



# CITY OF MILWAUKIE

June 13, 2024

Land Use File(s): CSU-2024-003

## NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Commission on June 11, 2024.

*Traducciones de este documento e información sobre este proyecto están disponibles en español. Para solicitar información o preguntar en español, favor de email [espanol@milwaukieoregon.gov](mailto:espanol@milwaukieoregon.gov).*

<b>Applicant(s):</b>	North Clackamas School District
<b>Location(s):</b>	11326 SE 47 <sup>th</sup> Ave (Campbell Elementary School site)
<b>Tax Lot(s):</b>	1S2E31BD05700 & 1S2E31CA03400
<b>Application Type(s):</b>	Community Service Use (major modification)
<b>Decision:</b>	Approved with Conditions
<b>Review Criteria:</b>	Milwaukie Municipal Code (MMC) <ul style="list-style-type: none"><li>• MMC Section 19.301 Moderate Density Residential zone (R-MD)</li><li>• MMC Chapter 19.600 Off-Street Parking &amp; Loading</li><li>• MMC Chapter 19.700 Public Facility Improvements</li><li>• MMC Section 19.904 Community Service Uses</li><li>• MMC Section 19.1006 Type III Review</li></ul>
<b>Neighborhood(s):</b>	Hector Campbell

**Appeal period closes: 5:00 p.m., June 28, 2024**

This notice is issued in accordance with Milwaukie Municipal Code (MMC) Section 19.1006 Type III Review. The complete case file for this application is available for review by appointment between 8:00 a.m. and 5:00 p.m. on regular business days at the Planning Department, Johnson Creek Facility, 6101 SE Johnson Creek Blvd. Please contact Brett Kelter, Senior Planner, at 503-786-7657 or [kelterb@milwaukieoregon.gov](mailto:kelterb@milwaukieoregon.gov), if you wish to view this case file or visit the project webpage at [www.milwaukieoregon.gov/planning/csu-2024-004](http://www.milwaukieoregon.gov/planning/csu-2024-004).

**This decision may be appealed by 5:00 p.m. on June 28, 2024, which is 15 days from the date of this decision.**<sup>1</sup> (Note: Please arrive by 4:45 p.m. for appeal payment processing.) Only persons who submitted comments or made an appearance of record at the public hearing have standing to appeal the decision by filing a written appeal. An appeal of this decision would be heard by the Milwaukie City Council following the procedures of MMC Section 19.1010 Appeals. This decision will become final on the date above if no appeal is filed during the appeal period. Milwaukie Planning staff can provide information regarding forms, fees, and the appeal process at 503-786-7630 or [planning@milwaukieoregon.gov](mailto:planning@milwaukieoregon.gov).

Per MMC Subsection 19.1001.7.E, this land use approval expires unless the development utilizes its approvals within four (4) years of land use approval. Extensions can be granted per MMC Section 19.908.

### **Findings in Support of Approval**

The Findings for this application are included as Exhibit 1.

### **Conditions of Approval**

1. As per Finding 8-c-4, if the new school operation results in significant impacts in the neighborhood—including, but not limited to, vehicles queuing on Railroad Avenue or blocking residential driveways—the applicant will meet with Planning staff to determine necessary adjustments. If impacts continue to be an issue, the applicant will revisit the issue with the Planning Commission in a public hearing that reassesses the applicable CSU approval criteria (Milwaukie Municipal Code (MMC) Subsection 19.904.4).
2. As per Finding 8-c-2(i), install a minimum of 20 bicycle parking spaces on the portion of the site used by the charter school. The racks must be designed so that the bicycle frame and one wheel can be locked to a rigid portion of the rack with a U-shaped shackle lock when both wheels are left on the bicycle. Horizontal (ground-mounted) racks must support the bicycle at two points, including the frame. Racks must be installed to meet the applicable bicycle parking space dimensional standards of MMC Section 19.609. Racks should be located within 50-100 ft of the main entrance(s) of the building(s) where installed. The racks must be installed by the end of the first school year for the charter school operating at the site.
3. As per Finding 7-e, reconstruct the northernmost driveway on 47<sup>th</sup> Avenue to comply with the applicable Public Works Standards and Americans with Disabilities Act (ADA) standards. The driveway must be reconstructed by the end of summer after the first school year for the charter school.
4. As per Finding 7-f, establish a 10-ft public utility easement (PUE) along the subject property's entire 47<sup>th</sup> Avenue frontage.

