



# CITY OF MILWAUKIE

## AGENDA

February 14, 2023

### PLANNING COMMISSION

[milwaukieoregon.gov](http://milwaukieoregon.gov)

**Hybrid Meeting Format:** the Planning Commission will hold this meeting both in person at City Hall and through Zoom video. The public is invited to watch the meeting in person at City Hall, online through the City of Milwaukie YouTube page ([https://www.youtube.com/channel/UCRFbfqe3OnDWLQKSB\\_m9cAw](https://www.youtube.com/channel/UCRFbfqe3OnDWLQKSB_m9cAw)), or on Comcast Channel 30 within city limits.

If you wish to provide comments, the city encourages written comments via email at [planning@milwaukieoregon.gov](mailto:planning@milwaukieoregon.gov). Written comments should be submitted before the Planning Commission meeting begins to ensure that they can be provided to the Planning Commissioners ahead of time. To speak during the meeting, visit the meeting webpage (<https://www.milwaukieoregon.gov/planning/planning-commission-2>) and follow the Zoom webinar login instructions.

#### 1.0 Call to Order – Procedural Matters — 6:30 PM

- 1.1 Native Lands Acknowledgment

#### 2.0 Planning Commission Minutes – Motion Needed

- 2.1 December 13, 2022
- 2.2 January 10, 2023

#### 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 Community Involvement Advisory Committee (CIAC)

#### 6.0 Hearing Items

##### 6.1 Code Amendments: Climate Friendly Equitable Communities

Summary: Climate Friendly Equitable Communities code amendments to comply with Oregon's new transportation planning administrative rules adopted in May of 2022

File: ZA-2022-005

Staff: Assistant Planner Ryan Dyar

##### 6.2 Code Amendments: Code Fix "Housekeeping"

Summary: A Type V application for a package of "housekeeping" code amendments.

File: ZA-2023-001

Staff: Senior Planner Vera Kolias

#### 7.0 Planning Department/Planning Commission Other Business/Updates

##### Forecast for Future Meetings

February 28, 2023      Work session Items: Variance code update  
Parks Briefing – Adam Moore

### 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 register to provide spoken comment at this meeting or for background information on agenda items please send an email to [planning@milwaukieoregon.gov](mailto:planning@milwaukieoregon.gov).
2. **PLANNING COMMISSION and CITY COUNCIL MINUTES.** City Council and Planning Commission minutes can be found on the City website at [www.milwaukieoregon.gov/meetings](http://www.milwaukieoregon.gov/meetings).
3. **FORECAST FOR FUTURE MEETINGS.** These items are tentatively scheduled but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.
4. **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 an agenda item to a future date or finish the item.

#### Public Hearing Procedure

Those who wish to testify should attend the Zoom meeting posted on the city website, state their name and city of residence for the record, and remain available until the Chairperson has asked if there are any questions from the Commissioners. Speakers are asked to submit their contact information to staff via email so they may establish standing.

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.** Comments or questions from interested persons and testimony from those in support or opposition of the application.
5. **QUESTIONS FROM COMMISSIONERS.** The commission will have the opportunity to ask for clarification from staff, the applicant, or those who have already testified.
6. **REBUTTAL TESTIMONY FROM APPLICANT.** After all public testimony, the commission will take rebuttal testimony from the applicant.
7. **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.
8. **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.
9. **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.

#### Meeting Accessibility Services and Americans with Disabilities Act (ADA) Notice

The city is committed to providing equal access to public meetings. To request listening and mobility assistance services contact the Office of the City Recorder at least 48 hours before the meeting by email at [ocr@milwaukieoregon.gov](mailto:ocr@milwaukieoregon.gov) or phone at 503-786-7502. To request Spanish language translation services email [espanol@milwaukieoregon.gov](mailto:espanol@milwaukieoregon.gov) at least 48 hours before the meeting. Staff will do their best to respond in a timely manner and to accommodate requests. Most Council meetings are broadcast live on the city's YouTube channel and Comcast Channel 30 in city limits.

#### Servicios de Accesibilidad para Reuniones y Aviso de la Ley de Estadounidenses con Discapacidades (ADA)

La ciudad se compromete a proporcionar igualdad de acceso para reuniones públicas. Para solicitar servicios de asistencia auditiva y de movilidad, favor de comunicarse a la Oficina del Registro de la Ciudad con un mínimo de 48 horas antes de la reunión por correo electrónico a [ocr@milwaukieoregon.gov](mailto:ocr@milwaukieoregon.gov) o llame al 503-786-7502. Para solicitar servicios de traducción al español, envíe un correo electrónico a [espanol@milwaukieoregon.gov](mailto:espanol@milwaukieoregon.gov) al menos 48 horas antes de la reunión. El personal hará todo lo posible para responder de manera oportuna y atender las solicitudes. La mayoría de las reuniones del Consejo de la Ciudad se transmiten en vivo en el canal de YouTube de la ciudad y el Canal 30 de Comcast dentro de los límites de la ciudad.

#### Milwaukie Planning Commission:

Jacob Sherman, Chair  
Joshua Freeman, Vice Chair  
Aaron Carpenter  
Amy Erdt  
Joseph Edge  
Greg Hemer  
Lauren Loosveldt

#### Planning Department Staff:

Laura Weigel, Planning Manager  
Vera Kolias, Senior Planner  
Brett Kelter, Senior Planner  
Adam Heroux, Associate Planner  
Ryan Dyar, Assistant Planner  
Petra Johnson, Administrative Specialist II



# CITY OF MILWAUKIE

## PLANNING COMMISSION MINUTES

City Hall Council Chambers  
10722 SE Main Street  
[www.milwaukieoregon.gov](http://www.milwaukieoregon.gov)

December 13, 2022

**Present:** Lauren Loosveldt, Chair  
Joseph Edge, Vice Chair  
Greg Hemer  
Robert Massey  
Jacob Sherman  
Amy Erdt  
Joshua Freeman

**Staff:** Ryan Dyar, Assistant Planner  
Laura Weigel, Planning Manager

**Absent:** NA

(00:14:01)

### 1.0 Call to Order — Procedural Matters\*

**Chair Loosveldt** called the meeting to order at 6:30 p.m., read the conduct of meeting format into the record, and Native Lands Acknowledgment.

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

(00:15:07)

### 2.0 Planning Commission Minutes

October 11, 2022, minutes were approved with a 7-0 vote.

### 3.0 Information Items

**Laura Weigel** notified the Commission that City Council reviewed the High-Density Residential Zones Consolidation Work on December 6<sup>th</sup>. **Weigel** explained that City Council moved to approve the change from 3 zones to 1 zone with a 4-1 vote. **Weigel** noted a second and final reading will occur with City Council on December 20<sup>th</sup>. **Weigel** announced that Commissioner Massey will become City Councilor and a new Planning Commissioner will begin in 2023.

(00:17:45)

### 4.0 Audience Participation

No information was presented for this portion of the meeting.

(00:18:14)

## 5.0 Community Involvement Advisory Committee (CIAC)

**Laura Weigel** provided information and timelines regarding the follow-up items from the joint CIAC, and Neighborhood District Associations (NDAs) meeting held October 11<sup>th</sup>.

1. Land Use 101 Training – To be held in-person, Spring 2023. This training will include development project timeline, clarification around Planning Commission's role and an informational slide deck that can be shared online.
2. NDA Quarterly Communication– Staff will begin sending quarterly updates on significant development projects to the NDA beginning in 2023.
3. Public Testimony Guidance – Planning Department and City Attorney to create user-friendly guidance, Spring 2023. Guidance to be reviewed with the CIAC.
4. NDA Land Use Application Response Tool – Planning staff will create a document to outline optional steps that NDA members can take to provide input on Land Use Applications.
5. TriMet Concept Plan – Any concerns and/or questions can be directed to Kelly Brooks, Assistance City Manager.

**Chair Loosveldt** asked Weigel how best for the CIAC to track the progress of the follow-up items. **Weigel** agreed to update the CIAC in the beginning of February 2023 and then more formal presentation by the end of the 1<sup>st</sup> quarter of 2023.

**Commissioner Hemer** announced the Linwood NDA has a few projects in preapplication. **Hemer** commended Brett Kelter, Senior Planner, for the communication and assistance he provided to the Land Use Chair, regarding the projects. **Hemer** encouraged staff to continue to advocate for developers to present to the NDAs during the preapplication time. **Hemer** thanked staff for their excellent customer service.

(00:25:47)

## 6.0 Hearing Items

### 6.1 VR-2022-009, DEV-2002-003, Alpha Stone Works (Rick Canfield, Representative) 2107, 2149, and 2171 SE Moores St.

**Ryan Dyar** shared the staff report, applicant is requesting a variance to three standards in the Milwaukie Municipal Code (MMC); two are design standards for newly constructed street-facing facades in the Tacoma Station Mixed-Use Zone (MUTSA), and one is a site-design-related setback standard for development where no setback is required in the underlying base zone. **Dyar** reviewed the existing site and the type of zoning adjacent to the applicant. **Dyar** stated the proposal is to add an additional 2,400 sq ft manufacturing warehouse to the existing property.

**Dyar** explained that the applicant has proposed to address some of the non-conformities on the site by improving the non-conforming parking situation. **Dyar** detailed the MMCs impacted by the variance request: MMC 19.312.7.A.1, MMC 19.312.7.A.4 and MMC 19.504.4. **Dyar** provided an overview of the Discretionary Relief Criteria (MMC 19.911.4.B.1) applicable to a variance request.

**Dyar** explained the impacted North Milwaukie Innovation Area (NMIA) Design Standards are ultimately about creating an attractive pedestrian environment. **Dyar** elaborated that due to the location of the proposed addition and the existing built environment, staff believes that forgoing these design standards will have no impact on the surrounding properties. **Dyar** said that separation for fire safety, the perceived purpose of the distance from the property line standard in MMC 19.504.4, can be addressed through the building code. **Dyar** also explained that the standard is lacking in historical context and that staff are looking to remove it from the code entirely. **Dyar** shared that they only received one public comment. **Dyar** noted that staff recommend the approval of the requested conditional use and reviewed the decision options for the Commission.

**Commissioner Hemer** asked the applicant to confirm that there will be no removal of trees on the property. **Rick Canfield**, applicant, stated no removal of trees unless asked to do so.

**Vice Chair Edge** shared that the proposed changes bring the site into further compliance and after reviewing the conditions of approval and findings, a recommendation for approval is appropriate.

VR-2022-009, DEV-2002-003, Alpha Stone Works Manufacturing Warehouse, was approved by a 7-0 vote with the findings and conditions of approval presented in the staff report.

(00:50:10)

## **7.0 Work Session Items**

### **7.1 Draft Housing Capacity Analysis (HCA)**

**Laura Weigel** shared that staff have been working with the Housing Capacity Technical Committee (HCTC) over the last six months and that Vice Chair Edge represents the Planning Commission on the HCTC. **Weigel** explained the draft Housing Capacity Analysis (HCA) has been shared and discussed with the HCTC. **Weigel** noted the HCA will give a better understanding of the housing needs in Milwaukie. **Weigel** said the Housing Production Strategy (HPS) is the second part of the process which outlines strategies to meet the housing need and it will be presented later.

**Beth Goodman**, Project Director, ECONorthwest, explained to the Commission that she will be sharing the factual basis for estimating the housing need in

Milwaukie. **Goodman** reviewed how the City has made affordable housing important to Milwaukie: Council Goal, Community Vision, Comprehensive Plan and the Milwaukie Housing Affordability Strategy Action Plan. **Goodman** reviewed the important questions that must be answered when creating an HCA and HPS:

- How much growth in 20 years
- Where is the buildable land
- Does Milwaukie have enough residential land to accommodate expected growth
- What policies are needed to meet Milwaukie's housing needs

**Goodman** reviewed the components of the project and the HCA components:

- Developable Land
- Characteristics of residents
- Housing market and affordability
- Expected Growth

**Goodman** shared the project schedule and the outline of tasks. **Goodman** explained that Milwaukie's current housing stock is primarily comprised of single dwelling detached housing and about a quarter of the housing stock is multi-dwelling. **Goodman** explained home ownership rates have remained stable and rental housing stock is more diverse for renters. **Chair Loosveldt** asked **Goodman** about the data dates. **Goodman** explained 2020 data was not available at the start of the project. **Goodman** stated she used the data from American Communities Survey, which is data from 2015-2019. **Goodman** reviewed issued building permit data and noted fiscal year 2022 included permits for 250 multi-dwelling units. **Goodman** clarified that about 650 additional units are in various stages of development but have not been permitted. **Goodman** noted that the average units permitted per year is 51.

**Goodman** offered information related to the demographics of Milwaukie's residents. **Goodman** pointed out that those age 20-39, make up the largest increase of residents since 2010. **Goodman** explained that the population forecast depicts that individuals over the age of 60 are expected to increase the fastest. **Goodman** said the average household size in Milwaukie is smaller than the average Oregon household and speculated that Milwaukie's younger population growth may mean households without children. **Goodman** said the largest determinant of housing access is income and in Milwaukie, the median household income is \$61,902. **Goodman** related that the fastest growing population of color in Milwaukie is the Latino/a/x community. **Goodman** noted that Latino/a/x households tend to be multigenerational and have more children at home which are factors to consider when developing a housing.

**Goodman** explained that most people that live in Milwaukie work outside of Milwaukie and people that work in Milwaukie do not live in Milwaukie. **Goodman** shared that a typical goal of a Housing Strategy is to create more housing opportunities that encourage those that work in Milwaukie to also live in

Milwaukie. **Goodman** acknowledged that because Milwaukie is near Portland that there will be many commuters. **Goodman** reviewed median house sale data for the region and noted that Milwaukie is more affordable than most of its surrounding areas but that Milwaukie's median house sales price, from 2012 to 2021 has increased by almost 200%. **Goodman** explained rental costs increased by 31% since 2012 and increases in household income have been very minor. **Goodman** elaborated that rent increases have continued to increase at a faster rate than income. **Vice Chair Edge** asked Goodman about vacancy rates. **Goodman** said a healthy vacancy rate is about 5% to 7% and that the current vacancy rate in Milwaukie is 2%-3%. **Goodman** stated a low vacancy rate is directly impacted by a lack of housing production in development.

**Goodman** explained housing affordability and noted median household income vs. median home sale price and average monthly rent. **Goodman** noted that taking into consideration median family income allows for a discussion around a spectrum of housing needs. **Goodman** shared that often affordable housing is only affordable to those households with an above average median family income. **Goodman** reminded the Commission that the cost of utilities is a factor when looking at the housing affordability. **Goodman** elaborated on housing affordability and noted that affordable housing for lower income households is typically developed as income restricted housing and developed with state and federal resources. **Goodman** clarified that about 40% of Milwaukie residents are at or below 30-50% of Median Family Income (MFI) and therefore can only afford income restricted housing. **Goodman** noted that workforce housing also includes the full spectrum of <30% of MFI through 80-120% of MFI.

**Commissioner Sherman** noted that new construction housing in the city is selling for well over \$700,000. **Sherman** asked staff if the Construction Excise Tax applies to single dwelling builds. **Weigel** stated she was unsure and would find the answer to Sherman's question. **Commissioner Hemer** asked how historical housing information is factored into the analysis. **Hemer** gave the example of purchasing a home for a great deal less many years ago while also being at a low-income level. **Hemer** noted that in his example a person with a low MFI would still be better off now since they purchased their home at a low price many years ago. **Goodman** explained the term buying down and confirmed the HCA took into consideration people that can afford more housing but either choose to live in less costly housing or cannot find higher-cost housing that meets their needs. **Goodman** reviewed housing affordability by income levels and noted the housing market cannot produce income-restricted, subsidized affordable housing, and often does not produce middle income affordable housing (also called workforce housing) without subsidy. **Goodman** reviewed the concept of cost burden and noted close to 40% of Milwaukie residents are cost burdened. **Goodman** shared that about 52% of Milwaukie's renters were cost burdened or severely cost burdened compared to 29% of homeowners.

**Goodman** discussed housing need as it relates to differing groups: people experiencing houselessness, racial or ethnic groups, people over 65 years of age,

and people with disabilities. **Goodman** explained these groups of people have a higher cost burden and less income than the overall average. **Goodman** reviewed the point in time count of houselessness for Clackamas County and pointed out the numbers are generally an underestimate. **Goodman** noted that 89% of the people experiencing houselessness have an income below 30% MFI, are unable to afford market-rate housing and need additional supports. **Goodman** shared MFI data by race and ethnicity noting that Latino/a/x is Milwaukie's largest community of color and is a population that has less income and more cost burden. **Goodman** said unique housing needs related to race and ethnicity consist of access, non-discriminatory practices, and housing that accommodates cultural needs like multi-generational housing. **Goodman** presented information specific to people 65 and older and noted, more than 50% of this population, has income below \$50,000. **Goodman** explained this population also struggles with finding affordable housing and may also experience a disability that requires looking for housing that is accessible and/or meets specific needs related to their disability. **Goodman** said that nearly 17% of Milwaukie's population has one or more disabilities and clarified that not all seniors have disabilities and not all people with disabilities are seniors.

**Goodman** recapped the capacity for new housing in Milwaukie; capacity takes into consideration buildable land inventory, density analysis and infill and redevelopment analysis. **Goodman** shared a map depicting vacant buildable land within Milwaukie. **Goodman** said most of the land in Milwaukie is developed. **Goodman** reviewed the City's work related to House Bill 2001 and the eligible parcels included in the middle housing analysis. **Goodman** explained the infill/redevelopment potential vs production. **Goodman** noted the various factors that are considered when looking at viable infill/redevelopment and concluded roughly 1,256 parcels are the most viable for this type of housing production. **Goodman** summarized that middle housing production over the next 20 years could be between 600 and 1,600 units.

**Commissioner Freeman** asked who would initiate middle housing development. **Goodman** explained that it would be the owner of the lot initiating the process and often the owner sells a piece of their land to a developer. **Commissioner Massey** asked about the 600 to 1,600 range of units. **Goodman** explained the 600 number was reached by applying the Portland Duplex Conversion rate to Milwaukie. **Goodman** noted that there was only two years of data to use related to viable properties converted based on recent Milwaukie infill; this data provided for an estimate of potentially 1,200 net new units over the next 20 years. **Goodman** elaborated that a real estate analysis was used to examine the rate of property sales and conversion in a comparable neighborhood, where middle housing production has been happening for a longer period, that data concluded that Milwaukie may develop upwards of 1,600 new units of middle housing. **Commissioner Sherman** commented that macroeconomic factors will impact production numbers. **Commissioner Hemer** shared that there are a proposed 108 affordable housing units in the preapplication phase. **Commissioner Erdt** asked about the impact to population density. **Goodman**



said the population will increase some but not enough to fundamentally reshape Milwaukie. **Goodman** said that over a 20-year period it may look different depending on housing production. **Goodman** explained that a Housing Capacity Analysis is required by the state every 6 years and more data will be available to project the rate of housing development.

**Goodman** continued with reviewing the redevelopment potential in mixed-use areas. **Goodman** shared the potential of 1,388 new dwelling units if all redevelopments in the pipeline and are built. **Commissioner Erdt** asked if these units would all be rentals. **Weigel** stated it would be highly likely although some units might be condos. **Goodman** recapped the number of potential units related to the capacity of vacant land, infill potential of middle housing and mixed-use redevelopment potential. **Goodman** shared her analysis of Milwaukie's land sufficiency and pointed out the deficits and surpluses related to plan designation and potential policy questions that impact the housing production strategy.

**Commissioner Erdt** advocated for a direction that encourages more owner-occupied dwellings for low-income individuals and families. **Goodman** explained supporting homeownership for lower-income households is expensive and equally important is to have affordable housing for people working lower wage jobs. **Commissioner Sherman** noted that data from the HCA would be beneficial for supporting a more comprehensive conversation related to the Transportation System Plan. **Sherman** discussed possible changes to system development charges to help incentivize smaller units and noted the rent increases in the community. **Commissioner Massey** inquired about the timing of making big decisions based on incomplete data. **Weigel** explained some decisions will need to be made as required by the state and then in 6 years a reanalysis will be done to see if strategies are successful. **Chair Loosveldt** asked about revisiting data sets on an ongoing basis. **Weigel** stated that a deep dive on the data will not happen until the 6-year mark and that the focus will be on the tools available to the City to move things forward and the funds available to support housing production. **Goodman** clarified that the Housing Production Strategy (HPS) will also require ongoing data collection, monitoring and reporting on the different strategies.

**Commissioner Erdt** asked about requiring landlords to report on occupancy. **Goodman** responded that there is no lever in place that would support the collection of this data, but vacancy trends can be viewed on different platforms. The Commission discussed potential policy changes that could impact vacancy rates. **Commissioner Sherman** asked about high density zones not performing well. **Weigel** noted that allowing single dwelling development in high density zones contributes to low density. **Commissioner Hemer** suggested inviting Land Use Chairs to the Planning Commission meeting when comprehensive presentations are given. **Hemer** requested to share the HCA with the Land Use Chairs. The Commission agreed to inviting the Land Use Chairs to the March Housing Productions Strategy presentation. **Chair Loosveldt** asked **Vice Chair**

**Edge** to update the Commission on the Housing Production Strategy conversation between now and March. **Vice Chair Edge** agreed to bring policy discussion updates back to the Commission. **Loosveldt** asked about the City's equity work and how that intersects with the HCA and HPS. **Weigel** noted that the HCA was presented to the Equity Steering Committee (ESC) and that a member of the ESC was appointed to the HCTC. **Weigel** noted a housing related community survey that received over 200 responses. **Weigel** stated she would report on outreach later. **Commissioner Hemer** called out the importance of identifying all subpopulations and not classifying them in the category of other. **Commissioner Freeman** confirmed that the community survey used the Engage Milwaukie Website. **Freeman** asked if the barriers related to equity, that were identified to using that platform, have been addressed. **Weigel** noted that the barriers need to be addressed at a policy level and in another department. **Loosveldt** noted that an individual needs to go to a City Council meeting and present the challenges and concerns related to equity and the use of Engage Milwaukie for Council to take directive. **Weigel** agreed with **Loosveldt**.

(02:43:11)

#### **8.0 Planning Department/Planning Commission Other Business/Updates**

**Commissioner Massey** asked if there will be more details released to the public about the redevelopment of City Hall. **Weigel** said she wasn't sure about the level of disclosure. **Commissioner Erdt** announced that she started a community calendar and requested others send any events they might want to see posted. **Chair Loosveldt** thanked Massey for his time and service on the Commission. **Massey** stated he looked forward to continuing to work together with the Commission, in his new role, as City Councilor. **Chair Loosveldt** requested the work plan forecast. **Weigel** agreed to share the current forecast but also noted that items might change as new City Council begin to meet.

(02:49:27)

#### **9.0 Forecast for Future Meetings**

January 10, 2023      Hearing Item:      1) CU-2022-006 Vacation Rental  
Conditional Use (tentative)

Work Session Items: 1) Code Amendments: Climate Friendly  
Equitable Communities

2) Code Fix Housekeeping

Meeting adjourned at approximately 9:22 p.m.

Respectfully submitted,

Suzanne Couttouw, Administrative Specialist II



# CITY OF MILWAUKIE

## PLANNING COMMISSION MINUTES

City Hall Council Chambers  
10722 SE Main Street  
[www.milwaukieoregon.gov](http://www.milwaukieoregon.gov)

January 10, 2023

**Present:** Lauren Loosveldt, Chair  
Joseph Edge, Vice Chair  
Aaron Carpenter  
Greg Hemer  
Joshua Freeman

**Staff:** Vera Kolias, Senior Planner  
Ryan Dyar, Assistant Planner

**Absent:** Amy Erdt  
Jacob Sherman

(00:10:03)

### 1.0 Call to Order — Procedural Matters\*

**Chair Loosveldt** called the meeting to order at 6:30 p.m., read the conduct of meeting format into the record, and Native Lands Acknowledgment.

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

(00:11:09)

### 2.0 Planning Commission Minutes

2.1 October 25, 2022, minutes were approved with a 5-0 vote.

2.2 November 8, 2022, minutes were approved with a 5-0 vote.

(00:12:04)

### 3.0 Information Items

**Vera Kolias** introduced the new Planning Commissioner, Commissioner Carpenter. **Commissioner Carpenter** shared that he lives in the Ardenwald neighborhood and is a City Planner for a private planning firm.

(00:13:40)

### 4.0 Audience Participation

No information was presented for this portion of the meeting.

(00:14:04)

### 5.0 Community Involvement Advisory Committee (CIAC)

No information was presented for this portion of the meeting.

(00:15:42)

## **6.0 Hearing Items**

### **6.1 CU-2002-006, Conditional Use for a Vacation Rental, Crystalyn Keating, (applicant's representative), 11611 SE 33<sup>rd</sup> Ave**

**Vera Kolias** announced the applicable sections of the Milwaukie Municipal Code (MMC): MMC19.301, MMC19.905 and MMC19.1006. **Kolias** presented the staff report. **Kolias** gave an overview of the existing site. **Kolias** noted the property in question is zoned R-MD and is a single-unit dwelling built in 1967. **Kolias** defined a vacation rental and noted that vacation rentals are allowed in all residential zones as Conditional Use. **Kolias** reviewed the approval criteria and pointed out the three criteria that are most relevant to the application: (1) operations and physical characteristics of proposed use are reasonably compatible with nearby uses, (2) all identified impacts will be mitigated to extent practicable and (3) proposed use will not have unmitigated nuisance impacts greater than those usually generated by uses allowed outright. **Kolias** specified that staff believe the proposal meets the criteria. **Kolias** summarized specifics to the proposal: no physical alterations are proposed, the rental will allow a maximum of 8 guests, management staff is nearby, decibel meters are present in the home to monitor noise during quiet hours, there are four off-street parking spaces provided and a rental agreement includes restrictions to mitigate potential nuisances in the neighborhood. **Kolias** noted that staff received one public comment from Paul Hawkins, Lake Road NDA, who had no objections to the proposal. **Kolias** stated staff recommend the approval of the requested conditional use and to adopt the recommended Findings and Conditions of Approval. **Kolias** explained the 4 options available to the Commission applicable to the application.

**Corey Tigner**, Property Manager, iTrip Northwest, expressed his support for the application.

**Marla Deerdorf**, Milwaukie Resident, expressed her concern for the approval of the application. **Deerdorf** noted her experience with vacation and short-term rentals. **Deerdorf** stated she heard bad things about coast-to-coast house buyers. **Deerdorf** shared that the property was an eye sore to the neighborhood for years and noted that it has been improved. **Deerdorf** expressed concern that neighbors do not know the new owners.

**Joan Olsen**, Milwaukie Resident, requested a continuance. **Olsen** noted that neighbors knew the property was going to be a rental, but they did not know it would be a vacation rental. **Olsen** requested more time to ensure that neighbors had the correct information. **Commissioner Hemer** asked Olsen when she discovered that the property was going to be a vacation rental. **Olsen** stated just this week.

**Commissioner Hemer** asked Crystalyn Keating, applicant's representative, if she would be willing to meet with the neighbors to discuss any concerns. **Crystalyn Keating** stated

she would be willing to meet with the neighbors. **Vice Chair Edge** asked staff for the projected continuance date. Potential continuance dates were discussed. **Commissioner Hemer** made a motion to continue the hearing on January 24, 2023.

Continuance was approved with a 5-0 vote.

(00:39:50)

## 7.0 Work Session Items

### 7.1 Code Amendments: Climate Friendly Equitable Communities Rulemaking

**Ryan Dyar** reviewed the City's prior actions and former Governor Brown's Executive Order as they relate to the Climate Friendly Equitable Communities Rulemaking. **Dyar** shared the proposed code amendments related to compliance with the new Transportation Planning Rule (TPR) which were written through the Climate Friendly Equitable Communities rulemaking process. **Dyar** listed the various amendments:

- Remove Vehicle Parking Requirements.
- Remove references to required parking.
- Minor, non-substantive, languages change for Title consistency- (ex. single family to single detached dwelling).
- Large Parking Lots- new language added to 19.606.4.
- Bicycle Parking-table added to 19.609.

**Dyar** elaborated that the bicycle parking changes discussed in November were pushed out to a later date for staff to do their due diligence to ensure requirements were correct. **Dyar** stated that bicycle parking updates have been decoupled from the automobile amendments to fine tune the bicycle parking requirements. **Dyar** explained that jurisdictions are not required to comply with bicycle parking amendments until their Transportation Systems Plan (TSP) is updated. **Dyar** explained that automobile parking amendments must be adopted by June 30, 2023. **Dyar** noted that Planning worked with the City's Urban Forestry Department to determine clear and objective standards related to tree canopy guidance for large surface parking lots.

**Dyar** outlined the next steps.

- February 14<sup>th</sup> – PC Adoption
- March 7<sup>th</sup> – CC Discussion
- April 4<sup>th</sup> – CC Adoption

**Commissioner Hemer** asked Dyar if there was discussion to ensure that tree canopy requirements do not conflict with lighting requirements. **Dyar** noted there is no conflict due the flexibility with lighting requirements. **Dyar** stated he would look at the code one more time to confirm no conflict. **Vera Kalias** read the lighting code for parking lots and reiterated that Planning does not design the lighting. **Kalias** reiterated that she did not see conflict amongst the two codes.

(0:52:20)

## 7.2 Code Amendments: Housekeeping

**Vera Kolias** noted that cleaning up code is not changing policy but rather is meant to clarify existing code. **Kolias** explained the process for updating code. **Kolias** shared the proposed amendments as noted in the staff report. **Commissioner Hemer** asked what are set bond amounts for a development. **Kolias** responded that when developments are proposed, the City takes a bond, usually 130% of construction costs, as liability insurance, to ensure the developer meets its obligations; the developer uses their own money for the bond. **Kolias** noted the proposed updated zoning code definitions:

- Family childcare home – updating to be in alignment with state definition.
- Major Pruning – updating to be consistent with tree code.
- Structure – clarifying to ensure usage is consistent throughout code.
- Primary Entrance – clarifying to ensure usage is consistent throughout code.

**Vice Chair Edge** asked for clarification around primary entrance and its applicability to Downtown Design Standards. **Kolias** noted that the primary entrance is generally where designed standards are applied. **Kolias** stated she would double check the code to ensure that primary entrance language is in alignment with design standards. **Kolias** shared proposed amendments to the Milwaukie Municipal Code (MMC):

- MMC 19.301 and 19.302 to allow accessory structures as part of the bonus to recognize a timing issue.
- MMC 19.312 to include e-commerce businesses as part of the wholesale and warehousing and revise Key Streets graphic to match the text.
- MMC 19.401 to clarify list of exemptions to comply with GOAL 15.
- MMC 19.502 to include a retaining wall exemption and add a street side yard to table.
- MMC 19.505 to reorganize section completely to be more user friendly.
- MMC 19.1006 to not require a M56 notice for owner-initiated map amendments.
- MMC 19.1010 to include Notice of Decision requirement and process.
- MMC 19.1102 to call out that annexations are not subject to the 120-day rule.

**Vice Chair Edge** inquired about the trip generation of a fulfillment center vs a typical warehousing situation. **Kolias** agreed to check into the trip generation. **Edge** noted that staff may want to call out the difference in regards to trip generation within the use table. **Commissioner Hemer** suggested using the term fulfillment center instead of e-commerce. **Chair Looseveldt** confirmed that the definition of major pruning is matched with the tree code. **Vice Chair Edge** suggested that abbreviations in the code be consistent and follow the same naming pattern. **Kolias** said that will be addressed.

(01:11:11)

## **8.0 Planning Department/Planning Commission Other Business/Updates**

**Kolias** shared that the High-Density Residential Zone Code Amendment was adopted by City Council and is effective January 19, 2023. **Kolias** noted that January 2023 is the 6-month anniversary of the middle housing code. **Kolias** said there is currently one middle housing project under construction. **Kolias** explained that in November and

December there were 9 straight weeks of pre-app conferences for middle housing developments. **Kolias** said all the pre-app information is available on the Planning Department's website and information was mailed to the Neighborhood District Associations (NDAs).

**Commissioner Carpenter** asked if staff are tracking applications that are owner-initiated vs developer initiated. **Kolias** shared some data and called out both scenarios within the most recent pre-app filings. **Kolias** agreed to track this information moving forward. **Dyar** noted that people are looking to add additional units and conversations are happening. **Commissioner Hemer** shared that developers have attended the Linwood NDA meetings. **Hemer** explained that certain developers are engaged with the community. **Kolias** said officer elections are upcoming. **Chair Looseveldt** asked if other Commissioners would like to be Chair or Vice Chair. **Looseveldt** noted Commissioner Sherman expressed interest in being the Chair via email. **Commissioner Hemer** explained his support for an annual change in Chair. **Hemer** requested that the current Chair step down to allow an opportunity for another member. **Hemer** noted that the Chair position is best conducted in person. **Looseveldt** announced she will be stepping down as Chair. **Looseveldt** reiterated that it is not required for the Chair to be in person. **Looseveldt** added that she does not want in person to be a deterrent for someone that would like to Chair the Commission. **Looseveldt** expressed her support for Commissioner Sherman to become the next Chair or Vice Chair. **Vice Chair Edge** noted change in positions, within the Commission, fosters a healthy environment. **Edge** nominated Commissioner Sherman for the Chair position. **Edge** shared that he will be stepping down as Vice Chair. **Edge** said that virtual participation is inclusive. **Commissioner Freeman** announced he would be interested in the Vice Chair position. **Commissioner Hemer** made a motion to elect Commissioner Sherman as Chair and Commissioner Freeman as Vice Chair.

Commissioner Sherman was elected as Chair with a 5-0 vote.  
Commissioner Freeman was elected as Vice Chair with a 5-0 vote.

**Commissioner Hemer** advocated for new code that would require new development to bury all utilities.

(01:32:51)

## 9.0 Forecast for Future Meetings

January 24, 2023,	Hearing Item(s):	1. CU-2022-006 – Conditional Use for a vacation rental
		2. ZA-2022-003 – Downtown Design Review Code Amendments

Meeting adjourned at approximately 8:04 p.m.

Respectfully submitted,

Suzanne Couttouw, Administrative Specialist II





# CITY OF MILWAUKIE

**To:** Planning Commission

**Through:** Laura Weigel, Planning Manager

**From:** Ryan Dyar, Assistant Planner

**Date:** February 6 for February 14<sup>th</sup>, 2023, Public Hearing

**Subject:** ZA-2022-005: Climate Friendly Equitable Community (CFEC), Proposed Parking Code Amendments

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## ACTION REQUESTED

Open the public hearing for land use file #ZA-2022-005. Discuss the proposed amendments to the Milwaukie Municipal Code (MMC) Title 19 (Zoning) and Title 16 (Environment), take public testimony, provide direction to staff regarding any desired revisions to the proposed amendments, and recommend City Council approval of file #ZA-2022-005 and adoption of the proposed ordinance and recommended Findings in Support of Approval found in Attachment 1.

## HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[January 10, 2023:](#) Staff updated Planning Commission on the code amendment process and discussed the decision to delay updating the city's requirements for bicycle parking. Staff also presented the updated code language for large parking lots.

[November 8, 2022:](#) Staff updated Planning Commission on the code amendment process and asked for direction on updating the city's requirements for bicycle parking.

[September 13, 2022:](#) Staff provided Planning Commission with an overview of the new administrative rules and reported on the direction provided by City Council at their August 16<sup>th</sup> meeting. Planning Commission concurred with the majority City Council response and expressed a desire to eliminate parking mandates citywide in response to the new rules.

[August 16, 2022:](#) Staff provided City Council with an overview of the new administrative rules and asked for direction on implementing the new rules related to parking. Most of the City Council expressed a desire to eliminate parking mandates citywide considering the requirements in OAR 660-012-0440, Parking Reform Near Transit Corridors.

[September 21, 2021:](#) Council adopts Council Goals for 2021-2022 of climate change mitigation and resilience action, and equity, justice, and inclusion.



[August 18, 2020](#): Council adopts the Milwaukie Comprehensive Plan, which includes several policies aimed at reducing GHG emissions.

[October 2, 2018](#): Council adopts the Climate Action Plan to achieve carbon neutrality by reducing greenhouse gas (GHG) emissions and offsetting or capturing as much carbon as the Milwaukie community emits.

## **ANALYSIS**

### **Recap of CFEC and Parking Regulation Requirements**

On March 10, 2020, Governor Kate Brown issued Executive Order 20-04, directing state agencies to reduce climate pollution. In response, the Land Conservation and Development Commission (LCDC) initiated the Climate Friendly Equitable Communities rulemaking process which updated Oregon's Transportation Planning administrative rules. The new rules, adopted in May 2022, apply in Oregon's eight urban areas with populations over 50,000 people, including the Portland Metro region. These proposed amendments relate to compliance with the provisions in Oregon Administrative Rules (OAR) Chapter 660, Division 12, Rules 400-450 which govern how local governments regulate automobile parking. The rules stipulate that jurisdictions must amend their land use regulations to comply with the new parking requirements before June 30, 2023.

