



CITY OF MILWAUKIE

May 9, 2018

Land Use File(s): CSU-2018-001, VR-2018-003, P-2018-001

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Commission on May 8, 2018.

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| Applicant(s): | North Clackamas School District |
| Location(s): | 2905 SE Lake Rd (MHS fields) and 11250 SE 27th Ave (Milwaukie Elementary School) |
| Tax Lot(s): | 1S1E36CA 01200 and 1S1E36BD 05500 |
| Application Type(s): | Major Modification to Community Service Use, Variance Request, Parking Determination |
| Decision: | Approved, with Conditions |
| Review Criteria: | <u>Milwaukie Zoning Ordinance:</u> <ul style="list-style-type: none">• Section 19.1006 Type III Review• Section 19.904 Community Service Uses• Section 19.301 Low Density Res. Zones (incl. R-7)• Chapter 19.500 Supplementary Development Regulations• Chapter 19.600 Off-Street Parking and Loading• Chapter 19.700 Public Facility Improvements• Section 19.911 Variances |
| Neighborhood(s): | Lake Road, Historic Milwaukie |

Appeal period closes: 5:00 p.m., May 24, 2018

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 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 Brett Kelter, Associate Planner, at 503-786-7657 or kelterb@milwaukieoregon.gov, if you wish to view this case file.

This decision may be appealed by 5:00 p.m. on May 24, 2018, which is 15 days from the date of this decision.¹ Only 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.

Per MMC Subsection 19.1001.7.E, this land use approval expires unless the applicant has: (1) obtained and paid for all necessary development permits and started construction within 2 years of land use approval, and (2) passed final inspection and/or obtained a certificate of occupancy within 4 years of land use approval. Extensions can be granted per MMC Section 19.908.

Findings in Support of Approval

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

1. The applicant, the North Clackamas School District (the District), has applied for approval of a major renovation of the Lake Rd sports complex. The site consists of 2 tax lots (totaling approximately 15.3 acres) located northeast of the intersection of Lake Rd and what is labeled as 28th Ave. The southern lot has frontage on Lake Rd; the northern lot includes Milwaukie Elementary School, which has frontage on 27th Ave.

An approximately 150-ft-long segment of driveway signed as "28th Ave" is zoned Residential R-2; the remainder of the site is in the Residential R-7 zone. The sports field use is currently approved as a Community Service Use (CSU). The proposed renovation of the fields and supporting facilities represents a major modification to the CSU. The land use application master file number is CSU-2018-001, with file #VR-2018-003 for a variance request to allow 60- and 80-ft-high field light poles where the maximum height standard is 50 ft. In addition, a parking determination (file #P-2018-001) is requested to set the necessary number of required parking spaces for this use.

2. The applicant proposes to improve this sports complex by:
 - a. Reconfiguring the varsity baseball field and football practice field to reorient the varsity baseball field and stripe two underlying practice fields (for soccer and football). Either one baseball or two soccer/football events could be held on the eastern part of the site at any given time.
 - b. Installing artificial turf for the varsity fields (baseball and softball).

¹ As per MMC Section 19.1010, if the 15th 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.

- c. Replacing the existing dugouts, backstops, grandstands, concessions building, restrooms, and press box building associated with the varsity fields.
 - d. Installing new field lighting for the varsity fields. As proposed, the lights will be used no later than 10:00 p.m.
 - e. Installing new pathway lighting along the western pathway between the Milwaukie Elementary School parking lot and the JV softball field.
 - f. Refurbishing the JV softball field with a reconditioned grass field, an improved and realigned pedestrian path, a new backstop, dugouts, and bleachers.
 - g. Expanding the existing 38-space Lake Rd parking lot to contain a total of 54 paved and striped spaces (including 2 ADA spaces).
 - h. Installing 10 new bike parking spaces near the varsity baseball and softball diamonds.
 - i. During the school year, the fields will be used for practices between 3:30 p.m. and 8:00 p.m. and for games between 4:00 p.m. and 10:00 p.m. Non-school usage for athletic clubs would include weeknight evenings (as late as 9:45 p.m.) and weekends (between 8:00 a.m. and 6:00 p.m.). When the artificial-turf fields are not in use for school or community athletics, those fields and that portion of the site will not be accessible to the public.
 - j. The field lights and public-address system are proposed for use no later than 10:00 p.m.
 - k. The concession building is proposed to typically be open 1-2 times per week between 4:00 p.m. and 9:00 p.m.
3. The components of the proposed development represent a major modification of a Community Service Use (CSU) approval, subject to a Type III review process. The requested variance also requires Type III review. The parking determination is proposed to set the required number of parking spaces for a use that does not have a specific requirement in MMC 19.605.1. A formal Transportation Impact Study was not required because the capacity of the sports complex is not proposed to increase and the impacts to transportation facilities are being reviewed as part of the associated land use applications. A subsequent Type I review process will be conducted to evaluate the development permits required for the project elements listed above in Finding 2.
4. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
- MMC Section 19.1006 Type III Review
 - MMC Section 19.904 Community Service Uses
 - MMC Section 19.301 Low Density Residential Zones (incl. R-7 zone)
 - MMC Chapter 19.500 Supplementary Development Regulations
 - MMC Chapter 19.600 Off-Street Parking and Loading

- MMC Chapter 19.700 Public Facility Improvements
- MMC Section 19.911 Variances

5. MMC Section 19.1006 Type III Review

The application has been processed and public notice provided in accordance with MMC 19.1006. A public hearing was held by the Planning Commission on April 24, 2018, as required by law. The hearing was continued to May 8, 2018.

6. MMC Section 19.904 Community Service Uses

MMC 19.904 provides standards and procedures for review of applications for community service uses. 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. Community service uses include schools and accompanying sports facilities.

a. MMC Subsection 19.904.2 Applicability

MMC 19.904.2 establishes applicability of the Community Service Use (CSU) regulations.

The application does not represent a change in use, and the improvements will increase the ability of Milwaukie High School to serve the community with improved sports facilities. Schools and "their accompanying sports facilities" are identified as a community service use in MMC Subsection 19.904.2.A.

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 proposed development will increase the intensity and frequency of the use in a manner that could potentially create negative impacts to nearby properties. Therefore, it does not qualify as a minor modification to the existing CSU as per MMC Subsection 19.904.5.C. The proposed sports field renovation constitutes a major modification of the existing sports facilities.

The Planning Commission finds that the proposed activity 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.

The subject property is primarily zoned Residential R-7, and the applicable standards of the primary R-7 base zone are addressed in Finding 7.

The Planning Commission finds that this standard is met.

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

Although the sports complex supports athletics at Milwaukie High School and is effectively an annex to the school campus, the specific standards for schools established in MMC 19.904.7 are either not relevant to the proposed improvements or are covered by other code sections. The standards of MMC 19.904.9 for institutions are generally more applicable and are addressed as follows:

- (a) MMC Subsection 19.904.9.A requires that utilities, streets, or other improvements necessary for the institutional use are provided by the agency constructing the use.

The site takes access from both Lake Rd and 27th Ave; both streets are adequate to serve the continued use of the site as proposed. As discussed in Finding 10, the requirements for public facility improvements are not applicable to the proposed development.

This standard is met.

- (b) MMC Subsection 19.904.9.B requires that institutional uses located in or adjacent to a residential zone should take access from a collector (or higher classification) street if practicable, out of consideration for traffic impacts on local streets.

The site, which is located in the residential R-7 zone, takes access from Lake Rd, which is designated as an arterial street; and from 27th Ave, a neighborhood route, which is a higher classification than a local street. As discussed in Finding 10, the proposed development will not result in an increase in vehicle trips during the PM peak period, which is the method used to calculate a site's effect on the transportation system.

This standard is met.

- (c) MMC Subsection 19.904.9.C requires that institutional uses located in a residential zone shall provide sufficient lot area to allow required setbacks equal to a minimum of $\frac{2}{3}$ the height of the principal structure. As the size of the structure increases, the depth of the setback must also increase to provide adequate buffering.

