

CITY OF MILWAUKIE  
PLANNING COMMISSION MINUTES  
TUESDAY, MARCH 14, 2000

**COMMISSIONERS PRESENT**

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

**STAFF PRESENT**

Alice Rouyer,  
Planning Director  
Doug Stickler,  
Associate Planner  
Gary Firestone,  
City Counsel  
Shirley Richardson,  
Hearings Reporter

**COMMISSIONERS ABSENT** -- None.

1.0 CALL TO ORDER

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

2.0 PROCEDURAL QUESTIONS -- None.

10 PLANNING COMMISSION MINUTES

**Mike Miller** moved to approve the Planning Commission minutes of February 22, 2000, as presented. **Barbara Cartmill** seconded. MOTION CARRIED 6-0 with one abstention. Howard Steward was not at that meeting.

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

**Judith Borden** moved to approve the Planning Commission minutes of February 29, 2000, as amended. **Doug Ouderkirk** seconded. MOTION CARRIED 7-0.

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

4.0 INFORMATION ITEMS -- City Council Minutes

- 4.1 February 14, 2000, City Council Worksession Minutes  
February 15, 2000, City Council Minutes

5.0 PUBLIC COMMENT -- None.

**Alice Rouyer** announced that the Clackamas County Corrections hearing would be continued to April 11, 2000.

6.0 PUBLIC HEARINGS

- 6.1 Applicant: Ron Woodruff  
Owner: Myron Nelson  
Location: 10466 SE Main Street  
Proposal: Remodel basement (old parking area) of Nelson's Nautilus into additional workout area and daycare facility.  
File Numbers: Conditional Use CU-00-01  
NDA: Historic Milwaukie

**Chair Hammang** opened the public hearing on File Number CU-00-01, an action to allow for the conversion of a basement area to add 2240 square feet of work-out space in a high-impact commercial use (commercial recreations). The criteria to be addressed are found in Sections 313, 318, 500 and 600 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; 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

**Doug Strickler** reviewed the staff report with the Commission. This Application is for a Conditional Use to remodel the basement area of the existing Nelson's Nautilus building to permit the expansion of work-out space for the health club.

Staff found that the Application met the Conditional Use criteria for nearest buildings and additional impacts such as noise and light. Since the Milwaukie code does not have a parking standard for 'health clubs', staff evaluated the proposal based on a standard from Portland which was specific to 'health clubs'. The existing parking meets the requirements of that standard. There are 62 parking spaces on site and the standard calls for 45 spaces.

QUESTIONS FROM THE COMMISSIONERS -- None.

CORRESPONDENCE RECEIVED -- None.

APPLICANT'S PRESENTATION -- None.

TESTIMONY IN FAVOR -- None.

QUESTIONS OR COMMENTS -- None.

TESTIMONY IN OPPOSITION -- None.

ADDITIONAL COMMENTS FROM STAFF

**Doug Strickler** stated that it is staff's recommendation to approve the Conditional Use.

QUESTIONS FOR CLARIFICATION -- None.

APPLICANT'S CLOSING COMMENTS -- None.

DELIBERATION AMONG COMMISSIONERS

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

**Mike Miller** stated that he felt that this is an appropriate application for approval. It meets all the criteria and it will help some of the other businesses in the area.

The other Commissioners concurred with Miller's comments.

**Mike Miller** moved to approve Application CU-00-01 to allow for the remodel of a basement area to add 2240 square feet of workout space in a high impact commercial use subject to the findings and conditions of approval as stated in the Staff Report. **Doug Ouderkirk** seconded. MOTION CARRIED 7-0.

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

- 6.2 Applicant: The Walter Group  
Owner: Shurgard Corporation  
Location: 3701 SE International Way  
Proposal: Install an 84-foot cellular tower at the Shurgard Storage site.  
File Numbers: Community Service Overlay CSO-99-10 / Variance VR-99-09  
NDA: Business Industrial (Nbr: Lake Road/Hector Campbell)

**Chair Hammang** opened the public hearing on File Numbers CSO-99-10 and VR-99-09, an action to allow placement of a cellular communications tower at 3701 SE International Way. The criteria to be addressed are found in Sections 321, 324, 400, 500 and 702 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; 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

**Doug Strickler** reviewed the staff report with the Commission. The proposal is to site a cellular communications tower at 3701 SE International Way. Staff has several concerns. The benefit was to be improved telecommunication for the people driving along the Highway 224 Corridor.

The largest concern is the visual impact of a tower that was 84 feet tall located so close to the street. The maximum height allowed in the Business Industrial Zone is 45 feet. A project with a CSO designation may exceed that limit to a maximum height of 50-feet, so a variance is required for the Application. There is no documentation for alternate sites that might provide less visual impact. Staff feels there are feasible alternatives on the site and in the surrounding area. As this siting maximizes the adverse visual impacts, no effort has been made to mitigate by locating at another site, parcel, or area on this parcel.

Staff said that if the applicant wishes to have a barbed-wire topped fence for the electrical cabinets, then the fence needed to be at the maximum 8-foot height, instead of the 6-foot height as proposed.

Given the reservations with the siting and impact concerns, Staff recommends denial of the application. An exhibit was prepared by staff giving a visual representation of how the towers might impact at this location.

#### QUESTIONS FROM THE COMMISSIONERS

**Tracy Cook** stated that a Nextel tower was approved, a few years ago, which was to be located near Red Mill. She did not see the tower when she did her site visit. **Doug Strickler** stated that the tower had never been built. He did not research that particular project.

#### CORRESPONDENCE RECEIVED

**Doug Strickler** handed out to the Commissioners a letter from Hector Campbell Land Use Chair, David Ashenbrenner.

#### APPLICANT'S PRESENTATION

Speaking: Shanin Prusia, The Walter Group, 6634 SE 39<sup>th</sup>, Portland

**Ms. Prusia** stated that she represents Air Touch. The Walter Group has been purchased by WFI. Air Touch found the need for a telecommunication cell site at this intersection because there was a lack of a dominant signal in the area. A lot of research was done to find remedies to the situation. There is an AT&T cell site directly to the east. A test was done on that site to see if it would emit a better signal. This was not the case, it would not work for them.

The only other option was to install a new monopole. This was the best alternative. Air Touch makes every effort to co-locate. The construction is cheaper and there is usually a more favorable response from the jurisdiction when you use what is already there.

Attempts have been made to locate on the back corner of the dentist's office. They were unsuccessful in negotiating a lease agreement with him. Another option was Shurgard Storage. One corner has a very large storm drain, which takes a lot of surface water runoff. If a pole were placed in this area, the storm drain would have to be re-engineered. The front area of the site is the main entrance and parking. The northeast corner has a fire lane with a 20-foot wide access gate for turn-around. This would require navigating around the gates and in the access.

The location chosen is the best alternative. It meets all the setbacks. An 84-foot pole is required to send out the dominant signal that is needed. There are no buildings with that height in the area to do a rooftop location.

If the current proposal is not acceptable, they are requesting today, an approval with conditions to locate the cell site in the back corner of the Shurgard property.

There is no problem with changing the height of the fenced enclosure from 6 feet to 8 feet. A letter was received from Mr. Frick of the Lake Road Neighborhood Association stating a concern about what happens with the tower when it becomes obsolete. Will it be left on the site? The cell phones have a high salvage rate because of the materials in the pole. However, Air Touch is required to remove the pole within 60 days of non-use. The Association was also concerned that these poles would interfere with home appliances, radios, or televisions within 1,000 feet of the pole. This pole does not operate at a frequency that would interfere with these channels.

#### QUESTIONS FROM THE COMMISSIONERS

**Chair Hammang** asked if the Applicant was now requesting a new/different application? **Gary Firestone** stated that the Commission could deal with an alternative request in a land use application. There is an issue, however, on whether the Planning Commission feels it has enough information on the second location. There are several options for the Commission:

- A condition of approval can be drafted that would require engineering to determine the best alternative site.
- Consider the written application and leave it to the Applicant to submit in writing a formal amendment.
- Decide the application as orally amended.
- Continue to a date certain to allow staff review of the alternative.

**Chair Hammang** voiced concern that this hearing was noticed as one proposal and the change will not allow the public an opportunity for comment. There is no staff analysis on this new proposal. **Alice Rouyer** asked the Applicant if they were willing to waive the 120-day rule and allow this hearing to be continued. **Ms. Prusia** stated that they were willing to sign the 120-day rule waiver.

**Mike Miller** asked how the Applicant would approach it differently to satisfy the neighborhood if the tower is moved? **Ms. Prusia** stated that the tower would be moved approximately 250 feet. The purpose is to eliminate the impact on the streetscape.

**Mike Miller** asked why Air Touch could not use the same tower as AT&T? **Ms. Prusia** stated that the AT&T tower lacks a dominant signal.

Speaking: Tom Ferguson, 8873 SW Greensward Lane, Tigard

**Mr. Ferguson** stated that he is an engineer with Air Touch. The AT&T Tower was considered. There were two concerns. One, there are capacity problems with the site to the east and secondly, there is a lack of a dominant signal in the general area. If there is no dominant signal, it creates interference and degrades the service. The AT&T site would take care of the capacity problems, but not the coverage problems.

**Barbara Cartmill** asked if the existing tower could be upgraded. **Mr. Ferguson** stated that there are two or three service providers on this pole. There would be a problem finding room on the tower. They would be bumped down to the lower part of tower, possibly in the 50-foot range.

**Howard Steward** asked if the Johnson Controls building had been considered as an option. **Mr. Ferguson** stated that it was considered at the beginning. The dominant server forces them to this particular area on International Way.

**Howard Steward** asked how many feet are needed to provide an optimal signal. **Mr. Ferguson** stated that it would probably be in the 1,000-foot range.

**Chair Hammang** asked if there could be two smaller towers in two different locations? **Mr. Ferguson** stated that in the future, they will bring this tower down and locate a smaller tower northwest of the proposed site. The tower should last five years as located.

**Ms. Prusia** stated that Nextel had applied for a 116-foot pole. It was approved for 100-feet. In the application, they stated that AT&T will co-locate on this pole at the 56-foot level. This would not provide adequate coverage. **Mr. Ferguson** stated that the 54-feet is too low for their needs.

TESTIMONY IN FAVOR -- None.

QUESTIONS OR COMMENTS

Speaking: Forest Frick, 11658 SE 35<sup>TH</sup> Street, Milwaukie

**Mr. Frick** stated that he represented the Lake Road Neighborhood Association. He read two excerpts from his letter that had not been addressed tonight. The concerns addressed a possible bond to insure removal of the pole when no longer in use and restrictions on additions to the tower and antenna, which would make it more visible. He asked that the Commission take these issues into consideration.

QUESTIONS FROM THE COMMISSIONERS -- None.

Speaking: David Ashenbrenner, 11505 SE Home Avenue, Milwaukie

**Mr. Ashenbrenner** stated that he is the Land Use Chair of the Hector Campbell Neighborhood Association. He submitted comments and some of those comments were not addressed tonight.

- The changed location puts it closer to the Hector Campbell neighborhood.
- Can the color of the tower be something that blends in with the community?
- Is there any affect to the wetlands by moving the site to the back corner?  
Is it in the wetland zone?
- Will there be a flashing beacon light on the top of this tower?

**Mr. Ashenbrenner** stated that the neighborhood does not oppose the cell tower, but they are very concerned about the visibility.

QUESTIONS FROM THE COMMISSIONERS -- None.

TESTIMONY IN OPPOSITION -- None.

ADDITIONAL COMMENTS FROM STAFF -- None.

QUESTIONS FOR CLARIFICATIONS

**Howard Steward** noted that cell towers are going to be an issue for some time. He suggested that staff prepare some guidance criteria for the Commission on applications for towers. He, at one time, was a subscriber to Air Touch and his

business is located in the Industrial Park along International Way. He had no problems with signals.

#### APPLICANT'S CLOSING COMMENTS

**Ms. Prusia** stated that they are willing to paint the tower any color the Commission may want.

#### DELIBERATION AMONG COMMISSIONERS

**Chair Hammang** left the public portion of the hearing opened to allow the Applicant and Staff time to revise the Application.

**Doug Ouderkirk** moved to continue the Application by Air Touch Cellular, CSO-99-10 and VR-99-09 to April 11, 2000. **Mike Miller** seconded. MOTION CARRIED 7-0.

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

- 6.3    Application:            Clackamas County Corrections  
       Owner:                Americold  
       Locations:            9501 SE McLoughlin Blvd  
       Proposal:             Construct and operate an 80-100-bed co-ed minimum-security correctional facility similar to the facility located on McBrod Avenue.  
       File Numbers:        Community Service Overlay (CSO-99-04)/Minor Land Partition (MLP-99-07)/Transportation Plan Review (TPR-99-04)/Natural Resource Overlay Review (NR-99-04)/Variance (VR-99-08).  
       NDA:                    ALL

**Chair Hammang** opened the public hearing on File Numbers CSO-99-04, MLP-99-07, TPR-99-04, NR-99-04, and VR-99-08 an action to construct and operate an 80-100-bed co-ed minimum-security correctional facility similar to the facility located on McBrod Avenue. The criteria to be addressed are found in Sections 321, 700, and 1400 of the Milwaukie Zoning Ordinance.

**Alice Rouyer** reported that the Applicant had requested that this hearing be continued to April 11, 2000.

**Doug Ouderkirk** moved to continue the hearing for the proposed correction facility, CSO-99-04, TPR-99-05, VR-99-08, NR-99-04, and MLP-99-07. **Mike Miller** seconded. MOTION CARRIED 7-0.

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

7.0 WORKSESSIONS - None

8.0 DISCUSSION ITEMS

**Howard Steward** stated that he has had years of experience in working with engineers in siting power poles (electric companies). It is his opinion that their thinking is governed by logarithms and not by human interpersonal values.

**Barbara Cartmill** agrees that there needs to be some ordinance tightening or maybe new language that addresses cellular towers. **Alice Rouyer** stated that standards could be adopted to address these types of cases.

**Mike Miller** expressed concern about setting precedence with these applications. How do you say yes to one and no to the next?

**Gary Firestone** noted that under the Federal Telecommunications Act, local governments could regulate land use aspects of siting cell towers as long as those regulations do not have the effect of prohibiting the towers.

9.0 OLD BUSINESS -- None

10.0 OTHER BUSINESS/UPDATES

10.1 Matters from the Planning Director

**Alice Rouyer** reported that she would bring Metro Goal Five maps for review and comments at the next meeting. Over the next two worksessions, the Commission will be dealing with the Downtown Riverfront Plan.

