



CITY OF MILWAUKIE

October 2, 2023

Land Use File(s): DEV-2023-003
Permit(s): TBD

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Manager on October 2, 2023.

Traducciones de este documento e información sobre este proyecto están disponibles en español. Para solicitar información o preguntar en español, favor de email espanol@milwaukieoregon.gov.

Applicant(s):	City of Milwaukie (represented by Peter Passarelli)
Location(s):	10486 SE 21 st Ave
Tax Lot(s):	1S1E36BB, lot 1900 and part of 1800
Application Type(s):	Development Review: Development of Scott Park
Decision:	Approved
Review Criteria:	Milwaukie Municipal Code (MMC): <ul style="list-style-type: none">• MMC Section 19.304 Downtown zones• MMC Section 19.402 Natural Resources• MMC Subsection 19.504.7 On-Site Walkways and Circulation• MMC Chapter 19.600 Off-Street Parking and Loading• MMC Chapter 19.700 Public Facility Improvements• MMC Section 19.906 Development Review• MMC Section 19.1005 Type II Review
Neighborhood(s):	Historic Milwaukie

Appeal period closes: 5:00 p.m., October 17, 2023

This notice is issued in accordance with Milwaukie Municipal Code (MMC) Section 19.1005 Type II Review. The complete case file for this application is available for review by appointment between 8:00 a.m. and 5:00 p.m. on regular business days at the Planning Department, City Hall, 10501 SE Main St. Please contact Brett Kelter, Senior Planner, at 503-786-7657 or kelterb@milwaukieoregon.gov, if you wish to view this case file or visit the project webpage at www.milwaukieoregon.gov/planning/dev-2023-003.

This decision may be appealed by 5:00 p.m. on October 17, 2023, which is 15 days from the date of this decision.¹ (Note: Please arrive by 4:45 p.m. for appeal payment processing.) Any person who is adversely affected or aggrieved by this decision may appeal the decision by filing a written appeal. An appeal of this decision would be heard by the Milwaukie Planning Commission following the procedures of MMC Section 19.1010 Appeals. This decision will become final on the date above if no appeal is filed during the appeal period. Milwaukie Planning staff can provide information regarding forms, fees, and the appeal process at 503-786-7630 or planning@milwaukieoregon.gov.

Per MMC Subsection 19.1001.7.E, this land use approval expires unless the applicant has: (1) obtained and paid for all necessary development permits and started construction within 2 years of land use approval, and (2) passed final inspection and/or obtained a certificate of occupancy within 4 years of land use approval. Extensions can be granted per MMC Section 19.908.

Findings in Support of Approval

The Findings for this application are included as Exhibit 1.

Conditions of Approval


None

Manager's Declaration of Impartiality

I certify that neither I nor any member of my immediate family has a material, personal, or financial relationship with the applicant. I further certify that no other relationship, bias, or ethical conflict exists which would have prevented me from evaluating the land use application solely on its merits and in accordance with the Milwaukie Municipal Code.

Decision

- Approved
- Approved with Conditions
- Denied



Laura Weigel, AICP
Planning Manager

Exhibits

1. Findings in Support of Approval
2. Materials plan and notes (75% design)

¹ As per MMC Section 19.1010, if the 15th day falls on a weekend or legal holiday, the end of the appeal period shall be extended to the end of the next business day.

cc: Peter Passarelli, Public Works Director, applicant (via email)
Adam Moore, Parks Development Coordinator, applicant's representative (via email)
Matt Hastie, MIG, applicant's representative (via email)
Ben Johnson, GreenWorks, P.C., applicant's representative (via email)
Planning Commission (via email)
Joseph Briglio, Community Development Director (via email)
Jennifer Garbely, City Engineer (via email)
Engineering Development Review (via email)
Patrick McLeod, Building Official (via email)
Stephanie Marcinkiewicz, Inspector/Plans Examiner (via email)
Harmony Drake, Permit Technician (via email)
Shawn Olson, Fire Marshal, CFD#1 (via email)
NDA(s): Historic Milwaukie (via email)
Interested Persons
Land Use File(s): DEV-2023-003
Address File(s): 10468 SE 21st Ave, 10660 SE 21st Ave (Ledding Library site)

EXHIBIT 1
Findings in Support of Approval
File #DEV-2023-003
Development of Scott Park

