



AGENDA

MILWAUKIE PLANNING COMMISSION Tuesday, September 13, 2016, 6:30 PM

**MILWAUKIE CITY HALL
10722 SE MAIN STREET**

1.0 Call to Order - Procedural Matters

2.0 Planning Commission Minutes – Motion Needed

2.1 October 13, 2015

2.2 January 12, 2016

2.3 January 26, 2016

3.0 Information Items

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

5.0 Public Hearings – Public hearings will follow the procedure listed on reverse

6.0 Worksession Items

6.1 Summary: Housekeeping Amendments Discussion
Staff: Vera Kolas

7.0 Planning Department Other Business/Updates

8.0 Planning Commission Discussion Items – This is an opportunity for comment or discussion for items not on the agenda.

9.0 Forecast for Future Meetings:

September 27, 2016 1. S-2016-001 5126 SE King Rd 14-Lot Subdivision, New Commission Chair Election, Visioning Community Conversation

October 11, 2016 1. Housekeeping Amendments Discussion

Milwaukie Planning Commission Statement

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

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

Public Hearing Procedure

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

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

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

Milwaukie Planning Commission:

Vacant, Chair
Shaun Lowcock, Vice Chair
Shane Abma
Shannah Anderson
Adam Argo
Scott Barbur
Greg Hemer

Planning Department Staff:

Denny Egner, Planning Director
David Levitan, Senior Planner
Brett Kelver, Associate Planner
Vera Kolias, Associate Planner
Mary Heberling, Assistant Planner
Avery Pickard, Administrative Specialist II

**CITY OF MILWAUKIE
PLANNING COMMISSION
MINUTES
Milwaukie City Hall
10722 SE Main Street
TUESDAY, October 13, 2015
6:30 PM**

COMMISSIONERS PRESENT

Sine Bone, Chair
Shane Abma
Shannah Anderson
Adam Argo
Greg Hemer

STAFF PRESENT

Denny Egner, Planning Director
Li Alligood, Senior Planner
Brett Kelter, Associate Planner
Shelby Rihala, City Attorney

COMMISSIONERS ABSENT

Shaun Lowcock, Vice Chair
Scott Barbur

1.0 Call to Order – Procedural Matters*

Chair Bone called the meeting to order at 6:40 p.m. and read the conduct of meeting format into the record.

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

2.0 Planning Commission Minutes

3.0 Information Items

Denny Egner, Planning Director, noted the annual update to City Council on the Commission and its work program was scheduled for November 3rd.

Chair Bone introduced the new Commissioner, Adam Argo.

Commissioner Argo noted he lived in the Linwood neighborhood and had served for the past year on the Design and Landmarks Committee. He was a transportation planner with a Portland firm.

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

5.0 Public Hearings

5.1 Summary: Riverway Ln Pool/Slope Project
Applicant/Owner: Gary Klein
Address: 10795 SE Riverway Ln
File: NR-2015-003
Staff: Brett Kelter

Chair Bone called the hearing to order and read the conduct of quasi-judicial hearing format into the record.

Brett Kelter, Associate Planner, presented the staff report via PowerPoint. He reviewed the two application types, site location, and the zoning and overlay designations. The proposal included the removal of the existing pool, regrade and revegetate the slope and area, and possibly replacing the pool with a smaller pool and deck. The primary concern was adequate mitigation to the Water Quality Resource (WQR) and Habitat Conservation Areas (HCA), and he outlined the detail of the native plantings and mitigation plan. Staff recommendation was for approval with the findings and conditions as presented.

Chair Bone called for the applicant's testimony.

Gary Klein, 10795 SE Riverway Ln, introduced **Melanie McCandless of OTAK**. He displayed site photos to explain the issues and changes proposed to the property and area.

Ms. McCandless reviewed the potential timeline for the project.

Chair Bone closed public testimony.

It was moved by Commissioner Hemer and seconded by Commissioner Abma to approve NR-2015-003 for 10795 SE Riverway Ln with the findings and conditions as presented. The motion passed unanimously.

5.2 Summary: Moving Forward Milwaukie Neighborhood Main Streets Code
Amendments #1
Applicant: City of Milwaukie
File: ZA-2015-002
Staff: Li Alligood

Chair Bone called the hearing to order and read the conduct of quasi-judicial hearing format into the record.

Li Alligood, Senior Planner, presented the staff report via PowerPoint. This was the third phase of the Moving Forward Milwaukie project. Public outreach indicated that the community wanted a neighborhood-focused commercial district where new buildings and development were attractive and pedestrian-friendly.

- The proposal was to apply a new Neighborhood Mixed Use (NMU) zone to the commercial areas along 32nd Ave and the 42nd Ave and King Rd commercial area. Use standards would regulate the types of uses and businesses that could locate in the district. The key proposals for the development standards would regulate size, location, and massing of new buildings that would create small-scale, pedestrian-friendly environment. The design standards of the proposed General Mixed Use (GMU) zone would be applied. Some existing uses and buildings would become nonconforming under the proposed new code. Currently a Type III review was required for any expansion; however, the proposal was to allow for a Type II streamlined process for changes to uses and buildings to come closer into compliance with standards.

Ms. Alligood reviewed comments received and addressed the key concerns regarding impact on existing businesses that would become nonconforming, parking and noise impacts, and the types of permitted businesses.

- Nonconforming uses would be allowed to remain as long as desired.

- Off-street parking was required for new development as well as was buffering between commercial and residential properties.
- Regarding noise impacts, uses of concerns would require conditional use review and the Planning Commission could condition hours of operations through that process. Transition areas between residential and commercial would provide minimum setbacks. Complaints could be addresses through the noise ordinance.

Staff recommendation was for the Commission to recommend approval to City Council for approval of the zoning map and ordinance amendments.

Chair Bone called for public testimony.

Karen Olsen, 3039 SE Malcom St, was concerned about parking lot lighting, pollution mitigation for remodeling or demolition, and parking lot noise for lots required to be in the rear abutting residential properties.

- **Ms. Alligood** noted that lighting was required for lots with 10 or more parking spots, but there were standards for lighting to prevent light spill.
- Pollution mitigation would be handled through the building code. Noise could be handled through the noise ordinance.

Joaquin Olsen, 32nd Ave and Malcom St, was in support of small-businesses. His concern was about the lack of sidewalks off of 32nd Ave.

- **Ms. Alligood** noted sidewalks were generally required for more intense development.
- **Mr. Egner** added that Council was currently looking at ways to fund construction of more sidewalks throughout the city.

Barbara Edmunds, 3023 SE Boyd St, was concerned if abutting properties to businesses along 32nd Ave could become parking lots or the like. Also concerning was development without required parking.

- **Ms. Alligood** noted properties zoned residential would not allow commercial uses.
- On-site parking was required for residential and commercial development.

Don Sparks, 10527 SE 44th Ave, generally opposed proposals that were restrictive to vehicles.

John Wiley, 4135 SE Jackson St, owned several commercial buildings on 42nd Ave. He was concerned regarding setbacks and parking requirements for future development of those properties.

- **Ms. Alligood** noted that should those properties redevelop, there was a variance process available.

Ms. Alligood responded generally that the proposals were not focused on discouraging automobiles but more about urban form and prioritizing pedestrian access along these streets. Regarding treating the two areas differently through zoning, the long-range planning goals were for the two areas to become more pedestrian-friendly and vibrant and eventually come closer together.

Chair Bone closed public testimony.

Planning Commission Deliberation

- **Ms. Alligood** noted requirements of an application informed staff of the nature of proposed businesses. The definition of eating establishment stated that the primary function was to serve food. The Type III Conditional Use process was an option in order to allow for certain types of drinking establishments that may be desired by the neighborhood (i.e. small brewpubs).
- **Commissioner Abma** reminded that a goal of this project was to streamline development processes and to make 32nd Ave and 42nd Ave areas more similar.
- **Commissioner Argo** felt the Type III review process was sufficient regarding regulating drinking establishments and the issues that they may bring.
- **Chair Bone** felt that the review processes proposed were sufficient in addressing those concerns.

Ms. Alligood noted that the next hearing was tentatively schedule for the November 17th City Council meeting, 2016, and public testimony would be taken.

6.1 Summary: Short-term Rentals – *postponed to October 27, 2015*
Staff: Denny Enger

8.0 Planning Commission Discussion Items

October 27, 2015	1. Public Hearing: S-2015-001, VR-2015-003 King Rd Subdivision 2. Public Hearing: ZA-2015-002 Neighborhood Main Streets Code Amendments #2 <i>tentative</i>
November 10, 2015	1. Worksession: Ethics Training <i>tentative</i>

Respectfully submitted,

Sine Bone, Chair

**CITY OF MILWAUKIE
PLANNING COMMISSION
MINUTES
Milwaukie City Hall
10722 SE Main Street
TUESDAY, January 12, 2016
6:30 PM**

COMMISSIONERS PRESENT

Chair Sine Adams
Shaun Lowcock, Vice Chair
Shane Abma
Shannah Anderson
Adam Argo
Scott Barbur
Greg Hemer

STAFF PRESENT

Denny Egner, Planning Director
Li Alligood, Senior Planner
Shelby Rihala, City Attorney
Chrissy Dawson, City Engineer

COMMISSIONERS ABSENT - None

1.0 Call to Order – Procedural Matters*

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

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

2.0 Planning Commission Minutes

Li Alligood, Senior Planner, noted the agenda had been revised to include the April 28, 2015 and November 10, 2015 minutes from the December meeting packet. No December meeting was held.

