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

# Application for Land Use Action

Primary File #: CSU-2023-004

Review type\*: DI DII DII DIV DV

CHECK ALL APPLICATION TYPES THAT AP	PLY:			
Amendment to Maps and/or	Land Division:	Planned Development		
Comprehensive Plan Map	Final Plat	Residential Dwelling		
Amendment	Lot Consolidation	Manufactured Dwelling Park		
Zoning Text Amendment	Partition	Manufactured Dwelling		
Zoning Map Amendment	Property Line Adjustment	Temporary Dwelling Unit		
Code Interpretation	Replat	Transportation Facilities Review**		
Community Service Use	Subdivision	Variance:		
Conditional Use	Mixed Use Overlay Review	Use Exception		
Development Review	Modification to Existing Approval	Variance Willamette Greenway Review Other:		
Director Determination	Natural Resource Review**			
Downtown Design Review	Nonconforming Use Alteration			
Extension to Expiring Approval	Parking:	Use separate application forms for:		
Historic Resource:	Quantity Determination	Annexation and/or Boundary Change <ul> <li>Compensation for Reduction in Property</li> </ul>		
Alteration	Quantity Modification			
	Shared Parking	<ul> <li>Value (Measure 37)</li> </ul>		
<ul> <li>Status Designation</li> <li>Status Deletion</li> </ul>	Structured Parking	Daily Display Sign <ul> <li>Appeal</li> </ul>		
RESPONSIBLE PARTIES: APPLICANT (owner or other eligi	ble applicant—see reverse): North Cla	ackamas School District - Cindy Detchon		
Mailing address: 12400 SE Free		State/Zip: OR / 97222		
Phone(s): Contact Applicant's	Representative Email: Con	tact Applicant's Representative		
	pmitted in this application may be subj			
APPLICANT'S REPRESENTATIVE (if				
Mailing address: 9600 SW Nimb		State/Zip: OR / 97008		
	ds Aver suite 100			
Phone(s): (503) 946-9365 x251	Email: sam.h	huck@3j-consulting.com		
SITE INFORMATION:				
Address: 2301 SE Willard St. Mil	waukie, OR 97222 Map & Tax Lot	t(s): 1S1E36BC Tax Lot 5600		

Comprehensive Plan Designation: P, HD, TC Zoning: HDR / DMU Size of property: ± 14.7 acres

#### PROPOSAL (describe briefly):

Proposal to modify existing Milwaukie High School CSU to remove parking minimums or maximums, remove

requirement that the District maintain shared parking agreements, and remove the requirement for a TDMP.

**SIGNATURE:** I attest that I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code 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:

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Date: 8/1/2023

### 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. \*\* Natural Resource and Transportation Review applications **may require a refundable deposit**.

#### 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.

#### **DEPOSITS:**

Deposits require completion of a Deposit Authorization Form, found at www.milwaukieoregon.gov/building/deposit-authorization-form

#### **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

#### THIS SECTION FOR OFFICE USE ONLY:

FILE TYPE	FILE NUMBER	AMOUNT (after discount, if any)	PERCENT DISCOUNT	DISCOUNT TYPE	DATE STAMP
Primary file	CSU-2023-004	\$ <b>2,000</b>			Materials submitted
Concurrent application files		\$			8/04/2023
appreamon mee		\$			Payment received 8/08/2023
		\$			
Sec. and		\$			
Deposit (NR/TFR only)					orization Form received
TOTAL AMOUNT R	ECEIVED: \$ 2,000		RECEIPT #:		RCD BY:
Associated app	lication file #s (ap	peals, modificat	tions, previous c	approvals, etc.):	
Neighborhood I	District Associatio	on(s):			
Notes:					



## **3J CONSULTING** CIVIL ENGINEERING | WATER RESOURCES | LAND USE PLANNING



# **MILWAUKIE HIGH SCHOOL: CSU MODIFICATION**

2301 SE WILLARD ST. MILWAUKIE, OR 97222

#### **OWNER | APPLICANT:**

NORTH CLACKAMAS SCHOOL DISTRICT 12400 SE FREEMAN WAY MILWAUKIE, OR 97222 CONTACT: CINDY DETCHON PHONE: (503) 353-6017

#### **APPLICANT'S REPRESENTATIVE**

3J CONSULTING, INC. 9600 NW NIMBUS AVENUE, SUITE 100 BEAVERTON, OR 97008 CONTACT: SAM HUCK PHONE: (503) 946-9365 x251

#### **APPLICATION TYPE**

TYPE III - CSU MAJOR MODIFICATION

SUBMITTAL DATE

AUGUST 4, 2023

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#### **GENERAL INFORMATION**

Property Owner and Applicant:	North Clackamas School District 12400 SE Freeman Way Milwaukie, OR 97222 Contact: Cindy Detchon Assistant Superintendent Phone: (503) 353-6017

Applicant's Representative:	3J Consulting, Inc.
	9600 SW Nimbus Avenue, Suite 100
	Beaverton, OR 97008
	Contact: Sam Huck
	Phone: (503) 946-9365 x 251
	Email: sam.huck@3j-consulting.com

#### SITE INFORMATION

Map Number and Parcel Number:	11E36BC, Tax Lot 5600
Address:	2301 SE Willard St. Milwaukie, OR 97222
Gross Site Area:	± 14.7 acres
Zoning Designation:	High Density Residential (R-HD) / Downtown Mixed Use (DMU)
Comprehensive Plan Designation:	Public (P)
Existing Use:	Community Service Use – Milwaukie High School
Surrounding Zoning:	The properties to the north and south are zoned R-HD. The properties to the east are zoned R-HD and R-MD past SE 27th Avenue. The
	properties to the west are zoned DMU.
Street Classification:	SE 27th Avenue is classified as a Neighborhood Route, SE Washington Street is classified as a Collector, and SE Willard Street is classified as Local in the Clackamas County Department of Transportation & Development Road Functional Classification.

#### INTRODUCTION

#### **APPLICANT'S REQUEST**

North Clackamas School District ("the District") proposes to change the total number of off-street parking spaces approved through previous land use decisions that are available to site users of Milwaukie High School ("MHS") and Milwaukie Academy of the Arts ("MAA") herein referred to as the "Campus" or "the site". The District is seeking approval of a Type III CSU Modification.

The District is requesting approval from the City of Milwaukie Planning Commission to remove conditions of approval from the existing CSU approvals that require the District to maintain a shared parking agreement at St. Stephen Serbian Orthodox Church ("St. Stephen's"), remove conditions of approval that require a shared parking agreement at St. John the Baptist Catholic Church ("St. John's"), remove conditions of approval of any other shared parking agreements for the purpose of meeting a specific threshold of parking spaces on the Campus, and to remove the conditions of approval that require the District to create, maintain, and enact a Transportation Demand Management Program ("TDMP").

