

MILWAUKIE PLANNING COMMISSION
MINUTES
TUESDAY, SEPTEMBER 13, 1994

COMMISSION PRESENT

Pat Lent, Chair
Gordon Jones
Debi Linn
Scott McClure
Don Trotter

COMMISSIONERS ABSENT

Bill Johnson
Carolyn Tomei

STAFF PRESENT

Maggie Collins,
Community Dev. Dir.
Dave Krogh,
Associate Planner
Jim Crumley,
Associate Planner
Debbie Bischoff, Senior
Transportation Planner
Shirley Richardson,
Hearings Recorder

1.0 CALL TO ORDER

Chair Lent called the meeting to order at 6:35 p.m.

2.0 PROCEDURAL QUESTIONS -- None.

3.0 CONSENT AGENDA

3.1 PLANNING COMMISSION MINUTES -- August 23, 1994

Don Trotter moved to approve the minutes of August 23, 1994, as corrected. **Gordon Jones** seconded. MOTION CARRIED 4-0 with one abstention. Chair Lent was not at that meeting.

4.0 PUBLIC COMMENT -- None.

5.0 PUBLIC HEARINGS

5.1 Applicant: Denise Shaw/Ruffin construction
Property Owner: Denise Shaw
Location: 9925 SE Stanley
Proposal: Minor Land Partition for 2 Parcels with Area Reduction Variance from 10,000 to 9,566 and 8,591 square feet (MLP-94-04/VR-94-02)

Chair Lent opened the public hearing on this application for a Minor Land Partition and Lot Size Variance. She asked if there were any conflicts of interest or ex-parte contacts to declare. There were none. She asked if there were any Commissioners who visited the site since the last hearing; three hands were raised. None of the Commissioners who raised their hands spoke to anyone at the site or noted anything different from what is indicated in the Staff Report for this application. No one in the audience questioned the impartiality of any Commission member.

Jim Crumley reviewed the Staff Report on the proposed partition of a 20,434 square foot lot into two parcels. He presented two pieces of communication which were received since distribution of the Staff Report; one, a letter from Lynn Monahan and Jim Woodruff in opposition to the variance request, and the other was a conceptual site plan prepared by the Applicant showing how the property could be developed.

The property is currently under the County zoning of R-10, which requires that each lot have a minimum of 10,000 square feet. Due to the provisions of the Zoning Ordinance that requires the second parcel to take access from Stanley Avenue via an access strip, the owner is requesting authorization for a reduction of the two parcels from the required 10,000 square feet to 8,591 and 9,003 square feet. This results in a 14 percent front lot size reduction and a 10 percent size reduction on the rear lot.

A notice of Intent to Approve was issued by the Community Development Director on July 5, 1994. During the public comment period two letters were received with signatures from eleven different property owners or residents in the immediate area. After review, Staff did not believe that the concerns merited denial of the requested variance. A revised Staff Report was released on August 9, 1994, and an additional comment period was allowed. On August 17, 1994, the Community Development Director met with Ms. Monahan and Mr. Woodruff and other neighbors who had expressed reservations about the request. Ms. Shaw, owner of subject site, was also present. After discussion, the group requested a public hearing citing provisions of Section 1011.2C of the Milwaukie Zoning Ordinance, a Planning Commission review for a minor quasi-judicial review process.

It is Staff's position that this 20,000 square foot parcel is divisible. If the property were oriented north and south instead of east and west, it would be feasible to divide the property without a variance. Two properties to the south of the subject property are exactly the same size and they were divided into two parcels, but they had frontage along the entire width of Stanley Avenue so no variance was required.

The proposed access strip is 20-feet wide with 16-feet being paved. This is in accordance with the standard in place at the time of the request. Staff feels that the configuration of the lot is beyond the control of the Applicant. There is no feasible alternative way to provide access to the rear portion of this lot. The only potential adverse impact identified is the effect that access to Parcel-Two may have on the residence at 9939 SE Stanley Avenue, located adjacent to the access strip. The potential impact to this neighbor could be minimized by installation of a 6-foot high fence to avoid people leaving or entering this property.

Staff feels that the findings indicate that the City's variance criteria can be satisfied and that the request complies with the requirements of the Milwaukie Subdivision Ordinance. Seven conditions were recommended for approval, in addition to the fence.

Parcel-One will not be using the access strip, it will be accessed directly from Stanley Avenue. Part of the property will have double fencing because of the recommended fence.

QUESTIONS OF STAFF

Don Trotter noted that the memo from the Fire Department indicated that access roads in excess of 150-feet need a turn-around. He asked if this access strip that starts on Stanley and runs back until it intersects the driveway from the garage is more than 150 feet? **Jim Crumley** stated that the access strip is 142 feet and the Fire Marshall stated that under the Uniform Fire Code, Section 10.204(d), "...A dead-end fire apparatus access road in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus. Staff feels the access strip on the lot is the approved distance for the 20-foot width. This 142-foot access strip, from the right-of-way line and division line between parcel one and two, does not necessitate a turn-around.

Gordon Jones asked why the proposed road will be 15 feet wide with 12 feet of pavement, when the requirement is 20-feet wide. **Jim Crumley** stated that the previous requirements were for a 20-foot width; the current Ordinance requires 15-foot access. This Application was filed under the old Ordinance requirements of 20 feet.

Gordon Jones asked if the access strip counts as far as lot width? **Jim Crumley** stated that this property is County R-10. They only require 60 feet. **Dave Krogh** made copies of the County Zoning Requirements for Commission to review.

Don Trotter asked if the 20-foot access strip is a requirement for the Fire Department, because the 20-foot access strip goes beyond the property line and continues another 25 feet onto the property. If the definition is 20 feet wide, is the additional 25 feet not a

part of the access strip? **Jim Crumley** stated that the driveway extension is not part of access strip.

Chair Lent cited Section 206.2 of the Zoning Ordinance, Area Already Zoned Before Annexation. She asked if this site is covered under this Section. **Jim Crumley** stated that a zone change takes a separate action from the City Council. It is not automatically zoned when annexed to the City.

Scott McClure asked if the County Zoning Table passed out was what was used to consider the application. **Jim Crumley** stated that the County zoning requirements were used in consideration of this Application.

Gordon Jones asked if the access strip could be narrowed to conform with the existing access strip. **Jim Crumley** stated that the width of the access strip could be a condition of approval.

Debi Linn noted that the Staff Report stated that the terrain is relatively flat. Is there a slope percent? **Jim Crumley** stated that the slope is less than 5 percent from front to rear.

APPLICANT'S TESTIMONY

Speaking: **Denise Shaw**, 8935 SE Stanley Place, Portland 97206

Ms. Shaw stated that she is a general contractor and has built starter homes for the last three years. She has a business in Milwaukie on Stanley Place. This is a construction business and a small mini-storage.

Ms. Shaw stated that she is a single mom raising three boys and her kids go to Clackamas High School. She stated that she is very concerned about traffic and the quality of life in Milwaukie.

She came into Community Development Department before construction. She purchased this property under the assumption that development was possible. She has done all that has been requested by Staff. The neighbors held an informal meeting with the Community Development Director. At that meeting, she was asked to draw the conceptual drawing presented tonight. This drawing was done to show how a house might fit on the lot and proposed development. The property does have unusual circumstances because of the narrowness of the lot.

Ms. Shaw stated that she is willing to replace/place trees where necessary. The fence is optional, she is willing to construct a fence. The older house has had no offers for sale, even at \$79,750. The new home will be an asset.

Rainwater and drainage will be taken care of. Drywells are required by the building code. New construction must have adequate drainage, sloping from the house. Drainage will be inspected by building inspectors. Catch basins will be installed by engineers and the road will be constructed to flow towards the catch basins.

Adding one single-family home will not adversely affect neighbors. The home will be constructed within R-10 Zoning. She is not asking for a zone change.

Ms. Shaw stated that she feels she has addressed all the concerns the best she can and asked that the Commission approve her variance request.

QUESTIONS FROM THE COMMISSIONERS

Don Trotter asked why 18 feet was chosen for the paved with, when 12 feet is required. **Jim Crumley** stated that in the old ordinance the access strip is required to be 20 feet wide, with a paved area of 15 feet. **Ms. Shaw** stated that she is willing to change if she has to; she thought 18 feet was required.

Don Trotter asked what the Applicant's plans were for the existing house? **Ms. Shaw** indicated that she has already fixed it up: new flooring, paint, roofing, gutters, carpet, and vinyl in an attempt to sell it as a starter home. There is a loft that can be made into a third bedroom. She is having a hard time selling it.

Don Trotter asked about the parking and access for the existing house? **Ms. Shaw** stated that there is a gravel area out front and on the east side of the property for parking. Whoever buys the home will have plenty of room to add a carport out front.

Chair Lent asked Staff if the existing home is required to have the one covered parking space requirement. **Jim Crumley** stated that it is staff's position that the applicant does not have to bring this up to code for the application.

TESTIMONY IN FAVOR OF THE APPLICATION -- None.

COMMENTS OR QUESTIONS -- None.

TESTIMONY IN OPPOSITION

Speaking: Lynn Monahan, 9939 SE Stanley, Milwaukie

Ms. Monahan reviewed her letter, which was presented to the Commission tonight. She stated that this area was currently being looked at for rezoning. She asked that the variance not be granted until zoning is established for this area.

Ms. Monahan stated that the property in question has greater than 20,000 square feet with only 80 feet of frontage on Stanley Avenue. This is not an unusual condition for the garden lots in the area. Most of these have been left intact. To reduce the lot size to under 10,000 square feet is unusual for the area. The neighbors would like to see this property remain as it is like the rest of this type of lot in the neighborhood.

Ms. Monahan stated that the feasible alternatives for this variance are that the existing structure could be replaced or improved. This would leave the back yard or garden area intact. She feels this would be more desirable for someone to live there and it would improve the value of this property and the property around the site. Neighbors would like to have improvements instead of new houses. This would be much nicer.

There are no other flag lots like this one, she doesn't want to set a precedent for the neighborhood. The adverse affects are to all the adjacent properties. There is a problem of water flooding in the front and the existing drywell at the corner of Logus and Stanley is not capable of handling the kind of runoff that they get. She asked if other drywells on that property will be able to contain the increase runoff for the property, house, and driveway. Currently there are no problems with flooding in the back, and she hopes that development will not create a problem. She asked if this new development would eliminate or create proper drainage.

The reason for most of the residents to purchase in this area is that it is not densely populated. She would like to see it stay that way, without extra homes. The addition of another family on the lot will increase the noise level and traffic on the back of the lot. There could possibly be three cars and there will be people coming and going towards the back of the lot, where her bedrooms are located.

The 20 foot access will require the removal of a magnolia, a cherry tree, a dogwood tree, flowering shrubs, and numerous rhododendrons. There is no room to replace existing vegetation along the front of the lot. With the 20-foot access, there will be even less room for vegetation along the fence to help buffer the noise.

QUESTIONS FROM THE COMMISSIONERS

Chair Lent asked Ms. Monahan to point out on the site plan the location of the trees.
Speaking: Linda Westling 9938 SE Stanley Avenue, Milwaukie

Ms. Westling voiced concerns that the 20-foot drive is also the width of Stanley avenue. Feasible alternatives discussed by neighbors were to improve the existing structure or sell the lot as is. There have been five addresses on Stanley that have done that in the past year or two. An adverse effect is the noise, having a family using that area does increase noise levels. One neighbor at one of the neighborhood meetings voiced concern that she will have three adjacent neighbors on one side, one at the rear, and one on the other side. This neighbor is very concerned.

Ms. Westling stated that she chose this area because it was lower density. She likes having that little extra space. She stated that approval of this variance will set a precedent for further requests for the same kind of variance; there are a lot of lots that look like this in the neighborhood. Contractors will come in and do the same thing. She would like to see the current status remain until this area is rezoned. She has a garden in back, like other residents. She does not feel that putting a starter home behind the existing structure is going to improve the aesthetics of the neighborhood. She does feel that this may lead to a non-owner occupied home, which is not what the neighborhood wants.

The flooding in the area is a problem. If the house is put in and a driveway, she wants to know where all the water will go? Will there be an engineer to determine what is sufficient for the area and guarantee that the flooding will not increase?

QUESTIONS FROM COMMISSIONERS

Chair Lent asked where Ms. Westling's residence is located in reference to the subject site.

APPLICANTS CLOSING COMMENTS

Speaking: **Denise Shaw**, 8935 SE Stanley Place, Portland 97206

Ms. Shaw asked if there is a zoning for garden lots? **Chair Lent** indicated that there is no zoning for garden lots.

Ms. Shaw stated that she agrees that the lots are nice, but she is proposing a ranch style 1800 sq. ft. home for medium income families. It will have three bedrooms, two baths,

vaulted area, and a nice fireplaces. This is a R-10 Zone. A 10,000 square foot lot is a large lot. It is not economically feasible for her to improve the existing home.

She again stated that she is flexible as to landscaping or mitigation on this property. There will be less of a water problem because of the building codes and criteria for construction of the new home.

DELIBERATION AMONG COMMISSION

Chair Lent closed the hearing to the public to go into deliberation among the Commissioners.

Debi Linn asked if there has ever been any formal complaints to the City about the water drainage issue. **Jim Crumley** stated that the complaints would be directed to Public Works. In sizing the drywells for a new development, it is the purview of the engineering department to assess the drainage problem. If the soils require special accommodations, they will be provided.

Gordon Jones stated that people move into neighborhoods because of particular features of the neighborhood. It is not the Planning Commission's job to dictate property values. The reality of flag lots is here. The Comprehensive Plan and the Zoning Ordinance is used to determine density. Price range of homes is not relevant. Increasing population densities are here. He is leaning towards approval of the Application, with a condition that the access strip is reduced from 20 feet to 15 feet. The drywell size will be addressed by the Public Works Department.

Scott McClure stated that he feels this is a reasonable proposal and that it meets the criteria for a Variance. With a rezone, a person has a right to divide the 20,000 square foot lot into two lots in accordance with the Comprehensive Plan. There are no feasible alternatives for making the maximum value and usage out of this property. He would like to see some flexibility with the fence to mitigate the adjacent neighbors.

Don Trotter asked Staff if the access strip could be a 15-foot access with 12-foot paving as stated in the Fire Department's memo? **Jim Crumley** stated that it can be a condition of approval. **Don Trotter** stated that the 12-foot paving appeals to him, but the paving by the fence does not appeal to him. He would like to see the paving be held back from the fence to provide distance between the edge of paving and the fence/property line, so there can be some plantings along that area to further buffer and protect the fence.

Don Trotter asked Staff on what were they basing the tree replacement condition, as referred to in Condition #7. **Jim Crumley** stated that this requirement was included in response to attempt to mitigate the possible adverse impacts of loss of trees.

Don Trotter voiced concern over the existing house. Currently the house has substandard access off of Stanley. It does not meet the Parking Ordinance requirements for off-street parking. He disagrees that it will be the new owner's responsibility for taking care of this. He suggested a Condition #8, "Access for vehicular parking for parcel one shall be from Stanley avenue."

Gordon Jones stated that he agrees that this condition should be added. **Chair Lent** stated that she agrees that the existing house should be brought up to code for parking now so it will enhance the ability of the buyer use a separate access and not share the access strip.

Don Trotter stated that an option would be to allow joint access and require a 30 foot access strip width with 20 feet paved. Access for parcel one shall be consistent with the current code.

Gordon Jones indicated that Stanley Avenue is a county road. He asked if a developer's agreement will have to be signed? **Jim Crumley** stated that when a local improvement district (LID) is formed, the improvement is to the whole street. The agreement is signed to legally bind the applicant to fiscal responsibility for the construction of the improvement.

Don Trotter asked if the house is remodeled in the future, does that automatically require the addition of a driveway. **Jim Crumley** replied that only if the remodeling is 60 percent of the value of the house. There is no clear statutory requirement to bring the site up to code.

Debi Linn stated that she is in complete agreement with Don Trotter's position. It should be brought up to code.

Chair Lent stated that the Planning Commission cannot dictate property values. The Comprehensive Plan includes a policy of land use, that "The City will encourage the development of infill housing that uses innovative development techniques for the purpose of reducing housing costs, as well as creating an attractive living environment."

Chair Lent stated that she likes the idea of plantings along the driveway. She is in favor of bringing the site up to street standards currently in force. Covered parking makes the place more aesthetically pleasing.

Scott McClure moved to approve VR-94-03 with the findings and seven conditions as stated in the Staff Report. **Don Trotter** seconded.

Don Trotter changed the motion to add to Condition #6, "This application is being process by Type II Administrative review procedures pursuant to Section 1011.2 of the Milwaukie Zoning Ordinance. Along the south side of the fence the front yard will be set back 42 inches." **Gordon Jones** concurred.

Don Trotter proposed a new Condition #8, "Prior to recordation of the Minor Land Partition, access shall be provided for Parcel-One from SE Stanley Avenue and off-street parking for Parcel-One shall be provided in accordance with Section 500 of the Zoning Ordinance. **Gordon Jones** concurred. MOTION CARRIED 4-1. **Scott McClure** does not feel there is foundation for this type of approval.

Don Trotter moved to add a Condition #9, "The width pavement for the access strip of Parcel Two shall be twelve feet in accordance with the Fire Marshall approval with an 6-foot strip from the property line to the pavement." **Scott McClure** seconded.

Gordon Jones voiced his opposition to this motion stating that the situations are not consistent. This application is getting a six foot buffer, others will only get three feet. MOTION CARRIED 3-2, Gordon Jones and Scott McClure were in opposition.

Motion to approve VR-94-03 with the findings and nine conditions as proposed tonight. MOTION CARRIED 5-0.

Scott McClure moved to approve the Minor Land Partition, MLP-94-04, with the findings as outlined in the Staff Report. **Debi Linn** seconded. MOTION CARRIED 5-0.

Recess was taken at 8:40 p.m. and the meeting reconvened at 8:50 p.m.

6.0 WORKSESSIONS

6.2 **Debbie Bischoff** presented the revised draft amendments to the Comprehensive Plan and Zoning Ordinance. She asked the Commission to review the proposed amends for final approval.

Willamette Greenway Element Objective. **Maggie Collins** stated that this revised draft amendment reflects the changes from the last worksession. Review of policies in the Recreational Needs and the Open Spaces, Scenic Areas, and Natural Resources Elements of

the Comprehensive Plan show no conflicts. In order to tie together all adopted policies that may have bearing on the Central Riverfront Plan, new language is proposed as Policy #3.

This language was reviewed by the City Attorney and Staff recommends Attorney recommendations 2a, 2b, and 2c be approved for addition to the amendment. The following suggestions were made:

- Reword 2a, "The City will ~~endeavor to~~ acquire appropriate property..."
- 2a will be resubmitted to legal counsel to see if this mandates the City to buy property.

Maggie Collins will re-submit the draft amendment to legal counsel and return it for review at the public hearing.

Residential Land Use and Housing Element Amendment. **Dave Krogh** reviewed the proposed changes with the Planning Commission. It was discovered that dwelling references with the Comprehensive Plan were inconsistent with the new dwelling definitions under consideration for the Zoning Ordinance. The intent was to insure consistency between the Comprehensive Plan and the Zoning Ordinance in regards to dwelling types.

Staff recommends removing references to townhouses from Pages 4RS-4 to 4RS-9, including the general definition for townhouse; modifying the definition for single family attached to reflect "two units" per dwelling structure, and modifying the definition for multifamily condominium and apartment to reflect that these involve 3 or more units per dwelling structure. There were no further changes to the text of this amendment.

GIS Plan Maps. **Jim Crumley** reviewed with the Commission the proposed changes requested at the last worksession. He stated that the City is updating and revising maps in the Comprehensive Plan. Additional work has to be done on the black and white versions. The plotter has better definition than a copier. The natural resource map is still being completed and will be presented later.

Staff recommends adoption of revised maps created by the GIS to be inserted to replace the existing maps in the Comprehensive Plan. No changes were made.

Overlay Zone Maps. As overlay zones are approved, they are appended to the Zoning Map. ZA-4-06A will remove maps from the Comprehensive Plan and put overlay zones on the Zoning map where other overlay maps are located.

Staff recommends adoption of a new GIS created Zoning Map and an additional Zoning Map that would highlight special natural resource type overlay zones. The NR Overlay version of the Zoning Map will be available at the next meeting.

Transportation Planning Rule and Other Definitions. Debbie Bischoff reviewed the changes with the Commission. There were no further changes.

Multi-family/Residential Definitions. Dave Krogh reviewed the changes with the Commission. The text has been modified to reflect consistency in dwelling definitions between Zoning Ordinance, Uniform Building Code and One and Two dwelling (CABO Code.) Staff recommends these amendments be included in the final package for public hearing. There were no further changes.

Parking and Loading Standards. Debbie Bischoff reviewed the changes with the Commission. Staff recommends approval of Section 500, Off-Street Parking and Loading amendment to the Zoning Ordinance. Changes made tonight:

- Change standard for internal islands to, internal islands spacing provided for every 8 spaces in parking lot"
- Text Change 11, "RV's/pleasure crafts should be a minimum 5 feet from the primary dwelling and 3 feet from the property line... and accessory structures..."
- 505.3. Under dwelling, add three foot setback from the property line.
- 503.3A(1), "...one space for covered parking, 2 spaces per dwelling unit. Same thing would apply for every residential use.
- 403.3A(2), Eliminate.
- Renumber #1, which will reflect "1- and 2- ,and 3-unit dwelling structures"
- New Number (2), which will reflect, "3 or more"
- 501.1a, Language should be include an additional requirement for flag lots, "1 additional off-street parking space per dwelling unit which shall not be located in a access strip or required paved turn-around area."
- Definition for employees or staff of a larger shift. Make sure off-street parking is consistent with new Zoning Ordinances language.

- 503.5, Replace elderly housing with existing group home definition.
- P503.5 Unless special; eliminate last sentence. ...applicant's required parking must be similar to IEQ or use that must be listed. Cut all other retail.
- Show islands on Figure 503.15.A.2 figure.
- 503.5, Eliminate last sentence.

The next review of changes listed above will be at the Commission's public hearings scheduled for September 27, 1994.

7.0 CONSIDERATION ITEMS -- None.

8.0 OLD BUSINESS -- None.

9.0 OTHER BUSINESS

Chair Lent announced by reading her memo to the Commission, that tonight would be her last night with the Planning Commission. She is resigning from the position because she feels she does not have the time to allow her to effectively serve on the Commission. She stated that she would remain active in the Community. Ms. Lent read her resignation statement to the Commission and asked Staff to send copies to all concerned.

9.1 Community Development Report

Maggie Collins stated that the Elk Rock Island meeting minutes were passed around for Commission review and information.

10.0 NEXT MEETING: September 27, 1994

10.1 Joint PC/CC Light Rail Working Group Briefing

10.2 Comprehensive Plan Amendment Package Public Hearing

10.3 Zoning Ordinance Amendment Package Public Hearing

CITY OF MILWAUKIE PLANNING COMMISSION MEETING
MINUTES OF SEPTEMBER 13, 1994
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Gordon Jones moved to adjourn the meeting of September 13, 1994. **Chair Lent** seconded.
MOTION PASSED UNANIMOUSLY. The meeting adjourned at 10:15 p.m.

Pat Lent, Chairman

Shirley Richardson, Hearings Reporter

AGENDA
MILWAUKIE PLANNING COMMISSION
Milwaukie Center, 5440 S.E. Kellogg Creek Drive
Tuesday, September 13, 1994
6:30 p.m.

1.0 Call to Order

2.0 Procedural Questions

3.0 Consent Agenda

- 3.1 Planning Commission Minutes: August 23, 1994
City Council Minutes: August 2, 1994 (upon approval by Council)

4.0 Public Comment

This is an opportunity for the public to comment on any item not on the agenda.