2.1 April 28, 2015

2.2 November 10, 2015

2.3 May 12, 2016

It was moved by Commissioner Hemer and seconded by Commissioner Anderson to approve the April 28, November 10, and May 12, 2015, Planning Commission minutes as presented. The motion passed unanimously.

3.0 Information Items

There were no information items.

Denny Egner, Planning Director, noted that Marcia Hamley, one of the Administrative Specialists for the department, retired on December 31, 2015, after nearly 30 years of service to the City.

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

5.0 Public Hearings

5.1 Summary: King Rd Partition

Applicant/Owner: John Marquardt, LandmarQ Consulting Group/Phillip Joseph, SE King Road LLC

Address: TLID 1S2E30DC02601 (north of 5445 SE King Rd)

File: MLP-2015-002, VR-2015-006

Staff: Li Alligood

Chair Adams called the hearing to order and read the conduct of quasi-judicial hearing format into the record.

Li Alligood, Senior Planner, presented the staff report via PowerPoint. The request was for a lot width variance from the minimum 60-ft width to 50-ft on Lots 2 and 3 as the minimum density for the site was three dwelling units but would require a variance to allow for three lots on the site. She noted staff's recommendation for approval and the Commission's decision-making options.

Ms. Alligood addressed questions from the Commission. She was unable to determine why the two-lot partition was allowed to occur since the City had the same minimum for residential densities at that time. Generally in the past, the density was acceptable if it did not preclude the construction of dwelling units that met the minimum densities. She clarified that all the conditions of approval were related to the minor land partition request and confirmed staff had not received any comments regarding the application.

Chair Adams called for the applicant's testimony.

John Marquardt, LandmarQ Consulting Group, explained the applicant had worked with the adjacent developer to the west regarding the extension of Mullan St, which would provide access to the approved lots for both projects. He believed the 50 ft width for Lots 2 and 3 resulted in two buildable, desirable lots for the area. Mr. Marquardt's responses to Commissioner questions and additional comments were as follows:

- Mullan St was an approved right-of-way. If Mullan St was not improved before the homes were built, the two homes would be accessed via a shared driveway via the flagpole of Lot 1 with rear-facing garages.
- Where possible, the natural vegetation, especially along the periphery, would be retained to provide natural screening and buffering.

Chrissy Dawson, City Engineer Tech II, said Mullan St was being designed for the Jones Park Subdivision west of the proposed project. If the construction timing did not work out fee in lieu of construction would be collected and the City would work with the Jones Park subdivision contractor to extend the street for the subject project. She confirmed the City had right-of-way to extend Mullan St and that the street design included utilities and sidewalks. Area developers were interested in partitioning land along the right-of-way, so Mullan St could be fully constructed within the next few years.

Ms. Alligood noted the conditions of approval outlined two potential approaches depending on whether Mullan St was constructed. If the street was not built, a fire turnaround would be required as well as an access easement to provide access to Lots 2 and 3 through Lot 1.

Chair Adams closed the public testimony portion of the hearing.

Planning Commission Deliberation

It was moved by Commissioner Hemer and seconded by Commissioner Barbur to approve land use applications MLP-2015-002 and VR-2015-006 with the findings and conditions as presented. The motion passed unanimously.

6.0 Worksession Items

6.1 Summary: Comprehensive Plan Update Discussion Staff: Li Alligood

Li Alligood, Senior Planner, presented the staff report via PowerPoint, reviewing the history, purpose, key documents, and notable changes proposed for the Comprehensive Plan (Comp Plan). She described direction given by City Council at the December 15th meeting and reviewed the Planning Commission's role in the update process.

Key comments from the Commission and responses to Commissioner questions by staff were as follows:

- Updating the City's various inventories would not be part of the proposed Comp Plan.
- The existing Comp Plan was currently compliant with State, regional, and federal laws due to amendments made over the last 25 years; however, it was outdated. Certain items such as the Kellogg Treatment Plant and the 2040 Visio needed to be revisited. Future projects could arise from the update process.
- The document was not reader-friendly; however, there were big policy issues to address, so not much wordsmithing was expected due to time constraints.
- Policy issues included:
 - Was high density development appropriate in Historic Milwaukie, and if not, where would it be appropriate?
 - Council's desire for 20-minute neighborhoods would require different policies about where commercial development was currently allowed.
 - Council had a strong desire to address sustainability, but would involve defining "sustainability" and gaging community interest in it. However, this would require an extremely narrow focus due to Council's desired timeline.
- Staff described the Department of Land Conservation and Development's (DLCD) review process which was the same used for all the legislative amendments, so the process would be familiar for the Commission.
- The City was eligible for some technical assistance grants.
- The Commissioners may be asked to participate on advisory groups related to visioning, economic opportunities, and housing.
- Generally, the vision would drive the work of the advisory groups, and would feed back into the visioning and update process. The timeline was also strong driver in the process.

6.2 Summary: ZA-2015-003 Short-term Rentals Code Amendments Staff: Denny Egner

Denny Egner, Planning Director, reviewed the proposal for amendments to address short-term rentals. The basic concept was to provide more flexibility in the code to allow for Airbnb-type rentals through treating them essentially as an accessory use to a single family dwelling.

Mr. Egner noted the various scenarios that these types of rentals could occur and noted some of the key proposed amendments. The distinction between these and bed and breakfasts was that units would be rented by only one party, and between a short-term rental and vacation rental was that for a short-term rental, the owner was required to reside on the property for a portion of the year. He noted where these uses would be allowed, such as moving boarding houses to the residential zones and making vacation rentals a conditional use in the Downtown Mixed Use zone. Parking regulations may cause a conflict with these regulations.

7.0 Planning Department Other Business/Updates

Mr. Egner noted that a number of projects were moving forward, including the Economic Opportunities Analysis, Urban Renewal Plan, Comprehensive Plan Update, and regulations for marijuana businesses.

Commissioner Hemer requested that there should be a member of each neighborhood district associations be included on the Urban Renewal Advisory Group, regardless of if they were in the proposed urban renewal area.

8.0 Planning Commission Discussion Items

9.0 Forecast for Future Meetings:

- | | |
|------------------|---|
| January 26, 2016 | 1. Worksession: Housekeeping Amendments <i>tentative</i> |
| | 2. Worksession: Recreational Marijuana |
| February 9, 2016 | 1. Public Hearing: ZA-2015-003 Short-term Rentals Code Amendments |

Meeting adjourned at approximately 8:28 pm.

Respectfully submitted,

Alicia Martin, Administrative Specialist II

Sine Bone, Chair

**CITY OF MILWAUKIE
PLANNING COMMISSION
MINUTES
Milwaukie City Hall
10722 SE Main Street
TUESDAY, January 26, 2016
6:30 PM**

COMMISSIONERS PRESENT

Shane Abma
Shannah Anderson
Adam Argo
Scott Barbur
Greg Hemer

STAFF PRESENT

Denny Egner, Planning Director
Brett Kelter, Associate Planner
Tim Ramis, City Attorney

COMMISSIONERS ABSENT

Sine Bone, Chair
Shaun Lowcock, Vice Chair

1.0 Call to Order – Procedural Matters

It was moved by Commissioner Anderson and seconded by Commissioner Barbur for Commissioner Hemer to act as Planning Commission Chair for this meeting. The motion passes unanimously.

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

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

2.0 Planning Commission Minutes

2.1 May 26, 2015

2.2 June 9, 2015

It was moved by Commissioner Anderson and seconded by Commissioner Barbur to approve the May 26, 2015, and the June 9, 2015, Planning Commission minutes as presented. The motion passed unanimously.

3.0 Information Items

There were no information items.

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

5.0 Public Hearings

5.1 Summary: Appeal of Code Interpretation CI-2015-002
Applicant: Onsite Advertising Services, LLC.
Address: 2200 SE Mailwell Dr
File: AP-2016-001

Staff: Brett Kelter

Chair Bone called the hearing to order and read the conduct of quasi-judicial hearing format into the record.

Brett Kelter, Associate Planner, presented the staff report via PowerPoint and noted the focus was on roof signs in the manufacturing zones. The two issues for this appeal were whether "street frontages" could be combined to allow for a larger roof sign and how many roof signs were allowed per site in the manufacturing zones. He explained the basis of the recent code interpretation that related roof sign area to a single frontage and provided some background information on previous roof sign applications, which represented a few different methods of calculating sign area. He also presented several options for determining the number of roof signs allowed. The current staff recommendation was to allow only one roof sign per site.

Commissioner Anderson asked whether a change to MMC Table 14.16.050 would be sufficient to address the issue or if additional narrative would be needed. **Mr. Kelter** suggested that a future code amendment would probably include an adjustment to the table, but that an interpretation would suffice to provide direction to staff and applicants for now. **Tim Ramis, City Attorney**, clarified that the purpose of tonight's hearing was not to amend the code, but to interpret the code for this situation.

Mr. Kelter noted that the staff recommendation for this appeal was to uphold the interpretation of CI-2015-002, but with a modification to limit to roof signs to one per site. He reviewed the decision-making options.

Commissioner Hemer called for the applicant's testimony.