This narrative has been prepared to describe the proposal and to document compliance with the relevant sections of the Zoning Ordinance of the City of Milwaukie, Oregon: Chapters 19.900, and 19.1000.

The Type III CSU Major Modification application is evaluated under the quasi-judicial decision process. The Planning Commission will render the decision after a public hearing is held.

#### SITE DESCRIPTION/SURROUNDING LAND USE

The Campus is located at 2301 SE Willard Street within the City of Milwaukie. The site consists of one tax lot, 1S1E36BC 5600, which is traversed by SE Willard Street. The site is approximately 14.7 acres and is primarily zoned R-HD, with a small portion of the site east of 21st Avenue zoned DMU. The existing school consists of a primary academic and administrative building, with several connecting additions made to the Campus over the years.

The surrounding zoning and development to the north and west of the site is mostly DMU and R-HD zoning and contains mostly commercial and retail use areas. The zoning adjacent to the site on the east is zoned R-HD. The neighborhood immediately adjacent to the High School is primarily residential, with some mix of uses.

#### PROPOSAL

The District is proposing to manage and mitigate impacts related to parking without being required by the City to maintain any shared parking agreements and without being required to develop, maintain, and enact a Transportation Demand Management Program (TDMP) or similar tools.

This Type III CSU Major Modification application seeks approval to remove any conditions of approval related to offstreet parking requirements, which relate to and require the District to maintain shared parking agreements at St. Stephen's and St. John's churches as established by CSU-2017-007, and CSU-2019-002, and any other shared parking agreements as previously required. This Type III CSU Major Modification application also seeks to remove the Transportation Demand Management Program as previously required by the City of Milwaukie in the Notices of Decision for CSU-2007-005 and CSU-2017-007, and to remove any other conditions of approval from any previous land use decisions on the Campus for the existing use that require the District to maintain any shared parking agreements and adhere to any parking spaces minimum requirements for the subject site.

The existing CSU approvals officially recognize the number of parking spaces on-site as 263. The District has been maintaining shared parking agreements with the two nearby churches which brought the total official count of available parking spaces to 353 spaces (263 on-site and 90 off-site shared parking). The District has used the most recent as-built civil drawings from the recent Campus renovation, current aerial photographs, and current street view photographs, which indicate that the total number of on-site parking spaces is 282. This is demonstrated on the Site Plan submitted with this narrative in Appendix C.

Approval of this proposal for a Type III CSU Major Modification for the Campus would bring the total approved on-site parking spaces to 282, with 0 off-site parking spaces. The shared parking agreements with St. Stephen Serbian Orthodox Church and St. John the Baptist Catholic Church will not be renewed upon approval of this land use application, and the District would continue to appropriately mitigate the impacts related to parking without the requirement to meet on-site parking minimums, without any shared parking agreements, and without a Transportation Demand Management Program (TDMP) or similar tools.

#### VICINITY MAP

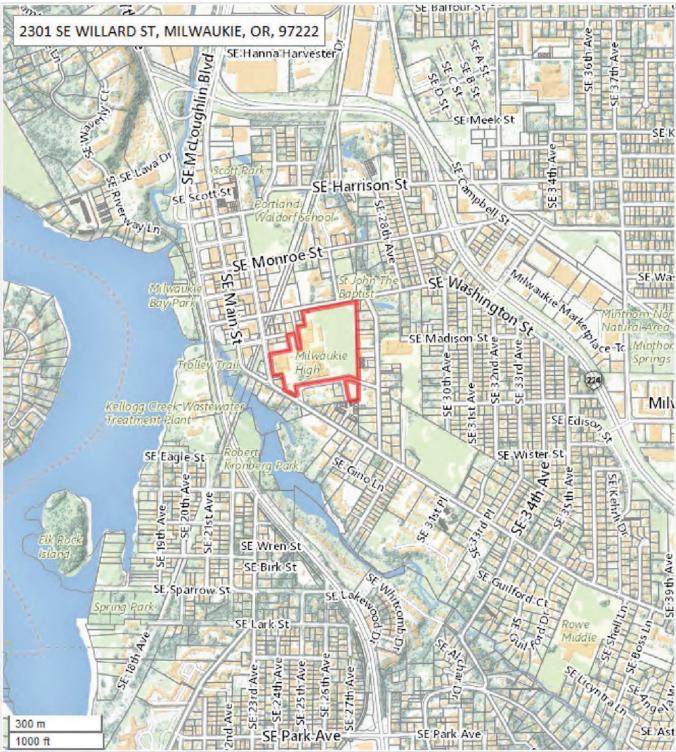


Figure 1 – Vicinity Map of the subject site.

#### **APPLICABLE CRITERIA**

The following sections of Zoning Ordinance of the City of Milwaukie, Oregon have been extracted as they have been deemed to be applicable to the proposal. Following each **bold** applicable criteria or standard, the District 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 CSU Major Modification application.

#### **CHAPTER 19.900 LAND USE APPLICATIONS**

#### **19.904 COMMUNITY SERVICE USES**

#### 19.904.2 Applicability

Any community service use shall be subject to the provisions of this section. Application must be submitted to establish or modify a community service use. Community service uses include certain private and public utilities, institutions, and recreational facilities as listed below:

A. Institutions—Public/Private and Other Public Facilities

1. Schools, public or private, and their accompanying sports facilities, day-care centers, private kindergartens;

2. Government office buildings for local, state, or federal government such as a City Hall, courthouse, police station, or other similar buildings;

- 3. Hospital;
- 4. Cemetery;
- 5. Residential care facility;
- 6. Religious institutions;
- 7. Community meeting building;
- 8. Temporary or transitional facility;
- 9. Other similar uses as determined by the Planning Commission.
- **Finding:** The CSU provisions are applicable as both MHS and MAA are Public Schools, which are listed as Institutions as defined in this code. This standard is met.

#### 19.904.3 Review Process

Except as provided in Subsections 19.904.5.C for minor modifications and 19.904.11 for wireless communication facilities, community service uses shall be evaluated through a Type III review per Section 19.1006.

**Finding:** The District understands that the CSU Major Modification application will be evaluated through a Type III review per Section 19.1006. The review process and requirements are addressed further in this narrative.

#### 19.904.4 Approval Criteria

An application for a community service use may be allowed if the following criteria are met: A. The building setback, height limitation, and off-street parking and similar requirements governing the size

and location of development in the underlying zone are met. Where a specific standard is not proposed in the CSU, the standards of the underlying zone are met;

**Finding:** Previous land use files #CSU-2017-007 and #CSU-2019-002 used Table 19.605.1 to determine the minimum and maximum requirements for the Campus. The minimum parking spaces required through Table 19.605.1 is 515 and the maximum is 635 spaces. With the proximity to the Orange Line Light-Rail station in downtown Milwaukie, the previous land use approvals established that the High School qualifies for a 25% reduction in the minimum parking requirement, reducing the minimum requirement in those approvals from 515 to 386 spaces.