### **Summary of Rule Requirements**

OAR 660-012-0400 requires jurisdictions to either remove minimum off-street vehicle parking quantity requirements entirely or adopt more complex regulations that allow for some minimum quantity requirements but disallow jurisdictions from applying those mandates to various land uses (affordable housing) and in certain places (near frequent transit). Staff concluded that because of the prohibition on mandating vehicle parking near frequent transit, Milwaukie would only be able to apply mandates in roughly 20% of the city if choosing the latter. On August 16, 2022, City Council directed staff to draft code amendments to remove minimum parking mandates citywide.

OAR 660-012-0405 requires jurisdictions to adopt regulations that mitigate the impacts of new large surface parking lots (over one-quarter acre in size).

OAR 660-012-0410 includes standards for electric vehicle charging and was addressed through a separate code amendment process, land use file ZA-2022-006.

OAR 660-012-415 only applies to cities in the Portland Metro region that have a population of at least 25,000 and therefore does not apply to Milwaukie.

OAR 660-012-0420 says that jurisdictions that eliminate parking mandates citywide are exempt from OAR 660-012-0425 – 660-012-0450.

### **Proposed Amendments**

Staff has reviewed the administrative rules, consulted with DLCD staff, and reviewed professional literature and other jurisdictions' development regulations to develop the proposed amendments.

### Eliminate Parking Minimums and OAR 660-012-0405 Compliance

Attachments 1b and 1c contain a draft of the code amendments that would remove minimum parking quantity requirements and references to required parking from the zoning code. The proposed amendments also implement the provisions of [OAR 660-012-0405](#), which collectively aim to promote parking efficiency and mitigate the negative impacts of automobile parking infrastructure. Specifically, the rule requires that development codes ensure carpool/vanpool spaces have prioritized placement in new developments, that they encourage shared parking, and that they require that builders account for the drawbacks of large newly constructed surface parking lots (those over ¼ acre in size) by providing shade trees or by investing in green energy.

With regards to carpool/vanpool and shared parking requirements, staff believes the Milwaukie Municipal Code (MMC) already complies with the new rules. To satisfy the new requirements for large surface parking lots, staff drafted amendments with the Milwaukie Urban Forester that leverage the recently adopted standards and processes for residential tree canopy in Title 16 of the MMC (see Subsection 19.606.4 in Attachments 1b and 1c). In addition, the proposed amendments include requirements for large surface parking lots to provide pedestrian facilities along parking lot driveways, at the intersections of driveways and drive aisles, and adjacent to primary building façades. The MMC historically has required new parking areas to provide walkways; the difference between those requirements and what is proposed in Attachments 1b and 1c relates to specific design requirements in the OAR. For example, pedestrian crossings must be raised or constructed of distinctive materials, and walkways must be constructed with a zero-foot setback along the longest façade of a building. The longest façade of a newly constructed building must also include a primary building entrance.

Commissioners should note that the administrative rules—in conjunction with a [guidance document](#) provided by DLCD— are relatively prescriptive; there is little room for municipal discretion in implementing these requirements. However, there is one notable difference between the administrative rules and the proposal in Attachments 1b and 1c. The rules allow builders to mitigate the negative impacts of large surface parking areas by installing on-site solar. If a solar installation is not desirable or possible—and the builder cannot or does not want to satisfy the requirement by providing a tree canopy to cover 50% of the lot—they can satisfy the requirement under the OAR by paying a fee-in-lieu of solar development into a city or state fund for equitable solar or wind energy development. Staff excluded the fee-in-lieu option from the proposed code amendments because there is currently no city or state fund set up to accept the fee-in-lieu payment.<sup>1</sup>

### Bicycle Parking Quantity and Development Requirements

The draft amendments also include proposed changes to the city's bicycle parking requirements (see MMC 19.609 in Attachments 1b and 1c). The primary justification for updating MMC 19.609 is that the existing bicycle parking quantity requirements in MMC 19.609 for new and

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<sup>1</sup> Staff have consulted with DLCD about the Oregon Department of Energy (DOE) fund referenced in the OAR. As of mid-December, it was unclear if DOE could accept funds

redeveloping commercial, industrial, and community service uses are derived from the minimum number of required vehicle parking spaces. With the elimination of minimum vehicle parking requirements, the city needs a new approach to ensure that an adequate quantity of bicycle parking spaces is provided.

After reviewing professional literature and requirements in other jurisdictions, staff recommends temporarily adding a table to MMC 19.609.2 that mirrors the bicycle parking quantity requirements in the existing code. Commissioners should note that the calculations have been modified to facilitate a more direct calculation; rather than having applicants calculate the minimum number of required vehicle parking spaces and then take 10% of that number, the standards have been reduced to 10% of the original requirement.

As indicated during the November 8<sup>th</sup>, 2022, work session, staff recognize that the existing bicycle parking quantity and design standards are insufficient; however, unlike other changes that are being recommended because of this rulemaking, the city has more discretion and an extended timeframe to update bicycle parking standards. Staff intends to spend more time working through the details to ensure that the city adopts bicycle parking quantity and development standards that are appropriate for the needs and goals of Milwaukie.

#### Updating Language

The proposed amendments also include minor non-CFEC-related changes to establish consistent language within the MMC, including changing the title Planning Director to Planning Manager and changing the term single family dwelling to single detached dwelling.

#### **STAFF RECOMMENDATION**

Staff asks that the Planning Commission:

1. Recommend that the City Council approve the proposed amendments to MMC Title 19 (Zoning), and Title 16 (Environment) presented in Attachments 1-b and 1-c.
2. Recommend that the City Council adopt the proposed ordinance and attached Findings in Support of Approval presented in Attachments 1 and 1-a, respectively.

#### **CODE AUTHORITY AND DECISION-MAKING PROCESS**

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

- MMC Section 19.902 Amendments to Maps and Ordinances
- MMC Section 19.1008 Type V Review

This application is subject to Type V review, which requires the Planning Commission to hold an initial evidentiary hearing to and then forward a recommendation to the City Council for a final decision. Type V applications are legislative in nature and involve the creation, revision, or large-scale implementation of public policy.

The Commission has four decision-making options as follows:

- A. Recommend that Council approve the proposed amendments per the recommended Findings in Support of Approval.

- B. Recommend that Council approve the proposed amendments with revisions, including modifications to the recommended Findings in Support of Approval. Such modifications need to be read into the record.
- C. Recommend that Council deny the proposed amendments.
- D. Continue the hearing.

There is no deadline for a final decision on Type V applications, as they are legislative in nature.<sup>2</sup>

## COMMENTS

Notice of the proposed amendments was posted as required by MMC Section 19.1008.

Notice was also provided to the following agencies and departments: City of Milwaukie Building, Engineering, and Public Works Departments; Milwaukie City Attorney; Metro; and Department of Land and Conservation Development. Notice was also posted at City Hall, the Johnson Creek Facility, and the Ledding Library.

One comment was received from Teresa Bresaw of the Lake Road NDA, looking for clarification about the new requirements and expressing reservations about the decision to no longer require off-street parking citywide. The comment also expressed skepticism about the potential efficacy of the new rules.

## ATTACHMENTS

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

	PC Packet	Public Copies	Packet
1. Ordinance	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
a. Recommended Findings in Support of Approval	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Draft code amendment language (underline/strikeout)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. Draft code amendment language (clean)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

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/planning/planning-commission-13>.

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<sup>2</sup> It is worth reiterating, however, that OAR 660-012-0012 requires the city to take action to comply with the new parking rules in OAR 660-012-0400 – 0450 by June 30<sup>th</sup>, 2023.



## **COUNCIL ORDINANCE No.**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE MILWAUKIE MUNICIPAL CODE (MMC) TITLE 19 ZONING ORDINANCE AND TITLE 16 ENVIRONMENT FOR THE PURPOSE OF ADDRESSING OFF-STREET PARKING REQUIREMENTS CITYWIDE AS REQUIRED UNDER THE TRANSPORTATION PLANNING RULE, OAR 660-012-0400 – 0450 (FILE #ZA-2022-005).**

**WHEREAS**, it is the intent of the City of Milwaukie to: reduce greenhouse gas emissions, remove regulations that contribute to the overbuilding of off-street parking, create a safe and pleasant pedestrian environment, mitigate the negative impacts of large surface parking lots; and

**WHEREAS**, the proposed code amendments implement several of the goals and policies of the city' comprehensive plan related to housing and comply with Oregon Administrative Rules 660-012-0400 – 0450; and

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

**WHEREAS**, on February 14, 2023, the Milwaukie Planning Commission conducted a public hearing as required by MMC 19.1008.5 and adopted a motion in support of the amendments; 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 (MMC) is amended as described in Exhibit B (underline/strikeout version), and Exhibit C (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 \_\_\_\_\_.

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Lisa Batey, Mayor

ATTACHMENT 1

ATTEST:

APPROVED AS TO FORM:

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Scott S. Stauffer, City Recorder

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Justin D. Gericke, City Attorney

**Recommended Findings in Support of Approval  
File #ZA-2022-005  
Climate Friendly and Equitable Communities Parking 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 make code amendments to Titles 16 and 19 to remove minimum required off-street parking requirements citywide and adopt development standards for newly constructed large parking lots. These changes are proposed pursuant to the Climate Friendly Equitable Communities (CFEC) rulemaking process which amended Oregon Administrative Rules (OAR), Chapter 660, Division 12. The land use application file number is ZA-2022-005.
2. The proposed amendments relate to OARs 660-012-0400 – OAR 660-012-0450 which were adopted by the Oregon Land Conservation and Development Commission in 2022. The rules were developed through the CFEC rulemaking process, which was initiated in response to Governor Brown's Executive Order 20-04. For any city or county subject to the requirements, the updated rules require those jurisdictions to either remove minimum off-street vehicle parking mandates citywide or adopt more complex regulations that allow for some minimum off-street quantity requirements but disallow jurisdictions from applying those mandates to various land uses (affordable housing) and in certain places (near frequent transit). The new rules also require jurisdictions to adopt regulations that mitigate the impacts of newly constructed surface parking lots that are one-quarter acre in size or larger.

3. Amendments are proposed in several titles of the municipal code, as follows:

**Municipal Code - Title 19 Zoning Ordinance**

- Chapter 19.200 DEFINITIONS AND MEASUREMENTS
  - Section 19.201 Definitions
- Chapter 19.300 BASE ZONES
  - Section 19.303 Commercial Mixed-Use Zones
  - Section 19.304 Downtown Zones
  - Section 19.310 Business Industrial Zone
- Chapter 19.500 SUPPLEMENTAL DEVELOPMENT REGULATIONS
  - Section 19.505 Building Design Standards
- Chapter 19.600 OFF-STREET PARKING AND LOADING
  - Section 19.601 Purpose
  - Section 19.602 Application
  - Section 19.603 Review Process and Submission Requirements
  - Section 19.604 General Parking Standards
  - Section 19.605 Vehicle Parking Quantity Requirements
  - Section 19.606 Parking Area Design and Landscaping
  - Section 19.607 Off-Street Parking Standards for Residential Areas
  - Section 19.608 Loading

- Section 19.609 Bicycle Parking
- Section 19.610 Carpool and Vanpool Parking
- Section 19.611 Parking Structures
- Chapter 19.900 LAND USE APPLICATIONS
  - Section 19.901 Introduction
  - Section 19.905 Conditional Uses
  - Section 19.910 Residential Dwellings

Municipal Code - Title 16 Environment

- CHAPTER 16.32 TREE CODE
    - Section 16.32.42 Tree Preservation and Planting in Residential Zones
4. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
    - MMC Section 19.902 Amendments to Maps and Ordinances
    - MMC Chapter 19.1000 Review Procedures
  5. Sections of the MMC not addressed in these findings are found to be not applicable to the decision on this land use application.
  6. The application has been processed and public notice provided in accordance with MMC Section 19.1008 Type V Review. Public hearings were held on February 14, 2023, and April 4, 2023, as required by law.
  7. MMC Chapter 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 Subsection 19.1001.6 requires that Type V applications be initiated by the Milwaukie City Council, Planning Commission, Planning Manager, or any individual.
 

*The amendments were initiated by the Planning Manager on December 29, 2022.*
    - 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.
 

*Multiple opportunities for public comment and review have been provided. The draft amendments have been posted on the City's website since January 13, 2023. Planning staff notified all NDA chairs and Land Use Committee members about the proposed code amendments via email on January 17, 2023. The Planning Commission held a work session on January 10, 2023, to discuss the proposed amendments and a public hearing on February 14, 2023.*
      - (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 February 14, 2023, hearing was posted as required on January 13, 2023. A notice of the City Council's April 4, 2023, hearing was posted as required on March 2, 2023.*

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

*The proposed amendments will apply to all properties in the city. Planning Manager has determined that the proposal affects a large geographic area.*

- (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 January 10, 2023.*

- (5) Subsection 19.1008.3.C requires notice of a Type V application be sent to Metro 35 days prior to the first evidentiary hearing.

*Notice of the proposed amendments was sent to Metro on January 10, 2023.*

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

*The proposed amendments will apply to all properties in the city. The Planning Manager has determined that the proposal affects a large geographic area.*

- (7) Subsections 19.1008.4 and 19.1008.5 establish the review authority and process for the review of a Type V application.

*The Planning Commission held a duly advertised public hearing on February 14, 2023 and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on April 4, 2023 and approved the amendments.*

8. MMC 19.902 Amendments to Maps and Ordinances

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.

- a. 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 February 14, 2023 and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on April 4, 2023 and approved the amendments. Public notice was provided in accordance with MMC Subsection 19.1008.3.*

- (1) MMC Subsection 19.902.5.B establishes the approval criteria for changes to land use regulations of the Milwaukie Municipal Code.

- (a) MMC Subsection 19.902.5.B.1 requires that the proposed amendment be consistent with other provisions of the Milwaukie Municipal Code.

*The proposed amendments remove minimum parking quantity requirements from MMC Section 19.605 for automobiles, remove references to required parking throughout the MMC, and add requirements for newly constructed surface parking lots that are a quarter acre in size or larger. These changes are required by changes to the Oregon Administrative Rules. The proposed amendments also add a table to 19.609 to ensure that bicycle parking is provided, which is necessary because bicycle parking requirements were previously tied to the minimum number of required automobile parking spaces. No changes to the amount of required bicycle parking are proposed at this time. Finally, non-substantive amendments are proposed to ensure language consistency throughout the MMC. The amendments coordinate and are consistent with other provisions of the MMC.*

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

*The following goals and policies of the Comprehensive Plan support the amendments to remove minimum off-street vehicle parking quantity requirements citywide and to adopt development standards that mitigate the negative impacts of large surface parking lots.*

#### **SECTION 6: Climate Change & Energy Goals and Policies**

*Promote energy efficiency and mitigate the anticipated impacts of climate change in Milwaukie through the use of efficient land use patterns, multimodal transportation options, wise infrastructure investments, and increased community outreach and education as outlined in the City's Climate Action Plan.*

#### **GOAL 6.1 - BUILT ENVIRONMENT**

*Create a built environment that prioritizes energy efficiency and climate resiliency and seamlessly integrates the natural environment.*

*POLICY 6.1.4 Develop standards and guidelines that contribute to a 40% citywide tree canopy.*

*POLICY 6.1.5 Create a more energy efficient land use pattern that includes, but is not limited to, infill and cluster development, neighborhood hubs and increased density.*

*POLICY 6.1.6 Encourage the creation of compact, walkable neighborhoods and neighborhood hubs throughout the City that provide a mix of uses and help reduce transportation emissions and energy usage.*

## SECTION 7: HOUSING GOALS AND POLICIES

*Provide safe, affordable, stable housing for Milwaukie residents of every socioeconomic status and physical ability within dwellings and neighborhoods that are entirely equitable, delightfully livable, and completely sustainable.*

### GOAL 7.3 Sustainability

*Promote environmentally and socially sustainable practices associated with housing development and construction.*

*POLICY 7.3.8 Allow for a reduction in required off-street parking for new development within close proximity to light rail stations and frequent bus service corridors.*

## SECTION 8: URBAN DESIGN & LAND USE GOALS & POLICIES

*Promote the design of private development and public spaces and facilities to enhance community livability, environmental sustainability, social interaction, and multimodal connectivity and support the unique function of Milwaukie neighborhoods as the centers of daily life.*

### GOAL 8.2 – Livability

*Enhance livability by establishing urban design concepts and standards that help improve the form and function of the built environment.*

#### *POLICY 8.2.2 Parking design policies:*

*A. Establish parking standards that contribute to higher levels of active transportation and increased use of transportation demand management programs to achieve community design patterns that are more sustainable.*

*B. As technology, development patterns, and transportation options evolve, plan for the potential conversion of parking spaces within the public right-of-way and encourage the redevelopment or conversion of existing private and public parking lots to other uses.*

*F. Maintain lighting, walkway, and other design standards that contribute to improved public safety.*

*I. Require canopy trees and swales in parking lots to reduce stormwater runoff and better manage urban temperatures.*

*J. Prioritize pedestrian and bicycle safety over parking convenience to minimize conflicts between modes.*

*The proposed amendments implement OAR 660-012-0400 – OAR 660-012-0450, which relate to how local jurisdictions regulate off-street automobile parking. The amendments to the Transportation Planning Rule are intended to reduce*

*greenhouse gas emissions by curbing reliance on personal automobiles, mitigating the negative impacts of large surface parking lots, and promoting a safe and attractive pedestrian-oriented urban environment. These goals are consistent with the above goals and policies of Milwaukie's Comprehensive Plan.*

- (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. The proposed code amendments comply with Metro's Functional Growth Management Plan.*

- (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.

*Oregon Statewide Planning Goal 12: Transportation*

*Oregon's Statewide Planning Goal 12 is implemented through the Transportation Planning Rule, Chapter 660 Division 12 of the Oregon Administrative Rules (OAR). The amendments in this application are being proposed to comply with the changes made to the Transportation Planning Rule through the Climate Friendly Equitable Communities rulemaking process. Specifically, these amendments are being proposed to comply with OAR 660-012-0400 – OAR 660-012-0450.*

*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.*

- (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.*

## Underline/Strikeout Amendments

### Title 16 Environment

#### Chapter 16.32 Tree Code

##### **16.32.042 TREE PRESERVATION AND PLANTING IN RESIDENTIAL ZONES**

###### A. Applicability

~~The tree preservation and planting standards in this subsection apply to the following types of development in residential zones:~~

- ~~1. Land divisions.~~
- ~~2. Construction of a new residential dwelling unit that results in an increase of building footprint.~~
- ~~3. Construction of a new residential dwelling unit that does not result in an increase of building footprint. For applications meeting this criteria, only Subsections 16.32.042.F, 16.32.042.H and 16.32.042.J will apply.~~

###### 1. Chapter 16.32.042 applies to the following types of development in residential zones:

- a. Land divisions.
- b. Construction of a new residential dwelling unit that results in an increase of building footprint.
- c. Construction of a new residential dwelling unit that does not result in an increase of building footprint. For applications meeting this criteria, only Subsections 16.32.042.F, 16.32.042.H and 16.32.042.J will apply.

###### 2. The following sections apply in any zone whenever MMC 19.606.4 is applicable, and the applicant seeks to comply with 19.606.4.C.3 by establishing a tree canopy.

- a. 16.32.042.F Protection Standards
- b. 16.32.042.G Soil Volume Standards
- c. 16.32.042.H Submittal Requirements

###### F. Tree Protection Standards

Trees to be retained must be protected from development impacts according to the standards in this subsection to be eligible for tree preservation and tree canopy credit. For applications meeting criteria as outlined in Subsections 16.32.042.A.1.a and 16.32.042.A.1.b ~~16.32.042.A.1 and 16.32.042.A.2~~, a tree protection plan prepared by an ISA certified arborist that demonstrates adequate protection of the trees to be preserved as approved by the Urban Forester is required. Tree protection methods and specifications must be consistent with ISA best management practices using either the following prescriptive path or performance path tree protection methods:

###### H. Submittal Requirements

For applications for construction of a new residential dwelling unit that does not result in an expansion of building footprint (Subsection 16.32.042.A.1.c ~~16.32.042.A.3~~), applicants must

demonstrate compliance with the applicable provisions of Subsection 16.32.042.F by submitting a report including elements outlined in Subsection 16.32.042.H.2. For applications for land subdivision (Subsection 16.32.042.A.1.a ~~16.32.042.A.4~~) or construction of a new residential dwelling unit that results in an expansion of the building footprint (Subsection 16.32.042.A.1.b ~~16.32.042.A.2~~) an ISA certified arborist that is also tree risk assessment qualified (TRAQ) must demonstrate compliance with the applicable provisions of Subsections 16.32.042.B through 16.32.042.G. Other professionals such as engineers, landscape architects, soil scientists, and surveyors may assist the project arborist as needed in preparing the required information, but the arborist must organize, review, and approve the final product. The minimum submittal requirements include an inventory of existing trees, tree preservation plan, tree canopy plan, and arborist report with the following elements:

1. Tree Inventory Requirements

- a. Survey the locations of all trees at least 6-inch DBH, all trees at least 2-inch DBH that are listed on the Oregon Noxious Weed List or Milwaukie Invasive Tree List, and trees less than 6-inch DBH as specified on the City of Milwaukie Rare or Threatened Tree List. Trees that must be surveyed include those that are on site, within abutting public rights-of-way, and on abutting sites with root protection zones that extend into the site. The locations and information for trees on abutting sites may be estimated.
- b. Number each tree for identification at the site and on the plans.
- c. Identify the common name and scientific name of each tree.
- d. Measure the DBH of each tree in inches according to accepted ISA standards.
- e. Measure the approximate average crown radius of each tree in feet.
- f. Provide the crown area of each tree using the formula:  $(\text{crown radius})^2 \times \pi$ .
- g. Assess the health condition of each tree using the following categories:
  - (1) Good (no significant health issues)
  - (2) Fair (moderate health issues but likely viable for the foreseeable future)
  - (3) Poor (significant health issues and likely in decline)
  - (4) Very poor or dead (in severe decline or dead)
- h. Identify whether the tree is on the Milwaukie Rare or Threatened Tree List.
- i. Identify whether the tree is proposed for removal or retained.
- j. Organize the tree inventory information in a table or other format approved in writing by the Urban Forester.

2. Tree Preservation Plan Requirements

- a. Provide a site plan drawn to scale.
- b. Include the existing tree locations and corresponding tree numbers from the tree inventory.
- c. Identify rare or threatened trees as described in the City of Milwaukie Rare or Threatened Tree List.
- d. Identify the following site disturbances:

- (1) Demolition
    - (2) Tree removal
    - (3) Staging, storage, and construction access
    - (4) Grading and filling
    - (5) Paving
    - (6) Construction of structures, foundations, and walls
    - (7) Utility construction
    - (8) Trenching and boring
    - (9) Excavation
    - (10) Any other demolition or construction activities that could result in ground disturbances and/or tree damage.
  - e. Locate tree and soil protection fencing to scale.
  - f. Locate soil compaction prevention methods to scale.
  - g. Identify performance path tree protection and soil volume areas.
  - h. Include tree and soil volume protection specifications from the arborist report on the plans including a detail and description of tree and soil volume protection fencing and signage.
  - i. The elements of the tree preservation plan may be included on multiple plan sheets for clarity.
  - j. The final approved set of construction drawings must include the tree preservation plan to ensure contractors, inspectors, and other professionals have access to the information.
3. Tree Planting Plan
- a. Provide a site plan drawn to scale.
  - b. Include the existing trees to be retained and their crown areas to scale.
  - c. Include the trees to be planted and their mature crown areas to scale based on the City of Milwaukie Tree Canopy List.
  - d. Identify the soil volume areas for each tree to be planted to scale.
  - e. For performance path soil volume areas, identify the methods and specifications as applicable for:
    - (1) Compaction Reduction;
    - (2) Soil Amendments;
    - (3) Topsoil Replacement; and/or
    - (4) Soil Under Pavement.
  - f. Include a diagram depicting the tree planting that is consistent with ISA best management practices.

- g. The minimum size of planted trees is 1.5-inch caliper for broadleaf trees and 5-foot tall for conifers unless otherwise approved by the Urban Forester. Nursery stock must be in good health with the size and quality consistent with ISA best management practices and ANSI Z60.1 standards.
- h. The species selection and spacing of trees to be planted must be such that it provides for the eventual mature size of the trees. Soil type, soil conditions and other site constraints shall be considered when selecting species for planting. Final site plans must be approved by the Urban Forester.
- i. Root barriers must be installed according to the manufacturer's specifications when a tree is planted within 5 feet of pavement or an underground utility box unless otherwise approved by the Urban Forester.
- j. Where there are overhead high voltage utility lines, the tree species selected must be of a type that, at full maturity, will not require pruning to avoid interference with the lines.
- l. The elements of the tree canopy plan may be included on multiple plan sheets for clarity.
- m. The final approved set of construction drawings must include the tree canopy plan to ensure contractors, inspectors, and other professionals have access to the information.

#### 4. Arborist Report

- a. Provide a written narrative that summarizes the information from the tree inventory, tree preservation plan, and tree canopy plan.
- b. Provide findings and calculations that demonstrate whether the tree preservation standards in Subsection 16.32.042.B have been met.
- c. Provide findings and calculations that demonstrate whether the tree planting standards in Subsection 16.32.042.C have been met.
- d. If the tree preservation and/or tree planting standards have not been met, provide calculations for the applicable tree mitigation fees as required by Subsection 16.32.042.D.
- e. If the applicant is seeking a variance to the tree preservation and/or tree planting standards in place of providing mitigation fees, provide findings that demonstrate the proposal provides equivalent or greater environmental benefits as preserving or planting the required tree canopy consistent as required by Subsection 16.32.042.E.
- f. Provide findings that demonstrate compliance with the tree protection standards in Subsection 16.32.042.F.
- g. Provide findings that demonstrate compliance with the soil volume standards in Subsection 16.32.042.G.

#### I. Non-Development Tree Permit Requirements

##### 1. Applicability

A permit is required prior to the removal of the following trees in residential zones on property that is outside the right-of-way and not owned or maintained by the City:



- a. Trees that are at least 6-inch DBH.
- b. Trees that are less than 6-inch DBH as specified on the City of Milwaukie Rare or Threatened Tree List.
- c. Trees that were planted to meet any requirements in Section 16.32.042.

Permits are not required in residential zones when tree removal is approved with development listed in Subsection 16.32.042.A.1.a ~~16.32.042.A~~. Permits are also not required in residential zones for the removal of trees that are grown for commercial agricultural or horticultural purposes including fruit trees, nut trees, or holiday trees.

## Title 19 Zoning Ordinance

### CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS

#### Section 19.201 Definitions

As used in this title:

“Carport” means a stationary structure consisting of a roof, its supports, and not more than 1 wall (or storage cabinets substituting for a wall) used to shelter motor vehicles, recreational vehicles, or boats. ~~A structure is only considered to be a carport when it is being used to meet minimum off-street parking requirements.~~

### CHAPTER 19.300 BASE ZONES

#### 19.303 COMMERCIAL MIXED-USE ZONES

##### 19.303.3 Development Standards

These development standards are intended to ensure that new development in the commercial mixed-use zones is appropriate for a mixed-use district in terms of building mass and scale, how the building addresses the street, and where buildings are located on a site.

Table 19.303.3 summarizes some of the development standards that apply in the commercial mixed-use zones. Development standards are presented in detail in Subsection 19.303.4.

Table 19.303.3 Commercial Mixed Use Zones—Summary of Development Standards			
Standard	GMU	NMU	Standards/ Additional Provisions
<b>A. Lot Standards</b>			
1. Minimum lot size (sq ft)	1,500	1,500	
2. Minimum street frontage (ft)	25	25	
<b>B. Development Standards</b>			
1. Minimum floor area ratio	0.5:1	0.5:1	<b>Subsection 19.303.4.A</b> Floor Area Ratio
2. Building height (ft)			<b>Subsection 19.303.4.B</b> Building Height
a. Base maximum	45	45	

b. Maximum with height bonus	57–69	Height bonus not available	<b>Section 19.510</b> Green Building Standards <b>Subsection 19.911.7</b> Building Height Variance in the General Mixed Use Zone
3. Street setbacks (ft)			<b>Subsection 19.303.4.C</b> Street Setbacks
a. Minimum street setback	0–15 <sup>1</sup>	None	<b>Section 19.501.2</b> Yard Exceptions
b. Maximum street setback	10–20 <sup>2</sup>	10	
c. Side and rear setbacks	None	None	
4. Frontage occupancy	50%	None	<b>Subsection 19.303.4.D</b> Frontage Occupancy Requirements <b>Figure 19.303.4.D</b> Frontage Occupancy Requirements
5. Maximum lot coverage	85%	85%	
6. Minimum vegetation	15%	15%	<b>Subsection 19.504.6</b> Minimum Vegetation
7. Primary entrances	Yes	Yes	<b>Subsection 19.303.4.E</b> Primary Entrances
8. Off-street parking <u>standards required</u>	Yes	Yes	<b>Chapter 19.600</b> Off-Street Parking and Loading
9. Transit street	Yes	Yes	<b>Subsection 19.505.8</b> Building Orientation to Transit
10. Transition measures	Yes	Yes	<b>Subsection 19.504.5</b> Transition Area Measures

### 19.303.6 Additional Provisions

Depending upon the type of use and development proposed, the following sections of the Milwaukie Municipal Code may apply. These sections are referenced for convenience, and do not limit or determine the applicability of other sections within the Milwaukie Municipal Code.

#### B. Section 19.600 Off-Street Parking and Loading

Contains standards for vehicle and bicycle parking, including ~~required~~ maximum number of spaces and design standards for parking and loading areas where provided.

### 19.304 DOWNTOWN ZONES

Table 19.304.4 CONTINUED Downtown Zones—Summary of Development Standards			
Standard	DMU	OS	Standards/ Additional Provisions
<b>B. Development Standards CONTINUED</b>			
5. Frontage occupancy requirements	50–90%	None	<b>Subsection 19.304.5.E</b> Frontage Occupancy Requirements <b>Figure 19.304-6</b> Minimum Frontage Occupancy
6. Primary entrances	Yes	No	<b>Subsection 19.304.5.F</b> Primary Entrances
7. Off-street parking <u>standards required</u>	Yes, where applicable	Yes, where applicable	<b>Subsection 19.304.5.G</b> Off-Street Parking <b>Chapter 19.600</b> Off-Street Parking and Loading
8. Open space	Yes, where applicable	Yes, where applicable	<b>Subsection 19.304.5.H</b> Open Space <b>Subsection 19.508.4.G</b> Open Space/Plazas
9. Transition measures	Yes, where applicable	No	<b>Subsection 19.304.5.I</b> Transition Measures <b>Subsection 19.504.5</b> Transition Area Measures

### 19.304.5 Detailed Development Standards

The following detailed development standards describe additional allowances, restrictions, and exemptions related to the development standards of Table 19.304.4.

#### G. Off-Street Parking

##### 1. Intent

The desired character for the DMU Zone, particularly along Main St, is defined by a continuous façade of buildings close to the street, with adjacent on-street parking.

##### 2. Standards

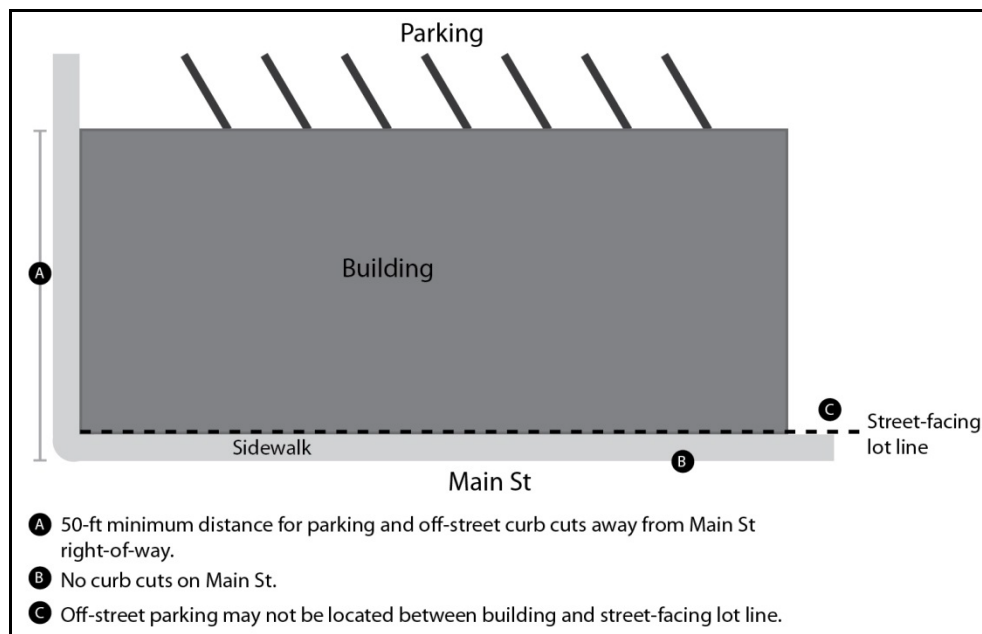
- a. Off-street parking for residential uses is subject to the ~~required at the ratios established in Table 19.605.1. All other applicable standards of Chapter 19.600 apply.~~
- b. If off-street parking is provided for nonresidential uses, the parking maximums in Table 19.605.1 shall apply. All other applicable standards of Chapter 19.600 shall also apply.
- c. Off-street surface parking lots (including curb cuts) shall not be located within 50 ft of the Main St right-of-way. Off-street surface parking lots approved prior to October 31, 2015, the effective date of Ordinance #2106, are exempt from this prohibition. This

exemption applies only to the property owner on file with the Clackamas County Assessor as of October 31, 2015, the effective date of Ordinance #2106, and is dissolved upon transfer of ownership.

The Planning Commission may permit off-street parking lots and curb cuts within 50 ft of the Main St right-of-way only upon finding, through Type III Variance review pursuant to Section 19.911, that:

- (1) The overall project meets the intent of providing a continuous façade of buildings close to Main St.
  - (2) The off-street parking area or curb cut is visually screened from view from Main St.
  - (3) The community need for the off-street parking area or curb cut within 50 ft of Main St outweighs the need to provide a continuous façade of buildings in that area.
- d. Off-street parking shall not be located between a building and the street-facing lot line.

**Figure 19.304.5.G.2  
Off-Street Parking Standards**



### ~~3. Exemptions~~

~~All nonresidential uses are exempt from the off-street parking requirements.~~

### **19.304.8 Variances**

The Planning ~~Manager~~ Director or Planning Commission may authorize variances to the development standards under Subsection 19.304.4 in accordance with procedures of Section 19.911. (Ord. 2218 § 2 (Exh. B), 2022; Ord. 2170 § 2, 2019; Ord. 2168 § 2, 2019; Ord. 2134 § 2,

2016; Ord. 2120 § 2, 2016; Ord. 2110 § 2 (Exh. G), 2015; Ord. 2106 § 2 (Exh. F), 2015; Ord. 2094 § 2, 2015; Ord. 2059 § 2, 2013; Ord. 2051 § 2, 2012; Ord. 2025 § 2, 2011)

### 19.310 BUSINESS INDUSTRIAL ZONE BI

#### 19.310.6 Standards

In the BI district, the following standards shall apply to all uses:

##### H. Landscaping

15% of the site must be landscaped, except for sites adjacent to Hwy. 224, which shall provide landscaping to 20% of the site. This should consist of a variety of lawn, trees, shrubbery, and ground cover. Street trees must be provided along street frontages and within required off-street parking lots to help delineate entrances, provide shade, and permeable areas for stormwater runoff. A bond or financial guarantee for landscape completion shall be required.

## CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

### 19.505 BUILDING DESIGN STANDARDS

#### 19.505.4 Cottage Cluster Housing

##### C. Development Standards

The standards listed below in Table 19.505.4.C.1 are the applicable development and design standards for cottage cluster housing. Additional design standards are provided in Subsection 19.505.1.

Table 19.505.4.C.1 (CONTINUED) Cottage Cluster Development Standards		
Standards	R-MD	R-1, R-2, R-2.5, R-3, R-1-B
<b>E. Impervious Area, Vegetated Area (CONTINUED)</b>		
2. Vegetated site area (minimum)	35%	35%
<b>F. Community and Common Space</b>		
1. Community building footprint (maximum) <sup>1</sup>	1,000 sf	1,000 sf
2. Common Space	19.505.1.D	19.505.1.D
<b>G. Parking (see also 19.505.1.D.3)</b>		
<del>1. Automobile parking spaces per primary home (minimum)</del>	<del>0.5</del>	<del>0.5</del>
2 <u>1.</u> Dry, secure bicycle parking spaces per home (minimum)	1.5	
3 <u>2.</u> Guest bicycle parking spaces per home (minimum)	0.5	

##### 2. Off-Street Parking

- a. ~~There must be at least 0.5 off-street parking spaces per dwelling unit per Table 19.505.4.B.1. When off-street parking is provided, the parking spaces must be~~ located together with parking spaces for other cottages in a common area, and not located on the same lot as an individual cottage unit.
- b. A cottage cluster parking area must be set back from the street. The distance of the setback is dependent on the orientation of the structure or lot. If the axis of the longest dimension of the parking area has an angle of 45 degrees or more to the lot line, the narrow dimension may be within 5 ft of the street. If the angle is less than 45 degrees, the parking area must be at least 20 ft from the street.
- c. If there are more than 8 units in a cottage cluster and off-street parking is provided, there must be at least 2 separate parking areas with a minimum of 4 parking spaces in each area. A drive aisle connecting the 2 areas is permitted if a separate driveway access for each area is not permitted per Chapter 12.16 Access Management.

