



CITY OF MILWAUKIE

AGENDA

July 9, 2024

PLANNING COMMISSION

milwaukieoregon.gov

Hybrid Meeting Format: The Planning Commission will hold this meeting both in person at City Hall and through Zoom video. The public is invited to watch the meeting in person at City Hall, online through the City of Milwaukie YouTube page (https://www.youtube.com/channel/UCRFbfaq3OnDWLQKSB_m9cAw), or on Comcast Channel 30 within city limits.

If you wish to provide comments, the city encourages written comments via email at planning@milwaukieoregon.gov. Written comments should be submitted before the Planning Commission meeting begins to ensure that they can be provided to the Planning Commissioners ahead of time. To speak during the meeting, visit the meeting webpage (<https://www.milwaukieoregon.gov/bc-pc/planning-commission-123>) and follow the Zoom webinar login instructions.

1.0 Call to Order – Procedural Matters — 6:30 PM

1.1 Native Lands Acknowledgment

2.0 Planning Commission Minutes – Motion Needed

2.1 June 11, 2024

3.0 Information Items

4.0 **Audience Participation** — This is an opportunity for the public to comment on any item not on the agenda

5.0 Community Involvement Advisory Committee (CIAC)

6.0 Hearing Items

6.1 DR-2024-002 (11525 SE McLoughlin Blvd, Clackamas Water Environment Services (WES) Addition)

Summary: Type III Downtown Design Review

Staff: Brett Kelper, Senior Planner

7.0 Work Session Items

7.1 Natural Resources Code Amendments

Summary: Part 2: Water Quality Resource (WQR) Code

Staff: Brett Kelper, Senior Planner

8.0 Planning Department Other Business/Updates

9.0 Forecast for Future Meetings

July 23, 2024 Canceled

August 13, 2024

1. Hearing Item: DR-2024-001 (1847 Food Park), continued.
2. Discuss Annual Joint meeting of the Planning Commission and NDA's

Milwaukie Planning Commission Statement

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

1. **PROCEDURAL MATTERS.** If you wish to register to provide spoken comment at this meeting or for background information on agenda items please send an email to planning@milwaukieoregon.gov.
2. **PLANNING COMMISSION and CITY COUNCIL MINUTES.** City Council and Planning Commission minutes can be found on the City website at www.milwaukieoregon.gov/meetings.
3. **FORECAST FOR FUTURE MEETINGS.** These items are tentatively scheduled but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.
4. **TIME LIMIT POLICY.** The Commission intends to end each meeting by 10:00pm. The Planning Commission will pause discussion of agenda items at 9:45pm to discuss whether to continue an agenda item to a future date or finish the item.

Public Hearing Procedure

Those who wish to testify should attend the Zoom meeting posted on the city website, state their name and city of residence for the record, and remain available until the Chairperson has asked if there are any questions from the Commissioners. Speakers are asked to submit their contact information to staff via email so they may establish standing.

1. **STAFF REPORT.** Each hearing starts with a brief review of the staff report by staff. The report lists the criteria for the land use action being considered, as well as a recommended decision with reasons for that recommendation.
2. **CORRESPONDENCE.** Staff will report any verbal or written correspondence that has been received since the Commission was presented with its meeting packet.
3. **APPLICANT'S PRESENTATION.**
4. **PUBLIC TESTIMONY.** Comments or questions from interested persons and testimony from those in support or opposition of the application.
5. **QUESTIONS FROM COMMISSIONERS.** The commission will have the opportunity to ask for clarification from staff, the applicant, or those who have already testified.
6. **REBUTTAL TESTIMONY FROM APPLICANT.** After all public testimony, the commission will take rebuttal testimony from the applicant.
7. **CLOSING OF PUBLIC HEARING.** The Chairperson will close the public portion of the hearing. The Commission will then enter into deliberation. From this point in the hearing the Commission will not receive any additional testimony from the audience but may ask questions of anyone who has testified.
8. **COMMISSION DISCUSSION AND ACTION.** It is the Commission's intention to make a decision this evening on each issue on the agenda. Planning Commission decisions may be appealed to the City Council. If you wish to appeal a decision, please contact the Planning Department for information on the procedures and fees involved.
9. **MEETING CONTINUANCE.** Prior to the close of the first public hearing, any person may request an opportunity to present additional information at another time. If there is such a request, the Planning Commission will either continue the public hearing to a date certain or leave the record open for at least seven days for additional written evidence, argument, or testimony. The Planning Commission may ask the applicant to consider granting an extension of the 120-day time period for making a decision if a delay in making a decision could impact the ability of the City to take final action on the application, including resolution of all local appeals.

Meeting Accessibility Services and Americans with Disabilities Act (ADA) Notice

The city is committed to providing equal access to public meetings. To request listening and mobility assistance services contact the Office of the City Recorder at least 48 hours before the meeting by email at ocr@milwaukieoregon.gov or phone at 503-786-7502. To request Spanish language translation services email espanol@milwaukieoregon.gov at least 48 hours before the meeting. Staff will do their best to respond in a timely manner and to accommodate requests. Most Council meetings are broadcast live on the city's YouTube channel and Comcast Channel 30 in city limits.

Servicios de Accesibilidad para Reuniones y Aviso de la Ley de Estadounidenses con Discapacidades (ADA)

La ciudad se compromete a proporcionar igualdad de acceso para reuniones públicas. Para solicitar servicios de asistencia auditiva y de movilidad, favor de comunicarse a la Oficina del Registro de la Ciudad con un mínimo de 48 horas antes de la reunión por correo electrónico a ocr@milwaukieoregon.gov o llame al 503-786-7502. Para solicitar servicios de traducción al español, envíe un correo electrónico a espanol@milwaukieoregon.gov al menos 48 horas antes de la reunión. El personal hará todo lo posible para responder de manera oportuna y atender las solicitudes. La mayoría de las reuniones del Consejo de la Ciudad se transmiten en vivo en el canal de YouTube de la ciudad y el Canal 30 de Comcast dentro de los límites de la ciudad.

Milwaukie Planning Commission:

Jacob Sherman, Chair
Joshua Freeman, Vice Chair
Aaron Carpenter
Joseph Edge
Ernestina Fuenmayor
Leesa Gratreak
Will Mulhern

Planning Department Staff:

Laura Weigel, Planning Manager
Brett Kelder, Senior Planner
Vera Koliass, Senior Planner
Adam Heroux, Associate Planner
Ryan Dyar, Associate Planner
Petra Johnson, Administrative Specialist II



CITY OF MILWAUKIE

PLANNING COMMISSION MINUTES

City Hall Council Chambers
10501 SE Main Street
www.milwaukieoregon.gov

June 11, 2024

Present: Jacob Sherman, Chair
Joshua Freeman, Vice Chair
Tina Fuenmayor
Will Mulhern
Aaron Carpenter

Staff: Brett Kelter, Senior Planner
Vera Koliias, Senior Planner
Laura Weigel, Planning Manager

Absent: Joseph Edge

(00:07:22)

1.0 Call to Order — Procedural Matters*

Chair Sherman called the meeting to order just after 6:30 p.m., read the conduct of meeting format into the record, and the Native Lands Acknowledgment.

Note: *The information presented constitutes summarized minutes only. The meeting video is available by clicking the Video link at <http://www.milwaukieoregon.gov/meetings>.*

(00:08:22)

2.0 Planning Commission Minutes

The May 14, 2024, minutes were approved as presented.

(00:09:18)

3.0 Information Items

Planning Manager, Laura Weigel, reported that Leesa Graetrek had been appointed to the Commission. **Weigel** and **Chair Sherman** noted upcoming community events.

(00:10:50)

4.0 Audience Participation

No audience member wished to speak to the Commission.

(00:11:40)

5.0 Community Involvement Advisory Committee (CIAC)

Weigel noted that there would be a CIAC work session at the July 9 meeting.

6.0 Hearing Items

(00:12:41)

6.1 CSU-2024-003, Charter School at Campbell Elementary School site, 11326 SE 47th Ave

Senior Planner Brett Kelber announced the applicable sections of the Milwaukie Municipal Code (MMC): 19.301, 19.600, 19.700, 19.904, and 19.1006.

Kelver presented the report and presentation that are in the meeting packet, noting a few small revisions to the recommended conditions of approval. **Vice Chair Freeman, Kelver,** and **Chair Sherman** remarked on the process for the applicant's transportation management plan to be modified if needed.

The applicant team, **Cindy Detchon** of the North Clackamas School District (NCSD) and **Kristin Macy** of the Cascade Heights Charter School (CHCS), provided the report and presentation that are in the meeting packet. **Chair Sherman, Detchon,** and **Macy** commented on the traffic management plan for the site.

Testimony in support of the application. Former CHCS board member **Cory Connors**, CHCS parent **Sarah Wilkinson**, CHCS parent and staff member **Farrah Tran**, and Milwaukie resident **Faith Wildermuth**, expressed support for the application.

Neutral testimony. Milwaukie residents **Shawn Schmelzer** and **Zak Stone** expressed concern about the school's traffic impacts. **Chair Sherman** and **Schmelzer** remarked on what next steps were most appropriate for the neighbor petition that had been circulated regarding the charter school.

Detchon commented on NCSD's plans to implement and revisit the school's traffic plan.

Chair Sherman closed the public testimony.

Commission Discussion:

Vice Chair Freeman expressed support for the application. **Commissioner Fuenmayor** supported the application and asked about the bicycle parking plan on the site. **Kelver** and **Chair Sherman** explained the condition related to restoring some of the required bicycle parking. **Commissioners Carpenter and Mulhern** and **Chair Sherman** supported the application and noted it would take time to implement and revise the traffic plans.

Commissioner Carpenter motioned to approve application file CSU-2024-003 with the revisions noted by staff. **Commissioner Mulhern** seconded the motion. The motion was passed with a 5:0 vote.

(01:14:00)

6.2 VR-2024-003, Variance at 11923 SE 35th Avenue

Senior Planner Vera Kalias announced the applicable sections of the MMC: 12, 19.301, 19.700, 19.804, 19.991, and 19.1006. **Kalias** presented the staff report via a power point presentation. Both are included in the meeting packet. **Commissioner Carpenter** and **Kalias** noted that landscape maintenance had not been mentioned in the application.

Testimony in support of the application. No audience member wished to speak in support of the application.

Testimony in opposition of the application. Lake Road Neighborhood District Association (NDA) Land Use Committee member **Teresa Bresaw** and neighbor of the applicant property **Barbara Allan** opposed the application and remarked on the impacts of the variance on neighboring properties.

Applicant rebuttal to comments. **Kristina Fedorovskiy**, applicant, addressed concerns about the appearance of the proposed addition garage wall.

Chair Sherman closed the public testimony.

Commission Discussion:

Vice Chair Freeman believed the applicant had met the criteria. **Commissioner Fuenmayor** was uncertain whether the applicant had met the criteria. The group discussed the Type III criteria and the impacts of the variance on future development of neighboring properties. **Commissioner Mulhern** believed the criteria had been met. The group remarked on whether the neighbor could construct a fence, noting a fence installed by the neighbor could not be part of the application approval conditions, but it could be required for the applicant as mitigation. **Fuenmayor** remarked on proposing an alternative setback for the proposal and **Sherman** and **Freeman** noted that changing the proposed setback was not part of the application. **Sherman** and **Commissioner Carpenter** believed the application had met the criteria.

Vice Chair Freeman motioned to approve application file VR-2024-003 with the clarifying revision noted by staff. **Commissioner Mulhern** seconded the motion. The motion was passed with a 4:0:1 vote with Commissioner Fuenmayor abstaining.

(02:06:58)

Chair Sherman recessed the meeting.

(02:12:54)

6.3 DR-2024-001 and VR-2024-002, 1847 Food Park at 1915-1925 SE Scott Street

Senior Planner Kalias announced the applicable sections of the MMC: 12, 19.304, 19.508, 19.600, 19.700, 19.907, 19.911, 19.1006. All Commission members present acknowledged they had walked by the application site. **Kalias** presented the staff report via a power point presentation. Both are included in the meeting packet. **Chair Sherman** and **Kalias** noted the VR application criteria. **Vice Chair Freeman** and **Kalias** remarked on the no blank walls design criterion.

Applicant representatives **Karl Refi** and **Terry Amundson** provided a report and presentation which are in the meeting packet. **Chair Sherman** and **Refi** noted that the street trees in the public right-of-way would conform to the city's standards.

Testimony in support of the application. No audience member wished to speak in support of the application.

Testimony in opposition of the application. **Charles Maes**, Casa de Tamales restaurant owner, opposed the application and expressed support for the project design.

Neutral testimony. **Val Hubbard**, Historic Milwaukie NDA co-chair, reported that many neighbors were neutral on the application and noted concerns about noise and operating hours. **Kalias** and **Chair Sherman** observed that the food park's hours of operations and licensing would need to comply with city and state rules.

Kalias clarified for **Maes** that the project had not been approved yet, but the staff recommendation was for the Commission to approve the application.

Applicant rebuttal. **Chair Sherman** noted the applicant indicated the food park's hours would comply with standard operating hours. **Commissioner Carpenter** and **Refi** noted the food park gates would close at the end of the operating day. **City Attorney Gericke** and **Sherman** remarked on noise and nighttime operation code violations.

Chair Sherman closed the public testimony.

Commission Discussion:

Commissioner Mulhern believed the application met the criteria and expressed support for the application. **Chair Sherman** believed the application met the intent of the downtown design guidelines and noted questions about the floor area ratio variance and downtown mixed-use (DMU) criteria. **Commissioner Carpenter** remarked on the application of standards to a use that doesn't conform to them. **Commissioner Fuenmayor** had questions about permanent structures on the site and downtown design standards. **Vice Chair Freeman** remarked on whether the food park would meet the criteria and guidelines. The group discussed whether the proposed structures met the criteria and guidelines, if it would be appropriate for the location, and the difference between public and open spaces.

Vice Chair Freeman and **Commissioner Fuenmayor** expressed interest in continuing the hearing to a future date.

(03:14:52)

Chair Sherman recessed the meeting.

(03:26:56)

6.3 DR-2024-001 and VR-2024-002, 1847 Food Park (continued)

Chair Sherman clarified that the record would not be reopened if the hearing were continued and suggested most of the Commission wanted more time to consider the application. The group remarked on potential dates for a continued hearing.

Commissioner Mulhern suggested the Commission could decide on the application at the present meeting.

Commissioner Carpenter motioned to continue the present meeting until 10:30 p.m.

Commissioner Mulhern seconded the motion. The motion was passed with a 5:0 vote.

The group discussed the food park's floor area ratio (FAR) variance, the use of the site for food carts, whether the application meets the downtown design standards, open space and plaza and setback standards, and the differences in permitting food carts in other parts of downtown.

The group remarked on whether the Commission was ready to vote and **Weigel** noted that if the Commission were to deny the application staff would need time to prepare the appropriate findings.

Commissioner Carpenter motioned to continue the present meeting until 11:00 p.m.

Vice Chair Freeman seconded the motion. The motion was passed with a 5:0 vote.

Chair Sherman summarized that it appeared that the Commission was interested in denying the application. The group discussed next steps.

In a straw poll, **Chair Sherman** and **Commissioners Carpenter and Fuenmayor** voted to deny the FAR variance request, **Vice Chair Freeman** abstained from the vote due to a lack of time to fully consider the FAR variance.

Chair Sherman and **Weigel** noted that staff had enough Commission input to prepare necessary findings for denial.

Vice Chair Freeman motioned to continue the hearing to a date certain of August 13, 2024. **Commissioner Carpenter** seconded the motion. The motion was passed with a 4:1 vote with Commissioner Mulhern voting “nay.”

(04:07:55)

7.0 Planning Department/Planning Commission Other Business/Updates

(04:08:35)

8.0 Forecast for Future Meetings

June 25, 2024	Work Session Items: Natural Resources Code Amendments (Part 2)
July 9, 2024	Nothing scheduled at this time.

Meeting adjourned at approximately 10:31 p.m.

Respectfully submitted,
Scott Stauffer, City Recorder



CITY OF MILWAUKIE

To: Planning Commission

Through: Laura Weigel, Planning Manager

From: Brett Kelter, Senior Planner

Date: July 9, 2024, for July 9, 2024, Public Hearing

Subject: **File:** DR-2024-002 (primary file), with CSU-2024-004, WG-2024-001, NR-2024-002
Applicant/Owner: Clackamas Water Environment Services
Address: 11525 SE McLoughlin Blvd (Kellogg Creek wastewater treatment facility)
Legal Description (Map & Tax Lot): 1S1E35AD lots 1500 & 1600, 1S1E35DA lots 100, 200, & 201
NDA: Island Station(near Historic Milwaukie)

ACTION REQUESTED

Approve application DR-2024-002 (primary file) and adopt the recommended findings and conditions in support of approval found in Attachments 1 and 2. This action would allow an addition to the existing administration building at the Kellogg Creek wastewater treatment facility.

BACKGROUND INFORMATION

A. Site and Vicinity

The 10.75-acre site, located at 11525 SE McLoughlin Blvd, is developed with the Kellogg Creek Water Resource Recovery Facility, commonly referred to as the wastewater treatment plant (see Figure 1). The facility was established in 1974 and sits on a property comprised of five tax lots. An area of just over six acres is developed with the wastewater

Figure 1. Aerial Photo (subject property outlined in yellow)



treatment plant facilities—administration building (admin building), chemical building, anaerobic digesters, primary and secondary clarifiers, aeration basins, and disinfectors. The remaining acreage is landscaping and an established park area, including a paved multiuse trail extending from near the admin building south along the riverbank to 19th Avenue and the Island Station neighborhood.

The subject property is located southwest of the downtown core, separated from downtown by McLoughlin Boulevard (Highway 99E). The property is situated between the highway and the Willamette River, abutting the Island Station neighborhood to the south. The admin building is on the northern part of the site, adjacent to the southern entrance to Milwaukie Bay Park and an overflow parking area. To the west and south of the plant facility is a park-type open space with a paved pedestrian path paralleling the river. The paved Trolley Trail path separates the plant from McLoughlin Boulevard.

B. Zoning Designation

The developed portion of the wastewater treatment plant property is zoned Downtown Mixed Use (DMU), with the area between the plant and the Willamette River and Island Station neighborhood zoned Open Space (OS) (see Figure 2).

The subject property is within the Willamette Greenway overlay and includes mapped natural resources, both water quality resource (WQR) and habitat conservation area (HCA).

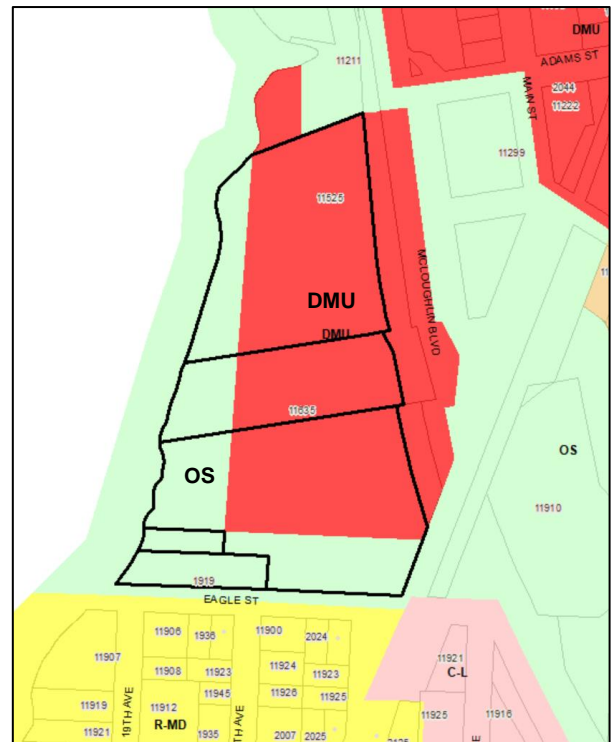
C. Comprehensive Plan Designation

Town Center (TC) and Public (P)

D. Land Use History

- **1974:** The wastewater treatment plant was developed prior to the establishment of the community service use designation. The facility was not originally reviewed as a special or conditional use.
- **1985:** Land use file #CS-85-06, community service overlay approval for construction of two new anaerobic digesters, gas storage, and sludge loading facilities. Conditions of approval related to lighting and landscaping plans to minimize visual impacts of the digesters.
- **1993:** (no file number) minor modification approval to add a 1,270-sq-ft biofilter. Conditions of approval related to landscaping and lighting for the park area. Followed by CSO-93-05, a major modification approval for additional odor control and landscaping improvements.

Figure 2. Existing Zoning



- **1997:** CSO-97-03, minor modification approval to construct a small building to house a motor control center for pumps, as well as to pave an area around the aeration basin for maintenance access.
- **1999:** CSO-99-02, major modification approval to construct odor control improvements. Conditions of approval related to noise and light impacts.
- **2012:** NR-12-19, Type I review approval to remove two trees within the HCA.
- **2014:** CSU-14-07 (with NR-14-07), minor modification approval (with Type I natural resource review) to remove approximately 60 trees from around the site and along the adjacent Trolley Trail path and replace them with approximately 180 trees (mostly native species).
- **2016:** CSU-2016-007 (with NR-2016-007), minor modification approval to install three lights along the path between the plant facility and the river, with minimal HCA disturbance.
- **2018:** CSU-2018-004, minor modification approval to replace lawn areas inside the perimeter fence of the plant facility with gravel. Separately, NR-2018-004 approved the removal of seven dead or dying trees from the riparian area in the southwestern portion of the site (Type I review).
- **2020:** CSU-2020-006, minor modification approval to relocate an existing water pump station within the plant area.

E. Proposal

The applicant, Clackamas Water Environment Services (WES), has applied for approval to construct an addition to the existing admin building on the wastewater treatment plant campus. The existing admin building is 3,600 sq ft; the proposal will add approximately 1,200 sq ft to the east side of the building and approximately 160 sq ft to the west side, reconfiguring the existing conference room, offices, and lab to support current operations. The existing locker rooms and a break room currently housed in the chemical building will be relocated to the admin building. The improvements will provide enhanced workspace for current staff, equitable locker room facilities for men and women, and important structural and code updates for the admin building.

A narrative description of the proposal is included in the applicant's submittal materials (see Attachment 3).

The project requires approval of the following applications:

- a. Downtown design review (file #DR-2024-002)
- b. Community service use, minor modification (CSU-2024-004)
- c. Willamette Greenway conditional use review (minor modification) (WG-2024-001)
- d. Natural resource review (NR-2024-002)

ANALYSIS

A. Downtown design review

The subject property is zoned for downtown mixed use (DMU), but due to its location and function it is more a part of Milwaukie Bay Park than Main Street. The site is separated from the downtown core by McLoughlin Boulevard (Highway 99E) and backs up against the Willamette River, with its “frontage” on the recreational Trolley Trail instead of the downtown grid.

The DMU zone designation is the remnant of a previous redevelopment vision for the property, in which the sewage treatment plant would be replaced with a mixed-use or community-recreation type of use that would activate the site. However, it has become clear over time that the treatment plant will remain—staff may propose rezoning the site to acknowledge the permanence of the facility for the foreseeable future. In the meantime, the DMU designation presents an extra hurdle for long-term maintenance and enhancement of the facility. Improvement projects such as the proposed building addition trigger the need for downtown design review—an outdated formality for this site, but one that must be acknowledged.

The downtown design review provisions of Milwaukie Municipal Code (MMC) Section 19.907 and the 14 design elements of MMC Section 19.508 were crafted to encourage high-quality design for a cohesive and attractive downtown core, primarily along Main Street. There are two tracks for downtown design review:

- Administrative review to confirm compliance with clear and objective design standards, OR
- Discretionary review to evaluate consistency with design guidelines.

When a project cannot meet the specific design standards established in MMC Subsection 19.508.4 (using Type I review), a variance is not required—instead, the applicant addresses the accompanying design guidelines and uses the discretionary Type III review process to make the case for consistency.¹

In the preapplication phase of the project, staff acknowledged that the downtown design elements were not created with a site like this one in mind. Staff’s suggestion to the applicant was to discuss how the proposed design is as consistent with the applicable guidelines as can be expected given the location, function, and orientation of the existing building. It is not reasonable to expect the admin building on a multi-acre public utility campus to try to be something it is not (i.e., a multi-story mixed-use or residential building on Main Street).

¹ Where the DMU development standards are concerned, a variance would be necessary if a new building did not meet one or more of the standards in MMC Subsections 19.304.4 or 19.304.5. However, in the case of an existing building that is already nonconforming with respect to one or more standards such as floor area ratio (FAR) or minimum building height, no variance is needed if the proposed alteration does not increase or extend the nonconforming (as per MMC Subsection 19.804.2). Changes that bring existing development closer to conformance are allowable (and encouraged).

Because of the existing admin building's nature and location, nearly half of the downtown design elements are simply not applicable to the proposed addition—Site Frontage, Corners, Building Massing & Transitions, Service Areas, Resident Open Space, and Plazas & Usable Open Space. Where the applicable guidelines are concerned, such as for Wall Structure & Building Façade Detail, Exterior Building Materials, and Façade Transparency, the proposed design does provide the desired consistency and improves the existing structure. Refer to the detailed analysis of the proposal's consistency with the applicable design elements of MMC 19.508.4 in Attachment 1 (specifically Finding 10).

Note: Without a change to the site's zoning, WES's future project to construct a dewatering facility on the site will encounter the same hurdles with downtown design review. That new building will be more industrial in character, and it will be equally incongruous to apply design guidelines intended for a building in the downtown core.

As per MMC Subsection 19.1001.6.B.1, multiple applications that are reviewed concurrently are processed with the highest numbered review type required. If not for the downtown design review component, the community service use, Willamette Greenway, and natural resource reviews could be handled administratively (Type I review) and without the need for a public hearing. There is no discretion afforded to the Planning Commission for these three components of the overall application.

B. Community service use – minor modification

A community service use (CSU) designation allows the treatment plant to operate on the site. While the proposed building addition represents a modification to the existing facility, the project simply reorganizes some of the functions already occurring on the site and does not intensify the use in any way. The appropriate approval criteria to apply to this application are the minor modification criteria established in MMC Subsection 19.904.5.C.

C. Willamette Greenway (conditional use review) – minor modification

The Willamette Greenway (WG) overlay on the site also requires a conditional use designation. Although the proposed addition is relatively small, it does increase the size of the building and so is not exempt from WG review. Previously, staff have not often utilized the minor modification option for WG review; in this case, the proposed addition does not increase the intensity of use and so it is reasonable to apply the minor modification criteria of MMC Subsection 19.905.4.B.

D. Natural resource review

Proposals to disturb designated natural resource areas usually require some level of review. Impacts to water quality resource (WQR) areas are most often evaluated by the Planning Commission in a discretionary review process. For habitat conservation area (HCA) resources, there are tracks for both discretionary and non-discretionary review. The proposed disturbance to the HCA next to the admin building meets the nondiscretionary standards established in MMC Subsection 19.402.11.D.1.b and can be handled with administrative review. For nonresidential uses, up to 10% of the HCA on the site can be

disturbed by right, with a mitigation planting ratio of five trees and 25 shrubs per 500 sq ft of disturbance. The primary addition will require the removal of two non-native trees and will permanently displace the accompanying habitat. The applicant team has coordinated with the good-neighbor group that has long been active around the treatment plant to confirm that the proposed locations of the various plantings align with the long-term goals for vegetation along the riverbank while maintaining critical views.

CONCLUSIONS

Staff recommendation to the Planning Commission is as follows:

1. Approve the various applications necessary to allow the proposed addition to the existing administration building:
 - a. Downtown design review (file #DR-2024-002)
 - b. Community service use, minor modification (CSU-2024-004)
 - c. Willamette Greenway conditional use review (minor modification) (WG-2024-001)
 - d. Natural resource review (NR-2024-002)
2. Adopt the attached findings and conditions in support of approval.

CODE AUTHORITY AND DECISION-MAKING PROCESS

The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC).

- MMC Chapter 12.16 Access Management
- MMC Title 18 Flood Hazard Regulations
- MMC Section 19.304 Downtown Zones (including Downtown Mixed Use, DMU)
- MMC Section 19.401 Willamette Greenway Zone
- MMC Section 19.402 Natural Resources
- MMC Section 19.508 Downtown Site and Building Design Standards
- MMC Chapter 19.600 Off-Street Parking and Loading
- MMC Chapter 19.700 Public Facility Improvements
- MMC Section 19.804 Alteration of Nonconforming Uses and Development
- MMC Section 19.904 Community Service Uses
- MMC Section 19.905 Conditional Uses
- MMC Section 19.907 Downtown Design Review
- MMC Section 19.1006 Type III Review

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

The Commission has four decision-making options as follows:

- A. Approve the application subject to the recommended Findings.
- B. Approve the application with modified Findings. Such modifications need to be read into the record.
- C. Deny the application upon finding that it does not meet approval criteria.
- D. Continue the hearing.

The final decision on this application, which includes any appeals to the City Council, must be made by September 25, 2024, in accordance with the Oregon Revised Statutes and the Milwaukie Zoning Ordinance. The applicant can waive the time period in which the application must be decided.

COMMENTS

Notice of the proposed changes was given to the following agencies and persons: City of Milwaukie Community Development, Engineering, Building, Public Works, and Police departments; City Attorney; Clackamas Fire District #1 (CFD); Clackamas County Department of Transportation & Development; Metro; TriMet; Oregon Department of Transportation (ODOT); North Clackamas Parks and Recreation District; Island Station Neighborhood District Association (NDA) and Land Use Committee (LUC); Historic Milwaukie NDA and LUC; NW Natural; North Clackamas Watersheds Council (NCWC); Oregon Department of Parks and Recreation; Oregon Department of State Lands (DSL); Oregon Department of Fish and Wildlife (ODFW); and Oregon State Marine Board.

