



CITY OF MILWAUKIE

PLANNING COMMISSION MINUTES

City Hall Council Chambers
10722 SE Main Street
www.milwaukieoregon.gov

May 8, 2018

Present: Kim Travis, Chair
John Henry Burns, Vice Chair
Joseph Edge
Sherry Grau
Greg Hemer
Scott Jones
Absent: Adam Argo

Staff: Denny Egner, Planning Director
Brett Kelter Associate Planner
Vera Kolias, Associate Planner
Mary Heberling, Assistant Planner
Tim Ramis, City Attorney

1.0 Call to Order – Procedural Matters*

Vice Chair Burns called the meeting to order at 6:30 p.m. and read the conduct of meeting format into the record.

***Note:** The information presented constitutes summarized minutes only. The meeting video is available by clicking the Video link at <http://www.milwaukieoregon.gov/meetings>.*

2.0 Planning Commission Minutes

3.0 Information Items

Denny Egner, Planning Director, reminded the Commissioners of the June 12th joint session with City Council, the Comprehensive Plan Advisory Committee, and Design and Landmarks Committee (DLC) for a presentation by Nico Larco, a University of Oregon professor, regarding the types of technological changes that would affect how planning would be done in the future, such as e-commerce, shared economic issues, autonomous vehicles, etc.

Mr. Egner noted that Chair Travis and Commissioner Grau were both interested in the planning commissioner position on the Oregon Chapter of the American Planning Association (OAPA) Board of Directors.

4.0 Audience Participation –This is an opportunity for the public to comment on any item not on the agenda.

Gary Klein, 10597 SE Riverway Ln, Milwaukie OR 97222, questioned if there were code regulations for electronic signs now that there were four signs in Milwaukie.

- **Vera Kolias, Associate Planner**, noted that electronic messaging display signs were allowed although there were regulations regarding size, brightness, etc.
- **Mr. Egner** suggested for Mr. Klein to speak with City Council about prioritization of a code project regarding the issue. It was of interest to the Planning Department but due to staffing constraints, was not a priority at this time. He added that sign issues can be complicated.

5.0 Public Hearings

- 5.1 Summary: Housekeeping 2018 Code Amendments Part 1
Applicant: City of Milwaukie

File: ZA-2018-001
Staff: Vera Kolias, Associate Planner

Chair Travis called the hearing to order and read the conduct of legislative hearing format into the record.

Mr. Egner noted that the issue of marijuana odor control would be addressed in the Part 2 code amendments to fix the inconsistency between zoning code and building code requirements.

Commissioner Hemer requested that "historic owner" and "heritage tree" be added to the Comprehensive Plan Appendix A that was referenced under Subsection 14.12.010 Exempted Signs.

Vice Chair Burns noted that, regarding Subsection 19.402.15, the language should be modified as "professional engineer" was recognized by the State whereas "professional wetland scientist" was more of a nonprofit position, and he suggested that "qualified scientist" or "professional engineer" would be more appropriate.

Vice Chair Burns closed the public testimony.

Commissioner moved Hemer and Commissioner Edge seconded to recommended approval to City Council with the recommended findings and conditions of approval as amended. The motion passed unanimously.

5.2 Summary: Covell St Vacation Rental
Applicant/Owner: Casey and Samantha Clark
Address: 4219 SE Covell St
File: CU-2018-001
Staff: Mary Heberling, Assistant Planner

Vice Chair Burns called the hearing to order and read the conduct of quasi-judicial hearing format into the record.

Mary Heberling Assistant Planner, presented the staff report via PowerPoint. The duplex on the site was a legal nonconforming use for the zoning, with one unit as a fixed-term lease and the other is a furnished monthly rental. The proposal was to convert one unit into a vacation rental which would provide flexibility for the applicant to offset the property costs and a place to stay when in town as the applicant lived out of state. The determination between a short-term rental and a vacation rental was regarding the amount of days the property owner was onsite.

The key issues regarded mitigating any impacts or nuisance issues to the neighborhood. The proposal did not include changes to the building or property, had screening and off-street parking, and the rental would include a "no events and no parties" policy.

Ms. Heberling reviewed comments received, staff recommendation for approval, and the decision-making options. She confirmed that approval for vacation rentals was by unit rather than building, therefore a second conditional use approval would be required to use both units of the duplex as vacation rentals. The conditions included notice to the neighborhood district association, properties within 250 ft, and to provide a local contact to neighbors.

Vice Chair Burns called for the applicant's testimony.

Samantha Pearson-Clark, 7001 Seaview Ave NW 160-812 Seattle WA 98117, co-applicant with Casey Clark, stated that the intent of the proposal was to allow her family to visit family in town more frequently and to provide better maintenance of the property. Regarding the days onsite requirement, she had found vacation rentals where the property owner resided in a separate unit that what was being rented. She asked staff and the Commission for better clarification of the requirements. She confirmed that she and her husband would prefer neighbors contact them directly should any issues arise.

Vice Chair Burns closed public testimony.

Planning Commission Deliberation

Commissioner Hemer suggested the condition be amended to provide "vacation rental" operator information to surrounding properties rather than "property manager."

Commissioner Hemer moved and Commissioner Grau seconded to approval land use application CU-2018-001 for 4219 SE Covell St with the recommended findings and conditions of approval as amended. The motion passed unanimously.

- 5.3 Summary: Milwaukie High School Lake Rd Sports Complex (continued from 4/24/18)
Applicant/Owner: 3J Consulting/North Clackamas School District
Address: 2905 SE Lake Rd & 11250 SE 27th Ave
File(s): CSU-2018-001, VR-2018-003, P-2018-001
Staff: Brett Kelter, Associate Planner

Chair Travis called the hearing to order and read the conduct of quasi-judicial hearing format into the record. The public testimony portion of the hearing remained open from the continued hearing of April 24, 2018.

Denny Egner, Planning Director, reviewed the key approval criteria that the Commission needed to address this evening as follows:

- To verify that the proposed hours and levels of operation were compatible with the surrounding areas.
- The public benefits were greater than the negative impacts on the neighborhood.
- Under the parking determination, was the proposal reasonable, based on existing demand for similar uses.
- Did the lighting pole height proposal meet the approval criteria for the requested variance.

Mr. Egner also reviewed the questions from the Commission raised and more information requested at the previous hearing regarding parking lot lighting, netting and backstop details, overall public access and emergency access, lighting and announcement systems, parking demand, artificial turf, and use for community athletics as a priority. The applicant provided a narrative and exhibits to address these issues and additional testimony and photographs had been received from the public.

Mr. Egner reviewed the potential conditions to address the issues as follows:

- Parking impacts: Transportation management options such as offsite parking for players,

parking attendants, signage, limits on games scheduled, etc. The options suggested were in response to testimony and photographic evidence which showed that management of activities and related traffic by the district was not adequate. It was the Commission's responsibility to ensure the district improved the management of the facility.

- Hours of operation: Identify daily hours of use and hours scheduled for the lighting and announcement systems.
- Public access: Clarification was needed around where and when access would be available to the public.
- Neighbor impacts: More adequate fencing, maintenance, and landscape screening could be conditioned for the parking lot edge along the adjacent properties.

Mr. Egner had visited the site twice during the day and witnessed the full use of the parking lot and neighboring streets with only regular games scheduled. He believed if the players were encouraged to park at the elementary school or offsite, that alone would be an improvement.

Commissioner Hemer asked how the city could ensure the conditions were implemented and adhered to in the future.

Mr. Egner noted that generally the city functioned and relied on a complaint-driven process for code enforcement. The risk to the district was if it was found to be in violation of the conditions and the issue was not resolved, the use of the facility could be revoked.

He added that if a decision was not made at this hearing, an extension request from the district would be needed to extend the land use approval clock.

Chair Travis called for the applicant's testimony.

Andrew Tull, 3J Consulting, 5075 SE Griffith Dr, Beaverton OR 97005, and Aaron Moreno, 4165 SW Riverview Dr West Linn, OR 97068, presented responses for the applicant.

Mr. Tull stated that the district appreciated the community's concern and comments regarding the project and the applicant provided detailed responses.

Mr. Moreno was the athletic director at Milwaukie High School and looked forward to the proposed improvements to the facilities and believed it was a pivotal time for the community. He noted several organizations the district wanted to work with that provided pathways to higher education through athletics as well as worked to enrich the community. His vision for the facility was as follows:

- Some organizations had been prohibited from using the facilities due to not adhering to the guidelines of use.
- He and the district would utilize the community partners that had the same respect and responsibility of stewarding the facility.
- His goal was to schedule games to be completed by 9 or 9:30 p.m. with lights off shortly after.
- The practice of communication with visiting teams regarding site policies and practices, including where to park, etc., would need to be put into place for the Lake Rd facility. Players were not to drive to or park at the fields but that rule was not enforced.
- The announcement system would only be used by Milwaukie High School authorized users.

Mr. Tull continued and addressed the questions and concerns noted.

- Although there could be some new organizations interested in using the facilities, the increased use focused on the improved facilities themselves and the ability to schedule more activities.
- Additional information and comments from users of the site had been received that indicated the current poor condition of the fields and support of the proposed improvements, including the preference for artificial turf.
- Regarding access, the district proposed to lock the improved artificial turf fields themselves and the remainder of the property would be accessible to the public. The elementary school property would be locked during school hours only; public access would be available outside of those hours.
- The district strived to be a good neighbor and damage caused as a result from activity on the site would be resolved by the district. The district was agreeable to a condition regarding district contact information signage on the site.
- It had been observed recently that the elementary school parking lot was underutilized, which was available for off-street parking for the site. In addition, there would be additional parking at the high school after reconstruction.
- The district was supportive of better communication regarding practices and policies for the site. He believed once the improvements and better communication were in place, the current parking issues may not be an issue.
- Improved parking lot lighting would be installed and located farther away from the adjacent neighbors. The lighting would be adequate for the parking and pathways on the site.

Mr. Tull stated that the district's request to remove Condition 1.c.3 regarding a pedestrian sidewalk along 28th Ave would be withdrawn. Options had been explored and there was potential to provide an out-of-parking lot pathway for most of the length but would not be ADA compliant due to grade. The request to remove Condition 1.c.4 regarding connections at 30th Ave and 31st Ave remained. The district agreed with the remaining conditions of approval.

The applicant answered questions from the Commission as follows:

- **David Hobbs, NCSD, 4444 SE Lake Rd, Milwaukie**, emphasized that the district's intention was to maintain the property to the best of their abilities and resources available. The district wanted to be contacted to address any issues.
- If issues were not adequately addressed, there was a code enforcement pathway available.
- ADA access would be available along the eastern side of the property where the grade permitted. The grade on 28th Ave would not comply.
- The district would work with partners, staff, and users to ensure the district was not in violation of approved use of the site.
- Signage would be installed that gave the district authority for enforcement including towing, and would include contact information for the district in order to resolve issues in a timely manner.

Chair Travis called for public testimony.

In Support

Charles Dean, 11222 SE Wood Ave, president of Milwaukie Junior Baseball and Milwaukie Junior Basketball board member, stated he believed that his kids deserved what other kids with better facilities had. He felt that Milwaukie was not keeping up with regard to sports facilities in

comparison to other schools and districts. He strongly supported the proposed improvements.

Pete Cooper, 14102 SE Cedar Ave Milwaukie OR 97267, board member at large for Milwaukie Junior Baseball, Junior Basketball, and Junior Football. He acknowledged the parking issues at a recent tournament and that in the future, games would be split between Lake Rd and Rowe Middle School. He had coached teams at the site for years and strongly supported the improvements. He noted that Milwaukie lost players to other schools and districts due to better schools and facilities. The issues and complaints were often the same at other facilities of noise, lighting, and parking. The benefit for many outweighed the impact to a few.

MJ Tate, 7583 SE Mapleleaf St Portland OR 97223, was the general manager and director of coaching for Global Premier Soccer (GPS). The key for projects like this was collaboration between all the stakeholders and finding common ground. GPS was in support of the project and added that improvements like this provided socio-economic benefits to the community and most importantly to youth. He volunteered GPS to assist the district on the project based on their experience with similar projects.

Lucas Spooner, 6210 SE Hazel Ave, Portland OR 97206, president of Milwaukie Youth Football, noted that the most important issue was the consideration of the kids. He believed sports activities were declining in participation, especially in Milwaukie. He was unaware the elementary school was available for use, even after years of using the site, and supported better signage. He suggested contact information signage should also include program contacts. The lighting was mandatory for use of the site, particularly in the fall. He added that those who lived next to a school and school sports site chose to live there and the site's obligation was to provide services to the community's youth.

Jerimie Meade, 3745 SE Drake St, noted the community feel of Milwaukie had been in decline recently. He supported the proposed improvements to provide better and safer facilities. He felt the surrounding neighbors should focus on the youth rather than being concerned about lighting and parking, and thought a debate about if an improved baseball field should be provided to the city was silly.

Gabe Storm, 4969 SE Arden St, said this project was an opportunity to provide the community's youth with something great and with the same quality facility as other schools and programs. He agreed that the parking situation needed to be improved, and added he was also unaware of the available parking at the elementary school. For the great good for the community, the project would be worth it. Street parking could be impactful but he was supportive of people in the community coming together to make a better community.

Chair Travis appreciated the coaches for their time and work in the community.

In Opposition:

Matt Menely 2816 SE Lake Rd, asked Mr. Egner how conditions on approvals were ensured to be implemented after a project was completed.

- **Mr. Egner** responded that after construction, a project would be inspected to verify that the conditions were satisfied but there were not annual checks on approvals.
- **Mr. Menely** responded that the conditions for the 2014 approval regarding striping and signage along 28th Ave driveway were never completed. The district had not followed through on maintenance over the years. Parking was an issue for many years and police

enforcement along 28th Ave was not possible as it was a private accessway, and the district did not enforce it. He wanted the conditions of previous approvals and current issues to be addressed prior to this application being approved. He supported sports programs but felt this site was unique and was not appropriate for the desired use.

Michael Martin, 2725 SE Lake Rd, believed the materials provided by the applicant were not accurate or factual. He claimed that the facilities were rented by private organizations for greater than 50% of the time which would make it an outdoor commercial recreation use and therefore called for different parking requirements. He added that construction of the proposed conditioned sidewalk would be a trespass on the existing private easement.

Patty Lang, 11877 SE 32nd Ave, stated that she was neutral on improving the site; however, she wanted to ensure it was done the right way. She reminded the Commission that the site was in a residential neighborhood and felt it was different than a regular school sports site. She reiterated her concern was the insufficient parking at the site and also wanted to ensure that garbage maintenance was addressed and included in the proposal.

Sarah Roller, 11610 SE 27th Ave, noted that landscape screening as conditioned along the parking lot had failed before and not replaced, and she was concerned it would occur again with this approval. Her request was for a taller fence along that edge due to the grade difference. She added that, as a former Milwaukie student and athlete, it was damaging to be an athlete with subpar uniforms and facilities. Improvements like this project were important for the community. She was overall in support but would like the fence issue addressed.

Glenn Van Bergen, 11610 SE 30th Ave, was opposed to new pedestrian connections at the end of 30th Ave and 31st Ave. The grade would not allow for ADA and would cause maintenance and parking issues in the neighborhood. He requested a cooling station be considered in the improvements. He was in support of the project but wanted to ensure the facilities were safe and accessible.

Kelly Sullivan, 11470 SE 30th Ave, stated she had a son at the elementary school and in youth baseball, and walked her dog at the site daily. She hoped the aspects of the proposal were not seen as in contrast but rather that the project's good could also be the neighbors' good. She hoped that the district could work to better mitigate and resolve issues. She encouraged a passive system regarding the pathway and playground security with signage for hours rather than a locked system as often those areas remained locked.

Chair Travis questioned the commercial outdoor recreation issue.

- **Mr. Egner** responded that the code example given in testimony did not apply to the site as it was a school-related site.
- Staff based their recommendation on what the applicant submitted for the parking determination. There was no parking requirement for the current use but noted the applicant could address the issue during rebuttal.

Mr. Egner distributed copies of adjustments to the proposed conditions regarding the Commission's options for more parking lot lighting and that the transportation management plan include ongoing traffic management.

Chair Travis invited testimony regarding the amended conditions.

Mr. Martin thought the proposed transportation demand management (TDM) plan was insufficient. He felt the district had not been a good neighbor by lack of communication as well as lack of adequate property maintenance. He believed the issues could be resolved if there was a good neighbor agreement between the district and the neighbors.

Mr. Egner and **Mr. Ramis** clarified that, since continuing the hearing would require an extension from the applicant, the Commission could approve the applications with a condition that would require the applicant to return to the Commission for review of a transportation demand management plan.

Chair Travis called for rebuttal from the applicant.

Mr. Tull responded to testimony as follows:

- The site was an urban site and the proposed parking management would improve parking greatly.
- He assured that most of activities at the site were school-related. Regardless, private organization use of the site would not qualify the site as a commercial outdoor recreation facility.
- There would be trash receptacles onsite and keeping the site in good condition was in the best interest of the district.
- The district would prefer to use higher landscape screening for the fence height issue.

Regarding the amended conditions, **Mr. Tull** stated the code did not require the entire parking lot to be lit and the applicant wanted to be sensitive in terms of the additional proposed lighting at the site. He requested that amended condition be removed.

Mr. Tull acknowledged that it was clear that parking at the elementary school was underutilized and was not known as a parking option. He agreed to return to the Commission with a TDM but asked the Commission to not continue the hearing as the parts of the project were in motion.

Mr. Hobbs discussed options for transportation management and facility maintenance. He verified that only the playing fields would be artificial turf.

Chair Travis closed public testimony.

Planning Commission Deliberation.

Commissioner Hemer was concerned about the district's past practices and the implications for future management of issues for the neighbors, primarily around parking. He encouraged neighbors to call code enforcement should there be issues in the future. He was concerned about the environmental impacts of the turf, particularly after it was replaced and discarded. However, the proposal met the approval criteria.

Commissioner Edge noted with a community service use, there needed to be a balance between the benefits and impacts. The benefits of this site and proposal outweighed the impacts. Ultimately the proposal was great for the community but the mitigation and conditions needed to be adhered to by the district and if they were not, then revocation of approval could occur.

Commissioner Jones supported the proposal and said the improvements would be a great

asset to the community. He acknowledged the distrust of the district by the neighbors. However, with the improvements should come increased community observation that may abate the community's concerns. He encouraged the applicant to be more proactive in addressing issues to rebuild the relationship with the neighbors.

Commissioner Burns stated that in his experience, the gates to the properties were often locked when they should be open. He was opposed to the gates and suggested signage regarding no access during school hours. If the elementary school parking was included in the parking count for the site, there should not be a locked gate between the parking and the facilities intended for use. He proposed no gate between the junior varsity field and Lake Rd field and no gates to the perimeter of the property.

Commissioner Grau strongly encouraged the applicant to provide signage for afterhours issues and for those issues to be addressed in a timely manner rather than the next business day, for example.

Mr. Egner clarified that the easement issue noted in testimony was a private property issue between property owners.

The Commission discussed and agreed to amend the conditions as follows:

- Remove proposed condition for additional access at 30th Ave and 31st Ave.
- Proposed hours to be for the lighting and announcement system not be used past 9:00 p.m. and the pathway lighting not be used past 9:30 p.m.
- Add signage for emergency and afterhours contact information.
- A transportation demand management plan would return to the Commission for review and approval prior to issuance of certificate of occupancy. The TDM would address parking signage and a good neighbor agreement.
- Leave the original parking lot lighting plan and condition in place.
- Additional landscape screening up to 8 ft for the western edge of the parking lot.
- Allow for public access to the perimeter and ungated access between the junior varsity field and the Lake Rd fields, and to provide appropriate signage.
- Contact information signage provided at access points to the site.

Vice Chair Burns moved and Commissioner Grau seconded to approve land use applications CSU-2018-001, VR-2018-003, and P-2018-001 for 2905 SE Lake Rd & 11250 SE 27th Ave with the recommended findings and conditions as amended. The motion passed 5-1 with Commissioner Hemer abstaining.

6.0 Worksession Items

7.0 Planning Department Other Business/Updates — None

8.0 Planning Commission Discussion Items

Commissioner Edge attended the Design and Landmarks Committee meeting regarding the Downtown Design Guidelines update project and noted that there may be process revisions as a result of the project.

Mr. Egner noted that possible code revisions would be brought to the Commissioner later in the

year.

Commissioner Grau confirmed she would volunteer for the OAPA Planning Commissioner Board position.

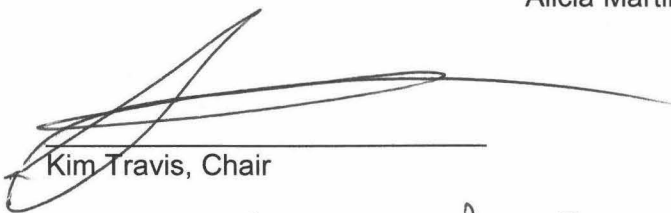
9.0 Forecast for Future Meetings:

- | | |
|---------------|---|
| May 22, 2018 | 1. Public Hearing: VR-2018-002, ADU-2018-001 23 rd Ave ADU
2. Worksession: Comprehensive Plan Update discussion |
| June 12, 2018 | 1. Joint Session with City Council: "Impacts of Emerging Technologies on Cities" Presentation by Nico Larco |
| June 26, 2018 | 1. Worksession: Comprehensive Plan Update Block 1 Policy Review |

Meeting adjourned at approximately 10:43 p.m.

Respectfully submitted,

Alicia Martin, Administrative Specialist II



Kim Travis, Chair

Greg Heuer Pro-Temp Chair

INTERESTED PERSONS SIGN-UP SHEET

PLEASE SIGN THIS SHEET IF YOU WISH TO RECEIVE FOLLOW UP MATERIALS

PLANNING COMMISSION

Meeting date: **May 8, 2018**

Name (please print)	Mailing Address (including Zip Code)	Email	Agenda Item #		
Patti Lange	PO Box 22353 ^{Med OR} 97269	patti@pleportland.com	☐ 5.1	☐ 5.2	☒ 5.3
Michael Martin	2725 SE LAKE 97222	mjacobmartin@gmail.com	☐ 5.1	☐ 5.2	☒ 5.3
Kelly Sullivan	11470 SE 30 th Ave. 97222	ksullivan@gmail.com	☐ 5.1	☐ 5.2	☒ 5.3
Glenn Van Bergen	11610 SE 30 th Ave	glennvanbergen@gmail.com gavandenberg@gmail.com	☐ 5.1	☐ 5.2	☒ 5.3
Sarah Roller	11630 SE 27 th Ave.	lander_067@hotmail.com	☐ 5.1	☐ 5.2	☒ 5.3
Matt Menely	2814 SE Lake Rd.	mtnsales@hotmail.com	☐ 5.1	☐ 5.2	☒ 5.3
Gabe Storm	4969 SE Arden St.	gabe.storm@gmail.com	☐ 5.1	☐ 5.2	☒ 5.3
Charles Dean	11222 SE Wood Ave.	mrcharlesdean@msn.com	☐ 5.1	☐ 5.2	☒ 5.3
Pete Cooper	14102 SE Cedar Ave. 97267	petescouper@yahoo.com	☐ 5.1	☐ 5.2	☒ 5.3
MJ Tate	7583 SE Maple Leaf St.	mjtate@globalpremier soccer.com	☐ 5.1	☐ 5.2	☒ 5.3

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MILWAUKIE PLANNING COMMISSION

Speaker Registration

The City of Milwaukie encourages all citizens to express their views to their city leaders in a **respectful** and **appropriate** manner. If you wish to speak before the Planning Commission, fill out this card and hand it to the Planning Director. Note that this Speakers Registration card, once submitted, becomes part of the public record.

Date: 5/8/2018 Organization: N/A
Name: Kelly Sullivan Phone: 503-381-2422
Address: 11470 SE 30th Ave. Email: KISullivan@gmail.com

Agenda Item #: 5.3

☒ Public Hearing

☐ Worksession

You are
Speaking...

☐ in Support

☐ in Opposition

☐ Neutral

☐ to ask a Question

Comments:



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Date: 5/8/18 Organization: _____
Name: Sarah Roller Phone: 971 563 2409
Address: 11630 SE 27th AVE Email: lander_007@hotmail.com

Agenda Item:

☒ Public Hearing

☐ Worksession

You are
Speaking...

☐ in Support

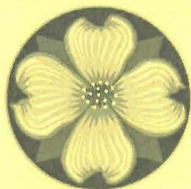
☐ in Opposition

☒ Neutral

☐ to ask a Question

Comments:

Further comments about fence + screening
of parking lot



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Date: 5-8-18 Organization: Home Owner
Name: Glenn Van Bergen Phone: 360-619-6520
Address: 11610 SE 30th Ave Email: glennvanbergen@gmail.com

Agenda Item #:

☒ Public Hearing

☐ Worksession

You are
Speaking...

☐ in Support

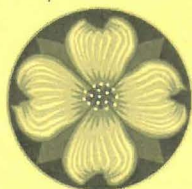
☐ in Opposition

☒ Neutral

☐ to ask a Question

Comments:

- NORTH FENCE - Replacement ?
- SIGNAGE
- FENCE SLATS
-



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Date: 5/8/18 Organization: _____
Name: Matt Menely Phone: _____
Address: _____ Email: _____

Agenda Item: High School Field Improvements

☐ Public Hearing

☐ Worksession

You are
Speaking...

☐ in Support

☒ in Opposition

☐ Neutral

☐ to ask a Question

Comments:



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Date: 5/8/18 Organization: _____

Name: Patti Lange Phone: _____

Address: _____ Email: _____

Agenda Item: _____

☒ Public Hearing

☐ Worksession

You are
Speaking...

☐ in Support

☐ in Opposition

☒ Neutral

☐ to ask a Question

Comments:

Concerns/Questions as prev stated
Responses by Appl Grp.



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Date: 5/8/2018 Organization: self-homeowner

Name: Michael Martin Phone: 503.703-9685

Address: 2725 SE Lake Rd 97222 Email: m.jacobmartin@gmail.com

Agenda Item #: 5.3

☒ Public Hearing

☐ Worksession

You are
Speaking...

☐ in Support

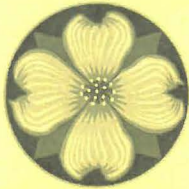
☒ in Opposition

☒ Neutral

☐ to ask a Question

Comments:

I want the fields upgraded. I don't mind the
overall idea. But the details are highly flawed
& need review & solutions prior to approval.



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Date: 5/8 Organization: MILWAUKIE JR. BASEBALL
Name: GABE STORM Phone: 347.683.3330
Address: 4969 SE ARMAN ST. Email: GABE.STORM@GMAIL.COM

Agenda Item #:

☒ Public Hearing

☐ Worksession

You are
Speaking...

☒ in Support

☐ in Opposition

☐ Neutral

☐ to ask a Question

Comments:



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Date: 5/8/18 Organization: Milwaukie Jr Baseball
Name: Charles Dean Phone: 503-869-8680
Address: 11222 SE Wood Email: mrcharlesdean@msn.com

Agenda Item #: 5.3

☒ Public Hearing

☐ Worksession

You are
Speaking...

☒ in Support

☐ in Opposition

☐ Neutral

☐ to ask a Question

Comments:



MILWAUKIE PLANNING COMMISSION

Speaker Registration

The City of Milwaukie encourages all citizens to express their views to their city leaders in a **respectful** and **appropriate** manner. If you wish to speak before the Planning Commission, fill out this card and hand it to the Planning Director. Note that this Speakers Registration card, once submitted, becomes part of the public record.

Date: 5/5/18 Organization: Milwaukie Jr. Baseball
Name: Pete Cooper Phone: 503 737-9273
Address: 14102 SE Cedar Ave Email: petescooper@yahoo.com

Agenda Item #: 5.3

☒ Public Hearing

☐ Worksession

You are
Speaking...

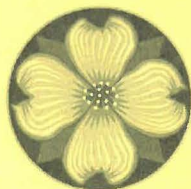
☒ in Support

☐ in Opposition

☐ Neutral

☐ to ask a Question

Comments:



MILWAUKIE PLANNING COMMISSION

Speaker Registration

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Date: MAY 8th 2018 Organization: Global Premier Soccer
Name: MJ Tate Phone: 503 806 4330
Address: 7583 SW Maple leaf St Email: mjtate@globalpremiersoccer.com

Agenda Item #: 5.0 - 5.3

☒ Public Hearing

☐ Worksession

You are
Speaking...

☒ in Support...

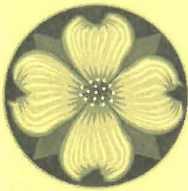
☐ in Opposition

☐ Neutral

☐ to ask a Question

Comments:

Milwaukie HS. Lakeland Sports Complex



MILWAUKIE PLANNING COMMISSION

Speaker Registration

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Date: 5/8/18 Organization: Milwaukie Youth Football

Name: Lucas Spooner Phone: 971-303-3067

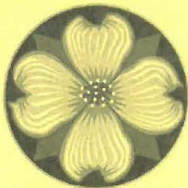
Address: 6210 SE Hazel Ave Email: Lucas.spooner@yahoo.com

Agenda Item: ☒ Public Hearing ☐ Worksession

You are Speaking... ☒ in Support ☐ in Opposition ☐ Neutral ☐ to ask a Question

Comments:

This is a must pass request, as it's a shared responsibility to provide our youth as many opportunities possible to stay safe, healthy, and lead productive lives for a better future for All!