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

1. The applicant, Peter Passarelli (Public Works Director), on behalf of the City of Milwaukie, has applied for approval to construct improvements at Scott Park. The subject property is located at 10468 SE 21st Ave (Assessor map number 1S1E36BB, lot 1900) and is zoned Open Space (OS). The park extends into the northeastern corner of the adjacent Ledding Library property at 10660 SE 21st Ave (Assessor map number 1S1E36BB, lot 1800), which is zoned Downtown Mixed Use (DMU). The proposed development requires both development review and natural resource review; the primary land use application file number is DEV-2023-003, with NR-2023-001.
2. The applicant proposes to develop Scott Park in accordance with the associated concept plan originally adopted by City Council in 1990 and refined with an extensive public engagement process in 2022-2023. The site is currently minimally developed with basic park features, including a concrete walkway and a few benches, with a connection to the existing amphitheater in the northeast corner of the library site. The subject property is adjacent to a pond formed by Spring Creek to the east, which is a protected water feature and results in the designation of Water Quality Resource (WQR) and Habitat Conservation Area (HCA) natural resources on the site. The proposed park improvements include a play area, new permeable concrete and compacted gravel walkways, pond overlook, benches and picnic table, landscaping features, and plantings.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Section 19.304 Downtown Zones (OS and DMU)
 - MMC Section 19.402 Natural Resources
 - MMC Subsection 19.504.7 On-Site Walkways and Circulation
 - MMC Chapter 19.600 Off-Street Parking and Loading
 - MMC Chapter 19.700 Public Facility Improvements
 - MMC Section 19.906 Development Review
 - MMC Section 19.1005 Type II Review

The application was submitted on June 23, 2023, and deemed complete on July 7, 2023. The application was initially understood to require Type I review, but on September 14, 2023, staff subsequently determined that the natural resource aspects of the project in fact require Type II review. Therefore, the application has been processed and public notice provided in accordance with MMC Section 19.1005 Type II Review as required by law, with a decision by the Planning Manager.

4. MMC Section 19.304 Downtown Zones (OS and DMU)

MMC 19.304 establishes standards for both the Open Space (OS) and Downtown Mixed Use (DMU) downtown zones. The application meets the applicable standards of this section as described below.

a. MMC Subsection 19.304.2 Uses

MMC 19.304.2 establishes the uses allowed outright in the OS and DMU zones, including parks and open space.

The subject property is currently developed minimally as a public park, with landscaping, concrete walkway, and amphitheater. The applicant is proposing to further develop the site with additional park improvements, including new permeable concrete and compacted gravel walkways, a play area, pond overlook, benches and picnic table, landscaping features, and additional plantings. The existing amphitheater will remain as is. No change in use is proposed.

b. MMC Subsection 19.304.4 Development Standards

MMC 19.301.4 establishes development standards for the OS and DMU zones. There are only a few development standards for the OS zone, the primary one being a limitation on building height (15 ft). MMC Table 19.304.4 establishes various standards for the DMU zone, including floor area ratio, building height, setbacks, and residential density; however, the DMU standards are not relevant for the proposed park use.

The proposed development does not include any features for which the standards for the OS and DMU zones are applicable.

As proposed, the Planning Manager finds that the proposed development meets all applicable standards of MMC 19.304.

5. 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 regulations, including all properties containing WQRs and HCAs as shown on the City's Natural Resource (NR) Administrative Map.

As noted in Finding 2, the subject property is adjacent to a primary protected water feature to the east (a pond along the Spring Creek drainage), with WQR and HCA designations covering a portion of the project area. Some of the proposed work is within and/or will disturb WQR and/or HCA resources.

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

b. MMC Subsection 19.402.4 Exempt Activities

MMC Subsection 19.402.4.A establishes a variety of activities within WQR and HCA areas that are exempt from the regulations of MMC 19.402. This includes the planting of native plants, removal of nuisance species plants, and limited tree removal (for downed trees, emergency situations, and removal of up to three nuisance species trees).

In addition, landscaping that does not involve the removal of native plants, planting of nuisance-species vegetation, or an increase in impervious area is exempt. Disturbance for outdoor uses such as gardens and play areas is exempt provided the new disturbance is limited to no more than 150 sq ft, does not involve the removal of trees greater than 6 in diameter, and is located at least 30 ft from the top of bank of a stream or drainage.

MMC Subsection 19.402.4.B establishes exempt activities within HCAs only. These include minor encroachments of up to 150 sq ft in nonresidential zones for new features such as accessory buildings, patios, walkways, or retaining walls. Low-impact outdoor recreation facilities for public use with no more than 500 sq ft of new impervious surface—including multiuse paths, accessways, trails (5-ft maximum width and pervious), picnic areas, and overlooks—are exempt.

The proposed development involves several activities within the WQR and HCA portions of the site, including planting native plants and doing other landscaping that does not involve the removal of native plants or planting of nuisance vegetation. The planting activity is exempt from review.

An existing impervious walkway will be removed and replaced with a 6-ft-wide permeable concrete walkway in a new alignment. The portion of the new walkway within the WQR is addressed with Type II review (see Finding 5-c, below). Approximately 1,150 sq ft of the walkway will be in the HCA-only portion of the site, including part of the new play area. Because the new walkway is permeable and results in less than 500 sq ft of new impervious surface, the HCA portion of the new walkway is exempt from review.