5.0 Public Hearings

- 5.1 Applicant: Denise Shaw/Ruffin Const.
Property Owner: Denise Shaw
Location: 9925 SE Stanley
Proposal: Minor Land Partition for 2 Parcels with Area Reduction
Variance for 10,000 to 9,566 and 8,591 square feet (MLP-94-04/VR-94-02)

6.0 Worksessions - Continued from August 23 meeting

- 6.1 County Rezone Project WS #2-3
6.2 Comprehensive Plan Amendment Package
6.3 Zoning Ordinance Amendment Package

7.0 Consideration Items - None

8.0 Old Business - None

9.0 Other Business

- 9.1 CD Report

10.0 Next Meeting - September 27, 1994

- 10.1 Joint PC/CC Light Rail Working Group Briefing
10.2 Comprehensive Plan Amendment Package Public Hearing
10.3 Zoning Ordinance Amendment Package Public Hearing
10.4 County Rezone Project Public Hearing

The Milwaukie Planning Commission welcomes your interest in these agenda items. Feel free to come and go as you please.

Milwaukie Planning Commission Mission 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.

Public Hearing Procedure

1. Staff Report
2. Correspondence
3. Applicant's presentation
4. Public testimony from others in support of application
5. Comments or questions from interested person who are neither proponents nor opponents
6. Public testimony from those in opposition to the application
7. Questions from the Planning Commission
8. Rebuttal testimony from Applicant
9. Closing of public hearing
10. Commission discussion/action

The Planning Commission's decision on these matters may be subject to further review or may be appealed to the City Council. For further information, contact the Milwaukie Community Development Department office at 652-4410.

Milwaukie Planning Commissioners

Patricia Lent, Chair
Carolyn Tomei, Vice-Chair
Don Trotter
Gordon Jones
Bill Johnson
Scott McClure
Debi Linn

Community Development Department Staff

Maggie Collins, Community Development Director
Debbie Bischoff, Senior Transportation Planner
Dave Krogh, AICP, Associate Planner
Jim Crumley, Associate Planner
Jeanne Garst, Office Assistant
Marcia Hamley, Office Assistant
Shirley Richardson, Recording Secretary
Mark Jonson, Intern
Diana Myrvang, Intern

CITY OF MILWAUKIE
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

Date: September 13, 1994
File: MLP-94-04/VR-94-02

Application: Minor Land Partition for 2 Parcels with Area Reduction Variance from 10,000 to 9,566 and 8,591 square feet

Applicant: Denise Shaw/Ruffin Construction

Property Owner: Denise Shaw

Location: 9925 SE Stanley

PROPOSAL

The Applicant proposes to partition a 20,434 square foot lot into 2 parcels. (See Exhibit #2.) The property is currently under the County zoning of R-10. R-10 County zoning requires that each lot have a minimum of 10,000 square feet. Due to the provisions of Section 17.32.040.F of the Subdivision Ordinance which prohibits the access strip to the rear lot from being included in net buildable area calculations, both lots are proposed to be less than the required 10,000 square foot lot area.

A complementary Administrative Variance has been requested to authorize the reduction of the two parcels from the required 10,000 square feet to 8,591 and 9,003 square feet. This amounts to a 14-percent front lot reduction and a 10-percent reduction on the rear lot.

LOCATION

The Applicant's property is located on the west side of Stanley Avenue between Logus and Drefshill Roads. The terrain is essentially flat with no significant trees. The property is surrounded by single family dwellings. The zoning to the north, east, and south is County R-10. It is City R-7 to the west.

CITIZEN'S COMMENTS

A notice of Intent to Approve was issued by the Community Development Director on July 5, 1994. During the public comment period two letters were received with signatures from eleven different property owners or residents in the immediate area.

The concerns expressed in the letters, attached as Exhibit #5 and #6, focus on:

1. Traffic increases on Stanley Avenue;
2. Preference of retaining the R-10 Zoning;
3. Potential safety aspects of the view obscuring fence along the south side of the access strip;
4. Construction of access to the rear lot resulting in the removal of trees and shrubs;
5. Increase in potential for flooding due to an increase in impervious surface;
6. Finding 701.1.B relative to the "...use of his/her property in a manner substantially the same as others in the surrounding area..."; and
7. The required view obscuring fence would block views to the north.

After review of the concerns expressed in the correspondence, Staff did not believe that the concerns merited denial of the requested variance. A revised staff report was released on August 9, 1994, and an additional comment period was allowed until August 23, 1994. (See Exhibit #9 for Staff's response to neighborhood concerns.)

PROCESS/ADDITIONAL COMMENTS

On August 17, 1994, the Community Development Director met with Ms. Monahan and Mr. Woodruff and other neighbors who had originally expressed reservations about the request. Ms. Shaw was also present. Several topics were covered, some of which were site concerns, such as the need for fencing along the south property line, the traffic noise that would impact the bedroom of the house on the south side, and removal of trees along the south front yard of the subject property.

Development alternatives were discussed, with the preferred option of those present to be that Ms. Shaw demolish the existing house on the subject property and rebuild a larger residence without splitting the property.

An ongoing concern was flooding along Stanley Avenue. This group pointed out that Stanley is higher in elevation than the subject property; their concern is that stormwater be contained on-site and that there not be additional potential for stormwater drainage onto adjacent properties to the north and west.

Ms. Shaw stated her willingness to share building envelopes with the group so that they could see how a home could fit on the proposed site.

Of note were other general area concerns: (1) The condition and increased usage of Stanley Avenue; (2) The lack of stormwater drainage along Stanley; (3) The concern that this particular area of larger lots would diminish through approved partition requests such as this one; and (4) the general preference for homeowners over renters in their area.

After discussion, this group decided that they would request Planning Commission review of the August 9, 1994 Notice of Intent to Approve and accompanying staff report.

On August 22, 1994, staff received an additional letter signed by Lynn Monahan representing six neighbors (Exhibit #7). The letter requested a public hearing citing provisions of Section 1011.2C. of the Milwaukie Zoning Ordinance. The letter included two earlier neighbor letters already attached as Exhibits #5 and #6. The letter also indicated concerns over setting land use precedents, reductions in privacy, tree cutting, noise, and traffic. An additional letter is included as Exhibit #8.

Staff originally processed these applications by a Type II Administrative review process. The Community Development Director has agreed to forward the applications to the Planning Commission as requested by neighbors. The Planning Commission's review will follow the Minor Quasi-Judicial Review process (Section 1011.3 of the Zoning Ordinance). Findings have been provided separately for each application. The Minor Land Partition file requires a favorable approval of the Variance file.

FINDINGS FOR VR-94-02

Criteria for granting variances are found in Section 702.1 of the Milwaukie Zoning Ordinance. In order to grant variance approval, each of the following criteria must be satisfied:

- A. **That the property in question has unusual conditions over which the Applicant has no control. Such conditions may only relate to physical characteristics of the property, lot or boundary configurations, or prior legally existing structures.**

The existing lot has an area greater than 20,000 square feet. However, there is only 80 feet of frontage along Stanley Avenue. In order to divide the property in conformance with the Comprehensive Plan Policy of encouraging infill opportunities contained within Objective #5 of the Residential Land Use Element, ingress and egress to a rear lot requires an access strip twenty feet in width. Section 17.32.040.F of the Subdivision

Ordinance requires that this access strip be excluded from the area calculations of the parcels. As a result of this provision, the resultant parcels will be less than the required 10,000 square feet each.

- B. **That there are no feasible alternatives to the variance and that the variance is the minimum variance necessary to allow the Applicant the use of his/her property in a manner substantially the same as others in the surrounding area.**

There is no feasible alternative way to provide access to the rear portion of this lot. Without access to a publicly maintained street the property owner cannot create lots of similar size to those in the surrounding area. If access is denied, the Applicant is left with a 20,000 square foot lot which is twice the minimum lot size allowed by the zoning in the area.

- C. **That adverse effects upon other properties that may be the result of this variance shall be mitigated to the extent feasible.**

The only potential adverse impact identified is the effect that access to Parcel 2 may have on the residence at 9939 SE Stanley Avenue, located adjacent to the access strip. This impact can be mitigated by the construction of 6-foot high view obscuring fence, the paving of the driveway with asphaltic concrete, and replacement of the smaller trees in the access strip for the best buffering effect.

FINDINGS FOR MLP-94-04

1. The Applicant is proposing a 2-parcel Minor Land Partition on property zoned R-10. Staff has determined that the proposed division of land meets the lot depth requirement of 95-feet. The proposal does not, however, meet the requirement for the minimum lot area of 10,000 square feet. A variance of lot area standard is necessary to be approved as a condition of approval for Minor Land Partition on the subject property.
2. Submission standards for Minor Land Partitions are those of Section 7.02 of the City Subdivision Ordinance. The Applicant has submitted a partition plat which clearly shows the parcel configuration. Other applicable information such as sewer and water availability has been provided by the Department of Public Works in Exhibit #3.
3. The South Metro Fire Marshall requires that Fire Department access be maintained. Access to Parcel-2 must be at least 12-feet wide and capable of supporting 50,000 pounds of vehicle weight. (See Exhibit #4.)

**CITY OF MILWAUKIE COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT - Denise Shaw/Ruffin Const. (MLP-94-04/VR-94-02)**

September 13, 1994

Page 5

4. The final partition plat must meet standards of ORS 92.050 and be reviewed and recorded by the Clackamas County Surveyor's Office. Two recorded copies of the final plat must be provided to the Milwaukie Community Development Department as verification of recording.
5. The City Office Engineer has provided comments regarding utility and street requirements (Exhibit #3). Future street improvement will be required as described in a developers agreement to be executed prior to recordation of the final plat. System development charges for public utilities will be assessed at the time building permits are applied for.
6. This application is being processed by Type II Administrative review procedures pursuant to Section 1011.2 of the Milwaukie Zoning Ordinance.

CONCLUSION

Staff has determined that the above findings indicate that the City's variance criteria can be satisfied and that the request complies with the requirements of the Milwaukie Subdivision Ordinance. The applications can be approved, subject to the following conditions:

1. A variance of 14-percent reduction in lot size area is granted for Parcel 1 and a 10-percent reduction in lot size area is granted for Parcel 2.
2. The final plat must meet the requirements of ORS 92-050 and must be submitted to the Milwaukie Community Development Department for review and signature prior to submission to the County Surveyor's Office for recording. Two recorded copies of the final plat must be filed with the Community Development Department as verification of recording prior to the issuance of any building permits on either parcel.
3. The partition shall be in substantial conformance with the plat shown on Exhibit #2.
4. All requirements specified by Public Works in Exhibit #3 shall be adhered to.
5. All requirements specified by the South Metro Fire Prevention Office in Exhibit #4 shall be adhered to.
6. A six-foot high solid wood, or other view-obscuring, fence shall be constructed along the south side of the access strip serving Parcel-2 prior to recordation of the final plat.

CITY OF MILWAUKIE COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT - Denise Shaw/Ruffin Const. (MLP-94-04/VR-94-02)
September 13, 1994
Page 6

7. A tree replacement plan shall be submitted to the Community Development Department for review prior to issuance of any building permits on either parcel.

RECOMMENDATION

For approval of VR-94-02 and MLP-94-04 based on findings as provided and including the seven conditions of approval listed above.

EXHIBITS

1. Vicinity Map
2. MLP Plat
3. Public Work's Memo (6/6/94)
4. Fire Marshall's Memo (6/8/94)
5. Citizen's response to initial decision
6. Woodruff & Monahan letter
7. Monahan, et al letter
8. Baker Letter
9. August 9, 1994 Amended Staff Report

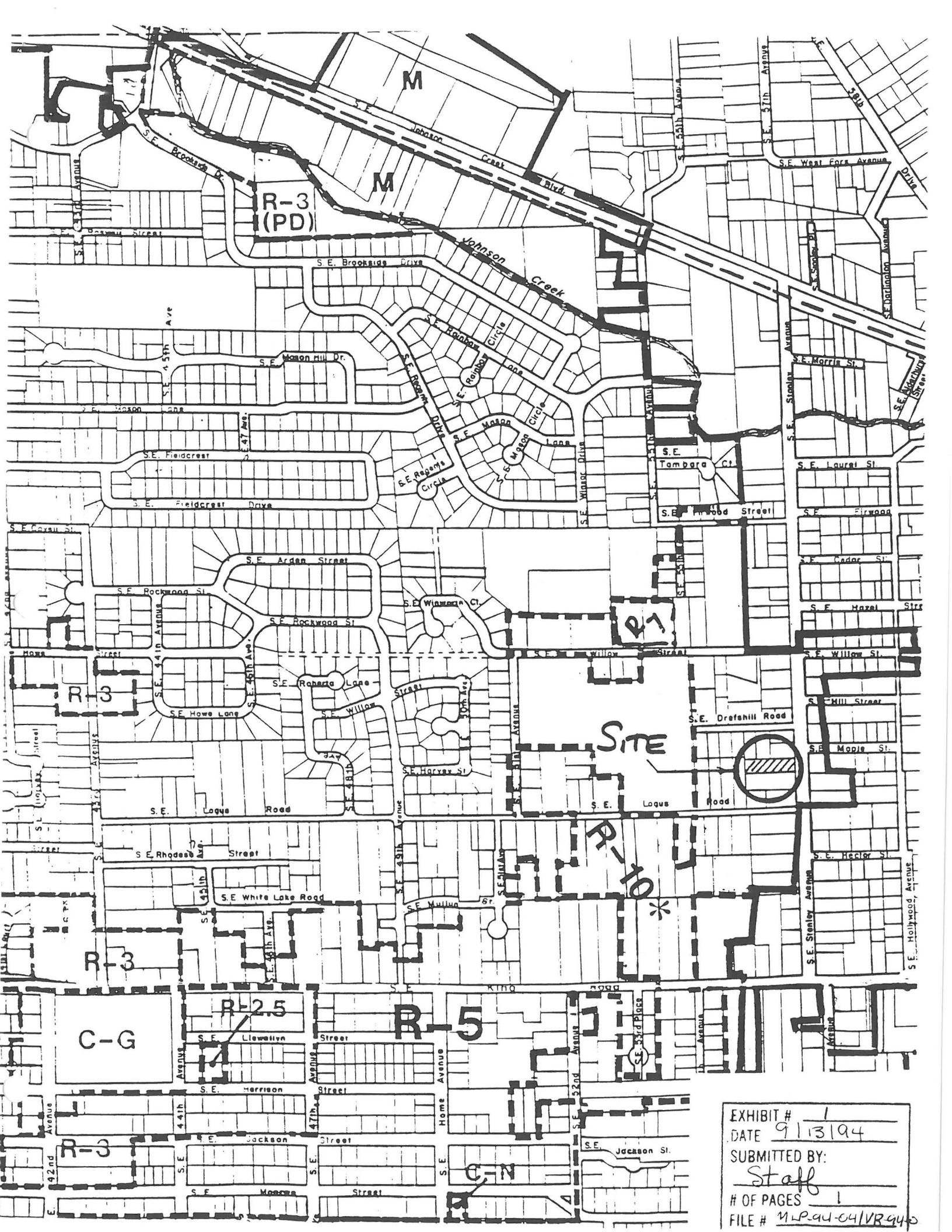
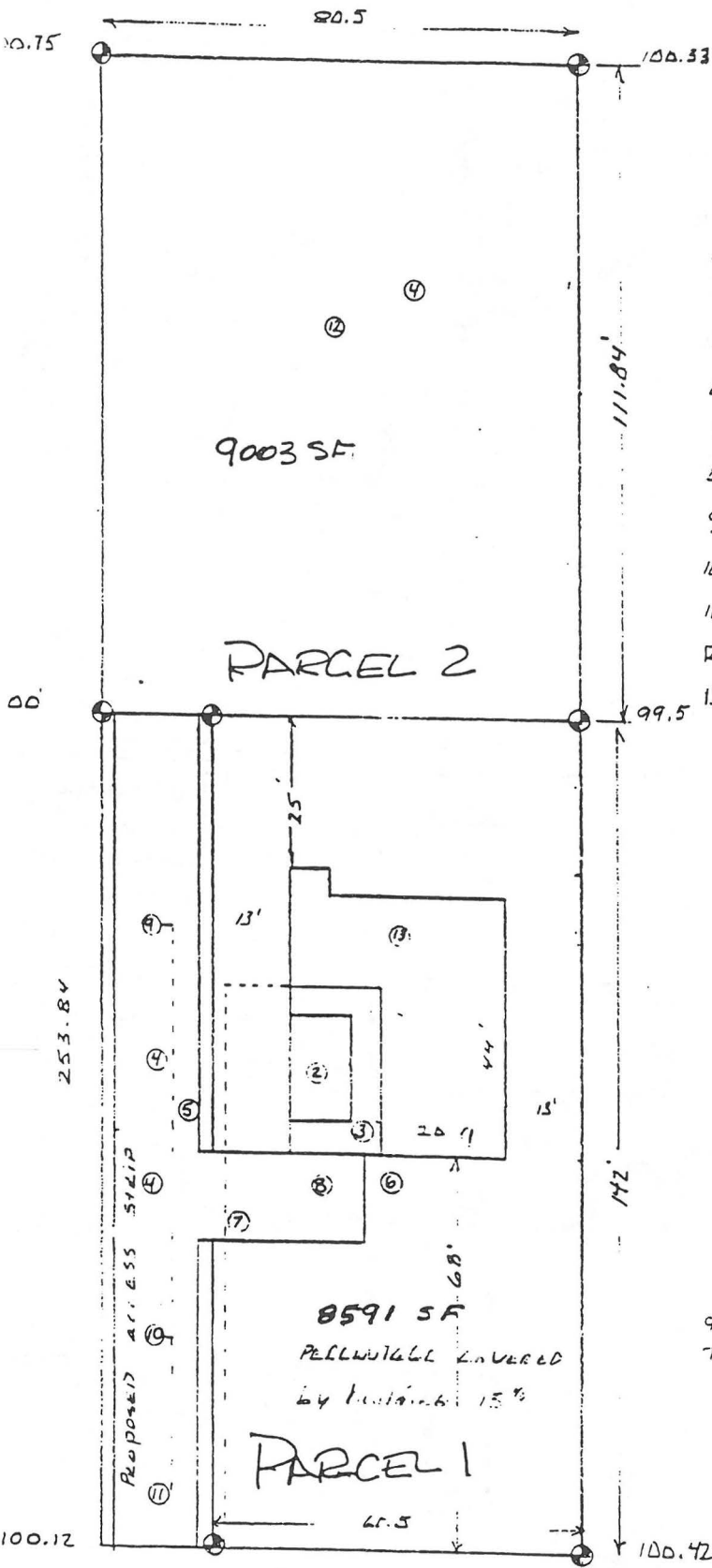


EXHIBIT # 1
 DATE 9/13/94
 SUBMITTED BY: Staff
 # OF PAGES 1
 FILE # MLP-94-04/VR940



- 1 FINISH ELEV OF EXISTING HOUSE 100.25
- 2 EXISTING LANDSCAPE TO REMAIN
- 3 NEW SIDEWALK
- 4 FRUIT TREES TO BE REMOVED
- 5 LIGHT POLE TO BE REMOVED
- 6 FRUIT TREE TO REMAIN
- 7 EXISTING SEWER LINE TO REMAIN
- 8 PROPOSE NEW DRIVEWAY
- 9 CATCH BASIN 1 EL. 98.84
- 10 CATCH BASIN 2 EL. 98.51
- 11 PROPOSED LOCATION OF NEW DRY WELL
- 12 SHED TO BE REMOVED
- 13 EXISTING HOME TO REMAIN



SCALE 1" = 20'

9925 DE STANLEY AVE
TAX LOT 5700

LENN LINE OF STREET 100 STANLEY AVE

EXHIBIT #	2
DATE	9/13/94
SUBMITTED BY:	Applicant
# OF PAGES	1

MEMORANDUM

TO: COMMUNITY DEVELOPMENT

FROM: Paul Roeger *PR*
Civil Engineer

RE: MLP-94-04/VR-94-02
9925 S.E. Stanley Avenue

DATE: June 6, 1994

City sanitary sewer and water are available to this parcel and the existing house is connected to both. Both are of adequate size and capacity to serve a new single family residence. It appears that the existing sewer lateral may be on the north edge of the flag strip going back to the rear lot. If that is true, an easement must be provided from the flag lot to the front lot, or the flag lot could use the existing lateral and a new lateral could be installed for the front lot. In either case, at least one new lateral must be installed to the sewer main in Stanley Avenue. A street opening permit must be obtained from Clackamas County before cutting into the street.

Stanley Avenue is a County road with a 20 to 22 foot asphalt street within a 40 foot right-of-way. The developer will need to take out a right-of-way permit from Clackamas County in order to install the new driveway. The driveway and turnaround area must meet standards of the Fire Marshall's office.

Separate drywells will need to be installed for the existing house and the new house roof drains as well as a separate drywell for the driveway.

Existing natural drainage patterns shall be maintained unless written approval is obtained from the City Engineer. Excess dirt must be removed from the site.

An erosion control plan and application must be submitted along with the building permit application.

All City System Development Charges must be paid at the time the building permit is issued.

EXHIBIT #	<u>3</u>
DATE	<u>9/13/94</u>
SUBMITTED BY:	<u>Staff</u>
# OF PAGES	<u>1</u>
FILE #	<u>MLP-94-041</u>

SOUTH METRO FIRE PREVENTION OFFICE

"SERVING MILWAUKIE & CLACKAMAS COUNTY F.D. #1"

3200 S.E. Harrison
Milwaukie, Oregon 97222

Business - 655-8537

FAX - 655-8880

Voice Mail - 655-8537

TO: Jim Crumley (Milwaukie Community Development)

FROM: Deputy Fire Marshal Ernie Badeau

SUBJECT: MLP - 94-04 / VR-94-02

DATE: June 8, 1994

After careful review the South Metro Fire Prevention Office wishes to report that the granting of this minor land partition to obtain a second buildable lot and the variance on lot size is not in conflict with the U.F.C. (Uniform Fire Code) adopted by the City of Milwaukie. There are considerations that need to be addressed with regard to the proposed partition.

The first is the requirement that Fire Department access be maintained to both of the residences proposed by the partition. Additionally, the access road shall have an approved fire department turnaround when it exceeds 150 feet from the street. The road width for a single family residence shall not be less than 12 feet and shall have an all-weather surface capable of supporting 50,000 pounds of vehicle weight. The clear width of the access roadway shall not be less than 20 feet, unless it is reduced by Planning and approved by the fire department.

Yours in Fire and Life Safety,



Ernie Badeau,
Deputy Fire Marshal

EXHIBIT #	<u>4</u>
DATE	<u>9/13/94</u>
SUBMITTED BY:	<u>Steff</u>
# OF PAGES	<u>1</u>

July 18, 1994

Maggie Collins
Community Development Director
City of Milwaukie
6101 SE Johnson Creek Blvd.
Milwaukie, OR 97206

Regarding File No.: MLP-94-04/VR-94-02

As neighbors of the proposed Variance to subdivide the property located at 9925 SE Stanley Avenue, we are writing in response to this request for some or all of the following reasons:

The zoning to the north, east and south is County R-10, which makes this a low density neighborhood. By allowing the variance, it would be easier for others to be granted similar requests. We choose to live here because of the larger lot sizes and would prefer to retain the R-10 Zoning.

The already busy auto traffic on Stanley Avenue would be further increased by adding a dwelling on this narrow lot. With a view obscuring fence along the south side of the access strip, it would also be difficult for the residents of either home to safely exit the property.

Installation of the access strip and fence construction would necessitate significant tree and shrub removal. This would not enhance the livability of the neighborhood in any way. The 12 foot paved strip (or alley way) and turnaround required by the South Metro Fire Marshall along with the new dwelling would also inhibit the percolation of rainwater, increase water runoff and flood potential in the area.

The other subdivided properties in the area all have sufficient street frontage for individual street access to each dwelling without the requirement of the 12 foot paved alley way. This request does not, therefore, "allow the applicant the use of his/her property in a manner substantially the same as others in the surrounding area" as noted in section B of findings for VR-94-02.