Mike Connors, Hathaway Koback Connors, 520 SW Yamhill St Ste 235, Portland, explained the background of the original application and interpretation. The applicant and staff agreed on was how the allowable sign size was calculated in previous sign applications, which was based on the total sum of all frontages. However, regarding number of roof signs allowed, staff had changed their position to limit the number to one per site. The applicant did not agree with this method of changing the standards as it disrupted precedent and created nonconforming situations. He described their interpretation of MMC Table 14.16.050 for standards for roof signs, noting there was no connection limiting the frontage or orientation of the sign, and the description of frontage did not limit it to frontage on one public street.

Mr. Connors noted that changing the interpretation from past interpretations was not an appropriate path and did not allow the applicant to proceed with their project. He recommended the Commission uphold the appeal and then use the code amendment process to help clarify the code for future applications.

Mr. Kelter provided some further points of clarification on the history of roof sign permits. He noted that the definition of "frontage" was only a definition and did not provide guidance on how to interpret frontage and whether multiple frontages should be combined or kept separate (for purposes of calculating allowable sign area). Regarding the potential of the interpretation to create nonconforming situations with existing signs, he suggested that the Commission could consider whether there was a way to note in its decision that the interpretation would not apply to previously established signs. And he noted the importance of being aware of where the line might be between a reasonable interpretation for clarity and a change that might fall more into

the category of being a code amendment that warrants more public discussion.

Commissioner Abma asked how staff would handle the area calculation for a roof sign on a property with two frontages of very different lengths (e.g., 400 ft and 50 ft), if only one frontage could be used. **Mr. Kelter** confirmed that staff would probably allow the longer frontage to determine the allowable sign area. **Commissioner Abma** also asked whether, in that same scenario, if the 400-ft frontage was the one used to determine allowable sign area, could the sign could be oriented toward the 50-ft frontage. **Mr. Kelter** clarified that there is nothing in the City's sign code that regulates the orientation of a roof sign, so the hypothetical sign in question could be oriented to face either of the site's frontages, or even to face an adjacent property.

Mr. Ramis advised that the issue of nonconforming situations resulting from the code interpretation should be left for a later discussion.

Commissioner Hemer closed public testimony.

Planning Commission Deliberation

Commissioner Argo suggested that, if the code explicitly stated that aggregation of frontages was allowed, then there would be an establishment of standard; however, that was not explicitly stated. On the question of whether multiple frontages could be combined for the calculation of allowable sign area, he explained that he had not been compelled by Mr. Connors' argument to go against the staff recommendation. On the question of whether more than one roof sign could be allowed at a particular site, he noted that he would like the Commission to deliberate further.

The Commission discussed the "frontage" definition.

- **Commissioner Barbur** suggested that the code definition of "frontage" seemed to conflict with itself, between its first and second sentences. Rereading the code standard for roof sign area and replacing the word "frontage" with the first sentence in the definition pointed to allowing a combination of both frontages for the measurement. **Commissioner Abma** agreed and added that he was concerned that not allowing frontages to be combined could lead further from a non-discretionary implementation of the code where the multiple frontage lengths were significantly different and someone would have to choose which to use for calculating sign area.
- **Commissioner Hemer** noted that this question had not come up in the 2011 process of significant amendments to the sign code, so he took that to mean the public was satisfied with the 2011-era interpretation of the frontage question, which was to allow multiple frontages to be combined for calculating area. The Commission appeared to agree with the applicant regarding the street frontage calculation being one that can combine multiple street frontages; therefore, there was no need to discuss the interpretation regarding the number of signs allowed, since the applicant was only proposing one sign.

Staff confirmed that the number of roof signs allowed could be handled through a separate legislative amendment.

The Commission and staff discussed changes to the findings, including a short recess for staff to make copies of revised materials.

It was moved by Commissioner Barbur and seconded by Commissioner Anderson to approve the appeal (file #AP-2016-001) of CI-2015-002 for 2200 SE Mailwell Dr, with the

proposed findings including the amendments described by staff. The motion passed unanimously.

6.0 Worksession Items

- 6.1 Summary: Recreational Marijuana Code Amendments
Staff: Denny Egner

Denny Egner, Planning Director, reviewed the staff report and background. He discussed the differences in limitations between medical and recreational marijuana regulations, including the required distance between dispensaries which did not apply for recreational retail stores. Recreational marijuana regulations addressed retail, grow sites, processing sites, wholesale operations, and laboratories, but did not address land use.

Mr. Egner reviewed the issues outlined in the staff report and the direction City Council had indicated. Council would like to see similar regulations to those of medical dispensaries, with some interest in a potential added buffer around parks. He noted the state regulations required current medical dispensaries to choose between medical or recreational once licenses were issued since they were regulated under different authorities.

James Schwartz, 931 NE Cesar Chavez Blvd, Portland, was a marijuana consultant and clarified that there was a stopgap measure to allow for recreational marijuana to be purchased at medical marijuana facilities until December 31, 2016, in order to allow time for the Oregon Liquor Control Commission (OLCC) implementation to be put in place.

Mr. Egner stated that Council directed that processing, wholesale, and laboratory facilities should be treated similar to other industrial uses. Some considerations would be given to odor standards. For a starting point from Council, the potential proposal was to allow grow sites in the Johnson Creek Blvd Manufacturing Zone area; as a conditional use in Business Industrial Zone along Industrial Way; and initially prohibit them in the North Milwaukie Industrial Area, given that there was a project starting that focused on that area, with the idea that changes could be considered as part of that project's process. Another area to discuss was grow sites in residential areas other than for personal use.

The Commission discussed buffers around parks, location of retail sites, timing of licensing, and OLCC regulations on liquor stores for comparison.

7.0 Planning Department Other Business/Updates

8.0 Planning Commission Discussion Items

Commissioner Hemer noted that on February 6 there would be a meeting regarding the proposed Sunday Parkways program.

9.0 Forecast for Future Meetings:

- | | |
|-------------------|--|
| February 9, 2016 | 1. Public Hearing: ZA-2015-003 Short-Term Rentals Code Amendments |
| | 2. Public Hearing: MLP-2015-004 10722 SE 55 th Ave <i>tentative</i> |
| | 3. Worksession: Housing Amendments <i>tentative</i> |
| February 23, 2016 | 1. Public Hearing: MLP-2015-006/VR-2015-007 Rockwood St Partition |

2. Public Hearing: CSU-2015-008 Northwest Housing Alternatives
tentative

Meeting adjourned at approximately 9:13 p.m.

Respectfully submitted,

Alicia Martin, Administrative Specialist II

Sine Bone, Chair



To: Planning Commission

Through: Dennis Egner, Planning Director

From: Vera Kolas, Associate Planner

Date: September 6, 2016, for September 13, 2016 Worksession

Subject: Housekeeping Code Amendments Briefing #1

ACTION REQUESTED

No action. Review the package of housekeeping code amendments developed by staff and provide direction about implementing the changes under consideration. This is a briefing for discussion only.

BACKGROUND INFORMATION

Over the course of several years, Planning Department staff has been tracking issues with current zoning code language and has made suggested corrections. These items have been identified through a variety of means, including multiple instances of the same questions from the public that are not easily answered, code interpretation applications, and onerous land use review procedures for specific types of small development proposals, to name a few. To date, there are over 100 individual items on the "code fix" list.

In order to address this list, the Planning Department will strive to bring forward a small package of "housekeeping" code amendments each year. Housekeeping amendments are clarifications or minor tweaks, and are not intended to affect the meaning or intent of existing regulations, rather than amendments that are a change in policy.

The current package of proposed code amendments involve the following code sections (Please refer to Attachment 1 for draft language and commentary):

- MMC 19.303 – Commercial Mixed-Use Zones – accessory uses
- MMC 19.306 – CL zone – permitted uses
- MMC 19.310 – BI zone – permitted uses

- MMC 19.401 – Willamette Greenway Overlay – applicability; review process
- MMC 19.402 – Natural Resources – various
- MMC 19.502 – Accessory Structures – clarification of definition
- MMC 19.607 – Off-Street parking in residential areas
- MMC 19.904 – Wireless Communication Facilities – applicability and review process
- MMC 19.907 – Downtown Design Review – exemptions for minor site improvements
- MMC 19.1104 – Expedited Annexation – revision to County/City zone
- MMC 14.16 – Signs – M-TSA clarification; roof signs and multiple frontages clarification

The revisions are intended to correct and clarify the code to improve its administration without changing basic policy or intent.

ATTACHMENTS

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

	PC Packet	Public Copies	E- Packet
1. Draft code amendment language	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Key:

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

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

E-Packet = packet materials available online at <http://www.milwaukieoregon.gov/planning/planning-commission-157>.

ATTACHMENT 1

2016 Housekeeping Code Amendments

MMC 19.303 Commercial Mixed-Use Zones

1. Clarify accessory uses

Proposed Fix: Add language to Table 19.303.2 that includes accessory uses and home occupations as permitted uses.

- **Table 19.303.2**

Uses and Use Categories	GMU	NMU	Standards/Additional Provisions
<u>Accessory and Other</u>			
<u>Accessory use</u>	<u>P</u>	<u>P</u>	<u>Subsection 19.304.2.E Accessory Uses</u> <u>Section 19.503 Accessory Uses</u>
<u>Home occupation</u>	<u>P</u>	<u>P</u>	<u>Section 19.507 Home Occupation Standards</u>

2016 Housekeeping Code Amendments

MMC 19.306 C-L Zone**Discussion**

Proposal: Staff is proposing that the list of outright permitted uses in the C-L zone that are included in MMC Section 19.306.1 be amended so that eating establishments (restaurants) less than 3,250 sf in floor area are an outright permitted use in the entire C-L zone, and those that exceed 3,250 sf in floor area are a conditionally permitted use. The proposed amendment would also delete Figure 19.306.1.E, as with the proposed amendments the figure is no longer accurate or relevant, and the properties in the figure are no longer within the C-L zone.

