



# CITY OF MILWAUKIE

## AGENDA

April 13, 2021

### PLANNING COMMISSION

[milwaukieoregon.gov](http://milwaukieoregon.gov)

**Zoom Video Meeting:** due to the governor's "Stay Home, Stay Healthy" order, the Planning Commission will hold this meeting through Zoom video. The public is invited to watch the meeting online through the City of Milwaukie YouTube page ([https://www.youtube.com/channel/UCRFbfqe3OnDWLQKSB\\_m9cAw](https://www.youtube.com/channel/UCRFbfqe3OnDWLQKSB_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](mailto: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-70>) and follow the Zoom webinar login instructions.

**1.0 Call to Order - Procedural Matters — 6:30 PM**

**2.0 Planning Commission Minutes – Motion Needed**

2.1 February 23, 2021

**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 Hearing Items**

5.1 VR-2021-002 Milwaukie High School (MHS) Sign Variance

Summary: MHS Sign Variance

Applicant: North Clackamas School District (NCSD)

Address: 2301 SE Willard St

File: VR-2021-002

Staff: Assistant Planner Mary Heberling

5.2 CU-2021-001 Providence Supportive Housing Conditional Use

Summary: Providence Conditional Use

Applicant: Providence Supportive Housing

Address: Vacant lots on the corner of Llewellyn St and 34th Ave

File: CU-2021-001

Staff: Assistant Planner Mary Heberling

**6.0 Planning Department Other Business/Updates**

**7.0 Planning Commission Committee Updates and Discussion Items —** This is an opportunity for comment or discussion for items not on the agenda.

**8.0 Forecast for Future Meetings**

April 27, 2021 No items scheduled at this time

May 11, 2021 Work Session Item: Comprehensive Plan Implementation – Draft Code/Map Amendments

Informational Item: Joint Neighborhood District Association (NDA) Meeting

May 25, 2021 Hearing Item: ADU Variance 11503 SE Wood (tentative)

Hearing Item: DR-2021-001 Coho Point (tentative)

## 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](mailto: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](http://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 the agenda item to a future date or finish the agenda item.

### Public Hearing Procedure

Those who wish to testify should attend the Zoom meeting posted on the city website, state their name and e-mail for the record, and remain available until the Chairperson has asked if there are any questions from the Commissioners.

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 IN SUPPORT.** Testimony from those in favor of the application.
5. **NEUTRAL PUBLIC TESTIMONY.** Comments or questions from interested persons who are neither in favor of nor opposed to the application.
6. **PUBLIC TESTIMONY IN OPPOSITION.** Testimony from those in opposition to the application.
7. **QUESTIONS FROM COMMISSIONERS.** The commission will have the opportunity to ask for clarification from staff, the applicant, or those who have already testified.
8. **REBUTTAL TESTIMONY FROM APPLICANT.** After all public testimony, the commission will take rebuttal testimony from the applicant.
9. **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.
10. **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.
11. **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](mailto:ocr@milwaukieoregon.gov) or phone at 503-786-7502. To request Spanish language translation services email [espanol@milwaukieoregon.gov](mailto: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](mailto:ocr@milwaukieoregon.gov) o llame al 503-786-7502. Para solicitar servicios de traducción al español, envíe un correo electrónico a [espanol@milwaukieoregon.gov](mailto: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:**

Lauren Loosveldt, Chair  
Joseph Edge, Vice Chair  
Greg Hemer  
Robert Massey  
Amy Erdt  
Adam Khosroabadi  
Jacob Sherman

#### **Planning Department Staff:**

Laura Weigel, Planning Manager  
Vera Kolias, Senior Planner  
Brett Kolver, Associate Planner  
Mary Heberling, Assistant Planner  
Janine Gates, Assistant Planner  
Tempest Blanchard, Administrative Specialist II



# CITY OF MILWAUKIE

## PLANNING COMMISSION MINUTES

City Hall Council Chambers  
10722 SE Main Street  
[www.milwaukieoregon.gov](http://www.milwaukieoregon.gov)

February 23, 2021

**Present:** Lauren Loosveldt, Chair  
Joseph Edge, Vice Chair  
Amy Erdt  
Greg Hemer  
Adam Khosroabadi  
Robert Massey  
Jacob Sherman

**Staff:** Laura Weigel, Planning Manger  
Vera Koliias, Senior Planner  
Justin Gericke, City Attorney

(00:00:06)

### 1.0 Call to Order – Procedural Matters\*

**Chair Loosveldt** called the meeting to order at 6:30 pm and read the conduct of meeting format into the record.

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

(00:10:02)

### 2.0 Planning Commission Minutes

2.1 **Chair Loosveldt** asked the Commission, did anyone have any corrections or suggestions to the December 8<sup>th</sup>, 2020 meeting minutes?

**Commissioner Hemer** shared on page 22, his name was spelled incorrectly.

**Commissioner Hemer recommended that the Commission approve the minutes as amended from December 8, 2020. Commissioner Massey seconded the motion. The Commission approved the motion.**

(00:12:18)

### 3.0 Information Items

3.1 **Laura Weigel, Planning Manager** shared, the Waverly PD hearing was rescheduled to March 2<sup>nd</sup> due to the snowstorm.

(00:12:58)

#### **4.0 Audience Participation**

**Renee Coburn** shared, the zoom link was improperly working and individuals were probably having a difficult time joining the meeting.

**Chair Loosveldt** responded that staff would work on that.

(00:14:12)

#### **5.0 Work Session Items**

(00:14:12)

#### **5.1 Comprehensive Plan Implementation Project Update - Code Concepts**

**Vera Kalias, Senior Planner** presented an update of the Comprehensive Plan Implementation Project. The goals of the project were to increase supply of middle housing, increase the tree canopy, preserve existing trees, and manage parking to enable middle housing. The projected outcomes were aligned with the City's Comprehensive Plan and in compliance with House Bill (HB) 2001. A key idea from the Comprehensive Plan Implementation Committee (CPIC) was a livability code, which was intentionally designed to provide more housing choice, maximize trees, minimize on-site pavement, and focus on the form of dwelling units rather than density. A form based code approach was not new to the city. The code already has form based elements when reviewing residential development. This included lot coverage, side yard height plane, minimum setbacks, and maximum height. The City wanted to continue this approach as it amended the housing types that were permitted throughout the city. There were six types of code amendments introduced at that point, which included simplifying the number of residential zones, selective/location bonuses for duplexes, adopting a form based approach, amending on-site parking requirements, establishing a guide or menu for standards, and adopting a tree code for residential property. The overall goal was to allow more housing types in all residential zones. Housing types may be determined based on a lot's size and not its zone. A triplex and quadplex may be allowed on a lot that was zoned as a single family residential zone. The setbacks, building height, and other requirements were being reviewed. The goal of HB 2001 was to allow more housing types in all zones. The CPIC discussed possible residential zoning options, which were no changes (currently there are 8 residential zone), 3 zones (large lot, medium lot, and small lot), or 1 zone (housing type regulated by minimum lot size only). HB 2001 includes specific parking requirements for middle housing. The amendments to the code include additional options such as: requiring 1 parking space per dwelling and amending where the space could be located, allowing on-street parking to count toward minimum requirement, or require no minimum parking and only regulate parking maximums, or allow higher maximums due to street conditions. The goal was to provide more flexibility. The CPIC would meet on February 25<sup>th</sup> to these discuss code concepts. The consultant and staff were working together to refine code concepts, continue planning public engagement efforts phase #2, and

understand the results of the completed residential parking study. The plan for engagement included Engage Milwaukie, which hosted virtual gathering and survey. Several Meeting in a Box events were planned as well and were designed for NDAs and other smaller groups. Ms. Koliias presented the timeline of the project. She was scheduled to return to the Planning Commission on March 23, 2021 to share more updates and community engagement activities. Ms. Koliias completed her presentation and invited the Commissioners to share their thoughts and ask questions.

**The group** discussed the number of zones needed and new potential zoning requirements. **Commissioners Hemer and Massey** liked the idea of having one zone and wondered if that was possible. Overall, they were interested in housing development flexibility and ensuring there were rules about setbacks, heights, and other regulations. **Mr. Hemer** encouraged the Comprehensive Plan Implementation Project (CPIC) to evaluate the flag lot code because there was an opportunity to develop more housing depending on how the code was amended. **Ms. Koliias** shared, CPIC would be reviewing the flag lot code. **Commissioner Edge** shared, the policy was more concerned with lot coverage instead of lot size. Many of the lots in Residential R-10 were required to have less lot coverage due to its location near a natural resource. However, in Residential R-5 or Residential R-3 owners were allowed to have more lot coverage. This was more about safety and ensuring we were responding to the natural resources and hazards near any lots. Another question **Commissioner Edge** proposed, was how much open space the community and city wanted to preserve. Lastly, he shared that we needed to be explicit of our goals for the zones and regulate that. **Commissioner Khosroabadi** wondered, if developers did not meet the open space requirement could we require them to build a greener building as a tradeoff. Maybe climate friendly materials needed to be a requirement instead of an incentive. **Commissioner Sherman** wondered, if all of the residential zones could be one zone. This allowed for three zones, which were residential, commercial, and industrial. He wanted the Committee and City to be thoughtful as they amended the code and applied lot coverage standards. **Commissioner Hemer** stated, he wanted to highly protect and not allow any development in our wildlife habitat corridors, riverways, and natural hazardous areas. **Commissioner Erdt** wondered, how a zone change may affect the noise ordinance and if the noise ordinance was based on each zone. Based on her communication with the public, she understood noise control regulations were based on the various zones. **Commissioner Khosroabadi** mentioned, the importance of considering building materials as we amended the zones. He liked the idea of three zones and having some flexibility. He saw this as an opportunity to drive some economic growth.

**The group** discussed parking. **Commissioner Massey** asked if one parking space per unit meant a dwelling unit was only allowed one parking space. **Ms. Koliias** responded, that was a possibility for a minimum or maximum parking requirement. The goal was to offer the same regulations for a single unit and middle housing, as well as, allow for some flexibility. **Commissioner Edge** shared, he wondered about considering on-street parking as option

due to the conditions of the curbs and streets. If the amended policy allowed on-street parking maybe the owner needed to have a curb, it needed to be formalized, or established as a permanent permit parking district. He wanted to ensure parking was available. **Commissioner Sherman** added, a conversation about parking permits and districts were useful and needed to connect to our climate goals. He wanted the committee to consider electrical vehicle chargers. The research stated individuals were charging their cars at their home and place of work. He suggested that if the one parking spot was going to be onsite, the owner needed to think about implementing the infrastructure for an electric vehicle. It was cheaper to do it now than wait 5 to 10 years from now. **Commissioner Hemer** agreed they needed to plan for electric vehicles and he was concerned about cords in the streets. **Commissioner Erdt** shared, most of the population were projected to have a subscription to a self-driving car in the next 20 – 25 years. This meant a homeowner would not need a charging station. She believed we should factor that in when discussing and planning for parking and charging stations.

**Commissioner Hemer** shared, the group needed to let the market determine what was built. The market determined development and housing types not a mandate by the city or desires of the developer. The developer responded to the market. The lot size didn't matter as much. This also allowed for more buildings on various lots. He also wondered if there was an opportunity for developers to receive a bonus or SDCs fee waiver for proposing projects that were not in a hazardous, wildlife habitat corridors, or riverways areas. He also wondered if the bonus or waiver could be applied towards small or affordable housing. **Commissioner Erdt** agreed with a program incentivizing developers. **Commissioner Khosroabadi** shared, there were functional climate friendly materials available and as we consider incentivizing developers, building materials needed to be part of the conversation.

**Commissioner Erdt** wondered about the environmental impacts as they related to the percentage of tree canopy and different types of trees. She agreed with the intent of more tree canopy and trees and wondered about their impacts on a fire or snowstorm. During the recent snowstorm, there were branches everywhere and some caused property damage. She wanted the group to ensure people were protected as well. She also shared about the commercial industry in the city and wondered moving forward what the need for commercial spaces was. Since the pandemic, individuals were working from home and the function of businesses were changing. There were community members who were interested in renting commercial space, but the high cost of rent and finances were preventing them from doing so. She wanted to explore this further.

**Chair Loosveldt** concluded the discussion by hoping the CPIC and Planning Department were closely looking at precedent, case studies, where things had previously failed and succeeded, and using that information to proceed with what was currently happening and needed.

(01:06:45)

**6.0 Planning Department Other Business/Updates**

There were no updates.

(01:12:00)

**7.0 Planning Commission Committee Updates and Discussion**

**Commissioner Hemer** shared, the Blue Ribbon City Hall Committee had their final meeting on February 24<sup>th</sup> and soon they were sharing their recommendations with the City. He also shared, the Milwaukie History Society, City of Milwaukie, Facebook group Milwaukie Chit Chat, Ledding Library, and Willamette Falls studio were hosting a women's conversation about community on March 3<sup>rd</sup> at 6pm with prominent women from the community.

(01:12:00)

**8.0 Forecast for Future Meetings**

March 8, 2021	No agenda items are currently scheduled for this meeting.
March 23, 2021	<ol style="list-style-type: none"><li>1. Hillside Preliminary PD</li><li>2. Comprehensive Plan Implementation</li><li>3. Central Milwaukie Bikeways Connection</li></ol>
April 13, 2021	No agenda items are currently scheduled for this meeting.

Meeting adjourned at approximately 7:45 PM

Respectfully submitted,

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N. Janine Gates  
Assistant Planner



# CITY OF MILWAUKIE

**To:** Planning Commission  
**Through:** Laura Weigel, Planning Manager  
**From:** Mary Heberling, Assistant Planner  
**Date:** April 6, 2021, for April 13, 2021, Public Hearing  
**Subject:** **File:** VR-2021-002  
**Applicant:** North Clackamas School District (NCSD)  
**Address:** 2301 SE Willard St.  
**Legal Description (Map & Tax Lot):** 11E36BC05600  
**NDA:** Historic Milwaukie

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## **ACTION REQUESTED**

Deny the application VR-2021-002.

## **BACKGROUND INFORMATION**

The North Clackamas School District is proposing to install an electronic reader sign at Milwaukie High School and seeks approval of a Type III Sign Code Adjustment due to the restriction of electronic signs in the R-2 zoning district.

### **A. Site and Vicinity**

Milwaukie High School is located at 2301 SE Willard Road in the City of Milwaukie. The state taxlot for the site is 11E36BC05600. The site is approximately 14.65 acres in size and is zoned R-2 (Residential) with a Community Service Use (CSU) designation. The proposed sign will be located in the southwestern portion of the High School property, at the northeast corner of SE Willard Road and SE 23rd Avenue where parking lot for the main entrance is located. The area where the sign will be located is across SE Willard Road from a multi-family housing development in the R-2 zone to the south. (*see Figure 1 for a site map with the proposed sign location*) Properties to the west of this portion of the high school site are zoned DMU (Downtown Mixed Use) and are developed with commercial property.



To the north and east of where the sign is proposed is the Milwaukie High School campus.  
(see Figure 2 for the zoning map)

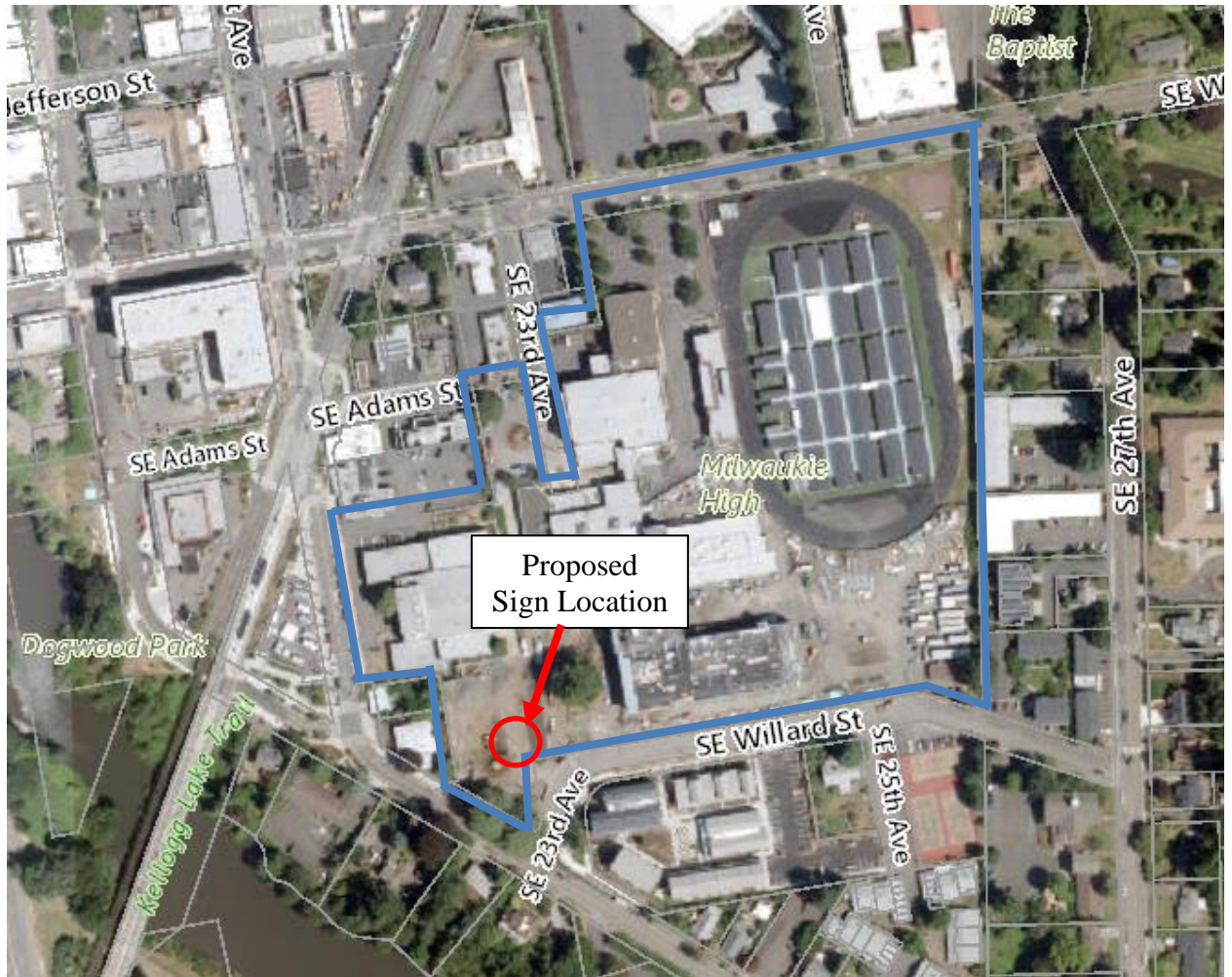


Figure 1: Site Map

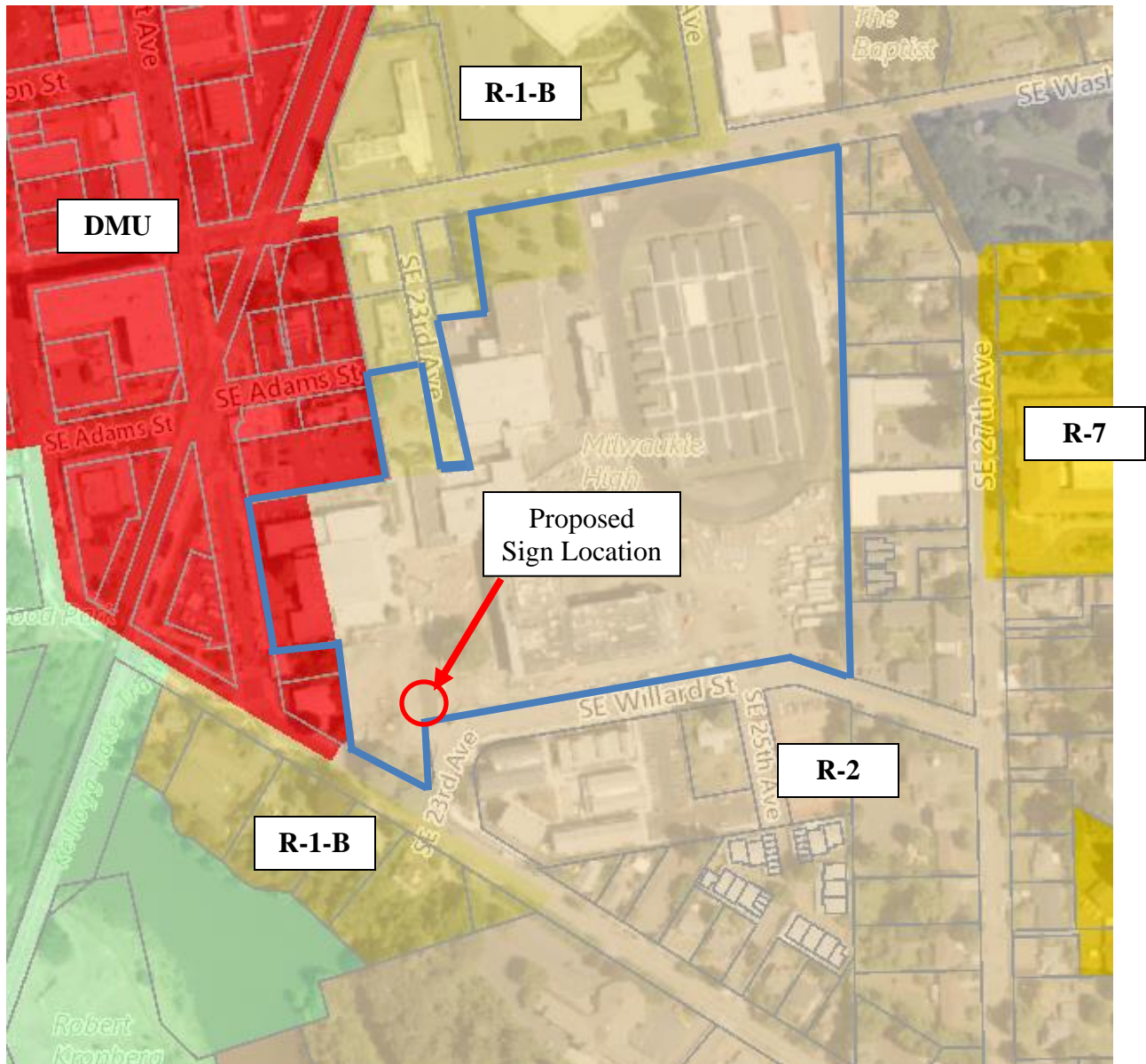


Figure 2: Zoning Map

**B. Zoning Designation**

Residential-2 (R-2)

**C. Comprehensive Plan Designation**

High Density (HD) and Public Facility (PF)

**D. Land Use History**

- CSU-06-05 - Community Service Use (CSU) application for an electronic sign in 2006. Planning Commission denied this proposal.

- AP-06-02 – Appeal by NCSD of the Planning Commission decision on CSU-06-05. City Council reversed the Planning Commission decision and approved the proposal. An electronic sign was never built after this decision and the approval expired.

## E. Proposal

The North Clackamas School District is proposing an adjustment to the sign code to permit an electronic message sign at Milwaukie High School (MHS). The high school is located in the R-2 (Residential) zoning district, which does not permit electronic message signs for all uses authorized in the zone including institutional uses, such as a school, without an approved sign adjustment.

The application states that the electronic reader board sign at this site would be used to provide school and citywide information serving both the high school and the Milwaukie community. The approval of an adjustment to the sign code to allow an electronic reader board at Milwaukie High School would apply only to this site as, the applicant states, it is a unique, multi-purpose, publicly-owned campus broadly serving the citizens of the City and built to serve as a Category 4: Critical/Essential Building for the community during a disaster.



*Figure 3:  
Proposed  
Sign  
Design &  
Rendering*

### MILWAUKIE HIGH SCHOOL

ELECTRONIC READER BOARD RENDERING

JANUARY 2021

The proposed sign is 3' 3-3/4" x 5'5" (18.56 sq ft) with a display viewing area of 3' 1-3/4" x 5'3" (16.83 sq ft).

## KEY ISSUES

### Summary

Staff has identified the following key issues for the Planning Commission's deliberation. Aspects of the proposal not listed below are addressed in the Findings (see Attachment 1) and generally require less analysis and discretion by the Commission.

- A. Does the proposal meet the authorization criteria to grant the proposal? Would strict application of this chapter cause an undue or unnecessary hardship?

In reviewing the application, the Planning Commission is not serving as a policy making body. The Planning Commission's task is to analyze the application against the applicable approval criteria and render a decision based on whether the applicant has or has not met the criteria required for approval of the requested adjustment.

### Analysis

#### Does the proposal meet the authorization criteria to grant the proposal?

Adjustments may be granted where it can be shown that there are special and unusual circumstances related to the specific property or sign, the adjustment is consistent with the guiding principles of the Downtown Design Guidelines, and the adjustment meets either of the following criteria:

- Strict application of this chapter would cause an undue or unnecessary hardship. The cost of meeting the standard shall not constitute a hardship; or
- The adjustment serves to protect or enhance significant features such as, but not limited to, trees, historic or culturally significant buildings, or landmark signs.

The applicant does not propose that this sign adjustment is to protect or enhance significant features on the site and therefore the second bullet point criteria does not apply. For this criterion to be satisfied, the applicant must identify a significant feature on the site that is of the same character as those enumerated in the code. The applicant has not done so in this case.

The applicant therefore must establish that not allowing the requested adjustment would result in undue or unnecessary hardship. To address this requirement, the applicant states that the adjustment is based on special and unusual circumstances related to the specific property and the specific sign. Milwaukie High School (MHS) is the only public high school in the R-2 zoning district (and the only North Clackamas high school in the Milwaukie City limits).

The applicant states that the proposed electronic sign at Milwaukie High School would allow information to be quickly, efficiently and accurately provided to the student body and Milwaukie community that includes many people without regular internet access. They also state that MHS is the only high school in the North Clackamas School District that does not have an electronic reader board; a communication tool considered essential by the District and seen as an inequity to the students, parents, staff and the Milwaukie Community.

