

Regular Session

RS

Milwaukie City Council

COUNCIL REGULAR SESSION

City Hall Council Chambers, 10722 SE Main Street
& Zoom Video Conference (www.milwaukieoregon.gov)

AGENDA

MAY 3, 2022

Council will hold this meeting in-person and through video conference. The public may attend the meeting by coming to City Hall or joining the Zoom webinar, or watch the meeting on the [city's YouTube channel](#) or Comcast Cable channel 30 in city limits. **For Zoom login** visit <https://www.milwaukieoregon.gov/citycouncil/city-council-regular-session-323>.

To participate in this meeting by phone dial 1-253-215-8782 and enter Webinar ID 831 8669 0512 and Passcode: 023745. To raise hand by phone dial *9.

Written comments may be delivered to City Hall or emailed to ocr@milwaukieoregon.gov. Council will take verbal comments.

Note: agenda item times are estimates and are subject to change.

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1. **CALL TO ORDER** (6:00 p.m.)
 - A. **Pledge of Allegiance**
 - B. **Native Lands Acknowledgment**
2. **ANNOUNCEMENTS** (6:01 p.m.) 1
3. **PROCLAMATIONS AND AWARDS**
 - A. **Poppy Day – Proclamation** (6:05 p.m.) 4
Presenter: American Legion Post 180
 - B. **Wildlife Awareness Month – Proclamation** (6:10 p.m.) 5
Presenter: Clackamas Fire District #1 (CFD1)
 - C. **Mental Health Awareness Month – Proclamation** (6:20 p.m.) 6
Staff: Ryan Burdick, Police Captain
 - D. **National Law Enforcement Week – Proclamation** (6:25 p.m.) 7
Staff: Robbie Graves, Police Captain
 - E. **Public Service Recognition Week – Proclamation** (6:30 p.m.) 8
Presenter: Lisa Batey, City Councilor
4. **SPECIAL REPORTS**
 - A. **None Scheduled.**
5. **COMMUNITY COMMENTS** (6:35 p.m.)

To speak to Council, please submit a comment card to staff. Comments must be limited to city business topics that are not on the agenda. A topic may not be discussed if the topic record has been closed. All remarks should be directed to the whole Council. The presiding officer may refuse to recognize speakers, limit the time permitted for comments, and ask groups to select a spokesperson. **Comments may also be submitted in writing before the meeting, by mail, e-mail (to ocr@milwaukieoregon.gov), or in person to city staff.**

6. **CONSENT AGENDA** (6:40 p.m.)
 Consent items are not discussed during the meeting; they are approved in one motion and any Council member may remove an item for separate consideration.
- A. **Approval of Council Meeting Minutes of:** 10
 - 1. **March 29, 2022, special session,**
 - 2. **April 5, 2022, work session, and**
 - 3. **April 5, 2022, regular session.**
 - B. **Authorization of a Contract for Dispatch Services – Resolution** 27
 - C. **Authorization of a Contract for Printer Services – Resolution** 38
7. **BUSINESS ITEMS**
- A. **CenturyLink Franchise Amendment – Ordinance** (6:45 p.m.) 59
 Staff: Jennifer Garbely, Assistant City Engineer
 - B. **Economic Development Update – Discussion** (7:15 p.m.) 74
 Staff: Janine Gates, Housing & Economic Development Program Manager
8. **PUBLIC HEARINGS**
- A. **Comprehensive Plan Implementation, Housing and Parking Code Amendments (continued) – Ordinance, second reading** (8:00 p.m.) 99
 Staff: Vera Koliass, Senior Planner
9. **COUNCIL REPORTS** (8:15 p.m.)
- A. **Compensation for Future City Council Members – Discussion** (8:15 p.m.)
 Presenter: Mark Gamba, Mayor
10. **ADJOURNMENT** (8:30 p.m.)

Executive Session

After the regular session Council will meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660 (2)(h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

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 or phone at 503-786-7502. To request Spanish language translation services email 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 o llame al 503-786-7502. Para solicitar servicios de traducción al español, envíe un correo electrónico a 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.

Executive Sessions

The City Council may meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660(2); all discussions are confidential; news media representatives may attend but may not disclose any information discussed. Final decisions and actions may not be taken in executive sessions.



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Announcements



Mayor's Announcements – May 3, 2022

- **Visit Engage Milwaukie (engage.milwaukieoregon.gov) to Participate in Two New Projects**
 - **Officer Body-Worn Camera Program**
 - Learn more, join the conversation, and ask questions
 - **Scott Park (Next to Ledding Library) – Milwaukie Park Development Project**
 - Take a short survey to let us know what you would like to see in the park
- **Friends of the Ledding Library Plant Sale – May 7 & 8 (9 AM – 4 PM) / May 14 (10 AM – 1 PM)**
 - Milwaukie Floral and Garden, 3306 SE Lake Rd.
 - Shopping is by appointment and masks are recommended
 - Book your 30-minute slot at leddingfriends.youcanbook.me
 - Interested in volunteering or have questions – leddingfriends.plantsale@gmail.com or 503-786-7580.
- **Budget Committee Meetings – May 7 (9 AM) / May 14 (9AM) if needed**
 - Budget deliberations and public comment continues
 - In person at Milwaukie City Hall, Council Chambers (10722 SE Main St.) or by video conference
- **Book Sale (Weather Permitting) – Sundays (May through October) – 9:30 AM to 2 PM**
 - Ledding Library (10660 SE 21st Ave.) next to the outdoor amphitheater at north end of library
 - Sales of donated books benefit library programs and purchases
 - Learn more at www.leddingfriends.org
- **Ardenwald-Johnson Creek Plant Sale – Sunday, May 22 (11 AM – 5 PM)**
 - Support the development of Balfour Park at the neighborhood's annual plant sale
 - Sale takes place at 3012 & 3026 SE Balfour St.
 - For more information visit www.ardenwald.org
- **LEARN MORE AT [WWW.MILWAUKIEOREGON.GOV](https://www.milwaukieoregon.gov) OR CALL 503-786-7555**



RS Agenda Item

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Proclamations & Awards

PROCLAMATION

WHEREAS the United States of America is an enduring symbol of freedom, protected willingly by citizen soldiers who have answered the call to serve; and

WHEREAS we must never forget the sacrifices of war and the debt owed to those who defended our right to life, liberty, and the pursuit of happiness; and

WHEREAS the red poppy flower memorializes the lives laid to rest in Flanders Field during the First World War and in other conflicts since then; and

WHEREAS the American Legion Auxiliary works to remind all Americans of the sacrifices of those who serve by annually distributing red poppy flowers; and

WHEREAS the City of Milwaukie and American Legion Post 180 have worked to commemorate and honor those who served in the Vietnam War; and

WHEREAS May 31, 2022, Memorial Day, is a time for all Americans to give thanks for the men and women who have died in the armed services of this nation, and to mark the occasion by lowering national, state, city, and organizational flags to half-staff; and

WHEREAS the City of Milwaukie and American Legion Post 180 wish to pay tribute to those who made the ultimate sacrifice in the name of our freedom.

NOW, THEREFORE, I, Mark Gamba, Mayor of the City of Milwaukie, a municipal corporation in the County of Clackamas, in the State of Oregon, do hereby proclaim **May 31, 2022**, as **Poppy Day** in the City of Milwaukie.

IN WITNESS, WHEREOF, and with the consent of the City Council of the City of Milwaukie, I have hereunto set my hand on this 3rd day of May 2022.

Mark Gamba, Mayor

ATTEST:

Scott Stauffer, City Recorder



 **AMERICAN
LEGION**

Milwaukie Post 180

2146 SE Monroe St.
Milwaukie, OR 97222
503-659-1300

Web: alpost180.org

Facebook: [alpost180milwaukieor](https://www.facebook.com/alpost180milwaukieor)

Honor Guard Contact:

Jerry Craig: 503-723-9988
squish5213@comcast.net

Available Post Services:

- ★ *Rifle Volley* ★ *TAPS*
- ★ *Flag Folding* ★ *Chaplain*
- ★ *Celebration of Life*
- ★ *Ceremonial Flag Postings*

Defense Authorization Act for fiscal 2000 directed the playing of Taps at veterans' military funerals.

Flag Folding:

Once the flag is removed from the casket or taken from the cremation urn table it will be carefully folded by the honor guard. When the flag is completely folded, the stars are uppermost, reminding us of our national motto, "***In God We Trust.***"

The completely folded and tucked in flag has the appearance of a cocked hat, ever reminding us of the soldiers who served under General George Washington and the sailors and Marines who served under Captain John Paul Jones and were followed by their comrades and shipmates in the United States Armed Forces, preserving for us the rights, privileges and freedoms we enjoy today.

Military Burial Honors

Traditional grave site military funeral honors include: **1)** three rifle volleys, **2)** the playing of Taps, and **3)** the silent folding and presentation of a United States Flag.

By law, military units are required to provide, at a minimum, a two-person uniformed detail to present the **core elements** of a funeral honors ceremony. The core elements only include the playing of Taps, the folding and presentation of the United States flag. A uniformed representative from the veteran's service will present the flag.

Rifle Salute:

Although the Rifle Salute is not currently a part of the core elements of military burial honors, it is considered by many to be an important tradition. On request, Post 180's Honor Guard can provide this service. At

most military funerals what many mistake for a 21-gun salute is actually an honor guard team firing three rifle volleys. This tradition comes from traditional battle ceasefires where each side would pause and clear their dead from the battlefield. The firing of three volleys indicated that the dead were cleared and properly cared for. Three casings from the rifle volley are usually presented to the next of kin and represent: ***Duty, Honor, and Country.***

Taps:

The version of Taps we know today was officially recognized by the United States Army in 1874. Beginning in 1891, the playing of Taps became standard at military funeral ceremonies and was legislated in 2013 as the "***National Song of Military Remembrance.***" The National

PROCLAMATION

WHEREAS wildfires increasingly pose a threat to homes and communities throughout the American West, as more people move into wildland areas and as more wildfires are caused by human activity; and

WHEREAS this unprecedented growth of the wildland-urban interface has elevated the need for wildfire prevention and preparedness at both the community and individual homeowner levels; and

WHEREAS a long-term climate trend and the build-up of forest fuels have further increased the wildfire risk, which coupled with the expansion of the wildland-urban interface are challenging efforts to protect people, property, and natural resources; and

WHEREAS wildfires are an essential ecosystem process which cannot be excluded from our landscapes, therefore coordinated education concerning how, where, and why wildfires burn, as well as collaborated efforts to increase survivability of homes and property are critical to co-existing in a fire environment; and

WHEREAS the City of Milwaukie and Clackamas Fire District #1, in coordination with state and federal partners, support the work to increase awareness of wildfires.

NOW, THEREFORE, I, Mark Gamba, Mayor of the City of Milwaukie, a municipal corporation in the County of Clackamas, in the State of Oregon, do hereby proclaim May 2022 to be **WILDFIRE AWARENESS MONTH** in *The Dogwood City of the West*.

IN WITNESS, WHEREOF, and with the consent of the City Council of the City of Milwaukie, I have hereunto set my hand on this 3rd day of May 2022.

Mark Gamba, Mayor

ATTEST:

Scott Stauffer, City Recorder

PROCLAMATION

WHEREAS mental health is part of everyone's overall health and wellbeing, and mental illnesses are prevalent in our county, state, and nation, with one in five adults experiencing a mental health issue every year, and

WHEREAS stigma and the resulting discrimination is a primary obstacle to early identification and effective treatment of individuals with mental illness and their ability to recover to lead full, productive lives, and

WHEREAS approximately half of chronic mental illness begins by the age of 14 and suicide is the second leading cause of death of people ages 10 to 24, and

WHEREAS long delays of sometimes decades often occur between the time symptoms first appear and when individuals get help, and it is important to maintain mental health, learn the symptoms of mental illness to get help, and cure the stigma and discrimination that too often interferes, and

WHEREAS every citizen and community can make a difference in helping cure the stigma and discrimination that for too long has surrounded mental illness and discouraged people from getting help, and

WHEREAS public education and civic activities can encourage mental health and help improve the lives of individuals and families affected by mental illness.

NOW, THEREFORE, I, Mark Gamba, Mayor of the City of Milwaukie, a municipal corporation in the County of Clackamas, in the State of Oregon, do hereby proclaim May 3rd, 2022, as **Mental Health Awareness Month** in Milwaukie to increase public understanding of the importance of mental health, to promote identification and treatment of mental illnesses, and to cure the resulting stigma and discrimination.

IN WITNESS, WHEREOF, and with the consent of the City Council of the City of Milwaukie, I have hereunto set my hand on this 3rd day of May 2022.

Mark Gamba, Mayor

ATTEST:

Scott Stauffer, City Recorder

May is Mental Health Awareness Month in Milwaukie!

YOU
ARE
NO
T
ALON
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EDUCATION



SUPPORT



ADVOCACY

YOU ARE NOT ALONE.

NAMI Clackamas is a grassroots, non-profit organization dedicated to improving the quality of life for everyone with mental health issues through education, support, and advocacy, offered free of charge, and delivered for and by people with lived experience since 1978.

CLASSES
SUPPORT
GROUPS
SEMINARS
RESOURCES



EDUCATION



SUPPORT



ADVOCACY

www.namicc.org

PROCLAMATION

WHEREAS since the first recorded death in 1791, more than 20,000 Law Enforcement Officers in the United States have made the ultimate sacrifice in the line of duty, and

WHEREAS nationally, gunfire continues to be the number one cause of line of duty death for police officers, and

WHEREAS the Oregon Fallen Officer Memorial contains over 180 names of fallen Oregon officers including Sgt. James Worell of the Milwaukie Police Department who died on December 31st, 1953, and

WHEREAS there have already been 92 officers killed in the line of duty across the nation in 2022, and

WHEREAS the People of Milwaukie wish to express their greatest appreciation for the sacrifice and service of those officers.

NOW, THEREFORE, I, Mark Gamba, Mayor of the City of Milwaukie, a municipal corporation in the County of Clackamas, in the State of Oregon, do hereby proclaim May 11th through May 17th, to be **National Law Enforcement Week** in Milwaukie.

IN WITNESS, WHEREOF, and with the consent of the City Council of the City of Milwaukie, I have hereunto set my hand on this 3rd day of May 2022

Mark Gamba, Mayor

ATTEST:

Scott Stauffer, City Recorder



PROCLAMATION

WHEREAS the week of May 1 through May 7, 2022, has been designated as “Public Service Recognition Week” to recognize and promote the important contributions of public service and to honor the diverse women and men who meet the needs of our country through service at federal, state, and local government levels, and

WHEREAS public service is a noble calling involving a variety of challenging and rewarding professions, and Milwaukie’s approximately 150 employees year after year provide a range of essential functions to our community, from public safety to ensuring safe water and public sanitation, to planning, engineering, and building services, to libraries and public spaces, and

WHEREAS Milwaukie’s public servants have worked and continue to work to help our community cope with the challenges from the COVID–19 pandemic, allowing essential services to continue as well as providing support for local businesses and residents economically impacted by the pandemic, and

WHEREAS public servants (1) have much to offer, as demonstrated by their dedication, expertise, and innovative ideas, and (2) serve as examples by passing on institutional knowledge to train the next generation of public servants.

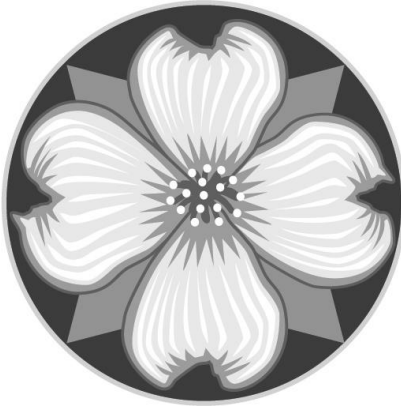
NOW, THEREFORE, I, Mark Gamba, Mayor of the City of Milwaukie, a municipal corporation in the County of Clackamas, in the State of Oregon, do hereby proclaim May 1st through 7th, 2022, to be **PUBLIC SERVICE RECOGNITION WEEK** and commend Milwaukie’s public servants for their outstanding contributions during Public Service Recognition Week and throughout the year, especially during the ongoing COVID–19 crisis and I call upon a new generation to consider a career in public service as an honorable profession.

IN WITNESS, WHEREOF, and with the consent of the City Council of the City of Milwaukie, I have hereunto set my hand on this 3rd day of **May 2022**.

Mark Gamba, Mayor

ATTEST:

Scott Stauffer, City Recorder



RS Agenda Item

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Consent Agenda

COUNCIL SPECIAL SESSION

City Hall Council Chambers, 10722 SE Main Street
& Zoom Video Conference (www.milwaukieoregon.gov)

MINUTES

MARCH 29, 2022

Council Present: Councilors Lisa Batey, Angel Falconer, Desi Nicodemus, Council President Kathy Hyzy, and Mayor Mark Gamba

Staff Present:

Community Development Joseph Briglio	Urban Forester Courtney Wilson
City Attorney Justin Gericke	Climate and Natural Resources Manager
Natural Resources Technician Galen Hoshovsky	Natalie Rogers
Deputy City Recorder Nicole Madigan	Code Compliance Coordinator Tim Salyers
City Manager Ann Ober	City Recorder Scott Stauffer
Public Works Director Peter Passarelli	Planning Manager Laura Weigel

Mayor Gamba called the meeting to order at 5:04 p.m.

1. Call to Order

A. Pledge of Allegiance.

B. Native Lands Acknowledgment.

2. Comprehensive Plan Implementation, Housing and Parking Code Amendments (continued) – Ordinance and Resolution

Call to Order: **Mayor Gamba** called the continued public hearing on the proposed housing and parking code amendments, file #ZA-2021-002, to order at 5:08 p.m.

Purpose: **Mayor Gamba** announced that the purpose of the hearing was to receive an update from staff, take additional public comment, and continue deliberation.

Conflict of Interest: No Council member declared a conflict of interest.

Staff Presentation: **Kolias** noted previous Council hearings and discussion on the parking and housing code amendments. **Ober** and **Kolias** reviewed the timeline for Council to finish deliberations and adopt the code changes.

Correspondence: Staff reported that one anonymous letter had been sent to Council regarding the hearing topics and the group remarked on whether unnamed correspondence should be included in the meeting record.

Conduct of Hearing: **Mayor Gamba** reviewed the public comment procedures.

Audience Testimony: **Garylynn Woodsong**, accessory dwelling unit (ADU) study consultant, noted that the study recommendations to allow ADUs anywhere in the city and provide an approval process for carriage house ADUs had not been included in the proposed code and encouraged Council to include the study recommendations.

Staff Response to Testimony: **Kolias** reported that the Planning Commission had considered allowing ADUs to be built in a front yard and Council could add language to the code to allow them. The group commented on what the code currently allowed and what the changes proposed in terms of new ADUs and converting garages to carriage houses.

Questions from Council to Staff: **Councilor Batey** remarked on the lack of recent discussion about cottage cluster and townhome housing. **Batey** and **Kolias** discussed cottage cluster sustainability design and land development standards.

Councilor Batey, Kolias, and Mayor Gamba remarked on the maximum number of units a single cottage cluster could include.

Councilor Batey, Kolias, and Council President Hyzy discussed the proposed calculation for determining maximum building height for cottage cluster housing.

Councilor Batey, Kolias, and Mayor Gamba remarked on why the proposed code would limit a front yard to 10-feet instead of setting the length at a minimum of 10-feet. They also commented on cottage cluster community building setbacks.

Gericke recommended that Council move to close the public comment and begin deliberation given the nature of Council's discussion.

Close Public Comment: **It was moved by Council President Hyzy and seconded by Councilor Falconer to close the public comment part of the hearing on the proposed housing and parking code amendments for today. Motion passed with the following vote: Councilors Batey, Nicodemus, Falconer, and Hyzy and Mayor Gamba voting "aye." [5:0]**

Mayor Gamba closed the public comment part of the hearing at 5:39 p.m.

Council Discussion: The group continued to discuss allowing an existing house that becomes part of a cottage cluster development to be considered a community house. It was Council consensus that the code should set the cottage cluster housing front yard setback to a maximum length of 20-feet and a minimum length of 10-feet.

The group remarked on why the proposed code referred to lot coverage and impervious areas in different places, noting differences in cottage cluster housing units versus other communal areas. They discussed calculations for determining resident and community bike parking spaces per housing unit, whether the proposed parking design rules would make it harder for disabled individuals to visit or live in cottage cluster housing and whether the code should follow universal access rules, and how Oregon House Bill (HB) 2001 housing requirements impacted the proposed design rules. It was Council consensus that the code should include universal accessibility design standards.

Councilor Batey and Kolias discussed whether the code would allow cottage cluster housing to have garages and not just covered parking spaces and it was Council consensus to allow garages for cottage cluster housing.

The group remarked on Council's pace in considering changes to the proposed code.

Councilor Batey and Kolias noted that townhomes were required to be on separate lots and the code treats modular and manufactured homes the same.

The group noted that buildings in higher density zones could be as tall as 55-feet and **Councilor Batey** expressed concern about stacked tri- or quadplexes being that high. **Councilor Falconer** observed that high density zone building heights were not part of the proposed code package and suggested that Council not discuss those issues now.

The group discussed allowing 3,000 square foot lots to become middle housing developments and Councilor Batey's suggestion that the minimum lot size for middle housing developments be 5,000 square feet. They remarked on the real estate market's impact on middle housing projects, how to incentivize affordable housing types, and what would happen to existing small lot non-conforming middle housing units. It was Council consensus that the proposed code should not allow single-family units on lots less than 5,000 square feet but would allow multi-family housing.

Mayor Gamba recessed the meeting at 6:30 p.m. and reconvened at 6:37 p.m.

Councilor Batey agreed with the original staff recommendation that the city require one onsite parking space per housing unit, which the Planning Commission had removed from the proposed code. **Batey** remarked on the Commission's parking requirement discussion, the likelihood of middle housing units being built in Milwaukie and suggested that requiring off-street parking would not hinder developers from building new houses.

Councilors Falconer and Batey commented on whether residential streets had existing parking issues and discussed existing code requirements for on-site parking for single family residential units that would not be changing. **Falconer** and **Kolias** noted how much onsite parking HB2001 required per unit for middle housing types.

The group discussed the status of a Portland General Electric (PGE) pilot program to install electric vehicle (EV) charging stations on utility poles in Portland and Milwaukie.

Mayor Gamba observed that the code would allow a developer to build onsite parking but would not require it. **Councilor Batey** commented on concerns about middle housing developments creating parking issues for an entire block. **Council President Hyzy** and **Ober** acknowledged public comments about existing parking issues across the city and noted the city's plans to address them. The group remarked on starting a residential parking program, concerns about not requiring onsite parking for middle housing units, and why some areas have more parking issues than others.

Councilor Falconer suggested that requiring an affordable housing development to have onsite parking could be an equity or tree problem. The group observed that garages were not being required, onsite parking spaces could be directly in front of a front door, and they discussed the cost of building sidewalks.

Mayor Gamba agreed that developments on heavier volume streets and townhomes should have an onsite parking requirement. **Councilor Batey** and **Gamba** remarked on the impact of townhome developments on parking and the likelihood that parking issues would cause some to reevaluate the use of their garages.

Council President Hyzy acknowledged public comments that voiced concern about the code creating parking issues and **Councilor Batey** suggested that removing the parking requirement now would be premature given the upcoming Transportation System Plan (TSP) work. **Council President Hyzy** believed removing the onsite parking requirement would provide flexibility to get more housing built and save trees.

Council discussed and agreed with Mayor Gamba's proposal that .5 onsite parking spaces per housing unit would be required for developments on arterials or collector streets and for townhome developments of a certain size.

Councilor Batey, Kolias, and Mayor Gamba commented on when a housing development was required to make transportation and public improvements. **Kolias** added that the proposed code would allow for angled parking and the group remarked on the benefits of reversed angle parking.

Continue Hearing: It was moved by **Councilor Nicodemus** and seconded by **Councilor Falconer** to continue the hearing on the Comprehensive Plan housing and parking code amendments, file #ZA-2021-002, to a date certain of April 5, 2022. Motion passed with the following vote: **Councilors Falconer, Batey, Nicodemus, and Hyzy** and **Mayor Gamba** voting "aye." [5:0]

Mayor Gamba closed the public hearing at 7:25 p.m.

3. Comprehensive Plan Implementation, Tree Code Amendments (continued) – Ordinance

Call to Order: **Mayor Gamba** called the continued public hearing on the proposed tree code amendments, file #ZA-2021-002, to order at 7:25 p.m.

Purpose: **Mayor Gamba** announced that the purpose of the hearing was to receive an update from staff, take additional public comment, and continue deliberation.

Conflict of Interest: No Council member declared a conflict of interest.

Staff Presentation: **Rogers** provided an update on the proposed residential tree code and related fees, noting changes since the last hearing. **Councilor Batey** asked Rogers to review material previously presented. **Ober** confirmed that Council could discuss the code and fees at the same time. **Gericke** recommended that Council take audience testimony before the staff update.

Correspondence: Staff noted correspondence received regarding the hearing topic.

Audience Testimony: No audience member wished to speak about the hearing topic.

Close Public Comment: **It was moved by Councilor Batey and seconded by Council President Hyzy to close the public comment part of the tree code amendment hearing for today. Motion passed with the following vote: Councilors Batey, Nicodemus, Falconer, and Hyzy and Mayor Gamba voting “aye.” [5:0]**

Mayor Gamba closed the public comment part of the hearing at 7:36 p.m.

Council Discussion: **Rogers** reviewed the proposed residential tree code, including permits, fees, and replanting requirements. **Mayor Gamba** and **Rogers** remarked on how the code would address agricultural versus commercial trees. The group talked about orchard trees, noting how the code would allow for exceptions.

Rogers reviewed the permit process for removing a healthy tree. **Council President Hyzy** expressed frustration with the proposed code’s use of diameter at breast height (DBH) instead of simpler measurements and the group discussed why the code used DBH and how other measurements could be added to the code.

Councilor Batey, Passarelli, and Rogers discussed how to get developers and property owners to maintain trees on private property and the city’s obligation to maintain trees in the public right-of-way (ROW). **Rogers** remarked on the Tree Board’s work to place a monetary value on trees.

Rogers reviewed preservation and canopy standards for residential developments, how mitigation fees would be calculated, and tree protection and soil volume standards. The group noted existing standards for caring for and replanting trees during construction.

Council President Hyzy and **Councilor Batey** suggested that any indoor home conversion project should not require a tree plan. **Rogers** and **Councilor Falconer** commented on how a tree plan requirement could be developed for non-commercial residential projects. It was Council consensus that indoor non-commercial residential construction projects should not require a tree planting plan.

Councilor Falconer and **Rogers** noted which stakeholder groups had been included in the process to develop the tree code.

Mayor Gamba asked if Council had any additional feedback on the proposed tree code.

Councilor Falconer remarked on the challenges of placing a monetary value on trees when considering tree code fees and fines. **Passarelli** and **Rogers** discussed the

process used to develop the proposed fees and noted that the fees could be revised by Council as needed. The group confirmed that the municipal court judge would have discretion in determining fine amounts for tree code violations and observed that the tree goals were aspirational in terms of the desired outcomes encouraged by the code.

The group noted that Council had concluded its deliberation on the proposed tree code and would focus the remainder of the current meeting on the proposed tree fees. They reviewed the code changes requested by Council at the current meeting.

Mayor Gamba recessed the meeting at 8:19 p.m. and reconvened at 8:25 p.m.

Councilors Falconer and Nicodemus commented on how unaffordable some of the proposed tree removal fees would be for some families and whether landlords would pass tree removal costs onto renters. **Passarelli** explained how the fees were structured to accommodate elective non-commercial tree removals and match the public tree code fees. The group discussed whether private tree fees should match public tree fees and whether private fees should be capped in certain situations. **Rogers** noted that city staff would be available to consult with private property owners about how to handle various tree situations.

The group discussed the importance of informing the public about the new tree code and fees and the limits of what landlords can do in terms of passing on property maintenance costs to renters. **Rogers** summarized that Council had concerns about the proposed tree removal fees and the tree code violation fine amounts.

Mayor Gamba supported the judge having discretion in assessing fines and was concerned about capping tree removal fees. The group remarked on what the permit fees would cost to remove a healthy 15-inch DBH tree and noted that examples could be included in the code to explain how the fees work and what they would cost.

The group commented on whether Council supported an overall cap on tree removal fees. **Mayor Gamba** and **Councilor Batey** did not support a fee cap and **Council President Hyzy** wanted the judge to have discretion. The group noted that the judge would have the discretion to reduce or waive fines in situations where a tree was removed without a permit. **Rogers** summarized that Council wanted options to ensure that the code would provide a way for accidental tree removal fines to be reduced.

Council President Hyzy believed that people with little money often have a negative relationship or view of government and noted that requiring fined individuals to come to court could put them at a disadvantage. **Rogers** and **Hyzy** remarked on what barriers, such as language and mobility, individuals may face in dealing with fines related to the removal of trees. The group commented on whether the fees had taken these barriers into consideration and the city's overall approach of setting fines to encourage the preservation of the tree canopy.

Councilor Nicodemus expressed concern about setting up new barriers for individuals who are not familiar with how government works. The group discussed how the code could be set-up to avoid situations where individuals who remove trees could be fined too much. They commented on the differences between a tree that must be removed versus removing a tree by choice. **Mayor Gamba** suggested trees need to be valued more and appreciated for their impact beyond the property it's located on.

Ober suggested Council had concluded its deliberation on the tree code and noted there would be time at the April 5 regular session for Council to discuss the tree fees.

Ober asked if Council had other tree code issues. **Councilor Falconer** was interested in adding descriptions of different trees into the code and acknowledged the workload challenges of doing so. **Ober** noted the city already had tree lists outside of the code. **Mayor Gamba** agreed with Falconer's concern that the code treated all trees the same.

Councilor Batey and **Mayor Gamba** observed that the city had talked about a tree code for decades. **Council President Hyzy** noted that the city revisited the fees every two years and asked staff to track the tree fees to improve them in the future. **Ober** reported the city was adopting a new permitting system that would track tree fees.

Council President Hyzy and **Ober** summarized that Council had agreed on several changes to the tree code that staff would review at the April 5 regular session.

Continue Hearing: **It was moved by Councilor Batey and seconded by Councilor Falconer to continue the hearing on the Comprehensive Plan tree code amendments, file #ZA-2021-002, to a date certain of April 5, 2022. Motion passed with the following vote: Councilors Falconer, Batey, Nicodemus, and Hyzy and Mayor Gamba voting "aye." [5:0]**

Mayor Gamba closed the public hearing at 9:17 p.m.

Transit Police Meeting and Parks District Meeting – Discussion

Gamba and **Ober** explained they would be meeting with TriMet and the Multnomah County Sheriff's Office to discuss the possibility of the Milwaukie Police Department (MPD) rejoining the regional transit police force. They noted differences in how the force was managed by the sheriff's office now versus when it had been run by the Portland Police Bureau. The group discussed Council's interest in MPD rejoining the force, citing concerns about transit safety, transit officer uniforms, whether transit officers would be armed, the status of TriMet's rider ambassador program, if transit rider input was being considered, and whether the transit police reflect the communities they serve.

Ober noted that the North Clackamas Parks and Recreation District (NCPRD) Board would be discussing an intergovernmental agreement (IGA) between the city and district to fund Milwaukie Bay Park phase three construction on March 30. The group noted when the district would act on the IGA and who from Milwaukie would attend the meeting.

Ober summarized the issues Council had raised regarding the possibility of MPD rejoining the regional transit police force.

4. Adjourn

It was moved by Councilor Nicodemus and seconded by Council President Hyzy to adjourn the meeting. Motion passed with the following vote: Councilors Falconer, Batey, Nicodemus, and Hyzy and Mayor Gamba voting "aye." [5:0]

Mayor Gamba adjourned the meeting at 9:39 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder

COUNCIL WORK SESSION

City Hall Council Chambers, 10722 SE Main Street
& Zoom Video Conference (www.milwaukieoregon.gov)

MINUTES

APRIL 5, 2022

Council Present: Councilors Lisa Batey, Angel Falconer, Desi Nicodemus, Council President Kathy Hyzy, and Mayor Mark Gamba

Staff Present:

Steve Adams, City Engineer	Peter Passarelli, Public Works Director
Joseph Briglio, Community Development Director	Mary Quinn, Court Clerk
Kelly Brooks, Assistant City Manager	Natalie Rogers, Climate & Natural Resources Manager
Bonnie Dennis, Administrative Services Director	Scott Stauffer, City Recorder
Justin Gericke, City Attorney	Samantha Vandagriff, Building Official
Nicole Madigan, Deputy City Recorder	Laura Weigel, Planning Manager
Keith McClung, Assistant Finance Director	
Ann Ober, City Manager	

Mayor Gamba called the meeting to order at 4:02 p.m.

1. Master Fee Schedule Review – Discussion

McClung presented the proposed biennium Master Fee Schedule (MFS) for fiscal years 2023 and 2024 (FY23 and FY24) starting with administrative costs, noting no changes had been proposed to billable hourly rates. **McClung** continued to review changes in building fees noting that the fees were based on the Consumer Price Index (CPI) range of 4.8 to 5.2 percent as approved by the State of Oregon. **Briglio** and **Vandagriff** explained how CPI had increased over the last two years and the city's proposed increase is standard. **Councilor Batey** and **Vandagriff** discussed how the 2.5% increase mentioned in the annual adjustment section of the draft MFS had been decided and how it corresponds with the CPI.

McClung explained that the standard base fee for business registrations would be increased to \$165 for FY23 and \$175 for FY24, and the base fee for starting a business between July 1 and December 31 would increase to \$83 for FY23 and \$88 for FY24. **Councilor Batey** asked why fees for full time employees (FTE) were not increased, and **McClung** advised that Dennis would be evaluating business registrations in June and FTE fees may be updated at that time.

McClung explained how increases in the cost of managing downtown parking and staff time had influenced the decision to increase parking fees. **Councilor Falconer** reminded the group of a previous conversation that monthly parking should not be less than a TriMet monthly pass and observed that the proposed increase would satisfy that idea. **McClung** concluded parking fees by mentioning that no changes were made to the parklet use fees.

McClung began reviewing engineering changes noting the omission of the tree removal fee which would be included in the new section of tree code fees. All proposed engineering fee changes were flat increases and within a range of 9% to 11%. **McClung** reminded the group that engineering fees had not been increased in the last two biennium. The group started discussing residential and commercial demolition permits and how a demolition permit differs from a clearing/construction permit

McClung, Passarelli, and Mayor Gamba discussed changes to utility fees, including fixed rates based on meter size, residential versus commercial, water consumption, and wastewater fixed and consumption rates with **Passarelli** noting all proposed changes

were in alignment with previous years. **Mayor Gamba** and **Passarelli** discussed opportunities for credits on stormwater bills in relation to trees, bioswales and rain gardens for commercial, industrial, and some residential customers who meet certain requirements for green space and landscaping. **Passarelli** agreed to report back to Council as to what the criteria are and whether trees are included towards the stormwater credit. **Councilor Batey** did not realize the city offered stormwater credits and asked how the credit is promoted. **Passarelli** responded there is some information on the city's website. **Councilor Batey** posed the idea of incentive programs for disconnecting downspouts, like City of Portland had offered – which affects the city's inflow and infiltration (I&I) issues as discussed with Clackamas County Water Environment Services (WES).

The group paused the conversation to test Zoom video conference functions.

Passarelli resumed the utility fees discussion by addressing a question that was raised during the last Budget Committee meeting regarding max rates on both Safe Access for Everyone (SAFE) and the Street Surface Maintenance Program (SSMP). SSMP was established in 2008 with a cap of \$250 for nonresidential accounts and the cap had been increased each year in conjunction with rate increases based off the CPI. The SSMP cap is now around \$350. **Mayor Gamba** asked how many entities hit the cap, **Passarelli** replied only a handful, but more - such as schools, parks, cemeteries, libraries, government offices, , and multifamily residential properties, qualify for the SAFE cap which is around \$450.

Ober and **Passarelli** noted that Council would discuss system development charges (SDCs) for wastewater on May 17 and any changes made then would result in changes to the budget. **Councilor Batey** inquired if there had been much response from SDC stakeholders and **Passarelli** reported there had been no response.

McClung reported that minimal changes had been proposed to library fees, and shared what services had been eliminated such as CD-ROMs and kindle kits.

McClung presented the proposed changes to the miscellaneous fees, including an increase to fees for lien docket searches - which had not increased last biennium, and a new fee for renting the South Downtown (SODO) Plaza. **Councilor Batey** voiced concerns regarding the cost of the plaza rental, wanting the city to encourage people to have events there, and suggested a lesser fee around \$100 might entice others to promote or bring events in. **Council President Hyzy** pointed out the fee could be waived at the discretion of the city manager. **Council** discussed previous conversations and research around the rental fee, noting the need to see if the current fee might be a barrier, and wanting to promote the use of the space. **Brooks** provided insight on how the fee amount had been reached, citing parking and labor costs related to public works staff and police, and suggesting that if the fee were to cover those costs, it would be around \$1500. City staff knew the higher fee wasn't in line with what Council had wanted, so to make the fee accessible it was reduced for the first year to only parking costs but may need to be reevaluated. **Councilor Batey** and **Brooks** discussed that how long the plaza was rented did not affect the cost of using the space and that the space is only available on the weekends. **Council President Hyzy** remarked that the proposed fee is already on the low end. **Brooks** reiterated this lower, parred down cost is for the first year to incentivize people to use the space, then will be modified as needed. **Councilor Nicodemus** echoed Councilor Batey's concern about the fee being a barrier but wanted to point out that neighborhood district association (NDA) grant program dollars could be used to offset these costs as well.

Ober brought the conversation back to the rental fee associated with the SODO Plaza and asked where Council stood on the fee. It was Council consensus to keep the proposed plaza use fee, noting the city manager could waive the fee, and NDA grant funds could be used. **Council** also agreed on the importance of encouraging the use of the plaza. **Brooks** verified Council's thoughts had been heard and informed the group that the city's events and emergency management coordinator would be before Council in May to provide an events update.

McClung continued to review miscellaneous fees and presented a new credit card fee as a pass through had been added due to the city paying with credit card fees and did not have a written rule to discourage multi-thousand dollar permits from being purchased with a credit card – which would cost the city several thousand dollars per paid permit. **Council President Hyzy** and **McClung** discussed who used credit cards for large permit purchases and the fee being used as a deterrent for credit cards and to encourage payment of such fees by check.

Councilor Batey readdressed the request for clarity between building demolition permits and engineering clearing/construction permits. **Adams** clarified that clearing a site is like grading – the removal of grass and shrubs from a lot – it is not a demolition as no structure is involved. The group commented on updating the text to reflect clearing for construction or clearing and grading for construction. **Council President Hyzy** noted the proposed Tree Code would have a development section that may intersect with the engineering fees. **Vandagriff** had never seen the clearing permit used and was unsure what it is for, the grading permit is used primarily for larger commercial lots – a single family house is not charged to ready a lot for construction. **Adams** and **Council President Hyzy** confirmed the clearing/construction permit for both single and multi-family residential can be deleted from the fee schedule.

Adams stated that fees-in-lieu of construction (FILOC) were raised strictly based on the Construction Cost Index (CCI) percentage that SDCs were raised on. **Mayor Gamba** and **Adams** clarified that a max FILOC increase depended on street design and what is and isn't present like curbs and sidewalks.

McClung presented changes for court fees, mentioning minor increases and a reduced failure to appear (FTA) fee to incentivize clearing backlogged cases and reducing payoff barriers. **Mayor Gamba** asked if the FTA reduction was retroactive, and **McClung** believed the fee reduction would be retroactive. **McClung** cited no increase in traffic and parking fines.

McClung continued to planning fees and noted updated verbiage related to Oregon House Bill (HB) 2001, and an addition/expansion to the replat area of the fee schedule.

Councilor Batey requested to return to the court fees due to a possible typo on the boot release fee which read as \$450 but wanted to confirm if the fee was to be reduced to \$45. **McClung** explained the fee originally was \$40 now \$50. **Stauffer** summarized a clarification from staff regarding the retroactive FTA fee – explaining that during the pandemic the FTA fee had been dropped to \$25, the proposed \$40, that would take effect on July 1, would increase the fee but not to the original \$75.

McClung and **Councilor Batey** confirmed that empty replats are not charged a fee.

McClung mentioned the new tree code fee section noting that staff would present the proposed fees during the April 5 regular session. **Ober** reminded Council the tree portion would be adopted prior to the Master Fee adoption.

McClung reported there were no changes to police fees.

McClung continued to SDCs noting increases were due to CCI as Adams had mentioned earlier. **Councilor Batey** asked for clarification on the upcoming SDC discussion as to whether the topic would be on water or wastewater, **Passarelli** confirmed the discussion would be about wastewater SDCs.

McClung reviewed proposed changes to right-of-way (ROW) fees that were set by the Milwaukie Municipal Code (MMC) to increase by 3% each year.

McClung reported that no changes were proposed to violations of the MMC.

McClung advised that the city is in the process of reviewing solid waste rates and will have further updates to incorporate changes into the fee schedule. **Councilor Batey** and **McClung** discussed the how long solid waste rates were in effect, confirming they were updated annually.

Councilor Batey pointed out motor vehicle fuel tax penalties and questioned when the listed situations would arise. X

2. Adjourn

Mayor Gamba announced that after the meeting Council would meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660 (2)(h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

Mayor Gamba adjourned the meeting at 4:56 p.m.

Respectfully submitted,

Nicole Madigan, Deputy City Recorder

COUNCIL REGULAR SESSION

City Hall Council Chambers, 10722 SE Main Street
& Zoom Video Conference (www.milwaukieoregon.gov)

MINUTES

APRIL 5, 2022

Council Present: Councilors Lisa Batey, Angel Falconer, Council President Kathy Hyzy, and Mayor Mark Gamba, and Councilor Desi Nicodemus by video conference

Staff Present:

Joseph Briglio, Community Development Director	Tim Salyers, Code Compliance Coordinator
Kelly Brooks, Assistant City Manager	Scott Stauffer, City Recorder
Justin Gericke, City Attorney	Samantha Vandagriff, Building Official
Galen Hoshovsky, Natural Resources Technician	Jason Wachs, Community Engagement Coordinator
Vera Kalias, Senior Planner	Laura Weigel, Planning Manager
Nicole Madigan, Deputy City Recorder	Courtney Wilson, Urban Forester
Ann Ober, City Manager	
Peter Passarelli, Public Works Director	
Natalie Rogers, Climate & Natural Resources Manager	

Mayor Gamba called the meeting to order at 6:13 p.m.

1. CALL TO ORDER

A. Pledge of Allegiance.

B. Native Lands Acknowledgment.

2. ANNOUNCEMENTS

Mayor Gamba announced upcoming activities, including the city's annual board and committee recruitment campaign, the annual State of the City (SOTC) event, Earth Day activities, a community resource fair, a prescription drug drop-off and shredding event, and the neighborhood district association (NDA) annual leadership elections.

Councilor Batey reported that certain residents of north and east Milwaukie were eligible to participate in a class action lawsuit settlement with Precision Castparts Corp.

3. PROCLAMATIONS AND AWARDS

A. None Scheduled.

4. SPECIAL REPORTS

A. None Scheduled.

5. COMMUNITY COMMENTS

Mayor Gamba reviewed the public comment procedures and **Ober** reported there was no follow-up report from the March 15 community comments.

Rod Smith, Milwaukie resident, expressed frustration with city staff responses to concerns raised by the public about trees around city hall infected with black knot fungus that the city would be removing. **Mayor Gamba** empathized with the frustration felt by community members who feel unheard and commented on the city's responsibility to safely solve problems. **Passarelli** discussed the removal and evaluation of the sick trees. **Mayor Gamba** and **Rogers** remarked on whether

pesticides could have saved the trees from being removed, noting concerns expressed by the public if the trees were safe to be around, and work done by the city in recent years to care for trees. **Councilor Batey** observed there were other trees in the area suffering from the same fungus and suggested pesticides could eliminate the fungus.

Phil Moen, Milwaukie resident, expressed concern about the proposed tree code and encouraged Council to do more to promote tree planting and not impose new fees. **Moen** also expressed concern about recently installed bulb-outs on 42nd Avenue and **Ober** offered to discuss 42nd Avenue with Moen outside the meeting.

6. CONSENT AGENDA

It was moved by Councilor Falconer and seconded by Councilor Batey to approve the Consent Agenda as presented.

A. City Council Meeting Minutes:

- 1. March 1, 2022, work session,**
- 2. March 1, 2022, regular session,**
- 3. March 5, 2022, Council retreat, and**
- 4. March 8, 2022, study session.**

B. Approval of an Oregon Liquor Control Commission (OLCC) Application for Kimmy's Market, 3141 SE Harrison Street – off-premises sales.

Motion passed with the following vote: Councilors Falconer, Batey, Nicodemus, and Hyzy and Mayor Gamba voting “aye.” [5:0]

7. BUSINESS ITEMS

A. Neighborhood District Association (NDA) Leadership Check-In – Discussion

Wachs provided an overview of the city's NDA program, noting how the city supports neighborhood programming and ongoing projects and challenges.

Matt Rinker, Ardenwald/Johnson Creek NDA chair, reviewed the NDA's 2021 activities and plans for returning to in-person meetings and events in 2022. **Rinker** and **Councilor Batey** remarked on the importance of returning to in-person meetings.

Liz Start, Linwood NDA vice chair, remarked on the impacts of the COVID-19 pandemic on the NDA's ability to meet, and reviewed events and programs the NDA had organized or supported in 2021 and planned to organize or support in 2022.

Charles Bird, Island Station NDA chair, noted the challenges of meeting virtually and discussed the neighborhood's 2021 programs and events and plans for 2022. **Council President Hyzy** and **Wachs** remarked on what technology solutions the NDAs needed to invest in to run in-person meetings with virtual participation options.

Corinn deTorres, Hector Campbell NDA chair, discussed the NDA's shift to virtual quarterly meetings and focus on more in-person events to better engage the community. **deTorres** reviewed neighborhood events planned for 2022.

Lisa Lashbrook, Lewelling NDA secretary, and **Rebecca Stavenjord**, Lewelling NDA chair, encouraged the city to schedule more NDA leadership meetings and discussed the neighborhood's 2021 activities, plans for 2022 events, and the challenges of holding virtual meetings. They commented on the community's focus on pedestrian and bicycle safety following the tragic death of a child due to a speeding vehicle.

Vince Alvarez, Lake Road NDA chair, remarked on the NDA's struggles with virtual meetings and board relationships, and reviewed the neighborhood's 2021 events, programs, and plans for 2022, which included the city's work to build Bowman-Brae Park. **Alvarez** commented on a community produced video on the history of Kellogg Creek, and it was noted staff would share the video link with Council.

Val Hubbard and **Rich Recker**, Historic Milwaukie NDA co-chairs, provided an overview of the NDA's work with other downtown Milwaukie groups, work to recruit new volunteers, holding meetings virtually, the impact of the passing of resident Ed Zumwalt, and noted activities and events the NDA sponsored in 2021.

Mayor Gamba thanked the NDAs for their work in the community.

Mayor Gamba recessed the meeting at 7:43 p.m. and reconvened at 7:51 p.m.

8. PUBLIC HEARING

A. Comprehensive Plan Implementation, Housing and Parking Code Amendments (continued) – Ordinance

Call to Order: **Mayor Gamba** called the continued public hearing on the proposed amendments to the code, file #ZA-2021-002, to order at 7:51 p.m.

Purpose: **Mayor Gamba** announced that the purpose of the hearing was to receive a final staff report, take public comment, and continue Council deliberation on the proposed housing and parking coding amendments.

Conflict of Interest: No Council member declared a conflict of interest.

Staff Presentation: **Kolias** provided an overview of changes to the code amendments proposed at the last hearing and asked for Council confirmation about the changes. The proposed changes included allowing accessory dwelling units (ADUs) in the front yard, adding universal Americans with Disabilities Act (ADA) design standards, setting minimum lot sizes for new single detached dwellings, and requiring 0.5 parking spaces per unit for townhouse developments. The group discussed the changes and Council unanimously agreed to all but one with a few minor adjustments; **Councilor Batey** did not agree with the proposed minimum parking requirement for townhouses.

Conduct of Hearing: **Mayor Gamba** reviewed the public comment procedures.

Correspondence: No correspondence had been received on the hearing topic.

Audience Testimony: **Garylynn Woodson**, ADU study consultant, discussed the study's ADU front yard setback recommendations that were meant to encourage active use of front yards and accommodate the conversion of existing garages into carriage house ADUs. **Woodson** also remarked on the definition of accessible housing units.

Vandagriff explained that the city could prefer that a development use ADA design standard, but the city could not require a developer to implement ADA standards. **Mayor Gamba** and **Vandagriff** remarked on the difference between planning approval requirements and what a building official can approve through an inspection process.

Mayor Gamba and **Kolias** remarked on when in the inspection process the city would discover that a developer had not met the standards they were required to build to and what staff could do to ensure the standards are met. **Councilor Batey** and **Kolias** noted that duplex and triplex housing units are subject to the commercial building code and detached housing units are subject to the residential building code.

Mayor Gamba and **Councilor Batey** remarked on the ADU study recommendations, in particular allowing housing units to be right next to the sidewalk.

Staff Response to Testimony: **Kolias** noted that due to the onsite parking requirement for ADUs a carriage house unit would have to include first floor garage space or have an outdoor parking next to the building.

Questions from Council to Staff: Council had no further questions for staff.

Close Public Comment: **It was moved by Council President Hyzy and seconded by Councilor Batey to close the public comment part of the hearing on the proposed housing and parking code amendments. Motion passed with the following vote: Councilors Batey, Nicodemus, Falconer, and Hyzy and Mayor Gamba voting “aye.” [5:0]**

Mayor Gamba closed the public comment part of the hearing at 8:23 p.m.

Council Deliberation: **Council President Hyzy** agreed with the recommendation of using existing driveways to meet parking requirements but expressed concern about buildings coming right up to the sidewalk in residential non-downtown settings.

Councilor Falconer observed there were many lots in the city with wide driveways and front yards that could accommodate carriage house ADUs. **Council President Hyzy** expressed concern about giving up the 20-foot front yard setback requirement. The group discussed how existing front yards could accommodate parking requirements, a new ADU, and preserve vegetation. **Mayor Gamba** and **Councilor Falconer** did not have strong preferences about allowing housing up to the sidewalk and **Councilor Falconer** presented a drawing of a front yard to suggest the possibility for such ADUs to be built. **Councilor Batey** expressed concern about the pedestrian experience with varying sizes of front yards.

Kolias noted if the city allowed the possibility for housing to be built up to the sidewalk, it could be proposed on streets without sidewalks and suggested that the city’s design standards would need to be reviewed. **Councilor Falconer** suggested Council revisit ADUs next to sidewalks in future code amendment packages. **Mayor Gamba** and **Falconer** agreed that the city’s design standards needed to be updated in general.

Kolias remarked that an ADU on a sidewalk could be approved under the current code. **Council President Hyzy** and **Kolias** confirmed that staff would provide updates to Council on ADU developments in the future.

Continue Hearing: **It was moved by Councilor Batey and seconded by Councilor Falconer to continue the hearing on the Comprehensive Plan housing and parking code amendments, file #ZA-2021-002, to a date certain of April 19, 2022. Motion passed with the following vote: Councilors Falconer, Batey, Nicodemus, and Hyzy and Mayor Gamba voting “aye.” [5:0]**

Mayor Gamba closed the public hearing at 8:42 p.m.

B. Comprehensive Plan Implementation, Tree Code Amendments (continued) – Ordinance and Resolution

Call to Order: **Mayor Gamba** called the continued public hearing on the proposed amendments to the code, file #ZA-2021-002, to order at 8:43 p.m.

Purpose: **Mayor Gamba** announced that the purpose of the hearing was to hear the final staff report, take public comment, and continue deliberation.

Conflict of Interest: No Council member declared a conflict of interest.

Staff Presentation: **Rogers** provided an overview of previous changes to the proposed tree code and fees agreed to by Council. The changes would only require a tree plan when construction resulted in an expanded building footprint.

Rogers reviewed the proposed tree fees, noting that the city manager could waive fees and **Ober** commented on how tree fee waivers would be considered. **Councilor Falconer** asked that the fees document use gender neutral language.

Rogers presented alternate versions of the proposed non-development tree code fees structure. The group discussed the originally proposed fee structure and three alternatives, which included a graduated fee structure, a \$60 per diameter at breast height (DBH) structure, and a flat fee model. **Councilor Batey** proposed a fourth alternative fee structure that would include a \$60 fee per DBH for removing trees under 24-inches and a graduated model for bigger trees. **Passarelli** commented on how the fees had been developed for property owners that may or may not be able to pay fees.

Rogers presented example situations of what the fee alternatives would cost for tree removal on private property. The group discussed the possibility of a situation where a commercial developer could pay less to remove multiple trees than a residential property owner would to remove a single tree. **Council President Hyzy** observed that the fees would be new and could be changed. **Gericke** suggested Council was veering into deliberation and should finish the staff report and take comment.

Rogers presented the originally proposed enforcement fee structure and an alternate fee model that would be used when a tree is removed without a city permit. The alternate model proposed a fee of twice the amount of what the tree removal permit would have been. The group discussed the alternate enforcement fee model and **Ober** remarked on the city manager fee waiver process and suggested staff would report back to Council as the tree code and fees were implemented.

Rogers finished presenting the proposed enforcement fee structures.

Correspondence: No correspondence had been received on the hearing topic.

Conduct of Hearing: **Mayor Gamba** reviewed the public comment procedures.

Audience Testimony: **Anthony Allen**, Milwaukie resident, remarked that the proposed code gave the city the ability to deny tree removal permits and asked about the parameters for the city making those decisions. **Rogers** reviewed the decision standards staff would use when considering a tree permit application and noted that a staff decision could be appealed to the city manager.

Allen asked if the standards gave the city the ability to deny commercial developers' tree removal permits and **Rogers** confirmed that the city could deny a commercial developer or residential property owner's permit application. The group discussed when a homeowner or developer's tree permit application could be denied.

Ober noted that Councilor Nicodemus had left the meeting at 9:31 p.m.

Allen expressed concern for the tree removal appeal process, pointing out when a permit is denied by city staff, the review and decision is left to the city manager who is also city staff.

Close Public Comment: **It was moved by Councilor Batey and seconded by Council President Hyzy to close the public comment part of the hearing on the proposed tree code amendments. Motion passed with the following vote: Councilors Batey, Falconer, and Hyzy and Mayor Gamba voting “aye.” [4:0]**

Mayor Gamba closed the public comment part of the hearing at 9:33 p.m.

Council Discussion: **Council President Hyzy** expressed support for the non-development tree code \$60 per DBH alternate and suggested the fees were an experiment that the city would revise in the future.

Councilor Batey observed that in addition to the permit fees a property owner would need pay for an arborist and that the proposed fees were too low. **Rogers** noted that the city would not require a certified arborist opinion to remove a tree.

The group noted that in addition to the proposed fee structures there was a separate fee for rare and threatened trees.

Councilor Falconer expressed support for the \$60 per DBH alternate fees except for the removal of larger trees. **Mayor Gamba** proposed creating a fee structure that would use the \$60 per DBH alternate up to 30-inch trees and the graduated fee schedule for bigger trees. The group discussed the proposed alternative hybrid structure, and it was Council consensus to use the proposed hybrid structure.

Mayor Gamba and **Councilor Falconer** remarked on the possibility that a property owner would be told they could not remove a tree.

Mayor Gamba asked if Council believed the developer tree removal fees were significant enough to prevent trees from being removed. **Passarelli** and **Council President Hyzy** believed the commercial fees were sufficient to protect trees.

The group remarked on how the code would consider the tree canopy goal when a residential property owner wanted to remove trees. It was noted that staff would report to Council after the code was in effect for several months.

Passarelli asked for Council consensus on the proposed enforcement fees and **Rogers** reviewed the proposed alternates. **Councilor Batey** expressed support for charging a fee that was twice what the permit fee would have been. **Ober** reiterated that staff would report back to Council on how such fees were being assessed and commented on the city manager’s role in implementing Council policies. **Councilor Falconer** suggested the Tree Board could be asked to review the code in the future. **Mayor Gamba** summarized that Council supported the alternate enforcement code structure and Council agreed that the city needed to conduct a lot of community outreach and education about the new code.

Ober noted that Council was scheduled to vote on the proposed tree fees on April 19 and that Councilor Nicodemus may have additional remarks to make at that meeting.

Continue Hearing: **It was moved by Councilor Batey and seconded by Council President Hyzy to continue the hearing on the Comprehensive Plan Tree Code Amendments, file #ZA-2021-002, to a date certain of April 19, 2022. Motion passed with the following vote: Councilors Falconer, Batey, and Hyzy and Mayor Gamba voting “aye.” [4:0]**

Mayor Gamba closed the public hearing at 9:52 p.m.

C. Master Fee Schedule Revision, Tree Code Fees – Resolution

Call to Order: **Mayor Gamba** called the continued public hearing on the proposed tree code fee revisions, to order at 9:53 p.m.

Mayor Gamba announced that the hearing would be continued at the next meeting.

Continue Hearing: **It was moved by Councilor Batey and seconded by Council President Hyzy to continue the hearing on the tree code fee revisions to a date certain of April 19, 2022. Motion passed with the following vote: Councilors Falconer, Batey, and Hyzy and Mayor Gamba voting “aye.” [4:0]**

Mayor Gamba closed the public hearing at 9:54 p.m.

9. COUNCIL REPORTS

Mayor Gamba and **Ober** explained that Council had been asked to write a letter in support of securing federal funding for the Housing Authority of Clackamas County’s Hillside housing development project. It was Council consensus to support the letter.

10. ADJOURNMENT

It was moved by Council President Hyzy and seconded by Councilor Batey to adjourn the Regular Session. Motion passed with the following vote: Councilors Falconer, Batey, Nicodemus, and Hyzy and Mayor Gamba voting “aye.” [5:0]

Mayor Gamba adjourned the meeting at 9:55 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Apr. 19, 2022

Reviewed: Bonnie Dennis, Administrative Services Director, and
Kelli Tucker, Accounting & Contracts Specialist

From: Captain Ryan Burdick
Luke Strait- Chief of Police

Subject: **Emergency Dispatch Services Agreement**

ACTION REQUESTED

Council is asked to authorize an intergovernmental agreement (IGA) with the City of Lake Oswego for emergency dispatch services through the Lake Oswego Communications Center (LOCOM).

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

June 2002: the city contracted with the City of Lake Oswego to provide dispatch services. Several agreements have been executed since that time without any lapse in services.

[September 1, 2015](#): former Lake Oswego Communications Director Leslie Taylor and former Chief Steve Bartol presented information to Council on past issues with emergency communications systems in the Tri-County area. During that presentation, information was provided on how the Portland Bureau of Emergency Communications (BOEC) and the Clackamas County System (known as C800) were reaching end of life and needed to be replaced. Additionally, staff recommended, and Council agreed, that if the C800 bond passed, the city should join the C800 system.

May 17, 2016: Clackamas County voters passed the C800 Emergency Communications Bond, Ballot Measure 3-476. Since that time, staff has worked with LOCOM and the C800 Board to migrate radio equipment. The C800 project provided LOCOM with new radio equipment, including radio consoles, backup radios for resilient communications with city users, and a voice recorder for audio. In addition, C800 users received 50% matching funds for each radio replaced through the C800 bond. The new radios were released to our officers for use as part of the C800 upgrade and have since been deployed.

ANALYSIS

Under the proposed new agreement, most of the contract with LOCOM is unchanged except for a few small modifications.

Section 5, subsection D, which references the cost sharing of Clackamas County Emergency Notification System. After the 2020 wildfires the state established OR-Alert to ensure statewide access to receive emergency messages. OR-Alert is managed at the county level but is now funded through the Oregon Emergency Management Department (OEMD).

In addition to changing radio systems as part of the C800 migration, the computer aided dispatch (CAD) was upgraded at LOCOM. This technology went live in March 2018. The new CAD gives additional features such as Automated Vehicle Locate (AVL), allowing dispatchers to see on a map where police/fire vehicles are in relation to an emergency. Upgraded CAD also gives the officers global positioning system (GPS) mapping in their vehicles, and mobile mapping is more responsive for officers' use.

Rapid SOS is a program which allows officers to pull latitude and longitude from a cell phone instead of proximity to a cell tower. The new system also allows dispatchers to send a text message to a cell phone to pinpoint the location of the phone. If the holder of the phone pushes a button to accept the message it allows their latitude and longitude to import directly into CAD. The upgraded system is helpful in green spaces, large parks, or cases where the victim is not familiar with their present location. LOCOM and BOEC can share CAD calls electronically through a dispatch center messaging system, which sends important updates quickly between CAD from one center to another without dispatchers having to call between the two dispatch centers. LOCOM can also send the Oregon State Police a CAD call to ensure accurate and timely transfer of call details.

The new CAD system resulted in some changes to traditional tasks such as producing a daily police call log. Dispatch no longer produces a paper incident log, instead, sergeants access this information electronically. This also supports the city's sustainability goals and creates cost savings in printer/paper costs.

BUDGET IMPACT

An emergency communications tax increase was passed by the Oregon Legislature in 2019. The total increase was fifty cents per mobile device, phased in over two years. Consumers saw a 25-cent increase each on January 1, 2020, and January 1, 2021. These funds are distributed by OEMD, and per IGA, are directly applied to the LOCOM contract fee or yearly cost. The tax amount received by the city in 2018 was \$106,905, while the tax amount applied to the city's 2021 fee was \$163,238.

The new IGA proposes a six percent increase in year one and two (four percent wages, two percent technology/CAD support), and a four percent increase in years three and four (four percent wages). The technology fee has not been part of previous contracts, however, the CAD system implemented in 2018 requires server replacements every five years and does allow for technology improvement to CAD and mobile platforms to improve emergency response, citizen and officer safety, and interagency call sharing. These costs are included in the proposed budget for biennium 2023-2024.

Year	Fiscal Year	Yearly Cost	Total Cost (Less Est 911 Tax)
New Year 1	2022-2023	\$675,500	\$493,041
2	2023-2024	\$716,000	\$533,541
3	2024-2025	\$744,600	\$562,141
4	2025-2026	\$774,300	\$591,841
Previous Contract Year	Previous Base Annual Contract		
2020-2021	\$618,780		
2021-2022	\$637,343		

WORKLOAD IMPACT

No additional impacts.

CLIMATE IMPACT

None.

COORDINATION, CONCURRENCE, OR DISSENT

The administrative services director and accounting and contracts specialist concur.

STAFF RECOMMENDATION

Staff recommends Council adopt a resolution authorizing the city manager to sign a four-year IGA with the City of Lake Oswego to provide emergency dispatch services for the city.

ALTERNATIVES

None identified.

ATTACHMENTS

1. Resolution
2. Proposed IGA

COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF LAKE OSWEGO FOR EMERGENCY COMMUNICATIONS SERVICES.

WHEREAS the city does not have infrastructure or personnel to provide emergency communications independently; and

WHEREAS the City of Lake Oswego has agreed to provide 24-hour emergency communication services to the city; and

WHEREAS both cities benefit from having an intergovernmental agreement in place under which these emergency services communications will be provided.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the city manager is authorized to execute an intergovernmental agreement (IGA) with the City of Lake Oswego to provide 24-hour emergency services communications for the City of Milwaukie.

Introduced and adopted by the City Council on **May 3, 2022.**

This resolution is effective immediately.

Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

**INTERGOVERNMENTAL
COOPERATIVE AGREEMENT
PUBLIC SAFETY COMMUNICATIONS SERVICES**

THIS AGREEMENT is made and entered into by and between the CITY OF LAKE OSWEGO, an Oregon municipal corporation (hereinafter “Lake Oswego”); and the CITY OF MILWAUKIE, an Oregon municipal corporation (hereinafter “Milwaukie”)

WITNESSETH:

RECITALS.

1. Lake Oswego operates through its Police Department, Communications Division, a public safety dispatching facility (hereinafter “LOCOM Center”) to provide public safety dispatching services to fire and police departments of Lake Oswego and, by this agreement, Milwaukie.

2. The parties acknowledge that they have authority to execute this cooperative intergovernmental agreement pursuant to the terms of their respective municipal charters and pursuant to ORS 190.010.

NOW THEREFORE, it is agreed by and between the parties hereto as follows:

1. Description of Services to be Provided. Lake Oswego, through LOCOM Center, shall provide public safety dispatching services for Milwaukie’s Police Department for the period of July 1, 2022, through June 30, 2026. The dispatching services include, but are not limited to:

- 24-hour-per-day answering of emergency telephone lines (including 9-1-1 calls) for fire, police, and emergency medical service requests;
- radio communications with police personnel regarding emergency and routine police matters;
- Dispatching and other services for law enforcement purposes as set forth in Exhibit “A;” and
- Coordination of Clackamas County Emergency Notification System, administration of users, activation for life-safety situations.

2. Control. The manner of LOCOM Center’s performance of dispatch services, including but not limited to the establishment of standards of personnel performance, the hiring, supervision and discipline of LOCOM Center employees, and all other matters incident to LOCOM Center’s performance of such services shall be under the exclusive authority of Lake Oswego.

3. Obligation of Lake Oswego to Provide Labor and Equipment. Lake Oswego shall supply all necessary labor, supervision, equipment and supplies necessary to maintain the services to be rendered hereunder as long as Milwaukie’s obligations under Section 7, and elsewhere under this Agreement, are met.

4. Obligation of Milwaukie for MSAG and GIS. Milwaukie shall continue to provide MSAG (Master Street Address Guide) and GIS information for Milwaukie’s street system to Clackamas County.

5. Consideration.

A. Annual Contract Amount. On or before January 1 of each fiscal year, Milwaukie shall pay to Lake Oswego the Base Annual Contract Amount set forth below for that fiscal year, less a sum equal to Milwaukie’s total 9-1-1 tax distribution from the State for the previous fiscal year (“Previous Year Tax Receipts”).

	Fiscal Year	Base Annual Contract Amount ¹ for Fiscal Year
New Year 1	2022-2023	\$675,500.00
Year 2	2023-2024	\$716,000.00
Year 3	2024-2025	\$744,600.00
Year 4	2025-2026	\$774,300.00

The amount paid to Lake Oswego directly by Milwaukie each fiscal year pursuant to this Section 5A shall be further adjusted as described in Section 5C below to ensure that it is ultimately reduced by a sum equaling Milwaukie’s actual 9-1-1 tax distribution from the State for that fiscal year (“Actual Current Year Tax Receipts”), which have been assigned to Lake Oswego pursuant to Section 5B below.

B. Assignment of 9-1-1 Tax Receipts. Milwaukie hereby assigns its 9-1-1 tax disbursements directly to Lake Oswego for the duration of this Agreement, and shall direct the State 9-1-1 Office to pay all of Milwaukie’s 9-1-1 tax disbursements directly to Lake Oswego for the duration of this agreement.

C. Payment of Difference of Previous v. Current 9-1-1 Tax Receipts.

Not later than 30 days following payment by the State to Lake Oswego of the final installment of Milwaukie’s 9-1-1 Tax receipts for each fiscal year:

i. Milwaukie shall pay Lake Oswego a sum equaling the amount, if any, by which the Previous Year Tax Receipts exceed the Actual Current Year Tax Receipts for that fiscal year;

ii. Lake Oswego shall pay Milwaukie a sum equaling the amount, if any, by which the Actual Current Year Tax Receipts for that fiscal year exceed the Previous Year Tax Receipts.

6. Adjustment of Base Annual Contract Amount.

In the event Milwaukie’s calls for service in any fiscal year exceed 15% over the previous fiscal year, Lake Oswego shall notify Milwaukie in writing within 30 days following the expiration of that fiscal year, or, at Lake Oswego’s option, such earlier time as it appears to Lake Oswego likely that the calls for service for that fiscal year will exceed 15% from the prior fiscal year.

¹ The Base Annual Contract Amount includes funding to assist with improvements in technology and replacement of dispatch equipment.

Within 15 days following notification under this section, the parties shall meet in good faith to discuss the financial impact to Lake Oswego to respond to the anticipated additional calls for service for the next fiscal year (the fiscal year after the fiscal year in which the calls for service exceeded 15%). The parties shall endeavor to reach agreement upon an adjustment amount to the Base Annual Contract Amount in Section 5(A) above for that next fiscal year (the fiscal year after the fiscal year in which the calls for service exceeded 15%), and the listed subsequent fiscal years, to provide fair compensation to Lake Oswego for the additional costs incurred in responding to the calls for service and dispatch.

If the parties are unable to agree upon an adjustment to the Base Annual Contract Amount within 30 days following the notification described above, either:

a. The parties may mutually agree to arbitration, in such manner as they agree, to establish the amounts of adjustment; or

b. Either party may unilaterally terminate this Agreement effective 180 days following written notice of the decision to terminate. If either party elects this option, the amounts due for the applicable year pursuant to Sections 5 above shall be paid, pro rata, to the termination date.

7. Use of Compatible Equipment. For the duration of this Agreement:

Milwaukie shall operate on the 800 MHz digital radio system and remain a partner with the C800 radio group. Lake Oswego will accept responsibility for connectivity to C800 and general repair issues. In the event Milwaukie chooses to utilize a disparate system, Milwaukie will be responsible for all costs associated with procuring a dispatch console, connectivity, warranty, and software licensing and support.

Lake Oswego shall provide the information technology support services identified in Exhibit B.

Milwaukie shall be responsible for its own purchases of mobile data computer (MDC) approved hardware, installation, and ongoing data connection costs.

Milwaukie shall work with Lake Oswego IT prior to adding any additional software to their MDC to ensure compatibility with the MDC interface and software.

8. LOCOM Center User Board. For the duration of this Agreement, Milwaukie shall participate as a member of the LOCOM Center User Board.

9. Limitation of Liability. Subject to the limitations of the Oregon Tort Claims Act ORS 30.260 et. seq., and the Oregon Constitution, Lake Oswego hereby covenants and agrees to hold and save Milwaukie and all of its officers, agents, and employees harmless from all claims whatsoever that might arise against Milwaukie, its officers, agents, or employees as a result of the performance of the duties to be performed by Lake Oswego by the terms of this agreement. By so doing, Lake Oswego, its officers and employees, shall not be deemed to have assumed any liability for acts of Milwaukie or of any officer, agent, or employee thereof, and Milwaukie hereby covenants and agrees to hold and save Lake Oswego and all of its officers and employees harmless from all claims whatsoever that might arise against Lake Oswego, its officers or employees, by reason of any act of Milwaukie, its agents, officers, and employees. For this purpose, employees of the LOCOM Center shall be deemed to be employees of Lake Oswego not as agents or employees of Milwaukie.

10. Provision of Information. Milwaukie shall provide the LOCOM Center with, and will update as necessary, maps of Milwaukie with addresses, a 24-hour emergency telephone

number list for on-call city personnel, known residential and business emergency contact numbers, current building and development site information, a copy of the City of Milwaukie's City ordinances, emergency information for emergency operations center (EOC) personnel, bi-annual radio assignments including radio identification number for mobile and portable radios, bi-annual cell phone assignment with current carrier and any other pertinent information deemed necessary by Lake Oswego to effectively perform dispatching duties.

11. Termination of Agreement. Lake Oswego may terminate this Agreement at any time for non-payment of any sum when due as required by Section 5 of this Agreement. Otherwise, either party may terminate this agreement effective July 1 of any fiscal year, provided written notice is given to the other party by January 1 of the preceding fiscal year.

12. Non-appropriation. Lake Oswego may terminate this Agreement, in whole or in part, upon thirty (30) days written notice to Milwaukie, in the event that Lake Oswego fails to receive funding, appropriations or other expenditure authority at levels sufficient to perform the services set forth in this Agreement.

13. Amendment Provisions. The terms of this agreement may be amended by mutual agreement of the parties. Any amendment shall be in writing, shall refer specifically to this agreement, and shall be executed by the parties.

14. Notice. Any notice under this agreement shall be in writing and shall be effective when actually delivered or when deposited in the mail, registered or certified, addressed to the parties as follows:

Lake Oswego: City Manager
 City of Lake Oswego
 P. O. Box 369
 Lake Oswego, OR 97034

Milwaukie City Manager
 City of Milwaukie
 10722 SE Main Street
 Milwaukie, OR 97222

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[Signatures on Next Page]

IN WITNESS WHEREOF, the parties by execution of this Agreement hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

CITY OF MILWAUKIE

CITY OF LAKE OSWEGO

Name Title

Name Title


Date

Date

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Milwaukie City Attorney



Lake Oswego Deputy City Attorney

Digitally signed by Evan P. Boone
DN: cn=Evan P. Boone, o=City of Lake Oswego,
ou=City Attorney's Office,
email=eboone@ci.oswego.or.us, c=US
Date: 2022.04.18 16:37:15 -07'00'

EXHIBIT A

LAW ENFORCEMENT DISPATCH ACTIVITIES

LOCOM Center provides for each member department a full public safety call answering and dispatching service by dual certified dispatchers who:

1. Answer, screen, transfer, and call take 9-1-1 calls.
2. Answer police department non-emergency telephone calls 24 hours a day.
3. Screen telephone calls to determine: the nature of the call, location of the incident, pertinent information.
4. Provide dispatching of appropriate resources.
5. Provide dispatching of additional cover units and other needed resources for field units.
6. Keep the officers' status and document all officers' activities. Monitor officers' safety by checking their status, using department directed pre-set time guidelines.
7. Provide on-site department access to all activities and documentation maintained on the computer aided dispatch system.
8. Work with Milwaukie PD to provide an activity bulletin within the confines of the MAJCS CAD system.
9. Provide all authorized field unit's direct availability into the Milwaukie, Clackamas County, state, and national computer systems (Mark 43, CLASS-Clackamas Law Enforcement Support System, LEDS-Oregon Law Enforcement Data System, DMV-Department of Motor Vehicles, NCIC-National Crime Information Center, AND CCH-Computerized Criminal History.) Milwaukie PD agrees to provide adequate licensing to LOCOM Center for any additional records management systems the department is utilizing and requesting database searches by LOCOM staff.
10. Verify and confirm all warrants, stolen and other "hits" by telephone and teletype.
11. Compose and send all time critical teletype messages using the state and national computerized files.
12. Make telephone calls for field units as required.
13. Act as an interface between field units and other public safety agencies.
14. Maintain after hours numbers for emergencies and other call outs for agency employees.
15. Provide dispatching for community service officers and other support functions.
16. Maintain the warrant file for municipal court service.
17. Provide dispatching for animal control officers if requested by a member department.
18. Provide dispatching for Public Works employees after hours as needed.

EXHIBIT B

INFORMATION TECHNOLOGY SUPPORT SERVICES

Lake Oswego shall provide the following services in support of Milwaukie's MDC program:

1. Provide MDC computer specifications and vendor ordering information on request.
2. Pick up MDC from Milwaukie's Information Technology (IT) staff once tagged and return to Milwaukie IT when removed from service for final disposition.
3. Define, configure, install and maintain computer image(s) that support Lake Oswego's MDC operations.
4. Name MDC with City of Milwaukie asset tag ID (e.g., MDXXX.)
5. Configure and install Lake Oswego supported anti-virus software.
6. Configure and install any special hardware or software applications desired by Milwaukie that support police operations and are also approved by Lake Oswego. Connecting significant hardware capability to the MDC may result in additional support cost to be negotiated separately. Support for the MK43 RMS is limited to determining connectivity to the MK43 website.
7. Coordinate installation of MDC into police vehicles.
8. Install and support MDC connectivity to CAD as needed.
9. Provide updated listing of MDC placement by vehicle to Milwaukie IT staff to include software license assignment for Milwaukie specific applications.
10. Provide MDC configuration and support in compliance with Criminal Justice Information Services and LEDS standards.
11. Provide all MDC and user support including connectivity troubleshooting during normal business hours and provide after-hours trouble reporting procedures.
12. Coordinate hardware repair with vendor for Panasonic MDCs. Out of warranty repairs will be the financial responsibility of Milwaukie.

Milwaukie shall provide the following services in support of the MDC program:

1. Order, purchase and track all MDC hardware; record serial numbers and affix City of Milwaukie asset tag
2. Order, purchase and provide software licenses and volume license keys not provided by the Lake Oswego
3. Properly dispose of decommissioned MDC hardware

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Reviewed: Bonnie Dennis, Administrative Services Director, and
Kelli Tucker, Accounting and Contracts Specialist

From: Brandon Gill, Information Technology Manager

Subject: **Pacific Office Automation Printer Lease 2022-2027**

Date Written: Apr. 21, 2022

ACTION REQUESTED

Council is asked to authorize the city manager to sign a five-year lease with Pacific Office Automation (POA) for multipurpose devices.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

May 2017: Council approved five-year leases with POA for multipurpose devices.

ANALYSIS

The current five-year lease with POA will end in May 2022. The proposed new lease, if approved, would lower costs, replace aging devices, and include software to increase printing security and reduce paper waste by enforcing double sided black and white printing by default. The new lease will provide new devices for use by the city that will be comparable to the current devices, and will include repair and maintenance service, papercut software, toner replacements, and periodic review of service for printing efficiencies. The proposed lease duration is for five years beginning June 1, 2022.

Staff has negotiated the lease with POA under a competitively awarded contract through the State of Washington (Contract #06619). Per the city's Public Contract Rule (PCR) 10.040, the city may purchase goods or services from a supplier under established price agreements without a subsequent competitive process.

In addition to the lease terms noted, staff worked to ensure that the new lease would include two printers and related support services until the city moved to a new city hall in 2023.

BUDGET IMPACT

The new lease will be a minimum monthly payment of \$2,648 with additional costs for any excess image charges, or a minimum amount of \$158,880 over the five-year duration. In comparison to current charges, the new lease will save \$579 per month or \$34,740 over the duration.

WORKLOAD IMPACT

Information technology (IT) department staff workload will be impacted by the time needed to coordinate delivery and replacement of devices, and update drivers on affected computers.

CLIMATE IMPACT

None.

COORDINATION, CONCURRENCE, OR DISSENT

None.

STAFF RECOMMENDATION

Staff recommends approving a five-year lease with POA per State of Washington Contract #06619.

ALTERNATIVES

Council may direct staff to solicit and consider other vendors for lease options or purchase copiers.

ATTACHMENTS

1. Resolution
2. State of Washington Contract #06619
3. Proposed Lease Agreement



COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING A FIVE-YEAR LEASE WITH PACIFIC OFFICE AUTOMATION FOR MULTI-PURPOSE DEVICES.

WHEREAS city staff requires appropriate office copier equipment to provide the services expected by the public, and

WHEREAS the city has maintained several multi-purpose devices at its work campuses and has leased equipment from Pacific Office Automation previously, and

WHEREAS City of Milwaukie’s lease for copiers with Pacific Office Automation has ended a new lease is required to continue printing and copying services, and

WHEREAS staff recommends that the city use the applicable State of Washington contract for copier services to continue receiving multi-purpose devices from Pacific Office Automation.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the city manager is authorized to execute a five-year lease with Pacific Office Automation for multi-purpose devices (copier machines).

Introduced and adopted by the City Council on **May 3, 2022**.

This resolution is effective immediately.

Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney



PARTICIPATING ADDENDUM

NASPO VALUEPOINT

COPIERS & MANAGED PRINT SERVICES

Administered by the State of Colorado (hereinafter "Lead State")

MASTER AGREEMENT

Master Agreement No: 140597

Konica Minolta Business Solutions U.S.A., Inc.

(hereinafter "Contractor")

and

State of Washington

(hereinafter "Participating State")

WASHINGTON MASTER CONTRACT No.: 06619

This Participating Addendum for the above referenced Master Agreement ("Participating Addendum") is made and entered into by and between the State of Washington acting by and through the Department of Enterprise Services, a Washington State governmental agency ("Enterprise Services") and Konica Minolta Business Solutions U.S.A., Inc., a New York corporation ("Contractor") and is dated and effective as of March 2, 2020.

RECITALS

- A. Pursuant to Legislative authorization codified in RCW 39.26.060, Enterprise Services, on behalf of the State of Washington, is authorized to participate in cooperative purchasing agreements to develop master agreements to procure goods and/or services and to make such competitively solicited and awarded contracts available to Washington state agencies and designated eligible purchasers consistent with terms and conditions set forth by Enterprise Services.
- B. Enterprise Services timely provided public notice of the competitive solicitation process conducted by the above-referenced lead state through Washington's Electronic Business Solutions (WEBS) system.

- C. The above-referenced Lead State, as part of its competitive solicitation process, evaluated all responses to its procurement and identified Contractor as an apparent successful bidder and awarded a Master Agreement to Contractor.
- D. Enterprise Services has determined that participating in this Master Agreement is in the best interest of the State of Washington.
- E. The purpose of this Participating Addendum is to enable eligible purchasers, as defined herein, to utilize the Master Agreement as conditioned by this Participating Addendum.

A G R E E M E N T

NOW THEREFORE, in consideration of the mutual promises, covenants, and conditions set forth herein, the parties hereto hereby agree as follows:

1. **SCOPE:** This Participating Addendum covers the following Copiers and Managed Print Services contract categories led by the State of Colorado for use by state agencies and other entities located in the Participating State authorized by that state’s statutes to utilize state contracts with the prior approval of the State’s chief procurement official.
 - Group A – MFD, A3
 - Group B – MFD, A4
 - Group C – Production Equipment
 - Group D – Single-function Printers
 - Group E – Large/Wide Format Equipment
 - Group F – Scanners
 - Supplies
 - Software
 - Accessories for Discontinued Base Units
2. **PARTICIPATION:** Use of specific NASPO ValuePoint cooperative contracts by agencies, political subdivisions and other entities (including cooperatives) authorized by an individual state’s statutes to use state contracts are subject to the prior approval of the respective State chief procurement official. Issues of interpretation and eligibility for participation are solely within the authority of the State chief procurement official. Pursuant to this Participating Addendum, the Master Agreement may be utilized by the following (“Purchasing Entities” or “Purchasers”):
 - (a) WASHINGTON STATE AGENCIES. All Washington state agencies, departments, offices, divisions, boards, and commissions.
 - (b) WASHINGTON STATE INSTITUTIONS OF HIGHER EDUCATION (COLLEGES). Any the following specific institutions of higher education in Washington:
 - State universities – i.e., University of Washington & Washington State University;

- Regional universities – i.e., Central Washington University, Eastern Washington University, & Western Washington University
 - Evergreen State College;
 - Community colleges; and
 - Technical colleges.
- (c) **MCUA PARTIES.** The Master Agreement also may be utilized by any of the following types of entities that have executed a Master Contract Usage Agreement (MCUA) with Enterprise Services:
- Political subdivisions (e.g., counties, cities, school districts, public utility districts, ports) in the State of Washington;
 - Federal governmental agencies or entities;
 - Public-benefit nonprofit corporations (i.e., § 501(c)(3) nonprofit corporations that receive federal, state, or local funding); and
 - Federally-recognized Indian Tribes located in the State of Washington.