Support: MMC 19.306 includes the list of permitted uses and development standards for the city's Limited Commercial (C-L) zone. The C-L zone is a commercial zone that allows for a limited number of uses either by right or as a conditional use. It falls between the city's Neighborhood Commercial (C-N) zone, which allows no outright permitted uses and a short list of conditionally permitted uses (as detailed in MMC 19.305.2), and city's General Commercial (C-G) zone, which allows for a large number of commercial uses by right (as detailed in MMC 19.307.1). There are currently six outright permitted uses identified in MMC 19.306.1, including eating establishments if they are identified in Figure 19.306.1.E and they are less than 3,250 in floor area. Eating establishments are prohibited at C-L zoned properties not identified in Figure 19.306.1.E, even with a Conditional Use permit.

There are currently two areas of the City that are zoned C-L. These include three parcels at the intersection of SE Harmony Road and SE Linwood Ave, and three parcels along SE 22nd Ave just south of SE McLoughlin Blvd. The area along SE 32nd between SE Boyd St and SE Olsen St was previously zoned C-L, but was rezoned to Neighborhood Mixed Use (NMU) as part of the Moving Forward Milwaukie project.

Eating establishments were added as outright permitted uses for those properties identified in Figure 19.306.1.E as an interim solution to permit eating establishments at several existing businesses along SE 32nd Ave while the Moving Forward Milwaukie project was in process and the Neighborhood Mixed Use zone was being created. Now that the area along SE 32nd Ave is no longer zoned C-L, staff is proposing that MMC Sections 19.306.1 and 19.306.2 as well as Figure 19.306.1.E be amended to reflect this fact.

With the removal of the properties identified in Figure 19.306.1.E, one option to amend the code would be to simply remove eating establishments as a permitted use in the entire C-L zone (that is, delete Section 19.306.1.E entirely). However, in reviewing the Comprehensive Plan's Land Use Element (Chapter 4), there is support for allowing small eating establishments as an outright permitted use in the C-L zone.

The C-L zone is not specifically referenced in the Land Use Element. However, it appears that the C-L Zone is consistent with the definition of a "Local Convenience Center", which is described in the Planning Concepts for Objective #6 of the Economic Base and Industrial/Commercial Land Use Element. Local convenience centers are described as "a commercial facility to provide for frequent, convenient shopping needs", which should "serve from 2,000-4,000 people on ¼ to ½ acre individual sites or may be adjacent in a strip. Typical uses may include a quick-stop grocery, laundry, fast-food restaurant, etc. *The business at the intersection of Linwood and Harmony is an example.*" (Emphasis added)

Based on the description of local convenience centers in the Comprehensive Plan, it appears that they are consistent with the two areas of the city that have a zoning designation of C-L. The shopping centers on either side of the intersection of SE Linwood and SE Harmony are specifically called out in the description, and the area near SE 22nd and SE McLoughlin is very similar in nature and scale to the area at SE Linwood and SE Harmony. The Comprehensive Plan also seems to suggest that fast-food or other small restaurants were envisioned as a permitted use within these areas.

Staff is proposing that the existing 3,250 sf maximum floor area for eating establishments be maintained so as to ensure that any future eating establishments that are permitted by right are appropriate in size and scale for the immediately surrounding neighborhoods. Eating establishments over 3,250 sf would be added as a conditionally permitted use, which staff believes is appropriate given the fact that eating establishments of any size are conditionally permitted within the C-N zone (a more restrictive commercial zone), as detailed in MMC 19.305.2.

Recommendation: Based on a review of the Comprehensive Plan's Land Use Element as well as the list of conditionally permitted uses in the C-N zone, staff is proposing that MMC 19.306 be amended so that eating establishments under 3,250 sf in floor area are an outright permitted use in the entire C-L zone (MMC 19.306.1.E); eating establishments over 3,250 sf in floor area are a conditionally permitted use in the entire C-L zone (MMC 19.306.2.N); and Figure 19.306.1.E is deleted.

19.306 LIMITED COMMERCIAL ZONE C-L *

* **CodeAlert:** This topic has been affected by Ordinance No. [2120](#). To view amendments and newly added provisions, please refer to the [CodeAlert Amendment List](#).

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

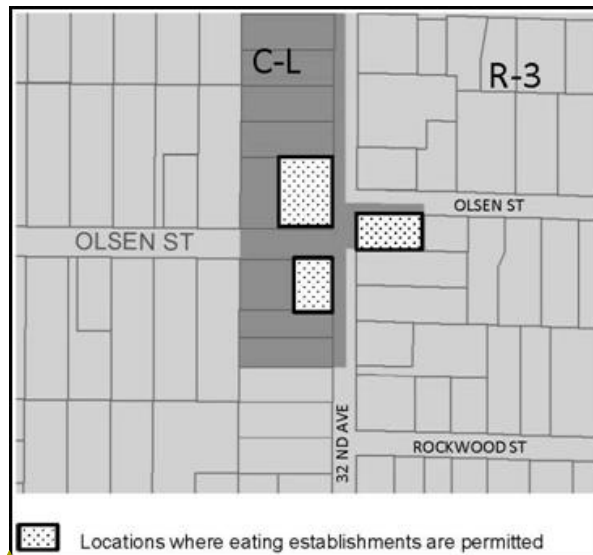
19.306.1 Uses Permitted Outright

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

- A. Offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists, and others of a professional nature.
- B. Offices of administrative, editorial, educational, executive, financial, governmental, philanthropic, insurance, real estate, religious, research, scientific, or statistical organizations.
- C. Retail trade establishment such as a food store, drugstore, gift shop, hardware store, selling primarily from a shelf-goods inventory.
- D. Personal service business such as a barber shop, tailor shop, or laundry and dry cleaning pickup station.
- E. Eating establishments, ~~when located on a site depicted in Figure 19.306.1.E, and~~ provided the floor area does not exceed 3,250 sq ft and the use does not include drive-through facilities.

Figure 19.306.1.E

Eating Establishment Locations in the C-L Zone



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- F. Medical marijuana facilities subject to the standards of Subsection 19.306.3.L.
- G. Any other use similar to the above and not listed elsewhere.

19.306.2 Conditional Uses Permitted

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

- A. Funeral home;
- B. Marina and boat sales;
- C. Parking facility;
- D. Repair, maintenance, or service of the type of goods to be found in any permitted retail trade establishment;
- E. Financial institution;
- F. Trade or commercial school;
- G. Single-family detached dwelling;
- H. Agricultural or horticultural use, provided that poultry or livestock other than usual household pets are not housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than 1 acre, nor having less than 10,000 sq ft per head of livestock;
- I. Duplex or multifamily development;
- J. Senior and retirement housing;
- K. Residential home;
- L. Congregate housing facility;
- M. High-impact commercial, except adult entertainment businesses;

N. Eating establishments that exceed 3,250 sf in floor area;

ON. Any other use similar to the above and not listed elsewhere.

19.306.3 Standards

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

- A. Lot size. None, except as follows for dwelling. Lot area shall be at least 5,000 sq ft. Lot area for the first dwelling unit shall be at least 5,000 sq ft and for dwelling units over 1 there shall be not less than an average of 1,000 sq ft. Lot width shall be at least 50 ft. Lot depth shall be at least 80 ft.
- B. Front yard. None, except as provided in Subsections 19.306.3.E and 19.501.2.A.
- C. Side yard. None, except as provided in Subsections 19.306.3.E and 19.501.2.A.
- D. Rear yard. None, except as provided in Subsections 19.306.3.E and 19.501.2.A.
- E. Transition area. A transition area shall be maintained according to Subsection 19.504.6.
- F. Frontage requirements. Every lot shall abut a public street other than an alley for at least 35 ft except as permitted under the Land Division Ordinance.
- G. Off-street parking and loading. As specified in Chapter 19.600.
- H. Height restriction. Maximum height of any structure shall be 3 stories or 45 ft, whichever is less.
- I. Open use. A use not contained within an enclosed building, such as open storage, abutting or facing a residential zone, shall be screened with a sight-obscuring fence not less than 6 ft high.
- J. Minimum vegetation. Minimum area that must be left or planted in trees, grass, shrubs, barkdust for planting beds, etc., shall be 15% of the total area of the lot.
- K. Transportation requirements and standards. As specified in Chapter 19.700.
- L. Medical marijuana facilities shall meet the following standards:
 - 1. As set forth by Oregon Administrative Rules, a medical marijuana facility shall not be located within 1,000 ft of the real property comprising a public or private elementary, secondary, or career school attended primarily by minors or within 1,000 ft of another medical marijuana facility. In addition, a medical marijuana facility shall not be located within 1,000 ft of the Wichita and Hector Campbell school sites.
 - 2. A medical marijuana facility shall not be colocated with another business.
 - 3. Display of marijuana or marijuana products that are visible from outside of the facility is prohibited.
 - 4. The hours of operation for medical marijuana facilities shall be limited to the hours between 8:00 a.m. and 10:00 p.m.