Previously approved CSU Modification for the major renovation of the school in 2017 provided a total of 333 parking stalls available for use by the students and staff, of which, 243 spaces were provided on-site, and 90 spaces provided off-site through the use of shared parking agreements with St. John's and St. Stephen's.

Previously approved CSU Modification for the construction of a new parking lot on the old tennis courts in 2019 provided a net total additional 20 parking spaces to the Campus, bringing the total parking spaces on-site to 263 spaces. With the shared parking agreements at the neighboring St. John's and St. Stephen's still in place, an additional 90 off-site spaces have been available to the site users, bringing the total spaces to 353 spaces.

The most recent shared parking agreements between the District and both St. John's, and St. Stephen's was for a total of 96 off-site spaces available to site users, of which, 36 spaces are provided at St. Stephens, and 60 spaces provided at St. Johns. These most recent shared parking agreement leases were for a greater number of spaces than required by the existing CSU approvals.

A parking space count was conducted in July 2023 using the most recent Civil Record Set of plans (completed in May of 2021), and the most recently available aerial photographs and street view photographs to determine the current parking spaces that are available on the Campus. These counts indicate the total number of on-site parking spaces is 282. This parking count is demonstrated on the Site Plan and selected Civil Sheets from the May 2021 Record Set, along with screenshots of parking areas from street view, which are submitted with this narrative as Appendix C – Land Use Plans.

This application seeks approval of a CSU Major Modification for 282 parking spaces to be the total number of on-site, off-street parking spaces available to users of the site. This application also seeks approval of removing the existing TDMP as a requirement for the Campus, as the existing parking and current operations have met the needs of the site users, and have mitigated impacts to the community. No changes are proposed to any of the existing built conditions on the site.

The District finds that the State of Oregon has established Transportation Planning rules that the City of Milwaukie is subject to. The City has retained their land use regulations with parking mandates established, therefore the provisions of OAR 660-012-0425 through OAR 660-012-0450 establish the parking requirements for the City and this Type III CSU Major Modification application. The City has followed the requirements of the Department of Land Conservation and Development (DLCD) Parking Reform Summary, "Parking A",<sup>1</sup> by no longer enforcing parking requirements, except where sites are located farther than  $\frac{34}{4}$  mile from rail or  $\frac{12}{2}$  mile from frequent transit corridors.

OAR 660-012-0440: Parking Reform Near Transit Corridors, establishes that Cities that are within a metropolitan area and have not adopted land use regulations without parking mandates as provided in OAR 660-012-0420, may not require parking spaces for developments on a lot or parcel that includes lands within three-quarters mile of rail transit stops.

<sup>&</sup>lt;sup>1</sup> (2022) Oregon Department of Land Conservation and Development: Parking Reform Summary <u>https://www.oregon.gov/lcd/CL/Documents/ParkingReformOverview.pdf</u>

The general purpose of the State of Oregon's parking reforms is to reduce the number of parking spaces that are mandated by local jurisdictions. The DLCD Parking Reform Summary site describes minimum parking requirements as a "one-size-fits-all approach that ends up hiding the costs of parking in other goods, from housing to business costs to wages. That means the costs of car ownership and use are subsidized, leading people to own more cars and drive more than they would if they were aware of the true costs. Providing 300 square-feet of parking lot for each car that wants a parking spot is a significant cost...Because of the cookie-cutter approach of mandates, parking is often over-built, adding unnecessary costs, while pushing apart buildings and making areas less walkable. That means more driving, and more pollution"

The District finds that the 282 parking spaces on the Campus meet the needs of the site users, and that there are other opportunities besides driving and parking to the site that serve the site users. By approving this Type III CSU Major Modification application, the City of Milwaukie will be in-line with the intent of the new rules on Parking Reform.

Due to the proximity of the subject site to the TriMet MAX Orange Line Stop at Milwaukie/Main St, the District finds that the City may not have the ability to regulate the requirement to retain the established minimum parking spaces through previous CSU approvals.

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This standard is met.

*Figure 2 – Proximity of the site to MAX rail station* 

#### B. Specific standards for the proposed uses as found in Subsections 19.904.7-11 are met;

Finding: Specific standards for Schools 19.904.7 are addressed further in this narrative.

#### C. The hours and levels of operation of the proposed use are reasonably compatible with surrounding uses;

**Finding:** The District is not proposing to change any of the hours and levels of operations of the proposed use from the existing CSU approvals with this application.

## D. The public benefits of the proposed use are greater than the negative impacts, if any, on the neighborhood; and

**Finding:** The overall site specific public benefits will not change, as the overall parking spaces on-site will not change. The public benefits will broadly affect the entire community which will be established by the District not having to spend money every year on shared parking lease agreements. The money that has been spent on shared parking agreement leases has not been the preferred use of funds by the District, and a public benefit would be the ability for the District to better use these funds to support positive student outcomes more directly.

The District finds that in the context of the new statewide regulations as discussed above, and the proximity of the High School to a rail station as demonstrated in Figure 2, that the parking minimums currently in place for the City of Milwaukie should not be the guiding principle for this decision.

The District has conducted counts of the available parking spaces on the site in order to demonstrate that the current amount of off-street parking spaces is adequate for the site users. These counts have been conducted at different times of the school year, and at different times during the day, when shared parking agreements were in place.

Date	Time	# of On-Site Parking Spaces Open	# of Off-Site Parking Spaces Open (Shared Parking Agreements at Churches)	Total # of Available Parking Spaces
11/21/2022	9:45 a.m.	78	96	174
01/12/2023	2:05 p.m.	85	96	181
01/18/2023	8:40 a.m.	91	96	187
03/08/2023	9:10 a.m.	82	96	178
04/27/2023	11:10 a.m.	89	96	185

 Table 1 – District Staff Parking Counts: on-site, off-site, and total vacant parking spaces

These counts show that the off-site parking spaces provided through the shared parking agreements at St. Stephen's and St. John's are unnecessary for the daily operations of the High School. With the removal of the 96 shared parking spaces available to site users, the Districts finds that there will still be vacant parking spaces on-site and available to site users. The abundance of availability of on-site, off-street parking will mitigate any impacts to the surrounding areas, as the District is providing more than enough parking on site to meet the needs of the site users. On a given day during the academic school year, there are regularly at least 70 parking spots available to site users, as demonstrated in the above Parking Counts in Table 1.

The District also collects information on students who have District Transportation available to them through the school buses. This data is demonstrated below in Table 2.

School	Students Within District Busing Boundary
Milwaukie High School	783 MHS students
Milwaukie Academy of the Arts	104 MAA students
Total	887 Total Students with Access to District Transportation

Table 2 - Number of Students Using District Transportation

Out of the 822 students grade 9-12 at MHS, and 295 students at MAA, equaling a total of 1,117 student site users, 887 students have access to District provided transportation, which is over 79 percent of the student site users having access to District provided transportation. The District does not count the number of students who use the bus on a daily basis but represents that 887 students have assigned bus stops to their home address.

