

CITY OF MILWAUKIE
PLANNING COMMISSION MINUTES
TUESDAY, FEBRUARY 29, 2000

COMMISSIONERS PRESENT

Donald Hammang, Chair
Judith Borden
Barbara Cartmill
Tracy Cook
Mike Miller
Doug Ouderkirk

COMMISSIONERS ABSENT

Howard Steward

STAFF PRESENT

Alice Rouyer,
Planning Director
John Gessner,
Associate Planner
Doug Strickler,
Associate Planner
Gary Firestone,
City Attorney
Shirley Richardson,
Hearings Reporter

1.0 CALL TO ORDER

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

2.0 PROCEDURAL QUESTIONS -- None.

3.0 PLANNING COMMISSION MINUTES -- None.

4.0 INFORMATION ITEMS -- City Council Minutes

4.1 January 29, 2000, City Council Worksession Minutes
February 1, 2000, City Council Minutes

5.0 PUBLIC COMMENT -- None.

6.0 PUBLIC HEARINGS

6.1 Applicant: North Clackamas School District
Owner: Same
Location: 11900 SE Linwood
Proposal: Build new classroom and library at Linwood Elementary
School.
File Numbers: CSO-99-07/TPR-99-10
NDA: Linwood

CITY OF MILWAUKIE PLANNING COMMISSION

Minutes of February 29, 2000

Page 2

Chair Hammang opened the public hearing on File Number CSO-99-07 and TPR-99-10, an action to allow for construction of four classrooms, a library, and additional parking at Linwood School. The criteria to be addressed are found in Sections 321, 1400, 302, and 500 of the Milwaukie Zoning Ordinance.

Chair Hammang asked if there were any conflicts of interest or ex-parte contacts to declare. **Tracy Cook** stated that she was at the neighborhood meeting on February 24, 2000, and it was brought up that this would be on the agenda. The only comments made were concerning traffic. She does not feel this will interfere with her ability to vote on this issue. There were no other conflicts of interest or ex-parte contacts declared. **Chair Hammang** asked if any member of the Planning Commission visited the site; six 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. An overhead projection was shown of the subject site and the surrounding area. A list of key issues was also displayed. There are three areas of improvements: classroom and library improvements, pedestrian improvements, and parking lot improvements. At the request of the Fire Marshall, the proposal includes construction of a new fire lane along the west elevation of the new addition.

Staff voiced concern about the traffic conditions and congestion problem at Linwood School. When the applicant first approached the City about the proposed improvements they were advised that any new application would have to correct Linwood traffic problems. The applicant has chosen to change the way that the students are picked up in the afternoon. The proposed new parking lot improvements will improve traffic associated with daily student pickup. There is a condition of approval that the construction of additional parking spaces may be needed to mitigate the parking congestion.

Staff is recommending construction of a sidewalk along a portion of the site frontage on Linwood Avenue. At some point in the future, when the school makes additional improvements, there will be the requirement to complete the sidewalk along the entire frontage of Linwood Avenue to provide a safe haven for pedestrians.

The benefits of this Application are that it will increase the educational

CITY OF MILWAUKIE PLANNING COMMISSION

Minutes of February 29, 2000

Page 3

opportunities, eliminate the congestion at Linwood Avenue and the construction of the sidewalks. The impacts reviewed were additional storm water runoff, increased daily traffic, and increased activity during hours of operation.

Conditions have been recommended to reduce and minimize the adverse impacts. Staff has found that the Application complies with all applicable criteria and recommends approval.

QUESTIONS FROM THE COMMISSIONERS

Doug Ouderkirk asked if the portable classroom would be removed from the site? **John Gessner** stated that last year the Planning Commission approved the installation of modular classrooms with the condition that they will be removed upon completion of the classroom additions.

Doug Ouderkirk asked if the handicapped parking ratio has been satisfied? **John Gessner** stated the portion of handicapped to regular parking spaces is resolved by the building official. The parking lot will be reviewed for compliance with all regulations.

CORRESPONDENCE RECEIVED -- None.

APPLICANT'S PRESENTATION

Speaking: Gary Kryszak, Project Manager, North Clackamas School District

Mr. Kryszak introduced the team that will be helping with the presentation tonight: Ray Totten, Barrentine, Bates, Lee, Architect; Rick Givens, Planning Resource, Inc.; and Dave Church, Director of Physical Plant Operations, North Clackamas School District.

They are proposing to construct a library media center and a four-classroom addition. A traffic engineer was hired and has reviewed this proposal for a new program to address the parking lot congestion onto Linwood Avenue.

Mr. Kryszak stated that parking lot improvements would include lighting to address the issues in Condition of Approval #3. Refuse containers will be screened in an area adjacent to the parking lot.

There are nine trees that will have to be removed for the construction of the sidewalk on Linwood Avenue. Currently the children are directed to walk on the other side of Linwood and cross at the entrance of the school where there are

CITY OF MILWAUKIE PLANNING COMMISSION

Minutes of February 29, 2000

Page 4

crossing guards. He is concerned that the construction of the sidewalk on the school side will encourage children to cross the street earlier to access the proposed sidewalk and they will lose control over the street crossing. Another concern is that the sidewalk will encourage parents to drop their children off next to the sidewalk in front of the school, thereby increasing the traffic impacts on Linwood. He asked that the Commission consider postponing the construction of the sidewalk until improvements are made further along Linwood or when the entire length of the school site has sidewalks.

Mr. Kryszak pointed out the trees on the site that will have to be removed. Any trees that are removed will be replaced one for one with a 2-1/2 inch caliber tree. A new pick-up program has been created for the parents to drop-off and pick-up their children.

A landscape plan will be provided that is in compliance with City Code. Bicycle parking arrangements will be provided at the time of the building permit. Staff has requested fencing around the parking lot. The School District has found that this is not a good idea because it tends to channel children in an area where cars are moving around. It is preferred that the children get out of the parking lot as quickly as possible and into the play fields. They would prefer that the fence requirement not be imposed.

The kindergarten is not being expanded. Therefore, there is no need for the fencing requirement proposed in Condition #15. The classroom addition is on a very tight timeline. Should it not get finished before school opens, the School District will need to retain the modular classrooms. Since this is a rental, it can be quickly removed.

QUESTIONS FROM THE COMMISSIONERS

Mike Miller asked what impact would the construction of the parking lot have on the ball diamond this summer? **Mr. Kryszak** stated that the building of the construction access road would have the biggest impact on the ball diamond. The construction will start before school is out and the contractor will have to create temporary access behind the school. This access will infringe on the ball field. This field will have to be relocated. They are hoping that this can be delayed until mid-July in order to finish baseball season. There are no guarantees.

Mike Miller asked if the School District has worked with the North Clackamas Baseball and Softball Association? They use that field six days a week. **Mr. Kryszak** stated that they have not yet contacted the Association, but they will do everything they can to mitigate this situation.

CITY OF MILWAUKIE PLANNING COMMISSION

Minutes of February 29, 2000

Page 5

Mike Miller asked if the Applicant has reviewed alternatives to removing the trees that are located in the corner of the site? **Mr. Kryszak** stated that alternatives were reviewed, however, the most feasible alternative would be very expensive. There is a possibility of moving the parking lot on the other side of the trees, but because of future plans for a gymnasium and additional 4-classroom pod, this space may be needed.

Barbara Cartmill asked why the sidewalk could not be extended the length of the school rather than no sidewalk at all on that side? **Mr. Kryszak** stated that the ground beyond the point suggested by Staff, falls away very steeply from Linwood and it becomes very expensive to build the sidewalk. There is a chain-link fence that sits below that was put in by a neighborhood group. This fence drops off about 2-1/2 feet from Linwood Avenue. This would all have to be filled and re-graded.

Chair Hammang asked what type of trees will be used for replacement of the trees removed for the parking lot? **Mr. Kryszak** stated that the landscape architect would make a decision on the type of trees that will be planted.

Mike Miller asked for clarification on which trees will be removed. **Mr. Kryszak** pointed out the trees to be removed on the site plan.

Mike Miller noted that a number of parents who drop off kids at Linwood School have toddlers and small children in the car. How will these parents get out of the car and take their infants and toddlers in with them to get their school-aged kids. This will create a greater hazard than the previous method of picking up the children. **Mr. Kryszak** suggested that parents in this situation would be able to get to the school early and the teachers and principal will allow the student to walk to the car. Flexibility will allow for a cooperative effort to make this work.

TESTIMONY IN FAVOR -- None.

QUESTIONS OR COMMENTS -- None.

TESTIMONY IN OPPOSITION -- None.

ADDITIONAL COMMENTS FROM STAFF

John Gessner stated that staff has reservations about not constructing the sidewalk along Linwood. Transportation Plan regulations require that pedestrian improvements be made where there is a deficiency. In this case, the site is

deficient by zoning regulations. If the School District seeks relief from the requirement to build the sidewalk, they would need to file for a variance. The sidewalks should be provided to serve the school.

The regulations require that up to 10% of the value of the construction be targeted towards upgrading the transportation facilities. There was discussion internally with Public Works about resolving the sidewalk issue and their advice was to take half the property for sidewalks at this point.

The fencing surrounding the parking lot is up to the discretion of the Planning Commission. Staff does not object to the Commission dropping this requirement on Condition #14.

John Gessner pointed out on the map other alternatives for the parking lot configuration. The lot could be redesigned to mitigate the traffic flow for pick up of the children.

QUESTIONS FROM THE COMMISSIONERS

Tracy Cook stated that last year the Linwood Neighborhood Association and the School tried to get a Grant for the sidewalk on the other side of the street. She suggested that the Applicant construct the sidewalk on the other side of the street so that it will direct the children to the area of the crossing guards. **John Gessner** stated that the regulations would support this. The Applicant needs to make the improvement, it does not have to be on the school side of the street. The Commission could direct staff to review this possibility to see if there is adequate right-of-way and what constraints may exist.

Tracy Cook asked if there is an additional turn moving into the traffic flow out, would this create a hazardous condition? **Mr. Kryszak** stated that because it is a slow parking lot, turns would not be a problem.

Mike Miller noted that all the traffic is being routed east to west. He asked what purpose the turn-around served? **Mr. Kryszak** stated that the reason for maintaining the turn-around was to comply with the Fire Department radius for the fire lane.

Mike Miller suggested that the island portion of the turn-around be used for parking. **Mr. Kryszak** stated that this property would be used for the gymnasium that is proposed in the future.

QUESTIONS FOR CLARIFICATIONS -- None.

APPLICANT'S CLOSING COMMENTS

Speaking: Gary Kryszak, Project Manager, North Clackamas School District

Mr. Kryszak stated that he was concerned about the turn at the end of the parking lot as proposed by staff. He feels you will lose several parking places. The configuration would make it difficult for garbage trucks to exit. The concept doesn't bother him, he is just concerned about the technical aspects.

DELIBERATION AMONG THE COMMISSIONERS

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

Barbara Cartmill stated that she is in favor of not putting the sidewalk on the school side, but the east side of the street. She is not compelled at all to remove the condition. It was the consensus of the Commission that the sidewalk is important.

Mike Miller stated that he would like to see the parking lot reconfigured so the trees can be saved. The other reason for reconfiguring the parking lot is that it would not impact the baseball fields which have events scheduled for the summer.

Doug Ouderkirk suggested that interior canopies be added to the landscape requirement for parking. **John Gessner** stated that the City has perimeter and internal tree and landscaping requirements. The Applicant can take advantage of the existing landscaping to meet the requirements.

Chair Hammang stated that he would prefer to save the trees, but if they have to be removed his preference would be to replace with like kind and located in an area where they can grow to be as large as the existing trees.

Mike Miller stated that the parking lot could be moved closer to the school and still have enough room for the exit. This would save the trees and not impact the ball fields. He suggested that staff work with the Applicant to come up with a design that would save the trees and allow for easy egress of large vehicles.

Mike Miller stated that he was in favor of allowing the module to stay with the removal date to coincide with the approval date of occupancy for the rest of the building. **John Gessner** stated that administratively, the module removal is covered. Under the revised conditions submitted tonight, Condition #23 gives the

Planning Director authority to modify the time compliance with regard to the module.

Tracy Cook moved to approve CSO-99-07 and TPR-99-10 of the North Clackamas School District #12 authorizing an increase in student enrollment and construction of four new classrooms and a library and adopt the recommended Findings and Conditions of Approval with amendments discussed tonight.

Condition #2, add as last sentence, "The Applicant shall work with staff to redesign the parking lot to save trees and improve circulation if feasible.

Condition #5, add as last sentence, "The Applicant shall work with staff to explore the feasibility of fulfilling the sidewalk requirement on the east side in lieu of the west side in order to address pedestrian safety concerns.

Condition #11 to read, "In the event the existing Western Red Cedar or Douglas Firs are removed for parking lot construction, the replacement materials provided in kind and in appropriate locations.

Strike Condition #14.

Howard Steward seconded the motion. MOTION CARRIED 7-0.

Ayes: Hammang, Borden, Cartmill, Cook, Miller, Ouderkirk, Steward; Nays: None.

6.2 Applicant: North Clackamas School District
Owner: Same
Location: 5325 SE Logus Road
Proposal: Build new gymnasium at Lewelling Elementary School
File Numbers: CSO-99-08/TPR-99-11
NDA: Lewelling

Chair Hammang opened the public hearing on File Numbers CSO-99-08 and TPR-99-11, an action to allow for the construction of a new gymnasium. The criteria to be addressed are found in Sections 302, 321, 500, and 1400 of the Milwaukie Zoning Ordinance.

Chair Hammang asked if there were any conflicts of interest or ex-parte contacts to declare. There were none. He 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

Doug Strickler reviewed the staff report with the Commission. An overhead projection was shown of the subject site and the surrounding area. There are two key issues regarding this proposal: tree removal and replacement, and new sidewalks.

The Application complies with all the criteria and staff recommends approval with findings and conditions of approval.

QUESTIONS FROM THE COMMISSIONERS -- None.

CORRESPONDENCE RECEIVED -- None.

APPLICANT'S PRESENTATION

Speaking: Gary Kryszak, Project Manager, North Clackamas School District

Mr. Kryszak stated that the School District is proposing to build a full-size gymnasium with a small gym office, storage area, and handicapped dressing rooms. This building will connect to the existing school by means of a walkway.

Trees that will be removed are highlighted in gray on the site map. They will be replaced with more trees than are being removed. The Poplar Tress will be replaced with Ornamental Pear Trees.

The parking lot will be improved by re-striping and additional parking spaces. **Mr. Kryszak** stated that he has the same argument about the sidewalk as with the Linwood Elementary School proposal. The staff feels really strongly at this school about the sidewalk. There is a concern that parents will drop the kids off at the sidewalk and they will have to walk through the parking lot. Without the sidewalk, the parents are forced to come through the parking lot and drop the kids off.

The other issue of concern is tree sizes. All of the trees that will be put in will be 2-1/2 inch caliper. Staff is requesting 3-inch caliper replacement trees.

QUESTIONS FROM THE COMMISSIONERS

Howard Steward asked if the same number of trees would be replaced. **Mr. Kryszak** stated that there might be more trees replaced than removed. The staff report indicates that 21 trees will be removed and they will be replaced with 21 trees but they will not be replaced in the same location.

TESTIMONY IN FAVOR -- None.

QUESTIONS OR COMMENTS

Speaking: Julie Breece, 5611 SE Logus Road, Milwaukie

Ms. Breece stated that her property is adjacent to Seth Lewelling School on the east side. Her property is next to the Poplars. There is a triangular parcel between the school and her property that belongs to her. The Popular trees could be on her property. If the trees are on her property, she does not want them removed. She would like to know where the legal property line is located. **Gary Firestone** stated that the Commission could put in language that reflects the law, "The approval is limited to property owned by the School District."

TESTIMONY IN OPPOSITION

Speaking: Peter Drunell, 5556 SE Logus Road, Milwaukie

Mr. Drunell stated that he lives across the street from the school. He asked why the gymnasium is necessary. There is plenty of room at the school for the students; there are two large covered spaces for the children to play. There is no need for another gym. There is not enough parking spaces for gym uses. He always ends up with people parking in front of his home. Instead of a gym, the school would be better served by a larger parking lot.

ADDITIONAL COMMENTS FROM STAFF

Doug Strickler stated that the landscape plan that he reviewed did not indicate all of the replacement trees. That is why there is a discrepancy in figures. The condition on the landscaping can be revised to reflect at least one for one replacement of the trees to be removed.

The concerns for the sidewalk are the same as those for Linwood School. Section 1400 calls for provisions for a public sidewalk as development is completed. **Alice Rouyer** reported that sidewalks are also a requirement in the Transportation

Plan Review regulations. The School District has an opportunity through education of the parents to resolve the issue of safety on the streets.

QUESTIONS FROM THE COMMISSIONERS -- None.

QUESTIONS FOR CLARIFICATIONS -- None.

APPLICANT'S CLOSING COMMENTS

Speaking: Gary Kryszak, Project Manager, North Clackamas School District

Mr. Kryszak stated that there is a discrepancy in the property boundary line. They are in the process of having this researched by Compass Engineering, Inc. There is a triangle of land, that has not yet been plotted. There may need to be some minor adjustments to the applications based on the outcome. This line will not affect the setbacks of the gym, but it will affect the ownership of the trees. After a windstorm, the School District had an Arborist look at the trees and it was recommended that the trees be removed because of their condition. That is the reason for the proposed removal at this time. If the trees are not on their property, they will not be removing the trees.

There is a standard that is used by the School District to determine if a gym is needed. The School has about 500 children and use the same facility for gymnasium and cafeteria. Part of the promise made to the public when the last bond issue was passed was that schools with combination gym/cafeteria would get separate gymnasiums. That is why the School District is here tonight.

DELIBERATION AMONG THE COMMISSIONERS

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

Doug Ouderkirk asked if there is adequate parking to accommodate the proposed gymnasium? **Doug Strickler** stated that the parking requirements are based on classroom space. The classroom space is not being increased.

Howard Steward voiced concern about the triangular piece of property and the fact that the issue has not been resolved. He feels that the School District (public body) should be responsible for making sure this is settled.

Howard Steward suggested an addition to the last sentence of Condition #2, "...impacts to the neighbors-to include Lewelling parents and students." This will

allow for community use on non-school days for activities like basketball, volleyball, etc.

Doug Ouderkirk moved to approve CSO-99-08 and TPR-99-11 by North Clackamas School District #12 requesting a modification of the Community Service Overlay designation for Lewelling Elementary School to allow construction of a new gymnasium and adopt the recommended findings and amended conditions of approval.

Condition #2, add to the last sentence, "...neighbors to include Lewelling parents and students."

Condition #9, change existing last sentence and add a sentence, "Trees shall be a minimum of 2-1/2-inch dbh. All removed trees shall be replaced at no less than a one-to-one ratio."

New Condition #14, "The approval shall be limited to property owned by the applicant. This approval shall not authorize any actions on property not owned by the School District."

Tracy Cook seconded the motion. MOTION CARRIED 7-0.

Ayes: Hammang, Borden, Cartmill, Cook, Miller, Ouderkirk, Steward; Nays: None.

Recess was taken at 8:30 p.m. and the meeting reconvened at 8:40 p.m.

6.3 Applicant: North Clackamas School District
 Owner: Same
 Location: 11326 SE 47th
 Proposal: Build new gymnasium at Campbell Elementary School
 File Numbers: CSO-99-09/TPR-99-12
 NDA: Campbell

Chair Hammang opened the public hearing on File Number CSO-99-09 and TPR-99-12, an action to allow for the construction of a new gymnasium at Campbell Elementary School. The criteria to be addressed are found in Sections 302, 321, 500, and 1400 of the Milwaukie Zoning Ordinance.

Chair Hammang asked if there were any conflicts of interest or ex-parte contacts to declare? There were none. He 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

John Gessner reviewed the staff report with the Commission. An overhead projection was shown of the subject site and the surrounding area. The proposal includes construction of a new gym, addition of a 45-car parking lot, and major improvements to the frontage along 47th Street, including separation of the parking lot from the street and construction of sidewalk to Railroad Street. There will be covered access from the sidewalk to the school.

There will be a loss of trees and quite a bit of new materials will be provided to mitigate the loss. Trees that will be lost were pointed out on the site map.

The Application meets public benefits as outlined in Section 321 and complies with all other appropriate criteria and staff recommends approval subject to recommended findings and conditions of approval.

QUESTIONS FROM THE COMMISSIONERS -- None.

CORRESPONDENCE RECEIVED -- None.

APPLICANT'S PRESENTATION

Speaking: Gary Kryszak, Project Manager, North Clackamas School District

Mr. Kryszak stated that the School District is proposing to build a full-size gymnasium with bathrooms, storage and showers; a new 45-car parking lot, improve parking and circulation in front of the school; and new sidewalks.

Sidewalks will be put in from the upper property line down and slightly around the corner of Railroad Avenue. Substantial civil improvements will be done to put in a storm drainage system down to Railroad Avenue. This new sidewalk will connect to the existing school by means of a covered walkway.

There are two reasons for building the new parking lot; fire access and to make up the parking that will be lost with the frontage improvements. The intent is that this new lot will be primarily staff parking. There will be down-shielded lighting that is controlled by photocell on and timer off. The School District has worked with the neighborhood and found that vandalism is lower if the lights are

completely off.

There will be improved visitor parking and bus ingress and egress. Parent drop-off circulation has also been improved. Signage will be provided to prevent no parking in the parking lot.

There is a requirement to shield the garbage containers. They will move the garbage containers to a new location and put them in a fenced enclosure.

The staff report recommends a fence around the parking lot. The School District realizes that this parking lot requires control but does not feel a fence is required. A gate will be installed. Meetings will be held with the community to decide what to do during weekend activities. The parking lot will be locked at night.

QUESTIONS FROM THE COMMISSIONERS -- None.

TESTIMONY IN FAVOR -- None.

QUESTIONS OR COMMENTS

Speaking: David Ashenbrenner, 11505 SE Home Avenue, Milwaukie

Mr. Ashenbrenner stated that he is the land-use chair for Hector Campbell Neighborhood District Association (NDA). There was an agenda item on this proposal and his comments are in the staff report. There are several concerns:

- How is the slope along Railroad Avenue going to be mitigated when the sidewalk goes in? Will there be a retaining wall installed? Will the fencing be retained and access limited?
- They do not object to the Applicant not having to fence the parking lot. However, the NDA will review the situation from time to time and will report any problems that result from no fencing.
- The lighting issue behind the gym is a big concern. They are concerned about the after hours, late night activities that can occur behind the school. He suggested maybe an adjacent neighbor could turn on lighting if activity is detected. The lighting would be used to scare off any intruders at night. It would only be used in cases of noise at night.
- Is the access from the handicapped parking spaces to the upper part of the school sloped for handicapped access? The NDA is concerned about

facilitating handicapped access throughout the school.

- There is no problem with the parking along the street with limited parking signage. They are in favor of the signage and strongly recommend fencing up to the corner of 47th Street with the signage for "no parking, no drop-off." They would like to control the access to the school in this area and provide a barrier so people have to slow down when they leave the school property.
- Can the trees that are to be removed be moved closer to Railroad Avenue?

Mr. Ashenbrenner stated that the Neighborhood Association is in favor of this Application. They are happy to see the gymnasium addition for the school.

QUESTIONS FROM THE COMMISSIONERS

Barbara Cartmill asked for clarification of the concern of the slope on Railroad Avenue. **Mr. Ashenbrenner** stated that on 47th Street there is a fence and then it slopes down to the curb and to the street. If these existing curbs are going to be used for the sidewalk, how will that safety issue be addressed? **Doug Ouderkirk** stated that part of the regulations for sidewalk access to a public/commercial building has to be handicapped accessible. The question about the slope of the sidewalk to access the parking and the school will be part of the requirements of the Code.