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## CHAPTER 19.600 OFF-STREET PARKING AND LOADING

### 19.601 PURPOSE

Chapter 19.600 regulates off-street parking and loading areas on private property outside the public right-of-way. The purpose of Chapter 19.600 is to: ~~provide adequate, but not excessive, off-street parking~~; support efficient streets; avoid unnecessary conflicts between vehicles, bicycles, and pedestrians; encourage bicycling, transit, and carpooling; minimize parking impacts to adjacent properties; improve the appearance of parking areas; and minimize environmental impacts of parking areas.

Regulations governing the provision of on-street parking within the right-of-way are contained in Chapter 19.700. The management of on-street parking is governed by Chapter 10.20. Chapter 19.600 does not enforce compliance with the Americans with Disabilities Act (ADA). ADA compliance on private property is reviewed and enforced by the Building Official. (Ord. 2218 § 2 (Exh. B), 2022; Ord. 2106 § 2 (Exh. F), 2015; Ord. 2025 § 2, 2011)

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### 19.602 APPLICABILITY

#### 19.602.1 General Applicability

The regulations of Chapter 19.600 apply to all off-street parking areas and off-street loading areas, ~~whether required by the City as part of development or a change in use, per Subsection 19.602.3, or voluntarily installed for the convenience of users, per Subsection 19.602.4.~~ Activity that is not described by Subsections 19.602.3 or 4 is exempt from compliance with the provisions of Chapter 19.600. Changes to nonconforming off-street parking and loading are addressed through Chapter 19.600 and not through the provisions of Chapter 19.800.

#### 19.602.5 Improvements to Existing Off-Street Parking and Loading Areas

##### A. Purpose

The purpose of Subsection 19.602.5 is to improve nonconforming off-street parking and loading areas as redevelopment occurs. These improvements should occur in conjunction with a development or change in use.

**B. Limitations on Required Improvements**

The cost of materials for any required improvements shall not exceed 10% of the development permit value of the associated development, redevelopment, and/or tenant improvements associated with a change in use. The cost of capital equipment such as manufacturing or operational equipment is exempt from the building permit value for purposes of this regulation. This exemption does not include building infrastructure such as electrical, plumbing, heating, venting, or air conditioning equipment.

**C. Areas of Required Improvement**

The Planning Director will evaluate the applicant's parking plan and use the prioritized list below when determining what improvements will be required.

1. Paving and striping of parking areas, per Subsection 19.606.3.A.
- ~~2. Minimum required vehicle parking spaces, per Section 19.605.~~
- 2.3. Minimum required bicycle parking spaces, per Section 19.609.
- ~~3.4.~~ Landscaping of existing buffers, islands, and medians, per Subsection 19.606.2.D.
- ~~4.5.~~ New perimeter landscape buffers, islands, and medians, as applicable, per Subsection 19.606.2.
- ~~5.6.~~ Other applicable standards within Chapter 19.600, as determined by the Planning ~~Director~~ Manager.

(Ord. 2161 § 2, 2018; Ord. 2025 § 2, 2011)

**19.603 REVIEW PROCESS AND SUBMITTAL REQUIREMENTS****19.603.1 Review Process**

The Planning ~~Manager~~ Director shall apply the provisions of Chapter 19.600 in reviewing all land use and development permit applications, except when an application is subject to a quasi-judicial land use review or appeal, in which case the body reviewing the application or appeal has the authority to implement and interpret the provisions of Chapter 19.600.

**19.603.2 Submittal Requirements**

Except for ~~single-family single detached dwellings or development situations where no off-street parking is being provided~~, a development or change in use subject to Chapter 19.600 as per Section 19.602 shall submit a parking plan, drawn to scale. The parking plan shall show that all applicable standards are met, and shall include but not be limited to the items listed below, unless waived by the Planning ~~Director~~ Manager.

- A. Delineation of individual spaces and wheel stops.
- B. Drive aisles necessary to serve spaces.
- C. Accessways, including driveways and driveway approaches, to streets, alleys, and properties to be served.
- D. Pedestrian pathways and circulation.
- E. Bicycle parking areas and rack specifications.

- F. Fencing.
- G. Abutting land uses.
- H. Grading, drainage, surfacing, and subgrading details.
- I. Location and design of lighting fixtures and levels of illumination.
- J. Delineation of existing and proposed structures.
- K. Parking and loading area signage.
- L. Landscaping, including the following information.
  1. The location and area of existing and proposed trees, vegetation, and plant materials, including details about the number, size, and species of such items.
  2. Notation of the trees, plants, and vegetation to be removed, and protection measures for existing trees and plants to be preserved.

(Ord. 2025 § 2, 2011)

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## **19.604 GENERAL PARKING STANDARDS**

### **19.604.1 Parking Provided with Development Activity**

~~All required off-street parking areas shall be provided at the time the structure is built; at the time a structure or site is enlarged; or when there is change in use or an increase in density or intensity.~~

All required off-street parking areas shall be provided in conformance with the standards of Chapter 19.600 prior to issuance of a certificate of occupancy, or final development permit approval, or as otherwise specified in any applicable land use decision.

### **19.604.2 Parking Area Location**

Accessory parking shall be located in one or more of the following areas:

- A. On the same site as the primary use for which the parking is accessory.
- B. On a site owned by the same entity as the site containing the primary use that meets the standards of Subsection 19.605.4.B.2. Accessory parking that is located in this manner shall not be considered a parking facility for purposes of the base zones in Chapter 19.300.
- C. Where parking is approved in conformance with Subsection 19.605.2.
- ~~D. Where shared parking is approved in conformance with Subsection 19.605.4.~~

### **19.604.3 Use of Converting Off-Street Parking Areas**

~~All required off-street parking areas shall continually be available for the parking of operable vehicles of intended users of the site. Required parking shall not be rented, leased, sold, or otherwise used for parking that is unrelated to the primary or accessory use of the site, except where a shared parking agreement per Subsection 19.605.4 has been recorded. Subsection 19.604.3 does not prohibit charging fees for parking when the parking serves the primary or accessory uses on site.~~

When converting an automobile parking area to another use, access for emergency vehicles must be maintained, and adequate parking for truck loading should be considered.



**~~19.604.4 Storage Prohibited~~**

~~No required off-street parking area shall be used for storage of equipment or materials, except as specifically authorized by Subsection 19.607.2 Commercial Vehicle, Pleasure Craft, and Recreational Vehicle Parking. (Ord. 2218 § 2 (Exh. B), 2022; Ord. 2025 § 2, 2011)~~

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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,~~ does not provide 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 Parking Maximums**

- A. ~~Development shall provide at least the minimum and not~~ When off-street parking is provided with development, the number of spaces shall not be 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 ~~Manager~~ 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 Manager ~~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 ~~Manager~~ Director has the discretion to apply the ~~quantity~~ maximum 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~~ maximum allowance ~~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.

Table 19.605.1 Minimum To Maximum Off-Street Parking Standards Requirements		
Use	Minimum Required	Maximum Allowed
<b>A. Residential Uses</b>		
1. Single detached dwellings, including manufactured homes.	<del>1 space per primary dwelling unit.</del>	No maximum.
2. Multi-Unit Dwellings	<del>1 space per dwelling unit.</del>	2 spaces per dwelling unit.
3. Middle Housing <sup>1</sup> a. Duplexes b. Triplexes c. Quadplexes d. Townhouses <sup>2</sup> e. Cottage Clusters	<del>0 0 0 0 0.5 spaces per dwelling unit</del>	1 space per dwelling unit 1 space per dwelling unit 1 space per dwelling unit 1 space per dwelling unit 1 space per dwelling unit
4. Residential homes and similar facilities allowed by right in residential zones.	<del>1 space per dwelling unit plus 1 space per employee on the largest shift.</del>	<del>Minimum required parking 1 space per dwelling unit plus one space per employee on the largest shift plus 1 space per bedroom.</del>
5. Accessory dwelling units (ADU).	<del>No additional space required unless used as a vacation rental, which requires 1 space per rental unit.</del>	No maximum.

Table 19.605.1 CONTINUED Minimum To Maximum Off-Street Parking Standards Requirements		
Use	Minimum Required	Maximum Allowed
<b>B. Community Service and Other Public Uses</b>		
1. Religious institutions.	<del>1 space per 4 seats.</del>	1 space per 2 seats.
2. Day-care center ("family day-care" as defined in Section 19.201 has no parking requirements).	<del>2 spaces per 1,000 sq ft of floor area.</del>	3.5 spaces per 1,000 sq ft of floor area.
3. School—elementary or junior high.	<del>1 space per classroom.</del>	2 spaces per classroom.
4. School—senior high.	<del>0.25 spaces per student, plus 1 space per staff.</del>	0.33 spaces per student, plus 1 space per staff.
5. Meeting room, club, lodge, or association.	<del>5 spaces per 1,000 sq ft of floor area, or 1 space per 4 seats if seats are permanently installed.</del>	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.	<del>1 space per 1,000 sq ft of floor area.</del>	1.2 spaces per 1,000 sq ft of floor area.

7. Nursing, convalescent, and extended-care facilities.	<del>1 space per 4 beds.</del>	1 space per 3 beds.
<b>C. Lodging Places</b>		
1. Motel, hotel, boarding house.	<del>1 space per lodging unit.</del>	1.5 spaces per lodging unit.
2. Bed and breakfast establishments.	<del>1 space per lodging unit, plus 1 space for the permanent residence.</del>	1.5 spaces per lodging unit, plus 2 spaces for the permanent residence.
<b>D. Commercial Uses—Recreational</b>		
1. Indoor recreation, such as a health club, gym, bowling alley, arcade, etc.	<del>3 spaces for each 1,000 sq ft of floor area.</del>	5.5 spaces per 1,000 sq ft of floor area.
2. Theater, auditorium, or stadium.	<del>1 space per 4 seats.</del>	1 space per 3 seats.
<b>E. Commercial Uses—Retail Goods</b>		
1. Eating and drinking establishments.	<del>4 spaces per 1,000 sq ft floor area.</del>	15 spaces per 1,000 sq ft of floor area.
2. General retail—grocery stores, convenience stores, specialty retail and shops.	<del>2 spaces per 1,000 sq ft of floor area.</del>	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.	<del>1 space per 1,000 sq ft of floor area.</del>	3 spaces per 1,000 sq ft of floor area.
4. Gas stations.	<del>No minimum.</del>	1.25 spaces per 4 pumps.
<b>F. Commercial Uses—Services</b>		
1. General office, including banks.	<del>2 spaces per 1,000 sq ft of floor area.</del>	3.4 spaces per 1,000 sq ft of floor area.
2. Medical/dental office (non-hospital), veterinary clinic.	<del>3.9 spaces per 1,000 sq ft of floor area.</del>	4.9 spaces per 1,000 sq ft of floor area.
<b>Table 19.605.1 CONTINUED</b>		
<b>Minimum To Maximum Off-Street Parking Standards Requirements</b>		
<b>Use</b>	<b>Minimum Required</b>	<b>Maximum Allowed</b>
<b>F. Commercial Uses—Services CONTINUED</b>		
3. Personal services, such as a barbershop, beauty parlor, etc.	<del>4 spaces per 1,000 square floor area.</del>	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).	<del>2.8 spaces per 1,000 sq ft of floor area.</del>	5.1 spaces per 1,000 sq ft of floor area.
5. Vehicle repair.	<del>2 spaces per 1,000 sq ft of floor area.</del>	2.5 spaces per 1,000 sq ft of floor area.
6. Quick vehicle repair and servicing, such as oil change and tire shops.	<del>2 spaces per service bay.</del>	3 spaces per service bay.
7. Mortuary/funeral home.	<del>1 space per 5 chapel or parlor seats.</del>	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.	<del>1 space per 1,000 sq ft of floor area.</del>	2 spaces per 1,000 sq ft of floor area.
2. Storage, warehouse, wholesale establishment less than 150,000 sq ft.	<del>0.5 spaces per 1,000 sq ft of floor area.</del>	1 space per 1,000 sq ft of floor area.
3. Storage, warehouse, wholesale establishment 150,000 sq ft or greater.	<del>0.3 spaces per 1,000 sq ft of floor area.</del>	0.4 spaces per 1,000 sq ft of floor area.
4. Mini-warehouse; self-service storage.	<del>1 space per 45 storage units, plus 1 space per employee of the largest shift.</del>	1 space per 20 storage units, plus 1 space per employee of the largest shift.

1 For middle housing developments located on streets classified as Arterials or Collectors in the Transportation System Plan, 0.5 off-street parking spaces per dwelling unit are required.

2 For townhouse developments of 8 or more townhouses, 0.5 off-street parking spaces per dwelling unit are required. Successive or phased townhouse developments to avoid this requirement are not permitted.

### **19.605.2 Maximum 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 parking demands that are ~~either lower than the minimum required or higher than the maximum allowed~~.

#### **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~~ maximum allowed quantity 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, residents, 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 Manager 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.
  - d. For middle housing, provide occupancy and use data quantifying conditions of the on-street parking system within one block of the middle housing development.
  - ~~e. Identify factors specific to the site, such as the preservation of a priority tree or trees, or planting of new trees to achieve 40% canopy, as identified in Chapter 16.32.~~
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 maximum 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 Manager shall consider the following criteria in deciding whether to approve the determination or modification. The Planning Manager, based on the applicant's materials and other data the Planning Manager 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 allowances ~~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, frequency, and proximity 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, or is otherwise consistent with city or comprehensive plan policy.~~

23. 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 Allowances 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. The total reduction in required parking is increased to 50% for affordable housing units as defined in Subsection 19.605.3.B.8. 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 Ave, King Rd, 44th Ave, and Jackson St.~~

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 multi-unit developments and middle housing 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 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 Manager 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 detached residential uses, other than middle housing, 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 one 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 one 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 Manager, 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 one parking space is allowed for each 100 sq ft of transit facility provided on the site.~~

~~8. Affordable Housing~~

~~Parking minimums in Table 19.605.1 may be reduced for the following:~~

- ~~a. For any multi-unit dwelling unit or middle housing dwelling unit that meets the exemption standards as defined in Section 3.60.050, the minimum parking requirement for that unit may be reduced by 25%.~~

**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. 2218 § 2 (Exh. B), 2022; Ord. 2186 § 2, 2019; Ord. 2161 § 2, 2018; Ord. 2112 § 2 (Exh. B), 2015; Ord. 2106 § 2 (Exh. F), 2015; Ord. 2051 § 2, 2012; Ord. 2025 § 2, 2011)~~

#### **19.605.4.5 Electric Vehicle (EV) Charging Requirements**

Required EV charging spaces. All uses that are commercial, industrial, multi-unit with 5 or more units, or mixed-use with 5 or more units must include sufficient space for electrical service capacity to support at least a Level 2 EV charger at required EV charging spaces as outlined below. For terms not defined elsewhere in Title 19, see applicable sections of the state building code and/or OAR 918-460-0200.

##### **A. Commercial and Industrial Parking**

For commercial and industrial uses that provide off-street parking, choose one of the following:

1. At least 50% of the total number of parking spaces provided must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger; or
2. At least 20% of the total number of parking spaces provided must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger. At least 5% of parking spaces provided must include an installed Level 2 or Level 3 EV charger. Parking spaces with installed chargers count toward the 20% minimum requirement.

##### **B. Multi-Unit and Mixed-Use Residential Parking**

For buildings with 5 or more dwelling units where off-street parking spaces are provided, choose one of the following:

1. All (100%) of the parking spaces provided must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger; or
2. At least 40% of parking spaces provided must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger. At least 10% of parking spaces provided must include an installed Level 2 or Level 3 EV charger. Parking spaces with installed chargers count toward the 40% minimum requirement.

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#### **19.606 PARKING AREA DESIGN AND LANDSCAPING**

The purpose of Section 19.606 is to ensure that off-street parking areas are safe, environmentally sound, aesthetically pleasing, and that they have efficient circulation. The requirements in Subsection 19.606.4 apply to all types of development where a new quarter acre parking lot or larger is provided. All other ~~These~~ standards apply to all types of development where parking is provided, except for middle housing, single detached dwellings, and adult foster/care homes. ~~residential homes.~~

**19.606.1 Parking Space and Aisle Dimensions**

- A. The dimensions for ~~required~~ off-street parking spaces and abutting drive aisles, where required, shall be no less than in Table 19.606.1. The minimum dimensions listed in Table 19.606.1 are illustrated in Figure 19.606.1.

v					
Angle (A)	Width (B)	Curb Length (C)	1-Way Aisle Width (D)	2-Way Aisle Width (D)	Depth (E)
0° (Parallel)	8.5'	22'	12'	19'	8.5'
30°	9'	17'	12'	19'	16.5'
45°	9'	12'	13'	19'	18.5'
60°	9'	10'	17'	19'	19'
90°	9'	9'	22'	22'	18'

**C. Perimeter Landscaping**

The perimeter landscaping of parking areas shall meet the following standards which are illustrated in Figure 19.606.2.C.

**1. Dimensions**

The minimum width of perimeter landscape areas are shown in Table 19.606.2.C.1. Where a curb provides the border for a perimeter landscape area, the dimension shall be measured from the inside of the curb(s). The Planning ~~Director~~ Manager may reduce the required minimum width of a perimeter landscaping area where existing development or site constraints make it infeasible to provide drive aisles, parking spaces, and the perimeter landscaping buffer width listed in Table 19.606.2.C.1.

**19.606.3 Additional Design Standards****A. Paving and Striping**

Paving and striping are required for all ~~required~~ maneuvering and standing areas. Off-street parking areas shall have a durable and dust-free hard surface, shall be maintained for all-weather use, and shall be striped to show delineation of parking spaces and directional markings for driveways and accessways. Permeable paving surfaces may be used to reduce surface water runoff and protect water quality.

**D. Pedestrian Access and Circulation**

Subsection 19.504.98 establishes standards that are applicable to an entire property for on-site walkways and circulation. The purpose of Subsection 19.606.3.D is to provide safe and convenient pedestrian access routes specifically through off-street parking areas. Walkways required by Subsection 19.606.3.D are considered part of the on-site walkway and circulation system required by Subsection 19.504.98.

1. Pedestrian access shall be provided for off-street parking areas so that no parking space is further than 100 ft away, measured along vehicle drive aisles, from a building entrance, or a walkway that meets the standards of Subsection 19.606.3.D.2.
2. Walkways through off-street parking areas must be continuous, must lead to a building entrance, and meet the design standards of Subsection 19.504.98.E.

## E. Internal Circulation

## 1. General Circulation

The Planning ~~Manager~~ ~~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 modifying drive aisle dimensions.

## F. Lighting

Lighting is required for parking areas with more than 10 spaces. The Planning ~~Director~~ ~~Manager~~ may require lighting for parking areas of less than 10 spaces if the parking area would not be safe due to the lack of lighting. Lighting shall be designed to enhance safe access for vehicles and pedestrians on the site, and shall meet the following standards:

1. Lighting luminaires shall have a cutoff angle of 90 degrees or greater to ensure that lighting is directed toward the parking surface.
2. Parking area lighting shall not cause a light trespass of more than 0.5 footcandles measured vertically at the boundaries of the site.
3. Pedestrian walkways and bicycle parking areas in off-street parking areas shall have a minimum illumination level of 0.5 footcandles, measured horizontally at the ground level.
4. Where practicable, lights shall be placed so they do not shine directly into any WQR and/or HCA location. The type, size, and intensity of lighting shall be selected so that impacts to habitat functions are minimized. (Ord. 2218 § 2 (Exh. B), 2022; Ord. 2168 § 2, 2019; Ord. 2161 § 2, 2018; Ord. 2106 § 2 (Exh. F), 2015; Ord. 2051 § 2, 2012; Ord. 2036 § 3, 2011; Ord. 2025 § 2, 2011)

**19.606.4 Surface Parking Areas Over One-Quarter Acre**A. Purpose

To comply with OAR 660-012-0405 and to mitigate the negative impacts of large surface parking lots such as increased ambient temperatures, increased stormwater run-off, and diminished pedestrian connectivity, all newly proposed surface parking areas that are greater than one-quarter acre in size must comply with the standards in Subsection 19.606.4.

B. Measurement

Calculating the one-quarter acre threshold (10,890 sq ft) is based on the cumulative area measured around the perimeter of all parking spaces, vehicle maneuvering areas, interior walkways, and interior landscaping areas. This requirement applies even when parking areas are scattered throughout a property or span multiple lots but serve a common use or uses.

C. General Requirements

Parking areas that are over one-quarter-acre in size must comply with all the standards below.

1. Development standards. These standards apply in addition to those in Subsections 19.606.3.D, 19.504.8, and Section 19.505. Where there is a conflict with those standards, the standards in Subsection 19.606.4 take precedence.
  - a. Walkways must be provided along the entire length of at least one side of a driveway and must be separated from the driveway by a curb.

b. Walkway crossings at intersections with drive aisles and driveways must be provided. Crossing facilities must be demarcated by either a raised surface or by utilizing a separate surface material. Demarcation with the use of paint alone is not permitted.

c. The longest façade of a building must include an abutting walkway with a zero-foot setback from the building and must include the building's primary entrance.

d. In no case may a drive-through, drive-aisle, parking area, or other area used by automobiles be located between a building and its abutting walkway.

e. Development must provide trees along driveways. Trees must be planted a minimum of one per 30 lineal ft of the driveway and must be consistent with the planting requirements in 19.606.2.C.2.

2. Developments must provide one of the following:

a. Installation of solar panels with a generation capacity of at least 0.5 kilowatts per parking space on the property. Panels may be located anywhere on the property so long as their placement complies with other development standards in the Milwaukie Municipal Code.

b. Spending at least 1.5% of the project cost on green energy, in compliance with OAR 330-135-0010. This provision applies to public projects only.

c. Tree canopy covering at least 50 percent of the parking lot at maturity but no more than 15 years after planting, as measured per Subsection 19.606.4.D.

D. Tree Canopy Coverage Standards

The following standards apply when providing tree canopy coverage under Subsection 19.606.4.C.2.c.

1. Calculating Parking Lot Area to be Covered by Tree Canopy

When calculating the area required to be covered by a tree canopy for the purposes of this Subsection, the following rules must be followed:

a. All surface areas on which a vehicle is designed to maneuver, such as drives, drive-through lanes, drive aisles, and parking stalls, must be included.

b. Areas not used for passenger vehicles, such as loading areas, interior landscaped areas, interior walkways not designed to be used by a passenger vehicle, and areas that are permanently used for outdoor storage, can be excluded when calculating this area.

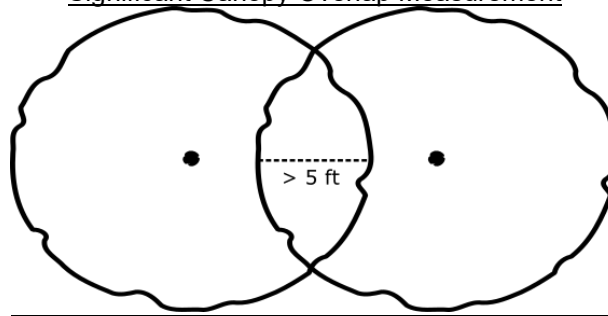
2. Calculating Tree Canopy Coverage

When calculating tree canopy coverage to comply with this Subsection, the following rules must be followed:

a. The expected diameter of the tree crown at 15 years must be used to calculate tree canopy coverage, regardless of if the tree is mature at that time.

b. The area under the expected canopy at 15 years that is either paved surface, including parking stalls and maneuvering areas, loading areas, walkways that are interior to the parking area, and interior and perimeter parking area landscaping will count towards meeting the required canopy coverage standard.

- c. The existing canopy of trees preserved on-site and providing coverage of the subject parking area can be counted towards the canopy coverage standard. The current diameter of a preserved tree's crown must be used to calculate tree canopy coverage. Or, if the tree was newly planted, the expected diameter of the tree crown area at 15 years can be used. Preserved trees used to meet this standard must be at least 2 in diameter at breast height if deciduous and at least 5 ft tall if coniferous.
- d. Trees located off-site, including those in the public right-of-way, do not count towards the canopy coverage standard.
- e. Newly planted trees that are isolated in disconnected individual planters do not count towards the canopy coverage standard. The canopy of preserved trees that are isolated and at least 12 in diameter at breast height can count toward the canopy coverage standard.
- f. Canopy that covers structures does not count towards the canopy coverage standard unless covering a roofed but unenclosed structure that is used for protecting an automobile, bicycle, garbage/recycling area, or similar area from the elements.
- g. Canopy area of significant overlap does not count towards the canopy coverage standard. Significant overlap is defined as any overlap greater than 5 ft. The overlap measurement is the length of a line segment within the overlap area of a line between tree canopy trucks/centers. See Figure 19.606.4 for an example of this measurement.

**Figure 19.606.4**Significant Canopy Overlap Measurement

### 3. Tree Plan Submittal Requirements

The following must be submitted to demonstrate compliance with this standard at the time development permits are submitted or with any land-use application subject to this Subsection and Subsection 19.906.

- a. A tree plan must be submitted to the Urban Forester or designee per the submittal requirements in Subsection 16.32.042.H
- b. The tree plan shall be prepared by an ISA-certified arborist in coordination with local utility providers. The final tree plan must be reviewed and approved by the Urban Forester.

### 4. General Tree Planting and Maintenance Requirements

In providing trees under Subsection 19.606.4, plantings shall comply with the following standards.

- a. Trees must be planted in continuous trenches in perimeter and interior landscaping areas and spaced to maintain a continuous canopy 15 years after planting. Canopy spacing will be measured based on the expected diameter of the tree crown 15 years after planting. Sections of the canopy are considered continuous when there is no space greater than 5 ft between two or more projected crown areas. Gaps in the canopy are permitted to accommodate other features of the parking area, such as drive aisles
- b. Applicants must submit a soil volume and protection plan for approval by the Urban Forester or designee as outlined in Subsection 16.32.042.G Soil Volume Standards.
- c. Applicants must submit a tree protection plan for approval by the Urban Forester or designee as outlined in Subsection 16.32.042.F Tree Protection Standards.
- d. Trees must be maintained to ensure their survival and long-term health. Inspection of tree health will occur at the time of site development and, to ensure tree survival, three to five years after planting.

## **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 single detached dwellings, duplexes, triplexes, quadplexes, townhouses, cottage clusters, and residential homes in all zones, unless specifically stated otherwise.

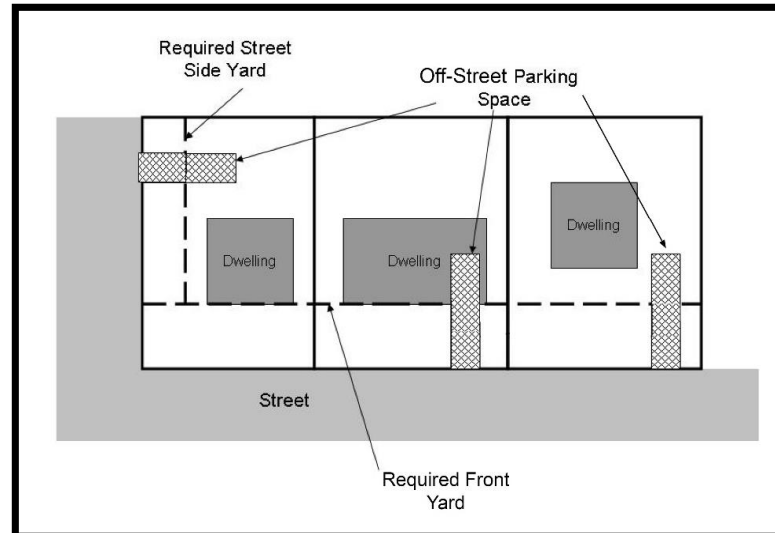
#### **A. Dimensions**

Off-street parking space dimensions for ~~required~~ parking spaces are 9 ft wide x 18 ft deep.

#### **B. Location**

- ~~1. Off-street vehicle parking shall be located on the same lot as the associated dwelling, unless shared parking is approved per Subsection 19.605.4. Tandem (end-to-end) parking is allowed for individual units.~~
12. No portion of an off-street parking space the required parking space is allowed within the following areas. See Figure 19.607.1.B.1-19.607.1.B.2. These standards do not apply to off-street parking for cottage clusters, which are subject to the standards in Subsection 19.505.4.
  - a. Within an adjacent public street right-of-way or access easement.
  - b. Over a public sidewalk.

**Figure 19.607.1.B.21**  
Parking Space Location



### C. Parking Surface Materials

Parking of vehicles shall only be allowed on surfaces described in Subsection 19.607.1.C.

1. The following areas are required to have a durable and dust-free hard surface, and shall be maintained for all-weather use. The use of pervious concrete, pervious paving, driveway strips, or an in-ground grid or lattice surface is encouraged to reduce stormwater runoff.

~~a. Required parking space(s).~~

a. b. All vehicle parking spaces and maneuvering areas located within a required front or street-side yard. Areas for boat or RV parking outside of required front or street-side yards are exempt from this requirement and may be graveled.

b. e. All off-street parking and maneuvering areas for an adult foster/care home.  
~~residential home.~~

2. Maneuvering areas and ~~unrequired~~ parking areas that are outside of a required front or side yard are allowed to have a gravel surface.

### 19.607.2 Commercial Vehicle, Pleasure Craft, and Recreational Vehicle Parking

Subsection 19.607.2 is intended to preserve residential neighborhood character by minimizing the impacts created by the parking and storing of commercial vehicles, pleasure crafts, and recreational vehicles. The standards of Subsection 19.607.2 apply to off-street parking areas for cottage clusters, rowhouses, duplexes, ~~single-family~~ single detached dwellings, and residential homes in all zones.

- A. Commercial vehicles shall not be permitted to be parked or stored in the front yard or required street side yard on cottage cluster, rowhouse, duplex, ~~single-family~~ single detached dwelling, or residential home properties. Commercial vehicles may be present anywhere on these properties for up to 12 hours in 1 day if the vehicle is engaged in loading or unloading materials for a residence(s).
- B. Recreational vehicles and pleasure crafts on middle housing, ~~cottage cluster, rowhouse, duplex, single-family~~ single detached, or adult foster/care home ~~residential home~~ properties must comply with the following regulations:

1. On residential lots less than 1 acre, only 1 recreational vehicle or private pleasure craft that is not located in an enclosed structure such as a garage shall be allowed. Canoes and other crafts less than 12 ft long shall be exempt from this requirement. On lots larger than 1 acre, 1 additional recreational vehicle or private pleasure craft that is not located in an enclosed structure is allowed for each 1/2 acre of area over 1 acre.
2. No vehicle or pleasure craft shall be lived in, have housekeeping maintained, or have hook-up to utilities while parked or stored on, or otherwise attached or moored to, a lot used for middle housing, ~~a cottage cluster, rowhouse, duplex, single-family~~ single detached dwelling, or adult foster/care home ~~residential home~~.

## 19.608 LOADING

### 19.608.2. Number of Loading Spaces

The Planning ~~Director~~ Manager shall determine whether to require off-street loading for commercial, industrial, public, and semipublic uses. The ratios listed below should be the minimum required unless the Planning Director finds that a different number of loading spaces are needed upon reviewing the loading needs of a proposed use.

#### A. Residential Buildings

Buildings where all of the floor area is in residential use should meet the following standards:

1. Fewer than 50 dwelling units on a site that abuts a local street: no loading spaces required.
2. All other buildings: 1 loading space.

#### B. Nonresidential and Mixed-Use Buildings

Buildings where any floor area is in nonresidential uses should meet the following standards:

1. Less than 20,000 sq ft of total floor area: no loading spaces required.
2. 20,000 to 50,000 sq ft of total floor area: 1 loading space.
3. More than 50,000 sq ft of total floor area: 2 loading spaces.

## 19.609 BICYCLE PARKING

### 19.609.1 Applicability

Bicycle parking shall be provided for all new commercial, industrial, community service use, ~~middle housing, and multi-unit residential development, and cottage cluster development~~. Temporary and seasonal uses (e.g., fireworks and Christmas tree stands) and storage units are exempt from Section 19.609. Bicycle parking shall be provided in the Downtown Mixed Use Zone and at transit centers.

### 19.609.2 Quantity of Spaces

- A. The quantity of required bicycle parking spaces shall be as described in this subsection. In no case shall less than 2 spaces be provided.



1. ~~Unless otherwise specified, the number of bicycle parking spaces shall be at least 10% of the minimum required vehicle parking for the use. development must provide at least the minimum number of bicycle parking spaces listed in Table 19.609.2.~~
  2. ~~The number of bicycle parking spaces at transit centers shall be provided at the ratio of at least 1 space per 100 daily boardings.~~
  3. ~~Multi-unit residential and middle housing development with 4 or more units must provide one space per unit. Parking for cottage cluster developments is specified in Table 19.505.4.C.1.~~
- 2 Where the calculation of minimum bicycle parking spaces does not result in a whole number, the result shall be rounded down to the next whole number.

<b>Table 19.609.2</b>	
<b>Minimum Bicycle Parking Quantity Requirements</b>	
<b>Use</b>	<b>Minimum Required</b>
<u>1. Multi-unit residential development</u>	<u>1 space per dwelling unit.</u>
<u>2. Cottage clusters</u>	<u>See Table 19.505.4.C.1. for cottage cluster development bicycle parking requirements.</u>
<u>3. Adult foster/care homes and similar facilities allowed by right in residential zones.</u>	<u>0.1 space per dwelling unit plus 0.1 space per employee on the largest shift.</u>
<b>B. Community Service and other Public Uses</b>	
<u>1. Religious institutions.</u>	<u>0.1 space per 4 seats.</u>
<u>2. Day-care center ("family day-care" as defined in Section 19.201 has no parking requirements).</u>	<u>0.2 spaces per 1,000 sq ft of floor area.</u>
<u>3. School—elementary/junior high.</u>	<u>0.1 space per classroom.</u>
<u>4. School—senior high.</u>	<u>0.025 spaces per student, plus 0.1 space per staff.</u>
<u>5. Meeting room, club, lodge, or association.</u>	<u>0.5 spaces per 1,000 sq ft of floor area, or 0.1 space per 4 seats if seats are permanently installed.</u>
<u>6. Library, museum, art gallery.</u>	<u>0.1 space per 1,000 sq ft of floor area.</u>
<u>7. Nursing, convalescent, and extended-care facilities.</u>	<u>0.1 space per 4 beds.</u>
<u>8. Transit centers</u>	<u>1 space per 100 daily boardings</u>
<b>C. Lodging Places</b>	
<u>1. Motel, hotel, boarding house.</u>	<u>0.1 space per lodging unit.</u>
<u>2. Bed and breakfast establishments.</u>	<u>0.1 space per lodging unit, plus 0.1 space for the permanent residence.</u>
<b>D. Commercial Uses—Recreational</b>	
<u>1. Indoor recreation, such as a health club, gym, bowling alley, arcade, etc.</u>	<u>0.3 spaces for each 1,000 sq ft of floor area.</u>

2. Theater, auditorium, or stadium.	0.1 space per 4 seats.
<b>E. Commercial Uses—Retail Goods</b>	
1. Eating and drinking establishments.	0.4 spaces per 1,000 sq ft floor area.
2. General retail—grocery stores, convenience stores, specialty retail and shops.	0.2 spaces per 1,000 sq ft of floor area.
3. Bulk retail—furniture and home furnishings, appliances, vehicles, building materials, and similar large items.	0.1 space per 1,000 sq ft of floor area.
4. Gas stations.	2
<b>F. Commercial Uses—Services</b>	
1. General office, including banks.	0.2 spaces per 1,000 sq ft of floor area.
2. Medical/dental office (non-hospital), veterinary clinic.	0.39 spaces per 1,000 sq ft of floor area.
3. Personal services, such as a barbershop, beauty parlor, etc.	0.4 spaces per 1,000 square floor area.
4. Commercial services, such as dry cleaners and repair shops (does not include vehicle repair).	0.28 spaces per 1,000 sq ft of floor area.
5. Vehicle repair.	0.2 spaces per 1,000 sq ft of floor area.
6. Quick vehicle repair and servicing, such as oil change and tire shops.	0.2 spaces per service bay.
7. Mortuary/funeral home.	0.1 space per 5 chapel or parlor seats.
8. Car wash.	2
<b>G. Industrial Uses</b>	
1. Manufacturing.	0.1 space per 1,000 sq ft of floor area.
2. Storage, warehouse, wholesale establishment less than 150,000 sq ft.	0.05 spaces per 1,000 sq ft of floor area.
3. Storage, warehouse, wholesale establishment 150,000 sq ft or greater.	0.03 spaces per 1,000 sq ft of floor area.
4. Mini-warehouse; self-service storage.	0.1 space per 45 storage units, plus 0.1 space per employee of the largest shift.

B. Covered or enclosed bicycle parking. A minimum of 50% of the bicycle spaces shall be covered and/or enclosed (in lockers or a secure room) in any of the following situations:

1. When 10% or more of vehicle parking is covered.
2. If more than 10 bicycle parking spaces are required.
3. Multifamily residential development with 4 or more units.