Due to the nature of the use, there is no principal structure. The proposed new building for concessions and restrooms, which is approximately 24 ft tall, is located at least 30 ft from the nearest property boundary to the north. The tallest accessory structures on the site are the proposed new poles for lighting the varsity fields, which will be either 60 ft or 80 ft tall depending on their specific location. All poles are located at least 53.3 ft (2/3 of 80 ft) from adjacent property lines, except for one 80-ft pole at the eastern edge of the varsity baseball outfield, where it is approximately 35 ft from the adjacent property boundary.

This pole does not present far less mass than an actual building, is located as far as practicable from the property line, and will be screened from adjacent properties to the east by an existing line of tall evergreen trees. The applicant has requested a variance for the light poles to exceed the 50-ft maximum height limit; see Finding 11, where the issue of adequate buffering is addressed.

As allowed by the approved variance request from the height limitation on the field-light poles, this standard is met.

- (d) MMC Subsection 19.904.9.D allows the height limitation of a zone to be exceeded to a maximum height of 50 ft, provided that the setback requirements of Subsection 19.904.9.C are met.

As discussed above in Finding 6-c-2(c), the applicant has requested a variance to the 50-ft height limitation for the 12 poles proposed for field lighting, which will be either 60 ft or 80 ft tall depending on their specific location. As discussed above and in Finding 11, the requested variance is approved with these findings.

As allowed by the approved variance request from the height limitation on the field-light poles, this standard is met.

- (e) MMC Subsection 19.904.9.E requires noise-generating equipment to be sound-buffered when adjacent to residential areas.

No new noise-generating equipment is proposed. A public-address system is currently and will continue to be used during varsity games. Limitations on the hours of use of the public-address system are discussed below in Finding 6-c-3, including a condition designed to limit impacts on surrounding properties.

As conditioned, this standard is met.

- (f) MMC Subsection 19.904.9.F requires lighting to be designed to avoid glare on adjacent residential uses and public streets.

As proposed, and as discussed in Finding 11 in relation to the requested variance to the height limitation, the new field-lighting poles are designed to limit light trespass and glare onto adjacent residential uses. The applicant's photometric plans (Sheets E-1 and E-2) demonstrate that light trespass from both the field

lights and the pathway lights will be minimal (less than 0.3 footcandles) at the adjacent property lines.

As proposed, this standard is met.

- (g) MMC Subsection 19.904.9.G requires hours and levels of operation to be adjusted where possible to make the use compatible with adjacent uses.

Limitations on the hours and levels of operation are discussed below in Finding 6-c-3, including a condition designed to ensure compatibility with adjacent uses.

As conditioned, this standard is met.

- (h) MMC Subsection 19.904.9.H allows that a spire on a religious institution may exceed the maximum height limitation.

This standard is not applicable to the proposed development.

- (i) MMC Subsection 19.904.9.I establishes the minimum landscaping required for religious institutions as the lesser of 15% of the total site area and the percentage required by the underlying zone.

This standard is not applicable to the proposed development.

- (j) MMC Subsection 19.904.9.J provides that park-and-ride facilities may be encouraged for institutions along transit routes that do not have days and hours in conflict with weekday uses (e.g., religious institutions or fraternal organizations). Such uses may be encouraged to allow portions of their parking areas to be used for park-and-ride lots.

As proposed and conditioned, weekday use of the sports complex will begin as early as 3:30 p.m. and could extend as late as 9:00 p.m. on game days, which conflicts with the PM peak.

This standard is not applicable to the proposed development.

As conditioned, the Planning Commission finds that the proposed activity meets the applicable standards of MMC 19.904.9.

- (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.

The use of the fields for sports activities will remain essentially the same as it is today. However, the introduction of artificial turf fields and field lights will increase the overall extent of use because artificial turf can be used year-around. In addition, field and parking area lighting will allow use of the fields into the evening. The proposed public-address system will add to noise levels later into the evening hours than what has occurred in the past.

The District has proposed that field use be allowed until 10:00 p.m., including the field lights, public-address system, and pathway lights. The Planning Commission finds that

an earlier ending time for events is more compatible with surrounding residential uses. A condition has been established to limit use of the field lighting and public-address system to 9:00 p.m., with pathway lighting allowed until 9:30 p.m. to facilitate safe egress from the site.

As conditioned, the Planning Commission finds that this standard 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.

The availability of quality sports facilities to support school, youth, and club sports is important for all communities in the Portland area, and Milwaukie is no exception. Property adequate to satisfy increased demand is constrained, due to high cost and very limited availability of larger properties to accommodate athletic activities. The District proposes to meet this growing demand by increasing the availability of its existing facilities. The subject property has served the community for many years and, based upon community support evidenced by the 2016 passage of a large capital improvement bond, the District has proposed to provide significant facility improvements including artificial turf and field lights.

The character of the sports fields will not change appreciably, and potentially adverse impacts to the neighborhood can be mitigated. As evidenced by public comments, there are some deficiencies pertaining to buffering and screening for the Lake Rd parking lot, perimeter screening for the remainder of the site, presence of invasive plants, adequacy of off-street parking, and substandard pedestrian access. In addition, the proposed field lights and artificial turf will extend the season and hours of use. Conditions of approval have been established to address these issues of compatibility, including a condition to require the establishment of a Transportation Demand Management (TDM) program to better manage parking; and a condition to require that public access to the site remains ungated for pedestrian access, in part to ensure that access between the elementary school parking lot and the artificial-turf fields is not discouraged or inhibited.

As conditioned, the Planning Commission finds that this standard is met.

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

The sports activities have functioned appropriately at this location for many years without significant negative impacts on surrounding properties. However, as noted in the public and agency comments, there are several areas in which improvements are warranted to improve the degree of compatibility with neighboring residents. Issues include: insufficient screening, trespass, noise, field lighting, and hours of operation.

An important component for ensuring compatibility between different land uses is to provide sufficient buffering and screening. The existing buffering and screening varies considerably on the perimeter of the site. The predominant treatment is chain link fencing, with and without slats. Enhanced screening with fences and/or vegetative

appears to largely be provided by adjoining property owners. This has resulted in a range of buffering from virtually none to very dense and complete. Invasive plants are also commonly found on the site perimeter.

Landscaping and screening are required either through this section or the parking landscaping standards established in MMC Section 19.606. To ensure that adequate screening is provided, conditions have been established related to landscaping and buffering along the perimeter as follows:

- *Along most of the perimeter, excluding only where parking lots are adjacent to the neighboring properties, invasive plants shall be removed, the existing chain link fencing repaired as necessary, and slats installed, unless individual abutting property owners elect not to have them installed.*
- *Along the perimeter of the Lake Rd and elementary school parking lots, invasive plants shall be removed and the landscaping and buffering requirements of MMC 19.606 shall be followed. Sight-obscuring screening a minimum of 8 ft in height shall be provided along the western boundary where adjacent to the Lake Rd parking lot.*

In addition, it is noted that the driveway approach for the Lake Rd parking lot is narrower than the on-site driveway, which increases the potential for vehicle conflicts. A condition has been established to reconfigure the on-site driveway and/or the driveway approach so that they are aligned and one is not wider than the other.

The Planning Commission finds that, as conditioned, this standard is met.

As conditioned, the Planning Commission finds that the proposed activity meets the approval criteria of MMC 19.904.4.

d. MMC Subsection 19.904.5 Procedures for Reviewing a CSU

- (1) MMC 19.904.5.A requires the Planning Commission to hold a public hearing to consider the establishment of new CSUs or the major modification of existing CSUs. The Planning Commission shall determine whether the proposed use meets the approval criteria of MMC 19.904.4.

The proposed activity represents a major modification to a CSU because of the nature of the improvements proposed. For this application, the Planning Commission held a public hearing on April 24, 2018, to determine whether the relevant criteria are satisfied. The hearing was continued to May 8, 2018.