Frank H. [unclear] } 9940 SE Stanley Ave
 [unclear] } [unclear]
 [unclear] } 9940 SE STANLEY AVE

Petro [unclear] } 10040 SE STANLEY AVE

[unclear] } 9941 SE Stanley Ave
 [unclear] } 9941 SE STANLEY AVE
 [unclear] } 9936 SE Stanley Ave
 [unclear] } 9934 SE Stanley Ave

[unclear] } 5705 SE
 [unclear] } 10029 SE Stanley Ave

EXHIBIT #	5
DATE	9/13/94
SUBMITTED BY:	Staff
# OF PAGES	1
FILE #	MLP94-041

File: MLP-94-04/VR-94-02

July 15, 1994

City of Milwaukie
Attn.: Maggie Collins
Community Development Director

This is in response to Denise Shaw's request to parcel her property located at 9925 SE Stanley Avenue.

We have objections to the granting of this request. They are as follows:

The new driveway along the south side of the Denise Shaw's property will run along the bedroom side of our house. Even with a six foot fence, the traffic noise from two family dwellings will be intolerable.

Automobile traffic on SE Stanley Avenue is considerable at present. We do not need another dwelling built which will add to this traffic.

We realize that the trees and shrubs on Denise Shaw's property are her's to do with as she sees fit, but we hate to see them removed for the addition of a driveway.

We have 210 feet of a commercial grade six feet high chain link fence with inserted slats along the North side of our property. We do not want our fence used by Denise Shaw to comply with item C of VR-94-02.

The addition of a six foot high view obscuring fence, if brought out to the street, will block our view to the North from our front yard and picture window.

We want our area to remain zoned as County R-10. One of the reasons we moved here was the feeling of being in the country while remaining close in to the cities. As you stated in your staff report, all the properties North, East, and South of this property are currently zoned as County R-10.

Sincerely,

James A. Woodruff
Lynn M. Monahan

James A. Woodruff
Lynn M. Monahan
9939 SE Stanley
Milwaukie

EXHIBIT #	<u>6</u>
DATE	<u>9/13/94</u>
SUBMITTED BY:	<u>Stade</u>
# OF PAGES	<u>1</u>

August 21, 1994

Maggie Collins
Community Development Director
City of Milwaukie
6010 SE Johnson Creek Blvd.
Milwaukie, OR 97206

RECEIVED
AUG 22 1994
PLANNING

Regarding File No.: MLP-94-04/VR-94-02

In response to the Notice of Intent to Approve the above mentioned variance dated August 9, 1994 and following our meeting on August 17, 1994, we respectfully request a Public Hearing per provisions of section 1011.2C of the City Zoning Ordinance. Attached are copies of previous letters expressing some of our concerns.

This would be a precedent-setting subdivision which does not allow for the use of this property in "a manner substantially the same as others in the surrounding area". Other recently purchased properties have resulted in considerable improvements of the existing homes.

Adverse affects include reduced privacy for the immediate neighbors due to the narrowness of the lot, cutting of trees, increased noise and traffic, as well as drainage problems.

Please let us know when the meeting will be scheduled.

Lynn Mohahan
James Woodruff
9934 SE Stanley Ave

Lynn Monahan

Ted & Linde Westling
9938 SE Stanley Ave

Kieran and Rosalee Carney
9941 SE Stanley Ave

Frank, Iris and Doug Anderson
9940 SE Stanley Ave

Walt and Debra Reed
10040 SE Stanley Ave

Randy and Brenda Wordon
5705 SE Logus

EXHIBIT #	<u>17</u>
DATE	<u>9/13/94</u>
SUBMITTED BY:	<u>Staff</u>
# OF PAGES	<u>1</u>
FILE #	<u>MLP-94-041</u>

VR-94-02

RECEIVED

AUG 24 1994

PLANNING

August 21, 1994

Maggie Collins
Community Development Director
City of Milwaukie
6101 SE Johnson Creek Blvd.
Milwaukie, OR 97206

RE: File No MLP-94/VR-94-02

Ms Collins:

I own the property directly behind the proposed subdivided property as referenced above. My concern arises due to the exhibit enclosed with my packet that indicates there will be house built directly behind me. One reason I chose this area was because of the larger lot sizes and due to this there were no other dwellings in direct line with my home. The very least that needs to be done if such a proposal is approved is the installation of an obscuring fence between the two properties. Currently there is a short, barbed wire apparatus dividing the two properties. This was sufficient with the current zoning since there were no dwellings directly behind me, but would not suffice with Denise Shaw's proposal.

Sincerely,

Tracey Baker

Tracey Baker
5712 SE Drefshill Street
Milwaukie, OR 97222

EXHIBIT #	<u>8</u>
DATE	<u>9/13/94</u>
SUBMITTED BY:	<u>Staff</u>
# OF PAGES	<u>1</u>

CITY OF MILWAUKIE



COMMUNITY DEVELOPMENT
PUBLIC WORKS

6101 S.E. JOHNSON CREEK BLVD.
MILWAUKIE, OR 97206

TELEPHONE: 652-4410
FAX: 774-8236

August 9, 1994

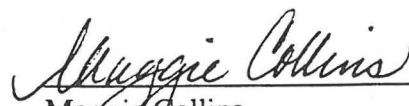
File No.: MLP-94-04/VR-94-02

NOTICE OF INTENT TO APPROVE

This is official notice of action to be taken by the Milwaukie Community Development Director with regard to an application by Denise Shaw for Administrative Review of a Minor Land Partition (MLP -94-04) for 2 parcels with area reduction Variance (VR-94-02) from 10,000 to 9003 and 8591 square feet within the County R-10 Zone. The subject property is located at 9925 SE Stanley Avenue.

Following the provisions of Section 1011.2 of the City Zoning Ordinance, this proposal will be approved on August 23, 1994, unless concerns are received prior to that date which would warrant scheduling this matter before the City Planning Commission in a public hearing. After the approval date, a 15-day appeal period will be in effect, expiring on September 7, 1994 at 5:00 p.m.

Additional copies of the Staff Report and findings for MLP-94-04 and VR-94-02 are available upon request. City Community Development Department Staff (phone 652-4410) can provide additional information regarding this process.



Maggie Collins
Community Development Director

JC:jr

cc: Gregg Drechsler, Acting PW Dir.
Don Brusseau, Building Official
Dave Krogh, Associate Planner
Interested Persons
File MLP-94-04 and VR-94-02

EXHIBIT #	9
DATE	9/13/94
SUBMITTED BY:	Staff
# OF PAGES	8
FILE #	MLP-94-04 /

100-011-1

CITY OF MILWAUKIE
COMMUNITY DEVELOPMENT DEPARTMENT
REVISED STAFF REPORT

Date: August 8, 1994
File: MLP-94-04/VR-94-02

Application: Minor Land Partition for 2 Parcels with Area Reduction Variance
from 10,000 to 9566 and 8591 square feet

Applicant: Denise Shaw

Property Owner: Denise Shaw

Location: 9925 SE Stanley Avenue
Tax Map 1 2E 30DB Tax Lot 5700 (See Exhibit #1)

PROPOSAL

The Applicant proposes to partition a 20,434 square foot lot into 2 parcels. (See Exhibit #2). The property is currently under the County zoning of R-10. R-10 County zoning requires that each lot have a minimum of 10,000 square feet. Due to the provisions of Section 17.32.040.F of the Subdivision Ordinance which prohibits the access strip to the rear lot from being included in net buildable area calculations, both lots are proposed to be less than the required 10,000 square foot lot area.

A complementary Administrative Variance has been requested to authorize the reduction of the two parcels from the required 10,000 square feet to 8591 and 9003 square feet. This amounts to a 14 percent front lot reduction and a 10 percent reduction on the rear lot.

CITY OF MILWAUKIE COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT - Denise Shaw (MLP-94-04/VR-94-02)

August 9, 1994

Page 2

LOCATION

The Applicant's property is located on the west side of Stanley Avenue between Logus and Drefshill Roads. The terrain is essentially flat with no significant trees. The property is surrounded by single family dwellings. The zoning to the north, east and south is County R-10. It is City R-7 to the west.

CITIZEN'S COMMENTS

A Notice of Intent to Approve was issued by the Community Development Director on July 5, 1994. During the public comment period two letters were received with signatures from eleven different property owners or residents in the immediate area.

The concerns expressed in the letters, attached as Exhibit # 5, focus on :

1. Traffic increases on Stanley Avenue;
2. Preference of retaining the R-10 Zoning;
3. Potential safety aspects of the view obscuring fence along the south side of the access strip;
4. Construction of access to the rear lot resulting in the removal of trees and shrubs;
5. Increase in potential for flooding due to an increase in impervious surface;
6. Finding 702.1.B relative to the "...use of his/her property in a manner substantially the same as others in the surrounding area.." ; and
7. The required view obscuring fence would block views to the north.

The Staff's response to the stated concerns are as follows:

1. The traffic will be incrementally increased on Stanley. However, Stanley Avenue is capable of handling the increase without a change in service level. There have been no intersections along Stanley which have been identified as having major congestion.

CITY OF MILWAUKIE COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT - Denise Shaw (MLP-94-04/VR-94-02)

August 9, 1994

Page 3

2. The zoning will remain R-10. No change has been proposed by the applicants. Property in this area may be divided into 10,000 square foot lots. However, due to past settlement decisions, it is sometimes necessary to vary the 10,000 square foot standard, for which a variance review is used. If approved two lots, each containing 9003 and 8591 square feet will exist, rather than one 20,000 square foot lot.
3. The view obscuring fence along the south side of the access strip is for the purpose of providing privacy for the rear yard of the property located to the south. The City's development codes prohibit a fence from being over 42 inches in height within the front yard setback or by otherwise hindering sight distance along the driveways.
4. The City's development codes do not currently prohibit the removal of trees or shrubbery on private property unless it is located in an identified Natural Resource Area. The 15 foot wide access strip will be required to have 12 feet of AC pavement. The extra three feet of width allows for the preservation of existing vegetation.
5. The Department of Public Works reviews all construction of driveways on flag lots to insure that proper drainage measures are installed to eliminate the possibility of increased storm water runoff in the area.
6. Another property owner with 20,000 square feet of property with a different orientation would be permitted to divide his or her property into two parcels. The fact that a property is oriented east and west instead of north and south should not be the determining factor of whether or not a property is divided.
7. The required fencing along the southerly property line will not be permitted to exceed 42 inches in height within the front yard setback and should not therefore interfere with views from surrounding homes.

After review of the concerns expressed in the correspondence, Staff does not believe that any amendment to the original findings and approval are necessary.

CITY OF MILWAUKIE COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT - Denise Shaw (MLP-94-04/VR-94-02)

August 9, 1994

Page 4

FINDINGS FOR MLP-94-04

1. The Applicant is proposing a 2 parcel minor land partition on property zoned R-10. Staff has determined that the proposed division of land meets the lot depth requirement of 95 feet. The proposal does not, however, meet the requirement for the minimum lot area of 10,000 square feet. A variance of lot area standard is necessary to be approved as a condition of approval for minor land partition request on the subject property.
2. Submission standards for minor land partitions are those of Section 7.02 of the City Subdivision Ordinance. The Applicant has submitted a partition plat which clearly shows the parcel configuration. Other applicable information such as sewer and water availability has been provided by the Department of Public Works in Exhibit #3.
3. The South Metro Fire Marshall requires that fire department access be maintained. Access to Parcel 2 must be at least 12 feet wide and capable of supporting 50,000 pounds of vehicle weight. (See Exhibit #4.)
4. The final partition plat must meet standards of ORS 92.050 and be reviewed and recorded by the Clackamas County Surveyor's Office. Two recorded copies of the final plat must be provided to the Milwaukie Community Development Department as verification of recording.
5. The City Office Engineer has provided comments regarding utility and street requirements (Exhibit #3). Future street improvements will be required as described in a developers agreement to be executed prior to recordation of the final plat. System Development Charges for public utilities will be assessed at the time building permits are issued.
6. This application is being processed by Type II Administrative review procedures pursuant to Section 1011.2 of the Milwaukie Zoning Ordinance.

CITY OF MILWAUKIE COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT - Denise Shaw (MLP-94-04/VR-94-02)

August 9, 1994

Page 5

FINDINGS FOR VR-94-02

Criteria for granting variances are found in Section 702.1 of the Milwaukie Zoning Ordinance. In order to grant variance approval, each of the following criteria must be satisfied:

- A. **That the property in question has unusual conditions over which the applicant has no control. Such conditions may only relate to physical characteristics of the property, lot or boundary configurations, or prior legally existing structures.**

The existing lot has an area greater than 20,000 square feet. However, there is only 80 feet of frontage along Stanley Avenue. In order to divide the property in conformance with the Comprehensive Plan Policy of encouraging infill opportunities contained within Objective #5 of the Residential Land Use Element, ingress and egress to the rear lot will require an access strip of twenty feet in width. Section 17.32.040.F of the Subdivision Ordinance requires that this access strip be excluded from the area calculations of the parcels. As a result of this provision, the resultant parcels will be less than the required 10,000 square feet each.

- B. **That there are no feasible alternatives to the variance and that the variance is the minimum variance necessary to allow the applicant the use of his/her property in a manner substantially the same as others in the surrounding area.**

There is no feasible alternative way to provide access to the rear portion of this lot. Without access to a publicly maintained street the property owner cannot create lots of similar size to those in the surrounding area.

- C. **That adverse effects upon other properties that may be the result of this variance shall be mitigated to the extent feasible.**

The only potential adverse impact identified is the effect that access to Parcel 2 may have on the residence at 9939 SE Stanley Avenue, located adjacent to the access strip. This impact can be mitigated by the construction of 6 foot high view obscuring fence and the paving of the driveway with asphaltic concrete.

CITY OF MILWAUKIE COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT - Denise Shaw (MLP-94-04/VR-94-02)

August 9, 1994

Page 6

CONCLUSION

Staff has determined that the above findings demonstrate that MLP-94-04 and VR-94-02 satisfies the requirements of the Milwaukie Subdivision and Zoning Ordinances. Therefore, the applications can be approved, subject to the following conditions:

1. A variance of 14 percent is granted to the lot area of Parcel 1 and a 10 percent reduction for Parcel 2.
2. The final plat must meet the requirements of ORS 92.050 and must be submitted to the Milwaukie Community Development Department for review and signature prior to submission to the County Surveyor's Office for recording. Two recorded copies of the final plat must be filed with the Community Development Department as verification of recording prior to the issuance of any building permits on either parcel.
3. The partition shall be in substantial conformance with the plat shown on Exhibit #2.
4. All requirements specified by Public Works in Exhibit #3 shall be adhered to.
5. All requirements specified by the South Metro Fire Prevention Office in Exhibit #4 shall be adhered to.
6. A six foot high solid wood, or other view-obscuring, fence shall be constructed along the south side of the access strip serving Parcel 2 prior to recordation of the final plat.

NOTICE OF INTENT TO APPROVE

A fourteen day comment period is in effect from the date of issuance of this report. If no comments are received by August 23, 1994, that warrant modifying this report or holding a public hearing for this proposal, then this application shall be deemed approved. An appeal period would then automatically be in effect until September 7, 1994 at 5:00 p.m.

CITY OF MILWAUKIE COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT - Denise Shaw (MLP-94-04/VR-94-02)

August 9, 1994

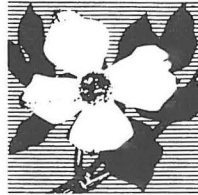
Page 7

EXHIBITS

1. Vicinity Map
2. MLP plat
3. Public Work's Memo (6-6-94)
4. Fire Marshall's Memo (6-8-94)
5. Citizen's response to initial decision
6. Woodruff & Monahan letter

JC:jpg

CITY OF MILWAUKIE



COMMUNITY DEVELOPMENT
PUBLIC WORKS

6101 S.E. JOHNSON CREEK BLVD.
MILWAUKIE, OR 97206

TELEPHONE: 652-4410
FAX: 774-8236

MEMORANDUM

COMMUNITY DEVELOPMENT DEPARTMENT September 13, 1994

TO: Milwaukie Planning Commission

THRU: Maggie Collins, Community Development Director

FROM: Debbie Bischoff, ^{DB} Senior Transportation Planner

RE: Comprehensive Plan and Zoning Ordinance Amendments Worksession #2

On August 23, 1994, the Planning Commission held a worksession on two sets of amendment packages for the Comprehensive Plan and Zoning Ordinance respectively. The worksession dealt with items that, for the most part update text and maps and remove inconsistencies within the Comprehensive Plan, Zoning Ordinance, and other regulations. The worksession was very productive. The Planning Commission provided Community Development Department Staff with additional direction for research and text changes related to amendment package items. The Planning Commission requested that some of the items from the amendment packages be growth back at a second worksession to be held on September 13, 1994.

The attached staff report reflects the direction and comments provided by the Planning Commission at the August 23, 1994, worksession. Proposed text language has been revised based on Planning Commission discussion and recommendations. A few things should be mentioned, for your information. First, there is a new Comprehensive Plan Amendment for the Residential Land Use and Housing Element. The proposed text changes provide consistency with the proposed definition amendments to multifamily residential/dwellings in the Zoning Ordinance. Second, the Zoning Ordinance Amendment item on Transportation Planning Rule definitions has been expanded to include "other definitions". These "other definitions" relate to new words being included in the completely revised Section 500 - Off-street Parking and Loading regulations. Third, the Comprehensive Plan and Zoning Ordinance Amendment package items have been re-numbered. The attached memorandum to Community Development Department Staff, dated August 30, 1994, explains the re-numbering of items.

Community Development Department Staff is prepared to make final changes on the two amendment packages based on the final worksession. Notice has been sent to the Department of Land Conservation and Development. Public notice will be sent to the local newspaper by September 9, 1994 and will provide specific amendment information. As a reminder, we have scheduled the Planning Commission public hearing on this matter for September 27, 1994. The City Council will hold a public hearing for adoption of the amendment packages on October 18, 1994.

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COMPREHENSIVE PLAN AMENDMENT PACKAGE CPA-94-03A
Willamette Greenway Element Objective: Central Riverfront Master Plan

DEFINITION OF ISSUE

The intent of this additional objective to the Willamette Greenway Element of the Comprehensive Plan is to provide a stronger policy basis for progress in planning and improving the segment of Milwaukie's Willamette riverfront between the southern boundary of the Clackamas Service District #1 Sewage Treatment Plant and the confluence of Johnson Creek with the Willamette River.

DISCUSSION/BACKGROUND

While several sections of the Comprehensive Plan now refer to future planning for the riverfront area in general, these references do not clearly indicate the City's policy and intent regarding this particular segment.

The Metro Greenspaces Plan identified the central riverfront area as a greenspace of regional significance. The City of Milwaukie has responded to the importance of this area as a destination and potential link in Metro's regional trail system by acquiring property for trail development. Moreover, Council authority has been given to acquire additional property for trail access.

The Milwaukie Vision Project has underscored Milwaukie residents' interest in, and concern about, redevelopment of the central riverfront area. Concepts which have repeatedly arisen during this project include:

- the need for more detailed planning which would reexamine the underlying land use designations of Commercial and (for the sewage treatment plant) Public Lands;
- the wish for increased public access to and use of the riverfront area; and
- the need to conserve the riverfront while considering development of riverfront-related uses.

The attached Comprehensive Plan amendment indicates the City's intent to prepare a Central Riverfront Master Plan and to acquire and develop property for public trails, riverfront access, and riverfront-related development.

COMPREHENSIVE PLAN AMENDMENT PACKAGE CPA-94-03A

Page 2

At the August 23 Planning Commission worksession, draft policy language was reviewed and word changes were made. In addition, staff was asked to review adopted policies in other elements of the Comprehensive Plan to avoid any inconsistencies by the adoption of this proposed Central Riverfront Objective and Policies.

Review of policies in the Recreational Needs and the Open Spaces, Scenic Areas, and Natural Resources Elements of the Comprehensive Plan show no conflicts. In fact, some of these policies indicate that past riverfront research and proposals should be taken into consideration; that the City should work cooperatively to expand regional trail systems; and that design considerations should continually find ways to provide views or actual access to this riverfront segment. However, to tie together all adopted policies that may have bearing on the Central Riverfront Plan, new language is proposed as Policy #3.

STAFF RECOMMENDATION

That the attached revised language for Objective #7 - Central Riverfront be approved for public hearing.

CHAPTER 4 - LAND USE

WILLAMETTE GREENWAY ELEMENT

CPA-94-03A Amendments to the
Comprehensive Plan
(1 page)
Redline = Proposed new text
~~Strikeout~~ = Proposed deleted text

OBJECTIVE #7 - CENTRAL RIVERFRONT

To reexamine the designated uses of the central Willamette riverfront and to acquire property necessary for public open space, public trails, riverfront access and riverfront-related development.

Policies

1. The City will prepare a Central Riverfront Master Plan to supplement the Greenway Design Plan by focusing specifically on the riverfront west of McLoughlin Boulevard from the southern boundary of Clackamas Service District #1 Sewage Treatment Plant to the confluence of Johnson Creek. The Master Plan will reexamine the Commercial and Public Land designations and address the following issues:
 - Public access.
 - Public recreational use.
 - Natural resource protection.
 - Historic resource protection.
 - Visual access.
 - Transportation.
 - Riverfront-related commercial development and redevelopment.
 - Public-private partnerships for the riverfront.
 - Redevelopment of Kellogg Creek Sewage Treatment Plant.
2. The City will endeavor to acquire and to participate in appropriate public-private partnerships to develop property within the central riverfront area for trails, public access to the riverfront, and other uses identified in the Central Riverfront Master Plan.
3. In the development of the Central Riverfront Master Plan, applicable policies and directions that are contained in the Recreational Needs Element, in the Open Spaces, Scenic Areas, and Natural Resources Element, and in other portions of the Willamette Greenway Element will be reviewed and incorporated, where appropriate.

COMPREHENSIVE PLAN AMENDMENT PACKAGE CPA-94-03B
Residential Land Use and Housing Element Amendment

DEFINITION OF ISSUE

On August 23, 1994, the Planning Commission reviewed possible changes to the Zoning Ordinance Definitions section relative to dwellings (ZA-94-06C). As part of that discussion, it was discovered that dwelling references within the Comprehensive Plan were inconsistent with the new dwelling definitions under consideration for the Zoning Ordinance. The intent of this project is to insure consistency between the Comprehensive Plan and Zoning Ordinance in regards to dwelling types.

DISCUSSION/BACKGROUND

Several policies within the Residential Land Use and Housing Element of the Comprehensive Plan (Pages 4RS-4 to 4RS-9) contain both references to and definitions of dwelling types that conflict with the definition modifications under consideration for the Zoning Ordinance.

Pages 4RS-4 to 4RS-9 contain references to town house. The town house definition is proposed for elimination from within the Zoning Ordinance. Town houses would come under the multifamily dwelling definition since a town house, in itself, is just one different type of design for a multifamily dwelling structure.

Page 4RS-5 also contains general dwelling definitions which directly relate to the how dwellings are allowed on properties. Since standards for dwelling locations are within the Zoning Ordinance, the connection between the general definitions and specific definitions within the Zoning Ordinance is clear. That is, the Plan discussion is generally implying how dwelling standards are implemented. This means the dwelling language within the Plan should be modified for consistency within the Zoning Ordinance.

STAFF RECOMMENDATION

The intent of the Comprehensive Plan will not be altered by bringing Plan references to dwellings into consistency with Zoning Ordinance provisions. The following modifications are proposed in the attached text amendments and include:

1. Removing references to townhouses from Pages 4RS-4 to 4RS-9 (including the general definition for town house on Page 4RS-5).

2. Modifying the definition for single family attached to reflect “two units” per dwelling structure.
3. Modifying the definition for multifamily condominium and apartment to reflect that these involve 3 or more units per dwelling structure.

The only amendment of note that will occur as part of the above modifications is in regards to the use of town houses in Medium density residential (R-3 Zone) areas. Town houses would not be a separate use but would be considered the same as multifamily dwellings. Currently town houses are permitted outright in R-3 but would become a conditional use under this proposal (as a multifamily dwelling structure).

The text amendments described above and illustrated as attached, reflect staff’s attempt for consistency between definitions between the Zoning Ordinance and the Comprehensive Plan, and the Planning Commission’s concerns and modifications from the August 23rd worksession. Staff recommends the attached amendments be included in the final package for public hearing.