MILWAUKIE PLANNING COMMISSION

Speaker Registration

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Date: 5/8/18 Organization: _____

Name: JERIMIE MEADE Phone: _____

Address: 3745 SE DRAKE ST. MILWAUKEE, OR 97222 Email: _____

Agenda Item: ☐ Public Hearing ☐ Worksession

You are Speaking... ☒ in Support ☐ in Opposition ☐ Neutral ☐ to ask a Question

Comments:



CITY OF MILWAUKIE

AGENDA

May 8, 2018

PLANNING COMMISSION

City Hall Council Chambers
10722 SE Main Street
www.milwaukieoregon.gov

- 1.0 Call to Order - Procedural Matters — 6:30 PM**
- 2.0 Planning Commission Minutes — None**
- 3.0 Information Items**
- 4.0 Audience Participation** – This is an opportunity for the public to comment on any item not on the agenda
- 5.0 Public Hearings** — Public hearings will follow the procedure listed on reverse
 - 5.1 Housekeeping 2018 Code Amendments Part 1
Applicant: City of Milwaukie
File: ZA-2018-001
Staff: Vera Kolas, Associate Planner
 - 5.2 Covell St Vacation Rental
Applicant/Owner: Casey and Samantha Clark
File: CU-2018-001
Address: 4219 SE Covell St
Staff: Mary Heberling, Assistant Planner
 - 5.3 Milwaukie High School Lake Rd Sports Complex (continued from 4/24/18)
Applicant/Owner: 3J Consulting/North Clackamas School District
Address: 2905 SE Lake Rd & 11250 SE 27th Ave
File: CSU-2018-001, VR-2018-003, P-2018-001
Staff: Brett Kelter, Associate Planner
- 6.0 Worksession Items — None**
- 7.0 Planning Department Other Business/Updates**
- 8.0 Planning Commission Committee Updates and Discussion Items** – This is an opportunity for comment or discussion for items not on the agenda.
- 9.0 Forecast for Future Meetings:**
 - May 22, 2018
 - 1. Public Hearing: SE 23rd Ave ADU Variance
 - 2. Worksession: Comp Plan Update
 - June 12, 2018
 - 1. Joint Session with City Council – Technological Change in the City

Milwaukie Planning Commission Statement

The Planning Commission serves as an advisory body to, and a resource for, the City Council in land use matters. In this capacity, the mission of the Planning Commission is to articulate the Community's values and commitment to socially and environmentally responsible uses of its resources as reflected in the Comprehensive Plan

1. **PROCEDURAL MATTERS.** If you wish to speak at this meeting, please fill out a yellow card and give to planning staff. Please turn off all personal communication devices during meeting. For background information on agenda items, call the Planning Department at 503-786-7600 or email planning@milwaukieoregon.gov. Thank You.
2. **PLANNING COMMISSION MINUTES.** Approved PC Minutes can be found on the City website at www.milwaukieoregon.gov.
3. **CITY COUNCIL MINUTES** City Council Minutes can be found on the City website at www.milwaukieoregon.gov/meetings.
4. **FORECAST FOR FUTURE MEETING.** These items are tentatively scheduled, but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.
5. **TIME LIMIT POLICY.** The Commission intends to end each meeting by 10:00pm. The Planning Commission will pause discussion of agenda items at 9:45pm to discuss whether to continue the agenda item to a future date or finish the agenda item.

Public Hearing Procedure

Those who wish to testify should come to the front podium, state his or her name and address for the record, and remain at the podium until the Chairperson has asked if there are any questions from the Commissioners.

1. **STAFF REPORT.** Each hearing starts with a brief review of the staff report by staff. The report lists the criteria for the land use action being considered, as well as a recommended decision with reasons for that recommendation.
2. **CORRESPONDENCE.** Staff will report any verbal or written correspondence that has been received since the Commission was presented with its meeting packet.
3. **APPLICANT'S PRESENTATION.**
4. **PUBLIC TESTIMONY IN SUPPORT.** Testimony from those in favor of the application.
5. **NEUTRAL PUBLIC TESTIMONY.** Comments or questions from interested persons who are neither in favor of nor opposed to the application.
6. **PUBLIC TESTIMONY IN OPPOSITION.** Testimony from those in opposition to the application.
7. **QUESTIONS FROM COMMISSIONERS.** The commission will have the opportunity to ask for clarification from staff, the applicant, or those who have already testified.
8. **REBUTTAL TESTIMONY FROM APPLICANT.** After all public testimony, the commission will take rebuttal testimony from the applicant.
9. **CLOSING OF PUBLIC HEARING.** The Chairperson will close the public portion of the hearing. The Commission will then enter into deliberation. From this point in the hearing the Commission will not receive any additional testimony from the audience, but may ask questions of anyone who has testified.
10. **COMMISSION DISCUSSION AND ACTION.** It is the Commission's intention to make a decision this evening on each issue on the agenda. Planning Commission decisions may be appealed to the City Council. If you wish to appeal a decision, please contact the Planning Department for information on the procedures and fees involved.
11. **MEETING CONTINUANCE.** Prior to the close of the first public hearing, any person may request an opportunity to present additional information at another time. If there is such a request, the Planning Commission will either continue the public hearing to a date certain, or leave the record open for at least seven days for additional written evidence, argument, or testimony. The Planning Commission may ask the applicant to consider granting an extension of the 120-day time period for making a decision if a delay in making a decision could impact the ability of the City to take final action on the application, including resolution of all local appeals.

The City of Milwaukie will make reasonable accommodation for people with disabilities. Please notify us no less than five (5) business days prior to the meeting.

Milwaukie Planning Commission:

Kim Travis, Chair
John Henry Burns, Vice Chair
Adam Argo
Joseph Edge
Sherry Grau
Greg Hemer
Scott Jones

Planning Department Staff:

Denny Egner, Planning Director
David Levitan, Senior Planner
Brett Kelter, Associate Planner
Vera Kolias, Associate Planner
Mary Heberling, Assistant Planner
Alicia Martin, Administrative Specialist II



CITY OF MILWAUKIE

To: Planning Commission
Through: Dennis Egner, Planning Director
From: Vera Kolias, Associate Planner
Date: May 1, 2018, for May 8, 2018, Public Hearing
Subject: 2018 Housekeeping Code Amendments: Round 1

ACTION REQUESTED

Open the public hearing for application ZA-2018-001. Discuss the proposed amendments, take public testimony, and provide direction to staff regarding any desired revisions to the proposed amendments. Recommend City Council approval of application ZA-2018-001 and adoption of the recommended Findings of Approval found in Attachment 2. This action would allow for the adoption of amendments to the Milwaukie Zoning Ordinance.

In most cases, housekeeping amendments are generally clarifications or minor changes, and are not intended to affect the meaning or intent of existing regulations. Staff has had 1 worksession with the Commission and 1 worksession with the City Council to discuss and refine the proposed amendments. Therefore, staff anticipates 1 public hearing to complete the review process.

BACKGROUND INFORMATION

Over the course of several years, Planning Department staff has been tracking issues with current zoning code language and has made suggested corrections. These items have been identified through a variety of means, including multiple instances of the same questions from the public that are not easily answered, code interpretation applications, and onerous land use review procedures for specific types of small development proposals, to name a few. To date, there are many individual items on the "code fix" list.

In order to address this list, the Planning Department will strive to regularly bring forward a small package of "housekeeping" code amendments. The last package of amendments was in 2016. Housekeeping amendments are clarifications or minor tweaks, and are not intended to result in a change of policy.

The current package of proposed code amendments is the first of 2 packages of amendments for this year. It includes the following: (Please refer to Attachment 1 for draft language):

- Revising the definition of "senior and retirement housing";
- Revising the calculation for density relative to slope;
- Modifying or eliminating the odor control standards for marijuana businesses;
- Eliminating the prohibition to compound lot lines for land divisions;

- Allowing signs for historic property identification and allowing neon signs downtown;
- Adding indoor recreation to the allowed uses in G-C General Commercial zone;
- Clarifying language in the natural resource, accessory structure, single-family design standards, garage and carport, multifamily housing, off-street parking, community service use, preapplication conference, and development review sections of the code; and
- Miscellaneous numbering and labeling corrections.

The revisions are intended to correct and clarify the code to improve its administration without changing basic policy or intent.

KEY ISSUES

Is the proposed revision to the definition of senior and retirement housing appropriate?

The proposed revision removes the development standard that senior and retirement housing units be 1 bedroom and no more than 800 sq ft from the definition. This revision accomplishes 2 things:

- It aligns the definition of senior and retirement housing with the current market by providing flexibility in unit type
- It removes the prescriptive requirement from a definition. Development standards should not be included in definitions; they should be in development or design standards.

Today's senior and retirement housing developments include a variety of unit types, including studios, 1 bedroom, and 2 bedroom units. This allows the development to respond to various needs and household sizes. For example, Rose Villa, located just south of downtown Milwaukie, includes a variety of independent living unit sizes located in garden cottages and apartments. The units range in size from 1 bedroom and 1 bath all the way to 2 bedroom and 2.5 bath units with areas ranging from 600 sq ft to over 1,500 sq ft. Flexibility in unit size and type will allow developments to meet the needs of the market, providing options for many income levels.

ATTACHMENTS

Attachments are provided as indicated by the checked boxes. All material is available for viewing upon request.

	PC Packet	Public Copies	E-Packet
1. Ordinance	☒	☒	☒
a. Recommended Findings in Support of Approval	☒	☒	☒
b. Draft code amendment language (underline/strikeout)	☒	☒	☒

Key:

PC Packet = paper materials provided to Planning Commission 7 days prior to the meeting.

Public Copies = paper copies of the packet available for review at City facilities and at the Planning Commission meeting.

E-Packet = packet materials available online at <https://www.milwaukieoregon.gov/bc-pc/planning-commission-6>.



COUNCIL ORDINANCE No.

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING TITLE 14 SIGNS, TITLE 17 LAND DIVISION, AND TITLE 19 ZONING TO MAKE MINOR CHANGES TO SELECT SECTIONS FOR THE PURPOSE OF CLARIFICATION AND IMPROVED EFFECTIVENESS (FILE #ZA-2018-001).

WHEREAS, the proposed amendments to Titles 14, 17, and 19 make changes and clarifications that will more effectively communicate and implement existing policy; and

WHEREAS, legal and public notices have been provided as required by law; and

WHEREAS, on May 8, 2018, the Milwaukie Planning Commission conducted a public hearing, as required by MMC 19.1008.5 and adopted a motion in support of the amendment; and

WHEREAS, the Milwaukie City Council finds that the proposed amendments are in the public interest of the City of Milwaukie.

Now, Therefore, the City of Milwaukie does ordain as follows:

Section 1. Findings. Findings of fact in support of the amendments are adopted by the City Council and are attached as Exhibit A.

Section 2. Amendments. The Milwaukie Municipal Code is amended as described in Exhibit B (Titles 14 Signs, 17 Land Division, and 19 Zoning underline/strikeout version), and Exhibit C (Titles 14 Signs, 17 Land Division, and 19 Zoning clean version).

Section 3. Effective Date. The amendments shall become effective 30 days from the date of adoption.

Read the first time on _____, and moved to second reading by _____ vote of the City Council.

Read the second time and adopted by the City Council on _____.

Signed by the Mayor on _____.

ATTEST:

Mark Gamba, Mayor

APPROVED AS TO FORM:
Jordan Ramis PC

Scott Stauffer, City Recorder

City Attorney

**Recommended Findings in Support of Approval
File #ZA-2018-001, Housekeeping Code Amendments**

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 City of Milwaukie, proposes to amend various regulations that are contained in Title 14 Sign Ordinance, Title 17 Land Division, and Title 19 Zoning Ordinance of the Milwaukie Municipal Code (MMC). The land use application file number is ZA-2018-001.
2. The purpose of the proposed code amendments is as a collection of “housekeeping” amendments – clarifications or minor tweaks – that are not intended to affect the meaning or intent of existing regulations; they are not intended to be a change in policy. The amendments are located in several titles of the municipal code:
 - Title 14 – Signs – create an exemption for signs identifying historic properties; clarify that neon signs are permitted downtown, and correct a reference error.
 - MMC 17.28.040.C – revise the language to include a variance regarding the limit on compound lot line segments
 - MMC 19.201 – Definitions – revise the definition of “senior and retirement housing” to eliminate a development standard
 - MMC 19.202.4.E – revise the density calculation language to reflect a recent code interpretation (CI-2017-001)
 - MMC 19.307.1 General Commercial Zone – Add Indoor Recreation to the list of permitted uses
 - MMC 19.402 Natural Resources – various minor clarification revisions
 - MMC 19.502.2.A.1 – provide a clarification to the development standards for residential accessory structures
 - MMC 19.505.1 Single-Family Design Standards – various clarifications
 - MMC 19.505.2 Garages and Carports – clarifications and reference corrections
 - MMC 19.505.3 Multifamily Housing—Table 19.505.3.D (Multifamily Design Guidelines and Standards) – various clarifications
 - MMC 19.600 – Off-Street parking – various clarifications and corrections
 - MMC 19.900 – Land Use Applications – various clarifications and reference corrections
 - MMC 19.1002 Preapplication Conference – clarification in the Applicability section
 - MMC 19.1200 Solar Access Protection – reference correction
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC 19.902 Amendments to Maps and Ordinances
 - MMC 19.1000 Review Procedures

4. The application has been processed and public notice provided in accordance with MMC Section 19.1008 Type V Review. A public hearing was held on May 8 and June 5, 2018, as required by law.
5. MMC 19.902 Amendments to Maps and Ordinances
 - a. MMC 19.902.5 establishes requirements for amendments to the text of the zoning ordinance. The City Council finds that these requirements have been met as follows.
 - (1) MMC Subsection 19.902.5.A requires that changes to the text of the land use regulations of the Milwaukie Municipal Code shall be evaluated through a Type V review per Section 19.1008.

The Planning Commission held a duly advertised public hearing on May 8, 2018. A public hearing before City Council is scheduled for June 5, 2018. Public notice was provided in accordance with MMC Subsection 19.1008.3.

- (2) MMC Subsection 19.902.5.B establishes the approval criteria for changes to land use regulations of the Milwaukie Municipal Code.
 - (a) MMC Subsection 19.905.B.1 requires that the proposed amendment be consistent with other provisions of the Milwaukie Municipal Code.

The proposed amendments have been coordinated with and are consistent with other provisions of the Milwaukie Municipal Code. The amendments are clarifying in nature and are not intended to affect policy.

- (b) MMC Subsection 19.902.5.B.2 requires that the proposed amendment be consistent with the goals and policies of the Comprehensive Plan.

Only the goals, objectives, and policies of Comprehensive Plan that are listed below are found to be relevant to the proposed text amendment.

- (i) The Goal statement of the Open Spaces, Scenic Areas, and Natural Resources Element reads as follows:

To conserve open space and protect and enhance natural and scenic resources in order to create an aesthetically pleasing urban environment, while preserving and enhancing significant natural resources.

Objective #2 – Natural Resources states:

To preserve and maintain important natural habitats and vegetation by protecting and enhancing major drainageways, springs, existing wetlands, riparian areas, water bodies, and significant tree and vegetative cover while retaining their functions and values related to flood protection, sediment and erosion control, groundwater discharge and re-charge, aesthetics, education, recreation, vegetation, and wildlife habitat. Regulate development within designated water bodies, riparian areas, wetlands, uplands, and drainage areas.

The proposed amendments:

- *Corrects errors in code references.*
 - *Adds professional wetland scientist to the list of professionals able to submit reports for water quality resource area boundary verifications.*
- (ii) The Goal statement of the Economic Base and Industrial/Commercial Land Use Element reads as follows:

To continue to support and encourage the development of a broad industrial base in the City, and to encourage the expansion of service facilities in the community.

Objective #2 – Employment Opportunity states:

To continue to support a wide range of employment opportunities for Milwaukie citizens.

The proposed amendments:

- *Add commercial recreation to the list of permitted uses in the General Commercial Zone.*

Objective #6 – Commercial Land Use states:

To encourage new commercial uses to locate within designated commercial areas of the City, in order to take maximum advantage of existing access and public facilities serving these areas.

The proposed amendments:

- *Add commercial recreation as permitted uses to the General Commercial Zone.*
- (iii) Residential Land Use and Housing Element - Objective #5 – Housing Choice states:

To continue to encourage an adequate and diverse range of housing types and the optimum utilization of housing resources to meet the housing needs of all segments of the population.

The intent of the proposed amendment to the definition of “senior and retirement housing” is to align the definition with the current market by providing flexibility in unit type and size. This revision will allow developments to meet the needs of the market and provide options for different household sizes and for different income levels.

- (c) MMC Subsection 19.902.5.B.3 requires that the proposed amendment be consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

The proposed amendments were sent to Metro for comment. Metro did not identify any inconsistencies with the Metro Urban Growth Management Functional Plan or relevant regional policies.

- (d) MMC Subsection 19.902.5.B.4 requires that the proposed amendment be consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

The proposed amendments were sent to the Department of Land Conservation and Development (DLCD) for comment. DLCD did not identify any inconsistencies with relevant State statutes or administrative rules.

The proposed amendments are found to be consistent with the Transportation Planning Rule for the following reason. The proposed text amendment does not impact the transportation system given that the amendments are clarifying in nature and do not create the opportunity for any more vehicle trips than are currently allowed by other similar uses in each respective zone.

- (e) MMC Subsection 19.902.5.B.5 requires that the proposed amendment be consistent with relevant federal regulations.

Relevant federal regulations are those that address land use, the environment, or development in the context of local government planning. Typically, regulations such as those set forth under the following acts may be relevant to a local government land use process: the Americans with Disabilities Act, the Clean Air Act, the Clean Water Act, the Endangered Species Act, the Fair Housing Act, the National Environmental Policy Act, the Religious Land Use and Institutionalized Persons Act, and the Resource Conservation and Recovery Act. None of these acts include regulations that impact the subject proposal or that cannot be met through normal permitting procedures. Therefore, the proposal is found to be consistent with federal regulations that are relevant to local government planning.

- 6. MMC 19.1000 establishes the initiation and review requirements for land use applications. The City Council finds that these requirements have been met as follows.
 - a. MMC 19.1001.6 requires that Type V applications be initiated by the Milwaukie City Council, Planning Commission, Planning Director, or any individual.

The amendments were initiated by the Planning Director on March 12, 2018.
 - b. MMC Section 19.1008 establishes requirements for Type V review. The procedures for Type V review have been met as follows:
 - (1) Subsection 19.1008.3.A.1 requires opportunity for public comment.

Opportunity for public comment and review has been provided. The City Council had a worksession on the proposed amendments on February 20, 2018. The Planning Commission had a worksession about the proposed amendments on April 10, 2018. The current version of the draft amendments has been posted on the City's website since

March 30, 2018. On March 30, 2018 staff emailed NDA leaders with information about the Planning Commission hearing and a link to the draft proposed amendments.

- (2) Subsection 19.1008.3.A.2 requires notice of public hearing on a Type V Review to be posted on the City website and at City facilities that are open to the public at least 30 days prior to the hearing.

A notice of the Planning Commission's May 8, 2018, hearing was posted as required on March 30, 2018. A notice of the City Council's June 5, 2018 hearing was posted as required on May 4, 2018.

- (3) Subsection 19.1008.3.A.3 requires notice be sent to individual property owners if the proposal affects a discrete geographic area or specific properties in the City.

The Planning Director has determined that the proposal affects a large geographic area. Notice to individual property owners and individual properties was not required.

- (4) Subsection 19.1008.3.B requires notice of a Type V application be sent to the Department of Land Conservation and Development (DLCD) 35 days prior to the first evidentiary hearing.

Notice of the proposed amendments was sent to DLCD on April 2, 2018

- (5) Subsection 19.1008.3.C requires notice of a Type V application be sent to Metro 45 days prior to the first evidentiary hearing.

Notice of the proposed amendments was sent to Metro on March 22, 2018.

- (6) Subsection 19.1008.3.D requires notice to property owners if, in the Planning Director's opinion, the proposed amendments would affect the permissible uses of land for those property owners.

The proposed amendments generally do not further restrict the use of property. In general, the proposed amendments implement current interpretation or add flexibility and provide clarification.

- (7) Subsection 19.1008.4 and 5 establish the review authority and process for review of a Type V application.

The Planning Commission held a duly advertised public hearing on May 8, 2018 and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on June 5, 2018 and approved the amendments.

Underline/Strikeout Amendments

Title 14 Sign Ordinance

CHAPTER 14.16 SIGN DISTRICTS

14.04.030 DEFINITIONS

Sign, Neon. "Neon sign" means an electric sign lighted by long luminous gas-discharge tubes that contain rarefied neon or other gases. A neon sign is a lighting display made of glass tubes that have been filled with a gas and bent into the shape of letters or decorative designs.

Sign, Outdoor Advertising. "Outdoor advertising sign" means a sign that meets the definition of ~~Oregon Revised Statute ORS 377.710(21)~~.

14.12.010 Exempted Signs

N. Signs or tablets (including names of buildings, and the date of erection) when cut into any masonry surface, or constructed of bronze or other similar durable noncombustible surface meeting the following requirements: not to exceed 2 sq ft for wall signs and placed no higher than 6 ft above ground level, or 2 sq ft and no taller than 3 ft for a monument sign. This exemption is limited to historic properties, as listed in Appendix A of the Milwaukie Comprehensive Plan or any building that is shown to be at least 50 years old. Only 1 sign per historic property is permitted and may not be installed in the public right-of-way unless permitted as an encroachment with the public right-of-way per MMC 12.14.

14.16.060 DOWNTOWN ZONES

No sign shall be installed or maintained in the DMU or OS Zones, except as allowed under Section 14.12.010 Exempted Signs, or as otherwise noted in this section.

H. Illumination

Illuminated signs may be permitted subject to the following:

6. Neon signs with exposed tubing are allowed provided that light levels comply with Subsection 14.24.020.A and Subsection 14.24.020.D.

~~6~~7. Electronic display signs are permitted for properties that have frontage on McLoughlin Blvd, subject to the following standards:

- a. An electronic display sign may be included only as part of a larger sign, and the electronic display portion of the sign is subject to the more restrictive of the following size limitations:
 - (1) 25% of the size of the sign face that contains the electronic display sign, abuts the electronic display sign, or is on the same sign structure as the electronic display sign.
 - (2) 20 square feet.

- b. An electronic display sign shall be primarily visible from, and oriented toward, McLoughlin Blvd and not toward any other street on which the property has frontage.
- c. Illumination for an electronic display sign is subject to the standards of Subsection 14.24.020.G.1.
- d. The manner of display on electronic display signs shall comply with the standards of Subsection 14.24.020.G.3.
- e. Incorporating an electronic display sign within an existing nonconforming sign is allowed subject to the regulations of Subsection 14.28.020.A.3.b.

14.28.020 NONCONFORMING SIGN

A. Time Limit

- 1. Except as provided in Subsection 14.28.020.A.4~~3~~, signs that were in compliance with applicable regulations when installed; but that become nonconforming as a result of adoption, modification, or applicability of the City's sign regulations; may remain in place for 10 years after the date they became nonconforming but shall be removed or brought into compliance on or before 10 years plus 1 day of the date they became nonconforming.

Title 17 Land Division

17.28.040 GENERAL LOT DESIGN

This section does not apply to units of land that are created for purposes other than land development including parks, natural areas, right-of-way dedications, or reservations of a similar nature. Lots and tracts created for cottage cluster housing development, per Subsection 19.505.4, are also exempt from the requirements of this section.

C. Limits on Compound Lot Line Segments

Changes in direction ~~along side~~ alongside and rear lot lines shall be avoided. Cumulative lateral changes in direction of a side or rear lot line exceeding 10% of the distance between opposing lot corners along a given lot line ~~is prohibited~~ may only be permitted through the variance provisions of MMC Subsection 19.911. Changes in direction shall be measured from a straight line drawn between opposing lot corners.

Title 19 Zoning Ordinance

CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS

19.201 DEFINITIONS

“Senior and retirement housing” means a multiunit dwelling where persons who are of retirement age reside. Activity levels, including traffic generation and parking of cars, are generally lower than for other types of housing. Common facilities for eating and activities may be provided; nursing care, medical supplies, and personal services may be provided on a limited basis. One person may own the entire complex, or each dwelling unit may be owned separately as in a condominium. ~~The dwelling units shall not have more than 1 bedroom per unit and shall not have more than 800 sq ft per dwelling unit.~~

19.202 MEASUREMENTS

19.202.4 Density Calculations

Minimum required and maximum allowed dwelling unit density will be calculated as described below, except that residential cluster development on lands containing natural resource areas are subject to the density calculations in Subsection 19.402.14.C. The purpose of these calculations is to ensure that properties develop at densities consistent with the densities in the Comprehensive Plan. The area deductions for minimum required density allow properties to utilize land that can be built upon. The area deductions for maximum allowed density include sensitive lands where development should be avoided.

E. Maximum Density

1. Deductions to Calculate Net Area

The following areas, measured in sq ft, are subtracted from the gross area to determine the net area. The net area calculation is rounded to the nearest whole number.

- a. 1% Annual Chance Flood areas (also called the 100-Year Floodplain), as determined by Federal Emergency Management Agency flood maps.
- b. Right-of-way dedications for new right-of-way or expansion of existing rights-of-way, as required in Chapter 19.700.
- c. Open space or parkland that will be ~~publically~~ publicly-owned or open space owned in common by owners within the residential development.
- d. Naturally occurring slopes in excess of 25%.
- e. Man-made slopes (grades that are the result of human activity rather than natural causes) in excess of 25% with both a horizontal measure over 40 ft and an elevation change more than 10 ft over that horizontal distance.

2. Density Calculation

The maximum number of dwelling units allowed is calculated by dividing the net area by 43,560 sq ft to convert the area to acres, then by multiplying the acreage by the maximum allowed dwelling unit density in the applicable base zone in Chapter 19.300.

19.307 GENERAL COMMERCIAL ZONE C-G

In a C-G Zone the following regulations shall apply:

19.307.1 Uses Permitted Outright

In a C-G Zone the following uses and their accessory uses are permitted outright:

AB. Indoor recreation;

~~AC~~AB. Any other use similar to the above and not listed elsewhere.

19.402 NATURAL RESOURCES NR

19.402.14 Adjustments and Variances

To encourage applicants to avoid or minimize impacts to WQRs and/or HCAs, several types of adjustments and variances are available for use on any property that includes a WQR or HCA. These include adjustments to specific base zone and lot design standards, discretionary variances, and allowances for residential cluster development.

C. Residential Cluster Development

3. Site Plan Requirements

The preliminary and final site plans for a residential cluster development shall include the following information, in addition to the items listed on the City's Site Plan Requirements:

- c. The calculations for the permitted number of dwelling units, derived pursuant to Subsection 19.402.14.C.21.
-

19.402.15 Boundary Verification and Map Administration

The NR Administrative Map shows the locations of WQRs and HCAs. For WQRs, the NR Administrative Map is a general indicator of protected water features and their associated vegetated corridors; the location of actual WQRs is determined according to the parameters established in Table 19.402.15. With respect to HCA locations, the NR Administrative Map is assumed to be correct unless demonstrated otherwise.

A. Boundary Verification

2. Type II Boundary Verification

Corrections to mapped WQRs and/or detailed verification of mapped HCAs may be proposed according to the following procedures, and are subject to Type II review per Section 19.1005.

a. Corrections to WQRs

(1) Submittal Requirements

To propose a correction to a WQR shown on the NR Administrative Map, the applicant shall submit the following information, depending on the type of water feature in question:

(a) Drainages

In the case of drainages; including rivers, streams, springs, and natural lakes; the applicant shall submit a ~~hydrology~~ report, prepared by a professional wetland scientist or professional engineer who specializes in hydrology, demonstrating whether or not the drainage meets the definition of a protected water feature. If the drainage is demonstrated to be a protected water feature, the applicant shall provide a topographic map of the site, with contour intervals of 5 ft or less, that shows the specific location of the drainage on the subject property.

B. Map Administration

1. Updates to the NR Administrative Map

When a boundary verification, conducted in accordance with the standards of Subsection 19.402.15.A, demonstrates an error in the location of a WQR or HCA shown on the NR Administrative Map, the City shall update the NR Administrative Map to incorporate the corrected information as soon as practicable. Changes to the NR Administrative Map are not considered amendments to the City's Comprehensive Plan, to Comprehensive Plan Map 5 (Natural Resources), or to the Zoning Map.

CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

19.502 ACCESSORY STRUCTURES

19.502.2 Specific Provisions for Accessory Structures

- A. The following standards apply for residential accessory structures on single-family detached, duplex, rowhouse, and cottage cluster properties. The standards in Subsection 19.502.2.A do not apply to pools, uncovered decks, and patios.

The purpose of these standards is to allow accessory structures that accommodate the typical needs of a single-family residence, while protecting the character of single-family neighborhoods.

1. Development Standards

b. Other Development Standards

- (1) Maximum accessory structure footprint allowance is subject to lot coverage and minimum vegetation standards of the base zone. Multiple accessory structures are allowed on a lot, subject to lot coverage and minimum vegetation standards of the base zone.
- (2) The yard exceptions in Subsection 19.501.2 are applicable for accessory structures.
- (3) A minimum of 5 ft is required between the exterior wall of an accessory structure and the exterior wall of any other structure on a site, excluding a fence or similar structure.