1. A minimum of 50% of the bicycle spaces shall be covered and/or enclosed (in lockers or a secure room) in any of the following situations:

- a. When 10% or more of vehicle parking is covered.
- b. If more than 10 bicycle parking spaces are required.
- c. For multi-unit residential development.

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## **19.610 CARPOOL AND VANPOOL PARKING**

### **19.610.2 Number of Spaces**

The number of carpool/vanpool parking spaces shall be at least 10% of the minimum amount of ~~required parking spaces provided. The minimum amount of required parking spaces shall take into account the reduction allowed by Subsection 19.605.3.B.4.~~

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## **19.611 PARKING STRUCTURES**

The purpose of Section 19.611 is to regulate the design and location of structured parking, and to provide appropriate incentives for the provision of structured parking. Structured parking is allowed to accommodate parking ~~that is required~~ for a specific use, or as a parking facility that is a use by itself.

### **19.611.1 Permitted Zones and Review Procedures**

- A. Parking structures, including underground parking, are allowed in all zoning districts except the ~~moderate-density~~ Moderate Density Residential and Open Space Zones. A parking structure can be permitted through approval of a Community Service Use application in all zones except the Open Space Zone. A parking structure to be used for commercial parking in the Downtown Mixed Use Zone must be permitted through approval of a conditional use application.

### **19.611.2 Compliance with Other Sections of Chapter 19.600**

- A. ~~Spaces in parking structures can be used to satisfy the minimum quantity requirements of Section 19.605.~~ Spaces in parking structures are exempt from counting against maximum parking allowances if the spaces are utilized for types of parking listed in Subsection 19.605.3.A.
- 

## **CHAPTER 19.900 LAND USE APPLICATIONS**

### **19.901 INTRODUCTION**

Uses or development that are regulated by Titles 14, 17, and 19 of the Milwaukie Municipal Code shall submit and obtain approval for all required land use applications prior to establishment or construction. Table 19.901 below contains a complete list of the City's land use applications and the location of the provisions that govern their submittal, review, and approval. It also identifies the review type(s) associated with each application type. The review type determines who is given notice about land use and development proposals, when the City has to make a decision on a land use application, and who makes the final decision. Descriptions of the different review types and the procedures associated with them are located in Chapter 19.1000. Decision makers for each review type are listed in Table 19.1001.5.

Table 19.901 CONTINUED Land Use Applications		
Application Type	Municipal Code Location	Review Types
Land Divisions:	Title 17	
Final Plat	Title 17	I
Lot Consolidation	Title 17	I
Partition	Title 17	II
Property Line Adjustment	Title 17	I, II
Replat	Title 17	I, II, III
Subdivision	Title 17	III
Middle Housing Land Division	Title 17	II
Miscellaneous:	Chapters 19.500	
Barbed Wire Fencing	Subsection 19.502.2.B.1.b-c	II
Modification to Existing Approval	Section 19.909	I, II, III
Natural Resource Review	Section 19.402	I, II, III, V
Nonconforming Use Alteration	Chapter 19.804	III
Parking:	Chapter 19.600	
Quantity Determination	Subsection 19.605.2	II
Quantity Modification	Subsection 19.605.2	II
<del>Shared Parking</del>	<del>Subsection 19.605.4</del>	<del>I</del>
Structured Parking	Section 19.611	II, III
Planned Development	Section 19.311	IV
Residential Dwellings:	Section 19.910	
Manufactured Dwelling Park	Subsection 19.910.3	III
Temporary Dwelling Unit	Subsection 19.910.4	I, III
Sign Review	Title 14	Varies
Transportation Facilities Review	Chapter 19.700	II
Variances:	Section 19.911	
Use Exception	Subsection 19.911.5	III
Variance	Subsection 19.911.1-4	II, III
Willamette Greenway Review	Section 19.401	III

## 19.905 CONDITIONAL USES

### 19.905.5 Conditions of Approval

The Planning Commission, or Planning ~~Manager~~ Director in the case of minor modifications, may impose conditions of approval that are suitable and necessary to assure compatibility of the proposed use with other uses in the area and minimize and mitigate potential adverse impacts caused by the proposed use.

Conditions of approval may include, but are not limited to, the following aspects of the proposed use:

- A. Limiting the hours, days, place, and manner of operation.
- B. Requiring structure and site design features that minimize environmental impacts such as those caused by noise, vibration, air pollution, glare, odor, carbon emissions, and dust.
- C. Requiring additional front, rear, or side yard width.
- D. Limiting building height, size, or location or limiting lot coverage.
- E. Limiting or otherwise designating the size, number, or location of vehicle access points from the street.
- F. Requiring additional landscaping or screening of off-street parking and loading areas.
- G. Limiting or otherwise designating the location, intensity, and shielding of outdoor lighting.
- H. Requiring screening or landscaping for the protection of surrounding properties.
- I. Requiring and designating the size, height, location, and materials for fences.
- J. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, and drainage areas.
- K. Requiring adequate public transportation facilities and public utilities prior to occupancy.
- ~~L. Requiring off-street parking.~~

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## **19.910 RESIDENTIAL DWELLINGS**

### **19.910.3 Manufactured Dwelling Parks**

#### **D. Development Requirements**

All manufactured dwelling parks shall meet the following minimum requirements:

- 7. ~~When provided, off-street parking and recreational vehicle parking shall be developed provided as per Chapter 19.600. If 24-ft wide streets are constructed, an additional off-street parking space per each 2 manufactured dwelling spaces shall be provided as visitor spaces. These parking spaces shall be within 100 ft of the manufactured dwellings they serve.~~

## **Clean Amendments**

### **Title 16 Environment**

#### **Chapter 16.32 Tree Code**

##### **16.32.042 TREE PRESERVATION AND PLANTING**

###### **A. Applicability**

1. Chapter 16.32.042 applies to the following types of development in residential zones:
  - a. Land divisions.
  - b. Construction of a new residential dwelling unit that results in an increase of building footprint.
  - c. Construction of a new residential dwelling unit that does not result in an increase of building footprint. For applications meeting this criteria, only Subsections 16.32.042.F, 16.32.042.H and 16.32.042.J will apply.
2. The following sections apply in any zone whenever Subsection 19.606.4 is applicable, and the applicant seeks to comply with Subsection 19.606.4.C.3 by establishing a tree canopy.
  - a. 16.32.042.F Protection Standards
  - b. 16.32.042.G Soil Volume Standards
  - c. 16.32.042.H Submittal Requirements

###### **F. Tree Protection Standards**

Trees to be retained must be protected from development impacts according to the standards in this subsection to be eligible for tree preservation and tree canopy credit. For applications meeting criteria as outlined in Subsections 16.32.042.A.1.a and 16.32.042.A.1.b, a tree protection plan prepared by an ISA certified arborist that demonstrates adequate protection of the trees to be preserved as approved by the Urban Forester is required. Tree protection methods and specifications must be consistent with ISA best management practices using either the following prescriptive path or performance path tree protection methods:

###### **H. Submittal Requirements**

For applications for construction of a new residential dwelling unit that does not result in an expansion of building footprint (Subsection 16.32.042.A.1.c), applicants must demonstrate compliance with the applicable provisions of Subsection 16.32.042.F by submitting a report including elements outlined in Subsection 16.32.042.H.2. For applications for land subdivision (Subsection 16.32.042.A.1.a) or construction of a new residential dwelling unit that results in an expansion of the building footprint (Subsection 16.32.042.A.1.b) an ISA certified arborist that is also tree risk assessment qualified (TRAQ) must demonstrate compliance with the applicable provisions of Subsections 16.32.042.B through 16.32.042.G. Other professionals such as engineers, landscape architects, soil scientists, and surveyors may assist the project arborist as needed in preparing the required information, but the arborist must organize, review, and approve the final product. The minimum submittal requirements include an inventory of existing trees, tree preservation plan, tree canopy plan, and arborist report with the following elements:

**1. Tree Inventory Requirements**

- a. Survey the locations of all trees at least 6-inch DBH, all trees at least 2-inch DBH that are listed on the Oregon Noxious Weed List or Milwaukie Invasive Tree List, and trees less than 6-inch DBH as specified on the City of Milwaukie Rare or Threatened Tree List. Trees that must be surveyed include those that are on site, within abutting public rights-of-way, and on abutting sites with root protection zones that extend into the site. The locations and information for trees on abutting sites may be estimated.
- b. Number each tree for identification at the site and on the plans.
- c. Identify the common name and scientific name of each tree.
- d. Measure the DBH of each tree in inches according to accepted ISA standards.
- e. Measure the approximate average crown radius of each tree in feet.
- f. Provide the crown area of each tree using the formula:  $(\text{crown radius})^2 \times \pi$ .
- g. Assess the health condition of each tree using the following categories:
  - (1) Good (no significant health issues)
  - (2) Fair (moderate health issues but likely viable for the foreseeable future)
  - (3) Poor (significant health issues and likely in decline)
  - (4) Very poor or dead (in severe decline or dead)
- h. Identify whether the tree is on the Milwaukie Rare or Threatened Tree List.
- i. Identify whether the tree is proposed for removal or retained.
- j. Organize the tree inventory information in a table or other format approved in writing by the Urban Forester.

**2. Tree Preservation Plan Requirements**

- a. Provide a site plan drawn to scale.
- b. Include the existing tree locations and corresponding tree numbers from the tree inventory.
- c. Identify rare or threatened trees as described in the City of Milwaukie Rare or Threatened Tree List.
- d. Identify the following site disturbances:
  - (1) Demolition
  - (2) Tree removal
  - (3) Staging, storage, and construction access
  - (4) Grading and filling
  - (5) Paving
  - (6) Construction of structures, foundations, and walls
  - (7) Utility construction
  - (8) Trenching and boring

(9) Excavation

(10) Any other demolition or construction activities that could result in ground disturbances and/or tree damage.

- e. Locate tree and soil protection fencing to scale.
- f. Locate soil compaction prevention methods to scale.
- g. Identify performance path tree protection and soil volume areas.
- h. Include tree and soil volume protection specifications from the arborist report on the plans including a detail and description of tree and soil volume protection fencing and signage.
- i. The elements of the tree preservation plan may be included on multiple plan sheets for clarity.
- j. The final approved set of construction drawings must include the tree preservation plan to ensure contractors, inspectors, and other professionals have access to the information.

3. Tree Planting Plan

- a. Provide a site plan drawn to scale.
- b. Include the existing trees to be retained and their crown areas to scale.
- c. Include the trees to be planted and their mature crown areas to scale based on the City of Milwaukie Tree Canopy List.
- d. Identify the soil volume areas for each tree to be planted to scale.
- e. For performance path soil volume areas, identify the methods and specifications as applicable for:
  - (1) Compaction Reduction;
  - (2) Soil Amendments;
  - (3) Topsoil Replacement; and/or
  - (4) Soil Under Pavement.
- f. Include a diagram depicting the tree planting that is consistent with ISA best management practices.
- g. The minimum size of planted trees is 1.5-inch caliper for broadleaf trees and 5-foot tall for conifers unless otherwise approved by the Urban Forester. Nursery stock must be in good health with the size and quality consistent with ISA best management practices and ANSI Z60.1 standards.
- h. The species selection and spacing of trees to be planted must be such that it provides for the eventual mature size of the trees. Soil type, soil conditions and other site constraints shall be considered when selecting species for planting. Final site plans must be approved by the Urban Forester.
- i. Root barriers must be installed according to the manufacturer's specifications when a tree is planted within 5 feet of pavement or an underground utility box unless otherwise approved by the Urban Forester.



- j. Where there are overhead high voltage utility lines, the tree species selected must be of a type that, at full maturity, will not require pruning to avoid interference with the lines.
  - l. The elements of the tree canopy plan may be included on multiple plan sheets for clarity.
  - m. The final approved set of construction drawings must include the tree canopy plan to ensure contractors, inspectors, and other professionals have access to the information.
4. Arborist Report
- a. Provide a written narrative that summarizes the information from the tree inventory, tree preservation plan, and tree canopy plan.
  - b. Provide findings and calculations that demonstrate whether the tree preservation standards in Subsection 16.32.042.B have been met.
  - c. Provide findings and calculations that demonstrate whether the tree planting standards in Subsection 16.32.042.C have been met.
  - d. If the tree preservation and/or tree planting standards have not been met, provide calculations for the applicable tree mitigation fees as required by Subsection 16.32.042.D.
  - e. If the applicant is seeking a variance to the tree preservation and/or tree planting standards in place of providing mitigation fees, provide findings that demonstrate the proposal provides equivalent or greater environmental benefits as preserving or planting the required tree canopy consistent as required by Subsection 16.32.042.E.
  - f. Provide findings that demonstrate compliance with the tree protection standards in Subsection 16.32.042.F.
  - g. Provide findings that demonstrate compliance with the soil volume standards in Subsection 16.32.042.G.
- I. Non-Development Tree Permit Requirements
1. Applicability
- A permit is required prior to the removal of the following trees in residential zones on property that is outside the right-of-way and not owned or maintained by the City:
- a. Trees that are at least 6-inch DBH.
  - b. Trees that are less than 6-inch DBH as specified on the City of Milwaukie Rare or Threatened Tree List.
  - c. Trees that were planted to meet any requirements in Section 16.32.042.
- Permits are not required in residential zones when tree removal is approved with development listed in Subsection 16.32.042.A.1.a. Permits are also not required in residential zones for the removal of trees that are grown for commercial agricultural or horticultural purposes including fruit trees, nut trees, or holiday trees.
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# Title 19 Zoning Ordinance

## CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS

### Section 19.201 Definitions

As used in this title:

“Carport” means a stationary structure consisting of a roof, its supports, and not more than 1 wall (or storage cabinets substituting for a wall) used to shelter motor vehicles, recreational vehicles, or boats.

## CHAPTER 19.300 BASE ZONES

### 19.303 COMMERCIAL MIXED-USE ZONES

#### 19.303.3 Development Standards

These development standards are intended to ensure that new development in the commercial mixed-use zones is appropriate for a mixed-use district in terms of building mass and scale, how the building addresses the street, and where buildings are located on a site.

Table 19.303.3 summarizes some of the development standards that apply in the commercial mixed-use zones. Development standards are presented in detail in Subsection 19.303.4.

Table 19.303.3 Commercial Mixed Use Zones—Summary of Development Standards			
Standard	GMU	NMU	Standards/ Additional Provisions
<b>A. Lot Standards</b>			
1. Minimum lot size (sq ft)	1,500	1,500	
2. Minimum street frontage (ft)	25	25	
<b>B. Development Standards</b>			
1. Minimum floor area ratio	0.5:1	0.5:1	<b>Subsection 19.303.4.A</b> Floor Area Ratio
2. Building height (ft)			<b>Subsection 19.303.4.B</b> Building Height
a. Base maximum	45	45	<b>Section 19.510</b> Green Building Standards <b>Subsection 19.911.7</b> Building Height Variance in the General Mixed Use Zone
b. Maximum with height bonus	57–69	Height bonus not available	
3. Street setbacks (ft)			<b>Subsection 19.303.4.C</b> Street Setbacks
a. Minimum street setback	0–15 <sup>1</sup>	None	<b>Section 19.501.2</b> Yard Exceptions
b. Maximum street setback	10–20 <sup>2</sup>	10	
c. Side and rear setbacks	None	None	

4. Frontage occupancy	50%	None	<b>Subsection 19.303.4.D</b> Frontage Occupancy Requirements <b>Figure 19.303.4.D</b> Frontage Occupancy Requirements
5. Maximum lot coverage	85%	85%	
6. Minimum vegetation	15%	15%	<b>Subsection 19.504.6</b> Minimum Vegetation
7. Primary entrances	Yes	Yes	<b>Subsection 19.303.4.E</b> Primary Entrances
8. Off-street parking standards	Yes	Yes	<b>Chapter 19.600</b> Off-Street Parking and Loading
9. Transit street	Yes	Yes	<b>Subsection 19.505.8</b> Building Orientation to Transit
10. Transition measures	Yes	Yes	<b>Subsection 19.504.5</b> Transition Area Measures

### 19.303.6 Additional Provisions

Depending upon the type of use and development proposed, the following sections of the Milwaukie Municipal Code may apply. These sections are referenced for convenience, and do not limit or determine the applicability of other sections within the Milwaukie Municipal Code.

#### B. Section 19.600 Off-Street Parking and Loading

Contains standards for vehicle and bicycle parking, including maximum number of spaces and design standards for parking and loading areas where provided.

### 19.304 DOWNTOWN ZONES

Table 19.304.4 CONTINUED Downtown Zones—Summary of Development Standards			
Standard	DMU	OS	Standards/ Additional Provisions
<b>B. Development Standards CONTINUED</b>			
5. Frontage occupancy requirements	50–90%	None	<b>Subsection 19.304.5.E</b> Frontage Occupancy Requirements <b>Figure 19.304-6</b> Minimum Frontage Occupancy

6. Primary entrances	Yes	No	<b>Subsection 19.304.5.F</b> Primary Entrances
7. Off-street parking standards	Yes, where applicable	Yes, where applicable	<b>Subsection 19.304.5.G</b> Off-Street Parking <b>Chapter 19.600</b> Off-Street Parking and Loading
8. Open space	Yes, where applicable	Yes, where applicable	<b>Subsection 19.304.5.H</b> Open Space <b>Subsection 19.508.4.G</b> Open Space/Plazas
9. Transition measures	Yes, where applicable	No	<b>Subsection 19.304.5.I</b> Transition Measures <b>Subsection 19.504.5</b> Transition Area Measures

### 19.304.5 Detailed Development Standards

The following detailed development standards describe additional allowances, restrictions, and exemptions related to the development standards of Table 19.304.4.

#### G. Off-Street Parking

##### 1. Intent

The desired character for the DMU Zone, particularly along Main St, is defined by a continuous façade of buildings close to the street, with adjacent on-street parking.

##### 2. Standards

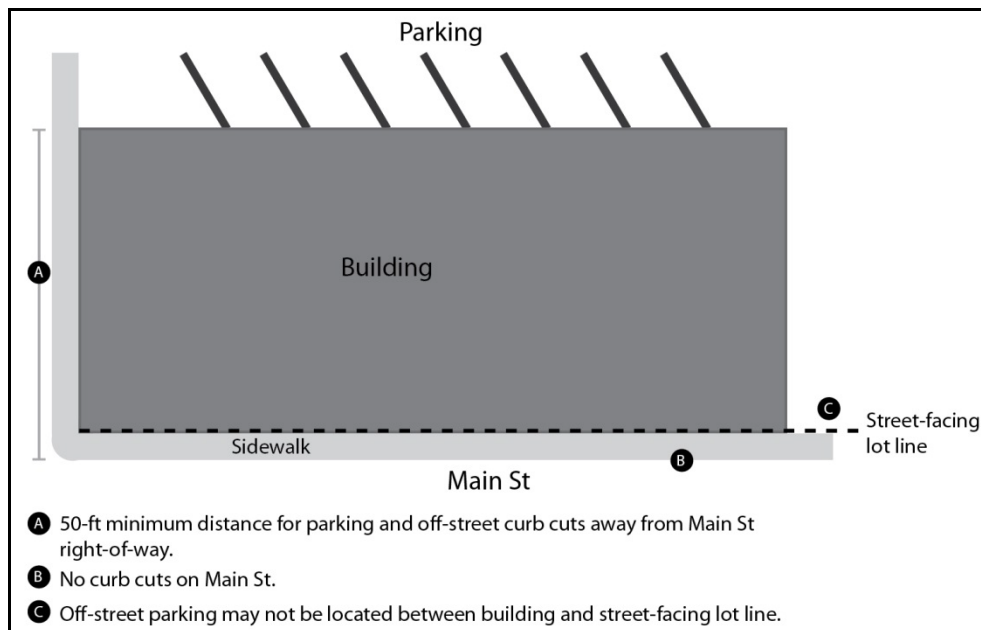
- a. Off-street parking for residential uses is subject to the standards of Chapter 19.600.
- b. If off-street parking is provided for nonresidential uses, the parking maximums in Table 19.605.1 shall apply. All other applicable standards of Chapter 19.600 shall also apply.
- c. Off-street surface parking lots (including curb cuts) shall not be located within 50 ft of the Main St right-of-way. Off-street surface parking lots approved prior to October 31, 2015, the effective date of Ordinance #2106, are exempt from this prohibition. This exemption applies only to the property owner on file with the Clackamas County Assessor as of October 31, 2015, the effective date of Ordinance #2106, and is dissolved upon transfer of ownership.

The Planning Commission may permit off-street parking lots and curb cuts within 50 ft of the Main St right-of-way only upon finding, through Type III Variance review pursuant to Section 19.911, that:

- (1) The overall project meets the intent of providing a continuous façade of buildings close to Main St.
- (2) The off-street parking area or curb cut is visually screened from view from Main St.

- (3) The community need for the off-street parking area or curb cut within 50 ft of Main St outweighs the need to provide a continuous façade of buildings in that area.
- d. Off-street parking shall not be located between a building and the street-facing lot line.

**Figure 19.304.5.G.2  
Off-Street Parking Standards**



### 19.304.8 Variances

The Planning Manager or Planning Commission may authorize variances to the development standards under Subsection 19.304.4 in accordance with procedures of Section 19.911. (Ord. 2218 § 2 (Exh. B), 2022; Ord. 2170 § 2, 2019; Ord. 2168 § 2, 2019; Ord. 2134 § 2, 2016; Ord. 2120 § 2, 2016; Ord. 2110 § 2 (Exh. G), 2015; Ord. 2106 § 2 (Exh. F), 2015; Ord. 2094 § 2, 2015; Ord. 2059 § 2, 2013; Ord. 2051 § 2, 2012; Ord. 2025 § 2, 2011)

## 19.310 BUSINESS INDUSTRIAL ZONE BI

### 19.310.6 Standards

In the BI district, the following standards shall apply to all uses:

#### H. Landscaping

15% of the site must be landscaped, except for sites adjacent to Hwy. 224, which shall provide landscaping to 20% of the site. This should consist of a variety of lawn, trees, shrubbery, and ground cover. Street trees must be provided along street frontages and within

off-street parking lots to help delineate entrances, provide shade, and permeable areas for stormwater runoff. A bond or financial guarantee for landscape completion shall be required.

## CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

### 19.505 BUILDING DESIGN STANDARDS

#### 19.505.4 Cottage Cluster Housing

##### C. Development Standards

The standards listed below in Table 19.505.4.C.1 are the applicable development and design standards for cottage cluster housing. Additional design standards are provided in Subsection 19.505.1.

<b>Table 19.505.4.C.1 (CONTINUED)</b>		
<b>Cottage Cluster Development Standards</b>		
<b>Standards</b>	<b>R-MD</b>	<b>R-1, R-2, R-2.5, R-3, R-1-B</b>
<b>E. Impervious Area, Vegetated Area (CONTINUED)</b>		
2. Vegetated site area (minimum)	35%	35%
<b>F. Community and Common Space</b>		
1. Community building footprint (maximum) <sup>1</sup>	1,000 sf	1,000 sf
2. Common Space	19.505.1.D	19.505.1.D
<b>G. Parking (see also 19.505.1.D.3)</b>		
1. Dry, secure bicycle parking spaces per home (minimum)	1.5	
2. Guest bicycle parking spaces per home (minimum)	0.5	

##### 2. Off-Street Parking

- a. When off-street parking is provided, parking spaces must be located together with parking spaces for other cottages in a common area, and not located on the same lot as an individual cottage unit.
- b. A cottage cluster parking area must be set back from the street. The distance of the setback is dependent on the orientation of the structure or lot. If the axis of the longest dimension of the parking area has an angle of 45 degrees or more to the lot line, the narrow dimension may be within 5 ft of the street. If the angle is less than 45 degrees, the parking area must be at least 20 ft from the street.
- c. If there are more than 8 units in a cottage cluster and off-street parking is provided, there must be at least 2 separate parking areas with a minimum of 4 parking spaces in each area. A drive aisle connecting the 2 areas is permitted if a separate driveway access for each area is not permitted per Chapter 12.16 Access Management.

## CHAPTER 19.600 OFF-STREET PARKING AND LOADING

### 19.601 PURPOSE

Chapter 19.600 regulates off-street parking and loading areas on private property outside the public right-of-way. The purpose of Chapter 19.600 is to: support efficient streets; avoid unnecessary conflicts between vehicles, bicycles, and pedestrians; encourage bicycling, transit, and carpooling; minimize parking impacts to adjacent properties; improve the appearance of parking areas; and minimize environmental impacts of parking areas.

Regulations governing the provision of on-street parking within the right-of-way are contained in Chapter 19.700. The management of on-street parking is governed by Chapter 10.20. Chapter 19.600 does not enforce compliance with the Americans with Disabilities Act (ADA). ADA compliance on private property is reviewed and enforced by the Building Official. (Ord. 2218 § 2 (Exh. B), 2022; Ord. 2106 § 2 (Exh. F), 2015; Ord. 2025 § 2, 2011)

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### 19.602 APPLICABILITY

#### 19.602.1 General Applicability

The regulations of Chapter 19.600 apply to all off-street parking areas and off-street loading areas. Activity that is not described by Subsections 19.602.3 or 4 is exempt from compliance with the provisions of Chapter 19.600. Changes to nonconforming off-street parking and loading are addressed through Chapter 19.600 and not through the provisions of Chapter 19.800.

#### 19.602.5 Improvements to Existing Off-Street Parking and Loading Areas

##### A. Purpose

The purpose of Subsection 19.602.5 is to improve nonconforming off-street parking and loading areas as redevelopment occurs. These improvements should occur in conjunction with a development or change in use.

##### B. Limitations on Required Improvements

The cost of materials for any required improvements shall not exceed 10% of the development permit value of the associated development, redevelopment, and/or tenant improvements associated with a change in use. The cost of capital equipment such as manufacturing or operational equipment is exempt from the building permit value for purposes of this regulation. This exemption does not include building infrastructure such as electrical, plumbing, heating, venting, or air conditioning equipment.

##### C. Areas of Required Improvement

The Planning Director will evaluate the applicant's parking plan and use the prioritized list below when determining what improvements will be required.

1. Paving and striping of parking areas, per Subsection 19.606.3.A.
2. Minimum required bicycle parking spaces, per Section 19.609.
3. Landscaping of existing buffers, islands, and medians, per Subsection 19.606.2.D.
4. New perimeter landscape buffers, islands, and medians, as applicable, per Subsection 19.606.2.

5. Other applicable standards within Chapter 19.600, as determined by the Planning Manager.

(Ord. 2161 § 2, 2018; Ord. 2025 § 2, 2011)

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### **19.603 REVIEW PROCESS AND SUBMITTAL REQUIREMENTS**

#### **19.603.1 Review Process**

The Planning Manager shall apply the provisions of Chapter 19.600 in reviewing all land use and development permit applications, except when an application is subject to a quasi-judicial land use review or appeal, in which case the body reviewing the application or appeal has the authority to implement and interpret the provisions of Chapter 19.600.

#### **19.603.2 Submittal Requirements**

Except for single detached dwellings or development situations where no off-street parking is being provided, a development or change in use subject to Chapter 19.600 as per Section 19.602 shall submit a parking plan, drawn to scale. The parking plan shall show that all applicable standards are met, and shall include but not be limited to the items listed below, unless waived by the Planning Manager.

- A. Delineation of individual spaces and wheel stops.
- B. Drive aisles necessary to serve spaces.
- C. Accessways, including driveways and driveway approaches, to streets, alleys, and properties to be served.
- D. Pedestrian pathways and circulation.
- E. Bicycle parking areas and rack specifications.
- F. Fencing.
- G. Abutting land uses.
- H. Grading, drainage, surfacing, and subgrading details.
- I. Location and design of lighting fixtures and levels of illumination.
- J. Delineation of existing and proposed structures.
- K. Parking and loading area signage.
- L. Landscaping, including the following information.
  1. The location and area of existing and proposed trees, vegetation, and plant materials, including details about the number, size, and species of such items.
  2. Notation of the trees, plants, and vegetation to be removed, and protection measures for existing trees and plants to be preserved.

(Ord. 2025 § 2, 2011)



**19.604 GENERAL PARKING STANDARDS****19.604.1 Parking Provided with Development Activity**

All off-street parking areas shall be provided in conformance with the standards of Chapter 19.600 prior to issuance of a certificate of occupancy, or final development permit approval, or as otherwise specified in any applicable land use decision.

**19.604.2 Parking Area Location**

Accessory parking shall be located in one or more of the following areas:

- A. On the same site as the primary use for which the parking is accessory.
- B. On a site owned by the same entity as the site containing the primary use that meets the standards of Subsection 19.605.4.B.2. Accessory parking that is located in this manner shall not be considered a parking facility for purposes of the base zones in Chapter 19.300.
- C. Where parking is approved in conformance with Subsection 19.605.2.

**19.604.3 Converting Off-Street Parking Areas**

When converting an automobile parking area to another use, access for emergency vehicles must be maintained, and adequate parking for truck loading should be considered.

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**19.605 VEHICLE PARKING QUANTITY REQUIREMENTS**

The purpose of Section 19.605 is to ensure that development does not provide 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 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.

**19.605.1 Parking Maximums**

- A. When off-street parking is provided with development, the number of spaces shall not be 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 Manager 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 Manager may elect to assign a use category from Table 19.605.1 to determine the 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 Manager has the discretion to apply the maximum 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 maximum allowance will be determined per Subsection 19.605.2.
- D. 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 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 Maximum Off-Street Parking Standards</b>	
<b>Use</b>	<b>Maximum Allowed</b>
<b>A. Residential Uses</b>	
1. Single detached dwellings, including manufactured homes.	No maximum.
2. Multi-Unit Dwellings	2 spaces per dwelling unit.
3. Middle Housing <sup>1</sup> a. Duplexes b. Triplexes c. Quadplexes d. Townhouses <sup>2</sup> e. Cottage Clusters	1 space per dwelling unit 1 space per dwelling unit 1 space per dwelling unit 1 space per dwelling unit 1 space per dwelling unit
4. Residential homes and similar facilities allowed by right in residential zones.	1 space per dwelling unit plus one space per employee on the largest shift plus 1 space per bedroom.
5. Accessory dwelling units (ADU).	No maximum.
<b>Table 19.605.1 CONTINUED Maximum Off-Street Parking Standards</b>	
<b>Use</b>	<b>Maximum Allowed</b>
<b>B. Community Service and Other Public Uses</b>	
1. Religious institutions.	1 space per 2 seats.
2. Day-care center ("family day-care" as defined in Section 19.201 has no parking requirements).	3.5 spaces per 1,000 sq ft of floor area.
3. School—elementary or junior high.	2 spaces per classroom.
4. School—senior high.	0.33 spaces per student, plus 1 space per staff.
5. Meeting room, club, lodge, or association.	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.	1.2 spaces per 1,000 sq ft of floor area.
7. Nursing, convalescent, and extended-care facilities.	1 space per 3 beds.

<b>C. Lodging Places</b>	
1. Motel, hotel, boarding house.	1.5 spaces per lodging unit.
2. Bed and breakfast establishments.	1.5 spaces per lodging unit, plus 2 spaces for the permanent residence.
<b>D. Commercial Uses—Recreational</b>	
1. Indoor recreation, such as a health club, gym, bowling alley, arcade, etc.	5.5 spaces per 1,000 sq ft of floor area.
2. Theater, auditorium, or stadium.	1 space per 3 seats.
<b>E. Commercial Uses—Retail Goods</b>	
1. Eating and drinking establishments.	15 spaces per 1,000 sq ft of floor area.
2. General retail—grocery stores, convenience stores, specialty retail and shops.	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.	3 spaces per 1,000 sq ft of floor area.
4. Gas stations.	1.25 spaces per 4 pumps.
<b>F. Commercial Uses—Services</b>	
1. General office, including banks.	3.4 spaces per 1,000 sq ft of floor area.
2. Medical/dental office (non-hospital), veterinary clinic.	4.9 spaces per 1,000 sq ft of floor area.
<b>Table 19.605.1 CONTINUED</b>	
<b>Maximum Off-Street Parking Standards</b>	
<b>Use</b>	<b>Maximum Allowed</b>
<b>F. Commercial Uses—Services CONTINUED</b>	
3. Personal services, such as a barbershop, beauty parlor, etc.	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).	5.1 spaces per 1,000 sq ft of floor area.
5. Vehicle repair.	2.5 spaces per 1,000 sq ft of floor area.
6. Quick vehicle repair and servicing, such as oil change and tire shops.	3 spaces per service bay.
7. Mortuary/funeral home.	1 space per 3 chapel or parlor seats.
8. Car wash.	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.	2 spaces per 1,000 sq ft of floor area.
2. Storage, warehouse, wholesale establishment less than 150,000 sq ft.	1 space per 1,000 sq ft of floor area.
3. Storage, warehouse, wholesale establishment 150,000 sq ft or greater.	0.4 spaces per 1,000 sq ft of floor area.

4. Mini-warehouse; self-service storage.	1 space per 20 storage units, plus 1 space per employee of the largest shift.
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### 19.605.2 Maximum Quantity Modifications and Parking Determinations

Subsection 19.605.2 allows for the modification of maximum parking ratios from Table 19.605.1 as well as the determination of maximum parking requirements. Parking determinations shall be made when the proposed use is not listed in Table 19.605.1 and for developments with parking demands that are higher than the maximum allowed.

#### 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 maximum allowed quantity for a similar listed use cannot be applied.
2. If the applicant seeks a modification from the 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, residents, 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 Manager 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.
  - d. For middle housing, provide occupancy and use data quantifying conditions of the on-street parking system within one block of the middle housing development.

4. Propose a maximum parking ratio. For phased projects, and for projects where the tenant mix is unknown or subject to change, the applicant may propose a maximum for each development phase.
5. Address the approval criteria in Subsection 19.605.2.C.

C. Approval Criteria

The Planning Manager shall consider the following criteria in deciding whether to approve the determination or modification. The Planning Manager, based on the applicant's materials and other data the Planning Manager deems relevant, shall set the 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 allowances 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 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 to Quantity Allowances**

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.

**19.605.4 Electric Vehicle (EV) Charging Requirements**

Required EV charging spaces. All uses that are commercial, industrial, multi-unit with 5 or more units, or mixed-use with 5 or more units must include sufficient space for electrical service capacity to support at least a Level 2 EV charger at required EV charging spaces as outlined below. For terms not defined elsewhere in Title 19, see applicable sections of the state building code and/or OAR 918-460-0200.

**A. Commercial and Industrial Parking**

For commercial and industrial uses that provide off-street parking, choose one of the following:

1. At least 50% of the total number of parking spaces provided must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger; or
2. At least 20% of the total number of parking spaces provided must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger. At least 5% of parking spaces provided must include an installed Level 2 or Level 3 EV charger. Parking spaces with installed chargers count toward the 20% minimum requirement.

**B. Multi-Unit and Mixed-Use Residential Parking**

For buildings with 5 or more dwelling units where off-street parking spaces are provided, choose one of the following:

1. All (100%) of the parking spaces provided must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger; or
2. At least 40% of parking spaces provided must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger. At least 10% of parking spaces provided must include an installed Level 2 or Level 3 EV charger. Parking spaces with installed chargers count toward the 40% minimum requirement.

## **19.606 PARKING AREA DESIGN AND LANDSCAPING**

The purpose of Section 19.606 is to ensure that off-street parking areas are safe, environmentally sound, aesthetically pleasing, and that they have efficient circulation. The requirements in Subsection 19.606.4 apply to all types of development where a new quarter-acre parking lot or larger is provided. All other standards apply to all types of development where parking is provided, except for middle housing, single detached dwellings, and adult foster/care homes.

### **19.606.1 Parking Space and Aisle Dimensions**

- A. The dimensions for off-street parking spaces and abutting drive aisles, where required, shall be no less than in Table 19.606.1. The minimum dimensions listed in Table 19.606.1 are illustrated in Figure 19.606.1.

v					
Angle (A)	Width (B)	Curb Length (C)	1-Way Aisle Width (D)	2-Way Aisle Width (D)	Depth (E)
0° (Parallel)	8.5'	22'	12'	19'	8.5'

30°	9'	17'	12'	19'	16.5'
45°	9'	12'	13'	19'	18.5'
60°	9'	10'	17'	19'	19'
90°	9'	9'	22'	22'	18'

### C. Perimeter Landscaping

The perimeter landscaping of parking areas shall meet the following standards which are illustrated in Figure 19.606.2.C.

#### 1. Dimensions

The minimum width of perimeter landscape areas are shown in Table 19.606.2.C.1. Where a curb provides the border for a perimeter landscape area, the dimension shall be measured from the inside of the curb(s). The Planning Manager may reduce the required minimum width of a perimeter landscaping area where existing development or site constraints make it infeasible to provide drive aisles, parking spaces, and the perimeter landscaping buffer width listed in Table 19.606.2.C.1.

### 19.606.3 Additional Design Standards

#### A. Paving and Striping

Paving and striping are required for all maneuvering and standing areas. Off-street parking areas shall have a durable and dust-free hard surface, shall be maintained for all-weather use, and shall be striped to show delineation of parking spaces and directional markings for driveways and accessways. Permeable paving surfaces may be used to reduce surface water runoff and protect water quality.