Within the WQR, an approximately 220-sq-ft area adjacent to the new walkway will be established as a seating area with benches. The easternmost portion of the seating area (approximately 80 sq ft) is within 30 ft of the edge of the pond and is not exempt from review—it is addressed with Type II review (see Finding 5-c, below). The westernmost portion of the seating area (approximately 140 sq ft) is more than 30 ft from the edge of the pond, includes at most only approximately 13 sq ft of new impervious area (the new benches), and does not involve the removal of any trees greater than 6 in diameter, so it is exempt from review.

As described above, the Planning Manager finds that several of the proposed activities within the WQR and HCA portions of the site are exempt from review.

c. MMC Subsection 19.402.7 Activities Requiring Type II Review

MMC 19.402.7 establishes activities impacting WQRs and HCAs that can be permitted with Type II review. These include special uses such as the improvement or construction of public or private utility facilities, new stormwater facilities, and walkways and bike paths, provided the proposed development can meet the standards for special uses established in MMC Subsection 19.402.11.E.

In addition, other uses and activities with minimal impacts to WQRs can be approved with Type II review under certain circumstances, including landscaping that would increase impervious area within the WQR by no more than 150 sq ft. Such activities are subject to the discretionary review criteria of MMC Subsection 19.402.12

An existing impervious walkway will be removed and replaced with a 6-ft-wide permeable concrete walkway in a new alignment. That portion of the new walkway within the WQR can meet the special use standards established in MMC 19.402.11.E (see Finding 5-e, below).

As noted above in Finding 5-b, approximately 80 sq ft of the new seating area with benches that is adjacent to the new walkway within the WQR is within 30 ft of the edge of the pond and includes at most only approximately 11 sq ft of new impervious area (one of the new benches). See Finding 5-f, below, for discussion of the applicable discretionary review criteria of MMC 19.402.12.

The Planning Manager finds that the non-exempt portions of both the new walkway and adjacent seating area within the WQR can be processed with Type II review.

d. 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.

As proposed, the park development will disturb a significant portion of the WQR and HCA resources on the site, whether temporarily or permanently. The applicant has provided a construction management plan that shows erosion control and tree protection measures as well as information on site access and construction staging, all in relation to the WQR and HCA boundaries.

The Planning Manager finds that this standard is met.

e. MMC Subsection 19.402.11.E Standards for Special Uses

MMC Section 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). Specifically, MMC 19.402.11.E establishes standards for special uses, including the improvement or construction of public or private utility facilities, new stormwater facilities, and walkways and bike paths.

(1) MMC Subsection 19.402.11.E.1 General Standards for Special Uses

MMC 19.402.11.E.1 provides general standards for the special uses addressed in this subsection. A construction management plan is required, as is a mitigation plan based on whether the applicable disturbed area is WQR or HCA. (WQR mitigation standards are established in MMC Subsection 19.402.11.C.) Existing vegetation outside of approved work areas must be protected and left in place, work areas must be carefully located and marked to reduce potential damage to WQRs and HCAs, and trees within the WQR and HCA cannot be used as anchors for stabilizing construction equipment. Where existing vegetation is removed, the site must be revegetated as soon as practicable.

As noted above in Finding 5-d, the applicant has provided a construction management plan as well as a planting plan that serves as a mitigation plan. The planting plan shows that all disturbed areas will be revegetated. Within the WQR, which is categorized as Class B or "Marginal" according to MMC Table 19.402.11.C (combination of trees, shrubs, and ground cover are 80% present, with 25-50% canopy coverage in the vegetated corridor), the mitigation requirement is to restore disturbed areas with native species using a City-approved plan developed to represent the vegetative composition that would naturally occur on site.

For the special use disturbance within the WQR (a portion of the new walkway and adjacent seating area), the applicant has proposed to plant a variety of non-nuisance, primarily native species. The existing and proposed continued use is a public park that is being developed in accordance with a concept plan approved by the City Council. The walkway, seating area, and open lawn are obviously not naturally occurring features, but several native trees will be planted within the vegetated corridor, with a dense collection of native shrubs planted between the easternmost part of the walkway and the edge of the pond.

Existing vegetation outside of approved work areas will be protected and left in place, and no existing trees within the WQR or HCA will be used to anchor or stabilize construction equipment.