Howard Steward asked if a motion sensor triggering device would address the issue of lighting during the night when there is activity in the area? **Mr. Ashenbrenner** stated that it could be helpful, however, he would like to see some way it can be triggered by a concerned adjacent neighbor. The motion detectors may be used by kids to turn on light so they can go in back of the school and play.

TESTIMONY IN OPPOSITION -- None.

ADDITIONAL COMMENTS FROM STAFF

John Gessner stated that any concerns about parking restrictions and signage to restrict parking will be reviewed by the Public Works Department or through the Neighborhood Traffic Management Program. The Commission, outside the conditions of approval, can direct staff to work with the neighborhood and appropriate departments regarding this issue. Or, the neighborhood on its own initiative can go through the Neighborhood Traffic Management process. These are ways by which these issues can be addressed outside the conditions of this

approval. **Mr. Kryszak** agreed that he would address this issue with the neighborhood.

Staff has not seen the final engineering for the sidewalk along 47th Street. No retaining walls are proposed at this point. Final design details will be submitted for Engineering Department approval. The Engineering Department will ensure that construction is appropriate.

There are no proposed changes to the fence along Railroad or 47th Avenue south of the existing building. The fencing on the upper portion of the property is outside the scope of this Application. Staff cannot confirm that the ramp providing access to the upper portion of the site is going to be ADA accessible because of the existing grade. All standards of the construction of the sidewalks will be met.

Alice Rouyer stated that ultimately any new development has to meet ADA regulations. Additional concerns can be addressed as a condition or a request of staff.

John Gessner stated that a condition has been included which requires the Applicant to come back to staff with a plan for security lighting. Staff has no objection to the deletion of Condition #14.

QUESTIONS FROM THE COMMISSIONERS -- None.

QUESTIONS FOR CLARIFICATIONS -- None.

APPLICANT'S CLOSING COMMENTS

Speaking: Gary Kryszak, Project Manager, North Clackamas School District

Mr. Kryszak stated that there are a number of handicap improvements. Restrooms are being upgraded in the main administration building. The entire complex is being reviewed for accessibility. He pointed out the handicapped parking and other handicapped improvements on the site map.

There are no plans for the fence that follows 47th Street, nor do they have any plans for the fence along Railroad Avenue. The engineering plans currently up for bid do not show a retaining wall. There is a sizable cut there and he suspects that adjustments will have to be made after they return from bid.

DELIBERATION AMONG THE COMMISSIONERS

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

Tracy Cook moved to approve CSO-99-09 and TPR-99-12 by North Clackamas School District #12 authorizing construction of a new gymnasium and other site improvements at Campbell Elementary School and adopt the recommended Findings and Conditions of Approval minus Condition #14.

Mike Miller seconded the motion. MOTION CARRIED 7-0.
Ayes: Hammang, Borden, Cartmill, Cook, Miller, Ouderkirk, Steward; Nays: None.

Recess was taken at 9:30 p.m. and the meeting reconvened at 9:35 p.m.

6.4 Applicant: Bedsaul/Vincent Consulting, Inc.
 Appellant: Thomason Auto Group
 Owner: Thomason Auto Group
 Location: 8750 and 8890 SE McLoughlin Blvd
 Proposal: Appeal of a Planning Director's determination to void the approval of an expansion of an existing Non-conforming Use and Transportation Plan Review (NCU-98-02/TPR-98-06) for failure to commence "substantial construction" within six months.
 File Numbers: CSO-99-09/TPR-99-12
 NDA: Campbell

Alice Rouyer reported that the appeal had been withdrawn by the applicants on February 28, 2000. The applicant will return within 90 days with new applications to secure non-conforming use approval on the properties in question or vacate the illegal non-conforming uses from the sites.

7.0 WORKSESSION -- None.

8.0 DISCUSSION ITEMS

Barbara Cartmill asked if it would be possible to schedule a joint worksession with City Council to discuss the Planning Commission's role and City Council's

CITY OF MILWAUKIE PLANNING COMMISSION

Minutes of February 29, 2000

Page 18

expectations in regards to appeal items? Discussion followed and concerns were raised about the recent decision on the appeal of the Educational Service District. It was the consensus of the Commission that it would be helpful to discuss ways to make the appeal process a smooth transition from the Planning Commission to City Council. **Alice Rouyer** suggested postponing the decision on scheduling a worksession until the next meeting, following City Council final action on the ESD appeal.

Mike Miller noted that the Commission would be hearing an application from the Clackamas County Corrections of March 14, 2000. He asked staff to provide the minutes of the previous Clackamas County Corrections hearing that was held this last summer.

9.0 OLD BUSINESS -- None

10.0 OTHER BUSINESS/UPDATES

10.1 Matters from the Planning Director

11.0 NEXT MEETING -- March 14, 2000

11.1 CSO-99-04/NR99-04/MLP-99-07/TPR-99-05/VR-99-08 (Clackamas County Corrections)


11.2 CSO-99-010/VR-99-09 (The Waltern Group/Air Touch Cellular)

11.3 CU-00-01 (Woodruff/Nelson)

11.4 S-98-04/VR-98-14 (Hoesly)

Mike Miller moved to adjourn the last meeting of February 29, 2000. **Doug Ouderkirk** seconded. MOTION PASSED UNANIMOUSLY. The meeting adjourned at 9:50 p.m.


Donald Hammang, 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 capacity, the mission of the Planning Commission is to articulate the Community's values and commitment to socially and environmentally responsible uses of its resources as reflected in the Comprehensive Plan

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:

Donald Hammang, Chair
Judith Borden, Vice Chair
Barbara Cartmill
Tracy Cook
Mike Miller
Doug Ouderkirk
Howard Steward

Community Development Department Staff:

Martha Bennett, Community Development Director
Alice Rouyer, Planning Director
John Gessner, Associate Planner
Doug Strickler, Associate Planner
Jeanne Garst, Office Assistant
Marcia Hamley, Office Assistant
Shirley Richardson, Hearings Reporter



To: Planning Commission

Through: Alice Rouyer, Planning Director *AR*

From: John Gessner, Associate Planner *JG*

Date: February 29, 2000

Subject: Linwood Elementary School Improvements
11909 SE Linwood Avenue
Applications CSO-99-07 & TPR-99-10

I. ACTION REQUESTED

Approve applications CSO-99-07 and TPR-99-10 of North Clackamas School District #12 authorizing an increase in student enrollment and construction of four new classrooms and a library and adopt the recommended Findings and Conditions of Approval.

II. CODE AUTHORITY & SUBSTANTIVE CRITERIA

Milwaukie Zoning Ordinance Sections:

- 321-Community Service Overlay
- 1400-Transportation Planning, Design Standards, and Procedures
- 302-Residential Zone R-7
- 500-Offstreet Parking and Loading

III. EXECUTIVE SUMMARY

The school district is proposing to construct four classrooms, a library, and additional parking at Linwood School.

The proposal meets the criteria of applicable zoning provisions however, the Planning Commission must make a finding that the use is in the public interest and that the benefits outweigh the potential adverse impacts. In addition the Commission may impose conditions to ensure compatibility with surrounding uses.

Staff believes the use is in the public interest, and as conditioned the public benefits exceed the potential adverse impacts, which shall be mitigated to minimize impact on surrounding residences.

CSO-99-07 & TPR-99-10 Linwood Elementary School
 February 29, 2000
 page 2 of 10

IV. BACKGROUND INFORMATION

Statistics

Location:	11909 SE Linwood Avenue <i>See Exhibit 1-Vicinity Map</i>
NDA:	Linwood
Zone:	R-7 Residential
Lot size:	11.46 Acres
Map & Tax Lot	1 2E 31 DA 00700

Summary Project Description

North Clackamas School District is proposing to construct a 5,226 square foot addition, housing four new classrooms and related facilities and a new 6,885 square foot library. The expansion would increase student capacity by approximately one hundred students. Existing enrollment is 418 students. It is understood that the new students will be transferred from other area schools that are experiencing overcrowding. *See Exhibit 2-Applicant's Narrative Report*

The classroom pod and library addition will be located north of the existing west wing of the school. The classroom pod and library addition is brick face, and ranges in height from 12 feet to 23 feet.

Traffic conditions have been a matter of concern at Linwood School. Congestion on Linwood Avenue is a recurring problem due to vehicles being delayed from entering the site. To address this problem, the School District is proposing to discontinue the present student pick-up policy. New parking spaces will be constructed for parents who pick-up their children. *See Exhibit 3-Site Plan Reduction.*

The modular classrooms approved under CSO-98-03 will be removed from the site.

Project Details

Classroom & Library Addition

The classroom pod contains four classroom, bathroom facilities, and support facilities. The library contains a media center, computer lab, and second floor mechanical room. Exterior building materials include brick facade, glazing, and stucco. Access to both is by way of outdoor covered walkways. Existing play areas and bicycle racks in the construction area will be relocated.

Parking Lot Improvements

To improve the existing traffic problems in Linwood, the school district is proposing to construct up to 34 new parking spaces and to discontinue parking along the main entrance drive. 16 spaces are to be constructed now. In the event additional parking is required to manage parking need, an additional 18

spaces are to be constructed. These spaces are to be constructed along the north side of the existing parking that is located just west of the bus turnaround.

Construction of the parking lot improvements will require removal of trees. A small grove of mature trees is located along the site drive on the west side of the site. Construction of a new parking aisle as shown on the plans will require removal of some of these trees. (It is not known which trees must be removed at the time of this writing.) Code requirements for landscaping islands within parking lots may reduce the number of parking spaces that will be constructed

Staff has worked with the school district over the past several months to identify alternatives to the congestion problem in Linwood. The following alternatives have been evaluated.

Alternative	Benefits	Impacts	Recommendation
dedicated north bound left turn lane at site drive	allows for in-street storage of waiting vehicles	creates an unrestricted lane for through traffic at high risk to pedestrians	Reject
new bus turn-out on Linwood, move head of vehicle queue to the west	separate bus and car traffic, increases on-site car stacking	very expensive loss of landscaping in front of school increased impervious surface and runoff	Reject
change pick-up policy, build more parking	reduces potential for stacking in Linwood	loss of mature trees increased impervious surface and runoff	Accept

New Fire Lane

The proposal includes construction of a new fire lane along the west elevation of the new addition.

Staff Recommendation for Sidewalks

The site does not conform to zoning requirements for sidewalk improvements. Accordingly, staff is recommending the installation of a sidewalk along Linwood Avenue in front of the school.

V. ANALYSIS OF PROPOSAL

Zoning Authority

The proposal is subject to Zoning Ordinance Sections 321-Community Service Overlay, 1400-Transportation Planning, Design Standards and Procedure, 500-Offstreet Parking and Loading, Section 302-Residential Zone R-7, and 1011.3-Minor Quasi-Judicial Review. See *Exhibit 2-Applicant's Zoning Compliance Report and Exhibit 4-Staff Zoning Compliance Report*.

- Section 1011.3 governs public notice and the application process.
- Section 321 governs the use and defines performance criteria to ensure compatibility with neighbors.

The Commission may approve a CSO application when it finds the proposal is in the general public interest and the public benefits outweigh potential adverse impacts. In addition, the Commission may impose conditions of approval to ensure compatibility with other uses in the vicinity.

- Section 1400 addresses the adequacy of pedestrian, bicycle, and other transportation improvements.
- Section 500 specifies standards for parking lot design, lighting, and landscaping.
- Section 302 specifies zoning standards such as setbacks, building height, and minimum vegetated area.

Evaluation of Zoning Criteria

This section addresses specific aspects of the project that either require conditions be imposed to ensure compliance with performance standards, or require conditions to bring the application into compliance with zoning criteria. A checklist showing staff analysis of compliance with all other standards is included in Exhibit 4-Staff Zoning Compliance Report. A summary of key issues follows.

1. Compliance with the Public Benefit Test of Section 321.

The Community Service Overlay regulations authorize approval of a community service use if the Commission finds that establishing the use is in the general public interest and that the benefits of the use outweigh its potential adverse impacts. Public education and their related facilities are within the general public interest.

2. Balancing Public Benefits and Potential Adverse Impacts

The Planning Commission must determine whether the benefits outweigh the potential adverse impacts. The zoning regulations give the

Commission discretion in its consideration of the balance between benefits and impacts.

The expected benefits of the project include the following.

- a. Improved educational facilities and opportunities for students.
- b. Reduction of vehicle stacking in Linwood Avenue and improved traffic flow.
- c. Increased on-site parking supply.

The potential impacts are as follows.

- a. Increased traffic on Linwood Avenue due to increased student drop-off and pick-up. It is not known how many new students will be bussed versus being transported by parents. If the existing pattern of family transport continues, an additional 20 vehicles are expected on-site during the afternoon pick-up period. This estimate is based on vehicle counts taken during the afternoon of November 5, 1999. The traffic increase is not expected to be appreciable. The change in pick-up policy and construction of new parking are expected to correct existing congestion in Linwood Avenue.
- b. Increased activity on-site during special events. The increase in student enrollment is expected to increase traffic and parking demand during special school events. The site has considerable capacity for overflow parking. Special event parking should not impact nearby residential streets.
- c. Potential adverse impacts may result in increased stormwater run-off. A condition recommending management of new run-off is recommended.

Adverse impacts can be significantly reduced by conditions that may be imposed on the project. With the proposed conditions, staff believes that the public benefits outweigh the potential adverse impacts.

3. Compliance with Section 321- Specific Standards for Schools

- a. Section 321.7.B. Fencing of outdoor play areas for nursery and pre-schools. The site is presently non-conforming in regards to this requirement. Fencing is required if it is found that kindergarten enrollment will increase. A condition to this effect has been recommended.
- b. Section 321.7.C and 321.7.D require consideration of pedestrian facilities. The site does not now have sidewalks along its frontage on Linwood. Sidewalks are considered a basic need for schools. A

CSO-99-07 & TPR-99-10 Linwood Elementary School
 February 29, 2000
 page 6 of 10

recommendation requiring construction sidewalks along a portion of the site is recommended.

- c. The school's present drop-off/pick-up policy and existing site layout contributes to existing congestion in Linwood Avenue during the afternoon. The school will discontinue this practice, thereby requiring parents to park in the lot. The new pick-up system is expected to alleviate congestion in Linwood, but is subject to a number of variables such as the adequacy of the number of available spaces, and the time it takes for parents to park, pick up students, and then leave the site.

In the event this system does not work efficiently, overflow parking along the access drive may occur. Condition of approval specifying conditions under which the 18 provisional parking spaces must be constructed, and the review of student pick-up operational plan is recommended.

4. Compliance with Section 500-Offstreet Parking and Loading.

The site plan complies with Section 500 except for specifications regarding wheel stops, required interior planter islands, and certain dimensions. The recommended conditions of approval include provisions for correction of these deficiencies. Code requirements for interior planter islands may reduce the proposed number of parking spaces.

5. Compliance with Section 1400-Transportation Planning, Design Standards, and Procedures.

Section 1400 requires construction of transportation improvements based on specified requirements in Table 1405. Such improvements include sidewalk and curbing. A condition requiring construction of curbing and sidewalk along a portion of the site has been recommended.

Tri-Met has requested that a new ADA bus stop passenger landing be provided. This request is consistent with improvements required under Section 1400. A condition requiring construction of an ADA landing has been recommended.

Construction of the sidewalk may result in the loss of trees and shrubs.

6. Potential loss of trees.

The construction of the sidewalk and new parking spaces will result in the loss of a number of trees. Section 321 authorizes consideration of physical impacts that affect neighbors. These impacts include lighting, noise, traffic, access, and the like. The loss of the trees for parking lot and sidewalk construction is not expected to worsen any existing condition or create any new condition that would have an adverse physical affect on

CSO-99-07 & TPR-99-10 Linwood Elementary School
February 29, 2000
page 7 of 10

neighboring properties. Several existing mature trees will remain on the site, both along Linwood and on the west side of the site.

While the loss of significant vegetation is discouraged, staff does not believe the zoning regulations support prohibition of such removal or mandatory replacement. If the Urban Forestry Ordinance is adopted, staff and the Planning Commission will have the ability to regulate tree removal in the future under certain circumstances.

Trees will be required along the new parking spaces per Zoning Ordinance Section 500.

VI. RECOMMENDED FINDINGS IN SUPPORT OF APPROVAL

1. North Clackamas School District #12 is proposing to construct a new 5,226 square foot classroom pod, a 6,885 square foot library, and up to 34 parking spaces
2. Applications CSO-99-07 and TPR-99-10 have been processed, and public notice provided as required by Zoning Ordinance Section 1011.3.
3. Zoning Ordinance Section 321.4.B-Authority to Grant or Deny a Community Service Use, authorizes the Planning Commission to impose suitable conditions, which assure compatibility of the use with other uses in the vicinity.
4. The proposal is found to be in the general public interest. The expected public benefits include, but are not limited to, improved educational opportunities and improved pedestrian and vehicle safety. These benefits outweigh the potential adverse impacts, including but not limited to increased site activity, traffic, and stormwater runoff, which shall be mitigated by implementation of the adopted conditions of approval.
5. As amended by conditions of this approval, application CSO-99-07 complies with the provisions and standards of Zoning Ordinance Section 321-Community Service Overlay Zone.
6. As amended by conditions of this approval, application TPR-99-10 complies with the provisions and standards of Zoning Ordinance Section 1400-Transportation Planning, Design Standards, and Procedures.
7. The Planning Commission acknowledges that after-hour school and community or civic uses of schools are appropriate and important accessory uses. The School District however, has indicated that no new uses or activities will take place in the new facility.
8. Applications CSO-99-07 and TPR-99-10 comply with provisions of Zoning Ordinance Section 302-Residential Zone R-7.

CSO-99-07 & TPR-99-10 Linwood Elementary School
February 29, 2000
page 8 of 10

9. As amended by conditions of this approval, applications CSO-99-07 and TPR-99-10 comply with provisions of Zoning Ordinance Section 500. The proposed number of parking spaces exceeds the minimum required. A reduction in the number of spaces proposed due to requirements of Section 500 to provide landscaping is acceptable.
10. Sections 321 and 1400 require consideration of the right-of-way improvements for pedestrian, bicycle and vehicles use. The site is presently lacking needed sidewalks along its frontage on Linwood. Accordingly, curb and sidewalk is now being required in front of the school. Sidewalks will be required along a portion of the site. It is understood that the remainder of the site will be improved with curb and sidewalk when additional classroom or other major improvements are proposed.

VII. RECOMMENDED CONDITIONS OF APPROVAL

1. The plans submitted for building permit shall be in substantial conformity with the plans reviewed under this approval. (Reference plan titled "Linwood Elementary School, Gymnasium Addition" dated 12/4/99, revised 2/2/00)
2. Prior to issuance of a building permit, a fully dimensioned site plan drawn to scale, showing all parking areas designed in accordance with specifications of Zoning Ordinance Section 500 shall be submitted to the satisfaction of the Planning Director. This plan shall show final design of vehicle circulation and on-site separation of bus and car traffic as appropriate and feasible.
3. Prior to issuance of a building permit, a detailed site lighting plan showing the location, type, control, and photometrics of all new outdoor lighting shall be submitted to the satisfaction of the Planning Director. All proposed lighting shall be designed to minimize impacts such as glare and trespass lighting on adjoining residential properties.
4. Prior to the issuance of building permit, the site plan shall be revised showing the location of all outdoor recycling and refuse containers to the satisfaction of the Planning Director. The location of recycling and refuse containers shall not interfere with parking and circulation. Appropriate screening shall be shown.
5. Prior to issuance of a building permit, the applicant shall submit construction plans showing new curb, a minimum 7-foot wide sidewalk (exclusive of curb) pursuant to Zoning Ordinance Table 1405 to the mutual satisfaction of the Public Works Director and Planning Director.
6. Prior to issuance of a building permit, a tree preservation plan showing all trees and major vegetation to be removed, and preserved, in construction

CSO-99-07 & TPR-99-10 Linwood Elementary School
February 29, 2000
page 9 of 10

areas of the new parking lot and Linwood Avenue sidewalk shall be submitted to the satisfaction of the Planning Director. The plan is to show all existing and proposed grading, fill, utility trenches, equipment and material storage areas, and tree protection measures.