#### D. Pedestrian Access and Circulation

Subsection 19.504.8 establishes standards that are applicable to an entire property for on-site walkways and circulation. The purpose of Subsection 19.606.3.D is to provide safe and convenient pedestrian access routes specifically through off-street parking areas. Walkways required by Subsection 19.606.3.D are considered part of the on-site walkway and circulation system required by Subsection 19.504.8.

1. Pedestrian access shall be provided for off-street parking areas so that no parking space is further than 100 ft away, measured along vehicle drive aisles, from a building entrance, or a walkway that meets the standards of Subsection 19.606.3.D.2.
2. Walkways through off-street parking areas must be continuous, must lead to a building entrance, and meet the design standards of Subsection 19.504.8.E.

#### E. Internal Circulation

##### 1. General Circulation

The Planning Manager 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 modifying drive aisle dimensions.

#### F. Lighting

Lighting is required for parking areas with more than 10 spaces. The Planning Manager may require lighting for parking areas of less than 10 spaces if the parking area would not be safe due to the lack of lighting. Lighting shall be designed to enhance safe access for vehicles and pedestrians on the site, and shall meet the following standards:

1. Lighting luminaires shall have a cutoff angle of 90 degrees or greater to ensure that lighting is directed toward the parking surface.
2. Parking area lighting shall not cause a light trespass of more than 0.5 footcandles measured vertically at the boundaries of the site.
3. Pedestrian walkways and bicycle parking areas in off-street parking areas shall have a minimum illumination level of 0.5 footcandles, measured horizontally at the ground level.
4. Where practicable, lights shall be placed so they do not shine directly into any WQR and/or HCA location. The type, size, and intensity of lighting shall be selected so that impacts to habitat functions are minimized. (Ord. 2218 § 2 (Exh. B), 2022; Ord. 2168 § 2, 2019; Ord. 2161 § 2, 2018; Ord. 2106 § 2 (Exh. F), 2015; Ord. 2051 § 2, 2012; Ord. 2036 § 3, 2011; Ord. 2025 § 2, 2011)

#### **19.606.4 Surface Parking Areas Over One-Quarter Acre**

##### **A. Purpose**

To comply with OAR 660-012-0405 and to mitigate the negative impacts of large surface parking lots such as increased ambient temperatures, increased stormwater run-off, and diminished pedestrian connectivity, all newly proposed surface parking areas that are greater than one-quarter acre in size must comply with the standards in Subsection 19.606.4.

##### **B. Measurement**

Calculating the one-quarter acre threshold (10,890 sq ft) is based on the cumulative area measured around the perimeter of all parking spaces, vehicle maneuvering areas, interior walkways, and interior landscaping areas. This requirement applies even when parking areas are scattered throughout a property or span multiple lots but serve a common use or uses.

##### **C. General Requirements**

Parking areas that are over one-quarter-acre in size must comply with all the standards below.

1. Development standards. These standards apply in addition to those in Subsections 19.606.3.D, 19.504.8, and Section 19.505. Where there is a conflict with those standards, the standards in Subsection 19.606.4 take precedence.
  - a. Walkways must be provided along the entire length of at least one side of a driveway and must be separated from the driveway by a curb.
  - b. Walkway crossings at intersections with drive aisles and driveways must be provided. Crossing facilities must be demarcated by either a raised surface or by utilizing a separate surface material. Demarcation with the use of paint alone is not permitted.
  - c. The longest façade of a building must include an abutting walkway with a zero-foot setback from the building and must include the building's primary entrance.
  - d. In no case may a drive-through, drive-aisle, parking area, or other area used by automobiles be located between a building and its abutting walkway.



e. Development must provide trees along driveways. Trees must be planted a minimum of one per 30 lineal ft of the driveway and must be consistent with the planting requirements in 19.606.2.C.2.

2. Developments must provide one of the following:

- a. Installation of solar panels with a generation capacity of at least 0.5 kilowatts per parking space on the property. Panels may be located anywhere on the property so long as their placement complies with other development standards in the Milwaukie Municipal Code.
- b. Spending at least 1.5% of the project cost on green energy, in compliance with OAR 330-135-0010. This provision applies to public projects only.
- c. Tree canopy covering at least 50 percent of the parking lot at maturity but no more than 15 years after planting, as measured per Subsection 19.606.4.D.

D. Tree Canopy Coverage Standards

The following standards apply when providing tree canopy coverage under Subsection 19.606.4.C.2.c.

1. Calculating Parking Lot Area to be Covered by Tree Canopy

When calculating the area required to be covered by a tree canopy for the purposes of this Subsection, the following rules must be followed:

- a. All surface areas on which a vehicle is designed to maneuver, such as drives, drive-through lanes, drive aisles, and parking stalls, must be included.
- b. Areas not used for passenger vehicles, such as loading areas, interior landscaped areas, interior walkways not designed to be used by a passenger vehicle, and areas that are permanently used for outdoor storage, can be excluded when calculating this area.

2. Calculating Tree Canopy Coverage

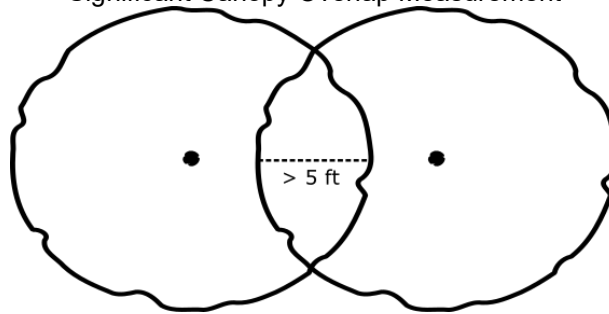
When calculating tree canopy coverage to comply with this Subsection, the following rules must be followed:

- a. The expected diameter of the tree crown at 15 years must be used to calculate tree canopy coverage, regardless of if the tree is mature at that time.
- b. The area under the expected canopy at 15 years that is either paved surface, including parking stalls and maneuvering areas, loading areas, walkways that are interior to the parking area, and interior and perimeter parking area landscaping will count towards meeting the required canopy coverage standard.
- c. The existing canopy of trees preserved on-site and providing coverage of the subject parking area can be counted towards the canopy coverage standard. The current diameter of a preserved tree's crown must be used to calculate tree canopy coverage. Or, if the tree was newly planted, the expected diameter of the tree crown area at 15 years can be used. Preserved trees used to meet this standard must be at least 2 in diameter at breast height if deciduous and at least 5 ft tall if coniferous.
- d. Trees located off-site, including those in the public right-of-way, do not count towards the canopy coverage standard.

- e. Newly planted trees that are isolated in disconnected individual planters do not count towards the canopy coverage standard. The canopy of preserved trees that are isolated and at least 12 in diameter at breast height can count toward the canopy coverage standard.
- f. Canopy that covers structures does not count towards the canopy coverage standard unless covering a roofed but unenclosed structure that is used for protecting an automobile, bicycle, garbage/recycling area, or similar area from the elements.
- g. Canopy area of significant overlap does not count towards the canopy coverage standard. Significant overlap is defined as any overlap greater than 5 ft. The overlap measurement is the length of a line segment within the overlap area of a line between tree canopy trucks/centers. See Figure 19.606.4 for an example of this measurement.

**Figure 19.606.4**

Significant Canopy Overlap Measurement



### 3. Tree Plan Submittal Requirements

The following must be submitted to demonstrate compliance with this standard at the time development permits are submitted or with any land-use application subject to this Subsection and Subsection 19.906.

- a. A tree plan must be submitted to the Urban Forester or designee per the submittal requirements in Subsection 16.32.042.H
- b. The tree plan shall be prepared by an ISA-certified arborist in coordination with local utility providers. The final tree plan must be reviewed and approved by the Urban Forester.

### 4. General Tree Planting and Maintenance Requirements

In providing trees under Subsection 19.606.4, plantings shall comply with the following standards.

- a. Trees must be planted in continuous trenches in perimeter and interior landscaping areas and spaced to maintain a continuous canopy 15 years after planting. Canopy spacing will be measured based on the expected diameter of the tree crown 15 years after planting. Sections of the canopy are considered continuous when there is no space greater than 5 ft between two or more projected crown areas. Gaps in the canopy are permitted to accommodate other features of the parking area, such as drive aisles

- b. Applicants must submit a soil volume and protection plan for approval by the Urban Forester or designee as outlined in Subsection 16.32.042.G Soil Volume Standards.
- c. Applicants must submit a tree protection plan for approval by the Urban Forester or designee as outlined in Subsection 16.32.042.F Tree Protection Standards.
- d. Trees must be maintained to ensure their survival and long-term health. Inspection of tree health will occur at the time of site development and, to ensure tree survival, three to five years after planting.

## 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 single detached dwellings, duplexes, triplexes, quadplexes, townhouses, cottage clusters, and residential homes in all zones, unless specifically stated otherwise.

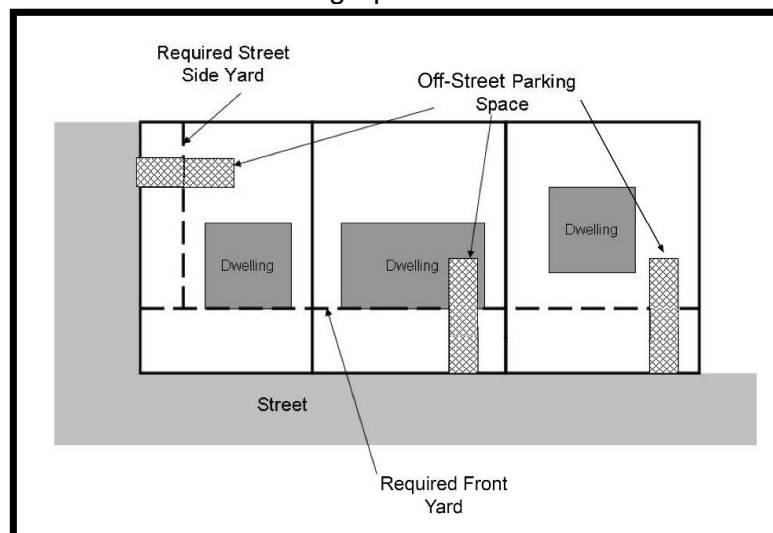
#### A. Dimensions

Off-street parking space dimensions for parking spaces are 9 ft wide x 18 ft deep.

#### B. Location

1. No portion of an off-street parking space is allowed within the following areas. See Figure 19.607.1.B.1. These standards do not apply to off-street parking for cottage clusters, which are subject to the standards in Subsection 19.505.4.
  - a. Within an adjacent public street right-of-way or access easement.
  - b. Over a public sidewalk.

**Figure 19.607.1.B.1**  
Parking Space Location



#### C. Parking Surface Materials

Parking of vehicles shall only be allowed on surfaces described in Subsection 19.607.1.C.

1. The following areas are required to have a durable and dust-free hard surface, and shall be maintained for all-weather use. The use of pervious concrete, pervious paving, driveway strips, or an in-ground grid or lattice surface is encouraged to reduce stormwater runoff.
  - a. All vehicle parking spaces and maneuvering areas located within a required front or street-side yard. Areas for boat or RV parking outside of required front or street-side yards are exempt from this requirement and may be graveled.
  - b. All off-street parking and maneuvering areas for an adult foster/care home.
2. Maneuvering areas and parking areas that are outside of a required front or side yard are allowed to have a gravel surface.

### **19.607.2 Commercial Vehicle, Pleasure Craft, and Recreational Vehicle Parking**

Subsection 19.607.2 is intended to preserve residential neighborhood character by minimizing the impacts created by the parking and storing of commercial vehicles, pleasure crafts, and recreational vehicles. The standards of Subsection 19.607.2 apply to off-street parking areas for cottage clusters, rowhouses, duplexes, single-family single detached dwellings, and residential homes in all zones.

- A. Commercial vehicles shall not be permitted to be parked or stored in the front yard or required street side yard on cottage cluster, rowhouse, duplex, single-family-single detached dwelling, or residential home properties. Commercial vehicles may be present anywhere on these properties for up to 12 hours in 1 day if the vehicle is engaged in loading or unloading materials for a residence(s).
- B. Recreational vehicles and pleasure crafts on middle housing, single detached, or adult foster/care home properties must comply with the following regulations:
  1. On residential lots less than 1 acre, only 1 recreational vehicle or private pleasure craft that is not located in an enclosed structure such as a garage shall be allowed. Canoes and other crafts less than 12 ft long shall be exempt from this requirement. On lots larger than 1 acre, 1 additional recreational vehicle or private pleasure craft that is not located in an enclosed structure is allowed for each 1/2 acre of area over 1 acre.
  2. No vehicle or pleasure craft shall be lived in, have housekeeping maintained, or have hook-up to utilities while parked or stored on, or otherwise attached or moored to, a lot used for middle housing, single detached dwelling, or adult foster/care home.

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## **19.608 LOADING**

### **19.608.2. Number of Loading Spaces**

The Planning Manager shall determine whether to require off-street loading for commercial, industrial, public, and semipublic uses. The ratios listed below should be the minimum required unless the Planning Director finds that a different number of loading spaces are needed upon reviewing the loading needs of a proposed use.

#### **A. Residential Buildings**

Buildings where all of the floor area is in residential use should meet the following standards:

1. Fewer than 50 dwelling units on a site that abuts a local street: no loading spaces required.
  2. All other buildings: 1 loading space.
- B. Nonresidential and Mixed-Use Buildings
- Buildings where any floor area is in nonresidential uses should meet the following standards:
1. Less than 20,000 sq ft of total floor area: no loading spaces required.
  2. 20,000 to 50,000 sq ft of total floor area: 1 loading space.
  3. More than 50,000 sq ft of total floor area: 2 loading spaces.

## 19.609 BICYCLE PARKING

### 19.609.1 Applicability

Bicycle parking shall be provided for all new commercial, industrial, community service use, multi-unit residential development, and cottage cluster development. Temporary and seasonal uses (e.g., fireworks and Christmas tree stands) and storage units are exempt from Section 19.609. Bicycle parking shall be provided in the Downtown Mixed Use Zone and at transit centers.

### 19.609.2 Quantity of Spaces

- A. The quantity of required bicycle parking spaces shall be as described in this subsection. In no case shall less than 2 spaces be provided.
1. Unless otherwise specified, development must provide at least the minimum number of bicycle parking spaces listed in Table 19.609.2.
  2. Where the calculation of minimum bicycle parking spaces does not result in a whole number, the result shall be rounded down to the next whole number.

Table 19.609.2	
Minimum Bicycle Parking Quantity Requirements	
Use	Minimum Required
1. Multi-unit residential development	1 space per dwelling unit.
2. Cottage clusters	See Table 19.505.4.C.1. for cottage cluster development bicycle parking requirements.
3. Adult foster/care homes and similar facilities allowed by right in residential zones.	0.1 space per dwelling unit plus 0.1 space per employee on the largest shift.
B. Community Service and other Public Uses	
1. Religious institutions.	0.1 space per 4 seats.
2. Day-care center ("family day-care" as defined in Section 19.201 has no parking requirements).	0.2 spaces per 1,000 sq ft of floor area.
3. School—elementary/junior high.	0.1 space per classroom.

4. School—senior high.	0.025 spaces per student, plus 0.1 space per staff.
5. Meeting room, club, lodge, or association.	0.5 spaces per 1,000 sq ft of floor area, or 0.1 space per 4 seats if seats are permanently installed.
6. Library, museum, art gallery.	0.1 space per 1,000 sq ft of floor area.
7. Nursing, convalescent, and extended-care facilities.	0.1 space per 4 beds.
8. Transit centers	1 space per 100 daily boardings
<b>C. Lodging Places</b>	
1. Motel, hotel, boarding house.	0.1 space per lodging unit.
2. Bed and breakfast establishments.	0.1 space per lodging unit, plus 0.1 space for the permanent residence.
<b>D. Commercial Uses—Recreational</b>	
1. Indoor recreation, such as a health club, gym, bowling alley, arcade, etc.	0.3 spaces for each 1,000 sq ft of floor area.
2. Theater, auditorium, or stadium.	0.1 space per 4 seats.
<b>E. Commercial Uses—Retail Goods</b>	
1. Eating and drinking establishments.	0.4 spaces per 1,000 sq ft floor area.
2. General retail—grocery stores, convenience stores, specialty retail and shops.	0.2 spaces per 1,000 sq ft of floor area.
3. Bulk retail—furniture and home furnishings, appliances, vehicles, building materials, and similar large items.	0.1 space per 1,000 sq ft of floor area.
4. Gas stations.	2
<b>F. Commercial Uses—Services</b>	
1. General office, including banks.	0.2 spaces per 1,000 sq ft of floor area.
2. Medical/dental office (non-hospital), veterinary clinic.	0.39 spaces per 1,000 sq ft of floor area.
3. Personal services, such as a barbershop, beauty parlor, etc.	0.4 spaces per 1,000 square floor area.
4. Commercial services, such as dry cleaners and repair shops (does not include vehicle repair).	0.28 spaces per 1,000 sq ft of floor area.
5. Vehicle repair.	0.2 spaces per 1,000 sq ft of floor area.
6. Quick vehicle repair and servicing, such as oil change and tire shops.	0.2 spaces per service bay.
7. Mortuary/funeral home.	0.1 space per 5 chapel or parlor seats.
8. Car wash.	2
<b>G. Industrial Uses</b>	
1. Manufacturing.	0.1 space per 1,000 sq ft of floor area.
2. Storage, warehouse, wholesale establishment less than 150,000 sq ft.	0.05 spaces per 1,000 sq ft of floor area.

3. Storage, warehouse, wholesale establishment 150,000 sq ft or greater.	0.03 spaces per 1,000 sq ft of floor area.
4. Mini-warehouse; self-service storage.	0.1 space per 45 storage units, plus 0.1 space per employee of the largest shift.

B. Covered or enclosed bicycle parking.

1. A minimum of 50% of the bicycle spaces shall be covered and/or enclosed (in lockers or a secure room) in any of the following situations:

- a. When 10% or more of vehicle parking is covered.
- b. If more than 10 bicycle parking spaces are required.
- c. For multi-unit residential development.

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## **19.610 CARPOOL AND VANPOOL PARKING**

### **19.610.2 Number of Spaces**

The number of carpool/vanpool parking spaces shall be at least 10% of the minimum amount of parking spaces provided.

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## **19.611 PARKING STRUCTURES**

The purpose of Section 19.611 is to regulate the design and location of structured parking, and to provide appropriate incentives for the provision of structured parking. Structured parking is allowed to accommodate parking for a specific use, or as a parking facility that is a use by itself.

### **19.611.1 Permitted Zones and Review Procedures**

- A. Parking structures, including underground parking, are allowed in all zoning districts except the Moderate Density Residential and Open Space Zones. A parking structure can be permitted through approval of a Community Service Use application in all zones except the Open Space Zone. A parking structure to be used for commercial parking in the Downtown Mixed Use Zone must be permitted through approval of a conditional use application.

### **19.611.2 Compliance with Other Sections of Chapter 19.600**

- A.. Spaces in parking structures are exempt from counting against maximum parking allowances if the spaces are utilized for types of parking listed in Subsection 19.605.3.A.

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## **CHAPTER 19.900 LAND USE APPLICATIONS**

### **19.901 INTRODUCTION**

Uses or development that are regulated by Titles 14, 17, and 19 of the Milwaukie Municipal Code shall submit and obtain approval for all required land use applications prior to establishment or construction. Table 19.901 below contains a complete list of the City's land use applications and the location of the provisions that govern their submittal, review, and approval. It also identifies the

review type(s) associated with each application type. The review type determines who is given notice about land use and development proposals, when the City has to make a decision on a land use application, and who makes the final decision. Descriptions of the different review types and the procedures associated with them are located in Chapter 19.1000. Decision makers for each review type are listed in Table 19.1001.5.

<b>Table 19.901 CONTINUED Land Use Applications</b>		
<b>Application Type</b>	<b>Municipal Code Location</b>	<b>Review Types</b>
Land Divisions:	Title 17	
Final Plat	Title 17	I
Lot Consolidation	Title 17	I
Partition	Title 17	II
Property Line Adjustment	Title 17	I, II
Replat	Title 17	I, II, III
Subdivision	Title 17	III
Middle Housing Land Division	Title 17	II
Miscellaneous:	Chapters 19.500	
Barbed Wire Fencing	Subsection 19.502.2.B.1.b-c	II
Modification to Existing Approval	Section 19.909	I, II, III
Natural Resource Review	Section 19.402	I, II, III, V
Nonconforming Use Alteration	Chapter 19.804	III
Parking:	Chapter 19.600	
Quantity Determination	Subsection 19.605.2	II
Quantity Modification	Subsection 19.605.2	II
Structured Parking	Section 19.611	II, III
Planned Development	Section 19.311	IV
Residential Dwellings:	Section 19.910	
Manufactured Dwelling Park	Subsection 19.910.3	III
Temporary Dwelling Unit	Subsection 19.910.4	I, III
Sign Review	Title 14	Varies
Transportation Facilities Review	Chapter 19.700	II
Variances:	Section 19.911	
Use Exception	Subsection 19.911.5	III
Variance	Subsection 19.911.1-4	II, III
Willamette Greenway Review	Section 19.401	III



**19.905 CONDITIONAL USES****19.905.5 Conditions of Approval**

The Planning Commission, or Planning Manager in the case of minor modifications, may impose conditions of approval that are suitable and necessary to assure compatibility of the proposed use with other uses in the area and minimize and mitigate potential adverse impacts caused by the proposed use.

Conditions of approval may include, but are not limited to, the following aspects of the proposed use:

- A. Limiting the hours, days, place, and manner of operation.
- B. Requiring structure and site design features that minimize environmental impacts such as those caused by noise, vibration, air pollution, glare, odor, carbon emissions, and dust.
- C. Requiring additional front, rear, or side yard width.
- D. Limiting building height, size, or location or limiting lot coverage.
- E. Limiting or otherwise designating the size, number, or location of vehicle access points from the street.
- F. Requiring additional landscaping or screening of off-street parking and loading areas.
- G. Limiting or otherwise designating the location, intensity, and shielding of outdoor lighting.
- H. Requiring screening or landscaping for the protection of surrounding properties.
- I. Requiring and designating the size, height, location, and materials for fences.
- J. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, and drainage areas.
- K. Requiring adequate public transportation facilities and public utilities prior to occupancy.

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**19.910 RESIDENTIAL DWELLINGS****19.910.3 Manufactured Dwelling Parks****D. Development Requirements**

All manufactured dwelling parks shall meet the following minimum requirements:

- 7. When provided, off-street parking and recreational vehicle parking shall be developed as per Chapter 19.600.



# CITY OF MILWAUKIE

**To:** Planning Commission

**Through:** Laura Weigel, Planning Manager

**From:** Vera Kolias, Senior Planner

**Date:** February 7, 2023, for February 14, 2023, Public hearing

**Subject:** File #ZA-2023-001 – Proposed Code Amendments: Minor Code Fixes

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## ACTION REQUESTED

Open the public hearing for land use file #ZA-2023-001. Discuss the proposed amendments to the Milwaukie Municipal Code (MMC) Title 19 (Zoning) and Zoning map, take public testimony, and provide direction to staff regarding any desired revisions to the proposed amendments.

The requested action this evening is that the Planning Commission recommend City Council approval of file #ZA-2023-001 and adoption of the proposed ordinance and recommended Findings in Support of Approval found in Attachment 1.

## BACKGROUND INFORMATION

Over the course of several years, Planning Department staff has been tracking issues with current zoning code language and has made recommendations for amended language. These items have been identified through a variety of means, including:

- Questions about specific code language that have been raised by the public on multiple occasions and that are not easily answered;
- Changes in state law requiring amendments to local codes;
- Implementation of the comprehensive plan; and
- Code interpretation applications.

Over the past several months, planning staff has created categories for code amendment packages to help organize the various amendments and to help with the overall department workplan:

- **Large efforts** which will each be its own project – examples include: Willamette Greenway Overlay re-write (MMC 19.401); Natural Resources code re-write (MMC 19.402); Historic Preservation Overlay Zone (MMC 19.403)

- **Substantive code amendments** – examples include a review of Type III Variance applications to determine if changes are warranted to simplify processes.
- **“Housekeeping”** – these are amendments that are clarifications or minor tweaks that are not intended to affect meaning or intent of existing regulations. Housekeeping amendments are a way of cleaning up the code. These are the types of amendments included in this package.

[January 10, 2023](#): The Planning Commission held a work session and reviewed the proposed amendments and made suggested changes (see Attachment 1).

## ANALYSIS

The current package of proposed **housekeeping** code amendments includes the following: (Please refer to Attachment 1 for draft language):

1. Final plat bonding language (MMC 17.24.060)
  - **Add** the City Engineer and Community Development Director to the list of staff that have the authority to set the bond amount to provide for contingency staff when needed and recognizes that the City Engineer typically sets the bond amount as a matter of practice.
2. Definitions (MMC 19.201)
  - **Revise** the definition of **family child care home** to be consistent with state law (HB 3109).
  - **Revise** the definition of **major pruning** so it matches the definition in the tree code (MMC 16.32).
  - **Revise** the definition of **structure** to clarify that storage containers, sheds, and carports are considered structures. This allows the minimum setbacks to be applied.
  - **Delete** the definition of **primary entrance** because the code already includes “building entrance”.
    - **UPDATE:** based on feedback from the Commission at the work session, staff confirmed that deleting primary entrance would not create conflict with other code sections.
3. Lot coverage language in the residential zones (MMC 19.301.5.B and MMC 19.302.5.B):
  - The current language states that the additional lot coverage for a residential dwelling is only for a new dwelling or an addition that does not exceed 20 ft in height.
  - This is an issue because the lot coverage bonus does not include accessory structures which are also part of a residential property and are consistent with the intent of the bonus, which is to allow people to add on to their structures and stay

on the property. If someone proposes a new home with an accessory structure and meets the standard, they can take advantage of the bonus. But if someone wishes to add a small accessory structure to a property that is already developed, they cannot take advantage of the bonus. The issue becomes one of timing rather than development intent.

- Staff proposes to allow people to use the 10-percentage point lot coverage increase even for building an accessory structure. Staff's experience is that it seems like the timing of what gets built when should not disqualify some sites where the end result would be the same.
4. North Milwaukie Innovation Area (NMIA) (MMC 19.312).
    - **Amend** the list of permitted uses to include consumer e-commerce businesses and to clarify that in-person retail-oriented businesses are not the intended businesses in the wholesale trade and warehousing list of permitted uses. This revision is proposed to provide consistency with the common understanding that a warehouse use with a fulfillment center would not be considered a traditional retail use, even though the business is selling directly to consumers. The proposed amendment draws a clear distinction between traditional brick and mortar retail businesses with on-site sales and direct to consumer e-commerce businesses which are more in keeping with the allowed warehouse use.
      - **UPDATE:** based on feedback from the Commission at the work session, staff has revised the proposed definition to: "...direct to consumers via e-commerce (such as fulfillment centers)..."
    - **Revise** the graphic associated with key streets to be consistent with the word list in MMC 19.312.7.
  5. Willamette Greenway (MMC 19.401.5)
    - **Revise** the list of activities exempt from review to ensure consistency with statewide Goal 15.
  6. Supplementary Development Regulations for Accessory Structures (MMC 19.502.2)
    - **Revise** the language for residential accessory structures to clarify that retaining walls are exempt from the requirements and limitations.
    - **Include** street side yard requirements in Table 19.502.2.A.1.a rather than in a word list.
  7. Building Design Standards – Single Detached Dwellings and Middle Housing Residential Development (MMC 19.505)
    - **Re-organize** the design standards so that the cottage cluster and townhouse code sections are all-inclusive (MMC 19.505.1, 19.505.4, and 19.505.5). Staff acknowledges that the draft code appears to have a lot of new code language, but in fact it reflects duplicate code in two additional sections – it is not new language (other than some minor amendments reflective state law).
      - The current language consolidates many design standards for single detached dwellings and middle housing, but also includes separate

sections for cottage cluster and townhouse development with additional standards.

- This is an issue because developers of middle housing must read through two different code sections, creating confusion for both the public and staff in making sure all standards are followed.
  - Staff proposes to treat one to four dwellings, cottage clusters, and townhouse developments separately so that all applicable standards are housed in their own sections to ensure clarity and simplification of the code. While duplicative, it allows each type of housing to include all applicable standards in one code section.
- **Modify** the design details section so that the list of roofing materials includes clay tile or slate materials rather than just the word “tile.”
8. Type III Public Notice (MMC 19.1006.3)
    - **Revise** the language to clarify that a Measure 56 notice is not required for owner-imitated zoning map amendments.
  9. Appeals – Notice of Decision (MMC 19.1010.7)
    - **Add** language to include instructions on issuing a notice of decision for appeals.
  10. Annexations (19.1102)
    - **Clarify** that annexations are exempt from the 120-day rule, per a City Attorney opinion.
  11. **UPDATE:** Zoning Map
    - Based on feedback from the Commission at the work session, staff has included an amendment renaming the HDR zone to R-HD, both in the zoning code and on the zoning map.

## CONCLUSIONS

### Staff recommendation to the Planning Commission

1. Recommend that the City Council approve the proposed amendments to MMC Title 19 (Zoning) and the Zoning Map, presented in Attachments 1-b and 1-c.
2. Recommend that the City Council adopt the proposed ordinance and attached Findings in Support of Approval presented in Attachments 1 and 1-a, respectively.

## CODE AUTHORITY AND DECISION-MAKING PROCESS

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

- MMC Section 19.902 Amendments to Maps and Ordinances
- MMC Section 19.1008 Type V Review

This application is subject to Type V review, which requires the Planning Commission to hold an initial evidentiary hearing to and then forward a recommendation to the City Council for a final decision. Type V applications are legislative in nature and involve the creation, revision, or large-scale implementation of public policy.

The Commission has 4 decision-making options as follows:

- A. Recommend that Council approve the proposed amendments as per to the recommended Findings in Support of Approval.
- B. Recommend that Council approve the proposed amendments with revisions, including modifications to the recommended Findings in Support of Approval. Such modifications need to be read into the record.
- C. Recommend that Council deny the proposed amendments.
- D. Continue the hearing.

There is no deadline for a final decision on Type V applications, as they are legislative in nature.

## COMMENTS

Notice was provided as described in MMC 19.1008, with a 30-day notice and code commentary made available online and to all Neighborhood District Associations (NDAs) on January 12, 2023 and January 17, 2023 respectively. The required 35-day notice to Metro and the Department of Land and Conservation Development was posted on January 10, 2023. Notice was also posted at City Hall, the Johnson Creek Facility, and the Ledding Library.

## ATTACHMENTS

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

	PC Packet	Public Copies	EPacket
1. Ordinance	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
a. Recommended Findings in Support of Approval	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Draft code amendment language (underline/strikeout)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. Draft code amendment language (clean)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
d. Draft zoning map amendments	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Key:

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

E-Packet = packet materials posted online at <https://www.milwaukieoregon.gov/planning/planning-commission-13>, available 7 days prior to the meeting.



## **COUNCIL ORDINANCE No.**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING TITLE 14 SIGNS, TITLE 17 LAND DIVISION, TITLE 19 ZONING, AND THE ZONING MAP TO MAKE MINOR CHANGES TO SELECT SECTIONS FOR THE PURPOSE OF CLARIFICATION AND IMPROVED EFFECTIVENESS (FILE #ZA-2013-001).**

**WHEREAS**, the proposed amendments to Titles 14, 17, and 19 and the Zoning Map 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 opportunities for public review and input has been provided; and

**WHEREAS**, on February 14, 2023, the Milwaukie Planning Commission conducted a public hearing as required by MMC 19.1008.5 and adopted a motion in support of the amendments; 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 (MMC) is amended as described in Exhibit B (underline/strikeout version), and Exhibit C (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 \_\_\_\_\_.

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Lisa Batey, Mayor

ATTEST:

APPROVED AS TO FORM:

ATTACHMENT 1

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Scott S. Stauffer, City Recorder

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Justin D. Gericke, City Attorney



**Recommended Findings in Support of Approval  
File #ZA-2013-001, Minor Code Fix 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, Title 19 Zoning Ordinance of the Milwaukie Municipal Code (MMC), and the Zoning Map. The land use application file number is ZA-2013-001.
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:
  - Zoning Map
    - Rename the HDR zone to R-HD
  - Municipal Code –
    - MMC 17.28 – Land Division – Clarify bonding authority
  - Zoning Ordinance –
    - MMC 19.201 – Clarification to the definitions of: family child care home, major pruning, structure, and primary entrance.
    - MMC 19.301 – Clarification of lot coverage allowance
    - MMC 19.312 – NMIA zone – permitted uses; correction to Key Streets graphic
    - MMC 19.401 – Willamette Greenway – clarification of exempt activities
    - MMC 19.502 – Accessory Structures – clarification within development standards
    - MMC 19.505 – Building Design Standards – clarification and reorganization of code section for middle housing
    - MMC 19.1006 – Clarification regarding Measure 56 notice requirements
    - MMC 19.1010 – Clarification to process for Notice of Decision for appeals.
    - MMC 19.1102 – Clarification to 120-day rule and annexations
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. Public hearings were held on February 14, 2023 and April 17, 2023 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 February 14, 2023. A public hearing before City Council was held on April 18, 2023. 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) Goal 4.3 for the Willamette Greenway reads as follows:

Coordinate public and private land uses and ensure compatibility of uses within the Willamette Greenway.

Policy 4.3.1 states:

Utilize the Willamette Greenway Zone in combination with underlying land use designations to manage uses and implement City Willamette Greenway objectives and Statewide Planning Goal 15.

*The proposed amendments revises the list of activities exempt from review to ensure consistency with Statewide Goal 15.*

- (ii) Goal 11.1 for Economic Development reads as follows:

Provide a diverse range of uses, services, and amenities that contribute to a sustainable, equitable, and resilient economy and are adaptable to changing land uses and technology.

Policy 11.1.2 states:

Adapt to industry trends and emerging technologies that have the potential to affect employment, land use, and infrastructure needs, such as automation, the sharing economy, autonomous vehicles, and other future technological advances.

*The proposed amendments add e-commerce and fulfillment centers to the list of permitted uses in the North Milwaukie Innovation Area Zone.*

(iii) Goal 7.1 for Housing (Equity) states:

Enable and encourage housing options that meet the needs of all residents, with a specific focus on uplifting historically disenfranchised communities and eliminating disparities for populations with special needs or lower incomes. 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.

Policy 7.1.2 states:

Establish development standards that regulate size, shape, and form and are not exclusively focused on regulating density.

Goal 8.3 for Urban Design and Land Use states:

Provide a clear and straightforward design review process for development in Milwaukie along with incentives to achieve desired outcomes.

*The intent of the proposed amendments is to re-organize the design standards so that the cottage cluster and townhouse code sections are all-inclusive (MMC 19.505.1, 19.505.4, and 19.505.5). Staff acknowledges that the draft code appears to have a lot of new code language, but in fact it reflects duplicate code in two additional sections – it is not new language (other than some minor amendments reflective state law).*

- *The current language consolidates many design standards for single detached dwellings and middle housing, but also includes separate sections for cottage cluster and townhouse development with additional standards.*
- *This is an issue because developers of middle housing must read through two different code sections, creating confusion for both the public and staff in making sure all standards are followed.*
- *Staff proposes to treat one to four dwellings, cottage clusters, and townhouse developments separately so that all applicable standards are housed in their own sections to ensure clarity and simplification of the code. While duplicative, it allows each type of housing to include all applicable standards in one code section. re- 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 Manager on January 3, 2023.*

- 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 work session on the proposed amendments on March 7, 2023. The Planning Commission had a work session about the proposed amendments on January 10, 2023.*

*The current version of the draft amendments has been posted on the City's website since January 12, 2023. On January 17, 2023 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 February 14, 2023, hearing was posted as required on January 12, 2023. A notice of the City Council's April 18, 2023 public hearing was posted as required on February 16, 2023.*

- (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 Manager 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 January 10, 2023.*

- (5) Subsection 19.1008.3.C requires notice of a Type V application be sent to Metro 35 days prior to the first evidentiary hearing.

*Notice of the proposed amendments was sent to Metro on January 10, 2023.*

- (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 February 14, 2023 and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on April 18, 2023 and approved the amendments.*

**Underline/Strikeout Amendments****Title 17 Land Division****CHAPTER 17.16 APPLICATION REQUIREMENTS AND PROCEDURES****17.16.040 LOT CONSOLIDATION AND PROPERTY LINE ADJUSTMENT**

The following shall accompany applications for lot consolidation and property line adjustments:

E. A plan drawn to scale showing the following details:

1. Scale, north arrow, and date of map;
2. Tax map and lot number identifying each property involved in the application;
3. Adjacent rights-of-way, with width shown;
4. Location, width, and purpose of any recorded easements and/or plat restrictions;
5. Proposed property lines and dimensions of the affected lots;
6. The area of each lot;
7. Location of existing structures to remain and proposed structures, if any, with setbacks shown to all existing and proposed lot lines; and
8. Deeds of the properties involved; and
9. ~~Application fee as adopted by the City Council.~~ (Ord. 1907 (Attach. 1), 2002)

**CHAPTER 17.24 FINAL PLAT****17.24.060 BOND**

A. The applicant shall file with the notice one of the following to assure his or her full and faithful performance:

1. An agreement to make improvements in a form approved by the City Attorney;
2. A letter of credit;
3. Cash.

B. Such assurance of full and faithful performance shall be for a sum determined by the Public Works Director, City Engineer, or Community Development Director as sufficient to cover the

cost of the improvements and repairs, including related engineering and incidental expenses, and to cover the cost of City inspection.