In addition, public notice was provided as required by MMC Subsection 19.1006.3 on June 17, 2024. To date, no responses have been received from either the referral or public notice mailing.

ATTACHMENTS

Attachments are provided as indicated by the checked boxes. All material is available for viewing upon request.

	Public Copies	E-Packet
1. Recommended Findings in Support of Approval	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. Recommended Conditions of Approval	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3. Applicant's Submittal Materials <i>(received May 3, 2024, unless otherwise noted)</i>		
a. Application Form	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Narrative <i>(revised version received June 4, 2024)</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. Drawings/plans <i>(revised planting plans received June 4, 2024)</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
d. Preapplication Conference notes <i>(meeting on March 14, 2024)</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Key:

Public Copies = materials posted online to application website (<https://www.milwaukieoregon.gov/planning/dr-2024-002>)

E-Packet = meeting packet materials available one week before the meeting, posted online at <https://www.milwaukieoregon.gov/bc-pc/planning-commission-123>

ATTACHMENT 1
Recommended Findings in Support of Approval
Primary File #DR-2024-002
WES Administration Building Expansion

Sections of the Milwaukie Municipal Code not addressed in these findings are found to be inapplicable to the decision on this application.

1. The applicant, Clackamas Water Environment Services (WES), has applied for approval to construct an addition to the existing administration building (admin building) on the campus of the Kellogg Creek Water Resource Recovery Facility (wastewater treatment plant) located at 11525 SE McLoughlin Blvd. The developed portion of the site is zoned Downtown Mixed Use (DMU), with the area between the plant and the Willamette River and Island Station neighborhood zoned Open Space (OS). The primary land use application file number is DR-2024-002 (downtown design review), with accompanying applications for community service use review, Willamette Greenway review, and natural resources review.
2. The subject property is approximately 10.75 acres (approximately 468,215 sq ft) and is comprised of five tax lots. The site is located southwest of the downtown core, separated from downtown by McLoughlin Boulevard (Highway 99E). An area of just over 6 acres is developed with the wastewater treatment plant facilities— admin building, chemical building, anaerobic digesters, primary and secondary clarifiers, aeration basins, and disinfectors. The remaining acreage is landscaping and an established park area to the west and south of the plant, with a paved multiuse trail extending from near the admin building south along the riverbank to 19th Avenue and the Island Station neighborhood. The admin building is on the northern part of the site, adjacent to the southern entrance to Milwaukie Bay Park and an overflow parking area. The paved Trolley Trail path separates the plant from McLoughlin Boulevard.

The facility was originally developed in 1974 and is recognized as a de facto community service use in the underlying zone. The subject property is within the Willamette Greenway overlay zone, where non-exempt activities require conditional use review. The site includes mapped water quality resource (WQR) and habitat conservation area (HCA) resources, and the admin building is mapped by the Federal Emergency Management Agency (FEMA) as being within the 1% annual chance flood hazard area (100-year floodplain).

3. The existing admin building is 3,600 sq ft; the proposal will add approximately 1,200 sq ft to the east side of the building and approximately 160 sq ft to the west side, reconfiguring the existing conference room, offices, and lab to support current operations. The existing locker rooms and a break room currently housed in the chemical building will be relocated to the admin building. The improvements will provide enhanced workspace for current staff, equitable locker room facilities for men and women, and important structural and code updates for the admin building.

4. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):

- MMC Chapter 12.16 Access Management
- MMC Title 18 Flood Hazard Regulations
- MMC Section 19.304 Downtown Zones (including Downtown Mixed Use, DMU)
- MMC Section 19.401 Willamette Greenway Zone
- MMC Section 19.402 Natural Resources
- MMC Section 19.508 Downtown Site and Building Design Standards
- MMC Chapter 19.600 Off-Street Parking and Loading
- MMC Chapter 19.700 Public Facility Improvements
- MMC Section 19.804 Alteration of Nonconforming Uses and Development
- MMC Section 19.904 Community Service Uses
- MMC Section 19.905 Conditional Uses
- MMC Section 19.907 Downtown Design Review
- MMC Section 19.1006 Type III Review

The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review. A public hearing was held by the Planning Commission on July 9, 2024, as required by law.

5. MMC Chapter 12.16 Access Management

MMC Section 12.16.040 establishes standards for access (driveway) requirements, including access spacing, number and location of accessways, and limitations for access onto arterial and collector streets. New driveways accessing arterial streets must be spaced at least 600 ft from the nearest intersection; the minimum spacing requirement for collector streets is 300 ft. In non-residential districts, driveways must be at least 10 ft from the side property line.

The subject property does not have a public frontage; however, it does have a single existing accessway to McLoughlin Boulevard through the adjacent Trolley Trail parcel. No additional accessways are proposed as part of this development.

The Planning Commission finds that the proposed development is consistent with the applicable standards of MMC 12.16.

6. MMC Title 18 Flood Hazard Regulations

MMC Title 18 provides standards intended to minimize public and private losses due to flood conditions in specific areas. The regulations established in MMC Title 18 do this in part by controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters; controlling filling, grading, dredging, and other development which may increase flood damage; and preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas. As per MMC Section

18.16.030, a floodplain development permit is required prior to any construction or development within the flood management area.

The subject property includes flood hazard and flood management areas as identified on the Flood Insurance Rate Map (FIRM) prepared by FEMA and acknowledged by the City for the purposes of implementing MMC Title 18. Current FEMA mapping shows that the base flood elevation on the subject property is 36.3 ft (NAVD 88), which establishes the regulatory design flood elevation for the subject property as 37.3 ft (one foot above the base flood elevation).

The applicant has provided topographical survey data that shows the admin building the area immediately surrounding it are at an elevation between 38 and 39 ft, which is above the design flood elevation. It appears that the project area is therefore not subject to the flood hazard protection requirements of MMC Title 18 or the need for a floodplain development permit; this will be confirmed in conjunction with the associated building permit review.

The Planning Commission finds that the proposed development's consistency with the applicable standards of MMC Title 18 will be confirmed through the building permit process.

7. MMC Section 19.304 Downtown Zones (including Downtown Mixed Use DMU)

MMC 19.304 establishes standards for the downtown zones, including the Downtown Mixed Use (DMU) zone.

a. MMC Subsection 19.304.2 Uses

MMC 19.304.2 establishes the uses allowed in the DMU zone, including community service uses.

The proposed development is an addition to the admin building serving the wastewater treatment plant, a utility allowed as a community service use within the DMU zone.

This standard is met.

b. MMC Subsections 19.304.4 and 19.304.5 Development Standards and Detailed Development Standards

MMC Table 19.304.4 lists the general categories of development standards for the DMU zone and MMC 19.304.5 provides additional detail for each category.

(1) MMC Subsection 19.304.5.A Floor Area Ratios

Floor area ratio (FAR) is a tool for regulating the intensity of development. The minimum FAR for nonresidential development is established in MMC Table 19.304.4 and Figure 19.304-3 as 0.5:1; the maximum is 6:1.

The proposed development is an addition to an existing single-story administrative office building on a site approximately 10.75 acres in size (468, 215 sq ft). As per the 0.5:1 ratio established in MMC Table 19.304.4.B.1 and Figure 19.304-3, the minimum FAR required for the subject property is 234,108 sq ft. The existing building is approximately 3,600 sq ft, which yields a FAR of 0.015:1, well below the minimum required. The proposed addition will add a total of approximately 1,360 sq ft, resulting in a FAR calculation of 0.02:1. This moves the site closer to compliance with the minimum

standard and does not increase the nonconformity. As discussed in Finding 13, changes to nonconforming development that do not increase or extend the nonconformity are allowed.

This standard is met.

(2) MMC Subsection 19.304.5.B Building Height

MMC Table 19.304.4 establishes the base minimum building height for new buildings as 25 ft, with a base maximum building height of 45 ft specified in MMC Figure 19.304-4 for the majority of downtown. Height bonuses are allowed as per MMC Subsection 19.304.5.B.3.

The proposed development is an addition to an existing building; a new building is not proposed.

This standard is not applicable.

(3) MMC Subsection 19.304.5.C Street Setbacks

MMC 19.304.5.C establishes that no minimum setbacks are required and notes that minimum setbacks are used in conjunction with the site frontage design element in MMC Subsection 19.508.4.A. As per MMC Table 19.304.4, no side or rear setbacks are required.

As discussed in Finding 10, there is no site frontage requirement for the subject property. No setbacks (street, side, or rear) are required.

This standard is met.

(4) MMC Subsection 19.304.5.D Off-Street Parking

MMC 19.304.5.D was established to provide standards for off-street parking downtown, including for vehicles and bicycles.

As discussed in Finding 11, minimum vehicle parking is no longer required, though other off-street parking standards still apply. A condition has been established to ensure that the minimum bicycle parking requirements are met.

As conditioned, this standard is met.

(5) MMC Subsection 19.304.5.E Residential Densities

MMC 19.304.5.E establishes density standards for residential development downtown. For townhouses and live/work units the minimum density is 25 units per acre; there is no maximum density. For stand-alone multiunit dwellings and senior/retirement housing the minimum density is 30 units per acre; maximum densities are effectively controlled by building height limits.

The proposed development is an addition to a nonresidential building.

This standard is not applicable.

As conditioned, the proposed development meets the applicable development standards, including the detailed development standards, of MMC 19.304.4 and 19.304.5.

c. MMC Subsection 19.304.6 Public Area Requirements

The Public Area Requirements (PAR) implement the Downtown and Riverfront Land Use Framework Plan and are intended to ensure a safe, comfortable, contiguous pedestrian-oriented environment as revitalization occurs in downtown. The PAR are defined as improvements within the public ROW and include such features as sidewalks, bicycle lanes, on-street parking, curb extensions, lighting, street furniture, and landscaping. The PAR is implemented through MMC Chapter 19.700 and the Public Works Standards.

As discussed in Finding 12-f, there are no required street improvements for the proposed development.

This standard is met.

d. MMC Subsection 19.304.7 Additional Standards

Depending upon the type of use and development proposed, the standards for general site design (MMC Section 19.504), for general building design (MMC Section 19.505), and/or downtown site and building design (MMC Section 19.508) may apply.

As a nonresidential development in the DMU zone, the proposed development triggers review against the design standards and/or guidelines of MMC 19.508. As discussed in Finding 10, the applicable guidelines of MMC 19.508 are met.

As proposed and discussed elsewhere in these findings, the Planning Commission finds that the applicable standards of the DMU zone are met.

8. MMC Section 19.401 Willamette Greenway Zone

MMC 19.401 establishes standards for the Willamette Greenway overlay designation, which is intended to protect, conserve, enhance, and maintain the natural, scenic, historic, economic, and recreational qualities of lands along the Willamette River and major courses flowing into the Willamette River.

The subject property is entirely within the Willamette Greenway zone as shown on the City's zoning map.

a. MMC Subsection 19.401.3 Limitations on Use

MMC 19.401.3 establishes that, within the Willamette Greenway overlay, all land use actions, any change or intensification of use, and any development permitted in the underlying zone are conditional uses, subject to the provisions of Section 19.905. Commercial, industrial, and residential structures (including residential accessory structures) exceeding 35 ft in height west of McLoughlin Boulevard are prohibited.

The proposed addition to the existing admin building (a commercial-type structure) constitutes a conditional use that is subject to the provisions of MMC 19.905.

b. MMC Subsection 19.401.5 Procedures

MMC 19.401.5 establishes procedures related to proposed uses and activities in the Willamette Greenway zone. MMC Subsection 19.401.5.B lists activities that are exempt from Willamette Greenway review, including changes to the interior of a building or alterations of buildings that do not increase the size or alter the configuration of the building footprint. Development in the Willamette Greenway zone requires conditional use review, subject to the standards of MMC Section 19.905 and in accordance with the approval criteria established in MMC Subsection 19.401.6.

The proposed addition, which will expand the footprint of the existing admin building, constitutes development as defined in MMC Subsection 19.401.4 and is not exempt from Willamette Greenway review. The proposal is subject to the conditional use review standards of MMC 19.905 (discussed in Finding 15) and the approval criteria of MMC 19.401.6.

c. MMC Subsection 19.401.6 Criteria

MMC 19.401.6 establishes the criteria for approving conditional uses in the Willamette Greenway zone.

- (1) Whether the land to be developed has been committed to an urban use, as defined under the State Willamette River Greenway Plan.

The State Willamette River Greenway Plan defines "lands committed to urban use" in part as "those lands upon which the economic, developmental and locational factors have, when considered together, made the use of the property for other than urban purposes inappropriate."

The subject property has been developed with the wastewater treatment plant for fifty years, since 1974. The City's comprehensive plan identifies the plant as an important urban use serving the city, as is the adjacent Milwaukie Bay Park to the north. The applicant continues to invest in maintenance and upgrades to the facility to ensure that the wastewater treatment plant will remain an efficient utility for the foreseeable future. The land is committed to an urban use.

- (2) Compatibility with the scenic, natural, historic, economic, and recreational character of the river.

The proposed addition is modest in size (1,360 sq ft) and will be buffered from McLoughlin Boulevard and the Willamette River with native trees and shrubs. The new plantings enhance the park-like recreational character of the river and maintain the recreational aspects of the greenway. In addition, the glass cladding of the addition minimizes the visual impact of the building and helps it blend with the heavily vegetated aspect of the site.

As proposed, the development is compatible with all relevant aspects of the character of the river.

- (3) Protection of views both toward and away from the river.

As described above, the modest size of the proposed addition and its buffered placement minimize any impact the addition might have on views to and from the river. Subtle aspects of the design, such as creating an “open” corner and recessing the glass wall of the addition beneath the existing roofline, help to create a sense of layering and transparency that allow for views through the façade. This also limits the building’s visual impact on the environment, the public park, and the surrounding natural habitat. As proposed, views both toward and away from the river will remain largely unchanged.

- (4) Landscaping, aesthetic enhancement, open space, and vegetation between the activity and the river, to the maximum extent practicable.

A diverse selection of native plantings is proposed between the building and the Willamette River and on the east side of the new addition adjacent to the habitat conservation area (HCA) portion of the site. This helps visually screen the building, minimizes visual impact, and makes the building an even better neighbor to the public park that borders to the north.

- (5) Public access to and along the river, to the greatest possible degree, by appropriate legal means.

The proposed addition has no impact on public access to and along the river. Only a very small addition (160 sq ft) is planned for the west façade facing the river, where the building is already screened from the river by other plant infrastructure and existing trees. Most of the addition (1,200 sq ft) is positioned to the east of the building, hidden from the river by the existing building and not blocking public access to the river from the park or McLoughlin Boulevard.

- (6) Emphasis on water-oriented and recreational uses.

The proposed addition supports existing water-oriented and recreational uses by creating a pleasing and unobtrusive edge along Milwaukie Bay Park to the north, which is used by the public accessing the river. The proposed addition minimizes impacts to the river-facing façades of the building and is enhanced by new native trees and shrubs.

- (7) Maintenance of or increase in views between the Willamette River and downtown.

The proposed addition maintains any existing views through the site between downtown and the Willamette River, as the addition retains the one-story height of the existing building and is stepped back at the northeast corner. Looking from the river toward downtown, the view of most of downtown Milwaukie will remain unchanged as seen from the water.

- (8) Protection of the natural environment according to regulations in Section 19.402.

The proposed planting plan has been designed to support the riparian ecology of the greenway zone by the applicant’s natural resource scientist. A mixture of native plants

and shrubs have been selected to help stabilize riparian areas and support the habitat and ecology of the site. The proposed development's compliance with the applicable requirements of MMC 19.402 are addressed in Finding 9.

(9) Conformance to applicable Comprehensive Plan policies.

The **Natural Resources and Environmental Quality element** in the Milwaukie Comprehensive Plan is intended to protect, conserve, and enhance the quality, diversity, quantity, and resiliency of Milwaukie's natural resources and ecosystems. This element features goals and policies related to awareness and education; water quality and resources; flora and fauna habitat; healthy urban forest; sustainable design and development; and air, noise, and light quality. The Natural Resources and Environmental Quality element includes the following relevant adopted policies:

- Require a detailed analysis of how development will avoid impacts to natural resources.
- Regulate floodplains to protect and restore associated natural resources and functions and increase flood storage capacity.
- Protect habitat areas for native and non-invasive naturalized plants and wildlife, considering impacts to habitat connectivity when reviewing development proposals.
- Protect and enhance riparian vegetation.

The proposed development involves minor disturbance to the designated HCA resources on the site. As discussed in Finding 9-d, the proposal includes an address of the nondiscretionary allowance for HCA disturbance and confirmation that the prescribed mitigation plantings will be provided, with a variety of native-species trees and shrubs planted in key areas within the riparian corridor and the remaining HCA on site, improving the stream bank and enhancing tree canopy and shrub cover. As discussed in Finding 6, the proposed development does not fall within the regulatory floodplain.

The **Willamette Greenway element** is intended to protect, conserve, enhance, and maintain the lands and water that comprise the City's portion of the Willamette River Greenway in a manner that recognizes the unique natural, scenic, historical, economic, and recreational qualities that exist along the river. This element features goals and policies related to the greenway boundary, greenway design plan, land use review process, natural resource protection, recreation, public access and view protection, and downtown. The Willamette Greenway element includes the following relevant adopted policies:

- Utilize the Willamette Greenway overlay zone in combination with underlying land use designations to manage uses and implement City objectives for the greenway.

- Protect and conserve natural resources within the greenway, including increasing the tree canopy.
- Evaluate proposals for new development for their effect on visual access to the river and Kellogg Creek from publicly owned land and the public right-of-way.

The subject property is entirely within the Willamette Greenway overlay zone, and the proposed addition requires review against the applicable criteria of MMC 19.401.6 as part of the City's effort to implement its greenway objectives. As noted above, the proposal involves minor disturbance of designated HCA resources and includes a mitigation planting plan that will establish new native-species trees in the riparian corridor and increase the tree canopy on site. As discussed above in Finding 8-c, the proposed development will not have significant impacts on public views of the river.

The **Public Facilities & Services element** is intended to plan, develop, and maintain an orderly and efficient system of public facilities and services to serve urban development. This element features goals and policies related to public facilities, water services, wastewater, stormwater, solid waste, facilities and personnel, local partners, administrative services, and energy and communication services. The Public Facilities & Services element includes the following relevant adopted policies:

- Maintain and enhance levels of public facilities and services to city residents, businesses, and vulnerable populations as urban development or growth occurs.
- Design, upgrade, and maintain systems to ensure that they are sustainable and resilient and utilize best available science and technology.
- Encourage the optimization and improvement of the Kellogg Water Resource Recovery Facility (the sewage treatment plant). Reduce the need for capacity expansion through water conservation and the use of pre-treatment by heavy users.
- Work with plant operators to minimize or eliminate external impacts of the wastewater treatment process by reducing the overall physical footprint of the plant, covering portions of the plant, reducing vehicle trips, eliminating odors, or other viable strategies.

The proposed addition is part of a long-term effort by the applicant to improve and enhance the operation of the wastewater treatment plant. The project will consolidate the currently dispersed breakroom and locker room aspects of the site into the admin building, freeing up space elsewhere on the site and laying the groundwork for future improvements within the existing facility footprint. Future projects will relate more to system and efficiency upgrades that will optimize operations and reduce vehicle trips, and the proposed addition is an important initial step.

- (10) Consistency with applicable plans and programs of the Department of State Lands (DSL).

The proposed activity is not inconsistent with any known plans or programs of DSL. The proposed development does not include excavation or fill below the ordinary high-water mark or within waters of the State. No permits from DSL or the Army Corps of Engineers are required.

- (11) Vegetation buffer plan meeting the conditions of MMC Subsections 19.401.8.A through C.

The subject property is adjacent to the Willamette River and includes a vegetation buffer area as described in MMC 19.401.8.A and discussed in Finding 8-d.

The Planning Commission finds that the proposed activity meets all relevant approval criteria provided in MMC 19.401.6.

- d. MMC Subsection 19.401.8 Vegetation Buffer Requirements

MMC 19.401.8 establishes requirements for a buffer strip of native vegetation along the river, between the river and a location 25 ft upland from the ordinary high-water line. The vegetation buffer is to be preserved, enhanced, or reestablished, except for development otherwise allowed by the zoning code. Large trees that are diseased, dead, or in danger of falling down may be removed if there is a clear public safety hazard or potential for property damage.

Prior to the removal of substantial amounts of vegetation within the buffer, a vegetation buffer plan must be submitted for review and approval. The plan must address such issues as riverbank stabilization, scenic view protection, retention of existing native vegetation and large trees, restoration of native vegetation, and general enhancement of the buffer area. Non-native vegetation may be removed in accordance with the applicable provisions of MMC Chapter 16.32, except for large trees 6 in or greater diameter at breast height (DBH). New plant materials in the buffer strip must be native vegetation.

The subject property is adjacent to the Willamette River, though the project area is located well beyond the 25-ft-wide vegetated buffer. The project includes the removal of two existing trees where the eastern addition of the admin building will be constructed, as well as the removal of two dead dogwood trees and 27 invasive species (black locust) trees. All but six or seven of the trees to be removed (black locust) are outside the vegetated buffer but within the WQR or HCA, where removal of invasive species is allowed (as discussed in Finding 9-b). Removal of those trees from within the vegetated buffer is allowable, with a condition established to ensure that a vegetation buffer plan is provided that addresses the various issues noted in this subsection.

The Planning Commission finds that, as conditioned, this standard is met.

As conditioned, the Planning Commission finds that the proposed development meets all applicable standards of the Willamette Greenway zone as established in MMC 19.401.

9. MMC Section 19.402 Natural Resources

MMC 19.402 establishes regulations for designated natural resource areas. The standards and requirements of MMC 19.402 are an acknowledgment that many of the riparian, wildlife, and wetland resources in the community have been adversely impacted by development over time. The regulations are intended to minimize additional negative impacts and to restore and improve natural resources where possible.

a. MMC Subsection 19.402.3 Applicability

MMC 19.402.3 establishes applicability of the Natural Resource (NR) regulations, including all properties containing Water Quality Resource (WQR) and Habitat Conservation Area (HCA) resources as shown on the City's NR Administrative Map.

The subject property is adjacent to the Willamette River along its western boundary. The City's NR Administrative Map shows a WQR designation extending onto the subject property along the riverbank, and HCA resources are identified as surrounding the area that is developed with the wastewater treatment plant.

The proposed addition will not impact the WQR area on the site, but it will disturb approximately 2,400 sq ft of the HCA identified adjacent to the existing admin building. That level of disturbance is not listed among the exempt activities outlined in MMC Subsection 19.402.4.

The Planning Commission finds that the requirements of MMC 19.402 are applicable to the proposed activity.

b. MMC Subsection 19.402.6 Activities Requiring Type I Review

MMC 19.402.6 establishes that certain activities within a designated WQR and/or HCA are subject to Type I review in accordance with MMC 19.1004. This includes limited tree removal as well as activities in HCAs that meet nondiscretionary standards.

(1) MMC Subsection 19.402.6.A Limited Tree Removal

MMC 19.402.6.A establishes circumstances for allowing the removal of trees from within WQR and HCA areas, including trees that are dead, diseased, or dying and cannot be saved, as determined and documented in a report prepared by a certified arborist. The removal of more than three trees during a 12-month period that are categorized as nuisance species is also allowable as per this subsection.

All tree removal must be done in accordance with the standards of the International Society of Arboriculture. Each tree removed must be replaced with a new tree of at least 0.5-in caliper or at least 6-ft height overall after planting, unless the applicant demonstrates that a replacement tree has already been planted in anticipation of tree removal or if the existing site conditions otherwise preclude tree replacement (due to existing dense canopy coverage or other ecological reasons). The replacement tree must be located in the general

vicinity of the removed tree, somewhere within the designated WQR or HCA. The replacement tree does not have to be a native species but must not be categorized as a nuisance species. The property owner must ensure that each replacement tree survives at least two years beyond the date of its planting.

The proposed development will require the removal of two existing London plane trees (Platanus x acerifolia) that are in the footprint of the addition on the east side of the admin building. Additionally, the applicant has identified two dead dogwood trees (genus Cornus) in the WQR/HCA at the southwest corner of the site and 27 black locust trees (Robinia pseudoacacia) within the WQR/HCA riparian area along the riverbank that are listed as a nuisance species on the Milwaukie Native Plant List.

The removal of trees for the proposed addition footprint is allowable as discussed below in Finding 9-b-2. The removal of the dead dogwood trees is allowable with an arborist report that confirms the trees are dead (as required); a condition has been established to ensure that the necessary documentation is provided. The removal of the black locust trees as a nuisance species is allowable as per the provisions of this subsection.

As discussed below in Finding 9-b-2, the applicant has proposed to plant a total of 24 trees of five different native species within the remaining WQR/HCA as mitigation for the disturbance resulting from the proposed addition. The proposed replanting is at a less than 1:1 tree replacement ratio because the existing WQR/HCA is already densely planted with a substantial tree canopy.

As conditioned, and in conjunction with the mitigation plantings discussed in Finding 9-b-2, the proposed tree removal is allowable with Type I review in accordance with the applicable standards of this subsection.

(2) MMC Subsection 19.402.6.B Activities within HCAs in Compliance with Nondiscretionary Standards

Within HCAs, but outside of WQRs, nonexempt development that is not listed in MMC Subsections 19.402.7 or 19.402.8 and that is in compliance with the nondiscretionary standards provided in MMC Subsection 19.402.11.D is subject to Type I review.

As noted above in Finding 9-a, the proposed development is not exempt from review; it is also not listed in MMC 19.402.7 or 19.402.8 as needing Type II or Type III review, respectively. As discussed below in Finding 9-d, the proposed development meets the nondiscretionary standards for HCA disturbance provided in MMC 19.402.11.D and is subject to Type I review.

The Planning Commission finds that the proposed development, including the proposed addition and accompanying tree removal, is allowable with Type I review as provided in MMC 19.402.6.

c. MMC Subsection 19.402.9 Construction Management Plans

MMC 19.402.9 establishes standards for construction management plans, which are required for projects that disturb more than 150 sq ft of designated natural resource area. Construction management plans must provide information related to site access, staging of materials and equipment, and measures for tree protection and erosion control.

The applicant's submittal materials include a tree removal and planting plan, with demarcations of the WQR and HCA boundaries on the site. The plan sheets do not provide all of the specific information required by MMC 19.402.9, including showing staging areas, erosion control measures, and tree protection measures. A condition has been established to ensure that a formal construction management plan be provided in conjunction with the development permits submitted for the project.

As conditioned, the Planning Commission finds that this standard is met.

d. MMC Subsection 19.402.11 Development Standards

MMC 19.402.11 establishes development standards for projects that impact a designated natural resource, including requirements to protect natural resource areas during development and general standards for required mitigation (e.g., plant species, size, spacing, and diversity). MMC Subsection 19.402.11.B.6 requires all mitigation vegetation to be planted on the applicant's site within the designated natural resource area being disturbed, or in a contiguous area.

MMC Subsection 19.402.11.D establishes mitigation requirements for disturbance within HCAs. Specifically, MMC Subsection 19.402.11.D.1.b allows up to 10% of the HCA on a nonresidential site to be disturbed by right, subject to the mitigation requirements of MMC Subsection 19.402.11.D.2. There are two options for calculating the number of trees and shrubs that must be planted as mitigation: one based on the size of any trees that are removed in conjunction with the HCA disturbance and the other based on the size of the HCA disturbance (5 trees and 25 shrubs required for each 500 sq ft of HCA disturbance). The applicant must use whichever option results in more tree plantings.

The subject property includes over 130,000 sq ft of HCA that is outside of any WQR area on site. The proposed addition on the east side of the existing admin building (1,200 sq ft) will temporarily or permanently disturb approximately 2,400 sq ft of HCA. The proposed disturbance is less than 2% of the HCA on site and so is allowed by right via the nondiscretionary review track.

Based on the disturbance-size formula of 5 trees and 25 shrubs per 500 sq ft of HCA disturbance, the proposed 2,400-sq-ft disturbance requires the planting of 24 trees and 120 shrubs as mitigation. (Based on the tree-size formula for the necessary removal of the two existing London plane trees, at most a total of 20 trees would be required, so the disturbance-size option sets the applicable standard.) The applicant has proposed to plant 24 trees and 120 native-species trees and shrubs at various locations within the remaining HCA on the site.

As proposed, the Planning Commission finds that the applicable development standards of MMC 19.402.11 are met.

e. MMC Subsection 19.402.15 Boundary Verification and Map Administration

MMC 19.402.15 establishes standards for verifying WQR and HCA boundaries and for administering the City's Natural Resource (NR) Administrative Map.

WQR locations are determined based on the provisions of MMC Table 19.402.15. For rivers and streams, the WQR includes the feature itself and a vegetated corridor that extends 50 ft from the ordinary high-water mark or two-year recurrence interval flood elevation.

For HCAs, the City's NR Administrative Map is assumed to be accurate with respect to location unless challenged by the applicant. As per MMC Subsection 19.402.15.A.1, HCA mapping errors resulting from simple incongruities or legal development prior to 2011 can be corrected with appropriate documentation. As per MMC Subsection 19.402.15.B.2.b, when disturbances are allowed within HCAs the City may update the NR Administrative Map to show that the permanently disturbed area is no longer considered an HCA.

The proposed development does not impact the WQR on the site. Although the applicant has not challenged the accuracy of the mapped HCA, it is clear from the available aerial photos that some portions of the developed areas on the site are improperly shown as HCA resources on the NR Administrative Map. In addition, the permanent HCA disturbance allowed by this review will no longer be considered HCA and should be removed from the map.

The Planning Commission finds that the City's NR Administrative Map will be revised to more accurately reflect the HCA boundary with respect to existing legal development and the HCA disturbance approved with this review.