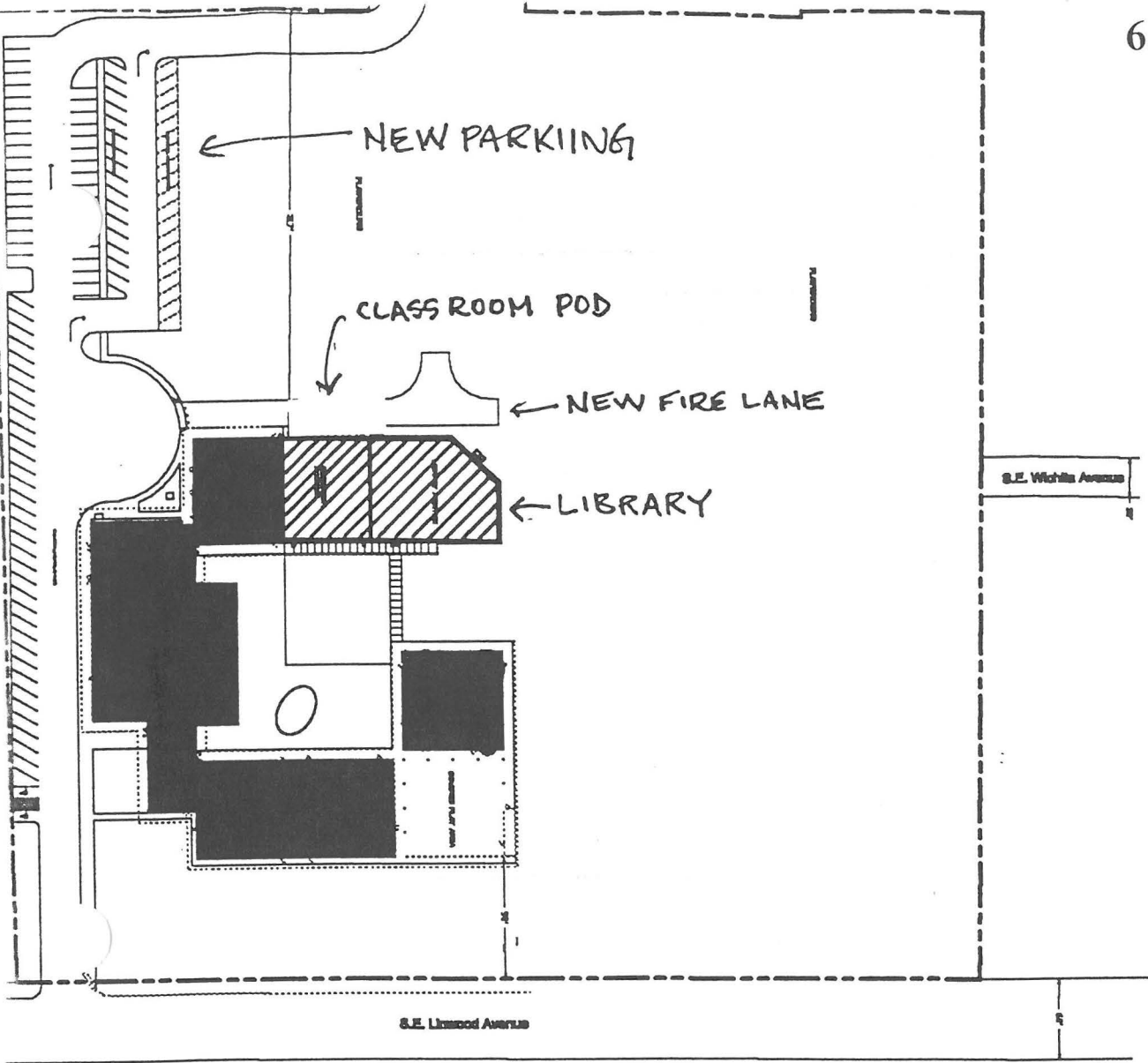
7. Prior to issuance of a building permit, full-engineered plans and specifications shall be submitted to the satisfaction of the Public Works Director.
8. Prior to the issuance of a building permit, a plumbing plan showing sanitary sewer, water, and to be installed, shall be submitted to the satisfaction of the Building Official and Public Works Director as appropriate.
9. Prior to issuance of a building permit, an erosion control plan shall be submitted to the satisfaction of the Public Works Director
10. Prior to issuance of a building permit and grading permit, if required, and a detailed grading plan showing all existing and proposed grades shall be submitted to the mutual satisfaction of the Public Works Director and Planning Director.
11. Prior to issuance of a building permit, a detailed landscaping plan shall be submitted to the satisfaction of the Planning Director, showing new trees to be located along the new parking spaces per Section 500. The standard measure of tree-size shall be "diameter at breast height" (dbh). The minimum size for new trees shall be 2" dbh.
12. Prior to issuance of a building permit, a plan showing compliance with bicycle parking requirements of Zoning Ordinance Section 500 shall be submitted to the satisfaction of the Planning Director. The plan shall show relocation of the existing bike racks.
13. Prior to issuance of building permit, a detailed narrative description of all changes made to the construction plans as required by conditions of approval shall be submitted to the satisfaction of the Planning Director.
14. Prior to issuance of a building permit, the site plan shall be revised to show a fence of appropriate height to separate the new parking lot from the play fields.
15. Prior to issuance of a building permit, the applicant shall submit documentation indicating the expected changes to kindergarten enrollment resulting from the proposed expansion. In the event there is an increase in enrollment, a fenced play area shall be required in accordance with Section 321.7-Specific Standards for Schools.
16. Prior to approval being issued for of occupancy a detailed narrative of actions taken to comply with all conditions of this approval shall be submitted to the satisfaction of the Planning Director. The Planning

CSO-99-07 & TPR-99-10 Linwood Elementary School
February 29, 2000
page 10 of 10

- Director shall conduct a site inspection and other investigations as needed to ensure compliance with conditions of this approval prior to granting occupancy approvals.
17. Prior to issuance of any occupancy approval, the curb and sidewalk shall be completed and inspected to the mutual satisfaction of the Planning Director and Public Works Director.
 18. Prior to issuance of any occupancy approval, the existing modular classrooms shall be removed.
 19. Prior to issuance of any occupancy approval, the applicant shall submit to the satisfaction of the Planning Director, a plan specifying the conditions under which the provisional parking spaces will be installed. The Planning Director may require these spaces to be constructed if site conditions including but not limited to overflow parking along the access drive during afternoon pick-up is observed or overflow parking during special events affects nearby streets.
 20. Prior to issuance of any occupancy approval, the applicant shall submit to the satisfaction of the Planning Director, a detailed operational plan specifying, the manner in which the new parent drop-off/pick-up system will work. This shall include all measures needed to ensure efficient operation of the site, including control by parking attendants and the like.
 21. The Planning Director may approve minor modifications of this approval pursuant Zoning Ordinance 321. The Planning Director shall review any new evening and weekend activity, or the increase of an existing school or community evening or weekend activity, prior to its commencement for determination of required approvals.

EXHIBITS

1. Vicinity Map
2. Site Plan Reduction
3. Applicant's Project Description & Compliance Report
4. Staff Zoning Compliance Report
5. Review Comments
6. Tri-Met Comments



LEGAL: 1 2E 31DA 700

OWNER/
APPLICANT: NORTH CLACKAMAS SCHOOLS
12451 SE FULLER ROAD
MILWAUKIE, OR 97222
PHONE: (503) 653-3045

City of Milwaukie Community Development Department

Title: Siteplan Submitted by: Applicant Date: 2/29/00 # Pages: 1
 File Numbers: CS099-07/TP99-10 Applicant: NCSD #12 Exhibit #: 2



North Clackamas School District #12
Linwood Elementary School Classroom and Library Addition
Community Service Overlay/Transportation Planning Review

GENERAL INFORMATION:

RECEIVED

FEB 02 2000

CITY OF MILWAUKIE
PLANNING DEPARTMENT

Owner/Applicant: North Clackamas Schools
Attention: Gary Kryszak
12451 SE Fuller Rd.
Milwaukie, OR 97222
(503) 653-3645

Planner: Planning Resources, Inc.
Attention: Rick Givens
204 SE 10th Avenue
Canby, OR 97013
(503) 263-8482

Architect: Barrentine, Bates, Lee, AIA
Attention: Lang Bates
200 North State Street
Lake Oswego, OR 97034
(503) 635-4425

Engineer: Compass Corporation
Attention: Bruce Goldson
6564 SE Lake Road
Milwaukie, OR 97222
(503) 653-9093

Legal Description: 1 2E 31DA 00700

Location: 11909 SE Linwood Avenue

Site Area: 11.46 Acres

Comprehensive Plan: Public

Zoning: Residential Zone R-7

Requested Action: This application requests approval a change to the Community Service Overlay designation for Linwood Elementary School to allow construction of a pod of 4 classrooms and a library, together with associated Transportation Planning Review.

City of Milwaukie Community Development Department

Title: Description Submitted by: Applicant Date: 2/29/00 # Pages: 9
File Numbers: CSO-99-07/TPREG-10 Applicant: NCSD # 12 Exhibit #: 3



DESCRIPTION OF PROPOSAL:

This application requests approval of a modification of the Community Service Overlay for Linwood Elementary School to permit construction of a classroom pod and a library addition. The classroom pod is a 5,226 square foot addition containing four classrooms, a multi-use area, workroom, and restroom facilities. This addition is needed to address school overcrowding in North Clackamas School District. The classrooms, when completed, will provide space for 100 additional students and four new teachers at the school. The library addition is 6,885 square feet in area.

Both additions are located along the west side of the school building. The site plan submitted with this application also indicates the future location of a second 5,226 square foot classroom pod. This second pod is shown for purpose of illustration of the ultimate master plan for the school. It is not planned for construction in the immediate future and is not a part of this application.

Linwood Elementary School is located at 11901 SE Linwood Avenue. The school presently has an enrollment of 418 students. The existing school has four classroom pods, each of which contain four classrooms. A modular building provides two additional classrooms.

Scheduling for this project calls for taking bids in February of 2000. The construction of the new classroom pod and library addition would begin in March of 2000, with completion in approximately 10 to 12 months. Estimated construction cost is \$750,000 for the classroom pod and \$1,000,000 for the library.

COMMUNITY SERVICE OVERLAY APPROVAL CRITERIA:**I. Comprehensive Plan Goals and Policies**

The City of Milwaukie Comprehensive Plan Map designates the Linwood Elementary School site as "Public". The Public designation provides for a variety of governmental and public facilities, including schools. Provision of additional classroom space at Linwood Elementary School is consistent with this designation.

Objective #1 – Priority, of the Public Facilities and Services Element of the Plan provides that the provision of adequate levels of public facilities and services is a first priority and development or growth occurs. The requested expansion is made necessary by development and population growth that has occurred in recent years within the North Clackamas School District boundaries. Provision of additional classroom space to meet the additional educational service needs associated with this growth is consistent with this objective.

Objective #9 – School Coordination, provides that the City will participate and assist whenever possible in the planning efforts of North Clackamas School District No. 12. This objective, as well as the two policies that relate to it in the Plan, are guides to City actions and do not directly relate to this application.

II. Milwaukie Zoning Ordinance Approval Criteria

The approval criteria listed in the Milwaukie Zoning Ordinance relating to Community Service Overlay applications are found in Section 321.4:

321.4 Authority to grant or deny a community service use

A. An application for a community service use may be allowed if:

1. the requirements of the underlying zone are met;
2. specific standards for the uses found in subsections 321.7-321.10 are met; and
3. the hours and levels of operation of the proposed use can be adjusted to be reasonably compatible with surrounding uses. For solid waste facilities, this shall mean . . .

1. Requirements of the R-7 Zone:

The following table summarizes the compliance of the site and proposed development with the applicable standards of the R-7 district and the Milwaukie Zoning Ordinance:

Criterion	Standard	Existing	Proposed	Comply Y/N
Lot size	7,000 s.f. min.	11.46 acres	No change	Yes
Setbacks	Front – 20 ft. Side – 20 ft. Rear – 20 ft.	All exceed minimum	All new structure setbacks exceed minimum	Yes
Parking	1.75 spaces per classroom (22 X 1.75 = 38.5)	72	88	Yes
Height	2 ½ stories or 35 ft.	1 story	1 story	Yes
Lot Coverage	30% of lot area maximum.	45,061 s.f. / 11.46 ac. = 9.0%	57,238 s.f. / 11.46 ac. = 11.5%	Yes
Minimum Vegetation	30% of lot area.	9.35 ac / 11.46 ac = 81.5%	9.08 ac / 11.46 ac = 79.2%	Yes

2. MZO Section 321.7 – Specific standards for schools

The proposed expansion of Linwood Elementary School conforms to the specific standards for schools identified in this subsection of the Milwaukie Zoning Ordinance as follows:

- A. *Public elementary or secondary schools shall provide the site area/pupil ratio required by state law. Other schools shall provide one acre of site area for each 75 pupils of capacity or for each two and one-half classrooms, whichever is greater, except as provided in subsection 321.7B below.*

This language relates to a provision from earlier state standards for schools. Present law does not contain any requirement for a site area/pupil ratio. The 11.46 acre site area at Linwood Elementary is considered to be adequate for a public school of up to 600 to 700 students, based upon the District's planning criteria.

- B. *Preschools, nursery schools, day-care centers or kindergartens shall provide a fenced, outdoor play area of at least 75 square feet for each child of total capacity, or a greater amount if so required by state law. In facilities where groups of children are scheduled at different times for outdoor play, the total play area may be reduced proportionally based on the number of children playing out-of-doors at one time. However, the total play area may not be reduced by more than one half. These uses must comply with the State Children's Services Division requirements as well as the City provisions.*

Linwood Elementary School does not have a fenced outdoor play area. The City of Milwaukie first adopted the requirement for fencing of play areas in 1984. Because the school predates the City's requirements for fenced play areas, the existing facilities are legally non-conforming with respect to fencing of the play areas. Because the proposed classroom and library expansion does not change the character of the use of the school significantly, fencing should not be required for this expansion.

The amount of play area at the school exceeds the standard presented in this subsection. Total capacity for the school will increase to about 550 students following the expansion. At 75 square feet per student, the play area would need to be a play area of at least 41,250 square feet, or slightly less than one acre. In reality, however, about 8 to 9 acres of the site are available for outdoor play.

- C. *Walkways, both on and off the site, will be provided as necessary for safe pedestrian access to schools.*

The school has adequate on-site walkways, as shown on the site plan submitted with this application. Off-site walkways have been found to be adequate in a previous application for Linwood Elementary School (File No. CSO-99-03).

- D. *Sight-obscuring fence of four to six feet in height shall be provided to separate the play area from adjacent residential uses.*

The play area for Linwood Elementary School predates the adoption of this standard. Although the classroom addition will allow for increased

enrollment at the school, the District does not believe that installation of fencing is warranted by the modest increase proposed. There is fencing along a part of the site adjacent to residential uses. Further, the play area is large and adequate buffer space exists so that residential uses are not unduly impacted by play activities.

E. Public facilities must be adequate to serve the facility.

All required public services are provided by the City of Milwaukie and are available in Linwood Avenue. There are no public facility needs associated with the new classroom pod and library additions that would overtax these systems.

F. Safe loading and ingress and egress will be provided on and to the site.

Access to the site is via Linwood Avenue, with exit onto Stanley Avenue. Improvements have been made in recent years to provide improved stacking area for cars picking up students. These improvements have been accomplished by striping the access drive to channel traffic appropriately. City staff has raised concerns during pre-application discussions regarding school related traffic backing up onto Linwood Avenue during peak traffic hours. The problem relates to vehicular traffic stacking in the school parking lot during the afternoon as parents pick up students. The school proposes to manage this problem by providing additional parking and eliminating stacking of automobiles through on-site management.

At the present time, teachers escort all students to buses and individually to parents waiting in their cars. This is a practice which is out of the ordinary for North Clackamas School District elementary schools. It is proposed to be modified by requiring parents to park their cars in existing and proposed parking stalls, and then come into the school to pick up their children.

Under the present system, there are often 30 to 35 cars waiting in the parking lot driveways for children to be brought to them. There are usually twenty or more unutilized parking spaces in the school parking lot at this time. The proposed site plan would add 16 parking spaces, with a potential to add another 18 spaces beyond that if traffic conditions prove to warrant it. It is the District's belief that the proposed additional parking will be more than adequate because the time requirements for each child to be picked up will be reduced by having the parents come into the school, rather than the present process of having parents wait until the teachers can bring the student to the waiting cars.

G. Off-street parking (including buses) shall be provided as per Section 500.

Linwood Elementary School presently has approximately 75 on-site parking spaces. The parking standards of Section 500 require a minimum of 1.75 spaces per classroom for school facilities. Following completion of the

planned improvements, Linwood Elementary School will have a total of 22 classrooms. A minimum of 39 spaces must be provided in order to satisfy this standard. The existing 72 spaces exceed the parking requirements, and the total will be increased by an additional 16 spaces beyond the existing amount.

H. Minimum setback requirements: Front – 20 feet, Rear yard – 20 feet, Side yard – 20 feet.

Existing setbacks are as follows: Front – 89 feet, Rear – 322 feet, Side, 63 feet. These setbacks, all of which significantly exceed minimum requirements, will be maintained by the new additions.

I. Bicycle facilities are required which adequately serve the facility.

The school presently has several bike racks that adequately meet existing and planned needs.

J. Fifteen (15) percent of the total site is to be landscaped.

Following construction of the new addition, approximately 9.08 acres (76%) of the site will be landscaped.

3. *Hours and levels of operation of the proposed use can be adjusted to be reasonably compatible with surrounding uses.*

The existing school facility has 16 permanent classrooms and 2 classrooms in a modular unit. Existing enrollment is 418 students, with approximately 40 staff members. Elementary schools in the North Clackamas School District serve grades K through 6. Regular hours of operation are from 7:30 am to 5:00 pm Monday through Friday, with occasional evening use for programs and special events. Weekend use is very limited.

Following construction of the new facilities proposed in this application, the school would have a total of 22 classrooms and a design capacity of 550 students. Hours of operation will remain unchanged.

The location of the proposed addition is to the rear of the existing facility in an area that is level and easily developable. The new structure will maintain existing setbacks to adjacent residential properties. There will be an increase in intensity of use of the site associated with the expansion of the school, primarily in terms of traffic associated with dropping off and picking up students. The level of impact on the surrounding area should be negligible, as plans to move the bus loading area to the Linwood Avenue frontage will provide increased queuing area. Any increase in noise is mitigated by the maintenance of a buffer area around the school well in excess of required setbacks.

TRANSPORTATION PLANNING REVIEW APPROVAL CRITERIA

I. Comprehensive Plan Goals and Policies Transportation Element

Discussions with City staff indicate that all relevant transportation goals and policies of the Milwaukie Comprehensive Plan are implemented in the provisions of Section 1400 of the Milwaukie Zoning Ordinance and need not be addressed separately.

II. Milwaukie Zoning Ordinance

A. Sections 501, 505, & 506

501 – Purpose. Transportation facilities at Linwood Elementary School are supportive of the purposes identified in the off-street parking and loading standards. On-site parking exceeds minimum requirements as discussed previously in this report. Changes to the bus loading area, as shown on the site plan, will serve to minimize congestion on Linwood Avenue associated with parents dropping off and picking up students. Provision of bicycle racks on-site promotes the use of bicycles. Adequate pedestrian walkways are provided to ensure safety of pedestrian traffic.

505 – Bicycle Parking. Bicycle parking is required to be provided at a rate of 10 percent of the required automobile parking. As previously discussed, a total of 39 automobile parking spaces are required to meet standards for schools. Ten percent of this total would result in a requirement for 4 bicycle parking spaces. Actual bicycle parking on-site greatly exceeds this requirement.

506 – Carpool and Vanpool Parking. These provisions only apply to new development with more than 50 employees and do not apply to Linwood Elementary School.

B. Section 1400 Transportation Planning, Design Standards, and Procedures.

Compliance with standards and procedures of Section 1400

1403.1 Type II process – The transportation review is being processed concurrently with the CSO application and will be processed accordingly by the City.

1403.2 Coordinated review – The site abuts Linwood Avenue, a designated arterial street. The City will be notifying appropriate agencies as a part of the review process of this application.

- 1404 Access Control Standards and Guidelines – There is no adopted corridor design plan for this area so these provisions do not apply.
- 1405 Transportation Improvement Standards – The property abuts Linwood Avenue, a designated minor arterial street. The paving, right-of-way, and sidewalk requirements identified in Table 1405 are not currently provided. Discussions with City staff indicate that the widening of this street will be accomplished in the future as a part of an overall improvement project. Right-of-way will be dedicated by the School District along the school frontage consistent with City standards.
- 1406 Internal Connections – As shown on the site plan, internal walkways are provided to adequately access the school building, including direct access to Linwood Avenue. There are no abutting commercial, office, or institutional uses with which walkway connections would need to be made.
- 1407 Transit Stops – No public transit stops have been requested by Tri-Met.
- 1408 Building Orientation – The orientation and setbacks of the existing building towards parking was established prior to the adoption of Section 1400 and, therefore, are legally nonconforming.
- 1409 Redevelopment – Linwood Avenue is a transit route. However, no reduction of required parking or is proposed and no transit stop amenities are planned.

Compliance with standards of the applicable zoning district:

These standards have been previously addressed in this report.

Compliance with supplementary regulations (Section 400) and parking standards (Section 500):

The only portion of Section 400 that appears to be relevant is Section 411 – Yard Requirements, General Exceptions. A special setback from Linwood Avenue is identified that requires a total setback from centerline of 60 feet. The setback for the existing building exceeds this requirement. The new space to be constructed is located to the rear of the existing building and will not impact the required front setback.

The parking requirements of Section 500 have been addressed previously in this report. The school exceeds standards for minimum number of spaces to be provided for a school.

Compliance with the standards and policies of an applicable corridor plan.

There is no adopted corridor plan for the area in which the school is located.

EXHIBIT 4-STAFF ZONING COMPLIANCE REPORT FOR CSO-99-07 AND TPR-99-10

This report identifies how the project complies with applicable sections of the Zoning Ordinance that are not detailed in the staff report for CSO-99-07 and TPR-99-10 Linwood Elementary Schools. See also *Exhibit 2-Applicant's Narrative Report*.

1. Compliance with Section 1011.3-Minor Quasi Judicial Review

The application meets, or will meet all requirements of this section, which includes pre-application conferences, mailed notice to neighbors, publication of a legal ad, and posting the site with a notice of public hearing.

2. Compliance with Section 302-Residential Zone, R-7

The application complies with applicable provisions of Section 302 as shown in the following table.

Criterion	Standard	Existing	Proposed	Comply Y/N
Lot Size	7,000 s.f. min	11.46 acres	no change	yes
Setbacks	front-20 ft. Side- 5ft & 10 ft. ¹ Rear- 20 ft.	all exceed minimum	all exceed minimum	yes
Height	2 1/2 stories or 35 ft.	1 story	23 ft.	yes
Minimum Vegetation ²	30% of lot area.	81.5%	79.22%	yes
Max. Lot Coverage	30% of lot area	9%	11.5%	yes

Notes: 1. CSO regulations increase this requirement to 20 feet.
2. CSO regulations reduce this requirement to 15%.

3. Compliance with Section 500-Ofstreet Parking and Loading

- a. Section 503.9-Minimum required parking: 1.75 spaces per classroom. The existing 16 classrooms requires 28 spaces, 72 exist. The proposed 20 classrooms require 35 spaces, 88 spaces are proposed.
- b. Sections 503.10 through 503.13: Requirements for parking space dimensions, striping, and curb cuts have been met or will be met.
- c. Section 503.15-Lighting. As conditioned the proposal complies with this section.
- d. Section 503.17-Pedestrian access. Requirements for walkways separated from vehicle circulation have been met.



- e. Section 503.19 –Landscaping. As conditioned the proposal complies with requirements for perimeter and interior landscaping.
- f. Section 505-Bicycle parking. This section specifies the minimum number of required bicycle space (10% of vehicle spaces) and location requirements. As conditioned, the application meets the provisions of this section.

4. **Compliance with Section 1400-Transportation Planning, Design Standards, and Procedures.**

Section 1400 requires improvements to ensure adequate pedestrian, bicycle and vehicle facilities are provided. The scope of the project requires that up to 10% of the project cost is dedicated to transportation improvements. The sidewalk improvements recommended as a condition of approval satisfy the requirements of this section.

5. **Compliance with Section 321-Community Service Overlay Zone.**

Section 321.4.B Conditions that may be applied. This section authorizes the Commission to impose conditions to ensure the use is compatible with surrounding uses. These conditions may include but are not limited to the following.

1. limiting the manner in which the use is conducted by restricting the time an activity may take place and by minimizing such environmental effects as noise and glare;
Staff: Conditions have been recommended that reduce the potential for adverse impacts from lighting. The intensity of use on-site is expected to increase proportionately with increase in student count. Staff has not been made aware of any problems that neighbors may have with existing conditions.
2. establishing a special yard, setback, lot area, or other lot dimension;
Staff: All setbacks appear to be adequate. The building and new parking lots are not expected to have adverse impacts. New trees around the new parking lot are recommended.
3. limiting the height, size, or location of a building or other structure; designating the size, number, location, and design of vehicle access points;
Staff: The proposed site layout is acceptable and resolves existing traffic and circulation deficiencies.
4. increasing roadway widths, requiring street dedication, and/or requiring improvements within the street right-of-way including full street improvements;

Staff: The needed right-of-way improvement (sidewalk) has been provided and are compatible with surrounding uses.

5. designating the size, location, screening, drainage, surfacing or other improvement of a parking area or truck loading area; and/or limiting or otherwise designating the number, size, location, height, and lighting of signs.

Staff: No new signs are proposed.

Section 321.7 Specific Standards for Schools

1. Section 321.7.A. Site area requirements per pupil. The lot area exceeds the minimum requirement of ½ acre per 75 students.
2. Section 321.7.C. Adequacy of walkways. The application meets this requirement by construction of new on-site and off-site sidewalks.
3. Section 321.7.D. Sight-obscuring fence around play areas. Much of the eastern property line is already fenced. The site is partially non-conforming with respect to this requirement. The proposal does not alter the location of outdoor play areas. Therefore this section does not apply.
4. Section 321.7.E. Adequacy of public facilities. As proposed, the application meets the requirement for adequate water, sewer, drainage, pedestrian, and transportation facilities.
5. Section 321.7.F. Safe loading and ingress and egress. The proposal meets this requirement by providing separation between 47th Avenue and interior parking and circulation areas. As conditioned, the proposal meets safety requirements of this section.
6. Section 321.7.G. Off-street parking required. Parking is provided for vehicles and busses
7. Section 321.7.H. Minimum yard setbacks. All setbacks exceed the minimum required.
8. Section 321.7.I. Adequacy of bicycle facilities. As conditioned, the application complies with this section.
9. Section 321.7.J. Minimum landscaping required is 15% of lot area. The site exceeds this standard.

