



AGENDA

MILWAUKIE PLANNING COMMISSION Tuesday, May 12, 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
- 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: Gracepointe Church parking expansion
Applicant/Owner:
File: CSU-2015-001
Staff: Brett Kelter
 - 5.2 Summary: Moving Forward Milwaukie Central Milwaukie Plan and Code Amendments #2
Applicant: City of Milwaukie
File: CPA-2015-001
Staff: Vera Koliass and Denny Egner
- 6.0 **Worksession Items**
- 7.0 **Planning Department Other Business/Updates**
 - 7.1 Planning Commission Notebook Update Pages
- 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:**
 - May 26, 2015
 - 1. Public Hearing: CPA-2015-001 MFM Central Milwaukie Plan and Code Amendments #3
 - June 9, 2015
 - 1. Worksession: Moving Forward Milwaukie Neighborhood Main Streets Code Amendments *tentative*
 - 2. Worksession: Planning Commission Ethics Training Session

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
Shaun Lowcock, Vice Chair
Shannah Anderson
Scott Barbur
Greg Hemer

Planning Department Staff:

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



MILWAUKIE

Dogwood City of the West

To: Planning Commission

Through: Dennis Egner, Planning Director

From: Brett Kelper, Associate Planner

Date: May 5, 2015, for May 12, 2015, Public Hearing

Subject: **File:** CSU-2015-001
Applicant/Owner: GracePointe Church
Address: 10750 SE 42nd Ave & 10707 SE 44th Ave
Legal Description (Map & Tax Lot): 1S2E31BB07100 & 1S2E31BB06600
NDA: Hector Campbell

ACTION REQUESTED

Approve application CSU-2015-001 and adopt the recommended Findings and Conditions of Approval found in Attachments 1 and 2. This action would allow for expansion of the existing off-street parking area, with a net increase of 15 spaces.

BACKGROUND INFORMATION

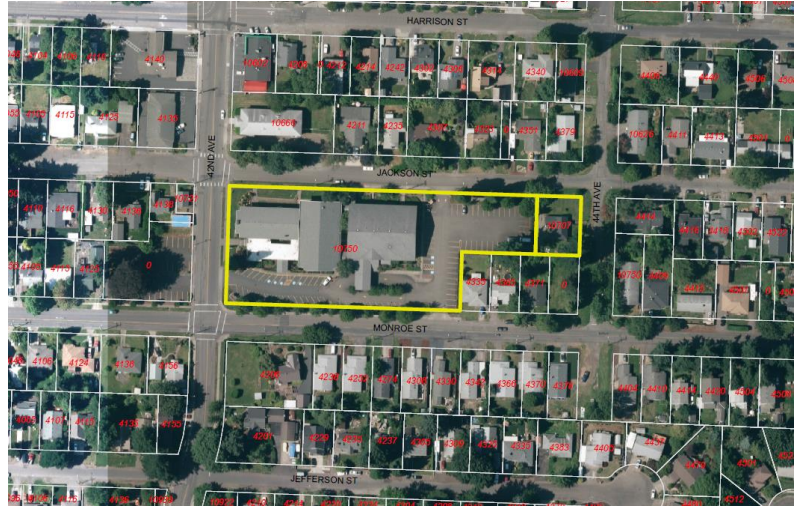
The applicant, GracePointe Church, has applied for approval to expand the existing off-street parking area. The existing church site is at 10750 SE 42nd Avenue, with the parking expansion proposed for an adjacent residential property owned by the church at 10707 SE 44th Avenue, at the northeast corner of the church site. The proposed development will reconfigure 27 existing spaces and add 15 new spaces, resulting in a total of 42 parking spaces within the project area. The previously existing house at 10707 SE 44th Ave has been demolished. Interior and perimeter landscaping will be installed where it does not already exist, as will additional lighting and an on-site walkway. The proposal is a major modification of the church as an approved Community Service Use (CSU).

A. Site and Vicinity

The site is located at 10750 SE 42nd Ave and 10707 SE 44th Ave (see Figure 1). The site contains an existing church sanctuary, meeting and activity spaces, and offices, with a large off-street parking area and additional parking across the street at the northwest

corner of 42nd Ave and SE Monroe Street. Access to the church site is provided from 42nd Ave, Monroe St, and SE Jackson Street. A large portion of the project area in the northeast corner of the church site is at 10707 SE 44th Ave, a residential property owned by the church, where a previously vacant single-family detached dwelling was recently demolished. The site topography is generally flat, with several large trees in the project area. A public sidewalk extends along two thirds the length of the north side of the project area—the sidewalk is partially on the subject property in an easement for public access.

Figure 1. Site and vicinity

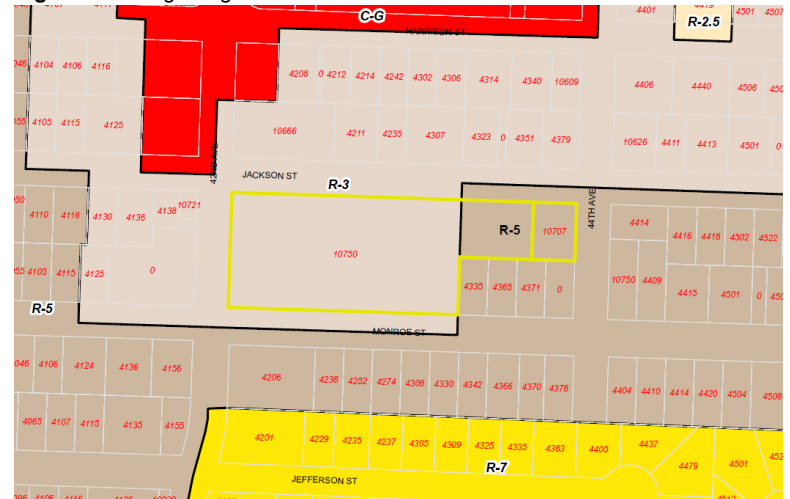


The surrounding area consists primarily of single-family detached dwellings to the north, east, and south. A parking lot owned by the church is across 42nd Ave to the west, and the Milwaukie Community Club is in an old grange-type building adjacent to the site to the northwest. Monroe St is a designated Neighborhood Greenway, and there is a 4-way stop at the intersection of 42nd Ave and Monroe St.

B. Zoning Designations

The site is split-zoned, with a majority of the overall church site zoned Residential R-3, though a majority of the project area in the northeast corner of the site is zoned Residential R-5 (see Figure 2).

Figure 2. Zoning designations



C. Comprehensive Plan Designation

Moderate Density Residential and
 Medium Density Residential

D. Land Use History

- December 1968:** Land use file #SP-68-19, conditional use request to allow use of an existing steel building on the church site for storage of municipal street material (e.g., gravel, sand) during winter months. Request was denied by the Planning Commission.
- November 1975:** Land use file #C-75-14, conditional use request to construct off-street parking for the church on the vacant lot at the northwest corner of the intersection of 42nd Ave and Monroe St. Request was approved by the Planning Commission, with requirements to construct curb and sidewalk along 42nd Ave and provide vegetative screening for the perimeter of the property.

- **April 1993:** Land use file #CSO-93-01, request for community service overlay to construct a 10,000-sq-ft, three-story multipurpose addition to the existing church building, with additional off-street parking planned in phases. Request was approved by the Planning Commission, with conditions that effectively limited new off-street parking to the northeastern corner of the site.
- **February 2011:** Land use file #CSU-11-01, request for minor modification to the CSU to modify the existing library by enclosing an interior courtyard (455-sq-ft expansion). No changes to off-street parking were proposed or required. Request was approved by the Planning Director.

E. Proposal

The applicant is seeking land use approval for a major modification to the approved CSU.

The proposed development will expand the existing off-street parking area in the northeastern corner of the church site. The existing parking area will be expanded onto the property at 10707 SE 44th Ave, where a previously existing, vacant single-family dwelling owned by the church was recently demolished. The 27 spaces in the existing parking area will be reconfigured from perpendicular to 45°-angle spaces, resulting in a new total of 42 spaces. Perimeter and interior landscaping, lighting, and an on-site walkway will be installed in accordance with the City's off-street parking standards as established in Milwaukie Municipal Code (MMC) Chapter 19.600.

The project requires approval of the following application:

1. Major Modification to Community Service Use (file #CSU-2015-001)

KEY ISSUES

Summary

Staff has identified the following key issues for the Planning Commission's deliberation. Aspects of the proposal not listed below are addressed in the Findings (see Attachment 1) and generally require less analysis and discretion by the Commission.

- A. Are there impacts to adjacent streets and/or properties that need additional mitigation beyond the requirements of MMC Chapter 19.600?

Analysis

- A. Are there impacts to adjacent streets and/or properties that need additional mitigation beyond the requirements of MMC Chapter 19.600?**

The proposed development would result in a dozen parking stalls and a drive aisle on the lot at 10707 SE 44th Ave, which was previously occupied by a single-family detached dwelling. The new parking represents a clear change in the nature of the use on that lot, with a different type and pattern of activity than that of the house previously sited there. But because the church is not expanding its existing buildings or its capacity to accommodate additional people within the facility, the parking lot expansion can be understood as an improvement that will affect the convenience and safety of church users. This includes those

users in up to 15 vehicles that may currently park in the street along Jackson St or 44th Ave but for whom there will be room to park on the site. The proposed development will reduce the number of potential conflicts between vehicles and pedestrians walking in the street to reach the existing sidewalk or a church building entrance. No new accessways will be installed from the property at 10707 SE 44th Ave, which will reduce the number of access points at this corner and thus the number of potential conflict points in the street. In fact, the demolished house's existing driveway onto Jackson St will be closed as part of the proposed development.

MMC Chapter 19.600 establishes a variety of standards for off-street parking areas, including a requirement for perimeter landscaping to screen the visual impacts of cars and car headlights onto adjacent residential properties. Sight-obscuring landscaping (in the form of mature laurel hedges) already exists in the perimeter landscaping area along much of the southern boundary of the site, and the applicant has proposed to retain it. Staff has recommended a condition of approval to require preservation of the existing hedges and to fill in any gaps, ensuring that this mature sight-obscuring screening continues to limit the parking area's impacts to the adjacent residential properties to the south.

As required by MMC Subsection 19.606.2.C.2, trees are required in perimeter landscaping areas, spaced at 1 tree per 40 lineal feet. The spacing will be even closer in this case, since the existing laurel hedge along the southern perimeter does not provide room for new trees; the required trees will be dispersed around the rest of the perimeter. Staff believes the new trees will provide a sufficient visual buffer between the new parking area and the residential properties across Jackson St and 44th Ave.

To summarize, with more parking spaces on the church site, a requirement to retain the existing hedges, and new trees dispersed around the perimeter, staff believes the standards of MMC 19.600, particularly the landscaping requirements of MMC Section 19.606, will adequately mitigate the expanded parking area's impacts on adjacent streets and properties.

CONCLUSIONS

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

1. Approve the major modification to the CSU for GracePointe Church. This will result in expansion of the existing off-street parking area in the northeastern corner of the site, with a net gain of 15 parking spaces.
2. Adopt the attached Findings and Conditions of Approval.

B. Staff recommends the following key conditions of approval (see Attachment 2 for the full list of Conditions of Approval):

- Provide sufficient detail to demonstrate that the new parking lot lighting meets the standards of MMC Subsection 19.606.3.F, particularly with respect to cutoff angles and illumination levels.
- Provide a final landscaping plan showing that the existing hedges along the southern perimeter will remain in place, that gaps in the existing hedges will be filled with sight-obscuring screening on the church property, and that at least 1 tree will be planted per 40 lineal feet of the perimeter landscaping area (approximately 495 ft total).

- Provide wheel stops in the parking stalls abutting the southern perimeter landscaping area, sufficient to prevent vehicles from encroaching into the minimum required landscaping width in this location.

CODE AUTHORITY AND DECISION-MAKING PROCESS

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

- MMC Section 19.1006 Type III Review
- MMC Section 19.904 Community Service Uses
- MMC Chapter 19.600 Off-Street Parking and Loading
- MMC Section 19.301 Low Density Residential Zones (incl. R-5)
- MMC Section 19.302 Medium and High Density Residential Zones (incl. R-3)

This application is subject to Type III review, which requires the Planning Commission to consider whether the applicant has demonstrated compliance with the code sections shown above. In Type III reviews, the Commission assesses the application against review criteria and development standards and evaluates testimony and evidence received at the public hearing.

The Commission has 4 decision-making options as follows:

- A. Approve the application subject to the recommended Findings and Conditions of Approval.
- B. Approve the application with modified Findings and Conditions of Approval. Such modifications need to be read into the record.
- C. Deny the application upon finding that it does not meet approval criteria.
- D. Continue the hearing.

The final decision on this application, which includes any appeals to the City Council, must be made by July 24, 2015, in accordance with the Oregon Revised Statutes and the Milwaukie Zoning Ordinance. The applicant can waive the time period in which the application must be decided.

COMMENTS

Notice of the proposed major modification to the existing CSU was given to the following agencies and persons: City of Milwaukie Building Department, City of Milwaukie Engineering Department, Clackamas Fire District #1, Hector Campbell Neighborhood District Association (NDA), Clackamas County, Metro, and TriMet. The following is a summary of the comments received by the City. See Attachment 4 for further details.

- **Meganne Steele, Senior Regional Planner, Metro (Planning & Development):**
 Expansion of the existing parking lot will generate more trips onto the site and should therefore trigger a requirement for construction of public sidewalks along the street next to the new parking area.

Staff Response: *Although the proposed new parking spaces will allow more trips onto the site, MMC Chapter 19.700 (Public Facility Improvements), which includes a trigger for requiring public improvements like sidewalks, does not view the new parking spaces as trip*

generators by themselves. The church building, with its sanctuary and associated meeting and activity spaces, is what generates trips, not the parking lot. If the church were being physically expanded or somehow increasing its capacity, that could be considered a trip generator and would possibly trigger MMC 19.700.

- **Samantha Vandagriff, City Building Official, Milwaukie Building Department:** Based on building square footage, the existing church use is required to provide a minimum of five (5) parking spaces compliant with the Americans with Disabilities Act of 1990 (ADA), including one (1) “Wheelchair User Only” space. Each ADA parking space must be a minimum of 8 ft wide with a 9-foot-wide striped loading area next to it. Two ADA spaces may share a single loading area between them. ADA spaces shall not have a cross slope of more than 2% in any direction, and shall be as close as possible to the entrance to the structure.

Staff Response: *The applicant has been made aware that at least the minimum number of designated ADA spaces must be provided on the overall site, with the required minimum dimensions. The Building Official will review the site for compliance with the applicable standards at the time of development permit review.*

- **Matt Amos, Fire Inspector, Clackamas Fire District #1:** No comments for this proposal.
- **Brad Albert, Civil Engineer, Milwaukie Engineering Department:** MMC Chapter 19.700 (Public Facility Improvements) is not applicable to the proposed development. Other requirements related to stormwater management have been noted with the conditions of approval.
- **Lars Campbell, Member, Hector Campbell NDA Land Use Committee:** Overall, the neighborhood supports the plan. There was a wish by one neighbor that the project included construction of sidewalks, as well as a few notes related to the Monroe Street Neighborhood Greenway project and the potential for diverted traffic to cut through the church parking lot and/or otherwise impact church traffic.

Staff Response: *As noted in response to the Metro comment above, the project does not trigger a requirement for public facility improvements such as sidewalks. Any potential impacts from features associated with the proposed Monroe Street Neighborhood Greenway project are not at issue for the proposed parking expansion. The church is private property, and cut-through traffic will be subject to the relevant laws for trespassing. Any significant impacts to local street traffic will be addressed as part of the Monroe Street Neighborhood Greenway project implementation.*

ATTACHMENTS

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

	Early PC Mailing	PC Packet	Public Copies	E-Packet
1. Recommended Findings in Support of Approval	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. Recommended Conditions of Approval	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Recommended Findings in Support of Approval
 Master File #CSU-2015-001—10750 SE 42nd Ave & 10707 SE 44th Ave
 GracePointe Church Parking Expansion

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	Early PC Mailing	PC Packet	Public Copies	E-Packet
3. Applicant's Narrative and Supporting Documentation dated March 9, 2015	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
a. Plan Sheets				
• Sheet 1 – Approval Criteria Summary				
• Sheet 2 – Preliminary Site Plan				
b. Site Map (aerial view) and topographic map				
c. Application Narrative				
• Compliance with CSU Standards				
• Compliance with Developmental Standards				
• Info on Hours of Operation				
d. Pre-application & NDA meeting notes				
e. Land Use Application forms & authorizations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Survey/tax info, stormwater management materials	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Comments Received	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Key:

Early PC Mailing = paper materials provided to Planning Commission at the time of public notice 20 days prior to the hearing.

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-126>.

**Recommended Findings in Support of Approval
File # CSU-2015-001
GracePointe Church Parking Expansion**

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

1. The applicant, GracePointe Church, has applied for approval to expand the existing off-street parking area, in the northeastern corner of the site at 10750 SE 42nd Avenue and 10707 SE 44th Avenue. The site is split-zoned, with a majority of the project area in the Residential R-5 Zone and most of the rest of the church site in the Residential R-3 Zone. There are no special zoning overlays. The proposal is a major modification of the church as an approved Community Service Use (CSU). The land use application file number is CSU-2015-001.
2. The proposed development will expand the existing off-street parking area onto a residential lot owned by the church (10707 SE 44th Ave). The previously existing house at 10707 SE 44th Ave has been demolished. The proposed development will reconfigure 27 existing spaces and add 15 new spaces, resulting in a total of 42 parking spaces within the project area. Interior and perimeter landscaping will be installed where it does not already exist, as will additional lighting and an on-site walkway.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Section 19.1006 Type III Review
 - MMC Section 19.904 Community Service Uses
 - MMC Chapter 19.600 Off-Street Parking and Loading
 - MMC Section 19.301 Low Density Residential Zones (incl. R-5)
 - MMC Section 19.302 Medium and High Density Residential Zones (incl. R-3)

The proposed development consists of expansion of an existing parking area, without any accompanying expansion or change to the building square footage. The municipal code relies on an increase in building square footage to calculate vehicle trip generation to and from the site, and therefore the Engineering Department has determined that MMC Chapter 19.700 Public Facility Improvements does not apply to this application.

4. The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review. A public hearing was held by the Planning Commission on May 12, 2015, as required by law.
5. The Planning Commission reviewed the application for compliance with the code sections listed in Finding 3.

The Planning Commission finds that code sections not addressed in these findings are not applicable to the decision.

6. MMC Section 19.904 Community Service Use

MMC 19.904 provides standards and procedures for review of applications for community service uses. These are uses that are not specifically allowed outright in most zoning districts but that address a public necessity or otherwise provide some public benefit. Community service uses may include schools, government buildings, hospitals, religious institutions, utilities, parks, or communication facilities.

- a. MMC 19.904.2 establishes applicability of the Community Service Use (CSU) regulations.

The proposed development is an expansion of the existing off-street parking area at GracePointe Church, located at 10750 SE 42nd Ave. The church is a religious institution as identified in MMC 19.904.2.A.

The Planning Commission finds that the standards of MMC 19.904 are applicable to the proposed development.

- b. MMC 19.904.3 establishes the review process for CSUs. Except for wireless communication facilities and minor modifications to existing CSUs, applications for CSUs are subject to Type III review (MMC 19.1006).

The proposed development is not a wireless communication facility, nor does it represent a minor modification to the existing CSU. The proposed expansion of the existing parking area is a significant physical change to the existing site and represents a major modification of the existing church use.

The Planning Commission finds that the proposed development is subject to the procedures for Type III review outlined in MMC 19.1006.

- c. MMC 19.904.4 establishes the following approval criteria for CSUs:

- (1) The building setback, height limitation, and off-street parking and similar requirements governing the size and location of development in the underlying zone are met. Where a specific standard is not proposed in the CSU, the standards of the underlying zone are met.

The subject property is split-zoned, with most of the overall site zoned Residential R-3 but a majority of the actual project area (where the parking expansion is proposed) zoned Residential R-5. MMC Subsection 19.107.5 addresses the issue of lots with multiple zones and applies the base zone which covers the greater area, except when the difference is a distance of more than 20 ft. In this case, the western edge of the project area extends approximately 25 ft into the R-3 portion of the site, so the applicable standards from both base zones will be applied to the relevant portions of the project area.

For the proposed development, the only applicable development standard for the base zones is the minimum vegetation requirement. However, the specific standard for minimum required landscaping for public, private, religious, and other facilities is the lesser of 15% of total site area and the percentage required by the underlying zone (as per MMC Subsection 19.404.9.I—see Finding 6-c-(2)-(h)). The minimum vegetation requirement for the R-5 zone is 25% of lot area; the minimum for the R-3 zone is 35% of lot area. The 15% standard is the lesser, therefore, 15% of total site area is required to be landscaped.

The total site area is approximately 100,500 sq ft in area. As proposed, a total of over 22,000 sq ft (or 22%) will be landscaped as a result of the project. The Planning Commission finds that the proposed development meets the applicable development standards of the underlying R-5 and R-3 zones.

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

As a religious institution, the proposed development is subject to the relevant standards for facilities not covered by other subsections of the community

service use regulations, provided in MMC 19.904.9. The standards of MMC 19.904.9 applicable to the proposed development are addressed as follows:

- (a) MMC 19.904.9.A requires that utilities, streets, or other improvements necessary for the institutional use shall be provided by the agency constructing the use.

No utility, street, or other improvements are necessary for the proposed development. This standard is met.

- (b) MMC 19.904.9.B encourages access to be provided on a collector street if practicable.

Access to the subject property is provided from SE Monroe Street, 42nd Ave, and SE Jackson Street. Both Monroe St and 42nd Ave are classified as collector streets in the City's Transportation System Plan; Jackson St is classified as a local street. This standard is met.

- (c) MMC 19.904.9.C requires community service uses in residential zones to provide setbacks equal to two-thirds the height of the principal structure.

No new buildings are included in the proposed development. This standard is not applicable.

- (d) MMC 19.904.9.E requires noise-generating equipment to be sound-buffered when adjacent to residential areas.

The proposal does not include any noise-generating equipment. This standard is not applicable.

- (e) MMC 19.904.9.F requires lighting to be designed to avoid glare on adjacent residential uses and public streets.

As proposed, three new lights will be provided in the new and reconfigured parking area. A condition has been established to ensure that the new lighting meets the applicable standards of MMC Subsection 19.606.3.F, which relates to cutoff angles and illumination levels. As conditioned, this standard is met.

- (f) MMC 19.904.9.G encourages hours and levels of operation to be adjusted to be compatible with adjacent uses where possible.

Based on information provided by the applicant, the existing church use includes a weekday office function (8:30 a.m. to 5:00 p.m.) in the east end of the building, as well as Sunday services in the sanctuary (at 9:30 a.m. and 11:00 a.m.) and other church-related activities throughout the week. No use begins earlier than 7:30 a.m. or ends later than 9:00 p.m. No changes in hours or level of operation are included with the proposed parking expansion. The hours and levels of operation of church facility will continue to be compatible with adjacent uses. This standard is met.

- (g) MMC 19.904.9.H allows a spire on a religious institution to exceed the maximum height limitation.

The existing church building does not include a spire and none is included with the proposed development. This standard is not applicable.

- (h) MMC 19.904.9.I establishes that the minimum landscaping required for religious institutions is the lesser of 15% of the total site area and the percentage required by the underlying zone.

As discussed in Finding 6-c-(1), 15% landscaping is the applicable requirement, and the proposed development will result in at least 22% of the site area being landscaped. This standard is met.

- (i) MMC 19.904.9.J allows park-and-ride facilities to be encouraged for institutions along transit routes that do not have days and hours in conflict with weekday uses (such as religious institutions). Such uses may be encouraged to allow portions of their parking areas to be used for park-and-ride lots.

No transit route currently exists adjacent to the church site, and the nearest transit stop is approximately 600 ft away via the existing sidewalks on 42nd Ave between SE Harrison Street and SE King Road. There is no compelling reason at this point in time to encourage the church to allow a portion of its parking area to be used for a park-and-ride lot. This standard is not applicable.

As conditioned, the Planning Commission finds that the proposed development meets the applicable standards of MMC 19.904.9.

- (3) The hours and levels of operation of the proposed use are reasonably compatible with surrounding uses.

As discussed in Finding 6-c-(2)-(f), the proposed development will not affect the hours and levels of operation of the existing church use, which are reasonably compatible with surrounding uses.

The Planning Commission finds that this standard is met.

- (4) The public benefits of the proposed use are greater than the negative impacts, if any, on the neighborhood.

The proposed development does not diminish the public benefits of the existing church use, and there are no significant impacts on the neighborhood. The church is not expanding its hours or levels of operation with the proposed development. Rather, the purpose of the project is to provide more accessible off-street parking for current church users and to reduce the impacts of those users who may currently park in the right-of-way on Jackson St or 44th Ave. No new accessways are proposed for the site, so there will be no new points of potential conflict with users of adjacent streets. Existing laurel hedges along the southern boundary of the site already screen adjacent houses from the parking area and will remain in place.

The Planning Commission finds that this standard is met.

- (5) The location is appropriate for the type of use proposed.

A larger portion of the project area already includes an off-street parking area; the remaining portion is a residential property owned by the church, where the pre-existing, vacant house was recently demolished. This portion of the larger church site has been utilized for off-street parking for many years.

The Planning Commission finds that this standard is met.

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

d. MMC 19.904.5 establishes the procedures for reviewing CSUs.

- (1) MMC 19.904.5.A requires the Planning Commission to hold a public hearing to consider the establishment of new CSUs or the major modification of existing CSUs. The Commission shall determine whether the proposed use meets the approval criteria of MMC 19.904.4.

The proposed development represents a major modification to a CSU, in the form of significant physical changes to the existing site. The Planning Commission held a public hearing on May 12, 2015, to evaluate the proposed major modification to the CSU in the context of the approval criteria of MMC 19.904.4. This standard is met.

- (2) MMC 19.904.5.B establishes the types of conditions that the Planning Commission may impose on CSUs to ensure compatibility with other uses in the vicinity. Conditions may involve such aspects as hours or intensities of operation, measures to limit noise or glare, special yard setbacks, design of vehicle access points, and size or location of a building.

The Planning Commission has evaluated the proposed parking expansion and finds that, between the applicant's proposal and the conditions established by the Planning Commission, the modified CSU will be compatible with the other uses in the vicinity, which are primarily residential. Specific conditions have been established to ensure the proposal's compliance with other applicable criteria, such as for parking lot lighting and landscaping.

As conditioned, the Planning Commission finds that the existing CSU remains compatible with other uses in the vicinity. This standard is met.

- (3) MMC 19.904.5.C authorizes the Planning Director to approve minor modifications to an approved community service use through the Type I review process, subject to compliance with specific criteria.

The proposed development represents a major modification to the existing community service use.

The Planning Commission finds that MMC 19.904.5.C does not apply to this application.

As conditioned, the Planning Commission finds that the applicable standards of MMC 19.904.5 are met.

e. MMC 19.904.6 establishes the application requirements for CSUs, including a narrative describing the proposed use, maps showing the vicinity and existing uses, and detailed plans for the project.

The applicant's submittal materials include site plans and a narrative description of the proposed development.

The Planning Commission finds that this standard is met.

As conditioned, the Planning Commission finds that the proposed development meets all applicable standards of MMC 19.904 and is approvable as a major modification to a CSU.

7. MMC Chapter 19.600 Off-Street Parking and Loading

MMC 19.600 regulates off-street parking and loading areas on private property outside the public right-of-way. The purpose of these requirements includes providing adequate space for off-street parking, minimizing parking impacts to adjacent properties, and minimizing environmental impacts of parking areas.

a. MMC Section 19.602 Applicability

MMC 19.602 establishes the applicability of the provisions of MMC 19.600.

(1) MMC Subsection 19.602.1 General Applicability

MMC 19.602.1 provides that the regulations of MMC 19.600 apply to all off-street parking areas, whether required by the City as part of development or voluntarily installed for the convenience of users. Activity that is not described by MMC Subsections 19.602.3 or 19.602.4 is exempt from compliance with the provisions of MMC 19.600.

The subject property includes existing off-street parking areas. The proposed development is an activity that meets the applicability standards of MMC 19.602.4.A (see Finding 7-a-(3)).

(2) MMC Subsection 19.602.2 Maintenance Applicability

MMC 19.602.2 provides that property owners shall ensure conformance with the standards of MMC 19.600 with regard to ongoing maintenance, operations, and use of off-street parking areas. Any change to an existing off-street parking area shall not bring the area out of conformance, or further out of conformance if already nonconforming.

The proposed development will expand an existing off-street parking area. The proposed improvements are in conformance with the applicable standards of MMC 19.606, including for stall dimensions, landscaping, and lighting (see Finding 7-e). The proposed development will not cause adjacent portions of the existing parking area to become out of conformance or further out of conformance if already nonconforming.

(3) MMC Subsection 19.602.4 Applicability not Associated With Development or Change in Use

MMC 19.602.4.A addresses applicability for parking projects developed to serve an existing use but not associated with other development activity or a change in use. Such activity shall conform to the requirements of MMC Sections 19.604 and 19.606-19.611. In addition, the total number of new spaces in the existing and new parking areas shall not exceed the maximum allowed quantity of parking as established in MMC Section 19.605.

The proposed development will serve an existing use on the subject property and is not associated with other development activity or a change in use. As noted in Findings 7-c and 7-e through 7-h and as conditioned, the proposed development meets all applicable standards of MMC Sections 19.604 and 19.606-611. As noted in Finding 7-d, the total number of parking spaces (144) will not exceed the maximum number allowed for this particular use (225).

The Planning Commission finds that the standards and requirements of MMC 19.600 are applicable to the proposed development.

b. MMC Section 19.603 Review Process and Submittal Requirements

(1) MMC Subsection 19.603.1 Review Process

MMC 19.603.1 establishes the Planning Director as the entity with authority to apply the provisions of Chapter 19.600 unless an application is subject to a quasi-judicial review or appeal, in which case the body reviewing the application has the authority.

The application for major modification of a Community Service Use is subject to Type III review by the Planning Commission, which is the body with authority to apply the provisions of Chapter 19.600.

(2) MMC Subsection 19.603.2 Submittal Requirements

MMC 19.603.2 establishes the requirements for submittal of a parking plan, including the various details that must be presented.

The applicant has submitted a parking plan and supporting information with sufficient detail to demonstrate compliance with the applicable standards of Chapter 19.600.

The Planning Commission finds that this standard is met.

c. MMC Section 19.604 General Parking Standards

MMC 19.604 establishes general standards for off-street parking areas, including requirements related to the provision of parking in conjunction with development activity, the location of accessory parking, and use and availability of parking areas.

The proposed development is an expansion of the existing off-street parking area related to the existing CSU (church) on the subject property. The new parking spaces will be on the same site as and available for the primary church use.

The Planning Commission finds that this standard is met.

d. MMC Section 19.605 Vehicle Parking Requirements

MMC 19.605 establishes standards to ensure that development provides adequate vehicle parking based on estimated parking demand. In particular, MMC Table 19.605.1 provides minimum and maximum requirements for a range of different uses. For religious institutions, a minimum of 1 space per 4 seats is required; a maximum of 1 space per 2 seats is allowed.

The subject property is developed with a church building, including a sanctuary with approximately 450 seats, as well as associated offices and meeting/activity spaces. The minimum number of required spaces is 113; the maximum allowed is 225. The site currently provides 129 off-street parking spaces, including 7 marked ADA spaces and approximately 36 spaces on the church-owned lot at the northwest corner of 42nd Ave and Monroe St. As proposed, the site will provide 144 spaces, or approximately 1 parking space per 3.1 seats, which falls within the allowed range for a church use.

The Planning Commission finds that this standard is met.

e. MMC Section 19.606 Parking Area Design and Landscaping

(1) MMC Subsection 19.606.1 Parking Space and Aisle Dimension

MMC 19.606.1 establishes dimensional standards for required off-street parking spaces and drive aisles. For 45°-angle spaces, the minimum width is 9 ft and minimum depth is 18.5 ft, with a 12-ft minimum curb length and 13-ft-wide one-way drive aisles.

The applicant has submitted a parking plan that utilizes 45°-angle spaces and one-way drive aisles. As proposed, the dimensions for new and reconfigured spaces and drive aisles meet the minimum standards.

