



## AGENDA

### MILWAUKIE DESIGN AND LANDMARKS COMMITTEE Monday, March 9, 2014, 6:30 PM

CITY HALL CONFERENCE ROOM  
10722 SE MAIN ST

- 1.0 Call to Order—Procedural Matters**
- 2.0 Meeting Notes—Motion Needed**
  - 2.1 November 13, 2014—Joint Session with Planning Commission
- 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 Meetings—**Public meetings will follow the procedure listed on reverse
  - 5.1 Summary: Kellogg Lake Bicycle/Pedestrian Bridge  
Applicant: Stacy Bluhm for the City of Milwaukie  
Owner: TriMet  
Address: Kellogg Lake Bicycle/Pedestrian Bridge  
File: DR-2015-001, WG-2015-001  
Staff: Li Alligood, Senior Planner
- 6.0 Worksession Items**
  - 6.1 Summary: Moving Forward Milwaukie Briefing #5:  
Draft Central Milwaukie Design Standards  
Presenters: Vera Kalias, Associate Planner
- 7.0 Other Business/Updates**
  - 7.1 Elections
- 8.0 Design and Landmark Committee Discussion Items—**This is an opportunity for comment or discussion for items not on the agenda.
- 9.0 Forecast for Future Meetings:**
  - April 6, 2015 1. TBD
  - May 4, 2015 1. TBD

### Milwaukie Design and Landmarks Committee Statement

The Design and Landmarks Committee is established to advise the Planning Commission on historic preservation activities, compliance with applicable design guidelines, and to review and recommend appropriate design guidelines and design review processes and procedures to the Planning Commission and City Council.

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](mailto:planning@ci.milwaukie.or.us). Thank You.
2. **DESIGN AND LANDMARK COMMITTEE MEETING MINUTES.** Approved DLC Minutes can be found on the City website at [www.cityofmilwaukie.org](http://www.cityofmilwaukie.org)
3. **CITY COUNCIL MINUTES** City Council Minutes can be found on the City website at [www.cityofmilwaukie.org](http://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.

#### **Public Meeting 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 Committee members.

1. **STAFF REPORT.** Each design review meeting 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 recommendation with reasons for that recommendation.
2. **CORRESPONDENCE.** Staff will report any verbal or written correspondence that has been received since the Committee 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 COMMITTEE MEMBERS.** The committee members 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 Committee will take rebuttal testimony from the applicant.
9. **CLOSING OF PUBLIC MEETING.** The Chairperson will close the public portion of the meeting. The Committee will then enter into deliberation. From this point in the meeting the Committee will not receive any additional testimony from the audience, but may ask questions of anyone who has testified.
10. **COMMITTEE DISCUSSION AND ACTION.** It is the Committee's intention to make a recommendation this evening on each issue on the agenda. Design and Landmark Committee recommendations are not appealable.
11. **MEETING CONTINUANCE.** Prior to the close of the first public meeting, *any person* may request an opportunity to present additional information at another time. If there is such a request, the Design and Landmarks Committee will either continue the public meeting to a date certain, or leave the record open for at least seven days for additional written evidence, argument, or testimony.

*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 Design and Landmarks Committee:**

Sherry Grau, Chair  
Val Ballestrem, Vice Chair  
Adam Argo  
James Fossen  
Scott Jones

#### **Planning Department Staff:**

Denny Egner, Planning Director  
Li Alligood, Senior Planner  
Brett Kever, Associate Planner  
Vera Koliass, Associate Planner  
Marcia Hamley, Administrative Specialist II  
Alicia Martin, Administrative Specialist II

**CITY OF MILWAUKIE**  
**PLANNING COMMISSION and**  
**DESIGN AND LANDMARKS COMMITTEE**  
**JOINT SESSION**  
**MINUTES**  
**Milwaukie City Hall**  
**10722 SE Main Street**  
**THURSDAY, November 13, 2014**  
**6:30 PM**

**COMMISSIONERS PRESENT**

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

**COMMISSIONERS ABSENT**

Scott Barbur

**STAFF PRESENT**

Denny Egner, Planning Director  
 Li Alligood, Senior Planner  
 Peter Watts, City Attorney

**DLC MEMBERS PRESENT**

Sherry Grau, Chair  
 Val Ballestrem, Vice Chair  
 Adam Argo  
 James Fossen  
 Scott Jones

**1.0 Call to Order – Procedural Matters\***

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

**DLC Chair Grau** called the meeting of the Design and Landmarks Committee (DLC) to order.

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

**2.0 Planning Commission Minutes**

2.1 August 26, 2014

**It was moved by Commissioner Hemer and seconded by Commissioner Storm to approve the August 26, 2014 Planning Commission minutes as presented. The motion passed unanimously.**

**3.0 Information Items**

There were no information items.

42 **4.0 Audience Participation** –This is an opportunity for the public to comment on any item  
43 not on the agenda. There was none.

44

45 **5.0 Public Hearings**

46

47 **6.0 Worksession Items**

48 6.1 Summary: Moving Forward Milwaukie Downtown Plan and Code Amendments –  
49 Downtown Design Review

50 Staff: Li Alligood and Denny Egner

51

52 **Li Alligood, Senior Planner**, presented the staff report via PowerPoint. The focus of this  
53 meeting was to follow up on the feedback given to staff by the Planning Commission from the  
54 past worksession on the Downtown Design Standards, and to discuss downtown design review  
55 and the proposed revisions to that process. She reviewed the project's goals with regard to the  
56 Downtown Vision. Implementation of the goals involved providing more clarity and flexibility for  
57 development, ensuring attractive and pedestrian-friendly development, and to streamline the  
58 review process.

59

60 Regarding follow-up on the Downtown Design Standards, one request from the Commission  
61 was to provide more information about incentivizing green building and open space.

62

63 Open Space:

64 The Commission had asked staff for information on what incentives could be used for the  
65 provision to provide publicly-accessible open space. She noted that although open space  
66 promotes vitality of the streetscape, it also reduced the developable area of a property. Options  
67 for regulatory incentives could include density bonuses; if more open space was provided, there  
68 could be additional floor area ratio (FAR) allowed, etc. She added that this additional proposal  
69 should be a discussion question.

- 70
- 71 • Staff discussed the steps and implications involved with historic buildings. The current proposals did not include incentives toward historic buildings.
  - 72 • Reducing Public Area Requirements (PARs), should they remain, would not be an option
  - 73 through regulatory means, although the Commission could make recommendations as such.

- 74 • **The Commission** agreed that incentives for open space should be incorporated into the  
75 proposals.
- 76 • **Peter Watts, City Attorney**, clarified that although the proposed open space would be  
77 publically-accessible, it would be governed by the private property owner.
- 78 • The group was in favor of directing staff to explore the option of open space incentive but for  
79 Commissioner Hemer as he was concerned about how it would look in practice.

80

81 Green Building:

82 There were no current proposals for incentives or requirements but only regulatory tools could  
83 be codified in the Zoning Ordinance. Although there were other financial and monetary tools that  
84 other communities used for incentives, that option would require approval from City Council.  
85 Staff found that green building certification increased the project costs by 3-9%, but that  
86 developers have identified density bonuses as the most useful regulatory incentive.

87

88 Potential approaches were to provide FAR and/or height bonuses for certification and/or to  
89 consider providing varying levels of incentives for various certification levels.

- 90 • **Ms. Alligood** asked the Commission to consider if these options should be considered.
- 91 • To clarify, the additional cost was focused more in the actual certification process cost rather  
92 than the materials, etc.
- 93 • **Chair Bone** asked Commissioner Lowcock and DLC Member Jones how frequently a  
94 certification failed the level aimed for, although the buildings were still considered “green.”
- 95 ○ **DLC Member Jones** noted that there were a lot of pieces to whether a green  
96 building would pay off in terms of tenants, landlords, who was paying what utilities,  
97 etc., but did pay off over time. The industry had recognized the need for sustainable  
98 building practices regardless of certification.
- 99 ○ **Commissioner Lowcock** agreed and added that LEED certification was not the  
100 universal bar for green building.
- 101 ○ **Ms. Alligood** stated that the proposal should be broader in terms of types of  
102 certification.
- 103 • **DLC Member Fossen** asked what other incentives were found in other jurisdictions or  
104 counties, such as financial incentives.

- 105           ○ **Ms. Alligood** responded that there were financial incentives in other cities in terms  
106           of discounts on fees or waivers on certain development charges, etc., but those  
107           incentives would not be part of these proposals.
- 108       • **Ms. Alligood** noted that a challenge to tying bonuses to certification was the chance that  
109       certification was not attained after the bonuses had already been built into the development.
- 110       • **Commissioner Hemer** asked how a building that began with a design to incorporate LEED  
111       features ended up not meeting the standards.
- 112           ○ **Commissioner Lowcock** noted that some factors involved source materials not  
113           being close enough, environment and climate, and other things that chipped away at  
114           points.
- 115           ○ Remodels seemed to be easier to meet upgrade LEED elements rather than new  
116           development.
- 117       • **Ms. Alligood** asked the Commission if bonuses should also be applied to adaptive reuse  
118       and remodels that achieve LEED certification as well as new buildings.
- 119           ○ **Chair Bone** would like to see it incorporated in some fashion but it was hard to say  
120           or to determine how. She initially felt that, since there was sensitivity to height, only  
121           living buildings or LEED Platinum should be incentivized. However, as she heard  
122           more information, she thought there was perhaps some value in allowing all of the  
123           ratings.
- 124           ○ **Ms. Alligood** noted that the amount of incentive could be adjusted to the level of  
125           rating.
- 126       • **Commissioner Storm** asked how flexibility for future standards could be ensured in writing  
127       the code.
- 128           ○ **Ms. Alligood** reiterated that the Commission needed to first determine if incentives  
129           should be considered and incorporated; and then different approaches could be  
130           brought back for consideration.
- 131       • **DLC Member Jones** agreed to include incentives but was hesitant to tie them to any  
132       specific certification program.
- 133       • **Ms. Alligood** noted that the broader question of green building incentives may be its own  
134       project and market research for that was outside of the scope of the regulator parameters of  
135       this project.
- 136

137 **The group agreed to direct** staff to bring more information on incorporating green building  
138 incentives back to the Commission.

139

140 **Ms. Alligood** asked for direction as to if these incentives should be in place of or in addition to  
141 the proposed height bonuses for projects with at least 25% residential?

- 142 • The existing code allowed for 3-5 stories with a 1-story height bonus for building with at least  
143 25% residential for a certain portion of downtown.
- 144 • The proposal was to reduce the height limits to 3-4 stories but expand the 1-story residential  
145 height bonus throughout downtown.
- 146 • The direction needed was if the height bonus should be cumulative or in addition; a  
147 combination of residential and open space would allow for 1-story height bonus or  
148 cumulatively could result in a 2-story height bonus.
- 149 • **Chair Bone** suggested that the stories above 3 stories (4<sup>th</sup> and 5<sup>th</sup>) should be set back.
- 150 • **Ms. Alligood** agreed that that could be included in the proposals.
- 151 • **Chair Bone** liked the idea of being cumulative.
- 152 • **Commissioner Barbur** agreed that both were beneficial so should be allowed but to keep  
153 scale and design review in mind per project.

154

155 The group was in favor of the cumulative approach for height and/or FAR bonuses up to 2  
156 additional stories, with Commissioners Storm and Barbur and DLC Member Jones in favor of a  
157 included a preference for top story setback regulation. Commissioner Hemer opposed as he  
158 felt that green building should be through financial incentives and not through code ordinance.

159

160 Downtown Design Review:

- 161 • The purpose was to allow for communicating the community's expectations for new  
162 development, allow for public review and input, and to provide a level of clarity for a  
163 developer.
- 164 • The existing process required a Type III review for all additions and new construction, and  
165 projects were reviewed against the Downtown Design Guidelines and the limited design  
166 standards.
- 167 • Issues with this process included the need to provide 60-70% design plan that complied with  
168 the guidelines by the time the project was reviewed by the DLC, which made changing the  
169 site plan or project elements difficult and expensive. The guidelines also were general and

170 created a lack of clarity of expectations, and the review process was very discretionary. This  
171 process was a deterrent itself and created uncertainty.

- 172 • The desired outcome for the proposals was to ensure that the guidelines were codified to  
173 establish and allow for a clear and quantifiable Type II review process. This would allow for  
174 a more flexible and streamlined review process while maintaining the Type III review option  
175 for more innovative or creative projects, or projects that didn't meet the Type II criteria.
- 176 • **Ms. Alligood** reviewed the difference between the Type II and III processes with regard to  
177 fees, timeline, public noticing, etc., all which added to the differing level of uncertainty.
- 178 • Staff was focused on creating standards and requirements that were as clear as possible to  
179 allow for a clear and objective review process that allowed for more certainty.
- 180 • Intent of the standards would be included so that applicants that did not meet the Type II  
181 review standards could demonstrate how their proposal met the intent.
- 182 • **Mr. Watts** and **Mr. Egner** reminded the group that adjustments to the standards in the  
183 future, if needed, could occur.
- 184 • **Ms. Alligood** noted the preapplication process that clarified to the applicant if they would  
185 meet the Type II standards or would require the Type III process.

186

187 The group agreed with the proposal for a Type II clear and objective review process.

188

189 **Ms. Alligood** thanked the Commission and DLC for their clear direction and would bring  
190 requested information back to the group. She reviewed the next steps and upcoming meetings,  
191 including the first public hearing scheduled for January 13, 2015.

192

193 **Commissioner Hemer** asked how the South Downtown Concept Plan would be implemented.

- 194 • **Ms. Alligood** replied that the goal was to incorporate the South Downtown Concept Plan  
195 into the Downtown and Riverfront Land Use Framework Plan. She explained that there have  
196 been a few projects of the Concept Plan that have occurred, but other elements needed to  
197 be codified and incorporated into policy documents in order for implementation to occur.

198

199 **7.0 Planning Department Other Business/Updates**

200

201 **8.0 Planning Commission Discussion Items**

202



203 **Mr. Egner** added that prior to this meeting there was a public forum regarding extension for  
 204 approval of the parklet at Wine:30 in downtown to allow use through the winter months. He  
 205 noted that the parklet program's timeframe allowed for use between April and November. Thirty  
 206 members of the public attended. City Council would be taking public testimony at their next  
 207 meeting on Tuesday November 18, 2014

208  
 209 **Commissioner Lowcock** asked about how to form a parking agreement with the City and Car-  
 210 to-Go to extend their service into Milwaukie.

- 211 • **Mr. Egner** referred him to either Steve Butler, Community Development Director, or to  
 212 himself for follow-up.

213  
 214 **Mr. Egner** also noted that bus routing changes were coming up due to the Portland-Milwaukie  
 215 Light Rail line and would involve some impacts to parking and congestion.

216  
 217 **Commissioner Storm** asked for an update about the Road Home pilot project for Milwaukie  
 218 Christian Church.

- 219 • **Ms. Alligood** noted that the approval for that had expired. If the applicant wanted to  
 220 continue with the program, they would need to submit for another Community Service Use  
 221 approval.

222

223 **9.0 Forecast for Future Meetings:**

224	November 25, 2014	1. Public Hearing: ZA-14-03 Limited Commercial C-L Zone Update
225		2. Public Hearing: VR-14-02 9925 SE 37 <sup>th</sup> Ave Variance
226	December 9, 2014	1. Public Hearing: DR-14-07 Reliable Credit Parking Lot
227		2. Public Hearing: ZA-14-03 Limited Commercial C-L Zone Update <i>continued tentative</i>
228		3. Worksession: CPA-14-02 Moving Forward Milwaukie Downtown Plan and Code Amendments
229		
230		
231		
232		

233 **Mr. Egner** noted the Reliable Credit Parking Lot application would be going before the DLC and  
 234 the Commission and reminded the group of ex parte contacts disclosure and reviewed the rules  
 235 around that.

236

237 Meeting adjourned at approximately 8:45 p.m.

238

239

240

241

Respectfully submitted,

242

243

Alicia Martin, Administrative Specialist II

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245

246

247

248 \_\_\_\_\_  
Sine Bone, Chair

\_\_\_\_\_  
Sherry Grau, DLC Chair



# MILWAUKIE

*Dogwood City of the West*

**To:** Design and Landmarks Committee

**Through:** Dennis Egner, Planning Director

**From:** Li Alligood, Senior Planner

**Date:** March 2, 2015, for March 9, 2015, Public Meeting

**Subject:** **File:** DR-2015-001, WG-2015-001  
**Applicant:** Stacy Bluhm for the City of Milwaukie  
**Owner(s):** TriMet  
**Address:** Kellogg Lake Bicycle/Pedestrian Bridge  
**Legal Description (Map & Tax Lot):** TriMet right-of-way on Tax Maps 1S1E36BC and 36BC between Lake Rd and McLoughlin Blvd  
**NDA:** Historic Milwaukie and Island Station

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## **ACTION REQUESTED**

Recommend approval of application DR-2015-001 and adoption of the recommended Findings and Conditions of Approval found in Attachments 1 and 2. This action would allow for construction of connections and landings between the Kellogg Lake Bicycle/Pedestrian Bridge and the northern and southern banks of Kellogg Lake.

## **BACKGROUND INFORMATION**

During the land use approval process for the Kellogg light rail bridge, in 2011, TriMet advanced a design for a proposed bicycle/pedestrian bridge to be constructed beneath the light rail bridge. The design for the bicycle/pedestrian bridge was approved as part of that land use process (File #WG-11-01), but the design for the connections between the bridge and the banks of Kellogg Lake was not. The bicycle/pedestrian bridge was constructed in 2014; at the time, funding was not available to connect the bridge to grade.

As shown in Figures 1 and 2, the bicycle/pedestrian bridge is not currently connected to the northern and southern banks of Kellogg Lake. The final step to creating a multimodal connection between downtown Milwaukie and Kronberg Park and the Island Station neighborhood is funding and constructing the bridge connections. This application would complete the bicycle/pedestrian connection between downtown Milwaukie and the light rail station to the

north; and Kronberg Park, the Trolley Trail, and the Island Station neighborhood to the south. Pending approval of the proposal, construction would begin in April 2015.

**Figure 1. Northern Lake Rd perspective, January 2015**



*Source: Lee Leighton, Westlake Consultants*

**Figure 2. Southern Kronberg Park perspective, January 2015**



*Source: Lee Leighton, Westlake Consultants*

### **A. Site and Vicinity**

The Kellogg Lake bicycle/pedestrian bridge is located beneath the Kellogg light rail bridge crossing Kellogg Lake south of downtown. The site contains the Kellogg light rail bridge. Although Kellogg Lake is a mapped natural resource and a portion of the area is located within the flood plain, all proposed work will occur outside of the flood plain.

Land use file #WG-11-01 included approval and mitigation of an additional 375 sq ft of the Habitat Conservation Area (HCA) at the northern end of the bridge to accommodate future

bicycle/pedestrian bridge connections. The proposal will disturb approximately 142 sq ft of the HCA, which is less than the permitted disturbance area.

The surrounding area consists of the Main St light rail station to the north; a single-family home to the east; Kronberg Park to the south; and Kellogg Lake to the west.