**Alice Rouyer** updated the Commission on the Education Service District (ESD) Application. The City Council upheld their decision to deny the Application. The

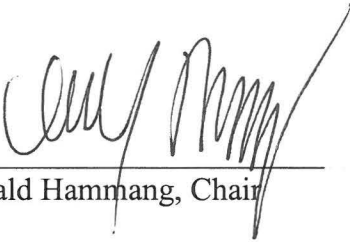
decision document on this hearing was submitted to the Commissioners. ESD may appeal this decision to LUBA.


**Howard Steward** voiced concern about accepting an application that supports a tower that pollutes the landscape and not accepting an application for a school function that provides Head Start. He is concerned about the values in the community.

**Alice Rouyer** noted that the Commission has the option of sending a member or a group to testify at the Council meeting on Tuesday, March 21<sup>st</sup> regarding Urban Forestry. **Donald Hammang** stated that he would act as a representative. **Doug Ouderkirk** and **Mike Miller** stated that they would also attend.

- 11.0 NEXT MEETING -- March 28, 2000
- 11.1 Worksession: Downtown / Riverfront Plan

**Doug Ouderkirk** moved to adjourn the last meeting of March 14, 2000. **Barbara Cartmill** seconded. MOTION PASSED UNANIMOUSLY. The meeting adjourned at 7:52 p.m.

  
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Donald Hammang, Chair

  
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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:** Doug Strickler, Associate Planner *D.S.*

**Date:** March 14, 2000

**Subject:** CU-00-01; 10466 SE Main Street; Nelson's Nautilus

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**I. ACTION REQUESTED**

Approve application CU-00-01 to allow for the remodel of a basement area to add 2240 square feet of work-out space in a high impact commercial use (commercial recreation).

**II. CODE AUTHORITY AND SUBSTANTIVE CRITERIA**

**Milwaukie Zoning Ordinance Sections:**

- 313 - General Commercial Zone C-G
- 318 - Mixed Use Overlay Zone MU
- 500 - Off-street Parking and Loading
- 600 - Conditional Uses

**III. EXECUTIVE SUMMARY**

The applicant is proposing to remodel the basement area of the existing Nelson's Nautilus building to permit the expansion of work-out space for the health club. The remodel would add approximately 2,240 square feet of exercise space, a day care facility and additional office space to the existing facility. (See Exhibit #1 -Site Plan and Lower Level Floor Plan). The site is located at 10466 SE Main Street and is bounded on the south by a parking lot and on the north by a branch of Clackamas Federal Credit Union. The applicant's proposal satisfies all of the criteria of applicable zoning standards for a Conditional Use.

**IV. BACKGROUND INFORMATION**

**Statistics**

Location:	10466 SE Main Street
NDA:	Historic Milwaukie
Zone:	General Commercial, C-G
Lot size:	21,000 square feet (0.48 Ac.)
Map and Tax Lot:	1 1E 25CC 00700

**Project Details**

Currently, Nelson's Nautilus has approximately 8,500 square feet of developed space in a 15,000 square foot building. They are seeking to remodel 2,412 square feet of the basement to add work-out space, day-care facilities and offices. The proposed remodeling will entail the construction of several new walls to redefine the space in the basement area and a stairway to connect the basement with the upper floor. The remodel will also bring a basement level restroom up to handicap-accessible standards.

**V. ANALYSIS OF PROPOSAL**

**Zoning Authority**

This proposal is subject to Milwaukie Zoning Ordinance Section 313 - General Commercial Zone C-G, Section 318 - Mixed Use Overlay Zone MU, Section 500-Off-street Parking and Loading, Section 600 - Conditional Uses and Section 1011.3 - Minor Quasi-Judicial Review. (See Attachment A -Staff Zoning Compliance Report.)

Section 1011.3 governs public notice and the application process

Section 313 specifies General Commercial zoning regulations for the zone.

Section 318 specifies Mixed-Use MU zoning standards such as setbacks, height restrictions and siting and design standards.

Section 500 specifies the requirements for off-street vehicle parking.

Section 600 governs the authorization to grant or deny conditional use and the standards governing conditional uses. Commercial recreation is considered a high impact commercial use. High impact commercial is a conditional use in the C-G Zone

**Evaluation of Zoning Criteria**

A checklist showing staff analysis of compliance with all other standards is included in Attachment A.

**Consideration of Section 600 – Conditional Uses**

Staff finds the proposal consistent with all Conditional Use standards, considering nearness to dwellings and potential for other exterior impacts such as noise and light.

**Consideration of Section 500 - Off-Street Parking and Loading**

This section of the Milwaukie Zoning Code specifies the number of parking spaces necessary to adequately provide vehicle parking for the patrons of a given business. The section that specifies minimum parking standards, Section 503.9, does not have a minimum standard for the category of health club or health spa. The closest similar use is a standard for "dance hall, skating rink, or gymnasium" which requires one parking space for each 100 square feet of gross floor area. Staff, however, considers these listed uses more intensive than that of a health club, given the nature of those activities and the potential for spectators.

Section 503.6 gives the Planning Commission the authority to make a determination of the appropriate minimum parking standard for uses not listed, such as "health club - health spa". Research has shown that other jurisdictions have much more permissive parking standards than the one above as they apply specifically to health clubs. The City of Portland requires 1

parking space for each 250 square feet of floor space. Clackamas County requires 1 parking space for each 300 square feet of floor space for the commercial designation that includes health spas. The City of Lake Oswego requires 1 parking space for 500 square feet of floor space. Given this range of standards from other jurisdictions, it seems appropriate to adjust a restrictive standard that is appropriate for vaguely similar uses to be somewhat more permissive when taking the specific use into account. Staff has used the most restrictive of the specific standards, 1 parking space per 250 square feet of floor space dedicated to health club activities, in evaluating this particular application.

There is currently 8,500 Square feet of the facility in use as a health club. Using the above standard, this would indicate a need of 34 parking spaces, or a little over half of the available spaces, to meet the parking requirements of the business. The proposal to add another 2, 412 square feet of space for use by health club patrons would add 12 parking spaces to that requirement, for a total of 46 spaces. The facility currently has 62 parking spaces available either on site or on an auxiliary parking lot immediately to the south of the site. Using the suggested standard for the specific use would indicate that the health club actually has a surplus of 16 parking spaces for its use.

This standard seems consistent with the parking demand on the site and the parking need as articulated by the applicant. (See applicant's comments on parking requirements - Exhibit #3.) The parking lot currently functions on a daily basis at about half of full capacity. This suggests that the standard of 1 parking space for 250 square feet of health club space is an appropriate evaluation standard to use for this facility. Staff therefore recommends that the Planning Commission apply this standard to this conditional use application.

## **VI. ALTERNATIVES**

1. Approve the application with the proposed conditions of approval
2. Approve the application and adopt additional conditions to remedy any deficiencies and bring it into compliance with applicable standards and ensure compatibility with surrounding uses.
3. Approve the application as it has been submitted.
4. Deny the application

## **VII. Recommended Findings for Applications CU-00-01**

1. Nelson's Nautilus has proposed to remodel a portion of the basement in their current building to provide additional space for the activities of their facility.
2. The property has been the site for a health club since 1967. The proposed use is an expansion of the current use with the addition of office space, a massage room and a day-care facility.
3. Milwaukie Zoning Ordinance Section 601 - Authorization to Grant or Deny Conditional Uses, authorizes the Planning Commission to approve or deny a Conditional Use application. If they approve the application, they may impose any conditions which they deem necessary to protect the public health, safety, or general welfare from potentially deleterious effects resulting from approval of the permit. As conditioned, the proposal is consistent with Section 600 – Conditional Uses.
4. Application CU-00-01 has been processed and public notice provided as required by Milwaukie Zoning Ordinance Section 1011.3.
5. Application CU-00-01 complies with the standards of the Zoning Ordinance Section 313 - General Commercial Zone.

6. Application CU-00-01 is exempt from review under the Mixed Use Overlay Zone standards in accordance with Section 318.5. This exemption applies because the proposed remodel, while it does expand the capacity of the facility, does not increase the actual floor area.
7. Section 503.6 authorizes the Planning Commission to determine the appropriate minimum parking standards for uses not listed in the Zoning Ordinance. The Commission finds that a 1 space per 250 square feet of gross floor area is an appropriate parking standard for the proposed health club – health spa use. The parking provided is sufficient to meet this standard and the anticipated parking demand. (See the discussion in the Analysis Section above.)

### **VIII. 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 "Lower Level Floor Plan" dated January 18, 2000.
2. Prior to issuance of a building permit, the applicant shall submit revised building plans showing the proposed building modifications. The plans shall be to the satisfaction of the Planning Director, the Building Official and the Fire Marshal as appropriate.

### **Recommendation**

It is staff's recommendation that this application be approved

### **ATTACHMENT A - Staff Zoning Compliance Report**

#### **EXHIBITS**

1. Site Plan and Lower Level Floor Plan
2. Applicant's Zoning Compliance Report
3. Applicant's comments on parking requirements
4. Review Comments

**ATTACHMENT A - STAFF ZONING COMPLIANCE REPORT for CU-00-01**

The following report identifies how the project complies with applicable sections of the Zoning Ordinance that are not detailed in the staff report for CU-00-01, Nelson's Nautilus. See also Exhibit #2, Applicant's Zoning Compliance Report.

**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.

**Compliance with Section 313 - General Commercial Zone**

**Section 313.2** - Conditional uses permitted: The current use qualifies as a conditional use under paragraph G. of this section - High impact commercial.

**Section 313.3** - Standards: The application does not propose any changes to any of the evaluation standards of this section.

**Compliance with Section 318 - Mixed Use Overlay Zone.**

Application CU-00-01 is exempt from review under the Mixed Use Overlay Zone standards in accordance with Section 318.5. This exemption applies because the proposed remodel, while it does expand the capacity of the facility, does not increase the actual floor area.

**Compliance with Section 500 - Off-street parking and loading**

*See discussion in the Analysis section of the staff report.*

**Compliance with Section 600 - Conditional Uses.**

**Section 601.2.A** - The use meets the requirements of a conditional use in the zone currently applied to the site.

*The current use qualifies as a conditional use under paragraph G. of Section 313.2 - High impact commercial.*

**Section 601.2.B**- The use meets the standards for the underlying zone.

*The proposal meets these standards.*

**Section 601.2.C** - The proposal satisfies the goals and policies of the Comprehensive Plan which apply to the proposed site.

*The site lies within an area designated in the Comprehensive Plan as Regional Center. This designation requires a mix of residential, office and commercial uses. As a business of long standing, this business contributes to the commercial mix of uses in this area.*

**Section 601.2.D-** The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements, and natural features.

*The site is suitable for the proposed use.*

**Section 601.2.E -** The proposed use is timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use.

*The proposed expansion presents no conflict with this section.*

**Section 602.6 - High Impact Commercial Uses**

In considering a conditional use application for a high-impact commercial use, the Planning Commission shall consider the following.

**Section 602.6.A –** Nearness to dwellings, churches, hospitals, or other uses which require a quiet environment.

*The proposed remodel will not affect any buildings requiring a quiet environment.*

**Section 602.6.B –** Building entrances, lighting, exterior signs, and other features which could generate or be conducive to noise or other disturbance for adjoining uses.

*The remodel proposes no exterior alterations to the existing facility.*

**Section 602.6.C –** Parking vehicles and pedestrian access and circulation could contribute to noise or attract habitual assembly of unruly persons.

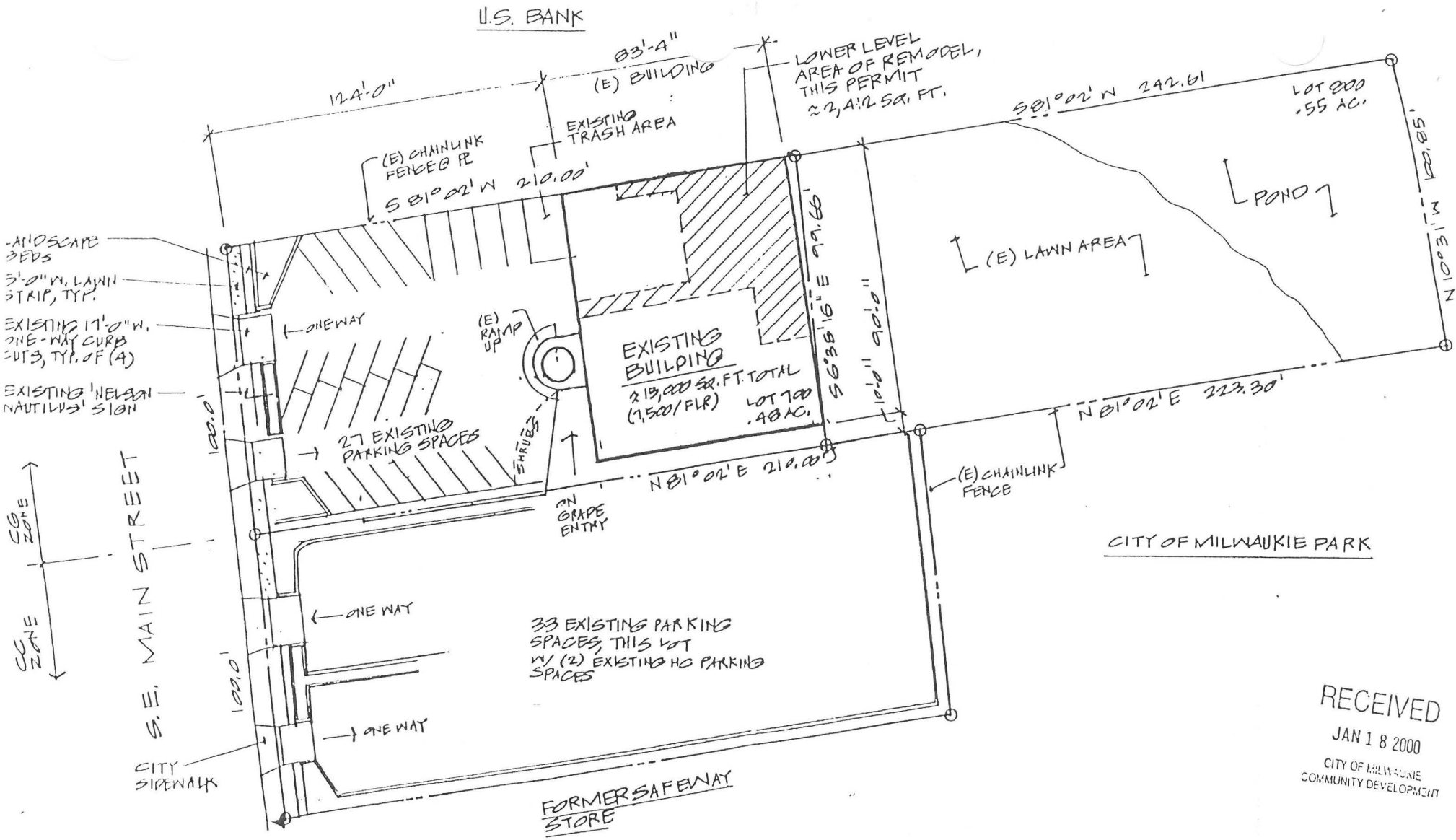
*The remodel will provide facilities for about 100 additional patrons, only about 10% of which will use the facility at any one time. The proposal will not contribute materially to noise or the attraction of unruly persons.*

**Section 602.6.D –** Hours of operation.

*The remodel will not result in any change in the hours of operation.*

**Section 602.6.E –** In addition to consideration of the above with respect to building and site design, the Planning Commission may attach conditions or standards of performance and impact, and methods for monitoring and evaluating these, to insure that such establishments do not become unduly or unnecessarily disruptive.

