

EXHIBIT 1
(Draft) Determination of Compliance
File #CSU-2018-018
North Clackamas School District – TDMP for Lake Road Sports Fields

The following points are presented as a determination of compliance with applicable conditions of approval for a past land use application.

1. In July 2018, the applicant, the North Clackamas School District, was granted approval for a major renovation of the Lake Road sports fields, which is a community service use (CSU) (primary land use file #CSU-2018-001, with AP-2018-002 on appeal). The site consists of two tax lots totaling approximately 15.3 acres. The southern lot is addressed as 2905 SE Lake Rd and has frontage on Lake Road along a driveway labeled as 28th Avenue. The northern lot is addressed as 11250 SE 27th Ave and includes the parking lot and a play field for Milwaukie El Puente Elementary School. The improvements approved by CSU-2018-001 and AP-2018-002 included reorienting the varsity baseball field and installing artificial turf there and on the adjacent varsity softball field, installing new field lighting for the varsity fields, and expanding the pre-existing 38-space Lake Road parking lot to provide a total of 53 spaces.
2. The final conditions of approval for CSU-2018-001 and AP-2018-002 included a requirement to develop a Transportation Demand Management Program (TDMP) prior to issuance of a certificate of occupancy or final inspection, to limit parking-related impacts to surrounding properties. The TDMP was required to provide a clear plan for ongoing parking management, with review and approval by the Planning Commission, subject to the approval criteria both for CSUs (in Milwaukie Municipal Code (MMC) Subsection 19.904.4) and for parking determinations (in MMC Subsection 19.605.2.C-1).
3. In November 2018, the applicant submitted a TDMP for review by the Planning Commission as required, including an analysis of parking demand for comparable facilities and a strategy for managing demand at the Lake Road site (file #CSU-2018-018—see the project webpage for a summary of the TDMP). The TDMP was approved by the Planning Commission in January 2019, after a public hearing with an opportunity for public testimony. The conditions of approval included the following requirements:
 - Limitations on the levels of operation (no more than two events/games or three practices at a time).
 - Bi-monthly Good Neighbor meetings for nearby residents for the first 12 months of operation.
 - Annual public meeting, with a report including data on events, complaints, and towing requests as well as a summary of Good Neighbor discussion items (sunsetting after three years of successful operation).
 - On-site monitor when there are more than four teams overlapping on the site.
 - Installation of field-parking signage on the Milwaukie El Puente Elementary site.

- Evaluation by Planning Manager of TDMP effectiveness after two years. If effective, the Planning Manager would issue a determination to that effect per the Type II process; if not effective, the Planning Manager would initiate a Type III public hearing by the Planning Commission.
4. The renovated sports fields facility opened in March 2019, with the proposed parking improvements constructed and required signage installed. As outlined in the TDMP, informational materials were distributed, monitoring and response procedures were established, and regular good-neighbor meetings were held. The applicant has provided a summary of the annual reports it produced (see the CSU-2018-018 project webpage), noting activity levels and resolution of complaints.
 5. The facility operated until the applicant closed it in March 2020 due to the COVID-19 pandemic; it remained closed until November 2020, when limited athletic events resumed. Activity on the site continued in limited fashion through Spring 2021 and returned to more normal levels with the start of the 2021-2022 school year. In July 2021, an email soliciting any complaints or concerns was sent in lieu of an in-person good-neighbor meeting; only one neighbor responded with suggestions for ongoing management.
 6. The Planning Manager finds that, overall, the applicant's implementation of the Lake Road Fields TDMP is adequately managing parking at the renovated facility. The City has not been contacted by neighbors or others about significant or ongoing concerns with parking or transportation demand at the facility. The applicant has been responsive to all concerns that have been raised.

The requirements of CSU-2018-018 for holding regular good-neighbor meetings and an annual public meeting and for producing an annual report, established in Conditions 2 and 3, respectively, have been met. The applicant is no longer required to hold regular good-neighbor meetings, hold an annual public meeting, or produce an annual report.

7. As an approved CSU, the Lake Road athletic fields facility remains subject to the applicable conditions of approval from both CSU-2018-001 (with AP-2018-002) and CSU-2018-018, as well as to the applicable provisions of MMC Section 19.904. In particular, the Planning Manager notes that the following conditions from CSU-2018-018 remain in full effect:
 - a. Condition 1 – As proposed by the applicant, operation of the facility is limited to no more than two events or three practices on the site at the same time. For purposes of these conditions, “event” is defined as a game or similar event on one field with two teams present; “practice” is defined as one team on one or more fields, including the indoor hitting facility.
 - b. Condition 4 – The applicant must provide an on-site monitor anytime there are more than four teams overlapping in presence on the site at any one time. Overlapping in presence includes an hour before an event's scheduled start time and a half-hour after the event's scheduled end time.

- c. Condition 6 – The applicant must install *[and maintain]* signage on the Milwaukie Elementary School site at the driveway entrance to 27th Avenue to indicate there is parking for the Lake Road sports fields there as well as directional/informational signage at the ADA access connection from the parking lot to the pathway leading to the fields.
8. The TDMP remains an active document and may require adjustment and additional monitoring if significant parking-related issues and impacts arise in the future. The Planning Manager finds that, as with any approved CSU, the TDMP may be the subject of further review by the Planning Commission if it fails to adequately mitigate negative impacts on the surrounding neighborhood.

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