This standard is met.

(2) MMC Subsection 19.606.2 Landscaping

MMC 19.606.2 establishes standards for parking lot landscaping, including for perimeter and interior areas. The purpose of these landscaping standards is to provide buffering between parking areas and adjacent properties, break up large expanses of paved area, help delineate between parking spaces and drive aisles, and provide environmental benefits such as stormwater management, carbon dioxide absorption, and a reduction of the urban heat island effect.

(a) MMC 19.606.2.C Perimeter Landscaping

In all but the downtown zones, perimeter landscaping areas must be at least 6 ft wide where abutting other properties and at least 8 ft wide where abutting the public right-of-way. At least 1 tree must be planted for every 40 lineal feet of landscaped buffer area, with the remainder of the buffer planted with grass, shrubs, ground cover, mulch, or other landscaped treatment. Parking areas adjacent to residential uses must provide a continuous visual screen from 1 to 4 ft above the ground to adequately screen vehicle lights.

As proposed, perimeter landscaping areas abutting the public rights-of-way along Jackson St and 44th Ave will be at least 8 ft wide. Perimeter landscaping areas abutting the adjacent properties to the south will be at least 6 ft wide, with existing laurel hedges proposed to remain along most of the southern perimeter. All perimeter landscaping areas will have at least 1 tree planted every 40 lineal feet, utilizing existing trees on the property where possible (as allowed by MMC Subsection 19.606.2.E.1). New trees will be distributed proportionally around the perimeter to account for places where the existing laurel hedges along the southern perimeter leave no room for new trees. A condition has been established to ensure that the final landscaping plan demonstrates that the existing hedges will remain in place, that gaps in the existing hedges will be filled with sight-obscuring screening on the church property, and that the tree-planting requirement for the entire perimeter landscaping area (approximately 495 ft) will be met.

As conditioned, this standard is met.

(b) MMC 19.606.2.D Interior Landscaping

At least 25 sq ft of interior landscaped area must be provided for each parking space. Planting areas must be at least 120 sq ft in area, at least 6 ft in width, and dispersed throughout the parking area. For landscape islands, at least 1 tree shall be planted per island, with the remainder of the

buffer planted with grass, shrubs, ground cover, mulch, or other landscaped treatment.

As a result of the proposed expansion and reconfiguration of existing parking, the project area will provide 42 spaces, which require a total of 1,050 sq ft of interior landscaping. The proposed interior landscaping areas that meet the minimum dimensional standards provide approximately 1,700 sq ft of area. For interior landscaping islands, at least 1 tree is proposed per island as required.

This standard is met.

(c) MMC 19.606.2.E Other Parking and Landscaping Provisions

Preservation of existing trees in the off-street parking area is encouraged and may be credited toward the total number of trees required. Parking area landscaping must be installed prior to final inspection, unless a performance bond is posted with the City. Required landscaping areas may serve as stormwater management facilities, and pedestrian walkways are allowed within landscape buffers if the buffer is at least 2 ft wider than required by MMC 19.606.2.C and 19.606.2.D.

The applicant has submitted a parking plan that shows preservation of some existing trees within the project area. Where the proposed on-site pedestrian walkway is located within a landscape buffer, the buffer is at least 2 ft wider than required. As required, parking area landscaping will be installed prior to final inspection, unless a bond is posted with the City.

This standard is met.

(3) MMC Subsection 19.606.3 Additional Design Standards

MMC 19.606.3 establishes various design standards, including requirements related to paving and striping, wheel stops, pedestrian access, internal circulation, and lighting.

(a) MMC 19.606.3.A Paving and Striping

Paving and striping are required for all required maneuvering and standing areas, with a durable and dust-free hard surface and striping to delineate spaces and directional markings for driveways and accessways.

As proposed, the reconfigured parking area will be paved and striped.

This standard is met.

(b) MMC 19.606.3.B Wheel Stops

Parking bumpers or wheel stops are required to prevent vehicles from encroaching onto public right-of-way, adjacent landscaped areas, or pedestrian walkways. Curbing may substitute for wheel stops if vehicles will not encroach into the minimum required width for landscape or pedestrian areas.

As proposed, curbing will be provided along the perimeter of the parking area in place of wheel stops. A condition has been established to ensure that wheel stops are provided in the stalls abutting the southern perimeter

landscaping area, to prevent vehicles from encroaching into the minimum required landscaping width in that location.

This standard is met.

(c) MMC 19.606.3.C Site Access and Drive Aisles

Accessways to parking areas shall be the minimum number necessary to provide access without inhibiting safe circulation on the street. Drive aisles shall meet the dimensional requirements of MMC 19.606.1.

The project area is accessible to Jackson St on the north and Monroe St on the south, and no new accessways are proposed. As proposed, the new and reconfigured drive aisles meet the minimum width requirement of 13 ft for one-way aisles serving 45°-angle spaces.

This standard is met.

(d) MMC 19.606.3.D Pedestrian Access and Circulation

Pedestrian access shall be provided so that no off-street parking space is further than 100 ft away, measured along vehicle drive aisles, from a building entrance or a walkway that is continuous, leads to a building entrance, and meets the design standards of Subsection 19.504.9.E.

As proposed, none of the new or modified parking spaces will be further than 100 ft from a building entrance or pedestrian walkway that leads to a building entrance. As proposed, the new on-site walkway will be constructed of pervious concrete; the existing sidewalk along the northern perimeter of the site is impervious concrete and is not required to be modified.

This standard is met.

(e) MMC 19.606.3.E Internal Circulation

The Planning Director has the authority to review the pedestrian, bicycle, and vehicular circulation of the site and impose conditions to ensure safe and efficient on-site circulation. Such conditions may include, but are not limited to, on-site signage, pavement markings, addition or modification of curbs, and modification of drive aisle dimensions.

The Planning Director has reviewed the proposed parking plan and determined that no additional requirements are necessary to ensure safe and efficient on-site circulation.

This standard is met.

(f) MMC 19.606.3.F Lighting

Lighting is required for parking areas with more than 10 spaces and must have a cutoff angle of 90 degrees or greater to ensure that lighting is directed toward the parking surface. Lighting shall not cause a light trespass of more than 0.5 footcandles measured vertically at the boundaries of the site, and shall provide a minimum illumination of 0.5 footcandles for pedestrian walkways in off-street parking areas.

The proposed development will result in a total of 42 parking spaces within the project area, which triggers the requirement for lighting in the project area. A condition has been established to ensure that all new lighting is compliant with the various applicable illumination standards established in Subsection 19.606.3.F.

As conditioned, this standard is met.

As conditioned, the applicable additional design standards of MMC 19.606.3 are met.

As conditioned, the Planning Commission finds that the applicable design and landscaping standards of MMC 19.606 are met.

f. MMC Section 19.608 Loading

MMC 19.608 establishes standards for off-street loading areas and empowers the Planning Director to determine whether or not loading spaces are required. In the case of the existing church use and the proposed parking expansion, the Planning Director has determined that no loading spaces are required.

The Planning Commission finds that this standard is not applicable.

g. MMC Section 19.609 Bicycle Parking

MMC 19.609 establishes standards for bicycle parking. However, the standards apply only for new development of various uses, including CSUs. The proposed development is an expansion of an existing parking area and does not constitute new development of the church CSU. Furthermore, no bicycle parking is proposed as part of this project.

The Planning Commission finds that this standard is not applicable.

h. MMC Section 19.610 Carpool and Vanpool Parking

MMC 19.610 establishes parking standards for vehicles used to carpool. However, the standards apply only for new development of various uses, including CSUs. The proposed development is an expansion of an existing parking area and does not constitute new development of the church CSU. Furthermore, no carpool parking is proposed as part of this project.

The Planning Commission finds that this standard is not applicable.

As conditioned, the Planning Commission finds that the proposed development meets all applicable standards MMC 19.600 for off-street parking.

8. As per MMC Subsection 19.1001.7.E.1.a, proposals requiring any kind of development permit must complete both of the following steps:

- a. Obtain and pay for all necessary development permits and start construction within two (2) years of land use approval.
- b. Pass final inspection and/or obtain a certificate of occupancy within four (4) years of land use approval.

As per MMC Subsection 19.1001.7.E.2.b, land use approvals shall expire unless both steps noted above have been completed or unless the review authority specifies a different expiration date in the land use decision to accommodate large, complex, or phased development projects.

9. The application was referred to the following departments and agencies on March 27, 2015:

- Milwaukie Building Department
- Milwaukie Engineering Department
- Clackamas Fire District #1
- Hector Campbell Neighborhood District Association (NDA) Chairperson and Land Use Committee
- Clackamas County
- Metro
- TriMet

The comments received are summarized as follows:

- a. **Meganne Steele, Senior Regional Planner, Metro (Planning & Development):** Expansion of the existing parking lot will generate more trips onto the site and should therefore trigger a requirement for construction of public sidewalks along the street next to the new parking area.
- b. **Samantha Vandagriff, City Building Official, Milwaukie Building Department:** Based on building square footage, the existing church use is required to provide a minimum of five (5) parking spaces compliant with the Americans with Disabilities Act of 1990 (ADA), including one (1) "Wheelchair User Only" space. Each ADA parking space must be a minimum of 8 ft wide with a 9-foot-wide striped loading area next to it. Two ADA spaces may share a single loading area between them. ADA spaces shall not have a cross slope of more than 2% in any direction, and shall be as close as possible to the entrance to the structure.
- c. **Matt Amos, Fire Inspector, Clackamas Fire District #1:** No comments for this proposal.
- d. **Brad Albert, Civil Engineer, Milwaukie Engineering Department:** MMC Chapter 19.700 Public Facility Improvements is not applicable to the proposed development. Other requirements related to stormwater management have been noted with the conditions of approval.
- e. **Lars Campbell, Member, Hector Campbell NDA Land Use Committee:** Overall, the neighborhood supports the plan. There was a wish by one neighbor that the project included construction of sidewalks, as well as a few notes related to the Monroe Street Neighborhood Greenway project and the potential for diverted traffic to cut through the church parking lot and/or otherwise impact church traffic.

Recommended Conditions of Approval
File # CSU-2015-001
GracePointe Church Parking Expansion

Conditions

1. At the time of submission of the associated development permit application, the following shall be resolved:
 - a. Final plans submitted for building permit review shall be in substantial conformance with plans approved by this action, which are the plans stamped received by the City on March 9, 2015, and except as otherwise modified by these conditions. The required changes are as follows:
 - (1) As per Finding 6-c-(2)-(e), provide sufficient detail to demonstrate that the new parking lot lighting meets the standards of MMC Subsection 19.606.3.F. This includes ensuring that the new lighting has a cutoff angle of 90° or greater, does not cause a light trespass of more than 0.5 footcandles measured vertically at the boundaries of the site, and provides a minimum illumination level of 0.5 footcandles for pedestrian walkways in the new and reconfigured parking area.
 - (2) As per Finding 7-e-(2), provide a final landscaping plan showing that the existing hedges along the southern perimeter will remain in place, that gaps in the existing hedges will be filled with sight-obscuring screening on the church property, and that at least 1 tree will be planted per 40 lineal feet of the perimeter landscaping area (approximately 495 ft total). Existing trees on the property will be utilized where possible (as allowed by MMC Subsection 19.606.2.E.1), and new trees shall be distributed proportionally around the perimeter to account for places where the existing laurel hedges along the southern perimeter leave no room for new trees.
 - (3) As per Finding 7-e-(3)-(b), provide wheel stops in the parking stalls abutting the southern perimeter landscaping area, sufficient to prevent vehicles from encroaching into the minimum required landscaping width in this location.
 - b. Provide a narrative describing all actions taken to comply with these conditions of approval.
 - c. Provide a narrative describing any changes made after the issuance of this land use decision that are not related to these conditions of approval.

Additional Requirements

1. Development Review

An application for Type I development review is required in conjunction with the submittal of the associated development permit application(s).

2. Stormwater Management

Submit a stormwater management plan prepared by a qualified professional engineer with required development/building permits as part of the proposed development. The plan shall conform to Section 2 – Stormwater Design Standards of the City of Milwaukie Public Works Standards. In the event the storm management system contains underground injection control devices, submit proof of acceptance of the storm system design from the Department of Environmental Quality.

Development/building permits will not be issued for construction until the stormwater management plan has been approved by the City of Milwaukie.

3. ADA Parking Spaces

As part of the development permit review for the proposed development, the Building Official will review the site for compliance with the relevant standards for parking spaces deemed accessible in conjunction with the Americans with Disabilities Act of 1990 (ADA). The site must provide the minimum number of ADA spaces, and existing ADA spaces may require modification to ensure they meet the relevant standards.

Based on building square footage, the existing church use is required to provide a minimum of five (5) ADA-compliant parking spaces, including one (1) "Wheelchair User Only" space. Each ADA parking space must be a minimum of 8 ft wide with a 9-foot-wide striped loading area next to it. Two ADA spaces may share a single loading area between them. ADA spaces shall not have a cross slope of more than 2% in any direction, and shall be as close as possible to the entrance to the structure.

4. Limitations on Development Activity

Development activity on the site shall be limited to 7:00 a.m. to 10:00 p.m. Monday through Friday and 8:00 a.m. to 5:00 p.m. Saturday and Sunday, as per MMC Subsection 8.08.070(l).

5. Expiration of Approval

As per MMC 19.1001.7.E.1.a, proposals requiring any kind of development permit must complete both of the following steps:

- a. Obtain and pay for all necessary development permits and start construction within two (2) years of land use approval.
- b. Pass final inspection and/or obtain a certificate of occupancy within four (4) years of land use approval.

As per MMC 19.1001.7.E.2.b, land use approvals shall expire unless both steps noted above have been completed or unless the review authority specifies a different expiration date in the land use decision to accommodate large, complex, or phased development projects.

APPLICATION DRAWINGS FOR COMMUNITY SERVICE USE (CSU) REVIEW DEVELOPMENT REVIEW

PARKING LOT EXPANSION FOR THE GRACE POINTE CHURCH

RECEIVED
MAR 09 2015
CITY OF MILWAUKIE
PLANNING DEPARTMENT

**CASCADE
DESIGN**
PROFESSIONALS
2780 SE Harrison St., Suite 104
Milwaukie, Oregon 97222
Voice (503) 652-9090
Fax (503) 652-9091

REGISTERED PROFESSIONAL
LANDSCAPE ARCHITECT
18553
R. Paul Kury
OREGON
MAY 12, 1987
XONK
PAUL
RENEWS 6/30/15

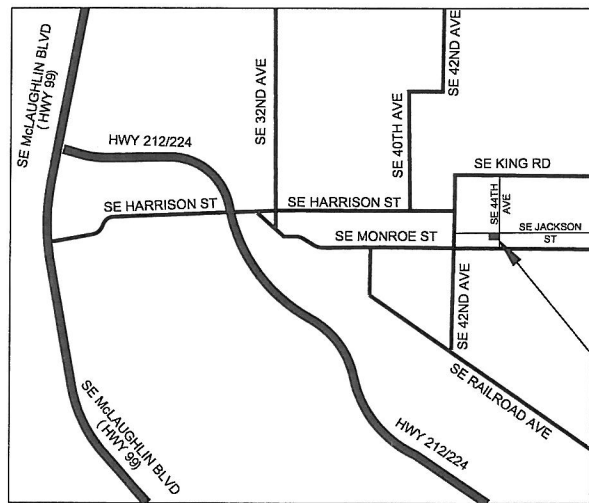
PROPERTY DESCRIPTION

PROJECT ADDRESS:
10707 SE 44TH AVENUE (NEW PARKING)
10750 SE 42ND AVENUE (MODIFICATIONS TO
EXISTING PARKING)

SUBDIVISION BLOCK AND LOT:
LOTS 1 - 8, BLOCK 45, MINTHORN ADDITION

ZONING: RESIDENTIAL R-5 AND R-3

USE: COMMUNITY SERVICE USE (CSU)
LOCATED IN EXISTING MEDIUM DENSITY
(MED.D) AND MODERATE DENSITY (MD)



VICINITY MAP
N.T.S.

PROJECT
SITE

APPROVAL CRITERIA SUMMARY

BUILDING DEPARTMENT REQUIREMENTS

ACCESSIBLE (ADA) PARKING:
ADA PARKING REQUIREMENT WILL BE MET WITH EXISTING
ADA SPACES. TOTAL PARKING SPACES FOR THE CHURCH,
INCLUDING PROPOSED EXPANSION, ARE 144. REQUIRED
NUMBER OF ADA SPACES IS 6. A TOTAL OF 7 EXISTING ADA
SPACES ARE PROVIDED, 4 OF WHICH ARE VAN ACCESSIBLE.

FIRE MARSHALL REQUIREMENTS

ACCESS TO BUILDING AND FIRE HYDRANTS WILL BE
MAINTAINED DURING CONSTRUCTION. THE NEAREST FIRE
HYDRANT IS LOCATED AT THE NW CORNER OF SE 44TH AND
JACKSON, APPROXIMATELY 100 FT FROM THE CENTER OF
THE DEVELOPMENT SITE.

PUBLIC WORKS DEPARTMENT REQUIREMENTS

STORMWATER MANAGEMENT:
NEWLY CREATED IMPERVIOUS SURFACE: 6,676 SQ FT
NEWLY CREATED PERVIOUS CONCRETE WALK: 383 SQ FT
REPLACED IMPERVIOUS SURFACE: 0 SQ FT
MEASURED INFILTRATION RATE: 2.16 INCH/ HR
PROPOSED FACILITY: 401 MIN. SQ FT PLANTER, SIZED
USING THE SIMPLIFIED APPROACH, 0.06 SIZING FACTOR

NUMBER OF STORM SDC UNITS: 2.47

APPROVAL CRITERIA SUMMARY

PLANNING DEPARTMENT REQUIREMENTS

LANDSCAPING:
REQUIRED LANDSCAPING: 3,300 SQ FT (15% OF LOT AREA)
LANDSCAPING PROVIDED: 5,230 SQ FT

SEE BELOW FOR ADDITIONAL LANDSCAPING
REQUIREMENTS FOR OFF-STREET PARKING AREAS..

OFF-STREET PARKING:

42 NEW SPACES
27 EXISTING SPACES
NET 15 NEW SPACES

DIMENSIONS: SEE ATTACHED SITE PLAN

PERIMETER LANDSCAPE BUFFER:
8' MIN. ALONG R-O-W
6' MIN. ALONG ADJOINING LOTS

INTERIOR LANDSCAPING:
REQUIRED: 1,025 SQ FT
(25 SQ FT / PARKING SPACE)
PROVIDED: 1,700 SQ FT

PEDESTRIAN ACCESS:
NEW PERMEABLE SURFACED INTERIOR WALKWAY
PLACED SO NONE OF THE NEW PARKING SPACES IS
FURTHER THAN 100 FT FROM A BUILDING ENTRANCE OR
EXISTING WALKWAY PROVIDING ACCESS TO ENTRANCE.

LIGHTING:
LIGHTNG WILL BE PLACED IN THE CENTRAL PORTION OF
THE PARKING LOT AND SELECTED TO MINIMIZE GLARE
ONTO ADJOINING RIGHT-WAY AND PROPERTIES.

APPROVAL CRITERIA SUMMARY
PROPOSED PARKING LOT EXPANSION

LAND USE APPROVAL APPLICATION DRAWINGS
COMMUNITY SERVICE USE REVIEW
DEVELOPMENT REVIEW

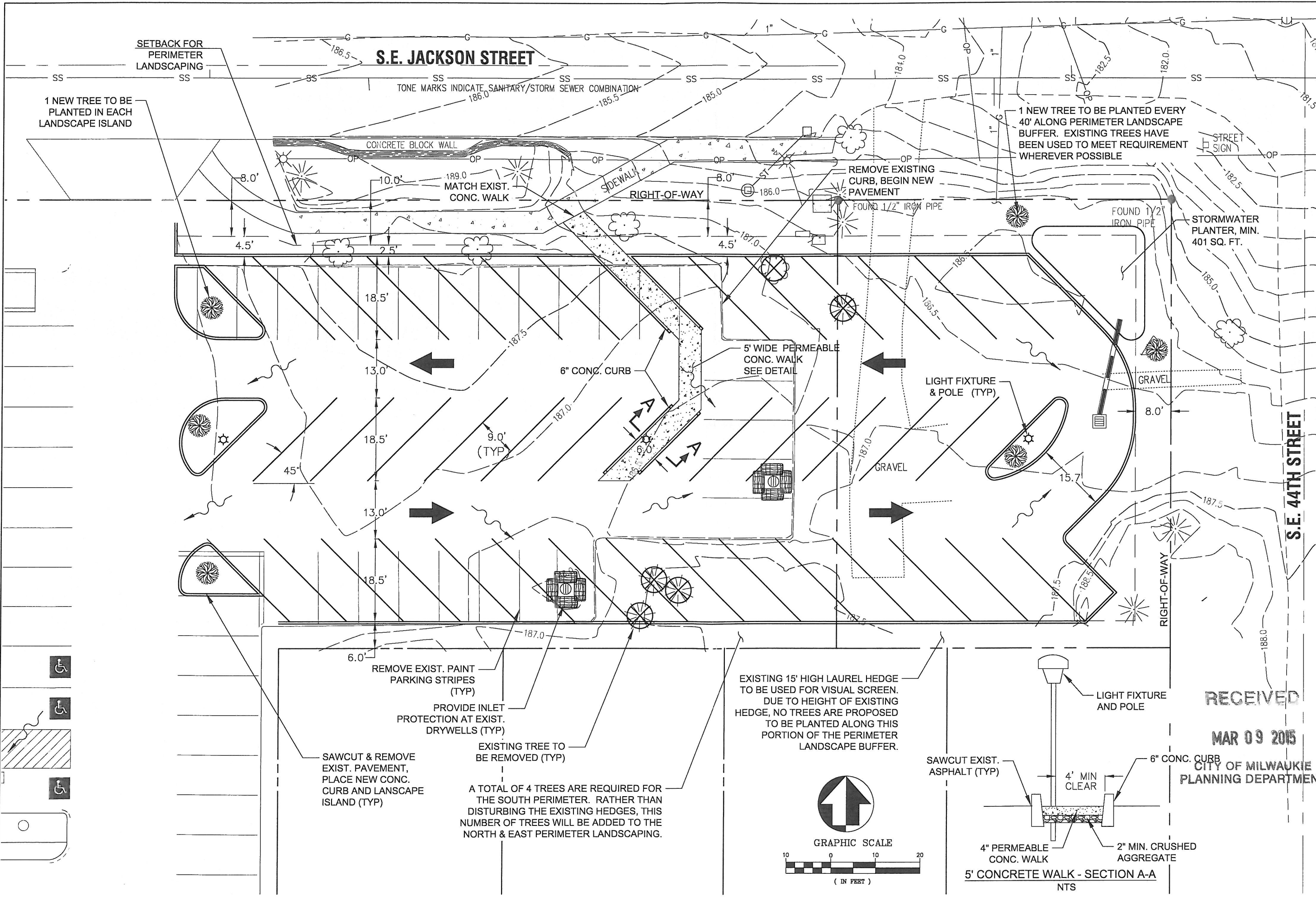
OWNER
GRACE POINTE CHURCH

10750 SE 44th Avenue
Milwaukie, OR 97222

JAN 22, 2014

DESIGNED BY:	DRAWN BY:	CHECKED BY:
1	03/04/15	REVISIONS PER CITY
		DESCRIPTION
		ALT
		BY

PROJECT NO. 141B
DRAWING NO. 1
SHEET 1 OF 2



SETBACK FOR PERIMETER LANDSCAPING

S.E. JACKSON STREET

SS TONE MARKS INDICATE SANITARY/STORM SEWER COMBINATION

1 NEW TREE TO BE PLANTED EVERY 40' ALONG PERIMETER LANDSCAPE BUFFER. EXISTING TREES HAVE BEEN USED TO MEET REQUIREMENT WHEREVER POSSIBLE

STREET SIGN

REMOVE EXISTING CURB, BEGIN NEW PAVEMENT

STORMWATER PLANTER, MIN. 401 SQ. FT.

5' WIDE PERMEABLE CONC. WALK SEE DETAIL

LIGHT FIXTURE & POLE (TYP)

S.E. 44TH STREET

REMOVE EXIST. PAINT PARKING STRIPES (TYP)

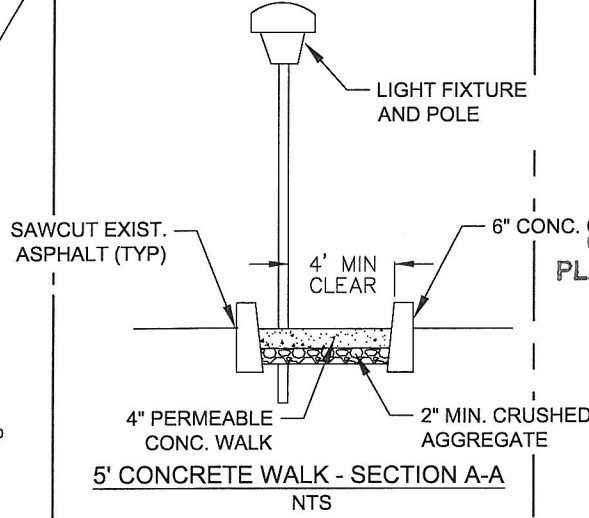
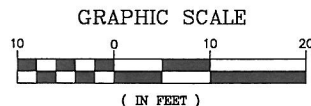
PROVIDE INLET PROTECTION AT EXIST. DRYWELLS (TYP)

SAWCUT & REMOVE EXIST. PAVEMENT, PLACE NEW CONC. CURB AND LANDSCAPE ISLAND (TYP)

EXISTING TREE TO BE REMOVED (TYP)

A TOTAL OF 4 TREES ARE REQUIRED FOR THE SOUTH PERIMETER. RATHER THAN DISTURBING THE EXISTING HEDGES, THIS NUMBER OF TREES WILL BE ADDED TO THE NORTH & EAST PERIMETER LANDSCAPING.

EXISTING 15' HIGH LAUREL HEDGE TO BE USED FOR VISUAL SCREEN. DUE TO HEIGHT OF EXISTING HEDGE, NO TREES ARE PROPOSED TO BE PLANTED ALONG THIS PORTION OF THE PERIMETER LANDSCAPE BUFFER.



RECEIVED
MAR 09 2015
CITY OF MILWAUKIE
PLANNING DEPARTMENT

CASCADE DESIGN PROFESSIONALS
2780 SE Harrison St., Suite 104
Milwaukee, Oregon 97222
Voice (503) 652-9090
Fax (503) 652-9091

REGISTERED PROFESSIONAL ENGINEER
PAUL R. PAUL
OREGON LICENSE NO. 121861
RENEWED 6/30/15

PRELIMINARY SITE PLAN
PROPOSED PARKING LOT EXPANSION

LAND USE APPROVAL APPLICATION DRAWINGS
COMMUNITY SERVICE USE REVIEW
DEVELOPMENT REVIEW

OWNER
GRACE POINTE CHURCH

10750 SE 44th Avenue
Milwaukee, OR 97222

JAN 22, 2014

NO.	DATE	DESCRIPTION	BY
1	03/04/15	REVISIONS PER CITY	ALT

DESIGNED BY: _____
DRAWN BY: _____
CHECKED BY: _____

PROJECT NO. 1418

DRAWING NO.: 2

SHEET 2 OF 2



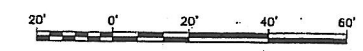
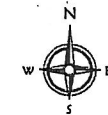
Site Map

Milwaukee Planning Dept.
 Date: City of Milwaukee GIS:
 Metro RLIS
 Date: 9/4/2013
 Author: MarquardtR

1 inch = 83 feet



The information depicted on this map is for general reference only. The City of Milwaukee does not accept any responsibility for errors, omissions or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product.



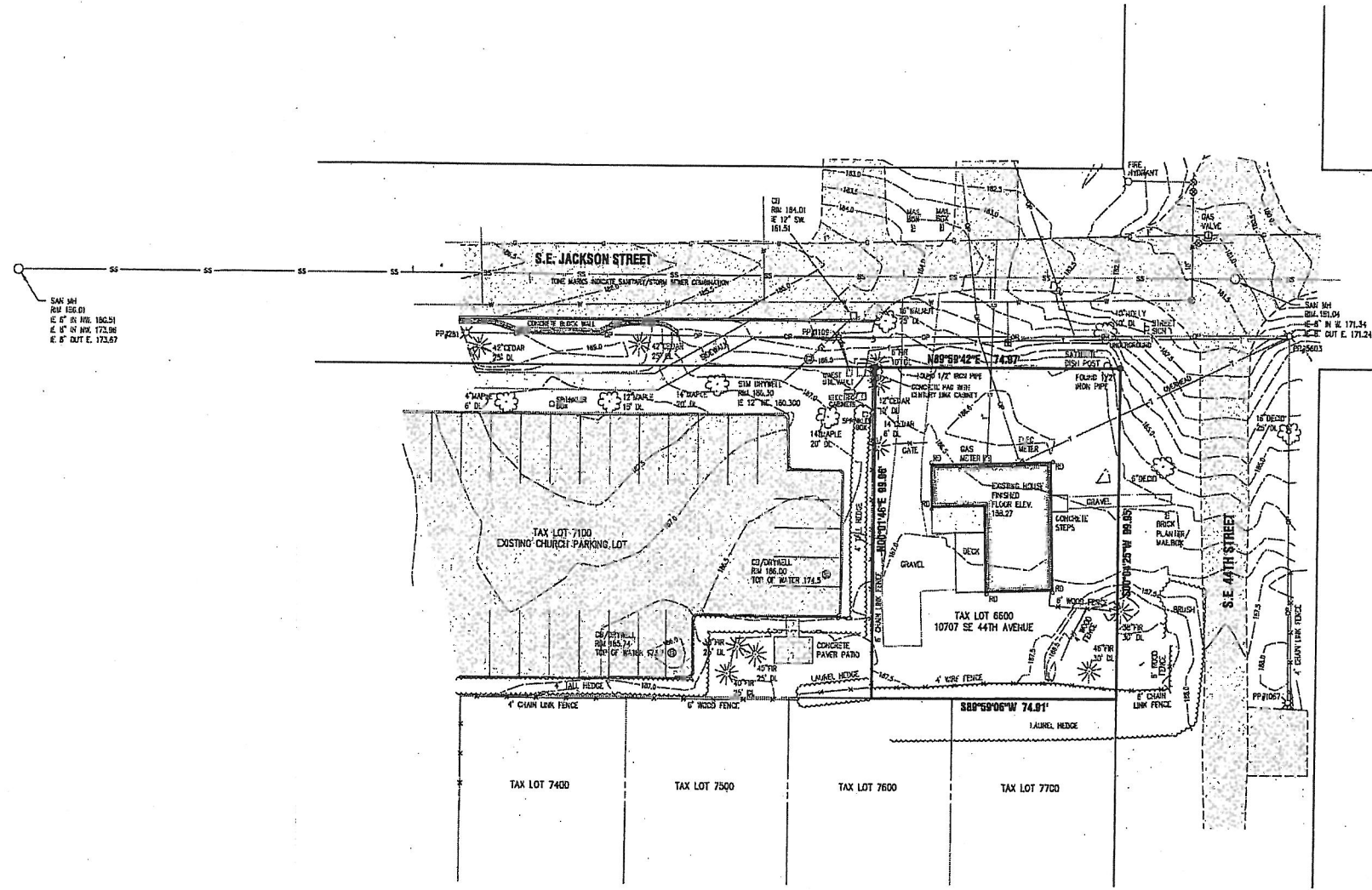
Scale: 1" = 20'

Legend:

- CONCRETE
- ASPHALT
- WATER VALVE
- CURB
- EDGE OF PAVEMENT
- SANITARY SEWER LINE
- STORM SEWER LINE
- GAS LINE
- OVERHEAD POWER LINE
- PHONE LINE
- WATER LINE
- DL DRIP LINE (RADIUS)

Notes:

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2. NAVD '88
3. CONTOUR INTERVAL IS ONE-HALF FOOT.
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REGISTERED PROFESSIONAL LAND SURVEYOR

 OREGON
 JULY 14, 1978
 DON DEVLIN
 1984
 DATE OF SIGNATURE: 4/24/14
 EXPIRES 12/31/2015

TOPOGRAPHIC SITE MAP

DATE	NO.	REVISION	DRAWN MM	DESIGN	CHECK DD
			SCALE 1" = 20'	DATE APRIL, 2014	
			PLAN 7357 Topo.dwg		



COMPASS Land Surveyors
 4107 SE International Way, Suite 705
 Milwaukie, Oregon 97222 503-653-9093

GRACE POINT CHURCH
 10750 SE 42nd AVENUE
 MILWAUKIE, OREGON 97222

10707 S.E. 44TH AVENUE
MILWAUKIE, OREGON 97222

MAR 09 2015

Compliance with Community Service Use Standards

(Section 19.904 of the Milwaukie Municipal Code)

CITY OF MILWAUKIE
PLANNING DEPARTMENT

The Pre-Application Conference Report for this project noted that the “applicant should address the specific standards provided in the MMC Subsection 19.904.9 for institutions.” The narrative that follows provides the text of the referenced subsection, followed by a statement regarding the manner in which the proposed development meets the specific requirement.

