

EXHIBIT  
SUBMITTED  
TO PC BY  
MICHAEL MARTIN  
ON 5-8

70 cars tonight 1738-1745

17  
38  
10

5

2x  
8  
5  
70

Exhibit 2  
Received at PC / CC  
Public Hearing  
Date: 5/08/18  
By: Danny Egner

I am sending five more emails to Brett this morning regarding the following errors to the CSU:

1. lighting diagrams (all) are incorrect as they are produced on a flat plan and do not follow the actual topography of the site
2. the proposed five pull in parking spaces will not be within code as the driveway there is less than 22' in width and the slope does not allow room for a walkway without major re-engineering of slope.
3. the proposed walkway for the existing parking lot will not fit unless the trees planted in 2015 are either removed or moved and the CSU does not identify these trees
4. Errors in the planners statement that the parking lot is 1' to 3' above the fence line as physical inspection shows no place less than 3' higher than parking lot, and up to 5' higher than fence level, along with a request that the CSU include that NCSD shall pay for a locator for our 200 feet of private water line running from Lake Road to our property line to show that any improvements to the "driveway" will not trespass upon our easement, or if it does, that NCSD will assume responsibility for the safe relocation of our private water line to not be under excavated improvements.
5. An argument that as the fields are and will be rented out greater than 50% of the time, both in volume of users and time, the site qualifies as a "Commercial Sports Field" rather than a high school field and as such needs to meet the minimum parking spots set forth in the city of Portland's municipal code, the most adjacent municipality with a specific parking code for use.

see attached  
Milwaukie code 19.605.2 is applicable,  
adjacent Portland code  
33.266  
20 to 30 per acre of site not  
grounds

(is parking a daily violation? (??))

\* JBA would have used the P/A system

**Table 266-2**  
**Parking Spaces by Use [2]**  
**(Refer to Table 266-1 to determine which standard applies.)**

Use Categories	Specific Uses	Standard A	Standard B
<b>Residential Categories</b>			
Household Living		1 per unit, except SROs exempt and in RH, where it is 0 for 1 to 3 units and 1 per 2 units for four + units	None
Group Living		1 per 4 residents	None
<b>Commercial Categories</b>			
Retail Sales And Service	Retail, personal service, repair oriented	1 per 500 sq. ft. of net building area	1 per 196 sq. ft. of net building area
	Restaurants and bars	1 per 250 sq. ft. of net building area	1 per 63 sq. ft. of net building area
	Health clubs, gyms, lodges, meeting rooms, and similar. Continuous entertainment such as arcades and bowling alleys	1 per 330 sq. ft. of net building area	1 per 185 sq. ft. of net building area
	Temporary lodging	1 per rentable room; for associated uses such as restaurants, see above	1.5 per rentable room; for associated uses such as restaurants, see above
	Theaters	1 per 4 seats or 1 per 6 feet of bench area	1 per 2.7 seats or 1 per 4 feet of bench area
Office	General office	1 per 500 sq. ft. of net building area	1 per 294 sq. ft. of net building area
	Medical/Dental office	1 per 500 sq. ft. of net building area	1 per 204 sq. ft. of net building area
Quick Vehicle Servicing		1 per 500 sq. ft. of net building area	1 per 196 sq. ft. of net building area
Vehicle Repair		1 per 750 sq. ft. of net building area [1]	1 per 500 sq. ft. of net building area
Commercial Parking		None	None
Self-Service Storage		1 per resident manager's facility, plus 3 per leasing office, plus 1 per 100 leasable storage spaces in multi-story buildings.	2 per resident manager's facility, plus 5 per leasing office, plus 1 per 67 leasable storage spaces in multi-story buildings.
Commercial Outdoor Recreation		20 per acre of site	30 per acre of site
Major Event Entertainment		1 per 8 seats	1 per 5 seats

Portland City Code

## Milwaukie Municipal Code

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[CHAPTER 19.600 OFF-STREET PARKING AND LOADING](#)

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### 19.605 VEHICLE PARKING QUANTITY REQUIREMENTS

The purpose of Section 19.605 is to ensure that development provides adequate, but not excessive, vehicle **parking** based on their estimated **parking** demand. Subsection 19.605.1 establishes **parking** ratios for common land uses, and Subsection 19.605.3 allows certain exemptions and reductions to these ratios based on location or on-site amenities. Modifications to the established **parking** ratios and determinations of **parking** requirements for unique land uses are allowed with discretionary review per Subsection 19.605.2.