However, staff finds that this information does not establish that an undue or unnecessary hardship would result if the requested adjustment is not approved. The applicant does not address:

- How other high schools in the district use electronic reader board signs to help disseminate information to those without regular internet access. How is a non-electronic sign that can still disseminate information for those without regular internet access different than this proposal?
- The applicant does not explain why these types of signs are considered essential by NCSD in comparison to other forms of communication, such as student emails, e-newsletters, and non-electronic communication to parents, etc.
- Other schools in Milwaukie have residential underlying zones and the applicant does not explain why denying this proposal is unique to MHS or results in undue or unnecessary hardship as compared to other schools in Milwaukie. It is not clear if other schools in Milwaukie also have an emergency designation of some sort or why Milwaukie High School is more likely to need an electronic sign than other schools.
- The applicant does not show how the school cannot function (undue or unnecessary hardship) properly due to a lack of this type of sign in comparison to previous years when a non-electronic sign was used. In 2006 MHS was granted an electronic sign by City Council, but it was never built and the school continued to function without an electronic sign. What is different about the situation now than before?

Based on the foregoing, staff recommend denial because the applicant has not satisfied the criteria required for approval of the requested adjustment.

## CONCLUSIONS

### A. Staff recommendation to the Planning Commission is as follows:

1. Deny the sign adjustment proposal for 2301 SE Willard St on the basis that it does not meet the approval criteria to grant the adjustment.

## CODE AUTHORITY AND DECISION-MAKING PROCESS

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

- MMC 14.32 Sign Adjustment
- MMC 14.08.090 Conditional and Community Service Use Signs
- MMC 14.16.010 Residential Zone Sign District
- MMC 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 3 decision-making options as follows:

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

The final decision on these applications, which includes any appeals to the City Council, must be made by June 25, 2021, 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 Engineering and Building Department, City Attorney, Historic Milwaukie Neighborhood District Association (NDA).

## ATTACHMENTS

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

	Early PC Mailing	PC Packet	Public Copies	Packet
1. Recommended Findings in Support of Denial	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. Applicant's Narrative and Supporting Documentation dated February 19, 2021.				
a. Narrative	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Site Plan/Rendering	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. Technical Sign Drawing Information	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
d. Preapplication Conference Report	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Key:

Early PC Mailing = paper materials provided to Planning Commission at the time of public notice 20 days prior to the hearing.

PC Packet = paper materials provided to Planning Commission 7 days prior to the hearing.

Public Copies = paper copies of the packet available for review at City facilities and at the Planning Commission meeting.

Packet = packet materials available online at <https://www.milwaukieoregon.gov/bc-pc/planning-commission-70>.

**ATTACHMENT 1**  
**Recommended Findings in Support of Denial**  
**File #VR-2021-002, MHS Sign Adjustment**

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, North Clackamas School District (NCSD), has applied for approval for a sign adjustment to allow an electronic reader board sign at 2301 SE Willard St. This site is in the R-2 Zone. The land use application file number is VR-2021-002.
2. The North Clackamas School District (NCSD) is proposing an adjustment to the Sign Code to permit an electronic message sign at Milwaukie High School (MHS). The high school is located in the R-2 (Residential) zoning district, which does not permit electronic message signs for institutional uses, such as a school, without an approved sign adjustment.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
  - MMC Section 14.32 Sign Adjustment
  - MMC Subsection 14.08.090 Conditional and Community Service Use Signs
  - MMC Subsection 14.16.010 Residential Zone Sign District
  - MMC 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 on April 13, 2021, as required by law.

4. MMC 14.08.090 Conditional and Community Service Use Signs
  - a. MMC 14.08.090.A states that signs for conditional and community service uses shall be limited to those allowed in the underlying zone, except as allowed by Subsections 14.08.090.B and C.

*Milwaukie High School is an existing Community Service Use (CSU) and has an underlying zone of R-2. Beyond standards listed in 14.08.090.B and C, the proposed sign will follow the standards for signs in residential zones, except for the electronic function of the sign, where a sign adjustment is being requested. The sign adjustment findings are below in Finding #6.*

*The Planning Commission will review the sign adjustment request below.*

- b. MMC 14.08.090.C lists the standards for Conditional and Community Service Use Signs with Minor Quasi-Judicial Review. This includes standards for monument or freestanding signs.

*The applicant is proposing a monument sign and the standards are listed below in Table 19.08.090.C:*

<b>Table 14.080.090.C                      Standards for Conditional and Community Service Use Signs                      with Minor Quasi-Judicial Review</b>			
Standard	Required	Proposed	Staff Comment
Monument or Freestanding Sign			
Size	Max. 40 SF per display surface, Max. length 20 ft	Total sign size: 18.56 sq ft Total display area size: 16.83 sq ft Length: 5'5"	Complies with standard.
Number	1	1	Complies with standard.
Height	Max. 12 ft above ground	Sign height: 3' 3-3/4", the sign will be on the ground	Complies with standard.
Location	Not in the public right of way	On Milwaukie High School property	Complies with standard.

*The proposed sign complies with the standards for a Community Service Use sign with minor quasi-judicial review. Sign illumination is mentioned in the residential sign code and not within the CSU sign standards.*

*The Planning Commission finds that the standards are met.*

5. MMC 14.16.010 Residential Zone

All allowed signs in residential zones require external illumination only. Par spot or reflective-type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets. Sign illumination shall be directed away from, and not be reflected upon, adjacent premises. More information is listed in MMC Section 14.24.020.

*The applicant's proposed electronic display sign is not external illumination and will require a sign adjustment per MMC 14.32.*

*A sign adjustment review is listed below.*

6. MMC 14.32 Sign Adjustment

a. MMC 14.32.010 Authorization to Grant or Deny Adjustments

Planning Commission may authorize adjustments to the requirements of this chapter per Section 19.1006 Type III Review where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this chapter would cause an undue or unnecessary hardship. The cost of meeting the standard shall not be a basis for granting an adjustment. In granting an adjustment,



the Planning Commission, in addition to the time limitations of Section 14.32.040, may attach conditions which it finds necessary to protect the welfare of the City and otherwise achieve the purposes of this chapter.

*The Planning Commission is reviewing the proposed sign adjustment through a Type III Review. The basis for granting or denying the proposed adjustment is listed below.*

(1) MMC 14.32.010.C Adjustments may be granted where it can be shown that there are special and unusual circumstances related to the specific property or sign, the adjustment is consistent with the guiding principles of the Downtown Design Guidelines, and the adjustment meets either of the following criteria:

(a) Strict application of this chapter would cause an undue or unnecessary hardship. The cost of meeting the standard shall not constitute a hardship; or

*The applicant proposes that the adjustment is based on special and unusual circumstances related to the specific property and the specific sign. Milwaukie High School (MHS) is the only public high school in the R-2 zoning district (and the only North Clackamas high school in the Milwaukie City limits).*

*The applicant states that the proposed electronic sign at Milwaukie High School would allow information to be quickly, efficiently and accurately provided to a student body and Milwaukie community that includes many people without regular internet access. They also state that MHS is the only high school in the North Clackamas School District that does not have an electronic reader board; a communication tool considered essential by the District and seen as an inequity to the students, parents, staff and the Milwaukie Community.*

*However, the applicant does not show how other high schools use electronic reader board signs to help disseminate information to those without regular internet access. How is a non-electronic sign that can still disseminate information for those without regular internet access different than this proposal? Why are these types of signs considered essential by NCSD in comparison to other forms of communication, such as student emails, e-newsletters to parents, etc. What specifics make denying this proposal unique to MHS versus other schools in Milwaukie who are also a CSU in a residential underlying zone?*

*The applicant does not show how the school cannot function (undue or unnecessary hardship) properly due to a lack of this type of sign in comparison to previous years when a non-electronic sign was used.*

*The applicant also explains that the electronic reader board would allow a reduction of printed materials either sent home with students or mailed, resulting in better dissemination of information, more staff time available for students and fewer physical resources used. This would be better for the school, the Milwaukie community and the environment.*

*However, the applicant does not explain how a non-electronic sign is causing more printed materials. There are other communication tools the school district uses to disseminate information electronically to reduce paper use when there was not an electronic sign.*

*The Planning Commission does not find that this criterion is met.*

- (b) The adjustment serves to protect or enhance significant features such as, but not limited to, trees, historic or culturally significant buildings, or landmark signs.

*The applicant does not propose that this sign adjustment is to protect or enhance significant features on the site.*

*Planning Commission finds that this criterion does not apply.*

(2) MMC 14.32.030 Circumstances for Granting Adjustment

The review authority shall consider and make findings with respect to each of the following:

- (a) That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the Sign Ordinance;

*The applicant states that the installation of an electronic reader would meet all of the objectives and purpose statements of the Sign Ordinance. Precluding the high school from installing this sign will result in practical difficulty of students, families of students, teachers, school administrators and the general public not having quick and easy access to important school- and Milwaukie community-related information. The applicant states that this is directly in contrast with the first purpose of the Sign Ordinance: Protect the health, safety, property and welfare of the public. As seen in recent months with the COVID-19 Pandemic and the wildfires in Clackamas County and elsewhere in the state, it is imperative that citizens have ready access to up-to-date information. According to the applicant, a standard sign cannot do this in the same way an electronic sign can. Some residents in Milwaukie may not have reliable access to the internet and other information sources, therefore a community messaging system such as this would reduce unnecessary physical hardship for both school and Milwaukie community populations.*

*However, a non-electronic sign is allowed for a CSU and the current proposed size, height, and location meet the standards, except for the electronic function.*

*A community messaging system does not currently exist between the City of Milwaukie and Milwaukie High School. It is unclear how this would work. The applicant does not explain how this works for other similar situations between a school and a government body during an emergency.*

*During times of non-emergency, a non-electronic sign meets the objectives of the Sign Ordinance by: protecting the health, safety, property and welfare of the public; promoting the neat, clean, orderly and attractive appearance of the community; accommodates the need of sign installers while avoiding nuisances to nearby properties; and minimizes distractions for motorists on public highways and streets. That applicant does not provide findings to show how an electronic sign is better equipped to meet the objectives of the Sign Ordinance in both emergency and non-emergency situations.*

*Planning Commission finds that this criterion is not met.*

- (b) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, which do not apply generally to other properties classified in the same zoning district;

*The applicant states Milwaukie High School is in the R-2 Zoning District, a residential zoning district. Section 14.16.010 identifies sign types permitted in residential zones. All sign types permitted are related to residential development, not schools or institutional sites. According to the applicant, this results in exceptional or extraordinary circumstances applied to this property (Milwaukie High School) that do not generally apply to other properties in the R-2 Zone (generally housing). In addition, the applicant states that Milwaukie High School is a Category 4: Critical/Essential Building to be used as a community shelter during a disaster. Approval of this adjustment will affect only the Milwaukie High School Site as it is the only public High School located in the R-2 zoning district and designed as a Category 4: Critical/Essential Building within the City limits.*

*However, other schools in Milwaukie have an underlying residential zone district with a CSU. The CSU sign code accounts for the institutional and school uses where a larger sign would not be allowed within a residential zone. The statement above does not explain what makes Milwaukie High School more unique than other schools in Milwaukie.*

*Milwaukie High School may also be the only public high school that is a Category 4: Critical Essential Building in Milwaukie, but the applicant does not explain if any other schools in Milwaukie also have this designation. If so, they would also need an electronic sign, according to the applicant, which does not make the applicant's proposal unique to other schools in Milwaukie.*

*Planning Commission finds that this criterion is not met.*

- (c) That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district;

*The applicant states owners of other properties in the same zoning district are generally residential. Section 14.16.010 provides standards by which residential*

*developments may install signs that are appropriate to residential developments. There is no such standard provided by which a high school may install signs that are appropriate to a high school and community information center, such as Milwaukie High School. Therefore the applicant states that the strict or literal interpretation of the Sign Ordinance would deprive the applicant of privileges enjoyed by the owners of other properties in the R-2 zone.*

*However, Milwaukie High School is not more unique than other schools in Milwaukie. There are no other privileges being enjoyed by other schools/businesses/residences in Milwaukie in a residential zone either. There are no electronic signs in residential zones in Milwaukie.*

*In the sign code, a CSU does get additional privileges around signs to accommodate uses not typical of other zones, such as a school in a residential zone. This is not unique to Milwaukie High School as all schools in Milwaukie have these same CSU sign code privileges not allowed for residential uses.*

*The Planning Commission finds that this criterion is not met.*

- (d) That the granting of the adjustment will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district; and,

*The applicant states that as discussed above, section 14.16.010 provides the ability of residential property in the R-2 zoning district to install appropriate types of signage. The granting of this adjustment will allow the high school the ability to install signage appropriate to the use on the site as well. According to the applicant, this does not constitute a grant of special privilege inconsistent with the limitations on other properties in the R-2 zone.*

*However, in the sign code, a CSU does not get additional privileges around signs to accommodate uses not typical of other zones, such as a school in a residential zone. A residential use in the R-2 zone would not be allowed to build a sign as big as is proposed by the applicant. The CSU sign code accommodates signs that aren't normally allowed in the underlying zone.*

*The Planning Commission finds that this criterion is not met.*

- (e) That the granting of the adjustment will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

*The applicant states that the granting of the adjustment will be beneficial to the public health, safety and welfare and will not be materially injurious to properties or improvements in the vicinity. According to the applicant, many Milwaukie High School students and nearby community neighbors do not have reliable, regular internet access. They also state that Milwaukie High School has also recently been designated as an evacuation site for natural disasters such as wildfires. An electronic reader sign at the high school would provide both students*

*and Milwaukie community members timely, accurate, important information about both the school and the city.*

*However, the applicant does not list the hours of operation, which could affect the health and welfare of the nearby multi-family building directly across the street from the proposed sign. They do not explain if any impacts of light shining into the multi-family building will be mitigated and how.*

*The applicant did show how the sign would meet the requirements for electronic signs in the code. 14.24.020, however, those standards are meant for signs in commercial and industrial areas. Current electronic signs in Milwaukie are located close to Hwy 224, McLoughlin Blvd, and 99-E where residential uses are minimal. The applicant does not explain how the proposed electronic sign is adjusted to meet the health and safety or welfare of the residential uses nearby. It is unknown based on the applicant's information if the electronic sign code standards are appropriate for areas with more residential uses and if so, how the proposed sign is adjusted to meet that unique situation.*

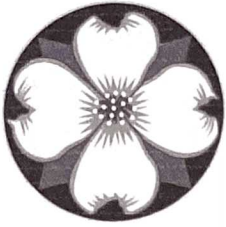
*The Planning Commission finds that this criterion is not met.*

*The Planning Commission finds that the criteria for granting an adjustment is not met.*

7. The application was referred to the following departments and agencies on March 12, 2021:

- Milwaukie Building Division
- Milwaukie Engineering Department
- City of Milwaukie Attorney
- Historic Milwaukie Neighborhood District Association Chairperson and Land Use Committee

No comments were received at the time of written findings.



**MILWAUKIE PLANNING**  
 6101 SE Johnson Creek Blvd  
 Milwaukie OR 97206  
 503-786-7630  
 planning@milwaukieoregon.gov

ATTACHMENT 2

# Application for Land Use Action

Master File #: VR-2021-002

Review type\*:  I  II  III  IV  V

**CHECK ALL APPLICATION TYPES THAT APPLY:**

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

**RESPONSIBLE PARTIES:**

**APPLICANT** (owner or other eligible applicant—see reverse): **North Clackamas School District C/O Ron Stewart**

Mailing address: **12400 SE Freeman Way, Milwaukie** State/Zip: **OR 97222**

Phone(s): **503-353-6004** Email: **stewartro@nclack.k12.or.us**

Please do not include my contact information on public notices or on the City website:

**APPLICANT'S REPRESENTATIVE** (if different than above): **3J Consulting C/O Mercedes Serra**

Mailing address: **9600 SW Nimbus Avenue, Suite 100, Beaverton** State/Zip: **OR 97006**

Phone(s): **503-946-9365 x211** Email: **mercedes.serra@3j-consulting.com**

**SITE INFORMATION:**

Address: **2301 SE Willard Street** Map & Tax Lot(s): **11E36BC05600**

Comprehensive Plan Designation: **P, C/HD** Zoning: **R-2** Size of property: **14.65 acres**

**PROPOSAL (describe briefly):**

**NCSD is proposing an adjustment to the sign code to permit an electronic message sign at Milwaukie High School.**

**SIGNATURE:**

**ATTEST:** I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code (MMC) 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: 

Date: **1-27-2021**

**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.

**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.

**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

**\*\*Note:** Natural Resource Review applications **may require a refundable deposit**. Deposits require completion of a Deposit Authorization Form, found at [www.milwaukieoregon.gov/building/deposit-authorization-form](http://www.milwaukieoregon.gov/building/deposit-authorization-form).

**THIS SECTION FOR OFFICE USE ONLY:**

FILE TYPE	FILE NUMBER	AMOUNT <small>(after discount, if any)</small>	PERCENT DISCOUNT	DISCOUNT TYPE	DATE STAMP
Master file	VR-2021-002	\$ 2,000.00			2/19/2021
Concurrent application files		\$			
		\$			
		\$			
		\$			
Deposit (NR only)				<input type="checkbox"/> Deposit Authorization Form received	
TOTAL AMOUNT RECEIVED: \$ 2,000.00			RECEIPT #:	RCD BY:	
Associated application file #s (appeals, modifications, previous approvals, etc.):					
Neighborhood District Association(s): Historic Milwaukie					
Notes:					

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**Attachments**

Attachment A – Land Use Application Form

Attachment B – Preliminary Development Plans



**GENERAL INFORMATION**

Property Owner and Applicant: **North Clackamas School District**  
12400 SE Freeman Way  
Milwaukie, OR 97222  
Contact: Ron Stewart  
Phone: (503) 353-6004

Planning Consultant: **3J Consulting, Inc.**  
9600 SW Nimbus Avenue, Suite 100  
Beaverton, OR 97008  
Contact: Mercedes Serra  
Phone: (503) 946-9365  
Email: mercedes.serra@3j-consulting.com

**SITE INFORMATION**

Parcel Number: 11E36BC05600  
Address: 2301 SE Willard Road  
Size: 14.65 acres  
Zoning Designation: R-2 (Residential)  
Existing Use: Milwaukie High School

## INTRODUCTION

### APPLICANT'S REQUEST

The North Clackamas School District is proposing to install an electronic reader sign at Milwaukie High School and seeks approval of a Type III Sign Code Adjustment due to the location of the high school in the R-2 zoning district. This narrative has been prepared to describe the proposed development and to document compliance with the relevant sections of Milwaukie's Municipal Code.

### SITE DESCRIPTION/SURROUNDING LAND USE

Milwaukie High School is located at 2301 SE Willard Road in the City of Milwaukie. The state tax identification for the site is 11E36BC05600. The site is approximately 14.65 acres in size and is zoned R-2 (Residential). The proposed sign will be located in the southwestern portion of the High School property, at the northeast corner of SE Willard Road and SE 23<sup>rd</sup> Avenue where parking lot for the main entrance is located. The area where the sign will be located is across SE Willard Road from a multi-family housing development in the R-2 zone to the south. Properties to the west of this portion of the high school site are zoned DMU (Downtown Mixed Use) and are developed with commercial property. To the north and east of where the sign is proposed is the Milwaukie High School campus.

### PROPOSAL

The North Clackamas School District is proposing an adjustment to the Sign Code to permit an electronic message sign at Milwaukie High School (MHS). The high school is located in the R-2 (Residential) zoning district, which does not specifically permit electronic message signs for institutional uses, such as a school.

Milwaukie High School is not just a public school. It is a large, publicly-owned, multifunctional venue that provides Milwaukie citizens appropriately-sized spaces for theatrical performances, athletics (in the gym or on the fields and stadium), and meetings of all sizes. The high school is also a Clackamas County Category 4: Critical/Essential Building that will be used in case of a major earthquake (generator power is available to power an electronic reader sign).

The sign would also provide a service to the community in promoting events of interest to Milwaukie residents. Specifically, the sign would provide promotion of the arts through events that are often hosted by the Milwaukie Academy of the Arts and Milwaukie High School, who both share the same campus.

An electronic reader board sign at this site would be used to provide school and citywide information serving both the high school and the Milwaukie community. The approval of an adjustment to the sign code to allow an electronic reader board at Milwaukie High School would apply only to this site as it is a unique, multi-purpose, publicly-owned campus broadly serving the citizens of the City and built to serve as a Category 4: Critical/Essential Building for the community during a disaster.

## APPLICABLE CRITERIA

The following sections of Milwaukie's Municipal Code have been extracted as they have been deemed to be applicable to the proposal. Following each bold applicable criteria or design standard, the Applicant has provided a series of draft findings. The intent of providing code and detailed responses and findings is to document, with absolute certainty, that the proposed development has satisfied the approval criteria for a Type III Sign Code Adjustment application.

## TITLE 14 SIGNS

### CHAPTER 14.04 GENERAL PROVISIONS

#### 14.04.020 PURPOSE

**The Council of the City of Milwaukie, Oregon, finds and declares that it is necessary to regulate the design, quality of materials, construction, installation, maintenance, electrification, illumination, type, size, number, and location of all signs visible from a right-of-way or lot under other ownership in order to:**

- A. Protect the health, safety, property and welfare of the public;**
- B. Promote the neat, clean, orderly and attractive appearance of the community;**
- C. Provide for the safe installation and maintenance of signs;**
- D. (Repealed by Ord. 1965);**
- E. Preserve and enhance the unique scenic beauty of Milwaukie;**
- F. Accommodate the need of sign installers while avoiding nuisances to nearby properties;**
- G. Ensure safe construction, location, installation, and maintenance of signs;**
- H. Prevent proliferation of sign clutter;**
- I. Minimize distractions for motorists on public highways and streets;**
- J. Regulate solely on the basis of time, place, and manner of a sign, not on its content; and**
- K. Coordinate review where multiple agencies have review authority for a sign permit. (Ord. 2040 § 2 (Exh. B), 2011; Ord. 1965 §§ 2, 3, 2006; Ord. 1733 § 1(1) (Exh. A), 1993)**

**Applicant's Findings:** The proposed electronic message sign at Milwaukie High School will comply with all provisions of this purpose statement. Approval of an adjustment to allow the electronic sign will allow greater protection of the health, safety, property and welfare of the public in disseminating emergency information clearly and quickly.

Milwaukie High School is an emergency community shelter in times of natural disaster and portions have been built to serve as a Category 4: Critical/Essential Building. In the case of a major earthquake, electrical, telephone and cell phone service may not be available. However, an electronic reader board powered by a generator would provide essential information to the Milwaukie community, including direction to those looking for food, shelter or services.

The approval of an adjustment to allow an electronic reader board at Milwaukie High School, a Critical/Essential Building is only applicable to one site in the City, as it is the

only public high school in the City limits (and the only public high school that is a Critical/Essential Building). Approval of this adjustment meets the sign code purpose of protecting the health, safety, property and welfare of the public. Approval of this adjustment is also inherently limited to just this one site in that it is the only site where an electronic reader board would directly serve the high school population *and* the Milwaukie community.

The sign would be well-maintained and kept neat, clean and orderly and be designed with an attractive appearance for the Milwaukie community, enhancing the unique scenic beauty of the City. The sign would be safely located and installed in an area free of sign clutter and without nuisance to nearby properties. As the sign would be located at SE 23<sup>rd</sup> and SE Willard, an intersection most heavily traveled by students, parents and teachers during school sessions, there is little concern of distractions for motorists on public highways and streets.

The City of Milwaukie has the sole review authority for a sign permit on this site, and approval of a sign code adjustment to allow an electronic reader sign on this site would represent the City's regulation solely on the basis of time, place, and manner of the sign and not its content. The proposed sign code adjustment and resultant electronic reader sign at Milwaukie High School meets all of the components of the sign code purpose statement.

## **CHAPTER 14.12 SIGNS PROHIBITED OR EXEMPTED**

### **14.12.020 PROHIBITED SIGNS**

**It is unlawful for any person to install, display or maintain, and no permit shall be issued for the installation, display or maintenance of, any sign or advertising structure falling within any of the following descriptions:**

- R. Electronic display signs that display message or copy using any prohibited electronic display methods, as defined in Section 14.04.030.**

**Applicant's Findings:** Section 14.04.030 defines "Prohibited electronic display" as "any part of the message or display on an electronic display sign that utilizes the following methods of presentation:

'Flash' means sudden or intermittent electrical illumination.

'Scroll' means the changing of an electronic display by the apparent movement of the visual image, such that a new visual image appears from the margins of the sign in a continuous or unfurling movement.

'Travel' means the changing of an electronic display by the apparent horizontal movement of the visual image.

'Video display' means providing an electronic display in horizontal or vertical formats to create continuously moving images."

The proposed electronic sign display will not utilize any of the prohibited methods of presentation. The presentation type will be light-emitting diodes (LEDs) consistent with electronic display signs at other high schools in North Clackamas School District.

Therefore, the District does not propose a prohibited sign type with this sign adjustment request. This standard is met.

## CHAPTER 14.24 SIGN CONSTRUCTION, MAINTENANCE, AND LIGHTING

### 14.24.020 SIGN LIGHTING

**A. All lamps or bulbs exposed to direct view shall be limited to 25 watts or less capacity.**

**Applicant's Findings:** The proposed electronic sign will have lamps or bulbs exposed to direct view at 25 watts or less capacity. This standard is met.

**B. When neon tubing is employed on the exterior or interior of a sign, the capacity of such tubing shall not exceed 300 milliamperes rating for white tubing nor 100 milliamperes rating for colored tubing.**

**Applicant's Findings:** The proposed electronic sign will not contain neon tubing. This standard is met.

**C. When fluorescent tubes are used for interior illumination of a sign, such illumination shall not exceed illumination equivalent to 800 milliamperes rating tubes behind a Plexiglas face with tubes spaced at least 9 inches apart, center to center.**

**Applicant's Findings:** The proposed electronic sign will not contain fluorescent tubes. This standard is met.

**D. Lighting from any sign may not directly, or indirectly from reflection, cause illumination on other properties in excess of 0.5 footcandles of light.**

**Applicant's Findings:** The proposed electronic sign will not have lighting that will directly, or indirectly from reflection, cause illumination on other properties in excess of 0.5 footcandles of light. This standard is met.

**E. In the event of a conflict between the standards in this section and a specific standard in the regulations for a sign district, the sign district regulations shall prevail.**

**Applicant's Findings:** This application for a sign code adjustment is needed because this type of sign is not specifically permitted in the sign district (residential). The approval of the adjustment will not result in a conflict with these standards. This standard is met.

**F. Other types of illumination not described by Subsections 14.24.020.A-C, such as light-emitting diodes and other similar technology, are allowed for interior or exterior illumination of a sign if all other regulations of Title 14 are met.**

**Applicant's Findings:** The proposed electronic sign will utilize light-emitting diodes (LEDs) for illumination in compliance with all other regulations of Title 14. This standard is met.