*The current facility operates without any undue impact on the area. The remodel will not result in any substantial additional impact, so no conditions of performance or impact are required.*



MAP INFORMATION = SW 1/4 SEC 25 T15 R1E WM  
 CLACKAMAS COUNTY  
 1-1E 25 00  
 MILWAUKIE

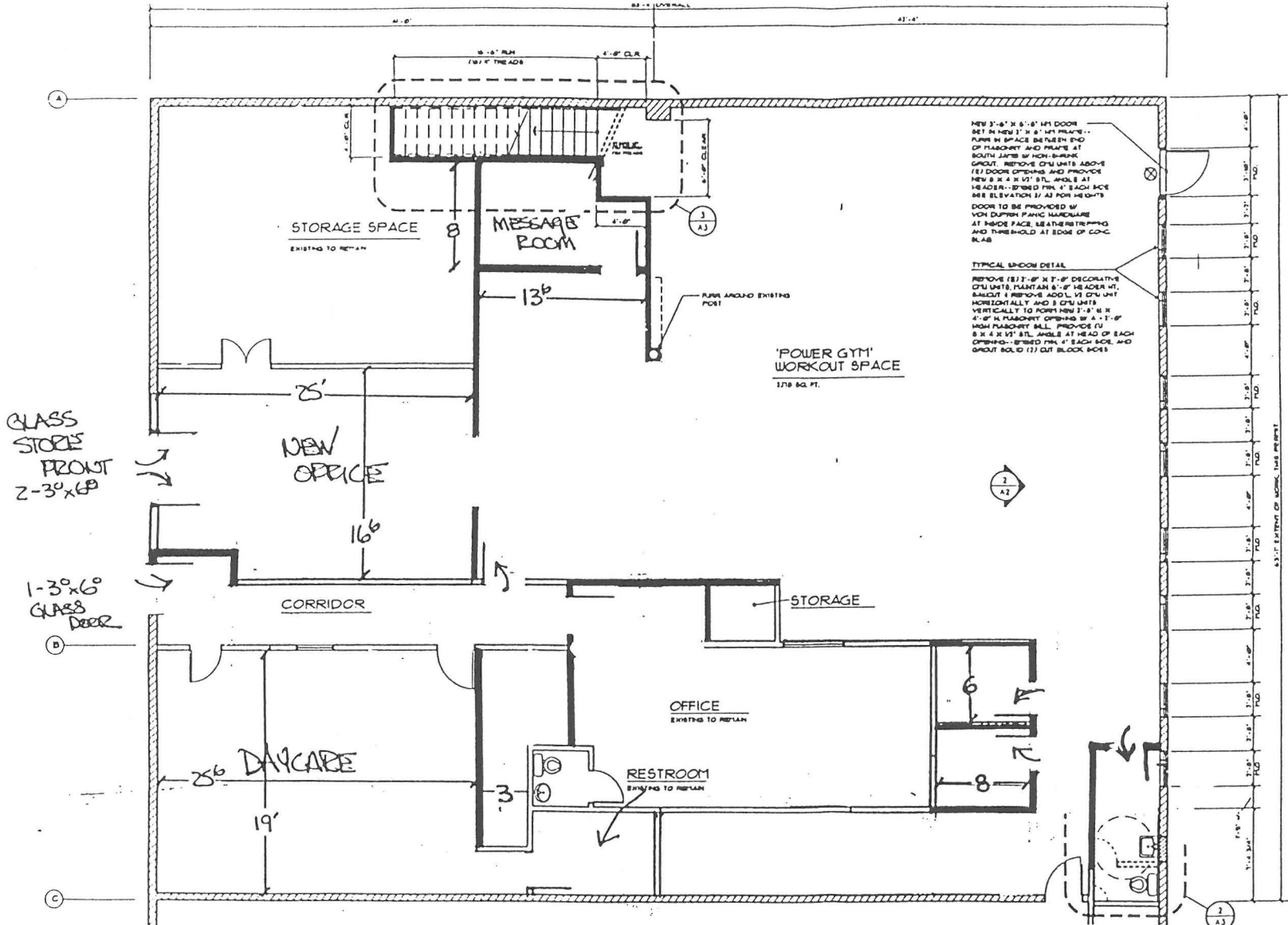
SCALE 1/32" = 1'

RECEIVED  
 JAN 18 2000  
 CITY OF MILWAUKIE  
 COMMUNITY DEVELOPMENT

**City of Milwaukie Community Development Department**

Title: Site Plan Submitted by: Applicant Date: 3/14/00 # Pages: 2  
 File Numbers: CU-00-01 Applicant: Woodruff-Nelson Exhibit #: 1



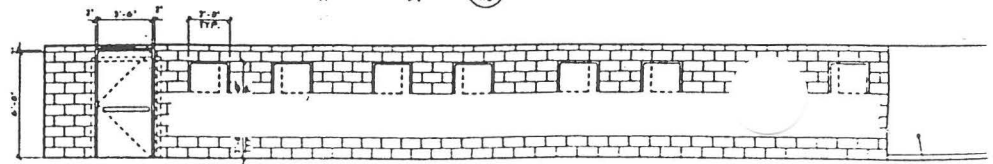


**LEGEND TO PLAN**

- EXISTING CPU WALL TO REMAIN. SEE NOTES FOR AREAS TO BE POC'D.
- EXISTING FRAME WALL TO REMAIN. VERIFY DEPTH AND STUD SPACING AS REQUIRED.
- NEW NON-RATED 3/4" x 4" STUD WALL (8" C/S #16 @ 16" O.C. W/ 3/4" GYP. BO. EACH SIDE).
- NEW OR EXISTING WALL TO HAVE A 1-HOUR RATING. SEE NOTE #3 FOR CONSTRUCTION.
- ACOUSTICALLY-INSULATED WALL. SEE NOTE #4 FOR CONSTRUCTION.
- FIRE ALARM VISUAL STROBE - POINT # - 1.80' AP.
- FIRE ALARM VISUAL STROBE WITH HORN COMBINATION - POINT # - 1.80' AP.

**FLOOR PLAN NOTES**

- 1) ALL DIMENSIONS ARE TO OUTSIDE FACE OF STUD CL. OF PARTS AND TO ROUNDOFFS OF SPOONS AND DOORS UNLESS OTHERWISE NOTED.
- 2) ENTIRE LOWER LEVEL IS PROVIDED WITH AN AUTOMATIC SPRINKLER SYSTEM. SEE PLANS FOR OTHER INFORMATION.
- 3) SOUND INSULATED WALLS TO BE CONSTRUCTED AS FOLLOWS:
  - ADD 1/2" LAYER OF "MORTARITE" ACOUSTIC PANEL BOARD TO OFFICE SIDE.
  - WALLS (SCREEN INTO THE CHANNELS POINTED # 3/4" O.C. VERTICALLY ON EXISTING WALL SURFACE) ADHERE 3/4" DO OVER ACOUSTIC PANELS.
- 4) ONE HOUR RATED WALL ASSEMBLIES ARE TO BE CONSTRUCTED WITH 1/2" LAYER OF 5/8" TYPE "X" GYP. BO. EACH SIDE. REQUIRED TO EXISTING OR NEW 3/4" x 4" STUD WALL. 1/2" O.C. FIN. BO. COOLER OR HALOCARD MAILS # 1" O.C. WITH END JOINT LOCATED ON FINISHES AND JOINTS STAGGERED EACH SIDE.
- 5) ONE HOUR RATED CEILING ASSEMBLIES (TO OCCUR BETWEEN 11' OCCUPANCY) IS OCCUPANCY TO BE CONSTRUCTED WITH 1/2" LAYER OF 1/2" TYPE "X" GYP. BO. TO EXISTING OR NEW FLOOR JOISTS (4" x 16" O.C. W/ 3/4" COOLER OR WALL BOARD # 8" O.C. END JOINTS OF WALL BOARD TO BE CENTERED ON JOIST TYP.
- 6) ALL PLUMBING WALLS TO BE COVERED WITH WATER-RESISTANT GYP. BO. (GREEN).
- 7) WEATHER STRIP ALL EXTERIOR DOORS WHERE REQUIRED.
- 8) SEE SHEET "A3" FOR ACCESSIBLE RESTROOM NOTES.



January 18, 2000  
 Myron Nelson Conditional Use Application.  
 10466 SE Main St., Milwaukie

## APPROVAL CRITERIA

### Comprehensive Plan Goals and Policies

The Comprehensive Plan designation for this area is a Regional Center zone. The Conditional Use application to upgrade the lower level of this health club may not be inconsistent with a Regional Center use. This property has had the existing health club use since 1967.

### Zoning Ordinance Sections

#### Subsection 601.2

As mentioned in the above paragraph this site has been in continuous use as a health club since 1967.

The current use as a health club is not allowed as an outright use of the existing CG zone but would conform to the description of a High-impact commercial use which is allowed under a Conditional Use application category. The primary effect of this High-impact commercial use would be the parking and pedestrian activity.

Since there are no surrounding residential or otherwise "sensitive" uses these parking and pedestrian impacts would be negligible in their effects.

The other considerations in subsection 601.2 related to adequacy of transportation systems, existing public facilities and services, site suitability, etc.....there are no existing conflicts with these standards and requirements.

#### Section 602: Standards Governing Conditional Uses

Subsections 602.1 through 602.3 involve Yards, Height exceptions, and Access to property and building openings.

All of the above subsection requirements are met within this Conditional Use proposal as having no negative impacts or effects.

## City of Milwaukie Community Development Department

Title: Zoning Report Submitted by: Staff Date: 3/14/00 # Pages: 1  
 File Numbers: CU0001 Applicant: Woodruff-Nelson Exhibit #: 2



**Strickler, Doug**

**From:** Ron Woodruff [rbwgroup@quixnet.net]  
**Sent:** Friday, March 03, 2000 8:34 AM  
**To:** strickland@ci.milwaukie.or.us  
**Subject:** Myron Nelson Conditional Use application for Milwaukie Nelson Nautilus health club

Doug,

I discussed with Myron what your questions were yesterday concerning the additional parking load on his site as a result of his building permit application for additional workout space at the ground floor of the existing club.

He said that additional new space would accomodate approximately 100 new members.

He indicated that the new parking impact would result in about 10 parking spaces.

Currently, at most times of the day, the parking lot is about half full.

I counted the existing on-site parking spaces to verify the count on the permit application site plan...the count of existing spaces is 63.

With the additional load of approximately 10 new parking spaces it doesn't appear that there will be a problem with the existing parking capacity to accomodate the new parking demand.

If you have any more questions...you have my office phone...in case I'm out of the office my cel number is 313-0934.

Thanks,  
Ron Woodruff

**City of Milwaukie Community Development Department**

Title: Parking Comments Submitted by: Applicant Date: 3/14/00 # Pages: 1  
File Numbers: CU-00-01 Applicant: Woodruff - Nelson Exhibit #: 3



**Exhibit #4 - Review Comments for CU-00-01:**

**Tom Crowder, Deputy Fire Marshal, March 2, 2000**

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

All exit doors must swing in the direction of egress and be clearly identified with approved locking/latching devices per code. Additionally, addresses must be visible from the street of address on a contrasting background, which identifies each site location on the lot. 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.





**To:** Planning Commission

**Through:** Alice Rouyer, Planning Director *AR*

**From:** John Gessner, Associate Planner *JG*

**Date:** March 14, 2000

**Subject:** Proposed Corrections Facility at 9400 SE McBrod Avenue, Clackamas County Community Corrections, Applications CSO-99-04, TPR-99-05, VR-99-08, NR-99-04, and MLP-99-07.

**I. ACTIONS REQUESTED**

1. Direct staff to prepare Findings and Conditions based upon the Commission's consideration of the public benefit test of Section 321-Community Service Overlay as applied to application CSO-99-04.
2. If the Commission directs staff to prepare Findings and Conditions in support of approval of CSO-99-04, it is requested that the Commission approve the recommended Findings and Conditions of Approval for applications CSO-99-04, VR-99-08, MLP-99-07, NR-99-04, and TPR-99-05.

**II. CODE AUTHORITY AND SUBSTANTIVE CRITERIA**

Milwaukie Zoning Ordinance Sections

- a. 321-Community Service Overlay
- b. 1400-Transportation Planning, Design Standards, and Procedures
- c. 700-Variances, Exceptions, and Home Improvement Exceptions

Milwaukie Subdivision Ordinance Section 17.28-Partitioning

**III. EXECUTIVE SUMMARY**

The key issues of this staff report follow.

1. Clackamas County Community Corrections is seeking approval to construct an 80-100-bed facility at 9400 SE McBrod Avenue, which is adjacent to its existing facility.
2. Since the project requires Community Service Overlay approval, the Planning Commission must find that the application is in the public interest, and that the

public benefits outweigh the possible adverse impacts. In its deliberation on the CSO applications, the Commission is required to exercise quasi-judicial discretion, based on the information presented. The applicant has provided information regarding public benefits, however, staff believes it has insufficient information regarding possible adverse impacts to recommend action on the application. Accordingly, staff has requested Commission direction on findings of the public benefits test, after applicant presentation and public testimony has been received.

