



# CITY OF MILWAUKIE

January 10, 2019

Land Use File(s): CSU-2018-018

## NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Commission on January 8, 2019.

<b>Applicant(s):</b>	North Clackamas School District
<b>Location(s):</b>	2905 SE Lake Rd (MHS fields) and 11250 SE 27 <sup>th</sup> Ave (Milwaukie Elementary School)
<b>Tax Lot(s):</b>	1S1E36CA 01200 and 1S1E36BD 05500
<b>Application Type(s):</b>	Community Service Use review of Transportation Demand Management Plan
<b>Decision:</b>	Approved, with Conditions
<b>Review Criteria:</b>	<b><u>Milwaukie Zoning Ordinance:</u></b> <ul style="list-style-type: none"><li>• Section 19.1006 Type III Review</li><li>• Section 19.904 Community Service Uses</li><li>• Subsection 19.605.2.C.1 Approval Criteria for Parking Determinations</li></ul>
<b>Neighborhood(s):</b>	Lake Road, Historic Milwaukie

**Appeal period closes: 5:00 p.m., January 25, 2019**

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, Johnson Creek Facility, 6101 SE Johnson Creek Blvd. Please contact Brett Kolver, Associate Planner, at 503-786-7657 or [kolverb@milwaukieoregon.gov](mailto:kolverb@milwaukieoregon.gov), if you wish to view this case file.

**This decision may be appealed by 5:00 p.m. on January 25, 2019, which is 15 days from the date of this decision.**<sup>1</sup> (Note: Please arrive at the Johnson Creek Facility no later than 4:45 p.m. to make payment for an appeal.) Only persons who submitted comments or made an appearance of record at the public hearing have standing to appeal the decision by filing a

<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.

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 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 (MMC) not addressed in these findings are found to be inapplicable to the decision on this application.

1. In July 2018, the applicant, the North Clackamas School District (the District), was granted approval for a major renovation of the Lake Rd sports fields (land use master file CSU-2018-001, with AP-2018-002 on appeal), which is a Community Service Use (CSU). The final conditions of approval for CSU-2018-001 and AP-2018-002 included a requirement to develop a Transportation Demand Management Plan (TDMP) to limit parking-related impacts to surrounding properties, prior to issuance of a certificate of occupancy or final inspection. As per the conditions of approval, the TDMP is 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 MMC Subsection 19.904.4) and for parking determinations (in MMC Subsection 19.605.2.C-1).

To comply with the applicable condition, the applicant has submitted a TDMP, including an analysis of parking demand for comparable facilities and a strategy for managing demand at the Lake Rd site. The land use file for this review is CSU-2018-018.

2. The site consists of 2 tax lots totaling approximately 15.3 acres. The southern lot is addressed as 2905 SE Lake Rd and has frontage on Lake Rd at a driveway labeled as 28<sup>th</sup> Ave. The northern lot is addressed as 11250 SE 27<sup>th</sup> Ave and includes the parking lot and a play field for Milwaukie 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 Rd parking lot to provide a total of 53 spaces.

3. 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 Subsection 19.605.2.C.1 Approval Criteria for Parking Determinations

The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review. A public hearing was held on January 8, 2019, as required by law.

4. 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.

As per the conditions of approval of CSU-2018-001 and AP-2018-002, the proposed TDMP is subject to the approval criteria for CSUs, which are established in MMC Subsection 19.904.4 and listed below:

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

*These standards were addressed in more detail with the approval of CSU-2018-001 and AP-2018-002. The off-street parking requirement is the relevant issue for the TDMP and is addressed in more detail in Findings 4-d and 5, below.*

*The Planning Commission finds that this standard is met.*

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

The standards of MMC Subsection 19.904.9 for institutions are the ones most applicable to the Lake Rd sports fields. These requirements deal with issues like utilities, access, building setbacks, height limits, noise-generating equipment, lighting, and landscaping, and are generally not applicable to the TDMP. However, the requirement of MMC Subsection 19.904.9.G to adjust hours and levels of operation where possible to make the use compatible with adjacent uses is applicable to the TDMP.