- (2) MMC Subsection 19.904.5.B establishes the types of conditions that the Planning Commission may impose on CSUs to ensure compatibility with other uses in the vicinity. Conditions may involve such aspects as hours or intensities of operation, measures to limit noise or glare, special yard setbacks, design of vehicle access points, and size or location of a building.

As discussed above, conditions have been established to address various compatibility issues.

As proposed and conditioned, the sports complex will remain compatible with other uses in the vicinity. This standard is met.

- (3) MMC Subsection 19.904.5.C authorizes the Planning Director to approve minor modifications to an approved CSU through the Type I review process, subject to compliance with specific criteria.

The proposed development represents a major, not minor, modification to the existing CSU because the intensity of the use will increase. Therefore, this subsection is not applicable.

The Planning Commission finds that the applicable standards of MMC 19.904.5 are met.

- e. MMC Subsection 19.904.6 Application Requirements

MMC 19.904.6 establishes the application requirements for CSUs, including a narrative describing the proposed use, maps showing the vicinity and existing uses, and detailed plans for the project.

The applicant's submittal materials include site plans and a narrative description of the proposed activity. The application was reviewed by Planning staff and deemed complete on March 5, 2018, at the applicant's request. This standard is met.

As conditioned, the Planning Commission finds that the proposed activity meets all applicable standards of MMC 19.904 to be approved as a major modification of a community service use.

7. MMC Section 19.301 Low Density Residential Zones

MMC 19.301 establishes standards for the low-density residential zones, including the R-7 Zone. The subject property is zoned R-7.

- a. MMC Subsection 19.301.2 Allowed Uses in Low Density Residential Zones

MMC 19.301.2 lists the permitted and conditional uses in the R-7 Zone. CSUs, including schools and school facilities, are allowed through CSU review.

The proposed major modification to a CSU is allowable in the R-7 Zone, subject to City approval.

- b. MMC Subsections 19.301.4 and 19.301.5 Development Standards

MMC 19.301.4 and 19.301.5 provide applicable development standards for the R-7 Zone, the primary zone designation for the site, summarized in Table 7:

| Table 7 Applicable R-7 Development Standards | | |
|---|---|--|
| Standard | R-7 Requirement | Proposed Development |
| Front Yard | 20 ft | >20 ft (for all structures measured from Lake Rd property line) |
| Side Yard | 5 ft / 10 ft | >20 ft on both sides |
| Rear Yard | 20 ft | >20 ft |
| Maximum Building Height | 2.5 stories or 35 ft (whichever is less) | Proposed new buildings are all 1 story except the press box, which is less than 35 ft. (See Finding 11 for discussion of the variance request to allow field-lighting poles of 60 and 80 ft.) |
| Maximum lot coverage | 30% | <10% |
| Minimum vegetation | 30% | >30% |
| Front yard min. vegetation | 40% | >90% |

The Planning Commission finds that the applicable development standards of these subsections are met.

The Planning Commission finds that the proposed development meets all applicable standards of MMC 19.301 for the underlying R-7 Zone.

8. MMC Chapter 19.500 Supplementary Development Regulations

MMC 19.500 provides additional standards for a variety of development types and locations. The applicable portions of this section are addressed below.

a. MMC Subsection 19.501.2 Yard Exceptions

MMC 19.501.2 requires additional building setbacks from the centerline of several streets in the city, including Lake Rd, which requires an additional yard area of 30 ft from centerline plus the applicable yard requirement.

A 30-ft setback from centerline plus the required R-7 setback of 20 ft will continue to be exceeded. This additional yard area requirement is met.

b. MMC Subsection 19.504.1 Clear Vision Areas

MMC 19.504.1 refers to clear vision area requirements in MMC Chapter 12.24.

The proposal will not have any impact on the current vision clearance along Lake Rd because no landscaping changes are proposed along this frontage. As proposed, the applicable clear vision requirements are met.

c. MMC Subsection 19.504.4 Buildings on the Same Lot

MMC 19.504.4 requires that there may be no more than 1 primary dwelling per lot.

This standard is not applicable because no dwellings are proposed.

d. MMC Subsection 19.504.7 Minimum Vegetation

MMC 19.504.7 requires that no more than 20% of the required vegetation area may be covered with bark mulch.

This standard will be confirmed by the Planning Director during the subsequent Type I Development Review and is satisfied as proposed.

e. MMC Subsection 19.504.9 On-Site Circulation and Walkways

MMC 19.504.9 contains several applicable requirements related to the provision of on-site circulation and walkways:

- (1) MMC Subsection 19.504.9.A requires a system of on-site walkways to provide safe and convenient pedestrian movement within and through the development.

The existing walkway system features several walkways and pedestrian routes that are proposed for further improvement by the applicant. However, the proposed on-site pedestrian circulation system will require some improvement beyond what is proposed, including an ADA-compliant connection to the elementary school parking lot and a sidewalk along the Lake Rd driveway at the southwest corner of the site. Conditions have been established to ensure that these improvements are provided. As proposed and conditioned, the on-site pedestrian system will improve safety and convenience by providing better connections between public streets, the parking lot, and the various fields.

- (2) MMC Subsection 19.504.9.B requires a walkway into the site for every 300 ft of frontage.

With a total Lake Rd frontage of approximately 600 lineal feet on Lake Rd, at least 2 walkways into the site are required along this frontage. Milwaukie Elementary School has approximately 350 ft of frontage on 27th Ave. Overall, the proposed plan has 3 direct walkways leading from the adjoining streets to the fields.

As proposed, the on-site pedestrian system meets applicable City requirements.

- (3) MMC Subsection 19.504.9.C requires connections between building entrances and other destinations on adjacent properties.

This standard does not technically apply because no primary buildings are proposed. However, the on-site pathway system will be improved to provide direct access to all fields and accessory facilities.

The proposed on-site pedestrian system connecting the site's existing structures meets this standard.

- (4) MMC Subsection 19.504.9.D requires that pedestrian routes are reasonably direct.

All proposed walkways are logically arranged to provide reasonably direct access between the fields, nearby transit (TriMet bus route #32), street sidewalks, and parking areas. Wherever possible, driveway crossings have been minimized.

As proposed, the on-site pedestrian system meets this standard.

- (5) MMC Subsection 19.504.9.E requires a hard-surface but permeable material for walkways, with a minimum width of 5 ft and minimum lighting level of 0.5 footcandles.

The narrative and plan sheets illustrate the location and type of materials proposed for the site's pedestrian walkways. Each proposed walkway has a minimum width of 5 ft and will be permeable. As shown on the submitted lighting and photometric plans, walkways on site will be illuminated at an average level that is greater than 0.5 footcandles. The placement of light fixtures has been designed to provide the highest levels of lighting along the primary pedestrian routes.

The proposed pedestrian connection system meets the standards of MMC 19.504.9.E.

As conditioned, the applicable standards of MMC 19.504.9 are met.

- f. MMC Subsection 19.504.10 Setbacks Adjacent to Transit

MMC 19.504.10 requires new commercial, office, or institutional development adjacent to a transit route to be set back no more than 30 ft from the right-of-way that is providing transit service. Subsection 19.504.10.C allows flexibility for institutional campuses if enhanced sidewalk connections are provided.

TriMet bus route #32 travels along Lake Rd, with stops near the southwest and southeast corners of the site. The proposed pathway system will improve upon the existing pedestrian connections and overall environment to support walking and transit use.

This standard is met.

- g. MMC Subsection 19.504.11 Preliminary Circulation Plan

MMC 19.504.11 requires provision of a preliminary circulation plan for street, pedestrian, and bicycle facilities.

Site circulation facilities are described and illustrated in the submittal materials, including a traffic memorandum prepared by Lancaster Engineering (Appendix D in the applicant's submittal). As discussed in Finding 10, the proposed upgrade of the sports complex will enhance the public pedestrian walkway system by providing better connections between the parking lots and adjoining public streets. As discussed in Findings 6-c and 8-e, conditions have been established to ensure better pedestrian access and connectivity at key parts of the site.

