

**MILWAUKIE PLANNING
COMMISSION**

**MILWAUKIE CITY HALL
10722 SE MAIN STREET**

**AGENDA
TUESDAY, January 27, 2009
6:30 PM**

		ACTION REQUIRED
1.0	Call to Order	
2.0	Procedural Matters If you wish to speak at this meeting, please fill out a yellow card and give to planning staff. Please turn off all personal communication devices during meeting. Thank You.	
3.0	Planning Commission Minutes Approved PC Minutes can be found on the City web site at: www.cityofmilwaukie.org	Motion Needed
4.0	Information Items – City Council Minutes City Council Minutes can be found on the City web site at: www.cityofmilwaukie.org	Information Only
5.0	Public Comment This is an opportunity for the public to comment on any item not on the agenda.	
6.0	Public Hearings	Discussion and Motion Needed For These Items
6.1	Bridge City Community Church Sign Review Applicant/Owner: Bridge City Community Church Address: 2816 SE Harrison St File: CSU-08-04 Staff Person: Li Alligood	
6.2	Pond House Community Service Use application for bookstore and Ledding Library use Applicant/Owner: Joe Sandfort, representing the City of Milwaukie Address: 2215 SE Harrison St File: CSU-08-05 Staff Person: Li Alligood	
7.0	Worksession Items	Information Only
8.0	Discussion Items This is an opportunity for comment or discussion by the Planning Commission for items not on the agenda.	Review and Decision
9.0	Old Business	
10.0	Other Business/Updates	Information Only Review and Comment
11.0	Next Meeting: February 10, 2009	
11.1	Parking Code Update project briefing	
11.2	South Ardenwald Master Plan - project briefing with staff from the Housing Authority of Clackamas County	
	The above items are tentatively scheduled but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.	

Forecast for Future Meetings: February 24, 2009

Briefing on Metro Code Compliance projects: Title 4 – Industrial and Other Employment Areas, and Title 13 – Nature in Neighborhoods

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

Public Hearing Procedure

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.** The staff report is followed by any verbal or written correspondence that has been received since the Commission was presented with its packets.
3. **APPLICANT'S PRESENTATION.** We will then have the applicant make a presentation, followed by:
4. **PUBLIC TESTIMONY IN SUPPORT.** Testimony from those in favor of the application.
5. **COMMENTS OR QUESTIONS.** Comments or questions from interested persons who are neither in favor of nor opposed to the application.
6. **PUBLIC TESTIMONY IN OPPOSITION.** We will then take testimony from those in opposition to the application.
7. **QUESTIONS FROM COMMISSIONERS.** When you testify, we will ask you to come to the front podium and give your name and address for the recorded minutes. Please remain at the podium until the Chairperson has asked if there are any questions for you from the Commissioners.
8. **REBUTTAL TESTIMONY FROM APPLICANT.** After all testimony, we will take rebuttal testimony from the applicant.
9. **CLOSING OF PUBLIC HEARING.** The Chairperson will close the public portion of the hearing. We will then enter into deliberation among the Planning Commissioners. From this point in the hearing we will not receive any additional testimony from the audience, but we may ask questions of anyone who has testified.
10. **COMMISSION DISCUSSION/ACTION.** It is our intention to make a decision this evening on each issue before us. Decisions of the Planning Commission may be appealed to the City Council. If you desire to appeal a decision, please contact the Planning Department during normal office hours for information on the procedures and fees involved.
11. **MEETING CONTINUANCE.** The Planning Commission may, if requested by any party, allow a continuance or leave the record open for the presentation of additional evidence, testimony or argument. Any such continuance or extension requested by the applicant shall result in an extension of the 120-day time period for making a decision.
12. **TIME LIMIT POLICY.** All meetings will end at 10:00pm. The Planning Commission will pause hearings/agenda items at 9:45pm to discuss options of either continuing the agenda item to a future date or finishing the agenda item.

Milwaukie Planning Commission:

Jeff Klein, Chair
Dick Newman, Vice Chair
Lisa Batey
Teresa Bresaw
Scott Churchill
Paulette Qutub

Planning Department Staff:

Katie Mangle, Planning Director
Susan Shanks, Senior Planner
Brett Kolver, Assistant Planner
Ryan Marquardt, Assistant Planner
Alicia Stoutenburg, Administrative Specialist II
Marcia Hamley, Administrative Specialist II
Paula Pinyerd, Hearings Reporter



MILWAUKIE

Dogwood City of the West

To: Planning Commission

Through: Katie Mangle, Planning Director *KM*

From: Li Alligood, Assistant Planner

Date: January 12, 2009, for January 27, 2009, Public Hearing

Subject: File: CSU-08-04
Applicant: Bridge City Community Church
Owner(s): Same
Address: 2816 SE Harrison St, Milwaukie, OR 97222
Legal Description (Map & Taxlot): 1S 1E 36BA 03000
NDA: Historic Milwaukie

ACTION REQUESTED

Approve application CSU-08-04 and adopt the recommended Findings and Conditions of Approval found in Attachments 1 and 2. This action would allow for the installation of a non-illuminated monument sign at the northwest corner of the site of the Bridge City Community Church.

BACKGROUND INFORMATION

Bridge City Community Church, the applicant, is proposing to install a freestanding non-illuminated monument sign at the northwest corner of the site. The proposed location of the sign is four feet from the Harrison St property line and approximately 20 feet from the 28th Ave property line. The proposed location has been the site of a sign in the past; the New Beginnings Christian Ministries installed a sign at the site in 1989.

A. Site and Vicinity

The site is located at 2816 Harrison St, within the Historic Milwaukie neighborhood. The site is approximately 20,000 sq ft and contains two structures: the church building, which is 4,500 sq ft; and an education and meeting building, which is 4,000 sq ft. A parking area lies to the south of the structures, and is accessible from 28th and 29th Aves.

The area surrounding the site consists of a mix of commercial and residential uses. Bridge City Church owns the property directly to the north of the site, across SE Harrison Street, and uses it for parking; Jackson Latree Mortgage Company is located to the west of the site; Stehns Mortuaries is located to the east of the site; and a residential area zoned R-2 lies to the south of the site.

B. Zoning Designation

R-2 Residential zone

C. Comprehensive Plan Designation

HD High Density Residential

D. Land Use History

City records indicate three previous land use actions for this site.

- **October 24, 1989:** CI-89-02, approval of a 36 sq ft sign, resulted in the installation of a 36 sq ft sign at the corner of Harrison St and 28th Ave.
- **July 9, 1991:** CSO-91-03, approval of day care and Christian book store, resulted in opening of a day care and Christian book store, the establishment of a play area on the site, and the construction of a fence between church property and single-family residences to the south.
- **October 8, 2002:** CSO-02-06, approval of an after-school youth ministry, resulted in the programming of after-school youth programs at the site.

E. Proposal

The applicant is seeking land use approvals for the installation of a 40 sq ft freestanding monument sign at the corner of 28th Ave and Harrison St.

The proposal includes the following:

Installation of a 40 sq ft freestanding non-illuminated monument sign

The applicant has proposed to install a free-standing non-illuminated monument sign at the northwest corner of the site at the corner of 28th Ave and Harrison St. The proposed sign dimensions are 40 sq ft in area; 8 ft wide; and 5 ft high. The sign will be mounted on two posts at 1 ft above the ground, for a total height of 6 ft (see attached application for proposed sign design and dimensions).

Signs for Community Service Uses (CSU) must comply with the standards of the underlying zone. If the proposed sign complies with the standards of the underlying zone, it could be approved through a Type I review.

Table 1 describes the sign standards in the underlying R-2 zone. As shown, the proposed sign has a larger display surface than is permitted by the underlying zoning.

Table 1. Conditional Use and CSU Freestanding Sign Standards in the R-2 Zone

Topic	Required	Proposed	Staff Comment
1. Size	Max. 16 sf display surface	40 sf of display surface	Does not comply with standard.
2. Number	No more than one sign per street frontage	One sign	Complies with standard.
3. Height	Max. 6 ft. above the ground	6 ft. above the ground	Complies with standard.
4. Location	Not in public right-of-way	On subject property	Complies with standard.