Nonresidential development in the Downtown Mixed Use (DMU) and Open Space (OS) Zones is exempt from the requirements of Section 19.605.

#### 19.605.1 Minimum and Maximum Requirements

A. Development shall provide at least the minimum and not more than the maximum number of **parking** spaces as listed in Table 19.605.1. Modifications to the standards in Table 19.605.1 may be made as per Section 19.605. Where multiple ratios are listed, the Planning Director shall determine which ratio to apply to the proposed development or use.

B. When a specific use has not been proposed or identified at the time of permit review, the Planning Director may elect to assign a use category from Table 19.605.1 to determine the minimum required and maximum allowed **parking**. Future tenants or property owners are responsible for compliance with Chapter 19.600 per the applicability provisions of Section 19.602.

C. If a proposed use is not listed in Table 19.605.1, the Planning Director has the discretion to apply the quantity requirements of a similar use listed in the table upon finding that the listed use and unlisted use have similar **parking** demands. If a similar use is not listed, the quantity requirements will be determined per Subsection 19.605.2.

D. Where the calculation of minimum **parking** spaces does not result in a whole number, the result shall be rounded down to the next whole number. Where the calculation of maximum **parking** spaces does not result in a whole number, the result shall be rounded to the nearest whole number.



E. **Parking** spaces for disabled persons, and other improvements related to **parking**, loading, and maneuvering for disabled persons, shall conform to the Americans with Disabilities Act and shall be subject to review and approval by the Building Official. Spaces reserved for disabled persons are included in the minimum required and maximum allowed number of off-street **parking** spaces.

F. Uses that have legally established **parking** areas that exceed the maximum number of spaces allowed by Section 19.605 prior to June 17, 2010, the effective date of Ordinance #2015, shall be considered nonconforming with respect to the quantity requirements. Such uses shall not be considered **parking** facilities as defined in Section 19.201.

<b>Table 19.605.1</b> <b>Minimum To Maximum Off-Street <b>Parking</b> Requirements</b>		
Use	Minimum Required	Maximum Allowed
<b>A. Residential Uses</b>		
1. Single-family dwellings, including rowhouses and manufactured homes.	1 space per dwelling unit.	No maximum.
2. Multifamily dwellings containing 3 or more dwelling units (includes senior and retirement housing).		
a. Dwelling units with 800 sq ft of floor area or less and all units located in the DMU Zone.	1 space per dwelling unit.	2 spaces per dwelling unit.
b. Dwelling units with more than 800 sq ft of floor area.	1.25 spaces per dwelling unit.	2 spaces per dwelling unit.

3. Residential homes and similar facilities allowed outright in residential zones.	1 space per dwelling unit plus 1 space per employee on the largest shift.	Minimum required <b>parking</b> plus 1 space per bedroom.
4. Accessory dwelling units (ADU)—Types I and II.	Property containing an ADU and primary dwelling must have 2 spaces.	No maximum.
<b>B. Community Service and Other Public Uses</b>		
1. Religious institutions.	1 space per 4 seats.	1 space per 2 seats.
2. Day-care center ("family day-care" as defined in Section 19.201 has no <b>parking</b> requirements).	2 spaces per 1,000 sq ft of floor area.	3.5 spaces per 1,000 sq ft of floor area.
3. School—elementary or junior high.	1 space per classroom.	2 spaces per classroom.
4. School—senior high.	0.25 spaces per student, plus 1 space per staff.	0.33 spaces per student, plus 1 space per staff.
5. Meeting room, club, lodge, or association.	5 spaces per 1,000 sq ft of floor area, or 1 space per 4 seats if seats are permanently installed.	16.66 spaces per 1,000 sq ft of floor area, or 1 space per 3 seats if seats are permanently installed.
6. Library, museum, art gallery.	1 space per 1,000 sq ft of floor area.	1.2 spaces per 1,000 sq ft of floor area.
7. Nursing, convalescent, and extended-care facilities.	1 space per 4 beds.	1 space per 3 beds.
<b>C. Lodging Places</b>		
1. Motel, hotel, boarding house.	1 space per lodging unit.	1.5 spaces per lodging unit.