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<sup>1</sup> As per MMC Section 19.1010, if the 15<sup>th</sup> day falls on a weekend or legal holiday, the end of the appeal period is extended to the end of the next business day.

**Other requirements**

None.

**Decision**

- Approved  
 Approved with Conditions  
 Denied



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Laura Weigel, AICP  
Planning Manager

**Exhibits**

1. Findings in Support of Approval

cc: Cindy Detchon, North Clackamas School District, applicant (via email)  
Kristin May, Cascade Heights Public Charter School, applicant team (via email)  
Planning Commission (via email)  
Joseph Briglio, Community Development Director (via email)  
Jennifer Garbely, City Engineer (via email)  
Engineering Development Review (via email)  
Patrick McLeod, Building Official (via email)  
Stephanie Marcinkiewicz, Inspector/Plans Examiner (via email)  
Harmony Drake, Permit Technician (via email)  
Shawn Olson, Fire Marshal, Clackamas Fire District #1 (via email)  
NDA(s): Hector Campbell (via email)  
Interested Persons  
Land Use File(s): CSU-2024-003  
Address File(s): 11326 SE 47<sup>th</sup> Ave

**EXHIBIT 1**  
**Findings in Support of Approval**  
**File #CSU-2024-003**  
**CSU Modification for Charter School**

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

1. The applicant, North Clackamas School District (“the District”), represented by Cindy Detchon (Assistant Superintendent, Operations), has applied to modify the existing community service use approval for Campbell Elementary School. The subject property is located at 11326 SE 47<sup>th</sup> Ave and is zoned Moderate Density Residential (R-MD). The land use application file number is CSU-2024-003.
2. The applicant proposes to allow a charter school to begin operating at the subject property. Campbell Elementary is a public school established in 1958. The subject property is 9 acres and is developed with six buildings (for classrooms and a cafeteria), gymnasium, community garden, open and covered play areas, and outdoor athletic fields. There are off-street parking lots on the western and southern portions of the site.

Since the closure of Campbell Elementary in 2011, the District has used several of the school buildings for an early childhood evaluation center, District employee office space, occasional meetings and trainings, specialized physical education programs, and storage of surplus furniture and materials. The gym and fields are regularly used by the North Clackamas Parks and Recreation District for after-school and weekend programs for youth and the community. Within the past couple of years, a Ukrainian private school also began operating on Saturdays in the two buildings on the northern part of the site.

3. The proposed new charter school is Cascade Heights Public Charter School, an independent public school under the sponsorship of the District. It has been in operation since 2006 at another location that is no longer available. The school operates on a four-day schedule (Monday through Thursday), with school hours from 7:45 a.m. to 3:30 p.m. Occasional evening activities may include a concert, family night, or board meeting. The school has 25 staff serving 225 students and does not provide a regular bus pick up and drop off, so most students arrive via private transportation.

With the proposed modification, most of the spaces on the campus that are currently used for storage, District employee offices, and meetings/trainings will be replaced by the charter school for use as classrooms and offices. The early childhood evaluation center will remain in operation, as will the Ukrainian school. The community garden will remain in use at the northeastern corner of the site. The gym and fields will still be used for after-school and weekend youth/community programs as well as by the charter school for physical education classes during the week.

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

- MMC Section 19.301 Moderate Density Residential zone (R-MD)
- MMC Chapter 19.600 Off-Street Parking & Loading
- MMC Chapter 19.700 Public Facility Improvements
- MMC Section 19.904 Community Service Uses
- MMC Section 19.1006 Type III Review

The application has been processed in accordance with MMC Section 19.1006 Type III Review. A public hearing was held by the Planning Commission on June 11, 2024, as required by law.

