



# CITY OF MILWAUKIE

October 12, 2023

Land Use File(s): CSU-2023-004

## NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Commission on October 10, 2023.

*Traducciones de este documento e información sobre este proyecto están disponibles en español. Para solicitar información o preguntar en español, favor de email [espanol@milwaukieoregon.gov](mailto:espanol@milwaukieoregon.gov).*

<b>Applicant(s):</b>	Cindy Detchon for North Clackamas School District
<b>Location(s):</b>	2301 SE Willard St
<b>Tax Lot(s):</b>	1S1E36BC05600
<b>Application Type(s):</b>	Community Service Use
<b>Decision:</b>	Approved as Amended
<b>Review Criteria:</b>	Milwaukie Zoning Ordinance: <ul style="list-style-type: none"><li>• Milwaukie Municipal Code (MMC) Chapter 19.600 Off-Street Parking &amp; Loading</li><li>• MMC Section 19.904 Community Service Uses</li><li>• MMC Section 19.1006 Type III Review</li></ul>
<b>Neighborhood(s):</b>	Historic Milwaukie, Lake Road

**Appeal period closes: 5:00 p.m., October 27, 2023**

This notice is issued in accordance with Milwaukie Municipal Code (MMC) Section 19.1006 Type III Review. The complete case file for this application is available for review by appointment between 8:00 a.m. and 5:00 p.m. on regular business days at the Planning Department, City Hall, 10501 SE Main St. Please contact Brett Kolver, Senior Planner, at 503-786-7657 or [kolverb@milwaukieoregon.gov](mailto:kolverb@milwaukieoregon.gov), if you wish to view this case file or visit the project webpage at [www.milwaukieoregon.gov/planning/csu-2023-004](http://www.milwaukieoregon.gov/planning/csu-2023-004).

**This decision may be appealed by 5:00 p.m. on October 27, 2023, which is 15 days from the date of this decision.**<sup>1</sup> (Note: Please arrive by 4:45 p.m. for appeal payment processing.) Only

<sup>1</sup> As per MMC Section 19.1010, if the 15<sup>th</sup> day falls on a weekend or legal holiday, the end of the appeal period shall be extended to the end of the next business day.

persons who submitted comments or made an appearance of record at the public hearing have standing to appeal the decision by filing a written appeal. An appeal of this decision would be heard by the Milwaukie City Council following the procedures of MMC Section 19.1010 Appeals. This decision will become final on the date above if no appeal is filed during the appeal period. Milwaukie Planning staff can provide information regarding forms, fees, and the appeal process at 503-786-7630 or [planning@milwaukieoregon.gov](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**

The Findings for this application are included as Exhibit 1.

### **Conditions of Approval**

None.

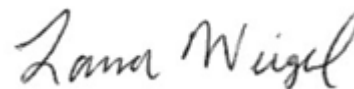
### **Other requirements**

1. Past conditions of approval regarding the establishment and maintenance of a Transportation Demand Management Program (TDMP) remain in effect. This includes Condition 5-I from land use file #CSU-07-05, which reads as follows:

*Develop a Transportation Demand Management (TDM) program to improve the functioning of the existing parking situation at the school and reduce demand for the limited number of off-street spaces. At a minimum, the TDM program shall include a plan for establishing a Transportation Committee composed of students, faculty, and staff. The Committee shall be responsible for studying parking demand, developing and promoting alternative transportation options (including carpooling), and establishing a Transportation Resource Center on the campus. This condition shall replace Condition #7 from the approval for CSO-99-05. The TDM plan shall be submitted to the Planning [Manager] for review and approval.*

### **Decision**

- Approved as Amended  
 Approved with Conditions  
 Denied



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Laura Weigel, AICP  
Planning Manager

## **Exhibits**

### 1. Findings in Support of Approval

cc: Cindy Detchon, North Clackamas School District, applicant (via email)  
Sam Huck, 3J Consulting, applicant's representative (via email)  
Planning Commission (via email)  
Joseph Briglio, Community Development Director (via email)  
Jennifer Garbely, City Engineer (via email)  
Engineering Development Review (via email)  
Patrick McLeod, Building Official (via email)  
Shawn Olson, Fire Marshal, CFD#1 (via email)  
NDA(s): Historic Milwaukie, Lake Road (via email)  
Interested Persons  
Land Use File(s): CSU-2023-004  
Address File(s): 2301 SE Willard St

