. No more than 50% of mature standing trees (of 6-inch diameter or greater at a five foot height) shall be removed without a one-for-one replacement with comparable species. The site plan for the proposed activity shall identify all mature standing trees by type, size, and location, which are proposed for removal and where and what type of tree replacement (if applicable) is to occur.**

Not applicable. There is no tree removal proposed.

- 3. Harvesting of uncultivated timber is not permitted except as allowed by subsection 322.7.B.2 above.**

Not applicable. There is no harvesting of timber proposed.

- 4. Areas of standing trees, shrubs, and natural vegetation will remain connected or contiguous, particularly along natural drainage courses, except where mitigation is approved, so as to provide a transition between the proposed development and the natural resource, provide opportunity for food, water, and cover for animals located within the natural resource location, and to protect the visual amenity values of the natural resource.**

All riparian areas, inclusive of standing trees, shrubs, and natural vegetation will remain undisturbed and contiguous.

- 5. Natural riparian vegetation along streams and drainageways will be maintained and preserved, except where mitigation is approved. Such vegetation will be maintained for a minimum distance of 15' from the normal high water line in those areas with slopes of ten percent or less. Where slopes exceed ten percent, an additional foot of vegetation should be preserved for each additional percent of slope increase. Selective cutting, trimming, and thinning may be allowed as necessary for access to the waterway.**

All riparian vegetation will be preserved. The modified proposal will not involve any disturbance to riparian areas. The proposal exceeds all set back requirements from Johnson Creek as discussed previously varying from 30' at the narrowest and 49' at the widest. Existing vegetation will be maintained.

10. The construction phase of the development must be done in such a manner to safe guard the portions of the site within the Natural Resource Overlay Zone that have not been approved for development. The effect of this is that construction equipment, construction materials, excess fill, runoff, etc. will not ultimately harm the natural resource area.

Construction of the modified fourteen space parking lot will be outside the Natural Resource Overlay Zone and will occur during late spring, summer, or early fall periods with minimal rain fall to mitigate erosion and runoff. Construction will not occur during February/March through the end of May during nesting, rearing periods for Mallard ducks.

11. A mitigation plan will be required for development activities that would adversely impact the natural resource values of the site, as per section 322.10.

Not applicable. The modified parking lot has no development activities that adversely effect the natural resource values of the site. No new construction will occur inside the NR Boundary, therefore a mitigation plan is not required.

Section 500 Background

The Notice of Decision, dated October 10th, 2000 regarding E-00-01 and NR-00-04 approved the development of an eight space parking lot for the use exception of professional services. Section 500, Off-Street Parking and Loading, for professional services requires 1 space per 370 SF of gross leasable area. For this use, the 2,880 SF building on this property must have eight parking spaces.

Dr. Shannon proposes to use this office building for a dental practice. A use exception for dentistry was granted in the October 10th Notice of Decision. Under Section 500, Off-Street Parking and Loading, a healthcare practitioners office must have 4 spaces per 1,000 SF of floor area at a minimum and 5 spaces per 1,000 SF of floor area at a maximum. For this use, the 2,880 SF building on this property must have a minimum of 11.52 spaces to a maximum of 14.4 spaces.

Section 503.10 Off-street parking and space standards

The maximum of parking spaces for healthcare practitioner is 14.40. Dr. Shannon proposes to modify the previously approved eight space parking lot with six 90 degree standard spaces, bringing the total to fourteen. One accessible parking space is included in the plan. Two bicycle spaces are proposed.

Section 503.11 Paving and striping

The fourteen space parking lot will be paved and striped.

Section 503.2 Curb cuts

The new driveway approach will meet current ADA access requirements at 24' wide. The existing driveway on the north side of the building will be removed and replaced with full height curb and standard sidewalk.

Section 503.13 Aisles

A two-way aisle of 24' will be developed.