5. MMC Section 19.301 Moderate Density Residential Zone (R-MD)

MMC 19.301 establishes standards for the Moderate Density Residential (R-MD) zone. The application meets the applicable standards of this section as described below.

a. MMC Subsection 19.301.2 Allowed Uses

MMC 19.301.2 establishes the uses allowed outright in the R-MD zone, including single detached dwellings, middle housing types (duplexes, triplexes, quadplexes, townhouses, and cottage clusters), accessory dwelling units (ADUs), and residential homes. Community service uses are allowed with additional review as per MMC Section 19.904.

*The subject property is currently developed as an elementary school campus and is acknowledged as a CSU, though the original public school was closed in 2011. The applicant is proposing to allow a charter school (grades K-8) to operate on the site, which constitutes a modification to the existing CSU approval. CSUs are permitted in the R-MD zone per MMC Table 19.301.2, and major modifications are subject to Type III review.*

b. MMC Subsections 19.301.4 and 19.301.5 Development Standards

MMC 19.301.4 and 19.301.5 establish development standards for the R-MD zone for lot coverage, minimum vegetation, yard setbacks, and maximum height.

*The proposed modification does not include any new development or physical changes to the site. None of the R-MD development standards are affected.*

*As proposed, the Planning Commission finds that the proposed modification meets all applicable standards of MMC 19.301. This standard is met.*

6. 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. MMC Subsection 19.602.2 requires that existing off-street parking and loading areas remain in conformance with the requirements of Chapter 19.600 with respect to their ongoing maintenance, operations, and use.

Per Oregon Administrative Rules (OAR) 660-012-0012 and 660-12-0440, which relate to Climate-Friendly and Equitable Communities (CFEC) rulemaking, the City is prohibited from mandating minimum off-street vehicular parking quantity requirements because of the subject property's proximity to frequent transit provided by TriMet (bus line #33 on King Road). However, all other provisions of MMC 19.600 may still apply.

*The applicant is proposing to re-establish an elementary school use (grades K-8) on the site. Although the CFEC-related limitations noted above prevent the implementation of minimum off-street vehicular parking quantity requirements, the Planning Commission finds that maintaining compliance with the other applicable sections of MMC 19.600 is required.*

b. MMC Section 19.605 Vehicle Parking Quantity Requirements

MMC 19.605 establishes standards to ensure that development provides adequate vehicle parking (off-street) based on estimated parking demand. As per the CFEC-related limitations noted above, the City is prohibited from mandating minimum off-street vehicular parking quantity requirements because of the subject property's proximity to frequent transit provided by TriMet (bus line #33 on King Road). However, maximum off-street vehicular parking limitations still apply. Additionally, off-street vehicular parking minimums are used to determine the required quantity of off-street bicycle parking per MMC Section 19.609 and for that reason are addressed below.

*MMC Table 19.605.1 provides minimum and maximum quantity requirements for elementary schools—the minimum is 1 space per classroom and maximum is 2 spaces per classroom. The school has 18 classrooms, which results in a maximum parking allowance of 36 spaces. The site is developed with 64 off-street parking spaces and so is nonconforming with respect to the maximum quantity standard. However, no changes are proposed to the existing parking configuration, so the site will not be pushed farther out of conformance.*

c. MMC Section 19.609 Bicycle Parking

MMC 19.609 establishes standards for bicycle parking. Unless otherwise specified, the number of bicycle parking spaces is at least 10% of the minimum required vehicle parking for the use (CFEC limitations aside). In no case will fewer than two bicycle spaces be provided.

MMC Subsection 19.609.3.A requires that each bicycle parking space 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 securely anchored and designed to allow the frame and one wheel to be locked to the rack with a U-shaped lock. Bicycle parking must be

located within 50 ft of a main building entrance, closer to the entrance than the nearest non-ADA-designated vehicle parking space, designed to provide access to a public right-of-way, in a location that is visible from the main parking lot, designed not to impede pedestrians along sidewalks, and separated from vehicle parking areas by curbing or other similar physical barriers.