2. Bed and breakfast establishments.	1 space per lodging unit, plus 1 space for the permanent residence.	1.5 spaces per lodging unit, plus 2 spaces for the permanent residence.
D. Commercial Uses—Recreational		
1. Indoor recreation, such as a health club, gym, bowling alley, arcade, etc.	3 spaces for each 1,000 sq ft of floor area.	5.5 spaces per 1,000 sq ft of floor area.
2. Theater, auditorium, or stadium.	1 space per 4 seats.	1 space per 3 seats.
E. Commercial Uses—Retail Goods		
1. Eating and drinking establishments.	4 spaces per 1,000 sq ft floor area.	15 spaces per 1,000 sq ft of floor area.
2. General retail—grocery stores, convenience stores, specialty retail and shops.	2 spaces per 1,000 sq ft of floor area.	5 spaces per 1,000 sq ft of floor area.
3. Bulk retail—furniture and home furnishings, appliances, vehicles, building materials, and similar large items.	1 space per 1,000 sq ft of floor area.	3 spaces per 1,000 sq ft of floor area.
4. Gas stations.	No minimum.	1.25 spaces per 4 pumps.
F. Commercial Uses—Services		
1. General office, including banks.	2 spaces per 1,000 sq ft of floor area.	3.4 spaces per 1,000 sq ft of floor area.
2. Medical/dental office (non-hospital), veterinary clinic.	3.9 spaces per 1,000 sq ft of floor area.	4.9 spaces per 1,000 sq ft of floor area.



3. Personal services, such as a barbershop, beauty parlor, etc.	4 spaces per 1,000 square floor area.	5.4 spaces per 1,000 sq ft of floor area.
4. Commercial services, such as dry cleaners and repair shops (does not include vehicle repair).	2.8 spaces per 1,000 sq ft of floor area.	5.1 spaces per 1,000 sq ft of floor area.
5. Vehicle repair.	2 spaces per 1,000 sq ft of floor area.	2.5 spaces per 1,000 sq ft of floor area.
6. Quick vehicle repair and servicing, such as oil change and tire shops.	2 spaces per service bay.	3 spaces per service bay.
7. Mortuary/funeral home.	1 space per 5 chapel or parlor seats.	1 space per 3 chapel or parlor seats.
8. Car wash.	No minimum.	2 spaces per wash bay for self-service washes, or 2 spaces per 1,000 sq ft of floor area for full-service washes.
<b>G. Industrial Uses</b>		
1. Manufacturing.	1 space per 1,000 sq ft of floor area.	2 spaces per 1,000 sq ft of floor area.
2. Storage, warehouse, wholesale establishment less than 150,000 sq ft.	0.5 spaces per 1,000 sq ft of floor area.	1 space per 1,000 sq ft of floor area.
3. Storage, warehouse, wholesale establishment 150,000 sq ft or greater.	0.3 spaces per 1,000 sq ft of floor area.	0.4 spaces per 1,000 sq ft of floor area.
4. Mini-warehouse; self-service storage.	1 space per 45 storage units, plus 1 space per employee of the largest shift.	1 space per 20 storage units, plus 1 space per employee of the largest shift.

### 19.605.2 Quantity Modifications and Required Parking Determinations

Subsection 19.605.2 allows for the modification of minimum and maximum

**parking** ratios from Table 19.605.1 as well as the determination of minimum and maximum **parking** requirements. **Parking** determinations shall be made when the proposed use is not listed in Table 19.605.1 and for developments with large **parking** demands.

A. Applicability

The procedures of Subsection 19.605.2 shall apply in the following situations:

1. If the proposed use is not listed in Table 19.605.1 and the quantity requirements for a similar listed use cannot be applied.
2. If the applicant seeks a modification from the minimum required or maximum allowed quantities as calculated per Table 19.605.1.