By placing an order under this Participating Addendum, each Purchasing Entity agrees to be bound by the terms and conditions of this Participating Addendum, including the Master Agreement. Each Purchasing Entity shall be responsible for its compliance with such terms and conditions.

3. PARTICIPATING STATE MODIFICATIONS OR ADDITIONS TO MASTER AGREEMENT:

- 3.1. **WASHINGTON’S ELECTRONIC BUSINESS SOLUTIONS (WEBS) SYSTEM:** Within seven (7) days of execution of this Participating Addendum, Contractor shall register in the Washington State Department of Enterprise Services’ Electronic Business Solutions (WEBS) System at [WEBS](#). Contractor shall ensure that all of its information therein is current and accurate and that, throughout the term of the Master Agreement, Contractor shall maintain an accurate profile in WEBS.
- 3.2. **WASHINGTON’S STATEWIDE PAYEE DESK:** To be paid for contract sales, Contractors must register with Washington’s Statewide Payee Desk. Washington state agencies cannot make payments to a contractor until it is registered. Registration materials are available here: [Receiving Payment from the State](#).
- 3.3. **CONTRACT SALES REPORTING:** Contractor shall report total contract sales quarterly to Enterprise Services, as set forth below.
- (a) **REPORTING.** Contractor shall report quarterly Contract sales in Enterprise Services’ [Contract Sales Reporting System](#). Enterprise Services will provide Contractor with a login password and a vendor number.
 - (b) **DATA.** Each sales report must identify every authorized Purchasing Entity by name as it is known to Enterprise Services and its total combined sales amount invoiced during the reporting period (i.e., sales of an entire agency or political subdivision, not its individual subsections). The “Miscellaneous” option may be used only with

prior approval by Enterprise Services. Upon request, Contractor shall provide contact information for all authorized Purchasing Entities specified herein during the term of this Participating Addendum. Refer sales reporting questions to the Primary Contact set forth below. If there are no contract sales during the reporting period, Contractor must report zero sales.

- (c) **DUE DATES FOR CONTRACT SALES REPORTING.** Quarterly Contract Sales Reports must be submitted electronically by the following deadlines for all sales invoiced during the applicable calendar quarter:

For Calendar Quarter Ending	Contract Sales Report Due
March 31	April 30
June 30	July 31
September 30	October 31
December 31	January 31

- 3.4. **VENDOR MANAGEMENT FEE:** Contractor shall pay to Enterprise Services a vendor management fee (“VMF”) of 1.5 percent on the purchase price for all contract sales (the purchase price is the total invoice price less applicable sales tax) authorized by this Participating Addendum.

- (a) The sum owed by Contractor to Enterprise Services as a result of the VMF is calculated as follows:

Amount owed to Enterprise Services = Total contract sales invoiced (not including sales tax) x .0150.

- (b) The VMF must be rolled into Contractor’s current pricing. The VMF must not be shown as a separate line item on any invoice unless specifically requested and approved by Enterprise Services.
- (c) Enterprise Services will invoice Contractor quarterly based on contract sales reported by Contractor. Contractor shall not remit payment until it receives an invoice from Enterprise Services. Contractor’s VMF payment to Enterprise Services must reference the following:
- This Washington Master Contract Number: 06619
 - The NASPO Master Agreement Number: 140597
 - The year and quarter for which the VMF is being remitted, and
 - Contractor’s name as set forth in this Contract, if not already included on the face of the check.
- (d) Contractor’s failure accurately and timely to report total net sales, to submit usage reports, or remit payment of the VMF to Enterprise Services, may be cause for suspension or termination of this Participating Addendum or the exercise of any

other remedies as provided by law.

- (e) Enterprise Services reserves the right, upon thirty (30) days advance written notice, to increase, reduce, or eliminate the VMF for subsequent purchases.
- (f) For purposes of the VMF, the parties agree that the initial management fee is included in the pricing. Therefore, any increase or reduction of the management fee must be reflected in contract pricing commensurate with the adjustment.

3.5. **CONTRACTOR REPRESENTATIONS AND WARRANTIES:** Contractor makes each of the following representations and warranties as of the effective date of this Participating Addendum and at the time any order is placed pursuant to the Master Contract. If, at the time of any such order, Contractor cannot make such representations and warranties, Contractor shall not process any orders and shall, within three (3) business days notify Enterprise Services, in writing, of such breach.

- (a) **WAGE VIOLATIONS.** Contractor represents and warrants that, during the term of this Master Contract and the three (3) year period immediately preceding the award of the Master Contract, it is not determined, by a final and binding citation and notice of assessment issued by the Washington Department of Labor and Industries or through a civil judgment entered by a court of limited or general jurisdiction, to be in willful violation of any provision of Washington state wage laws set forth in RCW chapters 49.46, 49.48, or 49.52.
- (b) **PAY EQUALITY.** Contractor represents and warrants that, among its workers, similarly employed individuals are compensated as equals. For purposes of this provision, employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed. Contractor may allow differentials in compensation for its workers based in good faith on any of the following: a seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels. A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience that is: consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential. A bona fide regional difference in compensation level must be consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential. Notwithstanding any provision to the contrary, upon breach of warranty and Contractor's failure to provide satisfactory evidence of compliance within thirty (30) days, Enterprise Services may suspend or terminate this Participating Addendum and Master Contract and any Purchaser hereunder similarly may suspend or terminate its use of the Master Contract and/or any agreement entered into pursuant to this Participating Addendum.
- (c) **EXECUTIVE ORDER 18-03 – WORKERS' RIGHTS (MANDATORY INDIVIDUAL ARBITRATION).** Contractor represents and warrants, that Contractor does NOT require its employees, as a condition of employment, to sign or agree to mandatory individual

arbitration clauses or class or collective action waivers. Contractor further represents and warrants that, during the term of this Master Contract, Contractor shall not, as a condition of employment, require its employees to sign or agree to mandatory individual arbitration clauses or class or collective action waivers.

- (d) **OCIO POLICY & SECURITY COMPLIANCE:** Contractor represents and warrants that it shall comply, to the extent applicable, with the Washington Office of the Chief Information Officer (OCIO) statewide information technology policies *141.10 – Securing Information Technology Assets Standards* and *188 - Accessibility*, as applicable, for Purchasing Entity and for Contractor’s Product(s) procured by Purchasing Entity. Such policies are located on the OCIO website at <https://ocio.wa.gov//policies>. Prior to final execution of a Washington State Agency’s Order with a Contractor, the Contractor’s Product(s), as implemented by the Washington State Agency, may be subject to a security design review performed by Washington Consolidated Technology Services to ensure compliance with *OCIO Policy 141.10 - Securing Information Technology Assets Standards*.
- (e) **GREEN/SUSTAINABLE.** Contractor represents and warrants that Contractor shall endeavor to supply and delivery goods in alignment with the State of Washington’s green/sustainability strategy which, at a minimum is designed to minimize the use of unnecessary product packaging, reduce the use of toxic chemicals, and offer Purchasers, where practicable, ‘green products’ that provide equivalent performance.

3.6. COMPLIANCE WITH LAW; TAXES, LICENSES, & REGISTRATION: Contractor shall comply with all applicable law. Prior to making any sales hereunder, if Contractor is not already registered, Contractor shall register to conduct business in the State of Washington and promptly acquire and maintain all necessary licenses and registrations and pay all applicable taxes and fees. In addition, for all sales to Purchasers in the State of Washington, if Contractor does not currently do so, Contractor shall calculate, collect, and remit, as appropriate, the applicable state and local sales tax on all invoices.

3.7. CONTRACTOR’S SALES AUTHORITY; PURCHASE ORDERS; & INVOICES:

- (a) **CONTRACTOR’S SALES AUTHORITY.** Pursuant to this Participating Addendum, Contractor and designated local dealer network are authorized to provide only those Products set forth in the Master Agreement as conditioned by this Participating Addendum. Contractor shall not represent to any Purchasing Entity hereunder that it has any authority to sell any other materials, supplies, services and/or equipment.
- (b) **INVOICES.** Contractor and designated local dealer network must provide a properly completed invoice to Purchasing Entity. All invoices are to be delivered to the address indicated in the purchase order. Each invoice must include the:
- Washington Master Contract Number 06619;
 - Lead State Master Agreement Number: 140597;
 - Contractor’s statewide vendor registration number assigned by the Washington State Office of Financial Management (OFM);

- Applicable Purchasing Entity's order number;

Invoices must be prominently annotated by the Contractor with all applicable volume discount(s).

4. **LEASES:** Equipment leases are subject to the terms and conditions as set forth in Section 4.5.7 of the Master Agreement. Any Purchaser that desires to lease equipment pursuant to the Master Agreement, must have the authority to do so. This Participating Addendum does not provide independent authorization for Purchaser to lease equipment. In addition, Purchaser, that are state agencies must follow the Office of Financial Management (OFM) Statewide Administrative and Accounting Manual (SAAM), [policy 30.20.70](#) and 90.40.45 regarding any leases of equipment.
5. **PRIMARY CONTACTS:** The primary contact individuals for this Participating Addendum are as follows

Contractor

Konica Minolta Business Solutions USA
Inc.,
100 Williams Drive
Ramsey, New Jersey 07446

Attn: Desiree Mendro
Tel: (703) 637-1527
Email:
dmendro@kmbms.konicaminolta.us

Participating State

State of Washington
Department of Enterprise Services
Contracts & Procurement Division
P.O. Box 41411
Olympia, WA 98504-1411

Attn: Breann Aggers
Tel: (360) 407-9416
Email: breann.aggers@des.wa.gov

6. **CONTRACTOR'S AUTHORIZED LOCAL DEALER NETWORK:** Contractor shall provide the products/services through its Authorized Local Dealer Network. For purposes of this Master Agreement and Participating Addendum, Contractor's Authorized Local Dealer Network for the State of Washington are those firms listed on the dedicated Contractor set forth in this agreement for this Master Agreement. Contractor shall ensure that each of its Authorized Local Dealer Network perform in accordance with the terms and conditions set forth in the Master Agreement and this Participating Addendum.
 - (a) **SUBCONTRACTORS:** Except for subcontracts with Contractor's Local Dealer Network ("Local Dealer Network" or "Designated Subcontractors"), Contractor shall not subcontract, assign, or otherwise transfer its obligations under the Master Agreement and this Participating Addendum without Enterprise Services' prior written consent. Violation of this condition shall constitute a material breach establishing grounds for termination of this Participating Addendum.
 - **SUBCONTRACTOR AUTHORIZATION.** Contractor is authorized, without additional Participating State consent, to utilize its Local Dealer Network to provide invoicing,

sales and service support to Purchasers hereunder; *provided*, however, that such participation shall be in accordance with the terms and conditions set forth in the Master Agreement and this Participating Addendum. Contractor shall maintain a list of such Local Dealer Network utilized for this Participating Addendum, and, upon request, promptly provide Enterprise Services with such list and any updates.

- **CONTRACTOR RESPONSIBILITY FOR LOCAL DEALER NETWORK.** Contractor shall be responsible to ensure that all requirements of the Master Agreement (including, but not limited to, insurance requirements, indemnification, Washington state business registration, etc.) flow down to any and all Designated Local Dealer Network. In no event shall the existence of a subcontract between Contractor and its subcontractor operate to release or reduce Contractor's liability to the Participating State or any Purchaser for any breach of the Master Agreement or this Participating Addendum. As to Participating State and Purchasers hereunder, Contractor shall have full and complete responsibility and liability for any act or omission by Contractor's Local Dealer Network.
- **PURCHASER PAYMENT REGARDING CONTRACTOR'S DESIGNATED LOCAL DEALER NETWORK.** Notwithstanding any provision to the contrary, the parties understand and agree that for any contract sales or service provided pursuant to the Master Agreement and this Participating Addendum, Purchaser payment shall be made directly to Contractor as the awarded vendor pursuant to the competitive procurement; *provided*, however, that, in the event any such sales or services are performed by a Designated Local Dealer Network for Contractor, Contractor may instruct such Purchaser to make payment for such sales or services to Contractor's identified Designated Local Dealer Network. Regardless of whether Contractor instructs a Purchaser to make such payment to Contractor's Designated Local Dealer Network, Contractor shall remain responsible for performance.
- **CONTRACT SALES REPORTING.** Notwithstanding any provision to the contrary, Contractor shall report to Enterprise Services total contract sales, delineated by purchaser, made by each individual Designated Local Dealer Network and also report total contract sales, delineated by purchaser, on a consolidated Contractor 'roll-up' basis. Contractor shall maintain records supporting such reports in accordance with the Master Agreement's records retention requirements.

7. **SHOWROOM EQUIPMENT:** Upon request by a Purchasers, showroom Equipment for Groups A, B, and C may be converted to a purchase, lease, or rental providing the following conditions are met:

- a. The meter count on Group A and Group B Devices does not exceed 10,000 copies total (b&w) and color combined); and the meter count on Group C Devices does not exceed 50,000 copies total (i.e. b&w and color combined);
- b. The Device must be discounted by at least 5% off the Master Agreement pricing for that same Device; and the Purchasing Entity and the Contractor must indicate on the Order that the Device is a showroom model.

8. **SOFTWARE:** Purchasers that acquire software shall be subject to the license agreements distributed with such software. Software subscriptions shall not be subject to automatic renewals. Purchasers shall have the option to finance software subscriptions by utilizing Contractor lease and rental rates. Notwithstanding the foregoing, in the event of a conflict in language between an end user license agreement (EULA) and the Master Agreement, the language in the Master Agreement will supersede and control. In addition, any language in a EULA which violates a participating state's constitution or a statute of that state; or violates the laws of a local entity making a purchase, will be deemed void, and of no force or effect, as applied to the participating or purchasing entity.
9. **AUTHORIZED LOCAL DEALER NETWORK:** Contractor's Authorized Local Dealer Network to do business in Washington is provided in Participating Addendum Exhibit A - Authorized Local Dealer Network.
10. **ORDERS:** Unless the parties to the Order agree in writing that another contract or agreement applies to such order, any Order placed by a Participating Entity or Purchasing Entity for a Product and/or Service available from this Master Agreement shall be deemed to be a sale under (and governed by the prices and other terms and conditions of) the Master Agreement as conditioned by this Participating Addendum.
11. **GENERAL:**
- (a) **INTEGRATED AGREEMENT; MODIFICATION.** This Participating Addendum and Master Agreement, together with its exhibits, set forth the entire agreement and understanding of the Parties with respect to the subject matter and supersedes all prior negotiations and representations. This Participating Addendum may not be modified except in writing signed by the Parties.
 - (b) **AUTHORITY.** Each party to this Participating Addendum, and each individual signing on behalf of each party, hereby represents and warrants to the other that it has full power and authority to enter into this Participating Addendum and that its execution, delivery, and performance of this Participating Addendum has been fully authorized and approved, and that no further approvals or consents are required to bind such party.
 - (c) **ELECTRONIC SIGNATURES.** A signed copy of this Participating Addendum or any other ancillary agreement transmitted by facsimile, email, or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original executed copy of this Participating Addendum or such other ancillary agreement for all purposes.

(d) COUNTERPARTS. This Participating Addendum may be executed in one or more counterparts, each of which shall be deemed an original, and all of which counterparts together shall constitute the same instrument which may be sufficiently evidenced by one counterpart. Execution of this Participating Addendum at different times and places by the parties shall not affect the validity thereof so long as all the parties hereto execute a counterpart of this Participating Addendum.

EXECUTED as of the date and year first above written.

STATE OF WASHINGTON

DEPARTMENT OF ENTERPRISE SERVICES

By: Corinna Cooper

Corinna Cooper

Its: Enterprise Procurement Manager

KONICA MINOLTA BUSINESS SOLUTIONS USA INC.,

NEW YORK CORPORATION

By: Kristen McKenna

Kristen McKenna

Its: State Contract Manager

Exhibit A

Authorized Local Dealer Network

For

Konica Minolta Business Solutions U.S.A. Inc.

The Washington State Department of Enterprise Services is committed to providing the maximum practicable opportunity for small and diverse businesses to participate in state contracting opportunities. Accordingly, please identify each authorized dealer (the person or firm you contractually authorize to fulfill contractual duties as set forth in the Master Agreement) and, for each authorized dealer, please identify whether the authorized dealer is a small business, microbusiness, minibusiness, Washington State Office of Minority and Women's Business Enterprise (OMWBE) certified minority owned (MBE) or women owned business (WBE), or Washington Department of Veteran's Affairs (DVA) certified veteran-owned business.

Authorized Dealer:	Pacific Office Automation
Certifications Status:	NONE
Address:	14747 N.W. Greenbriar Parkway Beaverton, OR 97006
Contact:	Jeff Simon
Phone:	(503) 601-2315
Email:	jeff.simon@pacificoffice.com

Authorized Dealer:	Oasys, Inc.
Certifications Status:	VETERAN OWNED BUSINESS
Address:	1575 Port Drive Burlington, WA 98233
Contact:	Troy Wright
Phone:	(360) 755-0309
Email:	troyw@oasysinc.com

Authorized Dealer: Inland NW Services	
Certifications Status:	NONE
Address:	3204 5 th Street Lewiston, ID 83501
Contact:	Cheryl Crouse
Phone:	(208) 746-2557
Email:	daboss@inlandnwservices.com

Authorized Dealer: Business Interiors & Equipment, Inc.	
Certifications Status:	NONE
Address:	1634 W. Broadway Moses Lake, WA 98837
Contact:	Mike Chase
Phone:	(509) 765-5800
Email:	michael@bieml.com

Authorized Dealer: Copytronix	
dba: A Global Imaging Systems Company	
Certifications Status:	NONE
Address:	16640 SW 72nd Ave. Suite 800 Portland, OR 97224
Contact:	Kyle Marvin
Phone:	(503) 620-0202
Email:	kmarvin@ctx-xerox.com

Authorized Dealer: Konica Minolta Business Solutions	
Certifications Status:	NONE
Address:	2020 SW 4th Avenue, Suite 100 Portland, OR 97201
Contact:	Cory Macke
Phone:	(503) 889-1107
Email:	cmacke@kmbs.konicaminolta.us

Authorized Dealer: Konica Minolta Business Solutions	
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Certifications Status:	NONE
Address:	1000 Oaksdale Ave SW, Suite 120 Renton, WA 98057
Contact:	Jeff Carlson
Phone:	(425) 201-5855
Email:	jcarlson@kmbs.konicaminolta.us

Authorized Dealer:	KBL, Inc.
	Dbas: Abadan Tri-Cities
Certifications Status:	None
Address:	79 Aaron Drive Richland, WA 99352
Contact:	Tyler Best
Phone:	(509) 946-7693
Email:	tylerb@abadantc.com

Authorized Dealer:	Pacific Office Automation
Certifications Status:	NONE
Address:	1064 4 th Avenue South Seattle, WA 98134
Contact:	James Pierson
Phone:	(206) 753-0450
Email:	james.pierson@pacificoffice.com

Authorized Dealer:	Fisher's Technology
Certifications Status:	NONE
Address:	7322 E. Broadway Spokane, WA 99212
Contact:	Eric Strand
Phone:	(509) 381-7122
Email:	estrand@fisherstech.com

Authorized Dealer:	Konica Minolta Business Solutions
Certifications Status:	NONE
Address:	601 W. Riverside, Suite 431 Spokane, WA 99201
Contact:	Cory Macke

Phone:	(503) 889-1107
Email:	cmacke@kmb.s.konicaminolta.us

Authorized Dealer:	Pacific Office Automation
Certifications Status:	NONE
Address:	345 East Third Ave. Spokane, WA 99202
Contact:	Jeff Simon
Phone:	(503) 601-2315
Email:	jeff.simon@pacificoffice.com

Authorized Dealer:	Pacific Office Automation
Certifications Status:	NONE
Address:	1114 Pacific Avenue Tacoma, WA 98402
Contact:	Russ Meyers
Phone:	(253) 572-6400
Email:	russ.meyers@pacificoffice.com

Authorized Dealer:	Bohns Printing, Inc.
Certifications Status:	NONE
Address:	308 Union Street The Dalles, OR 97058
Contact:	Richard Bohn
Phone:	(541) 296-2361
Email:	rick@bohnprint.com



Equipment Lease Agreement

Agreement # _____

EQUIPMENT		
Equipment Model & Description	Serial Number	Accessories
_____	_____	_____
_____	_____	_____

See attached schedule for additional Equipment/Accessories
 Equipment Location (if different from Billing Address): See Schedule A for equipment and locations

SUPPLIER		
Pacific Office Automation (Branch 10)		
Name _____		
14747 NW Greenbrier Parkway		
Address _____		
Beaverton	OR	97006
City	State	Zip

PURCHASE OPTION AT END OF TERM
<input checked="" type="checkbox"/> Fair Market Value

TRANSACTION TERMS
Lease Payment \$ <u>2,648.01</u> (plus applicable taxes)
Term <u>60</u> months
Billing Period: Monthly

YOU HAVE SELECTED THE EQUIPMENT. THE SUPPLIER AND ITS REPRESENTATIVES ARE NOT OUR AGENTS AND ARE NOT AUTHORIZED TO MODIFY THE TERMS OF THIS LEASE. YOU ARE AWARE OF THE NAME OF THE MANUFACTURER OF EACH ITEM OF EQUIPMENT AND YOU WILL CONTACT EACH MANUFACTURER FOR A DESCRIPTION OF YOUR WARRANTY RIGHTS. WE MAKE NO WARRANTIES TO YOU, EXPRESS OR IMPLIED, AS TO THE MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, SUITABILITY, OR OTHERWISE. WE PROVIDE THE EQUIPMENT TO YOU AS-IS. WE SHALL NOT BE LIABLE FOR CONSEQUENTIAL OR SPECIAL DAMAGES.

YOUR PAYMENT OBLIGATIONS ARE ABSOLUTE AND UNCONDITIONAL AND ARE NOT SUBJECT TO CANCELLATION, REDUCTION OR SETOFF FOR ANY REASON WHATSOEVER. BOTH PARTIES AGREE TO WAIVE ALL RIGHTS TO A JURY TRIAL. THIS LEASE SHALL BE GOVERNED BY THE LAWS OF OREGON. YOU CONSENT TO THE JURISDICTION AND VENUE OF FEDERAL AND STATE COURTS IN OREGON.

TO HELP THE GOVERNMENT FIGHT THE FUNDING OF TERRORISM AND MONEY LAUNDERING ACTIVITIES, FEDERAL LAW REQUIRES ALL FINANCIAL INSTITUTIONS TO OBTAIN, VERIFY AND RECORD INFORMATION THAT IDENTIFIES EACH PERSON WHO OPENS AN ACCOUNT. WHAT THIS MEANS TO YOU: WHEN YOU OPEN AN ACCOUNT, WE WILL ASK FOR YOUR NAME, ADDRESS AND OTHER INFORMATION THAT WILL ALLOW US TO IDENTIFY YOU. WE MAY ALSO ASK TO SEE IDENTIFYING DOCUMENTS.

BY SIGNING THIS LEASE, YOU ACKNOWLEDGE RECEIPT OF PAGE 2 OF THIS LEASE, AND AGREE TO THE TERMS ON BOTH PAGES 1 AND 2. ORAL AGREEMENTS OR COMMITMENTS TO LOAN MONEY, EXTEND CREDIT OR TO FOREBEAR FROM ENFORCING REPAYMENT OF A DEBT, INCLUDING PROMISES TO EXTEND OR RENEW SUCH DEBT, ARE NOT ENFORCEABLE. TO PROTECT YOU AND US FROM MISUNDERSTANDING OR DISAPPOINTMENT, ANY AGREEMENTS WE REACH COVERING SUCH MATTERS ARE CONTAINED IN THIS WRITING, WHICH IS THE COMPLETE AND EXCLUSIVE STATEMENT OF THE AGREEMENT BETWEEN US, EXCEPT AS WE MAY LATER AGREE IN WRITING TO MODIFY IT.

LESSEE ("You")		
Milwaukie, City of		
Full Legal Name _____		
10722 SE Main St		
Billing Address _____		
Milwaukie	OR	97222
City	State	Zip

LESSOR ("We," "Us")
Pacific Office Automation, Inc.
By: _____
Name: _____
Title: <u>Branch Administrative Manager</u>
Date: _____

Contact Name	Phone	E-mail Address
By: X _____		
Name: _____		
Title: _____		
Date: _____		
Federal Tax ID: _____		

ADDITIONAL TERMS AND CONDITIONS OF LEASE

1. **COMMENCEMENT OF LEASE.** Commencement of this Lease and acceptance of the Equipment shall occur upon delivery of the Equipment to you. You agree to inspect the Equipment upon delivery and verify by telephone or in writing such information as we may require. If you signed a purchase order or similar agreement for the purchase of the Equipment, by signing this Lease you assign to us all of your rights, but none of your obligations under it. All attachments, accessories, replacements, replacement parts, substitutions, additions and repairs to the Equipment shall form part of the Equipment under this Lease.

2. **SECURITY DEPOSIT.** Not applicable

3. **LEASE PAYMENTS.** You agree to remit to us the Lease Payment and all other sums when due and payable each Billing Period at the address we provide to you from time to time. Lease Payments are due whether or not you are invoiced.

4. **LEASE CHARGES.** You agree to: (a) pay all costs and expenses associated with the use, maintenance, servicing, repair or replacement of the Equipment; (b) pay all premiums and other costs of insuring the Equipment; (c) reimburse us for all costs and expenses (including reasonable attorneys' fees and court costs) incurred in enforcing this Lease; and (d) pay all other costs and expenses for which you are obligated under this Lease. You agree, at our discretion, to either (1) reimburse us annually for all personal property and other similar taxes and governmental charges associated with the ownership, possession or use of the Equipment, or (2) remit to us each Billing Period our estimate of the pro-rated equivalent of such taxes and governmental charges. You agree to pay us an administrative fee for the processing of taxes, assessments or fees which may be due and payable under this Lease. We may take on your behalf any action required under this Lease which you fail to take, and upon receipt of our invoice you will promptly pay our costs (including insurance premiums and other payments to affiliates), plus reasonable processing fees. Restrictive endorsements on checks you send to us will not reduce your obligations to us. We may charge you a return check or non-sufficient funds charge of \$25.00 for any check which is returned by the bank for any reason (not to exceed the maximum amount permitted by law).

5. **LATE CHARGES.** For any payment which is not received by its due date, you agree to pay a late charge equal to the higher of 10% of the amount due or \$22.00 (not to exceed the maximum amount permitted by law) as reasonable collection costs.

6. **OWNERSHIP, USE, MAINTENANCE AND REPAIR.** We own the Equipment and you have the right to use the Equipment under the terms of this Lease. If this Lease is deemed to be a secured transaction, you grant us a security interest in the Equipment to secure all of your obligations under this Lease. You hereby assign to us all of your rights, but none of your obligations, under any purchase agreement for the Equipment. We hereby assign to you all our rights under any manufacturer or supplier warranties, so long as you are not in default hereunder. You must keep the Equipment free of liens. You may not remove the Equipment from the address indicated on the front of this Lease without first obtaining our approval. You agree to: (a) keep the Equipment in your exclusive control and possession; (b) USE THE EQUIPMENT ONLY IN THE LAWFUL CONDUCT OF YOUR BUSINESS, AND NOT FOR PERSONAL, HOUSEHOLD OR FAMILY PURPOSES; (c) use the Equipment in conformity with all insurance requirements, manufacturer's instructions and manuals; (d) keep the Equipment repaired and maintained in good working order and as required by the manufacturer's warranty, certification and standard full service maintenance contract; and (e) give us reasonable access to inspect the Equipment and its maintenance and other records.

7. **INDEMNITY.** You are responsible for all losses, damage, claims, infringement claims, injuries and attorneys' fees and costs ("Claims"), incurred or asserted by any person, in any manner relating to the Equipment, including its use, condition or possession. You agree to defend and indemnify us against all Claims, although we reserve the right to control the defense and to select or approve defense counsel. This indemnity continues beyond the termination of this Lease, for acts or omissions which occurred during the Term of this Lease. You also agree that this Lease has been entered into on the assumption that we will be entitled to certain tax benefits available to the owner of the Equipment. You agree to indemnify us for the loss of any income tax benefits caused by your acts or omissions inconsistent with such assumption or this Lease. In the event of any such loss, we may increase the Lease Payments and other amounts due to offset any such adverse effect.

8. **LOSS OR DAMAGE.** If any item of Equipment is lost, stolen or damaged you will, at your option and cost, either: (a) repair the item or replace the item with a comparable item reasonably acceptable to us; or (b) pay us the sum of: (i) all past due and current Lease Payments and Lease Charges, (ii) the present value of all remaining Lease Payments and Lease Charges for the item, discounted at the rate of 6% per annum (or the lowest rate permitted by law, whichever is higher) and (iii) the Fair Market Value of the Equipment. We will then transfer to you all our right, title and interest in the Equipment AS-IS AND WHERE-IS, WITHOUT ANY WARRANTY AS TO CONDITION, TITLE OR VALUE. Insurance proceeds shall be applied toward repair, replacement or payment hereunder, as applicable. In this Lease, "Fair Market Value" of the Equipment means its fair market value at the end of the Term, assuming good order and condition (except for ordinary wear and tear from normal use), as estimated by us.

9. **INSURANCE.** You agree, at your cost, to: (a) keep the Equipment insured against all risks of physical loss or damage for its full replacement value, naming us as loss payee; and (b) maintain public liability insurance, covering personal injury and Equipment damage for not less than \$300,000 per occurrence, naming us as additional insured. You have a choice

in how you satisfy these insurance requirements. You may obtain coverage on your own and provide us with evidence of insurance coverage. The policy must be issued by an insurance carrier rated B+ or better by A.M. Best Company, must provide us with not less than 15 days' prior written notice of cancellation, non-renewal or amendment, and must provide deductible amounts acceptable to us. If you do not provide acceptable insurance within 30 days after the start of this Lease, we have the right but no obligation to obtain insurance covering our interest (and only our interest) in the Equipment for the Lease Term and any renewals as would be further described on a letter from us to you. Any insurance we obtain will not insure you against third party or liability claims and may be cancelled at any time. In the event that we elect to obtain such insurance, you will be required to pay us an additional amount each Billing Period for the cost of such insurance and an administrative fee, the cost of which insurance and administrative fee may be more than the cost to obtain your own insurance. We may make a profit on these programs.

10. **DEFAULT.** You will be in default under this Lease if: (a) you fail to remit to us any payment within ten (10) days of the due date or breach any other obligation under this Lease; (b) a petition is filed by or against you or any Guarantor under any bankruptcy or insolvency law; or (c) you default under any other agreement with us.

11. **REMEDIES.** If you default, we may do one or more of the following: (a) recover from you, AS LIQUIDATED DAMAGES FOR LOSS OF BARGAIN AND NOT AS A PENALTY, the sum of: (i) all past due and current Lease Payments and Lease Charges, (ii) the present value of all remaining Lease Payments and Lease Charges, discounted at the rate of 6% per annum (or the lowest rate permitted by law, whichever is higher) and (iii) the Fair Market Value of the Equipment; (b) declare any other agreements between us in default; (c) require you to return all of the Equipment in the manner outlined in Section 12, or take possession of the Equipment, in which case we shall not be held responsible for any losses directly or indirectly arising out of, or by reason of the presence and/or use of any and all proprietary information residing on or within the Equipment, and to lease or sell the Equipment or any portion thereof, and to apply the proceeds, less reasonable selling and administrative expenses, to the amounts due hereunder; (d) charge you interest on all amounts due us from the due date until paid at the rate of 1-1/2% per month, but in no event more than the lawful maximum rate; (e) charge you for expenses incurred in connection with the enforcement of our remedies including, without limitation, repossession, repair and collection costs, attorneys' fees and court costs. These remedies are cumulative, are in addition to any other remedies provided for by law, and may be exercised concurrently or separately. Any failure or delay by us to exercise any right shall not operate as a waiver of any other right or future right.

12. **END OF TERM OPTIONS; RETURN OF EQUIPMENT.** If you are not in default, at least 30 days prior to the end of the Term (or the Renewal Term) you shall give us written notice of your intention at the end of the Term (or the Renewal Term) which election cannot be revoked, to either (a) return all of the Equipment, or (b) purchase all of the Equipment AS-IS AND WHERE-IS, WITHOUT ANY WARRANTY AS TO CONDITION, TITLE OR VALUE, for the Fair Market Value plus applicable sales and other taxes. IF YOU FAIL TO PROVIDE US WITH SUCH 30 DAY PRIOR WRITTEN NOTICE, OR HAVING NOTIFIED US, YOU FAIL TO RETURN THE EQUIPMENT, THE TERM OF THIS LEASE SHALL AUTOMATICALLY RENEW MONTH TO MONTH

(the "Renewal Term") and all of the provisions of this Lease shall continue to apply, including your obligation to remit Lease Payments and Lease Charges. If you are in default or you do not purchase the Equipment at the end of the Term (or the Renewal Term),

Pacific Office Automation will be responsible for the return of the leased Equipment referenced on this Lease Agreement

13. **ASSIGNMENT.** You may not assign or dispose of any rights or obligations under this Lease or sub-lease the Equipment, without our prior written consent. We may, without notifying you, (a) assign this Lease or our interest in the Equipment; and (b) release information we have about you and this Lease to the manufacturer, supplier or any prospective investor, participant or purchaser of this Lease. If we do make an assignment under subsection 13(a) above, our assignee will have all of our rights under this Lease, but none of our obligations. You agree not to assert against our assignee claims, offsets or defenses you may have against us.

14. **MISCELLANEOUS.** Notices must be in writing and will be deemed given 5 days after mailing to your (or our) business address. You represent that: (a) you have authority to enter into this Lease and by so doing you will not violate any law or agreement; and (b) this Lease is signed by your authorized officer or agent. This Lease is the entire agreement between us, and cannot be modified except by another document signed by us. This Lease is binding on you and your successors and assigns. All financial information you have provided is true and a reasonable representation of your financial condition. You authorize us or our agent to: (a) obtain credit reports and make credit inquiries; (b) furnish payment history to credit reporting agencies; and (c) be your attorney-in-fact for the sole purpose of signing Uniform Commercial Code ("UCC") financing statements. Any claim you have against us must be made within two (2) years after the event which caused it. If a court finds any provision of this Lease to be unenforceable, all other terms shall remain in effect and enforceable. You authorize us to insert or correct missing information on this Lease, including your proper legal name, serial numbers and any other information describing the Equipment. THE PARTIES INTEND THIS TO BE A "FINANCE LEASE" UNDER ARTICLE 2A OF THE UCC. YOU WAIVE ALL RIGHTS AND REMEDIES CONFERRED UPON A LESSEE BY ARTICLE 2A OF THE UCC.



SCHEDULE A

<u>Equipment</u>	<u>Location Name</u>	<u>Address</u>	<u>City, State, Zip</u>
(1) Konica Minolta C360i Color Copier System	City Hall - City Finance	10722 SE Main St	Milwaukie, OR 97222
(1) Konica Minolta C750i Color Copier System	City Hall - HR 2nd Floor	10722 SE Main St	Milwaukie, OR 97222
(1) Konica Minolta C750i Color Copier System	City Hall - OCR 2nd Floor	10722 SE Main St	Milwaukie, OR 97222
(1) Konica Minolta C360i Color Copier System	Johnson Creek - Main Common Area	6101 SE Johnson Creek Blvd	Portland, OR 97206
(1) Konica Minolta C360i Color Copier System	Johnson Creek - OPS 1st Floor OPS	6101 SE Johnson Creek Blvd	Portland, OR 97206
(1) Konica Minolta C250i Color Copier System	Johnson Creek - OPS 2nd Floor OPS	6101 SE Johnson Creek Blvd	Portland, OR 97206
(1) Konica Minolta C750i Color Copier System	Johnson Creek Main - Copy Room	6101 SE Johnson Creek Blvd	Portland, OR 97206
(1) Konica Minolta C300i Color Copier System	Ledding Library - Adult Library	10660 SE 21st Ave	Milwaukie, OR 97222
(1) Konica Minolta C360i Color Copier System	Public Safety - 1st Floor Records	3200 SE Harrison St	Milwaukie, OR 97222
(1) Konica Minolta C250i Color Copier System	Public Safety - 2nd Floor	3200 SE Harrison St	Milwaukie, OR 97222
(1) Konica Minolta C360i Color Copier System	Public Safety - MPD Squad Room	3200 SE Harrison St	Milwaukie, OR 97222
(1) Konica Minolta C3350i Color MFP	Ledding Library - Middle Workroom	10660 SE 21st Ave	Milwaukie, OR 97222
(1) Konica Minolta C3350i Color MFP	Ledding Library - Upstairs 2nd Floor	10660 SE 21st Ave	Milwaukie, OR 97222

Milwaukie, City of
10722 SE Main St
Milwaukie, OR 97222

(CUSTOMER'S SIGNATURE)



RS Agenda Item

7

Business Items

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Apr. 19, 2022

Reviewed: Justin Gericke, City Attorney
From: Jennifer Garbely, Assistant City Engineer

Subject: **CenturyLink Franchise Agreement Amendment**

ACTION REQUESTED

Council is asked to approve an ordinance amending the current CenturyLink franchise agreement.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

The current CenturyLink franchise agreement was approved by Ordinance 2109, adopted on December 1, 2015, and expires on December 21, 2025.

ANALYSIS

Ongoing issues related to the relocation of CenturyLink infrastructure located on city property and/or in the right-of-way necessitated by various city projects resulted in citations being issued to CenturyLink. Specifically, CenturyLink was cited during the Meek Stormwater Pipeline South Phase for not relocating its facilities in a timely manner.

The city prosecutor, with assistance from staff and the city attorney, negotiated a settlement agreement to resolve the citations. A major component of that settlement agreement requires an amendment to CenturyLink's current franchise agreement. The amendment is designed to improve communication between staff and CenturyLink in order to provide a more effective framework for identifying and ensuring the timely resolution of potential infrastructure conflicts. In addition to the amendment, CenturyLink has agreed to pay a \$15,000 fine.

BUDGET IMPACT

No budget impacts.

WORKLOAD IMPACT

No workload impacts.

CLIMATE IMPACT

No climate impacts.

COORDINATION, CONCURRENCE, OR DISSENT

The city prosecutor, city attorney, and staff worked together to negotiate and resolve these issues.

STAFF RECOMMENDATION

Approve the ordinance amending the current CenturyLink franchise agreement.

ALTERNATIVES

Reject the amendment, which would require the city prosecutor to return to negotiations with CenturyLink.

ATTACHMENTS

1. Franchise agreement amendment
2. Redline version of changes



COUNCIL ORDINANCE No.

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING ORDINANCE NO. 2109, THE CENTURYLINK FRANCHISE AGREEMENT.

WHEREAS the city’s current franchise agreement with CenturyLink was adopted on December 1, 2015, and has been in effect since January 1, 2016; and

WHEREAS CenturyLink operates facilities located on city property and/or the right-of-way pursuant to the franchise agreement; and

WHEREAS ongoing issues related to the relocation of CenturyLink facilities located on city property and/or the right-of-way have revealed the need to amend the existing franchise to improve communication between CenturyLink and staff; and

WHEREAS Section 18 of the franchise agreement requires any amendment to be mutually agreed upon by the city and CenturyLink and formally adopted by the City Council as an ordinance amendment; and

WHEREAS CenturyLink and the city mutually agree to amend the franchise agreement to include paragraphs 11.8, 11.9, and 12.1 as outlined in Exhibit A.

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

Ordinance 2109, granting CenturyLink a telecommunications franchise (Exhibit B), shall be amended as outlined in Exhibit A (Amendment #1).

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 _____.

Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney



AMENDMENT TO CENTURYLINK FRANCHISE AGREEMENT

This agreement amends the above-entitled agreement between the City of Milwaukie and CenturyLink.

This amendment is as follows:

Council Ordinance 2109 has been amended as set forth in Attachment A.

Unless noted in Attachment A, all other terms and conditions of the existing franchise agreement remain in full force and effect.

In Witness to the above, the following duly authorized representatives of the parties referenced have executed this agreement:

City of Milwaukie

CenturyLink

Signature

Signature

Print Name & Title

Print Name & Title

Date

Date

The existing franchise agreement will be amended to include the following underlined text:

11.8 Location of facilities. CenturyLink shall provide the City with current maps of CenturyLink property located within the Public Right of Way, in PDF format at the level of detail previously provided to the City in June 2021 and shall update the map upon request no more than once per calendar year within thirty (30) business days, or provide the City with information sufficient for the City to update the map within thirty (30) business days of (1) discovering existing CenturyLink property within the Public Right of Way that are not included in the map; (2) modifying any existing CenturyLink property within the Public Right of Way; or (3) constructing, acquiring, or otherwise placing any new CenturyLink property within the Public Right of Way. Any map or mapping information provided by CenturyLink under this provision is confidential and proprietary and subject to the non-disclosure and use provisions of Section 5 of this Franchise.

11.9 Quarterly meetings. Unless prior notice is given to the City, CenturyLink (or its designated contractors) shall attend not fewer than quarterly meetings with the City to facilitate CenturyLink's understanding of upcoming projects that may impact CenturyLink Facilities within the Right of Way. If CenturyLink gives notice that its representative or designated contractor cannot attend the quarterly meeting, its representative shall discuss upcoming projects with the City Engineer or the City Engineer's designee within 14 days of the scheduled quarterly meeting or a mutually agreeable time.

12.1 Relocation for the City. CenturyLink shall, upon receipt of advance written notice of not less than thirty (30) days, protect, support, temporarily disconnect, relocate, or remove any CenturyLink property located in a Public Right of Way when required by the City consistent with its police powers. CenturyLink shall be responsible for any costs associated with these obligations to the same extent as other users of the Right of Way (other than the City, if applicable). If CenturyLink fails to remove or relocate any property when required to do so by the City for a public project, CenturyLink shall be responsible for paying the full cost of the removal or relocation and any administrative costs incurred by the City in removing the property and obtaining reimbursement.

Notwithstanding the notice provisions set forth in Section 19 below, notice under this section shall be sufficient if given by written or electronic communication and shall be deemed to have been received (a) upon personal delivery or actual receipt thereof, (b) within two days after such notice is emailed to the

contacts/emails as set forth below, or (c) deposited in the United States Mail, postage prepaid, certified, and addressed to CenturyLink as set forth below:

ATTN: Sr. Network Implementation Program Manager

Field Operations Network Implementation

8021 SW Capitol Hill Road

Portland, Oregon 97219

nationalRelo@centurylink.com; david.dodd@centurylink.com

with a copy to:

Emily Harris (Counsel for CenturyLink)

Corr Cronin LLP

1015 Second Avenue, Suite 1000

Seattle, WA 98104

eharris@corrchronin.com

CenturyLink shall notify the City in writing within fifteen (15) business days of any change in the local contact information set forth above or any change of legal counsel that might impact any notice under this section. Failure by CenturyLink to update the local contact or legal counsel information shall not impact the sufficiency of notice given to the above-listed contacts (or any timely update thereto) by the City under this section or the availability of any remedy provided in this Franchise.

ORDINANCE NO. 2109

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, GRANTING TO QWEST CORPORATION D/B/A CENTURYLINK ON BEHALF OF ITSELF AND ITS OPERATING AFFILIATES ("CENTURYLINK"), A FRANCHISE TO OPERATE AND MAINTAIN A TELECOMMUNICATIONS SYSTEM ("THE SYSTEM") IN THE CITY OF MILWAUKIE, OREGON ("THE CITY").

The City hereby ordains that it is in the public interest to grant CenturyLink a Franchise to operate the System pursuant to the terms and conditions contained herein.

SECTION 1. Grant of Franchise. The City hereby grants to CenturyLink the right, privilege and authority to construct, maintain, operate, upgrade, and relocate its cables and related appurtenances ("Facilities") in, under, along, over and across the present and future streets, alleys and public ways of the City ("Public Ways"), for the purpose of providing telecommunication services to the City's inhabitants.

SECTION 2. Acceptance by CenturyLink. Within sixty (60) days after the passage of this Ordinance by the City, CenturyLink shall file an unqualified written acceptance thereof with the City Recorder; otherwise the Ordinance and the rights granted herein shall be null and void.

SECTION 3. Term. The Term of this Franchise is ten (10) years commencing on the date of Acceptance by CenturyLink as set forth in Section 2, above, but no sooner than thirty (30) days after the passage of this ordinance.

SECTION 4. Franchise Fee. Throughout the Term of this Franchise, CenturyLink will pay the City seven percent (7%) of CenturyLink's gross revenue as defined in ORS §§221.515 and 403.105, less net uncollectables for local exchange services rendered subscribers within the City limits.

Payment shall be made quarterly on or before sixty (60) days after the end of the preceding quarter (January-March; April-June; July-September; and October-December) during the Term of this Franchise.

Payments shall be accompanied by a statement of how the total due amount was calculated. Interest on late payments shall accrue from the due date at a rate equal to nine percent (9%) per annum and shall be computed based on the actual number of days elapsed from the due date until payment. Interest shall accrue without regard to whether the City has provided notice of delinquency. However, should payment be insufficient due to an error in computation, interest payments shall not begin to accrue until after the discovery of the error by CenturyLink or receipt by CenturyLink of notice of the error.

In consideration of CenturyLink's agreement to pay the franchise fee, the City shall not impose other taxes on the Company during the Term of this Franchise. This provision does not exempt the property of the company from lawful ad valorem taxes, local improvement district

assessments, or conditions, exactions, fees and charges that are generally applicable to businesses within the City as required by city ordinance.

The obligation to pay the franchise fee imposed shall survive expiration of the Term of this Franchise as long as CenturyLink continues to exercise the rights granted under this Agreement. In the event this Agreement is terminated, CenturyLink shall pay the City appropriate pro rata fee for use of the City's right of way as determined in this Agreement through the date of termination within ninety (90) days of the termination date.

SECTION 5. Records Inspection. CenturyLink shall make available to the City, upon reasonable advance written notice of no less than thirty (30) days, such information pertinent only to enforcing the terms of this Franchise in such form and at such times as CenturyLink can reasonably make available. Subject to applicable laws, any information that is provided to the City and/or that the City reviews in camera is confidential and proprietary and shall not be disclosed or used for any purpose other than verifying compliance with the terms of this Franchise. Any such information provided to the City shall be immediately returned to CenturyLink following review. The City will not make copies of such information.

Any difference of payment due the City following audit shall be payable within sixty (60) days after written notice to CenturyLink, and shall bear interest at the rate of nine percent (9%) per annum if not paid within this timeframe. In the event the audit discloses that CenturyLink has underpaid by more than three percent (3%) of its annual payment obligation, CenturyLink shall pay the City's reasonable and actual expenses of performing the audit. The City shall not employ an auditor on a contingency fee basis.

SECTION 6. Non-Exclusive Franchise. The right to use and occupy the Public Ways of the City shall be nonexclusive, and the City reserves the right to use the Public Ways for itself or any other entity.

SECTION 7. City Regulatory Authority. The City reserves the right to adopt such additional ordinances and regulations as may be deemed necessary in the exercise of its police power for the protection of the health, safety and welfare of its citizens and their properties consistent with applicable federal and state law. The City agrees to promptly notify CenturyLink of any such changes potentially applicable to this Franchise. Where such changes negatively impact any of CenturyLink's material rights hereunder, the Parties shall negotiate in good faith to revise the relevant terms of this Agreement; in the interim, the terms of this Agreement shall continue to apply.

SECTION 8. Indemnification. The City shall not be liable for any property damage or loss or injury to or death of any person that occurs in the construction, operation or maintenance by CenturyLink of its Facilities. CenturyLink shall indemnify, defend and hold harmless the City, its elected officials, employees, agents, and contractors, from and against claims, demands, liens and all liability or damage of whatsoever kind on account of CenturyLink's performance of this Franchise. The City shall: (a) give prompt written notice to CenturyLink of any claim, demand or lien with respect to which the City seeks indemnification hereunder; and (b) permit CenturyLink to assume the defense of such claim, demand, or lien. CenturyLink shall not be subject to liability for any settlement made without its consent. Notwithstanding the other provisions contained

herein, CenturyLink shall in no event be required to indemnify the City for any claims, demands, or liens arising from the negligence or wrongful actions or inactions of the City, its officials, boards, commissions, agents, contractors, and/or employees.

SECTION 9. Insurance Requirements. CenturyLink will maintain in full force and effect for the Term of the Franchise, at CenturyLink's expense, a comprehensive liability insurance policy written by a company authorized to do business in the State of Oregon, or will provide self-insurance reasonably satisfactory to the City, protecting it against liability for loss, personal injury and property damage occasioned by the operation of the System by CenturyLink. CenturyLink shall provide the City sufficient evidence of such insurance, including the City as an additional insured, and with the following coverage:

1. Comprehensive general liability insurance with limits not less than:
 - a. Three million dollars for bodily injury or death to each person per occurrence and in the aggregate;
 - b. Three million dollars for property damage resulting from any one accident per occurrence and in the aggregate; and,
 - c. Three million dollars for all other types of liability per occurrence and in the aggregate.
2. Automobile liability for owned, non-owned and hired vehicles with a limit of one million dollars for each person and three million dollars for each accident.
3. Workers' compensation within statutory limits and employers' liability insurance with limits of not less than one million dollars.

SECTION 10. Annexation. When any territory is approved for annexation to the City, the City shall within ten (10) business days provide by certified mail to CenturyLink: (a) each site address to be annexed as recorded on City assessment and tax rolls; (b) a legal description of the proposed boundary change; and (c) a copy of the City's ordinance approving the proposed annexation.

SECTION 11. Plan, Design, Construction and Installation of CenturyLink's Facilities.

11.1 All Facilities under authority of this Ordinance shall be used, constructed and maintained in accordance with applicable law.

11.2 CenturyLink shall, prior to commencing new construction or major reconstruction work in Public Ways or other public places, apply for a permit from the City, which permit shall not be unreasonably withheld, conditioned, or delayed. CenturyLink will provide as-built route maps of new facilities placed in the Public Ways pursuant to a permit issued by the City. CenturyLink will abide by all applicable ordinances, rules, regulations and requirements of the City consistent with applicable law. The City may inspect the manner of such work and require remedies as may be reasonably necessary to assure compliance. Notwithstanding the foregoing, CenturyLink shall not be obligated to obtain a permit to perform emergency repairs but shall provide the City

with written or oral notice of emergency work as soon as reasonably possible, but no later than one (1) business day after the emergency work has commenced.

11.3 To the extent practical and consistent with any permit issued by the City, all Facilities shall be located so as to cause minimum interference with the Public Ways and shall be constructed, installed, maintained, cleared of vegetation, renovated or replaced in accordance with applicable rules, ordinances and regulations of the City.

11.4 If, during the course of work on its Facilities, CenturyLink causes damage to or alters the Public Way or other public property, CenturyLink shall replace and restore such Public Way or public property at CenturyLink's expense to a condition reasonably comparable to the condition that existed immediately prior to such damage or alteration.

11.5 CenturyLink shall have the right to excavate the Public Ways subject to reasonable conditions and requirements of the City. Before installing new underground facilities or replacing existing underground facilities, each party shall first notify the other of such work and allow the other party, at its own expense, to share the trench for laying its own facilities therein, provided that such action will not unreasonably interfere with the first party's use of the trench or unreasonably delay project completion.

11.6 Nothing in this Ordinance shall be construed to prevent the City from constructing, maintaining, repairing, or relocating its sewers, streets, water mains, sidewalks, or other public property. However, before commencing any work within a Public Way that may affect CenturyLink's Facilities, the City shall give written notice to CenturyLink, and all such work shall be done, insofar as practicable, in such a manner as not to obstruct, injure, or prevent the free use and operation of CenturyLink's poles, wires, conduits, conductors, pipes, and appurtenances.

11.7 CenturyLink shall not attach to, or otherwise use or commit to use, any pole owned by City until a separate pole attachment agreement has been executed by the parties.

SECTION 12. Relocation of Facilities.

12.1 Relocation for the City. CenturyLink shall, upon receipt of advance written notice of not less than thirty (30) days, protect, support, temporarily disconnect, relocate, or remove any CenturyLink property located in a Public Right of Way when required by the City consistent with its police powers. CenturyLink shall be responsible for any costs associated with these obligations to the same extent as other users of the Right of Way (other than the City, if applicable). If CenturyLink fails to remove or relocate any property when required to do so by the City for a public project, CenturyLink shall be responsible for paying the full cost of the removal or relocation and any administrative costs incurred by the City in removing the property and obtaining reimbursement.

12.2 Relocation for a Third Party. CenturyLink shall, at the request of any person holding a lawful permit issued by the City, protect, support, raise, lower, temporarily disconnect, relocate in or remove from the Street, as applicable, any CenturyLink property, provided that the cost of

such action is borne by the person requesting it and CenturyLink is given reasonable advance written notice. In such situation, CenturyLink may also require advance payment. For purposes of this subsection, "reasonable advance written notice" shall mean no less than fourteen (14) days for a temporary relocation, and no less than one hundred twenty (120) days for a permanent relocation.

12.3 Alternatives to Relocation. CenturyLink may, after receipt of written notice requesting a relocation of Facilities, submit to the City written alternatives to such relocation within five (5) business days after receipt of written notice from the City. Such alternatives shall include the use and operation of temporary transmitting facilities in adjacent Public Ways. The City shall promptly evaluate such alternatives and advise CenturyLink in writing if one or more of the alternatives are suitable. If requested by the City, CenturyLink shall promptly submit additional information to assist the City in making such evaluation. The City shall give each alternative proposed by CenturyLink full and fair consideration. In the event the City, acting in good faith, ultimately determines that there is no other reasonable alternative, CenturyLink shall relocate the components of the Facilities.

12.4 Abandoned Facilities. Within one year of CenturyLink's permanent cessation of use of City's Public Ways, or any portion thereof, CenturyLink shall remove the affected facilities or make other arrangements reasonably acceptable to the City. CenturyLink may abandon in place its facilities with the written approval of the City.

SECTION 13. Vegetation Management. CenturyLink shall have the authority to trim trees and other natural growth in the Public Ways in order to access and maintain the Facilities in compliance with applicable law and industry standards.

SECTION 14. Renewal. At least one hundred twenty (120) days prior to the expiration of this Franchise, CenturyLink and the City shall either agree to extend the Term or use best faith efforts to renegotiate a replacement Franchise agreement.

SECTION 15. Revocation of Franchise for Noncompliance.

15.1 In the event that the City believes that CenturyLink has not complied with the terms of the Franchise, the City shall informally discuss the matter with CenturyLink. If these discussions do not lead to resolution of the problem, the City shall notify CenturyLink in writing of the exact nature of the alleged noncompliance.

15.2 CenturyLink shall have thirty (30) days from receipt of the written notice described in subsection 15.1 to either respond to the City, contesting the assertion of noncompliance, or otherwise initiate reasonable steps to remedy the asserted noncompliance issue, notifying the City of the steps being taken and the projected date that they will be completed.

15.3 If CenturyLink cures the basis for termination or if CenturyLink initiates efforts satisfactory to the City to remedy the basis for termination and the efforts continue in good faith within the thirty (30) day cure period, the City shall not exercise its remedy rights. If CenturyLink fails to cure the basis for termination or if CenturyLink does not undertake and/or

maintain efforts satisfactory to the City to remedy the noncompliance within the thirty (30) day cure period, then the City Council may exercise the remedies specified herein.

15.4 In determining which remedy or remedies are appropriate, the City shall consider the nature of the violation, the person or persons burdened by the violation, the nature of the remedy required in order to prevent further such violations, and any other matters the City deems appropriate. In addition to any rights set out elsewhere in this Franchise, as well as its rights under the City Code or other law, the City reserves the right at its sole option to impose a financial penalty of up to \$1,000.00 per violation of a material provision of this Franchise when the opportunity to cure has passed.

15.5 In the event that CenturyLink does not comply with subsection 15.2, above, or, if CenturyLink does comply with subsection 15.2 but the City and CenturyLink remain in disagreement over whether CenturyLink is, in fact, not compliant with a material provision of this Franchise, the City shall schedule a public hearing to address the asserted noncompliance issue. The City shall provide CenturyLink at least ten (10) days prior written notice of and the opportunity to be heard at the hearing.

15.6 Subject to applicable federal and state law, in the event the City, after the hearing set forth in subsection 15.5, determines that CenturyLink is noncompliant with this Ordinance, the City may:

- A. Seek specific performance of any provision which reasonably lends itself to such remedy, as an alternative to damages; or
- B. Commence an action at law for monetary damages or other equitable relief; or
- C. In the case of substantial noncompliance with a material provision of the Ordinance, seek to revoke the Franchise in accordance with the applicable terms herein.

15.7 Should the City seek to revoke the Franchise after following the procedures set forth above, the City shall give written notice to CenturyLink. CenturyLink shall have ninety (90) days from receipt of such notice to object in writing and state its reason(s) for such objection. Thereafter, the City may seek revocation of the Franchise at a public hearing. The City shall cause to be served upon CenturyLink, at least thirty (30) days prior to such public hearing, a written notice specifying the time and place of such hearing and stating its intent to revoke the Franchise. At the designated hearing, the City shall give CenturyLink an opportunity to state its position on the matter, after which the City shall determine whether or not the Franchise shall be revoked. CenturyLink may appeal the City's determination to an appropriate court, which shall have the power to review the decision of the City *de novo*. Such appeal must be taken within sixty (60) days of the issuance of the City's determination. The City may, at its sole discretion, take any lawful action which it deems appropriate to enforce its rights under this Ordinance in lieu of revocation.

15.8 Notwithstanding the foregoing provisions in this Section 15, neither party waives any of its rights under applicable law.

SECTION 16. No Waiver of Rights. Neither the City nor CenturyLink shall be excused from complying with any of the terms and conditions contained herein by any failure of the other, or

any of its officers, employees, or agents, upon any one or more occasions to insist upon or to seek compliance with any such terms and conditions. Each party expressly reserves any and all rights, remedies, and arguments it may have at law or equity, without limitation, and to argue, assert, and/or take any position as to the legality or appropriateness of any provision in this Franchise that is inconsistent with State or Federal law, as may be amended.

SECTION 17. Transfer of Franchise. CenturyLink's right, title, or interest in the Franchise shall not be sold, transferred, assigned, or otherwise encumbered without notice to the City, except when said sale, transfer, assignment, or encumbrance is to an entity controlling, controlled by, or under common control with CenturyLink, or for transfers in trust, by mortgage, by other hypothecation, or by assignment of any rights, title, or interest of CenturyLink in the Franchise or Facilities in order to secure indebtedness.

SECTION 18. Amendment. Amendments to the terms and conditions contained herein shall be mutually agreed upon by the City and CenturyLink and formally adopted by the City Council as an ordinance amendment.

SECTION 19. Notices. Any notice required or permitted to be given hereunder shall be deemed sufficient if given by a communication in writing and shall be deemed to have been received (a) upon personal delivery or actual receipt thereof or (b) within two days after such notice is deposited in the United States Mail, postage prepaid, certified, and addressed to the Parties as set forth below:

The City:
City of Milwaukie
Attn: Finance Director
10722 SE Main Street
Milwaukie, Oregon 97222


CenturyLink:
Franchise Rights-of-Way Attorney
1801 California St., 9th Floor
Denver, Colorado 80202

SECTION 20. Severability. If any section, sentence, paragraph, term or provision hereof is for any reason determined to be illegal, invalid, or superseded by other lawful authority, including any state or federal regulatory authority having jurisdiction thereof, or unconstitutional, illegal or invalid by any court of common jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such determination shall have no effect on the validity of any other section, sentence, paragraph, term or provision hereof, all of which will remain in full force and effect for the term of the Franchise or any renewal or renewals thereof.

Read the first time on 12/1/15, and moved to second reading by 4:0 vote of the City Council.

Read the second time and adopted by the City Council on 12/1/15.


Signed by the Mayor on 12/1/15.




Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC



Pat DuVal, City Recorder



City Attorney

ACCEPTANCE AND GUARANTEE

City Manager
City of Milwaukie, City Hall
10722 SE Main Street
Milwaukie, OR 97222

This is to advise the City of Milwaukie, Oregon (the "City") that CenturyLink hereby accepts the terms and provisions of Ordinance No. 2109, passed by the City Council on December 1, 2015 granting a franchise. CenturyLink agrees to abide by all provisions, terms and conditions of the agreement subject to applicable federal, state and local law.

Authorized Signature: **CenturyLink**

BY:



TITLE:

VP OPERATIONS

DATE:

22 DEC 2015

COUNCIL STAFF REPORT

To: Mayor and City Council
Through: Ann Ober, City Manager
Reviewed: Joseph Briglio, Community Development Director
From: Janine Gates, Housing & Economic Development Program Manager
Date: Apr. 21, 2022
Subject: **Economic Development Update**

ACTION REQUESTED

Council is asked to receive a presentation on the city's economic development work plan and provide comments as needed.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[October 6, 2015](#): Council approved a collaboration between the community development department and Johnson Economics to prepare an economic opportunities analysis (EOA) and strategy.

[May 3, 2015](#): Council received an update about the city's EOA, which included the background and approach of the project, as well as key statistics about Milwaukie. Johnson Economics discussed wages, migration patterns, and development pressures, and summarized what the statistics and patterns meant for Milwaukie.

[April 18, 2017](#): Council discussed the importance of understanding the current environment in Milwaukie to produce an effective economic development strategy. Using data from recently held focus groups, staff presented statistics, including where Milwaukie residents were employed, and discussed Milwaukie's employment districts. The strategic action plan would focus on land, labor, infrastructure, capital, and marketing.

[January 2017](#): The final draft of the economic development strategy was completed.

BACKGROUND

The city strives to be a sustainable, equitable, and livable city that supports the creation of livable wage jobs for all its residents. However, with poverty rates hovering at 14 percent in some census tracts and unemployment rates over nine percent in others, our city struggles to satisfy the employment needs of its residents. To help address this problem, Council, through goal setting in 2015, requested that an economic development strategy be developed.

Throughout the process, the community development department shared updates regarding the 2017-2022 economic development strategy. The strategy successfully outlined six business cluster in the city, which were:

1. **Food processing and storage**: Food processing in Milwaukie is organized around several large employers and can be considered an extension of a regional food processing cluster that extends east of the city, across I-205 and into the Clackamas Industrial Area.

2. **Metals, machinery, and transportation equipment:** Metals and machinery manufacturing is a legacy industry in Clackamas County. In Milwaukie, most metals manufacturing activities are tied to the machinery or transportation equipment industries, specifically aerospace.
3. **Health services and continuing care:** health care and health services are the single largest sector of the study area economy, accounting for one out of every five jobs. Despite continued growth in the health service sector at the regional and even national level, growth among local companies has been stagnating. The sector is well balanced across subsectors, with considerable employment in hospital, health services, and continuing care.
4. **Warehouse and distribution:** Businesses in warehousing and distribution include those involved in the wholesale, storage, or movement of goods and services. Warehousing and distribution are generally an ancillary economic function in the economy. In Milwaukie, it would appear most of this sector's impact is driven by local business factors.
5. **Business, professional, and information services:** Business and professional services industries are expected to make up the lion's share of regional growth over the next 20-years. These businesses include a range of services from creative design, computer programming, technical engineering, call centers and financial services.
6. **Maker manufacturing and amenity retail/hospitality:** In addition to the sector based targeted industries, Milwaukie should prioritize recruitment and development in these areas. These industry groups have community-wide ancillary impacts ranging from a positive influence on property values to attracting new residents and tenants. These industries often influence the culture and character of districts within a community.

In addition to the six clusters, the strategy shared, some useful actions, which were:

Employment Opportunities:

- Enhance business outreach and communication
- Support small business development
- Work to meet industrial and commercial site needs

Workforce:

- Promote workforce training resources
- Provide a range of housing options appropriate for and affordable to the local workforce

Equity:

- Promote policies and dedicate resources to mitigate potential displacement of businesses
- Develop programs to assist emerging and/or under-capitalized firms locate and thrive in the community

Downtown/Central Milwaukie:

- Actively seek development of opportunity sites
- Complete establishment of the urban renewal district programming
- Evaluate actions to increase marketability of the district
- Marketing campaign to promote district

The community development department would like to understand the recommendations further and how local businesses and the community would like to implement these suggestions. This is something that staff will focus on over the coming months, as well as several additional economic development activities and tools that are described more below.

ANALYSIS

Economic Development Strategy

For several years, economic development staff presented to Council about the 2017-2022 economic development strategy process and drafts; however, the plan was never formally adopted. For the last four to five years, the plan has largely remained untouched due to other Council goals.

Although the economic development strategy provides thoughtful recommendations and strategies for cultivating a robust local economy, it lacks certain information that is imperative to a holistic economic development approach. For instance, the report does not include demographic information for business and employment, nor does it differentiate between large employers and small businesses, or a post-COVID world. The community development department would like to amend the strategy to include that information, as well as, how to engage and foster local talent and ensure the community's economic needs are being heard and met. The strategy is not only out of date literally, but it is also out of date with the current goals and values of the city.

Tax Increment Financing (TIF)

The community development department and assistant city manager have worked with local business owners and community members to draft initiatives for a tax increment financing (TIF) district, which would include street frontage improvements, way finding signs, and tenant improvement signs. In addition, the community development director and the housing and economic development program manager would like to engage local businesses and community members to foster partnerships and programs that are tailored to their needs.

Construction Excise Tax (CET)

Within the CET program, the goals are to support workforce housing and homes for individual and families between the 30% and 120% of area median income (AMI), small businesses, home occupations, and neighborhood hubs. The neighborhoods project provides the opportunity for multiple departments to collaborate with business owners, residents, and community members to positively influence our local economy. Neighborhood hubs are intended to provide gathering places and locations where residents have access to a variety of services or goods within walking or biking distance of their homes. It is envisioned to vary in size and intensity. Projects have not been solidified and economic development staff is working with planning division and community to understand which projects are feasible and desired. Some ideas that have been mentioned are coffee shops, open space with activities, indoor sports courts, convenient stores, intersection painting, and restaurants.

Conclusion

Community development staff is excited to spend time amending and implementing the economic development strategy, building partnerships with local businesses and community members, and to serve as a "one-stop-shop" for businesses.

BUDGET IMPACTS

Updating and amending the current strategy will require professional services that the community development department has budgeted for and embedded in its work plan.

WORKLOAD IMPACTS

The community development director and the housing and economic development program manager will be working together to facilitate this strategy and work plan.

COORDINATION, CONCURRENCE, OR DISSENT

The city manager, community development director, and the housing and economic development program manager concur with the proposed direction.

STAFF RECOMMENDATION

Staff recommends that Council direct staff to update and amend the economic development strategy to bring it into a modern framework.

ALTERNATIVES

Council could provide additional direction for staff in addressing the economic development strategy.

ATTACHMENTS

1. Final Economic Development Strategy, 2017-2022



ECONOMIC DEVELOPMENT STRATEGY

2017-2022



ACKNOWLEDGMENTS

Milwaukie Mayor and City Council

Mayor Mark Gamba

Councilor Lisa Batey

Councilor Scott Churchill

Councilor Wilda Parks

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Technical Advisory Group (TAG)

The many businesses that participated in the focus groups and interviews

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I. INTRODUCTION

The City of Milwaukie has a robust economic base, with an enviable stable of firms providing a high level of local employment. The area is one of the few smaller jurisdictions within the Portland metropolitan area that is a net importer of labor, with local employment significantly exceeding the local labor force.

As a first tier suburb, the City of Milwaukie’s central location within the region is attracting new investment. With the City of Portland and the Central Eastside industrial district becoming significantly more expensive, this trend is likely to continue. The recent completion of the Orange Line in Tri-Met’s light rail system has increased regional accessibility for downtown Milwaukie as well as the North Milwaukie Industrial Area, and is expected to attract additional investment. This development pressure should be helpful in realizing long-held objectives in Downtown Milwaukie. In the North Milwaukie Industrial Area, this pressure will likely lead to a marginal increase in the intensity of development, but the existing use patterns and ownerships will present challenges to realizing redevelopment and attracting new investment.

While historically the City has performed well from an economic perspective, future development will increasingly be limited to infill and redevelopment. The inventory of developable sites is minimal, and occupancy in industrial and office space is currently high. The City has a pro-growth policy position, with an emphasis on providing high-quality local employment opportunities for residents. The City is also concerned with issues of equity and sustainability, balancing growth objectives with a commitment to providing a level playing field for all businesses and respecting the concerns of residents.

The strategy is designed to provide an attractive environment for existing local businesses as well as prospective new employers. This includes a readily available inventory of sites and/or space at competitive rates, good infrastructure, an available and appropriately trained labor force, and responsive and adequately funded public services. In some cases, the strategy identifies specific actions to intervene in markets to encourage an outcome that furthers policy objectives. These are not intended to distort markets or subsidize development, but to provide incentives to leverage private investment to more closely match market outcomes with public objectives.

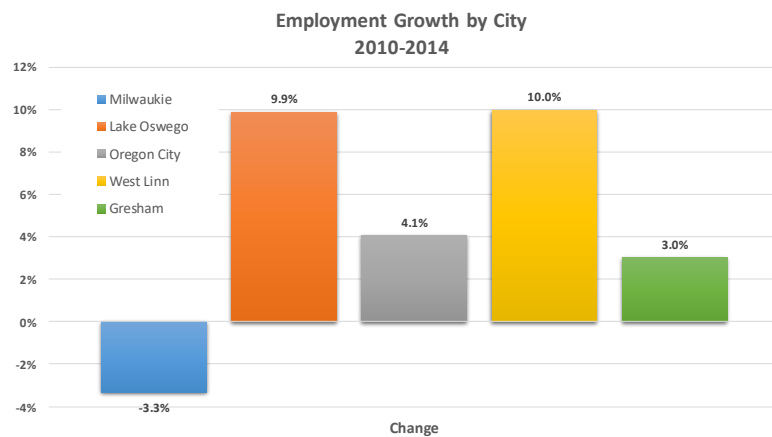
The City has a number of distinct employment concentrations, each of which is unique in terms of attributes, development patterns, and tenant mix. As a result, economic development issues vary, as do appropriate solutions.

This economic development strategy outlined in this report is intended to provide general direction with respect to objectives, and a series of actions that work towards advancing those objectives. As with any economic development plan, it is important to recognize that the economy is highly dynamic, and any plan needs to allow for significant latitude to respond to opportunities and/or threats with flexibility.

This strategic plan relies upon the City of Milwaukie’s Economic Opportunities Analysis (EOA), completed in 2016. The EOA addresses projected employment land needs and capacity over a five-year and twenty-year horizon. This strategy primarily addresses short-term actions.

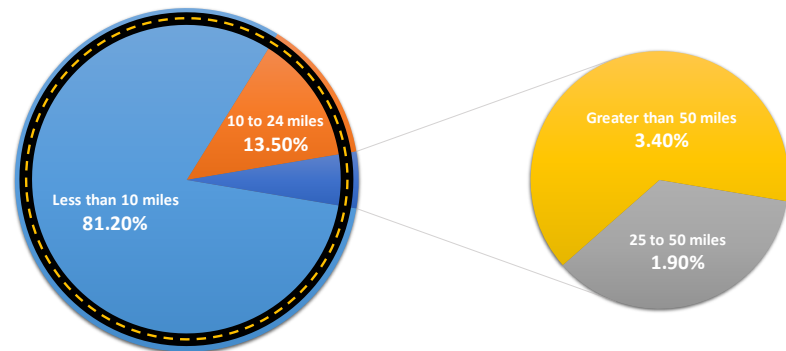
II. CURRENT ECONOMIC OVERVIEW

The City of Milwaukie has a very robust economic base, with strong employers providing high quality jobs. The area has an estimated 3,300 more jobs than residents active in the workforce, and is one of the few jurisdictions in the Portland metropolitan area that is a net importer of labor. While the City has a relatively large employment base, employment growth since 2010 has lagged that of neighboring cities, with the employment base contracting 3.3% from 2010 to 2014.¹

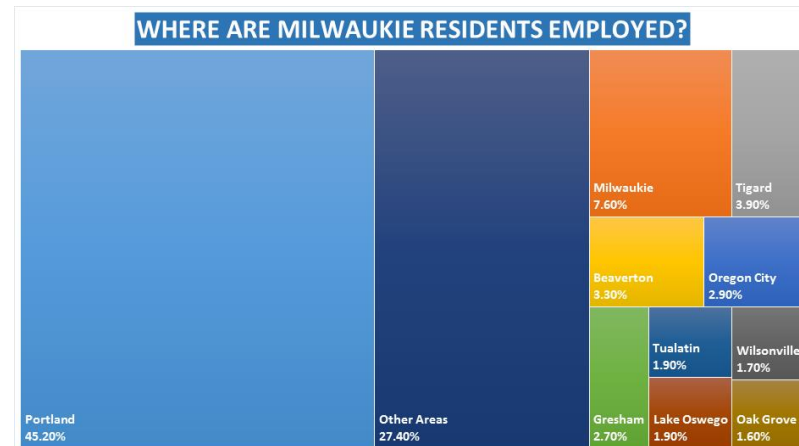


While the employment base in Milwaukie is robust, less than 8% of the local workforce lives and works within the City. Over 45% of the workforce commute to Portland, while the remainder commute to a range of proximate jurisdictions. More than 81% of the local workforce commute less than ten miles for employment. Approximately 94% of the local labor needs are met by persons living outside of the City limits.

AVERAGE COMMUTING DISTANCE OF MILWAUKIE RESIDENTS



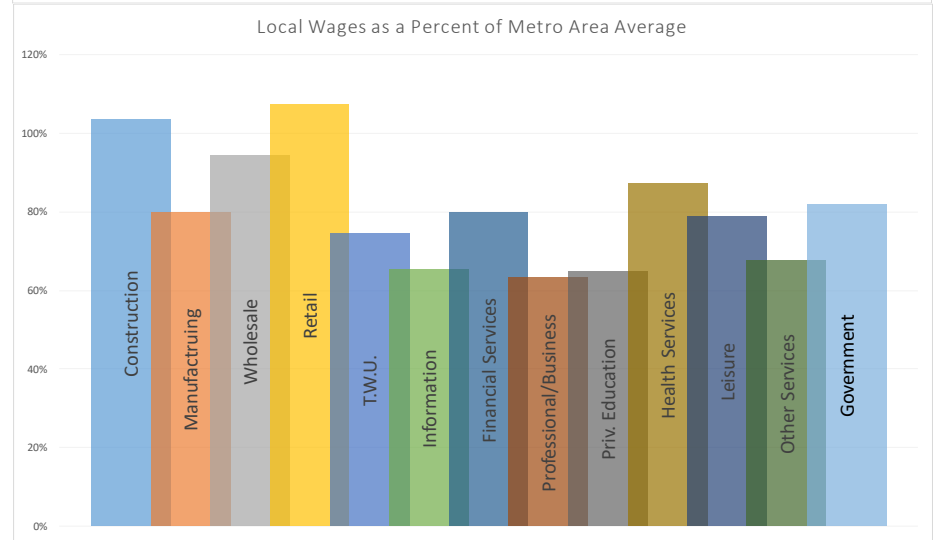
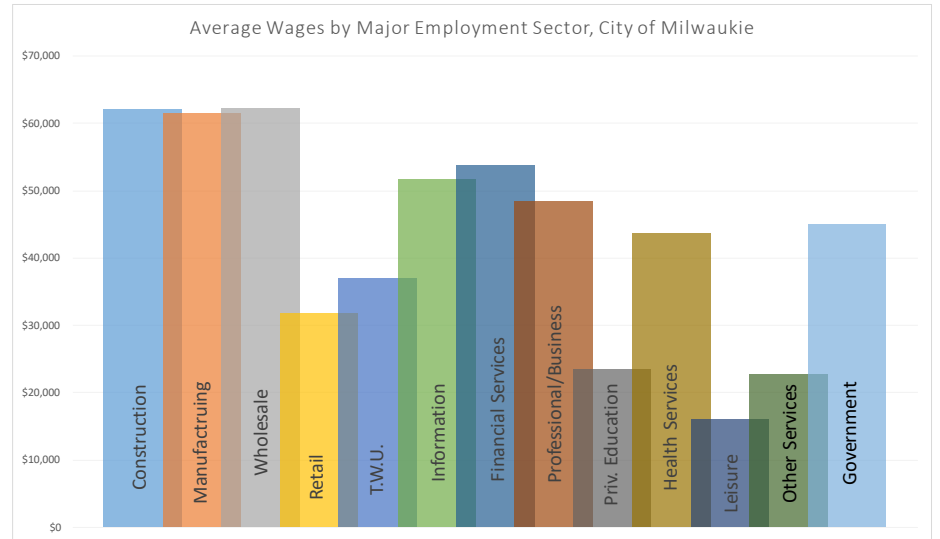
WHERE ARE MILWAUKIE RESIDENTS EMPLOYED?



¹ OnTheMap, US Census Bureau

The City has a number of larger firms, with 44 firms employing greater than 50 employees. These firms accounted for over 7,121 jobs in 2014, with an average annual wage of close to \$53,000 per year. An additional 66 firms employed between 20 and 49 employees, with average annual wages approaching \$49,000 per year. The highest average wages by sector were reported for wholesale trade, construction, and manufacturing. Construction and retail trade are the only two sectors that reported average wage levels in excess of the metro area average.

Milwaukie Firms Grouped by Employment Capacity and Wages Paid
 (Data from Oregon Employment Department 2014)



III. TARGET INDUSTRIES

The City has significant strength and potential for growth in several key industries. The following table summarizes targeted industries organized by industry clusters, and includes examples of local employers in these clusters:

CLUSTER	
Target Industries	Current Employers
FOOD PROCESSING AND STORAGE	
<ul style="list-style-type: none"> Commercial Baking Flour Milling Grocery Merchant Wholesalers Alcohol Merchant Wholesalers Commercial Printing Specialty/Craft Manufacturers 	<ul style="list-style-type: none"> Bob’s Red Mill Dave’s Killer Bread Breakside Brewing Alpine Foods Unified Grocers Core Mark International
METALS, MACHINERY & TRANSPORTATION EQUIPMENT	
<ul style="list-style-type: none"> Primary & Fabricated Metals Machinery Transportation Equipment Metals and Equipment Wholesalers Testing & Calibration Labs Computer & Electronic Systems for Aerospace Software & R&D 	<ul style="list-style-type: none"> Miles Fiberglass PCC Structurals Blount American Metal Specialties Warn Industries Ran-Tech Engineering OECO
HEALTH SERVICES AND CONTINUING CARE	
<ul style="list-style-type: none"> Hospitals Offices of Physicians, Dentists, and Specialists Kidney Dialysis Centers HMO Medical Centers Nursing and Residential Care Pharmacy Services 	<ul style="list-style-type: none"> Sunnyside Hospital Providence Kaiser Consonus American Medical Response Rehab Specialists Willamette View

CLUSTER	
Target Industries	Current Employers
WAREHOUSE & DISTRIBUTION	
<ul style="list-style-type: none"> Durable Goods Wholesale Nondurable Goods Wholesale Wholesale Trade Agents & Brokers Truck Transportation Warehousing & Storage 	<ul style="list-style-type: none"> Unified Grocers Core Mark International Cross Point NW Norlift Titan Freight HD Supply Management
BUSINESS, PROFESSIONAL & INFORMATION SERVICES	
<ul style="list-style-type: none"> Software/Computer Programming Specialized Design Engineering & Technical Consulting Financial, Legal, & Real Estate Services. Temporary Help Services Enterprise Headquarters Administration Services Back Office Functions 	<ul style="list-style-type: none"> Princeton Prop. Management Active Telesource Moda Health Crossmark Pacific marketing K & B Engineering Advantis Credit Union Warehouse Demo Services
MAKER MANUFACTURING & AMENITY RETAIL/HOSPITALITY	
<ul style="list-style-type: none"> Publishing & Software Coffee Roasting/Baking/Food Products Brewing/Vinting/Distilling Craft Manufacturing/Custom Fabrication Specialty Agriculture Apparel/Jewelry/Recreation Equip. 	<ul style="list-style-type: none"> Dark Horse Comics NW Flexspace Bee Thinking Breakside Specialty Food/Grocery Coffee/Café Brew Pub/Wine or Bottle Shops Full Service Local Restaurants Food Cart Pods Boutiques Wellness & Spa Services

Regional economies are often organized around a healthy set of **industry clusters**—similar and related businesses and industries that are mutually supportive, regionally competitive, attract capital investment, and encourage entrepreneurship. Generally, clusters develop as an agglomeration of businesses in a geography that holds an innate competitive advantage in that industry. In many local economies, we find also that a large firm or group of firms can often anchor a local cluster—the most obvious examples in Milwaukie being Blount and PCC Structurals anchoring the Metals and Machinery manufacturing cluster.

Targeted industries are subsectors within those clusters where a particular community may have a competitive advantage. For example, an industry that fills an existing gap in the supply chain network, or a completely unrelated industry that has similar labor demands. Further, a targeted industry does not have to be part of an existing cluster network, or even be present in the local economy. In this analysis we identify some “aspirational” industries with emerging opportunities for the City.

CLUSTER DISCUSSIONS

The following are short discussion of the clusters outlined.

Metals, Machinery, & Transportation Equipment

Metals and Machinery Manufacturing is a legacy industry in Clackamas County. In Milwaukie, the majority of metals manufacturing activities are tied to the machinery or transportation equipment industries, specifically aerospace.

The future is likely to bring increased integration of microelectronics, software, and optics into transportation and equipment systems, creating opportunities for horizontal pivots into new industries outside of metals. Successful firms in this industry will be those that adapt well to new additive manufacturing practices.

Food Processing and Storage

Food Processing in Milwaukie is organized around several large employers, and can be considered an extension of a regional food processing cluster that extends east of the city, across I-205 and into the Clackamas Industrial Area. While commercial brewing does not show up in the state employment data (the employer most likely claims it’s employment at another location), Breakside Brewing’s commercial operations and taproom have become a staple of the Milwaukie Expressway industrial corridor.

Food manufacturing was identified as the leading driver of growth in the economy since 2010, with the combined industries identified here growing by 29 percent over the same period. Looking forward, an infusion of capital from recent acquisitions and investments should facilitate expanded markets for existing firm. However, real opportunities for growth exist for smaller craft firms and startups, which are surprisingly absent in the market.

Health Services and Continuing Care

Health Care and Health Services is the single largest sector of the study area economy, accounting for one out of every five jobs. Despite continued growth in the Health Service sector at the regional and even national level, growth among local companies has been stagnating. The sector is well balanced across subsectors, with considerable employment in hospital, health services, and continuing care. Milwaukie’s health sector is largely population-serving health care services. The economy does not have much activity in medical manufacturing, laboratories, research, or biotechnology.

Demographics and policy will continue to drive need for these types of health services, specifically continuing care. The extent to which the local economy can capitalize on anticipated regional growth in biotechnology

research/development remains to be seen. Workforce characteristics may be favorable but it is seen as unlikely that the cluster will expand beyond population serving functions.