As proposed, the sign does not meet the standards of the underlying R-2 zone. However, larger signs may be approved by the Planning Commission if the sign both meets objective CSU sign criteria and qualifies as a community service use. Milwaukie Municipal Code (MMC) Title 14 Subsection 14.08.090 Conditional Use and Community Service Signs states that the standards of the underlying R-2 zone may be increased to the standards in Table 14.08.090-2, pursuant to Minor Quasi-Judicial Review by the Planning Commission, as specified in MMC Title 19 Zoning Subsection 19.1011.3 Minor Quasi-Judicial Review.

As shown in Table 2, the application meets all objective standards for Conditional and Community Service Use signs with Minor Quasi-Judicial review. However, the proposed sign must also meet the CSU criteria, discussed in Key Issues below.

Table 2. Standards for Conditional and Community Service Use Signs with Minor Quasi-Judicial Review

Topic	Required	Proposed	Staff Comment
1. Size	<ul style="list-style-type: none"> • Max. 40 sf per display surface • Max. length 20 ft. 	<ul style="list-style-type: none"> • 40 sf. display surface • Length 8 ft. 	Complies with standard.
2. Number	No more than one sign per site	One sign	Complies with standard.
3. Height	Max. 12 ft. above the ground	6 ft. above the ground	Complies with standard.
4. Location	Not in public right-of-way	On subject property	Complies with standard.

The project requires approval of the following applications:

1. CSU-08-04

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. Are the public benefits of the proposed sign greater than the negative impacts, if any, on the neighborhood?
- B. Is the location of the site appropriate for the proposed sign?

Analysis

A. Are the public benefits of the proposed sign greater than the negative impacts, if any, on the neighborhood?

The public benefits of the proposed sign are greater than the minimal negative impacts that the sign would have. The public benefits of the Bridge City Community Church sign are as follows:

- The sign will clearly identify the programs and uses operating at the site, including a day care, café, and other community-oriented activities. This will allow for easier location of the site by community members.
- The site is located in SE Harrison St, an arterial roadway. The size of the sign is appropriate for visibility to passing vehicles.

Potential negative impacts are as follows:

- Staff has not identified any potential negative impacts.

B. Is the location of the site appropriate for the proposed sign?

Staff has concluded that the subject site is appropriate for the proposed sign. The Bridge City Community Church is located in a structure that has been utilized as a church since its construction in 1944; a sign has been located at the same location as the proposed sign since at least 1989; the most recent sign at that location was removed sometime between 2004 and 2007.

Harrison St is designated as an arterial roadway, and serves as a bus route and designated truck route. Though the subject property is zoned residential, the surrounding uses to the west and east are commercial in nature, with a number of signs have been installed to identify neighboring businesses.

CONCLUSIONS

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

1. Approve the request to install a free-standing non-illuminated monument sign at the northwest corner of the Bridge City Community Church site. This will result in the installation of a 40 sq ft monument sign.
2. 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):

- Prior to issuance of any sign permits the following shall be resolved:
 - The proposed sign shall not encroach into the public right-of-way or vision clearance areas.

CODE AUTHORITY AND DECISION-MAKING PROCESS

The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC) Title 14 Sign Ordinance and Title 19 Zoning Ordinance.

- Section 19.306 Residential zone R-2
- Section 19.321 Community Service Use CSU
- Section 14.08.090 Conditional and Community Service Use Signs

This application is subject to Minor Quasi-Judicial review, which requires the Planning Commission to consider whether the applicant has demonstrated compliance with the code sections shown above. In Quasi-Judicial 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 April 16, 2009, 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 on December 17, 2008: Milwaukie Building Department, Milwaukie Engineering Department, Clackamas County Fire District #1, Historic Milwaukie Neighborhood District Association Chairperson and Land Use Committee, Metro, Clackamas County, and TriMet.

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

- **Brad Albert, Civil Engineer, Milwaukie Engineering Department:** The proposed location of the sign shown in the application will not interfere with the clear vision area at the corner of 28th and Harrison.

ATTACHMENTS

Attachments are provided only to the Planning Commission unless noted as being attached. All material is available for viewing upon request.

1. Recommended Findings in Support of Approval (attached)
2. Recommended Conditions of Approval (attached)
3. Applicant's Narrative and Supporting Documentation dated November 21, 2008.
4. Comments Received
5. Exhibits List

ATTACHMENT 1
Recommended Findings in Support of Approval
Casefile # CSU-08-04, Bridge City Community Church Minor Modification

1. The applicant, Bridge City Community Church, has applied for approval to install a non-illuminated freestanding monument sign at the northwest corner of the site. This site is in the R-2 zone. The land use application is CSU-08-04.
2. The applicant proposes to install a freestanding monument sign at the northwest corner of the site, located at 28th Ave and Harrison St in the location indicated on the site map (see page 11 off the application). The sign would have 40 sq ft of display area and would be 8 ft wide and 5 ft tall; the sign would be installed on two 4-in wooden posts and the total height would be 6 ft.
3. The installation of a 40 sq ft sign in a Community Service Use zone is subject to the following provisions of the Milwaukie Municipal Code (MMC) Title 14 Sign Ordinance and Title 19 Zoning Ordinance:
 - MMC 19.321 Community Service Use CSU
 - MMC 19.306 Residential zone R-2
 - MMC 14.08.090 Conditional and Community Service Use Signs
4. Sections of the Milwaukie Municipal Code not addressed in these findings are found to be not applicable to the decision on this application.
5. Public notice has been provided in accordance with MMC Subsection 19.1011.3 Minor Quasi-Judicial Review. Notification was sent to property owners within 300 ft of the subject property at least 20 days in advance of the required public hearing. The Planning Commission held a public hearing on January 27, 2009, as required by law.
6. Table 1. Applicability of MMC Provisions

MMC Chapter	Section	Topic	Applicability
CSU 19.321.5	A.1	Base zone development standards	Not applicable – no development is being proposed
CSU 19.321.5	A.2	CSU development standards	Not applicable – no development is being proposed
CSU 19.321.5	A.3	Hours of operation	Not applicable – no change to hours of operation is being proposed
CSU 19.321.5	A.4	Public benefits	Applicable – see findings in #7
R-2 zone 19.306.3	H	Maximum lot coverage	Not applicable – no development is being proposed
R-2 zone 19.306.3	G	Building height	Not applicable – no development is being proposed
Sign Code 14.08.090	2	CU and CSU sign standards	Applicable – see findings in #8 below

7. Section 19.321 Community Service Use

MMC 19.321.5.A establishes criteria for the approval of a community service use. MMC 19.321.5.A.4 requires that the public benefits of the proposed use are greater than the negative impacts, if any, on the neighborhood.

The Planning Commission finds that the public benefits of the proposed use include:

- A. The sign will clearly identify the programs and uses operating at the site, including a day care, café, and other community-oriented activities. This will allow for easier location of the site by community members.
- B. The site is located in Harrison St, an arterial roadway. The size of the sign is appropriate for visibility to passing vehicles.

The Planning Commission finds that the potential negative impacts are as follows:

- A. Staff has not identified any potential negative impacts.

The Planning Commission finds that the public benefits of the proposed use are greater than potential negative impacts.

8. Subsection 14.08.090 Conditional and Community Service Use Signs

MMC 14.08.090-2 establishes standards for Conditional and Community Service Use signs subject to Minor Quasi-Judicial review. Table 2 describes these standards:

Table 2. Standards for Conditional and Community Service Use Signs Subject to Minor Quasi-Judicial review

Topic	Required	Proposed	Staff Comment
A. Size	<ul style="list-style-type: none"> • Max. 40 sf per display surface • Max. length 20 ft. 	<ul style="list-style-type: none"> • 40 sf. display surface • Length 8 ft. 	Complies with standard.
B. Number	No more than one sign per site	One sign	Complies with standard.
C. Height	Max. 12 ft. above the ground	6 ft. above the ground	Complies with standard.
D. Location	Not in public right-of-way	On subject property	Complies with standard.