(2) MMC Subsection 19.402.11.E.4 Walkways and Bike Paths

Beyond the general requirements of MMC 19.402.11.E.1, Subsection 19.402.11.E.4 provides additional specific standards for walkways and bike paths within WQRs or HCAs that are proposed to be constructed or improved with gravel, permeable pavement, pavers, wood, or other materials. Such facilities are limited to 12 ft in width, must be at least 10 ft from the boundary of the associated protected water feature, and must be designed to minimize disturbance to existing vegetation and slope stability. Where a walkway or bike path will be located within a WQR and will be paved, the vegetated corridor will be widened by the width of the walkway or path. Any lights associated with the walkway or bike path must be placed so they do not shine directly into any WQR or HCA location.

Throughout the site, the proposed new walkway is 6 ft wide and constructed with permeable concrete paving, with a minimum 20-ft separation from the nearest edge of the pond. The proposed plantings will extend more than 6 ft beyond the existing edge of the vegetated corridor. No lighting is proposed within the WQR.

The Planning Manager finds that the portions of the new walkway that are within the WQR meet the applicable standards for special uses.

f. MMC Subsection 19.402.12 General Discretionary Review

MMC 19.402.12 establishes a discretionary process for analyzing the impacts of development on WQRs and HCAs, including measures to prevent negative impacts and requirements for mitigation and enhancement. An impact evaluation and alternatives analysis is required and must include the identification of ecological functions of riparian habitat on the property, an inventory of vegetation sufficient to categorize the existing condition of the WQR as per MMC Table 19.402.11.C, an assessment of water quality impacts related to the development, and mitigation plan. The approval criteria include a demonstration of how the proposed development avoids, minimizes, and mitigates for disturbance to the WQR.

As required by MMC Subsection 19.402.7.D, the portion of the proposed new seating area in the WQR adjacent to the new walking path (approximately 80 sq ft) is subject to the discretionary review criteria of MMC 19.402.12. The scale of the disturbance is small enough that the Planning Manager finds that a professionally prepared report is not necessary, and that the applicant has provided sufficient information to evaluate impacts and assess alternatives.

The existing site is minimally developed as a public park, with a concrete walkway, a few benches, and landscaping that includes a combination of open lawn area, a few mature trees, and riparian vegetation along the edge of the pond that provides a buffer between the park and the pond as a protected water feature. The combination of trees, shrubs, and ground cover within the vegetated corridor are 80% present, with 25-50% canopy coverage, so the existing condition of the WQR area is categorized as Class B or “Marginal” as per MMC Table 19.402.11.C.

The proposed development includes removing an existing impervious concrete walkway and replacing it with a permeable concrete walkway that is farther from the edge of the pond, with the addition of a significant number of new landscape plantings in the riparian area between the new walkway and the pond. This will reduce the potential for direct stormwater runoff into the pond and improve the ecological functions of the riparian area. The applicant’s planting plan serves as a mitigation plan and strikes an appropriate balance between full restoration of the WQR and the maintenance of open space and walkways for low-impact park use.

Within the WQR, the proposed development avoids significant new disturbance and minimizes impacts by replacing existing impervious surfaces with pervious materials and maintaining existing healthy trees and other native vegetation. Extensive plantings with

native species between the new walkway and the pond serve as adequate mitigation for all disturbance and will complement existing native plantings and enhance the riparian environment. No new lighting is proposed that will shine into WQR or HCA areas.

The Planning Manager finds that, for the portion of the new seating area that is within the WQR and not exempt as discussed in Finding 5-b, the discretionary review criteria are met.

The Planning Manager finds that the proposed development meets all applicable standards of MMC 19.402.

6. MMC Subsection 19.504.7 On-Site Walkways and Circulation

MMC 19.504.7 establishes standards for on-site walkways, which are required for all development that is subject to MMC Chapter 19.700 (excluding single-detached and multi-unit residential development). A walkway must be provided into the site for every 300 ft of street frontage and must connect with sidewalks and bicycle facilities. On-site walkways must be reasonably direct, constructed with a hard surface material, permeable for stormwater, and at least 5 ft wide. Walkways must be separated from parking areas using curbing, landscaping, or distinctive paving materials and must be lighted to an average 0.5-footcandle level.

The subject property is comprised of the primary park lot (tax lot 1900), which has no frontage on a public street; and a portion of the library lot (tax lot 1800), which has approximately 200 ft of frontage on Harrison Street. The library lot provides an existing walkway that connects the park lot to Harrison Street. The proposed new primary on-site walkway is 6 ft wide and will be constructed with permeable concrete; a shorter, secondary offshoot path in the northeast corner of the park will be 4 ft wide and constructed with compacted gravel. The park is intended for daytime use, so no pathway lighting is proposed.

The Planning Manager finds that the proposed development meets the applicable standards of MMC 19.504.7.

7. 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.

a. MMC Section 19.602 Applicability

MMC 19.602 establishes the applicability of the provisions of MMC 19.600, and MMC Subsection 19.602.3 establishes thresholds for full compliance with the standards of MMC 19.600. Development of a vacant site must have off-street parking and off-street loading areas that conform to the requirements of Chapter 19.600.