Warehouse & Distribution

Businesses in Warehousing and Distribution include those involved in the wholesale, storage, or movement of goods and services. Warehousing and Distribution is generally an ancillary economic function in the economy. In some instances, geographic location (proximity to markets) and site advantages (multi-modal transit linkages) attract regionally serving distribution and logistics activities exogenous of local industry. In Milwaukie, it would appear most of this sector's impact is driven by local business factors.

Over the last several years, the industry has declined slightly in the local market. However, the region is currently in a development cycle for W&D space, largely locating on greenfield sites.

Business, Professional, and Information Services

Business and Professional Services industries are expected to make up the lion's share of regional growth over the next 20-years. These businesses include a range of services from creative design, computer programming, technical engineering, call centers and financial services.

They are industries that more commonly require more traditional office space, but some sectors locate in either creative office or flex business parks. New applications in business technology (IT) and strong corporate profits provide a rosy outlook for businesses in this sector. Specifically, Professional and Technical Services is expected to expand by over 26% over the next ten years. Increasing rents for Class A office space in the Central Business District will increasingly drive small and medium sized

firms into secondary locations. Milwaukie currently has a below-average supply of businesses in these industries.

Maker Manufacturing & Amenity Retail/Hospitality

In addition to the aforementioned sector based targeted industries, Milwaukie should prioritize recruitment and development in the following areas. These industry groups have community-wide ancillary impacts ranging from a positive influence on property values to attracting new residents and tenants. These industries often influence the culture and character of districts within a community.

In Portland's Central City, the Central Eastside Industrial District has undertaken a considerable transition over the last ten years. The district emerged as a low cost incubator district, with some of the region's most successful businesses starting up in the area. However, the district has transitioned in recent years as space costs have increased markedly. The recent SE Quadrant Plan changed zoning in parts of the district to accommodate higher intensity uses. The lack of affordability will increasingly displace niche and incubating firms. As a part of the SE Quadrant process, areas of the Central Eastside—including Milwaukie, were identified as likely outlets for future incubating activity.

Quality retail, restaurant, recreation, and hospitality tenants make a community an attractive place to live and work. Studies have shown that amenity based supportive uses have a positive impact on housing values and attract residents and businesses alike. This is a growing phenomenon in the context of emerging consumer preferences observed across Millennial and Boomer generations. Attraction of these types of businesses offers Milwaukie to raise its amenity profile and work toward becoming a true 18-hour community where people gather to work as well as recreate.

IV. EMPLOYMENT DISTRICT ANALYSIS

The City's primary challenge in attracting and retaining new growth is a limited inventory of vacant and developable sites. There are virtually no vacant sites or greenfield opportunities within the study area. As a result, realizing the demand projections will require significant intensification of developed employment areas, as well as extensive redevelopment.

The City of Milwaukie as well as the broader UGMA is projected to be supply constrained over the next twenty years, as the projected demand for employment land and capacity exceeds the available inventory. Many of the jurisdictions' major employment concentrations have been developed for decades, often at relatively low intensities. While the use pattern does not represent the current highest and best use development forms, the still considerable value of the existing improvements make redevelopment difficult to achieve.

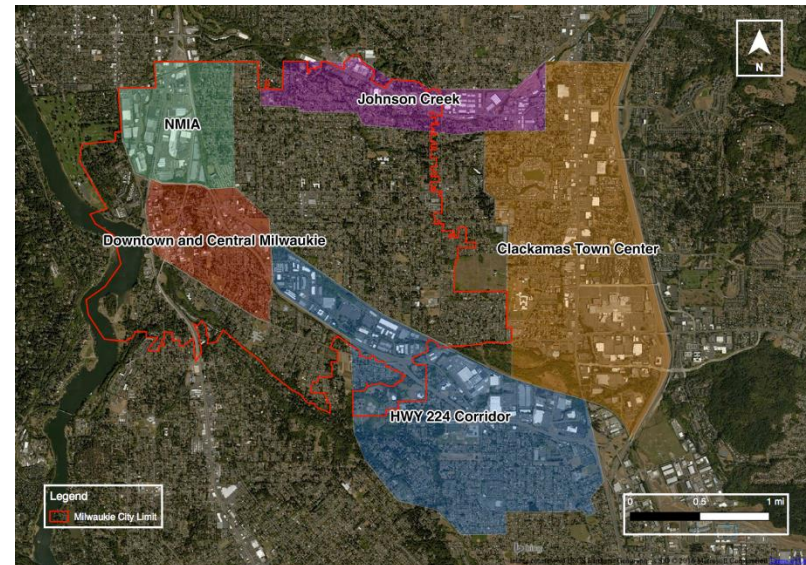
The City's extensive inventory of built space offers a marketing advantage for firms that are price sensitive in terms of space, as this space can be made available at rates well below what would be necessary to support new construction. While future development patterns are expected to be more intensive, it is important to recognize that increasing pressure on pricing has the potential to negatively impact some local businesses, and impact the City's competitive position within the region.

The City's policies should actively encourage redevelopment and/or reinvestment in established business and industrial parks, with an objective of intensifying the usage of these economic resources over time. This may include active intervention to encourage new development for targeted industries and/or in desired development forms.

Employment concentrations within the City have distinct attributes, and the appropriate strategic approach will vary by district. We have defined five districts with the City and UGMA.

- North Milwaukie Industrial Area (NMIA)
- Johnson Creek Boulevard
- Highway 224 Corridor
- Downtown and Central Milwaukie
- Clackamas Regional Center

The following map outlines the geographic scope of these districts.



One of the city's strengths in terms of economic development is the unique nature of these districts, and the range of location options they offer. Each district is summarized in the following sections, followed by general as well as district-specific recommendations

NORTH MILWAUKIE INDUSTRIAL AREA

The North Milwaukie Industrial Area is expected to see the greatest level of market pressure in terms of redevelopment. The area is immediately south of the Max Orange Line’s SE Tacoma/Johnson Creek station, providing outstanding transit links. The existing building stock in the area is dated, and reflects a combination of distribution buildings, obsolete retail structures, yard space, and limited office developments. The area houses a diverse mix of businesses, including major employers such as Goodwill Industries, the Oregon Liquor Control Commission and Stoner Electric. The area accounts for 6% of employment within the UGMA, but 49% of public administration, 31% of construction, 17% of transportation & warehousing, and 15% of wholesale trade.

STRENGTHS
<ul style="list-style-type: none"> ▪ Diverse mix of affordable space, with some large spaces ▪ Good local access via Highway 99E and Highway 224 ▪ Excellent transit access ▪ Visibility from Highway 99E ▪ Opportunity sites (ODOT) ▪ EB-5 Targeted Employment Area, Enterprise Zone, NMTC Eligible
WEAKNESSES
<ul style="list-style-type: none"> ▪ Freight movement conflicts ▪ Parking limited for flex buildings ▪ Obsolete and aging structures
OPPORTUNITIES
<ul style="list-style-type: none"> ▪ High potential for redevelopment and repurposing of existing buildings, with physical improvements depreciated ▪ Potential for mixed-use that leverages transit investment ▪ Appeal to businesses displaced from Central Eastside ▪ Makers market users, models such as NW Flex Space
THREATS
<ul style="list-style-type: none"> ▪ Displacement of current businesses ▪ Potential for increase in conflict with greater intensity ▪ Loss of competitive price advantage

JOHNSON CREEK BOULEVARD

The Johnson Creek Boulevard corridor houses a range of businesses, which are largely industrial in nature. The area has difficult accessibility to the west for truck traffic, but has a full interchange with I-205 to the east. Major employers in the area include Precision Castparts, Dennis’ Seven Dees, and Cross Point NW. This area has relatively affordable land and building lease rates, but is impacted by the floodplain of Johnson Creek.

The area is a major manufacturing center, accounting for 17% of the manufacturing and construction employment in the UGMA. The area offers relatively cheap space as well as lower land values for yard space, making it highly attractive for construction and manufacturing firms.

STRENGTHS
<ul style="list-style-type: none"> ▪ Diverse mix of affordable space ▪ Regional accessibility to the east ▪ Proximate to workforce ▪ Springwater Trail access ▪ Tax advantage vis-à-vis Portland, which is immediately north ▪ EB-5 Targeted Employment Area, Enterprise Zone
WEAKNESSES
<ul style="list-style-type: none"> ▪ Difficult access to the west ▪ Limited capacity on Johnson Creek Boulevard ▪ Obsolete and aging structures ▪ Floodplain issues with Johnson Creek
OPPORTUNITIES
<ul style="list-style-type: none"> ▪ Potential for limited redevelopment, although achievable lease rates are low ▪ Low cost space option, with an ability to house industries that are less concerned with curb appeal ▪ Better control of Johnson Creek could increase site utilization
THREATS
<ul style="list-style-type: none"> ▪ Neighborhood conflicts with industry

HIGHWAY 224 CORRIDOR

The Highway 224 Corridor represents one of the City’s major employment concentrations, accounting for 26% of all employment in the UGMA. Major employers include Blount International, Unified Grocers and OECO. The employment base is quite diverse, led by manufacturing wholesale trade, and health care. Other areas of concentration include transportation & warehousing, management of companies, real estate, information and professional services.

This area enjoys strong regional access via Highway 224, which links Highway 99E with Interstate 205. As a result, it is the only area outside of downtown Milwaukie and the North Milwaukie Industrial Area that has the potential for Class A office space development. Sites in the area are impacted by a creek running north of Highway 224.

STRENGTHS
<ul style="list-style-type: none"> ▪ Diverse mix of affordable space, although rent levels are higher in this district ▪ Regional accessibility via Highway 224, I-205 and Highway 99E ▪ Good visibility from Highway 224 ▪ Proximate to a large workforce ▪ Home to several major and growing businesses ▪ Tax advantage vis-à-vis Portland ▪ EB-5 Targeted Employment Area, Enterprise Zone
WEAKNESSES
<ul style="list-style-type: none"> ▪ Transit access within area is limited ▪ As use patterns change in flex space, parking is inadequate ▪ Floodplain issues ▪ Limited room for expansion of existing businesses
OPPORTUNITIES
<ul style="list-style-type: none"> ▪ Intensification of uses likely over time ▪ Potential capacity in surface parking with active management ▪ Suburban Class A office locations fronting Highway 224
THREATS
<ul style="list-style-type: none"> ▪ Parking limitations will conflict with intensification trend

DOWNTOWN AND CENTRAL MILWAUKIE

Downtown Milwaukie is the historic core of the City, while Central Milwaukie is the commercial services hub. It accounts for 6% of the employment base in the UGMA, with a concentration in food services, educational services information, and management of companies. Milwaukie’s downtown core has the potential to both accommodate a significant amount of incremental employment, as well as to serve as an amenity that will increase the attractiveness of the City for employers and residents. The City has done extensive planning on downtown opportunities and in central Milwaukie, and should continue to pursue development in the district that increases the marketability of the community. In the short-term, while mixed-use is encouraged, this may be weighted more towards residential development, which capitalizes on the recent completion of the Orange Line. The addition of more residents will support greater levels of urban amenities such as restaurants and retail, which in turn increases the attractiveness of the area for businesses.

STRENGTHS
<ul style="list-style-type: none"> ▪ Existing buildings provide for affordable space ▪ Regional accessibility via Highway 224 and Highway 99E ▪ Orange Line light rail stop ▪ Good visibility from Highway 99E ▪ Several opportunity sites in downtown ▪ Two major redevelopment sites (Murphy and McFarland) in central ▪ Farmer’s Market, First Friday ▪ Riverfront Park ▪ EB-5 Targeted Employment Area, NMTC Eligible
WEAKNESSES
<ul style="list-style-type: none"> ▪ Truck access to businesses in downtown ▪ Kellogg Creek Plant

OPPORTUNITIES
<ul style="list-style-type: none"> ▪ Increase residential density in area with mixed-use development ▪ Need parking management in downtown ▪ Many redevelopment sites ▪ New urban renewal area ▪ Expanded enterprise zone
THREATS
<ul style="list-style-type: none"> ▪ Limited parking may limit growth potential

CLACKAMAS REGIONAL CENTER

The Clackamas Regional Center area is within the UGMA, but currently not within the City of Milwaukie. The area accounts for 20% of employment within the UGMA, with retail trade, accommodation and food service, and manufacturing the largest major employment sectors. Employment is concentrated along 82nd Avenue and Sunnyside Road, two major commercial service corridors. The area includes Clackamas Town Center and the Clackamas Promenade, two major regional retail center.

While located outside of the City, Clackamas Regional Center serves many of the retail needs of residents.

V. THE STRATEGIC PLAN

POLICY DIRECTION

The City of Milwaukie has consistently adopted policies supporting economic development, emphasizing access to employment and commercial opportunities for local residents, as well as recognizing the fiscal benefits of a robust economic base.

The City of Milwaukie's current comprehensive plan was adopted in 1985, and has been amended over the last few decades by a series of ancillary documents that refine portions of the plan. The City is in the process of updating the Comprehensive Plan for 2035. The Economic Base and Industrial/Commercial Land Use Element addresses economic development. The Comprehensive Plan contains a series of objectives and associated policies that are supportive of continued economic growth and vitality, as well as support for improved access to commercial services for local residents and businesses. The following is a summary of economic development objectives contained in the plan:

Objective 1 – Economic Development

The City will encourage an increase in the overall economic development activity within the City, will strive to retain existing businesses as well as actively attract new businesses, particularly those identified as having growth potential.

Objective 2 – Employment Opportunity

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

Objective 3 - Coordination

To continue to participate in economic development and employment programs and develop a working partnership with the private sector and various agencies to meet the economic development needs of Milwaukie.

Objective 4 – Industrial Land Use

To encourage new industries to locate within the three major industrial areas of the City, in order to take maximum advantage of existing access and public facilities serving industry.

Objective 5 – Industrial Impacts

To minimize the adverse effects of industrial and employment center development and operation on surrounding areas.

Objectives 6 through 11 – Commercial Land Use

- To encourage new commercial uses to locate within designated commercial areas of the City, in order to take maximum advantage of existing access and public facilities serving these areas.
- To accommodate major comparison shopping needs within existing regional shopping centers.
- To provide for the weekly and comparison goods shopping needs of the City's and surrounding areas' residents.
- To provide maximum convenience to City residents for regular and convenience shopping needs by concentrating commercial uses into selected commercial clusters.
- To limit intrusion of commercial uses into neighborhood areas, while providing easy accessibility for residents.
- To recognize commercial areas dependent upon street traffic for business and to provide locational standards for these centers.

Objective 12 – Town Center

To emphasize downtown Milwaukie and the expanded city center as a Town Center with the major concentration of mixed-use and high density housing, office, and service uses in the City.

Objective 13 - McLoughlin Boulevard

To provide for limited highway service uses along McLoughlin Boulevard while improving the visual and pedestrian-oriented linkages between downtown and the Willamette River, and making McLoughlin Blvd. more attractive.

Objective 15 – Tacoma Station Area

- An active station area employment district
- Multimodal access to the Tacoma light rail station and enhanced connections within the station area
- Increased employment intensity and number of high-paying jobs in the area
- Support for existing businesses
- Complementing development goals in the nearby downtown area
- A more transit-supportive mix of employment uses in the long term
- A balanced approach to parking demand management

Objective 16 – Central Milwaukie

Enhance economic opportunities and improve Central Milwaukie as the City’s primary commercial center.

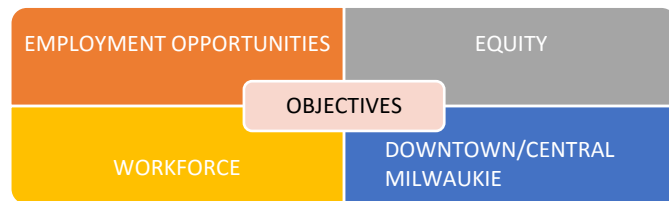
- encourage development of the Murphy and McFarland opportunity sites with a mix of uses, including opportunities for some employment uses on the Murphy site.
- promote high-quality, urban design in Central Milwaukie that is complementary and protective of the surrounding area.
- encourage a mix of uses, including commercial, office, institutional and a range of housing types, within Central Milwaukie.
- work to improve connectivity to and within Central Milwaukie, particularly for pedestrians and cyclists.

Ancillary reports such as the Central Milwaukie Land Use and Transportation Plan (2015), Milwaukie Downtown and Riverfront Land Use Framework Plan (2000), Tacoma Station Area Plan (2013), and Moving Forward Milwaukie (2014) provide greater detail, yet retain the same objectives.

SETTING PRIORITIES

Recognizing the economic and policy context, the next step is to set priorities and objectives for the City’s economic development efforts.

For this strategy, we have organized actions based on the following four broad objectives:

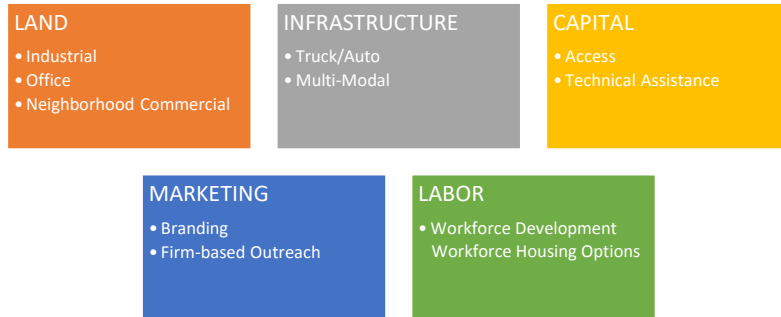


A number of more specific objectives can be organized using this structure, which are summarized to the right:

EMPLOYMENT OPPORTUNITIES	
▪ Job creation and retention	Support ongoing creation and retention of employment, with an emphasis on “family wage and/or “traded sector” jobs
▪ Infrastructure	Ensure that investments in infrastructure are made to support existing and new employment. This includes issues such as parking and freight movement.
▪ Site/Space Availability	Work to ensure that the City has an adequate inventory of developable sites as well as available leasable area to support employment growth.
WORKFORCE	
▪ Workforce development	Ensure that workforce training resources are in place, to serve job seekers as well as businesses
▪ Appropriate housing options	Encourage a broad spectrum of housing choices, both type and price, to match workforce needs
▪ Access to employment	Ensure transportation linkages for workforce
EQUITY	
▪ Level Playing Field, Access to Opportunity	Support small emerging businesses, with less access to capital <ul style="list-style-type: none"> ▪ Technical assistance ▪ Micro loan programs ▪ Master leases ▪ Credit enhancement
▪ Anti-Displacement	Mitigate the potential impact of changing investment patterns on existing businesses, particularly lease holders.
▪ Local Access to Goods and Services	Encourage neighborhood commercial and service nodes
▪ Sustainability	<ul style="list-style-type: none"> ▪ Incorporate eco-industrial concepts ▪ Capitalize on potential synergy between new and existing businesses
DOWNTOWN/CENTRAL MILWAUKIE	
▪ Encourage investment and reinvestment in the downtown Core	Take actions to encourage ongoing strengthening of the downtown core, providing an amenity to residents and businesses, and reflecting the extensive infrastructure investments in the area.

ACTION PLAN

Economic development requirements are often divided into the five major categories: land, infrastructure, capital, marketing, and labor.



Each of these plays a critical role in attracting and retaining economic activity. The area has to have adequate capacity to accommodate employment, which means sites or spaces that are adequate and available. In addition, the spaces need to be appropriately priced and have necessary infrastructure. While this will be a challenge in Milwaukie due to the shortage of developable property, the action plan is intended to help the City maximize the utilization of the resources it does have.

The strategy defines a series of core initiatives, as well as specific actions to support these initiatives. Each action is categorized in terms of the appropriate employment district, as not all actions or objectives pertain to all districts.

The core initiatives are as follows:

Employment Opportunities

- Support and expand employment in target industries
- Enhance business outreach and communication
- Support small business development
- Work to meet industrial and commercial site needs
- Provide infrastructure to leverage business investment
- Support and engage regional and statewide partners

Workforce

- Enhance K-12 education linkages
- Promote workforce training resources
- Provide a range of housing options appropriate for and affordable to the local workforce

Equity

- Promote policies and dedicate resources to mitigate potential displacement of businesses
- Develop programs to assist emerging and/or under-capitalized firms locate and thrive in the community
- Provide for proximate commercial services
- Encourage sustainable development patterns and operations

Downtown/Central Milwaukie

- Actively seek development of opportunity sites
- Complete establishment of the Urban Renewal District programming
- Evaluate actions to increase marketability of the district
- Marketing campaign to promote district

The follow series of matrixes provides a summary of these core initiatives, associated actions, lead agencies, and timeline.

CORE INITIATIVE					North Milwaukee Industrial Area	Johnson Creek Boulevard	Highway 224 Corridor	Central Milwaukee
Actions	Notes	Lead	Timeline					
JOBS								
SUPPORT AND EXPAND EMPLOYMENT IN TARGETED INDUSTRIES								
Adopt and regularly update target industry profiles	Industry patterns over time can change significantly, and the target industries should be updated regularly.	ED Staff	Annual					
Enhance business outreach and communication	Coordinate business cluster and employment district networking opportunities	ED Staff	Ongoing					
Facilitate the development of a marketing plan to attract businesses within the identified target industry business sectors	Assemble and distribute materials of specific interest to targeted industries, and identify key industry groups	ED Staff	2017					
Support and engage regional and statewide partners	Regularly meet and coordinate with groups such as Business Oregon, Clackamas County Econ Dev, Greater Portland Inc.	ED Staff	Ongoing					
Promote Enterprise Zones		ED Staff	Ongoing					
SUPPORT SMALL BUSINESS DEVELOPMENT								
Develop and/or market programs to assist emerging and under capitalized firms	Technical assistance, micro loans, master leases, and credit enhancement	ED Staff	2017-18					
Evaluate development of a makers collective	Look for opportunities to repurpose existing space to support multi-tenant maker space	ED Staff	2017-18					
Connect small business opportunities with property owners	They can serve as a clearinghouse or matchmaker, matching business needs with local property owners. This could include food carts, which can serve as an incubator for future food service tenants.	ED Staff	Ongoing					
MEET INDUSTRIAL AND COMMERCIAL LAND NEEDS								
Establish and maintain an inventory of employment capacity within the City, which can be readily accessed by the public, employers, and the development community	Actively work with property owners and their representatives to ensure that development and redevelopment sites are known, as well as vacant spaces	ED Staff	Ongoing					
Encourage mixed-use development forms where appropriate to increase intensity of development	Assure that the code allows for more intensive development.	Planning	Ongoing					
Expand infrastructure as needed to accommodate growth	Work with the appropriate agencies to coordinate the funding of infrastructure necessary to accommodate anticipated growth, particularly in areas that are expected to intensify uses.	Planning, ED Staff	Ongoing					
Facilitate clean up and utilization of brownfield sites	Work with the appropriate agencies to identify requirements, as well as potential funding sources, to bring environmentally contaminated sites to productive use.	Planning, ED Staff	Ongoing					
Evaluate parking management programs to potentially free up developable property	In areas such as the Highway 224 Corridor, there are large parking areas that could potentially be better utilized.	Planning	2017-18					
Evaluate wetland mitigation to increase developable land inventory	The creek in the Highway 224 Corridor and Johnson Creek in North Milwaukee limits developable area.	Planning/Engineering	2017-18					
Seek to capitalize on key infrastructure improvements, including commuter rail, freight rail, and freight-appropriate improvements	Actively seek to maintain to the extent practical rail infrastructure serving industrial areas, such as rail spurs	Planning/ED Staff	Ongoing					

CORE INITIATIVE					North Milwaukie Industrial Area	Johnson Creek Boulevard	Highway 224 Corridor	Central Milwaukie
Actions	Notes	Lead	Timeline					
WORKFORCE								
ENHANCE WORKFORCE TRAINING								
Enhance K-12 Education Linkages	Match programs to employers, potentially coordinating internships or regular interaction with local businesses.	ED Staff	Ongoing					
Clackamas County Workforce Partnership	Develop partnership with CCWP to meet the needs of employers	ED Staff	Ongoing					
Encourage satellite College and University Campus facilities in Milwaukie	Contact Clackamas Community College, as well as the OUS to assess interest in local educational opportunities.	ED Staff	2017-2019					
Facilitate customized employer-driven training for Milwaukie target industry clusters.	Follow up on any identified workforce training needs from industry outreach	ED Staff	2016-2018					
Promote workforce training resources	Increase knowledge of existing resources	ED Staff	Ongoing					
WORKFORCE HOUSING								
Develop a plan to maintain an appropriate mix of housing for the local population.	The local area's relative affordability is an economic development advantage, and development pressure is eroding that advantage.	Planning	2017					
Support local affordable housing developers	The Milwaukie area does not have a strong base on non-profit housing developers. This action would be to initiate outreach to existing entities to highlight local opportunities.	Planning/ED Staff	2017					
Consider alternative housing options	Potential development forms such as cluster housing and tiny houses have the potential to increase the range of options within the community, allowing greater flexibility in the market and potentially a better match between need and supply.	Planning/ED Staff	2017					
EQUITY								
MITIGATE POTENTIAL DISPLACEMENT OF BUSINESSES								
Develop a strategy and programs to assist businesses to stay at their current location or within the City	Development patterns are likely to place price pressure on businesses leasing space. While a generally positive sign for the City, these would be programs to assist businesses to thrive in a changing environment.	ED Staff	2017					
ASSIST EMERGING AND/OR UNDER-CAPITALIZED BUSINESSES								
Develop a toolkit to help small businesses to thrive	Potential programs could include credit enhancement, a revolving loan fund, storefront improvement grants, workforce training, and small business workshops	ED Staff	2017					

CORE INITIATIVE					North Milwaukee Industrial Area	Johnson Creek Boulevard	Highway 224 Corridor	Central Milwaukee
Actions	Notes	Lead	Timeline					
DOWNTOWN & CENTRAL MILWAUKIE								
ACTIVELY SEEK DEVELOPMENT OF OPPORTUNITY SITES								
Coordinate and issue RFPs for properties owned by the City and Metro's TOD program	Clarify objectives and solicit developer interest to get these parcels under development	Planning/CD Staff	2016-2018					
URBAN RENEWAL PLAN								
Implement the project list in the recently adopted urban renewal plan and report		Planning/ED Staff	Ongoing					
SUPPORT AND STRENGTHEN CURRENT DOWNTOWN TENANTS								
Implement the Moving Forward Milwaukee strategy	The strategy includes a number of useful strategies, as well as a documentation of challenges.	Comm Dev/ED Staff	2017					
Prepare a parking study	Support a better understanding of the parking dynamics downtown, as well as potential solutions	Planning	2017					
Marketing of Downtown District	Prepare marketing materials, including maps, directories, and improved wayfinding	ED Staff/Chamber	2017, Ongoing					
Continue programming to increase traffic	Events such as First Friday and the Farmer's Market drive business and increase profile. Programming at Riverfront Park can serve a similar purpose.	ED Staff/Chamber	Ongoing					
Actively recruit under-represented retail sectors	Key retail sectors would include expansion of the food carts, as well as a grocer, potentially specialty in nature.	ED Staff	2016-2018					
Evaluate the use of an e commerce enterprise zone	This would support local businesses that may be able to expand their market through online sales.	ED Staff	2016-2018					
Implement a Main Street or Local Initiatives Support Corporation (LISC) program development	These programs provide resources and a proven structure to encourage support of downtown commercial districts.	Planning/ED Staff	2017-2018					
Implement a refined South Downtown Refinement plan for relocation of the Farmer's Market	The successful relocation of the Farmer's Market will be a key requirement of future redevelopment in downtown.	Planning/ED Staff	2017					
Initiate a pop-up shop program for vacant spaces	Work with property owners to encourage this use, i.e., PDX Pop Up Shops	ED Staff	2017					

**RS 7. B. 5/3/22
Presentation**

Economic Development Update

Milwaukie City Council

May 3, 2022

**Joseph Briglio, Community Development Director
Janine Gates, Housing and Economic Development
Program Manager**



Overview

- Economic Development Department Goal
- Economic Development Strategy
- Economic Development Workplan



Our Goal

A holistic and robust economic development ecosystem with multiple initiatives that involve and support community members and business owners.



Economic Development Strategy



CLUSTER	
Target Industries	Current Employers
FOOD PROCESSING AND STORAGE	
<ul style="list-style-type: none"> ▪ Commercial Baking ▪ Flour Milling ▪ Grocery Merchant Wholesalers ▪ Alcohol Merchant Wholesalers ▪ Commercial Printing ▪ Specialty/Craft Manufacturers 	<ul style="list-style-type: none"> ▪ Bob's Red Mill ▪ Dave's Killer Bread ▪ Breakside Brewing ▪ Alpine Foods ▪ Unified Grocers ▪ Core Mark International
METALS, MACHINERY & TRANSPORTATION EQUIPMENT	
<ul style="list-style-type: none"> ▪ Primary & Fabricated Metals ▪ Machinery ▪ Transportation Equipment ▪ Metals and Equipment Wholesalers ▪ Testing & Calibration Labs ▪ Computer & Electronic Systems for Aerospace ▪ Software & R&D 	<ul style="list-style-type: none"> ▪ Miles Fiberglass ▪ PCC Structural ▪ Blount ▪ American Metal Specialties ▪ Warn Industries ▪ Ran-Tech Engineering ▪ OECO
HEALTH SERVICES AND CONTINUING CARE	
<ul style="list-style-type: none"> ▪ Hospitals ▪ Offices of Physicians, Dentists, and Specialists ▪ Kidney Dialysis Centers ▪ HMO Medical Centers ▪ Nursing and Residential Care ▪ Pharmacy Services 	<ul style="list-style-type: none"> ▪ Sunnyside Hospital ▪ Providence ▪ Kaiser ▪ Consonus ▪ American Medical Response ▪ Rehab Specialists ▪ Willamette View

CLUSTER	
Target Industries	Current Employers
WAREHOUSE & DISTRIBUTION	
<ul style="list-style-type: none"> ▪ Durable Goods Wholesale ▪ Nondurable Goods Wholesale ▪ Wholesale Trade Agents & Brokers ▪ Truck Transportation ▪ Warehousing & Storage 	<ul style="list-style-type: none"> ▪ Unified Grocers ▪ Core Mark International ▪ Cross Point NW ▪ Norlift ▪ Titan Freight ▪ HD Supply Management
BUSINESS, PROFESSIONAL & INFORMATION SERVICES	
<ul style="list-style-type: none"> ▪ Software/Computer Programming ▪ Specialized Design ▪ Engineering & Technical Consulting ▪ Financial, Legal, & Real Estate Services. ▪ Temporary Help Services ▪ Enterprise Headquarters ▪ Administration Services ▪ Back Office Functions 	<ul style="list-style-type: none"> ▪ Princeton Prop. Management ▪ Active Telesource ▪ Moda Health ▪ Crossmark ▪ Pacific marketing ▪ K & B Engineering ▪ Advantis Credit Union ▪ Warehouse Demo Services
MAKER MANUFACTURING & AMENITY RETAIL/HOSPITALITY	
<ul style="list-style-type: none"> ▪ Publishing & Software ▪ Coffee Roasting/Baking/Food Products ▪ Brewing/Vinting/Distilling ▪ Craft Manufacturing/Custom Fabrication ▪ Specialty Agriculture ▪ Apparel/Jewelry/Recreation Equip. 	<ul style="list-style-type: none"> ▪ Dark Horse Comics ▪ NW Flexspace ▪ Bee Thinking ▪ Breakside ▪ Specialty Food/Grocery ▪ Coffee/Café ▪ Brew Pub/Wine or Bottle Shops ▪ Full Service Local Restaurants ▪ Food Cart Pods ▪ Boutiques ▪ Wellness & Spa Services



Amended Strategy

- Update the 2017-2022 Economic Development Strategy to include:
 - Retention, expansion, and attraction of key sectors and target marketing.
 - For a post-Covid world.
 - Ensure the plan includes demographics, small businesses, and home occupations.



Economic Development Workplan



Our Priorities

EMPLOYMENT OPPORTUNITIES	
▪ Job creation and retention	Support ongoing creation and retention of employment, with an emphasis on “family wage and/or “traded sector” jobs
▪ Infrastructure	Ensure that investments in infrastructure are made to support existing and new employment. This includes issues such as parking and freight movement.
▪ Site/Space Availability	Work to ensure that the City has an adequate inventory of developable sites as well as available leasable area to support employment growth.
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EQUITY	
▪ Level Playing Field, Access to Opportunity	Support small emerging businesses, with less access to capital <ul style="list-style-type: none">▪ Technical assistance▪ Micro loan programs▪ Master leases▪ Credit enhancement
▪ Anti-Displacement	Mitigate the potential impact of changing investment patterns on existing businesses, particularly lease holders.
▪ Local Access to Goods and Services	Encourage neighborhood commercial and service nodes
▪ Sustainability	<ul style="list-style-type: none">▪ Incorporate eco-industrial concepts▪ Capitalize on potential synergy between new and existing businesses
DOWNTOWN/CENTRAL MILWAUKIE	
▪ Encourage investment and reinvestment in the downtown Core	Take actions to encourage ongoing strengthening of the downtown core, providing an amenity to residents and businesses, and reflecting the extensive infrastructure investments in the area.

- Our priorities are:
 - Infrastructure through our Tax Increment Financing (TIF) district
 - Diversity, Equity, and Inclusion (DEI) and Sustainability
 - Placing Making



Tax Increment Financing (TIF) district

- Street improvements
- Tenant improvements
- Small Business Development



DEI and Sustainability

- Neighborhood Hubs
- Small businesses and home occupations
- Retaining local talent and businesses



Placemaking

- Installing more wayfinding signage on Main Street.
- Business outreach (i.e. Surveys, database)
- Ombudsperson - Janine Gates to serve as a “one-stop-shop” for businesses
- Programs to further support businesses and build partnerships (Create a menu of resources)



Construction Exercise Tax



Residential

- Supports affordable housing initiatives.
 - Available funds:
\$654,867

Commercial

- Supports economic development initiatives.
 - Available funds:
\$409,533

**Funds will be available
this summer and later
next year.**



Immediate Next Steps

- Hire a consultant
- Engage community members
(employees, employers, residents, and visitors)



Thank you.







RS Agenda Item

8

Public Hearings

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Apr. 21, 2022

Reviewed: Laura Weigel, Planning Manager, and
Joseph Briglio, Community Development Director

From: Vera Kalias, Senior Planner

Subject: **Comprehensive Plan Implementation: Code Amendments – Housing & Parking**

ACTION REQUESTED

Council is asked to re-open the public hearing for final deliberations and adoption of land use file #ZA-2021-002 related to the proposed amendments to Milwaukie Municipal Code (MMC) Title 19 (Zoning), Title 17 (Land Division), Title 12 (Streets, Sidewalks, and Public Places), Title 13 (Public Services), Zoning map, Comprehensive Plan, and Comprehensive Plan Land Use map related to middle housing and parking and the tree code.

Public hearing #7, held on [April 5](#), focused on the proposed housing and parking code amendments as well as the proposed tree code. For a history of prior actions and discussions, project background, and detailed analysis of the proposed code amendments (including recommendations from Planning Commission and prior discussion items from Council), and a comprehensive package of attachments, please refer to the full staff report posted for the [February 15](#) public hearing.

Public hearing #8, held on [April 19](#), included the final Council deliberation and a 4:1 vote of approval of the first reading of the ordinance by title only. As the Council vote was not unanimous, a second reading at a separate meeting is required for final adoption of the ordinance as required by MMC 2.04.330.

The requested action on May 3 is for Council to hear the second and final reading of the ordinance by title only and conduct a roll call vote to adopt the ordinance and associated findings and code amendments found in Attachment 1.

NEXT STEPS

- Staff roll out of code amendments

BUDGET IMPACT

None.

WORKLOAD IMPACT

Some additional permits will likely be submitted when the new code is adopted, but this additional activity will be absorbed by staff.

CLIMATE IMPACT

The objective of the implementation project is code amendments that will support a variety of housing opportunities throughout the city, including middle housing, and an updated tree code that will help the city achieve its stated goal of a 40 percent tree canopy.

COORDINATION, CONCURRENCE, OR DISSENT

Community development, planning, engineering, city manager's office, and public works staff worked on this project.

ATTACHMENTS

1. Ordinance
 - a. Recommended Findings in Support of Approval (including Metro and State Findings)
 - b. Final code amendment language (underline/strikeout)
 - c. Final code amendment language (clean)
2. Zoning and Land Use Maps



COUNCIL ORDINANCE No.

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE MILWAUKIE COMPREHENSIVE PLAN LAND USE MAP AND RESIDENTIAL LAND USE DESIGNATIONS, MUNICIPAL CODE (MMC) TITLE 19 ZONING ORDINANCE, TITLE 17 LAND DIVISION, TITLE 12 STREETS, SIDEWALKS, AND PUBLIC PLACES, TITLE 13 PUBLIC SERVICES, AND AMENDING THE ZONING MAP FOR THE PURPOSE OF ADDRESSING MIDDLE HOUSING AND RESIDENTIAL PARKING (FILE #ZA-2021-002).

WHEREAS it is the intent of the City of Milwaukie to support and promote housing opportunities and housing choice throughout the city; increase the supply of middle and attainable housing and providing equitable access to housing for all; and to manage parking to enable middle housing and to protect trees; and

WHEREAS the proposed code amendments implement several of the goals and policies of the city' comprehensive plan related to housing and tree preservation and comply with Oregon House Bill 2001; and

WHEREAS legal and public notices have been provided as required by law, and multiple opportunities for public review and input has been provided over the past 18 months; and

WHEREAS on October 12, October 26, and November 9, 2021, 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 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 _____.

Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

Exhibit A

Recommended Findings in Support of Approval File #ZA-2021-002; CPA-2021-001; ZC-2021-002 Middle Housing and Residential 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 amend the zoning and comprehensive plan maps, comprehensive plan, and make code amendments to Titles 12, 13, 16, 17, and 19 related to tree code on residential property, required off-street parking, and permitted middle housing types in all residential zones. The intent is to implement portions of the city's comprehensive plan and Oregon House Bill 2001 (HB 2001). The land use application file numbers are ZA-2021-002, CPA-2021-001, and ZC-2021-002.
2. The proposed amendments relate to implementation of portions of the Comprehensive Plan related to housing, tree preservation, and parking. Creating and supporting housing opportunities, primarily middle housing options in all neighborhoods, has been a key goal for Council and the community. The adopted Comprehensive Plan policies call for expanded housing opportunities throughout the city. The focus of this phase of plan implementation is housing, but it also includes related changes to parking requirements in residential areas and tree protection and preservation related to residential land.
3. Amendments are proposed in several titles of the municipal code, as follows:
 - Milwaukie Comprehensive Plan
 - Comprehensive Plan Land Use Map
 - Comprehensive Plan Residential Land Use Designations
 - Municipal Code - Title 19 Zoning Ordinance
 - Section 19.107 Zoning
 - Chapter 19.200 DEFINITIONS AND MEASUREMENTS
 - Section 19.301 Low Density Residential Areas
 - Section 19.302 Medium and High Density Residential Areas
 - Section 19.401 Willamette Greenway Zone WG
 - Section 19.402 Natural Resources NR
 - Chapter 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS
 - Section 19.501 General Exceptions
 - Section 19.504.8 Flag Lot Design and Development Standards
 - Section 19.505.1 Single Family Dwellings and Duplexes
 - Section 19.505.3 Multifamily Housing
 - Section 19.505.4 Cottage Cluster Housing
 - Section 19.505.5 Rowhouses
 - Section 19.506 Manufactured Dwelling Siting and Design Standards

- Chapter 19.600 OFF-STREET PARKING AND LOADING
 - Section 19.605 Vehicle Parking Quantity Requirements
 - Section 19.605.2 Quantity Modifications and Required Parking Determinations
 - Section 19.605.3 Exemptions and By-Right Reductions to Quantity Requirements
 - Section 19.607 Off-Street Parking Standards for Residential Areas
 - Chapter 19.700 PUBLIC FACILITY IMPROVEMENTS
 - Section 19.702.1 General
 - Section 19.702.2 Single Unit Residential Expansions
 - Section 19.702.4 Exemptions
 - Section 19.703.4 Determinations
 - Section 19.704.4 Mitigation
 - Section 19.708.2 Street Design Standards
 - Chapter 19.900 LAND USE APPLICATIONS
 - Section 19.901 Introduction
 - Section 19.906 Development Review
 - Section 19.910.1 Accessory Dwelling Units
 - Section 19.901.2 Duplexes
 - Section 19.911 Variances
 - Municipal Code - Title 17 Land Division
 - Chapter 17.28 DESIGN STANDARDS
 - Section 17.28.050 Flag Lot Development and Future Access
 - Section 17.28.060 Flag Lot Design Standards
 - Section 17.28.070 Flag Lot Limitation
 - Municipal Code - Title 12 Streets, Sidewalks, and Public Places
 - Chapter 12.16 ACCESS MANAGEMENT
 - Section 12.16.030 Access Permitting
 - Section 12.16.040 Access Requirements and Standards
 - Municipal Code - Title 13 Public Services
 - Chapter 13.30 REIMBURSEMENT DISTRICTS
 - Section 13.30.010 Definitions
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 October 12, 2021, October 26,

2021, November 9, 2021, January 18, 2022, February 1, 2022, February 15, 2022, March 1, 2022, March 15, 2022, March 29, 2022, April 5, 2022, and April 19, 2022 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 August 13, 2021.

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 over the past 15 months during the code development process as follows:

- *monthly Comprehensive Plan Implementation Committee meetings*
- *monthly Pilot articles*
- *monthly worksessions with the Planning Commission and City Council*
- *three online open houses and two community surveys*
- *small group meeting with BIPOC community members*
- *small group meeting in Spanish with Spanish speaking community members*
- *presentations to all NDAs*
- *numerous emails to all city committee members and project email subscribers, social media posts*
- *staff available at the Milwaukie Farmers Market*

Regarding the specific code language, the draft language was posted on the Engage Milwaukie webpage on June 25, 2021 as part of an informative virtual open house. In addition, the Planning Commission had 3 worksessions about the proposed code amendment language. Specific notice of the draft amendments and October 12, 2021 public hearing was as follows: notice was sent to all residential addresses in the city via a mailed postcard on September 14, 2021 and a Measure 56 notice related to the proposed tree code was mailed to all residential addresses on October 6, 2021; email notices were sent to all city committee members and the project email subscription list on September 1, 2021; posts were made to city social media on September 1, 2021. The current version of the draft amendments have been posted on the application webpage since August 31, 2021. On September 1, 2021 staff e-mailed NDA leaders with information about the 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 October 12, 2021, hearing was posted as required on September 1, 2021. A notice of the City Council's February 15, 2022, hearing was posted as required on January 13, 2022.
- (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 proposed amendments will apply to all residential properties in the city. All residential properties were notified of the first hearing date via a mailed postcard, which was sent on September 14, 2021.
- (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 August 31, 2021.
- (5) Subsection 19.1008.3.C requires notice of a Type V application be sent to Metro 45 days prior to the first evidentiary hearing.
Notice of the proposed amendments was sent to Metro on August 31, 2021.
- (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 will apply to all residential properties in the city. All residential properties were notified of the first hearing date via a mailed postcard, which was sent on September 14, 2021.
- (7) Subsection 19.1008.4 and 5 establish the review authority and process for review of a Type V application.
The Planning Commission held duly advertised public hearings on October 12, October 26, and November 9, 2021 and passed a motion recommending that the City Council approve the proposed amendments. The City Council held duly advertised public hearings on January 18, 2022, February 1, 2022, February 15, 2022, March 1, 2022, March 15, 2022, March 29, 2022, April 5, 2022, April 19, 2022, and May 3, 2022 and approved the amendments.

8. MMC 19.902 Amendments to Maps and Ordinances

- a. MMC 19.902.3 establishes requirements for amendments to the text of the Milwaukie Comprehensive Plan. The City Council finds that these requirements have been met as follows.

- (1) MMC Subsection 19.902.3.A requires that changes to the text of the Milwaukie Comprehensive Plan shall be evaluated through a Type V review per Section 19.1008.

The Planning Commission held duly advertised public hearings on October 12, October 26, and November 9, 2021 and passed a motion recommending that the City Council approve the proposed amendments. The City Council held duly advertised public hearings on January 18, 2022, February 1, 2022, February 15, 2022, March 1, 2022, March 15, 2022, March 29, 2022, April 5, 2022, April 19, 2022, and May 3, 2022 and approved the amendments. Public notice was provided in accordance with MMC Subsection 19.1008.3.

- (2) MMC Subsection 19.902.3.B contains approval criteria for changes to the text of the Milwaukie Comprehensive Plan.

- (a) MMC Subsection 19.902.3.B.1 requires that the proposed amendment be consistent with the goals and policies of the Comprehensive Plan, as proposed to be amended.

The only amendments proposed to the text of the comprehensive plan are in the section related to residential land use designations. The proposed amendments reflect the proposed zoning map amendments that consolidate the low density residential zones. The amendments rename the Low Density Residential designation to Moderate Density Residential: Zone R-MD. The remaining residential zones are renamed High Density. The amended description in both of these land use designations includes a list of middle housing types within the permitted housing types section.

- (b) MMC Subsection 19.902.3.B.2 requires that the proposed amendment is in the public interest with regard to neighborhood or community conditions.

The proposed amendments reflect the community's desire for policies and regulations that encourage a variety of high-quality, attractive residential development throughout the city. As noted above, the only text amendment to the comprehensive plan consolidates the residential land use designations to reflect the proposed zoning map amendments.

- (c) MMC Subsection 19.902.3.B.3 requires the public need be best satisfied by this particular proposed amendment.

The proposed amendments confirm the community's vision for broad housing choice throughout the city. As noted above, the only text amendment to the comprehensive plan consolidates the residential land use designations to reflect the proposed zoning map amendments.

- (d) MMC Subsection 19.902.3.B.4 requires that the proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies related to residential capacity.

The Metro Urban Growth Management Functional Plan includes a number of titles that address various aspects of the region's goals and policies for urban development.

(a) *Title 1 Housing Capacity*

The proposed amendments will provide opportunities for middle housing development throughout the city's residential zones.

(b) *Title 7 Housing Choice*

The proposed amendments will provide the opportunity for much-needed middle housing and incentives for income-restriction housing throughout all of the city's residential zones and will support Metro's policies for expanding housing choice with a needed housing type in Milwaukie.

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 are in compliance with Metro's Functional Growth Management Plan.

Staff has included the Metro findings as Exhibit 1 of this attachment.

(e) MMC Subsection 19.902.3.B.5 requires that the proposed amendment be consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

DLCD has not identified any areas where the proposed amendments are inconsistent with State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

Exhibit 2 to this attachment has been prepared to illustrate how the proposed amendment is consistent with all relevant State statutes and administrative rules.

b. MMC 19.902.4 establishes requirements for amendments to the maps of the Milwaukie Comprehensive Plan. The City Council finds that these requirements have been met as follows.

(1) MMC Subsection 19.902.4.A requires that changes to the text of the Milwaukie Comprehensive Plan shall be evaluated through a Type V review per Section 19.1008.

The Planning Commission held duly advertised public hearings on October 12, October 26, and November 9, 2021 and passed a motion recommending that the City Council approve the proposed amendments. The City Council held duly advertised public

hearings on January 18, 2022, February 1, 2022, February 15, 2022, March 1, 2022, March 15, 2022, March 29, 2022, April 5, 2022, April 19, 2022, and May 3, 2022 and approved the amendments. Public notice was provided in accordance with MMC Subsection 19.1008.3.

- (2) MMC Subsection 19.902.4.B contains approval criteria for changes to the text of the Milwaukie Comprehensive Plan.

- (a) MMC Subsection 19.902.3.B.1 requires that the proposed amendment be consistent with the goals and policies of the Comprehensive Plan, as proposed to be amended.

Changes to the maps of the Milwaukie Comprehensive Plan must be evaluated against the approval criteria in Subsection 19.902.3.B. A quasi-judicial map amendment shall be approved if these criteria are met. A legislative map amendment may be approved if these criteria are met.

The findings for compliance with MMC 19.902.3.B apply to the findings for these map amendments as well. Refer to the findings above for compliance with this code section.

9. 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 duly advertised public hearings on October 12, October 26, and November 9, 2021 and passed a motion recommending that the City Council approve the proposed amendments. The City Council held duly advertised public hearings on January 18, 2022, February 1, 2022, February 15, 2022, March 1, 2022, March 15, 2022, March 29, 2022, April 5, 2022, April 19, 2022, and May 3, 2022 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 19.905.B.1 requires that the proposed amendment be consistent with other provisions of the Milwaukie Municipal Code.

The proposed amendments coordinate and are consistent with other provisions of the Milwaukie Municipal Code.

- (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 goals and policies of the Comprehensive Plan support the amendments to allow middle housing opportunities in all residential zones in the city and the development of a new tree code:

(c) Section 3 – Natural Resources and Environmental Quality:

Protect, conserve, and enhance the quality, diversity, quantity and resiliency of Milwaukie’s natural resources and ecosystems, and maintain the quality of its air, land, and water. Utilize a combination of development regulations, incentives, education and outreach programs, and partnerships with other public agencies and community stakeholders.

(a) Policy 3.4.2:

Pursue the City’s goal of creating a 40% tree canopy through a combination of development code and other strategies that lead to preservation of existing trees and planting of new trees and prioritize native and climate-adapted species, while also considering future solar access.

(b) Policy 3.4.3:

Provide flexibility in the division of land, the siting and design of buildings, and design standards in an effort to preserve the ecological function of designated natural resources and environmentally sensitive areas and retain native vegetation and trees.

(d) Section 6 – Climate Change and 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.

(a) Policy 6.1.4:

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

(b) Policy 6.16:

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.

(e) Section 7 – Housing:

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.

(a) Goal 7.1 – Equity:

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.

(i) Policy 7.1.1:

Provide the opportunity for a wider range of rental and ownership housing choices in Milwaukie, including additional middle housing types in low and medium density zones.

(ii) Policy 7.1.2:

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

(iii) Policy 7.1.3:

Promote zoning and code requirements that remove or prevent potential barriers to home ownership and rental opportunities for people of all ages and abilities, including historically marginalized or vulnerable populations such as people of color, aging populations, and people with low incomes.

(b) Goal 7.2 – Affordability:

Provide opportunities to develop housing that is affordable at a range of income levels.

(i) Policy 7.2.2:

Allow and encourage the development of housing types that are affordable to low or moderate-income households, including middle housing types in low and medium density zones as well as larger apartment and condominium developments in high-density and mixed-use zones.

(ii) Policy 7.2.4:

Provide a simplified permitting process for the development of accessory dwelling units (ADUs) or conversion of single-unit homes into duplexes or other middle housing types.

(c) Goal 7.3 – Sustainability:

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

(i) Policy 7.3.1:

Provide flexibility of footprint and placement of new housing to be consistent with city goals to preserve open spaces, achieve a 40% citywide tree canopy, and protect wetland, floodplains, and other natural resource or hazard areas.

(ii) 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.

(f) Section 8 – Urban Design and Land Use Goals and 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.

(a) Goal 8.3 – Process:

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

(i) Policy 8.3.2:

Ensure that a clear and objective process is available for all housing types that meet design standards, provide adequate open space, and fit into the community, while offering an alternative discretionary path for projects that cannot meet these standards.

The proposed amendments implement sections of the comprehensive plan related to middle housing, residential parking, and tree preservation and are in compliance with Oregon House Bill 2001. Zoning code and map amendments to allow middle housing options in all residential zones will move the city closer to realizing its goal of providing “safe, affordable, stable housing for Milwaukie residents of every socioeconomic status and physical ability”.

The proposed amendments do not include additional requirements for middle housing over those for single detached dwellings, as required. This certainly can be permissible under Division 046, though I might recommend including some findings

under the alternative siting and design (OAR 660-046-0235) criteria if you wanted to mitigate risk of potential appeal down the line. Bike parking has pretty minimal impacts on cost/delay and the public benefit derived pretty easily outweighs the cost, so it should be pretty easy to draft findings.

Through these updates to the City's zoning code, the following policy mandates are addressed:

- Increasing the supply of middle and attainable housing, and providing equitable access and housing choice for all*
 - Increasing the tree canopy and preserving existing trees to support the City's goal of a 40% tree canopy*
 - Managing parking to enable middle housing and protect trees*
- (g) 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 amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies related to residential capacity.

The Metro Urban Growth Management Functional Plan includes a number of titles that address various aspects of the region's goals and policies for urban development.

(i) *Title 1 Housing Capacity*

The proposed amendments will provide opportunities for middle housing development throughout the city's residential zones.

(ii) *Title 7 Housing Choice*

The proposed amendments will provide the opportunity for much-needed middle housing and incentives for income-restriction housing throughout all of the city's residential zones and will support Metro's policies for expanding housing choice with a needed housing type in Milwaukee.

Exhibit 1 to this attachment has been prepared to illustrate how the proposed amendment is consistent with all relevant State statutes and administrative rules.

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 are in compliance with Metro's Functional Growth Management Plan.

- (h) 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. The DLCD did not identify any areas where the proposed amendments were inconsistent with State statutes and administrative rules.

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

The City Council finds that the Federal Fair Housing Amendments Act of 1988 is relevant to the proposed amendments. The proposed amendments provide a clear and objective review process for middle housing development in the residential zones.

- b. MMC 19.902.6 establishes requirements for amendments to the Zoning Map. The City Council finds that these requirements have been met as follows.

- (1) MMC Subsection 19.902.6.A states that changes to the Zoning Map shall be evaluated through either a Type III or a Type V review.

The Zoning Map amendments involve all properties zoned R-5, R-7, and R-10. The amendments are legislative in nature and subject to Type V review.

The Planning Commission held duly advertised public hearings on October 12, October 26, and November 9, 2021 and passed a motion recommending that the City Council approve the proposed amendments. The City Council held duly advertised public hearings on January 18, 2022, February 1, 2022, February 15, 2022, March 1, 2022, March 15, 2022, March 29, 2022, April 5, 2022, April 19, 2022, and May 3, 2022, and approved the amendments. Public notice was provided in accordance with MMC Subsection 19.1008.3.

- (2) MMC Subsection 19.902.6.B contains approval criteria for changes to the Zoning Map.

- (a) The proposed amendment is compatible with the surrounding area based on the following factors:

- i. Site location and character of the area.

The proposed zoning map amendments are a consolidation of the existing R-5, R-7, and R-10 zones into one zone: R-MD. The zones remain residential in nature, with amendments related to the allowance of middle housing types.

- ii. Predominant land use pattern and density of the area.

As noted above, the proposed zoning map amendments affect the R-5, R-7, and R-10 zones which are currently predominantly residential in nature at a low to moderate density. The consolidation of this zone reflects the intent of the comprehensive plan and HB 2001 to allow middle housing types in all residential zones in the city. They will remain residential zones, subject to

design and development standards, but at a higher density as required by HB 2001.

iii. Expected changes in the development pattern for the area.

Given the nature of the proposed amendments related to middle housing, the development pattern in some areas may intensify over time. The intent of the amendments package is to provide more opportunities for housing choice throughout the city which requires the allowance of middle housing types and not just single detached dwellings. The need for and overall lack of a variety of housing in the single unit zones suggests that development in the area will intensify following the adoption of the proposed amendments.

(b) The need is demonstrated for uses allowed by the proposed amendment.

Per the City's 2016 Housing Needs Analysis (HNA), Milwaukie currently has a range of housing types, including single dwelling detached and attached homes, duplexes, multi-unit, and mixed-use developments, and has sufficient capacity to provide for needed housing during the next 20 years. The HNA includes the City's buildable lands inventory (BLI) for housing within the UGB, showing that the city has sufficient zoned capacity to meet the projected housing needs over the next 20 years. Relevant findings from the HNA include:

(i) *The projected growth in the number of non-group households over 20 years (2016-2036) is roughly 1,070 households, with accompanying population growth of 2,150 new residents. The supply of buildable land includes properties zoned to accommodate a variety of housing types. Single dwelling residential zones with larger minimum lot sizes will accommodate single dwelling detached housing. Medium density residential zones will accommodate single dwelling attached homes (e.g., townhomes or rowhouses, duplexes and triplexes) and multi-family and mixed-use zones can accommodate high density housing.*

(iii) *Over the next 20 years, Milwaukie is likely to be attractive to younger adults seeking relatively affordable housing near transportation options and employment centers. Some in this generation are already starting families and will be well into middle age during the 20-year planning period. More of these households may move from areas like central Portland to communities like Milwaukie for more attainable housing, more space, and schools.*

The availability is shown of suitable alternative areas with the same or similar zoning designation.

Staff has interpreted this criterion to mean that the finding shall show that there is no suitable alternative area with the same or similar zoning designation.

As noted above the proposed zoning map amendments would consolidate the existing low density residential zones to one moderate density residential zone to accommodate the proposed amendments related to middle housing.

- (c) The subject property and adjacent properties presently have adequate public transportation facilities, public utilities, and services to support the use(s) allowed by the proposed amendment, or such facilities, utilities, and services are proposed or required as a condition of approval for the proposed amendment.

The public transportation facilities, public utilities, and services in the low density residential zones are adequate to support the proposed amendments. The subject properties are already being used for, or are zoned for, residential development. The proposed amendments would increase the demand on the facilities, utilities, or services in the area, which have been planned for. The application was referred to the City Engineering and Public Works departments for review and no service-related issues were identified.

- (d) The proposed amendment is consistent with the functional classification, capacity, and level of service of the transportation system. A transportation impact study may be required subject to the provisions of Chapter 19.700.

The proposed amendment would intensify the development potential of the low-density residential zones, but it is expected that the development will occur incrementally and not in a manner that would result in a failure level of service on the city's transportation system. The city's TSP anticipates residential development in these zones and the TSP is being fully revised in 2022-2023.

- (e) The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, including the Land Use Map.

The subject areas are designated for residential development and will continue to be designated as such. The goals and policies of the Comprehensive Plan for residential development are noted above in Finding 9 and the primary purpose of the amendments is to implement the comprehensive plan as it relates to housing, tree preservation, and residential parking. The proposed amendment is consistent with those goals and policies.

- (f) The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

See Finding 8.a.(1)(d) above.

- (g) The proposed amendment is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

See Finding 8.a.(1)(e) above.

UGMFP Findings for Milwaukie Code Amendments for Middle Housing, Tree Preservation, and Residential Parking

The Metro Urban Growth Management Functional Plan (UGMFP) provides tools to meet regional goals and objectives adopted by Metro Council, including the 2040 Growth Concept and the Regional Framework Plan. Under the Metro Charter, the City of Milwaukie's Comprehensive Plan and implementing ordinances are required to comply and be consistent with the UGMFP. The UGMFP consists of 11 code titles with policies and compliance procedures for the following topics:

- Title 1: Housing Capacity
- Title 7: Housing Choice
- Title 8: Compliance Procedures
- Title 13: Nature in Neighborhoods

Metro requires "substantial compliance" with requirements in the UGMFP. Per the definition in Title 10, "substantial compliance" means that the City's zoning code conforms with the purposes of the performance standards in the functional plan "on the whole." Any failure to meet individual performance standard requirements is considered technical or minor in nature.

Based on the findings described below, the proposed code amendments related to middle housing, tree preservation, and residential parking substantially comply with all applicable titles of the Urban Growth Management Functional Plan.

Title 1: Housing Capacity

Finding: Title 1 of the UGMFP is intended to promote efficient land use within the Metro urban growth boundary (UGB) by increasing the capacity to accommodate housing. Metro's 2020 Compliance Report concluded that Milwaukie is in compliance for the City's Title 1 responsibilities.

Milwaukie has established minimum densities in its Zoning Code (Title 19 of the Municipal Code) (Code) for each residential base zone. These minimum and maximum densities comply with Title 1 for all zones where dwelling units are authorized. The proposed code updates are primarily related to middle housing to implement applicable sections of the comprehensive plan to promote a diversity of housing types and efficient residential development and to be in compliance with Oregon House Bill 2001. The proposed amendments do not reduce residential densities. The proposed zoning code and map amendments allow middle housing options in all residential zones and will move the city closer to realizing its goal of providing "safe, affordable, stable housing for Milwaukie residents of every socioeconomic status and physical ability". The amendments are

intended to increase the supply of middle and attainable housing, and provide equitable access and housing choice for all. The findings for Statewide Planning Goal 10 (found in Exhibit 2 of the findings) include information from the Housing Needs Analysis evaluating housing capacity and demonstrates how the proposed code amendments support compact, dense development, especially in the city's high-density residential zones.

Based on the findings above, the proposed amendments are consistent with Title 1.

Title 7: Housing Choice

Finding:

Title 7 is designed to ensure the production of affordable housing within the UGB. Under Title 7, the City is required to ensure that its Comprehensive Plan and implementing ordinances include strategies to: ensure the production of a diverse range of housing types, maintain the existing supply of affordable housing, increase opportunities for new affordable housing dispersed throughout the City, and increase opportunities for households of all income levels to live in affordable housing (3.07.730). Metro's 2020 Compliance Report concluded that Milwaukie is in compliance for the City's Title 7 responsibilities.

The findings for Statewide Planning Goal 10 Housing, based on the City's 2016 Housing Needs Analysis (HNA), include findings that demonstrate that Milwaukie currently has a range of housing types, including single dwelling detached and attached homes, duplexes, multi-family, and mixed-use developments, and has sufficient capacity to provide for needed housing during the next 20 years. The City plans to update the HNA in 2022 to further solidify these findings. The findings for Statewide Planning Goal 10 also illustrate how the proposed code amendments implement the policies in the new comprehensive plan that promote a diverse range of housing types, with a focus on housing affordability, equity, sustainability, and livability. The proposed amendments allow a variety of housing options for households of all incomes, ages and living patterns, sited in a dispersed manner throughout the City to help ensure access to services, community amenities, and employment centers. A mix of housing types combined with the higher densities will support development of smaller units with lower land costs and increased opportunities for transit, all of which can facilitate more affordable housing.

In addition to the recently adopted comprehensive plan which has multiple policies supporting housing affordability, equity and choices, the City has conducted several recent planning efforts aimed at addressing similar goals. The *Milwaukie Housing Affordability Strategy* and *Equitable Housing Policy & Implementation Plan* identify a variety of specific strategies to further these goals, many of which are already being implemented by the City and its local and regional partners. The proposed code amendments are the result of an evaluation of the existing zoning ordinance to reduce barriers to and encourage the development of smaller, potentially more affordable housing types. Accessory dwelling

units, cottage cluster housing, townhouses, and other middle housing types are now proposed to be permitted by right in all residential zones in the city.

Based on the findings above, the proposed amendments are consistent with Title 7.

Title 8: Compliance Procedures

Finding: Title 8 establishes a process for ensuring compliance with requirements of the UGMFP. An amendment to the City comprehensive plan or land use regulations is deemed to comply with the UGMFP only if the City provided notice to Metro as required by section 3.07.820(a). The City of Milwaukie provided Metro a set of draft code amendments on August 31, 2021, which was more than 35 days prior to the first evidentiary hearing, scheduled for October 12, 2021.

Based on the findings above, the proposed amendments are consistent with Title 8.

Title 13: Nature in Neighborhoods

Finding: The purpose of Title 13 is twofold: (1) to conserve, protect, and restore a continuous ecologically viable streamside corridor system in a manner that is integrated with upland wildlife habitat and with the surrounding urban landscape; and (2) to control and prevent water pollution for the protection of the public health and safety, and to maintain and improve water quality and prevent water pollution. The City is required to comply with Title 13 for all mapped resources located within the City. By meeting the requirements of Title 13, the City also complies with Statewide Planning Goal 5 for riparian areas and wildlife habitat. Metro's 2020 Compliance Report concluded that Milwaukie is in compliance with Title 13.

The proposed code amendments do not propose any changes to the City's habitat protection program or inventory of habitat resources. Further the amendments strengthen the City's approach to habitat conservation with a new tree code that applies to residential properties. The new tree code applies to both new development and non-development activities.

Amendments related to trees on private property are intended to make the existing Milwaukie tree code consistent with the policies in the Comprehensive Plan and Urban Forestry Management Plan.

The current tree code addresses only trees in the public right of way or on public property, like park or street trees. In order to meet the City's goal of a 40% tree canopy, as identified in the Climate Action Plan, Urban Forestry Management Plan, and Comprehensive Plan policies, trees on private residential property must also be preserved and protected.

In the proposed code amendments, private tree code is proposed to protect canopy on private residential property. The proposed tree code focuses on the adoption of tree preservation standards, tree canopy standards, mitigation standards, soil volume and

protection standards. For residential development projects, tree canopy protection is prioritized, and tree replacement will be required if trees are removed. For other healthy non-development tree removal on private property, a permit will be required as well as tree replacement or mitigation. There will be exceptions and a streamlined process for unhealthy or dying trees, trees posing safety hazards, invasive species, and trees significantly impacting infrastructure without practical mitigation.

The proposed amendments to the City's municipal code Title 16 and Title 19 clarify existing code language and update desired tree and plant types to meet City policy goals for greater forest diversity, more native and climate-resilient species, improving the ecological function and creating multi-level, uneven-aged canopy.

Based on the findings above, the proposed amendments are consistent with Title 13.

Attachment 1.a.2.

Statewide Findings for Milwaukie Plan and Code Amendments – Middle Housing

This memo summarizes the consistency of the proposed code amendments with the following statewide goals, as well as key Oregon Revised Statutes (ORSs) and Oregon Administrative Rules (OARs):

- Goal 1: Citizen Involvement
- Goal 2: Land Use Planning
- Goal 5: Natural and Historic Resources
- Goal 6: Air, Land and Water
- Goal 7: Natural Hazards
- Goal 8: Parks and Recreation
- Goal 9: Economic Development
- Goal 10: Housing
- Goal 11: Public Facilities
- Goal 12: Transportation
- Goal 13: Energy
- Goal 14: Growth Management
- Goal 15: Willamette Greenway

Other Statewide Planning Goals are not directly applicable to the proposed code amendments. Goals related to agriculture and forestry do not apply to land intended for future urbanization within the urban growth boundary. Additionally, the proposed amendments do not involve land or resources designated as part of Oregon’s coastal zone.

Consistency with the applicable goals is a requirement for any amendment to a City’s land use ordinances.

Based on the findings described below, the proposed code amendments comply with the applicable Statewide Goals and associated ORS and OAR provisions.

Goal 1: Citizen Involvement

Finding: Goal 1 requires the City to employ an appropriately-scaled involvement program to ensure the opportunity for meaningful public involvement throughout the land use planning process. Goal 1 requires the City to incorporate six key components in its public involvement program:

- Citizen Involvement: An officially-recognized committee for public involvement broadly representative of geographic areas and interests related to land use and land-use decisions to provide for widespread public involvement;
- Communication: Mechanisms for effective two-way communication between the public and elected/appointed officials;

- Influence: Opportunities for the public to be involved in all phases of the planning and decision-making process including developing, evaluating, and amending plans;
- Technical Information: Access to technical information used in the decision-making process, provided in an accessible and understandable format;
- Feedback Mechanisms: Programs to ensure that members of the public receive responses from policy-makers and that a written record for land-use decisions is created and made accessible; and,
- Financial Support: Adequate resources allocated for the public involvement program as an integral component of the planning budget.

Following is a summary of activities undertaken by the City associated with each of these elements of the City's community engagement effort undertaken to support the proposed code amendments related to middle housing, tree preservation, and residential parking.

Project Community Engagement Goals

At the beginning of the project, community engagement goals for the project were established. The goals included:

- Creating opportunities for as wide a reach of engagement as possible given the schedule and budget limitations.
- Making a concerted effort to engage historically under-represented communities. To quantify this goal, the project targeted having participation in the community surveys being approximately equivalent to the overall demographics in the city of Milwaukie.
- Focusing communications and seeking input in no-contact techniques while reaching out to multiple groups in smaller venues (via Zoom), rather than holding large city-wide open house events due to Covid.
- Communicating information in a way that people can provide meaningful input on the complex issues, such as by breaking down topics into understandable pieces and using visual images and examples to illustrate different policy concepts.
- Having a transparent and inclusive process that seeks both to educate and provide opportunities for input.
- Providing an open and welcoming process, with emphasis placed on using inclusive language in conversations, materials and plan and policy recommendations.
- Documenting public input and responding to individual comments.

Project Webpages

Information about the project was available on both the City of Milwaukie's website and at Engage Milwaukie, the City of Milwaukie's online engagement platform.

General project information was available on the City's website

(<https://www.milwaukieoregon.gov/planning/comprehensive-plan-implementation>), including project background, CPIC meeting information, summaries of the open houses, and contact information.

Engage Milwaukie (<https://engage.milwaukieoregon.gov/comprehensive-plan-implementation>) was utilized for the virtual open houses, community surveys, and to provide a forum for ongoing feedback. When the community surveys were closed, Engage Milwaukie also maintained the information from the open houses to be accessed by the public as desired. After registering, the public could comment on the project at any time during the process. Comments provided on Engage Milwaukie were included in the open house and community survey summaries.

Pilot Newsletter

Articles about the project were included monthly in the Pilot Newsletter, distributed to all residents within the City of Milwaukie. Articles provided background information about the project, informed people of upcoming opportunities for public input and provided updates of key project milestones.

<https://www.milwaukieoregon.gov/citymanager/city-newsletter-pilot>

Stakeholder Interviews

In October 2020, project team members conducted interviews with 32 Milwaukie stakeholders. The purpose of the interviews was to seek input on key livability issues and perspectives on housing, parking and tree preservation. The stakeholders included Milwaukie residents, housing advocates, housing developers, NDA chairs, City Councilors, and members of the Milwaukie community with ties to those who are historically under-represented in public processes.

Advisory Committee

The City appointed a Comprehensive Plan Implementation Committee (CPIC) in the spring of 2020 to provide feedback on the zoning code and map amendments. The 15-member committee (13 community members and two planning commissioners/City Councilors) offered feedback on code concepts and ensured that the diverse interests of the Milwaukie community are reflected in the code and map amendments, while also adhering to the state's requirements. The CPIC met 10 times from June 2020 through July 2021. Their input was incorporated into the draft code amendments that were brought before the Planning Commission and City Council for review. All meetings of the CPIC were held virtually over Zoom due to Covid restrictions, but were open to the public and time was reserved at each meeting for non-committee members to comment.

All CPIC meetings were recorded and the video for each meeting, including all meeting packets and PowerPoint presentations, were posted on the committee webpage:

<https://www.milwaukieoregon.gov/planning/comprehensive-plan-advisory-committee-cpic>.

Virtual Open Houses, with Accompanying Community Surveys

Due to COVID restrictions, no in-person outreach events occurred. Engage Milwaukie (<https://engage.milwaukieoregon.gov/comprehensive-plan-implementation>), the digital community engagement platform used by the City was used to provide three opportunities for the public to engage with the process virtually. All of the online open houses were translated into Spanish. Paper copies of materials (in English and Spanish) were available upon request.

The public was notified of the open house events via social media, project email list, bookmarks and postcards at the Ledding Library, direct emails to all city committee members, and the Pilot newsletter.

- Open house #1: Fall 2020

The first virtual open house and corresponding community survey was available from November 12 through November 29, 2020. The purpose of the first open house was to educate the public about the project, including the policy mandates guiding the project, and to seek input on the community's preferences. As part of the open house, participants could provide open-ended comments on each topic and/or could participate in the community survey. The survey sought input on the priorities of the Milwaukie community related to housing, trees and parking.

Ninety-three people provided feedback through the community survey. Approximately 89% of the respondents self-identified as Caucasian, 5% as people of color and 9% as other.

Feedback from the first open house, in conjunction with CPIC input, was used to identify priorities and preferences for the code concepts regarding housing, parking and tree preservation.

- Open house #2: Spring 2021

The virtual open house and corresponding survey was available from March 22 through April 15, 2021. The second open house provided code concepts for public review and comment. Concepts explored included parking locations, tree requirements and priorities related to the design of middle housing. The corresponding survey asked for feedback on specific scenarios for parking location and the number of parking spaces, and building form. Questions also sought to gain insight on preferences for site design and code flexibility.

There were 121 completed surveys and 149 people either provided comments and/or completed the survey. Approximately 84% of the respondents self-identified as Caucasian, 12% as people of color and 3% as other.

Feedback from the second open house, in conjunction with CPIC input, was used to refine the code concepts and create draft code amendments.

- Open house #3: Spring 2021

A third open house, available starting June 25, 2021 and staying open throughout the adoption process, presented the draft code amendments for public review and comment. Open house participants could either provide feedback through comments on Engage Milwaukie or by emailing the City's project manager. The open house also laid out the code amendment adoption process and identified how the public can provide public testimony during the process.

Neighborhood District Association (NDA) Presentations

Throughout the process, City planning staff provided project updates at Neighborhood District Association (NDA) meetings. In an effort to encourage as many people as possible to participate in the second open house and take the survey, city staff facilitated virtual discussions with each NDA at their regular monthly meetings in March and April 2021.

Small Group Discussions

In an effort to increase participation from a diverse cross-section of the Milwaukie community, City planning staff held virtual meetings advertised to target audiences.

- Spanish language small group meeting

On April 14, 2021, city staff and a professional Spanish language interpreter facilitated a virtual small group discussion for people who preferred to engage in Spanish. The meeting included a PowerPoint presentation (in Spanish) that summarized the project goals and processes, and the entire discussion was held in Spanish, with city staff providing answers to questions in English, which were then translated into Spanish. Twelve people participated in the meeting, including a member of CPIC.

- Black, Indigenous, people of color (BIPOC) small group meeting

On April, 2021 city staff, including the City's Equity Manager, facilitated a virtual small group discussion for BIPOC community members. The meeting included a PowerPoint presentation that summarized the project goals and processes as part of a larger open discussion. Three people participated in the meeting.

In addition, City planning staff facilitated an open meeting via Zoom advertised on Nextdoor and the city's Facebook and Instagram sites.

Feedback from these small group discussions were incorporated into the draft code amendments.

Planning Commission and City Council Updates

City staff conducted worksessions with the City's Planning Commission and City Council throughout the project to review the status of the work and solicit feedback on key issues. When the draft code amendments were made available for public review, the City conducted

three worksessions with the Planning Commission to discuss specific code language for refinement and to see direction for the final proposed code language. These meetings also were open to the public and were recorded and available for public viewing after the meetings.

The specific proposed code language was posted on the Engage Milwaukie webpage on June 25, 2021 as part of an informative virtual open house. Prior to the public hearings the Planning Commission had 3 worksessions about the proposed code amendment language in July and August 2021. Specific notice of the draft amendments and the October 12, 2021 public hearing was as follows: notice was sent to all residential addresses in the city via a mailed postcard on September 14, 2021; email notices were sent to all city committee members and the project email subscription list on September 1, 2021; posts were made to city social media on September 1, 2021. The current version of the draft amendments have been posted on the application webpage since August 31, 2021. On September 1, 2021 staff e-mailed NDA leaders with information about the hearing and a link to the draft proposed amendments.

Based on the findings above, the Comprehensive Plan Update is consistent with Oregon Statewide Planning Goal 1.

Goal 2: Land Use Planning

Goal 2. To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding: Goal 2 requires the City to establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The proposed plan and code amendments are related directly to implementation of the city's comprehensive plan as it relates to the provision of middle housing throughout the city's residential zones. No changes are proposed that impact the land use planning process or policy framework within the city.

Goal 2 does not apply to the proposed amendments.

Goal 5: Natural and Historic Resources

Goal 5. To protect natural resources and conserve scenic and historic areas and open spaces.

Finding: Goal 5 directs the City to inventory, evaluate, and develop conservation programs for specific natural and cultural resources.

The proposed code amendments do not propose any changes to the City’s habitat protection program or inventory of habitat resources. Further the amendments strengthen the City’s approach to habitat conservation with a new tree code that applies to residential properties.

The proposed code amendments do not propose any changes to the City’s historic resources code or inventory of historic resources. Pursuant to Oregon House Bill 2001, the proposed code amendments do not prohibit the development of middle housing on historic properties that otherwise permit detached single unit dwellings.

Goal 5 does not directly apply to the proposed ordinance because no new Goal 5 program is advanced by this ordinance and no existing Goal 5 program is changed by this ordinance.

Goal 6: Air, Water, and Land Resources Quality

Goal 6. To maintain and improve the quality of the air, water, and land resources of the state.

Finding: Goal 6 requires cities and counties to ensure that solid waste, thermal, noise, atmospheric, or water pollutant and contaminant process discharges from existing and future developments do not violate state or federal environment environmental quality standards or degrade the quality of air, water, or land resources. Implementing ordinances must demonstrate consistency with the administrative rules related to air, water, and land quality established by the Environmental Quality Commission (EQC).

The proposed code amendments do not propose any changes or impacts to mapped resources in the city. The proposed amendments strengthen the City’s approach to environmental quality through the efficient use and/or preservation of land and air resources through compact development patterns via middle housing and carbon emissions reductions as well as the new tree code requiring preservation and/or new plantings on residential properties.

Goal 6 does not directly apply to the proposed ordinance because no new Goal 6 program is advanced by this ordinance and no existing Goal 6 program is changed by this ordinance.

Goal 7: Natural Hazards

Goal 7. To protect people and property from natural hazards.

Finding: Goal 7 requires Comprehensive Plans to reduce the risk to people and property from natural hazards, including floods, landslides, earthquakes, tsunamis, coastal erosion, and wildfires.

The City of Milwaukie already complies with Goal 7 by regulating development in hazard-prone areas through the Municipal Code. Code sections address the following types of natural hazard conditions: seismic hazards (Chapter 16.12), weak foundation soils (Chapter 16.16), and flood hazard areas (Chapter 18.04). The proposed code amendments do not make any changes to these code sections.

Goal 7 does not apply to the proposed code amendments.

Goal 9: Economic Development

Goal 8. To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Finding: Goal 9 requires the City to maintain and plan for an adequate land supply to accommodate at least 20 years of future growth, ensuring citizens have adequate opportunities for a variety of economic activities vital to the health, welfare, and prosperity of Oregon.

The proposed code amendments do not propose any changes to the City's mixed use, commercial, or industrial zones. All amendments related to middle housing are restricted to the city's existing residential zones.

Goal 9 does not apply to the proposed code amendments.

Goal 10: Housing

Goal 10: To provide for the housing needs of citizens of the state.

Finding: Goal 10 requires the City to maintain and plan for an adequate land supply to accommodate at least 20 years of future growth, providing flexibility in housing location, type, and density to ensure the availability and prices of housing units are commensurate with the needs and financial capabilities of Oregon households. Comprehensive plans are required to include an analysis of community housing needs by type and affordability, an assessment of housing development potential, and an inventory of residential land; contain policies for residential development and supportive services based on that analysis that increase the likelihood that needed housing types will be developed; and provide for an adequate supply of a variety of housing types consistent with identified policies and meeting minimum density and housing mix requirements (established by OAR 660, Division 007).

The City's 2016 Housing Needs Analysis (HNA), included findings that demonstrate that Milwaukie currently has a range of housing types, including single-family detached and attached homes, duplexes, multi-family, and mixed-use developments, and has sufficient capacity to provide for needed housing during the next 20 years.

In 2017 the City adopted its Community Vision which includes the following statement about housing:

"Milwaukie invests in housing options that provide affordability, high quality development and good design, promoting quality living environments. It maintains the small neighborhood feel through creative use of space with housing options that embrace community inclusion and promotes stability."

In order to realize the full vision for the community the next step was to complete a full overhaul of its Comprehensive Plan which was adopted in 2020. The housing component of the plan is critical to realizing the vision and Council has made housing a top priority of the City for the last several years.

In addition to the updated Comprehensive Plan policies supporting housing affordability, equity and choices, the City has conducted several recent planning efforts aimed at addressing similar goals, including the following.

The **Milwaukie Housing Affordability Strategy (MHAS)** was adopted by the Milwaukie City Council in 2018 after the Council identified housing affordability as its number one priority for the 2017–2018 biennium. The MHAS is a blueprint for providing equitable affordable housing opportunities and is intended to help increase the amount of affordable housing in the City. It serves as an overarching framework, combining existing land uses, needs assessments, housing policy analysis, and an analysis of best practices from peer cities. The MHAS includes a total of 31 proposed actions or programs focused around the following three goals:

- Develop New Units
- Prevent Displacement and Keep Affordable Units Affordable
- Connect People to Existing Affordable Housing

The **Milwaukie Housing Equity Policy Implementation Plan (EHPIP)** was prepared in 2019 with funding provided through a grant from the Oregon Department of Land Conservation and Development. The EHPIP builds on the work conducted for the MHAS, as well as other housing affordability and equity initiatives in Milwaukie. It identifies a variety of specific strategies to further these goals, with a strong focus on how they will promote geographic, racial, and income equity in Milwaukie. The EHPIP also includes a cross-referencing of EHPIP strategies with draft Comprehensive Plan goals and policies.

The **Accessory Dwelling Unit (ADU) Code Audit** was undertaken by the City in 2018-2019 as part of implementation of the MHAS. This project included an assessment of the existing zoning code standards and fees related to ADUs and develop recommendations aimed at enabling the development of more cost-effective ADUs in the City.

The **Cottage Cluster Feasibility Study** was conducted by the City in 2018-2019 and was funded through Metro's Equitable Housing Strategies grant. Cottage Cluster housing is a way to provide housing that is affordable for groups that have been identified by community partners as having a demonstrated need for equitable housing in Milwaukie. The purpose of the study was to understand what code changes might be needed to make cottage cluster housing possible in Milwaukie. The project team conducted a financial feasibility analysis and preliminary site design work for 4 real-world test sites to assess their potential to provide a cottage cluster development.

The proposed code amendments implement a variety of goals and policies related to housing and will support consistency with Statewide Planning Goal 10. By allowing middle housing in

all residential zones in the city, housing choice and opportunities to expand housing options are made possible.

HB 2001 requires that local governments consider ways to increase the affordability of middle housing. The city has made strides in this effort as follows:

- System Development Charges (SDCs)

The city controls approximately one-third for the total SDCs associated with development (Clackamas County controls the remainder). The city continues to have conversations with the County to address the issue of SDCs and their effect on the cost of development. The city has developed a Bancroft financing program which allows an applicant to finance the required SDCs over a period of 10 years to reduce the upfront cost of these charges. Further, the city has a program in place to reduce the city controlled SDCs for dwellings that are less than 1,500 sq ft in size.

- Construction Excise Tax (CET)

The development and retention of affordable housing is one of the city's priorities referenced in the Milwaukie Community Vision, the Comprehensive Plan, and the Milwaukie Housing Affordability Strategy (MHAS). To support this effort, Council established a CET in 2017, enabled by State Senate Bill 1533, and dedicated revenue to support the development of new affordable housing units in the city. The CET affordable housing grant program is designed to help offset the cost of developing new housing so that it can remain affordable.

Since adoption of the CET, the city has collected approximately \$500,000 in total CET revenue. The funds drawn from residential and commercial development are allocated in ways specified by state law and Milwaukie's local enabling ordinance. Over the last year, City staff have been implementing the program components to prepare for a request for proposals (RFP) process. The next step is for the city to issue an RFP to solicit grant applications for the development of income and rent restricted housing units.