*With 18 classrooms, the minimum required vehicle parking quantity for the site is technically 18 spaces (CFEC limitations aside), which results in a minimum bicycle parking requirement of 2 spaces. A past land use approval (file #CSO-99-09) included a condition of approval requiring 30 bicycle parking spaces. Bicycle racks were installed accordingly but were subsequently removed a few years ago without authorization, so there are currently no bicycle parking spaces on site. A condition has been established to require the re-installation of at least 20 of the 30 previously required bicycle parking spaces. The reduced number acknowledges the fact that the new charter school will utilize only about two-thirds of the overall campus.*

*As conditioned, the standards of MMC 19.609 are met.*

*As proposed and conditioned, the Planning Commission finds that the applicable standards of MMC 19.600 are met.*

#### 7. MMC Chapter 19.700 Public Facility Improvements

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

##### a. MMC Section 19.702 Applicability

MMC 19.702 establishes the applicability of MMC 19.700, including a new dwelling unit, any increase in gross floor area, land divisions, 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.

*The applicant is proposing to re-establish an elementary school use (grades K-8) on the site, with most students arriving and leaving via private transportation instead of on buses. The City Engineer has determined that the proposed modification will result in an increase in trips. The proposed development triggers the requirements of MMC 19.700.*

*MMC 19.700 is applicable to the proposed development.*

##### b. MMC Section 19.703 Review Process

MMC 19.703 establishes the review process for development that is subject to MMC 19.700, including requiring a preapplication conference, establishing the type of application required, and establishing approval criteria.

*The requirement for a preapplication conference with City staff was waived by the Planning Manager for this proposal. As noted in Finding 7-c, a transportation impact study (TIS) is not required; therefore, an application for transportation facilities review is not necessary.*

c. MMC Section 19.704 Transportation Impact Evaluation

MMC 19.704 establishes that the City Engineer will determine whether a proposed development has impacts on the transportation system by using existing transportation data. If the City Engineer cannot properly evaluate a proposed development's impacts without a more detailed study, a TIS will be required to evaluate the adequacy of the transportation system to serve the proposed development and determine proportionate mitigation of impacts.

*The City Engineer has determined that a TIS is not required, as the impacts on the transportation system from re-establishing a school use on the site are minimal. Although most students will arrive and leave via private transportation instead of on buses, the school's transportation plan will manage and limit traffic impacts.*

d. MMC Section 19.705 Rough Proportionality

MMC 19.705 requires that transportation impacts of the proposed development be mitigated in proportion to its potential impacts.

*Finding 7-e addresses the required reconstruction of the site's northernmost driveway approach on 47<sup>th</sup> Avenue to comply with current accessibility (ADA) standards. Finding 7-f addresses the requirement for public utility easements along the property's street frontage. The proposed development does not trigger mitigation of impacts beyond those discussed in these findings.*

*This standard is met.*

e. MMC Section 19.708 Transportation Facility Requirements

MMC 19.708 establishes the City's requirements and standards for improvements to public streets, including pedestrian, bicycle, and transit facilities. MMC Subsection 19.708.1 requires compliance with MMC Chapter 12.16 for accessway design, and establishes general requirements and standards for streets, including access management, clear vision, street design, connectivity, and intersection design and spacing standards. MMC Table 19.708.2 provides more specific street design standards for various street classifications based on the City's Transportation System Plan (TSP), including for local streets. MMC Subsection 19.708.3 establishes requirements and standards for sidewalks, including a provision for applying Americans with Disabilities Act (ADA) standards.

*The subject property has frontage on both 47<sup>th</sup> Avenue and Railroad Avenue but takes access only from 47<sup>th</sup> Avenue, which is classified in the City's TSP and Transportation Design Manual as a local street. As established in MMC Table 19.708.2 Street Design Standards, the required ROW width for a local street is between 20 ft and 68 ft, depending on the required street improvements. The existing ROW of 47<sup>th</sup> Avenue is 50 ft wide, and there is curb-tight sidewalk on the east side of the street along the subject property frontage, which is adequate for the proposed modification.*