## **B. Zoning Designation**

DOS Downtown Open Space and WG Willamette Greenway Overlay. Much of the site lies within a mapped water quality resource (WQR) and habitat conservation area (HCA).

## **C. Comprehensive Plan Designation**

P Public

## **D. Land Use History**

- **2014:** DEV-14-01, approved, permitted installation of the Kellogg Lake bicycle/pedestrian bridge structure.
- **2011:** WG-11-01 (AP-11-01), approved with conditions, approved the design of the Kellogg Lake bicycle/pedestrian bridge and up to 375 sq ft of permanent disturbance of the HCA for construction of the connections and landings.

## **E. Proposal**

The applicant is seeking land use approvals for construction of connections between the Kellogg Lake bicycle/pedestrian bridge structure and Lake Rd to the north and Kronberg Park to the south. The proposal includes the following elements as traveling from north to south:

- At the north landing, a concrete sidewalk is supported by a modular block retaining wall. The retaining wall ranges in height from flush at the north end to approximately 15 ft tall at the south end.
- Between the north landing and the bicycle/pedestrian bridge structure, a concrete deck is supported by a concrete slab and cross beam, mounted on a single concrete column.
- At the south landing, a concrete deck connects directly to the bank.

The project requires approval of the following applications by the Planning Commission:

### **1. Downtown Design Review (DR-2015-001)**

The bicycle/pedestrian bridge landings are located within the Downtown Open Space Zone. All new construction in the downtown zones is subject to downtown design review.

### **2. Willamette Greenway Overlay (WG-2015-001)**

The proposed connections and landings are located entirely within the Willamette Greenway Overlay Zone. All new development in the WG Overlay Zone is subject to review to ensure that the natural and recreational qualities of the river are protected.

The Design and Landmarks Committee is charged with reviewing and making a recommendation to the Planning Commission on the Downtown Design Review application.

## **F. Specific Design Elements**

The proposed design includes the following elements:

- Railings – Galvanized steel railings are proposed.
- Wall finishes - The surface of the retaining wall is proposed to resemble ashlar stone, similar to that used on the retaining walls and abutments along Lake Rd and at the light rail station.
- Columns – Round columns reflect the shape of the Kellogg light rail bridge support columns. Concrete cross beams and slabs support the concrete deck.

See Attachment 3.f for illustrations of these elements.

## **KEY ISSUES**

### **Summary**

Staff has identified the following key issues for the Committee'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 Committee.

- A. Is galvanized steel the best finish for the railings?

### **Analysis**

#### **A. Is galvanized steel the best finish for the railings?**

The proposed connection design includes galvanized steel railings. Galvanized steel has many benefits – it is low maintenance, durable, and visually unobtrusive. In other locations along the light rail alignment in downtown Milwaukie, there is a mix of "Milwaukie black" railings which are used throughout downtown, and galvanized steel elements, including bicycle lockers, platform shelter elements, and OCS poles. There is a precedent for the use of either finish.

The bicycle/pedestrian bridge structure consists of weathering steel and horizontal ipe wood rub rails. The light rail bridge is clad in weathering steel; the OCS poles are galvanized steel; and the railings are weathering steel with metal cables and transparent panels between them.

Staff is seeking Committee direction regarding whether galvanized steel or "Milwaukie black" railings are most appropriate for the landings.

## CONCLUSIONS

### A. Staff recommendation to the Design and Landmarks Committee is as follows:

1. Recommend approval of the Downtown Design Review application for the proposed Kellogg Lake bicycle/pedestrian bridge connections and landings. This will result in the construction of connections between the bicycle/pedestrian bridge structure and landings at the northern and southern ends.
3. Recommend adoption of 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):

- Retaining wall finish must have the appearance of ashlar stone.

## CODE AUTHORITY AND DECISION-MAKING PROCESS

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

- MMC Section 19.907 Downtown Design Review
- MMC Subsection 19.304.6 Downtown Design Standards
- MMC Section 19.1000 Review Procedures
- Downtown Design Guidelines

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 considers the DLC recommendation, assesses the application against review criteria and development standards and evaluates testimony and evidence received at the public hearing.

The Committee has 4 decision-making options as follows:

- A. Approve the application upon finding that all approval criteria have been met.
- B. Approve the application subject to the recommended Findings and Conditions of Approval.
- C. Approve the application with modified Findings and Conditions of Approval. Such modifications need to be read into the record.
- D. Recommend denial the application upon finding that it does not meet approval criteria. Findings of Denial need to be read into the record.

The final decision on these applications, which includes any appeals to the City Council, must be made by June 16, 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 changes was given to the following agencies and persons: City of Milwaukie Engineering, Building, and Planning, and the Historic Milwaukie and Island Station

Neighborhood District Associations (NDAs). No comments were received as of March 2, 2015. Any comments received prior to the meeting will be provided at the meeting.

## ATTACHMENTS

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

	DLC Packet	Public Copies	E- Packet
1. Recommended Findings in Support of Approval (to follow under separate cover)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. Recommended Conditions of Approval	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3. Applicant's Narrative and Supporting Documentation dated February 17 and 20, 2015.			
a. Narrative	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Downtown Design Review Checklist	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. Site Plan	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
d. North Approach	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
e. South Approach with revised landing (dated February 20)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
f. Elevations	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Key:

Early DLC Mailing = paper materials provided to Design and Landmarks Committee at the time of public notice 10 days prior to the meeting.

DLC Packet = paper materials provided to Design and Landmarks Committee 7 days prior to the hearing.

Public Copies = paper copies of the packet available for review at City facilities and at the Design and Landmarks Committee meeting.

E-Packet = packet materials available online at <http://www.milwaukieoregon.gov/planning/design-and-landmarks-committee-rescheduled-1>.



**Recommended Findings in Support of Approval  
File #DR-2015-001, WG-2015-001, Kellogg Lake Bicycle/Pedestrian Bridge**

*Staff has prepared the following Findings in Support of Approval for the review by the Milwaukie Design and Landmarks Committee (DLC) of application DR-2015-001. Following the DLC review of the proposal, the DLC's recommended findings will be incorporated into the staff report to the Milwaukie Planning Commission (PC) for the public hearing on this proposal.*

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, Stacy Bluhm for the City of Milwaukie, has applied for approval to construct connections and landings between the Kellogg Lake Bicycle/Pedestrian Bridge and Lake Rd to the north and Kronberg Park to the south in the TriMet right-of-way on Tax Maps 1S1E36BC and 36BC between Lake Rd and McLoughlin Blvd. This site is in the Downtown Open Space Zone. The land use application file numbers are DR-2015 and WG-2015-001.
2. The applicant is seeking land use approvals for construction of connections between the Kellogg Lake bicycle/pedestrian bridge structure and Lake Rd to the north and Kronberg Park to the south. The proposal includes the following elements as traveling from north to south:
  - At the north landing, a concrete sidewalk is supported by a modular block retaining wall. The retaining wall ranges in height from flush at the north end to approximately 15 ft tall at the south end.
  - Between the north landing and the bicycle/pedestrian bridge structure, a concrete deck is supported by a concrete slab and cross beam, mounted on a single concrete column.
  - At the south landing, a concrete deck connects directly to the bank.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
  - MMC Section 19.907 Downtown Design Review
  - MMC Subsection 19.304.6 Downtown Design Standards
  - MMC Subsection 19.401 Willamette Greenway Zone
  - MMC Section 19.1000 Review Procedures
  - Downtown Design Guidelines
4. The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review and MMC Section 19.1011 Design Review Meetings. A public design review meeting was held on March 10, 2015, and a public hearing was held on \_\_\_\_\_, as required by law.
5. MMC Section 19.907 Downtown Design Review
  - a. MMC 19.907.7 establishes the approval criteria for design review applications. The approval authority may approve, approve with conditions, or deny a design review application based on the following criteria:
    - (1) Compliance with Title 19 Zoning Ordinance

The applicable standards pertain to wall design and minimum landscaping requirements.

- (a) Subsection 19.301.6.2 contains the design standards for walls. The applicant is not proposing any wall-mounted mechanical equipment or any prohibited wall materials.
- (b) Subsection 19.304.4 contains the minimum landscaping requirements for the Downtown Open Space Zone. At least 20% of the site must be landscaped. Per WG-11-01, approximately 70% of the site is landscaped and exceeds the minimum.

The DLC recommends finding that these standards have been met and that the approval criterion has therefore been met.

- (2) Substantial consistency with the Downtown Design Guidelines

Refer to Table 1 below for detailed findings.

The DLC recommends finding that the proposal, as conditioned, is substantially consistent with the Downtown Design Guidelines and that the approval criterion has therefore been met.

- (3) Submittal of a complete application and applicable fee as adopted by the City Council

The Community Development Department of the City of Milwaukie is the applicant of record for this request. Staff has completed the appropriate forms; there is no fee for an application generated by a General Fund department. This approval criterion has been met.

The DLC recommends finding that with the listed conditions the approval criteria for downtown design review are met.

6. The application was referred to the following departments and agencies on February 18, 2015:

- Milwaukie Building Division
- Milwaukie Engineering Department
- Island Station Neighborhood District Association Chairperson and Land Use Committee
- Historic Milwaukie Neighborhood District Association Chairperson and Land Use Committee

The comments received are summarized as follows: Island Station NDA Land Use Committee reviewed the application and found no problems to be addressed. No other comments received.

**Table 1. Downtown Design Guidelines Compliance**

<b>DESIGN GUIDELINES—MILWAUKIE CHARACTER</b>	
<b>Guideline</b>	<b>Findings</b>
<p><b><u>Reinforce Sense of Place</u></b>  <b><i>Strengthen the qualities and characteristics that make Milwaukie a unique place.</i></b></p>	<p>The proposed project provides connections and landings between the banks of Kellogg Lake and the bicycle/pedestrian bridge beneath the light rail deck of the Kellogg Lake Bridge constructed as part of the Portland-Milwaukie Light Rail Alignment. This critical set of functional linkages for the Kellogg Lake bicycle/pedestrian bridge will strengthen visual and functional bicycle and pedestrian relationships between the Downtown area, Kellogg Lake, and neighborhoods located to the south.</p> <p>The proposal meets this guideline.</p>
<p><b><u>Integrate the Environment</u></b>  <b><i>Building design should build upon environmental assets.</i></b></p>	<p>By virtue of its location and the bicycle and pedestrian linkages it will create, the project furthers achievement of several recommended design guidelines:</p> <ul style="list-style-type: none"> <li>• Walkways oriented toward water elements;</li> <li>• Public access;</li> <li>• Natural and/or man-made elements engaging water edges; and</li> <li>• Places where people can directly see, touch and hear the water.</li> </ul> <p>The proposal meets this guideline.</p>
<p><b><u>Establish or Strengthen Gateways</u></b>  <b><i>Projects should use arches, pylons, arbors or other transitions to mark special or primary entries and/or borders between public and private spaces.</i></b></p>	<p>The Kellogg Lake Bicycle/Pedestrian Bridge will be a completely new bicycle and pedestrian route for access to the Downtown area from neighborhoods to the south. Because it is located beneath the light rail deck of the Kellogg Lake Bridge, its context does not lend itself to construction of vertical elements such as formal symbolic gates; however, crossing Kellogg Lake is itself a significant transition between places that announces one’s imminent arrival into the Downtown area.</p> <p>For this reason, a design strategy that downplays the visual importance of the bridge itself maintains focus on the Kellogg Lake/Kellogg Creek natural corridor, into which it provides unique and novel vistas.</p> <p>The proposal meets this guideline.</p>

<b>DESIGN GUIDELINES—MILWAUKIE CHARACTER</b>	
<b>Guideline</b>	<b>Findings</b>
<p><b><u>Consider View Opportunities</u></b></p> <p><b><i>Building designs should maximize views of natural features or public spaces.</i></b></p>	<p>By bringing online a new bicycle and pedestrian facility that provides unique views of Dogwood Park, Kronberg Park, Kellogg Lake, and the Willamette River, the project furthers achievement of two recommended design guidelines:</p> <ul style="list-style-type: none"> <li>• Views of parks, and</li> <li>• Views of natural features such as streams, lakes, ponds or specimen landscape plantings.</li> </ul> <p>The proposal meets this guideline.</p>
<p><b><u>Consider Context</u></b></p> <p><b><i>A building should strengthen and enhance the characteristics of its setting, or at least maintain key unifying patterns.</i></b></p>	<p>As noted above, the Kellogg Lake Bicycle/Pedestrian Bridge is situated beneath the light rail deck of the Kellogg Lake Bridge, where it can be seen primarily from locations along the banks of Kellogg Lake. This context does not lend itself to grandiose decoration or construction of vertical elements such as formal symbolic gates. Rather, emphasis is placed on the experience of crossing Kellogg Lake, a significant transition that announces one's imminent arrival into (or departure from) the Downtown area.</p> <p>For this reason, a design strategy that downplays the visual importance of the bridge itself maintains focus on the Kellogg Lake/Kellogg Creek natural corridor, into which it provides unique and novel vistas.</p> <p>The proposal meets this guideline.</p>

<b>DESIGN GUIDELINES—MILWAUKIE CHARACTER</b>	
<b>Guideline</b>	<b>Findings</b>
<p><b><u>Promote Architectural Compatibility</u></b></p> <p><b><i>Buildings should be “good neighbors.” They should be compatible with surrounding buildings by avoiding disruptive excesses. New buildings should not attempt to be the center of attention.</i></b></p>	<p>Findings for the pedestrian bridge in WG-11-01 noted that it “incorporates and celebrates the intricate and angular support beam pattern present in the freight rail bridge,” in contrast to the “visually low-key [light rail] bridge with simple lines that do not compete with the neighboring freight rail bridge.” Thus, the approved design vocabulary for the two components of the Kellogg Lake bridge intentionally juxtaposes them against the adjacent rail trestle bridge, incorporating some structural features in the bicycle/pedestrian bridge while making a completely contrasting statement with the light rail deck and support structure.</p> <p>For the bicycle/pedestrian bridge connections and landings, a simple, functional deck structure and railings compatible with the railing/balustrade design of the pedestrian bridge will provide the necessary functionality without “pulling focus” from the interplay among the three bridges’ structural elements (as viewed from points along Kellogg Lake), or from the Kellogg Lake corridor (as viewed from points along the pedestrian bridge and its ramps).</p> <p>The proposal meets this guideline.</p>
<p><b><i>(4 other guidelines related to Milwaukie Character)</i></b></p>	<p>None of the other Milwaukie Character Design Guidelines are applicable to the proposal.</p>

<b>DESIGN GUIDELINES—PEDESTRIAN EMPHASIS</b>	
<b>Guideline</b>	<b>Findings</b>
<p><b><u>Reinforce and Enhance the Pedestrian System</u></b></p> <p><b><i>Barriers to pedestrian movement and visual and other nuisances should be avoided or eliminated, so that the pedestrian is the priority in all development projects.</i></b></p>	<p>The project furthers achievement of these elements in the Description:</p> <ul style="list-style-type: none"> <li>• Pedestrian routes that are attractive and convenient; and</li> <li>• Walkways should be direct and free of barriers such as utility poles or other obstructions.</li> </ul> <p>The proposed bicycle/pedestrian bridge ramp links are essential to achieve the intended functionality of the Kellogg Lake Bicycle/Pedestrian Bridge. Situated on the lower level (below the light rail deck), the pedestrian bridge provides safety and weather protection for bicyclists and pedestrians, and allows the connecting links to paths on both banks of Kellogg Lake to be less steep.</p> <p>The proposal meets this guideline.</p>
<p><b><u>Define the Pedestrian Environment</u></b></p> <p><b><i>Provide human scale to the pedestrian environment, with variety and visual richness that enhance the public realm.</i></b></p>	<p>For an aesthetic appearance compatible with the surfaces of other structural elements of the Kellogg Lake Bridge construction, retaining walls visible from pedestrian locations (including planned future trails along the banks of Kellogg Lake in this area) will be surfaced with an Ashlar stone appearance similar to that used on retaining walls and other bridge support elements. A condition has been established to ensure the Ashlar stone appearance.</p> <p>The strategy aims to achieve visual compatibility of materials and appearance, without pulling focus from views of the Kellogg Lake/Kellogg Creek corridor environment.</p> <p>As conditioned, the proposal meets this guideline.</p>
<p><b><u>Protect the Pedestrian from the Elements</u></b></p> <p><b><i>Protect pedestrians from wind, sun and rain.</i></b></p>	<p>The bicycle/pedestrian bridge on the lower level (below the light rail deck) provides weather protection for pedestrians.</p> <p>Because the proposed linkages at both ends of the bridge will connect to uncovered open spaces and walkways or trails, canopies or other covering structures are not warranted.</p> <p>The proposal meets this guideline.</p>

<b>DESIGN GUIDELINES—PEDESTRIAN EMPHASIS</b>	
<b>Guideline</b>	<b>Findings</b>
<p><b><u>Provide Places for Stopping and Viewing</u></b>  <i>Provide safe, comfortable places where people can stop to sit and rest, meet and visit with each other, and otherwise enjoy the downtown surroundings.</i></p>	<p>Although the deck of the bicycle/pedestrian bridge does not provide widened viewing areas (i.e., belvederes) specifically for stopping and viewing, the twelve-foot deck is wide enough to allow people to stop and gaze without obstructing pass-by movements by other pedestrians and cyclists. A twelve-foot deck width is also used on the proposed ramp linkages.</p> <p>The proposal meets this guideline.</p>
<p><b><u>Create Successful Outdoor Spaces</u></b>  <i>Spaces should be designed for a variety of activities during all hours and seasons.</i></p>	<p>As discussed above, the bicycle/pedestrian bridge is designed to maintain visual emphasis on the whole Kellogg Lake natural area, including viewpoints and walkways to which the bicycle/pedestrian bridge will connect. This approach recognizes that the bridge and its connecting ramps are not a destination in themselves, and that success arises from providing physical and visual access to the Kellogg Lake/Kellogg Creek corridor from bicycle/pedestrian facilities.</p> <p>The proposal meets this guideline.</p>
<p><b><u>Integrate Barrier-Free Design</u></b>  <i>Accommodate handicap access in a manner that is integral to the building and public right-of-way and not designed merely to meet minimum building code standards.</i></p>	<p>The design of the proposed linking ramps meets maximum slope requirements of the Americans with Disabilities Act (ADA).</p> <p>The proposal meets this guideline.</p>

<b>DESIGN GUIDELINES—ARCHITECTURE</b>	
<b>Guideline</b>	<b>Findings</b>
<p><b><u>Wall Materials</u></b>  <i>Use materials that create a sense of permanence.</i></p>	<p>The connections and landing abutment will be faced with materials having an Ashlar stone appearance, similar to materials used on the retaining walls supporting pedestrian paths, for a consistent, high-quality appearance. A condition has been established to ensure the use of materials with an Ashlar stone appearance.</p> <p>As conditioned, the proposal meets this guideline.</p>

<b>DESIGN GUIDELINES—ARCHITECTURE</b>	
<b>Guideline</b>	<b>Findings</b>
<b><u>Green Architecture</u></b> <b><i>New construction or building renovation should include sustainable materials and design.</i></b>	The proposed technique for constructing the bicycle/pedestrian link abutments using modular concrete block walls is a sustainable practice because of production efficiencies achieved in the manufacturing of the components on the one hand, and their durability and longevity in actual installations, resulting in low overall life-cycle costs and maintenance/repair needs. The proposal meets this guideline.
<b><u>Building Security</u></b> <b><i>Buildings and site planning should consider and employ techniques that create a safe environment.</i></b>	Like the Kellogg Lake Bicycle/Pedestrian Bridge, the proposed connections will be visible from many positions in public spaces along the banks of Kellogg Lake, including points along Lake Road and Kronberg Park. Bicyclists and pedestrians approaching the bridge will have a clear view all the way across, for surveillance to assess whether conditions are safe to proceed onto the bridge. The proposal meets this guideline.
<b><i>(9 other guidelines related to Pedestrian Emphasis)</i></b>	None of the other Pedestrian Emphasis Design Guidelines are applicable to the proposal.