- 6. **Storm water flows as a result of proposed development within and to natural drainage courses shall not exceed natural flows as determined by City Public Works Department.**

Storm water drainage **will not** be discharged into Johnson Creek. Recently a storm drainage line was constructed in Johnson Creek Blvd. It goes through a detention pond, which improves water quality before it empties into Johnson Creek. This plan proposes to place an oil/water separator catch basin within the new modified parking lot, which will then be connected to the new drainage line in Johnson Creek Blvd. With removal of the existing parking lot this plan also proposes plugging the connection of the existing catch basin, therefore, preventing drainage from it into Johnson Creek. Additional SDCs will be paid at the time the grading and erosion control permits are issued.

- 7. **Construction practices for all projects, private and public, will include steps to ensure that land cuts are not exposed to storm water. Land and trenches will be graded to allow direct flow into natural drainage courses. Grading shall not expose unprotected surfaces to water flows and possible erosion.**

Grading activities will not result in land cuts exposed to storm water as the proposed location of the parking lot is nearly level. There will be no grading that exposes unprotected surfaces to water flows and erosion. This site will be developed in a way that allows direct flow into the drainage. An erosion control plan and permit application will be submitted along with a grading plan and permit prior to beginning this development.

- 8. **The development will be designed to have the least amount of impact on the natural features/values of the site as possible. The design should look at alternatives (design and location) to mitigate the impact.**

The addition of six parking spaces to the previously approved eight continues to be located outside the Natural Resource Zone Boundary and the 100-year flood plain. There is no proposed new construction within the NR Boundary and the undisturbed buffer to the top of the creek bank is 30' to 49'. A new walkway to the south side of the building, two bike racks at the front entrance and approximately 26' of new curb and sidewalk at the former driveway entrance will be located within the NR Boundary. Past discussion by planning staff indicates that these can be constructed without adverse impacts on natural resources. Removal of the existing north parking lot and planting with native species will enhance the area and habitat within the NR Zone.

- 9. **Road crossings of major natural drainage courses will be minimized as much as possible.**

Not applicable. There are no proposed road crossings of the drainage course.

Section 503.15 Lighting

Parking lot lighting will be provided with a shield design and be automatically controlled by a timer electrical circuit to turn the parking lot lights on and off to minimize light pollution on the resource area and neighboring residential properties located to the south, southwest and southeast of the property. The timers will have adjustments for seven days and for seasonal daylight variations and provisions for reset and power disruption. The lighting will provide for safe access to the site for vehicles and pedestrians (see exhibit #4 for lighting location).

Section 503.16 Drainage

Storm water drainage **will not** be discharged into Johnson Creek. Recently a storm drainage line was constructed in Johnson Creek Blvd. It goes through a detention pond, which improves water quality before it empties into Johnson Creek. This plan proposes to place an oil/water separator catch basin within the new modified parking lot, which will then be connected to the new drainage line in Johnson Creek Blvd. With removal of the existing parking lot this plan also proposes plugging the connection of the existing catch basin, therefore, preventing drainage from it into Johnson Creek.

Section 503.17 Pedestrian Access

The proposal includes pedestrian access buffered by landscaping and curbs.

Section 503.19 Landscaping

As indicated on the site plan, an 8' wide landscaping buffer will be developed around all sides of the parking lot.

Section 503.19.B.C. Parking bumpers or wheel stops of a minimum of 4 inches 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.

The 6 inch continuous curb around the entire perimeter of the parking lot is depicted on the modified preliminary site plan (see exhibit #4). This continuous curb was approved in the Notice of Decision to meet the requirements of Section 503.19.B.C.

C. Submit site plan/map (12 copies)

Twelve copies the existing site have been provided with this application (exhibit #1).

Twelve copies of the approved eight space parking lot have been provided with this application (exhibit #2).

Twelve copies of the proposed modified fourteen space parking lot have been provided with this application (exhibit #4).

D. Other Specific Requirements

1. Section 322.8. Site survey required.

Twelve copies of a site survey has been provided (see exhibit #6).