As conditioned, the proposed circulation plan satisfies the requirements of this section.

h. MMC Subsection 19.505.8 Building Orientation to Transit

MMC 19.505.8 applies to new development within 500 ft of an existing or planned transit route measured along a public sidewalk and requires that new buildings have their primary orientation toward an adjacent transit street or toward a public right-of-way leading to a transit street.

No new buildings are proposed within a 500-ft walking distance of an existing or planned transit route. This standard is not applicable.

As conditioned, the Planning Commission finds that the applicable standards of MMC 19.500 are met.

9. 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.

a. MMC Section 19.602 Applicability

MMC 19.602 establishes the applicability of the provisions of MMC 19.600.

(1) MMC Subsection 19.602.1 General Applicability

MMC 19.602.1 provides that the regulations of MMC 19.600 apply to all off-street parking areas, whether required by the City as part of development or voluntarily installed for the convenience of users. Activity that is not described by MMC Subsections 19.602.3 or 19.602.4 is exempt from compliance with the provisions of MMC 19.600.

The provisions of MMC 19.602.1 are applicable because the proposed renovation of the site, including on-site parking improvements, will increase the overall use of the sports complex.

(2) MMC Subsection 19.602.2 Maintenance Applicability

MMC 19.602.2 provides that property owners shall ensure conformance with the standards of MMC 19.600 regarding ongoing maintenance, operations, and use of off-street parking areas. Any change to an existing off-street parking area shall not bring the area out of conformance, or further out of conformance if already nonconforming.

The on-site parking facilities are reviewed as part of this application and required to comply with applicable standards. No changes are proposed that would bring the site further out of or conformance with any applicable standards. In fact, the proposed development will bring many aspects of the existing parking situation (e.g., parking quantity, parking lot landscaping, paving) closer to conformance.

(3) MMC Subsection 19.602.3 Applicability for Development and Change in Use Activity

MMC 19.602.3 establishes thresholds for full compliance with the standards of MMC 19.600 as well as for bringing existing off-street parking areas closer to conformance. Development that results in an increase of less than 100% of the existing floor area or that does not involve a change in use is required to bring existing nonconforming parking areas closer to conformance in accordance with the provisions of MMC Subsection 19.602.5.

The proposed development does not represent a change in use or an increase in floor area, but existing nonconforming parking areas will be brought closer to conformance. The relevant standards of MMC 19.600 are applicable, particularly for the proposed expansion of the existing off-street parking area in the southwestern portion of the site.

(4) MMC Subsection 19.602.4 Applicability not Associated with Development or Change in Use

MMC 19.602.4.A addresses applicability for parking projects developed to serve an existing use but not associated with other development activity or change in use. Such activity shall conform to the requirements of MMC Sections 19.604 and 19.606-19.611. In addition, the total number of new spaces in the existing and new parking areas shall not exceed the maximum allowed quantity of parking as established in MMC Section 19.605.

The proposed parking improvements are associated with the overall improvement of the existing facilities at the site. Conformance with the applicable standards of MMC 19.600 will be evaluated as per the provisions established in MMC 19.602.3, addressed above. This subsection is not applicable.

(5) MMC Subsection 19.602.5 Improvements to Existing Off-Street Parking and Loading Areas

MMC Subsection 19.602.5.A requires improvement of nonconforming off-street parking and loading as redevelopment occurs. MMC Subsection 19.602.5.B provides that the cost of materials for any required parking improvements shall not exceed 10% of the total development cost.

The proposed improvements include voluntary adjustments to improve the capacity and functionality of the existing parking lot accessed from Lake Rd. In addition, the proposed improvements will address the current nonconforming aspects of the parking lot, such as providing paving, restriping existing spaces, and providing landscape buffering. The 10% limitation on required improvements is not relevant for the proposed development. This standard is met.

The Planning Commission finds that the provisions of MMC 19.600 are applicable to the proposed development as discussed above.

b. MMC Section 19.603 Review Process and Submittal Requirements

(1) MMC Subsection 19.603.1 Review Process

MMC 19.603.1 establishes the Planning Director as the entity with authority to apply the provisions of Chapter 19.600 unless an application is subject to a quasi-judicial review or appeal, in which case the body reviewing the application has the authority.

The CSU application required for the proposed development is subject to Type III review by the Planning Commission, which is the body with authority to apply the provisions of MMC 19.600.

(2) MMC Subsection 19.603.2 Submittal Requirements

MMC 19.603.2 establishes the requirements for submittal of a parking plan, including the various details that must be presented.

The applicant has submitted a parking plan and supporting information with sufficient detail for the application to be evaluated by the City.

The Planning Commission finds that these requirements are met.

c. MMC Section 19.604 General Parking Standards

MMC Subsections 19.604.1 to 19.604.4 establish general standards for off-street parking areas, including requirements related to the provision of parking in conjunction with development activity, the location of accessory parking, use and availability of parking areas, and the prohibition on using parking areas for storage.

The applicant proposes to increase the total number of parking spaces by reconfiguring the southwestern parking lot. The application materials show the introduction of 5 new parallel spaces along the main driveway from Lake Rd and the conversion of an open gravel area at the north end to a turnaround with 11 striped spaces. As proposed, the spaces will be available for use in conjunction with activity at the sports complex.

The Planning Commission finds that the proposed development is consistent with the applicable standards of this section.

d. MMC Section 19.605 Vehicle Parking Quantity Requirements

MMC 19.605 establishes standards to ensure that development provides adequate vehicle parking based on estimated parking demand. The section establishes processes for modification and determination of parking requirements, exemptions and reductions to the required ratios, and provisions for shared parking.

(1) MMC Subsection 19.605.1 Minimum and Maximum Requirements

As noted above, MMC Table 19.605.1 does not provide minimum and maximum quantity requirements for outdoor sports fields.

Because there is no parking standard, the applicant is requesting a parking determination in accordance with MMC Subsection 19.605.2.

(2) MMC Subsection 19.605.2 Quantity Modifications and Required Parking Determinations

- (a) MMC Subsection 19.605.2 A. allows for the modification of minimum and maximum parking ratio standards as well as for the determination of appropriate parking requirements for uses not listed in MMC Table 19.605.1.

The proposed use is not listed in MMC Table 19.605.1, and no listed use is similar enough to be applicable. Therefore, the applicant has proposed a parking determination.

- (b) MMC Subsection 19.605.2 B requires that parking determinations be evaluated using Type II review. Applicants are required to make a case for determining the appropriate amount of parking by identifying factors specific to the proposed use and associated parking demand, providing supporting data and analysis from other jurisdiction requirements and/or data from similar existing uses, and proposing minimum and maximum parking ratios.

The parking determination is part of the larger application to consider major modification of the existing CSU approval for the site, which is subject to Type III review. The applicant has provided supplemental information to support the proposed parking determination.

- (c) MMC Subsection 19.605.2 C.1. contains the approval criteria for granting a parking determination, including a demonstration that the proposed parking quantities are reasonable based on (1) the evidence noted in MMC 19.605.2.B, (2) quantity requirements from other jurisdictions, and (3) professional literature.

Like Milwaukie, many cities do not have specific standards for athletic fields. Staff did find that West Linn has a minimum 40-space standard for sports fields, and Hillsboro has an alternate standard for fields with bleachers that requires 1 space per 4 ft of bench length. The applicant's submittal cites the parking standards for Hillsboro (20-space minimum and 40-space maximum per field) and Happy Valley (maximum of 30 per field maximum except for stadiums that may be higher).

The applicant has proposed that the improved 54-space Lake Rd parking lot and the 43 spaces at the elementary school will be sufficient to support the sports complex. As discussed in Finding 6-c-2(c), the required walkway improvements between the Milwaukie Elementary School parking lot and the existing on-site pathway system may require elimination of one existing parking space, resulting in a total of 96 parking spaces. The applicant notes that the proposed total of 97 parking spaces (as

discussed in Finding 9-d-2) average out to approximately 32 spaces per field, assuming that no more than 3 fields are in use at any one time. This quantity is comparable to the other cities that have parking standards for this type of use.

