



AGENDA

MILWAUKIE PLANNING COMMISSION Tuesday, January 13, 2015, 6:30 PM

MILWAUKIE CITY HALL
10722 SE MAIN STREET

- 1.0 Call to Order - Procedural Matters**
- 2.0 Planning Commission Minutes** – Motion Needed
 - 2.1 September 23, 2014 City Council Joint Session
 - 2.2 October 14, 2014
- 3.0 Information Items**
- 4.0 Audience Participation** – This is an opportunity for the public to comment on any item not on the agenda
- 5.0 Public Hearings** – Public hearings will follow the procedure listed on reverse
 - 5.1 Summary: Downtown Plan and Code Amendments – Land Use Framework Plan and Comprehensive Plan
Applicant: City of Milwaukie
File: CPA-14-02
Staff: Li Alligood and Denny Egner
- 6.0 Worksession Items**
 - 6.1 Summary: Medical Marijuana
Staff: Denny Egner
- 7.0 Planning Department Other Business/Updates**
- 8.0 Planning Commission Discussion Items** – This is an opportunity for comment or discussion for items not on the agenda.
- 9.0 Forecast for Future Meetings:**
 - January 27, 2015
 - 1. Public Hearing: CPA-14-02 Downtown Plan and Code Amendments #2 (Use Standards)
 - 2. Public Hearing: ZA-14-04 Medical Marijuana
 - February 10, 2015
 - 1. Public Hearing: CPA-14-02 Downtown Plan and Code Amendments #3 (Development & Design Standards)
 - 2. Public Hearing: VR-14-03 10545 SE Riverway Ln

Milwaukie Planning Commission Statement

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

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

Public Hearing Procedure

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

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

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

Milwaukie Planning Commission:

Sine Bone, Chair
Wilda Parks, Vice Chair
Shannah Anderson
Scott Barbur
Greg Hemer
Shaun Lowcock
Gabe Storm

Planning Department Staff:

Denny Egner, Planning Director
Li Alligood, Senior Planner
Brett Kelter, Associate Planner
Vera Kolia, Associate Planner
Alicia Martin, Administrative Specialist II

CITY OF MILWAUKIE
PLANNING COMMISSION and CITY COUNCIL
JOIN SESSION MINUTES
Milwaukie City Hall
10722 SE Main Street
TUESDAY, September 23, 2014
6:30 PM

COMMISSIONERS PRESENT

Sine Bone, Chair
 Wilda Parks, Vice Chair
 Scott Barbur
 Greg Hemer
 Shaun Lowcock
 Gabe Storm

CITY COUNCILORS PRESENT

Jeremy Ferguson, Mayor
 David Hedges, Council President
 Scott Churchill
 Mark Gamba
 Mike Miller

COMMISSIONERS ABSENT

Shannah Anderson

STAFF PRESENT

Denny Egner, Planning Director

1.0 Call to Order – Procedural Matters*

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

Mayor Ferguson called the meeting of City Council to order at 6:32 p.m. and read the conduct of meeting format into the record.

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

2.0 Introductions

Chair Bone welcomed the City Council and members in the audience, and asked for introductions.

- 2.1 Planning Commission
- 2.2 City Council
- 2.3 Moving Forward Milwaukie Project Advisory Committee
- 2.4 Design and Landmarks Committee

3.0 Joint Session

- 3.1 Urban Design Presentation by Matt Arnold of SERA Architects

Chair Bone welcomed Matt Arnold of SERA Architects and noted that the intent of the joint session was to have a conversation about urban design and the Moving Forward Milwaukie project. Questions were welcomed throughout the presentation.

Matt Arnold, SERA Architects, introduced himself as a planner and urban designer, and introduced **Erik Ridenour, SERA Architects**, planner and architect. They gave a presentation

via PowerPoint titled *Downtown Urban Design: Considerations for Design and Development Standards*. Mr. Arnold noted the presentation was to help give examples of how standards could be developed to help define a downtown with regard to the Moving Forward Milwaukie project.

Mr. Arnold described the importance of human scale, which was to design buildings and streetscapes to be appealing to pedestrians. He noted that downtown Milwaukie was already very walkable and pedestrian-scale, but asked whether the potential development with regard to light rail would respect that same scale. Code could be written with pedestrian-oriented features that could be built into the fabric of buildings, streetscapes, and open spaces.

Pedestrian-Oriented Retail Storefronts:

- **Street wall** – Rather than a parking lot along streets, in order for pedestrians to remain engaged, street walls are needed that provide interactive elements like windows and storefronts. Even certain setbacks can be codified to continue the feel of the street wall. The street rhythm can be maintained through design features and regular spacing of elements like columns and windows/doorways, rather than a blank wall. Glazing and windows are essential, particularly for larger buildings, as blank walls were detrimental for downtowns. He gave an example of 60% ground floor glazing with 30-40% windows for subsequent floors.
 - Regarding setback facades with division of the private and public realms (i.e. cafes with outdoor seating), it can be codified through percentages of buildings with build-to lines with a setback allowance per building.
 - Block-level standards can get complicated; code should apply per building or property rather than per block.
 - Reinforcing the corner of buildings with dynamic entrances at corners is beneficial for small blocks.
 - Weather protection at entrances is important in a northwest environment, but how does it fit into architecture? Awnings block the architecture of buildings; options are either clear or simple horizontal awnings that allow light and views of the buildings above or covered arcades on larger blocks.
 - Signage and lighting oriented to pedestrians rather than only automobiles is key to drawing visual interest.

Mixed Use and Downtown Residential Design:

- **Types of building** – Different options include vertical mixed use with ground floor commercial storefronts and residential above; mixed use buildings but with step-back stories that alter the perception of building height; rowhouses as downtown residential with vertically-integrated units; live/work units where residential is upstairs and office or retail is downstairs but both have the same property owner (i.e. NW 23rd Ave in Portland and Newbury St in Boston).
- **Adaptive Re-use** – Repurposing older buildings to fit the current market; addition of new elements (floors) to older buildings. Coffee and bars are frequent first adopters of adaptive re-use which are good community signs. A successful example of re-use was of loading docks repurposed into businesses with open space in front along Mississippi Ave, which demonstrated that an exception to build-to line requirements can create a public amenity. In Portland, build-to lines are required only for new construction or big changes; existing buildings are not required to comply with build-to lines. Outdoor dining or open space is a great example of repurposed parking lots, etc.

- Human Scale - He noted the preferred human scale of building height to street width is a ratio of 1:2 or 1:3; smaller travel lanes allow for more human scale.

Building Design:

- Basic architectural elements include a base, middle, and a top. An approach to ensure elements of interest is to codify a menu of features for development permits, with an additional option of points for additional features. Elements to think about included:
 - Tripartite façade – Basic elements include a defined base, middle, and top and could include elaborate cornices for the top of building. Projecting cornice lines and top floors are becoming popular; however, some newer buildings with modern style had no cornices. Balconies and bays provide eyes on the street for first couple of stories.
 - Materials – Materials that are durable give a feeling of permanence (i.e. brick and concrete). Stick frame was being used in Portland recently and seemed to be successful. It is important to allow for what the market could bring to development and to not make code too restrictive.
 - **Commissioner Hemer** asked about imitation materials, like Hardie plank for wood shingles, etc.
 - Although those materials are frequently used and durable, it came down to aesthetic of the material. It can be important to set up practices for long-lasting buildings with real materials.
 - Also many downtown and Main Street facades that were made with the best faux materials at the time look very bad now; however, those buildings made with brick, wood, etc., hold up better and are more durable and long-lasting.
 - Colors – Colors are a hot-topic issue. It is important for colors to be compatible with existing urban fabric but overregulating them and being too conservative could result in a taupe feeling, which could be detrimental particularly in a rainy climate. It is important to have an open community discussion on the color issue; there is a broad range of palettes and accent colors that could work without being garish.
 - Complimentary Building Design – Create development design code that assured that new buildings will fit and complement existing buildings by incorporating the best of historical/traditional elements that tend to fit in context, adding exceptions where they fit. It is also important to leave some room in the code for vision and creativity but that still fit within context.

Pedestrian-Oriented Streetscapes

- There are a number of different approaches to be complimentary to the buildings.
- Cross-section Rules of Thumb - Sidewalk of 10-15 ft minimum for Main Streets; on-street parking and scaled auto and bike facilities; and pedestrian-scaled sidewalk amenities. There are different ways to render out amenities and furniture. Reinforcing the corner is important as corners are often gathering or meeting places for people. Another feature was to define a gateway into a community.
 - Enhancing identity through design – This can be the result of dramatic changes like restored historical buildings; or subtle features that give character like columns, lighting, medallions, including history into features, creative stormwater features, etc.

3.2 Group Discussion

Jesse Canelos, owner of Wine:30, noted that regarding outdoor seating, a customer had said to him that they felt safer walking on the street when there was outdoor seating in the area. Did the presenters have data that correlated outdoor seating and safer neighborhoods?

- **Mr. Arnold** responded that the safer feeling wasn't necessarily about the actual seating, it was about the presence of people. Also lighting comes with outdoor seating and adds to safety as well as the added eyes on the street.
- **Mr. Ridenour** noted the increase in parklets and added outdoor seating in Portland and other cities with successful downtowns.

Commissioner Lowcock asked about the impact of closed-in streetscapes that resulted in increased wind and sound, such as SE Division St in Portland.

- **Mr. Arnold** – Wind analysis needed to be done locally to increase or decrease wind, but that might not apply to Milwaukie's downtown since the consideration for building height was pretty low, i.e. 1-3 stories. The building and apartment boom that was happening on Division St was unprecedented.
- **Mr. Ridenour** responded regarding mitigating sounds, some options included a line of trees that, together with some wind, may help to block some traffic noise, or generally more soft spaces, more landscaping, water features, etc. The more fragmented the materials and geometry of the buildings, the better for breaking up the reverb rather than a flat wall, etc. There were also advances in glass that help reduce sound for interior spaces.

David Aschenbrenner noted that McLoughlin Blvd separated downtown from the riverfront. He asked what kind of building design the presenters would recommend to make McLoughlin Blvd pedestrian-friendly enough to help connectivity with the riverfront.

- **Mr. Arnold** said he wasn't convinced that spending time and money on humanizing McLoughlin Blvd was the best option. However, making a few key intersections and entryways attractive and noticeable, with street lighting and gateway elements, could help draw auto traffic into downtown and help the auto users understand they are coming into a downtown with amenities.
- **Commissioner Lowcock** noted that since there were only two entry points into downtown, often by the time you drive by the first entry, you're already nearing or past the last one – does the median hurt access to downtown for southbound traffic? That in itself was a challenge. He noted that business owners had mentioned to him that Milwaukie was not capitalizing on southbound traffic.
- **Mr. Arnold** agreed that those questions should be asked. Many Oregon communities have highways going right through them. McLoughlin Blvd was a commuter highway, so the trick was to make Milwaukie a place to go to outside of their commute or stop on the way home. Start with serving the citizens of Milwaukie and then interest in downtown would grow to those driving through.

Councilor Gamba liked the features like the dragonfly bike rack and the wavy stormdrain in the presentation; he asked how that type of design could be codified in such a way to keep from being overly prescriptive and allow for creative features.

- **Mr. Ridenour** responded that one approach was to have a two-tiered approach with a set of prescriptive standards but also have performance criteria describing the intent of features and discretionary standards. Where this approach had succeeded the most were places that have developed a pattern book or high graphical language to demonstrate what the intent was.
- **Mr. Arnold** noted the next development cycle that would come first to Milwaukie would

probably be the most challenging to manage since new developers would be more cautious with investment.

Councilor Hedges asked how to market downtown in such a way to draw those citizens that live east of downtown to come to downtown for shopping and amenities rather than heading east to 82nd Ave and Clackamas Town Center, etc.

- **Mr. Arnold** noted that there wasn't much to do about people that were going to shop at big box stores; however, what could be done was to create something different in downtown. What Milwaukie doesn't have that other smaller scale areas have in Portland was human scale, pedestrian-oriented commercial areas. The City should look to those other areas to copy that have a mix of uses and activity level to aim for. To be successful, it was not just about design and development standards, it was also about parks, programming, special events, branding, public investments in infrastructure, etc. He emphasized that Milwaukie had something in the building and street structure of downtown that was different than anything that can be found anywhere along Hwy 224, and that was what needed to be played up. Those areas around small commercial areas in Portland had the highest home values; walkability and proximity to amenities increased desirability and home values greatly. He added there were many resources available to help in the process, but it took a lot of work and time and pieces to create a vibrant downtown.

Mayor Ferguson noted that he really liked the community feel of Sisters, Oregon, and added that there was a great visitor's center. There were many features to help visitors engage with the downtown. He felt that other communities were successful when they had an active Chamber, an active business association, etc.; was that what the presenters experienced as well? It was not just the City taking action.

- **Mr. Arnold** noted that the visitor's center was operated by the Chamber of Commerce rather than a business association; the business association was actually quite divided. What they were seeing across the state and country was a level of dysfunction between business owners and business associations; it was confusing to him as well that business owners could not working together was beneficial for all businesses. He agreed that although the government had a clear role in influencing the success of a community, the majority of the effort should fall to the businesses.
- **Mr. Ridenour** reminded that although there was temptation to focus on retail, well-functioning areas have other components such as housing near retail/commercial, and also keep in mind other civic uses and events that bring people into the area.
- **Commissioner Lowcock** noted that there was a regional perception that Milwaukie was where the car dealerships were and often needed to correct people as to where the city of Milwaukie was. He added that he had met other entrepreneurs that like Milwaukie and those were the people that the city needed to reach out to and bring awareness to them of the benefits of Milwaukie.
- **Commissioner Storm** agreed, noting that currently the City had no economic development strategy to attract businesses.
 - **Mr. Egner** noted that there was an economic development strategy and that economic development updates were provided to the Council and suggested that staff provide an update to the Commission in the near future.
 - **Commissioner Storm** clarified that he was referring to the longer history; he participated in the Main Street program some years ago and the message that it boiled down to was that change and growth had to come from inside, from the businesses, but it seemed that nobody wanted to invest the time or money. It was important to make it a friendly atmosphere for businesses but it should not be only tax dollars used for

business development.

- **Mayor Ferguson** noted that there had been attempts at business associations in the past but they fizzled out; it was difficult as an elected official to find the balance of involvement.

Councilor Hedges noted that many of the examples given in the presentation were more stand-alone towns that have a core of citizens that have to go to those commercial areas for their needs. Milwaukie was not like that - it was part of a metro area so it had area competition. What needed to be done for Milwaukie's downtown when it was in competition with nearby commercial districts?

- **Mr. Arnold** responded that there were few areas in the region where there truly was a separate downtown from Portland; although Milwaukie was an independent municipality, a strategy may need to be more like a Portland neighborhood commercial-style node rather than an entirely separate city. Milwaukie was part of a metropolitan region and so the city should take advantage of it and feed off of the proximity to higher density areas, and have different features that would attract people that occur but nowhere else. It could be a part of a "string a pearls" of vibrant commercial areas from Belmont through Moreland into Milwaukie; that was a very valid and viable approach while remaining unique.

Chair Bone stated that she felt there was a great opportunity with light rail coming, and since there wasn't a park and ride, it was more of a destination. There was an opportunity to spin that toward Milwaukie's advantage.

- **Mr. Ridenour** noted that although Milwaukie could be an extension neighborhood of Portland, it still was its own entity and therefore had the opportunity to be more nimble and move much more quickly in different ways.
- **Mr. Arnold** reminded that there were many commercial areas to look at for examples, and success didn't have to come only through an economic development strategy; it could come through feeding off of light rail, of partnering with Portland to make access between southeast Portland and Milwaukie easier, etc.

Commissioner Hemer asked, regarding different modes of transportation, what was the right mix of auto, bike, ped, etc., for a sustainable future?

- **Mr. Arnold** noted the Green Triangle where pedestrians were the top and vehicles at the bottom, realizing that pedestrian was the most universal mode of travel. It was important to build a community around the pedestrian first, with connections possible in all directions, with clustered services with housing and employment. Next in order was robust bicycle infrastructure, public transportation facilities, and then finally auto infrastructure. How could connections be made for those facilities to the commercial and industrial areas, i.e. higher-employment areas?
- **Mr. Ridenour** added to be deliberate with how autos were managed and how they played their role; building the system and parking around the district rather than per business so that people walk past other businesses, which can add to a vibrant downtown/commercial district. Different strategies were available to manage parking at a district level, and parking management was a good role for a business association to be involved in. Development cost was going up and a big part of the cost was residential parking; if parking could be managed for a district, the cost per development goes down.

Commissioner Hemer asked about the best ways to handle parking requirements for residential in downtown.

- **Mr. Arnold** responded that parking was a political and economic issue, and there were

reasons for not providing parking. Car ownership was declining on a generational basis; the apartment boom in Portland that doesn't provide parking in recent years was unforeseen and was the result of a perfect confluence of events. There were different ways of transportation management with new development to help the impact, i.e. transportation passes, bike parking, car sharing, etc. With Milwaukie's location, multiple dynamics were in play: to the east was the sprawl of Clackamas County, to the north was urban Portland.

- **Commissioner Lowcock** noted a strategy of an apartment building on SE Division St where they have two cars available to residents to rent and that was successful.
- **Mr. Ridenour** added that decoupling the cost of development and parking was a key strategy, which would involve residents buying parking spots separately.

Mr. Egner thanked Constance Beaumont with the Department of Land Conservation and Development who helped coordinate funding for this presentation through the Transportation and Growth Management grant.

Chair Bone thanked Mr. Arnold and Mr. Ridenour for their presentation and discussion.

4.0 Adjournment

Meeting adjourned at approximately 8:52 p.m.

Respectfully submitted,

Alicia Martin, Administrative Specialist II

Sine Bone, Chair

**CITY OF MILWAUKIE
 PLANNING COMMISSION
 MINUTES
 Milwaukie City Hall
 10722 SE Main Street
 TUESDAY, October 14, 2014
 6:30 PM**

COMMISSIONERS PRESENT

Sine Bone, Chair
 Wilda Parks, Vice Chair
 Shannah Anderson
 Scott Barbur
 Greg Hemer
 Gabe Storm

STAFF PRESENT

Denny Egner, Planning Director
 Li Alligood, Senior Planner
 Brett Kelper, Associate Planner
 Vera Koliass, Associate Planner
 Peter Watts, City Attorney

COMMISSIONERS ABSENT

Shaun Lowcock

1.0 Call to Order – Procedural Matters*

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

Note: The information presented constitutes summarized minutes only. The meeting video is available by clicking the Video link at <http://www.ci.milwaukie.or.us/meetings>.

2.0 Planning Commission Minutes

2.1 June 24, 2014

It was moved by Commissioner Hemer and seconded by Vice Chair Parks to approve the June 24, 2014, Planning Commission minutes as presented. The motion passed unanimously.

2.2 July 22, 2014

It was moved by Commissioner Barbur and seconded by Commissioner Anderson to approve of July 22, 2014, Planning Commission minutes as presented. The motion passed unanimously.

3.0 Information Items

There were no information items.

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

Craig Lomnicki, 4420 SE Johnson Creek Blvd, explained to the Planning Commission that he believed the standards for rear yard setbacks were not properly applied to the property under construction at 4530 SE Brookside Dr. He would like the Commission to review how it defined a setback; there currently was no definition of 'setback' in the code.

Denny Egner, Planning Director, suggested that the Commission schedule a time in the future

to talk about this issue further.

Peter Watts, City Attorney, noted that since the subject was not notified and was not on the agenda, the Commission should not discuss it toward a decision.

Mr. Lomnicki clarified that he suggested the Commission review this issue. He noted that the property had requested a Type II variance which was currently under review.

Mr. Egner said there was no variance needed for the issue Mr. Lomnicki was describing. He added that the question at hand was if the Commission wanted to use the same method of measurement and definition in the future. Staff would schedule a worksession. He clarified that this issue was not related to the variance request currently under review.

5.0 Public Hearings

- 5.1 Summary: Removal of the 21st Avenue Extension from the Comprehensive Plan
Applicant: City of Milwaukie
File: CPA-14-01
Staff: Li Alligood

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

Li Alligood, Senior Planner, presented the staff report via PowerPoint. She reviewed the proposal to remove the planned 21st Avenue Extension from the Downtown and Riverfront Land Use Framework Plan as initiated by City Council. The extension required dedication and construction of 21st Avenue with development. She oriented the Commission to the site, vicinity, and zoning designation, and reviewed the history of the document.

Ms. Alligood noted the key questions and approval criteria for the proposal

Would the benefit of the proposal outweigh the potential impacts to the adjacent property owners?

- The removal of the extension would protect the Ledding Library and Scott Park;
- But, it affected the redevelopment potential of larger lots to the north that had limited access to them; the extension would allow for development of those properties.

Was the public need best satisfied by this proposed amendment?

- It protected the park and allowed for the library expansion without added dedication to the property;
- Other options to consider were to retain a bike/pedestrian connection or removing only a portion of the extension, etc.

Ms. Alligood reviewed the staff recommendation for the Commission to recommend approval to City Council of the amendment with the findings of approval, and she reviewed the decision-making options.

Vice Chair Parks asked what a bike/pedestrian connection would look like, where it could go, and what benefit it would provide.

Ms. Alligood responded that it was difficult since Spring Creek was located north of Scott Park

and had a natural resource overlay on it, which would require certain infrastructure that involved mitigation and public dedication. The extension itself would be constructed incrementally as properties were developed.

Commissioner Barbur verified that if the extension were removed, the Commission would have to include in the recommendation to add or retain a bike/pedestrian connection.

Chair Bone understood the intent of the original extension requirement, but she was concerned about removing it altogether since it would take away the potential network for the future. Did it need to be wholesale removed?

Ms. Alligood pointed out that simply removing the planned 21st Ave extension would not necessarily remove the requirement of those properties to build public street access when they were developed. The primary concern of Council was related to the library and park properties.

Commissioner Hemer noted that in the Downtown and Riverfront Framework Plan: Public Area Requirements – 1.7 General Circulation Bikeway diagram the bikeway map did not involve the 21st Ave extension; it rerouted down Main St.

Chair Bone called for public testimony. There was none.

The Commission deliberated.

Commissioner Hemer felt that the benefit of allowing for Scott Park to remain as is was more benefit to the community than it was detrimental to any property owner.

Chair Bone said that if the extension were removed, it would actually allow for more flexibility for those properties to develop.

Vice Chair Parks responded that, since the second criterion of if the public need was best satisfied by the amendment and removal of the extension would preserve the library and the park, the criterion was met.

It was moved by Vice Chair Parks and seconded by Commissioner Anderson to recommend approval to City Council of legislative application CPA-14-01 to remove the 21st Avenue Extension from the Comprehensive Plan. The motion passed unanimously.

6.0 Worksession Items

- 6.1 Summary: Moving Forward Milwaukie Draft Plan and Code Amendments – Development Standards
Staff: Li Alligood

Li Alligood, Senior Planner, presented the staff report via PowerPoint and noted that this was the second in a series of four scheduled worksessions with the Commission to review the draft amendments. The first phase of the Moving Forward Milwaukie was focusing on downtown and the piece of the package tonight was regarding development standards. She reviewed the project goals to remove barriers, create incentives, and to implement the downtown vision of a vibrant and pedestrian-friendly downtown. She noted the discussion schedule.

The proposed revisions to the development standards would provide more flexibility and clarify, and would ensure development was attractive and pedestrian-friendly. She reviewed the standards, their intent, and existing and proposed standards for each:

Minimum Lot Size

- Allow for small-scaled development desired throughout downtown.
- There were five different zones in downtown and the minimum lot size ranged between those zones from 750 to 10,000 sf, which did not encourage smaller-scaled development.
- The proposed minimum was 750 sf throughout downtown which would allow for creative residential and commercial development.

Floor Area Ratio (FAR)

- FAR ensured that the intensity of development was controlled and where it should be, and that land was being used efficiently.
- FAR was the area of square footage to the area of the site. For example, 0.5 FAR would be a single-story building covering 50% of the site, or a two-story building covering 25% of the site, etc.
- Current standard varied from 0.3:1 – 1:1 in the different zones; the proposal would be a minimum 0.5:1 north of Scott St and 1:1 for the rest of downtown. What was most frequently seen along a downtown Main Street was a 2:1 FAR.

Building Height

- Minimum and maximum building height standards promoted a compatible building scale and consistent streetscape.
- Existing standards was minimum 35 ft (2 stories) on Main St and 25 ft throughout the rest of downtown; and maximum 45 ft (3 stories) in the downtown storefront zone and 65 ft (5 stories) north of North Main and south of Washington St.
- The proposal was a reduction to a minimum of 25 ft (i.e. a tall 1-story) on Main St, maximum of 45 ft (3 stories) throughout downtown, and 55 ft (4 stories) north of North Main. A 1-story height bonus for the inclusion of residential development would be allowed to incentivize residential as it created a more active downtown.
- **Ms. Alligood** referred to Attachment 3 Page 11 of the packet which had a more detailed map of the height standards, existing and proposed. She clarified that staff had not determined if the standards should be feet or stories, but most likely would be height by feet as was best practices.

Build-to Lines

- Ensured compatibility and a continuous vertical 'street wall'.
- Existing standard was 0-10ft, with 0 ft along Main St between Scott St and Lake Rd.
- The proposal was to extend the 0 ft standard along Main, Harrison, Monroe, Washington and Adams streets; 10 ft standard elsewhere.

Frontage Buildout Requirement

- Ensured that buildings were built to the front of the lot and worked with the setbacks/build-to lines to maintain the 'street wall.'
- There was no current requirement and the proposal would establish a minimum frontage buildout for new development.
- **Mr. Egner** noted that to have a consistent street wall along Main St, standards would need to be a 0 ft setback for the build-to line and 100% of the frontage occupied by a building (i.e.

buildout) with a possible up-to 25% exception for a plaza or the like. As for the connector streets, standards would be 75% frontage, which could allow for a driveway, etc., and those streets off of McLoughlin Blvd would be 50% and could have surface parking.

Ground Floor Windows/Doors

- Ms. Alligood noted the intent was to enhance street safety and provide interesting ground-level features for pedestrians. The percentage was of the total area of the first 15 ft (height) of the front of the building. She referred to Attachment 6.
- The existing standard was 50% coverage only along Main St, with no requirements elsewhere.
- The proposal was to increase the requirement for Main St to 60% coverage and add 30% on McLoughlin Blvd and 40% coverage elsewhere. Adding a standard for McLoughlin Blvd was important as it was the gateway to downtown and would also be viewed from Riverfront Park.

Off-Street Parking Requirements

- **Ms. Alligood** noted that the off-street requirements in north and south downtown have been identified as a barrier to development for years. The current requirements, coupled with other standards, essentially triggered the need for structured parking which was expensive. Not requiring surface parking would help achieve the desired character of downtown.
- Currently there were no requirements for new development south of Harrison St or north of Washington St, but elsewhere was the same requirement as the rest of Milwaukie. The proposal was to require 1 off-street parking spot per residential dwelling unit, but no minimum for other uses.
- **Mr. Egner** noted the concept of decoupling the parking space from the residential dwelling unit. Parking would not be required per unit but a certain amount of parking would be available for purchase separately. Unlike what was happening in Portland, when staff met with developers, the feedback was that the market in Milwaukie would call for some residential parking to be available.

Chair Bone asked where staff was considering the end of Main St.

Ms. Alligood responded that Main St would be its entirety although some areas north of North Main would have some allowances with regard to FARs, build-to lines, height requirements, etc. That area was less accessible so may not be where future commercial development was concentrated but different blends of development may be possible like ground-floor residential, etc.

Commissioner Hemer asked about allowing for the second story to be built to the build-to line but have the ground floor have a 10 ft setback, essentially set in for a seating area, etc.

Mr. Egner responded that staff had been discussing that as an option, to allow for a by-right exception for that scenario, with the standard of up to 25% of the block.

Commissioner Hemer asked about balancing the height difference that would occur at the dip of McLoughlin Blvd and Washington St if the same building height would apply there as elsewhere in downtown. For example, if the 45 ft requirement applied, the view from Main St at Washington St or Dogwood Park would be the top of the building.

Mr. Egner and **Ms. Alligood** agreed but since that site was complex, it would have to be determined how to assess height, etc., and added that it was in the flood plain which added to the complexity of how to best develop that site.

Commissioner Hemer asked for clarification of the use of linear versus square feet in determining window/door coverage percentages.

Ms. Alligood responded that the standard was for the area of the building facing the street, and that often standards required that the coverage be between certain dimensions of the first floor height, i.e. between 3 and 10 ft, etc.

Ms. Alligood noted that the next couple of worksessions would involve a lot of new and revised standards with regard to design standards and review procedures.

Mr. Egner explained that the intent was to create dimensional design standards based on the guidelines outlined in the Downtown Design Guidelines document.

7.0 Planning Department Other Business/Updates

8.0 Planning Commission Discussion Items

9.0 Forecast for Future Meetings:

- | | |
|-------------------|--|
| October 28, 2014 | 1. Worksession: Moving Forward Milwaukie Draft Plan and Code Amendments – Design Standards |
| November 12, 2014 | 1. Worksession: Moving Forward Milwaukie Draft Plan and Code Amendments – Downtown Design Review |

Mr. Egner noted that City Council had requested that revisions to the Limited Commercial (C-L) zone along 32nd Ave corridor that would allow for eating establishments be accelerated. Therefore, there would be a public hearing probably in December. Also, there would be an update provided to Council regarding economic development at the next meeting on October 21, and he encouraged the Commission to attend.

Meeting adjourned at approximately 8:37 p.m.

Respectfully submitted,

Alicia Martin, Administrative Specialist II

Sine Bone, Chair



MILWAUKIE

Dogwood City of the West

To: Planning Commission

Through: Denny Egner, Planning Director

From: Li Alligood, Senior Planner

Date: January 6, 2015, for January 13, 2015, Public Hearing

Subject: **File:** CPA-14-02, ZA-14-02
Downtown Plan and Code Amendments
Hearing 1 of 4 (*Downtown and Riverfront Land Use Framework Plan and Comprehensive Plan – Chapter 4*)

File Types: Comprehensive Plan Text Amendment, Zoning Ordinance Text Amendment, Zoning Ordinance Map Amendment

Applicant: Dennis Egner, Planning Director

ACTION REQUESTED

Open the public hearing for application CPA-14-02, ZA-14-02. Discuss the proposed amendments to Milwaukie Comprehensive Plan Chapter 4 and the *Downtown and Riverfront Land Use Framework Plan*, an ancillary document to the Comprehensive Plan. Take public testimony if presented and provide direction to staff regarding desired revisions to the proposed amendments.

This is the first of 4 scheduled hearings on the downtown plan and code amendment package. The draft ordinance and Findings of Approval will be provided at subsequent hearings.

HEARING SCHEDULE

Due to the complexity of the amendment package, the hearings on the downtown plan and code amendment package have been packaged into 4 dates, each with an anticipated focus on a specific section of the draft amendments.

The hearings schedule and anticipated topic of focus are as follows:

- January 13, 2015: Policies (*Downtown Land Use and Framework Plan and Comprehensive Plan – Chapter 4*). This hearing will focus on the materials contained in Attachments 1 and 2 and pages 3-7 of Attachment 3.
- January 27, 2015: Use standards. This hearing will focus on Section 19.304, contained in Attachment 3.
- February 10, 2015: Development and design standards. This hearing will focus on Sections 19.304 and 19.508, contained in Attachment 3.
- February 24, 2015: Design standards and design review procedures. This hearing will focus on Sections 19.508 and 19.907, contained in Attachment 3.

Although the Planning Commission discussion will focus on the topics listed above at each hearing, the full package of amendments is being provided at this time to allow substantial time for review of the proposal and to allow the Planning Commission to advance the discussion at any of the hearings if there is adequate time.

BACKGROUND INFORMATION

The proposed amendment package is a result of Phase 1 of the *Moving Forward Milwaukie: Enhancing Our Commercial Districts* project. The proposed amendments are the result of a 2010 grant from the Metro Construction Excise Tax (CET) grant program, which funded a phased code evaluation and update project. The 2013 *Fresh Look Milwaukie: Downtown Road Map* project confirmed that the 2000 vision remained valid, but the regulations in place were not resulting in development and downtown improvements. A market study; an analysis of opportunity site development concepts; and discussions with developers; property owners; and business owners have informed the draft amendments.

The goals of the Moving Forward Milwaukie project are three-fold: (1) to remove barriers to new business and development, (2) to create incentives to encourage the type of business and development the community desires, and (3) to allow the types of development that implement the community's vision for downtown Milwaukie.

This is the first package of amendments being proposed as a result of the Moving Forward Milwaukie project. The project was led by staff, assisted by grant-funded land use and design consultants ECONorthwest, Fregonese and Associates, Angelo Planning Group, and J.E. Dunn, DKS Engineering; and overseen by an 18-member volunteer project advisory committee (PAC) that included Planning Commissioners, Design and Landmarks Committee members, NDA representatives, business and property owners, community residents, and a City Councilor.

A. Moving Forward Milwaukie Project Process and Outreach

The Moving Forward Milwaukie has included significant public involvement to date, including extensive input from the City Council (13 worksessions), Planning Commission (9 worksessions), Design and Landmarks Committee (4 worksessions), and an 18-person Project Advisory Committee (8 meetings to date).

In August 2013, project information was published on the City's web site. Between August and December 2013, the project team conducted 25 one-on-one interviews with City leaders and opportunity site property owners. Between September 2013 and January 2014, the project team conducted two developer roundtables with a total of 25 participants. Between October 2014 and November 2014, the project team held seven public events, including an interactive kickoff event; two interactive workshops; two open houses; and a site tour for members of City Council, the Planning Commission, and the PAC.

Staff notified the Neighborhood District Associations (NDA) about the project, including draft amendments, via monthly e-mails, and is available to provide updates at monthly NDA meetings.

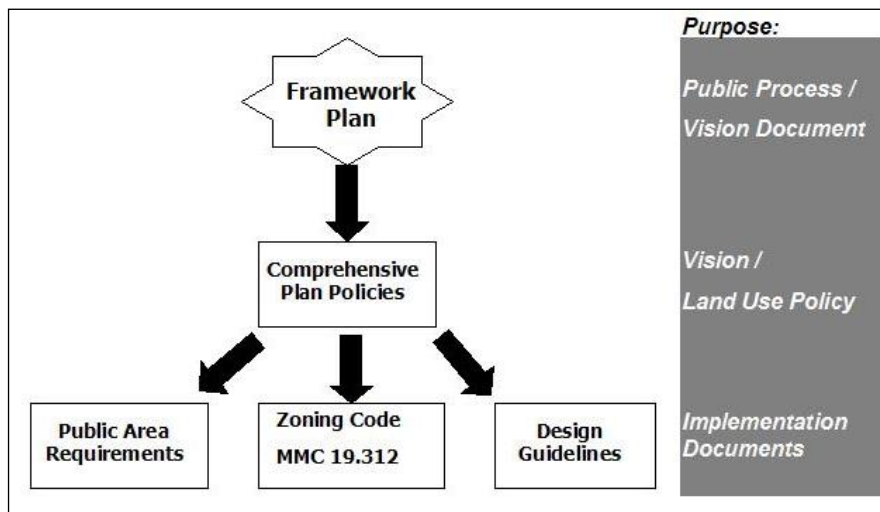
B. Existing Plan History

The *Milwaukie Downtown and Riverfront Land Use Framework Plan* (LUF) guides the development of private and public land in downtown Milwaukie – a small area centered around ten blocks that exhibit the classic structure and scale of a small town downtown. The Plan was written over 19 months in 1999 and 2000 with the input of more than 2000 citizens.

As a result of the downtown planning process, the City amended its Comprehensive Plan and zoning code to include five elements that together establish and implement Milwaukie's local vision for its small downtown. The community commonly uses the term "Downtown Plan" to refer to any of the documents listed below. As illustrated in Figure 1, these five documents each play a different role in defining the City's vision and establishing City policy

- Downtown and Riverfront Land Use Framework Plan: Describes the vision for downtown: a vibrant place redeveloped with mixed use buildings served by multimodal transportation system with easy access to great open spaces. Adopted as an ancillary document to the Comprehensive Plan. See Attachments 1 and 2 for draft amendments to this document.
- Comprehensive Plan Land Use Element: Includes broad objectives and policies that direct the City to focus redevelopment efforts on the downtown and riverfront. See Attachment 3 for draft amendments to this element.
- Milwaukie Municipal Code Section 19.304 – Downtown Zones: specifies how the City requires development projects to implement various aspects of the vision (land use, public improvements, and building design). See Attachment 3 for draft amendments to the downtown zones.
- Public Area Requirements: Provides transportation circulation plans for all modes of transportation, and detailed design of streetscape improvements. The PARs will not be addressed as part of this package of amendments, but staff anticipates they will be addressed in 2015-2016.
- Downtown Design Guidelines: Establishes a checklist of what it means for a new or renovated building to fit with Milwaukie’s character. The guidelines will not be addressed as part of this package of amendments.

Figure 1 – Documents that comprise the “Downtown Plan”



Note that MMC 19.312 has been renumbered and is now MMC 19.304.

The various elements of the Downtown Plan are implemented in several ways by many different departments and stakeholders.

- The Framework Plan is the “vision” document. It isn’t prescriptive – i.e., the various elements shown in the illustrations aren’t required. The big ideas are implemented through the zoning code, joint development projects, and the Capital Improvement Plan.
- Council, with staff support, relies on the principles outlined in the framework plan to develop public investment projects.
- Staff works with the Planning Commission and the Design and Landmarks Committee to implement the code for the Downtown Zones.

- The Public Area Requirements set forth the standards for public improvements, that are implemented by development (as directed by the code) or through public projects.

The Downtown Vision, as described in the LUFP, was adopted in 2000 and was subsequently reaffirmed through the 2013 *Fresh Look Milwaukie: Downtown Road Map* project. The proposed amendments would update the LUFP to reflect changes since 2000, including: plans that have been adopted (the Transportation System Plan, Riverfront Park Master Plan, and South Downtown Concept Plan); projects that have been completed; and projects that are currently underway.

The Moving Forward Milwaukie project scope includes amendments to the Framework Plan; Comprehensive Plan Land Use Element; and Downtown Zones. Amendments to the PARs and the Downtown Design Guidelines are needed, but are not included in the Moving Forward Milwaukie project.

D. Proposed Amendments

The proposed amendments to the LUFP do not change the fundamental vision for downtown, nor do they include any policy revisions. They are intended to incorporate more recently adopted plans; policy refinements; projects underway; and completed projects.