Attached Amendments

CHAPTER 4 - LAND USE

RESIDENTIAL LAND USE AND
HOUSING ELEMENT

CPA-94-03B Amendments to the
Comprehensive Plan
(5 pages)
Redline = Proposed new text
Strikeout = Proposed deleted text

- Five percent (5%) of gross site area that is devoted to single-family attached, ~~townhouse~~, or multifamily units will be reduced for purposes of right-of-way dedication.

A general definition of housing types are:

Single family detached - a house normally occupied by one family with no structural connection to adjacent units. The unit may be situated at a specified distance from lot lines, or with one wall on a side property line. Typical density is 4 to 6.7 units per acre.

Single family attached - ~~two or three houses~~, units within one dwelling structure, each normally occupied by one family, sharing common structural walls. ~~Each dwelling and lot may or may not be under single ownership.~~

~~Townhouse - four or more houses, usually two story and each normally occupied by one family, sharing common structural walls. Each dwelling and lot are usually under single ownership, or each dwelling is owned individually with lots jointly owned.~~

Multifamily (Condominium) - a single structure containing ~~a number of 3 or more~~ individually owned dwelling units, with all other common elements, including lot, jointly owned on a specified basis.

Multifamily (Apartment) - a single structure containing ~~a number of 3 or more~~ dwelling units, usually for rent. Each structure and lot are usually under single ownership.

2. Areas may be designated Low Density residential if any of the following criteria are met:
 - a. The predominant housing type will be single family detached.
 - b. Low Density areas are residential areas which are developed at Low Density and little need for redevelopment exists.
 - c. Within Low Density areas, transportation routes are limited primarily to collectors and local streets.
 - d. Low Density areas may include sites where sensitivity to the natural environment or natural hazards necessitate a reduced density.
3. Areas may be designated Moderate Density Residential based on the following policies:
 - a. The predominant housing types will be single family detached on moderate to small lots, and single family attached units.
 - b. Moderate Density areas are residential areas which are currently developed at Moderate Density and little need for redevelopment exists.

- c. Within Moderate Density areas, convenient walking distance to a transit stop or close proximity to major trip generators shall be considered.
4. Areas may be designated Medium Density residential based on the following policies:
 - a. The predominant housing types will be single family attached ~~and townhouse~~ units.
 - b. Medium Density areas are residential areas with access primarily to major or minor arterials. Siting should not result in increased traffic through Low Density Residential areas.
 - c. Medium Density areas are to be located near or adjacent to commercial areas, employment concentrations or transit stops.
 - d. Medium Density areas may include areas of deteriorating dwellings or structures in neighborhoods in order to stimulate private investment, infilling and redevelopment, provided one or more of the preceding policies apply.
5. Areas may be designated High Density Residential based on the following policies:
 - a. The predominant housing types will be ~~townhouse and~~ multifamily units.
 - b. High Density Residential areas shall be located either adjacent to or within close proximity to the downtown or district shopping centers, employment concentrations and/or major transit centers or transfer areas.
 - c. Access to High Density areas should be primarily by major or minor arterials. Siting of High Density projects shall not cause traffic to move through adjacent lower density designated areas.
6. High Density in Mixed Use Areas will be based on the following policies:
 - a. Within the Mixed Use Area designated on Map 7, a range of different uses including residential, commercial and office are allowed and encouraged. It is expected that redevelopment will be required to implement these policies, and that single structures containing different uses will be the predominant building type.
 - b. Commercial uses will be allowed at the ground floor level, and will be located relative to the downtown area so that pedestrian access between areas is convenient and continuous.
 - c. Office uses will be allowed at the ground and first floor levels.
 - d. High Density residential uses will be allowed on all levels. At least fifty (50) percent of the floor area within a project must be used for residential purposes.
 - e. Within the Mixed Use Area, a residential density bonus of fifteen (15) percent over the allowable density may be granted in exchange for exceptional design quality or special project amenities.

- f. All parking must be contained within a project.

OBJECTIVE #3 - RESIDENTIAL LAND USE: DESIGN

To encourage a desirable living environment by allowing flexibility in design, minimizing the impact of new construction on existing development, and assuring that natural open spaces and developed recreational areas are provided whenever feasible.

Planning Concepts

Residential design policies are intended to ensure a high quality of environmental design, a flexible design approach, and a smooth integration of new development into existing neighborhoods. Density bonuses and transfers will be encouraged so that full development potential on individual parcels may be realized. Transition policies will be applied to reduce any negative impacts of development on adjacent uses. The transition policies will have little or no effect on the number of new units calculated in Table 2.

Policies

1. Access driveways to less than four residential units will not be allowed onto arterials unless it can be shown that no other alternative is possible.
2. Development in new ~~townhouse and~~ multifamily housing projects in ~~Moderate~~, Medium and High Density areas within 100 feet of adjacent Low and Moderate Density areas where those housing types are not allowed, will provide one or more of the following transitions to reduce the impact on lower density areas. Transition measures, subject to approval, include:
 - a. Roadways separating projects.
 - b. Open areas (developed or undeveloped) separating new structures from adjacent parcels. A minimum distance equal to the required front yard setback of adjacent parcels will be designated as open area. Natural vegetation, landscaping or fencing will be provided sufficient to screen living rooms from direct view across open areas.
 - c. Gradual density changes. A new project may not have a density greater than 25 percent of the allowable density on lower density residential parcels abutting the project. If abutting parcels have a variety of allowable residential densities, parcels with similar allowable densities abutting the highest percentage of the project perimeter will govern.
 - d. Planned Unit Development design concept is encouraged whenever possible. When feasible, density transfer will be encouraged so that full development potential may be realized. Encourage units which would be permitted by zoning on hazardous or environmentally sensitive lands to be transferred to areas which are less hazardous or less expensive to develop. Resulting density on the developed portion of a site shall not exceed the density allowed in the next highest residential plan category.

3. In all Planned Unit Developments, a density bonus up to 20% over the allowable density may be granted in exchange for exceptional design quality or special project amenities.
4. All Planned Unit Developments will have at least one third of the gross area devoted to open space and/or outdoor recreational areas. At least half of the required open space and/or recreational areas will be of the same general character as the area containing dwelling units. Open space and/or recreational areas do not include public or private streets.
5. All projects in Medium Density and High Density areas will have at least one third of the gross area devoted to open space and/or outdoor recreational areas. At least half of the required open space and/or recreational areas will be of the same general character as the area containing dwelling units. Open space and/or recreational areas do not include public or private streets and parking areas, but may include private yards.
6. In all cases, existing tree coverage will be preserved whenever possible, and areas of trees and shrubs will remain connected particularly along natural drainage courses.
7. Specified trees will be protected during construction, in accordance with conditions attached to building permits.
8. Sites within open space, natural hazard or natural resource areas will be protected according to specifications in the Natural Hazard and Natural Resources Elements.

OBJECTIVE #4 - NEIGHBORHOOD CONSERVATION

To maximize the opportunities to preserve, enhance and reinforce the identity and pride of existing well-defined neighborhoods in order to encourage the long-term maintenance of the City's housing stock.

Planning Concept

Milwaukie is predominantly a built-up city. It contains several districts, however, where neighborhood character, available buildable areas, and existing lotting patterns suggest different approaches to new residential development are appropriate. Within High Density areas reconstruction of older neighborhoods is encouraged; within Moderate and Medium Density areas infilling consistent with local scale is emphasized, and in Low Density areas conservation of single family character will be maintained.

Policies

1. Within High Density areas, clearance and new construction will be allowed, as will construction on currently vacant lands. Identified historic resources will be protected as outlined in the Historic Resources Chapter. The predominant housing type will be ~~townhouse and~~ multifamily.

2. Within Moderate and Medium Density areas, the rehabilitation of older housing is encouraged in lieu of large area clearance and new construction. When projects involve destruction of older housing, it must be shown that rehabilitation is not justified because of structural, health or other important considerations.
3. Within Moderate and Medium Density areas, residential infill which maintains existing building heights, setbacks, yard areas and building mass will be encouraged. Of particular importance is the maintenance of existing residential scale when viewed from the street. The predominant type of new housing in Moderate Density areas will be single family detached on moderate to small lots and single family attached units. The predominant type of new housing in Medium Density areas will be single family attached ~~and townhouse~~ units. Multifamily housing may be allowed in Medium Density areas.
4. Within Low Density areas, the rehabilitation of older housing is encouraged in lieu of large area clearance and new construction. When projects involve the destruction of older housing, it must be shown that rehabilitation is not justified because of structural, health or other important considerations. The predominant type of new housing in Low Density areas will be single family detached. Single family attached units will be allowed based on location criteria in the Zoning Ordinance. A public hearing is required.
5. Within Low Density areas, new projects will maintain a single family building bulk, scale and height when abutting existing single family areas, or when abutting a street where existing single family houses face the project.
6. When feasible, a Design Review function will be incorporated into the City's development review process to interpret and enforce Residential Land Use: Design, and Neighborhood Conservation policies.
7. When a Design Review function is implemented, a Neighborhood Design Guide will be developed for each neighborhood area. The Design Guide will identify any consistent and desirable architectural styles, elements, materials or landscape features existing in the neighborhood together with appropriate building standards to serve as guidelines for new housing construction as well as rehabilitation projects. The Design Guide will be enforced as part of a Design Review function.

OBJECTIVE #5 - HOUSING CHOICE

To continue to encourage an adequate and diverse range of housing types and the optimum utilization of housing resources to meet the housing needs of all segments of the population.

Planning Concept

While the predominant housing type is expected to continue to be single family detached, the City will encourage a wide range of housing types and densities in appropriate locations within individual neighborhood areas including single family attached and detached multifamily, manufactured housing, mobile home parks ~~and townhouses~~.

COMPREHENSIVE PLAN AMENDMENT CPA-94-03C
GIS Plan Maps

DEFINITION OF ISSUE

The maps currently included in the Comprehensive Plan are maps reproduced from larger maps and were adopted as draft maps. Therefore, they need to be finalized. In addition, the City limits have changed since Plan adoption. The City's Geographic Information System (GIS) can generate revised maps which reflect the City's current boundary to be adopted in to the Plan.

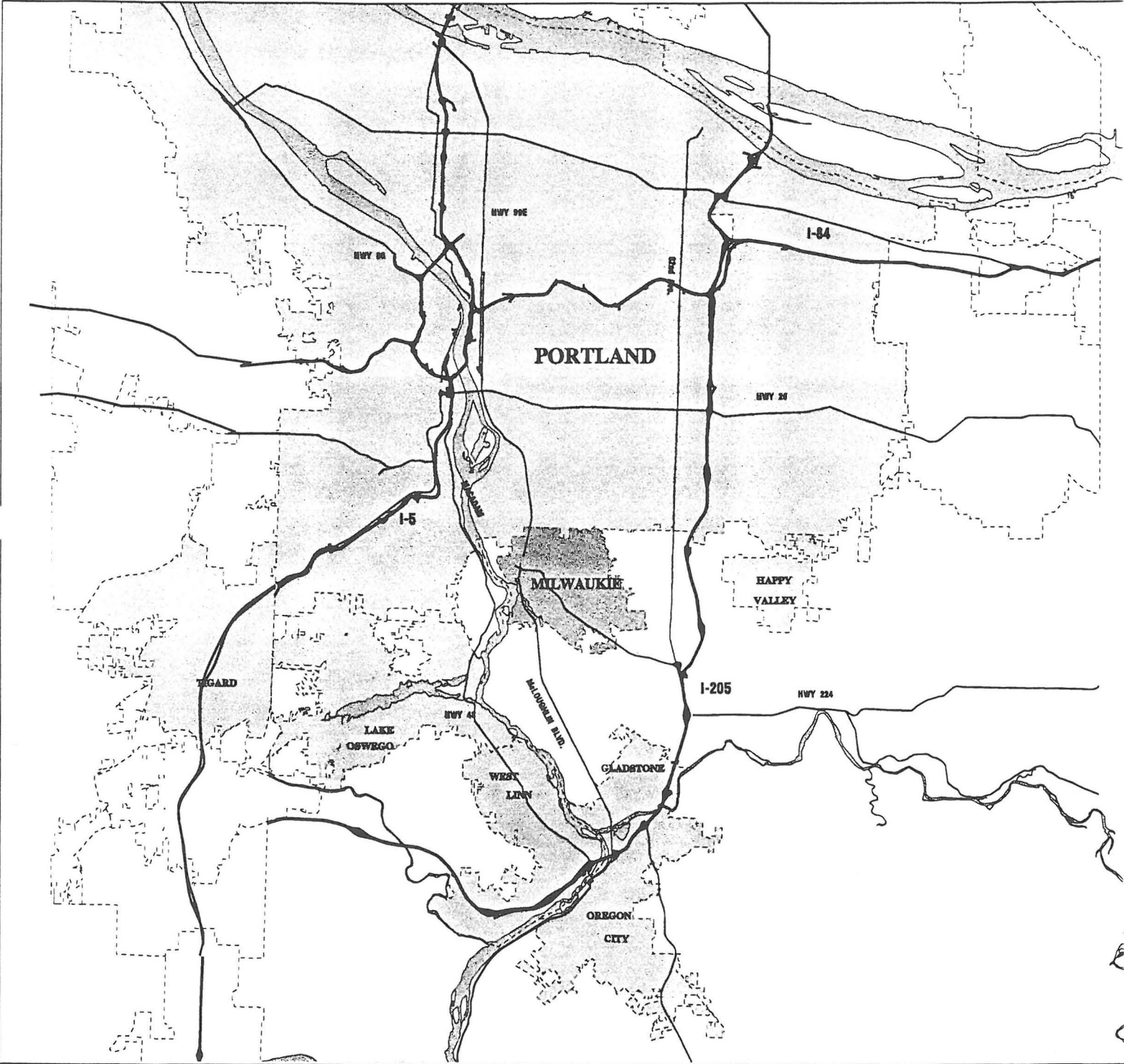
DISCUSSION/BACKGROUND

The GIS Comprehensive Plan maps were being developed by the GIS coordinator and were not available at the August 23, 1994 worksession. Examples of most maps are now available for Planning Commission review. The Historic Resources (Map 4), Natural Resources (Map 5), Land Use Plan (Map 7) and the Transportation Plan (Map 8) will be available at the September 13th worksession.

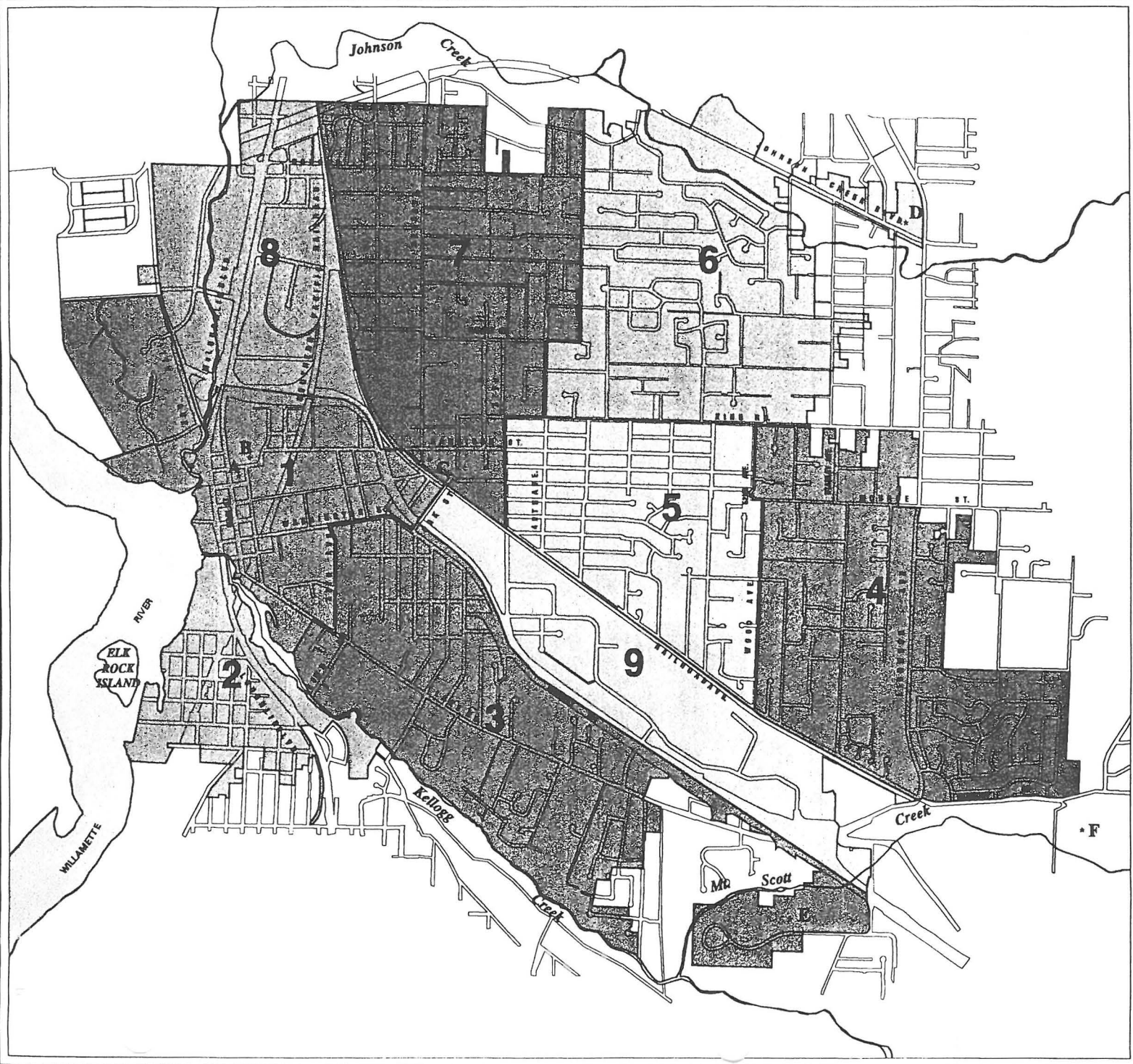
PRELIMINARY RECOMMENDATION










Community Development Department staff recommends that the Planning Commission consider adoption of revised maps created by the GIS to be inserted to replace the existing maps in the Comprehensive Plan.

LOCATION MAP



NEIGHBORHOOD ASSOCIATIONS



-  1 - WAVERLY/DOWNTOWN
-  2 - ISLAND STATION
-  3 - LAKE ROAD
-  4 - LINWOOD
-  5 - HECTOR CAMPBELL
-  6 - LEWELLING
-  7 - ARDENWALD
-  8 - MCLOUGHLIN INDUSTRIAL
-  9 - MILWAUKIE BUSINESS/INDUSTRIAL

- A - CITY HALL
- B - LEDDING LIBRARY
- C - PUBLIC SAFETY BUILDING
- D - PUBLIC WORKS BUILDING
- E - MILWAUKIE CENTER
- F - CLACKAMAS AQUATIC PARK

MAP DATE : 09/01/94

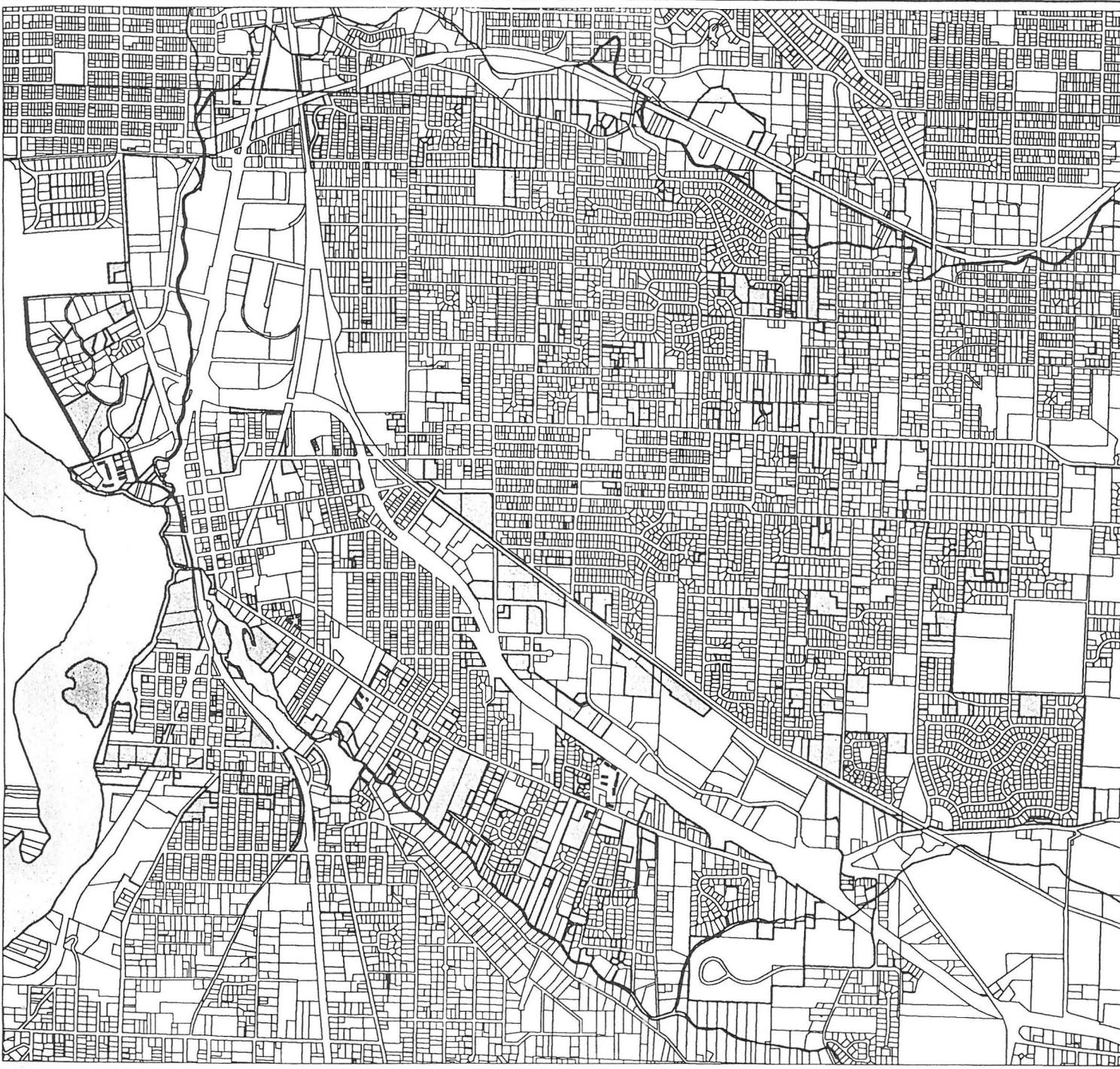
BUILDABLE LANDS







UNDEVELOPED LANDS

MAP DATE :09/06/94

City of Milwaukie



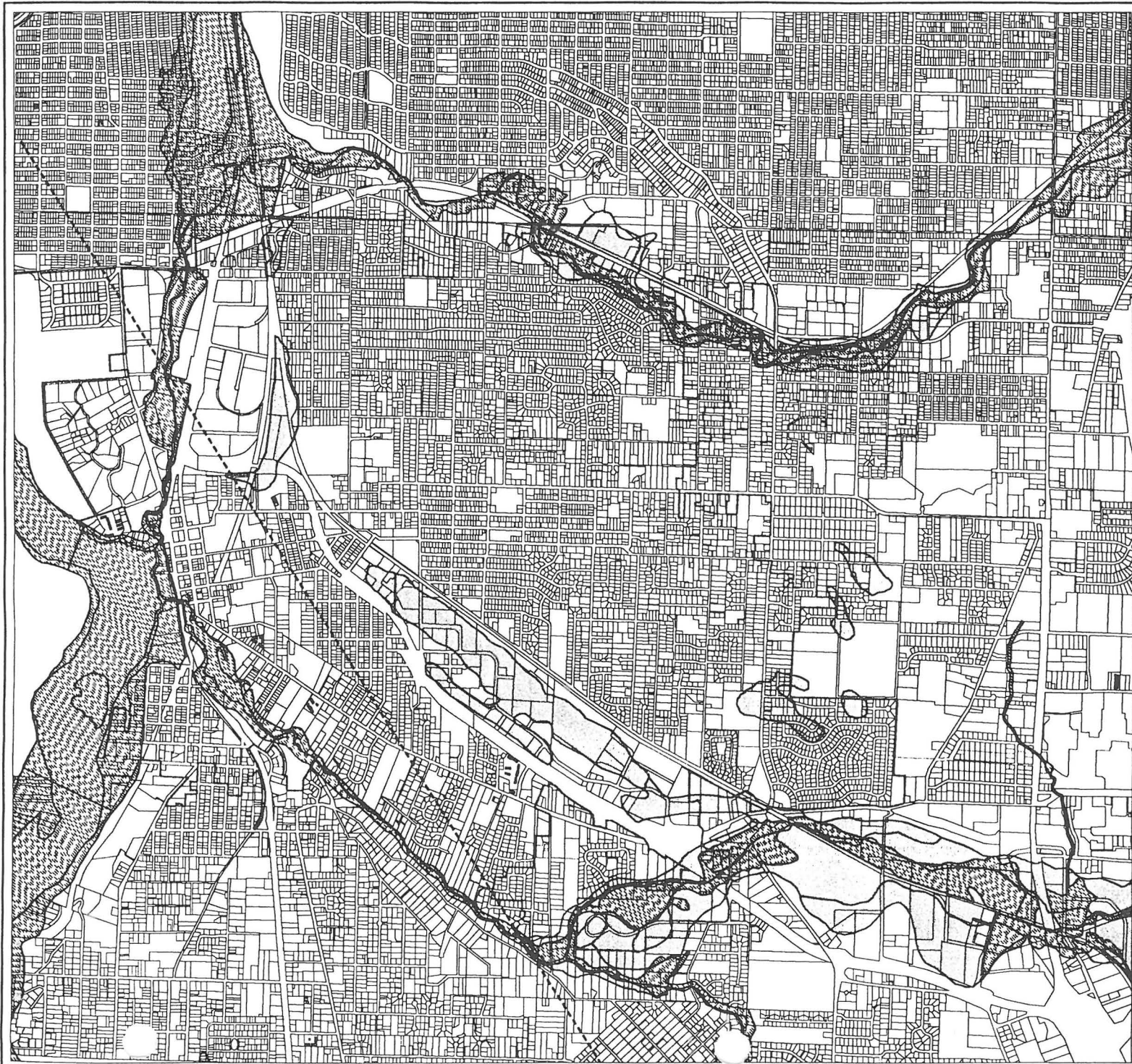
NATURAL HAZARDS

-  SEVERE CONSTRUCTION RATING
-  100 YEAR FLOOD PLAIN
-  FAULT LINE
-  CITY BOUNDARY

Data Source:
Soils - USGS Soil Inventory
Flood Plain - Metro RLIS Database

MAP DATE :09/06/94

City of Milwaukee



ZONING ORDINANCE AMENDMENT PACKAGE ZA-4-06A
Overlay Zone Map Adoption

DEFINITION OF ISSUE

Over the past several years, there has been an increase in Natural Resources reviews and actions that have resulted in the development of specific Natural Resources boundary definitions. A need has been created to identify more clearly on the Zoning Map, areas of special natural resource value and other similar considerations. In addition, the base Zoning Map needs to be updated through the Geographic Information System (GIS).