Without a specific standard in the Milwaukie code, the best indicator may be the past parking use for this facility. While some issues and concerns regarding parking were expressed in the public comments received, consistent and repeated problems with the number of spaces or overflow parking into the neighborhood have not been widely reported. The proposed improvements will result in a certain level of intensification of use of the site, though more with respect to the hours and days of use throughout the year than the number of people on the site at one time.

The applicant's narrative asserts that the requirement to provide designated carpool/vanpool spaces does not apply to the sports complex. It is likely that a number of athletes and other visitors already use informal carpool methods to get to and from the site, so formally designated spaces are not critical. Designating certain parking stalls as carpool/vanpool spaces would require monitoring, enforcement, and maintenance, at some expense to the District and without the expectation of much change in carpool activity.

The Planning Commission finds that the proposed 97 parking spaces (or 96, as discussed in Finding 9-d-2) are sufficient to serve the proposed sports complex, that no carpool/vanpool spaces are required, and so approves the proposed parking determination.

(3) MMC Subsection 19.605.4 Shared Parking

MMC 19.605.4 establishes standards for utilizing shared off-premises spaces to meet the minimum parking requirement, including a requirement that the nearest parking spaces be no farther than 1,000 ft from the principal structure or use.

The District does not propose to rely on shared parking agreements because all parking proposed to support the sports complex is on District property. This standard is not applicable.

The Planning Commission finds that the proposed off-street parking will adequately accommodate the anticipated parking demand.

e. MMC Section 19.606 Parking Area Design and Landscaping

MMC 19.606 establishes standards for parking area design and landscaping, to ensure that off-street parking areas are safe, environmentally sound, and aesthetically pleasing, and that they have efficient circulation.

(1) MMC Subsection 19.606.1 Parking Space and Aisle Dimension

MMC 19.606.1 establishes dimensional standards for required off-street parking spaces and drive aisles. For 90°-angle spaces, the minimum width is 9 ft and

minimum depth is 18 ft, with a 9-ft minimum curb length and 22-ft drive aisles. Parallel spaces require with 22-ft lengths and a width of 8.5 ft.

The applicant has submitted a parking plan that satisfies these dimensional standards.

(2) MMC Subsection 19.606.2 Landscaping

MMC 19.606.2 establishes standards for parking lot landscaping, including for perimeter and interior areas. The purpose of these landscaping standards is to provide buffering between parking areas and adjacent properties, break up large expanses of paved area, help delineate between parking spaces and drive aisles, and provide environmental benefits such as stormwater management, carbon dioxide absorption, and a reduction of the urban heat island effect.

(a) MMC Subsection 19.606.2.C Perimeter Landscaping

In all but the downtown zones, perimeter landscaping areas must be at least 6 ft wide where abutting other properties and at least 8 ft wide where abutting the public right-of-way. At least 1 tree must be planted for every 40 lineal feet of landscaped buffer area, with the remainder of the buffer planted with grass, shrubs, ground cover, mulch, or other landscaped treatment. Parking areas adjacent to residential uses must provide a continuous visual screen from 1 to 4 ft above the ground to adequately screen vehicle lights.

The existing perimeter landscaping area along the western edge of the Lake Rd parking lot is at least 8 ft wide. Where the proposed paved turnaround area and newly paved and striped parking stalls will be established, the perimeter landscaping area will exceed the minimum required buffer width. The proposed landscape plan (Sheet L1.3) indicates a “palette” of plant types that could be used to fulfill the buffering requirement but does not show specific tree-planting locations within the perimeter buffer. The applicant indicates that the slats in the existing chain link will be replaced along the western boundary.

According to topographical information shown on the applicant’s plan sheets and available through the City’s computer-mapped data, the Lake Rd parking lot is 1 to 3 ft higher than several of the adjacent properties to the west. The top of the existing 5- to 6-ft chain link fence along the site’s western boundary is also lower than the parking lot. Public comments reported that headlights from the parking lot shine across the fence and onto adjacent properties. A variance would be required to raise the fence height above 6 ft to account for the grade difference from the parking lot level, so a condition has been established to ensure that the plantings installed for the perimeter buffer area do in fact provide screening between 1 and 4 ft above the parking lot grade as required. This includes screening along the western edge of the new turnaround area.

The applicant's narrative indicates that at least 11 trees will be planted within the perimeter landscaping area(s) of the Lake Rd lot, though specific planting locations are not provided. A condition has been established to require a more detailed landscaping plan as part of the subsequent required Development Review, to ensure that the applicable standards of this subsection are met. The landscaping plan should show at least 1 tree planted in the perimeter area between the adjacent property at 2805 SE Lake Rd and the southernmost of the 5 new parking spaces along the east side of the driveway to Lake Rd.

The perimeter landscaping areas around the elementary school parking lot are well over 8 ft in width everywhere except along its western edge, where the buffer is only a few feet wide but is landscaped. No changes are proposed to the elementary school lot, and a condition has been established to ensure that any changes related to the requirement to provide a pedestrian connection between that parking lot and the pathway to the JV softball field do not cause the perimeter landscaping to go further out of conformance.

As conditioned, this standard is met.

(b) MMC Subsection 19.606.2.D Interior Landscaping

At least 25 sq ft of interior landscaped area are required for each parking space. Planting areas must be at least 120 sq ft in area, at least 6 ft in width, and dispersed throughout the parking area. For landscape islands, at least 1 tree shall be planted per island, with the remainder of the buffer planted with grass, shrubs, ground cover, mulch, or other landscaped treatment.

As proposed, the interior landscaping in the Lake Rd parking lot meets the required standards for area and dimension, though the submitted plans do not include specific information on the required trees. A condition has been established to require a more detailed landscaping plan as part of the subsequent required Development Review, to include more detailed information regarding plant materials and tree locations. The landscaping plan should show 1 tree in each of the interior planting areas at the southern end of the Lake Rd parking lot and at least 1 tree in the stormwater planter in the middle of the new turnaround.

As conditioned, this standard will be met.

(c) MMC Subsection 19.606.2.E Other Parking and Landscaping Provisions

Preservation of existing trees in off-street parking areas is encouraged and may be credited toward the total number of trees required. Parking area landscaping must be installed prior to final inspection, unless a performance bond is posted with the City. Required landscaping areas may serve as stormwater management facilities, and pedestrian walkways are allowed within landscape buffers if the buffer is at least 2 ft wider than required by MMC 19.606.2.C and 19.606.2.D.

The site and landscaping plans indicate that existing trees will not be removed to accommodate any of the proposed improvements. Proper installation of landscaping will be confirmed as part of the subsequent Development Review and final inspection.

This standard is met.

As conditioned, the Planning Commission finds that the applicable standards of MMC 19.606.2 will be met.

(3) MMC Subsection 19.606.3 Additional Design Standards

MMC 19.606.3 establishes various design standards, including requirements related to paving and striping, wheel stops, pedestrian access, internal circulation, and lighting.

(a) MMC Subsection 19.606.3.A Paving and Striping

Paving and striping are required for all required maneuvering and standing areas, with a durable and dust-free hard surface and striping to delineate spaces and directional markings for driveways and accessways.

The plans submitted indicate that all parking areas will be paved and striped.

This standard is met.

(b) MMC Subsection 19.606.3.B Wheel Stops

Parking bumpers or wheel stops are required to prevent vehicles from encroaching onto public rights-of-way, adjacent landscaped areas, or pedestrian walkways. Curbing may substitute for wheel stops if vehicles will not encroach into the minimum required width for landscape or pedestrian areas.

The plans submitted indicate that curbs will be installed in lieu of wheel stops, with dimensions sufficient to prevent vehicles from encroaching into the minimum required width of perimeter landscaping areas.

This standard is met.

(c) MMC Subsection 19.606.3.C Site Access and Drive Aisles

Accessways to parking areas shall be the minimum number necessary to provide access without inhibiting safe circulation on the street. Drive aisles shall meet the dimensional requirements of MMC 19.606.1.