- A. Size restrictions: Monument or freestanding signs may have a maximum of 40 sq ft of display surface, a maximum length of 20 ft and a maximum height of 12 ft above the ground. The proposed sign has 40 sq ft of display surface, a length of 8 ft, and a height of 6 ft.

The Planning Commission finds that the proposed sign meets the size restrictions for CU and CSU signs.

- B. Number of signs: One (1) monument sign is allowed per site. The proposed sign will be the only monument sign on the site.

The Planning Commission finds that the proposed sign meets the number restrictions for CU and CSU signs.

- C. Location: Signs must be located outside of the public right-of-way. The proposed sign would be located on church property as indicated on the site plan dated November 21, 2008 on page 11 of the application).

The Planning Commission finds that the proposed sign, as conditioned, meets the location requirement for CU and CSU signs.

The Planning Commission finds that the proposal meets the standards of MMC 14.08.090-2.

10. The application was referred to the following department and agencies on December 17, 2008: Milwaukie Building Department, Milwaukie Engineering Department, Clackamas County Fire District #1, Historic Milwaukie Neighborhood District Association Chairperson and Land Use Committee, Metro, Clackamas County, and TriMet. The comments received are summarized as follows:
- **Brad Albert, Civil Engineer, Milwaukie Engineering Department:** The proposed location of the sign shown in the application will not interfere with the clear vision area at the corner of 28th and Harrison.

ATTACHMENT 2
Recommended Conditions in Support of Approval
Casefile #CSU-08-04, Bridge City Community Church Minor Modification

1. Prior to issuance of any sign permits the following shall be resolved:
 - A. The proposed sign shall not encroach into the public right-of-way or vision clearance areas.
2. Final plans submitted for sign permit review shall be in substantial conformance with plans approved by this action, which are the plans stamped received by the City on November 21, 2008, except as otherwise modified by these conditions.
3. The Community Service Use (CSU) approval applies to the Bridge City Community Church and allows it or similar future occupants to install a sign in the manner prescribed by this approval. Deviation from the prescribed installation is permitted for the Bridge City Community Church or other future occupant of the site only if the appropriate minor or major modification of a CSU is approved, per Milwaukie Municipal Code (MMC) Section 19.321.6 Procedures for Reviewing a Community Service Use.



MILWAUKIE

Dogwood City of the West

To: Planning Commission

Through: Katie Mangle, Planning Director *KM*

From: Li Alligood, Assistant Planner

Date: January 12, 2009, for January 27, 2009, Public Hearing

Subject: File: CSU-08-05

Applicant: Joe Sandfort, Library Director, on behalf of the City of Milwaukie

Owner(s): City of Milwaukie

Address: 2215 SE Harrison Street, Milwaukie, OR 97222

Legal Description (Map & Taxlot): 1S 1E 25CC 00900

NDA: Historic Milwaukie

ACTION REQUESTED

Approve application CSU-08-05 and adopt the recommended findings and conditions found in Attachments 1 and 2. This action would establish a new Community Service Use at the Ledding Library "Pond House" ("Pond House") to allow retail and event activity at the site.

BACKGROUND INFORMATION

In 2006, the City of Milwaukie purchased the "Pond House" for the purpose of relocating some of the office, meeting and storage functions of the Ledding Library from its limited space to the Pond House. The City of Milwaukie, hereafter referred to as the Applicant, requests approval to use the Pond House as an extension of the Ledding Library campus. The Pond House currently hosts community events and provides office and storage space for Ledding Library and the Friends of the Ledding Library. The Applicant requests the establishment of a new Community Service Use at the Pond House to permit a Friends of the Ledding Library retail book store (the "Booktique"), which would provide support for the activities of the Ledding Library.

A. Site and Vicinity

The site is located at 2215 SE Harrison, Milwaukie, OR 97222 which is within the Historic Milwaukie neighborhood at the intersection of 23rd Ave and Harrison St. The site is 8,884 sq ft, is located approximately 100 ft east of the Ledding Library and Scott Park, and

contains a structure, a driveway from Harrison St, and a paved walkway connecting the sidewalk to the front entrance. The site fronts Harrison St for approximately 125 ft; the western half of the site is covered by Scott Lake, a pond that is part of the Spring Creek water system.

The surrounding area consists of a mix of Residential-Business-Office (R-1-B) and Downtown Storefront (DS) zoning.

B. Zoning Designation

R-1-B Residential-Business office-Commercial
WQR Water Quality Resource overlay

C. Comprehensive Plan Designation

Town Center (TC)

D. Land Use History

City records indicate no previous land use actions for this site. The previous owner of the site used the site as a dental office, a use that is allowed outright in the R-1-B zone.

E. Proposal

The applicant is seeking land use approvals for the establishment of a Community Service Use that allows the Pond House to act as an extension of Ledding Library.

The applicant is Joe Sandfort representing the City of Milwaukie (“Applicant”); other groups proposing to use the Pond House site include the non-profit Friends of the Ledding Library (“Friends”) and a proposed non-profit book store (“Booktique”).

The proposal includes the following:

1. Formalize current Pond House uses

Since 2006, the Pond House has been used for monthly poetry readings, poetry workshops, art exhibits, meeting space for the City of Milwaukie and community groups, a yearly plant sale, and 5-6 rummage sales per year. The poetry events, art exhibits, and meetings are currently allowed in the R-1-B zone; the yearly plant sale and rummage sales are allowed through Temporary Event Permits. Approval of this proposal would allow the Library to hold annual plant sales and rummage sales without a Temporary Event Permit.

2. Establish a new Community Service Use to allow retail activities at the site

The Friends are seeking a space for their non-profit book store, the Booktique. The proceeds from sales in the Booktique would support the activities of Ledding Library. The proposed Booktique would be located in the finished garage attached to the Pond House. The City is requesting approval for the Booktique to be open between the hours of 9:00 AM and 9:00 PM each day, though actual hours may be less than this. The proposed uses are expected to generate less traffic than the former use on the site, a dentist’s office (see Exhibit 1, Traffic Impact Analysis). Although home occupations are permitted in the current

R-1-B zoning, the proposed retail activities of the Booktique are not permitted and require the establishment of a new Community Service Use on the site.

The project requires approval of the following applications:

1. CSU-08-05 Community Service Use
2. TPR-08-05 (concurrent application)

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 Pond House, as an extension of the Ledding Library, and with the addition of retail activities, meet the public benefits test?
- B. Is the location of the Pond House appropriate for the proposed uses?

Analysis

A. Does the Pond House, as an extension of the Ledding Library and with the addition of retail activities, meet the public benefits test?

The public benefits of the Pond House are greater than the minimal negative impacts that current and future uses of the Pond House would have. The public benefits of the Pond House are as follows:

- Expansion of the Ledding Library campus: This expansion would allow for additional community meeting space, cultural and artistic programming, and much needed office and storage space for the library and Friends of the Ledding Library.
- Fund raising to support the local library. The Booktique would expand the ability of the Friends of the Ledding Library to raise money to support library activities.
- Retail services in the Town Center: Opening the Booktique would provide a valuable retail service to downtown employees and residents.
- Additional cultural and recreational amenities: The combination of the Ledding Library site and the Pond House site has created a large publicly-owned natural area, including Scott Park and Scott Lake. Together, the two sites provide a unique venue for outdoor music, cultural events, and neighborhood gatherings.
- Public improvements on Harrison St: Although the impact of the proposed Community Service Use is too minimal to trigger street improvement requirements, Ledding Library would voluntarily improve the intersection of Harrison St and 23rd Ave. These improvements would increase the safety of the intersection.