DISCUSSION/BACKGROUND

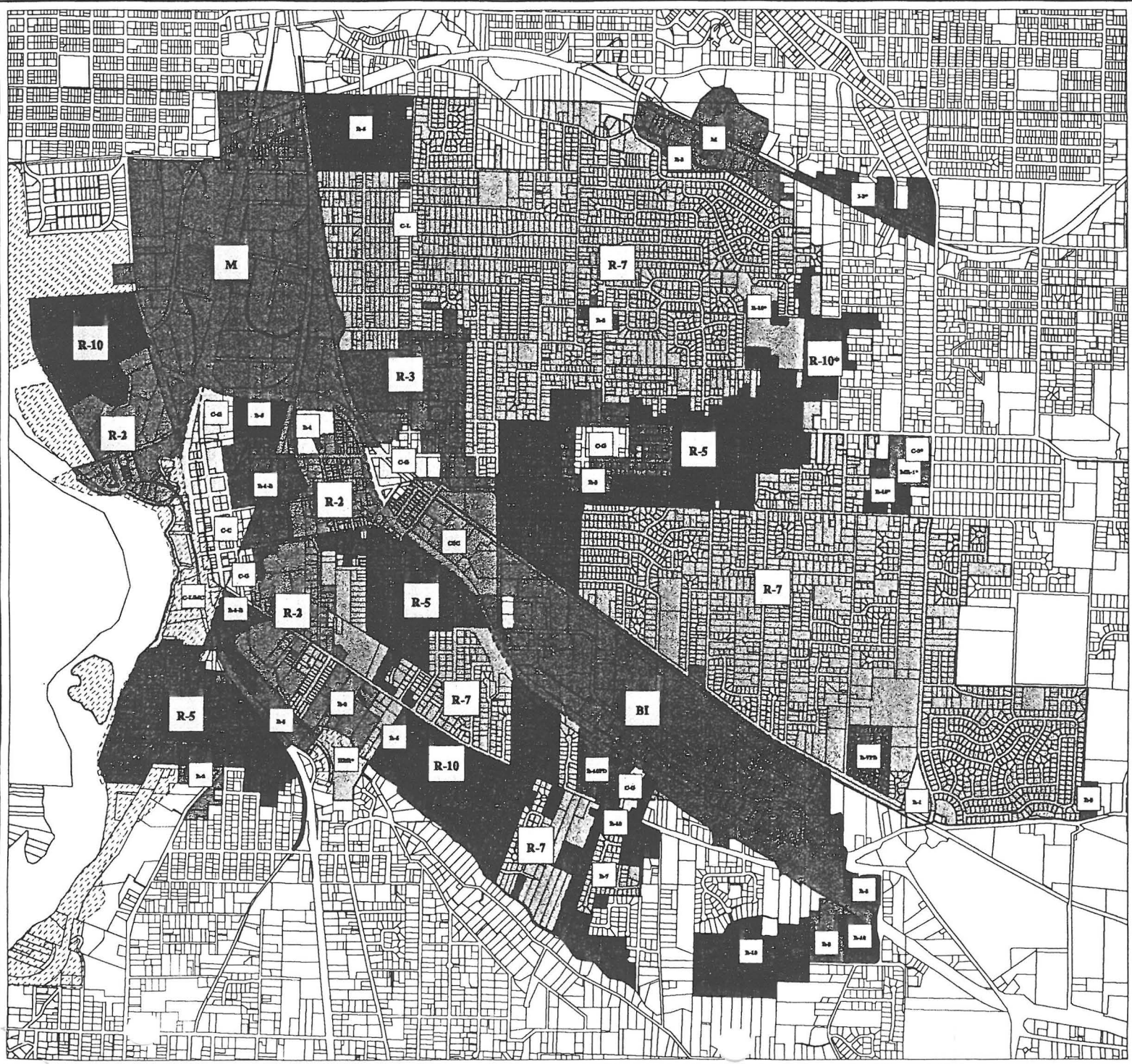
As stated above, recent land use actions have prompted the need to more clearly identify natural resources as overlays on the Zoning Map. Prior to this task, the Zoning Map should be transformed into a GIS Map.

The GIS Zoning Map which was not available for the Planning Commission's August 23, 1994 worksession is now available for review. The Natural Resources Overlay Zoning has not been completed at this time, but should be available for review at the September 13, 1994 worksession.

PRELIMINARY RECOMMENDATION

Community Development Department staff recommends the Planning Commission consider adoption of a new GIS created Zoning Map and an additional Zoning Map that would highlight special natural resource type overlay zones. The Zoning Map is attached, the NR Overlay version will be available at the September 13, 1994 meeting.

ZONING



- | | |
|--------|--------|
| BI | R-1 |
| C-2* | R-1-B |
| C-C | R-10 |
| C-G | R-10* |
| C-L | R-10PD |
| C-L/MC | R-2 |
| C-N | R-2.5 |
| CSC | R-3 |
| HDR* | R-O-C |
| I-3* | R-5 |
| M | R-7 |
| MR-1* | R-7PD |

- WILLAMETTE GREENWAY OVERLAY

* - Denotes Clackamas County Zoning Class
Within City Boundaries

MAP DATE : 09/02/94

ZONING ORDINANCE AMENDMENT PACKAGE 94-06B
Transportation Planning Rule and Other Definitions

DEFINITION OF ISSUE

On May 17, 1994, City Council approved amendments to the Comprehensive Plan, Subdivision and Zoning Ordinances to implement the State mandated Transportation Planning Rule (TPR). Staff noticed in its implementation of the new zoning regulations, Section 1400, that there are a few new terms that are not defined in Section 100 of the Zoning Ordinance.

In addition, current proposed text changes to Section 500, Off-Street Parking and Loading has prompted the need for new definitions. This is also addressed in this staff report.

DISCUSSION/BACKGROUND

Community Development Department staff has been implementing the City's TPR requirements through the Zoning Ordinance since adoption in May. Staff noticed that a few terms namely: building orientation, collector street, local street, and walkway were not defined in the Definitions section of the Zoning Ordinance.

Proposed definitions for the above terms were presented to the Planning Commission at its August 23, 1994 worksession. The Planning Commission directed staff to research further and propose different text language for the street classification definitions so that they are consistent amongst themselves and address similar characteristics. Staff has proposed revised language which addresses the Planning Commission's concerns. See the attached text amendment language.

Since the August 23, 1994 Planning Commission worksession, staff has recognized the need to provide new definitions in Section 100, Definitions, to supplement the text of the revised Off-Street Parking and Loading Section. The new terms that are proposed as redlined text for inclusion in Section 100 are as follows: interior landscaping, off-street parking, perimeter landscaping, pleasure craft, recreational vehicle, shared parking, and structured parking.

PRELIMINARY RECOMMENDATION

Community Development Department staff recommends that the Planning Commission consider and approve the attached revised redlined new definitions for the terms related to both the TPR implementation and the revised parking and loading regulations.

ZA-94-06B	Amendments to the Zoning Ordinance (8 pages)
Redline	= Proposed new text
Strikeout	= Proposed deleted text

Automobile service station: Means a retail place of business engaged primarily in the sale of motor fuels, but also supplying goods and services required in the operation and maintenance of automotive vehicles. These may include petroleum products, tires, batteries, automotive accessories and replacement items, washing and lubrication services, the performance of minor automotive maintenance and repair, and the supplying of other incidental customer services and products, but not major automotive repairs, painting and body and fender work.

Basement: Means a portion of a building, not deemed a story, which has more than one half of its height (but not more than six feet) measured from finished floor to finished ceiling above the adjoining ground level grade.

Bikeways: Means any road, street, or path which in some manner is specifically designated for the use of bicycles or for shared use by bicycles and other transportation modes. The term "bikeway" includes bike lane, bike path, and bike route.

Bike lane: Means a portion of a road, street, or shoulder which has been designated for use by bicyclists through the application of a paint stripe.

Bike path: Means a separate trail or path on which motor vehicles are prohibited and which is for the exclusive use of bicycles or the shared use of bicycles and pedestrians.

Bike route: Means a system of bikeways designated by route markers. Bike routes include shared roadways open to motor vehicles and upon which no bicycle lane is designated.

Boarding, lodging or rooming house: Means a building or portion thereof without separate housekeeping facilities to be occupied, or which is occupied primarily by persons paying consideration for sleeping purposes where meals may or may not be provided.

Buffer area: Means a land area with space, landscaping, and other means sufficient to protect the uses in one zone from being offensive to the uses in another zone.

Building: Means a structure built for the support, shelter, or enclosure of any persons, animals, chattels, or property of any kind excepting uncovered patios or decks not exceeding 18 inches in height above the average grade of the adjoining ground.

Building height: Means the vertical distance measured from the adjoining street centerline grade, as established by the City, to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean height level between the eaves and ridge for a gable, hip, or gambrel roof, provided, however, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade at the front of the building.

Building line: Means a line that coincides with the front side of the main building.

Building orientation: Means the design and placement of a structure on a lot to relate to a feature(s) of the lot and/or adjacent public right-of-way.

SECTION 100 - INTRODUCTORY PROVISIONS

Collector street: Means a roadway that carries local traffic from local streets to arterial streets within the city. Collectors also serve local community uses and serve as circulation magnets for local streets. Local public transit may use collector streets.

Commercial recreation: Means an establishment where people pay for recreation including such types as health center, places with court games, dance halls, places with machine games, and so forth.

Cellar: Means a room or group of rooms, usually under a building, which has more than one half of its height measured from finished floor to finished ceiling below the average grade of the adjoining ground.

Church: Means a structure used by a religious organization having a tax-exempt status.

City: Means the City of Milwaukie, Oregon.

Congregate housing facility: Means a multi-dwelling-unit, permanent housing center with individual or common housekeeping facilities and services provided for residents who require or desire a more supportive living environment than typically available to residents in traditional apartment or single-family residential housing. These facilities may provide regular on-premise supervision by registered medical staff or care providers. Occupants of these facilities may include the elderly, disabled, handicapped, or other persons as defined in the Federal Fair Housing Amendments Act of 1988. Congregate housing facilities are permitted outright in all R-Zones which permit multifamily apartments and require conditional use approval in those R-Zones which allow multifamily uses conditionally. In each case, density standards of the zone shall determine number of units allowed.

Corridor design plan: Means a plan which establishes special development standards along a transportation corridor. A corridor design plan is adopted as part of the Comprehensive Plan and is implemented through overlay zones.

Day-care center: Means any facility, institution, establishment, or place not a part of a school as defined in Section 103 and not meeting the definition of family day care, that provides day care to children not of common parentage, including day nurseries, nursery schools, preschools, day-care facilities, or similar units operating under any name for the purpose of being given board, care, or training apart from their parents or guardians for compensation or reward.

Dormitory: Means a room which is rented for sleeping purposes for more than four persons.

Drinking establishment: Means a tavern, bar, cocktail lounge, or other similar business establishment with the primary function of preparing and serving alcoholic beverages to the public for consumption on the premises. This establishment may or may not be in conjunction with an eating establishment.

Dwelling unit: One or more rooms designed for occupancy by one family, but excluding a recreational vehicle.

Secondary Dwelling Unit: A dwelling unit allowed in conjunction with another dwelling unit either by means of existing space or by means of an addition.

Dwelling, single-family attached: Means two or three houses, each occupied by one family, sharing common structural walls. Each dwelling and lot are under single ownership.

SECTION 100 - INTRODUCTORY PROVISIONS

f. Accessory off-street parking or loading spaces.

Foster home: Means any home maintained by a person licensed by the State of Oregon to provide care, food, and lodging in such home for not more than ten (10) children, including his or her own children, under the age of eighteen (18) years and unaccompanied by a parent or guardian.

Frontage: Means property abutting on a street.

Grade, ground level: Means the average of the finished ground level at the center of all walls of a building. Where the walls are parallel to and within five feet of a public sidewalk, the ground level shall be measured at the average sidewalk elevation.

High-impact commercial businesses: Means any such use that generates substantial traffic, or noise, or light, or irregular hours, or other negative impact on the community. Examples include, but are not limited to: drinking establishments, commercial recreation, adult entertainment businesses, theaters, hotels and motels.

Home occupation: Means an occupation normally carried on at a dwelling as an accessory use to the dwelling, with the activity conducted in such a manner as to give no appearance of a business, and with no infringement upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.

Horticulture: Means the cultivation of plants, garden crops, trees, or nursery stock.

Hotel: Means a building or portion thereof designed or used for occupancy of transient individuals who are lodged with or without meals, and in which no provision is made for cooking in any individual room or suite.

Housekeeping unit: Means a living arrangement within a dwelling unit in which a single common kitchen facility, laundry facility, living and dining rooms, and other general living areas of the dwelling, and the duties, rights, and obligations associated with the performance of domestic tasks and management of household affairs, are shared by the residents by virtue of legal relationship or mutual agreement.

Institutional campus: Means a medical or educational institution and associated uses. Medical institutional campuses include medical centers and hospitals. Educational institutional campuses include universities, colleges, high schools, and other similar institutions offering course of study leading to a high school diploma or degree certified by a recognized accreditation body. Associated uses on institutional campuses may include some commercial and light industrial uses, major event entertainment, residential, and other uses.

Institution, higher educational: Means a college or university, accredited by the State of Oregon.

Interior landscaping: Means area(s) internal to a lot that is(are) devoted to buffer area(s) with plantings.

Junkyard: Means any establishment or place of business that is maintained, operated or used for storing, keeping, buying, or selling old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste or junked, dismantled, wrecked, scrapped or ruined motor vehicles, or motor vehicle parts, iron, steel or other scrap or old ferrous or nonferrous material, metal or nonmetal materials, and the term includes automobile graveyards, garbage dumps and scrap metal processing facilities.

Kennel: Means any lot or premises on which four or more dogs, more than four months of age, are kept.

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Kitchen facility: Means an area in which something is built, installed or established to prepare food for eating by a heating process.

Landscaping: Means vegetation and materials including but not limited to shrubs, grass, trees, planting beds, and bark dust.

Livestock: Means domestic animals, such as cattle, horses, sheep, hogs, or goats, raised for home use or for profit.

Loading space: Means an off-street space or berth on the same lot, or parcel, with a building or use, or contiguous to a group of buildings or uses, for the temporary parking of a vehicle while loading or unloading persons, merchandise, or materials, and which space or berth abuts upon a street, alley or other appropriate means of access and egress.

Local street: Means a roadway that carries residential traffic within residential neighborhoods within the city. Local streets connect to other local streets or collector streets for greater access within or between neighborhoods. Local public transit may use local streets.

Lot: Means a plot, parcel, or area of land owned by or under the lawful control and in the lawful possession of one distinct ownership.

Lot, corner: Means a lot abutting on two or more streets, other than an alley, at their intersection.

Lot coverage: Means the area covered by a building or buildings on a lot, expressed as a percentage of the total lot area.

Lot, depth: Means the average horizontal distance between the front lot line and the rear lot line.

Lot, interior: Means a lot other than a corner lot.

Lot line: Means the property line bounding a lot.

Lot line, front: In the case of an interior lot, the lot line separating the lot from the street other than an alley; and in the case of a corner lot, a line separating the lot from the street on which the contemplated development will face.

Lot line, rear: A lot line which is opposite and most distant from the front lot line; and in the case of an irregular, triangular or other-shaped lot, a line ten feet in length within the lot parallel to and at the maximum distance from the front lot line.

Lot line, side: Any lot line not a front or rear lot line.

Lot through: Means an interior lot having frontage on two streets.

Lot width: Means the horizontal distance between side lot line measured at the building line.

~~**Major arterial street:** Means a street that carries both local and through traffic to destinations outside the local community. The major arterial provides access to other communities, as well as access through Milwaukee. Public transit to other communities generally use major arterials. The major arterial is McLoughlin Boulevard as illustrated in the Comprehensive Plan.~~
Means a roadway that serves as a regional facility that carries both local and through traffic to destinations within and outside of the city. Public transit serving other communities and different points in the region may use these streets.

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Manufactured dwelling: Means a residential trailer, mobile home, or manufactured home meeting ORS 446.003(25) and designed to be used as a year-round residential dwelling. The manufactured dwelling is a structure constructed for movement on the public highways, that has sleeping, cooking, and plumbing facilities, and that is being used for residential purposes.

Manufactured dwelling park: Means a lot, tract, or parcel of land under one ownership, the primary purpose of which is to rent space for placement of a manufactured dwelling. A manufactured dwelling park shall contain a minimum of 2 acres, and a minimum of four manufactured dwellings.

Manufactured home: Means a single-family residential structure as defined in ORS 446.003(25)(a)(C) which includes a Department of Housing and Urban Development (HUD) label certifying that the structure is constructed in accordance with the Manufactured Housing Construction and Safety Standards of 1974 (42 USC Sections 5401 et. seq.) as amended on August 22, 1981.

Minor arterial street: ~~Means a street that carries local traffic between neighborhood areas or to regional facilities. The minor arterial provides access from neighborhood collector streets to community services and to other neighborhoods within, or immediately adjacent to, the City. Local public transit may use minor arterial streets. (The minor arterials are illustrated in the Comprehensive Plan. These include all or portions of Harrison, King, Monroe, Lake, Railroad, Harmony, Johnson Creek, Linwood, Oatfield, 17th, River Road, and 42nd.)~~ Means a roadway that carries local traffic from collector streets to regional facilities within the city. Minor arterials provide access to community uses and to neighborhoods within the city. Public transit serving other communities and different points in the region may use these streets.

Mobile home: Means a manufactured dwelling that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

Motel or tourist court: Means one or more buildings designed or used as temporary living quarters for transients.

Nonconforming structure or use: Means a lawful existing structure or use, at the time this Ordinance or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

Off-street parking: Means space located outside of any street right-of-way that is designed to accommodate the parking of motorized and nonmotorized vehicles.

Open space: Means any parcel of land or portion of a parcel without a structure, except as used and defined in the Planned Development Zone.

Owner: Includes an authorized agent of the owner.

Parking space: Means an area available for the parking of a standard American automobile or compact size.

Perimeter landscaping: Means an area around the edge of a lot that is devoted to a buffer area with plantings.

Person: Means any natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.

Physical characteristics: Means the physical, natural, and/or manmade features characteristic to a property or properties including, but not limited to, trees and other vegetation, rocks and outcrops, topography and ground features such as knolls and depressions, water bodies and wetlands, soil characteristics, excavations and fill, and embankments.

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Pleasure craft: Means a motorized or nonmotorized boat, canoe, kayak, or other similar vessel that is used for private aquatic recreational uses.

Poultry: Means domestic fowl, such as chickens, turkeys, ducks or geese, raised for flesh or eggs.

Preapplication conference: A meeting between Community Development Department staff and an applicant or property owner. It provides for an exchange of information regarding applicable requirements of City codes, makes available technical assistance which will aid in the development of an application and attempts to identify procedures, policies and regulations that may pose opportunities or constraints for a proposal.

Prefabricated construction (modular units): Means a structural unit, conforming to the Uniform Building Code, that has been wholly or in part prefabricated at an off-site location and brought by trailer to the site for assembly.

Public park: Means a park, playground, swimming pool, reservoir, or athletic field within the City which is under the control, operation or management of the Milwaukie Community Services Department.

Railroad facilities: Means railroad switching yards, terminal structure, railroad tracks, or any other facilities connected with railroads which generate substantial noise or nuisance.

Recreational vehicle: Means a vehicular-like, portable structure which can be towed, hauled, or driven and is primarily designed for temporary living accommodations for recreational camping and travel use and includes, but is not limited to, travel trailers, motor homes, camping trailers, campers, and recreational vans.

Residential home: Means a dwelling unit operated as a single housekeeping unit for the purpose of providing a residence which includes food, shelter, personal services, and care, on a permanent basis, for the elderly, disabled, handicapped, or others requiring such a residence as defined by the Federal Fair Housing Amendments Acts of 1988.

Residential trailer: Means a manufactured dwelling that was constructed prior to January 1, 1962.

School, commercial: Means a place where instruction is given to pupils in arts, crafts, trades, or other occupational skills, and operated as a commercial enterprise as distinguished from schools endowed or supported by taxation.

School, primary, elementary, junior high, or high: Includes public, private or parochial but not nursery school, kindergarten or day nursery, except when operated in conjunction with a school.

Senior and retirement housing: Means a multiunit dwelling where persons who are of retirement age reside. Activity levels including traffic generation and parking of cars, is generally lower than for other types of housing. Common facilities for eating and activities may be provided; nursing care and medical supplies, and personal services may be provided on a limited basis. One person may own the entire complex or each dwelling unit may be owned separately as in a condominium. The dwelling units shall not have more than one bedroom per unit and shall not have more than 800 square feet per dwelling unit.

Shared parking: Means the same off-street parking area is identified by one or more uses for the parking needs of employees, customers, and/or residents.