Adopted plans that provide the basis for the revisions are:

- Transportation System Plan, adopted in 2007, which adopted a policy to remove the bus transit center identified in the LUFP from downtown Milwaukie
- Riverfront Park Master Plan, adopted in 2009, which finalized the design for Riverfront Park
- South Downtown Concept Plan, adopted in 2011, which refined the "Arts/Entertainment/Office" area south of Washington St. Much of this plan has not yet been implemented; key provisions are proposed for inclusion in the LUFP.

Projects underway that provide the basis for the revisions are:

- Initiation of master planning for Kronberg Park in 2014 (anticipated completion spring 2015)
- Construction of Riverfront Park Phase II (anticipated completion March 2015)
- Kellogg Bicycle and Pedestrian Bridge (anticipated completion Spring 2015)
- Adams Street Connector (anticipated completion Spring/Summer 2015)

Completed projects that provide the basis for the revisions are:

- Development of the former Bus Transit Center site with North Main Village, a transit-oriented mixed use development, in 2005
- Completion of the Johnson Creek restoration project in 2012
- Initiation of the Kellogg-for-Coho project to restore Kellogg Creek in 2006 (still underway)
- Completion of Riverfront Park Phase I 2012
- Completion of the Portland-to-Milwaukie light rail alignment and station in downtown Milwaukie in 2014/2015

The commentary on the amendments (see Attachment 1) provides more detail.

The amendments to Chapter 4 of the Comprehensive Plan are minimal and intended to reflect the characteristics of the Downtown Mixed Use Zone (DMU) and to more clearly identify the commercial centers being described.

The amendments to the LUFP and the Comprehensive Plan do not, in themselves, change the standards for development in downtown Milwaukie. The draft code amendments to be

reviewed on January 27, February 10, and February 24 will implement the refined vision as amended through Planning Commission and City Council review and adoption.

KEY ISSUES

Summary

The following key issues have been identified for the Planning Commission's deliberation. During worksession discussions leading up to the hearings on this proposal, the Planning Commission reviewed the draft amendments and provided direction to staff regarding potential revisions. Staff has highlighted policy choices as key issues on which Commission direction is being requested.

- A. Are there additional components of the South Downtown Concept Plan that should be included?
- B. Does the new McLoughlin Blvd Commercial Corridor and 21st Ave Commercial Mixed Use Corridor accurately reflect the community's desires for these streets?
- C. Should the McLoughlin Bridge be retained in the vision for downtown?

Analysis

A. Are there additional components of the South Downtown Concept Plan that should be included?

The *South Downtown Concept Plan* (SDCP) was created between 2008 and 2011, and adopted by Council resolution in September 2011 (see Attachment 4). Components of the Plan have been implemented through the 2013 *Transportation System Plan* update and revisions to the *Public Works Standards*. However, key land use and public infrastructure concepts have not yet been implemented.

Many of the recommendations of the SDCP have been incorporated into the proposed downtown plan and code amendments. Rather than adopt the entire SDCP as an ancillary document to the Comprehensive Plan, the project team determined that it was more straightforward to incorporate the essential elements of the SDCP into the existing Land Use Framework.

In light of current conditions 4 essential elements of the SDCP have been identified for incorporation into the Framework Plan:

- An active, vibrant public plaza provides the central anchor for South Downtown, and provides views to the Willamette River.
- The light rail station is integrated into the fabric of South Downtown
- The Adams Street Connector pedestrian street connects the light rail station with the Plaza and Main Street
- South Downtown is located in close proximity to several natural areas, including Kellogg Lake, Dogwood Park, Kronberg Park, and Riverfront Park. These natural areas should be enhanced, and improved access to these natural areas should be provided via walking trails and/or McLoughlin Blvd crossings.

The Commission is being asked if they concur with these essential elements, or whether changes or additional elements should be considered for inclusion.

B. Does the new McLoughlin Blvd Commercial Corridor and 21st Ave Commercial Mixed Use Corridor accurately reflect the community's desires for these streets?

Community input received during the 2013 *Fresh Look Milwaukie: Downtown Road Map* project and the Moving Forward Milwaukie project strongly supported retaining Main Street as the primary retail street in downtown. However, the community felt that both McLoughlin Blvd and 21st Ave should be held to higher design and development standards than what are currently applied.

McLoughlin Blvd is the key entryway to downtown for both vehicles traveling between Portland and points south, and for pedestrians and bicyclists using the newly-completed Trolley Trail. 21st Ave will provide a key pedestrian connection between the "anchors and attractors" of the light rail station at the south end of downtown and North Main Village and the proposed "village housing opportunity area" in north downtown.

The Commission is being asked whether it supports the key components of these new commercial corridor designations.

C. Should the McLoughlin Bridge be retained in the vision for downtown?

McLoughlin Blvd has long acted as a barrier between downtown Milwaukie and its riverfront. Downtown plans since the 1980s have included policies to minimize its impact as a barrier for pedestrians, which could be achieved in many ways. One key recommendation has been a straightforward solution: a pedestrian bridge over McLoughlin Blvd. This bridge was included in the 2000 Framework Plan, and was more recently included in the 2011 South Downtown Concept Plan. However, it is unclear how the significant cost of a pedestrian bridge could be funded; whether or how it could be made universally accessible; and whether an above-grade crossing is actually a better solution than increased at-grade traffic controls and signalized intersections.

The policy of reducing the barrier posed by McLoughlin Blvd could take many forms, from enhanced frontage improvements to increased enforcement of the speed limit to improving the timing for signalized pedestrian crossings. While not a policy change, staff is seeking Planning Commission direction regarding whether the pedestrian bridge should be included in vision documents and the project list of Chapter 2 as an aspirational approach, or whether the LUPF should focus on more achievable approaches to overcoming the McLoughlin Blvd barrier.

CONCLUSIONS

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

Reach consensus on the recommended draft amendments and agreement on recommended actions in advance of the anticipated February 24, 2015, vote on the full amendment package.

COMMENTS

Notice of the proposed changes was given to the following agencies and persons: City of Milwaukie Building, Engineering, and Community Development Departments; all seven Neighborhood District Associations (NDAs); Oregon Department of Land Conservation and Development (DLCDC); Metro; other Interested Persons; and participants in the Advisory Committee. As public hearing notice was posted at City Hall, Ledding Library, the Public Safety Building, and the Johnson Creek Facility, and was posted on the City's Planning Department web site home page. As required by Measure 56, notice of the Planning Commission hearing was mailed to the owners of approximately 175 properties located in the downtown zones (see Attachment 5).

To date, staff has received 3 phone calls and 1 e-mail, in addition to the formal comments summarized below. The phone calls and e-mails related to clarifying how the proposed amendments would impact individual properties. Staff will continue to collect comments; those received prior to 3pm on the day of the hearing will be provided to the Commission before the hearing.

The following is a summary of the comments received by the City. See Attachment 6 for further details.

- **Lisa Batey, Land Use Chair, Island Station NDA:** Comments, questions, and recommendations regarding proposed amendments to the Framework Plan; downtown zones; land use review procedures; and proposed downtown design standards.

Staff response: The proposed draft amendments are a result of discussions with the City Council, Planning Commission, and Design and Landmarks Committee. Several of the ISNDA recommendations/suggestions have been included in the draft amendments; others have been identified as discussion items for the Planning Commission because they have not been supported by public outreach to date.

ATTACHMENTS

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

	PC Packet	Public Copies	E- Packet
1. Proposed Framework Plan Amendments with Commentary	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. Proposed Framework Plan Amendments – Clean Copy	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3. Proposed Plan/Code Amendments with Commentary	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4. South Downtown Concept Plan (link to document)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Also found here: http://www.milwaukieoregon.gov/communitydevelopment/south-downtown-concept-plan			
5. Measure 56 Notice	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
6. Comments Received	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

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

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

E-Packet = packet materials available online at <http://www.milwaukieoregon.gov/planning/planning-commission-118>.



Downtown and Riverfront Land Use Framework Plan Proposed Amendments

January 6, 2015

File No. CPA-14-02/ZA-14-02

Please contact Li Alligood, Senior Planner with the City of Milwaukie Planning Department, at 503-786-7627 or alligoodl@milwaukieoregon.gov with questions or comments about the proposed amendments and/or the adoption process.

Background

The proposed amendments to the *Downtown and Riverfront Land Use Framework Plan* ("Framework Plan") are intended to update the document with adopted policy and completed and planned projects that have emerged since the Plan was adopted in 2000. Ideally, the Framework Plan will become a living document that is regularly updated to reflect completed projects and evolving policies.

Adopted plans that provide the basis for the revisions are:

- Transportation System Plan, adopted in 2007, which adopted a policy to remove the bus transit center from downtown Milwaukie
- Riverfront Park Master Plan, adopted in 2009, which finalized the design for Riverfront Park
- South Downtown Concept Plan, adopted in 2011, which refined the "Arts/Entertainment/Office" area south of Washington St

Projects underway that provide the basis for the revisions are:

- Initiation of master planning for Kronberg Park in 2014 (anticipated completion spring 2015)
- Construction of Riverfront Park Phase II (anticipated completion March 2015)
- Kellogg Bicycle and Pedestrian Bridge (anticipated completion Spring 2015)
- Adams Street Connector (anticipated completion Spring/Summer 2015)

Completed projects that provide the basis for the revisions are:

- Development of the former Bus Transit Center site with North Main Village, a transit-oriented mixed use development, in 2005
- Completion of the Johnson Creek restoration project in 2012
- Initiation of the Kellogg-for-Coho project to restore Kellogg Creek in 2006 (still underway)
- Completion of Riverfront Park Phase I 2012
- Completion of the Portland-to-Milwaukie light rail alignment and station in downtown Milwaukie in 2014/2015

Reader Guide

Commentary

A commentary section precedes each section of code amendments. The commentary provides a non-technical summary of the proposed amendments and identifies the basis of the proposal. The commentary section is labeled as commentary and presented in Comic Sans font (the same font of this sentence).

Amendments

Unless otherwise noted in the document, underlined text is proposed text, and ~~strike through~~ text is existing code language proposed for deletion.

Commentary

The introductory paragraphs of the plan have been revised to reflect that the Framework Plan and implementing regulations changed the existing Town Center Plan Subarea 1 of the Comprehensive Plan; the amendment plan does not suggest further changes.

The plan revisions will result in a more general vision for downtown rather than the specific land uses envisioned for sites in downtown.

Chapter 1—Land Use Framework

The Milwaukie Downtown and Riverfront Land Use Framework Plan represents a major opportunity to reinvigorate downtown Milwaukie. With aggressive and focused efforts from both the public and private sectors over the coming years, downtown Milwaukie will be revitalized. This Plan outlines the components necessary to make such a vision of Milwaukie a reality. It foremost builds upon existing assets, capitalizes upon significant existing uses, and features the natural environment. It also sets out a realistic agenda and implementation program that the city and private development can follow.

1.1 What This Framework Does

The Land Use Framework is a vision of what can occur in the downtown and riverfront area. It has been tailored to meet Milwaukie's social, economic and development goals and policies while responding to market conditions and the City's overall vision for future growth.

This document serves as an ancillary document to the Milwaukie Comprehensive Plan. On its own, this Framework is not a regulatory document. Any part of the Framework that is intended to have a binding effect will have to be adopted as part of, or pursuant to, a code to have regulatory effect. ~~The Land Use Framework suggests changes to the existing Town Center Plan Subarea 1 of the Comprehensive Plan.~~

This Framework establishes and guides the development of publicly and privately owned parcels of land, ~~and outlines specific land uses.~~ Nothing in this framework authorizes public use of private property. The Zoning Ordinance provisions regarding permissible uses prevail over any inconsistent provision in this Downtown and Riverfront Land Use Framework.

This Land Use Framework allows existing businesses to remain as long as their owners wish. All privately owned property designated as a public use in this Framework - for example, parks or trails - will continue to be in a "private ownership" zoning category, and will not be rezoned for public use until it is acquired by a public entity.

If an existing business does not conform to the new planning area's allowable uses and development regulations, it will be allowed to continue to operate, as well as to expand and rebuild, in accordance with the Downtown Design Standard Threshold Regulations of the City of Milwaukie's Zoning Ordinance.

Commentary

Figure 1.3, which shows a detailed schematic of proposed land uses and development in downtown, is being deleted to reflect the more consistent nature of the proposed downtown regulations.

Subsequent graphics and sections have been renumbered to reflect this deletion.

1.1.a Aerial Photograph of Existing Downtown

[UPDATED GRAPHIC PLACEHOLDER]

1.1.b-2 Downtown Planning Area Map**Subarea 1 of the 1997 Town Center Master Plan**

[GRAPHIC PLACEHOLDER]

1.3 Illustrative Plan

[GRAPHIC PLACEHOLDER]

1.2 4-Framework Elements

The Milwaukie Downtown and Riverfront Land Use Framework recognizes and builds upon the rich character and history of our town. It celebrates the diversity and spirit of the people and places of Milwaukie, and reinforces those special qualities.

City officials, community leaders and area businesses have known for a long time that Milwaukie's historic downtown, nestled at the edge of the Willamette River, can and should be a vital center for the community's economic and social activity. Starting in 1999, the City of Milwaukie began a process to develop a concept for downtown Milwaukie that reflects the vision of the people who live and work there. During a number of community design forums, citizens have tested various aspects of the plan, with local residents ranking their priorities for the downtown area.

[PHOTO PLACEHOLDER: Downtown view from Willamette River]

This Land Use Framework represents the leadership of a skilled volunteer Riverfront Board and the input of the more than 2000 community members who have attended meetings, returned surveys, provided focus and ideas, and directed the plan.

The Recipe that Works

~~This Land Use Framework represents a process derived from a recipe of fundamental concepts that has worked successfully in other cities, equal in size to Milwaukie and with similar challenges. In those cities, the public and private sectors worked together to make revitalization happen. They developed a plan, and subsequently residents and government officials did what it took to make their plans work. Their efforts paid off. This Land Use Framework will do the same for Milwaukie.~~

Commentary

The **Fundamental Concepts** have been updated to reflect the South Downtown Concept Plan and the new public plaza it proposes.

Implementation has been updated to reflect the incorporation of the South Downtown Concept in the revised document.

Fundamental Concepts

Milwaukie's unique character is at the heart of the Downtown and Riverfront Framework. The Framework reconnects Milwaukie to the Willamette River, knitting together the seam of McLoughlin Boulevard. It creates the new Riverfront Park as the city's "living room." And it calls for revitalizing historic buildings while designing new structures to harmonize with the town's historic character.

[PHOTO PLACEHOLDER: Historic Masonic Lodge]

Anchors and attractors are used to build upon existing resources, and to strengthen the Main Street "retail spine ~~armature.~~" South Downtown is refreshed with a new public plaza and light rail station. Thus the Framework is a blueprint to make Milwaukie and its downtown a vital, livable and sustainable community.

Amenities and Open Spaces

Milwaukie is fortunate to have a setting that inspires its citizens, that offers history, beauty and vitality. The Willamette River, Johnson Creek, and Kellogg Creek all provide beautiful natural borders to the downtown area. The Milwaukie Downtown and Riverfront Framework capitalizes on these natural resources, by restoring the creeks and improving the riverfront for public use. Thus both the town and the natural areas are reinvigorated.

[PHOTO PLACEHOLDER: Lot Whitcomb, 1850]

Implementation

This Framework coordinates with Milwaukie's existing planning efforts and regulations. The Milwaukie Comprehensive Plan provides the guiding policies to manage the city's physical elements. Ancillary planning documents are part of ~~may be attached to~~ the Comprehensive Plan. These include the Milwaukie Vision Statement of 1995 and the Town Center Master Plan of 1997. The latter responds to Milwaukie's designation as one of Metro's 2040 Growth Concept Town Centers. The Downtown and Riverfront Framework is a conceptual document. Therefore, various sections have been ~~may be~~ adopted as part of, or referenced by the existing Milwaukie Zoning Ordinance, Subdivision Ordinance, or Municipal Code to be effective as a regulatory document.

The Downtown and Riverfront Framework responds to environmental policies including Metro's Title 3 and 13 Requirements and the Federal Endangered Species Act.

This Framework also reflects the adopted South Downtown Concept Plan, which serves as a refinement plan to the area south of Washington Street that will be most directly influenced by the new light rail station.

Phasing and Financing Strategy

The Framework is based on the idea ~~makes this bold statement:~~ that investing in the future of Milwaukie makes sense. Investment offers employment and opportunity for all the citizens of Milwaukie; it enriches the town literally and figuratively. Smart public improvements stimulate substantial private investment. Thus, investing today in a better quality of life for downtown Milwaukie makes sense for the whole town, for years to come.

Commentary

Renumbered 1.3 Our Guiding Principles - A Touchstone

This section has been updated to reflect the confirmation of the guiding vision for downtown through the 2013 *Fresh Look Milwaukie: Downtown Road Map* project.

1.3.5 Our Guiding Principles—A Touchstone

The community's vision for downtown was reaffirmed through public outreach in 2013. In 1999, the City of Milwaukie began a process to develop its vision of the downtown and riverfront. Throughout this community effort, the Framework was developed in accordance with and responded to the following guiding principles:

Creating a livable community:

- Provide for residents, workers and visitors alike.
- Provide for people of all ages, cultures, ethnic groups and incomes.
- Provide cultural arts and entertainment facilities.
- Provide significant open spaces and connections to the riverfront.
- Provide for specific "programmatic" requirements, such as parking or visibility from major roadways.

Ensuring economic success:

- Efficiently maximize current investment in infrastructure.
- Spur further private investment.
- Recognize and respond to the current marketplace.
- Establish a strategy for capturing unrealized market niches.
- Complement, protect and promote the continued growth and vitality of current businesses.

[PHOTO PLACEHOLDER: no caption, picture of canoe and trees at river]

Commentary

1.4 Fundamental Concepts

Anchors and Attractors

Revisions reflect that fact that a grocery store, while a desired anchor/attractor use, is not the only use that would result in increased foot traffic.

A reference to the South Downtown Plaza reflects the adopted South Downtown Concept Plan and the role of the light rail station and plaza as anchors and attractors that will be used by many people on a daily basis.

New anchor uses are revised to reflect the potential of a "village concept" area in north downtown and the new light rail station and public plaza in south downtown to generate significant pedestrian traffic downtown.

The Main Street Retail Armature

This concept has been renamed the "Main Street Retail Spine" to more clearly reflect its role as the primary retail street in downtown.

The language is updated to reflect the expansion of the Main Street Retail Spine from four blocks along Main Street to the 5-6 blocks between Scott St to the north and the light rail station to the south.

References to the Main Street Plaza have been revised to reflect the refined concept adopted by the South Downtown Concept Plan, which includes a plaza at the south end of Main Street rather than the center of Main Street.

1.4.7 Fundamental Concepts

Anchors and Attractors

The keystone to building a successful downtown is to build upon existing resources - the quality stores and offices that we already have - and supplement these with anchors and attractors - places used by hundreds of people on a daily basis. A grocery store, for example, could will generate considerable foot traffic, which would-will in turn provide additional customers for downtown businesses. A public plaza at the south end of Main Street, as depicted in the South Downtown Concept Plan, will provide gathering and event space, revitalize the area, and complement surrounding commercial uses.

The framework includes key elements which will be necessary to achieve these goals. New "anchor" and "attractor" uses are as follows:

- Village housing opportunity area north of Harrison St
- New light rail station and public plaza in South Downtown
- ~~Bus transit center.~~
- ~~Grocery store across Main Street from the transit center.~~
- ~~Arts, entertainment and office "campus" of buildings at the southern end of Main Street, including a graphics-oriented higher education facility.~~

The Main Street "Retail Spine Armature"

Reactivating Main Street is a major focus - re-establishing and strengthening a lively storefront retail character with a pedestrian emphasis and 24-hour use.

The framework establishes an environment in which people can shop, work, live and socialize along Main Street. It addresses and repairs the fundamental problems that have drained downtown of its vitality. The Framework suggests adding to or filling in blocks with new uses enhancing those buildings and uses that already exist. ~~and in some instances tearing down buildings and starting over again.~~

Along Main Street, in the four blocks between these two anchors, the fabric of ground floor retail establishments will create a lively flow of pedestrian activity. The Main Street retail spine armature ensures that promotes a healthy retail street that includes:

- Retail on both sides of the street.
- Continuous active retail facades with no interruptions.
- On-street parking in front of retail.
- Anchor retail at both ends of Main Street.
- Active uses Retail on all four corners of intersections.
- ~~A pedestrian loop.~~
- Safe, signalized pedestrian crossings as needed.
- Pedestrian-friendly amenities - wide sidewalks, landscaping, benches, and street lights.

This north-south flow of activity will be further enlivened where it intersects with the new Main Street Plaza at Main Street and Adams Street, which provides views of the Willamette River and a location for events and activities such as the Farmers Market ~~in the block between Monroe and Jefferson Streets and leading directly to the Willamette River and the new Riverfront Park.~~

Commentary

McLoughlin Blvd Commercial Corridor

This is a new section reflecting public feedback about the importance of McLoughlin Blvd as a commercial corridor and as a connection between downtown Milwaukie and Riverfront Park.

21st Ave Commercial Mixed Use Corridor

This is a new section reflecting public feedback regarding the importance of 21st Ave as a pedestrian corridor.

Connecting to the River

This section has been revised to reflect a more general vision rather than individual development or redevelopment concepts.

[PHOTO PLACEHOLDER: Wine:30 parklet]

McLoughlin Blvd Commercial Corridor

Enhancing McLoughlin Blvd as the primary entry point to downtown Milwaukie from the north, south, and riverfront trails, provides a sense of place for visitors to downtown and provides a visual connection between downtown and the riverfront.

The framework establishes an environment that is visually attractive and accommodates the pedestrian. Along McLoughlin Blvd, new buildings will provide a comfortable pedestrian environment while welcoming visitors to the riverfront into downtown. The framework promotes a healthy commercial corridor that includes:

- Parking beside or behind buildings
- Locate significant uses and buildings at key signalized intersections along McLoughlin Blvd.
- Entryway treatments, such as signage, public art, and/or landscaping north of Harrison St and south of Washington St to signal to visitors that they are entering downtown Milwaukie
- Gateway treatments, such as landscaping, signage, structural gateways, prominent building features, and/or public art, at Harrison Street, Monroe Street and Washington Street to draw visitors into downtown Milwaukie from Riverfront Park and McLoughlin Blvd

21st Ave Mixed Use Corridor

With the construction of the light rail station, 21st Ave is a key pedestrian connection between the station and the bus shelter area on Jackson St. It is also a direct connection to key civic institutions including Milwaukie High School, City Hall, and Ledding Library.

The framework establishes an environment that is pedestrian-friendly, vibrant, and attractive, while focusing retail uses on the Main St "spine." The framework promotes a pedestrian-friendly mixed use corridor that includes:

- A combination of live/work units, residential, and mixed use development
- Continuous "street wall"
- Pedestrian-friendly amenities such as wider sidewalks, landscaping, benches, and street lights.

Connecting to the River

~~The new~~ Riverfront Park will be the location for special events such as "Festival Daze," holiday celebrations and community assemblies. Safe pedestrian and bicycle crossings between downtown and Riverfront Park and multiuse trails are important. Pedestrian connections will be strengthened at key east/west streets to enhance pedestrian and bicycle access to the park. At its southern end will be a new hotel, adjacent to the new public marina and rowing facility.

Commentary

South Downtown Concept Plan Area

This section has been revised to incorporate the key components of the South Downtown Concept Plan, which refined the concept for the "Arts and Entertainment Anchor" subarea of the 2000 Framework Plan.

Renumbered 1.4 Fundamental Concepts Graphic

This graphic has been updated to reflect the expansion of the plan's focus on Main Street to McLoughlin Blvd and 21st Avenue. Revisions include:

- Identifying McLoughlin Blvd as a commercial corridor
- Identifying 21st Ave as a commercial, office, and retail corridor
- Establishing entryways at either end of downtown on McLoughlin Blvd
- Establishing gateways at Harrison St, Monroe St, and Washington St
- Clarifying that connections between downtown and the riverfront should occur at key pedestrian streets with signalized crossings (Harrison St, Monroe St, and Washington St)
- Identifying the area north of Harrison St as a potential "urban village" development area
- Identifying the South Downtown Concept planning area

New 1.4.a South Downtown Concept Plan Area

The South Downtown Concept Plan was adopted by resolution in 2011. Including it in the Framework Plan formally implements the key concepts of this plan.

South Downtown Concept Plan Area

The 2011 South Downtown Concept Plan refined the vision for the area south of Washington St. The essential elements of the Plan include:

- An active, vibrant public plaza provides the central anchor for South Downtown, and provides views to the Willamette River.
- The light rail station is integrated into the fabric of South Downtown
- The Adams Street Connector pedestrian street connects the light rail station with the Plaza and Main Street
- South Downtown is located in close proximity to several natural areas, including Kellogg Lake, Dogwood Park, Kronberg Park, and Riverfront Park. These natural areas should be enhanced, and improved access to these natural areas should be provided via walking trails and/or McLoughlin Blvd crossings.

[PHOTO PLACEHOLDER: Café seating on a plaza]

1.4 6-Fundamental Concepts-Map

[UPDATED GRAPHIC PLACEHOLDER]

1.4.a South Downtown Concept Plan Area

[GRAPHIC PLACEHOLDER]

Commentary

1.8 Land Use Framework

This graphic has been deleted to reflect the proposed combination of 4 area-specific zones into 1 general Downtown Mixed Use zone.

Renumbered 1.5 Key Land Use and Placemaking Features

Revitalizing Main Street and downtown:

Additions:

- The role of pedestrian-friendly improvements throughout downtown is formalized as a key revitalizing agent for downtown.
- A reference to the South Downtown Plaza reflects the adopted South Downtown Concept Plan and the role of the light rail station and plaza as anchors and attractors that will be used by many people on a daily basis.

Deletions:

- A grocery store, while a desired anchor/attractor use, is not the only use that would result in increased foot traffic.
- The proposed TriMet Bus Transit Center site has been developed with the North Main Village development.
- The Arts and Entertainment Campus concept has been refined through the South Downtown Concept Plan.

Reconnecting to the River:

Deletions:

- McLoughlin Bridge has been deleted to reflect the potential for many different possibilities for reconnecting downtown to the river.
- New Public Marina and Restaurant and New Riverfront hotel have been deleted to reflect the more general policy role of the plan, rather than specific development types and locations.

Restoring Natural Areas and Parks:

Additions:

- Maintaining the Johnson Creek restoration completed in 2012 has been added as a key land use feature

Revisions:

- Efforts to restore Kellogg Creek are underway, and should be continued.

Deletions:

- There are no plans in place to divert a portion of Spring Creek into a downtown park
- Johnson Creek restoration was completed in 2012

1.8 Land Use Framework

[GRAPHIC PLACEHOLDER]

1.5 9 Key Land Use and Placemaking Features

The Fundamental Concepts are achieved through key land use and placemaking features. These features build on what is unique about Milwaukie by drawing pedestrians along a revitalized Main Street, reconnecting downtown Milwaukie to the Willamette River, enhancing existing natural areas in and near downtown, and providing quality housing for new downtown residents.

[PHOTO PLACEHOLDER: Revitalizing Main Street]

Revitalizing Main Street and downtown:

- Main Street improvements - shops, services, and family wage jobs
- Save landmarks ~~Landmarks~~ - to preserve history and heritage
- Pedestrian-friendly improvements throughout downtown
- New light rail station
- New South Downtown plaza
- ~~New Grocery Store to anchor Main Street~~
- ~~New Tri-Met Bus Transit Center~~
- ~~New Arts and Entertainment Campus~~

[PHOTO PLACEHOLDER: Reconnecting to the River]

Reconnecting to the River:

- New Riverfront Park - the City's living room
- New and enhanced pedestrian crossings
- ~~New McLoughlin Bridge to knit the seam between the downtown and the river~~
- ~~New Public Marina and restaurant~~
- ~~New Riverfront hotel to replace the water treatment plant~~

[PHOTO PLACEHOLDER: Restoring Natural Areas and Parks]

Restoring Natural Areas and Parks:

- ~~Downtown stream divert a portion of Spring Creek into downtown park~~
- Restore Spring Creek
- ~~Restore Johnson Creek~~
- Continue to maintain completed Johnson Creek restoration
- Continue efforts to restore ~~Restore~~ Kellogg Creek

Commentary

Provide Quality Housing:

Additions:

- New text reflects the proposed deletion of the Downtown Residential zone and allowance for various residential types throughout downtown.

Deletions:

- The proposed deletion of the Downtown Residential zone would not require residential development to be focused in these areas.

[PHOTO PLACEHOLDER: Providing Quality Housing]

Providing Quality Housing:

- Provide a variety of quality housing types including rowhouses, townhomes, apartments and condominiums (both stand-alone and as part of mixed use development) and live/work spaces.
- ~~To the North, townhomes and apartments engaging new parks, near Spring Creek and trail to Spring Water Corridor~~
- ~~To the South, townhomes and apartments along landscaped creek and Rail Trail.~~

Commentary

1.10 Land Use Descriptions

This entire section (1.10 - 1.18) has been deleted to reflect the more general policy role of the Framework Plan, rather than specific development types and locations.

1.10 Land Use Descriptions

~~Downtown Milwaukie includes six established and emerging planning areas, each with distinctive physical characteristics and varying uses. While they share a singular overall area—the downtown of Milwaukie—they serve various social, cultural, and economic roles. The goal of the Downtown and Riverfront Plan is to secure a future which binds all of these existing and potential areas into a coherent downtown while enabling each individual area to maintain or develop a distinctive identity.~~

~~[PHOTO PLACEHOLDER: Bus Transit Center]~~

~~[PHOTO PLACEHOLDER: Storefront Main Street]~~

~~[PHOTO PLACEHOLDER: Apartments—North Housing]~~

1.11 Housing North Area

~~[GRAPHIC PLACEHOLDER]~~

~~UNDER GRAPHIC TEXT:~~

~~Character:~~

~~Multiple family residences: ownership/condominiums and rental (including townhouses and apartments).~~

~~**Approximate Area:**—10 acres~~

~~**Proposed Use:**—25 townhouse units (target)~~

~~—225 units apts/condominiums (target)~~

~~**Total units:**—250 (target)~~

1.12 Housing South Area

~~[GRAPHIC PLACEHOLDER]~~

~~UNDER GRAPHIC TEXT:~~

~~Character:~~

~~Multiple family residence types: rental apartments or condominiums.~~

~~**Approximate Area:**—2 acres~~

~~**Proposed Use:**—200 units (target)~~

1.13 Storefront Main Street Area

~~[GRAPHIC PLACEHOLDER]~~

~~UNDER GRAPHIC TEXT:~~

~~Character:~~

~~One block deep along Main Street, and including parking areas behind buildings. Retail uses at ground floor and second floor, and mixed uses of office and residential above. Maintains pedestrian orientation throughout.~~

~~**Approximate Area:**—8.5 acres~~

~~**Proposed Use:**—retail: 115,000 SF (target)~~

Commentary

Proposed Amendment

~~_____ office: 75,000 SF (target)~~
~~_____ residential: 150 units (target)~~
~~_____ theater: 25,000 SF~~

1.14 Arts/Entertainment/Office Area

[GRAPHIC PLACEHOLDER]

UNDER GRAPHIC TEXT:

Character:

~~Envisioned as a campus to anchor the Main Street retail armature. The area will be highly visible from McLoughlin Boulevard, and buildings will address Washington Street. To the south, the campus will be adjacent to the park at Kellogg Creek.~~

~~**Approximate Area:** 5 acres~~

~~**Proposed Use:** _____ Retail 50,000 SF (target)~~
~~_____ Office 100,000 SF (target)~~

1.15 Parks and Open Space Areas

[GRAPHIC PLACEHOLDER]

UNDER GRAPHIC TEXT:

Note:

~~All development will be consistent with protection of river, wetlands and waterways as required by Willamette Greenway, Title 3, ESA and other applicable requirements. All existing private ownership and use may continue, and no use of private property for public purposes is required.~~

Character:

~~Connects to downtown by the new McLoughlin Bridge. Park includes a "festival lawn" for assembly, as well as walkways, seating areas, waterways, and enhanced wetlands.~~

~~**Approximate Area:** 25 acres~~**1.16 Commercial Area**

[GRAPHIC PLACEHOLDER]

UNDER GRAPHIC TEXT:

Character:

~~An area for commercial development which is auto-accommodating yet maintains a pedestrian-orientation at least at one entrance, and still engages the street right-of-way.~~

~~**Approximate Area:** 2.5 acres~~

~~**Proposed Use:** _____ Commercial 18,000 SF (target)~~
~~_____ Office 20,000 SF (target)~~

Commentary

1.17 Hotel Area

[GRAPHIC PLACEHOLDER]

~~UNDER GRAPHIC TEXT:~~

~~Character:~~

~~Area specifically for a hotel establishment; auto-accommodating but well-landscaped and pedestrian-friendly.~~

~~Approximate Area:~~ ~~6.5 acres~~

~~Hotel units:~~ ~~200 rooms (target)~~

~~Restaurant:~~ ~~5,000 SF (max.)~~

Commentary

Renumbered 1.6 Amenities and Open Space Framework Graphic

This section has been updated to reflect updated plans and completed projects.

Additions:

- A plan for Riverfront Park was adopted in 2009. This language clarifies its role as the primary open space in downtown Milwaukie.
- The City received grant funding to construct a shared bicycle/pedestrian facility across Kellogg Lake, linking Dogwood Park to the east with Kronberg Park to the west.
- The Trolley Trail is currently under construction and connects downtown Milwaukie with points south.

Revisions:

- The Main Street Plaza has been replaced by the South Downtown Plaza in the Land Use Framework.

1.6 ~~19~~ Amenities and Open Space Framework

The Milwaukie Downtown and Riverfront Land Use Framework Plan includes a system of outdoor open and green spaces weaving around and through the city. There are creeks, restored wetlands, the Willamette River, and a landscaped urban plaza.

Many of the areas are subject to various municipal, state and federal regulations intended to protect environmental and natural resource values; the elements of this framework are intended to be consistent with those regulations.

Spring Creek/Crystal Creek Trail—~~Connects the northern end of Milwaukie's downtown with the Portland metro area's Springwater Corridor.~~

1. Scott Park - ~~Adjacent to the Ledding Library and the Transit Center Park, as well as to the North Downtown Housing Main Village, Scott Park offers lawn and play areas for children and adults. An improved Scott Lake connects through a natural stream to the restored Crystal Creek.~~

2. Johnson Creek Nature Area ~~—The creek connects the Springwater/Crystal Creek Trail to the north with the Riverfront Park and downtown. The creek is would be restored to its natural state, and a viewpoint in Riverfront Park allows visitors to experience the creek at the mouth of the Willamette River.~~

3. City Hall Plaza & Sculpture Garden – The City Hall plaza and Sculpture Garden provide places to stop, rest, and people-watch.

4. Main Street/Streetscape Improvements – ~~From the Transit Center south to Washington Street, Downtown streets Main Street benefits from wider sidewalks special sidewalk treatments, crosswalks, curb extensions, pedestrian-scaled lighting, street furniture, street trees and planting beds. Main Street is emphasized as the primary retail street with special sidewalk treatments and wider sidewalks allowing for sidewalk café seating and retail displays.~~

5. Riverfront Park – ~~The improved park is and will become the City's "living room." including a festival lawn, overlooks for viewing the river, pathways for pedestrians and cyclists, improvements to the boat launch and parking, and extensive riverside plantings. Riverfront Park is the focus of Milwaukie's open space framework due to its location. Located adjacent to downtown and nestled between the Willamette River, Kellogg Creek and Johnson Creek, Riverfront Park is the focus of Milwaukie's open space framework.~~

6. South Downtown Plaza & Adams Street Connector –A major plaza forms the core and focus of the South Downtown. The plaza has views to the Willamette River, retail spaces to the east, connections to natural areas, and Main Street running through the center. During events, the plaza and a portion of Main Street will be closed to vehicular traffic. The Adams Street Connector is a pedestrian green street that provides a pedestrian connection between the light rail station and the South Downtown Plaza.

7. Dogwood Park –An expanded Dogwood Park is integrated to the north and east with the South Downtown Plaza and Main Street streetscape improvements, and to the south and west with the Kellogg Nature Area.

8. Kellogg Bicycle & Pedestrian Bridge - Connecting the open spaces of Dogwood Park and Kronberg Park and the Trolley Trail beyond with a bicycle/pedestrian bridge.

9. Kronberg Park Kellogg Creek/Kellogg Park and Kellogg Nature Areas –Kronberg Park is improved, and the creek and wetlands are restored to a salmon-friendly state. Restoration of Kellogg Creek provides nature trails through native riparian banks and along the restored stream. The creek and wetlands are to be restored to a salmon-friendly state.

Commentary

Additions:

- The Trolley Trail is currently under construction and connects downtown Milwaukie with points south.

Deletions:

- There are no plans to divert Spring Creek through downtown to Riverfront Park.
- The "Rail Trail" was planned for the current light rail alignment, and is no longer feasible.
- The Festival/Open Lawn Staging Area has been incorporated into the design for Riverfront Park (see Additions below).
- The Main Street Walk was located in the "Arts/Office/Entertainment" campus, which was subsequently refined by the 2011 South Downtown Concept Plan. Main Street is now planned to remain open to both pedestrian and vehicular traffic.

Renumbered 1.6 Amenities and Open Space Framework Graphic

This graphic has been revised to reflect the text of 1.6 Amenities and Open Space Framework.

10. Trolley Trail – The 6-mile Trolley Trail multiuse path stretches between the 17th Avenue multiuse trail and Riverfront Park in downtown Milwaukie to Gladstone to the south.

1.6 ~~18~~ Amenities and Open Space Framework Map

[UPDATED GRAPHIC PLACEHOLDER]

~~Downtown Spring Creek~~ – ~~A small portion of Spring Creek may be diverted into downtown, streaming from the railroad tracks and new "Rail Trail" to the east, through the new Main Street Plaza, to the Riverfront Park.~~

~~Main Street Plaza~~ – ~~A paved and landscaped open public gathering space at the center of town, connecting the primary retail street to the Riverfront Park.~~

~~"Rail Trail"~~ – ~~Along the railroad tracks runs a trail that, when combined with the Riverfront Park pathways, completes a loop around downtown. The Rail Trail also links the Kellogg Creek area in southern Milwaukie to the Springwater/Crystal Creek Trail to the north, and gives a green edge to the east side of downtown.~~

~~Festival/Open Lawn Staging Area~~ – ~~A part of the Riverfront Park is landscaped to accommodate public festivals and assembly.~~

~~Main Street Walk~~ – ~~A pedestrian street with special paving, crosswalks, curb extensions, lighting and street furniture, Main Street Walk terminates in a circle at the arts/office/entertainment campus in the south side of downtown.~~

~~Riverfront Restaurant~~ – ~~In Riverfront Park, a new restaurant overlooks the Willamette River and new marina.~~

~~Marina~~ – ~~A new public marina and rowing facility is located near the proposed restaurant and hotel buildings which replace the wastewater treatment plant. The marina would accommodate a riverboat or similar vessel.~~

Commentary

New heading 2.0 Implementation

2.1 Projects

The graphic has been updated to reflect current and planned capital projects in and connected to downtown Milwaukie, as well as to remove projects that have been completed.