- 3. Staff has not recommended findings on the public benefits test of the CSO application pending Commission direction based on applicant presentation of the case and receipt of public testimony.
- 4. The Transportation Plan Review, Variance, and Minor Land Partition applications have been found to meet applicable criteria.

**IV. BACKGROUND**

**1. Statistics**

Location:	9400 SE McBrod Avenue Northeast corner of Milport Road and McBrod Avenue
Zone:	Business Industrial, Natural Resource Overlay
Tax Lot	1 1E 26AD 00100
Property Owner	Americold Real Estate LP
Applicant	Clackamas County Community Corrections

**2. Summary Project Description**

Clackamas County Community Corrections (CCCC) is requesting land use approvals to site a new 80-100 bed minimum security corrections facility just south of its existing facilities at 9000 and 9200 SE McBrod Avenue. The corrections program provides work release and varied rehabilitation and counseling services. Project descriptions are found in Exhibit 4-Letter of Steve Bracy, Residential Services Manager and Exhibit 5-Applicant's CSO Application Narrative Report. The applicant has indicated that the project will not likely be constructed for 3 to 5 years.

Conceptual development plans indicate construction of approximately 14,000 square feet of floor area. 35 parking spaces are provided, but the actual number of parking spaces required is subject to the Commission's determination. The actual floor area and to be constructed will be determined by the number of parking spaces required and the ability to construct them within the construction envelope of the site. The size of construction envelope is dictated by the location of the floodway boundary.

The project is to be sited on a 3.19 acre parcel to be partitioned from the parent 12.33 acre Americold property. The project site is bounded easterly by Johnson Creek, southerly by Milport Road, westerly by McBrod Avenue, and northerly by existing CCCC

facilities. Much of the lies within the 100 year floodway and flood plain of Johnson Creek resulting in a relatively small developable area. The building setback from Johnson Creek is approximately 70 feet.

## **V. ANALYSIS OF PROPOSAL**

### **Zoning Authority**

The proposal is subject to the following regulations.

- Section 1011.3-Minor Quasi-Judicial Review, governs public notice and the application process.
- Section 321-Community Service Overlay, governs the use and defines performance criteria to ensure compatibility with neighbors.
- Section 1400-Transportation Planning, Design Standards, and Procedures, addresses the adequacy of pedestrian, bicycle, and other transportation improvements.
- Section 500-Offstreet Loading and Parking, specifies standards for parking lot design, lighting, and landscaping.
- Section 314-Manufacturing Zone M, specifies zoning standards such as setbacks, building height, and minimum vegetated area.
- Subdivision Ordinance Section 17.32-Partitioning, governs creation of new lots.

### **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 2-Staff Zoning Compliance Report. A summary of key issues zoning follows.

#### **1. Compliance with the Section 321, Application CSO-99-04**

Corrections facilities are permitted Community Service Overlay uses but require a Commission findings that the use is in the general public interest, and that the benefits to the public outweigh the possible adverse impacts. Where potential adverse impacts are found, Section 321 authorizes the Planning Commission to condition the application to ensure compatibility with other uses in the vicinity. The applicant's responses to Section 321 are found in Exhibits 4 and 5.

The public hearing is essential to identification of public issues and definition of the project's benefits and potential adverse impacts. Staff believes that the public hearing process must first be conducted in order to inform the Commission on details of the

application and public issues, thereby facilitating its consideration of the public benefits test of Section 321.

The four parts of the public benefit test are addressed below.

A. *Is the proposed corrections facility in the public interest?*

The applicant states that the use is in the public interest. Corrections facilities are eligible CSO uses per Section 321.4 and therefore are presumed to be in the public interest because of the substantive social functions they perform. In the case of this use, the work release, counseling, and supervisory functions result in direct benefits to the community at large. These benefits include the social rehabilitation of individuals within the corrections system and protection of the larger community.

B. *What are the public benefits of the proposal?*

1. The applicant has identified the following benefits, which have been summarized by staff from Exhibit 5-CSO Application Narrative Report. The applicant bears the burden of identifying and describing public benefits.
  - a. The proposal is sited in a non-residential neighborhood.
  - b. The track record of the existing facility on McBrod Avenue demonstrates effective supervision of resident offenders, since there have been no arrests for person-to-person crimes in the last 20 years of operation.
  - c. The facility enables low risk offenders presently serving sentence in Clackamas County Jail to fulfill sentences in a more appropriate setting.
  - d. The facility location is convenient to public transportation thereby facilitating resident job placement.
  - e. The proximity to existing CCCC facilities will result in increased economic efficiencies.
  - f. According to the applicant, North Clackamas and Milwaukie are home to a large percentage of offenders. Siting a facility in Milwaukie allows maintaining family ties and increases the probability of successful transition into the community. *See Exhibit 4.*
  - g. The project will increase space for women offenders.
  - h. The project respects applicable environmental regulations.
2. Staff response to applicant's identification of public benefits.

Public benefits accrue primarily to the community, can be direct or indirect, and may include social, economic, environmental, fiscal or other values. A discussion of the item above follows.

- a. Staff believes the direct benefits of the proposed use are inherent in the function it performs, and that benefits are significant. Public safety and corrections are basic functions of government and essential to social order and public safety.
- b. Siting the use in a non-residential zone may reduce neighbor perception of increased risk of criminal activity. Staff believes that the choice of sites represents mitigation of adverse public perception, rather than representing an actual public benefit. It is believed however, that the siting choice is a significant mitigating factor that may be considered by the Commission in the evaluation of benefits and adverse impacts.
- c. CCCC's record of successful management of the existing facility represents a significant mitigating factor but may not represent an actual public benefit.
- d. The proximity of the site to transit does return indirect public benefits by facilitating the operation of the work release program.
- e. The proximity of the site to existing facilities does result in indirect public benefits by enhancing administrative and economic efficiencies. These benefits may be generally realized though reduced costs of program operations.
- f. Siting a facility close to offender's families enhance the transition of offenders into the community.

C. *What are the potential adverse impacts of the proposal?*

1. The public benefits test requires consideration of the possible adverse impacts of the use.
2. The applicant has not identified any potential adverse impacts associated with the proposal.
3. Staff is reserving analysis of negative impacts pending the Commission's receipt of the applicant's presentation and public testimony at the public hearing.

D. *Do the benefits outweigh the potential adverse impacts?*

In evaluating this question, the Planning Commission must exercise quasi-judicial discretion based upon the information presented. Section 321.4.D provides the following:

*"If the Commission finds that the establishment of the community service use is in the general public interest and that the benefits to the public outweigh the possible*

*adverse impacts of the use, then the Commission may approve the designation of the site for community service use.”*

**Alternatives to Ensure Compatibility with Other Uses.**

The Planning Commission can impose conditions to ensure compatibility with surrounding uses pursuant to Section 321.4.C. If the Commission finds that the use will result in potential adverse impacts, it can impose conditions to mitigate those adverse impacts. Depending on the Commission’s determination of adverse impacts that require mitigation, it may condition such features as size of the facility, criminal classification of residents, scope of rehabilitation programs, etc.

**Alternatives for Commission Action**

Action on the CSO Application

The Commission may approve, modify, or reject the Community Service Overlay application according to its evaluation of the public benefit test as follows.

- a. Approve the CSO application upon finding that the use is in the general public interest and that the benefit to the public exceeds any possible adverse impacts.
- b. Condition the CSO application to correct any imbalance where the use is found to be in the general public interest, but where it is also found that adverse impacts outweigh the public benefits.
- c. Deny the CSO application where it is found that use is in the public interest, but where it is also found the adverse impacts exceed the benefits.

Action on the NR, TPR, VR, and MLP Applications.

Staff has prepared Recommended Findings and Conditions of Approval for all related applications based on applicable approval criteria. There are a number of alternatives for action on these applications depending on the Commission’s decision on the CSO application.

- a. If the Commission approves the CSO, it is recommended it adopt the recommended Findings and Conditions of Approval for all related applications.
- b. If the Commission denies the CSO it is recommended it deny the TPR, and NR applications.
- c. If the Commission denies the CSO it can approve the applications for Variance of minimum landscape requirements and Minor Land Partition.

**2. Compliance with Variance Criteria, Application VR-99-08**

Variance of Minimum Landscape Requirements

The proposed minor land partition will create a deficiency of minimum landscaped area on Parcel 2, the Americold site. Development standards for the Manufacturing Zone

require a minimum 15% landscaped area be provided. The east side of the parent parcel is substantially covered by building and parking areas. Parcel 1 is presently undeveloped. A summary table follows.

Parcel	Lot Area	Landscaped Area	% of Site Landscaped
1-Clackamas County	3.19 acres	121,414 <sup>1</sup>	87.37%
2-Americold	9.14 Acres	38,137 s.f. <sup>2</sup>	9.6% <sup>3</sup>
<b>total</b>	12.33 acres	159, 551 s.f.	29.7%

Notes: 1. Proposed landscaped area of CCCC project.  
 2. Actual landscaped areas for Americold site.  
 3. Required landscaped area is 59,721 s.f, actual is 38, 137 s.f.

The applicant's response to variance criteria is attached in Exhibit 6. Staff believes the approval criteria have been substantially satisfied. The strength of the request is that CCCC is proposing that more than the minimum landscaped area required for the both lots, will be provided on the CCCC parcel. The criteria and applicant's response are summarized below.

A variance may be granted only when the Planning Commission finds all of the following criteria are satisfied.

- A. *That the property in question has unusual conditions over which the applicant has no control. Such conditions may only relate to physical characteristics of the property, lot or boundary configurations, or prior legally existing structures.*  
 The east portion of the site has been substantially developed. Landscaping requirements have historically been satisfied on the west portion of the site, which has remained undeveloped.
- B. *That there are no feasible alternatives to the variance and that the variance is the minimum variance necessary to allow the applicant the use of his/her property in a manner substantially the same as others in the surrounding area.*  
 The requested variance of 5.4% of lot area for required vegetation is the minimum necessary for Parcel 2 to comply with the development standards. The applicant has indicated that the status of negotiations with the property owner over acquisition of Parcel 1 makes it infeasible to redesign the proposed lot layout to eliminate the need for the variance.
- C. *That adverse effects upon other properties that may be the result of this variance shall be mitigated to the extent feasible.*

The aggregate amount of landscaped area for Parcels 1 and 2 will be provided on the CCCC parcel to mitigate the deficiency on the Americold site. There will be no discernable visual impacts of the variance because of the manner in which the Americold site has been developed. Environmental and flood control restrictions ensure that a vegetated buffer will remain along the west side of Johnson Creek and therefore preserve the basis for approval of the variance.

**3. Compliance with Section 500-Offstreet Parking and Loading**

The Planning Commission has the authority to determine the appropriate number of required parking spaces for uses that are not listed in the zoning regulations pursuant to Section 503.6. The Zoning Ordinance does not specify parking requirements for corrections facilities. The applicant is proposing to construct 35 parking spaces to serve the 80 to 100-bed facility.

In its approval of CSO-91-04 for construction of new corrections facilities at 9000 SE McBrod, the Commission authorized 1 parking space per 3-resident beds and 1 space per 2-staff. These ratios appears to be adequate for the existing facility and are expected to be adequate for the proposed facility provided the programs are similar.

The applicant has indicated that the project may not be constructed for 3-5 years. Given that conditions related to the project may change by the time it is constructed, a condition requiring confirmation of the adequacy of the parking ratio prior to issuance of building permit has been recommended.

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

Section 1400 requires construction of transportation improvements including sidewalk and curbing based on specified requirements in Table 1405. A condition requiring construction of curbing and sidewalk along the McBrod Avenue has been recommended.

**5. Compliance with Section 322-Natural Resources Overlay**

Development activities on the project site are subject to Zoning Ordinance Section 322-Natural Resource Overlay Zone, the purpose of which is to provide protection for natural resources depending on the characteristics of the resource. The applicant has submitted a wetland delineation survey of the site, which is provided in Exhibit 7-Applicant's NR Application Narrative Report. A summary of the report's principal findings follows.

1. Areas of the site upland from the riparian borders of Johnson Creek contain disturbed soils and regularly maintained (mowed) plant communities consisting mostly of grasses.
2. The primary hydrologic feature of the site is Johnson Creek. Potential wetland soils are located within the normal high water elevation of the

creek. The riparian region of the site contains a mix of native and non-native plants

- 3. Wetlands are not found within the development envelope based on investigation of soils, hydrologic, and vegetation criteria.

Staff believes that the proposed development activities will have a minimal impact on natural resource values associated with Johnson Creek and its riparian corridor provided customary impact management practices such as erosion control are followed

Since non-exempt maintenance activities such as removal of vegetation are subject to review under the natural resource regulations, it is recommended that a resource boundary be established to protect riparian corridor of Johnson Creek thereby facilitating riverine habitat and water quality protection.

All maintenance activities within this buffer would be subject to application requirements of natural resource regulations unless exempted by Commission approval of a resource management plan submitted by the applicant. Normal property and landscape maintenance activities outside of the resource buffer could be made exempt from application requirements of the natural resource regulations.

Resource management plans can be used to specify permitted maintenance activities and protective resource restrictions thereby allowing for flexible property maintenance while assuring resource protection. Resource management plans can also be used to specify resource restoration activities where appropriate.

**VI. RECOMMENDED FINDINGS IN SUPPORT OF APPROVAL OF VR-00-08, NR-99-09, MLP-99-07, AND TPR-99-07.**

- 1. Clackamas County Community Corrections is proposing to construct an 80-100 bed, 14,000 square foot corrections facility at 9400 SE McBrod Avenue. 35 parking spaces are shown on the applicant's site plan. The development plans include construction of right-of-way improvements including curbs and sidewalks and 19 new street trees. The size of the facility may be constrained by the ability to provide parking at the rate deemed appropriate by the Commission.
- 2. The proposed development plans do not specify final construction details including bed count, administrative, and operations spaces, architectural floor plans, landscaping, grading and other plans. These plans are normally reviewed by the Planning Commission prior to approvals being granted. Accordingly, Commission review of final construction details is warranted prior to issuance of building permits.
- 3. The applicant has requested the Planning Commission to confirm the appropriate parking ratio, since the zoning regulations do not specify a rate for corrections uses. The Commission accepted 1-space per two staff and 1-space per three

beds based on the applicant's approval of CSO-91-01. The applicant has indicated the programs at the existing facility at 9000-9200 SE McBrod will be similar to the proposed facility is accepted for the purposes of this review. To ensure proper consideration of any changes in conditions that might affect parking demand of the proposed facility, the Commission, shall review parking demand and the then applicable parking regulations prior to issuance of a building permit.