Additionally, the City plans to update the HNA in 2022 when the city can further consider the impacts of the proposed code amendments related to middle housing on land capacity.

The intent of the proposed code amendments, in addition to implementing the city's comprehensive plan and policies supporting a diverse range of housing types, with a focus on housing affordability, equity, sustainability and livability, is to be in compliance with HB 2001. The proposed amendments implement comprehensive plan policies related to housing affordability and equity by allowing for a variety of housing options for households of all incomes, ages and living patterns. Housing is sited in a dispersed manner throughout the City to help ensure access to services, community amenities, and employment centers. A mix of housing types combined with the higher densities will support development of smaller units

with lower land costs and increased opportunities for transit, all of which can facilitate more affordable housing.

The city's Community Development Department will continue to work on ways to assist in the development of housing, provide incentives for regulated affordable housing development, provide incentives for the retention or conversion of existing affordable housing supply, and provide incentives and reduce barriers within the development code.

Based on the findings above, the Comprehensive Plan Amendment is consistent with Statewide Planning Goal 10.

Goal 11: Public Facilities

Goal 11: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Finding: Goal 11 requires the City to “plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.” The City of Milwaukie coordinates with several other local service providers to ensure timely, orderly and efficient arrangement and provision of public services to serve development within the City of Milwaukie and its planning area between the city limits and UGB. The City of Milwaukie provides planning and zoning services inside the city limits, as well as provision of water, conveyance of wastewater, transportation facilities on city-owned facilities, law enforcement, and library services. The City is already in compliance with Goal 11 and the preparation and adoption of updated specific facility master plans for water, wastewater and stormwater are underway at this time.

Goal 11 is not applicable to the proposed code amendments related to middle housing.

Goal 12: Transportation

Goal 12: To provide and encourage a safe, convenient and economic transportation system.

Finding: Goal 12 and the State Transportation Planning Rule (TPR; OAR 660, Division 012) require cities to provide and encourage a safe, convenient, and economic transportation system. Together, they require the City to develop and maintain a Transportation System Plan (TSP), which must be incorporated as part of the Comprehensive Plan. A local TSP acts as a guiding policy document for long-term transportation planning and presents the City's goals and policies while outlining and prioritizing proposed improvements for pedestrian, bicycle, public transit, motor vehicle, and freight systems; downtown parking; and neighborhood traffic management.

The city was in compliance with Goal 12 prior to these code amendments and with the planned update to the TSP in 2022-2023 reflecting the proposed code amendments for middle housing, the proposal is consistent with Goal 12 Transportation and the Transportation Planning Rule.

Goal 13: Energy

Goal 13: To conserve energy.

Finding: Goal 13 requires that any spatial changes to future patterns of allowed land uses must conserve energy.

The city's Comprehensive Plan is already in compliance with Goal 13 and the proposed code amendments provide greater opportunities for more compact development and efficient use of land which will result in a reduction in energy consumption, including in transportation and utilities.

The proposed code amendments, related to middle housing, are consistent with Statewide Planning Goal 13.

Goal 14: Growth Management

Goal 14: To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

The entirety of the city and its Municipal Planning Area (MPA) is located within the Urban Growth Boundary (UGB). As such, the proposed amendments will not result in the transition of any land from rural to urban uses or result in population or employment growth outside of the UGB.

The proposed amendments are directly related to the provision of middle housing opportunities in all residential zones in the city which will 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 14 does not directly apply to the proposal but the amendments are consistent with Goal 14.

Goal 15: Willamette Greenway

Goal 15. To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

Finding: Goal 15 requires cities and counties to maintain and implement local greenway plans. This includes applying a local review process and criteria to review intensifications of use, changes of use and new development that are consistent with criteria in the goal. Greenway compatibility reviews are intended to insure, "the best possible appearance, landscaping and public access" is achieved for development along the river.

House Bill 2001 requires applicable cities to amend development codes governing the development of housing in areas that allow for the development of single-family detached dwellings to allow the development of middle housing. The proposed amendments do not include significant amendments to the city’s Willamette Greenway code, but the city has plans in the future to review this code section in the future to ensure consistency with the intent and purpose of ORS 197.307.

As proposed, the code amendments are consistent with Goal 15.

Underline/Strikeout Amendments

COMPREHENSIVE PLAN

Comprehensive Plan Land Use Map

Updated to show two residential designations reflecting changes to zoning map per 19.107. (Attachment 1).

Comprehensive Plan Residential Land Use Designations

Low Density Residential: Zones R-10 (3.5-4.4 units/acre) & R-7 (5.0-6.2 units/acre) – 50% of City

- ~~a. Permitted housing types include single unit detached, accessory dwelling units, and duplexes on large lots.~~
- ~~b. Transportation routes are limited primarily to collectors and local streets.~~
- ~~c. Sites with natural resource or natural hazard overlays may require a reduction in density.~~

Moderate Density Residential: Zones R-5 (7.0-8.7 units/acre) Zone R-MD (5.0 – 34.8 units/acre)

- a. Permitted housing types include single detached dwellings on moderate to small lots, accessory dwelling units, ~~and duplexes,~~ triplexes, quadplexes, townhouses, and cottage clusters.
- b. Transportation routes are limited primarily to collectors and local streets.
- c. Sites with natural resource or natural hazard overlays may require a reduction in density.
- ~~b. Convenient walking distance to a transit stop or close proximity to commercial and employment areas distinguish moderate density residential from low density residential.~~

Medium Density Residential: Zones R-3 (11.6-14.5 units/acre) & R-2.5, R-2 (11.6-17.4 units/acre)

- ~~a. Permitted housing types include single unit detached on small lots, duplexes, accessory dwelling units, cottage clusters, and in limited areas, multi-unit development.~~
- ~~b. These areas typically have access to major or minor arterials. Siting should not result in increased traffic through Low Density Residential areas.~~
- ~~c. Medium Density areas are to be located near or adjacent to commercial areas, employment areas or transit stops.~~

High Density: High Density: Zones R-1 & R-1-B (25.0-32.0 units/acre) Zones R-3 (11.6-14.5 units/acre), R-2.5 and R-2 (11.6-17.4 units/acre), and R-1 and R-1-B (25-32 units/acre)

- a. A wide variety of housing types are permitted including single detached dwellings on moderate to small lots, accessory dwelling units, and duplexes, triplexes, quadplexes, townhouses, and cottage clusters, with the predominant housing type being multi-unit development.
- b. These areas should be adjacent to or within close proximity to downtown or district shopping centers, employment areas and/or major transit centers or transfer areas.
- c. Access to High Density areas should be primarily by major or minor arterials.
- d. Office uses are outright permitted, and commercial uses are conditionally permitted in limited areas within close proximity of downtown.

Title 19 Zoning Ordinance

CHAPTER 19.100 INTRODUCTORY PROVISIONS

19.107.1 Zone Classifications

For the purposes of this title, the following base zones and overlay zones are established in the City per Table 19.107.1:

Table 19.107.1 Classification of Zones	
Zone Description	Abbreviated Description
Base Zones	
Residential	R-10
Residential	R-7
Residential	R-5 R-MD
Residential	R-3
Residential	R-2.5
Residential	R-2
Residential	R-1
Residential-Business Office	R-1-B
Downtown Mixed Use	DMU
Open Space	OS
Neighborhood Commercial	C-N
Limited Commercial	C-L
General Commercial	C-G
Community Shopping Commercial	C-CS
Manufacturing	M
Business Industrial	BI
Planned Development	PD
Tacoma Station Area Manufacturing	M-TSA
General Mixed Use	GMU
Neighborhood Mixed Use	NMU
Overlay Zones	
Willamette Greenway	WG
Historic Preservation	HP
Flex Space	FS
Aircraft Landing Facility	L-F
Tacoma Station Area	TSA

19.107.2 Zoning Map

Updated to show six residential designations reflecting changes to zoning map per 19.107.1 (Attachment 2).

CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS

19.201 DEFINITIONS

Refer to individual chapters of this title for chapter-specific definitions.

As used in this title:

~~“Flag lot” means a lot that has a narrow frontage on a public street with access provided via a narrow accessway or “pole” to the main part of the lot used for building, which is located behind another lot that has street frontage. There are 2 distinct parts to the flag lot; the development area or “flag” which comprises the actual building site, and the access strip or “pole” which provides access from the street to the flag.~~

“Lot” means a legally defined unit of land other than a tract that is a result of a subdivision or partition. For general purposes of this title, lot also means legal lots or lots of record under the lawful control, and in the lawful possession, of 1 distinct ownership. When 1 owner controls an area defined by multiple adjacent legal lots or lots of record, the owner may define a lot boundary coterminous with 1 or more legal lots or lots of record within the distinct ownership. Figure 19.201-1 illustrates some of the lot types defined below.

“Back lot” means a lot that does not have frontage on a public street, typically accessed via an easement over another property.

“Flag lot” means a lot that has a narrow frontage on a public street with access provided via a narrow accessway or “pole” to the main part of the lot used for building, which is located behind another lot that has street frontage. There are 2 distinct parts to the flag lot; the development area or “flag” which comprises the actual building site, and the access strip or “pole” which provides access from the street to the flag.

“Corner lot” means a lot abutting 2 or more streets, other than an alley, at their intersection.

“Interior lot” means a lot other than a corner lot.

“Legal lot” means a unit of land other than a tract created through a subdivision or partition approved by the City.

“Lot of record” means a unit of land for which a deed or other instrument dividing the land was filed with the Clackamas County Recorder, which was not created through a partition or subdivision approved by the City, and which was created prior to October 5, 1973.

“Through lot” means an interior lot having frontage on 2 streets.

“Allowed By Right” means any land use permitted without land use approval by the City’s Planning Department or Planning Commission, such as is required by a Type I – V review process.

“Owner” means any person who owns land, or a lessee, agent, employee, or other person acting on behalf of the owner with the owner’s written consent includes an authorized agent of the owner.

“Planning Manager” means the person who is the manager/supervisor of the city’s Planning Department, or the City Manager’s designee to fill this position. This position can also be described as the Planning Director.

“Street tree” means a tree located in the right-of-way in a center median or island or in a landscape strip or tree well between the street and the sidewalk, shrub, or other woody vegetation on land within the right-of-way. When any portion of the trunk of a tree crosses a public right-of-way line at ground level, it is considered a street tree.

“Tree” means any living woody plant characterized by one main stem or trunk and many branches, or a multi-stemmed trunk system with a defined crown, that will obtain a height of at least 16 feet at maturity a woody plant characterized by one main stem or trunk of at least 6-in diameter, according to the measurement standards established in Subsection 19.202.3.

Residential Uses and Structures

“Duplex” means two dwelling units on a lot or parcel in any configuration. In instances where a development can meet the definition of a duplex and also meets the definition of a primary dwelling unit with an accessory dwelling unit (ADU), the applicant shall specify at the time of application review whether the development is considered a duplex or a primary dwelling unit with an ADU. means a structure on 1 lot that contains 2 dwelling units. The units in a duplex must share a common structural wall or a common floor/ceiling. In instances where a second dwelling unit within a structure can meet the definition for both a duplex and an accessory dwelling unit, the property owner has the option of electing whether the entire structure is considered a duplex or a primary dwelling unit with an attached accessory dwelling unit.

“Cottage” means an individual dwelling unit that is part of a cottage cluster, a structure containing one dwelling unit on one lot within an area that was divided to create a cottage cluster development, per Subsection 19.505.4.

“Cottage Cluster” means a grouping of no fewer than four detached dwelling units per acre with a footprint of less than 900 square feet each that includes a common courtyard per Subsection 19.505.4. Cottage Cluster units may be located on a single lot or parcel, or on individual lots or parcels.

“Cottage Cluster Project” means a development site with one or more cottage clusters constructed, or proposed to be constructed.

“Duplex” means two dwellings on a lot or parcel in any configuration. a structure on 1 lot that contains 2 dwelling units. The units in a duplex ~~must~~ may share a common structural wall or a common floor/ceiling. In instances where a second dwelling unit within a structure can meet the definition for both a duplex and an accessory dwelling unit, the property owner has the option of electing whether the entire structure is considered a duplex or a primary dwelling unit with an attached accessory dwelling unit.

“Manufactured home” means a single-family detached residential structure, as defined in ORS 446.003(25)(a)(C), which includes a Department of Housing and Urban Development (HUD) label certifying that the structure is constructed in accordance with the Manufactured Housing Construction and Safety Standards of 1974 (42 USC Section 5401 et seq.) as amended on August 22, 1981.

“Middle Housing” means Duplexes, Triplexes, Quadplexes, Cottage Clusters, and Townhouses.

“Mobile home” means a manufactured dwelling that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

“Multifamily Multi-unit development” means a structure that contains five or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate lots. Multi-unit development includes structures commonly called garden apartments, apartments, and condominiums. means 3 or more dwelling units on 1 lot Condominium lots do not count as separate lots for purposes of this definition. The dwelling units may be located in 1 or more structures on the lot. The dwelling units may be arranged with 1 dwelling unit per structure or with multiple dwelling units within a structure that are separated vertically and/or horizontally. Multifamily developments include the forms of housing that are typically called apartments and condominiums. Multifamily Multi-unit developments may include structures that are similar in form to rowhouses, cottage clusters, duplexes, or single family dwellings.

“Quadplex” means four dwelling units on a lot or parcel in any configuration.

“Single-family detached dwelling” means a structure, or manufactured home, containing 1 dwelling unit with no structural connection to adjacent units.

“Rowhouse-Townhouse” means a residential structure on its own lot that shares 1 or more common or abutting walls with at least 1 or more dwelling units on adjoining lots. The common or abutting wall must be shared for at least 25% of the length of the side of the building. The shared or abutting wall may be the wall of an attached garage. A Townhouse does not share common floors/ceilings with other primary dwelling units.

“Townhouse development” means one or more townhouse structures constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the townhouse property lines and any commonly owned property.

“Triplex” means three dwelling units on a lot or parcel in any configuration.

19.202 MEASUREMENTS

19.202.4 Density Calculations

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

C. Discrepancy between Minimum Required and Maximum Allowed Density

In situations where the calculation of maximum allowed density results in a number smaller than the calculation of minimum required density, the result from the minimum allowed density is both the minimum required and maximum allowed density. If the calculation results are that minimum density is equal to maximum density, then the minimum required density is reduced by one. If the calculation results are that minimum density is larger than maximum density, then the minimum required density is

reduced to one less than the maximum. If the calculation results are that the maximum density calculation is equal to zero, then the minimum density is one.

CHAPTER 19.300 BASE ZONES

19.301 MODERATE DENSITY RESIDENTIAL ZONES

The moderate density residential zone is Residential Zone R-MD. This zone implements the Moderate Density residential land use designation in the Milwaukie Comprehensive Plan.

19.301.1 Purpose

The moderate density residential zone is intended to create, maintain, and promote neighborhoods and allow a broad range of housing types. Some non-residential uses are allowed, but overall the character is one of residential neighborhoods.

19.301.2 Allowed Uses in Moderate Density Residential Zones

Uses allowed, either allowed by right or conditionally, in the moderate density residential zones are listed in Table 19.301.2 below. Similar uses not listed in the table may be allowed through a Director’s Determination pursuant to Section 19.903. Notes and/or cross references to other applicable code sections are listed in the “Standards/Additional Provisions” column.

See Section 19.201 Definitions for specific descriptions of the uses listed in the table.

Table 19.301.2 Moderate Density Residential Uses Allowed		
Use	R-MD	Standards/Additional Provisions
<u>Residential Uses</u>		
<u>Single detached dwelling</u>	<u>P</u>	<u>Subsection 19.505.1</u> Single Detached and Middle Housing Residential Development
<u>Duplex</u>	<u>P</u>	<u>Subsection 19.505.1</u> Single Detached and Middle Housing Residential Development
<u>Triplex</u>	<u>P</u>	<u>Subsection 19.505.1</u> Single Detached and Middle Housing Residential Development
<u>Quadplex</u>	<u>P</u>	<u>Subsection 19.505.1</u> Single Detached and Middle Housing Residential Development
<u>Townhouse</u>	<u>P</u>	<u>Subsection 19.505.1</u> Single Detached and Middle Housing Residential Development <u>Subsection 19.505.5</u> Standards for Townhouses
<u>Cottage Cluster</u>	<u>P</u>	<u>Subsection 19.505.1</u> Single Detached and Middle Housing Residential Development <u>Subsection 19.505.4</u> Cottage Cluster Housing
<u>Residential home</u>	<u>P</u>	<u>Subsection 19.505.1</u> Single Detached and Middle Housing Residential Development
<u>Accessory dwelling unit</u>	<u>P</u>	<u>Subsection 19.910.1</u> Accessory Dwelling Units
<u>Manufactured dwelling park</u>	<u>III</u>	<u>Subsection 19.910.3</u> Manufactured Dwelling Parks.

Senior and retirement housing	CU	<u>Subsection 19.905.9.G Senior and Retirement Housing</u>
Commercial Uses		
Bed and breakfast or Vacation rental	CU	<u>Section 19.905 Conditional Uses</u>
Accessory and Other Uses		
Accessory use	P	<u>Section 19.503 Accessory Uses</u>
Agricultural or horticultural use	P	<u>Subsection 19.301.3 Use Limitations and Restrictions</u>
Community service use	CSU	<u>Section 19.904 Community Service Uses</u>
Home occupation	P	<u>Section 19.507 Home Occupation Standards</u>
Short-term rental	P	<u>Section 19.507 Home Occupation Standards</u>

P = Permitted/allowed by right

N = Not permitted.

CSU = Permitted with Community Service Use approval subject to provisions of Section 19.904. Type III review required to establish a new CSU or for major modification of an existing CSU. Type I review required for a minor modification of an existing CSU.

CU = Permitted with conditional use approval subject to the provisions of Section 19.905. Type III review required to establish a new CU or for major modification of an existing CU. Type I review required for a minor modification of an existing CU.

III = Type III review required.

~~19.301 LOW DENSITY RESIDENTIAL ZONES~~

~~The low density residential zones are Residential Zone R-10, Residential Zone R-7, and Residential Zone R-5. These zones implement the Low Density and Moderate Density residential land use designations in the Milwaukie Comprehensive Plan.~~

~~19.301.1 Purpose~~

~~The low density residential zones are intended to create, maintain, and promote neighborhoods with larger lot sizes where the land use is primarily single family dwellings. They allow for some nonhousehold living uses but maintain the overall character of a single-family neighborhood.~~

~~19.301.2 Allowed Uses in Low Density Residential Zones~~

~~Uses allowed, either outright or conditionally, in the low density residential zones are listed in Table 19.301.2 below. Similar uses not listed in the table may be allowed through a Director’s Determination pursuant to Section 19.903. Notes and/or cross references to other applicable code sections are listed in the “Standards/Additional Provisions” column.~~

~~See Section 19.201 Definitions for specific descriptions of the uses listed in the table.~~

Table 19.301.2 Low Density Residential Uses Allowed				
Use	R-10	R-7	R-5	Standards/Additional Provisions
Residential Uses				
Single-family detached dwelling	P	P	P	Subsection 19.505.1 Single-Family Dwellings and Duplexes
Duplex	P/III	P/III	P	Subsection 19.505.1 Single-Family Dwellings and Duplexes

				Subsection 19.910.2 Duplexes
Residential home	P	P	P	Subsection 19.505.1 Single-Family Dwellings and Duplexes
Accessory dwelling unit	P/II	P/II	P/II	Subsection 19.910.1 Accessory Dwelling Units
Manufactured dwelling park	N	III	III	Subsection 19.910.3 Manufactured Dwelling Parks.
Senior and retirement housing	CU	CU	CU	Subsection 19.905.9.G Senior and Retirement Housing
Commercial Uses				
Bed and breakfast or Vacation rental	CU	CU	CU	Section 19.905 Conditional Uses
Accessory and Other Uses				
Accessory use	P	P	P	Section 19.503 Accessory Uses
Agricultural or horticultural use	P	P	P	Subsection 19.301.3 Use Limitations and Restrictions
Community service use	CSU	CSU	CSU	Section 19.904 Community Service Uses
Home occupation	P	P	P	Section 19.507 Home Occupation Standards
Short-term rental	P	P	P	Section 19.507 Home Occupation Standards

P = Permitted.

N = Not permitted.

CSU = Permitted with Community Service Use approval subject to provisions of Section 19.904. Type III review required to establish a new CSU or for major modification of an existing CSU. Type I review required for a minor modification of an existing CSU.

CU = Permitted with conditional use approval subject to the provisions of Section 19.905. Type III review required to establish a new CU or for major modification of an existing CU. Type I review required for a minor modification of an existing CU.

II = Type II review required.

III = Type III review required.

19.301.3 Use Limitations and Restrictions

A. Agricultural or horticultural uses are permitted, provided that the following conditions are met.

1. Retail or wholesale sales associated with an agricultural or horticultural use are limited to the allowances for a home occupation per Section 19.507.
2. Livestock, other than usual household pets, are not housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 sq ft per head of livestock.
3. Poultry kept for the production of meat or for commercial sale of eggs are not housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than 1 acre. Poultry kept for other purposes are not subject to these limitations and are allowed per Subsection 19.503.1.C.

B. Marijuana production is not permitted in ~~low~~ moderate density residential zones except as follows:

1. State-licensed production for medical marijuana patients is permitted provided the operation is entirely indoors and meets the security and odor control standards set forth in Subsection 19.509.2.

2. Growing marijuana indoors or outdoors for personal use is permitted consistent with state laws.

19.301.4 Development Standards

In the moderate density residential zones, the development standards in Table 19.301.4 apply. Notes and/or cross references to other applicable code sections are listed in the “Standards/Additional Provisions” column. Additional standards are provided in Subsection 19.301.5.

See Sections 19.201 Definitions and 19.202 Measurements for specific descriptions of standards and measurements listed in the table.

Table 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 ²	7,000 and up	
A. Permitted Dwelling Type					
	<u>Townhouse, Cottage¹</u>	<u>Duplex, Triplex, Quadplex</u>	<u>Single Detached Dwelling, Single Detached Dwelling, with up to 2 ADUs, Duplex, Triplex, Quadplex</u>	<u>Single Detached Dwelling, Single Detached Dwelling, with 2 ADUs, Duplex, Triplex, Quadplex, Cottage Cluster,</u>	Subsection 19.501.1 Lot Size Exceptions
B. Lot Standards					
<u>1. Minimum lot width (ft)</u>	<u>20</u>	<u>30</u>	<u>50</u>	<u>60</u>	
<u>2. Minimum lot depth (ft)</u>	<u>70</u>	<u>80</u>	<u>80</u>	<u>80</u>	
<u>3. Minimum street frontage requirements (ft)</u>					
<u>a. Townhouse</u>	<u>20</u>				
<u>b. Standard lot</u>	<u>35</u>	<u>30</u>	<u>35</u>	<u>35</u>	
<u>c. Flag lot</u>	<u>NA³</u>	<u>25</u>	<u>25</u>	<u>25</u>	Subsection 19.504.87 Flag Lot and Back Lot Design and Development Standards
<u>d. Double flag</u>	<u>NA³</u>	<u>25</u>	<u>25</u>	<u>25</u>	

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<u>lot</u>					
C. Development Standards					
<u>1. Minimum yard requirements for primary structures (ft)</u>					Subsection 19.301.5.A Yards Subsection 19.501.2 Yard Exceptions
<u>a. Front yard</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	Subsection 19.504.7 Flag Lot and Back Lot Design and Development Standards Subsection 19.505.4 Cottage Cluster Housing Subsection 19.505.5 Townhouses
<u>b. Side yard</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5/10</u>	
<u>c. Street side yard</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>20</u>	
<u>d. Rear yard</u>	<u>15</u>	<u>20</u>	<u>20</u>	<u>20</u>	
<u>2. Maximum building height for primary structures</u>	<u>35 ft</u>				Subsection 19.501.3 Building Height and Side Yard Height Plane Exceptions
<u>3. Side yard height plane limit</u>					Subsection 19.501.3 Building Height and Side Yard Height Plane Exceptions
<u>a. Height above ground at minimum required side yard depth (ft)</u>	<u>20</u>				
<u>b. Slope of plane (degrees)</u>	<u>45</u>				
<u>4. Maximum lot coverage(percent of total lot area)</u>	<u>45%</u>	<u>35%</u>	<u>35%</u>	<u>30%</u>	Section 19.201 "Lot coverage" definition Subsection 19.301.5.B Lot Coverage
<u>5. Minimum vegetation(percent of total lot area)</u>	<u>15%</u>	<u>25%</u>	<u>25%</u>	<u>30%</u>	Subsection 19.301.5.C Front Yard Minimum Vegetation Subsection 19.504.6 Minimum Vegetation
C. Other Standards					
<u>1. Density requirements(dwelling units per acre)</u>					Subsection 19.301.5.D Residential Densities
<u>a. Minimum</u>	<u>25</u>	<u>7.0</u>	<u>7.0</u>	<u>5.0</u>	Subsection 19.501.4 Density
<u>b. Maximum⁴</u>	<u>25</u>	<u>8.7</u>	<u>8.7</u>	<u>6.2</u>	

					<u>Exceptions For Cottage Clusters and Townhouse Density Exceptions, see 19.501.4</u>
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¹ For a Cottage within a Cottage Cluster only

² Minimum lot size for single detached dwelling applies to lots created on or after May 19, 2022, the effective date of Ordinance #2216.

³ Townhouses are not permitted on flag lots

⁴ Townhouses are allowed at four times the maximum density allowed for single detached dwellings in the same zone or 25 dwelling units per acre, whichever is less. Duplexes, Triplexes, Quadplexes, and Cottage clusters are exempt from density maximums.

19.301.5 Additional Development Standards

A. Side Yards

On lots greater than 7,000 sq ft in the R-MD Zone, one side yard shall be at least 5 ft and one side yard shall be at least 10 ft, except on a corner lot the street side yard shall be 20 ft.

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.

1. **Decreased Lot Coverage for Large Lots**

The maximum lot coverage percentage in Subsection 19.301.4.B.4 is reduced by 10 percentage points for a ~~single-family~~ detached dwelling, duplex, or residential home on a lot that is more than 10,000 sq ft ~~2.5 times larger than the minimum lot size~~ in Subsection 19.301.4.A.1.

2. **Increased Lot Coverage for Single-Family 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-family~~ detached dwelling, or an addition to an existing ~~single-family~~ detached dwelling, provided that the portions of the structure that are in excess of 20 ft high, ~~or in excess of one story,~~ are limited to the lot coverage standard listed in Subsection 19.301.4.B.4. Only portions of the structure that are less than 20 ft ~~and no taller than one story~~ 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), provided that the portions of the structure 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 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.

**Figure 19.301.5.B.2
Increased Lot Coverage for Single-Family Detached Dwellings**

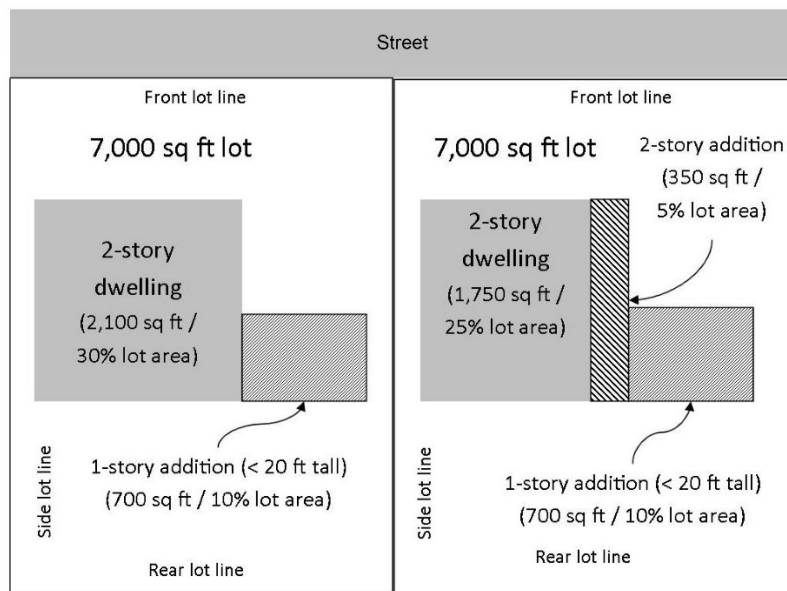
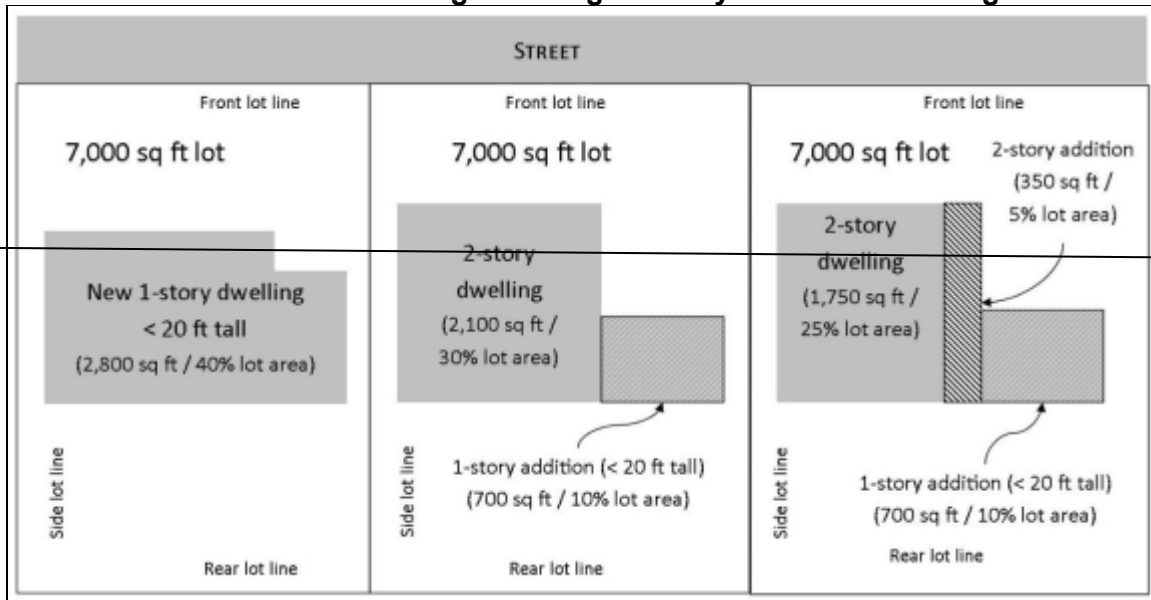


Figure 19.301.5.B.2 illustrates an example of increased lot coverage for lots in Residential Zone ~~R-MD~~ ~~R-Z~~ based on 7,000 sq ft lot area.

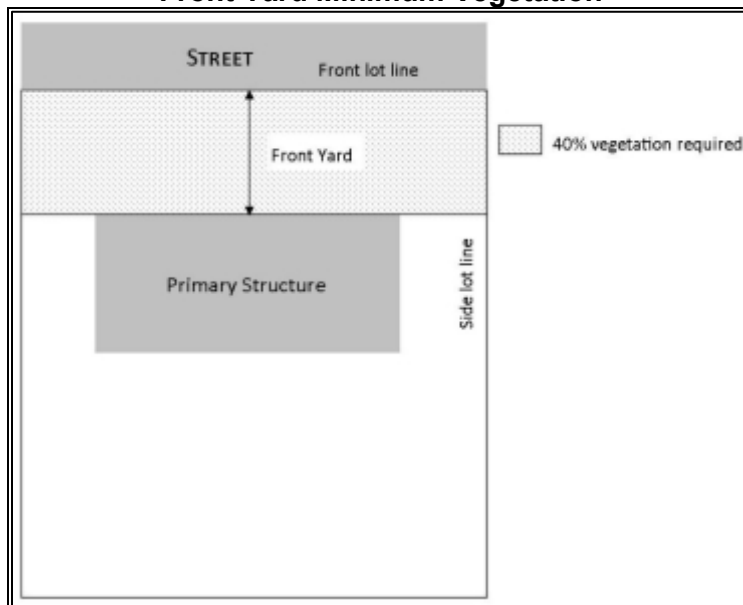
43. Increased Lot Coverage for Detached Accessory Dwelling Units

The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 5 percentage points for the development of a new detached accessory dwelling unit. This allowance applies only to the detached accessory structure and does not allow for the primary structure or other accessory structures to exceed lot coverage standards.

C. Front Yard Minimum Vegetation

At least 40% of the front yard shall be vegetated. The front yard vegetation area required by this subsection counts toward the minimum required vegetation for the lot. A property may provide less than the 40% of the front yard vegetation requirement if it is necessary to provide a turnaround area so that vehicles can enter a collector or arterial street in a forward motion.

**Figure 19.301.5.C
Front Yard Minimum Vegetation**



D. Residential Densities

The minimum and maximum development densities in Subsection 19.301.4.C.1 are applicable for land divisions and replats that change the number of lots. Maximum densities apply to single detached dwellings; middle housing is exempt from maximum density, except for townhouses.

If a proposal for a replat or land division is not able to meet the minimum density requirement—due to the dimensional requirements for lot width, lot depth, or lot frontage—the minimum density requirement shall instead be equal to the maximum number of lots that can be obtained from the site given its dimensional constraints. The inability of new lot lines to meet required yard dimensions from existing structures shall not be considered as a basis for automatically lowering the minimum density requirement.

E. Accessory Structure Standards

Standards specific to accessory structures are contained in Section 19.502.

~~F. Number of Dwelling Structures~~

~~In the low density residential zones, 1 primary building designed for dwelling purposes shall be permitted per lot. See Subsection 19.504.4.~~

~~F. G. Off-Street Parking and Loading~~

Off-street parking and loading is required as specified in Chapter 19.600.

~~G. H. Public Facility Improvements~~

Transportation requirements and public facility improvements are required as specified in Chapter 19.700.

~~H. I. 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 19.504.87 Flag Lot and Back Lot Design and Development Standards
3. Subsection 19.505.1 Single Family Dwellings and Duplexes Single Detached and Middle Housing Residential Development
4. Subsection 19.505.2 Garages and Carports
5. Subsection 19.506.4 Manufactured Dwelling Siting and Design Standards, Siting Standards

(Ord. 2134 § 2, 2016; Ord. 2120 § 2, 2016; Ord. 2110 § 2 (Exh. G), 2015; Ord. 2051 § 2, 2012)

19.301.4 Development Standards

~~In the low density residential zones, the development standards in Table 19.301.4 apply. Notes and/or cross references to other applicable code sections are listed in the “Standards/Additional Provisions” column. Additional standards are provided in Subsection 19.301.5.~~

~~See Sections 19.201 Definitions and 19.202 Measurements for specific descriptions of standards and measurements listed in the table.~~

Table 19.301.4 Low Density Residential Development Standards				
Standard	R-10	R-7	R-5	Standards/ Additional Provisions
A. Lot Standards				
1. Minimum lot size (sq ft)				Subsection 19.501.1 Lot Size Exceptions
a. Single family detached	10,000	7,000	5,000	
b. Duplex	14,000	14,000	10,000	
2. Minimum lot width (ft)	70	60	50	
3. Minimum lot depth (ft)	100		80	

4. Minimum street frontage requirements (ft) a. Standard lot			35	
Table 19.301.4 CONTINUED Low Density Residential Development Standards				
Standard	R-10	R-7	R-5	Standards/ Additional Provisions
A. Lot Standards CONTINUED				
b. Flag lot			25	
c. Double flag lot			35	
B. Development Standards				
1. Minimum yard requirements for primary structures (ft) a. Front yard b. Side yard c. Street side yard d. Rear yard	20 40 20 20	20 5/10 20 20	20 5 15 20	Subsection 19.301.5.A Side Yards Subsection 19.501.2 Yard Exceptions Subsection 19.504.8 Flag Lot Design and Development Standards
Table 19.301.4 CONTINUED Low Density Residential Development Standards				
Standard	R-10	R-7	R-5	Standards/ Additional Provisions
B. Development Standards CONTINUED				
2. Maximum building height for primary structures	2.5 stories or 35 ft, whichever is less			Subsection 19.501.3 Building Height and Side Yard Height Plane Exceptions
3. Side yard height plane limit a. Height above ground at minimum required side yard depth (ft) b. Slope of plane (degrees)			20 45	Subsection 19.501.3 Building Height and Side Yard Height Plane Exceptions
4. Maximum lot coverage (percent of total lot area)		30%	35%	Section 19.201 "Lot coverage" definition Subsection 19.301.5.B Lot Coverage
5. Minimum vegetation (percent of total lot area)	35%	30%	25%	Subsection 19.301.5.C Front Yard Minimum Vegetation Subsection 19.504.7 Minimum Vegetation
C. Other Standards				
1. Density requirements (dwelling units per acre) a. Minimum b. Maximum	3.5 4.4	5.0 6.2	7.0 8.7	Subsection 19.301.5.D Residential Densities Subsection 19.501.4 Density Exceptions

19.302 HIGH DENSITY RESIDENTIAL ZONES

The high density residential zones are Residential Zone R-3, Residential Zone R-2.5, Residential Zone R-2, Residential Zone R-1, and Residential-Business Office Zone R-1-B. These zones implement the High Density residential land use designations in the Milwaukie Comprehensive Plan.

19.302.1 Purpose

The high density residential zones are intended to create and maintain higher density residential neighborhoods that blend a range of housing types with a limited mix of neighborhood-scale commercial, office, and institutional uses.

19.302.2 Allowed Uses in Medium and High Density Residential Zones

Uses allowed, either allowed by right or conditionally, in the high density residential zones are listed in Table 19.302.2 below. Similar uses not listed in the table may be allowed through a Director’s Determination pursuant to Section 19.903. Notes and/or cross references to other applicable code sections are listed in the “Standards/Additional Provisions” column.

See Section 19.201 Definitions for specific descriptions of the uses listed in the table.

Table 19.302.2 Medium and High Density Residential Uses Allowed						
Use	R-3	R-2.5	R-2	R-1	R-1-B	Standards/ Additional Provisions
Residential Uses						
Single-family detached dwelling	P	P	P	P	P	<u>Subsection 19.505.1 Single Detached and Middle Housing Residential Development</u> <u>Subsection 19.505.1 Single-Family Dwellings and Duplexes</u>
Duplex	P	P	P	P	P	<u>Subsection 19.505.1 Single Detached and Middle Housing Residential Development</u> <u>Subsection 19.505.1 Single-Family Dwellings and Duplexes</u>
Triplex	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Subsection 19.505.1 Single Detached and Middle Housing Residential Development</u>
Quadplex	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Subsection 19.505.1 Single Detached and Middle</u>

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						<u>Housing Residential Development</u>
Residential home	P	P	P	P	P	Subsection 19.505.1 Single Detached and Middle Housing Residential Development Subsection 19.505.1 Single-Family Dwellings and Duplexes
Accessory dwelling unit	P#	P#	P#	P#	P#	Subsection 19.910.1 Accessory Dwelling Units
Manufactured dwelling park	III	N	N	N	N	Subsection 19.910.3 Manufactured Dwelling Parks
Rowhouse <u>Townhouse</u>	P	P	P	P	P	Subsection 19.505.1 Single Detached and Middle Housing Residential Development Subsection 19.505.1 Single-Family Dwellings and Duplexes Subsection 19.505.5 Standards for Rowhouses <u>Townhouses</u>
Cottage cluster housing	P	P	P	P	P	Subsection 19.505.1 Single Detached and Middle Housing Residential Development Subsection 19.505.4 Cottage Cluster Housing Cottage cluster land division requires Type III review

Table 19.302.2 CONTINUED						
Medium and High Density Residential Uses Allowed						
Use	R-3	R-2.5	R-2	R-1	R-1-B	Standards/ Additional Provisions
Residential Uses CONTINUED						
<u>Multifamily</u> <u>Multi-unit</u>	CU	CU	P	P	P	Subsection 19.505.3 Multifamily Housing <u>Multi-Unit Housing</u> Subsection 19.302.5.F Residential Densities Subsection 19.302.5.H Building Limitations
Congregate housing facility	CU	CU	P	P	P	Subsection 19.505.3 Multifamily Housing <u>Multi-Unit Housing</u> Subsection 19.302.5.F Residential Densities Subsection 19.302.5.H Building Limitations

Senior and retirement housing	CU	CU	CU	P	P	Subsection 19.905.9.G Senior and Retirement Housing
Boarding house	CU	CU	CU	CU	CU	Section 19.905 Conditional Uses
Commercial Uses						
Office	CU	CU	CU	CU	P	Subsection 19.302.3 Use Limitations and Restrictions
Hotel or motel	N	N	N	N	CU	Section 19.905 Conditional Uses
Bed and breakfast or vacation rental	CU	CU	CU	CU	CU	Section 19.905 Conditional Uses
Accessory and Other Uses						
Accessory use	P	P	P	P	P	Section 19.503 Accessory Uses
Agricultural or horticultural use	P	P	P	P	P	Subsection 19.302.3 Use Limitations and Restrictions
Community service use	CSU	CSU	CSU	CSU	CSU	Section 19.904 Community Service Uses
Home occupation	P	P	P	P	P	Section 19.507 Home Occupation Standards
Short-term rental	P	P	P	P	P	Section 19.507 Home Occupation Standards

19.302.3 Use Limitations and Restrictions

A. Agricultural or horticultural uses are permitted, provided that the following conditions are met.

1. Retail or wholesale sales associated with an agricultural or horticultural use are limited to the allowances for a home occupation per Section 19.507.
2. Livestock, other than usual household pets, are not housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than 1 acre, nor having less than 10,000 sq ft per head of livestock.
3. Poultry kept for the production of meat or for commercial sale of eggs are not housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than 1 acre. Poultry kept for other purposes are not subject to these limitations and are allowed per Subsection 19.503.1.C.

B. Office uses allowed in the ~~medium~~ and high density zones are offices, studios, clinics, and other similar professional offices. Corporate offices for marijuana businesses are permitted provided that no marijuana or marijuana products associated with the business are on-site. Marijuana testing labs and research facilities are not permitted office uses in these zones.

C. Marijuana production is not permitted in ~~medium~~ and high density residential zones except as follows:

1. State-licensed production for medical marijuana patients is permitted provided the operation is entirely indoors and meets the security and odor control standards set forth in Subsection 19.509.2.
2. Growing marijuana indoors or outdoors for personal use is permitted consistent with state laws.

19.302.4 Development Standards

In the ~~medium and~~ high density residential zones, the development standards in Table 19.302.4 apply. Notes and/or cross references to other applicable code sections are listed in the “Standards/Additional Provisions” column. Additional standards are provided in Section 19.302.5.

The standards in Subsection 19.302.4 are not applicable to cottage cluster development except where specifically referenced by Subsection 19.505.4.

See Sections 19.201 Definitions and 19.202 Measurements for specific descriptions of standards and measurements listed in the table.

In the high density residential zones the following housing types are permitted on lot sizes as follows:

Between 1,500 to 2,999 sq ft: Townhouse, Cottage, Single Detached Dwelling, Single Detached Dwelling with ADU, and Duplex.

Between 3,000 to 4,999 sq ft: Duplex, Triplex, and Quadplex.

Between 5,000 to 6,999 sq ft: Single Detached Dwelling, Single Detached Dwelling with ADU, Duplex, Triplex, and Quadplex.¹

7,000 sq ft and up: Single Detached Dwelling, Single Detached Dwelling with ADU, Duplex, Triplex, Quadplex, Cottage Cluster, Multi-Unit Housing.

Table 19.302.4						
<u>Medium and High Density Residential Development Standards</u>						
Standard	R-3	R-2.5	R-2	R-1	R-1-B	Standards/ Additional Provisions
A. Lot Standards						
1. <u>Minimum lot size (sq ft)</u>	<u>1,500</u>					<u>Subsection 19.501.1</u> Lot Size Exceptions <u>Subsection 19.505.4</u> Cottage Cluster Housing <u>Subsection 19.505.5</u> Rowhouses
2. <u>Minimum lot width (ft)</u>	<u>20</u>					-

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3. Minimum lot depth (ft)	70	-	-	
4. Minimum street frontage requirements (ft)	-	-	-	
a. Rowhouse	20			
b. Standard lot	35			
c. Flag lot	25			
d. Double flag lot	25			
B. Development Standards				
1. Minimum yard requirements for primary structures (ft)	-	-	-	<u>Subsection</u> <u>19.302.5.A</u> Side Yards <u>Subsection</u> <u>19.501.2</u> Yard Exceptions <u>Subsection</u> <u>19.504.7</u> Flag Lot and Back Lot Design and Development Standards
a. Front yard	20			
b. Side yard	See Subsection 19.302.5.A			
c. Street side yard	15			
d. Rear yard	15			
2. Maximum building height for primary structures	35 ft.	45 ft.		<u>Subsection</u> <u>19.302.5.E</u> Height Exceptions <u>Subsection</u> <u>19.501.3</u> Building Height and Side Yard Height Plane Exceptions <u>Subsection</u> <u>19.302.5.I</u> Transition Measures
3. Side yard height plane limit	-	-	-	<u>Subsection</u> <u>19.501.3</u> Building Height and Side Yard Height Plane Exceptions
a. Height above ground at minimum required side yard depth (ft)	20	-	25	
b. Slope of plane (degrees)	45	-	45	
4. Maximum lot	40%	45%	50%	<u>Section 19.201</u> "Lot

Proposed Code Amendments

<u>coverage (percent of total lot area)</u>				<u>coverage” definition</u>
5. Minimum <u>vegetation (percent of total lot area)</u>	<u>35%</u>		<u>15%</u>	Subsection <u>19.504.6 Minimum Vegetation</u> Subsection <u>19.302.5.D Front Yard Minimum Vegetation</u> Subsection <u>19.302.5.C Minimum Vegetation</u>
C. Other Standards				
1. Density requirements (dwelling units per acre)	-	-	-	Subsection <u>19.202.4 Density Calculations</u>
a. Minimum	<u>11.6</u>	<u>11.6</u>	<u>25.0</u>	Subsection <u>19.302.5.F Residential Densities</u>
b. Maximum ²	<u>14.5</u>	<u>17.4</u>	<u>32.0</u>	Subsection <u>19.501.4 Density Exceptions</u>

¹ Minimum lot size for single detached dwelling applies to lots created on or after May 19, 2022, the effective date of Ordinance #2216.

² Townhouses are allowed at four times the maximum density allowed for single detached dwellings in the same zone or 25 dwelling units per acre, whichever is less. Duplexes, Triplexes, Quadplexes, and Cottage clusters are exempt from density maximums.

Table 19.302.4						
Medium and High Density Residential Development Standards						
Standard	R-3	R-2.5	R-2	R-1	R-1-B	Standards/ Additional Provisions
A. Lot Standards						
1. Minimum lot size (sq ft)	-	-	-	-	-	Subsection 19.501.1 Lot Size-Exceptions
a. Rowhouse	3,000	2,500	2,500	4,400	6,400	Subsection 19.505.4 Cottage Cluster Housing
b. Duplex	5,000	5,000	5,000	5,000		Subsection
c. All other lots						

Proposed Code Amendments

					19.505.5 Rowhouses
2. Minimum lot width (ft)	-		-	-	-
a. Rowhouse	30		25	20	
b. All other lots	50		50	50	
3. Minimum lot depth (ft)	-	-	-	-	-
a. Rowhouse	80	75	80	70	
b. All other lots	80	75	80	80	
4. Minimum street frontage requirements (ft)	-	-	-	-	-
a. Rowhouse	30		25	20	
b. Standard lot	35		35	35	
c. Flag lot	25		25	25	
d. Double flag lot	35		35	35	
B. Development Standards					
1. Minimum yard requirements for primary structures (ft)	-			-	
a. Front yard			See Subsection 19.302.5.A	15	Subsection 19.302.5.A Side Yards
b. Side yard				15	Subsection 19.501.2 Yard Exceptions
c. Street side yard				15	Subsection 19.504.8 Flag Lot Design and Development Standards
d. Rear yard					
2. Maximum building height for primary structures	2.5 stories or 35 ft, whichever is less		3 stories or 45 ft, whichever is less		Subsection 19.302.5.E Height Exceptions Subsection 19.501.3 Building Height and Side Yard Height Plane Exceptions Subsection 19.302.5.I Transition Measures
3. Side yard height plane limit	-	-	-	-	Subsection 19.501.3 Building Height and Side Yard Height
a. Height above		20		25	

ground at minimum required side yard depth (ft)	-	45	-	45	Plane Exceptions
b. Slope of plane (degrees)					
4. Maximum lot coverage (percent of total lot area)		40%	45%	50%	Section 19.201 “ Lot coverage ” definition
5. Minimum vegetation (percent of total lot area)		35%		15%	Subsection 19.504.7 Minimum Vegetation Subsection 19.302.5.D Front Yard Minimum Vegetation Subsection 19.302.5.C Minimum Vegetation
C. Other Standards					
1. Density requirements (dwelling units per acre)	-	-	-	-	Subsection 19.202.4 Density Calculations
a. Minimum	11.6	11.6		25.0	Subsection 19.302.5.F Residential Densities
b. Maximum	14.5	17.4		32.0	Subsection 19.501.4 Density Exceptions

19.302.5 Additional Development Standards

A. Side Yards

In the ~~medium~~ and high density zones, the required side yard is determined as described below. These measurements apply only to required side yards and do not apply to required street side yards.

1. The side yard for development other than a ~~row~~townhouse shall be at least 5 ft.
2. There is no required side yard for townhouses that share 2 common walls. The required side yard for an exterior ~~row~~townhouse that has only 1 common wall is 0 ft for the common wall and 5 ft for the opposite side yard. An exterior ~~row~~townhouse on a corner lot shall meet the required street side yard setback in Subsection 19.302.4.B.1.b.

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.

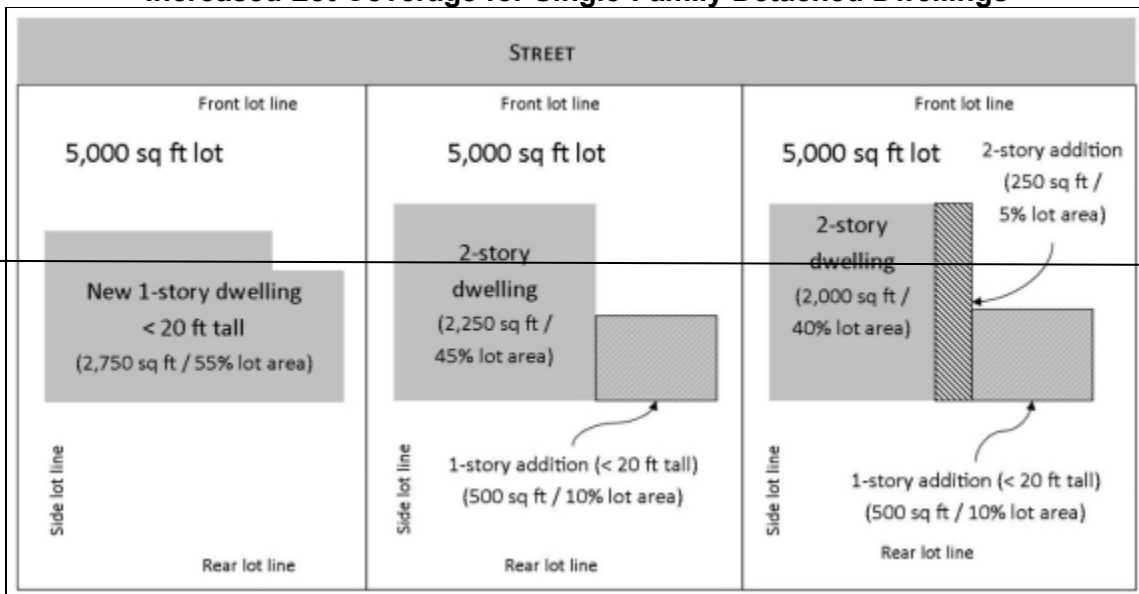
1. Increased Lot Coverage for Single-Family Detached Dwellings

The maximum lot coverage percentage in Subsection 19.302.4 is increased by 10 percentage points for development of a ~~single-family detached dwelling~~, or an addition to an existing ~~single-family detached dwelling~~, provided that the portions of the structure that are in excess of 20 ft high, or in excess of 1 story, are limited to the lot coverage standard listed in Subsection 19.302.4.B.4. Only portions of the structure that are less than 20 ft high, and no taller than 1 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), provided that the portions of the structure 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 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.

**Figure 19.302.5.B.1
Increased Lot Coverage for Single-Family Detached Dwellings**



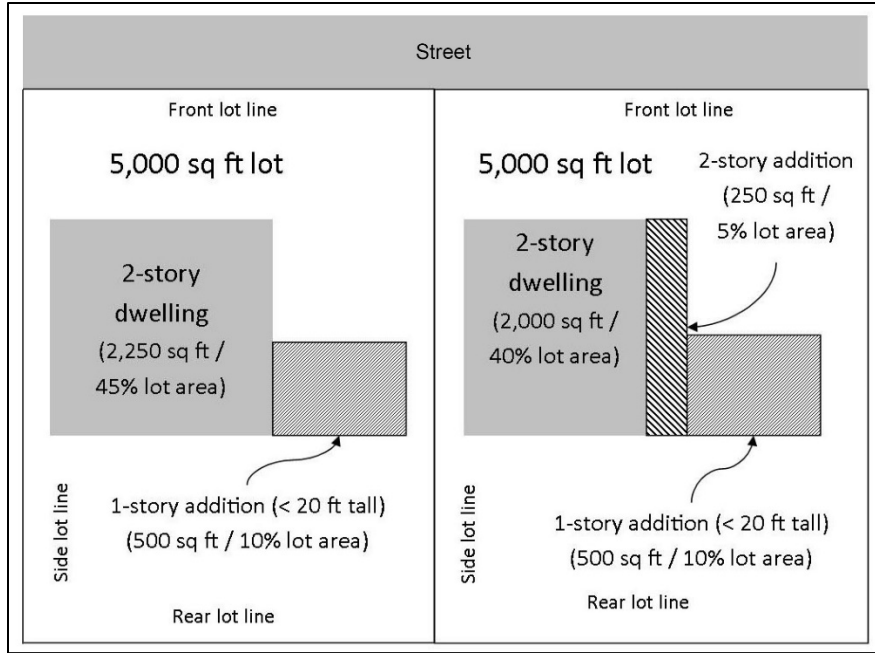


Figure 19.302.5.B.1 illustrates an example of increased lot coverage for lots in the high density zones based on 5,000-sq-ft lot area.

~~2.~~ **Increased Lot Coverage for Duplexes and Rowhouses**

~~The maximum lot coverage percentage in Subsection 19.302.4.B.4 is increased by 20 percentage points for a duplex or rowhouse.~~

23. **Increased Lot Coverage for Detached Accessory Dwelling Units**

The maximum lot coverage percentage in Subsection 19.302.4.B.4 is increased by 5 percentage points for the development of a new detached accessory dwelling unit. This allowance applies only to the detached accessory structure and does not allow for the primary structure or other accessory structures to exceed lot coverage standards.

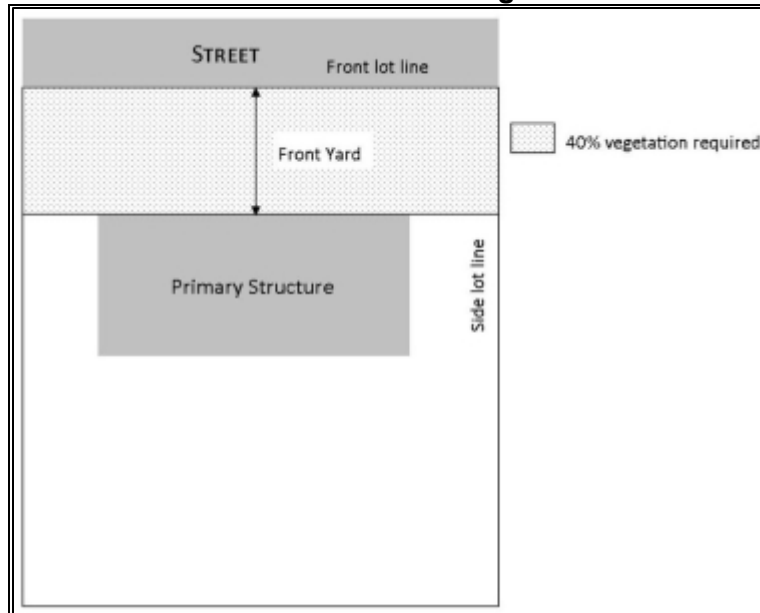
C. Minimum Vegetation

At least half of the minimum required vegetation area must be suitable for outdoor recreation by residents, and not have extreme topography or dense vegetation that precludes access.

D. Front Yard Minimum Vegetation

At least 40% of the front yard shall be vegetated. The front yard vegetation area required by this subsection counts toward the minimum required vegetation for the lot. A property may provide less than the 40% of the front yard vegetation requirement if it is necessary to provide a turnaround area so that vehicles can enter a collector or arterial street in a forward motion.

**Figure 19.302.5.D
Front Yard Minimum Vegetation**



E. Height Exceptions

An additional 10 ft of building height ~~1 additional story~~ may be permitted in excess of the required maximum standard. For ~~the~~ each additional story 10 ft in building height, an additional 10% of site area beyond the minimum is required to be retained in vegetation.

F. Residential Densities

1. The minimum and maximum development densities in Subsection 19.302.4.C.1 are applicable for land divisions, replats that change the number of lots, and any development that would change the number of dwelling units on a lot. Development of a single detached dwelling ~~a single-family detached dwelling~~ or accessory dwelling units ~~is~~ are exempt from the minimum and maximum density requirements. Middle housing, except for townhouses, is exempt from maximum density requirements.

If a proposal for a replat or land division is not able to meet the minimum density requirement—due to the dimensional requirements for lot width, lot depth, or lot frontage—the minimum density requirement shall instead be equal to the maximum number of lots that can be obtained from the site given its dimensional constraints. The inability of new lot lines to meet required yard dimensions from existing structures shall not be considered as a basis for automatically lowering the minimum density requirement.

2. Multi-unit development in the R-2, R-1, and R-1-B Zones is subject to the minimum site size requirements in Table 19.302.5.F.2. In the event that the minimum site size requirements conflict with the development densities in Subsection 19.302.4.C.1, the site size requirements in Table 19.302.F.2 shall prevail.

**Table 19.302.5.F.2
Minimum Site Size for Multi-Unit Development in the R-2, R-1, and R-1-B
Zones**

Units	R-2 Zone	R-1 and R-1-B Zone
First Dwelling Unit	5,000 sq ft per unit	5,000 sq ft per unit
Additional Dwelling Units	2,500 <u>1,500</u> sq ft per unit	1,400 sq ft per unit

G. Accessory Structure Standards

Standards specific to accessory structures are contained in Section 19.502.

H. Building Limitations

- ~~1. In the R-3 Zone, 1 single-family detached dwelling or 1 duplex is permitted per lot. See Subsection 19.504.4. A detached accessory dwelling may be permitted in addition to a single-family detached dwelling, per Subsection 19.910.1.~~
2. Multifamily Multi-unit buildings shall not have an overall horizontal distance exceeding 150 linear ft as measured from end wall to end wall.

~~I.~~ Transition Measures

~~The following transition measures apply to multifamily development that abuts an R-10-, R-7-, or R-5-zoned property.~~

- ~~1. In the portion of the site within 25 ft of the lower density residential zone, the building height limits are equal to those of the adjacent residential zone.~~
- ~~2. Where the boundary of the lower density zone lies within, or on the edge of, a right-of-way; the building height limit, for the portion of the site within 15 ft of the lot line bordering the right-of-way, is equal to the height limit of the lower density residential zone.~~

~~J.~~ Off-Street Parking and Loading

Off-street parking and loading is required as specified in Chapter 19.600.

~~K.~~ Public Facility Improvements

Transportation requirements and public facility improvements are required as specified in Chapter 19.700.

~~L.~~ 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.~~87~~ 87 Flag Lot and Back Lot Design and Development Standards
3. Subsection 19.504.~~98~~ 98 On-Site Walkways and Circulation
4. Subsection 19.504.~~409~~ 409 Setbacks Adjacent to Transit
5. Subsection 19.505.1 ~~Single-Family Dwellings and Duplexes~~ Single Detached and Middle Housing Residential Development
6. Subsection 19.505.2 Garages and Carports
7. Subsection 19.505.3 Multifamily Unit Housing
8. Subsection 19.505.4 Cottage Cluster Housing

- 9. Subsection 19.505.5 Townhouses
- 10. Subsection 19.505.8 Building Orientation to Transit
- 11. Subsection 19.506.4 Manufactured Dwelling Siting and Design Standards, Siting Standards

19.302 MEDIUM AND HIGH DENSITY RESIDENTIAL ZONES

The medium and high density residential zones are Residential Zone R-3, Residential Zone R-2.5, Residential Zone R-2, Residential Zone R-1, and Residential Business Office Zone R-1-B. These zones implement the Medium Density and High Density residential land use designations in the Milwaukie Comprehensive Plan.

19.302.1 Purpose

The medium and high density residential zones are intended to create and maintain higher density residential neighborhoods that blend a range of housing types with a limited mix of neighborhood scale commercial, office, and institutional uses.

19.302.2 Allowed Uses in Medium and High Density Residential Zones

Uses allowed, either outright or conditionally, in the medium and high density residential zones are listed in Table 19.302.2 below. Similar uses not listed in the table may be allowed through a Director’s Determination pursuant to Section 19.903. Notes and/or cross references to other applicable code sections are listed in the “Standards/Additional Provisions” column.

See Section 19.201 Definitions for specific descriptions of the uses listed in the table.

Table 19.302.2 Medium and High Density Residential Uses Allowed						
Use	R-3	R-2.5	R-2	R-1	R-1-B	Standards/ Additional Provisions
Residential Uses						
Single family detached dwelling	P	P	P	P	P	Subsection 19.505.1 Single-Family Dwellings and Duplexes
Duplex	P	P	P	P	P	Subsection 19.505.1 Single-Family Dwellings and Duplexes
Residential home	P	P	P	P	P	Subsection 19.505.1 Single-Family Dwellings and Duplexes
Accessory dwelling unit	P//	P//	P//	P//	P//	Subsection 19.910.1 Accessory Dwelling Units
Manufactured dwelling park	///	N	N	N	N	Subsection 19.910.3 Manufactured Dwelling Parks
Rowhouse	P	P	P	P	P	Subsection 19.505.1 Single-Family Dwellings and Duplexes Subsection 19.505.5 Standards for Rowhouses
Cottage cluster housing	P	P	P	P	P	Subsection 19.505.4 Cottage Cluster Housing

						Cottage cluster land division requires Type III review
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Table 19.302.2 CONTINUED						
Medium and High Density Residential Uses Allowed						
Use	R-3	R-2.5	R-2	R-1	R-1-B	Standards/ Additional Provisions
Residential Uses CONTINUED						
Multifamily	CU	CU	P	P	P	Subsection 19.505.3 Multifamily Housing Subsection 19.302.5.F Residential Densities Subsection 19.302.5.H Building Limitations
Congregate housing facility	CU	CU	P	P	P	Subsection 19.505.3 Multifamily Housing Subsection 19.302.5.F Residential Densities Subsection 19.302.5.H Building Limitations
Senior and retirement housing	CU	CU	CU	P	P	Subsection 19.905.9.G Senior and Retirement Housing
Boarding house	CU	CU	CU	CU	CU	Section 19.905 Conditional Uses
Commercial Uses						
Office	CU	CU	CU	CU	P	Subsection 19.302.3 Use Limitations and Restrictions
Hotel or motel	N	N	N	N	CU	Section 19.905 Conditional Uses
Bed and breakfast or vacation rental	CU	CU	CU	CU	CU	Section 19.905 Conditional Uses
Accessory and Other Uses						
Accessory use	P	P	P	P	P	Section 19.503 Accessory Uses
Agricultural or horticultural use	P	P	P	P	P	Subsection 19.302.3 Use Limitations and Restrictions
Community service use	CSU	CSU	CSU	CSU	CSU	Section 19.904 Community Service Uses
Home occupation	P	P	P	P	P	Section 19.507 Home Occupation Standards
Short-term rental	P	P	P	P	P	Section 19.507 Home Occupation Standards

P = Permitted.

N = Not permitted.

CSU = Permitted with Community Service Use approval subject to provisions of Section 19.904. Type III review required to establish a new CSU or for major modification of an existing CSU. Type I review required for a minor modification of an existing CSU.

~~CU = Permitted with conditional use approval subject to the provisions of Section 19.905. Type III review required to establish a new CU or for major modification of an existing CU. Type I review required for a minor modification of an existing CU.~~

~~II = Type II review required.~~

~~III = Type III review required.~~

Table 19.303.3 - Commercial Mixed Use Zones—Summary of Development Standards

6. Minimum vegetation	15%	15%	Subsection 19.504.76 Minimum Vegetation
10. Transition measures	Yes	Yes	Subsection 19.504.65 Transition Area Measures

Table 19.304.4 CONTINUED - Downtown Zones—Summary of Development Standards

B. Development Standards CONTINUED			
9. Transition measures	Yes, where applicable	No	Subsection 19.304.5.I Transition Measures Subsection 19.504.65 Transition Area Measures

19.304.5 Detailed Development Standards

I. Transition Measures

1. Intent

To minimize impacts of commercial or mixed-use development on lower-density residential uses.

2. Standards

For properties north of Harrison St and located within 50 ft of a lower-density residential zone (R-10, R-7, or R-5), the transition area measures in Subsection 19.504.65 apply. In addition:

- a. Within 50 ft of the property line abutting lower-density residential zones, buildings shall provide a step back of at least 6 ft for any portion of the building above 35 ft.
- b. The height bonuses in Subsection 19.304.5.B.3 cannot be applied within 50 ft of a lower-density residential zone.

CHAPTER 19.400 OVERLAY ZONES AND SPECIAL AREAS

19.401 WILLAMETTE GREENWAY ZONE WG

19.401.4 Definitions

“Diameter at breast height” means the measurement of mature trees as measured at a height 4.5 feet above the mean ground level at the base of the tree. Trees existing on slopes are measured at the lowest point of ground at the base of the tree. If a tree splits into multiple trunks below 4.5 feet above ground level, the measurement is taken at its most narrow point below the split.

“Large trees” means trees with at least a 6-in diameter at breast height (DBH) ~~caliper~~ at 5-ft of height.

19.401.5

- B. Willamette Greenway review is not required for any of the activities listed below:
1. Changes to the interior of a building or alterations of buildings or accessory structures that do not increase the size or alter the configuration of the building or accessory structure footprint;
 2. Normal maintenance and repair as necessary for an existing development;
 3. Removal of plants listed as nuisance species on the Oregon Noxious Weed List or Milwaukie Invasive Tree List ~~Milwaukie Native Plant List~~;

19.401.8 Vegetation Buffer Requirements

A. A buffer strip of native vegetation shall be identified along the river, which shall include the land area between the river and a location 25 ft upland from the ordinary high water line. This area shall be preserved, enhanced, or reestablished, except for development otherwise allowed in this title, and subject to the requirements of Subsection 19.401.8.B below.

B. Prior to development (e.g., removal of substantial amounts of vegetation or alteration of natural site characteristics) within the buffer, a vegetation buffer plan for the buffer area shall be submitted for review and approval. The plan shall address the following areas and is subject to the following requirements:

1. Riverbank Stabilization

The plan shall identify areas of riverbank erosion, and provide for stabilization. Bioengineering methods for erosion control shall be used when possible. When other forms of bank stabilization are used, pocket plantings or other means shall be used to provide vegetative cover.

2. Scenic View Protection (Screening)

The plan shall identify the impact of the removal or disturbance of vegetation on scenic views from the river, public parks, public trails, and designed public overlooks.

3. Retain Existing Native Vegetation and Large Trees

The plan shall provide for the retention of existing large trees and existing native vegetation, including small trees, ground covers, and shrubs, within the vegetation buffer area. The regulations in Chapter 16.32 Tree Code apply in addition to the regulations in this chapter. Removal of native vegetation and large trees is allowed pursuant to the following standards:

- a. Large trees that are diseased, dead, or in danger of falling down may be removed if there is a clear public safety hazard or potential for property damage.
- b. Grading or tree removal is allowed in conjunction with establishing a permitted use. Only the area necessary to accommodate the permitted use shall be altered.
- c. Tree and vegetation removal may be allowed to create 1 view window from the primary residential structure to the river when suitable views cannot be achieved through pruning or other methods. The width of a view window may not exceed 100 ft or 50% of lineal waterfront footage, whichever is lesser. The applicant must clearly demonstrate the need for removal of trees and vegetation for this purpose.

4. Restore Native Vegetation

The plan shall provide for restoring lands within the buffer area which have been cleared of vegetation during construction with native vegetation.

5. Enhance Vegetation Buffer Area

The plan may provide for enhancing lands within the buffer area. Regular pruning and maintenance of native vegetation shall be allowed. Vegetation that is not native, except large trees, may be removed in accordance with the regulations in Chapter 16.32. New plant materials in the buffer strip shall be native vegetation.

6. Security that the Plan will be Carried Out

The approved vegetation buffer shall be established, or secured, prior to the issuance of any permit for development.

C. The vegetation buffer requirements shall not preclude ordinary pruning and maintenance of vegetation in the buffer strip.

19.402 NATURAL RESOURCES NR

19.402.1 Intent

- E. It is not the intent of Section 19.402 to:
 1. Impose any obligation on property owners to restore existing developed sites to predevelopment or natural conditions when no new activity is proposed.

2. Impose any unreasonable hardship against the continued maintenance of existing legal site conditions.
3. Apply to activities that do not affect WQRs or HCAs.
4. Prohibit normal lawn and yard landscape planting and maintenance that does not involve removal and replacement of existing native vegetation. Normal lawn and yard planting and maintenance does not include the planting of invasive nonnative or noxious vegetation, including, but not limited to, plants listed as nuisance species on the Oregon Noxious Weed List or Milwaukie Invasive Tree List ~~Milwaukie Native Plant List~~ established in Subsection 19.402.2.G.

19.402.2 Coordination with Other Regulations

- A. Implementation of Section 19.402 is in addition to, and shall be coordinated with, Title 19 Zoning, Title 18 Flood Hazard Regulations, and Chapter 16.28 Erosion Control, and Chapter 16.32 Tree Code.
- B. For properties along the Willamette River, Section 19.402 shall not prohibit the maintenance of view windows, as allowed by Section 19.401 Willamette Greenway Zone WG.
- C. Except as provided for in Subsection 19.402.2.B, when applicable provisions of Sections 19.402 and 19.401 or Chapter 16.32 are in conflict, the more restrictive provision shall be controlling.
- D. Nonconforming development that was legally existing for WQRs as of January 16, 2003, the effective date of Ordinance #1912, or that was legally existing for HCAs as of September 15, 2011, the effective date of Ordinance #2036, and that is nonconforming solely because of Section 19.402, shall not be subject to the provisions of Chapter 19.800 Nonconforming Uses and Development. However, development that is nonconforming for other reasons shall be subject to the provisions of Chapter 19.800.
- E. The requirements of Section 19.402 apply in addition to all applicable local, regional, State, and federal regulations, including those for wetlands, trees, and flood management areas. Where Section 19.402 imposes restrictions that are more stringent than regional, State, and federal regulations, the requirements of Section 19.402 shall govern.
- G. A document or other list used to identify native, nuisance, and prohibited plants shall be maintained by the Planning ~~Director~~ Manager and shall be referred to as the Oregon Noxious Weed List or Milwaukie Invasive Tree List ~~Milwaukie Native Plant List~~.

19.402.4 Exempt Activities

A. Outright Exemptions

The following activities in WQRs or HCAs are exempt from the provisions of Section 19.402:

1. Action taken on a building permit for any portion of a phased development project for which the applicant has previously met the applicable requirements of Section 19.402, including the provision of a construction management plan per Subsection 19.402.9. This exemption applies so long as the building site for new construction was identified

on the original application, no new portion of the WQR and/or HCA will be disturbed, and no related land use approvals have expired per Subsection 19.1001.7. This exemption also extends to projects initiated prior to September 15, 2011, the effective date of Ordinance #2036, which have already been approved through Water Quality Resource Review.

2. Stream, wetland, riparian, and upland enhancement or restoration projects and development in compliance with a natural resource management plan or mitigation plan approved by the City or by a State or federal agency.

3. Emergency procedures or activities undertaken that are necessary to remove or abate hazards to person or property, provided that the time frame for such remedial or preventative action is too short to allow for compliance with the requirements of Section 19.402. After the emergency, the person or agency undertaking the action shall repair any impacts to the designated natural resource resulting from the emergency action; e.g., remove any temporary flood protection such as sandbags, restore hydrologic connections, or replant disturbed areas with native vegetation.

4. The planting or propagation of plants categorized as native species on the Milwaukie Native Plant List.

5. Removal of plants categorized as nuisance species on the Milwaukie Native Plant List. After removal, all open soil areas shall be replanted and/or protected from erosion.

6. Removal of trees under any of the following circumstances:

a. The tree is a “downed tree” as defined in Section 19.201, the tree has been downed by natural causes, and no more than 150 sq ft of earth disturbance will occur in the process of removing the tree.

b. The tree is categorized as a nuisance species on the Oregon Noxious Weed List or Milwaukie Invasive Tree List ~~Milwaukie Native Plant List~~, no more than 3 such trees will be removed from 1 property during any 12-month period, the requirements in Chapter 16.32 are met, and no more than 150 sq ft of earth disturbance will occur in the process of removing the tree(s).

c. The tree presents an emergency situation with immediate danger to persons or property, as described in Subsection 19.402.4.A.3. Emergency situations may include, but are not limited to, situations in which a tree or portion of a tree has been compromised and has damaged, or is damaging, structures or utilities on private or public property, or where a tree or portion of a tree is prohibiting safe passage in the public right-of-way. Examples are trees that have fallen into or against a house or other occupied building, or trees downed across power lines or roadways. This exemption is limited to removal of the tree or portion of the tree as necessary to eliminate the hazard. Any damage or impacts to the designated natural resource shall be repaired after the emergency has been resolved. The requirements in Chapter 16.32 must also be met.

d. Removal of the tree is in accordance with the requirements in Chapter 16.32 and an approved natural resource management plan per Subsection 19.402.10.

e. Major pruning of trees within 10 ft of existing structures in accordance with the requirements in Chapter 16.32.

7. Landscaping and maintenance of existing landscaping and gardens. This exemption extends to the installation of new irrigation and drainage facilities and/or erosion control features, as well as to landscaping activities that do not involve the removal of native plants or plants required as mitigation, the planting of any vegetation identified as a nuisance species on the Oregon Noxious Weed List or Milwaukie Invasive Tree List ~~Milwaukie Native Plant List~~ ~~Milwaukie Native Plant List~~, or anything that produces an increase in impervious area or other changes that could result in increased direct stormwater discharges to the WQR.

8. Additional disturbance for outdoor uses, such as gardens and play areas, where the new disturbance area does not exceed 150 sq ft; does not involve the removal of any trees of larger than 6-in diameter or otherwise regulated by Chapter 16.32; and is located at least 30 ft from the top of bank of a stream or drainage and at least 50 ft from the edge of a wetland.

17. Establishment and maintenance of trails in accordance with the following standards:

- a. Trails shall be confined to a single ownership or within a public trail easement.
- b. Trails shall be no wider than 30 in. Where trails include stairs, stair width shall not exceed 50 in and trail grade shall not exceed 20%, except for the portion of the trail containing stairs.
- c. Trails shall be unpaved and constructed with nonhazardous, pervious materials.
- d. Trails shall be located at least 15 ft from the top of bank of all water bodies.
- e. Plants adjacent to trails may be trimmed, but trimming clearances shall not exceed a height of 8 ft and a width of 6 ft.
- f. Native trees of larger than 6-in diameter, other trees regulated by Chapter 16.32, and native shrubs or conifers larger than 5 ft tall, shall not be removed.

18. Installation and maintenance of erosion control measures that have been reviewed and approved by the City.

B. Limited Exemptions Within HCAs

The following activities within HCAs are exempt from the provisions of Section 19.402, except that a construction management plan is required, according to the provisions of Subsection 19.402.9, where the activity disturbs a total of more than 150 sq ft:

- 5. Facilities that infiltrate stormwater on the site, including the associated piping, so long as the forest canopy and the areas within the driplines of the trees are not disturbed. Such facilities may include, but are not limited to, vegetated swales, rain gardens, vegetated filter strips, and vegetated infiltration basins. Native or nonnative vegetation may be planted in these facilities, provided that none of the plantings are identified as a nuisance species on the Oregon Noxious Weed List or Milwaukie Invasive Tree List ~~Milwaukie Native Plant List~~.

19.402.5 Prohibited Activities

Title 19 Zoning is comprised of regulations that deal with the use of land; it does not extend into the broader realm of laws that regulate personal activities unrelated to land use and

development. Given such limitations, the following activities are prohibited within WQRs and HCAs:

- A. New structures, development, or landscaping activity other than those allowed by Section 19.402.
- B. Uncontained areas of hazardous materials, as defined by DEQ.
- C. Planting any vegetation listed as a nuisance species on the Oregon Noxious Weed List or Milwaukie Invasive Tree List ~~Milwaukie Native Plant List~~.

19.402.6 Activities Requiring Type I Review

Within either WQRs or HCAs, the following activities and items are subject to Type I review per Section 19.1004:

A. Limited Tree Removal

1. The Planning ~~Manager~~ Director may approve an application for limited tree removal or major pruning within WQRs and HCAs when the applicable requirements in Chapter 16.32 are met, except where exempted by Subsection 19.402.6.A.2, under any of the following circumstances:

a. The tree removal is necessary to eliminate a hazardous, nonemergency situation, as determined by the Planning ~~Manager~~ Director. A situation may be deemed hazardous if a tree, or portion of a tree, has undergone a recent change in health or condition in a manner that may pose a danger to people, to structures on private property, to public or private utilities, or to travel on private property or in the public right-of-way. Examples of imminent hazards may include, but are not limited to, trees that are broken, split, cracked, uprooted, or otherwise in danger of collapse. Approval shall be limited to removal of the tree, or portion of the tree, as necessary to eliminate the hazard.

c. The proposal would remove more than 3 trees during any 12-month period that are categorized as nuisance species on the Oregon Noxious Weed List or Milwaukie Invasive Tree List. ~~Milwaukie Native Plant List~~.

d. The tree is a downed tree, but more than 150 sq ft of earth disturbance is necessary to remove it.

e. The tree is a nuisance species, but more than 150 sq ft of earth disturbance is necessary to remove it.

f. The tree is not categorized as either a nuisance or native species on the Oregon Noxious Weed List or Milwaukie Invasive Tree List ~~on the Milwaukie Native Plant List~~ and is not located in a WQR categorized as Class A ("Good"), according to Table 19.402.11.C, provided that no more than 3 such trees will be removed during any 12-month period, and complies with the applicable requirements in Chapter 16.32.

3. The Planning ~~Manager~~ Director shall require the application to comply with all of the following standards:

a. A construction management plan shall be prepared in accordance with Subsection 19.402.9. When earth disturbance is necessary for the approved removal or pruning, all

open soil areas that result from the disturbance shall be replanted and/or protected from erosion.

b. All pruning and/or tree removal shall be done in accordance with the standards of the International Society of Arboriculture (ISA) and complies with the applicable requirements in Chapter 16.32.

d. The replacement tree(s) shall be located in the general vicinity of the removed tree(s), somewhere within the designated natural resource (WQR or HCA). The replacement tree(s) does not have to be a native species; but, in accordance with Subsection 19.402.5.C, the replacement tree(s) shall not be categorized as a nuisance species on the Oregon Noxious Weed List or Milwaukie Invasive Tree List. ~~Milwaukie Native Plant List.~~ The property owner shall ensure that the replacement tree(s) survives at least 2 years beyond the date of its planting.

19.402.7 Activities Requiring Type II Review

Within either WQRs or HCAs, the following activities and items are subject to Type II review and approval by the Planning Director per Section 19.1005, unless they are otherwise exempt or permitted as a Type I activity.

D. Other Uses and Activities with Minimal Impacts to WQRs

The activities listed below are subject to Type II review and the general discretionary review criteria provided in Subsection 19.402.12:

4. Routine repair and maintenance, alteration, and/or total replacement of existing utility facilities, accesses, streets, driveways, and parking improvements that increases the existing disturbance area by no more than 150 sq ft within the WQR. Activities approved under this subsection shall be subject to the following requirements:

- a. Restore the disturbed portion of the WQR.
- b. Within the disturbed portion of the WQR, remove any vegetation categorized as a nuisance species on the Oregon Noxious Weed List or Milwaukie Invasive Tree List. ~~Milwaukie Native Plant List~~ and replace it with native vegetation from the list.

19.402.8 Activities Requiring Type III Review

Within either WQRs or HCAs, the following activities are subject to Type III review and approval by the Planning Commission under Section 19.1006, unless they are otherwise exempt or permitted as a Type I or II activity.

A. The activities listed below shall be subject to the general discretionary review criteria provided in Subsection 19.402.12:

8. Tree removal in excess of that permitted under Subsections 19.402.4 or 19.402.6. Tree removal must also comply with the requirements in Chapter 16.32.

19.402.9 Construction Management Plans

A. Construction management plans are not subject to Type I review per Section 19.1004 but shall be reviewed in similar fashion to an erosion control permit (MMC Chapter 16.28).

B. Construction management plans shall provide the following information:

1. Description of work to be done.
2. Scaled site plan showing a demarcation of WQRs and HCAs and the location of excavation areas for building foundations, utilities, stormwater facilities, etc.
3. Location of site access and egress that construction equipment will use.
4. Equipment and material staging and stockpile areas.
5. Erosion and sediment control measures.
6. Measures to protect trees and other vegetation located within the potentially affected WQR and/or HCA. Tree protection must be consistent with the requirements in Section 16.32.042.F. ~~A root protection zone shall be established around each tree in the WQR or HCA that is adjacent to any approved work area. The root protection zone shall extend from the trunk to the outer edge of the tree's canopy, or as close to the outer edge of the canopy as is practicable for the approved project. The perimeter of the root protection zone shall be flagged, fenced, or otherwise marked and shall remain undisturbed. Material storage and construction access is prohibited within the perimeter. The root protection zone shall be maintained until construction is complete.~~

When required for a property that does not include a designated natural resource, the construction management plan shall show the protective measures that will be established on the applicant's property.

19.402.11 Development Standards

A. Protection of Natural Resources During Site Development

During development of any site containing a designated natural resource, the following standards shall apply:

11. The applicable provisions of Chapter 16.32 shall be met.

B. General Standards for Required Mitigation

Where mitigation is required by Section 19.402 for disturbance to WQRs and/or HCAs, the following general standards shall apply:

2. Required Plants

Unless specified elsewhere in Section 19.402, all trees, shrubs, and ground cover planted as mitigation shall be native plants, as identified on the Oregon Noxious Weed List or Milwaukie Invasive Tree List ~~Milwaukie Native Plant List~~. Applicants are encouraged to choose particular native species that are appropriately suited for the specific conditions of the planting site; e.g., shade, soil type, moisture, topography, etc.