<b>DESIGN GUIDELINES—LIGHTING</b>	
<b>Guideline</b>	<b>Findings</b>
<b><i>(4 guidelines related to Lighting)</i></b>	None of the Lighting Guidelines are applicable to this proposal.

<b>DESIGN GUIDELINES—SIGNS</b>	
<b>Guideline</b>	<b>Findings</b>
<b><i>(7 guidelines related to Signs)</i></b>	None of the Sign Guidelines are applicable to this proposal.



**Recommended Conditions of Approval  
File #DR-2015-001, Kellogg Lake Bicycle/Pedestrian Bridge**

*Staff has prepared the following Conditions of Approval for the review by the Milwaukie Design and Landmarks Committee (DLC) of application DR-2015-001. Following the DLC review of the proposal, the DLC's recommended conditions will be incorporated into the staff report to the Milwaukie Planning Commission (PC) for the public hearing on this proposal.*

1. Retaining wall finish must have the appearance of ashlar stone.

## KELLOGG LAKE PEDESTRIAN BRIDGE CONNECTIONS

### PROJECT DESCRIPTION

The proposed project consists of constructing connections and landings at both the north and the south ends of the Kellogg Lake Bicycle/Pedestrian Bridge, which was constructed by TriMet pursuant to the approval of WG-11-01 (“Light Rail Bridge over Kellogg Lake and McLoughlin Blvd”) and associated case files (referred to collectively hereafter as “WG-11-01”). The bicycle/pedestrian bridge crossing Kellogg Lake is situated beneath the light rail deck (the top level of the bridge), spanning between the central support columns of the light rail bridge. A detailed design for the linking structures between the banks of Kellogg Lake and the ends of the pedestrian bridge was deferred until funding had been identified, so specific approval (i.e., this application) was deferred until the present time.

The proposed construction requires review and approval pursuant to:

- Willamette Greenway Overlay Zone (WG) requirements in Section 19.401
- Downtown Design Review pursuant to Section 19.907

### SECTION 19.401 WILLAMETTE GREENWAY OVERLAY ZONE (WG)

The proposal is a form of “Development” as defined in §19.401.4. It is not a prohibited use per §19.401.3. Conditional Use approval is therefore required per that subsection and §19.401.5.D.

Section 19.401.5.E requires submittal of a vegetation/buffer plan **unless the proposed development does not impact the vegetation buffer defined in Subsection 19.401.8**. In this case, pedestrian linkages were contemplated in the Kellogg bridge’s design and associated impact mitigation activities (approved under WG-11-01), including approximately 500 square feet of additional mitigation for the bicycle/pedestrian bridge landings. The mitigation plan as approved by WG-11-01 is not being revised in the required buffer area; therefore, no vegetation/buffer plan is required in conjunction with this request,

#### Section 19.401.6 Approval Criteria

The following shall be taken into account in the consideration of a conditional use:

- A. Whether the land to be developed has been committed to an urban use, as defined under the State Willamette River Greenway Plan;

**ANALYSIS AND RECOMMENDED FINDING:** The WG-11-01 approval committed the corridor in which the Kellogg Lake Bicycle/Pedestrian Bridge is located to urban use. This criterion is met.

- B. Compatibility with the scenic, natural, historic, economic, and recreational character of the river;

**ANALYSIS AND RECOMMENDED FINDING:** The presence of a light rail and pedestrian bridge at this location was approved by WG-11-01 and associated approvals. That action included a requirement that an Ashlar stone appearance be used on the retaining walls,

structural walls and other surfaces supporting the bridge, consistent with the visual character of the Portland-Milwaukie Light Rail Alignment project. Surface treatment with a similar Ashlar stone appearance on the retaining walls necessary to form the abutments for the pedestrian bridge link extensions will ensure that the proposed structures are compatible with the approved design vocabulary and the environmental appearance created by the bridge's construction at this location along Kellogg Creek.

- C. Protection of views both toward and away from the river;

**ANALYSIS AND RECOMMENDED FINDING:** Currently, views into the Kellogg Lake corridor from the Willamette River/Dogwood Park and vicinity are obstructed by the existing railroad trestle located immediately west of the Kellogg Bridge. Because the pedestrian bridge itself is lower than the trestle, there is no significant view opportunity to the west. On the other hand, the proposed project will create new eastward viewing opportunities from a vantage point above Kellogg Lake, just east of the railroad trestle, that has never been accessible to the public before. This will be a significant contribution to visual access to the Kellogg Lake scenic corridor, consistent with this approval criterion.

- D. Landscaping, aesthetic enhancement, open space, and vegetation between the activity and the river, to the maximum extent practicable;

**ANALYSIS AND RECOMMENDED FINDING:** As noted above, the pedestrian bridge will create view opportunities looking eastward, upstream along the Kellogg Lake corridor. The proposed linking structures will provide bicycle and pedestrian access to the bridge, and across Kellogg Creek, where users can frequently and safely enjoy these scenic amenities. The use of Ashlar stone visual treatment of exposed surfaces will ensure that a coherent, high-quality visual character is maintained along the banks of Kellogg Lake.

- E. Public access to and along the river, to the greatest possible degree, by appropriate legal means;

**ANALYSIS AND RECOMMENDED FINDING:** In addition to making bicycle and pedestrian connections to multimodal facilities on both ends of the bridge, the proposed connections will also make connections to planned future trails within or along the Kellogg Lake corridor itself. The proposed project is therefore consistent with this requirement.

- F. Emphasis on water-oriented and recreational uses;

**ANALYSIS AND RECOMMENDED FINDING:** Kellogg Lake is not an opportune location for navigation between it and the Willamette River because the trestle structure does not allow watercraft to pass. This criterion is not applicable at this location.

- G. Maintain or increase views between the Willamette River and downtown;

**ANALYSIS AND RECOMMENDED FINDING:** The Kellogg Lake Bicycle/Pedestrian Bridge's specific location – underneath the light rail deck of the Portland-Milwaukie Light

Rail bridge crossing Kellogg Lake – provides only glimpses of the Willamette River through the trestle bridge immediately to the west, and it is too low for visual access to the downtown area. Strictly speaking, this criterion is not applicable. (Notably, however, the creation of scenic views into the Kellogg Lake/Kellogg Creek corridor is in keeping with its principles.)

H. Protection of the natural environment according to regulations in Section 19.402;

***ANALYSIS AND RECOMMENDED FINDING:*** The requirements of this Section were addressed in the mitigation plan approved as part of WG-11-01, which took into account impacts anticipated to occur with construction of the linking ramp structures. The proposed plan is consistent with those assumptions, so no modification of the mitigation plan or further analysis is required.

I. Advice and recommendations of the Design and Landmark Committee, as appropriate;

***ANALYSIS AND RECOMMENDED FINDING:*** [Response pending review by that Committee.]

J. Conformance to applicable Comprehensive Plan policies;

***ANALYSIS AND RECOMMENDED FINDING:*** Staff reviewed Objectives and Policies in the Comprehensive Plan and identified the following excerpts (emphasis added) as being applicable to the proposed project. Each excerpt is followed by a brief recommended finding statement.

### **City of Milwaukie – Comprehensive Plan**

#### **OVERRIDING MANAGEMENT POLICIES**

During preparation of the Comprehensive Plan, four overriding policies emerged which directed Plan preparation:

- **Public and private actions will result in a net benefit for existing City residents and will contribute to the improvement of the local business and industrial economy.**
- **Existing natural resources and developments of character will be preserved, and new development will contribute to improving the quality of the living environment, and to a sense of City-wide identity and pride.**
- Neighborhoods, their identity, and security, will be maintained and enhanced by all actions resulting from public and private activities.
- Public facilities and services will adequately serve existing residents and businesses, and not be overburdened by new public or private development.

**RECOMMENDED FINDING:** The proposed project will improve bicycle and pedestrian connectivity, safety and access to transit, especially for pedestrians traveling between the Downtown area/Lake Road Station and neighborhoods located south of Kellogg Lake. The project will also provide bicycle and pedestrian access to the bicycle/pedestrian bridge crossing Kellogg Lake, which provides attractive view opportunities to the east, upstream along the Kellogg Lake corridor. For these reasons, the proposed project is consistent with these Policies.

### **CHAPTER 3 — ENVIRONMENTAL AND NATURAL RESOURCES**

#### **OBJECTIVE #1 — FLOODPLAIN**

To manage identified 100 year floodplains in order to protect their natural function as waterways, and to protect the lives and property of those individuals and concerns currently located within and along the floodplain boundary.

#### **Policies**

1. New construction and development will be regulated so that water flow will not be increased. The capacity of the floodplain shall not be reduced by development activities.
2. Construction materials which may be inundated will be of such strength and quality that they will not deteriorate, and they must be able to withstand the pressure and velocity of flowing water.
3. The finished elevations of the lowest floor of buildings and streets will be a minimum of 1.0 foot above the 100 year flood elevation.
4. Whenever possible, the floodplain will be retained as open space and used for recreation, wildlife areas, or trails. Dedication of lands or public easements within the floodplain is encouraged when indicated by the Recreational Needs Element, and may be required as a condition of development along creeks and rivers or other water bodies or wetlands.
5. The City will continue to participate in the FEMA Flood Insurance Program and will update its current flood hazard ordinance as necessary to comply with future revisions to that program.

**RECOMMENDED FINDING:** Like the pedestrian bridge itself, the proposed pedestrian ramp linkages are elevated above the 100-year flood elevation, and will be supported by structures designed to withstand flood events without compromising flows. The proposed design is therefore consistent with these Policies.

### **OPEN SPACES, SCENIC AREAS, AND NATURAL RESOURCES ELEMENT**

GOAL STATEMENT: To conserve open space and protect and enhance natural and scenic resources in order to create an aesthetically pleasing urban environment, while preserving and enhancing significant natural resources.

Background and Planning Concepts [excerpt]:

Due to Milwaukie's physical setting and current level of development, few major natural resource features remain undisturbed and visible within the City. **Areas along Kellogg Lake, parts of Kellogg Creek**, some riparian areas along the Willamette River, the steep slopes south of Lake Road, small bands of riparian vegetation along Johnson Creek, parts of Spring Creek, and other scattered wetland and upland resources **have sufficient natural vegetation to allow the natural processes of habitat development and vegetative successional stages to occur. Active fish habitat exists within the City in the Willamette River, Kellogg Creek, and Johnson Creek. These waterways contain anadromous fish species.**

Milwaukie's future role as an urban community with a healthy mix of industrial, commercial, and residential uses, is compatible with the conservation of the City's remaining open spaces and natural resources. Policies in this element and the Willamette Greenway Element will allow certain types of development to occur providing natural resources, to the extent possible, are protected.

#### OBJECTIVE #1 — OPEN SPACE

To protect the open space resources of Milwaukie to improve the quality of the environment, provide a diversity of natural visual character within the City, and provide residents with ecological, educational, and recreational experiences in a variety of environmental settings.

Policy 3. The natural resources along Johnson Creek, Kellogg Creek, and **Kellogg Lake** will be considered open space of special importance to all City residents. **Passive recreational public use of these areas for walking trails, nature parks, and the like will be encouraged.**

**RECOMMENDED FINDING:** The proposed project will link the Kellogg Lake bicycle/pedestrian bridge with bicycle and pedestrian facilities on both sides of Kellogg Lake, and will create eastward viewing opportunities from a vantage point above Kellogg Lake that has never been accessible to the public before. These will be significant contributions to passive recreational opportunities the City intends to foster within the Kellogg Lake/Kellogg Creek corridor over time. The proposed project therefore furthers this Policy.

#### OBJECTIVE #3 — SCENIC AREAS

Significant scenic and view sites will be preserved for the enjoyment of present and future City residents as well as for visitors to the City.

## Planning Concepts

The most significant scenic views in the City are oriented toward the Willamette River. However, only near downtown Milwaukie are public viewing sites possible, since established residential areas occupy the higher more prominent sites near the bank. **The view of Kellogg Lake from Dogwood Park is also considered scenic.** Preservation of these visual relationships is the primary objective of these policies and the Willamette River Greenway Policies.

Policy 1. Future plans for the Milwaukie riverfront area will include consideration of viewing opportunities between downtown and the Willamette River, as well as special places on the riverfront for enjoying views of the river and its activities. **Development plans for Dogwood Park will include maintenance of public access and opportunities for viewing Kellogg Lake.**

***RECOMMENDED FINDING:*** Currently, views into the Kellogg Lake corridor from Dogwood Park are obstructed by the existing railroad trestle located immediately west of the Kellogg Bridge. The proposed project will create new eastward viewing opportunities from a vantage point above Kellogg Lake, just east of the railroad trestle, that has never been accessible to the public before. This will be a significant contribution to visual access to the Kellogg Lake scenic corridor. The proposed project therefore furthers this Policy.

## CHAPTER 4 — LAND USE

### ECONOMIC BASE AND INDUSTRIAL/ COMMERCIAL LAND USE ELEMENT

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

Policy 10. The City will implement the Town Center Master Plan to promote economic development based on compatible mixed uses within the Town Center.

***RECOMMENDED FINDING:*** Convenient and safe pedestrian access is an important element for achieving successful economic development in a mixed-use district. The proposed project will provide the necessary pedestrian connectivity for a safe and efficient pedestrian linkage between the Downtown area and neighborhoods to the south of Kellogg Lake. The proposed project is therefore consistent with this Policy.

### OBJECTIVE #6 — COMMERCIAL LAND USE

To encourage new commercial uses to locate within designated commercial areas of the City, in order to take maximum advantage of existing access and public facilities serving these areas.

...

- Town Center Areas - The downtown Milwaukie area is a unique mixed use and commercial center. This area is designated as a Town Center by the Metro 2040 Growth Concept. It provides area-wide services as well as limited neighborhood services. Commercial uses are primarily office, service, and retail, providing financial, personal, and business services, governmental and cultural services. **The emphasis is on creating a compact mixed use environment with pedestrian amenities and high quality transit service and multimodal street networks.**

**RECOMMENDED FINDING:** As noted above, convenient and safe pedestrian access is an important element for achieving successful economic development in a mixed-use district. The proposed project will provide the necessary pedestrian connectivity for a safe and efficient pedestrian linkage between the Downtown area/Lake Road Station and neighborhoods to the south of Kellogg Lake. The proposed project is therefore consistent with this Objective.

#### OBJECTIVE #12 — TOWN CENTER

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

##### Planning Concepts

Downtown Milwaukie is designated by Metro as a Town Center typified by a mix of residential and commercial uses.

**The future role for the downtown as a Town Center will revitalize the area as a focus of community identity and pride. The community also realizes the potential for waterfront development as a downtown focal point for enhancing existing and attracting new businesses and residential development within the Town Center.**

Policy 5. In its planning for downtown, the City will establish location(s) for major public transit stations or interchange facilities. **The City will continue to work closely with Metro and Tri-Met in planning for transit improvements (see Transportation Element and Downtown and Riverfront Public Area Requirements).**

**RECOMMENDED FINDING:** The proposed project represents the final land use approval necessary to follow through on the City's work with TriMet to design and construct the Kellogg Bicycle/Pedestrian Bridge in conjunction with the Portland-Milwaukie Light Rail Project (as previously approved by WG-11-01). This approval will permit the design and construction of the bicycle and pedestrian landing linkages necessary to functionally connect the Kellogg Lake bicycle/pedestrian bridge, which has now been constructed, to bicycle and pedestrian facilities on both banks of the Kellogg Lake corridor. The proposed project is therefore consistent with this Policy.

#### RECREATIONAL NEEDS ELEMENT



GOAL STATEMENT: To provide for the recreational needs of present and future City residents by maximizing the use of existing public facilities, encouraging the development of private recreational facilities, and preserving the opportunity for future public recreational use of vacant private lands.

**OBJECTIVE #7 — RIVERFRONT RECREATION**

To maximize the recreational use of the Willamette River shoreland and waterways.

Planning Concepts

**The Willamette River shoreland and waterways offer the most significant potential to improve recreational opportunities in Milwaukie.** A 1979 Port of Portland report and a 1986 Marketing Study analyzed the feasibility for developing the City boat launch area as a marina. A marina near downtown, linked with public lands such as the grounds of the Kellogg Wastewater Treatment Plant, Elk Rock Island, and Spring Park would form a riverfront corridor providing a variety of river-oriented experiences. Even more significant is the notion of the riverfront area linked to the proposed 40-mile loop trail system (see Map 8) with potential for a southern arm extending to North Clackamas Park.

Policy 2. Existing waterfront park lands will be developed to maximize use and enjoyment of the river, while maintaining the environmental integrity of sensitive areas (See corresponding policies in Open Space, Natural Resources and Greenway Elements).

**RECOMMENDED FINDING:** As noted above, the proposed project will link the Kellogg Lake bicycle/pedestrian bridge with bicycle and pedestrian facilities on both sides of Kellogg Lake, and will create eastward viewing opportunities from a vantage point above Kellogg Lake that has never been accessible to the public before. These will be significant contributions to recreational opportunities the City intends to foster within the Kellogg Lake/Kellogg Creek corridor over time. The proposed project therefore furthers this Policy.

**WILLAMETTE GREENWAY ELEMENT**

GOAL STATEMENT: To protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

Background and Planning Concept

The State of Oregon together with the City of Milwaukie has designated the City's western boundary as part of the Willamette Greenway. Under State law, the qualities of the Willamette River corridor are to be protected, conserved, and enhanced, consistent with the uses present at the time the Greenway Statute was adopted (1975), for natural, scenic, historic, and recreational land uses. **Greenway boundaries include all land within 150 feet of the ordinary low water line of the Willamette River and such additional land, including Kellogg Lake and lands along its south shore, as is indicated on Map 5.**

**The City has adopted a Willamette Greenway Boundary which includes Kellogg Lake and lands south of the lake. The waters of the lake and the predominantly undeveloped lands south of the lake provide considerable open space and wildlife habitat. Lands north of the lake are for the most part developed for residential purposes.**

The City has established a **Willamette River Greenway conditional use procedure** in compliance with State law to require a greenway conditional use permit for any intensification, change of use, or development within the Greenway. Proposals are currently reviewed and evaluated on a case-by-case basis without the guidance of an overall design plan. Because of the historical, scenic, and recreational importance of the Willamette Riverfront to the City and nearby neighborhoods, residents and City officials have determined that such a design plan is necessary to effectively implement the Willamette Greenway objectives.