*The hours of operation for the Lake Rd sports fields were set by the approval of CSU-2018-001 and AP-2018-002, and no changes are proposed with the TDMP. However, based on the analysis of parking demand and the physical improvements the applicant has made to expand parking capacity at the site, the applicant has proposed to limit the operation of the facility to no more than 2 events or 3 practices on the site at the same time. As proposed, scheduled activities on the site will start no earlier than 9:00 a.m. and end before 9:00 p.m. The TDMP presents several measures to minimize parking-related impacts to surrounding properties, including a communication plan to inform field users of available parking locations, proposed signage with contact information for reporting parking issues, provisions for regular Good Neighbor meetings to troubleshoot problems, and an annual public meeting to report on complaints and complaint resolution.*

*However, the Planning Commission finds that additional measures are necessary to ensure that the TDMP adequately manages the proposed level of activity to minimize parking-related impacts. Conditions have been established to require a longer timeline for regular Good Neighbor meetings, to require an on-site monitor for tournament-type events, and to establish a mechanism for the Planning Director to determine whether a subsequent CSU review is necessary to further refine the TDMP and ensure compatibility with surrounding uses.*

*As conditioned, the Planning Commission finds that the TDMP is sufficient to manage the proposed level of activity and therefore meets the applicable standards of MMC 19.904.9.*

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

*As discussed in Finding 4-b and as conditioned, the TDMP will manage the proposed level of activity to be reasonably compatible with surrounding uses.*

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

- d. 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 previous approval of CSU-2018-001 and AP-2018-002 included an assessment of public benefits versus negative impacts and concluded that, with a TDMP to manage parking-related impacts to surrounding properties, the benefits of the Lake Rd sports fields were greater than any negative impacts. As discussed above in Finding 4-b and as conditioned, the TDMP will effectively limit parking-related impacts.*

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

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

*As discussed elsewhere in Finding 4, and as conditioned, the TDMP ensures that the location of the Lake Rd sports fields is appropriate for the type and level of use proposed with this application as well as with the previous approval of CSU-2018-001 and AP-2018-002.*

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

*As conditioned, the Planning Commission finds that the TDMP meets the approval criteria of MMC 19.904.4.*

- 5. MMC Section 19.605 Vehicle Parking Quantity Requirements

MMC 19.605 establishes standards to ensure that development provides adequate vehicle parking (off-street) based on estimated parking demand. The section establishes a process for determining parking requirements when a use is not listed in MMC Table 19.605.1.

MMC Subsection 19.605.2 C.1. provides the approval criteria for granting a parking determination, including a demonstration that the proposed parking quantities are reasonable based on (1) the information outlined in MMC Subsection 19.605.2B, including factors specific to the proposed use and associated parking demand; (2) quantity requirements from other jurisdictions; and (3) professional literature.

*The TDMP provides a description of the proposed use, including a proposed limit on the level of activity allowed on the site. As proposed, no more than 2 games or no more than 3 practices will occur at the Lake Rd sports fields at any one time. As described in the TDMP, games involve only 2 teams per field and some spectators; practices involve only 1 team per field and limited spectators. Since scheduling for use of the fields (for both school athletics and community groups) is overseen by the District, the applicant is in a position to manage and regulate the level of activity on the site. The TDMP also references rules for field use and provides a communication plan for disseminating information about parking options and encouraging alternative modes of travel.*

*The TDMP discusses off-street parking requirements for several comparable facilities in the area. North Clackamas Park and Hood View Park both required 43 off-street parking spaces per field; Westmoreland Park provides an average of 35 spaces per field. Looking at parking standards from other jurisdictions in the area (Hillsboro, Happy Valley, and West Linn), the TDMP notes a range of 20 to 40 spaces required per field. A review of professional literature on the subject did not yield any relevant information regarding parking standards for community-level athletic fields.*