As proposed, one driveway for each of the two on-site parking lots will continue to be used as they are today. The Engineering Department has deemed this arrangement adequate to allow safe circulation on the street. The existing and proposed drive aisles meet the minimum applicable dimensional requirements.

This standard is met.

(d) MMC Subsection 19.606.3.D Pedestrian Access and Circulation

Pedestrian access shall be provided so that no off-street parking space is farther than 100 ft away, measured along vehicle drive aisles, from a building entrance or a walkway that is continuous, leads to a building entrance, and meets the design standards of MMC Subsection 19.504.9.E.

This standard is not applicable to sports fields because no building entrances are involved.

(e) MMC Subsection 19.606.3.E Internal Circulation

The Planning Director has the authority to review the pedestrian, bicycle, and vehicular circulation of the site and impose conditions to ensure safe and efficient on-site circulation. Such conditions may include, but are not limited to, on-site signage, pavement markings, addition or modification of curbs, and modification of drive aisle dimensions.

The Planning Director has reviewed the plans and concluded that two additional improvements are necessary, as discussed in Finding 8-e: (1) providing a complete sidewalk along the Lake Rd driveway, and (2) constructing an ADA-compliant pedestrian connection between the elementary school parking lot and existing pathway to the JV softball field. As conditioned, on-site circulation will be safe and efficient.

As conditioned, this standard is met.

(f) MMC Subsection 19.606.3.F Lighting

Lighting is required for parking areas with more than 10 spaces and must have a cutoff angle of 90° or greater to ensure that lighting is directed toward the parking surface. Lighting shall not cause a light trespass of more than 0.5 footcandles measured vertically at the boundaries of the site and shall provide a minimum illumination of 0.5 footcandles for pedestrian walkways in off-street parking areas.

The lighting and photometric plans submitted show that the lighting for the Lake Rd parking lot will provide the minimum 0.5-footcandle level for pedestrian walkways, with less than the maximum allowable 0.5-footcandle spill onto adjacent properties.

This standard is met.

As conditioned, the Planning Commission finds that the applicable standards of MMC 19.606.3 will be met.

As conditioned, the Planning Commission finds that the applicable design and landscaping standards of MMC 19.606 are met.

f. MMC Section 19.608 Loading

MMC 19.608 establishes standards for off-street loading areas and empowers the Planning Director to determine whether loading spaces are required. Loading spaces shall be at least 35 ft long and 10 ft wide, with a height clearance of 13 ft.

As proposed, the existing pathway between the northern end of the Lake Rd parking lot and the varsity fields will be widened to approximately 12 ft, which will allow service and delivery vehicles to access the new concessions and restroom building and the existing indoor hitting facility. The Planning Director has determined that the proposed site plan provides dimension for at least one 35-ft by 10-ft loading space (with no height limitation) in the area where loading may be necessary, and that this is adequate for the site.

The Planning Commission finds that this standard is met.

g. MMC Section 19.609 Bicycle Parking

MMC 19.609 establishes standards for bicycle parking for new development of various uses, including CSUs. MMC Subsection 19.609.2 requires bicycle parking at a rate of 10% of the minimum number vehicular parking spaces, with cover for a minimum of 50% of the bike spaces when the required number exceeds 10 spaces. MMC Subsection 19.609.3.A provides that each bicycle parking space shall have minimum dimensions of 2 ft by 6 ft, with 5-ft-wide aisles for maneuvering. MMC Subsection 19.609.4 requires bike racks to be located within 50 ft of a main building entrance.

With approval of the parking determination requiring a minimum of 97 vehicle spaces (or 96, as discussed in Finding 9-d-2), the minimum bicycle parking requirement for the sports complex is 9 spaces (rounded down as per MMC Subsection 19.605.1.D). The applicant proposes 10 bike parking spaces on the north side of the varsity baseball and softball fields.

As proposed, the Planning Commission finds that this standard is met.

h. MMC Section 19.610 Carpool and Vanpool Parking

MMC 19.610 establishes parking standards for vehicles used to carpool. The standards apply to new development, including institutional uses. MMC 19.610.2 requires that based upon the minimum parking requirement, at least 10% must be for carpool/vanpool use.

As discussed above in Finding 9-d-2(c), the approved parking determination includes a determination that no carpool/vanpool spaces are required for the sports complex.

This standard is not applicable.

As conditioned, the Planning Commission finds that the proposed development meets all applicable standards MMC 19.600 for off-street parking.

10. MMC Chapter 19.700 Public Facility Improvements

MMC 19.700 is intended to ensure that development, including redevelopment, provides public facilities that are safe, convenient, and adequate in rough proportion to their public facility impacts.

MMC Section 19.702 establishes the applicability of the provisions of MMC 19.700, including new construction and modification or expansion of an existing structure or a change or intensification in use that result in any projected increase in vehicle trips or any increase in gross floor area on the site.

The applicant proposes to modify the parking lot and add lights to the ball fields. Neither one of these will result in the projected increase in vehicle trips. Although the lighting will allow the site to be used for a longer period each day, the PM peak time (between 4:00 p.m. and 6:00 p.m.) will not change in usage. It is the PM peak period that a site's effect on the transportation system is calculated. The development does not trigger the requirements of MMC 19.700.

The Planning Commission finds that the standards and requirements of MMC 19.700 are not applicable to the proposed development.

11. MMC Chapter 19.911 Variances

MMC Section 19.911 establishes the variance process for seeking relief from specific code sections that have the unintended effect of preventing reasonable development or imposing undue hardship.

a. MMC Subsection 19.911.2 Applicability

MMC 19.911.2 establishes applicability standards for variance requests.

Variances may be requested to any standard of MMC Title 19, provided the request is not specifically listed as ineligible in MMC Subsection 19.911.2.B. Ineligible variances include requests that result in any of the following: change of a review type, change or omission of a procedural step, change to a definition, increase in density, allowance of a building code violation, allowance of a use that is not allowed in the base zone, or the elimination of restrictions on uses or development that contain the word "prohibited."

The applicant has requested a variance from the maximum 50-ft height standard as it applies to the proposed field lights. The applicant is proposing light poles of 60 or 80 ft (depending on their specific location) to light the varsity fields. The requested variance meets the eligibility requirements.

b. MMC Subsection 19.911.3 Review Process

MMC 19.911.3 establishes review processes for different types of variances. MMC Subsection 19.911.3.B establishes the Type II review process for limited variations to certain numerical standards. MMC Subsection 19.911.3.C establishes the Type III review process for larger or more complex variations to standards than those allowed

through the Type II review process as per MMC Subsection 19.911.3.B, variations that require additional discretion and warrant a public hearing.

Height is not listed in MMC 19.911.3.B as a standard that is eligible for Type II variance review; therefore, the requested height variance is subject to the Type III review process and must address the approval criteria established in MMC Subsection 19.911.4.B.

c. MMC Subsection 19.911.4 Approval Criteria

MMC 19.911.4 establishes approval criteria for variance requests. Specifically, MMC Subsection 19.911.4.B.1 provides the following approval criteria for Type III variances where the applicant elects to utilize the Discretionary Relief Criteria:

- (1) The applicant's alternatives analysis provides, at a minimum, an analysis of the impacts and benefits of the variance proposal as compared to the baseline code requirements.

The application shows a total of 12 poles for lighting the varsity fields: 4 poles that are 60 ft tall and 8 poles that are 80 ft tall, with 77 luminaire heads (shown on Sheets E1 and E2). The applicant's submittal indicates that the requested pole heights are necessary for adequate field lighting and to help minimize the impact of light on neighboring properties. The height will allow lights to shine down on the fields rather than at an angle, which would produce more glare beyond the property boundary.

The Planning Commission finds that the applicant's submittal provides an adequate analysis of the impacts and benefits of the requested pole height variance as compared to the baseline requirement. This criterion is met.

- (2) The proposed variance is determined to be both reasonable and appropriate, and it meets one or more of the following criteria:

- (a) The proposed variance avoids or minimizes impacts to surrounding properties.
- (b) The proposed variance has desirable public benefits.
- (c) The proposed variance responds to the existing built or natural environment in a creative and sensitive manner.