4. Applications TPR-99-04, VR-99-08, and MLP-99-07 have been processed, and public notice provided in accordance Zoning Ordinance Section 1011.3-Minor Quasi-Judicial Review. The applications meet, 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
5. Application MLP-99-08 complies with Subdivision Ordinance Section 17.32-Partitioning.
6. The site plan presented under applications TPR-99-04 and NR-99-04 complies with development standards of Zoning Ordinance Section 314-Manufacturing Zone with the exception that compliance with building height has not been shown. Building height will be confirmed on review of detailed development plans prior to issuance of a building permit.
7. As amended by conditions of this approval, application TPR-99-04 complies with Zoning Ordinance Section 1400. Transportation improvements including but not limited to sidewalks, park strip, and bicycle parking are to be provided in accordance with Zoning Ordinance Section 1400-Transporation Planning, Design Standards, and Procedures.
8. As amended by conditions of this approval, application NR-99-04 complies with Zoning Ordinance Section 322-Natural Resource Overlay.
9. Application VR-99-08 complies with Zoning Ordinance Section 700. The applicant has satisfied the intent of Section 314.6.D-Landscaping, by providing landscaped areas on Parcel 1 that exceeds the minimum area required for the aggregate of Parcels 1 and 2. A substantial portion of Parcel 1 is subject to development controls of the City's flood regulations and is contained within riparian setbacks in which development activities are restricted, thereby protecting the vegetated area from development and preserving the basis for granting the variance.

**VII. RECOMMENDED CONDITIONS OF APPROVAL FOR VR-00-08, NR-99-09, MLP-99-07, AND TPR-99-05.**

1. Prior to issuance of a building permit, the development plans shall be returned to the Planning Commission for review of construction plans and determination of consistency with provisions of this approval and applicable development standards. The applicant shall submit for Commission review, all final

- development details including but not limited to, grading, landscaping, parking, program specifications, architectural floor plans and elevations.
2. Prior to issuance of a building permit the applicant shall submit to the satisfaction of the Planning Director all development plans including but not limited to site plan, grading plan, landscaping plan, architectural floor plans and elevations, and parking plan. The landscaping plan shall show all planting as required by Sections 500-Offstreet Parking and Loading and 327.A.3-Natural Resource Overlay Zone.
  3. The final plat for the minor land partition shall be submitted to the mutual satisfaction of Public Works Director and Planning Director prior to filing with the County Surveyor. The plat must be submitted for City approval within one year of the approval or the approval shall become void pursuant to Subdivision Ordinance Section 17.20.010
  4. Prior to issuance of a building permit the applicant shall submit to the satisfaction of the Public Works Director plans showing full half-street improvements including curb, sidewalk, storm drainage, and appurtenances must be constructed along the entire McBrod Avenue and Milport Road frontage. These plans shall be consistent with standards for construction in flood plain and floodway areas as applicable pursuant to Milwaukie Municipal Code Chapter 18.04 Flood Hazard Areas.
  5. Prior to issuance of building permits or right-of-way permits the applicant shall submit to the satisfaction of the Public Works Director full-engineered plans and specifications.
  6. Prior to issuance of any occupancy approvals all required right-of-way improvements shall be constructed in accordance with approved plans and inspected to the satisfaction of the Public Works Director.
  7. Prior to the issuance of a building permit all system development charges shall be paid.
  8. Prior to the issuance of a building permit a plumbing plan showing all on-site sanitary sewer, water, and storm drainage, shall be submitted to the mutual satisfaction of the Building Official and Public Works Director.
  9. Prior to the issuance of a building permit and prior to any earth disturbing activities taking place, an erosion control plan and application shall be submitted to the satisfaction of the Public Works Director.
  10. Prior to issuance of a building permit a resource protection plan showing limits of construction activities shall be submitted to the satisfaction of the Planning Director.
  11. Prior to commencement of construction activities and placement of equipment or material, a construction barrier shall be erected (and inspected to the satisfaction of the Planning Director) not less than 40 feet from Johnson Creek.

12. Prior to issuance of a building permit the applicant shall submit to the satisfaction of the Public Works Director, engineering proof of the location of the floodway boundary. The floodway boundary shall be shown on the site plan and grading plan. The applicant shall specify controls on construction or grading to ensure "zero rise" of the floodway elevation.
13. Prior to any excavation taking place, the floodplain boundary and the floodway shall be staked to the satisfaction of the Public Works Director.
14. Prior to commencement of any portion of work above the parking-level elevation, the applicant shall submit to the satisfaction of the Building Official and Public Works Director, elevation certification and other proofs as may be required to demonstrate compliance with flood hazard regulations and related building code requirements.
15. Prior to issuance of a building permit, the applicant shall submit proof to the mutual satisfaction of the Building Official and Public Works Director, that all construction complies with applicable flood hazard regulations and related building code provisions. All domestic water supply systems and sanitary sewage systems shall be designed to eliminate infiltration of floodwaters.
16. Prior to issuance of a building permit the applicant shall submit to the satisfaction of the Planning Director a revised site plan showing areas of refuse collection. Refuse containers shall not be placed in required parking areas.
17. 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.
18. 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.
19. 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 properties and within 25 feet of Johnson Creek.

**EXHIBITS**

1. Vicinity Map
2. Staff Zoning Compliance Report
3. Review Comments

- . Letter of Steve Bracy, CCCC, 2/28/2000
5. Applicant's CSO Application Narrative Report
6. Applicant's Variance Application Narrative Report
7. Applicant's Natural Resource Overlay Application Narrative Report
8. Applicant's Minor Land Partition Application Narrative Report
9. Applicant's Variance Application Narrative Report



**XHIBIT 2 STAFF ZONING COMPLIANCE REPORT FOR MLP-99-07, TPR-99-05, and NR-99-04.**

This report identifies how the project complies with applicable sections of the Zoning Ordinance that are not detailed in the staff report for.

**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 Subdivision Ordinance**

Application MLP-99-07 complies with applicable provisions of the Subdivision Ordinance. See applicant's narrative compliance report for minor land partition in Exhibit 8.

**3. Compliance with Section 322-Natural Resource Overlay**

Application NR-99-04 complies with applicable provisions of the Zoning Ordinance Section 322. See applicant's narrative compliance report for Natural; Resource Overlay in Exhibit 7.

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

Application TPR-99-05 complies with applicable provisions of Zoning Ordinance Section 1400. See applicant's narrative compliance report for transportation plan review in Exhibit 9.



**EXHIBIT 3 REVIEW COMMENTS**1. Lewelling NDA: Jean Michel Land Use Chair, 2/10/00

We recognize our responsibility to provide corrections facilities. However, we do not feel the Milwaukie needs to be the dumping ground. Perhaps a new facility should be elsewhere.

If in fact this is the best the place, then Clackamas County needs to stand ready to fund the needed police force for increase of criminal housing.

We hope and expect that the City is contacting the near neighbors of those proposed facility, even if they lie outside of city limits.

2. Island Station NDA, Molly Hanthorn, Land Use Chair, 2/8/00

The members of the Land Use Committee have individually received and reviewed the application. The application was briefly discussed at the NDA meeting on February 4, 2000. Those in attendance at that meeting instructed me to respond that the Island Station Neighborhood Association did not see any problem with the proposed land use.

3. Public Works, Paul Roeger, P.E., Civil Engineer, February 7, 2000

The proposed development actually fronts on SE McBrod Avenue and Milport Road. McBrod Avenue is an asphalt-paved roadway within a 60-foot right-of-way. This right-of-way also contains a railroad track on the west side for service to some of the businesses along McBrod Avenue. The correction facility to the north constructed full half-street improvements including curb along their entire frontage and storm drainage at the time it was built.

This facility is required to install full half-street improvements including curb, sidewalk, storm drainage, and appurtenances along the entire frontage of McBrod Avenue to match the curb line to the north. Frontage improvements to Milport Road must also be done. However, a blockage of the floodwaters must not occur. We will need to work with the applicant and his engineer to determine the extent of those improvements to Milport Road.

City water is available in McBrod Avenue from an existing 8-inch main. System development charges (SDCs) will be assessed at the time of building permit review based on the number of plumbing fixtures installed in the building.

City sanitary sewer is available in McBrod Avenue from an existing 12-inch main. SDC's will be assessed at the time of building permit review based on the number of plumbing fixtures installed in the building.

On-site storm drainage must be run to Johnson Creek. All storm water drained to the creek must be run through a grassy swale to remove impurities. SDCs for storm water will be assessed at the time of building permit review based on the square footage of impervious surface placed on the site, including building, parking, sidewalks, etc.

Full-engineered plans must be submitted to the Engineering Department for review before beginning construction. All public improvements must be in place before the

**City of Milwaukie Community Development Department**

Title: Review Comments Submitted by: Staff Date: 3/14/00 # Pages: 2  
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occupancy permit is issued for the building. An erosion control plan and application must be submitted with the building permit application.

Transportation SDCs for the property will be based on the trips generated by the use from the Trip Generation handbook from the Institute of Transportation Engineers and the square footage of building or per employee.

This property is partially in the 100-year flood plain. The floodplain boundary and the floodway must be staked prior to any work being done on the site. Regulations require that the floodway be kept open so that flood flows are not obstructed or diverted onto other properties. An elevation certificate is required for the building to show that the first floor is elevated or flood proofed one foot above the Base Flood Elevation (BFE). All proposed construction and other development, including excavation, grading, and/or fill, must be reviewed and permitted before any work is done within the designated 100-year floodplain. All domestic water supply systems and sanitary sewage systems must be designed to eliminate infiltration of floodwaters.

4. 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 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



# CLACKAMAS COUNTY

Department of Community Corrections

MARK K. RASMUSSEN  
DIRECTOR

February 28, 2000

RECEIVED

FEB 29 2000

CITY OF MILWAUKIE  
PLANNING DEPARTMENT

Mr. John Gessner, Associate Planner  
City of Milwaukie – Community Development  
6101 SE Johnson Creek Blvd.  
Milwaukie, OR 97206

**RE: Clackamas County Community Corrections CSO 99-04**

Dear Mr. Gessner,

Clackamas County Community Corrections believes construction of an additional correctional facility, on property adjacent to our existing two facilities, is in the general public interest and the benefits to the public outweigh the possible adverse impacts of the use for the reasons listed below.

- As is the case with the two existing facilities, the proposed facility would be constructed in an area zoned for manufacturing. **It will not be located in a residential area and will not sit adjacent to any residential neighborhoods.** The proposed facilities immediate neighbors will consist mainly of commercial enterprises located in large, warehouse type structures. Negative neighborhood impact is not foreseen.
- The proposed facility would operate with the same basic program structure currently in use at our two existing facilities:
  - Staffed 24 hours per day 7days per week by certified Community Corrections Officers.
  - Offenders may leave the facilities only when authorized and must check in and out.
  - Hourly counts will be conducted per ORS and to record the location of each offender.
  - Random spot checks of employment and pass locations to verify offender presence.
  - Random alcohol and drug testing of offenders returning from authorized leaves.
  - Authorized leaves to participate in Court ordered treatment i.e., alcohol and drug, anger management, mental health etc.

Clackamas County has operated community-based facilities for the past 20+ years at our present locations and has established a history of effective offender management. Our track record with respect to offender behavior in the community has been very good, particularly with regard to offender arrests for person to person crimes – we have had one recorded to date.

## City of Milwaukie Community Development Department

Title: S. Bracy Letter Submitted by: Applicant Date: 3/14/00 # Pages: 3  
 File Numbers: CSO-99-04 / MLD-99-07 Applicant: Clackamas City Corrections Exhibit #: 4  
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- The addition of the minimum security, work-release beds the proposed facility provides would reduce the number of sentenced offenders serving their time in maximum security at the county jail. Many of the offenders currently serving their sentence at the Clackamas County Jail are low risk and could be safely housed in a community based work release facility if space were available. We currently maintain a waiting list to enter our facilities and the County jail is presently releasing about 300 offenders per month, via their matrix process, to make room for newly arrested offenders. The new facility would significantly ease this burden and enhance public safety by creating more room at the maximum security jail for the county's police agencies to lodge offenders.

In addition, the proposed facility would also provide more structured intervention options for our field Parole and probation officers. Currently, our field officers use both our facilities heavily as an effective intervention option when an offender violates the terms of their release and warrants an intermediate sanction, or as a crisis placement option should the offender suddenly become homeless or become unemployed. Recently, the City of Milwaukie allowed a modification of our current use permit enabling us to house a limited number of category 9 and 10 offenders in our existing facilities. I think it is fair to say the Planning Commission granted the modification because they concluded the public's interests were better served if higher risk offenders were housed in the supervised, structured environment our facilities provide. Allowing construction of the proposed facility will enhance our ability to provide this structure and programming to a larger number of offenders.

- Work release will be the cornerstone of the proposed new facility as well. Like our existing facilities, the proposed facility would be conveniently located for access to public transportation which, with very few exceptions, we require all offenders to use. In addition, offenders using public transportation can access it, via three main walking routes, that do not put them in contact with residential neighborhoods. Again, this is due primarily to the fact the proposed facility is located in a manufacturing zone surrounded mainly by large warehouses and commercial buildings.

It also would be conveniently located, like our current facilities, near numerous employment opportunities for offenders to seek jobs. Depending which bus route the offender boards he or she can access employment opportunities along the McLoughlin corridor, 82<sup>nd</sup>. Ave. corridor, 224/212 corridor and most of Portland within minutes. Becoming employed is the key element to our programs and the public's interests are vitally served when the offender population becomes productive and begins to constructively use their time.

- The proposed site is adjacent to our existing facilities, is available for purchase and is reasonably priced. In addition, we realize certain efficiencies by locating the proposed facility proximate to our existing facilities that would not be realized if we were to build elsewhere, i.e., shared administration, staff interchangeability, shared building maintenance, programming resources, and foodservice to name a few. Simply put, we are less costly to the public if we locate as proposed.
- North Clackamas County and the City of Milwaukie are home to a large percentage of the offender population supervised by Community Corrections. Adding the additional space in Milwaukie, as proposed, would allow the majority of the offenders housed to maintain positive ties to their home community as well as increase the probability of a more successful transition back in to the community upon their eventual release.
- The addition of a third facility would also increase the number of beds available for women offenders. At present we can only house a maximum of 16 women offenders between our two facilities. I do not think anyone would dispute it is in the public's interest to expand our resources for women offenders. Many of them are single mothers, badly in need of assistance to help them develop in to responsible parents capable of raising productive, law abiding citizens.