The District is aware that most of the families of MHS and MAA do not have the financial resources for their children to have cars, and that the majority of students who have a bus stop use the District provided transportation or public transportation. This is also a reason why the number of student parking permits is relatively low compared to the student population, as shown below in Table 3. The number of students (41) that are upper class students and have applied for and obtained parking permits for the on-site parking available, represent a small percentage of students (3.6% of 1117 students enrolled in 2023). The cost for a student parking permit is \$25 per semester. The District provides a total of 90 parking spaces designated for and available to students with permits, of which less than half are used, and the rest are open/vacant. The cost of a permit keeps students from parking on the Campus when they have a car available on sporadic days, keeping the use of the student parking areas consistent throughout the school year.

The most recent Enrollment Forecasts for the District show a decline in enrollment for the MHS Feeder System (elementary schools and middle schools that feed into MHS). The enrollment forecast was conducted by the Portland State University Population Research Center, and published in 2017.<sup>2</sup> The MHS Feeder System is forecasted to have a -5% change in enrollment for the 2026-2027 school year compared to the 2016-2017 enrollment numbers. The enrollment at MHS for the 2026-2027 school year when compared with the 2016-2017 enrollment numbers is forecasted to have a -18% change in students. The 2017 Population Research Center report supports this application proposal, and demonstrates that the number of students who obtain a parking permit is not likely to increase over the next several years, and may decrease with the forecasted decrease in enrollment. If a similar percentage of the student population at MHS request and obtain parking permits with the forecasted enrollment numbers, the District could expect approximately 34 students to request and obtain parking permits in 2026-2027. This would reduce the student parking need by seven parking

<sup>&</sup>lt;sup>2</sup> (2017) North Clackamas School District Population and Enrollment Forecasts 2017-18 to 2026-27 <u>https://pdxscholar.library.pdx.edu/cgi/viewcontent.cgi?article=1104&context=enrollmentforecasts</u>

spaces, making those spaces open/vacant for that school year. The forecasted decrease in enrollment for MHS and the MHS Feeder System support this application proposal.

Staff are not assigned parking spaces and can park anywhere on-site outside of the student lots. In total, there are 107 staff which includes full-time, part-time, and custodial staff. If all of the staff (107) parked on-site at a single time, combined with the number of students who park on site with a parking permit (41), there would be 148 out of 282 parking spaces used, with 134 spaces open/vacant. This further supports that the District is property mitigating the parking impacts needed on a daily basis by providing 282 spaces on-site. The number of open/vacant spaces that the District counted as outlined in Table 1, combined with the full possibility of all students and staff parking at the same time, demonstrate that there will be open spaces on-site during any given day, with some margin of error unaccounted for.

The margin of error in the amount of open spaces in Table 1 could be explained by District staff miscounting the open spaces, by not counting all the spaces available to all site users, by other community members in the surrounding area using the on-site parking spaces, by visitors and other school volunteers, or through a combination of these potential areas of error. The takeaway remains the same, that the Campus has enough on-site spaces to accommodate the site users.

Students Using Other Transportation Available		
Parking Permits	41 students issued parking permits per year	
TriMet Bus Passes	13-18 students issued bus passes per week	

 Table 3 - Number of Students Using Other Transportation Available

Some of the site users choose to use, or are best served by public transit in the area, further reducing the need for the excess shared parking agreements at St. John's and St. Stephen's. The District represents that when students are experiencing temporary or long-term houselessness, they are provided district transportation or given free TriMet passes. Of the total student population, the District issues 13-18 TriMet Bus Passes per week.

In previous land use approvals, the District has been conditioned to create and maintain a Transportation Demand Management Program (TDMP). The district hired Lancaster Mobley in 2021 to create a TDMP for the Campus. The District represents that the added pressure of the District to participate in the list of suggested activities in the approved TDMP is not sustainable. The turnover of administration and office staff is high, and even if one person takes it on for a year, it is highly unlikely any of the programs will continue from year to year. This is the primary reason the 2021 TDMP has not been implemented, as District staff have not had the capacity to implement the recommendations. Without the use of the TDMP, the District has been mitigating any negative impacts to the community and the site has been working well, proving that the requirement for the TDMP is not necessary. Without the use of the TDMP, there are still open/vacant parking spaces on the Campus, indicating that it is not a necessary requirement. With this finding, the District represents that the removal of a TDMP as a condition of the existing CSU will not impact the neighborhood.

For peak events, the District has all of the parking on site available, is served by the excellent public transit options as discussed in further detail below, and has access to additional parking spaces at the Lake Road fields and Milwaukie El Puente Elementary School, both of which are owned and

operated by the District. Between these sites, the District is not aware of any parking issues during large events, with the biggest event being a Friday night football game or a weekend basketball tournament. This "overflow" parking that is available at the Lake Road fields and the Milwaukie El Puente Elementary School lots adds a total of at least 53 spaces at the Lake Road fields, and at least 56 spaces available at El Puente Elementary School, confirmed with recent aerial photography.

The District finds that the removal of the parking agreements at St. John's and St. Stephen's, any other existing shared parking agreements required, and the requirement to maintain a TDMP would have no net negative consequences to the site users and surrounding neighborhood. The District represents that the removal of the requirement for shared parking agreements offers a positive consequence for the entire community due to this being a cost-saving mechanism for the publicly funded School District.

As demonstrated in the findings herein, the District is properly mitigating the impacts to the community by providing 282 off-street, on-site parking spaces.

The District finds that because of the new rules on Parking Management established by the State of Oregon as discussed above, with the demonstrated on-site parking counts and other transportation options outlined in Tables 1, 2, and 3, and the locational characteristics of the site as discussed below, that the parking and transportation needs of the site are adequately met with the current use of the on-site parking. The District finds that the public benefits of the proposed modification of the CSU are greater than the negative impacts, if any, on the neighborhood.

This standard is met.

#### E. The location is appropriate for the type of use proposed.

**Finding:** The site has a variety of locational factors that make the 282 off-street on-site parking spaces an appropriate amount to mitigate any impacts. Because the use of the site is an existing High School the District provides school bus transportation to and from the school every single school day, which allows for a number of students to not use the existing 282 parking spaces provided on the Campus as demonstrated in Table 2 above.

Additionally, the site is located in a highly accessible part of Milwaukie through uniquely exceptional access to public transit options. The High school is surrounded by TriMet bus stops located at SE Washington St and 25th Ave., SE Washington St. and 23rd Ave., SE Washington and 21st Ave., SE 21st and SE Adams St. and SE Lake Rd. and 23rd Ave. These surrounding bus stops provide access for students and staff to the following bus lines: 29, 32, 33, 34, and 152. The 33 line is a frequent service bus line, which arrives every 15 minutes or less most of the day, every day of the week. The Campus is less than 1,000 feet to the Max Orange line Milwaukie/Main St. Station, which is located near the SE 21st Ave. and SE Adams St. intersection.