C. If the applicant fails to carry out said improvements and the City has unreimbursed costs or expenses resulting from such failure, the City may call the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds the cost incurred by the City, the City shall release the remainder. If the amount of the bond or cash deposit is less than the cost incurred by the City, the applicant shall be liable to the City for the difference. (Ord. 1907 (Attach. 1), 2002)

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## Title 19 Zoning Ordinance

### CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS

#### 19.201 DEFINITIONS

“Family child care home” means a child care facility in a dwelling that is caring for not more than 16 children and is certified under ORS 329A.280 (2) or is registered under ORS 329A.330. A family child care home is a “Family day care” means a private residence occupied by the family day care provider and is permitted in all areas zoned for residential or commercial purposes and used as a home occupation by the provider. for the care of fewer than 13 children, including children of the provider, regardless of full-time or part-time care status.

“Front lot line” means, in the case of an interior lot, the lot line separating the lot from the street other than an alley; in the case of a corner lot, a line separating the lot from the street on which the existing or contemplated development will face; and, in the case of a through lot, a line separating the lot from the street on which the contemplated development will face. In the case of a flag lot or back lot, the front lot line is the lot line closest to the street from which the property takes access, excluding lot lines that are part of the pole portion of the flag lot.

“Major pruning” means removal of more than 20% of a tree’s canopy, or injury or cutting of over ~~40~~ 15% of the root system, during any 12-month period.

“Primary building entrance” means the entrance to a building that most pedestrians are expected to use. Generally, each building has one primary entrance; however, some buildings may have more than one primary entrance or may have entrances that open directly into the building’s lobby or principal interior ground-level circulation space.

~~“Primary entrance” means the entrance to a building that most pedestrians are expected to use. Generally, each building has 1 primary entrance. Primary entrances are the widest entrances of those provided for use by pedestrians. In multitenant buildings, primary entrances open directly into the building’s lobby or principal interior ground-level circulation space. When a multitenant building does not have a lobby or common interior circulation space, each tenant’s outside~~

entrance is a primary entrance. In single tenant buildings, primary entrances open directly into lobby, reception, or sales areas.

“Structure” means something constructed or built and having a fixed base or fixed connection to the ground or another structure. Structures include storage containers, prefabricated sheds, pop-up carports, etc. (Streets and utilities are excluded from this definition.)

## CHAPTER 19.300 BASE ZONES

### 19.301 MODERATE DENSITY RESIDENTIAL ZONES

able 19.301.4 Moderate Density Residential Development Standards					
Standard	R-MD				Standards/ Additional Provisions
	Lot size (square feet)				
	1,500 – 2,999	3,000–4,999	5,000-6,999 <sup>2</sup>	7,000 and up	
B. Lot Standards					
Flag lot	NA <sup>3</sup>	25	25	25	Subsection 19.504.76 Flag Lot and Back Lot Design and Development Standards
Double flag lot	NA <sup>3</sup>	25	25	25	
C. Development Standards					
1. Minimum yard requirements for primary structures (ft)					Subsection 19.504.76 Flag Lot and Back Lot Design and Development Standards
Front yard	20	20	20	20	
Side yard	5	5	5	5/10	
Street side yard	15	15	15	20	
Rear yard	15	20	20	20	
Minimum vegetation (percent of total lot area)	15%	25%	25%	30%	Subsection 19.301.5.C Front Yard Minimum Vegetation  Subsection 19.504.65 Minimum Vegetation

### 19.301.5 Additional Development Standards

#### B. Lot Coverage

The lot coverage standards in Subsection 19.301.4.B.4 are modified for specific uses and lot sizes as described below. The reductions and increases are combined for properties that are described by more than one of the situations below.

#### 2. Increased Lot Coverage for Single Detached and Middle Housing Dwellings

- a. The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 10 percentage points for development of a single detached dwelling, or an addition



to an existing single detached dwelling, or an accessory structure, provided that the portions of ~~the any structure(s) on the site~~ that are in excess of 20 ft high are limited to the lot coverage standard listed in Subsection 19.301.4.B.4. Only portions of the structure(s) that are less than 20 ft are allowed to exceed the listed lot coverage standard. See Figure 19.301.5.B.2 for an illustration of this allowance.

b. The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 10 percentage points for development of a middle housing dwelling (except for townhouses and cottage clusters), ~~or an addition to an existing middle housing dwelling (except for townhouses and cottage clusters),~~ or an accessory structure, provided that the portions of any structure(s) on the site that are in excess of 20 ft high are limited to the lot coverage standard listed in Subsection 19.301.4.B.4. Only portions of the structure(s) that are less than 20 ft are allowed to exceed the listed lot coverage standard. See Figure 19.301.5.B.2 for an illustration of this allowance.

A Type II variance per Subsection 19.911.4.A, to further increase this lot coverage allowance, is prohibited.

#### H. Additional Standards

Depending upon the type of use and development proposed, the following sections of Chapter 19.500 Supplementary Development Regulations may apply. These sections are referenced for convenience, and do not limit or determine the applicability of other sections within the Milwaukie Municipal Code.

1. Subsection 19.504.4 Buildings on the Same Lot
2. Subsection 19.504.~~7~~6 Flag Lot and Back Lot Design and Development Standards

### 19.302 HIGH DENSITY RESIDENTIAL ZONES

Table 19.302.4		
High Density Residential Development Standards		
Standard	<del>HDR R-HD</del>	Standards/ Additional Provisions
<b>A. Lot Standards</b>		
4. Minimum street frontage requirements (ft)		<u>Subsection 19.504.6 Flag Lots</u>
a. Townhouse	20	

b. Standard lot	35	
c. Flag lot	25	
d. Double flag lot	25	
<b>B. Development Standards</b>		
5. Minimum vegetation (percent of total lot area)	15%	<b>Subsection 19.504.75</b> Minimum Vegetation  <b>Subsection 19.302.5.C</b> Minimum Vegetation  <b>Subsection 19.302.5.D</b> Front Yard Minimum Vegetation

### 19.302.5 Additional Development Standards

#### B. Lot Coverage

The lot coverage standards in Subsection 19.302.4.B.4 are modified for specific uses and lot sizes as described below. The reductions and increases are additive for lots that are described by one or more of the situations below.

##### 1. Increased Lot Coverage for Single Detached Dwellings

a. The maximum lot coverage percentage in Subsection 19.302.4 is increased by 10 percentage points for development of an addition to an existing single detached dwelling or an accessory structure, provided that the portions of ~~the any~~ structure(s) on the site that are in excess of 20 ft high, or in excess of one story, are limited to the lot coverage standard listed in Subsection 19.302.4.B.4. Only portions of the structure(s) that are less than 20 ft high, and no taller than one story, are allowed to exceed the listed lot coverage standard. See Figure 19.302.5.B.1 for an illustration of this allowance.

b. The maximum lot coverage percentage in Subsection 19.302.4 is increased by 10 percentage points for development of a middle housing dwelling (except for townhouses and cottage clusters), ~~or an addition to an existing middle housing dwelling (except for townhouses and cottage clusters), or an accessory structure~~, provided that the portions of ~~the any~~ structure(s) on the site that are in excess of 20 ft high are limited to the lot coverage standard listed in Subsection 19.302.4.B.4. Only portions of the structure(s) that are less than 20 ft are allowed to exceed the listed lot coverage standard. See Figure 19.302.5.B.1 for an illustration of this allowance.

A Type II variance per Subsection 19.911.4.A, to further increase this lot coverage allowance, is prohibited.

## K. Additional Standards

Depending upon the type of use and development proposed, the following sections of Chapter 19.500 Supplementary Development Regulations may apply. These sections are referenced for convenience, and do not limit or determine the applicability of other sections within the Milwaukie Municipal Code.

1. Subsection 19.504.4 Buildings on the Same Lot
2. Subsection 19.504.76 Flag Lot and Back Lot Design and Development Standards
3. Subsection 19.504.87 On-Site Walkways and Circulation
4. Subsection 19.504.98 Setbacks Adjacent to Transit

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**19.303 COMMERCIAL MIXED-USE ZONES**
**19.303.2 Uses**

Table 19.303.2			
Uses Allowed in Commercial Mixed-Use Zones			
Uses and Use Categories	GMU	NMU	Standards/Additional Provisions
<b>Residential</b>			
Mixed use <sup>2</sup>	P	P	<b>Subsection 19.505.7 Nonresidential Development</b>

**19.303.3 Development Standards**

These development standards are intended to ensure that new development in the commercial mixed-use zones is appropriate for a mixed-use district in terms of building mass and scale, how the building addresses the street, and where buildings are located on a site.

Table 19.303.3 summarizes some of the development standards that apply in the commercial mixed-use zones. Development standards are presented in detail in Subsection 19.303.4.

Table 19.303.3			
Commercial Mixed Use Zones—Summary of Development Standards			
Standard	GMU	NMU	Standards/ Additional Provisions

Development Standards			
7. Primary <u>building</u> entrances	Yes	Yes	<b>Subsection</b> <b>19.303.4.E</b> Primary <u>Building</u> Entrances

#### E. Primary Building Entrances

##### 1. Intent

To promote pedestrian-friendly development by providing building entrances that are oriented to the sidewalk or other public space and connected with clearly marked pedestrian walkways.

##### 2. Standards

- a. All new buildings shall have at least 1 primary entrance facing an abutting public street (i.e., within 45 degrees of the street property line); or, if the building entrance must be turned more than 45 degrees from the public street (i.e., front door is on a side or rear elevation) due to the configuration of the site or similar constraints, a pedestrian walkway must connect the primary entrance to the sidewalk.
- b. Where a development contains multiple buildings and there is insufficient public street frontage to meet the above building orientation standards for all buildings on the subject site, a building's primary entrance may orient to a plaza, courtyard, or similar pedestrian space containing pedestrian amenities. When oriented this way, the primary entrance(s), plaza, or courtyard shall be connected to the street by a pedestrian walkway.
- c. If a development is on a corner in the GMU Zone, the primary building entrance may be oriented toward either street.
- d. If a development is on the corner of 32nd Ave or 42nd Ave and another street in the NMU Zone, the primary building entrance must be oriented toward 32nd Ave or 42nd Ave.

### 19.312 NORTH MILWAUKIE INNOVATION AREA

Table 19.312.2			
Uses Allowed in the North Milwaukie Innovation Area			
Uses and Use Categories	NME	MUTSA	Standards/Additional Provisions
<b>Industrial, Manufacturing and Production</b>			
1. Floor area ratio (min/max)	0.5:1/3:1	0.5:1/3:1	

Wholesale trade, warehousing, distribution This category comprises establishments engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, or professional business users; <u>direct to consumers via e-commerce (such as fulfillment centers)</u> ; or to other wholesalers, generally without transformation, and rendering services incidental to the sale of merchandise. Wholesalers sell or distribute merchandise exclusively to other businesses, not the general public, and normally operate from a warehouse or office and are not intended for walk-in traffic <u>or in-person retail-oriented sales</u> .	25 45-90	25 45-90	<b>Subsection 19.312.6.A</b> Building height bonus  <b>Subsection 19.510</b> Green Building Standards
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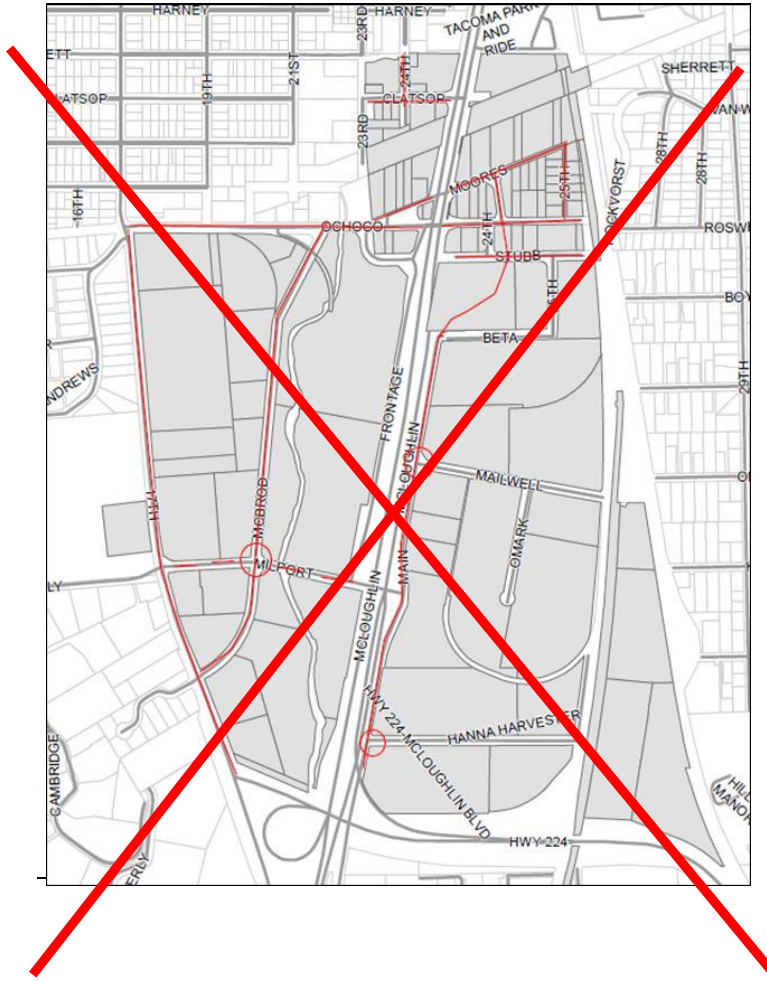
Table 19.312.5			
North Milwaukie Innovation Area — Summary of Development Standards			
Standard	NME	MUTSA	Standards/Additional Provisions
<b>B. Development Standards</b>			
6. Flexible ground-floor space	Yes, where applicable	Yes, where applicable	<b>Subsection 19.312.7.B-7 A.6</b> Flexible ground-floor space
8. Frontage occupancy	50%	50%	<b>Subsection 19.312.7.8 A.7</b> Frontage occupancy

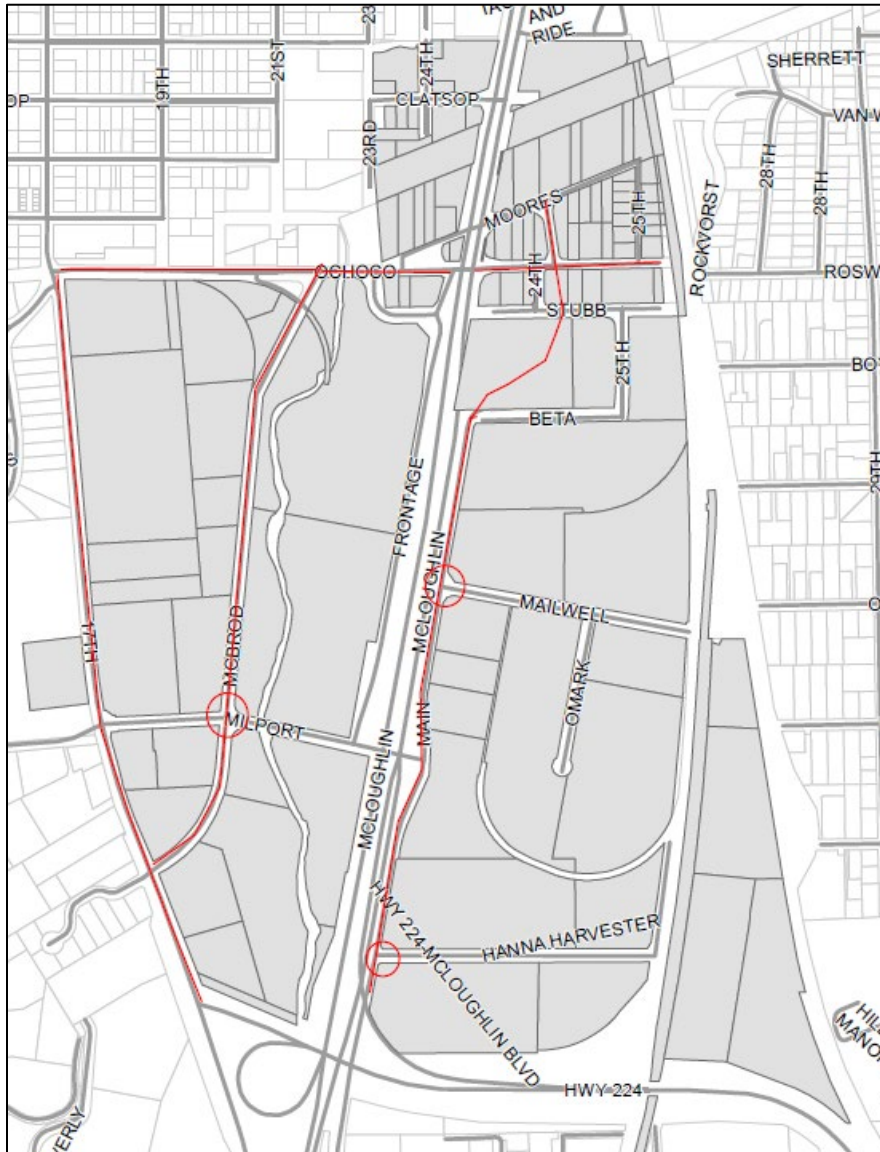
### 19.312.7 Development Design Standards for All Uses in the MUTSA and on NME Key Streets

The following development standards apply to all uses in the MUTSA Zone and in the NME Zone on properties located on the following key streets and key corners: McBrod Avenue, Main Street, 17th Avenue, and Ochoco Street (see Figure 312.7.1).

**Figure 19.312.7.1**

#### Key Streets





## CHAPTER 19.400 OVERLAY ZONES AND SPECIAL AREAS

### 19.401 WILLAMETTE GREENWAY ZONE

#### 19.401.5 Procedures

The following procedures shall govern the application of WG zones:

B. Willamette Greenway review is not required for any of the activities listed below:

7. Establishment of residential accessory structures or uses, such as lawns, gardens, and play areas, subject to the vegetation buffer requirements of Subsection 19.401.8;

## CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

### 19.502 ACCESSORY STRUCTURES

#### 19.502.1 General Provisions

A. No accessory structure shall encroach upon or interfere with the use of any adjoining property or public right-of-way, including, but not limited to, streets, alleys, and public and private easements, unless permitted in accordance with Chapter 12.14.

H. Retaining walls are exempt from accessory structure limitations.

#### 19.502.2 Specific Provisions for Accessory Structures

Table 19.502.2.A.1.a CONTINUED			
Residential Accessory Structure Height and Footprint Standards			
Standard	Type A	Type B	Type C
Required rear yard	3 ft	5 ft	Base zone required rear yard
Required side yard	3 ft	5 ft	Base zone required side yard
<u>Required street side yard</u>	<u>Base zone required street side yard</u>		
Required front yard	Not allowed in front yard unless the structure is at least 40 ft away from the front lot line.		

B. Fences, walls, and plantings may be constructed or maintained in yards with the following limitations:

1. Fences, walls, and plantings shall be constructed or maintained in yards only so as to permit unobstructed vision of passenger vehicle operations when approaching intersecting streets or driveways. Fences, walls, and plantings shall meet clear vision standards provided in Chapter 12.24. Fences and walls ~~on lot perimeters~~ in areas other than those obstructing the vision of passenger vehicle operators shall be constructed or maintained to the following standards:



## a. Residential Zones and Residential Uses in All Zones

~~Maximum height is 6 ft for rear, street side, and side yards; 42 in for front yards, except that for flag lots fences in the front yard may be 6 ft. No electrified, barbed, or razor wire fencing is permitted. Specific standards for fences on cottage cluster developments are contained in Subsection 19.505.4.E.3. All fences on the interior of a middle housing plex development shall be no more than 3 ft high. Fences along the perimeter of the development may be up to 6 ft high, except as restricted by Chapter 12.24 Clear Vision at Intersection. Chain-link fences are prohibited.~~

1. Maximum height is 6 ft for rear, street side, and side yards; 42 in for front yards, except that for flag lots fences in the front yard may be 6 ft.
2. No electrified, barbed, or razor wire fencing is permitted.
3. Specific standards for fences on cottage cluster developments are contained in Subsection 19.505.4.E.3.
4. Middle housing plex development. All fences on the interior of a development shall be no more than 3 ft high. Fences along the perimeter of the development may be up to 6 ft high, except as restricted by Chapter 12.24 Clear Vision at Intersection. Chain-link fences are prohibited.

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**19.504 SITE DESIGN STANDARDS**
~~19.504.4 Distance from Property Line~~

~~Where a side or rear yard is not required and a structure is not to be erected at the property line, it shall be set back at least 3 ft from the property line.~~

~~19.504.5 4 Transition Area Measures~~~~19.504.6 5 Minimum Vegetation~~~~19.504.7 6 Flag Lot and Back Lot Design and Development Standards~~~~Figure 19.504.7.6.E~~~~Figure 19.504.7.6.F~~~~19.504.8 7 On-Site Walkways and Circulation~~~~19.504.9 8 Setbacks Adjacent to Transit~~~~19.504.10 9 Preliminary Circulation Plan~~

## D. Screening of Adjoining Properties

Flag lots and back lots must be screened in accordance with this subsection. Fencing and screening must conform to the clear vision standards of Chapter 12.24. Fencing must conform to the standards of Subsection 19.502.2.B.

2. Driveways on flag lots and back lots must be screened to the greatest extent practicable. Continuous screening along lot lines of the flag lot, or back lot, abutting any neighboring lot that is not part of the parent lot from which the flag lot, or back lot, was created is required as described below. See Figures 19.504.7.6.E. and 19.504.7.6.F.

## 19.505 BUILDING DESIGN STANDARDS

### 19.505.1 ~~Single Detached Dwellings and Middle Housing~~ One- to Four-Unit Residential Development

#### A. Purpose

The design standards for one- to four- ~~(1—4)~~-unit dwellings (including single detached dwellings, duplexes, triplexes, and quadplexes), ~~cottage clusters, and townhouses~~ require a minimum level of design on every dwelling. These standards are intended to promote attention to detail, human-scale design, street visibility, and privacy of adjacent properties, while affording flexibility to use a variety of architectural styles.

Dwellings must address the following design objectives:

- a. Articulation – All street-facing buildings must incorporate design elements that break up façades into smaller planes.
- b. Eyes on the street – A certain percentage of the area of each street-facing façade must be windows or entrance doors.
- c. Main entrance – On street-facing façades, at least one main entrance must meet standards for location, orientation, and visibility.
- d. Detailed design – All street-facing buildings must include several features selected from a menu.

In addition, site design standards are intended to facilitate the development of attractive housing that encourages multimodal transportation. They encourage good site design, which contributes to livability, safety, and sustainability; helps create a stronger community; and fosters a quality environment for residents and neighbors.

Site design is intended to meet the following objectives:

1. Livability –Development should contribute to a livable neighborhood by incorporating visually pleasing design, minimizing the impact of vehicles, emphasizing pedestrian and bicycle connections, and providing public and private open spaces for outdoor use.
2. Compatibility –Development should have a scale that is appropriate for the surrounding neighborhood and maintains the overall residential character of Milwaukie.
3. Safety and Functionality –Development should be safe and functional, by providing visibility into and within a residential development and by creating a circulation system that prioritizes bicycle and pedestrian safety.

4. Sustainability –Development should incorporate sustainable design and building practices, such as energy conservation, preservation of trees and open space, quality building materials, and alternative transportation modes.

#### B. Applicability of Design Standards

The building design standards in this subsection apply to the types of development listed development of one to four units when the closest wall of the street-facing façade is within 50 ft of a front or street side lot line and to dwellings in a cluster or grouping, either facing a shared open space (e.g., a common courtyard) or a pedestrian path. The site design standards apply to plex developments (i.e., two to four units).

- ~~1. Placement of a new manufactured home on a lot outside of a manufactured home park is subject to the requirements of Section 19.506 and the standards of Subsection 19.505.1.~~

#### 1. New construction

The full list of design standards applies to construction of new single detached and plex dwellings.

**Table 19.505.1.B.1 Applicability by Housing Type**

Design Standard	1-4 units
Articulation	{2}
Eyes on the street	{2} {3}
Main entrance	{2} {3}
Detailed design	{2}
Common open space	
Pedestrian circulation	{1} {5}
Off-street parking	
Privacy and screening	{1}
Recycling areas	{5}
Sustainability	{6}

- ~~2. Applicable to the entire site~~
- ~~3. Applicable to dwellings facing the street~~

- 
- ~~4. Applicable to dwellings in a cluster or grouping, either facing a shared open space (e.g. a common courtyard) or a pedestrian path.~~
  - ~~5. Applicable to clustered parking where parking spaces exceed 4~~
  - ~~6. Applicable only for additions or new buildings~~
  - ~~7. Applicable only for new buildings~~
- 
2. Expansions of single detached dwellings structures in Subsection 19.505.1.B.1 that add area to any street-facing façade are subject to. ~~The design standards for such expansions are applicable as follows:~~
    - a. Expansions that add 75 sq ft or less of street-facing façade area are exempt from all design standards in Subsection 19.505.1.
    - b. Expansions that add more than 75 sq ft and less than 200 sq ft of street-facing façade area are subject to Subsection 19.505.1.C.2 Eyes on the Street. The expanded façade area must meet the standards of Subsection 19.505.1.C.2 without consideration of the original street-facing façade area.
    - c. Expansions that add 200 sq ft or more of street-facing façade area are subject to the following design standards:
      - (1) The entire street-facing façade shall comply with Subsection 19.505.1.C.2 Eyes on the Street.
      - (2) Subsection 19.505.1.C.3 Main Entrance is applicable if an expansion would create a new main entrance. No expansion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the design standard.
      - (3) Subsection 19.505.1.C.1 Articulation is applicable for expansions that add 20 lineal ft or more to the length of the street-facing façade.
    - d. Subsection 19.505.1.C.4 Detailed Design is not applicable for expansions. However, no expansion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the Detailed Design standards.
    - e. Multiple expansions are allowed within a five-year period if the street-facing façade will comply with the design standards that would have been applicable if the expansions occurred at the same time.
    - f. Conversions of an attached garage to a habitable residential space. When applicable, the design standards apply only to the street-facing façade of the garage being converted. The following design standards are applicable:
      - (1) Subsection 19.505.1.C.3 Main Entrance is applicable if the garage conversion would create a new main entrance. No conversion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the design standard.
      - (2) Subsection 19.505.1.C.4 Detailed Design is not applicable. However, no conversion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the design standard.

3. Remodels, additions, and conversions that create new dwelling units.

- a. Internal conversion of an existing single detached dwelling, or an addition to an existing single detached dwelling, into a duplex, triplex, or quadplex (as provided in OAR 660-046-0230) is exempt from this section, provided that the conversion or addition does not increase nonconformance with applicable clear and objective standards. New duplexes, triplexes, and quadplexes created by adding square footage on a site occupied by an existing single detached dwelling must comply with this section.
- ~~a. that convert an attached garage to a habitable residential space. When applicable, the design standards apply only to the street-facing façade of the garage being converted. The following design standards are applicable:~~
  - ~~a. Subsection 19.505.1.C.3 Main Entrance is applicable if the garage conversion would create a new main entrance. No conversion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the design standard.~~
  - ~~b. Subsection 19.505.1.C.4 Detailed Design is not applicable. However, no conversion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the design standard.~~
- b. Conversion of an existing accessory structure into a plex dwelling unit must meet the Eyes on the Street standard for the street-facing façade(s).

4. Placement of a new manufactured home on a lot outside of a manufactured home park is subject to the requirements of Section 19.506 and the standards of Subsection 19.505.1.

C. Dwelling Standards

All buildings that meet the applicability provisions in Subsection 19.505.1.B ~~shall~~ must 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.

1. Articulation

All buildings must incorporate design elements that break up all street-facing façades into smaller planes as follows. See Figure 19.505.1.C.1 for illustration of articulation.

- a. For buildings with 30-60 ft of street frontage, a minimum of four ~~one~~ of the following elements must be provided along the street-facing façades:
  - (1) A porch at least 5 ft deep.
  - (2) A balcony that is at least 2 ft deep and is accessible from an interior room.
  - (3) A bay window that extends at least 2 ft wide.

- (4) A section of the façade that is recessed by at least 2 ft deep and 6 ft long.
- (5) A gabled dormer.
- b. For buildings with over 60 ft of street frontage, at least ~~four~~one element in Subsection 19.505.1.C.1.a(1)-(4) above must be provided for every 30 ft of street frontage. Elements must be distributed along the length of the façade so that there are no more than 30 ft between ~~two~~two elements.
- c. For buildings with less than 30 ft of street frontage, the building articulation standard is not applicable.

### 3. Main Entrance

At least ~~four~~one main entrance must meet both of the following standards. See Figure 19.505.1.C.3 for illustration of main entrances. Dwellings on flag lots or back lots are exempt from these main entrance design standards.

- a. Be no further than 8 ft behind the longest street-facing wall of the building.
- b. Face the street, be at an angle of up to 45 degrees from the street, or open onto a porch. If the entrance opens up onto a porch, the porch must meet all of these additional standards:
  - (1) Be at least 25 sq ft in area with a minimum 4-ft depth.
  - (2) Have at least ~~four~~one porch entry facing the street.
  - (3) Have a roof that is no more than 12 ft above the floor of the porch.
  - (4) Have a roof that covers at least 30% of the porch area.

### 4. Detailed Design

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

- g. Clay tile, slate, or wood shingle roofs.
- q. The following design element counts as two ~~(2)~~ elements. Dwelling must be built to meet universal access as follows:
  - a) Dwelling must have a bedroom on the ground floor.
  - b) A ramp complying with R311.8 Oregon Residential Specialty Code (ORSC) must be provided to the main entrance of the dwelling.
  - c) Doors must have a minimum clear width of 32 ~~inches~~.
  - d) Horizontal and vertical grab bars must be provided in one bathroom on the main floor at the toilet, bath and shower. (See ANSI A117-1 section 609 for size and location requirements.)

### D. Site Design Standards

The site design standards do not apply to single detached dwellings, only to plex developments.

1. Minimum separation between detached units is 6 ft.

#### 1. Common Open Space

~~Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents. Common courtyards must meet the following standards:~~

- ~~a. The common courtyard must be a single, contiguous piece.~~
- ~~b. Cottages must abut the common courtyard on at least two sides of the courtyard.~~
- ~~c. The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster (as defined in subsection (1) of this section (C)).~~
- ~~d. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.~~
- ~~e. The common courtyard must be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard must not exceed 75 percent of the total common courtyard area.~~
- ~~f. Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard must count toward the courtyard's minimum dimension and area. Parking areas, required setbacks between cottages, and driveways do not qualify as part of a common courtyard.~~

#### 42. Pedestrian circulation

The on-site pedestrian circulation system must include the following:

- a. Continuous connections between the primary buildings, streets abutting the site, ground level entrances, common buildings, common open space, and vehicle and bicycle parking areas.
- b. At least ~~four~~ one pedestrian connection to an abutting street frontage for each 200 linear ft of street frontage.
- c. Pedestrian walkways must be separated from vehicle parking and maneuvering areas by physical barriers such as planter strips, raised curbs, or bollards.
- d. Walkways must be constructed with a hard surface material, must be permeable for stormwater, and must be no less than 3 ft wide. If adjacent to a parking area where vehicles will overhang the walkway, a 7-ft-wide walkway must be provided. The walkways must be separated from parking areas and internal driveways using curbing, landscaping, or distinctive paving materials.

#### 20 Off-Street Parking

- ~~1. Off-street parking may be arranged in clusters, subject to the following standards:~~
  - ~~i. Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than five (5) contiguous spaces.~~

- ~~ii. Cottage cluster projects with 16 cottages or more are permitted parking clusters of not more than eight (8) contiguous spaces.~~
- ~~iii. Parking clusters must be separated from other spaces by at least four (4) feet of landscaping.~~
- ~~iv. Clustered parking areas may be covered.~~
- ~~1. Off street parking spaces and vehicle maneuvering areas must not be located:
 
  - ~~i. Within of 20 feet from any street property line, except alley property lines;~~
  - ~~ii. Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.~~
  - ~~iii. Off street parking spaces must not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.~~~~
- ~~2. Landscaping, fencing, or walls at least three feet tall must separate clustered parking areas and parking structures from common courtyards and public streets.~~
- ~~3. Garages and carports (whether shared or individual) must not abut common courtyards.~~
- ~~4. Individual attached garages up to 200 square feet must be exempted from the calculation of maximum building footprint for cottages.~~
- ~~5. Individual detached garages must not exceed 400 square feet in floor area.~~
- ~~6. Garage doors for attached and detached individual garages must not exceed 20 feet in width.~~

### 3. Privacy and screening

- a. Mechanical and communication equipment and outdoor garbage and recycling areas must be screened so they are not visible from streets and common open spaces.
- b. Utilities such as transformers, heating and cooling, electric meters, and other utility equipment must not be located within 5 ft of a front entrance and must be screened with sight-obscuring materials.
- c. All fences on the interior of the development must be no more than 3 ft high. Fences along the perimeter of the development may be up to 6 ft high, except as restricted by Chapter 12.24 Clear Vision at Intersection. Chain-link fences are prohibited.

### 4. Sustainability

In order to promote more sustainable development, plex developments must incorporate the following elements:

- a. Building orientation that does not preclude utilization of solar panels, or an ecoroof on at least 20% of the total roof surfaces.
- b. Windows that are operable by building occupants.



- c. Window orientation, natural shading, and/or sunshades to limit summer sun and to allow for winter sun penetration.

### 5. Recycling areas

A recycling area or recycling areas within a plex development must meet the following standards:

- a. The recycling collection area must provide containers to accept the following recyclable materials: glass, newspaper, corrugated cardboard, tin, and aluminum.
- b. The recycling collection area must be located at least as close to the dwelling units as the closest garbage collection/container area.
- c. Recycling containers must be covered by either a roof or weatherproof lids.
- d. The recycling collection area must have a collection capacity of at least 100 cu ft in size for every 10 dwelling units or portion thereof.
- e. The recycling collection area must be accessible to collection service personnel between the hours of 6:00 a.m. and 6:00 p.m.
- f. The recycling collection area and containers must be labeled, to indicate the type and location of materials accepted, and properly maintained to ensure continued use by tenants.
- g. Fire Department approval will be required for the recycling collection area.
- h. Review and comment for the recycling collection area will be required from the appropriate franchise collection service.

### **19.505.3 Multi-Unit Housing**

#### **B. Applicability**

4. Any activity not described in Subsections 19.505.3.B.1-3 19.505.3.D.2.a through 19.505.3.D.2.e is exempt from the design elements in this subsection.

### **19.505.4 Cottage Cluster Housing**

Table 19.505.4.C.1 Cottage Cluster Development Standards		
Standards	R-MD	<u>R-HD</u> <del>R-1, R-2, R-2.5, R-3, R-4-B</del>
<b>A. Home Types</b>		
1. Building types allowed, minimum and maximum number per cluster	Detached cottages 3 minimum 12 maximum dwelling units	Detached and Attached 3 minimum 12 maximum dwelling units
<b>B. Home Size</b>		
1. Max building footprint per home	900 sf	
2. Max average floor area per dwelling unit	1,400 sf	
<b>C. Height</b>		
1. Max height	25 <del>feet</del> or 2 stories, whichever is greater	

2. Max structure height between 5 & 10 ft of rear lot line	15 ft	
3. Max height to eaves facing common green	1.618 times the narrowest average width between two closest buildings	
D. Setbacks, Separations, and Encroachments		
1. Separation between structures (minimum)	6 ft	
2. Side and rear site setbacks	5 ft	
3. Front site setback (minimum)	10 ft	
4. Front site setback (maximum)	20 ft	
5. Separation between clusters (minimum)	10 ft	
E. Impervious Area, Vegetated Area		
1. Impervious area (maximum)	60%	65%
2. Vegetated site area (minimum)	35%	35%
F. Community and Common Space		
1. Community building footprint (maximum) <sup>1</sup>	1,000 sf	1,000 sf
2. Common Space	19.505.1.D-19.505.4.E.1	19.505.1.D-19.505.4.E.1
G. Parking (see also 19.505.1.D.3)		
1. Automobile parking spaces per primary home (minimum)	0.5	0.5
2. Dry, secure bicycle parking spaces per home (minimum)	1.5	
3. Guest bicycle parking spaces per home (minimum)	0.5	

<sup>1</sup> Use of an existing home, per Subsection 19.505.4.E.4, as the community building is exempt from this standard. Community buildings are not required in a cottage cluster development.

#### D. Cottage Standards

##### 1. Size

The total footprint of a cottage unit must not exceed 900 sq ft, and the maximum average floor area for a cottage cluster is 1,400 sq ft per dwelling unit.

##### 2. Height

The height for all structures must not exceed 25 ft or ~~2~~two stories, whichever is greater.