- Like our existing facilities the proposed facility would be located on land adjacent to Johnson Creek. Despite our proximity to the creek, we have been good stewards of the environment. We maintain the creek banks, do not disturb the natural habitat or denizens of the area, do not dump into the creek, occasionally pull solid waste pollution from the creek that has floated by from upstream, and comply with all local ordinances when it comes to trimming trees bordering the creek or removing fallen trees from the creek. We do not disturb fallen trees that provide habitat unless directed to do so by governing authority and prohibit the offenders we house and their visitors from entering or disturbing the creek. The fact the proposed facility would not be constructed in the marked floodway sets it back greater than 50 feet from the creek bank which very likely would be our required setback distance once the city develops their Title III ordinance as required by METRO.

In closing, we believe the addition of a third facility would have no negative impact on the livability of Milwaukie's neighborhoods and would serve the public's interest for the reasons stated above. Do not hesitate to contact me if you have questions.

Sincerely,

  
Steve Bracy  
Residential Services Manager  
Clackamas County Community Corrections

CC – Mark Rasmussen, Director, Clackamas County Community Corrections  
File

**CLACKAMAS COUNTY CORRECTIONAL FACILITY  
SE McBROD AVENUE, MILWAUKIE, OREGON 97222  
APPLICATION FOR LAND USE ACTION  
COMMUNITY SERVICE OVERLAY**

**A. Proposal Description**

Clackamas County Community Corrections proposes to construct and operate an 80 – 100 bed co-ed minimum security correctional facility on the subject property, similar to those currently operated by Community Corrections at 9000 and 9200 SE McBrod Avenue (the 2 properties directly north of the subject property).

Programming in the proposed facility would replicate the current programming in our existing two facilities with the cornerstone also being work release (see attached handbooks). Resident offenders will be allowed out of the facility on authorized leaves only to attend work, for social passes (again see attached handbooks) and other Court required activities, i.e., alcohol and drug counseling, mental health counseling, anger management counseling, AA/NA self-help programs, etc. Resident offenders would also be required to complete in-housing programming as well, that would consist primarily of job search assistance and cognitive restructuring groups.

We also propose using a portion of the new facility, up to 30 beds, to house a residential alcohol and drug program for male offenders. However, it too would be a non-medical treatment program absent detox capability similar to our current 16 bed program at the Residential Center.

The proposed facility would also be staffed with DPSST trained and certified corrections officers responsible for the safety and security of the facility. In addition to corrections officers, the proposed facility would also be staffed with corrections counselors, who will be assigned a set number of residents for whom they will have case management responsibility. We also plan, in contract partnership with Clackamas County Mental Health, to staff any A and D treatment component with Mental Health Specialists.

As is the case with our existing facilities, public transportation would be the primary means of offender transportation to their employment, due to its excellent access and its service routes to many local employers in the immediate area and beyond.

A.1

**City of Milwaukie Community Development Department**

Title: CSO Narrative Submitted by: Applicant Date: 3/14/00 # Pages: 11  
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No final plans for the proposed building are being submitted to the Commission by the County's representative, Ronald Lee, of Architects Barrentine Bates Lee, since the design-build concept is not cost effective without first obtaining a conceptual approval of site development from the City of Milwaukie. A conceptual site plan, however, is enclosed with this application illustrating a probable layout of parking on that portion of the site located outside of the floodway boundary. The building would be constructed as a second level over the parking area: the size of the second level area would be approximately 14,000 s.f. Some additional space might occur on a third level; its size would be limited to conform with area -to- parking ratios yet to be determined by the Planning Commission.

The present site lies in the flood plain which requires that structures be protected from the 100-year flood elevation. The finished floor elevation of the first floor of the building (in this case, stairs and elevator lobbies) must be at least 1- foot above the 100-year flood elevation. Construction would be avoided within the floodway.

Construction of the proposed facility has not been scheduled, but would probably occur in approximately 3 - 5 years.

**CLACKAMAS COUNTY CORRECTIONAL FACILITY  
SE McBROD AVENUE, MILWAUKIE, OREGON 97222  
APPLICATION FOR LAND USE ACTION  
COMMUNITY SERVICE OVERLAY**

**B. Approval Criteria**

**Comprehensive Plan Goals and Policies**

Project provides for needed community services.

Proposal does not adversely affect or otherwise contradict any Comprehensive Plan Goals or Policies.

**Zoning Ordinance Sections**

**321.4 A. 1. Requirements of the underlying zone are met:**

The site lies in Manufacturing Zone M as described in Zoning Ordinance Section 314. (The property also lies in the Community Service Overlay and the Natural Resources Overlay.)

314.1 Permitted Use: Proposed use requires Community Service Overlay designation. The proposed use as a correctional work release center is permitted under the provisions of the Community Service Overlay designation. However, a public hearing before the Planning Commission is required. The hearing is referred to as a "Minor Quasi-Judicial Hearing". This application is made to obtain the overlay designation.

314.2 Prohibited Uses: None of the prohibited uses listed are being proposed by the Applicant.

314.3 See 314.1 above re: required Community Service Overlay designation.

314.4 Conditional Uses: Not applicable; see 314.1 above re: Community Service Overlay designation.

**CLACKAMAS COUNTY CORRECTIONAL FACILITY  
SE McBROD AVENUE, MILWAUKIE, OREGON 97222  
APPLICATION FOR LAND USE ACTION  
COMMUNITY SERVICE OVERLAY**

314.5 Site Development Requirements:

A. Setbacks: M Zone requirements are listed below:

Front Yard: 20 feet (minimum) required; 20 feet proposed (see Site Map)

Rear Yard: 0 feet required; setback proposed to avoid development in floodway (see Site Map).

Side Yards: 0 feet (10 feet minimum at corner lot side yard) required; greater than 10 feet proposed (see Site Map)

B. Height Restriction: 45 feet maximum. (Can increase to 50 feet maximum if community service use.) This is higher than that required for the proposed 2 or 3 story facility; height of building is anticipated not to exceed 45 feet.

C. Off-Street Parking and Loading: Zoning Section 500 Off-Street Parking requirements will be met:

Refer to accompanying Site Plan for parking lot layouts, loading area, and bicycle parking.

Number of required off-street parking spaces to be determined by the Planning Commission. (We propose 35 cars equating to approximately 1 car per 500 sq. ft. of building area.)

Loading areas are typically required to be 12 feet wide x 30 feet long (with 16 foot minimum vertical clearance). See accompanying Site Map. One loading space is provided.

Bicycle parking spaces shall be provided in numbers equal to 10% of the required vehicular parking spaces. Typical space is 2½ feet x 6 feet in area. See accompanying Site Map. 6 spaces can be provided under cover. (4 spaces are required for the number of cars being proposed.)

**CLACKAMAS COUNTY CORRECTIONAL FACILITY  
SE McBROD AVENUE, MILWAUKIE, OREGON 97222  
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COMMUNITY SERVICE OVERLAY**

- D. Landscaping: Zoning code requires that 15% minimum of site area be landscaped. Street trees along street frontage are also required (per Zoning Code Section 500). Approximately 83% of this site will be landscaped or left in its natural state. Approximate locations of new street trees and trees within parking areas are illustrated on the accompanying Site Plan. A final planting plan will be submitted with the building permit application.
- E. Site Access: Driveway access is limited to 1 curb cut per 150 lineal feet of street frontage. (Existing street frontage is greater than 866.12 feet. Hence a maximum of 5 curb cuts would normally be permitted.) Maximum width of curb cut: 45 feet. Refer to accompanying Site Plan for locations of proposed curb cuts. 2 are being proposed.
- F. Transition Area: Not applicable; subject property is not within 120 feet of residential zone.

**321.4 A. 2. Specific standards for the uses being proposed:**

321.7 Specific standards for schools: Not applicable.

321.8 Specific standards for nursing or convalescent homes: Not applicable.

321.9 Specific standards for churches, convents, and related facilities: Not applicable.

321.10 Specific standards for institutions: public/private and other facilities not covered by other standards:

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

Clackamas County Corrections shall comply with city requirements for street improvements fronting subject property along McBrod Avenue at time of construction of this project.

- B. When located adjacent to a residential zone...: Not applicable.

**CLACKAMAS COUNTY CORRECTIONAL FACILITY  
SE McBROD AVENUE, MILWAUKIE, OREGON 97222  
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COMMUNITY SERVICE OVERLAY**

- C. When located adjacent to a residential zone...: Not applicable.
- D. The height limitation of a zone may be exceeded to a maximum height of 50 feet provided subsection 321.10.C is met: The proposed facility shall not exceed the underlying M zone height limitation of 45 feet.
- E. Noise-generating equipment shall be sound-buffered when adjacent to residential areas: Not applicable: subject property is not adjacent to residential area.
- F. Lighting shall be designed to avoid glare on adjacent residential uses and public streets: Final lighting plans shall be developed to avoid glare onto adjacent properties or streets.
- G. Where possible, hours and levels of operation shall be adjusted to make the use compatible with adjacent uses: See next item, below.

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

The proposed facility is a 24 hour a day facility, but does not conflict with the surrounding manufacturing /warehousing uses of adjoining properties (some of whom also operate around the clock) nor with the two similar correctional facilities to the north of the subject property.

**321.5 Application requirements.**

- A. See Application form for property owner's and applicant's names, addresses, and telephone numbers.
- B. See Application form for propert map number and lot number. See also item C. Site Map.
- C. See item A. Proposal Description for narrative concerning the proposed request.
- D. See Owner's written authorization for application. Authorization letter is attached to the application.

**CLACKAMAS COUNTY CORRECTIONAL FACILITY  
SE McBROD AVENUE, MILWAUKIE, OREGON 97222  
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COMMUNITY SERVICE OVERLAY**

- E. Vicinity Map: See item C. Site Map.
- F. Comprehensive Plan and zoning designation are indicated on the application form.
- G. See item C. Site Map for structures, easements, public utilities, proposed development.
- H. Detailed plans for the project are limited to information provided herein. Actual building design to be implemented after land use action approvals.
- I. Refer also to other land use applications being made for this project:
  - Minor Land Partition
  - Natural Resource Review
  - Transportation Planning Review
- J. Payment of applicable fees accompanies this application packet.
- K. Refer to Minor Land Partition application for plan for partitioning existing tax lot.

**321.6 Review of application.**

- B. 2 preapplication meetings have previously occurred. A third preapplication meeting has been scheduled for 30 September 1999.

**321.7 Specific standards for schools.**

Not applicable.

**321.8 Specific standards for nursing and convalescent homes.**

Not applicable.

**321.9 Specific standards for churches, convents and related facilities.**

Not applicable

**CLACKAMAS COUNTY CORRECTIONAL FACILITY  
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COMMUNITY SERVICE OVERLAY**

**321.10 Specific standards for institutions: public/private and other facilities not covered by other standards.**

- A. Applicant to make street improvements at McBrod Avenue consistent with city requirements.
- B. Not applicable; project not located in or adjacent to residential zone.
- C. Not applicable; project not located in residential zone.
- D. Height of building will not exceed 50 feet.
- E. Not applicable; project not located in residential zone.
- F. Lighting to be designed to avoid glare on adjacent streets. Lighting plans to be submitted at time of building permit application.
- G. Hours and level of operation will be similar to the 2 county correctional facilities located to the north of the proposed project.

**CLACKAMAS COUNTY CORRECTIONAL FACILITY  
SE McBROD AVENUE, MILWAUKIE, OREGON 97222  
APPLICATION FOR LAND USE ACTION  
COMMUNITY SERVICE OVERLAY**

**C. Site Plan/Map**

12 copies of the Site Plan are enclosed.

The Site Plan illustrates:

Lot dimensions

The maximum building foot print limits. (The actual building has not been programmed or designed and may ultimately be smaller, but will in no case extend beyond the boundaries of the illustrated footprint.)

The minimum distance from proposed structures to property lines and edges of pavement.

North arrow and graphic scale.

Location of existing and proposed utilities.

Location of easements.

Location of mature trees and landscaping (new and existing). Actual planting plans for new trees and landscaping to be provided for review at time of building permit application.

Maximum lot coverage (16.82% actual; 85% maximum allowed).

Maximum and minimum elevations and direction of slope.

Currently proposed location of driveways, walkways, paved areas, and disabled access. Some minor variations may occur as required by final building design/layout.

Parking layout.

Legal Description: 1/4 NE ¼ Sec. 25, T.I.S. R.I.E. W.M.  
D.L.C. William Meek No. 50  
Tax Lot: Portion of Tax Lot 100, Map I IE 26 AD  
Street Address: 9400 SE McBrod Avenue, Milwaukie, OR 97222

**CLACKAMAS COUNTY CORRECTIONAL FACILITY  
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**D. Other Specific Requirements**

- A. 2 preapplication conferences have previously occurred. A third preapplication conference has been scheduled for 30 September 1999.

**CLACKAMAS COUNTY CORRECTIONAL FACILITY  
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**E. Notice Labels and Map**

Area map and notice labels are provided herein.

**CLACKAMAS COUNTY CORRECTIONAL FACILITY  
SE McBROD AVENUE, MILWAUKIE, OREGON 97222  
APPLICATION FOR LAND USE ACTION  
VARIANCE APPLICATION**

A VARIANCE IS REQUIRED (AND HEREIN REQUESTED) OF THE ZONING REQUIREMENTS WITH REGARD TO LANDSCAPE REQUIREMENTS. The minor land partitioning will result in a loss of landscaped/natural area attributable to the resulting parcel to be retained in ownership by Americold. Less than 10% of the parcel would be landscaped or in a natural state. However, a large portion of the new parcel to be owned by Clackamas County would be retained in its natural state (because of its location in the floodway) or landscaped. The following table summarizes the resulting calculated areas:

<u>Parcel</u>	<u>Total Area of Parcel</u>	<u>Total Building and Paved Area</u>	<u>Total Landscaped/Natural Area</u>	<u>Total % of Parcel Landscaped or Natural</u>
<b>Parcel 1</b> (Clackamas County)	138,956.4 s.f. (3.19 acres)	17,542 s.f.*	121,414.4 s.f. (20,843.46 s.f. required)	87.37% (15% required)
<b>Parcel 2</b> (Americold)	398,138.4 s.f. (9.14 acres)	360,001 s.f.**	38,137.4 s.f. (59,720.76 s.f. required)	9.6% (15% required)
<b>Total</b>	537,094.8 s.f. (12.33 acres)	377,543 s.f.	159,551.8 s.f. (80,564.22 s.f. required)	29.7 % (15% required)

The variance request is to accept the combined landscape/natural area % (which exceeds the required 15%) in lieu of requiring the provision of a minimum of 15% landscape/natural area at each parcel.