*The subject property has four accessways on 47<sup>th</sup> Avenue. The accessways, as well as the public sidewalks along the 47<sup>th</sup> Avenue frontage, have been evaluated by the Engineering Department for compliance with the Public Works Standards and current ADA requirements. The three southernmost driveway approaches are constructed with safe and adequate sidewalk crossings; the northernmost driveway, near the early childhood evaluation center on campus, is constructed as a small intersection, with raised curbs and noncompliant ADA ramps. There are also two significant sidewalk obstructions—a utility pole in the middle of the sidewalk just north of the northernmost driveway and a fire hydrant in the middle of the sidewalk just south of the southernmost driveway. The proposed modification does not warrant the remedy of either sidewalk obstruction, but a condition has been established to require reconstruction of the northernmost driveway to comply with the Public Works Standards and applicable ADA standards.*

*As conditioned, the proposed modification meets the applicable standards of MMC 19.708.*

f. MMC Section 19.709 Public Utility Requirements

MMC 19.709 establishes the City's requirements and standards to ensure the adequacy of public utilities to serve development.

*The proposed modification does not present new impacts to existing public utilities, which are adequate to serve the proposed use. To ensure there is sufficient room to accommodate future utility needs, a condition has been established to require a 10-ft public utility easement (PUE) along the subject property's frontage on 47<sup>th</sup> Avenue.*

*As conditioned, the proposed development meets the applicable standards of MMC 19.709.*

*As proposed and conditioned, the Planning Commission finds that the applicable standards of MMC 19.700 are met.*

8. MMC Section 19.904 Community Service Uses

MMC 19.904 provides standards and procedures for review of applications for community service uses (CSUs), including major modifications to existing CSUs. 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. CSUs include schools and their accompanying sports facilities.

a. MMC Subsection 19.904.2 Applicability

MMC 19.904.2 establishes applicability of the CSU regulations, including a requirement for review to establish or modify a CSU.

*The application is for a modification to the operation of an existing CSU.*

*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. Applications for new CSUs or major modifications to existing CSUs are subject to Type III review (MMC 19.1006).

*The proposal is to modify an existing CSU and, although the subject property has long been established as a school site, it has not been fully used as an elementary school since 2011 and is proposed to be operated without District bus service for students. There are potential new impacts related to traffic and public transportation facilities that must be evaluated, so the proposal does not meet the minor modification criteria established in MMC Subsection 19.904.5.C.*

*The Planning Commission finds that the proposed development is a major modification and is subject to 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.

*As discussed in Finding 5, the proposed modification does not involve changes that would affect the development standards of the underlying R-MD zone. As discussed in Finding 6, the applicant is not proposing any changes to the existing vehicular off-street parking configuration and a condition has been established to re-establish some bicycle parking.*

*As conditioned, this criterion is met.*

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

MMC Subsection 19.904.7 establishes specific standards for schools, which are addressed as follows:

- (a) MMC Subsection 19.904.7.A requires public elementary or secondary schools to provide a site area/pupil ratio as required by state law. Other schools must provide 1 acre of site area for each 75 pupils of capacity or for each 2.5 classrooms, whichever is greater, except as provided in Subsection 19.904.7.B below.

*The school site is approximately 9 acres in size. The proposed charter school will have approximately 225 pupils, which would require a 3-acre site. There are a total of 18 classrooms, which would require at most a 7.5-acre site. By either measure, the site area/pupil ratio standard is met.*

- (b) MMC Subsection 19.904.7.B requires that preschools, nursery schools, day-care centers, or kindergartens provide a fenced, outdoor play area of at least 75 sq ft for each child of total capacity. Where groups of children are scheduled at different times for outdoor play, the total play area may be reduced proportionally based on the number of children playing out-of-doors at one time, but with a maximum reduction of no more than half.

*The proposed charter school will serve students from kindergarten through 8<sup>th</sup> grade. With an average of 26 kindergarteners, an outdoor play area of at least 1,950 sq ft is required. The school campus includes an outdoor play area over 125,000 sq ft (2.87 acres) in size, which is fenced where adjacent to residential uses, Railroad Avenue, and 47<sup>th</sup> Avenue.*

- (c) MMC Subsection 19.904.7.C requires walkways, both on and off the site for safe pedestrian access.