The Planning Commission finds that, as conditioned, the proposed development, including disturbance of the designated HCA on the subject property, meets all applicable standards of MMC 19.402.

10. MMC Section 19.508 Downtown Site and Building Design Standards

MMC 19.508 establishes design standards for downtown development, to encourage building design and construction with durable, high-quality materials. The design standards are applicable to expansions or additions to existing buildings that add more than 250 sq ft and are visible from the pedestrian level of adjacent streets, sidewalks, and/or public parks or pedestrian walkways. MMC Subsection 19.508.4 establishes standards for 14 different elements of design; where the standards are not met, the associated guidelines must be addressed in a discretionary review.

The proposed development is for an addition of more than 250 sq ft to an existing nonresidential building. The findings for the downtown design elements are provided in Table 10, below. Where the design elements are applicable, the proposed addition does not meet most of the specific design standards, so the table addresses the purpose statement and design guidelines for each element.

Table 10
Downtown Design Elements

A. SITE FRONTAGE <i>Purpose: To encourage building design and site placement that enlivens the public realm and streetscape through significant building presence along site frontages and active groundfloor uses.</i>	
Applicability	Findings
<p>a. Frontage Occupancy Figure 19.508.4.A.2.a.(1) illustrates which block faces are subject to the minimum frontage occupancy requirements. It does not include the subject property.</p> <p>b. Build-To Lines/Street Setbacks Figure 19.508.4.A.2.b illustrates which block faces are subject to the first-floor build-to requirements. It does not include the subject property.</p> <p>c. Active Ground-Floor Space New buildings fronting Main Street (excluding ground-floor residential) are subject to specific standards.</p>	<p><i>The subject property is not on Main Street and does not appear on either of the figures that establish applicability for this design element.</i></p> <p><i>This element is not applicable.</i></p>

B. WALL STRUCTURE AND BUILDING FAÇADE DETAIL

Purpose: To add visual interest to buildings and enhance the street environment with engaging and varied wall structures. Use design features and details to break down the scale and mass of a building to create comfortable, pedestrian-friendly environments and enclosure to public areas.

Guidelines	Findings
<p>a. Street-facing façades should engage the street, achieving a distinct and high-quality treatment that contributes to the downtown as the center of the community.</p> <p>b. Building façades should create a sense of coherence through holistic and human-scale design. They should be designed with vertical divisions such as a tripartite façade of base, middle, and top, and horizontal design elements that reference traditional storefront widths and create a sense of rhythm, or an alternative design of vertical and horizontal elements that bring a human scale to the space of the street. Such vertical and horizontal architectural elements should create a coherent pattern and visual interest at a pedestrian scale, particularly for larger buildings.</p> <p>c. Buildings should avoid blank wall faces on street-facing façades, particularly on ground floors and building corners at street intersections.</p> <p>d. Building façades should integrate façade articulation techniques to add visual interest to the built environment and clearly demarcate areas of visual interest, highlighting entries or displays.</p> <p>e. Massing should be purposeful and cohesive, boldly showing depth and/or visual lightness to enrich the pedestrian zone, integrating façade articulation techniques to reduce the perceived scale of larger buildings.</p>	<p>The existing building does not have frontage on a public street but faces the southern portion of Milwaukie Bay Park. The proposed addition, with its extensive clear glazing near the building entrance and allowing views into the communal breakroom and meeting rooms, presents a welcoming public face to the park and to the downtown core at a distance across McLoughlin Boulevard. In its design, the addition aims to optimize storefront-style glazing, weather protection, articulation, and visual interest while remaining compatible with the architectural rhythm of the existing building. Minor glazing on the west side of the addition makes some connection to the street without impacting the remaining adjacent HCA resource with windows and openings.</p> <p>The addition massing purposefully increases the sense of enclosure on the southern edge of the public park, enriching the pedestrian experience and respecting the scale of the park. The addition is designed in proportions that reflect the single-story building. The fenestration treatment with vertical window proportions and a simple, clear sense of rhythm supports the addition's compatibility with the existing building architecture.</p> <p>The proposed design is consistent with the purpose of this design element and the applicable design guidelines.</p>

C. EXTERIOR BUILDING MATERIALS

Purpose: To encourage the use of high-quality building materials that highlight architectural elements, create a sense of permanence, are compatible with downtown Milwaukie and the surrounding built and natural environment, and activate the building around the pedestrian realm.

Guidelines	Findings
<p>a. Exterior materials and finishes should be durable, long-lasting, and low maintenance and create a sense of permanence and high quality.</p> <p>b. Exterior materials for street-facing façades should include a palette that is visually interesting, coherent, compatible, related to its place, and observant of environmental elements of our region.</p> <p>c. Ground-floor materials should consist primarily of a simple palette of long-lasting materials such as brick, stone, or concrete to create a sense of groundedness.</p> <p>d. Upper-floor materials should be attractive and compatible with the dominant materials and colors used on ground-floor façades of the building. Upper-floor materials should not overwhelm ground floor materials.</p> <p>e. Street-facing façade materials should be wrapped around the edge to non-street-facing façades to create a seamless appearance.</p> <p>f. For renovations to existing development, new and existing materials should create a unified appearance.</p>	<p>The proposed addition is designed with high quality, long-lasting cladding materials of glass, metal, and stucco that complement the existing cast-in-place concrete and stucco walls of the existing building. The façade materials underscore the building's sense of permanence and civic sensibility, adding depth and richness while creating a unified appearance with the existing palette.</p> <p>The simple articulation of the storefront-style fenestration contrasts subtly with the rhythm of the punched window openings of the original building, complementing the original building architecture. The overall recessed placement of the addition allows the generous transparency of the front façade to wrap the corner and supports the more solid prominence of the main entry.</p> <p>The proposed design is consistent with the purpose of this design element and the applicable design guidelines.</p>

D. FAÇADE TRANSPARENCY AND ACTIVATION

Purpose: To activate building interiors and exteriors by ensuring transparency through the building, allowing for daylighting of ground-floor commercial and public uses of buildings, and promoting a safe and vibrant pedestrian environment through visual and physical connections between interior and exterior spaces. To limit blank walls and promote alternatives to glazing where needed to activate façades and engage pedestrians viewing building exteriors.

Guidelines	Findings
<ul style="list-style-type: none"> a. Design street-facing nonresidential and mixed-use ground floors with a high percentage of glazing to create transparency and engagement at the pedestrian eye level. b. Design nonresidential and mixed-use street-facing upper floors with sufficient glazing coverage to create visual interest along the façade and access to views, light, and air for building inhabitants. c. Design residential street-facing façade glazing coverage to balance transparency and privacy for residents. d. Arrange glazing to provide balanced coverage of the façade and limit blank walls on both street-facing and street-visible façades. If blank walls are proposed, use alternatives to glazing such as artwork, murals, vertical landscaping, and changes in materials or articulation to create visual interest. e. Design window and doors to maximize transparency and flexibility for ongoing use and adaptation that can be integrated into planned and future building uses and operations, considering such future treatments as shades, curtains, security fencing, and product shelving near windows or doors. 	<p><i>The generous fenestration along the north façade embraces the civic position of the building alongside a popular downtown park. The storefront-style glazing at the more communal and public portions of the building allows for future flexibility and the potential for building adaptation near the front entrance. While the north façade seeks to maximize glazing facing the park, the east façade balances the need to limit glazing facing the HCA to avoid light spill and other detrimental effects to habitat. In this case, the stucco portions of the east wall are intended to create a backdrop to plantings and support the ecological function of the site. Generous plantings are proposed along the east façade to mitigate building impacts on the HCA.</i></p> <p><i>The proposed design is consistent with the purpose of this design element and the applicable design guidelines.</i></p>

E. BUILDING ENTRANCES

Purpose: To create pedestrian-friendly development by providing building entrances that are oriented to the sidewalk or other public space and connected with clearly marked pedestrian walkways.

Guidelines	Findings
<p>a. Entryways should be sited to provide access where the highest amount of pedestrian activity is planned and where the pedestrian experience is designed to be exceptional. Primary building entries should be located along the Main Street or transit street frontage, where present, or at the corner of 2 such frontages for corner lots, whenever possible. Primary entries should not be oriented towards parking lots and service areas.</p> <p>b. Building entries should be designed as prominent architectural features that are clearly defined and demarcated. Entryways should integrate features such as scale, materials, glazing, projecting or recessed forms, architectural details, and color in entryway areas, along with accent features such as lighting and landscaping to set an entry apart.</p> <p>c. Nonresidential doors should create a strong connection to the street through the use of techniques such as storefront doors and surrounding windows with a high percentage of glazing, double doors, and large glazed sectional doors.</p> <p>d. Residential entryways should incorporate vertical and horizontal layering by including a comfortable change of grade or entry features such as porches, terraces, stoops, or covered landings to create a connection to the street while maintaining a respectful separation for resident privacy. Residential doors should be substantial enough to suggest privacy yet still express a welcoming sense of friendly contact for those who approach and enter.</p>	<p><i>The building's primary entry faces the adjacent public park, creating a welcoming front door to the site. The proposed addition emphasizes the primary entrance by presenting a calm and subtly contrasting architectural foil to the original building design. The original entry utilizes glazed double doors that are generously sized and welcoming. The addition reinforces the entrance with simple and unobtrusive fenestration patterning that helps the overall addition visually step back. Its massing reflects the proportions of the original northwest wing of the building, both of which flank the more prominent entry portion of the building and reinforce the prominence of the building's front door.</i></p> <p><i>The proposed design is consistent with the purpose of this design element and the applicable design guidelines.</i></p>

F. WINDOWS

Purpose: To integrate windows made of high-quality materials that are compatible with the building design to create visually interesting exterior façades and that function to create sufficient interior light and enhance connections between interior and exterior spaces.

Guidelines	Findings
<p>a. Window materials should be compatible with other primary wall and surface materials while providing a degree of contrast. Materials should be high quality and provide a high degree of transparency. Windows should provide shadowing through use of trim and/or recesses.</p> <p>b. Nonresidential uses should provide windows at the street level, inviting pedestrians in and providing views both in and out, maintaining transparency and visibility regardless of the time of day.</p> <p>c. Ground-floor street-facing nonresidential windows should engage with the street and connect indoor and outdoor spaces, such as through the use of operable, opening windows (e.g., sliding, pivoting, or articulating windows).</p> <p>d. Window groupings, proportions and orientation should create a sense of rhythm and pattern to provide architectural interest to the overall building composition.</p>	<p><i>The design of the proposed addition proposes generous glazing on the north façade, facing the public park and downtown area. High-quality storefront-style glazing is used, reflecting the civic character of the site and creating a sense of transparency and welcome at the pedestrian scale. This transparency is appropriate to the communal use of the addition and supports the building's civic prominence as an edge to the public park. Glazing on the east façade is limited to respect the HCA and to create a backdrop to the layered plantings along the busy transit corridor of McLoughlin Boulevard.</i></p> <p><i>The proposed design is consistent with the purpose of this design element and the applicable design guidelines.</i></p>

G. CORNERS

Purpose: To create a strong architectural statement at street corners, provide opportunities for pedestrian-scale activity, establish visual landmarks, and enhance visual variety.

Applicability	Findings
<p>This design element applies to corner lots or development sites consisting of more than one lot under common ownership at the corner of two public streets or at the corner of a street and a public area, park, or plaza.</p>	<p><i>The subject property is adjacent to the southern portion of Milwaukie Bay Park but is separated from the nearest public street (McLoughlin Boulevard) by the Trolley Trail.</i></p> <p><i>This element is not applicable.</i></p>

H. BUILDING MASSING AND TRANSITIONS

Purpose: To promote building massing that creates compatible building scale and relationships between adjacent downtown buildings including massing variation that reflects the rhythm of traditional storefronts and breaks up the perceived massing of larger buildings, while creating an inviting pedestrian realm on the street by increasing access to light and air. To provide scaled transitions to adjacent residential uses to minimize impacts of building massing.

Applicability	Findings
<p>As per MMC Subsection 19.508.2.B, this element is not applicable to expansions or additions to existing buildings.</p>	<p><i>The proposed development is an addition to an existing building.</i></p> <p><i>This element is not applicable.</i></p>

I. WEATHER PROTECTION

Purpose: To create an all-season pedestrian environment shielded from the elements, whether by the building structure itself or with added-on features such as awnings and canopies, that is integrated with rather than obscures the building design. Overhead protection encourages window shopping and lingering, and weather protection features can provide interest and detail to a façade as well as create outdoor sidewalk seating areas for restaurants and cafés.

Guidelines	Findings
<p>a. Along the ground floor, buildings should protect pedestrians from inclement weather and provide shade in the summer through use of awnings, canopies, marquees, or elements of the building structure itself such as recesses or balconies. The total amount of awning, canopy, and/or marquee coverage along a façade should provide adequate weather protection for pedestrians without overly shadowing the sidewalk.</p> <p>b. Awnings, canopies, and marquees should be placed over all building entrances and storefront windows or other similar locations and integrated with other entryway design features. (See Subsection 19.508.4.E.) The total amount of awning, canopy and/or marquee coverage along a façade should provide adequate weather protection for pedestrians without overly shadowing the sidewalk.</p> <p>c. The design of awnings, canopies, marquees, and elements of the building structure should be an integral and well-proportioned component of the building façade. Awnings, canopies and marquees should not obscure or negatively impact the character-defining features of the subject building.</p> <p>d. Canopies and awnings should be sized to match individual entrances and storefront windows. They should be placed directly above such features and should not extend outside the piers and lintel of the storefront opening. A single awning or canopy spanning across multiple commercial storefronts and that obscures character-defining features is strongly discouraged.</p> <p>e. Weather protection features should be well proportioned relative to the sidewalks. Features should not be so project so far into the public right-of-Way as to detract from street trees, light fixtures, or street furniture, but should extend far enough to provide coverage for pedestrians at entrances and windows. Features should provide adequate vertical clearance for pedestrian movement.</p> <p>f. Awnings, canopies, and marquees should be of high-quality materials and should not include vinyl.</p> <p>g. Awning or canopy lighting, if provided, should highlight the building or illuminate the sidewalk and should not illuminate awnings or canopies from below or internally.</p>	<p><i>Both the existing building and proposed addition feature generous weather protection along the north façade, which has the most pedestrian-oriented frontage. The main entrance steps back from the roofline, offering protection for people entering the building. Similarly, the addition incorporates a projecting roofline that provides solar shading for the generous windows of the addition. These canopy elements create a language of layering and protection, which helps articulate the façade and provide visual interest as well as weather protection and shade. The scale of the canopies is well integrated with the overall one-story building design and reflects the pedestrian scale of the adjacent park. As integral parts of the roofline, the material of the canopies is of a high quality and complements the building's architecture.</i></p> <p><i>The proposed design is consistent with the purpose of this design element and the applicable design guidelines.</i></p>

J. ROOFS AND ROOFTOP EQUIPMENT SCREENING

Purpose: *To create a visually interesting feature at the top of the building that enhances the quality and character of the building and complements the building design, while reducing or eliminating the visual impact of rooftop equipment on the street pedestrian environment by providing screening or other concealing design features that also contribute to the high-quality design and visual interest of the building.*

Guidelines	Findings
<p>a. Building massing should contribute to a welcoming and pedestrian-scaled sense of enclosure and definition of the street.</p> <p>b. Building rooflines should enliven the pedestrian experience and be of visual interest, with detail and variation that will create a skyline composed of interesting forms and shadows. Building silhouette should be compatible with those of other buildings along the existing streetscape.</p> <p>c. Roof shape, surface materials, colors, mechanical equipment and other penthouse functions should all be integrated into the overall building design and should be considered an additional façade to complement the Building's design.</p> <p>d. Roof mounted mechanical equipment should be hidden from public street view by parapets, screening walls, vertical landscaping or green roof features, enclosures installed as an integral part of the architectural composition, strategic placement, or similar treatments. If such treatments are not practicable, mechanical units may be painted in lieu of screening with muted, neutral colors that make the equipment visually subordinate to the building and any adjacent buildings.</p>	<p><i>New rooftop equipment supporting the addition is screened with a rooftop screen wall, creating an integral component of the building architecture while hiding HVAC equipment. The siding of the screen wall reflects the color and material of the existing building siding, which helps integrate the screen with the overall building design. Additionally, the rectilinear form of the screen enclosure harmonizes with the low horizontal massing of the building and is set-back from the building edge to limit views from the park and the highway.</i></p> <p><i>The proposed design is consistent with the purpose of this design element and the applicable design guidelines.</i></p>

K. SERVICE AREAS (SCREENING)	
<i>Purpose:</i> <i>To preserve well-designed building frontages and pedestrian environments by minimizing the potential negative impacts of service areas on visual design and circulation while maintaining sufficiently accessible and functional loading, waste collection, utility, and other service areas.</i>	
Applicability	Findings
As per MMC Subsection 19.508.2.B, this element is not applicable to expansions or additions to existing buildings.	<i>The proposed development is an addition to an existing building. This element is not applicable.</i>

L. RESIDENT OPEN SPACE	
<i>Purpose:</i> <i>To promote livability in the downtown environment by providing open space amenities within the development site for use by residents.</i>	
Applicability	Findings
This element applies to mixed-use buildings and residential-only multifamily buildings with four or more units.	<i>The proposed development is an addition to an existing nonresidential building. This element is not applicable.</i>

M. PLAZAS AND USABLE OPEN SPACE	
<i>Purpose:</i> <i>To ensure that downtown plazas and open spaces are designed for usability and a variety of activities during all hours and seasons; provide amenities for downtown visitors, businesses, and residents; promote livability; and help soften the effects of built and paved areas.</i>	
Applicability	Findings
This element applies to plazas, courtyards, gardens, terraces, outdoor seating, small parks, and similar spaces.	<i>The proposed development does not create a plaza or similar open space. This element is not applicable.</i>

N. OUTDOOR AND EXTERIOR BUILDING LIGHTING <u>Purpose:</u> To incorporate outdoor and exterior building lighting that increases pedestrian comfort, accentuates design and architectural features, enhances safety, and minimizes light pollution (both spill and casting or glare).	
Guidelines	Findings
<p>a. Exterior lighting should be used to articulate the building elements, including (but not limited to) entrances, common open spaces for residents, plazas and usable open space, signage, canopies, cornices, storefronts, and other architectural features. Lighting levels of entrances, areas underneath weather protection elements, and all open spaces should be pedestrian scale and provide a sense of safety.</p> <p>b. All lighting should be designed to prevent unnecessary illumination of adjacent sites, with the exception of adjacent sidewalks within a public-right-of-Way where illumination is desired. As a rule of thumb, lighting levels should be no greater than necessary to provide for pedestrian safety, property or business identification, and crime prevention.</p> <p>c. Flashing or strobe lights, fluorescent tube lights, and security spotlights are strongly discouraged from use on building exteriors.</p>	<p><i>Minimal new lighting is proposed, both to avoid detrimental impacts on the HCA to the east and to not deter from the character of the public park to the north and the Willamette River to the west. Existing soffit lighting at the main entrance will be maintained, which reinforces the entrance without creating glare and disturbing the riparian ecology.</i></p> <p><i>New lighting will be restrained and minimal in nature, directing most of the luminance at ground surfaces to avoid unnecessary illumination. The design does not include flashing or strobe lights, fluorescent tube lights, or security spotlights.</i></p> <p><i>The proposed design is consistent with the purpose of this design element and the applicable design guidelines.</i></p>

The Planning Commission finds that, as proposed, the design is consistent with the purpose of the applicable design elements and the applicable design guidelines.

11. MMC Chapter 19.600 Off-Street Parking and Loading

MMC 19.600 regulates off-street parking and loading areas on private property outside the public right-of-way. The purpose of these requirements includes providing adequate space for off-street parking, minimizing parking impacts to adjacent properties, and minimizing environmental impacts of parking areas. (*Note: Amendments to MMC 19.600 were adopted by City Council on May 24, 2024, (Or.2243) and became effective 30 days later, on June 24. This application was submitted on May 14, prior to the adoption and effective date of the amendments and so is subject to the version of MMC Chapter 19.600 that was in place at the time of submittal, as presented in these findings.*)

a. MMC Section 19.602 Applicability

MMC 19.602 establishes the applicability of the provisions of MMC 19.600. MMC Subsection 19.602.2 requires that existing off-street parking and loading areas remain in conformance with the requirements of Chapter 19.600 with respect to their ongoing maintenance, operations, and use.

Per Oregon Administrative Rules (OAR) 660-012-0012 and 660-12-0440, which relate to Climate-Friendly and Equitable Communities (CFEC) rulemaking, the City is prohibited from mandating minimum off-street vehicular parking quantity requirements because of the subject property's proximity to frequent transit provided by TriMet (MAX Orange light-rail line, with various bus lines in the downtown core). However, all other provisions of MMC 19.600 may still apply.

The applicant is proposing a small addition (1,360 sq ft) to the existing admin building at the wastewater treatment plant, with no changes to existing off-street parking. Although the CFEC-related limitations noted above prevent the implementation of minimum off-street vehicular parking quantity requirements, the Planning Commission finds that maintaining compliance with the other applicable sections of MMC 19.600 is required.

The Planning Commission finds that the general provisions of MMC 19.600 are applicable to the proposed development.

b. MMC Section 19.605 Vehicle Parking Quantity Requirements

MMC 19.605 establishes standards to ensure that development provides adequate vehicle parking (off-street) based on estimated parking demand. As per the CFEC-related limitations noted above, the City is prohibited from mandating minimum off-street vehicular parking quantity requirements. However, maximum off-street vehicular parking limitations still apply. Additionally, off-street vehicular parking minimums are used to determine the required quantity of off-street bicycle parking per MMC Section 19.609 and for that reason are addressed below.

MMC Table 19.605.1 does not provide a parking standard for wastewater treatment plants, but it does establish minimum and maximum quantity requirements for general office uses, which is an appropriate measure of activity for this kind of site, as office spaces represent the

base of employee operations. For office uses, the minimum parking requirement is 2 spaces per 1,000 sq ft of floor area, with a maximum of 3.4 spaces per 1,000 sq ft.

The existing admin building is approximately 3,600 sq ft; the proposed addition will add 1,360 sq ft to the admin building, for a total of 4,960 sq ft. The minimum required parking (used for calculating bicycle and other parking requirements) is 9 spaces; the maximum allowed is 17. The site is developed with 6 off-street parking spaces and so is not over the maximum allowed (the minimum standard no longer applies for vehicle parking, as noted above). No changes to the existing vehicle parking configuration are proposed.

The Planning Commission finds that the existing parking configuration is conforming with respect to the maximum off-street parking allowed for the site. This standard is met.

c. MMC Section 19.609 Bicycle Parking

MMC 19.609 establishes standards for bicycle parking. Unless otherwise specified, the number of bicycle parking spaces is at least 10% of the minimum required vehicle parking for the use (CFEC limitations aside). In no case will fewer than two (2) bicycle spaces be provided.

MMC Subsection 19.609.3.A requires that each bicycle parking space have minimum dimensions of 2 ft by 6 ft, with 5-ft-wide aisles for maneuvering. MMC Subsection 19.609.4 requires bike racks to be securely anchored and designed to allow the frame and one wheel to be locked to the rack with a U-shaped lock. Bicycle parking must be located within 50 ft of a main building entrance, closer to the entrance than the nearest non-ADA-designated vehicle parking space, designed to provide access to a public right-of-way, in a location that is visible from the main parking lot, designed not to impede pedestrians along sidewalks, and separated from vehicle parking areas by curbing or other similar physical barriers.

As noted above in Finding 11-b, the minimum required vehicle parking quantity for the site is technically 9 spaces (CFEC limitations aside), which results in a minimum bicycle parking requirement of 2 spaces. There are currently no bicycle spaces on the site. A condition has been established to require the installation of at least 2 bicycle parking spaces, with racks that meet the standards of this section.

As conditioned, the standards of MMC 19.609 are met.

As proposed and conditioned, the Planning Commission finds that the applicable standards of MMC 19.600 are met.

12. MMC Chapter 19.700 Public Facility Improvements

MMC 19.700 is intended to ensure that development, including redevelopment, provides public facilities that are safe, convenient, and adequate in rough proportion to their public facility impacts.

a. MMC Section 19.702 Applicability

MMC 19.702 establishes the applicability of the provisions of MMC 19.700, including new construction and any increase in gross floor area.

The applicant proposes a small addition to an existing building. The proposed new construction triggers the requirements of MMC 19.700.

b. MMC Section 19.703 Review Process

MMC 19.703 establishes the review process for development that is subject to MMC 19.700, including requiring a preapplication conference, establishing the type of application required, and providing approval criteria.

The applicant had a preapplication conference with City staff on March 14, 2024, prior to application submittal. As addressed in Finding 12-c, the proposed development does not trigger a transportation impact study. As discussed in Finding 12-f, the proposed addition does not trigger a requirement for any transportation facility improvements.

c. MMC Section 19.704 Transportation Impact Evaluation

MMC 19.704 establishes the process and requirements for evaluating development impacts on the surrounding transportation system, including determining when a formal transportation impact study (TIS) is necessary and what mitigation measures will be required.

The proposed addition represents a minor modification to the operation and use of the overall site and does not trigger a significant increase in trip generation above the existing use on the site; therefore, a TIS is not required.

The proposed development is consistent with the applicable provisions of MMC 19.704.

d. MMC Section 19.705 Rough Proportionality

MMC 19.705 requires that transportation impacts of the proposed development be mitigated in proportion to its potential impacts.

As discussed in Finding 12-f, no transportation facility improvements are required, as the impacts of the proposed development are minimal and the subject property has no frontage to a public street. No further mitigation is required.

The proposed development is consistent with the applicable provisions of MMC 19.705.

e. MMC Section 19.707 Agency Notification and Coordinated Review

MMC 19.707 establishes provisions for coordinating land use application review with other agencies that may have some interest in a project that is in proximity to facilities they manage.

As per the requirements of MMC 19.707, the application was referred to ODOT, Clackamas County Department of Transportation and Development (DTD), TriMet, and Metro for review and comment.

The proposed development is consistent with the applicable provisions of MMC 19.707.

f. MMC Section 19.708 Transportation Facility Requirements

MMC 19.708 establishes the City's requirements and standards for improvements to public streets, including pedestrian, bicycle, and transit facilities.

The proposed development is a small addition to the existing admin building on the wastewater treatment plant campus. The project involves some consolidation of existing facilities located elsewhere on the site (in the chemical building) and represents no significant change in the current level of activity on the site and no increase in vehicle trips. No changes are proposed to the site's existing access from McLoughlin Boulevard across the Trolley Trail and the subject property has no direct frontage on a public street.

The proposed development is consistent with the applicable provisions of MMC 19.708.

g. MMC Section 19.709 Public Utility Requirements

MMC 19.709 establishes the City's requirements and standards to ensure the adequacy of public utilities to serve development.

The proposed modification does not present new impacts to existing public utilities, which are adequate to serve the proposed use.

The proposed development is consistent with the applicable standards of MMC 19.709.

As proposed, the Planning Commission finds that the proposed addition meets the applicable public facility improvement standards of MMC 19.700.

13. MMC Section 19.804 Alteration of Nonconforming Uses and Development

MMC Chapter 19.800 establishes requirements for the continuation, alteration, and rebuilding of nonconforming uses and development. Nonconforming uses and development are uses and development that do not conform to the City's current land use and development regulations, either because they were established prior to the regulations' enactment or because they conformed when they were established but the applicable regulations have since changed.

Most nonconforming uses and development may be maintained but may not be altered without land use review. Nonconforming uses and development may be rebuilt if destroyed in some instances. In general, however, nonconforming uses and development must be brought into conformance with applicable land use and development regulations when redevelopment occurs.

MMC Section 19.804 establishes provisions related to the alteration of nonconforming uses and development, with MMC Subsection 19.804.2 specifically applicable to nonconforming development. Alterations or expansions that increase or extend the nonconformity are not allowed unless a variance is approved pursuant to Section 19.911. Alterations or expansions that conform to Title 19 are allowed.

The wastewater treatment plant, including the admin building, was developed in 1974, well before the City established downtown zoning regulations in 2000 and a downtown design review process

in 2003. With the adoption of downtown standards for both development and design, the admin building became nonconforming with respect to at least some of both. As discussed in Finding 7-b, the existing admin building does not meet the floor area ratio (FAR) standard, but the proposed addition will not cause it to go farther out of conformance and in fact will bring it slightly closer to conformance. Such alterations or expansions of nonconforming development are allowed as per MMC 19.804.2.

The Planning Commission finds that the proposed development is consistent with the applicable provisions of MMC 19.804.

14. MMC Section 19.904 Community Service Uses

MMC 19.904 provides standards and procedures for review of applications for community service uses (CSUs), including minor modifications to existing CSUs. These are uses that are not specifically allowed outright in most zoning districts but that address a public necessity or otherwise provide some public benefit. CSUs include utilities like sewage pumping stations.

a. MMC Subsection 19.904.2 Applicability

MMC 19.904.2 establishes applicability of the CSU regulations, including a requirement for review to establish or modify a CSU.

The application is for a minor modification to the operation of an existing CSU.

The Planning Commission finds that the standards of MMC 19.904 are applicable to the proposed development.

b. MMC Subsection 19.904.3 Review Process

MMC 19.904.3 establishes the review process for CSUs. Applications for minor modifications to existing CSUs are subject to Type I review (MMC 19.1004).

The proposal is to modify an existing CSU. As discussed in Finding 14-c, the proposed change qualifies as a minor modification by meeting the criteria established in MMC Subsection 19.904.5.C.

The Planning Commission finds that the proposed development is subject to Type I review. Because the modification is part of a larger application that requires Type III review it is also being processed with Type III review, but it is still subject to the minor modification approval criteria of MMC Subsection 19.904.5.C, discussed in Finding 14-c.

c. MMC Subsection 19.904.5 Procedures for Reviewing a Community Service Use

MMC Subsection 19.904.5 establishes procedures for reviewing CSUs, including the authorization established in MMC Subsection 19.904.5.C for the Planning Manager to approve minor modifications to an approved CSU with Type I review, provided that such modification:

- (1) Does not increase the intensity of any use.