19.505 BUILDING DESIGN STANDARDS

19.505.1 Single-Family Dwellings and Duplexes

C. Standards

All buildings that meet the applicability provisions in Subsection 19.505.1.B shall meet the following design standards. The graphics provided are intended to illustrate how development could comply with these standards and should not be interpreted as requiring a specific architectural style. An architectural feature may be used to comply with more than one standard.

An applicant may request a variance to the Detailed Design standards in Subsection 19.505.1.C.4 through a Type II review, pursuant to Subsection 19.911.3.B. Variances to any other design standards requires a variance through a Type III review, per Subsection 19.911.3.C.

4. Detailed Design

All buildings shall include at least 5 of the following features on any street-facing façade. See Figure 19.505.1.C.4 for illustration of detailed design elements.

- o. Bay window at least 2 ft deep and 5 ft widelong.

5. Standards for Duplexes

In addition to the other standards in Subsection 19.505.1, duplexes shall also comply with the following standards.

- e. For duplexes ~~on~~ corner lots, each entrance is required to face a separate street frontage. Where an existing house is being converted, 1 main entrance with internal access to both units is allowed.

19.505.2 Garages and Carports

C. Standards

2. The width of a street-facing garage door(s), as measured between the inside of the garage door frame, may not exceed 40% of the total width of the street-facing façades on the same street frontage as the garage door. See Figure 19.505.2.C.2. Notwithstanding this limit, a dwelling is allowed 1 12-ft-wide garage door, regardless of the total width of street-facing façades.

The maximum allowed garage door width may be increased to 50% of the total width of the street-facing façade if a total of 7 detailed design elements in Subsection 19.505.1.C.4 are included on the street-facing façade.

19.505.3 Multifamily Housing

Table 19.505.3.D Multifamily Design Guidelines and Standards		
Design Element	Design Guideline (Discretionary Process)	Design Standard (Objective Process)
6. Building Façade Design	Changes in wall planes, layering, horizontal datums, vertical datums, building materials, color, and/or fenestration shall be incorporated to create simple and visually interesting buildings. Windows and doors should be designed to create depth and shadows and to emphasize wall thickness and give expression to residential buildings. Windows should be used to provide articulation to the façade and visibility into the street. Building façades shall be compatible with adjacent building façades. Garage doors shall be integrated into the design of the larger façade in terms of color, scale, materials, and building style.	a. Street-facing building façades shall be divided into wall planes. The wall plane on the exterior of each dwelling unit shall be articulated by doing one or more of the following: (1) Incorporating elements such as porches or decks into the wall plane. (2) Recessing the building a minimum of 2 ft deep x 6 ft long. (3) Extending an architectural bay at least 2 ft from the primary street-facing façade. b. Windows <u>and the glass portion(s) of doors with glazing</u> shall occupy a minimum of 25% of the total street-facing façade. c. Buildings shall have a distinct base and top. The base of the building (ground-floor level) shall be considered from grade to 12 ft above grade. The base shall be visually distinguished from the top of the building by any of the following physical transitions: a change in brick pattern, a change in surface or siding materials, a change in color, or a change in the size or orientation of window types. d. To avoid long, monotonous, uninterrupted walls, buildings shall incorporate exterior wall off-sets, projections and/or recesses. At least 1 ft of horizontal variation shall be used at intervals of 40 ft or less along the building's primary façade on the ground-floor level. e. Blank, windowless walls in excess of 750 sq ft are prohibited when facing a public street, unless required by the Building Code. In instances where a blank wall exceeds 750 sq ft, it shall be articulated or intensive landscaping shall be provided. f. Garage doors shall be painted to match the color or color palette used on the rest of the buildings.

Table 19.505.3.D
Multifamily Design Guidelines and Standards

Design Element	Design Guideline (Discretionary Process)	Design Standard (Objective Process)
8. Landscaping	Landscaping of multifamily developments should be used to provide a canopy for open spaces and courtyards, and to buffer the development from adjacent properties. Existing, healthy trees should be preserved whenever possible. Landscape strategies that conserve water shall be included. Hardscapes shall be shaded where possible, as a means of reducing energy costs (heat island effect) and improving stormwater management.	a. For every 2,000 sq ft of site area, 1 tree shall be planted or 1 existing tree shall be preserved. <u>Preserved tree(s) must be at least 6 inches in diameter at breast height (DBH) and cannot be listed as a nuisance species in the Milwaukie Native Plant List.</u> (1) New trees must be listed as native trees in the Milwaukie Native Plant List. (2) Preserved tree(s) must be at least 6 in diameter at breast height (DBH) and cannot be listed as a nuisance species in the Milwaukie Native Plant List. b. Trees shall be planted to provide, within 5 years, canopy coverage for at least ⅓ of any common open space or courtyard. Compliance with this standard is based on the expected growth of the selected trees. c. On sites with a side or rear lot line that abuts an R-10, R-7, or R-5 Zone, landscaping, or a combination of fencing and landscaping, shall be used to provide a sight-obscuring screen 6 ft high along the abutting property line. Landscaping used for screening must attain the 6 ft height within 24 months of planting. d. For projects with more than 20 units: (1) Any irrigation system shall minimize water use by incorporating a rain sensor, rotor irrigation heads, or a drip irrigation system. (2) To reduce the “heat island” effect, highly reflective paving materials with a solar reflective index of at least 29 shall be used on at least 25% of hardscape surfaces.
13. Safety	Multifamily development should be designed to maximize visual surveillance, create defensible spaces, and define access to and from the site. Lighting should be provided that is adequate for safety and surveillance, while not imposing lighting impacts to nearby properties. The site should be generally consistent with the principles of Crime Prevention Through Environmental Design: - Natural Surveillance: Areas where people and their activities can be readily observed. - Natural Access Control: Guide how people come to and from a space through careful placement of entrances, landscaping, fences, and lighting. - Territorial Reinforcement: Increased definition of space	a. At least 70% of the street or common open space frontage shall be visible from the following areas on 1 or more dwelling units: a front door; a ground-floor window (except a garage window); or a second-story window placed no higher than 3.5 ft from the floor to the bottom of the windowsill. b. All outdoor common open spaces and streets shall be visible from 50% of the units that face it. A unit meets this criterion when at least 1 window of a frequently used room—such as a kitchen, living room and dining room, but not bedroom or bathroom—faces a common open space or street. c. Uses on the site shall be illuminated as follows: (1) Parking and loading areas: 0.5 footcandle minimum. (2) Walkways: 0.5 footcandle minimum and average of 1.5 footcandles. (3) Building entrances: 1 footcandle minimum with an average of 3.5 footcandles, except that secondary entrances may have an average of 2.0 footcandles. d. Maximum illumination at the property line shall not exceed 0.5 footcandles. However, where a site abuts a nonresidential district, maximum illumination at the property line shall not exceed 1 footcandle.

Table 19.505.3.D Multifamily Design Guidelines and Standards		
Design Element	Design Guideline (Discretionary Process)	Design Standard (Objective Process)
	improves proprietary concern and reinforces social control.	<u>This standard applies to adjacent properties across a public right-of-way.</u> e. Developments shall use full cut-off lighting fixtures to avoid off-site lighting, night sky pollution, and shining lights into residential units.

CHAPTER 19.600 OFF-STREET PARKING AND LOADING

19.602 APPLICABILITY

19.602.5 Improvements to Existing Off-Street Parking and Loading Areas

C. Areas of Required Improvement

5. New perimeter landscape buffers, islands, and medians, as applicable, per Subsection 19.606.2.E.

19.605 VEHICLE PARKING QUANTITY REQUIREMENTS

19.605.3 Exemptions and By-Right Reductions to Quantity Requirements

The following exemptions and by-right reductions cannot be used to further modify any parking modification or determination granted under Subsection 19.605.2.

B. Reductions to Minimum Parking Requirements

Applicants are allowed to utilize multiple reductions from Subsections 19.605.3.B.2-7, provided that the total reduction in required parking does not exceed 25% of the minimum quantity requirement listed in Table 19.605.1. The total reduction in required parking is increased to 30% in the Downtown Mixed Use Zone DMU. Applicants may not utilize the reduction in Subsection 19.605.3.B.1 in conjunction with any other reduction in Subsection 19.605.3.B.

1. Reductions for Neighborhood Commercial Areas

The minimum parking requirements of Table 19.605.1 shall be reduced by 50% for the properties described below:

- a. Properties zoned Commercial Limited (C-L).
- b. Properties zoned Commercial Neighborhood (C-N).
- c. Properties in the Neighborhood Mixed-Use (NMU) Zone in the area bounded by 40th 42nd Avenue, King Road, 44th 40th Avenue, and Jackson Street.
- d. ~~Properties in the Neighborhood Mixed-Use (NMU) Zone in the area bounded by 42nd Avenue, Harrison Street, 44th Avenue, and Jackson Street.~~

19.606 PARKING AREA DESIGN AND LANDSCAPING

19.606.2 Landscaping

E. Other Parking Area Landscaping Provisions

5. Pedestrian walkways are allowed within perimeter and interior landscape buffers if the landscape buffer is at least 2 ft wider than required in Subsections 19.606.2.C.1 and 19.606.2.D.3.b.
-

19.607 OFF-STREET PARKING STANDARDS FOR RESIDENTIAL AREAS

19.607.1 Residential Driveways and Vehicle Parking Areas

Subsection 19.607.1 is intended to preserve residential neighborhood character by establishing off-street parking standards. The provisions of Subsection 19.607.1 apply to passenger vehicles and off-street parking areas for rowhouses, cottage clusters, duplexes, single-family detached dwellings, and residential homes in all zones, unless specifically stated otherwise.

D. Parking Area Limitations

Uncovered parking spaces and maneuvering areas for vehicles, and for recreational vehicles and pleasure craft as described in Subsection 19.607.2.B, have the following area limitations. See Figure 19.607.1.D. The pole portion of a flag lot is not included in these area limitations.

These standards do not apply to off-street parking for cottage clusters, which are subject to the standards in Subsection 19.505.4; nor to rowhouses, which are subject to the standards in Subsection 19.505.5.

- 1a. Uncovered parking spaces and maneuvering areas cannot exceed 50% of the front yard area.
 - 2b. Uncovered parking spaces and maneuvering areas cannot exceed 30% of the required street side yard area.
 - 3e. No more than 3 residential parking spaces are allowed within the required front yard. A residential parking space in the required front yard is any 9- x 18-ft rectangle that is entirely within the required front yard that does not overlap with another 9- x 18-ft rectangle within the required front yard.
-

CHAPTER 19.900 LAND USE APPLICATIONS

19.901 INTRODUCTION

Table 19.901 Land Use Applications		
Application Type	Municipal Code Location	Review Types
Community Service Use	Section 19.904	I, <u>II</u> , III

¹ Level of review determined by City Attorney per Section 19.902.4.A.

² Level of review determined by City Attorney per Section 19.902.6.A.1.

19.904 COMMUNITY SERVICE USES

19.904.7 Specific Standards for Schools

Public, private or parochial, elementary, secondary, preschool, nursery schools, kindergartens, and day-care centers are included.

- D. Where Subsection 19.904.7.B is applicable, a Sight-obscuring fence of 4 to 6 ft in height shall be provided to separate the play area from adjacent residential uses.
-

19.905 CONDITIONAL USES

19.905.6 Conditional Use Permit

- D. A conditional use permit is not affected by a change in ownership of the use or the property containing the use. A conditional use permit is valid unless one of the following occurs:
1. There is a change in use.
 2. The permit is suspended per the procedures in Subsection 19.905.~~7~~6.
 3. The use is discontinued as described in Subsection 19.905.8.
- E. Compliance with the terms and conditions of the conditional use permit is required on an ongoing basis.
- F. The notice of decision, Planning Commission minutes, and other city records shall constitute the conditional use permit for conditional uses that were approved prior to the effective date of this ordinance.

19.905.7 Review of Existing Conditional Use Permits

- C. If the owner and/or operator of the conditional use cannot or does not resolve the issue in Subsection 19.905.7.B, the matter shall be heard by the Planning Commission to review the conditional use permit and to consider modification, suspension, or revocation of the conditional use permit. The review shall follow the procedures of Section 19.1006 Type III Review. The owner and/or operator shall not be charged a fee for this review.

The Planning Commission may take the following actions in consideration of the conditional use permit:

3. Modify the conditional use permit to address the circumstance(s) that gave rise to the issue. Modifications to the conditional use permit shall be based on factors relevant to the approval criteria for conditional uses in Subsection 19.905.4. The Planning Commission may opt to suspend the permit per Subsection 19.905.7.C.~~21~~ until compliance with the modified conditional use permit is achieved.
-

19.906 DEVELOPMENT REVIEW

19.906.2 Applicability

- B. Type II Review

The following development proposals must submit a development review application and are subject to the requirements of this section. Type II development review does not apply to development proposals in the downtown zones as these zones have a separate design review process.

1. New development, or expansions or modifications to existing development, for which the applicant elects, where a choice is available, to have the proposal reviewed against discretionary criteria or standards.
2. New construction of over 1,000 sq ft, either: 1) in the Manufacturing Zone within 120 ft of areas zoned for residential uses, or 2) within any part of the Business Industrial Zone, or 3) within any part of the North Milwaukie Innovation Area.
3. New development or expansions, or modifications to existing development, where the Planning Director determines that the scale of development and/or the level of discretion required to evaluate applicable standards and criteria is not appropriate for a Type I development review.

C. Exemptions

The following development proposals are not required to submit a development review application and are exempt from the requirements of this section. Proposals that are exempt from this section must still comply with all applicable development and design standards. For proposals that require a development permit, compliance with standards will be reviewed during the permit review process.

3. Interior modifications to existing buildings that do not involve a change of primary use.
-

19.907 DOWNTOWN DESIGN REVIEW

19.907.3 Review Process

B. Review Types

To achieve the purpose of the downtown design standards, there are three downtown design review processes through which to apply for approval:

3. Type III

The discretionary review track provides for a Type III review process pursuant to Section 19.1006, through which the Design and Landmarks Committee and Planning Commission determine substantial consistency with the purpose statement of the relevant standard or standards and the Milwaukie Downtown Design Guidelines. It generally applies to new development and renovation/remodeling projects, as listed in Subsection 19.907.2.D.

19.910 RESIDENTIAL DWELLINGS

19.910.1 Accessory Dwelling Units

D. Approval Standards and Criteria

1. An application for an accessory dwelling unit reviewed through a Type I review shall be approved if the following standards are met.
 - a. An accessory dwelling unit is an allowed use in the base zones, and any applicable overlay zones or special areas, where the accessory dwelling unit would be located.
 - b. The primary use of property for the proposed accessory dwelling unit is a single-family detached dwelling.

- c. One accessory dwelling unit per ~~lot~~ single family home is allowed.
-

CHAPTER 19.1000 REVIEW PROCEDURES

19.1002 PREAPPLICATION CONFERENCE

19.1002.2 Applicability

- A. For Type I applications, a preapplication conference is optional if MMC Chapter 19.700 is not applicable to the proposal as determined by MMC Section 19.702.
-

CHAPTER 19.1200 SOLAR ACCESS PROTECTION

19.1203.6 Protection from Future Shade

The applicant shall file a note on the plat or other documents in the office of the County Recorder binding the applicant and subsequent purchasers to comply with the future shade protection standards in Subsection 19.1203.36. The City shall be made a party of any covenant or restriction created to enforce any provision of this subsection. The covenant or restriction shall not be amended without written City approval.



CITY OF MILWAUKIE

To: Planning Commission
Through: Dennis Egner, Planning Director
From: Mary Heberling, Assistant Planner
Date: May 1, 2018, for May 8, 2018, Public Hearing
Subject: **File:** CU-2018-001
Applicant: Casey and Samantha Clark
Address: 4219 SE Covell St.
Legal Description (Map & Tax Lot): 12E30BC05300
NDA: Lewelling

ACTION REQUESTED

Approve application CU-2018-001 and adopt the recommended Findings and Conditions of Approval found in Attachments 1 and 2. This action would allow for one of the duplex units on the site to be used as a Vacation Rental.

BACKGROUND INFORMATION

A. Site and Vicinity

The site is located at 4219 SE Covell St. The site contains a duplex where currently one unit has a fixed-term lease tenant and the other is a furnished month-to-month rental property. The current site is a .31-acre (13,555 sq ft) lot that has a greenhouse, detached 3-car garage and storage unit, and a private off-street parking area that accommodates 3 parked cars. The entire property is enclosed with a wooden privacy fence and is also screened with shrubbery, landscaping, and auxiliary structures. See figure 1 below. The duplex is legal, non-conforming as it is in the R-7 zone where the standard requires a minimum lot size of 14,000 sq ft.



Figure 1

The surrounding area consists of residential, single-family homes that are all zoned the same as the site: R-7. There are no nearby open spaces or commercial areas to the site. See figure 2 below.

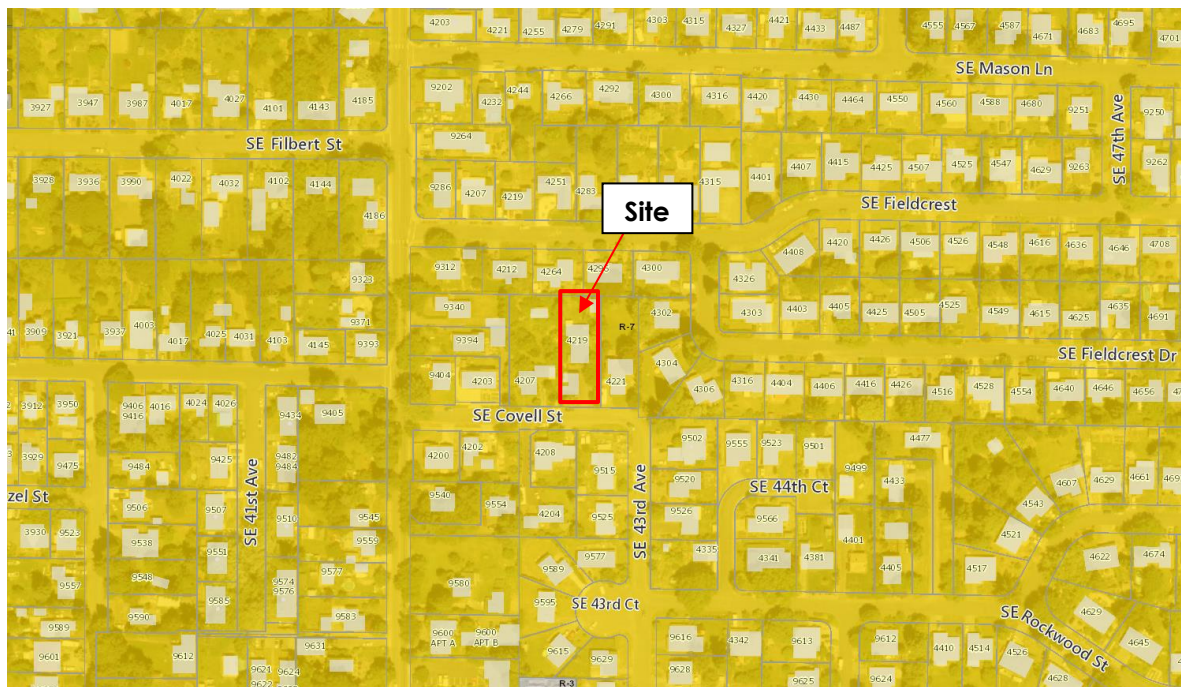


Figure 2

B. Zoning Designation

Low Density Residential, R-7

C. Comprehensive Plan Designation

LD – Low Density

D. Land Use History

City records indicate no previous land use actions for this site.

E. Proposal

The applicant is seeking land use approvals for a Conditional Use to allow a Vacation Rental for one of the duplex units. The proposal includes a narrative.

The project requires approval of the following applications: Conditional Use – CU-2018-001

KEY ISSUES

Approval Criteria for a Conditional Use

Summary

MMC 19.905 establishes criteria for approval for a new conditional use. The two criteria that relate the most to a vacation rental in a low density residential zone are:

1. All identified impacts will be mitigated to the extent practicable; and
2. The proposed use will not have unmitigated nuisance impacts, such as from noise, odor, and/or vibrations, greater than usually generated by uses allowed outright at the proposed location.

The application states that the proposed vacation rental will not result in any change to any physical characteristics of the duplex or property. The residential use of the property will not change. The applicant believes there will be minimal impact on the nearby uses since the property is well screened from surrounding properties and has off-street parking that can accommodate 3 vehicles.

The intent of the proposed use is to help offset costs to the property owners while they are living in another state for work, but it also provides the flexibility to use the Vacation Rental unit while they return to the area to visit family nearby. They also state that there may be periodic periods of vacancy, which will lighten the traffic, utility use, and parking. The applicants have a strict “No Events and No Parties” policy to mitigate any impacts to the existing unit, property, and surrounding neighbors.

During the public hearing for CU-2017-001 last year, the Planning Commission included a condition to require the applicant for the vacation rental provide notification to property

owners within a 250 ft radius from the site. The notification will include the contact information for the property owners, property managers, Neighborhood District Association (NDA) chair, City of Milwaukie Police non-emergency line, and the applicant's "No Events and No Parties" policy. The staff has provided this same requirement from the previous vacation rental application as a Condition of Approval for this application.

The staff believes that the applicant has provided information that shows how they can meet the approval criteria for a conditional use, especially any impact that may occur with the surrounding neighbors with the Conditions of Approval.

CONCLUSIONS

Staff recommendation to the Planning Commission is as follows:

1. Approve the Conditional Use for 4219 SE Covell St. This will result in the ability to use one of the duplex units as a Vacation Rental.
2. Adopt the attached Findings and Conditions of Approval.

CODE AUTHORITY AND DECISION-MAKING PROCESS

The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC).

- MMC Subsection 19.301 Low Density Residential Zones
- MMC Subsection 19.905 Conditional Uses
- MMC Subsection 19.1006 Type III Review

This application is subject to Type III review, which requires the Planning Commission to consider whether the applicant has demonstrated compliance with the code sections shown above. In Type III reviews, the Commission assesses the application against review criteria and development standards and evaluates testimony and evidence received at the public hearing.

The Commission has 4 decision-making options as follows:

- A. Approve the application subject to the recommended Findings and Conditions of Approval.
- B. Approve the application with modified Findings and Conditions of Approval. Such modifications need to be read into the record.
- C. Deny the application upon finding that it does not meet approval criteria.
- D. Continue the hearing.

The final decision on these applications, which includes any appeals to the City Council, must be made by July 21, 2018, in accordance with the Oregon Revised Statutes and the Milwaukie Zoning Ordinance. The applicant can waive the time period in which the application must be decided.

COMMENTS

- A. Notice of the proposed changes was given to the following agencies and persons: City of Milwaukie Engineering Department, Milwaukie Building Division, Lewelling Neighborhood District Association (NDA), and Clackamas Fire District #1. The following is a summary of the comments received by the City. See Attachment 5 for further details.

There were no comments from any of the departments and agencies.

- B. A public notice was mailed to all residents and property owners within 300 ft of the site. The comments received are summarized below:

- **Shahr Ameripour (4221 SE Covell St.):** Shahr is the neighbor directly east of the property. They noted that they are fine with the Vacation Rental proposal.

ATTACHMENTS

Attachments are provided as indicated by the checked boxes. All material is available for viewing upon request.

	Early PC Mailing	PC Packet	Public Copies	EPacket
1. Recommended Findings in Support of Approval	☐	☒	☒	☒
2. Recommended Conditions of Approval	☐	☒	☒	☒
3. Applicant's Narrative and Supporting Documentation dated 3/23/18.				
a. Narrative	☐	☒	☒	☒
4. Comments Received	☐	☒	☒	☒

Key:

Early PC Mailing = paper materials provided to Planning Commission at the time of public notice 20 days prior to the hearing.

PC Packet = paper materials provided to Planning Commission 7 days prior to the hearing.

Public Copies = paper copies of the packet available for review at City facilities and at the Planning Commission meeting.

Packet = packet materials available online at <https://www.milwaukieoregon.gov/bc-pc/planning-commission-6>.

**Recommended Findings in Support of Approval
File #CU-2018-001, Covell St Vacation Rental**

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

1. The applicants, Casey and Samantha Clark, have applied for approval to a Conditional Use for a Vacation Rental at 4219 SE Covell St. This site is in the R-7 Zone. The land use application file number is CU-2018-001.
2. The applicants are proposing to use one of the duplex units on the site to be used as a Vacation Rental.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Subsection 19.301 Low Density Residential
 - MMC Subsection 19.905 Conditional Uses
 - MMC Subsection 19.1006 Type III Review
4. 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 May 8, 2018, as required by law.
5. MMC 19.301 Low Density Residential
 - a. MMC 19.301.2 establishes allowed uses for the low density residential zones. Vacation rentals are allowed in the R-7 zone per approval through the Conditional Use process.

The applicant is proposing a vacation rental for one of the duplex units on the site. The applicant has applied for Conditional Use approval.

The Planning Commission finds that this standard is met.

6. MMC 19.905 Conditional Uses
 - a. MMC 19.905.4.A establishes approval criteria for approving a new conditional use. The applicant is proposing to establish a new conditional use with a vacation rental for one of the duplex units. It meets the approval criteria as follows:

- (1) The characteristics of the lot are suitable for the proposed use considering size, shape, location, topography, existing improvements, and natural features.

The existing duplex is 1,720 sq ft in size and located on a .31-acre lot. The lot is fenced and screened with vegetation from the surrounding neighbors to limit any negative impacts. The two lots on either side of the applicant's lot are similar size. Both houses on those two neighbor lots are located closer to the street than the duplex unit. The duplex unit is not directly next to either neighboring homes. It is also about 48 ft from the rear property line limiting impacts to the properties to the north of the site.

The physical characteristic of the property will not change. No improvements are proposed to the lot or the duplex. The current duplex is used as a rental property and one of the units will continue to be a rental residential unit. The Vacation Rental use will not change the residential character of the lot or building.

The Planning Commission finds that this criterion is met.

- (2) The operating and physical characteristics of the proposed use will be reasonably compatible with, and have minimal impact on, nearby uses.

The current duplex has a fixed-term lease tenant and the other is a furnished month-to-month rental property. The physical characteristic of the property will not change. No improvements are proposed to the duplex building. The applicants intend to keep the units the same, but use one as a vacation rental versus a rental property.

The operating residential character of the duplex remains the same, but one of the units will have visitors versus monthly tenants. The private off-street parking area accommodates 3 parked cars limiting any potential negative impacts to parking on the public street.

The Planning Commission finds that this criterion is met.

- (3) All identified impacts will be mitigated to the extent practicable.

The proposed use will have restrictions on the renters to mitigate any impacts to the existing unit, property, and surrounding neighbors. The applicants have a strict “No Events and No Parties” policy. As stated above, the private off-street parking area accommodates 3 parked cars. This will limit any potential negative impacts to parking on the public street.

During the public hearing for CU-2017-001 last year, the Planning Commission included a condition to require the applicant for the vacation rental provide notification to property owners within a 250 ft radius from the site. The notification will include the contact information for the property owners, property managers, Neighborhood District Association (NDA) chair, City of Milwaukie Police non-emergency line, and the applicant’s “No Events and No Parties” policy. The applicants will be required to provide the same notifications.

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

- (4) The proposed use will not have unmitigated nuisance impacts, such as from noise, odor, and/or vibrations, greater than usually generated by uses allowed outright at the proposed location.

The residential character of the site will stay the same and will continue to have no greater unmitigated nuisance impacts than what is currently allowed outright. The visitors to the Vacation Rental would be using the unit as a residential property and maintain what any impacts may be for a typical residential unit already. As stated above, the applicants also have a strict “No Events and No Parties” policy.

The Planning Commission finds that this criterion is met.

- (5) The proposed use will comply with all applicable development standards and requirements of the base zone, any overlay zones or special areas, and the standards in Section 19.905.

There are no proposed changes to the existing house or lot. As it currently exists, the duplex is an existing, legal, non-conforming property as it was built before the current R-7 standards existed for duplexes. There are no overlay zones or special areas and the standards are met in Section 19.905 as demonstrated in the findings.

The Planning Commission finds that this criterion is met.

- (6) The proposed use is consistent with applicable Comprehensive Plan policies related to the proposed use.

There are no specific Comprehensive Plan policies or objectives that provide clear guidance regarding whether a newly recognized vacation rental should be permitted in a given zone. Rather, the policies and objectives speak generally about maintaining the residential character of existing neighborhoods and opportunities for employment and home occupations. The applicant is proposing no changes to the existing duplex and it will still exist in that manner and continue its residential character and is consistent with the surrounding homes and properties. The vacation rental also allows the opportunity for the applicants to have a stream of income while they are away from the property.

For these reasons, the proposal is consistent with the following goals, objectives, and policies:

Residential Land Use and Housing Element:

- *Objective #4 – Neighborhood Conservation: To maximize the opportunities to preserve, enhance and reinforce the identity and pride of existing well-defined neighborhoods in order to encourage the long-term maintenance of the City's housing stock.*
- *Objective #4 – Policy #5: Within Low Density areas, new projects will maintain a single-family building bulk, scale and height when abutting existing single-family areas, or when abutting a street where existing single-family houses face the project.*

Economic Base and Industrial/Commercial Land Use Element:

- *Objective #2 – Employment Opportunity: To continue to support a wide range of employment opportunities for Milwaukie citizens.*
- *Objective #2 – Policy #4: The City will support home occupations (income-producing activities in the home) as long as these activities do not detract from the residential character of the area.*

Neighborhood Element:

- *The Neighborhood Element Goal Statement*

- *Objective #1 – Neighborhood Character: To maintain the residential character of designated neighborhood areas.*
- *Objective #1 – Policy #2: Improve standards for home occupations to ensure adequate parking and other compatibility measures are provided.*

The Planning Commission finds that this criterion is met.