As discussed in Finding 6-c-2, institutional CSUs are allowed heights of 50 ft as per MMC Subsection 19.904.9. The additional 10- or 30-ft height of the 12 poles proposed to provide lighting for the varsity fields will reduce the potential for any glare beyond the property line. The poles will be located a significant distance from nearby residences, over 50 ft in most cases. The adjacent properties to the north are all at an elevation that is significantly higher than the fields. Along the eastern boundary, an existing line of tall evergreen trees provides screening from most of the adjacent residential properties.

As noted by the applicant, lower pole heights would necessitate lighting the fields at more of an angle, creating greater probability of glare for adjoining properties. Given

their location and elevation, the taller poles are not expected to pose any greater impact to the built or natural environment than 50-ft poles. Sheet E-2 in the applicant's materials demonstrates extremely low light spill (no more than 0.28 footcandles) at the adjacent property boundaries. For comparison, the standard for maximum allowed light trespass by parking lot lighting is 0.5 footcandles (as per MMC Subsection 19.606.3.F). As proposed, the field lighting will avoid or minimize impacts to surrounding properties.

The Planning Commission finds that the requested height variance for the field light poles is reasonable and appropriate and meets one or more of the criteria provided in MMC Subsection 19.911.B.1.b.

- (3) Impacts from the proposed variance will be mitigated to the extent practicable.

Sheet E-2 in the applicant's materials demonstrates extremely low light trespass (no more than 0.28 footcandles) at the adjacent property boundaries.

The Planning Commission finds that the requested height variance for the field-light poles will not result in any impacts that require further mitigation.

The Planning Commission finds that the requested height variance for the field light poles meets the approval criteria established in MMC 19.911.4.B.1 for Type III variances seeking discretionary relief.

The Planning Commission finds that, as proposed, the requested variance is allowable as per the applicable standards of MMC 19.911.

12. The application was referred to the following departments and agencies on March 8, 2018:

- Milwaukie Building Department
- Milwaukie Engineering Department
- Lake Road Neighborhood District Association (NDA), Chairperson and Land Use Committee (LUC)
- Historic Milwaukie NDA, Chairperson and LUC
- Clackamas Fire District #1 (CFD#1)
- Clackamas County Department of Transportation and Development (DTD)
- Metro
- TriMet

The comments received are summarized as follows:

- **Ken Kent, Senior Planner, Clackamas County Engineering Division:** No comment.
- **Matt Amos, Fire Inspector, CFD#1:** No comments.
- **Rebecca Hamilton, Regional Planner, Metro:** No comments.

- **Robert Livingston, City of Milwaukie Public Works:** Stormwater is reported to drain from the sports fields onto property located at 2805 SW Lake Rd (northeast corner of Lake and 28th Ave parking lot entrance) and then flow through a ditch on the east side of the property toward the street, crossing the sidewalk and either flowing down the sidewalk or entering the street. The applicant's stormwater plans do not appear to address this issue.
- **Alex Roller, Engineering Technician II, City of Milwaukie Community Development Department:** The site does not currently conform with stormwater requirements in MMC 8.04.140. In addition to the stormwater issue noted above, stormwater is also being discharged onto property located at 11464 SW 27th Ave (immediately west of the JV softball field).
- **Ray Bryan, Chair, Historic Milwaukie NDA:** The NDA raised a host of questions regarding several elements of the project:
 - Hours of activity, including practices
 - Location and description of the audio system along with the hours of proposed use
 - Coordination of field use with other partners, such as North Clackamas Parks and Recreation District
 - Availability of the fields for non-school teams and use
 - Screening for the parking area
 - Information about the pathway connection between Milwaukie Elementary School and the fields, and when and how will it be illuminated
 - The soils are prone to create stormwater runoff, particularly from the JV softball field
 - Invasive plant species on the perimeter of site and possible replacement with native species that provide natural habitat
 - Whether and how ADA access will be provided in addition to what is proposed from the parking lot
 - Pedestrian access, especially on the driveway from Lake Rd to the parking lot
- **Sarah Roller, property owner at 11630 SE 27th Ave (multiple submittals):** Concerns about the current situation of having a low chain link fence, which allows lights, noise, and occasional trespassing to occur. She would like to see a taller (9 ft), solid fence with landscaping to mitigate the impacts.
- **Matt Menely, property owner at 2816 SE Lake Rd (multiple submittals):** Recommends speed bumps and locking the gate to the parking lot to reduce garbage accumulation and speeding. Describes problems with insufficient parking, which overflows onto local streets. Concerned about the toxicity of artificial turf and its long-term effect on groundwater and is "100% opposed" to

lighting the fields due to the reflected light he feels will result. He is also opposed to any addition to or improvement of the public-address system, due to noise impacts. Note that the School District has not followed through on commitments from past land use approvals. Questions about the facility providing enough public benefit to remain approvable as a CSU if public access is severely restricted. Additional concerns about toxicity of the proposed artificial turf. Suggestion to restrict use of the facility to no later than 8:00 p.m. Additional concerns about adequacy of parking (with photos) and stormwater management.

- **Gabe Storm, resident/owner at 4969 SE Arden St:** Supportive of the project, but concerned about potential limitations on continued use by local youth athletic clubs.
- **Kyle Simukka, resident/owner at 2806 SE Lake Rd:** Concerns about inadequate parking and potential environmental impacts from the proposed artificial turf.
- **Michael Martin, resident/owner at 2725 SE Lake Rd (multiple submittals):** Provided information distributed by Milwaukie Elementary School to parents, regarding use of the elementary school parking lot for student drop-off and pick-up. Questions about stormwater management and concern that stormwater would be directed into the sewer system.
- **Rene Wiege, resident/owner at 11855 SE 32nd Ave:** Concern about inadequate parking and potentially reduced public access to the site. Submitted photos showing on-street parking congestion on 32nd Ave.
- **Patti Lange, resident/owner at 11877 SE 32nd Ave (multiple submittals):** Suggestion to delay a decision until after publication of an upcoming report from the Environmental Protection Agency on potential chemical impacts from artificial turf fields. Note that the site is unique from other school-related sports-field facilities and should be considered accordingly. Questions about the CSU review process and provisions for public notice. Concern about adequacy of parking (including photo of on-street parking congestion on 32nd Ave). Prefers no activity on the site earlier than 8:00 a.m. and no later than 9:00 p.m. Notes problems with garbage on the site. Questions about issues related to artificial turf care and maintenance. Prefers no change to output level of current public-address system. Questions whether 80-ft light poles are necessary. Would prefer that field lights be turned off early if games end early.
- **Pepi Anderson, local resident:** Comments in support of the proposal.
- **Yvonne and Tory McVay, residents/owners at 12951 SE Vernie Ave:** Comments in support of the proposal.
- **Jennifer Biggs, resident/owner at 3115 SE Lake Rd:** Concerns about maintaining public access to the site, increased intensity of use, and monitoring alcohol use.

- **Kelly Sullivan, local resident:** Concerns about use of lights and public-address system as well as limitations on public access to and through the site.
- **Bud Taylor, head baseball coach at Milwaukie High School:** Comments in support of the proposal, including notes on advantages of artificial turf.
- **Ray Bryan, resident/owner at 11416 SE 27th Ave** (*multiple submittals of comments as individual*): Concerns and questions about maintaining public access to the site and impacts of pathway lighting.
- **Juli & David Howard, residents/owners at 9705 SE 37th Ave:** Comments in support of the proposal.
- **Kyle Rood, Board President of Thelo United Futbol Club:** Comments in support of the proposal.
- **Ben Johnson, local resident and member of Milwaukie Parks and Recreation Board (PARB):** Concerns about potential elimination of pedestrian access through site.
- **Anna Tucker, local resident:** Comments in support of the proposal.
- **Linda Lander, resident at 11630 SE 27th Ave:** Concern about lack of screening and privacy from adjacent Lake Rd parking lot.
- **Jennifer Gutchess, local resident:** Comments in support of the proposal.
- **Janelle Bynum, Oregon State Representative, House District 51:** Concerns about potential impacts on Milwaukie Elementary School (security and use of existing school field) as well as adequacy of ingress and egress, stormwater management, lighting, and parking.