**G. Electronic display signs are allowed in the Commercial Zone sign district (Section 14.16.040) and the Manufacturing Zone sign district (Section 14.16.050), subject to the standards below. Electronic display signs are allowed in the Downtown Zones sign district per Subsection 14.16.060.H.6 and the standards below.**

**1. Illumination**

a. An electronic display sign may not have an illumination intensity of more than 0.3 footcandles over ambient light, measured at the distance specified by the following calculation:

$$\text{Measurement distance} = \sqrt{\text{sign face area} \times 100}$$

The measurement shall be taken as the difference in illumination between the electronic display sign turned off and the electronic display sign displaying either a solid white screen (for multicolor displays) or a solid single-color screen (for single-color display). To the degree practicable, the measuring device shall be parallel to the plane of the sign face and the measurement shall be made from a location that is perpendicular to the plane of the sign face. The specified distance shall be the shortest straight-line distance to the sign face, including horizontal and vertical distance from the sign if the sign is elevated.

b. The sign shall have a mechanism that automatically adjusts the illumination level to comply with the standards in Subsection 14.24.020.G.1.a.

c. In addition to the standards of Subsection 14.24.020.G.1.a, no electronic display sign shall be brighter than necessary for clear and adequate visibility, or of such brilliance or intensity as to present a hazard to persons traveling in the right-of-way. Upon notice by the Planning Director that a sign is out of compliance with these standards, the owner or operator of an electronic display sign shall immediately adjust the illumination of the sign.

**2. Size**

a. Electronic display signs on properties north of the centerline of Highway 224 which also have frontage on McLoughlin Blvd, Main St, or Frontage Rd are subject only to the applicable size limits elsewhere in Title 14. Subsection 14.24.020.G.2.b does not apply.

b. An electronic display sign in the Commercial Zone sign district or Manufacturing Zone sign district, with the exception of the McLoughlin Blvd corridor described in Subsection 14.24.020.G.2.a, may be included only as part of

a larger sign, and the electronic display portion of the sign is subject to the more restrictive of the size limitations below:

(1) 50% of the size of the sign face that contains the electronic display sign, abuts the electronic display sign, or is on the same sign structure as the electronic display sign.

(2) 50 sq ft.

c. Size regulations for signs in the Downtown Zones sign district are as described in Subsection 14.16.060.H.6.

### 3. Display

a. The message or copy on an electronic display sign is allowed to change no more frequently than described below:

(1) Not more than once every 10 seconds for an electronic display sign with a sign face of 20 sq ft or less, or for any size of electronic display sign on a property in the McLoughlin Blvd corridor described by Subsection 14.24.020.G.2.a.

(2) Not more than once every 2 minutes for electronic display signs not described by Subsection 14.24.020.G.3.a(1).

b. The change in message or copy may occur instantaneously or may fade or dissolve with a transition time of no more than 2 seconds between each separate message or display.

#### **Applicant's Findings:**

The proposed electronic sign will not have an illumination intensity over ambient light of more than 0.3 footcandles, measured according to the provisions of G.1.a., above. The sign will have a mechanism that automatically adjusts the illumination level to limit the intensity level over ambient light to 0.3 footcandles or less and shall be no brighter than necessary for clear and adequate visibility. The proposed electronic display area will be sized to comply with the code standards. The message or copy on the electronic sign will meet the requirements for frequency of change. The change in message or copy will occur instantaneously or will fade or dissolve with a transition time of no more than 2 seconds between each separate message or display. These standards are met.

#### **H. Shielding**

The purpose of the regulations below is to prevent light pollution from illuminated signs into the sky. The light source for externally illuminated signs with a sign face of 100 sq ft or more shall have a cutoff angle of 90 degrees or greater to ensure that lighting is not directed upward. (Ord. 2040 § 2 (Exh. B), 2011; Ord. 1965 §§ 2, 3, 2006; Ord. 1733 § 1(1) (Exh. A), 1993)

#### **Applicant's Findings:**

The proposed electronic sign will not have a sign face of 100 square feet or more and, therefore, this standard is not applicable.

**CHAPTER 14.32 ADJUSTMENTS****14.32.010 AUTHORIZATION TO GRANT OR DENY ADJUSTMENTS**

- A. The Planning Commission may authorize adjustments to the requirements of this chapter per Section 19.1006 Type III Review where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this chapter would cause an undue or unnecessary hardship. The cost of meeting the standard shall not be a basis for granting an adjustment. In granting an adjustment, the Planning Commission, in addition to the time limitations of Section 14.32.040, may attach conditions which it finds necessary to protect the welfare of the City and otherwise achieve the purposes of this chapter.**

**Applicant's Findings:** The proposed adjustment is not based on the cost of meeting a standard. The proposed adjustment is requested based on the special and unusual circumstance of the specific piece of property where Milwaukie High School is located, in the R-2 zoning district. The "Residential Sign District" addresses signage for residential uses and does not address signage for institutional uses such as a school. As demonstrated further in this narrative, strict application of the sign code chapter would preclude an electronic message sign at the high school, causing an undue or unnecessary hardship on the school district, high school staff and administrators, students and their families and the Milwaukie community as a whole. The applicant understands that additional conditions may be placed by the Planning Commission which it finds necessary to protect the welfare of the City and otherwise achieve the purposes of this chapter. This standard is met.

- B. The Design and Landmarks Committee shall hold a public meeting and prepare a report for adjustment applications that require Planning Commission review per Section 19.1011 Design Review Meetings. The Planning Commission shall consider the findings and recommendations contained in the report during the public hearing on the proposal.**

**Applicant's Findings:** The pre-application notes provided by the City stat that "staff's interpretation is that the DLC is only involved if the sign in question is located in a downtown zone". This standard is met.

- C. Adjustments may be granted where it can be shown that there are special and unusual circumstances related to the specific property or sign, the adjustment is consistent with the guiding principles of the Downtown Design Guidelines, and the adjustment meets either of the following criteria:**
- 1. Strict application of this chapter would cause an undue or unnecessary hardship. The cost of meeting the standard shall not constitute a hardship; or**



**2. The adjustment serves to protect or enhance significant features such as, but not limited to, trees, historic or culturally significant buildings, or landmark signs.**

**In granting an adjustment, the Planning Commission, in addition to the time limitations of Section 14.32.040, may attach conditions which it finds necessary to protect the welfare of the City and otherwise achieve the purposes of this chapter.**

**Applicant's Findings:** The adjustment is proposed based on special and unusual circumstances related to the specific property and the specific sign. Milwaukie High School (MHS) is the only public high school in the R-2 zoning district (and the only North Clackamas high school in the Milwaukie City limits).

The proposed electronic sign at Milwaukie High School would allow information to be quickly, efficiently and accurately provided to a student body and Milwaukie community that includes many people without regular internet access. MHS is the only high school in the North Clackamas School District that does not have an electronic reader board; a communication tool considered essential by the District and seen as an inequity to the students, parents, staff and the Milwaukie Community. The electronic reader board would also allow a reduction of printed materials either sent home with students or mailed, resulting in better dissemination of information, more staff time available for students and fewer physical resources used. This would be better for the school, the Milwaukie community and the environment. This standard is met.

#### **14.32.020 ADJUSTMENT PROCEDURE**

**The following procedures shall be followed in applying for and acting on an adjustment:**

**A. A property owner may initiate a request for an adjustment by filing an application with the City Manager, using forms required by the City Manager or duly authorized agent. The application shall be accompanied by a site plan drawn to approximate scale showing the condition to be adjusted and the dimensions and arrangement of the proposed sign, support structure, buildings and real property. The review authority may request other drawings or material essential to an understanding of the adjustment request.**

**Applicant's Findings:** This request for adjustment is being initiated by the property owner, North Clackamas School District, using appropriate forms. The submitted plans demonstrate the dimensions and arrangement of the sign, support structure, buildings on the site and real property. This standard is met.

**B. The review authority shall hold a public hearing for any adjustment request which is 25% or more of the required standard per the provisions of Section 19.1006 Type III Review. Adjustment requests of less than 25% from the required standard shall be reviewed by the Planning Director per the provisions of Section 19.1005 Type II Review. Within 5 days after a decision has been rendered with reference to a request for an adjustment, the City Manager**

**or duly authorized representative shall provide the applicant with notice of the decision of the review authority.**

**Applicant's Findings:** The proposed adjustment is to permit the electronic sign on the high school property and therefore requires a Type III review. This standard is met.

#### **14.32.030 CIRCUMSTANCES FOR GRANTING ADJUSTMENT**

**The review authority shall consider and make findings with respect to each of the following:**

**A. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the Sign Ordinance;**

**Applicant's Findings:** As discussed previously in Section 14.04.020, installation of an electronic reader board sign at Milwaukie High School would meet all of the objectives and purpose statements of the Sign Ordinance. Precluding the high school from installing this sign will result in practical difficulty of students, families of students, teachers, school administrators and the general public not having quick and easy access to important school- and Milwaukie community-related information. This is directly in contrast with the first purpose of the Sign Ordinance: Protect the health, safety, property and welfare of the public. As seen in recent months with the COVID-19 Pandemic and the wildfires in Clackamas County and elsewhere in the state, it is imperative that citizens have ready access to up-to-date information. A standard sign cannot do this in the same way an electronic sign can. Some residents in Milwaukie may not have reliable access to the internet and other information sources, therefore a community messaging system such as this would reduce unnecessary physical hardship for both school and Milwaukie community populations. This standard is met.

**B. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, which do not apply generally to other properties classified in the same zoning district;**

**Applicant's Findings:** Milwaukie High School is in the R-2 Zoning District, a residential zoning district. Section 14.16.010 identifies sign types permitted in residential zones. All sign types permitted are related to residential development, not schools or institutional sites. This results in exceptional or extraordinary circumstances applied to this property (Milwaukie High School) that do not generally apply to other properties in the R-2 Zone (generally housing). In addition, Milwaukie High School is a Category 4: Critical/Essential Building to be used as a community shelter during a disaster. Approval of this adjustment will affect only the Milwaukie High School Site as it is the only public High School located in the R-2 zoning district and designed as a Category 4: Critical/Essential Building within the City limits. This standard is met.

**C. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district;**

**Applicant's Findings:** Owners of other properties in the same zoning district are generally residential. Section 14.16.010 provides standards by which residential developments may install signs that are appropriate to residential developments. There is no such standard provided by which a high school may install signs that are appropriate to a high school and community information center, such as Milwaukie High School. Therefore, the strict or literal interpretation of the Sign Ordinance would deprive the applicant of privileges enjoyed by the owners of other properties in the R-2 zone. This standard is met.

**D. That the granting of the adjustment will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district; and,**

**Applicant's Findings:** As discussed above, section 14.16.010 provides the ability of residential property in the R-2 zoning district to install appropriate types of signage. The granting of this adjustment will allow the high school the ability to install signage appropriate to the use on the site as well. This does not constitute a grant of special privilege inconsistent with the limitations on other properties in the R-2 zone. This standard is met.

**E. That the granting of the adjustment will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.**

**Applicant's Findings:** The granting of the adjustment will be beneficial to the public health, safety and welfare and will not be materially injurious to properties or improvements in the vicinity. Many Milwaukie High School students and nearby community neighbors do not have reliable, regular internet access. Milwaukie High School has also recently been designated as an evacuation site for natural disasters such as wildfires. An electronic reader sign at the high school would provide both students and Milwaukie community members timely, accurate, important information about both the school and the city. This standard is met.

**14.32.040 TIME LIMIT**

**A. Authorization of an adjustment shall be void if the building or work approved by such adjustment is not commenced within 6 months of the date of approval.**

**B. The review authority may, upon receiving a written request from the applicant prior to the adjustment expiration date, extend the adjustment for a period not to exceed one year.**

**Applicant's Findings:** The School District acknowledges that the adjustment is void of work approved by such is not commenced within 6 months of the date of approval, with the exception of extensions as described above. This standard is met.

**14.32.050 APPEALS**

**Appeals of Planning Commission decisions shall follow the procedures of Chapter 19.1000 of the Milwaukie Zoning Ordinance.**

**Applicant's Findings:** The School District acknowledges the appeal procedures. This standard is met.

**SUMMARY AND CONCLUSION**

Based upon the materials submitted herein, the Applicant respectfully requests approval from the City's Planning Commission for this Type III Sign Code Adjustment application.



# MILWAUKIE HIGH SCHOOL



6500 Flotilla St.  
 Commerce, California, 90040  
 888-315-7446  
 www.megasigninc.com

# QUOTE

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 Apr 24, 2020 11:20 PM

**Prepared For** BRIC  
**Project Name** Premier Series 35 10mm  
**Amount** \$ 8,749.00  
**Quote Valid For** 60 Days  
**Sales Person** Daniel Soriano  
 888-315-7446  
 daniel@megasigninc.com

**Ship To**  
**BRIC**

Product Details	Quantity
<p><b>MP10-35-SMD Premier Full Color LED Display 10mm 3' 3-3/4" x 5' 5" Pixel Matrix 96x160</b></p> <p>Premier Series outdoor LED displays feature rugged Line-X coated all aluminum cabinets made right here in the USA. Toll Free Lifetime Diagnostics Support and 5 Year Parts &amp; Factory Labor Warranty, 160 degree viewing angle LEDs on our IP65 Rated front and back water proof modules, Front Serviceable cabinets, Universally Sized Modules to allow easy future upgradability, Conformal Coated Delta Power Supplies, Oversized 12" Deep Cooling Fan Hoods to keep water out of displays, Energy Efficient, Operating temperature -22F to 140F. MET Labs Certified and tested compliant with UL48, UL8750, UL1433</p> <p>Display Specification            Series: Premier            Total Dimension (ft): 3' 3-3/4" x 5' 5"            Active Viewing Area (ft): 3' 1-3/4" x 5' 3"            Pixel Pitch: 10mm            Color Capability: 281 Trillion Colors            Pixel Matrix: 96x160            Pixel Configuration: All-in-one SMD 1 Red / 1 Green / 1 Blue            Brightness: 8,500 NITS            Viewing Angle: 170 Degree Horizontal / 160V Degree Vertical            Minimum Character Height: 2 3/4 inch            Maximum Character Height: 37 inch            Maximum Lines: 12            Estimated Weight: 184.32 lbs            Maintenance: Front Service</p> <p>Electrical Requirement Per Face            Regular Operating Watts: 415            Maximum Boot-up Watts: 1382            Max Amps @120V: 11.5            Max Amps @240V: 5.8            Estimated Monthly Electricity Cost: \$25            *Estimated @ Operating 18hrs / Day @ \$.11/kWH</p>	1

**Mega Cloud Software**

1

MEGA Cloud true cloud-based LED Sign software, and there is not software to install. Access Your Digital Signage from any Internet-Connected Device (PC, Mac, or Mobile). No Worries with Automatic Updates and Easy Access! Our service resides on the internet, or "in the cloud." This allows clients to securely login from any PC, Mac, or mobile device connected to the internet to operate their display. Updates to the system are fully automatic and new features are available immediately. Your Content is Safe and Secure. All content and schedules are securely stored in the client's online library and backed up daily to make sure they have access to their content 24/7. Easy User Management with a Multi-User Permission-based System. Clients have complete control over their display network. For example, a master account user can assign multiple people to make graphic requests, but restrict access to manage the display schedule or other features. MEGA Cloud offers a wide set of powerful features designed to empower professional digital signage. With thousands of customers all around the world, we have everything you need to take your signage operation to the next level.

**Auto Dimming Sensor**

1

Auto dimming sensor will automatically adjust the LED Display brightness based on ambient light.

**Wifi - Extended Range**

1

Advanced 2.4 GHz Wireless Communication System designed and built for severe weather conditions. Enables fast, wireless transmission of data files and content seamlessly to your LED display at distances up to 1,000 feet apart with line of sight. Protects your important files and LED display messages from outside interference or tampering. Communication is done via tried and tested TCP/IP communication with WPA/PSK Security Encryption. - Outdoor access point antenna included - Outdoor sign antenna included - Mounting hardware included.

**Shipping - Freight**

1

Freight Charge - Only covers basic delivery with no extra services. Carrier will call to schedule time frame for delivery. Extra fees will be billed if any of these services are requested, or conditions exist before or during delivery: Residential, Limited Access, Inside Delivery (carrying product into building), Lift Gate, or Re-Delivery (2nd attempt). Lift Gate not available for shipment over 90". Any shipment that exceeds 90", client is required to unload the crate from the freight truck.

<b>Sub Total</b>	<b>\$ 11,799.00</b>
<b>Sales Tax</b>	<b>\$ 0.00</b>
<b>Discount</b>	<b>- \$ 3,050.00</b>
<b>Grand Total</b>	<b>\$ 8,749.00</b>

**Terms & Conditions**

This Agreement is expressly limited to the acceptance by the Buyer of the exact listed terms and Buyer acknowledges that discussions and negotiations have occurred leading up to this agreement. Furthermore, neither party hereafter will rely on any oral representations made outside of the stated terms of this Agreement, which includes the "Standard Terms and Conditions" link below. Applicable sales tax in the State of California; will be accessed at the time of billing and may not be represented on this quotation. If you are a tax exempt entity, please provide proof so you are not charged tax in error. <https://www.megasigninc.com/docs/termssofsales.pdf>

To complete the order sign here, initial previous pages, and return all signed and initial pages.

Printed Name: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Date: \_\_\_\_\_



**CITY OF MILWAUKIE**  
 6101 SE Johnson Creek Blvd  
 Milwaukie OR 97206  
 503.786.7600  
 planning@milwaukieoregon.gov  
 building@milwaukieoregon.gov  
 engineering@milwaukieoregon.gov

ATTACHMENT 2

# Preapplication Conference Report

Project ID: 20-007PA

This report is provided as a follow-up to the meeting that was held on 9/3/2020 at 10:00 AM

The Milwaukie Municipal Code is available here: [www.qcode.us/codes/milwaukie/](http://www.qcode.us/codes/milwaukie/)

## APPLICANT AND PROJECT INFORMATION

<b>Applicant:</b>	Andrew Tull for North Clackamas School District (NCSD)	<b>Applicant Role:</b> Planning Consultant
<b>Applicant Address:</b>	9600 SW Nimbus, Suite 100, Beaverton, OR 97008	
<b>Company:</b>	3J Consulting	
<b>Project Name:</b>	Milwaukie High School signage	
<b>Project Address:</b>	2301 SE Willard St	<b>Zone:</b> Residential R-2
<b>Project Description:</b>	Code amendment or Sign adjustment to allow an electronic display sign at Milwaukie High School	
<b>Current Use:</b>	High school	
<b>Applicants Present:</b>	Mercedes Serra (3J Consulting); Steve Nicholas, Cindy Detchon, and Ron Stewart (North Clackamas School District)	
<b>Staff Present:</b>	Brett Kelter, Associate Planner; Janine Gates, Assistant Planner	

## PLANNING COMMENTS

### Zoning Compliance (MMC Title 19)

<input type="checkbox"/>	<b>Use Standards</b>	
<b>Land Use Review Process</b>		
<input checked="" type="checkbox"/>	<b>Applications Needed</b>	As proposed, the project would require the following applications: <ul style="list-style-type: none"> <li>• Sign Adjustment</li> </ul>
<input checked="" type="checkbox"/>	<b>Review Type</b>	<ul style="list-style-type: none"> <li>• Sign Adjustment (Variance) = Type III</li> </ul>
<input checked="" type="checkbox"/>	<b>Fees</b>	<ul style="list-style-type: none"> <li>• Type III application = \$2,000</li> </ul>
<input checked="" type="checkbox"/>	<b>Application Process</b>	<p>The applicant should submit a complete electronic copy of all application materials for the City's initial review. Due to the COVID pandemic, hard copies of materials are not currently desired. A determination of the application's completeness will be issued within 30 days.</p> <p>Once the application is deemed complete, a public hearing with the Planning Commission will be scheduled. As long as measures remain in place to address the COVID pandemic,</p>



ATTACHMENT 2

		<p>the public hearing will be conducted online. Public notice 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 prepare a report with analysis of the proposal and a recommendation for decision 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.</p> <p>Issuance of a decision starts a 15-day appeal period for the applicant and any party who establishes standing. Development permits submitted during the appeal period may be reviewed but are not typically approved until the appeal period has ended.</p>
<b>Overlay Zones (MMC 19.400)</b>		
<input type="checkbox"/>	<b>Historic Preservation</b>	
<b>Site Improvements/Site Context</b>		
<input type="checkbox"/>	<b>Downtown Design Standards (MMC 19.508)</b>	
<b>Off-Street Parking Standards (MMC 19.600)</b>		
<input type="checkbox"/>	<b>Residential Off-Street Parking Requirements</b>	
<b>Approval Criteria</b>		
<input checked="" type="checkbox"/>	<b>Sign Adjustment (MMC 14.32)</b>	<p>For a sign adjustment, the applicant must show that (1) there are special and unusual circumstances related to the specific property or sign, (2) the adjustment is consistent with the guiding principles of the Downtown Design Guidelines (only for signs in downtown zones), and (3) the adjustment meets either of the following criteria: (a) strict application of the code would cause an undue or unnecessary hardship (excluding cost); or (b) the adjustment serves to protect or enhance significant features such as (but not limited to) trees, historic or culturally significant buildings, or landmark signs.</p> <p>Although the code references the Design and Landmarks Committee (DLC) in the adjustment process, staff's understanding and interpretation is that the DLC is only involved if the sign in question is located in a downtown zone. Likewise, consideration of the Downtown Design Guidelines is not an applicable approval criterion for signs outside of downtown zones.</p> <p>In granting an adjustment, the Planning Commission may attach conditions that it finds necessary to protect the welfare of the city and otherwise achieve the purposes of the sign code. As per Milwaukie Municipal Code (MMC) Section 14.32.040, authorization of a sign adjustment is voided if the building or work approved is not commenced within 6 months of the date of approval. If the applicant makes a written request prior to the expiration date, the Planning Commission can extend the adjustment for a period of up to one year.</p>
<b>Land Division (MMC Title 17)</b>		
<input type="checkbox"/>	<b>Design Standards</b>	
<b>Sign Code Compliance (MMC Title 14)</b>		
<input checked="" type="checkbox"/>	<b>Sign Requirements</b>	<p>Milwaukie High School is an approved Community Service Use (CSU). CSUs are often located in residential zones, where signage is very limited. MMC Section 14.08.090 establishes standards for CSU signs, which include monument/freestanding signs, wall signs, and daily display signs. Depending on the size and height of the proposed sign, either Type I</p>

ATTACHMENT 2

		<p>or Type III review is required. One monument or freestanding sign is allowed for a CSU—up to 16 sq ft per display surface and max height of 6 ft for Type I review; or up to 40 sq ft per display surface, max length of 20 ft, and max height of 12 ft for Type III review.</p> <p>However, electronic display signs are not allowed in residential zones and are further restricted by the standards in MMC Subsection 14.24.020.G. An adjustment (like a variance) would be required to allow an electronic display sign for a CSU.</p> <p>MMC Chapter 14.32 establishes the process for the Planning Commission to authorize adjustments to the sign code, where strict application of the code would cause “an undue or unnecessary hardship” (excluding cost). The approval criteria for an adjustment are discussed above.</p>
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**Noise (MMC Title 16)**

<input type="checkbox"/>	<b>Noise Mitigation (MMC 16.24)</b>	
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**Neighborhood District Associations**

<input checked="" type="checkbox"/>	<b>Historic Milwaukie</b>	<p>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 Historic Milwaukie NDA.</p> <p><b><u>Historic Milwaukie NDA Chair</u></b>                  Ray Bryan  <a href="mailto:historicmilwaukienda@gmail.com">historicmilwaukienda@gmail.com</a>                  Regular meeting—second Monday, 6:30pm (online)</p>
	Choose an item.	
	Choose an item.	

**Other Permits/Registration**

<input type="checkbox"/>	<b>Business Registration</b>	
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**Additional Planning Notes**

This preapplication conference was conducted on an abstract level and did not consider a specific sign design. If the applicant chooses to apply for a sign adjustment, staff expects that the applicant will provide a more specific proposal, including sign type, dimensions, and location. These details will be critical in the evaluation and consideration of the request.

The applicant will have the burden of demonstrating that an “undue or unnecessary hardship” results from the restriction against installing an electronic display sign. The Planning Commission will be asked to consider and make findings on several circumstances that could prove challenging (MMC Section 14.32.030). One issue is that of clarifying what constitutes a “practical difficulty or unnecessary physical hardship.” Another is whether denial of an electronic display sign would truly deprive the applicant of privileges enjoyed by other properties in the same zoning district (Residential R-2). (Note that the code does not expand this circumstance to properties in other communities within the larger school district.) Perhaps the most challenging circumstance is whether the granting of an adjustment would constitute a “special privilege inconsistent with the limitations on other properties” within the zoning district.

Staff can imagine that the Planning Commission would be supportive of the District’s efforts to further improve the high school but may be concerned about establishing a precedent that could open the door to allowing more electronic display signs for other CSUs (schools, churches, and others). It could be difficult to develop defensible findings that are narrow enough to limit the potential for similar requests in the future. Staff would aim to address the pros and cons of the request in its report to the Commission and would likely not make a recommendation for either approval or denial, focusing instead on facilitating a rigorous discussion of the issue.

It is noted that the applicant originally raised the prospect of proposing an amendment to the sign code, to allow electronic display signs exclusively for public school CSUs. Staff considered this idea and consulted with the City Attorney, who confirmed that such a proposal would be difficult to support and defend as being fair. Why would private schools not be allowed the same option for signage? Or churches, or any other CSU? A proposal to amend the sign code in this way would open a much broader policy discussion and would involve a more complicated review and approval process. Staff has encouraged the applicant to consider using the sign adjustment process instead—even though it is also challenging and offers no guarantees, the specificity of that request would provide a slightly narrower frame for discussion.

**ENGINEERING & PUBLIC WORKS COMMENTS****Public Facility Improvements (MMC 19.700)** **Applicability (MMC 19.702)****Flood Hazard Area (MMC 18)** **Development Permit  
(MMC 18.04.100)****Environmental Protection (MMC 16)** **Erosion Control (MMC 16.28)** **Tree Cutting (MMC 16.32)****Public Services (MMC 13)** **System Development Charge  
(MMC 13.28.040)****Public Places (MMC 12)** **Clear Vision (MMC 12.24)****Additional Engineering & Public Works Notes****BUILDING COMMENTS**

All drawings must be submitted electronically through [www.buildingpermits.oregon.gov](http://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](http://www.buildingpermits.oregon.gov). Each permit type and sub-permit type are separate permits 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. Reviews are currently being done by Clackamas County and plan review times for these reviews vary and are not under the control of the Milwaukie building division. Please allow appropriate time to obtain these permits, as courtesy inspections are not allowed prior to permits being issued. Site utilities follow this process and require a separate plumbing permit, they are not done with the grading/utility permit supplied to Milwaukie Engineering.