19.904.9 Specific Standards for Institutions—Public, Private, Religious, and Other Facilities not Covered by Other Standards

A. Utilities, streets, or other improvements necessary for the public facility or institutional use shall be provided by the agency constructing the use.

Applicant’s Statement: Proposed utilities for the project, underground electrical wire and conduit as well as stormwater improvements, will be provided by the Grace Pointe Church (Applicant). Pavement and curbs for onsite parking will be provided by Applicant. No public roadway improvements are proposed as part of this project.

B. When located in or adjacent to a residential zone, access should be located on a collector street if practicable. If access is to a local residential street, consideration of a request shall include an analysis of the projected average daily trips to be generated by the proposed use and their distribution pattern, and the impact of the traffic on the capacity of the street system which would serve the use. Uses which are estimated to generate fewer than 20 trips per day are exempted from this subsection.

Applicant’s Statement: Proposed development is an expansion of an existing parking lot. No new accesses are proposed onto adjacent public streets. The proposed development is intended to better serve the Church’s existing congregants, who are presently using on-street parking in the area surrounding the Church.

C. When located in a residential zone, lot area shall be sufficient to allow required setbacks that are equal to a minimum of $\frac{2}{3}$ the height of the principal structure. As the size of the structure increases, the depth of the setback must also increase to provide adequate buffering.

Applicant’s Statement: Not applicable. No structure is proposed as part of this project.

D. The height limitation of a zone may be exceeded to a maximum height of 50 ft provided Subsection 19.904.9.C of this subsection is met.

Applicant’s Statement: No structure is proposed as part of this project.

E. Noise-generating equipment shall be sound-buffered when adjacent to residential areas.

Applicant’s Statement: No noise-generating equipment is proposed as part of this project.

F. Lighting shall be designed to avoid glare on adjacent residential uses and public streets.

Applicant's Statement: Lighting will be placed in the central portion of the parking lot, maximizing separation from adjacent residences and public streets and lamps will be selected to avoid glare.

G. Where possible, hours and levels of operation shall be adjusted to make the use compatible with adjacent uses.

Applicant's Statement: No changes to existing hours and levels of operation are proposed as part of this project.

H. A spire on a religious institution may exceed the maximum height limitation. For purposes of this subsection, "spire" means a small portion of a structure that extends above the rest of the roofline, or a separate structure that is substantially smaller than the main structure and extends above the roofline of the main structure. "Spire" includes but is not limited to ornamental spires, bell towers, other towers, minarets, and other similar structures or projections. The number of spires on a religious institution property is not limited, so long as the spires remain only a small portion of the area of the structures.

Applicant's Statement: No spire is proposed as part of this project.

I. The minimum landscaping required for religious institutions is the lesser of 15% of the total site area and the percentage required by the underlying zone.

Applicant's Statement: A minimum of 15% of the development area will be landscaped, which is the lesser of this figure and 25%, the minimum vegetation required for the underlying R-5 residential zone, and 35%, the minimum vegetation required for the underlying R-3 residential zone.

The development area consists of the 75' x 100' residential property at 10707 SE 44th Avenue and an existing parking area measuring approximately 145' x 100'. The required minimum landscaping is 3,300 square feet. The landscaping provided to meet the requirements of Section 19.606-PARKING AREA DESIGN AND LANDSCAPING also provides enough to meet the minimum requirements identified above. More than 5,000 square feet of landscaping is proposed as part of this development.

J. Park-and-ride facilities may be encouraged for institutions along transit routes that do not have days and hours in conflict with weekday uses (e.g., religious institutions or fraternal organizations). Such uses may be encouraged to allow portions of their parking areas to be used for park-and-ride lots.

Applicant's Statement: No transit route is located along this project. The nearest transit stop is located at SE 42nd Avenue and King Road, approximately 600 feet to the northwest of the project site.

MAR 09 2015

CITY OF MILWAUKIE
PLANNING DEPARTMENT

Compliance with Developmental Standards

19.300 - Base Zone Standards

Low and Moderate Density residential land use designations in the Milwaukie Comprehensive Plan.

Applicant's Statement: Proposed project is a Community Service Use and is an allowed use for the underlying Residential R-5 and R-3 base zones. See discussion under "Compliance with Community Service Use Standards" document for section 19.904.9 included with this application.

19.400 – Overlay Zone Standards

The purpose of the Willamette Greenway Zone is to protect, conserve, enhance, and maintain the natural, scenic, historic, economic, and recreational qualities of lands along the Willamette River and major courses flowing into the Willamette River.

Applicant's Response: This standard does not apply to the proposed project.

19.500 – Supplementary Development Regulations

Applicant's Response: This standard does not apply to the proposed project as the lot meets dimensional requirements and there is no structure in the proposed plan.

19.600 – Off-street Parking and Loading Standards and Requirements

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.

Applicant's Response: The proposed project is an expansion of the existing parking lot on church property, would reduce on street parking and does not involve any development of new structures. Since proposed expansion has no new access points on adjacent streets, there will be no increased impact on those streets. The site plans included in the application indicate the project will meet all criteria for development. The additional parking spaces will not exceed the minimum to maximum ratios for a religious institution as stated in table 19.605.1 for community service uses. The ratio when the project is completed will be 1 space for every 3.1 seats, more than the minimum of 1 space per 4 seats noted in the table. In addition, the new total of 144 parking spaces would require 6 ADA spaces and the existing total of 7 ADA parking spaces will meet the ADA requirements for the parking spaces ratio. If a loading area next to each ADA parking space is required one of the existing spaces will become a loading area reducing the total ADA spaces to six, but still meeting the requirements for this site. Per the application drawings and site plans included with this application the project will conform with the standards of 19.606.1, parking space and aisle dimensions, and 19.606.2 perimeter landscaping dimensions (see drawings). Paving, striping, wheel stops, walkways, pedestrian circulation and lighting are addressed on the drawings as well. 19.607 does not apply as this parking is not a residential project and is intended for car parking and no commercial, pleasure craft or recreational vehicles. 19.608 – There is an off-street area by the main entrance on the

southeast end of the facility that has been used for the past 20+ years as a loading and unloading area. It is a covered drive through that meets the 13' height, the 35' long length and the 10' wide requirements for less than 50,000 sq. ' of floor area. 19.608 – There are currently no designated bicycle parking spaces. Since the majority of people using this facility on a regular basis are over the age of 65, or are young families with multiple children they drive and do not use bicycles, and with only 14 new parking spaces are being added this standard may not be necessary. If required bicycle spaces can be added in various places around the existing facility. 19.610 – Since most of the people who use this facility come as families and are in fact carpooling, the vast majority of spaces are already being used as car pool spaces, especially on Sundays, the busiest time. During the other six days there is ample parking available and most people attending mid-week events still come with multiple people in a car. This standard has been met in practice for more than 50 years. The difference is the spaces have not been specifically labeled. Usage of spaces would most likely not be any different than how they are currently used.

No modifications or exemptions are anticipated to the requirements for this project.

19.700 – Public Facility Standards and Requirements

Applicant's Response: This standard does not apply to the proposed project.

19904.4 – Approval Criteria

An application for a community service use may be allowed if the following criteria are met:

A. The building setback, height limitation, and off-street parking and similar requirements governing the size and location of development in the underlying zone are met. Where a specific standard is not proposed in the CSU, the standards of the underlying zone are met;

Applicant's Response: There is no structure involved in this project thus the building setback and height limitation do not apply. The off-street parking requirements are addressed in section 19.600 above and will meet the stated requirements.

B. Specific standards for the proposed uses as found in Subsections 19.904.7-11 are met;

Applicant's Response: 19.904.7 – This standard would not apply as the project does not involve a school. 19.904.8 – This standard would not apply as the project does not involve a nursing or convalescent home. 19.904.09 – This section is addressed in a separate attachment titled, "Compliance with Community Service Use Standards." 19.904.10 – This standard would not apply as this project does not involve a solid waste facility. 19.904.11 – This would not apply as this project does not involve a wireless communication facility.

C. The hours and levels of operation of the proposed use are reasonably compatible with surrounding uses;

Applicant's Response: There would be no change to the hours and levels of use. The parking lot expansion is simply an effort to reduce the number of cars parked on neighboring streets during the times of current use and should make the church's usage more compatible with surrounding residential areas.

D. The public benefits of the proposed use are greater than the negative impacts, if any, on the neighborhood;

Applicant's Response: Adding additional off-street parking would be a benefit to the neighborhood as it would allow the church to park more cars off the surrounding streets during events without adding any new street entrances. No negative impacts are expected.

E. The location is appropriate for the type of use proposed.

Applicant's Response: The location has been used for parking for many years and this project is simply expanding the off-street parking of the current site. Its location is consistent with what has been done and is appropriate for the proposed use.

From: Glenn Hoerr <ghoerr@gpointe.com>
Sent: Wednesday, April 29, 2015 11:57 AM
To: Kever, Brett
Subject: Re: Q Re: hours of operation

Brett,

Here is the information:

Weekday office hours: 8:30 a.m. - 5:00 p.m. (offices are located in the East end of the building)

Sunday services: 9:30 a.m. and 11:00 a.m.

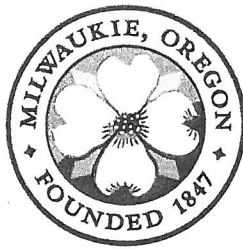
No use earlier than 7:30 a.m. and later than 9:00 p.m. (These times reflect staff who may come in before office hours and occasional events that may go until 9:00 p.m.) No changes to current hours of operation are proposed with the parking lot expansion.

Also, our facilities manager did a measurement of the various areas of the building to get a close approximate measure of square footage and it looks to be at right around 45,500 square feet. This is probably on the high side as they measured the outside of the building.

If you have any further questions please let me know.

Glenn

Glenn Hoerr
Associate Pastor
10750 SE 42nd Ave
Milwaukie, OR 97222
503-654-9593



December 4, 2014

Glenn Hoerr
GracePointe Church
10750 SE 42nd Avenue
Milwaukie, OR 97222

Re: Preapplication Report

Dear Glenn:

Enclosed is the Preapplication Report Summary from your meeting with the City on November 20, 2014, concerning your proposal for action on property located at 10750 SE 42nd Ave & 10707 SE 44th Ave.

A preapplication conference is required prior to submittal of certain types of land use applications in the City of Milwaukie. Where a preapplication conference is required, please be advised of the following:

- Preapplication conferences are valid for a period of 2 years from the date of the conference. If a land use application or development permit has not been submitted within 2 years of the conference date, the Planning Director may require a new preapplication conference.
- If a development proposal is significantly modified after a preapplication conference occurs, the Planning Director may require a new preapplication conference.

If you have any questions concerning the content of this report, please contact the appropriate City staff.

Sincerely,

Blanca Marston
Administrative Specialist II

Enclosure

cc: Paul Knox - Cascade Design Professionals
File

CITY OF MILWAUKIE

PreApp Project ID #: 14-012PA

PRE-APPLICATION CONFERENCE REPORT

This report is provided as a follow-up to a meeting that was held on 11/20/2014 at 10:00AM

Applicant Name: Glenn Hoerr
Company: GracePointe
Applicant 'Role': Legal Rep
Address Line 1: 10750 SE 42nd Ave
Address Line 2:
City, State Zip: Milwaukie OR 97222
Project Name: Grace Pointe Church
Description:
ProjectAddress: 10707 SE 44th Ave/10750 SE 42nd Ave
Zone: Residential R-5 and R-3
Occupancy Group:
ConstructionType:
Use: Medium Density (MED.D) and Moderate Density (MD)
Occupant Load:
AppsPresent: Glenn Hoerr
Staff Attendance: Vera Kalias, Jason Rice, Alex Roller.

BUILDING ISSUES

ADA: One parking spot in 25 shall be designated ADA. A minimum of one space shall be a van accessible spot. ADA Spaces shall be a minimum of 108 inches in width. The access isle for car spaces shall be 72 inches in width, 96 inches in width for van spaces. All ADA spaces shall have a maximum cross slope of 1:48 or 2%.

Structural:

Mechanical:

Plumbing:

Plumb Site Utilities:

Electrical:

Notes:

Please note all drawings must be individually rolled. If the drawings are small enough to fold they must be individually folded.

FIRE MARSHAL ISSUES

- Fire Sprinklers:**
- Fire Alarms:**
- Fire Hydrants:**
- Turn Arounds:**
- Addressing:**
- Fire Protection:**
- Fire Access:**
- Hazardous Mat.:**
- Fire Marshal Notes:**

PUBLIC WORKS ISSUES

Water: N/A

Sewer: N/A

Storm: Submission of a storm water management plan by a qualified professional engineer is required as part of the proposed development. The plan shall conform to Section 2 - Stormwater Design Standards of the City of Milwaukie Pubic Works Standards.
The storm water management plan shall demonstrate that the post-development runoff does not exceed the pre-development, including any existing storm water management facilities serving the development property. Also, the plan shall demonstrate compliance with water quality standards. The City of Milwaukie has adopted the most current City of Portland Stormwater Management Manual for design of water quality facilities.
All new impervious surfaces, including replacement of impervious surface with new impervious surfaces, are subject to the water quality standards. See City of Milwaukie Public Works Standards for design and construction standards and detailed drawings.

The storm SDC is based on the amount of new impervious surface constructed at the site. One storm SDC unit is the equivalent of 2,706 square feet of impervious surface. The storm SDC is currently \$823 per unit. The storm SDC will be assessed and collected at the time the building permits are issued.

Street: N/A

Frontage: N/A

Right of Way: N/A

- Driveways:** If the existing driveway is impacted by the proposed changes, a new ADA compliant driveway will need to be constructed. Most likely, Milwaukie Standard Detail 502A would apply.
- Erosion Control:** Per Code Section 16.28.020(C), an erosion control permit is required prior to placement of fill, site clearing, or land disturbances, including but not limited to grubbing, clearing or removal of ground vegetation, grading, excavation, or other activities, any of which results in the disturbance or exposure of soils exceeding five hundred square feet.
- Code Section 16.28.020(E) states that an erosion control permit is required prior to issuance of building permits or approval of construction plans. Also, Section 16.28.020(B) states that an erosion control plan that meets the requirements of Section 16.28.030 is required prior to any approval of an erosion control permit.
- Traffic Impact Study:** N/A
- PW Notes:** N/A

PLANNING ISSUES

- Setbacks:** No new building is proposed, so there are no relevant setback standards.
- Landscape:** As a community service use (CSU), the church is subject to the minimum landscaping requirement established in Milwaukie Municipal Code (MMC) Subsection 19.904.9.I for institutions, which is 15% of the lot area. See the "Parking" section for more information about the landscaping requirements for off-street parking areas.
- Per Applicant's question, no permit is required to remove trees on private property.
Per Applicant's question, stormwater management facilities may be located within the perimeter landscaping strip.
- Parking:** Milwaukie Municipal Code (MMC) Chapter 19.600 provides standards for off-street parking areas. MMC Table 19.605.1 establishes minimum and maximum numbers of spaces. For religious institutions, a minimum of 1 space is required per 4 seats; a maximum of 1 space per 2 seats are allowed. According to the applicant, there are approximately 450 seats in the church worship center, which results in a minimum requirement of 113 spaces and a maximum allowance of 225 spaces. The site currently provides approximately 90 spaces, with approximately 36 additional spaces on the church-owned lot across the street on the northwest corner of SE 42nd Avenue and SE Monroe Street. The proposed expansion would add a net of 14 more off-street spaces and would not push the church over the maximum number allowed.
- As per MMC Subsection 19.602.4.A, parking areas developed to serve existing uses must meet the various standards for such features as dimensions, landscaping, and pedestrian access. MMC Table 19.606.1 provides dimensional standards for parking spaces and drive aisles, based on the angle of the parking space. As per MMC Subsection 19.606.2.C, a 6-ft perimeter landscaping buffer is required where the parking area is adjacent to other properties; an 8-ft perimeter buffer is required where adjacent to public right-of-way. At least 25 sq ft per parking space must be provided as interior landscaping, with each planting area at least 6 ft wide and at least 120 sq ft in area. One tree is required along each lineal 40 ft of landscaping areas.
- Additional design standards for such aspects as wheelstops, pedestrian access, and lighting, are provided in MMC Subsection 19.606.3. Pedestrian access must be established so that none of the new parking spaces is farther than 100 ft from a building entrance or a walkway that meets the specific

design standards of MMC Subsection 19.504.9.E, including that the walkway be constructed with a permeable surface and lighted to an average 0.5-footcandle level. Existing asphalt can be utilized where possible, but new walkway areas must be permeable.

Per applicant's question, the proposal must demonstrate compliance with Section 19.504.9 and 19.606.3.D and show that no parking space is more than 100' from either the building or a walkway (public sidewalk is acceptable). Walkways must be continuous.

Transportation Review: See the Public Works notes for more information about the applicability of MMC Chapter 19.700 Public Facility Improvements and any required right-of-way dedication and street improvements.

Application Procedures: The proposed development would involve the following land use applications:
- Community Service Use review
- Development Review

Community Service Use (CSU) review (MMC Section 19.904) = By adding more area to the church site, the proposed off-street parking expansion constitutes a major modification of the CSU and requires Type III review by the Planning Commission. The CSU approval criteria are provided in MMC Subsection 19.904.4. The applicant should address the specific standards provided in MMC Subsection 19.904.9 for institutions. Conditions of approval may be imposed as outlined in MMC Subsection 19.904.5.B.

Development Review (MMC Section 19.906) = If the proposed parking improvements are approved, Type I Development Review will be required with the submittal of any needed development permits (such as for grading and erosion control), to ensure that all relevant standards are met and that any required conditions of approval are carried out.

For the current fiscal year (until June 30, 2015), the following fees are in effect for the various levels of land use application review: Type III (\$2,000) and Type I (\$200). There is a \$500 fee for appealing any decision to the relevant appeal authority listed in MMC Table 19.1001.5.

Natural Resource Review: There are no designated natural resource areas on the site.

Lot Geography: The residential property at 10707 SE 44th Avenue is a rectilinear lot approximately 7,500 SF in area (75 ft by 100 ft). The existing church property at 10750 SE 42nd Ave is a rectilinear lot that is approximately 92,500 SF in area (2.1 acres) and comprises most of the block bounded by 42nd and 44th Avenues and SE Jackson and Monroe Streets.

Planning Notes: Past land use files:
CSU-11-01 = Minor modification to modify the existing library by enclosing an interior courtyard (455 sq ft expansion). No changes to off-street parking were proposed or required.

C-75-14 = Conditional use approval to construct off-street parking for the church on the vacant lot at the northwest corner of the intersection of 42nd Ave and Monroe St. Requirements included construction of curb and sidewalk along 42nd Ave and vegetative screening for the perimeter of the property (except for clear vision areas).

SP-68-19 = Conditional use request to allow use of an existing steel building on the church site for storage of municipal street material during winter months (e.g., gravel, sand). Request was denied by Planning Commission.

For any proposed development that would trigger a land use application, staff generally encourages applicants to present the proposal to the relevant neighborhood association or planning committee. The

site is within the boundaries of the Hector Campbell Neighborhood District Association (NDA). The Hector Campbell NDA meets on the second Monday of each month at 6:30pm at the Public Safety Building (3200 SE Harrison St). Visit the website <http://www.milwaukieoregon.gov/citymanager/hector-campbell-nda> for contact information.

ADDITIONAL NOTES AND ISSUES

County Health Notes:

Other Notes:

This is only preliminary preapplication conference information based on the applicant's proposal and does not cover all possible development scenarios. Other requirements may be added after an applicant submits land use applications or building permits. City policies and code requirements are subject to change. If you have any questions, please contact the City staff that attended the conference (listed on Page 1). Contact numbers for these staff are City staff listed at the end of the report.

Sincerely,

City of Milwaukie Development Review Team

BUILDING DEPARTMENT

Samantha Vandagriff - Building Official - 503-786-7611

Bonnie Lanz - Permit Specialist - 503-786-7613

ENGINEERING DEPARTMENT

Jason Rice - Engineering Director - 503-786-7605

Brad Albert - Civil Engineer - 503-786-7609

Adriana Slavens - Civil Engineer - 503-786-7602

Chrissy Dawson - Engineering Technician II - 503-786-7610

Alex Roller - Engineering Technician I - 503-786-7695

COMMUNITY DEVELOPMENT DEPARTMENT

Stephen Butler - Comm. Dev. Dir. - 503-786-7652

Marcia Hamley - Admin Specialist - 503-786-7656

Alicia Martin -Admin Specialist - 503-786-7600

Blanca Marston -Admin Specialist - 503-786-7600

PLANNING DEPARTMENT

Dennis Egner - Planning Director - 503-786-7654

Brett Kolver - Associate Planner - 503-786-7657

Li Alligood - Associate Planner - 503-786-7627

Vera Koliass - Associate Planner - 503-786-7653

CLACKAMAS FIRE DISTRICT

Mike Boumann - Lieutenant Deputy Fire Marshal - 503-742-2673

Clackamas County Fire District #1

Fire Prevention Office



E-mail Memorandum

To: Glenn Hoerr and City of Milwaukie Planning
From: Mike Boumann, Deputy Fire Marshal, Clackamas Fire District #1
Date: 11/18/2014
Re: Parking lot expansion at 10707 SE 44th Avenue

This review is based upon the current version of the Oregon Fire Code (OFC), as adopted by the Oregon State Fire Marshal's Office. The scope of review is typically limited to fire apparatus access and water supply, although the applicant must comply with all applicable OFC requirements. When buildings are completely protected with an approved automatic fire sprinkler system, the requirements for fire apparatus access and water supply may be modified as approved by the fire code official. The following items should be addressed by the applicant:

COMMENTS:

- 1) Maintain access to building and fire hydrants during construction.

*Contact Clackamas Fire District #1 at 503-742-2660 for any questions.



Hector Campbell Neighborhood District Association

Meeting Notes 6:30PM December 8, 2014 Public Safety Building Community Room

Introductions and Welcome: David Aschenbrenner, Chair, opened the meeting at 6:30pm. Present: Police Chief Steve Bartol, Vice Chair Lars Campbell, City Liaison Mitch Nieman, City Community Involvement Coordinator Jason Wax, City Liaison Gary Parkin, Linda Hedges, HCNDA Secretary-Treasurer, Mary Weaver, PSAC Representative, Darlene Albertson, Wally Bischoff, Melanie Bocek, Susanne Richter, Carl Richter, Frank Lamp, Steve Rand, Bonnie Rand, Ruby Inman, Darren Smith, Sarah Smith, Glenn Hoerr, GracePointe Church

Milwaukie Police Update:

- Chief Bartol reported that last week he swore in the final two officers that now bring the department to full staffing once they have completed their training. A new round of recruitment will begin in January using an on-line recruitment and application software tool. It was mentioned that people at the Monroe Greenway meeting had mentioned there was noticeably less traffic enforcement which has allowed traffic speed to increase. The Chief explained this is because of the chronic staffing shortage over the past few years and he hopes to be able to reactivate the traffic division and other divisions now that staffing is back to full strength. The Department will also be recruiting reserves. If neighbors know of any person who they believe would make a good police officer have them contact one of the Captains for more information.
- He reported that an ordinance prohibiting vehicles parking on city streets with expired tags longer than 30 days was passed by Council and will go into effect January 2, 2015. This will allow police to cite unregistered vehicles left on the street in one location for longer than 30 days. This goes along with enforcement against inoperable and/or abandoned vehicles left sitting on the streets for more than 24 hours.
- The Chief reported that the house on 37th and Adams that recently was involved in a house fire is for sale.
- Other problem houses located in the area were also discussed. Code Compliance is aware of them and is keeping an eye on them.
- The Chief reminded everyone to be especially vigilant this time of year for burglars and car prowlers, not to leave any valuables in their car or their car running or unlocked just to run into the house for a minute and to watch for package deliveries for neighbors or themselves. Call if you see something suspicious; nonemergency phone number is 503-786-7500. Call at once, they don't mind if it's nothing once checked.
- The Chief asked everyone to be sure their cell phone numbers are registered on the City's CodeRed website. This is the reverse 9-1-1 program that calls neighbors to warn of an event or problem. The City's website has a red CodeRed button on the upper right corner that will lead you to the registration page where all family cell phone numbers can be registered. Landlines are automatically registered by many homes to not have those anymore.
- The Chief reported that the Department's new PIO is working to increase use of social media such as Facebook and Twitter to communicate with the public. So "like" them through Facebook and check out improved web pages as well.

Secretary's Report Linda Hedges moved and Mary Weaver seconded the motion to accept November meeting minutes as written. Approved unanimously.

Treasurer's Report – Linda Hedges reported we have \$6099.24 in savings and \$2042.46 in checking.

Grant Request: Milwaukie Public Safety Foundation has requested \$100 from each NDA to support the cost of tickets for our police officers and their families for the Milwaukie Police Officer of the Year Award Dinner on February

26 2015 at the American Legion. Linda Hedges moved and Wally Bischoff seconded the motion. It passed unanimously.

City Liaison reports:

Gary Parkin, City Operations Director provided information:

- Final free leaf drop dates is December 13th. Paper bagged leaves or plastic bagged or loose leaves will be accepted (separate drop boxes for each) will be at JCB facilities. Homeowners need to bring their utility bill to prove they are city residents and suggested canned or non-perishable goods donations.
- Open House for final view of concept plan for Kronberg Park on December 9, 6:30pm, PSB.
- Ledding Library's 50th Birthday celebration will be December 16th 10am-9pm with a ceremony at 2pm. It celebrates 125 years of library service.
- Winter Solstice is celebrated December 20th Saturday 4:30pm at Riverfront Park. Cross McLoughlin at Harrison. Park east of McLoughlin in downtown. No parking in the park this year and some areas will be restricted due to construction. A smaller firepit will be used this year. Lewelling NDA will once again be selling coffee, hot chocolate and pies as a fundraiser.
- A recognition of service for outgoing Councilors Hedges and Miller will be celebrated at the American Legion on December 18th from 6:30pm. Please come to thank them for their hard work and commitment to the city.
- Railroad Avenue's road resurface is planned to start in July 2015 under the Capital Improvement Plan Street Resurfacing Project. Home and Wood Avenues are scheduled for resurfacing in 2018. Apparently the new Council will be discussing in January whether to postpone resurfacing of Railroad to wait to find the money to completely rehabilitate the road with sidewalks and storm drainage and bike paths. It was commented that a chance of finding money to do this is very small. Please contact your new city councilors if you wish to comment.
- The 17th Avenue multi-modal trail hearing will be before Council January 21st. There are still some parking issues to solve with the Pioneer Cemetery.
- Riverfront Park construction is progressing as planned.

GracePointe Church Land Use

Glenn Hoerr reported that the church is applying to use property they own at Jackson and 44th to expand their parking lot to allow for another 14 parking spaces which will help alleviate on-street parking during services. There is an existing house on the property which will be removed. He described the landscaping requirements and area that will be affected. Mary Weaver thanked him for coming to the NDA meeting to communicate with the church's neighbors; he replied the church desires to be a good neighbor in the community in many ways.

Homewood Park and Campbell Community Garden:

- Sarah Smith reported that 1600 lbs of produce has been donated this year to Esther's Pantry. No new renters have signed up for the garden.

Monroe Street Greenway Project

Open house was held December 3rd at the Public Safety Building.

- Linda Hedges mentioned that project maps, information, proposed traffic calming features and comments can be found and made online at <http://www.milwaukieoregon.gov/planning/monroe-street-neighborhood-greenway-concept-plan>. She mentioned she is personally opposed to the idea of placing diverters on Monroe to push traffic to King Road or Railroad Avenue and to reduce the number of vehicles actually using Monroe. But this is just one of the proposed methods to slow traffic and that was her personal opinion. She encouraged everyone to look at the information and make sure to get comments to Lars Campbell or Kirk Iverson who represent the neighborhood on the committee.

Moving Forward Milwaukie Project

- No new information

Boards and Commissions reports:

- **PSAC:** Officer of the Year Award Dinner February 26 2015
- Clackamas Fire District #1 Operation Santa, route through Campbell neighborhood December 8th 6-9pm
Neighbors attending the NDA meeting had brought toys and a large amount of food which was later donated to Operation Santa.

Assistant to City Manager Mitch Nieman mentioned some of the city information listed above and introduced the newly hired Community Involvement Coordinator Jason Wax, who previously worked for the city in the early 2000's.

Mr. Nieman mentioned the success of the Umbrella Parade and thanked David Aschenbrenner and Linda Hedges who were involved in planning and managing the parade along with several other volunteers. There are a few photos available on the city's website.

Discussion of 2014- 15 Neighborhood Goals

- Lars Campbell brought the completed "Mini-Library", a small box which will be placed on a post where neighbors can exchange reading material. It will be located on private property next to the alleyway from 47th and Adams that runs to the Campbell Community Garden. Our little library will be registered with the Free Little Library organization. Both adult and children's books are still needed for it and it's hoped it will be installed and ready for use by the end of December.
- Discussion of pedestrian-activated lights for crosswalk on King Road at Home Avenue postponed until we hear back from city engineering staff. **Action: Aschenbrenner to speak with Engineering staff.**
- If anyone has any small or big ideas for a neighborhood project please bring it to our next meeting.
- Tree Ordinance – discussion postponed **Action: Gary Parkin and David Aschenbrenner**

Other Business - Christmas Door Prizes

Everyone received a fun door prize and enjoyed Christmas goodies from The Painted Lady.

There was no further business. The meeting was adjourned at 7:45 pm.

Next meeting: January 12, 2015, 6:30pm

Members of the HCNDA are those who live in, own property in, work in, or represent a business or nonprofit organization within the Hector Campbell NDA boundaries. Only members are entitled to make motions and to vote. Others are welcome to attend and to contribute to discussion. Find your appropriate neighborhood at www.cityofmilwaukie.org/nda/ndamap.html. Hector Campbell NDA's website: www.hectorcampbellnda.org.

Draft dated December 9, 2014 for approval at January 12, 2015 meeting

ATTACHMENT 4

Kelver, Brett

From: Meganne Steele <Meganne.Steele@oregonmetro.gov>
Sent: Monday, March 30, 2015 11:02 AM
To: Kelver, Brett
Cc: Martin, Alicia; 'bollh@trimet.org'; 'kenken@co.clackamas.or.us'; John Williams; Megan Gibb; Paulette Copperstone; Anthony Buczek
Subject: RE: CSU-2015-001 Application Referral

Hi Brett,

Thanks for taking a few minutes to speak with me today. As we discussed, I am concerned that the church will not be putting in a public sidewalk along the street next to the new parking lot area. From what I can tell, it looks like a home on the corner was demolished to expand the existing parking lot. You explained that the sidewalk requirement was not triggered because the church building area was not expanded – same SF, same trip generation. I understand the logic, but disagree. There is an expansion parking capacity - 42 spaces total, with 15 net new spaces. With additional parking spaces, there will be more trips onto the site.

Meganne

From: Martin, Alicia [<mailto:MartinA@milwaukieoregon.gov>]
Sent: March 27, 2015 3:39 PM
To: 'kenken@co.clackamas.or.us'; Meganne Steele; 'bollh@trimet.org'
Cc: Kelver, Brett
Subject: CSU-2015-001 Application Referral

Greetings,

Please see the link below to find the Application Referral for land use application CSU-2015-001 for Gracepointe Church at 10707 SE 44th Ave/10750 SE 42nd Ave. If you have any questions, please feel free to contact Brett Kelver at 503-786-7657 or kelverb@milwaukieoregon.gov.