*The school site is developed with a network of paved walkways, including an extensive section of covered walkways between various buildings. A public sidewalk extends along the site's frontage on 47<sup>th</sup> Avenue, a distance of over 800 linear feet.*

- (d) MMC Subsection 19.904.7.D requires sight-obscuring fencing of 4 to 6 ft in height to separate play areas from adjacent residential uses.

*The outdoor play area that will be utilized by kindergarteners is within the larger fenced portion of the site and is not directly adjacent to any residential use.*

- (e) MMC Subsection 19.904.7.E requires adequate public facilities to serve the school.

*The existing public facilities were adequate to serve the previous elementary school operation and are sufficient to serve the proposed charter school. The existing driveways onto 47<sup>th</sup> Avenue allow easy access to the primary drop-off and pick-up area at the front entrance as well as to an off-street parking area on the south side of the building cluster. There is room for some on-site vehicle queuing in the drop-off/pick-up area, and 47<sup>th</sup> Avenue is wide enough to accommodate on-street parking and queuing without blocking vehicle travel lanes. The attached traffic management plan outlines the measures that will be in place to ensure that vehicle queuing does not negatively impact traffic on 47<sup>th</sup> Avenue or Railroad Avenue.*

- (f) MMC Subsection 19.904.7.F requires safe loading and ingress and egress on and to the site.

*As noted immediately above, the site provides adequate and safe loading and ingress/egress from 47<sup>th</sup> Avenue. Two existing driveways onto 47<sup>th</sup> Avenue access the main drop-off/pick-up area in front of the school, with at least 150 lineal feet for queuing on site and 25 off-street parking spots. Another driveway provides access from 47<sup>th</sup> Avenue to a separate off-street parking area with 39 spaces that are available for some drop-off/pick-up use. In addition, 47<sup>th</sup> Avenue is wide enough to allow on-street parking and/or queuing along the school frontage, adjacent to a curb-tight sidewalk that connects to the on-site walkway system.*

- (g) MMC Subsection 19.904.7.G requires compliance with the parking standards in MMC 19.600.

*Recent changes in state law have limited the ability of local jurisdictions to enforce mandatory minimum off-street vehicle parking requirements. Maximum parking allowances are still applicable, at the ratio of 2 spaces per classroom. The existing site provides up to 18 classrooms and is developed with 64 off-street parking spaces, well over the current maximum allowance of 36 spaces. However, no changes are proposed to the current parking configuration, so the site will not be pushed farther out of conformance. The excess parking is actually an important part of the proposed traffic management plan and will help in preventing vehicles from queuing on Railroad Avenue.*

- (h) MMC Subsection 19.904.7.H requires minimum yard setbacks of 20 ft.

*The proposed modification does not involve construction of any new structures that would be subject to setback requirements.*

- (i) MMC Subsection 19.904.7.I requires bicycle facilities that “adequately serve the site.”

*A previous CSU modification decision in 1999 (file #CSO-99-09) included a condition related to the provision of bicycle parking on the site. Associated documents reference 30 bicycle parking spaces distributed at two of the buildings on campus. That bicycle parking was removed at some point by the District, but the applicant proposes to re-establish at least 20 of the 30 previously required bicycle parking spaces on the main part of the campus where the proposed charter school will operate, which will bring the site closer to conformance with the past condition of approval. The applicant proposes to install the bicycle parking by the end of the first school year, to allow time to discern where the new bike racks will be most useful. A condition has been established to ensure that adequate bicycle parking is installed.*

- (j) MMC Subsection 19.904.7.J requires a minimum landscaped area of 15%.

*The proposed modification will not impact any of the existing landscaping on the site, which covers over 55% of the campus.*

*As conditioned, this criterion (regarding specific standards for schools) is met.*

- (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.