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 on sites within a half-mile of a frequent transit corridor or within three-

quarters of a mile of a rail transit stop. However, all other provisions of MMC 19.600 may still apply.

The subject property, which is currently minimally developed as a public park, is located along a frequent TriMet bus corridor and is just over a quarter mile from the downtown MAX light rail station. The applicant has proposed to develop the site with additional improvements, including a play area, new permeable concrete and compacted gravel walkways, pond overlook, benches and picnic table, landscaping features, and additional plantings.

Although the CFEC-related limitations noted above prevent the implementation of minimum off-street vehicular parking quantity requirements, the Planning Manager finds that the proposed development requires compliance with the other applicable sections of MMC 19.600.

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 because of the subject property's proximity to frequent transit provided by TriMet. 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 minimum and maximum quantity requirements for park uses. The park is designed to function as a neighborhood park and to primarily be accessed by people walking or bicycling. A previous parking determination (file #P-2013-02) specified that neighborhood parks are not designed to generate demand for off-street parking because the size and facilities available are intended to only attract users that live near the park. Moreover, even if parking quantity standards were identified, recent changes to state law prohibit the City from requiring a minimum quantity of off-street parking for this property because of its proximity to frequent transit. Parking maximums are not a concern, as the applicant does not propose any new off-street vehicular parking.

The Planning Manager finds that the proposed development is compliant with the applicable standards of MMC 19.605.

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 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, there are no required vehicle parking spaces for the site; consequently, a minimum of two bicycle parking spaces are required. Currently, there are already bicycle parking spaces on the library site (beyond the functional boundary of the park) but the applicant is proposing to add two staple-style racks adjacent to the southern edge of the play area, providing four on-site bicycle parking spaces. The applicant has included anchoring plans and shows that the racks' location provides the minimum 2-ft by 6-ft space dimensions without impeding the adjacent 7-ft-wide pedestrian walkway. Staple-style racks allow the user to lock both the frame and one wheel with a high-security, U-shaped, shackle lock. The parking spaces provide direct access to the on-site walkway system that connects to the public right-of-way (ROW) and will be visible to park visitors.

As proposed, the Planning Manager finds that the standards of MMC 19.609 are met.

As proposed, the Planning Manager finds that the applicable standards of MMC 19.600 are met.

8. MMC Chapter 19.700 Public Facility Improvements

MMC 19.700 is intended to ensure that development, including expansions, 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 MMC 19.700, including a new dwelling unit, any increase in gross floor area, land divisions, new construction, and modification or expansion of an existing structure or a change or intensification in use that result in any projected increase in vehicle trips.

The applicant is proposing to further develop the subject property with public park improvements. The City Engineer has determined that these improvements would result in an increase in trips. The proposed development triggers the requirements of MMC 19.700.

MMC 19.700 is applicable to the proposed development.

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 establishing approval criteria.

The requirement for a preapplication conference with City staff was waived by the Planning Manager for this proposal. As noted in Finding 8-c, a transportation impact study (TIS) is not required; therefore, a transportation facilities review application is not necessary.

This standard is met.

c. MMC Section 19.704 Transportation Impact Evaluation

MMC 19.704 establishes that the City Engineer will determine whether a proposed development has impacts on the transportation system by using existing transportation data. If the City Engineer cannot properly evaluate a proposed development's impacts without a more detailed study, a TIS will be required to evaluate the adequacy of the transportation system to serve the proposed development and determine proportionate mitigation of impacts.

The City Engineer has determined that a TIS is not required, as the impacts of the park improvements on the transportation system are minimal. The park is centrally located, is proposed to include basic amenities, and is most likely to be used by people walking and bicycling and/or by people who have come to visit the adjacent library.

This standard is met.

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 7-e, the proposed development does not have impacts that require mitigation.

This standard is not applicable.

e. 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. MMC Subsection 19.708.1 requires compliance with MMC Chapter 12.16 and establishes general requirements and standards for streets, including access management, clear vision, street design, connectivity, and intersection design and spacing standards. MMC Table 19.708.2 provides more specific street design standards for various street classifications, including for arterial and neighborhood routes. All streets, sidewalks, necessary public improvements, and other public transportation facilities located in the public ROW and abutting the development site must be adequate at the time of development or must be made adequate in a timely manner. The City's street design standards are based on the street classification system described in the City's Transportation System Plan (TSP).