- (7) Adequate public transportation facilities and public utilities will be available to serve the proposed use prior to occupancy pursuant to Chapter 19.700.

There are adequate public transportation facilities and public utilities for the site. Renters for the proposed use will generally have a personal/rented vehicle that they can park on the property. The applicants have an off-street parking area that can accommodate 3 vehicles and prevents the need for any renters to park on the public street.

The Planning Commission finds that this criterion is met.

As conditioned, the Planning Commission finds that the approval criteria for a conditional use are met with this proposal.

7. The application was referred to the following departments and agencies on March 30, 2018:

- Milwaukie Building Division
- Milwaukie Engineering Department
- Clackamas County Fire District #1
- Lewelling Neighborhood District Association Chairperson and Land Use Committee

There were no comments from any of the departments and agencies.

A public notice was mailed to all residents and property owners within 300 ft of the site. The comments received are summarized below:

Shahr Ameripour (4221 SE Covell St.): Shahr is a neighbor directly east of the property. They noted that they are fine with the Vacation Rental proposal.

ATTACHMENT 2

Recommended Conditions of Approval File #: CU-2018-001, Covell St Vacation Rental

Condition

1. Provide notification to property owners within a 250 ft radius from the site. The notification will include the contact information for the property owners, property managers, Neighborhood District Association (NDA) chair, City of Milwaukie Police non-emergency line, and the applicant's "No Events and No Parties" policy.



PLANNING DEPARTMENT

6101 SE Johnson Creek Blvd

Milwaukie OR 97206

PHONE: 503-786-7630

FAX: 503-774-8236

E-MAIL: planning@milwaukieoregon.gov

Application for Land Use Action

Master File #: CU-2018-001

Review type*: ☐ I ☐ II ☒ III ☐ IV ☐ V**CHOOSE APPLICATION TYPE(S):**

Conditional Use

Use separate application forms for:

- Annexation and/or Boundary Change
- Compensation for Reduction in Property Value (Measure 37)
- Daily Display Sign
- Appeal

RESPONSIBLE PARTIES:**APPLICANT** (owner or other eligible applicant—see reverse): Casey and Samantha Clark

Mailing address: 7001 NW Seaview Ave 160-812 Zip: 98117

Phone(s): 206-949-1207 E-mail: Samanthascribe@icloud.com**APPLICANT'S REPRESENTATIVE** (if different than above):

Mailing address: Zip:

Phone(s): E-mail:

SITE INFORMATION:

Address: 4219 SE Covell St Map & Tax Lot(s): 12E30BC 05300

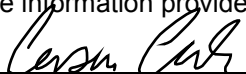
Comprehensive Plan Designation: Metro UGB Zoning: R-7 Size of property: .31 acres

PROPOSAL (describe briefly):

See attachment

SIGNATURE:

ATTEST: I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code (MMC) Subsection 19.1001.6.A. If required, I have attached written authorization to submit this application. To the best of my knowledge, the information provided within this application package is complete and accurate.

Submitted by: 

Date: 3/16/17

IMPORTANT INFORMATION ON REVERSE SIDE

WHO IS ELIGIBLE TO SUBMIT A LAND USE APPLICATION (excerpted from MMC Subsection 19.1001.6.A):

Type I, II, III, and IV applications may be initiated by the property owner or contract purchaser of the subject property, any person authorized in writing to represent the property owner or contract purchaser, and any agency that has statutory rights of eminent domain for projects they have the authority to construct.

Type V applications may be initiated by any individual.

PREAPPLICATION CONFERENCE:

A preapplication conference may be required or desirable prior to submitting this application. Please discuss with Planning staff.

REVIEW TYPES:

This application will be processed per the assigned review type, as described in the following sections of the Milwaukie Municipal Code:

- Type I: Section 19.1004
- Type II: Section 19.1005
- Type III: Section 19.1006
- Type IV: Section 19.1007
- Type V: Section 19.1008

THIS SECTION FOR OFFICE USE ONLY:

FILE TYPE	FILE NUMBER	FEE AMOUNT*	PERCENT DISCOUNT	DISCOUNT TYPE	DEPOSIT AMOUNT	DATE STAMP
Master file		\$			\$	
Concurrent application files		\$			\$	
		\$			\$	
		\$			\$	
		\$			\$	
SUBTOTALS		\$			\$	
TOTAL AMOUNT RECEIVED: \$			RECEIPT #:			RCD BY:
Associated application file #s (appeals, modifications, previous approvals, etc.):						
Neighborhood District Association(s):						
Notes:						

*After discount (if any)



PLANNING DEPARTMENT
6101 SE Johnson Creek Blvd
Milwaukie OR 97206

PHONE: 503-786-7630
FAX: 503-774-8236
E-MAIL: planning@milwaukieoregon.gov

For all Land Use Applications
(except Annexations and Development Review)

Submittal Requirements

All land use applications must be accompanied by a signed copy of this form (see reverse for signature block) and the information listed below. The information submitted must be sufficiently detailed and specific to the proposal to allow for adequate review. Failure to submit this information may result in the application being deemed incomplete per the Milwaukie Municipal Code (MMC) and Oregon Revised Statutes.

Contact Milwaukie Planning staff at 503-786-7630 or planning@milwaukieoregon.gov for assistance with Milwaukie's land use application requirements.

1. **All required land use application forms and fees**, including any deposits.
Applications without the required application forms and fees will not be accepted.
2. **Proof of ownership or eligibility to initiate application** per MMC Subsection 19.1001.6.A.
Where written authorization is required, applications without written authorization will not be accepted.
3. **Detailed and comprehensive description** of all existing and proposed uses and structures, including a summary of all information contained in any site plans.
Depending upon the development being proposed, the description may need to include both a written and graphic component such as elevation drawings, 3-D models, photo simulations, etc. Where subjective aspects of the height and mass of the proposed development will be evaluated at a public hearing, temporary on-site "story pole" installations, and photographic representations thereof, may be required at the time of application submittal or prior to the public hearing.
4. **Detailed statement** that demonstrates how the proposal meets the following:
 - A. All applicable development standards (listed below):
 1. **Base zone standards** in Chapter 19.300.
 2. **Overlay zone standards** in Chapter 19.400.
 3. **Supplementary development regulations** in Chapter 19.500.
 4. **Off-street parking and loading standards and requirements** in Chapter 19.600.
 5. **Public facility standards and requirements**, including any required street improvements, in Chapter 19.700.
 - B. All applicable application-specific approval criteria (check with staff).
These standards can be found in the MMC, here: www.qcode.us/codes/milwaukie/
5. **Site plan(s), preliminary plat, or final plat** as appropriate.
See Site Plan, Preliminary Plat, and Final Plat Requirements for guidance.
6. **Copy of valid preapplication conference report**, when a conference was required.

APPLICATION PREPARATION REQUIREMENTS:

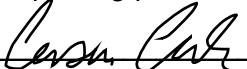
- Five hard copies of all application materials are required at the time of submittal (unless submitted electronically). Staff will determine how many additional hard copies are required, if any, once the application has been reviewed for completeness.
- All hard copy application materials larger than 8½ x 11 in. must be folded and be able to fit into a 10- x 13-in. or 12- x 16-in. mailing envelope.
- All hard copy application materials must be collated, including large format plans or graphics.

ADDITIONAL INFORMATION:

- Neighborhood District Associations (NDAs) and their associated Land Use Committees (LUCs) are important parts of Milwaukie's land use process. The City will provide a review copy of your application to the LUC for the subject property. They may contact you or you may wish to contact them. Applicants are strongly encouraged to present their proposal to all applicable NDAs prior to the submittal of a land use application and, where presented, to submit minutes from all such meetings. NDA information: www.milwaukieoregon.gov/citymanager/what-neighborhood-district-association.
- Submittal of a full or partial electronic copy of all application materials is strongly encouraged.

As the authorized applicant I, (print name) Casey Clark, attest that all required application materials have been submitted in accordance with City of Milwaukie requirements. I understand that any omission of required items or lack of sufficient detail may constitute grounds for a determination that the application is incomplete per MMC Subsection 19.1003.3 and Oregon Revised Statutes 227.178. I understand that review of the application may be delayed if it is deemed incomplete.

Furthermore, I understand that, if the application triggers the City's sign-posting requirements, I will be required to post signs on the site for a specified period of time. I also understand that I will be required to provide the City with an affidavit of posting prior to issuance of any decision on this application.

Applicant Signature: 

Date: 3/16/18

Official Use Only

Date Received (date stamp below):

The Property

The duplex at 4219 SE Covell Street is located roughly in the middle of the large .31 acre lot which also features a large greenhouse, a detached 3-car garage and storage unit, and a sizable private off-street driveway that accommodates 4 parked cars. Each unit has a private yard filled with productive fruit trees and vibrant shrubbery. The thoughtful design and layout provide a sense of privacy to both units that makes it unique for a duplex.

The entire property is enclosed with a wooden privacy fence and is also screened with shrubbery, landscaping, and auxiliary structures from the surrounding neighbors to limit any negative impacts. The houses on each side are on similarly large lots and are located closer to the front of their lots and are more “in line” with the detached garage than with the house, which adds to the privacy of the duplex and the distance between it and other residences. The greenhouse and the large back yard provides additional privacy for the house located behind the lot, which is located on a lot that is probably about half the size. All of the surrounding homes are easily 50 or more feet from the duplex, and all properties are heavily vegetated.

The site has water/sewer, garbage/recycling/yard waste service, electricity, and cable. All of this has been in place since well before Casey bought the property, and nothing additional is needed. There is adequate public transportation. The house is located half a mile from the 75 and the 33 bus stops. We have space for people to secure bicycles. Most renters will prefer to bring a car. We provide off-street parking on the driveway for 2 cars, so we do not need to utilize off-street parking. We have a space for 2 cars which also does not impede with the other rental unit’s ability to park 2 cars or to gain access to their side of the garage.

The Owner

My name is Casey Clark. I grew up in Milwaukie and graduated from Milwaukie High School in 1992, and then went to work at a company that worked at for 24 years, until just last year. I saved for a down payment on a home of my own and bought the duplex as a first-time home buyer in 2008. My employer then sold the company and the new owner unexpectedly transferred me in 2012 to Seattle. I sold my coffee shop on Washington Street to a woman who renamed it the Painted Lady and I rented out my duplex. I moved to Seattle and lived aboard an old sail boat.

Since then, I have taken regular trips to Milwaukie to maintain my property. I patched the roof a number of times before getting a new roof put on last year. I’ve cleared the blackberries from neighboring yards countless times. I hire contractors when I need to, but I do as much of the work as I can on my own. This is something I enjoy doing.

Now, I’m married with an older step daughter and twin toddlers. We now live on a bigger old sailboat, and my wife loves the duplex as I do. We plan to move back - probably when my step daughter goes to college, because she has a connection to her dad in Seattle and that’s what keeps us here. All of my family lives in Milwaukie, Bend, La Pine, Battleground, and other nearby areas, and so the duplex is a natural middle point and hub.

The Dwellings

Currently, one unit is on a fixed-term lease and the other is furnished for 30-90 day rental periods. We furnished it when the long-term renter moved out, after our twins were born, with the intent to establish a short term rental. It worked beautifully and we had no problems, which was in line with our expectations and experience because my wife Samantha has been managing a vacation rental home in Seattle for several years and brought her experience into our planning and implementation of the short term rental.

When we learned about the Conditional Use Permit requirement, we went to the 30-90 day rental policy to come into compliance and we tried to “make it work” while trying to save money to apply for a Type III Conditional Use Permit. What we have learned is that for our family’s needs, this longer 30+ day rental does not work because we are unable to schedule weekends when we want to go down to visit family or perform maintenance while also keeping it rented enough to cover the mortgage and other property bills. The natural periods of vacancy between these long term rentals never seem to sync up to the weekends we are able to make the trip, and we miss spending time there. We are eager to re-establish the short term rental use and to block out time on the calendar with the comfort of knowing that we will be able to keep the house rented in between our own trips.

A Vacation Rental Unit

We would like to establish half of our duplex as a Vacation Rental so we can rent it for periods of fewer than 30 days. This will give us full access to the property and to my family on our own schedule. Milwaukie code currently allows owners to do this without going through the Type III process only if they occupy their unit for 270 days of the year or more. Because we primarily live in Seattle, we are not there for this many days per year. However, with this vacation rental in place, we look forward to spending numerous weekends, holidays, and vacations there every year.

Neighborhood Impacts

There will be no new construction or development. We simply wish to make a dwelling unit into a short term rental property. This vacation rental unit will not have any adverse impacts on the area, the environment, public facilities, or adjacent properties because the use is not actually changing. People who rent properties for a short period of time are using the property in much the same way that a longer term resident uses the property. It will continue to be a duplex that provides residential housing. If anything, the impact will be to lighten the traffic, noise, waste collection, and more because:

- (1) There will be periodic periods of vacancy in half of the duplex, lightening traffic, utility use, parking, etc.
- (2) Unlike a long term tenant who may throw parties causing parking congestion from time to time, this will not happen at the vacation rental because we have a strict No Events and No Parties policy.
- (3) The use of the garage and greenhouse will be lighter than it would otherwise be.
- (4) There will be no extra parked cars, stinky or noisy mechanic or wood working projects going on in the garage or driveway, etc. as there naturally would be on occasion if a long-term resident were there.
- (5) Because the unit will remain furnished, there will be no moving trucks coming and going as people move into or out of that unit or moving pods parked for weeks that interfere with the sidewalk or with visibility.

Benefits to Neighbors

We will view this Lewelling Vacation Rental as a resource not only for our friends and family, but also for our neighbors, many of whom may have family members or friends who would like to visit them from afar. Many of us don't have the space to put people up in our own homes when they visit. This vacation rental will be especially appealing for people who have come to Milwaukie to visit with friends or family or to conduct business. We want to be a resource for the community, and we encourage our neighbors to contact us if they may be interested in a booking.

Benefits to Local Businesses

When vacation renters stay in our property, they will patronize local businesses. We have found that most of them have a connection to Milwaukie and/or to Portland, and they will share their discoveries. They will spend more of their money in Lewelling and in Milwaukie than if they were staying in some other community. We will maintain a booklet for our renters that suggests wonderful places to go and provides coupons. Because Casey knows the area like the back of his hand, he will always be on standby to recommend recreational opportunities, coffee shops, eateries, art studios, and more.

ATTACHMENT 4

From: [Shahr Ameripour](#)
To: [Mary Heberling](#)
Subject: Our neighbors proposal
Date: Monday, April 30, 2018 10:27:32 AM

Hello

I am a neighbor of Samantha & Casey Pearson on Covell street. They are proposing one of their duplex be zoned for vacation rental. I told them I am okay with this proposal.

Shahr Ameripour
4221 SE Covell
97222

Sent from my iPhone



CITY OF MILWAUKIE

To: Planning Commission

Through: Dennis Egner, Planning Director

From: Brett Kelter, Associate Planner

Date: May 1, 2018, for May 8, 2018, Public Hearing

Subject: MHS Lake Rd Sports Complex
File(s): CSU-2018-001 (master file), with VR-2018-003 and P-2018-001
Applicant/Owner: North Clackamas County School District
Address(es): 2905 SE Lake Road (MHS fields) & 11250 SE 27th Ave
(Milwaukie Elementary School)
Legal Description (Map & Tax Lot): 1S1E36CA 1200 & 1S1E36BD 5500
NDA(s): Lake Road and Historic Milwaukie

ACTION REQUESTED

Open the public hearing continued on April 24, 2018. Approve the application and adopt the revised recommended Findings and Conditions of Approval found in Attachments 1 and 2, respectively.

This would result in approval of a major modification to a Community Service Use (land use master file #CSU-2018-001) for making improvements to the Milwaukie High School Lake Rd sports complex. The application includes a variance request for field-light poles to exceed the 50-ft height limit (file #VR-2018-003), as well as a parking determination to establish the minimum number of required spaces for the field use (file # P-2018-001). This application requires Type III review by the Planning Commission.

FOLLOW-UP FROM APRIL 28 HEARING

At the end of the April 28 hearing, the Planning Commission identified the following list of informational items needed from the applicant for their consideration on May 8:

1. **Parking Lot Lighting** = Provide photometric information for the existing lights in the Lake Rd parking lot.
2. **Netting/Backstop details** = Show the difference between the current arrangement and the new proposed netting.

3. **Overall Public Access** = Clarify where public access on the site will be restricted and when. Provide an example of the circumstances in which the perimeter path might be closed.
4. **Lighting & PA System** = Clarify when the field lighting and PA system will be used and who will have the ability (and responsibility) to control them. In addition, confirm when the pathway lights will be on with respect to the field lights and how they will be controlled.
5. **Parking Demand** = Provide more information and analysis on the adequacy of parking at the site.
6. **Emergency Access** = Indicate where and how emergency response vehicles will access various parts of the site, and confirm that the turnaround is designed to allow fire-truck (and bus) turning movements.
7. **Artificial Turf** = There was a request for testimony from Milwaukie High School coaches regarding their preference for artificial turf or natural grass fields. The City Attorney advised against this request and staff concurs, noting that the coaches are employees of the District; that the District has proposed to use artificial turf; and that any potential disagreement within the District about the proposed artificial turf is not relevant to the approval criteria. If the Commission is inclined to deny the use of artificial turf at the sports complex, it should ground its objections in findings related to public benefits and negative impacts.
8. **Use for Community Athletics** = Provide an updated list of anticipated users of the sports complex for non-school-related athletics, organized by season.

The applicant has provided additional information in response to the Commission's request (see Attachment 4). The material was received just prior to finalization of this staff report, so staff has not had the opportunity to review it and incorporate any analysis in the discussion below.

KEY ISSUES

In light of questions raised at the April 24 hearing, the following issues warrant further attention:

A. Parking adequacy and management

The testimony provided by nearby residents raised concerns about whether the proposed improvements to existing off-street parking areas would be adequate to accommodate the demands of the upgraded facility. Reports included vehicles parked on grass and in designated "no parking" areas in the driveway to the Lake Rd parking lot, as well as crowded on-street parking on 32nd Ave and other nearby streets. It appears that the existing parking lot on the elementary school site may not be heavily used for events at the southern fields.

With regard to parking at this site, staff makes the following assumptions:

- 1) There is limited room to create additional on-site spaces without impacting the playing fields.

- 2) Some level of parking overflow onto surrounding streets is to be expected.
- 3) More mindful and respecting parking practices by field users might alleviate some neighbor concerns (e.g., parking so as not to block driveways, mailboxes, hydrants, etc.).
- 4) Publicizing the availability of the elementary school parking lot might reduce parking overflow on nearby streets.

The District needs to ensure that parking is well managed, especially if the schedule of field use will change significantly (e.g., for simultaneous and/or overlapping games, for tournaments, etc.). Staff recommends a condition that would have the District develop, implement, and operate an ongoing Transportation Demand Management (TDM) program. At a minimum, the TDM program could publicize the availability of the elementary school lot, promote carpooling or busing of players, discourage improper parking, and provide good-neighbor reminders for on-street parking.

The recommended condition to construct a dedicated, protected pedestrian path on the lower portion of the driveway to the Lake Rd parking lot would guarantee a safe pedestrian connection from Lake Rd sidewalks up to the entrance of the sports complex. Improved “No Parking” signage and pavement markings would also ensure that the driveway remains accessible for both regular and emergency traffic. (One comment suggested the simple fix of slightly turning the existing “No Parking” signs to be more visible to drivers.) And aligning the driveway approach with the on-site driveway (the approach is currently narrower) would reduce vehicle conflicts and improve circulation.

B. Impacts and intensity of use

The proposed improvements will likely result in the site being more heavily used than at present, as the lights and artificial turf would allow activities on days and at times that would not currently be practical. Some of the concerns raised at the April 24 hearing involved the increase in parking demand, which is discussed under Key Issue A, above. Other concerns related to the hours of activity, lighting, and noise.

Questions for the Commission to consider include the following:

- What is a reasonable expectation for how many of the fields will normally be in use at the same time?
- Should the latest hour for activity on the site (including potential use of the lights and public-address system) be earlier than 10:00 p.m.?
- Do the proposed pathway lights present significant impacts to neighboring properties that could be mitigated by reducing their height?
- Is there a way to manage the volume of the public-address system to ensure it is focused on the field area and minimizes impacts to neighboring properties?

With respect to the proposed use of artificial turf, staff discourages the Commission from diving into considerations of cost, management, and District policy. Given the lack of

conclusive information currently available on this topic, even a discussion of potential environmental and public health issues seems challenging. It may be difficult to craft defensible findings that do not open the City to legal challenge. If the Commission decides to make new findings, it should probably develop language related to the approval criterion that weighs public benefits against negative impacts.

C. Public access

Based on the information presented by the applicant at the April 24 hearing, it appears that public access to the elementary school site will be restricted during the school day, and that the new varsity fields will be fenced off but the pathway connecting the southeast entrance at Lake Rd to the north end of the Lake Rd parking lot will remain open to the public. With the fencing of the new fields, there will be much less open space on the site that is publicly accessible. The Commission should evaluate this loss of access in the context of the public benefits expressed by the District.

This discussion has focused on maintaining public access, but one comment submitted prior to the April 24 hearing requested that the Lake Rd parking lot be gated after hours to prevent unauthorized vehicle access. The Commission may want to consider whether any such measures are warranted to minimize negative impacts.

CONCLUSIONS

A. Staff recommendation to the Planning Commission is as follows:

1. Approve the Community Service Use application (master file #CSU-2018-001) to allow the sports complex improvements described in the application.
2. Approve the requested variance to allow 12 field-light poles to exceed the maximum 50-ft height standard with a height of 60 ft or 80 ft as proposed (file #VR-2018-003).
3. Approve the proposed parking determination, which finds that 96-97 parking spaces are sufficient to serve the sports complex (file #P-2018-001).
4. Adopt the attached revised Findings and Conditions of Approval.

B. Staff recommends the following additional key Conditions of Approval (see Attachment 2 for the full list of revised recommended conditions):

1. 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, promote carpooling or busing of players, discourage improper parking, and provide good-neighbor tips for on-street parking.
2. Reconfigure the driveway and/or approach to the Lake Rd parking lot so that they are aligned and one is not wider than the other.

CODE AUTHORITY AND DECISION-MAKING PROCESS

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

This application is subject to Type III review, which requires the Planning Commission to consider whether the applicant has demonstrated compliance with the code sections shown above. In Type III reviews, the Commission assesses the application against review criteria and development standards and evaluates testimony and evidence received at the public hearing.

The Commission has 4 decision-making options as follows:

- A. Approve the application subject to the recommended Findings and Conditions of Approval.
- B. Approve the application with modified Findings and Conditions of Approval. Such modifications need to be read into the record.
- C. Deny the application upon finding that it does not meet approval criteria.
- D. Continue the hearing.

The final decision on these applications, which includes any appeals to the City Council, must be made by July 3, 2018, in accordance with the Oregon Revised Statutes and the Milwaukie Zoning Ordinance. The applicant can waive the time period in which the application must be decided.

COMMENTS

At the April 24 hearing, the record was left open for public comment. The following is a summary of the comments received by the City since April 24, which are included as Attachment 5:

- **Gabe Storm, resident/owner at 4969 SE Arden St** (*comments received at April 24 hearing but could not be printed for distribution*): 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:** Provided information distributed by Milwaukie Elementary School to parents, regarding use of the elementary school parking lot for student drop-off and pick-up.
- **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:** 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.
- **Patti Lange (additional comment):** 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.
- **Patti Lange (additional comments in multiple submittals):** 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.
- **Michael Martin (additional comment):** Questions about stormwater management and concern that stormwater would be directed into the sewer system.
- **Matt Menely, property owner at 2816 SE Lake Rd (additional comment):** 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.

In addition, questions from two commissioners prompted staff to respond to the entire Planning Commission:

- **Commissioner Scott Jones:** Question about measuring fence height in slope situations.
- **Commissioner Greg Hemer:** Question about the proposed extent of artificial turf as shown on the plan sheets.

ATTACHMENTS

Attachments are provided as indicated by the checked boxes. All material is available for viewing upon request.

	PC Packet	Public Copies	E- Packet
1. Recommended Findings in Support of Approval <i>(revised, with Track Changes)</i>	☒	☒	☒
2. Recommended Conditions of Approval <i>(revised, with Track Changes)</i>	☒	☒	☒
3. Additional Requirements <i>(revised, with Track Changes)</i>	☒	☒	☒
4. Additional Materials from Applicant <i>(received May 1, 2018)</i>			
A. Letter addressing issues raised at April 24 hearing	☒	☒	☒
B. Technical memo on parking from Lancaster Engineering	☒	☒	☒
C. Revised Plan Sheets	☒	☒	☒
1) Sheet 2.0 (showing fencing)			
2) Sheets 9.3 & 9.4 (showing backstops & netting)			
3) Sheets E1 & E3 (photometrics)			
4) Sheet 2.0 (showing turning movements in turnaround)			
D. Community Use & Rental of District Facilities	☒	☒	☒
5. Comments Received since April 24 hearing	☒	☒	☒

Key:

Early PC Mailing = paper materials provided to Planning Commission at the time of public notice 20 days prior to the hearing.

PC Packet = paper materials provided to Planning Commission 7 days prior to the hearing.

Public Copies = paper copies of the packet available for review at City facilities and at the Planning Commission meeting.

E-Packet = packet materials available online at <https://www.milwaukieoregon.gov/bc-pc/planning-commission-6>.

**Recommended Findings in Support of Approval
Master File #CSU-2018-001 (with VR-2018-003 and P-2018-001)
North Clackamas School District – MHS Lake Rd Sports Complex**

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).
 - 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 ($\frac{2}{3}$ 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, weekday use of the sports complex will begin as early as 3:30 p.m. and could extend as late as 10:00 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, given the existing and proposed buffering from adjacent properties and the proposed photometrics that limit light spill across adjacent property lines, the proposed level of use is reasonably compatible with surrounding residential uses. A condition has been established to limit use of the field lighting and public-address system to 10:00 p.m., with pathway lighting allowed until 10:30 p.m. to facilitate safe egress from the site.

*[*Alternative finding, if needed = The Planning Commission finds that an earlier ending time for events is more compatible with surrounding residential uses. (Adjust condition as needed to reflect different specific times for field lights, PA system, pathway lights.)]*

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 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.

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.*

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.

- (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.

Along the northeast boundary of the site, the frontage is adjacent to the public rights-of-way at 30th Ave and 31st Ave for a total of approximately 140 lineal feet. There is no formal pedestrian access at either of these points. A condition has been established to ensure that a pedestrian walkway is provided to one or both of these public rights-of-way.

As conditioned, 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 ft 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. In particular, 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. Specifically, the detailed landscaping plan should show (1) 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.

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:** 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 (*comments received at April 24 hearing but could not be printed for distribution*):** 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.

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Revised Recommended Conditions of Approval
Master File #CSU-2018-001 (with VR-2018-003 and P-2018-001)
North Clackamas School District – MHS Lake Rd Sports Complex

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, 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.
 - (2) As per Finding 6-c, 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.
 - (3) As per Finding 6-c, 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.
 - (3)(4) 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.
 - (4)(5) As per Finding 8-e, revise the plans to provide a pedestrian connection to the public right-of-way at 30th Ave and/or 31st Ave, sufficient to meet the applicable standards of MMC Subsection 19.504.9.

~~(5)~~(6) 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.

~~(6)~~(7) As per Finding 9-e, the plans shall demonstrate that the pathway and field lighting in fact limits 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 Condition 1-c(2) and 1-c(4) have been completed.
 - b. Demonstrate that the Lake Rd driveway has been improved with a sidewalk as required by Condition 1-c(3).
 - 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.
 - d. As per Finding 6-c-3, 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, promote carpooling or busing of players, discourage improper parking, and provide good-neighbor tips for on-street parking.
 - ~~d.e.~~ 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.
 - ~~e.f.~~ 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 10:00 p.m. Pathway lighting shall not be used past 10:30 p.m.

Additional Requirements
Master File #CSU-2018-001 (with VR-2018-003 and P-2018-001)
North Clackamas School District – MHS Lake Rd Sports Complex

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.

May 1, 2018

Chair Kim Travis,
Milwaukie Planning Commission
6101 SE Johnson Creek Blvd.
Milwaukie, OR 97206**SUBJECT: #CSU-2018-001****SITE: MHS Lake Road Sports Complex (2905 SE Lake Rd)**

Dear Chair Travis and Members of the Planning Commission,

3J Consulting has prepared this letter on behalf of the North Clackamas School District in order to provide additional testimony related to several issues raised during the April 24th Planning Commission Hearing for the North Clackamas School District's Lake Road Athletic Fields. The following information has been structured to respond to 1) questions raised at the public hearing and 2) issues raised via additional public testimony.

Issues Raised during the April 24th Public Hearing:

During the April 24th public hearing, the record was left open in order to allow for the admission of several clarifying comments into the record. The items raised at the Public Hearing specifically sought further comment about the items identified below. Below each of the items, the Applicant has provided a response and extracted images from the site development plans to illustrate the District's intent:

- **Parking Lot Lighting**

District's Response:

The District is proposing to provide illumination along one side of the parking lot. The Director has the ability to require more or less parking lot lighting if the need for additional safety is perceived. The District's provision of lighting for the proposed parking area for users of the fields during the spring and summer seasons seems to be adequate. The plans do not provide full coverage within the parking areas, however, they provide a safe level of lighting for users arriving via the Lake Road entrance without over-illuminated a lot which will only be used in season.