\* Proposed paved parking and driveway areas, including stairs & elevator towers areas

\*\* 263,619 s.f. existing building + 96,382 s.f. existing paved areas

(Note: Final plans for development on Parcel 1 may affect calculated areas in a minor way, but applicant agrees not to provide less than a total of 15% landscaped/natural area total.)

A.3

City of Milwaukie Community Development Department

Title: Variance Narrative Submitted by: Applicant Date: 3/14/00 # Pages: 7  
File Numbers: CSO-99-04 / MUR-99-07 Applicant: Clackamas City Corrections Exhibit #: 6  
NR-99-04 / TPR-99-05 / VR-99-08



**CLACKAMAS COUNTY CORRECTIONAL FACILITY  
SE McBROD AVENUE, MILWAUKIE, OREGON 97222  
APPLICATION FOR LAND USE ACTION  
VARIANCE APPLICATION**

**B. Approval Criteria**

**Comprehensive Plan Goals and Policies**

Proposal does not adversely affect or otherwise contradict any Comprehensive Plan Goals or Policies. Open space (landscaped and/or in a natural state) at the 2 adjacent parcels of property will be provided in compliance with the Comprehensive Plan and the zoning ordinance requirements, but most of the open space will be under the ownership of Clackamas County (applicant) instead of the 2 parcel owners (Clackamas County and Americold).

**Zoning Ordinance Sections**

**702.1 Criteria for Granting Variances:**

- A. The property in question has unusual conditions (physical site characteristics) over which the applicant has no control:**

The 2 parcels of property (being created by the accompanying Minor Land Partition application) are physically separated by Johnson Creek. The parcel to the west (Parcel 1) is currently undeveloped. A good portion of it lies within the floodway, thereby limiting the area where any development can or will occur. The parcel to the east of Johnson Creek (Parcel 2) is currently fully developed by Americold. All but about 3-4% of the property is either occupied by building or paved. No opportunities exist on this side of Johnson Creek for the provision of more open space (landscaped or natural). Hence, it relies on some of the property west of Johnson Creek (in Parcel 1) to satisfy zoning requirements for landscaped/natural open areas.

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SE McBROD AVENUE, MILWAUKIE, OREGON 97222  
APPLICATION FOR LAND USE ACTION  
VARIANCE APPLICATION**

- B. There are no feasible alternatives to the variance and the variance is the minimum necessary to allow use of the property in a manner substantially the same as others in the surrounding area:**

If development is to occur on the parcel west of Johnson Creek (Parcel 1), the minimum variance required is one to resolve the lack of adequate landscaped/open area on the parcel to the east (Parcel 2). Fortunately, a variance to reduce the overall required open space is not needed and not requested. Instead, by granting a variance to allow the required landscaped/natural areas for the 2 parcels to be situated all in Parcel 1, open space is retained for the 2 parcels in compliance with the zoning code's intent. (For a summary of the proposed amount of landscaped/natural area, see section A. Proposal Description.)

While it may seem that the property line between the 2 parcels could be repositioned to allow each parcel owner to retain ownership of their proportionate amount of the required open space (and thereby negate the need for a variance), it is unfeasible to negotiate such a realignment, nor would the net result alter the ultimate development plan. In fact, by granting the variance, the continued maintenance of the open space (except for the small amount on Parcel 2) would become the responsibility of a single entity (the County). The County is committed to responsible stewardship of the open areas and will cooperate with the City to protect it.

- C. Adverse effects upon other properties resulting from this variance can be mitigated to extent feasible:**

There are no identified adverse effects. The aggregate amount of open landscaped/natural space for the 2 parcels required by the zoning code equals 15% and will be provided (in fact exceeded). The open landscaped/natural spaces will be located on the same ground area as if they were under the (separate) ownership of the 2 parcel owners. The variance would not negatively affect the ultimate development in a visual or environmental way.

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**C. Site Plan/Map**

12 copies of the Conceptual Site Plan are enclosed.

The Conceptual Site Plan illustrates:

Lot dimensions

The maximum building foot print limits. (The actual building has not been programmed or designed and may ultimately be smaller, but will in no case extend beyond the boundaries of the illustrated footprint.)

The minimum distance from proposed structures to property lines and edges of pavement.

North arrow and graphic scale.

Location of existing and proposed utilities.

Location of easements.

Location of mature trees and landscaping (new and existing). Actual planting plans for new trees and landscaping to be provided for review at time of building permit application.

Maximum lot coverage(16.82% actual; 85% maximum allowed).

Maximum and minimum elevations and direction of slope.

Currently proposed location of driveways, walkways, paved areas, and disabled access. Some minor variations may occur as required by final building design/layout.

Parking layout.

Legal Description: 1/4 NE ¼ Sec. 25, T.I.S. R.I.E. W.M.  
D.L.C. William Meek No. 50

Tax Lot: Portion of Tax Lot 100. Map I IE 26 AD

Street Address: 9400 SE McBrod Avenue, Milwaukie. OR 97222

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REFER ALSO TO: **Tentative Plan For A Proposed Partition Plat**  
For Clackamas County Corrections  
In The SE ¼ Of The NE ¼ Of Sec. 26, T1s, R1E, W.M.,  
Being Part Of The William Meek DLC No. 50  
City Of Milwaukie, Clackamas, Oregon  
as prepared by: Gaylord Land Surveying, Inc.  
15000 S.E. Lindon Lane  
Milwaukie, Oregon 97267  
(503) 654-1492

(12 copies are provided.)

**CLACKAMAS COUNTY CORRECTIONAL FACILITY  
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VARIANCE APPLICATION**

**D. Other Specific Requirements**

Preapplication Conference: The applicant met with the City on Friday, 17 December 1999 to confirm the need for this Variance Application.

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VARIANCE APPLICATION**

**E. Notice Labels and Map**

Area map and notice labels are provided herein.

NOV 29 1999  
CITY OF MILWAUKIE  
COMMUNITY DEVELOPMENT

**CLACKAMAS COUNTY CORRECTIONAL FACILITY  
SE McBROD AVENUE, MILWAUKIE, OREGON 97222  
APPLICATION FOR LAND USE ACTION  
NATURAL RESOURCE REVIEW**

**B. Approval Criteria**

**Comprehensive Plan Goals and Policies**

Proposed project site does not include any wetland areas.  
Trees and significant vegetation on the site are proposed to remain.  
Street trees, per city code, will be provided.  
A final landscape plan will accompany the future submittal of building permit applications, subsequent to city's approval of this and other required land use actions.

Proposed project would avoid development within the floodway and would comply with city standards for construction within the flood plain pursuant to Natural Hazards Element Objective #1 Policies and Chapter 18.04 Flood Hazard Areas.

Because so much of the proposed project area will be undeveloped along Johnson Creek and within the floodway boundary, the project will complement the Comprehensive Plan, Chapter 3 Environmental and Natural Resources, Objective #1 Open Space and Objective #2 Natural Resource Areas.

**Zoning Ordinance Sections**

**322.7 Development Standards:**

**A. Development Activities:**

1. Site preparation and construction practices shall be specified, as a part of the future construction documents, to preclude drainage of hazardous materials or erosion, pollution, or sedimentation on the site.
2. Development Setback: No development will occur east of the floodway boundary.

B.1

**City of Milwaukie Community Development Department**

Title: NR Narrative Submitted by: Applicant Date: 3/14/00 # Pages: 5  
 File Numbers: CSO-99-04 / MRP-99-07 Applicant: Clackamas City Corrections Exhibit #: 7  
 NR-99-04 / TPR-99-05 / VR-99-08



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3. Screening of vehicular maneuvering and parking area, outside storage and display areas, and trash collection areas shall be screened from the natural resource location using site-obscuring vegetation or fencing which will be located to the west side of the floodway boundary. The planting plan and/or fencing details will be provided at the time of the building permit application.
4. Outdoor activities by proposed building occupants which would create large amounts of noise, dust or glare are not anticipated.
5. Lighting design will avoid shining directly into the natural resource locations. The final lighting design will be provided with the building permit application.

**B. Development Activities within a Natural Resource Location:**

1. No trails, rest points, viewpoints, or other such facilities are planned along Johnson Creek or associated streamside woody vegetation.
2. The proposed development is limited to an area along McBrod Avenue and will be well away from any of the site's existing trees.
3. No timber harvesting is proposed.
4. Areas of standing trees and shrubs are proposed to remain. Mowed grasses within building and parking/driveway areas are the only vegetation being affected by the proposed development.
5. Natural riparian vegetation along Johnson Creek will be untouched by this development.
6. Storm water flows off of new building roofs and paved areas will be piped to the existing storm sewer and will not be permitted to add additional water to existing natural drainage courses.
7. Allowable and unallowable construction practices will be described in the project specifications (to be submitted at time of building permit application).

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NATURAL RESOURCE REVIEW**

8. The development is limited to a very small area of the Site where impact on the natural resource(s) is limited.
9. Road crossings will not interrupt any major drainage courses.
10. Construction specifications will limit constructor's use of the site to safeguard the natural resources. Appropriate temporary fencing and construction barriers will be required to keep equipment and construction activities out of sensitive areas.
11. A mitigation plan does not appear to be required, since the proposed project does not impact the site's natural resource values.

Refer also to the attached report entitled "Wetland Delineation of the Clackamas County Community Corrections Facility, Milwaukie, Oregon", prepared by Shapiro and Associates. This report addresses conditions at the site including:

- Hydrology
- Soils
- Vegetation
- Wetland Determination

**CLACKAMAS COUNTY CORRECTIONAL FACILITY  
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No final plans for the proposed building are being submitted to the Commission by the County's representative, Ronald Lee, of Architects Barrentine Bates Lee, since the design-build concept is not cost effective without first obtaining a conceptual approval of site development from the City of Milwaukie. A conceptual site plan, however, is enclosed with this application illustrating a probable layout of parking on that portion of the site located outside of the floodway boundary. The building would be constructed as a second level over the parking area; the size of the second level area would be approximately 14,000 s.f. Some additional space might occur on a third level; its size would be limited to conform with area -to- parking ratios yet to be determined by the Planning Commission.

Construction of the proposed facility has not been scheduled, but would probably occur in approximately 3 - 5 years.

The present site lies in the flood plain which requires that structures be protected from the 100-year flood elevation. The finished floor elevation of the first floor of the building (in this case, stairs and elevator lobbies) must be at least 1- foot above the 100-year flood elevation. Construction would be avoided within the floodway.

As indicated in the attached report entitled "Wetland Delineation of the Clackamas County Community Corrections Facility, Milwaukie, Oregon", prepared by Shapiro and Associates, the subject site does not include any potentially jurisdictional wetlands. (The report also describes vegetation on the site.)

A copy of the applicant's Request for Wetland Delineation/Determination Review to the Oregon Division of State Lands is also attached.

**CLACKAMAS COUNTY CORRECTIONAL FACILITY  
SE McBROD AVENUE, MILWAUKIE, OREGON 97222  
APPLICATION FOR LAND USE ACTION  
NATURAL RESOURCE REVIEW**

**B. Approval Criteria**

**Comprehensive Plan Goals and Policies**

Proposed project site does not include any wetland areas.

Trees and significant vegetation on the site are proposed to remain.

Street trees, per city code, will be provided.

A final landscape plan will accompany the future submittal of building permit applications, subsequent to city's approval of this and other required land use actions.

Proposed project would avoid development within the floodway and would comply with city standards for construction within the flood plain pursuant to Natural Hazards Element Objective #1 Policies and Chapter 18.04 Flood Hazard Areas.

Because so much of the proposed project area will be undeveloped along Johnson Creek and within the floodway boundary, the project will complement the Comprehensive Plan, Chapter 3 Environmental and Natural Resources, Objective #1 Open Space and Objective #2 Natural Resource Areas.

**Zoning Ordinance Sections**

**322.7 Development Standards:**

Refer to the attached report entitled "Wetland Delineation of the Clackamas County Community Corrections Facility, Milwaukie, Oregon", prepared by Shapiro and Associates. This report addresses conditions at the site including:

Hydrology

Soils

Vegetation

Wetland Determination

**CLACKAMAS COUNTY CORRECTIONAL FACILITY  
SE McBROD AVENUE, MILWAUKIE, OREGON 97222  
APPLICATION FOR LAND USE ACTION  
MINOR LAND PARTITION**

**ORS 92.050 Requirements of survey and plat of subdivision and partition and  
ORS 92.060 Marking certain points of plats of subdivisions and partitions with  
monuments; specifications of monuments; monuments placed before recording:**

Refer to the attached Tentative Plan for Proposed Partition Plat.

**Compliance with M Zone Requirements (Zoning Ordinance Section 314)  
Proposed New Site (for County Use)**

The site lies in Manufacturing Zone M as described in Zoning Ordinance Section 314. (The property also lies in the Community Service Overlay and the Natural Resources Overlay.)

314.1 Permitted Use: Proposed use requires Community Service Overlay designation. The proposed use as a correctional work release center is permitted under the provisions of the Community Service Overlay designation. However, a public hearing before the Planning Commission is required. The hearing is referred to as a "Minor Quasi-Judicial Hearing". This application is made to obtain the overlay designation.

314.2 Prohibited Uses: None of the prohibited uses listed are being proposed by the Applicant.

314.3 See 314.1 above re: required Community Service Overlay designation.

314.4 Conditional Uses: Not applicable; see 314.1 above re: Community Service Overlay designation.

314.5 Site Development Requirements:

A. Setbacks: M Zone requirements are listed below:

Front Yard: 20 feet (minimum) required; 20 feet proposed (see Site Map)

Rear Yard: 0 feet required; setback proposed to avoid development in floodway (see Site Map).