*With the approval of CSU-2018-001 and AP-2018-002, physical improvements to the Lake Rd sports fields site provide 96 off-street parking spaces, including 44 spaces at the adjacent Milwaukie Elementary School. With the proposed limit of no more than 2 events (4 teams, plus spectators) occurring at any one time, the applicant notes that 48 spaces are provided per field. The TDMP presents measures to minimize parking-related impacts to surrounding properties, including a communication plan to inform field users of available parking locations, proposed signage with contact information for reporting parking issues, provisions for regular Good Neighbor meetings to troubleshoot problems, and an annual public meeting to report on complaints and complaint resolution. As discussed in Finding 4, conditions have been established to ensure that the TDMP adequately manages the proposed level of activity to minimize parking-related impacts.*

*The Planning Commission finds that the proposed parking determination (48 spaces per field, with no more than 2 events or 3 practices occurring on the site at any one time) is adequate based on the estimated parking demand, with the management measures presented in the TDMP and as conditioned.*

6. The application was referred to the following departments and agencies on November 29, 2018:
  - Milwaukie Building Department
  - Milwaukie Engineering Department
  - Milwaukie Police Department
  - Milwaukie Public Works 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

In addition, notice of the public hearing was mailed to owners and residents of properties within 300 ft of the subject property on December 19, 2018.

The comments received are summarized as follows:

- **Izak Hamilton, Fire Inspector, CFD#1:** Standard comments related to fire access.
- **Glenn Van Bergen, owner/resident at 11610 SE 30th Ave:** Request that the District find historical information related to the condemnation of 2 of his family's properties on Washington St, for use as parking on the Milwaukie High School campus near the gymnasium. Suggestion that there was a minimum number of parking spaces required for the school facility in order to justify the condemnation process and that this information may be useful for the question of parking at the Lake Rd sports fields. Request for confirmation of several points from the conditions of approval of CSU-2018-001 and AP-2018-002.
- **Michael Martin, owner/resident at 2725 SE Lake Rd:** Concern that TDMP language about limits on the anticipated use of the fields is not clear—instead of 2 events “and” 3 practices it should read 2 events “or” 3 practices. Without this clarification it would appear that the full capacity of the site could be used at one time, for which there is not adequate parking.
- **Bill Kabeiseman, attorney representing Michael Martin & Ben Brody:** The TDMP does not include an actual analysis of existing parking demand and is not sufficient to meet the requirements of the parking determination. However, two of the conditions of approval proposed by staff (requiring an ongoing analysis and setting a trigger for requiring additional review) do sufficiently address the concerns related to parking demand. Proposal for revised language in Condition 3 to provide more clarity for “tournament-type events.”
- **Hal Wacek, resident at 3122 SE Lake Rd (two submittals):** Several suggestions for revisions to the TDMP with regard to Good Neighbor communication and reporting, as well as a note that more parking spaces appear to be required than are provided and a suggestion that shuttle buses be provided for peak events.
- **Matt & Sarah Menely, owners/residents at 2816 SE Lake Rd:** Concern that greater clarification is needed about a number of items, including tournament-type events, the proposed limit on activities, towing and who can request a tow, and performance measures. Various suggestions, including that an on-site monitor should be provided anytime there are 2 games happening simultaneously, that a gate should be installed at the main parking lot to prevent unauthorized after-hours activities, and that meeting notice should be provided to neighbors on nearby streets (even if beyond the normal 300-ft or 500-ft notice boundary).
- **Patti Lange, owner/resident at 11877 SE 32nd Ave:** Multiple suggestions, including editing inaccuracies in the TDMP, timing of Good Neighbor meetings (monthly for first year), improvements to District website, addition of ADA parking information

on the flyer, provision of emergency vehicle parking, and definition of “events” as including practices.

### **Conditions of Approval**

Note: The conditions of approval from the previous decisions (CSU-2018-001 and AP-2018-002) remain in effect with the approval of CSU-2018-018, except where these conditions of approval related to the Transportation Demand Management Plan (TDMP) supersede them (namely, Condition 2-d from CSU-2018-001).

