



February 15, 2018

Land Use File(s): CSU-2017-009

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Commission on February 13, 2018.

Applicant(s): Amy Winterowd, Plan B Consultancy, applicant's representative
City of Milwaukie

Appellant (if applicable)

Location(s): 9600 SE Main St

Tax Lot(s): 11E25CB01000

Application Type(s): Community Service Use

Decision: Approved

Review Criteria: Milwaukie Zoning Ordinance:

- 19.312 Tacoma Station Area Manufacturing Zone
- 19.406 Tacoma Station Area Overlay Zone
- 19.600 Off-street Parking and Loading
- 19.700 Public Facility Improvements
- 19.904 Community Service Uses
- 19.1006 Type III Review

Neighborhood(s): N/A

Appeal period closes: 5:00 p.m., March 2, 2018

This notice is issued in accordance with Milwaukie Municipal Code (MMC) Section 19.1006 Type III Review. The complete case file for this application is available for review between 8:00 a.m. and 5:00 p.m. on regular business days at the Planning Department, Johnson Creek Facility, 6101 SE Johnson Creek Blvd. Please contact Vera Koliass, Associate Planner, at 503-786-7653 or koliassv@milwaukieoregon.gov, if you wish to view this case file.

This decision may be appealed by 5:00 p.m. on March 2, 2018, which is 15 days from the date of this decision. Only persons who submitted comments or made an appearance of record at the public hearing have standing to appeal the decision by filing a written appeal. An appeal of this decision would be heard by the Milwaukie City Council 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

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, Amy Winterowd, on behalf of the City of Milwaukie, has applied for approval to install a modular building for a temporary library during the Ledding Library construction project at 9600 SE Main St. This site is in the Tacoma Station Area Manufacturing Zone – M-TSA. The land use application file number is CSU-2017-009.
2. The applicant is seeking land use approval for a Community Service Use (CSU) to locate a modular building for use as a temporary location for the Ledding Library during its reconstruction.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC 19.312 Tacoma Station Area Manufacturing Zone
 - MMC 19.406 Tacoma Station Area Overlay Zone
 - MMC 19.600 Off-Street Parking and Loading
 - MMC 19.700 Public Facility Improvements
 - MMC 19.904 Community Service Uses
 - MMC 19.1006 Type III Review
4. The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review. A public hearing was held on February 13, 2018, as required by law.
5. MMC 19.312 Tacoma Station Area Manufacturing Zone
 - a. MMC 19.312.2 Use Categories – lists the various uses that are allowed in the Tacoma Station Area Manufacturing Zone (M-TSA).

Community Service Uses are not listed as a prohibited use in the M-TSA zone. Per MMC 19.3904.1, community service uses may be sited in any zone, except where expressly prohibited, if they meet the specified standards.

The Planning Commission finds that this criterion is met.
6. MMC 19.406 Tacoma Station Area Overlay Zone
 - a. MMC 19.406.8 Subarea 4: Manufacturing – identifies the permitted uses in the TSA Overlay.

The subject property is in Subarea 4. The permitted uses in Subarea 4 are the same as those permitted in the base M-TSA Zone, except for some limitations on retail commercial and professional services.

As noted in Finding 5.a, the Commission finds that community service uses are permitted in the TSA Overlay Subarea 4.

This criterion is met.

7. MMC 19.904 Community Service Uses

MMC 19.904 provides standards and procedures for review of applications for community service uses. 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. Community service uses may include schools, government buildings, hospitals, religious institutions, utilities, parks, communication facilities, or private or public recreation facilities.

- a. MMC 19.904.2 Applicability – lists the various uses that are allowed through the Community Service Use Process.

The applicant is seeking land use approvals for a new Community Service Use for the purpose of a temporary location of the Ledding Library during its reconstruction. The south portion of the site would be used for the temporary library facility, housed within a single-story modular building with an area of approximately 9,300 sq ft. An ADA access ramp, bicycle racks for 8 bicycles, a screened garbage area, and 11 parking spaces are also part of the proposal. The temporary library is expected to be in place until approximately September 2019 when the Ledding Library project is expected to be complete. No permanent improvements are proposed for the site. Typical hours of operation will be 10 a.m. to 9 p.m. Monday to Thursday, 10 a.m. to 6 p.m. Friday and Saturday, and 12 p.m. to 6 p.m. on Sunday's. Staff of the library will have varying hours.