Staff has identified the following potential negative impacts:

- Occasional evening activities: The Pond House's proximity to residential areas makes this a sensitive issue.
- Increased number of visitors to the property: The establishment of the Booktique on the site and a potential increase in the number of meetings held at the site could negatively impact the Pond House neighbors.
- Competition with Main Street retail development: Creation of a retail use on the grounds of a public facility could run counter to the City's goal to revitalize downtown by focusing retail activity along Main Street.

Although the potential negative impacts listed above are cause for concern, staff does not believe that these potential negative impacts will rise to the level of actual negative impacts for the reasons discussed below:

- Occasional evening activities: Many factors mitigate this potential negative impact. The schedule of hours would not exceed 9:00 PM; the Pond House is separated from low-density residential uses by higher-density multi-family and office uses; and the Pond House is able to accommodate a limited number of people (45 per the Building Department) which would minimize disturbance.
- Increased number of visitors to the property: The Traffic Impact Analysis (Exhibit A) shows that the proposed community, office and retail uses would generate *fewer* trips than the former use, a dentist's office. Additionally, Ledding Library staff intend to make every effort to inform visitors to the site that they should park in the main Library parking lot.
- Competition with Main Street retail development: The Booktique is a non-profit used book store. Creation of a small nonprofit bookstore at the subject site would not preclude other bookstores from opening in the DS zone, but could help other businesses by drawing people to the downtown area.

B. Is the location of the Pond House appropriate for the proposed uses?

The Pond House is located within the Residential-Business office-Commercial (R-1-B) zone, and is adjacent to the Downtown Storefront (DS) zone to the west. The site is surrounded by Ledding Library to the west, City Hall to the southwest, the Portland Waldorf School to the south and east, and a legal practice and medical supply company to the north (see Exhibit 2). The proposed uses for the Pond House would complement these uses by providing meeting and event spaces for surrounding institutions and businesses, and creating a large public space by combining Scott Park and Scott Lake.

The site is located on Harrison St, which is classified as an arterial street and identified as a future City bikeway. It is accessible via foot, bicycle, public transit, and automobile. It is designated in the Comprehensive Plan as part of the Town Center Area, where the development of "mixed use development combining residential high density housing with retail, service commercial, and/or offices is encouraged" (Land Use Element, City of Milwaukie Comprehensive Plan, Nov 5, 1979).

The location of the Pond House site is easily accessible and is not immediately adjacent to low-density residential areas; it would not generate additional traffic per the attached Traffic Impact Analysis; and it would provide a valuable retail service to the downtown community.

The Booktique hours of operation would be between 9:00 AM and 9:00 PM each day, which coincides with standard business hours and the operating hours of the surrounding uses. The size of the Booktique would be limited by its location in the attached garage of the Pond House, the area of which is approximately 350 square feet. Any signage advertising the Booktique would need to comply with the standards described in MMC Title 14 Sign Ordinance Subsection 14.16.020 Standards for Signs in Residential-Office-Commercial Zones R-O-C or R-1-B, which governs signage in R-1-B zones.

In order to mitigate any potential impacts from community activities or meetings, other activities would be restricted to the hours of 8:00 AM and 9:00 PM and parking would be available in the Ledding Library parking lot. Finally, evening activity at the Pond House would provide the added benefit of increased activity and safety in Scott Park.

Although the establishment of a new Community Service Use at the Pond House would result in an intensification of uses, parking for visitors is not anticipated to be problematic. The Pond House would enter an informal shared parking agreement with the Ledding Library for use of the existing parking lot. Due to the fact that both Ledding Library and the Pond House are City-owned properties, a formal shared parking agreement would not be necessary. The on-street parking spaces at Harrison St and 23rd Ave would remain, and an additional loading space may be marked at the site of the current driveway access in the future. The location of this potential loading space would not reduce on-street parking on Harrison St.

CONCLUSIONS

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

- Approve the Application for Land Use Action for the establishment of a new Community Service use at the Pond House. This approval will result in the inclusion of the Pond House in the Ledding Library campus, e establishment of a non-profit retail bookstore, and several sales events throughout the year.
- 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):

- Prior to operation of the subject property as the proposed uses, the following shall be resolved:
 - Remove the existing driveway access on Harrison St. Replace with standard full height curb and sidewalk in accordance with Milwaukie Public Works Standards.
 - Provide 2 bicycle parking spaces in the existing driveway on the Pond House site.
 - Provide illumination for bicycle parking area at a level consistent with standard off-street parking areas.
 - Submit a new change of use permit application in order to expand the use of the building. Any alteration of the building will require ADA upgrades in an amount equal to 25% of the remodeling budget.

- Hours of operation shall be limited to the hours between 8:00 AM and 9:00 PM.
- Ongoing conditions of approval:
 - Staff shall monitor the on-street parking conditions on 23rd Ave adjacent to the subject property. In the event staff determines that there is parking congestion on 23rd Ave or patrons/visitors of the subject property are not utilizing the Ledding Library parking lot, the applicant shall provide and implement a staff approved parking management plan.

CODE AUTHORITY AND DECISION-MAKING PROCESS

The proposal is subject to the following provisions of the Milwaukie Zoning Ordinance, which is Title 19 of the Milwaukie Municipal Code (MMC).

- Section 19.321 Community Service Use
- Section 19.307 Residential-Business office-Commercial Zone (R-1-B)
- Chapter 19.500 Off-street Parking and Loading
- Chapter 19.1400 Transportation Planning, Design Standards and Procedures

This application is subject to Minor Quasi-Judicial review, which requires the Planning Commission to consider whether the applicant has demonstrated compliance with the code sections shown above. In Quasi-Judicial 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 April 11, 2009, 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 Building and Engineering, Historic Milwaukie Neighborhood District Association (NDA), Metro, Clackamas County, and TriMet. The following is a summary of the comments received by the City. See Attachment 5 for further details.

- **Tom Larsen, Building Official, Milwaukie Building Department:** The building obtained a change of use permit in 2006, approving the existing use with some restrictions (see Exhibit B). Applicant will need to submit a new change of use permit application in order to expand

the use of the building. Any alteration of the building will require ADA upgrades in an amount equal to 25% of the remodeling budget.

Staff Response: Approval of the proposal would be conditioned on applicant submission of a Change of Use permit application.

- **Heather Boll, TriMet:** Thank you for sending us the Land Use Application information for the Pond House. Although we have four bus lines that travel along Harrison in the vicinity of the property, we do not have any bus stops in the area and have no comment on the project at this time.

ATTACHMENTS

Attachments are provided only to the Planning Commission unless noted as being attached. All material is available for viewing upon request.

1. Recommended Findings in Support of Approval (attached)
2. Recommended Conditions of Approval (attached)
3. Applicant's Narrative and Supporting Documentation dated December 2, 2008.
4. Comments Received
5. Exhibits List

ATTACHMENT 1
Recommended Findings in Support of Approval

1. The applicant, Joe Sandfort, on behalf of the City of Milwaukie, has applied for approval to allow the use of the Pond House, located at 2215 SE Harrison in Milwaukie, as an extension of the Ledding Library. This site is in the R-1-B zone. The land use application is CSU-08-05.
2. The applicant proposes to establish a new Community Service Use (CSU) to permit retail activities and hold sales and events at the Pond House, including a yearly plant sale and 5-6 garage sales per year. The establishment of a new CSU for retail activities is for the purpose of opening a book store to be run by the Friends of the Ledding Library. The "Booktique" is run by volunteers and proceeds from its sales support Ledding Library activities.
3. The establishment of a new Community Service Use is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC 19.321 Community Service Uses
 - MMC 19.307 Residential-Business office-Commercial Zone (R-1-B)
 - MMC 19.500 Off-street Parking and Loading
 - MMC 19.1400 Transportation Planning, Design Standards, and Procedures
4. Sections of the Milwaukie Municipal Code not addressed in these findings are found to be not applicable to the decision on this application.
5. Public notice has been provided in accordance with MMC Subsection 19.1011.3 Minor Quasi-Judicial Review. Notification was sent to property owners within 300 feet of the subject property at least 20 days in advance of the required public hearing. The Planning Commission held a public hearing on January 27, 2009, as required by law.
6. Section 19.321 Community Service Use

MMC 19.321.5.A establishes criteria for the approval of a community service use. The Pond House property is owned by the City of Milwaukie, a public agency, and it is proposed to be used as part of the Ledding Library campus. For both of these reasons, 19.321 applies to the Pond House facility, which the City maintains as an Institutional CSU. Table 1 describes the standards for Institutional CSUs and how they apply to this proposal.