**EXHIBIT 5 REVIEW COMMENTS SCHOOL IMPROVEMENTS
CSO-99-07 & TPR-99-10**

1. Paul Roeger, P.E., Civil Engineer, February 1, 2000

Linwood Avenue is an existing asphalt street with bike lanes on both sides but no curb or sidewalk, all within an existing 60-foot right-of-way. New curb and sidewalk must be installed along the frontage of Linwood Avenue from the south property line to the north end of the existing building. The school district will be expected to commit to extending the public improvements along their frontage to the north at such time as additional classrooms are added to the site. Full-engineered plans must be submitted to the Engineering Department for approval before beginning construction. Construction of the curb and sidewalk must be completed before occupancy of the addition.

The existing building is served by City water and sanitary sewer. New connections to the sanitary sewer and water will be made on site. The Fire Marshall will determine any new fire hydrant locations. Additional system development charges (SDC's) for both sanitary sewer and water will be based on the number of plumbing fixtures added to the site.

Storm drainage is available on site. Roof drains and parking lot drains must be connected to the existing system. Additional SDC's for storm drainage will be based on the additional impervious surface added to the site.

Transportation SDC's will be based on the square footage of building added to the site for an elementary school from the 6th edition of the Trip Generation handbook from the Institute of Transportation Engineers.

An erosion control plan and application must be submitted along with the building permit application.

2. Clackamas County Fire District #1, Tom Crowder, Deputy Fire Marshal, January 25, 2000

After careful review the Prevention Division of Clackamas County Fire District #1 wishes to report the addition of a new gym is not in conflict with the 1997 Uniform Fire Code as long as the following requirements are met.

The first is the requirement that fire department access be provided and maintained with a minimum access road width of 12 feet within a clear space 20 feet in width, a minimum vertical clearance of 13 feet 6 inches and in conformance with city requirements for driveway access. The access road must be of an all weather type, which will handle a minimum of 60 thousand pounds weight load. Additionally, addresses must be

City of Milwaukie Community Development Department

Title: Review Comments Submitted by: Staff Date: 2/29/00 # Pages: 2
File Numbers: CSO-99-07 / TPR-99-10 Applicant: NCSO #12 Exhibit #: 5



visible from the street of address on a contrasting background, which identifies each site on the lot. Fire department turnarounds are required when the distance from the street on the access roadway exceeds 150 feet. Finally, there is a requirement that a fire hydrant be within 500 feet of the furthestmost structure on the lot. This can be field verified by the applicant and also by the water department.

3. Michael Kiser, Tri-met Project Planner, February 3, 2000

See Exhibit 6-Request for ADA Bus Passenger Landing.



TRI-COUNTY METROPOLITAN
TRANSPORTATION DISTRICT OF OREGON
CAPITAL PROJECTS & FACILITIES DIVISION
710 N.E. HOLLADAY STREET
PORTLAND, OREGON 97232

DocC # PP 9010

February 3, 2000

John Gessner
City of Milwaukie Planning Department
6101 SE Johnson Creek Boulevard
Milwaukie, OR 97206

RE: File No. CSO-99-07/TPR-99-120 Linwood Elementary School expansion

Dear Mr. Gessner:

Tri-Met welcomes the opportunity to comment on this proposal to construct a library and 4 classrooms at Linwood elementary school. Tri-Met line 28 serves the site with a bus stop located adjacent to the school a few feet north of the school's access driveway.

The purpose of our recommendations is to minimize the traffic impacts of new development by encouraging development patterns that are transit, bicycle, and pedestrian supportive. Improved pedestrian access and connection promotes walking and reduces local dependence on automobiles.

TRI-MET STAFF RECOMMENDATIONS

Prior to land use approval, the applicant should consult with Tri-Met regarding proposed changes affecting the bus stop adjacent to the site. The proposed bus turnout lane on Linwood Avenue conflicts with the existing bus stop. The issue of whether or not to move or eliminate the Tri-Met bus stop must be resolved prior to final approval. Please refer to diagram A for bus stop location.

Provide a bus passenger-landing pad to meet ADA requirements. If the Tri-Met bus stop is to be maintained adjacent to the site, we request that any frontage improvements required by the City include the provision of a transit passenger landing pad at the existing bus stop, as illustrated in the attached drawing.

Attached are design guidelines from Tri-Met's publication, *Planning and Design for Transit Handbook*, which are intended to help clarify our recommendations.

Again, thank you for the opportunity to comment on this proposal. If you have any questions, please contact me at 962-2102.

Sincerely,

Michael Kiser, Project Planner

Attachments: Diagram A
Handbook page 3-14

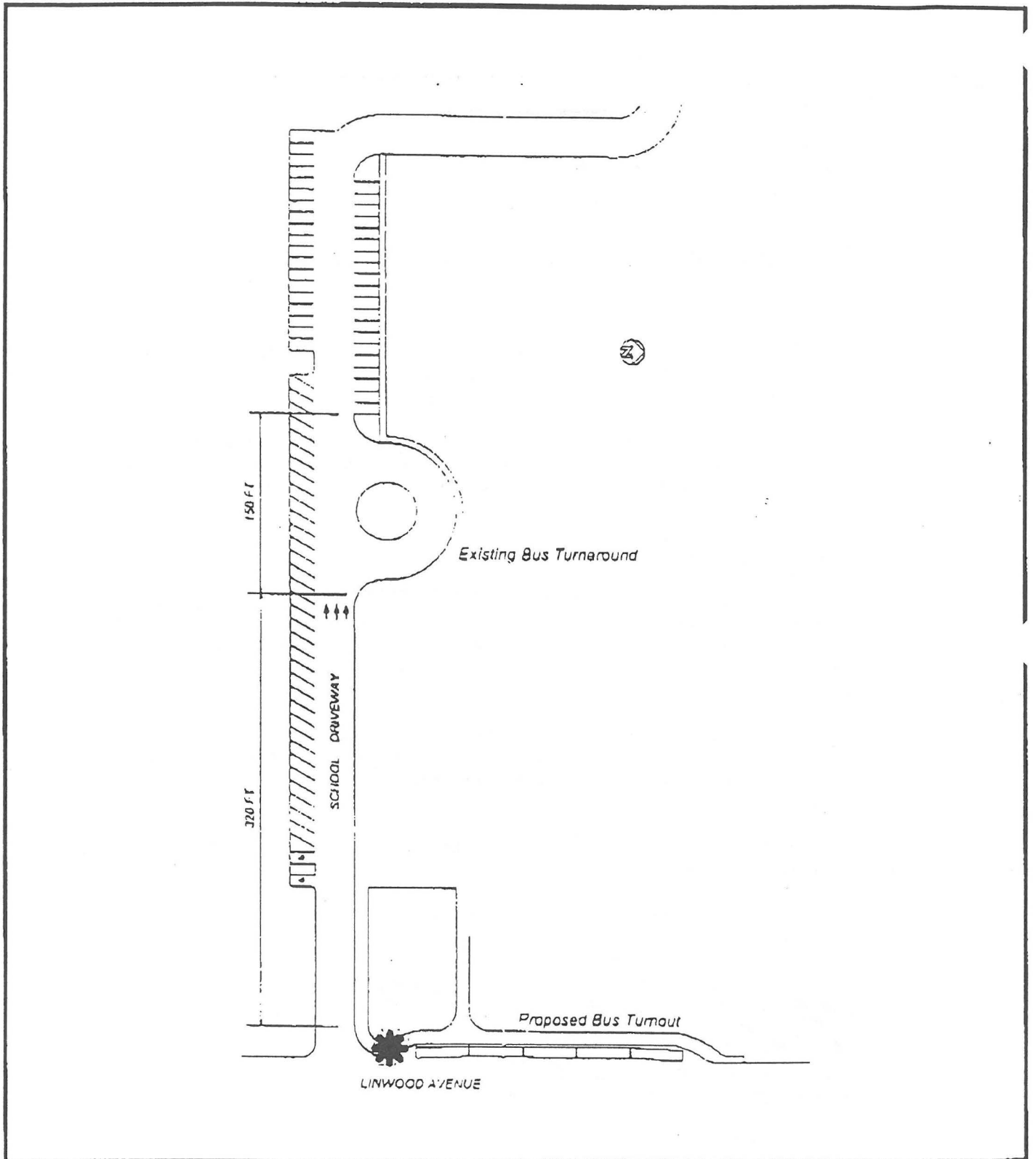
(503) 238-RIDE • TTY 238-5811 • <http://www.tri-met.org>

k:\projplan\phil-h\comments2k0203linwoodscho milw doc

City of Milwaukie Community Development Department

Title: Tri-Met Comments Submitted by: Staff Date: 2/29/00 # Pages: 3
File Numbers: CSO-99-07/TPR-99-12 Applicant: NCSD #12 Exhibit #: _____





	<p>LEGEND</p> <p> Existing Bus Stop</p>	<p>DIAGRAM A</p>	
---	--	------------------	---

3-14

Section 3—Guidelines for Design of Bus-Related Facilities

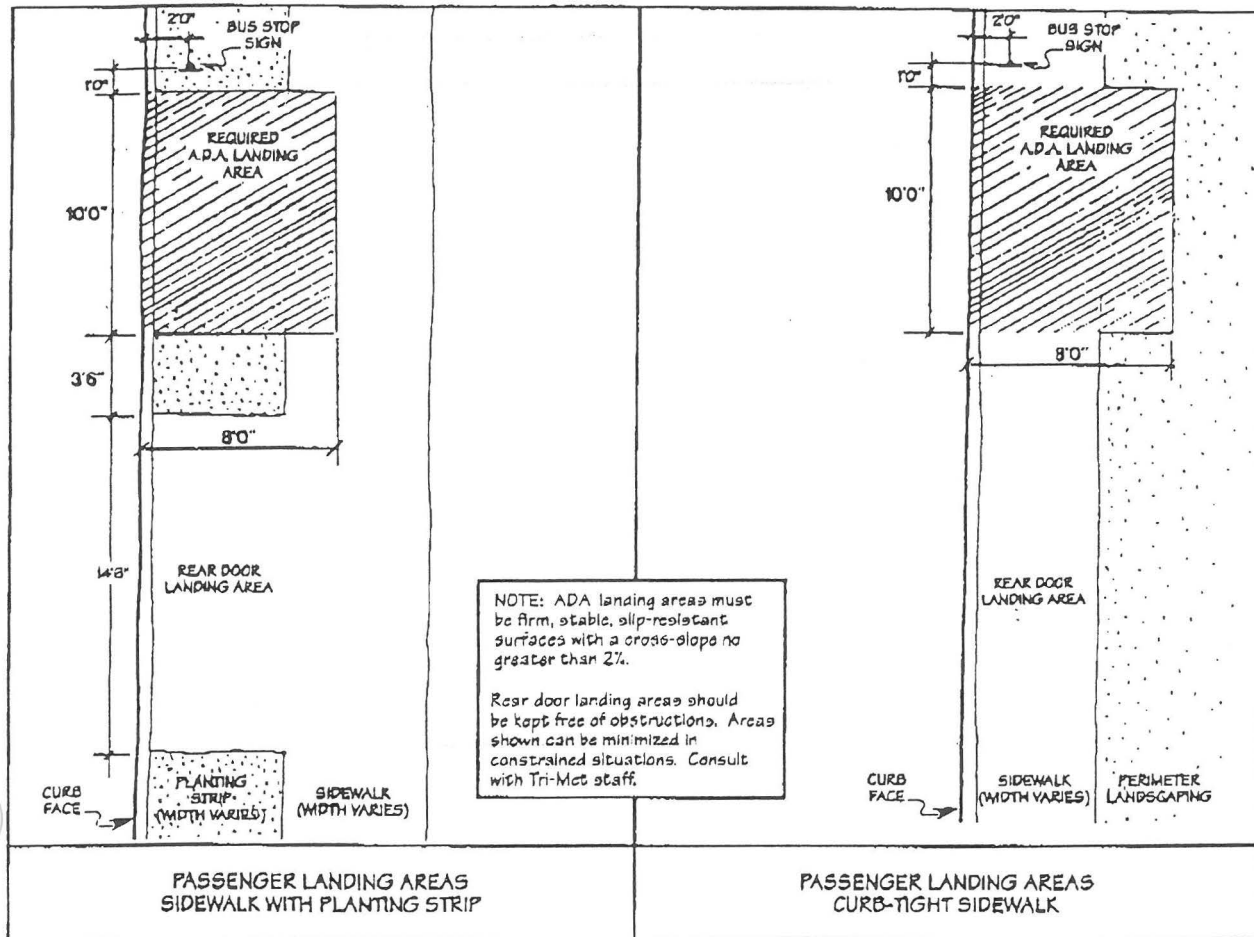


Figure 3-6 Bus Stop Landing Pads



To: Planning Commission

Through: Alice Rouyer, Planning Director *AR*

From: Doug Strickler, Associate Planner

Date: February 29, 2000

Subject: Lewelling Elementary School Improvements
Applications CSO-99-08/TPR-99-11

I. ACTION REQUESTED

Approve applications CSO-99-08 and TPR-99-11 by North Clackamas School District #12 requesting a modification of the Community Service Overlay designation for Lewelling Elementary School to allow construction of a new gymnasium and adopt the recommended Findings and Conditions of Approval.

II. CODE AUTHORITY AND SUBSTANTIVE CRITERIA

Milwaukie Zoning Ordinance Sections:

302 - Residential Zone R-7

321- Community Service Overlay Zone - CSO and

500 - Off-street Parking and Loading

1400 - Transportation Planning, Design Standards and Procedures

III. EXECUTIVE SUMMARY

The applicant's proposal meets the criteria of applicable zoning provisions. However, the Planning Commission must make a finding that the use is in the public interest and that the benefits outweigh the potential adverse impacts. In addition, the Commission may impose conditions to ensure compatibility with surrounding uses.

Staff believes the use is in the public interest and, as conditioned, the public benefits outweigh the potential adverse impacts, which shall be mitigated to minimize impact on surrounding residences. The potential adverse impacts are associated with loss of trees and additional traffic and noise.

IV. BACKGROUND INFORMATION

Statistics

Location: 5325 SE Logus Road, Milwaukie
 NDA: Lewelling
 Zone: Residential, R-7
 Lot size: 12.17 Acres
 Map and Tax Lot: 12E30DB-3700

Summary Project Description

In 1999 a bond measure was approved which provided funding for improvements to public schools throughout the district. North Clackamas School District #12 is proposing to construct the following improvements at Seth Lewelling Elementary School. See Exhibit #1 - Site Plan Reduction.

1. A 6,120 Square foot gymnasium with bathrooms, storage, office space mechanical equipment space located to the east of the current multi-purpose facility.
2. New sidewalk connections between the gym and existing facilities and between the gym and the current parking lot.

Project Details

New Gymnasium

The current site for the school's physical education activities is a multi-purpose room in the building immediately to the west of the proposed site of the new gym. The new building is to be located in the southeast corner of the existing campus. (See Exhibit #1 - Site Plan Reduction.) Construction of the gym will allow the multi-purpose room to be dedicated to cafeteria use.

The area of the proposed gym would be approximately 6,120 square feet. In addition to the athletic floor, the proposed floor plan shows restroom, mechanical, storage, and office facilities. The building has a metal gable roof and is approximately 45 feet in height. The building's exterior is composed of precast architectural concrete panels with translucent panels at the east and west gable ends. The building is setback 21 feet from the eastern property line and 147 feet from Logus Road.

New trees

Submitted plans call for approximately 21 trees to be removed from the site. Nine new trees (deciduous - various species) are to be planted to mitigate for the loss of the trees existing on site. Currently, the City does not regulate tree removal. If the proposed Urban Forestry Ordinance is adopted, then tree removal will be regulated in the future on certain properties.

V. ANALYSIS OF PROPOSAL

Comprehensive Plan Goals and Policies

The City of Milwaukie Comprehensive Plan Land Use Map designates the Lewelling School property as a "Public" site. This designation provides for a variety of governmental and public uses, including schools. The school use is consistent with this designation.

Chapter 5 – Transportation, Public Facilities and Energy Conservation

Objective #1 – Priority. This section of the Comprehensive Plan provides for adequate levels of public facilities and services to existing city residents as a first priority as urban development or growth occurs. The requested expansion will provide recreational facilities to serve the students enrolled in the school.

Objective #3 – Community Development. This section of the Comprehensive Plan provides for the utilization of public facilities policies that support land uses as outlined in the Comprehensive Plan. The policies supporting this objective include provisions that public facilities improvements should be made as properties develop.

Objective #9 – School Coordination. This section of the Comprehensive Plan provides for the participation and assistance of the City whenever possible in the planning efforts of North Clackamas School District #12. The policies supporting this objective provide

1. for the City to work with the District to ensure that the community and neighborhood recreational and educational needs are met, and
2. to ensure that traffic improvements such as sidewalks and bikeways are provided to promote safe routes to schools.

Zoning Authority

This proposal is subject to Milwaukie Zoning Ordinance Section 321 – Community Service Overlay, Section 1400 – Transportation Planning, Design Standards and Procedure, Section 500-Off-street Parking and Loading, Section 302-Residential Zone R-7, and Section 1011.3 – Minor Quasi-Judicial Review. See *Exhibit 3-Applicant's Zoning Compliance Report and Exhibit 4 -Staff Zoning Compliance Report*.

- Section 1011.3 governs public notice and the application process
- Section 321 governs the use and defines performance criteria to ensure compatibility with neighbors.

The Commission may approve a CSO application when it finds the proposal is in the general public interest and the public benefits outweigh potential adverse

impacts. In addition, the Commission may impose conditions of approval to ensure compatibility with other uses in the vicinity.

- Section 1400 addresses the adequacy of pedestrian, bicycle and other transportation improvements.
- Section 500 specifies standards for parking lot design, lighting and landscaping.
- Section 302 specifies R-7 zoning standards such as setbacks, building height and minimum vegetated area.

Evaluation of Zoning Criteria

This section addresses specific aspects of the proposal that either require conditions be imposed to insure compliance with performance standards, or require conditions to bring the application into compliance with zoning criteria. A checklist showing staff analysis of compliance with all other standards is included in Exhibit 4. A summary of key issues follows.

1. Compliance with the Public Benefits Test of Section 321.
 The Community Service Overlay regulations authorize approval of a community service use if the Commission finds that establishing the use is in the general public interest and that the benefits of the use outweigh its potential adverse impacts. Public education and their related facilities are within the general public interest.
2. Balancing Public Benefits and Potential Adverse Impacts
 The Planning Commission must determine whether the benefits outweigh the potential adverse impacts. The zoning regulations give the Commission discretion in its consideration of the balance between benefits and impacts.

The expected benefits of the project include the following:

- Improved recreational programming and opportunities for students
- More efficient and effective use of existing multi-use facilities that house recreational, cafeteria and assembly uses
- New sidewalks along Logus Road

Potential adverse impacts may result from the loss of trees along the eastern property line of the school in the vicinity of the new gym. The School District has taken steps to mitigate this impact through the planting of new trees in the same area.

Additional potential adverse impacts may result from the construction of the gymnasium itself. A new facility such as this may be perceived by residents as a new community resource. Consequently, there may be some desire on the part

of the community to have access to this facility. Such additional access would result in new traffic and noise. Staff has recommended a condition that will allow the Planning Director to review any changes in use and operating characteristics. Since the School District has indicated that the construction of the gymnasium will not change the hours of operation or the level of use of the site, staff does not see this as an immediate concern. With the proposed conditions, staff believes that the public benefits outweigh the potential adverse impacts of this project.

3. Section 1405 – Transportation Improvement Standards

This Section specifies standards for sidewalks, bike lanes, streets, park strips and rights-of-way.

Existing conditions do not meet the current right-of-way, pavement, and sidewalk standards. The property abuts on Logus Road, which is an existing asphalt street with no curb or sidewalk within an existing 30-foot right-of-way. In accordance with Section 1405.1, the staff has recommended a condition requiring an additional 10 feet of right-of-way dedication from the School District along the entire frontage of Logus Road as part of the approval process.

Section 1405.4 – This Section requires that sidewalks be provided along both sides of public streets. In keeping with this section, a condition requiring the construction of a 5-foot sidewalk along the entire frontage of Logus Road is recommended.

Recommended Findings in Support of Approval

1. North Clackamas School District #12 has proposed to construct a new gymnasium of approximately 6,120 square feet at Lewelling Elementary School, located at 5325 SE Logus Road. The gymnasium will provide a dedicated facility for physical education activities which is currently lacking at the site.
2. Milwaukie Zoning Ordinance Section 321.4-B - Authority to Grant or Deny a Community Service Use, authorizes the Planning Commission to impose suitable conditions which assure compatibility of the use with other uses in the vicinity.
3. Applications CSO-99-08 and TPR-99-11 have been processed and public notice provided as required by Milwaukie Zoning Ordinance Section 1011.3.
4. The regular hours of operation of Lewelling Elementary School are from 7:30 am to 5:00 pm, Monday through Friday, with occasional evening use for programs and special events. Weekend use is limited.
5. The proposal is found to be in the general public interest. Milwaukie Zoning Ordinance Section 321, requires consideration of comparative public benefits and potential adverse impacts. The expected public benefits include, but are not limited to, improved recreational and educational opportunities, a more effective use of

public facilities, new sidewalks along Logus Road. These benefits outweigh potential adverse public impacts, including but not limited to the possibility of new traffic and noise and the removal of several trees, which shall be mitigated by implementation of the adopted conditions of approval.

6. As amended by conditions of this approval, application CSO-99-08 complies with the provisions and standards of Milwaukie Zoning Ordinance Section 321-Community Service Overlay Zone.
7. As amended by conditions of this approval, application TPR-99-11 complies with the provisions and standards of Milwaukie Zoning Ordinance Section 1400-Transportation Planning, Design Standards and Procedures. The dedication of right-of-way satisfies the requirements of Section 1405.1 and the construction of a sidewalk satisfies the requirements of Section 1405.4
8. Applications CSO-99-08 and TPR-99-11 comply with provisions of the Zoning Ordinance Section 302-Residential Zone R-7.
9. Milwaukie Zoning Ordinance Section 321 authorizes the Planning Commission to impose conditions as needed to assure compatibility with neighborhood uses. The construction of the gymnasium will require the removal of several trees. Consequently, planting of new trees is warranted to mitigate for the planned tree removal.

Recommended Conditions of Approval

1. The plans submitted in applying for a building permit shall be in substantial conformity with the plans reviewed in recommending this approval. (Reference plan titled "Lewelling Elementary School – Gymnasium Addition, dated December 16, 1999".
2. The use of the premises authorized by this approval is limited to the hours of operation specified in the findings of this decision. There shall be no substantial change in the hours of operation or the level of use of the site due to the presence of the new gymnasium without the prior approval of the Planning Director, who shall review any such proposed change for potential adverse impacts to the neighbors.
3. Prior to issuance of a building permit, the applicant shall submit a revised site plan showing the addition of a 5-foot sidewalk along the entire frontage of Logus Road as required by Section 1405.4. Such sidewalk shall be designed to be set back from the future curb with a planter strip between the future curb and the new sidewalk. Design shall include the elevation of the future curb and must take into account preservation of the existing trees on the school property. The plan shall be to the mutual satisfaction of the Planning Director and the Public Works Director. The sidewalk shall be constructed prior to the approval for the issuance of a final certificate of occupancy for the gymnasium.