The Applicant has included two plans for parking lot lighting and photometric analysis within this submission. These are included as plans 0450E1_E1 and 0450E3-E3.

- **Netting/Backstop Details**

District's Response:

The District is proposing to provide new backstops and netting near the home plates of both new varsity fields. The newly proposed backstops are much higher than the existing backstops. The existing JV field backstop is approximately 16' tall. The new backstop at the varsity softball field will be 30'. The existing varsity baseball backstop is approximately 20' tall. The new backstop will be 30'.

As proposed, the site's geometry will also be changing and should reduce the likelihood of foul balls travelling onto adjoining properties. Home plate on the baseball field will be 136 feet from the north property line at the closest point. The JV Baseball field will be relocated, and softball will be played which should reduce the height of the foul balls from the new softball field. The current varsity field is located approximately 75 feet from private property. Foul balls are now being generated from two locations from the facility. The relocated facility concentrates the hitting areas to one location.



The new diagrams for the backstops and netting are included on pages 9.3 VSB ELEV SECTION AND 9.4 VBB ELEV SECTION.

- **Overall Plan for Public Access**

District's Response: The District is proposing to gate and lock access to the Milwaukie Elementary School site while school is in session.

The District is proposing to install lockable gates at the 28th Avenue parking lot and along Lake Road. The gates will generally be open and will allow for public access to the areas surrounding the new varsity fields. The varsity fields will be gated and locked. The District will allow access to the fields only to authorized users.

- **Lighting and PA System**

District's Response: The proposed PA system at the fields will only be available for school district use. Private or Club sport teams using the fields will not have access to the PA system.

The field lighting proposed by the district will be controlled by the District, by the Athletic Director or by authorized representatives who are scheduled to lease the fields. In order to prevent use beyond the hours permitted by the City's Municipal Codes, all field lights will be programmed to automatically shut off at no later than ten pm.

- **Parking Demand**

District's Response: The Applicant engaged Lancaster Transportation Engineers to review parking at the site during the games scheduled from April 24th through April 30th. Lancaster Engineering provided a memorandum summarizing their findings which has been attached hereto. The primary findings of the Lancaster Report were as follows:

Based upon observations, vehicles visiting the fields are currently parking off-site, primarily within the neighborhoods south of the fields.

Parking does not appear to be happening with regularity at the Elementary School or the High School.

The District's improvement of a pedestrian pathway from Milwaukie Elementary to the varsity fields should make the prospect of parking at MES much more appealing for users and this will likely reduce the number of users parking off-site on neighboring local streets.

The District should focus on educating users about where over-flow parking is most appropriate – at MES and at the High School.

- **Emergency Access**

District's Response: The proposed site improvements will enhance emergency access. The new turnaround will provide a place for fire trucks to turn around. The site also allows provisions for an ambulance to access the fields. The Applicant has submitted plan NCS30 to illustrate the available turning radius within the proposed parking area.



- **The pros and cons of natural and artificial turf:**

**District's
Response:**

In 2016, the District passed a \$433 million bond based on a list of commitments that each school in our district would receive as a result. The district's residents voted and the District is committed to including turf fields for both Varsity Baseball and Softball at each comprehensive high schools.

The biggest benefit of having artificial turf for baseball/softball and Oregon is the weather. The artificial turf provides the opportunity to play home games for the student athletes at Milwaukie High School. It also allows practice time on the field in February when the season officially starts.

Field preparation of a natural grass and dirt baseball field and softball field is intensive. Rainouts can be common, and it can take many days of sunshine to dry out a field. Once dry, the field must be dragged, raked and chalked. Teams travel to the site, only to have a rain shower postpone or cancel the game. It presents a scheduling challenge for athletic directors in the area.

Artificial turf has been proven to be very popular in the area. Colleges such as Oregon State, Oregon, University of Portland, Linfield College, and George Fox all have artificial turf baseball fields. Lake Oswego and West Linn have used turf fields for many years.

Clackamas High School baseball has an existing turf infield which was installed in 2013/14, and turf infields will be installed on the varsity softball field at Clackamas as well as on both the varsity baseball and softball fields at Putnam.

As an example, back in 2008, Clackamas High School's varsity baseball team played one home game on their natural grass infield. Last year, even when it rained, they did not have a rainout because of the artificial turf.

- **A description of the baseball and soccer coach's preference regarding artificial vs. natural turf. (NCSD)**

**District's
Response:**

After consulting with the Athletic Director and the District's coaching staff, the general preference is for artificial turf based upon the playability during inclement weather. A survey of the professional and former collegiate athletes employed at both HHPR and 3J Consulting resulted in a unanimous preference for artificial turf fields during raining conditions.

Response to Additional Public Comments:

The following is a summary of the issues raised within additional public comments received by the Applicant following the hearing and the District's responses to each of the comments:

- **How many games are likely to be played simultaneously?**



District's Response: No more than two games would ever happen simultaneously -- one on each of the Varsity fields. It would probably only happen 2-3 times per month during the spring baseball season (late March through mid-May). It could be possible that different teams would be using the fields for practices or drills (without hitting balls). In that case, there would be no spectators.

- **What is the capacity for the proposed bleachers?**

District's Response: The bleachers at the Varsity Softball and the Varsity Baseball field offer 200 fixed seats.

- **Can we provide a clear diagram of the Artificial and Non-artificial turf fields?**

District's Response: The attached Site Plan illustrates the artificial and non-artificial turf areas.

- **The District's parking comparisons to other sites need to be Apples to Apples – this is not an open large site, rather an urban campus.**

District's Response: The parking analysis provided by the Applicant includes parking ratios from the City of Portland specifically because Portland has many infill sports facilities which are located in urban, established neighborhoods.

- **The District needs to provide more parking. Several photos of the neighborhood in the record show cars parked on neighboring streets including one photo of a car parked in front of a fire hydrant.**

District's Response: Parking in front of a fire hydrant is a police matter and is not endorsed by the District. The District's proposal includes a plan to provide better linkage between the parking lot at Milwaukie Elementary School and the site. As mentioned previously in this letter, the District plans to help educate users of the fields to avoid parking off-site wherever possible and to use either the Elementary School parking lot or the High School Parking lot to access the fields.

- **Stated that the EPA is conducting a test on recycled tire crumb use on play fields. The study is expected to be released in mid-2018. Patti suggests that the Commission should wait until after the EPA releases study to allow this project to move forward.**

District's Response: Regarding the toxicity of the artificial turf, the District has coordinated with the manufacturers and installers of the artificial turf and has solicited the following responses:

Turf:

There is no specific code requirement which addresses these issues. The District previously provided links to a Penn State study by Bleyer and Keegan in 2018 which compared rates of cancer in 58 counties in California with varying synthetic turf density, the study concluded that "consistent with those of a prior study observing no association between individual-level exposures to turf fields and cancer incidence. Avoidance of synthetic turf fields for fear of increased cancer is not warranted."



Turf Chemical Concerns:

The installation of artificial turf will eliminate the use of fertilizer and pesticides which is a benefit to water quality.

The crumb rubber will be one element used within infill for the field, and sand will be the other mixture. A 10" sand and gravel base will be constructed with the field, providing an opportunity to filter runoff. The design of the turf system does not allow the crumb rubber an opportunity to migrate into the base, however, if this did happen, all storm lines are wrapped with filter fabric, and a filter fabric will also be installed on the subgrade providing redundancy to eliminate any chance of migration of solid crumb rubber.

Turf Climate Change Concerns:

The District notes that the proposed turf does use recycled materials and eliminates the need to maintain a grass field and dirt infield. Over an estimated 10-year life of the turf, the field could potentially be mowed 520 times if it remained as natural grass. A dirt infield also needs maintenance such as the use of chemicals to dry the infield, equipment to drag and groom the infield, and water to keep the dust down in the summer months.

The synthetic turf also eliminates the need for water usage for irrigation and eliminates the need for fertilizers. While the turf field may be hotter on the field than the actual temperature in the shade, it is not uncommon to other surfaces within an urban growth boundary, and the project does maintain a nice landscape buffer around the fields to provide shade.

- **Can the district clarify who will manage the field? Who will deal with rule violations, foul ball issues/damages and conflicts which may arise during games.**

District's Response:

The District will continue to manage the fields and offer access to athletic teams and authorized sports organizations. The District will respond to all inquiries and pretensions for repairs necessary to address damages caused by foul balls. As required by the District's current field rental policies (described in document KG R 1 D1), the District requires any users to maintain insurance with general liability for damages arising from the use of the facilities.

- **Can the district provide a full list of current contracts for use of the fields by club sports or other non-school related community athletic groups?**

District's Response:

To provide clarification on the District's decision making for assignment of the fields to non-school related users, the District has provided the attached *Community Use and Rental of District Facilities* documentation. Within this document, the District's policies on use of school facilities is outlined, as are the District's prioritization guidelines for assigning field time to various organizations. As described within the document, Partnering Organizations and local youth organizations with over 90 percent North Clackamas youth are given first priority. Out-of-district youth organizations, adult leagues, civic/service groups and public agencies are given second priority. Private interest or for-profit organizations are given last priority.

The District's current field users include:



Varsity Baseball

- Spring Practices and Games
- Weeknights and Weekends

Varsity Softball

- Spring Practices and Games
- Weeknights and Weekends

JV Baseball

- Spring Practices and Games
- Weeknights and Weekends

Mustang Boys and Girls Soccer

- Sunday through Monday Practices and Games
- July through October

Oregon City Youth Football & Milwaukie Youth Football

- Youth Football clubs will only use Lake while the stadium is under construction or while Aldercreek is unavailable

La Amistad Futbol Club – Youth Soccer Club

- Weeknight and Weekend Games
- September thru December

Central Catholic High School

- Occasional Users

Thelo United – Youth Soccer Club

- Weeknight and Weekend Games
- September thru December

Global Premier Soccer

- Weekend and Weeknight Games
- September thru December

During construction of the MHS stadium, several of the users of the fields will go back to the High School Stadium. Baseball, softball, and soccer will be the primary users once all construction work is complete.

- **Can the district provide a complete list of contracts with anticipated users (club sports, youth baseball/football, and other non-school athletics)?**

**District's
Response:**

The District's list of potential users is very similar to the existing list of users. The district would be speculating to assume that a significant number of users or teams would be utilizing the fields.

Requested Changes to Conditions of Approval



As a reminder, the District has asked for modifications to the Staff report and Conditions of Approval for the Community Service Use Application. While the majority of proposed conditions of approval are acceptable, due to several concerns about the project's safety and budget, the District specifically requests the removal of the following conditions of approval:

Condition 1.c.3

As per Finding 6-c, revise the plans to provide a 5-ft-wide sidewalk connection along the driveway between Lake Road 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 Road and the proposed parking lot sidewalk. The sidewalk may be on either the east or the 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 the driveway.

**District's
Response:**

The District requests that the Planning Commission remove this proposed condition of approval from the decision. The District is not proposing to make significant changes to the existing access drive to the site from SE Lake Road. This access drive falls within the area listed as 28th Avenue however, this part of the site is not a public right-of-way, only an existing driveway.

The primary route for student circulation to the fields is through the Milwaukie Elementary School site as this is the most direct and convenient route to the fields from the High School.

In recognition of the need to keep pedestrians safe and to separate them from traffic, the District is comfortable accepting a condition which would require the District to clearly stripe a pedestrian access way and crosswalk within the existing Lake Road/28th Avenue access route to the fields. The requirement to provide a new sidewalk along the driveway is not necessary to maintain pedestrian safety and it will almost certainly trigger additional site development costs and significant design considerations for stormwater management.

The District is happy to work with neighboring property owners throughout this process regarding any concerns related to stormwater management and/or run-off. The District will accept a condition of approval requiring the District to coordinate with neighboring property owners and to make improvements consistent with Oregon's Drainage Laws. As currently proposed, the imposition of this condition will add a curb to an existing driveway and additional impervious areas therefore requiring a series of potentially costly and unbudgeted stormwater management improvements.

The District is permitted under Oregon's drainage laws to discharge water onto neighboring properties consistent with the State's requirements. That said, if there are problems arising from the Discharge of stormwater or natural drainage patterns, the District is willing to work with neighboring property owners to try to implement solutions to these issues prior to the finalization of the construction plans for the fields. The City is permitted, through MMC Subsection, 19.606.3.E, to require the imposition of conditions of approval to provide "pavement markings" for pedestrian, bicycle, and vehicular circulation to ensure safe and efficient on-site circulation. The Planning Commission can therefore find that a marked walkway and a new marked crosswalk within the existing driveway meets the City's standards.



Condition 1.c.4

As per Finding 8-e, revise the plans to provide a pedestrian connection to the public right-of-way at 30th Avenue and/or 31st Avenue, sufficient to meet the applicable standards of MMC Subsection 19.504.9.

**District's
Request:**

During the public hearing, an abundance of testimony was offered in support of not creating pedestrian connections between the site and 30th or 31st Avenue. Based upon this testimony, the District maintains that this condition of approval should be removed to align with the neighbor's desires to discourage event and game parking within the neighborhoods surrounding the fields.

The Commission can find that the requirements of Subsection 19.504.9 have been met without the imposition of this condition of approval.

Condition 2.a

Demonstrate that the pedestrian improvements required by Condition 1-c(2) and 1-c(4) have been completed.

**District's
Response:**

The Applicant requests removal of condition 1-c(4). This condition should be removed to reflect this change.

Condition 2.b

Demonstrate that the Lake Road driveway has been improved with a sidewalk as required by Condition 1-c(3).

**District's
Response:**

The Applicant requests removal of condition 1-c(3). This condition should be removed to reflect this change.

In summary, our office and the District very much appreciate the public's interest and concerns in the improvements proposed at the Lake Road Athletic Facility. We trust that these additional explanations of the field's use and the additional responses placed into the record will help clarify the District's intent and plans for improvement of this critical facility. We look forward to discussing this matter in person at the planned May 8th Public Hearing.

Sincerely,



Andrew Tull
Principal Planner
3J Consulting, Inc.

copy: Mr. David Hobbs – North Clackamas School District
Mr. Marc Bargenda – Heery International
Mr. Dan Houf, HHPR



Technical Memorandum



LANCASTER
ENGINEERING

To: Andrew Tull
From: Jessica Hjar
Miranda Wells, PE
Date: April 30, 2018
Subject: Athletic Field Parking

321 SW 4th Ave., Suite 400
Portland, OR 97204
phone: 503.248.0313
fax: 503.248.9251
lancasterengineering.com

This memorandum outlines the existing parking patterns for the athletic fields that serve Milwaukie High School in Milwaukie, Oregon, in order to determine how the proposed parking supply will alleviate any overflow parking within the surrounding neighborhood.

Project Description

The athletic fields are located southeast of Milwaukie High School (see Figure 1). The fields are bordered by SE Lake Road on the south, SE 27th Avenue on the west, and SE 32nd Avenue on the east.

Figure 1 - Aerial view of site and immediate vicinity (image from Google Maps)



Per the notes on the Master Plan, the parking lot that serves the athletic fields will remain in the same location with some upgrades including: sidewalks, curbs, a turnaround area sized to accommodate a school



April 30, 2018
Page 2 of 6

bus turning radius, and additional parking spaces. The parking will include 16 new parking spaces for a total of 54 with an additional 43 parking spaces at Milwaukie Elementary School athletic field area, bringing the total available parking spaces to 97. Figure 2 shows a current site plan of the project location, and Figure 3 and Figure 4 shows the proposed changes to the athletic fields at Milwaukie Elementary School and along SE Lake Road.

Figure 2 – Current Athletic Field Layout





April 30, 2018
Page 3 of 6

Figure 3 – Proposed Athletic Field Refinement Site Plan at Milwaukie Elementary School

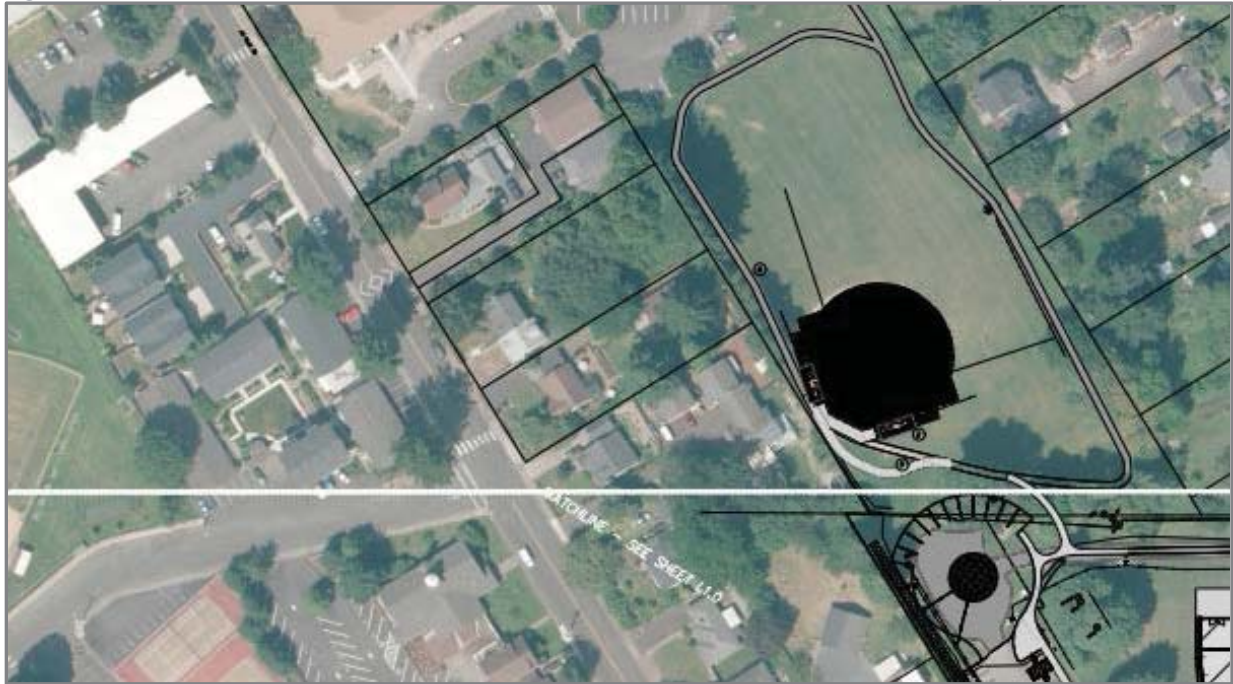
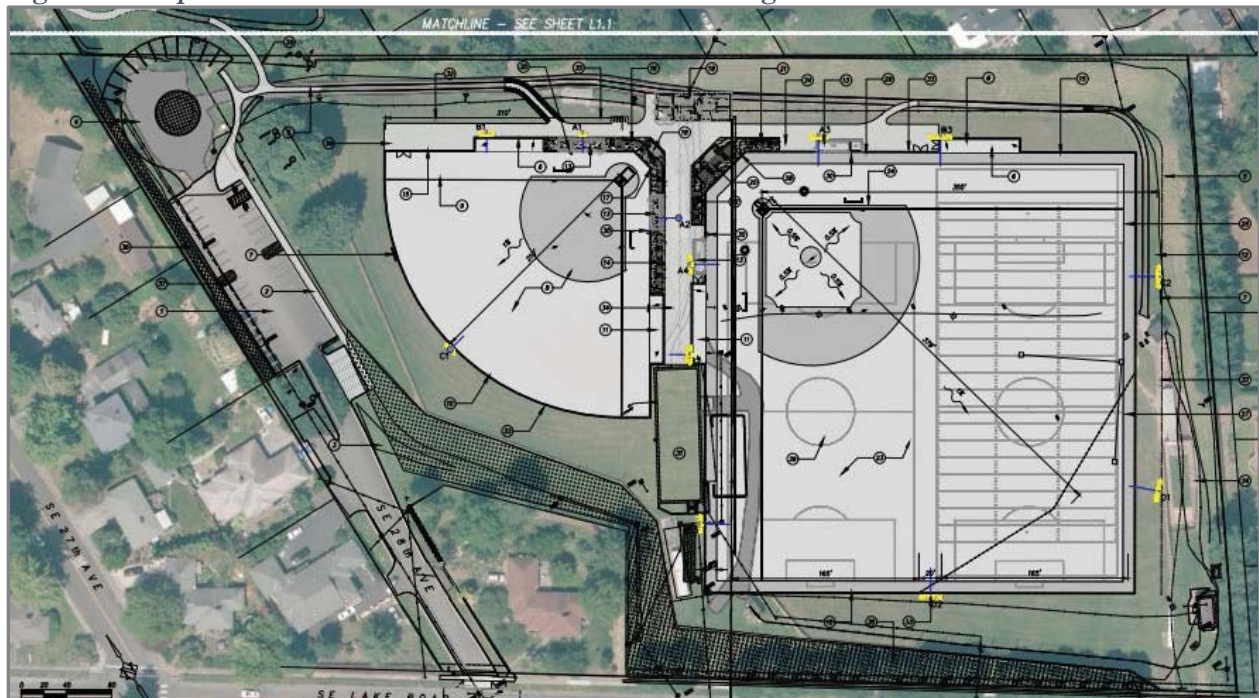


Figure 4 - Proposed Athletic Field Refinement Site Plan Along SE Lake Road





April 30, 2018
Page 4 of 6

Overflow Parking Observations

If the athletic field parking lot is full during peak periods, visitors are encouraged to park at Milwaukie High School and Milwaukie Elementary School and walk to the field. Both parking lots are located less than half of a mile from the athletic fields.

Observations were made during the afternoon peak period on Wednesday, April 25th, 2018, when a several baseball games were in progress. The elementary school parking lot was observed to have two to three vehicles parked and it was assumed these were not associated with the baseball game. The northern half of the elementary school parking lot is shown in Figure 5. The high school parking lot was observed to have approximately ten vehicles parked. It is possible that some of these vehicles were baseball game visitors.

Figure 5 - Northern half of Milwaukie Elementary School parking lot



Nearby residents have expressed concern that neighborhood streets are full with overflow school-related parking during these periods. SE 30th Avenue and SE 31st Avenue are dead-end streets within the surrounding neighborhood that abut the athletic fields. These streets were observed to have extremely low volumes of parked vehicles during this period. SE 32nd Avenue is comprised of two dead-end streets, the southern segment accesses SE Lake Road and the northern segment accesses SE Wister Street. The segment of SE 32nd Avenue that accesses SE Lake Road had the most noticeable increased demand during this peak period.



April 30, 2018
Page 5 of 6

However, all the vehicles parked on this street were parked legally (e.g. not blocking the end of the cul-de-sac or driveways). The dead-end of the street is shown in Figure 6.

Figure 6 - SE 32nd Avenue Dead-End



A couple of students were seen walking through the grass at the end of the cul-de-sac to access the other side of SE 32nd Avenue. The parking demand on the other side of SE 32nd Avenue was observed to be low, however, it is possible some students park on this northern segment of SE 32nd Avenue as well.

Planned Parking Improvements

To access the site from the parking lots available at both athletic fields, pedestrians can travel along a new pedestrian pathway network on both athletic fields from existing and new access points included as part of this plan.

Pedestrians who choose to park at the Milwaukie Elementary School can access the athletic fields by traveling along a new pedestrian pathway that will connect the parking lot at the elementary school to the athletic fields. In addition, pedestrians could also choose to exit the parking lot and walk south along SE 27th Avenue to SE Lake Road, turn east, and continue walking to the athletic fields. SE 27th Avenue features a low posted speed, as well as sidewalks on both sides of the street.

Figure 7 shows existing and proposed pedestrian circulation from parking lots to the athletic fields. Parking lots are shown in yellow, existing pedestrian circulation routes are shown in green, and proposed pedestrian connections are shown in orange.

Figure 7 - Existing and Proposed Pedestrian Circulation (green and orange lines)



**Note: South parking lot at Milwaukee High School (shaded yellow) has been removed from the most recent plans*

Conclusions

While there is no additional area being added to the fields, the improvements may potentially see more usage from other youth organizations or community events. However, there should not be a large increase in attendance at one time. Additionally, there will be more parking spaces than existing and improved bicycle parking and connections to transit and the parking lots at the Elementary and High School.

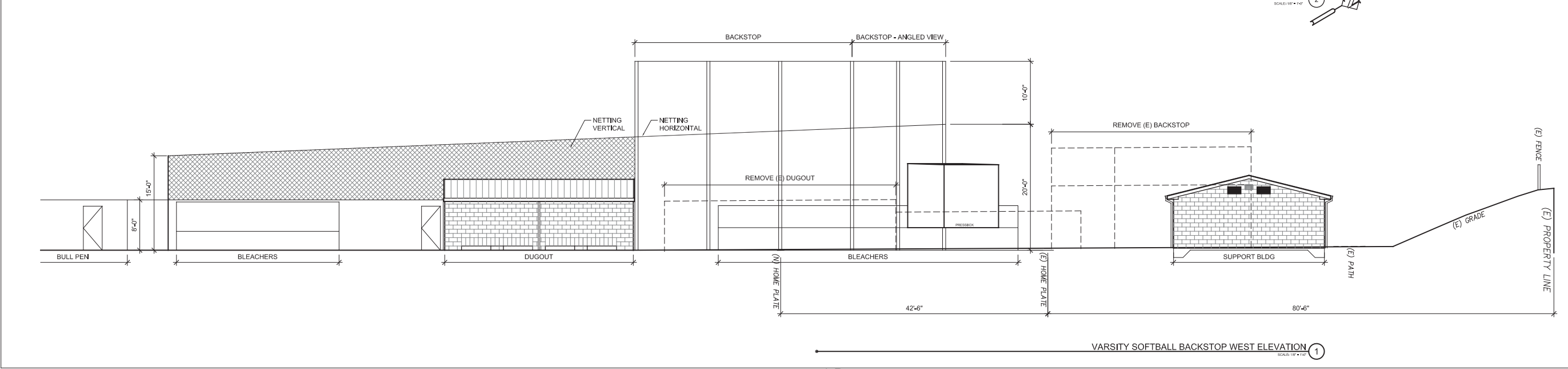
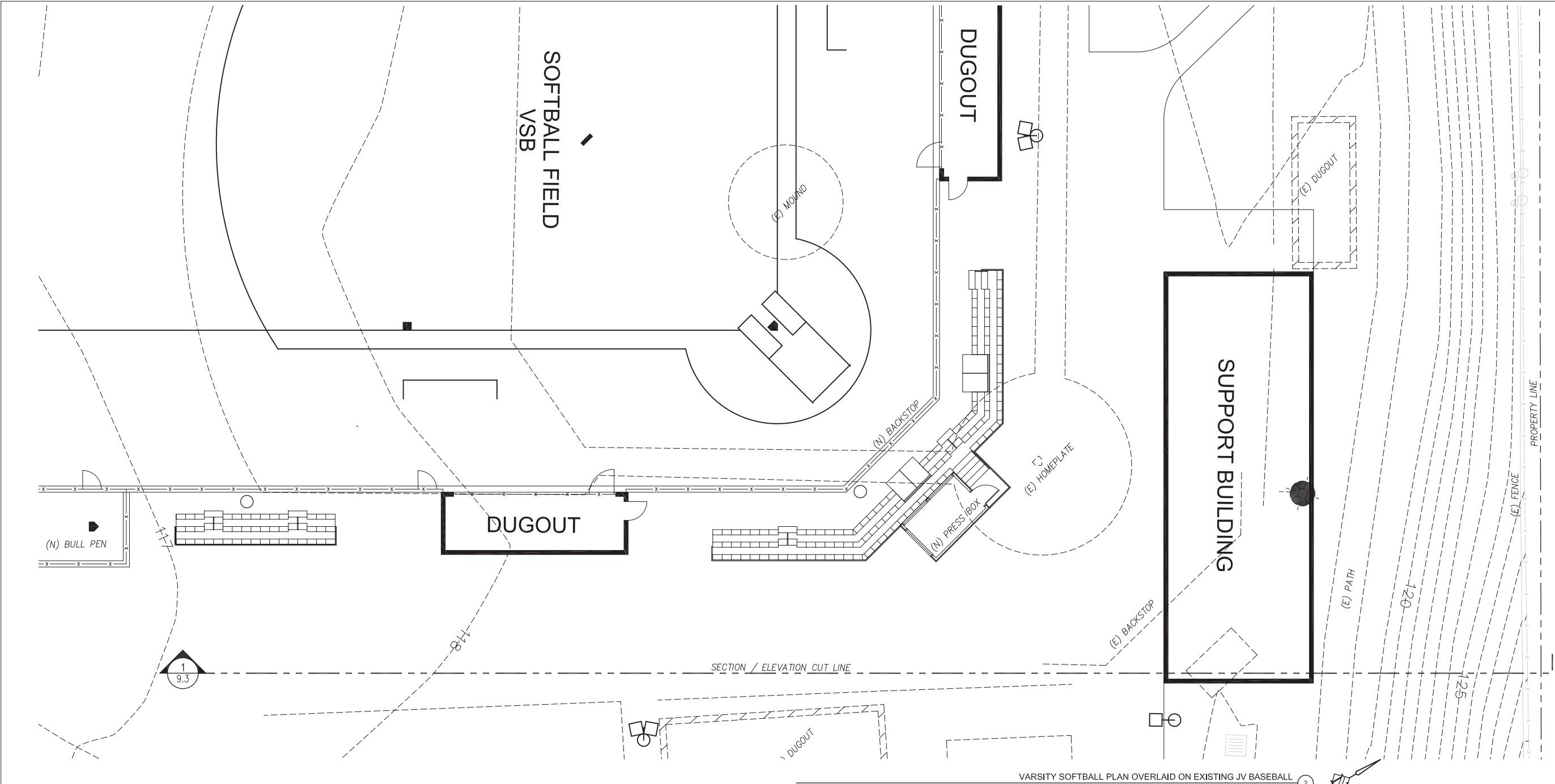
The addition of 16 parking spaces to the athletic field parking lot will likely lessen the amount of overflow parking experienced by the surrounding neighborhood, which was observed to be minimal. However, it is recommended that the school district educate attendees of the parking available at the Elementary and High School parking lots to help minimize on-street parking on the neighborhood streets.