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Specified anatomical areas: Means and includes any of the following:

- a. Less than completely and opaquely covered genitals, pubic region, buttock, anus or female breast below a point immediately above the top of the areola; or
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities: Means and includes any of the following:

- a. The fondling or other erotic touching of human genitals, pubic region, buttock, anus or female breast;
- b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
- c. Masturbation, actual or simulated; or
- d. Excretory functions as part of or in connection with any of the activities set forth in "a" through "c" of this definition.

Story, half: Means a story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

Street: Means the entire width between the right-of-way lines of every way for vehicular and pedestrian traffic and includes the terms "road", "highway", "lane", "place", "avenue", "alley", and other similar designations.

Structure: Means something constructed or built and having a fixed base or, fixed connection to, the ground or another structure. (Streets and utilities are excluded from this definition.)

Structured parking: Means a covered structure or portion of a covered structure that provides parking areas for motor vehicles. The structure can be part of a principal structure or can be an accessory structure to a use.

Temporary or transitional facility: Means a facility which may provide temporary or transitional services to families or individuals including lodging where the average stay is 60 days or less. Such facilities shall be classified as Community Service Uses and may include shelters, community counseling centers, rehabilitation centers, and detention and detoxification facilities.

Transit stop: Means a site designated by Tri-Met as the location at which a Tri-Met bus or light rail train will accept or discharge passengers.

Transit street: Means a street with existing transit service operating at 20-minute or less peak hour frequency.

Transition area: Means an area where new town house and multifamily projects in R-3, R-2, and R-1 Zones that are adjacent to areas designated for lower densities have required transition measures.

Use: Means the purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

Vegetation: Means plantings or natural growth of trees, grass, shrubs, etc., which would permit normal percolation.

Vehicle: Means a device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

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Walkway: Means a pedestrian-only corridor that is paved with a hard surface material and connects pedestrians from parking areas to uses, between uses, and to sidewalks on adjacent public streets. Walkways are separated from parking areas and internal driveways to promote pedestrian safety.

Yard: Means an open space on a lot which is unobstructed from the ground upward except as otherwise provided in this Ordinance.

Yard, front: Means a yard between side lot lines, and measured horizontally at right angles to the front lot line from the lot line to the nearest point of the building.

Yard, rear: Means a yard between side lot lines or between a street side yard and opposite side lot line and measured horizontally at right to the rear lot line from the rear lot line to the nearest point of a main building.

Yard, side: Means a yard between the front and rear yard measured horizontally and at right angles from the side lot line to the nearest point of the building.

Yard, street side: Means a yard adjacent to a street between the front yard and the rear lot line, measured horizontally and at right angles from the side lot to the nearest point of the building.

ZONING ORDINANCE PACKAGE ZA-94-06C

Multi-family/residential Definitions

DEFINITION OF ISSUE

Several uses defined in Section 100 of the City Zoning Ordinance are inconsistent with similar uses defined within the Uniform Building Code (UBC) and the One and Two Dwelling (CABO) Code. To ensure consistency in reference and implementation, like uses should be defined consistently between the City Zoning Ordinance, UBC and CABO Code.

DISCUSSION/BACKGROUND

Staff is concerned about inconsistencies in dwelling definitions between the Zoning Ordinance and the UBC and CABO Code. In addition, several of the existing Zoning Ordinance definitions for dwellings require interpretation because of the use of vague or unclear language.

At a public meeting on August 23, 1994, the Planning Commission reviewed several dwelling definitions from the above referenced codes and suggested modifications as follows:

1. Change the minimum number of required units for multifamily and town houses from 4 to 3.
2. Eliminate the requirement for unit ownership for single family attached and town house units.
3. Provide additional clarification for lodging and boarding houses by referencing capacity provisions within the UBC.
4. Eliminate the separate definition for town house. Town house will automatically become a multifamily apartment dwelling if it includes 3 units or more.

Suggested new draft language is attached in text amendment form:

Note: the attached definitions are in addition to the following dwelling types which are not proposed for change: dwelling unit, secondary dwelling unit, single-family detached dwelling, and interior dwellings.

ADDITIONAL CONSIDERATIONS

The amendments proposed to the Definitions Section affect how dwellings are allocated within the various residential zones. Specific effects to zones are as follows:

1. Single family attached dwellings would be limited to two units (duplex structures only). Triplexes (three unit structures) would fall under the multifamily dwelling category.
2. Town house dwellings would be eliminated as a conditional use in R-5 unless the Planning Commission decided to substitute multifamily apartment/condominium dwellings as a conditional use in R-5.
3. Town house dwellings would be eliminated as a permitted use in R-3, R-2.5, R-2, R-1, R-1-B, and as a conditional use in C-L. The only change of note is for the R-3 Zone, where town houses were a permitted use while multifamily dwellings are a conditional use.
4. References to town houses in other sections will be eliminated (including the parking and conditional use sections).

See the attached text amendments which reflect the above corresponding zoning district text changes.

STAFF RECOMMENDATIONS

The text amendments described above and illustrated as attached, reflect staff's attempt for consistency in dwelling definitions between the Zoning Ordinance, Uniform Building Code and One and Two Dwelling (CABO) Code, and the Planning Commission's concerns and modifications from the August 23rd worksession. Staff recommends the attached amendments be included in the final package for public hearing.

Attached Amendments

ZA-94-06C	Amendments to the Zoning Ordinance (24 pages)
Redline	= Proposed new text
Strikeout	= Proposed deleted text

Automobile service station: Means a retail place of business engaged primarily in the sale of motor fuels, but also supplying goods and services required in the operation and maintenance of automotive vehicles. These may include petroleum products, tires, batteries, automotive accessories and replacement items, washing and lubrication services, the performance of minor automotive maintenance and repair, and the supplying of other incidental customer services and products, but not major automotive repairs, painting and body and fender work.

Basement: Means a portion of a building, not deemed a story, which has more than one half of its height (but not more than six feet) measured from finished floor to finished ceiling above the adjoining ground level grade.

Bikeways: Means any road, street, or path which in some manner is specifically designated for the use of bicycles or for shared use by bicycles and other transportation modes. The term "bikeway" includes bike lane, bike path, and bike route.

Bike lane: Means a portion of a road, street, or shoulder which has been designated for use by bicyclists through the application of a paint stripe.

Bike path: Means a separate trail or path on which motor vehicles are prohibited and which is for the exclusive use of bicycles or the shared use of bicycles and pedestrians.

Bike route: Means a system of bikeways designated by route markers. Bike routes include shared roadways open to motor vehicles and upon which no bicycle lane is designated.

Boarding, lodging, or rooming house: Means a building or portion thereof without separate housekeeping facilities to be occupied, or which is occupied primarily by persons paying consideration for sleeping purposes where meals may or may not be provided. Lodging capacity is subject to provisions of the Uniform Building Code.

Buffer area: Means a land area with space, landscaping, and other means sufficient to protect the uses in one zone from being offensive to the uses in another zone.

Building: Means a structure built for the support, shelter, or enclosure of any persons, animals, chattels, or property of any kind excepting uncovered patios or decks not exceeding 18 inches in height above the average grade of the adjoining ground.

Building height: Means the vertical distance measured from the adjoining street centerline grade, as established by the City, to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean height level between the eaves and ridge for a gable, hip, or gambrel roof, provided, however, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade at the front of the building.

Building line: Means a line that coincides with the front side of the main building.

Commercial recreation: Means an establishment where people pay for recreation including such types as health center, places with court games, dance halls, places with machine games, and so forth.

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Cellar: Means a room or group of rooms, usually under a building, which has more than one half of its height measured from finished floor to finished ceiling below the average grade of the adjoining ground.

Church: Means a structure used by a religious organization having a tax-exempt status.

City: Means the City of Milwaukie, Oregon.

Congregate housing facility: Means a multi-dwelling-unit, permanent housing center with individual or common housekeeping facilities and services provided for residents who require or desire a more supportive living environment than typically available to residents in traditional apartment or single-family residential housing. These facilities may provide regular on-premise supervision by registered medical staff or care providers. Occupants of these facilities may include the elderly, disabled, handicapped, or other persons as defined in the Federal Fair Housing Amendments Act of 1988. Congregate housing facilities are permitted outright in all R-Zones which permit multifamily apartments and require conditional use approval in those R-Zones which allow multifamily uses conditionally. In each case, density standards of the zone shall determine number of units allowed.

Corridor design plan: Means a plan which establishes special development standards along a transportation corridor. A corridor design plan is adopted as part of the Comprehensive Plan and is implemented through overlay zones.

Day-care center: Means any facility, institution, establishment, or place not a part of a school as defined in Section 103 and not meeting the definition of family day care, that provides day care to children not of common parentage, including day nurseries, nursery schools, preschools, day-care facilities, or similar units operating under any name for the purpose of being given board, care, or training apart from their parents or guardians for compensation or reward.

Dormitory: Means a room which is rented for sleeping purposes for more than four persons.

Drinking establishment: Means a tavern, bar, cocktail lounge, or other similar business establishment with the primary function of preparing and serving alcoholic beverages to the public for consumption on the premises. This establishment may or may not be in conjunction with an eating establishment.

Dwelling: Means a structure containing one or more dwelling units used, intended, or designed to be built, used, rented, let or hired out to be occupied, or which are occupied for living purposes. Dwelling types are defined in this section.

Dwelling unit: Means one or more rooms designed for occupancy by one family, but excluding a recreational vehicle.

Secondary Dwelling Unit: Means a dwelling unit allowed in conjunction with another dwelling unit either by means of existing space or by means of an addition.

Dwelling, single-family attached: Means ~~two or three houses~~ dwelling units, each occupied ~~by one family~~ as a housekeeping unit, sharing common structural walls. Each dwelling structure and lot are under single ownership.

Dwelling, single-family detached: Means a house or a manufactured home normally occupied by one family with no structural connection to adjacent units. The dwelling and lot are usually under single ownership.

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~~Dwelling, town house: Means four or more houses, usually two-story and each normally occupied by one family, sharing common structural walls. Each dwelling and lot are under single ownership or lots are under joint ownership.~~

Dwelling, multifamily apartment: Means a single structure containing four three or more dwelling units, usually for rent, and sharing common structural walls. Each dwelling structure and lot are under single ownership.

Dwelling, multifamily condominium: Means a single structure containing four three or more individually owned dwelling units, with all other common elements jointly owned on a specified basis.

Dwelling, interior single-family attached, interior town house, interior multi-family condominium: Means that dwelling unit or units that are interior to the whole residential structure and does not include the dwelling units that are on the ends of the structure facing lot lines.

Eating establishment: Means a restaurant or other similar business establishment with the primary function of serving food, prepared to order, to the public, and may serve alcoholic beverages at the dining table. This establishment may or may not have an attached drinking establishment.

Family: Means any person or group of persons living within a single housekeeping unit as defined in this section.

Family day care: Means a private residence occupied by the family day-care provider in all areas zoned for residential or commercial purposes and used as a home occupation by the provider for the care of fewer than 13 children, including children of the provider, regardless of full-time or part-time care status.

Fence: Means any artificially constructed barrier of any material or combination of materials erected for purpose of enclosing, protecting, or screening areas of land and uses thereon.

Fence, sight-obscuring: Means a fence consisting of wood, metal, masonry, or similar materials, or an evergreen hedge or other evergreen planting, arranged in such a way as to obscure vision at least 80 percent.

Floodway: Means the channel of a stream and adjacent land areas which are required to carry and discharge flood waters or flood flows of a 100-Year Flood, as defined by the Corps of Engineers.

Floodway fringe: Means that land area which is outside of the stream floodway but is subject to periodic inundation by a 100-Year Flood, as defined by the Corps of Engineers.

Floor area: Means the sum of the gross horizontal area of the general floor of a building, measured from the exterior faces of the exterior walls, or from the centerline of walls separating two buildings, but not including:

- a. Attic space providing headroom of less than seven feet.
- b. Basement or cellar;
- c. Uncovered steps or fire escapes;
- d. Private garages, carports, or porches;
- e. Accessory water towers or cooling towers;
- f. Accessory off-street parking or loading spaces.

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Temporary or transitional facility: Means a facility which may provide temporary or transitional services to families or individuals including lodging where the average stay is 60 days or less. Such facilities shall be classified as Community Service Uses and may include shelters, community counseling centers, rehabilitation centers, and detention and detoxification facilities.

Transit stop: Means a site designated by Tri-Met as the location at which a Tri-Met bus or light rail train will accept or discharge passengers.

Transit street: Means a street with existing transit service operating at 20-minute or less peak hour frequency.

Transition area: Means an area where new ~~town house and~~ multifamily projects in R-3, R-2, and R-1 Zones that are adjacent to areas designated for lower densities have required transition measures.

Use: Means the purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

Vegetation: Means plantings or natural growth of trees, grass, shrubs, etc., which would permit normal percolation.

Vehicle: Means a device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

Yard: Means an open space on a lot which is unobstructed from the ground upward except as otherwise provided in this Ordinance.

Yard, front: Means a yard between side lot lines, and measured horizontally at right angles to the front lot line from the lot line to the nearest point of the building.

Yard, rear: Means a yard between side lot lines or between a street side yard and opposite side lot line and measured horizontally at right to the rear lot line from the rear lot line to the nearest point of a main building.

Yard, side: Means a yard between the front and rear yard measured horizontally and at right angles from the side lot line to the nearest point of the building.

Yard, street side: Means a yard adjacent to a street between the front yard and the rear lot line, measured horizontally and at right angles from the side lot to the nearest point of the building.

303 RESIDENTIAL ZONE R-5

In an R-5 Zone the following regulations shall apply:

303.1 Outright uses permitted

In an R-5 Zone the following uses and their accessory uses are permitted outright:

- A. Single-family detached dwelling.
- B. Single-family attached dwelling.
- C. Residential home.
- D. Agricultural or horticultural use, provided that:
 - 1. A retail or wholesale business sales office is not maintained on the premises; and
 - 2. Poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 feet per head of livestock.
- E. Any other use similar to the above and not listed elsewhere.

303.2 Conditional uses permitted

In an R-5 Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 600:

- A. Temporary real estate office in a subdivision.
- ~~B. Town house dwelling.~~
- CB. Senior and retirement housing.
- DC. Secondary dwelling unit.
- ED. Any other use similar to the above and not listed elsewhere.

303.3 Standards

In an R-5 Zone the following standards shall apply:

- A. Lot size: Lot area shall be at least 5,000 square feet. For single-family attached dwellings ~~and town house complexes~~ the lot area shall be an average of at least 5,000 square feet per dwelling unit. Lot width shall be at least 50 feet. For interior single-family attached dwellings ~~and town house units~~ the lot width shall be at least 30 feet. Average lot depth shall be at least 80 feet.
- B. Front yard: A front yard shall be at least 20 feet.
- C. Side yard: A side yard shall be at least 5 feet, and there shall be one additional foot of side yard for each 3 feet of height over 2 stories or 25 feet, whichever is less, except on corner lots a side yard shall be at least 15 feet on the side abutting the street. For interior, single-family attached dwellings ~~and interior town house units~~, side yards are not required.

- D. Rear yard: A rear yard shall be at least 20 feet
- E. Yard abutting a major street: A yard abutting a major street listed in Section 410 shall be established in accordance with the standard set forth therein.
- F. Off-street parking and loading: As specified in Section 500.
- G. Height restriction: Maximum height of a structure shall be $2\frac{1}{2}$ stories or 35 feet, whichever is less.
- H. Lot coverage: Maximum area that may be covered by the dwelling structure and accessory buildings shall not exceed 35 percent of the total area of the lot.
- I. Minimum vegetation: Minimum area that must be left or planted in trees, grass, shrubs, barkdust for planting beds, etc. will be 25 percent of the total area of the lot.
- J. Transition area: A transition area shall be maintained according to Section 413.
- K. Access requirement: Every lot shall abut a public street other than an alley for at least 35 feet, except as provided in the Subdivision Ordinance. The lots for interior single-family attached units ~~and town house units~~ shall abut a public street for at least 20 feet.

304 RESIDENTIAL ZONE R-3

In an R-3 Zone the following regulations shall apply:

304.1 Outright uses permitted

In an R-3 Zone the following uses and their accessory uses are permitted outright:

- A. Single-family, detached dwelling.
- B. Agricultural or horticultural use, provided that:
 - 1. A retail or wholesale business sales office is not maintained on the premises; and
 - 2. Poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.
- C. Single-family attached dwelling.
- D. Residential home.
- ~~E. Town house dwelling.~~
- EE. Any other uses similar to the above and not listed elsewhere.

304.2 Conditional uses permitted

In an R-3 Zone the following conditional uses and their accessory uses are permitted subject to provisions of Section 600:

- A. Temporary real estate office in a subdivision.
- B. Boarding, lodging or rooming house.
- C. Senior and retirement housing.
- D. 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 whose activities generate a minimal amount of traffic.
- E. Multifamily condominium or apartment dwelling.
- F. Secondary dwelling unit.
- G. Congregate housing facility.
- H. Any other uses similar to the above and not listed elsewhere.

304.3 Standards

In an R-3 Zone the following standards shall apply:

- A. Lot size: Lot area shall be at least 5,000 square feet. For single-family attached dwellings ~~and town house complexes~~ the lot area shall be an average of at least 3,000

square feet per dwelling unit. Lot width shall be at least 50 feet. For interior single-family attached ~~and town house~~ units the lot width shall be at least 30 feet. Average lot depth shall be at least 80 feet.

- B. Front yard: A front yard shall be at least 15 feet.
- C. Side yard: A side yard shall be at least 5 feet, and there shall be one additional foot of side yard for each 3 feet of height over two stories or 25 feet, whichever is less, except on corner lots a side yard shall be at least 15 feet on the side abutting the street. For interior single-family attached, ~~town house~~ and condominium units, side yards are not required.
- D. Rear yard: A rear yard shall be at least 15 feet.
- E. Yard abutting a major street: A yard abutting a major street listed in Section 410 shall be established in accordance with the standard set forth therein.
- F. Off-street parking and loading: As specified in Section 500.
- G. Height restriction: Maximum height of a structure shall be $2\frac{1}{2}$ stories or 35 feet, whichever is less.
- H. Lot coverage: Maximum area that may be covered by the dwelling structure and accessory buildings shall not exceed 40 percent of the total area of the lot.
- I. Minimum vegetation and open space: Minimum area that must be left or planted in trees, grass, shrubs, barkdust for planting beds, or left as open space or used as recreational area, etc. will be 35 percent of the total area of the lot. At least half of this area will be of the same general character as the area with dwelling units.
- J. Access requirements: Every lot shall abut a public street other than an alley for at least 35 feet, except as provided in the Subdivision Ordinance. Lots for interior single-family attached ~~and town house~~ units will abut a public street for at least 20 feet.
- K. Transition area: A transition area shall be maintained according to Section 413.

305 RESIDENTIAL ZONE R-2.5

In an R-2.5 Zone the following regulations shall apply:

305.1 Permitted uses

- A. Single-family dwelling.
- B. Single-family attached dwelling.
- C. Residential home.
- ~~D. Town house dwellings.~~
- ED. Agricultural or horticultural uses, provided that:
 - 1. A retail or wholesale business sales office is not maintained on the premises; and
 - 2. Poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.
- FE. Any other use similar to the above and not listed elsewhere.

305.2 Conditional uses

- A. Boarding, lodging or rooming house.
- B. Senior and retirement housing.
- C. Multifamily condominium or apartment.
- D. Congregate housing facility.
- E. 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 whose activities generate a minimal amount of traffic.
- F. Any other use similar to the above and not listed elsewhere.

305.3 Standards

In an R-2.5 Zone the following standards shall apply:

- A. Lot size: Single-family dwellings - 3,000 square feet.
Attached dwellings - 2,500 square feet average per unit.
- B. Lot dimensions: Width at building line, measured at front setback: 1) single-family dwelling - 40 feet; 2) attached dwellings - 25 feet. Depth for all types of uses - 75 feet.
- C. Set backs: Front yard - 15 feet. Side yard - A side yard shall be at least 5 feet, and there shall be one additional foot of side yard for each 3 feet of height over two stories or 25 feet, whichever is less, except on corner lots a side yard shall be at least 15 feet on the side abutting the street. For interior single-family attached, ~~town houses~~ and condominium units, side yards are not required.

306 RESIDENTIAL ZONE R-2

In an R-2 Zone the following regulations shall apply:

306.1 Outright uses permitted

In an R-2 Zone the following uses and their accessory uses are permitted outright:

- A. Single-family detached dwelling.
- B. Residential home.
- C. Agricultural or horticultural use, provided that:
 - 1. A retail or wholesale business sales office is not maintained on the premises; and
 - 2. Poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.
- D. Single-family attached, ~~town house~~, multifamily condominiums, multifamily apartment dwellings.
- E. Congregate housing facility.
- F. Any other use similar to the above and not listed elsewhere.

306.2 Conditional uses permitted

In an R-2 Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 600:

- A. Boarding, lodging or rooming house.
- B. Senior and retirement housing.
- C. 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 whose activities generate a minimal amount of traffic, except in transitional areas.
- D. Hotel or motel.
- E. Marina
- F. Secondary dwelling unit
- G. Any other use similar to the above and not listed elsewhere.

306.3 Standards

In an R-2 Zone the following standards shall apply:

- A. Lot size: Lot area shall be at least 5,000 square feet. Lot area for the first dwelling unit shall be at least 5,000 square feet and there shall be not less than an average of 2,500 square feet for each dwelling unit over one. Lot width shall be at least 50 feet. For interior single-family

attached, ~~town house~~ and condominium units lot width shall be at least 30 feet. Average lot depth shall be at least 80 feet. Single-family attached, ~~town house~~, multifamily condominium, and multifamily apartment dwellings are permitted with less than 3,000 square feet per unit provided that traffic does not move through adjacent lower density areas.

- B. Front yard: A front yard shall be at least 15 feet.
- C. Side yard: A side yard shall be at least 5 feet, and there shall be one additional foot of side yard for each 3 feet of height over two stories or 25 feet, whichever is less, except on corner lots a side yard shall be at least 15 feet on the side abutting the street. For interior single-family attached, ~~town house~~ and condominium units, side yards are not required.
- D. Rear yard: A rear yard shall be at least 15 feet.
- E. Yard abutting a major street: A yard abutting a major street listed in Section 410 shall be established in accordance with the standard set forth therein.
- F. Off-street parking and loading: As specified in Section 500.
- G. Height restriction: Maximum height of a structure shall be three stories or 45 feet, whichever is less.
- H. Lot coverage: Maximum area that may be covered by the dwelling structure and accessory buildings shall not exceed 45 percent of the total area of the lot.
- I. Minimum vegetation and open space: Minimum area that must be left or planted in trees, grass, shrubs, barkdust for planting beds, or left as open space or used as recreational area, etc. will be 35 percent of the total area of the lot. At least half of this area will be of the same general character as the area with dwelling units.
- J. Access requirements: Every lot shall abut a public street other than an alley for at least 35 feet except as provided in the Subdivision Ordinance. Lots for interior single-family attached, ~~town house~~ and condominium units shall abut a public street for at least 20 feet.
- K. Transition area: A transition area shall be maintained according to Section 413.

307 RESIDENTIAL-BUSINESS OFFICE-COMMERCIAL ZONE R-1-B

In an R-1-B Zone the following regulations shall apply:

307.1 Outright uses permitted

In an R-1-B Zone the following uses and their accessory uses are permitted outright:

- A. Single-family detached dwelling.
- B. Agricultural or horticultural use, provided that:
 - 1. A retail or wholesale business sales office is not maintained on the premises; and
 - 2. Poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.
- C. Single-family attached dwelling.
- D. Residential home.
- E. ~~Town house,~~ Condominium, multifamily condominium, and multifamily apartment dwellings.
- F. Congregate housing facility.
- G. Senior and retirement housing.
- H. 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 whose activities generate a minimal amount of traffic.
- I. Offices of administrative, editorial, educational, executive, financial, governmental, philanthropic, insurance, real estate, religious, research, scientific or statistical organizations whose activities generate a minimal amount of traffic.
- J. Any other use similar to the above and not listed elsewhere.

307.2 Conditional uses permitted

In an R-1-B Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 600:

- A. Temporary real estate office in a subdivision
- B. Boarding, lodging or rooming house.
- C. Hotel or motel.
- D. Marina.
- E. Any other use similar to the above and not listed elsewhere.