### 3. Orientation

a. Cottages must be clustered around a common courtyard, meaning they abut the associated common courtyard or are directly connected to it by a pedestrian path, and must meet the following standards:

(1) Each cottage within a cluster must either abut the common courtyard or must be directly connected to it by a pedestrian path.

(2) A minimum of 50% of cottages within a cluster must be oriented to the common courtyard and must:

(a) Have a main entrance facing the common courtyard;

(b) Be within 10 ft from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and

(c) Be connected to the common courtyard by a pedestrian path.

(3) Cottages within 20 ft of a street property line may have their entrances facing the street.

(4) Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that is directly connected to the common courtyard.

### 4. Design

The design standards in this subsection apply to cottages when the closest wall of the street-facing façade is within 50 ft of a front or street side lot line, when the front of the cottage faces the street, and to dwellings in a cluster or grouping, either facing a shared open space (e.g. a common courtyard) or a pedestrian path. 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 19.505.4.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.

#### 1. Articulation

All buildings must incorporate design elements that break up all street-facing façades into smaller planes as follows:

a. For buildings with 30-60 ft of street frontage, a minimum of one of the following elements must be provided along the street-facing façades.

(1) A porch at least 5 ft deep.

(2) A balcony that is at least 2 ft deep and is accessible from an interior room.

(3) A bay window that extends at least 2 ft wide.

(4) A section of the façade that is recessed by at least 2 ft deep and 6 ft long.

(5) A gabled dormer.

- b. For buildings with less than 30 ft of street frontage, the building articulation standard is not applicable.

## 2. Eyes on the Street

At least 15% of the area of each street-facing façade must be windows or entrance doors.

- a. Windows used to meet this standard must be transparent and allow views from the building to the street. Glass blocks and privacy windows in bathrooms do not meet this standard.
- b. Half of the total window area in the door(s) of an attached garage counts toward the eyes on the street standard. All of the window area in the street-facing wall(s) of an attached garage count toward meeting this standard.
- c. Window area is considered the entire area within the outer window frame, including any interior window grid.
- d. Doors used to meet this standard must face the street or be at an angle of no greater than 45 degrees from the street.
- e. Door area is considered the portion of the door that moves. Door frames do not count toward this standard.

## 3. Main Entrance

At least one main entrance must meet both of the following standards.

- a. Be no further than 8 ft behind the longest street-facing wall of the building.
- b. Face the street, be at an angle of up to 45 degrees from the street, or open onto a porch. If the entrance opens up onto a porch, the porch must meet all of these additional standards.
- (1) Be at least 25 sq ft in area with a minimum 4-ft depth.
- (2) Have at least one porch entry facing the street.
- (3) Have a roof that is no more than 12 ft above the floor of the porch.
- (4) Have a roof that covers at least 30% of the porch area.

## 4. Detailed Design

All buildings shall include at least five of the following features on any street-facing façade.

- a. Covered porch at least 5 ft deep, as measured horizontally from the face of the main building façade to the edge of the deck, and at least 5 ft wide.
- b. Recessed entry area at least 2 ft deep, as measured horizontally from the face of the main building façade, and at least 5 ft wide.

- c. Offset on the building face of at least 16 in from one exterior wall surface to the other.
- d. Dormer that is at least 4 ft wide and integrated into the roof form.
- e. Roof eaves with a minimum projection of 12 in from the intersection of the roof and the exterior walls.
- f. Roof line offsets of at least 2 ft from the top surface of one roof to the top surface of the other.
- g. Tile or wood shingle roofs.
- h. Horizontal lap siding between 3 to 7 in wide (the visible portion once installed). The siding material may be wood, fiber-cement, or vinyl.
- i. Brick, cedar shingles, stucco, or other similar decorative materials covering at least 40% of the street-facing façade.
- j. Gable roof, hip roof, or gambrel roof design.
- k. Window trim around all windows at least 3 in wide and 5/8 in deep.
- l. Window recesses, in all windows, of at least 3 in as measured horizontally from the face of the building façade.
- m. Balcony that is at least 3 ft deep, 5 ft wide, and accessible from an interior room.
- n. One roof pitch of at least 500 sq ft in area that is sloped to face the southern sky and has its eave line oriented within 30 degrees of the true north/south axis.
- o. Bay window at least 2 ft deep and 5 ft wide.
- p. Attached garage width, as measured between the inside of the garage door frame, of 35% or less of the length of the street-facing façade.
- q. The following design element counts as two elements. Dwelling must be built to meet universal access as follows:
  - a) Dwelling must have a bedroom on the ground floor.
  - b) A ramp complying with R311.8 Oregon Residential Specialty Code (ORSC) must be provided to the main entrance of the dwelling.
  - c) Doors must have a minimum clear width of 32 in.
  - d) Horizontal and vertical grab bars must be provided in one bathroom on the main floor at the toilet, bath and shower. (See ANSI A117-1 section 609 for size and location requirements.)

## E. Site Design and Other Standards

### 1. Number of Cottages Allowed

A cottage cluster must include a minimum of ~~3~~three cottages and a maximum of 12 cottages, subject to Table 19.505.4.B.1. Minimum separation between detached units is 6 ft.

#### 42. Common Open Space

Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents. Common courtyards must meet the following standards:

- a. The common courtyard must be a single, contiguous piece.
- b. Cottages must abut the common courtyard on at least two sides of the courtyard.
- c. The common courtyard must contain a minimum of 150 sq ft per cottage within the associated cluster (as defined in Subsection 19.505.1.C.1).
- d. The common courtyard must be a minimum of 15 ft wide at its narrowest dimension.
- e. The common courtyard must be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard must not exceed 75% of the total common courtyard area.
- f. Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard must count toward the courtyard's minimum dimension and area. Parking areas, required setbacks between cottages, and driveways do not qualify as part of a common courtyard.

#### 23. Pedestrian Circulation

The on-site pedestrian circulation system must include the following:

- a. Continuous connections between the primary buildings, streets abutting the site, ground level entrances, common buildings, common open space, and vehicle and bicycle parking areas.
- b. At least one pedestrian connection to an abutting street frontage for each 200 linear ft of street frontage.
- c. Pedestrian walkways must be separated from vehicle parking and maneuvering areas by physical barriers such as planter strips, raised curbs, or bollards.
- d. Walkways must be constructed with a hard surface material, must be permeable for stormwater, and must be no less than 3 ft wide. If adjacent to a parking area where vehicles will overhang the walkway, a 7-ft-wide walkway must be provided. The walkways must be separated from parking areas and internal driveways using curbing, landscaping, or distinctive paving materials.

#### 4. Off-Street Parking

- a. There must be at least 0.5 off-street parking spaces per dwelling unit per Table 19.505.4.B.1. The parking space must be located together with parking spaces for other cottages in a common area, and not located on the same lot as an individual cottage unit.
  - b. A cottage cluster parking area must be set back from the street. The distance of the setback is dependent on the orientation of the structure or lot. If the axis of the longest dimension of the parking area has an angle of 45 degrees or more to the lot line, the narrow dimension may be within 5 ft of the street. If the angle is less than 45 degrees, the parking area must be at least 20 ft from the street.
  - c. If there are more than 8 units in a cottage cluster, there must be at least 2two separate parking areas with a minimum of 4four parking spaces in each area. A drive aisle connecting the 2two areas is permitted if a separate driveway access for each area is not permitted per Chapter 12.16 Access Management.
  - d. Parking spaces may be located within a garage or a carport. Garages or carports in a cottage cluster may not contain more than 4four parking spaces, must be at least 10 ft from any cottage dwelling; and must match the materials, trim, and roof pitch of the cottages. The interior height of a garage or carport shall not exceed 8 ft high, unless a modification is requested for cases that would use space saving parking technology (e.g., interior car stacking) that might require additional interior height. This modification would be requested per Section 19.911 Variances.
  - e. Parking spaces that are not in a garage or carport must be screened from common open space, public streets, and adjacent residential uses by landscaping and/or screen, such as a fence. Chain-link fencing with slats are not allowed as a screen.
2. Off-street parking may be arranged in clusters, subject to the following standards:
    - i. Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than five contiguous spaces.
    - ii. Cottage cluster projects with 16 cottages or more are permitted parking clusters of not more than eight contiguous spaces.
    - iii. Parking clusters must be separated from other spaces by at least 4 ft of landscaping.
    - iv. Clustered parking areas may be covered.
  3. Off-street parking spaces and vehicle maneuvering areas must not be located:
    - i. Within of 20 ft from any street property line, except alley property lines;

- ii. Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.
- iii. Off-street parking spaces must not be located within 10 ft of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 ft of other property lines.

### 35. Fences

All fences on the interior of the development shall be no more than 3 ft high. Fences along the perimeter of the development may be up to 6 ft high, except as restricted by Chapter 12.24 Clear Vision at Intersection. Chain-link fences are prohibited.

### 46. Conversions

A preexisting single detached dwelling may remain on a lot or parcel with a cottage cluster as described below:

- a. The preexisting single detached dwelling may be nonconforming with respect to the requirements of the applicable code;
- b. The preexisting single detached dwelling may be expanded up to the maximum height, footprint, or unit size required by the applicable code; however, a preexisting single detached dwelling that exceeds the maximum height, footprint, or unit size of the applicable code may not be expanded;
- c. The preexisting single detached dwelling may count as a unit in the cottage cluster or as the community building;
- d. The floor area of the preexisting single detached dwelling does not count towards any cottage cluster average or cottage cluster project average or total unit or community building size limits.

## 19.505.5 Townhouses

### B. Applicability

- 1. The standards of Subsection 19.505.5 apply to single dwellings on their own lot, where the dwelling shares a common wall across a side lot line with at least one other dwelling, and where the lots meet the standards for a townhouse lot in both Section 19.302 and Subsection 19.505.5.E. Townhouse development may take place on existing lots that meet the lot standards for townhouse lots or on land that has been divided to create new townhouse lots.
- 2. Development standards for townhouses are in Subsections 19.301.4 and 19.302.4.



~~3. Design standards for single detached dwellings in Subsections 19.505.1 and 19.505.2 are also applicable to townhouses.~~

43. Dwelling units that share a common side wall and are not on separate lots are subject to the standards for single detached dwellings, middle housing, or multi-unit housing.

45. Creation of new lots or parcels as part of a townhouse development is subject to the applicable land division process in Title 17 of this code.

## C. Townhouse Design Standards

### ~~4. Design~~

The design standards in this subsection apply to townhouses when the closest wall of the street-facing façade is within 50 ft of a front or street side lot line. 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 19.505.5.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.

#### 1. Articulation

All buildings must incorporate design elements that break up all street-facing façades into smaller planes as follows.

a. For buildings with 30-60 ft of street frontage, a minimum of one of the following elements must be provided along the street-facing façades.

(1) A porch at least 5 ft deep.

(2) A balcony that is at least 2 ft deep and is accessible from an interior room.

(3) A bay window that extends at least 2 ft wide.

(4) A section of the façade that is recessed by at least 2 ft deep and 6 ft long.

(5) A gabled dormer.

b. For buildings with less than 30 ft of street frontage, the building articulation standard is not applicable.

#### 2. Eyes on the Street

At least 15% of the area of each street-facing façade must be windows or entrance doors.

a. Windows used to meet this standard must be transparent and allow views from the building to the street. Glass blocks and privacy windows in bathrooms do not meet this standard.

b. Half of the total window area in the door(s) of an attached garage counts toward the eyes on the street standard. All of the window area in the street-facing wall(s) of an attached garage count toward meeting this standard.

- c. Window area is considered the entire area within the outer window frame, including any interior window grid.
- d. Doors used to meet this standard must face the street or be at an angle of no greater than 45 degrees from the street.
- e. Door area is considered the portion of the door that moves. Door frames do not count toward this standard.

### 3. Main Entrance

At least one main entrance must meet both of the following standards.

- a. Be no further than 8 ft behind the longest street-facing wall of the building.
- b. Face the street, be at an angle of up to 45 degrees from the street, or open onto a porch. If the entrance opens up onto a porch, the porch must meet all of these additional standards.
  - (1) Be at least 25 sq ft in area with a minimum 4-ft depth.
  - (2) Have at least one porch entry facing the street.
  - (3) Have a roof that is no more than 12 ft above the floor of the porch.
  - (4) Have a roof that covers at least 30% of the porch area.

### 4. Detailed Design

All buildings shall include at least five of the following features on any street-facing façade.

- a. Covered porch at least 5 ft deep, as measured horizontally from the face of the main building façade to the edge of the deck, and at least 5 ft wide.
- b. Recessed entry area at least 2 ft deep, as measured horizontally from the face of the main building façade, and at least 5 ft wide.
- c. Offset on the building face of at least 16 in from one exterior wall surface to the other.
- d. Dormer that is at least 4 ft wide and integrated into the roof form.
- e. Roof eaves with a minimum projection of 12 in from the intersection of the roof and the exterior walls.
- f. Roof line offsets of at least 2 ft from the top surface of one roof to the top surface of the other.
- g. Tile or wood shingle roofs.
- h. Horizontal lap siding between 3 to 7 in wide (the visible portion once installed). The siding material may be wood, fiber-cement, or vinyl.
- i. Brick, cedar shingles, stucco, or other similar decorative materials covering at least 40% of the street-facing façade.
- j. Gable roof, hip roof, or gambrel roof design.

- k. Window trim around all windows at least 3 in wide and 5/8 in deep.
- l. Window recesses, in all windows, of at least 3 in as measured horizontally from the face of the building façade.
- m. Balcony that is at least 3 ft deep, 5 ft wide, and accessible from an interior room.
- n. One roof pitch of at least 500 sq ft in area that is sloped to face the southern sky and has its eave line oriented within 30 degrees of the true north/south axis.
- o. Bay window at least 2 ft deep and 5 ft wide.
- p. Attached garage width, as measured between the inside of the garage door frame, of 35% or less of the length of the street-facing façade.
- q. The following design element counts as two elements. Dwelling must be built to meet universal access as follows:
  - a) Dwelling must have a bedroom on the ground floor.
  - b) A ramp complying with R311.8 Oregon Residential Specialty Code (ORSC) must be provided to the main entrance of the dwelling.
  - c) Doors must have a minimum clear width of 32 in.
  - d) Horizontal and vertical grab bars must be provided in one bathroom on the main floor at the toilet, bath and shower. (See ANSI A117-1 section 609 for size and location requirements.)

~~1. Townhouses are subject to the design standards for single detached dwelling housing in Subsection 19.505.1.~~

~~2~~ 5. Townhouses must include an area of transition between the public realm of the right-of-way and the entry to the private dwelling. The entry may be either vertical or horizontal, as described below.

- a. A vertical transition shall be an uncovered flight of stairs that leads to the front door or front porch of the dwelling. The stairs must rise at least 3 ft, and not more than 8 ft, from grade. The flight of stairs may encroach into the required front yard, and the bottom step must be at least 4 ft from the front lot line.
- b. A horizontal transition shall be a covered porch with a depth of at least 6 ft. The porch may encroach into the required front yard, but it must be at least 4 ft from the front lot line.

#### D. Number of Townhouses Allowed

In the High Density Zone, no more than ~~4~~four consecutive townhouses that share a common wall(s) are allowed. A set of ~~4~~four townhouses with common walls is allowed to be adjacent to a separate set of ~~4~~four townhouses with common walls.

In the R-MD zone, the maximum number of consecutive attached townhouses is ~~four~~4.

#### E. Townhouse Lot Standards

1. Townhouse development is allowed only where there are at least ~~2~~two abutting lots on the same street frontage whose street frontage, lot width, lot depth, and lot area meet or exceed the base zone requirements listed in Tables 19.301.4 and 19.302.4.

2. Townhouse development must meet the minimum lot size of 1,500 sq ft.

F. Driveway Access and Parking

1. Garages on the front façade of a townhouse, off-street parking areas in the front yard, and driveway accesses in front of a townhouse are prohibited unless the following standards are met. See Figure 19.505.5.F.1.

a. Development of ~~2~~two or ~~3~~three townhouses has at least one shared access between the lots, and development of ~~4~~four townhouses has ~~2~~two shared accesses.

b. Outdoor on-site parking and maneuvering areas do not exceed 10 ft wide on any lot.

c. The garage width does not exceed 12 ft, as measured from the inside of the garage door frame.

d. Shared accesses are spaced a minimum of 24 ft apart.

### 19.507 HOME OCCUPATION STANDARDS

It is the intent of these regulations to support and encourage home occupations but at the same time protect the residential character of the City's residential neighborhoods. A home occupation shall be allowed as an accessory use to all residential uses permitted by right, subject to the following restrictions. Home occupation businesses, ~~which that~~ are not clearly accessory and incidental to the residential use, are prohibited. All activities permitted under this section must be consistent with this section.

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**CHAPTER 19.900 LAND USE APPLICATIONS****19.910 RESIDENTIAL DWELLINGS****19.910.0 Accessory Dwelling Units**

## E. Standards

## 4. Standards for Detached Accessory Dwelling Units

## c. design standards

(1) A detached accessory ~~structure~~ dwelling unit must include at least 2 of the design details listed below. An architectural feature may be used to comply with more than one standard.

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**19.911 Variances****19.911.4 Approval Criteria**

## A. Type II Variances

An application for a Type II variance shall be approved when all of the following criteria have been met:

1. The proposed variance, or cumulative effect of multiple variances, will not be detrimental to surrounding properties, natural resource areas, or public health, safety, or welfare.
  2. The proposed variance will not interfere with planned future improvements to any public transportation facility or utility identified in an officially adopted plan such as the Transportation System Plan or Water Master Plan.
  3. Where site improvements already exist, the proposed variance will sustain the integrity of, or enhance, an existing building or site design.
  4. Impacts from the proposed variance will be mitigated to the extent practicable.
  5. The proposed variance would allow the development to preserve a priority tree or trees, or provide more opportunity to plant new trees to achieve 40% canopy, as required by Chapter 16.32 (when applicable).
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**CHAPTER 19.1000 REVIEW PROCEDURES****19.1006 TYPE III REVIEW****19.1006.3 Type III Public Notice****D. Mailed Notice****3. Notice requirements specific to Zoning Map amendments are as follows:**

- b. A Measure 56 notice that conforms to Subsection 19.1008.3.D shall be mailed at least 20 days, but not more than 40 days, prior to the first public hearing on the application to all owners of property affected by the proposal. A Measure 56 notice is not required for owner-initiated zoning map amendments when the subject property or properties are owned by a single person or entity.
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**19.1010 APPEALS****19.1010.7 Notice of Decision****A. Written notice of decision shall be mailed to the following parties within 7 days of the date of the decision:**

- 1. The applicant and/or the applicant's authorized representative.
- 2. The owner(s) of record of the subject property.
- 3. Any group or individual who submitted written comments at or prior to any public hearing.
- 4. Any group or individual who submitted oral testimony during any public hearing.
- 5. Any governmental agency that is entitled to receive notice per the municipal code or has requested notice of the decision.
- 6. Any group or individual who requested notice of the decision, including those who signed the attendance sheet at any public hearing on the application.

**B. The notice of decision shall include the following:**

- 1. A description of the proposal with sufficient detail to explain the project background.
- 2. A description of the hearings and process to date.
- 3. A statement of the limitations on evidence.

4. A statement of the applicable criteria, findings, and conditions of approval.
6. A statement that only persons who submitted comments or made an appearance of record at a public hearing on the application have standing to appeal the decision by filing a written appeal within the appeal period for the Land Use Board of Appeals.
7. A statement that the complete case file is available for review, including findings, conclusions, and conditions of approval, if any. The notice shall list when and where the case file is available and the name and telephone number of the City representative to contact about reviewing the case file.
8. A summary of the requirements for appealing the decision to the Land Use Board of Appeals.

#### **19.1010.7 8 Remand from the Land Use Board of Appeals**

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### **CHAPTER 19.1100 ANNEXATIONS AND BOUNDARY CHANGES**

#### **19.1102 ANNEXATIONS**

##### **19.1102.1 Administration and Approval Process**

E. Annexation petitions are exempt from the requirements of ORS 227.178 that the city must take final action on the application within 120 days after the application is deemed complete.

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#### **19.1203 SOLAR ACCESS FOR NEW DEVELOPMENT**

##### **19.1203.4 Exemptions from Design Standard**

A development is exempt from Subsection 19.1203.3 if the Planning Manager ~~Director~~ finds the applicant has shown that one or more of the following conditions apply to the site. A development is partially exempt from Subsection 19.1203.3 to the extent the Planning Manager ~~Director~~ finds the applicant has shown that one or more of the following conditions apply to a corresponding portion of the site. If a partial exemption is granted for a given development, the remainder of the development shall comply with Subsection 19.1203.3.

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The following sections relate to re-naming the HDR zone to R-HD only.

**14.040.030 Definitions**

“Residential zones” means the R-MD and ~~HDR~~ R-MD Residential Zones as defined in the Zoning Ordinance.

**14.16.020 HIGH DENSITY RESIDENTIAL ZONE**

No sign shall be installed or maintained in the ~~HDR~~ R-HD Zone, except as allowed under Section 14.12.010 Exempted Signs, or as otherwise noted in Table 14.16.020.

**Table 14.16.020 Standards for Signs in High Density Residential Zone ~~HDR~~ R-HD**

<b>Table 19.107.1 Classification of Zones</b>	
<b>Zone Description</b>	<b>Abbreviated Description</b>
<b>Base Zones</b>	
Residential	R-MD
Residential	<del>HDR</del> <u>R-HD</u>

**19.302 HIGH DENSITY RESIDENTIAL ZONES**

The high density residential zones is Residential Zone R-HD. ~~HDR~~ This zone implements the high density residential land use designations in the Milwaukie Comprehensive Plan.

<b>Table 19.302.2 High Density Residential Uses Allowed</b>		
<b>Use</b>	<b><del>HDR</del> <u>R-HD</u></b>	<b>Standards/ Additional Provisions</b>
<b>Residential Uses</b>		
<b>Use</b>	<b><del>HDR</del> <u>R-HD</u></b>	<b>Standards/ Additional Provisions</b>

<b>Table 19.302.4 High Density Residential Development Standards</b>		
<b><u>Standard</u></b>	<b><del>HDR</del> <u>R-HD</u></b>	<b><u>Standards/</u> <u>Additional Provisions</u></b>



Table 19.505.4.C.1 Cottage Cluster Development Standards		
Standards	R-MD	<del>HDR</del> -R-HD
<b>A. Home Types</b>		
1. Building types allowed, minimum and maximum number per cluster	Detached cottages 3 minimum 12 maximum dwelling units	Detached and Attached 3 minimum 12 maximum dwelling units

Table 19.904.10.C Wireless Communication Facilities—Type and Review Process				
Towers		WCFs Not Involving New Tower		
Zones	New Monopole Tower up to 100 Ft	Building Rooftop or Wall Mounted Antenna	Water Towers, Existing Towers, and Other Stealth Designs	On Existing Utility Pole in Row with or w/out Extensions
<del>HDR</del> -R-HD	N	P/I/II	P/I/II	P/I/II

F. Location and Size Restrictions

2. Height: maximum heights. Also see Table 19.904.10.C.

a. Height Restrictions

The maximum height limitation of the monopole tower and antennas shall not exceed the following:

(1) BI, M, NME, and MUTSA Zones: 100 ft.

(2) New towers are not permitted in the ~~R-HD~~ ~~HDR~~-R-MD, GMU, NMU, C-N, C-G, C-L, OS, and DMU Zones.

19.1104.1 Administration and Approval Process

Table 19.1104.1.E Zoning and Land Use Designations for Boundary Changes		
County Zoning Designation	Assigned City Zoning Designation	Assigned Comprehensive Plan Land Use Designation
R-20	R-MD	<del>Low</del> <u>Moderate</u> density residential
R-15	R-MD	<del>Low</del> <u>Moderate</u> density residential
R-10	R-MD	<del>Low</del> <u>Moderate</u> density residential

R-8.5	R-MD	<del>Low</del> <u>Moderate</u> density residential
R-7	R-MD	<del>Low</del> <u>Moderate</u> density residential
MR1	<del>HDR</del> <u>R-HD</u>	<del>Medium</del> <u>High</u> density residential
MR2	<del>HDR</del> <u>R-HD</u>	<del>Medium</del> <u>High</u> density residential
PMD	<del>HDR</del> <u>R-HD</u>	High density residential
HDR	<del>HDR</del> <u>R-HD</u>	High density residential
SHD	<del>HDR</del> <u>R-HD</u>	High density residential

**Clean Amendments****Title 17 Land Division****CHAPTER 17.16 APPLICATION REQUIREMENTS AND PROCEDURES****17.16.040 LOT CONSOLIDATION AND PROPERTY LINE ADJUSTMENT**

The following shall accompany applications for lot consolidation and property line adjustments:

E. A plan drawn to scale showing the following details:

1. Scale, north arrow, and date of map;
2. Tax map and lot number identifying each property involved in the application;
3. Adjacent rights-of-way, with width shown;
4. Location, width, and purpose of any recorded easements and/or plat restrictions;
5. Proposed property lines and dimensions of the affected lots;
6. The area of each lot;
7. Location of existing structures to remain and proposed structures, if any, with setbacks shown to all existing and proposed lot lines; and
8. Deeds of the properties involved.

(Ord. 1907 (Attach. 1), 2002)

**CHAPTER 17.24 FINAL PLAT****17.24.060 BOND**

A. The applicant shall file with the notice one of the following to assure his or her full and faithful performance:

1. An agreement to make improvements in a form approved by the City Attorney;
2. A letter of credit;
3. Cash.

B. Such assurance of full and faithful performance shall be for a sum determined by the Public Works Director, City Engineer, or Community Development Director as sufficient to cover the

cost of the improvements and repairs, including related engineering and incidental expenses, and to cover the cost of City inspection.

C. If the applicant fails to carry out said improvements and the City has unreimbursed costs or expenses resulting from such failure, the City may call the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds the cost incurred by the City, the City shall release the remainder. If the amount of the bond or cash deposit is less than the cost incurred by the City, the applicant shall be liable to the City for the difference. (Ord. 1907 (Attach. 1), 2002)

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## **Title 19 Zoning Ordinance**

### **CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS**

#### **19.201 DEFINITIONS**

“Family child care home” means a child care facility in a dwelling that is caring for not more than 16 children and is certified under ORS 329A.280 (2) or is registered under ORS 329A.330. A family child care home is a private residence occupied by the family day care provider and is permitted in all areas zoned for residential or commercial purposes and used as a home occupation by the provider.

“Front lot line” means, in the case of an interior lot, the lot line separating the lot from the street other than an alley; in the case of a corner lot, a line separating the lot from the street on which the existing or contemplated development will face; and, in the case of a through lot, a line separating the lot from the street on which the contemplated development will face. In the case of a flag lot or back lot, the front lot line is the lot line closest to the street from which the property takes access, excluding lot lines that are part of the pole portion of the flag lot.

“Major pruning” means removal of more than 20% of a tree’s canopy, or injury or cutting of over 15% of the root system, during any 12-month period.

“Primary building entrance” means the entrance to a building that most pedestrians are expected to use. Generally, each building has one primary entrance; however, some buildings may have more than one primary entrance or may have entrances that open directly into the building’s lobby or principal interior ground-level circulation space.

“Structure” means something constructed or built and having a fixed base or fixed connection to the ground or another structure. Structures include storage containers, prefabricated sheds, pop-up carports, etc. (Streets and utilities are excluded from this definition.)

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## CHAPTER 19.300 BASE ZONES

## 19.301 MODERATE DENSITY RESIDENTIAL ZONES

able 19.301.4 Moderate Density Residential Development Standards					
Standard	R-MD				Standards/ Additional Provisions
	Lot size (square feet)				
	1,500 – 2,999	3,000–4,999	5,000-6,999 <sup>2</sup>	7,000 and up	
B. Lot Standards					
Flag lot	NA <sup>3</sup>	25	25	25	Subsection 19.504.6 Flag Lot and Back Lot Design and Development Standards
Double flag lot	NA <sup>3</sup>	25	25	25	
C. Development Standards					
1. Minimum yard requirements for primary structures (ft)					Subsection 19.504.76 Flag Lot and Back Lot Design and Development Standards
Front yard	20	20	20	20	
Side yard	5	5	5	5/10	
Street side yard	15	15	15	20	
Rear yard	15	20	20	20	Subsection 19.301.5.C Front Yard Minimum Vegetation
Minimum vegetation (percent of total lot area)	15%	25%	25%	30%	
					Subsection 19.504.65 Minimum Vegetation

## 19.301.5 Additional Development Standards

## B. Lot Coverage

The lot coverage standards in Subsection 19.301.4.B.4 are modified for specific uses and lot sizes as described below. The reductions and increases are combined for properties that are described by more than one of the situations below.

## 2. Increased Lot Coverage for Single Detached and Middle Housing Dwellings

a. The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 10 percentage points for development of a single detached dwelling, or an addition to an existing single detached dwelling, or an accessory structure, provided that the portions of any structure(s) on the site that are in excess of 20 ft high are limited to the lot coverage standard listed in Subsection 19.301.4.B.4. Only portions of the structure(s) that are less than 20 ft are allowed to exceed the listed lot coverage standard. See Figure 19.301.5.B.2 for an illustration of this allowance.

b. The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 10 percentage points for development of a middle housing dwelling (except for

townhouses and cottage clusters), or an addition to an existing middle housing dwelling (except for townhouses and cottage clusters), or an accessory structure, provided that the portions of any structure(s) on the site that are in excess of 20 ft high are limited to the lot coverage standard listed in Subsection 19.301.4.B.4. Only portions of the structure(s) that are less than 20 ft are allowed to exceed the listed lot coverage standard. See Figure 19.301.5.B.2 for an illustration of this allowance.

A Type II variance per Subsection 19.911.4.A, to further increase this lot coverage allowance, is prohibited.

#### H. Additional Standards

Depending upon the type of use and development proposed, the following sections of Chapter 19.500 Supplementary Development Regulations may apply. These sections are referenced for convenience, and do not limit or determine the applicability of other sections within the Milwaukie Municipal Code.

1. Subsection 19.504.4 Buildings on the Same Lot
2. Subsection 19.504.76 Flag Lot and Back Lot Design and Development Standards

### 19.302 HIGH DENSITY RESIDENTIAL ZONES

Table 19.302.4		
High Density Residential Development Standards		
Standard	HDR-R-HD	Standards/ Additional Provisions
<b>A. Lot Standards</b>		
4. Minimum street frontage requirements (ft)		<b>Subsection 19.504.6</b> Flag Lots
a. Townhouse	20	
b. Standard lot	35	
c. Flag lot	25	
d. Double flag lot	25	
<b>B. Development Standards</b>		
5. Minimum vegetation (percent of total lot area)	15%	<b>Subsection 19.504.5</b> Minimum Vegetation <b>Subsection 19.302.5.C</b> Minimum

		Vegetation
		<b>Subsection 19.302.5.D</b> Front Yard Minimum Vegetation

## 19.302.5 Additional Development Standards

### B. Lot Coverage

The lot coverage standards in Subsection 19.302.4.B.4 are modified for specific uses and lot sizes as described below. The reductions and increases are additive for lots that are described by one or more of the situations below.

#### 1. Increased Lot Coverage for Single Detached Dwellings

a. The maximum lot coverage percentage in Subsection 19.302.4 is increased by 10 percentage points for development of an addition to an existing single detached dwelling or an accessory structure, provided that the portions of ~~the~~ any structure(s) on the site that are in excess of 20 ft high, or in excess of one story, are limited to the lot coverage standard listed in Subsection 19.302.4.B.4. Only portions of the structure(s) that are less than 20 ft high, and no taller than one story, are allowed to exceed the listed lot coverage standard. See Figure 19.302.5.B.1 for an illustration of this allowance.

b. The maximum lot coverage percentage in Subsection 19.302.4 is increased by 10 percentage points for development of a middle housing dwelling (except for townhouses and cottage clusters), an addition to an existing middle housing dwelling (except for townhouses and cottage clusters), or an accessory structure, provided that the portions of any structure(s) on the site that are in excess of 20 ft high are limited to the lot coverage standard listed in Subsection 19.302.4.B.4. Only portions of the structure(s) that are less than 20 ft are allowed to exceed the listed lot coverage standard. See Figure 19.302.5.B.1 for an illustration of this allowance.

A Type II variance per Subsection 19.911.4.A, to further increase this lot coverage allowance, is prohibited.

### K. Additional Standards

Depending upon the type of use and development proposed, the following sections of Chapter 19.500 Supplementary Development Regulations may apply. These sections are referenced for convenience, and do not limit or determine the applicability of other sections within the Milwaukie Municipal Code.

#### 1. Subsection 19.504.4 Buildings on the Same Lot

2. Subsection 19.504.6 Flag Lot and Back Lot Design and Development Standards
3. Subsection 19.504.7 On-Site Walkways and Circulation
4. Subsection 19.504.8 Setbacks Adjacent to Transit

## 19.303 COMMERCIAL MIXED-USE ZONES

### 19.303.2 Uses

Table 19.303.2			
Uses Allowed in Commercial Mixed-Use Zones			
Uses and Use Categories	GMU	NMU	Standards/Additional Provisions
<b>Residential</b>			
Mixed use <sup>2</sup>	P	P	<b>Subsection 19.505.7</b> Nonresidential Development

### 19.303.3 Development Standards

These development standards are intended to ensure that new development in the commercial mixed-use zones is appropriate for a mixed-use district in terms of building mass and scale, how the building addresses the street, and where buildings are located on a site.

Table 19.303.3 summarizes some of the development standards that apply in the commercial mixed-use zones. Development standards are presented in detail in Subsection 19.303.4.

Table 19.303.3			
Commercial Mixed Use Zones—Summary of Development Standards			
Standard	GMU	NMU	Standards/ Additional Provisions
<b>Development Standards</b>			
7. Primary building entrances	Yes	Yes	<b>Subsection 19.303.4.E</b> Primary Building Entrances

#### E. Primary Building Entrances

1. Intent



To promote pedestrian-friendly development by providing building entrances that are oriented to the sidewalk or other public space and connected with clearly marked pedestrian walkways.

## 2. Standards

- a. All new buildings shall have at least 1 primary entrance facing an abutting public street (i.e., within 45 degrees of the street property line); or, if the building entrance must be turned more than 45 degrees from the public street (i.e., front door is on a side or rear elevation) due to the configuration of the site or similar constraints, a pedestrian walkway must connect the primary entrance to the sidewalk.
- b. Where a development contains multiple buildings and there is insufficient public street frontage to meet the above building orientation standards for all buildings on the subject site, a building's primary entrance may orient to a plaza, courtyard, or similar pedestrian space containing pedestrian amenities. When oriented this way, the primary entrance(s), plaza, or courtyard shall be connected to the street by a pedestrian walkway.
- c. If a development is on a corner in the GMU Zone, the primary building entrance may be oriented toward either street.
- d. If a development is on the corner of 32nd Ave or 42nd Ave and another street in the NMU Zone, the primary building entrance must be oriented toward 32nd Ave or 42nd Ave.

### 19.312 NORTH MILWAUKIE INNOVATION AREA

Table 19.312.2			
Uses Allowed in the North Milwaukie Innovation Area			
Uses and Use Categories	NME	MUTSA	Standards/Additional Provisions
<b>Industrial, Manufacturing and Production</b>			
1. Floor area ratio (min/max)	0.5:1/3:1	0.5:1/3:1	
Wholesale trade, warehousing, distribution This category comprises establishments engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, or professional business users; direct to consumers via e-commerce (such as fulfillment centers); or to other wholesalers, generally without transformation, and rendering services incidental	25 45-90	25 45-90	<b>Subsection 19.312.6.A</b> Building height bonus  <b>Subsection 19.510</b> Green Building Standards

to the sale of merchandise. Wholesalers sell or distribute merchandise exclusively to other businesses, not the general public, and normally operate from a warehouse or office and are not intended for walk-in traffic or in-person retail-oriented sales.			
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**Table 19.312.5****North Milwaukie Innovation Area — Summary of Development Standards**

<b>Standard</b>	<b>NME</b>	<b>MUTSA</b>	<b>Standards/Additional Provisions</b>
<b>B. Development Standards</b>			
6. Flexible ground-floor space	Yes, where applicable	Yes, where applicable	<b>Subsection 19.312.7.B.7 A.6</b> Flexible ground-floor space
8. Frontage occupancy	50%	50%	<b>Subsection 19.312.7.8-A.7</b> Frontage occupancy

**19.312.7 Design Standards for All Uses in the MUTSA and on NME Key Streets**

The following development standards apply to all uses in the MUTSA Zone and in the NME Zone on properties located on the following key streets and key corners: McBrod Avenue, Main Street, 17th Avenue, and Ochoco Street (see Figure 312.7.1).

**Figure 19.312.7.1****Key Streets**



**CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS****19.502 ACCESSORY STRUCTURES****19.502.1 General Provisions**

A. No accessory structure shall encroach upon or interfere with the use of any adjoining property or public right-of-way, including, but not limited to, streets, alleys, and public and private easements, unless permitted in accordance with Chapter 12.14.