Because the projects have not been prioritized through a public process, the title has been shortened to "Projects" and a statement has been added to clarify that prioritization will occur at a later date.

Text has been added to describe the projects and the steps needed for completion.

Chapter 2—Implementation

A key component of the Land Use Framework Plan is implementation. Public investment in infrastructure sets the stage for private investment in rehabilitation of existing buildings and development of new buildings and amenities.

2.1 Projects

This diagram section sets forth priority key projects for the Land Use Framework Plan. The first priority key projects will establish a climate of positive change and growth, while larger or more costly ones would occur later.

Prioritization of these projects will occur during a subsequent process, prior to inclusion in the Capital Improvement Plan.

1. Scott Park Improvements

The 1990 Master Plan for Scott Park should be revisited and updated. Construction of Scott Park improvements will enhance the system of downtown amenities and open spaces.

2. 17th Avenue Bicycle and Pedestrian Connection

The Transportation System Plan identifies 17th Avenue as a bicycle and pedestrian route. The City has received grant funds for the design and construction of a multimodal connection between the Trolley Trail in downtown Milwaukie and the Springwater Corridor. Design work is underway, and construction is anticipated in early 2016.

3. Gateway and Entryway Improvements

This plan identifies key entrances to downtown and intersections along McLoughlin Blvd. The appropriate gateway improvements will be identified, designed, and constructed.

4. Riverfront Park Phases 3-4

A master plan for Riverfront Park was adopted in 2010. Phase 1 of Riverfront Park (the Klein Point overlook) was completed in 2012, and Phase 2 is underway. The City is seeking funding for completion of Phases 3 and 4, which include a plaza, an amphitheater, a fountain, and additional landscaping.

5. Streetscape Improvements

The City adopted specific streetscape designs for downtown Milwaukie in 2000, and they have been incorporated incrementally since that time. Pedestrian-friendly amenities, such as wider sidewalks, landscaping, benches, and streetlights, will enhance the pedestrian experience downtown.

6. McLoughlin Boulevard Improvements and McLoughlin Bridge

McLoughlin Blvd was improved from Harrison St in the north to the UPRR bridge to the south. The section north of Harrison St remains unimproved. Improvements of this section would provide a signal to visitors that they are entering downtown, and would enhance pedestrian safety.

7. South Downtown Plaza & Adams Street Connector

The South Downtown Plaza and Adams Street Connector are key infrastructure in South Downtown. Construction of the Adams Street Connector is scheduled for Spring/Summer 2015. Refined design for the South Downtown Plaza is needed.

Commentary

Proposed Amendment

8. Dogwood Park Improvements

Refined design for the South Downtown Plaza will include integration with Dogwood Park and will identify key improvements for the area.

9. Kronberg Park Improvements

The master planning process for Kronberg Park is underway, and construction will begin when funding is available. The park provides a key connection between the Kellogg Bicycle/Pedestrian Bridge and the Island Station neighborhood.

10. Dam removal and restoration of Kellogg Creek

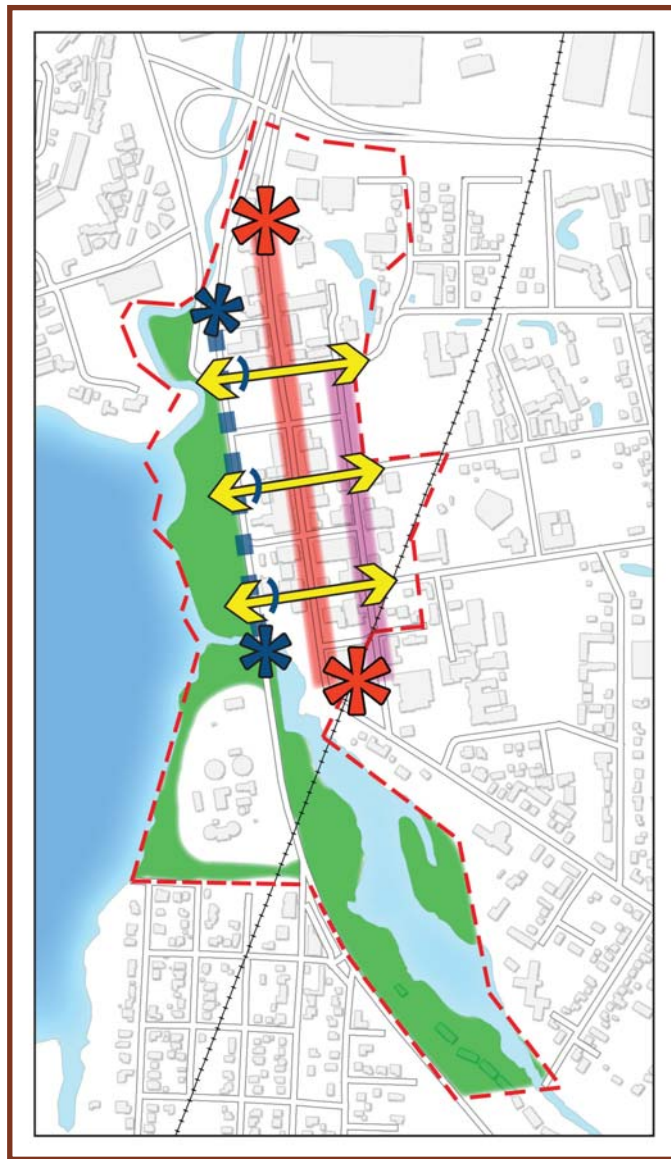
The Kellogg-for-Coho project has been ongoing since 2008. Design, permitting, and construction are needed to restore Kellogg Creek to a natural condition.

2.1 Priority Projects

[UPDATED GRAPHIC PLACEHOLDER]

Milwaukie Downtown and Riverfront Land Use Framework Plan

Ancillary Document to the
Milwaukie Comprehensive Plan



Adopted Ord. #1880 September 19, 2000
Last Rev. Ord. #____, adopted MONTH DAY, 2015

**Title page and/or
Mayor's letter placeholder**

Acknowledgements placeholder

Table of Contents

Chapter 1—Land Use Framework

1.1	What this Framework Does	1
	<i>Figure 1.1.a Aerial Photograph of Existing Downtown</i>	2
	<i>Figure 1.1.b Downtown Planning Area</i>	3
1.2	Framework Elements	4
1.3	Our Guiding Principles—A Touchstone	6
1.4	Fundamental Concepts	7
	<i>Figure 1.4 Fundamental Concepts</i>	10
	<i>Figure 1.4.a South Downtown Concept Plan Area</i>	11
1.5	Key Land Use and Placemaking Features	12
1.6	Amenities and Open Space Framework	14
	<i>Figure 1.6 Amenities and Open Space Framework</i>	16

Chapter 2—Implementation

2.1	Projects	17
	<i>Figure 2.1 Projects</i>	19

Chapter 1—Land Use Framework

The Milwaukie Downtown and Riverfront Land Use Framework Plan represents a major opportunity to reinvigorate downtown Milwaukie. With aggressive and focused efforts from both the public and private sectors over the coming years, downtown Milwaukie will be revitalized. This Plan outlines the components necessary to make such a vision of Milwaukie a reality. It foremost builds upon existing assets, capitalizes upon significant existing uses, and features the natural environment. It also sets out a realistic agenda and implementation program that the city and private development can follow.

1.1 What This Framework Does

The Land Use Framework is a vision of what can occur in the downtown and riverfront area. It has been tailored to meet Milwaukie’s social, economic and development goals and policies while responding to market conditions and the City’s overall vision for future growth.

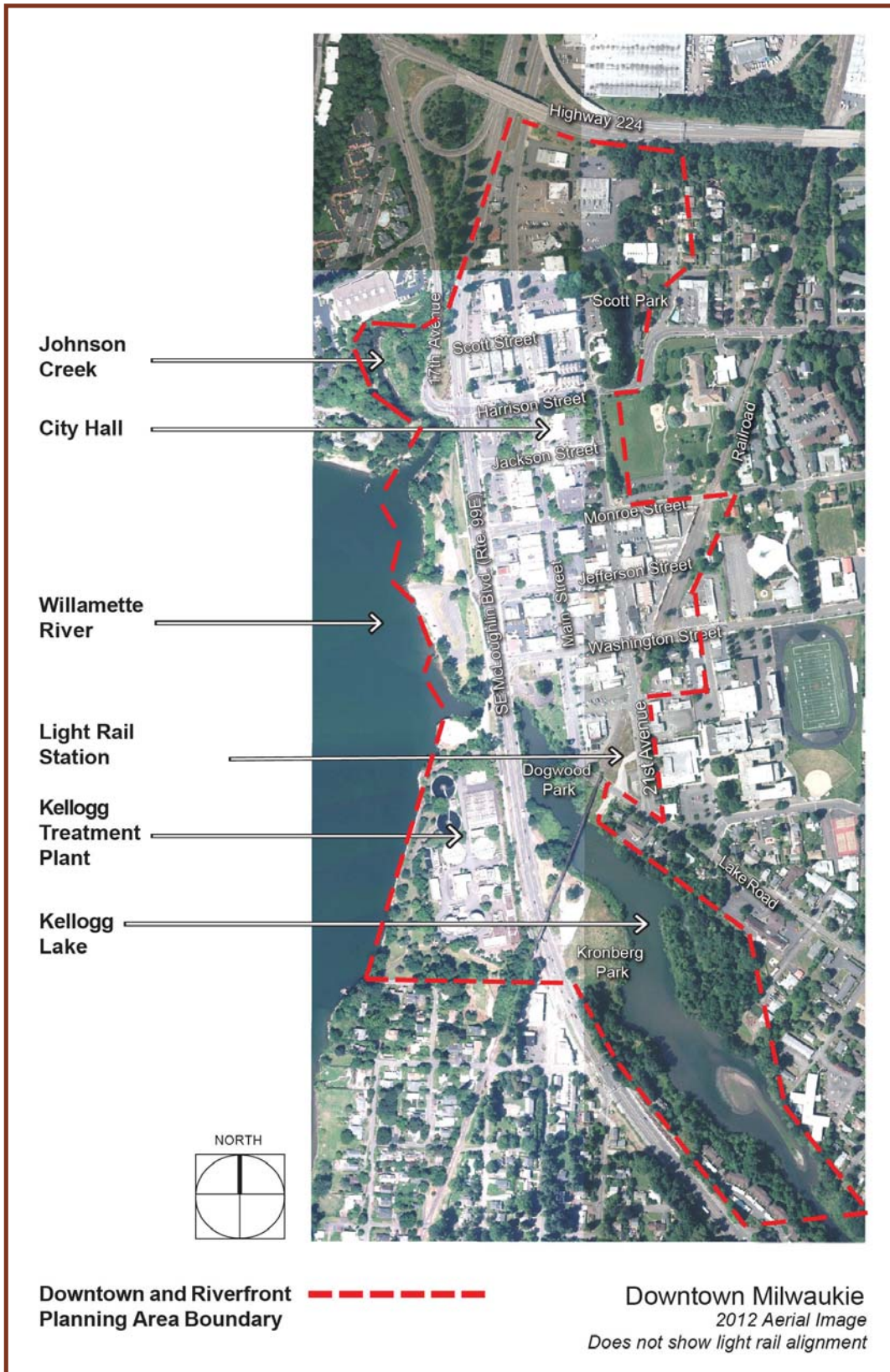
This document serves as an ancillary document to the Milwaukie Comprehensive Plan. On its own, this Framework is not a regulatory document. Any part of the Framework that is intended to have a binding effect will have to be adopted as part of, or pursuant to, a code to have regulatory effect.

This Framework establishes and guides the development of publicly and privately owned parcels of land. Nothing in this framework authorizes public use of private property. The Zoning Ordinance provisions regarding permissible uses prevail over any inconsistent provision in this Downtown and Riverfront Land Use Framework.

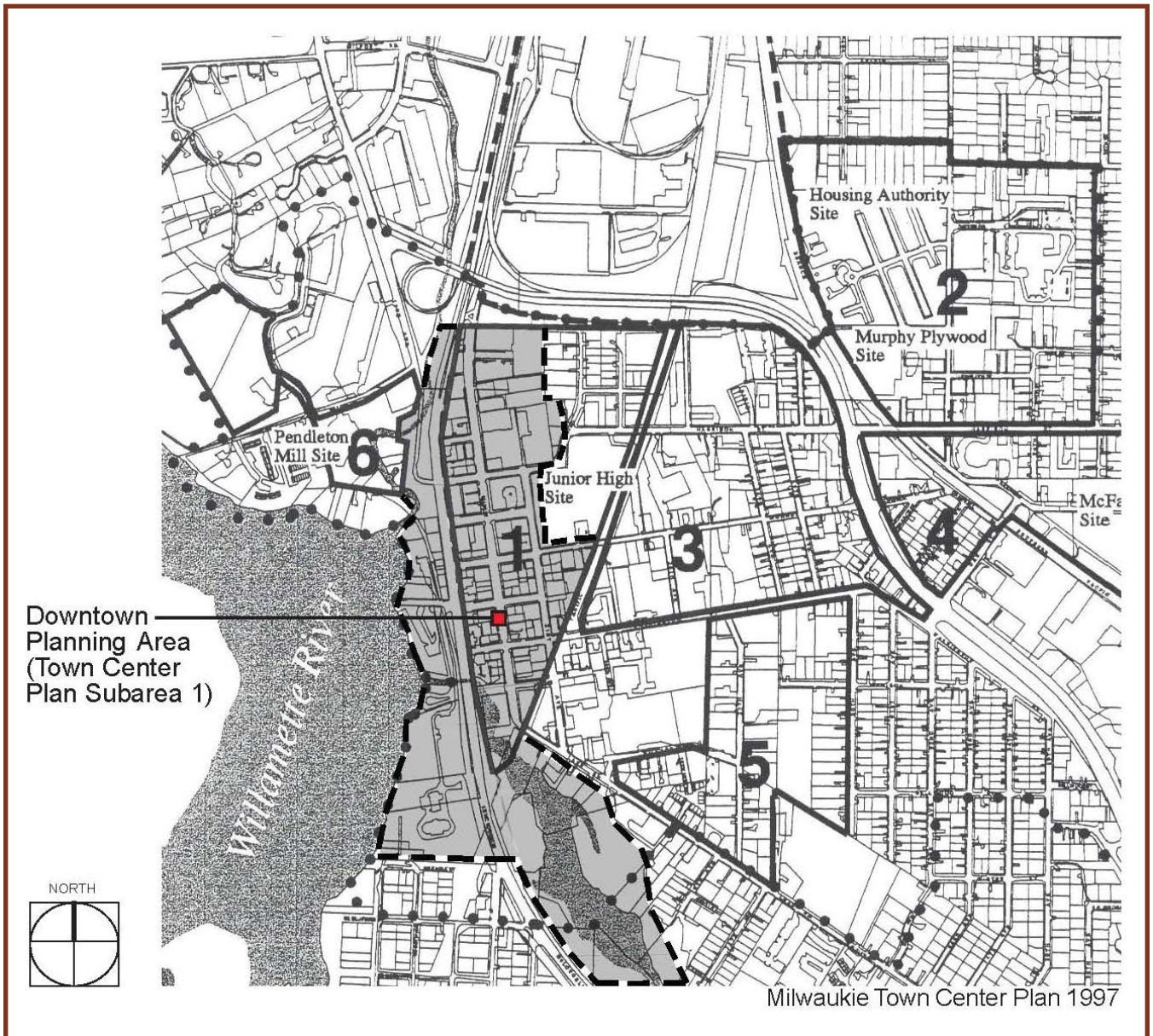
This Land Use Framework allows existing businesses to remain as long as their owners wish. All privately owned property designated as a public use in this Framework - for example, parks or trails - will continue to be in a “private ownership” zoning category, and will not be rezoned for public use until it is acquired by a public entity.

If an existing business does not conform to the new planning area’s allowable uses and development regulations, it will be allowed to continue to operate, as well as to expand and rebuild, in accordance with the Downtown Design Standard Threshold Regulations of the City of Milwaukie’s Zoning Ordinance.

1.1.a Aerial Photograph of Existing Downtown



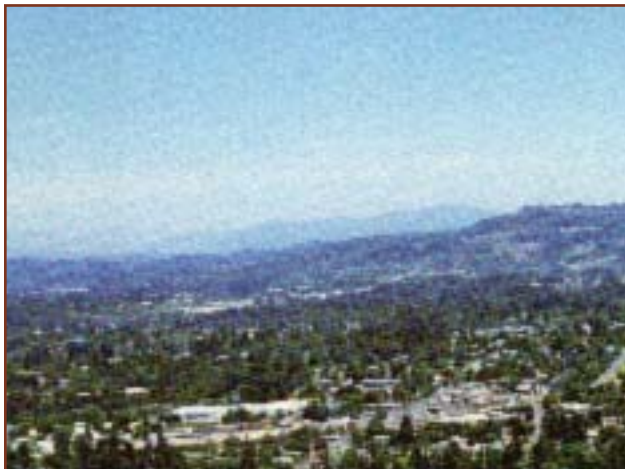
1.1.b Downtown Planning Area Subarea 1 of the 1997 Town Center Master Plan



1.2 Framework Elements

The Milwaukie Downtown and Riverfront Land Use Framework recognizes and builds upon the rich character and history of our town. It celebrates the diversity and spirit of the people and places of Milwaukie, and reinforces those special qualities.

City officials, community leaders and area businesses have known for a long time that Milwaukie’s historic downtown, nestled at the edge of the Willamette River, can and should be a vital center for the community’s economic and social activity. Starting in 1999, the City of Milwaukie began a process to develop a concept for downtown Milwaukie that reflects the vision of the people who live and work there. During a number of community design forums, citizens have tested various aspects of the plan, with local residents ranking their priorities for the downtown area.



Downtown view from Willamette River

This Land Use Framework represents the leadership of a skilled volunteer Riverfront Board and the input of the more than 2000

community members who have attended meetings, returned surveys, provided focus and ideas, and directed the plan.

Fundamental Concepts

Milwaukie’s unique character is at the heart of the Downtown and Riverfront Framework. The Framework reconnects Milwaukie to the Willamette River, knitting together the seam of McLoughlin Boulevard. It creates the new Riverfront Park as the city’s “living room.” And it calls for revitalizing historic buildings while designing new structures to harmonize with the town’s historic character.

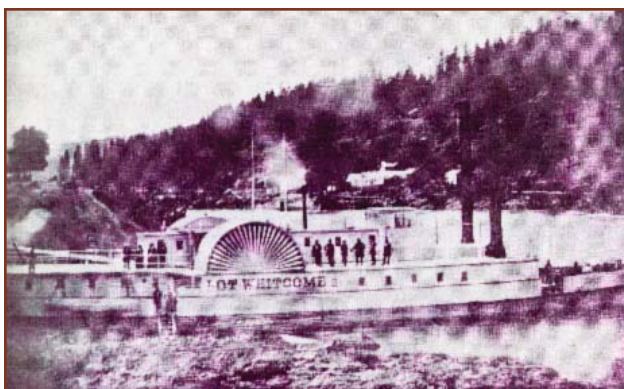


Historic Masonic Lodge

Anchors and attractors are used to build upon existing resources, and to strengthen the Main Street “retail spine.” South Downtown is refreshed with a new public plaza and light rail station. Thus the Framework is a blueprint to make Milwaukie and its downtown a vital, livable and sustainable community.

Amenities and Open Spaces

Milwaukie is fortunate to have a setting that inspires its citizens, that offers history, beauty and vitality. The Willamette River, Johnson Creek, and Kellogg Creek all provide beautiful natural borders to the downtown area. The Milwaukie Downtown and Riverfront Framework capitalizes on these natural resources, by restoring the creeks and improving the riverfront for public use. Thus both the town and the natural areas are reinvigorated.



Lot Whitcomb, 1850

Implementation

This Framework coordinates with Milwaukie's existing planning efforts and regulations. The Milwaukie Comprehensive Plan provides the guiding policies to manage the city's physical elements. Ancillary planning documents are part of the Comprehensive Plan. These include the Milwaukie Vision Statement of 1995 and the Town Center Master Plan of 1997. The latter responds to Milwaukie's designation as one of Metro's 2040 Growth Concept Town Centers. The Downtown and Riverfront Framework is a conceptual document. Therefore, various sections have

been adopted as part of, or referenced by the existing Milwaukie Zoning Ordinance, Subdivision Ordinance, or Municipal Code to be effective as a regulatory document.

The Downtown and Riverfront Framework responds to environmental policies including Metro's Titles 3 and 13 requirements and the Federal Endangered Species Act.

This Framework also reflects the adopted South Downtown Concept Plan, which serves as a refinement plan to the area south of Washington Street that will be most directly influenced by the new light rail station.

Phasing and Financing Strategy

The Framework is based on the idea that investing in the future of Milwaukie makes sense. Investment offers employment and opportunity for all the citizens of Milwaukie; it enriches the town literally and figuratively. Smart public improvements stimulate substantial private investment. Thus, investing today in a better quality of life for downtown Milwaukie makes sense for the whole town, for years to come.

1.3 Our Guiding Principles—A Touchstone

The community's vision for downtown was reaffirmed through public outreach in 2013. In 1999, the City of Milwaukie began a process to develop its vision of the downtown and riverfront. Throughout this community effort, the Framework was developed in accordance with and responded to the following guiding principles:

Creating a livable community:

- Provide for residents, workers and visitors alike.
- Provide for people of all ages, cultures, ethnic groups and incomes.
- Provide cultural arts and entertainment facilities.
- Provide significant open spaces and connections to the riverfront.

- Provide for specific “programmatic” requirements, such as parking or visibility from major roadways.

Ensuring economic success:

- Efficiently maximize current investment in infrastructure.
- Spur further private investment.
- Recognize and respond to the current marketplace.
- Establish a strategy for capturing unrealized market niches.
- Complement, protect and promote the continued growth and vitality of current businesses.



1.4 Fundamental Concepts

Anchors and Attractors

The keystone to building a successful downtown is to build upon existing resources - the quality stores and offices that we already have - and supplement these with anchors and attractors - places used by hundreds of people on a daily basis. A grocery store, for example, could generate considerable foot traffic, which would in turn provide additional customers for downtown businesses. A public plaza at the south end of Main Street, as depicted in the South Downtown Concept Plan, will provide gathering and event space, revitalize the area, and complement surrounding commercial uses.

The framework includes key elements which will be necessary to achieve these goals. New "anchor" and "attractor" uses are as follows:

- Village housing opportunity area north of Harrison St.
- New light rail station and public plaza in South Downtown.

The Main Street "Retail Spine"

Reactivating Main Street is a major focus - re-establishing and strengthening a lively storefront retail character with a pedestrian emphasis and 24-hour use.

The framework establishes an environment in which people can shop, work, live and socialize along Main Street. It addresses and repairs the fundamental problems that have drained downtown of its vitality. The Framework suggests adding to or filling

in blocks with new uses enhancing those buildings and uses that already exist.

Along Main Street, the fabric of ground floor retail establishments will create a lively flow of pedestrian activity. The retail spine promotes a healthy retail street that includes:

- Retail on both sides of the street.
- Continuous active facades with no interruptions.
- On-street parking in front of retail.
- Anchor retail at both ends of Main Street.
- Active uses on all four corners of intersections.
- Safe, signalized pedestrian crossings as needed.
- Pedestrian-friendly amenities - wide sidewalks, landscaping, benches, and street lights.

This north-south flow of activity will be further enlivened where it intersects with the new Main Street Plaza at Main Street and Adams Street, which provides views of the Willamette River and a location for events and activities such as the Farmers Market.



McLoughlin Blvd Commercial Corridor

Enhancing McLoughlin Blvd as the primary entry point to downtown Milwaukie from the north, south, and riverfront trails provides a sense of place for visitors to downtown and provides a visual connection between downtown and the riverfront.

The framework establishes an environment that is visually attractive and accommodates the pedestrian. Along McLoughlin Blvd, new buildings will provide a comfortable pedestrian environment while welcoming visitors to the riverfront into downtown. The framework promotes a healthy commercial corridor that includes:

- Parking beside or behind buildings
- Locate significant uses and buildings at key signalized intersections along McLoughlin Blvd.
- Entryway treatments, such as signage, public art, and/or landscaping north of Harrison St and south of Washington St to signal to visitors that they are entering downtown Milwaukie
- Gateway treatments, such as landscaping, signage, structural gateways, prominent building features, and/or public art, at Harrison Street, Monroe Street and Washington Street to draw visitors into downtown Milwaukie from Riverfront Park and McLoughlin Blvd

21st Ave Mixed Use Corridor

With the construction of the light rail station, 21st Ave is a key pedestrian connection between the station and the bus shelter area on Jackson St. It is also a direct connection

to key civic institutions including Milwaukie High School, City Hall, and Ledding Library.

The framework establishes an environment that is pedestrian-friendly, vibrant, and attractive, while focusing retail uses on the Main St "spine." The 21st Ave corridor includes:

- A combination of live/work units, residential, and mixed use development
- Continuous "street wall"
- Pedestrian-friendly amenities such as wider sidewalks, landscaping, benches, and street lights.

Connecting to the River

Riverfront Park will be the location for special events such as "Festival Daze," holiday celebrations and community assemblies. Safe pedestrian and bicycle crossings between downtown and Riverfront Park and multiuse trails are important. Pedestrian connections will be strengthened at key east/west streets to enhance pedestrian and bicycle access to the park.

South Downtown Planning Area

The 2011 South Downtown Concept Plan refined the vision for the area south of Washington St. The essential elements of the Plan include:

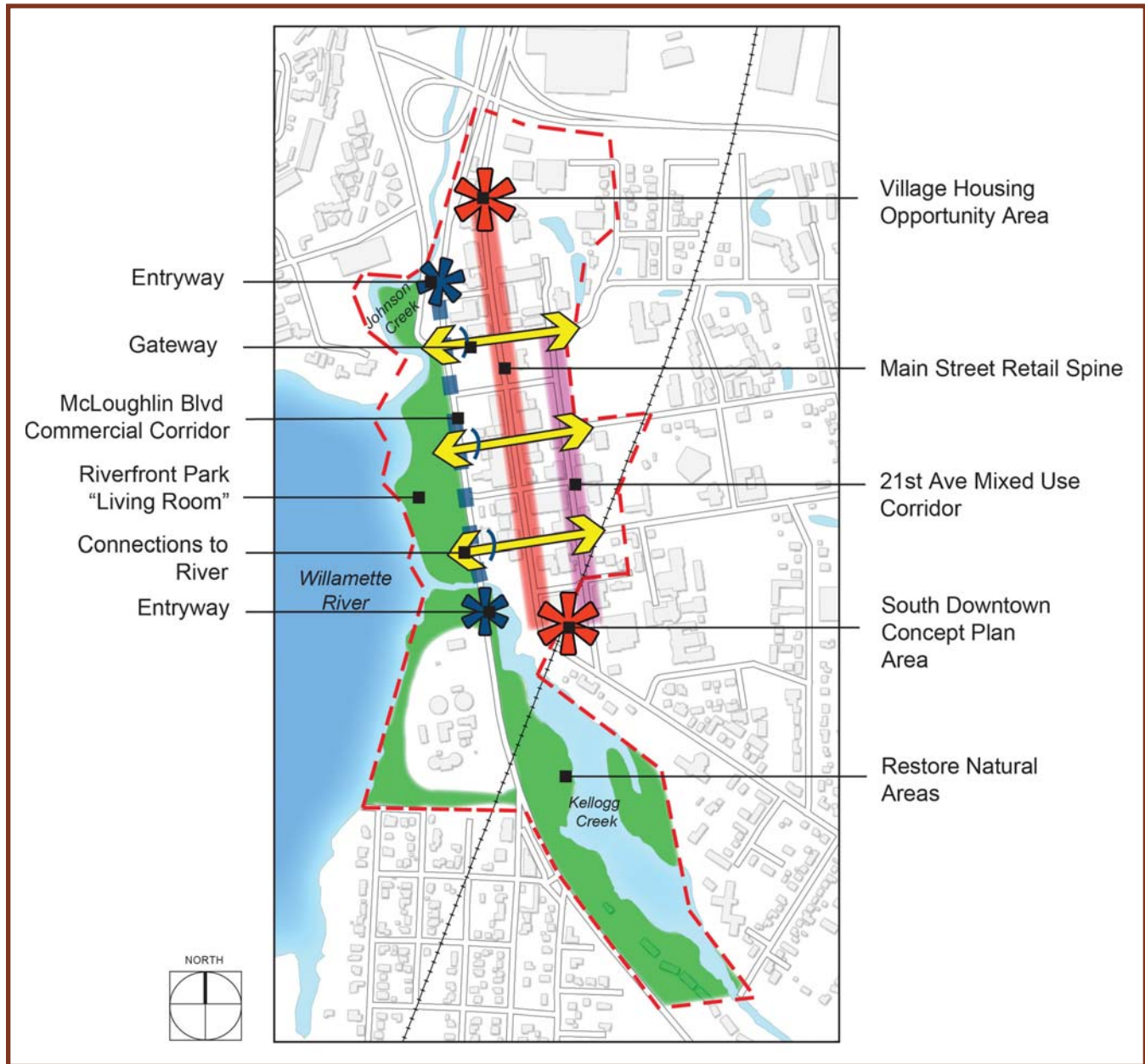
- An active, vibrant public plaza provides the central anchor for South Downtown, and provides views to the Willamette River.
- The light rail station is integrated into the fabric of South Downtown
- The Adams Street Connector pedestrian

street connects the light rail station with the Plaza and Main Street

- South Downtown is located in close proximity to several natural areas, including Kellogg Lake, Dogwood Park, Kronberg Park, and Riverfront Park. These natural areas should be enhanced, and improved access to these natural areas should be provided via walking trails and/or McLoughlin Blvd crossings.



1.4 Fundamental Concepts



1.4.a South Downtown Concept Plan Area



1.5 Key Land Use and Placemaking Features

The Fundamental Concepts are achieved through key land use and placemaking features. These features build on what is unique about Milwaukie by drawing pedestrians along a revitalized Main Street, reconnecting downtown Milwaukie to the Willamette River, enhancing existing natural areas in and near downtown, and providing quality housing for new downtown residents.



Revitalizing Main Street and downtown:

- Main Street improvements - shops, services, and family wage jobs
- Save landmarks - to preserve history and heritage
- Pedestrian friendly improvements throughout downtown
- New light rail station
- New South Downtown plaza



Reconnecting to the River:

- New Riverfront Park - the City's living room
- New and enhanced pedestrian crossings



Restoring Natural Areas and Parks:

- Restore Spring Creek
- Continue to maintain completed Johnson Creek restoration
- Continue efforts to restore Kellogg Creek



Providing Quality Housing:

- Provide a variety of quality housing types including rowhouses, apartments and condominiums (both stand-alone and as part of mixed use development) and live/work spaces.

1.6 Amenities and Open Space Framework

The Milwaukie Downtown and Riverfront Land Use Framework Plan includes a system of outdoor open and green spaces weaving around and through the city. There are creeks, restored wetlands, the Willamette River, and a landscaped urban plaza.

Many of the areas are subject to various municipal, state and federal regulations intended to protect environmental and natural resource values; the elements of this framework are intended to be consistent with those regulations.

1 Scott Park

Adjacent to the Ledding Library and North Main Village, Scott Park offers lawn and play areas for children and adults.

2 Johnson Creek Nature Area

The creek is restored to its natural state, and a viewpoint in Riverfront Park allows visitors to experience the creek at the mouth of the Willamette River.

3 City Hall Plaza and Sculpture Garden

The City Hall plaza and Sculpture Garden provide places to stop, rest, and people-watch.

4 Streetscape Improvements

Downtown streets benefit from wider sidewalks, crosswalks, curb extensions, pedestrian-scaled lighting, street furniture,

street trees and planting beds. Main Street is emphasized as the primary retail street with special sidewalk treatments and wider sidewalks allowing for sidewalk café seating and retail displays.

5 Riverfront Park

The improved park is the City’s “living room.” Riverfront Park is the focus of Milwaukie’s open space framework due to its location adjacent to downtown and nestled between the Willamette River, Kellogg Creek and Johnson Creek.

6 South Downtown Plaza and Adams Street Connector

A major plaza forms the core and focus of the South Downtown. The plaza has views to the Willamette River, retail spaces to the east, connections to natural areas, and Main Street running through the center. During events, the plaza and a portion of Main Street will be closed to vehicular traffic. The Adams Street Connector is a pedestrian green street that provides a pedestrian connection between the light rail station and the South Downtown Plaza.

7 Dogwood Park

An expanded Dogwood Park is integrated to the north and east with the South Downtown Plaza and Main Street streetscape improvements, and to the south and west with the Kellogg Nature Area.

⑧ Kellogg Bicycle and Pedestrian Bridge

Connecting the open spaces of Dogwood Park and Kronberg Park and the Trolley Trail beyond with a bicycle/pedestrian bridge.

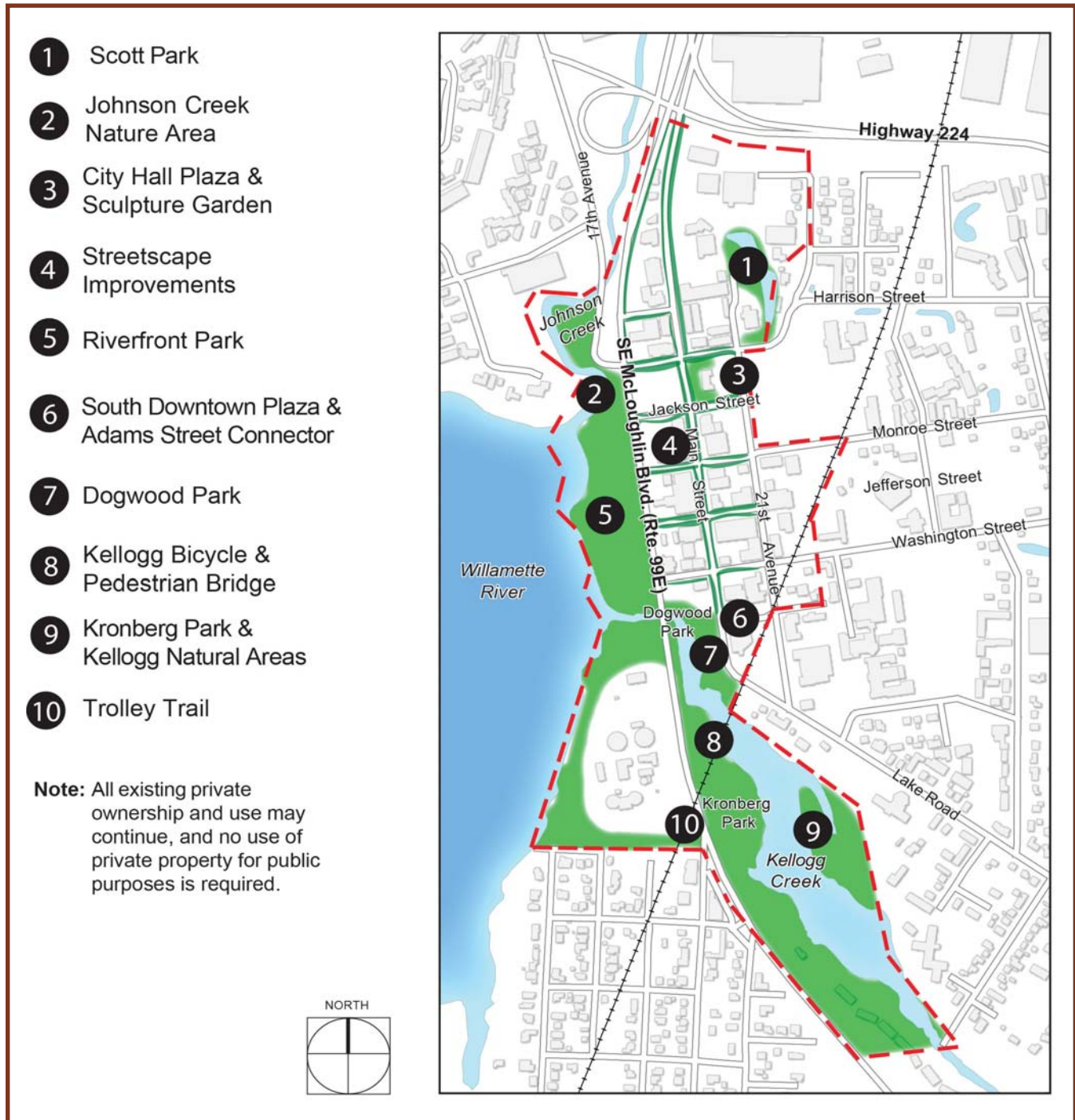
⑨ Kronberg Park and Kellogg Natural Areas

Kronberg Park is improved, and the creek and wetlands are restore to a salmon-friendly state. Restoration of Kellogg Creek provides nature trails through native riparian banks and along the restored stream

⑩ Trolley Trail

The 6-mile Trolley Trail multiuse path stretches between the 17th Avenue multiuse trail and Riverfront Park in downtown Milwaukie to Gladstone to the south.

1.6 Amenities and Open Space Framework



Chapter 2—Implementation

A key component of the Land Use Framework Plan is implementation. Public investment in infrastructure sets the stage for private investment in rehabilitation of existing buildings and development of new buildings and amenities.

2.1 Projects

This section sets forth key projects for the Land Use Framework Plan. The first key projects will establish a climate of positive change and growth, while larger or more costly projects would occur later.

Prioritization of these projects will occur during a subsequent process, prior to inclusion in the Capital Improvement Plan

① Scott Park improvements

The 1990 Master Plan for Scott Park should be revisited and updated. Construction of Scott Park improvements will enhance the system of downtown amenities and open spaces.

② 17th Avenue Bicycle & Pedestrian Connection

The Transportation System Plan identifies 17th Avenue as a bicycle and pedestrian route. The City has received grant funds for the design and construction of a multimodal connection between the Trolley Trail in downtown Milwaukie and the Springwater

Corridor. Design work is underway, and construction is anticipated in early 2016.

③ Gateway and Entryway Improvements

This plan identifies key entrances to downtown and intersections along McLoughlin Blvd. The appropriate gateway improvements will be identified, designed, and constructed.