This exceptional access to transit in the area combined with the number of students who use District provided transportation, and the operational needs of the High School, combine to create special characteristics that make the 282 off-street, on-site parking spaces appropriate for the use. The location of the public transit in relation to the Campus is shown below in Figure 3.

The District finds that the location of the Campus is appropriate for the type of use proposed, and the location of the Campus is appropriate to approve this application. This standard is met.



Figure 3 – Transit Facilities in proximity to the Campus.

19.904.5 Procedures for Reviewing a Community Service Use

A. The Planning Commission will hold a public hearing on the establishment of, or major modification of, the proposed community service use. If the Commission finds that the approval criteria in Subsection 19.904.4 are met, the Commission shall approve the designation of the site for community service use. If the Commission finds otherwise, the application shall be denied. An approval allows the use on the specific property for which the application was submitted, subject to any conditions the Planning Commission may attach.

Finding:The District understands that the application for a proposed Major Modification of the CSU will be<br/>evaluated through a Type III review per Section 19.1006 and that the Planning Commission will hold<br/>a public hearing on the application to find if the approval criteria of Subsection 19.904.4 are met.

B. In permitting a community service use or the modification of an existing one, the City may impose suitable conditions which assure compatibility of the use with other uses in the vicinity. These conditions may include but are not limited to:

1. Limiting the manner in which the use is conducted by restricting the time an activity may take place and by minimizing such environmental effects as noise and glare;

- 2. Establishing a special yard, setback, lot area, or other lot dimension;
- 3. Limiting the height, size, or location of a building or other structure;
- 4. Designating the size, number, location, and design of vehicle access points;

5. Increasing roadway widths, requiring street dedication, and/or requiring improvements within the street right-of-way including full street improvements;

6. Designating the size, location, screening, drainage, surfacing, or other improvement of a parking area or truck loading area; and/or

7. Limiting or otherwise designating the number, size, location, height, and lighting of signs.

**Finding:** The District understands that conditions may be imposed on the application for a modification of an existing CSU.

#### 19.904.6 Application Requirements

An application for approval of a community service use shall include the following:

- A. Name, address and telephone number of applicant and/or property owner;
- B. Map number and/or subdivision block and lot;
- C. Narrative concerning the proposed request;
- D. Copy of deed, or other document showing ownership or interest in property. If applicant is not the owner, the written authorization from the owner for the application shall be submitted;
- E. Vicinity map;
- F. Comprehensive plan and zoning designations;
- G. A map showing existing uses, structures, easements, and public utilities and showing proposed development, placement of lot lines, etc.;
- H. Detailed plans for the specific project;
- I. Any information required by other applicable provisions of local, state or federal law;
- J. Proof of payment of the applicable fees;
- K. Additional drawings, surveys or other material necessary to understand the proposed use may be required.

**Finding:** This application contains the following as required:

- A. Name, address and telephone number of District representative is included in this narrative on page 3,
- B. Map number included in this narrative on page 3,
- C. This narrative concerning the proposed request,
- D. Copy of deed of ownership attached to this narrative as Appendix B,
- E. A vicinity map included in this narrative on page 5,
- F. Comprehensive plan and zoning designations are included in this narrative on page 3,
- G. Land Use Plans with this information have been submitted with this application as Appendix C,
- H. Land Use Plans with this information have been submitted with this application as Appendix C,
- I. No other information is required by other application provisions of local state or federal law,
- J. Applicable fees have been submitted to the City upon submittal of this land use application,

K. No other drawings, surveys, or other material is expected to be necessary to understand the proposed use, however the District will submit any additional material deemed necessary to complete this review.

The above requirements have been met.

#### 19.904.7 Specific Standards for Schools

Public, private or parochial, elementary, secondary, preschool, nursery schools, kindergartens, and day-care centers are included.

A. Public elementary or secondary schools shall provide the site area/pupil ratio required by state law. Other schools shall provide 1 acre of site area for each 75 pupils of capacity or for each 2½ classrooms, whichever is greater, except as provided in Subsection 19.904.7.B below.

B. Preschools, nursery schools, day-care centers, or kindergartens shall provide a fenced, outdoor play area of at least 75 sq ft for each child of total capacity, or a greater amount if so required by state law. In facilities where groups of children are scheduled at different times for outdoor play, the total play area may be reduced proportionally based on the number of children playing out-of-doors at one time. However, the total play area may not be reduced by more than half. These uses must comply with the State Children's Services Division requirements as well as the City provisions.

C. Walkways, both on and off the site, shall be provided as necessary for safe pedestrian access to schools subject to the requirements and standards of Chapter 19.700.

D. Where Subsection 19.904.7.B is applicable, a sight-obscuring fence of 4 to 6 ft in height shall be provided to separate the play area from adjacent residential uses.

- E. Public facilities must be adequate to serve the facility.
- F. Safe loading and ingress and egress will be provided on and to the site.
- G. Off-street parking (including buses) shall be provided as per Chapter 19.600.
- H. Minimum setback requirements:

Front yard: 20 ft

Rear yard: 20 ft

Side yard: 20 ft

Setbacks may be increased depending on the type and size of school in order to ensure adequate buffering between uses and safety for students.

- I. Bicycle facilities are required which adequately serve the facility.
- J. 15% of the total site is to be landscaped.

**Finding:** The existing use of the site is not proposed to change from the existing Community Service Use for the students and staff of Milwaukie High School and Milwaukie Academy of the Arts. This application does not propose any changes to any buildings on the subject site, and does not propose any changes, increase, or decrease, to the site users which has been approved with a capacity of 1,500 students with a staff of up to 140 through existing CSU approvals.

Off-street parking requirements and the removal of the TDMP is the only proposed change with this application, which has been addressed above in this narrative.

The above standards are met.

#### CHAPTER 19.1000 REVIEW PROCEDURES

#### 19.1006 TYPE III REVIEW

Type III applications are quasi-judicial in nature and are subject to approval criteria that require the exercise of discretion and judgment and about which there may be broad public interest. Impacts may be significant and development issues complex. Extensive conditions of approval may be imposed to mitigate impacts or ensure compliance with applicable approval criteria and development standards. The review process requires notice to nearby property owners and at least one public hearing before the Planning Commission.

When the Design and Landmarks Committee is required to conduct a design review meeting for applications in the downtown zones per Section 19.907, the design review meeting shall be in addition to the public hearing before the Planning Commission. The procedures for a design review meeting are contained in Section 19.1011.

#### 19.1006.1 Preapplication Conference

A preapplication conference is required for Type III applications per Section 19.1002.