Table 1. Applicability of CSU Standards

Standard	Required	Proposed	Staff Comment
1. Size and location of development	Requirements of the underlying zone must be met.	No alterations to building proposed.	Not applicable.
2. Specific standards for Institutions	Specific standards for Institutions.	See Table 2.	Complies with standard.
3. Hours of operation	Hours and levels of operation shall be adjusted to make the use compatible with adjacent uses.	Hours between 8:00 AM to 9:00 PM for retail uses, scheduled meetings and events.	Complies with standard.
4. Public benefits	Public benefits are greater than negative impacts, if any, on the neighborhood.	See 6.C.	Complies with standard.
5. Location	Location is appropriate for type of use proposed.	Located within R-1-B zone.	Complies with standard.

The Planning Commission finds that the Pond House is a Community Service Use and that the applicable standards of MMC 19.321.5 are met.

- A. MMC 19.321.5.A.2 requires that the specific standards for the proposed uses as found in Subsections MMC 19.321.10 through 19.321.14 are met. MMC 19.321.12 Specific Standards for Institutions applies to this application. Table 2 describes applicability of these standards:

Table 2. Community Service Use: Specific Standards for Institutions

Standard	Required	Proposed	Staff Comment
1. Public improvements	Utilities, streets, or other improvements necessary for the use shall be provided by the agency constructing the use.	No construction proposed.	Not applicable.
2. Access	When located in or adjacent to a residential zone, access should be located from a collector street.	No access.	Complies with standard.
3. Lot area	Setbacks equal to a minimum of 2/3 of the height of the principal structure.	No construction proposed.	Not applicable.
4. Height	Height limitation of a zone may be exceeded to a maximum height of 50 feet	No construction proposed.	Not applicable.

5. Noise	Noise-generating equipment shall be sound-buffered when adjacent to residential areas.	No noise-generating equipment proposed.	Not applicable.
6. Lighting	Lighting shall be designed to avoid glare on adjacent residential uses and public streets.	No additional lighting proposed.	Not applicable.
7. Hours of operation	Hours and level of operation shall be adjusted to make the use compatible with adjacent uses.	See 6.B.	Complies with standard.
8. Spires	Spire on religious institution may exceed the maximum height limitation.	Not a religious institution.	Not applicable.
9. Landscaping	Minimum landscaping for religious institutions.	Not a religious institution.	Not applicable.

The Planning Commission finds that the applicable standards of MMC 19.321.12 are met.

- B. MMC 19.321.5.A.3 requires the hours and levels of operation of the proposed use are reasonably compatible with surrounding uses. The proposed hours of operation are between 8:00 AM and 9:00 PM, which is compatible with surrounding institutional and commercial uses.

The Planning Commission finds that the standards of MMC 19.321.5.A.3, as conditioned, are met.

- C. MMC 19.321.5.A.4 requires that the public benefits of the proposed use are greater than the negative impacts, if any, on the neighborhood.

The Planning Commission finds that the public benefits of the proposed use include:

- i. Expansion of the Ledding Library campus: This expansion would allow for additional community meeting space, cultural and artistic programming, and much needed office and storage space for the library and Friends of the Ledding Library.
- ii. Retail services in the Town Center: The Booktique would expand the ability of the Friends of the Ledding Library to support library activities. It would also provide a valuable retail service to downtown employees and residents.
- iii. Additional cultural and recreational amenities: The combination of the Ledding Library site and the Pond House site has created a large publicly-owned natural area, including Scott Park and Scott Lake. Together, the two sites provide a unique venue for outdoor music, cultural events, and neighborhood gatherings.
- iv. Public improvements on Harrison St: Although the impacts of the proposed Community Service Use are too minimal to trigger street improvement requirements, Ledding Library

would voluntarily improve the intersection of Harrison St and 23rd Ave. These improvements would increase the safety of the intersection.

The Planning Commission finds that potential negative impacts of the proposed use include:

- i. Occasional evening activities: The Pond House's proximity to residential areas makes this a sensitive issue.
- ii. Increased number of visitors to the property: The establishment of the Booktique on the site and a potential increase in the number of meetings held at the site could negatively impact the Pond House neighbors.
- iii. Competition with Main Street retail development: Creation of a retail use on the grounds of a public facility could run counter to the City's goal to revitalize downtown by focusing retail activity along Main Street.

Although the potential negative impacts listed above are worthy of consideration, the Planning Commission does not believe that these potential negative impacts will rise to the level of actual negative impacts for the reasons discussed below:

- i. Occasional evening activities: Many factors mitigate this potential negative impact. The schedule of hours would not exceed 9:00 PM; the Pond House is separated from low-density residential uses by higher-density multi-family and office uses; and the Pond House is able to accommodate a limited number of people (45 per the Building Department) which would minimize disturbance.
- ii. Increased number of visitors to the property: The Traffic Impact Analysis (Exhibit B) shows that the proposed community, office and retail uses would generate fewer trips than the former use, a dentist's office. Additionally, Ledding Library staff would make every effort to inform visitors to the site that parking should occur in the main Library parking lot.
- iii. Competition with Main Street retail development: The Booktique is a non-profit used book store. Creation of a small nonprofit bookstore at the subject site would not preclude other bookstores from opening in the DS zone, but could help other businesses by drawing people to the downtown area.

The Planning Commission finds that the public benefits of the proposed use are greater than potential mitigated negative impacts, and that the standards of MMC 19.321.5.A.4 are met.

7. Section 19.307 Residential-Business office-Commercial Zone R-1-B

MMC Subsection 19.307.3 establishes development standards for the R-1-B zone. However, MMC Subsection 19.321.12 provides specific standards for institutions, including requirements for public improvements, vehicle access, setbacks, height, noise, lighting, hours of operation, and landscaping. Those specific points are addressed in Finding 6.A, above.

The remaining applicable R-1-B standards are addressed in Table 3 below:

Table 3. R-1-B Zone Development Standards

Standard	Required	Proposed	Staff Comment
1. Off-street parking and loading	As specified in Section 19.500.	Compliance with Section 19.500.	Addressed in Finding 8.
2. Transportation requirements and standards	As specified in Section 19.1400.	Compliance with Section 19.1400.	Addressed in Finding 9.

8. Chapter 19.500 Off-street Parking and Loading

MMC 19.307.3.F specifies that uses in the R-1-B zone comply with the off-street parking and loading standards specified in MMC Chapter 19.500. MMC 19.500 establishes standards for off-street parking and loading.

MMC 19.503 Off-street parking standards

i. MMC 19.503.1 establishes general provisions for off-street parking.

- (1) 19.503.1.A requires off-street parking in all districts except the Downtown Storefront (DS) zone and the portion of the Downtown Office (DO) zone located to the north of Washington Street and east of McLoughlin Blvd. The Pond House site is located in the R-1-B zone, and must provide off-street parking.

This requirement is addressed in Finding 8.A.ii.

- (2) MMC 19.503.1.B requires off-street parking to be provided when there is an increase in density or intensity. This proposal would increase the intensity of uses at the Pond House.

This requirement is addressed in Finding 8.A.ii.

- (3) MMC 19.503.1.C requires the provision of off-street parking on site unless joint use or shared parking is approved and located within three hundred feet of the principal structure or use. This proposal would provide off-street shared parking within three hundred feet of the principal structure or use, further described in Finding 8.A.ii.

The Planning Commission finds that this proposal, as conditioned, meets the standard of MMC 19.503.1.C.