④ Riverfront Park Phases 3-4

A master plan for Riverfront Park was adopted in 2010. Phase 1 of Riverfront Park (the Klein Point overlook) was completed in 2012, and Phase 2 is underway. The City is seeking funding for completion of Phases 3 and 4, which include a plaza, an amphitheater, a fountain, and additional landscaping.

⑤ Streetscape improvements

The City adopted specific streetscape designs for downtown Milwaukie in 2000, and they have been incorporated incrementally since

that time. Pedestrian-friendly amenities, such as wider sidewalks, landscaping, benches, and streetlights, will enhance the pedestrian experience downtown.

⑥ McLoughlin Boulevard improvements and McLoughlin Bridge

McLoughlin Blvd was improved from Harrison St in the north to the UPRR bridge to the south. The section north of Harrison St remains unimproved. Improvements of this section would provide a signal to visitors that they are entering downtown, and would enhance pedestrian safety.

⑦ South Downtown Plaza and Adams Street Connector

The South Downtown Plaza and Adams Street Connector are key infrastructure in South Downtown. Construction of the Adams Street Connector is scheduled for Spring/Summer 2015. Refined design for the South Downtown Plaza is needed.

⑧ Dogwood Park improvements

Refined design for the South Downtown Plaza will include integration with Dogwood Park and will identify key improvements for the area.

⑨ Kronberg Park improvements

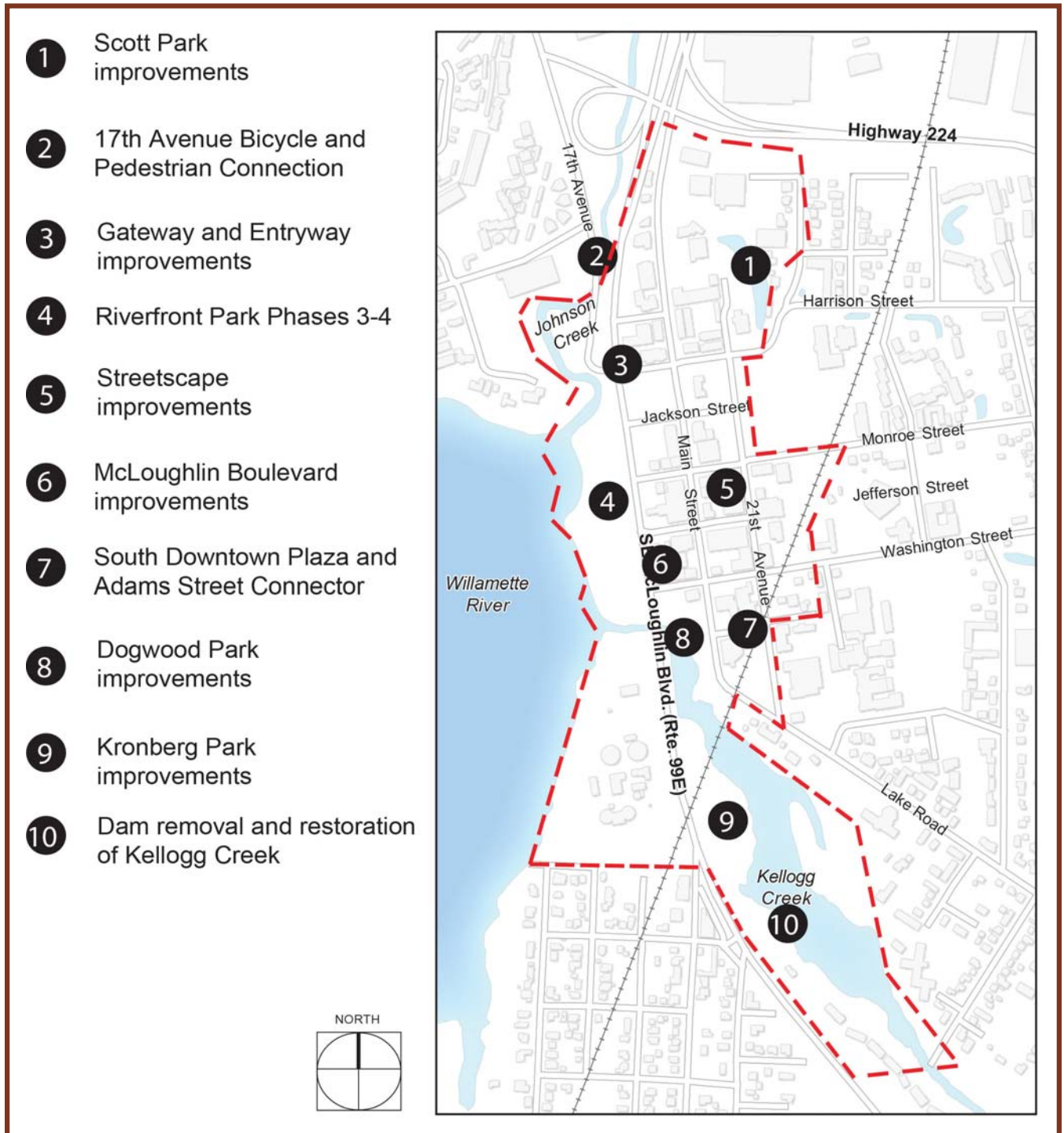
The master planning process for Kronberg Park is underway, and construction will begin when funding is available. The park provides a key connection between the

Kellogg Bicycle/Pedestrian Bridge and the Island Station neighborhood.

⑩ Dam removal and restoration of Kellogg Creek

The Kellogg-for-Coho project has been ongoing since 2008. Design, permitting, and construction are needed to restore Kellogg Creek to a natural condition.

2.1 Projects





MILWAUKIE
Dogwood City of the West

Downtown Standards and Review Procedures Proposed Amendments

January 6, 2015

File No. CPA-14-02, ZA-14-02

Comprehensive Plan

Chapter 4 - Land Use

Municipal Code - Title 14 Sign Ordinance

Chapter 14.04 General Provisions

Chapter 14.16 Sign Districts

Municipal Code - Title 19 Zoning Ordinance

Chapter 19.100 Introductory Provisions

Chapter 19.401 Willamette Greenway
Overlay

Chapter 19.200 Definitions and
Measurements

Chapter 19.500 Supplementary
Development Regulations

Chapter 19.304 Downtown Zones

Chapter 19.907 Downtown Design Review

Please contact Li Alligood, Senior Planner with the City of Milwaukie Planning Department, at 503-786-7627 or alligoodl@milwaukieoregon.gov with questions or comments about the proposed code amendments and/or the code adoption process.

Reader Guide

Commentary

A commentary section precedes each section of code amendments. The commentary provides a non-technical summary of the proposed amendments and highlights proposed policy changes. The commentary section is labeled as commentary and presented in Comic Sans font (the same font of this sentence).

Amendments

Unless otherwise noted in the document, underlined text is proposed text, and ~~strikethrough~~ text is existing code language proposed for deletion.

Sections 19.304, 19.508, and 19.907 are not shown in underline/~~strikethrough~~ text since the amendments for these sections would repeal and replace several sections of existing code. Additions to the Comprehensive Plan are shown in doubleunderline to differentiate it from existing underlined text. Standards shown in [brackets] are those that still require Planning Commission discussion and direction.

Context/Surrounding Code

The chapter, section, and subsection for the proposed code amendments are listed for reference in this document. Line breaks, like the one below, between subsequent amendments indicate that there is a there is intervening text within the section or subsection that is not included in this document.

Please be advised that this document shows only sections of code for which amendments are proposed, along with limited surrounding sections for context. It does not include all sections of the Milwaukie Comprehensive Plan or Municipal Code.

COMMENTARY

COMPREHENSIVE PLAN

CHAPTER 4 – LAND USE

RESIDENTIAL LAND USE AND HOUSING ELEMENT

No policy changes are proposed. The language is revised and simplified to reflect the proposed zoning map and text amendment, and housekeeping amendments remove outdated references to Regional Plan Areas.

- Objective #2, Policy 1 - The Town Center: Downtown Residential Transition Area is a subarea of the DR zone, which is being replaced by Transition Area Measures to ensure compatibility with the adjacent residential zone. This designation and density range has been deleted. The Downtown Residential Zone will be combined with other downtown zones into the Downtown Mixed Use Zone (DMU). The Downtown Residential Zone density ranges have been replaced with a density range that reflects the minimum density previously applied to the DR Transition Area and the maximum density currently applied to the DR zone.
- Objective #2, Policy 7 - Updated language to reflect the 1999 designation of Milwaukie as a Town Center rather than a Regional Center, the adoption of the Downtown Zones to implement the Town Center Master Plan in downtown Milwaukie, and reflect the fact that the Downtown Mixed Use Zone will be applied to downtown Milwaukie.

ECONOMIC BASE AND INDUSTRIAL/ COMMERCIAL LAND USE ELEMENT

- Objective #6- Commercial center descriptions are updated to reflect the common names of the commercial areas being referenced. The Highway Oriented Center description is revised to reflect the expectations for high quality commercial development along McLoughlin Blvd in downtown Milwaukie.

UNDERLINE/STRIKEOUT AMENDMENTS

COMPREHENSIVE PLAN

RESIDENTIAL LAND USE AND HOUSING ELEMENT

OBJECTIVE #2 — RESIDENTIAL LAND USE: DENSITY AND LOCATION

To locate higher density residential uses so that the concentration of people will help to support public transportation services and major commercial centers and foster implementation of the Town Center Master Plan.

Policies

1. Residential densities will be based on the following net* density ranges:

Low Density (Zones R-10, R-7) - up to 6.2 units per net acre

Moderate Density (Zone R-5) - 6.3 to 8.7 units per net acre

Medium Density (Zones R-3, R-2.5, R-2) - 8.8 to 21.1 units per net acre

High Density (Zones R-1, R-1-B) - 21.2 to 24.0 units per net acre

~~Town Center: Downtown Residential Transition Area (Zone DR) — 10 to 40 units per net acre~~

~~Town Center: Downtown Residential Transition Area (Zone DR) - 10 to 40+ units per net acre~~
Town Center: Downtown Mixed Use Zone (Zone DMU) - 10 to 40+ units per net acre

Town Center: Outside of Downtown (Zone R-O-C) - 25 to 50 units per net acre

*In calculating buildable lands, density standards will be applied to net parcel areas to determine the maximum number of dwelling units allowed. Gross site area will be reduced to net site area according to the following schedule:

- Areas one acre or larger will be reduced by twenty percent (20%) for the purposes of right-of-way dedication.
- Areas greater than 3/8 of an acre and less than one acre will be reduced by ten percent (10%) for the purposes of right-of-way dedication. Areas less than or equal to 3/8 of an acre (16,335 s.f.) are assumed to be platted and receive zero reduction for right-of-way.

-
7. Town Center Areas will be designated based on the following policies:

- a. Town Center areas ~~Regional Plan Areas~~ are those sites identified within the subareas depicted on the Subareas Map in the Town Center Master Plan as suitable for redevelopment. Within the Town Center areas designated on Map 7, mixed use development combining residential high density housing with retail, service commercial, and/or offices is encouraged. This is intended to foster a Town Center environment in accordance with the Town Center Master Plan.

- ~~b. A mixed use zone will be applied to designated Town Center Areas as an interim tool to implement the Town Center Master Plan.~~

- ~~eb.~~ The Downtown and Riverfront Land Use Framework Plan and the Downtown Mixed Use Zone shall implement Subarea 1 of the Town Center Master Plan. specific implementing zones shall replace the Mixed Use Zone for Subarea 1 of the Town

Commentary and Proposed Code Amendments

~~Center Master Plan. Specific ratios of retail and office to residential shall be specified by the interim Mixed Use Zone.~~

- ~~dc.~~ Outside of the Downtown and Riverfront Land Use Framework Plan area, the Residential-Office-Commercial (R-O-C) Zone is the most appropriate zone for the Town Center Area.
 - ~~ed.~~ The Town Center Area shall be served by multimodal transportation options; therefore, on-street parking, shared parking, and enclosed parking are the most appropriate parking options in the Town Center Area. Off-street surface parking is to be discouraged.
 - ~~fe.~~ A variety of higher density housing is desired in a designated Town Center Area, and the City shall work cooperatively with the private sector to provide a diverse range of affordable housing.
 - ~~gf.~~ Residential densities in the Downtown Mixed Use Zone are in the range of 10 to 40+ dwelling units per net acre. ~~Residential Transition Area are in the range of 10 to 40 units per net acre, and 40+ units per acre outside of the Transition Area.~~ Residential densities in the portion of the Town Center outside of Downtown are in the range of 25 to 50 units per net acre.
-

Commentary and Proposed Code Amendments

ECONOMIC BASE AND INDUSTRIAL/ COMMERCIAL LAND USE ELEMENT

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

OBJECTIVE #6 — 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.

Planning Concepts

Commercial land use policies are based on the assumption that most comparison goods purchases will be made at major regional shopping centers, day-to-day shopping needs will be met by local shopping centers, and that small convenience commercial centers will provide for frequent, one-stop shopping needs. For the purpose of categorizing and establishing commercial centers in Milwaukie, the following types of centers are defined:

- Regional Shopping Centers - A major commercial facility serving about 250,000 people primarily for comparison shopping for clothes, household goods and furniture. Examples include Lloyd Center, Washington Square, Downtown Portland and Clackamas Town Center. None are currently located within Milwaukie.
- Community Center - A commercial shopping center providing limited comparison shopping and day-to-day shopping serving (generally) 90,000 people on 15-30 acres, and containing at least 200,000 square feet of leasable space. The center should contain a department store (soft goods/clothing), a drug/variety or discount store, a supermarket, retail shops, and related uses. The City currently has one site, the Milwaukie Marketplace, located at Hwy. 224 and Oak St.
- District Center - A commercial site or area serving 6,000-10,000 people on 5-15 acres for regular shopping needs. A district center would likely contain a supermarket, drug and variety store, bank, gas station, etc. Examples include King Road Shopping Center, ~~Food Warehouse~~, S.E. 82nd Avenue/King Road, the Oak Grove Fred Meyer, and the Wichita Town Center.
- Local Convenience Center - A commercial facility to provide for frequent, convenient shopping needs. Local convenience centers serve from 2,000-4,000 people on 1/4 to 1/2 acre individual sites or may be adjacent in a strip. Typical uses may include a quick-stop grocery, laundry, fast-food restaurant, etc. The business at the intersection of Linwood and Harmony Road is an example.
- Highway Oriented Center - A commercial node or strip development dependent upon street traffic for business. Highway oriented centers are normally located along freeways or expressways at interchanges or along major or minor arterials and are generally service-oriented, providing for limited needs of nearby residents or people driving through the area. Examples include portions of McLoughlin Boulevard outside downtown and Harrison St. at Hwy. 224.
- Town Center Areas - The downtown Milwaukie area is a unique mixed use and commercial center. This area is designated as a Town Center by the Metro 2040 Growth Concept. It provides area-wide services as well as limited neighborhood services. Commercial uses are primarily office, service, and retail, providing financial, personal, and business services, governmental and cultural services. The emphasis is on creating a compact mixed use

Commentary and Proposed Code Amendments

environment with pedestrian amenities and high quality transit service and multimodal street networks.

Policies

1. New commercial developments or redevelopments shall be located in designated areas unless expansion or creation of a new commercial designated area is justified as per Policy 2, below.
2. Expansion or creation of commercial designated areas will be evaluated against the following criteria: (a) those having an historical commitment to commercial use, (b) access to a transportation network appropriate for the scale of development proposed, (c) significant traffic increase shall not result on streets of collector or less status serving low density residential areas, (d) that no more suitable location(s) exist within the City for this designation, (e) that zoning allowed by the designation is compatible with adjacent uses, and (f) compliance with all applicable Plan policies, including the Town Center Master Plan.

COMMENTARY

TITLE 14, SIGN ORDINANCE

The proposed amendments to Title 14 will update references to the "downtown zones" with references to the new Downtown Mixed Use Zone. These changes would make the Sign Ordinance consistent with the terms in the Zoning Ordinance.

UNDERLINE/STRIKEOUT AMENDMENTS

Title 14 Signs

CHAPTER 14.04 GENERAL PROVISIONS

14.04.030 DEFINITIONS

The following words and phrases where used in this chapter shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this section:

"Downtown zones" means the DMU, Downtown Mixed Use and OS, Open Space Zones ~~DS, Downtown Storefront; DC, Downtown Commercial; DO, Downtown Office; DR, Downtown Residential; and DOS, Downtown Open Space Zones~~ as defined in the Zoning Ordinance.

"Other commercial zones" means the C-L, Limited Commercial; DMU, Downtown Mixed Use; ~~DS, Downtown Storefront; DC, Downtown Commercial; DO, Downtown Office~~ C-CS, Community Shopping Commercial; and C-G, General Commercial Zones, as defined in the Zoning Ordinance.

"Residential-office-commercial zone" means the R-O-C, and R-1-B, ~~and DR~~ Zones as defined in the Zoning Ordinance.

CHAPTER 14.16 SIGN DISTRICTS

14.16.060 DOWNTOWN ZONES

No sign shall be installed or maintained in the DMU and OS Zones ~~DC, DS, DO, DR and DOS Zones~~, except as allowed under Section 14.12.010 Exempted Signs, or as otherwise noted in this section.

COMMENTARY
TITLE 19 ZONING
CHAPTER 19.100
INTRODUCTORY PROVISIONS

Table 19.107.1 Zone Classifications

This table is updated to reflect the combination of the existing Downtown Storefront, Downtown Commercial, Downtown Office, and Downtown Residential zones into a new Downtown Mixed Use Zone, and the renaming of the Downtown Open Space Zone to the Open Space Zone.

Housekeeping amendments also add the Tacoma Station Area Manufacturing Zone and Tacoma Station Area Plan Overlay to the table. These zones were adopted in 2013 but Table 10.107.1 was not updated at that time.

UNDERLINE/STRIKEOUT AMENDMENTS

CHAPTER 19.100 INTRODUCTORY PROVISIONS

19.107 ZONING

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
Residential	R-3
Residential	R-2.5
Residential	R-2
Residential	R-1
Residential-Business Office	R-1-B
Residential-Office-Commercial	R-O-C
<u>Downtown Mixed Use</u>	<u>DMU</u>
Downtown Storefront	DS
Downtown Commercial	DC
Downtown Office	DO
Downtown Residential	DR
Downtown Open Space	DOS
Neighborhood Commercial	C-N
Limited Commercial	C-L
General Commercial	C-G
Community Shopping Commercial	C-CS
Manufacturing	M
Business Industrial	BI
<u>Tacoma Station Area Manufacturing</u>	<u>M-TSA</u>
Planned Development	PD
Overlay Zones	
Willamette Greenway	WG
Historic Preservation	HP
Mixed Use	MU
Aircraft Landing Facility	L-F
<u>Tacoma Station Area Plan</u>	<u>TSAP</u>

COMMENTARY

TITLE 19 ZONING

CHAPTER 19.200

DEFINITIONS AND MEASUREMENTS

19.201 Definitions

Some new or revised definitions are proposed to ensure that terms defined in Chapter 19.200 are kept current and remain consistent with other proposed amendments to the zoning code.

In particular, the following changes or additions are proposed:

- The definition for "Downtown zones" has been revised to reflect the combination of existing downtown zones into the Downtown Mixed Use Zone DMU and the renaming of the Downtown Open Space Zone DOS to the Open Space Zone DO.
- New definitions for terms introduced to the zoning code for the first time by the proposed amendments:
 - Abutting
 - Awning
 - Canopy
 - Live/Work Unit
 - Mixed Use
 - Office - Production-Related
 - Office - Traditional
 - Porch

UNDERLINE/STRIKEOUT AMENDMENTS

CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS

19.201 DEFINITIONS

Refer to individual chapters of this title for chapter-specific definitions.

Refer to Title 18 for definitions related to flood hazard areas.

As used in this title:

"Abutting" means to reach or touch; to touch at the end or be contiguous with; join at a border or boundary; terminate on. Abutting properties include properties across a street or alley.

"Awning" means a roof-like structure of fabric or similar non-rigid material attached to a rigid frame that is supported completely by either an exterior building wall or wall exterior to an individual tenant space.

"Canopy" means a roof-like structure of metal, glass, or similar rigid material that is supported completely by either an exterior building wall or wall exterior to an individual tenant space.

"Downtown zones" means the ~~2~~ 5-zones that implements the Milwaukie Downtown and Riverfront Land Use Framework Plan— Downtown Mixed Use (DMU), Downtown Storefront (DS), Downtown Commercial (DC), Downtown Office (DO), Downtown Residential (DR), and Downtown Open Space (DOS)

"Live/Work Unit" means a dwelling unit where residential and nonresidential spaces are combined and where the dwelling unit is the principal residence of the business operator/proprietor. Nonresidential spaces are typically located on the ground floor and residential spaces are located on upper floors.

"Mixed Use" means a building that contains at least one floor devoted to allowed nonresidential uses and at least one devoted to allowed residential uses.

Office:

"Production-Related office" means offices that are characterized by activities that, while conducted in an office-like setting, involve less face-to-face customer contact and do not tend to generate foot traffic. Their operations are less service-oriented than Traditional Office uses and focus on the development, testing, production, processing, packaging, or assembly of goods and products. Examples include: software and internet content development and publishing; telecommunication service providers; data processing; television, video, radio, and internet studios and broadcasting; scientific and technical services; call centers, and medical and dental labs.

"Professional and administrative office" means professional, executive, management, or administrative offices of firms or organizations. Typical uses include offices for professionals such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants, or others who through training are qualified to perform services of a professional nature, and where no storage or sale of merchandise exists.

"Traditional office" means offices that are characterized by activities that generally focus on business, government, professional, medical, or financial services. These office uses generally involve a high level of face-to-face customer contact and typically expected to

Commentary and Proposed Code Amendments

generate foot traffic. Examples include: professional services such as lawyers, architects or accountants; financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; sales offices; government offices and public utility offices; and medical and dental clinics.

"Porch" means a covered area adjoining an entrance to a dwelling that is not enclosed on any side other than what is enclosed by the exterior walls of the dwelling.

COMMENTARY
TITLE 19 ZONING
CHAPTER 19.300 BASE ZONES

CHAPTER 19.304 DOWNTOWN ZONES

Overview

The following pages contain recommended amendments to the base zone use and development standards for the City's downtown zones. The amendments are intended to broaden the permitted uses in downtown as well as to strengthen pedestrian-friendly development standards for new development.

Due to the significant revisions to this section of the code, staff is recommending that the existing section 19.304 Downtown Zones be repealed and replaced. Therefore the proposed amendments for this section do not include underline/ strikeout notations. The policy changes included in the proposal are instead described in detail in this Commentary document.

19.304.1 Purpose

This section has been revised to reflect the reduction of 5 downtown zones into two zones: the Downtown Mixed Use (DMU) Zone and Open Space (OS) Zone. New language describes the intended characteristics of each of these zones.

19.304.2 Uses

Currently, any alteration or expansion of a nonconforming use, structure, or development is subject to Type III Nonconforming Use Alteration review. New language states that alteration or expansion of nonconforming use, structure, or development that brings the nonconformity closer to compliance may be reviewed through Type II Downtown Design Review rather than Type III Nonconforming Use Alteration Review. Alterations or expansions that do not bring the nonconformity closer to compliance would continue to be reviewed through a Type III Nonconforming Use Alteration review.

New language clarifies that drive-through facilities are prohibited in the downtown zones, rather than listing it as a development standard.

Table 19.304.2 Downtown Zones - Uses

- This reformatted table of allowed uses lists the uses allowed outright or conditionally in each zone, and includes a column for comments or cross reference to applicable standards. No changes are proposed to the use categories or allowances except as described below.

Commentary and Proposed Code Amendments

- The review process for permitting a parking facility would change. Currently, parking facilities are an outright permitted use in the DS, DC, and DO zone (although subject to Type III Downtown Design Review). The proposed revisions would require Type III Conditional Use review and approval by the Planning Commission to establish a parking facility in downtown Milwaukie.
- Several revisions to permitted uses are proposed:
 - Multifamily residential development would be permitted throughout downtown, rather than only the DR zone. Ground floor lobbies would not be permitted on Main Street south of Scott Street.
 - The maximum allowed size for a Day Care use would increase from 3,000 sf to 5,000 sf.
- Several new types of uses are added:
 - Live/Work Units. These types of units combine living space with business space. Generally, the living space is above the business (on the second or higher level) while the business is on the ground floor.
 - Two types of office uses are established:
 - "Traditional office" uses are intended to be more "active" and generate pedestrian traffic.
 - "Production-based office" uses are less "active" and generate minimal pedestrian traffic.
 - Indoor Recreation. Previously called "Commercial Recreation," indoor recreation includes a broader range of private recreation facilities. Public recreation facilities would continue to be permitted as Community Service Uses.
 - Boarding, Lodging, or Rooming House. This type of use would be permitted through Type III Conditional Use review and approval by the Planning Commission. These types of facilities could provide low-cost housing options in the downtown.

19.304.3 Use Limitations, Restrictions, and Provisions

A. Use Limitations and Restrictions

This section clarifies limitations and restrictions on permitted uses.

- Ground-floor residential uses on Main Street are limited to the area north of Scott Street in order to create a consistent commercial spine.
- Live/work units are not permitted on Main Street but are permitted on all other downtown streets.
- Production-related offices are not permitted on the ground floor along Main Street because they are not expected to generate much, if any, foot traffic.

Commentary and Proposed Code Amendments

- A revised size restriction for retail uses is proposed. The current restriction of 5,000 sf in the DO zone would be increased to a 20,000 sf restriction in the DMU zone. Retail uses larger than 20,000 sf would require Type III Conditional Use review and approval by the Planning Commission.

B. Use Provisions

This section clarifies that rowhouses in the downtown zones are not limited to 4 consecutive rowhouses.

Additionally, the transitional entry standards of the rowhouse design standards, which requires a porch or a grade-elevated entrance, do not apply to live/work units. These types of residential treatments are not appropriate for a ground-floor commercial use.

19.304.4 Development Standards

Additional language directs readers to Sections 19.201 Definitions and 19.202 Measurements for specific descriptions of the standards and measurements contained in the table.

Table 19.304.4 Downtown Zones - Summary of Development Standards

This proposed new table of development standards summarizes the development standards for the DMU and OS zones, and includes a column of commentary and/or additional provisions is provided to link this section with other relevant sections or chapters of the code.

- Minimum lot size - Current minimum lot size requirement range from 750 sf to 10,000 sf. A standard minimum lot size of 750 sf is proposed to allow for a range of development options, including small-lot rowhouses and live/work units as well as small commercial occupancies.
- Floor area ratio - Current floor area ratios (FARs) range from 0.3:1 to 1:1. Two FAR standards are proposed: a minimum of 0.5:1 for the area of downtown north of Harrison St, as well as the two DO-zoned properties west of McLoughlin Blvd; and 1:1 minimum FAR for the rest of downtown. The maximum FAR would remain 4:1, with some opportunities to exceed the maximum by providing more open space than required or by achieving green building certification. See Subsection 19.304.6.C for additional details about the open space and green building FAR bonuses.
- Building height - Current minimum building heights along Main St are 35 ft; the proposal would reduce this requirement to 25 ft. The maximum building heights in the downtown zones range from 3 stories to 5 stories. The proposal would reduce building heights south of Scott St/North Main Village to 3 stories/45 ft, with provisions for a residential height bonus. See Subsection 19.304.6.B for additional details about the residential height bonus.

Commentary and Proposed Code Amendments

- Flexible ground floor space - The existing ground-floor height requirement for new development on Main St is increased from 12 ft to 14 ft. The existing ground-floor space depth requirement is reduced from 25 ft to 20 ft.
- Street Setbacks/Build-to lines - The current Main St build-to line requirement is expanded to the rest of downtown. Requirements range from 75% of the building on Main St to 50% of the building on McLoughlin Blvd.
- Frontage Occupancy Requirements (NEW) -New standard requiring buildings to "occupy" a certain percentage of the site frontage. The requirements range from 90% on Main St to 50% on McLoughlin Blvd.
- Primary entrances - This language expands current requirements that primary entrances face key downtown streets, and provides additional direction for situations where the primary entrance is not located on the street frontage. The new language also requires the primary entrance of a building located on the corner of Main St and another street to be located on Main St.
- Off-street parking required -
 - Currently, off-street parking is required north of Harrison St and south of Washington St; the area south of Harrison St and north of Washington St is exempt from off-street parking requirements. The proposal would establish off-street parking requirements for residential development in the currently-exempt areas, and exempt all non-residential uses in downtown from providing off-street parking. Residential development would be required to provide at least 1 off-street parking space per dwelling unit.
 - Revised language clarifies that off-street parking lots and curb cuts within 50 ft of the Main St right-of-way can be permitted through Type III Variance review and approval by the Planning Commission.
 - New language prohibits off-street parking between a building and street-facing lot line. Off-street parking must be located adjacent to or behind a building.
- Open Space - New standards apply when a developer voluntarily provides open space as part of a development. At least 50% of the setback area must be usable public open space.
- Transition area measures - Downtown is currently exempt from these standards. The proposal would make them applicable and add additional standards requiring step backs within 100 ft of lower-density residential zones. See the code and commentary for Chapter 19.500 for further details.
- Residential density - A minimum residential density is established for rowhouses and live/work units; the stand-alone residential density is unchanged; and minimum residential densities for mixed use buildings are removed.

Commentary and Proposed Code Amendments

- Sign standards - Cross-references to the downtown sign regulations of Title 14 are added to the table.

Figures 19.304-6

New figures illustrate key development standards.

19.304.5 Detailed Development Standards

This retitled section provides details regarding the uses listed in Table 19.304.4. Intent statements are added to each standard to describe the intended outcome.

19.304.6 Development Incentives

An existing 1-story residential height bonus incentive is combined with two new FAR bonus incentives for the provision of additional open space and for green building certification. New language clarifies that developments can utilize two of the three available development incentives for a maximum of 2 stories of additional height and/or 1.0 FAR.

19.304.7 Public Area Requirements

Revised language clarifies that the PARs implement the Downtown and Riverfront Land Use Framework Plan, but are not themselves an ancillary document to the Milwaukie Comprehensive Plan.

19.304.8 Additional Standards

References to other potentially applicable supplementary development regulations.

19.304.9 Variances

The process for seeking variances to the standards is clarified.

UNDERLINE/STRIKEOUT AMENDMENTS

CHAPTER 19.300

BASE ZONES

19.304 DOWNTOWN ZONES

19.304.1 Purpose

The downtown zones are Downtown Mixed Use Zone DMU and Open Space Zone OS. The zones are shown on Figure 19.304-1. These zones implement the Town Center and Public land use designations in the Milwaukie Comprehensive Plan. The downtown zones implement the Downtown and Riverfront Land Use Framework Plan and Milwaukie Comprehensive Plan.

The downtown and riverfront area is envisioned as the focus of the community. Two zones are designated to distinguish between areas intended for public open space and those intended for downtown development. Specific use, development, and design standards are adopted for the downtown zones to assure an active, attractive, and accessible environment for shoppers, employees and residents.

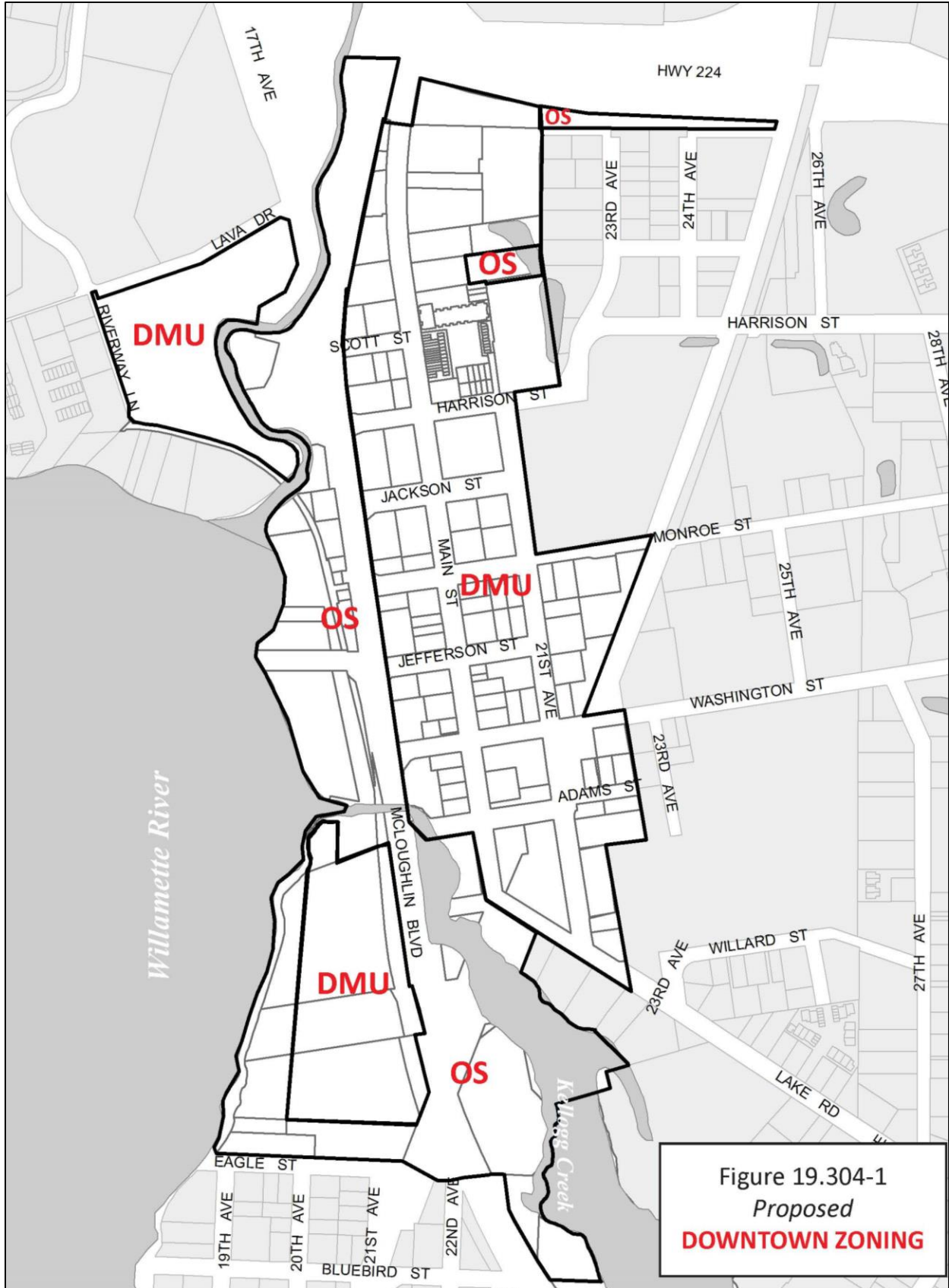
A. Downtown Mixed Use (DMU)

The Downtown Mixed Use Zone provides for a wide range of uses, including retail, office, commercial and residential, that will bring visitors to the downtown to live, work, shop, dine and recreate. The desired character for this zone is a pedestrian-friendly and vibrant urban center with a prominent main street and connections to the riverfront, and includes buildings that are built to the right-of-way and oriented toward the pedestrian, with primary entries located along streets rather than parking lots.

B. Open Space (OS)

The Open Space Zone provides a specific zone to accommodate open space, park, and riverfront uses. The Open Space Zone is generally applied to lands that are in public ownership along the Willamette River, Kellogg Creek, Spring Creek, and Johnson Creek in the downtown area. The desired character for the Open Space Zone includes parkland, open space, and riverfront amenities.

Commentary and Proposed Code Amendments



Commentary and Proposed Code Amendments

19.304.2 Uses

A. Permitted Uses

Uses allowed in the downtown zones are listed in Table 19.304.2 with a "P." These uses are allowed if they comply with the development and design standards, any applicable design guidelines, and other regulations of this title.

B. Conditional Uses

Uses listed in Table 19.304.2 as "CU" are permitted only as conditional uses in conformance with Section 19.905. Type III review is required to establish a new CU or for major modification of an existing CU. Type I review is required for a minor modification of an existing CU.

C. Nonconforming Uses, Structures and Development

Existing structures and uses that do not meet the standards for the downtown zones may continue in existence. Alteration or expansion of a nonconforming use, structure or development that brings the use, structure or development closer to compliance may be allowed through a Type II Downtown Design Review pursuant to Section 19.907. Alteration or expansion of a nonconforming use or structure that does not bring the use or structure closer to compliance may be allowed through a Type III Variance pursuant to Section 19.911. Except where otherwise stated in this section, the provisions of Chapter 19.800 Nonconforming Uses and Development apply.

D. Prohibited Uses

Uses listed in Table 19.304.2 with an "N," or uses not listed below, are prohibited as new uses. In addition, drive-through facilities are prohibited in the downtown zones.

E. Accessory Uses

Uses that are accessory to a primary use are allowed if they comply with all development standards. Accessory uses include but are not limited to restrooms in City parks and refreshment stands at the library.

F. Similar Uses

Similar uses not listed in Table 19.304.2 may be allowed through a Director's Determination pursuant to Section 19.903.