4. Plant Spacing

Trees shall be planted between 8 and 12 ft on center. Shrubs shall be planted between 4 and 5 ft on center or clustered in single-species groups of no more than 4 plants, with each cluster planted between 8 and 10 ft on center. When planting near existing trees, the dripline of the existing tree shall be the starting point for plant spacing measurements. Note that in meeting the Tree Planting Standards in subsection 16.32.042.C, the Urban Forester may only credit those trees that meet the requirements in Table 16.32.042.C. The additional trees required by this subsection may be excluded from contributing to the Tree Canopy Requirements in subsection 16.32.042.C.

19.402.11.D. Nondiscretionary Standards for HCAs

The following nondiscretionary standards may be applied to proposals that are subject to Type I review and located within HCAs only. These standards do not apply to activities proposed within WQRs.

1. Disturbance Area Limitations in HCAs

To avoid or minimize impacts to HCAs, activities that are not otherwise exempt from the requirements of Section 19.402, and that would disturb an HCA, are subject to the following disturbance area limitations, as applicable:

- a. ~~Detached and Attached Single-Family~~ Single Detached and Middle Housing Residential Uses

The amount of disturbance allowed within an HCA for ~~detached and attached single-family residential uses~~, including any related public facilities as required by Section 19.700 Public Facility Improvements, shall be determined by subtracting the area of the lot or parcel outside of the HCA from the maximum disturbance area calculated per Figure 19.402.11.D.1.a. Such disturbance shall be subject to the mitigation requirements described in Subsection 19.402.11.D.2.

Figure 19.402.11.D.1.a
Method for Calculating Allowable Disturbance within an HCA
for ~~Detached and Attached Single-Family~~ Single Detached Dwellings and Middle Housing Residential Uses

X = The maximum potential disturbance area within the HCA , which is 50% of the total HCA, up to a maximum of 5,000 sq ft.
Y = The area of the lot or parcel outside the total resource area (WQR and HCA).
Z = The net amount of disturbance area allowed within the HCA ($Z = X - Y$)
If (Y) is greater than (X), development shall not be permitted within the HCA; otherwise, the applicant may disturb up to the net amount of disturbance area allowed (Z) within the HCA.

Example 1: 8,000-sq-ft lot with 3,000 sq ft of HCA and 5,000 sq ft outside of HCA/WQR
X = 1,500 sq ft (50% of HCA)
Y = 5,000 sq ft outside of HCA/WQR

Z = - 3,500 sq ft (1,500 sq ft – 5,000 sq ft)

Conclusion: Y is greater than X; therefore, development is not permitted within the HCA.

Example 2: 8,000-sq-ft lot with 6,000 sq ft of HCA and 2,000 sq ft outside of HCA/WQR

X = 3,000 sq ft (50% of HCA)

Y = 2,000 sq ft outside of HCA/WQR

Z = 1,000 sq ft (3,000 sq ft – 2,000 sq ft)

Conclusion: Y is not greater than X; therefore, the applicant may disturb up to the value of Z (1,000 sq ft) within the HCA.

2. Mitigation Requirements for Disturbance in HCAs

To achieve the goal of reestablishing forested canopy that meets the ecological values and functions described in Subsection 19.402.1, when development intrudes into an HCA, tree replacement and vegetation planting are required according to the following standards, unless the planting is also subject to wetlands mitigation requirements imposed by state and federal law.

These mitigation options apply to tree removal and/or site disturbance in conjunction with development activities that are otherwise permitted by Section 19.402. They do not apply to situations in which tree removal is exempt per Subsection 19.402.4 or approvable through Type I review.

An applicant shall meet the requirement of Mitigation Option 1 or 2, whichever results in more tree plantings; except that where the disturbance area is 1 acre or more, the applicant shall comply with Mitigation Option 2. The Urban Forester may allow the mitigation requirements in this subsection to satisfy the mitigation requirements in Chapter 16.32 except that the mitigation requirements in subsection 16.32.042 shall be met when applicable.

19.402.12 General Discretionary Review

B. Approval Criteria

1. Unless specified elsewhere in Section 19.402, applications subject to the discretionary review process shall demonstrate how the proposed activity complies with the following criteria:

c. Mitigate

If the applicant demonstrates that there is no practicable alternative that will avoid disturbance of the designated natural resource, then the proposed activity shall mitigate for adverse impacts to the resource area. All proposed mitigation plans shall meet the following standards:

(3) All revegetation plantings shall use native plants listed on the Oregon Noxious Weed List or Milwaukie Invasive Tree List ~~Milwaukie Native Plant List.~~

- C. Limitations and Mitigation for Disturbance of HCAs
 - 2. Discretionary Review to Approve Mitigation that Varies the Number and Size of Trees and Shrubs within an HCA

An applicant seeking discretionary approval to proportionally vary the number and size of trees and shrubs required to be planted under Subsection 19.402.11.D.2 (e.g., to plant fewer larger trees and shrubs or to plant more smaller trees and shrubs), but who will comply with all other applicable provisions of Subsection 19.402.11, shall be subject to the following process:

- a. The applicant shall submit the following information:
 - (5) An explanation of how the applicable requirements in Chapter 16.32 will also be met.
- b. Approval of the request shall be based on consideration of the following:
 - (1) Whether the proposed planting will achieve, at the end of the third year after initial planting, comparable or better mitigation results than would be achieved if the applicant complied with all of the requirements of Subsection 19.402.11.D.2.
 - (2) Whether the proposed mitigation adequately addresses the plant diversity, plant survival, and monitoring practices established in Subsection 19.402.11.B.
 - (3) Whether the applicable requirements in Chapter 16.32 will also be met.

19.403 HISTORIC PRESERVATION OVERLAY ZONE HP

19.403.8 Uses Permitted

A. Primary Uses

A resource may be used for any use which is allowed in the underlying district, subject to the specific requirements for the use, and all other requirements of this section.

B. Conditional Uses

Except within ~~low and~~ moderate density residential designations, uses identified in Subsection 19.403.8.C below which would not be allowed in the underlying zones may be allowed when such use would preserve or improve a resource which would probably not be preserved or improved otherwise, subject to the provisions of Subsection 19.403.6. Such uses may also be allowed in the ~~low and~~ moderate density residential designations if located along minor or major arterial streets, with the exception of bed and breakfast establishments, which may be located on any street. Approval of such uses shall include conditions mitigating adverse impact of the use on neighboring properties and other requirements as per Section 19.905 Conditional Uses.

CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

19.501 GENERAL EXCEPTIONS

19.501.1 Lot Size Exceptions

Any legal lot or lot of record that does not meet the area or dimensional requirements specified in Chapter 19.300 may be put to a use permitted by the requirements of the Zoning Ordinance, with the following limitations:

- A. The development must conform ~~to~~ with all other applicable standards of Title 19, unless a variance is granted per Section 19.911.
- B. ~~Single-family detached dwellings shall not be built on a lot with less than 3,000 sq ft of lot area. Single-family detached dwellings require a minimum lot size of 5,000 sq ft. if the lot was created on or after May 19, 2022, the effective date of Ordinance #2216.~~

19.501.2 Yard Exceptions

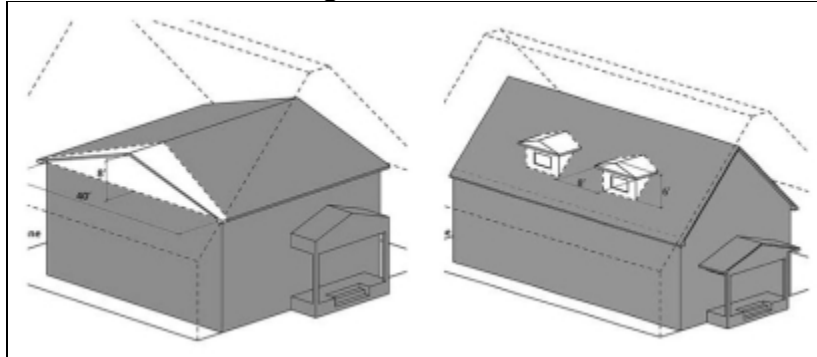
- C. A covered porch on a ~~single-family detached dwelling, or middle housing unit,~~ may extend 6 ft into a required front yard if the following standards are met.
 - 1. The porch is not enclosed on any side other than what is enclosed by the exterior walls of the dwelling. The following are not considered to be enclosures: structural supports for a covered porch, projections not extending more than 3 ft upward from the surface of the porch, railings, retractable sunshades, screens, or netting.
 - 2. The surface of the porch does not exceed 18 in high above the average grade.
 - 3. The porch is at least 5 ft from the front lot line.

19.501.3 Yard Exceptions

- B. The following encroachments into a side yard height plane are allowed:
 - 1. Roof overhangs or eaves, provided that they do not extend more than 30 in horizontally beyond the side yard height plane.
 - 2. ~~The gable end of a roof, provided that the encroachment is not more than 8 ft high above the side yard height plane or more than 40 ft wide.~~
 - 3. ~~Dormers, with the following limitations:~~
 - a. ~~The highest point of any dormer is at or below the height of the primary roof ridge.~~
 - b. ~~The encroachment is not more than 6 ft high above the side yard height plane or more than 8 ft wide.~~

- e. ~~The combined width of all dormers does not exceed 50% of the length of the roof on which they are located.~~

Figure 19.501.3.B
Allowed Height Plane Encroachments



19.504.4 Buildings on the Same Lot

- A. ~~In R-10, R-7, and R-5 Zones, 1 primary dwelling shall be permitted per lot. A detached accessory dwelling unit may be permitted per Subsection 19.910.1.~~
- B. ~~In the R-3 Zone, 1 single-family detached dwelling shall be permitted per lot. A detached accessory dwelling unit may be permitted per Subsection 19.910.1. Multifamily housing, with multiple structures designed for dwelling purposes, may be permitted as a conditional use per Section 19.905.~~

19.504.54 Distance from Property Line

19.504.56 Transition Area Measures

Where commercial, mixed-use, or industrial development is proposed abutting or adjacent to properties zoned R-MD ~~for lower-density residential uses~~, the following transition measures shall be required. These additional requirements are intended to minimize impacts on ~~lower-density residential uses~~.

- A. All yards that abut, or are adjacent across a right-of-way from the R-MD zone, ~~a lower-density zone~~ shall be at least as wide as the required front yard width of the adjacent ~~lower-density~~ R-MD zone. This additional yard requirement shall supersede the base zone yard requirements for the development property where applicable, except in the NMU Zone. In the NMU Zone, the base zone front yard requirements supersede these requirements.
- B. All yards that abut, or are adjacent across a right-of-way from the R-MD zone, ~~a lower-density zone~~ shall be maintained as open space. Natural vegetation, landscaping, or fencing shall be provided to at least the 6-ft level to screen R-MD ~~lower-density~~ residential uses from direct view across the open space, subject to the provisions of Subsection 19.502.2.B.

19.504.7 6 Minimum Vegetation

19.504.87 Flag Lot and Back Lot Design and Development Standards

A. Applicability

Flag lots and back lots in all zones are subject to the development standards of this subsection, where applicable.

B. Development Standards – Flag Lots

1. Lot Area Calculation

The areas contained within the accessway or pole portion of the lot shall not be counted toward meeting the minimum lot area requirement, except for the development of middle housing in which case the areas contained within the accessway or pole portion can be counted toward meeting the minimum lot area requirement.

2. Yard Setbacks for Flag Lots

a. Front and rear yard: The minimum front and rear yard requirement for a single detached dwelling on a flag lot is 30 ft. This requirement is reduced to 20 ft for the development of middle housing.

b. Side yard. The minimum side yard for principal and accessory structures in flag lots is 10 ft.

~~C.~~ 3. Variances ~~Prohibited~~

Variances of lot area, lot width, and lot depth standards for flag lots are subject to a Type III variance per MMC 19.911. ~~are prohibited for flag lots.~~

~~D.~~ 4. Frontage, Accessway, and Driveway Design

~~1.~~ a. Flag lots shall have frontage ~~and~~ or access on a public street. The minimum width of the accessway and street frontage is 25 ft. The accessway is the pole portion of the lot that provides access to the flag portion of the lot.

~~2.~~ b. Abutting flag lots shall have a combined frontage and accessway of ~~35~~ 25 ft. For abutting accessways of 2 or more flag lots, the accessway of any individual lot shall not be less than 15 ft.

~~3.~~ c. Driveway Design and Emergency Vehicle Access

~~(1)~~ a. Driveways shall ~~shall~~ must be designed and constructed in accordance with Chapters 12.16 and 12.24 and the Public Works Standards.

~~(2)~~ b. ~~Driveways serving single flag lots shall have a minimum paved width of 12 ft.~~

~~(2)~~ e. Driveways shall ~~shall~~ must be centered within the accessway to minimize impacts on adjoining lots except when otherwise warranted to preserve existing vegetation or meet the intent of this subsection.

~~(3) d.~~ A paved turnaround area, or other provisions intended to provide emergency vehicle access and adequate maneuvering area, may be required.

~~e.~~ ~~Driveways serving 2 flag lots shall be consolidated and have a minimum shared driveway width of 16 ft.~~

~~(4) f.~~ The flag lot driveway shall must be consolidated with the driveway on the parent lot to the greatest extent practicable.

~~(5) g.~~ Design standards for shared driveways serving ~~more than 3 or more~~ lots shall be specified by the ~~Engineering Director~~ City Engineer after consultation with the Fire Marshal.

~~(6) h.~~ Parking along any portion of the driveway within the accessway is prohibited unless the driveway is suitably sized to meet the combined needs of parking and emergency access requirements.

C. Development Standards – Back Lots

1. Yard Setbacks for Back Lots

a. Front and rear yard: The minimum front and rear yard requirement for a single detached dwelling on a back lot is 30 ft. This requirement is reduced to 20 ft for the development of middle housing.

b. Side yard. The minimum side yard for principal and accessory structures on back lots is 10 ft.

2. Variances

Variances of lot area, lot width, and lot depth standards for back lots are subject to a Type III variance per MMC 19.911.

3. Frontage, Accessway, and Driveway Design

1. The driveway serving a back lot must have a minimum pavement width of 14 ft and maximum pavement width of 20 ft, subject to the requirements of the Fire Marshal and Chapters 12.16 and 12.24 and the Public Works Standards.

2. The easement for access to a back lot must have a minimum width of 6 ft wider than the driveway throughout its entire length.

3. Driveway Design and Emergency Vehicle Access

a. Driveways must be designed and constructed in accordance with Chapters 12.16 and 12.24 and the Public Works Standards.

b. Driveways must be centered within the accessway to minimize impacts on adjoining lots except when otherwise warranted to preserve existing vegetation or meet the intent of this subsection.

c. A paved turnaround area, or other provisions intended to provide emergency vehicle access and adequate maneuvering area, may be required.

- e. The back lot driveway must be consolidated with the driveway on the parent lot to the greatest extent practicable.
- f. Design standards for shared driveways serving more than 3 lots must be specified by the City Engineer after consultation with the Fire Marshal.
- g. Parking along any portion of the driveway within the accessway is prohibited unless the driveway is suitably sized to meet the combined needs of parking and emergency access requirements.

ED. Protection Screening of Adjoining Properties

Flag lots and back lots must be screened in accordance with this subsection. ~~to minimize potential adverse impacts to abutting properties.~~ Fencing and screening must conform to the clear vision standards of Chapter 12.24. Fencing ~~shall~~ must conform to the standards of Subsection 19.502.2.B.

1. Planting and screening must be provided at the time of development. Installation of required screening and planting is required prior to final inspections and occupancy of the site unless a bond or other surety acceptable to the City Attorney is provided. Screening and landscaping ~~shall~~ must be installed within 6 months thereafter or the bond will be foreclosed. The property owner ~~shall~~ must maintain required screening and planting in good and healthy condition. The requirement to maintain required screening and planting is continuous.

2. Driveways on flag lots and back lots must be screened to the greatest extent practicable. ~~Impacts to neighboring lots due to use of the flag lot, or back lot, driveway shall be mitigated to the greatest extent practicable through screening and planting.~~ 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.E. and 19.504.7.F.

- a. Any combination of dense plantings of trees and shrubs and fencing that will provide continuous sight obstruction for the benefit of adjoining properties within 3 years of planting is allowed.
- b. Fencing along an accessway may not be located nearer to the street than the front building line of the house located on lots that abut the flag lot, or back lot, accessway. Dense planting ~~shall~~ must be used to provide screening along the accessway in areas where fencing is not permitted.
- c. All required screening and planting ~~shall~~ must be maintained and preserved to ensure continuous protection against potential adverse impacts to adjoining property owners.

Figure 19.504.87.E
Flag Lot Screening

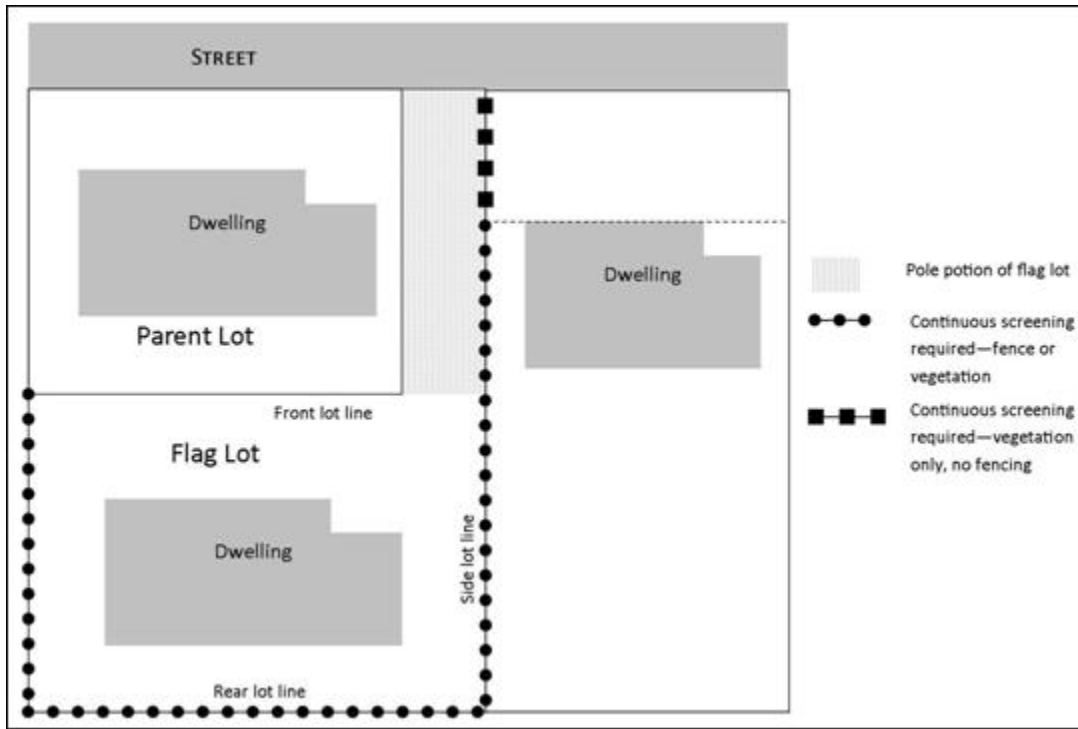
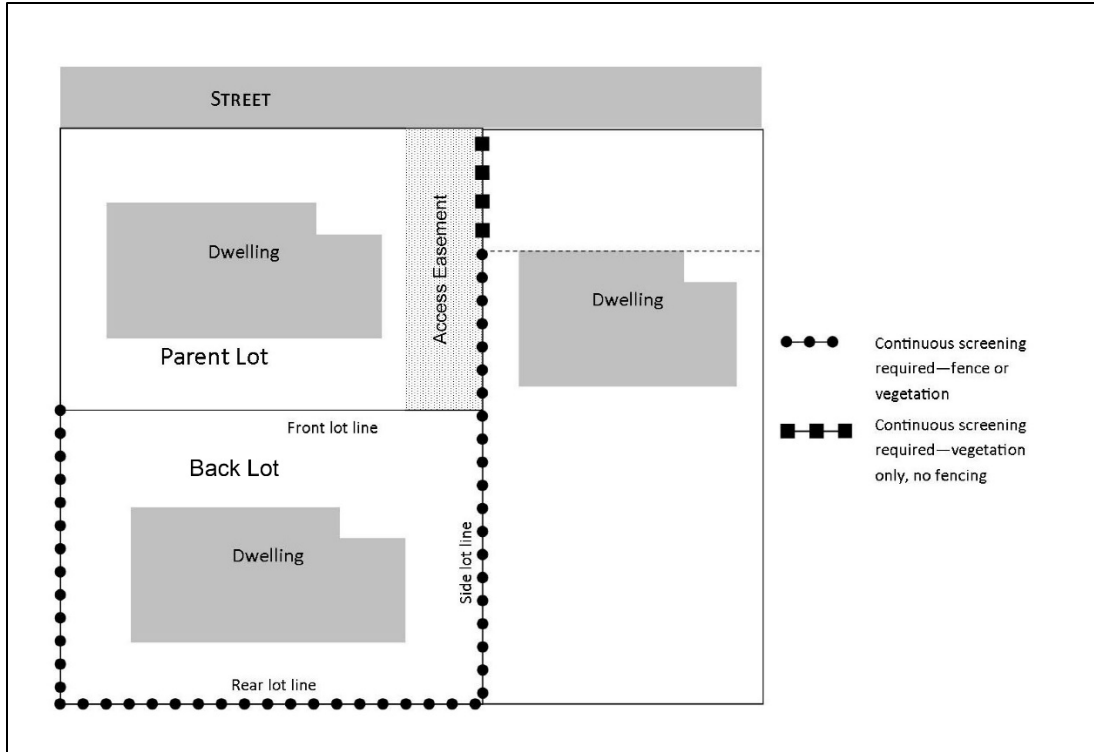


Figure 19.504.7.F
Back Lot Screening



FE. Landscaping Plan Required – Flag Lots and Back Lots

A landscaping plan ~~shall~~ must be submitted to the Planning Manager prior to issuance of a building permit for new construction. The plan ~~shall~~ must be drawn to scale and ~~shall~~ must accompany development permit applications. The plan ~~shall~~ must show the following information:

1. A list of existing vegetation by type, including number, size, and species of trees.
2. Details for protections of existing trees.
3. List of existing natural features.
4. Location and space of existing and proposed plant materials.
5. List of plant material types by botanical and common names.
6. Notation of trees to be removed.
7. Size and quantity of plant materials.
8. Location of structures on adjoining lots, and location of windows, doors, and outdoor use areas on lots that adjoin the flag lot driveway.

F. ~~Tree Mitigation~~

All trees 6 in or greater in diameter, as measured at the lowest limb or 4 ft above the ground, whichever is less, shall be preserved. Where trees are required to be removed for site development, at least 1 evergreen or deciduous tree, of a species known to grow in the region, shall be replanted for each tree removed. At planting, deciduous trees shall be a minimum of 2 in caliper and evergreen trees shall be a minimum of 5 ft tall.

19.504.98 On-Site Walkways and Circulation

A. Requirement

All development subject to Chapter 19.700 (excluding single-family ~~detached~~ and multi-unit ~~family~~ residential development) shall provide a system of walkways that encourages safe and convenient pedestrian movement within and through the development site. Redevelopment projects that involve remodeling or changes in use shall must be brought closer into conformance with this requirement to the greatest extent practicable. On-site walkways shall link the site with the public street sidewalk system, where sidewalks exist, or to the edge of the paved public street, where sidewalks do not exist. Walkways are required between parts of a site where the public is invited to walk. Walkways are not required between buildings or portions of a site that are not intended or likely to be used by pedestrians, such as truck loading docks and warehouses.

19.504.409 Setbacks Adjacent to Transit

19.504.4410 Preliminary Circulation Plan

19.505.1 ~~Single-Family Dwellings and Duplexes~~ Single Detached and Middle Housing Residential Development

A. Purpose

The design standards for ~~single-family dwellings and duplexes~~ 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 1 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

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

1. ~~New single-family detached dwellings, residential homes, duplexes, and rowhouses on individual lots.~~ 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.

Table 19.505.1.B.1 Applicability by Housing Type

<u>Design Standard</u>	<u>Applicability</u>		
	<u>1-4 units</u>	<u>cottage clusters</u>	<u>townhouses</u>
<u>Articulation</u>	[2]	[2]	[2]
<u>Eyes on the street</u>	[2] [3]	[2] [3]	[2] [3]
<u>Main entrance</u>	[2] [3]	[2] [3]	[2] [3]
<u>Detailed design</u>	[2]	[2]	[2]

<u>Common open space</u>		[1]	
<u>Pedestrian circulation</u>	[1] [5]	[1] [5]	
<u>Off-street parking</u>		[1] [4]	
<u>Privacy and screening</u>	[1]	[1]	[1]
<u>Recycling areas</u>	[5]	[5]	[5]
<u>Sustainability</u>	[6]	[6]	[6]

1. Applicable to the entire site
2. Applicable to dwellings facing the street
3. Applicable to dwellings in a cluster or grouping, either facing a shared open space (e.g. a common courtyard) or a pedestrian path.
4. Applicable to clustered parking where parking spaces exceed 4
5. Applicable only for additions or new buildings
6. Applicable only for new buildings

2. Expansions of structures in Subsection 19.505.1.B.1 that add area to any street-facing façade. 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. ~~Expansions to street facing façades of less than 200 sq ft are limited to no more than 1 expansion every 5 years, calculated from the date of issuance for the development permit. Multiple expansions are allowed within a 5-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.

3. Remodels 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.

C. Dwelling Standards

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

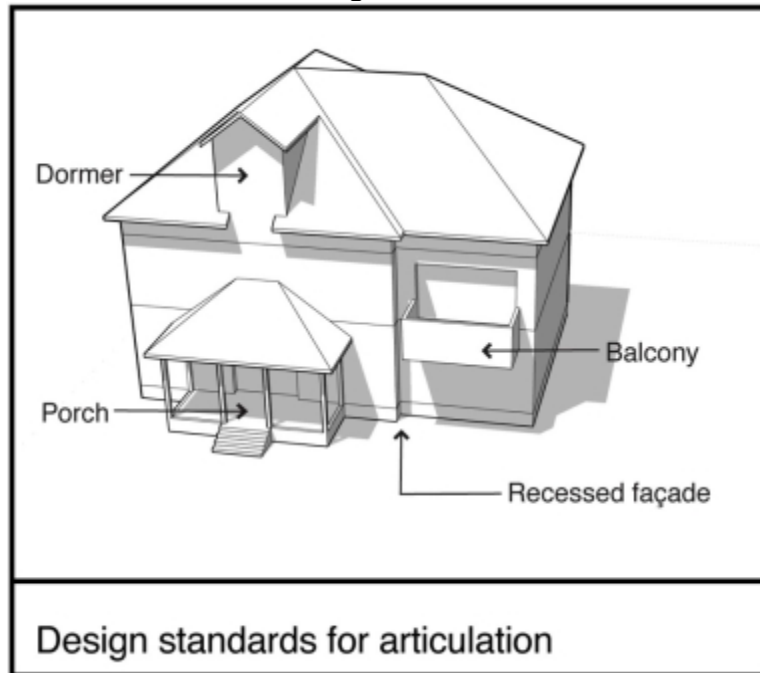
An applicant may request a variance to the Detailed Design standards in Subsection 19.505.1.C.4 through a Type II review, pursuant to Subsection 19.911.3.B. Variances to any other design standards requires a variance through a Type III review, per Subsection 19.911.3.C.

1. Articulation

All buildings ~~shall~~ 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 1 of the following elements ~~shall~~ 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 1 element in Subsection 19.505.1.C.1.a(1)-(4) above ~~shall~~ must be provided for every 30 ft of street frontage. Elements ~~shall~~ must be distributed along the length of the façade so that there are no more than 30 ft between 2 elements.
- c. For buildings with less than 30 ft of street frontage, the building articulation standard is not applicable.

**Figure 19.505.1.C.1
Building Articulation**

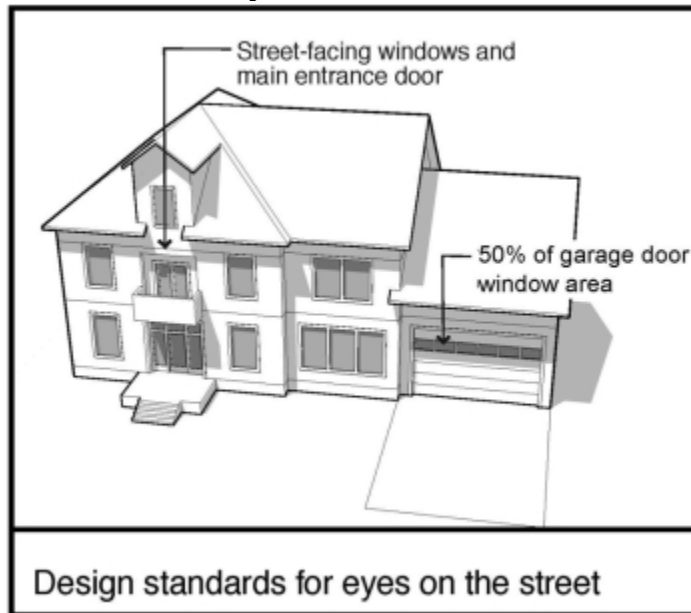


2. Eyes on the Street

At least ~~12%~~ 15% of the area of each street-facing façade must be windows or entrance doors. See Figure 19.505.1.C.2 for illustration of eyes on the street.

- 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.

**Figure 19.505.1.C.2
Eyes on the Street**

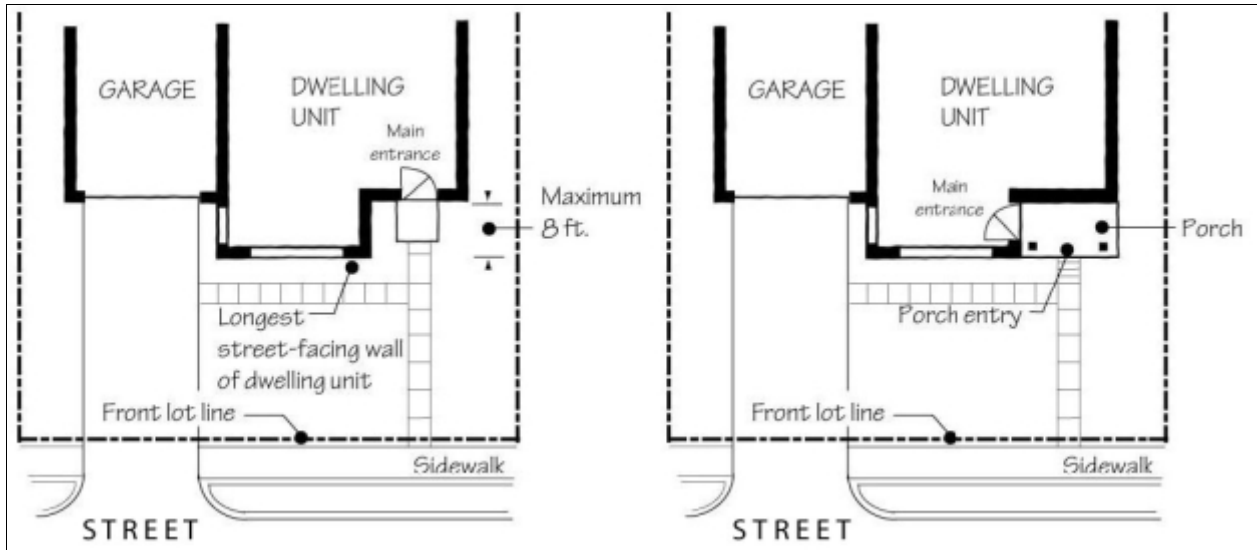


3. Main Entrance

At least 1 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 1 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.

**Figure 19.505.1.C.3
Main Entrances**



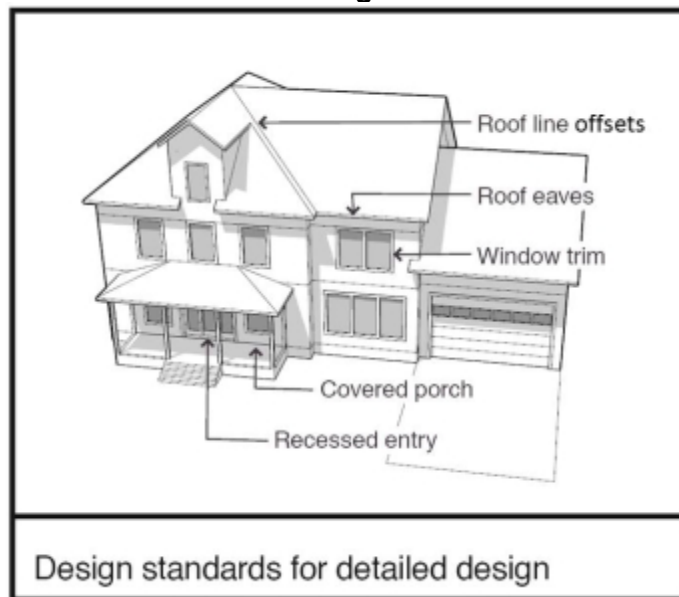
4. Detailed Design

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

- 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 1 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 1 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 (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.)

**Figure 19.505.1.C.4
Detailed Design Elements**



D. Site Design Standards

Minimum separation between detached units is 6 feet.

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.

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 1 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. Off-Street Parking

- a. 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.
- b. 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.
- c. Landscaping, fencing, or walls at least three feet tall must separate clustered parking areas and parking structures from common courtyards and public streets.
- d. Garages and carports (whether shared or individual) must not abut common courtyards.
- e. Individual attached garages up to 200 square feet must be exempted from the calculation of maximum building footprint for cottages.
- f. Individual detached garages must not exceed 400 square feet in floor area.
- g. Garage doors for attached and detached individual garages must not exceed 20 feet in width.

4. 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.

5. Sustainability

In order to promote more sustainable development, 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. Standards for Duplexes

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

- ~~a. The exterior finish of the structure must be the same for both units.~~
- ~~b. The eaves must be uniform for the entire structure.~~
- ~~c. The window and door trim must be the same in type, size, and location for the entire structure.~~
- ~~d. Windows must match in proportion and orientation for the entire structure.~~
- ~~e. For duplexes or corner lots, each entrance is required to face a separate street frontage. Where an existing house is being converted, 1 main entrance with internal access to both units is allowed.~~
- ~~f. For duplexes facing 1 frontage, the following standards apply.
 - ~~(1) Only 1 entrance is required to face the frontage.~~
 - ~~(2) Where more than 1 entrance to the structure faces the street, each separate entrance is required to meet the standards of Subsection 19.505.1.C.3.~~
 - ~~(3) A second entrance from a side or rear yard is not allowed within 10 ft of the side or rear property line.~~~~

19.505.3 Multifamily-unit Housing

A. Purpose

The purpose of these design standards is to facilitate the development of attractive multi-unit family housing that encourages multimodal transportation. They encourage good site and building design, which contributes to livability, safety, and sustainability; helps create a stronger community; and fosters a quality environment for residents and neighbors.

The guidelines and standards are intended to achieve the following principles that the City encourages for multi-unit family development:

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 multi-unit family 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

The design elements in Table 19.505.3.D in this subsection apply, as described below, to all multi-unit family developments and congregate housing developments with 3 or more dwelling units on a single lot. Cottage cluster housing and rowhouses on their own lots are subject to separate standards and are therefore exempt from Subsection 19.505.3. ~~Housing development that is on a single lot and emulates the style of cottage cluster housing or rowhouses is subject to the standards of this subsection.~~

1. All new multi-unit family or congregate housing development is subject to the design elements in this subsection.
2. The following design elements are applicable for work that would construct a new building or increase the floor area on the site by more than 1,000 sq ft. Elements that are applicable only to additions do not apply to the site's existing development.
 - a. Subsection 19.505.3.D.1 Private Open Space, for the entire site.
 - b. Subsection 19.505.3.D.2 Public Open Space, for the entire site.
 - c. Subsection 19.505.3.D.5 Building Orientation and Entrances, only for additions or new buildings.
 - d. Subsection 19.505.3.D.6 Building Façade Design, only for additions or new buildings.
 - e. Subsection 19.505.3.D.7 Building Materials, only for additions or new buildings.
 - f. Subsection 19.505.3.D.8 Landscaping, for the entire site.
 - g. Subsection 19.505.3.D.9 Screening, only for additions or new buildings.
 - h. Subsection 19.505.3.D.11 Sustainability, only for new buildings.
 - i. Subsection 19.505.3.D.12 Privacy Considerations, only for additions or new buildings.
 - j. Subsection 19.505.3.D.13 Safety, only for additions or new buildings.
3. Table 19.505.3.D.7 Building Materials is applicable for work that would replace more than 50% of the façade materials on a building within a 12-month period. The element applies only to the building on which the new façade materials are installed.
4. Any activity not described in Subsections 19.505.3.D.2.a-c is exempt from the design elements in this subsection.

C. Review Process

Two possible review processes are available for review of multi-unit family or congregate housing development: objective and discretionary. An applicant may choose which process to use. The objective process uses clear objective standards that do not require the use of discretionary decision-making. The discretionary process

uses design guidelines that are more discretionary in nature and are intended to provide the applicant with more design flexibility. Regardless of the review process, the applicant must demonstrate how the applicable standards or guidelines are being met.

1. Projects reviewed through the objective process will be evaluated through a Type I development review, pursuant to Chapter 19.906.
2. Projects reviewed through the discretionary process will be evaluated through a Type II development review, pursuant to Chapter 19.906.
3. A project can be reviewed using only one of the two review processes. For example, a project may not use some of the objective standards and some of the discretionary guidelines in one application.

D. Design Guidelines and Standards

Applicable guidelines and standards for multi-unit family and congregate housing are located in Table 19.505.3.D. These standards should not be interpreted as requiring a specific architectural style.

Table 19.505.3.D		
Multi-unit family Design Guidelines and Standards		
Design Element	Design Guideline (Discretionary Process)	Design Standard (Objective Process)
8. Landscaping	Landscaping of multi-unit family developments should be used to provide a canopy for open spaces and courtyards, and to buffer the development from adjacent properties. Existing, healthy trees should be preserved whenever possible. Landscape strategies that conserve water shall be included. Hardscapes shall be shaded where possible, as a means of reducing energy costs (heat island effect) and improving stormwater management	<ol style="list-style-type: none"> a. For every 2,000 sq ft of site area, 1 tree shall be planted or 1 existing tree shall be preserved. Preserved tree(s) must be at least 6 inches in diameter at breast height (DBH) and cannot be listed as a nuisance species in the Milwaukee Native Plant List. b. Trees shall be planted to provide, within 5 years, canopy coverage for at least 1/3 of any common open space or courtyard. Compliance with this standard is based on the expected growth of the selected trees. c. On sites with a side or rear lot line that abuts an R-10, R-7, or R-5 Zone, landscaping, or a combination of fencing and landscaping, shall be used to provide a sight-obscuring screen 6 ft high along the abutting property line. Landscaping used for screening must attain the 6 ft height within 24 months of planting. d. For projects with more than 20 units: <ol style="list-style-type: none"> (1) Any irrigation system shall minimize water use by incorporating a rain sensor, rotor irrigation heads, or a drip irrigation system. (2) To reduce the "heat island" effect, highly reflective paving materials with a solar reflective index of at least 29 shall be used on at least 25% of

		hardscape surfaces.
10. Recycling Areas	<p>Recycling areas should be appropriately sized to accommodate the amount of recyclable materials generated by residents. Areas should be located such that they provide convenient access for residents and for waste and recycling haulers. Recycling areas located outdoors should be appropriately screened or located so that they are not prominent features viewed from the street.</p>	<p>A recycling area or recycling areas within a multi-unit family development shall meet the following standards.</p> <ol style="list-style-type: none"> 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.
11. Sustainability	<p>Multi-unit family development should optimize energy efficiency by designing for building orientation for passive heat gain, shading, day-lighting, and natural ventilation. Sustainable materials, particularly those with recycled content, should be used whenever possible. Sustainable architectural elements shall be incorporated to increase occupant health and maximize a building's positive impact on the environment.</p> <p>When appropriate to the</p>	<p>In order to promote more sustainable development, multi-unit family developments shall incorporate the following elements.</p> <ol style="list-style-type: none"> 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. d. Projects with more than 20 units shall incorporate at least 2 of the following elements: <ol style="list-style-type: none"> (1) A vegetated ecoroof for a minimum of 30% of the total roof surface. (2) For a minimum of 75% of the total roof surface, a white roof with a Solar Reflectance Index (SRI) of 78 or higher if the roof has a 3/12 roof pitch or less,

	<p>context, buildings should be placed on the site giving consideration to optimum solar orientation. Methods for providing summer shading for south-facing walls, and the implementation of photovoltaic systems on the south-facing area of the roof, are to be considered.</p>	<p>or SRI of 29 or higher if the roof has a roof pitch greater than 3/12.</p> <ul style="list-style-type: none"> (3) A system that collects rainwater for reuse on-site (e.g., site irrigation) for a minimum of 50% of the total roof surface. (4) An integrated solar panel system for a minimum of 30% of the total roof or building surface. (5) Orientation of the long axis of the building within 30 degrees of the true east-west axis, with unobstructed solar access to the south wall and roof. (6) Windows located to take advantage of passive solar collection and include architectural shading devices (such as window overhangs) that reduce summer heat gain while encouraging passive solar heating in the winter.
<p>12. Privacy Considerations</p>	<p>Multi-unit family development should consider the privacy of, and sight lines to, adjacent residential properties, and be oriented and/or screened to maximize the privacy of surrounding residences.</p>	<p>In order to protect the privacy of adjacent properties, multi-unit family developments shall incorporate the following elements:</p> <ul style="list-style-type: none"> a. The placement of balconies above the first story shall not create a direct line of sight into the living spaces or backyards of adjacent residential properties. b. Where windows on a multi-unit family development are within 30 ft of windows on adjacent residences, windows on the multi-unit family development shall be offset so the panes do not overlap windows on adjacent residences, when measured at right angles. Windows are allowed to overlap if they are opaque, such as frosted windows, or placed at the top third of the wall, measured from floor to ceiling height in the multi-unit family unit.
<p>13. Safety</p>	<p>Multi-unit family development should be designed to maximize visual surveillance, create defensible spaces, and define access to and from the site. Lighting should be provided that is adequate for safety and surveillance, while not imposing lighting impacts to nearby properties. The site should be generally consistent with the principles of Crime Prevention Through</p>	<ul style="list-style-type: none"> a. At least 70% of the street or common open space frontage shall be visible from the following areas on 1 or more dwelling units: a front door; a ground-floor window (except a garage window); or a second-story window placed no higher than 3.5 ft from the floor to the bottom of the windowsill. b. All outdoor common open spaces and streets shall be visible from 50% of the units that face it. A unit meets this criterion when at least 1 window of a frequently used room—such as a kitchen, living room and dining room, but not bedroom or bathroom—faces a common open space or street. c. Uses on the site shall be illuminated as follows:

	<p>Environmental Design:</p> <ul style="list-style-type: none"> • Natural Surveillance: Areas where people and their activities can be readily observed. • Natural Access Control: Guide how people come to and from a space through careful placement of entrances, landscaping, fences, and lighting. • Territorial Reinforcement: Increased definition of space improves proprietary concern and reinforces social control. 	<ul style="list-style-type: none"> (1) Parking and loading areas: 0.5 footcandle minimum. (2) Walkways: 0.5 footcandle minimum and average of 1.5 footcandles. (3) Building entrances: 1 footcandle minimum with an average of 3.5 footcandles, except that secondary entrances may have an average of 2.0 footcandles. d. Maximum illumination at the property line shall not exceed 0.5 footcandles. However, where a site abuts a nonresidential district, maximum illumination at the property line shall not exceed 1 footcandle. This standard applies to adjacent properties across a public right-of-way. e. Developments shall use full cut-off lighting fixtures to avoid off-site lighting, night sky pollution, and shining lights into residential units.
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19.505.4 Cottage Cluster Housing

A. Purpose

Cottage clusters provide a type of housing that includes the benefits of a single detached dwelling while also being an affordable housing type for new homeowners and households that do not require as much living space. These standards are intended to: support the growth management goal of more efficient use of urban residential land; support development of diverse housing types in accordance with the Comprehensive Plan; increase the variety of housing types available for smaller households; provide opportunities for small, detached dwelling units within existing neighborhoods; increase opportunities for home ownership; and provide opportunities for creative and high-quality infill development that is compatible with existing neighborhoods.

B. Applicability

These standards apply to cottage cluster housing, as defined in Section 19.201, wherever this housing type is allowed by the base zones in Chapter 19.300.

~~C. Land Division~~

- ~~1. A subdivision or replat is required prior to the development of cottage cluster housing, to create the lots and tracts that will comprise the cottage cluster development. The subdivision or replat shall be reviewed per the procedures in Title 17 and be subject to the requirements of Chapter 19.700.~~
- ~~2. Cottage cluster development is exempt from the lot size and dimension standards in Section 19.302.~~
- ~~3. The minimum and maximum density standards in Section 19.302 apply to the subdivision or replat that creates the cottage cluster development. Areas proposed~~

for commonly owned tracts, including off-street parking areas, shall be included in calculations for minimum and maximum density.

- 4. Cottage cluster development in the R-2, R-1, or R-1-B Zone is also subject to the site size standards in Table 19.302.5.F.2.
- 5. Access easements shall be required, to provide adequate access rights for units of land within the cottage cluster that do not have frontage on a public street, and to provide adequate vehicle and pedestrian circulation through the site.

DC. 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. The base zone development standards for height, yards, lot coverage, and minimum vegetation, and the design standards in Subsection 19.505.1 are not applicable to cottage cluster housing.

Figure 19.505.4 illustrates the basic layout of a typical cottage cluster development.

Table 19.505.4.C.1		
Cottage Cluster Development Standards		
<u>Standards</u>	<u>R-MD</u>	<u>R-1, R-2, R-2.5, R-3, R-1-B</u>
<u>A. Home Types</u>		
1. <u>Building types allowed, minimum and maximum number per cluster</u>	<u>Detached cottages</u> <u>3 minimum</u> <u>12 maximum dwelling units</u>	<u>Detached and Attached</u> <u>3 minimum</u> <u>12 maximum dwelling units</u>
<u>B. Home Size</u>		
1. <u>Max building footprint per home</u>	<u>900 sf</u>	
b. <u>Max average floor area per dwelling unit</u>	<u>1,400 sf</u>	
<u>C. Height</u>		
a. <u>Max height</u>	<u>25 feet or two (2) stories, whichever is greater</u>	
b. <u>Max structure height between 5 & 10 ft of rear lot</u>	<u>15 ft</u>	

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

(minimum)	
3. Guest bicycle parking spaces perhome (minimum)	0.5

¹ Use of an existing home, per Section 19.505.4.E.4, as the community building is exempt from this standard.

4. D. Cottage Standards

1. Size

The total footprint of a cottage unit shall ~~must~~ not exceed ~~700~~ 900 sq ft, and the ~~the~~ total floor area of each cottage unit shall not exceed 1,000 sq ft. ~~maximum average floor area for a cottage cluster is 1,400 square feet per dwelling unit.~~

2. Height

The height for all structures shall ~~must~~ not exceed 25 feet or two (2) stories, whichever is greater, 18 ft. ~~Cottages or amenity buildings having pitched roofs with a minimum slope of 6/12 may extend up to 25 ft at the ridge of the roof.~~

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 percent 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 feet 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 feet 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.

~~The front of a cottage is the façade with the main entry door and front porch. This façade shall be oriented toward either a common open space or public street. If a cottage is not contiguous to either of these, it shall be oriented toward an internal pedestrian circulation path.~~

~~(2) At least half of the cottages in a cottage cluster shall be oriented toward a common open space.~~

d. ~~Required Yards~~

- ~~(1) The yard depth between the cottage dwelling structure and either the public street, common open space, or internal pedestrian circulation path shall be at least 10.5 ft. The front porch of a cottage is allowed to encroach into this yard.~~
- ~~(2) The required rear yard depth from the rear of the cottage to the rear lot line shall be at least 7.5 ft. The rear yard is the yard on the opposite side of the cottage as the front porch.~~
- ~~(3) The required yard depth for all yards other than a front or rear yard is 5 ft.~~
- ~~(4) There shall be a minimum of 10 ft of space between cottages. Architectural features and minor building projections—such as eaves, overhangs, or chimneys—may project into this required separation by 18 in.~~
- ~~(5) All structures in the cottage cluster shall comply with the perimeter setback areas in Subsection 19.505.4.D.2.f. This requirement may increase the required yard depths listed above.~~

~~e. Cottage Design Standards~~

~~The intent of the cottage cluster design standards is to create cottages consistent with traditional northwest cottage design and small home craftsmanship.~~

- ~~(1) Cottages fronting a street shall avoid blank walls by including at least one of the following:
 - ~~(a) Changes in exterior siding material.~~
 - ~~(b) Bay windows with a minimum depth of 2 ft and minimum width of 5 ft.~~
 - ~~(c) Wall offsets of at least 1 ft deep.~~~~
- ~~(2) Trim around windows and doors shall be at least 3 in wide and 5/8 in deep.~~
- ~~(3) All roofs shall have a minimum roof pitch of 4/12.~~
- ~~(4) Windows and doors shall account for at least 15% of the façade area for façades oriented toward a public street or common open space.~~
- ~~(5) At least 60% of the siding material on each wall shall be either horizontal lap siding, between 3 to 7 in wide once installed, or shake siding.~~

~~f. Front Porches~~

~~Each cottage shall have a porch on the front of the cottage. The porch is intended to function as an outdoor room that extends the living space of the cottage into the semipublic area between the cottage and the open space.~~

- ~~(1) The minimum porch depth shall be 6.5 ft.~~
- ~~(2) The width of the porch shall be at least 60% of the width of the overall length of the front façade.~~

- ~~(3) The front door of the dwelling must open onto the porch.~~
- ~~(4) The entire area of the front porch must be covered.~~
- ~~(5) The surface of the front porch may not exceed 24 in above grade, as measured from the average ground level at the front of the porch.~~

~~2.E.~~ Site Design and Other Standards

a. 1. Number of Cottages Allowed

~~The number of cottages allowed shall not exceed the dwelling unit maximum of the base zone in which the cottage cluster development is located, as specified in Subsection 19.505.4.C.4. A cottage cluster development shall must include a minimum of ~~4~~ 3 cottages and a maximum of 12 cottages, subject to Table 19.505.4.B.1.~~

b. ~~Common Open Space~~

~~An adequately sized and centrally located common open space is a key component of cottage cluster developments. A common open space shall meet the following standards:~~

- ~~(1) The common open space shall have at least 100 sq ft of area for each cottage in the cottage cluster development.~~
- ~~(2) The minimum dimension for the common open space is 20 ft on 1 side.~~

c. ~~Private Open Space~~

~~Each cottage shall have a private open space on the same lot as the cottage. The space shall be at least 100 sq ft with no dimension of less than 10 ft on 1 side. It shall be contiguous to each cottage for the exclusive use of the cottage residents.~~

d. ~~Maximum Lot Coverage and Impervious Area~~

~~The total footprint of all structures shall not exceed 40% of the site area. Impervious surfaces, including all structures, shall not exceed 60% of the site area.~~

e. ~~Internal Pedestrian Circulation~~

~~The cottage cluster development shall include continuous pedestrian paths for internal circulation on site. The minimum width for pedestrian paths shall be ~~3~~ 6 ft. Paths must provide a continuous connection between the front porch of each cottage, common open space, adjoining rights-of-way, parking areas, and any other areas of common use within the development.~~

f. ~~Perimeter Setback Areas~~

~~All structures within a cottage cluster development shall be located at least 15 ft from the rear lot line(s) and at least 5 ft from the side lot line(s) of the site on which the cottage cluster is developed,~~

g. 2. Off-Street Parking

- a. There shall must be at least 0.5 off-street parking spaces per dwelling unit per Table 19.505.4.B.1. The parking space shall 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 ~~shall~~ 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 ~~shall~~ 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.
- d. Parking spaces may be located within a garage, or a carport. Garages or carports in a cottage cluster may not contain more than 4 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 19.911 Variances.
- e. Parking spaces that are not in a garage or carport ~~shall~~ 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 ~~shall not be~~ are not allowed as a screen.

~~h.~~ 3. 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.

4. 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.

Figure 19.505.4
Cottage Cluster Development

19.505.5 Rowhouses Townhouses

A. Purpose

Townhouses Rowhouses provide a type of housing that includes the benefits of a single ~~family~~ detached dwelling, such as fee simple ownership and private yard area, while also being an affordable housing type for new homeowners and households that do not require as much living space. ~~The purpose of these standards is to allow rowhouses in medium to high density residential zones.~~ Townhouses Rowhouses are allowed at four times the maximum density allowed for single detached dwelling in the same zone or 25 dwelling units per acre, whichever is less, ~~the same density as single family detached and multifamily dwellings,~~ and the general design requirements are very similar to the design requirements for single-family detached dwellings. Two important aspects of these standards are to include a private-to-public transition space between the dwelling and the street and to prevent garage and off-street parking areas from being prominent features on the front of Townhouses Rowhouses.

B. Applicability

1. The standards of Subsection 19.505.5 apply to single ~~family~~ dwellings on their own lot, where the dwelling shares a common wall across a side lot line with at least 1 other dwelling, and where the lots meet the standards for a townhouse rowhouse lot in both Section 19.302 and Subsection 19.505.5.E. Townhouse Rowhouse development may take place on existing lots that meet the lot standards for townhouse rowhouse lots or on land that has been divided to create new townhouse rowhouse lots.
2. Development standards for townhouses rowhouses are in Subsections 19.301.4 and 19.302.4.
3. Design standards for single-family detached dwellings in Subsections 19.505.1-2 are also applicable to townhouses rowhouses.
4. Dwelling units that share a common side wall and are not on separate lots are subject to the standards for either single detached dwellings, middle housing, duplexes or multifamily -unit housing.
5. Creation of new lots or parcels as part of a townhouse development is subject to the applicable land division process in MMC Title 17.

C. Townhouse Rowhouse Design Standards

1. Townhouses Rowhouses are subject to the design standards for single detached dwelling -family housing in Subsection 19.505.1.
2. Townhouses Rowhouses shall 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 5-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 ~~shall~~ must be at least 4 ft 7-ft from the front lot line.

D. Number of ~~Townhouses~~ Rowhouses Allowed

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

In the R-MD zone, the maximum number of consecutive attached townhouses is 4 2.-

E. ~~Townhouse~~ Rowhouse Lot Standards

~~1. Townhouse Rowhouse development is not allowed on lots with a lot width of more than 35 ft.~~

1. 2. Townhouse Rowhouse development is allowed only where there are at least 2 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. 3. Townhouse Rowhouse development in the R-3 and R-2.5 Zones must meet the minimum lot size of 1,500 sq ft. standards in Subsection 19.302.4.A.1.

~~4. Rowhouse development in the R-2, R-1 and R-1-B Zones must meet the minimum lot size standards in Subsection 19.302.4.A.1. In addition, the rowhouse development must meet the minimum site size requirements in Table 19.505.5.E.4.~~

Table 19.505.5.E.4 Minimum Site Size for Rowhouse Development in the R-2, R-1, and R-1-B Zones		
Number of Rowhouses	R-2 Zone	R-1 and R-1-B Zone
2	7,500 sq ft	6,400 sq ft
3	10,000 sq ft	7,800 sq ft
4	12,500 sq ft	9,200 sq ft

F. Driveway Access and Parking

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

~~a. Each rowhouse lot has a street frontage of at least 30 ft on a street identified as a Neighborhood Route or Local Street in the Transportation System Plan Figure 8-3b.~~

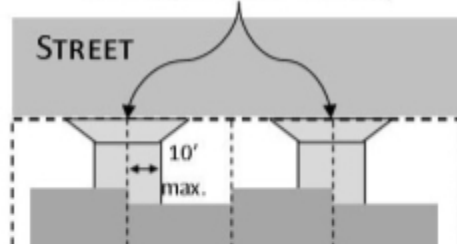
b. Development of 2 or 3 ~~townhouses rowhouses~~ has at least 1 shared access between the lots, and development of 4 ~~townhouses rowhouses~~ has 2 shared accesses.

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

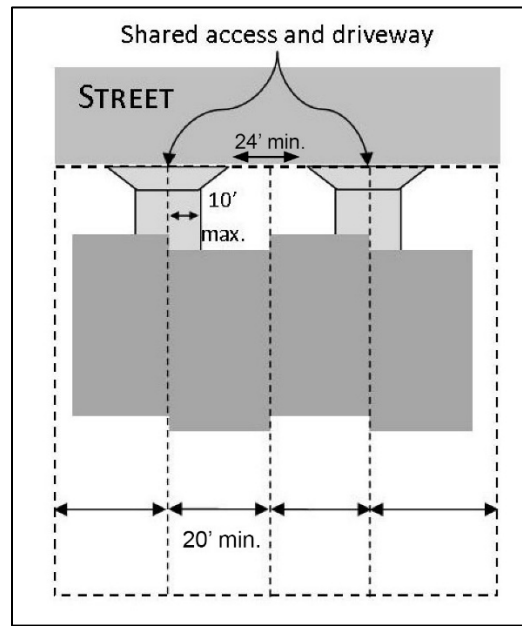
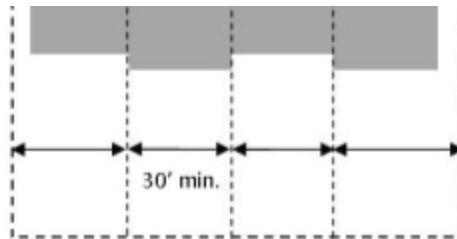
d. The garage width does not exceed 12 ft, as measured from the inside of the garage door frame.

e. Shared accesses are spaced a minimum of 24 feet apart.

Figure 19.505.5.F.1
Townhouse Rowhouse Development with Front Yard Parking
 Shared access and driveway

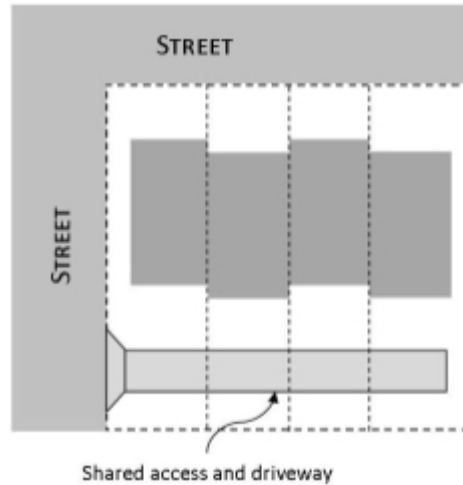


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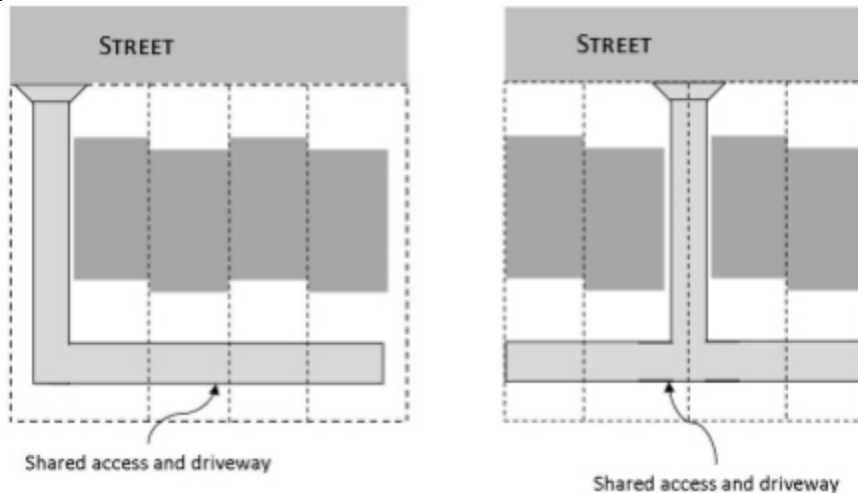
2. The following rules apply to driveways and parking areas for townhouse rowhouse developments that do not meet all of the standards in Subsection 19.505.5.F.1.
 - a. Off-street parking areas ~~shall~~ **must** be accessed on the back façade or located in the rear yard. ~~No off-street parking shall be allowed in the front yard or side yard of a rowhouse.~~
 - b. Townhouse Rowhouse development that includes a corner lot shall take access from a single driveway on the side of the corner lot. The ~~Engineering Director~~ **City Engineer** may alter this requirement based on street classifications, access spacing, or other provisions of Chapter 12.16 Access Management. See Figure 19.505.5.F.2.b.

Figure 19.505.5.F.2.b
Townhouse Rowhouse Development with Corner Lot Access



- c. Townhouse Rowhouse development that does not include a corner lot shall consolidate access for all lots into a single driveway. The access and driveway are not allowed in the area directly between the front façade and front lot line of any of the townhouse rowhouses. See Figure 19.505.5.F.2.c.

Figure 19.505.5.F.2.c
Townhouse Rowhouse Development with Consolidated Access



- d. A townhouse rowhouse development that includes consolidated access or shared driveways shall grant appropriate access easements to allow normal vehicular access and emergency access.

G. Accessory Structure Setbacks

On townhouse rowhouse lots with a lot width of 25 ft or less, there is no required side yard between an accessory structure and a side lot line abutting a townhouse rowhouse lot. All other accessory structure regulations in Subsection 19.502.2.A apply.

19.506 Manufactured Dwelling Siting and Design Standards

19.506.4 Siting Standards

Manufactured homes are allowed by right in any zone that allows single-family unit detached dwellings by right. Manufactured homes placed on individual lots shall meet the single-family design standards in Subsection 19.505.1 and the following standards:

~~A. The unit shall be multisectional (double wide or wider) and enclose a floor area of not less than 1,000 sq ft.~~

A. The unit ~~shall~~ must be placed on an excavated and backfilled foundation with the bottom no more than 12 in above grade and enclosed at the perimeter by skirting of pressure treated wood, masonry, or concrete wall construction and complying with the minimum setup standards of the adopted State Administrative Rules for Manufactured Dwellings, Chapter 918.

B. Bare metal ~~shall not be~~ is not allowed as a roofing material and ~~shall not be~~ is not allowed on more than 25% of any façade of the unit.

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, space for off-street parking; ~~avoid parking-related congestion~~ support efficient ~~on the 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. 2106 § 2 (Exh. F), 2015; Ord. 2025 § 2, 2011)

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.

19.605 VEHICLE PARKING QUANTITY REQUIREMENTS

Table 19.605.1 Off-street Parking Requirements

Table 19.605.1 Minimum To Maximum Off-Street Parking Requirements		
Use	Minimum Required	Maximum Allowed
A. Residential Uses		
1. Single-family detached dwellings, including rowhouses and manufactured homes.	1 space per dwelling unit.	No maximum.
2. <u>Multi-Unit Dwellings</u> a. Dwelling units with 800 sq ft of floor area or less and all units located in the DMU Zone. b. Dwelling units with more than 800 sq ft of floor area.	1 space per dwelling unit. 1.25 spaces per dwelling unit.	2 spaces per dwelling unit. 2 spaces per dwelling unit.
3. <u>Middle Housing</u> ¹ a. <u>Duplexes</u> b. <u>Triplexes</u> c. <u>Quadplexes</u> d. <u>Town Houses</u> ² e. <u>Cottage Clusters</u>	<u>0</u> <u>0</u> <u>0</u> <u>0</u> <u>0.5 spaces per dwelling unit</u>	<u>1 space per dwelling unit</u> <u>1 space per dwelling unit</u> <u>1 space per dwelling unit</u> <u>1 space per dwelling unit</u> <u>1 space per dwelling unit</u>
3 4. <u>Residential homes and similar facilities allowed by right in residential zones.</u>	1 space per dwelling unit plus 1 space per employee on the largest shift.	Minimum required parking plus 1 space per bedroom.
4. 5 <u>Accessory dwelling units (ADU)—Types I and II.</u>	No additional space required unless used as a vacation rental, which requires 1 space per rental unit	No maximum.

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 Quantity Modifications and Required Parking Determinations

Subsection 19.605.2 allows for the modification of minimum and maximum parking ratios from Table 19.605.1 as well as the determination of minimum and maximum parking requirements. Parking determinations shall be made when the proposed use is not listed in Table 19.605.1 and for developments with large parking demands 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 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 ~~Director~~ 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 MMC 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 range (low and high number of parking spaces) for each development phase and both a minimum and maximum number of parking spaces to be provided at buildout of the project.
5. Address the approval criteria in Subsection 19.605.2.C.

C. Approval Criteria

The Planning ~~Director~~ Manager shall consider the following criteria in deciding whether to approve the determination or modification. The Planning ~~Director~~ Manager, based on the applicant's materials and other data the Planning ~~Director~~ 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 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.
3. In addition to the criteria in Subsection 19.605.2.C.1, requests for modifications to increase the amount of maximum allowed parking shall meet the following criteria:
 - a. The proposed development has unique or unusual characteristics that create a higher-than-typical parking demand.
 - b. The parking demand cannot be accommodated by shared or joint parking arrangements or by increasing the supply of spaces that are exempt from the maximum amount of parking allowed under Subsection 19.605.3.A.
 - c. The requested increase is the smallest increase needed based on the specific circumstances of the use and/or site.

19.605.3 Exemptions and By-Right Reductions to Quantity Requirements

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

A. Exemptions to Maximum Quantity Allowance

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

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

6. Truck loading areas.

B. Reductions to Minimum Parking Requirements

Applicants are allowed to utilize multiple reductions from Subsections 19.605.3.B.2-7, provided that the total reduction in required parking does not exceed 25% of the minimum quantity requirement listed in Table 19.605.1. The total reduction in required parking is increased to 30% in the Downtown Mixed Use Zone DMU. The total reduction in required parking is increased to 50% for affordable housing units as defined in Subsection 19.605.3.8. 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 42nd Avenue, King Road, 40th Avenue, and Jackson Street.
- d. Properties in the Neighborhood Mixed-Use (NMU) Zone in the area bounded by 42nd Avenue, Harrison Street, 44th Avenue, and Jackson Street.

2. Proximity to Public Transit

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

3. Multitenant Commercial Sites

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

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

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

4. Carpool/Vanpool

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

5. Bicycle Parking

The minimum amount of required parking for ~~all non-single-family 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 1 vehicle parking space is allowed for every 6 additional bicycle parking spaces installed. The bicycle spaces shall meet all other standards of Section 19.609. If a reduction of 5 or more stalls is granted, then on-site changing facilities for bicyclists, including showers and lockers, are required. The area of an existing parking space in an off-street parking area may be converted to bicycle parking to utilize this reduction.

6. Car Sharing

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

7. Provision of Transit Facility Improvements

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

8. Affordable Housing

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

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

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. These standards apply to all types of development except for ~~cottage clusters, rowhouses, duplexes,~~ middle housing, single-family detached dwellings, and residential homes.

19.606.2 Landscaping

A. Purpose

The purpose of the off-street parking lot landscaping standards is to provide vertical and horizontal buffering between parking areas and adjacent properties, break up large expanses of paved area, help delineate parking spaces and drive aisles, and provide environmental benefits such as stormwater management, carbon dioxide absorption, and a reduction of the urban heat island effect.

B. General Provisions

1. Parking area landscaping shall be required for the surface parking areas of all uses, except for middle housing and single ~~cottage clusters, rowhouses, duplexes, and single-family~~ detached dwellings. Landscaping shall be based on the standards in Subsections 19.606.2.C-E.

5. Implementation of this section is in addition to, and must be coordinated with Chapter 16.32 Tree Code.

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, rowhouses, cottage clusters, duplexes, single-family detached dwellings, and residential homes in all zones, unless specifically stated otherwise.

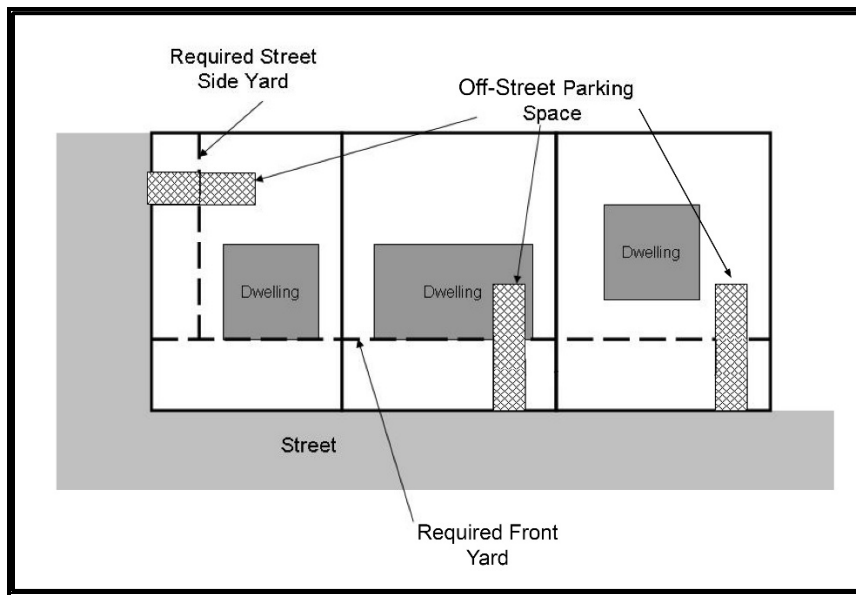
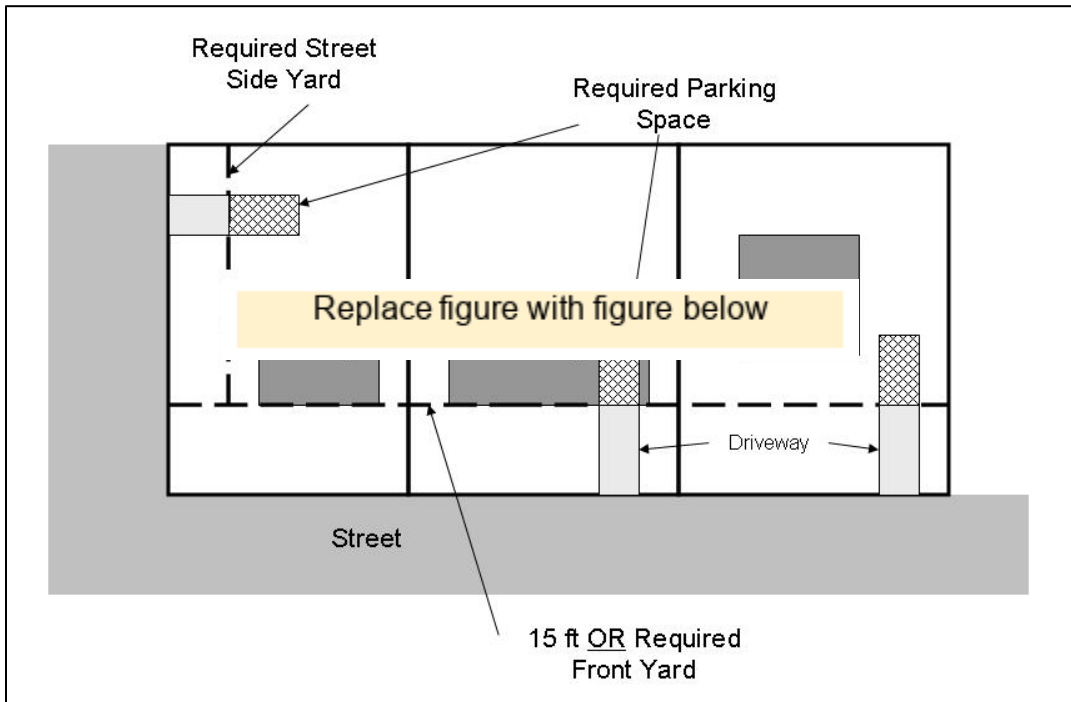
A. Dimensions

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.
2. No portion of the required parking space is allowed within the following areas. See Figure 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 the required front yard or within 15 ft of the front lot line, whichever is greater~~ an adjacent public street right-of-way or access easement.
 - b. ~~Within a required street side yard~~ Over a public sidewalk.

**Figure 19.607.1.B.2
Required 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).
 - b. All vehicle parking spaces and maneuvering areas located within a required front or side yard. Areas for boat or RV parking are exempt from this requirement and may be graveled.
 - c. All off-street parking and maneuvering areas for a 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.

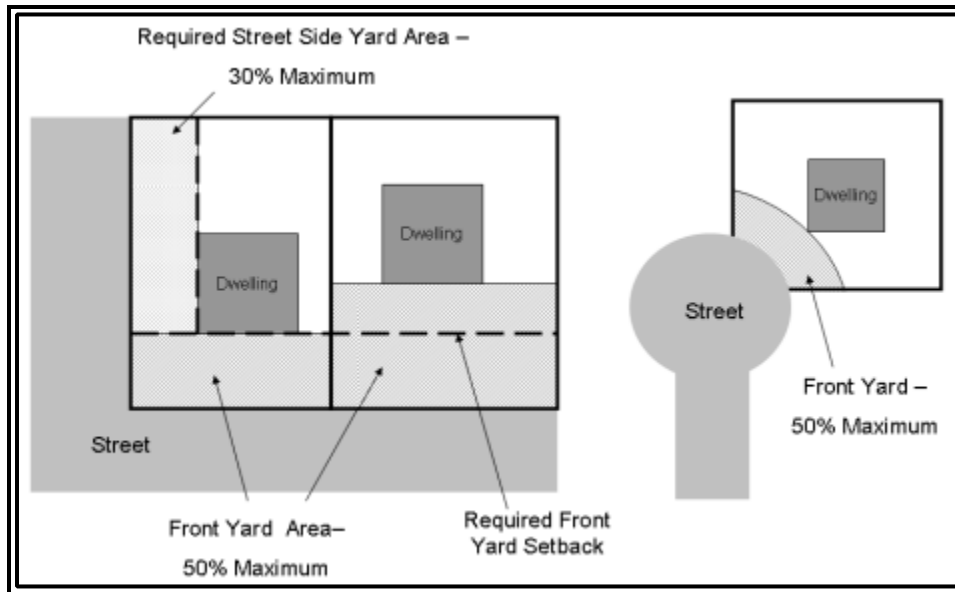
D. Parking Area Limitations

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

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

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

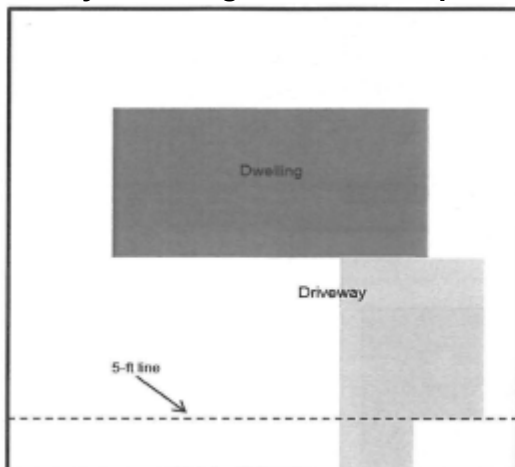
**Figure 19.607.1.D
Front and Street Side Yard Parking Area Limits**



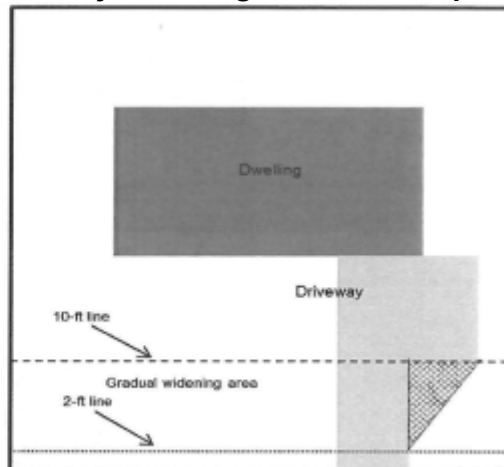
E. Additional Driveway Standards

1. Parking areas and driveways on the property shall align with the approved driveway approach and shall not be wider than the approved driveway approach within 5 ft of the right-of-way boundary (Option 1—see Figure 19.607.1.E.1). Alternately, a gradual widening of the onsite driveway is allowed to the 10-ft point at a ratio of 1:1 (driveway width: distance onto property), starting 2 ft behind the front property line right-of-way boundary (Option 2—see Figure 19.607.1.E.2).

**Figure 19.607.1.E.1
Driveway Widening Limitation—Option 1**



**Figure 19.607.1.E.2
Driveway Widening Limitation—Option 2**



2. Properties that take access from streets other than local streets and neighborhood routes shall provide a turnaround area on site that allows vehicles to enter the right-of-way in a forward motion.

19.609 BICYCLE PARKING

19.609.1 Applicability

Bicycle parking shall be provided for all new commercial, industrial, community service use, middle housing, and ~~multifamily~~ multi-unit residential 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.
 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. ~~multifamily~~ Multi-unit residential and middle housing development with 4 or more units shall must provide 1 space per unit. Parking for cottage cluster developments is specified in Table 19.505.4.C.1.
- 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.

CHAPTER 19.700 PUBLIC FACILITY IMPROVEMENTS

19.702 APPLICABILITY

19.702.1 General

Chapter 19.700 applies to the following types of development in all zones:

- A. Partitions.
- B. Subdivisions.
- C. Replats.
- D. New construction.
- E. Modification or expansion of an existing structure or a change or intensification in use that results in any one of the following. See Subsections 19.702.2-3 for specific

applicability provisions for single-family detached residential development and development in downtown zones.

1. A new dwelling unit.
2. Any increase in gross floor area.
3. Any projected increase in vehicle trips, as determined by the ~~Engineering Director~~ City Engineer.

19.702.2 ~~Single-Family Detached and Duplex Residential Expansions~~

Chapter 19.700 applies to single-family detached and duplex residential expansions as described below. The City has determined that the following requirements are roughly proportional to the impacts resulting from single-family detached and duplex residential expansions.

- A. For expansions or conversions that increase the combined gross floor area of all structures (excluding nonhabitable accessory structures and garages) by 1,500 sq ft or more, all of Chapter 19.700 applies.
- B. For expansions or conversions that increase the combined gross floor area of all structures (excluding nonhabitable accessory structures and garages) by at least ~~200~~ 800 sq ft, but not more than 1,499 sq ft, right-of-way dedication may be required pursuant to the street design standards and guidelines contained in Subsection 19.708.2.
- C. For expansions or conversions that increase the combined gross floor area of all structures (excluding nonhabitable accessory structures and garages) by less than ~~200~~ 800 sq ft, none of Chapter 19.700 applies.
- D. ~~Single-family detached and duplex~~ residential expansions shall provide adequate public utilities as determined by the ~~Engineering Director~~ City Engineer pursuant to Section 19.709.
- E. Construction or expansion of garage and carport structures shall comply with the requirements of Chapter 12.16 Access Management. Existing nonconforming accesses may not go further out of conformance and shall be brought closer into conformance to the greatest extent possible.

19.702.4 Exemptions

Chapter 19.700 does not apply to the following types of development in all zones:

- A. Modifications to existing single-family detached and duplex residential structures that do not result in an increase in gross floor area.

19.703 REVIEW PROCESS

19.703.4 Determinations

There are four key determinations related to transportation facility improvements that occur during the processing of a development permit or land use application. These determinations are described below in the order in which they occur in the review process. They are also shown in Figure 19.703.4. In making these determinations, the ~~Engineering Director~~ City Engineer will take the goals and policies of the TSP into consideration and use the criteria and guidelines in this chapter.

A. Impact Evaluation

For development that is subject to Chapter 19.700 per Subsection 19.702.1, the ~~Engineering Director~~ City Engineer will determine whether the proposed development has impacts to the transportation system pursuant to Section 19.704. Pursuant to Subsection 19.704.1, the ~~Engineering Director~~ City Engineer will also determine whether a ~~transportation impact study~~ Transportation Impact Study (TIS) is required, or for smaller developments, if an Access Study or Transportation Memo is sufficient. If a TIS is required, a transportation facilities review land use application shall be submitted pursuant to Subsection 19.703.2.B.

For development that is subject to Chapter 19.700 per Subsection 19.702.2, the City has determined that there ~~are~~ could be impacts to the transportation system if the proposed single-family ~~detached~~ residential expansion/conversion is greater than ~~200~~ 800 sq ft.

B. Street Design

Given the City's existing development pattern, it is expected that most transportation facility improvements will involve existing streets and/or will serve infill development. To ensure that required improvements are safe and relate to existing street and development conditions, the ~~Engineering Director~~ City Engineer will determine the most appropriate street design cross section using the standards and guidelines contained in Section 19.708 or in conformance to the Public Works Standards. On-site frontage improvements are not required for downtown development that is exempt per Subsection 19.702.3.B.

C. Proportional Improvements

When transportation facility improvements are required pursuant to this chapter, the ~~Engineering Director~~ City Engineer will conduct a proportionality analysis pursuant to Section 19.705 to determine the level of improvements that are roughly proportional to the level of potential impacts from the proposed development. Guidelines for conducting a proportionality analysis are contained in Subsection 19.705.2.

D. Fee in Lieu of Construction (FILOC)

If transportation facility improvements are required and determined to be proportional, the City will require construction of the improvements at the time of development. However, the applicant may request to pay a fee in lieu of constructing the required transportation facility improvements. The ~~Engineering Director~~ City Engineer will approve or deny such requests using the criteria for making FILOC determinations found in Chapter 13.32 Fee in Lieu of Construction.

19.704 TRANSPORTATION IMPACT EVALUATION

19.704.4 Mitigation

A. Transportation impacts ~~shall~~ must be mitigated at the time of development when the TIS identifies an increase in demand for vehicular, pedestrian, bicycle, or transit transportation facilities within the study area. With phased developments, transportation impacts must be mitigated at the time that particular phase of development identified in the TIS creates the need for the improvements to occur.

B. The following measures may be used to meet mitigation requirements. Other mitigation measures may be suggested by the applicant or recommended by a State authority (e.g., ODOT) in circumstances where a State facility will be impacted by a proposed development. The ~~Engineering Director~~ City Engineer or other decision-making body, as identified in Chapter 19.1000, shall determine if the proposed mitigation measures are adequate.

1. On- and off-site improvements beyond required frontage improvements.
2. Development of a transportation demand management program.
3. Payment of a fee in lieu of construction.
4. Correction of off-site transportation deficiencies within the study area that are not substantially related to development impacts.
5. Construction of on-site facilities or facilities located within the right-of-way adjoining the development site that exceed minimum required standards and that have a transportation benefit to the public.