307.3

Standards

In an R-1-B Zone the following standards shall apply:

- A. Lot size: Lot area shall be at least 5,000 square feet. Lot area for the first dwelling unit shall be at least 5,000 square feet and for each dwelling unit over one there shall be not less than an average of 1,400 square feet. Lot width shall be at least 50 feet. For interior single-family attached ~~town-house~~ and condominium units this lot width shall be at least 30 feet.
- B. Front yard: A front yard shall be at least 15 feet.
- C. Side yard: A side yard shall be at least 5 feet, and there shall be one additional foot of side yard for each 3 feet of height over two stories or 25 feet, whichever is less, except on corner lots a side yard shall be at least 15 feet on the side abutting the street.
- D. Rear yard: A rear yard shall be at least 15 feet.
- E. Yard abutting a major street: A yard abutting a major street listed in Section 410 shall be established in accordance with the standard set forth therein.
- F. Off-street parking and loading: As specified in Section 500.
- G. Height restriction: Maximum height of a structure shall be three stories or 45 feet, whichever is less.
- H. Lot coverage: maximum area that may be covered by the principal structure and accessory buildings shall not exceed 50 percent of the total area of the lot.
- I. Minimum vegetation: Minimum area that must be left or planted in trees, grass, shrubs, etc. shall be 15 percent of the total area of the lot.
- J. Access requirement: Every lot shall abut a public street other than an alley for at least 35 feet except as provided in the Subdivision Ordinance. Lots for interior single-family attached ~~town-house~~ and condominium units shall abut a public street for at least 20 feet.
- K. Transition area: A transition area shall be maintained according to Section 413.

308 RESIDENTIAL ZONE R-1

In an R-1 Zone the following regulations shall apply:

308.1 Outright uses permitted

In an R-1 Zone the following uses and accessory uses are permitted outright:

- A. Single-family detached dwelling.
- B. Agricultural or horticultural use, provided that:
 - 1. A retail or wholesale business sales office is not maintained on the premises; and
 - 2. Poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.
- C. Single-family attached, ~~town house~~, multifamily condominium, multifamily apartment dwelling.

The above type dwellings are permitted with less than 3,000 square feet per unit provided that traffic does not move through adjacent lower density areas.
- D. Residential home.
- E. Senior and retirement housing.
- F. Congregate housing facility.
- G. Any other use similar to the above and not listed elsewhere.

308.2 Conditional uses permitted

In an R-1 Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 600:

- A. Temporary real estate office in a subdivision.
- B. Boarding, lodging or rooming house.
- C. 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 whose activities generate a minimal amount of traffic, except in transitional areas.
- D. Hotel or motel.
- E. Marina.
- F. Any other use similar to the above and not listed elsewhere.

308.3

Standards

In an R-1 Zone the following standards shall apply:

- A. Lot size: Lot area shall be at least 5,000 square feet. Lot area for the first dwelling unit shall be at least 5,000 square feet and there shall be not less than 1,400 square feet for each dwelling unit over one. Lot width shall be at least 50 feet. Lot width for single-family attached, ~~town house~~ and condominium units shall be at least 30 feet. Average lot depth shall be at least 80 feet. Single-family attached, ~~town house~~, multifamily condominium, multifamily apartment dwellings are permitted with less than 3,000 square feet per unit provided that traffic does not move through adjacent lower density areas.
- B. Front yard: A front yard shall be at least 15 feet.
- C. Side yard: A side yard shall be at least 5 feet, and there shall be one additional foot of side yard for each 3 feet of height over two stories or 25 feet, whichever is less, except on corner lots a side yard shall be at least 15 feet on the side abutting the street. For interior single-family attached, ~~town house~~ and condominium units, side yards are not required.
- D. Rear yard: A rear yard shall be at least 15 feet.
- E. Yard abutting a major street: A yard abutting a major street listed in Section 410 shall be established in accordance with the standard set forth therein.
- F. Off-street parking and loading: As specified in Section 500.
- G. Height restriction: Maximum height of a structure shall be three stories or 45 feet, whichever is less.
- H. Lot coverage: Maximum area that may be covered by the dwelling structure and accessory buildings shall not exceed 45 percent of the total area of the lot.
- I. Minimum vegetation and open spaces: Minimum area that must be left or planted in trees, grass, shrubs, barkdust for planting beds, or left as open space or used as recreational area, etc. will be 35 percent of the total area of the lot. At least half of this area will be of the same general character as the area with dwelling units.
- J. Access requirements: Every lot shall abut a public street other than an alley for at least 35 feet except as provided in the Subdivision Ordinance. Lots for interior single-family attached, ~~town house~~ and condominium units shall abut a public street for at least 20 feet.
- K. Transition area: A transitional area shall be maintained according to Section 413.
- L. Use restrictions: Authorized commercial uses are permitted on the ground floor only. Office uses are permitted on the ground level and first floor. At least fifty (50) percent of the floor area within a project shall be used for residential purposes.

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

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

309.1 Outright uses permitted

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

- A. Single-family detached dwelling.
- B. Single-family attached ~~and town house~~ dwelling.
- C. Residential home.
- D. Multifamily condominium dwelling.
- E. Multifamily apartment dwelling.
- F. Congregate housing facility.
- G. Senior and retirement housing.
- H. Offices.
- I. Retail trade establishment such as a food store, drugstore, gift shop, hardware store selling primarily from a shelf-goods inventory.
- J. Personal service business such as a barber shop, tailor shop or laundry and dry cleaning pickup station.
- K. Funeral home.
- L. Commercial recreation and motion picture theater.
- M. Eating establishment.
- N. Hotel or motel.
- O. Parking facility.
- P. Repair, maintenance or service of the type of goods to be found in any permitted retail trade establishment.
- Q. Financial institution.
- R. Trade or commercial school.
- S. Department or furniture store.
- T. Any other use similar to the above and not listed elsewhere.

309.2 Conditional uses permitted

In an R-O-C Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 600:

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

309.3 Standards

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

- A. Lot size: Lot area shall be at least 5,000 square feet. Lot area for the first dwelling unit shall be at least 5,000 square feet and for dwelling units over one there shall be not less than an average of 1,400 square feet. Lot width shall be at least 50 feet. Lot width for interior single-family attached, ~~town house~~ and condominium units shall be at least 30 feet. Average lot depth shall be at least 80 feet.
- B. Front yard: A front yard shall be at least 15 feet.
- C. Side yard: A side yard shall be at least 5 feet, and there shall be one additional foot of side yard for each 3 feet of height over two stories or 25 feet, whichever is less, except on corner lots a side yard shall be at least 15 feet on the side abutting the street. For interior single-family attached, ~~town house~~ and condominium units, side yards are not required.
- D. Rear yard: A rear yard shall be at least 15 feet.
- E. Yard abutting a major street: A yard abutting a major street listed in Section 410 shall be established in accordance with the standard set forth therein.
- F. Off-street parking and loading: As specified in Section 500.
- G. Height restriction: Maximum height of a structure shall be three stories or 45 feet, whichever is less.
- H. Use restrictions: Authorized commercial uses are permitted on the ground floor only. Office uses are permitted on the ground level and first floor. At least fifty (50) percent of the floor area within a project shall be used for residential purposes.
- I. Lot coverage: Maximum area that may be covered by the principal structure and accessory buildings shall not exceed 50 percent of the total area of the lot.
- J. Minimum vegetation: Minimum area that must be left or planted in trees, grass, shrubs, barkdust for planting beds, etc., shall be 15 percent of the total area of the lot.
- K. Access requirement: Every lot shall abut a public street other than an alley for at least 35 feet except as provided in the Subdivision Ordinance. Lots for interior single-family attached, ~~town house~~ and condominium units shall abut a public street for at least 20 feet.
- L. Transition area: A transition area shall be maintained according to Section 413.

309.4 Prohibited uses

The following uses and their accessory uses are prohibited:

- A. Adult entertainment business.

311 LIMITED COMMERCIAL ZONE C-L

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

311.1 Outright uses permitted

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

311.2 Conditional uses permitted

In a C-L Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 600:

- 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 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.
- I. Single-family attached dwelling, ~~town house dwelling,~~ multifamily apartment, and condominium dwelling.
- J. Senior and retirement housing.
- K. Residential home.
- L. Congregate housing facility.

- M. High-impact commercial, except adult entertainment businesses.
- N. Any other use similar to the above and not listed elsewhere.

311.3

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 square feet. Lot area for the first dwelling unit shall be at least 5,000 square feet and for dwelling units over one there shall be not less than an average of 1,000 square feet. Lot width shall be at least 50 feet. Lot width for interior single-family attached, ~~town house~~ and condominium units shall be at least 30 feet. Average lot depth shall be at least 80 feet.
- B. Front yard: None, except as provided in subsections 311.3.E and 311.3.F below.
- C. Side yard: None, except as provided in subsections 311.3.E and 311.3.F below.
- D. Rear yard: None, except as provided in subsections 311.3.E and 311.3.F below.
- E. Yard abutting a major street: A yard abutting a major street listed in Section 410 shall be established in accordance with the standards set forth therein.
- F. Transition area: A transition area shall be maintained according to Section 413.
- G. Access: Entrances from a public street to properties in this zone shall be located to minimize traffic congestion and avoid directing traffic onto residential streets. Every lot shall abut a public street other than an alley for at least 35 feet except as permitted under the Subdivision Ordinance. Lots for interior single-family attached, ~~town house~~ and condominium units shall abut a public street for at least 20 feet.
- H. Off-street parking and loading: As specified in Section 500.
- I. Height restriction: Maximum height of any structure shall be three stories or 45 feet, whichever is less.
- J. 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 feet high.
- K. Minimum vegetation: Minimum area that must be left or planted in trees, grass, shrubs, barkdust for planting beds, etc., shall be 15 percent of the total area of the lot.

311.4

Prohibited uses

The following uses and their accessory uses are prohibited:

- A. Adult entertainment businesses.

Washington Street (west of Railroad)	30 feet
7th Avenue	30 feet
21st Street	30 feet
32nd Street (north of Harrison)	30 feet
40th Street (Harvey to Railroad)	40 feet
42nd Street (north of Harvey)	30 feet
43rd Street (south of Covell)	30 feet

411 BUILDING HEIGHT LIMITATIONS, GENERAL EXCEPTIONS

Projections such as chimneys, spires, domes, elevator shaft housings, flagpoles and other similar objects not used for human occupancy are not subject to the building height limitations of this Ordinance, except as provided in an L-F Zone.

412 ADDITIONAL BUILDING HEIGHT

One additional story may be permitted in excess of the required maximum standard. An additional 10 percent of site area that is retained in vegetation beyond the minimum is required for each additional story. This provision does not apply to the R-10, R-7, or R-5 Zones.

413 TRANSITION AREA

413.1 Transition measures

In zones where ~~town house~~, multifamily, commercial, or industrial projects are proposed that are within 100 feet of areas designated for lower density, transition measures shall be made in order to minimize the impact on lower density uses. These measures shall be subject to Planning Commission review at a public hearing per subsection 1011.3, Minor Quasi-Judicial review, and shall include one or a combination of the following: The Planning Commission may apply conditions to such approval as will meet the objectives of this Section.

- A. Roadways separating projects.
- B. Open areas (developed or undeveloped) separating new structures from adjacent parcels. A minimum distance equal to the required front yard of adjacent parcels will be established and maintained as open area. Natural vegetation, landscaping or fencing will be provided to the six foot open level to screen living rooms from direct view across open areas.
- C. Gradual density changes. A new project may not have a density greater than 25 percent of the allowable density on lower density residential parcels abutting the project. If abutting parcels have a variety of allowable residential densities, parcels with similar allowable densities abutting the highest percentage of the project perimeter will govern.

420.2 Definition

For the purposes of this Section, the following definition shall apply:

- A. Recycling collection area: A specific location where recyclable materials may be deposited and contained for regular collection by a material collection service.

420.3 Applicability

All new multifamily apartment, ~~town house~~, and condominium dwelling projects, and projects proposing unit expansion to existing multifamily apartment, ~~town house~~, and condominium dwellings, must provide area(s) for recycling collection subject to the standards herein.

420.4 Recycling collection area standards

Standards for recycling collection areas are as follows:

- A. The recycling collection area must provide containers to accept the following recyclable materials: glass, newspaper, corrugated cardboard, tin, and aluminum.
- B. The recycling collection area must be located at least as close to the dwelling units as the closest garbage collection/container area.
- C. Recycling containers must be covered either by roof or weatherproof lids.
- D. If located outdoors, the recycling collection area must be screened from the street and adjacent properties by sight-obscuring materials.
- E. The recycling collection area(s) must have a collection capacity of at least 100 cubic feet in size for every 10 dwelling units or portion thereof.
- F. The recycling collection area must be easily accessible to collection service personnel between the hours of 6 a.m. and 6 p.m.
- G. The recycling collection area and containers must be clearly labeled to indicate the type and location of materials accepted and properly maintained to ensure continued use by tenants.
- H. City Fire Department approval will be required for all recycling collection areas.
- I. Review and comment for all recycling collection areas will be required from the appropriate franchise collection service.

420.5 Review of recycling collection areas

- A. Review of recycling collection areas for new multifamily dwelling projects that require conditional use approval shall be made by the Planning Commission following the procedures of Section 1011.3, Minor Quasi-Judicial review.

SECTION 500

OFF-STREET PARKING AND LOADING

501 OFF STREET PARKING REQUIREMENTS

At the time a structure is erected or enlarged, or the use of a structure or parcel of land is changed within any zone in the city, off-street parking spaces shall be provided in accordance with the requirements of Section 501 and Section 503 unless greater requirements are otherwise established. The provisions of Section 500 do not apply to the C-C Zone, except for bicycle parking requirements and portions of buildings over four stories. If the use of an existing structure or parcel is changed to a use with greater parking requirements, the requirements of this Section and Section 503 shall apply. If parking space has been provided in connection with an existing use, the parking space shall not be eliminated if it would result in less than is required by this Section. Where square feet are specified, the area measured shall be the gross floor area primary to the functioning of the particular use of property, but shall exclude space devoted to off-street parking or loading. Where employees are specified, persons counted shall be those working on premises, including proprietors, during the largest shift at peak season. Fractional space requirements shall be counted as a whole space.

501.1 Residential uses - parking spaces required

- | | | |
|----|---|--|
| A. | Single-family attached
Manufactured home
Single-family detached
For approved flag lots | Two spaces per dwelling unit, one of which must be covered. One additional off-street parking space per dwelling unit shall be located within any access strip or required paved turnaround area. |
| B. | 4-11 dwelling units
Town house
Multifamily condominiums
Multifamily apartment | Two spaces per unit. Over 12 dwelling units:
1.5 spaces - one bedroom
1.75 spaces - two bedrooms
2 spaces - three bedrooms
1 space - 10 feet by 25 feet for every 12 dwelling units for recreational vehicles, boats, etc. |
| C. | Rooming or boarding house, fraternity, motel, or tourist court | One space per guest room or suite, plus one additional space per two employees. |
| D. | Hotel | One space per two guest rooms or suites, plus one space per two employees. |
| E. | Mobile home park | Two spaces per mobile home, one of which must be covered. One (1) space - 10 feet by 25 feet for every 10 dwelling units for recreational vehicles, boats, etc. |

<u>Use</u>	<u>Square Feet of Floor or Land Area</u>		<u>Minimum Loading Spaces Required</u>
Hotel	-0-	to 29,999	1
	30,000	69,999	2
	70,000	129,999	3
	130,000	219,999	4
	220,000	379,999	5
	380,000	699,999	6
	700,000	1,499,999	7
	OVER	1,500,000	8
Manufacturing Under 5,000 square feet			0
wholesale	5,000	to 39,999	1
storage or	40,000	99,999	2
hospital	100,000	159,999	3
	160,000	239,999	4
	240,000	319,999	5
	320,000	399,999	6
	400,000	489,999	7
	490,000	579,999	8
	580,000	669,999	9
	670,000	759,999	10
	760,000	849,999	11
	850,000	939,999	12
	940,000	1,029,999	13
	OVER	1,030,000	14

~~Town house and Multifamily~~

One loading space for each 50 dwelling units.

Commercial Recreation

Same as commercial excluding motion picture theaters.

Motion Picture Theaters

One loading space.

Office or Bank

Same as commercial.

Public or Semipublic

One loading space.

502.3 Loading space area

- A. ~~Town house and multifamily~~ Multifamily: Each required space shall be at least 12 feet in width and 25 feet in length.
- B. Commercial: Each required space shall be at least 12 feet in width and 35 feet in length.
- C. Industrial: Each required space shall be at least 12 feet in width and 60 feet in length.

502.4 Clearance

The height of each required loading space shall provide a minimum vertical clearance of 13 feet.

- B. Production from an open pit or the removal of sand and gravel shall not leave a slope exceeding one foot horizontal for one foot vertical.
- C. An open pit or sand and gravel operation shall be enclosed by a fence suitable to prevent unauthorized access.
- D. A rock crusher, washer, or sorter, shall not be located nearer than 500 feet to a residential or commercial zone. Surface mining equipment and necessary access roads shall be constructed maintained, and operated in such a manner as to eliminate, as far as is practicable, noise, vibration, or dust which is injurious or substantially annoying to persons living in the vicinity.

602.5 Junk or wrecking yard

In considering a conditional use application for a junk or wrecking yard, the Planning Commission shall require that it be enclosed by a sight-obscuring fence not less than six feet high.

602.6 High-impact commercial use

In considering a conditional use application for a high-impact commercial use the Planning Commission shall consider the following:

- A. Nearness to dwellings, churches, hospitals, or other uses which require a quiet environment.
- B. Building entrances, lighting, exterior signs, and other features which could generate or be conducive to noise or other disturbance for adjoining uses.
- C. Parking vehicles and pedestrian access and circulation could contribute to noise or attract habitual assembly or unruly persons.
- D. Hours of operation
- E. In addition to consideration of the above with respect to building and site design, the Planning Commission may attach conditions or standards of performance and impact, and methods for monitoring and evaluating these, to insure that such establishments do not become unduly or unnecessarily disruptive.

602.7 Single-family attached ~~and town house~~ dwellings

In considering a conditional use application for single-family attached ~~or town house~~ dwellings, the Planning Commission shall consider the following:

- A. Whether a structure of a similar type is within 200 feet.
- B. Relationship to neighboring uses.
- C. Street access.
- D. Terrain of the site. The project shall not cause traffic to move through the adjoining lower density areas.

ZONING ORDINANCE AMENDMENT PACKAGE 94-06D
Parking and Loading Standards

DEFINITION OF ISSUE

Both Community Development Department staff and the Planning Commission have recognized that the existing Section 500 Off-Street Parking and Loading of the Zoning Ordinance is problematic and needs major revision. Parts of the section are outdated and additional subsections need to be added to make the City's Off-Street Parking and Loading standards comprehensive and workable.

DISCUSSION/BACKGROUND

The Planning Commission formed a Parking Ordinance Task Force to review the existing Section 500 of the Zoning Ordinance. The following list summarizes the needs and concerns expressed by the Task Force.

1. Since the parking regulations have not be updated for many years, the existing standards need to be evaluated and revised if not appropriate. One example, is the table of uses and required parking spaces.
2. There is the need to provide flexibility for developers in determining required parking. This can be achieved by the developer being able to submit an alternative parking plan. This would be especially helpful for larger scale, mixed use or single use projects that are not included in the use/required parking list.
3. Additional landscaping in parking lots is desired other than just around the perimeter of the lot.
4. Include diagrams in the Section on parking space dimensions.
5. Provide for maximum number of parking spaces per development and have rationale/criteria to support the maximum.
6. Provide for structured parking standards.

An outline of a new Section 500 was reviewed by the Planning Commission at its August 23, 1994 worksession. The Planning Commission recommended numerous text changes to the draft outline, which are highlighted in the following list:

1. The CC zone is exempt from the parking standards except for the structured parking provision.
2. Replace the reference to the developer with a reference to the applicant.
3. Allow the Planning Commission to make determinations on unlisted uses and alternative parking plans, when an issue as part of a Planning Commission application review.

4. Provide information at the next worksession on different communities' ratios of compact to regular sized spaces per parking lot.
5. Perimeter landscaping can count toward site landscaping requirement.
6. Parking islands should be located every 5 parking spaces.
7. Landscaping diagrams to be revised to show changes to subsection and different building orientation.
8. Vehicle parking on separate lots in residential zones no greater than 300'.
9. No uncovered residential parking in side yard setbacks.
10. Commercial vehicles over 1 ton not permitted in residential zones (per Kelly recommendation).
11. RV's/pleasure crafts should be a minimum 5 feet from primary dwelling and accessory structures (per Fire Marshall office recommendation).
12. CSO and BI, additional zones for structured parking.
13. Height requirement for structured parking same as for building height in underlying zone.
14. Retail on first floor of structured parking in retail zones.

In regards to 4. above, the ratio of compact to regular sized spaces required in parking lots, there is a variety of ratios maintained by different jurisdictions in the region. The ratios range from up to 20% of compact spaces permitted in Beaverton, 30% of compact spaces for Tualatin, and up to 50% compact spaces for Lake Oswego, Gresham, and Clackamas County. The County does have some criteria to achieve the 50% amount. An applicant must demonstrate that a similar existing use attracts increased compact sized cars. Staff could not find a % requirement in Portland's regulations. Staff is leaving the language as is, for Planning Commission debate and recommendation.

The above concepts with specific changes to the proposed text have been expanded into the attached redlined draft of new Section 500 Zoning Ordinance language.

PRELIMINARY RECOMMENDATION

Community Development Department staff recommends that the Planning Commission consider and approve the attached redlined Section 500 Off-Street Parking and Loading amendment to the Zoning Ordinance.

ZA-94-06D Amendments to the
Zoning Ordinance
(20 pages)
Redline = Proposed new text
Strikeout = Proposed deleted text

SECTION 500

OFF-STREET PARKING AND LOADING

501 PURPOSE

The purpose of this Section is to provide adequate off-street parking and loading, to avoid congestion on the streets, to avoid unnecessary conflicts between vehicles and pedestrians, to encourage the use of bicycles and mass transit, and to facilitate access from streets to off-street parking lots and from structures to off-street parking and loading spaces.

502 APPLICABILITY OF PROVISIONS

The standards and procedures of Section 500 shall apply to all development, remodeling, and changes of use that increase parking and loading demand.

The standards and procedures of this Section shall also apply to uses with nonconforming parking and loading facilities, in an attempt to bring them into conformance with current standards when remodeling or change in use occurs.

503 OFF-STREET PARKING STANDARDS

503.1 General provisions

- A. Off-street parking shall be required in all districts except for the C-C Zone (which may be considered under subsection 507.C) and in connection with all uses. Off-street parking shall be provided at the time the structure is erected, prior to the issuance of a certificate of occupancy, at the time any use of a structure or land is enlarged, or when there is an increase in density or intensity.
- B. Off-street parking shall be provided on the site unless joint use or shared parking is approved and is located within 300 feet of the principal structure or use.
- C. It shall be the obligation of the property owner to comply with the regulations of Section 500 and to maintain the parking area.
- D. Parking areas shall be available for the parking of operable vehicles of residents, customers, and employees and shall not be used for the storage of vehicles or materials.

503.2 Shared parking

Shared parking shall be permitted for two or more uses when there is no conflict in operating hours. Parking spaces shall be no further than 300 feet from the principal structure(s) or use(s). Legal documentation shall be recorded with the County, and provided to the City, between separate developers sharing parking prior to obtaining a building permit.