19.306.4 Prohibited Uses

The following uses and their accessory uses are prohibited:

A. Adult entertainment businesses. (Ord. 2094 § 2, 2015; Ord. 2089 § 2, 2015; Ord. 2051 § 2, 2012; Ord. 2025 § 2, 2011)

DRAFT

2016 Housekeeping Code Amendments

MMC 19.310.2 BI Zone

1. Contractor base of operations as an allowed use

Proposed Fix: Add language to include contractor base of operations as a permitted use in the BI zone, consistent with land use file #CI-2015-001.

19.310.2 Uses Permitted Outright

A. The following business and industrial uses are allowed outright, subject to the standards of Subsection 19.310.6.

1. Experimental, research, film, or testing laboratories, provided no operation shall be conducted or equipment used which would create hazards and/or nuisances off the site;
2. Manufacturing, processing, fabrication, packaging, or assembly of products from previously prepared materials;
3. Printing, publishing, bookbinding, graphic or photographic reproduction, blueprinting or photo processing;
4. Trade schools primarily serving the business community within the area.

B. Business and professional offices, including product design, sales, service, packaging; corporate headquarters or regional offices.

C. Warehousing and distribution.

D. Construction: Contractors and Related Businesses. This category comprises businesses whose primary activity is performing specific building or other construction-related work, on- or off-site. Examples include: residential and nonresidential building construction, utility/civil engineering construction, specialty trade contractors, and moving companies. Any associated on-site office use must be accessory to the primary construction business.

DE. Any other use similar to the above uses but not listed elsewhere.

2016 Housekeeping Code Amendments

MMC 19.401 Willamette Greenway Zone WG**1. Definitions of "change of use" and "intensification"**

Proposed Fix: Add language from Goal 15 to provide consistency and include language clarifying projects that are not considered change of use or intensification.

- MMC 19.401.4

"Change of use" means making a different use of the land or water which requires construction; alterations of the land, river bed, bank, water, or other areas outside of existing buildings or structures; and which substantially alters or affects the land or water. It does not include a change of use of a building or other structure that does not substantially alter or affect the land or water upon which it is situated. Landscaping, construction of driveways, modifications of existing structures, or the construction or placement of such subsidiary structures or facilities as are usual and necessary to the use and enjoyment of existing improvements (such as swing sets and patios) and which do not impact any views to or from the river, shall not be considered a change of use.

"Intensification" means any change of use; or action which increases or expands the area or amount of an existing use or the level of activity, including remodeling the exterior of a structure if the remodeling substantially alters the appearance of the structure. Maintenance and repair usual and necessary for the continuance of an existing use is not an intensification of use. Reasonable emergency procedures necessary for the safety or the protection of property are not an intensification of use. Residential use of lands within the WG Zone includes the practices and activities customarily related to the use and enjoyment of one's home. Landscaping, construction of driveways, modifications of existing structures, or the construction or placement of such subsidiary structures or facilities as are usual and necessary to the use and enjoyment of existing improvements (such as swing sets and patios), and which do not impact any views to or from the river, shall not be considered an intensification of use.

2. Review process – define and provide for applicability for: Exempt, Type II, and Type III review

Proposed Fix: Provide for categories or lists of projects that are exempt from WG land use review, trigger Type II land use review, and trigger Type III land use review.

- MMC 19.401.5

A. In the WG Zone, all uses and their accessory uses are permitted subject to the provisions of Section 19.905, except as noted in Subsection 19.401.5.B and Subsection 19.401.5.D.

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

- a) Changes to the interior of a building where there are no exterior alterations;
- b) Normal maintenance and repair as necessary for an existing development;
- c) Removal of vegetation on the Nuisance Plants List;
- d) Addition or modification of existing utility lines, wires, fixtures, equipment, circuits, appliances, and conductors by public or municipal utilities;
- e) Flood emergency procedures, and maintenance and repair of existing flood control facilities;
- f) Placement of signs, markers, aids, etc., by a public agency to serve the public;
- g) Establishment of residential accessory uses, such as lawns, gardens, and play areas (excluding structures), subject to the vegetation buffer requirements of Subsection 19.401.8;

- h) Alterations of buildings or accessory structures which do not increase the size or alter the configuration of the building or accessory structure footprint;
- i) Ordinary maintenance and repair of existing buildings, structures, parking lots, or other site improvements;
- j) Minor repairs or alterations to existing structures for which no building permit is required;
- k) A change of use of a building or other structure that does not substantially alter or affect the land upon which it is situated;
- l) Construction of driveways;
- m) Reasonable emergency procedures as necessary for the safety or protection of property;
and
- n) Other activities similar to those listed in "a," through "m," above. The Planning Director shall make such determinations and provide notice in accordance with MMC 19.903.

~~B. C.~~ The Oregon Department of Transportation shall be notified of a hearing on a conditional use in the WG Zone. The notice shall be sent via "certified mail, return receipt requested."

~~C. D.~~ ~~The provisions of the WG Zone in Section 19.401 shall apply until adoption of the Willamette Greenway Design Plan.~~

D. A Willamette Greenway review is required for all intensification or change of use, or alteration of the vegetation buffer area, or development, as defined in this section. The review may take either of the following forms: ~~Landscaping, construction of driveways, modifications of existing structures, or the construction or placement of such subsidiary structures or facilities as are usual and necessary to the use and enjoyment of existing improvements shall not be considered a change in use or intensification. Approval shall be granted only if the criteria in Subsection 19.401.6 are met.~~

(1) Willamette Greenway Development Permit. A Willamette Greenway Development Permit is a permit for any non-exempt intensification, development, or change of use occurring on a property within the WG Zone that is more than 250 feet away from the nearest point of the Willamette River. A Willamette Greenway Development Permit shall be processed as a Type II procedure under Section 19.1005. An application for a Willamette Greenway Development Permit shall be granted if all of the following criteria are met:

- (a) The proposed intensification, development, or change of use is consistent with:
 - (i) The applicable standards of this Section; and
 - (ii) The proposed intensification, development, or change of use complies with all applicable development standards in Chapters 19.300, 19.400, 19.500, 19.600, and 19.700.

(2) Willamette Greenway Conditional Use. A Willamette Greenway Conditional Use is required for any intensification, development, or change of use occurring on a property within the WG Zone that is less than 250 feet away from the nearest point of the Willamette River. A Willamette Greenway Conditional Use shall be processed as a Type III procedure per Section 19.905. Approval shall be granted only if the applicable criteria in Subsection 19.401.6 are met.

E. Submittal Requirements

A vegetation/buffer plan must be submitted for each application for a Willamette Greenway Conditional Use or Development Permit. A buffer plan is required only if the proposed development impacts the vegetation buffer defined in Subsection 19.401.8.

F. Written notice, including a copy of the application, will be sent upon receipt to the Oregon Parks and Recreation Department by certified mail—return receipt requested. The Oregon Division of State Lands, Oregon Department of Fish and Wildlife, and State Marine Board shall also be notified of each application.

G. Written notice shall be provided to the Oregon Division of State Lands after the land use action is final for activities affecting wetlands or submerged or submersible lands within the WG zone. The notice shall include local government conditions of approval.

2016 Housekeeping Code Amendments
MMC 19.402 Natural Resources

1. Construction Management Plans as permits instead of Type I applications

Proposed Fix: Take Construction Management Plans off the list of Type I applications and specify that they are reviewable like building permits and erosion control permits.

- MMC Table 19.402.3.K

[Remove the row for “Construction management plans” from the table.]

Table 19.402.3.K Types of Process Review for Various Activities			
Activity (and applicable code sections)	Type of Review Process		
	Type I (19.1004)	Type II (19.1005)	Type III (19.1006)
Construction management plans (Subsection 19.402.9)	↘		

- MMC 19.402.6

~~A. Construction Management Plans~~

~~Construction management plans, as outlined in Subsection 19.402.9, are subject to Type I review.~~

[Adjust the numbering for the rest of 19.402.6 accordingly.]

- MMC 19.402.9

1. Construction management plans are not subject to Type I review per Section 19.1004 but shall be reviewed in similar fashion to an erosion control permit (MMC Chapter 16.28).

2. Exemption for Erosion Control Measures

Proposed Fix: Add language to MMC 19.402.4.A to specify that installation of City-approved erosion control measures is not considered disturbance and is exempt from NR review.

- MMC 19.402.4

A. Outright Exemptions

18. Installation and maintenance of erosion control measures that have been reviewed and approved by the City.

3. Major pruning applies only to trees, not shrubs

Proposed Fix: Remove the discrepancy between the definition of “major pruning” established in MMC 19.201 (which only addresses trees) and the list of outright exempt activities in MMC 19.402.4.A. The inclusion of “and shrubs” in Subsection A-6-e suggests that shrubs are also subject to the limitations of “major pruning” and might need additional review for pruning or removal, which is not the intent.

- MMC 19.402.4.A.6

- e. Major pruning of trees ~~and shrubs~~ within 10 ft of existing structures.

4. Correction to Type I Tree Removal Language

Proposed Fix: Revise the language in MMC 19.402.6.B.1 to clarify that this section applies except where Subsection B-2 says it does not. Revise the text of Subsection B-2 to clarify its applicability.

- MMC 19.402.6
 - B. Limited Tree Removal
 1. The Planning Director may approve an application for limited tree removal or major pruning within WQRs and HCAs, ~~subject to~~except where exempted by Section 19.402.6.B.2, under any of the following circumstances:
 2. The provisions of Subsection 19.402.6.B.1 do not apply to tree removal proposed in association with development or other activities regulated by Section 19.402, for which other approval criteria and mitigation standards ~~may~~ apply.

