



October 28, 2013

Land Use File(s): P-13-02

## NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Director on September 11, 2013.

**Applicant(s):** JoAnn Herrigel, City of Milwaukie on behalf of  
Linwood Neighborhood District Association

**Location(s):** Wichita Park, 5908 SE Monroe Street

**Tax Lot(s):** 12E31AA08300

**Application Type(s):** Parking Quantity Determination

**Decision:** APPROVED, WITH CONDITIONS

**Review Criteria:** Milwaukie Zoning Ordinance:

- MMC 19.605.2, Quantity Modifications and Required Parking Determinations

**Neighborhood(s):** Linwood

**Appeal period closes: 5:00 p.m., November 12, 2013**

This notice is issued in accordance with Milwaukie Municipal Code (MMC) Section 19.1005 Type II Review. The complete case file for this application is available for review between 8:00 a.m. and 5:00 p.m. on regular business days at the Planning Department, Johnson Creek Facility, 6101 SE Johnson Creek Blvd. Please contact Ryan Marquardt, Senior Planner, at 503-786-7658 or [marquardtr@milwaukieoregon.gov](mailto:marquardtr@milwaukieoregon.gov), if you wish to view this case file.

**This decision may be appealed by 5:00 p.m. on November 12, 2013, which is 15 days from the date of this decision.** Any person who is adversely affected or aggrieved by this decision may appeal the decision by filing a written appeal. An appeal of this decision would be heard by the Milwaukie Planning Commission following the procedures of MMC Section 19.1010 Appeals. This decision will become final on the date above if no appeal is filed during the appeal period. Milwaukie Planning staff can provide information regarding forms, fees, and the appeal process at 503-786-7630 or [planning@milwaukieoregon.gov](mailto:planning@milwaukieoregon.gov).

Per MMC Subsection 19.1001.7.E, this land use approval expires unless the development utilizes its approvals within 4 years of land use approval. Extensions can be granted per MMC Section 19.908.

### **Findings in Support of Approval**

1. The application for a parking quantity determination was submitted on July 17, 2013. The applicant is JoAnn Herrigel, City of Milwaukie Parks and Sustainability Coordinator, on behalf of the Linwood Neighborhood District Association. The property owner is the City of Milwaukie. The application was deemed complete for review by the City on July 31, 2013.
2. The application is for the property at 5908 SE Monroe Street (Tax Lot ID 12E31AA08300), for the site known as Wichita Park. It is in the Residential zone R7 and has a Comprehensive Plan land use designation of Public (P). The site is currently an open, unimproved, grass-covered lot that is 0.91 acres in area (41,680 sq ft).
3. The applicant has created draft plans for development of the site as a neighborhood park consistent with the Wichita Park Master Plan, which is an ancillary document to the Milwaukie Comprehensive Plan. The applicant intends to apply within the next year for Community Service Use approval to develop the park, and is requesting this parking determination prior to that application so that site development plans can be finalized with regard to the inclusion of off-street parking.
4. Milwaukie Municipal Code (MMC) 19.605 contains standards for off-street vehicle parking requirements. MMC 19.605.1 states that if a proposed use is not listed in Table 19.605.1, the Planning Director has the discretion to apply the quantity requirements of a similar use listed in the table upon finding that the listed use and unlisted use have similar parking demands. If a similar use is not listed, the quantity requirements will be determined per Subsection 19.605.2. The proposed use of a 'neighborhood park' is not listed in Table 19.605.1. The Planning Director finds that there is not a similar use in that table, and that the parking quantity requirements will be determined per MMC 19.605.2.
5. MMC 19.605.2 contains procedures and criteria for parking quantity determinations.
  - a. MMC 19.605.2.A describes the applicability of MMC 19.605.2. Per MMC 19.605.2.A.1, MMC 19.605.2 is applicable because the proposed use is not listed in Table 19.605.1 and the quantity requirements for a similar listed use cannot be applied.
  - b. MMC 19.605.2.B describes the review process and materials required for a parking quantity determination.

The specified review process for a parking quantity determination is a Type II Review per MMC 19.1005. The application was processed, referred for review, and public notice mailed and posted at the site as required in MMC 19.1005.3, Type II Public Notice.

The Planning Director finds that the application submitted for review includes all of the required information described in this section of code. The applicant's proposed parking ratio is that no off-street parking be required for development of the neighborhood park.