5. Prior to issuance of a building permit, full-engineered plans and specifications shall be submitted to satisfaction of the Public Works Director.
6. Prior to the issuance of a building permit and subject to the Public Works Director's approval, full-engineered plumbing plans and specifications for all on-site sanitary sewer, water, storm drainage and fire hydrants to be installed shall be submitted to the satisfaction of the Building Official, Public Works Director, and Fire Marshal, as appropriate.
7. Prior to the issuance of a building permit and subject to the Public Work's Director's approval, an erosion control plan and application shall be submitted to the Public Works Department.
8. Prior to issuance of a building permit, an application for a grading permit, if required, shall be submitted to the mutual satisfaction of the Public Works Director and the Planning Director. Such application will include a detailed grading plan showing all existing and proposed grades.
9. Prior to issuance of a building permit, a detailed landscaping plan shall be submitted to the satisfaction of the Planning Director. The standard measure of tree-size shall be "diameter at breast height" (dbh). Trees shall be a minimum of 3 inches dbh.
10. Prior to issuance of a building permit, a detailed narrative description of all changes made to the construction plans as required by these conditions of approval shall be submitted to the satisfaction of the Planning Director.
11. Prior to issuance of occupancy approval, a detailed narrative of actions taken to comply with all conditions of this approval shall be submitted to the satisfaction of the Planning Director. The Planning Director shall conduct a site inspection and other investigation as needed to ensure compliance with conditions of this approval prior to granting occupancy approvals.
12. Prior to issuance of any occupancy approval, the sidewalk shall be completed and inspected to the satisfaction of the Public Works Director.
13. Prior to the issuance of any occupancy approval, the applicant shall dedicate 10 feet of property along the entire frontage of Logus Road to the City for public right-of-way. The instrument of dedication shall be submitted to the mutual satisfaction of the City Attorney, Public Works Director and Planning Director prior to recording with the County.

EXHIBITS

1. Vicinity Map and Site Plan Reduction
2. Applicant's Project Description & Compliance Report
3. Staff Zoning Compliance Report
4. Review Comments

Title: Site Plan

Submitted by: Applicant

Date: 2/29/00

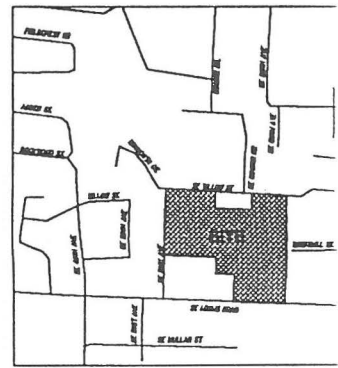
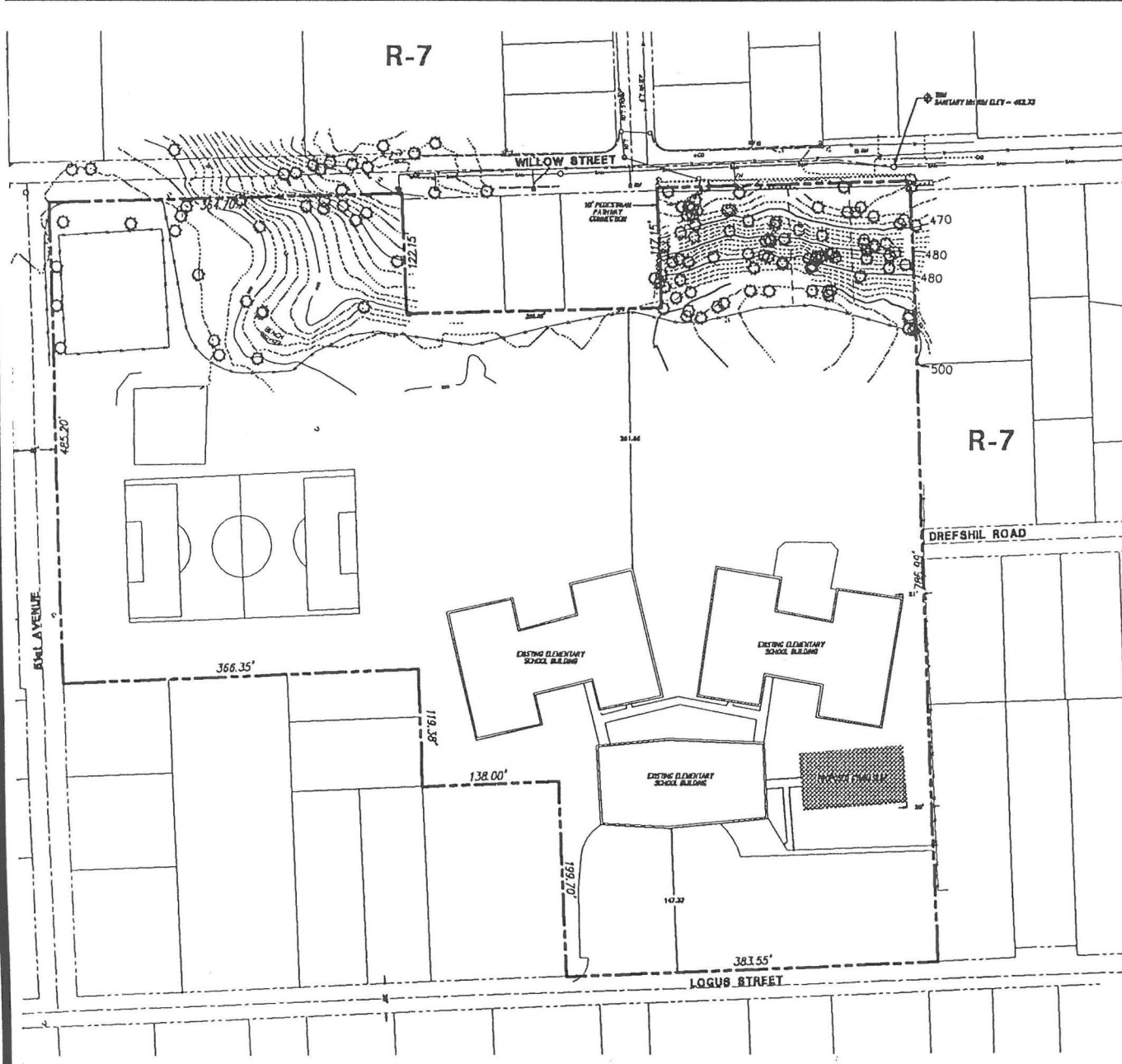
Pages: 1

Exhibit #: 1

File Numbers: CSO-95-08 / TPR-99-11

Applicant: NCSD #12

City of Milwaukie Community Development Department



VICINITY MAP
SCALE: NTS

PARCEL: 1S-2E-30DB - TA LOT 3700
AREA: 11.36 ACRES

PROPOSED USE: GYMNASIUM ADDITION TO
ZONING: R-7 ELEMENTARY SCHOOL

TOPOGRAPHY: FIELD SURVEY BY
COMPASS CORPORATION
JANUARY, 1997

TREE SURVEY: SAME AS TOPOGRAPHY



6.2
8



DATE	NO.	REVISION

PLANNING RESOURCES, INC.
204 S.E. 108th AVENUE, CANBY, OREGON 97013
PH: (503) 263-8482 FAX: (503) 263-8481

LEWELLING ELEMENTARY SCHOOL

GYMNASIUM ADDITION

Lewelling Elementary School
Gymnasium Addition
Community Service Overlay/Transportation Planning Review

GENERAL INFORMATION:

Owner/Applicant: North Clackamas Schools
Attention: Gary Kryszak
12451 SE Fuller Rd.
Milwaukie, OR 97222
(503) 653-3645

Planner: Planning Resources, Inc.
Attention: Rick Givens
204 SE 10th Avenue
Canby, OR 97013
(503) 263-8482

Architect: Barrentine, Bates, Lee, AIA
Attention: Lang Bates
200 North State Street
Lake Oswego, OR 97034
(503) 635-4425

Engineer: Compass Corporation
Attention: Bruce Goldson
6564 SE Lake Road
Milwaukie, OR 97222
(503) 653-9093

Legal Description: 1 2E 30DB 03700

Location: North side of Logus Rd., east of Winworth Road,
and south of Willow Street.

Site Area: 12.17 Acres

Comprehensive Plan: Public

Zoning: Residential Zone R-7

Requested Action: This application requests approval of a modification of the Community Service Overlay designation for Lewelling Elementary School to allow construction of a new gymnasium, together with associated Transportation Planning Review.

City of Milwaukie Community Development Department

Title: Description Submitted by: Applicant Date: 2/29/08 # Pages: 8
File Numbers: CSO-99-08/TPR-99-11 Applicant: NCS D #12 Exhibit #: 2



DESCRIPTION OF PROPOSAL:

This application requests approval of a modification of the Community Service Overlay for Lewelling Elementary School to permit construction of a gymnasium addition. The proposed gymnasium would contain a total of 6,121 sq. ft. of area, including athletic floor, restrooms, and storage areas. The gymnasium will provide a needed area dedicated for recreational purposes. At the present time, physical education activities take place in a multi-purpose room that is also used as a cafeteria and assembly room. The new gymnasium will allow the multi-purpose room to be dedicated to cafeteria use.

Lewelling Elementary School is located at 5325 SE Logus Road. The school presently has an enrollment of 446 students. No change in enrollment is directly associated with the construction of the gymnasium.

Scheduling for this project calls for taking bids in February of 2000. The construction of the new classroom pod and library addition would begin in March of 2000, with completion in approximately 10 to 12 months. Estimated construction cost is \$750,000.

COMMUNITY SERVICE OVERLAY APPROVAL CRITERIA:**I. Comprehensive Plan Goals and Policies**

The City of Milwaukie Comprehensive Plan Map designates the Lewelling Elementary School site as "Public". The Public designation provides for a variety of governmental and public facilities, including schools. School use is consistent with this designation.

Objective #1 – Priority, of the Public Facilities and Services Element of the Plan provides that the provision of adequate levels of public facilities and services is a first priority and development or growth occurs. The requested expansion is necessary to provide needed recreational facilities to serve the students enrolled at this school.

Objective #9 – School Coordination, provides that the City will participate and assist whenever possible in the planning efforts of North Clackamas School District No. 12. This objective, as well as the two policies that relate to it in the Plan, are guides to City actions and do not directly relate to this application.

II. Milwaukie Zoning Ordinance Approval Criteria

The approval criteria listed in the Milwaukie Zoning Ordinance relating to Community Service Overlay applications are found in Section 321.4:

321.4 Authority to grant or deny a community service use

- A. An application for a community service use may be allowed if:*
- 1. the requirements of the underlying zone are met;*

2. *specific standards for the uses found in subsections 321.7-321.10 are met; and*
3. *the hours and levels of operation of the proposed use can be adjusted to be reasonably compatible with surrounding uses. For solid waste facilities, this shall mean . . .*

1. Requirements of the R-7 Zone:

The following table summarizes the compliance of the site and proposed development with the applicable standards of the R-7 district and the Milwaukie Zoning Ordinance:

Criterion	Standard	Existing	Proposed	Comply Y/N
Lot size	7,000 s.f. min.	12.17 acres	No change	Yes
Setbacks	Front – 20 ft. Side – 20 ft. Rear – 20 ft.	All exceed minimum	New structure setbacks exceed minimum	Yes
Parking	1.75 spaces per classroom (24 X 1.75 = 42)	77	No Change	Yes
Height	2 ½ stories or 35 ft.	1 story	1 story	Yes
Lot Coverage	30% of lot area maximum.	54,630 s.f. / 12.17 ac. = 10.3%	47,717 s.f./ 12.17 ac. = 11.5%	Yes
Minimum Vegetation	30% of lot area.	9.83 ac / 12.17 ac = 80.8%	9.69 ac / 12.17 ac = 79.6%	Yes

2. MZO Section 321.7 – Specific standards for schools

The proposed expansion of Lewelling Elementary School conforms to the specific standards for schools identified in this subsection of the Milwaukie Zoning Ordinance as follows:

- A. *Public elementary or secondary schools shall provide the site area/pupil ratio required by state law. Other schools shall provide one acre of site area for each 75 pupils of capacity or for each two and one-half classrooms, whichever is greater, except as provided in subsection 321.7B below.*

This language relates to a provision from earlier state standards for schools. Present law does not contain any requirement for a site area/pupil ratio. The 12.17 acre site area at Lewelling Elementary is considered to be adequate for

a public school of up to 600 to 700 students, based upon the District's planning criteria.

- B. Preschools, nursery schools, day-care centers or kindergartens shall provide a fenced, outdoor play area of at least 75 square feet for each child of total capacity, or a greater amount if so required by state law. In facilities where groups of children are scheduled at different times for outdoor play, the total play area may be reduced proportionally based on the number of children playing out-of-doors at one time. However, the total play area may not be reduced by more than one half. These uses must comply with the State Children's Services Division requirements as well as the City provisions.*

Lewelling Elementary School does not have a fenced outdoor play area. The City of Milwaukie first adopted the requirement for fencing of play areas in 1984. Because the school predates the City's requirements for fenced play areas, the existing facilities are legally non-conforming with respect to fencing of the play areas. Because the proposed gymnasium expansion does not change the character of the use of the school significantly, fencing should not be required for this expansion.

The amount of play area at the school exceeds the standard presented in this subsection. Total capacity for the school is about 550 students. At 75 square feet per student, the play area would need to be a play area of at least 41,250 square feet, or slightly less than one acre. In reality, however, about 8 to 9 acres of the site are available for outdoor play.

- C. Walkways, both on and off the site, will be provided as necessary for safe pedestrian access to schools.*

The school has adequate on-site walkways, as shown on the site plan submitted with this application.

- D. Sight-obscuring fence of four to six feet in height shall be provided to separate the play area from adjacent residential uses.*

The play area for Lewelling Elementary School predates the adoption of this standard. Nothing associated with the gymnasium addition would result in an increased need for fencing of the outdoor play area.

- E. Public facilities must be adequate to serve the facility.*

All required public services are provided by the City of Milwaukie and are available in Logus Road. There are no public facility needs associated with the new gymnasium addition that would overtax these systems.

- F. Safe loading and ingress and egress will be provided on and to the site.*

Safe ingress and egress to the site is provided via Logus Road. One entrance and two exit points are provided from the site onto this roadway. Adequate site distance is available at all access points. Appropriate area is provided along the front of the school for loading of buses.

G. Off-street parking (including buses) shall be provided as per Section 500.

Lewelling Elementary School presently has approximately 77 on-site parking spaces. The parking standards of Section 500 require a minimum of 1.75 spaces per classroom for school facilities. With a total of 25 classrooms, a minimum of 42 spaces must be provided in order to satisfy this standard. The existing 77 spaces exceed the parking requirements.

H. Minimum setback requirements: Front – 20 feet, Rear yard – 20 feet, Side yard – 20 feet.

Existing minimum setbacks comply with standards as follows: Front – 153 feet, Rear – 261 feet, Side, 21 feet. The setbacks for the new gymnasium will be: Front – 147 feet and Side – 23 feet. The rear setback for the school will be unchanged.

I. Bicycle facilities are required which adequately serve the facility.

The school presently has several bike racks that adequately meet existing and planned needs.

J. Fifteen (15) percent of the total site is to be landscaped.

Following construction of the new addition, approximately 9.69 acres (79.6% of the site) will be landscaped.

3. Hours and levels of operation of the proposed use can be adjusted to be reasonably compatible with surrounding uses.

Existing enrollment is 446 students, with approximately 40 staff members. Elementary schools in the North Clackamas School District serve grades K through 6. Regular hours of operation are from 7:30 am to 5:00 pm Monday through Friday, with occasional evening use for programs and special events. Weekend use is very limited. The construction of a new gymnasium will not change the hours of operation or the level of use of the site.

TRANSPORTATION PLANNING REVIEW APPROVAL CRITERIA

I. Comprehensive Plan Goals and Policies Transportation Element

Discussions with City staff indicate that all relevant transportation goals and policies of the Milwaukie Comprehensive Plan are implemented in the provisions of Section 1400 of the Milwaukie Zoning Ordinance and need not be addressed separately.

II. Milwaukie Zoning Ordinance

A. Sections 501, 505, & 506

501 – Purpose. Transportation facilities at Lewelling Elementary School are supportive of the purposes identified in the off-street parking and loading standards. On-site parking exceeds minimum requirements as discussed previously in this report. Adequate provision is made on-site for safe loading of buses and students. Provision of bicycle racks on-site promotes the use of bicycles. Adequate pedestrian walkways are provided to ensure safety of pedestrian traffic.

505 – Bicycle Parking. Bicycle parking is required to be provided at a rate of 10 percent of the required automobile parking. As previously discussed, a total of 42 automobile parking spaces are required to meet standards for schools. Ten percent of this total would result in a requirement for 5 bicycle parking spaces. Actual bicycle parking on-site greatly exceeds this requirement.

506 – Carpool and Vanpool Parking. These provisions only apply to new development with more than 50 employees and do not apply to Lewelling Elementary School.

B. Section 1400 Transportation Planning, Design Standards, and Procedures.

Compliance with standards and procedures of Section 1400

1403.1 Type II process – The transportation review is being processed concurrently with the CSO application and will be processed accordingly by the City.

1403.2 Coordinated review – The site abuts Logus Road, a designated arterial street. The City will be notifying appropriate agencies as a part of the review process of this application.

1404 Access Control Standards and Guidelines – There is no adopted corridor design plan for this area so these provisions do not apply.

- 1405 Transportation Improvement Standards – The property abuts Logus Road, a designated arterial street. The paving, right-of-way, and sidewalk requirements identified in Table 1405 are not currently provided. Existing right-of-way is 30 feet in width along the school frontage and paving is approximately 20 feet in width. Right-of-way will be dedicated by the School District along the school frontage consistent with City standards. The school site also abuts SE 51st Avenue along its western border, and SE Willow Street along its northern border. Both of these streets are local streets. No vehicular access to the school site is taken from either of these streets.
- 1406 Internal Connections – As shown on the site plan, internal walkways are provided to adequately access the school building, including direct access to Logus Road. There are no abutting commercial, office, or institutional uses with which walkway connections would need to be made.
- 1407 Transit Stops – Tri-Met Route 28 provides service along Logus Road in front of Lewelling Elementary School. No public transit stops have been requested by Tri-Met.
- 1408 Building Orientation – The orientation and setbacks of the existing building were established prior to the adoption of Section 1400 and, therefore, are legally nonconforming.
- 1409 Redevelopment – Logus Road is a transit route. However, no reduction of required parking or is proposed and no transit stop amenities are planned.

Compliance with standards of the applicable zoning district:

These standards have been previously addressed in this report.

Compliance with supplementary regulations (Section 400) and parking standards (Section 500):

The only portion of Section 400 that appears to be relevant is Section 411 – Yard Requirements, General Exceptions. A special setback from Logus Road is identified that requires a total setback from centerline of 25 feet plus the normal 20 foot front yard setback. The setback for the existing building exceeds this requirement, as will the proposed gymnasium addition.

The parking requirements of Section 500 have been addressed previously in this report. The school exceeds standards for minimum number of spaces to be provided for a school.

Compliance with the standards and policies of an applicable corridor plan.

Not applicable. There is no adopted corridor plan for the area in which the school is located.

**EXHIBIT 3 – STAFF ZONING COMPLIANCE REPORT
FOR CSO-99-08 AND TPR-99-11**

The following report identifies how the project complies with applicable sections of the Zoning Ordinance that are not detailed in the staff report for CSO-99-08 and TPR-99-11 Lewelling Elementary School. *See also Exhibit X-Applicant's Narrative Report.*

1. Compliance with Section 1011.3 – Minor Quasi-judicial Review

This application meets, or will meet all requirements of this section, which includes pre-application conferences, mailed notice to neighbors, publication of a legal advertisement and posting of the site with a notice of public hearing.

2. Compliance with Section 302-Residential Zone, R-7

The application complies with applicable provisions of Section 302 as shown in the following table

Criterion	Standard	Existing	Proposed	Comply; Y/N
Lot Size	7,000 Sq. ft. min.	12.17 acres	No change	Yes
Setbacks	Front – 20 ft. Side – 5 ft. & 10 ft. ¹ Rear – 20 ft.	All exceed Minimum	All exceed Minimum	Yes
Height	2 1/2 stories or 35 ft.	1 story	34 feet	Yes
Minimum Vegetation ²	30% of lot area	80.8%	79.6%	Yes
Max. Lot Coverage	30% of lot area	10.3%	11.5%	Yes

Notes: 1. CSO regulations increase this requirement to 20 feet
2. CSO regulations reduce this requirement to 15%.

3. Compliance with Section 500 – Off-street Parking and Loading

Section 503.9 – Minimum required parking: 1.75 spaces per classroom.

The existing 24 classrooms require 42 spaces and 77 exist. There is no proposal to change the number of parking spaces.

Section 505 – Bicycle parking.

Although this section requires that bicycle parking shall be provided for new Community Service development, no additional enrollment is anticipated due to the construction of the new gymnasium. Current bicycle parking facilities meet the requirements under this section.



4. Compliance with Section 320– Community Service Overlay Zone CSO

- **Section 321.7.A – Public elementary or secondary schools shall provide the site area/pupil ratio required by state law.**

This section cites provisions from earlier state standards for schools. Present law does not contain any requirement for a site area/pupil ratio. The 12.17-acre site area at Lewelling Elementary School is considered to be adequate for a public school of between 600 and 700 students, based on the District's current planning criteria.

- **Section 321.7.B - Preschools, nursery schools, day-care centers or kindergartens shall provide a fenced, outdoor play area of at least 75 square feet for each child of total capacity, or a greater amount if so required by state law.**

Lewelling School does not have a fenced, outdoor play area. The school predates the adoption of the requirement for a fenced play area, and so is legally non-conforming. The proposal to add a gymnasium does not provide any additional classroom capacity, so the legal non-conforming use is preserved.

- **Section 321.7.C – Walkways, both on and off the site, will be provided as necessary for safe pedestrian access to schools.**

Logus Road is an existing asphalt street with no curb or sidewalk within an existing 30-foot right-of-way. The City's Transportation Plan has identified sidewalks along Logus Road as one of the projects on the Walkways Action Plan, and has required the construction of that sidewalk as a condition of approval.

- **Section 321.7.D – Sight obscuring fence of four to six feet in height shall be provided to separate the play area from adjacent residential uses.**

Lewelling School was built 35 years ago and so predates the adoption of this standard. A 42-inch chain link fence exists on the property that directly adjoins the portion of the site where the new gymnasium is proposed to be located. This appears to provide adequate physical separation from the immediate adjacent residential use.

- **Section 321.7.E – Public facilities must be adequate to serve the facility.**

The existing buildings are served by City water and sanitary sewer. Storm drainage is also available on site. All facilities are adequate to handle any additional load from the new gymnasium. It will be up to the Fire Marshal to determine the need for any new fire hydrant locations. The City Engineer will determine applicable system development charges to be paid to assure compliance with this provision.

- **Section 321.7.F – Safe loading and ingress and egress will be provided on the site.**

Ingress to and egress from the site is provided by Logus Road. On-site loading, ingress and egress were improved several years ago when the parking lot was restriped. The addition of a new gymnasium for school activities should not affect the safety of current traffic circulation. If the use of the gym is expanded in the future to include use by other members of the community, that may increase the demand on the existing circulation system. In such a case, the issue of safe ingress and egress may need reexamination.