<http://www.milwaukieoregon.gov/planning/csu-2015-001>

Thank you.

Alicia Martin
Administrative Specialist II

City of Milwaukie
6101 SE Johnson Creek Blvd | Milwaukie, OR 97206
T 503.786.7669 | F 503.774.8236
Community Development 503.786.7600
Join us on the [web](#), [facebook](#) and [twitter](#)!

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Kelver, Brett

From: Vandagriff, Samantha
Sent: Tuesday, April 28, 2015 1:24 PM
To: Kelver, Brett
Subject: RE: CSU-2015-001 Bldg comments

5 total, one being the wheel chair only space.

Samantha Vandagriff
Building Official
City of Milwaukie
503-786-7611

From: Kelver, Brett
Sent: Tuesday, April 28, 2015 1:16 PM
To: Vandagriff, Samantha
Subject: RE: CSU-2015-001 Bldg comments

Great, thank you. I think they will end up with 144 spaces, which appears to have them needing to provide at least 5 ADA spaces, one of which is a "Wheelchair User Only" space. Or is that 5 plus 1?

Brett Kelver, AICP
Associate Planner
City of Milwaukie

From: Vandagriff, Samantha
Sent: Tuesday, April 28, 2015 1:14 PM
To: Kelver, Brett
Subject: RE: CSU-2015-001 Bldg comments

It's based on the number of spaces provided. I can't remember how many they have, but here is the break down.

**TABLE 1106.1
ACCESSIBLE PARKING SPACES**

TOTAL PARKING IN LOT	MINIMUM NUMBER OF ACCESSIBLE SPACES	NUMBER OF VAN ACCESSIBLE SPACES	"WHEELCHAIR USER ONLY" SPACES
1 to 25	1	1	—
26 to 50	2	1	—
51 to 75	3	1	—
76 to 100	4	1	—
101 to 150	5	—	1
151 to 200	6	—	1
201 to 300	7	—	2
301 to 400	8	—	2
401 to 500	9	—	2
501 to 1,000	2% of total	—	1 in every 6 accessible spaces or portion thereof
1,001 and over	20, plus one for each 100, or fraction thereof, over 1,000	—	1 in every 6 accessible spaces or portion thereof

Samantha Vandagriff
 Building Official
 City of Milwaukie
 503-786-7611

From: Kelter, Brett
Sent: Tuesday, April 28, 2015 11:06 AM
To: Vandagriff, Samantha
Subject: RE: CSU-2015-001 Bldg comments

Sam,

A belated follow-up question:

- What is the minimum number of ADA spaces that the church needs to be providing?

Brett Kelter, AICP
 Associate Planner
 City of Milwaukie

From: Vandagriff, Samantha
Sent: Wednesday, April 01, 2015 12:33 PM
To: Kelter, Brett
Subject: CSU-2015-001 Bldg comments

Brett here are my comments.

ADA spaces shall be compliant spaces, each space shall be a minimum of 8 feet wide with a 9 foot striped area adjacent to it. Two such spaces may share one striped area between them. The spaces shall not have a cross slope of more than 2% in any direction, and shall be as close as possible to the entrance to the structure.

Samantha Vandagriff
Building Official

City of Milwaukie
6101 SE Johnson Creek Blvd., Milwaukie OR 97206
T 503.786.7611
F 503.786.7612
Community Development 503.786.7600

Clackamas County Fire District #1

Fire Prevention Office



E-mail Memorandum

To: Brett Kelter, Associate Planner, City of Milwaukie Planning Department

From: Matt Amos, Fire Inspector, Clackamas Fire District #1

Date: **4/02/2015**

Re: Parking lot expansion 10707 SE 44th Ave.

This review is based upon the current version of the Oregon Fire Code (OFC), as adopted by the Oregon State Fire Marshal's Office. The scope of review is typically limited to fire apparatus access and water supply, although the applicant must comply with all applicable OFC requirements. When buildings are completely protected with an approved automatic fire sprinkler system, the requirements for fire apparatus access and water supply may be modified as approved by the fire code official. The following items should be addressed by the applicant:

COMMENTS:

1. The Fire District has no comments for this proposal.

MEMORANDUM

TO: Community Development Department
THROUGH: Jason Rice, Engineering Director
FROM: Brad Albert, Civil Engineer
RE: Community Service Use – 10707 SE 44th Avenue, 10750 SE 42nd Avenue
CSU-2015-001
DATE: April 27, 2015

The application proposes to expand the parking lot on the east side of the property. The expansion proposed would increase the parking spaces from 27 spaces to 42 spaces. Expansion includes approximately 6,700 square feet of new impervious area.

1. MMC Chapter 19.700 – Transportation Planning, Design Standards, and Procedures
The Engineering Department finds that MMC Chapter 19.700 does not apply to this application.

Recommended Conditions of Approval

None

Other notes

Prior to the issuance of a building permit the following shall be submitted:

Submit a storm water management plan to the City of Milwaukie Engineering Department for review and approval. The plan shall be prepared in accordance with Section 2 – Stormwater Design Standards of the City of Milwaukie Public Works Standards. In the event the storm management system contains underground injection control devices, submit proof of acceptance of the storm system design from the Department of Environmental Quality.

Kelver, Brett

From: Lars Campbell <larscampbell@gmail.com>
Sent: Wednesday, April 29, 2015 10:31 PM
To: Kelver, Brett
Cc: David Aschenbrenner
Subject: Re: Grace Point Land Use App

Hi Brett--

Here are the comments from members of our neighborhood (sometimes not completely related, but I thought I'd include even tangential comments).

Overall, the neighborhood supports the plan.

One neighbor said : "I have no problem with the church's parking expansion plan. What I am concerned about is that the Monroe Greenway project's planned partial diverter at 42nd will push traffic left and that diverted traffic will go either through the church's parking lot or down Jackson to 44th and then back onto Monroe, which means more traffic would be encountered by those exiting the church parking lot. Without a strong curb and demarcation at the northeast corner of the church's new parking area I'm concerned general drivers MIGHT be tempted to cut through the parking lot to get back onto Monroe. For sure they will go down Jackson to 44th and turn right to get back onto Monroe. All of which could impact church traffic.

This is not a problem the church could have foreseen. Nor would it be the problem I and many others foresee if the diverter notion were dropped from the Monroe Greenway plan."

Another neighbor says: "I wish they were including some sidewalks, not just taking out a building and paving more parking lot."

Another neighbor said: "I support them. Plus - if we had big concerns, I think we should have voiced them when he came to the meeting and did such a good job presenting what they wanted to do."

There are the specifics. I hope this email is official enough, but if you need something else, let me know!

Lars

Lars

On Apr 28, 2015, at 11:13 AM, Kelver, Brett <KelverB@milwaukieoregon.gov> wrote:

David,

Checking back to see if the NDA has any comments to submit on the proposed parking expansion at GracePointe church. Can you let me know by the end of the day tomorrow (Wednesday)? Thanks!

Brett Kelper, AICP
Associate Planner
City of Milwaukie

From: David Aschenbrenner [<mailto:dlasch@comcast.net>]
Sent: Wednesday, April 22, 2015 10:16 AM
To: Kelper, Brett
Cc: 'Hedges, Linda'; 'Lars Campbell'; 'Smith, Sarah'; 'Weaver, Mary'; Albert, Brad
Subject: RE: Grace Point Land Use App

Thanks
ash

From: Kelper, Brett [<mailto:KelperB@milwaukieoregon.gov>]
Sent: Wednesday, April 22, 2015 9:55 AM
To: 'David Aschenbrenner'
Cc: Hedges, Linda; Lars Campbell; Smith, Sarah; Weaver, Mary; Albert, Brad
Subject: RE: Grace Point Land Use App

David,

Thanks for your questions. Sorry to have taken so long to respond—I have been trying to catch up on several other applications happening at the same time.

No new driveway accesses are proposed as part of the parking expansion project at GracePointe church. Access to the site will not change.

No new sidewalks are proposed, and none are required by the code (Chapter 19.700, Public Facility Improvements) for this project. The church is not proposing to expand any of its building space (no new square footage, no change in seating in the sanctuary), and the parking lot expansion itself is not a trip generator according to the manual used by the Institute of Transportation Engineers (ITE). I know that seems a little counter-intuitive, because one could argue that having more available parking could encourage more people to attend the services than now, since it may be a little easier to park on the site. However, a counter-argument (and the prevailing idea) is that a change in capacity of the sanctuary and/or other activity spaces themselves is what would be the actual trip generator—if there's no change inside the building to allow/encourage more people to come, there is no trigger for requiring public improvements like sidewalks. Parking by itself is not a trip generator.

Let me know if the NDA will have some official comments to submit. I am working on the draft staff report and findings this week. Thanks, and apologies again for the delay!

Brett Kelper, AICP
Associate Planner
City of Milwaukie

From: David Aschenbrenner [<mailto:dlasch@comcast.net>]
Sent: Wednesday, April 01, 2015 6:47 AM
To: Kelper, Brett
Cc: Hedges, Linda; Lars Campbell; Smith, Sarah; Weaver, Mary
Subject: Grace Point Land Use App

Brett,

At this point I have two questions on this application.

1. Are there any new driveways to access this new site or is the access from the existing parking lot?
2. Are there new sidewalks on 44th or Jackson Streets or dedicated space for sidewalks?

David Aschenbrenner
Chair, Hector Campbell NDA
MilwaukieOR 97222
503-804-3837
2dasch@gmail.com

—
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MILWAUKIE

Dogwood City of the West

To: Planning Commission

Through: Dennis Egner, Planning Director/Interim Community Development Director

From: Vera Kalias, Associate Planner

Date: May 5, 2015, for May 12, 2015, Public Hearing

Subject: **File:** CPA-2015-001, ZA-2015-001
Central Milwaukie Plan and Code Amendments
Hearing 2

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-2015-001, ZA-2015-001. Discuss the proposed amendments to the Central Milwaukie use standards and design and development standards. Take public testimony and provide direction to staff regarding desired revisions to the proposed amendments.

This is the second of two scheduled hearings on the central Milwaukie plan and code amendment package. The draft ordinance and Findings of Approval will be provided at the final hearing on the amendments, currently scheduled for May 26.

HEARING SCHEDULE

Due to the complexity of the amendment package, the hearings on the Central Milwaukie plan and code amendment package have been packaged into two dates, each with an anticipated focus on a specific section of the draft amendments. See the [April 28, 2015, staff report](#) for the referenced attachments.

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

- April 28, 2015: Policies (*Central Milwaukie Land Use and Transportation Plan and Comprehensive Plan – Chapter 4*). This hearing focused on the materials contained in Attachments 1 and 2.
- May 12, 2015: Use standards, development and design standards. This hearing will focus on Sections 19.303, 19.404, and 19.505 contained in Attachment 1.
- May 26, 2015: Final vote on full amendment package.

BACKGROUND INFORMATION

See the [April 28, 2015, staff report](#) for a discussion of project background and the public process and outreach.

During the April 28 public hearing, there was public testimony and Commission discussion about the *Central Milwaukie Land Use and Transportation Plan* and Comprehensive Plan – Chapter 4 policies and recommended Transportation System Plan (TSP) projects. The implementation of the policies through the proposed code amendments are scheduled for discussion at the May 12 public hearing.

A. History of Prior Actions and Discussions

- **April 28, 2015:** The Commission reviewed the proposed amendments to Chapter 4 of the Comprehensive Plan and the *Central Milwaukie Land Use and Transportation Plan (CM LU&T)*, and directed staff to include the following revisions in the April 28 version: revise the CM LU&T Transportation and Circulation Diagram to clarify that the location of the public streets and ped/bike connection through the Murphy site will be determined at the time of development; and that an amendment to the Land Use & Urban Design Concepts Diagram to reflect the final boundary of the Flex Space Overlay will be required after the May 12 public hearing when that proposal is discussed in more detail.

B. Existing Code History

Currently, there are three commercial zones (General Commercial CG, Residential-Office-Commercial R-O-C, Community Shopping Commercial C-CS), two residential zones (R-1 and R-2), and one overlay (Mixed Use Overlay MU) in Central Milwaukie. The R-O-C zone and associated MU Overlay have specific requirements for and limitations of the type of development that can locate there, including very specific development programs. The CG zone is very permissive in terms of allowed uses, but has very few development and design standards. The proposed code amendments address these differences with one new zone (General Mixed Use), one new overlay (Flex Space), and new design and development standards.

The proposed amendments will not apply to the C-CS, R-1, or R-2 zones.

C. Proposed Amendments

The City is proposing amendments to its existing Central Milwaukie zones and use standards to: establish new, consistent zoning; allow a broader range of residential and mixed use development; establish new design and development standards; and streamline the review process for development on two key opportunity sites. The amendments are intended to implement the vision of the *Central Milwaukie Land Use and Transportation Plan*.

The draft zoning amendments in Attachment 1 seek to implement the project goals in Central Milwaukie through the following Fundamental Concepts (see page 9 of the CM LU&T Plan):

- *Facilitate development of the Murphy and McFarland opportunity sites*

- Allow employment uses on the Murphy opportunity site, such as light industrial and light manufacturing. Allow by-right development to encourage redevelopment.
- Allow mixed-use development and allow by-right development to encourage redevelopment.
- *Promote high-quality, urban design that is complementary to the surrounding area*
 - New design standards will ensure that Central Milwaukie is attractive and pedestrian friendly.
 - New development standards will ensure that new buildings provide a sense of enclosure and define the streetscape.
 - Use "residential edge treatment" standards on Monroe St and 37th Ave to ensure streetscape compatibility between any development on the McFarland site and the residential properties it faces.
 - Use "commercial edge treatment" standards on 32nd Ave to create a pedestrian friendly and attractive streetscape on this key street (See Figure 19.303.4.C.2.b on page 14 of the proposed zoning ordinance amendments). Refer to Figure 1.
- *Encourage a range of housing types as a part of new mixed-use development*
 - Streamline and expand the range of allowed uses throughout Central Milwaukie, including residential uses.
 - Allow mixed-use buildings throughout Central Milwaukie.

The following is a summary of the key aspects of the proposed amendments. See Attachment 1 for the draft proposed zoning code amendments in underline/strikeout format.

Use Standards

These standards determine what types of uses, or businesses, are permitted in each zone. During the public involvement process, Milwaukie citizens and business owners shared many ideas that will guide the future of the area. It was clear that people use the area for shopping and other commercial activities, and want to see this activity continue with new businesses. This sentiment included very strong support for mixed-use development, restaurants, retail businesses, offices, and employment uses such as light industrial/light manufacturing.

Participants also saw an opportunity to provide family wage jobs with the redevelopment of the Murphy opportunity site with light industrial/flex space. The proposed use standards help create the character that is desired by the community and is described in the Plan.

Use Standards			
Standard/Use	Purpose/Intent	Existing	Proposed
Zoning districts	Create a vibrant, mixed-use district	<ul style="list-style-type: none"> ● C-G zone, R-O-C zone, MU overlay 	<ul style="list-style-type: none"> ● General Mixed-Use Zone GMU ● Flex Space Overlay on portion of Murphy Site

Residential uses	Create a vibrant, mixed-use district	<ul style="list-style-type: none"> Residential only permitted on Murphy and McFarland sites and Penzance/ Myrtle area 	<ul style="list-style-type: none"> Allow multifamily residential uses and mixed-use development throughout Central Milwaukie
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Development Standards

These standards shape the location, size, and massing of new development. The proposed revisions are intended to bring buildings closer to the street to create a pedestrian-friendly environment and allow residential uses to provide a more "lived in" feel.

Development Standards				
Standard	Purpose/Intent	Existing – R-O-C & MU	Existing - CG	Proposed
Residential uses	Create a vibrant, mixed-use district	<ul style="list-style-type: none"> Residential required Retail/service uses required on ground floor 	<ul style="list-style-type: none"> Not allowed 	<ul style="list-style-type: none"> Allow multifamily residential uses and mixed-use development throughout Central Milwaukie
Street setbacks	Buildings are allowed and encouraged to build up to the street right-of-way in the GMU zone.	<ul style="list-style-type: none"> For Murphy site, if BI zone uses: 20 ft from Meek St and 32nd Ave, unless reduced to 10 ft by Planning Commission For the McFarland site: 15 ft for front and rear yards; 5 ft for side yards No vehicle parking permitted between the building and the street. 	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> No minimum street setback Max = 10 to 20 ft When building is set back from the sidewalk, landscaping is required. No vehicle parking permitted between the building and the street.

Building height	Encourage the provision of residential uses and/or green building certification	<ul style="list-style-type: none"> For Murphy site: Maximum height 3 stories/45 ft For the McFarland site: max 2 stories/35 ft if within 50 ft of Monroe St or 37th Ave; remainder of site: maximum height 3 stories/45 ft 	<ul style="list-style-type: none"> Maximum height 3 stories/45 ft 	<ul style="list-style-type: none"> Allow up to 1 story bonus height if buildings devote at least 25% of the area to residential uses, OR 1 story bonus height with green building certification
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Design standards

These standards are intended to establish a baseline level of design for new development to ensure that new development is attractive and provides ground floor/pedestrian-level interest.

Design Standards				
Standard	Purpose/Intent	Existing – R-O-C & MU	Existing - CG	Proposed
Primary entrances	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	<ul style="list-style-type: none"> Primary ground floor entries shall be oriented to the street. 	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> All new buildings shall have at least one primary entrance facing an abutting public street
Residential edge	Development that is adjacent to or abutting lower density residential zones should be compatible with existing neighborhoods.	<ul style="list-style-type: none"> Setbacks must match adjacent front yard setback. 	<ul style="list-style-type: none"> Setbacks must match adjacent front yard setback. 	<ul style="list-style-type: none"> A minimum setback shall apply. Step back applies to buildings within 50 ft of 37th Ave and Monroe St.
Frontage occupancy	To establish a consistent “street wall” along key	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> Certain block faces, a

	streets.			minimum of 50 percent of the site frontage must be occupied by a building or buildings.
Corners	To reinforce intersections as an important place for people to gather.	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Buildings at the corner of two public streets shall incorporate one specific design feature.
Weather protection	Through the use of awnings and canopies along the ground floor of buildings, to protect pedestrians from rain and provide shade; to encourage window shopping and lingering; and to create visual interest on the ground floor of a building.	<ul style="list-style-type: none"> • All new development shall comply with at least 6 essential elements, including a special awning treatment. 	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • All ground floor building entries shall be protected from the weather by canopies, or recessed behind the front building façade at least 3 feet
Exterior building materials	To provide a sense of permanence through the use of certain permitted building materials; to provide articulation and visual interest to larger buildings; and to allow for a variety of materials and designs	<ul style="list-style-type: none"> • No requirement, but applications must include color and material samples of paint, siding, and roof material. 	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Standards specify primary, secondary, and prohibited material types.
Windows and doors	To enhance street safety and provide a comfortable pedestrian environment by providing ground-level transparency	<ul style="list-style-type: none"> • In retail development abutting pedestrian ways and places requires a minimum of 60% trans- 	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • For non-residential and mixed-use buildings, a minimum percentage of the ground-floor street wall must

	between the interior of buildings and the sidewalk.	parency of the ground floor wall area.		consist of openings.
Roofs	To enliven the pedestrian experience and create visual interest.	<ul style="list-style-type: none"> See Exterior Building Materials 	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> Permitted roof forms are specified.
Rooftop equipment and screening	To integrate mechanical equipment into the overall building design.	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> Specifies requirements to screen roof-mounted mechanical equipment.
Ground level screening	To integrate mechanical equipment into the overall building design.	<ul style="list-style-type: none"> No outside storage is permitted, except for garbage dumpsters screened by a solid wood fence. For a BI use on the Murphy site, outside storage is permitted. 	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> Specifies requirements to screen mechanical equipment, outdoor storage, and outdoor garbage and recycling areas.

Land Use Review Procedures

The goal of the project is to streamline the review process for development in commercial areas by establishing clear standards for new buildings.

Land Use Review Procedures				
Standard	Purpose/Intent	Existing – R-O-C & MU	Existing - CG	Proposed
Land use review	Streamline the review process to reduce uncertainty and risk, while establishing new design standards to ensure attractive development	<ul style="list-style-type: none"> All development subject to Type III land use review 	<ul style="list-style-type: none"> Type I development review 	<ul style="list-style-type: none"> Development that meets development and design standards permitted through Type I review Revisions to design standards permitted through Type

				<p>II Review</p> <ul style="list-style-type: none">• Development standards can be adjusted through the existing variance review• Type II circulation plan required for larger sites (3+ acres)
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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. Should there be a trigger for Type II review of new development proposals?
- B. Should flex space development proposed in the Flex Space Overlay be subject to the same design and development standards as development in the General Mixed Use Zone?
- C. What should the boundary of the Flex Space Overlay be?
- D. What should the minimum development site size to trigger a preliminary circulation plan be?
- E. What should the proposed Residential Edge Treatment standards be?

Analysis

A. Should there be a size trigger for Type II review of new development proposals?

Currently, the code requires Type III Land Use review for all development in the R-O-C zone (Murphy and McFarland opportunity sites) and Type I Development Review for new development elsewhere. The proposed code amendments retain the existing Type I development review in the General Mixed-Use Zone, unless a Type II Variance from the design standards is requested. Also proposed is a Type II Preliminary Circulation Plan for development on sites of 3-4 acres. Type II review includes notification to the NDA and to owners and residents of property within 300 ft of the development site and includes an appeals process for those with standing. This process also adds some uncertainty and cost in terms of process time and fees.

At the April 14th worksession, the Commission discussed how the public is notified about pending development proposals. The Commission seemed to agree that notification to all NDAs of pending development projects, as well as a central location on the City's website that updates with application activity is sufficient. However, there remained a question as to whether or not there is a need for a specific size trigger for Type II review.

Staff is seeking Commission direction regarding the need for a Type II review for new development in Central Milwaukie. Type II review would be a new barrier to development for much of the Central Milwaukie area because it adds uncertainty and cost to existing by-right development proposals. However, it does provide community notification. Providing information to all NDAs of pending Type I land use applications, pre-application conferences, and building permits, provides information that can be shared with the neighborhood, but does not provide an opportunity to provide formal comments that influence the decision or gain standing for an appeal.

The staff recommendation is to improve the current notification process of pending development proposals to include Type I proposals rather than increase the land use review process in Central Milwaukie.

B. Should flex space development proposed in the Flex Space Overlay be subject to the same design and development standards as development in the General Mixed-Use Zone?

In order to implement the project goal to facilitate development of the opportunity sites, a Flex Space Overlay is proposed on the Murphy site. The overlay would allow additional employment uses on the Murphy opportunity site, such as light industrial and light manufacturing. Public input has been supportive of a wide range of uses in Central Milwaukie; flex space development allows for a wider range of uses on this key opportunity site, which is important to the property owner.

At the April 28 public hearing, the Commission recommended that the boundary of the Flex Space Overlay be revised so that flex space would not be permitted along 32nd Ave. However, the precise location of the overlay was not determined pending discussion of the design and development standards.

Flex development is typically more industrial in nature than what is expected in most mixed use areas. The Commission has heard from a representative for the Murphy family that requiring typical commercial storefront standards such as minimum window/storefront transparency and building entrance location along the street are higher standards than most new flex space projects are subject to. However, the reasons for the design and development standards in Central Milwaukie are to create a pedestrian-friendly environment and encourage high-quality design.

Given the existing amount of underutilized industrial space in Milwaukie, this "neighborhood" light industrial flex overlay should achieve a higher standard to attract cutting edge businesses. The proposed code amendments provide for a Type II variance if a proposal cannot meet the design standards, and also provide for a Type II or III variance to adjust development standards. This issue is particularly important given that the Flex Space Overlay abuts the Housing Authority property. The design of any new flex space development should not have a negative impact on this residential property and should not hinder any future redevelopment.

At the April 14th worksession, the Planning Commission requested that staff provide some alternatives for ways that the design and development standards could be applied in the Flex Space Overlay. Three options are provided below:

- Option 1: Consistent standards with the opportunity for adjustments.

Under Option 1, development permitted in the overlay would be subject to the same design and development standards as development in the GMU Zone; a Type II variance to the design standards would be available for projects that cannot meet these standards. Comments submitted at the April 14 worksession state that typical formulaic flex space development would have difficulty meeting the following standards:

- Parking shall not be located between the building and the street (and associated maximum 20 ft setback)
- Allowing additional primary building materials such as concrete block

- The minimum 25 ft frontage requirement (which would require the construction of a public street). On-street parking would be provided through the construction of a public street, which would address the issue of parking in front of the building.

The proposed amendments are intended to promote high-quality design and a pedestrian friendly environment with the opportunity for a variance in cases where a project requires a departure from a design standard. This approach requires compliance with minimum design standards, in recognition that flex space development can transition to other uses. By maintaining consistent design and development standards, we are able to ensure that these buildings can accommodate additional uses in the future, such as retail or office without becoming non-conforming for design. The proposed standards will also improve industrial and residential compatibility. Throughout the public process we heard that people were willing to allow additional employment uses through flex space, but also that development in Central Milwaukie should be attractive and pedestrian-friendly.



A Light Industrial Flex building that addresses the street with windows and front entrances, awnings and interesting architectural detailing. This building type supports manufacturing, office and retail uses. Source: City of Denver, CO



A typical flex space development

The changing nature of modern flex space and light industrial work (the "creative class") lends itself to higher design standards and greater compatibility with surrounding residential and commercial uses.

- Option 2: Different design and site development standards for flex space.

With Option 2, Development in the Flex Space Overlay would be subject to different design and site development standards than development in the GMU Zone. New design standards would allow concrete block and similar building materials. In addition, new development standards would provide greater site design flexibility by allowing for private access drives with parking and access at the front of the building. The GMU standards require that all lots have street frontage and prohibit parking between the street and the front of a building.

These changes would simply remove barriers to typical formulaic flex development while not really creating a benefit for the community. Through the Moving Forward Milwaukie process, members of the community have expressed a desire for attractive, pedestrian-friendly development on this key redevelopment site. Any new design and site development standards for flex space add a new level of complexity since they would be use-specific. The code would need to be carefully crafted to ensure that applicants do not use flex space development as a way to avoid the higher design and site development standards in the GMU, especially for office development or other similar uses that would normally locate in a mixed use area.

If the Commission prefers Option 2 and wants to provide additional design and site development flexibility, the following concepts should be incorporated into the standards for the overlay:

1. Pedestrian and bicycle connections through the site – If a project on the Murphy site is not required to build public streets, it will still be important for pedestrians and bicycles to be able to travel through the site from C south to Harrison. Specific references to MMC 19.600 Parking Standards and the required Preliminary Circulation Plan will emphasize these requirements.
2. Buffers to the residential property to the north – With the Flex Space Overlay, standards should specify that loading bays and roll up doors should not face be oriented to the north or within a specific distance of the north property line. In addition, open storage should be prohibited within a specific distance of the north property line. A minimum 8-foot wide planted landscape buffer should be provided along this property line.
3. Building materials – If there is an allowance for concrete block or other lower quality materials, there should be a requirement that higher quality materials be used on walls that are directly visible from abutting streets, access drives, or abutting properties.

- Option 3: Conditional Use.

Under Option 3, flex space would be a Type III Conditional Use in the overlay. This process could exempt flex space from certain design standards, such as frontage occupancy, parking location, windows, etc., but would be required to show compliance with a broader set of discretionary criteria. Under MMC 19.905.4, new Conditional Uses are subject to the following approval criteria:

1. The characteristics of the lot are suitable for the proposed use considering size, shape, location, topography, existing improvements, and natural features.
2. The operating and physical characteristics of the proposed use will be reasonably compatible with, and have minimal impact on, nearby uses.
3. All identified impacts will be mitigated to the extent practicable.
4. The proposed use will not have unmitigated nuisance impacts, such as from noise, odor, and/or vibrations, greater than usually generated by uses allowed outright at the proposed location.
5. The proposed use will comply with all applicable development standards and requirements of the base zone, any overlay zones or special areas, and the standards in Section 19.905.
6. The proposed use is consistent with applicable Comprehensive Plan policies related to the proposed use.
7. Adequate public transportation facilities and public utilities will be available to serve the proposed use prior to occupancy pursuant to Chapter 19.700.

Further, per MMC 19.905.5, under Conditional Use approval, the Planning Commission may impose conditions of approval to assure compatibility of the proposed use with other uses in the area and minimize and mitigate potential adverse impacts caused by the proposed use, such as:

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

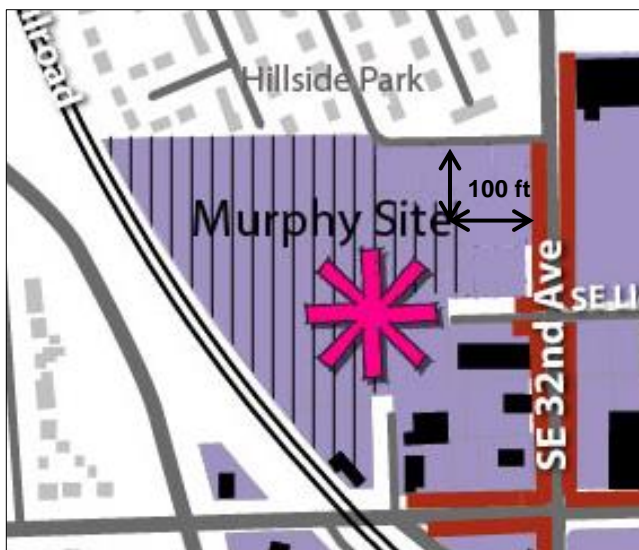
If the Commission prefers Option 3, it will be necessary to clarify which GMU standards (frontage requirements, parking prohibition in front, building materials) are not required and then add new criteria and condition categories that would specifically address the objectives that the standards were meant to address. For example, the prohibition of parking in front of the building is intended to help create a pedestrian and bicycle friendly environment along the street. Assuming there continues to be a desire for a north south connection between C St and Harrison St, a new criterion would be needed to specify that safe pedestrian and bicycle access shall be provided into and through the site consistent with the *Central Milwaukie Land Use and Transportation Plan*. Authority to impose conditions related to safe bicycle and pedestrian access into and through the site will also be needed.

If the Planning Commission prefers Option 2 or Option 3, more time will be needed to develop proposed code language, and additional hearings will be necessary to vet the details.

C. What should the boundary of the Flex Space Overlay be?

As discussed at the April 28 public hearing, the Commission agreed that the overlay should not extend to 32nd Ave. Public testimony at the public hearing included the suggestion that the boundary be amended to be 100 ft off Meek St and 100 ft off 32nd Ave. This would, according to the testimony, provide sufficient area for higher quality commercial development along the public street frontage, including parking behind the building, in the GMU zone. See Figure 1.

Figure 1. Proposed Flex Space Overlay



Staff is seeking Commission direction regarding design and development standards for new flex space development, and the boundary of the Flex Space Overlay, in central Milwaukie.

D. What should the minimum development site size to trigger a preliminary circulation plan be?

As discussed at the March 24th worksession, a new supplementary development regulation is proposed, the intent of which is to guide commercial, industrial, and mixed-use site development on large sites by establishing a conceptual plan for multimodal access, connectivity, and circulation. For large development sites, such as the Murphy and McFarland sites, the proposal requires a conceptual "master plan" which focuses on access and circulation so that the skeleton of the site's transportation system (streets, pedestrian, and bike) is reviewed. This is to ensure that the policies of the Transportation System Plan are considered and implemented.

The question before the Planning Commission is the minimum development site size to trigger this requirement. Staff has proposed 3-4 acres as a range, in order to capture sites that represent significant development, and redevelopment, potential. 48 parcels city-wide fit the criteria and are at least 3 acres in size; 32 parcels city-wide are at least 4 acres in size. Please refer to Figures 2 and 3 below.