MMC 19.904.2.A lists the Community Service Uses that are categorized as Institutions – Public or Private and Other Public Facilities. Examples of uses are schools, governments office buildings, hospitals, cemetery, nursing or convalescent home, religious institutions, community meeting building, temporary or transitional facility, and other similar uses as determined by the Planning Commission.

The Planning Commission finds that the proposed temporary library use, as a government building, is a community service use and the standards of MMC 19.904 are applicable to the proposed development

- b. MMC 19.904.3 establishes the review process for CSUs. Except for wireless communication facilities and minor modifications to existing CSUs, applications for new CSUs are subject to Type III review (MMC 19.1006).

The proposed development is not a wireless communication facility, nor is it a minor modification to the existing CSU for the park and ride facility. This is a temporary addition to the current use and the park and ride facility is expected to return to full operation upon removal of the temporary use so no minor modification is required.

The Planning Commission finds that the proposed development is subject to the procedures for Type III review outlined in MMC 19.1006.

- c. MMC 19.904.4 establishes the following approval criteria CSUs:

- (1) The building setback, height limitation, and off-street parking and similar requirements governing the size and location of development in the underlying zone. Where a specific standard is not proposed in the CSU, the standards of the underlying zone must be met.

Setback - Per 19.309.6 Development Standards the minimum front yard setback requirement for the M-TSA zone is 20 feet (there are no minimum setbacks for

side and rear yards). The modular is located 175 feet away from the street frontage as shown on the submitted site plan.

Height - Per 19.309.6 Development Standards the maximum height allowed is 45 feet. The modular is 15 feet high as shown on the submitted elevation.

Parking and Loading - Parking requirements per Chapter 19.600 allow for a minimum of 1 parking space per 1,000 square feet and provides for a maximum of 1.2 spaces per 1,000 square feet of floor area. The floor area of the temporary modular building is 9,307 square feet. The site has 329 parking spaces, which is more than sufficient to accommodate the 11 spaces proposed for this temporary use. Bicycle parking will be provided by bike racks to meet the minimum 2 required bicycle parking spaces as shown on the site plan. This project includes two bicycle racks with capacity for eight (8) bicycles total. No covered spaces are proposed, but they are not required in this case per MMC 19.609.2.B.

Landscaping – No permanent improvements are proposed for the site. The existing conditions addressed the code development standards with street trees and stormwater planters.

Public Facility Improvements – Chapter 19.700 does not apply to this project.

Screening of Outdoor Uses – The project's only anticipated outdoor storage is for garbage. The container will be located to the east of the modular unit away from the Main Street sightline and will be screened with a sight-obscuring fence that is at least 6 feet high.

Parking, Loading and Unloading Areas – The site is located in a manufacturing zone and surrounding by manufacturing uses. The area occupied by the modular unit as well as the areas for parking, loading, and unloading are not located within the required 20-ft front yard setback or adjacent to residential land.

External Effects – No new exterior lighting will be required as lighting currently on site will be sufficient for the needs of this project. As this is for the temporary relocation of the library, no operations from this project will produce heat or glare. Similarly, the library will not create undue nuisances such as noise, odor, or electrical disturbances. Lastly, the site is located in a manufacturing zone, surrounded by manufacturing with no residential zoning adjacent to the site. No roof-mounted mechanical equipment will be on the modular building.

- (2) Specific standards for the proposed uses as found in Subsections 19.904.7-11 are met.

19.904.9 Specific Standards for Institutions—Public, Private, Religious, and Other Facilities not Covered by Other Standards

- (a) Utilities, streets, or other improvements necessary for the public facility or institutional use shall be provided by the agency constructing the use.

Utilities, streets, and other infrastructure improvements are existing for the site and are adequate for the proposed development.