5. Tree size for mitigation

Proposed Fix: Revise the “replacement tree” language in this section dealing with mitigation plantings. In Type I tree removal situations (MMC 19.402.6.B), the code already provides sizing standards for “replacement” trees, so MMC 19.402.11.B.3 should be more clear in addressing other general mitigation planting situations.

- MMC 19.402.11.B
 - 3. Plant Size

~~Replacement~~Required mitigation trees shall average at least a ½-in caliper—measured at 6 in above the ground level for field-grown trees or above the soil line for container-grown trees—unless they are oak or madrone, which may be 1-gallon size. Required mitigation ~~S~~shrubs shall be at least 1-gallon size and 12 in high.

6. “New” disturbance of WQRs (Type II and Type III review)

Proposed Fix: Clarify that the Type II and Type III review provisions related to routine repair and maintenance of existing structures allow up to 150 sq ft of new WQR disturbance.

- MMC 19.402.7.D
 3. Routine repair and maintenance, alteration, and/or total replacement of existing legal buildings or structures that increases the existing disturbance area by no more than 150 sq ft within the WQR.
 4. Routine repair and maintenance, alteration, and/or total replacement of existing utility facilities, accesses, streets, driveways, and parking improvements that increases the existing disturbance area ~~disturbs~~ by no more than 150 sq ft within the WQR.
- MMC 19.402.8.A
 10. Routine repair and maintenance, alteration, and/or total replacement, ~~and/or change of use~~ of existing legal buildings or structures that that increases the existing disturbance area by more than 150 sq ft within the WQR.

7. Maximum Disturbance Allowance for Non-Residential HCA Sites

Proposed Fix: Add language to MMC 19.402.11.D.1.b to clarify that 10% of the HCA on a non-residential site is the maximum area that can be disturbed using the Type I review process.

- MMC 19.402.11.D
 1. Disturbance Area Limitations in HCAs
 - b. All Other Uses

A maximum net disturbance area of 10% of the HCA on the site is allowed by right, subject to the mitigation requirements described in Subsection 19.402.11.D.2.

8. Overlap of WQRs and HCAs

Proposed Fix: Add language to the Applicability section (MMC 19.402.3) to clarify that, where WQRs and HCAs overlap, the WQR overlap area is effectively not considered HCA, is not available for HCA-only exemptions, and is not included in HCA calculations for allowable disturbance.

- MMC 19.402.3
 - E. Where WQRs and HCAs overlap, the WQR overlap area is not included in any calculations of HCA area for purposes of determining whether HCA-only exemptions are allowed or for calculating allowable HCA disturbances.

[Adjust the numbering for the rest of 19.402.3 accordingly.]

9. Underground streams and HCA designation

Proposed Fix: Where protected water features are underground and not subject to the provisions of Section 19.402 (as per Subsection 19.402.3.I), clarify that the associated WQR and HCA designations shown above ground for those features are not in effect.

- MMC 19.402.3
 - I. Those portions of streams, creeks, and other protected water features that appear on the NR Administrative Map but are enclosed in pipes, culverts, or similar structures are not subject to the provisions of Section 19.402, except where a proposed activity will expose or directly disturb the protected water feature, such as with excavation. For WQRs, the underground portion of the protected water feature is not considered a protected water feature for purposes of determining the WQR location as outlined in MMC Table 19.402.15. For HCAs, the boundary verification options provided in MMC 19.402.15 may be used as necessary to determine whether the underground nature of the protected water feature affects the representation of HCA on the NR Administrative Map.

10. Clarification of “utility facility” with respect to stream culverts & pipes

Proposed Fix: Adjust the definition of “utility facility” in Section 19.201 to include pipes or culverts that convey streams and other protected water features, so that repair/replacement of such infrastructure can be subject to the same exemptions or review as other utility facilities.

- MMC 19.201

“Utility facilities” means buildings, structures, or any constructed portion of a system which provides for the production, transmission, conveyance, delivery, or furnishing of services, including, but not limited to, heat, light, water, power, natural gas, sanitary sewer, stormwater, telephone, and cable television. Utility facilities do not include stormwater facilities but do include pipes, culverts, and similar enclosed structures that convey protected water features.

11. HCA mitigation options in discretionary review

Proposed Fix: Clarify that HCA disturbance that triggers Type III review can be mitigated using the options presented in MMC 19.402.11.D as a guide, as an alternative to coming up with a completely independent formula/ratio.

- MMC 19.402.12.C
 - C. Limitations and Mitigation for Disturbance of HCAs
 - 1. Discretionary Review to Approve Additional Disturbance within an HCA

An applicant seeking discretionary approval to disturb more of an HCA than is allowed by Subsection 19.402.11.D.1 shall submit an Impact Evaluation and Alternatives

Analysis, as outlined in Subsection 19.402.12.A, and shall be subject to the approval criteria provided in Subsection 19.402.12.B.

An applicant may use the nondiscretionary mitigation options presented in Subsection 19.402.11.D.2 as a guide for proposing mitigation measures that will then be evaluated against the approval criteria provided in Subsection 19.402.12.B.

12. NR Administrative Map verification

Proposed Fix: Loosen the requirement to allow only a “professional engineer” to submit a hydrology report for map verification of drainages. Other hydrology-related professionals should also be capable of providing credible reports to verify drainages.

- MMC 19.402.15.A.2.a(1)

- a) Drainages

In the case of drainages; including rivers, streams, springs, and natural lakes; the applicant shall submit a hydrology report, prepared by a professional engineer, hydrologist, wetland specialist, or other qualified natural resource professional, demonstrating whether or not the drainage meets the definition of a protected water feature. If the drainage is demonstrated to be a protected water feature, the applicant shall provide a topographic map of the site, with contour intervals of 5 ft or less, that shows the specific location of the drainage on the subject property.

13. Process for large-scale revisions to NR Administrative Map

Proposed Fix: Clarify that large-scale changes to the NR Administrative Map, such as changes that the City chooses to initiate involving multiple properties and for which the City may not be able to obtain all the necessary property owner authorizations, should be handled in a similar manner to regular zoning map amendments. Adjust Table 19.901 to show Type V review as an option instead of Type IV, which was an error that already needed correction.

- MMC 19.402.15.A

- 3. Type III or V Boundary Verification

Corrections to mapped WQRs or HCAs that are not subject to processing according to the provisions outlined in either of Subsections 19.402.15.A.1 or A.2, such as in cases where the City initiates the change without property owner authorization and/or where the changes involve more properties than for which it is practicable to obtain all property owners' authorization, shall be processed in accordance with the procedures for zoning map amendments as provided in Subsection 19.902.6. Such corrections shall be processed with either Type III or Type V review, accordingly, but do not constitute amendments to the zoning map itself, only to the NR Administrative Map.

Table 19.901 CONTINUED Land Use Applications		
Application Type	Municipal Code Location	Review Types
Natural Resource Review	Section 19.402	I, II, III, IV V

2016 Housekeeping Code Amendments

MMC 19.502 Accessory Structures

1. Accessory structure or addition?

Proposed Fix: Add language to clarify under what circumstances a structure is an addition and not an accessory structure.

- **MMC 19.502.2 Specific Provisions for Accessory Structures**

- b. Other Development Standards

- (4) A covered walkway or breezeway is allowed between a primary structure and accessory structure. Such connection shall not exempt the accessory structure from compliance with the standards of this section, unless the connection is fully enclosed, ~~and~~ meets the building code definition of a conditioned space, and provides for interior passage (minimum width of 36 in) between the primary structure and the new structure. Alternately, if a new structure shares a wall with the primary structure for a minimum length of 48 in then it is not considered an accessory structure.

2016 Housekeeping Code Amendments

MMC 19.600 Off-Street Parking and Loading**1. Driveway alignment with driveway approach**

Proposed Fix: Adjust the requirement that residential driveways may not be wider than the driveway approach for the first 10 ft from the front property line. One option is to simply reduce the 10-ft minimum distance (e.g., to 5 ft); another is to include language that allows a gradual widening of the driveway width from the front property line.

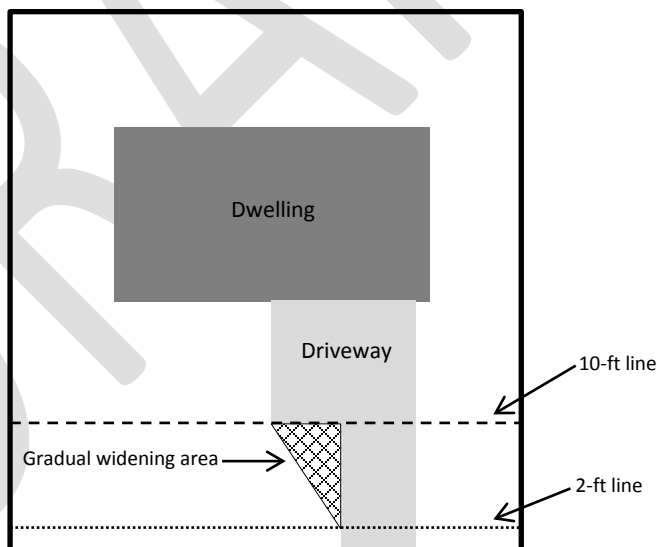
- MMC 19.607.1.E (Additional Driveway Standards)

1. Parking areas and driveways on the property shall align with the approved driveway approach and shall not be wider than the approved driveway approach within ~~10 ft~~ 5 ft of the right-of-way boundary.