- (4) MMC 19.503.1.D requires the property owner to comply with the regulations of MMC 19.500 and to maintain the parking area. The Pond House property will comply with the regulations of MMC 19.500 as described in Finding 8, and the Ledding Library will continue to maintain the parking area.

The Planning Commission finds that the standard of MMC 19.503.1.D is met.

- (5) MMC 19.503.1.E requires parking areas to be available for the parking of operable vehicles of residents, customers and employees and shall not be used for the storage of vehicles or materials. The Ledding Library parking lot will be available for the parking of operable vehicles of customers and employees of the Ledding Library and Friends of Ledding Library. The lot shall not be used for vehicle or materials storage.

The Planning Commission finds that the standard of MMC 19.503.1.E is met.

- ii. MMC 19.503.2 establishes criteria for shared parking. Shared parking shall be permitted for two or more uses when there is no conflict in operating hours. Parking spaces shall be no more than 300 feet from the principal structure or use. The Pond House proposes to share parking with the Ledding Library; though they are part of the same site, the parking will serve as shared parking. The Ledding Library parking lot is located within 150 feet from the Pond House (see site plan on page 3 of the application).

There will be no conflict between Ledding Library and Pond House uses. To our knowledge, the establishment of the Ledding Library CSO did not include a minimum parking provision; because the Ledding Library is located within the Downtown Storefront (DS) zone, no off-street parking is required under current zoning. Therefore, none of the 40 spaces in the existing off-street parking lot are required for the Ledding Library or other functions on the Library site. Additionally, because both the Pond House and Ledding Library are owned by the City of Milwaukie, there is no need for a shared parking agreement to be recorded.

The Planning Commission finds that this proposal, as conditioned, meets the standard of MMC 19.503.2.

- iii. MMC 19.503.3 and 19.503.5 establish minimum required and maximum allowable parking spaces. These requirements will be determined per MMC 19.503.9. The site is in Zone A as defined in MMC 19.503.5.

This requirement is addressed in Finding 8.A.iv.

- iv. MMC 19.503.9 establishes criteria for minimum to maximum off-street parking requirements by use and zone. The Pond House houses several uses. The minimum required and maximum allowable parking spaces for the proposed use are calculated in Table 4 below:

Table 4. Minimum Allowable and Maximum Allowed Parking Ratios

Use from Table 19.503.9	Minimum Required Ratio	Maximum Allowed Ratio	Pond House	Min. /Max.
D.1 – Meeting Room	1 space per 60 sf	1 space per 45 sf	~500 sf	9/11
G.7 – Professional Services	1 space per 370 sf	1 space per 295 sf	~400 sf	2/2

F.4 – Apparel and Department Stores	3 spaces per 1,000 sf	4 spaces per 1,000 sf	~1,700 sf	6/6
Total				17/19

The 40 spaces in the Ledding Library parking lot can accommodate the minimum required parking spaces for uses in the Pond House. The maximum number allowed is not applicable due to the fact that the Ledding Library parking lot is an existing approved parking area. See page 39 of the application for an illustration of the existing Ledding Library parking area.

The Planning Commission finds that the standards of MMC 19.503.9 are met.

- v. MMC 19.503.10 establishes dimensions for off-street parking spaces. A minimum of 50% of spaces shall be regular-sized spaces and a maximum of 50% can be compact spaces. As shown in the application, the parking spaces and drive aisle dimensions conform to the required dimensions in Table 19.503.10. Twenty (50%) of the spaces have compact dimensions, and 20 (50%) have regular space dimensions.

The Planning Commission finds that the standards of MMC 19.503.10 are met.

- vi. MMC 19.503.11 requires paving and striping for all maneuvering and standing areas in the off street parking area. The Ledding Library off street parking area is paved and striped appropriately.

The Planning Commission finds that the standards of MMC 19.503.11 are met.

- vii. MMC 19.503.12 requires the minimum number of curb cuts necessary to provide access to off street parking areas. No additional curb cuts are proposed for the Ledding Library off street parking area; the existing driveway and curb cut at the Pond House site onto Harrison Street will be closed.

The Planning Commission finds that this proposal, as conditioned, meets the standards of MMC 19.503.12.

- viii. MMC 19.503.13 requires aisles in off street parking areas greater than 3 spaces. Parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles may enter the street in a forward manner. Aisles have been provided in the Ledding Library off street parking area, and all traffic exits the parking area in a forward direction.

The Planning Commission finds that the standards of MMC 19.503.13 are met.

- ix. MMC 19.503.14 requires connection between parking areas on adjacent sites to eliminate the use of the street for cross movements. There are no parking areas adjacent to the Ledding Library off street parking area.

The Planning Commission finds that the standards of MMC 19.503.14 are met.

- x. MMC 19.503.15 requires lighting of parking areas. This lighting shall be designed to enhance safe access for vehicles and pedestrians on the site, and shall be situated to avoid glare and be deflected so as not to shine on adjacent property. The Ledding Library off street parking area has lighting fixtures on the Library building and 2 fixtures on the east side of the parking area. These lights provide safe and adequate lighting and are shielded to avoid glare onto other property.

The Planning Commission finds that the standards of MMC 19.503.15 are met.

- xi. MMC 19.503.16 requires all areas used for circulation and parking to meet City standards for surface water runoff. The Ledding Library off-street parking area was expanded in 2006 and met City standards for stormwater runoff management at the time of construction. No changes are proposed at this time.

The Planning Commission finds that the standards of MMC 19.503.16 are not applicable.

- xii. MMC 19.503.17 requires pedestrian access through parking areas that is attractive, separated from vehicular circulation and parking, lighted, and provides direct access. Walkways shall be required in parking areas over 20 spaces and shall be buffered by landscaping or a curb, per subsection 19.1410.3.E. The Ledding Library parking area has walkways protected by a curb on the north, east and west sides that provide direct access to the Library building and the sidewalk on Harrison St, which leads to the Pond House.

The Planning Commission finds that the standards of MMC 19.503.17 are met.

- xiii. MMC 19.503.18 encourages the creation of park-and-ride facilities along transit routes, as long as the days and hours do not conflict with the weekday use of the facility. The Ledding Library has hours every day of the week and its parking area is in use every day. It does not have operation hours that are amenable to the creation of a park-and-ride facility on the site.

The Planning Commission finds that the standards of MMC 19.503.18 are met.

- xiv. MMC 19.503.19 requires parking area landscaping in all districts and for all uses other than single-family detached and single-family attached residences. Landscaping is based on the standards outlined in MMC 19.503.19.

As illustrated in the application, the Ledding Library off street parking area has interior and perimeter landscaping in place. The parking area was constructed in 2006 and received Planning Department approval on June 30, 2006. It was constructed under the current parking lot landscaping standards and meets the standards of this subsection.

The Planning Commission finds that the standards of MMC 19.503.19 are met.

- xv. MMC 19.503.20 requires a parking plan. The parking plan shall be drawn to scale and shall accompany development permit applications for all developments, excluding single-family and two-dwelling structures. The plan shall show that all elements related to MMC 19.500 are met, and shall include items outlined in MMC 19.503.20.

The application contains the information specified in this subsection. The Planning Commission finds that the standards of MMC 19.503.20 are met.

B. MMC 19.504 establishes off-street loading standards.

- i. MMC 19.504.1 requires off-street loading for commercial, industrial, public, and semi-public uses, as appropriate, for the receipt and distribution of merchandise by vehicles. Such uses shall have 1 or more spaces for standing, loading, and unloading of vehicles. Off-street loading is not required in the Downtown Storefront (DS) and Downtown Office (DO) zones. The Pond House requires only limited parking and loading. The building size is less than 5,000 square feet, and does not require an off-street loading space per MMC 19.504.2.

The Applicant has requested the addition of a new on-street parking and loading space where the driveway access to the Pond House is currently located, or that an existing on-street parking space be designated for loading during certain times of the day. Sarah Lander, the City's downtown parking management staff prefers the option of adding a new on-street parking and loading space where the driveway access to the Pond House is currently located. The signage of on street parking spaces will be determined according to the City's established parking management policies.