- c. MMC 19.605.2.C contains approval criteria for the parking determination.
  - (1) MMC 19.605.2.C.1 requires that determinations must demonstrate that the proposed parking quantities are reasonable based on existing parking demand for similar use in other locations; parking quantity requirements for the use in other jurisdictions; and professional literature about the parking demands of the proposed use.

The parking quantity determination request is for development of the site as a neighborhood park. The park is currently managed by the North Clackamas Parks and Recreation District. The North Clackamas Parks and Recreation District Parks and Recreation Master Plan describes neighborhood parks as: "...generally designed for unsupervised, unorganized recreation activities. They vary in size from 0.5 to 5 acres and serve an area of an approximately 0.5-mile radius. Facilities typically found in a neighborhood park include a children's playground, picnic areas, trails, open grass areas for passive use, outdoor basketball courts, and multi-use sport fields. On-site parking and permanent restrooms are ordinarily not provided." (Chapter 4, Page 4.17)

A neighborhood park is described in the Milwaukie Comprehensive Plan as a park that, "Typically serves one neighborhood (within a 1/2 mile radius), is often located by a school, and provides short duration activities (field sports, play, leisure time, etc.). Minimum size is 1 acre. The standard is 1 acre of neighborhood park per 1,000 residents." (Chapter 4, Recreational Needs Element, Objective #1, Park Classification). Not incorporating off-street parking is consistent with the design of neighborhood parks within the city, including Ball-Michele Park (9781 SE Stanley Ave), Water Tower Park (9790 SE 40<sup>th</sup> Ave); Ardenwald Park (3667 SE Roswell St), Stanley Park (11800 SE Stanley Ave) and Homewood Park (approx. 10819 SE Home Ave).

The Planning Director finds that neighborhood parks are designed to not generate a demand for off-street parking because the size and facilities available at a neighborhood park are designed to attract park users that live near the park. As such, park users primarily walk or bike to the park, and do not necessitate the provision of off-street parking.

The parking requirements of nearby jurisdictions also support not having a minimum parking requirement for the proposed neighborhood park. The City of Vancouver, Washington requires parking for neighborhood parks as determined by the Parks Department. The Vancouver-Clark Comprehensive Parks, Recreation, and Open Space Plan describes neighborhood parks and does not list off-street parking as an amenity that is included, which stands in distinction to the descriptions of community and regional parks (Pages 17-18). The City of Portland requires parking for parks and open space to be determined through conditional use review (City of Portland, Title 33, Chapter 266, Table 266-2).

The Planning Director finds that parking for parks in other jurisdictions either require no off-street parking for neighborhood parks or relies on the descriptions of the category of park in a park plan or comprehensive plan.

Neither the applicant nor the City was able to identify relevant professional literature to aid in the parking determination.

#### Summary Finding

The Planning Director finds that the proposal to not require off-street parking for development of Wichita Park as a neighborhood park is reasonable, based on the description of Neighborhood Parks in the North Clackamas Parks and Recreation District Parks and Recreation Master Plan, development of other Neighborhood Parks within the City of Milwaukie, and the requirements of other jurisdictions to either not require off-street parking or require parking based on the descriptions of park types in their park master plans.

- (2) MMC 19.605.2.C.2 and 3 are criteria specific to changes to modify parking ratios listed in Table 19.605.1. This application does not propose to modify ratios in this table, and these criteria are not applicable.
6. Public notice was provided for this application pursuant to the Type II Review process (MMC 19.1005). The application was referred for review to: Milwaukie Engineering Department, Milwaukie Building Department, Clackamas Fire District #1, and the Linwood Neighborhood District Association. None of these entities had comment on the application. Public notice was posted at the site and mailed to properties within 300 ft of the site, and no public comments were received.
7. Sections of the Milwaukie Municipal Code not addressed in these findings are found to be inapplicable to the decision on this application.

### **Conditions of Approval**

1. The parking quantity determination applies only to development of Wichita Park as a Neighborhood Park, consistent with the description of a Neighborhood Park in the North Clackamas Parks and Recreation District Parks and Recreation Master Plan and the Milwaukie Comprehensive Plan.



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Community Development Director  
Interim Planning Director

cc: Jason Rice, Engineering Director (*via e-mail*)  
Brad Albert, Civil Engineer (*via e-mail*)  
Tom Larsen, Building Official (*via e-mail*)  
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