OR

1. Parking areas and driveways on the property shall align with the approved driveway approach and shall not be wider than the approved driveway approach within 10 ft of the right-of-way boundary; except that a gradual widening of the on-site driveway is allowed to the 10-ft point at a ratio of 1:1 (driveway width:distance onto property), starting 2 ft behind the front property line (see Figure 19.607.1.E).

Figure 19.607.1.E
Driveway Widening Limitation



2016 Housekeeping Code Amendments

MMC 19.904 Community Service Use - WCF

1. Clarify applicable approval criteria

Proposed Fix: Add language to clarify that wireless communication facilities have different approval criteria from other CSUs.

• **19.904.4 Approval Criteria**

An application for a community service use, except a Wireless Communication Facility in Subsection 19.904.11, may be allowed if the following criteria are met:

- A. The building setback, height limitation, and off-street parking and similar requirements governing the size and location of development in the underlying zone are met. Where a specific standard is not proposed in the CSU, the standards of the underlying zone are met;
- B. Specific standards for the proposed uses as found in Subsections 19.904.7-~~10~~11 are met;
- C. The hours and levels of operation of the proposed use are reasonably compatible with surrounding uses;
- D. The public benefits of the proposed use are greater than the negative impacts, if any, on the neighborhood; and
- E. The location is appropriate for the type of use proposed.

2. Revise and clarify application review procedures to reflect FCC ruling

Proposed Fix: Provide for a Type I review process for modifications to existing WCF that are not significant (use language from the FCC rules to clarify); revise Table 19.904.11.C to reflect the revisions and clarify the permitting process.

• **19.904.11 Standards for Wireless Communication Facilities**

C. Application Process

1. Modification of WCFs involving the following activities are subject to Section 19.1004 Type I Review provided that the proposal does not substantially change the physical dimensions of the support structure:

- a) changing the number of antennas
- b) removal of existing transmission equipment
- c) replacement of existing transmission equipment

For the purposes of this section, a modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

- 1) for towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;

- 2) for towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
- 3) for any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed 4 cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
- 4) it entails any excavation or deployment outside the current site;
- 5) it would defeat the concealment elements of the eligible support structure; or
- 6) it does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment.

Comment [VK1]: Taken directly from the FCC decision/rules. Too wordy??

Comment [LA2]: I think this is useful information.

2. Placement, construction, or modification of WCFs not involving the construction of a new monopole, other than those activities described in 19.904.11.C.1, are subject to Section 19.1005 Type II Review, provided that the antennas and base equipment comply with the standards contained in this subsection. Also see Table 19.904.11.C.

3. All proposed new monopole towers are subject to Section 19.1006 Type III Review. Also see Table 19.904.11.C.

Table 19.904.11.C Wireless Communication Facilities—Type and Review Process				
Towers		WCFs Not Involving New Tower		
Zones	New Monopole Tower 100 Feet	Building Rooftop or Wall Mounted Antenna ¹	Water Towers, Existing Towers, and Other Stealth Designs	On Existing Utility Pole in Row with or w/out Extensions ²
BI	III	P/II	P/II	P/II
M	III	P/II	P/II	P/II
M-TSA	III	P/II	P/II	P/II
C-N	N	P/II	P/II	P/II
C-G	N	P/II	P/II	P/II

C-L	N	<u>P/II</u>	<u>P/II</u>	<u>P/II</u>
Table 19.904.11.C CONTINUED Wireless Communication Facilities—Type and Review Process				
Towers		WCFs Not Involving New Tower		
Zones	New Monopole Tower 100 Feet	Building Rooftop or Wall Mounted Antenna ¹	Water Towers, Existing Towers, and Other Stealth Designs	On Existing Utility Pole in Row with or w/out Extensions ²
C-CS	N	<u>P/II</u>	<u>P/II</u>	<u>P/II</u>
OS	N	<u>P/II</u>	<u>P/II</u>	<u>P/II</u>
DMU	N	<u>P/II</u>	<u>P/II</u>	<u>P/II</u>
GMU	N	<u>P/II</u>	<u>P/II</u>	<u>P/II</u>
NMU	N	<u>P/II</u>	<u>P/II</u>	<u>P/II</u>
R-1-B	N	<u>P/II</u>	<u>P/II</u>	<u>P/II</u>
R-1	N	N	<u>P/II</u>	<u>P/II</u>
R-2	N	N	<u>P/II</u>	<u>P/II</u>
R-2.5	N	N	<u>P/II</u>	<u>P/II</u>
R-3	N	N	<u>P/II</u>	<u>P/II</u>
R-5	N	N	<u>P/II</u>	<u>P/II</u>
R-7	N	N	<u>P/II</u>	<u>P/II</u>
R-10	N	N	<u>P/II</u>	<u>P/II</u>

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

II = Type II review—provides for an administrative decision

P = Permitted N = Not Permitted

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

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

3. Revise to clarify standards for new towers

Proposed Fix: Clarify that the Planning Commission is the decision-making body in the Type III review for a new tower.

- **19.904.11 Standards for Wireless Communication Facilities**

- E. Use of Existing Tower or Antenna Support Structure

1. All wireless communication providers are required to attempt to co-locate on existing antenna support structures or locate on alternative antenna support structures before applying to construct a WCF that will include a new tower.
2. New towers shall not be approved unless the applicant demonstrates to the reasonable satisfaction of the Planning ~~Commission~~ Director that no existing towers or alternative antenna support structure can accommodate the applicant's need for the placement of an antenna in the vicinity of the applicant's proposed location. Evidence demonstrating that use of an existing or alternative support structure is not possible shall be submitted to the Planning ~~Commission~~ Director and shall include one or more of the following:
 - a. That no existing antenna support structures are located within the geographic area which meet the applicant's engineering requirements in regards to location, size, and structural strength and that alternative antenna support structures are not feasible.
 - b. That use of any existing structure would cause electromagnetic interference with the existing antennas and electronic and other radio frequencies.
 - c. That co-locating on an existing antenna support structure would violate RF emissions standards set by the FCC.
 - d. That fees, costs or contractual provisions required by the owner in order to use an existing antenna support structure are unreasonable. A refusal by the owner to allow co-location shall be considered an unreasonable provision.
3. Evidence demonstrating that alternative support structures were considered, but determined to be technologically insufficient, submitted to the Planning ~~Commission~~ Director for review must be verified and stamped by an engineer licensed in the State of Oregon.

4. Clarify approval expiration language

Proposed Fix: *Revise to include a reference to the extension process in the code..*

- **19.904.11 Standards for Wireless Communication Facilities**

- H. Expiration of Approval

Authorization under Section 19.904 shall be void after 6 months unless substantial construction has taken place. If substantial construction has not taken place and the approval becomes void, the facility must be completely removed and the site must return to its preexisting condition. Extensions to an existing approval may be requested per 19.908. (Ord. 2112 § 2 (Exh. B), 2015; Ord. 2110 § 2 (Exh. G), 2015; Ord. 2106 § 2 (Exh. F), 2015; Ord. 2051 § 2, 2012; Ord. 2025 § 2, 2011)

2016 Housekeeping Code Amendments

MMC 19.907 Downtown Design Review

1. Exemption for Minor Site Improvements

Proposed Fix: Add to the list of exemptions in MMC Subsection 19.907.2.A. a few specific activities related to basic site improvements. The current exemptions list focuses largely on buildings and only addresses site changes related to ADA requirements. It would be helpful to clarify that certain basic site improvements should not require design review.

- MMC 19.907.2.A (Exemptions)

8. Minor site improvements, including but not limited to installation of benches, trash cans, bicycle racks, informational kiosks, site lighting, signs, and other similar improvements as determined by the Planning Director. A guide for determining whether a proposed improvement is exempt shall be consideration of whether there are any applicable design standards provided in Section 19.508.

2016 Housekeeping Code Amendments

MMC 19.1104 Expedited Annexations

Discussion

Proposal: Staff is proposing that Table 19.1104.1.E be amended so that properties with the County's MR-1 zone that go through the expedited annexation process are assigned a zoning designation of R-2 and a Comprehensive Land Use designation of Medium Density.

Support: MMC 19.1104 details the process for Expedited Annexations into the City of Milwaukie. Expedited annexations are processed without a City Council public hearing so long as they are assigned the City zoning and Comprehensive Plan designation detailed in Table 19.1104.1.E for the corresponding Clackamas County zoning designation.

Section 300 of Clackamas County's Zoning and Development Ordinance (ZDO) establishes the Urban and Rural Residential Zoning Districts in Clackamas County. The County's Medium Density Residential (MR-1) zone is a medium density residential zone which assumes a minimum land area of 3,630 sf per residential unit (which calculates to a density of 12 units/acre), and permits (or prohibits) the following residential uses, per ZDO Table 315-1:

- Permitted: Duplexes, Triplexes, Attached Single Family Dwellings, Multi-Family Dwellings, Bed and Breakfasts, Manufactured Home Parks
- Prohibited: Detached Single Family Dwellings, Manufactured Homes

Per MMC Table 19.1104.1.E, County properties with a MR-1 zoning designation that go through the expedited annexation process are currently assigned the City's R-5 zoning designation and Moderate Density Residential Comprehensive Plan Land Use Designation. Per MMC Chapter 19.301, the R-5 zone is a Low Density Residential Zone which permits a limited number of residential uses, including Single Family Detached Dwellings, Residential Homes, Duplexes (through a Type II process), and Manufactured Home Parks (through a Type III process). The R-5 zone prohibits triplexes, attached single family dwellings, and multi-family dwellings, and is inconsistent with the County's MR-1 zone.