The proposed addition does not increase the capacity or functionality of the wastewater treatment plant, as treatment volumes will remain the same. The addition does not increase the capacity of the admin building to support an increased number of staff, and no new staff will be added as a result of this project. Vehicular traffic to and from the site will not increase because of the proposal. The proposed modification will not increase the intensity of use.

This standard is met.

- (2) Meets all requirements of the underlying zone relating to building size and location and off-street parking and the standards of Title 19.

As addressed in various other parts of these findings, the proposed addition meets the applicable requirements of Title 19. As noted in Finding 7-b, the site is currently nonconforming with respect to the floor area requirement (FAR) standard, but the proposed addition will bring the property closer to conformance. As noted in Finding 11, the site is consistent with the applicable off-street parking standards (with a condition for bike parking). Other findings address other applicable aspects of Title 19, with which the proposed addition is consistent.

This standard is met.

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

The subject property includes a significant area of mapped WQR and HCA resources (over 150,000 sq ft). A small percentage (less than 2%) of the HCA will be permanently displaced by the proposed addition. As discussed in Finding 9-d, the provisions of MMC Section 19.402 allow a nondiscretionary review track for limited HCA disturbance for nonresidential uses (up to 10% of the HCA), with a prescribed mitigation planting ratio that the applicant has proposed to follow. The proposed addition will not result in the deterioration or loss of the overall HCA resource on the subject property.

The southern portion of Milwaukie Bay Park is the property nearest the admin building, which is separated by at least 900 ft from the nearest residential properties in Island Station. As discussed throughout these findings, the proposed addition will not negatively impact nearby properties.

This standard is met.

- (4) Does not alter or contravene any conditions specifically placed on the development by the Planning Commission or City Council.

The wastewater treatment plant was originally established on the site in 1974 and is considered a de facto CSU. A few major modifications have been approved by the Planning Commission since then, including in 1985 for the construction of two new anaerobic digesters, gas storage, and sludge loading facilities (file #CS-85-06)—conditions of approval related to lighting and landscaping plans to minimize visual

impacts of the digesters. In 1993, the Planning Commission approved additional odor control and landscaping improvements (CSO-93-05), with conditions related to landscaping details and lighting for the park area. A Planning Commission decision in 1999 (CSO-99-02) approved the construction of odor control improvements, with conditions related to noise impacts and lighting levels along the southern property line.

None of these decisions included any conditions that would be contravened by the proposed modification. The proposed addition will not remove any landscaping that screens the operational parts of the wastewater treatment plant, and no new building lighting will impact the park area or the adjacent neighborhood to the south.

This standard is met.

- (5) Does not cause any public facility, including transportation, water, sewer, and storm drainage, to fail to meet any applicable standards relating to adequacy of the public facility.

The proposed modification will not affect any public facilities or cause any to fail to meet applicable standards for adequacy.

This standard is met.

As proposed, the Planning Commission finds that the proposed modification meets the approval criteria for a minor modification to an existing CSU as established in MMC 19.904.5.C.

The Planning Commission finds that the proposed modification meets all applicable standards of MMC 19.904 for approval as a minor modification to an existing CSU.

15. MMC Section 19.905 Conditional Uses

MMC 19.905 establishes regulations for conditional uses, including standards for establishing or modifying uses identified as conditional uses in any overlay zones. As noted in Finding 8-a and as provided in MMC Subsection 19.401.5.A, activities within the Willamette Greenway zone that trigger Willamette Greenway review are subject to the provisions of Section 19.905 as conditional uses.

a. MMC Subsection 19.905.3 Review Process

MMC 19.905.3 establishes the process by which a new conditional use must be reviewed.

As noted in Finding 8-a, the proposed activity constitutes development as defined for the Willamette Greenway zone and so requires review as a conditional use. The proposed development is a small addition to an existing building and meets the approval criteria for a minor modification (as discussed in Finding 15-b).

MMC 19.905.3.B requires that minor modifications to existing conditional uses be evaluated through the Type I review process per MMC Section 19.1004.

b. MMC Subsection 19.905.4 Approval Criteria

MMC Subsection 19.905.4.B establishes the approval criteria for a minor modification to an existing conditional use.

- (1) The proposed modification will not significantly increase the intensity of the use at this location.

As noted above in Finding 14-c, the proposed addition does not increase the capacity or functionality of the wastewater treatment plant, as treatment volumes will remain the same. The addition does not increase the capacity of the admin building to support an increased number of staff, and no new staff will be added as a result of this project. Vehicular traffic to and from the site will not increase because of the proposal. The proposed modification will not increase the intensity of use.

This standard is met.

- (2) The proposed modification will comply with all applicable development standards and requirements of the base zone, any overlay zones or special areas, and the standards in Section 19.905.

As addressed in various other parts of these findings, the proposed addition meets the applicable requirements of Title 19. As noted in Finding 7-b, the site is currently nonconforming with respect to the floor area requirement (FAR) standard of the underlying DMU zone, but the proposed addition will bring the property closer to conformance. As noted in Findings 8 and 9, the proposed modification meets the applicable standards established for the Willamette Greenway and natural resource overlays, respectively. Finding 15 addresses the applicable conditional use requirements of MMC 19.905.

This standard is met.

- (3) The proposed modification will not negatively impact nearby uses, protected natural features, or public facilities more than the original conditional use.

The southern portion of Milwaukie Bay Park is the property nearest the admin building, which is separated by at least 900 ft from the nearest residential properties in Island Station. As discussed throughout these findings, the proposed addition will not negatively impact nearby properties.

As discussed in Finding 9, a small portion of the existing HCA resource on the site will be displaced by the proposed addition. A variety of native trees and shrubs will be planted elsewhere within the on-site HCA as mitigation.

The proposed modification will not affect any public facilities or cause any to fail to meet applicable standards for adequacy.

This standard is met.

- (4) The proposed modification will comply with any conditions of approval from the original conditional use approval.

The wastewater treatment plant was originally established on the site in 1974, before the City adopted regulations for development in the Willamette Greenway as a conditional use in 1995; the plant is considered a de facto community service use (CSU) and does not have an original conditional use approval. As noted in Finding 14-c, a few major modifications have been approved by the Planning Commission since then, most with conditions of approval related to limiting noise and lighting impacts and providing landscaping and screening. None of those conditions would be contravened by the proposed modification. The proposed addition will not remove any landscaping that screens the operational parts of the wastewater treatment plant, and no new building lighting will impact the park area or the adjacent neighborhood to the south.

The Planning Commission finds that this standard is met.

The Planning Commission finds that the proposed development meets the approval criteria outlined in MMC 19.905.4.B for a minor modification of a conditional use.

- c. MMC Subsection 19.905.5 Conditions of Approval

MMC 19.905.5 establishes the types of conditions that may be imposed on a conditional use to ensure compatibility with nearby uses. Conditions may be related to a number of issues, including access, landscaping, lighting, and tree preservation.

The Planning Commission finds that no conditions related to the proposed development are necessary to ensure compatibility with nearby uses.

- d. MMC Subsection 19.905.6 Conditional Use Permit

MMC 19.905.6 establishes standards for issuance of a conditional use permit, including upon approval of a major modification of an existing conditional use. The Planning Manager may decide if it is necessary to revise an existing conditional use permit after approval of a minor modification.

The proposed development is a minor modification of an existing conditional use. There is no record of an existing conditional use permit for the wastewater treatment plant. As the facility is primarily regarded as a de facto CSU and the conditional use aspect is associated with the accompanying Willamette Greenway overlay, the Planning Commission finds that a conditional use permit is not a critical identifier for the existing use and it is not necessary to establish a formal permit at this time.

The Planning Commission finds that the proposed development is consistent with the relevant standards established in MMC 19.905 for conditional uses.

16. MMC Section 19.907 Downtown Design Review

MMC 19.907 establishes the applicability, procedure, and approval criteria for design review of development downtown.

a. MMC Subsection 19.907.2 Applicability

In the DMU zone, building additions of 250 sq ft or more that are visible from streets, sidewalks, public parks, and/or pedestrian walkways, are subject to downtown design review. Development that can meet all of the applicable downtown design standards of MMC Section 19.508 can utilize the Type I review process. For development that cannot meet one or more of the applicable standards and must address the design guidelines, Type III review is required.

As addressed in Finding 10, the proposed design does not meet all of the downtown design standards of MMC 19.508. The proposed development is subject to Type III review.

b. MMC Subsection 19.907.5 Approval Criteria

MMC 19.907.5 establishes the approval criteria for Type I, II, and III downtown design review. For Type III review, projects must meet the following criteria:

- (1) Compliance with MMC Title 19.
- (2) Compliance with applicable design standards in MMC 19.508.
- (3) Substantial consistency with the purpose statement of the applicable design standard and the applicable Downtown Design Guideline(s) being utilized in place of the applicable design standard(s).

For the proposed addition, compliance with the applicable standards of MMC Title 19 is discussed throughout these findings. Since the proposed design does not meet most of the applicable design standards, Table 10 addresses the project's consistency with the purpose statements and design guidelines of the applicable design elements of MMC 19.508.

As discussed throughout these findings and particularly in Finding 10, the proposed addition satisfies the approval criteria for downtown design review.

As proposed, the Planning Commission finds that the proposed addition meets the approval criteria for Type III downtown design review.

17. The application was referred to the following departments and agencies on June 5, 2024:

- Milwaukie Engineering Department
- Milwaukie Building Department
- Milwaukie Public Works Department
- Milwaukie Police Department
- City Attorney
- Island Station Neighborhood District Association (NDA) Chairperson and Land Use Committee (LUC)

- Historic Milwaukie NDA and LUC
- Clackamas Fire District #1 (CFD)
- Clackamas County Department of Transportation & Development
- Metro
- Oregon Department of Transportation (ODOT)
- TriMet
- North Clackamas Parks and Recreation District (NCPRD)
- NW Natural

In addition, notice of the application and public hearing was sent to following agencies and entities:

- North Clackamas Watersheds Council (NCWC)
- Oregon Department of Parks and Recreation
- Oregon Department of State Lands (DSL)
- Oregon Department of Fish and Wildlife (ODFW)
- Oregon State Marine Board

No comments were received for this application.

ATTACHMENT 2
Recommended Conditions of Approval
Primary File #DR-2024-002
WES Administration Building Expansion

1. The final plans submitted for development permit review for the approved development must be in substantial conformance with plans approved by this action, which are the plans received by the City on May 3, 2024, with revisions to the planting plans received on June 4, 2024, except as otherwise modified by these conditions.
2. In conjunction with the submittal of development permit applications, and prior to the issuance of permits and commencement of development activity on the site, the applicant must do the following:
 - a. As per Finding 8-d, provide a vegetation buffer plan that addresses the issues outlined in Milwaukie Municipal Code (MMC) Subsection 19.401.8.B, including riverbank stabilization, scenic view protection, retention of existing native vegetation and large trees, restoration of native vegetation, and general enhancement of the buffer area. The plan should confirm the location of any trees being removed from within the Willamette Greenway vegetation buffer area.
 - b. As per Finding 9-b-1, provide a report from a certified arborist confirming that the two dogwood trees proposed for removal are dead, diseased or dying and cannot be saved.
 - c. As per Finding 9-c, provide a construction management plan that includes the applicable required information outlined in MMC Subsection 19.402.9.
 - d. As per Finding 11-c, revise the plans to show a minimum of two (2) bicycle parking spaces that meet the applicable design standards of MMC 19.609. The rack used must be designed so that the bicycle frame and one wheel can be locked to a rigid portion of the rack with a U-shaped shackle lock when both wheels are left on the bicycle. A horizontal (ground-mounted) rack must support the bicycle at two points, including the frame. The rack must be installed to meet the applicable bicycle parking space dimensional standards of MMC Section 19.609 and should be located within 50 to 100 ft of the main entrance(s) of the building(s) where installed. The new bicycle parking must be installed prior to final inspection and occupancy of the approved development.

Additional Requirements

The following items are not conditions of approval necessary to meet applicable land use review criteria. They relate to other development standards and permitting requirements contained in the Milwaukie Municipal Code and Public Works Standards that are required at various points in the development and permitting process.

1. Expiration of approval

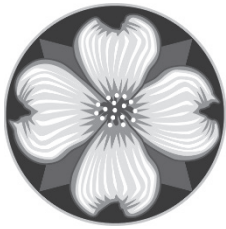
As per MMC Subsection 19.1001.7.E, the land use approval granted with this decision will expire and become void unless the following criteria are satisfied:

For proposals requiring any kind of development permit, the development must complete both of the following steps:

- a) Obtain and pay for all necessary development permits and start construction within two years of land use approval.
- b) Pass final inspection and/or obtain a certificate of occupancy within four years of land use approval.

2. Survival of mitigation plantings

As per MMC Subsection 19.402.11.B.9, a minimum of 80% of the trees and shrubs planted as mitigation must remain alive on the second anniversary of the date that the planting is completed. Monitoring of the mitigation site is the ongoing responsibility of the property owner. Plants that die must be replaced in kind as needed to ensure the minimum 80% survival rate. The Planning Manager may require a maintenance bond to cover the continued health and survival of all plantings. An annual report on the survival rate of all plantings must be submitted for two years.



MILWAUKIE PLANNING
 10501 SE Main St.
 Milwaukie OR 97222
 503-786-7630
 planning@milwaukieoregon.gov

Application for Land Use Action

Primary File #: DR-2024-002

Review type*: I II III IV V

CHECK ALL APPLICATION TYPES THAT APPLY:

- | | | |
|--|---|--|
| <input type="checkbox"/> Amendment to Maps and/or | <input type="checkbox"/> Land Division: | <input type="checkbox"/> Planned Development |
| <input type="checkbox"/> Comprehensive Plan Map | <input type="checkbox"/> Final Plat | <input type="checkbox"/> Residential Dwelling |
| <input type="checkbox"/> Amendment | <input type="checkbox"/> Lot Consolidation | <input type="checkbox"/> Manufactured Dwelling Park |
| <input type="checkbox"/> Zoning Text Amendment | <input type="checkbox"/> Partition | <input type="checkbox"/> Manufactured Dwelling |
| <input type="checkbox"/> Zoning Map Amendment | <input type="checkbox"/> Property Line Adjustment | <input type="checkbox"/> Temporary Dwelling Unit |
| <input type="checkbox"/> Code Interpretation | <input type="checkbox"/> Replat | <input type="checkbox"/> Transportation Facilities Review** |
| <input checked="" type="checkbox"/> Community Service Use | <input type="checkbox"/> Subdivision | <input type="checkbox"/> Variance: |
| <input type="checkbox"/> Conditional Use | <input type="checkbox"/> Mixed Use Overlay Review | <input type="checkbox"/> Use Exception |
| <input type="checkbox"/> Development Review | <input type="checkbox"/> Modification to Existing Approval | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Director Determination | <input checked="" type="checkbox"/> Natural Resource Review** | <input checked="" type="checkbox"/> Willamette Greenway Review |
| <input checked="" type="checkbox"/> Downtown Design Review | <input type="checkbox"/> Nonconforming Use Alteration | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Extension to Expiring Approval | <input type="checkbox"/> Parking: | Use separate application forms for: |
| <input type="checkbox"/> Historic Resource: | <input type="checkbox"/> Quantity Determination | Annexation and/or Boundary Change |
| <input type="checkbox"/> Alteration | <input type="checkbox"/> Quantity Modification | • Compensation for Reduction in Property |
| <input type="checkbox"/> Demolition | <input type="checkbox"/> Shared Parking | • Value (Measure 37) |
| <input type="checkbox"/> Status Designation | <input type="checkbox"/> Structured Parking | Daily Display Sign |
| <input type="checkbox"/> Status Deletion | | • Appeal |

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant—see reverse): *Nathan Seaver, Clackamas WES*

Mailing address: *150 Beaver Creek Rd. #430 Oregon City* State/Zip: *OR 97045*

Phone(s): *(503) 679-5709* Email: *NSeaver@clackamas.us*

Please note: The information submitted in this application may be subject to public records law.

APPLICANT'S REPRESENTATIVE (if different than above): *Shem Harding, Deca Architecture*

Mailing address: *935 SE Alder St. Portland* State/Zip: *OR 97206*

Phone(s): *(503) 239-1987* Email: *harding@deca-inc.com*

SITE INFORMATION:

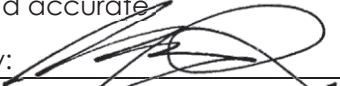
Address: *11525 SE McLoughlin Blvd* Map & Tax Lot(s): *11E35AD, TL 1500*

Comprehensive Plan Designation: *TC / P* Zoning: *DMU* Size of property:

PROPOSAL (describe briefly):

Remodel and addition at the administration building at Kellogg WRRF.

SIGNATURE: I attest that I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code Subsection 19.1001.6.A. If required, I have attached written authorization to submit this application. To the best of my knowledge, the information provided within this application package is complete and accurate.

Submitted by:  *Shem Harding,*
Deca Architecture Date: *4/29/24*

IMPORTANT INFORMATION ON REVERSE SIDE

*For multiple applications, this is based on the highest required review type. See MMC Subsection 19.1001.6.B.1.
 ** Natural Resource and Transportation Review applications may require a refundable deposit.

WHO IS ELIGIBLE TO SUBMIT A LAND USE APPLICATION (excerpted from MMC Subsection 19.1001.6.A):

Type I, II, III, and IV applications may be initiated by the property owner or contract purchaser of the subject property, any person authorized in writing to represent the property owner or contract purchaser, and any agency that has statutory rights of eminent domain for projects they have the authority to construct.

Type V applications may be initiated by any individual.

PREAPPLICATION CONFERENCE:

A preapplication conference may be required or desirable prior to submitting this application. Please discuss with Planning staff.

DEPOSITS:

Deposits require completion of a Deposit Authorization Form, found at www.milwaukieoregon.gov/building/deposit-authorization-form

REVIEW TYPES:

This application will be processed per the assigned review type, as described in the following sections of the Milwaukie Municipal Code:

- Type I: Section 19.1004
- Type II: Section 19.1005
- Type III: Section 19.1006
- Type IV: Section 19.1007
- Type V: Section 19.1008

THIS SECTION FOR OFFICE USE ONLY:

FILE TYPE	FILE NUMBER	AMOUNT <small>(after discount, if any)</small>	PERCENT DISCOUNT	DISCOUNT TYPE	DATE STAMP
Primary file	DR-2024-002	\$ 2,000			Materials submitted 5/03/2024 Payment submitted 5/14/2024
Concurrent application files	CSU-2024-004	\$ 37.50	25%	Discount for multiple applications	
	WG-2024-001	\$ 150	25%		
	NR-2024-002	\$ 150	25%		
		\$			
Deposit (NR/TFR only)				<input type="checkbox"/> Deposit Authorization Form received	
TOTAL AMOUNT RECEIVED: \$ 2,337.50			RECEIPT #:		RCD BY:

Associated application file #s (appeals, modifications, previous approvals, etc.):

Neighborhood District Association(s): Island Station (and near Historic Milwaukie)

Notes:



deca architecture.inc

935 SE Alder Street : Portland Oregon 97214
tel 503 239 1987 deca-inc.com

WES Kellogg WRRF Admin Building Remodel and Addition

Land Use Review Application Narrative
June 3, 2024

Project Team

Owner	Clackamas Water Environment Services (WES) 150 Beavercreek Rd. #430 Oregon City, OR 97045 Contact: Nathan Seaver, WES (503) 679-5709 / NSeaver@clackamas.us
Architect	Deca Architecture 935 SE Alder St. Portland, OR 97214 Contact: Shem Harding (503) 239-1987 / harding@deca-inc.com
Civil	KPFF Consulting Engineers 111 SW 5 th Ave #2600 Portland, OR 97204 Contact: Mark Reuland (503) 227-3251 / Mark.Reuland@kpff.com
Landscape	Clackamas Water Environment Services (WES) 150 Beavercreek Rd. #430 Oregon City, OR 97045 Contact: Gail Shaloum, Natural Resources Scientist (503) 793-4264 / GShaloum@clackamas.us

List of Attachments

L001	Tree removal and planting plan - north
L002	Tree removal and planting plan - south
A001	Overall Site plan
A002	Site plan
A100	Floor plan - overall
A101	Floor plan - level 1 east
A102	Floor plan - level 1 west
A103	Roof plan
A301	Exterior elevations
	Rendering – view from north

1. Building and Site Information.

Clackamas Water Environment Services (WES) operates the Kellogg Creek Water Resource Recovery Facility (KC WRRF) located at 11525 SE McLoughlin Blvd in Milwaukie. The site consists of several buildings and tax lots, but the subject building for this project is the Administration building at the north end of the site.

The Administration Building and the WRRF were constructed in 1974. The WRRF provides conventional secondary treatment for up to 25 MGD and is located on the west side of McLoughlin Boulevard near downtown Milwaukie. It abuts the Island Station Neighborhood on the south, Milwaukie Bay Park on the north and the Historic Milwaukie Neighborhood on the east. A location plan is provided in Figure 1.

WES recently completed an \$18M project to upgrade and modernize several areas of the water resource recovery process at KC WRRF. WES is continuing to upgrade the process and currently has several smaller projects in design and construction. This will likely continue through the design and construction of the Administration Building Remodel Project.

The proposed project includes renovating the existing 3,600 sf Administration Building and constructing an addition of approximately 1,200 sf at the east end of the building and a small 160 sf addition at the west end. The existing locker rooms and a break room currently housed in the Chemical Building will be relocated to the Admin Building. The existing conference room, offices and lab in the Admin Building will be reconfigured to support current operations. The improvements will provide enhanced work space for current staff, equitable locker room facilities for men and women, and important structural and code upgrades for the building. In addition to the building improvements, native trees and shrubs will be added near the building and along the river as a mitigation for the proposed development.



Figure 1: site and building location map

Site Information

Address	11525 SE McLoughlin Blvd Milwaukie, OR 97222
Jurisdiction	City of Milwaukie
Property ID	00019393
Tax Lot No	11E35AD01500
Owner	Clackamas Water Environment Services 150 Beaver Creek Rd. #430 Oregon City, OR 97045
Year built	1974
Site zoning	Split zoned DMU and OS (subject building is within DMU portion of site)
Site area	TL 1500: 3.99 acres / 173,804 sf
Other site overlay	Willamette Greenway Overlay Zone Habitat Conservation Area

2. Requests for Approval

Preliminary pre-application meetings with the City of Milwaukie were conducted to discuss the project on 11/21/23 and 12/20/23. Following those meetings, a Pre-application Conference was conducted on 2/23/24. Pursuant to those discussions, the following applications for land use review are proposed:

- | | |
|------------------------------|------------|
| Community Service Use Review | (Type I) |
| Willamette Greenway Review | (Type I) |
| Natural Resource Review | (Type I) |
| Downtown Design Review | (Type III) |

3. Base Zone Standards, MMC 19.300

19.304.2	Permitted uses. Uses allowed in the downtown zones are listed in Table 19.304.2. <i>Existing and proposed use is a "CSU" Community Service Use. Therefore, a minor modification to an existing CSU is requested as required by 19.904.</i>
19.304.4	Development standards are summarized in Table 19.304.4.
19.304.4.B.1.a	Floor area ratio, minimum: 0.5:1 <i>The existing site and buildings do not meet minimum FAR due to the dispersed nature of the facility. However, the proposed building additions will move the site closer to conformance with this standard.</i>
19.304.4.B.2	Building height, minimum 25 ft, maximum 45 ft. <i>The minimum height standard is applicable only to new buildings and does not apply to the proposed development. The maximum height will not be exceeded.</i>
19.304.4.B.3	Street setbacks, minimum 0, no side and rear setback standards. <i>Proposed development meets the standard.</i>
19.304.4.B.4	Off-street parking, required where applicable per 19.600. <i>No off-street parking is required for nonresidential uses. This facility is not subject to off-street parking requirements and is not listed in Table 19.605.1. No new parking is proposed.</i>

4. Willamette Greenway Overlay Zone, MMC 19.401

19.401.3	Limitations on use. All land use actions and any change or intensification of use or development are conditional uses, subject to the provisions of 19.905. <i>The proposed development involves a CSU (community service use), which requires a CSU review per the provisions of 19.905. The provisions of 19.905.4.B allow for review as a minor modification if there is no increase in intensity of use and no negative impacts to nearby uses. The proposed development presents a minor modification of the existing situation; see below for discussion of the CSU in a separate section.</i>
19.401.6.A	Take into account whether has the land to be developed been committed to an urban use, as defined under the State Willamette River Greenway Plan. <i>The City of Milwaukie Comprehensive Plan identifies the WES Kellogg WRRF as an important urban use and function serving the City, as is the adjacent Milwaukie Bay Park. The City has elected to zone the subject site with the urban DMU zoning. Therefore, it is clear this land has been committed to an urban use. Although the new addition is modest in size, the façade is designed to reflect the urban character of downtown with durable materials and storefront fenestration.</i>
19.401.6.B	Take into account compatibility with the scenic, natural, economic and recreational character of the river. <i>The proposed addition to the building is modest in size (1,200 square feet for the east addition) and is buffered from both the neighboring highway and the Willamette River with native plantings. The cladding of the addition is primarily glass, which minimizes the visual impact of the building, and helps it blend with the heavily vegetated aspect of the site. By reflecting the riparian character of the site with a diverse selection of native plantings and a modestly designed building, the addition supports the scenic and natural character of the river. With the addition of native plantings in the form of new native trees between the building and the river, and new native shrubs between the building and the road, the park-like recreational character of the river is enhanced and the recreational economics of the greenway are maintained.</i>
19.401.6.C	Take into account protection of views, both toward and away from the river. <i>As described above, the modest size of the addition, and its placement minimizes any impact the addition has on views to and from the river. Subtle aspects of the design, such as creating an “open” corner and recessing the glass wall of the addition beneath the existing roofline, helps to create a sense of layering and transparency which allow for views through the façade, and limits the building’s visual impact on the environment, the public park, and the surrounding natural habitat.</i>

19.401.6.D Take into account landscaping, aesthetic enhancement, open space, and vegetation between the activity and the river, to the maximum extent practicable.

As described in the previous guidelines, a diverse selection of native plantings is proposed between the building and the Willamette River, and on the east side of the new addition adjacent to the Habitat Conservation Area (HCA) portion of the site. This helps visually screen the building and minimizes visual impact. In addition, it helps the building to be a good neighbor to the public park and natural area that borders the north of the site.

19.401.6.E Take into account public access to and along the river, to the greatest possible degree, by appropriate legal means.

The new addition is positioned in such a way that it has a very minimal impact on the public access to and along the river. Only a very small addition is planned for the west façade facing the river, and this is screened by new native trees between the building and the river. Most of the addition is positioned to the east of the building, hidden from the river by the existing building and not blocking public access to the river from the park or highway.

19.401.6.F Take into account emphasis on water-oriented and recreational uses.

The proposed building addition supports existing water-oriented and recreational uses by creating a pleasing and unobtrusive edge along the public park to the north used by the public accessing the river. In addition, the proposed changes minimize impacts to the river-facing facades of the building and are enhanced by new native trees and shrubs.

19.401.6.G Take into account maintenance of or increase in views between the Willamette River and downtown.

Any views between downtown and the Willamette River through the site are maintained by the proposed addition, which retains the one-story height of the existing building and is stepped back at the northeast corner. This supports views through the site and maintains visual access to the river from downtown.

19.401.6.H Take into account protection of the natural environment according to regulations in Section 19.402.

The proposed planting plan has been carefully designed to support the riparian ecology of the greenway zone by WES' natural resource scientist. A mixture of native plants and shrubs have been selected to help stabilize riparian areas and support the habitat and the ecology of the site.

19.401.6.I Take into account conformance to applicable Comprehensive Plan policies.

In 1967 the Oregon legislature established the Willamette River Greenway Program, to help protect, conserve, and enhance the 38,000 acre corridor of the Willamette River between Portland and Eugene. The Willamette River Greenway was added as a Statewide Planning Goal (Goal 15) in 1975 to “protect, conserve, enhance and maintaining the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway”. Milwaukie has designated lands within 150 ft of the Willamette River ordinary low water line as within a Willamette Greenway overlay zone and reviews all development projects for compatibility with Statewide Planning Goal 15.

Community access to the recreational opportunities of the Willamette Greenway and the Milwaukie Bay Park, which borders the site to the north, are of primary importance to the Willamette Greenway Comprehensive Plan policies and the community. The proposed addition is sited in such a way to have a very minimal impact on visual and circulation access between public spaces and the river. The new addition creates a welcoming and straightforward edge to the south end of the park, with a subtle architectural layering through an “open” corner design, an integrated canopy, and a pedestrian scaled storefront façade. The new addition enhances the public face of the site by emphasizing the main building entrance and creating a simple backdrop to the native vegetation on the site. This development supports the Comprehensive Plan policies of the Willamette Greenway.

19.401.6.J Take into account the request consistent with applicable plans and programs of the Division of State Lands.

The Willamette River and the mouth of Kellogg Creek are publicly owned waterways, and thus available to the public for boating, swimming, sightseeing, and walking. The site is outside of the Local Wetlands Inventory (LWI) study area and is mapped as an Essential Salmonid Habitat. The site lies partially within the Riverine Wetland habitat as defined by the USFWS National Wetland Inventory, which means that it is particularly important to minimize impacts on the riparian environment with the new addition. The building addition is located near the road, quite a distance from the Riverine Wetland habitat on the site, and new native vegetation is proposed near the river, which will further protect the stability of the riverbank and support the ecology of the Riverine and Essential Salmonid Habitat.