If you have any building related questions, please email us at [building@milwaukieoregon.gov](mailto:building@milwaukieoregon.gov).

**Additional Building Notes**

Note that all development permit submittals are subject to the initial review time that the building department is experiencing (currently 6-8 weeks).

**OTHER FEES**

<input type="checkbox"/>	<b>Construction Excise Tax</b>	<b>Calculation:</b> Valuation *12% (.12)
<input type="checkbox"/>	<b>Metro Excise Tax</b>	<b>Calculation:</b> Valuation *.12% (.0012)  (Note: There is a cap of \$12,000 on this tax.)
<input type="checkbox"/>	<b>School Excise Tax</b>	<b>Calculation:</b> Commercial = \$0.67 a square foot, Residential = \$1.35 a square foot (not including garages)

**FIRE DISTRICT COMMENTS**

**COORDINATION WITH OTHER AGENCIES**

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

- Metro, TriMet, 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 (ODFW), State Historic Preservation Office, Clackamas County Transportation and Development

**MISCELLANEOUS**

**State or County Approvals Needed**

<input type="checkbox"/>	<b>Boiler Approval (State)</b>	
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**Arts Tax**

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

<input type="checkbox"/>	<b>Tree Removal Permit:</b>	
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**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"/>	<b>Enterprise Zone:</b>	
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<input type="checkbox"/>	<b>Housing Resources:</b>	
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**PLEASE SEE NOTE AND CONTACT INFORMATION ON THE FOLLOWING PAGE**

This preliminary preapplication conference information is based only 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

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#### BUILDING DEPARTMENT

Samantha Vandagriff	Building Official	503-786-7611
Harmony Drake	Permit Specialist	503-786-7623
Stephanie Marcinkiewicz	Inspector/Plans Examiner	503-786-7636

#### ENGINEERING DEPARTMENT

Steve Adams	City Engineer	503-786-7605
Dalton Vodden	Associate Engineer	503-786-7617

#### PLANNING DEPARTMENT

Laura Weigel	Planning Manager	503-786-7654
Vera Koliass	Senior Planner	503-786-7653
Brett Kolver	Associate Planner	503-786-7657
Mary Heberling	Assistant Planner	503-786-7658
Janine Gates	Assistant Planner	503-786-7627

#### COMMUNITY DEVELOPMENT DEPARTMENT

Leila Aman	Community Development Director	503-786-7616
Alison Wicks	Development Programs Manager	503-786-7661
Christina Fadenrecht	Housing & Economic Dev. Asst.	503-786-7624
Alicia Martin	Administrative Specialist II	503-786-7600
Tempest Blanchard	Administrative Specialist II	503-786-7600

#### CLACKAMAS FIRE DISTRICT

Mike Boumann	Lieutenant Deputy Fire Marshal	503-742-2673
Matt Amos	Fire Inspector	503-742-2661

**From:** [Richard Recker](#)  
**To:** [Milwaukie Planning](#)  
**Subject:** Milwaukie HS - Milwaukie Arts Academy  
**Date:** Tuesday, April 13, 2021 8:28:23 AM

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**This Message originated outside your organization.**

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Friends -

The Historic Milwaukie Neighborhood District Association met last evening and agreed to provide an endorsement letter for Milwaukie HS - Milwaukie Arts Academy and North Clackamas School District's plans to install an electronic reader board on their campus.

Our formal letter of support is currently being prepared for member review and approval. It will be finalized and submitted soon. I am writing this email to document our intention of support - in the event that the matter is being deliberated and a decision considered BEFORE we have an opportunity to complete and have our members approve our final draft.

In general, we recognize the historic relationship between NCSD and our neighborhood as mutually supportive - and the strategic direction of the District to continue this ethic. We trust NCSD and the City of Milwaukie to negotiate the details of an electronic sign that suits the character and needs of the school and the community.

We place our endorsement for this project to be approved based on MHS/MAA's intention to use the sign as an essential tool to facilitate communication of information that draws our community together in connected, unifying ways. Like any tool - it comes to life in the ways it is used. We trust MHS/MAA, NCSD, and our standing relationship with these organizations as assurance that this tool will be used consistently and thoughtfully to - quite simply - make our community better.

Formal letter to follow soon. Please contact me if it is required by a specific time or date. I will make every effort to provide it in time to be considered in formal deliberations.

Respectfully,

Rich Recker  
MHNDA Chair

Rich Recker  
us we ours  
503.807.1653 Cell/Text

*E Pluribus Unum - Out of Many - One!*

**From:** [McVay, Yvonne](#)  
**To:** [Milwaukie Planning](#)  
**Cc:** [McVay, Tory \(tory.mcvay@onpointcu.com\)](mailto:tory.mcvay@onpointcu.com)  
**Subject:** Milwaukie High School electronic reader board sign  
**Date:** Tuesday, April 13, 2021 10:00:33 AM  
**Importance:** High

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**This Message originated outside your organization.**

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Hello –

We would like to submit public comment regarding the Milwaukie High School sign variance request.

We have been active volunteers for Milwaukie schools for over 20 years. Tory is a member of the North Clackamas School Board, and I served on multiple community boards as an officer and treasurer. I am officer of Community in Support of NC12 who ran the campaign for the last two bonds for the school district. I am also a member of the district's Bond Oversight Committee.

First of all I would like to state that it is tiresome and frustrating that there is a need once again to write a letter like this. It seems as if every time one of our schools attempts to build improvements that it requires us to fight against our own city. I've had to testify in support of a walking path at Milwaukie Elementary, signage, athletic fields, sound systems, lighting, turf, etc. We have probably testified to the city 10 times over the years. We understand that the city has codes it must abide by, but it also seems as if the city could do more to support our local schools.

You may or may not be aware that there is often a feeling among Milwaukie residents that their school facilities are not as nice as the newer, more modern facilities on the east side of our district. As a member of the bond campaigns and the oversight committee I know that our district is working to change that. That said, Putnam and Clackamas High Schools have had electronic reader boards for as long as I can remember, so I am guessing 10-20 years. This is an equity issue! Don't you want your high school to have the same amenities as the other high schools in our area?

When my oldest child got to MHS I began asking why we didn't have a sign like Putnam and CHS. I was told it was a financial issue. I pushed the issue with MHS and district staff, and luckily they applied to the city and got the signage approved. However, the funding never happened. Then came the 2016 bond campaign. I was told that the sign would be added as a 2016 bond project. I volunteered countless hours to the campaign, knowing that at the end we would have wonderful new facilities, including an electronic reader board sign. The bond passed, and now five years later we still do not have a sign.

The sign is not only aesthetic. This reader board sign will be an invaluable tool that will allow MHS to communicate with parents, students and the community at large. The sign will allow for immediate changes, it will provide emergency update notifications, valuable school information, celebrations and fun, interactive community announcements.

As long-time, dedicated members of your community we are asking you to approve this variance and

provide equity to MHS.

Thank you for your consideration.

M. Tory and Yvonne McVay  
12951 SE Vernie Ave  
Milwaukie, OR 97222



**Yvonne McVay, CPA**

Signing Director, Tax

**Direct 503-808-4118** | Mobile 503-887-7368 | Main 503-224-0860 | Fax 503-248-6788

CLA (CliftonLarsonAllen LLP) | 1211 SW 5th Avenue, Suite 2300, Portland, OR 97204

[yvonne.mcvay@CLAconnect.com](mailto:yvonne.mcvay@CLAconnect.com) | [CLAconnect.com](http://CLAconnect.com)

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**CliftonLarsonAllen LLP**

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April 12, 2021

Lauren Loosveldt, Chair  
Milwaukie Planning Commission  
10722 SE Main St.  
Milwaukie, OR 97222

Milwaukie High School Sign Variance  
VR-2021-002

Dear Chair Loosveldt,

3J Consulting represents North Clackamas School District in matters related to the Milwaukie High School Sign Code Variance (VR-2021-002). This letter has been prepared in order to submit additional information into the record in response to concerns raised in the staff report. A summary of the key issues raised by staff have been provided below with a response from the applicant following each item.

- 1. How other high schools in the district use electronic reader board signs to help disseminate information to those without regular internet access. How is a non-electronic sign that can still disseminate information for those without regular internet access different than this proposal?**

Applicant's Response:

High schools use electronic reader boards to announce dates/times for theater productions, music concerts, sporting events and other events that are open to the public in addition to the emails and newsletters that are sent via email or by hardcopy to currently attending students. The schools do not maintain databases of email addresses for community members or former students.

A non-electronic sign is limited to space to how many magnetic letters can fit on the static sign. An electronic reader board can rotate several messages through by programming. High schools are active places with many events happening during the same week. A static sign creates issues for the school in determining which activity gets posted and which gets left out. This can create inequities.

- 2. The Applicant does not explain why these types of signs are considered essential by NCS D in comparison to other forms of communication, such as student emails, e-newsletters, and non-electronic communication to parents, etc?**

Applicant's Response:

Milwaukie High School not only serves 1,100 students but it is an integral part of the community. We rely on a variety of communication methods to meet the varying needs of our parents, students, and community. An electronic reader board allows messaging to go out quickly in cases of emergencies. A static message board requires a staff member to physically go to the board, unlock the cover, spell out and space out each letter to fix it to the board. This is not efficient, nor safe, in the case of an emergency.



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A principal relies on many different forms of communication. Emails are just one method, but do not get shared with the public. Engaging the community is an essential function of the school. We want the community to see the school as a resource and a source of pride. It's difficult to do that if they are unaware of the activities and other important information.

- 3. Other Schools in Milwaukie have residential underlying zones and the applicant does not explain why denying this proposal is unique to MHS or results in undue or unnecessary hardship as compared to other schools in Milwaukie. It is not clear if other schools in Milwaukie also have an emergency designation of some sort or why Milwaukie High School is more likely to need an electronic sign than other schools.**

Applicant's Response:

Milwaukie High School is an emergency community shelter in times of natural disaster and portions have been built to serve as a Category 4: Critical/Essential Building. As a Category 4 rated building, Milwaukie High School has been designed with the following improvements and safety measures:

- Seismic hardening around the Commons, common restrooms, and kitchen.
- A stub out for a potable water tank to connect if the city connection has been compromised.
- An underground 10,000 gallon sanitary sewer holding tank.
- Long-term back-up generator for kitchen, emergency shelter areas, and other areas.
- A storage of canned food, refrigerated food, and freezer food supplies to serve as a base kitchen

In the case of a major earthquake, electrical, telephone and cell phone service may not be available. However, an electronic reader board powered by a generator would provide essential information to the Milwaukie community, including direction to those looking for food, shelter or services. The following provisions have been made to allow MHS to serve as an emergency shelter.

- 4. The applicant does not show how the school cannot function (undue or unnecessary hardship) properly due to a lack of this type of sign in comparison to previous years when a non-electronic sign was used. In 2006 MHS was granted an electronic sign by City Council, but it was never built, and the school continued to function without an electronic sign. What is different about the situation now than before?**

Applicant's Response:

When the City Council approved the electronic sign in 2006, plans were started to find the financial resources to purchase and install the sign. However, the recession soon hit and NCS D was forced to lay off 25% of its staff. Resources were obviously needed in other areas. It has taken us well over a decade to recover from that economic hit. While the school continued to function, it has done so in many years, with bare bones staffing and infrastructure. We do not want a school that just functions; we want a school that thrives and is a point of pride for our community. Without multiple ways to communicate and provide resources to the community, the school's goal to become a community resource is limited.

**Conclusion**

In closing, we very much appreciate your consideration of this additional information. We would request that the Planning Commission approve the Milwaukie High School Sign Code Variance



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(Resolution PC 20 VAR-2021-002). We are happy to answer any further questions during the April 13<sup>th</sup> hearing.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mercedes Serra', written in a cursive style.

Mercedes Serra  
Senior Planner  
3J Consulting, Inc.

copy: Cindy Detchon, NCSD Assistant Superintendent, Operations  
Ron Stewart, NCSD Senior Director of Capital Projects  
Kevin Moisan, Project Manager  
Carmen Gelman, Milwaukie High School Principal



April 13, 2021

City of Milwaukie  
Planning Department  
6101 S.E. Johnson Creek Blvd.  
Milwaukie, OR 97206

Re: VR 2021-002

Friends:

The Historic Milwaukie Neighborhood District Association endorses Milwaukie HS - Milwaukie Arts Academy and North Clackamas School District's plans to install an electronic reader board on their campus.

We trust NCSD and the City of Milwaukie to do the diligence and negotiate the details of an electronic sign that suits the character and needs of the school and the community, recognizing that this is done in good faith to consider the benefits for the entire community in this and future generations. Our endorsement is premised principally on the idea of shared values – caring, connecting, and working together to achieve our respective and collective goals.

The historic relationship between NCSD and our neighborhood has been consistently mutually supportive. This is the strategic direction of the District and current leadership affirms their intentions to continue this ethic. We place our endorsement for this project based on MHS/MAA's intention to use the sign as an essential tool to facilitate communication of information that draws our community together in connected, unifying and meaningful ways.

Any tool only comes to life as it is used. We trust MHS/MAA, NCSD, and our standing relationship with these organizations as assurance that this tool will be used consistently and thoughtfully to - quite simply - make our community better. We stand ready to help whenever and however we can with our neighbor and community partner – Milwaukie HS, Milwaukie Arts Academy and North Clackamas School District.

Respectfully,

Rich Recker, Chair  
Historic Milwaukie Neighborhood District Association



# CITY OF MILWAUKIE

**To:** Planning Commission

**Through:** Laura Weigel, Planning Manager

**From:** Mary Heberling, Assistant Planner

**Date:** April 6, 2021, for April 13, 2021, Public Hearing

**Subject:** **File:** CU-2021-001  
**Applicant:** Providence Supportive Housing  
**Address:** Vacant lots on the corner of Llewellyn St and 34<sup>th</sup> Ave  
**Legal Description (Map & Tax Lot):** 11E25DC06100, 6200, and 6300  
**NDA:** Ardenwald-Johnson Creek

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## **ACTION REQUESTED**

Approve application CU-2021-001 and adopt the recommended Findings and Conditions of Approval found in Attachments 1 and 2. This action would allow for a 17-space parking lot with one loading space as a conditional use.

## **BACKGROUND INFORMATION**

Providence Supportive Housing is proposing a 17-space parking lot with one loading space on the northern portion of the three taxlots listed above. The rest of the site will be used as open space with vegetation and trees. Uses (including parking lots) that are associated with multi-family/mixed-use buildings are subject to a conditional use in the R-3 zone. This parking lot will be used for a future mixed-use building on the General Mixed Use (GMU) zoned parcels, taxlots: 11E25DC05800, 5900, and 6000. Those lots are directly west of the proposed parking area. The mixed-use building is proposed as clinic space and affordable housing for seniors and will be reviewed under a Development Review application at a later date.

### **A. Site and Vicinity**

The site is located at the corner of Llewellyn St and 34<sup>th</sup> Ave. The site consists of three existing lots with an area of 0.31 acres or 13,504 SF. The lots are currently in an unimproved condition. The sites contained residences between 1928 and 1990. Sanborn maps provided in a Phase I, ESA from 2020 indicate that between 1928 to 1936 the middle lot (taxlot 11E25DC06200) contained a residence and the adjacent lots were vacant. Residences on the adjacent lots are shown on aerial photographs from 1948 until 1983. The

aerial photograph dated 1990 shows a vacant lot, no structures are shown. The site slopes gradually to the northeast, the slope becomes steeper along 34<sup>th</sup>.

The site is located at the eastern perimeter of an R-3 zone. Zoning to the north, south and east is R-3. Development to the east is single-family residential, with a multifamily residential building to the southeast. The residence to the north, at 10399 SE 34<sup>th</sup> Ave, is a mapped Significant Historic Resource. (See Figure 1 for a site map)

Development to the south is a combination of single-family residential and commercial (office) purposes. Zoning to the west is GMU. (See Figure 2 for a zoning map) The site directly to the west is vacant and is under the same ownership as the subject site. It is the location of the planned mixed-use development with clinic space and affordable housing for seniors. The site to the west of the proposed development contains a parking lot and a medical office building.



Figure 1: Site Map

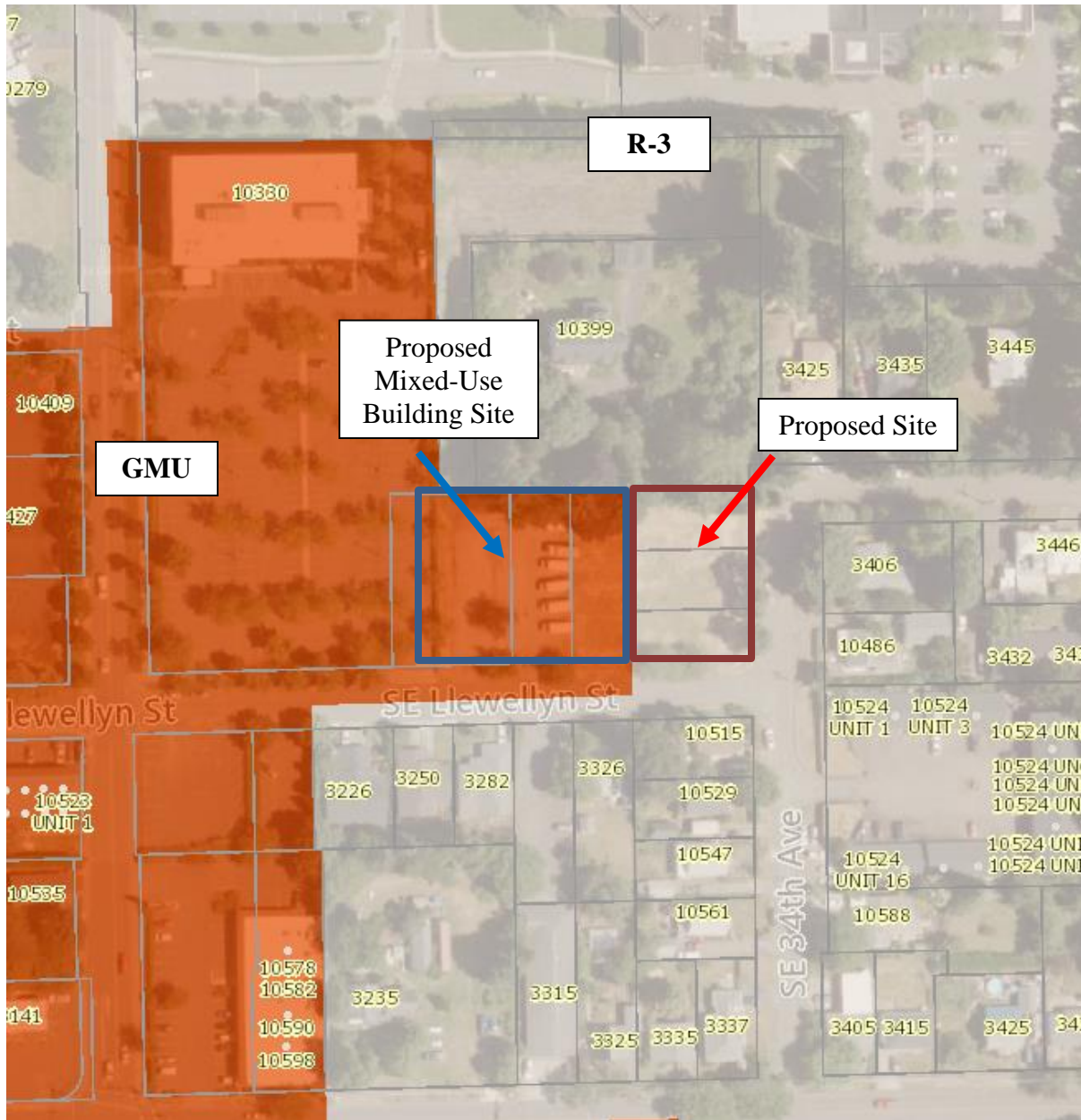


Figure 2: Zoning Map

**B. Zoning Designation**

Residential-3 (R-3)

**C. Comprehensive Plan Designation**

Medium Density (MED. D)

**D. Land Use History**

City records indicate no previous land use actions for this site.

## **E. Proposal**

The applicant, Providence Supportive Housing, requests Conditional Use Approval to develop three existing lots for parking, loading, and outdoor space to serve a mixed-use building to be developed as part of a future phase. *(See Figure 3 for the proposed site plan)*

The proposed development consists of two phases:

1. Conditional Use Review: To approve a parking lot in the R-3 zone to serve future multifamily residential uses on adjacent parcels zoned GMU. Multifamily development is permitted in the R3 zone as a Conditional Use.
2. Development Review/Parking Adjustment Review: To approve a new mixed-use building in the GMU zone and reduce the parking requirements for the site. The development will consist of 63 deeply affordable units for seniors as well as an ElderPlace PACE Center clinic. Mixed-use development is permitted by right in the GMU zone. This application will require preparation of a traffic impact study and will trigger site compliance with applicable development standards.

This phased submittal is intended to provide the applicant with sufficient certainty to submit an application to the United States Department of Housing and Urban Development (HUD) for funding to support the deeply affordable senior housing units proposed for the GMU portion of the site. This application is due on May 24<sup>th</sup> and does not allow adequate time for the preparation, submittal, and review of the multifamily building and site development proposed for the GMU zone to the west. The anticipated timing of this application would be early fall of 2021 once the project has successfully been awarded funding.





## KEY ISSUES

### Summary

Staff has identified the following key issues for the Planning Commission's deliberation. Aspects of the proposal not listed below are addressed in the Findings (see Attachment 1) and generally require less analysis and discretion by the Commission.

- A. Does the proposal meet the approval criteria for a Conditional Use?

### Analysis

#### A. Does the proposal meet the approval criteria for a Conditional Use?

The approval criteria for a Conditional Use and analysis of each criterion are listed below:

1. The characteristics of the lot are suitable for the proposed use considering size, shape, location, topography, existing improvements, and natural features.

*Analysis: The site consists of three existing lots with an area of 0.31 acres or 13,504 SF. The lots are currently in an unimproved condition. The site slopes gradually to the northeast, the slope becomes steeper along 34<sup>th</sup>. The lots are treed at the site perimeter: there is one pine at the north, four pines trees street trees along 34<sup>th</sup> and two deciduous trees along Llewellyn. The trees survey notes the diameter of the street trees between 12 to 16 inches. The proposed parking lot will not cover the entire three parcels and will be contained within the northern portion of the lots. The rest of the parcels will be improved open space with greenery, trees and vegetation, which is consistent with existing conditions.*

*The sites contained residences between 1928 and 1990. Sanborn maps provided in a Phase I, ESA from 2020 indicate that between 1928 to 1936 the middle lot (taxlot 11E25DC06200) contained a residence and the adjacent lots were vacant. Residences on the adjacent lots are shown on aerial photographs from 1948 until 1983. The aerial photograph dated 1990 shows a vacant lot, no structures are shown. The proposed parking lot will be used for the residential portion of the proposed mixed-use building on the GMU zoned lots and traffic will be consistent with the residential traffic that exists today on 34<sup>th</sup> Ave.*

*The location of the proposed driveway and parking lot is to meet the public street access management standards of new driveways for multifamily uses being at a minimum of 100 ft from the nearest intersection (MMC 12.060.14.C.4.b). The proposed location is the most logical way to meet this standard and provide safety at the intersection.*

*Staff finds that this criterion is met.*

2. The operating and physical characteristics of the proposed use will be reasonably compatible with, and have minimal impact on, nearby uses.

*Analysis: The site is located at the eastern perimeter of an R-3 zone. Zoning to the north, south and east is R-3. Development to the east is single-family residential, with a multifamily residential building to the southeast. The residence to the north, at 10399 SE*

*34th Ave, is a mapped Significant Historic Resource. As such, the property can be used for a variety of non-residential uses as an incentive for its upkeep.*

*Development to the south is a combination of single-family residential and commercial (office) purposes. Zoning to the west is GMU. The site directly to the west is vacant and is under the same ownership as the subject site. It is the location of the planned multi-use development with clinic space and affordable housing for seniors. The site to the west of the proposed development contains a parking lot and a medical office building. The R-3 site under review is adjacent to the proposed multi-use development.*

*The applicant proposes constructing parking and a loading area on the northern portion of the site. The parking will serve the residential portion of the proposed development, while the loading area will provide access to the clinic space. Long-term parking will be designated for employees and residents of the residential development. This will minimize the number of trips in and out of the lot. Loading for the clinic will include food deliveries, service deliveries, and trash. This access will not be used for residential deliveries. Delivery and trash access for the residential development will be located on the GMU -zoned site west of the future proposed building.*

*34th Ave is classified as a local street. Limiting deliveries for the PACE Center/clinic and restricting parking to the longer-term use is compatible with the street classification and will have minimal impact on the nearby uses.*

*Staff finds that this criterion is met.*

3. All identified impacts will be mitigated to the extent practicable.

*Analysis: The applicant states that the proposed development of the site provides a buffer to the neighborhood for the proposed future mixed-use building. Potential impacts to surrounding properties could include increased traffic and reduced grassy area to the development of vacant parcels. Any potential impacts to the existing adjacent residential uses will be mitigated by providing street improvements, sidewalks and curbs along both street frontages. Street trees will be replaced and/or installed as required. Currently, the frontages along both 34<sup>th</sup> Ave and Llewellyn St do not have curb or sidewalk. With the additions of street improvements, curbs and sidewalks, this proposal will improve the condition of the street for safer pedestrian travel and mitigate the existing issues of pedestrian safety.*

*The proposed development will be separated from existing residential uses to the south by more than 100 ft. and from existing residential uses to the east by at least 60 ft. The southeast corner of the site will be developed with landscaping and hardscaping. Landscaping will be provided to provide a buffer to the neighborhood and will not impede site lines at the intersection.*

*Staff finds that this criterion is met.*

4. The proposed use will not have unmitigated nuisance impacts, such as from noise, odor, and/or vibrations, greater than usually generated by uses allowed outright at the proposed location.