The subject property is comprised of two lots—the primary park lot (tax lot 1900) does not have frontage on a public street; the library lot (tax lot 1800) has frontage on Harrison Street, which the City's TSP and Transportation Design Manual classify as an arterial. The library lot also technically has some frontage on public ROW identified as 21st Avenue at its southwestern corner, though that ROW is developed as part of the library parking lot and provides vehicular and pedestrian access to the library and adjacent residential development to the west. The Harrison Street frontage is fully developed to current standards and does not require further improvement.

This standard is met.

f. 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 development does not present significant new impacts to existing public utilities, which are adequate to serve the proposed use.

This standard is met.

As proposed, the Planning Manager finds that the applicable standards of MMC 19.700 are met.

9. MMC Section 19.906 Development Review

MMC 19.906 is designed to ensure that development complies with the applicable standards and provisions of the zoning ordinance.

a. MMC Subsection 19.906.2 Applicability

MMC 19.906.2 establishes different levels of review for different types of development and provides a list of activities that are exempt from development review.

MMC Subsection 19.906.2.A requires Type I review for new development and expansions or modifications of existing development that require review against clear and objective standards, as well as for changes in primary use and parking lot expansions or modifications that change the number of parking spaces by five spaces or more.

MMC Subsection 19.906.2.B requires Type II review for new development (or expansions/modifications of existing development) where the proposal is reviewed against discretionary criteria or standards; for new construction of over 1,000 sq ft in either the Manufacturing zone within 120 ft of areas zoned for residential uses, within any part of the Business Industrial zone, or within any part of the North Milwaukee Innovation Area; or for development where the Planning Manager determines that the scale of development and/or the level of discretion required to evaluate applicable standards and criteria is not appropriate for Type I review.

MMC Subsection 19.906.2.C establishes certain activities as exempt from development review, including new or expanded single detached dwellings or middle housing detached or attached residential dwellings; residential accessory uses and structures, including accessory dwelling units; interior modifications to existing buildings that do not involve a change in primary use; construction of public facilities in the public ROW; and temporary events as allowed in MMC Chapter 11.04.

The application is to construct improvements in an existing public park, for which there are clear and objective development standards.

The Planning Manager finds that the standards of MMC 19.906 are applicable to the proposed development and that it requires Type I development review.

b. MMC Subsection 19.906.4 Approval Criteria

MMC 19.906.4 establishes the following approval criteria for development review applications:

- (1) The proposal complies with all applicable base zone standards in MMC Chapter 19.300.

As discussed in Finding 4, the applicable standards of the underlying OS and DMU zones are met.

This criterion is met.

- (2) The proposal complies with all applicable overlay zone and special area standards in MMC Chapter 19.400.

The proposed development will impact the designated natural resource areas on the site, which are regulated by MMC Section 19.402. As discussed in Finding 5, the applicable standards of MMC 19.402 are met.

This criterion is met.

- (3) The proposal complies with all applicable supplementary development regulations in MMC Chapter 19.500.

As discussed in Finding 6, the proposed development meets the applicable supplementary development regulations for on-site walkways and circulation established in MMC Subsection 19.504.7.

This criterion is met.

- (4) The proposal complies with all applicable off-street parking and loading standards and requirements in MMC Chapter 19.600.

As discussed in Finding 7, the proposed development meets the applicable standards of MMC 19.600.

This criterion is met.

- (5) The proposal complies with all applicable public facility standards and requirements, including any required street improvements, in MMC Chapter 19.700.

As discussed in Finding 8, the proposed development meets all applicable standards of MMC 19.700.

This criterion is met.

- (6) The proposal complies with all applicable conditions of any land use approvals for the proposal issued prior to or concurrent with the development review application.

The two past land use approvals for the subject property both relate to the concept plan that was originally adopted for Scott Park. CPA-90-01 is the application that first

adopted the concept plan as an ancillary document to the City's comprehensive plan and CPA-2018-001 is the application that formally removed the Scott Park concept plan from the comprehensive plan. Neither land use approval included conditions.

This criterion is met.