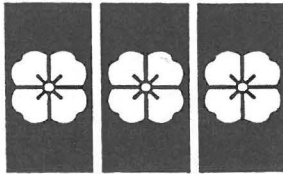
2. Section 322.9. Site survey content

- A. A site survey, meeting all of the content requirements, is submitted with this application.
- B. A narrative describing the proposed activity and its relation to the location of the natural resources has been submitted with this application.

3. Section 322.10. Mitigation plans.

Not applicable. There will be no new development within the natural resource boundary other than the previously approved bike racks, sidewalk and curbing and walkway between the parking lot and the south side of the building.

C I T Y O F



MILWAUKIE

October 11, 2000

File(s): E-00-01
NR-00-04**NOTICE OF DECISION**

This is official notice of action taken by the Milwaukie Planning Commission on October 10, 2000.

Applicant(s): Roald Berg / Associated Chemists, Inc.
Location(s): 4450 SE Johnson Creek Boulevard
Tax Lot(s): T1S, R2E, Section 30BB, Tax Lot 800
Application Type(s): Exception to Use and Natural Resource Overlay Review
Decision: Approved with Conditions and Requirements
Review Criteria: Milwaukie Zoning Ordinance:

- 314 – Manufacturing Zone (M)
- 322 – Natural Resource Overlay Zone (NR)
- 500 – Off-Street Parking and Loading
- 700 – Variances, Exceptions, and Home Improvement Exceptions
- 1011.3 -- Minor Quasi-Judicial Review

The Planning Commission's decision on this matter may be appealed to the Milwaukie City Council. An appeal of this action must be filed within 15 days of the date of this notice. All appeals must be accompanied by the applicable fee, be submitted in the proper format, address applicable criteria, and be made on forms provided by the Planning Department. Milwaukie Planning staff (503-786-7600) can provide information regarding forms, fees, and the appeal process.

Appeal expiration date: 5:00 p.m., October 26, 2000

Findings for Approval of E-00-01 and NR-00-04

1. The applicant proposes a use exception in order to separate an existing accessory office use from its association with an adjacent manufacturing use, thereby allowing the office building to be a principal use in the Manufacturing zone. The application also proposes to construct a new parking lot with eight parking spaces. The application does not propose removal of the existing parking lot.

COMMUNITY DEVELOPMENT DEPARTMENT
 Public Works • Planning • Building • Fleet • Facilities
 6101 SE Johnson Creek Blvd., Milwaukie, Oregon 97206
 PHONE: (503) 786-7600 • FAX: (503) 774-8236

2. The land use applications have been processed and public notice provided to surrounding property owners within 250 feet of the subject property on September 20, 2000. Agency referrals were provided on August 31, 2000. Notice of the public hearing was published in the Clackamas Review on September 27, 2000 and October 4, 2000.
3. The PR-88-02 review concluded that the original office building construction met and satisfied the Transitional Area Review. The relocation of the parking lot keeps the structural setback from the R-7 and R-3 residential zones at approximately 210 feet. A roadway separation is provided by the 40-foot right-of-way of Johnson Creek Boulevard to the west of the subject property. The current proposal remains consistent with the requirements of the Transition Area.
4. The proposed use exception request to retain an office use will comply, with conditions, with MZO Section 700, Variances, Exceptions, and Home Improvement Exceptions.
5. As conditioned, the proposed parking lot and site development will comply with MZO Section 322 Natural Resource Overlay Zone.
6. As conditioned, the site plan complies with MZO Section 503.12 concerning the number of curb cuts.
7. Various salmonid "species" have been listed as threatened in the region and regulations have been issued prohibiting actions that result in a "take." The regulations implementing the take prohibition list development as an activity that can result in a take. However, the rules also acknowledge that development can be properly conducted without resulting in a take. A condition of approval requires compliance with all applicable laws, including the Endangered Species Act. Therefore, the activities authorized by this approval will not result in a violation of the Endangered Species Act.