*Analysis: As noted above, potential impacts include increased traffic and reduced grassy area. These potential impacts will be mitigated through the widening and improvement of the site's street frontages at the time of future building development.*

*The proposed use is not anticipated to have nuisance impacts related to noise, odor, or vibrations that are greater than the residential uses permitted at this location, such as rowhouses and cottage cluster housing. The proposed uses for the site are parking, loading and unloading and landscaping. The loading area is set back from the street limiting noise and congestion on 34<sup>th</sup> Ave. The parking use is limited to the residential use of the future proposed mixed-use building rather than using it for the clinic space, which will match the residential traffic on 34<sup>th</sup> Ave.*

*Staff finds that this criterion is met.*

5. The proposed use 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.

*Analysis: Attachment 1 with the Recommended Findings for Approval show how the proposal meets all applicable development standards in 19.302 Medium and High Density Residential zones, 19.504 Site Design Standards, and 19.600 Off-Street Parking and Loading.*

*Staff finds that this criterion is met.*

6. The proposed use is consistent with applicable Comprehensive Plan policies related to the proposed use.

*Analysis: The subject site is designated Medium Density by the Comprehensive Plan. This site was identified as "vacant" by the Buildable Lands Inventory. The proposed use is consistent with Comprehensive Plan policies as it will support Milwaukie Comprehensive Plan 2020 in regard to Housing. The 2020 Plan's overarching goals for housing prioritizes safe, affordable, stable housing for every socioeconomic status and physical ability in dwellings that are equitable, livable, and sustainability.*

*The affordable mixed-use development to the west will be developed consistent with the following sections of Chapter 7: Housing.*

#### *Goal 7.1 Equity*

*7.1.1-The proposed housing will provide additional housing options in the City for low-income seniors*

*7.1.5 -Will be developed according to Universal Design to accommodate seniors.*

*7.1.7 -Will be developed in compliance with the Fair Housing Act.*

#### *Goal 7.2 Affordability*

*7.2. Affordability - Leverages affordable housing through the investment of partnerships, allows for changing market conditions, provides input from regional partners to support affordable housing.*

*7.2.3 -Will request a reduction in parking requirements.*

*7.2.5 -This proposal provides the opportunity to expand the partnership between the City and nonprofit partners to provide new low to moderate-income housing units.*

*Goal 7.3 Sustainability*

*7.3 - Will be constructed to meet sustainability Earth Advantage gold requirements. The subject site is supported by existing utilities and transportation infrastructure.*

*Goal 7.4 Livability*

*7.4 - Accessible to nearby services and public transportation, provides opportunity for onsite open space onsite, and the development of "intentional community".*

*7.4.5 -Provides a transition between R-3 medium density and adjacent GMU zone.*

*The development supports the Milwaukie Housing Affordability Strategy, adopted in 2018. Parking at the site supports the development of housing that is consistent with City goals for development of affordable housing centered around developing new units, preventing displacement, and connecting people to affordable housing.*

*Staff finds that this criterion is met.*

7. Adequate public transportation facilities and public utilities will be available to serve the proposed use prior to occupancy pursuant to Chapter 19.700.

*Analysis: The development proposed with this application does not include buildings and will not be occupied pursuant to this chapter. Conformance with the provisions of Chapter 19.700 will be addressed at the time of Development Review for the proposed building, and the applicant will implement any mitigation measures identified by the Transportation Impact Analysis at that time.*

*Currently, two bus lines are located one block from the site. TriMet bus line 33 runs east/west and has a stop one block south along Harrison St, one block south of the site. The line 75 runs north/south runs along 32nd Ave and is located a half block west of the site. A MAX Orange Line stop is less than one mile west of the site and runs into downtown Portland.*

*The site is well served by utilities. Overhead power lines are located along Llewellyn St. Gas service is located along 34th Ave. Sanitary sewer is located along 34th Ave and extends along Llewellyn St, terminating approximately 125 feet west of the intersection of 34th Ave and Llewellyn St. Storm sewer is located on Llewellyn St and terminates just east of the entrance to the Medical Office Building parking lot. An existing fire hydrant is located along 34th Ave.*

*Staff finds that this criterion is met.*

## CONCLUSIONS

### A. Staff recommendation to the Planning Commission is as follows:

1. Approve the Conditional Use for the vacant lots on the corner of Llewellyn St and 34<sup>th</sup> Ave (taxlots: 11E25DC06100, 6200, and 6300). This will result in a 17-space parking lot with one loading space.
3. Adopt the attached Findings and Conditions of Approval.

### B. Staff recommends the following key conditions of approval (see Attachment 2 for the full list of Conditions of Approval):

- The applicant will record the conditional use permit with Clackamas County Recorder's Office and provide a copy to the City prior to commencing operations allowed by the conditional use permit.

## CODE AUTHORITY AND DECISION-MAKING PROCESS

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

- MMC Section 19.905 Conditional Uses
- MMC Section 19.1006 Type III

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 4 decision-making options as follows:

- A. Approve the application subject to the recommended Findings and Conditions of Approval.
- B. Approve the application with modified Findings and Conditions of Approval. 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 these applications, which includes any appeals to the City Council, must be made by June 25, 2021, 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 Engineering and Building Department, Ardenwald-Johnson Creek Neighborhood

District Association (NDA), Hector Campbell NDA, Clackamas Fire District, Trimet, Metro, and Clackamas County.

The following is a summary of the comments received by the City. See Attachment 5 for further details.

- Alex McGladrey, Clackamas Fire District: Clackamas Fire has no comments for the parking lot at Llewellyn and 34<sup>th</sup>.

## ATTACHMENTS

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

	Early PC Mailing	PC Packet	Public Copies	Packet
1. Recommended Findings in Support of Approval	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. Recommended Conditions of Approval	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3. Applicant's Narrative and Supporting Documentation dated April 13, 2021.				
a. Narrative	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Site Plan	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. Site Survey	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
d. Preapplication Conference Report	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4. Comments Received	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Key:

Early PC Mailing = paper materials provided to Planning Commission at the time of public notice 20 days prior to the hearing.

PC Packet = paper materials provided to Planning Commission 7 days prior to the hearing.

Public Copies = paper copies of the packet available for review at City facilities and at the Planning Commission meeting.

Packet = packet materials available online at <https://www.milwaukieoregon.gov/bc-pc/planning-commission-70>.

**ATTACHMENT 1**  
**Recommended Findings in Support of Approval**  
**File #CU-2021-001, Providence Supportive Housing**

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

The applicant, Providence Supportive Housing, has applied for approval of a conditional use at the vacant lots on the corner of Llewellyn St and 34<sup>th</sup> Ave (taxlots: 11E25DC06100, 6200, and 6300). This site is in the R-3 Zone. The land use application file number is CU-2021-001.

1. Providence Supportive Housing is proposing a 17-space parking lot with one loading space on the northern portion of the three taxlots listed above. The rest of the site will be used as open space with vegetation and trees. Uses (including parking lots) that are associated with multi-family/mixed-use buildings are subject to a conditional use in the R-3 zone. This parking lot will be used for a future mixed-use building on the General Mixed Use (GMU) zoned parcels, taxlots: 11E25DC05800, 5900, and 6000. Those lots are directly west of the proposed parking area. The mixed-use building is proposed as clinic space and affordable housing for seniors.
2. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
  - MMC 19.905 Conditional Uses
  - MMC 19.1006 Type III

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 April 13, 2021, as required by law.

3. MMC 19.905 Conditional Uses
  - a. MMC 19.905.2.A Applicability

This section applies to the establishment of a use identified as a conditional use in the base zone in Chapter 19.300 and any overlay zones or special areas in Chapter 19.400 that are applicable to the property on which the use is proposed.

*The R-3 zone identifies office/clinic and multifamily uses as Conditional Uses in Table 19.302.2. The proposed parking lot will be used for the proposed mixed-use building adjacent to the parking lot site. The mixed-use building will have clinic/office space on the first floor and the subsequent floors will be multifamily affordable housing for seniors. Since the parking lot will be used for office/clinic and multifamily uses, it is considered a conditional use per Table 19.302.2.*

*This standard is met.*



## b. MMC 19.905.4 Approval Criteria

- (1) MMC 19.905.4.A Establishment of a new conditional use, or major modification of an existing conditional use, shall be approved if the following criteria are met:

- (a) The characteristics of the lot are suitable for the proposed use considering size, shape, location, topography, existing improvements, and natural features.

*The site consists of three existing lots with an area of 0.31 acres or 13,504 SF. The lots are currently in an unimproved condition. The site slopes gradually to the northeast, the slope becomes steeper along 34<sup>th</sup>. The proposed parking lot will not cover the entire three parcels and will be contained within the northern portion of the lots. The rest of the parcels will be improved open space with greenery, trees and vegetation, which is consistent with existing conditions.*

*The sites contained residences between 1928 and 1990. Sanborn maps provided in a Phase I, ESA from 2020 indicate that between 1928 to 1936 the middle lot (taxlot 11E25DC06200) contained a residence and the adjacent lots were vacant.*

*Residences on the adjacent lots are shown on aerial photographs from 1948 until 1983. The aerial photograph dated 1990 shows a vacant lot, no structures are shown. The proposed parking lot will be used for the residential portion of the proposed mixed-use building on the GMU zoned lots and traffic will be consistent with the residential traffic that exists today on 34<sup>th</sup> Ave.*

*The location of the proposed driveway and parking lot is to meet the public street access management standards of new driveways for multifamily uses being at a minimum of 100 ft from the nearest intersection (MMC 12.060.14.C.4.b). The proposed location is the most logical way to meet this standard and provide safety at the intersection.*

*This criterion is met.*

- (b) The operating and physical characteristics of the proposed use will be reasonably compatible with, and have minimal impact on, nearby uses.

*The site is located at the eastern perimeter of an R-3 zone. Zoning to the north, south and east is R-3. Development to the east is single-family residential, with a multifamily residential building to the southeast. The residence to the north, at 10399 SE 34<sup>th</sup> Ave, is a mapped Significant Historic Resource. As such, the property can be used for a variety of non-residential uses as an incentive for its upkeep.*

*Development to the south is a combination of single-family residential and commercial (office) purposes. Zoning to the west is GMU. The site directly to the west is vacant and is under the same ownership as the subject site. It is the location of the planned multi-use development with clinic space and affordable housing for seniors. The site to the west of the proposed development contains a parking lot and*

*a medical office building. The R-3 site under review is adjacent to the proposed multi-use development.*

*The applicant proposes constructing parking and a loading area on the northern portion of the site. The parking will serve the residential portion of the proposed development, while the loading area will provide access to the clinic space. Long-term parking will be designated for employees and residents of the residential development. This will minimize the number of trips in and out of the lot. Loading for the clinic will include food deliveries, service deliveries, and trash. This access will not be used for residential deliveries. Delivery and trash access for the residential development will be located on the GMU -zoned site west of the future proposed building.*

*34th Ave is classified as a local street. Limiting deliveries for the PACE Center/clinic and restricting parking to the longer-term use is compatible with the street classification and will have minimal impact on the nearby uses.*

*This criterion is met.*

- (c) All identified impacts will be mitigated to the extent practicable.

*The development of the site provides a buffer to the neighborhood for the proposed future mixed-use building. Potential impacts to surrounding properties could include increased traffic and reduced grassy area to the development of vacant parcel. Any potential impacts to the existing adjacent residential uses will be mitigated by providing street improvements, sidewalks and curbs along both street frontages. Street trees will be replaced and/or installed as required. The frontages along both 34<sup>th</sup> Ave and Llewellyn St do not have curb or sidewalk. With the additions of street improvements, curbs and sidewalks, this proposal will improve the condition of the street for safer pedestrian travel and mitigate the existing issues of pedestrian safety.*

*The proposed development will be separated from existing residential uses to the south by more than 100 ft. and from existing residential uses to the east by at least 60 ft. The southeast corner of the site will be developed with landscaping and hardscaping. Landscaping will be provided to provide a buffer to the neighborhood and will not impede site lines at the intersection.*

*This standard is met.*

- (d) The proposed use will not have unmitigated nuisance impacts, such as from noise, odor, and/or vibrations, greater than usually generated by uses allowed outright at the proposed location.

*As noted above, potential impacts include increased traffic and reduced grassy area. These potential impacts will be mitigated through the widening and improvement of the site's street frontages at the time of future building development.*

*The proposed use is not anticipated to have nuisance impacts related to noise, odor, or vibrations that are greater than the residential uses permitted at this location, such as rowhouses and cottage cluster housing. The proposed uses for the site are parking, loading and unloading and landscaping. The loading area is set back from the street limiting noise and congestion on 34<sup>th</sup> Ave. The parking use is limited to the residential use of the future proposed mixed-use building rather than using it for the clinic space, which will match the residential traffic on 34<sup>th</sup> Ave.*

*This criterion is met.*

- (e) The proposed use 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.

- (i) MMC 19.302 Medium and High Density Residential Zones

*This portion of the site is located in the R-3 zone. The proposed development is surface parking, loading, and open space to support a future mixed-use development (multifamily residential and clinic) in the GMU zone site to the west. The parking area proposed in this application will specifically serve the multifamily residential uses proposed for the site.*

*Multifamily uses are permitted as Conditional Uses in the R-3 zone. This application requests conditional use approval for site improvements that will be supporting the future multifamily use.*

*As shown in the Table 19.302.2 below, the proposed development meets the applicable base zone standards of the R-3 zone. The site consists of three lots under the same ownership, and is considered to be one lot for development purposes.*

<b>Table 19.302.2 Residential Zone R-3 Development Standards</b>			
Standard	Required	Proposed	Staff Comment
1. Minimum Lot Size	5,000 sq ft	The existing site is 0.31 acres/13,504 sq. ft.	Complies with standard.
2. Minimum Lot Width	50 ft	The lot will be ~97 ft. in width after right-of- way dedication.	Complies with standard.
3. Minimum Lot Depth	80 ft	The lot will be ~141 ft. in depth after right-of- way dedication.	Complies with standard.

7. Lot Coverage	40% max.	No buildings or structures are proposed.	Not applicable.
8. Minimum Vegetation	35% (at least half of minimum vegetation must be suitable for outdoor recreation by residents; at least 40% of the front yard shall be vegetated)	More than 50% of the site is vegetated and consists of turf for outdoor recreation. The front yard faces SE Llewellyn St and is more than 70 ft. deep.	Complies with standard.
9. Frontage	35 ft	The Llewellyn St frontage will be ~97 ft. after right-of-way dedication. The 34 <sup>th</sup> Ave street frontage will be ~140 ft. after right-of-way dedication.	Complies with standard.

(ii) MMC 19.504 Site Design Standards

The applicable development regulations in Chapter 19.500 are addressed below.

- (i) MMC 19.504.9 On-Site Walkways and Circulation requires that all development subject to Chapter 19. 700 (excluding single-family and multifamily residential development) shall provide a system of walkways that encourages safe and convenient pedestrian movement within and through the development site.

*The proposed development does not include new structures, additions to existing structures, or reconstruction of demolished structures. As such, it is not "new development" and is not subject to Chapter 19.700.*

- (ii) MMC 19.504.9.E Design Standards states walkways shall be constructed with a hard surface material, shall be permeable for stormwater, and shall be no less than 5 ft in width. If adjacent to a parking area where vehicles will overhang the walkway, a 7-ft-wide walkway shall be provided. The walkways shall be separated from parking areas and internal driveways using curbing, landscaping, or distinctive paving materials. On-site walkways shall be lighted to an average 5/10-footcandle level. Stairs or ramps shall be provided where necessary to provide a direct route.

*Walkways 5'-0" wide are provided along parking bays for safe pedestrian passage. These walkways are connected to the sidewalks along the adjacent right of way and to the other future pedestrian pathways in the adjacent lot to the west. The walkways will be illuminated with light level compliant with this standard. The walkway will be constructed from pervious paver material and will be ADA compliant.*

(iii.) MMC 19.600 Off-Street Parking and Loading

(i) MMC 19.602.4.B Applicability not Associated with Development or Change in Use

Any parking or loading area that is not developed to serve an existing use and is not associated with development activity or a change in use as described in Subsection 19.602.3 shall conform to the requirements of Sections 19.604 and 19.606-19.611. The requirements of Section 19.605 do not apply to parking areas described under Subsection 19.602.4.B.

*The proposed parking and open space area are being developed to serve a future multifamily use. As such, the proposed parking area is subject to 19.602.4.B above. The proposed parking area will be located on the same site as the primary use for which it is accessory.*

(ii) MMC 19.606 Parking Area and Landscape Design

*As shown in the Table 19.606 below, the proposed development meets the applicable parking area and landscape design standards.*

<b>Table 19.606 Parking Area and Landscape Design</b>			
Standard	Required	Proposed	Staff Comment
16.606.1 Parking Space and Aisle Dimensions			
A. Dimensions	90 degree: 9' wide x 18' deep 2-way aisle: 22' aisle width	90 degree: 9' wide x 18'deep 2-way aisle: 24' drive aisle	Complies with standard.
16.606.2. Landscaping			
C. Perimeter Landscaping			
1. Abutting a right-of-way	8'	East: ~12 ft. South: ~67 ft.	Complies with standard.
1. Abutting a property line	6'	6'	Complies with standard.

2. Planting Requirements	1 tree per 30 lf of buffer area	North: 3.4 (4) trees required, 5 trees provided Northeast: 1 tree required, 2 provided Southeast: 1 tree required, 2 provided	Complies with standard.
3. Additional Planting Requirements Adjacent to Residential Uses	Visual screen that is opaque from 1-4 ft. above ground (fence, wall, or landscaping)	Residential uses are located to the north of the site. A compliant fence is proposed.	Complies with standard.
D. Interior Landscaping			
1. Interior Landscaping-General Requirements	Interior landscaping required for sites with more than 10 parking spaces on the entire site	More than 10 parking spaces are proposed; interior landscaping is required and provided	Complies with standard.
2. Interior Landscaping-Required Amount	At least 25 sq. ft. for each parking space At least 120 sq. ft. in area	17 parking spaces are proposed; min 425 sq. ft. of interior landscaping is required. 7252 sq. ft. of internal landscaping is provided.	Complies with standard.
3. Interior Landscaping-Location and Dimensions	Divider medians or landscape planters At least 6 ft. wide, measured from inside of curb	One landscape planter is provided. It is 6 feet wide from inside of the curb.	Complies with standard.
4. Interior Landscaping - Planting Requirements	For landscape islands, at least 1 tree shall be planted per island.	1 tree is proposed for the island	Complies with standard.
19.606.3 Additional Design Standards			Complies with standard.

A. Paving and Striping	Parking areas must be paved and striped	The proposed parking area will be paved and striped.	Complies with standard.
B. Wheel Stops	Parking bumpers or wheel stops of at least 4 in. in height, unless vehicles will not encroach into the minimum required width for landscape or pedestrian areas.	No wheel stops proposed - maximum parking length per development standard is provided within the parking space	Complies with standard.
C. Site Access and Drive Aisles			
1. Driveway approaches	Shall comply with the access spacing standards of Chapter 12.16 - 100 ft. from local street intersection and 10 ft. from property line.	The proposed driveway approach is located 100 ft. from the intersection of SE 34th Ave and SE Llewellyn St and 28 ft. from the northern property line.	Complies with standard.
2. Drive Aisles	2-way drive aisles must be 22 ft. wide	Proposed drive aisle is 24 ft. wide	Complies with standard.
3. Drive Aisle Width	Shall not be wider than approved access within 10 ft. of right-of-way	The drive aisle is the same width as the access.	Complies with standard.
D. Pedestrian Access and Circulation			

<p>1. Pedestrian Access Location</p>	<p>No parking space shall be more than 100 ft. away from a building entrance or a walkway that meets the standards of 193.606.3.D.2</p>	<p>No buildings are proposed with this phase of development however, complete circuit of pedestrian walkways that meet the standards are provided around the parking bays and connect to future pathways in the adjacent lot.</p>	<p>Complies with standard.</p>
<p>2. Walkways</p>	<p>Walkways through off- street parking areas must be continuous, must lead to a building entrance, and meet the design standards of 19.504.9.E</p>	<p>The proposed walkways area continuous around the parking area and connect to future pathways in the adjacent lot.</p>	<p>Complies with standard.</p>
<p>F. Lighting</p>	<p>Lighting is required for parking areas with more than 10 spaces</p>	<p>Lighting will be provided at the parking lot.</p>	<p>Complies with standard.</p>
<p>1. Luminaires</p>	<p>Luminaires shall have a cutoff angle of 90 degrees or greater.</p>	<p>Luminaire will have a cutoff angle of 90 and greater.</p>	<p>Complies with standard.</p>
<p>2. Light Trespass</p>	<p>Parking area lighting shall not cause a light trespass of more than 0.5 footcandles measured vertically at the boundaries of the site</p>	<p>Lighting provided will not cause light trespass of more than 0.5 foot-candles and will meet this development standard.</p>	<p>Complies with standard.</p>



3. Pedestrian Walkways and Bicycle Parking Areas	Must be illuminated to at least 0.5 footcandles measured horizontally at the ground level	Lighting provided will have the appropriate foot-candles compliant per the development standard	Complies with standard.
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*The criteria in MMC 19.905.4.A.5 are met.*

- (f) The proposed use is consistent with applicable Comprehensive Plan policies related to the proposed use.

*The subject site is designated Medium Density by the Comprehensive Plan. This site was identified as "vacant" by the Buildable Lands Inventory. The proposed use is consistent with Comprehensive Plan policies as it will support Milwaukie Comprehensive Plan 2020 in regard to Housing. The 2020 Plan's overarching goals for housing prioritizes safe, affordable, stable housing for every socioeconomic status and physical ability in dwellings that are equitable, livable, and sustainability.*

*The affordable mixed-use development to the west will be developed consistent with the following sections of Chapter 7: Housing.*

**Goal 7.1 Equity**

*7.1.1-The proposed housing will provide additional housing options in the City for low-income seniors*

*7.1.5 -Will be developed according to Universal Design to accommodate seniors.*

*7.1.7 -Will be developed in compliance with the Fair Housing Act.*

**Goal 7.2 Affordability**

*7.2. Affordability - Leverages affordable housing through the investment of partnerships, allows for changing market conditions, provides input from regional partners to support affordable housing.*

*7.2.3 -Will request a reduction in parking requirements.*

*7.2.5 -This proposal provides the opportunity to expand the partnership between the City and non-profit partners to provide new low to moderate-income housing units.*

**Goal 7.3 Sustainability**

*7.3 - Will be constructed to meet sustainability Earth Advantage gold requirements. The subject site is supported by existing utilities and transportation infrastructure.*

**Goal 7.4 Livability**

*7.4 - Accessible to nearby services and public transportation, provides opportunity for onsite open space onsite, and the development of "intentional community".*

*7.4.5 -Provides a transition between R-3 medium density and adjacent GMU zone.*

*The development supports the Milwaukie Housing Affordability Strategy, adopted in 2018. Parking at the site supports the development of housing that is consistent with City goals for development of affordable housing centered around developing new units, preventing displacement, and connecting people to affordable housing.*

*This criterion is met.*

- (g) Adequate public transportation facilities and public utilities will be available to serve the proposed use prior to occupancy pursuant to Chapter 19.700.

*The development proposed with this application does not include buildings and will not be occupied pursuant to this chapter. Conformance with the provisions of Chapter 19.700 will be addressed at the time of Development Review for the proposed building, and the applicant will implement any mitigation measures identified by the Transportation Impact Analysis at that time.*

*Currently, two bus lines are located one block from the site. TriMet bus line 33 runs east/west and has a stop one block south along Harrison St, one block south of the site. The line 75 runs north/south runs along 32nd Ave and is located a half block west of the site. A MAX Orange Line stop is less than one mile west of the site and runs into downtown Portland.*

*The site is well served by utilities. Overhead power lines are located along Llewellyn St. Gas service is located along 34th Ave. Sanitary sewer is located along 34th Ave and extends along Llewellyn St, terminating approximately 125 feet west of the intersection of 34th Ave and Llewellyn St. Storm sewer is located on Llewellyn St and terminates just east of the entrance to the Medical Office Building parking lot. An existing fire hydrant is located along 34th Ave.*

*This criterion is met.*

*Planning Commission finds that the approval criteria are met.*

- c. 19.905.6 Conditional Use Permit

The City will issue a conditional use permit upon the approval of an application to establish a conditional use or allow major modification of an existing conditional use.

The applicant must record the conditional use permit with the Clackamas County Recorder's Office and provide a copy to the City prior to commencing operations allowed by the conditional use permit.

*The applicant will record the conditional use permit with Clackamas County Recorder's Office and provide a copy to the City prior to commencing operations allowed by the conditional use permit.*

*As conditioned, the Planning Commission finds this standard met.*

4. The application was referred to the following departments and agencies on March 22, 2021:

- Milwaukie Building Division
- Milwaukie Engineering Department
- Clackamas County Fire District #1
- Clackamas County Engineering Department
- Metro: Land Use Notifications
- Trimet: Transit Development Group
- Ardenwald-Johnson Creek Neighborhood District Association Chairperson and Land Use Committee
- Hector Campbell Neighborhood District Association Chairperson and Land Use Committee

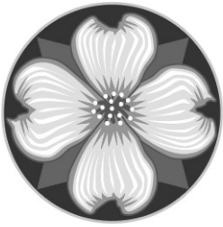
The comments received are summarized as follows:

Alex McGladrey, Clackamas Fire District: Clackamas Fire has no comments for the parking lot at Llewellyn and 34<sup>th</sup>.

**Attachment 2: Recommended Conditions of Approval  
File #CU-2021-001, Providence Supportive Housing**

**Conditions**

The applicant will record the conditional use permit with Clackamas County Recorder's Office and provide a copy to the City prior to commencing operations allowed by the conditional use permit.



**MILWAUKIE PLANNING**  
 6101 SE Johnson Creek Blvd  
 Milwaukie OR 97206  
 503-786-7630  
 planning@milwaukieoregon.gov

ATTACHMENT 3

# Application for Land Use Action

Master File #: CU-2021-001

Review type\*:  I  II  III  IV  V

**CHECK ALL APPLICATION TYPES THAT APPLY:**

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

**RESPONSIBLE PARTIES:**

**APPLICANT** (owner or other eligible applicant—see reverse): **Walter Zisette, Providence Supportive Housing**

Mailing address: **800 Fifth Ave, Suite 1200, Seattle** State/Zip: **WA, 98104**

Phone(s): **206-552-4288** Email: **walter.zisette@providence.org**

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

**APPLICANT'S REPRESENTATIVE** (if different than above): **Lynn Lindgren-Schreuder, Housing Development Center**

Mailing address: **524 E Burnside, Suite 210, Portland** State/Zip: **OR, 97214**

Phone(s): **503-528-5191** Email: **lynn@hdc-nw.org**

**SITE INFORMATION:**

Address: **NW corner SE 34th and SE Llewellyn** Map & Tax Lot(s): **11E25DC06100, 6200, 6300**

Comprehensive Plan Designation: **TC** Zoning: **R-3** Size of property: **0.31 acres**

**PROPOSAL (describe briefly):**

Allow for parking of 17 spaces, 1 loading space on site.