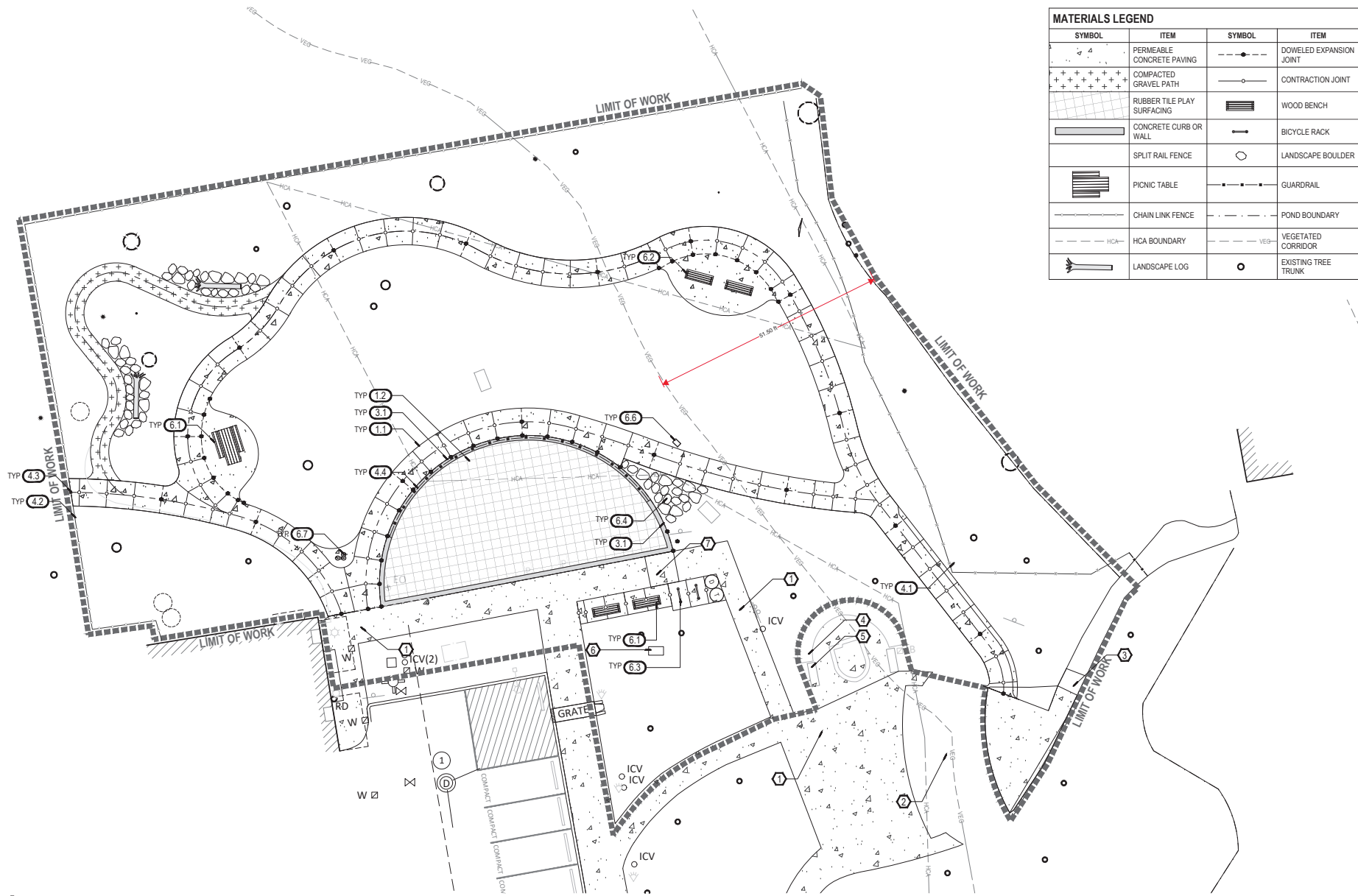
As proposed, the Planning Manager finds that the proposed development meets the approval criteria of MMC 19.906.4.

The Planning Manager finds that the proposed development meets all applicable standards of MMC 19.906 for development review.

10. Public notice of the application was provided as required by MMC Subsection 19.1005.3. The application was referred to the following departments and agencies on September 15, 2023:
- Milwaukie Community Development Department
 - Milwaukie Engineering Department
 - Milwaukie Building Department
 - Milwaukie Public Works Department (including Natural Resources division)
 - Milwaukie Police Department
 - City Attorney
 - Historic Milwaukie Neighborhood District Association (NDA) Chairperson and Land Use Committee (LUC)
 - Clackamas Fire District #1 (CFD)
 - Clackamas County Department of Transportation & Development
 - Metro
 - TriMet
 - North Clackamas Parks and Recreation District (NCPRD)
 - Johnson Creek Watershed Council
 - NW Natural

In addition, public notice was mailed on September 15, 2023, as required by MMC Subsection 19.1005.3.B. No responses were received.

Exhibit 2



MATERIALS LEGEND			
SYMBOL	ITEM	SYMBOL	ITEM
[Symbol]	PERMEABLE CONCRETE PAVING	[Symbol]	DOWELED EXPANSION JOINT
[Symbol]	COMPACTED GRAVEL PATH	[Symbol]	CONTRACTION JOINT
[Symbol]	RUBBER TILE PLAY SURFACING	[Symbol]	WOOD BENCH
[Symbol]	CONCRETE CURB OR WALL	[Symbol]	BICYCLE RACK
[Symbol]	SPLIT RAIL FENCE	[Symbol]	LANDSCAPE BOULDER
[Symbol]	PICNIC TABLE	[Symbol]	GUARDRAIL
[Symbol]	CHAIN LINK FENCE	[Symbol]	POND BOUNDARY
[Symbol]	HCA BOUNDARY	[Symbol]	VEGETATED CORRIDOR
[Symbol]	LANDSCAPE LOG	[Symbol]	EXISTING TREE TRUNK



CITY OF MILWAUKEE

Project: Scott Park, Balfour Park, & Bowman Brae Park
 City of Milwaukee Department of Public Works
 Milwaukee, WI 53222
 502.467.7535

Submital: 75% Construction Documents
 Sheet Title - Scott Park :
Materials Plan

© GREENWORKS, P.A. ALL RIGHTS RESERVED.