#### Inventory of Resources and Uses

A variety of resources and uses are associated with the Willamette River Greenway. Resources include recreation sites, fishing areas, historical sites, significant natural resources, scenic areas, vegetative cover, fish and wildlife habitats, and floodplains. The predominant land use within the Greenway is residential, although lands adjacent to McLoughlin Blvd. are currently developed as commercial, including services (such as boat repair), retail, office, and log transfer station. The site between Kellogg Creek and the Island Station Neighborhood contains the Kellogg Creek Sewage Treatment Plant. Of the total river frontage within the City, approximately 30% is in public ownership.

Recreation sites include the Jefferson Street boat ramp and viewpoint, a minipark with viewpoint at the sewage treatment plant, and Spring Park, an undeveloped park on the southern edge of the City. Formal public access for fishing areas is limited to the boat ramp.

**Significant Natural areas within the Greenway include portions of Kellogg Lake and Creek, Johnson Creek, and the Willamette River and their associated riparian and upland areas. Resource values of these areas include wildlife habitat, flood control, erosion control, groundwater recharge, water quality, recreational opportunities, and visual amenities and character.** Wildlife areas require sufficient buffers from human activity in order for maximum wildlife use to occur. (Resource values are discussed in more detail in the background ESEE analysis for natural areas.) **The downtown area provides the major viewing opportunity accessible to the public. The only unobstructed view corridor is from Jefferson Street looking west. The only publicly accessible view site on Kellogg Lake is from Dogwood Park.**

**Kellogg Lake, Kellogg Creek, and Johnson Creek have fishery resources. Kellogg Lake contains warm-water species such as large mouth bass, crappies, bullhead catfish, and bluegills. Steelhead trout and Coho salmon pass through the lake and Kellogg Creek on their way to Mt. Scott Creek to spawn.** Anadromous species are also found in Johnson Creek. Erosion, caused when riparian vegetation along the creek and

lake is removed during development, threatens the water quality of these waterways and the fishery resources they contain.

Policies in this element, applicable policies contained in the other elements of the Land Use Chapter, and policies in the Environment and Natural Resources Chapter, address Statewide Planning Goal 15.

#### OBJECTIVE #7 — CENTRAL RIVERFRONT

To acquire property necessary for public open space, public trails, riverfront access and riverfront-related development, consistent with the Downtown and Riverfront Land Use Framework Plan.

##### Policies

1. The City has adopted a Downtown and Riverfront Land Use Framework Plan to reconnect downtown Milwaukie to the Willamette River. **The Willamette River, Johnson Creek, and Kellogg Creek all provide beautiful natural borders to the downtown area.** The Downtown and Riverfront Land Use Framework Plan capitalizes on these natural resources, by restoring the creeks and connecting the river to the historic blocks of downtown. The plan implements updated designations for the riverfront and addresses the following issues:

- **Public access.**
- Safe pedestrian access across McLoughlin Boulevard.
- **Public recreational use.**
- **Natural resource protection.**
- Historic resource protection.
- **Visual access.**
- **Transportation.**
- Riverfront-related commercial development and redevelopment.
- Public-private partnerships for the riverfront.
- Redevelopment of Kellogg Wastewater Treatment Plant.

**RECOMMENDED FINDING:** The proposed project, to link the Kellogg Lake bicycle/pedestrian bridge with bicycle and pedestrian facilities on both sides of Kellogg Lake, is subject to Willamette Greenway Review because it is located within the designated Willamette Greenway Overlay Zone. That review process furthers implementation of this Objective and its applicable Policies. In addition to creating safe and efficient bicycle and pedestrian linkage between the Downtown/Lake Road Station and neighborhoods to the south of Kellogg Lake, the project will create eastward viewing opportunities from a vantage point above Kellogg Lake that has never been accessible to the public before. These will all be significant contributions to public access, public recreational use, and visual access within the Kellogg Lake/Kellogg Creek corridor, as well as improving transportation capacity, specifically for pedestrian-mode travel. The design and construction of the proposed linkages is consistent with impact mitigations for the Kellogg Bridge project (approved by WG-11-01), which contribute to natural resource protection within the corridor. The proposed project therefore is consistent with this Policy.

## **CHAPTER 5 — TRANSPORTATION, PUBLIC FACILITIES AND ENERGY CONSERVATION**

### **TRANSPORTATION ELEMENT**

The Transportation System Plan (TSP) is an ancillary Comprehensive Plan document that contains the City’s long-term transportation goals and policies for pedestrians, cyclists, drivers, transit users, and freight carriers. It provides for the coordination of transportation improvements at the local level and the integration of the local transportation system with the regional transportation system. It also identifies the transportation issues, policies, and projects that are important to the community.

Transportation goals form the basis for how the local transportation system will be developed and maintained over the long term. Given their importance, the City involved agency, business, and citizen stakeholders in developing goals that support a multimodal approach to transportation planning that reflects how citizens think about and experience the transportation system. Since they are equally important in different ways, they are not listed in order of importance or priority.

**Goal 1: Livability. Design and construct transportation facilities in a manner that enhances the livability of Milwaukie’s community.**

**Goal 2: Safety. Develop and maintain a safe and secure transportation system.**

**Goal 3: Travel Choices. Plan, develop, and maintain a transportation system that provides travel choices and allows people to reduce the number of trips made by single-occupant vehicles.**

***RECOMMENDED FINDING:*** The proposed project will provide the linkages necessary to activate the Kellogg Lake Bicycle/Pedestrian Bridge as a functioning part of the City’s multi-modal transportation system. The addition of this new bicycle and pedestrian access route will contribute to livability, safety and travel choices by facilitating walking trips between the Downtown area and neighborhoods south of Kellogg Lake, on an efficient and well-lighted bicycle and pedestrian bridge adjacent to the Milwaukie/Main Street Station of the Portland-Milwaukie Light Rail Extension project. The proposal is therefore consistent with these Goals of the Transportation Element.

### **TSP CHAPTER 5: PEDESTRIAN ELEMENT**

“Construct bike-ped overpass over Kellogg Creek” is identified as Proposed Project “AU” to Enhance Existing Pedestrian Connection in Figure 5-1a, Pedestrian Master Plan, and in Figure 5-1b, Pedestrian Master Plan Downtown Inset. Project AU is also listed in in the High Priority Projects grouping of Table 5-1, Pedestrian Master Plan Projects, and in Table 5-3, Pedestrian Action Plan, which “identifies the highest priority projects that

are reasonably expected to be funded with local funds by 2035, which meets the requirements of the State’s Transportation Planning Rule.”

**RECOMMENDED FINDING:** The proposed project is a critical element to implement Project AU in accordance with the Pedestrian Element of the TSP.

**TSP CHAPTER 6: BICYCLE ELEMENT**

“Construct bike-ped overpass over Kellogg Creek” is identified as Proposed Project “AC” to Enhance Existing Bicycle Connection in Figure 6-8a, Bicycle Master Plan, and in Figure 6-8b, Bicycle Master Plan Downtown Inset. Project AC is also listed in the High Priority Projects grouping of Table 6-2, Bicycle Master Plan Projects, and in Table 6-3, Bicycle Action Plan, which “identifies the highest priority projects that are reasonably expected to be funded with local funds by 2035, which meets the requirements of the State’s Transportation Planning Rule.”

**RECOMMENDED FINDING:** The proposed project is a critical element to implement Project AC in accordance with the Bicycle Element of the TSP.

**ENERGY CONSERVATION ELEMENT**

GOAL STATEMENT: To conserve energy by encouraging energy efficient land use patterns and transportation systems, and by encouraging the construction industry and private homeowners to participate in energy conservation programs.

**OBJECTIVE #2 — TRANSPORTATION SYSTEM**

To encourage an energy efficient transportation system.

Policy 1. Through policies contained in the Transportation Element, the City will encourage the following:

- Improvements to improve the efficiency of major highways and arterials,
- Improvements to the regional and local public transit system including passenger waiting facilities to encourage transit usage for appropriate trips,
- **Improvements to the pedestrian and bicycle system linking neighborhood and community facilities, and improving access to transit corridors.**

**RECOMMENDED FINDING:** The proposed project will provide the linkages necessary to activate the Kellogg Lake Bicycle/Pedestrian Bridge as a functioning part of the City’s multi-modal transportation system. This new bicycle and pedestrian access route will facilitate walking and cycling trips between the Downtown area/Lake Road Station and neighborhoods south of Kellogg Lake, on an efficient and well-lighted pedestrian bridge. The proposal is therefore consistent with this Objective and Policy.

K. The request is consistent with applicable plans and programs of the Division of State Lands;

**ANALYSIS AND RECOMMENDED FINDING:** Notice of this application has been provided to DSL, so the agency can comment on the record as appropriate. Because construction of the abutments for the bridge ramp landings is located well outside the ordinary high water mark of Kellogg Lake, no conflict with DSL plans and programs is anticipated.

- L. A vegetation buffer plan meeting the conditions of Subsections 19.401.8.A through C.

**ANALYSIS AND RECOMMENDED FINDING:** The proposed construction is consistent with the vegetation buffer plan previously approved as part of WG-11-01, which included impact mitigation for the pedestrian ramp connections.

### **Section 19.304.6 Design Standards in the Downtown Zones**

Per Subsection A, the intent of the Design Standards is to “encourage building design and construction with durable, high-quality materials.” The Design standards are applicable to major exterior alterations in the downtown zones, pursuant to Section 19.304.6.B and the definition in Section 19.304.6.B.3.a.

The Design Standards in Section 19.304.6.C apply specifically to:

- Residential development (not applicable);
- Walls (applicable, see below);
- Windows (not applicable); and
- Roofs (not applicable)

#### **Design standards for walls (Section 19.304.6.C.2) [*emphasis added*]:**

The following standards are **applicable to the exterior walls of buildings facing streets, courtyards, and/or public squares in all of the downtown zones.**

- a. Exterior wall-mounted mechanical equipment is prohibited.
- b. The following wall materials are prohibited at the street level of the building:
  - (1) EIFS or other synthetic stucco panels;
  - (2) Splitface or other masonry block.
- c. The following wall materials are prohibited at all levels of the building in all downtown zones:
  - (1) Plywood paneling;
  - (2) Brick with dimensions larger than 4 by 8 by 2 in;
  - (3) Spandrel glazing/curtain wall;
  - (4) Vinyl or metal cladding;
  - (5) Composite wood fiberboard or composite cement-based siding, except as permitted in the Downtown Residential Zone in Subsection 19.304.6.C.2.d.(3);
  - (6) Metal panels, except at penthouse level.
- d. The following wall materials are permitted only in the Downtown Residential Zone where densities are less than 30 units per acre:
  - (1) Board and batten cladding (limited to a maximum of 20% of the wall area);
  - (2) Wood shingles;
  - (3) Composite wood fiberboard or composite cement-based siding.

**ANALYSIS AND RECOMMENDED FINDING:** Retaining wall construction is proposed for the abutments where the connections will land on the north and south banks of Kellogg Lake. The surface treatment of the retaining walls will create the appearance of Ashlar stone on their exposed (visually accessible) surfaces, for consistency and compatibility with surface treatment of walls and certain other structural elements of the Kellogg Lake Bridge construction of the Portland-Milwaukie Light Rail Alignment project. The project does not involve any wall-mounted mechanical equipment or the use of any materials prohibited by this Section. Based on these facts, the proposed project complies with these requirements.

## **SECTION 19.907 DOWNTOWN DESIGN REVIEW**

The proposed project is a “major exterior alteration” as defined in Subsection 19.304.6.B.3.a. (*Alterations that do not fall within the definitions of “exterior maintenance and repair” or “minor exterior alterations”*) and is therefore subject to Type III Design Review per Subsection 19.907.5.C. It is not subject to Type II review under subsections 1 or 2.

19.907.6 Application: Applications for design review shall be filed with the Planning Department on forms prescribed by the Planning Director. Design review applications shall include a narrative explaining how the development considered each of the Downtown Design Guidelines. The applicant shall demonstrate consistency with the design guidelines and compliance with applicable zoning criteria. In addition to all information specified on the “Submittal requirements” and “Site plan requirements” forms, each application for design review shall be accompanied by the following information:

- A. Completed design review checklist.
- B. Written statement that describes how the proposal meets applicable design guidelines. Where a guideline is not met, the applicant shall provide justification indicating why it is not applicable or demonstrate other site or project characteristics that warrant an exception.
- C. Show footprints of surrounding buildings, including driveways and pedestrian connections.
- D. Location, dimension, and setbacks of all proposed buildings, structures, walls, and fences.
- E. Dimensioned building elevations indicating height, exterior materials, colors, and details of exterior architectural features, such as cornices, windows, and trim.
- F. A streetscape drawing showing the relationship of the proposed project to adjacent buildings.
- G. Frontage improvements in the public right-of-way per the Public Area Requirements.

**ANALYSIS AND RECOMMENDED FINDING:** The completed design review checklist (per Subsection A) is attached as Exhibit A, and this narrative/findings document satisfies Subsection B. TriMet has provided project construction documentation, including drawings that satisfy the requirements of Subsections C through G, which is attached as Exhibit B. The submittal requirements for this review have been met. With respect to Subsection G,

improvements in the public right-of-way per the Public Area Requirements have already been completed as part of the light rail construction work to date.

### **Section 19.907.7 Approval Criteria for Design Review**

The approval authority may approve, approve with conditions, or deny design review based on the following approval criteria:

- A. Compliance with Title 19;

**ANALYSIS AND RECOMMENDED FINDING:** The proposed project is located in the Downtown Open Space (DOS) zone, in which minimum development site landscaping of 20% is required per Table 19.304.4, Downtown Zones—Development Standards. As noted above in this narrative, previously approved WG-11-01 accounted for connections and landings in calculations for Habitat Conservation Area (HCA) impact mitigation, and the proposed project is consistent with those figures. Approximately 70% of the development site was found to be landscaped in the WG-11-01 approval, satisfying the landscaping requirement. Other applicable provisions of Title 19 are recited and addressed specifically in other sections of this narrative/findings document.

- B. Substantial consistency with the Downtown Design Guidelines; and

**ANALYSIS AND RECOMMENDED FINDING:** This requirement is met by the detailed review of applicable requirements in the Downtown Design Guidelines, below following the response to Subsection C. Please refer to that section.

- C. Submittal of a complete application and applicable fee as adopted by the City Council.

**ANALYSIS AND RECOMMENDED FINDING:** The Planning Department of the City of Milwaukie is the applicant of record for this request. Staff has completed the appropriate forms; there is no fee for an application generated by a General Fund department.

## **DOWNTOWN DESIGN GUIDELINES**

### **Excerpt from Introduction/Design Review Process, page 6:**

“Development projects are reviewed to determine consistency with development and design standards of the Downtown Zones and substantial consistency with the design guidelines. Where a project is not found consistent with the design guidelines, staff or the Design and Landmarks Commission may impose conditions of approval requiring the project to be modified to be consistent, or it can be established that design details or other site factors warrant finding for approval of the project without meeting the particular design guidelines.”

**ANALYSIS AND RECOMMENDED FINDING:** Both the Design Standards and Design Guidelines are largely premised on the building as the basic unit of development. As a result, many standards and guidelines are not applicable, or apply only tangentially to the proposed pedestrian bridge connections. In Table 1 below, staff has quoted the



elements of the Downtown Design Guidelines and has provided corresponding analyses. Table 1 should be read in conjunction with the Design Review Checklist attached as Exhibit A.

**Table 1. Milwaukie Downtown Design Guidelines**

Guideline	Analysis
<b>Milwaukie Character Elements:</b>	
Reinforce Sense of Place	<p>The proposed project provides connections and landings between the banks of Kellogg Lake and the bicycle/pedestrian bridge beneath the light rail deck of the Kellogg Lake Bridge constructed as part of the Portland-Milwaukie Light Rail Alignment. This critical set of functional linkages for the Kellogg Lake bicycle/pedestrian bridge will strengthen visual and functional bicycle and pedestrian relationships between the Downtown area, Kellogg Lake, and neighborhoods located to the south.</p>
Integrate the Environment	<p>By virtue of its location and the bicycle and pedestrian linkages it will create, the project furthers achievement of several recommended design guidelines:</p> <ul style="list-style-type: none"> <li>• walkways oriented toward water elements;</li> <li>• public access;</li> <li>• natural and/or man-made elements engaging water edges; and</li> <li>• places where people can directly see, touch and hear the water.</li> </ul>
Promote Linkages to Horticultural Heritage	<p>Not Applicable because the project does not relate specifically to this Design Guideline.</p>
Establish or Strengthen Gateways	<p>The Kellogg Lake Bicycle/Pedestrian Bridge will be a completely new bicycle and pedestrian route for access to the Downtown area from neighborhoods to the south. Because it is located beneath the light rail deck of the Kellogg Lake Bridge, its context does not lend itself to construction of vertical elements such as formal symbolic gates; however, crossing Kellogg Lake is itself a significant transition between places that announces one's imminent arrival into the Downtown area. For this reason, a design strategy that downplays the visual importance of the bridge itself maintains focus on the Kellogg Lake/Kellogg Creek natural corridor, into which it provides unique and novel vistas.</p>

<b>Guideline</b>	<b>Analysis</b>
Consider View Opportunities	<p>By bringing online a new bicycle and pedestrian facility that provides unique views of Dogwood Park, Kronberg Park, Kellogg Lake, and the Willamette River, the project furthers achievement of two recommended design guidelines:</p> <ul style="list-style-type: none"> <li>• views of parks, and</li> <li>• views of natural features such as streams, lakes, ponds or specimen landscape plantings.</li> </ul>
Consider Context	<p>As noted above, the Kellogg Lake Bicycle/Pedestrian Bridge is situated beneath the light rail deck of the Kellogg Lake Bridge, where it can be seen primarily from locations along the banks of Kellogg Lake. This context does not lend itself to grandiose decoration or construction of vertical elements such as formal symbolic gates. Rather, emphasis is placed on the experience of crossing Kellogg Lake, a significant transition that announces one’s imminent arrival into (or departure from) the Downtown area. For this reason, a design strategy that downplays the visual importance of the bridge itself maintains focus on the Kellogg Lake/Kellogg Creek natural corridor, into which it provides unique and novel vistas.</p>
Promote Architectural Compatibility	<p>Findings for the pedestrian bridge in WG-11-01 noted that it “incorporates and celebrates the intricate and angular support beam pattern present in the freight rail bridge,” in contrast to the “visually low-key [light rail] bridge with simple lines that do not compete with the neighboring freight rail bridge.” Thus, the approved design vocabulary for the two components of the Kellogg Lake bridge intentionally juxtaposes them against the adjacent rail trestle bridge, incorporating some structural features in the bicycle/pedestrian bridge while making a completely contrasting statement with the light rail deck and support structure.</p> <p>For the bicycle/pedestrian bridge connections and landings, a simple, functional deck structure and railings compatible with the railing/balustrade design of the pedestrian bridge will provide the necessary functionality without “pulling focus” from the interplay among the three bridges’ structural elements (as viewed from points along Kellogg Lake), or from the Kellogg Lake corridor (as viewed from points along the pedestrian bridge and its ramps).</p>