Side Yards: 0 feet (10 feet minimum at corner lot side yard) required; greater than 10 feet proposed (see Site Map)

B.2

**City of Milwaukie Community Development Department**

Title: MLP Narrative Submitted by: Applicant Date: 3/14/00 # Pages: 6  
File Numbers: CSO-99-04 / MLP-99-07 Applicant: Clackamas City Corrections Exhibit #: 8  
NR-99-04 / TPR-99-05 / VR-99-08



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APPLICATION FOR LAND USE ACTION  
MINOR LAND PARTITION**

- B. Height Restriction: 45 feet maximum. (Can increase to 50 feet maximum if community service use.) This is higher than that required for the proposed 2 or 3 story facility; height of building is anticipated not to exceed 45 feet.
- C. Off-Street Parking and Loading: Zoning Section 500 Off-Street Parking requirements will be met:

Refer to accompanying Site Plan for parking lot layouts, loading area, and bicycle parking.

Number of required off-street parking spaces to be determined by the Planning Commission. (We propose 35 cars equating to approximately 1 car per 500 sq. ft. of building area.)

Loading areas are typically required to be 12 feet wide x 30 feet long (with 16 foot minimum vertical clearance). See accompanying Site Map. One loading space is provided.

Bicycle parking spaces shall be provided in numbers equal to 10% of the required vehicular parking spaces. Typical space is 2½ feet x 6 feet in area. See accompanying Site Map. 6 spaces can be provided under cover. (4 spaces are required for the number of cars being proposed.)

- D. Landscaping: Zoning code requires that 15% minimum of site area be landscaped. Street trees along street frontage are also required (per Zoning Code Section 500). Approximately 83% of this site will be landscaped or left in its natural state. Approximate locations of new street trees and trees within parking areas are illustrated on the accompanying Site Plan. A final planting plan will be submitted with the building permit application.

See accompanying Variance Application regarding shared landscape/natural site areas for the 2 proposed land parcels.

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- E. Site Access: Driveway access is limited to 1 curb cut per 150 lineal feet of street frontage. (Existing street frontage is greater than 866.12 feet. Hence a maximum of 5 curb cuts would normally be permitted.) Maximum width of curb cut: 45 feet. Refer to accompanying Site Plan for locations of proposed curb cuts. 2 are being proposed.
- F. Transition Area: Not applicable; subject property is not within 120 feet of residential zone.

**Compliance with M Zone Requirements (Zoning Ordinance Section 314)  
Original Site Remaining (Occupied by Amercold)**

The site lies in Manufacturing Zone M as described in Zoning Ordinance Section 314.

314.1 Permitted Use: Existing use (manufacturing with some office) is a permitted use per 314.1, Paragraph A.

314.2 Prohibited Uses: None of the prohibited uses listed are currently known to be taking place at this site.

314.3 Not applicable; existing use continues without change.

314.4 Conditional Uses: Not applicable.

314.5 Site Development Requirements:

A. Setbacks: M Zone requirements are listed below:

Front Yard: 20 feet (minimum) required;  $\pm$ 15 feet actual (preexisting condition not affected by proposed partitioning).

Rear Yard: 0 feet required; approximately 30 feet minimum actual from proposed new property line.

Side Yards: 0 feet (10 feet minimum at corner lot side yard) required; actual sideyard setbacks: greater than 10 feet at interior sideyard; less than 10 feet at corner lot side yard (preexisting condition not affected by proposed partitioning).

**CLACKAMAS COUNTY CORRECTIONAL FACILITY  
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APPLICATION FOR LAND USE ACTION  
MINOR LAND PARTITION**

- B. Height Restriction: 45 feet maximum. Existing building is estimated to be approximately 30 to 35 feet high.
- C. Off-Street Parking and Loading: Requirements are delineated in Zoning Section 500 Off-Street Parking requirements :

Required off-street parking spaces (43 by the code requirements at time of most recent development) are (presumably) provided in compliance with previous (December 8, 1987) Planning Commission Approval (NCU-87-02/VR-87-07) of Americold's warehouse and office expansion proposal.

Loading areas are typically required to be 12 feet wide x 60 feet long (with 16 foot minimum vertical clearance). A minimum of 3 spaces are required; at least 22 loading areas currently exist due to the warehousing/storage nature of the facility.

Bicycle parking spaces, per zoning ordinance, must be provided in numbers equal to 10% of the required vehicular parking spaces. Typical space is 2½ feet x 6 feet in area. 5 spaces would therefore be required. No spaces are currently known to be provided, but could be without needing the property being repartitioned to the County.

- D. Landscaping: Zoning code requires that 15% minimum of site area be landscaped (59,720 s.f. minimum). Because less than 4% of this parcel would be landscaped or left in a natural state, a variance will be required. (Refer to accompanying Variance Application.)

Street trees along street frontage are also required (per Zoning Code Section 500). Trees enfront a portion of the front side of the building, but probably do not strictly comply to City requirements.

- E. Site Access: Zoning ordinance limits driveway access to 1 curb cut per 150 lineal feet of street frontage. Currently one entry/exit into the loading/parking area is located along the frontage road ("West Side Access Road") paralleling McLoughlin Boulevard.

**CLACKAMAS COUNTY CORRECTIONAL FACILITY  
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- F. Transition Area: Not applicable; subject property is not within 120 feet of residential zone.

**Section 1300 Solar Access Protection**

**1301 PURPOSE**

1301.1 The purpose of this Section:

- A. This subject properties are in a manufacturing zone. They are not within, nor do they abut, a residential zone. Therefore, the proposed minor land partition does not affect solar access to new development in subdivisions, to new or remodeled single-family homes, to structures within single-family zoning districts, or to homes making beneficial use of solar energy.
- B. Opportunities for energy conservation and effective use of the sun as a renewable resource could be evaluated in the final design of the proposed new facility on the parcel west of Johnson Creek. Given that the major facades of the future building will face east and west, window placement and shading devices to deal with morning and afternoon sun conditions may be important design conditions.
- C. The use of solar energy at the new facility would need to be carefully evaluated at the time of the building design/construction.
- D. The applicant does not, at this time, have specific plans regarding solar design or the implementation of solar equipment at this future facility.

**1302 DEFINITIONS**

No comments required.

**CLACKAMAS COUNTY CORRECTIONAL FACILITY  
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APPLICATION FOR LAND USE ACTION  
MINOR LAND PARTITION**

**1303 SOLAR ACCESS FOR NEW DEVELOPMENT**

Not applicable. The solar design standards of this section (per 1303.2 Applicability) apply to the creation of lots in single-family zones and for single-family detached dwellings in any zone. The proposed project is in a manufacturing (M) zone and does not include single-family detached dwellings.

**1304 SOLAR BALANCE POINT**

Not applicable. This section (per 1304.2 Applicability) applies to structures in single-family zones and all single-family detached structures in any zone. . The proposed project is in a manufacturing (M) zone and does not include single-family detached dwellings.

**1305 SOLAR ACCESS PERMIT**

Not applicable. This section (per 1305.2 Applicability) applies only to solar features on lots designated or used for a single-family detached dwelling. The proposed project is not a single-family dwelling unit.

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TRANSPORTATION PLANNING REVIEW**

- 1404 Access Control Standards and Guidelines: The proposed access to the development is consistent with the applicable standards of the zoning district or overlay zone. Curb cuts shall not exceed 45 feet in width and, as shown on Site Map, are greater than 150 feet apart along McBrod Avenue.
- 1405 Transportation Improvement Standards: The design of sidewalks, bike lanes, street improvements, park strips, and right-of-way widths will be in compliance with Table 1405. See accompanying Site Plan.
- \* The existing right-of-way (curbed sidewalk) is 60 feet, and complies with requirements (57 feet min.) for a local street.
  - \* The existing pavement width varies in width and does not currently comply with requirements for a minimum width of 40 feet. At the time of project construction, it is assumed that improvements to the street may be required by the City to meet standards of Table 1405.
  - \* The existing 2 travel lanes are approximately 12 feet wide. Table 1405 requires 12 foot wide lanes. Again, however, it is assumed that improvements to the street may be required by the City to meet other standards of Table 1405.
  - \* No parking lanes are currently provided. Table 1405 appears to require at least 1 parking lane for institutional use properties. Parking lanes would need to be provided as a part of the anticipated street improvements.
  - \* No bike lane is required or provided.
  - \* A 5 foot wide park strip would also be required as a part of the anticipated street improvements.
  - \* The required (curbed) sidewalk width is 7 feet.
- 1405.1 Right-of-Way Dedication and Improvement: The existing 60 foot right-of-way is adequate.
- 1405.2 Streets: Not applicable; McBrod Avenue and Milport Road are not major or minor arterials.
- 1405.3 Bike Lanes and Bikeways: Not required; McBrod Avenue and Milport Road are not collector arterial streets.
- 1405.4 Sidewalks: Proposed sidewalks are set back from the curb along the sides of the property fronting on McBrod Avenue and Milport Road. A 5 foot wide minimum planting strip is proposed. Refer to accompanying Site Plan.
- 1405.5 Adjustments by the Community Development Director: No need for adjustments has been identified.

B.3

**City of Milwaukie Community Development Department**

Title: TPR Narrative Submitted by: Applicant Date: 3/14/00 # Pages: 4  
File Numbers: CSO-99-04 / MRP-99-07 Applicant: Clackamas City Corrections Exhibit #: 9  
NR-99-04 / TPR-99-05 / VR-99-08



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505.4 Location:

- A. The bicycle racks are:
  - 1. Located within approximately 15 feet of the proposed building entrance (< the 50 foot maximum dictated by the Zoning Ordinance).
  - 2. Located closer than the nearest automobile parking space.
  - 3. On the route to the public right-of-way.
  - 4. Located adjacent to the 2 proposed building entrances.
  - 5. Visible to building occupants and from the main parking lot.
  - 6. Located out of the pedestrian path.
  - 7. Separated from vehicle parking areas by curbing.
- B. The public way will not be utilized for bicycle parking.

**Section 506 Carpool and Vanpool Parking**

Not applicable; the anticipated number of employees at this facility is less than 50.

**1400 Transportation Planning, Design Standards, and Procedures**  
**1403.4 Criteria for Development**

**1403.4 A. Compliance with standards and procedures of Section 1400**

1401 Purpose: No comment required.

1402 Applicability: Section 1400 standards and procedures would apply to this proposed development.

1403 Development Review Process:

- 1403.1 Type II Process: Not applicable; project requires land use actions requiring a Minor-Quasi-Judicial Review.
- 1403.2 Coordinated Review: Not applicable. Project Site is not within 200 feet of a State Highway, an existing transit route, or an arterial or collector street.
- 1403.3 Consolidated Review: Not applicable.
- 1403.4 See below.

**CLACKAMAS COUNTY CORRECTIONAL FACILITY  
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APPLICATION FOR LAND USE ACTION  
TRANSPORTATION PLANNING REVIEW**

**B. Approval Criteria**

**Comprehensive Plan Goals and Policies**

**Transportation Element; Walking: Goal Statement 1 and Objective #1, Policy 1:**

New public sidewalk along McBrod Avenue and Milport Road is proposed complying with Table 1405 of the Zoning Ordinance.

City required street improvements along McBrod Avenue will most likely include accessible curb ramps at the intersection with Milport Road.

**Transportation Element; Bicycling: Goal Statement 3 and Objective #1, Policy 1:**

Covered parking for 4 to 6 parking spaces is proposed.

**Zoning Ordinance Sections**

**Section 501 Off-Street Parking and Loading / Purpose**

The accompanying Site Plan illustrates required provisions for off-street parking and loading, bicycle parking, sidewalks and driveway locations. The proposed layout addresses the purpose of this Zoning Ordinance Section.

**Section 505 Bicycle Parking**

505.1 Refer to accompanying Site Plan for locations of bicycle parking.

505.2 Number of Spaces: 4 to 6 spaces will be provided (4 spaces are equivalent to 10% of the number of off-street automobile parking spaces provided).

505.3 Space Standards and Racks: Each bicycle space shall equal 2'-6" wide by 5 feet long. A 5 foot aisle will be provided. Steel bicycle racks will be provided for security.

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TRANSPORTATION PLANNING REVIEW**

- 1406 Internal Connections
  - 1406.1 General Walkway Standards: Refer to accompanying Site Plan for proposed sidewalk layouts and widths.
  - 1406.2 Connections to the Right-of-Way: Refer to accompanying Site Plan for proposed sidewalks to the public right-of-way.
  - 1406.3 Connection between Developments: Refer to accompanying Site Plan for proposed connection to adjacent existing Correctional Facility located to the north of the subject property.
  
- 1407 Transit Stops:
  - 1407.1 Not applicable.
  - 1407.2 Not applicable; average daily traffic generated is anticipated to be less than 1,000 trips.
  
- 1408 Building Orientation:
  - 1408.1 The building's primary orientation is toward the public right-of-way (McBrod Avenue).
  - 1408.2 Maximum Setbacks: Setback to McBrod Avenue is less than 30 feet, in compliance with requirements for a facility developed through a Community Service Overlay review. (Setback is 20 feet to comply with M zone requirements.)
  
- 1409 Redevelopment: Not applicable. Subject property is not within 400 feet of a transit route.

**INTERESTED PERSONS  
SIGN-UP SHEET**

**PLANNING COMMISSION MEETING**

**Meeting Date:** March 14, 2000

**Agenda Item #:** 6.2

**Applicant:** ~~Ron Woodruff for Myron Nelson~~ Air Touch

**File Number:** CSO-99-10 / VR-99-09

**Proposal:** Install an 84-foot cellular tower at the Shurgard Storage site.

**Location:** 3701 SE International Way

**NDA:** Business Industrial (Nbr: Lake Road / Hector Campbell)

<u>Name (please print)</u>	<u>Address</u>	<u>Zip</u>	<u>Phone</u>
<u>DAVID ASCITZKE BARNING</u>	<u>11509 SE Home</u>	<u>97227</u>	<u>6344254</u>
<u>Tom Ferguson</u>	<u>88735 W Greensand Ln Tisd</u>	<u>97224</u>	<u>314-0011</u>
<u>cu-9900 Ron Woodruff</u>	<u>9643 SE 30<sup>th</sup> Ave</u>	<u>97222</u>	<u>614-5776</u>
<u>Shamin Prusia</u>	<u>4634 SE 39<sup>th</sup> Ave</u>	<u>97202</u>	<u>788-7261</u>
<u>FARRIS FAICK</u>	<u>11458 SE 35<sup>th</sup></u>	<u>97222</u>	