Similarly, Objective #2 (Residential Land Use: Density and Location), Policy 3 of the Land Use Element of the Comprehensive Plan notes that areas may be assigned a Moderate Density Land Use Designation when the predominant housing type will be single family detached dwellings on moderate/small lots or duplexes and should have a density of 6.3 to 8.7 units per net acre. The County's MR-1 zone –which has a base density of 12 units/acre, permits medium and high density residential development, but prohibits detached single family dwellings- is also in conflict with the City's Moderate Density Land Use Designation.

The City's expedited annexation process should assign zoning and Comprehensive Plan land use designations that are similar in nature to the existing County zoning. In reviewing the Development Code and Land Use Element, staff believes that the most appropriate zoning designation is the R-2 zone, and the most appropriate Comprehensive Plan land use designation is Medium Density. Per the Land Use Element of the Comprehensive Plan, the Medium Density Land Use designation should have a density range of 8.8 to 21.1 units per net acre, and the implementing zones are the R-2, R-2.5, and R-3 zones. As detailed in MMC 19.302, the following standards apply to the R-2 zone:

- The minimum density is 11.6 units/acre;
- The maximum density is 17.6 units/acre;
- Permitted residential uses include Single Family Dwellings, Duplexes, Rowhouses, Cottage Cluster Housing, and Multi-Family Dwellings

The City's R-2 zone allows for a slightly higher maximum density than the County's MR-1 zone. City staff also considered making a recommendation to amend the city's corresponding zoning designation to the R-3 zone. The R-3 zone has the same minimum density as the R-2 zone (11.6 units/acre) and more closely matches the maximum density of the zone (14.5 units/acre), but only permits multi-family dwellings through a Type III conditional use process (multi-family dwellings are an outright permitted use in the MR-1 zone). Staff would also support a proposal to amend the corresponding zoning designation for the County's MR-1 zone in Table 19.1104.1.E to the city's R-3 zone. However, when comparing the entirety of the city and county zoning ordinances as it relates to development standards and permitted uses, staff believes that the R-2 zone is the most similar in nature to the County's MR-1 zone.

Recommendation: Based on a review of the permitted uses and development standards detailed in the County's Zoning and Development Ordinance and the City's Development Code and Comprehensive Plan, staff is proposing that Table 19.1104.1.E should be amended so that the County's MR-1 zone has a corresponding City zoning designation of R-2 and a Comprehensive Plan Land Use Designation of Medium Density.

19.1104 EXPEDITED PROCESS

19.1104.1 Administration and Approval Process

- A. A petition for any type of minor boundary change may be processed through an expedited process as provided by Metro Code Chapter 3.09.
 1. Initiation of an expedited boundary change petition must follow the requirements of Metro Code Subsection 3.09.045(a).
 2. A prerequisite to the filing of an expedited boundary change petition is a preapplication conference, at which time the Planning Director shall explain the requirements and provide the appropriate forms. The preapplication conference requirement may be waived by the Planning Director pursuant to Subsection 19.1002.2.B.1 or may be met by requesting a preapplication meeting.
 3. An expedited boundary change petition shall include the materials required by Subsection 19.1102.2.C for annexations and Subsection 19.1103.2.B for other boundary changes.
 4. The applicant shall pay the requisite fee. The fee for an expedited boundary change shall be established by resolution of the Council.
 5. Approval criteria for annexations are found in Subsection 19.1102.3 and for other boundary changes in Subsection 19.1103.3.
- B. Notwithstanding Subsection 19.107.6, an expedited boundary change proposal shall be considered by the City Council without a public hearing. The Council decision on the proposal shall be considered the "final decision" for purposes of compliance with Metro Code Chapter 3.09. If the petition is for annexation, the decision shall be by ordinance.
- C. Notice of petition for an expedited process must be provided to interested persons a minimum of 20 days prior to the final decision and shall follow the expedited notice requirements provided in Metro Code Subsection 3.09.045(b) and ORS 198 and 222. For purposes of this subsection, "interested persons" include the Planning Commission, those residing or owning property within 400 ft of the territory to be annexed, necessary parties as defined in Metro Code Subsection 3.09.02(j), and any persons who have requested notice.

D. A brief report shall be issued at least 7 days prior to the date of decision, pursuant to the requirements of Metro Code Subsection 3.09.045(c).

E. The City zoning and Comprehensive Plan designation for an expedited annexation request shall be automatically applied based on the existing Clackamas County zoning designation in accordance with Table 19.1104.1.E, provided below:

Table 19.1104.1.E Zoning and Land Use Designations for Boundary Changes		
County Zoning Designation	Assigned City Zoning Designation	Assigned Comprehensive Plan Land Use Designation
R-20	R-10	Low density residential
R-15	R-10	Low density residential
R-10	R-10	Low density residential
R-8.5	R-7	Low density residential
R-7	R-7	Low density residential
MR1	R-5 R-2	Moderate-Medium density residential
MR2	R-2	Medium density residential
PMD	R-1-B	High density residential
HDR	R-1-B	High density residential
SHD	R-1	High density residential
C3	C-G	Commercial
OC	C-L	Commercial

Table 19.1104.1.E CONTINUED Zoning and Land Use Designations for Boundary Changes		
County Zoning Designation	Assigned City Zoning Designation	Assigned Comprehensive Plan Land Use Designation
RTL	C-L	Commercial
PC	C-CS	Commercial
I2	M	Industrial
I3	M	Industrial
BP	BI	Industrial

OSM	R-10/CSU	Public
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F. For an expedited annexation request, the City's special area designations shall be applied consistently with the applicable sections of Title 19 Zoning.

Natural resource designations shall be applied consistently with the provisions established in Subsection 19.402.15 for administering the NR Administrative Map.

G. An expedited process cannot be used if a necessary party gives written notice to contest the decision, pursuant to Metro Code Subsection 3.09.045(b) or, in the case of an annexation petition, if the requested zoning designation does not comply with the automatic Comprehensive Plan designation listed above in Table 19.1104.1.E. (Ord. 2110 § 2 (Exh. G), 2015; Ord. 2036 § 3, 2011; Ord. 2025 § 2, 2011)

2016 Housekeeping Code Amendments

MMC 14.16.050 Manufacturing Zones (Signs)**1. M-TSA Zone is a Manufacturing Zone for Signage Purposes (Implementation of CI-14-01)**

Proposed Fix: Add the Tacoma Station Area Manufacturing (M-TSA) zone to the MMC 14.16.050 list of manufacturing-type zones for signage purposes, as per the code interpretation established by land use file #CI-14-01.

- MMC 14.16.050

No sign shall be installed or maintained in an M, ~~or~~ BI, or M-TSA Zone, except as allowed under Section 14.12.010 Exempted Signs, or as otherwise noted in Table 14.16.050.

Table 14.16.050 Standards for Signs in Manufacturing Zones M, or BI, or M-TSA					
Sign Type	Area	Height	Location	Number	Illumination ¹

2. Roof Signs and Multiple Frontages in Manufacturing Zones (Implementation of AP-2016-001 and VR-2016-005)

Proposed Fix: Codify the recent decisions of the Planning Commission regarding the issue of multi-frontage properties in manufacturing zones. Clarify that (a) freestanding signs can be distributed at any of a property's frontages and (b) roof signs can utilize the total length of all frontages to calculate maximum allowed sign area. In addition, clarify that the number of allowed roof signs is the same as the number of freestanding signs that would otherwise be allowed (maximum of 2).

Table 14.16.050 Standards for Signs in Manufacturing Zones M, BI, or M-TSA					
Sign Type	Area	Height	Location	Number	Illumination ¹
Freestanding signs	1.5 SF per lineal ft. of street frontage and 1 additional SF for each lineal ft. of frontage over 100 ft. ²	Max. 25 ft. from ground level; min. clearance below lowest portion of a sign is 14 ft. in any driveway or parking area.	Not permitted on any portion of a street, sidewalk, or public right-of-way.	1 multifaced sign permitted. ³	Permitted
Wall signs	Max. 10% of building face. ⁴	Not above roofline or top of parapet wall, whichever is higher.	NA.	No limit.	Permitted
Roof signs	Max. 1 SF per lineal ft. of street frontage. ⁵	Max. 8 ft above highest point of building. ⁶	Pending approval by fire marshal ^{6,7} ; may not project over parapet wall.	<u>1 multifaced sign</u> Permitted instead of, not in addition to, <u>any projectin</u> g or freestanding	Permitted

				signs on a site.	
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Footnote 3 = Where a property's total frontage exceeds 300 feet in length, one additional freestanding sign is permitted ~~for such frontage~~ and may be located on any of the property's frontages. No freestanding sign shall be permitted on the same premises where there is a roof sign.

(new) Footnote 5 = For properties with multiple frontages, the total frontage length of all frontages may be used to calculate the maximum allowed sign area for all display surfaces of a roof sign.

[Adjust the numbering for the rest of the footnotes for MMC Table 14.16.050 accordingly.]

DRAFT