Conditions of Approval for E-00-01 and NR-00-04

1. Final site and architectural development plans, including landscaping plans, shall be in substantial conformance with the plans approved by this action. Reference is made to development plans entitled Preliminary Plan, sheet 1/1, dated September 28, 2000, application submission materials, and minutes of the Planning Commission's public hearing.
2. Prior to issuance of a building permit the applicant shall submit to the satisfaction of the Planning Director, a detailed narrative description of all actions taken to comply with conditions of this approval. The report shall address each condition. The report shall also describe all changes that were made, but which were not required by this approval. Any changes deemed to be in excess of, or that are inconsistent with this approval may require review by the Planning Commission subject to the Planning Director's discretion.

3. Prior to issuance of a building permit, final development plans shall be submitted to the satisfaction of the Planning Director for determination of consistency with the plans approved by the Planning Commission.
4. Approval of the use exception request allows the following uses: offices of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, and others of a professional nature whose activities generate a minimal amount of traffic.

Any other use not listed, and as determined and reviewed by the Planning Director, will require review and approval by the Planning Commission. As applicable, the review by the Planning Commission may also require a new Exception, Natural Resource Overlay, Transportation Planning, and/or a Transition Area review(s).

5. This use exception runs with the land and is not affected by a change of ownership. Upon change of ownership, use or tenant, the property owner shall submit a statement to the Planning Director outlining the change for an Administrative review of the status of the exception. If the Director finds that the conditions attached to this approval have not been met, the Director shall notify the new owner or tenant of the conditions and/or restrictions. If the Director deems it necessary to achieve compliance, a new exception application and hearing before the Planning Commission shall be required.
6. Prior to the start of any work on the new parking lot, an engineered erosion control and grading plan for the new parking lot and an erosion control and grading permit application shall be developed and submitted subject to the review and approval by Planning and Public Works Directors.

The erosion control and grading plans shall address timing of the project to mitigate potential impact to the natural vegetative and wildlife resources of the site and include, but not be limited to, minimization of: erosion and run-off; noise; disruption of nesting and duck rearing. Construction shall be timed during late spring, summer or early fall, periods with minimal rainfall, and may not occur during nesting, rearing periods for mallard ducks (February/March through end of May).

7. Prior to final inspection of the new parking lot, the existing driveway on the north side of the building shall be removed and replaced with full height curb and standard sidewalk.
8. Prior to issuance of any permit to construct a new parking area the plans shall depict the following items; subject to the review and approval by the Planning and Public Works Departments.
 - a. The six-foot landscape buffer on the east side of the parking lot shall be planted with native species vegetation.
 - b. Parking lot lighting with light sources facing away from the natural resource site and adjacent residential properties.

- c. A trash/recycling enclosure including space for recycling containers in the area of the new parking lot. The trash enclosure shall be screened from the street and adjacent residential properties by sight-obscuring materials.
 - d. Street trees shall be provided for the Johnson Creek Boulevard frontage not included in the required parking lot landscaping. A tree theme is encouraged.
 - e. A minimum of 8 parking spaces, one van accessible space, paving and striping, two way aisles, lighting, drainage, pedestrian access, landscaping and a contiguous curb with a minimum 4 inch curb height.
9. Prior to any final inspection and/or the issuance of a certificate of occupancy by the Building Official the landscaping shall be installed, inspected and approved by the Planning Department.
10. Applicant shall comply with all applicable federal, state and local laws and regulations relating to environmental protections, including but not limited to the Endangered Species Act and all water quality and stream protection regulations.
11. Prior to the final inspection for the new parking lot, the applicant shall remove the existing parking area on the north side of the office building and re-seed the area with native grass seed subject to the review and approval of the Planning and Public Works Directors.

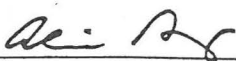
X. RECOMMENDED REQUIREMENTS OF APPROVAL FOR E-00-01 AND NR-00-04.

- 1. Storm water systems development charges will be assessed at the time of grading permit review and shall be paid at the time the grading permit is issued.
- 2. Building permit plans shall include the following components in the parking plan;
 - a. minimum of eight parking spaces with two-way aisles shall be provided.
 - b. one van accessible parking space;
 - c. paving and striping;
 - d. parking lot lighting including top of light fixture height from grade, pole and fixture details, shielding from natural resources and residential districts, and automatically controlled by a timed electrical circuit to turn the parking lot lights on and off to minimize light pollution of the resource and residential areas. The timers need to be capable of adjustment for seven days and for seasonal daylight variations and provisions for backup and reset for power disruption.
 - e. the new driveway approach must meet current ADA access requirements.