Table 19.304.2 Downtown Zones—Uses			
Uses and Use Categories	DMU	OS	Standards/ Additional Provisions
Residential			
Rowhouse	P	N	Subsection 19.304.3.A Downtown residential use limitations Subsection 19.505.5 Standards for Rowhouses
Multifamily	P	N	Figure 19.304-2 Ground-Floor Residential Subsection 19.304.3.A

Commentary and Proposed Code Amendments

			Downtown residential use limitations Subsection 19.505.3 Multifamily Design Standards
Live/work units	P	N	Subsection 19.304.3.A Downtown residential use limitations Subsection 19.505.5 Standards for Rowhouses
Second-story housing	P	N	Subsection 19.508 Downtown Site and Building Design Standards
Senior and retirement housing	P	N	Subsection 19.304.3.A Downtown residential use limitations Subsection 19.505.3 Multifamily Design Standards
Commercial			
Office—Traditional. Traditional Office uses are characterized by activities that generally focus on business, government, professional, medical, or financial services. These office uses generally involve a high level of face-to-face customer contact and typically expected to generate foot traffic. Examples include: professional services such as lawyers, architects or accountants; financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; sales offices; government offices and public utility offices; and medical and dental clinics.	P	N	
Office—Production-Related. Production-Related Office uses are characterized by activities that, while conducted in an office-like setting, involve less face-to-face customer contact and do not tend to generate foot traffic. Their operations are less service-oriented than Traditional Office uses and focus on the development, testing, production, processing, packaging, or assembly of goods and products. Examples include: software and internet content development and publishing; telecommunication service providers; data processing; television, video, radio, and internet studios and broadcasting; scientific and technical services; call centers, and medical and dental labs.	P	N	Subsection 19.304.3.B Main St limitations

Commentary and Proposed Code Amendments

<p>Eating and drinking establishment. Eating and Drinking Establishments primarily involve the sale of prepared food and beverages for consumption on-site or take-away. Examples include restaurants, delicatessens, retail bakeries, taverns, brew-pubs, coffee shops, concession stands, wine bars, and espresso bars.</p>	P	CU	<p>Section 19.905 Conditional Uses</p>
<p>Indoor recreation. Indoor recreation consists of for-profit facilities providing active recreational uses of a primarily indoor nature. Examples include gyms, dance studios, tennis, racquetball and soccer centers, recreational centers, skating rinks, bowling alleys, arcades, shooting ranges, and movie theaters.</p>	P	N	
<p>Retail-oriented sales. Sales-oriented retail firms are involved in the sale, leasing, and rental of new or used products to the general public. Examples include stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronics, fabric, gifts, groceries, hardware, household products, jewelry, pets and pet products, pharmaceuticals, plants, printed materials, stationery, and printed and electronic media.</p>	P/CU	N	<p>Subsection 19.304.3.C Retail sales</p> <p>Section 19.905 Conditional Uses</p>
<p>Personal-service-oriented. Personal-service-oriented firms are involved in providing consumer services. Examples include hair, tanning and spa services, pet grooming, photo and laundry drop-off, dry cleaners, and quick printing.</p>	P	N	
<p>Repair-oriented. Repair-oriented uses are establishments providing product repair of consumer and business goods. Examples include repair of televisions and radios, bicycles, clocks, jewelry, guns, small appliances, office equipment, tailors and seamstresses, shoe repair, locksmiths, upholsterers, and some automobile service and repair.</p>	P	N	<p>Subsection 19.304.3.D DMU Zone limitations</p>
<p>Day care. Day Care is the provision of regular child care, with or without compensation, to four or more children by a person or person(s) who are not the child's parent, guardian, or person acting in place of the parent, in a facility</p>	P	N	<p>Subsection 19.304.3.E Day care limitation</p>

Commentary and Proposed Code Amendments

meeting all state requirements. Examples include nursery schools, before-and-after school care facilities, and child development centers.			
Commercial lodging. Commercial Lodging includes for-profit residential facilities where tenancy is typically less than one month. Examples include hotels, motels, and bed-and-breakfast establishments. Does not include senior and retirement housing.	P	N	
Boarding, lodging, or rooming house. Generally means a private home where lodgers rent one or more rooms for one or more nights, and sometimes for extended periods of weeks, months, and years. The common parts of the house are maintained, and some services, such as laundry and cleaning, may be supplied. They normally provide "bed and board", that is, at least some meals as well as accommodation.	CU	N	Section 19.905 Conditional Uses
Parking facility. Parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Commercial Parking facility. Examples include structured parking, short- and long-term fee parking facilities, commercial district shared parking lots and commercial shuttle parking.	CU	P	Subsection 19.304.3.F OS Zone parking limitations Section 19.905 Conditional Uses Chapter 19.600 Off-Street Parking and Loading
Manufacturing			
Manufacturing and production. Uses are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Examples include processing of food and related products; catering establishments; breweries, distilleries, and wineries; weaving or production of textiles or apparel; woodworking, including cabinet makers; manufacture or assembly of machinery, equipment, instruments, including musical instruments, vehicles, appliances, precision items, and other electrical items; and production of artwork and	P	N	Subsection 19.304.3.G Manufacturing and production limitations

Commentary and Proposed Code Amendments

toys.			
Institutional			
Parks and open space. Parks and open space uses are lands focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few buildings. Examples include parks, public squares, plazas, recreational trails, botanical gardens, farmers markets, boat launching areas, nature preserves and community gardens.	P	P	
Community service uses	CSU	CSU	Section 19.904 Community Service Uses
Accessory and Other			
Accessory use	P	P	Subsection 19.304.2.E Accessory Uses Section 19.503 Accessory Uses
Home occupation	P	P	Section 19.507 Home Occupation Standards

19.304.3 Use Limitations, Restrictions, and Provisions

A. Use Limitations and Restrictions

The following provisions describe the limitations for uses listed in Table 19.304.2.

1. Residential uses are permitted throughout downtown Milwaukie, subject to the following limitations:
 - a. Along Main Street south of Scott Street, as shown in Figure 19.304-2, residential dwellings are only allowed on the second floor or above; they are not permitted on the ground floor.
 - b. Lobbies for upper-level dwellings are allowed on the ground floor only if a commercial use is located along a majority of the property's street frontage. North of Scott Street, residential dwellings and/or lobbies are permitted anywhere on the ground floor along Main Street.
 - c. Live/Work units are not permitted on Main Street.
2. Production-related office uses are not permitted on the ground floor along Main Street.
3. Retail Sales are permitted throughout downtown, subject to the following limitations:
 - a. In the Downtown Mixed Use Zone retail sales uses are limited to 20,000 sq ft in floor area per use on the ground floor.
 - b. A retail sales use larger than 20,000 sq ft may be approved through a conditional use review pursuant to Section 19.905.

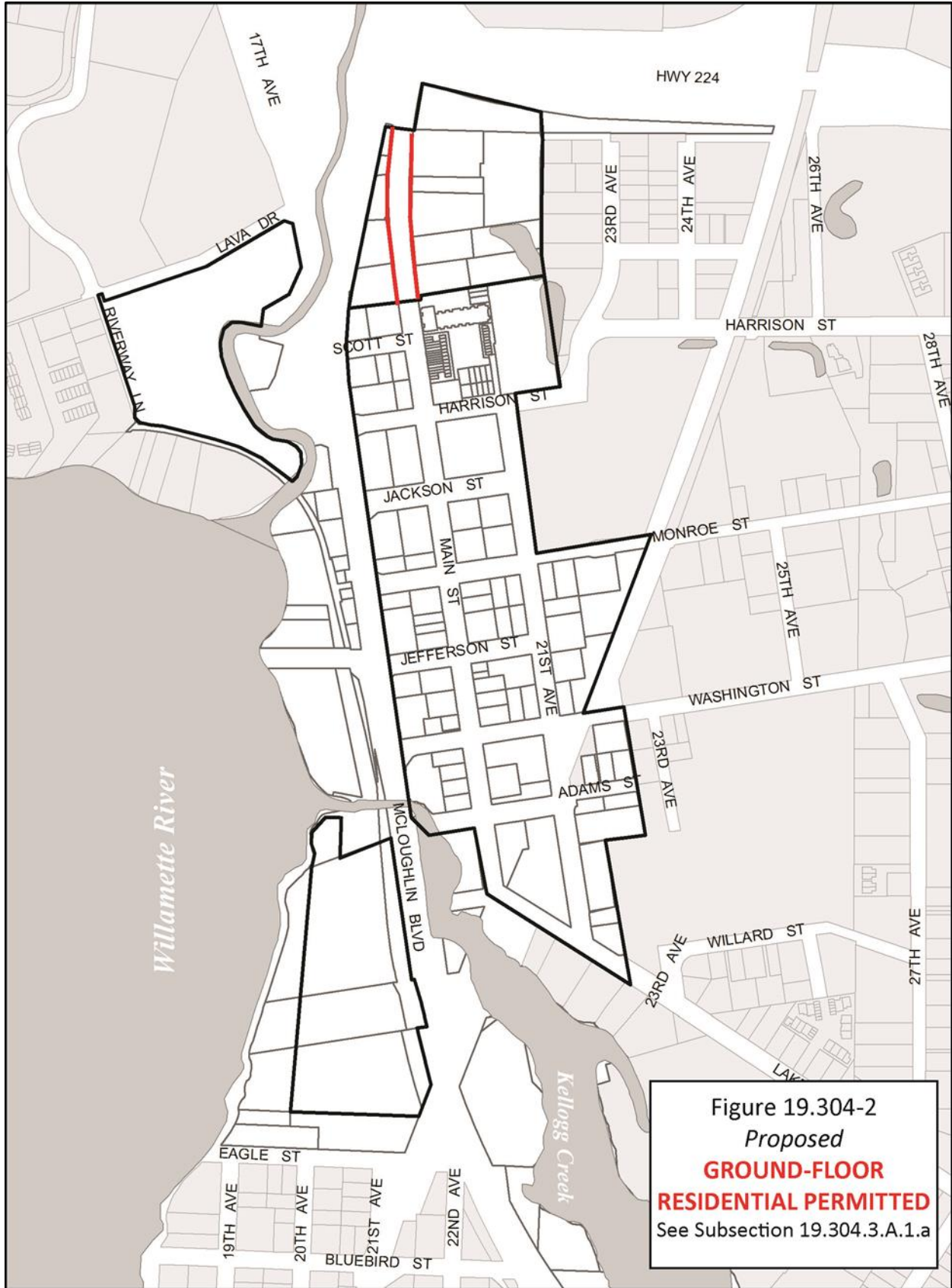
Commentary and Proposed Code Amendments

4. Automobile/motor vehicle repair (excluding body and fender repair and painting) is permitted in the Downtown Mixed Use Zone only when conducted within a completely enclosed building.
5. Day care and childcare uses are limited to 5,000 sq ft.
6. Parking facilities in the Open Space Zone are limited to surface lots that are intended primarily for the users of the related park or open space.
7. Manufacturing and production uses are limited to 5,000 sq ft in floor area per use on the ground floor and are only permitted when associated with, and accessory to, a related retail-oriented sales or eating/drinking establishment use. For purposes of this subsection, manufacturing and production involve goods that are sold or distributed beyond or outside of the associated on-site eating or drinking establishment or retail trade use. For example, a brewing facility that distributes or sells its products elsewhere would be considered a manufacturing and production use, while a restaurant kitchen that prepares food that is purchased on-site would not be considered manufacturing or production.

B. Use Provisions

1. The limit of 4 consecutive row houses established in Subsection 19.505.5.D does not apply in the DMU zone. In the DMU zone, there is no limit on the number of consecutive row houses.
2. The transitional entry standards of Subsection 19.505.C.2 do not apply to live/work units.

Commentary and Proposed Code Amendments



Commentary and Proposed Code Amendments

19.304.4 Development Standards

In the downtown zones, the development standards in Table 19.304.4 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 19.304.5.

See Sections 19.201 Definitions and 19.202 Measurements for specific descriptions of standards and measurements listed in the table.

A. Purpose

The development standards address several issues of particular importance to maintaining the appropriate character for the downtown. Table 19.304.3 summarizes some of the development standards that apply downtown. Development standards are presented in full in Subsection 19.304.3(B).

Table 19.304.4.A Downtown Zones—Summary of Development Standards			
Standard	DMU	OS	Standards/ Additional Provisions
1. Lot Standards			
a. Minimum lot size (sq ft)	750	None	
b. Minimum street frontage (ft)	15	None	Section 19.201 Definitions
2. Development Standards			
a. Floor area ratio (1) Minimum (2) Maximum	0.5:1-1:1 4:1	None None	Section 19.201 Definitions Subsection 19.304.5.A Floor Area Ratio Figure 19.304-3 Minimum FAR Subsection 19.304.6 Development Incentives
b. Building height (ft) (1) Minimum (2) Maximum	25 35-65	None 15ft	Subsection 19.304.5.B Building Height Figure 19.304-4 Base Maximum Building Heights Subsection 19.304.5.J Transition Area Measures Subsection 19.304.6 Development Incentives
c. Flexible ground-floor space	Yes, where applicable	None	Subsection 19.304.5.C Flexible Ground-floor Space
d. Street Setbacks/Build-to Lines (ft) (1) Minimum street setback (2) Maximum street setback	0 10-20	0' None	Figure 19.304-5 First-Floor Build-To Lines Subsection 19.304.5.D Street Setbacks/Build-To Lines

Commentary and Proposed Code Amendments

(3) Side and rear setbacks	None	None	Subsection 19.304.5.J Transition Area Measures Subsection 19.501.2 Yard Exceptions
e. Frontage occupancy requirements	50-90%	None	Subsection 19.304.5.E Minimum Frontage Occupancy Figure 19.304-6 Frontage Occupancy Requirements
f. Primary entrances	Yes	No	Subsection 19.304.5.F Primary Entrances
g. Off-street parking required	Yes, where applicable	Yes	Subsection 19.304.5.G Off-Street Parking Chapter 19.600 Off-Street Parking and Loading
h. Open Space	Yes, where applicable	None	Subsection 19.304.5.H Open Space Subsection 19.508.7 Open Space/Plazas
i. Transition Measures	Yes, where applicable	No	Subsection 19.304.5.I Transition Measures Subsection 19.504.6 Transition Area Measures
3. Other Standards			
a. Residential density requirements (dwelling units per acre)			Subsection 19.202.4 Density Calculations Subsection 19.304.5.J Residential Density Subsection 19.501.4 Density Exceptions
(1) Rowhouses and live/work units			
(a) Minimum	10	None	
(b) Maximum	None	None	
(2) Stand-alone multifamily			
(a) Minimum	30	None	
(b) Maximum	None	None	
(3) Mixed use buildings			
(a) Minimum	None	None	
(b) Maximum	None	None	
b. Signs	Yes	Yes	Subsection 14.16.060 Downtown Zones

B. Explanation of Development Standards

Table 19.304.4 is supplemented by the explanation of the development standards provided in Subsection 19.304.5 below, and the following figures:

Figure 19.304-3—Minimum Floor Area Ratios

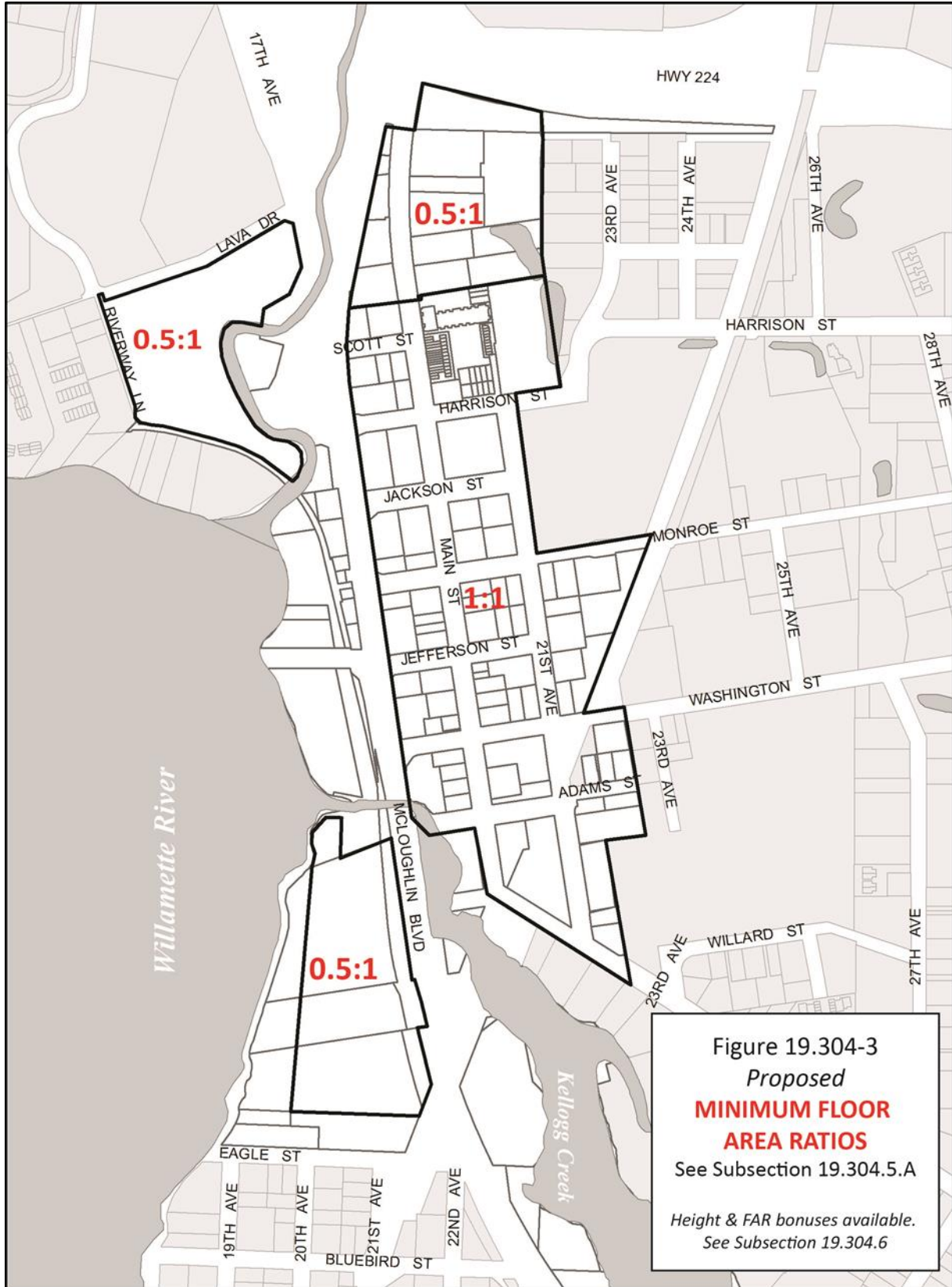
Commentary and Proposed Code Amendments

Figure 19.304-4—Base Maximum Building Heights

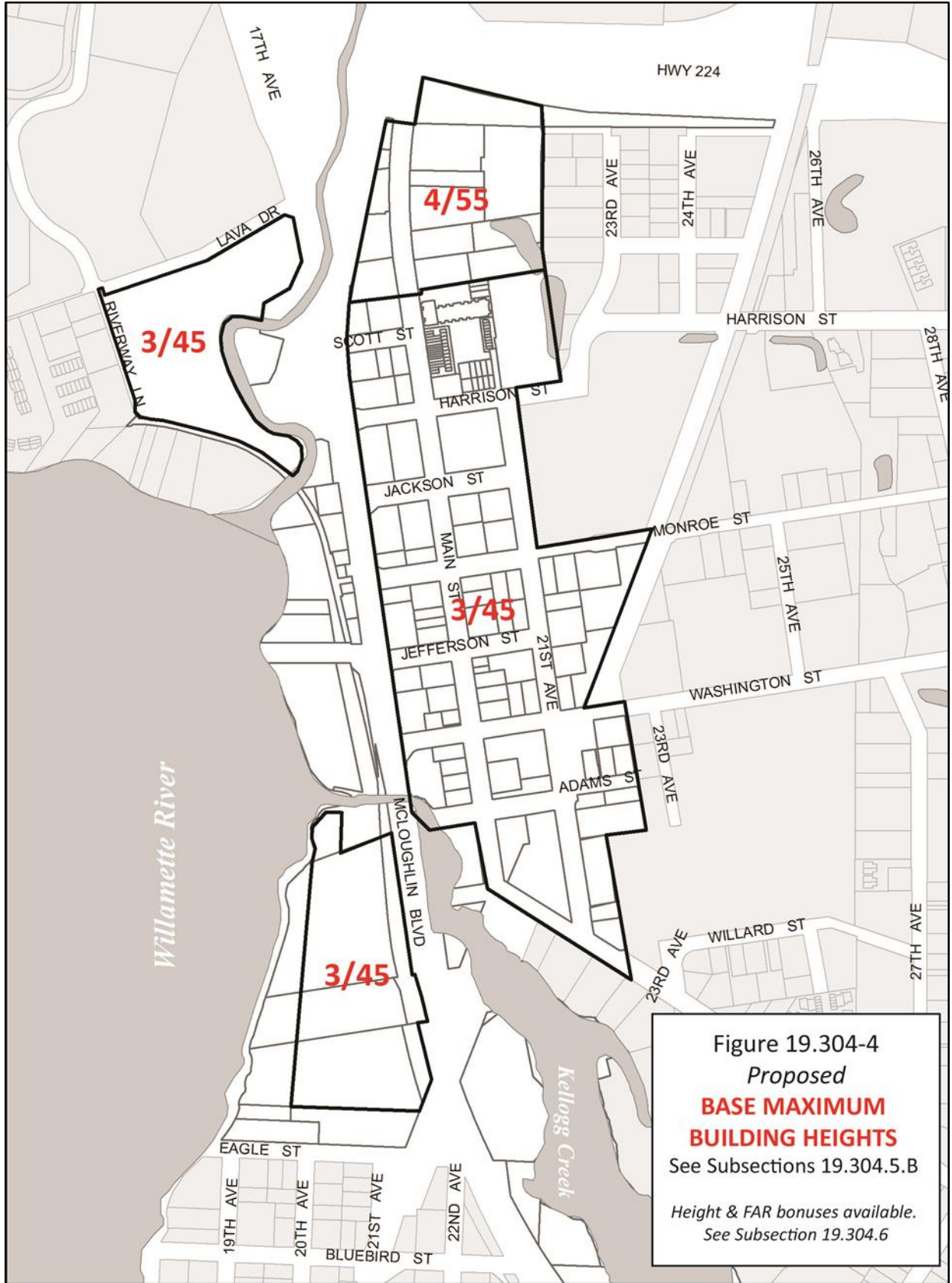
Figure 19.304-5—First-Floor Build-to Lines

Figure 19.304-6—Minimum Frontage Occupancy

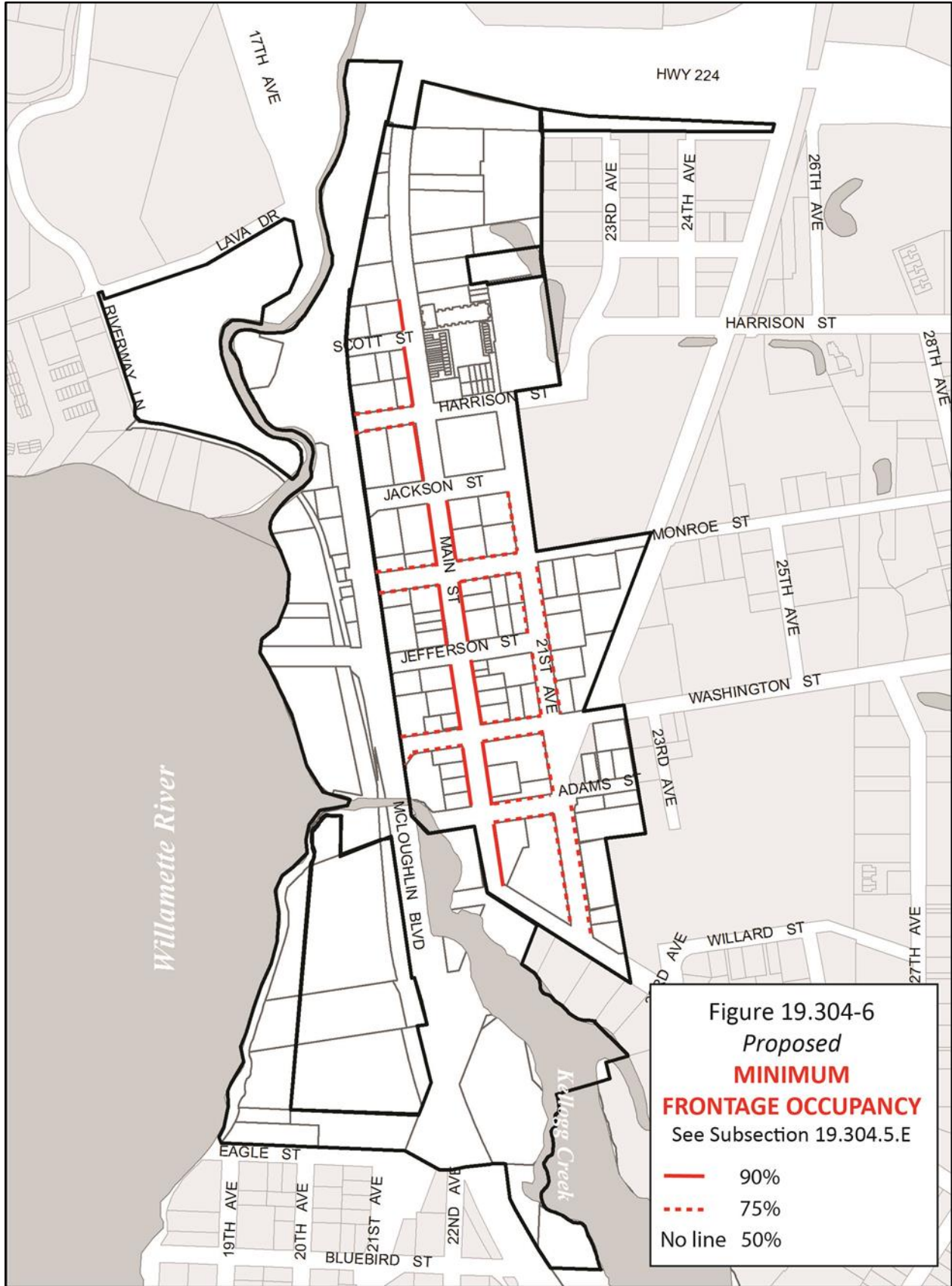
Commentary and Proposed Code Amendments



Commentary and Proposed Code Amendments



Commentary and Proposed Code Amendments



Commentary and Proposed Code Amendments

19.304.5 Detailed Development Standards

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

A. Floor Area Ratios**1. Intent**

The floor area ratio (FAR) is a tool for regulating the intensity of development. Minimum floor area ratios help to ensure that the intensity of development is controlled and that more intense forms are confined to appropriate areas of the downtown. In some cases, FAR densities are provided for provision of a public benefit or amenity to the community.

2. Standards

- a. The minimum floor area ratios in Table 19.304.4.B.2 apply to all nonresidential building development. Standalone residential densities are controlled by minimum density requirements.
- b. Required minimum floor area ratios shall be calculated on a project-by-project basis and may include multiple contiguous parcels. In mixed use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.
- c. If a project is to be developed in phases, the required FAR must be met for the land area in the completed phase(s), without consideration of the land area devoted to future phases.

3. Exemptions

The following are exempt from the minimum floor area ratio requirement.

- a. Parking facilities
- b. Public parks and plazas

B. Building Height**1. Intent**

Minimum and maximum building height standards serve several purposes. They promote a compatible building scale and relationship of one structure to another. A minimum building height is established to ensure that the traditional building scale for the downtown area is maintained.

2. Standards

- a. The minimum building height standards apply to new commercial, office, residential, and mixed use buildings.
- b. Minimum building heights are specified in Table 19.304.4. The minimum building height of 25 feet shall be met along all street frontages for a depth of at least 25 feet from the front of the building.
- c. Buildings of more than 3 stories are required to step back 6 feet from the building façade at the beginning of the fourth story.
- d. Maximum building heights are specified on Figure 19.304-4.

3. Exemptions

Commentary and Proposed Code Amendments

The following are exempt from the minimum building height standards.

- a. Additions to existing buildings.
- b. Accessory structures.
- c. Buildings with less than 1,000 sq ft of floor area.

C. Flexible Ground-Floor Space

1. Intent

To ensure that new buildings in the downtown are designed and constructed to accommodate active uses such as retail and eating/drinking establishments.

2. Standards

- a. This standard applies to new buildings fronting Main Street.
- b. This standard is met when at least 75% of the ground-floor space in a new building meets the following requirements.
 - (1) The ground-floor height must be at least 14 feet, as measured from the finished floor to the ceiling, or from the finished floor to the bottom of the structure above (as in a multistory building). The bottom of the structure above is the lowest portion of the structure and includes supporting beams, and any heating, ventilation and/or fire suppression sprinkler systems.
 - (2) The interior floor area adjacent to Main Street must be at least 20 feet deep, as measured from the inside building wall or windows facing Main Street.

3. Exemptions

Standalone residential buildings on Main Street north of Scott Street are exempt from this requirement.

D. Street Setbacks/Build-to Lines

1. Intent

Buildings are allowed and encouraged to build up to the street right-of-way in the DMU zone. Required build-to lines are used in combination with the frontage occupancy requirements of Subsection 19.304.5.F and are established in specific areas of the downtown to ensure that the ground floors of buildings engage the street right-of-way (see Figure 19.304-3). The build-to line ensures compatibility and harmony between buildings, enabling a series of different buildings to maintain or establish a continuous vertical street wall.

2. Standards

- a. No minimum street setbacks are required.
- b. First-floor build-to lines (required zero setbacks) are established for block faces identified on Figure 19.304-5. The build-to line applies to the portion of the building that is subject to the frontage occupancy requirements of Subsection 19.304.5.E as follows:
 - (1) For those block faces identified on Figure 19.304-5, 75% of the first floor shall be built to the front lot line (zero setback). The remaining 25% may be set back from the front lot line a maximum of 20 feet. The front setback shall provide usable open space, such as a public plaza or pedestrian amenities.

Commentary and Proposed Code Amendments

- (2i) For other block faces, there is no build-to line requirement and the maximum setback shall be 10 feet. The front setback shall provide usable open space the meets the requirements of Subsection 19.508.7.
- (3) The portions of the building used to meet the build-to line requirement in (1) above shall have a depth of at least 20 feet.

3. Exemption

The DMU zone is exempt from the clear vision area requirements of Chapter 12.24 of the Milwaukie Municipal Code, with the exception of driveway and street intersections with McLoughlin Boulevard.

E. Frontage occupancy requirements

1. Intent

To ensure that buildings are used to create a "street wall" that contributes to a walkable and pedestrian-friendly environment.

2. Standards

Minimum frontage occupancy requirements are established for block faces identified on Figure 19.304-6. Frontage occupancy requirements are used in combination with the required build-to line of Subsection 19.304.5.D. The frontage occupancy requirements apply as follows:

- a. For block faces that front on Main Street, 90% of the site frontage must be occupied by a building or buildings. If the development site has frontage on Main Street and another street, the frontage occupancy requirement must be met on Main Street only.
- b. For block faces that front on Harrison, Monroe, Washington, and Adams Streets and 21st Avenue, 75% of the site frontage must be occupied by a building or buildings. Except for (i) above, if the development site has frontage on one of the streets listed here and another street, the frontage occupancy requirement must be met on the streets listed here only.
- c. For other block faces, 50% of the site frontage must be occupied by a building or buildings. Except for (i-ii) above, if the development site has frontage on more than one street, the frontage occupancy requirement must be met on one street only.
- d. Building facades with recesses incorporated to comply with façade articulation requirements are considered to be occupying the site frontage if the recesses do not exceed 24 inches.

F. Primary entrances

1. Intent

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

2. Standards

- a. All new buildings shall have at least one primary entrance facing an abutting street (i.e., within 45 degrees of the street property line); or if the building entrance must be turned more than 45 degrees from the street (i.e., front door is on a side or rear

Commentary and Proposed Code Amendments

elevation) due to the configuration of the site or similar constraints, a pedestrian walkway must connect the primary entrance to the sidewalk.

- b. Where a development contains multiple buildings and there is insufficient street frontage to meet the above building orientation standards for all buildings on the subject site, a building's primary entrance may orient to plaza, courtyard, or similar pedestrian space containing pedestrian amenities. When oriented this way, the primary entrance(s), plaza, or courtyard shall be connected to the street by a pedestrian walkway.
- c. If a development is on the corner of Main Street and another street, the primary entrance shall be oriented toward Main Street. If the development is on the corner of McLoughlin Boulevard and another street, the primary entrance may be oriented toward either street.

G. Off-Street Parking

1. Intent

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

2. Standards

- a. Off-street parking for residential uses is required at the ratios established in Table 19.605.1. All other applicable standards of Chapter 19.600 apply.
- b. If off-street parking is provided for non-residential uses, the parking maximums in Table 19.605.1 shall apply. All other applicable standards of Chapter 19.600 shall also apply.
- c. Off-street surface parking lots (including curb cuts) shall not be located within 50 ft of the Main Street right-of-way.

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

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

3. Exemptions

All non-residential uses are exempt from the off-street parking requirements.

H. Open Space

1. Intent

To provide amenities for downtown residents, promote livability, and help soften the effects of built and paved areas.

Commentary and Proposed Code Amendments

2. Standards

- a. When a building is set back from the sidewalk, at least 50% of the setback area shall be usable public open space. Building setbacks cannot exceed the maximum setbacks established by Subsection 19.304.5.E and the frontage occupancy requirements of Subsection 19.304.5.E.
- b. Open space may be hardscaped or landscaped, including plazas, courtyards, gardens, terraces, and small parks.

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 Street and located within 50 feet of a lower-density residential zone (R-10, R-7, or R-5), the Transition Area Measures in Section 19.504.6 apply. In addition:

- a. Within 50 feet of the property line abutting lower density residential zones, buildings shall provide a step back of at least 6 feet for any portion of the building above 35 feet.
- b. The height and FAR bonuses in Subsection 19.304.6 cannot be applied within 50 feet of a lower-density residential zone.

J. Residential Density

1. Intent

There is a minimal amount of land available for new housing development within the downtown zones. Minimum densities are applied to residential development in the DMU zone to assure efficient use of land at densities that support transit use and nearby downtown businesses.

2. Standards

- a. Minimum densities for rowhouses and live/work units shall be 10 units per acre.
- b. Minimum densities for stand-alone multifamily dwellings and senior/retirement housing in the DMU Zone shall be 30 units per acre. Maximum residential densities are controlled by height limits.

3. Exemption

There are no minimum density requirements when residential units are developed as part of a mixed use building.

19.304.6 Development Incentives

To incentivize the provision of additional public amenities or benefits beyond those required by the baseline standards, bonuses and allowances are available for buildings that include desired public amenities or components; increase downtown vibrancy; and/or help meet sustainability goals.

A. Provisions

Commentary and Proposed Code Amendments

1. A building can utilize up to 2 of the development incentive bonuses of this subsection, for a total of 2 stories of height above the height maximum of Table 19.304.3 and/or an additional 1.0 FAR.
2. In order to accommodate the additional FAR available through the bonuses of this subsection, a maximum of 2 stories of additional height are permitted.

B. Height Bonuses

1. Residential Height Bonus

New buildings that devote at least 1 story or 25% of the gross floor area to residential uses are permitted 1 additional story or an additional 12 ft of building height, whichever is less.

C. Floor Area Ratio Bonus

1. Open Space Bonus

New buildings that provide more open space than the minimum 2% of site area required by Subsection 19.508.7 are permitted an additional 0.1 FAR for each additional 1% of open space provided. The percentage of additional open space shall be calculated as a percentage of the building site.

2. Green Building Bonus

Project proposals that receive certification (any level) under an ANSI-approved green building rating system (e.g., LEED or Earth Advantage certified) shall receive 0.3 additional FAR.

FAR bonus approvals shall be verified at the time of building permit submittal and shall be contingent upon submittal of green building certification. The FAR bonus approval may be binding under a development agreement and density bonus awards may be revoked, and/or other permits or approvals may be withheld if the project fails to achieve certification.

19.304.7 Public Area Requirements

A. Purpose

The Public Area Requirements (PAR) implement the Downtown and Riverfront Land Use Framework Plan. The purpose of the PAR is to ensure that, as revitalization occurs in downtown, there will be a consistent and high-quality public right-of-way that establishes a safe, comfortable, contiguous pedestrian-oriented environment. Public area requirements are defined as improvements within the public right-of-way and include, but are not limited to, sidewalks, bicycle lanes, on-street parking, curb extensions, lighting, street furniture, and landscaping. The PAR is implemented through Chapter 19.700 and the Milwaukie Public Works Standards.

B. Applicability, Review Process, and Standards

Development in downtown zones is subject to the review process and standards of Chapter 19.700 as specified in the chapter's applicability provisions. Required public improvements along rights-of-way included in the PAR shall be consistent with the PAR as implemented in the Milwaukie Public Works Standards.

19.304.8 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

Commentary and Proposed Code Amendments

convenience, and do not limit or determine the applicability of other sections within the Milwaukie Municipal Code.

- A. Subsection 19.504.6 Transition Area Measures
- B. Subsection 19.504.9 On-Site Walkways and Circulation
- C. Subsection 19.505.3 Design Standards for Multifamily Housing
- D. Subsection 19.505.5 Design Standards for Rowhouses
- E. Subsection 19.505.8 Downtown Site and Building Design Standards

19.304.9 Variances

The Planning Director or Planning Commission may authorize variances to the development standards under Subsection 19.304.3 in accordance with procedures of Section 19.911.

COMMENTARY

CHAPTER 19.400

OVERLAY ZONES AND SPECIAL AREAS

19.401 WILLAMETTE GREENWAY ZONE WG

19.401.3 Limitations on Use

The proposed revision would remove the prohibition on buildings taller than 35 ft east of McLoughlin Blvd. This would remove this height restriction for the Cash Spot site and allow new development within the WG overlay east of McLoughlin Blvd to build to the maximum height limit of the Downtown Mixed Use zone.

UNDERLINE/STRIKEOUT AMENDMENTS

CHAPTER 19.400

OVERLAY ZONES AND SPECIAL AREAS

19.401 WILLAMETTE GREENWAY ZONE WG

19.401.3 Limitations on Use

All land use actions and any change or intensification of use, or development permitted in the underlying zone, are conditional uses, subject to the provisions of Section 19.905.

Prohibited uses:

- A. Commercial, industrial and residential structures and residential accessory structures exceeding 35 ft in height west of McLoughlin Blvd;
 - B. Residential floating structures;
 - C. New private noncommercial boathouses or storage structures, including temporary structures;
 - D. New private noncommercial docks exceeding 400 sq ft;
 - E. Grading and tree cutting is prohibited in the buffer, except as allowed in Subsections 19.401.8.B.1 through 6.
-

COMMENTARY

CHAPTER 19.500

SUPPLEMENTARY DEVELOPMENT REGULATIONS

19.504 SITE DESIGN STANDARDS

19.504.6 Transition Area Measures

Currently, the Transition Area Measures of this section do not apply to downtown Milwaukie. As proposed, areas of downtown Milwaukie that are adjacent to lower-density residential uses (R-10, R-7, and R-5 zones) would be subject to the Transition Area Measures.

19.505 BUILDING DESIGN STANDARDS

19.505.3 Multifamily Housing

This subsection is renamed to improve internal consistency and accurately reflect its purpose.

B. Applicability

As proposed, new standalone multifamily buildings in the DMU zone will be subject to the design standards of this subsection.

2.e. Housekeeping amendment to correct a spelling error.

19.508 DOWNTOWN SITE AND BUILDING DESIGN STANDARDS

Overview

Milwaukie's current code contains minimal standards to regulate the design of new development in downtown. All new development is subject to Type III Downtown Design Review, a discretionary process that reviews the proposal against the Downtown Design Guidelines. However, absent clear standards outlining the expectations for design in downtown, it can be difficult to apply the guidelines.

The purpose of the proposed design standards is to encourage building design and construction with durable, high-quality materials. The design standards are intended to support the development of a cohesive, attractive, and safe downtown area and encourage private investment. The section is subdivided into building design standards, which relate to the appearance of and pedestrian interface with the building, and site design standards, which relate to exterior amenities such as open space and plazas.

