



August 31, 2010

Lyn Chase, RN, BSN  
11875 SE 129<sup>th</sup> Ave  
Happy Valley, OR 97068

Subject: Director's Determination of Business Category (File #DD-10-04)

Dear Ms. Chase:

This letter is in response to the request received by the City on August 18, 2010. This Director's determination is regarding the classification of your business, Quick! Nursing Assistant Training (business), and its conformance with outright allowed uses in the Downtown Office (DO) zone. The business is already operating in the DO zone. The Planning Department reviewed the business as part of the City's review of a business license application. It was decided that a Director's Determination was needed to evaluate the business with regard to the uses allowed in the DO zone.

In summary, it is the City's determination that Quick! Nursing Assistant Training is an allowed use in the Downtown Office zone. This is based on finding that the specific operation of your business is consistent with the "Personal/business services" use category, which is allowed outright in the DO zone.

### **Business Description**

The business is located at 11238 SE 21<sup>st</sup> Ave in Milwaukie. As described in your request for a determination, the business is a training program that is approved by the Oregon State Board of Nursing. The training lasts approximately one month and trains a maximum of ten persons at a time. The trainings are on-going throughout the year. One portion of the training has enrollees at the site between 8 AM – 4 PM Monday – Friday. A second session has enrollees meet at an off-site clinic and return to the site for training between 11:30 AM – 2:30 PM. You are described as the sole proprietor and employee of the business.

### **Downtown Office zone**

The characteristics and allowed uses in the DO zone are described in Milwaukie Municipal Code (MMC) 19.312. The desired characteristics for the DO zone are:

The Downtown Office Zone is established to provide for office, entertainment, and hotel uses along high-visibility major arterial streets, as designated by the City of Milwaukie's Transportation System Plan. Retail commercial uses are limited to support the

primary uses (office, entertainment, and hotel establishments) and encourage retail development along Main Street. The desired character for this zone will vary depending on the nature of the proposed use and individual site features. (MMC 19.312.2.C)

The business is best described by the definition of “Commercial school”, which means “a place where instruction is given to pupils in arts, crafts, trades, or other occupational skills, and operated as a commercial enterprise as distinguished from schools endowed or supported by taxation.”

Though it is defined separately, I find that the “Personal/business services” use category can also encompass small scale commercial school uses. The definition of Personal/business services is, “...the provision of services to individuals or businesses. Typical uses include laundromats/dry cleaners, tanning salons, barbers, beauty salons, shoe repair, copy centers, secretarial services, and blueprint services.” The description of the business in your application is similar in nature to a personal service business. There are a limited number of persons on the site at one time, a service (instruction, in this case), rather than a good, is provided to clients of the business, and the hours of operation are normal business hours.

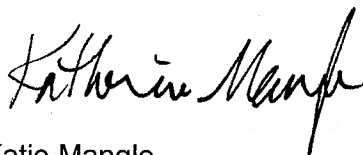
The business is consistent with the description of the DO zone in that it is similar in nature to the office uses that are intended to be the focus of the zone. It is also consistent in that it does not include any commercial retail component, which is intended to be along Main Street in the Downtown Storefront and Downtown Commercial zones.

#### **Determination**

To summarize, the information that I have reviewed in this case leads me to conclude that Quick! Nursing Assistant Training is an allowed use in the Downtown Office zone. It is consistent with the desired characteristics for the zone and is similar in use and characteristics to uses allowed outright as Personal/business services. This determination is based on the specific characteristics of the Quick! Nursing Assistant Training business. This determination does not imply that commercial school uses would be allowed outright in the Downtown Office zone in all cases.

If you have questions regarding this determination, please contact Ryan Marquardt at (503) 786-7658 or [marquardtr@ci.milwaukie.or.us](mailto:marquardtr@ci.milwaukie.or.us).

Sincerely,



Katie Mangle  
Planning Director

Copy: Judy Serio, Accountant, Finance Dept. (via email)  
File #DD-10-04  
Address File