- f. all parking sign specifications; and
 - g. a landscaping plan for review, inspection and approval by the Planning Department, including the following (the landscape plan may be submitted for review prior to the submittal of building permits): parking plan in subsection 503.20, and the following additional information:
 1. a list of existing vegetation by type, including number, size, and species of trees for parking lot and street trees;
 2. a proposal to protect existing trees;
 3. a list of existing natural features;
 4. the location and space of existing and proposed plant materials;
 5. a list of plant material types by botanical and common names;
 6. notation of trees to be removed;
 7. size and quantity of plant materials;
 8. irrigation plan; and
 9. method for maintenance of landscaping.
3. Plans submitted for building permits shall include the following additional information for a trash/recycling enclosure.
- a. The trash/recycling collection area must be easily accessible to collection service personnel between the hours of 6 a.m. and 6 p.m.;
 - b. The trash/recycling collection area and containers must be clearly labeled, to indicate the type and location of materials accepted, and properly maintained to ensure continued use by tenants.
 - c. City Fire Department approval will be required for all trash/recycling collection areas.
 - d. Review and comment for all trash/recycling collection areas will be required from the appropriate franchise collection service.

Exhibits

1. Preliminary Plan (site plan) dated 9/28/00.



Alice Rouyer
Planning Director

cc: Applicant: Associated Chemists Inc.
Compass Engineering
Martha Bennett, Assistant City Manager CD
Public Works Director/Sue Stepan
Paul Roeger, P.E., Civil Engineer
John Wheeler, Building Official
Bonnie Lanz, Permit Specialist