Proposed Code Amendment with Commentary

Because Section 19.508 is a new code section, the proposed amendments for this section do not include underline/ strikeout notations. The policy changes included in the proposal are instead described in detail in this Commentary document.

19.508.2 Applicability

As proposed, the design standards apply to building faces (facades) that abut a public street, sidewalk, park, or plaza. They would not apply to building faces that were not visible from any of those locations.

Expansions, additions, or changes to existing buildings and structures would be subject only to applicable design standards. Projects that replace a significant amount of building façade would be required to comply with the materials standards.

19.508.2 Review Process

The regulations are intended to be utilized through a Type I or Type II Downtown Design Review process, with an option for Type III review against the Downtown Design Guidelines. See the commentary for Chapter 19.907 for information about this process.

19.508.4 Building Design Standards

This section expands the existing design standards for nonresidential and mixed use buildings with new and expanded design standards.

A. Building Façade Details

1. Nonresidential and mixed use buildings. New buildings must provide a base, middle, and top ("tripartite," or three-part, façade). Building bases must incorporate defining features such as transparent windows, canopies or awnings, and architectural bays to provide rhythm at the pedestrian level. Middles must include at least 30% transparency (windows and doors), a change in materials, and/or a change in wall plane. The top must provide visual termination through roof treatments. These standards provide visual interest at the pedestrian level and break up building massing so they appear more pedestrian-scale. Finally, new buildings should line up with the belt lines, cornices, or upper floor windows of adjacent buildings, if applicable. This standard encourages visual compatibility among different architectural styles.

2. Residential buildings. In order to comply with state law, standalone residential buildings must have the option for review through an administrative (Type I) process. The proposal would require new multifamily residential buildings downtown to comply with the multifamily design standards of Subsection 19.505.3.

B. Corners

The purpose of corner standards is to create a strong architectural statement at street corners and establish visual landmarks and enhance visual variety.

1. New buildings at the corner of two public streets or a street and another public area (such as a park or plaza) must enhance the corner of the intersection through locating the

primary entrance at the corner, providing an architectural element (such as a turret or other element), cutting the corner at a 45 degree angle, or using landscaping and other paving treatments.

C. Weather Protection

The purpose of weather protection standards is to create an all-season pedestrian environment that protects pedestrians from sun and rain, and encourages pedestrians to walk downtown.

1. Minimum weather protection coverage. All building entries must be protected by canopies or awnings or physically recessed behind the front building façade. The weather protection would cover at least 50% of the building to provide adequate protection while avoiding a "canyon" effect.

D. Exterior Building Materials

The purpose for regulating building materials is to encourage the construction of attractive buildings with materials that evoke a sense of permanence and are compatible with downtown Milwaukie and the surrounding built and natural environment.

1. The current list of prohibited materials does not permit some commonly used materials, such as fiber cement board. The revised approach to exterior building materials identifies materials to be used a "primary," "secondary," and "accent." 2. New language states that when more than 50% of the façade of an existing building is being modified, the modified façade must comply with Table 10.508-1 Downtown Exterior Building Materials.

Table 19.508.4.D Downtown Exterior Building Materials

The list of permitted materials is organized in a table format. The range of permitted materials is broader and includes those materials currently permitted (wood, stucco, brick, stone), adds additional materials (concrete, fiber reinforced cement siding and panels), and allows more modern materials as building accents (ceramic tile, metal, glass block). Vinyl siding, EIFS (synthetic stucco), and plastic or vinyl fencing, and chain link fencing are prohibited throughout downtown.

E. Windows and Doors

The purpose behind transparency requirements (a certain percentage of windows and doors on the ground floor) is to provide a safe and comfortable pedestrian environment by creating a visual connection between the indoor and outdoor spaces. This increases safety, and also allows pedestrians to see the displays and activity within.

1. The ground floor of buildings along Main Street (15 ft above finished grade) must consist of at least 50% windows and doors. This enhances Main Street's position as the retail spine of downtown by encouraging window displays and transparency between the sidewalk and the interior of Main Street businesses, and allows for daylighting of interior spaces. The bottom edge of windows cannot be taller than 30 inches from the floor, to

Proposed Code Amendment with Commentary

provide a traditional storefront opening appearance. Existing language prohibiting more than 50% of the window from being covered by blinds, signage, or curtains is retained. The new weather protection requirement described above is intended to minimize the need for interior shades or curtains.

2. The ground floor of block faces downtown must consist of at least 35% windows and doors., except McLoughlin Blvd, where 30% transparency is required. This requirement ensures that there is a minimum level of interior daylighting and visual interest along all downtown streets.

3. A new standard requires that the upper levels of new buildings consist of at least 30% windows and doors, such as balcony doors. At least 60% of these windows must be vertically oriented, to ensure compatibility with existing "traditional" building designs.

4. A new standard requires that windows provide shadowing to increase visual interest and depth. This can be accomplished by recessing the windows into the wall face, or by installing trim of a contrasting material or color.

5. Existing prohibitions of reflective or opaque windows, simulated internal divisions, and unpainted metal frame windows are retained. These ensure transparency as well as the use of genuine internally divided windows and window frames with finished surfaces.

F. Roofs and Rooftop Equipment

The current code has minimal standards for roof treatments and rooftop equipment. It is unclear which types of roofs beyond flat roofs are permitted, and how they should be visually terminated ("capped").

1. Roof forms. A range of roof forms are permitted, including flat, hip, gabled, and shed roofs and/or dormers. Additional direction regarding the treatment of each roof type is provided.

2. Rooftop equipment and screening. New standards establish height limits for rooftop equipment such as elevator mechanical equipment (16 ft) and communications equipment (10 ft), and establishes screening requirements to screen rooftop equipment from public view. Sustainability-related structures, such as solar panels, wind generators, and green roof features are exempt from the screening requirements.

3. Rooftop structures. New language clarifies that rooftop structures related to shared outdoor space, such as roof decks or gardens, is not included in a building's maximum height calculation. This allows buildings to provide outdoor space without being penalized for providing structures to make it more enjoyable.

19.508.5 Site Design Standards

A. Open Space/Plazas

The current code does not require new development to provide public open spaces or plazas. Public and semi-public space contributes to the vitality of downtown by providing

Proposed Code Amendment with Commentary

places for people to gather and people-watch. Street life tends to attract additional street life, which contributes to the unique experience of downtown Milwaukie.

1. New regulations would require that nonresidential and mixed use development with site areas greater than 20,000 sq ft (about 1/2 block in downtown Milwaukie) include a public space of at least 400 sq ft, or 2% of the site area. These spaces must be enclosed on at least two sides by "active" uses; this creates a comfortable space as well as a safer space. The public spaces must be accessible from sidewalk level to ensure they are both universally accessible and highly visible.

2. New regulations for mixed-use buildings that include 4 or more residential units, as well as standalone residential buildings, require the inclusion of at least 50 sq ft open space per dwelling unit, to be provided through private open space, common open space, or a combination of the two. Private open space can consist of a porch, deck, balcony, patio, or other area. Common open space can be located in courtyards, roof decks or gardens, play areas, recreation rooms, lobbies, etc. Credits are available for the provision of additional private open space, as well as for developments that are directly adjacent to an improved public park (which means a park that is something other than a vacant, unimproved lot). In downtown, this would include Scott Park and Dogwood Park.

UNDERLINE/STRIKEOUT AMENDMENTS

CHAPTER 19.500

SUPPLEMENTARY DEVELOPMENT REGULATIONS

19.504 SITE DESIGN STANDARDS

19.504.6 Transition Area Measures

Where commercial or industrial development is proposed adjacent to properties zoned 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. ~~The downtown zones are exempt from this subsection.~~

- A. All yards that abut, or are adjacent across a right-of-way from, a lower-density zone shall be at least as wide as the required front yard width of the adjacent lower-density zone. This additional yard requirement shall supersede the base zone yard requirements for the development property where applicable.
 - B. All yards that abut, or are adjacent across a right-of-way from, a lower-density zone shall be maintained as open space. Natural vegetation, landscaping, or fencing shall be provided to the 6-ft level to screen lower-density residential uses from direct view across the open space.
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19.505 BUILDING DESIGN STANDARDS

19.505.3 ~~Design Standards for Multifamily Housing~~

B. Applicability

The design elements in Table 19.505.3.D in this subsection apply, as described below, to all multifamily and congregate housing developments with 3 or more dwelling units on a single lot, ~~except within the downtown zones of Section 19.304~~. 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 multifamily 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.

Proposed Code Amendment with Commentary

- 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.

Note: Because Section 19.508 is a new code section, the proposed amendments for this section do not include underline/ strikeout notations.

19.508 DOWNTOWN SITE AND BUILDING DESIGN STANDARDS

This section contains building design standards to be used with the Type I and II Downtown Design Reviews as established in Section 19.907 and to provide additional direction when the Downtown Design Guidelines are applied through a Type III Downtown Design Review process.

19.508.1 Purpose

The design standards contained in this section are intended to encourage building design and construction with durable, high-quality materials. The design standards will support the development of a cohesive, attractive, and safe downtown area and encourage private investment. The design standards do not prescribe a particular building or architectural style. Compliance with the standards is reviewed as part of a Type I or II Downtown Design Review.

19.508.2 Applicability

The design standards in this section generally apply to the street-abutting facades of nonresidential, mixed use and residential-only multifamily buildings within the downtown zones. More detailed applicability language is provided at the beginning of each specific standard. Development is subject to the standards of this section as described below.

A. New development

1. All new development is subject to the standards of this section.
2. New development that does not meet one or more standards of this section is subject to Type III Downtown Design Review per Section 19.907 and review against the purpose statement and Downtown Design Guideline(s) related to that standard.

B. Expansions, additions, and/or changes to existing buildings or structures

The following elements are applicable to the expansions of and/or additions to existing buildings or structures. Elements that are applicable to expansions or additions do not apply

Proposed Code Amendment with Commentary

to existing buildings unless stated below. Expansions or additions that bring the building or structure out of conformance, or further out of conformance if already nonconforming, with the applicable design standard or standards are subject to Chapter 19.800 Nonconforming Uses and Development or Chapter 19.907 Downtown Design Review.

1. Expansions or additions that add 250 sq ft or less, and are not visible from the pedestrian level of adjacent streets, sidewalks, courtyards, and/or public parks or pedestrian walkways are exempt from the design standards of Section 19.508.
2. Expansions or additions to the street-abutting façade are subject to the following standards:
 - a. Subsection 19.508.4.A.2. Building Façade Details for the area of expansion or addition only.
 - b. Subsection 19.508.4.B Corners if applicable.
 - c. Subsection 19.508.4.C Weather Protection if the addition or expansion includes a building entry.
 - d. Subsection 19.508.4.D.3 For existing development, only for the area of the expansion.
 - e. Subsection 19.508.4.E Windows and Doors, only for the area of expansion or addition.
 - f. Subsection 19.508.4.F Roofs and Rooftop Equipment for expansions that include an additional floor, a new roof, and/or new rooftop equipment.
 - g. Subsection 19.508.4.G Open Space/Plazas.

C. Replacement of materials

The following elements are applicable for work that would replace any of the façade materials on a building or change elements of the façade such as windows, doors, awnings, canopies, and other structural elements. The element applies only to the portion of the facade on which the new materials are installed or the structural element being replaced.

1. Subsection 19.508.4.A.2.a(1)(b) for replacement of more than 25% of the building façade materials.
2. Subsection 19.508.4.A.2.a(2)(b) for replacement of more than 25% of the building façade materials..
3. Subsection 19.508.4.A.2.b Horizontal Building Façade for replacement of more than 25% of the building façade materials.
4. Subsection 19.508.4.D.3 For existing development.

- D. Any activity not described in Subsections 19.508.2.A-C is exempt from the design standards of this section.

19.508.3 Review Process

Design standards for development in downtown Milwaukie are applied through Downtown Design Review as established in Section 19.907. Projects subject to Downtown Design Review are described in the applicability language in Subsection 19.907.3.

For those projects that are subject to Downtown Design Review, there are three possible review paths. Regardless of the review process, the applicant must demonstrate how the applicable standards or guidelines are being met.

Proposed Code Amendment with Commentary

A. Type I

This provides for a Type I review process using clear and quantifiable design standards. It is intended to apply limited design standards to smaller building and site renovation projects.

B. Type II

This provides for a Type II process that requires staff review utilizing clear and quantifiable design standards. It generally applies to new development and renovation/remodeling projects.

C. Type III

This provides for a discretionary Type III review process through which the Design and Landmarks Committee and Planning Commission determine substantial consistency with the *Milwaukie Downtown Design Guidelines* document. The discretionary process uses design guidelines that are more discretionary in nature and are intended to provide the applicant with more design flexibility.

Designing a project to meet the quantifiable design and development standards would result in an administrative (Type I or Type II) review process. However, applicants, at their discretion, may choose to use the Type III process with the Design and Landmarks Committee and Planning Commission.

19.508.4 Building Design Standards

All buildings that meet the applicability provisions in Subsection 19.508.2 shall meet the following design standards. An architectural feature may be used to comply with more than one standard.

A. Building Façade Details

1. Purpose

To provide cohesive and visually interesting building facades in the downtown, particularly along the ground floor.

2. Nonresidential and mixed use buildings

The following standards apply only to nonresidential and mixed use buildings.

a. Vertical building façade

Nonresidential and mixed use buildings two stories and above shall provide a defined base, middle, and top.

(1) Base

The base extends from the sidewalk to the bottom of the second story or the belt course/string course that separates the ground floor from the middle of the building. The building base shall be defined by providing all of these elements:

- (a) The street-facing ground floor shall be divided into distinct architectural bays that are no more than 30 feet on center. For the purpose of this standard, an architectural bay is defined as the zone between the outside edges of an engaged column, pilaster, post, or vertical wall area.
- (b) The building base shall be constructed of brick, stone, or concrete to create a "heavier" visual appearance.

Proposed Code Amendment with Commentary

(c) Weather protection that complies with the standards of MMC 19.508.3.

(d) Windows that comply with the standards of MMC 19.508.5.

(2) Middle

The middle of a building extends from the top of the building base to the ceiling of the highest building story. The middle is distinguished from the top and base of the building by use of building elements. The middle of the building shall be defined by providing all of the following elements:

(a) Windows that comply with the standards of MMC 19.508.5.

(b) One of the following elements:

(i) A change in exterior cladding, and detailing and material color between the ground floor and upper floors. Differences in color must be clearly visible.

(ii) Street-facing balconies or decks of at least 2 feet in depth and 4 feet in width, or a [6-8]-foot minimum building step-back on the third floor or higher for at least [25]% of the length of the building.

(c) A change in wall plane of not less than [24] inches in depth and [24] inches in width. Breaks may include but are not limited to an offset, recess, window reveal, pilaster, pediment, coursing, column, marquee, or similar architectural feature.

(3) Top

The top of the building extends from the ceiling of the uppermost floor to the highest vertical point on the roof of the building, and is the roof form/element at the uppermost portion of the façade that visually terminates the façade. The top of the building shall provide the following:

(a) Roofs that comply with the standards of MMC 19.508.6.

b. Horizontal building facade

(1) Horizontal datum lines, such as belt lines, cornices, or upper floor windows, shall line up with adjacent facades if applicable.

(2) Significant breaks shall be created along building facades at least every 150 linear feet by either setting the façade back at least 20 feet or breaking the building into separate structures. Breaks shall be at least 15 feet wide and shall be continuous along the full height of the building.

3. Residential buildings

The objective standards of Table 19.505.3.D Building Façade Design apply to stand-alone multifamily residential buildings in downtown. The standards in this section do not apply to rowhouses or live/work units. Rowhouses and live/work units are subject to the design standards in Section 19.505.5 Standards for Rowhouses, as revised by Subsection 19.304.3.B.

B. Corners

1. Purpose

To create a strong architectural statement at street corners and establish visual landmarks and enhance visual variety.

Proposed Code Amendment with Commentary

2. Nonresidential or mixed use buildings

Nonresidential or mixed-use buildings at the corner of two public streets or a street and public area, park or plaza (for the purposes of this standard an alley is not considered a public street) shall incorporate two of the following features:

- a. Locate the primary entry to the building at the corner;
- b. A prominent architectural element, such as increased building height or massing, a cupola, a turret or a pitched roof at the corner of the building or within 20 feet of the corner of the building;
- c. The corner of the building cut at a 45 degree angle, or a similar dimension “rounded” corner;
- d. A combination of special paving materials, street furnishings and, where appropriate, plantings, in addition to the front door.

C. Weather Protection

1. Purpose

Create an all-season pedestrian environment.

2. Weather protection required

All buildings shall provide weather protection for pedestrians as follows:

- a. Minimum weather protection coverage.
 - (1) All ground-floor building entries shall be protected from the weather by canopies, or recessed behind the front building façade at least 3 feet.
 - (2) Permanent awnings, canopies, recesses or similar weather protection shall be provided along at least 50 percent of the ground-floor elevation(s) of a building where the building abuts a sidewalk, civic space, or pedestrian access way.
 - (3) Weather protection used to meet the above standard shall extend at least 4 feet and no more than 6 feet over the pedestrian area, and a maximum of 4 feet into the public right-of-way. Balconies meeting these dimensional requirements can be counted toward this requirement.
 - (4) In addition, the above standards do not apply where a building has a ground-floor dwelling, as in a mixed-use development or live-work building, and the dwelling entrance has a covered entrance.
- b. Weather protection design. Weather protection shall comply with applicable building codes, and shall be designed to be visually compatible with the architecture of a building. Where applicable, weather protection shall be designed to accommodate pedestrian signage (e.g., blade signs) while maintaining required vertical clearance.

D. Exterior Building Materials

1. Purpose

To encourage the construction of attractive buildings with materials that evoke a sense of permanence and are compatible with downtown Milwaukie and the surrounding built and natural environment.

2. Exterior wall standards

Proposed Code Amendment with Commentary

The following standards are applicable to the exterior walls of all new buildings facing streets, courtyards, and/or public squares in all of the downtown. Table 19.508.4.D specifies the primary, secondary and prohibited material types referenced in this standard.

- a. Buildings shall utilize primary materials for at least 65% of each building facade.
 - b. Secondary materials are permitted on no greater than 35% of each building facade.
 - c. Accent materials are permitted on no greater than 10% of each building facade as trims or accents (e.g. flashing, projecting features, ornamentation, etc.).
 - d. Buildings shall not utilize materials listed as prohibited.
3. For existing development

Facade modifications that affect more than 50% of the facade shall comply with standards in this section. The Planning Director may waive this requirement if application of the standards would create an incongruous appearance of existing and new materials.

**Table 19.508.4.D
Downtown Exterior Building Materials**

Material Type	Nonresidential and Mixed Use	Residential
Brick	P	P
Stone/masonry	P	P
Genuine stucco	P	P
Glass (transparent, spandrel)	P	P
Finished wood, wood veneers and wood siding	P	P
Finished metal panels, such as anodized aluminum, stainless steel or copper, featuring a polished, brushed or patina finish	S	S
Concrete blocks with integral color (ground, polished or glazed finishes)	S	S
Concrete (poured in place or precast)	S	S
Fiber reinforced cement siding and panels	S	S
Ceramic tile	S	S
Concrete blocks with integral color (split face finish)	A	A
Standing seam and corrugated metal	A	A
Glass block	A	A
Vegetated wall panels or trellises	A	A
Vinyl siding	N	N
Exterior insulation finishing system (EIFS)	N	N
Plastic or vinyl fencing	N	N
Chain link fencing	N	N

P = Primary Material

S = Secondary Material

A = Accent Material

N = Prohibited Material

E. Windows and Doors

Proposed Code Amendment with Commentary

1. Purpose

To enhance street safety and provide a comfortable pedestrian environment by adding interest to exterior facades, allowing for day lighting of interior space and creating a visual connection between interior and exterior spaces.

2. Main Street

For block faces along Main Street, 50% of the ground-floor street wall area must consist of openings; i.e., windows or glazed doors. The ground-floor street wall area is defined as the area up to the finished ceiling height of the space fronting the street or 15 feet above finished grade, whichever is less.

3. Other streets

For all other block faces, the exterior wall(s) of the building facing the street/sidewalk must meet the following standards:

- a. 40% of the ground-floor street wall area must consist of openings; i.e. windows or glazed doors.
- b. Along McLoughlin Blvd the required coverage is 30%. The provisions of B(2) through B(6) also apply.

4. Upper level

Along all block faces, the following standards are applicable on the upper level building facades facing a street or public space.

- a. Upper building stories shall provide a minimum of 30% glazing. For the purposes of this standard, minimum glazing includes windows and any glazed portions of doors.
- b. The required upper floor window/door percentage does not apply to floors where sloped roofs and dormer windows are used.
- c. A minimum of 60% of all upper floor windows shall be vertically oriented. This vertical orientation applies to grouped window arrays as opposed to individual windows [illustrated/described in a figure or definition].

5. General standards

- a. Windows shall be designed to provide shadowing. This can be accomplished by recessing windows 4 inches into the façade and/or incorporating trim of a contrasting material or color.
- b. All buildings with nonresidential ground-floor windows must have a visible transmittance (VT) of 0.6 or higher.
- c. Doors and/or primary entrances must be located on the street-facing block faces and must be unlocked when the business located on the premises is open. Doors/entrances to second-floor residential units may be locked.
- d. The bottom edge of windows along pedestrian ways shall be constructed no more than 30 inches above the abutting walkway surface.
- e. Ground-floor windows for nonresidential buildings shall allow views into storefronts, working areas, or lobbies. No more than 50 percent of the window area may be covered by interior furnishings including but not limited to curtains, shades, signs, or shelves.

Proposed Code Amendment with Commentary

- f. Signs are limited to a maximum coverage of 20 percent of the required window area.

6. Prohibited window elements

For all building windows facing streets, courtyards, and/or public squares in the downtown, the following window elements are prohibited:

- a. Reflective, tinted, or opaque glazing
- b. Simulated divisions (internal or applied synthetic materials)
- c. Exposed, unpainted metal frame windows

F. Roofs and Rooftop Equipment

1. Purpose

To create a visually interesting condition at the top of the building that enhances the quality and character of the building.

2. Roof forms

- a. The roof form of a building shall follow one (or a combination) of the following forms:
 - (1) Flat roof with parapet or cornice
 - (2) Hip roof
 - (3) Gabled roof
 - (4) Dormers
 - (5) Shed roof.
- b. All flat roofs or those with a pitch of less than [4/12-5/12] shall be architecturally treated or articulated with a parapet wall that projects vertically above the roof line at least 12 inches and/or a cornice that projects from the building face at least 6 inches.
- c. All hip or gables roofs exposed to view from adjacent public or private streets and properties shall have a minimum [4/12-5/12] pitch.
- d. Sloped roofs shall have eaves, exclusive of rain gutters, that project from the building wall at least 12 inches.
- e. When an addition to an existing structure or a new structure is proposed in an existing development, the roof forms for the new structure(s) shall have similar slope and be constructed of the same materials as the existing roofing.

3. Rooftop equipment and screening

- a. The following rooftop equipment does not require screening:
 - (1) Solar panels, wind generators, and green roof features;
 - (2) Equipment under two feet in height, if set back a minimum of 5 ft from the outer edge of the roof.
- b. Elevator mechanical equipment may extend above the height limit a maximum of 16 feet provided that the mechanical shaft is incorporated into the architecture of the building.

Proposed Code Amendment with Commentary

- c. Satellite dishes, communications equipment and all other roof-mounted mechanical equipment shall be limited to 10 feet in height, shall be set back a minimum of 10 feet from the roof edge and shall be screened from public view and from views from adjacent buildings by one of the following methods:
 - (1) A screen around the equipment that is made of a primary exterior finish material used on other portions of the building or wood fencing or masonry;
 - (2) Green roof features or regularly maintained dense evergreen foliage that forms an opaque barrier when planted.
- d. Required screening shall not be included in the building's maximum height calculation.

4. Rooftop structures

Rooftop structures related to shared outdoor space, such as arbors, trellises, or porticos related to roof decks or gardens, shall not be included in the building's maximum height calculation, as long as they do not exceed 10 feet in height.

19.508.5 Site Design Standards

A. Open Space/Plazas

1. Intent

To assure adequate public and private open space in the downtown.

2. Nonresidential and mixed use developments

The following standards apply to nonresidential and mixed use developments greater than 20,000 square feet.

- a. Development projects with site areas greater than 20,000 square feet shall include at least one public space with a minimum size of [400] square feet or 2% of the site area, whichever is larger.
- b. Public spaces shall be abutted on at least two sides by retail shops, restaurants, [offices], or services with windows and [primary] entrances fronting on the space.
- c. Public spaces must be accessible at grade adjacent to the sidewalk. Other portions of the public space may be above or below grade.

3. Mixed use and residential development

The following standards apply to mixed use buildings with more than 4 residential units and residential-only multifamily developments. These standards apply in addition to the standards of Subsection 19.508.5.2 above.

a. Open space required

50 square feet of private or common open space is required for each dwelling unit. The open space may be allocated exclusively for private or common use or may be a combination of the two uses.

b. Common Open Space

- (1) Common open space may be provided in the form of decks, shared patios, roof gardens, recreation rooms, lobbies or other gathering spaces created strictly for the tenants and not associated with storage or circulation. Landscape buffer areas may not be used as common open space unless

Proposed Code Amendment with Commentary

active and passive uses are integrated into the space and its use will not adversely affect abutting properties.

- (2) With the exception of roof decks or gardens, common open space shall be abutted on at least two sides by residential units or by nonresidential uses with windows and entrances fronting on the space.

c. Private Open Space

- (1) Private open space may be provided in the forms of a porch, a deck, a balcony, a patio or other private outdoor area.
- (2) The private open space provided shall be contiguous with the unit.
- (3) Balconies used for entrances or exits shall not be considered as private open space except where such exits or entrances are for the sole use of the unit.
- (4) Balconies may project up to a maximum of 4 feet into the public right-of-way.

d. Credit for open space

An open space credit of 50% may be granted when a development is directly adjacent to an improved public park.

19.508.6 Variances

Variances cannot be granted for the design standards of Section 19.508. Projects that cannot meet the design standards in this section must be reviewed through a Type III Downtown Design Review and demonstrate compliance with the Milwaukie Downtown Design Guidelines, pursuant to Section 19.907.

COMMENTARY

CHAPTER 19.600

OFF-STREET PARKING AND LOADING

This chapter is revised to remove references to the Public Area Requirements and the Downtown Storefront Zone DS and Downtown Office Zone DO and to incorporate references to the proposed Downtown Mixed Use Zone DMU.

UNDERLINE/STRIKEOUT AMENDMENTS

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 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 ~~and the Milwaukie Downtown and Riverfront Plan Public Area Requirements, which is an ancillary document to the Comprehensive Plan.~~ 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.

19.605 VEHICLE PARKING QUANTITY REQUIREMENTS

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

~~The Downtown Storefront (DS) Zone and the portion of the Downtown Office (DO) Zone north of Washington Street and east of McLoughlin Boulevard are exempt from the requirements of Section 19.605.~~

19.606 PARKING AREA DESIGN AND LANDSCAPING

19.606.2 Landscaping

B. General Provisions

1. Parking area landscaping shall be required for the surface parking areas of all uses, except for cottage clusters, rowhouses, duplexes, and single-family detached dwellings. Landscaping shall be based on the standards in Subsections 19.606.2.C-E.
2. Landscaped areas required by Subsection 19.606.2 shall count toward the minimum amount of landscaped area required in other portions of Title 19.
3. Parking areas with 10 or fewer spaces in the Downtown Mixed Use Storefront Zone ~~and the portion of the Downtown Office Zone located to the north of Washington Street~~

Proposed Code Amendment with Commentary

and east of McLoughlin Boulevard, are exempt from the requirements of Subsection 19.606.2.

19.608 LOADING

19.608.1 General Provisions

- A. The purpose of off-street loading areas is to contain loading activity of goods on-site and avoid conflicts with travel in the public right-of-way; provide for safe and efficient traffic circulation on the site; and minimize the impacts of loading areas to surrounding properties.
 - B. Off-street loading areas may be required for commercial, industrial, public, and semipublic uses for the receipt or distribution of merchandise, goods, or materials by vehicles. Off-street loading is not required in the Downtown Mixed Use Storefront and Downtown Office Zones.
-

19.609 BICYCLE PARKING

19.609.1 Applicability

Bicycle parking shall be provided for all new commercial, industrial, community service use, and multifamily 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 ~~downtown zones~~ and at transit centers.

19.611 PARKING STRUCTURES

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

19.611.1 Permitted Zones and Review Procedures

- A. Parking structures, including underground parking, are allowed in all zoning districts except the R-10, R-7, R-5, and ~~Downtown~~ Open Space Zones. A parking structure can be permitted through approval of a Community Service Use application in all zones except the ~~Downtown~~ Open Space Zone.
-

COMMENTARY

CHAPTER 19.700

PUBLIC FACILITY IMPROVEMENTS

19.710 DOWNTOWN REIMBURSEMENT

This provision was effective from March 13, 2013, and was automatically repealed on March 13, 2014, per the adopting ordinance. It is being deleted.

UNDERLINE/STRIKEOUT AMENDMENTS

CHAPTER 19.700

PUBLIC FACILITY IMPROVEMENTS

~~19.710 DOWNTOWN REIMBURSEMENT~~

~~19.710.1 Reimbursement Eligibility~~

~~In downtown zones, the City will reimburse property owners for certain expenditures related to frontage improvements. The City will reimburse those requesting reimbursement for expenditures that meet all of the following criteria:~~

- ~~A. The expenditure is required as a prerequisite to obtaining a development or building permit.~~
- ~~B. The development approved by the permit for which the expenditure was a prerequisite, has been completed in its entirety.~~
- ~~C. The expenditure is either a payment made to the City as a fee in lieu of construction pursuant to Section 19.706, or is the amount paid to construct right-of-way frontage improvements, pursuant to Subsection 19.703.3.B.~~
- ~~D. The fee in lieu of construction was paid to the City, or the right-of-way permits for the frontage improvements were issued, between the dates of August 1, 2012, and March 21, 2013, the effective date of Ord. #2059.~~
- ~~E. The development or change in use would have been exempt under Subsection 19.702.3.B.~~
- ~~F. The expenditures for which reimbursement is requested were made by the party or parties requesting reimbursement or the successors in interest of such parties.~~

Proposed Code Amendment with Commentary

19.710.2 Reimbursement Amount

- A. ~~Reimbursement by the City under this subsection shall be for one of the following expenses:~~
1. ~~The total amount paid to the City by the party or parties requesting reimbursement as a fee in lieu of construction for right-of-way improvements on the property's frontage.~~
 2. ~~The total amount expended by the party or parties requesting reimbursement on right-of-way improvements along the property's frontage.~~
- B. ~~The following expenses are not eligible for reimbursement by the City: system development charges, improvements identified as required mitigation by a Traffic Impact Study per Section 19.704, permit fees, or inspection fees.~~

19.710.3 Reimbursement Process

- A property owner in a downtown zone must initiate the reimbursement process by submitting a written request for reimbursement to the Community Development Director.
- A. ~~The written request for reimbursement must include the following information:~~
1. ~~The address or tax lot number of the property in question.~~
 2. ~~The name of the person or persons (individual or corporate) that are requesting the reimbursement.~~
 3. ~~Documentation of current ownership of the property in question.~~
 4. ~~The amount of the requested reimbursement.~~
 5. ~~Written documentation of the payment to the City of a fee in lieu of construction or the amount expended on the construction of right-of-way improvements, by the party or parties requesting reimbursement, or the predecessors in interest to such parties.~~
 6. ~~A copy of the decision requiring the construction of the subject right-of-way improvements, or a receipt for the payment of the subject fee in lieu of construction, for which reimbursement is requested.~~
- B. ~~Upon receipt of a written request for reimbursement, the Community Development Director shall review the request for consistency with the requirements and standards of this section. This review is not a land use decision.~~
- C. ~~Upon approval of a reimbursement request, the City shall make the funds payable to the requesting party or parties within 60 days.~~

19.710.4 Time Limit on Reimbursement

~~Section 19.710 shall be effective for one year from March 21, 2013, the effective date of Ord. #2059. On the 365th day after the effective date, this section shall be automatically repealed, no longer part of the Milwaukie Municipal Code, and no longer of any effect within the city.~~

COMMENTARY

CHAPTER 19.900

LAND USE APPLICATIONS

19.907 DOWNTOWN DESIGN REVIEW

Overview

Currently, all new development in downtown Milwaukie is subject to Type III Downtown Design Review and evaluation for substantial consistency with the *Downtown Design Guidelines*. Type III DDR requires review and recommendation by the Design and Landmarks Committee, and approval by the Planning Commission. The process is very discretionary and the outcome is unknown; typically, the proposal must be quite advanced to provide the level of detail need to review the proposal against the guidelines. This process introduces both time (cost) and uncertainty (risk) to the process.

The proposed amendments would streamline the review process for new development and additions that comply with all of the Downtown Site and Design Standards of Section 19.508. A developer desiring more flexibility would have the option to choose a Type III process and review against the Downtown Design Guidelines.

Due to the significant revisions to this section of the code, staff is recommending that the existing Section 19.907 Downtown Design Review be repealed and replaced. Therefore the proposed amendments for this section do not include underline/ strikeout notations. The policy changes included in the proposal are instead described in detail in this Commentary document.

19.907.2 Applicability

A. Exemptions

As proposed, demolitions, small additions that are not visible from the street, maintenance, and repair of a building would be exempt from Downtown Design Review.

B. Type I

In a Type I review, staff reviews the proposal against clear and objective standards. Generally, smaller upgrades or renovations (such as relocating entry doors, replacing windows, or modifying on-site landscaping, and limited increases in floor area) would be reviewed through Type I administrative review. In order to comply with state law, standalone residential buildings would also be permitted through Type I review if they meet all of the Type I multifamily design standards of Table 19.505.3.D. Applicants can choose to request review of standalone multifamily buildings through Downtown Design Review, but cannot be required to do so.

C. Type II

In a Type II review, staff reviews the proposal against quantifiable standards. A minimal amount of discretion is required to determine if the proposal meets all applicable standards. Generally, larger expansions or renovations that meet the design standards of Section 19.508 can be approved through Type II review. In addition, new construction that meets all of the standards of Section 19.508, as well as new multifamily buildings that meet all of the design guidelines of Table 19.505.3.D, could be approved through Type II review.

D. Type III

The discretionary Type III process would be available for projects that desired additional flexibility, that was unable to meet one or more design standards of Section 19.508, or was unusual enough to not be captured under the applicability for Type I or Type II review.

19.907.3 Review Process

A. New language clarifies the extent of downtown design review, which is limited to the portion of the site or structure being modified.

B. Review Types. This section outlines the 3 review processes available for approval. The Type I option is a ministerial review track, Type II is an administrative review track, and Type III is an optional discretionary review track. The type of review process is determined by the scale of the project and whether it complies with the design guidelines of Section 19.508.

19.907.4 Application

This section describes the information and materials that must be submitted with an application for Downtown Design Review. Generally, these materials include sufficient information to review the exterior materials, colors, and architectural features, as well as site design such as open space.

19.907.5 Approval Criteria

Revised language clarifies the approval criteria for each level of land use review.

19.907.6 Report and Recommendation by Design and Landmarks Committee

Existing language describing the role of the Design and Landmarks Committee (DLC) is retained. The DLC reviews Type III Downtown Design Review applications at a public meeting and makes a recommendation to the Planning Commission.

19.907.7 Variances

New language clarifies that variances cannot be granted for the downtown site and design standards of Section 19.508; proposals that do not meet the standards must use the Type III discretionary review process.

UNDERLINE/STRIKEOUT AMENDMENTS

CHAPTER 19.900

LAND USE APPLICATIONS

CHAPTER 19.900 LAND USE APPLICATIONS

19.907 DOWNTOWN DESIGN REVIEW

19.907.1 Purpose

Downtown Design Review is intended to achieve the following purposes:

- A. Preserve and enhance the character of downtown Milwaukie;
- B. Ensure a degree of order, harmony, and quality in the downtown, providing buildings and projects that are attractive individually yet contribute to a downtown that is unified and distinctive as a whole;
- C. Ensure that new development and alterations or enlargement of existing development are consistent with the downtown site and building design standards of Section 19.508 or Downtown Design Guidelines;
- D. Implement the vision of the Downtown and Riverfront Land Use Framework Plan; and
- E. Provide a design review process that allows applicants to choose standards or more flexible discretionary guidelines.

19.907.2 Applicability

Applications for Downtown Design Review shall be processed through a Type I, II, or III procedure in accordance with Chapter 19.1000, as follows:

A. Exemptions

Downtown Design Review does not apply to the following projects:

1. Demolition, unless listed on the City of Milwaukie Historic Resource Inventory and subject to the standards of Section 19.403
2. Building additions of less than 250 square feet that are not visible from streets, sidewalks, courtyards, and/or public parks or pedestrian walkways
3. Maintenance, restoration and repair of a building in a manner that is consistent with previous approvals and/or necessary for safety. Examples include paint retouching and other routine upkeep of the building exterior, and in-kind restoration or replacement of damaged materials. Maintenance, restoration, and repair does not include replacement of materials due to obsolescence.
4. Minor building or site upgrades needed to bring an existing development into compliance with the Americans with Disabilities Act
5. Exterior painting and weatherproofing
6. Any exterior project that doesn't require a building permit
7. Interior remodeling

B. Type I

Proposed Code Amendment with Commentary

The following projects are subject to Type I Downtown Design Review:

1. Demolition or replacement of less than 25% of the surface area of any exterior wall or roof
2. Addition, elimination, or change in location of windows that does not decrease the overall percentage of window coverage
3. Addition, elimination, or change in location of entry doors and loading doors.
4. Addition of new, or change to existing, awnings, canopies, and other mounted structures to an existing façade
5. For commercial and mixed use developments, modification of up to 15% of on-site landscaping with no reduction of the overall landscaping percentage. Modification refers to changing the hardscape elements and the location of required landscaped areas and/or trees
6. Modification of an off-street parking area with no reduction in parking spaces or increase in paved area, including restriping.
7. Addition of new fences and/or retaining walls of 4 ft in height or less
8. Change of existing grade
9. An increase in floor area proposed for a nonresidential use of less than 10% up to a maximum of 2,000 square feet.
10. A reduction in the area reserved for common open space and/or usable open space which does not reduce the open space area below the minimum required or reduces the open space area by less than 10 percent. Reduction of the open space area below the minimum required requires Variance Review per Chapter 19.911.
11. A new stand-alone multifamily residential building or addition that meets the objective design standards in Table 19.505.3.D. Applicants may elect to process a stand-alone residential building through Type II Downtown Design Review if the applicant prefers to meet the design standards of Section 19.508.