19.401.6.K Take into account a vegetation buffer plan meeting the conditions of Subsections 9.4018.A through C.

WES has worked hard over the last 20 years to develop a vegetation buffer along the greenway. The result has been a heavily planted riparian landscape that is open to the public, provides essential habitat and contributes to State planning goals.

The project seeks to develop and enhance the existing vegetation buffer by removing invasive trees and adding new native trees to help stabilize riparian areas and provide screening of the site to protect scenic views along the river. WES has long supported the riparian habitat on the site, and this will be a continuation of their efforts to support and restore the ecology of the site. The proposed building addition is located away from the river and will minimally disturb the riverbank during construction. Note that it is not feasible or recommended to install new plantings in the heavy riprap that lines the riverbank.

5. Natural Resource Review, MMC 19.402

19.402.3.A Applicability. Section 19.402 applies to all properties that contain Habitat Conservation Areas (HCA's)

The site lies within an HCA and the HCA boundary is shown on the attached site plan.

19.402.3.K Review type. Table 19.402.3.K addresses the type of review process warranted.

Since limited tree removal is proposed, and since the total disturbance area meets clear and objective standards, a Type I review is required.

19.402.11.A Development standard: protection of natural resources.

Existing natural resources on site will be protected during construction as required by these standards.

19.402.11.D Nondiscretionary standards for required mitigation in HCAs: a maximum disturbance area of 10% of the HCA on site is allowed by right, subject to mitigation requirements. The applicant shall meet mitigation option 1 or 2, whichever results in more tree plantings.

The total amount of HCA area on TL 1500 is approximately 68,000 sf. The proposed disturbance within the HCA is approximately 2,400 sf or 4% of the HCA area. Since the proposed disturbance is <10%, it is allowed by right.

Utilizing the "Option 2" method described in 19.402.11.D.2.b results in more tree plantings. A disturbance area of 2,400 sf would yield a mitigation requirement of 24 trees and 120 shrubs.

The western portions of WES' tax lots are developed as a public park, and over the years WES has managed this land to restore native plantings, improve water quality and provide a public amenity. Since this project requires new trees and a natural resources review, WES would like to utilize this opportunity to install tree and shrub plantings in this vicinity.

The attached planting plans propose a total of (24) new trees and (120) new shrubs installed on tax lots owned and managed by WES. Existing invasives will also be removed, with a total of 27 invasive black locust trees removed, in addition to the (2) London plane trees required to be removed for the proposed building project. There are also (2) dead dogwood trees that will be removed as part of the project. Where feasible, portions of the trees to be removed will be retained as snags to facilitate bird nesting and support the riparian habitat.

19.402.15

The NR Administrative Map shows the locations of HCA's. This map is assumed to be correct unless demonstrated otherwise.

GIS layers for the HCA boundaries provided by the City show that a portion of the existing paved plant areas on the east edge of the site lie within the mapped HCA (see site plan). We request that the City correct the HCA boundary mapping to exclude existing paved plant areas from the HCA.

6. Downtown Design Review, MMC 19.508

19.508.4 Downtown design elements (DDE).

Generally, downtown design elements are difficult to apply to this site. The DDE were developed for dense, urban sites with a high level of pedestrian activity and urban enclosure. Although these guidelines do not fit well with a public utility building in an open, park-like setting, the purpose and essence of the guidelines have been carried through to the design.

19.508.4.A.3 Site frontage guidelines.

Guideline not applicable to this project. The site is not within applicable areas identified by associated figures.

19.508.4.B.3 Wall structure and building façade detail guidelines. (applicable to addition area only)

a. Street-facing façades should engage the street, achieving a distinct and high-quality treatment that contributes to the downtown as the center of the community.

b. Building façades should create a sense of coherence through holistic and human-scale design. They should be designed with vertical divisions such as a tripartite façade of base, middle, and top, and horizontal design elements that reference traditional storefront widths and create a sense of rhythm, or an alternative design of vertical and horizontal elements that bring a human scale to the space of the street. Such vertical and horizontal architectural elements should create a coherent pattern and visual interest at a pedestrian scale, particularly for larger buildings.

c. Buildings should avoid blank wall faces on street-facing façades, particularly on ground floors and building corners at street intersections.

d. Building façades should integrate façade articulation techniques to add visual interest to the built environment and clearly demarcate areas of visual interest, highlighting entries or displays.

e. Massing should be purposeful and cohesive, boldly showing depth and/or visual lightness to enrich the pedestrian zone, integrating façade articulation techniques to reduce the perceived scale of larger buildings.

The new addition presents a welcoming civic face to the community with a substantial expanse of clear glazing allowing views to the building's communal breakroom and meeting rooms. Although modest in size, the generous fenestration of the addition and its location near the front door makes an open-spirited gesture towards downtown and Milwaukie Bay Park. The addition seeks to optimize

storefront glazing, weather protection, articulation and visual interest while remaining compatible with the architectural rhythm of the existing building. Minor glazing wraps the north and south edges of the east façade, acknowledging the need for connection to the street without adversely impacting the Habitat Conservation Area (HCA) to the east.

The building's siting is unique in that the façade facing the nearest street (SE McLoughlin Blvd) also faces site area designated as a Habitat Conservation Area (HCA). Aggressively engaging this area with windows and openings is detrimental to the HCA.

The addition massing is clear, bold, and purposefully increases the sense of enclosure on the southern edge of the public park, enriching the pedestrian experience and respecting the scale of the park. The addition is designed with high quality, long-lasting cladding materials of glass, metal, and stucco, using humanistic proportions that reflect the single-story building and its community service use. The sensitive human-scaled fenestration treatment with vertical window proportions and a simple, clear sense of rhythm supports the additions compatibility with the existing building architecture. The "open" corner element creates pleasing visual interest that contributes to greater transparency and a subtle sense of layering, reflecting the delicate vegetation on the heavily treed site. Therefore, this guideline is met.

19.508.4.C.3

Exterior building materials guidelines. (applicable to expansion area only)

- a. Exterior materials and finishes should be durable, long-lasting, and low maintenance and create a sense of permanence and high quality.
- b. Exterior materials for street-facing façades should include a palette that is visually interesting, coherent, compatible, related to its place, and observant of environmental elements of our region.
- c. Ground-floor materials should consist primarily of a simple palette of long lasting materials such as brick, stone, or concrete to create a sense of groundedness.
- d. Upper-floor materials should be attractive and compatible with the dominant materials and colors used on ground-floor façades of the building. Upper-floor materials should not overwhelm ground floor materials.
- e. Street-facing façade materials should be wrapped around the edge to non-street facing façades to create a seamless appearance.
- f. For renovations to existing development, new and existing materials should create a unified appearance.

Using a durable mix of stucco and storefront glazing the addition presents high quality building materials complementary to the existing cast-in-place concrete and stucco walls of the existing building. The addition's façade materials add depth and

richness while creating a unified appearance with the existing palette. The simple articulation of the storefront fenestration contrasts subtly with the rhythm of the punched window openings of the original building, complimenting the original building architecture. By utilizing the long-lasting, classic materials of stucco and glass, the new addition underscores the building's sense of permanence and civic sensibility. The overall recessed placement of the addition allows the generous transparency of the front façade to wrap the corner and supports the more solid prominence of the main entry. Therefore, this guideline is met.

19.508.4.D.3 Façade transparency and activation guidelines. (applicable to addition area only)

- a. Design street-facing nonresidential and mixed-use ground floors with a high percentage of glazing to create transparency and engagement at the pedestrian eye level.
- b. Design nonresidential and mixed-use street-facing upper floors with sufficient glazing coverage to create visual interest along the façade and access to views, light, and air for building inhabitants.
- c. Design residential street-facing façade glazing coverage to balance transparency and privacy for residents.
- d. Arrange glazing to provide balanced coverage of the façade and limit blank walls on both street-facing and street-visible façades. If blank walls are proposed, use alternatives to glazing such as artwork, murals, vertical landscaping, and changes in materials or articulation to create visual interest.
- e. Design window and doors to maximize transparency and flexibility for ongoing use and adaptation that can be integrated into planned and future building uses and operations, considering such future treatments as shades, curtains, security fencing, and product shelving near windows or doors.

The generous fenestration along the north façade embraces the civic position of the building alongside a popular downtown park, and the community service nature of the building. The storefront glazing at the more communal and public portions of the building allows for future flexibility and the potential for building adaptation near the front entrance. While the north facade seeks to maximize glazing facing the park, the east façade balances the need to limit glazing facing the Habitat Conservation Area (HCA) to avoid light spill and other detrimental effects to habitat. In this case, the stucco portions of the east wall are intended to create a backdrop to plantings and support the ecological function of the site. Generous plantings are proposed along the east façade to mitigate building impacts on the HCA. Therefore, this guideline is met.

19.508.4.E.3 Building entrances guidelines.

a. Entryways should be sited to provide access where the highest amount of pedestrian activity is planned and where the pedestrian experience is designed to be exceptional. Primary building entries should be located along the Main Street or transit street frontage, where present, or at the corner of 2 such frontages for corner lots, whenever possible. Primary entries should not be oriented towards parking lots and service areas.

b. Building entries should be designed as prominent architectural features that are clearly defined and demarcated. Entryways should integrate features such as scale, materials, glazing, projecting or recessed forms, architectural details, and color in entryway areas, along with accent features such as lighting and landscaping to set an entry apart.

c. Nonresidential doors should create a strong connection to the street through the use of techniques such as storefront doors and surrounding windows with a high percentage of glazing, double doors, and large glazed sectional doors.

d. Residential entryways should incorporate vertical and horizontal layering by including a comfortable change of grade or entry features such as porches, terraces, stoops, or covered landings to create a connection to the street while maintaining a respectful separation for resident privacy. Residential doors should be substantial enough to suggest privacy yet still express a welcoming sense of friendly contact for those who approach and enter.

The building's primary entry faces downtown and the adjacent public park, creating a welcoming front door to the site. The new addition emphasizes the primary entrance of this community service building by presenting a calm and subtly contrasting architectural "foil" to the original building design. The original entry utilizes glazed double doors which are generously sized and welcoming. The new addition reinforces the entrance with simple and unobtrusive fenestration patterning that helps the addition visually "step-back." The massing of the addition reflects the proportions of the original northwest wing of the building, both of which flank the more prominent entry portion of the building and reinforce the prominence of the building's front door. Therefore, this guideline is met.

19.508.4.F.3 Windows guidelines. (applicable to addition area only)

a. Window materials should be compatible with other primary wall and surface materials while providing a degree of contrast. Materials should be high quality and provide a high degree of transparency. Windows should provide shadowing through use of trim and/or recesses.

b. Nonresidential uses should provide windows at the street level, inviting pedestrians in and providing views both in and out, maintaining transparency and visibility regardless of the time of day.

c. Ground-floor street-facing nonresidential windows should engage with the street and connect indoor and outdoor spaces, such as through the use of operable, opening windows (e.g., sliding, pivoting, or articulating windows).

d. Window groupings, proportions and orientation should create a sense of rhythm and pattern to provide architectural interest to the overall building composition.

The design of the new addition proposes generous glazing at the north façade, facing the public park and downtown. High quality storefront glazing is used, reflecting the civic, downtown-adjacent character of the site, and creating a sense of transparency and welcome at the pedestrian scale. This transparency is appropriate to the communal use of the new addition and supports the building's civic prominence as an edge to the popular public park. Glazing on the east façade is limited to respect the HCA and create a backdrop to the layered plantings along the busy transit corridor of Hwy 99E. Therefore, this guideline is met.

19.508.4.G.3 Corners guidelines.

Guidelines not applicable to this project. The site is not located on a corner.

19.508.4.H.3 Building massing and transitions guidelines.

Guidelines not applicable to this project. Not applicable for expansions or additions per MMC 19.508.2.B.

19.508.4.I.3 Weather protection design guidelines. (applicable only if addition includes an entry)

a. Along the ground floor, buildings should protect pedestrians from inclement weather and provide shade in the summer through use of awnings, canopies, marquees, or elements of the building structure itself such as recesses or balconies. The total amount of awning, canopy, and/or marquee coverage along a façade should provide adequate weather protection for pedestrians without overly shadowing the sidewalk.

b. Awnings, canopies, and marquees should be placed over all building entrances and storefront windows or other similar locations and integrated with other entryway design features. (See Subsection 19.508.4.E.) The total amount of awning, canopy and/or marquee coverage along a façade should provide adequate weather protection for pedestrians without overly shadowing the sidewalk.

c. The design of awnings, canopies, marquees, and elements of the building structure should be an integral and well-proportioned component of the building façade. Awnings, canopies, and marquees should not obscure or negatively impact the character-defining features of the subject building.

d. Canopies and awnings should be sized to match individual entrances and storefront windows. They should be placed directly above such features and should

not extend outside the piers and lintel of the storefront opening. A single awning or canopy spanning across multiple commercial storefronts and that obscures character-defining features is strongly discouraged.

e. Weather protection features should be well proportioned relative to the sidewalks. Features should not project so far into the public right-of-way as to detract from street trees, light fixtures, or street furniture, but should extend far enough to provide coverage for pedestrians at entrances and windows. Features should provide adequate vertical clearance for pedestrian movement.

f. Awnings, canopies, and marquees should be of high-quality materials and should not include vinyl.

g. Awning or canopy lighting, if provided, should highlight the building, or illuminate the sidewalk and should not illuminate awnings or canopies from below or internally.

Both the existing building and addition feature generous weather protection along the north façade, which is the most pedestrian oriented frontage. The main entrance steps back from the roofline, offering protection for people entering the building. Similarly, the addition incorporates a projecting roofline that provides solar shading for the generous windows of the addition. These canopy elements are an integral component of the architectural design, and create a language of layering and protection, which helps articulate the façade and provide visual interest as well as weather protection and shade. The scale of the canopies is well integrated with the overall one-story building design and reflects the pedestrian scale of the adjacent park. As integral parts of the roofline, the material of the canopies is of a high quality and complements the building's architecture. Therefore, this guideline is met.

19.508.4.J.3

Roofs and rooftop equipment screening guidelines. (for expansions that include a new roof and rooftop equipment)

a. Building rooflines should enliven the pedestrian experience and be of visual interest, with detail and variation that will create a skyline composed of interesting forms and shadows. Building silhouettes should be compatible with those of other buildings along the existing streetscape.

b. Roof shape, surface materials, colors, mechanical equipment, and other penthouse functions should all be integrated into the overall building design and should be considered an additional façade to complement the building's design.

c. Roof mounted mechanical equipment should be hidden from public street view by parapets, screening walls, vertical landscaping or green roof features, enclosures installed as an integral part of the architectural composition, strategic placement, or similar treatments. If such treatments are not practicable, mechanical units may be painted in lieu of screening with muted, neutral colors

that make the equipment visually subordinate to the building and any adjacent buildings.

New rooftop equipment supporting the addition is screened with a rooftop screen wall, creating an integral component of the building architecture while hiding HVAC equipment. The siding of the screen wall reflects the color and material of the existing building siding, which helps integrate the screen with the overall building design. Additionally, the rectilinear form of the screen enclosure harmonizes with the low horizontal massing of the building and is set-back from the building edge to limit views from the park and the highway. Therefore, this guideline is met.

19.508.4.K.3 Service areas (screening) guidelines.

Not applicable for expansions or additions, per 19.508.2.B

19.508.4.L.3 Resident open space guidelines.

Not applicable since the project does not include residential uses.

19.508.4.M.3 Plazas and usable open space guidelines.

Not applicable since the building does not create a plaza. The building is adjacent to the public park and seeks to maximize windows oriented to the park with generous floor to ceiling storefront glazing.

19.508.4.N.3 Outdoor and exterior building lighting guidelines. (If addition includes lighting)

a. Exterior lighting should be used to articulate the building elements, including (but not limited to) entrances, common open spaces for residents, plazas and usable open space, signage, canopies, cornices, storefronts, and other architectural features. Lighting levels of entrances, areas underneath weather protection elements, and all open spaces should be pedestrian scale and provide a sense of safety.

b. All lighting should be designed to prevent unnecessary illumination of adjacent sites, with the exception of adjacent sidewalks within a public-right-of-way where illumination is desired. As a rule of thumb, lighting levels should be no greater than necessary to provide for pedestrian safety, property or business identification, and crime prevention.

c. Flashing or strobe lights, fluorescent tube lights, and security spotlights are strongly discouraged from use on building exteriors.

Minimal new lighting is proposed to avoid detrimental impacts on the Habitat Conservation Area (HCA) to the east, and to not deter from the character of the public park to the north and the Willamette River to the west. Exiting soffit lighting at the main entrance will be maintained, which reinforces the entrance without creating glare and disturbing the Riparian ecology.

New lighting will be restrained and minimal in nature, directing most of the luminance at ground surfaces to avoid unnecessary illumination. The design does not include flashing or strobe lights, fluorescent tube lights or security spotlights. Therefore, this guideline is met.

7. Community service use, MMC 19.904 / Conditional use

19.904.2.B Community service uses include sewage pumping stations and water wells, pump stations, reservoirs, and any other facilities used for production, treatment, and distribution of the municipal water supply.

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

The proposed development meets setback, height, and off-street parking requirements. Therefore, this criteria is met.

19.904.4.B CSU Approval Criteria: Specific standards for the proposed uses as found in Subsections 19.904.7-11 are met.

The cited sections do not include criteria specific to this use. Therefore, this criteria is met.

19.904.4.C CSU Approval Criteria: The hours and levels of operation of the proposed use are reasonably compatible with surrounding uses.

No changes to existing hours and level of operations are proposed by this project. The Kellogg WRRF has been in place since 1974 and been in operation for decades. WES has always sought to be a good neighbor, ensure that plant operations are compatible with the surrounding are and minimize off-site impacts to the extent possible. Therefore, this criteria is met.

19.904.4.D CSU Approval Criteria: The public benefits of the proposed use are greater than the negative impacts, if any, on the neighborhood.

The Kellogg WRRF provides a clear and substantial public benefit to the local community, the environment, the river, and the City of Milwaukie, in keeping with the stated purpose and mission of WES. Any negative impacts will not be increased by the proposed development. Therefore, this criteria is met.

19.904.4.E	CSU Approval Criteria: The location is appropriate for the type of use proposed.
	<i>The location of WES is entirely appropriate to its operation and mission. In addition, its riverfront location provides a community benefit by maximizing access to the river. Therefore, this criteria is met.</i>

19.904.5.C	The planning director may approve minor modifications to an approved community service use per section 19.1004 Type I Review, provided that such modification meets the criteria of this section.
	<i>The applicant believes the proposed use qualifies as a minor modification, and has addressed the criteria of section 19.904.5.C below.</i>

19.904.5.C.1	(The modification) Does not increase the intensity of use.
	<i>The proposed addition does not increase the capacity or functionality of the water resource recovery facility and treatment volumes will remain the same. Nor does the proposal increase the capacity of the administration building to support an increased number of staff. No new staff will be added by this project. In addition, vehicular traffic to and from the site will not increase as a result of the proposal. Therefore, the proposal meets this criterion.</i>

19.904.5.C.2	(The modification) Meets all requirements of the underlying zone relating to building size and location and off-street parking and the standards of Title 19.
	<i>The proposed addition fulfills the requirements of the Downtown Zone. While the building does not meet the minimum FAR requirements outlined in the zoning code, it brings the existing building closer to conformance with an increase in building square footage. The proposed development meets the Downtown Zone setback standards, which correspond to no required street, side and rear setbacks. The off-street parking standards are met, as no off-street parking is required for nonresidential uses, and this facility is not subject to the off-street parking requirements listed in Table 19.605.1. No new parking is proposed with this project. Therefore, the proposal meets this criterion.</i>

19.904.5.C.3	(The modification) Does not result in deterioration or loss of any protected natural feature or open space and does not negatively affect nearby properties.
	<i>The proposal does not result in a substantial deterioration or loss of any protected natural feature or open space on the site and does not negatively affect nearby properties. The new addition will disturb approximately 2,400 SF, or 4% of the Habitat Conservation Area (HCA) of the site. As this is less than 10% of the HCA on the site, it is allowed by right (19.402.11.D), but will be mitigated by planting new native trees and shrubs, per the mitigation requirements outlined in the Natural Resource Review of the zoning code, 19.402.11.D New native trees are proposed along the Willamette riverbank that support the health of the riparian ecology and stability of the riverbank itself. New native shrubs are proposed between the building addition and the street. The proposal supports a more robust riparian</i>

ecology, thereby protecting the Willamette River, and the adjacent open space of the public park to the north of the site. The addition of new native shrubs between the addition and the street better screen the building from its neighbors, and the new native trees along the riverbank help screen the facility from public users of the waterway. Therefore, the proposal meets this criterion.

19.904.5.C.4 (The modification) Does not alter or contravene any conditions specifically placed on the development by the Planning Commission or City Council.

This facility was approved by the Milwaukie Planning Commission in 1970 as a Governmental Use, which is a conditional use. In November 1985 a Community Service Use application was approved for the installation of odor reduction devices and on-site sludge facilities that would eliminate the need for hauling odorous, activated sludge through the community. Subsequent land use applications to permit construction of odor control improvements were approved in 1993 and 1999. There are no relevant conditions of approval as part of these earlier decisions that would preclude the addition proposed to the administration building. The addition does not result in an increased number of staff on site. The new addition does not impact the capacity, functionality, or off-site impacts of the water resource recovery facility, and because of this does not affect any conditions associated with any previous approvals. Therefore, the proposal meets this criterion.

19.904.5.C.5 (The modification) Does not cause any public facility, including transportation, water, sewer and storm drainage, to fail to meet any applicable standards relating to adequacy of the public facility.

The proposal does not cause any public facility, including transportation, water, sewer and storm drainage, to fail to meet any applicable standards relating to adequacy of the public facility. The proposed addition impacts the administration building only and will not disrupt the services performed by the water resource recovery facility. The area of site disruption during construction will be limited to the northern end of the site. The proposed addition will not interrupt services nor impact the functionality of the site or facility. Therefore, the proposal meets this criterion.

19.904.5.B Minor modification of an existing conditional use shall be approved if the following criteria are met.

Since the Community Service Use (CSU) is a type of conditional use, the approval criteria or 19.904.5.B have also been addressed.

19.904.5.B.1 The proposed modification will not significantly increase the intensity of the use at this location.

The proposed addition will not significantly increase the intensity of the use on the site. The capacity and functionality of the water resource recovery facility will not be altered, and treatment volumes will remain the same. Nor does the proposal increase the capacity of the administration building to support an increased number of staff. No new staff will be added because of this project. In addition, vehicular traffic to and from the site will not increase as a result of the proposal. Therefore, the proposal meets this criterion.

19.904.5.B.2 The proposed modification will comply with all applicable development standards and requirements of the base zone, any overlay zones or special areas, and the standards in Section 19.905.

The proposed addition fulfills the requirements of the Downtown Zone, the Willamette Greenway Overlay Zone, and the standards for minor modifications to a conditional use. While the building does not meet the minimum FAR requirements outlined in the Downtown Zone code, it brings the existing building closer to conformance with an increase in building square footage. The proposed development meets the Downtown Zone setback standards, which correspond to no required street, side and rear setbacks. The off-street parking standards are met, as no off-street parking is required for nonresidential uses, and this facility is not subject to the off-street parking requirements listed in Table 19.605.1. No new parking is proposed with this project.

Regarding the Willamette Greenway Overlay Zone, the proposal represents only a minor alteration to the site and provides additional landscaping with new native trees and shrubs that further screen the facility from the Willamette River, the neighborhood, and supports a positive relationship with the public park to the north of the site. Views to the river and pedestrian and vehicular connectivity across the site will not be substantially impacted by the proposal. The addition supports a positive relationship between the public, the facility, and the natural resources of the Willamette Greenway with generous landscape buffers and reinforcement of the native riparian ecology. In addition, the proposal represents only a minor alteration to the existing Conditional Use and is approvable as it does not alter the intensity of use on the site and has a very limited detrimental impact on the site ecology, which will be mitigated per the requirements of the code. Therefore, the proposal meets this criterion.

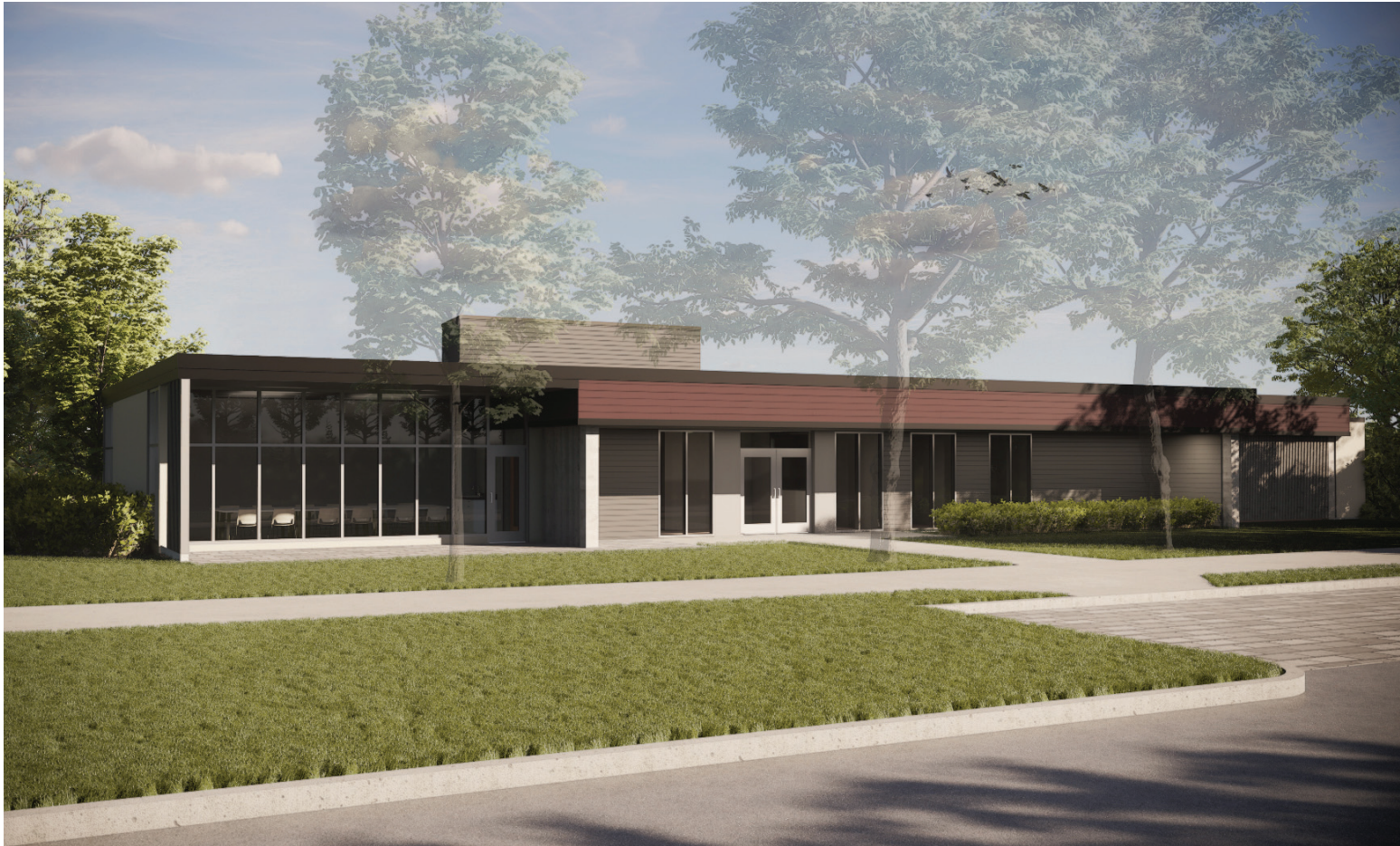
19.904.5.B.3 The proposed modification will not negatively impact nearby uses, protected natural features, or public facilities more than the original conditional use.

The proposal does not negatively impact nearby uses, protected natural features or public facilities more than the original conditional use. The minimal size of the proposed addition, and the planting of new native trees and shrubs supports the public use of the city park to the north of the site and screens the facility from the Willamette River and the street. This limits the impact of the addition on the residential neighborhood, the park, and the public access along the river. New native trees are proposed along the Willamette riverbank that support the health of the riparian ecology and stability of the riverbank itself. New native shrubs are proposed between the building addition and the street. The proposal supports a more robust riparian ecology, thereby protecting the Willamette River, and the adjacent open space of the public park to the north of the site. The addition of new native shrubs between the addition and the street better screen the building from its neighbors, and the new native trees along the riverbank help screen the facility from public users of the waterway. Therefore, the proposal meets this criterion.

19.904.5.B.4 The proposed modification will comply with any conditions of approval from the original conditional use approval.

This facility was approved by the Milwaukie Planning Commission in 1970 as a Governmental Use, which is a conditional use. In November 1985, a Community Service Use application was approved for the installation of odor reduction devices and on-site sludge facilities that would eliminate the need for hauling odorous, activated sludge through the community. Subsequent land use applications to permit construction of odor control improvements were approved in 1993 and 1999. There are no relevant conditions of approval as part of these earlier decisions that would preclude the addition proposed to the administration building. The addition does not result in an increased number of staff on site. The new addition does not impact the capacity, functionality, or off-site impacts of the water resource recovery facility, and because of this does not affect any conditions associated with any previous approvals. Thus, the proposal meets this criterion.

End of narrative.