(Ord. 2025 § 2, 2011)

19.708 TRANSPORTATION FACILITY REQUIREMENTS

19.708.2 Street Design Standards

A. Additional Street Design Standards

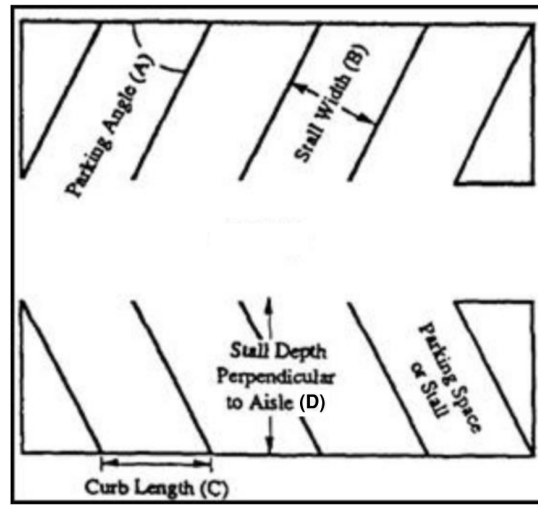
These standards augment the dimensional standards contained in Table 19.708.2 and may increase the width of an individual street element and/or the full-width right-of-way dimension.

1. Minimum 10-ft travel lane width shall be provided on local streets with no on-street parking.
2. Where travel lanes are next to a curb line, an additional 1 ft of travel lane width shall be provided. Where a travel lane is located between curbs, an additional 2 ft of travel lane width shall be provided.
3. Where shared lanes or bicycle boulevards are planned, up to an additional 6 ft of travel lane width shall be provided.
4. Bike lane widths may be reduced to a minimum of 4 ft where unusual circumstances exist, as determined by the City Engineer Engineering Director, and where such a reduction would not result in a safety hazard.
5. Where a curb is required by the City Engineer Engineering Director, it shall must be designed in accordance with the Public Works Standards.
6. Center turn lanes are not required for truck and bus routes on street classifications other than arterial roads.
7. On-street parking in industrial zones shall must have a minimum width of 8 ft.
8. On-street parking in commercial zones shall must have a minimum width of 7 ft.
9. On-street parking in residential zones shall must have a minimum width of 6 ft.
10. On-street parking on local streets in residential zones adjacent to Middle Housing, Community Service Use, or other uses as allowed by code and as approved by the City Engineer may include diagonal parking, with minimum dimensions as provided in Table 19.708.3. Diagonal parking would be allowed as determined by the City Engineer, where sufficient right-of-way exists outside of the paved street area, and where it would not result in a safety hazard.

TABLE 19.708.3			
Full and Mid-Size Vehicles			
Angle (A)	Width (B)	Curb Length (C)	Depth (D)
0 ° (parallel)	8	22	8
30 °	8	16	16.5
45 °	8	11.5	18.5
60 °	8	9.5	19
90 ° (perpendicular)	8	8	18
Compact Size Vehicles			
Angle (A)	Width (B)	Curb Length (C)	Depth (D)
0 ° (parallel)	7	20	7
30 °	7	14	14.5
45 °	7	10	16.5
60 °	7	8.5	17
90 ° (perpendicular)	7	7	16

Figure 19.708.1

Parking Dimension Factors



11. The dimension and number of vehicle parking spaces provided for disabled persons must be according to federal and State requirements.

12-10. Sidewalk widths may be reduced to a minimum of 4 ft for short distances for the purpose of avoiding obstacles within the public right-of-way including, but not limited to, trees and power poles.

13-14. Landscape strip widths shall be measured from back of curb to front of sidewalk.

14-12. Where landscape strips are required, street trees shall be provided a minimum of every 40 ft in accordance with the Public Works Standards and the Milwaukie Street Tree List and Street Tree Planting Guidelines.

15-13. Where water quality treatment is provided within the public right-of-way, the landscape strip width may be increased to accommodate the required treatment area.

16-14. A minimum of 6 in shall be required between a property line and the street element that abuts it; e.g., sidewalk or landscape strip.

CHAPTER 19.900 LAND USE APPLICATIONS

19.901 INTRODUCTION

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
<u>Middle Housing Land Division</u>	<u>Title 17</u>	<u>II</u>
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
Shared Parking	Subsection 19.605.4	I
Structured Parking	Section 19.611	II, III
Planned Development	Section 19.311	IV
Residential Dwellings:	Section 19.910	
Accessory Dwelling Unit	Subsection 19.910.1	I, II
Duplex	Subsection 19.910.2	II
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

CHAPTER 19.900 LAND USE APPLICATIONS

19.906 DEVELOPMENT REVIEW

19.906.2 Applicability

A. Type I Review

The following development proposals must submit a development review application and are subject to the requirements of this section, unless explicitly stated otherwise in an applicable land use approval, waived by the Planning ~~Manager~~ Director at the time of development permit submittal, allowed by right, or exempted per Subsection 19.906.2.C.

1. New development and expansions or modifications of existing development that require review against standards and criteria that are either clear and objective, or that require the application of limited professional judgment.
2. A change in primary use.
3. Parking lot expansions or modifications that change the number of parking spaces by 5 spaces or more.

C. Exemptions

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

1. New or expanded ~~single-family~~ single detached dwelling or middle housing detached or attached residential dwellings.
2. ~~Single-family~~ Residential accessory uses and structures including accessory dwelling units.
3. Interior modifications to existing buildings that do not involve a change of use.
4. Construction of public facilities in the public right-of-way.
5. Temporary events as allowed in Chapter 11.04.

19.910 RESIDENTIAL DWELLINGS

19.910.1 Accessory Dwelling Units

A. Purpose

To provide the means for reasonable accommodation of accessory dwelling units, providing affordable housing, opportunity to house relatives, and a means for additional income for property owners, thereby encouraging maintenance of existing housing stock. ~~It is the intent of this subsection that development of accessory dwelling units not diminish the single-family character of a neighborhood.~~

B. Applicability

The procedures and standards of this chapter apply to the establishment of any accessory dwelling unit.

C. Procedures

An application to establish an accessory dwelling unit must be ~~evaluated through a Type I review, per Section 19.1004, or a Type II review, per Section 19.1005, as per allowed by right.~~ Accessory dwelling units are subject to the standards of Table 19.910.1.E.4.B.

~~Where a detached accessory dwelling unit is proposed that would undergo a Type I review, properties adjoining the site shall receive mailed notice of the proposed development. The notice shall include a site plan, building elevations, and a description of the standards and review process for the development. The notice shall be mailed within 7 days of the date that the application is deemed complete per Subsection 19.1003.3.~~

D. Approval Standards and Criteria

1. An application for an accessory dwelling unit is allowed by right provided ~~reviewed through a Type I review shall be approved~~ each of the following standards are met.
 - a. An accessory dwelling unit is an allowed use in the base zones, and any applicable overlay zones or special areas, where the accessory dwelling unit would be located.
 - b. The primary use of property for the proposed accessory dwelling unit is a single-family detached dwelling.
 - c. ~~One accessory dwelling unit per lot is allowed.~~ Up to two accessory dwelling units are allowed on a site with a single detached dwelling. If there are two accessory dwelling units on the site, only one may be attached to or within the primary structure.
 - d. The development standards of Subsection 19.910.1.E are met.
 - e. The proposal complies with all other applicable standards of this title.
- ~~2. An application for an accessory dwelling unit reviewed through a Type II review shall be approved if the following criteria are met.~~
 - ~~a. The standards in Subsection 19.910.1.D.1 are met.~~
 - ~~b. The accessory dwelling unit is not incompatible with the existing development on the site, and on adjacent lots, in terms of architectural style, materials, and colors.~~
 - ~~c. The massing of the accessory dwelling unit and its placement on the site maximizes privacy for, and minimizes impacts to, adjacent properties.~~
 - ~~d. There will be an appropriate level of screening for nearby yards and dwellings, provided by the design of the accessory dwelling unit and existing and proposed vegetation and other screening.~~

E. Standards

1. Creation

An accessory dwelling unit may be created by conversion of an existing structure, addition to an existing structure, or construction of a new structure. It is permissible to combine both an addition to an existing structure and conversion of space in the structure for the creation of an accessory dwelling unit.

2. Coordination of Standards

~~The more restrictive provisions shall be applicable in~~ In the event of a conflict between standards in Subsection 19.910.1.E and other portions of this title, the more restrictive provisions are applicable except where specifically noted.

3. Standards for Attached Accessory Dwelling Units

The standards listed below apply to accessory dwelling units that are part of the primary structure on the property. ~~An attached accessory dwelling unit shall be reviewed by a Type I review per Subsection 19.1004.~~

a. Maximum Allowed Floor Area

The floor area of an attached accessory dwelling unit is limited to 800 sq ft. ~~or 75% of the floor area of the primary structure, whichever is less.~~ The measurements are based on the floor areas of the primary and accessory dwelling units after completion of the accessory dwelling unit. This maximum size standard does not apply when the basement of a primary dwelling unit is converted to an accessory dwelling unit and the primary dwelling unit has been on the site for at least 5 years.

b. Design Standards

- (1) The façade of the structure that faces the front lot line shall have only 1 entrance. A secondary entrance for the accessory dwelling unit is allowed on any other façade of the structure.
- (2) Stairs, decks, landings, or other unenclosed portions of the structure leading to the entrance of the accessory dwelling unit are not allowed on the façade of the structure that faces the front lot line.
- (3) Proposals for attached accessory dwelling units that would increase floor area through new construction are subject to the following design standards.
 - (a) The exterior finish on the addition ~~shall~~ must match the exterior finish material of the primary dwelling unit in type, size, and placement.
 - (b) Trim must be the same in type, size, and location as the trim used on the primary dwelling unit.
 - (c) Windows on street-facing façades must match those in the primary dwelling unit in proportion (relationship of width to height) and orientation (horizontal or vertical).
 - (d) Eaves must project from the building walls at the same proportion as the eaves on the primary dwelling unit.

4. Standards for Detached Accessory Dwelling Units

The standards in Subsection 19.901.1.E.4 apply to accessory dwelling units that are separate from the primary structure on the property. The design standards for detached accessory dwelling units require a minimum level of design. These standards are intended to promote attention to detail, while affording flexibility to use a variety of architectural styles.

a. Maximum Allowed Floor Area

The floor area of the accessory dwelling unit is limited to 800 sq ft or 75% of the floor area of the primary structure, whichever is less.

b. Footprint, Height, and Required Yards

The maximum structure footprint, height, and yard regulations for a detached accessory dwelling unit are listed in Table 19.910.1.E.4.b. Structures that exceed any of the maximums associated with an Type I ADU review require Type II review. Structures are not allowed to exceed any of the maximums associated with a Type II review without approval of a variance per Section 19.911.

Table 19.910.1.E.4.b Footprint, Height, and Required Yards for Detached Accessory Dwelling Units		
Standard	Type I <u>Type A ADU</u>	Type I <u>ADU</u>
Maximum Structure Footprint	600 sq ft	800 sq ft
Maximum Structure Height	15', limited to 1 story	25', limited to 2 stories
Required Side and Rear Yard	5 ft Base zone requirement for side and rear yard	5 ft
Required Front Yard	10' behind front yard as defined in Section 19.201, unless located at least 40' from the front lot line. Base zone requirement for front yard.	
Required Street Side Yard	Base zone requirement for street side yard	

c. Design Standards

- (1) A detached accessory structure ~~shall~~ must include at least ~~2~~ two of the design details listed below. An architectural feature may be used to comply with more than ~~4~~ one standard.
 - (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) Roof eaves with a minimum projection of 12 in from the intersection of the roof and the exterior walls.
 - (d) Horizontal lap siding between 3 to 7 in wide (the visible portion once installed). The siding material may be wood, fiber-cement, or vinyl.
 - (e) Window trim around all windows at least 3 in wide and 5/8 in deep.
- (2) An applicant may request a variance to the design standards in Subsection 19.901.1.E.4.c(1) through a Type II variance review, pursuant to Subsection 19.911.3.B.

- (3) An accessory dwelling unit structure with a floor-to-ceiling height of 9 ft or more is required to have a roof pitch of at least 4/12.
- (4) ~~A yurt may be used as a detached accessory dwelling unit and is exempt from the design standards of Subsection 19.901.1.E.4.c.(1). To be used as a detached accessory dwelling unit, a yurt must be approved as a dwelling by the Building Official, and must meet all other applicable development standards.~~

d. Privacy Standards

- (1) ~~Privacy standards are required for detached accessory dwelling units processed through a Type I review. A detached accessory dwelling unit permitted through a Type II review may be required to include privacy elements to meet the Type II review approval criteria.~~

Privacy standards are required on or along wall(s) of a detached accessory dwelling unit, or portions thereof, that meet all of the following conditions.

- (a) The wall is within 20 ft of a side or rear lot line.
 - (b) The wall is at an angle of 45 degrees or less to the lot line.
 - (c) The wall faces an adjacent residential property.
- (2) A detached accessory dwelling unit meets the privacy standard if either of the following standards is met.
 - (a) All windows on a wall shall must be placed in the upper third of the distance between a floor and ceiling.
 - (b) Visual screening is in place along the portion of a property line next to the wall of the accessory dwelling unit, plus an additional 10 lineal ft beyond the corner of the wall. The screening shall must be opaque; shall be at least 6 ft high; and may consist of a fence, wall, or evergreen shrubs. Newly planted shrubs shall must be no less than 5 ft above grade at time of planting, and they shall must reach a 6-ft high height within 1 year. Existing features on the site can be used to comply with this standard.

e. Conversion of Existing Structure

Creation of a detached accessory dwelling unit through conversion of an accessory structure legally established on or after May 19, 2022, the effective date of Ordinance #2216 ~~established on or after December 1, 2012, the effective date of Ordinance #2051,~~ is required to meet all applicable standards for a new detached accessory dwelling unit.

Creation of a detached accessory dwelling unit through the conversion of an existing accessory structure that was legally established prior to May 19, 2022, the effective date of Ordinance #2216 ~~prior to December 1, 2012, the effective date of Ordinance #2051,~~ is allowed. The conversion must meet all standards that apply to creation of a new detached accessory dwelling, except for the design standards in Subsection 19.910.1.E.4.c., the maximum structure footprint, and minimum setbacks. However, the floor area of the ADU must not exceed the maximum floor area standard in Subsection 19.910.1.D.4.a. ~~However, the~~ The conversion shall must not bring the accessory structure out

of conformance, or further out of conformance if already nonconforming, with any design standards in that subsection.

F. Additional Provisions

~~1. Either the primary or accessory dwelling unit shall be occupied by the owner of the property. At the time an accessory dwelling unit is established, the owner shall record a deed restriction on the property with the Clackamas County Recording Division that 1 of the dwellings on the lot shall be occupied by the property owner. A copy of the recorded deed restriction shall be provided to the Milwaukie Planning Department.~~

~~The Planning Director may require verification of compliance with this standard. Upon the request of the Planning Director, the property owner shall provide evidence, such as voter registration information or account information for utility services, to demonstrate residence in 1 of the dwelling units.~~

~~12. Accessory dwelling units are not counted in the calculation of minimum or maximum density requirements listed in this title.~~

~~23. Additional home occupations are allowed for a property with an accessory dwelling unit in accordance with the applicable standards of Section 19.507.~~

19.910.3 Manufactured Dwelling Parks

A. Purpose

This subsection is intended to complement the policies of the Comprehensive Plan to provide for a variety of housing types including manufactured dwelling parks in areas with suitable services and facilities in zones allowing 6 to 12 dwelling units per acre.

B. Application

1. ~~Manufactured dwelling park developments are only allowed in the R-3 and R-MD Zones, R-5, and R-7 Zones.~~ A site plan review is required prior to development of a manufactured dwelling park within these zones. The development must show conformance with all requirements of this subsection.

19.910.2 Duplexes

A. Purpose

~~This subsection is intended to allow duplexes in order to increase available housing in the city, while maintaining the coherence of single family residential neighborhoods.~~

B. Applicability

~~The regulations of Subsection 19.910.2 apply to proposals to construct a new duplex or to convert, or add on to, an existing structure to create a duplex. They also apply to additions and modifications to existing duplexes.~~

C. Review Process

~~1. The following review process is required for proposals to establish a duplex, either by construction of a new structure or conversion of, or addition to, an existing structure.~~

- a. ~~In Residential Zones R-5, R-3, R-2.5, R-2, R-1, R-1-B, and R-O-C, a duplex is allowed outright, subject to the lot size requirements for the zone. The review of applicable development and design standards that occurs during the review of a development permit. The approval criteria in Subsection 19.910.2.D are not applicable.~~
- b. ~~A duplex in Residential Zone R-10 or R-7 is allowed outright, subject to the lot size requirements for the zone, in either of the following situations. The review of applicable development and design standards occurs during the review of a development permit. The approval criteria in Subsection 19.910.2.D are not applicable.~~
 - (1) ~~The property has frontage on a collector or arterial street, as identified by the Milwaukie Transportation System Plan.~~
 - (2) ~~The property is a corner lot.~~
- c. ~~A duplex in Residential Zone R-10 or R-7 that is not eligible as an outright allowed use under Subsection 19.910.2.C.1.b is allowed through a Type II review per Section 19.1005.~~
- d. ~~A duplex in the Limited Commercial Zone C-L is allowed through a Type II review per Section 19.1005.~~
- 2. ~~For additions or modifications to an existing duplex, the review of applicable development and design standards occurs during the review of a development permit. The approval criteria in Subsection 19.910.2.D are applicable.~~

~~D. Approval Criteria~~

- 1. ~~A duplex in Residential Zone R-10 or R-7 that is not eligible as an outright allowed use, under Subsection 19.910.2.C.1.b, must meet the following criteria.~~
 - a. ~~The location of a duplex at the proposed site will not have a substantial impact on the existing pattern of single-family detached dwellings within the general vicinity of the site.~~
 - b. ~~The design of the proposed duplex is generally consistent with the surrounding development.~~
 - c. ~~The proposed duplex is designed as reasonably as possible to appear like a single-family detached dwelling.~~
 - 2. ~~A duplex in the Limited Commercial Zone C-L must meet the following criteria.~~
 - a. ~~The proposed residential use will not be incompatible with existing and outright-allowed commercial uses in the Limited Commercial Zone.~~
 - b. ~~The approval of a duplex will not significantly diminish the ability of the area zoned as Limited Commercial to provide goods and services to the surrounding neighborhoods.~~
-

19.911 VARIANCES

19.911.3 Review Process

B. Type II Variances

Type II variances allow for limited variations to numerical standards. The following types of variance requests shall be evaluated through a Type II review per Section 19.1005:

1. A variance of up to 40% to a side yard width standard.
 2. A variance of up to 25% to a front, rear, or street side yard width standard. A front yard width may not be reduced to less than 15 ft through a Type II review.
 3. A variance of up to 10% to lot coverage or minimum vegetation standards.
 4. A variance of up to 10% to lot width or depth standards.
 5. A variance of up to 10% to a lot frontage standard.
 6. A variance to compliance with Subsection 19.505.1.C.4 Detailed Design, or with Subsection 19.901.1.E.4.c.(1) in cases where a unique and creative housing design merits flexibility from the requirements of that subsection.
 7. A variance to compliance with Subsection 19.505.7.C Building Design Standards in cases where a unique design merits flexibility from the requirements of that subsection.
 8. A variance to fence height to allow up to a maximum of 6 ft for front yard fences and 8 ft for side yard, street side yard, and rear yard fences. Fences shall meet clear vision standards provided in Chapter 12.24.
 9. A variance of up to a 25% increase in the size of an Accessory Dwelling Unit as identified in Subsection 19.910.1.E.4.
 10. A variance to interior height of a garage in a cottage cluster to allow up to a maximum of 15 ft for cases that would use space saving parking technology (e.g., interior car stacking) that might require additional interior height.
 11. For any middle housing development, except townhouses and cottage clusters, that includes at least 1 dwelling unit that is affordable that meets the exemption standards as defined in MMC 3.60.050, the minimum setbacks in Table 19.301.4 may be reduced to the following:
 - a. Front yard: 10 ft
 - b. Rear yard: 10 ft
 - c. Side yard: 5 ft
 - d. Street side yard: 10 ft
-

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 MMC 16.32.

19.911.4 Approval Criteria

B. Type III Variances

An application for a Type III variance shall be approved when all of the criteria in either Subsection 19.911.4.B.1 or 2 have been met. An applicant may choose which set of criteria to meet based upon the nature of the variance request, the nature of the development proposal, and the existing site conditions.

1. Discretionary Relief Criteria
 - a. The applicant's alternatives analysis provides, at a minimum, an analysis of the impacts and benefits of the variance proposal as compared to the baseline code requirements.
 - b. The proposed variance is determined by the Planning Commission to be both reasonable and appropriate, and it meets one or more of the following criteria:
 - (1) The proposed variance avoids or minimizes impacts to surrounding properties.
 - (2) The proposed variance has desirable public benefits.
 - (3) The proposed variance responds to the existing built or natural environment in a creative and sensitive manner.
 - (4) 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 MMC 16.32.

- c. Impacts from the proposed variance will be mitigated to the extent practicable.

19.911.8 Tree Preservation and Tree Canopy Standards Variance

A. Intent

To provide a discretionary option for variances to the tree preservation and/or tree canopy standards in MMC 16.32.042 to reward projects that provide significant environmental benefit.

B. Applicability

The Type III tree preservation and tree canopy variance is an option for proposed developments that chooses not to, or cannot, meet the tree preservation and/or tree canopy standards specified in MMC 16.32.042.

C. Review Process

The tree preservation and tree canopy variance shall be subject to Type III review and approval by the Planning Commission, in accordance with Section 19.1006.

D. Approval Criteria

The approval authority may approve, approve with conditions, or deny the tree preservation and/or tree canopy variance based on the following approval criteria. The applicant is required to demonstrate that equivalent or greater environmental benefits are provided as preserving or planting the required tree canopy. Examples of activities that may justify a variance include but are not limited to:

1. Use of techniques that minimize hydrological impacts beyond regulatory requirements (examples include porous pavement, green roofs, infiltration planters/rain gardens, flow through planters, LIDA (low impact development approach) swales, vegetated filter strips, vegetated swales, extended dry basins, and constructed water quality wetlands).
2. Use of techniques that minimize reliance on fossil fuels and production of greenhouse gases beyond regulatory requirements through the use of energy efficient building technologies, on-site energy production technologies, and green buildings standards (MMC 19.510).
3. Use of techniques that preserve and enhance wildlife habitat beyond regulatory requirements, including, but not limited to, the use of native plant species in landscape design, removal of invasive plant species, and restoration of native habitat and preservation of habitat through the use of conservation easements or other protective instruments.
4. Use of techniques that preserve open space for sustainable urban agriculture through the use of conservation easements or other protective instruments at sites that are not compatible with tree canopy preservation or planting.

CHAPTER 19.1000 REVIEW PROCEDURES

19.1001 GENERAL PROVISIONS

19.1001.4 Review Types

All land use applications have both a review type and an application type. This chapter establishes the review procedures associated with each review type. Chapter 19.900 contains a list of application types and their associated review types.

A. Review Types

There are five types of review: Types I, II, III, IV, and V. Table 19.901 contains a list of the City's land use applications and their associated review types. In addition, there are land uses that are allowed by right. These land uses do not require land use review and are only required to obtain a building permit.

19.1005 TYPE II REVIEW

Type II applications involve uses or development governed by subjective approval criteria and/or development standards that may require the exercise of limited discretion. Type II review provides for administrative review of an application by the Planning ~~Manager~~ Director and includes notice to nearby property owners to allow for public comment prior to the decision. The process does not include a public hearing.

CHAPTER 19.1200 SOLAR ACCESS PROTECTION

19.1203 SOLAR ACCESS FOR NEW DEVELOPMENT

19.1203.1 Purpose

The purposes of solar access provisions for new development are to ensure that land is divided so that structures can be oriented to maximize solar access and to minimize shade on adjoining properties from structures and trees.

19.1203.2 Applicability

The solar design standards in Subsection 19.1203.3 shall apply to applications for a development to create lots in the R-MD zone ~~single-family zones~~, except to the extent the ~~Director~~ Planning Manager finds that the applicant has shown one or more of the conditions listed in Subsections 19.1203.4 and 5 exist, and exemptions or adjustments provided for therein are warranted.

19.1203.4 Exemptions from Design Standard

A development is exempt from Subsection 19.1203.3 if the 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 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.

B. Off-Site Shade

The site, or a portion of the site for which the exemption is sought, is within the shadow pattern of off-site features, such as, but not limited to, structures, topography, or nonexempt vegetation, which will remain after development occurs on the site from which the shade is originating.

1. Shade from an existing or approved off-site dwelling in the R-MD ~~a single-family residential~~ zone, and from topographic features, is assumed to remain after development of the site.
2. Shade from an off-site structure in a zone other than the R-MD ~~a single-family residential~~ zone is assumed to be the shadow pattern of the existing or approved development thereon or the shadow pattern that would result from the largest structure allowed at the closest setback on adjoining land, whether or not that structure now exists.

Title 17 Land Division

CHAPTER 17.28 DESIGN STANDARDS

17.28.050 FLAG LOT AND BACK LOT DEVELOPMENT AND FUTURE ACCESS

Applicants for flag lot and back lot partitioning must show that access by means of a dedicated public street is not possible. Consideration shall be given to other inaccessible adjacent or nearby properties for which a jointly dedicated public right-of-way could provide suitable access and avoid other flag lots or back lots. The creation of flag lots or back lots shall not preclude the development of street access to surrounding properties. Where there is the potential for future development on adjacent lots with new roadway development, flag lots or back lots may be allowed as an interim measure. In this case, Planning Commission review shall be required and the flag lot(s) or back lots must be designed to allow for future street development. Dedication of the future street right-of-way shall be required as part of final plat approval. (Ord. 2003 § 2, 2009; Ord. 1907 (Attach. 1), 2002)

17.28.060 FLAG LOT AND BACK LOT DESIGN STANDARDS

A. Consistency with the Zoning Ordinance

Flag lot and back lot design shall be consistent with Subsection 19.504.8.

B. More than 2 Flag Lots or Back Lots Prohibited

The division of any unit of land shall not result in the creation of more than 2 flag lots or back lots within the boundaries of the original parent lot. Successive land divisions that result in more than 2 flag lots or back lots are prohibited. (Ord. 2051 § 2, 2012; Ord. 2025 § 3, 2011; Ord. 2003 § 2, 2009; Ord. 1907 (Attach. 1), 2002)

17.28.070 FLAG LOT AND BACK LOTS IN SUBDIVISIONS LIMITATIONS

Flag lots and back lots are ~~permitted~~ prohibited in new subdivisions. ~~and subdivisions~~ platted after August 20, 2002, the effective date of Ordinance #1907. (Ord. 2051 § 2, 2012; Ord. 2003 § 2, 2009; Ord. 1907 (Attach. 1), 2002)

Title 12 Streets, Sidewalks, and Public Places

CHAPTER 12.16 ACCESS MANAGEMENT

12.16.020 APPLICABILITY

- A. New accessways are subject to all access management requirements of Chapter 12.16.
- B. Modification of existing conforming accessways shall conform with the access management requirements of Chapter 12.16.
- C. Modification of existing nonconforming accessways shall be brought into conformance with the access management requirements of Chapter 12.16. Where access management requirements cannot be met due to the location or configuration of an existing building that will remain as part of the development, the existing accessways shall be brought into conformance with the requirements of Chapter 12.16 to the greatest extent feasible as determined by the ~~Engineering Director~~ City Engineer. (Ord. 2004 § 1, 2009)

12.16.030 ACCESS PERMITTING

A permit from the City is required for establishing or constructing a new accessway to a public street and for modifying or reconstructing an existing driveway approach. No person, firm, or corporation shall remove, alter, or construct any curb, sidewalk, driveway approach, gutter, pavement, or other improvement in any public street, alley, or other property owned by, dedicated to, or used by the public, and over which the City has jurisdiction to regulate the matters covered by this chapter, without first obtaining a permit from the City.

- A. Application for permits for access to a street, construction of a new accessway, or modification or reconstruction of an existing driveway approach shall be made to the ~~Engineering Director~~ City Engineer on forms provided for that purpose. A permit fee, as approved by the City Council, shall accompany each application.
- B. The access permit application shall include ~~three (3) copies of an electronic copy~~ (AutoCAD, Adobe PDF, Bluebeam, or other acceptable format) of a scaled drawing showing the location and size of all proposed improvements in the right-of-way.
- C. The ~~Engineering Director~~ City Engineer shall review access permits and drawings for conformance with the provisions and standards set forth in this chapter and the Milwaukie Public Works Standards.

12.16.040 ACCESS REQUIREMENTS AND STANDARDS

A. Access

Private property shall be provided street access with the use of accessways. Driveway approaches shall be constructed as set forth in the Milwaukie Public Works Standards.

B. Access Spacing

Spacing criteria are based upon several factors, including stopping sight distance, ability of turning traffic to leave a through lane with minimal disruption to operation, minimizing right turn conflict overlaps, maximizing egress capacity, and reducing compound turning conflicts where queues for turning/decelerating traffic encounter conflicting movements from entering/exiting streets and driveways.

1. Standards

Spacing between accessways is measured between the closest edges of driveway aprons where they abut the roadway. Spacing between accessways and street intersections is measured between the nearest edge of the driveway apron and the nearest face of curb of the intersecting street. Where intersecting streets do not have curb, the spacing is measured from the nearest edge of pavement.

a. Spacing for accessways on arterial streets, as identified in the Milwaukie Transportation System Plan, shall be a minimum of six hundred (600) feet.

b. Spacing for accessways on collector streets, as identified in the Milwaukie Transportation System Plan, shall be a minimum of three hundred (300) feet.

c. For middle housing development, access spacing requirements may be modified by the City Engineer per MMC 12.16.040.B.2 based on a variety of factors, including average daily traffic, anticipated increase of traffic to and from the proposed development, crash history at or near the access point, sight distance, and/or other safety elements.

2. Modification of Access Spacing

Access spacing may be modified with submission of an access study prepared and certified by a registered ~~professional traffic engineer~~ Professional Traffic Operations Engineer (PTOE) in the State of Oregon. The ~~access study~~ Access Study shall assess transportation impacts adjacent to the project frontage within a distance equal to the access spacing requirement established in Subsection 12.16.040.B.1. For example, for a site with arterial access, the access study would include evaluation of site access and capacity along the project frontage plus capacity and access issues within six hundred (600) feet of the adjacent property. The access study shall include the following:

- a. Review of site access spacing and design;
- b. Evaluation of traffic impacts adjacent to the site within a distance equal to the access spacing distance from the project site;
- c. Review of all modes of transportation to the site;
- d. Mitigation measures where access spacing standards are not met that include, but are not limited to, assessment of medians, consolidation of accessways, shared accessways, temporary access, provision of future

consolidated accessways, or other measures that would be acceptable to the ~~Engineering Director~~ City Engineer.

C. Accessway Location

1. Double Frontage

When a lot has frontage on two (2) or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street.

2. Location Limitations

Individual access to ~~single-family~~ detached residential lots from arterial and collector streets is prohibited. An individual accessway may be approved by the ~~Engineering Director~~ City Engineer only if there is no practicable alternative to access the site, shared access is provided by easement with adjacent properties, and the accessway is designed to contain all vehicle backing movements on the site and provide shared access with adjacent properties.

3. Distance from Property Line

The nearest edge of the driveway apron shall be at least ~~seven and one-half (7½)~~ five (5) feet from the side property line in residential districts and at least ten (10) feet from the side property line in all other districts. This standard does not apply to accessways shared between two (2) or more properties.

4. Distance from Intersection

To protect the safety and capacity of street intersections, the following minimum distance from the nearest intersecting street face of curb to the nearest edge of driveway apron shall be maintained. Where intersecting streets do not have curbs, the distance shall be measured from the nearest intersecting street edge of pavement. Distance from intersection may be modified with a modification as described in MMC Section 12.16.040.B.2.

a. At least forty-five (45) feet for ~~single-family~~ detached residential properties or middle housing developments of four or fewer units accessing local and neighborhood streets. Where the distance cannot be met on existing lots, the driveway apron shall be located as far from the nearest intersection street face of curb as practicable.

b. At least one hundred (100) feet for ~~multi-unit family~~ residential properties or middle housing developments of five or more units and all other uses accessing local and neighborhood streets.

c. At least three hundred (300) feet for collectors, or beyond the end of queue of traffic during peak hour conditions, whichever is greater.

d. At least six hundred (600) feet for arterials, or beyond the end of queue of traffic during peak hour conditions, whichever is greater.

D. Number of Accessway Locations

1. Safe Access

Accessway locations shall be the minimum necessary to provide access without inhibiting the safe circulation and carrying capacity of the street.

2. Shared Access

The number of accessways on collector and arterial streets shall be minimized whenever possible through the use of shared accessways and coordinated on-site circulation patterns. Within commercial, industrial, and multi-unit family areas, shared accessways and internal access between similar uses are required to reduce the number of access points to the higher-classified roadways, to improve internal site circulation, and to reduce local trips or movements on the street system. Shared accessways or internal access between uses shall be established by means of common access easements.

3. ~~Single-Family Detached Residential and Middle Housing~~

One accessway per property is allowed for ~~single-family detached residential uses and middle housing developments up to four units.~~

a. For lots with more than one street frontage on a local street and/or neighborhood route, one additional accessway may be granted. Under such circumstances, a street frontage shall have no more than one driveway approach.

b. For lots with one street frontage on a local street and/or neighborhood route, one additional accessway may be granted where the driveway approaches can be spaced fifty (50) feet apart, upon review and approval by the ~~Engineering Director~~ City Engineer. The spacing is measured between the nearest edges of the driveway aprons. Where the fifty (50) foot spacing cannot be met, an additional accessway shall not be granted.

c. No additional accessways shall be granted on collector and arterial streets.

4. ~~All Uses Other than Single-Family Detached Residential and Middle Housing~~

The number of accessways for uses other than ~~single-family detached residential and middle housing developments up to four units~~ is subject to the following provisions:

a. Access onto arterial and collector streets is subject to the access spacing requirements of Subsection 12.16.040.B;

b. One accessway is allowed on local streets and neighborhood routes. One additional accessway is allowed per frontage where the driveway approaches, including adjacent property accessways, can be spaced one hundred fifty (150) feet apart. The spacing is measured between the nearest edges of the driveway aprons.

E. Accessway Design

1. Design Guidelines

Driveway approaches shall meet all applicable standards of the Americans with Disabilities Act, U.S. Access Board guidelines or requirements, and Milwaukie Public Works Standards.

2. Authority to Restrict Access

The ~~Engineering Director~~ City Engineer may restrict the location of accessways on streets and require that accessways be placed on adjacent streets upon finding that the proposed access would:

- a. Cause or increase existing hazardous traffic conditions;
- b. Provide inadequate access for emergency vehicles; or
- c. Cause hazardous conditions that would constitute a clear and present danger to the public health, safety, and general welfare.

3. Backing into the Right-of-Way Prohibited

Accessways shall be designed to contain all vehicle backing movements on the site, except for detached or attached single-family ~~detached~~ residential uses on local streets and neighborhood routes.

F. Accessway Size

The following standards allow adequate site access while minimizing surface water runoff and reducing conflicts between vehicles, bicyclists, and pedestrians.

1. Accessways shall be the minimum width necessary to provide the required number of vehicle travel lanes. The ~~Engineering Director~~ City Engineer may require submission of vehicle turning templates to verify that the accessway is appropriately sized for the intended use.
2. Single-family attached and detached residential uses shall have a minimum driveway apron width of ~~nine (9)~~ twelve (12) feet and a maximum width of twenty (20) feet.
3. Multi-unit ~~family~~ residential or middle housing development uses ~~comprised of up to four (4) units, with three (3) dwellings~~ shall have a minimum driveway apron width of twelve (12) feet on local or neighborhood streets and sixteen (16) feet on collector or arterial streets, and a maximum driveway apron width of twenty (20) feet on all streets.
4. Multi-unit~~family~~ residential or middle housing developments ~~uses~~ with between ~~four (4)~~five (5) and ~~seven (7)~~eight (8) ~~dwellings-units~~ shall have a minimum driveway apron width of sixteen (16) feet on local or neighborhood streets and twenty (20) feet on collector or arterial streets, and a maximum driveway apron width of twenty-four (24) feet.
5. Multi-unit~~family~~ residential or middle housing developments ~~uses~~ with more than eight (8) dwelling units, and off-street parking areas with sixteen (16) or more spaces, shall have a minimum driveway apron width of twenty (20) feet on local or neighborhood streets and twenty-four (24) feet on collector or arterial streets, and a maximum driveway apron width of thirty (30) feet.
6. Commercial, office, and institutional uses shall have a minimum driveway apron width of ~~twelve (12)~~sixteen (16) feet and a maximum width of thirty-six (36) feet.
7. Industrial uses shall have a minimum driveway apron width of ~~fifteen (15)~~twenty-four (24) feet and a maximum width of forty-five (45) feet.

8. Maximum driveway apron widths for commercial and industrial uses may be increased if the ~~Engineering Director~~City Engineer determines that more than two (2) lanes are required based on the number of trips anticipated to be generated or the need for on-site turning lanes.

(Ord. 2168 § 2, 2019; Ord. 2004 § 1, 2009)

CHAPTER 12.24 CLEAR VISION AT INTERSECTIONS

12.24.040 COMPUTATION

A. The clear vision area for all driveway accessways to streets, street intersections and all street and railroad intersections shall be that area described in the most recent edition of the “AASHTO Policy on Geometric Design of Highways and Streets.” ~~The clear vision area for all street and driveway or accessway intersections shall be that area within a twenty (20) foot radius from where the lot line and the edge of a driveway intersect.~~

B. Modification of this computation may be made by the ~~Engineering Director~~City Engineer after considering the standards set forth in the most recent edition of the “AASHTO Policy on Geometric Design of Highways and Streets” and taking into consideration the type of intersection, site characteristics, types of vehicle controls, vehicle speed, and traffic volumes adjacent to the clear vision area. (Ord. 2004 § 1, 2009; Ord. 1679 § 4, 1990)

Title 13 Public Services

CHAPTER 13.30 REIMBURSEMENT DISTRICTS

13.30.010 DEFINITIONS

The following terms are definitions for the purposes of this chapter.

“Applicant” means a person, as defined in this section, who is required or chooses to finance some or all of the cost of a street, water, storm sewer, or sanitary sewer improvement which is available to provide service to property, other than property owned by the person, and who applies to the City for reimbursement for the expense of the improvement. The applicant may be the City.

“City” means the City of Milwaukee.

“~~Engineering Director~~ City Engineer” means the person who is the manager/supervisor of the city’s Engineering Department, or the City Manager’s designee to fill this position. This position can also be described as the Engineering Director or Engineering Manager. ~~holding the position of Engineering Director or any officer or employee designated by that person to perform duties stated within this chapter.~~

“Front footage” means the linear footage of a lot or parcel owned by an intervening property owner which is served by a reimbursement district public improvement and on which the intervening property owner’s portion of the reimbursement may be calculated. Front footage shall be the amount shown on the most recent County Tax Assessor maps for the intervening property or, in the event such information is not available, any other reasonable method established by the ~~Engineering Director~~City Engineer for calculating front footage. Front footage does not include property owned by the City, including rights-of-way.

Clean Amendments

COMPREHENSIVE PLAN

Comprehensive Plan Land Use Map

Updated to show two residential designations reflecting changes to zoning map per 19.107. (Attachment 1).

Comprehensive Plan Residential Land Use Designations

Moderate Density Residential: Zone R-MD (5.0 – 34.8 units/acre)

- a. Permitted housing types include single detached dwellings on moderate to small lots, accessory dwelling units, duplexes, triplexes, quadplexes, townhouses, and cottage clusters.
- b. Transportation routes are limited primarily to collectors and local streets.
- c. Sites with natural resource or natural hazard overlays may require a reduction in density.

High Density: Zones R-3 (11.6-14.5 units/acre), R-2.5 and R-2 (11.6-17.4 units/acre), and R-1 and R-1-B (25-32 units/acre)

- a. A wide variety of housing types are permitted including single detached dwellings on moderate to small lots, accessory dwelling units, and duplexes, triplexes, quadplexes, townhouses, and cottage clusters, with the predominant housing type being multi-unit development.
- b. These areas should be adjacent to or within close proximity to downtown or district shopping centers, employment areas and/or major transit centers or transfer areas.
- c. Access to High Density areas should be primarily by major or minor arterials.
- d. Office uses are outright permitted, and commercial uses are conditionally permitted in limited areas within close proximity of downtown.

Title 19 Zoning Ordinance

CHAPTER 19.100 INTRODUCTORY PROVISIONS

19.107.1 Zone Classifications

For the purposes of this title, the following base zones and overlay zones are established in the City per Table 19.107.1:

Table 19.107.1 Classification of Zones	
Zone Description	Abbreviated Description
Base Zones	
Residential	R-MD
Residential	R-3
Residential	R-2.5
Residential	R-2

Residential	R-1
Residential-Business Office	R-1-B
Downtown Mixed Use	DMU
Open Space	OS
Neighborhood Commercial	C-N
Limited Commercial	C-L
General Commercial	C-G
Community Shopping Commercial	C-CS
Manufacturing	M
Business Industrial	BI
Planned Development	PD
Tacoma Station Area Manufacturing	M-TSA
General Mixed Use	GMU
Neighborhood Mixed Use	NMU
Overlay Zones	
Willamette Greenway	WG
Historic Preservation	HP
Flex Space	FS
Aircraft Landing Facility	L-F
Tacoma Station Area	TSA

19.107.2 Zoning Map

Updated to show six residential designations reflecting changes to zoning map per 19.107.1 (Attachment 2).

CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS

19.201 DEFINITIONS

Refer to individual chapters of this title for chapter-specific definitions.

As used in this title:

“Lot” means a legally defined unit of land other than a tract that is a result of a subdivision or partition. For general purposes of this title, lot also means legal lots or lots of record under the lawful control, and in the lawful possession, of 1 distinct ownership. When 1 owner controls an area defined by multiple adjacent legal lots or lots of record, the owner may define a lot boundary coterminous with 1 or more legal lots or lots of record within the distinct ownership. Figure 19.201-1 illustrates some of the lot types defined below.

“Back lot” means a lot that does not have frontage on a public street, typically accessed via an easement over another property.

“Flag lot” means a lot that has a narrow frontage on a public street with access provided via a narrow accessway or “pole” to the main part of the lot used for building, which is located behind another lot that has street frontage. There are 2 distinct parts to

the flag lot; the development area or “flag” which comprises the actual building site, and the access strip or “pole” which provides access from the street to the flag.

“Corner lot” means a lot abutting 2 or more streets, other than an alley, at their intersection.

“Interior lot” means a lot other than a corner lot.

“Legal lot” means a unit of land other than a tract created through a subdivision or partition approved by the City.

“Lot of record” means a unit of land for which a deed or other instrument dividing the land was filed with the Clackamas County Recorder, which was not created through a partition or subdivision approved by the City, and which was created prior to October 5, 1973.

“Through lot” means an interior lot having frontage on 2 streets.

“Allowed By Right” means any land use permitted without land use approval by the City’s Planning Department or Planning Commission, such as is required by a Type I – V review process.

“Owner” means any person who owns land, or a lessee, agent, employee, or other person acting on behalf of the owner with the owner’s written consent.

“Planning Manager” means the person who is the manager/supervisor of the city’s Planning Department, or the City Manager’s designee to fill this position. This position can also be described as the Planning Director.

“Street tree” means a tree shrub, or other woody vegetation on land within the right-of-way. When any portion of the trunk of a tree crosses a public right-of-way line at ground level, it is considered a street tree.

“Tree” means any living woody plant characterized by one main stem or trunk and many branches, or a multi-stemmed trunk system with a defined crown, that will obtain a height of at least 16 feet at maturity.

Residential Uses and Structures

“Duplex” means two dwelling units on a lot or parcel in any configuration. In instances where a development can meet the definition of a duplex and also meets the definition of a primary dwelling unit with an accessory dwelling unit (ADU), the applicant shall specify at the time of application review whether the development is considered a duplex or a primary dwelling unit with an ADU.

“Cottage” means an individual dwelling unit that is part of a cottage cluster, per Subsection 19.505.4.

“Cottage Cluster” means a grouping of no fewer than four detached dwelling units per acre with a footprint of less than 900 square feet each that includes a common courtyard per Subsection 19.505.4. Cottage Cluster units may be located on a single lot or parcel, or on individual lots or parcels.

“Cottage Cluster Project” means a development site with one or more cottage clusters constructed, or proposed to be constructed.

“Duplex” means two dwellings on a lot or parcel in any configuration. The units in a duplex may share a common structural wall or a common floor/ceiling. In instances where a second dwelling unit within a structure can meet the definition for both a duplex and an accessory dwelling unit, the property owner has the option of electing whether the entire structure is considered a duplex or a primary dwelling unit with an attached accessory dwelling unit.

“Manufactured home” means a single detached residential structure, as defined in ORS 446.003(25)(a)(C), which includes a Department of Housing and Urban Development (HUD) label certifying that the structure is constructed in accordance with the Manufactured Housing Construction and Safety Standards of 1974 (42 USC Section 5401 et seq.) as amended on August 22, 1981.

“Middle Housing” means Duplexes, Triplexes, Quadplexes, Cottage Clusters, and Townhouses.

“Mobile home” means a manufactured dwelling that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

“Multi-unit development” means a structure that contains five or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate lots. Multi-unit development includes structures commonly called garden apartments, apartments, and condominiums.

“Quadplex” means four dwelling units on a lot or parcel in any configuration.

“Single detached dwelling” means a structure, or manufactured home, containing 1 dwelling unit with no structural connection to adjacent units.

“Townhouse” means a residential structure on its own lot that shares 1 or more common or abutting walls with at least 1 or more dwelling units on adjoining lots. The common or abutting wall must be shared for at least 25% of the length of the side of the building. The shared or abutting wall may be the wall of an attached garage. A Townhouse does not share common floors/ceilings with other primary dwelling units.

“Townhouse development” means one or more townhouse structures constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the townhouse property lines and any commonly owned property.

“Triplex” means three dwelling units on a lot or parcel in any configuration.

19.202 MEASUREMENTS

19.202.4 Density Calculations

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

C. Discrepancy between Minimum Required and Maximum Allowed Density

If the calculation results are that minimum density is equal to maximum density, then the minimum required density is reduced by one. If the calculation results are that minimum density is larger than maximum density, then the minimum required density is reduced to one less than the maximum. If the calculation results are that the maximum density calculation is equal to zero, then the minimum density is one.

CHAPTER 19.300 BASE ZONES

19.301 MODERATE DENSITY RESIDENTIAL ZONES

The moderate density residential zone is Residential Zone R-MD. This zone implements the Moderate Density residential land use designation in the Milwaukie Comprehensive Plan.

19.301.1 Purpose

The moderate density residential zone is intended to create, maintain, and promote neighborhoods and allow a broad range of housing types. Some non-residential uses are allowed, but overall the character is one of residential neighborhoods.

19.301.2 Allowed Uses in Moderate Density Residential Zones

Uses allowed, either allowed by right or conditionally, in the moderate density residential zones are listed in Table 19.301.2 below. Similar uses not listed in the table may be allowed through a Director’s Determination pursuant to Section 19.903. Notes and/or cross references to other applicable code sections are listed in the “Standards/Additional Provisions” column.

See Section 19.201 Definitions for specific descriptions of the uses listed in the table.

Table 19.301.2 Moderate Density Residential Uses Allowed		
Use	R-MD	Standards/Additional Provisions
Residential Uses		
Single detached dwelling	P	Subsection 19.505.1 Single Detached and Middle Housing Residential Development
Duplex	P	Subsection 19.505.1 Single Detached and Middle Housing Residential Development
Triplex	P	Subsection 19.505.1 Single Detached and Middle Housing Residential Development
Quadplex	P	Subsection 19.505.1 Single Detached and Middle Housing Residential Development
Townhouse	P	Subsection 19.505.1 Single Detached and Middle Housing Residential Development Subsection 19.505.5 Standards for Townhouses
Cottage Cluster	P	Subsection 19.505.1 Single Detached and Middle Housing Residential Development Subsection 19.505.4 Cottage Cluster Housing

Residential home	P	Subsection 19.505.1 Single Detached and Middle Housing Residential Development
Accessory dwelling unit	P	Subsection 19.910.1 Accessory Dwelling Units
Manufactured dwelling park	III	Subsection 19.910.3 Manufactured Dwelling Parks.
Senior and retirement housing	CU	Subsection 19.905.9.G Senior and Retirement Housing
Commercial Uses		
Bed and breakfast or Vacation rental	CU	Section 19.905 Conditional Uses
Accessory and Other Uses		
Accessory use	P	Section 19.503 Accessory Uses
Agricultural or horticultural use	P	Subsection 19.301.3 Use Limitations and Restrictions
Community service use	CSU	Section 19.904 Community Service Uses
Home occupation	P	Section 19.507 Home Occupation Standards
Short-term rental	P	Section 19.507 Home Occupation Standards

P = Permitted/allowed by right

N = Not permitted.

CSU = Permitted with Community Service Use approval subject to provisions of Section 19.904. Type III review required to establish a new CSU or for major modification of an existing CSU. Type I review required for a minor modification of an existing CSU.

CU = Permitted with conditional use approval subject to the provisions of Section 19.905. Type III review required to establish a new CU or for major modification of an existing CU. Type I review required for a minor modification of an existing CU.

III = Type III review required.

19.301.3 Use Limitations and Restrictions

A. Agricultural or horticultural uses are permitted, provided that the following conditions are met.

1. Retail or wholesale sales associated with an agricultural or horticultural use are limited to the allowances for a home occupation per Section 19.507.
2. Livestock, other than usual household pets, are not housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 sq ft per head of livestock.
3. Poultry kept for the production of meat or for commercial sale of eggs are not housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than 1 acre. Poultry kept for other purposes are not subject to these limitations and are allowed per Subsection 19.503.1.C.

B. Marijuana production is not permitted in moderate density residential zones except as follows:

1. State-licensed production for medical marijuana patients is permitted provided the operation is entirely indoors and meets the security and odor control standards set forth in Subsection 19.509.2.

2. Growing marijuana indoors or outdoors for personal use is permitted consistent with state laws.

19.301.4 Development Standards

In the moderate density residential zones, the development standards in Table 19.301.4 apply. Notes and/or cross references to other applicable code sections are listed in the “Standards/Additional Provisions” column. Additional standards are provided in Subsection 19.301.5.

See Sections 19.201 Definitions and 19.202 Measurements for specific descriptions of standards and measurements listed in the table.

Table 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 ²	7,000 and up	
A. Permitted Dwelling Type					
	Townhouse, Cottage ¹	Duplex, Triplex, Quadplex	Single Detached Dwelling, Single Detached Dwelling, with up to 2 ADUs, Duplex, Triplex, Quadplex	Single Detached Dwelling, Single Detached Dwelling, with 2 ADUs, Duplex, Triplex, Quadplex, Cottage Cluster,	Subsection 19.501.1 Lot Size Exceptions
B. Lot Standards					
1. Minimum lot width (ft)	20	30	50	60	
2. Minimum lot depth (ft)	70	80	80	80	
3. Minimum street frontage requirements (ft)					
a. Townhouse	20				
b. Standard lot	35	30	35	35	
c. Flag lot	NA ³	25	25	25	Subsection 19.504.7 Flag Lot and Back Lot Design and Development Standards
d. Double flag	NA ³	25	25	25	

**Table 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 ²	7,000 and up	
lot					
C. Development Standards					
1. Minimum yard requirements for primary structures (ft)					Subsection 19.301.5.A Yards Subsection 19.501.2 Yard Exceptions Subsection 19.504.7 Flag Lot and Back Lot Design and Development Standards Subsection 19.505.4 Cottage Cluster Housing Subsection 19.505.5 Townhouses
a. Front yard	20	20	20	20	
b. Side yard	5	5	5	5/10	
c. Street side yard	15	15	15	20	
d. Rear yard	15	20	20	20	
2. Maximum building height for primary structures	35 ft				Subsection 19.501.3 Building Height and Side Yard Height Plane Exceptions
3. Side yard height plane limit					Subsection 19.501.3 Building Height and Side Yard Height Plane Exceptions
a. Height above ground at minimum required side yard depth (ft)	20				
b. Slope of plane (degrees)	45				
4. Maximum lot coverage (percent of total lot area)	45%	35%	35%	30%	Section 19.201 "Lot coverage" definition Subsection 19.301.5.B Lot Coverage
5. Minimum vegetation (percent of total lot area)	15%	25%	25%	30%	Subsection 19.301.5.C Front Yard Minimum Vegetation Subsection 19.504.6 Minimum

**Table 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 ²	7,000 and up	
					Vegetation
C. Other Standards					
1. Density requirements (dwelling units per acre)					Subsection 19.301.5.D Residential Densities Subsection 19.501.4 Density Exceptions For Cottage Clusters and Townhouse Density Exceptions, see 19.501.4
a. Minimum	25	7.0	7.0	5.0	
b. Maximum ⁴	25	8.7	8.7	6.2	

¹ For a Cottage within a Cottage Cluster only

²Minimum lot size for single detached dwelling applies to lots created on or after May 19, 2022, the effective date of Ordinance #2216.

³Townhouses are not permitted on flag lots

⁴ Townhouses are allowed at four times the maximum density allowed for single detached dwellings in the same zone or 25 dwelling units per acre, whichever is less. Duplexes, Triplexes, Quadplexes, and Cottage clusters are exempt from density maximums.

19.301.5 Additional Development Standards

A. Yards

On lots greater than 7,000 sq ft in the R-MD Zone, one side yard shall be at least 5 ft and one side yard shall be at least 10 ft, except on a corner lot the street side yard shall be 20 ft.

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.

1. Decreased Lot Coverage for Large Lots

The maximum lot coverage percentage in Subsection 19.301.4.B.4 is reduced by 10 percentage points for a single-detached dwelling, duplex, or residential home on a lot that is more than 10,000 sq ft in Subsection 19.301.4.A.1.

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, provided that the portions of the structure 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 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), provided that the portions of the structure 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 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.

**Figure 19.301.5.B.2
Increased Lot Coverage for Single Detached Dwellings**

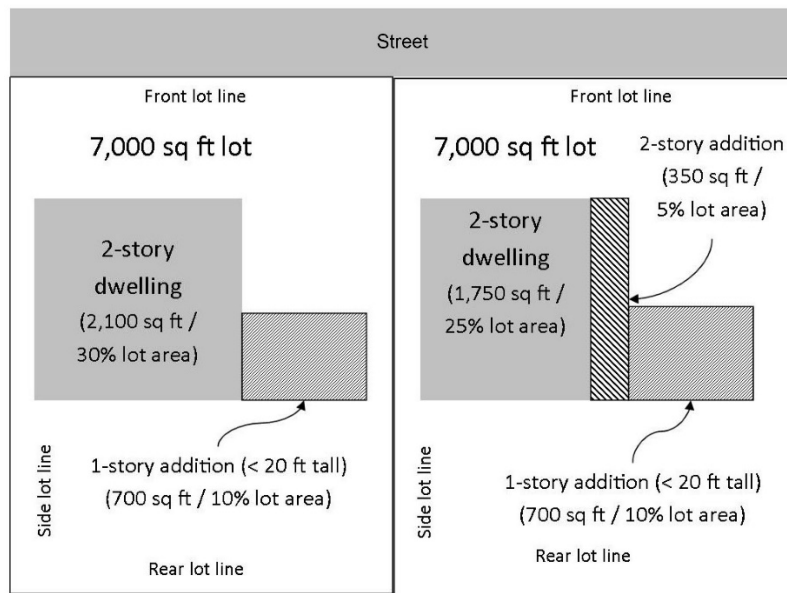


Figure 19.301.5.B.2 illustrates an example of increased lot coverage for lots in Residential Zone R-MD.

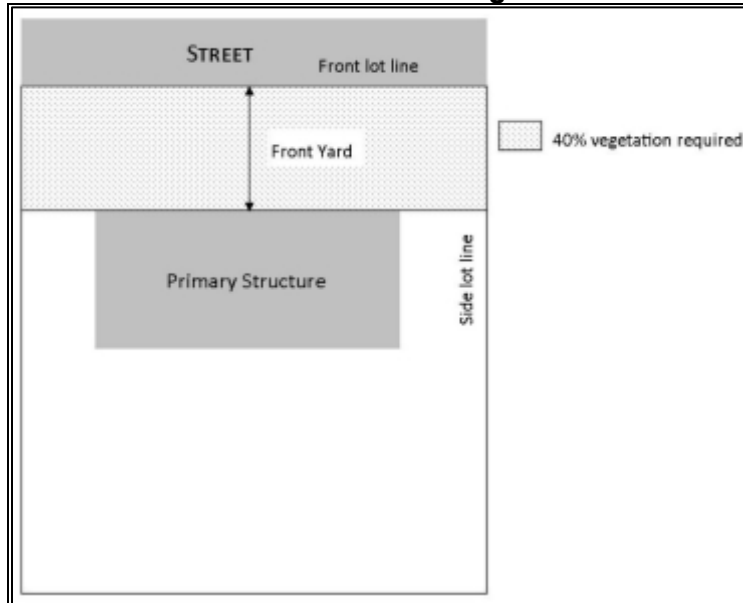
3. Increased Lot Coverage for Detached Accessory Dwelling Units

The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 5 percentage points for the development of a new detached accessory dwelling unit. This allowance applies only to the detached accessory structure and does not allow for the primary structure or other accessory structures to exceed lot coverage standards.

C. Front Yard Minimum Vegetation

At least 40% of the front yard shall be vegetated. The front yard vegetation area required by this subsection counts toward the minimum required vegetation for the lot. A property may provide less than the 40% of the front yard vegetation requirement if it is necessary to provide a turnaround area so that vehicles can enter a collector or arterial street in a forward motion.

**Figure 19.301.5.C
Front Yard Minimum Vegetation**



D. Residential Densities

The minimum development densities in Subsection 19.301.4.C.1 are applicable for land divisions and replats that change the number of lots. Maximum densities apply to single detached dwellings; middle housing is exempt from maximum density, except for townhouses.

If a proposal for a replat or land division is not able to meet the minimum density requirement—due to the dimensional requirements for lot width, lot depth, or lot frontage—the minimum density requirement shall instead be equal to the maximum number of lots that can be obtained from the site given its dimensional constraints. The inability of new lot lines to meet required yard dimensions from existing structures shall not be considered as a basis for automatically lowering the minimum density requirement.

E. Accessory Structure Standards

Standards specific to accessory structures are contained in Section 19.502.

F. Off-Street Parking and Loading

Off-street parking and loading is required as specified in Chapter 19.600.

G. Public Facility Improvements

Transportation requirements and public facility improvements are required as specified in Chapter 19.700.

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 19.504.8 Flag Lot and Back Lot Design and Development Standards
3. Subsection 19.505.1 Single Detached and Middle Housing Residential Development
4. Subsection 19.505.2 Garages and Carports
5. Subsection 19.506.4 Manufactured Dwelling Siting and Design Standards, Siting Standards

(Ord. 2134 § 2, 2016; Ord. 2120 § 2, 2016; Ord. 2110 § 2 (Exh. G), 2015; Ord. 2051 § 2, 2012)

19.302 HIGH DENSITY RESIDENTIAL ZONES

The high density residential zones are Residential Zone R-3, Residential Zone R-2.5, Residential Zone R-2, Residential Zone R-1, and Residential-Business Office Zone R-1-B. These zones implement the High Density residential land use designations in the Milwaukie Comprehensive Plan.

19.302.1 Purpose

The high density residential zones are intended to create and maintain higher density residential neighborhoods that blend a range of housing types with a limited mix of neighborhood-scale commercial, office, and institutional uses.

19.302.2 Allowed Uses in High Density Residential Zones

Uses allowed, either allowed by right or conditionally, in the high density residential zones are listed in Table 19.302.2 below. Similar uses not listed in the table may be allowed through a Director's Determination pursuant to Section 19.903. Notes and/or cross references to other applicable code sections are listed in the "Standards/Additional Provisions" column.

See Section 19.201 Definitions for specific descriptions of the uses listed in the table.

Table 19.302.2 High Density Residential Uses Allowed						
Use	R-3	R-2.5	R-2	R-1	R-1-B	Standards/ Additional Provisions
Residential Uses						
Single detached dwelling	P	P	P	P	P	Subsection 19.505.1 Single Detached and Middle Housing Residential Development
Duplex	P	P	P	P	P	Subsection 19.505.1 Single Detached and Middle Housing Residential Development
Triplex	P	P	P	P	P	Subsection 19.505.1 Single Detached and Middle Housing Residential Development
Quadplex	P	P	P	P	P	Subsection 19.505.1 Single Detached and Middle Housing Residential Development
Residential home	P	P	P	P	P	Subsection 19.505.1 Single Detached and Middle Housing Residential Development
Accessory dwelling unit	P	P	P	P	P	Subsection 19.910.1 Accessory Dwelling Units
Manufactured dwelling park	III	N	N	N	N	Subsection 19.910.3 Manufactured Dwelling Parks
Townhouse	P	P	P	P	P	Subsection 19.505.1 Single Detached and Middle Housing Residential Development Subsection 19.505.5 Standards for Townhouses
Cottage cluster housing	P	P	P	P	P	Subsection 19.505.1 Single Detached and Middle Housing Residential Development Subsection 19.505.4 Cottage Cluster Housing

Table 19.302.2 CONTINUED						
High Density Residential Uses Allowed						
Use	R-3	R-2.5	R-2	R-1	R-1-B	Standards/ Additional Provisions
Residential Uses CONTINUED						
Multi-unit	CU	CU	P	P	P	Subsection 19.505.3 Multi-Unit Housing Subsection 19.302.5.F Residential Densities Subsection 19.302.5.H Building Limitations
Congregate housing facility	CU	CU	P	P	P	Subsection 19.505.3 Multi-Unit Housing Subsection 19.302.5.F Residential Densities Subsection 19.302.5.H Building Limitations
Senior and retirement housing	CU	CU	CU	P	P	Subsection 19.905.9.G Senior and Retirement Housing
Boarding house	CU	CU	CU	CU	CU	Section 19.905 Conditional Uses
Commercial Uses						
Office	CU	CU	CU	CU	P	Subsection 19.302.3 Use Limitations and Restrictions
Hotel or motel	N	N	N	N	CU	Section 19.905 Conditional Uses
Bed and breakfast or vacation rental	CU	CU	CU	CU	CU	Section 19.905 Conditional Uses
Accessory and Other Uses						
Accessory use	P	P	P	P	P	Section 19.503 Accessory Uses
Agricultural or horticultural use	P	P	P	P	P	Subsection 19.302.3 Use Limitations and Restrictions
Community service use	CSU	CSU	CSU	CSU	CSU	Section 19.904 Community Service Uses
Home occupation	P	P	P	P	P	Section 19.507 Home Occupation Standards
Short-term rental	P	P	P	P	P	Section 19.507 Home Occupation Standards

19.302.3 Use Limitations and Restrictions

A. Agricultural or horticultural uses are permitted, provided that the following conditions are met.

1. Retail or wholesale sales associated with an agricultural or horticultural use are limited to the allowances for a home occupation per Section 19.507.

2. Livestock, other than usual household pets, are not housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than 1 acre, nor having less than 10,000 sq ft per head of livestock.
3. Poultry kept for the production of meat or for commercial sale of eggs are not housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than 1 acre. Poultry kept for other purposes are not subject to these limitations and are allowed per Subsection 19.503.1.C.

B. Office uses allowed in the high density zones are offices, studios, clinics, and other similar professional offices. Corporate offices for marijuana businesses are permitted provided that no marijuana or marijuana products associated with the business are on-site. Marijuana testing labs and research facilities are not permitted office uses in these zones.

C. Marijuana production is not permitted in high density residential zones except as follows:

1. State-licensed production for medical marijuana patients is permitted provided the operation is entirely indoors and meets the security and odor control standards set forth in Subsection 19.509.2.
2. Growing marijuana indoors or outdoors for personal use is permitted consistent with state laws.

19.302.4 Development Standards

In the high density residential zones, the development standards in Table 19.302.4 apply. Notes and/or cross references to other applicable code sections are listed in the “Standards/Additional Provisions” column. Additional standards are provided in Section 19.302.5.

The standards in Subsection 19.302.4 are not applicable to cottage cluster development except where specifically referenced by Subsection 19.505.4.

See Sections 19.201 Definitions and 19.202 Measurements for specific descriptions of standards and measurements listed in the table.

In the high density residential zones the following housing types are permitted on lot sizes as follows:

Between 1,500 to 2,999 sq ft: Townhouse, Cottage, Single Detached Dwelling, Single Detached Dwelling with ADU, and Duplex.

Between 3,000 to 4,999 sq ft: Duplex, Triplex, and Quadplex.

Between 5,000 to 6,999 sq ft: Single Detached Dwelling, Single Detached Dwelling with ADU, Duplex, Triplex, and Quadplex.¹

7,000 sq ft and up: Single Detached Dwelling, Single Detached Dwelling with ADU, Duplex, Triplex, Quadplex, Cottage Cluster, Multi-Unit Housing.

Table 19.302.4 High Density Residential Development Standards						
Standard	R-3	R-2.5	R-2	R-1	R-1-B	Standards/ Additional Provisions
A. Lot Standards						
1. Minimum lot size (sq ft)	1,500					Subsection 19.501.1 Lot Size Exceptions Subsection 19.505.4 Cottage Cluster Housing Subsection 19.505.5 Rowhouses
2. Minimum lot width (ft)	20					
3. Minimum lot depth (ft)	70					
4. Minimum street frontage requirements (ft)						
a. Rowhouse	20					
b. Standard lot	35					
c. Flag lot	25					
d. Double flag lot	25					
B. Development Standards						
1. Minimum yard requirements for primary structures (ft)						Subsection 19.302.5.A Side Yards Subsection 19.501.2 Yard Exceptions Subsection 19.504.7 Flag Lot and Back Lot Design and Development Standards
a. Front yard	20					
b. Side yard	See Subsection 19.302.5.A					
c. Street side yard	15					
d. Rear yard	15					
2. Maximum building height for primary structures	35 ft,		45 ft,			Subsection 19.302.5.E Height Exceptions

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				<p>Subsection 19.501.3 Building Height and Side Yard Height Plane Exceptions</p> <p>Subsection 19.302.5.I Transition Measures</p>
3. Side yard height plane limit				<p>Subsection 19.501.3 Building Height and Side Yard Height Plane Exceptions</p>
a. Height above ground at minimum required side yard depth (ft)	20		25	
b. Slope of plane (degrees)	45		45	
4. Maximum lot coverage (percent of total lot area)	40%		45% 50%	Section 19.201 "Lot coverage" definition
5. Minimum vegetation (percent of total lot area)	35%		15%	<p>Subsection 19.504.6 Minimum Vegetation</p> <p>Subsection 19.302.5.D Front Yard Minimum Vegetation</p> <p>Subsection 19.302.5.C Minimum Vegetation</p>
C. Other Standards				
1. Density requirements (dwelling units per acre)				<p>Subsection 19.202.4 Density Calculations</p> <p>Subsection 19.302.5.F Residential Densities</p> <p>Subsection 19.501.4 Density Exceptions</p>
a. Minimum	11.6	11.6	25.0	
b. Maximum ²	14.5	17.4	32.0	

¹ Minimum lot size for single detached dwelling applies to lots created on or after May 19, 2022, the effective date of Ordinance #2216.

² Townhouses are allowed at four times the maximum density allowed for single detached dwellings in the same zone or 25 dwelling units per acre, whichever is less. Duplexes, Triplexes, Quadplexes, and Cottage clusters are exempt from density maximums.

19.302.5 Additional Development Standards

A. Side Yards

In the high density zones, the required side yard is determined as described below. These measurements apply only to required side yards and do not apply to required street side yards.

1. The side yard for development other than a townhouse shall be at least 5 ft.
2. There is no required side yard for townhouses that share 2 common walls. The required side yard for an exterior townhouse that has only 1 common wall is 0 ft for the common wall and 5 ft for the opposite side yard. An exterior townhouse on a corner lot shall meet the required street side yard setback in Subsection 19.302.4.B.1.b.

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

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, provided that the portions of the structure that are in excess of 20 ft high, or in excess of 1 story, are limited to the lot coverage standard listed in Subsection 19.302.4.B.4. Only portions of the structure that are less than 20 ft high, and no taller than 1 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), provided that the portions of the structure 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 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.

**Figure 19.302.5.B.1
Increased Lot Coverage for Single Detached Dwellings**

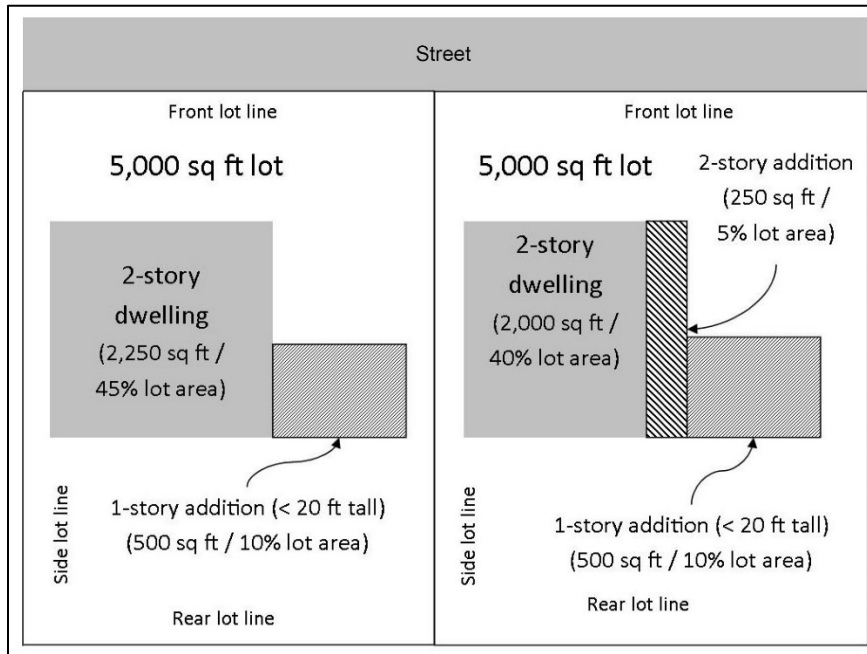


Figure 19.302.5.B.1 illustrates an example of increased lot coverage for lots in the high density zones based on 5,000-sq-ft lot area.

2. Increased Lot Coverage for Detached Accessory Dwelling Units

The maximum lot coverage percentage in Subsection 19.302.4.B.4 is increased by 5 percentage points for the development of a new detached accessory dwelling unit. This allowance applies only to the detached accessory structure and does not allow for the primary structure or other accessory structures to exceed lot coverage standards.

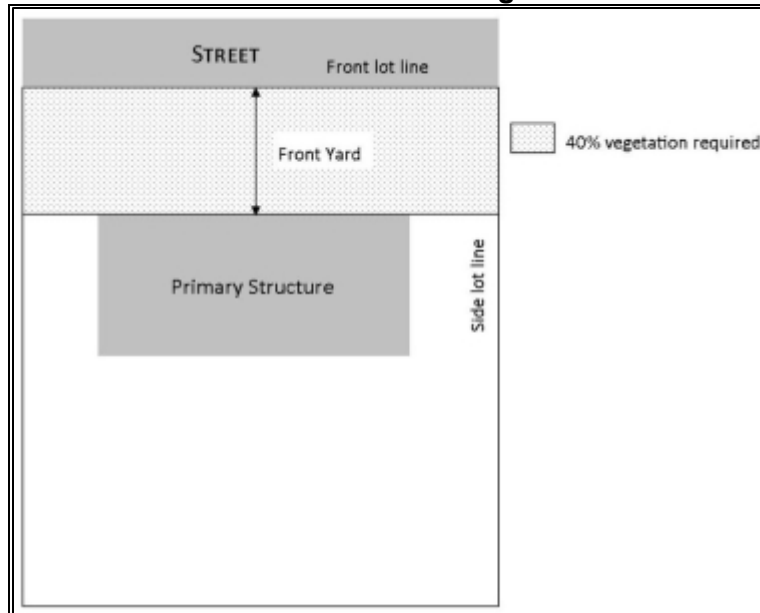
C. Minimum Vegetation

At least half of the minimum required vegetation area must be suitable for outdoor recreation by residents, and not have extreme topography or dense vegetation that precludes access.

D. Front Yard Minimum Vegetation

At least 40% of the front yard shall be vegetated. The front yard vegetation area required by this subsection counts toward the minimum required vegetation for the lot. A property may provide less than the 40% of the front yard vegetation requirement if it is necessary to provide a turnaround area so that vehicles can enter a collector or arterial street in a forward motion.

**Figure 19.302.5.D
Front Yard Minimum Vegetation**



E. Height Exceptions

An additional 10 ft of building height may be permitted in excess of the required maximum standard. For the additional 10 ft in building height, an additional 10% of site area beyond the minimum is required to be retained in vegetation.

F. Residential Densities

1. The minimum and maximum development densities in Subsection 19.302.4.C.1 are applicable for land divisions, replats that change the number of lots, and any development that would change the number of dwelling units on a lot. Development of a single detached dwelling or accessory dwelling units are exempt from the minimum and maximum density requirements. Middle housing, except for townhouses, is exempt from maximum density requirements.

If a proposal for a replat or land division is not able to meet the minimum density requirement—due to the dimensional requirements for lot width, lot depth, or lot frontage—the minimum density requirement shall instead be equal to the maximum number of lots that can be obtained from the site given its dimensional constraints. The inability of new lot lines to meet required yard dimensions from existing structures shall not be considered as a basis for automatically lowering the minimum density requirement.

2. Multi-unit development in the R-2, R-1, and R-1-B Zones is subject to the minimum site size requirements in Table 19.302.5.F.2. In the event that the minimum site size requirements conflict with the development densities in Subsection 19.302.4.C.1, the site size requirements in Table 19.302.F.2 shall prevail.

Table 19.302.5.F.2 Minimum Site Size for Multi-Unit Development in the R-2, R-1, and R-1-B Zones		
Units	R-2 Zone	R-1 and R-1-B Zone
First Dwelling Unit	5,000 sq ft per unit	5,000 sq ft per unit
Additional Dwelling Units	1,500 sq ft per unit	1,400 sq ft per unit

G. Accessory Structure Standards

Standards specific to accessory structures are contained in Section 19.502.

H. Building Limitations

Multi-unit buildings shall not have an overall horizontal distance exceeding 150 linear ft as measured from end wall to end wall.

I. Off-Street Parking and Loading

Off-street parking and loading is required as specified in Chapter 19.600.

J. Public Facility Improvements

Transportation requirements and public facility improvements are required as specified in Chapter 19.700.

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 19.504.7 Flag Lot and Back Lot Design and Development Standards
3. Subsection 19.504.8 On-Site Walkways and Circulation
4. Subsection 19.504.9 Setbacks Adjacent to Transit
5. Subsection 19.505.1 Single Detached and Middle Housing Residential Development
6. Subsection 19.505.2 Garages and Carports
7. Subsection 19.505.3 Multi-Unit Housing
8. Subsection 19.505.4 Cottage Cluster Housing
9. Subsection 19.505.5 Townhouses
10. Subsection 19.505.8 Building Orientation to Transit
11. Subsection 19.506.4 Manufactured Dwelling Siting and Design Standards, Siting Standards

Table 19.303.3 - Commercial Mixed Use Zones—Summary of Development Standards

6. Minimum vegetation	15%	15%	Subsection 19.504.6 Minimum Vegetation
10. Transition measures	Yes	Yes	Subsection 19.504.5 Transition Area Measures

Table 19.304.4 CONTINUED - Downtown Zones—Summary of Development Standards

B. Development Standards CONTINUED			
9. Transition measures	Yes, where applicable	No	Subsection 19.304.5.I Transition Measures Subsection 19.504.5 Transition Area Measures

19.304.5 Detailed Development Standards

I. Transition Measures

1. Intent

To minimize impacts of commercial or mixed-use development on lower-density residential uses.

2. Standards

For properties north of Harrison St and located within 50 ft of a lower-density residential zone (R-10, R-7, or R-5), the transition area measures in Subsection 19.504.5 apply. In addition:

- a. Within 50 ft of the property line abutting lower-density residential zones, buildings shall provide a step back of at least 6 ft for any portion of the building above 35 ft.
- b. The height bonuses in Subsection 19.304.5.B.3 cannot be applied within 50 ft of a lower-density residential zone.

CHAPTER 19.400 OVERLAY ZONES AND SPECIAL AREAS

19.401 WILLAMETTE GREENWAY ZONE WG

19.401.4 Definitions

“Diameter at breast height” means the measurement of mature trees as measured at a height 4.5 feet above the mean ground level at the base of the tree. Trees existing on slopes are measured at the lowest point of ground at the base of the tree. If a tree splits into multiple trunks below 4.5 feet above ground level, the measurement is taken at its most narrow point below the split.

“Large trees” means trees with at least a 6-in diameter at breast height (DBH).

19.401.5

- B. Willamette Greenway review is not required for any of the activities listed below:
 - 1. Changes to the interior of a building or alterations of buildings or accessory structures that do not increase the size or alter the configuration of the building or accessory structure footprint;
 - 2. Normal maintenance and repair as necessary for an existing development;
 - 3. Removal of plants listed as nuisance species on the Oregon Noxious Weed List or Milwaukie Invasive Tree List;

19.401.8 Vegetation Buffer Requirements

A. A buffer strip of native vegetation shall be identified along the river, which shall include the land area between the river and a location 25 ft upland from the ordinary high water line. This area shall be preserved, enhanced, or reestablished, except for development otherwise allowed in this title, and subject to the requirements of Subsection 19.401.8.B below.

B. Prior to development (e.g., removal of substantial amounts of vegetation or alteration of natural site characteristics) within the buffer, a vegetation buffer plan for the buffer area shall be submitted for review and approval. The plan shall address the following areas and is subject to the following requirements:

- 1. Riverbank Stabilization

The plan shall identify areas of riverbank erosion, and provide for stabilization. Bioengineering methods for erosion control shall be used when possible. When other forms of bank stabilization are used, pocket plantings or other means shall be used to provide vegetative cover.
- 2. Scenic View Protection (Screening)

The plan shall identify the impact of the removal or disturbance of vegetation on scenic views from the river, public parks, public trails, and designed public overlooks.
- 3. Retain Existing Native Vegetation and Large Trees

The plan shall provide for the retention of existing large trees and existing native vegetation, including small trees, ground covers, and shrubs, within the vegetation buffer area. The regulations in Chapter 16.32 Tree Code apply in addition to the regulations in this chapter. Removal of native vegetation and large trees is allowed pursuant to the following standards:

- a. Large trees that are diseased, dead, or in danger of falling down may be removed if there is a clear public safety hazard or potential for property damage.
- b. Grading or tree removal is allowed in conjunction with establishing a permitted use. Only the area necessary to accommodate the permitted use shall be altered.
- c. Tree and vegetation removal may be allowed to create 1 view window from the primary residential structure to the river when suitable views cannot be achieved through pruning or other methods. The width of a view window may not exceed 100 ft or 50% of lineal waterfront footage, whichever is lesser. The applicant must clearly demonstrate the need for removal of trees and vegetation for this purpose.

4. Restore Native Vegetation

The plan shall provide for restoring lands within the buffer area which have been cleared of vegetation during construction with native vegetation.

5. Enhance Vegetation Buffer Area

The plan may provide for enhancing lands within the buffer area. Regular pruning and maintenance of native vegetation shall be allowed. Vegetation that is not native, except large trees, may be removed in accordance with the regulations in Chapter 16.32. New plant materials in the buffer strip shall be native vegetation.

6. Security that the Plan will be Carried Out

The approved vegetation buffer shall be established, or secured, prior to the issuance of any permit for development.

C. The vegetation buffer requirements shall not preclude ordinary pruning and maintenance of vegetation in the buffer strip.

19.402 NATURAL RESOURCES NR

19.402.1 Intent

- E. It is not the intent of Section 19.402 to:
 1. Impose any obligation on property owners to restore existing developed sites to predevelopment or natural conditions when no new activity is proposed.
 2. Impose any unreasonable hardship against the continued maintenance of existing legal site conditions.
 3. Apply to activities that do not affect WQRs or HCAs.

4. Prohibit normal lawn and yard landscape planting and maintenance that does not involve removal and replacement of existing native vegetation. Normal lawn and yard planting and maintenance does not include the planting of invasive nonnative or noxious vegetation, including, but not limited to, plants listed as nuisance species on the Oregon Noxious Weed List or Milwaukie Invasive Tree List established in Subsection 19.402.2.G.

19.402.2 Coordination with Other Regulations

A. Implementation of Section 19.402 is in addition to, and shall be coordinated with, Title 19 Zoning, Title 18 Flood Hazard Regulations, and Chapter 16.28 Erosion Control, and Chapter 16.32 Tree Code.

B. For properties along the Willamette River, Section 19.402 shall not prohibit the maintenance of view windows, as allowed by Section 19.401 Willamette Greenway Zone WG.

C. Except as provided for in Subsection 19.402.2.B, when applicable provisions of Sections 19.402 and 19.401 or Chapter 16.32 are in conflict, the more restrictive provision shall be controlling.

D. Nonconforming development that was legally existing for WQRs as of January 16, 2003, the effective date of Ordinance #1912, or that was legally existing for HCAs as of September 15, 2011, the effective date of Ordinance #2036, and that is nonconforming solely because of Section 19.402, shall not be subject to the provisions of Chapter 19.800 Nonconforming Uses and Development. However, development that is nonconforming for other reasons shall be subject to the provisions of Chapter 19.800.

E. The requirements of Section 19.402 apply in addition to all applicable local, regional, State, and federal regulations, including those for wetlands, trees, and flood management areas. Where Section 19.402 imposes restrictions that are more stringent than regional, State, and federal regulations, the requirements of Section 19.402 shall govern.

G. A document or other list used to identify native, nuisance, and prohibited plants shall be maintained by the Planning Manager and shall be referred to as the Oregon Noxious Weed List or Milwaukie Invasive Tree List.

19.402.4 Exempt Activities

A. Outright Exemptions

The following activities in WQRs or HCAs are exempt from the provisions of Section 19.402:

1. Action taken on a building permit for any portion of a phased development project for which the applicant has previously met the applicable requirements of Section 19.402, including the provision of a construction management plan per Subsection 19.402.9. This exemption applies so long as the building site for new construction was identified on the original application, no new portion of the WQR and/or HCA will be disturbed, and no related land use approvals have expired per Subsection 19.1001.7. This exemption also extends to projects initiated prior to September 15, 2011, the effective

date of Ordinance #2036, which have already been approved through Water Quality Resource Review.

2. Stream, wetland, riparian, and upland enhancement or restoration projects and development in compliance with a natural resource management plan or mitigation plan approved by the City or by a State or federal agency.

3. Emergency procedures or activities undertaken that are necessary to remove or abate hazards to person or property, provided that the time frame for such remedial or preventative action is too short to allow for compliance with the requirements of Section 19.402. After the emergency, the person or agency undertaking the action shall repair any impacts to the designated natural resource resulting from the emergency action; e.g., remove any temporary flood protection such as sandbags, restore hydrologic connections, or replant disturbed areas with native vegetation.

