



CITY OF MILWAUKIE

April 13, 2023

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

Permit(s): 601-18-000489-SD (MHS fields);
601-18-000479-SD (Milwaukie Elementary)

NOTICE OF DETERMINATION OF COMPLIANCE

This is official notice of an action taken by the Milwaukie Planning Manager on April 13, 2023.

Traducciones de este documento e información sobre este proyecto están disponibles en español. Para solicitar información o preguntar en español, favor de email espanol@milwaukieoregon.gov.

Applicant(s): North Clackamas School District
Location(s): 2905 SE Lake Rd (MHS fields) and 11250 SE 27th Ave (Milwaukie El Puente Elementary School)
Tax Lot(s): 1S1E36CA 01200 and 1S1E36BD 05500
Original Application Type(s): Community Service Use
Neighborhood(s) Lake Road and Historic Milwaukie

Appeal period closes: 5:00 p.m., April 28, 2023

Determination

The approved community service use (Milwaukie High School's Lake Road Sports Fields facility) remains compliant with all applicable standards and conditions of related land use approvals.

Findings for Determination

The findings for this determination of compliance are included as Exhibit 1.

Case File

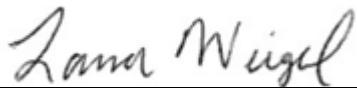
This notice is issued in accordance with the procedural requirements of Milwaukie Municipal Code (MMC) Section 19.1005 Type II Review. Please contact Brett Kever, Senior Planner, at 503-786-7657 or kelverb@milwaukieoregon.gov, if you have questions or need additional information regarding the original case file(s).

Appeal

This determination may be appealed by 5:00 p.m. on **April 28, 2023**, which is 15 days from the date of this decision.¹ An appeal of this determination would be heard by the Milwaukie Planning Commission following the procedures of MMC Section 19.1010 Appeals. This determination 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.

Manager's Declaration of Impartiality

I certify that neither I nor any member of my immediate family has a material, personal, or financial relationship with the applicant. I further certify that no other relationship, bias, or ethical conflict exists which would have prevented me from evaluating the land use application solely on its merits and in accordance with the Milwaukie Municipal Code.



Laura Weigel, AICP
Planning Manager

Exhibits

1. Findings in support of determination

cc: Cindy Detchon, applicant, North Clackamas School District (via email)
Planning Commission (via email)
Joseph Briglio, Community Development Director (via email)
Steve Adams, City Engineer (via email)
Engineering Development Review (via email)
Tim Salyers, Code Enforcement Coordinator (via email)
Jon Simkovic, Code Enforcement Officer (via email)
Land Use File(s): CSU-2018-018
Permit File(s): 601-18-000489-SD, 601-18-000479-SD
Address File(s): 2905 SE Lake Rd, 11250 SE 27th Ave

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.

EXHIBIT 1
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 sports field 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.

The Planning Manager has the following recommendations to improve the effectiveness of the TDMP:

- Ensure that an on-site monitor is present at the Lake Road driveway when required by the conditions of approval.
- Remind bus drivers not to park in the parking area at Milwaukie El Puente Elementary School; instead, buses should park on 27th Avenue or in one of the parking lots on the high school campus.
- Install "More Parking" signs at two or three locations in the driveway to Lake Road that present drivers exiting the parking facility with a quick-response (QR) code that links to a map of the route to the additional parking area at Milwaukie El Puente Elementary School.
- Add a "More Parking" QR-code sticker to the existing informational sign at the turnaround area in the upper part of the parking area that links to the above-noted map to the Milwaukie El Puente Elementary School parking area.

- Shift the location of the existing informational sign at the upper turnaround area slightly counter-clockwise so drivers can pull closer to it to view the information (and access the recommended QR-code sticker) as they circle the turnaround.
 - Consider seeking approval for a daily display sign with the “More Parking” QR code that could be placed at the Lake Road driveway on days when activity levels are high but do not trigger the requirement for an on-site monitor.
 - Ensure that the red “fire lane” paint remains visible in the driveway from Lake Road.
 - When the existing informational signs at the turnaround area and along the walkway between the parking area and Lake Road warrant refurbishing or replacement, make them larger so the information is more visible.
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.