B. Application

Determination of **parking** ratios in situations listed above shall be reviewed as a Type II land use decision, per Section 19.1005 Type II Review. The application for a determination must include the following:

1. Describe the proposed uses of the site, including information about the size and types of the uses on site, and information about site users (employees, customers, etc.).
2. Identify factors specific to the proposed use and/or site, such as the proximity of transit, **parking** demand management programs, availability of shared **parking**, and/or special characteristics of the customer, client, employee or resident population that affect **parking** demand.
3. Provide data and analysis specified in Subsection 19.605.2.B.3 to support the determination request. The Planning Director may waive requirements of Subsection 19.605.2.B.3 if the information is not readily available or relevant, so long as sufficient documentation is provided to support the determination request.
  - a. Analyze **parking** demand information from professional literature that is pertinent to the proposed development. Such information may include data or literature from the Institute of Transportation Engineers, American Planning Association, Urban Land Institute, or other similar organizations.
  - b. Review **parking** standards for the proposed use or similar uses found in **parking** regulations from other jurisdictions.
  - c. Present **parking** quantity and **parking** use data from existing developments that are similar to the proposed development. The information about the existing development and its **parking**



demand shall include enough detail to evaluate similarities and differences between the existing development and the proposed development.

4. Propose a minimum and maximum **parking** ratio. For phased projects, and for projects where the tenant mix is unknown or subject to change, the applicant may propose a range (low and high number of **parking** spaces) for each development phase and both a minimum and maximum number of **parking** spaces to be provided at buildout of the project.
5. Address the approval criteria in Subsection 19.605.2.C.

### C. Approval Criteria

The Planning Director shall consider the following criteria in deciding whether to approve the determination or modification. The Planning Director, based on the applicant's materials and other data the Planning Director deems relevant, shall set the minimum **parking** requirement and maximum **parking** allowed. Conditions of approval may be placed on the decision to ensure compliance with the **parking** determination.

1. All modifications and determinations must demonstrate that the proposed **parking** quantities are reasonable based on existing **parking** demand for similar use in other locations; **parking** quantity requirements for the use in other jurisdictions; and professional literature about the **parking** demands of the proposed use.
2. In addition to the criteria in Subsection 19.605.2.C.1, requests for modifications to decrease the amount of minimum required **parking** shall meet the following criteria:
  - a. The use of transit, **parking** demand management programs, and/or special characteristics of the site users will reduce expected vehicle use and **parking** space demand for the proposed use or development, as compared with the standards in Table 19.605.1.
  - b. The reduction of off-street **parking** will not adversely affect available on-street **parking**.
  - c. The requested reduction is the smallest reduction needed based on the specific circumstances of the use and/or site.
3. In addition to the criteria in Subsection 19.605.2.C.1, requests for modifications to increase the amount of maximum allowed **parking** shall meet the following criteria:
  - a. The proposed development has unique or unusual

characteristics that create a higher-than-typical **parking** demand.

b. The **parking** demand cannot be accommodated by shared or joint **parking** arrangements or by increasing the supply of spaces that are exempt from the maximum amount of **parking** allowed under Subsection 19.605.3.A.

c. The requested increase is the smallest increase needed based on the specific circumstances of the use and/or site.

### 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.

#### A. Exemptions to Maximum Quantity Allowance

The following types of **parking** do not count toward the maximum amount of **parking** allowed on a site. This exemption applies only to the quantity requirements of Section 19.605 and not to the other requirements of Chapter 19.600. The City may impose conditions to ensure that **parking** spaces associated with these **parking** types are appropriately identified and used for the intended purpose.

1. Spaces for a **parking** facility.
2. Spaces for a transit facility or park and ride facility.
3. Storage or display areas for vehicle sales.
4. Employee carpool **parking**, when spaces are dedicated or reserved for that use.
5. Fleet **parking**.
6. Truck loading areas.

#### 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 42nd Avenue, King Road, 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.
2. Proximity to Public Transit
- a. **Parking** for commercial and industrial uses may be reduced by up to 10% if the development is within 500-ft walking distance, as defined in Subsection 19.605.3.B.2.d, of a transit stop with a peak hour service frequency of 30 minutes or less.
  - b. **Parking** for multifamily uses may be reduced by up to 20% if the development is within 500-ft walking distance, as defined in Subsection 19.605.3.B.2.d, of a transit stop with a peak hour service frequency of 30 minutes or less.
  - c. **Parking** for all uses except single-family attached and detached dwellings may be reduced by 25% if the development is within 1,000-ft walking distance, as defined in Subsection 19.605.3.B.2.d, of a light rail transit stop, or if it is located in the Downtown Mixed Use Zone DMU.
  - d. In determining walking distance, the applicant shall measure the shortest route along sidewalks, improved pedestrian ways, or streets if sidewalks or improved pedestrian ways are not present. Walking distance shall be measured along the shortest course from the point on the development site that is nearest to the transit stop.