WES KELLOGG ADMIN REMODEL RENDERING **VIEW FROM NORTH**

PRELIMINARY NOT
 FOR CONSTRUCTION

TREE REMOVAL AND PLANTING LEGEND



NOTES THIS SHEET

- EXISTING AND NEW PLAN LOCATIONS ARE APPROXIMATE. FULL SURVEY HAS NOT BEEN CONDUCTED.
- CONFIRM EXISTING IRRIGATION SYSTEM COVERAGE AND EXTEND AS NEEDED TO IRRIGATE NEW PLANTINGS.
- ALL TREE REMOVAL, PLANTINGS AND IRRIGATION LOCATED GREATER THAN 150 FT FROM ADMIN BUILDING EXTERIOR WALLS PROVIDED AND INSTALLED BY WES. ALL WORK LESS THAN 150 FT FROM ADMIN BUILDING EXTERIOR WALLS BY CONTRACTOR.

PLANTING SCHEDULE

Plant list: SHRUBS Note: plant in clusters, single species group of 4 plants each.

Quantity	Key	Common name	Botanical name	Min. Size	Spacing	Notes
18	AT FF	lady fern	Athyrium filix-femina	1 gal	3' oc	
14	CE SA	Oregon tea tree	Ceanothus sanguineus	3 gal	6' oc	
18	MA NE	Cascade Oregon grape	Mahonia nervosa	1 gal	3' oc	
14	RI SANG	red-flowering currant	Ribes sanguineum	3 gal	6' oc	
15	RU PA	thimbleberry	Rubus parviflorus	2 gal	4' oc	
15	VA OV	evergreen huckleberry	Vaccinium ovatum	2 gal	4' oc	
13	MA AQ	Oregon grape	Mahonia aquifolium	3 gal	4' oc	
13	RO ST	balship rose	Rosa gymnocarpa	3 gal	4' oc	
120 total						

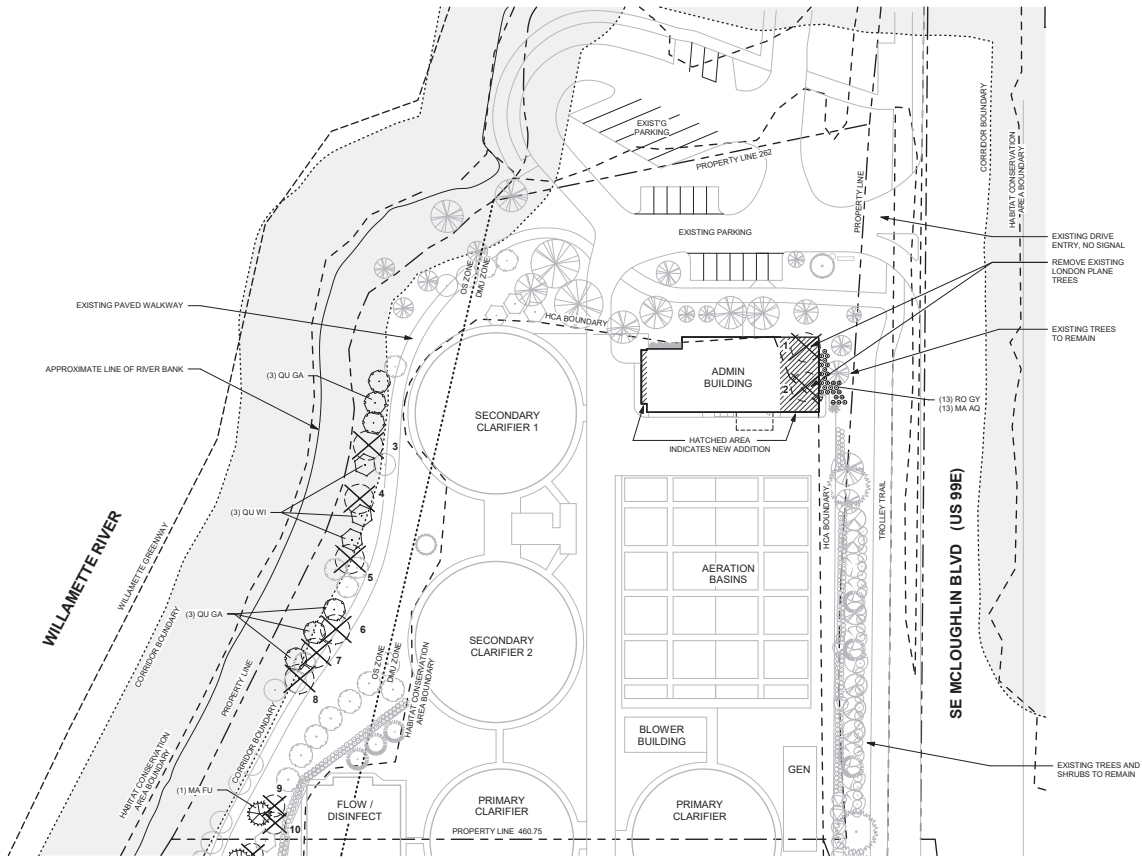
Plant list: TREES

Quantity	Key	Common name	Botanical name	Min. Size	Spacing	Notes
5	CO NU	Pacific dogwood	Cornus nuttallii	1/2" cal	10' oc or as noted on plan	
8	QU GA	Oregon oak	Quercus garryana	1/2" cal	30' or as noted on plan	Certified free of Phytophthora Ramorum
7	QU WI	interior live oak	Quercus wislizeni	1/2" cal	30' or as noted on plan	Certified free of Phytophthora Ramorum
3	MA FU	Western crabapple	Malus fusca	1/2" cal	10' or as noted on plan	
1	TA BR	Pacific yew	Taxus brevifolia	5 gal	as noted on plan	
24 total						

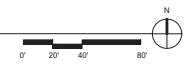
Trees to be removed:

27		black locust	Robinia pseudoacacia
2		dead dogwood trees	
2		London plane	Platanus x acerifolia
31 total			

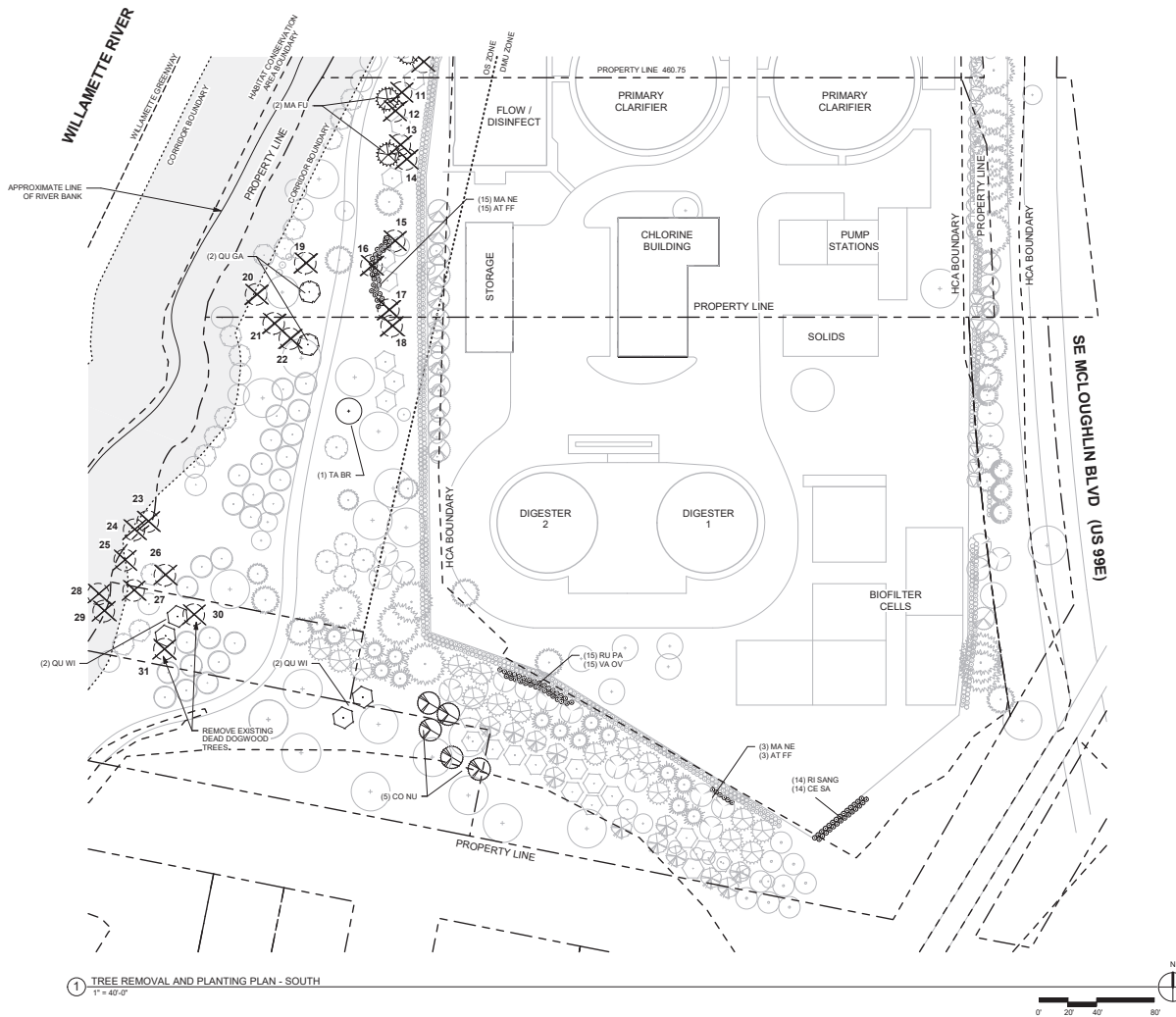
Note: for tree removals, retain portion of trunks as snags, where feasible.



1 TREE REMOVAL AND PLANTING PLAN - NORTH
 1" = 40'-0"



Issue	Revision	Date
LAND USE		6/3/2024



1 TREE REMOVAL AND PLANTING PLAN - SOUTH
1" = 40'-0"

TREE REMOVAL AND PLANTING LEGEND



NOTES THIS SHEET

- EXISTING AND NEW PLAN LOCATIONS ARE APPROXIMATE, FULL SURVEY HAS NOT BEEN CONDUCTED.
- CONFIRM EXISTING IRRIGATION SYSTEM COVERAGE AND EXTEND AS NEEDED TO IRRIGATE NEW PLANTINGS.
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PLANTING SCHEDULE

Plant list: SHRUBS Note: plant in clusters, single species group of 4 plants each.

Quantity	Key	Common name	Botanical name	Min. Size	Spacing	Notes
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13	RO ST	balship rose	Rosa gymnocarpa	3 gal	4' oc	
120	total					

Plant list: TREES

Quantity	Key	Common name	Botanical name	Min. Size	Spacing	Notes
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3	MA FU	Western crabapple	Malus fusca	1/2" cal	10' or as noted on plan	
1	TA BR	Pacific yew	Taxus brevifolia	5 gal	as noted on plan	
24	total					

Trees to be removed:

27	black locust	Robinia pseudoacacia
2	dead dogwood trees	
2	London plane	Platanus x acerifolia
31	total	

Note: for tree removals, retain portion of trunks as snags, where feasible.



WES KELLOGG CREEK WRRF
ADMIN BUILDING REMODEL
11525 SE MCGLOUGHLIN BLVD
MILWAUKIE, OR 97222

PRELIMINARY NOT FOR CONSTRUCTION

Issue	Revision	Date
		6/3/2024

TREE REMOVAL AND PLANTING PLAN - SOUTH
Scale As indicated
Date 6/3/2024
Sheet No. **L002**

PROJECT DESCRIPTION

Project includes renovating the existing 3,000 sf Administration Building at the Kellogg Wastewater Recovery Facility. Existing locker rooms and break room currently housed in the chemical building will be relocated to the Admin Building. The existing conference room, offices and lab in the Admin Building will be reconfigured to support current operations.
A 1,200 sf addition will be constructed at the east end of the building, and the west carport and storage rooms will be converted to locker rooms. A small 160 sf addition will be added at the west end to provide expanded locker room space.

PRICING NOTES

- PROJECT WILL BE COMPLETED IN A SINGLE PHASE OF CONSTRUCTION, AND THE BUILDING WILL BE VACATED DURING CONSTRUCTION.
- CONSTRUCTION START DATE TO BE JANUARY 2025.
- ASSUME A DESIGN-BID-BUILD DELIVERY METHOD WITH A PUBLIC BID.
- CONTRACTOR MAY UTILIZE CONSTRUCTION PARKING AND STAGING AREAS AS SHOWN, BUT MAY NOT DISTURB EXISTING TURF AND LANDSCAPE SURFACES UNLESS REQUIRED FOR WORK.
- CONTRACTOR MAY NOT OBSTRUCT PRIMARY PLANT VEHICLE CIRCULATION.

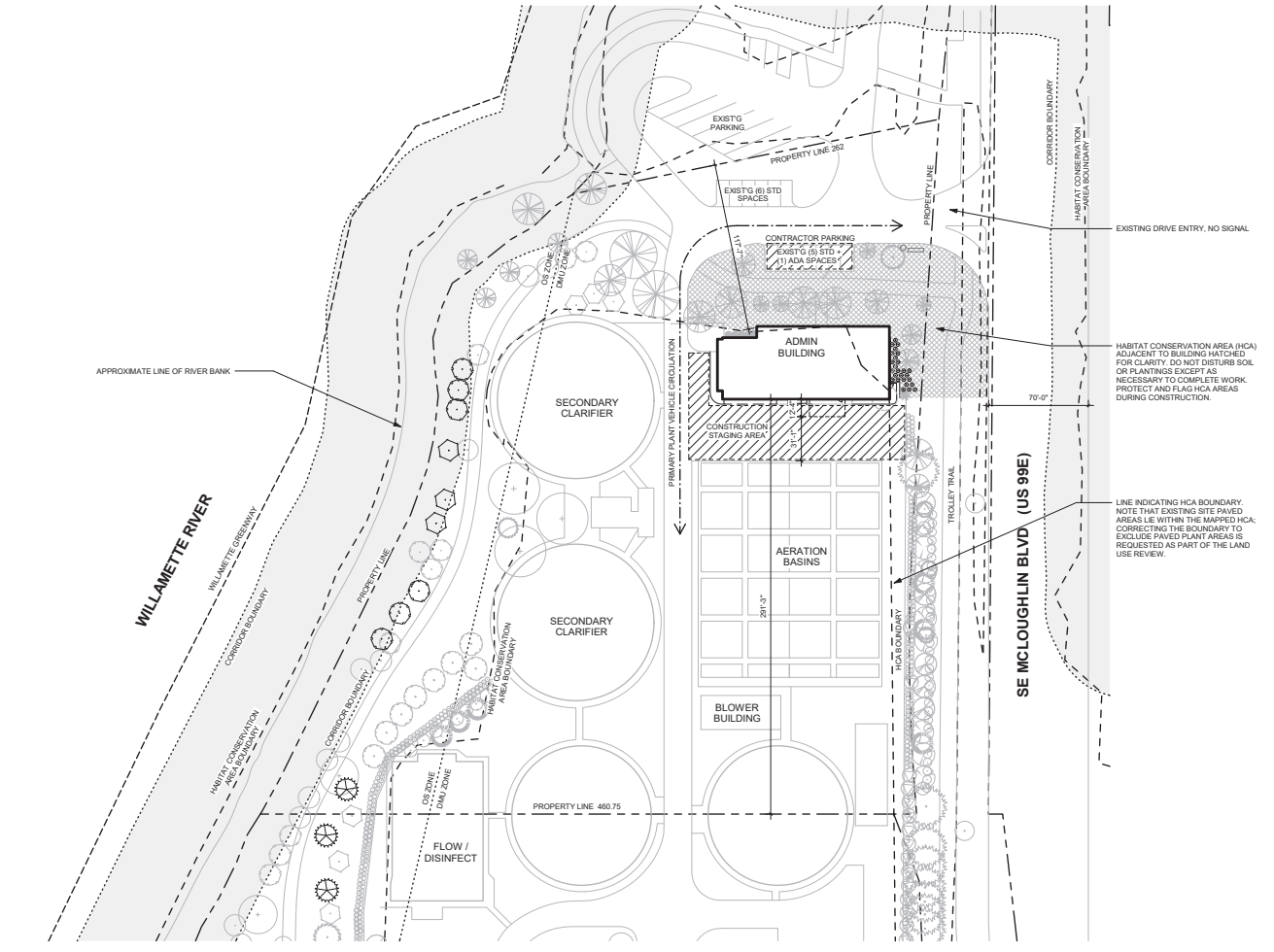
SITE DESCRIPTION

ADDRESS:	11525 SE McLoughlin Blvd Portland, OR 97266
JURISDICTION:	City of Milwaukie
PROPERTY ID:	00019302
OWNER:	WATER ENVIRONMENT SERVICES
YEAR BUILT:	1974
BASE ZONE:	Split zoned DMU and OS
OVERLAY ZONE:	n/a
LOT AREA:	TL1500: 3.99 acres / 173,804 sf
EXISTING BUILDING AREA:	3,847 sf
EXISTING BLDG FOOTPRINT:	4,447 sf

ZONING CODE NOTES

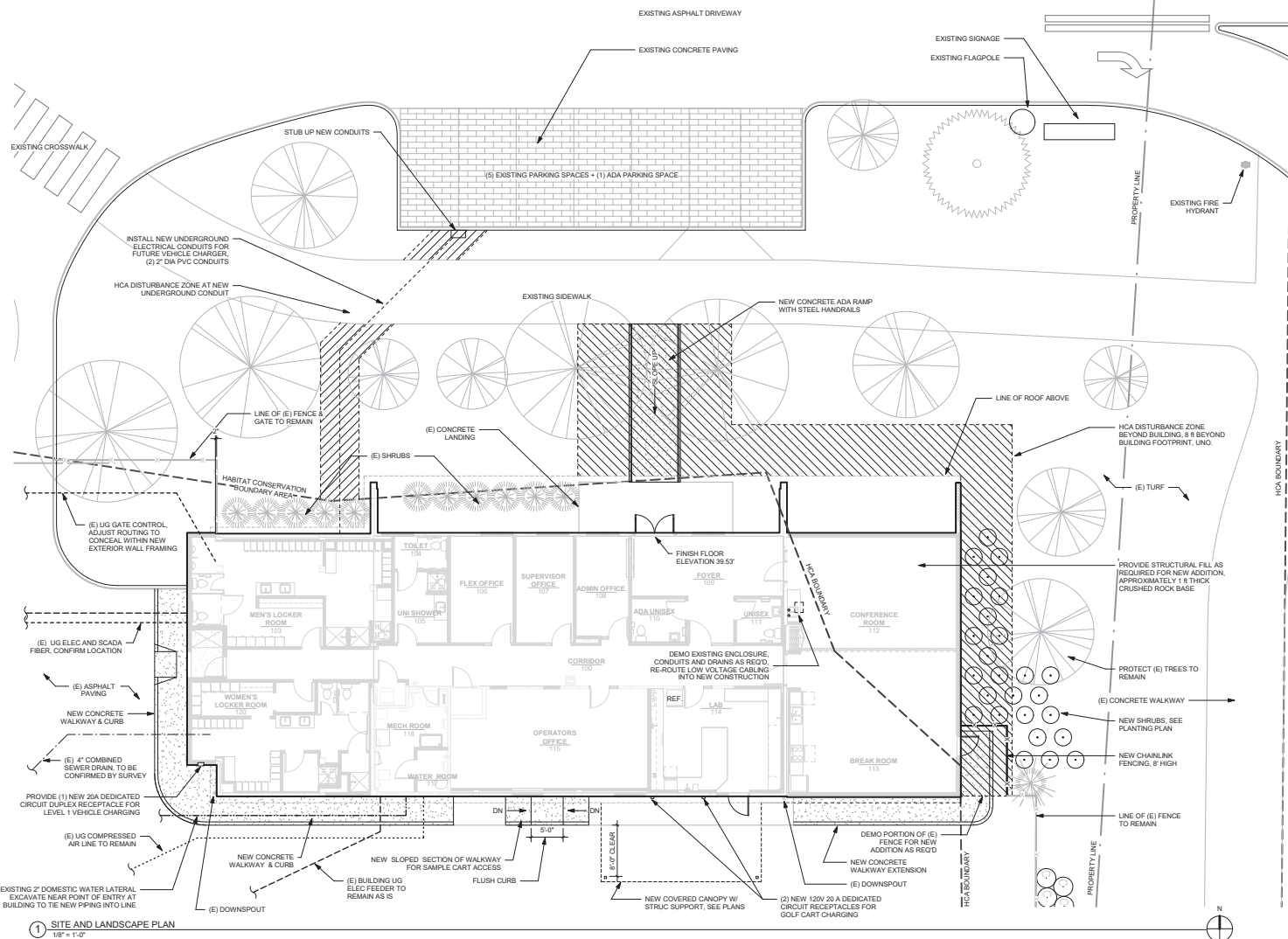
- 19.304 Downtown Zone (DMU)**
Development standards:
FAR Min. 0.5:1
FAR, proposed: $40:1:1$
Height, max. 25 ft
Height, proposed: 19 ft
Setbacks: N/A
Frontage occupancy: not required
Parking, on-site: not required
- 19.401 Willamette Greenway**
Site is within the Willamette Greenway (WG) overlay zone.
- 19.402 Natural Resources**
The proposed improvement lie partially within a Habitat Conservation Area (HCA).
The total amount of HCA on the subject tax lot is approximately 68,000 sf and the proposed disturbance is approximately 2,400 sf (4%). Per 19.402.11.D.1.b, a maximum net disturbance area of 10% of the HCA on the site is allowed by right, with mitigation.
Mitigation plantings are proposed using the "Option 2" method described in 19.402.11.D.2.b, which requires a minimum of 24 trees and 120 shrubs for 2,400 sf of HCA disturbance.
- 19.904 Community Service Use**
The existing use is a Community Service Use (CSU), which is a type of Conditional Use. A minor modification to the existing CSU is proposed.
- 19.907 DMU Design Review**
The building is located in the DMU zone and subject to Downtown Design Review.

PRELIMINARY NOT FOR CONSTRUCTION



1 OVERALL SITE PLAN
1" = 40'-0"

Issue	Revision	Date
		4/29/2024



1 SITE AND LANDSCAPE PLAN
1/8" = 1'-0"

CIVIL NARRATIVE

Civil elements in the proposed project include:

AC pavement patching. Patching asphalt pavement required for utility trenches and selected footings, as required by proposed site improvements. Heavy vehicular asphalt paving, 2" thick dense AC over 2" thick dense AC over 12" crushed rock base over geotextile over approved subgrade, or match found base conditions.

New sidewalk and curb. As shown on site plan, 4" concrete sidewalks over 4" crushed rock base over approved subgrade. Slope sidewalk 1.5% away from building. Dowel new sidewalks to adjacent existing with 1" dia smooth dowels 18" long at 12" o.c. with construction joint. Thickened edge with 6" curb. ADA texture at curb ramps.

Striping. New as shown on site plan.

Stormwater. Connect existing storm drains and route new storm drains to existing storm piping below grade, cast iron piping. Existing piping connects to plan process, no on-site infiltration. Assume existing storm piping present within 10 ft of building exterior walls.

Foundation drains. Install 4" perforated drain pipe along new addition footings, embed in crushed drain rock wrapped with geotextile fabric. Connect foundation drain system to storm pipe system.

Utility trenching. Minor relocation and extension of existing below grade utilities is anticipated. Match piping and depth of existing utilities, trench and backfill with crushed rock.

Other items. Off-site improvements not proposed nor required by City of Milwaukie. Radon system not proposed or required by GSSC.

LANDSCAPE AND PLANTING NOTES

1. Remodel existing irrigation system as needed for new addition. Provide irrigation coverage for new plantings.
2. Protect existing habitat conservation area and existing trees with construction fencing.
3. Generally, landscaped areas on the north and east sides of the building may not be used for construction activities.

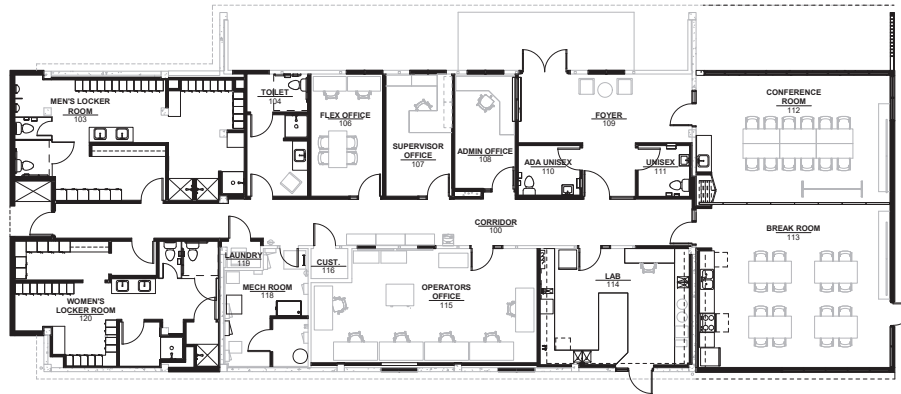


WES KELLOGG CREEK WRRF
ADMIN BUILDING REMODEL
11525 SE MCLOUGHLIN BLVD
MILWAUKIE, OR 97222

PRELIMINARY NOT FOR CONSTRUCTION

Issue	Revision	Date
LAND USE		4/29/2024

SITE PLAN
Scale 1/8" = 1'-0"
Date 4/29/2024
Sheet No. A002



① OVERALL FLOOR PLAN - LEVEL 1
1/8" = 1'-0"



LEGEND

PLAN VIEWS

- NEW FULL HEIGHT CONSTRUCTION
- NEW PARTIAL HEIGHT CONSTRUCTION
- LINE OF ITEM ABOVE
- EXISTING CONSTRUCTION
- EXISTING CONSTRUCTION TO BE DEMOLISHED

deca
architecture . inc
935 SE Alder Street Portland Oregon 97214
tel 503 239 1367