**Finding:** Staff from the City of Milwaukie Planning Department have indicated in writing to the District that a formal preapplication conference is not necessary for this land use application. A Preapplication Conference Waiver has been submitted with this application. This standard is met.

#### 19.1006.2 Type III Application Requirements

# A. Type III applications shall be made on forms provided by the Planning Director and shall include all of the information required by Subsection 19.1003.2.

#### B. Type III applications are subject to completeness review per Subsection 19.1003.3.

**Finding:** This Type III application for a CSU Major Modification has been made on the forms provided by the Planning Director, and includes all of the information required in Subsection 19.1003.2. The District understands and acknowledges the completeness review provisions of Subsection 19.1003.3. This standard is met.

#### 19.1006.3 Type III Public Notice

... C. Referral

# Within 7 days after the application has been deemed complete, the City shall provide a copy of all application materials to the parties listed below for their review and comment. If no comments are received within 14 days from the date of the referral, the City will presume that no comments will be submitted.

1. Any City-recognized neighborhood district association whose boundaries include the subject property or are within 300 ft of the subject property.

2. The Design and Landmarks Committee for applications in downtown zones or involving a designated historic resource.

3. Affected City departments and any governmental agency that is entitled to notice by the municipal code.

**Finding:** The District understands and acknowledges that the City will provide a referral copy to the above listed parties after the application has been deemed complete.

#### D. Mailed Notice

The purpose of the public notice is to provide nearby property owners and other interested parties with an opportunity to review the application, submit written comments, and participate in the proceedings concerning the Type III decision. The goal of this notice is to invite relevant parties of interest to participate in the process.

1. At least 20 days prior to the first public hearing on the application, except for continuations as noted in Subsection 19.1001.6.C.3, public notice of the application shall be mailed to the parties listed below. Notice requirements specific to Zoning Map amendments are listed in Subsection 19.1006.3.D.3.

a. The applicant and/or applicant's authorized representative.

b. The owner(s) of record of the subject property.

c. Owners of record of properties located within 300 ft of the perimeter of the subject property.

d. Neighborhood district associations to which the application was referred.

2. The public notice shall include the following information:

a. The case file number and a brief summary of the proposal.

b. A brief description of the subject property, including street address, if available, map and tax lot number, and zoning designation.

c. The date, time, and place of the hearing.

d. A statement that any member of the public may submit written comments prior to the hearing and may appear and provide written or oral testimony at the hearing.

e. A statement that only those who have submitted written comments prior to the hearing or participated at the hearing shall be entitled to appeal.

f. A general explanation of the requirements for submission of testimony and the procedure for conduct of public hearings.

g. A statement that a copy of the staff report will be available for review at no cost, and a copy will be provided at a reasonable cost, at least 7 days prior to the hearing.

h. The applicable approval criteria and/or development standards against which the proposal will be evaluated.

i. A statement that all application materials and applicable approval criteria and development standards are available for review at the City, and that copies can be obtained at a reasonable cost.

j. The name and phone number of the City representative to contact for additional information.

k. The following statement: "Notice to mortgagee, lien holder, vendor or seller: The Milwaukie Municipal Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

**Finding:** The District understands and acknowledges that the City will provide Mailed Notice in accordance with these standards.

#### E. Sign Notice

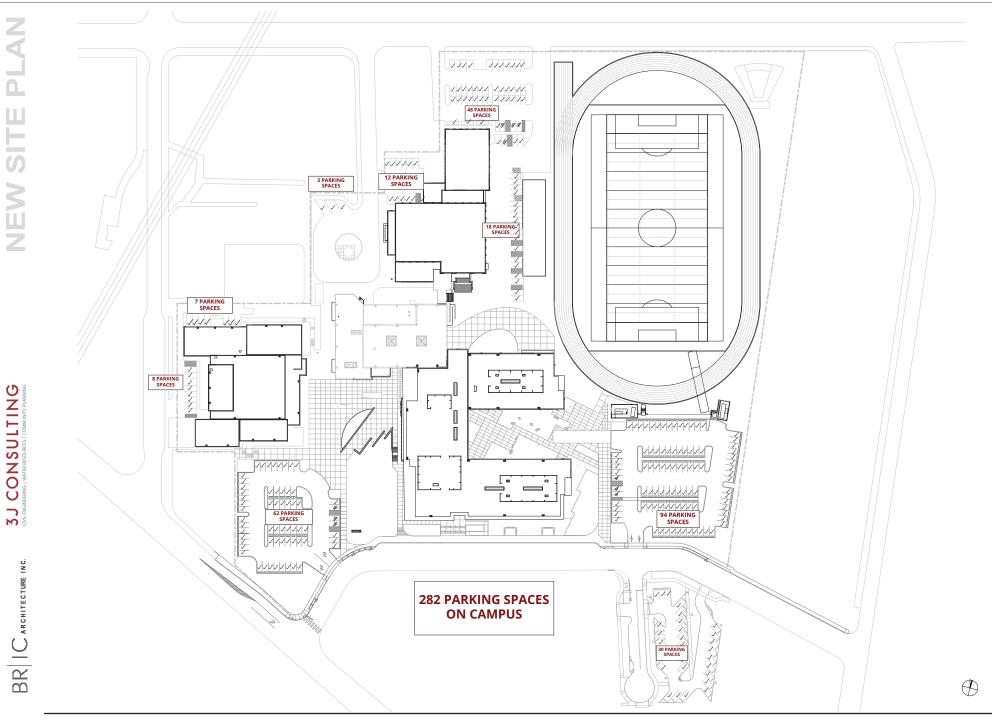
At least 14 days prior to the hearing, except for continuations as noted in Subsection 19.1001.6.C.3, notice of the application shall be posted on the subject property by the applicant and shall remain continuously posted until the hearing. Sign notice shall meet the requirements of Subsection 19.1001.6.C.1.b.

Finding: The District or their representative will post a Sign Notice on the subject site meeting the requirements of Subsection 19.1001.6.C.1.b. The District or their representative will post the required sign and submit an affidavit of posting prior to the issuance of the decision so that it is made part of the case file before the Planning Commission. This standard will be met.