The Planning Commission finds that the standards of MMC 19.504 are met, and that the addition of a new on-street parking and loading space will not affect the standards of MMC 19.504.

C. Subsection MMC 19.505 establishes bicycle parking requirements.

- i. 19.505.1 requires bicycle parking spaces for all new Commercial, Business Industrial (BI), Community Service Use (CSU), and multifamily development. This section is applicable.
- ii. MMC 19.505.2 requires a number of bicycle parking spaces of at least 10 percent of the minimum required automobile parking for the use. The required minimum parking for the Pond House is 17 spaces. Ten percent of this figure is 1.7 bicycle parking spaces, which rounds up to 2 spaces. Two bicycle parking spaces will be provided on the Pond House site in existing paved areas.

The Planning Commission finds that this proposal, as conditioned, meets the standards of MMC 19.505.2.

- iii. MMC 19.505.3 establishes standards for bicycle parking space dimensions. The dimension of each parking space shall be a minimum of 2.5 by 6 ft. A 5-ft-wide access aisle must be provided. If spaces are covered, 7 ft of overhead clearance must be provided. Bicycle racks must be securely anchored and designed to allow the frame and one (1) wheel to be locked to a rack using a high security, U-shaped shackle lock. The Applicant proposes to place the required bicycle parking spaces in the existing driveway area on the site, which meets the dimensional standards of this subsection.

The Planning Commission finds that this proposal, as conditioned, meets the standards of MMC 19.505.3.

- iv. MMC19.505.4 establishes standards for the location of bicycle parking, summarized in Table 5:

Table 5. Bicycle Parking Location Standards

Standard from 19.505.4	Required	Proposed	Staff Comment
1. Location	Within 50 ft of main building entrance.	Within 15 ft of main building entrance.	Complies with standard
2. Entrance	Closer than the nearest automobile parking space.	135 ft closer than nearest automobile parking space.	Complies with standard
3. ROW access	Provide direct access to public ROW.	Adjacent to Harrison St sidewalk.	Complies with standard
4. Dispersal	Dispersed for multiple entrances.	Single entrance.	Complies with standard.
5. Visibility	Location is visible to building occupants.	Visible to building occupants.	Complies with standard.
6. Pedestrians	Designed not to impede pedestrians along sidewalks or ROW.	Will not be located on sidewalk or ROW.	Complies with standard.
7. Separation	Separated from vehicle parking areas.	Not adjacent to vehicle parking areas.	Complies with standard.

- v. MMC 19.505.5 requires the provision of covered or enclosed bicycle parking when 10% or more of automobile parking is covered. If more than 10 bicycle parking spaces are required, then a minimum of 50% of the bicycle spaces shall be covered and/or enclosed. Two bicycle parking spaces are required and no automobile parking is covered.

The Planning Commission finds that the standards of MMC 19.505.5 are not applicable.

- vi. MMC 19.505.6 requires the provision of lighting in bicycle parking areas to illuminate facilities at least as well as automobile parking areas. The area where the bicycle parking spaces are located will be illuminated at a level consistent with standard off-street parking areas.

The Planning Commission finds that this proposal, as conditioned, meets the standards of MMC 19.505.6.

- D. MMC 19.506 establishes standards for carpool and vanpool parking for new industrial, institutional, and commercial development with 50 or more employees. The Pond House will not have more than 50 employees; therefore, carpool and vanpool parking is not required.

The Planning Commission finds that the standards of MMC 19.506 are not applicable.

- E. MMC 19.507 specifies standards for structured parking. Structured parking is not proposed in this application.

The Planning Commission finds that the standards of MMC 19.507 are not applicable.

9. MMC Chapter 19.1400 Transportation Planning, Design Standards, and Procedures

- A. The Planning Commission finds that the following complies with applicable criteria of MMC 19.1400. MMC 19.1400 applies to partitions, subdivisions, and new construction, except as limited by MMC Subsection 19.1403.1 Limitations. MMC 19.1400 is not limited by MMC 19.1403.1 when a Transportation Impact Analysis (TIA) is required. A TIA is required for the proposed development.

The Planning Commission finds that MMC 19.1400 applies to the proposed development.

- B. MMC Subsection 19.1405.5 Approval Criteria establishes approval criteria for transportation review applications and ensures impacts are mitigated.

The Planning Commission finds that the proposed development, as conditioned, meets the approval criteria of MMC 19.1405.5 for decisions made under MMC 19.1400.

- C. MMC Section 19.1406 Neighborhood Through-trip Study requires the applicant to provide an assessment and recommendation for mitigation of local street impacts when any non-residential development adds more than 25 through vehicles per day to an adjacent residential Local Street.

The proposed development does not add more than 25 through vehicles per day to an adjacent residential Local Street. As a result, a neighborhood through-trip study is not required for the proposed development.

The Planning Commission finds that the requirements of MMC 19.1406 do not apply to the proposed development.

- D. MMC Section 19.1407 Adequate Transportation Facility Requirement requires streets, sidewalks, and transportation facilities to be safe, convenient, and adequate to accommodate the impacts of new development. The transportation facility improvements fronting the proposed development do not meet adequacy requirements. However, as stated in Section 9.E.ii of this report, the proposed development will result in a decrease in traffic volume from the previous known use. Although there is no increase in traffic volume resulting from the proposed development, there are minimal transportation impacts due to the nature of the change to such a disparate use.

The portion of Harrison St fronting the development property is subject to the Milwaukie Downtown and Riverfront Plan - Public Area Requirements. The public area improvements necessary to comply with adequacy requirements include undergrounding overhead utilities, street lighting, pavement widening, curb and gutter, sidewalk, street trees, and street furniture. Due to the minimal impacts of the proposed development, the scale of such a street improvement project is not proportional to the impacts of the development.

The applicant shall remove the existing subject property driveway access on Harrison St. The driveway approach shall be replaced with standard height curb and sidewalk in accordance

with Milwaukie Public Works Standards. The access improvements shall be the applicant's proportional share of the required transportation facility improvements.

The Planning Commission finds that the proposed development, as conditioned, will not result in hazardous or unsafe transportation conditions or unacceptable level of service impacts that cannot be mitigated.

E. MMC Section 19.1408 Transportation Impact Analysis requires submission of a TIA documenting impacts and mitigation of impacts of the development.

- i. MMC Subsections 19.1408.1 Intent and 19.1408.2 Applicability require submission of a TIA documenting the development impacts on the surrounding transportation system.

The proposed development scores over the 100 points necessary to require transportation impact analysis in accordance with the Milwaukie Transportation Design Manual. The applicant's traffic consultant, DKS Associates, submitted a transportation impact analysis with the land use application in accordance with MMC 19.1408.

The Planning Commission finds that the applicant's transportation impact study adequately complies with MMC 19.1408.1 and 19.1408.2.

- ii. MMC Sections 19.1408.3 Rough Proportionality and 19.1408.4 Mitigation require that transportation impacts of the development be mitigated and that the mitigation be roughly proportional to the impacts of the development.

The applicant's TIA states that the proposed development will result in a decrease in traffic volume from the previous known use. Although there is no increase in traffic volume resulting from the proposed development, there are minimal transportation impacts due to the nature of the change to such a disparate use. The applicant's TIA recommends the following improvements to mitigate the impacts of the proposed development:

- (1) The existing subject property access on Harrison St does not meet the Arterial Road access spacing standards of MMC Table 19.1413.1 Access Spacing Targets. Parking for the proposed development will be provided at the existing Ledding Library parking lot. The existing subject property driveway access shall be removed and replaced with standard height curb and sidewalk in accordance with Milwaukie Public Works Standards. Removal of the existing access is a minor safety and transportation facility improvement and is proportional to the impacts of the proposed development.
- (2) The existing intersection of Harrison St and 23rd Ave is not aligned at a 90° angle, reducing visibility and safety. The applicant's TIA recommends intersection safety improvements to align the intersection closer to a 90° angle. The improvements include curb extension, striping, and sidewalk at the northwest corner of the Harrison St and 23rd Ave intersection as diagrammed in Figure 1 of the Ledding Library Pond House Traffic Impact Analysis (Exhibit B). However, installing the street improvements needed to realign the intersection is a large enough project that it is not proportional to the impacts of the proposed development. As a result, the recommended Harrison St and 23rd Ave intersection improvements are recognized as needed transportation safety improvements, but are not required as part of the proposed development.