H. Retaining walls are exempt from accessory structure limitations.

**19.502.2 Specific Provisions for Accessory Structures**

Table 19.502.2.A.1.a CONTINUED			
Residential Accessory Structure Height and Footprint Standards			
Standard	Type A	Type B	Type C
Required rear yard	3 ft	5 ft	Base zone required rear yard
Required side yard	3 ft	5 ft	Base zone required side yard
Required street side yard	Base zone required street side yard		
Required front yard	Not allowed in front yard unless the structure is at least 40 ft away from the front lot line.		

B. Fences, walls, and plantings may be constructed or maintained in yards with the following limitations:

1. Fences, walls, and plantings shall be constructed or maintained in yards only so as to permit unobstructed vision of passenger vehicle operations when approaching intersecting streets or driveways. Fences, walls, and plantings shall meet clear vision standards provided in Chapter 12.24. Fences and walls in areas other than those obstructing the vision of passenger vehicle operators shall be constructed or maintained to the following standards:

a. Residential Zones and Residential Uses in All Zones

1. Maximum height is 6 ft for rear, street side, and side yards; 42 in for front yards, except that for flag lots fences in the front yard may be 6 ft.
2. No electrified, barbed, or razor wire fencing is permitted.

3. Specific standards for fences on cottage cluster developments are contained in Subsection 19.505.4.E.3.
4. Middle housing plex development. All fences on the interior of a development shall be no more than 3 ft high. Fences along the perimeter of the development may be up to 6 ft high, except as restricted by Chapter 12.24 Clear Vision at Intersection. Chain-link fences are prohibited.

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## **19.504 SITE DESIGN STANDARDS**

### **19.504.4 Transition Area Measures**

### **19.504.5 Minimum Vegetation**

### **19.504.6 Flag Lot and Back Lot Design and Development Standards**

#### **Figure 19.504.6.E**

#### **Figure 19.504.6.F**

### **19.504.7 On-Site Walkways and Circulation**

### **19.504.8 Setbacks Adjacent to Transit**

### **19.504.9 Preliminary Circulation Plan**

#### **D. Screening of Adjoining Properties**

Flag lots and back lots must be screened in accordance with this subsection. Fencing and screening must conform to the clear vision standards of Chapter 12.24. Fencing must conform to the standards of Subsection 19.502.2.B.

2. Driveways on flag lots and back lots must be screened to the greatest extent practicable. Continuous screening along lot lines of the flag lot, or back lot, abutting any neighboring lot that is not part of the parent lot from which the flag lot, or back lot, was created is required as described below. See Figures 19.504.6.E. and 19.504.6.F.

## **19.505 BUILDING DESIGN STANDARDS**

### **19.505.1 One- to Four-Unit Residential Development**

#### **A. Purpose**

The design standards for one-to four-unit dwellings (including single detached dwellings, duplexes, triplexes, and quadplexes), require a minimum level of design on every dwelling. These standards are intended to promote attention to detail, human-scale design, street visibility, and privacy of adjacent properties, while affording flexibility to use a variety of architectural styles.

Dwellings must address the following design objectives:

- a. Articulation – All street-facing buildings must incorporate design elements that break up façades into smaller planes.
- b. Eyes on the street – A certain percentage of the area of each street-facing façade must be windows or entrance doors.
- c. Main entrance – On street-facing façades, at least one main entrance must meet standards for location, orientation, and visibility.
- d. Detailed design – All street-facing buildings must include several features selected from a menu.

In addition, site design standards are intended to facilitate the development of attractive housing that encourages multimodal transportation. They encourage good site design, which contributes to livability, safety, and sustainability; helps create a stronger community; and fosters a quality environment for residents and neighbors.

Site design is intended to meet the following objectives:

1. Livability –Development should contribute to a livable neighborhood by incorporating visually pleasing design, minimizing the impact of vehicles, emphasizing pedestrian and bicycle connections, and providing public and private open spaces for outdoor use.
2. Compatibility –Development should have a scale that is appropriate for the surrounding neighborhood and maintains the overall residential character of Milwaukie.
3. Safety and Functionality –Development should be safe and functional, by providing visibility into and within a residential development and by creating a circulation system that prioritizes bicycle and pedestrian safety.
4. Sustainability –Development should incorporate sustainable design and building practices, such as energy conservation, preservation of trees and open space, quality building materials, and alternative transportation modes.

#### B. Applicability of Design Standards

The building design standards in this subsection apply to the development of one to four units when the closest wall of the street-facing façade is within 50 ft of a front or street side lot line and to dwellings in a cluster or grouping, either facing a shared open space (e.g., a common courtyard) or a pedestrian path. The site design standards apply to plex developments (i.e., two to four units).

##### 1. New construction

The full list of design standards applies to construction of new single detached and plex dwellings.

2. Expansions of single detached dwellings in Subsection 19.505.1.B.1 that add area to any street-facing façade are subject to the design standards as follows:

- a. Expansions that add 75 sq ft or less of street-facing façade area are exempt from all design standards in Subsection 19.505.1.
  - b. Expansions that add more than 75 sq ft and less than 200 sq ft of street-facing façade area are subject to Subsection 19.505.1.C.2 Eyes on the Street. The expanded façade area must meet the standards of Subsection 19.505.1.C.2 without consideration of the original street-facing façade area.
  - c. Expansions that add 200 sq ft or more of street-facing façade area are subject to the following design standards:
    - (1) The entire street-facing façade shall comply with Subsection 19.505.1.C.2 Eyes on the Street.
    - (2) Subsection 19.505.1.C.3 Main Entrance is applicable if an expansion would create a new main entrance. No expansion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the design standard.
    - (3) Subsection 19.505.1.C.1 Articulation is applicable for expansions that add 20 lineal ft or more to the length of the street-facing façade.
  - d. Subsection 19.505.1.C.4 Detailed Design is not applicable for expansions. However, no expansion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the Detailed Design standards.
  - e. Multiple expansions are allowed within a five-year period if the street-facing façade will comply with the design standards that would have been applicable if the expansions occurred at the same time.
  - f. Conversions of an attached garage to a habitable residential space. When applicable, the design standards apply only to the street-facing façade of the garage being converted. The following design standards are applicable:
    - (1) Subsection 19.505.1.C.3 Main Entrance is applicable if the garage conversion would create a new main entrance. No conversion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the design standard.
    - (2) Subsection 19.505.1.C.4 Detailed Design is not applicable. However, no conversion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the design standard.
3. Remodels, additions, and conversions that create new dwelling units.
- a. Internal conversion of an existing single detached dwelling, or an addition to an existing single detached dwelling, into a duplex, triplex, or quadplex (as provided in OAR 660-046-0230) is exempt from this section, provided that the conversion or addition does not increase nonconformance with applicable clear and objective standards. New duplexes, triplexes, and quadplexes created by adding square footage on a site occupied by an existing single detached dwelling must comply with this section.
  - b. Conversion of an existing accessory structure into a plex dwelling unit must meet the Eyes on the Street standard for the street-facing façade(s).

4. Placement of a new manufactured home on a lot outside of a manufactured home park is subject to the requirements of Section 19.506 and the standards of Subsection 19.505.1.

### C. Dwelling Standards

All buildings that meet the applicability provisions in Subsection 19.505.1.B must 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.

#### 1. Articulation

All buildings must incorporate design elements that break up all street-facing façades into smaller planes as follows. See Figure 19.505.1.C.1 for illustration of articulation.

- a. For buildings with 30-60 ft of street frontage, a minimum of one of the following elements must be provided along the street-facing façades:
  - (1) A porch at least 5 ft deep.
  - (2) A balcony that is at least 2 ft deep and is accessible from an interior room.
  - (3) A bay window that extends at least 2 ft wide.
  - (4) A section of the façade that is recessed by at least 2 ft deep and 6 ft long.
  - (5) A gabled dormer.
- b. For buildings with over 60 ft of street frontage, at least one element in Subsection 19.505.1.C.1.a(1)-(4) above must be provided for every 30 ft of street frontage. Elements must be distributed along the length of the façade so that there are no more than 30 ft between two elements.
- c. For buildings with less than 30 ft of street frontage, the building articulation standard is not applicable.

#### 3. Main Entrance

At least one main entrance must meet both of the following standards. See Figure 19.505.1.C.3 for illustration of main entrances. Dwellings on flag lots or back lots are exempt from these main entrance design standards.

- a. Be no further than 8 ft behind the longest street-facing wall of the building.
- b. Face the street, be at an angle of up to 45 degrees from the street, or open onto a porch. If the entrance opens up onto a porch, the porch must meet all of these additional standards:
  - (1) Be at least 25 sq ft in area with a minimum 4-ft depth.



- (2) Have at least one porch entry facing the street.
- (3) Have a roof that is no more than 12 ft above the floor of the porch.
- (4) Have a roof that covers at least 30% of the porch area.

#### 4. Detailed Design

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

- g. Clay tile, slate, or wood shingle roofs.
- q. The following design element counts as two elements. Dwelling must be built to meet universal access as follows:
  - a) Dwelling must have a bedroom on the ground floor.
  - b) A ramp complying with R311.8 Oregon Residential Specialty Code (ORSC) must be provided to the main entrance of the dwelling.
  - c) Doors must have a minimum clear width of 32 in.
  - d) Horizontal and vertical grab bars must be provided in one bathroom on the main floor at the toilet, bath and shower. (See ANSI A117-1 section 609 for size and location requirements.)

#### D. Site Design Standards

The site design standards do not apply to single detached dwellings, only to plex developments.

- 1. Minimum separation between detached units is 6 ft.
- 2. Pedestrian circulation

The on-site pedestrian circulation system must include the following:

- a. Continuous connections between the primary buildings, streets abutting the site, ground level entrances, common buildings, common open space, and vehicle and bicycle parking areas.
- b. At least one pedestrian connection to an abutting street frontage for each 200 linear ft of street frontage.
- c. Pedestrian walkways must be separated from vehicle parking and maneuvering areas by physical barriers such as planter strips, raised curbs, or bollards.
- d. Walkways must be constructed with a hard surface material, must be permeable for stormwater, and must be no less than 3 ft wide. If adjacent to a parking area where vehicles will overhang the walkway, a 7-ft-wide walkway must be provided. The walkways must be separated from parking areas and internal driveways using curbing, landscaping, or distinctive paving materials.

#### 3. Privacy and screening

- a. Mechanical and communication equipment and outdoor garbage and recycling areas must be screened so they are not visible from streets and common open spaces.
- b. Utilities such as transformers, heating and cooling, electric meters, and other utility equipment must not be located within 5 ft of a front entrance and must be screened with sight-obscuring materials.
- c. All fences on the interior of the development must be no more than 3 ft high. Fences along the perimeter of the development may be up to 6 ft high, except as restricted by Chapter 12.24 Clear Vision at Intersection. Chain-link fences are prohibited.

#### 4. Sustainability

In order to promote more sustainable development, plex developments must incorporate the following elements:

- a. Building orientation that does not preclude utilization of solar panels, or an ecoroof on at least 20% of the total roof surfaces.
- b. Windows that are operable by building occupants.
- c. Window orientation, natural shading, and/or sunshades to limit summer sun and to allow for winter sun penetration.

#### 5. Recycling areas

A recycling area or recycling areas within a plex development must meet the following standards:

- a. The recycling collection area must provide containers to accept the following recyclable materials: glass, newspaper, corrugated cardboard, tin, and aluminum.
- b. The recycling collection area must be located at least as close to the dwelling units as the closest garbage collection/container area.
- c. Recycling containers must be covered by either a roof or weatherproof lids.
- d. The recycling collection area must have a collection capacity of at least 100 cu ft in size for every 10 dwelling units or portion thereof.
- e. The recycling collection area must be accessible to collection service personnel between the hours of 6:00 a.m. and 6:00 p.m.
- f. The recycling collection area and containers must be labeled, to indicate the type and location of materials accepted, and properly maintained to ensure continued use by tenants.
- g. Fire Department approval will be required for the recycling collection area.
- h. Review and comment for the recycling collection area will be required from the appropriate franchise collection service.

### 19.505.3 Multi-Unit Housing

#### B. Applicability

- 4. Any activity not described in Subsections 19.505.3.B.1-3 is exempt from the design elements in this subsection.

**19.505.4 Cottage Cluster Housing**

Table 19.505.4.C.1 Cottage Cluster Development Standards		
Standards	R-MD	R-HD
A. Home Types		
1. Building types allowed, minimum and maximum number per cluster	Detached cottages 3 minimum 12 maximum dwelling units	Detached and Attached 3 minimum 12 maximum dwelling units
B. Home Size		
1. Max building footprint per home	900 sf	
2. Max average floor area per dwelling unit	1,400 sf	
C. Height		
1. Max height	25 ft or 2 stories, whichever is greater	
2. Max structure height between 5 & 10 ft of rear lot line	15 ft	
3. Max height to eaves facing common green	1.618 times the narrowest average width between two closest buildings	
D. Setbacks, Separations, and Encroachments		
1. Separation between structures (minimum)	6 ft	
2. Side and rear site setbacks	5 ft	
3. Front site setback (minimum)	10 ft	
4. Front site setback (maximum)	20 ft	
5. Separation between clusters (minimum)	10 ft	
E. Impervious Area, Vegetated Area		
1. Impervious area (maximum)	60%	65%
2. Vegetated site area (minimum)	35%	35%
F. Community and Common Space		
1. Community building footprint (maximum) <sup>1</sup>	1,000 sf	1,000 sf
2. Common Space	19.505.4.E.1	19.505.4.E.1
G. Parking (see also 19.505.1.D.3)		
1. Automobile parking spaces per primary home (minimum)	0.5	0.5
2. Dry, secure bicycle	1.5	

parking spaces per home (minimum)	
3. Guest bicycle parking spaces per home (minimum)	0.5

<sup>1</sup> Use of an existing home, per Subsection 19.505.4.E.4, as the community building is exempt from this standard. Community buildings are not required in a cottage cluster development.

#### D. Cottage Standards

##### 1. Size

The total footprint of a cottage unit must not exceed 900 sq ft, and the maximum average floor area for a cottage cluster is 1,400 sq ft per dwelling unit.

##### 2. Height

The height for all structures must not exceed 25 ft or two stories, whichever is greater.

##### 3. Orientation

a. Cottages must be clustered around a common courtyard, meaning they abut the associated common courtyard or are directly connected to it by a pedestrian path, and must meet the following standards:

(1) Each cottage within a cluster must either abut the common courtyard or must be directly connected to it by a pedestrian path.

(2) A minimum of 50% of cottages within a cluster must be oriented to the common courtyard and must:

(a) Have a main entrance facing the common courtyard;

(b) Be within 10 ft from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and

(c) Be connected to the common courtyard by a pedestrian path.

(3) Cottages within 20 ft of a street property line may have their entrances facing the street.

(4) Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that is directly connected to the common courtyard.

##### 4. Design

The design standards in this subsection apply to cottages when the closest wall of the street-facing façade is within 50 ft of a front or street side lot line, when the front of the cottage faces the street, and to dwellings in a cluster or grouping, either facing a shared open space (e.g. a common courtyard) or a pedestrian path. 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 19.505.4.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.

### 1. Articulation

All buildings must incorporate design elements that break up all street-facing façades into smaller planes as follows:

- a. For buildings with 30-60 ft of street frontage, a minimum of one of the following elements must be provided along the street-facing façades.
  - (1) A porch at least 5 ft deep.
  - (2) A balcony that is at least 2 ft deep and is accessible from an interior room.
  - (3) A bay window that extends at least 2 ft wide.
  - (4) A section of the façade that is recessed by at least 2 ft deep and 6 ft long.
  - (5) A gabled dormer.
- b. For buildings with less than 30 ft of street frontage, the building articulation standard is not applicable.

### 2. Eyes on the Street

At least 15% of the area of each street-facing façade must be windows or entrance doors.

- a. Windows used to meet this standard must be transparent and allow views from the building to the street. Glass blocks and privacy windows in bathrooms do not meet this standard.
- b. Half of the total window area in the door(s) of an attached garage counts toward the eyes on the street standard. All of the window area in the street-facing wall(s) of an attached garage count toward meeting this standard.
- c. Window area is considered the entire area within the outer window frame, including any interior window grid.
- d. Doors used to meet this standard must face the street or be at an angle of no greater than 45 degrees from the street.
- e. Door area is considered the portion of the door that moves. Door frames do not count toward this standard.

### 3. Main Entrance

At least one main entrance must meet both of the following standards.

- a. Be no further than 8 ft behind the longest street-facing wall of the building.
- b. Face the street, be at an angle of up to 45 degrees from the street, or open onto a porch. If the entrance opens up onto a porch, the porch must meet all of these additional standards.
  - (1) Be at least 25 sq ft in area with a minimum 4-ft depth.
  - (2) Have at least one porch entry facing the street.
  - (3) Have a roof that is no more than 12 ft above the floor of the porch.
  - (4) Have a roof that covers at least 30% of the porch area.

#### 4. Detailed Design

All buildings shall include at least five of the following features on any street-facing façade.

- a. Covered porch at least 5 ft deep, as measured horizontally from the face of the main building façade to the edge of the deck, and at least 5 ft wide.
- b. Recessed entry area at least 2 ft deep, as measured horizontally from the face of the main building façade, and at least 5 ft wide.
- c. Offset on the building face of at least 16 in from one exterior wall surface to the other.
- d. Dormer that is at least 4 ft wide and integrated into the roof form.
- e. Roof eaves with a minimum projection of 12 in from the intersection of the roof and the exterior walls.
- f. Roof line offsets of at least 2 ft from the top surface of one roof to the top surface of the other.
- g. Tile or wood shingle roofs.
- h. Horizontal lap siding between 3 to 7 in wide (the visible portion once installed). The siding material may be wood, fiber-cement, or vinyl.
- i. Brick, cedar shingles, stucco, or other similar decorative materials covering at least 40% of the street-facing façade.
- j. Gable roof, hip roof, or gambrel roof design.
- k. Window trim around all windows at least 3 in wide and 5/8 in deep.
- l. Window recesses, in all windows, of at least 3 in as measured horizontally from the face of the building façade.
- m. Balcony that is at least 3 ft deep, 5 ft wide, and accessible from an interior room.
- n. One roof pitch of at least 500 sq ft in area that is sloped to face the southern sky and has its eave line oriented within 30 degrees of the true north/south axis.
- o. Bay window at least 2 ft deep and 5 ft wide.
- p. Attached garage width, as measured between the inside of the garage door frame, of 35% or less of the length of the street-facing façade.

- q. The following design element counts as two elements. Dwelling must be built to meet universal access as follows:
  - a) Dwelling must have a bedroom on the ground floor.
  - b) A ramp complying with R311.8 Oregon Residential Specialty Code (ORSC) must be provided to the main entrance of the dwelling.
  - c) Doors must have a minimum clear width of 32 in.
  - d) Horizontal and vertical grab bars must be provided in one bathroom on the main floor at the toilet, bath and shower. (See ANSI A117-1 section 609 for size and location requirements.)

## E. Site Design and Other Standards

### 1. Number of Cottages Allowed

A cottage cluster must include a minimum of three cottages and a maximum of 12 cottages, subject to Table 19.505.4.B.1. Minimum separation between detached units is 6 ft.

### 2. Common Open Space

Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents. Common courtyards must meet the following standards:

- a. The common courtyard must be a single, contiguous piece.
- b. Cottages must abut the common courtyard on at least two sides of the courtyard.
- c. The common courtyard must contain a minimum of 150 sq ft per cottage within the associated cluster (as defined in Subsection 19.505.1.C.1).
- d. The common courtyard must be a minimum of 15 ft wide at its narrowest dimension.
- e. The common courtyard must be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard must not exceed 75% of the total common courtyard area.
- f. Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard must count toward the courtyard's minimum dimension and area. Parking areas, required setbacks between cottages, and driveways do not qualify as part of a common courtyard.

### 3. Pedestrian Circulation

The on-site pedestrian circulation system must include the following:

- a. Continuous connections between the primary buildings, streets abutting the site, ground level entrances, common buildings, common open space, and vehicle and bicycle parking areas.
- b. At least one pedestrian connection to an abutting street frontage for each 200 linear ft of street frontage.
- c. Pedestrian walkways must be separated from vehicle parking and maneuvering areas by physical barriers such as planter strips, raised curbs, or bollards.
- d. Walkways must be constructed with a hard surface material, must be permeable for stormwater, and must be no less than 3 ft wide. If adjacent to a parking area where vehicles will overhang the walkway, a 7-ft-wide walkway must be provided. The walkways must be separated from parking areas and internal driveways using curbing, landscaping, or distinctive paving materials.

### 4. Off-Street Parking

- a. There must be at least 0.5 off-street parking spaces per dwelling unit per Table 19.505.4.B.1. The parking space must be located together with parking spaces for other cottages in a common area, and not located on the same lot as an individual cottage unit.
- b. A cottage cluster parking area must be set back from the street. The distance of the setback is dependent on the orientation of the structure or lot. If the axis of the longest dimension of the parking area has an angle of 45 degrees or more to the lot line, the narrow dimension may be within 5 ft of the street. If the angle is less than 45 degrees, the parking area must be at least 20 ft from the street.
- c. If there are more than 8 units in a cottage cluster, there must be at least two separate parking areas with a minimum of four parking spaces in each area. A drive aisle connecting the two areas is permitted if a separate driveway access for each area is not permitted per Chapter 12.16 Access Management.
- d. Parking spaces may be located within a garage or a carport. Garages or carports in a cottage cluster may not contain more than four parking spaces, must be at least 10 ft from any cottage dwelling; and must match the materials, trim, and roof pitch of the cottages. The interior height of a garage or carport shall not exceed 8 ft high, unless a modification is requested for cases that would use space saving parking technology (e.g., interior car stacking) that might require additional interior height. This modification would be requested per Section 19.911 Variances.



e. Parking spaces that are not in a garage or carport must be screened from common open space, public streets, and adjacent residential uses by landscaping and/or screen, such as a fence. Chain-link fencing with slats are not allowed as a screen.

1. Off-street parking may be arranged in clusters, subject to the following standards:
  - i. Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than five contiguous spaces.
  - ii. Cottage cluster projects with 16 cottages or more are permitted parking clusters of not more than eight contiguous spaces.
  - iii. Parking clusters must be separated from other spaces by at least 4 ft of landscaping.
  - iv. Clustered parking areas may be covered.
3. Off-street parking spaces and vehicle maneuvering areas must not be located:
  - i. Within of 20 ft from any street property line, except alley property lines;
  - ii. Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.
  - iii. Off-street parking spaces must not be located within 10 ft of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 ft of other property lines.

## 5. Fences

All fences on the interior of the development shall be no more than 3 ft high. Fences along the perimeter of the development may be up to 6 ft high, except as restricted by Chapter 12.24 Clear Vision at Intersection. Chain-link fences are prohibited.

## 6. Conversions

A preexisting single detached dwelling may remain on a lot or parcel with a cottage cluster as described below:

- a. The preexisting single detached dwelling may be nonconforming with respect to the requirements of the applicable code;
- b. The preexisting single detached dwelling may be expanded up to the maximum height, footprint, or unit size required by the applicable code; however, a preexisting single detached dwelling that exceeds the maximum height, footprint, or unit size of the applicable code may not be expanded;

- c. The preexisting single detached dwelling may count as a unit in the cottage cluster or as the community building;
- d. The floor area of the preexisting single detached dwelling does not count towards any cottage cluster average or cottage cluster project average or total unit or community building size limits.

### **19.505.5 Townhouses**

#### **B. Applicability**

- 1. The standards of Subsection 19.505.5 apply to single dwellings on their own lot, where the dwelling shares a common wall across a side lot line with at least one other dwelling, and where the lots meet the standards for a townhouse lot in both Section 19.302 and Subsection 19.505.5.E. Townhouse development may take place on existing lots that meet the lot standards for townhouse lots or on land that has been divided to create new townhouse lots.
- 2. Development standards for townhouses are in Subsections 19.301.4 and 19.302.4.
- 3. Dwelling units that share a common side wall and are not on separate lots are subject to the standards for single detached dwellings, middle housing, or multi-unit housing.
- 4. Creation of new lots or parcels as part of a townhouse development is subject to the applicable land division process in Title 17 of this code.

#### **C. Townhouse Design Standards**

The design standards in this subsection apply to townhouses when the closest wall of the street-facing façade is within 50 ft of a front or street side lot line. 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 19.505.5.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.

##### **1. Articulation**

All buildings must incorporate design elements that break up all street-facing façades into smaller planes as follows.

- a. For buildings with 30-60 ft of street frontage, a minimum of one of the following elements must be provided along the street-facing façades.
  - (1) A porch at least 5 ft deep.
  - (2) A balcony that is at least 2 ft deep and is accessible from an interior room.
  - (3) A bay window that extends at least 2 ft wide.
  - (4) A section of the façade that is recessed by at least 2 ft deep and 6 ft long.
  - (5) A gabled dormer.

- b. For buildings with less than 30 ft of street frontage, the building articulation standard is not applicable.

## 2. Eyes on the Street

At least 15% of the area of each street-facing façade must be windows or entrance doors.

- a. Windows used to meet this standard must be transparent and allow views from the building to the street. Glass blocks and privacy windows in bathrooms do not meet this standard.
- b. Half of the total window area in the door(s) of an attached garage counts toward the eyes on the street standard. All of the window area in the street-facing wall(s) of an attached garage count toward meeting this standard.
- c. Window area is considered the entire area within the outer window frame, including any interior window grid.
- d. Doors used to meet this standard must face the street or be at an angle of no greater than 45 degrees from the street.
- e. Door area is considered the portion of the door that moves. Door frames do not count toward this standard.

## 3. Main Entrance

At least one main entrance must meet both of the following standards.

- a. Be no further than 8 ft behind the longest street-facing wall of the building.
- b. Face the street, be at an angle of up to 45 degrees from the street, or open onto a porch. If the entrance opens up onto a porch, the porch must meet all of these additional standards.
  - (1) Be at least 25 sq ft in area with a minimum 4-ft depth.
  - (2) Have at least one porch entry facing the street.
  - (3) Have a roof that is no more than 12 ft above the floor of the porch.
  - (4) Have a roof that covers at least 30% of the porch area.

## 4. Detailed Design

All buildings shall include at least five of the following features on any street-facing façade.

- a. Covered porch at least 5 ft deep, as measured horizontally from the face of the main building façade to the edge of the deck, and at least 5 ft wide.
- b. Recessed entry area at least 2 ft deep, as measured horizontally from the face of the main building façade, and at least 5 ft wide.
- c. Offset on the building face of at least 16 in from one exterior wall surface to the other.

- d. Dormer that is at least 4 ft wide and integrated into the roof form.
- e. Roof eaves with a minimum projection of 12 in from the intersection of the roof and the exterior walls.
- f. Roof line offsets of at least 2 ft from the top surface of one roof to the top surface of the other.
- g. Tile or wood shingle roofs.
- h. Horizontal lap siding between 3 to 7 in wide (the visible portion once installed). The siding material may be wood, fiber-cement, or vinyl.
- i. Brick, cedar shingles, stucco, or other similar decorative materials covering at least 40% of the street-facing façade.
- j. Gable roof, hip roof, or gambrel roof design.
- k. Window trim around all windows at least 3 in wide and 5/8 in deep.
- l. Window recesses, in all windows, of at least 3 in as measured horizontally from the face of the building façade.
- m. Balcony that is at least 3 ft deep, 5 ft wide, and accessible from an interior room.
- n. One roof pitch of at least 500 sq ft in area that is sloped to face the southern sky and has its eave line oriented within 30 degrees of the true north/south axis.
- o. Bay window at least 2 ft deep and 5 ft wide.
- p. Attached garage width, as measured between the inside of the garage door frame, of 35% or less of the length of the street-facing façade.
- q. The following design element counts as two elements. Dwelling must be built to meet universal access as follows:
  - a) Dwelling must have a bedroom on the ground floor.
  - b) A ramp complying with R311.8 Oregon Residential Specialty Code (ORSC) must be provided to the main entrance of the dwelling.
  - c) Doors must have a minimum clear width of 32 in.
  - d) Horizontal and vertical grab bars must be provided in one bathroom on the main floor at the toilet, bath and shower. (See ANSI A117-1 section 609 for size and location requirements.)

5. Townhouses must include an area of transition between the public realm of the right-of-way and the entry to the private dwelling. The entry may be either vertical or horizontal, as described below.

- a. A vertical transition shall be an uncovered flight of stairs that leads to the front door or front porch of the dwelling. The stairs must rise at least 3 ft, and not more than 8 ft, from grade. The flight of stairs may encroach into the required front yard, and the bottom step must be at least 4 ft from the front lot line.
- b. A horizontal transition shall be a covered porch with a depth of at least 6 ft. The porch may encroach into the required front yard, but it must be at least 4 ft from the front lot line.

**D. Number of Townhouses Allowed**

In the High Density Zone, no more than four consecutive townhouses that share a common wall(s) are allowed. A set of four townhouses with common walls is allowed to be adjacent to a separate set of four townhouses with common walls.

In the R-MD zone, the maximum number of consecutive attached townhouses is four.

**E. Townhouse Lot Standards**

1. Townhouse development is allowed only where there are at least two abutting lots on the same street frontage whose street frontage, lot width, lot depth, and lot area meet or exceed the base zone requirements listed in Tables 19.301.4 and 19.302.4.
2. Townhouse development must meet the minimum lot size of 1,500 sq ft.

**F. Driveway Access and Parking**

1. Garages on the front façade of a townhouse, off-street parking areas in the front yard, and driveway accesses in front of a townhouse are prohibited unless the following standards are met. See Figure 19.505.5.F.1.
  - a. Development of two or three townhouses has at least one shared access between the lots, and development of four townhouses has two shared accesses.
  - b. Outdoor on-site parking and maneuvering areas do not exceed 10 ft wide on any lot.
  - c. The garage width does not exceed 12 ft, as measured from the inside of the garage door frame.
  - d. Shared accesses are spaced a minimum of 24 ft apart.

**19.507 HOME OCCUPATION STANDARDS**

It is the intent of these regulations to support and encourage home occupations but at the same time protect the residential character of the City's residential neighborhoods. A home occupation shall be allowed as an accessory use to all residential uses permitted by right, subject to the following restrictions. Home occupation businesses, that are not clearly accessory and incidental to the residential use, are prohibited. All activities permitted under this section must be consistent with this section.

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**CHAPTER 19.900 LAND USE APPLICATIONS****19.910 RESIDENTIAL DWELLINGS****19.910.0 Accessory Dwelling Units****E. Standards****4. Standards for Detached Accessory Dwelling Units****c. design standards**

(1) A detached accessory dwelling unit must include at least 2 of the design details listed below. An architectural feature may be used to comply with more than one standard.

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**19.911 Variances****19.911.4 Approval Criteria****A. Type II Variances**

An application for a Type II variance shall be approved when all of the following criteria have been met:

1. The proposed variance, or cumulative effect of multiple variances, will not be detrimental to surrounding properties, natural resource areas, or public health, safety, or welfare.
  2. The proposed variance will not interfere with planned future improvements to any public transportation facility or utility identified in an officially adopted plan such as the Transportation System Plan or Water Master Plan.
  3. Where site improvements already exist, the proposed variance will sustain the integrity of, or enhance, an existing building or site design.
  4. Impacts from the proposed variance will be mitigated to the extent practicable.
  5. The proposed variance would allow the development to preserve a priority tree or trees, or provide more opportunity to plant new trees to achieve 40% canopy, as required by Chapter 16.32 (when applicable).
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**CHAPTER 19.1000 REVIEW PROCEDURES****19.1006 TYPE III REVIEW****19.1006.3 Type III Public Notice****D. Mailed Notice****3. Notice requirements specific to Zoning Map amendments are as follows:**

b. A Measure 56 notice that conforms to Subsection 19.1008.3.D shall be mailed at least 20 days, but not more than 40 days, prior to the first public hearing on the application to all owners of property affected by the proposal. A Measure 56 notice is not required for owner-initiated zoning map amendments when the subject property or properties are owned by a single person or entity.

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**19.1010 APPEALS****19.1010.7 Notice of Decision**

A. Written notice of decision shall be mailed to the following parties within 7 days of the date of the decision:

1. The applicant and/or the applicant's authorized representative.
2. The owner(s) of record of the subject property.
3. Any group or individual who submitted written comments at or prior to any public hearing.
4. Any group or individual who submitted oral testimony during any public hearing.
5. Any governmental agency that is entitled to receive notice per the municipal code or has requested notice of the decision.
6. Any group or individual who requested notice of the decision, including those who signed the attendance sheet at any public hearing on the application.

B. The notice of decision shall include the following:

1. A description of the proposal with sufficient detail to explain the project background.

2. A description of the hearings and process to date.
3. A statement of the limitations on evidence.
4. A statement of the applicable criteria, findings, and conditions of approval.
6. A statement that only persons who submitted comments or made an appearance of record at a public hearing on the application have standing to appeal the decision by filing a written appeal within the appeal period for the Land Use Board of Appeals.
7. A statement that the complete case file is available for review, including findings, conclusions, and conditions of approval, if any. The notice shall list when and where the case file is available and the name and telephone number of the City representative to contact about reviewing the case file.
8. A summary of the requirements for appealing the decision to the Land Use Board of Appeals.

#### **19.1010.8 Remand from the Land Use Board of Appeals**

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### **CHAPTER 19.1100 ANNEXATIONS AND BOUNDARY CHANGES**

#### **19.1102 ANNEXATIONS**

##### **19.1102.1 Administration and Approval Process**

E. Annexation petitions are exempt from the requirements of ORS 227.178 that the city must take final action on the application within 120 days after the application is deemed complete.

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#### **19.1203 SOLAR ACCESS FOR NEW DEVELOPMENT**

##### **19.1203.4 Exemptions from Design Standard**

A development is exempt from Subsection 19.1203.3 if the Planning Manager finds the applicant has shown that one or more of the following conditions apply to the site. A development is partially exempt from Subsection 19.1203.3 to the extent the Planning Manager finds the applicant has shown that one or more of the following conditions apply to a corresponding portion of the site. If a partial exemption is granted for a given development, the remainder of the development shall comply with Subsection 19.1203.3.

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The following sections relate to re-naming the HDR zone to R-HD only.

#### 14.040.030 Definitions

“Residential zones” means the R-MD and R-HD Residential Zones as defined in the Zoning Ordinance.

#### 14.16.020 HIGH DENSITY RESIDENTIAL ZONE

No sign shall be installed or maintained in the R-HD Zone, except as allowed under Section 14.12.010 Exempted Signs, or as otherwise noted in Table 14.16.020.

**Table 14.16.020 Standards for Signs in High Density Residential Zone R-HD**

Table 19.107.1 Classification of Zones	
Zone Description	Abbreviated Description
<b>Base Zones</b>	
Residential	R-MD
Residential	R-HD

#### 19.302 HIGH DENSITY RESIDENTIAL ZONES

The high density residential zones is Residential Zone R-HD. This zone implements the high density residential land use designations in the Milwaukie Comprehensive Plan.

Table 19.302.2 High Density Residential Uses Allowed		
Use	R-HD	Standards/ Additional Provisions
<b>Residential Uses</b>		
Use	R-HD	Standards/ Additional Provisions

Table 19.302.4 High Density Residential Development Standards		
Standard	R-HD	Standards/ Additional Provisions

Table 19.505.4.C.1 Cottage Cluster Development Standards		
Standards	R-MD	R-HD
<b>A. Home Types</b>		
1. Building types allowed, minimum and maximum number per cluster	Detached cottages 3 minimum 12 maximum dwelling units	Detached and Attached 3 minimum 12 maximum dwelling units

Table 19.904.10.C Wireless Communication Facilities—Type and Review Process				
Towers		WCFs Not Involving New Tower		
Zones	New Monopole Tower up to 100 Ft	Building Rooftop or Wall Mounted Antenna	Water Towers, Existing Towers, and Other Stealth Designs	On Existing Utility Pole in Row with or w/out Extensions
R-HD	N	P/I/II	P/I/II	P/I/II

F. Location and Size Restrictions

2. Height: maximum heights. Also see Table 19.904.10.C.

a. Height Restrictions

The maximum height limitation of the monopole tower and antennas shall not exceed the following:

(1) BI, M, NME, and MUTSA Zones: 100 ft.

(2) New towers are not permitted in the R-HD, R-MD, GMU, NMU, C-N, C-G, C-L, OS, and DMU Zones.

**19.1104.1 Administration and Approval Process**

Table 19.1104.1.E Zoning and Land Use Designations for Boundary Changes		
County Zoning Designation	Assigned City Zoning Designation	Assigned Comprehensive Plan Land Use Designation
R-20	R-MD	Moderate density residential

R-15	R-MD	Moderate density residential
R-10	R-MD	Moderate density residential
R-8.5	R-MD	Moderate density residential
R-7	R-MD	Moderate density residential
MR1	R-HD	High density residential
MR2	R-HD	High density residential
PMD	R-HD	High density residential
HDR	R-HD	High density residential
SHD	R-HD	High density residential

Milwaukie Zoning Map  
Proposed Amendments

- City of Milwaukie
- County Boundary
- MUTSA
- BI
- GMU
- C-CS
- DMU
- C-G
- C-L
- C-N
- NMU
- OS
- M
- NME
- R-MD
- R-HD



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

Date: Wednesday, November 16, 2022

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) 786-7687

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