- **Section 321.7.H – Minimum setback requirements: Front yard – 20 feet; Side Yard – 20 Feet; Rear yard – 20 feet.**

Existing setbacks for the school exceed the requirements of this standard. The setbacks for the new gymnasium will be: Front yard - 147 feet, and Side yard – 23 feet. The rear setback for the facility is unchanged. The proposal meets these standards.

- **Section 321.7.I – Bicycle facilities are required which adequately serve the facility.**

The school currently has several bike racks that adequately meet existing and projected needs.

- **Section 321.7.J – Fifteen (15) percent of the total site is to be landscaped.**

Following construction of the new gymnasium, approximately 9.69 acres (79.6%) of the site will be landscaped. This standard is met.

Compliance with Section 1400 – Transportation Planning, Design Standards, and Procedures.

Section 1400 requires that new institutional development and renovations provide transportation improvements in accordance with specified standards. Up to 10% of the project cost must be spent on specific transportation improvements for projects such as Lewelling Elementary School's proposal. The proposed right-of-way dedication and the sidewalk improvements satisfy the requirements of this section.

EXHIBIT 4 - Review Comments of School Improvements; CSO-99-08 & TPR-99-11

1. Public Works: Paul Roeger, P.E., Civil Engineer, February 1, 2000

Logus Road is an existing asphalt street with no curb or sidewalk within an existing 30-foot right-of-way. An additional dedication of 10 feet for right-of-way is required along the entire frontage of Logus Road. Curb is not required at this time along Logus Road. However, a 5-foot sidewalk must be constructed along the entire frontage of Logus Road. The sidewalk must be designed to be set back from the future curb with a planter strip between the future curb and the new sidewalk. Design must include the elevation of the future curb and must take into account preservation of the existing trees on the school property. The future curb elevation must match the existing curb elevation on the south side of Logus Road at 54th Court.

The existing building is served by City water and sanitary sewer. New connections to the sanitary sewer and water will be made on site. The Fire Marshall will determine any new fire hydrant locations. Additional system development charges (SDC's) for both sanitary sewer and water will be based on the number of plumbing fixtures added to the site.

Storm drainage is available on site. Roof drains and parking lot drains must be connected to the existing system. Additional SDC's for storm drainage will be based on the additional impervious surface added to the site.

Transportation SDC's will be based on the square footage of building added to the site for an elementary school from the 6th edition of the Trip Generation Handbook from the Institute of Transportation Engineers.

An erosion control plan and application must be submitted along with the building permit application.

2. Clackamas County Fire District #1: Tom Crowder, Deputy Fire Marshal, January 25, 2000

After careful review the Prevention Division of Clackamas County Fire District #1 wishes to report the addition of a new Gym is not in conflict with the 1997 Uniform Fire Code as long as the following requirements are met.

The first is the requirement that the fire department access be provided and maintained with a minimum access road of 12 feet within a clear space 20 feet in width, a minimum vertical clearance of 13 feet 6 inches and in conformance with City requirements for driveway access. The access road must be of an all weather type, which will handle a minimum of 60 thousand pounds weight load. Additionally, addresses must be visible from the street of address on a contrasting background, which identifies each site location on the lot. Fire department turnarounds are required when the distance from the street on the access roadway exceeds 150 feet.

City of Milwaukie Community Development Department

Title: Review Comments Submitted by: Staff Date: 2/29/05 # Pages: 2
File Numbers: CSO-99-08 | TPR-99-11 Applicant: NCSO #12 Exhibit #: 4



Finally, there is a requirement that a fire hydrant be within 500 feet of the furthestmost structure on the lot. This can be field verified by the applicant and also by the water department.

3. Lewelling NDA; Jean Michel, Lewelling NDA Land Use Committee Chair; 1/27/00

The Lewelling NDA Land Use Committee supports the addition of a gymnasium at the Lewelling School. We do expect that best efforts will be made to mitigate increased noise.



To: Planning Commission
 Through: Alice Rouyer, Planning Director *AR*
 From: John Gessner, Associate Planner *JG*
 Date: February 29, 2000
 Subject: Campbell Elementary School Improvements
 Applications CSO-99-09 & TPR-99-12

I. ACTION REQUESTED

Approve applications CSO-99-09 and TPR-99-12 of North Clackamas School District #12 authorizing construction of a new gymnasium and other site improvements at Campbell Elementary School and adopt the recommended Findings and Conditions of Approval.

II. CODE AUTHORITY & SUBSTANTIVE CRITERIA

Milwaukie Zoning Ordinance Sections:

- 321-Community Service Overlay
- 1400-Transportation Planning, Design Standards, and Procedures
- 302-Residential Zone R-7
- 500-Offstreet Parking and Loading

III. EXECUTIVE SUMMARY

The proposal meets the criteria of applicable zoning provisions however, the Planning Commission must make a finding that the use is in the public interest and that the benefits outweigh the potential adverse impacts. In addition the Commission may impose conditions to ensure compatibility with surrounding uses.

Staff believes the use is in the public interest, and as conditioned the public benefits exceed the potential adverse impacts, which shall be mitigated to minimize impact on surrounding residences. The potential, direct impact is excessive lighting on nearby residential lots. Adequate security lighting will be required to reduce the potential for unauthorized activities such as mischief and loitering.

CSO-99-09 & TPR-99-12 Campbell School
February 29, 2000
page 2 of 8

IV. BACKGROUND INFORMATION

Statistics

Location: 11326 SE 47th Avenue
See Exhibit 1-Vicinity Map

NDA: Hector Campbell

Zone: R-7 Residential

Lot size: 8.34 Acres

Map & Tax Lot 12E 31BD 05700 & 12E 31CA 03400

Summary Project Description

In 1999, a bond measure was approved thereby funding improvements to public schools district wide. North Clackamas School District #12 is proposing to construct the following improvements at Campbell Elementary School. See *Exhibit 2-Site Plan Reduction*.

1. 6,020 square foot gymnasium with bathrooms, storage, and bathrooms, and shower, located just east of the media center.
2. New 45-car parking lot and related lighting and landscaping located at the south end of the campus.
3. Improved parking and circulation in front of the school, including separation of car and bus traffic, new sidewalks and landscaped islands.
4. New sidewalks along the site from Franklin Street extending south to Railroad Avenue.
5. The School District has indicated that construction of the gym will not result in any new uses or activities.

Project Details

New Gymnasium

For gym classes, the school now uses a multi-purpose room that is also used for assembly and cafeteria use. The proposed gym is located just behind the school's media center and southern most building. Sheltered access is provided by a new covered walkway located between these buildings. The proposed floor plan shows storage, mechanical, bathroom and shower facilities. Built-in recreational facilities include basketball courts.

The building is gable roofed and approximately two stories in height. Exterior finish materials are cast concrete panels, metal roof, and translucent panels in the north and south gable ends. The building is setback 82 feet from the neighboring homes to the east.

CSO-99-09 & TPR-99-12 Campbell School
February 29, 2000
page 3 of 8

New Parking Lot

The "L" shaped lot is located just south of the school's southernmost building. A new driveway located near the existing fire gate will provide access. Perimeter sidewalks, landscaping and lighting are shown. Grading plans indicate the existing trees located along the south side of the southern building will be removed due to grading requirements. A gate controls access to the parking lot.

Improved Parking and Circulation.

47th Avenue and school parking areas are not now separated from the road. This condition is undesirable for the purposes of traffic safety. The site plan shows construction of new sidewalks, landscape buffers, and separation of car and bus traffic. These improvements will separate the site from the street and restrict site ingress and egress to two new curb cuts. The north section of the new parking area is shown for student drop-off and pick-up. The south section is to be used by buses.

New Sidewalks and Street Trees

Sidewalks are to be constructed on 47th Avenue along the entire frontage of the property. New street trees (Norway Maple) are to be located along the new sidewalk every thirty feet between the proposed parking lot on the south and the office building to the north.

V. ANALYSIS OF PROPOSAL

Zoning Authority

The proposal is subject to Zoning Ordinance Sections 321-Community Service Overlay, 1400-Transportation Planning, Design Standards and Procedure, 500-Offstreet Parking and Loading, Section 302-Residential Zone R-7, and 1011.3-Minor Quasi-Judicial Review. See *Exhibit 3-Applicant's Zoning Compliance Report and Exhibit 4-Staff Zoning Compliance Report*.

- Section 1011.3 governs public notice and the application process.
- Section 321 governs the use and defines performance criteria to ensure compatibility with neighbors.

The Commission may approve a CSO application when it finds the proposal is in the general public interest and the public benefits outweigh potential adverse impacts. In addition, the Commission may impose conditions of approval to ensure compatibility with other uses in the vicinity.

- Section 1400 addresses the adequacy of pedestrian, bicycle, and other transportation improvements.

CSO-99-09 & TPR-99-12 Campbell School
February 29, 2000
page 4 of 8

- Section 500 specifies standards for parking lot design, lighting, and landscaping.
- Section 302 specifies zoning standards such as setbacks, building height, and minimum vegetated area.

Evaluation of Zoning Criteria

This section addresses specific aspects of the project that either require conditions be imposed to ensure compliance with performance standards, or require conditions to bring the application into compliance with zoning criteria. A checklist showing staff analysis of compliance with all other standards is included in Exhibit 4. A summary of key issues follows.

1. Compliance with the Public Benefit Test of Section 321.

The Community Service Overlay regulations authorize approval of a community service use if the Commission finds that establishing the use is in the general public interest and that the benefits of the use outweigh its potential adverse impacts. Public education and their related facilities are within the general public interest.

2. Balancing Public Benefits and Potential Adverse Impacts

The Planning Commission must determine whether the benefits outweigh the potential adverse impacts. The zoning regulations give the Commission discretion in its consideration of the balance between benefits and impacts.

The expected benefits of the project include the following.

- Improved recreational programming and opportunities for students.
- Improved and more efficient use of existing multi-use facilities that house assembly, cafeteria, and recreation uses
- Improved parking and circulation facilities to the benefit of pedestrian and vehicle safety.
- Increased on-site parking supply, which is expected to reduce impacts to the neighborhood.

Potential adverse impacts may result from nuisance effects of new outdoor lighting and nighttime activity in the new parking lot and school yard. Adverse impacts to neighbors can be significantly reduced by conditions that may be imposed on the project. With the proposed conditions, staff believes that the public benefits outweigh the potential adverse impacts.

4. Compliance with Section 500-Offstreet Parking and Loading.

The site plan complies with Section 500 except for specifications regarding wheel stops, required interior planter islands, and certain dimensions. Details for separation of bus and vehicle traffic need to be resolved. The recommended conditions of approval include provisions for correction of these deficiencies. Code requirements for interior planter islands may reduce the proposed number of parking spaces.

VI. RECOMMENDED FINDINGS IN SUPPORT OF APPROVAL

1. North Clackamas School District #12 is proposing to construct a new gymnasium of approximately 6,020 square feet, a new parking lot with landscaping and lighting, new sidewalks along 47th Avenue, and improve existing parking and circulation.
2. The Planning Commission acknowledges that after-hour school and community or civic uses of schools are appropriate and important accessory uses. The School District however, has indicated that no new uses or activities will take place in the new facility.
3. Zoning Ordinance Section 321.4.B-Authority to Grant or Deny a Community Service Use, authorizes the Planning Commission to impose suitable conditions, which assure compatibility of the use with other uses in the vicinity.
4. Applications CSO-99-09 and TPR-99-12 have been processed, and public notice provided as required by Zoning Ordinance Section 1011.3.
5. The proposal is found to be in the general public interest. The expected public benefits include, but are not limited to, improved recreational and educational opportunities, and improved pedestrian and vehicle safety. These benefits outweigh the potential adverse impacts associated with outdoor lighting and nighttime use of the new parking lot, which shall be mitigated by implementation of the adopted conditions of approval.
6. As amended by conditions of this approval, application CSO-99-09 complies with the provisions and standards of Zoning Ordinance Section 321-Community Service Overlay Zone.
7. As amended by conditions of this approval, application TPR-99-12 complies with the provisions and standards of Zoning Ordinance Section 1400-Transportation Planning, Design Standards, and Procedures.
8. Applications CSO-99-09 and TPR-99-12 comply with provisions of Zoning Ordinance Section 302-Residential Zone R-7.
9. As amended by conditions of this approval, applications CSO-99-09 and TPR-99-12 comply with provisions of Zoning Ordinance Section 500. The

proposed number of parking spaces exceeds the minimum required. A reduction in the number of spaces proposed due to requirements of Section 500 to provide landscaping is acceptable.

10. Section 321 authorizes the Planning Commission to impose conditions as needed to assure compatibility with neighboring uses. The construction of the gymnasium results in the new outdoor areas that may encourage loitering and other unauthorized activity. Accordingly, lighting and other security measures are warranted to minimize the incidence of these activities.

VII. RECOMMENDED CONDITIONS OF APPROVAL

1. The plans submitted for building permit shall be insubstantial conformity with the plans reviewed under this approval. (Reference plan titled "Hector Campbell Elementary School, Gymnasium Addition" dated 12/4/99)
2. Prior to issuance of a building permit, a fully dimensioned site plan drawn to scale, showing all parking areas designed in accordance with specifications of Zoning Ordinance Section 500 shall be submitted to the satisfaction of the Planning Director. This plan shall show final design of vehicle circulation and on-site separation of bus and car traffic as appropriate and feasible.
3. Prior to issuance of a building permit, a security plan for minimizing unauthorized activities such as trespass and loitering shall be submitted to the mutual satisfaction of the Planning Director, Police Chief, and School District. This plan may include outdoor lighting subject to minimizing lighting impacts to nearby residences.
4. Prior to issuance of a building permit, a detailed site lighting plan showing the location, type, control, and photometrics of all new outdoor lighting shall be submitted to the satisfaction of the Planning Director. All proposed lighting shall be designed to minimize impacts such as glare and trespass lighting on adjoining residential properties.
5. Prior to the issuance of building permit, the site plan shall be revised showing the location of all outdoor recycling and refuse containers to the satisfaction of the Planning Director. The location of recycling and refuse containers shall not interfere with parking and circulation. Appropriate screening shall be shown.
6. Prior to issuance of a building permit, the applicant shall submit construction plans showing new curb, a sidewalk pursuant to Table 1405, driveway approaches with striped crosswalks along the entire frontage of 47th Avenue to the mutual satisfaction of the Public Works Director and

CSO-99-09 & TPR-99-12 Campbell School
February 29, 2000
page 7 of 8

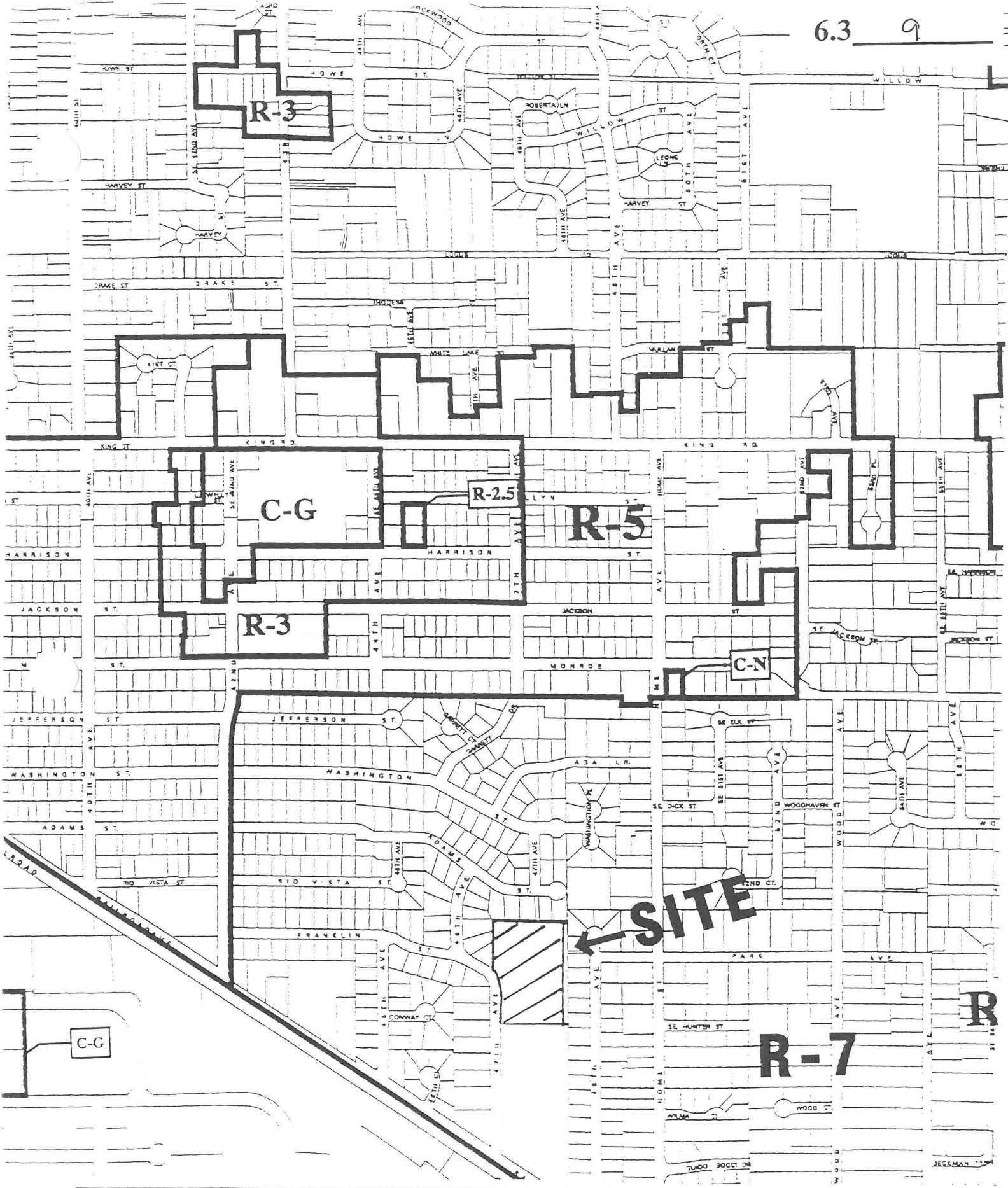
- Planning Director. Sidewalk width exclusive of curb shall not be less than 6 feet where not setback from the curb and 5-feet where it is setback pursuant to Zoning Ordinance Table 1405.
7. Prior to issuance of a building permit, full-engineered plans and specifications shall be submitted to the satisfaction of the Public Works Director.
 8. Prior to the issuance of a building permit, a plumbing plan showing sanitary sewer, water, storm drainage and fire hydrants to be installed shall be submitted to the satisfaction of the Building Official, Public Works Director, and Fire Marshal as appropriate.
 9. Prior to issuance of a building permit, an erosion control plan shall be submitted to the satisfaction of the Public Works Director
 10. Prior to issuance of a building permit and grading permit, if required, and a detailed grading plan showing all existing and proposed grades shall be submitted to the mutual satisfaction of the Public Works Director and Planning Director.
 11. Prior to issuance of a building permit, a detailed landscaping plan shall be submitted to the satisfaction of the Planning Director. The standard measure of tree-size shall be "diameter at breast height" (dbh). Street trees shall be a minimum of 2½ inches dbh.
 12. Prior to issuance of a building permit, a plan showing compliance with bicycle parking requirements of Zoning Ordinance Section 500 shall be submitted to the satisfaction of the Planning Director.
 13. Prior to issuance of building permit, a detailed narrative description of all changes made to the construction plans as required by conditions of approval shall be submitted to the satisfaction of the Planning Director
 14. Prior to issuance of a building permit, the site plan shall be revised to show a fence of to separate the new parking lot from the play fields.
 15. Prior to approval being issued for of occupancy a detailed narrative of actions taken to comply with all conditions of this approval shall be submitted to the satisfaction of the Planning Director. The Planning Director shall conduct a site inspection and other investigations as needed to ensure compliance with conditions of this approval prior to granting occupancy approvals.
 16. Prior to issuance of any occupancy approval, the curb and sidewalk shall be completed and inspected to the satisfaction of the Public Works Director.

CSO-99-09 & TPR-99-12 Campbell School
February 29, 2000
page 8 of 8

17. Prior to issuance of a certificate of occupancy, gate access for police, fire, and other emergency response shall be resolved to the mutual satisfaction of the Fire Marshal and Police Chief.
18. The Planning Director may approve minor modifications of this approval pursuant Zoning Ordinance 321. The Planning Director shall review any new evening and weekend activity, or the increase of an existing school or community evening or weekend activity, prior to its commencement for determination of required approvals.

EXHIBITS

1. Vicinity Map
2. Site Plan Reduction
3. Applicant's Project Description & Compliance Report
4. Staff Zoning Compliance Report
5. Review Comments

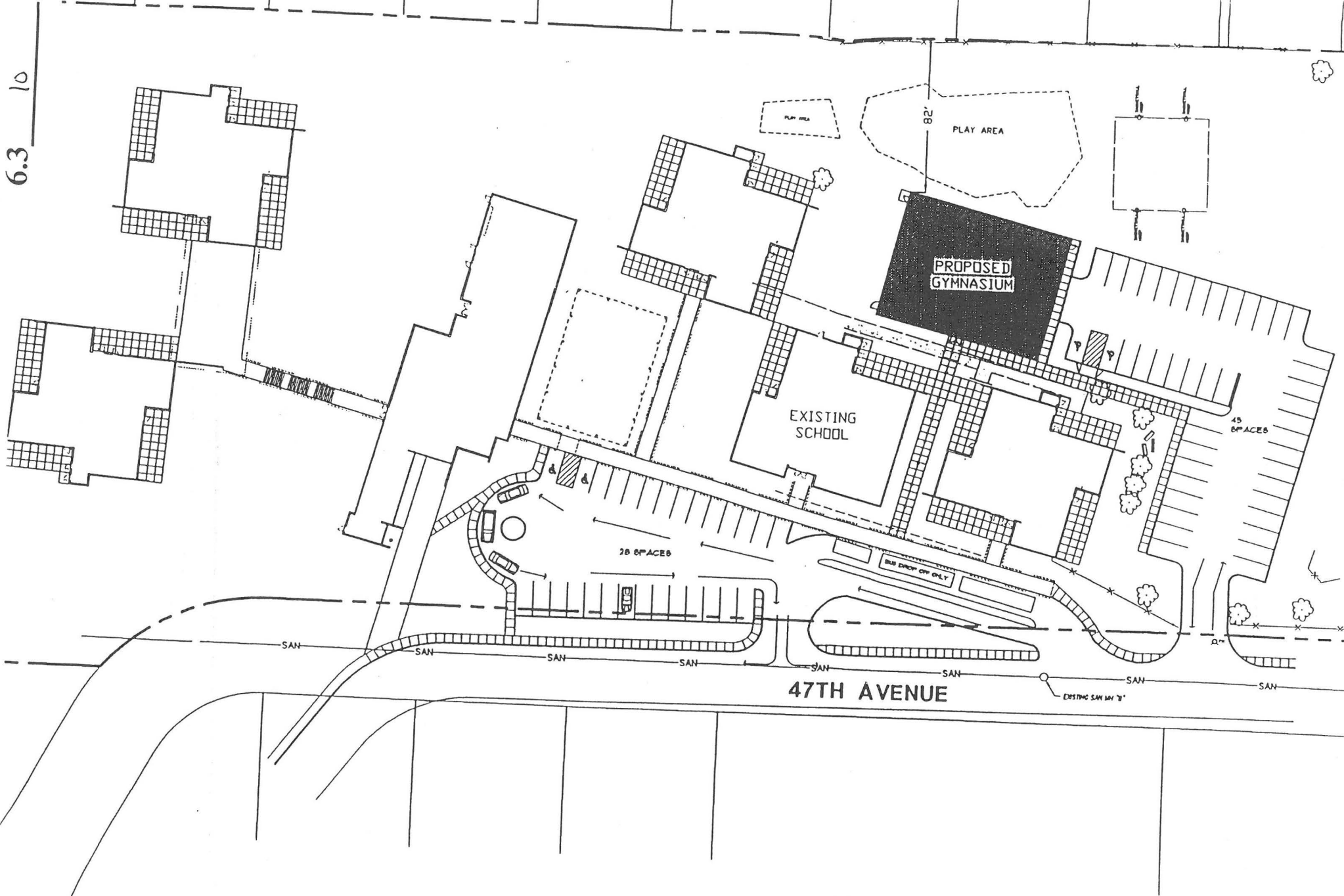


City of Milwaukee Community Development Department

Title: Vicinity Map Submitted by: Staff Date: 2/29/00 # Pages: 1
 File Numbers: CSO-99-09/TPR-99-12 Applicant: NCSD #12 Exhibit #: 1




6.3 10



City of Milwaukie Community Development Department

Title: Site Plan Submitted: Applicant Date: 2/29/00 # Pages: 1

File Numbers: CSD-9909/TPR-99-12 Applicant: NCSD #12 Exhibit #: 2



Hector Campbell Elementary School
Gymnasium Addition
Community Service Overlay/Transportation Planning Review

GENERAL INFORMATION:

Owner/Applicant: North Clackamas Schools
Attention: Gary Kryszak
12451 SE Fuller Rd.
Milwaukie, OR 97222
(503) 653-3645

Planner: Planning Resources, Inc.
Attention: Rick Givens
204 SE 10th Avenue
Canby, OR 97013
(503) 263-8482

Architect: Barrentine, Bates, Lee, AIA
Attention: Lang Bates
200 North State Street
Lake Oswego, OR 97034
(503) 635-4425

Engineer: Compass Corporation
Attention: Bruce Goldson
6564 SE Lake Road
Milwaukie, OR 97222
(503) 653-9093

Legal Description: 1 2E 31BD 05700 and 1 2E 31CA 03400

Location: East side of 47th Avenue, north of Railroad Avenue.