6.2 26

PLANNING DEPARTMENT RECORD COPY

File Name & # E-00-01 and NR-00-04

Action: Withdrawn **Approved** Denied

Date of Action October 10, 2000

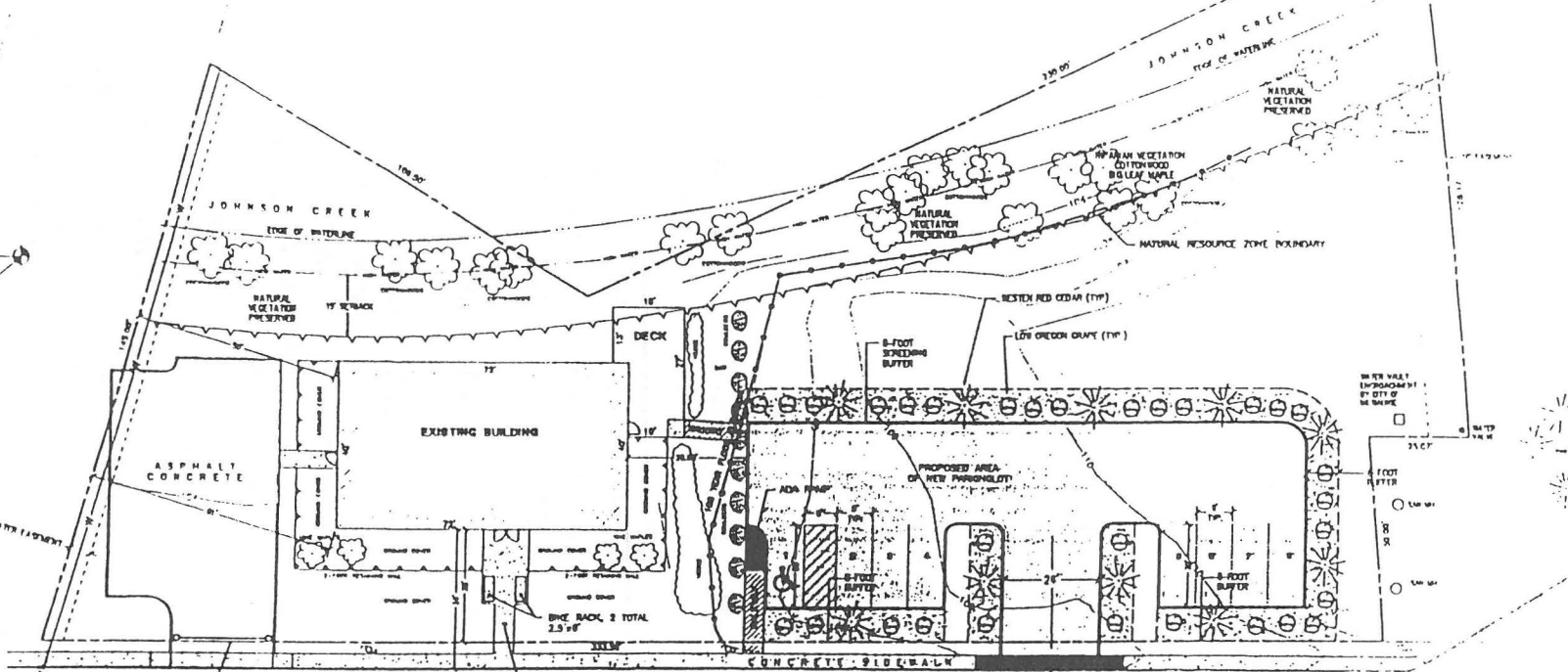
Notes with conditions of approval

flw



RAISE OF ELEVATION TO RAILROAD SPACE IN UTILITY KEY PL. 103.84

PORTLAND TRACTION COMPANY RAILROAD



ROLLUPS WITH CONNECTING CHAIN WITH SIGN (4" HIGH LETTERS)
ENERGY VEHICLES ONLY - PROFESSIONAL BUILDING PARKING

JOHNSON CREEK BOULEVARD

CALCULATIONS FOR REQUIRED PARKING SPACES:
USE: PROFESSIONAL SERVICES
1 SPACE PER 370 SQ FT GROSS LEASABLE AREA
GROSS LEASABLE AREA = 2,900 GSF
 $\frac{2900}{370} = 7.78$
1 DISABLED, 7 STANDARD