**EXHIBIT 1**  
**Findings in Support of Approval**  
**File #CSU-2023-004**  
**Milwaukie High School Parking Requirements**

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

1. The applicant, North Clackamas School District, represented by Cindy Detchon (Assistant Superintendent of Operations), has applied to modify the existing community service use (CSU) approval for Milwaukie High School as relates to off-street parking requirements. The subject property is located at 2301 SE Willard St and is primarily zoned High Density Residential (R-HD), with a small portion of the western side of the campus zoned Downtown Mixed Use (DMU). The land use application file number is CSU-2023-004.
2. The applicant is proposing to eliminate all past conditions of the Milwaukie High School CSU approval related to providing a minimum number of off-street parking spaces. Specifically, the applicant wishes to forego the renewal of shared parking agreements it has maintained for years with the St. John the Baptist Catholic Church (10955 SE 25<sup>th</sup> Ave) and St. Stephen Serbian Orthodox Church (11447 SE 27<sup>th</sup> Ave). The applicant has also proposed to eliminate the requirement to maintain an active transportation demand management program (TDMP).
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
  - MMC Chapter 19.600 Off-Street Parking and Loading
  - MMC Section 19.904 Community Service Uses
  - MMC Section 19.1006 Type III Review

The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review. A public hearing was held by the Planning Commission on October 10, 2023, as required by law.

4. MMC Chapter 19.600 Off-Street Parking and Loading

MMC 19.600 regulates off-street parking and loading areas on private property outside the public right-of-way. The purpose of these requirements includes providing adequate space for off-street parking, minimizing parking impacts to adjacent properties, and minimizing environmental impacts of parking areas.

MMC Section 19.602 establishes the applicability of the provisions of MMC 19.600. Per Oregon Administrative Rules (OAR) 660-012-0012 and 660-12-0440, which relate to Climate-Friendly and Equitable Communities (CFEC) rulemaking, the City is prohibited from mandating minimum off-street vehicular parking quantity requirements on sites within a half-mile of a frequent transit corridor or within three-quarters of a mile of a rail transit stop. However, all other provisions of MMC 19.600 may still apply.

*The subject property is located within a few blocks of the downtown station for TriMet's Orange MAX light rail line, so as per the CFEC rules the minimum off-street vehicle parking requirements of MMC Section 19.605 cannot be enforced. However, compliance with other applicable sections of MMC 19.600 is required.*

*The applicant has proposed to modify conditions of the school's existing CSU approval related to minimum parking quantity and the maintenance of an active TDMP. No physical changes to the existing physical parking situation are proposed. The CSU conditions in question are discussed in Finding 5.*

*The Planning Commission finds that the applicable standards of MMC 19.600 are met.*

5. MMC Section 19.904 Community Service Uses

MMC 19.904 provides standards and procedures for review of applications for community service uses (CSUs). These are uses that are not specifically allowed outright in most zoning districts but that address a public necessity or otherwise provide some public benefit. CSUs include schools and accompanying sports facilities.

a. MMC Subsection 19.904.2 Applicability

MMC 19.904.2 establishes applicability of the CSU regulations, including a requirement for review to establish or modify a CSU.

*The application is to modify the conditions of approval for an existing CSU.*

*The Planning Commission finds that the standards of MMC 19.904 are applicable to the proposed development.*

b. MMC Subsection 19.904.3 Review Process

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

*The proposal is for modifying conditions of approval for an existing CSU and does not qualify as a minor modification as per MMC Subsection 19.904.5.C.*

*The Planning Commission finds that the proposed development is subject to the procedures for Type III review.*

c. MMC Subsection 19.904.4 Approval Criteria

MMC 19.904.4 establishes the following approval criteria for CSUs:

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

*No physical changes are proposed to the site. As noted in Finding 2, the applicant is proposing to eliminate all past conditions of the existing CSU approval related to providing a minimum number of off-street parking spaces maintaining an active*

*TDMP. As discussed in Finding 4, the requirement for minimum off-street parking quantity is no longer enforceable. All other applicable standards continue to be met.*

*This criterion is met.*

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

The proposed modifications are subject to the standards provided in MMC Subsection 19.904.7 for schools, including the requirement to provide off-street parking as per MMC Chapter 19.600.