C. Type II

The following projects are subject to Type II Downtown Design Review:

1. New development that meets the design standards of Section 19.508.
2. Demolition or replacement of more than 25% of the surface area of any exterior wall or roof
3. Addition, elimination, or change in location of windows that decreases the overall percentage of window coverage
4. For commercial and mixed use developments, modification of more than 15% of on-site landscaping or modification that results in a reduction of overall landscaping percentage. Modification refers to changing the hardscape elements and the location of required landscaped areas and/or trees
5. Modification of an off-street parking area that results in a reduction in parking spaces and/or an increase in paved area.
6. Addition of new fences and/or retaining walls of more than 4 ft in height

Proposed Code Amendment with Commentary

7. An increase in floor area proposed for a nonresidential use by more than 10% or 2,000 square feet, whichever is greater.
8. A reduction in the area reserved for common open space and/or usable open space which reduces the open space area by 10 percent or more
9. An increase in the height of an existing building
10. A reduction in the area reserved for common open space and/or usable open space which reduces the open space area below the minimum required or reduces the open space area by more than 10%.
11. A new stand-alone multifamily residential building or addition that satisfies the design guidelines in Table 19.505.3.D. Applicants may elect to process a stand-alone residential building through Type II Downtown Design Review if the applicant prefers to meet the design standards of Section 19.508.

D. Type III

The following projects are subject to Type III Downtown Design Review:

1. Any project, at the applicant's option
2. A project, addition, or expansion that is unable to meet one or more of the design standards of Sections 19.508.
3. A project that does not fit the applicability for Type I or Type II review.
4. Applicants may elect to process a stand-alone multifamily residential building through Type III Downtown Design Review rather than Type I or Type II Development Review if additional design flexibility is desired.

19.907.3 Review Process

A. General Provisions

Downtown design review generally includes review of the proposed structure(s) and site improvements for compliance with applicable design standards. For expansions or modifications of existing development, the review is limited to the modified portions of the site or structure and any other site improvements that may be affected by the proposed modifications.

B. Review Types

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

1. Type I

The ministerial review track provides for a Type I review process pursuant to Section 19.1004 using the design standards in Section 19.508. It is generally intended for smaller building and site renovation projects listed in Subsection 19.907.2.B.

2. Type II

The administrative review track provides for a Type II process pursuant to Section 19.1005 that requires staff review utilizing the standards in Section 19.508. It generally applies to new development and renovation/remodeling projects listed in Subsection 19.907.2.C.

3. Type III

Proposed Code Amendment with Commentary

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

C. Review Options

Designing a project to the design standards would result in a Type I or II review process. However, applicants, at their option, may choose to use Type III discretionary review.

Through Type III review, applicants can address Downtown Design Review requirements through a combination of satisfying certain design standards, and in instances where they elect not to utilize design standards, satisfy the purpose statement of the applicable standard or standards and the applicable design guidelines instead. In such a case, the public hearing and decision will focus on whether or not the project satisfies the requirements of the applicable design guidelines only.

19.907.4 Application

Applications for Downtown Design Review shall be filed with the Planning Department on forms prescribed by the Planning Director. The applicant shall demonstrate compliance with applicable zoning criteria. In addition to all information specified on the "Submittal requirements" and "Site plan requirements" forms, each application for Downtown Design Review shall be accompanied by the following information:

- A. Completed Downtown Design Review checklist (for Type III only).
- B. Written statement that describes the following:
 1. For Type I and II Downtown Design Review, how the proposal is consistent with applicable downtown design standards in Section 19.508.
 2. For Type III Design Review, how the proposal meets applicable design guidelines in the *Milwaukie Downtown Design Guidelines* document.
- C. Show footprints of surrounding buildings, including driveways and pedestrian connections.
- D. Location, dimension, and setbacks of all proposed buildings, structures, walls, and fences.
- E. Dimensioned building elevations indicating height, exterior materials, colors, and details of exterior architectural features, such as cornices, windows, and trim.
- F. A streetscape drawing showing the relationship of the proposed project to adjacent buildings.
- G. Frontage improvements in the public right-of-way per the Public Works Standards.

19.907.5 Approval Criteria

A. Type I Downtown Design Review

An application for Type I Downtown Design Review shall be approved when all of the following criteria have been met:

1. Compliance with Title 19
2. Compliance with applicable design standards in Section 19.508 and any prior land use approvals

Proposed Code Amendment with Commentary

B. Type II Downtown Design Review

An application for Type II Downtown Design Review shall be approved when all of the following criteria have been met:

1. Compliance with Title 19
2. Compliance with applicable design standards in Section 19.508

C. Type III Downtown Design Review

An application for Type III Downtown Design Review shall be approved when all of the following criteria have been met:

1. Compliance with Title 19
2. Compliance with applicable design standards in Section 19.508.
3. Substantial consistency with the purpose statement of the applicable design standard and the applicable Downtown Design Guideline(s) being utilized in place of an applicable design standard(s)

19.907.6 Report and Recommendation by Design and Landmarks Committee

The Design and Landmarks Committee shall hold a public meeting and prepare a Downtown Design Review report for Type III applications pursuant to Section 19.1011. The Planning Commission shall consider the findings and recommendations contained in the Downtown Design Review report during a public hearing on the proposal.

19.907.7 Variances

- A. Variances cannot be granted for the downtown design standards of Section 19.508. Applications unable to meet one or more standards must use the Type III discretionary Downtown Design Review process.
- B. For applications using the Type III Downtown Design Review process, variances will only be allowed for the development standards and design standards that are not met. Variances to the design guidelines themselves will not be granted.

UNDERLINE/STRIKEOUT AMENDMENTS

UPDATES FOR SECTION REFERENCES ONLY

19.708.1.C

C. Development in Downtown Zones

Street design standards and right-of-way dedication for the downtown zones are subject to the requirements of the Milwaukie Public Works Standards, which implement the streetscape design of the Milwaukie Downtown and Riverfront Plan: Public Area Requirements (PAR). Unless specifically stated otherwise, the standards in Section 19.708 do not apply to development located in the downtown zones or on street sections shown in the PAR per Subsection ~~19.304.5~~ 19.304.7.

19.1011.1.A.2:

2. If the applicant does not extend the 120-day decision requirement, the Planning Director shall prepare the design review recommendation in lieu of the Design and Landmarks Committee. The Planning Director's recommendation shall satisfy the requirement of Subsection ~~19.907.8~~ 19.907.6.
-

19.1011.3.D

- D. An abstaining or disqualified member of the committee shall be counted for purposes of forming a quorum. If all members of the committee abstain or are disqualified, the Planning Director shall prepare the design review recommendation in lieu of the Design and Landmarks Committee. The Planning Director's recommendation shall satisfy the requirement of Subsection ~~19.907.8~~ 19.907.6.

ATTACHMENT 4



MILWAUKIE
Dogwood City of the West

To: Planning Commission
From: Alicia Martin, Administrative Specialist
Date: January 6, 2015 for January 13, 2015 Meeting
Subject: Attachment 4 South Downtown Concept Plan

Please note that Attachment 4 of the staff report for Item 5.1 CPA-14-03/ZA-14-02 Downtown Plan and Code Amendments is provided only via link in the epacket to the document and can be viewed under the Supporting Documents here:

<http://www.milwaukieoregon.gov/communitydevelopment/south-downtown-concept-plan>.

If you have trouble accessing the link, feel free to contact Alicia Martin at (503) 786-7600 or martina@milwaukieoregon.gov.

ATTACHMENT 5

THIS IS TO NOTIFY YOU THAT THE CITY OF MILWAUKIE HAS PROPOSED A LAND USE REGULATION THAT MAY AFFECT THE PERMISSIBLE USES OF YOUR PROPERTY AND OTHER PROPERTIES

(Land Use File #CPA-14-02/ZA-14-02)



MILWAUKIE
Dogwood City of the West

WHY THE CITY IS SENDING THIS NOTICE

State law requires cities to inform property owners about proposed land use regulation changes that may affect what development projects or uses can be constructed or allowed on their property. The proposed changes affect properties within the downtown zones (*shown on map at right*). This notice is being sent to owners of property in Milwaukie's downtown zones, and to tenants in downtown buildings. The City of Milwaukie has determined that adoption of this ordinance may affect the permissible uses of your property, and other properties in the affected zone, and may change the value of your property.

HOW THE PROPOSED REGULATIONS MIGHT AFFECT YOUR PROPERTY

The land use regulations will revise the standards for downtown development and design, as well as land use review procedures for new development or additions. If you are considering development or redevelopment of a property in downtown, the proposed regulations may affect the standards the project is subject to and the process it would have to go through to gain approval.

WHY THE CITY IS PROPOSING NEW REGULATIONS

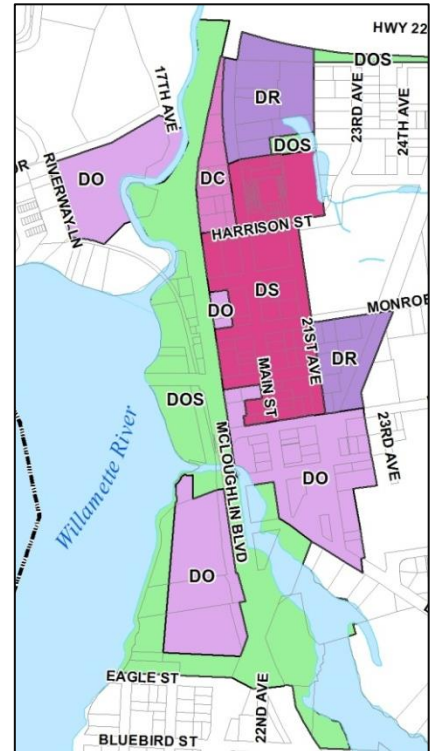
The regulations guiding development in downtown were adopted in 2000. Since that time, downtown property owners; downtown business owners; staff; and City leaders have recognized that the code, while its ultimate goals of a vibrant, pedestrian-friendly downtown remains valid, was actually preventing the type of development the community wanted to see downtown. As a result, the City is proposing to change its land use regulations, which are located in Title 19 of the Milwaukie Municipal Code, to revise the City's downtown use, development, and design standards and land use review procedures to remove barriers to realizing the community's vision for downtown.

THE PUBLIC PROCESS TO DATE

City Council directed the City's Planning Department to begin this project in early 2013. These proposed regulations are the result of a 16-month long project to update the City's downtown regulations and land use review procedures. To date, City staff has conducted interviews with community members; held four public events; and provided 8 staff updates to the Planning Commission. In September 2013, staff convened an 18-member project advisory committee (PAC) to guide the project policy. A full description of public outreach activities to date is located at www.milwaukieoregon.gov/planning/community-involvement-and-outreach-0. Although a great deal of work has been done, the project is ongoing and there are still opportunities for participation and comment.

HOW TO LEARN MORE ABOUT THE PROPOSED REGULATIONS

- Project information is available at www.milwaukieoregon.gov/planning/downtown-plan-and-code-refresh.
- The proposed regulations, all supporting documents, and all applicable City ordinances are available for inspection at the Johnson Creek Facility (6101 SE Johnson Creek Blvd), or online at www.milwaukieoregon.gov/planning/current-and-proposed-policies-1. Copies of the materials are available at a reasonable cost.



WHO TO CONTACT WITH QUESTIONS

Li Alligood, Senior Planner
Planning Department
6101 SE Johnson Creek Blvd, Milwaukie, OR 97206
Email: alligoodl@milwaukieoregon.gov / Phone: 503-786-7627

SUMMARY OF PROPOSED CHANGES

- The regulations apply to new construction and street-facing additions in the downtown zones.
- The four DC, DO, DR, and DS zones would be combined into one Downtown Mixed Use (DMU) zone
- Allowed uses for Main Street storefronts would expand from restaurant and retail to also include offices and personal/business services uses such as hair salons and dry cleaners.
- Proposed revisions to development standards include:
 - Reducing allowed building heights in much of downtown, with an allowance for height increases for the provision of residential units and additional open space.
 - Increasing minimum floor area (FAR) in the former DC and DO zones
 - Expanding the areas where new construction would be required to build to the sidewalk ("build-to line")
 - Removing off-street parking requirements for non-residential development and establishing requirements for residential development where they do not currently apply
 - Prohibiting surface parking lots within 50 ft of Main St
- Proposed revisions to design standards include:
 - Expanding the number of pedestrian-friendly design features for new buildings
 - Expanding the requirement for ground floor windows and doors beyond Main St
 - Establishing a new requirement that new buildings occupy a certain percentage of the lot frontage
 - Requiring the provision of open space for new development
- Proposed revisions to land use review procedures include:
 - Providing a streamlined review process for new development or expansions that meet all of the new design standards, and for nonconforming situations proposing to come closer into conformance with standards.

HOW TO COMMENT ON THE PROPOSED REGULATIONS

The Milwaukie Planning Commission will hold a public hearing on the proposed changes (Land Use File #CPA-14-02/ZA-14-02) at the date, time, and location listed below:

Date: Tuesday, January 13, 2015
Time: 6:30 p.m.
Location: Milwaukie City Hall – 10722 SE Main Street – Council Chambers, 2nd floor

The materials provided to the Planning Commission for the hearing will be available at 8:00 a.m. on Wednesday, **January 6, 2015**, at the Planning Department (6101 SE Johnson Creek Blvd), Ledding Library (local information shelf), City Hall (10722 SE Main St), and online at www.milwaukieoregon.gov/planning/planning-commission-118. If the Planning Commission recommends approval, the proposed regulations will be considered for adoption by the Milwaukie City Council at a future public hearing. Additional Planning Commission hearings are scheduled for **January 27, February 10, and February 24, 2015**.

The Planning Commission is interested in hearing your comments on this proposal. You are invited to attend the hearings and/or submit written comments to the Planning Department at alligoodl@milwaukieoregon.gov before the hearing begins. You may also submit written comments or present verbal testimony at the hearings.

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

Island Station Land Use Committee comments on proposed downtown code amendments

The three members of the Island Station Land Use Committee attended the October 29th open house and reviewed the October 21 “discussion draft,” and have the following comments and questions.

Downtown and Riverfront Framework Plan amendments

1. At page 4, section 1.5, among the language marked for strikeout is the reference to a grocery store. While we understand that the specific prescriptive language regarding location of a grocery store no longer makes sense, we do believe the Framework Plan should retain the idea of a grocery store or a food co-op as something desirable in downtown.

Zoning Ordinance amendments

1. Section 19.304.1: A question: in addition to the two proposed zones, shouldn't there be a “civic” or “community service” designation for City Hall and Ledding Library?
2. Table 19.304.1: We wondered why the indoor recreation use was being limited to for-profit businesses. Do we want to exclude nonprofits, e.g., YMCA or Boys and Girls Clubs?
3. Table 19.304.1, footnote 1: We believe the prohibition on ground floor residential and/or lobbies should extend a block or two north of Harrison – to mirror the existing North Main Village on the west side of Main Street.
4. Table 19.304.1, footnote 3: Why is the size limit only on retail sales? Shouldn't it apply to all uses on the ground floor?
5. Table 19.304.1, footnote 8: We feel the preclusion of industrial office uses on the ground floor should apply throughout downtown, not just on Main Street.
6. Table 19.304.2, building height: The three-short limit is contrary to what was the expressed preference of the majority residents who participated at various points in the process:
 - During the “Fresh Look Milwaukie” process, keeping building heights to three stories or less ranked very low among participants’ priorities. See pages 10-11 at http://www.milwaukieoregon.gov/sites/default/files/fileattachments/public_outreach_findings_report_align_planning_for_web.pdf
 - During that same process, of 134 respondents to the online (and paper copy) survey, only 28% were opposed to buildings over three stories in height. See page 70 at http://www.milwaukieoregon.gov/sites/default/files/fileattachments/public_outreach_findings_appendix_align_planning_for_web.pdf

We feel that the proposed three story limit with a bonus story for residential uses is appropriate for the west side of Main Street, but that there should be more flexibility to allow 4-5 story buildings on the east side of Main Street. This would accomplish a few desirable things: (1) allow more buildings to have upper floor units or offices with Willamette River views; (2) provides for more variability in building height, which is more attractive than having across-the-board identical heights; (3) taller buildings are more likely to “pencil out” for development sooner.

7. Table 19.304.2, footnote 3: We are concerned about exempting all non-residential uses from off-street parking requirements. This is particularly of concern with industrial office uses – office workers shuffling cars every two hours is already a problem. Unless the City is planning to build structured parking, we feel it would be worthwhile to allow an extra floor of building height to accommodate a floor of parking. And we suggest parking be required of office uses, and perhaps some of the other uses as well.
8. Section 19.907.7.B: Given that downtown lots are flat and generally rectangular, what kind of situations could arise where a development or design standard “could not be met”? Given that this is a variance requiring Planning Commission approval in any event, is this provision too prescriptive?
9. Table 19.508.1: Finished wood as the primary building exterior has been beautifully done on Belmont Street and in other mixed-use buildings around Portland (albeit usually above the first floor). Why exclude the possibility here?



MILWAUKIE

Dogwood City of the West

To: Planning Commission
From: Dennis Egner, Planning Director
Date: January 5, 2015 for January 13, 2015 Worksession
Subject: Worksession for Medical Marijuana Facilities

ACTION REQUESTED

No action requested.

SUMMARY

On January 27, 2014, the Planning Commission is scheduled to hold a public hearing on zoning ordinance amendments that will allow medical marijuana facilities (dispensaries) to be located in Milwaukie. The Commission previously held worksessions on this topic on July 22 and August 26, 2014. The purpose of the January 13, 2014 worksession is to provide an opportunity for the Commissioners to become reacquainted with the issues prior to the public hearing.

BACKGROUND

The key issues discussed by the Commission last year included:

School Buffers – In addition to state requirements for 1,000 foot buffers around schools, the Commission recommended that 1,000-ft buffers be provided around the two closed schools in Milwaukie (Wichita and Hector Campbell) since these schools still house some school and youth-related activities.

Buffers for Other Uses – The Commission recommended against requiring buffers around City parks, day-care and pre-school facilities, and youth facilities.

Commercial, Mixed Use, and Industrial Zones – The Commission proposed that marijuana facilities be allowed in commercial, industrial, and mixed use zones.

Co-Located Businesses – The Commission proposed that co-located businesses be prohibited. Following the Commission worksessions, staff discussed this concept with a

potential applicant for a medical marijuana facility. It was suggested that medical marijuana facilities might be appropriately paired with other medical providers such as naturopathic doctors, acupuncturists, and massage therapists. Staff has included this concept in the proposal.

Window Displays – The Commission proposed restrictions on window displays so that marijuana products are not visible from outside of the sales area of the dispensary.

Hours of Operation – The Commission proposed that hours of operation be regulated.

DISCUSSION

The proposed code amendments are attached. No deliberation by the Commission is recommended until after the hearing. If Commissioners have issues that they would like staff to research prior to the hearing please let staff know.

STAFF RECOMMENDATION

There is no staff recommendation at this time.

ATTACHMENTS

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

	PC Packet	Public Copies	E-Packet
1. Proposed Code Amendments	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. Medical Marijuana Eligible Areas Map	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Key:

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

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

E-Packet = packet materials available online at <http://www.milwaukieoregon.gov/planning/planning-commission-108>

Underline/Strikeout Amendments

Zoning Ordinance

CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS

19.201 DEFINITIONS

"Medical Marijuana Facility" means a business that dispenses medical marijuana in accordance with the regulations set forth by ORS Chapter 475 and related Oregon Administrative Rules. State-registered grow sites are not considered to be medical marijuana facilities and are not permitted under the City of Milwaukie's medical marijuana facility regulations.

CHAPTER 19.300 BASE ZONES

19.303 RESIDENTIAL-OFFICE-COMMERCIAL ZONE R-O-C

In an R-O-C Zone the following regulations shall apply:

19.303.1 Uses Permitted Outright

In an R-O-C Zone the following uses and their accessory uses are permitted outright:

- A. Single-family detached dwelling;
- B. Duplex;
- C. Residential home;
- D. Multifamily development;
- E. Congregate housing facility;
- F. Senior and retirement housing;
- G. Offices;
- H. Retail trade establishment such as a food store, drugstore, medical marijuana facility, gift shop, hardware store selling primarily from a shelf-goods inventory;
- I. Personal service business such as a barber shop, tailor shop, or laundry and dry cleaning pickup station;
- J. Funeral home;
- K. Commercial recreation and motion picture theater;
- L. Eating establishment;
- M. Hotel or motel;
- N. Parking facility;
- O. Repair, maintenance, or service of the type of goods to be found in any permitted retail trade establishment;
- P. Financial institution;
- Q. Trade or commercial school;

Proposed Code Amendment

- R. Department or furniture store;
- S. Any other use similar to the above and not listed elsewhere.

19.303.2 Conditional Uses Permitted

In an R-O-C Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 19.905:

- A. Boarding, lodging, or rooming house;
- B. Any other use similar to the above and not listed elsewhere.

19.303.3 Standards

In an R-O-C Zone the following standards shall apply:

- A. Lot size. Lot area shall be at least 5,000 sq ft. Lot area for the first dwelling unit shall be at least 5,000 sq ft and for dwelling units over 1 there shall be not less than an average of 1,400 sq ft. Lot width shall be at least 50 ft. Lot depth shall be at least 80 ft.
- B. Front yard. A front yard shall be at least 15 ft.
- C. Side yard. A side yard shall be at least 5 ft, and there shall be additional 1 ft of side yard for each 3 ft of height over 2 stories or 25 ft, whichever is less, except on corner lots a side yard shall be at least 15 ft on the side abutting the street.
- D. Rear yard. A rear yard shall be at least 15 ft.
- E. Off-street parking and loading. As specified in Chapter 19.600.
- F. Height restriction. Maximum height of a structure shall be 3 stories or 45 ft, whichever is less. 1 additional story may be permitted in excess of the required maximum standard. For each additional story, an additional 10% of site area beyond the minimum is required to be retained in vegetation.
- G. Use restrictions. Authorized commercial uses are permitted on the ground floor only. Office uses are permitted on the ground level and first floor. At least 50% of the floor area within a project shall be used for residential purposes.
- H. Lot coverage. Maximum area that may be covered by the principal structure and accessory buildings shall not exceed 50% of the total area of the lot.
- I. Minimum vegetation. Minimum area that must be left or planted in trees, grass, shrubs, barkdust for planting beds, etc., shall be 15% of the total area of the lot.
- J. Frontage requirements. Every lot shall abut a public street other than an alley for at least 35 ft, except as provided in the Land Division Ordinance.
- K. Transition area. A transition area shall be maintained according to Subsection 19.504.6.
- L. Minimum and maximum density. Residential densities for subdivision, planned development, mixed use development, and other proposals reviewed by the Planning Commission, pursuant to Section 19.1006 Type III Review, shall be at least 25 and not more than 32 dwelling units per net acre.
- M. Transportation requirements and standards. As specified in Chapter 19.700.

N. Medical marijuana facilities shall meet the following standards:

1. As set forth by Oregon Administrative Rules, a medical marijuana facility shall not be located within 1,000 feet of the real property comprising a public or private elementary,

Proposed Code Amendment

secondary or career school attended primarily by minors or within 1,000 feet of another medical marijuana facility. In addition, a medical marijuana facility shall not be located within 1,000 feet of the former Wichita and Hector-Campbell school sites.

2. Except as part of a medical clinic, a medical marijuana facility shall not be co-located inside of another business or use the same building entrance as another business. If operated as part of a medical clinic with multiple businesses providing health services, a medical marijuana facility may share an entrance, lobby, and reception area with the other health related businesses but the facility shall operate as a separate business and shall be physically separated with internal walls and door(s) from the other health providers in the clinic.
3. Display of marijuana products that are visible from outside of the facility is prohibited.
4. The hours of operation for medical marijuana facilities shall be limited to the hours between 9:00 AM and 9:00 PM.

19.303.4 Prohibited Uses

The following uses and their accessory uses are prohibited: Adult entertainment business.

Proposed Code Amendment

19.306 LIMITED COMMERCIAL ZONE C-L

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

19.306.1 Uses Permitted Outright

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

- A. Offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists, and others of a professional nature.
- B. Offices of administrative, editorial, educational, executive, financial, governmental, philanthropic, insurance, real estate, religious, research, scientific, or statistical organizations.
- C. Retail trade establishment such as a food store, drugstore, medical marijuana facility, gift shop, hardware store, selling primarily from a shelf-goods inventory.
- D. Personal service business such as a barber shop, tailor shop, or laundry and dry cleaning pickup station.
- E. Any other use similar to the above and not listed elsewhere.

19.306.2 Conditional Uses Permitted

In a C-L Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 19.905:

- A. Funeral home;
- B. Marina and boat sales;
- C. Parking facility;
- D. Repair, maintenance, or service of the type of goods to be found in any permitted retail trade establishment;
- E. Financial institution;
- F. Trade or commercial school;
- G. Single-family detached dwelling;
- H. Agricultural or horticultural use, provided that poultry or 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;
- I. Duplex or multifamily development;
- J. Senior and retirement housing;
- K. Residential home;
- L. Congregate housing facility;
- M. High-impact commercial, except adult entertainment businesses;
- N. Any other use similar to the above and not listed elsewhere.

19.306.3 Standards

In a C-L Zone the following standards shall apply:

Proposed Code Amendment

- A. Lot size. None, except as follows for dwelling. Lot area shall be at least 5,000 sq ft. Lot area for the first dwelling unit shall be at least 5,000 sq ft and for dwelling units over 1 there shall be not less than an average of 1,000 sq ft. Lot width shall be at least 50 ft. Lot depth shall be at least 80 ft.
- B. Front yard. None, except as provided in Subsections 19.306.3.E and 19.501.2.A.
- C. Side yard. None, except as provided in Subsections 19.306.3.E and 19.501.2.A.
- D. Rear yard. None, except as provided in Subsections 19.306.3.E and 19.501.2.A.
- E. Transition area. A transition area shall be maintained according to Subsection 19.504.6.
- F. Frontage requirements. Every lot shall abut a public street other than an alley for at least 35 ft except as permitted under the Land Division Ordinance.
- G. Off-street parking and loading. As specified in Chapter 19.600.
- H. Height restriction. Maximum height of any structure shall be 3 stories or 45 ft, whichever is less.
- I. Open use. A use not contained within an enclosed building, such as open storage, abutting or facing a residential zone, shall be screened with a sight-obscuring fence not less than 6 ft high.
- J. Minimum vegetation. Minimum area that must be left or planted in trees, grass, shrubs, barkdust for planting beds, etc., shall be 15% of the total area of the lot.
- K. Transportation requirements and standards. As specified in Chapter 19.700.
- L. Medical marijuana facilities shall meet the following standards:
 1. As set forth by Oregon Administrative Rules, a medical marijuana facility shall not be located within 1,000 feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors or within 1,000 feet of another medical marijuana facility. In addition, a medical marijuana facility shall not be located within 1,000 feet of the former Wichita and Hector-Campbell school sites.
 2. Except as part of a medical clinic, a medical marijuana facility shall not be co-located inside of another business or use the same building entrance as another business. If operated as part of a medical clinic with multiple businesses providing health services, a medical marijuana facility may share an entrance, lobby, and reception area with the other health related businesses but the facility shall operate as a separate business and shall be physically separated with internal walls and door(s) from the other health providers in the clinic.
 3. Display of marijuana products that are visible from outside of the facility is prohibited.
 4. The hours of operation for medical marijuana facilities shall be limited to the hours between 9:00 AM and 9:00 PM.

Proposed Code Amendment

19.306.4 Prohibited Uses

The following uses and their accessory uses are prohibited:

- A. Adult entertainment businesses.

19.307 GENERAL COMMERCIAL ZONE C-G

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

19.307.1 Uses Permitted Outright

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

- A. Offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists, and others of a professional nature;
- B. Offices of administrative, editorial, educational, executive, financial, governmental, philanthropic, insurance, real estate, religious, research, scientific or statistical organizations;
- C. Retail trade establishment such as a food store, drugstore, medical marijuana facility, gift shop, hardware store, selling primarily from a shelf-goods inventory;
- D. Personal service business such as a barber shop, tailor shop or laundry, and dry cleaning pickup station;
- E. A use permitted outright in this zone with drive-in service facilities;
- F. Funeral home;
- G. Eating establishment;
- H. Marina;
- I. Parking facility;
- J. Repair, maintenance, or service of the type of goods to be found in any permitted retail trade establishment;
- K. Financial institution;
- L. Trade or commercial school;
- M. Department or furniture store;
- N. Automobile, boat, trailer, or other vehicle or equipment sales and service;
- O. Car wash;
- P. Carpenter or cabinet shop;
- Q. Furniture upholstery;
- R. Building materials supply;
- S. Plumbing, heating, ventilation, or electrical shop;
- T. Printing plant;
- U. Repair garage;
- V. Automobile service station;
- W. Sign painting shop;
- X. Tire shop;
- Y. Any other use similar to the above and not listed elsewhere.

Proposed Code Amendment

19.307.2 Conditional Uses Permitted

In a C-G Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 19.905:

- A. Animal hospital or boarding kennel;
- B. Auditorium or stadium;
- C. Contractor's storage yard;
- D. Sheet metal shop;
- E. Agricultural or horticultural use, provided that poultry or 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;
- F. Drinking establishment;
- G. High-impact commercial, except adult entertainment businesses;
- H. Any other use similar to the above and not listed elsewhere.

19.307.3 Standards

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

- A. Lot size. None. Lot width shall be at least 50 ft. Average lot depth shall be at least 80 ft.
- B. Front yard. None, except as provided in Subsections 19.307.3.E and 19.501.2.A.
- C. Side yard. None, except as provided in Subsections 19.307.3.E and 19.501.2.A.
- D. Rear yard. None, except as provided in Subsections 19.307.3.E and 19.501.2.A.
- E. Transition area. A transition area shall be maintained according to Subsection 19.504.6.
- F. Frontage requirements. Every lot shall abut a public street other than an alley for at least 35 ft.
- G. Off-street parking and loading. As specified in Chapter 19.600.
- H. Height restriction. Maximum height of a structure shall be 3 stories or 45 ft, whichever is less.
- I. Lot coverage. Maximum area that may be covered by buildings and structures shall not exceed 85% of the total area of the lot.
- J. Open use. A use not contained within an enclosed building, such as open storage, abutting or facing a residential zone, or which would be visible from a public street, shall be screened with a sight-obscuring fence not less than 6 ft high.

Except for open storage, the following uses shall be conducted within an enclosed building:

- 1. Carpenter or cabinet shop;
- 2. Furniture upholstering;
- 3. Plumbing shop;
- 4. Repair garage;
- 5. Sign painting shop;
- 6. Tire shop;

Proposed Code Amendment

- 7. Heating or ventilation shop.
- K. Minimum vegetation. Minimum area that must be left or planted in trees, grass, shrubs, bark dust for planting beds, etc., shall be 15% of the total area of the lot.
- L. Transportation requirements and standards. As specified in Chapter 19.700.
- M. Medical marijuana facilities shall meet the following standards:
 - 1. As set forth by Oregon Administrative Rules, a medical marijuana facility shall not be located within 1,000 feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors or within 1,000 feet of another medical marijuana facility. In addition, a medical marijuana facility shall not be located within 1,000 feet of the former Wichita and Hector-Campbell school sites.
 - 2. Except as part of a medical clinic, a medical marijuana facility shall not be co-located inside of another business or use the same building entrance as another business. If operated as part of a medical clinic with multiple businesses providing health services, a medical marijuana facility may share an entrance, lobby, and reception area with the other health related businesses but the facility shall operate as a separate business and shall be physically separated with internal walls and door(s) from the other health providers in the clinic.
 - 3. Display of marijuana products that are visible from outside of the facility is prohibited.
 - 4. The hours of operation for medical marijuana facilities shall be limited to the hours between 9:00 AM and 9:00 PM.

19.307.4 Prohibited Uses

The following uses and their accessory uses are prohibited:

- A. Adult entertainment business.

Proposed Code Amendment

19.308 COMMUNITY SHOPPING COMMERCIAL ZONE C-CS

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

19.308.1 Uses

Development shall be a community-scale shopping center.

A. Such center shall include at least 3 out of the 4 following uses:

1. Department store uses;
2. Drug and/or variety store uses;
3. Food supermarket;
4. Retail specialty shops.

B. Such center may include the following additional uses:

1. Eating and drinking establishment;
2. Financial institution;
3. Entertainment use (theater, etc.);
4. Personal service businesses;
5. Repair, service or maintenance of goods authorized in this district;
6. Offices, clinics, or trade schools, provided no more than 15% of the total floor space of the center is devoted to such uses;

7. Medical marijuana facility;

~~7~~8. Any other uses determined by the Planning Commission to be similar and compatible to the above-listed uses.

C. Uses prohibited shall be: industrial, warehousing, vehicular sales or service, motels, adult entertainment business, machinery sales or repair, contractor's office, and similar uses as determined by the Planning Commission.

19.308.2 Scale

The minimum size of the community-scale shopping center shall be 200,000 gross leasable sq ft. Construction of the center may be phased, however, and the first phase must be at least 140,000 sq ft. If construction is phased, all phases must be completed in 3 years.

19.308.3 Application Review; Minimum Requirements

- A. Site development plan showing site and adjacent streets, access, parking, circulation, landscaped areas, location of buildings, location of pedestrian walkways, location of utilities, service areas, loading areas, lighting, utilities and public facilities;
- B. Landscaping plan showing size, species and location of plant materials, irrigation system, site contouring;
- C. Preliminary architectural plans indicating floor plans, elevations, building orientation and signing;
- D. Phasing plan, if proposed;
- E. Detailed traffic report, analyzing existing traffic, traffic generation, turning movements, and impact on adjacent streets. Report shall recommend roadway improvements needed to

Proposed Code Amendment

mitigate impacts as specified in Chapter 19.700. The application shall be reviewed under Type III review procedures as provided in Section 19.1006;

- F. Proposed on and off-site improvements to the remaining public facilities (water, sanitary sewer and storm sewer).

19.308.4 Criteria for Approval

An application for development will be approved if it meets the following criteria:

- A. It complies with the application requirements under Subsection 19.308.3 above;
- B. It meets the scale requirements of Subsection 19.308.2 above;
- C. It meets the use requirements of Subsection 19.308.1 above;
- D. It meets the development standards of Subsection 19.308.5 below;
- E. The site plan and building orientation/design shall address the following guidelines:
 1. Create an aesthetically pleasing development by the use of quality materials and the arrangement of buildings, landscaping and parking,
 2. Relate functionally to the site, surroundings and internally,
 3. Be designed to maximize safety and convenience, for the motorist and pedestrian,
 4. Be designed to consider crime prevention techniques,
 5. Signs shall be integrated into the design of the center.

19.308.5 Development Standards

- A. Setbacks (Minimum) from Property Line
 1. Along Hwy. 224: 30 ft
 2. Along Oak Street: 40 ft
 3. Along 37th Street: 20 ft
 4. From other property lines: 5 ft
- B. Heights (maximum)

3 stories or 45 ft, whichever is less.
- C. Access
 1. Maximum of 2 curb cuts along Oak St. frontage.
 2. Maximum of 3 curb cuts along 37th St. frontage.
 3. Location of access points to be approved by the Public Works Director, after consultation with the State Highway Division.
- D. Landscaping
 1. A minimum of 20% of the net site area shall be landscaped. Net site area is gross site area minus right-of-way (ROW) dedications.
 2. All setback areas to be landscaped.
 3. A landscaped berm on the Hwy. 224 and Oak St. frontages shall be installed. The berm shall be designed to provide visual relief from the parking and activity areas of the center. The berm may be "tapered" down on either side of access drives.

Proposed Code Amendment

4. An irrigation system shall be installed for the landscaped areas.
5. Trees (minimum 6 ft high at time of planting) shall be planted, at least 1 every 50 ft, along the bermed landscaped areas adjacent to streets.
6. "Landscaped" means a combination of ground cover, shrubbery, and trees installed to form a unified landscape.
7. A bond or financial guarantee of performance will be required.

E. Utilities

All utilities (electric, gas, telephone) shall be installed underground.

F. Transit

Reserve areas for transit facilities (bus turnout, shelter, benches, station, etc.) for the use of mass transit if requested by TriMet in their review of the project as specified in Chapter 19.700.

G. Public Facilities

All necessary public facilities (water, sanitary sewer, storm sewer, streets) must be improved to meet City and State standards.

H. Parking requirements of Chapter 19.600.

I. Design Standards

1. Roof-mounted mechanical equipment shall be screened from view.
2. Loading and delivery areas should be separated from parking and pedestrian areas.
3. A minimum of 80% of the floor space shall be designed as an enclosed mall (where access from one store to another is possible without walking outside). Alternatively, a pedestrian walkway covering is permitted, if designed to shelter pedestrians from inclement weather.
4. Outdoor trash or delivery areas are screened from the public's view.

J. Transportation Requirements and Standards

As specified in Chapter 19.700.

K. Medical marijuana facilities shall meet the following standards:

1. As set forth by Oregon Administrative Rules, a medical marijuana facility shall not be located within 1,000 feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors or within 1,000 feet of another medical marijuana facility. In addition, a medical marijuana facility shall not be located within 1,000 feet of the former Wichita and Hector-Campbell school sites.
2. Except as part of a medical clinic, a medical marijuana facility shall not be co-located inside of another business or use the same building entrance as another business. If operated as part of a medical clinic with multiple businesses providing health services, a medical marijuana facility may share an entrance, lobby, and reception area with the other health related businesses but the facility shall operate as a separate business and shall be physically separated with internal walls and door(s) from the other health providers in the clinic.

Proposed Code Amendment

3. Display of marijuana products that are visible from outside of the facility is prohibited.
4. The hours of operation for medical marijuana facilities shall be limited to the hours between 9:00 AM and 9:00 PM.

Proposed Code Amendment

19.309 MANUFACTURING ZONE M

19.309.1 Purpose

The M Zone is intended to promote clean, employee-intensive industries which may also include related accessory uses, such as commercial and office uses, which serve the industrial area.

19.309.2 Permitted Uses

Permitted uses are limited to industrial uses meeting the following criteria:

- A. Any combination of manufacturing, office, and/or commercial uses are allowed when at least 25% of the total project involves an industrial use as described under Subsection 19.309.2.B.
- B. A use which involves the collection and assembly of durable goods, warehousing of goods, transshipment of goods from other sources, and/or the assembly of goods from products which have been processed elsewhere, general manufacturing, and production.
- C. Commercial and office uses which are accessory to the industrial use(s). Such uses may include gymnasium, health club, secretarial services, sandwich deli, small restaurant, and retail/wholesale commercial use and showroom.
- D. May produce small amounts of noise, dust, vibration, or glare, but may not produce off-site impacts that create a nuisance, as defined by DEQ or the City Noise Ordinance.
- E. A permitted use may require outside storage areas. These storage areas shall be screened with a sight-obscuring fence or dense plantings from any adjoining residential uses or public streets.
- F. Warehouse use which is accessory to an industrial use.