1S 2E 30 BB 800

RECEIVED
SEP 28 2000
CITY OF MILWAUKIE,
PLANNING DEPARTMENT

09/28/00

PRELIMINARY PLAN

6.3 31

DESIGNED JS	CHECKED BCD
1" = 30'	DATE JUL 2000
14714.1449	47149921 DMD



COMPASS ENGINEERING
ENGINEERING & SURVEYING & PLANNING
2000 S.E. LAKE FRONT
MILWAUKIE, OREGON 97122
PH: 503-658-1708

ASSOCIATED CHEMISTS, INC.
4401 S.E. JOHNSON CREEK BLVD.
PORTLAND, OREGON 97222
503-658-1708

ASSOCIATED CHEMISTS, INC.
4401 S.E. JOHNSON CREEK BLVD.
PORTLAND, OREGON 97222

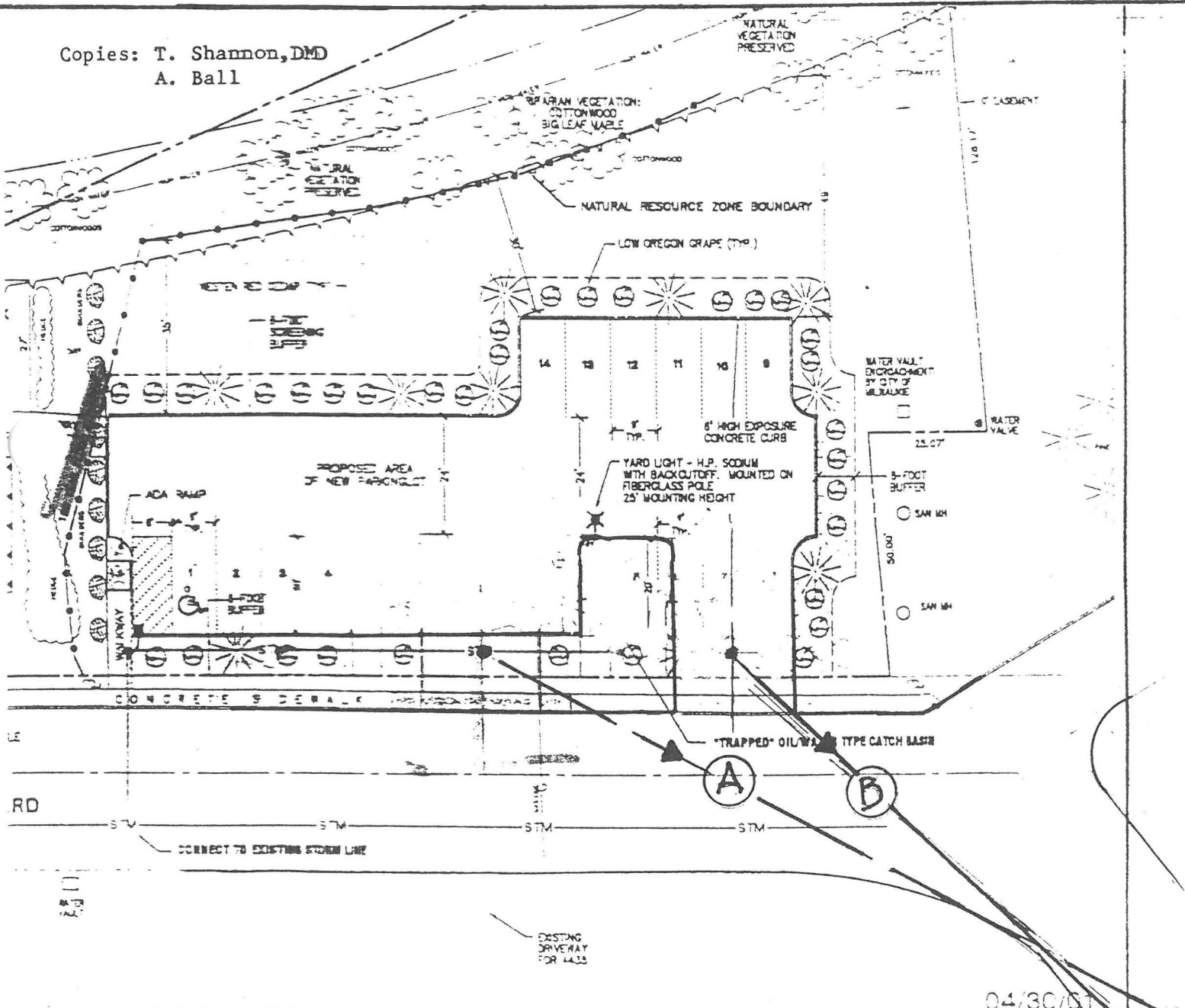
1/1

MEMO TO: Kenneth Kern, Assoc Planner, City of Milwaukie RE: File#NR-01-01
FROM: Lewelling LUC: Jean Michel, LeRoy Hummel & Merv Englund

CITY OF MILWAUKIE
PLANNING DEPARTMENT

- A. Site Visit: The above named Lewelling LUC members walked the site on 5/25/01. All agreed that the short sight line from the proposed driveway location towards oncoming northbound traffic on on Johnson Creek Blvd, would present a safety problem.
- B. Recommendation: Move the existing driveway (With sight line A), shown on the marked up plan below, to position B). We feel that the Owner should wish to provide the safest alignment for his clients.
- C. The Lewelling Neighborhood would welcome a first class dental clinic within its boundaries.

Copies: T. Shamon, DMD
A. Ball



1S 2E 30 BB 800

04/30/01

PROPOSED PRELIMINARY PLAN

Shannon
47773

ASSOCIATED CHEMISTS, INC.
4401 S.E. JOHNSON CREEK BLVD.
PORTLAND, OREGON 97222

3
3