Figure 2. Commercial, Industrial, Vacant Land (3+ acres)

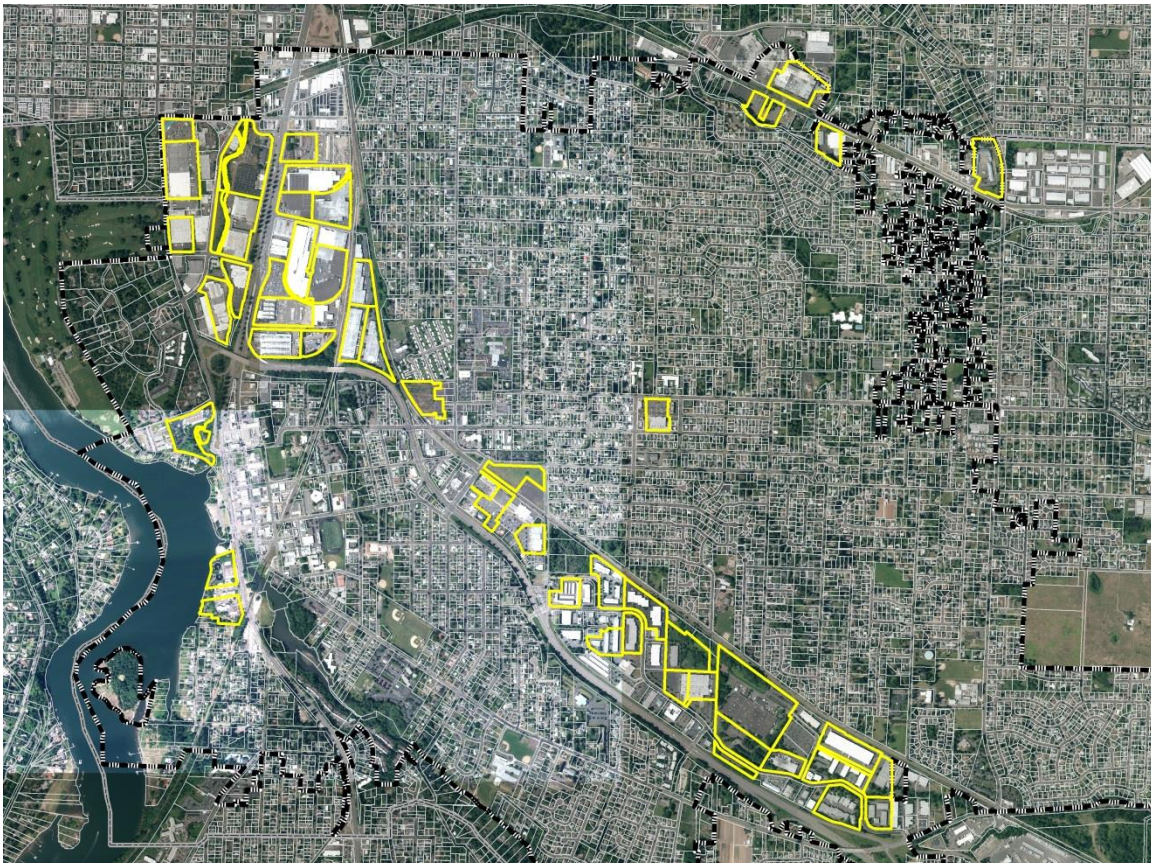
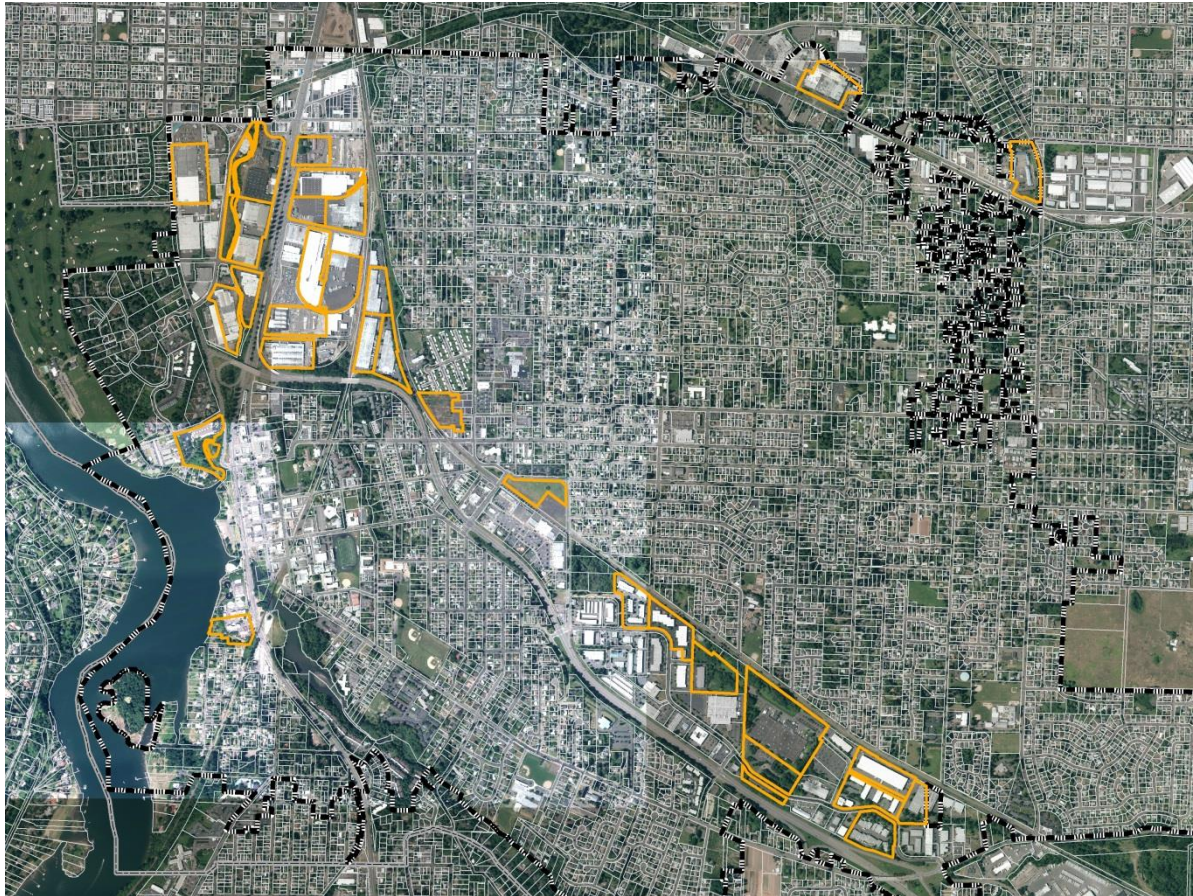


Figure 3. Commercial, Industrial, Vacant Land (4+ acres)

Staff is seeking direction from the Commission as to the minimum development site size to trigger this requirement.

E. What should the proposed "Residential Edge Treatment" standards be?

The current zoning ordinance includes Section 19.504.6 Transition Area Measures: "...Where commercial or industrial development is proposed adjacent to properties zoned for lower-density residential uses...transition measures shall be required." The transition measures are landscaped setbacks that match the setbacks of the adjacent residential zone. These additional requirements are intended to minimize impacts on lower-density residential uses.

However, this code language does not address potential mixed-use development on the McFarland opportunity site, nor does it address commercial or industrial development on the Murphy opportunity site because the abutting residential zone is R-3 and is not a "lower-density use".

The proposed code amendments include a required "Residential Edge Treatment" for new development that abuts Monroe St and 37th Ave (the McFarland opportunity site). The intent of this requirement is to ensure that development that is adjacent to or abutting lower density residential zones should be compatible with existing neighborhoods and it applies

a minimum setback. The proposed requirement also requires that, buildings within 50 feet of 37th Ave and Monroe St provide a step back of at least 6 feet for any portion of the building above 35 feet. This encourages development patterns that are compatible with the surrounding residential neighborhoods.

The proposed amendments show a range of 10-15 ft for the minimum setbacks for development that is subject to this residential edge standard. Staff recommends using 15 ft to be consistent with the R-3 front yard setback.

Further, a new recommendation not included in the draft amendments is an additional requirement for flex space on the Murphy site that abuts residential property to include an 8-ft wide landscaped screening buffer.

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 May 26, 2015, vote on the full amendment package. If the Planning Commission prefers Option 2 or Option 3 for flex space design and site development standards, more time will be needed to develop proposed code language, and additional hearings will be necessary to vet the details.

COMMENTS

See the April 28, 2015, staff report for a summary of comments received as of April 28, 2015. No additional comments have been received.

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 Plan/Code Amendments	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
• Underline/Strikeout Version			
• Clean Version			

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-126> .

Underline/Strikeout Amendments

Title 14 Signs

*These amendments are based on the expectation that the **Downtown** amendments will have been adopted before these **Central Milwaukie** amendments go to the Milwaukie City Council for adoption.*

CHAPTER 14.04 GENERAL PROVISIONS

14.04.030 DEFINITIONS

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

"Downtown zones" means the DMU, Downtown Mixed Use, and OS, Open Space, Zones, as defined in the Zoning Ordinance.

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

~~"Residential-office-commercial zones"~~ "Residential-Business Office Zone" means the ~~R-O-C~~ and R-1-B Zones, as defined in the Zoning Ordinance.

CHAPTER 14.16 SIGN DISTRICTS

14.16.020 ~~RESIDENTIAL-OFFICE-COMMERCIAL-RESIDENTIAL-BUSINESS OFFICE ZONE~~

No sign shall be installed or maintained in an ~~R-O-C~~ or R-1-B Zone, except as allowed under Section 14.12.010 Exempted Signs, or as otherwise noted in Table 14.16.020.

Table 14.16.020
Standards for Signs in ~~Residential-Office-Commercial~~ Residential-Business Office
Zones ~~R-O-C~~ or R-1-B

14.16.040 COMMERCIAL ZONES

No sign shall be installed or maintained in the C-L, ~~C-G~~, and C-CS, and GMU Zones, except as allowed under Section 14.12.010 Exempted Signs, or as otherwise noted in Table 14.16.040.

Table 14.16.040
Standards for Signs in Commercial Zones ~~C-L, C-G,~~ and C-CS, and GMU

Proposed Code Amendment

Zoning Ordinance

The proposed amendments incorporate the recent zoning code text amendments for **Medical Marijuana Facilities**, which were adopted by City Council on April 7, 2015, and which will become effective on May 1, 2015.

Additionally, these amendments are based on the expectation that the **Downtown** amendments will have been adopted before these **Central Milwaukie** amendments go to the Milwaukie City Council for adoption.

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
Downtown Mixed Use	DMU
Open Space	OS
Neighborhood Commercial	C-N
Limited Commercial	C-L
General Commercial	C-G
Community Shopping Commercial	C-CS
Manufacturing	M
Business Industrial	BI
Planned Development	PD
Tacoma Station Area Manufacturing	M-TSA
General Mixed Use	<u>GMU</u>
Overlay Zones	
Willamette Greenway	WG
Historic Preservation	HP
Mixed Use	MU

Proposed Code Amendment

Flex Space	FS
Aircraft Landing Facility	L-F
Tacoma Station Area	TSA

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, 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;~~
- ~~R. Department or furniture store;~~
- ~~S. Medical marijuana facilities subject to the standards of Subsection 19.303.3.N;~~
- ~~T. 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:

Proposed Code Amendment

- 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 ft of the real property comprising a public or private elementary, secondary, or career school attended primarily by minors or within 1,000 ft of another medical marijuana facility. In addition, a medical marijuana facility shall not be located within 1,000 ft of the Wichita and Hector Campbell school sites.~~
 - 2. ~~A medical marijuana facility shall not be colocated with another business.~~
 - 3. ~~Display of marijuana or 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 8:00 a.m. and 10:00 p.m.~~

~~19.303.4 Prohibited Uses~~

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

Proposed Code Amendment

19.303 GENERAL MIXED USE ZONE GMU

19.303.1 Purpose

The General Mixed Use Zone is intended to recognize the importance of Central Milwaukie as a primary commercial center and promote a mix of uses that will support a lively and economically robust district. It is also intended to ensure high quality urban development that is pedestrian-friendly and complementary to the surrounding area.

19.303.2 Uses

A. Permitted Uses

Uses allowed outright in the GMU zone are listed in Table 19.303.2 with a "P." These uses are allowed if they comply with the development and design standards and other regulations of this title.

B. Conditional Uses

Uses listed in Table 19.303.2 as "CU" are permitted only as conditional uses in conformance with Section 19.905.

C. Nonconforming Uses, Structures, and Development

Existing structures and uses that do not meet the standards for the GMU zone 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 Development Review pursuant to Section 19.906. 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 not listed in Table 19.303.2, and not considered accessory or similar pursuant to (E) and (F) below, are prohibited.

E. Accessory Uses

Uses that are accessory to a primary use are allowed if they comply with all development standards. For the purposes of this section, drive-through facilities are considered an accessory use and must conform to Section 19.606.3.

F. Similar Uses

The Planning Director, through a Type I review, may determine that a use that is not listed is considered similar to an example use listed in Table 19.303.2. The unlisted use shall be subject to the standards applicable to the similar example use.

Proposed Code Amendment

Table 19.303.2 General Mixed Use Zone Uses		
<u>Uses and Use Categories</u>	<u>GMU</u>	<u>Standards/Additional Provisions</u>
<u>Residential</u>		
<u>Rowhouse</u> ¹	<u>P</u>	<u>Subsection 19.505.5 Standards for Rowhouses</u>
<u>Multifamily</u>	<u>P</u>	<u>Subsection 19.505.3 Design Standards for Multifamily Housing</u>
<u>Mixed use</u>	<u>P</u>	
<u>Live/work units</u>	<u>P</u>	<u>Subsection 19.505.6 Standards for Live/Work Units</u>
<u>Senior and retirement housing</u>	<u>P</u>	<u>Subsection 19.505.3 Design Standards for Multifamily Housing</u>
<u>Commercial</u>		
<p><u>General office.</u> General office means professional, executive, management, or administrative offices of firms or organizations.</p> <p>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>	<u>P</u>	
<p><u>Eating and drinking establishments.</u> Eating and Drinking Establishments primarily involve the sale of prepared food and beverages for consumption on-site or take-away.</p> <p>Examples include: restaurants, delicatessens, retail bakeries, taverns, brew-pubs, coffee shops, concession stands, and espresso bars.</p>	<u>P</u>	
<p><u>Indoor recreation.</u> Indoor recreation consists of for-profit facilities providing active recreational uses of a primarily indoor nature.</p> <p>Examples include: gyms, dance studios, tennis, racquetball and soccer centers, recreational centers, skating rinks, bowling alleys, arcades, shooting ranges, and movie theaters.</p>	<u>P</u>	

Proposed Code Amendment

<p><u>Retail-oriented sales.</u> Sales-oriented retail firms are involved in the sale, leasing, and rental of new or used products to the general public.</p> <p><u>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. May also include car sales and other auto-oriented retail uses.</u></p>	P	
<p><u>Personal service oriented.</u> Personal service oriented firms are involved in providing consumer services.</p> <p><u>Examples include: hair, tanning and spa services, pet grooming, photo and laundry drop-off, dry cleaners, and quick printing.</u></p>	P	
<p><u>Repair-oriented.</u>² Repair-oriented uses are establishments providing product repair of consumer and business goods.</p> <p><u>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 and boat service and repair.</u></p>	P	
<p><u>Day care.</u>³ 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 meeting all state requirements.</p> <p><u>Examples include: nursery schools, before-and-after school care facilities, and child development centers.</u></p>	P	
<p><u>Commercial lodging.</u> Commercial Lodging includes for-profit residential facilities where tenancy is typically less than one month.</p> <p><u>Examples include: hotels, motels, and bed-and-breakfast establishments. Does not include senior and retirement housing.</u></p>	P	

Proposed Code Amendment

<p><u>Boarding, lodging, or rooming house.</u> <u>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.</u> <u>Examples include: Boarding house and cooperative housing</u></p>	<p><u>CU</u></p>	<p><u>Section 19.905 Conditional Uses</u></p>
<p><u>Commercial parking facility.</u> <u>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.</u> <u>Examples include structured parking, short- and long-term fee parking facilities, commercial district shared parking lots and commercial shuttle parking.</u></p>	<p><u>CU</u></p>	
<p><u>Structured parking.</u> <u>Generally means a structure in which vehicle parking is accommodated on multiple stories; a vehicle parking area that is underneath all or part of any story of a structure; or a vehicle parking area that is not underneath a structure, is entirely covered, and has a parking surface at least 8 ft below grade. Structured parking does not include garages or carports.</u></p>	<p><u>CSU</u></p>	<p><u>Section 19.611 Parking Structures</u></p>
<p><u>Medical marijuana facility.</u> <u>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.</u></p>	<p><u>P</u></p>	<p><u>Subsection 19.303.6 Standards for Medical Marijuana Facilities</u></p>

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Manufacturing and Production		
<p>Manufacturing and production.⁴ 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.</p> <p>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 toys.</p>	P	
Institutional		
Community service uses	CSU	Section 19.904 Community Service Uses

P = Permitted.

CSU = Permitted with Community Service Use approval subject to provisions of Section 19.904. Type III review required to establish a new CSU or for major modification of an existing CSU. Type I review required for a minor modification of an existing CSU.

CU = Permitted with conditional use approval subject to the provisions of Section 19.905. Type III review required to establish a new CU or for major modification of an existing CU. Type I review required for a minor modification of an existing CU.

1. The limit of 4 consecutive row houses established in 19.505.5 does not apply in the GMU zone. In the GMU zone, there is no limit on the number of consecutive row houses.
2. Repair oriented uses are permitted in the GMU Zone only when conducted within a completely enclosed building.
3. Day care and childcare uses are limited to 5,000 sq. ft.
4. 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.

19.303.3 Development Standards

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

Table 19.303.3 summarizes some of the development standards that apply in the GMU zone. Development standards are presented in full in Subsection 19.303.3 (B).

Table 19.303.3 General Mixed Use Zone—Summary of Development Standards		
Standard	GMU	Standards/ Additional Provisions
A. Lot Standards		
1. Minimum lot size (sq ft)	1,500	

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2. Minimum street frontage (ft)	25	
B. Development Standards		
1. Minimum floor area ratio ¹	0.5:1	Section 19.303.4.A Floor Area Ratio
2. Building height (ft)		Section 19.303.4.B Building Height
a. Base maximum	45	
b. Maximum with height bonus	57	
3. Street Setbacks (ft)		Section 19.303.4.C Street Setbacks
a. Minimum street setback	0-15 ²	
b. Maximum street setback	10-20 ³	
c. Side and rear setbacks	None	
4. Frontage occupancy	50%	Section 19.303.4.D Frontage Occupancy Requirements Figure 19.303.4.D Frontage Occupancy Requirements
5. Maximum lot coverage	85%	Section 19.303.4.E Lot Coverage
6. Minimum vegetation	15%	Section 19.303.4.F Minimum Vegetation
7. Primary entrances	Yes	Section 19.303.4.G Primary Entrances
8. Off-street parking required	Yes	Chapter 19.600 Off-Street Parking and Loading
9. Transit Street	Yes	Subsection 19.505.8 Building Orientation to Transit
9. Transition Measures	Yes	Subsection 19.504.6 Transition Area Measures
C. Other Standards		
1. Residential density requirements (dwelling units per acre)		Subsection 19.202.4 Density Calculations
a. Stand-alone residential		Subsection 19.303.4.H Residential Density
(1) Minimum	25	Subsection 19.501.4 Density Exceptions
(2) Maximum	50	
b. Mixed-use buildings	None	
2. Signs	Yes	Section 14.16.040 Commercial Zone

1. Commercial parking facilities and public parks and plazas are exempt from the minimum floor area ratio requirement.

2. Residential edge standards apply to properties as shown on Figure 19.303.5.

3. Commercial edge standards apply to properties as shown on Figure 19.303.4.C.2.b.

19.303.4 Detailed Development Standards

The following detailed development standards describe additional allowances, restrictions, and exemptions related to the development standards of Table 19.303.3

A. Floor Area Ratio

1. Intent

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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 ratio in Table 19.303.3 applies to all nonresidential building development.
- b. Required minimum floor area ratio 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 FAR.
- 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. Base Maximum Building Height Standard

The base maximum building height in the GMU zone is 3 stories or 45 feet, whichever is less, unless the height bonus in (b) below is applied.

3. Height Bonuses

A building can utilize one of the development incentive bonuses of this subsection.

a. Residential

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.

b. Green Building

Project proposals that receive certification (any level) under an ANSI-approved green building rating system (e.g., LEED, Green Globes or Earth Advantage certified) are permitted an additional story or an additional 12 ft of building height, whichever is less, is allowed.

4. Exemptions

The following are exempt from the minimum building height standards.

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

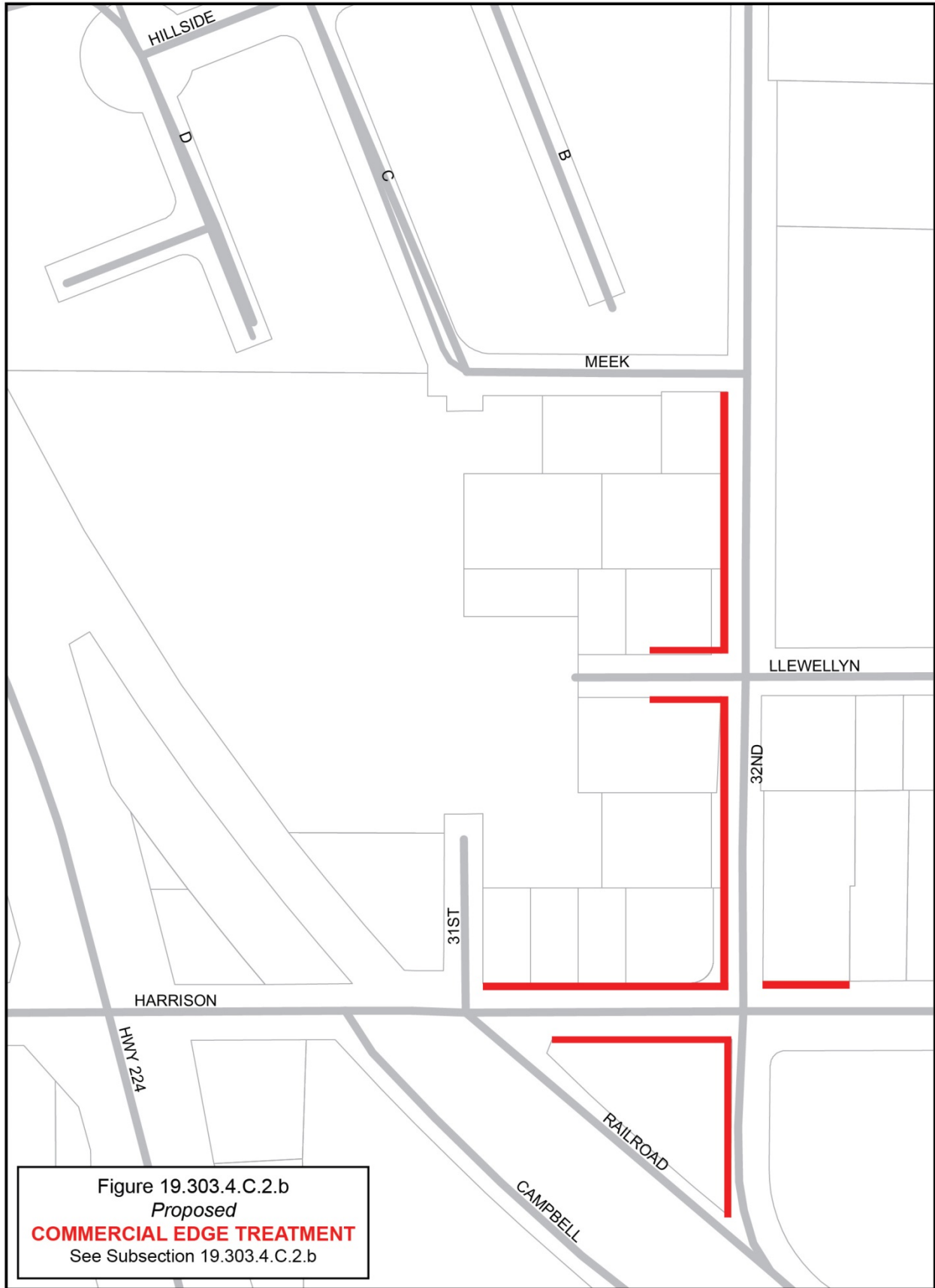
C. Street Setbacks**1. Intent**

Buildings are allowed and encouraged to build up to the street right-of-way in the GMU zone. This ensures that buildings engage the street right-of-way.

2. Standards

- a. No minimum street setbacks are required, except for Residential Street Edges in 19.303.5.
- b. Maximum street setback is 20 feet. For properties shown as having a commercial edge on Figure 19.303.4.C.2.b, the following standards apply.
 - (1) No minimum street setback is required. Maximum street setback is 10 feet.
 - (2) The area within the street setback, if provided, shall be landscaped.
- c. When a building is set back from the sidewalk, the setback area must be landscaped.
 - (1) The setback area may include usable open space such as plazas, courtyards, terraces and small parks.
 - (2) Usable open space may be counted toward the minimum vegetation requirement in Subsection (F) below.

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- d. No vehicle parking is permitted between the building and the street. Vehicle parking must be located behind and/or to the side of buildings except in cases of a through-lot or lots which front on 3 or more streets, in which case this standard applies to 2 streets.

D. Frontage Occupancy Requirements

The intent of this standard is to establish a consistent "street wall" along key streets. Minimum frontage occupancy requirements are established for block faces identified on Figure 19.303.4.D. The requirements apply as follows:

1. For block faces identified on Figure 19.303.4.D, 50 percent of the site frontage must be occupied by a building or buildings. If the development site has frontage on more than one street, the frontage occupancy requirement must be met on one street only.
2. 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.

E. Lot Coverage

The maximum area that may be covered by primary and accessory buildings shall not exceed 85 percent of the total lot area.

F. Minimum Vegetation

The minimum vegetation area that shall be retained or planted in trees, grass, shrubs, bark dust for planting beds, etc., shall be 15 percent of the total lot area.

G. Primary Entrances

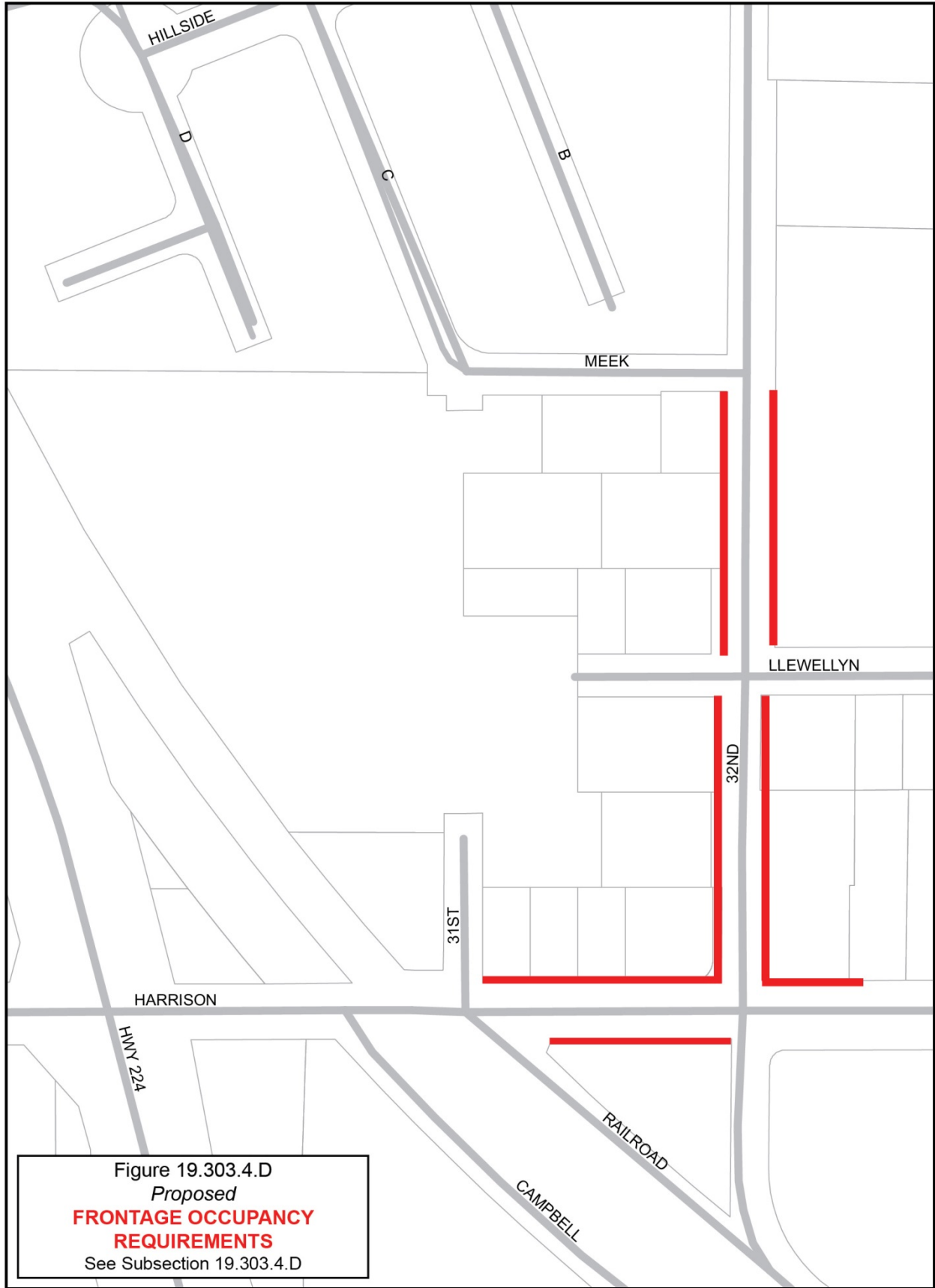
1. Intent

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

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Proposed Code Amendment**H. Residential Density****1. Intent**

Minimum densities are applied to residential development in the GMU zone to assure efficient use of land at densities that support transit use and nearby businesses.

2. Standards

a. Minimum density for standalone residential development in the GMU zone is 25 units per acre.

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

c. Maximum residential densities for mixed-use buildings 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.

19.303.5 Standards for Residential Street Edges

For properties shown as having a residential edge on Figure 19.303.5, and for development that occurs adjacent to or abutting an R-3 or an R-5 zone, the following standards apply.

A. A minimum setback of [10-15 feet] shall apply.

B. Along the property line adjacent to the residential zone, buildings within 50 feet of 37th Ave and Monroe St shall provide a step back of at least 6 feet for any portion of the building above 35 feet.

C. A height bonus consistent with Section 19.303.3.B(4)(b) may only be applied to buildings or portions of a building that are at least 50 feet away from the adjacent residential zone.