G. Retail sales of medical marijuana at a medical marijuana facility.

GH. The following uses are allowed outright and do not need to be part of a project involving an industrial use as described under Subsection 19.309.2.B

1. Construction: Contractors and Related Businesses

This category comprises businesses whose primary activity is performing specific building or other construction-related work, on- or off-site. Examples include: residential and nonresidential building construction, utility/civil engineering construction, specialty trade contractors, and moving companies. Any associated on-site office use must be accessory to the primary construction business.

2. Repair and Service

This category comprises firms involved in repair and servicing of industrial, business, or consumer electronic equipment, machinery, and related equipment, products, or by-products. Examples include: welding shops; machine shops; tool, electric motor, and industrial instrument repair; sales, repair, or storage of heavy machinery, metal, and building materials; heavy truck servicing and repair; tire retreading or recapping; exterminators, including chemical mixing or storage and fleet storage and maintenance; janitorial and building maintenance services that include storage of materials and fleet storage and maintenance; fuel oil distributors; solid fuel yards; and large-scale laundry, dry-cleaning, and carpet cleaning plants. Few customers come to the site, particularly not general public daily customers. Auto service and repair shops for personal vehicles are not included in this category and are not allowed in the M Zone.

3. Trade Schools

This category comprises establishments whose primary purpose is to provide training for industrial needs and job-specific certification. Examples include: electronic equipment repair training, truck-driving school, welding school, training for repair of industrial machinery, and other industrial skills training.

19.309.3 Preexisting Uses and Developments

Notwithstanding the provisions of Chapter 19.800 Nonconforming Uses and Development, prohibited uses and structures located in any mapped "employment" or "industrial" area, as shown on the Milwaukie Comprehensive Plan Title 4 Lands Map, that were lawfully in existence prior to May 6, 1999, and would be impacted by amendments prohibiting retail uses in excess of 60,000 sq ft, are considered to be approved uses and structures for the purposes of this section. If such a preexisting use or development is damaged or destroyed by fire, earthquake, or other natural force, then the use will retain its preexisting status under this provision, so long as it is substantially reestablished within 3 years of the date of the loss.

Notwithstanding the provisions of Chapter 19.800 Nonconforming Uses and Development, prohibited uses and structures located in any mapped "industrial" area, as shown on the Milwaukie Comprehensive Plan Title 4 Lands Map, that were lawfully in existence prior to March 17, 2009, may continue and expand to add up to 20% more floor area and 10% more land area than exists on the above-stated date. This expansion requires a conditional use review.

19.309.4 Specific Prohibited Uses

- A. Any use which has a primary function of storing, utilizing, or manufacturing explosive materials or other hazardous material as defined by the Oregon Fire Code, Chapter 27.
- B. New residential, religious institutions, or public schools.
- C. Retail uses greater than 60,000 sq ft gross floor area per building or business are prohibited on all lots included in mapped "Employment" or "Industrial" areas as shown on Milwaukie Comprehensive Plan Title 4 Lands Map, April 6, 1999.
- D. All lots included in mapped "Industrial" areas, as shown on Milwaukie Comprehensive Plan Title 4 Lands Map, April 6, 1999, carry the following additional restrictions:
 1. Individual retail trade uses greater than 5,000 sq ft gross floor area per building or business are prohibited.
 2. Multiple retail trade uses that occupy more than 20,000 sq ft gross floor area are prohibited, whether in a single building or in multiple buildings within the same project.
 3. Facilities whose primary purpose is to provide training to meet industrial needs are exempted from this prohibition.

19.309.5 Standards for Conditional Uses

- A. Natural Resource Extraction
 1. Open pit and gravel excavating or processing shall not be permitted nearer than 50 ft to the boundary of an adjoining property line, unless written consent of the owner of such property is first obtained. Excavating or processing shall not be permitted closer than 30 ft to the right-of-way line of an existing platted street or an existing public utility right-of-way.
 2. An open pit or sand and gravel operation shall be enclosed by a fence suitable to prevent unauthorized access.

Proposed Code Amendment

3. A rock crusher, washer, or sorter shall not be located nearer than 500 ft to a residential or commercial zone. Surface mining equipment and necessary access roads shall be constructed, maintained, and operated in such a manner as to eliminate, as far as is practicable, noise, vibration, or dust which is injurious or substantially annoying to persons living in the vicinity.

B. High-Impact Commercial Uses

When considering a high-impact commercial use, the Commission shall consider the following:

1. Nearness to dwellings, churches, hospitals, or other uses which require a quiet environment.
2. Building entrances, lighting, exterior signs, and other features which could generate or be conducive to noise or other disturbance for adjoining uses.
3. Parking vehicles and pedestrian access and circulation could contribute to noise or attract habitual assembly or unruly persons.
4. Hours of operation.
5. In addition to consideration of the above with respect to building and site design, the Planning Commission may attach conditions or standards of performance and impact, and methods for monitoring and evaluating these, to ensure that such establishments do not become unduly or unnecessarily disruptive.
6. In addition, when considering an adult entertainment business, the following criteria shall be used:
 - a. The proposed location of an adult entertainment business shall not be within 500 ft of an existing or previously approved adult entertainment business or within 500 ft of either a public park, a church, a day-care center, a primary, elementary, junior high, or high school, or any residentially zoned property.
 - b. Distances shall be measured in a straight line, without regard to intervening structures, between the closest structural wall of the adult entertainment business and either the closest property line of the applicable property or the closest structural wall of any preexisting or previously approved adult entertainment business.

19.309.6 Development Standards for All Uses

The following development standards apply to all uses in the M Zone.

A. Setbacks (Minimum)

Front: 20 ft

Side: None*

Corner side yard: 10 ft

Rear: None*

* Except when abutting a residential district, in which case the setback shall match the abutting property.

B. Height (Maximum)

45 ft

C. Parking and Loading

Proposed Code Amendment

See Chapter 19.600.

D. Landscaping

15% landscaping of the site is required. A variety of trees, shrubbery, and ground cover is encouraged. Street trees are required along street frontages and within parking lots to help delineate entrances, provide shade, and permeable areas for storm water runoff. A bond or a financial guarantee of performance will be required.

E. Site access

1 curb cut (45 ft maximum) per 150 ft of street frontage.

F. Transition Area

Industrial development adjacent to and within 120 ft of areas zoned for residential uses is subject to Type I or II review per Section 19.906 Development Review. The following characteristics will be considered:

1. Noise
2. Lighting
3. Hours of operation
4. Delivery and shipping
5. Height of structure
6. Distance to residential zone boundary

The review authority may attach conditions to reduce any potentially adverse impacts to residential properties.

G. Public Facility Improvements

As specified in Chapter 19.700.

H. Additional Standards

Chapter 19.500 Supplementary Development Regulations contains additional standards that may apply.

19.309.7 Special Development Standards

The following development standards apply to specified uses in the M Zone.

A. Medical Marijuana Facilities

Medical marijuana facilities shall meet the following standards:

1. As set forth by Oregon Administrative Rules, a medical marijuana facility shall not be located within 1,000 feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors or within 1,000 feet of another medical marijuana facility. In addition, a medical marijuana facility shall not be located within 1,000 feet of the former Wichita and Hector-Campbell school sites.
2. Except as part of a medical clinic, a medical marijuana facility shall not be co-located inside of another business or use the same building entrance as another business. If operated as part of a medical clinic with multiple businesses providing health services, a medical marijuana facility may share an entrance, lobby, and reception area with the other health related businesses but the facility shall operate as a separate business and

Proposed Code Amendment

shall be physically separated with internal walls and door(s) from the other health providers in the clinic.

3. Display of marijuana products that are visible from outside of the facility is prohibited.

4. The hours of operation for medical marijuana facilities shall be limited to the hours between 9:00 AM and 9:00 PM.

19.310 BUSINESS INDUSTRIAL ZONE BI

19.310.1 Purpose

This section is adopted to implement the policies of the Comprehensive Plan for industrial land uses providing a mix of clean, employee-intensive, industrial and office uses, with associated services, in locations supportive of mass transit and the regional transportation network.

19.310.2 Uses Permitted Outright

- A. The following business and industrial uses are allowed outright, subject to the standards of Subsection 19.310.6.
 - 1. Experimental, research, film, or testing laboratories, provided no operation shall be conducted or equipment used which would create hazards and/or nuisances off the site;
 - 2. Manufacturing, processing, fabrication, packaging, or assembly of products from previously prepared materials;
 - 3. Printing, publishing, bookbinding, graphic or photographic reproduction, blueprinting or photo processing;
 - 4. Trade schools primarily serving the business community within the area.
- B. Business and professional offices, including product design, sales, service, packaging; corporate headquarters or regional offices.
- C. Warehousing and distribution.

D. Medical marijuana facilities.

~~E.~~ Any other use similar to the above uses but not listed elsewhere.

19.310.3 Accessory Uses

Uses accessory to and in conjunction with uses permitted outright may include the following:

- A. Employee lounges and dining rooms, employee day-care facilities, conference rooms for tenant use, newsstands, central mail room and self-service postal and banking facilities, and product information and display areas;
- B. Executive, administrative, design, or product showroom offices provided in conjunction with uses listed under Subsection 19.310.2 of this section;
- C. Indoor and outdoor recreational facilities, such as swimming pools, saunas, game and craft rooms, exercise and dance studios, community meeting rooms, lounges, playgrounds, tennis and other courts, bike and walking trails, and pedestrian plazas and courts, which are provided in association with uses listed in Subsection 19.310.2 of this section;
- D. Rental and development information offices, handyman and maintenance services, and other business offices and services in association with allowed uses in the development;
- E. Recycling center, provided that any storage of materials shall be adequately screened;
- F. Accessory uses and structures not otherwise prohibited which are customarily accessory and incidental to any use permitted outright or limited use;
- G. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work;

Proposed Code Amendment

- H. Retail outlets associated with manufacturing uses as outlined in Subsection 19.310.2.A.2 of this section. Products sold at the accessory retail outlet shall be primarily those assembled or manufactured onsite. The accessory retail outlet shall be located within the associated manufacturing building and occupy up to a maximum of 25% of the floor area of the associated manufacturing building or 4,000 sq ft, whichever is less.

19.310.4 Limited Uses

- A. Limited retail or service uses may be allowed that primarily service the needs of BI Zone clients, employees, and businesses, as opposed to the general public. These uses, subject to the provisions of Subsection 19.310.4.B below, shall include:
1. A restaurant or deli, offering at least breakfast and/or lunch items, without a drive-in or drive-through service;
 2. Office supply and equipment, sales, or service;
 3. Personal service businesses such as a barber, beauty parlor, tailor, dressmaking, shoe repair shop, self-service laundry, dry cleaning, photographer, instruction studios, or similar uses;
 4. A bank or other financial institution;
 5. A computer or other similar small electronic office machines store, sales and service; and
 6. Any other use similar and compatible to the above-listed uses.
- B. Limitations and conditions on the development of the limited uses itemized above shall be as follows:
1. All limited uses shall be located, arranged, and integrated within the district to serve primarily the shopping and service needs of clients, businesses, and employees of the district;
 2. Limited uses may occupy up to a maximum of 25% of the square footage of a building. A limited use that is to be located in a building and exceeds 25% of the building's square footage shall be reviewed as a conditional use;
 3. Maximum floor area for a limited use shall be 4,000 sq ft;
 4. All limited uses shall comply with the standards under Subsection 19.310.6.

19.310.5 Conditional Uses

- A. Conditional uses may be established in a business industrial district subject to review and action on the specific proposal, pursuant to Section 19.905 Conditional Uses. Approval shall not be granted unless the proposal satisfies the criteria in Section 19.905; and, in addition, the proposed use:
1. Will have minimal adverse impact on the appropriate development of uses permitted outright on abutting properties and the surrounding area considering location, size, design, and operating characteristics of the use;
 2. Is compatible with the character and scale of uses allowed within the district and on a site no larger than necessary for the use and operational requirements of the use;
 3. Will provide vehicular and pedestrian access, circulation, parking, and loading areas which are compatible with uses on the same site or adjacent sites; and

Proposed Code Amendment

4. Is a needed service/product in the district, considering the mix of potential clientele and the need to maintain high-quality development in a highly visible area.
- B. Uses allowed subject to the above conditions are:
1. Public and private community buildings, indoor and outdoor recreational facilities, such as swimming pools, racquetball clubs, athletic clubs, health and exercise spas, gymnasiums, tennis courts, playground, and other similar uses, developed to serve primarily the recreational needs of clients and employees of the district;
 2. Mini-warehousing, mini-storage, public storage, and similar commercial facilities that lease storage space to the general public;
 3. A limited use or uses that exceed 25% of the building's square footage as per Subsection 19.310.4.B.2 above.

19.310.6 Standards

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

- A. Lot size. None, except that lots created shall be of a size sufficient to fulfill the applicable standards of this district.
- B. Front yard. A front yard shall be at least 20 ft unless additional setback is required in Subsection 19.501.2.A.
- C. Side yard. No side yard shall be required except on corner lots where a side yard shall be at least 10 ft on the side abutting the street, unless additional setback is required in Subsection 19.501.2.A.
- D. Rear yard. No rear yard shall be required except as provided in Subsection 19.501.2.A.
- E. Off-street parking and loading. As specified in Chapter 19.600.
- F. Site Access

One curb cut (45 ft maximum) per 150 ft of street frontage, or fraction thereof, for industrial uses; and 1 curb cut per 100 ft of street frontage or fraction thereof, for business park, limited or conditional uses.
- G. Height restriction. Maximum height of a structure shall be 3 stories or 45 ft, whichever is less.
- H. Landscaping

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

Outside storage adjacent to International Way, Freeman Way, 37th Ave., Lake Road, or Hwy. 224 is prohibited. Outside storage in side or rear yards is allowed, provided it is enclosed by a sight-obscuring fence or vegetative screen.
- J. Building Siting and Design

Buildings and sites shall be designed using the following principles:

Proposed Code Amendment

1. Sites shall be developed to the maximum extent practicable, so that buildings have solar access and utilize other natural features in their design.
2. Assure that building placement and orientation and landscaping allow ease of security surveillance.
3. Design buildings with shapes, colors, materials, textures, lines, and other architectural design features which enhance the character of the district and complement the surrounding area and development, considering, but not limited to, the following techniques:
 - a. Use color, materials, and architectural design to visually reduce the scale and impact of large buildings;
 - b. Use building materials and features that are durable and consistent with the proposed use of the building, level of exposure to public view, and exposure to natural elements.
4. To the extent possible, screen or mask roof-mounted mechanical equipment, except solar collection apparatus, from view.
5. Orient major service activity areas (e.g., loading, delivery, and garbage collection, etc.) of the development away from major streets.
6. Arrange use and buildings to maximize opportunities for shared circulation, access, parking, loading, pedestrian walkways and plazas, recreation areas, and transit-related facilities.
7. Provisions for bus shelters, bike racks, street furniture, kiosks, drinking fountains, art sculptures, and/or other pedestrian and transit amenities as required by Chapter 19.700.

K. Nuisances

The use shall not be of a type or intensity which produces dust, odor, smoke, fumes, noise, glare, heat, or vibrations which are incompatible with other uses allowed in this zone; and the use does not produce off-site impacts that create nuisance as defined by the Oregon D.E.Q. and the City Noise Ordinance.

L. Medical marijuana facilities shall meet the following standards:

1. As set forth by Oregon Administrative Rules, a medical marijuana facility shall not be located within 1,000 feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors or within 1,000 feet of another medical marijuana facility. In addition, a medical marijuana facility shall not be located within 1,000 feet of the former Wichita and Hector-Campbell school sites.
2. Except as part of a medical clinic, a medical marijuana facility shall not be co-located inside of another business or use the same building entrance as another business. If operated as part of a medical clinic with multiple businesses providing health services, a medical marijuana facility may share an entrance, lobby, and reception area with the other health related businesses but the facility shall operate as a separate business and shall be physically separated with internal walls and door(s) from the other health providers in the clinic.
3. Display of marijuana products that are visible from outside of the facility is prohibited.

Proposed Code Amendment

4. The hours of operation for medical marijuana facilities shall be limited to the hours between 9:00 AM and 9:00 PM.

19.310.7 Validity of Uses

In the BI Zone, uses that are subject to the provisions of this zone and were legally established/occupied on or prior to the effective date of the zone, shall be considered as legally approved permitted, limited, or conditional uses as described by the BI Zone.

Proposed Code Amendment

19.312 TACOMA STATION AREA MANUFACTURING ZONE M-TSA

19.312.1 Purpose

The M-TSA Zone is intended to support the goals and policies of the Tacoma Station Area Plan and retain the area as a viable industrial zone as the uses allowed by the Tacoma Station Area Overlay Zone become established. The primary uses in the zone are intended to be uses involved in production, manufacturing, processing, and transportation of goods. Some specific uses not involving goods, which are appropriate for industrial areas due to their use characteristics, are also allowed. Office uses are intended to be subordinate and accessory to the industrial uses, and commercial uses are intended to be incidental uses that are minor in relation to the industrial uses on a site.

19.312.2 Use Categories

The categories of land uses that are permitted in the M-TSA Zone are listed in Table 19.312.2. Permitted uses are designated with a "P." A "C" in this table indicates a use that may be authorized as a conditional use in conformance with Chapter 19.905. An "L" indicates a use that is permitted outright with certain limitations as described in Subsection 19.312.6. Uses not listed in the table are not allowed.

All uses must comply with the land use district standards of this section and all other applicable requirements of the Zoning Ordinance. If it is unclear whether a proposed use is allowed under the use categories, the applicant may submit a Director determination application per Subsection 19.903 to resolve the issue.

Table 19.312.2 M-TSA Zone Uses	
Use Category	Status
A. Construction: Contractors and Related Businesses	
This category comprises businesses whose primary activity is performing specific building or other construction-related work, on- or off-site. Examples include: residential and nonresidential building construction, utility/civil engineering construction, specialty trade contractors, and moving companies. Any associated on-site office use must be accessory to the primary construction business consistent with Subsection 19.312.2.G.1.	P
B. Manufacturing	
This category comprises establishments engaged in the mechanical, physical, or chemical transformation of materials, substances, or components into new products, including the assembly of component parts. Examples include: alternative energy development; biosciences; food and beverage processing; software and electronics production; printing; fabrication of metal products; products made from manufactured glass; products made from rubber, plastic, or resin; converted paper and cardboard products; and microchip fabrication. Manufacturing may also include high-tech and research and development companies.	P
C. Wholesale Trade	
This category comprises establishments engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, or professional business users; or to other wholesalers, generally without transformation, and rendering services incidental to the sale of merchandise. Wholesalers sell or distribute merchandise exclusively to other businesses, not the general public, and normally operate from a warehouse or office and are not intended for walk-in traffic. Associated retail is only allowed as an accessory use in conformance with Subsection 19.312.2.G.2 and other applicable standards in this section.	P

Proposed Code Amendment

Table 19.312.2 CONTINUED M-TSA Zone Uses	
Use Category	Status
D. Warehousing and Storage	
This category comprises industries that are primarily engaged in operating warehousing and storage facilities for general merchandise, refrigerated goods, and other products and materials that have been manufactured and are generally being stored in anticipation of delivery to final customer. Examples include: transportation and distribution uses with loading docks, temporary outdoor storage, and fleet parking. Ministorage facilities (generally used by many individual customers to store personal property) are not considered industrial warehousing and storage and are not permitted in the M-TSA Zone.	P
E. Trade Schools	
This category comprises establishments whose primary purpose is to provide training for industrial needs and job-specific certification. Examples include: electronic equipment repair training, truck-driving school, welding school, training for repair of industrial machinery, and other industrial skills training.	P
F. Accessory Uses and Structures	
This category comprises uses and structures defined as incidental and subordinate to the main use of a property and located on the same lot as the main use, including accessory parking.	P
G. Limited Uses	
This category comprises uses that are primarily intended to support and serve other allowed uses in the M-TSA Zone. Limited uses are divided into two subcategories. See Subsection 19.312.6 for applicable limitations on these uses.	L
<ol style="list-style-type: none"> 1. Administration and Support in Office Buildings This subcategory comprises uses in office-type buildings that are accessory to industrial uses. They administer, oversee, and manage companies; manage financial assets and securities; do research and design; do laboratory testing; and/or provide document preparation and other industrial support services. Examples include: corporate offices, company business offices, call centers, and other office-type uses that primarily serve other industries and do not generate a significant number of daily customer visits. 2. Retail Commercial and Professional Services This subcategory comprises the sale of goods, materials, and professional services. Examples of retail commercial uses include: restaurants, minimarts, factory outlet stores, and office supply stores. Examples of professional services that cater to employees and customers include: bank branches, day-care centers, dry cleaners, and health clubs. 	
H. Exclusive Heavy Industrial Uses	
This category comprises uses exclusive to heavy industrial. Examples include: rock crushing facilities; natural resource extraction facilities; aggregate storage and distribution facilities; and concrete and/or asphalt batch plants. See Subsection 19.312.5.A.	C
I. Waste Management	
This category comprises businesses that provide garbage and recycling hauling, including fleet parking and maintenance. Storage of waste or recycling materials collected by a waste management business for any period of time is not permitted.	P

Proposed Code Amendment

Table 19.312.2 CONTINUED M-TSA Zone Uses	
Use Category	Status
J. Repair and Service	
This category comprises firms involved in repair and servicing of industrial, business, or consumer electronic equipment, machinery, and related equipment, products, or by-products. Examples include: welding shops; machine shops; tool, electric motor, and industrial instrument repair; sales, repair, or storage of heavy machinery, metal, and building materials; heavy truck servicing and repair; tire retreading or recapping; exterminators, including chemical mixing or storage and fleet storage and maintenance; janitorial and building maintenance services that include storage of materials and fleet storage and maintenance; fuel oil distributors; solid fuel yards; and large-scale laundry, dry-cleaning, and carpet cleaning plants. Few customers come to the site, particularly not general public daily customers. Auto service and repair shops for personal vehicles are not included in this category and are not allowed in the M-TSA Zone.	P
K. High-Impact Commercial Use	
This category comprises uses that generate substantial traffic, noise, light, irregular hours, or other potential impact on the community. Examples include, but are not limited to: drinking establishments, commercial recreation, medical marijuana facilities , adult entertainment businesses, theaters, hotels, and motels. See Subsection 19.312.5.B and C .	C

P = Permitted.

L = Limited.

C = Conditional use.

19.312.3 Preexisting Uses and Developments

Notwithstanding the provisions of Chapter 19.800 Nonconforming Uses and Development, prohibited uses and structures located in any mapped "employment" or "industrial" area, as shown on the Milwaukie Comprehensive Plan Title 4 Lands Map, that were lawfully in existence prior to May 6, 1999, and would be impacted by the size limitations on retail uses in Subsection 19.312.6, are considered to be approved uses and structures for the purposes of this section. If such a preexisting use or development is damaged or destroyed by fire, earthquake, or other natural force, then the use will retain its preexisting status under this provision, so long as it is substantially reestablished within 3 years of the date of the loss.

Notwithstanding the provisions of Chapter 19.800 Nonconforming Uses and Development, prohibited uses and structures located in any mapped "industrial" area, as shown on the Milwaukie Comprehensive Plan Title 4 Lands Map, that were lawfully in existence prior to March 17, 2009, may continue and expand to add up to 20% more floor area and 10% more land area than exists on the above-stated date. This expansion requires a conditional use review.

19.312.4 Specific Prohibited Uses

- A. Any use which has a primary function of storing, utilizing, or manufacturing explosive materials or other hazardous material as defined by the Oregon Fire Code, Chapter 27.
- B. New residential, religious institutions, or public schools.

19.312.5 Standards for Conditional Uses

The following standards apply to those uses listed as conditional (C) in Table 19.312.2.

- A. Exclusive Heavy Industrial Uses

Proposed Code Amendment

1. Open pit and gravel excavating or processing shall not be permitted nearer than 50 ft to the boundary of an adjoining property line, unless written consent of the owner of such property is first obtained. Excavating or processing shall not be permitted closer than 30 ft to the right-of-way line of an existing platted street or an existing public utility right-of-way.
2. An open pit or sand and gravel operation shall be enclosed by a fence suitable to prevent unauthorized access.
3. A rock crusher, washer, or sorter shall not be located nearer than 500 ft to a residential or commercial zone. Surface mining equipment and necessary access roads shall be constructed, maintained, and operated in such a manner as to eliminate, as far as is practicable, noise, vibration, or dust which is injurious or substantially annoying to persons living in the vicinity.

B. High-Impact Commercial Uses

When considering a high-impact commercial use, the Commission shall consider the following:

1. Nearness to dwellings, churches, hospitals, or other uses which require a quiet environment.
2. Building entrances, lighting, exterior signs, and other features which could generate or be conducive to noise or other disturbance for adjoining uses.
3. Parking vehicles and pedestrian access and circulation could contribute to noise or attract habitual assembly or unruly persons.
4. Hours of operation.
5. In addition to consideration of the above with respect to building and site design, the Planning Commission may attach conditions or standards of performance and impact, and methods for monitoring and evaluating these, to ensure that such establishments do not become unduly or unnecessarily disruptive.
6. In addition, when considering an adult entertainment business, the following criteria shall be used:
 - a. The proposed location of an adult entertainment business shall not be within 500 ft of an existing or previously approved adult entertainment business or within 500 ft of either a public park, a church, a day-care center, a primary, elementary, junior high, or high school, or any residentially zoned property.
 - b. Distances shall be measured in a straight line, without regard to intervening structures, between the closest structural wall of the adult entertainment business and either the closest property line of the applicable property or the closest structural wall of any preexisting or previously approved adult entertainment business.

C. Medical Marijuana Facilities

Medical marijuana facilities shall meet the following standards:

1. As set forth by Oregon Administrative Rules, a medical marijuana facility shall not be located within 1,000 feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors or within 1,000 feet of another

Proposed Code Amendment

medical marijuana facility. In addition, a medical marijuana facility shall not be located within 1,000 feet of the former Wichita and Hector-Campbell school sites.

2. Except as part of a medical clinic, a medical marijuana facility shall not be co-located inside of another business or use the same building entrance as another business. If operated as part of a medical clinic with multiple businesses providing health services, a medical marijuana facility may share an entrance, lobby, and reception area with the other health related businesses but the facility shall operate as a separate business and shall be physically separated with internal walls and door(s) from the other health providers in the clinic.

3. Display of marijuana products that are visible from outside of the facility is prohibited.

4. The hours of operation for medical marijuana facilities shall be limited to the hours between 9:00 AM and 9:00 PM.

19.312.6 Standards for Limited Uses

The following standards apply to those uses listed as limited (L) in Table 19.312.2.

A. Administration and Support in Office Buildings

Only administrative and support offices which are related to the operation of a manufacturing use on the property are permitted in the M-TSA Zone. No greater than 20% of the floor area of a building may be used for administrative office space.

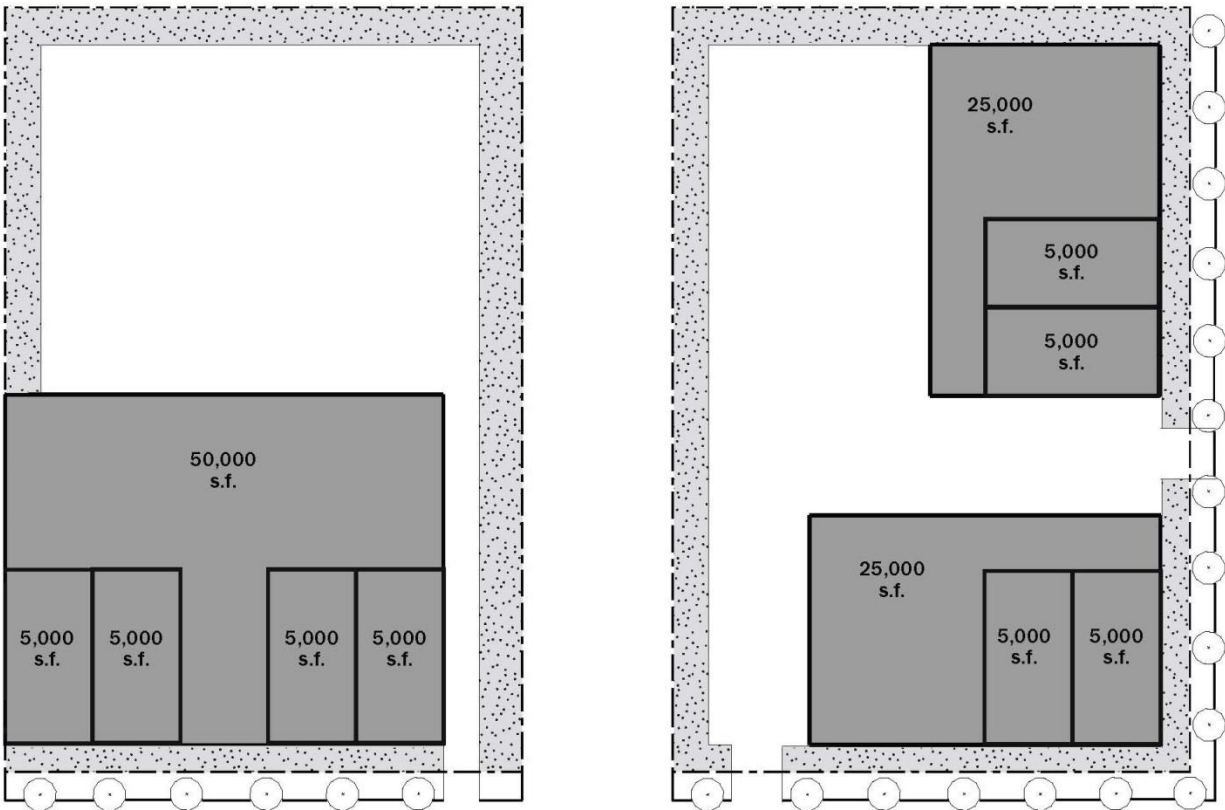
B. Retail Commercial and Professional Services

In order to ensure that these uses are limited in size and scale and do not dominate land intended for manufacturing uses, the following standards apply. See Figure 19.312.6.B for an illustration of the size limitations.

1. The total gross leasable square footage of an individual retail or professional service use shall not exceed 5,000 sq ft or 40% of the floor area of an individual building, whichever is less.
2. Multiple retail or professional service uses shall not exceed 20,000 cumulative gross leasable sq ft within the same development project. For the purposes of this section, a development project is defined as:
 - a. A single building with 50,000 sq ft or more of gross floor area.
 - b. Multiple buildings, each with less than 50,000 sq ft of gross floor area, that share common development features (such as access, parking, or utilities), whether or not the buildings are located on the same or a different parcel or lot.
3. Retail and professional service uses shall not be permitted in a stand-alone building. They must be included within a building whose primary purpose is for an allowed manufacturing use. The retail commercial or professional service use is not required to be related to the primary manufacturing use. Food carts are permitted as a stand-alone use.

Figure 19.312.6.B
Size Limitations for Retail and Professional Service Uses

Proposed Code Amendment



19.312.7 Development Standards for All Uses

The following development standards apply to all uses in the M-TSA Zone.

A. Setbacks (Minimum)

Front: 20 ft

Side: None*

Corner side yard: 10 ft

Rear: None*

* Except when abutting a residential district, in which case the setback shall match the abutting property.

B. Height (Maximum)

45 ft

C. Parking and Loading

See Chapter 19.600.

D. Landscaping

15% landscaping of the site is required. The required landscape area shall comply with the following:

1. Permitted landscape materials include trees, shrubs, ground cover plants, nonplant ground covers, and outdoor hardscape features.

Proposed Code Amendment

2. No more than 20% of the required landscape area shall be covered in mulch or barkdust. Mulch or barkdust under the canopy of trees or shrubs is excluded from this limit.
3. Hardscape features (i.e., patios, decks, plazas, and similar) may cover up to 10% of the required landscape area.
4. Trees shall have a minimum 2-in caliper at time of planting, measured at 4 ft above grade.
5. Shrubs shall be planted from 5-gallon containers or larger.
6. All landscaped area that is not planted with trees and shrubs, or covered with nonplant material (barkdust or mulch), shall have ground cover plants that are sized and spaced as follows: a minimum of 1 plant per 12 in on center in triangular spacing, or other planting pattern that is designed to achieve 75% coverage of the area not covered by shrubs and tree canopy.
7. All plantings shall be maintained on an ongoing basis and shall be replaced if vegetation is diseased, dying, or dead.

E. Public Facility Improvements

As specified in Chapter 19.700.

F. Screening of Outdoor Uses

Outdoor uses shall be screened as follows:

1. All outdoor storage areas shall be screened from adjacent properties by a 6-ft-high sight-obscuring fence or wall or by the use of vegetation. Vegetation used to screen outdoor storage areas shall be of such species, number, and spacing to provide the required screening within 1 year after planting.
2. All screened or walled outdoor use and storage areas which abut a public street shall be set back a minimum of 25 ft from the property line(s). Within that setback area trees and evergreen shrubs shall be planted. The plants shall be of such a variety and arranged to allow only minimum gaps between foliage of mature trees and plants within 4 years of planting.
3. All plantings used to screen outdoor uses shall be maintained on an ongoing basis and shall be replaced if vegetation is diseased, dying, or dead.

G. Parking, Loading, and Unloading Areas

Parking, loading, and unloading areas shall be located as follows:

1. Parking, loading, and unloading areas shall not be located within required setbacks.
2. No loading or unloading facilities shall be located adjacent to lands designated for residential uses, or residential community services, if there are alternative locations of adequate size on the subject site.

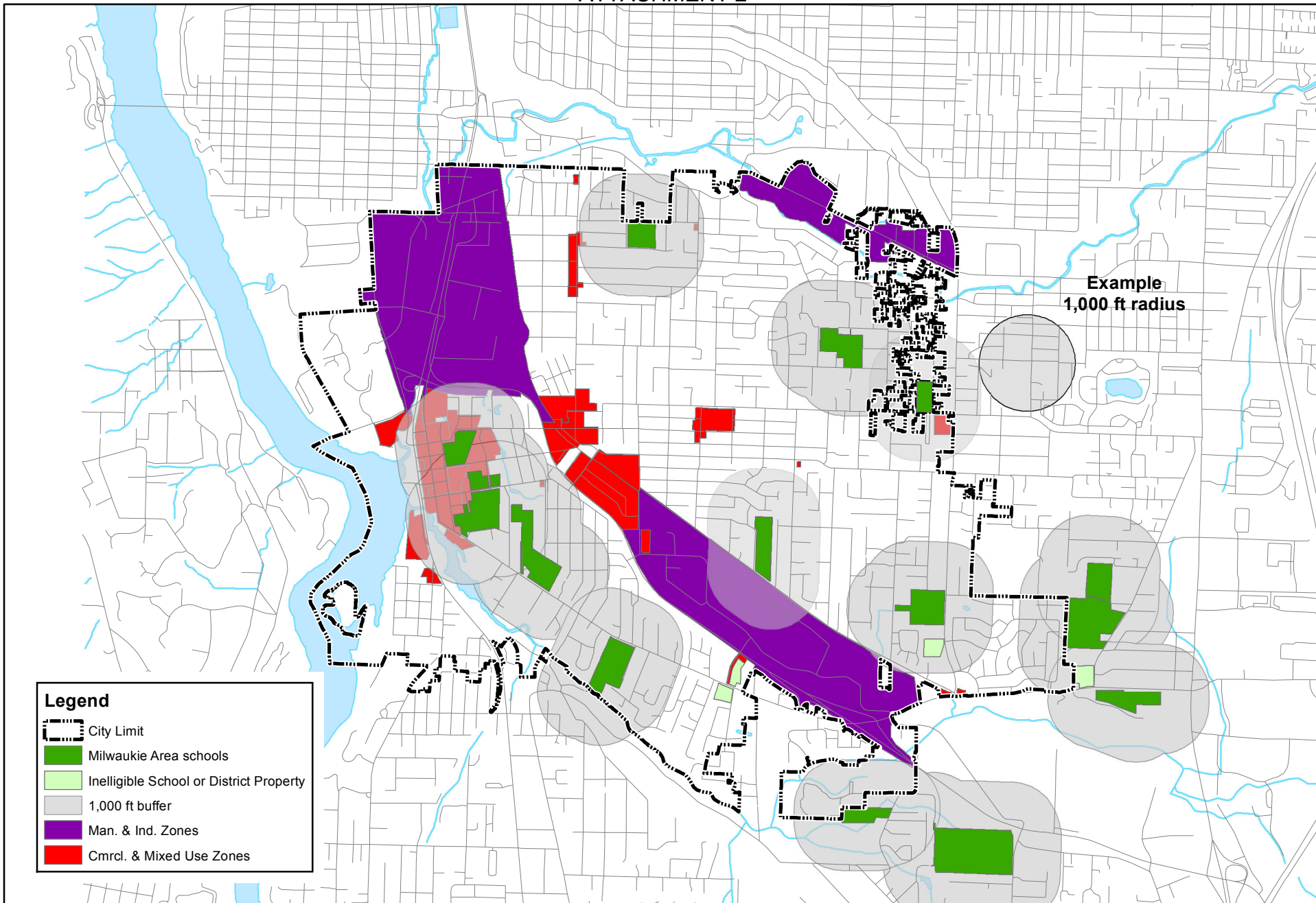
H. External Effects

The potential external effects of manufacturing uses shall be minimized as follows:

1. Except for exterior lighting, operations producing heat or glare shall be conducted entirely within an enclosed building.

Proposed Code Amendment

2. Potential nuisances such as noise, odor, electrical disturbances and other public health nuisances are subject to Title 8 Health and Safety.
 3. Roof-mounted mechanical equipment, such as ventilators and ducts, for buildings located adjacent to residential districts, arterial streets, or transit streets, shall be contained within a completely enclosed structure that may include louvers, latticework, or other similar features. This screening requirement does not apply to roof-mounted solar energy systems or wind energy systems.
- I. Additional Standards
- Chapter 19.500 Supplementary Development Regulations contains additional standards that may apply.



Legend

- City Limit
- Milwaukie Area schools
- Inelligible School or District Property
- 1,000 ft buffer
- Man. & Ind. Zones
- Cmrc. & Mixed Use Zones



Medicinal Marijuana Eligible Areas

Milwaukie Planning Dept.
 Data: City of Milwaukie GIS;
 Metro RLIS
 Date: 8/18/2014

1 inch = 2,743 feet

0 500 1,000 2,000 3,000 4,000 Feet

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