**SIGNATURE:**

**ATTEST:** I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code (MMC) 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: **Walter Zisette**

Date: **03/13/21**

**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.

**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.

**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

**\*\*Note:** Natural Resource Review applications **may require a refundable deposit**. Deposits require completion of a Deposit Authorization Form, found at [www.milwaukieoregon.gov/building/deposit-authorization-form](http://www.milwaukieoregon.gov/building/deposit-authorization-form).

**THIS SECTION FOR OFFICE USE ONLY:**

FILE TYPE	FILE NUMBER	AMOUNT <small>(after discount, if any)</small>	PERCENT DISCOUNT	DISCOUNT TYPE	DATE STAMP
Master file	CU-2021-001	\$ 2,000			
Concurrent application files		\$			
		\$			
		\$			
		\$			
Deposit (NR only)				<input type="checkbox"/> Deposit Authorization Form received	
<b>TOTAL AMOUNT RECEIVED: \$</b>		2,000	<b>RECEIPT #:</b>		<b>RCD BY:</b>

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

**Neighborhood District Association(s):** Ardenwald

**Notes:**



**Providence Supportive Housing**  
800 Fifth Avenue, Suite 1200  
Seattle, WA 98104  
Tel: 425.552-4288  
[www.providencesupportivehousing.org](http://www.providencesupportivehousing.org)

**TO:** City of Milwaukie Community Development Department  
**FROM:** Walter Zisette, Providence Supportive Housing  
**DATE:** March 15, 2021  
**SUBJECT:** Type III modification for Providence Milwaukie House

**Overview**

The applicant, Providence Supportive Housing, requests Conditional Use Approval to develop three existing lots for parking, loading, and outdoor space to serve a mixed-use building to be developed as part of a future phase. See attachment 1. The proposed development consists of two phases:

1. **Conditional Use Review:** To approve a parking lot in the R-3 zone to serve future multifamily residential uses on adjacent parcels zoned GMU. Multifamily development is permitted in the R3 zone as a Conditional Use.
2. **Development Review/Parking Adjustment Review:** To approve a new mixed-use building in the GMU zone and reduce the parking requirements for the site. The development will consist of 63 deeply affordable units for seniors as well as an ElderPlace PACE Center clinic. Mixed-use development is permitted by right in the GMU zone. This application will require preparation of a traffic impact study and will trigger site compliance with applicable development standards.

This phased submittal is intended to provide the applicant with sufficient certainty to submit an application to HUD for funding to support the deeply affordable senior housing units proposed for the GMU portion of the site. This application is due on May 24<sup>th</sup> and does not allow adequate time for the preparation, submittal, and review of the multifamily building and site development proposed for the GMU zone to the west. The anticipated timing of this application would be early fall of 2021 once the project has successfully been awarded funding.

The parking will serve the proposed development west of the site. The adjacent streets, which are currently unimproved, will be provided with street improvements, sidewalks and curbs. The site will be improved with access onto the site from SE 34<sup>th</sup> Ave; 17 parking spaces, including 1 ADA parking and 1 ADA loading spaces; landscaping; and hardscapes. Because the proposed development is located in the R3 zone and provides parking to support multifamily that are permitted conditionally in the R3 zone, Conditional Use review and approval is required.

The three tax lots west of the site (TLIDs 11E25DC05800, 5900, 6000) are zoned GMU. The applicant proposes to develop a mixed-use building with residential housing for seniors and an ElderPlace PACE

Center. The residential development will have 63 units, a mix of studios and one-bedroom units and common areas for the residential use. The residential common areas will be located on the first floor and upper levels. The residential units will be located on the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> floors. The ElderPlace PACE Center will be located on the first floor of the development. A pull out along Llewellyn will enable seniors visiting the PACE Center to safely access the 7,500 SF of medical and social services.

The PACE facility would be relocated from its current location in the Medical Office Building to the west of the site. The PACE Center currently serves seniors in the City of Milwaukie and surrounding region and would continue to serve this population.

The conceptual site plan and location of the building on the site has been configured to ensure that as proposed the project is permissible under applicable zoning ordinances or regulations and does not require additional discretionary actions. The primary access for the residential development will be from the from drive aisle along NE Llewellyn. The design shifts the existing drive aisle to the west ensuring that minimal modifications to the existing parking lot are required.

The building will be four-stories. Storefront windows will be provided on the ground floor along the west and south face of the building to provide a connection between the street and the new development. Fenestration for the units will provide a sense of scale that reflects the residential neighborhood. The building would be designed to meet Earth Advantage Gold, utilizing sustainable construction measures and the potential for a roof mounted PV system.

A parking reduction will be requested for the development, this is consistent with the 2020 Comprehensive Plan, Section 7.2.3 regarding for parking reductions. It is anticipated that 24 parking places will be provided for the residential portion of the project, 7 spaces will be provided in the existing lot to the west and 17 are proposed to be located on the R-3parcels. Twenty-three parking spaces for the PACE center will be provided at an existing lot on the corner of SE 32<sup>nd</sup> and SE Llewellyn. A total of 47 spaces are proposed for the development.

The applicant attended a pre-application conference with City staff on October 1, 2020. The applicable provisions of MMC Title 19 Zoning are addressed below.

## **Section 19.905 Conditional Uses**

### *19.905.4 Approval Criteria*

*A. Establishment of a new conditional use, or major modification of an existing conditional use, shall be approved if the following criteria are met:*

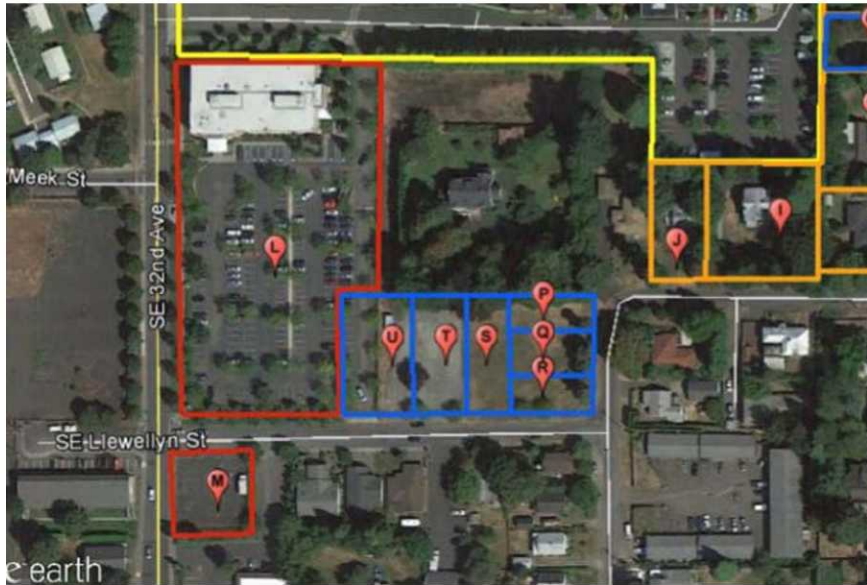
#### **1. The characteristics of the lot are suitable for the proposed use considering size, shape, location, topography, existing improvements, and natural features.**

The site consists of three existing lots with an area of 0.31 acres or 13,504 SF. The lots are currently in an unimproved condition. The site slopes gradually to the northeast, the slope becomes steeper along SE 34th. The lots are treed at the site perimeter: there is one pine at the north, four pines trees street trees along SE 34th and two deciduous trees along SE Llewellyn. The trees survey included as Attachment 2 notes the diameter of the street trees between 12 to 16 inches.

The site does not contain natural features. The sites contained residences between 1928 and 1990. Sanborn maps provided in a Phase I, ESA from 2020 indicate that between 1928 to 1936 lot Q (see



below) contained a residence and the adjacent lots were vacant. Residences on the adjacent lots are shown on aerial photographs from 1948 until 1983. The aerial photograph dated 1990 shows a vacant lot, no structures are shown.



*R-3 parcels under review are identified in blue as P, R & Q.*



*View of site looking east.*



*View of northeast corner of site looking west.*

**2. The operating and physical characteristics of the proposed use will be reasonably compatible with, and have minimal impact on, nearby uses.**

The site is located at the eastern perimeter of an R-3 zone. Zoning to the north, south and east is R-3. Development to the east is single family residential, with a multifamily residential building to the southeast. The residence to the north, at 10399 SE 34th Ave, is a mapped Significant Historic Resource. As such, the property can be used for a variety of non-residential uses as an incentive for its upkeep.

Development to the south is a combination of single-family residential and commercial (office) purposes. Zoning to the west is GMU. The site directly to the west is vacant and is under the same ownership as the subject site. It is the location of the planned multiuse development described in the introduction. The site to the west of the proposed development contains a parking lot and a medical office building. The R-3 site under review is adjacent to the proposed multiuse development.

The applicant proposes constructing parking and a loading area on the northern portion of the site. The parking will serve the residential portion of the proposed development, while the loading area will provide access to the PACE center. Long-term parking will be designated for employees and residents of the residential development. This will minimize the number of trips in and out of the lot. Loading for the PACE center will include food deliveries, service deliveries, and trash. This access will not be used for residential deliveries. Delivery and trash access for the residential development will be located on the GMU -zoned site west of the future proposed building.

SE 34th Ave is classified as a local street. Limiting deliveries for the PACE Center and restricting parking to the longer-term use is compatible with the street classification and will have minimal impact on the nearby uses.

**3. All identified impacts will be mitigated to the extent practicable.**

The development of the site provides a buffer to the neighborhood. Potential impacts to surrounding properties could include increased traffic and reduced grassy area to the development of vacant parcel. Any potential impacts to the existing adjacent residential uses will be mitigated by providing street improvements, sidewalks and curbs along both street frontages. Street trees will be replaced and/or installed as required. The proposed development will be separated from existing residential uses to the

south by more than 100 ft. and from existing residential uses to the east by at least 60 ft. The southeast corner of the site will be developed with landscaping and hardscaping. Landscaping will be provided to provide a buffer to the neighborhood and will not impede site lines at the intersection.

**4. The proposed use will not have unmitigated nuisance impacts, such as from noise, odor, and/or vibrations, greater than usually generated by uses allowed outright at the proposed location.**

As noted above, potential impacts include increased traffic and reduced grassy area. These potential impacts will be mitigated through the widening and improvement of the site’s street frontages at the time of future building development.

The proposed use is not anticipated to have nuisance impacts related to noise, odor, or vibrations that are greater than the residential uses permitted at this location such as rowhouses and cottage cluster housing. The proposed uses for the site of parking, loading and unloading and landscaping. The loading area is set back from the street. The loading and parking typical uses will not create nuisance impacts from noise, odor, or vibrations.

**5. The proposed use 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.**

*1. Base zone standards in Chapter 19.300.*

**Response:** This portion of the site is located in the R-3 zone. The proposed development is surface parking, loading, and open space to support a future mixed-use development (multifamily residential and medical office) in the GMU zone site to the west. The parking area proposed in this application will specifically serve the multifamily residential uses proposed for the site.

Multifamily uses are permitted as Conditional Uses in the R-3 zone. This application requests conditional use approval for site improvements that will be supporting the future multifamily use.

As shown in the table below, the proposed development meets the applicable base zone standards of the R-3 zone. The site consists of three lots under the same ownership, as is considered to be one lot for development purposes.

Standard	Required	Proposed	Finding
Minimum Lot Size – all other lots	5,000 sq. ft.	The existing site is 0.31 acres/13,504 sq. ft.	This standard is met.
Minimum Lot Width – all other lots	50 ft.	The lot will be ~97 ft. in width after right-of-way dedication.	This standard is met.
Minimum Lot Depth – all other lots	80 ft.	The lot will be ~141 ft. in depth after right-of-way dedication.	This standard is met.
Minimum Street Frontage – standard lot	35 ft.	The SE Lewellyn St frontage will be ~97 ft. after right-of-way dedication. The SE 34 <sup>th</sup>	This standard is met.

		Ave street frontage will be ~140 ft. after right-of-way dedication.	
Minimum Front Yard for primary structures	15 ft.	No buildings or structures are proposed.	This standard is not applicable.
Minimum Side Yard for primary structures other than a rowhouse	5 ft.	No buildings or structures are proposed.	This standard is not applicable.
Minimum Street Side Yard for primary structures	15 ft.	No buildings or structures are proposed.	This standard is not applicable.
Minimum Rear Yard for primary structures	15 ft.	No buildings or structures are proposed.	This standard is not applicable.
Side Yard Height Plane – required side yard depth	20 ft.	No buildings or structures are proposed.	This standard is not applicable.
Side Yard Height Plane – slope	45 degrees	No buildings or structures are proposed.	This standard is not applicable.
Maximum Lot Coverage	40%	No buildings or structures are proposed.	This standard is not applicable.
Minimum Vegetation	35% (at least half of minimum vegetation must be suitable for outdoor recreation by residents; at least 40% of the front yard shall be vegetated)	More than 50% of the site is vegetated and consists of turf for outdoor recreation. The front yard faces SE Llewellyn St and is more than 70 ft. deep.	This standard is met.

*2. Overlay zone standards in Chapter 19.400.*

**Response:** The site is not located within an overlay zone. These standards are not applicable.

*3. Supplementary development regulations in Chapter 19.500.*

**Response:** The applicable development regulations in Chapter 19.500 are addressed below.

*19.504.9 On-Site Walkways and Circulation*

*A. Requirement*

*All development subject to Chapter 19.700 (excluding single-family and multifamily residential development) shall provide a system of walkways that encourages safe and convenient pedestrian movement within and through the development site. [...]*

**Response:** The proposed development does not include new structures, additions to existing structures, or reconstruction of demolished structures. As such, it is not “new development” and is not subject to Chapter 19.700.

However, the proposed development is subject to the provisions of Section 19.606, which reference Subsection 19.504.9.E.

*E. Design Standards*

*Walkways shall be constructed with a hard surface material, shall be permeable for stormwater, and shall be no less than 5 ft in width. If adjacent to a parking area where vehicles will overhang the walkway, a 7-ft-wide walkway shall be provided. The walkways shall be separated from parking areas and internal driveways using curbing, landscaping, or distinctive paving materials. On-site walkways shall be lighted to an average 5/10-footcandle level. Stairs or ramps shall be provided where necessary to provide a direct route.*

**Response:** Walkways 5'-0" wide are provided along parking bays for safe pedestrian passage. These walkways are connected to the sidewalks along the adjacent right of way and to the other future pedestrian pathways in the adjacent lot to the west. The walkways will be illuminated with light level compliant with this standard. The walkway will be constructed from pervious paver material and will be ADA compliant.

*4. Off-street parking and loading standards and requirements in Chapter 19.600.*

*19.602.4 Applicability not Associated with Development or Change in Use [...]*

*B. Any parking or loading area that is not developed to serve an existing use and is not associated with development activity or a change in use as described in Subsection 19.602.3 shall conform to the requirements of Sections 19.604 and 19.606-19.611. The requirements of Section 19.605 do not apply to parking areas described under Subsection 19.602.4.B.*

**Response:** The proposed parking and open space area are being developed to serve a future multifamily use. As such, the proposed parking area is subject to 19.602.4.B above.

Per Section 19.604, the proposed parking area will be located on the same site as the primary use for which it is accessory.

As described in the table below, the proposed parking and loading area meets the provisions of Sections 19.606. Sections 19.607 and 19.611 are not applicable to this development, and 19.608 will be addressed at the time of Development Review.

Standard	Required	Proposed	Finding
<b>19.606 Parking Area Design and Landscaping</b>			
16.606.1 Parking Space and Aisle Dimensions			
A. Dimensions	90 degree: 9' wide x 18' deep 2-way aisle: 22' aisle width	90 degree: 9' wide x 18' deep 2-way aisle: 24' drive aisle	This standard is met.
16.606.2. Landscaping			
C. Perimeter Landscaping			
1. Abutting a right-of-way	8'	East: ~12 ft. South: ~67 ft.	This standard is met.
1. Abutting a property line	6'	6'	This standard is met.
2. Planting Requirements	1 tree per 30 lf of buffer area	North: 3.4 (4) trees required, 5 trees provided Northeast: 1 tree required, 2 provided Southeast: 1 tree required, 2 provided	This standard is met.
3. Additional Planting Requirements Adjacent to Residential Uses	Visual screen that is opaque from 1-4 ft. above ground (fence, wall, or landscaping)	Residential uses are located to the north of the site. A compliant fence is proposed.	This standard is met.
D. Interior Landscaping			
1. Interior Landscaping – General Requirements	Interior landscaping required for sites with more than 10 parking spaces on the entire site	More than 10 parking spaces are proposed; interior landscaping is required and provided	This standard is met.
2. Interior Landscaping – Required Amount	At least 25 sq. ft. for each parking space At least 120 sq. ft. in area	17 parking spaces are proposed; min 425 sq. ft. of interior landscaping is required. 7252 sq. ft. of internal landscaping is provided.	This standard is met.

3. Interior Landscaping – Location and Dimensions	Divider medians or landscape planters At least 6 ft. wide, measured from inside of curb	One landscape planter is provided. It is 6 feet wide from inside of the curb.	This standard is met.
4. Interior Landscaping – Planting Requirements	For landscape islands, at least 1 tree shall be planted per island.	1 tree is proposed for the island	This standard is met.
19.606.3 Additional Design Standards			
A. Paving and Striping	Parking areas must be paved and striped	The proposed parking area will be paved and striped.	This standard is met.
B. Wheel Stops	Parking bumpers or wheel stops of at least 4 in. in height	No wheel stops proposed – maximum parking length per development standard is provided	This standard is met.
C. Site Access and Drive Aisles			
1. Driveway approaches	Shall comply with the access spacing standards of Chapter 12.16 – 100 ft. from local street intersection and 10 ft. from property line.	The proposed driveway approach is located 100 ft. from the intersection of SE 34 <sup>th</sup> Ave and SE Llewellyn St and 28 ft. from the northern property line.	These standards are met.
2. Drive Aisles	Per 19.606.1; 2-way drive aisles must be 22 ft. wide	Proposed drive aisle is 24 ft. wide	This standard is met.
3. Drive Aisle Width	Shall not be wider than approved access within 10 ft. of right-of-way	The drive aisle is the same width as the access.	This standard is met.
D. Pedestrian Access and Circulation			
1. Pedestrian Access Location	No parking space shall be more than 100 ft. away from a building entrance or a walkway that meets the	No buildings are proposed with this phase of development however, complete circuit of pedestrian walkways that meet	This standard is met.

	standards of 193.606.3.D.2	the standards are provided around the parking bays and connect to future pathways in the adjacent lot.	
2. Walkways	Walkways through off-street parking areas must be continuous, must lead to a building entrance, and meet the design standards of 19.504.9.E	The proposed walkways area continuous around the parking area and connect to future pathways in the adjacent lot.	This standard is met.
F. Lighting	Lighting is required for parking areas with more than 10 spaces	Lighting will be provided at the parking lot.	This standard is met.
1. Luminaires	Luminaires shall have a cutoff angle of 90 degrees or greater.	Luminaire will have a cutoff angle of 90 and greater.	This standard is met.
2. Light Trespass	Parking area lighting shall not cause a light trespass of more than 0.5 footcandles measured vertically at the boundaries of the site	Lighting provided will not cause light trespass of more than 0.5 foot-candles and will meet this development standard.	This standard is met.
3. Pedestrian Walkways and Bicycle Parking Areas	Must be illuminated to at least 0.5 footcandles measured horizontally at the ground level	Lighting provided will have the appropriate foot-candles compliant per the development standard	This standard is met.

**5. Public facility standards and requirements, including any required street improvements, in Chapter 19.700.**

**Response** The proposed development does not include new structures, additions to existing structures, or reconstruction of demolished structures. As such, it is not “new development” and is not subject to Chapter 19.700. Conformance with the provisions of this chapter will be reviewed with the future building development.

**6. The proposed use is consistent with applicable Comprehensive Plan policies related to the proposed use.**



The subject site is designated Medium Density by the Comprehensive Plan. This site was identified as “vacant” by the Buildable Lands Inventory . The proposed use is consistent with Comprehensive Plan policies as it will support Milwaukie Comprehensive Plan 2020 in regard to for Housing. The 2020 Plan’s overarching goals for housing prioritizes safe, affordable, stable housing for every socioeconomic status and physical ability in dwellings that are equitable, livable, and sustainability.

The affordable mixed-use development to the west will be developed consistent with the following sections of Chapter 7: Housing.

*Goal 7.1 Equity*

7.1.1 – The proposed housing will provide additional housing options in the City for low-income seniors

7.1.5 – Will be developed according to Universal Design to accommodate seniors.

7.1.7 – Will be developed in compliance with the Fair Housing Act.

*Goal 7.2 Affordability*

7.2. Affordability - Leverages affordable housing through the investment of partnerships, allows for changing market conditions, provides input from regional partners to support affordable housing,

7.2.3 – Will request a reduction in parking requirements.

7.2.5 – This proposal provides the opportunity to expand the partnership between the City and non-profit partners to provide new low to moderate-income housing units

*Goal 7.3 Sustainability*

7.3 - Will be constructed to meet sustainability Earth Advantage gold requirements. The subject site is supported by existing utilities and transportation infrastructure.

*Goal 7.4 Livability*

7.4 - Accessible to nearby services and public transportation, provides opportunity for onsite open space onsite, and the development of “intentional community”.

7.4.5 – Provides a transition between R-3 medium density and adjacent GMU zone.

The development supports the Milwaukie Housing Affordability Strategy , adopted in 2018. Parking at the site supports the development of housing that is consistent with City goals for development of affordable housing centered around developing new units, preventing displacement, and connecting people to affordable housing.

***7. Adequate public transportation facilities and public utilities will be available to serve the proposed use prior to occupancy pursuant to Chapter 19.700.***

The development proposed with this application does not include buildings and will not be occupied pursuant to this chapter. Conformance with the provisions of Chapter 19.700 will be addressed at the time of Development Review for the proposed building, and the applicant will implement any mitigation measures identified by the Transportation Impact Analysis at that time.

Currently, two bus lines are located one block from the site. TriMet bus line 33 runs east/west and has a stop one block south along Harrison Street, one block south of the site. The line 75 runs north/south runs along SE 32<sup>nd</sup> Avenue and is located a half block west of the site. A MAX Orange Line stop is less than one mile west of the site [and runs into downtown Portland.](#)

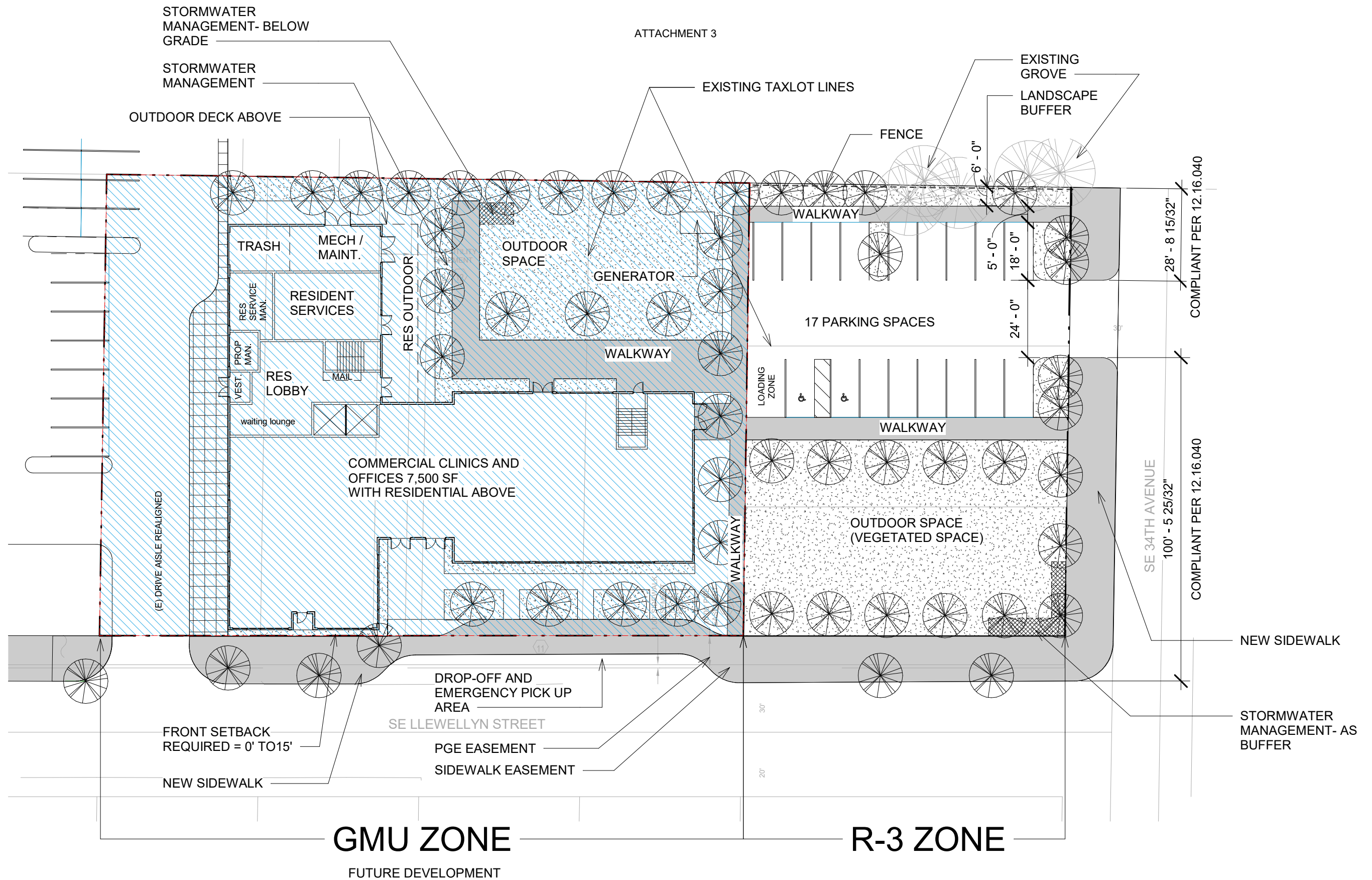
The site is well served by utilities. Overhead power lines are located along Llewellyn Street. Gas service is located along SE 34<sup>th</sup> Ave. Sanitary sewer is located along SE 34<sup>th</sup> Ave and extends along SE Llewellyn, terminating approximately 125 feet west of the intersection of SE 34<sup>th</sup> Ave and Llewellyn St. Storm sewer is located on Llewellyn St and terminates just east of the entrance to the Medical Office Building parking lot. An existing fire hydrant is located along SE 34<sup>th</sup> Avenue. See survey included as Attachment 2.