19.303.6 Standards for Medical Marijuana Facilities

In the GMU Zone, medical marijuana facilities shall meet the following standards:

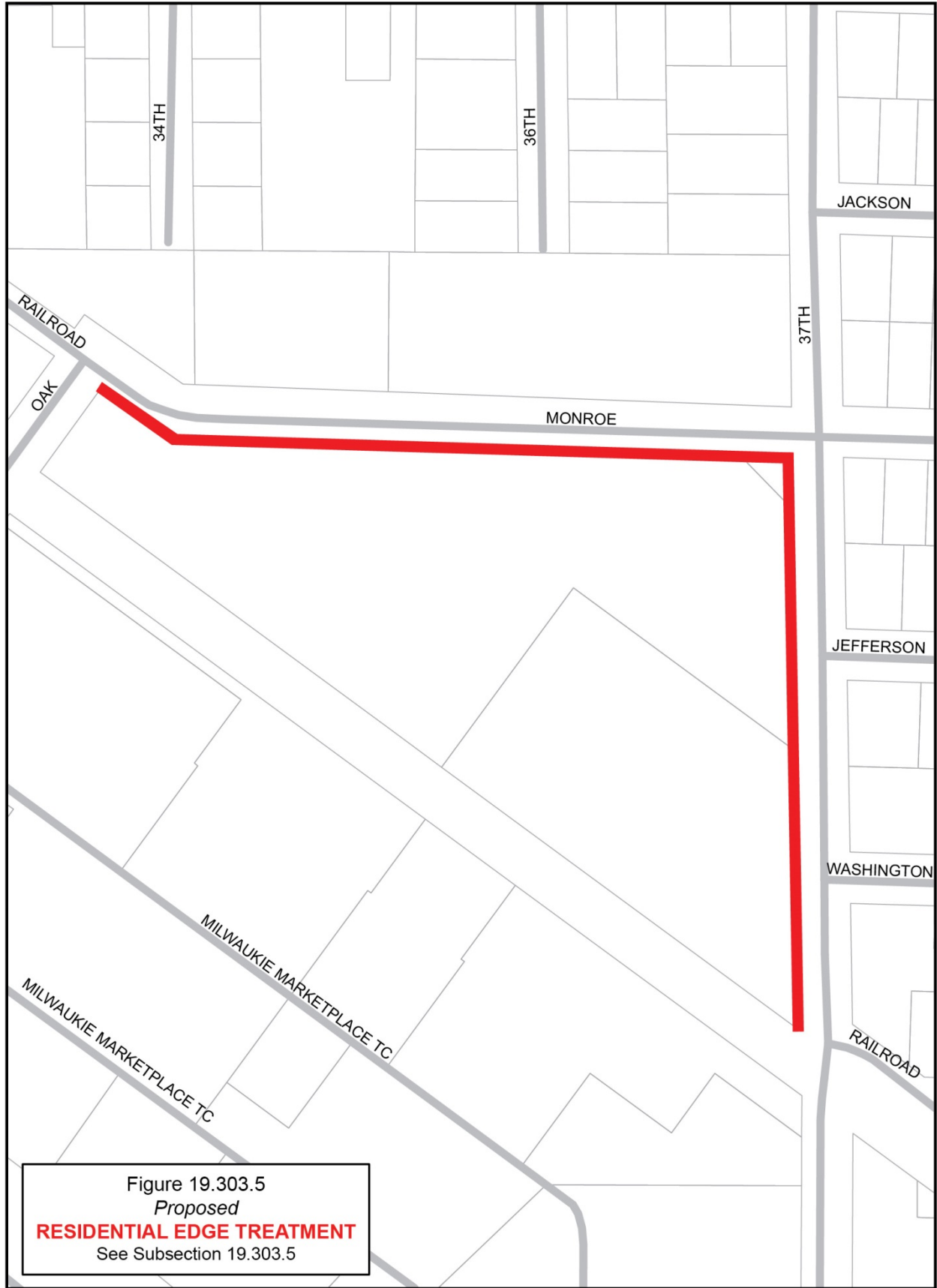
A. As set forth by Oregon Administrative Rules, a medical marijuana facility shall not be located within 1,000 ft of the real property comprising a public or private elementary, secondary, or career school attended primarily by minors or within 1,000 ft of another medical marijuana facility. In addition, a medical marijuana facility shall not be located within 1,000 ft of the Wichita and Hector Campbell school sites.

B. A medical marijuana facility shall not be colocated with another business.

C. Display of marijuana or marijuana products that are visible from outside of the facility is prohibited.

E. The hours of operation for medical marijuana facilities shall be limited to the hours between 8:00 a.m. and 10:00 p.m.

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19.303.7 Additional Provisions

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

A. Section 19.500 Supplementary Development Regulations

This section contains standards for site and building design that will apply to most new types of development, including residential and commercial. Relevant sections include:

1. 19.501 General Exceptions
2. 19.502 Accessory Structures
3. 19.503 Accessory Uses
4. 19.504 Site Design Standards
5. 19.505 Building Design Standards
6. 19.507 Home Occupation Standards

B. Section 19.600 Off-Street Parking and Loading

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

C. Section 19.700 Public Facility Improvements

Contains standards for transportation, utility and other public facility improvements that may be required as part of development.

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CHAPTER 19.400 OVERLAY ZONES AND SPECIAL AREAS

~~19.404 MIXED USE OVERLAY ZONE MU~~

~~19.404.1 Purpose~~

~~This section is intended to provide assurance that the core downtown area and specific underdeveloped sites within the Town Center will be developed under interim mixed use development guidelines and requirements prior to final adoption of all of the regulations associated with the implementation of the Town Center Master Plan and associated documents.~~

~~19.404.2 General Applicability~~

~~The Mixed Use Overlay Zone will be attached to the primary zone for properties identified as critical to the efforts of the City to develop a mix of uses within the Town Center Master Plan area. These properties include, but are not limited to, those within Sites 21, 22, and 26 of Subarea 2 and Site 41 of Subarea 4 of the Town Center Master Plan. The MU Overlay Zone will be applied to the Zoning Map.~~

~~19.404.3 Primary Uses~~

~~Provisions of Section 19.404 are intended to allow mixed use development, subject to the processes identified in Subsection 19.404.6 below, including retail, commercial, office, and residential development, as listed below.~~

- ~~A. Retail commercial uses such as food store, drugstore, gift shop, and hardware store selling shelf goods primarily (drive-up convenience stores are not permitted);~~
- ~~B. Multifamily dwellings;~~
- ~~C. Rowhouses;~~
- ~~D. Professional offices;~~
- ~~E. Personal service businesses such as haircutting shop, tailor shop, laundry, and dry cleaning pickup station, shoe repair, computer, and bicycle repair, office equipment and services, and electronics repair;~~
- ~~F. Motion picture theater (adult theaters are not permitted);~~
- ~~G. Restaurant and cafe, outdoor seating where provided for in the site design and located off of the public sidewalk area (drive-in and drive-through food establishments are not permitted);~~
- ~~H. Brew pub which serves food;~~
- ~~I. Hotel;~~
- ~~J. Parking facility;~~
- ~~K. Financial institution (without drive-up tellers);~~
- ~~L. Trade or commercial school;~~
- ~~M. Department or furniture store;~~
- ~~N. Bed and breakfast;~~
- ~~O. Service station without associated minimart—minor repair service allowed if approved through a mixed use overlay review application;~~
- ~~P. Farmers' market;~~

- ~~Q.— Public park or community meeting area;~~
- ~~R.— Youth center;~~
- ~~S.— Day-care facilities;~~
- ~~T.— Any other use similar to the above and not listed elsewhere.~~

~~19.404.4 Applicability~~

~~Development review and approval, pursuant to Subsection 19.404.6, is required for all development on sites having a Mixed Use Overlay Zone, unless the proposed development qualifies for an exception under Subsection 19.404.5.~~

~~19.404.5 Exemptions from Review~~

~~The following activities are exempt from review under the Mixed Use Overlay Zone:~~

- ~~A.— Change of use where there are no exterior alterations to the buildings or structures, or increases in floor area, impervious surfaces, or storage areas;~~
- ~~B.— The sale of property;~~
- ~~C.— The normal maintenance and repair necessary for a legally existing use.~~

~~19.404.6 Development Review Process and Criteria~~

~~A.— Preapplication Conference~~

- ~~1.— Prior to submittal of an application for development within the MU Overlay Zone, the applicant shall be required to attend a preapplication conference with Community Development staff. The applicant must submit a specific written proposal and a site plan drawn to scale in order to schedule a preapplication conference.~~
- ~~2.— At the preapplication conference, staff shall determine the applicable development review procedure which would apply to the applicant's specific proposal. Staff shall provide appropriate application materials and outline the applicable review procedure. The applicant shall be required to schedule an appointment with staff to submit the completed MU overlay review application.~~

~~B.— Planning Commission Review~~

~~The Planning Commission shall review development requests within the Mixed Use Overlay Zone, per the procedures outlined in Section 19.1006 Type III Review.~~

~~C.— Criteria~~

~~The Planning Commission may grant approval of a mixed use overlay review upon a determination that the following circumstances exist:~~

- ~~1.— The proposed project is in compliance with the Milwaukie Comprehensive Plan;~~
- ~~2.— The proposed project is in compliance with the Town Center Master Plan (TCMP);~~
- ~~3.— The proposed project is in compliance with the guidelines and requirements of the MU Overlay Zone;~~
- ~~4.— The proposed project complies with any requirements of the underlying zone which have not been superseded by the provisions of the Mixed Use Overlay Zone;~~
- ~~5.— The proposed project complies with Chapters 19.500, 19.600, and 19.700 of the Zoning Ordinance.~~

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~~D. Minor Development Review~~

~~The Planning Director may approve minor changes in any development permit or small scale improvements to legally existing uses, through the process designated under Section 19.1004 Type I Review, provided that such changes:~~

- ~~1. Do not increase the intensity of any use;~~
- ~~2. Meet the requirements of the underlying zone and the specific site design standards of Subsection 19.404.8;~~
- ~~3. Are consistent with the Town Center Master Plan;~~
- ~~4. Do not significantly affect adjacent property or uses, will not cause any deterioration or loss of any natural feature or open space, nor significantly affect any public facility; and~~
- ~~5. Do not affect any conditions specifically placed on the development by the Planning Commission or City Council.~~

19.404.7 Application Materials

~~An application for a mixed use overlay review shall include the following:~~

- ~~A. Name, address, and telephone number of applicant and/or property owner;~~
- ~~B. Address and reference map number of the subject property;~~
- ~~C. North arrow, scale, and date of revision;~~
- ~~D. Narrative concerning the proposed request, including a written report identifying how the proposal complies with the applicable approval criteria outlined in Subsection 19.404.6.C;~~
- ~~E. Copy of deed showing ownership or interest in the subject property. If the applicant is not the owner or sole owner, written authorization from the owner or joint owner(s) of the property shall be submitted allowing the applicant to apply for the mixed use overlay review;~~
- ~~F. Vicinity map;~~
- ~~G. Comprehensive plan and zoning designations of subject property;~~
- ~~H. A map showing existing uses, structures, lot lines, topography, and the location of existing and proposed utilities and easements within 100 ft of the property;~~
- ~~I. A map showing the location of all existing trees, their types, location, and diameter at 5 ft from grade. This map shall be based on a surveyed location of the trees. The map shall identify which trees, if any, are proposed for removal. This tree map may be combined with the landscaping plan if the resulting plan is legible;~~
- ~~J. Detailed and dimensioned plans, drawn to scale for the specific project, including, but not limited to, the site development plan, building elevations, floor plans, landscaping plan, and parking plan. These plans shall show lot dimensions based on a survey of the property; existing and proposed property boundaries; the distance from structures to property lines and between structures; the building footprint with all projections; and location of driveways, walkways, paved areas, and disabled access and parking. Parking shall address all requirements of Chapters 19.600 and 19.700 of the Zoning Ordinance;~~
- ~~K. Color and material samples of paint, siding, and roof material;~~
- ~~L. A sign program, where applicable;~~
- ~~M. Reduced copies (8½ by 11 in) of all plans and maps;~~

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- N. ~~Any information required by other provisions of local, State, or federal law;~~
- O. ~~Additional drawings, surveys, studies, or other materials necessary to understand or support the proposed use, as required by the Planning Department through the preapplication process;~~
- P. ~~Notice labels and map;~~
- Q. ~~Payment of the applicable fee.~~

19.404.8 Development Standards

~~Except as provided in Subsection 19.404.9.A.1, the following development standards apply to all proposals which have been determined to be subject to the Mixed Use Overlay Zone. Development in this overlay zone shall follow the standards and guidelines for development and for specific sites, as indicated below. All development proposals shall comply and not conflict with the Milwaukie Comprehensive Plan and the Town Center Master Plan.~~

- A. ~~Commercial and Commercial/Residential Mixed Use (office uses are included in the commercial designation)~~
 - 1. ~~Proposed development shall incorporate a 1:0.5 to 1:2.0 floor area ratio of commercial to residential development. (For every 1 sq ft of commercial, a minimum of ½ sq ft of residential would be required, and up to 2 sq ft of residential will be permitted.)~~
 - 2. ~~Retail and/or service uses are required for the on-street level of any development. Residential and office or additional commercial development can be considered for below-grade development or for stories above the street level.~~
 - 3. ~~Angled parking shall be developed where street rights-of-way are wide enough.~~
 - 4. ~~Parking for commercial and residential uses shall be located to the rear or side of a proposed development. Where parking is to be located at the side of a structure, an 8-ft-wide landscape strip shall separate the parking area from the sidewalk.~~
 - 5. ~~Shared parking shall be provided where feasible. Shared bicycle parking shall be permitted when primary pedestrian entrances are located not more than 100 ft from the shared bicycle parking area. The shared bicycle parking must be located in an area of high visibility adjacent to a pedestrian walkway or sidewalk.~~
 - 6. ~~All primary ground floor common residential entries or individual unit entries of street frontage units shall be oriented to the street, not to the interior or to a parking lot. Projecting features such as porches, balconies, bay and dormer windows, and roof pediments are encouraged for structures facing a street.~~
 - 7. ~~Where structured parking is proposed, it shall be placed in the middle of a block, with commercial and retail uses at the street level. Innovative decorative designs are required to mask any portion of the upper structure which is visible from the street. Parking dimensions shall not include support posts of the underground or aboveground parking structure.~~
 - 8. ~~Parking which is provided without a parking structure shall comply with the dimensional and landscaping requirements of Chapter 19.600 of the Zoning Ordinance.~~
 - 9. ~~Auto-oriented and drive-in uses are prohibited, except for service stations without related minimarts when a conditional use has been approved.~~
 - 10. ~~A minimum of 60% of the ground floor wall area in retail development abutting pedestrian ways and plazas shall consist of nonreflective windows and doorways.~~

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- ~~11. Outdoor displays and café areas shall be permitted subject to City right-of-way permits and related standards. If an outdoor display is located on private property adjacent to the right-of-way, the display shall not impede traffic on the public sidewalk, and the displays and daily display signs shall be removed each evening. Café seating shall be permitted on private property adjacent to the public sidewalk with approval under the site design/conditional use permit process. Outdoor café seating on private property need not be removed each evening.~~
- ~~12. Residential development shall incorporate shared parking, circulation, and bike parking opportunities whenever possible. A planting strip shall separate the right-of-way and the sidewalk. High and medium density residential development is encouraged to have an articulated front façade which makes the building appear to be segmented or similar to the size and bulk of single-family residential units, where possible.~~
- ~~13. Owners of existing single-family homes within the Mixed Use Overlay Zone may apply for a conditional use permit to allow a detached secondary living unit, an accessory dwelling unit, or conversion to a duplex or multifamily dwelling with 3 units, provided that 1 of the units shall remain owner-occupied. Sound insulating and energy-efficient materials shall be provided in any of the above conversions of existing space. Setbacks and development standards of the underlying zone must be met.~~
- ~~14. No outside storage is allowed, with the exception of garbage dumpsters, which are screened by a solid wood fence with a gate, or fully contained individual storage units associated with residential uses.~~
- ~~15. If a project maximizes the residential density allowed in this overlay zone and by the Comprehensive Plan Town Center designation, additional retail or office uses can be permitted on the site through the site design/conditional use review process.~~
- ~~16. Projects accommodating a combination of residential, with retail or office, uses may cluster, combine, or separate the uses on portions of a single property, or a series of properties which are in the process of merger.~~
- ~~17. Residential densities between 25 and 50 dwelling units per acre shall be permitted within the Mixed Use Overlay Zone if the proposed project incorporates 7 out of 13 of the requirements listed in Subsection 19.404.8.A.18 below.~~
- ~~18. All new development shall comply with at least 6 of the following "essential" requirements:
 - ~~a. Special awning treatment;~~
 - ~~b. Special grate or paving treatment, landscaping, planter boxes or pots, and pedestrian-scale lighting between sidewalk and entrance of the building;~~
 - ~~c. Provision for public art or historical reference in the form of a plaque or public display;~~
 - ~~d. Special street lighting or other custom-designed street furniture or similar amenities;~~
 - ~~e. Development of public space, including, but not limited to, plazas, gathering areas, or special landscaped areas;~~
 - ~~f. Residential uses above ground-level retail space;~~
 - ~~g. Enhanced transit amenities such as covered bus shelters or bike lockers;~~
 - ~~h. Upgraded noise buffering on attached residential units;~~~~

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- ~~i. Provision of protected play areas in residential development;~~
 - ~~j. Provision of enhanced pedestrian accessways from rear parking areas to the frontage street;~~
 - ~~k. Provision of decorative drinking fountains or other custom-designed street furniture;~~
 - ~~l. Structured parking consistent with Subsection 19.404.8.A.7 above.~~
- ~~19. If a property to be developed includes an historic structure or a single-family home which is in good repair or can be easily repaired, the applicant may propose a density transfer in conjunction with a PD development in order to retain the single-family housing stock while allowing some higher density development on the same or an adjacent parcel, which is combined with the parcel on which the single-family home is located.~~
- ~~20. In areas where new development abuts existing single-family development, a 20-ft buffer area of landscaping shall be provided and consideration shall be given to additional setback of second, third, or fourth stories.~~
- ~~21. Bicycle and pedestrian routes shall be provided consistent with the requirements and standards of Chapter 19.700.~~

~~19.404.9 Specific Sites in Subareas 2 and 4~~

~~The following additional requirements apply to proposed development in specific subareas and on specific sites:~~

~~A. Subarea 2~~

- ~~1. Sites 2-1 and 2-2 (Murphy Plywood Site)

 - ~~a. These sites may be developed with a mix of commercial and commercial/residential space with limited service and retail uses, including restaurants. In such cases, retail uses shall be located on the ground floor adjacent to pedestrian walkways. Development of commercial and mixed uses at these sites shall comply with the provisions of Subsection 19.404.8.~~
 - ~~b. Business Industrial (BI) uses as set forth in Section 19.310 shall also be allowed. The development of BI uses on Sites 2-1 and 2-2 shall comply with the development requirements of Section 19.310, except that outdoor storage shall be permitted. In this case, the 32nd Avenue and Meek Street property lines shall be considered front yards and a 20-ft setback shall be applied. These setbacks shall be landscaped in accordance with Subsection 19.606.2.C.2, and provided with a sight-obscuring wooden fence adjacent to the public right-of-way and residential property lines. The Planning Commission may allow these setbacks to be reduced to 10 ft, where the proposed design of the buffer is of a high quality and includes: (1) the use of masonry walls, or other acceptable material, of up to 8 ft in height; (2) enhanced landscaping; and (3) one of the elements listed in Subsection 19.404.8.A.18. Development of BI uses on the site is not required to comply with the standards set forth in Subsections 19.404.8 and 19.303.3.~~~~
- ~~2. Site 2-6 (Providence Milwaukie Hospital Site)

~~This site shall be developed with a primary emphasis on specialized senior-assisted-living housing and related support services that are tied to the adjacent hospital and medical complex. Development should provide for housing and medical services which~~~~

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~~will meet the needs of an aging population. The provisions of Subsections 19.404.8.A.1 and 2 shall not apply to Site 2-6. Applications for Site 2-6 will be subject to a design review. Alternative designs appropriate to meet the intent of Subsections 19.404.8.A.4, 6, and 21 will be evaluated by the Planning Commission.~~

~~B. Subarea 4~~

- ~~1. This site shall be developed with high-density (16 to 24 dwelling units per acre) diverse housing types. Retail, office, or lodging uses are also allowed at a 2:1 ratio (for every 2 sq ft of residential, 1 sq ft of commercial will be permitted). Commercial uses on the site shall be limited to those listed in Subsections 19.404.3.D, E, G, K, Q, R, and S. Commercial use may be increased to a 1:1 ratio (1 sq ft of commercial for every 1 sq ft of residential), if amenities b, c, d, e, g, h, i, and k of Subsection 19.404.8.A.18 are provided. A report on the status of contamination on this site shall be submitted with any proposed development.~~
- ~~2. Minimum vegetation for the site shall be 30%. Particular attention shall be paid to landscaping, which shall be designed to provide buffers to the residential neighborhoods to the north and east. Building heights shall also be designed to provide a transition for the neighboring residential properties. The height limit within 50 ft of the Monroe Street or 37th Avenue right-of-way shall be 2 stories or 35 ft, whichever is less. The building height for the remainder of the development on this site is 3 stories or 45 ft, whichever is less. Building setbacks from property lines shall be 15 ft for the front and rear yards and 5 ft for side yards. Minimum lot standards shall conform to the R-O-C standards, except that the minimum lot width for rowhouses may be reduced to 20 ft wide if amenities b, d, e, g, h, and i of Subsection 19.404.8.A.18 are provided. The distance between buildings on the same lot shall be 6 ft for 1 story and a minimum of 5 ft per every story over 1.~~

~~19.404.10 Consistency with Underlying Zones~~

~~The MU Overlay Zone is anticipated to overlay a number of different zones. The following subsection addresses areas where the MU overlay will control development.~~

~~A. R-O-C Zone~~

~~The uses and processes stipulated in the MU Overlay Zone supersede those identified in the R-O-C Zone. The minimum lot size shall be 5,000 sq ft, and the density shall be controlled by the MU overlay and the Comprehensive Plan alone. No yards are required. The height restriction is based on the MU overlay height allowance. The lot coverage requirement and transition area requirement are removed in favor of the site design process. Use restrictions are superseded by those in the MU Overlay Zone.~~

~~B. WG Zone~~

~~The requirements of the Willamette Greenway overlay Zone control when in conflict with the provisions of the MU Overlay Zone. Compliance with the Willamette Greenway overlay requires that a conditional use permit be reviewed and approved. When a Willamette Greenway Zone and a mixed use zone both overlay a property, a single site design/conditional use permit application may be processed. The fee set for the site design/conditional use permit shall be the fee paid for the combined application.~~

~~C. Natural Resources~~

~~The requirements established in Section 19.402 for natural resources and those of the MU Overlay Zone both apply to a property which is subject to both designations. Any required Natural Resource Review application must be processed prior to, or concurrent with, a~~

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development proposal under the MU Overlay Zone. If a project is determined not to be subject to requirements of the MU Overlay Zone but is also on a property that includes natural resources regulated by Section 19.402, a separate determination of the applicability of Section 19.402 must be made.

19.404.11 Validity of Uses

In the MU Overlay Zone, uses prohibited by this overlay zone that were legally established or occupied on or prior to the effective date of this overlay zone shall be considered to be legal nonconforming uses.

19.404.12 Nonconforming Uses

- A. ~~Milwaukie Code provisions regarding construction, discontinuance, improvement, or change of nonconforming uses, as contained in Chapter 19.800, are applicable to uses within the MU Overlay Zone.~~
- B. ~~In addition to meeting requirements as specified in Chapter 19.800, development proposals involving nonconforming uses or structures must also comply with the setback, landscaping, and access standards of the MU Overlay Zone.~~

19.404 FLEX SPACE OVERLAY ZONE

19.404.1 Purpose

The Flex Space Overlay Zone implements the Central Milwaukie Land Use and Transportation Plan and is intended to provide flexibility for development of an identified opportunity site within Central Milwaukie (Figure 19.404). This overlay provides targeted opportunities for employment uses and promotes buildings that can accommodate a variety of uses that may change over time. Uses in the Flex Space Overlay Zone may include employment-intensive uses beyond those allowed in the underlying zone, and may change as appropriate to respond to market conditions and developer needs.

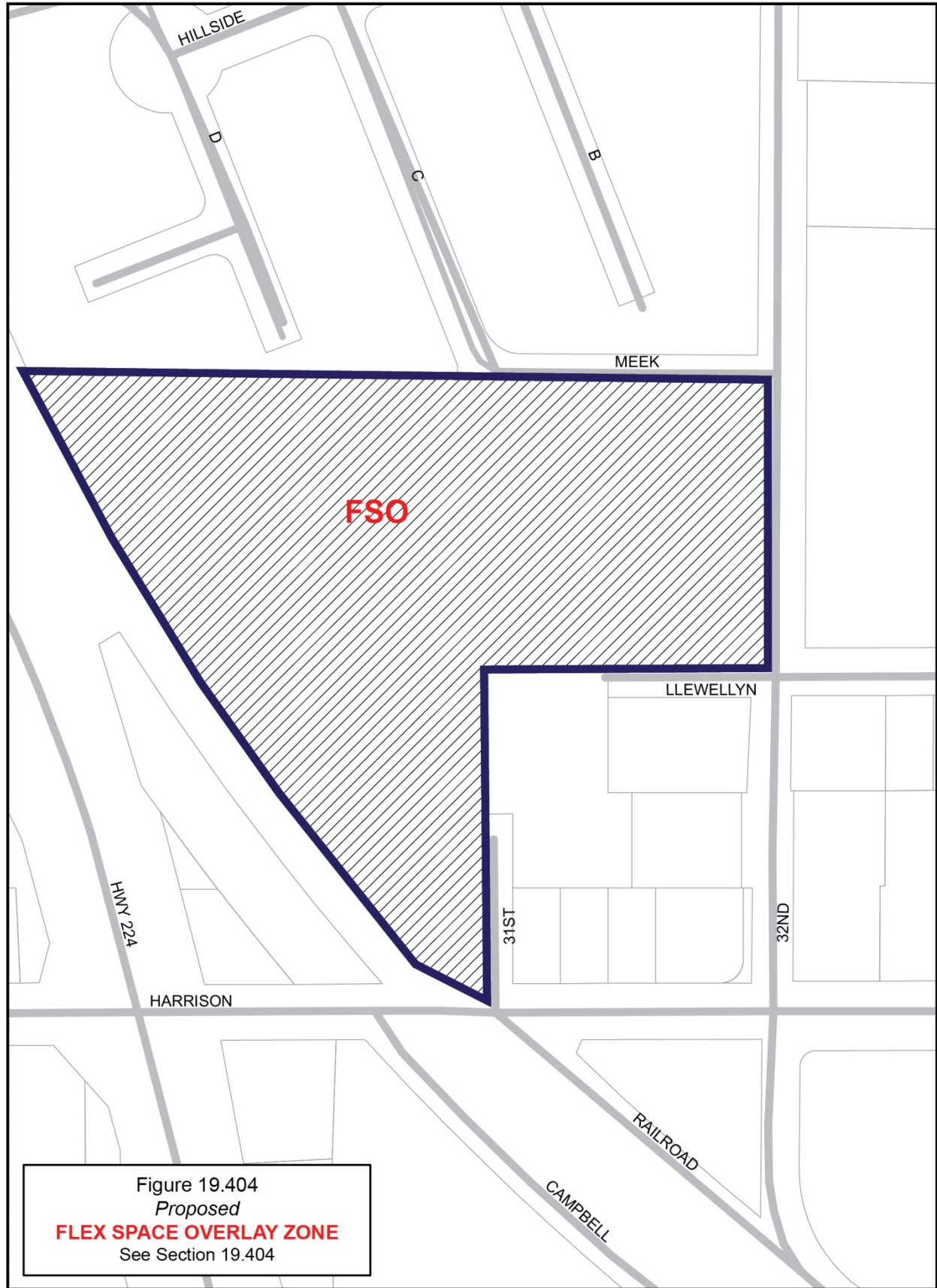
19.404.2 Applicability

The standards and requirements of this section apply to all properties within the Flex Space Overlay Zone as indicated on the Zoning Map.

19.404.3 Consistency with Base Zone

The General Mixed Use Zone GMU is the base zone for properties within the Flex Space Overlay Zone and all requirements of the base zone apply unless otherwise noted in this section. Where conflicts occur between this section and other sections of the code, the standards and requirements of this section shall supersede.

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19.404.4 Permitted Uses

In addition to those uses allowed by the base zone (GMU), Table 19.404.4 lists uses that are permitted within the Flex Space Overlay Zone.

Table 19.404.4 Flex Space Overlay Zone Uses	
<u>Use Category</u>	<u>Status</u>
<u>A. Industrial Service</u>	
<p><u>Industrial services are engaged in repair and/or servicing of industrial, business or consumer machinery, equipment, products or by-products or in training or instruction of such repair or servicing.</u></p> <p><u>Examples include: electrical contractors, equipment rental facilities, tool or instrument repair, and data storage facilities.</u></p>	P
<u>B. Manufacturing¹</u>	
<p><u>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.</u></p> <p><u>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.</u></p>	P
<u>C. Wholesale Trade</u>	
<p><u>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.</u></p> <p><u>Examples include: mail order houses; sale and/or rental of machinery, building materials, special trade tools, janitorial supplies and restaurant equipment; and wholesalers of food, clothing, auto parts, building hardware and office supplies.</u></p>	P
<u>D. Trade Schools</u>	
<p><u>This category comprises establishments whose primary purpose is to provide training for industrial needs and job-specific certification.</u></p> <p><u>Examples include: electronic equipment repair training, truck-driving school, welding school, training for repair of industrial machinery, and other industrial skills training.</u></p>	P

P = Permitted

1. Manufacturing uses shall only be conducted in an enclosed space. The following manufacturing uses are not allowed: explosive materials, concrete and asphalt mixing or batching, rock crushing and aggregate storage.

19.404.5 Design Standards

The design standards in Subsection 19.505.7 Commercial and Mixed-Use Development apply to new mixed-use and non-residential development in the Flex Space Overlay Zone.

19.404.6 Additional Provisions for Off-Site Impacts

In order to ensure compatibility between manufacturing and nonmanufacturing uses, the following off-site impact standards apply.

A. Applicability

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The off-site impact standards in this section apply to all new machinery, equipment, and facilities associated with manufacturing uses. Machinery, equipment, or facilities that were at the site and in compliance with existing regulations as of the effective date of this ordinance, are not subject to these off-site impact standards.

B. Noise

The City's noise control standards and requirements in Chapter 8.08 apply.

C. Vibration

Continuous, frequent, or repetitive vibrations that exceed 0.002g peak are prohibited. Generally, this means that a person of normal sensitivities should not be able to feel any vibrations.

1. Temporary vibrations from construction activities or vehicles leaving the site are exempt.
2. Vibrations lasting less than 5 minutes per day are exempt.
3. Seismic or electronic measuring equipment may be used when there are doubts about the level of vibrations.

D. Odor

Continuous, frequent, or repetitive odors are prohibited. The odor threshold is the point at which an odor may just be detected. An odor detected for less than 15 minutes per day is exempt.

E. Illumination

Machinery, equipment, and facilities may not directly or indirectly cause illumination on other properties in excess of 0 (zero) footcandles of light.

F. Measurements

Measurements for compliance with these standards may be made from the property line or within the property of the affected site. Measurements may be made at ground level or at habitable levels of buildings.

G. Documentation

An applicant must provide documentation certified by a registered engineer or architect, as appropriate, to ensure that the proposed activity can achieve compliance with these standards.

CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

19.504.6 Transition Area Measures

Where commercial, mixed-use, or industrial development is proposed abutting or 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.

- 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.

19.504.11 Preliminary Circulation Plan

A Preliminary Circulation Plan is intended to guide site development by establishing a plan for access, connectivity, and circulation. A preliminary circulation plan is a conceptual plan in that it does not establish a precise alignment for street, pedestrian, or bicycle facilities.

A. Applicability

A Preliminary Circulation Plan is required for development on sites [3-4] acres and larger that are subject to Development Review per MMC 19.906 and are either:

1. Vacant
2. The proposed new development or redevelopment will result in reconfiguration of the transportation and development pattern for >50% of the site.

B. Approval Criteria

In reviewing a proposed Preliminary Circulation Plan, the Planning Director shall find compliance with the relevant portions of the Comprehensive Plan, Transportation System Plan, and MMC 19.708 Transportation Facility Requirements.

C. Permit Process

A new Preliminary Circulation Plan or a revision to an approved Preliminary Circulation Plan are subject to Type II review per Section 19.1005.

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19.505 BUILDING DESIGN STANDARDS

19.505.1 ~~Design Standards for Single-Family Dwellings and Duplexes~~

19.505.2 ~~Garages and Carports Standards~~

19.505.3 ~~Design Standards for Multifamily Housing~~

19.505.4 ~~Design Standards for Cottage Cluster Housing~~

19.505.5 ~~Standards for Rowhouses~~

19.505.6 ~~Design Standards for Live/Work Units~~

19.505.7 Commercial and Mixed-Use Development.

A. Purpose

The design standards contained in this section are intended to encourage building design and construction with durable, high-quality materials. The design standards support development of an attractive, cohesive and pedestrian-friendly commercial area. The design standards do not prescribe a particular building or architectural style.

B. Applicability

1. The design standards in this section apply to the street-abutting facades of new commercial, institutional, manufacturing and mixed-use buildings within the GMU zone.
2. 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 Rowhouses.
3. The standards in this section do not apply to stand-alone multifamily housing. Stand-alone multifamily buildings are subject to the design standards in Section 19.505.3 Multifamily.

C. Building Design Standards

All buildings that meet the applicability provisions in Subsection 19.505.6.B shall meet the following design standards.

An applicant may request a variance to the Design Standards in Subsection 19.505.1.C through a Type II review, pursuant to Subsection 19.911.3.B.7.

1. Corners

The intent of this standard is to reinforce intersections as an important place for people to gather.