4. The planting or propagation of plants categorized as native species on the Milwaukie Native Plant List.

5. Removal of plants categorized as nuisance species on the Milwaukie Native Plant List. After removal, all open soil areas shall be replanted and/or protected from erosion.

6. Removal of trees under any of the following circumstances:

a. The tree is a “downed tree” as defined in Section 19.201, the tree has been downed by natural causes, and no more than 150 sq ft of earth disturbance will occur in the process of removing the tree.

b. The tree is categorized as a nuisance species on the Oregon Noxious Weed List or Milwaukie Invasive Tree List no more than 3 such trees will be removed from 1 property during any 12-month period, the requirements in Chapter 16.32 are met, and no more than 150 sq ft of earth disturbance will occur in the process of removing the tree(s).

c. The tree presents an emergency situation with immediate danger to persons or property, as described in Subsection 19.402.4.A.3. Emergency situations may include, but are not limited to, situations in which a tree or portion of a tree has been compromised and has damaged, or is damaging, structures or utilities on private or public property, or where a tree or portion of a tree is prohibiting safe passage in the public right-of-way. Examples are trees that have fallen into or against a house or other occupied building, or trees downed across power lines or roadways. This exemption is limited to removal of the tree or portion of the tree as necessary to eliminate the hazard. Any damage or impacts to the designated natural resource shall be repaired after the emergency has been resolved. The requirements in Chapter 16.32 must also be met.

d. Removal of the tree is in accordance with the requirements in Chapter 16.32 and an approved natural resource management plan per Subsection 19.402.10.

e. Major pruning of trees within 10 ft of existing structures in accordance with the requirements in Chapter 16.32.

7. Landscaping and maintenance of existing landscaping and gardens. This exemption extends to the installation of new irrigation and drainage facilities and/or erosion control features, as well as to landscaping activities that do not involve the removal of native plants or plants required as mitigation, the planting of any vegetation identified as a

nuisance species on the Oregon Noxious Weed List or Milwaukie Invasive Tree List or anything that produces an increase in impervious area or other changes that could result in increased direct stormwater discharges to the WQR.

8. Additional disturbance for outdoor uses, such as gardens and play areas, where the new disturbance area does not exceed 150 sq ft; does not involve the removal of any trees of larger than 6-in diameter or otherwise regulated by Chapter 16.32; and is located at least 30 ft from the top of bank of a stream or drainage and at least 50 ft from the edge of a wetland.

17. Establishment and maintenance of trails in accordance with the following standards:

- a. Trails shall be confined to a single ownership or within a public trail easement.
- b. Trails shall be no wider than 30 in. Where trails include stairs, stair width shall not exceed 50 in and trail grade shall not exceed 20%, except for the portion of the trail containing stairs.
- c. Trails shall be unpaved and constructed with nonhazardous, pervious materials.
- d. Trails shall be located at least 15 ft from the top of bank of all water bodies.
- e. Plants adjacent to trails may be trimmed, but trimming clearances shall not exceed a height of 8 ft and a width of 6 ft.
- f. Native trees of larger than 6-in diameter, other trees regulated by Chapter 16.32, and native shrubs or conifers larger than 5 ft tall, shall not be removed.

18. Installation and maintenance of erosion control measures that have been reviewed and approved by the City.

B. Limited Exemptions Within HCAs

The following activities within HCAs are exempt from the provisions of Section 19.402, except that a construction management plan is required, according to the provisions of Subsection 19.402.9, where the activity disturbs a total of more than 150 sq ft:

- 5. Facilities that infiltrate stormwater on the site, including the associated piping, so long as the forest canopy and the areas within the driplines of the trees are not disturbed. Such facilities may include, but are not limited to, vegetated swales, rain gardens, vegetated filter strips, and vegetated infiltration basins. Native or nonnative vegetation may be planted in these facilities, provided that none of the plantings are identified as a nuisance species on the Oregon Noxious Weed List or Milwaukie Invasive Tree List.

19.402.5 Prohibited Activities

Title 19 Zoning is comprised of regulations that deal with the use of land; it does not extend into the broader realm of laws that regulate personal activities unrelated to land use and development. Given such limitations, the following activities are prohibited within WQRs and HCAs:

- A. New structures, development, or landscaping activity other than those allowed by Section 19.402.

- B. Uncontained areas of hazardous materials, as defined by DEQ.
- C. Planting any vegetation listed as a nuisance species on the Oregon Noxious Weed List or Milwaukie Invasive Tree List.

19.402.6 Activities Requiring Type I Review

Within either WQRs or HCAs, the following activities and items are subject to Type I review per Section 19.1004:

A. Limited Tree Removal

1. The Planning Manager ~~Director~~ may approve an application for limited tree removal or major pruning within WQRs and HCAs when the applicable requirements in Chapter 16.32 are met, except where exempted by Subsection 19.402.6.A.2, under any of the following circumstances:

a. The tree removal is necessary to eliminate a hazardous, nonemergency situation, as determined by the Planning Manager. A situation may be deemed hazardous if a tree, or portion of a tree, has undergone a recent change in health or condition in a manner that may pose a danger to people, to structures on private property, to public or private utilities, or to travel on private property or in the public right-of-way. Examples of imminent hazards may include, but are not limited to, trees that are broken, split, cracked, uprooted, or otherwise in danger of collapse. Approval shall be limited to removal of the tree, or portion of the tree, as necessary to eliminate the hazard.

c. The proposal would remove more than 3 trees during any 12-month period that are categorized as nuisance species on the Oregon Noxious Weed List or Milwaukie Invasive Tree List.

d. The tree is a downed tree, but more than 150 sq ft of earth disturbance is necessary to remove it.

e. The tree is a nuisance species, but more than 150 sq ft of earth disturbance is necessary to remove it.

f. The tree is not categorized as either a nuisance or native species on the Oregon Noxious Weed List or Milwaukie Invasive Tree List and is not located in a WQR categorized as Class A (“Good”), according to Table 19.402.11.C, provided that no more than 3 such trees will be removed during any 12-month period, and complies with the applicable requirements in Chapter 16.32.

3. The Planning Manager shall require the application to comply with all of the following standards:

a. A construction management plan shall be prepared in accordance with Subsection 19.402.9. When earth disturbance is necessary for the approved removal or pruning, all open soil areas that result from the disturbance shall be replanted and/or protected from erosion.

b. All pruning and/or tree removal shall be done in accordance with the standards of the International Society of Arboriculture (ISA) and complies with the applicable requirements in Chapter 16.32.

d. The replacement tree(s) shall be located in the general vicinity of the removed tree(s), somewhere within the designated natural resource (WQR or HCA). The replacement tree(s) does not have to be a native species; but, in accordance with Subsection 19.402.5.C, the replacement tree(s) shall not be categorized as a nuisance species on the Oregon Noxious Weed List or Milwaukie Invasive Tree List. The property owner shall ensure that the replacement tree(s) survives at least 2 years beyond the date of its planting.

19.402.7 Activities Requiring Type II Review

Within either WQRs or HCAs, the following activities and items are subject to Type II review and approval by the Planning Director per Section 19.1005, unless they are otherwise exempt or permitted as a Type I activity.

D. Other Uses and Activities with Minimal Impacts to WQRs

The activities listed below are subject to Type II review and the general discretionary review criteria provided in Subsection 19.402.12:

4. Routine repair and maintenance, alteration, and/or total replacement of existing utility facilities, accesses, streets, driveways, and parking improvements that increases the existing disturbance area by no more than 150 sq ft within the WQR. Activities approved under this subsection shall be subject to the following requirements:

- a. Restore the disturbed portion of the WQR.
- b. Within the disturbed portion of the WQR, remove any vegetation categorized as a nuisance species on the Oregon Noxious Weed List or Milwaukie Invasive Tree List and replace it with native vegetation from the list.

19.402.8 Activities Requiring Type III Review

Within either WQRs or HCAs, the following activities are subject to Type III review and approval by the Planning Commission under Section 19.1006, unless they are otherwise exempt or permitted as a Type I or II activity.

A. The activities listed below shall be subject to the general discretionary review criteria provided in Subsection 19.402.12:

8. Tree removal in excess of that permitted under Subsections 19.402.4 or 19.402.6. Tree removal must also comply with the requirements in Chapter 16.32.

19.402.9 Construction Management Plans

A. Construction management plans are not subject to Type I review per Section 19.1004 but shall be reviewed in similar fashion to an erosion control permit (MMC Chapter 16.28).

B. Construction management plans shall provide the following information:

- 1. Description of work to be done.

2. Scaled site plan showing a demarcation of WQRs and HCAs and the location of excavation areas for building foundations, utilities, stormwater facilities, etc.
3. Location of site access and egress that construction equipment will use.
4. Equipment and material staging and stockpile areas.
5. Erosion and sediment control measures.
6. Measures to protect trees and other vegetation located within the potentially affected WQR and/or HCA. Tree protection must be consistent with the requirements in Section 16.32.042.F.

When required for a property that does not include a designated natural resource, the construction management plan shall show the protective measures that will be established on the applicant's property.

19.402.11 Development Standards

A. Protection of Natural Resources During Site Development

During development of any site containing a designated natural resource, the following standards shall apply:

11. The applicable provisions of Chapter 16.32 shall be met.

B. General Standards for Required Mitigation

Where mitigation is required by Section 19.402 for disturbance to WQRs and/or HCAs, the following general standards shall apply:

2. Required Plants

Unless specified elsewhere in Section 19.402, all trees, shrubs, and ground cover planted as mitigation shall be native plants, as identified on the Oregon Noxious Weed List or Milwaukie Invasive Tree List .Applicants are encouraged to choose particular native species that are appropriately suited for the specific conditions of the planting site; e.g., shade, soil type, moisture, topography, etc.

4. Plant Spacing

Trees shall be planted between 8 and 12 ft on center. Shrubs shall be planted between 4 and 5 ft on center or clustered in single-species groups of no more than 4 plants, with each cluster planted between 8 and 10 ft on center. When planting near existing trees, the dripline of the existing tree shall be the starting point for plant spacing measurements. Note that in meeting the Tree Planting Standards in subsection 16.32.042.C, the Urban Forester may only credit those trees that meet the requirements in Table 16.32.042.C. The additional trees required by this subsection may be excluded from contributing to the Tree Canopy Requirements in subsection 16.32.042.C.

19.402.11.D. Nondiscretionary Standards for HCAs

The following nondiscretionary standards may be applied to proposals that are subject to Type I review and located within HCAs only. These standards do not apply to activities proposed within WQRs.

1. Disturbance Area Limitations in HCAs

To avoid or minimize impacts to HCAs, activities that are not otherwise exempt from the requirements of Section 19.402, and that would disturb an HCA, are subject to the following disturbance area limitations, as applicable:

a. Single Detached and Middle Housing Residential Uses

The amount of disturbance allowed within an HCA for residential uses, including any related public facilities as required by Section 19.700 Public Facility Improvements, shall be determined by subtracting the area of the lot or parcel outside of the HCA from the maximum disturbance area calculated per Figure 19.402.11.D.1.a. Such disturbance shall be subject to the mitigation requirements described in Subsection 19.402.11.D.2.

**Figure 19.402.11.D.1.a
Method for Calculating Allowable Disturbance within an HCA
for Single Detached Dwellings and Middle Housing Residential Uses**

X = The maximum potential disturbance area within the HCA , which is 50% of the total HCA, up to a maximum of 5,000 sq ft.

Y = The area of the lot or parcel outside the total resource area (WQR and HCA).

Z = The net amount of disturbance area allowed within the HCA ($Z = X - Y$)

If (Y) is greater than (X), development shall not be permitted within the HCA; otherwise, the applicant may disturb up to the net amount of disturbance area allowed (Z) within the HCA.

Example 1: 8,000-sq-ft lot with 3,000 sq ft of HCA and 5,000 sq ft outside of HCA/WQR

X = 1,500 sq ft (50% of HCA)

Y = 5,000 sq ft outside of HCA/WQR

Z = - 3,500 sq ft (1,500 sq ft – 5,000 sq ft)

Conclusion: Y is greater than X; therefore, development is not permitted within the HCA.

Example 2: 8,000-sq-ft lot with 6,000 sq ft of HCA and 2,000 sq ft outside of HCA/WQR

X = 3,000 sq ft (50% of HCA)

Y = 2,000 sq ft outside of HCA/WQR

Z = 1,000 sq ft (3,000 sq ft – 2,000 sq ft)

Conclusion: Y is not greater than X; therefore, the applicant may disturb up to the value of Z (1,000 sq ft) within the HCA.

2. Mitigation Requirements for Disturbance in HCAs

To achieve the goal of reestablishing forested canopy that meets the ecological values and functions described in Subsection 19.402.1, when development intrudes into an HCA, tree replacement and vegetation planting are required according to the following standards, unless the planting is also subject to wetlands mitigation requirements imposed by state and federal law.

These mitigation options apply to tree removal and/or site disturbance in conjunction with development activities that are otherwise permitted by Section 19.402. They do not apply to situations in which tree removal is exempt per Subsection 19.402.4 or approvable through Type I review.

An applicant shall meet the requirement of Mitigation Option 1 or 2, whichever results in more tree plantings; except that where the disturbance area is 1 acre or more, the applicant shall comply with Mitigation Option 2. The Urban Forester may allow the mitigation requirements in this subsection to satisfy the mitigation requirements in Chapter 16.32 except that the mitigation requirements in subsection 16.32.042 shall be met when applicable.

19.402.12 General Discretionary Review

B. Approval Criteria

1. Unless specified elsewhere in Section 19.402, applications subject to the discretionary review process shall demonstrate how the proposed activity complies with the following criteria:

c. Mitigate

If the applicant demonstrates that there is no practicable alternative that will avoid disturbance of the designated natural resource, then the proposed activity shall mitigate for adverse impacts to the resource area. All proposed mitigation plans shall meet the following standards:

(3) All revegetation plantings shall use native plants listed on the Oregon Noxious Weed List or Milwaukie Invasive Tree List.

C. Limitations and Mitigation for Disturbance of HCAs

2. Discretionary Review to Approve Mitigation that Varies the Number and Size of Trees and Shrubs within an HCA

An applicant seeking discretionary approval to proportionally vary the number and size of trees and shrubs required to be planted under Subsection 19.402.11.D.2 (e.g., to plant fewer larger trees and shrubs or to plant more smaller trees and shrubs), but who will comply with all other applicable provisions of Subsection 19.402.11, shall be subject to the following process:

a. The applicant shall submit the following information:

(5) An explanation of how the applicable requirements in Chapter 16.32 will also be met.

b. Approval of the request shall be based on consideration of the following:

- (1) Whether the proposed planting will achieve, at the end of the third year after initial planting, comparable or better mitigation results than would be achieved if the applicant complied with all of the requirements of Subsection 19.402.11.D.2.
- (2) Whether the proposed mitigation adequately addresses the plant diversity, plant survival, and monitoring practices established in Subsection 19.402.11.B.
- (3) Whether the applicable requirements in Chapter 16.32 will also be met.

19.403 HISTORIC PRESERVATION OVERLAY ZONE HP

19.403.8 Uses Permitted

A. Primary Uses

A resource may be used for any use which is allowed in the underlying district, subject to the specific requirements for the use, and all other requirements of this section.

B. Conditional Uses

Except within moderate density residential designations, uses identified in Subsection 19.403.8.C below which would not be allowed in the underlying zones may be allowed when such use would preserve or improve a resource which would probably not be preserved or improved otherwise, subject to the provisions of Subsection 19.403.6. Such uses may also be allowed in the moderate density residential designations if located along minor or major arterial streets, with the exception of bed and breakfast establishments, which may be located on any street. Approval of such uses shall include conditions mitigating adverse impact of the use on neighboring properties and other requirements as per Section 19.905 Conditional Uses.

CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

19.501 GENERAL EXCEPTIONS

19.501.1 Lot Size Exceptions

Any legal lot or lot of record that does not meet the area or dimensional requirements specified in Chapter 19.300 may be put to a use permitted by the requirements of the Zoning Ordinance, with the following limitations:

- A. The development conforms with all other applicable standards of Title 19, unless a variance is granted per Section 19.911.
- B. Single-family detached dwellings require a minimum lot size of 5,000 sq ft. if the lot was created on or after May 19, 2022, the effective date of Ordinance #2216.

19.501.2 Yard Exceptions

C. A covered porch on a single detached dwelling or middle housing unit may extend 6 ft into a required front yard if the following standards are met.

1. The porch is not enclosed on any side other than what is enclosed by the exterior walls of the dwelling. The following are not considered to be enclosures: structural supports for a covered porch, projections not extending more than 3 ft upward from the surface of the porch, railings, retractable sunshades, screens, or netting.
 2. The surface of the porch does not exceed 18 in high above the average grade.
 3. The porch is at least 5 ft from the front lot line.
-

19.501.3 Yard Exceptions

B. The following encroachments into a side yard height plane are allowed:

1. Roof overhangs or eaves, provided that they do not extend more than 30 in horizontally beyond the side yard height plane.
-

19.504.4 Distance from Property Line

19.504.5 Transition Area Measures

Where commercial, mixed-use, or industrial development is proposed abutting or adjacent to properties zoned R-MD, the following transition measures shall be required. These additional requirements are intended to minimize impacts on residential uses.

- A. All yards that abut, or are adjacent across a right-of-way from the R-MD zone shall be at least as wide as the required front yard width of the adjacent R-MD zone. This additional yard requirement shall supersede the base zone yard requirements for the development property where applicable, except in the NMU Zone. In the NMU Zone, the base zone front yard requirements supersede these requirements.
 - B. All yards that abut, or are adjacent across a right-of-way from the R-MD zone, shall be maintained as open space. Natural vegetation, landscaping, or fencing shall be provided to at least the 6-ft level to screen R-MD residential uses from direct view across the open space, subject to the provisions of Subsection 19.502.2.B.
-

19.504.6 Minimum Vegetation

19.504.7 Flag Lot and Back Lot Design and Development Standards

A. Applicability

Flag lots and back lots in all zones are subject to the development standards of this subsection, where applicable.

B. Development Standards – Flag Lots

1. Lot Area Calculation

The areas contained within the accessway or pole portion of the lot shall not be counted toward meeting the minimum lot area requirement, except for the development of middle housing in which case the areas contained within the accessway or pole portion can be counted toward meeting the minimum lot area requirement.

2. Yard Setbacks for Flag Lots

a. Front and rear yard: The minimum front and rear yard requirement for a single detached dwelling on a flag lot is 30 ft. This requirement is reduced to 20 ft for the development of middle housing.

b. Side yard. The minimum side yard for principal and accessory structures in flag lots is 10 ft.

3. Variances

Variances of lot area, lot width, and lot depth standards for flag lots are subject to a Type III variance per MMC 19.911.

4. Frontage, Accessway, and Driveway Design

a. Flag lots shall have frontage or access on a public street. The minimum width of the accessway and street frontage is 25 ft. The accessway is the pole portion of the lot that provides access to the flag portion of the lot.

b. Abutting flag lots shall have a combined frontage and accessway of ~~35~~ 25 ft. For abutting accessways of 2 or more flag lots, the accessway of any individual lot shall not be less than 15 ft.

c. Driveway Design and Emergency Vehicle Access

(1) Driveways must be designed and constructed in accordance with Chapters 12.16 and 12.24 and the Public Works Standards.

(2) Driveways must be centered within the accessway to minimize impacts on adjoining lots except when otherwise warranted to preserve existing vegetation or meet the intent of this subsection.

(3) A paved turnaround area, or other provisions intended to provide emergency vehicle access and adequate maneuvering area, may be required.

(4) The flag lot driveway must be consolidated with the driveway on the parent lot to the greatest extent practicable.

(5) Design standards for shared driveways serving 3 or more lots shall be specified by the City Engineer after consultation with the Fire Marshal.

(6) Parking along any portion of the driveway within the accessway is prohibited unless the driveway is suitably sized to meet the combined needs of parking and emergency access requirements.

C. Development Standards – Back Lots

1. Yard Setbacks for Back Lots

a. Front and rear yard: The minimum front and rear yard requirement for a single detached dwelling on a back lot is 30 ft. This requirement is reduced to 20 ft for the development of middle housing.

b. Side yard. The minimum side yard for principal and accessory structures on back lots is 10 ft.

2. Variances

Variances of lot area, lot width, and lot depth standards for back lots are subject to a Type III variance per MMC 19.911.

3. Frontage, Accessway, and Driveway Design

1. The driveway serving a back lot must have a minimum pavement width of 14 ft and maximum pavement width of 20 ft, subject to the requirements of the Fire Marshal and Chapters 12.16 and 12.24 and the Public Works Standards.

2. The easement for access to a back lot must have a minimum width of 6 ft wider than the driveway throughout its entire length.

3. Driveway Design and Emergency Vehicle Access

a. Driveways must be designed and constructed in accordance with Chapters 12.16 and 12.24 and the Public Works Standards.

b. Driveways must be centered within the accessway to minimize impacts on adjoining lots except when otherwise warranted to preserve existing vegetation or meet the intent of this subsection.

c. A paved turnaround area, or other provisions intended to provide emergency vehicle access and adequate maneuvering area, may be required.

e. The back lot driveway must be consolidated with the driveway on the parent lot to the greatest extent practicable.

f. Design standards for shared driveways serving more than 3 lots must be specified by the City Engineer after consultation with the Fire Marshal.

g. Parking along any portion of the driveway within the accessway is prohibited unless the driveway is suitably sized to meet the combined needs of parking and emergency access requirements.

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.

1. Planting and screening must be provided at the time of development. Installation of required screening and planting is required prior to final inspections and occupancy of the site unless a bond or other surety acceptable to the City Attorney is provided. Screening and landscaping must be installed within 6 months thereafter or the bond will be foreclosed. The property owner must maintain required screening and planting in good and healthy condition. The requirement to maintain required screening and planting is continuous.
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.E. and 19.504.7.F.
 - a. Any combination of dense plantings of trees and shrubs and fencing that will provide continuous sight obstruction for the benefit of adjoining properties within 3 years of planting is allowed.
 - b. Fencing along an accessway may not be located nearer to the street than the front building line of the house located on lots that abut the flag lot, or back lot, accessway. Dense planting must be used to provide screening along the accessway in areas where fencing is not permitted.
 - c. All required screening and planting must be maintained and preserved to ensure continuous protection against potential adverse impacts to adjoining property owners.

Figure 19.504.7.E
Flag Lot Screening

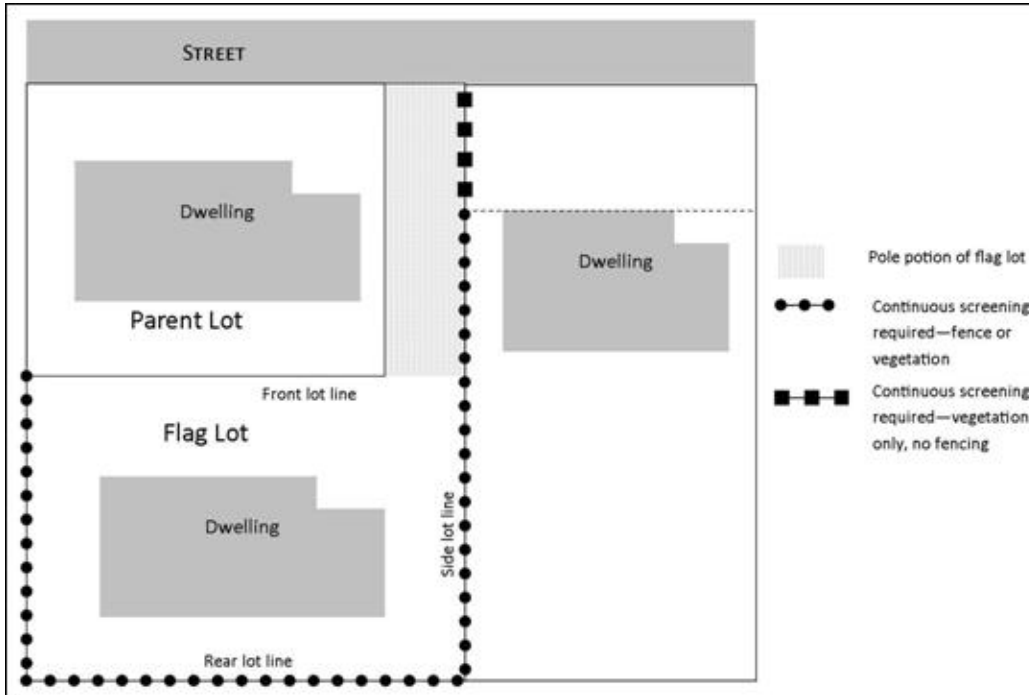
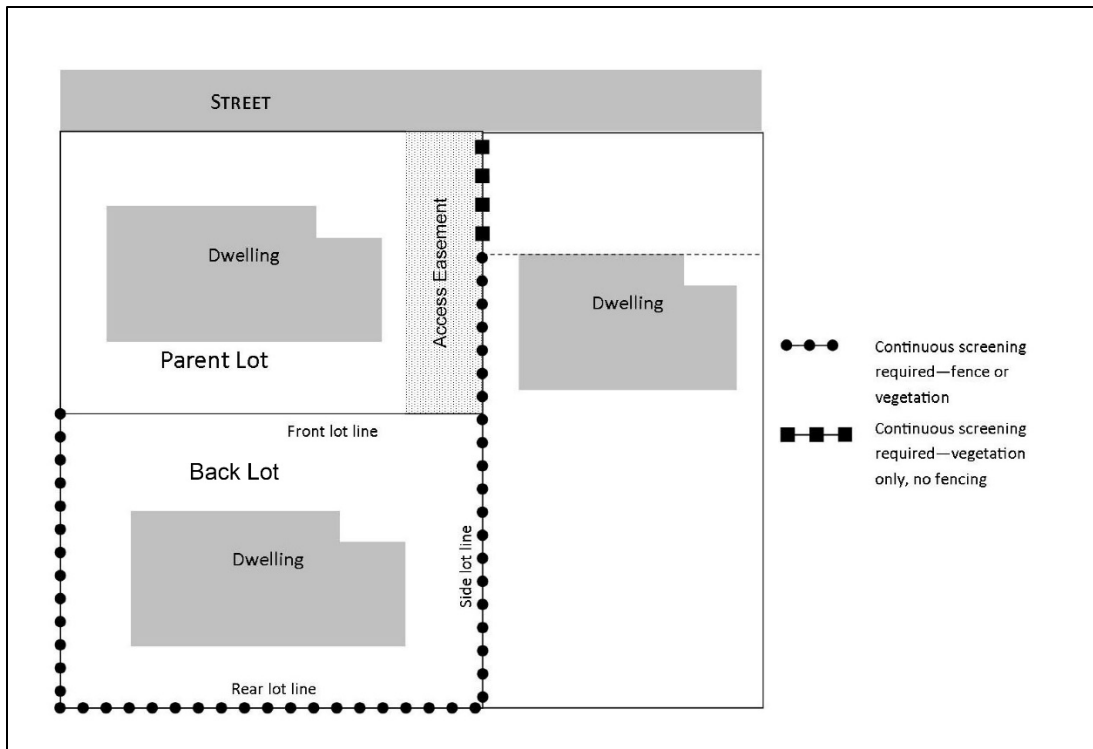


Figure 19.504.7.F
Back Lot Screening



E. Landscaping Plan Required – Flag Lots and Back Lots

A landscaping plan must be submitted to the Planning Manager prior to issuance of a building permit for new construction. The plan must be drawn to scale and must accompany development permit applications. The plan must show the following information:

1. A list of existing vegetation by type, including number, size, and species of trees.
2. Details for protections of existing trees.
3. List of existing natural features.
4. Location and space of existing and proposed plant materials.
5. List of plant material types by botanical and common names.
6. Notation of trees to be removed.
7. Size and quantity of plant materials.
8. Location of structures on adjoining lots, and location of windows, doors, and outdoor use areas on lots that adjoin the flag lot driveway.

19.504.8 On-Site Walkways and Circulation

A. Requirement

All development subject to Chapter 19.700 (excluding single detached and multi-unit residential development) shall provide a system of walkways that encourages safe and convenient pedestrian movement within and through the development site.

Redevelopment projects that involve remodeling or changes in use must be brought closer into conformance with this requirement to the greatest extent practicable. On-site walkways shall link the site with the public street sidewalk system, where sidewalks exist, or to the edge of the paved public street, where sidewalks do not exist. Walkways are required between parts of a site where the public is invited to walk. Walkways are not required between buildings or portions of a site that are not intended or likely to be used by pedestrians, such as truck loading docks and warehouses.

19.504.9 Setbacks Adjacent to Transit

19.504.10 Preliminary Circulation Plan

19.505.1 Single Detached Dwellings and Middle Housing 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 1 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

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

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.

Table 19.505.1.B.1 Applicability by Housing Type

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

1. Applicable to the entire site
 2. Applicable to dwellings facing the street
 3. Applicable to dwellings in a cluster or grouping, either facing a shared open space (e.g. a common courtyard) or a pedestrian path.
 4. Applicable to clustered parking where parking spaces exceed 4
 5. Applicable only for additions or new buildings
 6. Applicable only for new buildings
-
2. Expansions of structures in Subsection 19.505.1.B.1 that add area to any street-facing façade. 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 5-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.
3. Remodels 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.

C. Dwelling Standards

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

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

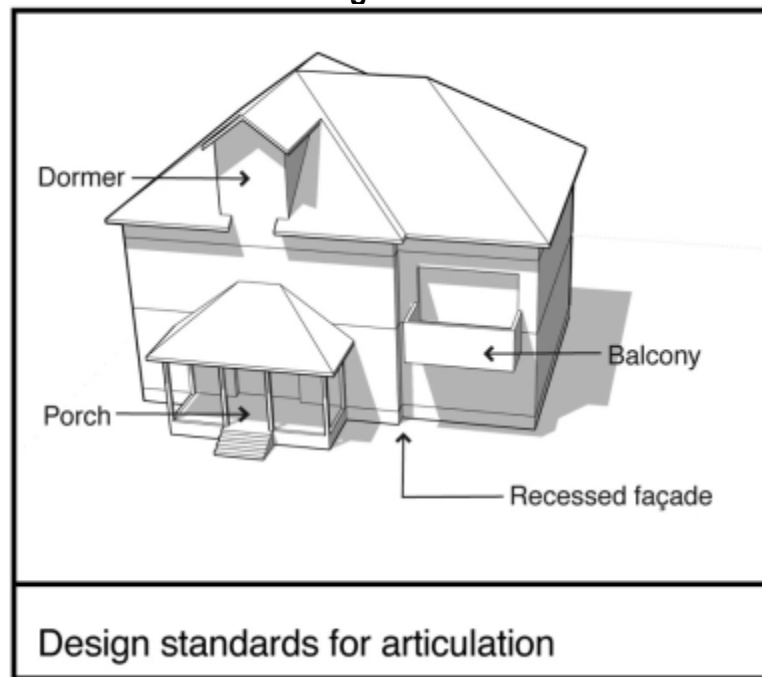
1. Articulation

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 1 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 1 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 2 elements.
 - c. For buildings with less than 30 ft of street frontage, the building articulation standard is not applicable.

**Figure 19.505.1.C.1
Building Articulation**



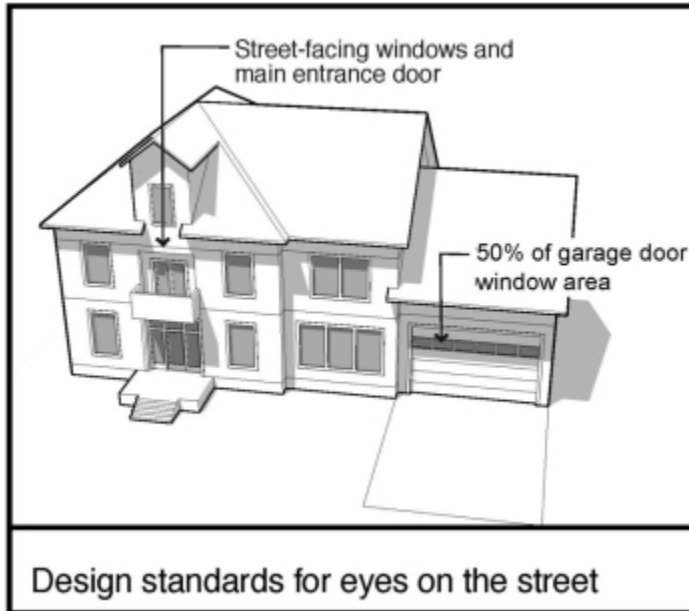
2. Eyes on the Street

At least 15% of the area of each street-facing façade must be windows or entrance doors. See Figure 19.505.1.C.2 for illustration of eyes on the street.

- 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.

**Figure 19.505.1.C.2
Eyes on the Street**

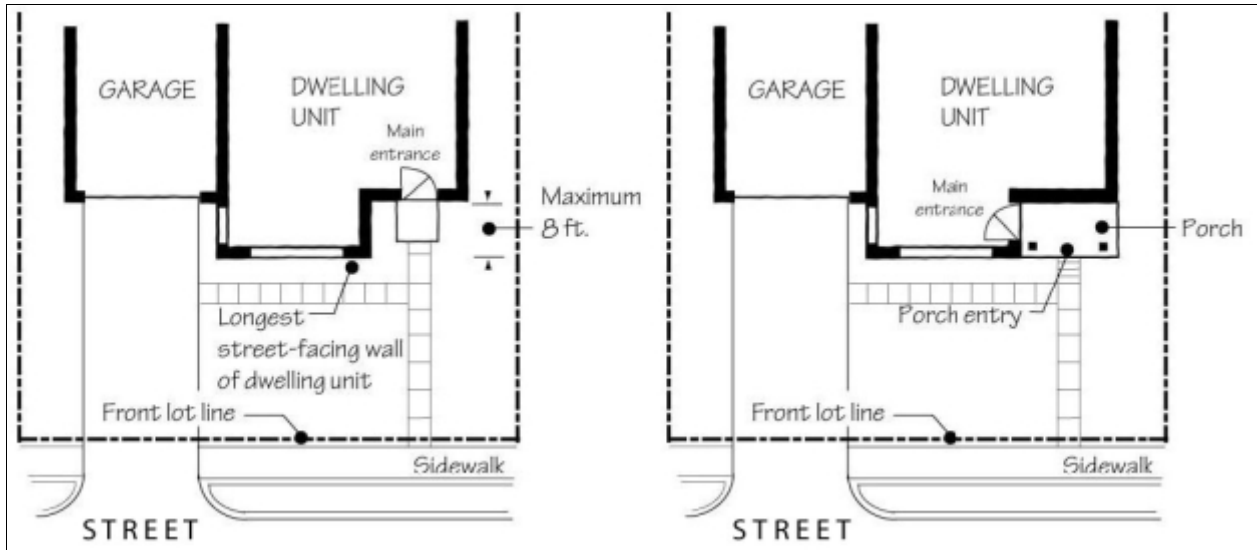


3. Main Entrance

At least 1 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 1 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.

**Figure 19.505.1.C.3
Main Entrances**



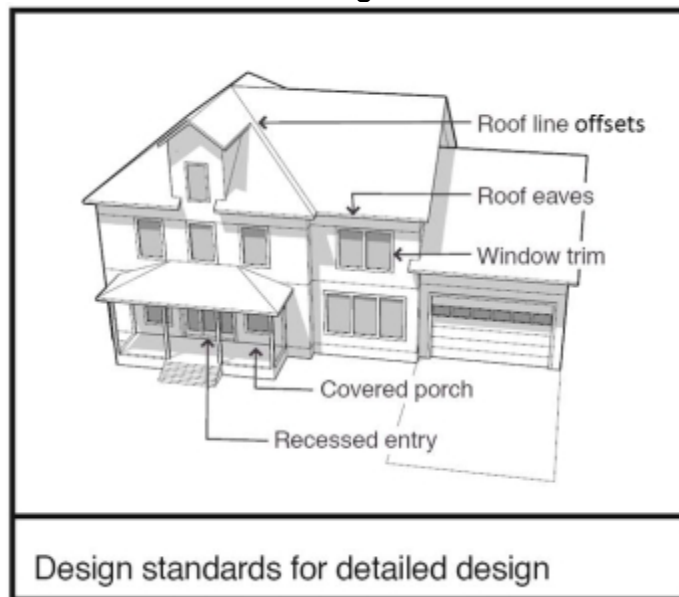
4. Detailed Design

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

- 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 1 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 1 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 (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.)

**Figure 19.505.1.C.4
Detailed Design Elements**



D. Site Design Standards

Minimum separation between detached units is 6 feet.

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.

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 1 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. Off-Street Parking

- a. 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.
4. Privacy and screening
1. Mechanical and communication equipment and outdoor garbage and recycling areas must be screened so they are not visible from streets and common open spaces.
 2. 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.
 3. 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.

5. Sustainability

In order to promote more sustainable development, 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.

19.505.3 Multi-unit Housing

A. Purpose

The purpose of these design standards is to facilitate the development of attractive multi-unit housing that encourages multimodal transportation. They encourage good site and building design, which contributes to livability, safety, and sustainability; helps create a stronger community; and fosters a quality environment for residents and neighbors.

The guidelines and standards are intended to achieve the following principles that the city encourages for multi-unit development:

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 Milwaukee.

3. Safety and Functionality

Development should be safe and functional, by providing visibility into and within a multi-unit 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

The design elements in Table 19.505.3.D in this subsection apply, as described below, to all multi-unit developments and congregate housing developments with 3 or more dwelling units on a single lot. Cottage cluster housing and rowhouses on their own lots are subject to separate standards and are therefore exempt from Subsection 19.505.3.

1. All new multi-unit or congregate housing development is subject to the design elements in this subsection.

2. The following design elements are applicable for work that would construct a new building or increase the floor area on the site by more than 1,000 sq ft. Elements that are applicable only to additions do not apply to the site's existing development.

- a. Subsection 19.505.3.D.1 Private Open Space, for the entire site.
- b. Subsection 19.505.3.D.2 Public Open Space, for the entire site.
- c. Subsection 19.505.3.D.5 Building Orientation and Entrances, only for additions or new buildings.

- d. Subsection 19.505.3.D.6 Building Façade Design, only for additions or new buildings.
 - e. Subsection 19.505.3.D.7 Building Materials, only for additions or new buildings.
 - f. Subsection 19.505.3.D.8 Landscaping, for the entire site.
 - g. Subsection 19.505.3.D.9 Screening, only for additions or new buildings.
 - h. Subsection 19.505.3.D.11 Sustainability, only for new buildings.
 - i. Subsection 19.505.3.D.12 Privacy Considerations, only for additions or new buildings.
 - j. Subsection 19.505.3.D.13 Safety, only for additions or new buildings.
3. Table 19.505.3.D.7 Building Materials is applicable for work that would replace more than 50% of the façade materials on a building within a 12-month period. The element applies only to the building on which the new façade materials are installed.
4. Any activity not described in Subsections 19.505.3.D.2.a-c is exempt from the design elements in this subsection.

C. Review Process

Two possible review processes are available for review of multi-unit or congregate housing development: objective and discretionary. An applicant may choose which process to use. The objective process uses clear objective standards that do not require the use of discretionary decision-making. The discretionary process uses design guidelines that are more discretionary in nature and are intended to provide the applicant with more design flexibility. Regardless of the review process, the applicant must demonstrate how the applicable standards or guidelines are being met.

- 1. Projects reviewed through the objective process will be evaluated through a Type I development review, pursuant to Chapter 19.906.
- 2. Projects reviewed through the discretionary process will be evaluated through a Type II development review, pursuant to Chapter 19.906.
- 3. A project can be reviewed using only one of the two review processes. For example, a project may not use some of the objective standards and some of the discretionary guidelines in one application.

D. Design Guidelines and Standards

Applicable guidelines and standards for multi-unit and congregate housing are located in Table 19.505.3.D. These standards should not be interpreted as requiring a specific architectural style.

Table 19.505.3.D Multi-unit Design Guidelines and Standards		
Design Element	Design Guideline (Discretionary Process)	Design Standard (Objective Process)
8. Landscaping	<p>Landscaping of multi-unit developments should be used to provide a canopy for open spaces and courtyards, and to buffer the development from adjacent properties. Existing, healthy trees should be preserved whenever possible. Landscape strategies that conserve water shall be included. Hardscapes shall be shaded where possible, as a means of reducing energy costs (heat island effect) and improving stormwater management</p>	<p>a. For every 2,000 sq ft of site area, 1 tree shall be planted or 1 existing tree shall be preserved. Preserved tree(s) must be at least 6 inches in diameter at breast height (DBH) and cannot be listed as a nuisance species in the Milwaukie Native Plant List.</p> <p>b. Trees shall be planted to provide, within 5 years, canopy coverage for at least 1/3 of any common open space or courtyard. Compliance with this standard is based on the expected growth of the selected trees.</p> <p>c. On sites with a side or rear lot line that abuts an R-10, R-7, or R-5 Zone, landscaping, or a combination of fencing and landscaping, shall be used to provide a sight-obscuring screen 6 ft high along the abutting property line. Landscaping used for screening must attain the 6 ft height within 24 months of planting.</p> <p>d. For projects with more than 20 units:</p> <p>(1) Any irrigation system shall minimize water use by incorporating a rain sensor, rotor irrigation heads, or a drip irrigation system.</p> <p>(2) To reduce the “heat island” effect, highly reflective paving materials with a solar reflective index of at least 29 shall be used on at least 25% of hardscape surfaces.</p>
10. Recycling Areas	<p>Recycling areas should be appropriately sized to accommodate the amount of recyclable materials generated by residents. Areas should be located such that they provide convenient access for residents and for waste and recycling haulers. Recycling areas located outdoors should be appropriately screened or located so that they are not prominent features viewed from the street.</p>	<p>A recycling area or recycling areas within a multi-unit development shall meet the following standards.</p> <p>a. The recycling collection area must provide containers to accept the following recyclable materials: glass, newspaper, corrugated cardboard, tin, and aluminum.</p> <p>b. The recycling collection area must be located at least as close to the dwelling units as the closest garbage collection/container area.</p> <p>c. Recycling containers must be covered by either a roof or weatherproof lids.</p> <p>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.</p> <p>e. The recycling collection area must be accessible to collection service personnel between the hours of 6:00</p>

		<p>a.m. and 6:00 p.m.</p> <p>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.</p> <p>g. Fire Department approval will be required for the recycling collection area.</p> <p>h. Review and comment for the recycling collection area will be required from the appropriate franchise collection service.</p>
<p>11. Sustainability</p>	<p>Multi-unit development should optimize energy efficiency by designing for building orientation for passive heat gain, shading, day-lighting, and natural ventilation. Sustainable materials, particularly those with recycled content, should be used whenever possible. Sustainable architectural elements shall be incorporated to increase occupant health and maximize a building's positive impact on the environment.</p> <p>When appropriate to the context, buildings should be placed on the site giving consideration to optimum solar orientation. Methods for providing summer shading for south-facing walls, and the implementation of photovoltaic systems on the south-facing area of the roof, are to be considered.</p>	<p>In order to promote more sustainable development, multi-unit developments shall incorporate the following elements.</p> <p>a. Building orientation that does not preclude utilization of solar panels, or an ecoroof on at least 20% of the total roof surfaces.</p> <p>b. Windows that are operable by building occupants.</p> <p>c. Window orientation, natural shading, and/or sunshades to limit summer sun and to allow for winter sun penetration.</p> <p>d. Projects with more than 20 units shall incorporate at least 2 of the following elements:</p> <p>(1) A vegetated ecoroof for a minimum of 30% of the total roof surface.</p> <p>(2) For a minimum of 75% of the total roof surface, a white roof with a Solar Reflectance Index (SRI) of 78 or higher if the roof has a 3/12 roof pitch or less, or SRI of 29 or higher if the roof has a roof pitch greater than 3/12.</p> <p>(3) A system that collects rainwater for reuse on-site (e.g., site irrigation) for a minimum of 50% of the total roof surface.</p> <p>(4) An integrated solar panel system for a minimum of 30% of the total roof or building surface.</p> <p>(5) Orientation of the long axis of the building within 30 degrees of the true east-west axis, with unobstructed solar access to the south wall and roof.</p> <p>(6) Windows located to take advantage of passive solar collection and include architectural shading devices (such as window overhangs) that reduce summer heat gain while encouraging passive solar heating in the winter.</p>

<p>12. Privacy Considerations</p>	<p>Multi-unit development should consider the privacy of, and sight lines to, adjacent residential properties, and be oriented and/or screened to maximize the privacy of surrounding residences.</p>	<p>In order to protect the privacy of adjacent properties, multi-unit developments shall incorporate the following elements:</p> <ol style="list-style-type: none"> a. The placement of balconies above the first story shall not create a direct line of sight into the living spaces or backyards of adjacent residential properties. b. Where windows on a multi-unit development are within 30 ft of windows on adjacent residences, windows on the multi-unit development shall be offset so the panes do not overlap windows on adjacent residences, when measured at right angles. Windows are allowed to overlap if they are opaque, such as frosted windows, or placed at the top third of the wall, measured from floor to ceiling height in the multi-unit family unit.
<p>13. Safety</p>	<p>Multi-unit development should be designed to maximize visual surveillance, create defensible spaces, and define access to and from the site. Lighting should be provided that is adequate for safety and surveillance, while not imposing lighting impacts to nearby properties. The site should be generally consistent with the principles of Crime Prevention Through Environmental Design:</p> <ul style="list-style-type: none"> • Natural Surveillance: Areas where people and their activities can be readily observed. • Natural Access Control: Guide how people come to and from a space through careful placement of entrances, landscaping, fences, and lighting. • Territorial Reinforcement: Increased definition of space improves proprietary concern and reinforces social control. 	<ol style="list-style-type: none"> a. At least 70% of the street or common open space frontage shall be visible from the following areas on 1 or more dwelling units: a front door; a ground-floor window (except a garage window); or a second-story window placed no higher than 3.5 ft from the floor to the bottom of the windowsill. b. All outdoor common open spaces and streets shall be visible from 50% of the units that face it. A unit meets this criterion when at least 1 window of a frequently used room—such as a kitchen, living room and dining room, but not bedroom or bathroom—faces a common open space or street. c. Uses on the site shall be illuminated as follows: <ol style="list-style-type: none"> (1) Parking and loading areas: 0.5 footcandle minimum. (2) Walkways: 0.5 footcandle minimum and average of 1.5 footcandles. (3) Building entrances: 1 footcandle minimum with an average of 3.5 footcandles, except that secondary entrances may have an average of 2.0 footcandles. d. Maximum illumination at the property line shall not exceed 0.5 footcandles. However, where a site abuts a nonresidential district, maximum illumination at the property line shall not exceed 1 footcandle. This standard applies to adjacent properties across a public right-of-way. e. Developments shall use full cut-off lighting fixtures to avoid off-site lighting, night sky pollution, and shining lights into residential units.

19.505.4 Cottage Cluster Housing

A. Purpose

Cottage clusters provide a type of housing that includes the benefits of a single detached dwelling while also being an affordable housing type for new homeowners and households that do not require as much living space. These standards are intended to: support the growth management goal of more efficient use of urban residential land; support development of diverse housing types in accordance with the Comprehensive Plan; increase the variety of housing types available for smaller households; provide opportunities for small, detached dwelling units within existing neighborhoods; increase opportunities for home ownership; and provide opportunities for creative and high-quality infill development that is compatible with existing neighborhoods.

B. Applicability

These standards apply to cottage cluster housing, as defined in Section 19.201, wherever this housing type is allowed by the base zones in Chapter 19.300.

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 Cottage Cluster Development Standards		
Standards	R-MD	R-1, R-2, R-2.5, R-3, R-1-B
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	
b. Max average floor area per dwelling unit	1,400 sf	

C. Height		
a. Max height	25 feet or two (2) stories, whichever is greater	
b. 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) ¹	1,000 sf	1,000 sf
2. Common Space	19.505.1.D	19.505.1.D
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 perhome (minimum)	0.5

¹ Use of an existing home, per Section 19.505.4.E.4, as the community building is exempt from this standard.

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 square feet per dwelling unit.

2. Height

The height for all structures must not exceed 25 feet or two (2) 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 percent 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 feet 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 feet 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.

E. Site Design and Other Standards

1. Number of Cottages Allowed

A cottage cluster must include a minimum of 3 cottages and a maximum of 12 cottages, subject to Table 19.505.4.B.1.

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. 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 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.
- d. Parking spaces may be located within a garage, or a carport. Garages or carports in a cottage cluster may not contain more than 4 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 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 is not allowed as a screen.

3. 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.

4. 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

A. Purpose

Townhouses provide a type of housing that includes the benefits of a single detached dwelling, such as fee simple ownership and private yard area, while also being an affordable housing type for new homeowners and households that do not require as much living space. Townhouses are allowed at four times the maximum density allowed for single detached dwelling in the same zone or 25 dwelling units per acre, whichever is less, and the general design requirements are very similar to the design requirements for single- detached dwellings. Two important aspects of these standards are to include a private-to-public transition space between the dwelling and the street and to prevent garage and off-street parking areas from being prominent features on the front of 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 1 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 19.505.1-2 are also applicable to townhouses
4. Dwelling units that share a common side wall and are not on separate lots are subject to the standards for either single detached dwellings, middle housing, or multi-unit housing.
5. Creation of new lots or parcels as part of a townhouse development is subject to the applicable land division process in MMC Title 17.

C. Townhouse Design Standards

1. Townhouses are subject to the design standards for single detached dwelling housing in Subsection 19.505.1.
2. 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 Zones, no more than 4 consecutive townhouses that share a common wall(s) are allowed. A set of 4 townhouses with common walls is allowed to be adjacent to a separate set of 4 townhouses with common walls.

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

E. Townhouse Lot Standards

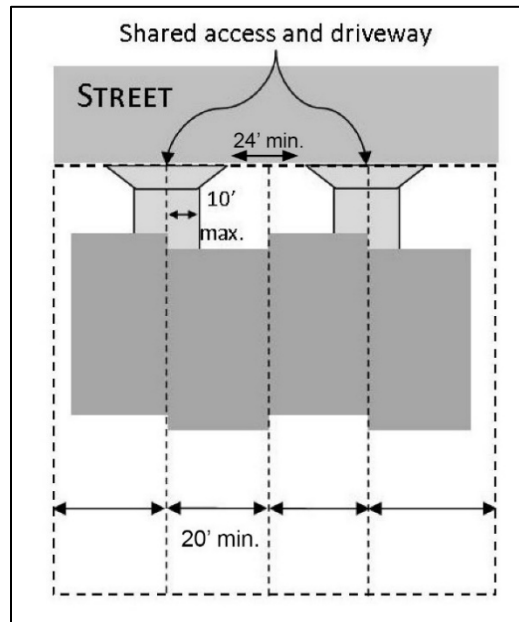
- 1. Townhouse development is allowed only where there are at least 2 abutting lots on the same street frontage whose street frontage, lot width, lot depth, and lot area meet or exceed the base zone requirements listed in Tables 19.301.4 and 19.302.4.

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

F. Driveway Access and Parking

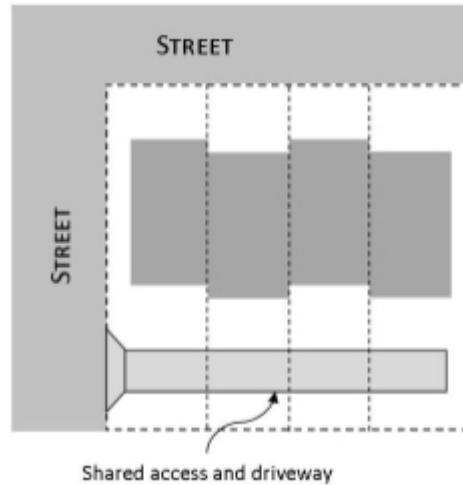
- 1. Garages on the front façade of a townhouse, off-street parking areas in the front yard, and driveway accesses in front of a townhouse are prohibited unless the following standards are met. See Figure 19.505.5.F.1.
 - b. Development of 2 or 3 townhouses has at least 1 shared access between the lots, and development of 4 townhouses-has 2 shared accesses.
 - c. Outdoor on-site parking and maneuvering areas do not exceed 10 ft wide on any lot.
 - d. The garage width does not exceed 12 ft, as measured from the inside of the garage door frame.
 - e. Shared accesses are spaced a minimum of 24 feet apart.

**Figure 19.505.5.F.1
Townhouse Development with Front Yard Parking**



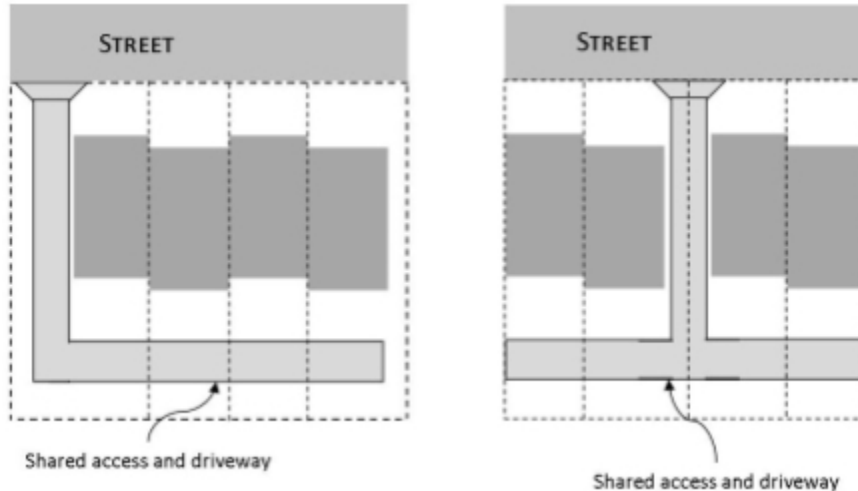
2. The following rules apply to driveways and parking areas for townhouse developments that do not meet all of the standards in Subsection 19.505.5.F.1.
 - a. Off-street parking areas must be accessed on the back façade or located in the rear yard.
 - b. Townhouse development that includes a corner lot shall take access from a single driveway on the side of the corner lot. The City Engineer may alter this requirement based on street classifications, access spacing, or other provisions of Chapter 12.16 Access Management. See Figure 19.505.5.F.2.b.

**Figure 19.505.5.F.2.b
Townhouse Development with Corner Lot Access**



- c. Townhouse development that does not include a corner lot shall consolidate access for all lots into a single driveway. The access and driveway are not allowed in the area directly between the front façade and front lot line of any of the townhouse. See Figure 19.505.5.F.2.c.

**Figure 19.505.5.F.2.c
Townhouse Row Development with Consolidated Access**



- d. A townhouse development that includes consolidated access or shared driveways shall grant appropriate access easements to allow normal vehicular access and emergency access.

G. Accessory Structure Setbacks

On townhouse lots with a lot width of 25 ft or less, there is no required side yard between an accessory structure and a side lot line abutting a townhouse lot. All other accessory structure regulations in Subsection 19.502.2.A apply.

19.506 Manufactured Dwelling Siting and Design Standards

19.506.4 Siting Standards

Manufactured homes are allowed by right in any zone that allows single detached dwellings by right. Manufactured homes placed on individual lots shall meet the single-family design standards in Subsection 19.505.1 and the following standards:

- A. The unit must be placed on an excavated and backfilled foundation with the bottom no more than 12 in above grade and enclosed at the perimeter by skirting of pressure treated wood, masonry, or concrete wall construction and complying with the minimum setup standards of the adopted State Administrative Rules for Manufactured Dwellings, Chapter 918.
- B. Bare metal is not allowed as a roofing material and is not allowed on more than 25% of any façade of the unit.

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, space for 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. 2106 § 2 (Exh. F), 2015; Ord. 2025 § 2, 2011)

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.
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19.605 VEHICLE PARKING QUANTITY REQUIREMENTS

Table 19.605.1 Off-street Parking Requirements

Table 19.605.1 Minimum To Maximum Off-Street Parking Requirements		
Use	Minimum Required	Maximum Allowed
A. Residential Uses		
1. Single detached dwellings, including manufactured homes.	1 space per dwelling unit.	No maximum.
2. Multi-Unit Dwellings	1 space per dwelling unit.	2 spaces per dwelling unit.
3. Middle Housing ¹		
a. Duplexes	0	1 space per dwelling unit
b. Triplexes	0	1 space per dwelling unit
c. Quadplexes	0	1 space per dwelling unit
d. Town Houses ²	0	1 space per dwelling unit
e. Cottage Clusters	0.5 spaces 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 1 space per employee on the largest shift.	Minimum required parking plus 1 space per bedroom.
5. Accessory dwelling units (ADU)	No additional space required unless used as a vacation rental, which requires 1 space per rental unit	No maximum.

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 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 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 MMC 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 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 must 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 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.
3. In addition to the criteria in Subsection 19.605.2.C.1, requests for modifications to increase the amount of maximum allowed parking shall meet the following criteria:
 - a. The proposed development has unique or unusual characteristics that create a higher-than-typical parking demand.
 - b. The parking demand cannot be accommodated by shared or joint parking arrangements or by increasing the supply of spaces that are exempt from the maximum amount of parking allowed under Subsection 19.605.3.A.
 - c. The requested increase is the smallest increase needed based on the specific circumstances of the use and/or site.

19.605.3 Exemptions and By-Right Reductions to Quantity Requirements

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

A. Exemptions to Maximum Quantity Allowance

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

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

B. Reductions to Minimum Parking Requirements

Applicants are allowed to utilize multiple reductions from Subsections 19.605.3.B.2-7, provided that the total reduction in required parking does not exceed 25% of the minimum quantity requirement listed in Table 19.605.1. The total reduction in required parking is increased to 30% in the Downtown Mixed Use Zone DMU. The total reduction in required parking is increased to 50% for affordable housing units as defined in Subsection 19.605.3.8. 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 42nd Avenue, King Road, 40th Avenue, and Jackson Street.
- d. Properties in the Neighborhood Mixed-Use (NMU) Zone in the area bounded by 42nd Avenue, Harrison Street, 44th Avenue, and Jackson Street.

2. Proximity to Public Transit

- a. Parking for commercial and industrial uses may be reduced by up to 10% if the development is within 500-ft walking distance, as defined in Subsection 19.605.3.B.2.d, of a transit stop with a peak hour service frequency of 30 minutes or less.
- b. Parking for 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 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 1 vehicle parking space is allowed for every 6 additional bicycle parking spaces installed. The bicycle spaces shall meet all other standards of Section 19.609. If a reduction of 5 or more stalls is granted, then on-site changing facilities for bicyclists, including showers and lockers, are required. The area of an existing parking space in an off-street parking area may be converted to bicycle parking to utilize this reduction.

6. Car Sharing

Required parking may be reduced by up to 5% if at least 1 off-street parking space is reserved for a vehicle that is part of a car sharing program. The car sharing program shall be sufficiently large enough, as determined by the Planning 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 1 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 multiunit dwelling unit or middle housing dwelling unit that that meets the exemption standards as defined in MMC 3.60.050, the minimum parking requirement for that unit may be reduced by 25 percent.

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. These standards apply to all types of development except for middle housing, single-detached dwellings, and residential homes.

19.606.2 Landscaping

A. Purpose

The purpose of the off-street parking lot landscaping standards is to provide vertical and horizontal buffering between parking areas and adjacent properties, break up large expanses of paved area, help delineate parking spaces and drive aisles, and provide environmental benefits such as stormwater management, carbon dioxide absorption, and a reduction of the urban heat island effect.

B. General Provisions

1. Parking area landscaping shall be required for the surface parking areas of all uses, except for middle housing and single, single detached dwellings.

Landscaping shall be based on the standards in Subsections 19.606.2.C-E.

5. Implementation of this section is in addition to, and must be coordinated with, Chapter 16.32 Tree Code.

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.

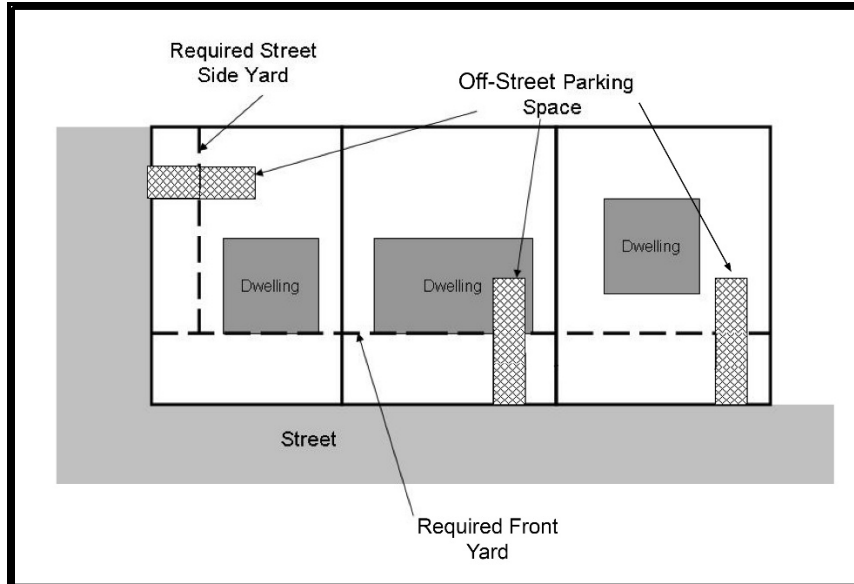
A. Dimensions

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.
2. No portion of the required parking space is allowed within the following areas. See Figure 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.2
Required 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).
 - b. All vehicle parking spaces and maneuvering areas located within a required front or side yard. Areas for boat or RV parking are exempt from this requirement and may be graveled.
 - c. All off-street parking and maneuvering areas for a 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.

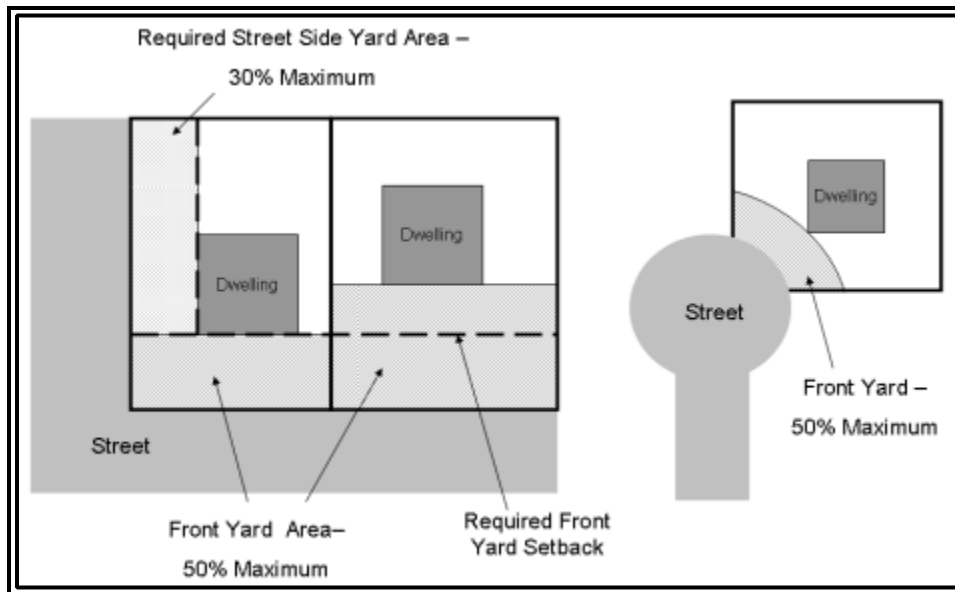
D. Parking Area Limitations

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

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

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

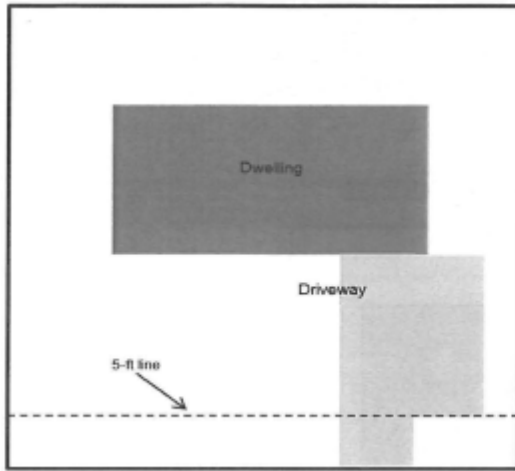
Figure 19.607.1.D
Front and Street Side Yard Parking Area Limits



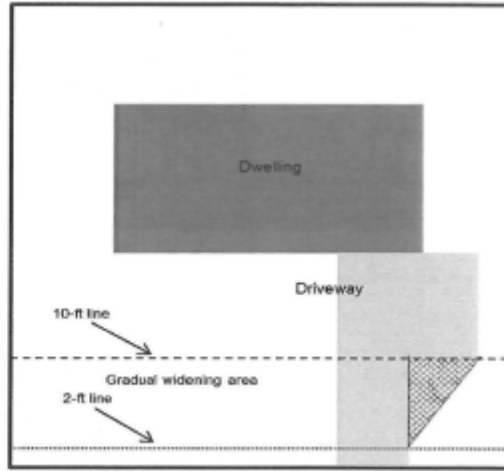
E. Additional Driveway Standards

- 1. Parking areas and driveways on the property shall align with the approved driveway approach and shall not be wider than the approved driveway approach within 5 ft of the right-of-way boundary (Option 1—see Figure 19.607.1.E.1). Alternately, a gradual widening of the onsite driveway is allowed to the 10-ft point at a ratio of 1:1 (driveway width: distance onto property), starting 2 ft behind the right-of-way boundary (Option 2—see Figure 19.607.1.E.2).

**Figure 19.607.1.E.1
Driveway Widening Limitation—Option 1**



**Figure 19.607.1.E.2
Driveway Widening Limitation—Option 2**



2. Properties that take access from streets other than local streets and neighborhood routes shall provide a turnaround area on site that allows vehicles to enter the right-of-way in a forward motion.

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. 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.
 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 1 space per unit. Parking for cottage cluster developments is specified in Table 19.505.4.C.1.
- 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.

CHAPTER 19.700 PUBLIC FACILITY IMPROVEMENTS

19.702 APPLICABILITY

19.702.1 General

Chapter 19.700 applies to the following types of development in all zones:

- A. Partitions.
- B. Subdivisions.
- C. Replats.
- D. New construction.
- E. Modification or expansion of an existing structure or a change or intensification in use that results in any one of the following. See Subsections 19.702.2-3 for specific applicability provisions for single-detached residential development and development in downtown zones.
 - 1. A new dwelling unit.
 - 2. Any increase in gross floor area.
 - 3. Any projected increase in vehicle trips, as determined by the City Engineer.

19.702.2 Single-Detached and Duplex Residential Expansions

Chapter 19.700 applies to single detached and duplex residential expansions as described below. The City has determined that the following requirements are roughly proportional to the impacts resulting from single detached and duplex residential expansions.

- A. For expansions or conversions that increase the combined gross floor area of all structures (excluding nonhabitable accessory structures and garages) by 1,500 sq ft or more, all of Chapter 19.700 applies.
- B. For expansions or conversions that increase the combined gross floor area of all structures (excluding nonhabitable accessory structures and garages) by at least 800 sq ft, but not more than 1,499 sq ft, right-of-way dedication may be required pursuant to the street design standards and guidelines contained in Subsection 19.708.2.
- C. For expansions or conversions that increase the combined gross floor area of all structures (excluding nonhabitable accessory structures and garages) by less than 800 sq ft, none of Chapter 19.700 applies.
- D. Single detached and duplex residential expansions shall provide adequate public utilities as determined by the City Engineer pursuant to Section 19.709.
- E. Construction or expansion of garage and carport structures shall comply with the requirements of Chapter 12.16 Access Management. Existing nonconforming accesses may not go further out of conformance and shall be brought closer into conformance to the greatest extent possible.

19.702.4 Exemptions

Chapter 19.700 does not apply to the following types of development in all zones:

- A. Modifications to existing single-detached and duplex residential structures that do not result in an increase in gross floor area.

19.703 REVIEW PROCESS

19.703.4 Determinations

There are four key determinations related to transportation facility improvements that occur during the processing of a development permit or land use application. These determinations are described below in the order in which they occur in the review process. They are also shown in Figure 19.703.4. In making these determinations, the City Engineer will take the goals and policies of the TSP into consideration and use the criteria and guidelines in this chapter.

- A. Impact Evaluation

For development that is subject to Chapter 19.700 per Subsection 19.702.1, the City Engineer will determine whether the proposed development has impacts to the transportation system pursuant to Section 19.704. Pursuant to Subsection 19.704.1, the City Engineer will also determine whether a Transportation Impact Study (TIS) is required, or for smaller developments, if an Access Study or Transportation Memo is sufficient. If a TIS is required, a transportation facilities review land use application shall be submitted pursuant to Subsection 19.703.2.B.

For development that is subject to Chapter 19.700 per Subsection 19.702.2, the City has determined that there could be impacts to the transportation system if the proposed single detached residential expansion/conversion is greater than 800 sq ft.

- B. Street Design

Given the City's existing development pattern, it is expected that most transportation facility improvements will involve existing streets and/or will serve infill development. To ensure that required improvements are safe and relate to existing street and development conditions, the City Engineer will determine the most appropriate street design cross section using the standards and guidelines contained in Section 19.708 or in conformance to the Public Works Standards. On-site frontage improvements are not required for downtown development that is exempt per Subsection 19.702.3.B.

- C. Proportional Improvements

When transportation facility improvements are required pursuant to this chapter, the City Engineer will conduct a proportionality analysis pursuant to Section 19.705 to determine the level of improvements that are roughly proportional to the level of potential impacts from the proposed development. Guidelines for conducting a proportionality analysis are contained in Subsection 19.705.2.

D. Fee in Lieu of Construction (FILOC)

If transportation facility improvements are required and determined to be proportional, the City will require construction of the improvements at the time of development. However, the applicant may request to pay a fee in lieu of constructing the required transportation facility improvements. The City Engineer will approve or deny such requests using the criteria for making FILOC determinations found in Chapter 13.32 Fee in Lieu of Construction.

19.704 TRANSPORTATION IMPACT EVALUATION

19.704.4 Mitigation

A. Transportation impacts must be mitigated at the time of development when the TIS identifies an increase in demand for vehicular, pedestrian, bicycle, or transit transportation facilities within the study area. With phased developments, transportation impacts must be mitigated at the time that particular phase of development identified in the TIS creates the need for the improvements to occur.

B. The following measures may be used to meet mitigation requirements. Other mitigation measures may be suggested by the applicant or recommended by a State authority (e.g., ODOT) in circumstances where a State facility will be impacted by a proposed development. The City Engineer or other decision-making body, as identified in Chapter 19.1000, shall determine if the proposed mitigation measures are adequate.

1. On- and off-site improvements beyond required frontage improvements.
2. Development of a transportation demand management program.
3. Payment of a fee in lieu of construction.
4. Correction of off-site transportation deficiencies within the study area that are not substantially related to development impacts.
5. Construction of on-site facilities or facilities located within the right-of-way adjoining the development site that exceed minimum required standards and that have a transportation benefit to the public.

(Ord. 2025 § 2, 2011)

19.708 TRANSPORTATION FACILITY REQUIREMENTS

19.708.2 Street Design Standards

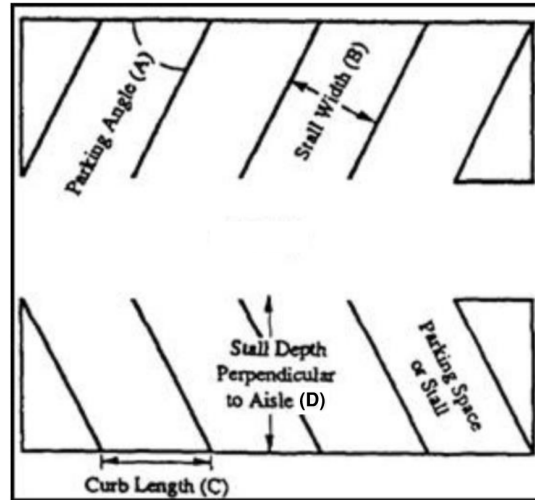
A. Additional Street Design Standards

These standards augment the dimensional standards contained in Table 19.708.2 and may increase the width of an individual street element and/or the full-width right-of-way dimension.

1. Minimum 10-ft travel lane width shall be provided on local streets with no on-street parking.
2. Where travel lanes are next to a curb line, an additional 1 ft of travel lane width shall be provided. Where a travel lane is located between curbs, an additional 2 ft of travel lane width shall be provided.
3. Where shared lanes or bicycle boulevards are planned, up to an additional 6 ft of travel lane width shall be provided.
4. Bike lane widths may be reduced to a minimum of 4 ft where unusual circumstances exist, as determined by the City Engineer, and where such a reduction would not result in a safety hazard.
5. Where a curb is required by the City Engineer, it must be designed in accordance with the Public Works Standards.
6. Center turn lanes are not required for truck and bus routes on street classifications other than arterial roads.
7. On-street parking in industrial zones must have a minimum width of 8 ft.
8. On-street parking in commercial zones must have a minimum width of 7 ft.
9. On-street parking in residential zones must have a minimum width of 6 ft.
10. On-street parking on local streets in residential zones adjacent to Middle Housing, Community Service Use, or other uses as allowed by code and as approved by the City Engineer may include diagonal parking, with minimum dimensions as provided in Table 19.708.3. Diagonal parking would be allowed as determined by the City Engineer, where sufficient right-of-way exists outside of the paved street area, and where it would not result in a safety hazard.

TABLE 19.708.3			
Full and Mid-Size Vehicles			
Angle (A)	Width (B)	Curb Length (C)	Depth (D)
0 ° (parallel)	8	22	8
30 °	8	16	16.5
45 °	8	11.5	18.5
60 °	8	9.5	19
90 ° (perpendicular)	8	8	18
Compact Size Vehicles			
Angle (A)	Width (B)	Curb Length (C)	Depth (D)
0 ° (parallel)	7	20	7
30 °	7	14	14.5
45 °	7	10	16.5
60 °	7	8.5	17
90 ° (perpendicular)	7	7	16

Figure 19.708.1
Parking Dimension Factors



11. The dimension and number of vehicle parking spaces provided for disabled persons must be according to federal and State requirements.
12. Sidewalk widths may be reduced to a minimum of 4 ft for short distances for the purpose of avoiding obstacles within the public right-of-way including, but not limited to, trees and power poles.
13. Landscape strip widths shall be measured from back of curb to front of sidewalk.
14. Where landscape strips are required, street trees shall be provided a minimum of every 40 ft in accordance with the Public Works Standards and the Milwaukee Street Tree List and Street Tree Planting Guidelines.
15. Where water quality treatment is provided within the public right-of-way, the landscape strip width may be increased to accommodate the required treatment area.
16. A minimum of 6 in shall be required between a property line and the street element that abuts it; e.g., sidewalk or landscape strip.

CHAPTER 19.900 LAND USE APPLICATIONS

19.901 INTRODUCTION

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
Shared Parking	Subsection 19.605.4	I
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

CHAPTER 19.900 LAND USE APPLICATIONS

19.906 DEVELOPMENT REVIEW

19.906.2 Applicability

A. Type I Review

The following development proposals must submit a development review application and are subject to the requirements of this section, unless explicitly stated otherwise in an applicable land use approval, waived by the Planning Manager at the time of development permit submittal, allowed by right, or exempted per Subsection 19.906.2.C.

1. New development and expansions or modifications of existing development that require review against standards and criteria that are either clear and objective, or that require the application of limited professional judgment.
2. A change in primary use.
3. Parking lot expansions or modifications that change the number of parking spaces by 5 spaces or more.

C. Exemptions

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

1. New or expanded single detached dwelling or middle housing detached or attached residential dwellings.
2. Residential accessory uses and structures including accessory dwelling units.
3. Interior modifications to existing buildings that do not involve a change of use.
4. Construction of public facilities in the public right-of-way.
5. Temporary events as allowed in Chapter 11.04.

19.910 RESIDENTIAL DWELLINGS

19.910.1 Accessory Dwelling Units

A. Purpose

To provide the means for reasonable accommodation of accessory dwelling units, providing affordable housing, opportunity to house relatives, and a means for additional income for property owners, thereby encouraging maintenance of existing housing stock.

B. Applicability

The procedures and standards of this chapter apply to the establishment of any accessory dwelling unit.

C. Procedures

An application to establish an accessory dwelling unit must be allowed by right. Accessory dwelling units are subject to the standards of Table 19.910.1.E.4.B.

D. Approval Standards and Criteria

1. An application for an accessory dwelling unit is allowed by right provided each of the following standards are met.
 - a. An accessory dwelling unit is an allowed use in the base zones, and any applicable overlay zones or special areas, where the accessory dwelling unit would be located.
 - b. The primary use of property for the proposed accessory dwelling unit is a single detached dwelling.
 - c. Up to two accessory dwelling units are allowed on a site with a single detached dwelling. If there are two accessory dwelling units on the site, only one may be attached to or within the primary structure.
 - d. The development standards of Subsection 19.910.1.E are met.
 - e. The proposal complies with all other applicable standards of this title.

E. Standards

1. Creation

An accessory dwelling unit may be created by conversion of an existing structure, addition to an existing structure, or construction of a new structure. It is permissible to combine both an addition to an existing structure and conversion of space in the structure for the creation of an accessory dwelling unit.

2. Coordination of Standards

In the event of a conflict between standards in Subsection 19.910.1.E and other portions of this title, the more restrictive provisions are applicable except where specifically noted.

3. Standards for Attached Accessory Dwelling Units

The standards listed below apply to accessory dwelling units that are part of the primary structure on the property.

a. Maximum Allowed Floor Area

The floor area of an attached accessory dwelling unit is limited to 800 sq ft. The measurements are based on the floor areas of the primary and accessory dwelling units after completion of the accessory dwelling unit. This maximum size standard does not apply when the basement of a primary dwelling unit is converted to an accessory dwelling unit and the primary dwelling unit has been on the site for at least 5 years.

b. Design Standards

- (1) The façade of the structure that faces the front lot line shall have only 1 entrance. A secondary entrance for the accessory dwelling unit is allowed on any other façade of the structure.

- (2) Stairs, decks, landings, or other unenclosed portions of the structure leading to the entrance of the accessory dwelling unit are not allowed on the façade of the structure that faces the front lot line.
- (3) Proposals for attached accessory dwelling units that would increase floor area through new construction are subject to the following design standards.
 - (a) The exterior finish on the addition must match the exterior finish material of the primary dwelling unit in type, size, and placement.
 - (b) Trim must be the same in type, size, and location as the trim used on the primary dwelling unit.
 - (c) Windows on street-facing façades must match those in the primary dwelling unit in proportion (relationship of width to height) and orientation (horizontal or vertical).
 - (d) Eaves must project from the building walls at the same proportion as the eaves on the primary dwelling unit.

4. Standards for Detached Accessory Dwelling Units

The standards in Subsection 19.901.1.E.4 apply to accessory dwelling units that are separate from the primary structure on the property. The design standards for detached accessory dwelling units require a minimum level of design. These standards are intended to promote attention to detail, while affording flexibility to use a variety of architectural styles.

a. Maximum Allowed Floor Area

The floor area of the accessory dwelling unit is limited to 800 sq ft or ~~75%~~ of the floor area of the primary structure, whichever is less.

b. Footprint, Height, and Required Yards

The maximum structure footprint, height, and yard regulations for a detached accessory dwelling unit are listed in Table 19.910.1.E.4.b. Structures that exceed any of the maximums associated with an ADU require Type II approval of a variance per Section 19.911.

Table 19.910.1.E.4.b Footprint, Height, and Required Yards for Detached Accessory Dwelling Units	
Standard	ADU
Maximum Structure Footprint	800 sq ft
Maximum Structure Height	25', limited to 2 stories
Required Side and Rear Yard	5 ft
Required Front Yard	Base zone requirement for front yard.
Required Street Side Yard	Base zone requirement for street side yard

c. Design Standards

- (1) A detached accessory structure must include at least two of the design details listed below. An architectural feature may be used to comply with more than one standard.
 - (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) Roof eaves with a minimum projection of 12 in from the intersection of the roof and the exterior walls.
 - (d) Horizontal lap siding between 3 to 7 in wide (the visible portion once installed). The siding material may be wood, fiber-cement, or vinyl.
 - (e) Window trim around all windows at least 3 in wide and 5/8 in deep.
- (2) An applicant may request a variance to the design standards in Subsection 19.901.1.E.4.c (1) through a Type II variance review, pursuant to Subsection 19.911.3.B.
- (3) An accessory dwelling unit structure with a floor-to-ceiling height of 9 ft or more is required to have a roof pitch of at least 4/12.

d. Privacy Standards

- (1) Privacy standards are required for detached accessory dwelling units- Privacy standards are required on or along wall(s) of a detached accessory dwelling unit, or portions thereof, that meet all of the following conditions.
 - (a) The wall is within 20 ft of a side or rear lot line.
 - (b) The wall is at an angle of 45 degrees or less to the lot line.

- (c) The wall faces an adjacent residential property.
- (2) A detached accessory dwelling unit meets the privacy standard if either of the following standards is met.
 - (a) All windows on a wall must be placed in the upper third of the distance between a floor and ceiling.
 - (b) Visual screening is in place along the portion of a property line next to the wall of the accessory dwelling unit, plus an additional 10 lineal ft beyond the corner of the wall. The screening must be opaque; shall be at least 6 ft high; and may consist of a fence, wall, or evergreen shrubs. Newly planted shrubs must be no less than 5 ft above grade at time of planting, and they must reach a 6-ft height within 1 year. Existing features on the site can be used to comply with this standard.

e. Conversion of Existing Structure

Creation of a detached accessory dwelling unit through conversion of an accessory structure legally established on or after May 19, 2022, the effective date of Ordinance #2216, is required to meet all applicable standards for a new detached accessory dwelling unit.

Creation of a detached accessory dwelling unit through the conversion of an existing accessory structure that was legally established prior to May 19, 2022, the effective date of Ordinance #2216 is allowed. The conversion must meet all standards that apply to creation of a new detached accessory dwelling, except for the design standards in Subsection 19.910.1.E.4.c., the maximum structure footprint, and minimum setbacks. However, the floor area of the ADU must not exceed the maximum floor area standard in Subsection 19.910.1.D.4.a. The conversion must not bring the accessory structure out of conformance, or further out of conformance if already nonconforming, with any design standards in that subsection.

F. Additional Provisions

- 1. Accessory dwelling units are not counted in the calculation of minimum or maximum density requirements listed in this title.
- 2. Additional home occupations are allowed for a property with an accessory dwelling unit in accordance with the applicable standards of Section 19.507.

19.910.3 Manufactured Dwelling Parks

A. Purpose

This subsection is intended to complement the policies of the Comprehensive Plan to provide for a variety of housing types including manufactured dwelling parks in areas with suitable services and facilities in zones allowing 6 to 12 dwelling units per acre.

B. Application

- 1. Manufactured dwelling park developments are only allowed in the R-3 and R-MD Zones. A site plan review is required prior to development of a manufactured dwelling park within these zones. The development must show conformance with all requirements of this subsection.