<b>Guideline</b>	<b>Analysis</b>
Preserve Historic Buildings	Not Applicable because no designated historic building is within the project area.
Use Architectural Contrast Wisely	Not Applicable because this guideline and its recommendations focus specifically on how buildings in the Downtown area relate to surrounding buildings and features.
Integrate Art	Not Applicable because the project does not include a public art component.
<b>Pedestrian Emphasis Elements</b>	
Reinforce and Enhance the Pedestrian System	<p>The project furthers achievement of these elements in the Description:</p> <ul style="list-style-type: none"> <li>• pedestrian routes that are attractive and convenient; and</li> <li>• walkways should be direct and free of barriers such as utility poles or other obstructions.</li> </ul> <p>The proposed bicycle/pedestrian bridge ramp links are essential to achieve the intended functionality of the Kellogg Lake Bicycle/Pedestrian Bridge. Situated on the lower level (below the light rail deck), the pedestrian bridge provides safety and weather protection for bicyclists and pedestrians, and allows the connecting links to paths on both banks of Kellogg Lake to be less steep.</p>
Define the Pedestrian Environment	For an aesthetic appearance compatible with the surfaces of other structural elements of the Kellogg Lake Bridge construction, retaining walls visible from pedestrian locations (including planned future trails along the banks of Kellogg Lake in this area) will be surfaced with an Ashlar stone appearance similar to that used on retaining walls and other bridge support elements. The strategy aims to achieve visual compatibility of materials and appearance, without pulling focus from views of the Kellogg Lake/Kellogg Creek corridor environment.
Protect the Pedestrian from the Elements	<p>The bicycle/pedestrian bridge on the lower level (below the light rail deck) provides weather protection for pedestrians.</p> <p>Because the proposed linkages at both ends of the bridge will connect to uncovered open spaces and walkways or trails, canopies or other covering structures are not warranted.</p>

<b>Guideline</b>	<b>Analysis</b>
Provide Places for Stopping and Viewing	Although the deck of the bicycle/pedestrian bridge does not provide widened viewing areas (i.e., belvederes) specifically for stopping and viewing, the twelve-foot deck is wide enough to allow people to stop and gaze without obstructing pass-by movements by other pedestrians and cyclists. A twelve-foot deck width is also used on the proposed ramp linkages.
Create Successful Outdoor Spaces	As discussed above, the bicycle/pedestrian bridge is designed to maintain visual emphasis on the whole Kellogg Lake natural area, including viewpoints and walkways to which the bicycle/pedestrian bridge will connect. This approach recognizes that the bridge and its connecting ramps are not a destination in themselves, and that success arises from providing physical and visual access to the Kellogg Lake/Kellogg Creek corridor from bicycle/pedestrian facilities.
Integrate Barrier-Free Design	The design of the proposed linking ramps meets maximum slope requirements of the Americans with Disabilities Act (ADA).
<b>Architecture Elements:</b>	
Corner Doors	Not Applicable because the project involves no doors.
Retail and Commercial Doors	
Residential Doors	
Wall Materials	The connections and landing abutment will be faced with materials having an Ashlar stone appearance, similar to materials used on the retaining walls supporting pedestrian paths, for a consistent, high-quality appearance.
Wall Structure	Not Applicable because the guideline and recommendations involve the relationship among building elements such as windows, columns and bays in relation to streetscape locations.
Retail Windows	Not Applicable because the project involves no windows.
Residential Bay	

<b>Guideline</b>	<b>Analysis</b>
Windows	
Silhouette and Roofline	Not Applicable because the project involves no roof.
Rooftops	
Green Architecture	The proposed technique for constructing the bicycle/pedestrian link abutments using modular concrete block walls is a sustainable practice because of production efficiencies achieved in the manufacturing of the components on the one hand, and their durability and longevity in actual installations, resulting in low overall life-cycle costs and maintenance/repair needs.
Building Security	Like the Kellogg Lake Bicycle/Pedestrian Bridge, the proposed connections will be visible from many positions in public spaces along the banks of Kellogg Lake, including points along Lake Road and Kronberg Park. Bicyclists and pedestrians approaching the bridge will have a clear view all the way across, for surveillance to assess whether conditions are safe to proceed onto the bridge. Bridge illumination (discussed in more detail below) enables such surveillance to occur also during hours of darkness.
Parking Structures	Not Applicable because the project involves no parking lot or parking structure.
<b>Lighting Elements</b>	
Exterior Building Lighting	Not Applicable because the project does not involve construction of a building.
Parking Lot Lighting	Not Applicable because the project involves no parking lot or parking structure.
Landscape Lighting	As approved by the Design and Landmarks Committee per WG-11-01, bridge illumination will be achieved by a set of seven LED luminaires casting light down onto the bridge deck. The luminaires will be mounted atop columns on the east side of the pedestrian bridge at a typical distance of approximately 39 feet.
Sign Lighting	Not Applicable because the project involves no illuminated signs.

Guideline	Analysis
<b>Signs Elements</b>	Not Applicable because the project involves no signage.
Wall Signs	
Hanging or Projecting Signs	
Window Signs	
Awning Signs	
Information and Guide Signs	
Kiosk Monument Signs	
Temporary Signs	

**FINDING:** The proposed plan and supporting materials demonstrate compliance with all applicable Downtown Design Guidelines.

# ATTACHMENT 3.b DOWNTOWN DESIGN REVIEW CHECKLIST

**Project/Applicant Name:** City of Milwaukee / Kellogg Lake Bicycle/Pedestrian Bridge Connections and Landings

**Project Address:** Kellogg Lake Bridge section of Portland-Milwaukee Light Rail Alignment

**Application Submission Date:** Feb 17, 2015

**Zoning:** Downtown Open Space (DOS)

**Building Use:** not applicable

**Completed By:** Planning staff **on:** February 17, 2015

## STANDARDS AND GUIDELINES

A. Development and Design Standards	Complies		
	Yes	No	NA
<b>1. Development Standards</b>			
a. Permitted Use .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Minimum Lot Size .....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Floor Area Ratio .....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Building Height .....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Residential Density .....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Street Setbacks .....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Side and Rear Setbacks .....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Ground-floor Retail .....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. Ground-floor Windows/Doors .....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j. Drive-through Facilities .....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
k. Off-street Parking Requirements .....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
l. Landscaping .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2. Design Standards</b>			
a. Residential Entries and Porches .....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Garages and Parking Areas .....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Courtyards .....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Balconies .....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Walls .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Windows .....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Roofs .....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>B. Design Guidelines</b>			
<b>1. Milwaukee Character</b>			
a. Reinforce Milwaukee's Sense of Place .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Integrate the Environment .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Promote Linkages to Horticultural Heritage .....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Establish or Strengthen Gateways .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Consider View Opportunities .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Consider Context .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Promote Architectural Compatibility .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Preserve Historic Buildings .....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. Use Architectural Contrast Wisely .....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j. Integrate Art .....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## DOWNTOWN DESIGN REVIEW CHECKLIST

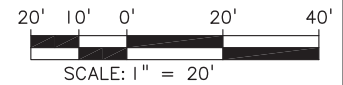
		<b>Complies</b>		
		<b>Yes</b>	<b>No</b>	<b>NA</b>
<b>2. Pedestrian Emphasis</b>				
a.	Reinforce and Enhance the Pedestrian System.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.	Define the Pedestrian Environment.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c.	Protect the Pedestrian from the Elements.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d.	Provide Places for Stopping and Viewing .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e.	Create Successful Outdoor Spaces .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f.	Integrate Barrier-Free Design.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3. Architecture</b>				
a.	Corner Doors .....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b.	Retail and Commercial Doors.....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c.	Residential Doors .....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d.	Wall Materials .....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e.	Wall Structure .....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f.	Retail Windows.....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g.	Residential Bay Windows.....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h.	Silhouette and Roofline .....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i.	Rooftops .....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j.	Green Architecture .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k.	Building Security .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l.	Parking Structures .....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>4. Lighting</b>				
a.	Exterior Building Lighting.....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b.	Parking Lot Lighting.....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c.	Landscape Lighting .....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d.	Sign Lighting.....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>5. Signs</b>				
a.	Wall Signs.....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b.	Hanging or Projecting Signs .....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c.	Window Signs.....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d.	Awning Signs .....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e.	Information and Guide Signs .....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f.	Kiosk Monument Signs.....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g.	Temporary Signs .....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Notes:**

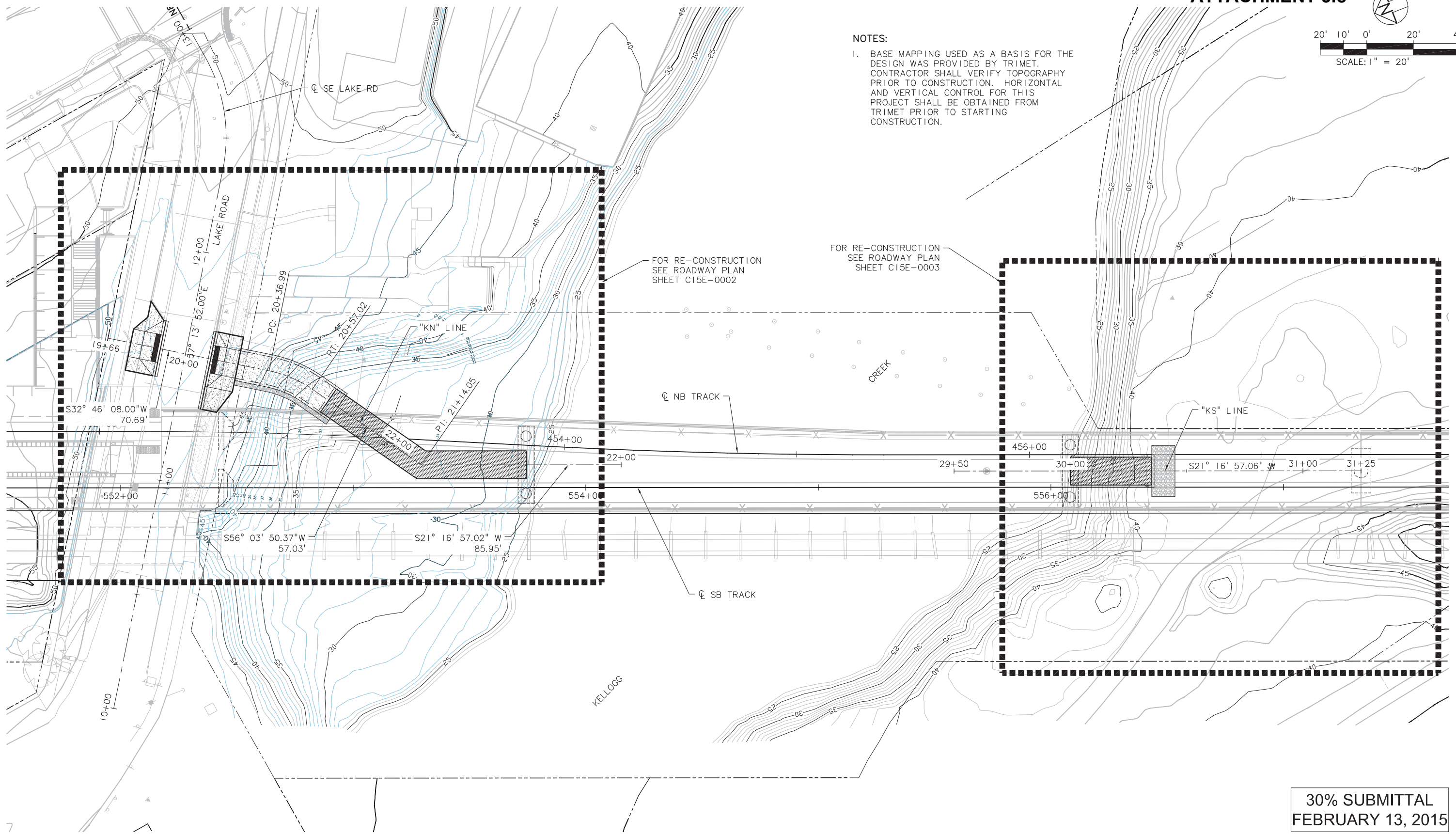
See accompanying narrative/findings document for detailed discussion of checklist items.







**NOTES:**  
 1. BASE MAPPING USED AS A BASIS FOR THE DESIGN WAS PROVIDED BY TRIMET. CONTRACTOR SHALL VERIFY TOPOGRAPHY PRIOR TO CONSTRUCTION. HORIZONTAL AND VERTICAL CONTROL FOR THIS PROJECT SHALL BE OBTAINED FROM TRIMET PRIOR TO STARTING CONSTRUCTION.

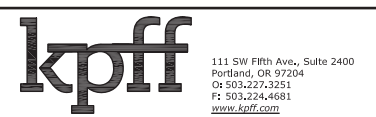


30% SUBMITTAL  
 FEBRUARY 13, 2015

NO.	DATE	BY	APPD.	REVISIONS

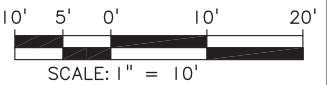
FM DESIGNED	2-13-15	DATE
JRC DRAWN	2-13-15	DATE
CV CHECKED	2-13-15	DATE
APPROVED		DATE

TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON



PORTLAND TO MILWAUKIE LRT  
 EAST SEGMENT  
 CIVIL  
 KELLOGG PEDESTRIAN BRIDGE  
 SITE PLAN

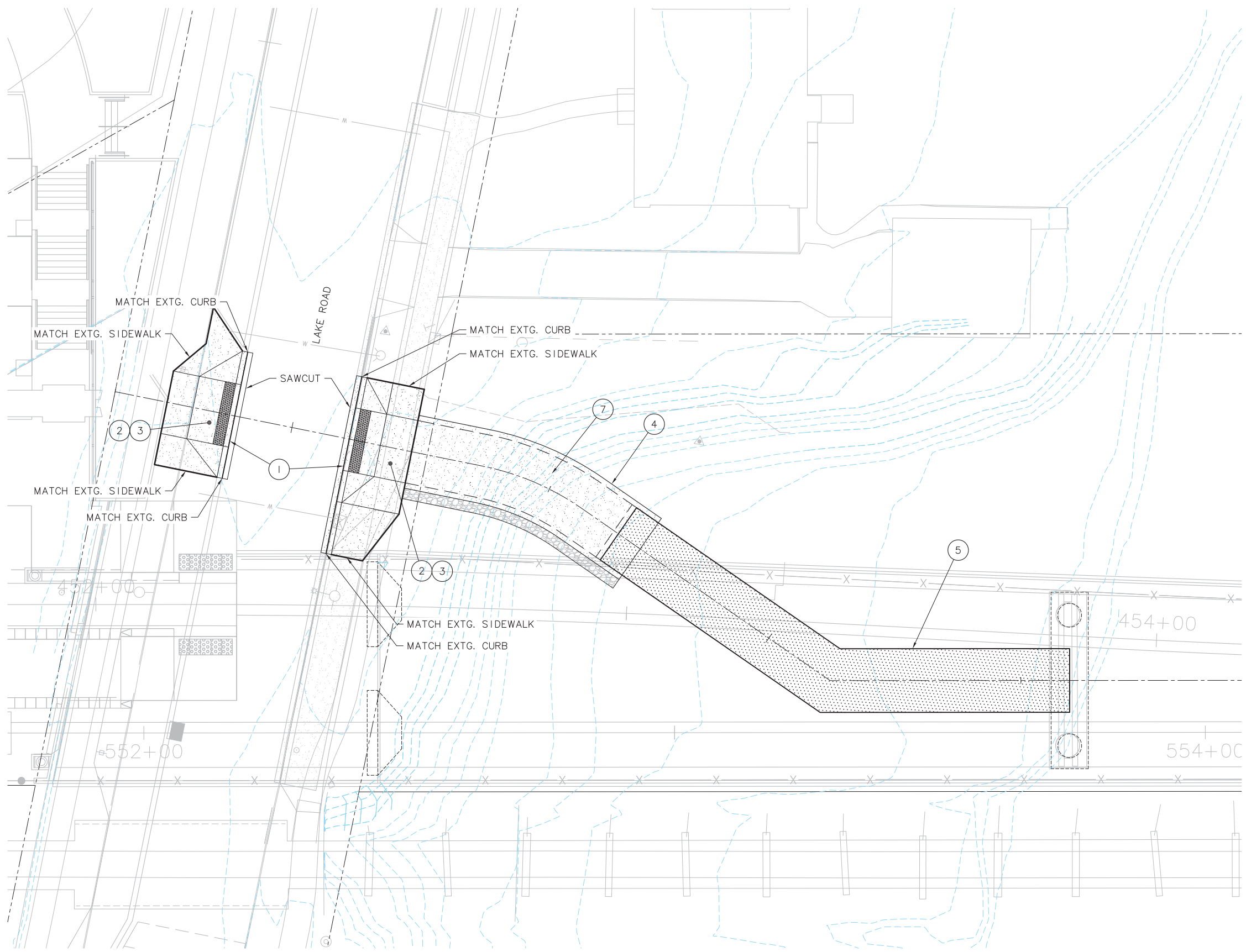
SUBMITTED:	DATE:	APPROVED:	DATE:	SCALE:	DRAWING NO.:	CONTRACT NO.:	SHEET NO.:
				1"=20'	C15E-0001		



- NOTES:**
1. BASE MAPPING USED AS A BASIS FOR THE DESIGN WAS PROVIDED BY TRIMET. CONTRACTOR SHALL VERIFY TOPOGRAPHY PRIOR TO CONSTRUCTION. HORIZONTAL AND VERTICAL CONTROL FOR THIS PROJECT SHALL BE OBTAINED FROM TRIMET PRIOR TO STARTING CONSTRUCTION.
  2. ALL CONSTRUCTION WITHIN THE RIGHT OF WAY TO CONSTRUCTED BE PER CITY OF MILWAUKIE STANDARDS.