*In the final year of its operation as a K-8 elementary school, Campbell Elementary had an enrollment of 305 students with 26 staff members. The hours of operation were Monday through Friday from 7:30 a.m. to 3:30 p.m., with typical after-school activities. As proposed, the charter school will operate Monday through Thursday from 7:45 a.m. to 3:30 p.m., with 225 students and 25 staff. Friday field trips, once per month, also occur in smaller groups. The other District activities that have evolved on the site since*

*Campbell Elementary closed in 2011—early childhood evaluation center, Ukrainian school on Saturdays, after-school and weekend youth/community programs, and community garden—will continue as they have been. The proposed modification will not increase the intensity of the historic use of the site, and the hours and levels of operation will be reasonable compatible with surrounding uses.*

*This criterion 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 subject property has functioned as a school site and has been a valuable community asset for over six decades (since 1958). Even after it closed as a public elementary school in 2011, the athletic fields, gymnasium, and community garden space have continued to be available for use by the neighborhood and larger community. And the buildings themselves have continued to be used by the School District for a number of community-based activities (e.g., early childhood evaluation center, Ukrainian school on Saturdays, after-school and weekend youth/community programs)—those uses will all continue. The proposed charter school will reinvigorate the site, restoring its historically intended use and potentially drawing young families to live in the neighborhood.*

*Unlike the previous elementary school, the charter school will not utilize busing for day-to-day student transportation, so most of the students will arrive in private vehicles. However, carpooling is a common practice and part of the school culture, which reduces the overall number of vehicle trips. Staggered drop-off and pick-up times spread the vehicle volume over a longer period in the mornings and afternoons, preventing excessive queuing and limiting impacts on neighboring streets. The absence of daily busing eliminates both the traffic conflicts and safety concerns that arise from the interaction of buses, cars, and pedestrians and the air pollution stemming from diesel-fueled buses. And the charter school's ability to adjust practices in response to actual conditions is an important improvement over the previous school operation, which had less flexibility as part of the larger District system.*

*A condition has been established to confirm that any significant impacts (traffic or otherwise) will be addressed and resolved. The applicant will meet with Planning staff to determine necessary adjustments; if traffic impacts continue to be an issue, the applicant will revisit the issue with the Planning Commission in a public hearing that reassesses the applicable CSU approval criteria.*

*As conditioned, this criterion is met.*

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

*The Campbell Elementary site has been in the neighborhood since 1958 and functioned as a public elementary school until 2011. The 9-acre campus provides an assortment of buildings with classrooms, administrative offices, cafeteria, and gymnasium, as well as ball fields and a vast outdoor play area. The site is easily accessible from Railroad*

*Avenue (a collector street) and provides ample space on site and along its 47<sup>th</sup> Avenue frontage (a local street) for parking and queuing during drop-off and pick-up times. A network of walkways, half of which are covered, connect the various buildings on the site and provide safe access from the street onto the campus. In short, the site was designed to function as an elementary school and is an ideal location for the proposed charter school.*

*This criterion is met.*

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

*The Planning Commission finds that, as conditioned, the proposed modification meets all applicable standards of MMC 19.904 to be approved as a major modification to an existing CSU. This standard is met.*

9. The application was referred to the following departments and agencies on May 21, 2024:
- Milwaukie Community Development Department
  - Milwaukie Engineering Department
  - Milwaukie Building Department
  - Milwaukie Public Works Department
  - Milwaukie Police Department
  - City Attorney
  - Hector Campbell Neighborhood District Association (NDA) Chairperson and Land Use Committee (LUC)
  - Clackamas Fire District #1 (CFD#1)
  - Clackamas County Department of Transportation & Development
  - Metro
  - TriMet
  - North Clackamas Parks and Recreation District (NCPRD)
  - NW Natural

In addition, public notice was provided on May 22, 2024, as required by MMC Subsection 19.1006.3. The responses received are summarized as follows:

- **Matt Freitas, parent of current CHPCS student:** Comments in support of Cascade Heights Public Charter School (CHPCS) starting operations at the subject property. The school staff have perfected a system for managing traffic at drop-off and pick-up times to minimize impacts on the surrounding area.
- **Veronica (Whitmore) Rasey, parent of incoming CHPCS student:** Comments in support of CHPCS. The Campbell Elementary site is an ideal location, situated in a neighborhood and not located on a busy street. The charter school staff will ensure that parking and drop-off/pick-up activities are managed appropriately.