- (3) Staff shall monitor the on-street parking conditions on 23rd Ave adjacent to the subject property. In the event staff determines that there is parking congestion on 23rd Ave and patrons/visitors of the subject property are not utilizing the Ledding Library parking lot, the applicant shall provide and implement a parking management plan at the direction of staff.

The Planning Commission finds that the impacts of the proposed development, as conditioned, are mitigated and are roughly proportional to the impacts.

- F. MMC Section 19.1409 Street requirements and design standards establishes standards for street design and improvement. The portion of Harrison St. fronting the development property is subject to the Milwaukie Downtown and Riverfront Plan Public Area Requirements. The downtown street improvements necessary to meet the requirements of MMC 19.1409 include street lighting, pavement widening, new curb and gutter, and new wider sidewalk. However, as stated in Section 9.E.ii of this report, the proposed development will result in a decrease in traffic volume from the previous known use. Due to the minimal impacts of the proposed development, the scale of such a street improvement project is not proportional to the impacts of the development.

The Planning Commission finds that the requirements of MMC 19.1409 are not proportional to the impacts of the proposed development. As a result, MMC 19.1409 is not applicable to the proposed development.

- G. MMC Section 19.1410 Pedestrian requirements and standards establishes standards for pedestrian facilities. The portion of Harrison St. fronting the development property is subject to the Milwaukie Downtown and Riverfront Plan Public Area Requirements. The downtown street improvements necessary to meet the requirements of MMC 19.1410 include new curb and gutter and new wider sidewalk. However, as stated in Section 9.E.ii of this report, the proposed development will result in a decrease in traffic volume from the previous known use. Due to the minimal impacts of the proposed development, the scale of such a pedestrian improvement project is not proportional to the impacts of the development.

The Planning Commission finds that the requirements of MMC 19.1410 are not proportional to the impacts of the proposed development. As a result, MMC 19.1410 is not applicable to the proposed development.

- H. MMC Section 19.1411 Bicycle requirements and standards establishes standards for bicycle facilities. The portion of Harrison St. fronting the development property is subject to the Milwaukie Downtown and Riverfront Plan Public Area Requirements. The downtown street improvements include bicycle facilities on Harrison St fronting the subject property. Installation of the required bicycle facilities includes street widening, new curb and gutter, and new sidewalk. However, as stated in Section 9.E.ii of this report, the proposed development will result in a decrease in traffic volume from the previous known use. Due to the minimal impacts of the proposed development, the scale of such a bicycle facility improvement project is not proportional to the impacts of the development.

The Planning Commission finds that the requirements of MMC 19.1411 are not proportional to the impacts of the proposed development. As a result, MMC 19.1411 is not applicable to the proposed development.

- I. MMC Section 19.1412 Transit requirements and standards establishes standards for transit facilities. The portion of Harrison St fronting the proposed development is classified as a transit route in the Milwaukie Transportation System Plan. The development proposal has been referred to TriMet for comment. TriMet does not recommend any transit facility improvements as part of the proposed development.

The Planning Commission finds that the proposed development is consistent with MMC 19.1412.

- J. MMC Section 19.1413 Access management standards establishes standards for access management. According to MMC Table 19.1413.1, the required access spacing for an Arterial Road, such as Harrison St, is 600 feet. The existing subject property driveway access on Harrison St does not meet access spacing standards. Access spacing is important to the safety of major streets, such as Harrison St, by reducing the number of vehicle conflict points.

According to MMC 19.1413.2.D , vehicles backing into the right-of-way are prohibited. All vehicle backing movements shall be contained on-site. The existing driveway cannot be modified to accommodate all vehicle backing movements on-site due to existing site constraints. Also, the existing driveway access is located directly at the northwest corner of the Harrison St and 23rd Ave intersection. In addition to safety issues caused by the reduced access spacing, the driveway location creates vision problems and unexpected vehicle movements on Harrison St and 23rd Ave.

Parking for the proposed development will be provided at the existing Ledding Library parking lot. As a result, there is less need for a separate driveway access at the subject property.

The TIA submitted by the applicant recommends the subject property driveway access on Harrison St be removed and replaced with full height curb and standard sidewalk. The replacement curb and sidewalk shall be designed and constructed in accordance with the Milwaukie Public Works Standards.

The applicant's TIA states that the proposed development will result in a decrease in traffic volume from the previous known use. Although there is no increase in traffic volume resulting from the proposed development, there are minimal transportation impacts due to the nature of the change to a collection of disparate uses. Removal of the existing access is a minor safety and transportation facility improvement and is proportional to the impacts of the proposed development.

The Planning Commission finds that the proposed development, as conditioned, is consistent with MMC 19.1413.

10. The application was referred to the following department and agencies on December 17, 2008: Milwaukie Building Department, Milwaukie Engineering Department, Clackamas County Fire District #1, Historic Milwaukie Neighborhood District Association Chairperson and Land Use

Committee, Metro, Clackamas County, and Tri-Met. The comments received are summarized as follows:

- Tom Larsen, Building Official: The building obtained a change of use permit in 2006, approving the existing use with some restrictions (see Exhibit G). Applicant will need to submit a new change of use permit application in order to expand the use of the building. Any alteration of the building will require ADA upgrades in an amount equal to 25% of the remodeling budget.
- Heather Boll, TriMet: Thank you for sending us the Land Use Application information for the Pond House. Although we have four bus lines that travel along Harrison in the vicinity of the property, we do not have any bus stops in the area and have no comment on the project at this time.

ATTACHMENT 2**Recommended Conditions in Support of Approval****Casefile #CSU-08-05/TPR-08-05, Pond House Community Service Use Approval**

1. Final uses shall be in substantial conformance with the proposal approved by this action—except as otherwise modified by these conditions—which are the application submission materials stamped received December 2, 2008 by the Milwaukie Planning Department.
2. The Community Service Use (CSU) approval applies to the Ledding Library Pond House (“Pond House”) and allows it to operate in the manner prescribed by this approval. Deviation from the prescribed operation is permitted for the Pond House or other future occupant of the site only if the appropriate minor or major modification of a CSU is approved, per Milwaukie Municipal Code (MMC) Section 19.321.6 Procedures for Reviewing a Community Service Use. Future occupants under this approval must submit a trip generation study. Trip generation greater than that of this approval shall be subject to modification of a CSU.
3. Prior to operation of the subject property as the proposed uses, the following shall be resolved:
 - A. Remove the existing subject property driveway access on Harrison St. Replace with standard full height curb and sidewalk in accordance with Milwaukie Public Works Standards.
 - B. Provide 2 bicycle parking spaces in the existing driveway on the Pond House site.
 - C. Provide illumination for bicycle parking area at a level consistent with standard off-street parking areas.
 - D. Submit a new change of use permit application in order to expand the use of the building. Any alteration of the building will require ADA upgrades in an amount equal to 25% of the remodeling budget.
4. Allowable hours of use shall be as follows: daily from 8:00 am to 9:00 pm for the Pond House itself and daily during daylight hours for the grounds.
5. Ongoing conditions of approval:
 - A. Staff shall monitor the on-street parking conditions on 23rd Ave adjacent to the subject property. In the event staff determines that there is parking congestion on 23rd Ave or patrons/visitors of the subject property are not utilizing the Ledding Library parking lot, the applicant shall provide and implement a staff approved parking management plan.