- (b) When located in or adjacent to a residential zone, access should be located on a collector street if practicable. If access is to a local residential street, consideration of a request shall include an analysis of the projected average daily trips to be generated by the proposed use and their

distribution pattern, and the impact of the traffic on the capacity of the street system which would serve the use. Uses which are estimated to generate fewer than 20 trips per day are exempted from this subsection.

The site is surrounded by properties zoned for manufacturing uses. This standard does not apply.

- (c) When located in a residential zone, lot area shall be sufficient to allow required setbacks that are equal to a minimum of $\frac{2}{3}$ the height of the principal structure. As the size of the structure increases, the depth of the setback must also increase to provide adequate buffering.

The site is located in a manufacturing zone. This standard does not apply.

- (d) The height limitation of a zone may be exceeded to a maximum height of 50 ft provided Subsection 19.904.9.C of this subsection is met.

The proposed modular building will be 15 ft high.

- (e) Noise-generating equipment shall be sound-buffered when adjacent to residential areas.

The site is not adjacent to any residential areas. This standard does not apply.

- (f) Lighting shall be designed to avoid glare on adjacent residential uses and public streets.

No new lighting is proposed.

- (g) Where possible, hours and levels of operation shall be adjusted to make the use compatible with adjacent uses.

Typical operational hours for the proposed use will be 10:00 a.m. to 9:00 p.m. Surrounding uses are exclusively manufacturing. As such, the proposed site has no direct adjacency to any residential zones. Due to the nature of the permitted manufacturing uses, which can include multiple shifts for operations (day and/or night), the proposed hours of operations for the temporary use are expected to be compatible.

- (h) A spire on a religious institution may exceed the maximum height limitation. For purposes of this subsection, “spire” means a small portion of a structure that extends above the rest of the roofline, or a separate structure that is substantially smaller than the main structure and extends above the roofline of the main structure. “Spire” includes but is not limited to ornamental spires, bell towers, other towers, minarets, and other similar structures or projections. The number of spires on a religious institution property is not limited, so long as the spires remain only a small portion of the area of the structures.

No spire is proposed. The proposed development is not a religious institution. This standard does not apply.

- (i) The minimum landscaping required for religious institutions is the lesser of 15% of the total site area and the percentage required by the underlying zone.

The proposed development is not a religious institution. This standard does not apply.

- (j) Park-and-ride facilities may be encouraged for institutions along transit routes that do not have days and hours in conflict with weekday uses (e.g., religious institutions or fraternal organizations). Such uses may be encouraged to allow portions of their parking areas to be used for park-and-ride lots.

The site is developed for a park and ride facility. The temporary use will share parking with the facility consistent with the intent of this standard.

8. The application was referred to the following departments and agencies on January 2, 2018: City of Milwaukie City Manager, Community Development Director, Engineering Department, Building Official, Public Works Director, Clackamas Fire District #1, Oregon Department of Transportation, TriMet.

Notice was provided to properties located with 300 ft of the subject property on January 24, 2018. No comments were received.

Conditions of Approval

No conditions are required for compliance with code criteria.

Other requirements

Prior to final inspection of any building permit, the following shall be resolved:

1. All roof drains shall be directed away from pedestrian access areas.
2. Development activity on the site shall be limited to 7 a.m. to 10 p.m. Monday through Friday and 8 a.m. to 5 p.m. Saturday and Sunday, per MMC Subsection 8.08.070(l).



Dennis Egner, FAICP
Planning Director

cc: Amy Winterowd, Plan B Consultancy (696 McVey Ave, Ste 202, Lake Oswego, OR 97034)
Leila Aman, Development Project Manager
Planning Commission (*via email*)
Alma Flores, Community Development Director (*via email*)
Chuck Eaton, Engineering Director (*via email*)
Alex Roller, Engineering Technician II (*via email*)
Samantha Vandagriff, Building Official (*via email*)
Stephanie Marcinkiewicz, Inspector/Plans Examiner (*via email*)
Mike Boumann and Matt Amos, CFD#1 (*via email*)
NDA(s): NA
Land Use File(s): CSU-2017-009