*As noted in Finding 4, the state's CFEC rules prohibit the City from mandating minimum required off-street parking quantity requirements. While other standards of MMC 19.600 remain applicable, the applicant has not proposed changes to any other off-street parking standards.*

*This criterion is met.*

- (3) MMC Subsection 19.904.4.C requires the hours and levels of operation of the proposed use to be reasonably compatible with surrounding uses.

*No change to the existing approved hours and levels of operation are proposed.*

*This criterion is met.*

- (4) MMC Subsection 19.904.4.D requires that the public benefits of the proposed use be greater than the negative impacts, if any, on the neighborhood.

*In general, the community benefits from having its public high school near the downtown core and a variety of multimodal transportation options. The proposed modification relates to the school's provision of a minimum number of off-street parking spaces and its management of parking and transportation demand.*

*Under the now-inapplicable minimum parking ratios and with the allowed reduction for proximity to transit, the school's student capacity and current staffing level would require a minimum of 386 off-street parking spaces. The school campus currently provides over 280 on-site parking spaces. The applicant has reported that roughly one-third of those spaces (80-90) are available at any given point during the typical school day. The school site appears to now have an abundance of off-street parking.*

*The City has not received any complaints about school-related parking spilling over onto adjacent neighborhood streets for either normal school day use or for after-school athletic events or other special events happening on campus. Neither of the churches with whom the applicant has maintained shared parking agreements has contacted the City with concerns about the proposal not to renew them. There are no new impacts that would result from the proposed modification.*

*However, a TDMP will guarantee that the school monitors transportation demand and associated impacts on the surrounding neighborhood and contemplates how to continue safely and efficiently using the local transportation system.*

*With the TDMP remaining as a condition of approval, the Planning Commission finds that the public benefits of the existing school CSU continue to outweigh any negative impacts.*

*As amended, the proposed modification meets this criterion.*

- (5) MMC Subsection 19.904.4.E requires the location to be appropriate for the type of use proposed.

*The school is an approved CSU that provides a significant number of on-site parking spaces, roughly a third of which the applicant reports are regularly available during the typical school day. The subject property's proximity to a light rail station and several bus routes, as well as to bike lanes and a public sidewalk network, means that it is well positioned for students, staff, and visitors to utilize any one of several alternative modes of travel. The proposed modifications are supportable in large part because of the school's location with respect to transportation infrastructure and options.*

*This criterion is met.*

*As amended to retain the condition of approval requiring a TDMP, the Planning Commission finds that the proposed modification meets the approval criteria of MMC 19.904.4.*

*The Planning Commission finds that, as amended, the proposed modification meets all applicable standards of MMC 19.904 as a major modification to a CSU. This standard is met.*

6. The application was referred to the following departments and agencies on August 28, 2023:
- Milwaukie Community Development Department
  - Milwaukie Engineering Department
  - Milwaukie Building Department
  - Milwaukie Public Works Department
  - Milwaukie Police Department
  - Milwaukie Code Compliance
  - City Attorney
  - Historic Milwaukie Neighborhood District Association (NDA) Chairperson and Land Use Committee (LUC)
  - Lake Road NDA Co-Chairs and LUC [delayed referral sent on October 3, 2023]
  - Clackamas Fire District #1 (CFD)
  - NW Natural

In addition, public notice was provided on September 20, 2023, as required by MMC Subsection 19.1006.3. The responses received are summarized as follows:

- **Ray Bryan, neighbor:** Agrees that there are plenty of off-street parking spaces during the average school day but has observed that peak parking demand is more often connected to evening and weekend events, both at the school and at the churches that share parking. Suggests that the school and nearby churches continue to share and organize off-street parking.

- **Teresa Bresaw, neighbor and member of St. John the Baptist Catholic church:**  
Notes that the problem is not with daytime parking but rather sometimes with weekend event parking, as the adjacent churches' schedules also sometimes conflict with school events. Questions how the school will communicate to users that the church lots are no longer available; suggests simply reducing the number of shared spaces to make the agreements more affordable for the school.