3. Multitenant Commercial Sites

Where multiple commercial uses occur on the same site, minimum **parking** requirements shall be calculated as described below. The Planning Director shall have the authority to determine when multiple uses exist on a site.

- a. Use with highest **parking** requirement. The use that has the largest total number of minimum **parking** spaces required shall be required to provide 100% of the minimum number of **parking** spaces.



b. All other uses. All other uses on the site shall be required to provide 80% of the minimum number of **parking** spaces.

#### 4. Carpool/Vanpool

Commercial and industrial developments that provide at least 2 carpool/vanpool **parking** spaces may reduce the required number of **parking** spaces by up to 10%. This reduction may be taken whether the carpool/vanpool space is required pursuant to Section 19.610 or voluntarily provided.

#### 5. Bicycle **Parking**

The minimum amount of required **parking** for all non-single-family residential uses may be reduced by up to 10% for the provision of covered and secured bicycle **parking** in addition to what is required by Section 19.609. A reduction of 1 vehicle **parking** space is allowed for every 6 additional bicycle **parking** spaces installed. The bicycle spaces shall meet all other standards of Section 19.609. If a reduction of 5 or more stalls is granted, then on-site changing facilities for bicyclists, including showers and lockers, are required. The area of an existing **parking** space in an off-street **parking** area may be converted to bicycle **parking** to utilize this reduction.

#### 6. Car Sharing

Required **parking** may be reduced by up to 5% if at least 1 off-street **parking** space is reserved for a vehicle that is part of a car sharing program. The car sharing program shall be sufficiently large enough, as determined by the Planning Director, to be accessible to persons throughout Milwaukie and its vicinity. The applicant must provide documentation from the car sharing program that the program will utilize the space provided.

#### 7. Provision of Transit Facility Improvements

The number of existing required **parking** spaces may be reduced by up to 10% for developments that provide facilities such as bus stops and pull-outs, bus shelters, or other transit-related facilities. A reduction of 1 **parking** space is allowed for each 100 sq ft of transit facility provided on the site.

### **19.605.4 Shared **Parking****

Some or all of a use's required **parking** spaces may be accommodated off-premises on the **parking** area of a different site through shared **parking**, pursuant to the standards of Subsection 19.605.4. The standards of Subsection 19.605.4 do

not apply to voluntary shared **parking** agreements that are not created in order to conform to the quantity requirements of Section 19.605.

A. Review

The Planning Director shall determine, in accordance with Section 19.1004 Type I Review, whether the shared **parking** standards are met. The Planning Director may require a nonconforming **parking** area be brought into conformance, or closer to conformance as per Subsection 19.602.5, before it may be used for shared **parking**.

B. Standards

1. The applicant must demonstrate that the shared **parking** area has a sufficient quantity of spaces for the uses that will share the **parking** area. The Planning Director may require the applicant to provide data substantiating the claim that the proposed **parking** is sufficient for multiple uses during peak hours of demand for each use.
2. The nearest **parking** spaces shall be no further than 1,000 ft from the principal structure(s) or use(s). The measurement shall be along a route that is adequately illuminated; has vertical or horizontal separation from travel lanes within the right-of-way; uses legal crosswalks for right-of-way crossing; and has an asphalt, concrete, or similar surface material. The applicant may propose to construct new facilities or modify existing facilities to comply with Subsection 19.605.4.B.2.
3. Legal documentation between the property owners that guarantees access to the shared **parking** shall be recorded with the County. The documentation shall be reviewed and approved by the Planning Director prior to being recorded. The agreement shall run with the land and not be tied to property ownership. The agreement shall not be terminated without City approval. The request for terminating the agreement must demonstrate that the properties in the agreement and their uses will comply with the quantity requirements of Section 19.605 after dissolution of the agreement. A copy of the recorded documentation shall be provided to the City prior to obtaining a building permit.

(Ord. 2112 § 2 (Exh. B), 2015; Ord. 2106 § 2 (Exh. F), 2015; Ord. 2051 § 2, 2012; Ord. 2025 § 2, 2011)

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