Buildings at the corner of two public streets (for the purposes of this standard an alley is not considered a public street) shall incorporate one of the following features:

- a. Locate the primary entry to the building at the corner

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- 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

2. Weather Protection

The intent of this standard is, through the use of awnings and canopies along the ground floor of buildings, to protect pedestrians from rain and provide shade; to encourage window shopping and lingering; and to create visual interest on the ground floor of a building.

Buildings shall provide weather protection for pedestrians as follows:

a. Minimum weather protection coverage

All ground floor building entries (excluding loading docks, bays, etc.) shall be protected from the weather by canopies, or recessed behind the front building façade at least 3 feet.

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.

3. Exterior Building Materials

The intent of this standard is to provide a sense of permanence through the use of certain permitted building materials; to provide articulation and visual interest to larger buildings; and to allow for a variety of materials and designs.

The following standards are applicable to the exterior walls of new buildings facing streets, courtyards, and/or public squares. Table 19.505.6.C.3 specifies the primary, secondary and prohibited material types referenced in this standard.

- a. Buildings shall utilize primary materials for at least 60 percent of the building facades.
- b. Secondary materials are permitted on no greater than 40 percent of each building facade.
- c. Accent materials are permitted on no greater than 10 percent of each building facade as trims or accents (e.g. flashing, projecting features, ornamentation, etc.).
- d. Buildings shall not utilize materials listed as (N) prohibited.
- e. For existing development, façade modifications that affect more than 50 percent of the façade 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 19.505.7.C.3 Commercial Exterior Building Materials	
Material Type	Nonresidential and Mixed-Use
Brick	P

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<u>Stone/masonry</u>	<u>P</u>
<u>Stucco</u>	<u>P</u>
<u>Glass (transparent, spandrel)</u>	<u>P</u>
<u>Concrete (poured in place or precast)</u>	<u>P</u>
<u>Finished wood, wood veneers and wood siding</u>	<u>S</u>
<u>Finished metal panels, such as anodized aluminum, stainless steel or copper, featuring a polished, brushed or patina finish</u>	<u>S</u>
<u>Concrete blocks with integral color (ground, polished or glazed finishes)</u>	<u>S</u>
<u>Fiber reinforced cement siding and panels</u>	<u>S</u>
<u>Ceramic tile</u>	<u>S</u>
<u>Concrete blocks with integral color (split face finish)</u>	<u>A</u>
<u>Standing seam and corrugated metal</u>	<u>A</u>
<u>Glass block</u>	<u>A</u>
<u>Vegetated wall panels or trellises</u>	<u>A</u>
<u>Vinyl siding</u>	<u>N</u>
<u>Exterior insulation finishing system (EIFS)</u>	<u>N</u>

P = Primary Material

S = Secondary Material

A = Accent Material

N = Prohibited Material

4. Windows and Doors

The standards of this section are intended to enhance street safety and provide a comfortable pedestrian environment by providing ground-level transparency between the interior of buildings and the sidewalk.

- a. For non-residential and mixed-use buildings, [30-40] percent 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.
- b. For all buildings, the following applies:
 - (1) Nonresidential ground floor windows must have a visible transmittance (VT) of 0.6 or higher.
 - (2) 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.
 - (3) Clear glazing is required for ground-floor windows. Nontransparent, reflective, or opaque glazings are not permitted.
 - (4) The bottom edge of windows along pedestrian ways shall be constructed no more than 36 inches above grade.

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(5) Ground-floor windows for nonresidential uses shall allow views into storefronts, working areas, or lobbies. Signs are limited to a maximum coverage of 50 percent of the required window area.

- c. 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.
- d. For all building windows facing streets, courtyards, and/or public squares in the downtown, the following window elements are prohibited:
 - (1) Reflective, tinted, or opaque glazing
 - (2) Simulated divisions (internal or applied synthetic materials)
 - (3) Exposed, unpainted metal frame windows

5. Roofs

- a. The intent of this standard is to enliven the pedestrian experience and create visual interest through roof form. 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 sloped roofs exposed to view from adjacent public or private streets and properties shall have a minimum [4/12-5/12] pitch.
- c. Sloped roofs shall have eaves, exclusive of rain gutters, that project from the building wall at least 12 inches.
- d. 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.
- 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.

6. Rooftop Equipment and Screening

The intent of this standard is to integrate mechanical equipment into the overall building design.

- 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.
- 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.

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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 five 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.

7. Ground-Level Screening

Mechanical and communication equipment and outdoor storage and outdoor garbage and recycling areas shall be screened so they are not visible from streets and other ground-level private open space and common open spaces.

19.505.78 Building Orientation to Transit

The following requirement applies to all new commercial, office, mixed-use, and institutional development within 500 ft of an existing or planned transit route measured along the public sidewalk that provides direct access to the transit route:

New buildings shall have their primary orientation toward a transit street or, if not adjacent to a transit street, a public right-of-way which leads to a transit street. The primary building entrance shall be visible from the street and shall be directly accessible from a sidewalk connected to the public right-of-way. A building may have more than 1 entrance. If the development has frontage on more than 1 transit street, the primary building entrance may be oriented to either street or to the corner.

CHAPTER 19.900 LAND USE APPLICATIONS

19.904 COMMUNITY SERVICE USES

19.904.11 Standards for Wireless Communication Facilities

Table 19.904.11.C				
Wireless Communication Facilities—Type and Review Process				
Towers		WCFs Not Involving New Tower		
Zones	New Monopole Tower 100 Feet	Building Rooftop or Wall Mounted Antenna¹	Water Towers, Existing Towers, and Other Stealth Designs	On Existing Utility Pole in Row with or w/out Extensions²
BI	P1	P2	P2	P2
M	P1	P2	P2	P2
M-TSA	P1	P2	P2	P2
C-N	N	P2	P2	P2
C-G	N	P2	P2	P2
C-L	N	P2	P2	P2
C-CS	N	P2	P2	P2
OS	N	P2	P2	P2
DMU	N	P2	P2	P2
R-O-G	N	P2	P2	P2
GMU	N	P2	P2	P2
R-1-B	N	P2	P2	P2
R-1	N	N	P2	P2
R-2	N	N	P2	P2
R-2.5	N	N	P2	P2
R-3	N	N	P2	P2
R-5	N	N	P2	P2
R-7	N	N	P2	P2
R-10	N	N	P2	P2

1 = Type III review—requires a public hearing in front of the Planning Commission

2 = Type II review—provides for an administrative decision

P = Permitted

N = Not Permitted

¹ Rooftop extensions are not to exceed 15 ft in height above the roof top and are not to project greater than 5 ft from the wall of a building.

² Antennas placed on right-of-way utility poles may be extended 15 ft. If the pole cannot be extended, the carrier may replace the pole. The replacement utility pole shall not exceed 15 ft in height of the pole that is to be replaced.

F. Location and Size Restrictions

2. Height: maximum heights. Also see Table 19.904.11.C.

a. Height Restrictions

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

- (1) BI, M, and M-TSA Zones: 100 ft.
- (2) New towers are not permitted in the R-1-B, R-1, R-2, R-2.5, R-3, R-5, R-7, R-7PD, R-10, R-10PD, ~~R-O-G~~, GMU, C-N, C-G, C-L, OS, and DMU Zones.

19.911 VARIANCES

19.911.3 Review Process

B. Type II Variances

Type II variances allow for limited variations to numerical standards. The following types of variance requests shall be evaluated through a Type II review per Section 19.1005:

1. A variance of up to 40% to a side yard width standard.
2. A variance of up to 25% to a front, rear, or street side yard width standard. A front yard width may not be reduced to less than 15 ft through a Type II review.
3. A variance of up to 10% to lot coverage or minimum vegetation standards.
4. A variance of up to 10% to lot width or depth standards.
5. A variance of up to 10% to a lot frontage standard.
6. A variance to compliance with Subsection 19.505.1.C.4 Detailed Design, or with Subsection 19.901.1.E.4.c.(1) in cases where a unique and creative housing design merits flexibility from the requirements of that subsection.
7. A variance to compliance with Subsection 19.505.7.C Building Design Standards in cases where a unique design merits flexibility from the requirements of that subsection.

Updates for Section References and Housekeeping Only

These amendments are based on the expectation that the **Downtown** amendments will have been adopted before these **Central Milwaukie** amendments go to the Milwaukie City Council for adoption.

19.201

“Greenway areas” means lands that lie along the Willamette River and major courses flowing into the Willamette River. Shown on the Zoning Map as the Willamette Greenway Overlay Zone.

Table 19.301.2

Table 19.301.2 Low Density Residential Uses Allowed				
Use	R-10	R-7	R-5	Standards/Additional Provisions
Residential Uses				
Single-family detached dwelling	P	P	P	Subsection 19.505.1 Design Standards for Single-Family Dwellings and Duplexes
Duplex	P/II	P/II	P	Subsection 19.505.1 Design Standards for Single-Family Dwellings and Duplexes Subsection 19.910.2 Duplexes
Residential home	P	P	P	Subsection 19.505.1 Design Standards for Single-Family Dwellings and Duplexes

19.301.5.I.3

3. ~~Subsection 19.505.1 Design Standards for Single-Family Dwellings and Duplexes~~

19.301.5.I.4

4. ~~Subsection 19.505.2 Garages and Carports Standards~~

Table 19.302.2

Table 19.302.2 Medium and High Density Residential Uses Allowed						
Use	R-3	R-2.5	R-2	R-1	R-1-B	Standards/ Additional Provisions
Residential Uses						
Single-family detached dwelling	P	P	P	P	P	Subsection 19.505.1 Design Standards for Single-Family Dwellings and Duplexes
Duplex	P	P	P	P	P	Subsection 19.505.1 Design Standards for Single-Family Dwellings and Duplexes
Residential home	P	P	P	P	P	Subsection 19.505.1 Design Standards for Single-Family Dwellings and Duplexes

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Rowhouse	P	P	P	P	P	Subsection 19.505.1 Design Standards for Single-Family Dwellings and Duplexes Subsection 19.505.5 Standards for Rowhouses
Cottage cluster housing	P	P	P	P	P	Subsection 19.505.4 Design Standards for Cottage Cluster Housing Cottage cluster land division requires Type III review
Multifamily	CU	CU	P	P	P	Subsection 19.505.3 Design Standards for Multifamily Housing Subsection 19.302.5.F Residential Densities Subsection 19.302.5.H Building Limitations
Congregate housing facility	CU	CU	P	P	P	Subsection 19.505.3 Design Standards for Multifamily Housing Subsection 19.302.5.F Residential Densities Subsection 19.302.5.H Building Limitations

Table 19.302.4

Table 19.302.4 Medium and High Density Residential Development Standards						
Standard	R-3	R-2.5	R-2	R-1	R-1-B	Standards/ Additional Provisions
A. Lot Standards						
1. Minimum lot size (sq ft)	3,000	2,500	2,500	1,400		Subsection 19.501.1 Lot Size Exceptions Subsection 19.505.4 Design Standards for Cottage Cluster Housing Subsection 19.505.5 Standards for Rowhouses
a. Rowhouse	6,000	5,000	7,000	6,400		
b. Duplex	5,000	5,000	5,000	5,000		
c. All other lots						

19.302.5.L

5. ~~Subsection 19.505.1 Design Standards for Single-Family Dwellings and Duplexes~~
6. ~~Subsection 19.505.2 Garages and Carports Standards~~
7. ~~Subsection 19.505.3 Design Standards for Multifamily Housing~~

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8. Subsection 19.505.4 ~~Design Standards for Cottage Cluster Housing~~
9. Subsection 19.505.67 ~~Building Orientation to Transit~~

Table 19.304.2

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.1 Downtown residential use limitations Subsection 19.505.5 Standards for Rowhouses
Multifamily	P	N	Figure 19.304-2 Ground-Floor Residential Permitted Subsection 19.304.3.A.1 Downtown residential use limitations Subsection 19.505.3 Design Standards for Multifamily Housing
Live/work units	P	N	Subsection 19.304.3.A.1 Downtown residential use limitations Subsection 19.505.6 Standards for Live/Work Units
Second-story housing	P	N	Section 19.508 Downtown Site and Building Design Standards
Senior and retirement housing	P	N	Subsection 19.304.3.A.1 Downtown residential use limitations Subsection 19.505.3 Design Standards for Multifamily Housing

19.402.14.C

For residential proposals, development may be clustered so that land can be developed at allowed densities while avoiding or minimizing impacts to WQRs or HCAs. The intent of this section is to encourage creative and flexible site design that enables the allowable density to be transferred elsewhere on a site to protect environmentally sensitive areas and preserve open space and natural features. A residential cluster development may be permitted in any residential or mixed-use zoning district, subject to Type III review and approval by the Planning Commission. A cluster development proposal may be considered in conjunction with a proposal

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for land division or property line adjustment as provided in Subsection 19.402.13.

19.404.9.A.1.b

- b. Business Industrial (BI) uses as set forth in Section 19.310 shall also be allowed. The development of BI uses on Sites 2-1 and 2-2 shall comply with the development requirements of Section 19.310, except that outdoor storage shall be permitted. In this case, the 32nd Avenue and Meek Street property lines shall be considered front yards and a 20-ft setback shall be applied. These setbacks shall be landscaped in accordance with Subsection 19.606.2.C.2, and provided with a sight-obscuring wooden fence adjacent to the public right-of-way and residential property lines. The Planning Commission may allow these setbacks to be reduced to 10 ft, where the proposed design of the buffer is of a high quality and includes: (1) the use of masonry walls, or other acceptable material, of up to 8 ft in height; (2) enhanced landscaping; and (3) one of the elements listed in Subsection 19.404.8.A.18. Development of BI uses on the site is not required to comply with the standards set forth in Subsections 19.404.8 and 19.303.3.
-

19.406.5.E.7

7. Stand-Alone Multifamily Residential Development

Stand-alone multifamily residential development shall comply with Subsection 19.505.3 ~~Design Standards for Multifamily Housing~~. In addition, the ground floor of stand-alone multifamily buildings shall be constructed to meet building code standards for a retail use. This will facilitate efficient conversion of the ground-floor space from residential to retail in the future.

19.406.6.F

F. Development and Design Standards

In addition to the standards in the base M-TSA Zone, the development and design standards for Subarea 1 in Subsections 19.406.5.E-G also apply to Subarea 2, with the following addition: Rowhouse development in Subarea 2 shall comply with Subsection 19.505.5 ~~Standards for Rowhouses~~.

19.508.4.A.3.b

- b. Rowhouses are subject to the objective standards of Subsection 19.505.5 ~~Standards for Rowhouses~~, as revised by Subsection 19.304.3.B.

19.508.4.A.3.c

- c. Live/work units are subject to the objective standards in Subsection 19.505.6 ~~Standards for Live/Work Units~~.
-

Proposed Code Amendment

19.608.2.B
B. Nonresidential and Mixed-Use Buildings

19.708.5.B.1

1. In residential and mixed-use districts, a pedestrian/bicycle path shall be required at least every 300 ft when a street connection is not feasible.
-

Table 19.901

Table 19.901 Land Use Applications		
Application Type	Municipal Code Location	Review Types
Mixed Use Overlay Review	Section 19.404	III

Table 19.1104.1.E

Table 19.1104.1.E Zoning and Land Use Designations for Boundary Changes		
County Zoning Designation	Assigned City Zoning Designation	Assigned Comprehensive Plan Land Use Designation
C2	R-O-C	Commercial/high density use

Clean Amendments

Title 14 Signs

*These amendments are based on the expectation that the **Downtown** amendments will have been adopted before these **Central Milwaukie** amendments go to the Milwaukie City Council for adoption.*

CHAPTER 14.04 GENERAL PROVISIONS

14.04.030 DEFINITIONS

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

"Downtown zones" means the DMU, Downtown Mixed Use, and OS, Open Space, Zones, as defined in the Zoning Ordinance.

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

"Residential-Business Office Zone" means the R-1-B Zone, as defined in the Zoning Ordinance.

CHAPTER 14.16 SIGN DISTRICTS

14.16.020 RESIDENTIAL-BUSINESS OFFICE ZONE

No sign shall be installed or maintained in an R-1-B Zone, except as allowed under Section 14.12.010 Exempted Signs, or as otherwise noted in Table 14.16.020.

Table 14.16.020
Standards for Signs in Residential-Business Office Zone R-1-B

14.16.040 COMMERCIAL ZONES

No sign shall be installed or maintained in the C-L, C-CS, and GMU Zones, except as allowed under Section 14.12.010 Exempted Signs, or as otherwise noted in Table 14.16.040.

Table 14.16.040
Standards for Signs in Commercial Zones C-L, C-CS, and GMU

Proposed Code Amendment

Zoning Ordinance

The proposed amendments incorporate the recent zoning code text amendments for **Medical Marijuana Facilities**, which were adopted by City Council on April 7, 2015, and which will become effective on May 1, 2015.

Additionally, these amendments are based on the expectation that the **Downtown** amendments will have been adopted before these **Central Milwaukie** amendments go to the Milwaukie City Council for adoption.

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
Downtown Mixed Use	DMU
Open Space	OS
Neighborhood Commercial	C-N
Limited Commercial	C-L
General Commercial	C-G
Community Shopping Commercial	C-CS
Manufacturing	M
Business Industrial	BI
Planned Development	PD
Tacoma Station Area Manufacturing	M-TSA
General Mixed Use	GMU
Overlay Zones	
Willamette Greenway	WG
Historic Preservation	HP
Flex Space	FS
Aircraft Landing Facility	L-F

Tacoma Station Area

TSA

CHAPTER 19.300 BASE ZONES

[19.303 RESIDENTIAL-OFFICE-COMMERCIAL ZONE R-O-C REPEALED]

19.303 GENERAL MIXED USE ZONE GMU

19.303.1 Purpose

The General Mixed Use Zone is intended to recognize the importance of Central Milwaukie as a primary commercial center and promote a mix of uses that will support a lively and economically robust district. It is also intended to ensure high quality urban development that is pedestrian-friendly and complementary to the surrounding area.

19.303.2 Uses

A. Permitted Uses

Uses allowed outright in the GMU zone are listed in Table 19.303.2 with a "P." These uses are allowed if they comply with the development and design standards and other regulations of this title.

B. Conditional Uses

Uses listed in Table 19.303.2 as "CU" are permitted only as conditional uses in conformance with Section 19.905.

C. Nonconforming Uses, Structures, and Development

Existing structures and uses that do not meet the standards for the GMU zone 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 Development Review pursuant to Section 19.906. 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 not listed in Table 19.303.2, and not considered accessory or similar pursuant to (E) and (F) below, are prohibited.

E. Accessory Uses

Uses that are accessory to a primary use are allowed if they comply with all development standards. For the purposes of this section, drive-through facilities are considered an accessory use and must conform to Section 19.606.3.

F. Similar Uses

The Planning Director, through a Type I review, may determine that a use that is not listed is considered similar to an example use listed in Table 19.303.2. The unlisted use shall be subject to the standards applicable to the similar example use.

Proposed Code Amendment

Table 19.303.2 General Mixed Use Zone Uses		
Uses and Use Categories	GMU	Standards/Additional Provisions
Residential		
Rowhouse ¹	P	Subsection 19.505.5 Standards for Rowhouses
Multifamily	P	Subsection 19.505.3 Design Standards for Multifamily Housing
Mixed use	P	
Live/work units	P	Subsection 19.505.6 Standards for Live/Work Units
Senior and retirement housing	P	Subsection 19.505.3 Design Standards for Multifamily Housing
Commercial		
<p>General office. General office means professional, executive, management, or administrative offices of firms or organizations.</p> <p>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>	P	
<p>Eating and drinking establishments. Eating and Drinking Establishments primarily involve the sale of prepared food and beverages for consumption on-site or take-away.</p> <p>Examples include: restaurants, delicatessens, retail bakeries, taverns, brew-pubs, coffee shops, concession stands, and espresso bars.</p>	P	
<p>Indoor recreation. Indoor recreation consists of for-profit facilities providing active recreational uses of a primarily indoor nature.</p> <p>Examples include: gyms, dance studios, tennis, racquetball and soccer centers, recreational centers, skating rinks, bowling alleys, arcades, shooting ranges, and movie theaters.</p>	P	

Proposed Code Amendment

<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.</p> <p>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. May also include car sales and other auto-oriented retail uses.</p>	P	
<p>Personal service oriented. Personal service oriented firms are involved in providing consumer services.</p> <p>Examples include: hair, tanning and spa services, pet grooming, photo and laundry drop-off, dry cleaners, and quick printing.</p>	P	
<p>Repair-oriented.² Repair-oriented uses are establishments providing product repair of consumer and business goods.</p> <p>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 and boat service and repair.</p>	P	
<p>Day care.³ 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 meeting all state requirements.</p> <p>Examples include: nursery schools, before-and-after school care facilities, and child development centers.</p>	P	
<p>Commercial lodging. Commercial Lodging includes for-profit residential facilities where tenancy is typically less than one month.</p> <p>Examples include: hotels, motels, and bed-and-breakfast establishments. Does not include senior and retirement housing.</p>	P	

Proposed Code Amendment

<p>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.</p> <p>Examples include: Boarding house and cooperative housing</p>	CU	Section 19.905 Conditional Uses
<p>Commercial 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.</p> <p>Examples include structured parking, short- and long-term fee parking facilities, commercial district shared parking lots and commercial shuttle parking.</p>	CU	
<p>Structured parking. Generally means a structure in which vehicle parking is accommodated on multiple stories; a vehicle parking area that is underneath all or part of any story of a structure; or a vehicle parking area that is not underneath a structure, is entirely covered, and has a parking surface at least 8 ft below grade. Structured parking does not include garages or carports.</p>	CSU	Section 19.611 Parking Structures
<p>Medical marijuana facility. 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.</p>	P	Subsection 19.303.6 Standards for Medical Marijuana Facilities

Proposed Code Amendment

Manufacturing and Production		
Manufacturing and production. ⁴ 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 toys.	P	
Institutional		
Community service uses	CSU	Section 19.904 Community Service Uses

P = Permitted.

CSU = Permitted with Community Service Use approval subject to provisions of Section 19.904. Type III review required to establish a new CSU or for major modification of an existing CSU. Type I review required for a minor modification of an existing CSU.

CU = Permitted with conditional use approval subject to the provisions of Section 19.905. Type III review required to establish a new CU or for major modification of an existing CU. Type I review required for a minor modification of an existing CU.

1. The limit of 4 consecutive row houses established in 19.505.5 does not apply in the GMU zone. In the GMU zone, there is no limit on the number of consecutive row houses.
2. Repair oriented uses are permitted in the GMU Zone only when conducted within a completely enclosed building.
3. Day care and childcare uses are limited to 5,000 sq. ft.
4. 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.

19.303.3 Development Standards

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

Table 19.303.3 summarizes some of the development standards that apply in the GMU zone. Development standards are presented in full in Subsection 19.303.3 (B).

Table 19.303,3 General Mixed Use Zone—Summary of Development Standards		
Standard	GMU	Standards/ Additional Provisions
A. Lot Standards		
1. Minimum lot size (sq ft)	1,500	

Proposed Code Amendment

2. Minimum street frontage (ft)	25	
B. Development Standards		
1. Minimum floor area ratio ¹	0.5:1	Section 19.303.4.A Floor Area Ratio
2. Building height (ft) a. Base maximum b. Maximum with height bonus	45 57	Section 19.303.4.B Building Height
3. Street Setbacks (ft) a. Minimum street setback b. Maximum street setback c. Side and rear setbacks	0-15 ² 10-20 ³ None	Section 19.303.4.C Street Setbacks
4. Frontage occupancy	50%	Section 19.303.4.D Frontage Occupancy Requirements Figure 19.303.4.D Frontage Occupancy Requirements
5. Maximum lot coverage	85%	Section 19.303.4.E Lot Coverage
6. Minimum vegetation	15%	Section 19.303.4.F Minimum Vegetation
7. Primary entrances	Yes	Section 19.303.4.G Primary Entrances
8. Off-street parking required	Yes	Chapter 19.600 Off-Street Parking and Loading
9. Transit Street	Yes	Subsection 19.505.8 Building Orientation to Transit
9. Transition Measures	Yes	Subsection 19.504.6 Transition Area Measures
C. Other Standards		
1. Residential density requirements (dwelling units per acre) a. Stand-alone residential (1) Minimum (2) Maximum b. Mixed-use buildings	25 50 None	Subsection 19.202.4 Density Calculations Subsection 19.303.4.H Residential Density Subsection 19.501.4 Density Exceptions
2. Signs	Yes	Section 14.16.040 Commercial Zone

1. Commercial parking facilities and public parks and plazas are exempt from the minimum floor area ratio requirement.

2. Residential edge standards apply to properties as shown on Figure 19.303.5.

3. Commercial edge standards apply to properties as shown on Figure 19.303.4.C.2.b.

19.303.4 Detailed Development Standards

The following detailed development standards describe additional allowances, restrictions, and exemptions related to the development standards of Table 19.303.3

A. Floor Area Ratio

1. Intent

Proposed Code Amendment

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 ratio in Table 19.303.3 applies to all nonresidential building development.
- b. Required minimum floor area ratio 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 FAR.
- 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. Base Maximum Building Height Standard

The base maximum building height in the GMU zone is 3 stories or 45 feet, whichever is less, unless the height bonus in (b) below is applied.

3. Height Bonuses

A building can utilize one of the development incentive bonuses of this subsection.

a. Residential

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.

b. Green Building

Project proposals that receive certification (any level) under an ANSI-approved green building rating system (e.g., LEED, Green Globes or Earth Advantage certified) are permitted an additional story or an additional 12 ft of building height, whichever is less, is allowed.

4. Exemptions

The following are exempt from the minimum building height standards.

Proposed Code Amendment

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

C. Street Setbacks

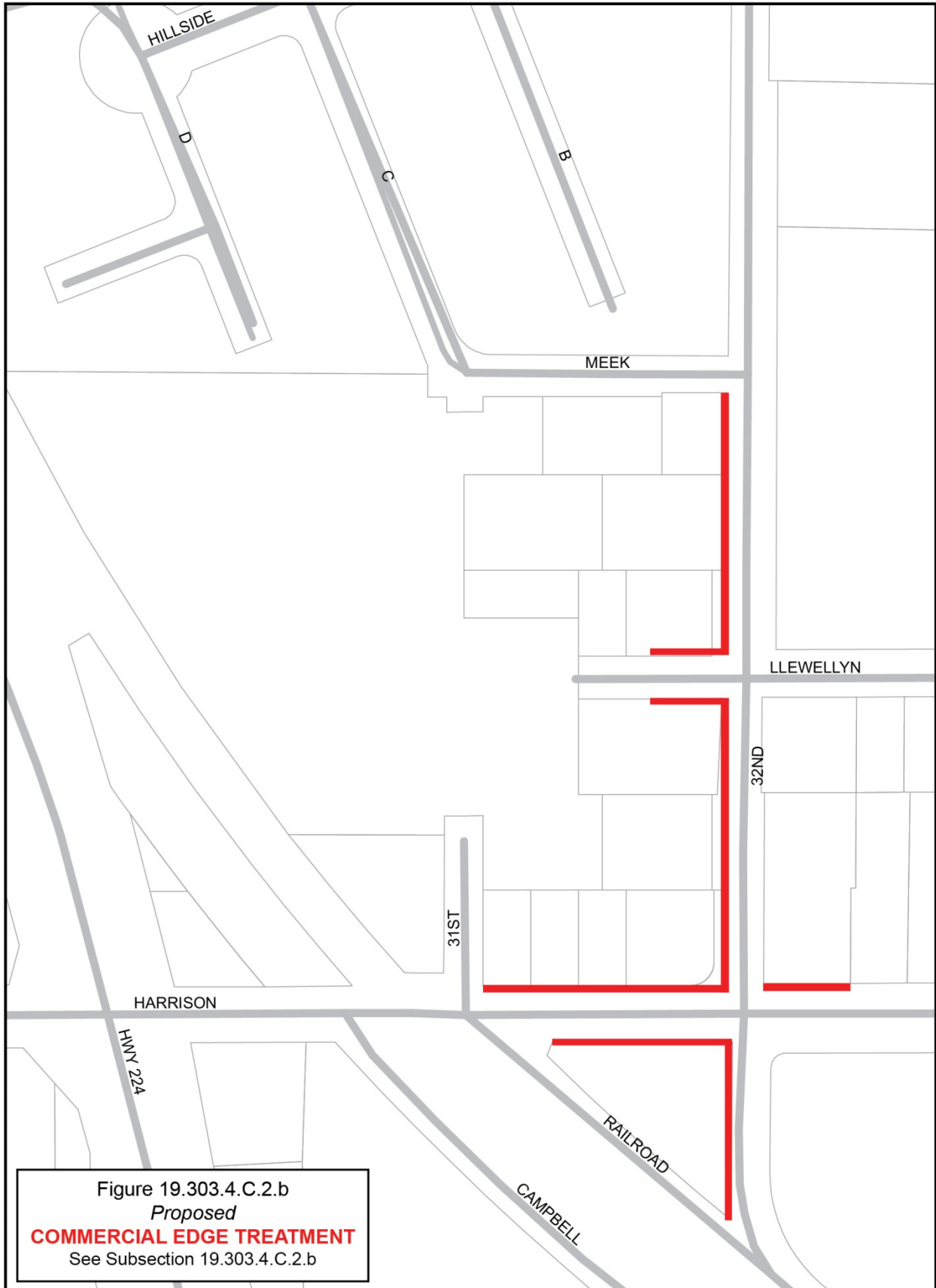
1. Intent

Buildings are allowed and encouraged to build up to the street right-of-way in the GMU zone. This ensures that buildings engage the street right-of-way.

2. Standards

- a. No minimum street setbacks are required, except for Residential Street Edges in 19.303.5.
- b. Maximum street setback is 20 feet. For properties shown as having a commercial edge on Figure 19.303.4.C.2.b, the following standards apply.
 - (1) No minimum street setback is required. Maximum street setback is 10 feet.
 - (2) The area within the street setback, if provided, shall be landscaped.
- c. When a building is set back from the sidewalk, the setback area must be landscaped.
 - (1) The setback area may include usable open space such as plazas, courtyards, terraces and small parks.
 - (2) Usable open space may be counted toward the minimum vegetation requirement in Subsection (F) below.

Proposed Code Amendment



Proposed Code Amendment

- d. No vehicle parking is permitted between the building and the street. Vehicle parking must be located behind and/or to the side of buildings except in cases of a through-lot or lots which front on 3 or more streets, in which case this standard applies to 2 streets.

D. Frontage Occupancy Requirements

The intent of this standard is to establish a consistent "street wall" along key streets. Minimum frontage occupancy requirements are established for block faces identified on Figure 19.303.4.D. The requirements apply as follows:

1. For block faces identified on Figure 19.303.4.D, 50 percent of the site frontage must be occupied by a building or buildings. If the development site has frontage on more than one street, the frontage occupancy requirement must be met on one street only.
2. 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.

E. Lot Coverage

The maximum area that may be covered by primary and accessory buildings shall not exceed 85 percent of the total lot area.

F. Minimum Vegetation

The minimum vegetation area that shall be retained or planted in trees, grass, shrubs, bark dust for planting beds, etc., shall be 15 percent of the total lot area.