 **Harper
Houf Peterson
Righellis Inc.**

ENGINEERS ♦ PLANNERS
LANDSCAPE ARCHITECTS ♦ SURVEYORS

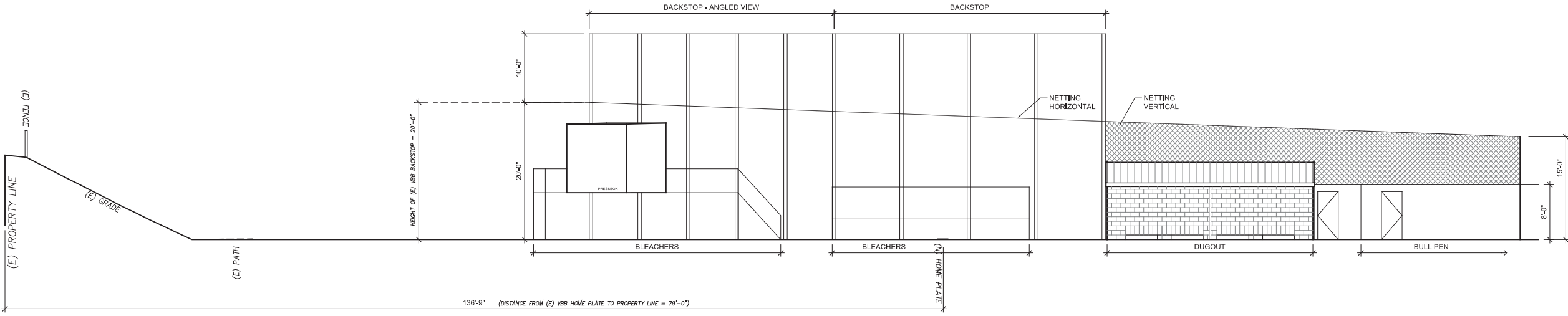
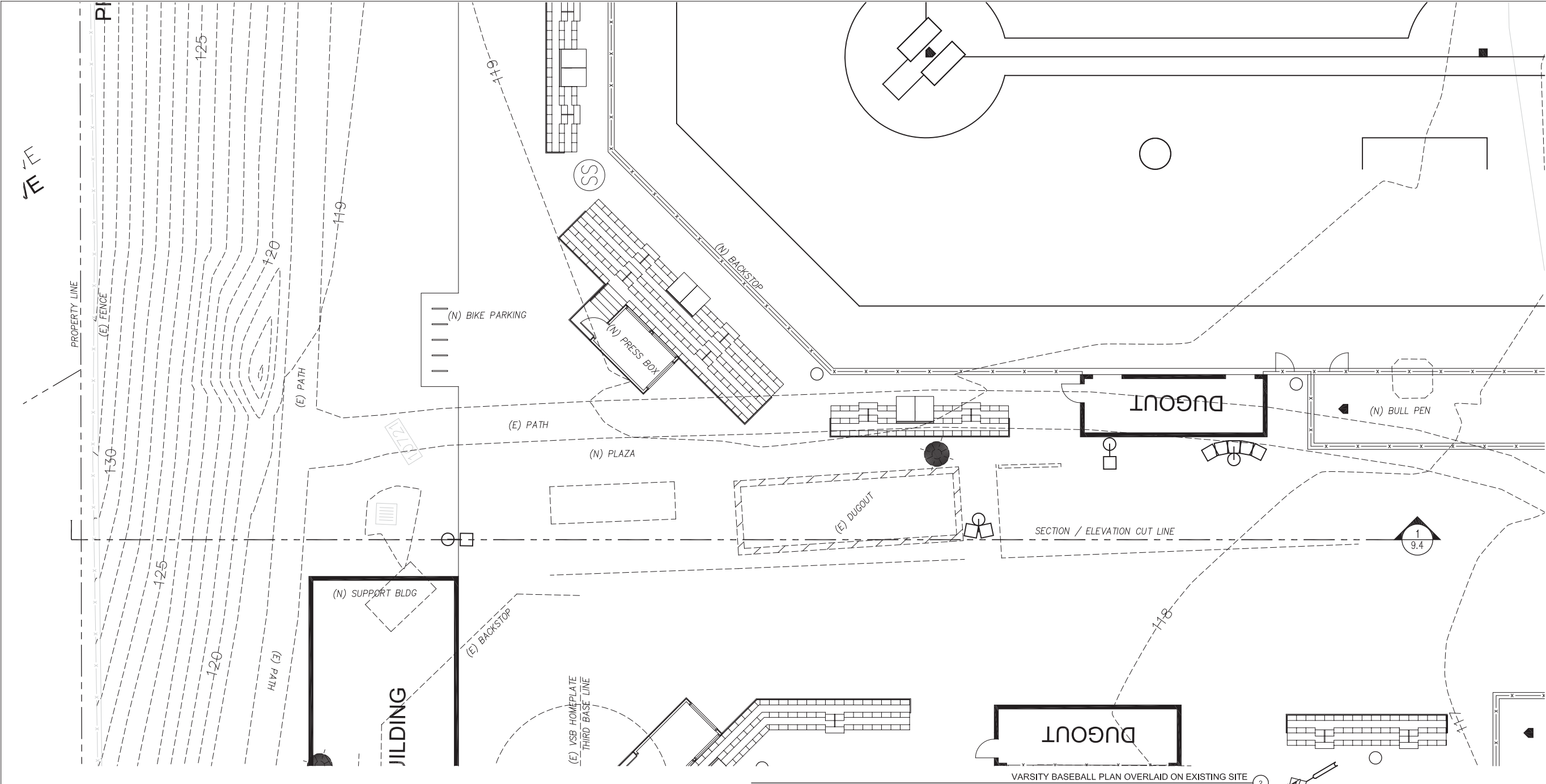
205 SE Spokane Street, Suite 200, Portland, OR 97202
phone: 503.221.1131 www.hhpr.com fax: 503.221.1171

[illegible]



**MILWAUKIE HIGH SCHOOL
LAKE ROAD FACILITIES
ATHLETIC FIELD IMPROVEMENTS**
NORTH CLACKAMAS SCHOOL DISTRICT
11678 SE 28TH AVE, MILWAUKIE, OR 97222

key plan	
revisions	
phase	LAND USE
date	04.26.2018
project	17012
VSB SITE SECTION & PLAN	



MILWAUKIE HIGH SCHOOL
LAKE ROAD FACILITIES
ATHLETIC FIELD IMPROVEMENTS

NORTH CLACKAMAS SCHOOL DISTRICT
11678 SE 28TH AVE, MILWAUKIE, OR 97222

key plan	
revisions	
phase	BID SET
date	03.02.2018
project	17012

VBB SITE SECTION & PLAN

9.4

11678 SE 28TH AVE, MILWAUKIE, OR 97222

e y p l a n

revisions	- - - - - - - -
phase date project	CD REVIEW SET 2.09.2018 17012

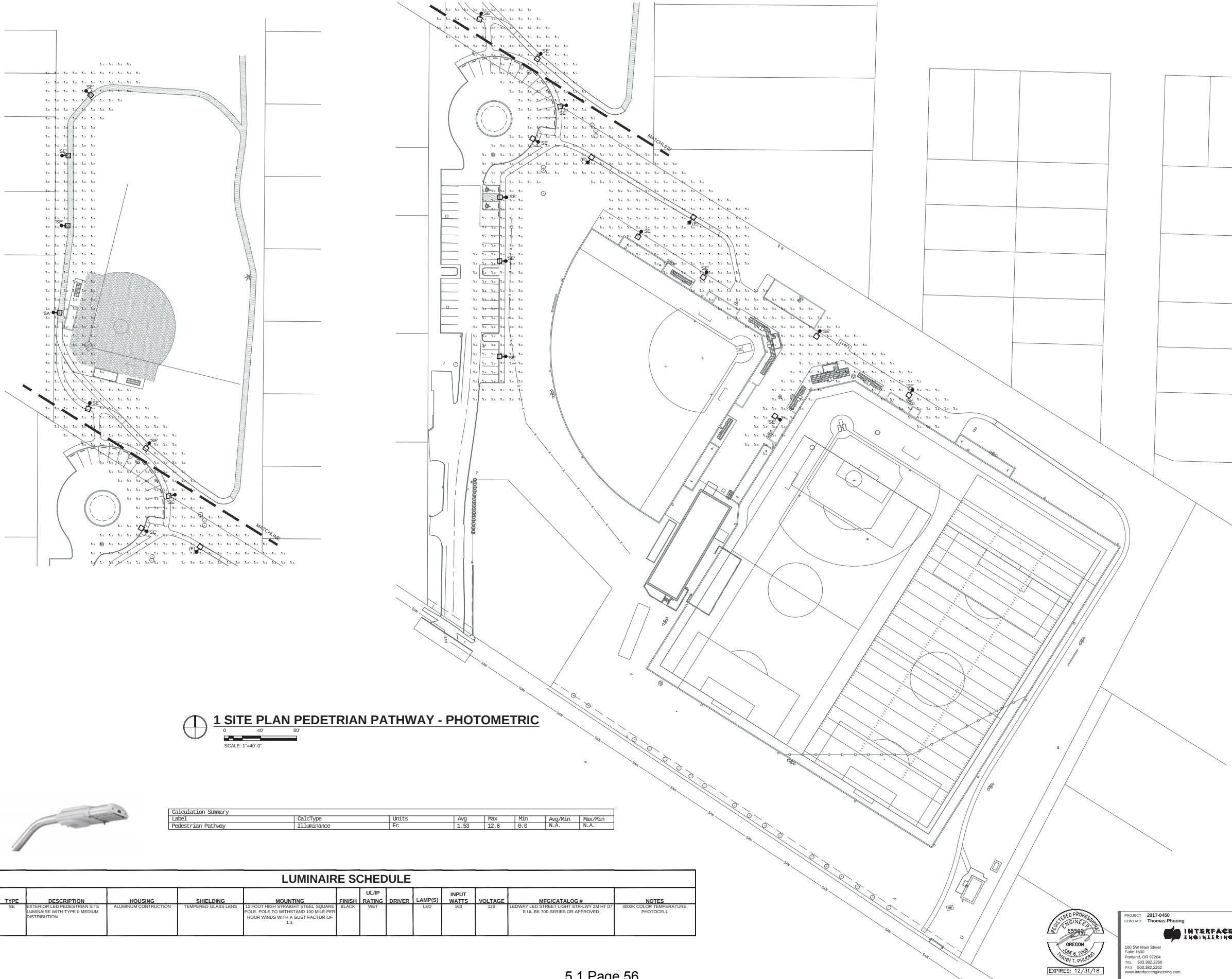
SITE PLAN
PEDESTRIAN PATH
PHOTOMETRICS

E1

PROJECT 2017-0450
CONTACT Thomas Phuong



100 SW Main Street
Suite 1600
Portland, OR 97204
TEL 503.382.2266
FAX 503.382.2262
www.interlaceengineering.com



Calculation Summary							
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
Pedestrian Pathway	Illuminance	Fc	1.53	12.6	0.0	N.A.	N.A.

LUMINAIRE SCHEDULE												
TYPE	DESCRIPTION	HOUSING	SHIELDING	MOUNTING	FINISH	ULIP RATING	DRIVER	LAMP(S)	INPUT WATTS	VOLTAGE	MFG/CATALOG #	NOTES
SE	EXTERIOR LED PEDESTRIAN SITE LUMINAIRE WITH TYPE II MEDIUM DISTRIBUTION	ALUMINUM CONSTRUCTION	TEMPERED GLASS LENS	12 FOOT HIGH STRAIGHT STEEL SQUARE POLE. POLE TO WITHSTAND 100 MILE PER HOUR WINDS WITH A GUST FACTOR OF 1.3.	BLACK	WET		LED	165	120	LEDWAY LED STREET LIGHT STR-YW 2M HT 07 E UL BK 700 SERIES OR APPROVED	4000K COLOR TEMPERATURE, PHOTOCELL

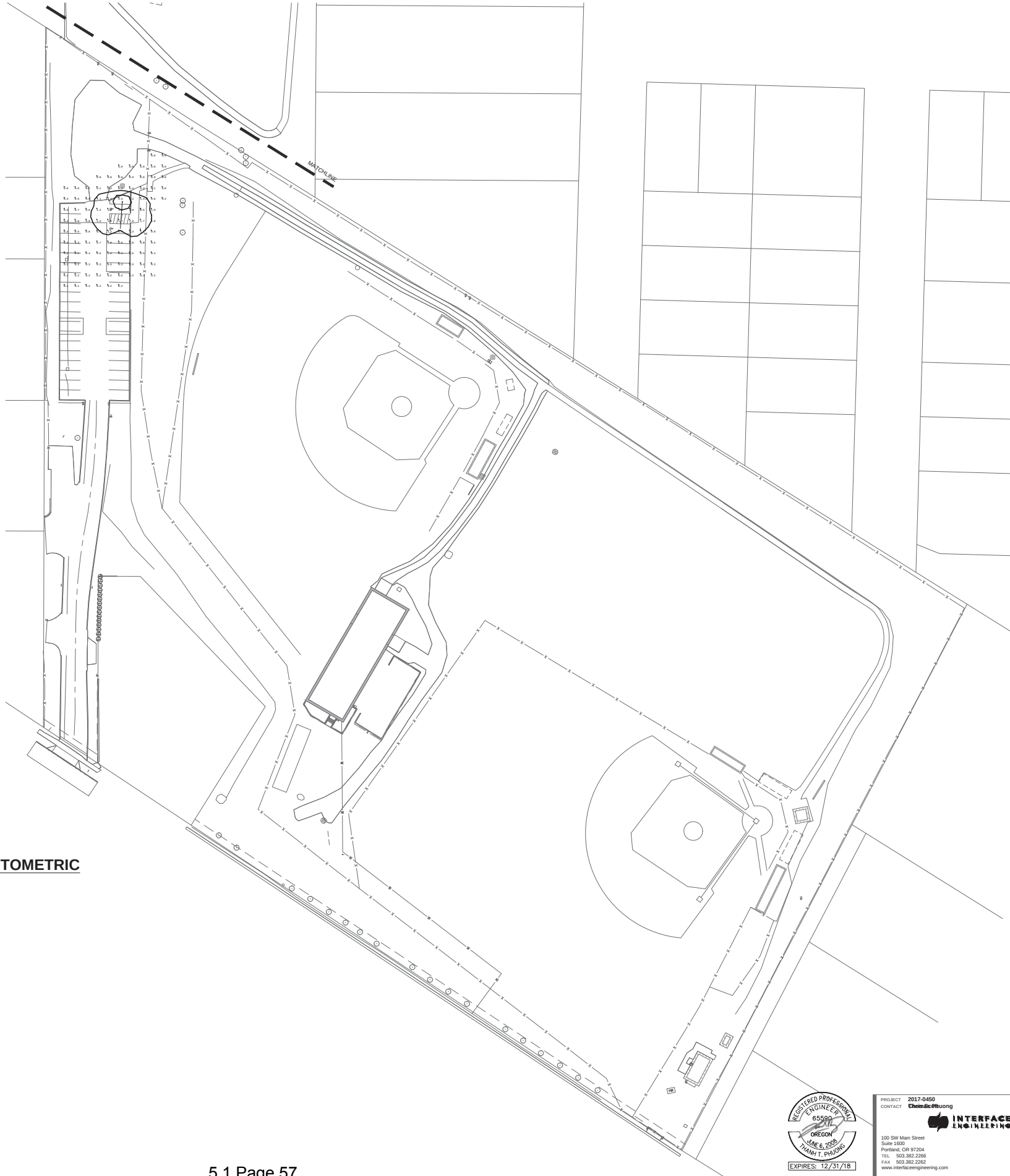
**MILWAUKIE HIGH SCHOOL
LAKE ROAD FACILITIES
ATHLETIC FIELD IMPROVEMENTS**

11678 SE 28TH AVE, MILWAUKIE, OR 97222

key plan	
revisions - - - - - - -	- - - - - - -
phase date project	CD REVIEW SET 2.09.2018 17012

EXISTING SITE PLAN PHOTOMETRICS	
------------------------------------	--

E3



Calculation Summary						
Label	CalcType	Units	Avg	Max	Min	Avg/Min
Pedestrian Pathway	Illuminance	Fc	0.57	2.5	0.0	N/A



1 EXISTING SITE PLAN - PHOTOMETRIC

0 40' 80'

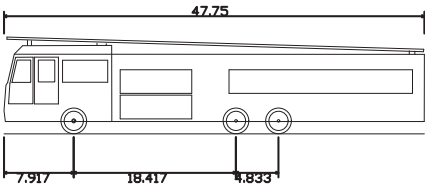
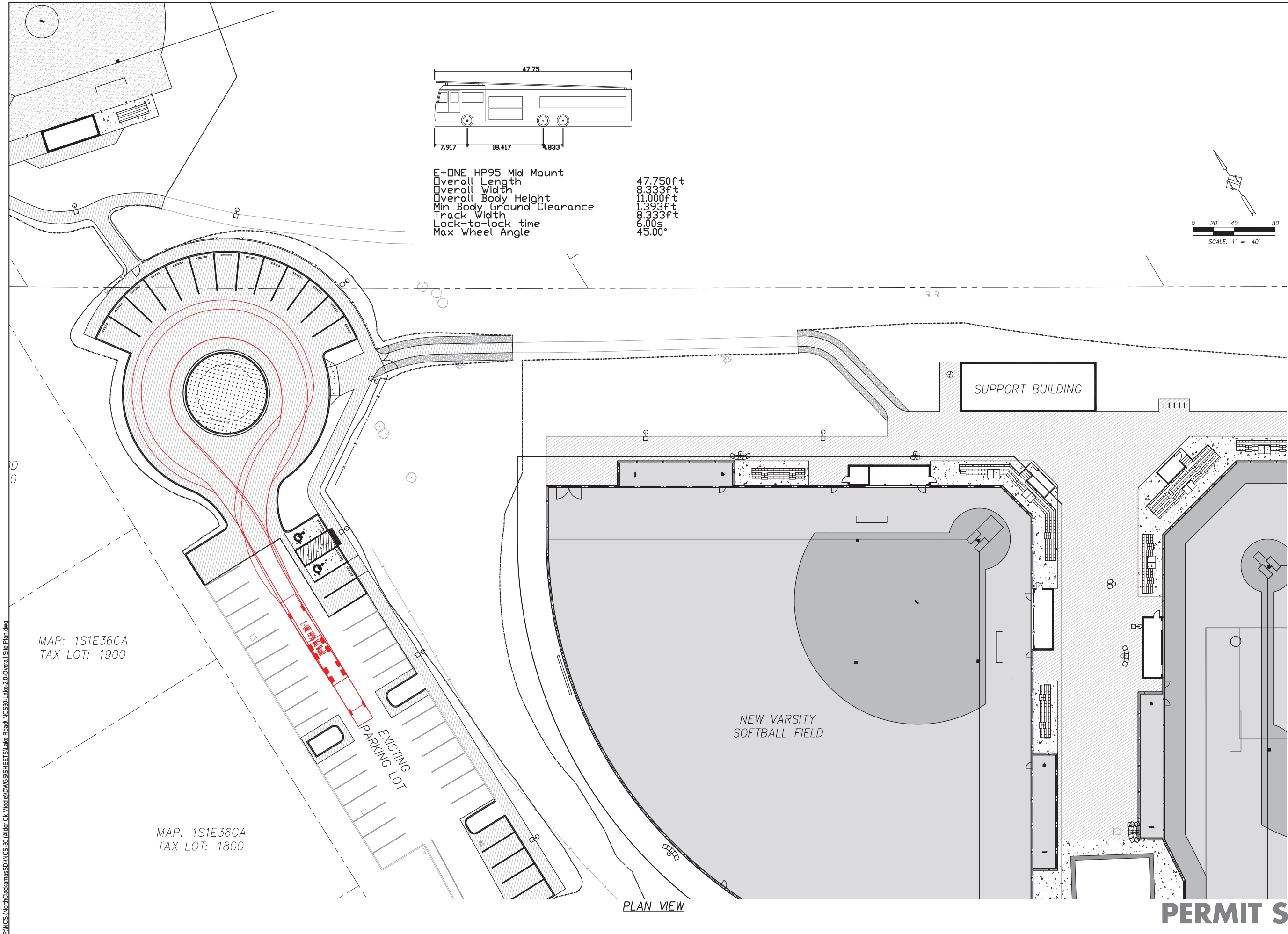
SCALE: 1"=40'-0"



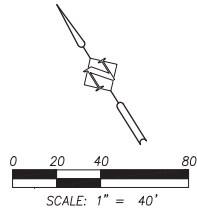
PROJECT 2017-0450
CONTACT **Chiem S. Phuong**



100 SW Main Street
Suite 1600
Portland, OR 97204
TEL 503.382.2266
FAX 503.382.2262
www.interlaceengineering.com



E-ONE HP95 Mid Mount
Overall Length 47.750ft
Overall Width 8.333ft
Overall Body Height 11.000ft
Min Body Ground Clearance 1.393ft
Track Width 8.333ft
Lock-to-lock time 6.00s
Max Wheel Angle 45.00°



SUPPORT BUILDING

NEW VARSITY
SOFTBALL FIELD

EXISTING
PARKING LOT

MAP: 1S1E36CA
TAX LOT: 1900

MAP: 1S1E36CA
TAX LOT: 1800

PLAN VIEW

PERMIT SET

OVERALL SITE PLAN
MILWAUKIE HS LAKE RD FIELD IMPROVEMENTS
MILWAUKIE, OREGON

Harper Houf Peterson
Righellis Inc.
ENGINEERS*PLANNERS
LANDSCAPE ARCHITECTS
205 SE Spokane Street, Suite 200, Portland, OR 97202
phone: 503.221.1131 www.hhpri.com fax: 503.221.1171

DESIGNED: HHPR TEAM	DATE: 3/2/2018
DRAWN: HHPR TEAM	
CHECKED: DSH	
DESCRIPTION	
NO.	
DATE	
R E V I S I O N S	
SHEET NO.	2.0
JOB NO.	NCS-30

Community Use and Rental of District Facilities

1. Objective

To provide a standard set of procedures for community use and rental of school facilities, grounds and equipment that is consistent with district policies.

2. Facilities Available

Designated classrooms, auditoriums, cafeterias, gymnasiums and fields may be available for use by the community. Facilities containing fragile or potentially hazardous equipment or confidential records may be made available at the principal's discretion.

District facilities may be available for community activities for a fee between 7:00 a.m. and 10:30 p.m. when not in use by the district. Current fee schedules are available through Community Services Department. Exceptions may be made with the approval of the Superintendent or designee.

3. Prohibited Activities

Any activities not appropriate for minor children are prohibited in district facilities. These activities include, but are not limited to: smoking; use of tobacco or marijuana; consumption of alcohol; use or possession of illegal or legal drugs; possession of weapons, firearms or explosives; gambling; and operation of potentially hazardous equipment. Activities deemed to be of a dangerous nature must have prior approval from the community services supervisor and the district's risk manager. Use of facilities are restricted to user. Subletting to other groups is prohibited.

4. Priorities for Use

The district is committed to youth and our local community groups. Youth groups are prioritized ahead of other groups. We prioritize use for organizations that serve primarily recreational youth teams to provide access for all students in alignment with the North Clackamas equity Board policy, GCCB/GDCB/IKAAA - District Equity Policy.

Within groups priority will be granted to organizations comprised of local members. Volunteer organizations will also receive preference over paid staff entities. The Board authorizes staff to use appropriate means to verify the local membership and volunteer organization status as necessary.

Groups and individuals using district facilities will be categorized as Class DPO (District Partnering Organization), A, B and C. Priority is given for use is in the order listed, with District Partnering Organization (DPO) having the highest priority. The categories are based on the nature of the organization, not the activity. Long term rentals are negotiated separately.

Categories used by NCSD to determine priorities:	
DPO	DPOs at their assigned fields/facilities, in-season (providing scholarships for NC students and full ongoing maintenance through the sports season of fields)
A	Partnering and local youth organizations or with over 90 percent North Clackamas youth; DPOs out-of-season or beyond assigned fields
B	Out-of-district youth organizations, adult leagues, civic/service groups, public agencies, colleges
C	Private interest or for-profit organizations

a. District Partner Organizations (DPO)

- (1) DPOs are youth organizations assigned to specific sites that are provided preferential scheduling and fee reduction in exchange for ongoing field maintenance and scholarships for North Clackamas families to increase access to sports for all students.
- (2) To retain DPO status, the organization needs to:
 - (a) Complete all of the required DPO application forms and process with community services schedulers.
 - (b) Serve primarily recreation teams in alignment with the North Clackamas equity policy.
 - (c) Serve district youth (90 percent of participants must attend or reside in the North Clackamas School District).
 - (d) Maintain and improve the fields assigned as planned in the application process.
 - (e) Offer and report scholarships (full and partial).
 - (f) Complete a biannual renewal process with the community services supervisor to review usage and adherence to the above commitments.

b. Class A - Local Youth Organizations and Local Youth Sports Leagues

Local nonprofit youth organizations, including DPOs, providing service to school-age children within district boundaries. Proof of nonprofit status (501(c)(3)) will be required. Each group must be comprised of at least 90 percent of district residents to qualify. The Oregon School Activities Association (OSAA) calendar will be used to determine sports seasons. Priority will be given to in-season recreation sports activities. This also includes DPOs out-of-season or using non-assigned sites.

c. Class B - Out-of-District Youth Organizations/Independent Youth Organizations, Civic and In-District Adult Leagues

- (1) Organizations/Private schools.
- (2) Youth organizations with less than 90 percent of district residents.
- (3) Adult recreation groups (including district staff).
- (4) Colleges and universities.
- (5) Community organizations of a civic or service nature, including those that provide services to youth but not solely that group.
- (6) Community groups sponsoring money-making activities where proceeds go to schools or charitable purposes.

The OSAA calendar will be used to determine sports seasons. Priority will be given to in-season recreation sports activities who provide scholarships for participants in need.

d. Class C - Private Interest Groups and Profit-making Groups

- (1) Private parties.
- (2) Commercial activities.
- (3) Political organizations and/or campaigns.

5. Application Process

Applicants must complete and submit an Application for Use of District Facilities form to the high school athletic director as scheduler for the use of high schools, or the community services scheduler for use of facilities for K-8 schools, including Alder Creek turf field and the Sabin-Schellenberg fields. Scanned, emailed or faxed applications are acceptable. Upon receipt of the completed application, the scheduler will:

- a. Determine the availability of the facilities within the district calendar for events including personnel and equipment if necessary.
- b. Determine the requester's classification/priority.
- c. Check form for accuracy and signature obtained.
- d. Route the application form (reservation) to the community services supervisor if the request is of a commercial or partisan political nature or is a long-term lease of facilities.
- e. Complete the facility rental reservation in computer system and execute contract.
- f. Collect payment, receive the insurance certificate and 501(c)(3) status, and give one copy to the user to keep as verification of approved use and retain a copy. Determine if use is a one-time use or reoccurring, and collect the fee as follows:
 - (1) One time use—collect anticipated fees to complete application process.
 - (2) Reoccurring use—collect first month's anticipated fees.
 - (3) Reoccurring seasonal use—collect fees for the duration of the season for entities such as youth sports that collect fees prior to league play.

In either case, actual charges will apply and supplemental billing will be done after the event if actual charges differ from collected fees or original billing. The reservation is not considered a confirmation until payment is made and the certificate of insurance is received.

The Board authorizes staff to develop additional department operational guidelines as appropriate.

- g. Staff will review fees annually. Fees are updated in July of each year and reflect actual increases by contract or billings. Fees are subject to an increase of up to five percent annually. Any increase exceeding five percent will require approval from the Board.
- h. Provide proof of insurance as required (See 7.B)

6. Appeals Process

Concerns regarding facility use can be addressed to the community services supervisor. If a concern cannot be resolved, it may be referred through the proper administrative channels for resolution.

7. Procedures Governing the Community Use of District Facilities

a. Supervision:

- (1) All groups using district facilities must provide a supervisor on site who shall be responsible for the group members and their actions during the time the facility is being used. The supervisor must be at least 21 years of age or a designated coach with an approved league. For children, the supervisor is responsible to stay until the last child has been picked up.
- (2) When use is granted during times that school or custodial staff is not available, a facility monitor will be responsible for locking and unlocking the facility and assisting the facility users as appropriate. Fees associated will be charged to all groups.
- (3) The district reserves the right to require police or other uniformed security personnel at any event where the community services supervisor feels it is necessary.
- (4) If the district determines additional security is needed for the use requested, the applicant must provide and pay for such security.

b. Liability insurance:

The applicant must provide an insurance certificate with the application. The insurance certificate shall provide evidence of general liability insurance with limits not less than \$1,000,000 per occurrence/\$2,000,000 annual aggregate, naming North Clackamas School District as additional insured.