WES KELLOGG CREEK WRRF
ADMIN BUILDING REMODEL
11525 SE MCLOUGHLIN BLVD
MILWAUKIE, OR 97222

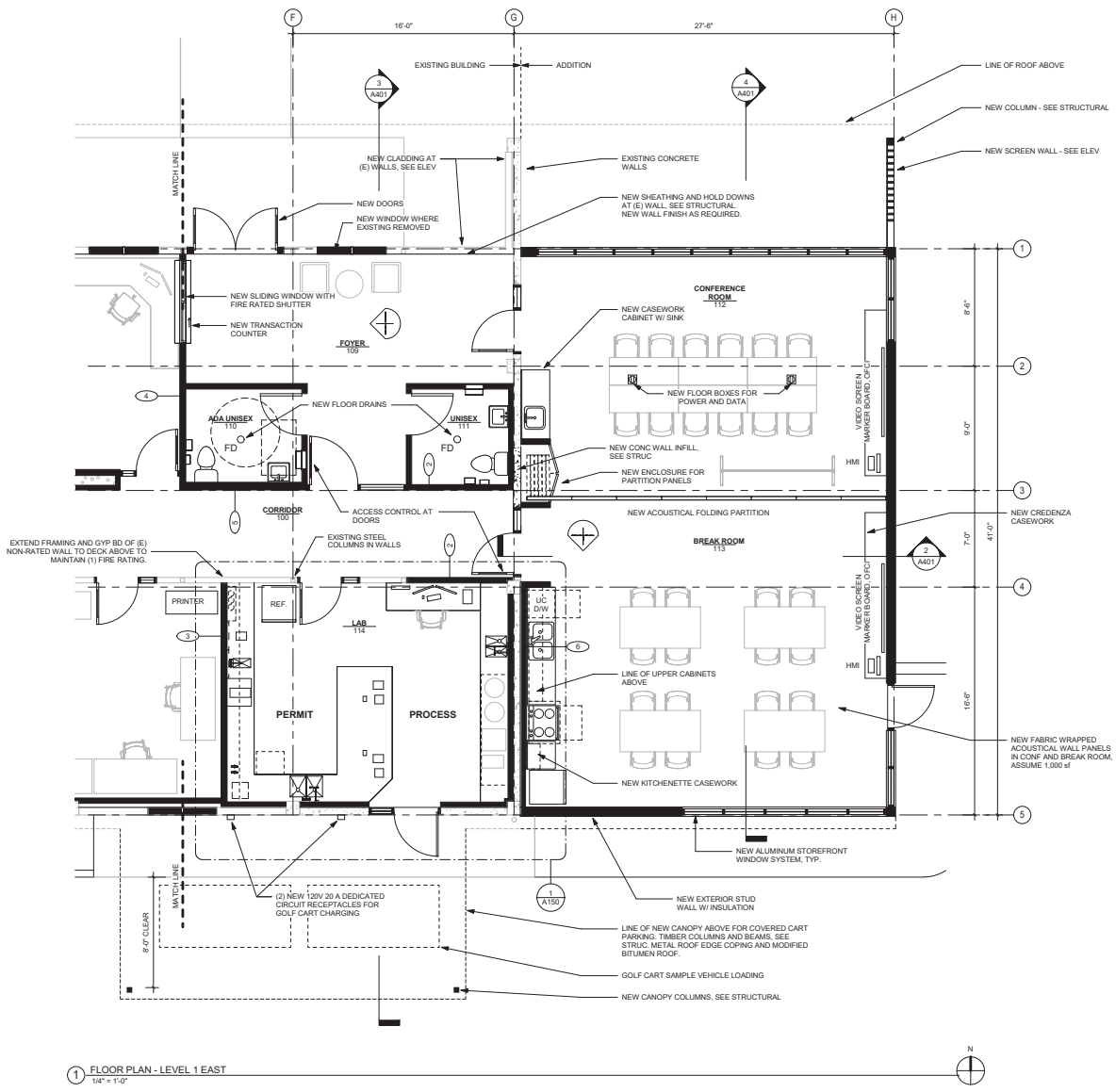
PRELIMINARY NOT
FOR CONSTRUCTION

Issue	Revision	Date
LAND USE		4/29/2024

OVERALL FLOOR PLAN
- LEVEL 1

Scale As indicated
Date 4/29/2024

Sheet No. **A100**



LEGEND

PLAN VIEWS

- NEW FULL HEIGHT CONSTRUCTION
- NEW PARTIAL HEIGHT CONSTRUCTION
- LINE OF ITEM ABOVE
- EXISTING CONSTRUCTION
- EXISTING CONSTRUCTION TO BE DEMOLISHED

deca
architecture inc
 935 SE Alder Street - Portland Oregon 97214
 503 239 1387

WES KELLOGG CREEK WRRF
 ADMIN BUILDING REMODEL
 11525 SE MCLOUGHLIN BLVD
 MILWAUKIE, OR 97222

PRELIMINARY NOT
 FOR CONSTRUCTION

Issue	Revision	Date

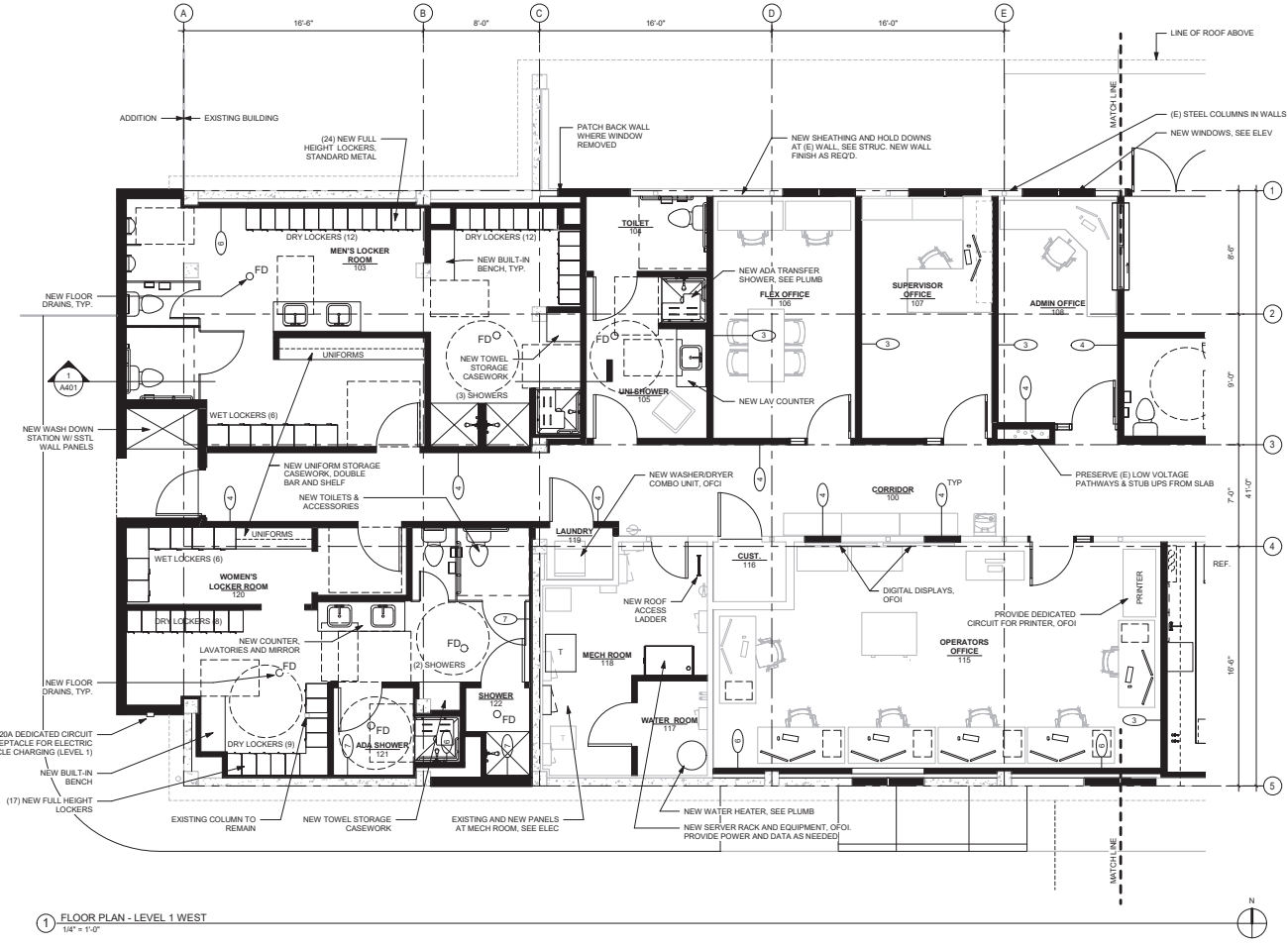
1 FLOOR PLAN - LEVEL 1 EAST
 1/4" = 1'-0"

FLOOR PLAN - LEVEL 1
 EAST
 Scale As indicated
 Date 4/29/2024
 Sheet No. **A101**

LEGEND

PLAN VIEWS

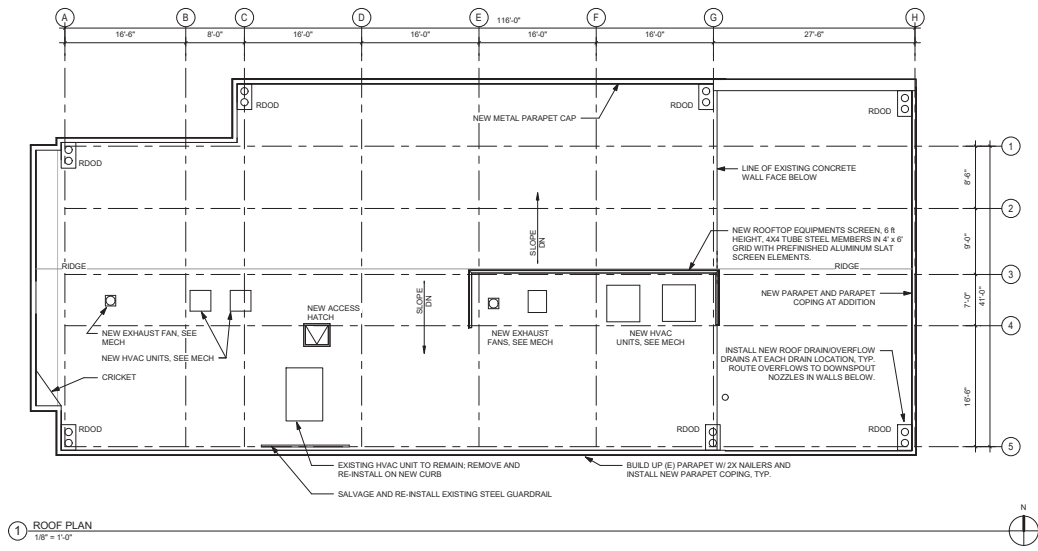
- NEW FULL HEIGHT CONSTRUCTION
- NEW PARTIAL HEIGHT CONSTRUCTION
- LINE OF ITEM ABOVE
- EXISTING CONSTRUCTION
- EXISTING CONSTRUCTION TO BE DEMOLISHED



1 FLOOR PLAN - LEVEL 1 WEST
 1/4" = 1'-0"

PRELIMINARY NOT FOR CONSTRUCTION

Issue	Revision	Date
		4/29/2024



NOTES THIS SHEET

1. ROOF TYPE TO BE R1, UNO. REFERENCE ASSEMBLES SHEET FOR ROOFING MATERIALS AND INSULATION.
2. ALL DIMENSIONS ARE TO FACE OF FINISH OR CENTERLINE OF FRAMING, UNO.
3. SEE LIFE SAFETY PLAN FOR FIRE RATING REQUIREMENTS. OPENINGS OR PENETRATIONS IN FIRE RATED ASSEMBLES SHALL BE PROTECTED AND FIRESTOPPED AS REQUIRED BY CODE.
4. PATCH AND REPAIR ANY HOLES OR PENETRATIONS IN ROOF DECK LEFT BY DEMOLISHED ITEMS WITH NEW MATERIALS TO MATCH EXISTING.
5. ALL CRICKETS TO SLOPE AT 0.5:12 MINIMUM.
6. MAINTAIN ALL EXISTING PLUMBING VENTS AND OTHER PENETRATIONS AS REQUIRED FOR CONTINUED OPERATION OF EXISTING SYSTEMS. PAINT ALL VENT PIPES AND OTHER MINOR PROJECTIONS TO MATCH ROOF SURFACE, UNO.
7. PROVIDE NEW TAPERED INSULATION CRICKETS AT ALL NEW HVAC UNIT CURBS, UNO.
8. PROVIDE VIBRATION ISOLATION AT ALL NEW HVAC UNITS, UNO.

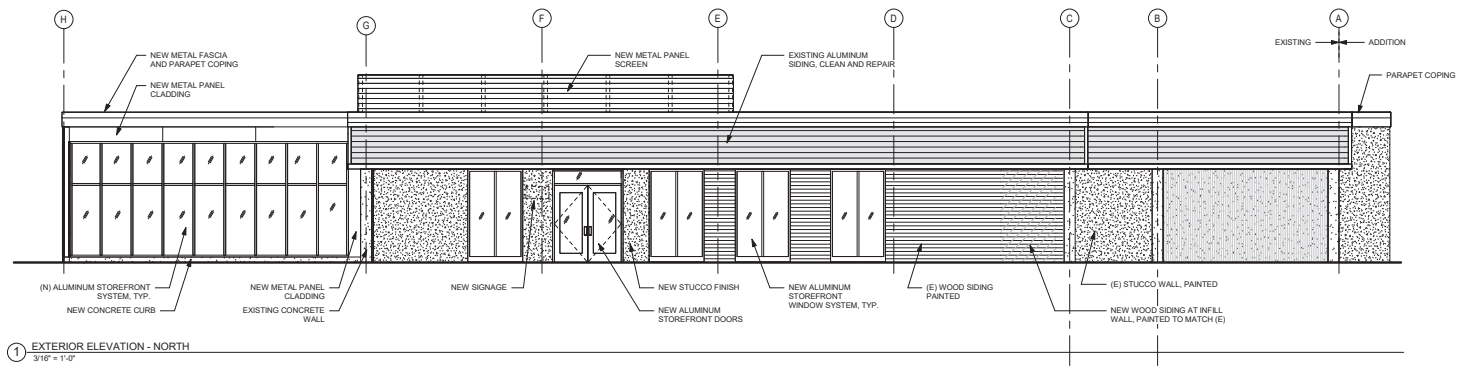


WES KELLOGG CREEK WRRF
ADMIN BUILDING REMODEL
11525 SE MCLOUGHLIN BLVD
MILWAUKIE, OR 97222

PRELIMINARY NOT
FOR CONSTRUCTION

Issue	Revision	Date
LAND USE		4/29/2024

ROOF PLAN
Scale As indicated
Date 4/29/2024
Sheet No. **A103**



1 EXTERIOR ELEVATION - NORTH
3/16" = 1'-0"

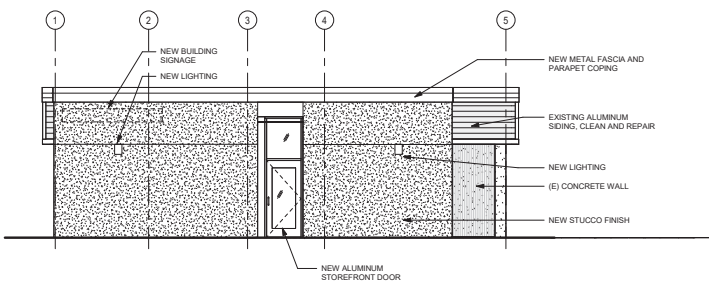
LEGEND

- EXISTING PRE-CAST CONCRETE WALLS, FLUTED TEXTURE
- STUCCO
- WOOD HORIZONTAL LAP SIDING
- ALUMINUM SIDING, FAUX WOOD LOOK
- GLAZING

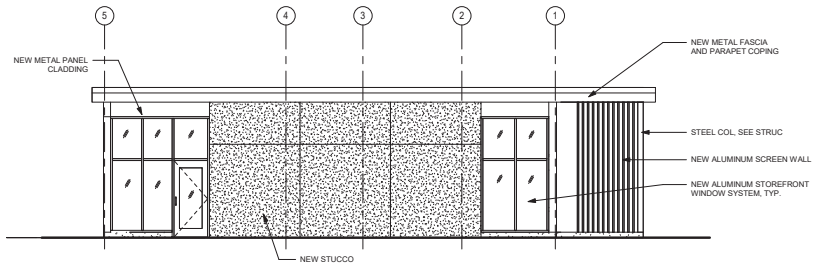
- NOTES THIS SHEET**
1. ALL EXISTING PAINTED AND STAINED SURFACES TO BE RE-PAINTED.
 2. ASSUME REPLACEMENT OF (E) EXISTING EXTERIOR LIGHTS WITH NEW.
 3. ALL DOORS AND WINDOWS ARE NEW, UNO.

deca
architecture . inc
935 SE Alder Street - Portland Oregon 97214
tel 503 239 1387

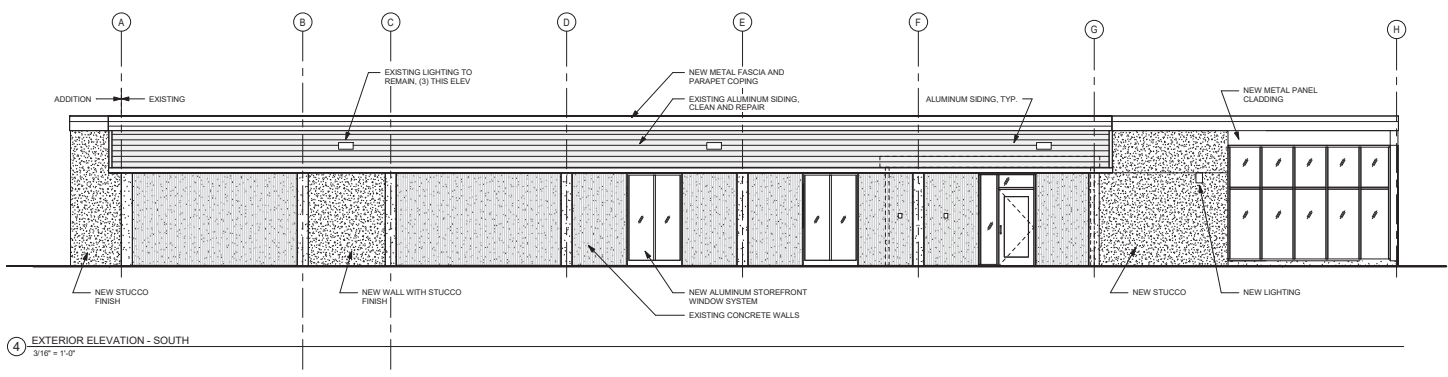
WES KELLOGG CREEK WRRF
ADMIN BUILDING REMODEL
11525 SE MCLOUGHLIN BLVD
MILWAUKIE, OR 97222



2 EXTERIOR ELEVATION - WEST
3/16" = 1'-0"



3 EXTERIOR ELEVATION - EAST
3/16" = 1'-0"



4 EXTERIOR ELEVATION - SOUTH
3/16" = 1'-0"

PRELIMINARY NOT FOR CONSTRUCTION

Issue	Revision	Date
LAND USE		4/29/2024

EXTERIOR ELEVATIONS
Scale As indicated
Date 4/29/2024
Sheet No. **A301**



CITY OF MILWAUKIE

March 28, 2024

Shem Harding
935 SE Alder St
Portland, OR 97214

Re: Preapplication Report

Dear Shem:

Enclosed is the Preapplication Report Summary from your meeting with the City on 3/14/2024, concerning your proposal for action on property located at 11525 SE McLoughlin Blvd.

A preapplication conference is required prior to submittal of certain types of land use applications in the City of Milwaukie. Where a preapplication conference is required, please be advised of the following:

- Preapplication conferences are valid for a period of 2 years from the date of the conference. If a land use application or development permit has not been submitted within 2 years of the conference date, the Planning Manager may require a new preapplication conference.
- If a development proposal is significantly modified after a preapplication conference occurs, the Planning Manager may require a new preapplication conference.

If you have any questions concerning the content of this report, please contact the appropriate City staff.

Sincerely,

Emilie Bushlen
Administrative Specialist II



CITY OF MILWAUKIE
 10501 SE Main St
 Milwaukie OR 97222
 503.786.7555
 planning@milwaukieoregon.gov
 building@milwaukieoregon.gov
 engineering@milwaukieoregon.gov

Preapplication Conference Report

Project ID: 24-001PA

This report is provided as a follow-up to the meeting that was held on 3/14/2024 at 9:00 AM.

The Milwaukie Municipal Code is available here: <https://ecode360.com/MI4969>.

APPLICANT AND PROJECT INFORMATION

Applicant:	Shem Harding	Applicant Role: Architect
Applicant Address:	935 SE Alder St, Portland, OR 97214	
Company:	DECA Architecture	
Project Name:	Kellogg Creek WRRF administration building remodel and addition	
Project Address:	11525 SE McLoughlin Blvd (1S1E35AD01500 & 1600, 1S1E35DA00100, 200, & 201)	Zone: DMU (Downtown Mixed Use)
Project Description:	Construct an addition to the existing administration building, allowing for relocation of locker rooms, lunchroom, and laundry from the chemical building, with a larger conference room.	
Current Use:	Administration building on Kellogg Creek Wastewater Treatment Plant	
Applicants Present:	Shem Harding (architect, DECA), Lynne Chicoine (project manager, WES), Nathan Seaver (secondary project manager, WES), Gail Shaloum (landscape architect, WES), Mark Reuland (civil engineer, KPFF)	
Staff Present:	Brett Kelter (Senior Planner), Jeff Tolentino (Assistant City Engineer), Jennifer Backhaus (Engineering Tech III), Mandy Byrd (Development Project Manager)	

PLANNING COMMENTS

Zoning Compliance (MMC Title 19)

<input checked="" type="checkbox"/>	Use Standards (e.g., residential, commercial, accessory)	The property is zoned Downtown Mixed Use (DMU), which allows a combination of residential housing types and commercial uses. The existing wastewater treatment facility is not an outright permitted use; it was originally approved as a conditional use (1970) and has since been reviewed as a community service use (CSU).
<input checked="" type="checkbox"/>	Dimensional Standards	<p>The existing wastewater treatment facility is developed on five tax lots that total approximately 10.75 acres. No land division is proposed.</p> <p>Development standards for the DMU zone (including dimensional standards) are provided in Milwaukie Municipal Code (MMC) Sections 19.304.4 and 19.304.5.</p> <ul style="list-style-type: none"> • The minimum floor area ratio (FAR) for this location is 0.5:1. • The minimum building height is 25 ft but applies only to new buildings; base maximum height is 45 ft.

		<ul style="list-style-type: none"> • There are no minimum setback requirements (street/front, side, or rear), though the site frontage requirements of MMC Subsection 19.508.4.A.2.b.(2) establish a maximum setback of 10 ft for this particular frontage. <p>The existing administration building is nonconforming with respect to all three of these standards. The proposed development will not increase any nonconformity and in some cases will bring the site closer to conformance. No variances are needed for any of these standards.</p>
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Land Use Review Process		
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<input checked="" type="checkbox"/>	Applications Needed, Fees, and Review Type	<p>The proposed project will require the following applications for land use review:</p> <ul style="list-style-type: none"> • Community Service Use review (minor modification, Type I review) = \$50 • Natural Resource review (Type I or III, depending on HCA disturbance) = \$200 (Type I) or \$2,000 (Type III) • Willamette Greenway review (minor modification, Type I review) = \$200 • Downtown Design review (Type I or III review, depending on compliance with design standards) = \$2,000 <p>A separate Floodplain Development Permit will be processed as part of the associated building permit (no special fee).</p> <p><u>Note:</u> For multiple applications processed concurrently, the full price is collected for the most expensive application, with a 25% discount offered for each other application fee.</p>
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<input checked="" type="checkbox"/>	Application Process	<p>The applicant must submit a complete electronic copy of all application materials for the City's initial review. A determination of the application's completeness will be issued within 30 days.</p> <p>If the application is deemed incomplete, City staff will provide a list of items to be addressed upon resubmittal.</p> <p>Multiple applications will be processed concurrently at the highest review type. In this case, the entire application package will be processed with Type III review. For a Type I application, being processed with Type III review <u>does not</u> add discretion to the consideration of that application.</p> <p>For Type III review, a public hearing with the Planning Commission will be scheduled once the application is deemed complete. Meetings are conducted in a hybrid format, with the option of participating in person at City Hall or online via Zoom. Public notice of the hearing will be sent to property owners and current residents within 300 ft of the subject property no later than 20 days prior to the hearing date. At least 14 days before the hearing, a sign giving notice of the application must be posted on the subject property, to remain until the decision is issued. Staff will coordinate with the applicant to provide the necessary sign(s).</p> <p>Staff will prepare a report with analysis of the proposal and a recommendation that will be made available one week before the hearing. Both staff and the applicant will have the opportunity to make presentations at the hearing, followed by public testimony and then deliberation by the Commission for a decision.</p> <p>Issuance of a decision starts a 15-day appeal period for the applicant and any party who establishes standing. If no appeal is received within the 15-day window, the decision becomes final. Any appeal would be heard by the City Council to establish a final local decision.</p> <p>Development permits submitted during the appeal period may be reviewed but are not typically approved until the appeal period has ended.</p> <p>Note that the state requires land use decisions to be issued within 120 days of being deemed complete.</p> <p>The 2024 schedule for Planning Commission hearings is attached for reference if needed. It includes dates by which an application must be deemed complete to be eligible for a particular hearing date.</p>
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Overlay Zones (MMC 19.400)

<input checked="" type="checkbox"/>	<p>Willamette Greenway</p>	<p>The subject property is within the Willamette Greenway overlay zone and is subject to the provisions of MMC Section 19.401. Any change or intensification of use, or any development permitted in the underlying zone, is a conditional use and therefore subject to MMC Section 19.905.</p> <p>The proposed addition constitutes development and triggers the need for Willamette Greenway review as a conditional use. However, the provisions of MMC 19.905.4.B allow for review as a minor modification if there is no increase in intensity of use and no negative impacts to nearby uses. Staff believes the proposed building addition represents a minor modification of the existing situation.</p> <p>The conditional use minor modification approval criteria from MMC 19.905.4.B should be addressed, along with the approval criteria for Willamette Greenway review, found in MMC Subsection 19.401.6. These include compatibility with various character aspects of the river, protection of views, landscaping or similar buffering between the activity and the river, and conformance to applicable Comprehensive Plan policies (the Willamette Greenway is covered in Section 4).</p>
<input checked="" type="checkbox"/>	<p>Natural Resources</p>	<p>The subject property includes a designated Habitat Conservation Area (HCA) that extends along the north and east sides of the existing administrative building. The proposed addition will disturb a portion of the HCA and so is subject to the applicable provisions of MMC Section 19.402 and natural resource (NR) review.</p> <p>MMC Subsection 19.402.4 lists activities that are exempt from NR review, including removal of up to three nuisance or invasive species trees per year, maintenance of existing landscaping, and routine repair and maintenance of existing walkways with no increase in impervious area.</p> <p>MMC Subsection 19.402.6 lists activities that are permissible with Type I review, including removal of more than three invasive-species trees per year as well as disturbance to HCA resources that meets clear and objective standards. For nonresidential uses, up to 10% of the HCA on the site can be disturbed with Type I review. The subject property has approximately 194,000 sq ft of HCA; the proposed development would permanently disturb approximately 1,000 sq ft of HCA, which is 0.5% of the overall HCA on the site.</p> <p>Mitigation (tree and shrub plantings) is based on either the size of trees removed or the square footage of disturbance, whichever calculation yields the greatest number of trees and shrubs. Only two or three trees will be removed for the proposed addition, so the calculation of 5 trees and 25 shrubs per 500 sq ft of HCA disturbance yields the greatest number of plantings. MMC Subsection 19.402.11.B establishes standards for plantings, including minimum size and spacing requirements.</p> <p>Temporary disturbances must be restored but do not have to be mitigated. Temporary disturbances do count in the calculation of the 10% maximum area that can be disturbed with Type I review.</p> <p>As per MMC Subsection 19.402.11.B.6, the preference for the location of mitigation plantings is on site within the designated resource that is disturbed, or in a contiguous area on site. If installed on site in a non-resource area, a deed restriction is required to preserve the new plantings. For HCA disturbance, mitigation plantings may be installed off site, preferably in a location contiguous to the subject-property HCA and where the applicant can show legal authority to maintain the mitigation. If not within an HCA, the applicant must document that the mitigation site will be protected after the monitoring period expires.</p> <p>Note that MMC Subsection 19.402.11.D.2.c allows adjustments to the size and/or number of mitigation plantings with Type II review, subject to the requirements of MMC Subsection 19.402.12.C.2. Approval is based upon consideration of whether the proposed adjustment will result in comparable or better results after three years than the basic requirement.</p> <p>MMC Subsection 19.402.15 establishes the procedures for verifying HCA boundaries, including using Type I review to correct simple incongruities where the City's NR administrative map shows the HCA boundary to be mis-aligned with existing legally</p>

		established development and/or tree cover. The NR review necessary for the proposed HCA disturbance can also include such an update to the NR administrative map based on the actual location of development on the subject property.
<input type="checkbox"/>	Historic Preservation	
<input type="checkbox"/>	Flex Space Overlay	
Site Improvements/Site Context		
<input type="checkbox"/>	Landscaping Requirements	There is no minimum landscaping or vegetation requirement in the DMU zone.
<input type="checkbox"/>	Onsite Pedestrian/Bike Improvements	
<input type="checkbox"/>	Connectivity to surrounding properties	
<input type="checkbox"/>	Circulation	
<input type="checkbox"/>	Building Design Standards (MMC 19.505)	
<input checked="" type="checkbox"/>	Downtown Design Standards (MMC 19.508)	<p>MMC Subsection 19.508.4 establishes 14 design elements applicable to downtown development projects. These design elements are intended to address a Main Street aesthetic for the downtown core and are not as relevant to the subject property, which is separated from the grid of downtown streets by Highway 99E and is developed with a public utility facility (the Kellogg Creek wastewater treatment plant). However, as per MMC Subsection 19.907.2, the proposal to construct a significant addition (>250 sq ft) to an existing building triggers the need for downtown design review and an address of the design elements of MMC 19.508.4.</p> <p>If the project can demonstrate compliance with the applicable design standards, the proposal can be processed with Type I review; otherwise, the proposal requires Type III review, with the applicant addressing the relevant design guidelines for each element where the design standards are not met. Given the nature of the existing building, its location, and the proposed addition, it seems unlikely that the proposal can meet all of the applicable design standards, so the applicant will most likely need to use the Type III review path.</p> <p>Several of the design elements appear to be not applicable to the proposed development—Site Frontage, Corners, Building Massing & Transitions, Service Areas, Resident Open Space, and Plazas & Usable Open Space. For the Building Entrances element, although a new entry is not proposed, the applicant can still note that and discuss how the existing entry addresses the standards or guidelines.</p> <p>The applicant has provided staff with initial draft responses to the other applicable design elements—those responses appear to be generally on-target with respect to discussing how the proposed design is as consistent with the standards and guidelines as can be expected given the function, location, and orientation of the existing building. It seems reasonable to expect that the applicant would propose that the proposed addition be consistent in design with the existing structure and that it need not try to be something it is not (i.e., a building on Main Street or one of the other core downtown streets).</p> <p>Understanding that the design is still being finalized, the applicant is encouraged to provide as much detail as possible (i.e., colors, materials) with the land use application submittal. During the public hearing, the Planning Commission can be asked to identify any critical design elements where final changes may warrant the need for further review.</p>

Parking Standards (MMC 19.600)		
<input type="checkbox"/>	Residential Off-Street Parking Requirements	
<input type="checkbox"/>	Multi-Family/Commercial Parking Requirements	No off-street parking is required for the proposed development.
Approval Criteria (MMC 19.900)		
<input checked="" type="checkbox"/>	Community Service Use (CSU) (MMC 19.904)	As proposed, staff believes the building addition represents a minor modification to the existing CSU. MMC Subsection 19.904.5.C establishes the approval criteria for CSU minor modifications. With respect to the criterion related to there being no deterioration or loss of a protected natural feature, staff has determined that the associated natural resource review for HCA disturbance and accompanying mitigation are sufficient to demonstrate that the HCA resource will not be "deteriorated or lost."
<input checked="" type="checkbox"/>	Conditional Use (MMC 19.905)	As noted above in the discussion of the Willamette Greenway, the proposed development requires review as a conditional use, but staff believes the project does not increase the intensity of use and can be viewed as a minor modification. MMC Subsection 19.905.4.B establishes the approval criteria for minor modification of a conditional use.
<input type="checkbox"/>	Development Review (MMC 19.906)	
<input type="checkbox"/>	Variance (MMC 19.911)	
Land Division (MMC Title 17)		
<input type="checkbox"/>	Design Standards	
<input type="checkbox"/>	Preliminary Plat Requirements	
<input type="checkbox"/>	Final Plat Requirements (See Engineering Section of this Report)	
<input type="checkbox"/>	Other Requirements	
Sign Code Compliance (MMC Title 14)		
<input type="checkbox"/>	Sign Requirements	
Noise (MMC Title 16)		
<input type="checkbox"/>	Noise Mitigation (MMC 16.24)	
Neighborhood District Associations		
<input checked="" type="checkbox"/>	Island Station	Prior to submitting the application, the applicant is encouraged (but not required) to present the project at a regular meeting of the relevant Neighborhood District Association (NDA), in this case the Island Station NDA. <u>Island Station NDA Chair</u> Charles Bird
	Choose an item.	
	Choose an item.	

