



CITY OF MILWAUKIE

NOTICE OF PUBLIC HEARING Amendments to Milwaukie Zoning Ordinance

The Milwaukie City Council will hold a public hearing at 6:00 p.m. on Tuesday, January 19, 2020, at Milwaukie City Hall, 10722 SE Main Street, to consider a recommendation for proposed Zoning text Amendments (File #ZA-2020-001).

Video Meeting: due to the governor's "Stay Home, Stay Healthy" order, the City Council will hold this meeting through Zoom video meetings. The public is invited to watch live on the city's YouTube channel, Comcast Cable channel 30 in city limits, or by joining the Zoom webinar (visit <https://www.milwaukieoregon.gov/citycouncil/city-council-regular-session-292> for details).

This matter was previously heard by the Planning Commission at a hearing on December 8, 2020. The video of that meeting can be accessed here: <https://www.milwaukieoregon.gov/bc-pc/planning-commission-64>.

Summary of Proposed Changes

- Municipal Code –
 - MMC 11.05 Temporary Uses, Permits and Regulations
 - The proposed amendments relate to MMC 11.05 Temporary Uses, Permits and Regulations relating to permitting for temporary emergency housing. The proposed amendments add language that clearly states emergency temporary housing is an allowed temporary use. These changes provide needed clarification and will increase certainty and understanding of the process to create or establish indoor emergency temporary housing facilities for a short period of time.

To learn more about the proposal: Call the staff contact assigned to the proposal or visit the project webpage at <http://www.milwaukieoregon.gov/planning/za-2020-001>. The staff report on the proposal will also be available for public viewing after 8 a.m. on Tuesday, January 12, 2020, on the city's website at the meeting website noted above.

Copies of information in the file can be obtained for a reasonable fee. Copies of applicable City ordinances and the Comprehensive Plan are also available for review on the city's website.

To comment on a proposal: You are invited to attend this hearing or submit comments in writing before the meeting time. You may send written comments in advance to the staff contact listed below, or you may submit your comments in person at the hearing. If you want to present verbal testimony, either pro, con, or to raise questions, you will be invited to speak following the applicant's testimony. Testimony and comments at this hearing must be directed towards the criteria identified. If you submit a written comment or comment in person at the hearing, you will be sent a copy of the decision or recommendation. All written and verbal comments become part of the permanent record.

Failure to raise an issue with sufficient specificity, and accompanied by statements or evidence sufficient to afford the responsible parties an opportunity to respond to the issue, will preclude any appeal on that issue to the Land Use Board of Appeals (LUBA).

If you have any questions, please contact Vera Kolas, Associate Planner, in the Planning Department at 503-786-7653 or koliasv@milwaukieoregon.gov.

The City of Milwaukie is committed to providing equal access to information and public meetings per the Americans with Disabilities Act (ADA). If you need special accommodations, please call 503-786-7600 at least 48 hours prior to the meeting.

Underline/Strikeout Amendments

Title 11 Miscellaneous Permits

11.05 TEMPORARY USES, PERMITS, AND REGULATIONS

11.05.010 USES

Approval may be granted for structures or uses which are temporary or seasonal in nature, such as:

- A. Seasonal sales uses on private property and on land owned by the City of Milwaukie. These activities include, but are not limited to, the sale of produce, rental of recreational equipment, provision of recreational lessons, or sale of products at a park owned by the City of Milwaukie.
- B. Temporary real estate offices;
- C. Construction parking;
- D. Construction trailers;
- E. Construction offices;
- F. Shelters for warming, cooling, or hazardous air quality, subject to the Milwaukie and Clackamas Fire District Joint Policy for Temporary Emergency Shelters.
- ~~G. F~~-Other temporary uses similar to those listed above as determined by the City Manager

11.05.030 PERMIT APPROVAL

A. Findings of Fact

A temporary use permit (TUP) may be authorized by the City Manager or designee provided that the applicant submits a narrative and detailed site plan that demonstrates that the proposed use:

1. Generally does not have negative impacts and is not inconsistent with the standards and limitations of the zoning district in which it is located;
2. Meets all applicable City and County health and sanitation requirements;
3. Meets all applicable Uniform Building Code requirements; and
4. On-site real-estate offices, construction offices, and construction trailers shall not be approved until land use approval and building permits, if applicable, have been issued.

B. Time Limits

The temporary use or structure shall be removed upon expiration of the temporary use permit, unless renewed by the City Manager or designee.

1. Temporary construction offices, construction trailers, and real estate offices shall not be issued for a period exceeding one year. The applicant may request a renewal for additional time to allow completion of the project provided that the applicant

provides a narrative describing the need for additional time and an anticipated date of project completion.

2. Permits for shelters for warming, cooling, or hazardous air quality uses are limited to no more than 90-days in any twelve-month period with an option for one 30-day extension.

23. Other temporary uses, that are not temporary events per MMC 11.04, shall be issued a permit for up to one year to accommodate the duration of the proposed temporary use.

Renewals may be provided as follows:

- a. A renewal permit may be obtained for a period of one year after providing a narrative describing how the use will remain temporary and how the use is not and will not become permanent.
 - b. A temporary use permit shall not be renewed for more than three (3) consecutive years; however, a renewal may be obtained annually for uses that do not exceed a four-month period of time per year.
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