**Attachments:**

Attachment 1 – Site Plan\_Conditional Use Application for R-3 Parcel

Attachment 2 – Survey

Attachment 3 – Pre-Application Conference Notes



1 CONDITIONAL USE PROPOSAL FOR R-3  
 PARCEL CONCEPT SITE PLAN  
 1" = 30'-0"

**EXCEPTIONS:**

THE FOLLOWING ARE SURVEY RELATED SCHEDULE B SPECIAL EXCEPTIONS PER PRELIMINARY TITLE REPORT BY FIRST AMERICAN TITLE INSURANCE COMPANY, FILE NO. NCS-1017007-OR1, DATED 06/10/2020; SEE SAID REPORT FOR FURTHER NON-SURVEY RELATED PARTICULARS AFFECTING THE SUBJECT PROPERTY:

8. EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN:  
 RECORDING INFORMATION: JUNE 13, 1963 IN BOOK 623, PAGE 222  
 IN FAVOR OF: PORTLAND GENERAL ELECTRIC COMPANY, AN OREGON CORPORATION  
 FOR: UTILITIES  
 SURVEYOR'S NOTE: DOES NOT AFFECT SUBJECT PROPERTY, AFFECTS NORTHWEST CORNER OF LOT 1, BLOCK 2.

9. EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN:  
 RECORDING DATE: APRIL 10, 1984  
 RECORDING INFORMATION: 84011811  
 IN FAVOR OF: THE CITY OF MILWAUKIE  
 FOR: UTILITIES  
 AFFECTS: LOT 4  
 SURVEYOR'S NOTE: SHOWN HEREON.

10. EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN:  
 RECORDING DATE: APRIL 10, 1984  
 RECORDING INFORMATION: 84011812  
 IN FAVOR OF: THE CITY OF MILWAUKIE  
 FOR: UTILITIES  
 AFFECTS: LOTS 5, 6 AND 7  
 SURVEYOR'S NOTE: CONSUMED BY STREET DEDICATION, EXCEPTION 15.

11. EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN:  
 RECORDING DATE: JUNE 11, 1984  
 RECORDING INFORMATION: 84019419  
 IN FAVOR OF: PORTLAND GENERAL ELECTRIC COMPANY, AN OREGON CORPORATION  
 FOR: UTILITIES  
 SURVEYOR'S NOTE: DOES NOT AFFECT SUBJECT PROPERTY.

12. EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN:  
 RECORDING DATE: JUNE 19, 1984  
 RECORDING INFORMATION: 84020700  
 IN FAVOR OF: DAGMAR S. FISHER  
 FOR: UTILITIES  
 AFFECTS: LOT 4  
 SURVEYOR'S NOTE: SAME DESCRIPTION AS EX. 9, SHOWN HEREON.

13. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "ENVIRONMENTAL NOTICE" RECORDED NOVEMBER 26, 1997 AS RECORDING NO. 97093362 OF OFFICIAL RECORDS.  
 SURVEYOR'S NOTE: NOT PLOTTABLE

14. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "STATUTORY WARRANTY DEED AND RESERVATION OF ACCESS EASEMENT" RECORDED DECEMBER 18, 1997 AS RECORDING NO. 97099061 OF OFFICIAL RECORDS.  
 SURVEYOR'S NOTE: NOT PLOTTABLE

15. EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN:  
 RECORDING INFORMATION: JUNE 26, 2001 AS RECORDING NO. 2001-048903  
 IN FAVOR OF: THE CITY OF MILWAUKIE  
 FOR: RIGHT OF WAY  
 SURVEYOR'S NOTE: RIGHT OF WAY DEDICATION SHOWN HEREON

**LEGAL DESCRIPTION**

PER PRELIMINARY TITLE REPORT REFERENCED UNDER "EXCEPTIONS" HEREON:

REAL PROPERTY IN THE COUNTY OF CLACKAMAS, STATE OF OREGON, DESCRIBED AS FOLLOWS:  
 ALL OF LOTS NUMBERED 3 THROUGH 9, BLOCK 2, LEO FIRST ADDITION, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON.

EXCEPTING THEREFROM THOSE PORTIONS LYING WITHIN THE BOUNDARIES OF LLEWELLYN STREET AND 32ND STREET.

**LEGEND**

- ⊕ SANITARY MANHOLE
- ⊖ STORM MANHOLE
- APPROXIMATE MANHOLE SIZE/LOCATION
- ▭ CATCH BASIN
- ▭ AREA DRAIN
- ⊕ WATER VALVE
- ⊕ FIRE HYDRANT
- ⊕ WATER METER
- ⊕ LIGHT POLE
- ⊕ UTILITY POLE
- ⊕ SIGN
- ⊕ BOLLARD
- ⊕ MW MONITORING WELL
- LINE CONTINUES
- DECIDUOUS TREE
- ⊕ EVERGREEN TREE

- SS SANITARY LINE
- SD STORM LINE
- G GAS LINE
- OHL OVER HEAD UTILITY LINE
- W WATER LINE
- P POWER LINE
- COM COMMUNICATION LINE
- X FENCE (AS NOTED)

**TABLE "A" ITEMS:**

2. NO ADDRESS WAS REFERENCED IN TITLE REPORT REFERENCED IN EXCEPTION LIST, NOR WERE ANY OBSERVED DURING THE COURSE OF FIELD WORK; AN APPROXIMATE STREET ADDRESS WOULD BE 3351 SE LLEWELLYN STREET, MILWAUKIE, OREGON 97222.
3. THE PROPERTY IS LOCATED WITHIN FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 41005C0009E WITH AN EFFECTIVE DATE OF JUNE 17, 2008. PER SAID MAP THE SITE IS WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL FLOODPLAIN).
4. THE AREA OF THE SUBJECT PARCEL (PER LEGAL DESCRIPTION REFERENCED IN EXCEPTION LIST) IS 42,391 SQUARE FEET/0.97 ACRES, MORE OR LESS.
5. VERTICAL RELIEF IS SHOWN HEREON, ELEVATIONS ARE NAVD88(2011), BASED UPON LOCAL GPS OBSERVATIONS.
8. SUBSTANTIAL FEATURES OBSERVED DURING FIELD WORK ARE SHOWN HEREON.
11. VISIBLE UTILITIES AND THOSE MARKED FOR UTILITY LOCATE TICKET #20236541 ARE SHOWN HEREON.
13. ADJOINING OWNERSHIP SHOWN HEREON.
14. NEAREST INTERSECTING STREET IS SHOWN HEREON.
17. THE SURVEYOR WAS NOT MADE AWARE OF ANY PROPOSED CHANGES IN STREET RIGHT OF WAY LINES.
19. PLOTTABLE OFFSITE EASEMENTS OR SERVITUDES - NONE DISCLOSED IN TITLE REPORT.

**SURVEYOR'S CERTIFICATE**

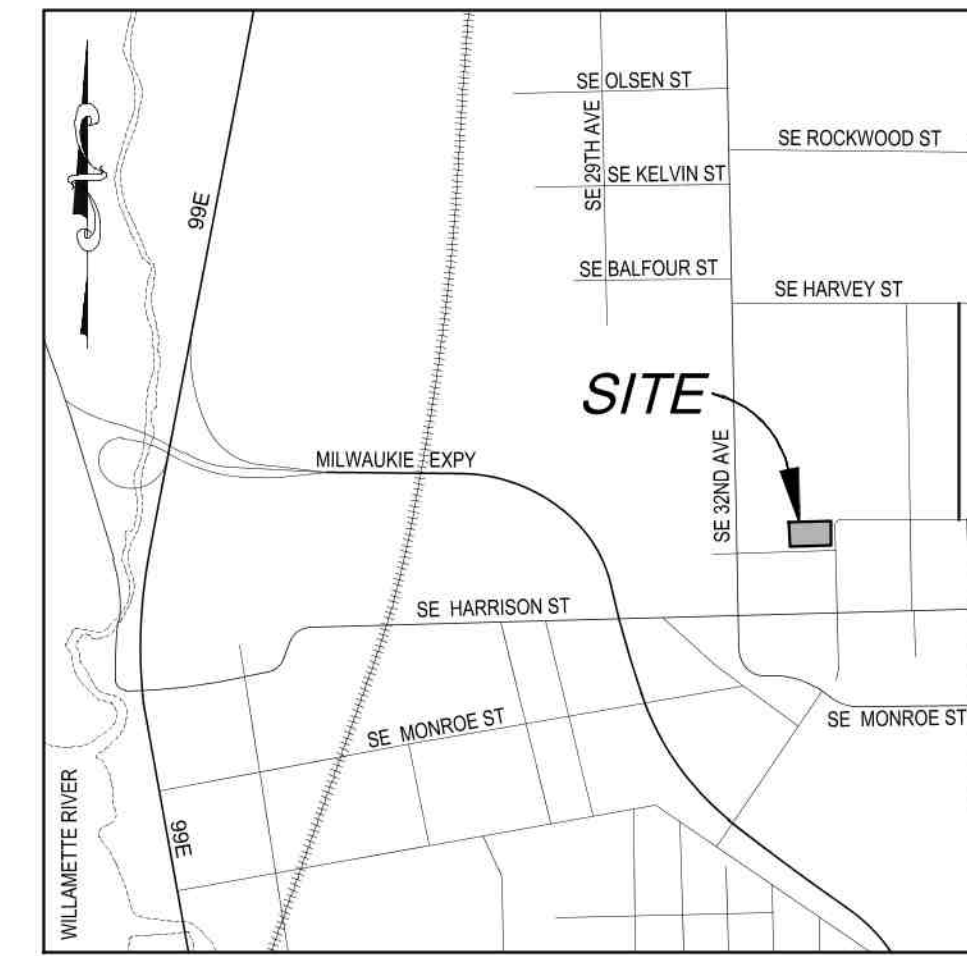
I HEREBY CERTIFY TO PROVIDENCE SUPPORTIVE HOUSING AND FIRST AMERICAN TITLE INSURANCE COMPANY:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 3, 4, 5, 8, 11, 13, 14, 17 AND 19 OF THE TABLE A. THE FIELD WORK WAS COMPLETED ON AUGUST 26, 2020.

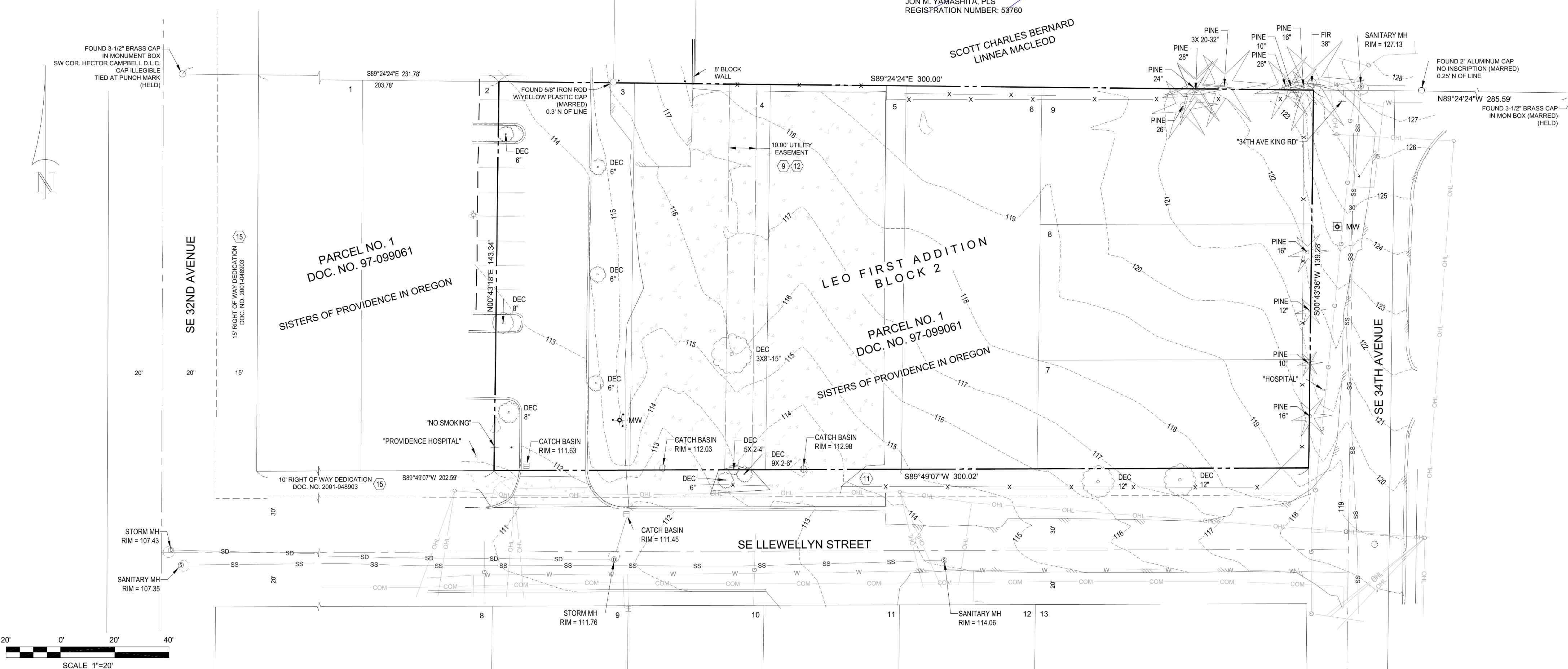
DATE OF PLAT OR MAP: SEPTEMBER 3, 2020

*[Signature]*  
 JON M. YAMASHITA, PLS  
 REGISTRATION NUMBER: 53760

REGISTERED PROFESSIONAL LAND SURVEYOR  
 Digitally Signed  
 2020.09.03 10:23:51-0700'  
 OREGON  
 JANUARY 12, 2002  
 JON M. YAMASHITA  
 53760LS  
 RENEWS 6/30/2022



**VICINITY MAP**  
 NOT TO SCALE

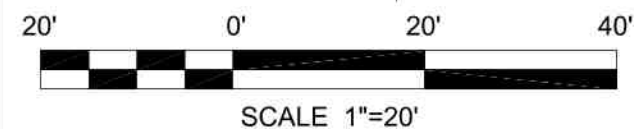


Calculated	DAC	AUG-27-2020
Drawn	JMY	SEPT-01-2020
Checked		SEPT-02-2020

REVISIONS	

**ALTA/NSPS LAND TITLE SURVEY**  
 SE 1/4 SECTION 25, TOWNSHIP 1 SOUTH, RANGE 2 EAST,  
 WILLAMETTE MERIDIAN CITY OF MILWAUKIE,  
 MULTNOMAH COUNTY, OREGON  
 SEPTEMBER 3, 2020

19836
Project No.
S19836A140
Drawing No.
1 OF 1
Sheet No.





**CITY OF MILWAUKIE**  
 6101 SE Johnson Creek Blvd  
 Milwaukie OR 97206  
 503.786.7600  
 planning@milwaukieoregon.gov  
 building@milwaukieoregon.gov  
 engineering@milwaukieoregon.gov

ATTACHMENT 3

# Preapplication Conference Report

Project ID: 20-009PA

This report is provided as a follow-up to the meeting that was held on 10/1/2020 at 2 PM

The Milwaukie Municipal Code is available here: [www.qcode.us/codes/milwaukie/](http://www.qcode.us/codes/milwaukie/)

## APPLICANT AND PROJECT INFORMATION

<b>Applicant:</b>	Li Alligood	<b>Applicant Role:</b> Planner
<b>Applicant Address:</b>	808 SW 3 <sup>rd</sup> Ave, Suite 800, Portland, OR 97204	
<b>Company:</b>	OTAK, Inc.	
<b>Project Name:</b>	Providence Milwaukie Supportive Housing Project	
<b>Project Address:</b>	Vacant lots on 34 <sup>th</sup> Ave and Llewellyn St	<b>Zone:</b> GMU & R-3
<b>Project Description:</b>	Mixed use building with clinic space for Providence and affordable housing residential units for seniors	
<b>Current Use:</b>	Vacant lots	
<b>Applicants Present:</b>	Li Alligood, Lynn Lindgren-Schreuder, Walter Zisette, Josh SERA, David Stephenson SERA, Martha Williamson, Gauri SERA	
<b>Staff Present:</b>	Mary Heberling, Steve Adams, Janine Gates	

## PLANNING COMMENTS

### Zoning Compliance ([MMC Title 19](#))

<input checked="" type="checkbox"/>	<b>Use Standards (e.g., residential, commercial, accessory)</b>	GMU <a href="#">19.303</a> : Mixed use is a permitted use in this zone R-3 <a href="#">19.302</a> : Multifamily and office/clinic uses are a Conditional Use (CU)
<input checked="" type="checkbox"/>	<b>Dimensional Standards &amp; Development Standards</b>	R-3 lots must comply with the R-3 dimensional and development standards of MMC Table 19.302.4. GMU lots must comply with the GMU dimensional and development standards of MMC Table 19.303.3. GMU Detailed Development Standards in 19.303.4, including FAR for mixed use buildings (AKA nonresidential development in the code), building height, and height bonuses. R-3 Additional Development Standards: 19.302.5.E Height Exceptions - 1 additional story may be permitted in excess of the required maximum standard. For each additional story,

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	<p>an additional 10% of site area beyond the minimum is required to be retained in vegetation. A variance may not be needed to building height in the R-3 lot if this can be met.</p> <p>Lots will need to be consolidated to one lot with a split zone. Building(s) cannot go over lot lines. See section Land Division (Title 17) for more details.</p>
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**Land Use Review Process**

<input checked="" type="checkbox"/>	<b>Applications Needed</b>	<ol style="list-style-type: none"> <li>1) Type I Development Review for mixed use building in GMU zone and other development in the R-3 zone, except open space</li> <li>2) Type II Parking Quantity Modification</li> <li>3) Type II Transportation Facilities Review</li> <li>4) Type III Conditional Use for multifamily in R-3 zone or other development related to the office/clinic in R-3 (such as parking)</li> <li>5) Type III Variance for transition area measures, may be needed for access spacing and driveway placement (see pg 7 and "access requirements")</li> <li>6) Type I Lot Consolidation</li> <li>7) Type I Final Plat (submitted <u>after</u> approval of the lot consolidation)</li> </ol>
<input checked="" type="checkbox"/>	<b>Fees</b>	<p>Type I: \$200                  Type II: \$1,000                  Type III: \$2,000</p> <p>Up to three (3) variance requests may be included in one variance application; additional variance requests would need a second variance application and fee.</p> <p>For multiple applications, the most expensive fee is collected in full, with a 25-percent discount for each additional application.</p>
<input checked="" type="checkbox"/>	<b>Review Type:</b> <b>Type I</b> <b>Type II</b> <b>Type III</b>	<p>See review types above</p> <p>Land Use Application form:  <a href="https://www.milwaukieoregon.gov/sites/default/files/fileattachments/planning/page/42771/landuse_fillable_application.pdf">https://www.milwaukieoregon.gov/sites/default/files/fileattachments/planning/page/42771/landuse_fillable_application.pdf</a></p> <p>Submittal requirements for:                  Land Use Applications:  <a href="https://www.milwaukieoregon.gov/sites/default/files/fileattachments/planning/page/39251/submittal_rqmts_form.pdf">https://www.milwaukieoregon.gov/sites/default/files/fileattachments/planning/page/39251/submittal_rqmts_form.pdf</a></p> <p>Plat for lot consolidation:  <a href="https://www.milwaukieoregon.gov/sites/default/files/fileattachments/planning/page/38211/preliminaryplatchecklist_form0.pdf">https://www.milwaukieoregon.gov/sites/default/files/fileattachments/planning/page/38211/preliminaryplatchecklist_form0.pdf</a></p> <p>Final plats:  <a href="https://www.milwaukieoregon.gov/sites/default/files/fileattachments/planning/page/38211/finalplat-checklist_form.pdf">https://www.milwaukieoregon.gov/sites/default/files/fileattachments/planning/page/38211/finalplat-checklist_form.pdf</a></p>

**Overlay Zones (MMC 19.400)**

<input type="checkbox"/>	<b>Willamette Greenway</b>	
<input type="checkbox"/>	<b>Natural Resources</b>	
<input type="checkbox"/>	<b>Historic Preservation</b>	
<input type="checkbox"/>	<b>Flex Space Overlay</b>	

<b>Site Improvements/Site Context</b>		
<input checked="" type="checkbox"/>	<b>Landscaping Requirements</b>	<p>R-3: Minimum vegetation: 35% of the total lot area, at least half of the minimum required vegetation area must be suitable for outdoor recreation by residents (Table 19.302.4 and 19.302.5.C)</p> <p>R-3: At least 40% of the front yard must be vegetated (19.302.5.D)</p> <p>GMU: Minimum vegetation: 15% of the total lot area (Table 19.303.3)</p> <p>Both R-3 &amp; GMU: No more than 20% of the required vegetation area shall be covered in mulch or bark dust</p>
<input checked="" type="checkbox"/>	<b>Onsite Pedestrian/Bike Improvements (MMC 19.504, 19.606, and 19.609)</b>	<p>19.606.3.D Pedestrian Access and Circulation: Additional standards are provided around pedestrian access in off-street parking areas on site.</p> <p>19.606.3.E Internal Circulation: Additional standards around general circulation and connections to adjacent parking areas.</p> <p>19.609 Bicycle Standards: Mixed use and multifamily buildings must follow these standards for on-site bicycle parking</p>
<input type="checkbox"/>	<b>Connectivity to surrounding properties</b>	
<input checked="" type="checkbox"/>	<b>Circulation</b>	<p>19.504.9: Mixed use buildings are required to provide onsite walkways and circulation. Multifamily is exempt.</p>
<input checked="" type="checkbox"/>	<b>Building Design Standards (MMC 19.504 &amp; 19.505)</b>	<p>19.505.7 Nonresidential Development: Mixed use buildings follow these design standards in the GMU.</p> <p>19.505.3 Multifamily Housing: Stand-alone multifamily buildings follow these design standards in both GMU and R-3.</p> <p>19.504.6 Transition Area Measures: Where mixed-use development is proposed abutting or adjacent to properties zoned for lower-density residential uses, the transition measures shall be required in this section. <u>A Type III variance may be needed to this section.</u></p>
<input type="checkbox"/>	<b>Downtown Design Standards (MMC 19.508)</b>	
<b>Parking Standards (<a href="#">MMC 19.600</a>)</b>		
<input type="checkbox"/>	<b>Residential Off-Street Parking Requirements</b>	
<input checked="" type="checkbox"/>	<b>Multi-Family/Commercial Parking Requirements</b>	<p>19.605.1 Minimum and Maximum Parking Quantities per use.</p> <p>19.605.2 Quantity Modifications and Required Parking Determinations, Type II review, approval criteria listed in this section. Any data you have from previous Providence affordable housing buildings and parking would be important to include and why little residential parking is needed.</p> <p>19.605.3 Exemptions and By-Right Reductions to Quantity Requirements, options to reduce parking in this section. Total reduction in required parking cannot exceed 25% of the minimum quantity requirement listed in Table 19.605.1.</p> <p>19.605.4 Shared Parking, standards to create a shared parking agreement are in this section, use as part of the 19.605.2 Quantity Modification review.</p> <p>19.606 Parking Area and Design Landscaping: Mixed use and multifamily building off-street parking areas must follow the requirements in this section.</p>

<b>Approval Criteria (<a href="#">MMC 19.900</a>)</b>		
<input type="checkbox"/>	<b>Community Service Use (CSU) (MMC 19.904)</b>	
<input checked="" type="checkbox"/>	<b>Conditional Use (MMC 19.905)</b>	<p>19.905.4.A Approval Criteria for new Conditional Use (CU)</p> <p>Multifamily building in R-3 zone will be a CU.</p> <p>Development related to the multifamily/office/clinic use in the R-3 zone may require a CU. Check with the Planning Department to confirm what will or will not require a CU.</p> <p>All conditional uses will be required to go through a Type III review</p>
<input checked="" type="checkbox"/>	<b>Development Review (MMC 19.906)</b>	<p>Type I Development Review for mixed use building on GMU zone, for multifamily using the clear and objective standards in Table 19.505.3.D.</p> <p>Type II Development Review for multifamily using the discretionary standards in Table 19.505.3.D.</p> <p>Approval Criteria for both Type I and II development review in 19.906.4.</p>
<input checked="" type="checkbox"/>	<b>Variance (MMC 19.911)</b>	<p>Type II Variances, approval criteria in 19.911.4.A</p> <p>Type III Variances, approval criteria in 19.911.4.B</p> <p>19.911.7 Building Height Variance in GMU (Type III), includes approval criteria</p>
<b>Land Division (MMC Title 17)</b>		
<input checked="" type="checkbox"/>	<b>Design Standards</b>	17.28.040 lists out general lot design standards that must be met
<input checked="" type="checkbox"/>	<b>Preliminary Plat Requirements</b>	<p>Type I Parcel consolidation replat to combine all of the lots into one lot with a split zone.</p> <p>17.12.030 Approval Criteria for lot consolidation</p>
<input checked="" type="checkbox"/>	<b>Final Plat Requirements (See Engineering Section of this Report)</b>	<p>17.24 lists out the requirements for submittal of a final plat <u>after</u> approval of the parcel consolidation replat. Must be submitted within 6 months of approval.</p> <p>17.12.050 Approval Criteria for Final Plat</p>
<b>Sign Code Compliance (<a href="#">MMC Title 14</a>)</b>		
<input checked="" type="checkbox"/>	<b>Sign Requirements</b>	14.16.040 Commercial Zones – code around signage in GMU
<b>Noise (MMC Title 16)</b>		
<input type="checkbox"/>	<b>Noise Mitigation (MMC 16.24)</b>	



### Neighborhood District Associations

<input checked="" type="checkbox"/>	<b>Ardenwald-Johnson Creek</b>	<p><a href="https://www.milwaukieoregon.gov/citymanager/ardenwald-johnson-creek-nda">https://www.milwaukieoregon.gov/citymanager/ardenwald-johnson-creek-nda</a></p> <p>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 Ardenwald-Johnson Creek Milwaukie NDA.</p> <p><b><u>Ardenwald-Johnson Creek Milwaukie NDA Chair</u></b> Matt Rinker <a href="mailto:matrinker@hotmail.com">matrinker@hotmail.com</a></p> <p>Would also recommend getting in touch with Hector Campbell NDA, since the NDA boundary is very close to Hector Campbell</p> <p><a href="https://www.milwaukieoregon.gov/citymanager/hector-campbell-nda">https://www.milwaukieoregon.gov/citymanager/hector-campbell-nda</a></p> <p><b><u>Hector Campbell NDA Chair</u></b> David Aschenbrenner <a href="mailto:2dasch@gmail.com">2dasch@gmail.com</a></p>
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### Other Permits/Registration

<input type="checkbox"/>	<b>Business Registration</b>	
<input type="checkbox"/>	<b>Home Occupation Compliance (MMC 19.507)</b>	

### Additional Planning Notes

Condominium Plat – no special process or application needed for this. The Planning Department does not treat condominiums or rental apartments any differently.