#### SUMMARY AND CONCLUSION

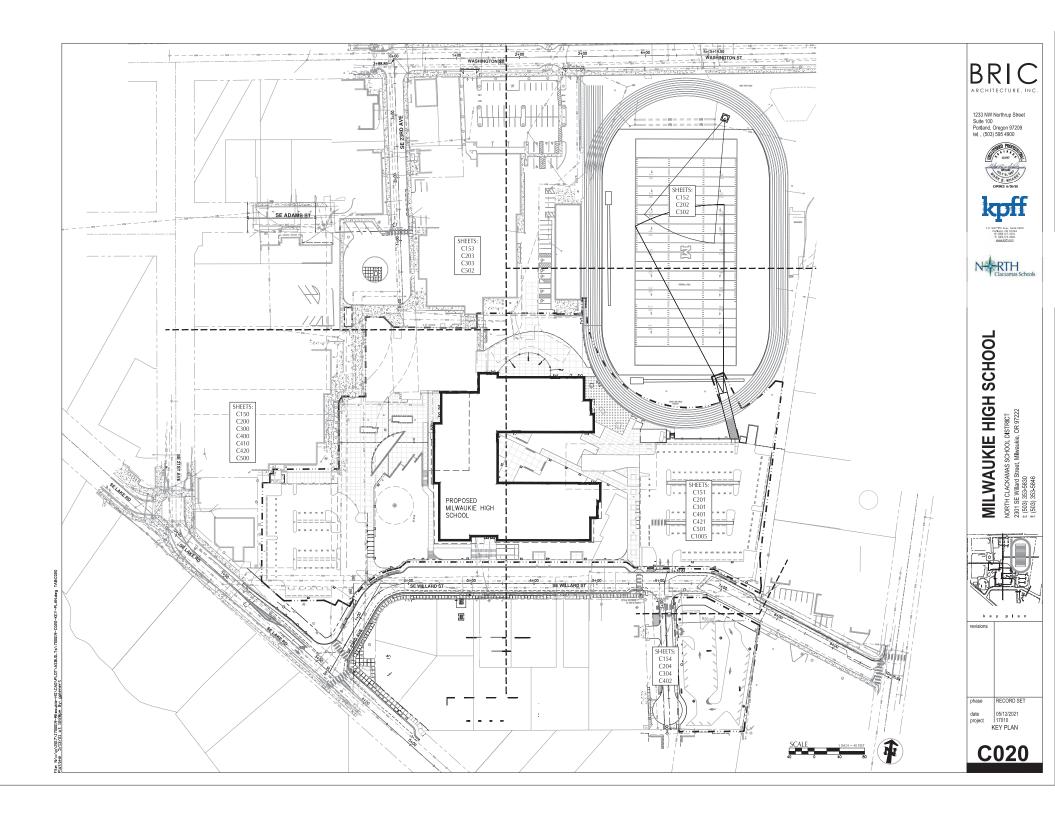
The District finds that this narrative demonstrates that with new rules on Parking Management established by the State of Oregon; the demonstrated on-site parking counts and other transportation options available to site users; and the unique locational characteristics of the site, that the parking and transportation needs of the site are adequately met with the 282 on-site, off-street parking spaces without the use of a Transportation Demand Management Program. The District has demonstrated in this narrative that any negative impacts related to parking at the High School have been and will continue to be appropriately mitigated by the District.

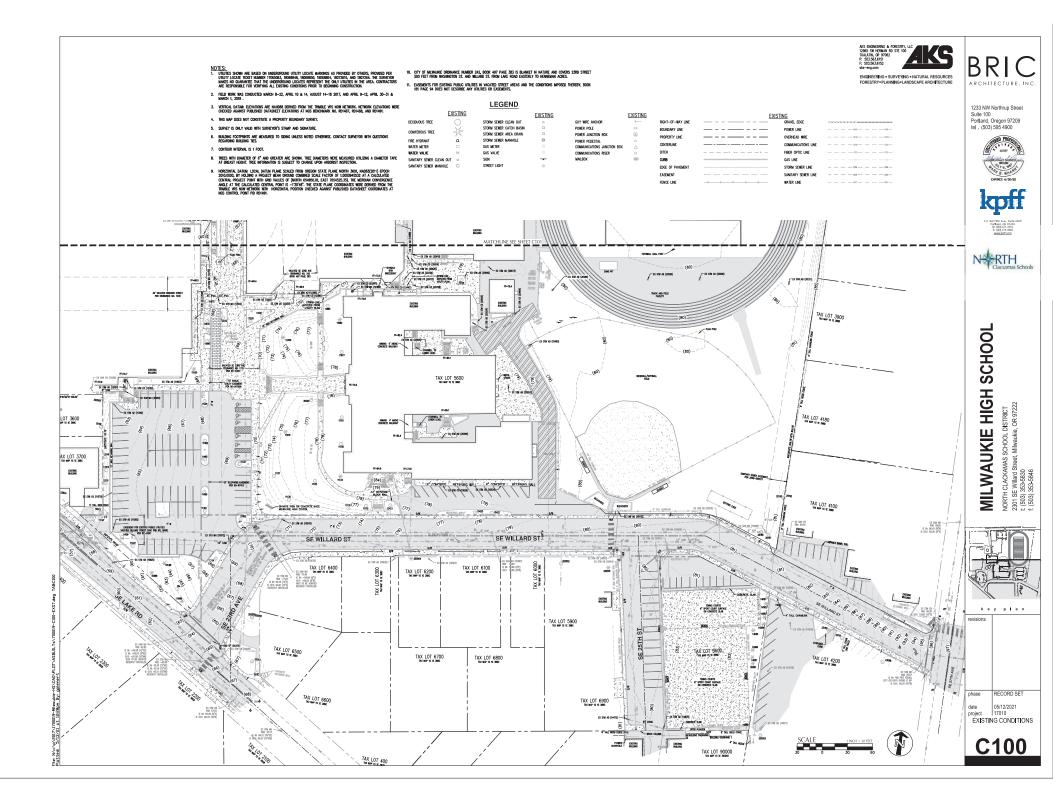
Based upon the materials submitted herein, the District respectfully requests approval from the City of Milwaukie Planning Commission for this Type III CSU Major Modification application to remove any conditions of approval related to parking requirements, which relate to and require the District to maintain shared parking agreements at St. Stephen's and St. John's or any other shared parking agreements, to remove the Transportation Demand Management Program as a requirement, and to remove any other conditions of approval requiring the District to maintain any number of parking minimums.