Certificates of insurance will be required for:

- (1) Extended use (e.g. monthly meetings, etc.).
- (2) Physically active events (e.g., sport camps or fund-raising jogathons).
- (3) Formal organizations and nonprofits.
- (4) Public events (e.g. concerts).
- (5) Multiple site use.
- (6) Other activities as deemed necessary by the community services supervisor.

Users will be charged for damages or excessive wear on the use of facilities, sites or equipment.

c. Non-endorsement:

Granting use of district facilities does not imply district sponsorship or endorsement of the group or its activities.

d. Overnight stays:

Overnight stays are permitted by the district on a one-time-only basis. All such requests must be reviewed by the community services supervisor and the risk manager. Applicants must receive prior written approval from the appropriate fire marshal and reach agreement with the building principal (or community services supervisor during times when the principal is absent) regarding capable and responsible supervision. The district may require paid supervision.

- e. Key control: Refer to Board policy ECAA - Access to Buildings.

Keys or key cards will not be issued to nonstaff personnel. Any exceptions will be determined by the community services supervisor.

- f. Parking:

All facility users are to use the school parking lots and avoid parking on adjacent streets in order to allow for emergency vehicles and neighborhood traffic. Applicants may be required to provide written plans of how they intend to address potential parking problems. Failure to abide by the parking plan may result in termination of facility use. Applicants are responsible for removing trash accumulated during the event. Failure to remove trash will result in additional charges.

- g. Equipment and furniture:

Use of equipment, furniture and materials is subject to the provisions of Board policy KGF/EDC - Authorized Use of District Equipment and Materials.

If an organization would like to store equipment, install a structure or storage unit, the request must be included in the application process and approved by community services supervisor. The structure must be maintained by the organization, including keeping it free of graffiti or other visible physical damage. The structure is owned and insured by the DPO unless otherwise determined by the community services supervisor. The district will not be held responsible for any damage, theft or other destruction to property of the DPO. For any property, structure or storage unit on district property, the DPO shall provide the district with a certificate of insurance as evidence of property insurance coverage for the items stored on district property. Any such structure may be subject to space fee by the district. The District Capital Improvement form must be completed prior to building. Structure approval may be renewed during the application process and during the bi-annual renewal process, or it must be removed immediately upon request.

The North Clackamas School District retains the right to deny or limit access to persons or organizations who do not work in the spirit of collaboration, abuse the system, violate policy or fail to pay.

- h. Improvements or modifications to school buildings or grounds:

Grass removal, lining and chalking of fields, addition of top soil or removal of weeds, require written approval. Applicants must submit written plans to the community services supervisor who will review the plans in consultation with appropriate Facility Operations Department staff and the principal.

- i. Special facilities, areas and equipment:

- (1) Gymnasiums and multipurpose rooms: School gymnasiums and multipurpose rooms may be used for purposes appropriate to the facility. Appropriate footwear is required in all active sports and games. Any taping or attaching material to walls, floors or curtains must be approved by Facility Operations to ensure property is not damaged.

- (2) Cafeterias and kitchens: The use of kitchen facilities for food preparation requires the services of at least one district Nutrition Services employee. The Nutrition Services Department will be consulted for direction regarding requests for use of school kitchens. The user will be assessed the charge for food service support. School food, supplies and food storage areas are not available for community use.
- (3) Outside areas: The community services supervisor or the principal may require portable toilets to be provided at the applicant's expense. Placement will be determined by the district. Regular maintenance is the responsibility of the applicant.

j. Sports league scheduling:

- (1) Scheduling of district fields and gymnasiums for organized community sports leagues will be the responsibility of the Community Service Department. Principals shall refer all requests for use of gymnasiums and sports fields by leagues to the Community Service Department for K-8 sites.
- (2) League officials will complete the North Clackamas Facility or Field Use Application form.
- (3) League officials will present to the Community Service Department a schedule of games and practices. League officials will also provide current registration information for the league.
- (4) The Community Service Department will determine the facility needs of the organization and the availability of space and equipment.
- (5) Coaches requesting additional practice times or schedule changes should be referred to league officials who must request any schedule changes to the Community Service Department.
- (6) League officials will provide rosters including players' names and addresses and the school they attend.
- (7) League officials will provide scholarship information (see application).

k. Long-term use of district facilities (non-sport-related use):

- (1) Use of district facilities for activities may be granted initially for a term not to exceed 24 months, so long as such use does not infringe on or interfere with the operation of the regular school program. Use may be renewable for up to three years.
- (2) Requests must be made in writing to the community services supervisor.
- (3) The written request for use of a district facility must include the application forms with the following information:
 - (a) School for which use is being requested;
 - (b) Name of the organization;
 - (c) Mailing address;
 - (d) Names and addresses of its officers;
 - (e) Number of participants;
 - (f) Number of participants that are district residents; and
 - (g) Rooms and equipment that the entity intends to use.
- (4) The principal and the community services supervisor will determine the availability of facilities, supervisory staff and equipment. Upon approval of the request, the community services supervisor will determine the fee to be charged and meet with the principal and

the applicant to develop a plan for use. The community services supervisor will consult with the Facility Operations Department regarding custodial needs. The plan should address:

- (a) Areas of the building that will be used and conditions for use.
- (b) Areas of the building that are not to be used.
- (c) Duties of the paid supervisor.
- (d) Number of hours required for supervision and clean up.
- (e) Plan for alternate monitoring in case of illness or emergency.
- (f) Plan for emergency cancellation of activities.
- (g) Communication procedure for reporting problems and concerns.
- (h) Method for billing and collection of fees.

l. Intergovernmental agreements:

The district may enter into agreements with other governments or government agencies regarding the use of district facilities. In such cases, the terms of the agreement will take precedence over district administrative regulations for facility use.

m. Staff and applicant responsibilities:

(1) Principal

The principal is responsible for interpreting and administering district policies and regulations. The principal has overall responsibility for the operation of the district facilities, grounds, equipment and the scheduling for all district-related activities.

(2) Community Services Supervisor/Department

The community services supervisor is responsible for coordinating the scheduling of programs involving K–8 schools, such as youth sports leagues, other educational institutions, and agencies of government. The community services supervisor will coordinate and process all district-related requests (K-8) for use after school, weekends or vacations. The community services supervisor is responsible for facilitating site supervision on evenings (after 4 p.m.) and weekends when other district staff is not available and coordinate schedules with building staff. Scheduling of nonschool related activities after school or on nonschool days will be coordinated through the Community Service Department. All K-8 rental receipts go to Community Service Department. Community services will transfer revenue payments to the department that incurred the expense (e.g., facility for repairs, overtime to department charged, utilities costs to the energy unit, etc.).

(3) Facility Users

Facility users are responsible for completing the required district forms, providing responsible and capable program supervision, advance payment of fees, reporting all damages, providing proof of insurance when necessary, and compensating the district for any damages when required. Signer and supervision for facility use must be over 21

years of age. Facility users are responsible to comply with district administrative regulations and contractual agreements.

(4) Facility Operations Department

The Facility Operations Department is responsible for approving any improvements to school buildings or grounds.

(5) High School Athletic Director

Each high school athletic director is responsible to maintain the schedule and approve facility (buildings and fields) rental use at their high school in accordance with policy and this administrative regulation.



FACILITY USE APPLICATION AND INVOICE

Fees are due in advance. Make checks payable to North Clackamas School District.

Mail to: Community Services, 6031 SE King Road, Milwaukie, OR 97222, Phone 503-353-6092 | Fax 503-353-6095

Email: facilityuse@nclack.k12.or.us

APPLICANT INFORMATION

Organization: _____ Contact/Signee: _____ Date: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Email Address: _____ Day Phone: _____ Evening Phone: _____

Purpose: _____

Estimated youth attending: _____ Estimated adults attending: _____ Participants: Indistrict ____ Out-of-district ____

Scholarship: # _____ for full scholarship at \$ _____; # _____ for partial scholarship at \$ _____

Sports Organizations: What percent of the teams are considered a "recreation" team? _____

Equipment and services requested: _____

Dates requested	Time requested (start and end)	School/Building	Room/Area	Confirmed by District

The undersigned hereby agrees to comply with all regulations governing the use of the facility as established by the Board of Education of North Clackamas School District. The undersigned will exercise due care in the use of the facilities and pay for such damages as may arise from such use. The undersigned is solely responsible for loss, damages, accidents and personal injury arising out of the use of the facility and agrees to indemnify and hold harmless the school district, its Board of Directors and staff from and against all claims. Applicants may be required to provide proof of insurance.

Print Name _____

Signature _____

Date _____

Office Use:

Tier: _____ Rate/hour: \$ _____ X # hours _____ = Invoice Due _____ Paid _____

☐ Scheduled in booking

☐ Special custodial arrangements complete

☐ Confirmation sent

☐ Food services arrangements complete

Comments: _____

Community Use and Rental of District Facilities - KG-AR(1)

9-9

Brett Kelter

From: Gabe Storm <gabe@pdxdesigns.com>
Sent: Tuesday, April 24, 2018 5:36 PM
To: Milwaukie Planning
Subject: RE: CSU-2018-001, VR-2018-003, P-2018-001/ 2905 SE Lake Rd & 11250 SE 27th Ave- Tonight

Milwaukie Planning Department/ Planing Commission,

My name is Gabe Storm and I live at 4969 SE Arden St. in Milwaukie. I had planned on attending the meeting tonight but do to an illness I most likely will not be able to attend and so I am feverishly writing this email to send and hopefully some of my questions can be answered.

First off, I am writing to give my full support of the project and the huge benefits that it will provide our kids and our community. This field has been needed in our community for quite some time as a graduate of Milwaukee High School in 1992 there and been very few updates or upgrades to these facilities and it is in my opinion, long overdue. I understand that neighbors have concerns about the lighting (which has been addresses to my satisfaction) and the possibility of too much noise due to a PA system. I can completely understand the fear that things my potentially get too loud, but I would invite them to go to a high school game at Clackamas, Putnam or any other area high school and hear for themselves. These systems, to my understanding, will NOT be used by any other programs or organizations outside of the in season use of the high school baseball and softball games or the occasional hosted tournament. There has been a PA system in use for many years prior so this is not a new accessory that they are adding to the fields.

Second, my biggest concern is in the document provided by the developer and 3J Consulting, Inc. On page 5 of their introduction the list a very short list of "athletic clubs" that will be using these facilities. The consultants ONLY listed a few elite and for-profit soccer clubs but failed to list any of the Milwaukie-area non-profit sports organizations who have been serving our community youth on a volunteer basis for decades. I realize that this might seem a little like minutia, but as a document, this does not paint a clear picture of how these much needed field will be used. I would like it to be added that Milwaukie Junior Baseball, Milwaukie Youth Soccer, Milwaukie Youth Football and other Milwaukie High School Feeder programs be included as potential users of these facilities. The reason this is so important is that as the school district continues to update our facilities, there will be an increased demand from for-profit organizations to get "field-time" and I was to make sure that tech youth in our community are served before adult and youth for-profit organizations. I realize that this is the duty of NCSD12 to ensure these fields are made available for our kids, but I also think it's important that the Planning Commission is aware that there are lots of Milwaukie kids who will benefit greatly from these proposed plans as well.

Again, I realize that this is very much last minute and I apologize for not being able to be there tonight. Thanks you for taking the time to read these remarks.

Gabe Storm
4969 SE Arden St.
Milwaukie, OR 97222

Gabriel Storm
PDXdesigns
4969 SE Arden St..
Portland, Or. 97222
503.305.8401 o.
347.683.3335 m.

Brett Kelter

From: Kyle Simukka <simook@gmail.com>
Sent: Tuesday, April 24, 2018 6:44 PM
To: Brett Kelter
Subject: CSU-2018-001 Type III Land Use Application Referral

Brett,

I have concerns with the proposed plan's absence of parking and the potential health and safety risks with turf to the children and the environment.

I live on 28th street and Lake Rd, we have a lot of congestion, overflow parking, and garbage as a result of the current use with the fields. I'm concerned that this will worsen with the newly renovated fields and the little space it provides for parking. I'm concerned it will impact our sense of place in a negative way between the above issues, sound, and light pollution.

More importantly, I'm concerned with the potential health and environmental risks that artificial turf can have. Due to it being synthetic and inorganic, reports have shown that it can be carcinogenic to anyone that plays on the turf. Reports have also shown that it will contaminate underlying dirt and water. Because I am downhill from the fields, I'm concerned that me and my family will be exposed to potential health hazards. Has the city performed an environmental impact on the site and the surrounding neighborhoods?

The EPA is still researching the potential health and environmental risks that artificial turf may have, <https://www.epa.gov/chemical-research/federal-research-recycled-tire-crumb-used-playing-fields>

Several organizations that are not affiliated with the EPA have various reports that conclude that artificial turf is potentially carcinogenic and other environment impacts:
<http://www.ehhi.org/artificial-turf>

With the City of Milwaukie having major plans for sustainability and climate action, I don't feel we have done enough research on the potential health and environmental impacts that artificial turf can cause.

Thanks.

Sent from my iPhone

Brett Kelter

From: Michael Martin <mjacobmartin@gmail.com>
Sent: Tuesday, April 24, 2018 6:58 PM
To: Brett Kelter
Subject: Fwd: Student safety reminder
Attachments: Parking Safety.pdf; Arrival%2FDismissal Safety Flier.pdf

See attached memo from milwaukie elementary referencing use of se 28 th parking for elementary school conflicting proposed locking up the paths

----- Forwarded message -----

From: Milwaukie Elementary <notifications@schoolconnectsweb.com>
Date: Mon, Jan 8, 2018, 16:08
Subject: Student safety reminder
To: <mjacobmartin@gmail.com>

Dear families,
Please take a moment to review.



NORTH CLACKAMAS SCHOOL DISTRICT 12

Milwaukie Elementary School

El Puente Bilingual School

11250 SE 27th Avenue • Milwaukie, Oregon 97222

School Phone: 503.353.5480

Fax: 503.353.5485

Colleen Sackos, Principal

SAFETY ALERT! The parking lot is closed for student drop off/pick up. Parking lot is reserved for staff on school days. Parents dropping off their children can pull into the drop-off zone in front of the school. No parking is allowed in the drop off/pick up area between 7:00-8:00 a.m and 1:45-2:30pm. For those walking their child into the building, 15 minute parking is allowed further down or up the street as noted by the street signs. Additional parking is available behind the baseball field. You can access that lot from Lake Road and 28th Street. As our school population grows parking will be limited. Your cooperation is greatly appreciated!



NORTH CLACKAMAS SCHOOL DISTRICT 12

Milwaukie Elementary School

El Puente Bilingual School

11250 SE 27th Avenue • Milwaukie, Oregon 97222

School Phone: 503.353.5480

Fax: 503.353.5485

Colleen Sackos, Principal

¡ALERTA DE SEGURIDAD! El estacionamiento está cerrado para dejar o recoger a estudiantes. El estacionamiento está reservado para personal de la escuela los días de clases. Los padres que traigan a sus hijos deben utilizar la zona especial para dejar a estudiantes que se encuentra en frente de la escuela. No se permite el estacionamiento de automóviles en esa área entre las 7:00-8:00 a.m y la 1:45-2:30p.m. Para aquellos que entren con sus estudiantes al edificio se pueden estacionar como máximo 15 minutos en las áreas claramente designadas con letreros en la calle más allá de la zona para dejar a estudiantes. Usted puede encontrar estacionamiento adicional detrás del campo de béisbol, al que se puede entrar por la calle Lake Road y la calle 28. En la medida en que nuestra población estudiantil aumenta habrá estacionamiento limitado. ¡Realmente le agradecemos su cooperación!

Attention we need your help!

Please help us to keep all students safe at the beginning and end of the day by adhering to the following:

STUDENT SAFETY RULES

- Do not stop in the middle of the street to have your student get in or out of your car
- Students must not enter the car from the street side – only the sidewalk side
- Do not back up from a parked position - only pull forward
- Do not park in the crosswalk
- Please leave your dogs/pets at home

GOOD NEIGHBOR RULES

- Do not block private driveways
- Do not block driveways to apartment complexes
- Do not park in apartment parking spaces

PARKING LOT RULES

- Do not park in parking lot to drop off/pick up students during bus hours 7:00AM-8:00AM and 1:45 PM-2:30 PM school days

CITY OF MILWAUKIE LAWS

- Please adhere to all NO PARKING signs

Thank you for your attention to these very important safety concerns.

¡Atención, necesitamos su ayuda!

Por favor ayúdenos a mantener seguros a todos los alumnos al inicio y al final del día siguiendo las instrucciones a continuación.

REGLAS DE SEGURIDAD DE LOS ALUMNOS

- No pare en medio de la calle para que su estudiante suba/baje del carro.
- Los alumnos no deben subir al carro del lado de la calle, solamente del lado de la acera.
- No retroceda al estacionarse, solamente muévase hacia adelante.
- No se estacione en el paso peatonal.
- Por favor deje sus perros / mascotas en casa

REGLAS DE BUENOS VECINOS

- No bloquee las entradas privadas de los carros.
- No bloquee las entradas de carros a los apartamentos.
- No se estacione en los lugares apartados para los inquilinos de los apartamentos.

REGLAS DEL ESTACIONAMIENTO

- No use el estacionamiento para dejar o recoger a sus estudiantes durante los días de clase de 7:00 AM-8:00 AM y 1:45 PM-2:30 PM.

LEYES DE LA CIUDAD DE MILWAUKIE

- Por favor siga las señales de NO ESTACIONARSE.

Gracias por su atención a estos asuntos de seguridad muy importantes.

Brett Kelter

From: rene wiege <renew2553@gmail.com>
Sent: Wednesday, April 25, 2018 6:50 PM
To: Brett Kelter
Subject: Game day parking on 32nd Ave N of Lake Rd
Attachments: IMAG2706.jpg; IMAG2705.jpg; IMAG2704.jpg

Your plan needs to include more parking. These photos taken on 4/25/18 at 6:30 PM. Please note the blocked hydrant. I voted for the bond, but do not want to be restricted access to green space especially when parking and increased traffic is not addressed.

Thank you,
Rene Wiege
11855 se 32nd ave







Brett Kelter

From: Patti Lange <patti@plcportland.com>
Sent: Wednesday, April 25, 2018 8:50 PM
To: Brett Kelter
Subject: INFO/QUESTION: MILWAUKIE SPORTS COMPLEX

PLEASE FORWARD TO COMMITTEE MEMBERS.

Coming home from our meeting, I started doing a little of my own research and was perplexed that NO ONE else knew of this.....

EPA - Conducting a test with this timeline of published findings: The draft report will be sent to external peer-review in Spring 2018, with the expectation of releasing a final peer-reviewed report summarizing study results in mid-2018. **Scroll to TIMELINE. Why would we not WAIT to hear what the EPA has to say given that it's SO CLOSE???**

<https://www.epa.gov/chemical-research/federal-research-recycled-tire-crumb-used-playing-fields>

I have more to share under separate email.

--

Thanks everyone.
Patti Lange
503-810-9146

Brett Kelter

From: Patti Lange <patti@plcportland.com>
Sent: Thursday, April 26, 2018 2:06 PM
To: Brett Kelter
Cc: Dennis Egner
Subject: Re: QUESTION: MILWAUKIE SPORTS COMPLEX (NAME)

Brett, I appreciate the detail in this response and thank you for the links to follow-up on.

Yes, I did think the role of the attorney was to represent the city and thus it's occupants. Thank you for the clarification. The "conflicts" I spoke about was simply that the "Planning Committee" in the LO development didn't hear the voices of the public and without "experienced representation" their voices were not heard. Their attorney, through the negotiation process, got more than **"3 minutes" to speak**....a frustration many of us had and couldn't understand from the Tuesday's meeting.

I have more questions and more information I've gathered and want to share.....I'll email you as I collect my thoughts and put to e-paper.

One note I want to clearly articulate and please share with the committee.....

I do not desire to be a "pain". The committee MUST REALIZE that they CANNOT compare us to other typical high schools. We have a detached field, it is not buffered with TALL CONCRETE SCHOOL BUILDINGS, TYPICAL STREETS THAT SEPARATE the field(s) from FAMILY BACK YARDS, nor is the REAL-ESTATE FOOT PRINT any where near the same as traditional school facilities.

COMPROMISE is what will WIN-THE-DAY for all of us. If we're to make an impact/change to this community, we need to be respectful and acknowledge that we're not REALLY comparing APPLES TO APPLES. By doing this, we can continue to improve our community, in the face of needed change, offer our children a better experience and a school they can be proud of. The only way to do this is acknowledge the "differences" of our situation, BE PREPARED with the "hind-sight" that others before us have experienced and try to be as prepared in our PLANNING APPROVAL PROCESS to ensure for success, (as best we can), that is your job and mine.

Thank you Brett.

On Thu, Apr 26, 2018 at 12:15 PM, Brett Kelter <KelterB@milwaukieoregon.gov> wrote:

Patti,

I'll try to answer the questions in your email below directly.

In general throughout the city, there is no zone for facilities like schools, churches, parks, and athletic fields like the ones being discussed at this past Tuesday's hearing—they are considered Community Service Uses (CSUs). These CSUs are often located in residential areas, where the underlying residential zoning is not really set up to address their impacts, which is why they need review as if they were a type of conditional use. The CSU review provides a chance to evaluate the impacts and determine whether there are conditions or limits that need to be imposed to ensure that the public benefits of having a CSU in a given location outweigh any negative impacts.

The existing sports fields have already been through several CSU reviews in the past, as different changes were made on the site over time. But the CSU status is not a change in zoning—it is more like a conditional use approval. The latest changes are going through the public CSU review process that you are participating in now, which includes providing public notice to properties within 300 ft of the site (including your property) sent out 20 days before the first hearing. Signs announcing the hearing are also posted at the site. The hearing process that is underway now is specifically intended to allow consideration of the possible impacts of the project. The Planning Commission is charged with determining whether the project meets the approval criteria for CSUs, which include weighing public benefits versus negative impacts and considering whether the hours and levels of operation are reasonably compatible with the surrounding area. If not, conditions or limits could be set to reduce impacts or otherwise make the project fit better, or the commission could decide that the proposed improvements cannot be approved. You can find the code section on CSUs online here: [19.904 COMMUNITY SERVICE USES](#).

If you haven't already, I would encourage you to review the staff report that we prepared for the hearing. It lines out the land use history of the site, notes the relevant approval criteria, and discusses some of the key issues. You can find it in the packet of materials provided for Tuesday's hearing, online here: <https://www.milwaukieoregon.gov/bc-pc/planning-commission-5>. There's also a link there to the video from the hearing, in case you want to review any part of the meeting itself.

I am not sure that I understand the suggestion in your last paragraph about "similar conflicts of interest in the development of grounds." To be clear, this is not a City project; it is a project of the School District. The City is conducting the land use review process, and the Planning Commission will be the body that issues a decision about the proposal. The city attorney is not supposed to represent the specific interests of neighbors and property owners, nor of the District as the applicant in this process. The city attorney is there to represent the City as an organization and to make sure that the Planning Commission properly conducts the hearing and makes a defensible decision. You and others are certainly welcome to seek representation from an attorney if you feel it would help better support your interests as a neighboring property owner(s). But I do not think it is accurate to suggest that the City has a conflict of interest regarding this application—I'm not sure if that's what you really intended to suggest, but if you do feel there is some conflict of interest you should probably raise that concern at the beginning of the continued hearing on May 8, when the Chair reads through the various calls for challenges to the process.

I hope this information helps answer your questions. I am happy to talk with you directly by phone (503-786-7657) or in person if it would help clear anything else up. Let me know.

Thanks again for sending your questions.

BRETT KELVER

Associate Planner

City of Milwaukie

o: 503.786.7657 f: 503.774.8236

6101 SE Johnson Creek Blvd • [Milwaukie, OR 97206](#)

From: Patti Lange [mailto:patti@plcportland.com]
Sent: Wednesday, April 25, 2018 9:04 PM
To: Brett Kelter <KelterB@milwaukieoregon.gov>
Subject: QUESTION: MILWAUKIE SPORTS COMPLEX (NAME)

Brett,

I repeatedly heard the phrase, "zoning afforded Sports Complex".....

What I fear is that this was a strategic "play" to give/grant more leniency to "bigger bells and whistles" than what the current zoning would allow. Please confirm or deny the difference in zoning options as they are currently and what the "SPORTS COMPLEX" would be entitled to.

Second if "SPORTS COMPLEX" naming does grant different zoning, HOW DID THIS HAPPEN without public notice.

Lastly how much notice is required to give to the public BEFORE a vote can take place.

Today I spoke with someone who lives in the LO area and who had similar conflicts of interest in the development of grounds. They retained an attorney to represent the "group" because their "individual" knowledge was not adequate and the "City Attorney" did NOT represent the people of that jurisdiction. I'd like to have a conversation with someone regarding this.

--

Thanks,

Patti Lange

503-810-9146

Brett Kelter

From: Patti Lange <patti@plcportland.com>
Sent: Friday, April 27, 2018 4:02 PM
To: Brett Kelter
Subject: Re: QUESTION: MILWAUKIE SPORTS COMPLEX (NAME)

On Fri, Apr 27, 2018 at 10:15 AM, Brett Kelter <KelterB@milwaukieoregon.gov> wrote:

Patti,

If you think there are still more issues to consider than were raised on Tuesday—parking, public access to the site, recommended pedestrian improvements, hours/levels of use including the lights, artificial versus natural turf, netting for foul balls—then I hope you will send them to me as soon as possible. It would help if you can be clear about what aspects of the proposal you are opposed to, and to suggest some limits or solutions where possible. For example:

- Are you opposed to the District making improvements in general (artificial turf and lighting) that make the site more usable during more weeks and months of the year? --- **NO but want to hear what the EPA's findings are when published mid 2018 before we would begin.**
- Would you like to see an earlier time limit set than 10pm for use of the lights and the fields in general? --- **YES see other email.**
- Are you concerned about light spilling onto your property? --- **YES see other email.**
- Are you concerned about the height of the light poles? --- **Somewhat see other email.**
- Would you like the District to install some screening vegetation along your property line, to buffer some of the noise and light and stray balls coming into your yard? --- **NO, I have specifically taken OUT trees to give us the view we currently enjoy.**
- Are you opposed to the idea of new pedestrian access to the site from 30th or 31st Aves? --- **No as long as it has lighting for safety.**
- Do you think the path going around the fields should be accessible all the time for the public to use, as many people expressed concern about at the hearing? --- **YES.**
- What kind of parking improvements do you think should be required? Is any level of spillover parking on public streets acceptable? --- **MORE parking is needed OR scheduling needs to be adjusted....see other email. Spillover BURDEN's the community's residents and the planning**

commission should plan to alleviate that AS MUCH AS POSSIBLE now during the planning stages or qualify the "conditional use" to enforce scheduling of games and number of games to NOT place this burden on it's community members shouldering this issue. It's gone on long enough and we can FIX IT with this improvement.

- Do you have concerns about health or environmental impacts of artificial turf versus natural grass? --- **YES see other email.**

At the end of your public testimony on Tuesday, you suggested that many of the facts in the application and/or presentations had been inaccurate or missing. Can you be more specific about what you thought was erroneous or incomplete? What additional information do you think the commissioners need to make a decision?

If you'd like to talk about how to organize your comments or concerns, I can be available—just let me know.

BRETT KELVER

Associate Planner

City of Milwaukie

o: 503.786.7657 f: 503.774.8236

6101 SE Johnson Creek Blvd • [Milwaukie, OR 97206](#)

Brett Kelter

From: Patti Lange <patti@plcportland.com>
Sent: Friday, April 27, 2018 4:05 PM
To: Brett Kelter
Subject: THOUGHTS: MILWAUKIE SPORTS COMPLEX (LIGHTING & PA SYSTEM)

1. Our current PA system for the field works fine and while I hear it, it's not bothersome. I don't want to see it increased in decibel output since we're not "growing" the fields footprint!!
2. Most AD's I spoke with have 60' and 70' poles. Can someone advise why we'd need 80' poles? Perhaps their's a reason...higher means fewer....
Also, can we ENSURE they won't be shining into people's homes?
3. Lights & Timers. If a game gets canceled or quits early, will the lights be turned off early as well. I'm told there's APPS that the AD's can turn off via their phones. I'd like confirmation they'd be turned off to coincide with play time adjustments.

--

Thanks,
Patti Lange
503-810-9146

Brett Kelter

From: Patti Lange <patti@plcportland.com>
Sent: Friday, April 27, 2018 4:06 PM
To: Brett Kelter
Subject: THOUGHTS: MILWAUKIE SPORTS COMPLEX (TURF)

Besides my earlier email that spoke about the research being conducted by the EPA, I'd like to know more info about the following (note I get these questions again from conversations with other Athletic Directors):

1. Warranty issues as it relates to violations of "USE".

Many AD's spoke about abuse with vandals, mischief kids, mistakes by renters/community members-at-large, fire works, driving on turf, etc. I was told Police Reports needed to be filed in order to file a claim on the School's insurance. Can someone speak to this? As a nearby community member, I want to be educated, (how will the City educate us) on how NOT to negatively impact the Turf, be a good neighbor and still enjoy it.