## ENGINEERING & PUBLIC WORKS COMMENTS

### Public Facility Improvements ([MMC 19.700](#))

<input checked="" type="checkbox"/>	<b>Applicability (MMC 19.702)</b>	Chapter 19.700 of the Milwaukie Municipal Code (MMC) applies to partitions, subdivisions, new construction and modification and or expansions of existing structures or uses that produce a projected increase in vehicle trips.
<input checked="" type="checkbox"/>	<b>Transportation Facilities Review (MMC 19.703)</b>	As per MMC Subsection 19.703.2, because the proposed development triggers a transportation impact study (TIS), a Transportation Facilities Review (TFR) application is required. The TFR application will be processed and reviewed concurrently with the other required applications discussed in these notes.
<input checked="" type="checkbox"/>	<b>Transportation Impact Study (MMC 19.704)</b>	A TIS is required. A scope for the TIS will be prepared by the Engineering Department and the City's traffic consultant (DKS). Actual costs are charged for both the scope preparation and technical review of the completed TIS; a reserve deposit of \$1,500 will be collected for the scoping and a reserve deposit of \$2,500 will be collected for the technical report review.
<input checked="" type="checkbox"/>	<b>Agency Notification (MMC 19.707)</b>	As per the stipulations of MMC Subsection 19.707.1, the following agencies will receive notification of the proposed development: Metro, Clackamas County, and TriMet.
<input checked="" type="checkbox"/>	<b>Transportation Requirements (MMC 19.708)</b>	This Transportation Facility Requirements, Code Section 19.708, states that all rights-of-way, streets, sidewalks, necessary public improvements, and other public transportation facilities located in the public right-of-way and abutting the development site shall be adequate at the time of development or shall be made adequate in a timely manner.

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		<p>Street improvements to Llewellyn St to include minimum 6-ft sidewalk, curb &amp; gutter and 20-ft wide reconstructed asphalt streets (two travel lanes). Street improvements (sidewalk) must start 6 inches inside of the ROW.</p> <p>No additional ROW dedication is required, however if the proposed public sidewalk is located outside of the ROW to accommodate drop-off/pull-out area, or save existing trees, a public sidewalk easement is required. Sidewalk can be curb tight, but an off-set sidewalk is preferred.</p> <p>If on-street parallel parking is provided, street improvements must be minimum of 28 feet. City is okay with drop off area along Llewellyn St., similar to a bus pull-out area for dropping off and picking up patients or residents.</p>
<input checked="" type="checkbox"/>	<b>Utility Requirements (MMC 19.709)</b>	<p>All overhead utilities to be brought underground within a new 6-ft PUE adjacent to both Llewellyn and 34<sup>th</sup> to be provided by the applicant.</p> <p>City is okay with abandoning the existing public easement.</p> <p>Applicant responsible for relocating private SS line and providing a private easement. City is okay if this SS line ties into a different public SS main (34<sup>th</sup> Ave seems like the best other option).</p> <p>No water, sanitary or storm improvements are foreseen to be needed.</p>
<b>Flood Hazard Area (MMC 18)</b>		
<input type="checkbox"/>	<b>Development Permit (MMC 18.04.100)</b>	
<input type="checkbox"/>	<b>General Standards (MMC 18.04.150)</b>	
<input type="checkbox"/>	<b>Specific Standards (MMC 18.04.160)</b>	
<input type="checkbox"/>	<b>Floodways (MMC 18.04.170)</b>	
<b>Environmental Protection (MMC 16)</b>		
<input type="checkbox"/>	<b>Weak Foundation Soils (MMC 16.16)</b>	The proposed development is not within the regulatory City-mapped soil hazard area.
<input checked="" type="checkbox"/>	<b>Erosion Control (MMC 16.28)</b>	An erosion control permit will be required for disturbances over 500 sq ft.
<input checked="" type="checkbox"/>	<b>Tree Cutting (MMC 16.32)</b>	Any tree removal within the public right-of-way or on City-owned land requires a permit.
<b>Public Services (MMC 13)</b>		
<input checked="" type="checkbox"/>	<b>Water System (MMC 13.04)</b>	Connection to water mains for service lines 2" and less shall be made by City crews. Excavation and paving shall be the responsibility of the applicant. A utility billing form must be submitted, and fees paid prior to connection. A 6" water main is adjacent to the development lot.
<input checked="" type="checkbox"/>	<b>Sewer System (MMC 13.12)</b>	All structures with sanitary facilities are required to be connected to the City sanitary sewer system. The sewer system user at all times shall, at their expense, operate and maintain the service lateral and building sewer in a sanitary manner to the collection trunk or interceptor sewer at no expense to the City. Grease interceptors and/or traps shall be provided by the food service facility owner to prevent FOG (fats, oil, and grease) from entering the sanitary sewer system.

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☒	<b>Stormwater Management (MMC 13.14)</b>	All stormwater shall be managed on site with mitigation facilities designed in accordance with the 2016 Portland Stormwater Management Manual. Where onsite infiltration has been determined to be unfeasible by a geotech professional, connection to the public storm sewer system may be applied for.
☒	<b>System Development Charge (MMC 13.28.040)</b>	Final determination shall be made at building permit process. Contact the Engineering Department for a more detailed analysis. Link to a handout on SDC charges in Milwaukie: <a href="https://www.milwaukieoregon.gov/sites/default/files/fileattachments/engineering/page/91381/sdchandout_aug2019.pdf">https://www.milwaukieoregon.gov/sites/default/files/fileattachments/engineering/page/91381/sdchandout_aug2019.pdf</a>
☒	<b>Fee in Lieu of Construction (MMC 13.32)</b>	A fee in lieu of construction may be available for some public improvements. One or more of the following conditions must be met: an inability to achieve proper design standard, the creation of a safety hazard, are already included in a funded city project, cannot be completed without significant offsite improvements, or the full improvements are not proportional to proposed impacts.
<b>Public Places (MMC 12)</b>		
☒	<b>Right of Way Permit (MMC 12.08.020)</b>	Any work within the right-of-way shall require a right-of-way permit. The permit application should include a site plan for all work proposed and a traffic control plan where traffic, including bike and pedestrian, is impacted.
☒	<b>Access Requirements (MMC 12.16.040)</b>	<p>Modification of existing nonconforming accessways shall be brought into conformance with the access management requirements of this chapter.</p> <p>The nearest edge of the driveway apron shall be at least ten (10) feet from the side property line. This standard does not apply to accessways shared between two (2) or more properties.</p> <p>At least one hundred (100) feet minimum distance from the nearest intersecting street face of curb to the nearest edge of driveway apron shall be maintained.</p> <p>One accessway is allowed on local streets and neighborhood routes. One additional accessway is allowed per frontage where the driveway approaches, including adjacent property accessways, can be spaced one hundred fifty (150) feet apart. The spacing is measured between the nearest edges of the driveway aprons.</p> <p>Multifamily residential uses with more than eight (8) dwelling units, and off-street parking areas with sixteen (16) or more spaces, shall have a minimum driveway apron width of twenty-four (24) feet and a maximum width of thirty (30) feet. Commercial, office, and institutional uses shall have a minimum driveway apron width of twelve (12) feet and a maximum width of thirty-six (36) feet. Mixed commercial residential meeting the above criteria shall have an accessway between twelve (12) and (30) thirty feet.</p> <p><u>Relief from any access management requirement or standard of Section 12.16.040 may be granted through a variance process, which requires submission and approval of a Variance land use application.</u></p>
☒	<b>Clear Vision (MMC 12.24)</b>	<p>The clear vision area for all street intersections and all street and railroad intersections shall be that area described in the most recent edition of the "AASHTO Policy on Geometric Design of Highways and Streets." The clear vision area for all street and driveway or accessway intersections shall be that area within a twenty (20)-foot radius from where the lot line and the edge of a driveway intersect.</p> <p>The clear vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction, except for an occasional utility pole or tree, exceeding three (3) feet in height, measured from the top of the curb, or where no curb exists, from the street centerline grade. Trees exceeding this height may be located in this area; provided, all branches and foliage are removed to the height of eight (8) feet above the grade. Open wire fencing that does not obscure sight more than ten percent (10%) is allowed to a maximum height of six (6) feet.</p>

**Additional Engineering & Public Works Notes**

**BUILDING COMMENTS**

All drawings must be submitted electronically through [www.buildingpermits.oregon.gov](http://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](http://www.buildingpermits.oregon.gov) . Each permit type and subpermit type are separate permits 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 so two (2) paper copies will be required for those reviews only. Paper copies should be delivered to our office for processing.

Site utilities require a separate plumbing permit. This permit will require plumbing plan review so two (2) paper copies will be required for this review. Paper copies should be delivered to the Building Division office for processing. The grading plan submitted to the Engineering Department does not cover this review.

If you have any building related questions, please email us at [building@milwaukieoregon.gov](mailto:building@milwaukieoregon.gov).

**Additional Building Notes**

This project will require multiple permits, including but not limited to: Building, plumbing, electrical, mechanical, fire sprinkler, fire alarms, fire line (in ground install), backflow, and site utility (plumbing). Each of these submittals is subject to the initial review time that the building department is experiencing. (Currently 6-8 weeks). Based on information provided by the applicant, a preliminary estimate of fees is included as Attachment 1.

Condominium Plat – no special process or application needed for this. The Building Department does not treat condominiums or rental apartments any differently.

**OTHER FEES**

<input type="checkbox"/>	<p><b>Construction Excise Tax</b> Affordable Housing CET – Applies to any project with a construction value of over 100,000.</p>	<p><b>Calculation:</b> Valuation *12% (.12)</p>
<input type="checkbox"/>	<p><b>Metro Excise Tax</b> Metro – Applies to any project with a construction value of over \$100,000.</p>	<p><b>Calculation:</b> Valuation *.12% (.0012)</p>
<input type="checkbox"/>	<p><b>School Excise Tax</b> School CET – Applies to any new square footage.</p>	<p><b>Calculation:</b> Commercial = \$0.67 a square foot, Residential = \$1.35 a square foot (not including garages)</p>

**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"/>	Building Approval	
<input type="checkbox"/>	Sidewalk Café:	

<input type="checkbox"/>	<b>Tree Removal Permit:</b>	
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**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"/>	<b>Enterprise Zone:</b>	
<input checked="" type="checkbox"/>	<b>Vertical Housing Tax Credit:</b>	Contact Christina Fadenrecht, the Housing and Economic Development Assistant. Email: <a href="mailto:FadenrechtC@milwaukieoregon.gov">FadenrechtC@milwaukieoregon.gov</a>
<input type="checkbox"/>	<b>New Market Tax Credits:</b>	
<input checked="" type="checkbox"/>	<b>Housing Resources:</b>	There may be CET money for affordable housing. Contact Christina Fadenrecht, the Housing and Economic Development Assistant. Email: <a href="mailto:FadenrechtC@milwaukieoregon.gov">FadenrechtC@milwaukieoregon.gov</a>

**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

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#### BUILDING DEPARTMENT

Samantha Vandagriff	Building Official	503-786-7611
Harmony Drake	Permit Specialist	503-786-7623
Stephanie Marcinkiewicz	Inspector/Plans Examiner	503-786-7636

#### ENGINEERING DEPARTMENT

Steve Adams	City Engineer	503-786-7605
Dalton Vodden	Associate Engineer	503-786-7617

#### PLANNING DEPARTMENT

Laura Weigel	Planning Manager	503-786-7654
Vera Koliass	Senior Planner	503-786-7653
Brett Kolver	Associate Planner	503-786-7657
Mary Heberling	Assistant Planner	503-786-7658

#### COMMUNITY DEVELOPMENT DEPARTMENT

Leila Aman	Community Development Director	503-786-7616
Alison Wicks	Development Programs Manager	503-786-7661
Alicia Martin	Administrative Specialist II	503-786-7600
Tempest Blanchard	Administrative Specialist II	503-786-7600

#### CLACKAMAS FIRE DISTRICT

Mike Boumann	Lieutenant Deputy Fire Marshal	503-742-2673
Matt Amos	Fire Inspector	503-742-2660

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## Structural Permit

### Fees based on Valuation of 32,000,000 provided by applicant

Fee Item	Fees	
Structural plan review fee	\$ 145,537.88	
State of Oregon Surcharge - Bldg (12% of applicable fees)	\$ 23,286.06	
Technology Fee	\$ 9,702.53	
Fire life safety plan review	\$ 97,025.25	
Structural building permit fee	\$ 194,050.50	
		\$ 469,602.22

### CET Taxes collected on the building permit:

Affordable Housing - Developer incentives (Com)	\$ 153,600.00	
Affordable Housing - Programs and incentives (Com)	\$ 153,600.00	
Affordable Housing Construction Excise Tax - Admin Fee (Con	\$ 12,800.00	
Metro Construction Excise Tax	\$ 11,400.00	
Metro Construction Excise Tax - Admin Fee	\$ 600.00	
CET - North Clackamas - Com Use	\$ 33,363.00	
CET - North Clackamas - Admin Fee - Com Use	\$ 337.00	
		\$ 365,700.00

## Mechanical Permit

### Fees based on Valuation of 3,000,000 provided by applicant

Commercial mechanical permit (based on mechanical job val	\$ 36,954.30	
Mechanical plan review	\$ 18,477.15	
State of Oregon Surcharge - Mech (12% of applicable fees)	\$ 4,434.52	
Technology Fee	\$ 1,847.72	
		\$ 61,713.69

## Fire Sprinkler Permit

### Fees based on Valuation of 416,000 provided by applicant

Structural plan review fee	\$ 2,225.48	
Fire life safety plan review	\$ 1,483.65	
Structural building permit fee	\$ 2,967.30	
State of Oregon Surcharge - Bldg (12% of applicable fees)	\$ 356.08	
Technology Fee	\$ 148.37	
		\$ 7,180.88

## Fire Alarm Permit

### Fees based on Valuation of 200,000 provided by applicant

Structural plan review fee	\$ 1,245.38	
Fire life safety plan review	\$ 830.25	
Structural building permit fee	\$ 1,660.50	
State of Oregon Surcharge - Bldg (12% of applicable fees)	\$ 199.26	
Technology Fee	\$ 83.03	
		\$ 4,018.42



Note: These fees are based on the parameters given and subject to change of the parameters change.

Plumbing and Electrical fees are shown on the individual applications. To obtain a fee estimate for either, please fill out the application and email it to [building@milwaueiOregon.gov](mailto:building@milwaueiOregon.gov) and note that this is for estimation purposes only in the description of work box.

**From:** [McGladrey, Alex](#)  
**To:** [Mary Heberling](#)  
**Subject:** Re: CU-2021-001 Type III Land Use Application, Vacant Lot, corner of Llewellyn St and 34th Ave, Taxlots: 11E25DC06100, 6200,  
**Date:** Wednesday, March 31, 2021 9:42:25 AM

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**This Message originated outside your organization.**

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Good Morning Mary,

Clackamas Fire has no comments for the parking lot at Llewellyn and 34th.

Thanks

Alex McGladrey

Lieutenant - Deputy Fire Marshal | Fire Marshal's Office

direct: [503.742.2662](tel:503.742.2662)

main: [503.742.2600](tel:503.742.2600)



*To Safely Protect & Preserve  
Life & Property*

**CLACKAMAS FIRE DISTRICT #1**

[www.clackamasfire.com](http://www.clackamasfire.com)

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**From:** Tempest Blanchard <[BlanchardT@milwaukieoregon.gov](mailto:BlanchardT@milwaukieoregon.gov)>  
**Sent:** Monday, March 22, 2021 15:16  
**To:** Leila Aman <[AmanL@milwaukieoregon.gov](mailto:AmanL@milwaukieoregon.gov)>; Steve Adams <[AdamsS@milwaukieoregon.gov](mailto:AdamsS@milwaukieoregon.gov)>; Jennifer Backhaus <[BackhausJ@milwaukieoregon.gov](mailto:BackhausJ@milwaukieoregon.gov)>; Laura Weigel <[WeigelL@milwaukieoregon.gov](mailto:WeigelL@milwaukieoregon.gov)>; Samantha Vandagriff <[VandagriffS@milwaukieoregon.gov](mailto:VandagriffS@milwaukieoregon.gov)>; McGladrey, Alex <[alex.mcgladrey@Clackamasfire.com](mailto:alex.mcgladrey@Clackamasfire.com)>; Matt Rinker <[mattrinker@hotmail.com](mailto:mattrinker@hotmail.com)>; astrantialgr@gmail.com <[astrantialgr@gmail.com](mailto:astrantialgr@gmail.com)>; travis.tomlinson@gmail.com <[travis.tomlinson@gmail.com](mailto:travis.tomlinson@gmail.com)>; dlasch@comcast.net <[dlasch@comcast.net](mailto:dlasch@comcast.net)>; sarah@thegardensmith.com <[sarah@thegardensmith.com](mailto:sarah@thegardensmith.com)>; dave@hammy.org <[dave@hammy.org](mailto:dave@hammy.org)>; leygarnett@comcast.net <[leygarnett@comcast.net](mailto:leygarnett@comcast.net)>; Developmentengineering@clackamas.us <[Developmentengineering@clackamas.us](mailto:Developmentengineering@clackamas.us)>; landusenotifications@oregonmetro.gov <[landusenotifications@oregonmetro.gov](mailto:landusenotifications@oregonmetro.gov)>; developmentreview@trimet.org <[developmentreview@trimet.org](mailto:developmentreview@trimet.org)>; Boumann, Mike <[mike.boumann@ClackamasFire.com](mailto:mike.boumann@ClackamasFire.com)>  
**Cc:** Mary Heberling <[HeberlingM@milwaukieoregon.gov](mailto:HeberlingM@milwaukieoregon.gov)>  
**Subject:** CU-2021-001 Type III Land Use Application, Vacant Lot, corner of Llewellyn St and 34th Ave, Taxlots: 11E25DC06100, 6200,

Greetings,

Please visit the link below to access the Type III Application Referral and Application

Materials for land use application **CU-2021-001**. **The site location is: Vacant Lot, corner of Llewellyn St and 34th Ave, Taxlots: 11E25DC06100, 6200, 6300.** If you have any questions, please contact Mary Heberling at 503-786-7658 or [heberlingm@milwaukieoregon.gov](mailto:heberlingm@milwaukieoregon.gov).

Link to files: <https://www.milwaukieoregon.gov/planning/cu-2021-001>

### **Tempest Blanchard**

pronouns: she/they

Administrative Specialist II

City of Milwaukie Community Development

6101 SE Johnson Creek Blvd Milwaukie, OR 97206

o: 503.786.7600

The City of Milwaukie remains open for business. In response to the COVID-19 pandemic, all facilities except the Public Safety Building and the Ledding Library are closed to the public. The Ledding Library is offering pick-up service for holds placed online or over the phone from 10-5:30 Monday-Saturday. Many of our staff members are working remotely. Staff members working in city buildings and in the field are continuing to observe social-distancing guidelines and to wear face coverings to help keep each other, and our community, safe. For general inquiries, please visit <https://www.milwaukieoregon.gov/contact> or call us at 503-786-7555 to be connected to an operator at City Hall. If your call is not answered, please leave a message. Thank you for your patience and understanding.

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**Public Comment, Agenda 5.2, Providence Supportive Housing application: CU-2021-001**

**Planning Commission Meeting, April 13, 2021**

Hello: Chair Looseveldt, Vice Chair Edge, commissioners Hemer, Erdt, Khosroabadi, Sherman; and Planner Heberling

**I very much support this application by Providence Supportive Housing** as it improves the street conditions in and around the intersection of 34<sup>th</sup> and Llewellyn while also providing housing to those in need. Providence is a good neighbor for many years now.

I provide a series of photos here of existing street conditions at this proposed project site.



**To the upper left in this photo is the proposed parking lot and open space areas. It is longtime an open field now, and sometimes used by dogs and their owners to play. But Providence proposes to maintain a sizeable amount of open space in its re-development of its property.**

**Notice lack of walkway currently for pedestrians. Providence in its application will provide sidewalk improvements. It would be nice if the road here (34<sup>th</sup> at the bottom of King Road just to the east) were also made smooth, particularly for bicyclists.**



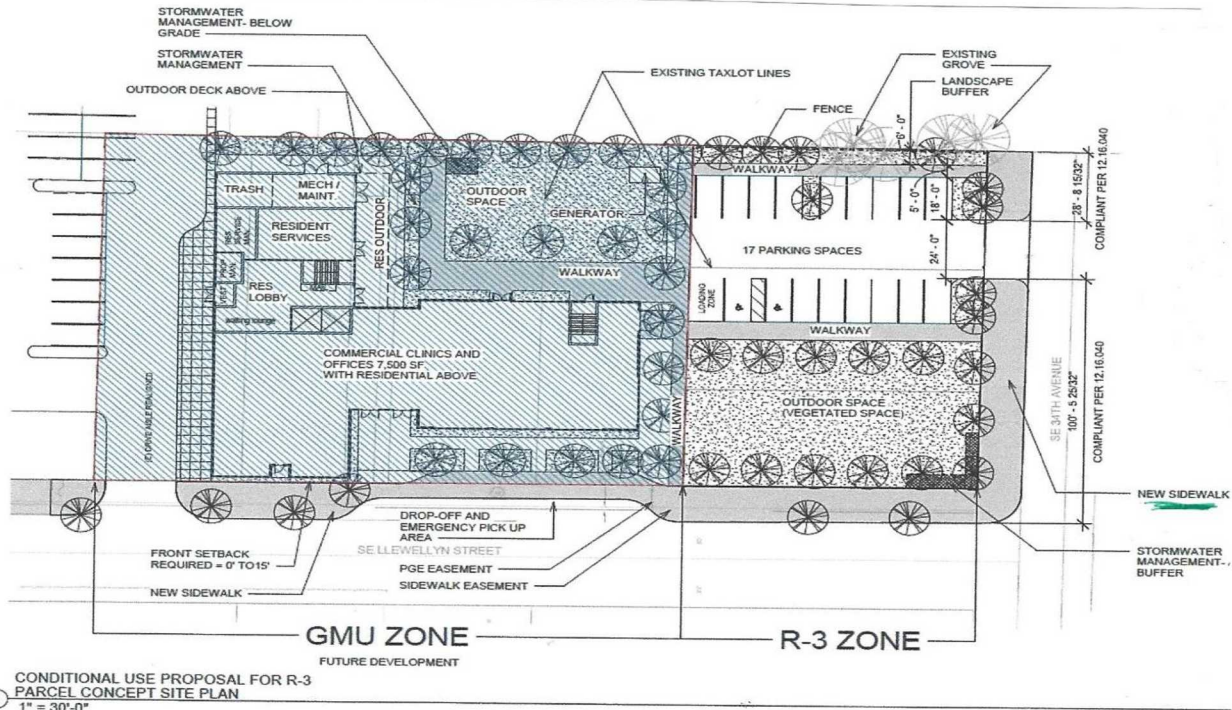
**This above photo is of existing street conditions looking west from 34<sup>th</sup> and Llewellyn, and again Providence in its proposal is providing new sidewalk improvement.**



**This is just west along Llewellyn west of proposed site of new lot and supportive housing development, and so sidewalk would connect contiguously – a positive for sure.**

**Note:** Some of my Ardenwald neighbors express interest in having new sidewalks be made of pervious material instead of the standard concrete shown here. I am not so concerned with these wishes as I check with the Milwaukie's City Engineer who says at least at one meeting I attend that pervious pavement generally costs more. With this application we are wanting affordable housing for some of those most in need. Additionally, trees along the sidewalk as proposed will help with preventing too much heat sink effects during heat waves.

34<sup>th</sup> & Llewellyn St  
 Providence Supportive Housing Project



PROVIDENCE SENIOR HOUSING  
 03/12/21 Conditional Use Application

CONDITIONAL USE PROPOSAL FOR R-3 PARCEL

Proposed Site Plan

**One wish I do have.... concerns King Road (next and last photo) which empties downhill onto 34<sup>th</sup>, just before the proposed driveway for the parking lot in diagram above here:**

**King Road between 34<sup>th</sup> and 40<sup>th</sup> is in critical need of improvement.** There are No sidewalks and it is very potted and rutted narrow road, causing a competition for travel space between automobiles, pedestrians, and bicyclists.

**As our City Planners talk of rezoning and allowing more residential infill with the Comprehensive Implementation Committee, livability very much calls for new housing and its developers to fund or provide street improvements such as separate walking paths as well as smoothing of existing badly rutted and potted streets.**



**This photo is looking west down King Road from its intersection with 36<sup>th</sup> , towards Providence's proposed new senior housing development and parking lot on 34th. King Road between 34<sup>th</sup> and 40<sup>th</sup> lacks sidewalks and is very rutted, potted, while also narrow. Maybe this section should be included in the City's SAFE program. But at this time, I do not believe this stretch of King is currently targeted by the SAFE program and even if it were; it would be maybe a decade or more before it could be addressed.**

Sincerely,  
Elvis Clark,  
Ardenwald neighborhood,  
Public Safety Advisory Committee representative  
Milwaukie 97222

**From:** [Mary Zellharie](#)  
**To:** [Mary Heberling](#)  
**Subject:** Providence Elderplace Milwaukie  
**Date:** Monday, April 12, 2021 7:06:48 PM

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This Message originated outside your organization.

Good Evening Planning Commission,

We just attended the Hector Campbell neighborhood meeting and heard from Walter Zisette about the Providence Elderplace building which will be discussed at the meeting Tuesday April 13th . We are excited about this project and hope that you will approve it with the additional floor which will add another 18? Units.

Any additional low income housing that can occur in the area is welcome.

Thank you

Mary Zellharie and Gene Zaharie  
Sent from my iPad