Site Area: 8.34 Acres

Comprehensive Plan: Public

Zoning: Residential Zone R-7

Requested Action: This application requests approval of a modification of the Community Service Overlay designation for Hector Campbell Elementary School to allow construction of a new gymnasium, together with associated Transportation Planning Review.

DESCRIPTION OF PROPOSAL:

This application requests approval of a modification of the Community Service Overlay for Hector Campbell School to permit construction of a gymnasium addition. The proposed gymnasium would contain a total of 6,121 sq. ft. of area, including athletic floor, restrooms, and storage areas. The gymnasium will provide a needed area dedicated for recreational purposes. At the present time, physical education activities take place in a multi-purpose room that is also used as a cafeteria and assembly room. The new gymnasium will allow the multi-purpose room to be dedicated to cafeteria use.

Hector Campbell School is located at 11326 SE 47th Avenue. The school presently has an enrollment of 382 students. No change in enrollment is directly associated with the construction of the gymnasium.

Scheduling for this project calls for taking bids in February of 2000. The construction of the new classroom pod and library addition would begin in March of 2000, with completion in approximately 10 to 12 months. Estimated construction cost is \$750,000.

COMMUNITY SERVICE OVERLAY APPROVAL CRITERIA:**I. Comprehensive Plan Goals and Policies**

The City of Milwaukie Comprehensive Plan Map designates the Hector Campbell School site as "Public". The Public designation provides for a variety of governmental and public facilities, including schools. School use is consistent with this designation.

Objective #1 – Priority, as stated in the Public Facilities and Services Element of the Plan, states that the provision of adequate levels of public facilities and services is a first priority for the City as development or growth occurs. The requested expansion is necessary to provide needed recreational facilities to serve the students enrolled at this school.

Objective #9 – School Coordination, provides that the City will participate and assist whenever possible in the planning efforts of North Clackamas School District No. 12. This objective, as well as the two policies that relate to it in the Plan, are guides to City actions and do not directly relate to this application.

II. Milwaukie Zoning Ordinance Approval Criteria

The approval criteria listed in the Milwaukie Zoning Ordinance relating to Community Service Overlay applications are found in Section 321.4:

321.4 Authority to grant or deny a community service use

- A. An application for a community service use may be allowed if:*
- 1. the requirements of the underlying zone are met;*

2. *specific standards for the uses found in subsections 321.7-321.10 are met; and*
3. *the hours and levels of operation of the proposed use can be adjusted to be reasonably compatible with surrounding uses. For solid waste facilities, this shall mean . . .*

1. Requirements of the R-7 Zone:

The following table summarizes the compliance of the site and proposed development with the applicable standards of the R-7 district and the Milwaukie Zoning Ordinance:

Criterion	Standard	Existing	Proposed	Comply Y/N
Lot size	7,000 s.f. min.	8.34 acres	No change	Yes
Setbacks	Front – 20 ft. Side – 20 ft. Rear – 20 ft.	All exceed minimum	New structure setbacks exceed minimum	Yes
Parking	1.75 spaces per classroom (20 X 1.75 = 35)	36	73	Yes
Height	2 ½ stories or 35 ft.	1 story	1 story	Yes
Lot Coverage	30% of lot area maximum.	42,000 s.f. / 8.34 ac. = 11.6%	48,035 s.f./ 8.34 ac. = 13.2%	Yes
Minimum Vegetation	30% of lot area.	7.0 ac / 8.34 ac = 84.0%	6.52 ac / 8.34 ac = 78.2%	Yes

2. MZO Section 321.7 – Specific standards for schools

The proposed expansion of Hector Campbell School conforms to the specific standards for schools identified in this subsection of the Milwaukie Zoning Ordinance as follows:

- A. *Public elementary or secondary schools shall provide the site area/pupil ratio required by state law. Other schools shall provide one acre of site area for each 75 pupils of capacity or for each two and one-half classrooms, whichever is greater, except as provided in subsection 321.7B below.*

This language relates to a provision from earlier state standards for schools. Present law does not contain any requirement for a site area/pupil ratio. The 8.34 acre site area at Hector Campbell is considered to be adequate for a

public school of up to 600 to 700 students, based upon the District's planning criteria.

- B. Preschools, nursery schools, day-care centers or kindergartens shall provide a fenced, outdoor play area of at least 75 square feet for each child of total capacity, or a greater amount if so required by state law. In facilities where groups of children are scheduled at different times for outdoor play, the total play area may be reduced proportionally based on the number of children playing out-of-doors at one time. However, the total play area may not be reduced by more than one half. These uses must comply with the State Children's Services Division requirements as well as the City provisions.*

The playground at Hector Campbell School is partially fenced, but does not fully meet the fencing standard of the code. The City of Milwaukie first adopted the requirement for fencing of play areas in 1984. Because the school predates the City's requirements for fenced play areas, the existing facilities are legally non-conforming with respect to fencing of the play areas. Because the proposed gymnasium expansion does not change the character of the use of the school significantly, fencing should not be required for this expansion.

The amount of play area at the school exceeds the standard presented in this subsection. Total capacity for the school is about 550 students. At 75 square feet per student, the play area would need to be a play area of at least 41,250 square feet, or slightly less than one acre. In reality, however, about six acres of the site are available for outdoor play.

- C. Walkways, both on and off the site, will be provided as necessary for safe pedestrian access to schools.*

The school has adequate on-site walkways, as shown on the site plan submitted with this application.

- D. Sight-obscuring fence of four to six feet in height shall be provided to separate the play area from adjacent residential uses.*

The play area for Hector Campbell School predates the adoption of this standard. Nothing associated with the gymnasium addition would result in an increased need for fencing of the outdoor play area.

- E. Public facilities must be adequate to serve the facility.*

All required public services are provided by the City of Milwaukie and are available in 47th Avenue. There are no public facility needs associated with the new gymnasium addition that would overtax these systems.

- F. Safe loading and ingress and egress will be provided on and to the site.*

Safe ingress and egress to the site is provided via 47th Avenue. Adequate sight distance is available at all access points. Appropriate area is provided along the front of the school for loading of buses.

G. Off-street parking (including buses) shall be provided as per Section 500.

Hector Campbell School presently has approximately 36 on-site parking spaces. The parking standards of Section 500 require a minimum of 1.75 spaces per classroom for school facilities. With a total of 20 classrooms, a minimum of 35 spaces must be provided in order to satisfy this standard. The proposed plan for the school includes provisions for redesign of the main parking/loading area to improve site circulation. With this redesign, parking in this parking area would decrease somewhat to 28 spaces. A new parking area is planned adjacent to the planned gymnasium. This new parking lot will provide an additional 45 space, bringing the total for the school to 73 parking spaces – considerably in excess of the minimum parking standard.

H. Minimum setback requirements: Front – 20 feet, Rear yard – 20 feet, Side yard – 20 feet.

Existing minimum setbacks comply with standards as follows: Front – 28 feet, Rear – 41 feet, Side, 176 feet. The setbacks for the new gymnasium will be within these existing minimums, with the closest setback to the rear yard at about 82 feet.

I. Bicycle facilities are required which adequately serve the facility.

The school presently has several bike racks that adequately meet existing and planned needs.

J. Fifteen (15) percent of the total site is to be landscaped.

Following construction of the new addition, approximately 6.41 acres (76.8% of the site) will be landscaped.

3. Hours and levels of operation of the proposed use can be adjusted to be reasonably compatible with surrounding uses.

Existing enrollment at Hector Campbell Elementary School is 382 students. Elementary schools in the North Clackamas School District serve grades K through 6. Regular hours of operation are from 7:30 am to 5:00 pm Monday through Friday, with occasional evening use for programs and special events. Weekend use is very limited. The construction of a new gymnasium will not change the hours of operation or the level of use of the site.

TRANSPORTATION PLANNING REVIEW APPROVAL CRITERIA

I. Comprehensive Plan Goals and Policies Transportation Element

Discussions with City staff indicate that all relevant transportation goals and policies of the Milwaukie Comprehensive Plan are implemented in the provisions of Section 1400 of the Milwaukie Zoning Ordinance and need not be addressed separately.

II. Milwaukie Zoning Ordinance

A. Sections 501, 505, & 506

501 – Purpose. Transportation facilities at Hector Campbell School are supportive of the purposes identified in the off-street parking and loading standards. On-site parking will exceed minimum requirements, as discussed previously in this report. Adequate provision is being made on-site for safe loading of buses and students. Provision of bicycle racks on-site promotes the use of bicycles. Adequate pedestrian walkways are provided to ensure safety of pedestrian traffic.

505 – Bicycle Parking. Bicycle parking is required to be provided at a rate of 10 percent of the required automobile parking. As previously discussed, a total of 35 automobile parking spaces are required to meet standards for schools. Ten percent of this total would result in a requirement for 4 bicycle parking spaces. Actual bicycle parking on-site greatly exceeds this requirement.

506 – Carpool and Vanpool Parking. These provisions only apply to new development with more than 50 employees and do not apply to Hector Campbell School.

B. Section 1400 Transportation Planning, Design Standards, and Procedures.

Compliance with standards and procedures of Section 1400

1403.1 Type II process – The transportation review is being processed concurrently with the CSO application and will be processed accordingly by the City.

1403.2 Coordinated review – The site abuts 47th Avenue, a designated local street. Railroad Avenue, a collector street, abuts the site along its southern boundary. The City will be notifying appropriate agencies as a part of the review process of this application.

- 1404 Access Control Standards and Guidelines – There is no adopted corridor design plan for this area so these provisions do not apply.
- 1405 Transportation Improvement Standards – Along the southern border of the school site, the property abuts Railroad Avenue, a designated collector street. The paving, right-of-way, and sidewalk requirements identified in Table 1405 are not currently provided. Existing right-of-way is 60 feet in width along the school frontage. If requested, right-of-way will be dedicated by the School District along the school frontage consistent with City standards. The school site also abuts SE 47th Avenue along its western border. This street is designated as a local street. The existing right-of-way width on SE 47th Avenue is 50 feet, consistent with city standards.
- 1406 Internal Connections – As shown on the site plan, internal walkways are provided to adequately access the school building, including direct access to 47th Avenue. There are no abutting commercial, office, or institutional uses with which walkway connections would need to be made.
- 1407 Transit Stops – No public transit is available to Campbell Elementary School.
- 1408 Building Orientation – The orientation and setbacks of the existing building were established prior to the adoption of Section 1400 and, therefore, are legally nonconforming.
- 1409 Not applicable.

Compliance with standards of the applicable zoning district:

These standards have been previously addressed in this report.

Compliance with supplementary regulations (Section 400) and parking standards (Section 500):

Section 400 is not applicable to this application.

The school exceeds standards for minimum number of spaces to be provided for a school, as previously discussed.

Compliance with the standards and policies of an applicable corridor plan.

Not applicable. There is no adopted corridor plan for the area in which the school is located.

EXHIBIT 4-STAFF ZONING COMPLIANCE REPORT FOR CSO-99-09 AND TPR-99-12

This report identifies how the project complies with applicable sections of the Zoning Ordinance that are not detailed in the staff report for CSO-99-09 and TPR-99-12 Campbell Elementary Schools. See also Exhibit 2-Applicant's Narrative Report.

1. Compliance with Section 1011.3-Minor Quasi Judicial Review

The application meets, or will meet all requirements of this section, which includes pre-application conferences, mailed notice to neighbors, publication of a legal ad, and posting the site with a notice of public hearing.

2. Compliance with Section 302-Residential Zone, R-7

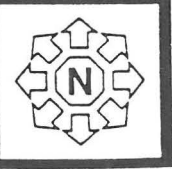
The application complies with applicable provisions of Section 302 as shown in the following table.

Criterion	Standard	Existing	Proposed	Comply Y/N
Lot Size	7,000 s.f. min	8.34 acres	no change	yes
Setbacks	front-20 ft. Side- 5ft & 10 ft. ¹ Rear- 20 ft.	all exceed minimum	all exceed minimum	yes
Height	2 1/2 stories or 35 ft.	1 story	33 ft.	yes
Minimum Vegetation ²	30% of lot area.	84%	78.2%	yes
Max. Lot Coverage	30% of lot area	11.6%	13.2%	yes

Notes: 1. CSO regulations increase this requirement to 20 feet.
2. CSO regulations reduce this requirement to 15%.

3. Compliance with Section 500-Ofstreet Parking and Loading

- a. Section 503.9-Minimum required parking: 1.75 spaces per classroom. The existing 20 classrooms requires 35 spaces and 36 exist. 73 parking spaces are proposed.
- b. Sections 503.10 through 503.13: Requirements for parking space dimensions, striping, and curb cuts have been met or will be met.
- c. Section 503.15-Lighting. As conditioned the proposal complies with this section.
- d. Section 503.17-Pedestrian access. Requirements for walkways separated from vehicle circulation have been met.



- e. Section 503.19 –Landscaping. As conditioned the proposal complies with requirements for perimeter and interior landscaping.
- f. Section 505-Bicycle parking. this section specifies the minimum number of required bicycle space (10% of vehicle spaces) and location requirements. As conditioned, the application meets the provisions of this section.

4. **Compliance with Section 1400-Transportation Planning, Design Standards, and Procedures.**

Section 1400 requires improvements to ensure adequate pedestrian, bicycle and vehicle facilities are provided. The scope of the project requires that up to 10% of the project cost is dedicated to transportation improvements. The proposed parking lot and sidewalk improvements satisfy the requirements of this section.

5. **Compliance with Section 321-Community Service Overlay Zone.**

Section 321.4.B Conditions that may be applied. This section authorizes the Commission to impose conditions to ensure the use is compatible with surrounding uses. These conditions may include but are not limited to the following.

- 1. limiting the manner in which the use is conducted by restricting the time an activity may take place and by minimizing such environmental effects as noise and glare;
Staff: Conditions have been recommended that reduce the potential for adverse impacts from noise. The School District is not now proposing any new uses that would result in increased activity on the site.
- 2. establishing a special yard, setback, lot area, or other lot dimension;
Staff: All setbacks appear to be adequate. The building and new parking lots are not expected to have adverse impacts. New trees are proposed around the perimeter of the parking lot.
- 3. limiting the height, size, or location of a building or other structure; designating the size, number, location, and design of vehicle access points;
Staff: The proposed site layout is acceptable and resolves existing traffic and circulation deficiencies. The proposal is compatible with surrounding uses.
- 4. increasing roadway widths, requiring street dedication, and/or requiring improvements within the street right-of-way including full street improvements;

Staff: Needed right-of-way improvements have been provided and are compatible with surrounding uses.

5. designating the size, location, screening, drainage, surfacing or other improvement of a parking area or truck loading area; and/or limiting or otherwise designating the number, size, location, height, and lighting of signs.

Staff: No new signs are proposed.

Section 321.7 Specific Standards for Schools

1. Section 321.7.A. Site area requirements per pupil. The proposal does not change student capacity, therefore this section does not apply.
2. Section 321.7.B. Fencing of outdoor play areas for nursery and pre-schools. The site is presently non-conforming in regards to this requirement. This section does not apply since no changes are proposed to nursery school and pre-school programs.
3. Section 321.7.C. Adequacy of walkways. The application meets this requirement by construction of new on-site and off-site sidewalks.
4. Section 321.7.D. Sight-obscuring fence around play areas. Much of the eastern property line is already fenced. The site is partially non-conforming with respect to this requirement. The proposal does not alter the location of outdoor play areas. Therefore this section does not apply.
5. Section 321.7.E. Adequacy of public facilities. As proposed, the application meets the requirement for adequate water, sewer, drainage, pedestrian, and transportation facilities.
6. Section 321.7.F. Safe loading and ingress and egress. The proposal meets this requirement by providing separation between 47th Avenue and interior parking and circulation areas. As conditioned, the proposal meets safety requirements of this section.
7. Section 321.7.G. Off-street parking required. Parking is provided for vehicles and busses

8. Section 321.7.H. Minimum yard setbacks. All setbacks exceed the minimum required.
9. Section 321.7.I. Adequacy of bicycle facilities. As conditioned, the application complies with this section.
10. Section 321.7.J. Minimum landscaping required is 15% of lot area. The site exceeds this standard.

**EXHIBIT 5 REVIEW COMMENTS SCHOOL IMPROVEMENTS
CSO-99-09 & TPR-99-12**

1. Public Works: Paul Roeger, P.E., Civil Engineer, February 1, 2000

The existing building is served by City water and sanitary sewer. New connections to the sanitary sewer will be made on site. New connections for domestic water will be made on site. A new fire hydrant will be installed along a fire access road required by the Fire Marshall for the new gym. Additional system development charges (SDC's) for both sanitary sewer and water will be based on the number of plumbing fixtures added to the site.

47th Avenue, along the west side of this property, is an existing asphalt street with curb on both sides, but not along the parking area in front of the school. New curb and sidewalk will be constructed along the entire frontage of the parking area and connected to the curb and sidewalk on Franklin Street, with driveway approaches. New sidewalk will be constructed along the existing curb south of the parking area to Railroad Avenue. Full-engineered construction plans and specifications must be submitted to the Engineering Department for review at the time of building permit application.

Storm drainage in the area runs to a ditch along the north side of Railroad Avenue. Roof drains for the new gym may be piped to the curb or to a drywell on site. Drywell size will be determined at the time of building permit review, if used. How existing on site storm drainage is handled is unknown at this time. Additional SDC's for storm drainage will be based on the additional impervious surface added to the site.

Transportation SDC's will be based on the square footage of building added to the site for an elementary school from the 6th edition of the Trip Generation handbook from the Institute of Transportation Engineers.

An erosion control plan and application must be submitted along with the building permit application.

2. Clackamas County Fire District #1, Tom Crowder, Deputy Fire Marshal, January 25, 2000

After careful review the Prevention Division of Clackamas County fire District #1 wishes to report the addition of a new gym is not in conflict with the 1997 Uniform fire Code as long as the following requirements are met.

The first is the requirement that fire department access be provided and maintained with a minimum access road width of 12 feet within a clear space 20 feet in width, a minimum vertical clearance of 13 feet 6 inches and in conformance with city requirements for driveway access. The access road must be of an all weather type, which will handle a minimum of 60 thousand pounds weight load. Additionally, addresses must be



CSO-99-09 & TPR-99-12 Campbell School
February 29, 2000
page 14 of 8

visible from the street of address on a contrasting background, which identifies each site on the lot. Fire department turnarounds are required when the distance from the street on the access roadway exceeds 150 feet. Finally, there is a requirement that a fire hydrant be within 500 feet of the furthest structure on the lot. This can be field verified by the applicant and also by the water department.

3. Hector Campbell NDA, David Aschenbrenner, Hector Campbell NDA land Use Chair

At our Neighborhood meeting on 2/14/00 the following comments were brought forward

- a. The sidewalk must be extended to Railroad Ave. [the plans do not show this]
- b. There should be a small fence around the new parking lot located where the present field is. This is to keep kids from running into the parking lot from the ball fields and possibility getting hit from a car backing out or leaving the parking lot.
- c. Fencing should also be located at the top of the hill to limit access to the upper playground. A gate / opening would be located at the start of the path to the upper school buildings.
- d. We are concerned about the lighting around the new gym. There will be several areas where people could gather at night and not be seen from the street. These areas could be used for illegal activities. And the neighbors are concerned about lighting shining into their houses.
- e. The driveway needs to have a gate that will be locked after hours to prevent unauthorized use of the parking area [new parking area]
- f. The children drop off area needs to be large enough to handle the traffic of kids being dropped off. Avoid a bottleneck if one car stops other cars need to be able to get around it.
- g. Post a no parking and no drop off area at the top of the hill.
- h. Install a stop sign at 46th
- i. The gym facility should be wider there was comments made to me by the district that if money was available and depending on cost that the gym would be wider. We recommend this wider gym.



To: Planning Commission

Through: Alice Rouyer, Planning Director *ACP*

From: Doug Strickler, Associate Planner *DS*

Subject: NCU-98-02/TPR-98-06

Hearing Date: February 29, 2000 (Continued from February 8, 2000)

Action Requested

Deny Thomason Auto Group's appeal of the Planning Director's determination that the approval granted in NCU-98-02/TPR-98-06 is void by operation of law pursuant to Milwaukie Zoning Ordinance, Section 1013.

Code Authority and Substantive Criteria

Milwaukie Zoning Ordinance, Section 1013 – Time Limit on a Permit for A Conditional Use or Variance

Statistics

Location: 2403 Ochoco Street, 2389 and 2415 Moores Street
(See Exhibit #1 – Vicinity Map)

NDA: Milwaukie Industrial

Zone: M - Manufacturing

Lot size: 2403 Ochoco Street – Approximately 9500 sq. ft.
2389 Moores Street – Approximately 32,368 sq. ft.
2415 Moores Street – Approximately 37,536 sq. ft.