Conditions of Approval

1. At the time of submittal of the associated development permit application(s), the following shall be resolved:
 - a. Final plans submitted for development permit review shall be in substantial conformance with the plans approved by this action, which are the plans stamped received by the City on March 5, 2018; and with the proposal as described in the submittal materials stamped received by the City on March 5, 2018, and amended by the applicant's materials stamped received on May 1, 2018; except as otherwise modified by these conditions of approval.
 - b. Provide a narrative describing all actions taken to comply with these conditions of approval. In addition, describe any changes made after the issuance of this land use decision that are not related to these conditions of approval.
 - c. The modifications required by these conditions of approval include the following revisions to all relevant plan sheets:

- (1) As per Finding 6-c, revise the plans to show that public access to the pedestrian path along the perimeter of the athletic fields shall be ungated and ADA accessible. This includes ensuring ungated pedestrian access between the Lake Rd parking lot and the elementary school site.
 - (2) As per Finding 6-c, revise the plans to reconfigure the on-site driveway to the Lake Rd parking lot and/or the driveway approach so that they are aligned and one is not wider than the other.
 - (3) As per Finding 8-e, revise the plans to provide an ADA-accessible connection between the Milwaukie Elementary School parking lot and the existing pathway to the junior varsity (JV) softball field. The revisions shall be configured in such a way as not to cause the existing nonconforming perimeter landscaping along the western edge of the parking lot to go further out of conformance.
 - (4) As per Finding 8-e, revise the plans to provide a 5-ft-wide sidewalk connection along the driveway between Lake Rd and the proposed parking lot sidewalk that meets the standards of MMC Subsection 19.606.3.D, including curb and gutter along the driveway between Lake Rd and the proposed parking lot sidewalk. The sidewalk may be on either the east or west side of the driveway; if on the west side, a marked crosswalk shall be provided to connect the required sidewalk with the proposed sidewalk on the east side of driveway.
 - (5) As per Finding 9-e, provide a detailed final landscaping plan that provides more information regarding plant materials, sufficient to demonstrate that the landscaping and buffering requirements of MMC Section 19.606 for parking lot landscaping are met. For the Lake Rd parking lot, this includes showing (1) at least 1 tree planted in the perimeter area between the adjacent property at 2805 SE Lake Rd and the southernmost of the 5 new parking spaces along the east side of the driveway to Lake Rd, (2) 1 tree in each of the interior planting areas at the southern end of the Lake Rd parking lot, and (3) at least 1 tree in the stormwater planter in the middle of the new turnaround. The final landscaping plan shall also indicate how invasive plants will be removed. In addition, as per Finding 6-c, sight-obscuring screening a minimum of 8 ft in height shall be provided along the western boundary where adjacent to the Lake Rd parking lot.
 - (6) As per Findings 9-e and 11-c, the plans shall demonstrate that the pathway and field lighting, respectively, in fact limit light trespass on adjoining properties as demonstrated in the application.
2. Prior to issuance of a certificate of occupancy or final inspection, the following shall be resolved:
 - a. Demonstrate that the pedestrian improvements required by Conditions 1-c-1 and 1-c-3 have been completed.

- b. Demonstrate that the Lake Rd driveway approach has been widened as required by Condition 1-c-2 and that the driveway has been improved with a sidewalk as required by Condition 1-c-4.
 - c. Demonstrate that all landscaping has been installed as required by Condition 1-c-5 and in accordance with the relevant standards of MMC Section 19.606. Demonstrate that all invasive species vegetation has been removed from the landscaping areas along the perimeter of the subject property. Demonstrate that sight-obscuring screening a minimum of 8 ft in height has been provided along the western boundary where adjacent to the Lake Rd parking lot.
 - d. As per Finding 6-c-4, develop a Transportation Demand Management (TDM) program to limit parking-related impacts to surrounding properties. At a minimum, the TDM shall publicize the availability of the elementary school parking lot (including after-hours contact information), evaluate locations for signage with contact information for the School District, promote carpooling or busing of players, discourage improper parking, explore establishment of a good neighbor agreement, and provide good-neighbor tips for on-street parking. The TDM shall provide a clear plan for ongoing parking management and shall be reviewed and approved by the Planning Commission prior to issuance of a certificate of occupancy or final inspection.
 - e. As per Finding 6-c-5, fencing, slats, and wind breaks shall be replaced or repaired along the entire perimeter of the site. Fence slats shall not be required for any adjacent property owner who elects not to have them.
 - f. As per Findings 9-d and 9-e, demonstrate that a minimum of 96 total off-street parking spaces are provided and that they comply with the applicable design requirements established in MMC Section 19.606.
 - g. As per Finding 9-g, demonstrate that a minimum of 10 bicycle parking spaces are provided in accordance with the design standards in MMC Section 19.609.
3. Neither the field lighting nor the public-address system shall be used past 9:00 p.m. Pathway lighting shall not be used past 9:30 p.m.
 4. Install and maintain signage that provides after-hours contact information for the School District.

Other requirements

The following items are not conditions of approval necessary to meet applicable land use review criteria. They relate to other development standards and permitting requirements contained in the Milwaukie Municipal Code (MMC) and Public Works Standards that are required at various points in the development and permitting process.

1. Prior to issuance of a certificate of occupancy the following shall be resolved:
 - a. Currently, the site does not conform to stormwater requirements covered under MMC Section 8.04.140. This section addresses runoff that leaves a property and either runs across a public sidewalk (MMC Subsection 8.04.140.A) or onto a neighboring property (MMC Subsection 8.04.140.E). Water is currently discharged onto 11464 SE 27th Ave and 2805 SE Lake Rd. Additionally, stormwater from the development site's driveway discharges across the sidewalk on Lake Rd. These violations must be remedied before final project acceptance.
 - b. Provide a report confirming that all landscaping has been installed as per the approved plans.
2. Development Review

An application for Type I development review is required in conjunction with the submittal of the associated development permit application(s).
3. Limitations on Development Activity

Development activity on the site shall be limited to 7:00 a.m. to 10:00 p.m. Monday through Friday and 8:00 a.m. to 5:00 p.m. Saturday and Sunday, as per MMC Subsection 8.08.070(I).
4. Expiration of Approval
 - a. As per MMC Subsection 19.1001.7.E.1.a, proposals requiring any kind of development permit must complete both of the following steps:
 - (1) Obtain and pay for all necessary development permits and start construction within two (2) years of land use approval.
 - (2) Pass final inspection and/or obtain a certificate of occupancy within four (4) years of land use approval.
 - b. As per MMC Subsection 19.1001.7.E.2.b, land use approvals shall expire unless both steps noted above have been completed or unless the review authority specifies a different expiration date in the land use decision to accommodate large, complex, or phased development projects.

5. Ongoing Maintenance of Off-Street Parking Areas

As per MMC Subsection 19.602.2, property owners shall comply with the regulations of Chapter 19.600 by ensuring conformance with the standards of Chapter 19.600 related to ongoing maintenance, operations, and use of off-street parking and loading areas.



Dennis Egner, FAICP
Planning Director

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Steve Nicholas, Heery International, Applicant's representative (via email)
Planning Commission (via email)
Alma Flores, Community Development Director (via email)
Chuck Eaton, Engineering Director (via email)
Alex Roller, Engineering Technician II (via email)
Samantha Vandagriff, Building Official (via email)
Stephanie Marcinkiewicz, Inspector/Plans Examiner (via email)
Mike Boumann and Matt Amos, CFD#1 (via email)
NDA(s): Lake Road, Historic Milwaukie (via email)
Interested Persons (via email where possible)
Land Use File(s): CSU-2018-001, VR-2018-003, P-2018-001