2. G-Max Testing, as I understand it, needs to be done once a year. Do those test results need to be shared?

--

Thanks,
Patti Lange
503-810-9146

Brett Kelter

From: Patti Lange <patti@plcportland.com>
Sent: Friday, April 27, 2018 4:08 PM
To: Brett Kelter
Subject: THOUGHTS: MILWAUKIE SPORTS COMPLEX (TIME & GARBAGE)

1. I do NOT want to see/hear people before 8:00am and no activity after 9:00pm.
2. Rodents are attracted to the field.... field mice, raccoons and possums. (We've even seen a couple of foxes.) I want to ask that there be PLENTY of garbage cans WITH LIDS and that they're maintained with every game so overflow is NOT a problem.

--

Thanks,
Patti Lange
503-810-9146

Brett Kelter

From: Patti Lange <patti@plcportland.com>
Sent: Friday, April 27, 2018 4:10 PM
To: Brett Kelter
Subject: THOUGHTS: MILWAUKIE SPORTS COMPLEX (PARKING)
Attachments: 32nd off Lake Road Parking.jpg

I called and spoke with several Athletic Directors, (AD), in the Portland, Milwaukie & Lake Oswego areas. As I spoke with them, I gleaned several interesting and important pieces of information that I want to share with the Committee. Parking.....

Parking will really be about SCHEDULING OF GAMES, TYPE OF GAMES, ETC.

1. Attached is a picture of Wednesday's game night parking on 32nd. The game was over and a couple of cars had left, including the one next to fire hydrant and blocking my mail box, (which I get notes from the post man about it being blocked, he thinks it's us). The street makes a turn to the left and this picture doesn't show all the parked cars. There were a total of 19.

2. Without question, "parking" is one of the biggest problems ALL Athletic Directors deal with. I asked each AD how much time do they ask their players/athletes to show up, ahead of the game's start time. It varied between "1 hour" and "30 minutes", most were 30 minutes. I also asked how long they linger after a game (coach talk, clean up, field prep, grandparents, etc.), most said "1 hour", one said "1 1/2 hours" and one said "30 minutes". So, if a baseball game runs 2 hours (no extra innings) + 90 minutes (average....before/after game requirement), each game uses the field for a block of time equating to approx. 3 1/2 hours. That 3 1/2 hours requires 62 parking spaces...see below:

Simple Math for Baseball (more for Soccer):

25 Players
3 Umpires
4 Coaches
2 Snack Shack Personnel
15 Home Team Spectators (conservative)
10 Away Team Spectators (conservative)

59 Parking Needs

This makes sense to me given the current parking situation and struggles the community has been faced with. I believe the "proposed count of 96" will work as long as NO GAMES are running simultaneously, rather ONLY an overlap of athletes showing up early as required for the next scheduled game. This seems to work for 2 fields, but MHS' AD could address this better I'm sure.

3. Scheduling of games, (and use of the Milwaukie Elementary School parking spots), must consider their own needs for: Parent/Teacher Nights, Fund Raising Events, Holiday Events, PTO Meetings, Community Meetings, etc.

--

Thanks,
Patti Lange
503-810-9146



Brett Kelter

From: Patti Lange <patti@plcportland.com>
Sent: Friday, April 27, 2018 4:17 PM
To: Brett Kelter
Subject: A NOTE.....

Brett, I got my emails off to you...if I think of anything else, I'll let you know.

It's a personal experience for many of us and I just want to thank you again for your out-reach to me, education of the overall process and in general, our phone call earlier today.

Hopefully as people look at the emails they'll remember two things.....

1. Most Important....we're unusual...so please treat us accordingly. It's a "detached" field placed smack-dab in people's backyards.
2. Safety first, comprise, community upgrades and memorable childhoods for the children.

Thanks again Brett.

--

Thanks,
Patti Lange
503-810-9146

Brett Kelter

From: Michael Martin <mjacobmartin@gmail.com>
Sent: Monday, April 30, 2018 11:30 AM
To: Brett Kelter
Subject: stormwater drainage question re: parking lot off SE 28th asked and answered.
Attachments: Lake Road Ball Fields Utilities.pdf

Hello Brett,

Thank you for answering my question as to the confusion of the CSU field plans showing a new stormwater connection to an existing sewer drain. The attached image, courtesy of Alex Roller with Milwaukie's Engineering shows the storm drains are disconnected from the sewer and clearly drain into a stormwater line. It is understandable that the stormwater drain line for the parking lot off se 28th "driveway" was inadvertently drawn as connecting to the manhole. I consider this specific concern answered satisfactorily and needs no further discussion on my part.

Thanks!
Michael Martin
2725 SE Lake Road
Milwaukie, OR 97222



From: Michael Martin [mailto:mjacobmartin@gmail.com]
Sent: Monday, April 30, 2018 11:22 AM
To: Brett Kelter <KelterB@milwaukieoregon.gov>
Cc: Alex Roller <RollerA@milwaukieoregon.gov>
Subject: Re: Student safety reminder

Thank You!

This image and statement from Mr Roller completely clear up my emailed questions and the same question I raised at the hearing. I consider this response as asked and answered well. It clearly shows how the storm lines and sewer lines run and offers I believe to be a legitimate excuse as to the discrepancy of the submitted plans. I agree to be disinclined in admitting the whole correspondence as it would only confuse an already complex CSU.

I will send a two statement email separate from this chain, attaching the above map from Mr Roller as evidence that my question was clarified and I no longer have concerns re: drainage of existing and new parking off the SE 28th "driveway".

Michael Martin

On Mon, Apr 30, 2018 at 11:01 AM, Brett Kelter <KelterB@milwaukieoregon.gov> wrote:

Michael,

See the response below from Alex in our Engineering Department, as well as the attached map.

I think some of the confusion stems from mis-labeling of the utilities on some of the applicant's plan sheets and in their stormwater report. There is a storm line and a separate sewer line in close proximity in the Lake Rd parking lot. We do not have combined sewer and storm lines, we do not allow stormwater to go into sewer lines, and the fields facility will not be putting stormwater into a sewer line as per the code section you cited below.

To be clear, the map you attached from the Comp Plan does not show sewer lines—I think those are showing streets. (There is nothing on that map labeled as a sewer line.) I'm sorry some of this info is not more easily accessible on the City's website. We have a zoning map online (<https://www.milwaukieoregon.gov/planning/milwaukie-zoning-map>) but it does not include layers for utilities.

Since there's been some confusion regarding these particular comments and questions from you, I'm not inclined to forward them to the Planning Commission as a new comment but will instead encourage you to restate or reframe your questions based on this latest information and understanding. If you have concerns related to stormwater discharge, it might be most clear and helpful for the Commission and for other people reading the comments to have you restate those in a new email. Let me know if you have questions about that.

BRETT KELTER

Associate Planner

From: Alex Roller
Sent: Monday, April 30, 2018 9:55 AM
To: Brett Kelter <KelterB@milwaukieoregon.gov>
Subject: RE: Student safety reminder

Brett,

Milwaukie does not have any combined sewer. All storm, is storm only, and sewer is sewer only. I think what is the root of the confusion is that the stormwater report does incorrectly show the north/south line that has a manhole as stormwater. I have attached a map showing the locations of the sewer and storm lines near his property. The green is the sewer, that he connected to. The dotted green is the location of his sewer lateral. The purple is the storm line that flows south, then to the east before it reaches his property. I am familiar with his sewer repair, as I was the inspector for their work outside of their property. I can guarantee that they connected to a sewer only line. Also, I can guarantee that the overflow from the new storm planter at the north of the parking lot is going to be connected to the storm only line.

ALEX ROLLER

Engineering Technician II

From: Michael Martin [mailto:mjacobmartin@gmail.com]
Sent: Monday, April 30, 2018 10:15 AM
To: Brett Kelter <KelterB@milwaukieoregon.gov>
Cc: Alex Roller <RollerA@milwaukieoregon.gov>

Subject: Re: Student safety reminder

Hello Brett,

No, I sent you the attachments I meant to send. The map of the sewer line id directly from the city's Comprehensive Plan the map's title is waterserviceareas.pdf . You will find it there, it was the only map from the city of Milwaukie I could find that showed any sewer lines. What you have is directly from the city's website. The manhole cover is the manhole underneath the oak tree at the top of se 28th driveway showing the cover id badge, which should help you to find the manhole within the city's sewer system, which will show whether it is stormwater only, or a sanitary sewer. As a private citizen, I do not have access to that level of mapping online, at least I could not find a way within the city's incredibly unfriendly website.

I thought I was clear in my question, evidently I was not. It is not an I think my sewer is connected to a combined sanitary line. I know it was connected as previously described. I also know our connection was fully permitted and approved when replaced May, 2014. Here are my questions/statement:

Are the proposed stormwater runoff for the parking areas shown planned to connect to the existing drains and are the drains connected to the city's sanitary lines? Is it legal for new stormwater runoff to discharge into a sanitary sewer?

It doesn't matter so much whether I am concerned as a private citizen at some point flooding my private property. What matters is Milwaukie Municipal Code, Oregon DEQ, and the rights of every public citizen to have a proper waste discharge treatment. Milwaukie's Municipal Code, chapter 13.14.05, section E states,

"E. General Discharge Prohibitions

1. Discharge to Sanitary Sewer System

No person shall discharge or contribute to the discharge of any *stormwater* or other unpolluted water into the City's sanitary sewer system."

The proposed stormwater management plan shows manhole #2182, as the terminal point of the existing and future stormwater drains for the 28th parking lot. All the plans neglect to show that this manhole connects is a sanitary sewer line, running into the Lake Rd main line. Specifically Plans:

1. EX-1
2. L0.0
3. L1.0
4. L1.2
5. L1.3
6. C1.0
7. C2.0

Plan C2.0, Note 1 states, "Connect to existing storm line or structure." None of the above seven plans show the sewer line from manhole #2182 running down the se 28th "driveway" to the Lake Road sanitary sewer.

thanks,

Michael Martin

On Mon, Apr 30, 2018 at 8:58 AM, Brett Kelter <KelterB@milwaukieoregon.gov> wrote:

Michael,

Regarding your latest comment, I need to try to clarify a couple of things:

1. The two attachments you sent were a photo of the manhole and a map of water districts. You indicated you were attaching a web-generated map showing sewer and/or storm lines. If you have that second item, could you re-send it to me? I think you inadvertently sent the wrong attachment.
2. I'll have our Engineering Department look over your question and help advise me on any response. If I understand what you're saying, you think your home's sewer connects into a combined sewer and stormwater line? And your concern is that the ballfields will also connect to that line and may overwhelm the system under certain conditions? I just want to make sure I understand what you're suggesting and concerned about. Please confirm whether I understand your question.

Thank you,

BRETT KELVER

Associate Planner

From: Michael Martin [mailto:mjacobmartin@gmail.com]

Sent: Sunday, April 29, 2018 4:14 PM

To: Brett Kelter <KelterB@milwaukieoregon.gov>

Subject: Re: Student safety reminder

Thank you, Brett.

Also, regarding my testimony over possible inaccurate data noted in Appendix D of the CSU, the **Conceptual Stormwater Management Report** I would like to offer the following data. Attached are:

- Milwaukie's own web generated map showing a combined sewer line from the NW corner of SE 28th property, running North-South to Milwaukie's Main Sewer line under SE Lake Road. This line matches the line of drains currently in the parking lot of the ball fields, a cursory visual examination of the two drains show connectors running North- South, not any other direction. The North-South connector follows a straight line to the manhole, #2182, see attached photo, under the oak tree at the top of the se 28th "driveway", which is where our home has always connected to Milwaukie's sewer system. My understanding from searching Milwaukie.org website of city council minutes is that this line was placed in 1958 by/for? Earl Clay (original owner-builder of our home and Mayor of Milwaukie 1959-63), ceded to the city in 1959, then extended into the current playing fields parking lot in I believe 1971*.
- photo of manhole #2182, noted above.

Sheet EX-1 in the above named report for the conditional use permits show this **combined** drain as a **stormwater only** drain. Now, I'm not an expert at understanding the mathematics of flow rates noted in the reports, however I can read a plan and read the flow reports. Pages 1, 2, and 8 of the Stormwater Report specifically state these are Stormwater only drains. Every site plan (existing and future plans) in Appendix E that bothers to show stormwater drain plans show the drain as terminating at manhole #2182.

We replaced our multiple broken, clay pipe, sewer drain (with full permits, and full approval by the city of Milwaukie) May, 2014, after purchasing and prior to inhabiting our home. Our sewer connects at the manhole, **seventeen feet down from the cover**. The large hole dug by the contractors did not displace or show any pipes above the sewer drain at that manhole, and our sewer connected to a T, not a terminal of the sewer line. Now, perhaps it is possible there is another unidentified storm only drain pipe, but I don't see any documented from the faded spray paint lines showing a combined sewer.

My understanding from not only the report and last Tuesday's testimony but also from Oregon DEQ folks is that new connections of stormwater runoff is not allowed, or if so requires additional reviews and a higher standard of onsite stormwater management. Is this correct?

Is the report still valid if the storm water drains into a combined drain?

Or, is there another standard that needs to be applied to this report? If I am misunderstanding DEQ, please point me in the correct ORD I should be reading and I'll happily stop bringing this issue up. I would continue to have concerns whether the combined line will be able to handle the extra load of 9,800 sf of impervious surface, but won't raise an objection to this section of the CSU as I believe our contractors did install a back flow preventer to our line, and should we end up with sewer overflow flood damage our attorneys will happily meet with everyone involved in overloading the sewer system.

I have further data supporting other concerns, which I will send in a separate correspondence.

thanks,

Michael Martin

[2725 SE Lake Rd](#)

[Milwaukie, OR 97222](#)

*It was a difficult search, and unfortunately the links to pdf's of what I stated were bad links, linking to the old city's website address.



CITY OF MILWAUKIE

City of Milwaukie Water District

- County Boundary
- City of Milwaukie
- Milwaukie Water
- City of Portland Water Bureau
- Clackamas River Water
- Oak Lodge Water District



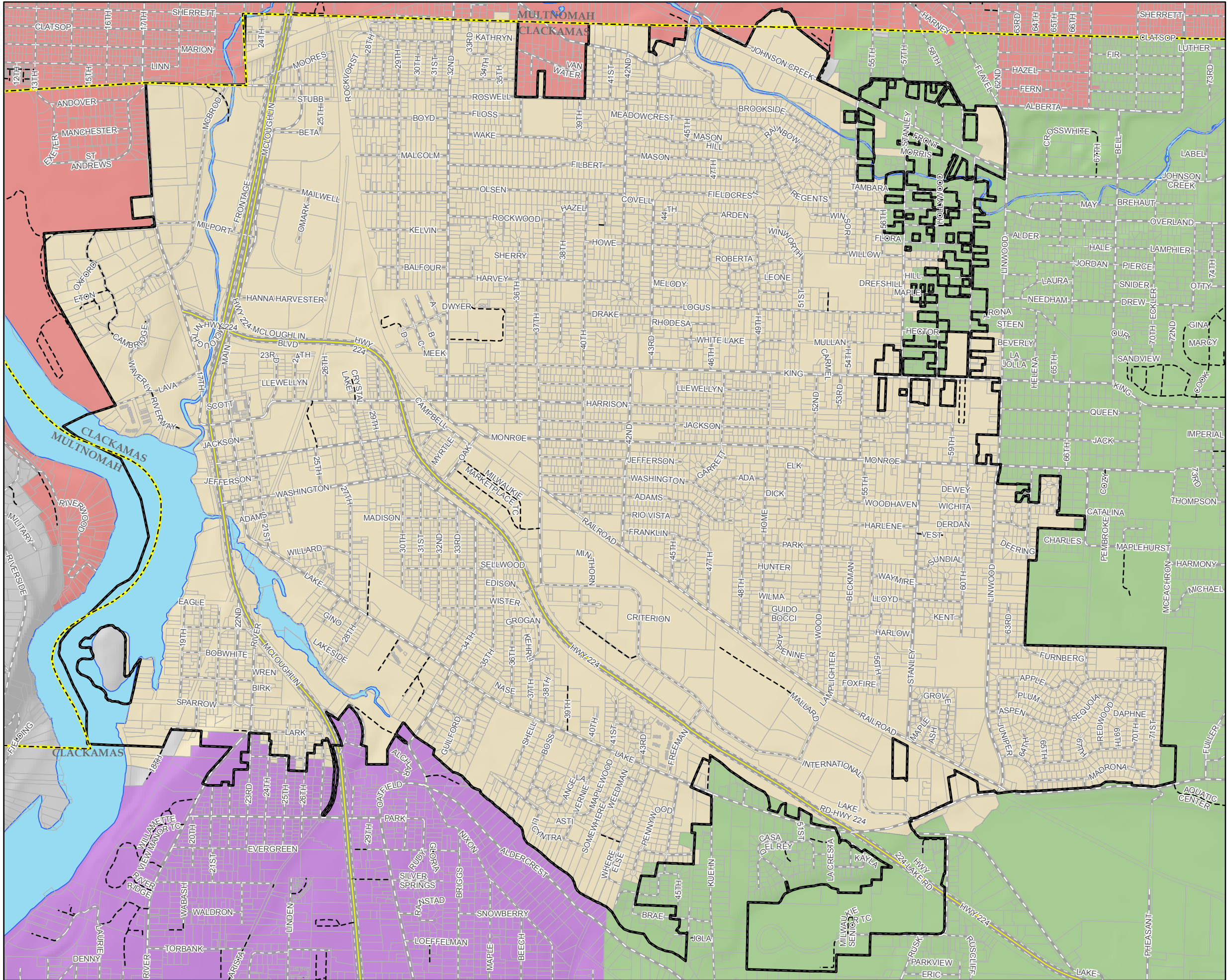
Data Sources: City of Milwaukie GIS, Clackamas County GIS, Metro Data Resource Center

Date: Monday, May 01, 2017

The information depicted on this map is for general reference only. The City of Milwaukie cannot accept any responsibility for errors, omissions or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of errors would be appreciated.

GIS Coordinator
City of Milwaukie
6101 SE Johnson Creek Blvd.
Milwaukie, OR 97206
(503) 786-7498

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Miles





Brett Kelter

From: Matt at Mountain Soles <mtnsoles@hotmail.com>
Sent: Tuesday, May 01, 2018 3:07 PM
To: Brett Kelter
Cc: Sarah Menely
Subject: Re: School District Ball Field Project- additional comments

Dear Planning Commission,

We have sent comments to the Planning Department in 2009 when the parking lot was repaved and again 2014 when they built the building for batting practice. Those previous emails have expressed many of the same concerns we still have today regarding not enough parking for the use of the facility, parking in the driveway, speeding in the driveway and Lake Rd directly related to the use of the facility, continued drainage issues, garbage in the parking lot, and late night activity in the parking lot. The school district has not done much, if anything to be a 'good neighbor' in the years following to resolve many of these issues.

School District Not Following Through With Previous Project Requirements:

When the District got approval for the indoor batting facility a few years ago, they were required to re-stripe the parking area and no-parking zones in the driveway, etc. They did not do this requirement and the city never came to check to see that they had completed all the requirements for that project. The code requires parking areas to be maintained over time, which means that they should be doing normal painting and re-striping as it is needed. As part of this application, it might be good to get the District to commit to a regular schedule of maintenance. Maybe a TDM program specifically for this site. Speed humps or bumps in the driveway up to the parking area would be a great addition.

CSU concerns: At what point does a project take a public property outside of the CSU designation? Based on the information provided by the school district, it seems like they are interested in restricting quite a bit more of the property than they have currently been restricting? Since we, the public, own the property; and we the public, have agreed to increase our property taxes to pay for the proposed improvements, then shouldn't we the public still have access to the majority of this property during daylight hours when there are no games or practices scheduled? I realize that they are proposing a large investment (our money) into this facility and as such, they want to protect it; however, we own it and should have access to it. The high school football field and track facility has been open for the public to use before and after they upgraded the track and installed the artificial turf so why shouldn't this facility be open to public use as well? This project seems like a way for the school district to limit access to the public while at the same time increasing their ability to offer rental of facility. Limiting access to the site does not meet the criteria of approval for the CSU: **"The public benefits of the proposed use are greater than the negative impacts, if any, on the neighborhood"**

They also indicate that the changes to the site will not have any impact on local traffic. If they are going to increase use of the site by having events later into the evening, or renting the site more than they currently are, then this project will definitely have a negative impact on the driveway to the site, Lake Rd, 28th and 32nd. **Again, negative impacts of increased traffic don't meet the CSU.**

The school district has not indicated how many games or practices per day there will be on this site after this project, compared to its current use. Until the school district can show everyone how many games and practices they currently have compared to future use, they should not be allowed to proceed with this project. They should easily be able to tell the City how many school events and rentals this facility will have now, compared to the future. The local community, including neighbors, would not benefit from increased rentals and decreased public access.

If they are to install lighting and improve/expand the PA system there should not be any lighting or PA system for rentals, only for high school games.... or they should not be able to rent this facility out and they should keep it as open as possible for use by the community who is paying for it.

Artificial Turf: The school districts response regarding my concerns about the toxicity of turf and other concerns was disappointing. They cited the manufacturer of the turf, who clearly is going to make favorable points supporting their product in order to sell their product. Although it is difficult at this current time to find actual evidence that artificial turf is harmful, sometimes the "evidence" isn't available until time passes as we discover new things about the affect crumb rubber has on us and the environment. The only such studies that are currently underway are the unofficial ones using our children, citizens, and environment as the subjects. Further to environmental impacts and health safety, the district should seek alternatives to herbicides/pesticides that are currently applied to the grass.

Hours of Operation: The school district indicated in some of the materials that games and practices at this facility currently end at 7pm, however they are asking for the ability to have scheduled events up to 10 pm. I can tell you from personal experience that at some times of the year practices currently go as late as 8:30 or 9 pm because that is when all the cars leave the parking lot in a steady stream. I would ask that they NOT be allowed use of the facility for scheduled events past 8 pm, especially if they are allowed to upgrade their PA system and/or add lights. Allowing the addition of lights opens the door for games and practices to extend later into the evening than the school district currently utilizes, which will mean increased noise, light as well as traffic later into the evening. If they really think that their events only go until 7pm, then why do they need to install lights on the fields? This facility is surrounded on all sides by residential housing which will be negatively impacted by noise, light and traffic at later hours than is currently seen. The proposed hours of operation for this project do not meet the criteria of approval for the CSU. **"The public benefits of the proposed use are greater than the negative impacts, if any, on the neighborhood"**

Parking: I have attached photos that I sent in as part of my 2014 public comments when the district built the building for batting practice. These pictures are still relevant today and reflect a common occurrence with traffic and parking in the driveway and parking lot. As you can see, the parking lot is full and overflow parking is in the grass and gravel areas. The district is proposing to 'expand' the parking, but all they are really doing is paving parking areas that people currently park on, so they are not really adding any new parking beyond what people have been using. The driveway is a no-man's land; because it is not a public street, the Milwaukie Police don't enforce parking problems and the school district won't tow cars parking in the no parking zone.

Drainage: In responses to comments regarding site drainage, the school district consistently says that they are willing to work with neighbors to resolve drainage issues which sounds good. There have been drainage issues for years with neighbors of this site, yet they have never been addressed. Perhaps making it a requirement to work with neighbors on resolving these drainage issues should be one of the conditions of approval?

We request the Planning Commission **not** approve the School District's request, as there are multiple areas where the proposal does not meet the criteria set forth in the CSU. The current use of the site is appropriate for the location within the neighborhood; the proposed changes have negative impacts that are greater than the public benefits. Should the Planning Commission allow the district to proceed, there needs to be some modifications before approval including:

- Limit hours to no later than 8 pm.
- No additional lights added to the site.
- No rentals of the site; it should only be used for school events.
- Not locking up more access to the site than is currently off limits.
- Keeping and locking the gate to the parking lot in off hours (perhaps adding an automatic gate like at North Clackamas Park).
- Adding the proposed sidewalk on the west side of the driveway between Lake Rd and the parking lot.
- School District must work with residents to resolve existing drainage issues before any other work is done.
- School district must create a maintenance plan for repainting curb and striping the parking lot and create a TDM for the site as well as rotate the no parking signs 90 degrees so that drivers can actually see them.
- School District must work with Milwaukie PD to create a parking enforcement plan/agreement for the driveway which could include ticketing or towing of illegally parked vehicles.

Had we known that the school bond dollars would be used for this project, we would not have voted for it. We will be hesitant to vote for future school bond measures knowing that the money may not directly support the rebuilding of the schools, which is what we thought we were voting for.

Further, as residents, we collectively own this property (through our ownership of the school district) and through the recent school bond we are funding the suggested improvements the school districts wants to make; however, it seems the district seeks to greatly limit public access to the space we all currently use, enjoy and pay for.

Lastly, I would like to point out that these practice fields were once a privately owned wooded area where neighborhood kids once enjoyed roaming around and walking to school through. It was owned by a family who's house borders the parking lot. The City took this property under eminent domain to build these fields, then gave these fields to the school district when the the City gave the schools to the school district. As residents, we collectively own this property (through our ownership of the school district) and through the recent school bond we are funding the suggested improvements the school districts wants to make; however, it seems the district seeks to greatly limit public access to the space we all currently use, enjoy and pay for. It is really disappointing.

Thank you for considering our concerns.

Best regards,
Matt and Sarah Menely







Brett Kelter

From: Matt at Mountain Soles <mtnsoles@hotmail.com>
Sent: Tuesday, May 01, 2018 3:56 PM
To: Brett Kelter
Subject: Fw: Ball Field Parking word doc
Attachments: Ball Field Parking Conditions.docx

Hi Brett,

Attached are some pics that I mentioned in the prior correspondence. Also worth noting is the email below from 2014, which outlines many of the same concerns we are bring up today.

Thanks,
Matt

From: Matt at Mountain Soles [mailto:mtnsoles@hotmail.com]
Sent: Monday, March 24, 2014 9:18 AM
To: Kelter, Brett
Subject: Indoor Batting Cage

Hi Brett,
Sorry this is so late in getting to you.

Here are our comments, questions, suggestion for the Planning Commission regarding the proposed indoor batting cage.

1. Bathroom- The building is a very long distance from any restroom facilities- we suggest requiring a bathroom be installed somewhere on site.
2. Lighting- Please require and lighting to be dark sky compliant, and that there is no "light trespassing" on adjacent neighbors.
3. Water/Drainage- There currently appears to be a significant problem with drainage in the outfield of the baseball field at the western portion of the property. Standing water & mud can be encountered in this outfield 3-4 days after it has rained. Please make sure that appropriate measures are taken with the construction of the new building to avoid increasing the drainage issues.
(Not sure if this is connected to the ball fields, but on Lake Rd, directly south of the existing batting cages, there is a storm drain that water frequently comes out of. It is very noticeable on dry or sunny days a day or two after it has rained or when the sprinkler system has been used on the ball fields in the summer. We think that it may be related to drainage on the ball fields).

4. Safety/Security-

Current conditions allow anyone access to the parking lot at the west end of the property 24/7. The parking lot is dark at night and secluded. People frequently use this lot a night for unsavory activities, and we have found multiple used condoms, needles, and plenty of garbage over the years.
We would like the school district to repair or replace the gate at the entrance to the parking lot, and lock it at night (9pm-8am or something like that). There have been a number of police calls to the parking lot, and most recently (early Feb?) we were woken by 3 police cars; 1 in the ball field parking lot, and 2 on Lake Rd, all with their lights flashing and with their spot lights shining up at the batting cage area and west ball field. I'd suggest that planning staff look at the police statistics relating to this area before issuing an building permits. We would also suggest that there be a stop sign

installed at the bottom of the driveway, and that the yellow paint on the sides of the driveway be repainted as a condition of any permits being issued.

5. Require the building of more parking at the North end of the existing parking lot, and not require vegetation areas be added to the existing parking lot. There is enough unpaved space north of the exiting parking lot for 10-15 more spaces. On game days people are frequently parking in this grassy, muddy area even when there is plenty of parking in the paved lot. Please see the attached pictures below to get a sense of the over abundance of vehicles associated with a game, one afternoon last week (March 18th). The bus is also blocking 1/2 the access to the parking area, cars are parked on the grass, and at least one car was trapped by the cars parked around it. On game days there are enough people trying to access the site that they are forced to park on 28th, across Lake Rd, as was the case last week. The number of people using this site is rather low 99 % of the time, but when a game happens, or multiple teams are practicing at the same time, the parking for the facility is not big enough for the number of users.

6. We have noticed that coaches and MHS students are not parking in the paved lot for afternoon practice. Instead coaches are parking on the grass at the east end of the property (on Lake Rd), and students who are driving themselves are parking on 32nd ave which is a dead-end street with about 6 houses on it. Because the proposed facility is located roughly in the middle of the property, perhaps people will continue to park on 32nd and walk from there instead of parking in the lot they have been provided? If would imagine folks living on 32nd would like to see a decrease in the number of visiting vehicles parking on that street.

7. Hours of use and associated sounds of the facility? We would like to be assured that we will not be hearing the echo or reverberation of balls and bats late in the evenings, or early in the mornings. Will there be specific hours the facility can and can not be used? It looks like this will be a metal building, and perhaps without any insulation, so it is easy to assume that noise may be an issue?

Please feel free to contact us with any questions.

Thank you,

Matt & Sarah Menely
2816 SE Lake Rd
Milwaukie, OR 97222
503-515-5310 cell