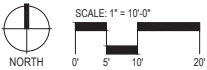
THESE DOCUMENTS ARE THE PROPERTY OF GREENWORKS, P.A. AND ARE NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF GREENWORKS, P.A.

Date: 08/09/2023

Revisions:

Drawn By: GMYC
 Checked By: BJGM
 Job No. 210234.1
 Approved: GW

L4.01
 Sheet No. 09 of 52



© PROJECT 2/20/23 1. MILWAUKEE PARKS & RECREATION DEPARTMENT. DESIGN DEVELOPMENT SERVICES. SCOTT PARK, BALT FORT PARK, BOWMAN BRAE PARK. SHEET L4.01 (MATERIALS)



SITE MATERIALS KEY NOTES

ITEM	DETAIL /SHEET(S)	SPEC SECTION
1.0 PAVEMENTS, CURBS		
1.1 PERMEABLE CONCRETE PAVING	1/L28.01	
1.2 RUBBER TILE PLAY SURFACING	7/L28.01	
1.3 CONCRETE CURB	8/L28.01	
2.0 JOINTING, STRIPING		
2.1 DOWELED EXPANSION JOINT	2/L28.01	
2.2 CONTRACTION JOINT	2/L28.01	
2.3 DUMMY JOINT	2/L28.01	
3.0 WALLS		
3.1 CONCRETE RETAINING WALL	9/L28.01	
4.0 FENCES		
4.1 SPLIT RAIL FENCE	X/LXXX	
4.2 CHAIN LINK FENCE	X/LXXX	
4.3 GATE	X/LXXX	
4.4 METAL GUARDRAIL	X/LXXX	
5.0 SITE LIGHTING		
5.1 EXISTING LAMP	X/LXXX	
6.0 MISCELLANEOUS SITE FEATURES		
6.1 PICNIC TABLE	3/L28.02	
6.2 6' BENCH	1/L28.02	
6.3 BICYCLE RACK	2/L28.02	
6.4 BOULDER	X/LXXX	
6.5 RELOCATED PLAQUE	X/LXXX	
6.6 INTERPRETIVE SIGN & POST	X/LXXX	
6.7 DRINKING FOUNTAIN	4/L28.02	
6.8 PLAY STRUCTURE	X/LXXX	

SITE MATERIALS GENERAL NOTES

- GENERAL MATERIALS NOTES APPLY TO ALL SITE MATERIALS DRAWINGS. NUMBERS IN HEXAGONS REFER TO SITE MATERIALS KEYNOTES AS SHOWN ON THE PLANS.

SITE KEYNOTES

- EXISTING CONCRETE PAVEMENT TO REMAIN, PRESERVE AND PROTECT.
- EXISTING CONCRETE AMPHITHEATER TO REMAIN, PRESERVE AND PROTECT.
- EXISTING ASPHALT PATH TO REMAIN, PRESERVE AND PROTECT.
- EXISTING CONCRETE WALL TO REMAIN, PRESERVE AND PROTECT.
- EXISTING CONCRETE BENCH TO REMAIN, PRESERVE AND PROTECT.
- PIPE OUTFALL APPROXIMATE LOCATION, SEE CIVIL.
- NEW CONCRETE PAVEMENT AFTER STORM PIPE INSTALLATION, SEE CIVIL.

Project:
Scott Park, Balfour Park,
& Bowman Brae Park

City of Milwaukee
Department
of Public Works
Milwaukee, WI 53222
507.867.5335

Submittal: 75% Construction Documents
Sheet Title - Scott Park -
Materials Notes

© GREENWORKS, P.C.
ALL RIGHTS RESERVED.
THESE DRAWINGS ARE THE PROPERTY OF
GREENWORKS, P.C. AND ARE NOT TO BE USED OR
REPRODUCED IN ANY MANNER WITHOUT THE
PRIOR WRITTEN PERMISSION OF GREENWORKS, P.C.

Date: 08/09/2023
Revisions:

Drawn By: GMYC
Checked By: BJGM
Job No: 210234.1
Approved: GW

L4.00
Sheet No. 08 of 52