G. Primary Entrances

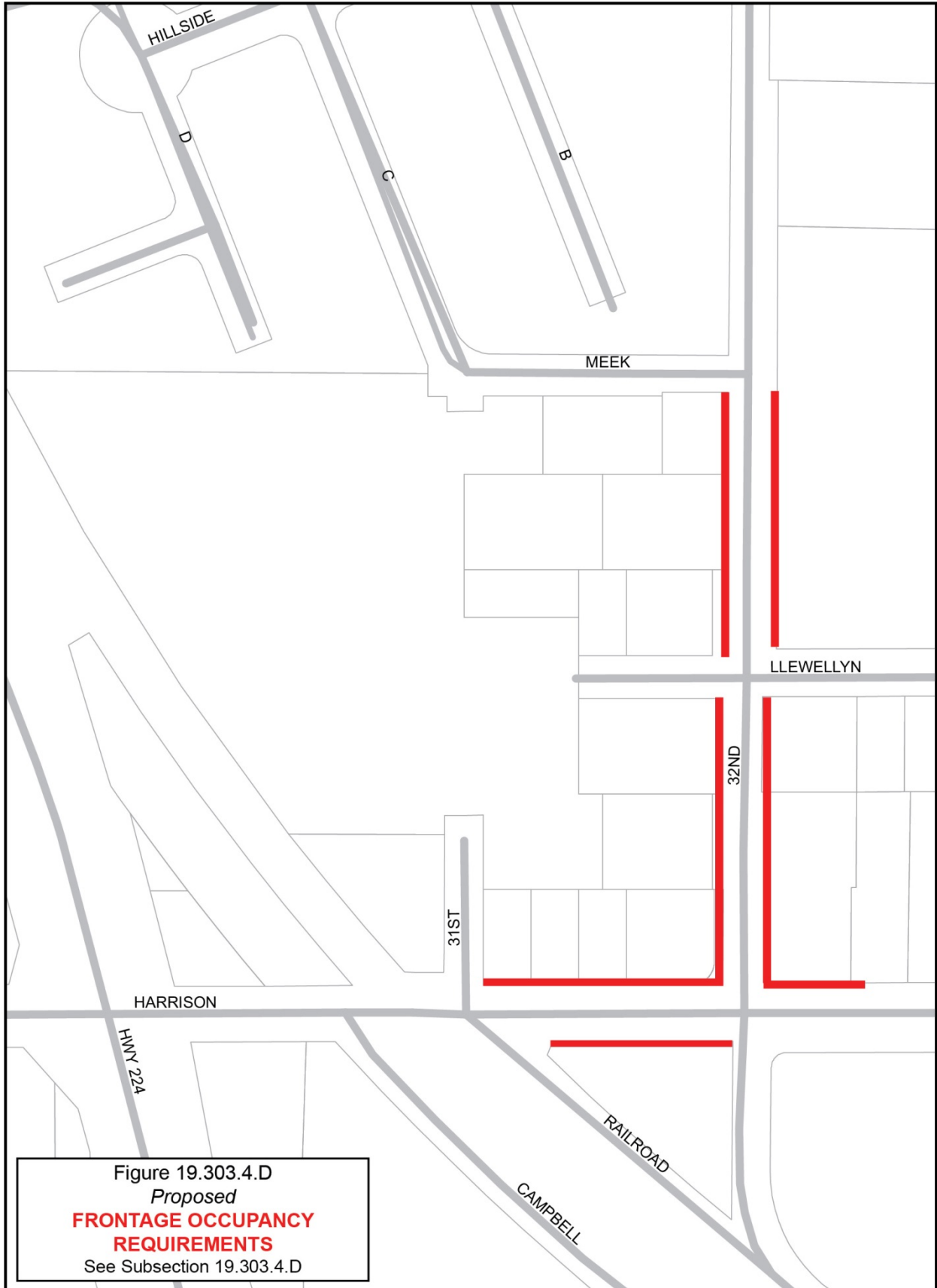
1. Intent

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

Proposed Code Amendment



Proposed Code Amendment

H. Residential Density

1. Intent

Minimum densities are applied to residential development in the GMU zone to assure efficient use of land at densities that support transit use and nearby businesses.

2. Standards

- a. Minimum density for standalone residential development in the GMU zone is 25 units per acre.
- b. There are no minimum density requirements when residential units are developed as part of a mixed-use building or development.
- c. Maximum residential densities for mixed-use buildings 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.

19.303.5 Standards for Residential Street Edges

For properties shown as having a residential edge on Figure 19.303.5, and for development that occurs adjacent to or abutting an R-3 or an R-5 zone, the following standards apply.

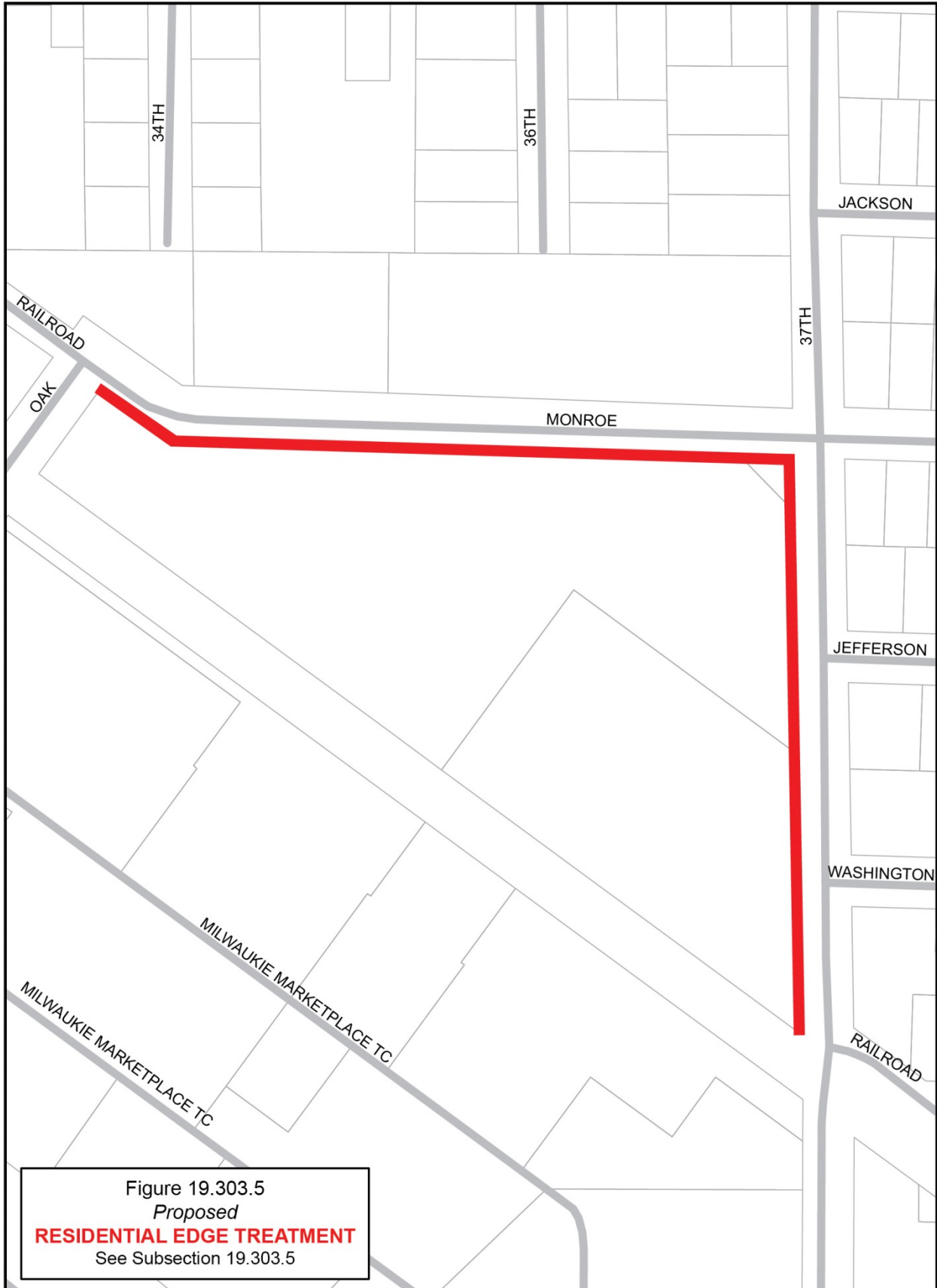
- A. A minimum setback of [10-15 feet] shall apply.
- B. Along the property line adjacent to the residential zone, buildings within 50 feet of 37th Ave and Monroe St shall provide a step back of at least 6 feet for any portion of the building above 35 feet.
- C. A height bonus consistent with Section 19.303.3.B(4)(b) may only be applied to buildings or portions of a building that are at least 50 feet away from the adjacent residential zone.

19.303.6 Standards for Medical Marijuana Facilities

In the GMU Zone, medical marijuana facilities shall meet the following standards:

- A. As set forth by Oregon Administrative Rules, a medical marijuana facility shall not be located within 1,000 ft of the real property comprising a public or private elementary, secondary, or career school attended primarily by minors or within 1,000 ft of another medical marijuana facility. In addition, a medical marijuana facility shall not be located within 1,000 ft of the Wichita and Hector Campbell school sites.
- B. A medical marijuana facility shall not be colocated with another business.
- C. Display of marijuana or marijuana products that are visible from outside of the facility is prohibited.
- E. The hours of operation for medical marijuana facilities shall be limited to the hours between 8:00 a.m. and 10:00 p.m.

Proposed Code Amendment



Proposed Code Amendment

19.303.7 Additional Provisions

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

A. Section 19.500 Supplementary Development Regulations

This section contains standards for site and building design that will apply to most new types of development, including residential and commercial. Relevant sections include:

1. 19.501 General Exceptions
2. 19.502 Accessory Structures
3. 19.503 Accessory Uses
4. 19.504 Site Design Standards
5. 19.505 Building Design Standards
6. 19.507 Home Occupation Standards

B. Section 19.600 Off-Street Parking and Loading

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

C. Section 19.700 Public Facility Improvements

Contains standards for transportation, utility and other public facility improvements that may be required as part of development.

CHAPTER 19.400 OVERLAY ZONES AND SPECIAL AREAS

[19.404 MIXED USE OVERLAY ZONE MU REPEALED]

19.404 FLEX SPACE OVERLAY ZONE

19.404.1 Purpose

The Flex Space Overlay Zone implements the Central Milwaukie Land Use and Transportation Plan and is intended to provide flexibility for development of an identified opportunity site within Central Milwaukie (Figure 19.404). This overlay provides targeted opportunities for employment uses and promotes buildings that can accommodate a variety of uses that may change over time. Uses in the Flex Space Overlay Zone may include employment-intensive uses beyond those allowed in the underlying zone, and may change as appropriate to respond to market conditions and developer needs.

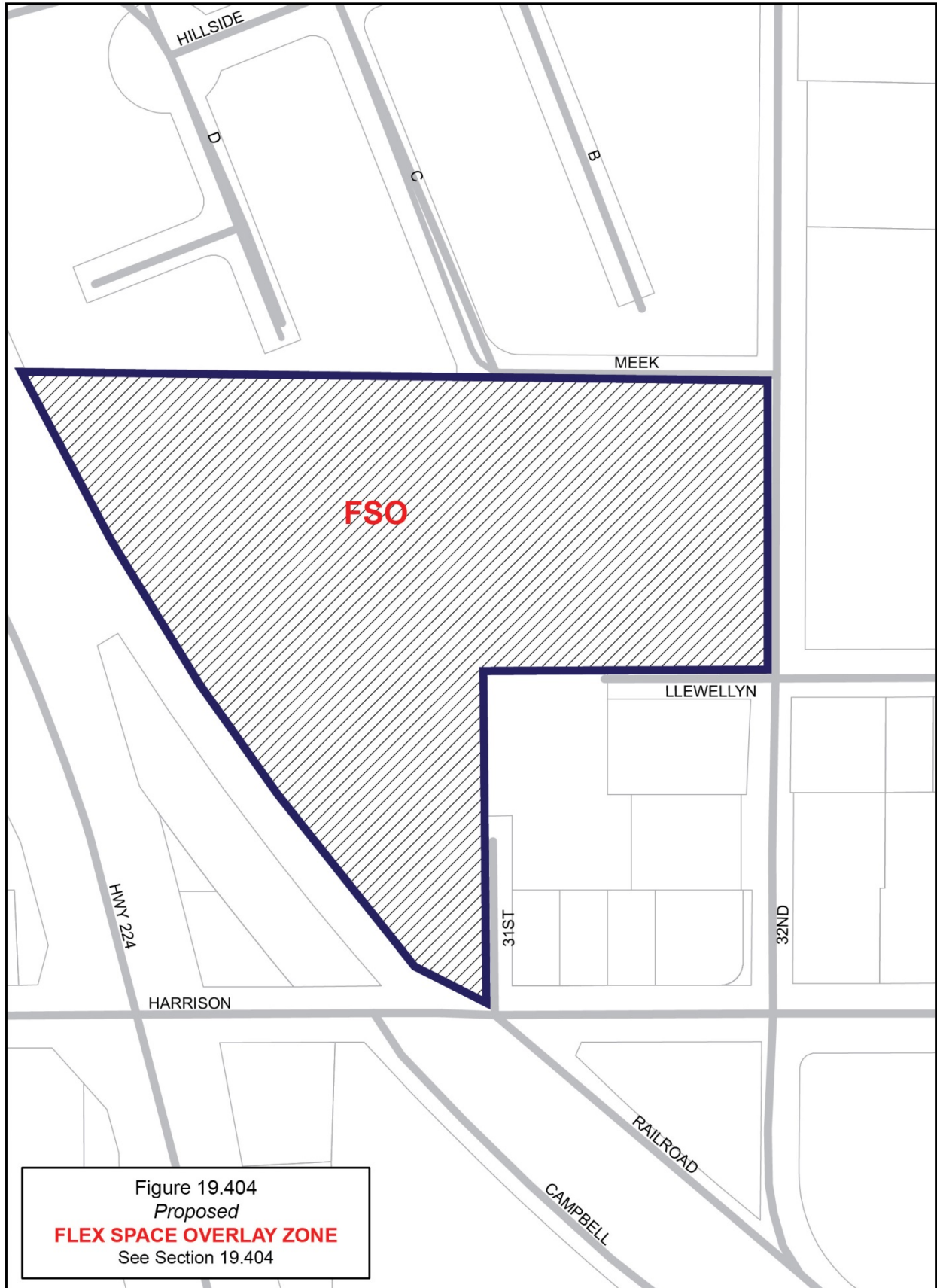
19.404.2 Applicability

The standards and requirements of this section apply to all properties within the Flex Space Overlay Zone as indicated on the Zoning Map.

19.404.3 Consistency with Base Zone

The General Mixed Use Zone GMU is the base zone for properties within the Flex Space Overlay Zone and all requirements of the base zone apply unless otherwise noted in this section. Where conflicts occur between this section and other sections of the code, the standards and requirements of this section shall supersede.

Proposed Code Amendment



Proposed Code Amendment

19.404.4 Permitted Uses

In addition to those uses allowed by the base zone (GMU), Table 19.404.4 lists uses that are permitted within the Flex Space Overlay Zone.

Table 19.404.4 Flex Space Overlay Zone Uses	
Use Category	Status
A. Industrial Service	
Industrial services are engaged in repair and/or servicing of industrial, business or consumer machinery, equipment, products or by-products or in training or instruction of such repair or servicing. Examples include: electrical contractors, equipment rental facilities, tool or instrument repair, and data storage facilities.	P
B. Manufacturing¹	
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. Examples include: mail order houses; sale and/or rental of machinery, building materials, special trade tools, janitorial supplies and restaurant equipment; and wholesalers of food, clothing, auto parts, building hardware and office supplies.	P
D. 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

P = Permitted

1. Manufacturing uses shall only be conducted in an enclosed space. The following manufacturing uses are not allowed: explosive materials, concrete and asphalt mixing or batching, rock crushing and aggregate storage.

19.404.5 Design Standards

The design standards in Subsection 19.505.7 Commercial and Mixed-Use Development apply to new mixed-use and non-residential development in the Flex Space Overlay Zone.

19.404.6 Additional Provisions for Off-Site Impacts

In order to ensure compatibility between manufacturing and nonmanufacturing uses, the following off-site impact standards apply.

A. Applicability

Proposed Code Amendment

The off-site impact standards in this section apply to all new machinery, equipment, and facilities associated with manufacturing uses. Machinery, equipment, or facilities that were at the site and in compliance with existing regulations as of the effective date of this ordinance, are not subject to these off-site impact standards.

B. Noise

The City's noise control standards and requirements in Chapter 8.08 apply.

C. Vibration

Continuous, frequent, or repetitive vibrations that exceed 0.002g peak are prohibited. Generally, this means that a person of normal sensitivities should not be able to feel any vibrations.

1. Temporary vibrations from construction activities or vehicles leaving the site are exempt.
2. Vibrations lasting less than 5 minutes per day are exempt.
3. Seismic or electronic measuring equipment may be used when there are doubts about the level of vibrations.

D. Odor

Continuous, frequent, or repetitive odors are prohibited. The odor threshold is the point at which an odor may just be detected. An odor detected for less than 15 minutes per day is exempt.

E. Illumination

Machinery, equipment, and facilities may not directly or indirectly cause illumination on other properties in excess of 0 (zero) footcandles of light.

F. Measurements

Measurements for compliance with these standards may be made from the property line or within the property of the affected site. Measurements may be made at ground level or at habitable levels of buildings.

G. Documentation

An applicant must provide documentation certified by a registered engineer or architect, as appropriate, to ensure that the proposed activity can achieve compliance with these standards.

CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

19.504.6 Transition Area Measures

Where commercial, mixed-use, or industrial development is proposed abutting or 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.

- 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.

19.504.11 Preliminary Circulation Plan

A Preliminary Circulation Plan is intended to guide site development by establishing a plan for access, connectivity, and circulation. A preliminary circulation plan is a conceptual plan in that it does not establish a precise alignment for street, pedestrian, or bicycle facilities.

A. Applicability

A Preliminary Circulation Plan is required for development on sites [3-4] acres and larger that are subject to Development Review per MMC 19.906 and are either:

1. Vacant
2. The proposed new development or redevelopment will result in reconfiguration of the transportation and development pattern for >50% of the site.

B. Approval Criteria

In reviewing a proposed Preliminary Circulation Plan, the Planning Director shall find compliance with the relevant portions of the Comprehensive Plan, Transportation System Plan, and MMC 19.708 Transportation Facility Requirements.

C. Permit Process

A new Preliminary Circulation Plan or a revision to an approved Preliminary Circulation Plan are subject to Type II review per Section 19.1005.

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19.505 BUILDING DESIGN STANDARDS

19.505.1 Single-Family Dwellings and Duplexes

19.505.2 Garages and Carports

19.505.3 Multifamily Housing

19.505.4 Cottage Cluster Housing

19.505.5 Rowhouses

19.505.6 Live/Work Units

19.505.7 Commercial and Mixed-Use Development.

A. Purpose

The design standards contained in this section are intended to encourage building design and construction with durable, high-quality materials. The design standards support development of an attractive, cohesive and pedestrian-friendly commercial area. The design standards do not prescribe a particular building or architectural style.

B. Applicability

1. The design standards in this section apply to the street-abutting facades of new commercial, institutional, manufacturing and mixed-use buildings within the GMU zone.
2. 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 Rowhouses.
3. The standards in this section do not apply to stand-alone multifamily housing. Stand-alone multifamily buildings are subject to the design standards in Section 19.505.3 Multifamily.

C. Building Design Standards

All buildings that meet the applicability provisions in Subsection 19.505.6.B shall meet the following design standards.

An applicant may request a variance to the Design Standards in Subsection 19.505.1.C through a Type II review, pursuant to Subsection 19.911.3.B.7.

1. Corners

The intent of this standard is to reinforce intersections as an important place for people to gather.

Buildings at the corner of two public streets (for the purposes of this standard an alley is not considered a public street) shall incorporate one of the following features:

- a. Locate the primary entry to the building at the corner

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- 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

2. Weather Protection

The intent of this standard is, through the use of awnings and canopies along the ground floor of buildings, to protect pedestrians from rain and provide shade; to encourage window shopping and lingering; and to create visual interest on the ground floor of a building.

Buildings shall provide weather protection for pedestrians as follows:

a. Minimum weather protection coverage

All ground floor building entries (excluding loading docks, bays, etc.) shall be protected from the weather by canopies, or recessed behind the front building façade at least 3 feet.

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.

3. Exterior Building Materials

The intent of this standard is to provide a sense of permanence through the use of certain permitted building materials; to provide articulation and visual interest to larger buildings; and to allow for a variety of materials and designs.

The following standards are applicable to the exterior walls of new buildings facing streets, courtyards, and/or public squares. Table 19.505.6.C.3 specifies the primary, secondary and prohibited material types referenced in this standard.

- a. Buildings shall utilize primary materials for at least 60 percent of the building facades.
- b. Secondary materials are permitted on no greater than 40 percent of each building facade.
- c. Accent materials are permitted on no greater than 10 percent of each building facade as trims or accents (e.g. flashing, projecting features, ornamentation, etc.).
- d. Buildings shall not utilize materials listed as (N) prohibited.
- e. For existing development, façade modifications that affect more than 50 percent of the façade 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 19.505.7.C.3 Commercial Exterior Building Materials	
Material Type	Nonresidential and Mixed-Use
Brick	P

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

P = Primary Material

S = Secondary Material

A = Accent Material

N = Prohibited Material

4. Windows and Doors

The standards of this section are intended to enhance street safety and provide a comfortable pedestrian environment by providing ground-level transparency between the interior of buildings and the sidewalk.

- a. For non-residential and mixed-use buildings, [30-40] percent 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.
- b. For all buildings, the following applies:
 - (1) Nonresidential ground floor windows must have a visible transmittance (VT) of 0.6 or higher.
 - (2) 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.
 - (3) Clear glazing is required for ground-floor windows. Nontransparent, reflective, or opaque glazings are not permitted.
 - (4) The bottom edge of windows along pedestrian ways shall be constructed no more than 36 inches above grade.

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- (5) Ground-floor windows for nonresidential uses shall allow views into storefronts, working areas, or lobbies. Signs are limited to a maximum coverage of 50 percent of the required window area.
 - c. 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.
 - d. For all building windows facing streets, courtyards, and/or public squares in the downtown, the following window elements are prohibited:
 - (1) Reflective, tinted, or opaque glazing
 - (2) Simulated divisions (internal or applied synthetic materials)
 - (3) Exposed, unpainted metal frame windows
5. Roofs
- a. The intent of this standard is to enliven the pedestrian experience and create visual interest through roof form. 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 sloped roofs exposed to view from adjacent public or private streets and properties shall have a minimum **[4/12-5/12]** pitch.
 - c. Sloped roofs shall have eaves, exclusive of rain gutters, that project from the building wall at least 12 inches.
 - d. 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.
 - 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.
6. Rooftop Equipment and Screening
- The intent of this standard is to integrate mechanical equipment into the overall building design.
- 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.
 - 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.

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- 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 five 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.
7. Ground-Level Screening

Mechanical and communication equipment and outdoor storage and outdoor garbage and recycling areas shall be screened so they are not visible from streets and other ground-level private open space and common open spaces.

19.505.8 Building Orientation to Transit

The following requirement applies to all new commercial, office, mixed-use, and institutional development within 500 ft of an existing or planned transit route measured along the public sidewalk that provides direct access to the transit route:

New buildings shall have their primary orientation toward a transit street or, if not adjacent to a transit street, a public right-of-way which leads to a transit street. The primary building entrance shall be visible from the street and shall be directly accessible from a sidewalk connected to the public right-of-way. A building may have more than 1 entrance. If the development has frontage on more than 1 transit street, the primary building entrance may be oriented to either street or to the corner.

CHAPTER 19.900 LAND USE APPLICATIONS

19.904 COMMUNITY SERVICE USES

19.904.11 Standards for Wireless Communication Facilities

Table 19.904.11.C				
Wireless Communication Facilities—Type and Review Process				
Towers		WCFs Not Involving New Tower		
Zones	New Monopole Tower 100 Feet	Building Rooftop or Wall Mounted Antenna¹	Water Towers, Existing Towers, and Other Stealth Designs	On Existing Utility Pole in Row with or w/out Extensions²
BI	P1	P2	P2	P2
M	P1	P2	P2	P2
M-TSA	P1	P2	P2	P2
C-N	N	P2	P2	P2
C-G	N	P2	P2	P2
C-L	N	P2	P2	P2
C-CS	N	P2	P2	P2
OS	N	P2	P2	P2
DMU	N	P2	P2	P2
GMU	N	P2	P2	P2
R-1-B	N	P2	P2	P2
R-1	N	N	P2	P2
R-2	N	N	P2	P2
R-2.5	N	N	P2	P2
R-3	N	N	P2	P2
R-5	N	N	P2	P2
R-7	N	N	P2	P2
R-10	N	N	P2	P2

1 = Type III review—requires a public hearing in front of the Planning Commission

2 = Type II review—provides for an administrative decision

P = Permitted **N** = Not Permitted

¹ Rooftop extensions are not to exceed 15 ft in height above the roof top and are not to project greater than 5 ft from the wall of a building.

² Antennas placed on right-of-way utility poles may be extended 15 ft. If the pole cannot be extended, the carrier may replace the pole. The replacement utility pole shall not exceed 15 ft in height of the pole that is to be replaced.

F. Location and Size Restrictions

2. Height: maximum heights. Also see Table 19.904.11.C.

a. Height Restrictions

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

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- (1) BI, M, and M-TSA Zones: 100 ft.
- (2) New towers are not permitted in the R-1-B, R-1, R-2, R-2.5, R-3, R-5, R-7, R-7PD, R-10, R-10PD, GMU, C-N, C-G, C-L, OS, and DMU Zones.

19.911 VARIANCES

19.911.3 Review Process

B. Type II Variances

Type II variances allow for limited variations to numerical standards. The following types of variance requests shall be evaluated through a Type II review per Section 19.1005:

1. A variance of up to 40% to a side yard width standard.
2. A variance of up to 25% to a front, rear, or street side yard width standard. A front yard width may not be reduced to less than 15 ft through a Type II review.
3. A variance of up to 10% to lot coverage or minimum vegetation standards.
4. A variance of up to 10% to lot width or depth standards.
5. A variance of up to 10% to a lot frontage standard.
6. A variance to compliance with Subsection 19.505.1.C.4 Detailed Design, or with Subsection 19.901.1.E.4.c.(1) in cases where a unique and creative housing design merits flexibility from the requirements of that subsection.
7. A variance to compliance with Subsection 19.505.7.C Building Design Standards in cases where a unique design merits flexibility from the requirements of that subsection.

Updates for Section References and Housekeeping Only

These amendments are based on the expectation that the **Downtown** amendments will have been adopted before these **Central Milwaukie** amendments go to the Milwaukie City Council for adoption.

19.201

“Greenway areas” means lands that lie along the Willamette River and major courses flowing into the Willamette River. Shown on the Zoning Map as the Willamette Greenway Overlay Zone.

Table 19.301.2

Table 19.301.2 Low Density Residential Uses Allowed				
Use	R-10	R-7	R-5	Standards/Additional Provisions
Residential Uses				
Single-family detached dwelling	P	P	P	Subsection 19.505.1 Single-Family Dwellings and Duplexes
Duplex	P/II	P/II	P	Subsection 19.505.1 Single-Family Dwellings and Duplexes Subsection 19.910.2 Duplexes
Residential home	P	P	P	Subsection 19.505.1 Single-Family Dwellings and Duplexes

19.301.5.I.3

3. Subsection 19.505.1 Single-Family Dwellings and Duplexes

19.301.5.I.4

4. Subsection 19.505.2 Garages and Carports

Table 19.302.2

Table 19.302.2 Medium and High Density Residential Uses Allowed						
Use	R-3	R-2.5	R-2	R-1	R-1-B	Standards/ Additional Provisions
Residential Uses						
Single-family detached dwelling	P	P	P	P	P	Subsection 19.505.1 Single-Family Dwellings and Duplexes
Duplex	P	P	P	P	P	Subsection 19.505.1 Single-Family Dwellings and Duplexes
Residential home	P	P	P	P	P	Subsection 19.505.1 Single-Family Dwellings and Duplexes

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Rowhouse	P	P	P	P	P	Subsection 19.505.1 Single-Family Dwellings and Duplexes Subsection 19.505.5 Rowhouses
Cottage cluster housing	P	P	P	P	P	Subsection 19.505.4 Cottage Cluster Housing Cottage cluster land division requires Type III review
Multifamily	CU	CU	P	P	P	Subsection 19.505.3 Multifamily Housing Subsection 19.302.5.F Residential Densities Subsection 19.302.5.H Building Limitations
Congregate housing facility	CU	CU	P	P	P	Subsection 19.505.3 Multifamily Housing Subsection 19.302.5.F Residential Densities Subsection 19.302.5.H Building Limitations

Table 19.302.4

Table 19.302.4						
Medium and High Density Residential Development Standards						
Standard	R-3	R-2.5	R-2	R-1	R-1-B	Standards/ Additional Provisions
A. Lot Standards						
1. Minimum lot size (sq ft)	3,000	2,500	2,500	1,400		Subsection 19.501.1 Lot Size Exceptions
a. Rowhouse	6,000	5,000	7,000	6,400		Subsection 19.505.4 Cottage Cluster Housing
b. Duplex	5,000	5,000	5,000	5,000		Subsection 19.505.5 Rowhouses
c. All other lots						

19.302.5.L

5. Subsection 19.505.1 Single-Family Dwellings and Duplexes
6. Subsection 19.505.2 Garages and Carports
7. Subsection 19.505.3 Multifamily Housing
8. Subsection 19.505.4 Cottage Cluster Housing
9. Subsection 19.505.7 Building Orientation to Transit

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Table 19.304.2

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.1 Downtown residential use limitations Subsection 19.505.5 Rowhouses
Multifamily	P	N	Figure 19.304-2 Ground-Floor Residential Permitted Subsection 19.304.3.A.1 Downtown residential use limitations Subsection 19.505.3 Multifamily Housing
Live/work units	P	N	Subsection 19.304.3.A.1 Downtown residential use limitations Subsection 19.505.6 Live/Work Units
Second-story housing	P	N	Section 19.508 Downtown Site and Building Design Standards
Senior and retirement housing	P	N	Subsection 19.304.3.A.1 Downtown residential use limitations Subsection 19.505.3 Multifamily Housing

19.402.14.C

For residential proposals, development may be clustered so that land can be developed at allowed densities while avoiding or minimizing impacts to WQRs or HCAs. The intent of this section is to encourage creative and flexible site design that enables the allowable density to be transferred elsewhere on a site to protect environmentally sensitive areas and preserve open space and natural features. A residential cluster development may be permitted in any residential or mixed-use zoning district, subject to Type III review and approval by the Planning Commission. A cluster development proposal may be considered in conjunction with a proposal for land division or property line adjustment as provided in Subsection 19.402.13.

19.404.9.A.1.b

- b. Business Industrial (BI) uses as set forth in Section 19.310 shall also be allowed. The development of BI uses on Sites 2-1 and 2-2 shall comply with the development requirements of Section 19.310, except that outdoor storage shall be permitted. In this case, the 32nd Avenue and Meek Street property lines shall be

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considered front yards and a 20-ft setback shall be applied. These setbacks shall be landscaped in accordance with Subsection 19.606.2.C.2, and provided with a sight-obscuring wooden fence adjacent to the public right-of-way and residential property lines. The Planning Commission may allow these setbacks to be reduced to 10 ft, where the proposed design of the buffer is of a high quality and includes: (1) the use of masonry walls, or other acceptable material, of up to 8 ft in height; (2) enhanced landscaping; and (3) one of the elements listed in Subsection 19.404.8.A.18. Development of BI uses on the site is not required to comply with the standards set forth in Subsection 19.404.8.

19.406.5.E.7

7. Stand-Alone Multifamily Residential Development

Stand-alone multifamily residential development shall comply with Subsection 19.505.3 Multifamily Housing. In addition, the ground floor of stand-alone multifamily buildings shall be constructed to meet building code standards for a retail use. This will facilitate efficient conversion of the ground-floor space from residential to retail in the future.

19.406.6.F

F. Development and Design Standards

In addition to the standards in the base M-TSA Zone, the development and design standards for Subarea 1 in Subsections 19.406.5.E-G also apply to Subarea 2, with the following addition: Rowhouse development in Subarea 2 shall comply with Subsection 19.505.5 Rowhouses.

19.508.4.A.3.b

- b. Rowhouses are subject to the objective standards of Subsection 19.505.5 Rowhouses, as revised by Subsection 19.304.3.B.

19.508.4.A.3.c

- c. Live/work units are subject to the objective standards in Subsection 19.505.6 Live/Work Units.
-

19.608.2.B

B. Nonresidential and Mixed-Use Buildings

19.708.5.B.1

- 1. In residential and mixed-use districts, a pedestrian/bicycle path shall be required at least every 300 ft when a street connection is not feasible.
-

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Table 19.901

Table 19.901 Land Use Applications		
Application Type	Municipal Code Location	Review Types

[Mixed Use Overlay Review row deleted]

Table 19.1104.1.E

Table 19.1104.1.E Zoning and Land Use Designations for Boundary Changes		
County Zoning Designation	Assigned City Zoning Designation	Assigned Comprehensive Plan Land Use Designation

[C2 assigned R-O-C row deleted]