Map and Tax Lot: 11E25BB-5600, 2500, and 2800

Background:

On February 3, 1999, a Revised Notice of Decision (See Exhibit #2) granted approval for Thomason Used Cars to expand its nonconforming use, subject to conditions of approval listed in the notice. A recent inspection (December 20, 1999) found that the conditions of approval had not been met (See Exhibit #3). An inspection of the records indicates that no application for building permits pursuant to NCU-98-02/TPR-98-06 has ever been made. The Milwaukie Zoning Ordinance deems an approval void after six months unless substantial construction pursuant thereto has taken place. Consequently,

the Planning Director determined that the approval for NCU-98-02/TPR-98-06 was void and mailed notice of that determination to Thomason Auto Group on December 28, 1999. (See Exhibit #4)

The applicant objects to the determination that applications NCU-98-02 and TPR-98-06 are now void. They cite delays in the sale of the business, the need to acquire additional funding and personnel changes as mitigating factors in justifying the lack of work pursuant to NCU-98-02/TPR-98-06. (See appeal application; Exhibit #5)

Conclusion

A Revised Notice of Decision approving NCU-98-02/TPR-98-06 contingent upon the satisfaction of thirteen conditions of approval was issued on February 3, 1999. Thomason was required to comply with all of those conditions if it wished to expand their use onto tax lots 5600, 2500 and 2800 legally. The Milwaukie Zoning Ordinance deems that approval of a non-conforming use is void after six months unless substantial construction pursuant to the use has taken place. A search of Building Department records and an inspection of the premises found that there was no evidence of substantial construction or any preparation for any such construction. Consequently, according to the provisions of Section 1013 of the Milwaukie Zoning Ordinance, the Planning Director was correct in her determination that the approval granted in NCU-98-02/TPR-98-06 was void.

Findings in Support of Denial of the Appeal

Recitals found above in the background section constitute findings.

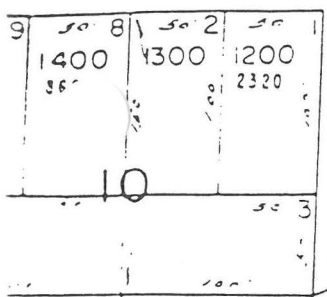
Recommendation

Deny Thomason Auto Group's appeal of the Planning Director's determination that the approval granted in NCU-98-02/TPR-98-06 is void by operation of law pursuant to Milwaukie Zoning Ordinance, Section 1013.

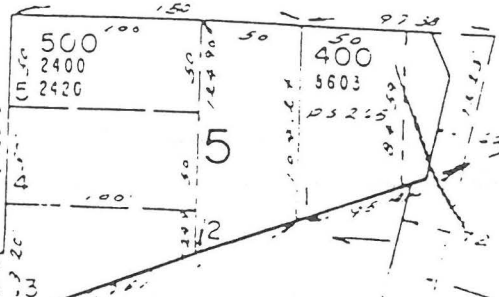
LACKAMAS)

CLATSOP

STREET



24TH

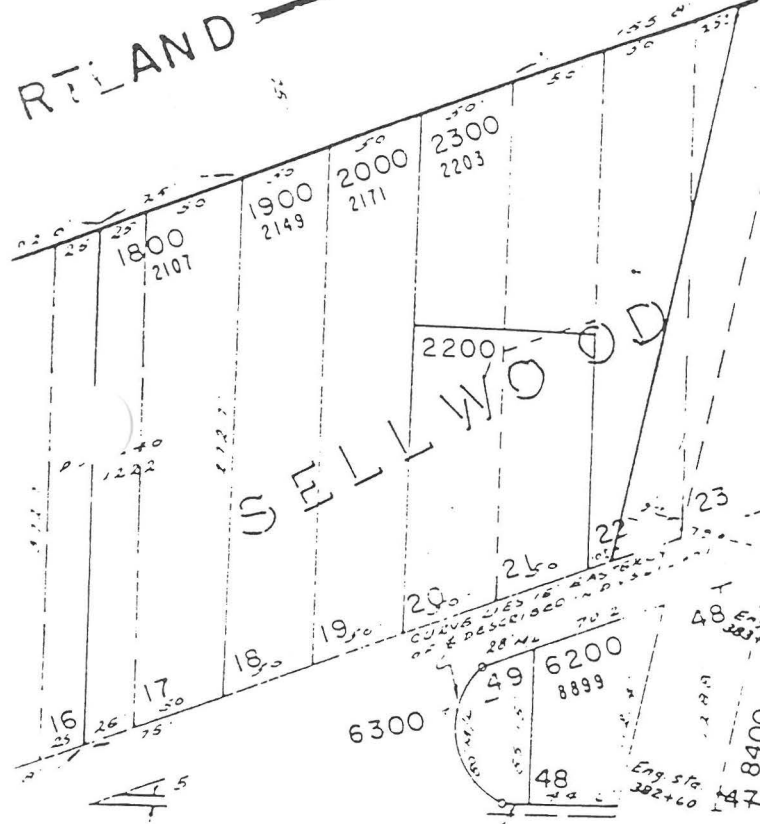


U.S.

TRACTION



RTLAND



SELLWOOD

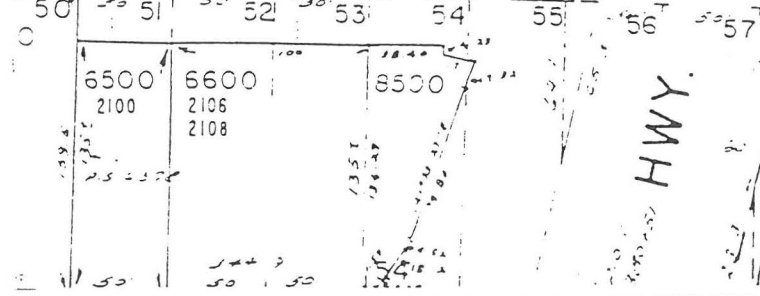
(McLOUGHLIN BLVD)

12-02

GARDE

MOORES

OCHOCO



HWY



24TH AVE

City of Milwaukie Community Development Department

Title: Vicinity Map Submitted by: Staff Date: 2/29/00 # Pages: 1

File Numbers: AP00001 Applicant: Thomasan Auto Group Exhibit #: 1

(NCU-98-02 / TPR-98-06)





February 3, 1999

NCU-98-02/TPR-98-06

REVISED NOTICE OF DECISION

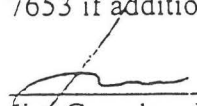
This is official notice of action taken by the Milwaukie Planning Commission at a Public Hearing held on Tuesday, December 8, 1998, regarding an application for the expansion of a Nonconforming Use (NCU-98-02) and a Transportation Plan Review (TPR-98-06) for their business located at 5800 SE Moores & Ochoco Streets and shown on Map 1S, 1E, Section 25BB, Tax Lot(s) 2500, 2800, 5600 and 7100.

The business is located on the following legal tax lots in the City of Milwaukie, Clackamas County, Oregon; Map 1S, 1E, Section 25BB, TL(s) 2400, 2500, 2800, 5600, 5800, 5900, 6000, 6100, and 7100.

After taking testimony at the December 8, 1998 Planning Commission Meeting regarding the application, the Planning Commission approved the applicant's request to expand non-conforming use activities to the properties identified as Tax Lot Nos. 2500, 2800, and 5600; and denied the applicant's request to expand onto Tax Lot No. 7100, based on the public testimony and the findings contained in the Staff Report.

On December 22, 1998, an appeal was filed, and subsequently withdrawn on February 1, 1999. Attached with this Revised Notice is the Amended Findings and Conditions of Approval which provides that the 120-day time limit to vacate the premise on Tax Lot 7100 (2366 SE Ochoco) begins on the date of the withdrawal of Appeal (February 1, 1999).

Copies of the Staff Report, documentation of the Appeal, and other written materials are available upon request. Community Development Department can be contacted at 786-7653 if additional information is required.


Jim Crumley, Interim Planning Director

Cc: Martha Bennett, Assistant City Manager, CD
Jim Brink, Public Works Director
John Bennett, Building Official
Paul Roeger, Civil Engineer
File: NCU-98-02/TPR-98-06

Attachment: Exhibit 1: Amended Findings & Conditions of Approval

City of Milwaukie Community Development Department

Title: Rev. NOD Submitted by: Staff Date: 2/1/00 # Pages: 4
File Numbers: AP00-01 Applicant: Thomasan Auto Group Exhibit #: 2
(NCU-98-02/TPR-98-06)



NONCONFORMING USE FINDINGS NCU-98-01

1. The applicant is requesting the expansion of a non-conforming use in accordance with the provisions of Section 801 of the Zoning Ordinance. No adverse comments have been received from other departments or agencies, or from the Historic Milwaukie NDA.
2. This application is being process as a Minor Quasi-judicial Review per Subsection 1011.3 of the Zoning Ordinance.
3. The proposal brings the current illegal expansions into compliance with the code and allows the applicant to use the site in conformance with the Zoning Ordinance.
4. The Finance and Insurance Building is not approved as a part of the application as it's primary use is as office space.
5. The modifications that have occurred have resulted in no more of a detriment to the surrounding properties than the existing legal non-conforming uses that were previously approved.

TRANSPORTATION PLANNING RULE FINDINGS TPR-98-01

1. The Transportation Planning Review has been processed in accordance with Section 1011.3 because the review required a Minor Quasi-judicial Review.
2. The development permit value will be less than 50% of the land value, and therefore full compliance with the requirements of Sections 500 (Parking) and 1400 (Transportation Planning, Design Standards and Procedures) is not required.
3. McLoughlin Blvd is designated as a Regional Street in the Comprehensive Plan (Automobile Master Plan, Figure 6.10). A coordinated review has taken place pursuant to Section 1403.2 of the Zoning Ordinance. Referrals were sent to Clackamas County, Tri-Met, and ODOT.

CONCLUSION

Staff has determined that the findings above demonstrate that application NCU-98-01 and TPR-98-06 satisfy the Zoning Ordinance requirements for continuation of the non-conforming use and Transportation Planning approval. Therefore the project can be approved, subject to the conditions attached as **Exhibit 1**.

EXHIBIT 1

CONDITIONS OF APPROVAL NCU-98-01/TPR-98-06

1. ~~The~~ applicant shall complete the expansion in accordance with the approved proposed site plan as shown in **Exhibit 5** except that the use of the 2366 SE Ochoco site for auto storage or office use shall not be allowed. The applicant has 120 days to vacate the 2366 SE Ochoco from the date of the withdrawal of the Appeal (February 1, 1999).
2. ~~The~~ applicant shall install the landscaping in accordance with the approved ~~Landscaping~~ plan attached to the Staff Report as **Exhibit 10**.
3. ~~The~~ Finance and Insurance Building is denied as a part of the Nonconforming use approval.
4. The applicant must obtain any required building permits for the completion of the ~~im~~provements at the site.
5. ~~The~~ applicant will comply with the Public Works requirements as set forth in **Exhibit 8** and **Exhibit 9** of the Staff Report. Curbs and Sidewalk must be ~~connected~~ on Moores Street from McLoughlin Blvd. to Main Street including a standard ADA driveway approach near McLoughlin Blvd. A right-of-way permit is required for this work and inspection forms are required before pouring. Erosion control permit must be obtained as required by Public Works.
6. Storm drainage is extended on site from Ochoco Street. Extension of that system is permitted with a plumbing permit. Full construction plans must be submitted to the Plumbing Department for review along with a plumbing permit application. All catch basins must be inverted siphon (Lynch type).
7. A proper driveway approach is required if the applicant wants to have access to ~~the~~ eastern part of their lot from Main and Ochoco Street if this area is not to be landscaped. If access is not proposed at either of these locations, landscaping ~~along~~ the entire property line is required. If access is desired at these locations, a ~~plan~~ showing width and location must be submitted to the Public Works Department along with an application for a Right-of-Way permit. All driveway ~~approaches~~ must meet current ADA access requirements. Public Works will provide the applicant with a standard detail for the construction of these ~~approaches~~.
8. ~~The~~ applicant must obtain any and all approvals or permits necessary from the Oregon Department of Transportation for the completion of improvements along

or in the State Highway. Those approvals must be provided to the City prior to the issuance of a building permit for any improvements at the site.

9. The Banner signage will be removed at the site. The applicant will provide information to employees at the site regarding the City sign permit requirements prior to the installation of any sign on the premises.
10. The applicant shall address the fire access standards as determined by the Fire Marshall and obtain any approvals necessary prior to the issuance of a building permit for any improvements at the site.
11. A plan showing the locations of bicycle racks to be installed at the site will be provided prior to the issuance of a building permit. The bicycle racks must meet the requirements of Section 505 of the Zoning Ordinance and must be installed prior to the issuance of the Certificate of Occupancy.
12. Curbs and sidewalks are required to be constructed around the perimeters of the sites contiguous with 8990 SE McLoughlin Blvd.
13. A landscape plan shall be submitted for the North side of Moores Street, that is compatible and comparable with the landscape plan that was approved and included as Exhibit 10 of the Staff Report.

Thomason Site Inspection
 December 20, 1999
 10.00 am
 Lisa Nasshahn

On the above date, at the time indicated, I inspected the Thomason site. I was accompanied in the inspection of the interior of 2366 SE Ochoco by Mary Davis, Thomason _____. The addressing in the area is confusing (addresses on buildings don't appear to match those listed on our address map), so I will refer to the site per the key below.

Part A: 1S2E25BB tax lots 5600, 5800, 5900, 6000, 6100 are Thomason's main sales site on the block bounded by Moores (north side), Main (east side), Ochoco (south side), and McLoughlin (west side).

Part B: 1S2E25BB tax lots 2400, 2500, 2800 are located north of the main sales site, across Moores Street.

Part C: 1S2E25BB tax lots 2200 and 2300 are west across McLoughlin from Part B and appears to be an auto sales use.

Part D: 1S2E25BB tax lot 7100 is south of the main sales site and is the location of the noncomplying office use.

Conditions of Approval of NCU-98-01/TPR-98-06:

1. The applicant shall complete the expansion in accordance with the approved proposed site plan as shown in Exhibit 5 except that the use of the 2366 SE Ochoco (**Part D**) site for auto storage or office use shall not be allowed.

Today's site inspection verified that office uses and auto storage uses have been vacated from Part D. Some rooms are in use for file storage and handling. I was not able to view one locked room in the office portion of the building because Mary Davis "didn't have the key to the room."

2. The applicant shall install the landscaping in accordance with the approved landscaping plan attached to the Staff Report as Exhibit 10.

Exhibit 10 does not appear to be a landscaping plan. I have interpreted the December 10, 1998 Planning Commission minutes to refer to the applicant-submitted blue line Landscape Plan dated 11/18/98. Landscaping has not been installed in accordance with this plan.

3. The Finance and Insurance Building is denied as a part of the Nonconforming use approval.

Office uses have been vacated from Part D.

4. The applicant must obtain any required building permits for the completion of the improvements at the site.

It appears that no building permits have been obtained, nor applications submitted. In a telephone conversation with Mary Davis today, December 20, she

City of Milwaukee Community Development Department

Title: Site Visit Notes Submitted by: Staff Date: 2/29/00 # Pages: 3
 File Numbers: AP00-01 Applicant: Thomason Auto Group Exhibit #: 3
 (NCU-98-03 / TPR-98-06)



noted that they have been awaiting a property transfer to generate some funds for improvements. She stated that the transfer was completed on December 13, 1999.

5. The applicant will comply with the Public Works requirements as set forth in Exhibit 8 and Exhibit 9 of the Staff Report. Curbs and sidewalk must be connected on Moores Street from McLoughlin Blvd. to Main Street including a standard ADA driveway approach near McLoughlin Blvd. A right-of-way permit is required for this work and inspection forms are required before pouring. Erosion control permit must be obtained as required by Public Works.

Sidewalks have not been installed along Moores St. frontage of Part A. The Moores St. frontage of Part B lacks curbs and sidewalks.

6. Storm drainage is extended on site from Ochoco St. Extension of that system is permitted with a plumbing permit. Full construction plans must be submitted to the Plumbing Department for review along with a plumbing permit application. All catch basins must be inverted siphon (Lynch type).

I am uncertain about compliance at this time.

7. A proper driveway approach is required if the applicant wants to have access to the eastern part of their lot from Main and Ochoco Street is this area is not to be landscaped. If access is not proposed at either of these locations, landscaping along the entire property line is required. If access is desired at these locations, a plan showing width and location must be submitted to the Public Works Department along with an application for a Right-of-Way permit. All driveway approaches must meet current ADA access requirements. Public Works will provide the applicant with a standard detail for the construction of these approaches.

Neither landscaping or, alternatively, standard driveway approach(es) have been installed.

8. The applicant must obtain any and all approvals or permits necessary from the Oregon Department of Transportation for the completion of improvements along or in the State Highway. Those approvals must be provided to the City prior to the issuance of a building permit for any improvements at the site.

I am uncertain about compliance at this time.

9. The banner signage will be removed at the site. The applicant will provide information to employees at the site regarding the City sign permit requirements prior to the installation of any sign on the premises.

I observed a banner sign suspended from the front of the building at Part C. Two other temporary signs were leaning against a post and a light pole along the McLoughlin Blvd. frontage.

10. The applicant shall address the fire access standards as determined by the Fire Marshall and obtain any approvals necessary prior to the issuance of a building permit for any improvements at the site.

I am uncertain about compliance at this time.

11. A plan showing the locations of bicycle racks to be installed at the site will be provided prior to the issuance of a building permit. The bicycle racks must meet the requirements of Section 505 of the Zoning Ordinance and must be installed prior to the issuance of a Certificate of Occupancy.

I am uncertain about compliance at this time.

12. Curbs and sidewalks are required to be constructed around the perimeters of the sites contiguous with 8990 SE McLoughlin Blvd.

There are no sidewalks along most of the Moore St. frontage of Part A.

13. A landscape plan shall be submitted for the North side of Moores Street, that is compatible and comparable with the landscape plan that was approved and included as Exhibit 10 of the Staff Report

No landscape plan has been submitted for the north side of Moores St., Part B.



Dan Powell, Vice President of Finance
 Thomason Auto Group
 1 SW Columbia Street, Suite 1110
 Portland, Oregon 97258

December 28, 1999
 10:30 AM

Re:

- Supplemental Dealer/Rebuilder Business Certificate Application for Thomason TY LLC DBA Thomason Used Cars; business location is 8890 SE McLoughlin, Milwaukie Oregon.
- Failure of Thomason Used Cars to comply with the Conditions of Approval of NCU-98-02/TPR-98-06.

Dear Mr. Powell:

The above-listed certification and accompanying approval letter is enclosed with this letter. Please note that the location approval is valid only for 11E25BB tax lots 5800, 5900, 6000, 6100 and 2400. Tax lots 11E25BB 5600, 2500, 2800 and 7100 are not included in the location approval.

A Revised Notice of Decision dated February 3, 1999 granted approval for Thomason Used Cars to expand its nonconforming use, subject to the conditions of approval listed in the Notice (see the attached Revised Notice of Decision for NCU-98-02/TPR-98-06). The decision granted approval to expand the use to tax lots 5600, 2500 and 2800. It denied approval to expand to tax lot 7100 (2366 SE Ochoco St.), and required Thomason to vacate it within 120 days. According to a recent inspection, tax lot 7100 has not been completely vacated by Thomason.

The Notice included thirteen conditions of approval. Thomason is required to comply with all the conditions of approval if it wishes legally to use tax lots 5600, 2500 and 2800. That is, Thomason's occupation of these tax lots is contingent upon compliance with the conditions listed. Further, the Milwaukie Zoning Ordinance (MZO) provides for expiration of approvals after six months, if "substantial construction" pursuant to the decision has not taken place (see MZO Section 1013, attached).

On December 20, 1999 at 10:00 am, with permission of Thomason Auto Group, my staff inspected the exterior of the site, as well as the interior of the building at 2366 SE Ochoco (tax lot 7100) for compliance with the conditions of approval of NCU-98-02/TPR-98-06. The inspection revealed that the conditions of approval of NCU-98-02/TPR-98-06 have not yet been met. Note that the Milwaukie Zoning Ordinance (MZO) Section 1013 provides that the approval is void after six months unless substantial construction pursuant to the approval has taken place. No evidence indicates that Thomason has undertaken substantial construction to implement the conditions of approval. Therefore, the approval granted in NCU-98-02/TPR-98-06 is void.

City of Milwaukie Community Development Department

Title: Director's Letter Submitted by: Staff Date: 2/29/00 # Pages: 2
 File Numbers: AP0001 Applicant: Thomason Auto Group Exhibit #: 4
 (NCU-98-02 / TPR-98-06)



The determination that the approval is void may be appealed to the Milwaukie Planning Commission. An appeal of this action must be filed within 15 days of the date of this letter. 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. The fee for an appeal is \$265. The appeal must specify the issues or findings in contention so as to afford the Planning Commission and interested parties an adequate opportunity to respond to and resolve each issue.

Appeal expiration date: 5:00 PM, January 12, 2000

The determination to void the approval means that Thomason Auto Group must reapply for a Nonconforming Use Review and a Transportation Planning Review to request approval to expand the existing legal nonconforming use on tax lots 5800, 5900, 6000, 6100 and 2400 onto tax lots 5600, 2500 and 2800. To avoid enforcement action, contact the City of Milwaukie Planning Department for application materials as soon as possible.

If you have any questions, please feel free to telephone me at 786-7654.

Sincerely,



Alice Rouyer
Planning Director

Enclosures:

- Revised Notice of Decision, NCU-98-02/TPR-98-06,
- Milwaukie Zoning Ordinance, Section 1013,
- Thomason DMV Supplemental Dealer/Rebuilder Business Certificate Application,
- Attachment Letter from Milwaukie Planning Department to DMV Business License Unit.

City of Milwaukie
Appeal Application

Date: 1/12/2000

Milwaukie Community Development Department
City Hall
10722 SE Main St.
Milwaukie OR 97222

Re: File No.(s): NCU 98-02 / TPR 98-06

The undersigned hereby appeal(s) the decision of (check one): Community Development Director, Planning Commission, concerning the action to (check one): approve, deny the above referenced file(s) on the following date: 12/28/99.

Please set a date for the required public hearing for review of this appeal. I have enclosed the appeal filing fee of \$ 265.00

The reasons for this appeal are identified as follows:

THE APPLICANT OBJECTS TO THE PLANNING DIRECTOR'S DECISION TO VOID THE APPEAL OF AN EXPANSION OF A NON-CONFORMING USE + TRANS. PLAN PERMITS, FOR THE EXPANSION OF AN EXISTING AUTO SALES BUSINESS @ 8750 + 8990 SE McLoughlin Blvd. (THOMASON TOYOTA)
THOMASON TOYOTA WAS SOLD TO ASBURY AUTOMOTIVE OREGON, WHO HAS 51% CONTROLLING INTEREST IN THOMASON TOYOTA. AN ELEVEN MONTH DELAY IN THE SALE OF THOMASON TOYOTA, PLUS THE ESCALATING COSTS OF COMPLYING WITH CONDITIONS OF APPEAL FOR NCU 98-02 / TPR 98-06, REQUIRED OBTAINING ADDITIONAL FUNDING THAT HAD TO HAVE ASBURY APPEAL. APPROVED ADDITIONAL FUNDING LEFT AN ASBURY TOP EXIST. THAT WOULD HAVE + THAT POSITION WAS JUST FILLED IN OCT, 1999.

I will , will not (check one) be providing additional written materials prior to the public hearing.

Sincerely, Ruee Vincent, Pres.
Bedsaul/Vincent Consulting
agent for Thomason Auto Group

DAN POWELL BLU FRANKLIN PLAZA
THOMASON AUTO GROUP ONE SW COLUMBIA
PORT. OR 97258 SUITE 1100

BEDSAUL/VINCENT CONSULTING
825 NE 20TH, SUITE 300 PORT. OR 9723

Ruee Vincent
Signature(s)

Address(es)

City of Milwaukie Community Development Department

Title: Appeal Submitted by: Appellant Date: 2/29/00 # Pages: 1
File Numbers: AP0001 Applicant: Thomason Auto Group Exhibit #: 5
(NCU-98-02 / TPR-98-06)