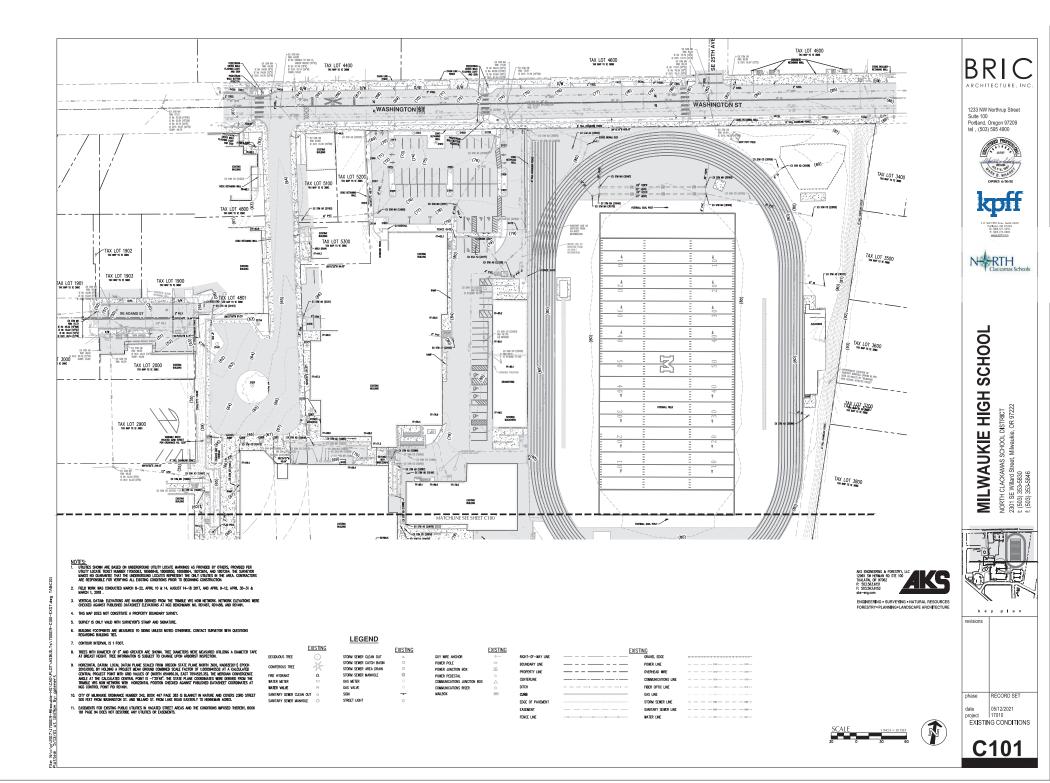


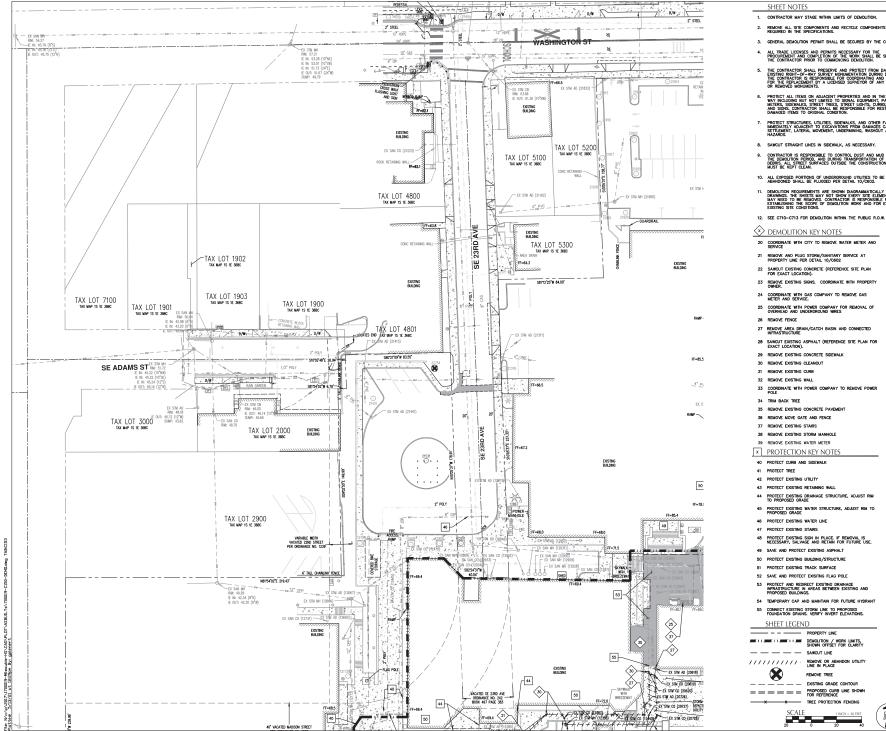
MILWAUKIE HIGH SCHOOL | NORTH CLACKAMAS SCHOOL DISTRICT

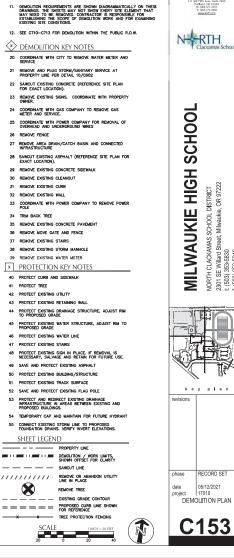
07/12/2023











# MILWAUKIE HIGH SCHOOL NORTH CLACKAMAS SCHOOL DISTRICT 2301 SE Willard Street, Milwaukie, OR 97222 tr (503) 353-5830 ft (503) 353-5846 们在

RECORD SET

05/12/2021

# N RTH

- CONTRACTOR IS RESPONSIBLE TO CONTROL DUST AND MUD DURING THE DEMOLITION PERIOD, AND DURING TRANSPORTATION OF DEMOLITIO DEBRIS. ALL STREET SURFACES OUTSIDE THE CONSTRUCTION ZONE MUST RE KEPT CI FAN.
- 8. SAWCUT STRAIGHT LINES IN SIDEWALK, AS NECESSARY
- PROTECT STRUCTURES, UTILITIES, SIDEWALKS, AND OTHER FACILITIES IMMEDIATELY ADJACENT TO EXCAVATIONS FROM DAMAGES CAUSED BY SETTLEMENT, LATERAL MOVEMENT, UNDERMINING, WASHOUT AND OTHER
- TECT ALL ITEMS ON ADJACENT PROPERTIES AND / INCLUDING BUT NOT LIMITED TO SIGNAL EQUIP TERS, SUDEWALKS, STREET TREES, STREET LIGHT SIGNS, CONTRACTOR SHALL BE RESPONSIBLE CONDITION.
- CONTRACTOR SHALL PRESERVE AND PROTECT FROM DAMAGE ALL STING RIGHT-OF-WAY SURVEY MORUMENTATION DURING DEMOLITION. (CONTRACTOR IS RESPONSIBLE FOR CORDINATING AND PAYING THE REPLACEMENT BY A LICENSED SURVEYOR OF ANY DAMAGED REMOVED MORUMENTS.
- ALL TRADE LICENSES AND PERMITS NECESSARY FOR THE PROCUREMENT AND COMPLETION OF THE WORK SHALL BE SECURED BY THE CONTRACTOR PRIOR TO COMMENCING DEMOLITION.

- GENERAL DEMOLITION PERMIT SHALL BE SECURED BY THE CONTRACTOR
- REMOVE ALL SITE COMPONENTS AND RECYCLE COMPONENTS AS REQUIRED IN THE SPECIFICATIONS.
- 1. CONTRACTOR MAY STAGE WITHIN LIMITS OF DEMOLITION.
- BRI

ARCHITECTURE, INC

1233 NW Northrup Street Suite 100 Portland, Oregon 97209 tel. (503) 595 4900

STREE PROPERTY

CAPTRES 6/30/22

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