		charlesbird@juno.com Regular meeting is the third Wednesday of most months—next meeting is Wednesday, March 20, 2024, at 6:30pm at Two Sisters Play Café (11923 SE McLoughlin Blvd), but please check the City calendar to confirm whether the next meeting will be in person, online, or both.
Other Permits/Registration		
<input type="checkbox"/>	Business Registration	
<input type="checkbox"/>	Home Occupation Compliance (MMC 19.507)	
Additional Planning Notes		
ENGINEERING & PUBLIC WORKS COMMENTS		
Public Facility Improvements (MMC 19.700)		
<input checked="" type="checkbox"/>	Applicability (MMC 19.702)	MMC 19.702 establishes the applicability of MMC 19.700, including to partitions, subdivisions, replats, new construction, and modification and/or expansion of an existing structure or a change or intensification in use that results in a new dwelling unit, any new increase in gross floor area, and/or in any projected increase in vehicle trips. The proposed development is to construct an addition to the existing structure. MMC 19.700 applies.
<input type="checkbox"/>	Transportation Facilities Review (MMC 19.703)	Per MMC 19.703.2, because the proposed development does not trigger a Transportation Impact Study (TIS), a Transportation Facilities Review (TFR) application is not required.
<input type="checkbox"/>	Transportation Impact Study (MMC 19.704)	
<input checked="" type="checkbox"/>	Agency Notification (MMC 19.707)	The City must provide notification to Metro and Clackamas County whenever a proposed development is within 200 ft of a designated arterial or collector roadway. Notice must be provided to TriMet whenever a proposed development is within 200 ft of an existing or proposed transit route on the current TriMet service map and/or Figure 7-3 of the Transportation System Plan (TSP). McLoughlin Blvd is identified as an arterial roadway, so Metro and Clackamas County will be notified. McLoughlin Boulevard is shown as a transit route on Figure 7-3 of the TSP, so TriMet will be notified.
<input checked="" type="checkbox"/>	Transportation Requirements (MMC 19.708)	Access Management: All development subject to MMC 19.700 must comply with access management standards contained in MMC 12.16. Clear Vision: All developments subject to MMC 19.700 must comply with clear vision standards contained in MMC 12.24. Frontage improvements are not required as part of this development. Curb and sidewalk already exist along the McLoughlin Blvd frontage.
<input type="checkbox"/>	Utility Requirements (MMC 19.709)	

Flood Hazard Area (MMC 18)

<input checked="" type="checkbox"/>	Development Permit (MMC 18.16.030)	<p>The project area is within the Federal Emergency Management Agency (FEMA) 1% annual chance flood area (i.e., 100-year floodplain) and is subject to the flood hazard requirements of Title 18. There are two main flood-hazard considerations: (1) protection of the lowest finished floor from flood damage and (2) preventing the loss of existing flood storage capacity.</p> <p>The most current FEMA Flood Insurance Rate Map (FIRM) shows a base flood elevation (BFE) of 36.3 ft in this area. Since the project area is not within the 1996 flood inundation area (provided by Metro), the BFE is effectively the design flood elevation (DFE), which represents the baseline for the flood hazard. The flood protection elevation (FPE), the minimum required elevation to avoid the flood hazard, is therefore 1 ft higher at 37.3 ft. In a new construction situation, the applicant would need to provide survey data to verify that the finished floor was at or above the 37.3-ft mark.</p> <p>Since the existing building was constructed before the City's flood hazard regulations and mapping were in full effect, the requirement to ensure that the proposed addition is built at or above the FPE of 37.3 ft only applies if the project constitutes "substantial improvement," as defined in MMC Section 18.04.010—that is, if the cost of the addition and related improvements equals or exceeds 50% of the market value of the structure. If it is not "substantial improvement," it is not necessary for the applicant to demonstrate that the finished floor of the addition is built at or above the FPE. Staff has indicated that there is some flexibility in what information the applicant can provide to document whether the project constitutes "substantial improvement."</p> <p>Regarding the issue of flood storage capacity, the applicant must provide sufficient survey data to confirm whether more than 10 cubic yards of flood storage area will be displaced by the proposed development. If the project will add more than 10 cubic yards of material (in the form of fill or building) above the BFE/DFE, the applicant must compensate by removing an equal amount of material from somewhere else within the floodplain.</p> <p>This aspect of the project will be reviewed and documented using the City's Floodplain Development permit process. Normally, that review occurs in conjunction with the building permit review process. In this case, there is an option to process the Floodplain Development permit prior to or in conjunction with the land use review, as long as the applicant is aware that any subsequent changes to the plans after Floodplain Development review (i.e., at the time of building permit submittal) may generate the need to re-review the floodplain component.</p>
<input checked="" type="checkbox"/>	General Standards (MMC 18.04.150)	
<input checked="" type="checkbox"/>	Compensatory Storage (MMC 18.20.020)	
<input checked="" type="checkbox"/>	Floodways (MMC 18.20.010.B)	
Environmental Protection (MMC 16)		
<input type="checkbox"/>	Weak Foundation Soils (MMC 16.16)	
<input checked="" type="checkbox"/>	Erosion Control (MMC 16.28)	<p>Ensure the bioswale to the north of the project site (#RG081) is protected from sediment loss or other pollutants from the project site.</p> <p>Erosion control and prevention is required as outlined in MMC16.28</p> <p>Standard Erosion Prevention and Sediment Control notes</p> <p>Projects that disturb more than 500 sq ft within the City of Milwaukie limits require an Erosion Control Permit from the City's Building Department. Even projects that are less than 500 sq ft may require a permit based on site conditions and proximity to natural resources such as</p>

		<p>wetlands and waterways. The applicant must submit an erosion control plan for their project that accurately depicts how sediment will be controlled during the duration of the project.</p> <p>Please review the City's Erosion Prevention and Sediment Control requirements. The applicant is encouraged to use the City's adopted Erosion Prevention and Sediment Control Planning & Design Manual (2020) for assistance in designing an erosion control plan.</p> <p>Development sites between 1 acre and 5 acres should apply for a 1200-CN permit as outlined on https://www.milwaukieoregon.gov/publicworks/1200cn. Applicants will use the DEQ 1200-C permit application but submit it to the city for review and approval through the Milwaukie Erosion and Sediment Control Program. A 1200-C permit can be found on the DEQ website at https://www.oregon.gov/deq/wa/wqpermits/Pages/Stormwater-Construction.aspx. Applicants do not need to submit a permit to DEQ if under 5 acres in site size.</p> <p>For more information, please visit https://www.milwaukieoregon.gov/publicworks/erosion-prevention-and-control or contact erosioncontrol@milwaukieoregon.gov.</p>
<input type="checkbox"/>	Tree Code (MMC 16.32)	The property is not zoned for residential use, so the City's tree code requirements (MMC Chapter 16.32) are not applicable.
Public Services (MMC 13)		
<input type="checkbox"/>	Water System (MMC 13.04)	<p>No new or upsized connections to City utilities are proposed as part of this development. New or upsized connection to City utilities is subject to plan and application review. Applications for city utility billing connections shall be made on approved forms: https://www.milwaukieoregon.gov/building/water-connection-application</p> <p>A system development charge (SDC) and a water service connection fee must be paid prior to any new or upsized connections to city water.</p> <p>A 6" water main located in McLoughlin Boulevard is available for connection.</p> <p>A ROW Permit is required to complete this work.</p>
<input type="checkbox"/>	Sewer System (MMC 13.12)	<p>No new or upsized connections to City utilities are proposed as part of this development. Clackamas County wastewater mains are available for connection and subject to plan review for any new or upsized connections.</p> <p>A ROW Permit is required to complete this work.</p>
<input checked="" type="checkbox"/>	Stormwater Management (MMC 13.14)	<p>Stormwater mitigation must meet the city's NPDES permit through design of facilities according to the 2016 City of Portland Stormwater Management Manual. Once treated on site, stormwater can be discharged into the existing stormwater swale along the southern property boundary.</p> <p>As proposed, stormwater runoff will continue to be directly treated onsite. No additional stormwater management methods are required.</p> <p>An SDC must be paid prior to building permit issuance.</p>
<input checked="" type="checkbox"/>	System Development Charge (MMC 13.28.040)	<p>All new development or intensification of use shall be subject to SDCs. Latest charges are determined by the Master Fee Schedule available here: https://www.milwaukieoregon.gov/finance/fees-charges</p> <p>An estimate can be provided upon request.</p>
<input type="checkbox"/>	Fee in Lieu of Construction (MMC 13.32)	

Public Places (MMC 12)

<input type="checkbox"/>	Right of Way Permit (MMC 12.08.020)	A ROW Permit will be required for any frontage improvements, utility work within the ROW, extension of public utilities, and/or driveway construction for the development.
<input type="checkbox"/>	Access Requirements (MMC 12.16.040)	Per MMC 12.16.040, private property must be provided with street access via accessways (driveways). These driveways must be constructed under a ROW permit in accordance with the current Milwaukie Public Works Standards. The proposed development is already serviced by a single accessway, and no new accessways are proposed.
<input checked="" type="checkbox"/>	Clear Vision (MMC 12.24)	A clear vision area shall be maintained at all driveways and accessways.

Additional Engineering & Public Works Notes

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BUILDING COMMENTS

All drawings must be submitted electronically through www.buildingpermits.oregon.gov

New buildings or remodels shall meet all the provisions of the current applicable Oregon Building Codes. All State adopted building codes can be found online at: <https://www.oregon.gov/bcd/codes-stand/Pages/adopted-codes.aspx>.

All building permit applications are electronic and can be applied for online with a valid CCB license number or engineer/architect license at www.buildingpermits.oregon.gov. Each permit type and sub-permit type are separate permits and are subject to the same time review times and will need to be applied for individually. Plans need to be uploaded to their specific permits in PDF format as a total plan set (not individual pages) if size allows.

Note: Plumbing and electrical plan reviews (when required) are done off site and are subject to that jurisdiction's timelines. The City does not have any control over those timelines, so please plan accordingly.

Site utilities require a separate plumbing permit and will require plumbing plan review.

If you have any building related questions, please email us at building@milwaukieoregon.gov.

Please provide as much information about the existing building as possible for the plan review process. By providing the occupancy, square footage, type of construction, and if fire sprinklers are provided in the existing structure will help determine a code compliant path.

OTHER FEES

<input checked="" type="checkbox"/>	Construction Excise Tax Affordable Housing CET – Applies to any project with a construction value of over 100,000.	Calculation: Valuation *12% (.12)
<input checked="" type="checkbox"/>	Metro Excise Tax Metro – Applies to any project with a construction value of over \$100,000.	Calculation: Valuation *.12% (.0012)
<input checked="" type="checkbox"/>	School Excise Tax School CET – Applies to any new square footage.	Calculation: Commercial = \$0.69 a square foot, Residential = \$1.39 a square foot (not including garages)

FIRE DISTRICT COMMENTS

Please see the attached memorandum for fire district comments.

COORDINATION WITH OTHER AGENCIES

Applicant must communicate directly with outside agencies. These may include the following:

- Metro
- TriMet
- North Clackamas School District
- North Clackamas Parks and Recreation District (NCPRD)
- Oregon Parks and Recreation
- ODOT/ODOT Rail
- Department of State Lands
- Oregon Marine Board
- Oregon Department of Fish and Wildlife (ODOT)
- State Historic Preservation Office
- Clackamas County Transportation and Development

MISCELLANEOUS

State or County Approvals Needed

<input type="checkbox"/>	Boiler Approval (State)	
<input type="checkbox"/>	Elevator Approval (State)	
<input type="checkbox"/>	Health Department Approval (County)	

Arts Tax

<input type="checkbox"/>	Neighborhood Office Permit	
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Other Right-of-Way Permits

<input type="checkbox"/>	Major:	
<input type="checkbox"/>	Minor:	
<input type="checkbox"/>	Painted Intersection Program Permits:	
<input type="checkbox"/>	artMOB Application	
<input type="checkbox"/>	Traffic Control Plan (Engineering)	
<input type="checkbox"/>	Parklet:	
<input type="checkbox"/>	Parklet Application/ Planning Approval	
<input type="checkbox"/>	Engineering Approval	

<input type="checkbox"/>	<input type="checkbox"/> Building Approval	
<input type="checkbox"/>	Sidewalk Café:	
<input type="checkbox"/>	Tree Removal Permit:	

Infrastructure/Utilities

Applicant must communicate directly with utility providers. These may include the following:

- PGE
- NW Natural
- Clackamas River Water (CRW)
- Telecomm (Comcast, Century Link)
- Water Environmental Services (WES)
- Garbage Collection (Waste Management, Hoodview Disposal and Recycling)

Economic Development/Incentives

<input type="checkbox"/>	Enterprise Zone:	
<input type="checkbox"/>	Vertical Housing Tax Credit:	
<input type="checkbox"/>	New Market Tax Credits:	
<input type="checkbox"/>	Housing Resources:	

PLEASE SEE NOTE AND CONTACT INFORMATION ON THE FOLLOWING PAGE

This is only preliminary preapplication conference information based on the applicant's proposal and does not cover all possible development scenarios. Other requirements may be added after an applicant submits land use applications or building permits. City policies and code requirements are subject to change. If a note in this report contradicts the Milwaukie Municipal Code, the MMC supersedes the note. If you have any questions, please contact the City staff that attended the conference (listed on Page 1). Contact numbers for these staff are City staff listed at the end of the report.

Sincerely,

City of Milwaukie Development Review Team

BUILDING DEPARTMENT

Patrick McLeod	Building Official	503-786-7611
Harmony Drake	Permit Technician	503-786-7623
Stephanie Marcinkiewicz	Inspector/Plans Examiner	503-786-7636

ENGINEERING DEPARTMENT

Jennifer Garbely	City Engineer	503-786-7534
Jeff Tolentino	Assistant City Engineer	503-786-7605
Jennifer Backhaus	Engineering Technician III	503-786-7608
Eanna Zaya	Engineering Technician I	503-786-7609

PLANNING DEPARTMENT

Laura Weigel	Planning Manager	503-786-7654
Vera Koliass	Senior Planner	503-786-7653
Brett Kelder	Senior Planner	503-786-7657
Adam Heroux	Associate Planner	503-786-7658
Ryan Dyar	Assistant Planner	503-786-7661

COMMUNITY DEVELOPMENT DEPARTMENT

Joseph Briglio	Community Development Director	503-786-7616
Mandy Byrd	Development Programs Manager	503-786-7692
(vacant)	Housing & Econ. Dev. Prog. Mgr.	503-786-7627
Emilie Bushlen	Administrative Specialist II	503-786-7600
Petra Johnson	Administrative Specialist II	503-786-7600

SUSTAINABILITY DEPARTMENT

(vacant)	Climate & Natural Resources Mgr.	503-786-7668
Courtney Wilson	Urban Forester	503-786-7655
Riley Gill	Environmental Services Coordinator	503-786-7660

CLACKAMAS FIRE DISTRICT

Shawn Olson	Fire Marshal	shawn.olson@ClackamasFire.com
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Pre-Application Comments

To: City of Milwaukie

From: Shawn Olson, Fire Marshal, Clackamas Fire District #1

Date: 3-26-2024

Re: 11525 SE McLoughlin Blvd.-WES Building Addition

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

Fire Apparatus Access:

No concerns related to fire apparatus access.

Water Supply:

1. Fire Hydrants, Commercial Buildings: Where a portion of the building is more than 400 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the building, on-site fire hydrants and mains shall be provided.

Note: This distance may be increased to 600 feet for buildings equipped throughout with an approved automatic sprinkler system. All new buildings shall have a firefighting water supply that meets the fire flow requirements of the Fire Code Appendix B.

2. Maximum spacing between hydrants on street frontage shall not exceed 500 feet. Additional private on-site fire hydrants may be required for larger buildings. Fire sprinklers may reduce the water supply requirements.
3. Minimum fire flow requirements shall be met according to Appendix B of the Oregon Fire Code (22).
 - a. Reductions are allowed when the building is provided with a full fire sprinkler system. (Table B105.2)
 - b. Provide fire hydrant flow testing from the closest fire hydrant. Minimum GPM is 1,500 to meet fire flow.

When ready, submit all fire apparatus access and water supply plans to: [Fire Apparatus Access/Water Supply Plan Submittal](#)

If you have questions, please contact Clackamas Fire District @503-742-2663 or email at shawn.olson@clackamasfire.com



CITY OF MILWAUKIE

To: Planning Commission
Through: Laura Weigel, Planning Manager
From: Brett Kelper, Senior Planner
Date: July 2, 2024, for July 9, 2022, Work Session
Subject: Natural resources update (WQR code fixes)

ACTION REQUESTED

None. Staff are briefing the Planning Commission on efforts to update the natural resources code and maps. This session is focused on proposed adjustments related to various subsections of the code.

BACKGROUND INFORMATION

Natural resources are distinguished as water quality resource (WQR) areas and habitat conservation areas (HCAs) and are regulated by Milwaukie Municipal Code (MMC) Section 19.402 (referred to as the NR code).

At a work session on April 9, 2024, staff introduced the current effort to update the NR code. Those materials, including additional background on the NR code that provided a more in-depth review of WQR and HCA resources and an explanation of various issues needing attention, can be found in the [e-packet](#) for that meeting.

The April 9 work session focused on coordination with the residential tree code (MMC Section 16.32.042). There are a few items to follow up on from that topic, and then the discussion will turn to the next topic: WQR standards and other needed code fixes.

FOLLOW-UP — TREES AND COORDINATION WITH RESIDENTIAL TREE CODE

The April 9 work session focused on the effort to align the NR code with the relevant provisions of the residential tree code in MMC Section 16.32.042. The commissioners raised a few questions that staff have addressed in the meantime.

Intersection of NR Code and Tree Code

The primary recommendation from the commission was that the NR code should take precedence over the tree code, to streamline the review process for applicants while ensuring

that natural resources remain protected. Staff followed up with the Urban Forester to discuss the issue further and arrived at the following agreements:

- The tree permit classifications (currently Type 1 and 2) will be relabeled as Type A and B to limit confusion with the land use review types (Type I, II, III, etc.).
- The NR code will override the tree permit process in NR areas in residential zones. For healthy trees, the NR Type I removal allowance will be limited to only one tree less than 12-in diameter at breast height (DBH) per year; otherwise, the proposed removal will be subject to the Type B tree permit process as well.
- For NR Type I tree removal, the replanting requirement will acknowledge exceptions for preplanned removals and dense canopy; otherwise, if a tree is not replanted the removal will be subject to the applicable mitigation fees of MMC 16.32.
- If tree removal is associated with an approved natural resource management plan and the Type A tree permit criteria will be met, no tree permit or mitigation is needed. For other cases, the plan will need to go through the Type B tree permit process (including potentially paying mitigation fees) in addition to the NR review.
- For public trees (i.e., trees on City-owned properties like parks) in NR areas, a tree permit will be needed, as the tree code regulates public trees of any size and allows more discretion in the review than the Type I NR tree removal standards.

Lowering the regulatory size (DBH) for tree protection

On April 9, staff explained the need to re-establish a clear minimum threshold for tree size for regulatory purposes, noting that the previous 6-in DBH standard was inadvertently removed when the NR code was adjusted to mesh with the newly adopted tree code. There was a question about whether the NR code should in fact be regulating trees when even smaller.

The 6-in DBH threshold appears to be common among other local jurisdictions, which may be due to most working from a similar model code. And it is important to remember that some manicured landscaped areas are mapped as WQR and HCA resources. The last significant update to the NR code in 2011 was predicated in large part on striking a balance between allowing property owners the freedom to manage smaller-sized trees and still reasonably protecting WQR and HCA resources. That said, given the important role that native species play in the health of WQR and HCA resources, it makes sense to consider extending protections to smaller-sized natives.

The tree code requires a permit for removing a tree of any size that is on the City's Rare & Threatened Tree list. The NR code could follow that lead and regulate native-species trees of any size, or at least drop the 6-in DBH minimum to a 4-in or 2-in threshold.

Recommendation by staff: Reduce the minimum size of regulated native trees to a 4-in or 2-in DBH threshold, depending on a recommendation from the City's on-call NR consultant.

TOPIC 2 — WQR AND OTHER CODE FIXES

The NR code was last updated in a significant way in 2011 when the HCA provisions were established. Like other code sections, the NR code's imperfections have been revealed over time, and staff have kept a running list of issues needing to be addressed in addition to taking an opportunity to simplify or clarify the code. The following is an address of some of those issues.

Clear & objective standards for WQR disturbance

One of the key motivators for this update project was the need to respond to recent changes in state law related to removing barriers to developing new housing units. The general requirement is that local jurisdictions must provide a nondiscretionary review path for housing development. It is allowable to have a discretionary path that allows for innovative or nuanced considerations, but there must also be an option to address clear and objective standards. Such standards may be rigorous and narrowly constructed, but they cannot be impossible to meet.

In the case of WQR disturbance, one approach would be to establish a detailed set of scientific standards for certain water quality measures like temperature, sedimentation, and turbidity that a proposed development's impacts could be evaluated against. That would likely require an applicant to commission a special study involving analysis and modeling. Another approach would be to establish a simpler threshold of limited allowed disturbance at a level understood to result in acceptable minimal impacts. This latter approach is the one being pursued by staff.

The current NR code provides an exemption from review for WQR disturbance of up to 150 sq ft for new landscaping and outdoor uses such as gardens and play areas, provided there is no new impervious surface, no removal of trees greater than 6-in DBH, no increase in direct stormwater discharges to the WQR, and a separation of at least 30 ft from the top of bank of a stream (or 50 ft from the edge of a wetland). In addition, there is a Type II review path for new WQR disturbances up to 150 sq ft for alterations or repairs to existing legal structures. But there is currently no Type I review path for WQR disturbance.

Staff propose to introduce a narrow Type I option for WQR disturbance, with the following limitations:

- Disturbance is related to construction of a new primary or accessory dwelling unit.
- 150 sq ft maximum WQR disturbance (temporary or permanent).
- WQR being disturbed is not categorized as Class A ("Good").
- At least 30-ft separation from top of bank of a stream (or 50 ft from edge of wetland).
- No removal of native-species trees.
- No increase in direct stormwater discharges to the WQR.

Mitigation would be required for this allowed WQR disturbance. For temporary disturbance, the disturbed area would be replanted at a minimum with a native-species ground cover. For permanent disturbance, an equal-sized mitigation area would be established on the site (within or contiguous to the remaining WQR area) and replanted at a ratio of 5 trees and 25 shrubs per 500 sq ft of disturbed WQR.

This allowance is not broad but establishes an appropriately conservative path for some WQR disturbance in the service of developing housing. It is intended to satisfy the state requirement

while acknowledging the importance of protecting our most intact and healthy WQR areas. (See Attachment 1 for a draft of the proposed revised language.)

Question for PC: *Is the commission comfortable with this narrow Type I option for WQR disturbance?*

Residential cluster development

MMC Subsection 19.402.14.C was established in 2011 so that residential development within or near WQR and HCA resources could achieve the allowed density while avoiding or minimizing impacts to those resources. Units could be clustered away from WQRs and HCAs, which would be included in a common open space. Multiple primary structures could be established on a single lot, and housing types that would not otherwise be allowed (like multifamily apartments) could be developed subject to the density limitations. Lot dimension requirements were reduced and most development standards would be applied to the overall site instead of to any individual lots that might be created. It was created as a special form of variance, where projects would be subject to Type III review and approval by the Planning Commission.

No one has attempted to use the residential cluster option since it was established. With the recent amendments related to middle housing, particularly the option for cottage cluster development and the provisions for middle housing land division, the need for this adjustment option specific to the NR code is no longer apparent.

Recommendation by staff: *Eliminate this subsection of the code.*

Mitigation requirements for WQR disturbance

Because most WQR disturbance requires discretionary review, the mitigation requirements are also very discretionary. MMC Table 19.402.11.C establishes three classifications of WQRs for mitigation purposes, based on the extent and character of existing vegetation.

Table 19.402.11.C Mitigation Requirements for WQRs	
Existing Condition of WQR	Requirements
Class A ("Good")	
Extent and character of existing vegetation provides good conditions for water quality and wildlife habitat	
Combination of trees, shrubs, and ground cover are 80% present, with more than 50% tree canopy coverage in vegetated corridor.	<ul style="list-style-type: none"> • Submit a plan for mitigating water quality impacts related to the development, including: sediments, temperature, nutrients, or any other condition that may have caused the protected water feature to be listed on DEQ's 303(d) list. • Inventory and remove debris and noxious materials.
Class B ("Marginal")	
Extent and character of existing vegetation provides marginal conditions for water quality and wildlife habitat	
Combination of trees, shrubs, and ground cover are 80% present, with 25-50% canopy coverage in vegetated corridor.	<ul style="list-style-type: none"> • Restore and mitigate disturbed areas with native species from the Milwaukee Native Plant List, using a City-approved plan developed to represent the vegetative composition that would naturally occur on the site. • Inventory and remove debris and noxious materials.
Class C ("Poor")	
Extent and character of existing vegetation provides poor conditions for water quality and wildlife habitat	
Combination of trees, shrubs, and ground cover are less than 80% present and/or less than 25% canopy coverage in vegetated corridor.	<ul style="list-style-type: none"> • Restore and mitigate disturbed areas with native species from the Milwaukee Native Plant List, using a City-approved plan developed to represent the vegetative composition that would naturally occur on the site. • Plant and/or seed all bare areas to provide 100% surface coverage. • Inventory and remove debris and noxious materials.

Consideration of invasive species. Note that there is no qualification of whether the existing vegetation includes a significant percentage of invasive species, suggesting that the most important factor for water quality is the presence of vegetation and tree canopy. However, it is worth considering the presence of invasive species as well, at least when determining appropriate mitigation—a riparian area could be 100% vegetated with Himalayan blackberries and still qualify as Marginal, or be forested with invasive-species trees covered in English ivy and qualify as Good.

***Recommendation by staff:** Introduce a consideration of invasive species in the categorization of Good/Marginal/Poor WQR areas, depending on a recommendation from the City’s on-call NR consultant.*

Mitigation by WQR classification. Currently, the mitigation requirements for WQRs vary based on their classification, though there are a few similarities across the board. All three require the inventory and removal of debris and “noxious materials” (which is not defined in the code and is not currently understood to include invasive plants). But only Poor WQR areas require that all bare areas be planted to provide 100% surface coverage, even though the other two classifications could also have less than 100% vegetated cover. Staff recommend adjusting the table to make the 100% cover requirement applicable to all three WQR classifications.

All three classifications require a mitigation plan. For Marginal and Poor WQR areas, the plan must propose restoration with native vegetation that represents what would “naturally occur on the site.” For Good WQR areas, the plan must address water quality impacts related to the development, including sediments, temperature, nutrients, or any other condition that may have caused the protected water feature to be listed on the state’s list of waterbodies that do not meet water quality standards. The different requirement for Good WQRs may be intended to set a higher bar for the disturbance of well vegetated WQR areas, but it raises two questions: (1) whether something more than plantings may be needed to balance WQR impacts in general and (2) whether disturbance of Marginal and Poor WQR areas should also be accountable for specific water quality impacts.

***Recommendation by staff:** Standardize the requirement for a special mitigation plan so that it applies either for all categories of WQR (not just for Good WQR areas), or eliminate it altogether and focus the mitigation on plantings with native species—depending on a recommendation from the City’s on-call NR consultant.*

Suggested planting ratio for WQR disturbance. The NR code provides a ratio of trees and shrubs as mitigation for disturbance of HCA square footage (5 trees and 25 shrubs per 500 sq ft of disturbance), but there is no similar ratio for WQR disturbance. Staff usually point applicants to the HCA ratio as guidance in discretionary review situations, and to date that formula has been found by the City’s on-call NR consultant to be appropriate for most WQR disturbance applications.

***Recommendation by staff:** Include language to suggest that the HCA mitigation planting ratio is appropriate for WQR disturbances, while retaining the option to require a different ratio with discretionary review depending on an assessment of the specific situation.*

ATTACHMENTS

Attachments are provided as indicated by the checked boxes. All material is available for viewing upon request.

	Public Copies	E-Packet
1. Proposed standards for Type I WQR disturbance	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Key:

E-Packet = meeting packet materials available one week before the meeting, posted online at <https://www.milwaukieoregon.gov/bc-pc/planning-commission-123>.

Attachment 1

Proposed Standards for Type I WQR Disturbance

19.402.6 **Activities Requiring Type I Review**

B. Limited WQR Disturbance for New Dwelling Units

1. Within WQRs, nonexempt residential development that is not listed in Subsections 19.402.7 or 19.402.8 and that is in compliance with the following nondiscretionary standards is allowable subject to Type I review:
 - a. The disturbance (temporary or permanent) is directly related to the construction of a new primary or accessory dwelling unit; and
 - b. The disturbance area is limited to no more than 150 sq ft within the WQR; and
 - c. The WQR being disturbed is not categorized as Class A ("Good") according to Table 19.402.11.C; and
 - d. The disturbance area is at least 30 ft from the top of bank of a stream or drainage or 50 ft from the edge of a wetland; and
 - e. The disturbance does not include the removal of any trees 6-in DBH or greater that are categorized as a native species on the Milwaukie Plant List; and
 - f. The disturbance will not result in any increased direct stormwater discharges to the WQR.
2. Where limited WQR disturbance is allowed by this subsection, mitigation must be provided in accordance with the general standards of Subsection 19.402.11.B and as follows:
 - a. For temporary disturbances, the disturbance area must be replanted at a minimum with a native ground-cover species sufficient to cover all bare or exposed soil.
 - b. For permanent disturbances, an area equal in size to the disturbance area must be established as a mitigation area. Within the mitigation area, all plants categorized as invasive species on the Milwaukie Plant List must be removed and native-species trees and shrubs must be planted at a ratio of 5 trees and 25 shrubs per 500 sq ft of disturbance.