19.911 VARIANCES

19.911.3 Review Process

B. Type II Variances

Type II variances allow for limited variations to numerical standards. The following types of variance requests shall be evaluated through a Type II review per Section 19.1005:

1. A variance of up to 40% to a side yard width standard.
2. A variance of up to 25% to a front, rear, or street side yard width standard. A front yard width may not be reduced to less than 15 ft through a Type II review.
3. A variance of up to 10% to lot coverage or minimum vegetation standards.
4. A variance of up to 10% to lot width or depth standards.
5. A variance of up to 10% to a lot frontage standard.
6. A variance to compliance with Subsection 19.505.1.C.4 Detailed Design, or with Subsection 19.901.1.E.4.c.(1) in cases where a unique and creative housing design merits flexibility from the requirements of that subsection.
7. A variance to compliance with Subsection 19.505.7.C Building Design Standards in cases where a unique design merits flexibility from the requirements of that subsection.
8. A variance to fence height to allow up to a maximum of 6 ft for front yard fences and 8 ft for side yard, street side yard, and rear yard fences. Fences shall meet clear vision standards provided in Chapter 12.24.
9. A variance of up to a 25% increase in the size of an Accessory Dwelling Unit as identified in Subsection 19.910.1.E.4.
10. A variance to interior height of a garage in a cottage cluster to allow up to a maximum of 15 ft for cases that would use space saving parking technology (e.g., interior car stacking) that might require additional interior height.
11. For any middle housing development, except townhouses and cottage clusters, that includes at least 1 dwelling unit that is affordable that meets the exemption standards as defined in MMC 3.60.050, the minimum setbacks in Table 19.301.4 may be reduced to the following:
 - a. Front yard: 10 ft
 - b. Rear yard: 10 ft
 - c. Side yard: 5 ft
 - d. Street side yard: 10 ft

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 MMC 16.32.
-

19.911.4 Approval Criteria

B. Type III Variances

An application for a Type III variance shall be approved when all of the criteria in either Subsection 19.911.4.B.1 or 2 have been met. An applicant may choose which set of criteria to meet based upon the nature of the variance request, the nature of the development proposal, and the existing site conditions.

1. Discretionary Relief Criteria
 - a. The applicant's alternatives analysis provides, at a minimum, an analysis of the impacts and benefits of the variance proposal as compared to the baseline code requirements.
 - b. The proposed variance is determined by the Planning Commission to be both reasonable and appropriate, and it meets one or more of the following criteria:
 - (1) The proposed variance avoids or minimizes impacts to surrounding properties.
 - (2) The proposed variance has desirable public benefits.
 - (3) The proposed variance responds to the existing built or natural environment in a creative and sensitive manner.
 - (4) 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 MMC 16.32.

- c. Impacts from the proposed variance will be mitigated to the extent practicable.

19.911.8 Tree Preservation and Tree Canopy Standards Variance

A. Intent

To provide a discretionary option for variances to the tree preservation and/or tree canopy standards in MMC 16.32.042 to reward projects that provide significant environmental benefit.

B. Applicability

The Type III tree preservation and tree canopy variance is an option for proposed developments that chooses not to, or cannot, meet the tree preservation and/or tree canopy standards specified in MMC 16.32.042.

C. Review Process

The tree preservation and tree canopy variance shall be subject to Type III review and approval by the Planning Commission, in accordance with Section 19.1006.

D. Approval Criteria

The approval authority may approve, approve with conditions, or deny the tree preservation and/or tree canopy variance based on the following approval criteria. The applicant is required to demonstrate that equivalent or greater environmental benefits are provided as preserving or planting the required tree canopy. Examples of activities that may justify a variance include but are not limited to:

1. Use of techniques that minimize hydrological impacts beyond regulatory requirements (examples include porous pavement, green roofs, infiltration planters/rain gardens, flow through planters, LIDA (low impact development approach) swales, vegetated filter strips, vegetated swales, extended dry basins, and constructed water quality wetlands).
2. Use of techniques that minimize reliance on fossil fuels and production of greenhouse gases beyond regulatory requirements through the use of energy efficient building technologies, on-site energy production technologies, and green buildings standards (MMC 19.510).
3. Use of techniques that preserve and enhance wildlife habitat beyond regulatory requirements, including, but not limited to, the use of native plant species in landscape design, removal of invasive plant species, and restoration of native habitat and preservation of habitat through the use of conservation easements or other protective instruments.
4. Use of techniques that preserve open space for sustainable urban agriculture through the use of conservation easements or other protective instruments at sites that are not compatible with tree canopy preservation or planting.

CHAPTER 19.1000 REVIEW PROCEDURES

19.1001 GENERAL PROVISIONS

19.1001.4 Review Types

All land use applications have both a review type and an application type. This chapter establishes the review procedures associated with each review type. Chapter 19.900 contains a list of application types and their associated review types.

A. Review Types

There are five types of review: Types I, II, III, IV, and V. Table 19.901 contains a list of the City's land use applications and their associated review types. In addition, there are land uses that are allowed by right. These land uses do not require land use review and are only required to obtain a building permit.

19.1005 TYPE II REVIEW

Type II applications involve uses or development governed by subjective approval criteria and/or development standards that may require the exercise of limited discretion. Type II review provides for administrative review of an application by the Planning Manager and includes notice to nearby property owners to allow for public comment prior to the decision. The process does not include a public hearing.

CHAPTER 19.1200 SOLAR ACCESS PROTECTION

19.1203 SOLAR ACCESS FOR NEW DEVELOPMENT

19.1203.1 Purpose

The purposes of solar access provisions for new development are to ensure that land is divided so that structures can be oriented to maximize solar access and to minimize shade on adjoining properties from structures and trees.

19.1203.2 Applicability

The solar design standards in Subsection 19.1203.3 shall apply to applications for a development to create lots in the R-MD zone, except to the extent the Planning Manager finds that the applicant has shown one or more of the conditions listed in Subsections 19.1203.4 and 5 exist, and exemptions or adjustments provided for therein are warranted.

19.1203.4 Exemptions from Design Standard

A development is exempt from Subsection 19.1203.3 if the 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 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.

B. Off-Site Shade

The site, or a portion of the site for which the exemption is sought, is within the shadow pattern of off-site features, such as, but not limited to, structures, topography, or nonexempt vegetation, which will remain after development occurs on the site from which the shade is originating.

1. Shade from an existing or approved off-site dwelling in the R-MD zone, and from topographic features, is assumed to remain after development of the site.
2. Shade from an off-site structure in a zone other than the R-MD zone is assumed to be the shadow pattern of the existing or approved development thereon or the shadow pattern that would result from the largest structure allowed at the closest setback on adjoining land, whether or not that structure now exists.

Title 17 Land Division

CHAPTER 17.28 DESIGN STANDARDS

17.28.050 FLAG LOT AND BACK LOT DEVELOPMENT AND FUTURE ACCESS

Applicants for flag lot and back lot partitioning must show that access by means of a dedicated public street is not possible. Consideration shall be given to other inaccessible adjacent or nearby properties for which a jointly dedicated public right-of-way could provide suitable access and avoid other flag lots or back lots. The creation of flag lots or back lots shall not preclude the development of street access to surrounding properties. Where there is the potential for future development on adjacent lots with new roadway development, flag lots or back lots may be allowed as an interim measure. In this case, Planning Commission review shall be required and the flag lot(s) or back lots must be designed to allow for future street development. Dedication of the future street right-of-way shall be required as part of final plat approval. (Ord. 2003 § 2, 2009; Ord. 1907 (Attach. 1), 2002)

17.28.060 FLAG LOT AND BACK LOT DESIGN STANDARDS

A. Consistency with the Zoning Ordinance

Flag lot and back lot design shall be consistent with Subsection 19.504.8.

B. More than 2 Flag Lots or Back Lots Prohibited

The division of any unit of land shall not result in the creation of more than 2 flag lots or back lots within the boundaries of the original parent lot. Successive land divisions that result in more than 2 flag lots or back lots are prohibited. (Ord. 2051 § 2, 2012; Ord. 2025 § 3, 2011; Ord. 2003 § 2, 2009; Ord. 1907 (Attach. 1), 2002)

17.28.070 FLAG LOT AND BACK LOTS IN SUBDIVISIONS LIMITATIONS

Flag lots and back lots are permitted in new subdivisions.

Title 12 Streets, Sidewalks, and Public Places

CHAPTER 12.16 ACCESS MANAGEMENT

12.16.020 APPLICABILITY

- A. New accessways are subject to all access management requirements of Chapter 12.16.
- B. Modification of existing conforming accessways shall conform with the access management requirements of Chapter 12.16.
- C. Modification of existing nonconforming accessways shall be brought into conformance with the access management requirements of Chapter 12.16. Where access management requirements cannot be met due to the location or configuration of an existing building that will remain as part of the development, the existing accessways shall be brought into conformance with the requirements of Chapter 12.16 to the greatest extent feasible as determined by the City Engineer. (Ord. 2004 § 1, 2009)

12.16.030 ACCESS PERMITTING

A permit from the City is required for establishing or constructing a new accessway to a public street and for modifying or reconstructing an existing driveway approach. No person, firm, or corporation shall remove, alter, or construct any curb, sidewalk, driveway approach, gutter, pavement, or other improvement in any public street, alley, or other property owned by, dedicated to, or used by the public, and over which the City has jurisdiction to regulate the matters covered by this chapter, without first obtaining a permit from the City.

- A. Application for permits for access to a street, construction of a new accessway, or modification or reconstruction of an existing driveway approach shall be made to the City Engineer on forms provided for that purpose. A permit fee, as approved by the City Council, shall accompany each application.
- B. The access permit application shall include an electronic copy (AutoCAD, Adobe PDF, Bluebeam, or other acceptable format) of a scaled drawing showing the location and size of all proposed improvements in the right-of-way.
- C. The City Engineer shall review access permits and drawings for conformance with the provisions and standards set forth in this chapter and the Milwaukie Public Works Standards.

12.16.040 ACCESS REQUIREMENTS AND STANDARDS

- A. Access

Private property shall be provided street access with the use of accessways. Driveway approaches shall be constructed as set forth in the Milwaukie Public Works Standards.

- B. Access Spacing

Spacing criteria are based upon several factors, including stopping sight distance, ability of turning traffic to leave a through lane with minimal disruption to operation, minimizing right turn conflict overlaps, maximizing egress capacity, and reducing compound turning conflicts where queues for turning/decelerating traffic encounter conflicting movements from entering/exiting streets and driveways.

1. Standards

Spacing between accessways is measured between the closest edges of driveway aprons where they abut the roadway. Spacing between accessways and street intersections is measured between the nearest edge of the driveway apron and the nearest face of curb of the intersecting street. Where intersecting streets do not have curb, the spacing is measured from the nearest edge of pavement.

- a. Spacing for accessways on arterial streets, as identified in the Milwaukie Transportation System Plan, shall be a minimum of six hundred (600) feet.
- b. Spacing for accessways on collector streets, as identified in the Milwaukie Transportation System Plan, shall be a minimum of three hundred (300) feet.
- c. For middle housing development, access spacing requirements may be modified by the City Engineer per MMC 12.16.040.B.2 based on a variety of factors, including average daily traffic, anticipated increase of traffic to and from the proposed development, crash history at or near the access point, sight distance, and/or other safety elements,

2. Modification of Access Spacing

Access spacing may be modified with submission of an access study prepared and certified by a registered Traffic Operations Engineer (PTOE) in the State of Oregon. The Access Study shall assess transportation impacts adjacent to the project frontage within a distance equal to the access spacing requirement established in Subsection 12.16.040.B.1. For example, for a site with arterial access, the access study would include evaluation of site access and capacity along the project frontage plus capacity and access issues within six hundred (600) feet of the adjacent property. The access study shall include the following:

- a. Review of site access spacing and design;
- b. Evaluation of traffic impacts adjacent to the site within a distance equal to the access spacing distance from the project site;
- c. Review of all modes of transportation to the site;
- d. Mitigation measures where access spacing standards are not met that include, but are not limited to, assessment of medians, consolidation of accessways, shared accessways, temporary access, provision of future consolidated accessways, or other measures that would be acceptable to the City Engineer.

C. Accessway Location

1. Double Frontage

When a lot has frontage on two (2) or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street.

2. Location Limitations

Individual access to single- detached residential lots from arterial and collector streets is prohibited. An individual accessway may be approved by the City Engineer only if there is no practicable alternative to access the site, shared access is provided by easement with adjacent properties, and the accessway is designed to contain all vehicle backing movements on the site and provide shared access with adjacent properties.

3. Distance from Property Line

The nearest edge of the driveway apron shall be at least five (5) feet from the side property line in residential districts and at least ten (10) feet from the side property line in all other districts. This standard does not apply to accessways shared between two (2) or more properties.

4. Distance from Intersection

To protect the safety and capacity of street intersections, the following minimum distance from the nearest intersecting street face of curb to the nearest edge of driveway apron shall be maintained. Where intersecting streets do not have curbs, the distance shall be measured from the nearest intersecting street edge of pavement. Distance from intersection may be modified with a modification as described in MMC Section 12.16.040.B.2.

a. At least forty-five (45) feet for single-detached residential properties or middle housing developments of four or fewer units accessing local and neighborhood streets. Where the distance cannot be met on existing lots, the driveway apron shall be located as far from the nearest intersection street face of curb as practicable.

b. At least one hundred (100) feet for multi-unit residential properties or middle housing developments of five or more units and all other uses accessing local and neighborhood streets.

c. At least three hundred (300) feet for collectors, or beyond the end of queue of traffic during peak hour conditions, whichever is greater.

d. At least six hundred (600) feet for arterials, or beyond the end of queue of traffic during peak hour conditions, whichever is greater.

D. Number of Accessway Locations

1. Safe Access

Accessway locations shall be the minimum necessary to provide access without inhibiting the safe circulation and carrying capacity of the street.

2. Shared Access

The number of accessways on collector and arterial streets shall be minimized whenever possible through the use of shared accessways and coordinated on-site circulation patterns. Within commercial, industrial, and multi-unit areas, shared accessways and internal access between similar uses are required to reduce the number of access points to the higher-classified roadways, to improve internal site circulation, and to reduce local trips or movements on the street system. Shared accessways or internal access between uses shall be established by means of common access easements.

3. Single- Detached Residential and Middle Housing

One accessway per property is allowed for single-detached residential uses and middle housing developments up to four units.

- a. For lots with more than one street frontage on a local street and/or neighborhood route, one additional accessway may be granted. Under such circumstances, a street frontage shall have no more than one driveway approach.
- b. For lots with one street frontage on a local street and/or neighborhood route, one additional accessway may be granted where the driveway approaches can be spaced fifty (50) feet apart, upon review and approval by the City Engineer. The spacing is measured between the nearest edges of the driveway aprons. Where the fifty (50) foot spacing cannot be met, an additional accessway shall not be granted.
- c. No additional accessways shall be granted on collector and arterial streets.

4. All Uses Other than Single-Detached Residential and Middle Housing

The number of accessways for uses other than single detached residential and middle housing developments up to four units is subject to the following provisions:

- a. Access onto arterial and collector streets is subject to the access spacing requirements of Subsection 12.16.040.B;
- b. One accessway is allowed on local streets and neighborhood routes. One additional accessway is allowed per frontage where the driveway approaches, including adjacent property accessways, can be spaced one hundred fifty (150) feet apart. The spacing is measured between the nearest edges of the driveway aprons.

E. Accessway Design

1. Design Guidelines

Driveway approaches shall meet all applicable standards of the Americans with Disabilities Act, U.S. Access Board guidelines or requirements, and Milwaukie Public Works Standards.

2. Authority to Restrict Access

The City Engineer may restrict the location of accessways on streets and require that accessways be placed on adjacent streets upon finding that the proposed access would:

- a. Cause or increase existing hazardous traffic conditions;
- b. Provide inadequate access for emergency vehicles; or
- c. Cause hazardous conditions that would constitute a clear and present danger to the public health, safety, and general welfare.

3. Backing into the Right-of-Way Prohibited

Accessways shall be designed to contain all vehicle backing movements on the site, except for detached or attached single detached residential uses on local streets and neighborhood routes.

F. Accessway Size

The following standards allow adequate site access while minimizing surface water runoff and reducing conflicts between vehicles, bicyclists, and pedestrians.

1. Accessways shall be the minimum width necessary to provide the required number of vehicle travel lanes. The City Engineer may require submission of vehicle turning templates to verify that the accessway is appropriately sized for the intended use.
2. Single attached and detached residential uses shall have a minimum driveway apron width of twelve (12) feet and a maximum width of twenty (20) feet.
3. Multi-unit residential or middle housing developments comprised of up to four (4) units, shall have a minimum driveway apron width of twelve (12) feet on local or neighborhood streets and sixteen (16) feet on collector or arterial streets, and a maximum driveway apron width of twenty (20) feet on all streets.
4. Multi-unit residential or middle housing developments with between five (5) and eight (8) units shall have a minimum driveway apron width of sixteen (16) feet on local or neighborhood streets and twenty (20) feet on collector or arterial streets, and a maximum driveway apron width of twenty-four (24) feet.
5. Multi-unit residential or middle housing developments with more than eight (8) dwelling units, and off-street parking areas with sixteen (16) or more spaces, shall have a minimum driveway apron width of twenty (20) feet on local or neighborhood streets and twenty-four (24) feet on collector or arterial streets, and a maximum driveway apron width of thirty (30) feet.
6. Commercial, office, and institutional uses shall have a minimum driveway apron width of sixteen (16) feet and a maximum width of thirty-six (36) feet.
7. Industrial uses shall have a minimum driveway apron width of twenty-four (24) feet and a maximum width of forty-five (45) feet.
8. Maximum driveway apron widths for commercial and industrial uses may be increased if the City Engineer determines that more than two (2) lanes are required based on the number of trips anticipated to be generated or the need for on-site turning lanes.

(Ord. 2168 § 2, 2019; Ord. 2004 § 1, 2009)

CHAPTER 12.24 CLEAR VISION AT INTERSECTIONS

12.24.040 COMPUTATION

- A. The clear vision area for all driveway accessways to streets, street intersections and all street and railroad intersections shall be that area described in the most recent edition of the “AASHTO Policy on Geometric Design of Highways and Streets.”
- B. Modification of this computation may be made by the City Engineer after considering the standards set forth in the most recent edition of the “AASHTO Policy on Geometric Design of Highways and Streets” and taking into consideration the type of intersection, site characteristics, types of vehicle controls, vehicle speed, and traffic volumes adjacent to the clear vision area. (Ord. 2004 § 1, 2009; Ord. 1679 § 4, 1990)
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Title 13 Public Services

CHAPTER 13.30 REIMBURSEMENT DISTRICTS

13.30.010 DEFINITIONS

The following terms are definitions for the purposes of this chapter.














“Applicant” means a person, as defined in this section, who is required or chooses to finance some or all of the cost of a street, water, storm sewer, or sanitary sewer improvement which is available to provide service to property, other than property owned by the person, and who applies to the City for reimbursement for the expense of the improvement. The applicant may be the City.

“City” means the City of Milwaukie.

“City Engineer” means the person who is the manager/supervisor of the city’s Engineering Department, or the City Manager’s designee to fill this position. This position can also be described as the Engineering Director or Engineering Manager.

“Front footage” means the linear footage of a lot or parcel owned by an intervening property owner which is served by a reimbursement district public improvement and on which the intervening property owner’s portion of the reimbursement may be calculated. Front footage shall be the amount shown on the most recent County Tax Assessor maps for the intervening property or, in the event such information is not available, any other reasonable method established by the City Engineer for calculating front footage. Front footage does not include property owned by the City, including rights-of-way.

Milwaukie Comprehensive Plan Zoning Proposed Designations

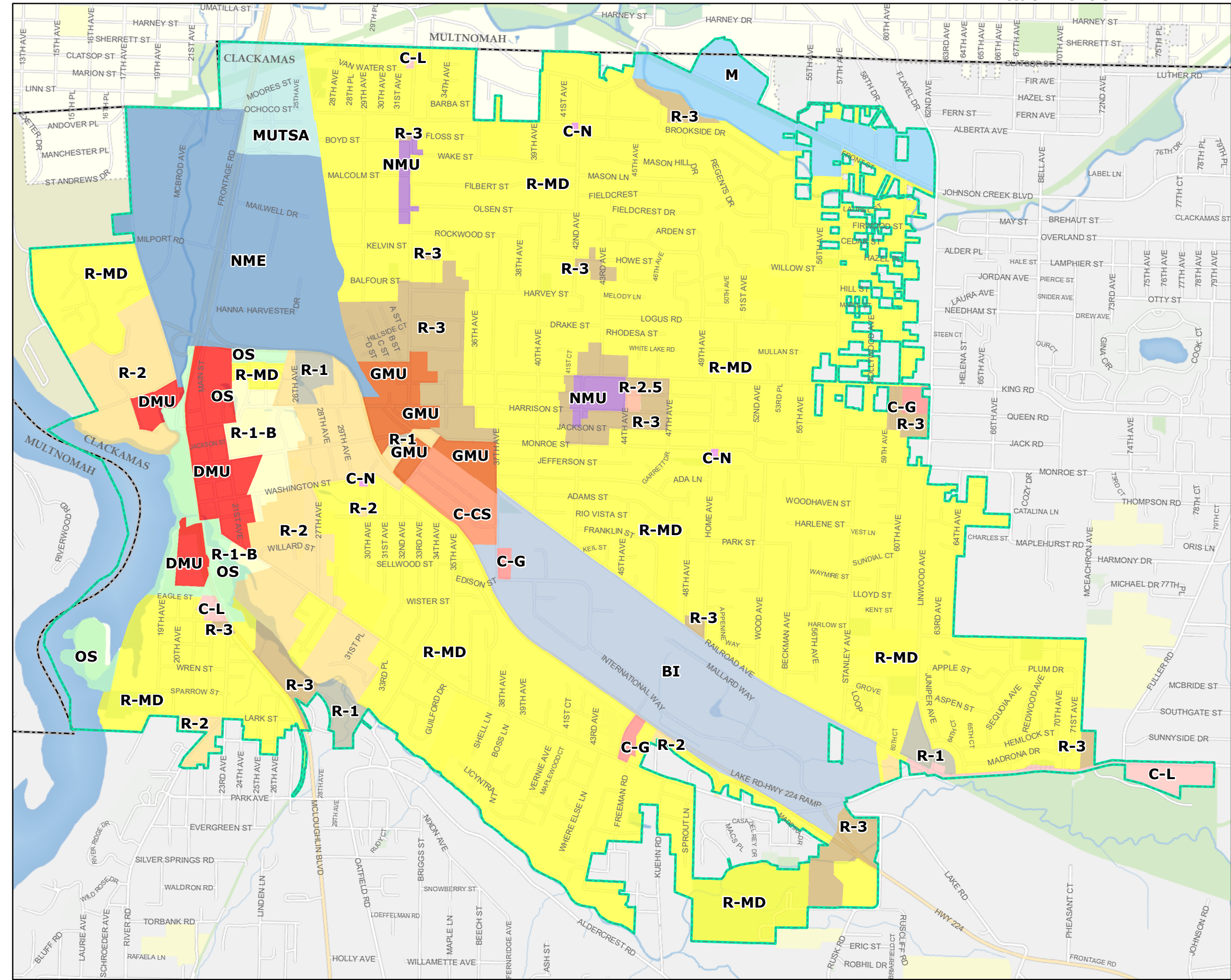
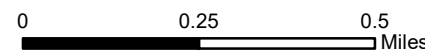
-  City of Milwaukie
-  County Boundary
-  MUTSA
-  BI
-  GMU
-  C-CS
-  DMU
-  C-G
-  C-L
-  C-N
-  NMU
-  OS
-  M
-  NME
-  R-MD
-  R-1
-  R-1-B
-  R-2
-  R-2.5
-  R-3












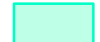
Data Sources: City of Milwaukie GIS, Clackamas County GIS, Metro Data Resource Center
Date: Thursday, July 22, 2021

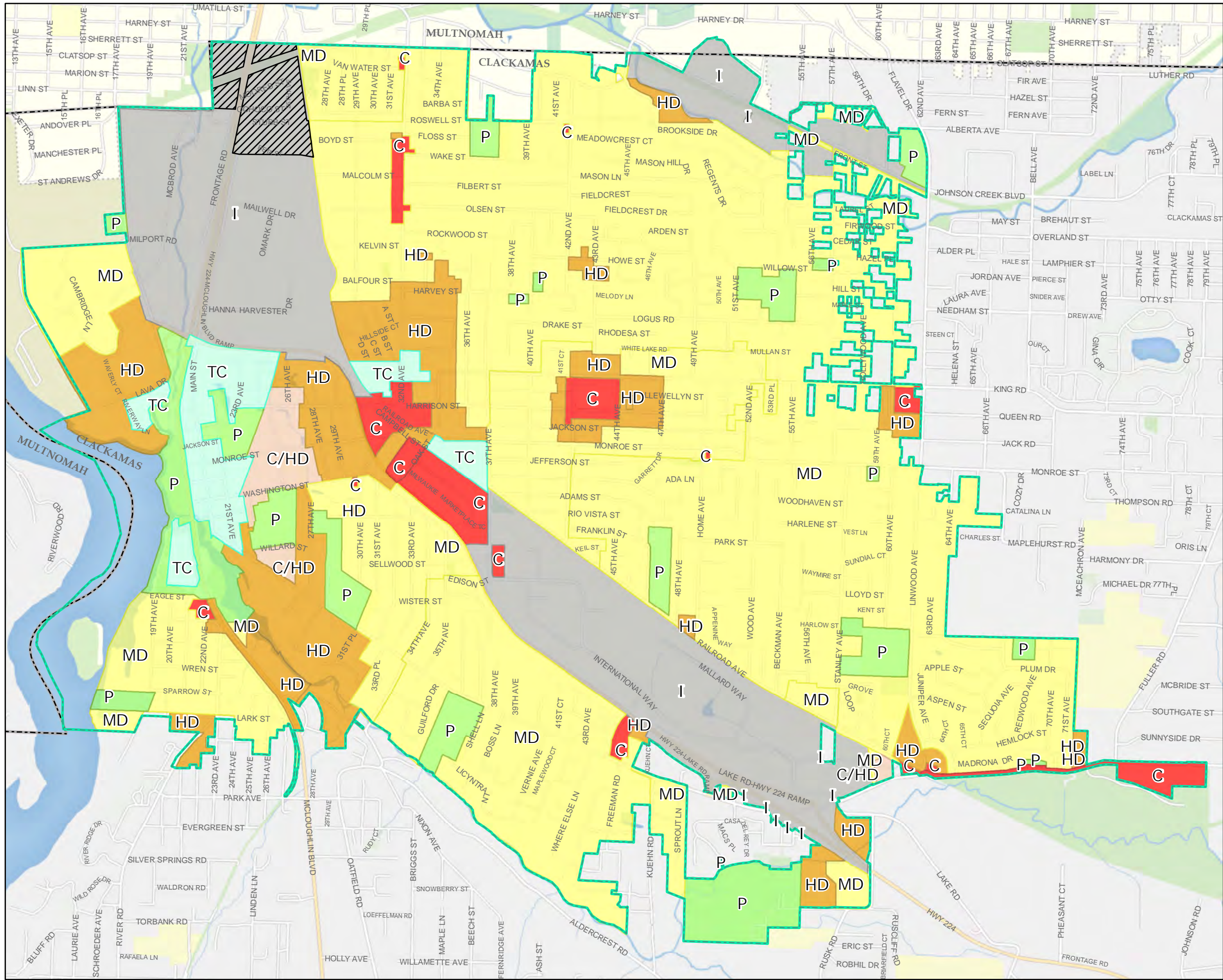
The information depicted on this map is for general reference only. The City of Milwaukie cannot accept any responsibility for errors, omissions or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying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



Milwaukie Comprehensive Plan Proposed Landuse

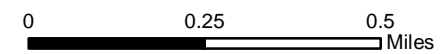
-  City of Milwaukie
-  County Boundary
-  Tacoma Station Area
-  C - Commercial
-  C/HD - Mixed Use
-  HD - High Density
-  I - Industrial
-  MD - Moderate Density
-  P - Public
-  TC - Town Center



Data Sources: City of Milwaukie GIS, Clackamas County GIS, Metro Data Resource Center
Date: Wednesday, June 9, 2021

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RS Agenda Item

9

Council Reports

**RS 9. A. 5/3/22
Proposed Ordinance**

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING MUNICIPAL CODE CHAPTER 2.04, ADDING EQUITABLE CITY COUNCIL COMPENSATION.

WHEREAS, Chapter 3, Article 11 of the Milwaukie City Charter provides City Council with the authority to prescribe the compensation of city officers; and WHEREAS, the City Council exercised that authority in 1978 when it established a monthly stipend for the positions of Mayor and City Council members; and

WHEREAS, the City Council increased the monthly stipend in 1989 and 2007, with the latter increase remaining as the current level of compensation for 15 years; and

Whereas persons serving on the Milwaukie City Council devote a significant portion of their time and energy in the optimum performance of their duties, and

Whereas our vision calls for a city that is entirely equitable, and

Whereas without compensation, most working people cannot afford the time and energy required for the optimal performance of the council's duties without reasonable compensation, and therefore cannot run for election, and

Whereas independent means should not be a prerequisite for service on the Milwaukie City Council, and

Whereas the City of Milwaukie has established a minimum wage for all those working for the city of \$15 per hour, and

Whereas the Mayor typically has greater responsibility, along with more demands on their time and energy than the other members of council, and

Whereas, the current system of non-compensation is another form of maintaining white privilege, as is evidenced by the fact that the overwhelming majority of councilmembers have been white and male throughout the history of Milwaukie.

Now, therefore, the city of Milwaukie does ordain as follows:

Section 1. Milwaukie Municipal Code Chapter 2.04 is amended as set forth in Exhibit A.

Section 2. The compensation set by this ordinance will be effective for the individuals elected to City Council after October 31st 2022,

EXHIBIT A Milwaukie Municipal Code Section 2.04 is amended as follows: Article VI. Council Compensation. 2.04.440. Compensation for the Mayor is set at \$3333.33 per month and compensation for City Council members is set at \$1666.67 per month. Compensation rates set by this section will be adjusted every two years during the biennial budget process and in accordance with the Consumer Price Index (CPI) published by the United States Bureau of Labor Statistics.



**CITY COUNCIL MEETING
STAFF REPORT**

Meeting Date: December 21, 2020		Subject: Resolution No. 2869 Council Compensation	
		Staff Member: Bryan Cosgrove, City Manager	
		Department: Administration	
Action Required		Advisory Board/Commission Recommendation	
<input checked="" type="checkbox"/> Motion <input type="checkbox"/> Public Hearing Date: <input type="checkbox"/> Ordinance 1 st Reading Date: <input type="checkbox"/> Ordinance 2 nd Reading Date: <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Information or Direction <input type="checkbox"/> Information Only <input type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda		<input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable Comments: N/A	
Staff Recommendation: Staff recommends Council adopt Resolution No. 2869.			
Recommended Language for Motion: I move to approve Resolution No. 2869.			
Project / Issue Relates To: City Council directed staff to provide a resolution for council compensation at the December 7, 2020 City Council Meeting.			
<input checked="" type="checkbox"/> Council Goals/Priorities	<input type="checkbox"/> Adopted Master Plan(s)	<input type="checkbox"/> Not Applicable	

ISSUE BEFORE COUNCIL:

Update council compensation for newly sworn in elected officials.

EXECUTIVE SUMMARY:

The City Council added Council Compensation to their 2019-2021 goals in the spring of 2019. The City Council provided staff direction on December 13, 2018 to develop a process for the issue of Council compensation; however, the project was stalled due to the pandemic similar to many other projects. On December 7, 2020, City Council directed staff to bring a recommendation for Council Consideration before the end of the year. City Council requested that the recommendation include an escalating factor to keep the numbers current without a regular discussion needed by City Council.

Legal Ethics

As the Council is aware, under Oregon law, public officials are prohibited from enacting any resolution that would personally give them financial benefit. This makes the timing of the passage of Council compensation important. While the City Council can vote to change the Mayor's compensation at any time (the Mayor cannot vote or discuss, however), Council members cannot vote for a compensation package for themselves. The City Council and Mayor can, however, pass a compensation package that will benefit future councilors. At present, we will have a new mayor and two "new" council members taking office in January. A bit of a wrinkle is the "new" members are also currently seated councilors. As a result, in discussing with the Oregon Ethics Commission, the City Attorney has been advised that the current Council can vote a compensation package for the incoming new mayor and re-elected City Councilors but because the re-elected City Councilors will benefit from any new compensation package that is passed, they must declare a conflict, abstain from the vote and abstain from the discussion leading up to the vote. In other words, Councilor Akervall and Councilor Linville cannot vote on or discuss any proposed new compensation package but if it is passed before the end of this term, they will be able to benefit from it during their new term.

Thus, that leaves Mayor Knapp, Councilor Lehan and Councilor West eligible to vote on the package because they cannot benefit during their current terms. Both Councilor Lehan and the Mayor are subject to term limits and therefore cannot run again, so they can vote without conflict. The Mayor will exit office and will not benefit from the package. Councilor Lehan will not be eligible to benefit because she is still in a current term and under term limits, this is her last term. Councilor West can vote but will have to declare a potential future conflict of interest. Although he will not be eligible to receive the compensation for the duration of his current term, he does have the ability to run for another term and, if does elect to run and he wins re-election, he would then benefit from the compensation package. The conflict is only "potential" because he may not run again and even if he does run, he may not win. Thus, there is a chance he will never receive the compensation package he will be voting on.

Currently, all City Councilors and the Mayor are eligible to receive the same City health insurance benefits that City staff receive. This benefit will remain in effect. The Mayor also currently receives a monthly stipend that would be increased by passage of this resolution. City Councilors have not received a stipend in the past. Therefore, this would be a new benefit that only newly elected Councilors would be eligible for, beginning with our two re-elected City Councilors, whose new terms begin in 2021. Thereafter, all newly elected Councilors would be eligible for the stipend.

Current Council Compensation

Mayor

- stipend of \$750 a month
- mileage reimbursement based on the applicable IRS mileage rate
- reimbursement of business expenses in connection with performing Mayoral duties
- City Cell phone
- City Laptop
- City iPad
- City's group health insurance plan

Councilors

- mileage reimbursement based on the applicable IRS mileage rate
- reimbursement of business expenses in connection with performing Councilor duties
- City iPad
- City's group health insurance plan

Proposed Compensation

The Mayor, Council President, and City Councilors give a lot of time to the City outside of attending and preparing for City Council Meetings. Elected officials must attend local and regional events, meetings and conferences as a part of their role. This requires time away from work and family. The Mayor is required to spend a much larger amount of time on City business as we have seen by the number of regional and state meetings Mayor Knapp has attended over the years. The Council President, is required to spend more time than other councilors due to the additional duties required to fill in when the Mayor is unavailable.

The City Council would like to increase the diversity of future elected officials and one way to do that is to compensate them for their time. It is recommended that the Mayor receive a monthly stipend of \$ _____, the Council President receive a monthly Stipend of \$ _____, and City Councilors receive a monthly stipend of \$ _____. The stipends would cover their time, business expenses and mileage eliminating time and expenses to administer the reimbursements. However, costs for travel and training for state and national conferences would be reimbursed separately. The stipend would be in addition to City iPad, City's group health insurance plan and expenses related to training and conferences consistent with City policies. The Mayor would also receive a City Cell phone and Laptop.

Each stipend will be eligible for an annual cost of living adjustment (COLA). This will allow the stipend to increase without the need for the City Council to readdress this on a regular basis. It will be based on the non-represented COLA.

Mayor

- stipend of \$ _____ a month (annual increase based on the non-represented COLA.)
- City Cell phone
- City Laptop
- City iPad
- City's group health insurance plan

Council President

- stipend of \$_____ a month (annual increase based on the non-represented COLA.)
- City IPad
- City’s group health insurance plan

Councilors

- stipend of \$_____ a month (annual increase based on the non-represented COLA.)
- City IPad
- City’s group health insurance plan

Eligibility

Councilors can elect to opt in or opt out of receiving the health benefit. Similarly, if the Council votes to include a monthly stipend for the Mayor and the Councilors, the Mayor and any eligible Councilor may also elect to opt out of receiving the stipend. It should be noted that the City cannot provide tax advice regarding the tax ramifications of receipt of either the health insurance benefit or the stipend. Therefore, each elected official is advised to consult their own tax professional before opting in or out of either program.

EXPECTED RESULTS:

Updated council compensation for elected officials sworn in after the effective date of the resolution. It is anticipated that updated council compensation will reduce staff time for councilor reimbursements.

TIMELINE:

If Council adopts the staff resolution then the updated council compensation would become effective for Councilors were elected on November 3, 2020, which includes Mayor – elect Julie Fitzgerald, Councilor Akervall, and Councilor Linville. Councilor West would receive the updated Council Compensation if he is reelected in 2022. Mayor Tim Knapp and Councilor Charlotte Lehan will not be eligible for updated council compensation since they are term limited.

CURRENT YEAR BUDGET IMPACTS:

There are no current budget impacts. There would be impacts to future budgets, starting in FY 21/22. Oregon Revised Statutes do not allow sitting elected officials to take any action that may benefit its members. Any changes made to Council compensation policies and structures could not legally go into effect until January 2021. However, it is recommended that the updated council compensation to be effective July 1, 2021 to allow staff to budget for this.

Finance will include the estimated costs of the compensation policy adopted in the Administration’s Operating Budget for FY21/22.

FINANCIAL REVIEW / COMMENT:

Reviewed by: CAR Date: 12/15/2020

LEGAL REVIEW / COMMENT:

Reviewed by: BAJ Date: 12/14/2020

COMMUNITY INVOLVEMENT PROCESS:

N/A

POTENTIAL IMPACTS or BENEFIT TO THE COMMUNITY:

A review of Council compensation policies will provide the following benefits; provide parity with other cities in the region; ensure that the work required by elected officials does not serve as a bar to running for office; provide a base level of compensation for committee time commitment involved and serve as an acknowledgement of the persona and financial sacrifices elected officials undertake to serve in office including costs related to child care, attending meetings, etc.

ALTERNATIVES:

N/A

CITY MANAGER COMMENT:

N/A

ATTACHMENT:

A. Resolution No. 2869

RESOLUTION NO. 2869

A RESOLUTION RELATING TO STIPENDS AND COMPENSATION FOR THE MAYOR AND CITY COUNCILORS, AND REPEALING RESOLUTION NO. 2360.

WHEREAS, the City Council enacted Resolution 2360 on May 7, 2012 which set a monthly stipend of \$750 for the Mayor, and

WHEREAS, the Council requested that City update the Mayor's stipend to adequately reflect the amount of time provided to the community at the December 7, 2020 City Council Meeting; and

WHEREAS, the City Council also requested that a stipend be set for the Council President and Councilors due to the time and out of pocket costs associated with their services; and

WHEREAS, the Council recognized the significant demands placed on the Mayor's time as the position represents the City's interest in a variety of community, regional, state and national venues; and

WHEREAS, the Council recognizes that the Council President must fill the position noted above in the Mayor's absence; and

WHEREAS, the Council is both mindful of the City's budget, time required to serve as an elected official and desire to attract diverse elected officials in the future; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

- Section 1. The City will pay the Mayor a monthly service stipend of \$2,300.00.
- Section 2. The City will pay the Council President a monthly service stipend of \$1,150.00.
- Section 3. The City will pay each remaining Councilor a monthly service stipend of \$850.00.
- Section 4. The City will adjust the stipends listed above on an annual basis using the non-represented COLA.
- Section 5. Repeal resolution No. 2360.
- Section 6. This Resolution becomes effective July 1, 2021.

ADOPTED by the Wilsonville City Council at a regular meeting on December 21, 2020,
and filed with the Wilsonville City Recorder this date.

Tim Knapp, Mayor

ATTEST:

Kimberly Veliz, City Recorder

SUMMARY OF VOTES:

Mayor Knapp	Yes
Council President Akervall	Recused
Councilor Lehan	Yes
Councilor West	No
Councilor Linville	Recused



Elected Official Compensation Survey Report

MAY 2020

Elected Officials Compensation Survey Report

May 2020

Paul Aljets, LOC Research Consultant

The League of Oregon Cities has surveyed of its members about compensation and benefits provided to mayors and city councilors. The study found that travel and compensation related to events hosted by local organizations such as the LOC and the Oregon Mayors Association were most common. Compensation and benefits were most common in larger cities as well as cities in the Metro region. Further, very few cities planned to increase or initiate new compensation in the foreseeable future.

Introduction

The LOC has received media inquiries about compensation for elected officials, but until now, has collected robust data on the compensation mayors and city councilors receive for their service. This survey gathered information not only on how compensation is provided, but also on the amount and rate. The survey was conducted for only two weeks but received responses from 84 LOC members, equal to 35% of Oregon cities.

General Results

Cities were asked to describe the specific compensation methods provided to their elected officials. If no such compensation was provided, they were asked to leave the survey blank. Among the 84 respondent cities, Figure 1 shows the most common types of compensation were for travel, continuing education, and membership dues and fees. All forms of compensation were significantly more likely in cities with a population of more than 10,000, as well as those in the Metro region.

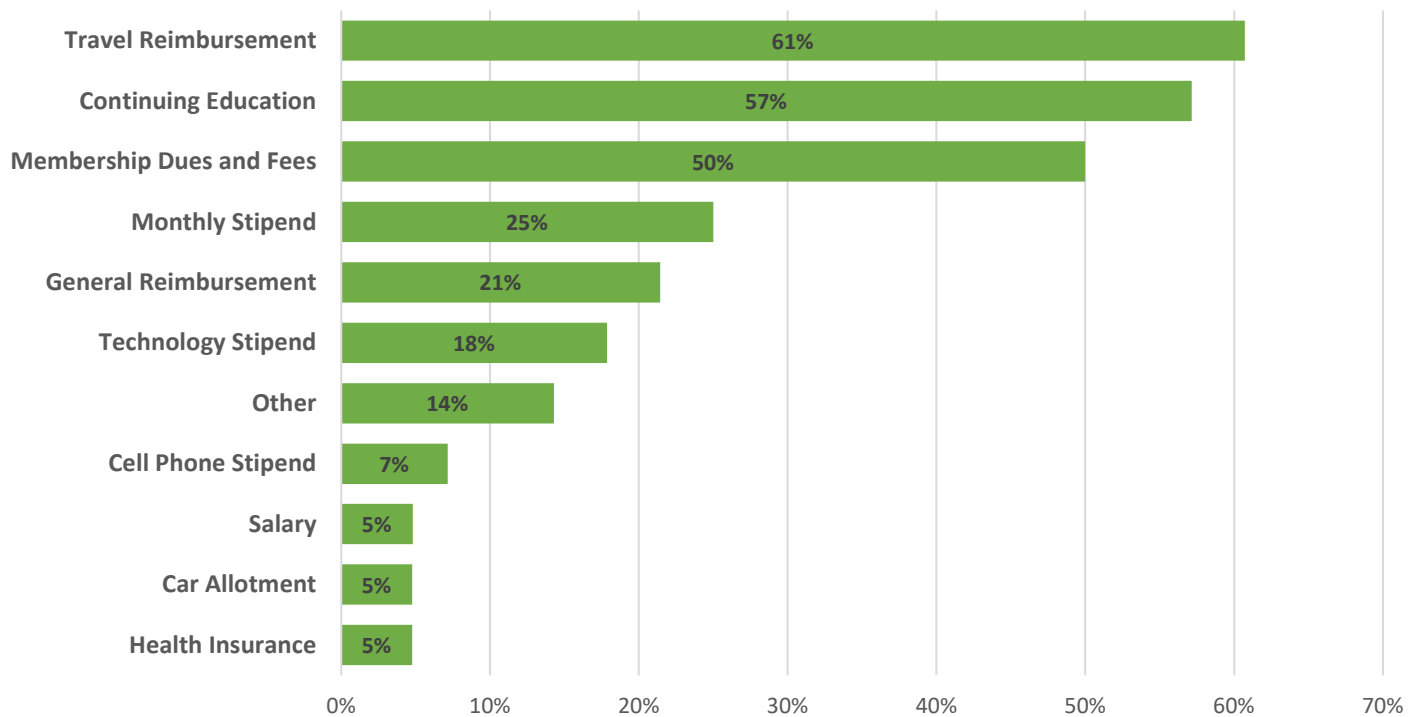


Figure 1: Compensation Prevalence for City Elected Officials

Travel reimbursement was provided to elected officials by 61% of city respondents. This was more common in cities with a population greater than 3,000, as well as those cities in the Metro and North Willamette regions. The most common response for specific compensation was mileage based on federal mileage standards. Other cities included lodging and government per diem for meals when necessary.

Continuing education included attendance at conferences as an elected official. This is the likely reason this form of compensation is so prevalent. In fact, many cities cited travel reimbursement applied only to the LOC and Oregon Mayors Association annual conferences. No city specifically cited continuing education compensation for classes or professional development outside of conferences. Cities with a population of more than 450 were most likely to compensate in this way, along with cities in the Metro, North Willamette, and Southern Oregon regions.

Third among the most common compensation types was membership and dues payment. Most of the cities that compensated for continuing education also compensated with payment of membership dues and fees. Cities most often cited reimbursement for pre-approved associations: most commonly the LOC and the Oregon Mayors Association. The National League of Cities membership was also compensated by Tigard.

Fourteen percent of city respondents had other forms of compensation for elected officials. While these were often a small stipend for the mayor only, other cities offered benefits such as reduction of water/wastewater fees from their utility bill, as well as cookies and meals at council meetings.

Consult *Appendix C* for population and regional breakdowns of compensation prevalence.

Cities were also asked if they were planning to begin providing or increasing compensation for elected officials. The overwhelming majority of cities (83%) had no plans to begin implementing or increasing existing compensation. Among this 83%, a significant number of these cities were in the Willamette Valley regions and in South-Central Oregon. Only one city with a population less than 10,000 (Powers) responded that they were planning to increase compensation, and this was only a readjustment to travel reimbursement calculations.

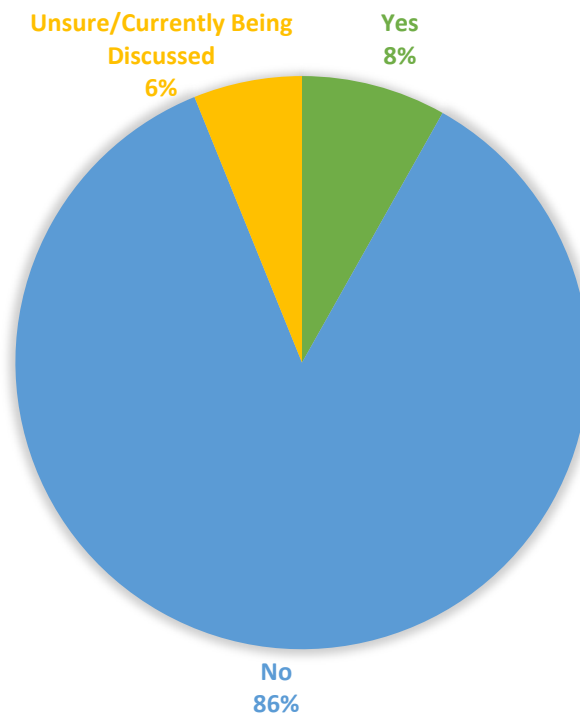
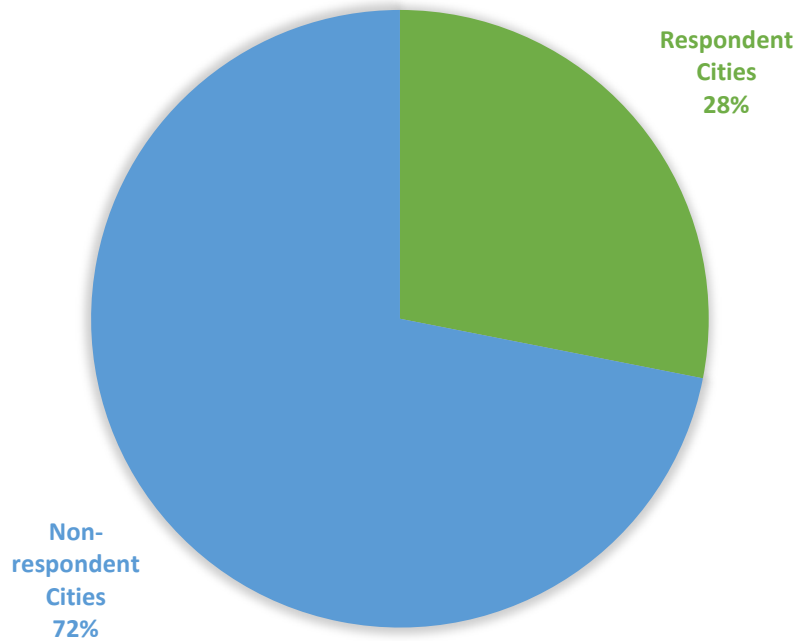


Figure 2: Is your city planning to begin providing or increase compensation for elected officials?

Survey Methods

This survey was conducted from November 25 to December 6, 2019, and responses were received from 84 cities. These cities represent 809,005 residents, or 28% of the state’s population residing in cities. The LOC created the survey using Qualtrics and distributed it to city managers, city recorders, and other individuals with positions equal to a city’s chief executive officer. These individuals often relied on support from relevant city staff or forwarded the survey to be completed by that individual.

Population		
Quintile		
1st Quintile	14	16.7%
2nd Quintile	19	22.6%
3rd Quintile	19	22.6%
4th Quintile	16	19.0%
5th Quintile	16	19.0%
TOTAL	84	
Region		
N. Coast	4	4.8%
Metro	12	14.3%
N. Willamette	23	27.4%
S. Willamette	4	4.8%
C. Coast	4	4.8%
S. Coast	3	3.6%
S. Oregon	8	9.5%
Gorge	4	4.8%
C. Oregon	2	2.4%
SC Oregon	2	2.4%
NE Oregon	10	11.9%
E. Oregon	8	9.5%
TOTAL	84	



Cities are divided into population quintiles, or groups of cities representing roughly one-fifth of the 241 total cities. This is done to provide a more accurate comparison of differences among city populations. If the LOC randomly selected cities from each quintile, we would expect 20% to come from each of the five quintiles. Among respondent cities, there was overrepresentation in the North Willamette regions. Further, the survey had an underrepresentation of cities in several regions. Cities in the 1st population quintile (population less than 450) were underrepresented. In the above table, cells marked with green indicate an overrepresentation and those in red denote underrepresentation.

Appendix A: Invitation to Participate

The League needs your help – please complete this survey by Friday, December 6th.

The League of Oregon Cities appreciates your participation in this quick survey about compensation for elected officials. LOC has received media inquiries in the past on this subject and has never had comprehensive data on how mayors and city councilors are compensated for their service to their cities. This survey seeks to gather this information not only on how compensation is provided, but also on the amount and rate of compensation. This data will also compliment the information already available from LOC on salary rates for city staff.

NOTE: Please submit all answers using the online form. Please use the attached PDF only for information and guidance.

Survey Link Below:

http://orcities.co1.qualtrics.com/jfe/form/SV_7Qc9k7ay05IyDpr

Please don't hesitate to contact me if you have any questions regarding the survey at research@orcities.org or 503-588-6550.

Thank you in advance for taking the time to fill out this survey.



Mike Cully, *Executive Director*

503-588-6550

1201 Court St. NE, Suite 200, Salem, OR 97301-4194

www.orcities.org



Appendix B: Survey Instrument

2019 Elected Officials Compensation Survey

Q2 Please fill out the following questions.

City Name: (1) _____

Your Name: (2) _____

Your Title: (3) _____

Email Address: (4) _____

Q3 Please list the types of compensation provided to your city's Mayor and City Councilors. If your city has no such compensation, please leave that option blank.

	Compensation Specifics (1)
Monthly Stipend (1)	
Salary (2)	
Travel Reimbursement (3)	
General Reimbursement (4)	
Cell Phone Stipend (5)	
Technology Stipend (i.e. Laptop and/or other technology not including cell phone) (6)	
Health Insurance (7)	

Car Allotment (8)	
Continuing Education (i.e conference attendance) (9)	
Membership Dues and Fees (10)	
Other (Please Describe) (11)	

Q4 Is your city planning to start or increase compensation for elected officials? If yes, please describe.

Q5 Please describe how travel compensation is calculated in your city.

Q6 This concludes the survey. Do you have any additional comments?

Appendix C: Responses by Compensation Type

Monthly Stipend		
Quintile		
1st Quintile	1	4.8%
2nd Quintile	2	9.5%
3rd Quintile	3	14.3%
4th Quintile	4	19.0%
5th Quintile	11	52.4%
TOTAL	21	100.0%
Region		
N. Coast	1	4.8%
Metro	5	23.8%
N. Willamette	4	19.0%
S. Willamette	2	9.5%
C. Coast	0	0.0%
S. Coast	0	0.0%
S. Oregon	1	4.8%
Gorge	1	4.8%
C. Oregon	0	0.0%
SC Oregon	1	4.8%
NE Oregon	3	14.3%
E. Oregon	3	14.3%
TOTAL	21	100.0%

Travel Reimbursement		
Quintile		
1st Quintile	4	7.8%
2nd Quintile	8	15.7%
3rd Quintile	13	25.5%
4th Quintile	10	19.6%
5th Quintile	16	31.4%
TOTAL	51	100.0%
Region		
N. Coast	4	7.8%
Metro	9	17.6%
N. Willamette	12	23.5%
S. Willamette	3	5.9%
C. Coast	4	7.8%
S. Coast	2	3.9%
S. Oregon	4	7.8%
Gorge	2	3.9%
C. Oregon	2	3.9%
SC Oregon	1	2.0%
NE Oregon	4	7.8%
E. Oregon	4	7.8%
TOTAL	51	100.0%

Cell Phone Stipend		
Quintile		
1st Quintile	0	0.0%
2nd Quintile	1	16.7%
3rd Quintile	1	16.7%
4th Quintile	0	0.0%
5th Quintile	4	66.7%
TOTAL	6	100.0%
Region		
N. Coast	0	0.0%
Metro	3	50.0%
N. Willamette	2	33.3%
S. Willamette	1	16.7%
C. Coast	0	0.0%
S. Coast	0	0.0%
S. Oregon	0	0.0%
Gorge	0	0.0%
C. Oregon	0	0.0%
SC Oregon	0	0.0%
NE Oregon	0	0.0%
E. Oregon	0	0.0%
TOTAL	6	100.0%

Salary		
Quintile		
1st Quintile	1	25.0%
2nd Quintile	1	25.0%
3rd Quintile	0	0.0%
4th Quintile	0	0.0%
5th Quintile	2	50.0%
TOTAL	4	100.0%
Region		
N. Coast	0	0.0%
Metro	1	25.0%
N. Willamette	0	0.0%
S. Willamette	0	0.0%
C. Coast	0	0.0%
S. Coast	0	0.0%
S. Oregon	0	0.0%
Gorge	1	25.0%
C. Oregon	0	0.0%
SC Oregon	1	25.0%
NE Oregon	1	25.0%
E. Oregon	0	0.0%
TOTAL	4	100.0%

General Reimbursement		
Quintile		
1st Quintile	2	11.1%
2nd Quintile	2	11.1%
3rd Quintile	5	27.8%
4th Quintile	3	16.7%
5th Quintile	6	33.3%
TOTAL	18	100.0%
Region		
N. Coast	1	5.6%
Metro	4	22.2%
N. Willamette	4	22.2%
S. Willamette	0	0.0%
C. Coast	4	22.2%
S. Coast	0	0.0%
S. Oregon	1	5.6%
Gorge	1	5.6%
C. Oregon	1	5.6%
SC Oregon	0	0.0%
NE Oregon	2	11.1%
E. Oregon	0	0.0%
TOTAL	18	100.0%

Technology Stipend		
Quintile		
1st Quintile	0	0.0%
2nd Quintile	0	0.0%
3rd Quintile	1	6.7%
4th Quintile	3	20.0%
5th Quintile	11	73.3%
TOTAL	15	100.0%
Region		
N. Coast	0	0.0%
Metro	4	26.7%
N. Willamette	4	26.7%
S. Willamette	2	13.3%
C. Coast	1	6.7%
S. Coast	1	6.7%
S. Oregon	0	0.0%
Gorge	0	0.0%
C. Oregon	0	0.0%
SC Oregon	0	0.0%
NE Oregon	2	13.3%
E. Oregon	1	6.7%
TOTAL	15	100.0%

Health Insurance		
Quintile		
1st Quintile	0	0.0%
2nd Quintile	0	0.0%
3rd Quintile	0	0.0%
4th Quintile	0	0.0%
5th Quintile	4	100.0%
TOTAL	4	100.0%
Region		
N. Coast	0	0.0%
Metro	3	75.0%
N. Willamette	0	0.0%
S. Willamette	0	0.0%
C. Coast	0	0.0%
S. Coast	0	0.0%
S. Oregon	0	0.0%
Gorge	0	0.0%
C. Oregon	0	0.0%
SC Oregon	1	25.0%
NE Oregon	0	0.0%
E. Oregon	0	0.0%
TOTAL	4	100.0%

Continuing Education		
Quintile		
1st Quintile	1	2.1%
2nd Quintile	12	25.0%
3rd Quintile	12	25.0%
4th Quintile	10	20.8%
5th Quintile	13	27.1%
TOTAL	48	100.0%
Region		
N. Coast	2	4.2%
Metro	8	16.7%
N. Willamette	15	31.3%
S. Willamette	3	6.3%
C. Coast	4	8.3%
S. Coast	2	4.2%
S. Oregon	6	12.5%
Gorge	1	2.1%
C. Oregon	1	2.1%
SC Oregon	0	0.0%
NE Oregon	4	8.3%
E. Oregon	2	4.2%
TOTAL	48	100.0%

Other		
Quintile		
1st Quintile	0	0.0%
2nd Quintile	3	25.0%
3rd Quintile	2	16.7%
4th Quintile	4	33.3%
5th Quintile	3	25.0%
TOTAL	12	100.0%
Region		
N. Coast	0	0.0%
Metro	2	16.7%
N. Willamette	4	33.3%
S. Willamette	0	0.0%
C. Coast	1	8.3%
S. Coast	2	16.7%
S. Oregon	0	0.0%
Gorge	1	8.3%
C. Oregon	0	0.0%
SC Oregon	0	0.0%
NE Oregon	2	16.7%
E. Oregon	0	0.0%
TOTAL	12	100.0%

Car Allotment		
Quintile		
1st Quintile	0	0.0%
2nd Quintile	0	0.0%
3rd Quintile	1	25.0%
4th Quintile	0	0.0%
5th Quintile	3	75.0%
TOTAL	4	100.0%
Region		
N. Coast	0	0.0%
Metro	2	50.0%
N. Willamette	1	25.0%
S. Willamette	0	0.0%
C. Coast	0	0.0%
S. Coast	0	0.0%
S. Oregon	0	0.0%
Gorge	0	0.0%
C. Oregon	0	0.0%
SC Oregon	0	0.0%
NE Oregon	1	25.0%
E. Oregon	0	0.0%
TOTAL	4	100.0%

Membership Dues and Fees		
Quintile		
1st Quintile	2	4.8%
2nd Quintile	9	21.4%
3rd Quintile	12	28.6%
4th Quintile	9	21.4%
5th Quintile	10	23.8%
TOTAL	42	100.0%
Region		
N. Coast	3	7.1%
Metro	7	16.7%
N. Willamette	15	35.7%
S. Willamette	0	0.0%
C. Coast	4	9.5%
S. Coast	2	4.8%
S. Oregon	2	4.8%
Gorge	1	2.4%
C. Oregon	1	2.4%
SC Oregon	1	2.4%
NE Oregon	4	9.5%
E. Oregon	2	4.8%
TOTAL	42	100.0%

Appendix D: Responses by City

City	Population	QCODE	REGION	Monthly Stipend	Salary	Travel Reimbursement	General Reimbursement	Cell Phone Stipend	Technology Stipend	Health Insurance	Car Allotment	Continuing Education	Membership Dues and Fees	Other (Please Describe)
Albany	52540	5	3	\$185 for Mayor & \$130 for City Councilors	None	Standard IRS mileage rate	None	None	\$50 internet stipend & City-provided iPad for City business	None	None	LOC conference & related trainings available at City's expense	Oregon Mayor's Association	
Athena	1170	2	11											City water/sewer fee reduction - 38
Aurora	970	2	3			available						available	available	
Baker City	9890	4	12	\$10 per meeting	0	Necessary as needed								
Bay City	1330	3	1			yes	yes					yes	yes	
Boardman	3555	4	11			yes						yes	yes	
Brownsville	1700	3	3											
Burns	2830	3	12			IRS mileage								
Canyonville	1925	3	7			x								
Cascade Locks	1250	3	8			yes						yes		
Clatskanie	1750	3	1				500						500	
Coos Bay	16615	5	6			For city related travel, such as attending the LOC conference, we provide periderm (up to \$56 per day) and mileage reimbursement at the .56 cents per mile for travel from city hall to the event and back.			We provide each Council members with iPad which they use at Council meetings and to review Council agenda reports. We also have the iPad set up so that they can use them to correspond with their constituents using their city email address.					
Cornelius	11915	5	2	50		.58 cents/mile	\$50.00/mtg.							
Corvallis	58240	5	4	Mayor only get \$100 per month. Councilors receive no stipend		out of town mileage and meals			city provided tablet for use during term			budget annually for LOC conference		
Cottage Grove	9890	4	4			X								
Creswell	5360	4	4	Mayor \$225 Monthly, Council President \$150 monthly;					\$75 monthly			\$1,2000 budgeted annually - this includes general reimbursements		

City	Population	QCODE	REGION	Monthly Stipend	Salary	Travel Reimbursement	General Reimbursement	Cell Phone Stipend	Technology Stipend	Health Insurance	Car Allotment	Continuing Education	Membership Dues and Fees	Other (Please Describe)
				Councilors \$125 monthly								and travel reimbursement		
Dayton	2635	3	3			x		x					x	
Dayville	150	1	12											
Detroit	210	1	3											
Drain	1160	2	7				Gov mileage food and hotel					LOC and Mayors		
Dundee	3190	4	3										106	
Dunes City	1320	3	5			actual	actual					actual	if requested	
Durham	1880	3	2			\$0.58/mile for conferences						full reimbursement for costs	city pays	
Estacada	3155	4	2			mileage, lodging & meals							OMA dues	
Florence	8680	4	5			yes	yes	no	given iPad	no	no	yes	yes	covered under workers' comp policy as volunteer
Gates	485	2	3											
Gervais	2565	3	3	10.00/meeting		Federal mileage rate	Reimbursed when receipts are submitted					City pays for all costs to attend a conference	City pays Mayors dues for OMA	Councilors and Mayor have to elect each year to receive or not to receive their stipend for each meeting they attend.
Glendale	875	2	7	80		mileage						yes	yes	
Gold Hill	1220	2	7									yes		
Grass Valley	165	1	8		900									
Halfway	290	1	12	300										
Halsey	915	2	3											expense reimbursement - 300
Happy Valley	18680	5	2			Yes	Yes	Yes				Yes	Yes	
Hermiston	17730	5	11	100.00/Council \$250.00/Mayor		Yes	Yes	No	No Stipend - the have city issued tablets	No	No	yes	Yes	Polo Shirts, T-shirts to be worn at special events
Hillsboro	99340	5	2	\$300.00 for council; \$500 for Council President; and \$2,000.00 for the Mayor		Yes, if needed but we typically coordinate.			75	We only offer \$2K for life insurance.		Yes		Mayor general expense monthly stipend - 175
Hines	1560	3	12											
Hood River	7760	4	8	50	na	yes	yes	no	no	no	no	no	yes	Mayor stipend - 100
Huntington	445	1	12			yes								

City	Population	QCODE	REGION	Monthly Stipend	Salary	Travel Reimbursement	General Reimbursement	Cell Phone Stipend	Technology Stipend	Health Insurance	Car Allotment	Continuing Education	Membership Dues and Fees	Other (Please Describe)
Idanha Independence	140 9250	1 4	3 3											
Ione	330	1	11											
Island City	1125	2	11	45 Councilors	1000 Mayor		1					1	1	
Joseph Klamath Falls	1100 21640	2 5	11 10		50	50	yes	no	no	no	yes	no	yes	
Lexington	255	1	11											
Lyons	1165	2	3				mileage					yes	LOC & OMA	
Maupin	425	1	8											
Maywood Park	750	2	2											
McMinnville	33405	5	3				yes	yes	no stipend, City provides Surface			yes	organizational dues for LOC, COG	
Merrill	840	2	10											
Mill City	1860	3	3			X	X					X	X	
Milwaukie	20510	5	2	C-\$250 M-\$300	No	In General Reimbursement	C-\$3000 M-\$5000	No	Device Provided	No	Mileage through General Reimbursement	Reimbursement through General Reimbursement	Council Total - \$2000	
Monmouth	9745	4	3	no	no	yes to conferences and seminars	no	no	no	no	no	yes	no	Cookies at meetings or meals at goal setting sessions
Monroe	620	2	4			Yes						Yes		
Myrtle Creek	3490	4	7			mileage/ direct travel expense		Mayor only				City pays or reimburses costs		
Myrtle Point	2525	3	6									\$1,500 Per Year	\$3,200 Per Year	City Council Activities - \$1,000 Per Year
Nehalem	280	1	1			for city business							for Mayor's Assoc.	
Ontario	11465	5	12		150	Per Diem and mileage when applicable, hotels. car rentals			Laptop or iPad			conference fees	League of Oregon Cities	
Pilot Rock	1505	3	11											
Powers	695	2	6			Reimbursed mileage at \$0.32/mile for pre-approved city business (meetings, training).						City pays for pre-approved training only.	City pays for professional membership fees for pre-approved associations.	Per diem -\$25 while traveling on city business
Riddle	1185	2	7									yes/as needed	yes/as needed	
Rivergrove	495	2	2											
Rogue River	2200	3	7			YES						YES		
Salem	162060	5	3			actual expenses		city provides phone	city provides laptop/tablet	0	reimburse mileage	city pays	for city	

City	Population	QCODE	REGION	Monthly Stipend	Salary	Travel Reimbursement	General Reimbursement	Cell Phone Stipend	Technology Stipend	Health Insurance	Car Allotment	Continuing Education	Membership Dues and Fees	Other (Please Describe)
Scotts Mills	365	1	3											
Sherwood	19145	5	2			Yes						Yes		
Silverton	9725	4	3									6700	500	
Sisters	2390	3	9			Yes						yes	yes	
Spray	160	1	9			Reimburse Miles	Reimburse Meals during travel for trainings							
St. Helens	13120	5	1	1100 Mayor, 950 President, 800 Councilors	none	when approved	none	none	none	none	none	when approved	none	
Stayton	7745	4	3	83.33								1000		
Tangent	1205	2	3			y						y	y	
Tigard	49745	5	2	523 (Council)	3985 (Mayor)	See other		33	iPad/tablet provided	same as employee	275	y included in travel	LOC and NLC	Travel & continuing ed combined. \$10K per Councilor and \$16,600 for Mayor. Includes conference attendance.
Toledo	3490	4	5			Actual	Actual for city business					Actual expenses	Actual	
Troutdale	16035	5	2											
Ukiah	245	1	11											
Union	2150	3	11	75	No	.58/mile	60/day	No	Laptop Available	No	Available	Available	LOC - Mayors	
Vale	1885	3	12									mayor	yes	
Waterloo	230	1	3			With receipt	With receipt					Pay registration only	OMA Dues	
Willamina	2095	3	3	X								X	X	
Wilsonville	23740	5	2	Mayor \$750		Mayor & Council	The Mayor shall be entitled to be reimbursed for business expenses incurred as may be necessary and/or customary in performing the Mayoral duties on behalf of the City of Wilsonville.	The Mayor shall be provided the use of a City cell phone and lap top computer through the City's IS department at City expense for City business in connection with the performance of the necessary	The Mayor shall be provided the use of a City cell phone and lap top computer through the City's IS department at City expense for City business in connection with the performance of the necessary and/or	The City group health insurance plan includes public elected officials, and the Mayor may elect to receive the City's health insurance benefits in accordance with the Plan's administrative policies.		Mayor & Council	Mayor & Council	

City	Population	QCODE	REGION	Monthly Stipend	Salary	Travel Reimbursement	General Reimbursement	Cell Phone Stipend	Technology Stipend	Health Insurance	Car Allotment	Continuing Education	Membership Dues and Fees	Other (Please Describe)
								and/or customary Mayoral duties on behalf of the City of Wilsonville.	customary Mayoral duties on behalf of the City of Wilsonville. iPads are loaned to Council					
Winston	5410	4	7	N/A	NA	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Wood Village	3915	4	2									720	1260	
Yachats	740	2	5			IRS Rate	Actual					6000	In CEU	
Yamhill	1070	2	3									Full Payment	Full Payment	

City	Population	QCODE	REGION	Is your city planning to start or increase compensation?	Describe how travel compensation is calculated.	Additional comments?
Albany	52540	5	3	No plans for increase at this time.	While attending conference/trainings, City pays for lodging, standard IRS mileage reimbursement rate for travel, and per diem rate for meal.	None
Athena	1170	2	11		Mileage and meals for city business only	
Aurora	970	2	3	No	We have a budget line item for conferences for elected officials, as well as appointed planning commissioners, parks commissioners and members of the Historic Review Board. The city covers registration costs and can also reimburse for expenses occurred.	
Baker City	9890	4	12	No.	Pay for travel to approved City business and conferences. Need to be approved prior to travel and approved by majority of the Council for payment.	
Bay City	1330	3	1	Not that I am aware.	City Council members and the Mayor are reimbursed for attending conferences and classes. Mileage, meals, room. Mileage is compensated by the current IRS rate.	
Boardman	3555	4	11		Gov. mileage rate	
Brownsville	1700	3	3	I have expressed an interest in providing a 'per meeting' model for Council members and the Mayor. Action has yet to be taken.	Travel and expenses are calculated just like employees. However, no official has put in a request for reimbursement in 13 years.	
Burns	2830	3	12			
Canyonville	1925	3	7		mileage reimbursed at standard IRS rate	
Cascade Locks	1250	3	8		Federal Rate times the actual miles plus tolls, if any	

Clatskanie	1750	3	1		If requested, which is rare, we use current IRS standard. We will reimburse hotel cost if overnight is required	
Coos Bay	16615	5	6	No	Mileage reimbursement is calculated using MapQuest to determine the mileage between City Hall and out of the County city related events such as the LOC Conference. We reimburse mileage at the federal rate for mileage to and from an event. Per diem is provided to Council members for meals while there attending such events as the LOC Conference, when meals at the event are not provided for. The city provides \$8 for breakfast, \$13 for lunch and \$25 for dinner.	None
Cornelius	11915	5	2	We have no plans to increase compensation. Currently, the Mayor and City Councilors receive \$50.00 per meeting attendance up to four meetings per month. The monthly stipend pays for up to two City Council meetings per month but is not part of the maximum reimbursement for up to four meetings.	IRS reimbursement rate (currently .58 cents/mile.	
Corvallis	58240	5	4	No plans at this time. However, a Charter review is being considered and elected compensation MIGHT be one item that is reviewed.	Actual travel expenses are reimbursed including the use of personal vehicles (paid per mile based on Federal rate).	
Cottage Grove	9890	4	4	No	IRS Mileage and per diem	
Creswell	5360	4	4	No	Mileage multiplied by IRS allowed mileage	
Dayton	2635	3	3		The City covers travel expenses for the Mayor for the OMA and OCCMA Conferences as well as mileage to and from meetings. Full amount of expenses for the conferences are reimbursed and mileage is paid at the IRS rate. The Mayor receives a \$50/mth cell phone stipend. Membership Dues and Fees for OMA are paid by the City.	
Dayville	150	1	12	No	We use the IRS mileage reimbursement rate for all pre-approved travel out of our area.	
Detroit	210	1	3	No	Actual mileage x IRS standard mileage rate	
Drain	1160	2	7	No	Will pay gov rate and mileage Will reimburse for food and hotel stays	No
Dundee	3190	4	3	No	Reimbursement using IRS mileage rate and actual cost of meals and lodging	The dues identified above are for the Oregon Mayors Association.
Dunes City	1320	3	5	No.	Mileage paid at federal rate. Meals are paid by actual expense with evidence provided.	Small cities like ours, with no tax base, cannot afford to pay elected officials.
Durham	1880	3	2	No	\$.58 per mile driven for conferences	
Estacada	3155	4	2	No.	Lodging and meals are reimbursed with a receipt. Mileage is per IRS rates per mile.	
Florence	8680	4	5	No	IRS Per diem rates reimbursed for miles traveled pertaining to City business duties or to attend conference/training	
Gates	485	2	3			
Gervais	2565	3	3	No	Federal mileage rate multiplied by miles traveled. Meals and lodging are also covered by the city up to the per diem limit.	
Glendale	875	2	7	Not sure.	Mileage compensation	The \$80 stipend is for the Mayor only. We reimburse mileage and the City pays the dues and memberships to LOC etc. The City also pays for hotels when attending conferences
Gold Hill	1220	2	7			
Grass Valley	165	1	8			Only the Mayor receives compensation.
Halfway	290	1	12			The stipend is only for the mayor, and the mayor also gets reimbursement for fuel for travel expense

Halsey	915	2	3	No	Mileage is reimbursed at the federal rate. Hotels and conferences are paid for by the City directly rather than reimbursed. We have a budget line item that includes funds for continuing education for Councilors. There is no individual amount allocated per Councilor, whoever needs it uses it until it's gone. We only reimburse for meals that the conference doesn't already provide.	Councilors receive \$300 per year to reimburse for expenses, including technology (computer, cell, printer, ink) and other costs incurred serving the city over the course of the year.
Happy Valley	18680	5	2	Yes, in process now of evaluating the options.	City pays for Mayor and Councilors to attend conferences such as LOC and NLC. In the past this hasn't been abused, essentially, they all attend 2-3 conferences per year.	<p>1. The survey is a little confusing with Travel Reimbursement being separate from conference attendance.</p> <p>2. Even though we provide a stipend for cell phone only once Councilor takes it and the rest are provided a City issued phone. All Councilors are provided either an Ipad or Laptop.</p> <p>3. General reimbursement, I assume this is for fuel and parking etc? We can provided this but the Council members never turn in any receipts.</p> <p>Please share the results as soon as you have them available, it will help us in our process. Thanks</p>
Hermiston	17730	5	11		All expenses paid 100% - Hotel, airfare, cab fare, car rental while traveling Meal Expenses according to - https://www.gsa.gov/travel/plan-book/per-diem-rates	
Hillsboro	99340	5	2	We are evaluating right now for fiscal year 2020-2021. We conducted our own survey in 2016 and very recently updated.	We coordinate travel including airline, ground transportation, registration etc. for them and base reimbursement off the GSA per diem rates.	We also offer them free flu shots and annual TriMet passes.
Hines	1560	3	12	NO	We pay the IRS standard mileage rates. If an overnight stay is required, the city pays for lodging plus taxes. Meals are compensated at \$10.00 for breakfast and lunch and \$20.00 for dinner.	
Hood River	7760	4	8	No increase planned in the near future but it has been discussed.	Travel compensation is set by the standards GSA rates.	The City also provides a Childcare stipend while they are attending City meetings.
Huntington	445	1	12	No	\$0.57/mile if they are going to training or meetings for the City.	No
Idanha	140	1	3			
Independence	9250	4	3		City pays for registration/hotel; attendee submits reimbursement for per diem, mileage. GSA (CONUS) per diem rates GSA POV mileage rates	
Ione	330	1	11	NO		
Island City	1125	2	11		We pay the Federal mileage rate for any travel, along with all hotel and meal costs	
Joseph	1100	2	11	No.	n/a	No
Klamath Falls	21640	5	10	No. It is spelled out in the Charter.	The same as for employees using standard GSA per diem and mileage.	
Lexington	255	1	11			
Lyons	1165	2	3		IRS Mileage Rate	
Maupin	425	1	8		The City pays mileage at the Federal Rate, lodging and meals at per diem rate.	
Maywood Park	750	2	2			If the mayor or a councilor pays out of pocket for anything relating to City business, they may submit receipts for reimbursement.
McMinnville	33405	5	3		IRS rates for travel related to City business.	
Merrill	840	2	10	No. All is volunteer.	Any reimbursements to conferences are reimbursed based upon Federal Per Diem.	
Mill City	1860	3	3	No	Federal mileage rate per mile	
Milwaukie	20510	5	2	Current discussion. Milwaukie recently worked with Healthy Democracy to consider a council stipend or pay increase. That body met for four days and returned with a		

				small increase tied to inflation: "Based on the 2007 to 2019 rate of inflation, set monthly stipend amount for Mayor from \$300 to \$369 and for Council Members from \$250 to \$307, and in the future, adjusted according to the biennial budget based on CPL."		
Monmouth	9745	4	3	No.	We use the IRS mileage reimbursement rate.	
Monroe	620	2	4		federal mileage reimbursement rate	
Myrtle Creek	3490	4	7		For Councilors standard government rate per mile. For employees a City car is the first choice, if none is available a personal car may be used and mileage reimbursed.	
Myrtle Point	2525	3	6	No	Travel compensation is currently reimbursed at \$0.41 per mile for both staff and elected officials.	
Nehalem	280	1	1	No	mileage at federal rate, hotel plus meals with expense receipts. No reimbursement for alcohol	
Ontario	11465	5	12		City covers meals by Per Diem for any not covered by the conference or event. We either provide a car to travel or pay mileage. We use a different rate for those using their own cars when a city car is available. We cover flight costs if that is the most practical means of traveling.	
Pilot Rock	1505	3	11	Elected officials are volunteers	Complete a travel reimbursement form with receipts. Round trip mileage is paid at .585 per mile.	
Powers	695	2	6	We are discussing using standard federal mileage and per diem rates for employees and electeds rather than our outdated amounts. It is not likely to take effect until spring/summer 2020.	Actual costs (if travel other than by personal vehicle), or roundtrip mileage from city hall to the destination.	
Riddle	1185	2	7			
Rivergrove	495	2	2		We do not compensate for travel	We are so small there is a part time CM/CR and that is it the rest is all volunteer.
Rogue River	2200	3	7		IRS Rate	
Salem	162060	5	3	No plans.	IRS limits.	
Scotts Mills	365	1	3	NO		We have no form of compensation at all to our elected officials.
Sherwood	19145	5	2	No plans in the immediate future	We use the same IRS tables as for employees	Hope this helps - let us know if you have questions
Silverton	9725	4	3	Not at this time.	We budgeted \$6700 total for all travel, training, and meeting reimbursement for the Mayor and City Councilors. This is enough to cover attendance at the LOC conference for all councilors, as well as the Mayor's attendance at the OMA conferences. In addition, we budget \$500 for the Mayors dues in OMA.	
Sisters	2390	3	9	No.	Mileage based on the IRS POV rate. Hotel and meals IRS Per Diem.rates	
Spray	160	1	9		We budget yearly for any training's that any city official will have to take the following year.	
St. Helens	13120	5	1	1 Councilor has tried discussing increase monthly stipends, but majority of council is against it. Nothing has been brought officially to Council or budget committee for approval	mileage and reimbursement for meals/hotel if required and follows personnel policy of employees	Please email me results... mbrown@ci.st-helens.or.us
Stayton	7745	4	3	The item was budgeted, but the council has been mixed on implementation of our stipends.		
Tangent	1205	2	3	no	by the federal rate for anything out of town where they are representing the city.	
Tigard	49745	5	2	Yes, the city increases Council compensation by the same COLA as provided city employees each year.	This is a challenge for Tigard. We need to find a new basis and legal mechanism for setting travel compensation and Council pay generally. The Council historically set its pay level, including travel compensation, by resolution and through budget adoption, but we received an OGE ruling that this approach was a conflict of interest. The Mayor's pay is set at 1/2 the salary of a department director. The travel/training amounts for Councilor (\$10,000 each) and Mayor (\$16,600) were set using a rough estimate of costs for an attendee to one national conference and two state conferences each year. But those estimates are now out of date. We are considering convening a charter review committee to take up the council pay question.	Can't wait to see the results! Thanks!

Toledo	3490	4	5	No	IRS Mileage for city related business, including training; hotel and meal expenses with receipts; limit of \$8 for breakfast, \$8 for lunch, and \$20 for dinner plus 15% tip allowance. Will also reimburse for parking.	
Troutdale	16035	5	2			We provide a different stipend for the Mayor than for the Councilors. Your question assumes all cities treat the mayor and the council member the same. The Mayor received \$500 per month, and each Council member receives \$50 per month. This is a "flat" expense amount, except for the LOC conference which is approved at actual cost. However, other extraordinary expenses can be paid if approved by the Council. Neither the Mayor or Council receive any "pay" for service.
Ukiah	245	1	11			
Union	2150	3	11	No	Pay mileage if using personal car. Otherwise we reimburse gas receipts if using City car. fall under same guidelines as employees for hotel stays and per Diem guidelines for meals.	Mayor is same as Council with exception to \$108.33 per month.
Vale	1885	3	12			
Waterloo	230	1	3	No	Mileage is calculated via Google maps and reimbursed at the Fed mileage rate. Food is reimbursed with submission of receipt.	
Willamina	2095	3	3			
Wilsonville	23740	5	2	N/A	Same as staff.	For more information see City's website for Resolution No. 2360.
Winston	5410	4	7	No	Mayor and Councilors are paid out of pocket expenses plus mileage	No
Wood Village	3915	4	2		IRS mileage rate and per diem for outside travel/training	
Yachats	740	2	5	No	IRS Calculation	
Yamhill	1070	2	3	No		

Scott Stauffer

From: Wilda Parks <wilda37@comcast.net>
Sent: Tuesday, May 3, 2022 3:32 PM
To: Mark Gamba; Ann Ober; Lisa Batey; Angel Falconer; Kathy Hyzy; Scott Stauffer; Desi Nicodemus
Subject: City Council compensation

Please accept this as public testimony for the agenda item on the May 3 City Council agenda regarding City Council compensation.

Very briefly my thoughts are; this should be a open, public process, not something decided in a vacuum.

I recall often it took a couple of meetings with a lot of conversation and input just to decide where to have a volunteer dinner or where to host an event, certainly nothing as consequential to Milwaukie as this in one meeting.

The budget should be one of the main considerations as this is proposed. We've all known and still know that Oregon is a volunteer state when it comes to local politics. The stipends and other financial considerations that are currently provided to the mayor and city councilors are far more than many other small cities in Oregon provide. The new regime of tying stipends to COLA and having more latitude on how to spend the budget monies for individual city councilors has not even been tried and tested at this point. In that I'm referring to what was enacted the end of 2019.

I would simply ask that if this needs to be another discussion and decision that it be handled like all city Council discussions in a well-researched and open manner.

Thank you for the opportunity to comment on this important subject for Milwaukie.

Sent from my iPad
Wilda Parks
503-957-9093