1. As proposed by the applicant, operation of the facility shall be limited to no more than 2 events or 3 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 2 teams present; “practice” is defined as 1 team on one or more fields, including the indoor hitting facility.
2. The applicant shall hold bi-monthly (i.e., every other month) Good Neighbor meetings for no fewer than the first 12 months of operation of the renovated sports fields facility. Mailed notice of the first Good Neighbor meeting shall be provided at least 2 weeks in advance to the leadership of the Lake Road and Historic Milwaukie Neighborhood District Associations (NDAs) as well as to residents of all properties along 27<sup>th</sup> Ave (between Lake Rd and Washington St), 28<sup>th</sup> Ave (south of Lake Rd to the end of the street), 30<sup>th</sup> and 31<sup>st</sup> Aves (between Sellwood St and the sports fields property to the south), 32<sup>nd</sup> Ave (between Lake Rd and Sellwood St), and Lake Rd (between 27<sup>th</sup> Ave and 34<sup>th</sup> Ave). Following that initial Good Neighbor meeting, the applicant shall determine how to most effectively provide notice of subsequent Good Neighbor meetings.
3. The applicant shall hold a single public meeting each year (instead of at 2 separate NDA meetings as suggested in the conditions from CSU-2018-001 and AP-2018-002). The applicant shall present an annual report at this annual public meeting (with a copy provided to the City), with information including a record of the number and type of practices, events, and tournaments held on the site during the year; the number and type of complaints received by the District during the year; the number and nature of requests for towing received during the year; the resolution of complaints and towing requests; and a summary of the issues discussed at the Good Neighbor meetings throughout the year. The requirement for the annual public meeting and annual report shall sunset after 3 years of successful TDMP operation, with “success” defined in relation to Condition 5.
4. The applicant shall provide an on-site monitor anytime there are more than 4 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.
5. Within 2 years after the issuance of a certificate of occupancy or final inspection for the facility, the Planning Director shall evaluate the effectiveness of the TDMP in managing parking impacts on the surrounding neighborhood. The Director shall consider items such as the number of parking-related complaints, towing occurrences, and the responsiveness of the applicant in addressing concerns raised at Good Neighbor meetings in the context of the

original approval criteria for the TDMP. If the Director finds that the TDMP has been sufficiently effective in managing parking impacts, the Director shall issue a determination and notify the applicant and property owners/residents consistent with Type II procedural requirements. If the Director finds that the TDMP has not been sufficiently effective in managing parking, the Director shall initiate a Type III public hearing before the Planning Commission to reconsider the TDMP approved in January 2019. The Director's determination may be appealed to the Planning Commission for a Type III public hearing.

6. The applicant shall install signage on the Milwaukie Elementary School site at the driveway entrance to 27<sup>th</sup> Ave to indicate there is parking for the Lake Rd 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.

### Additional Requirements

1. The applicant shall submit a Type I Development Review application to confirm consistency with the plans and conditions of approval from CSU-2018-001 and AP-2018-002. The applicant shall not receive a certificate of occupancy or a final inspection for the renovated sports fields facility until the required Type I Development Review application has been approved.

### Decision

- Approved  
 Approved with Conditions  
 Denied



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Dennis Egner, FAICP  
Planning Director

### Exhibits

None

- cc: David Hobbs, North Clackamas School District (12451 SE Fuller Rd, Milwaukie, OR 97222)  
Andrew Tull, 3J Consulting, Applicant's representative (via email)  
Planning Commission (via email)  
Alma Flores, Community Development Director (via email)  
Kelly Brooks, Acting Engineering Director (via email)  
Alex Roller, Engineering Technician II(via email)  
Samantha Vandagriff, Building Official (via email)  
NDA(s): Lake Road, Historic Milwaukie (via email)  
Interested Persons (via email where possible)  
Land Use File(s): CSU-2018-018