- CONSTRUCTION NOTES:**
1. CONSTRUCT DOWNTOWN CURB AND GUTTER (SEE COM STD DWG 703)
  2. CONSTRUCT MID-BLOCK SIDEWALK RAMP (SEE COM STD DWG 505)
  3. INSTALL TACTILE PAVERS (TRUNCATED DOMES) (SEE COM STD DWG 517)
  4. CONSTRUCT MODULAR RETAINING WALL (SEE STRUCTURAL DRAWINGS FOR DETAILS)
  5. CONSTRUCT BRIDGE (SEE STRUCTURAL DRAWINGS FOR DETAILS)
  6. CONSTRUCT RAIL BALLAST (SEE DETAIL 2/C15E-0005)
  7. CONSTRUCT 8" THICK CONC. SIDEWALK

- LEGEND:**
- [Pattern] PCC ROADWAY/SIDEWALK
  - [Pattern] RAIL BALLAST



30% SUBMITTAL  
FEBRUARY 13, 2015

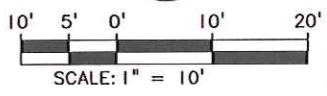
NO.	DATE	BY	APPD.	REVISIONS

FM DESIGNED	2-13-15	DATE
JRC DRAWN	2-13-15	DATE
CV CHECKED	2-13-15	DATE
APPROVED		DATE

TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON 111 SW Fifth Ave., Suite 2400 Portland, OR 97204 Or 503.227.3251 Fr 503.224.4681 www.kpff.com		CAPITAL PROJECTS DIVISION 1800 SW FIRST AVE., SUITE 300 PORTLAND, OREGON 97201		SUBMITTED:                      DATE:                      APPROVED:                      DATE:	

<b>PORTLAND TO MILWAUKIE LRT</b> EAST SEGMENT CIVIL KELLOGG PEDESTRIAN BRIDGE NORTH APPROACH							
SCALE:	1"=10'	DRAWING NO.:	C15E-0002	CONTRACT NO.:		SHEET NO.:	





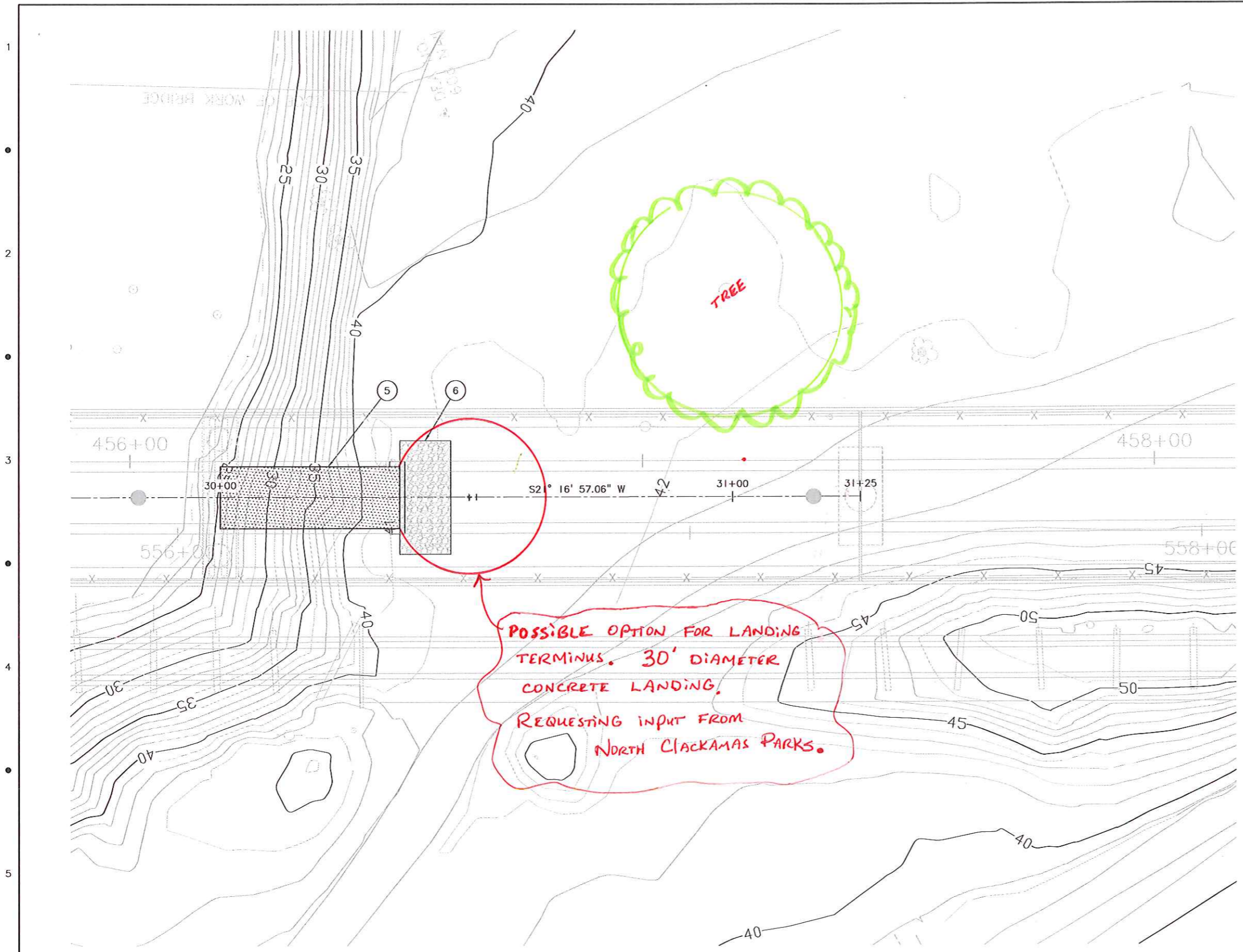
NOTES:

1. BASE MAPPING USED AS A BASIS FOR THE DESIGN WAS PROVIDED BY TRIMET. CONTRACTOR SHALL VERIFY TOPOGRAPHY PRIOR TO CONSTRUCTION. HORIZONTAL AND VERTICAL CONTROL FOR THIS PROJECT SHALL BE OBTAINED FROM TRIMET PRIOR TO STARTING CONSTRUCTION.
2. ALL CONSTRUCTION WITHIN THE RIGHT OF WAY TO CONSTRUCTED BE PER CITY OF MILWAUKIE STANDARDS.

CONSTRUCTION NOTES:

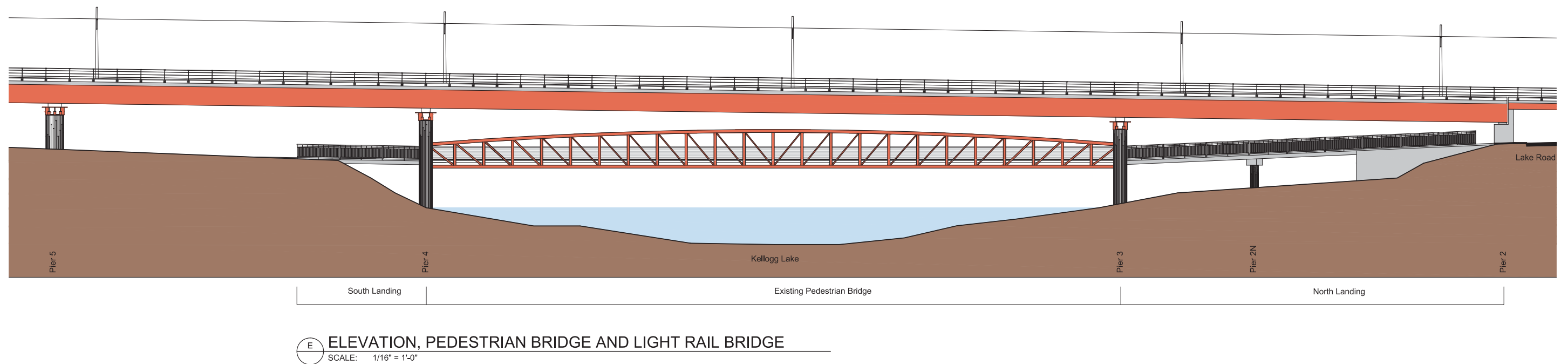
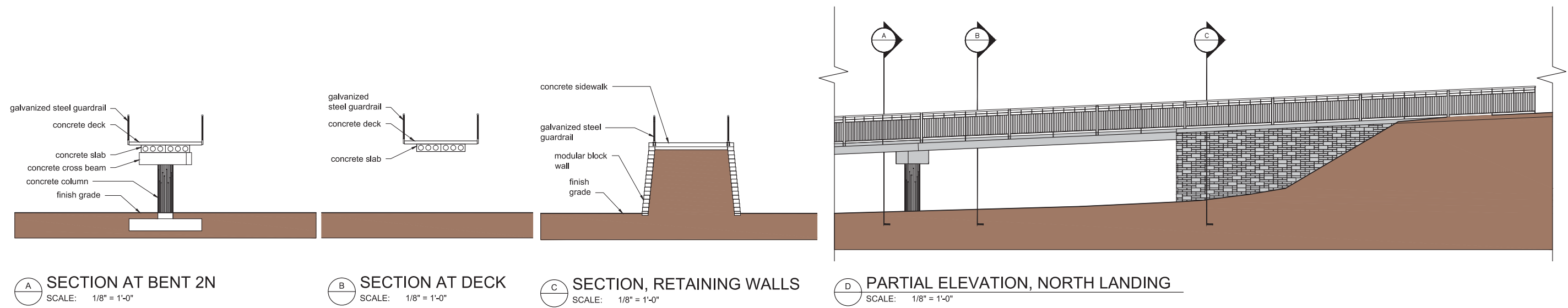
- 5 CONSTRUCT BRIDGE (SEE STRUCTURAL DRAWINGS FOR DETAILS)
- 6 CONSTRUCT RAIL BALLAST (SEE DETAIL 2/C15E-0005)

LEGEND:



30% SUBMITTAL  
FEBRUARY 5, 2015

															<b>PORTLAND TO MILWAUKIE LRT EAST SEGMENT CIVIL KELLOGG PEDESTRIAN BRIDGE SOUTH APPROACH</b>																																		
FM DESIGNED 2-5-15 DATE					JRC DRAWN 2-5-15 DATE					CV CHECKED 2-5-15 DATE					APPROVED DATE					SUBMITTED DATE					APPROVED DATE					SCALE: 1"=10'					DRAWING NO.: C15E-0003					CONTRACT NO.:					SHEET NO.:				
NO. DATE BY APPD. REVISIONS CHK					111 SW Fifth Ave., Suite 2400 Portland, OR 97204 O: 503-227-3251 F: 503-224-4591 www.kpff.com					CAPITAL PROJECTS DIVISION 1800 SW FIRST AVE., SUITE 300 PORTLAND, OREGON 97201																																							



# KELLOGG PEDESTRIAN BRIDGE LANDINGS

February 16, 2015



waterleaf

419 SW 11th Ave  
Suite 200  
Portland OR 97205  
Ph 503 228 7571  
Fx 503 273 8891





# MILWAUKIE

*Dogwood City of the West*

**To:** Design and Landmarks Committee

**Through:** Dennis Egner, Planning Director

**From:** Vera Kalias, Associate Planner

**Date:** February 27, 2015, for March 9, 2015, Worksession

**Subject:** Moving Forward Milwaukie Briefing #5:  
Draft Central Milwaukie Design Standards

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## **ACTION REQUESTED**

None. This is a briefing for discussion only. This is the fifth project briefing, but the first that relates to Central Milwaukie. This briefing is in anticipation of worksessions and public hearings before the Planning Commission later this month and then in April.

## **BACKGROUND INFORMATION**

The *Moving Forward Milwaukie: Enhancing our Commercial Districts* (MFM) project began in July 2013 and will continue into mid-2015. The project was preceded by the *Fresh Look Milwaukie: Downtown Road Map* project (January – June 2013). The goal of the MFM project is to achieve appropriate development and redevelopment in the city's commercial areas by removing barriers and creating incentives.

The MFM project is focused on bringing new activity to Milwaukie's commercial districts: downtown, central Milwaukie, and the neighborhood main streets of 32nd & 42nd Avenues. The project consists of 3 phases: Downtown; Central Milwaukie; and the "neighborhood main streets" of 32<sup>nd</sup> and 42<sup>nd</sup> avenues. Phase 1, the downtown plan and code amendments are moving through the adoption process, and Phase 2, the Central Milwaukie plan and code amendments, are being prepared to begin the adoption process. The MFM project is the first official City project to define a boundary for the Central Milwaukie district and establish a vision for its future.



**Figure 1. Central Milwaukie project area**



## A. History of Prior Actions and Discussions

- **November 3, 2014:** Staff provided a continued overview of proposed revisions to the design standards in downtown Milwaukie and the proposed Type II design review process.
- **October 6, 2014:** Staff provided an overview of proposed revisions to the design standards in downtown Milwaukie. The Committee discussed key aspects of building design.
- **February 11, 2014:** In a joint meeting with the Planning Commission, the Committee was briefed on the opportunity site development concepts, including building form and financial feasibility, and provided input into the final versions.
- **August 5, 2013:** The Committee was briefed on the project overview and schedule.

## KEY DISCUSSION ITEMS

### A. Project Goals

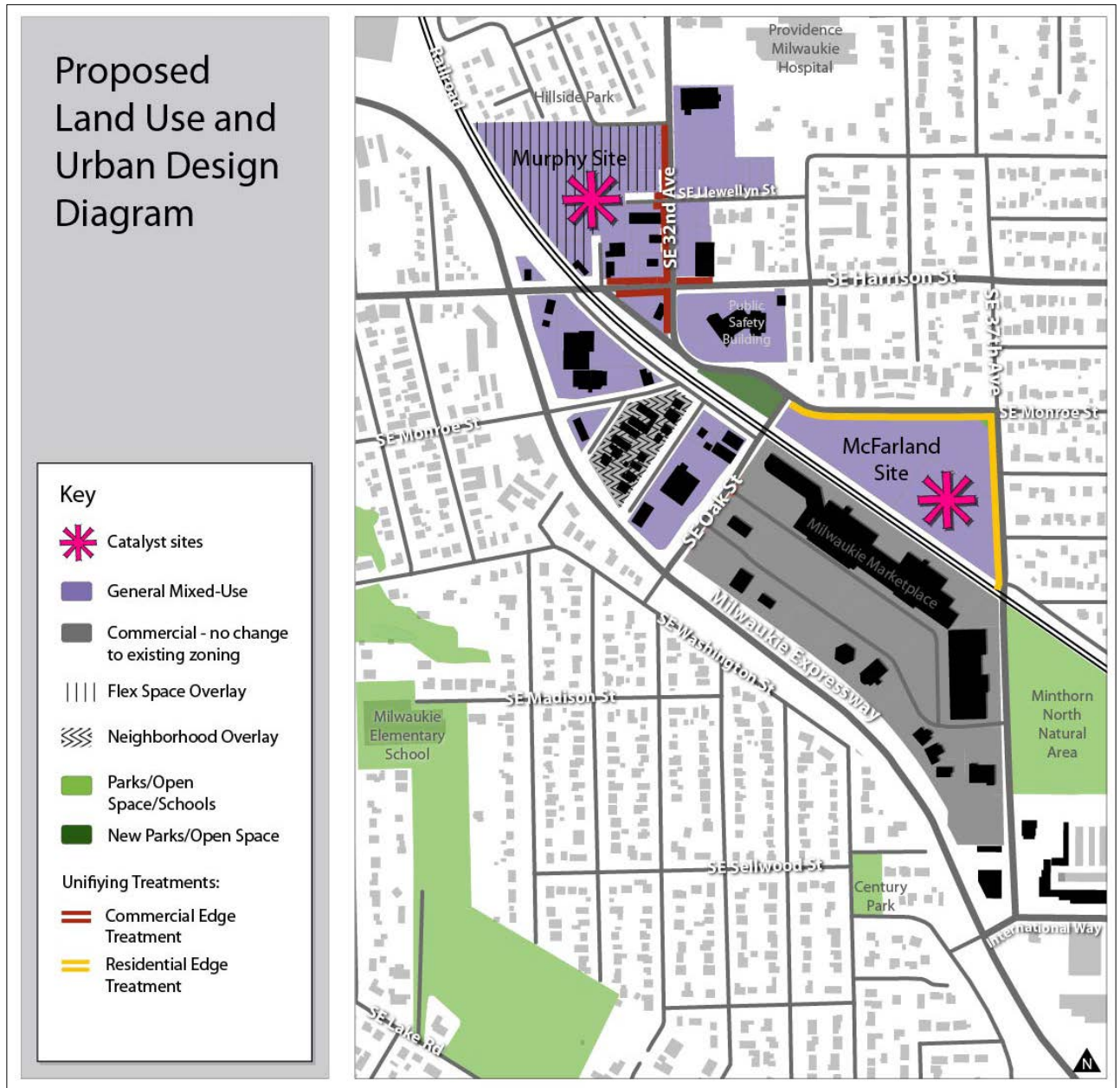
The goals of the Moving Forward Milwaukie project are to:

- *Remove barriers.* Provide flexibility to allow for market-driven development while ensuring that new development meets the community's expectation.
- *Create incentives.* Provide regulatory and/or financial incentives to encourage development that implements the community's vision for Central Milwaukie.
- *Allow good things to happen.* Support new life for existing buildings and new development that provides the amenities and activity the community desires in Central Milwaukie. We heard from project participants that they want Central Milwaukie to continue to be a primary commercial center, have a mix of uses that support a lively and active district, and have safe and comfortable access for pedestrians, vehicles, and bikes.

The draft amendments in Attachment 1 seek to implement the project goals in Central Milwaukie through the following objectives:

- *Enhance Economic Opportunities.* Streamline and expand the range of allowed uses throughout Central Milwaukie, including residential uses. Allow mixed-use buildings throughout Central Milwaukie, and allow employment uses on the Murphy opportunity site, such as light industrial and light manufacturing.
- *Design Standards.* New design standards will ensure that Central Milwaukie is attractive and pedestrian friendly.
- *Development Standards.* New development standards will ensure that new buildings provide a sense of enclosure and define the streetscape.
- *Edge Treatment.* Use "residential edge treatment" standards on Monroe St and 37<sup>th</sup> Ave to ensure streetscape compatibility between any development on the McFarland site and the residential properties it faces. Use "commercial edge treatment" standards on 32<sup>nd</sup> Ave to create a pedestrian friendly and attractive streetscape on this key street (See Figures 19.313.X on pages 12 and 13 in Attachment 1). Refer to Figure 2.



**Figure 2. Proposed Land Use and Urban Design Program****B. Design standards**

Design standards control the form, massing, and appearance of new development. Currently, there are no design standards that apply to new development in Central Milwaukie. The Central Milwaukie Land Use and Transportation Plan establishes a new vision for the area that includes the following Guiding Principles and Fundamental Concepts:

1. Guiding Principles are high-level statements about Central Milwaukie's future and are intended to capture the community's values and priorities:
  - Maintain and improve Central Milwaukie as the city's primary commercial center
  - Foster a sense of place in Central Milwaukie by promoting an identity and a vision



- Enhance economic opportunities in the area
- Add a mix of uses to support a district that is lively and active
- Maintain an overall character complementary to and protective of surrounding neighborhoods
- Improve access to and within the area for pedestrians, cyclists, and vehicles

Fundamental Concepts are a step between Guiding Principles and implementation. The 5 Fundamental Concepts are used to craft specific implementation strategies and action plans necessary for moving the community's vision for Central Milwaukie from ideas to reality:

- Facilitate development of the Murphy and McFarland opportunity sites
- Promote high-quality, urban design that is complementary to the surrounding area
- Encourage a range of housing types as a part of new mixed-use development
- Improve connectivity within the district with easily-accessible multimodal pathways that are safe and attractive
- Improve external connections to the district

These fundamental concepts are implemented through a combination of use, development, and design standards. The proposed new design standards for new commercial, institutional, manufacturing and mixed-use buildings are described below. The existing standards for residential buildings (rowhouses and multifamily) and proposed standards for live/work units will apply to those types of development.

The draft Central Milwaukie Land Use and Transportation Plan can be found here:  
<http://www.milwaukieoregon.gov/planning/central-milwaukie-land-use-and-transportation-plan>

## 1. Corners

### Intent

Corner entries reinforce intersections as important places for pedestrian interaction and activity.

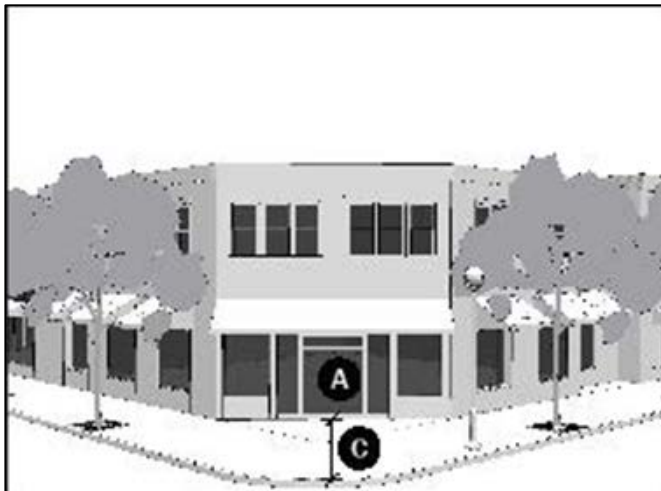
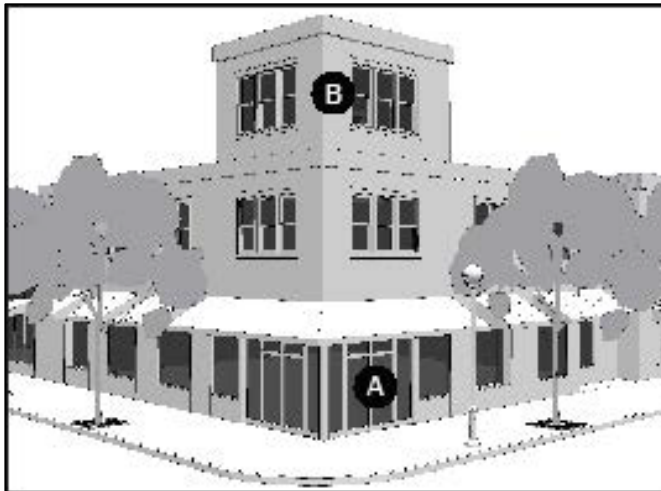
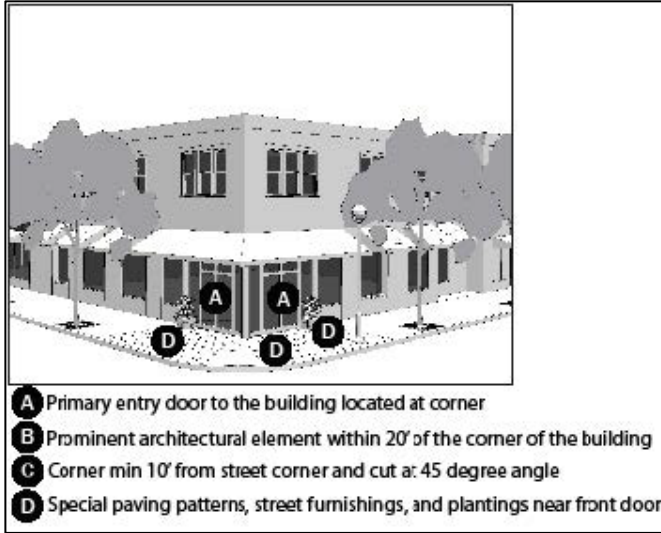
### Proposal

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:

1. Locate the primary entry to the building at the corner
2. 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;
3. The corner of the building cut at a 45 degree angle

See Figure 3.

**Figure 3. Proposed corner door requirements**



Source for all: City of Tigard

## 2. Weather protection

### Intent

Awnings and canopies along the ground floor of buildings protect pedestrians from rain during inclement weather and provide shade in the summer. Overhead protection encourages window shopping and lingering, and creates visual interest on the ground floor of a building.

### Proposal

Require weather protection in the form of awnings, canopies, recesses, or similar protection above building entrances.

**Figure 4. Canvas awning.**



**Figure 5. Canopy with balcony incorporated.**



Source: Matt Arnold, SERA Architects

## 3. Exterior building materials

### Intent

Quality wall materials can provide a sense of permanence in a building, and bring life and warmth to downtown. In addition, contrast in building materials can provide articulation and visual interest to larger buildings.

### Proposal

Create standards to establish a selection of primary, secondary, and accent materials for use on building facades facing streets, courtyards, and/or public squared in downtown. The materials would be more varied and their use would be controlled through their designation as primary, secondary, accent, and prohibited. Primary materials would need to be used for at least 65% of the building façade; secondary materials could be used for up to 40% of the building façade; and accent materials could be used for up to 10% of the building façade. 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.

#### 4. Windows and doors

##### Intent

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.

##### Proposal

For non-residential and mixed use buildings, 30 percent of the ground-floor street wall area must consist of openings; i.e., windows or glazed doors. 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. Clear glazing is required for ground-floor windows. Nontransparent, reflective, or opaque glazings are not permitted. The bottom edge of windows along pedestrian ways shall be constructed no more than 36 inches above grade. 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.

**Figure 6. Example of ground floor windows**



#### 5. Roofs and rooftop equipment

##### Intent

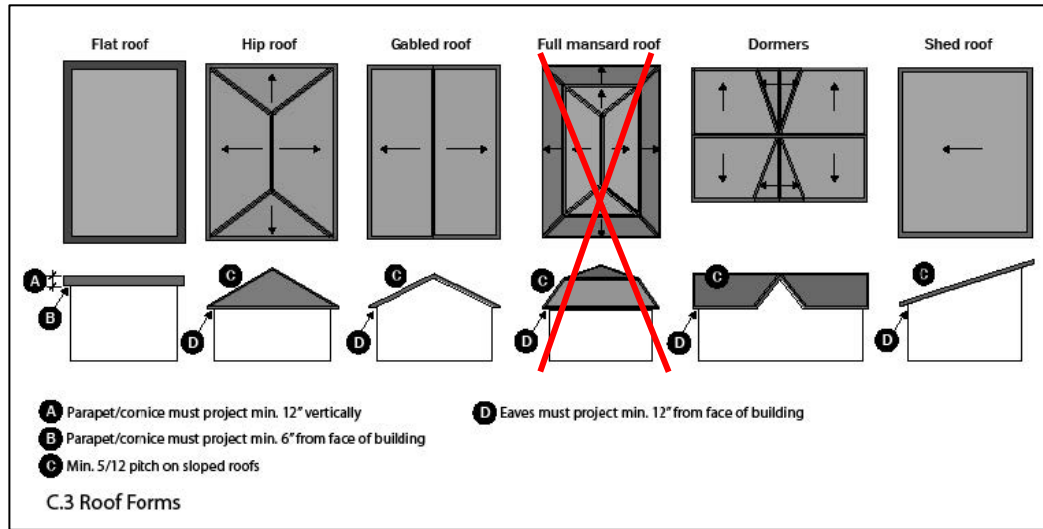
Building rooflines enliven the pedestrian experience and be of visual interest through details that create a skyline composed of interesting forms and shadows. Mechanical equipment and other penthouse functions must be integrated into the overall building design.

##### Proposal

Clarify which roof forms are permitted and how they must be treated (e.g. minimum slope, eaves, cornice/parapets). See Figure 7 for an overview of proposed roof types. Mansard roofs are not currently included in the list of permitted roof forms.

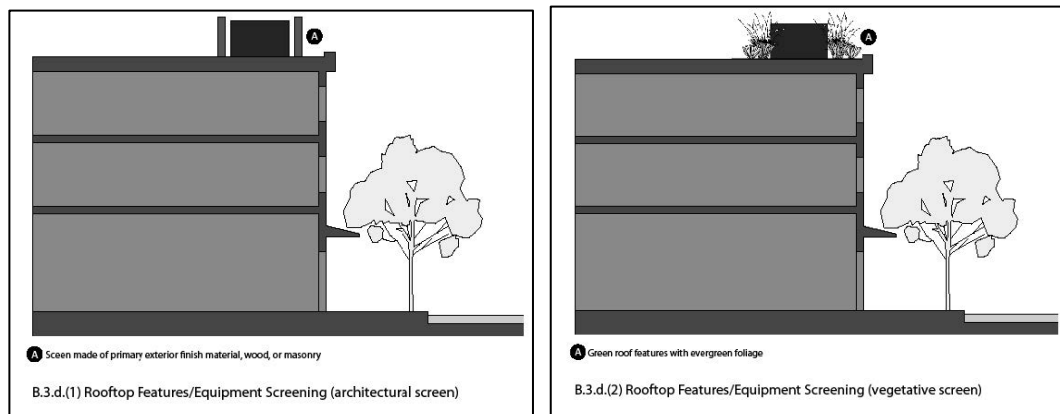
The proposed amendments would also establish screening requirements for rooftop mechanical equipment. See Figure 8.

**Figure 7. Proposed allowed roof types.**



Source: City of Tigard

**Figure 8. Rooftop equipment screening options – physical and vegetative screening**



Source: City of Tigard

## D. Discussion

Staff is seeking Committee feedback about the proposed list of new design standards in Central Milwaukie. This list is intended to establish basic standards that will result in new development that meets the design expectations for a key commercial district in the city, while still recognizing the need for flexibility and a variety of options.

## Next Steps

Planning Commission worksessions are scheduled for March 10 and March 24, with public hearings tentatively scheduled to begin in April. Staff anticipates that the Planning Commission will hold at least two hearings on the amendments.

**ATTACHMENTS**

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

	DLC Packet	Public Copies	E- Packet
1. Draft Central Milwaukie Code Amendments – February 27, 2015 Discussion Draft (underline/strikeout)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Key:

DLC Packet = paper materials provided to Design and Landmarks Committee 7 days prior to the meeting.

Public Copies = paper copies of the packet available for review at City facilities and at the Design and Landmarks Committee meeting.

E-Packet = packet materials available online at <http://www.milwaukieoregon.gov/planning/design-and-landmarks-committee-41>.

## Underline/Strikeout Amendments

### Title 14 Signs

#### 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 Zones; and C-G, General Commercial Zones, as defined in the Zoning Ordinance.

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

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## Underline/Strikeout Amendments

### Zoning Ordinance

#### 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:

<b>Table 19.107.1 Classification of Zones</b>	
Zone Description	Abbreviated Description
<b>Base Zones</b>	
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
<del>Residential-Office-Commercial</del>	<del>R-O-C</del>
Downtown Mixed Use	DMU
<u>General Mixed Use</u>	<u>GMU</u>
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
Tacoma Station Area Manufacturing	M-TSA
Planned Development	PD
<b>Overlay Zones</b>	
Willamette Greenway	WG
Historic Preservation	HP
<del>Mixed Use</del>	<del>MU</del>
Aircraft Landing Facility	L-F
Tacoma Station Area Plan	TSAP



## CHAPTER 19.300 BASE ZONES

### 19.313 GENERAL MIXED USE ZONE GMU

#### 19.313.1 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.

#### 19.313.2 Uses

##### A. Permitted Uses

Uses allowed outright in the GMU zone are listed in Table 19.313.2 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 19.313.2 as "CU" are permitted only as conditional uses in conformance with Section 19.905.

##### C. Nonconforming Uses, Structures and Development

1. 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 19.313.2, 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 19.313.2. The unlisted use shall be subject to the standards applicable to the similar example use.

## Proposed Code Amendment

<b>Table 19.313.2 General Mixed Use Zone - Uses</b>		
<b>Uses and Use Categories</b>		<b>Standards/Additional Provisions</b>
<b>Residential</b>		
<u>Rowhouse</u> <sup>1</sup>	<u>P</u>	<b>Subsection 19.505.5</b> Standards for Rowhouses
<u>Multifamily</u>	<u>P</u>	<b>Subsection 19.505.3</b> Design Standards for Multifamily Housing
<u>Mixed use</u>	<u>P</u>	
<u>Live/work units</u>	<u>P</u>	<b>Subsection 19.505.56</b> Standards for RowhousesLive/Work Units
<u>Senior and retirement housing</u>	<u>P</u>	<b>Subsection 19.505.3</b> Design Standards for Multifamily Housing
<b>Commercial</b>		
<b><u>General office.</u></b> Professional and administrative office means professional, executive, management, or administrative offices of firms or organizations. Typical uses include offices for professionals such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants, or others who through training are qualified to perform services of a professional nature, and where no storage or sale of merchandise exists.	<u>P</u>	
<b><u>Eating and drinking establishments.</u></b> Eating and Drinking Establishments primarily involve the sale of prepared food and beverages for consumption on-site or take-away.  Examples include: restaurants, delicatessens, retail bakeries, taverns, brew-pubs, coffee shops, concession stands, and espresso bars.	<u>P</u>	
<b><u>Indoor recreation.</u></b> Indoor recreation consists of for-profit facilities providing active recreational uses of a primarily indoor nature.  Examples include: gyms, dance studios, tennis, racquetball and soccer centers, recreational centers, skating rinks, bowling alleys, arcades, shooting ranges, and movie theaters.	<u>P</u>	
<b><u>Retail oriented sales.</u></b> Sales-oriented retail firms are involved in the sale,	<u>P</u>	

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<p><u>leasing, and rental of new or used products to the general public.</u></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><b>Personal service oriented.</b> <u>Personal service oriented firms are involved in providing consumer services.</u></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><b>Repair oriented<sup>2</sup>.</b> <u>Repair-oriented uses are establishments providing product repair of consumer and business goods.</u></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><b>Day care<sup>3</sup>.</b> <u>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.</u></p> <p><u>Examples include: nursery schools, before-and-after school care facilities, and child development centers.</u></p>	P	
<p><b>Commercial lodging.</b> <u>Commercial Lodging includes for-profit residential facilities where tenancy is typically less than one month.</u></p> <p><u>Examples include: hotels, motels, and bed-and-breakfast establishments. Does not include senior and retirement housing.</u></p>	P	
<p><b>Boarding, lodging, or rooming house.</b> <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</u></p>	CU	<b>Section 19.905</b> <u>Conditional Uses</u>

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<p>are maintained, and some services, such as laundry and cleaning, may be supplied.</p> <p>Examples include: Boarding house and cooperative housing</p>		
<p><b><u>Commercial parking facility.</u></b></p> <p><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></p> <p><u>Examples include structured parking, short- and long-term fee parking facilities, commercial district shared parking lots and commercial shuttle parking.</u></p>	P	
<b><u>Manufacturing and Production</u></b>		
<p><b><u>Manufacturing and production<sup>4</sup>.</u></b> <u>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.</u></p> <p><u>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.</u></p>	P	
<b><u>Institutional</u></b>		
<u>Community service uses</u>	CSU	<b><u>Section 19.904</u></b> <u>Community Service Uses</u>

### Footnotes:

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

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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.

### **19.313.3 Development Standards**

#### **A. Purpose**

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 19.313.3 summarizes some of the development standards that apply in the GMU zone. Development standards are presented in full in Subsection 19.313.3 (B).

<b>Table 19.313.3</b>		
<b>General Mixed Use Zone - Summary of Development Standards</b>		
<b><u>Standard</u></b>	<b><u>General Mixed Use Zone</u></b>	<b><u>Standards/Additional Provisions</u></b>
<b><u>1. Lot Standards</u></b>		
<u>a. Minimum lot size (sq ft)</u>	<u>1,500</u>	<u>19.313.3.B.1</u>
<u>b. Minimum street frontage (ft)</u>	<u>25</u>	<u>19.313.3.B.2</u>
<b><u>2. Development Standards</u></b>		
<u>Minimum Floor area ratio<sup>1</sup></u>	<u>0.5:1</u>	<u>19.313.3.B.3</u>
<u>Base Maximum Building height (ft)</u>	<u>45</u>	<u>19.313.3.B.4</u>
<u>Maximum Building height with height bonus (ft)</u>	<u>57</u>	<u>19.313.3.B.4.b</u>
<u>Setbacks (ft)</u>		
<u>Minimum street setback</u>	<u>0-15</u>	<u>19.313.3.B.6</u>
<u>Maximum street setback</u>	<u>10-20<sup>2</sup></u>	<u>19.313.4.B</u>
<u>Minimum side and rear setbacks</u>	<u>None</u>	
<u>Maximum lot coverage</u>	<u>85%</u>	<u>19.313.3.B.7</u>
<u>Minimum vegetation</u>	<u>15%</u>	<u>19.313.3.B.8</u>
<u>Off-street parking required</u>	<u>Yes</u>	<b><u>Subsection 19.304.5.G</u></b> <u>Off-Street Parking</u>  <b><u>Chapter 19.600</u></b> <u>Off-Street Parking and Loading</u>
<u>Primary entrances</u>	<u>Yes</u>	<u>19.313.3.B.9</u>
<u>Transit Street</u>	<u>Yes</u>	<u>19.505.7</u>
<u>Transition Area Measures</u>	<u>Yes</u>	<u>19.504.6</u>
<b><u>3. Other Standards</u></b>		
<u>Residential density (dwelling units per acre)</u>		<u>19.313.3.B.5</u>

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<u>Stand-alone residential</u> <u>(a) Minimum</u> <u>(b) Maximum</u> <u>Mixed use buildings</u>	<u>25</u> <u>50</u> <u>None</u>	<u>19.501.4 Density</u> <u>Exceptions</u> <u>19.202.4 Density</u> <u>Calculations</u>
<u>Signs</u>	<u>Yes</u>	<u>Section 14.16.XXX</u> <u>Commercial Zones</u>

### Footnotes:

1. Commercial parking facilities and public parks and plazas are exempt from the minimum floor area ratio requirement.
2. Commercial edge standards apply to properties as shown on Figure 19.313.X.

### **19.313.4 Detailed Development Standards**

The following detailed development standards describe additional allowances, restrictions, and exemptions related to the development standards of Table 19.313.3

#### A. Floor Area Ratio

##### 1. Intent

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

##### 2. Standards

The minimum floor area ratio in Table 19.313.3 applies to all nonresidential building development.

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.

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

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minimum building height is established to ensure that the traditional building scale for the downtown area is maintained.

### 2. Standards

a. 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.

#### b. Height Bonuses

A building can utilize 1 of the development incentive bonuses of this subsection.

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

(ii) Green Building Bonus - 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.

### 3. Exemptions

The following are exempt from the minimum building height standards.

a. Additions to existing buildings.

b. Accessory structures.

c. Buildings with less than 1,000 sq ft of floor area.

## C. 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.

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### D. Street Setbacks

#### 1. Intent

Buildings are allowed and encouraged to build up to the street right-of-way in the GMU zone. Build-to lines are used in combination with the frontage occupancy requirements of Subsection 19.505.6.C to ensure that the ground floors of buildings engage the street right-of-way. The build-to line ensures compatibility and harmony between buildings, enabling a series of different buildings to maintain or establish a continuous vertical street wall.

#### 2. Standards

- a. No minimum street setbacks are required, except for Residential Street Edges in 19.313.4.
- b. Commercial edge. For properties shown as having a commercial edge on Figure 19.313.X, the following standards apply.
  - (i). No minimum street setback is required. Maximum street setback is 10 feet.
  - (ii). 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.
  - (i) The setback area may include usable open space such as plazas, courtyards, terraces and small parks.
  - (ii) Usable open space may be counted toward the minimum vegetation requirement in Subsection (F) below.
- 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.

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



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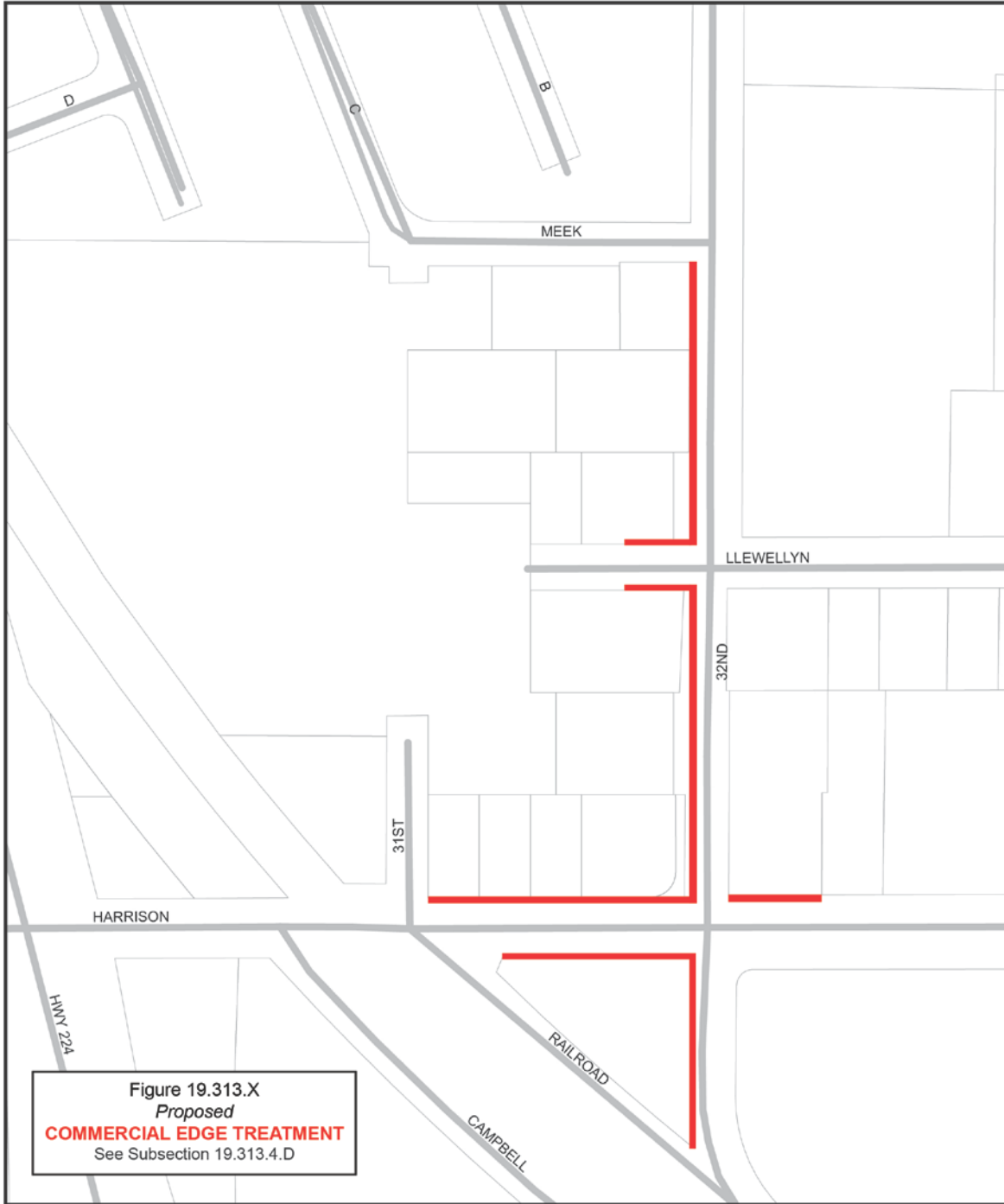
(i.e., front door is on a side or rear elevation) due to the configuration of the site or similar constraints, a pedestrian walkway must connect the primary entrance to the sidewalk.

- 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.

**19.313.5 Standards for Residential Street Edges**

- A. Residential edge. For properties shown as having a residential edge on **Figure 19.313.X**, and for development that occurs adjacent to or abutting an R3 or an R5 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 37<sup>th</sup> 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 19.313.3.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.

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### **19.313.5 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~~

#### ~~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;~~

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- 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;~~

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~~5. The proposed project complies with Chapters 19.500, 19.600, and 19.700 of the Zoning Ordinance.~~

~~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;~~

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- ~~M. Reduced copies (8½ by 11 in) of all plans and maps;~~
- ~~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.~~~~



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- ~~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.~~
- ~~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;~~~~

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- ~~g. Enhanced transit amenities such as covered bus shelters or bike lockers;~~
  - ~~h. Upgraded noise buffering on attached residential units;~~
  - ~~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)

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~~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 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~~

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~~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 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~~

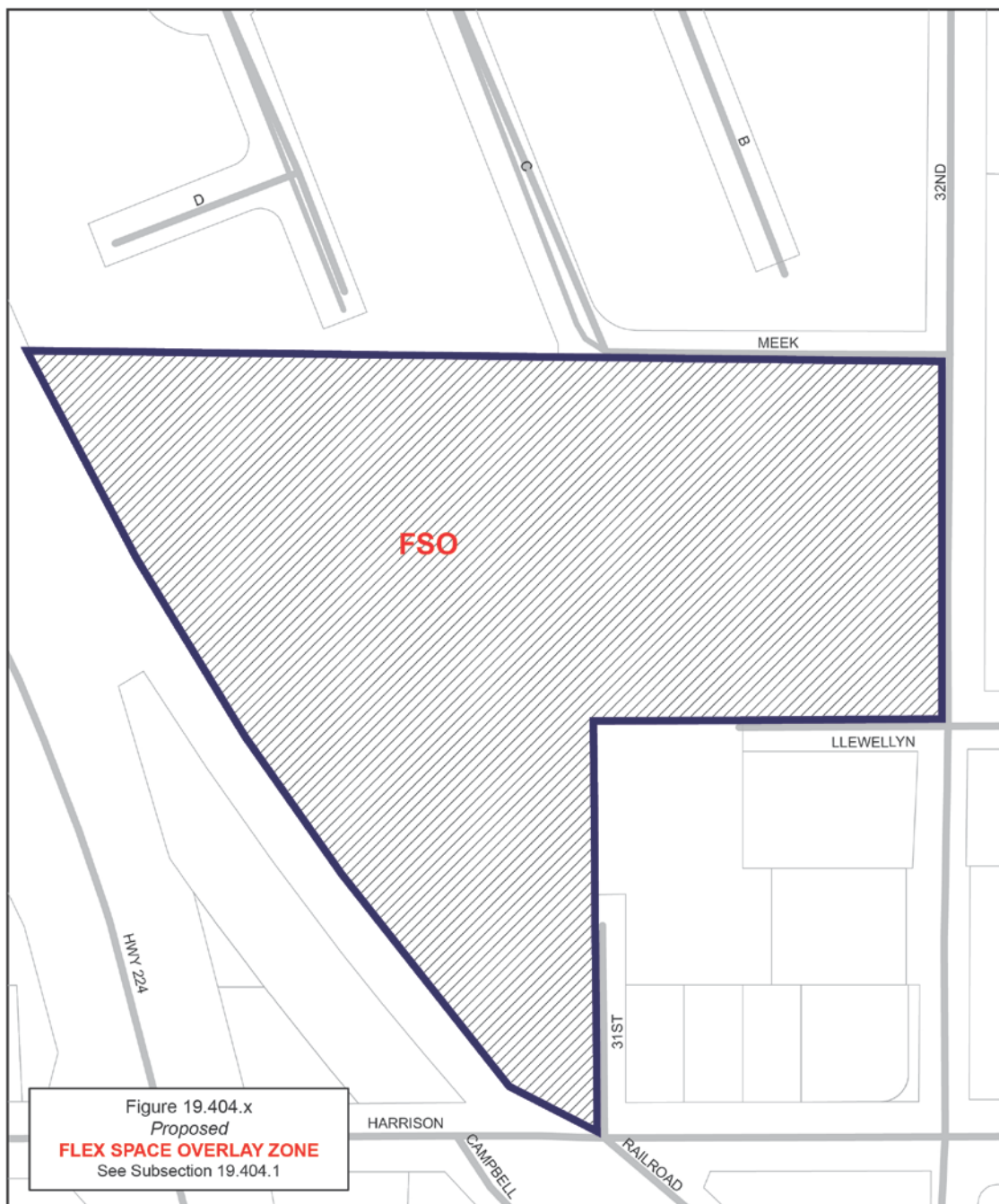
- ~~A. Milwaukie Code provisions regarding construction, discontinuance, improvement, or change of nonconforming uses, as contained in Chapter 19.800, are applicable to uses within the MU Overlay Zone.~~
- ~~B. In addition to meeting requirements as specified in Chapter 19.800, development proposals 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 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.X). 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 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.

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### **19.404.2 Applicability**

The standards and requirements of this section apply to all properties within the Flex Space Overlay 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 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.

### **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.

<b>Table 19.404.4 Flex Space Overlay - Uses</b>	
<b>Industrial Use Categories</b>	<b>Flex Space Overlay</b>
<p><b>Industrial service.</b> <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
<p><b>Manufacturing<sup>1</sup>.</b> <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
<p><b>Wholesale Trade.</b> <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

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<p><b>Trade Schools.</b> <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
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Footnotes:

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 MMC 19.505.6 Commercial and Mixed Use Development apply to new mixed use and non-residential development in the Flex Space Overlay.

### **19.404.6 Additional provisions**

- A. Off-Site Impacts. In order to ensure compatibility between manufacturing and nonmanufacturing uses, the following off-site impact standards apply.
1. Applicability. 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.
  2. Noise. The City's noise control standards and requirements in Chapter 8.08 apply.
  3. 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.
    - a. Temporary vibrations from construction activities or vehicles leaving the site are exempt.
    - b. Vibrations lasting less than 5 minutes per day are exempt.
    - c. Seismic or electronic measuring equipment may be used when there are doubts about the level of vibrations.
  4. 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.
  5. Illumination. Machinery, equipment, and facilities may not directly or indirectly cause illumination on other properties in excess of 0 (zero) footcandles of light.

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6. 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.
7. 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.

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## CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

### 19.504 SITE DESIGN STANDARDS

#### 19.504.1 Clear Vision Areas

A clear vision area shall be maintained on the corners of all property at the intersection of 2 streets or a street and a railroad according to the provisions of the clear vision ordinance in Chapter 12.24.

#### 19.504.2 Maintenance of Minimum Ordinance Requirements

No lot area, yard, other open space, or off-street parking or loading area shall be reduced by conveyance or otherwise below the minimum requirements of this title, except by dedication or conveyance for a public use.

#### 19.504.3 Dual Use of Required Open Space

No lot area, yard, or other open space or off-street parking or loading area which is required by this title for one use shall be used to meet the required lot area, yard, or other open space or off-street parking area for another use, except as provided in Subsection 19.605.4.

#### 19.504.4 Buildings on the Same Lot

- A. In R-10, R-7, and R-5 Zones, 1 primary dwelling shall be permitted per lot. A detached accessory dwelling unit may be permitted per Subsection 19.910.1.
- B. In the R-3 Zone, 1 single-family detached dwelling shall be permitted per lot. A detached accessory dwelling unit may be permitted per Subsection 19.910.1. Multifamily housing, with multiple structures designed for dwelling purposes, may be permitted as a conditional use per Section 19.905.

#### 19.504.5 Distance from Property Line

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

#### 19.504.6 Transition Area Measures

Where commercial 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.

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### 19.504.7 Minimum Vegetation

No more than 20% of the required vegetation area shall be covered in mulch or bark dust. Mulch or bark dust under the canopy of trees or shrubs is excluded from this limit. Plans for development shall include landscaping plans which shall be reviewed for conformance to this standard.

### 19.504.X 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.

## 19.505 BUILDING DESIGN STANDARDS

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

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### 19.505.2 ~~Garages and Carports Standards~~

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### 19.505.3 ~~Design Standards for Multifamily Housing~~

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### 19.505.4 ~~Design Standards for Cottage Cluster Housing~~

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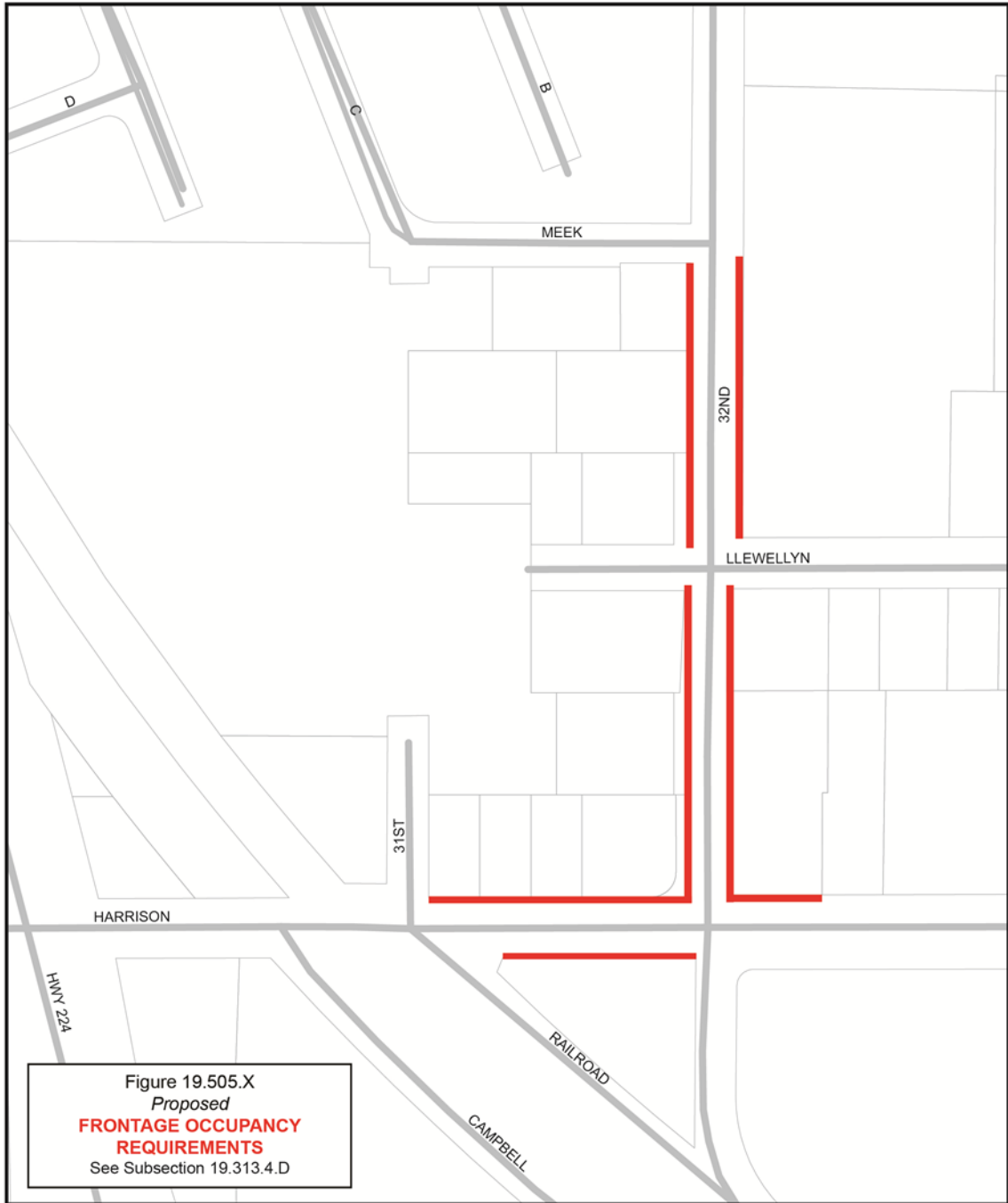
### 19.505.5 ~~Standards for Rowhouses~~

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### 19.505.6 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 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. Frontage occupancy requirements. Minimum frontage occupancy requirements are established for block faces identified on Figure 19.505.X. The requirements apply as follows:
1. For block faces identified on Figure 19.505.X, 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.

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- D. Corners. 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:
1. Locate the primary entry to the building at the corner
  2. 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;
  3. The corner of the building cut at a 45 degree angle
- E. Weather Protection. Buildings shall provide weather protection for pedestrians as follows:
1. Minimum weather protection coverage.
    - a. All ground floor building entries shall be protected from the weather by canopies, or recessed behind the front building façade at least 3 feet.
  2. 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.
- F. Exterior Building Materials. The following standards are applicable to the exterior walls of new buildings facing streets, courtyards, and/or public squares. Table 19.505-X specifies the primary, secondary and prohibited material types referenced in this standard.
1. Buildings shall utilize primary materials for at least 60 percent of the building facades.
  2. Secondary materials are permitted on no greater than 40 percent of each building facade.
  3. 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.).
  4. Buildings shall not utilize materials listed as (N) prohibited.
  5. 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.

<b>Table 19.505-X Commercial Exterior Building Materials</b>	
<b>Material Type</b>	<b>Nonresidential and Mixed-Use</b>
<u>Brick</u>	<u>P</u>
<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>

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<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

G. 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.

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

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4. 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.
5. For all building windows facing streets, courtyards, and/or public squares in the downtown, the following window elements are prohibited:
  - a. Reflective, tinted, or opaque glazing
  - b. Simulated divisions (internal or applied synthetic materials)
  - c. Exposed, unpainted metal frame windows

### H. Roofs

1. Roof forms. The roof form of a building shall follow one (or a combination) of the following forms:
  - a. Flat roof with parapet or cornice
  - b. Hip roof
  - c. Gabled roof
  - d. Dormers
  - e. Shed roof.
2. All sloped roofs exposed to view from adjacent public or private streets and properties shall have a minimum [4/12-5/12] pitch.
3. Sloped roofs shall have eaves, exclusive of rain gutters, that project from the building wall at least 12 inches.
4. 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.
5. 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.

### I. Rooftop equipment and screening

1. The following rooftop equipment does not require screening:
  - a. Solar panels, wind generators, and green roof features;
  - b. Equipment under two feet in height.
2. 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.
3. 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:
  - a. 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;

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- b. Green roof features or regularly maintained dense evergreen foliage that forms an opaque barrier when planted.
- 4. Required screening shall not be included in the building's maximum height calculation.
- J. 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.

### **19.505.67 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.