503.3 Number of required off-street parking spaces

Minimum to maximum off-street parking requirements:

<u>Uses</u>	<u>Spaces per unit of measure</u>
A. Residential uses	
1. 1-, 2-, and 3-unit dwelling structures	2 spaces per dwelling unit.
2. Manufactured homes	2 spaces per dwelling unit.
3. Attached dwellings containing 4 or more dwelling units	1.25 to 2 spaces per dwelling unit. 1 space (10 feet by 25 feet) for every 12 dwelling units for recreational vehicles, boats, etc.
4. Mobile home park	2 spaces per dwelling unit. 1 space (10 feet by 25 feet) for every 10 dwelling units for recreational vehicles, boats, etc.
5. Elderly housing and professional residential	.33 to .75 spaces per unit, plus 1 space per 3 employees
B. Residential support uses	
1. Church	1 space per 3 to 5 seats, or 1 space per 8 to 12 lineal feet of bench.
2. College, university, institute of higher learning	1 space per 2 to 3 students.
3. Day-care center	1 space per employee on the largest shift, plus 1 space per facility vehicle, plus 1 space per 5 to 8 pupils.
4. School - elementary or junior high	1.5 to 1.75 spaces per classroom.
5. School - senior high	.25 to .33 space per student, plus 1 space per staff.
C. Lodging places	
1. Motel, hotel	.9 to 1.1 spaces per lodging unit.
2. Boarding house	1 to 1.25 spaces per guest room.
3. Bed and breakfast establishment	1 space per guest room, plus 1.5 to 2 spaces per permanent residents

SECTION 500 - OFF-STREET PARKING AND LOADING

Uses	Spaces per unit of measure
D. Places of public assembly	
1. Auditorium or meeting room (other than church or school)	1 space per 3 to 4 seats, or 1 space per 45 to 60 square feet of floor area.
2. Club, lodge, or association	1 space per 3 to 4 persons allowed within the maximum occupancy load as established by local, State, fire, building, or health codes.
3. Library, museum, art gallery	1 to 1.2 spaces per 1,000 square feet of gross floor area.
E. Commercial uses - recreational	
1. Amusement park	1 space for each 1,000 square feet of gross floor area.
2. Billiard hall	1 space per table, plus 1 space per employee.
3. Bowling alley	2 to 4 spaces for each alley, plus 1 space per employee.
4. Dance hall, skating rink, or gymnasium	1 space per 50 to 100 square feet of gross floor area.
5. Golf driving range	1 to 1.5 spaces per each driving tee.
6. Indoor arena or theater	1 space per 3 to 4 seats, or 1 space per 5 occupants as calculated under the Uniform Building Code.
7. Miniature golf	1.25 to 1.5 spaces per hole.
8. Race track or stadium	1 space per 3.5 to 4 seats, or 1 space for 6 to 8 feet of bench length.
9. Indoor racquet courts	2 to 3 spaces per court, plus 1 space per employee of largest shift.
10. Other recreational uses	5 to 7 spaces per 1,000 feet of gross floor area.

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Uses	Spaces per unit of measure
F. Commercial uses - retail goods	
1. Eating and drinking establishments	
a. Sit-down	10 to 15 spaces per 1,000 square feet of gross floor area.
b. Fast food	10 to 15 spaces per 1,000 square feet of gross floor area, plus minimum of 5 off-street waiting spaces per drive-in lane.
2. Convenience store	4 to 5 spaces per 1,000 square feet of gross floor area.
3. Grocery store	1 to 1.25 spaces per 200 square feet of gross floor area.
4. Apparel and department stores	3 to 4 spaces per 1,000 square feet of gross floor area.
5. Furniture and home furnishings	1 to 1.5 spaces per 1,000 square feet of gross floor area.
6. Gas stations	
a. Gas-only	1 to 1.25 spaces per 4 pumps.
b. Full-service	1 to 1.25 spaces per 4 pumps, plus 2 spaces per service bay, plus 1 space per each 1.5 employees.
7. Auto, boat, or trailer sales	1 to 2 spaces per 1,000 square feet of gross showroom floor area, plus 1 space per 2 employees.
8. All other retail	1 space per 175 to 200 square feet of gross floor area.
G. Commercial uses - services	
1. Banking	
a. Automatic teller	2 spaces per machine.
b. Bank (walk-in only)	3 to 4 spaces per 1,000 square feet of gross floor area.
c. Bank (with drive-in windows)	3 to 3.5 spaces per 1,000 square feet of gross floor area, plus sufficient stacking room for 4 cars and a bypass lane.

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Uses	Spaces per unit of measure
2. Barber shop or beauty parlor	1 space per 100 to 125 square feet of floor area.
3. Health practitioners office	4 to 5 spaces per 1,000 square feet of floor area.
4. Animal hospital/veterinary clinic	4 to 5 spaces per 1,000 square feet of floor area.
5. Hospital	1 to 2 spaces per bed.
6. Nursing, convalescent, and extended-care facilities	1 space per 3 to 4 beds.
7. Professional services	1 space per 250 to 300 square feet of floor area.
8. Personal services	1 space per 100 to 125 square feet of floor area.
9. Repair shops (items other than motorized vehicles)	1 space per 300 to 350 feet of gross floor area.
10. Car wash	
a. Self-serve	2 spaces, plus 1 to 2 spaces per wash bay (clear of the right-of-way).
b. Full-serve	1 space per 1,000 square feet of gross floor area.
11. Dry cleaners	1 space per 300 to 350 square feet of gross floor area.
12. Mortuary/funeral home	1 space per each 4 to 5 chapel or parlor seats, plus 1 space per 2 employees, plus 1 space reserved for hearse or company vehicle.
13. Automotive, truck, and trailer rental	1 space per 350 to 400 square feet of gross floor area.
H. Industrial uses	
1. Manufacturing	1 to 1.25 spaces per 1,000 square feet of gross floor area.
2. Storage, warehouse, wholesale establishment	1 space per 1,000 to 1,500 square feet of gross floor area.
3. Miniwarehouse; self-service storage	1 space per 10 to 12 storage units, plus 1 space per employee.

SECTION 500 - OFF-STREET PARKING AND LOADING

503.4 Reduction in required parking

Commercial and industrial developments may reduce the required number of parking spaces by 10 percent if:

- A. the development is within 500 feet of a transit route;
- B. the development is utilizing shared parking;
- C. the developer seeks to protect additional open space; or
- D. the developer provides at least one carpool/vanpool space near the entrance of the structure/use.

In no case shall any development be allowed a greater than 20% reduction in the number of parking spaces.

Multifamily developments may reduce the number of required parking spaces by 20 percent if located within 500 feet of a transit route.

503.5 Determination of unlisted uses and/or alternative parking plans

The Community Development Director shall determine the appropriate required number of parking spaces for unlisted uses, and approve alternative parking plans, unless there is an application under review by the Planning Commission; then the Planning Commission shall make the determination. The City's decision shall be based on the applicant's submittal of required parking, which shall be based on a similarly listed use from the Institute of Transportation Engineers (ITE) or Urban Land Institute (ULI) standards. For alternative parking plans, an applicant may submit a parking plan that provides adequate technical data and analyses using ULI or ITE standards or similar justification for parking needs. The standards in Section 500 shall apply unless the applicant demonstrates a practical, unique, and/or unusual situation related to type or scale of use(s) and layout of the site.

503.6 Off-street parking space standards

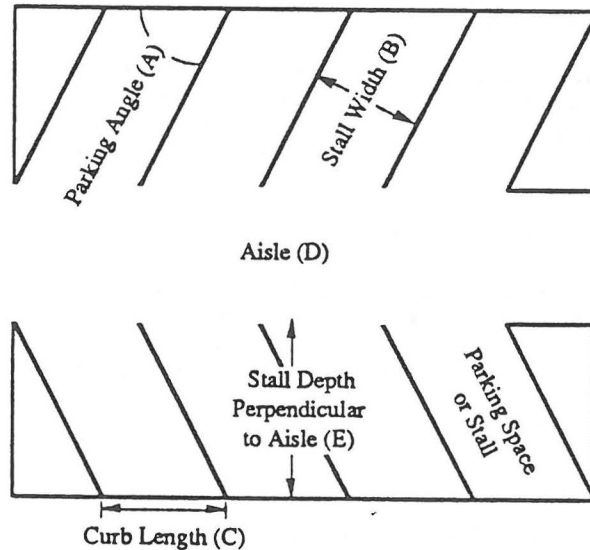
- A. A minimum of 50 percent of spaces shall be regular-sized spaces and a maximum of 50 percent can be compact spaces. Handicapped spaces shall be according to federal and State requirements.
- B. The minimum dimensions for required off-street parking spaces shall be as follows:

Table 503.6 Minimum Parking Space and Aisle Dimensions [1]						
Angle (A)	Type	Width (B)	Curb Length (C)	1-Way Aisle Width (D)	2-Way Aisle Width (D)	Stall Depth (E)
0° (Parallel)	Regular	9 ft.	22 ft. 6 in.	12 ft.	24 ft.	8 ft.
	Compact	7 ft.	19 ft. 6 in.	12 ft.	24 ft.	7 ft. 6 in.
	Disabled	13 ft.	22 ft. 6 in.	12 ft.	24 ft.	8 ft.
30°	Regular	9 ft.	18 ft.	12 ft.	24 ft.	17 ft.
	Compact	7 ft. 6 in.	15 ft.	12 ft.	24 ft.	14 ft.
	Disabled	13 ft.	18 ft.	12 ft.	24 ft.	17 ft.
45°	Regular	9 ft.	12 ft. 6 in.	12 ft.	24 ft.	19 ft.
	Compact	7 ft. 6 in.	10 ft. 6 in.	12 ft.	24 ft.	16 ft.
	Disabled	13 ft.	12 ft. 6 in.	12 ft.	24 ft.	19 ft.
60°	Regular	9 ft.	10 ft. 6 in.	18 ft.	24 ft.	20 ft.
	Compact	7 ft. 6 in.	8 ft. 6 in.	15 ft.	24 ft.	16 ft. 6 in.
	Disabled	13 ft.	10 ft. 6 in.	18 ft.	24 ft.	20 ft.
90°	Regular	9 ft.	9 ft.	24 ft.	24 ft.	19 ft.
	Compact	7 ft. 6 in.	7 ft. 6 in.	22 ft.	24 ft.	15 ft.
	Disabled	13 ft.	9 ft.	24 ft.	24 ft.	19 ft.

Notes:

[1] See Figure 503.6

Figure 503.6
Parking Dimension Factors



SECTION 500 - OFF-STREET PARKING AND LOADING

503.7 Paving and striping

Paving and striping shall be required for all maneuvering and standing areas. Off-street parking areas shall have a durable and dust-free hard surface, shall be maintained for all-weather use, and shall be striped to show delineation of parking spaces and directional markings for driveways and accessways.

503.8 Curb cuts

Curb cuts to parking areas shall be the minimum number necessary to provide access while not inhibiting the safe circulation and carrying capacity of the street.

503.9 Aisles

Aisles shall be required in parking areas greater than 3 spaces. Parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles may enter the street in a forward manner.

503.10 Connections

Parking areas shall be designed to connect with parking areas on adjacent sites to eliminate the use of the street for cross movements.

503.11 Lighting

Lighting of a parking area shall be required and shall be designed to enhance safe access for vehicles and pedestrians on the site. Parking area lighting shall be situated to avoid glare and be deflected so as not to shine on adjacent property.

503.12 Drainage

All areas used for circulation and parking shall meet City standards for surface water runoff.

503.13 Pedestrian access

Pedestrian access through parking areas shall be attractive, separated from vehicular circulation and parking, lighted, and provide direct access. Walkways shall be required in parking areas over 20 spaces and shall be buffered by landscaping or a curb.

503.14 Park-and-ride facilities

Park-and-ride facilities may be encouraged or required as part of development review for uses along transit routes. These uses have days and hours not in conflict with weekday use (e.g., churches, fraternal organizations) and may be encouraged or required to allow a portion of their parking area to be used for a park-and-ride lot.

503.15 Landscaping

Parking area landscaping shall be required in all districts and for all uses other than single-family and duplex residences. Landscaping shall be based on the following standards.

SECTION 500 - OFF-STREET PARKING AND LOADING

- A. Perimeter landscaping of parking areas may be considered as part of site landscaping already required. Perimeter landscaping shall meet the following standards which are illustrated in Figures 503.15.A.1 and 503.15.A.2.
1. A minimum of 8 feet of landscaped buffer area between off-street parking area and right-of-way shall be provided, as measured from inside of curb to inside of curb or edge of right-of-way.
 2. A minimum of 6 feet of landscaped buffer area shall be provided, as measured from inside of curb to inside of curb, between off-street parking area and lot line when not next to right-of-way.
 3. A minimum of 6 feet of landscaped buffer area shall be provided, as measured from inside curb to inside curb, between off-street parking area and other uses on the site; e.g., buildings, open space, storm water system. Landscaped islands may be used as an alternative to a landscaped buffer area between buildings.
 4. A minimum of 8 feet of landscaped buffer area shall be provided, as measured from the inside of curb to inside of curb, on both sides of driveway into off-street parking area.
 5. One landscaped island shall be required per every 5 parking spaces. The islands shall be a minimum of 6 feet in width, as measured from the inside of curb to inside of curb, and shall include 1 tree per island. If 2 islands are located contiguously, they may be combined and counted as 2 islands with 2 trees planted.
 6. Landscaping requirements for perimeter buffer areas shall be as follows: 1 tree to be planted every 40 lineal feet of landscaped buffer area. The remainder of the buffer area shall be grass, ground cover, mulch, shrubs, trees, or other landscape treatment other than concrete and pavement.
 7. Where off-street parking areas abut a property boundary, continuous screening of plant materials shall be provided along the perimeter buffer area. Provision of screening may be phased in multiphase projects and is optional along access drives, where not contiguous to off-street parking areas or buildings.
- B. Interior landscaping of parking areas shall be required and shall meet the following standards which are illustrated in Figures 503.15.B.1, 503.15.B.2, and 503.15.B.3.
1. One landscaped island shall be required per every 5 parking spaces. The interior islands shall be a minimum of 6 feet in width, as measured from the inside of curb to inside of curb, and shall include 1 tree per island. If 2 interior islands are located contiguously, they may be combined and counted as 2 islands with 2 trees planted.

SECTION 500 - OFF-STREET PARKING AND LOADING

2. Divider medians of a minimum of 6 feet in width shall be provided, as measured from inside of curb to inside of curb. This may substitute for interior islands, provided that 1 tree is planted every 40 feet and that the remainder of the buffer area shall be landscaped as identified in subsection 503.15.A.6 above.
3. A row of parking spaces shall be terminated on each end by a terminal island, of a minimum 6 feet in width from inside of curb to inside of curb. This shall be provided that 1 tree is planted every 40 feet and the remainder of the buffer area shall be landscaped as identified in subsection 503.15.A.6 above.
- C. Parking bumpers or wheel stops, of a minimum of 4 inches in height, shall be provided at parking spaces to prevent vehicles from encroaching on the street right-of-way, adjacent landscaped areas, or pedestrian walkways.
- D. Preservation of existing trees is encouraged in the off-street parking area and may be credited toward the total number of trees required, based on staff's review.
- E. Installation of parking area landscaping shall be required before a certificate of occupancy is issued, unless a performance bond is posted with the City. Then landscaping shall be installed within 6 months thereafter or else the bond will be foreclosed and plant materials installed by the City.
- F. Parking area landscaping shall be maintained in good and healthy condition by the property owner, owner's agent, or the holder of the certificate of occupancy, as determined by the City.
- G. An applicant may propose an alternative landscaping plan as part of undergoing an alternative parking plan, as required in subsection 503.5.
- H. A landscaping plan shall be required. It shall be drawn to scale and shall accompany development permit applications for all developments, excluding single-family and two-family dwelling structures. The plan shall show the information required for the parking plan in subsection 503.16, and the following additional information:
 1. a list of existing vegetation by type, including number, size, and species of trees;
 2. a proposal to protect existing trees;
 3. a list of existing natural features;
 4. the location and space of existing and proposed plant materials;
 5. a list of plant material types by botanical and common names;
 6. notation of trees to be removed;
 7. size and quantity of plant materials;
 8. irrigation plan; and

9. method for maintenance of landscaping.

503.16 Parking plan

A parking plan shall be required. It shall be drawn to scale and shall accompany development permit applications for all developments, excluding single-family and two-dwelling structures. The plan shall show that all elements related to Section 500 are met, and shall include but is not limited to:

- A. delineation of individual spaces;
- B. circulation area necessary to serve spaces;
- C. access to streets, alleys, and properties to be served;
- D. curb cuts;
- E. type of landscaping, fencing, or other materials;
- F. abutting land uses;
- G. grading, drainage, surfacing, and subgrading details;
- H. location of lighting fixtures;
- I. delineation of all structures and obstacles to on-site circulation; and
- J. specification of signs and wheel stops.

503.17 Off-street vehicle parking in residential zones

This section is intended to preserve residential neighborhood character by providing for off-street parking standards in residential zones.

- A. Off-street parking for vehicles in residential zones shall be located on the same lot as the dwelling. Any additional required parking, such as for multifamily dwellings, may be located on a separate parcel, not greater than 300 feet from the space to the building entrance, to be measured as the most direct pedestrian route.
- B. Uncovered off-street paved parking in residential zones shall not be located in the side yard setbacks.
- C. Off-street residential parking areas and driveways shall be paved with a minimum driveway width of 9 feet and parking space dimension of 9 by 20 feet.
- D. Commercial vehicles over 1 ton shall not be permitted to be parked or stored in residential zoning districts.

503.18 Recreational vehicles and pleasure crafts

This Section is intended to preserve residential neighborhood character by minimizing the impacts of parking and storage activities in residential zones.

Recreational vehicles and pleasure crafts may be parked and stored on private residential property subject to the following conditions:

SECTION 500 - OFF-STREET PARKING AND LOADING

- A. The vehicle located in the yard of a residential lot shall be kept in a clean and neat appearance and in usable condition at all times.
- B. On lots less than 1 acre, only 1 recreational vehicle or private pleasure craft which is not located in an enclosed structure such as a garage, shall be allowed per residential lot. Canoes and other crafts less than 12 feet in length shall be exempt from this requirement.
- C. No vehicle or pleasure craft shall be lived in, have housekeeping maintained, or have hook-up to utilities while parked or stored on, or otherwise attached or moored to, a residential lot.
- D. Vehicles that require State licensing shall have a current vehicle registration plate at all times.
- E. A recreational vehicle or pleasure craft may be parked anywhere on a residential lot for up to 24 hours for the purposes of loading or unloading the vehicle.
- F. A recreational vehicle or pleasure craft is encouraged to be parked or stored in the side or rear area of a residential lot provided it is located at least 5 feet from any lot line. It may be parked or stored on a gravel surface. Recreational vehicles or pleasure crafts greater than 10 feet in height shall be set back $7\frac{1}{2}$ feet from a side or rear lot line.
- G. To protect against fire hazards, the recreational vehicle or private pleasure craft should be set back at least 5 feet from the primary dwelling unit and any accessory structures on the residential lot wherever possible.
- H. No recreational vehicles or private pleasure crafts shall be parked or stored in the public right-of-ways.

504 OFF-STREET LOADING STANDARDS

504.1 General provisions

- A. Off-street loading shall be required for commercial, industrial, public, and semipublic uses, as appropriate, for the receipt or distribution of merchandise by vehicles. Such uses shall have 1 or more spaces for standing, loading, and unloading of vehicles.
- B. Loading areas shall be provided on the site; shall be separated from parking areas; and, in cases where 2 separate uses exist on 1 parcel of land, the total required off-street loading shall be the sum of the requirements for each use separately.
- C. It shall be the obligation of the property owner to comply with the regulations of this Section and to maintain the loading area(s).

SECTION 500 - OFF-STREET PARKING AND LOADING

504.2 Number of loading spaces required

The minimum number of loading spaces required for commercial, industrial, public, and semipublic uses shall be as follows:

<u>Building size</u>	<u>Required loading spaces</u>
Under 5,000 square feet	0
From 5,000 to under 25,000 square feet	1
From 25,000 to under 60,000 square feet	2
60,000 square feet and over	3

504.3 Loading space standards

The minimum size dimensions for an off-street loading space shall be: width of 12 feet, clearance of 16 feet, and length for local delivery of 30 feet, or 60 feet for semitrailer trucks.

504.4 Site standards

- A. Off-street loading areas shall observe the minimum front and side yard setbacks for structures.
- B. Off-street loading areas shall be located where not a hindrance to travel lanes, walkways, public or private streets, or adjacent properties.

504.5 Paving

Off-street loading areas shall be paved and have a durable hard surface.

504.6 Lighting

Lighting of loading areas shall be required and shall be designed to be situated so as to avoid glare and be deflected so as not to shine on adjacent property where dwellings exist.

504.7 Storage prohibited

The accumulation of goods in loading areas shall be prohibited when it renders the space useless for loading and unloading of goods.

505 BICYCLE PARKING

505.1 Applicability

Bicycle parking shall be provided for all new commercial, Business Industrial (BI), Community Service (CSO), and multifamily development, except for temporary and seasonal uses (e.g., fireworks and Christmas tree stands) and storage units. Bicycle parking shall be provided in the C-C Zone.

505.2 Number of spaces

The number of bicycle parking spaces shall be at least 10 percent of the required automobile parking for the use. In no case shall less than 2 spaces be provided.

SECTION 500 - OFF-STREET PARKING AND LOADING

505.3 Space standards and racks

The dimension of each bicycle parking space shall be a minimum of 2½ by 6 feet. A 5-foot-wide access aisle must be provided. If spaces are covered, 7 feet of overhead clearance must be provided. Bicycle racks must be securely anchored and designed to allow the frame and 1 wheel to be locked to a rack using a high security, U-shaped, shackle lock.

505.4 Location

A. Bicycle parking facilities shall be:

1. located within 50 feet of the main building entrance;
2. closer to the entrance than the nearest automobile parking space;
3. designed to provide direct access to a public right-of-way;
4. dispersed for multiple entrances;
5. in a location that is visible to building occupants or from the main parking lot;
6. designed not to impede pedestrians along sidewalks or public right-of-ways; and
7. separated from vehicle parking areas by curbing or other similar physical barriers.

B. The public right-of-way may be utilized for bicycle parking when parking cannot be reasonably accommodated on the site and the location is convenient to the building's front entrance. If a public sidewalk is used for parking, a minimum of 4 feet of clear, unobstructed sidewalk must be maintained.

505.5 Covered parking

Covered bicycle parking shall be provided when 10 percent or more of automobile parking is covered. If more than 10 bicycle parking spaces are required, then a minimum of 50 percent of the spaces shall be covered.

505.6 Lighting

Lighting shall be provided in bicycle parking areas to illuminate facilities at least as well as automobile parking areas.

506 CARPOOL AND VANPOOL PARKING

New industrial, institutional, and commercial development with 50 or more employees shall provide carpool/vanpool parking. Carpool/vanpool parking shall be provided for at least 10 percent of the required parking.

507 STRUCTURED PARKING

507.1 Permitted zones

Structured parking, including underground parking, shall be permitted in the C-L, C-C, C-G, M, C-CS, CSO, and BI Zones.

507.2 Height

Height of parking structure shall not exceed the maximum height requirement of the underlying zone, unless otherwise permitted by the City based on review of site plan and impacts on adjacent properties.

507.3 Design standards for structured parking

- A. Exterior finish shall be similar to principal building.
- B. Shall be compatible in appearance, size, scale, and bulk of the supported use(s).
- C. Shall meet minimum setback and yard requirements.
- D. Shall comply with perimeter landscaping requirements of surface lots.
- E. Must provide commercial on first floor of structured parking in commercial zones.
- F. Shall provide safe pedestrian connections between parking structure and principal building.
- G. Shall provide adequate lighting to ensure motorist and pedestrian safety within the structured parking facility and connecting pedestrian ways to the principal building.

507.4 Incentives for provision of structured parking

- A. An applicant shall be allowed an additional .5 square feet of development for every 1 square foot of structured parking provided. The applicant shall meet the other requirements of the Zoning Ordinance.
- B. If structured parking is underground, the applicant shall be relieved from providing the required off-street parking landscaping and can locate the underground structure within any part of the setback and yard area.

507.5 Alternative parking plan required

An applicant that seeks to provide structured parking shall provide an alternative parking plan, reflecting the requirements of this Section, for approval by the City.

SECTION 500 - OFF-STREET PARKING AND LOADING

Figure 503.15.A.1
Perimeter Buffer Adjacent to Road Right-of-Way

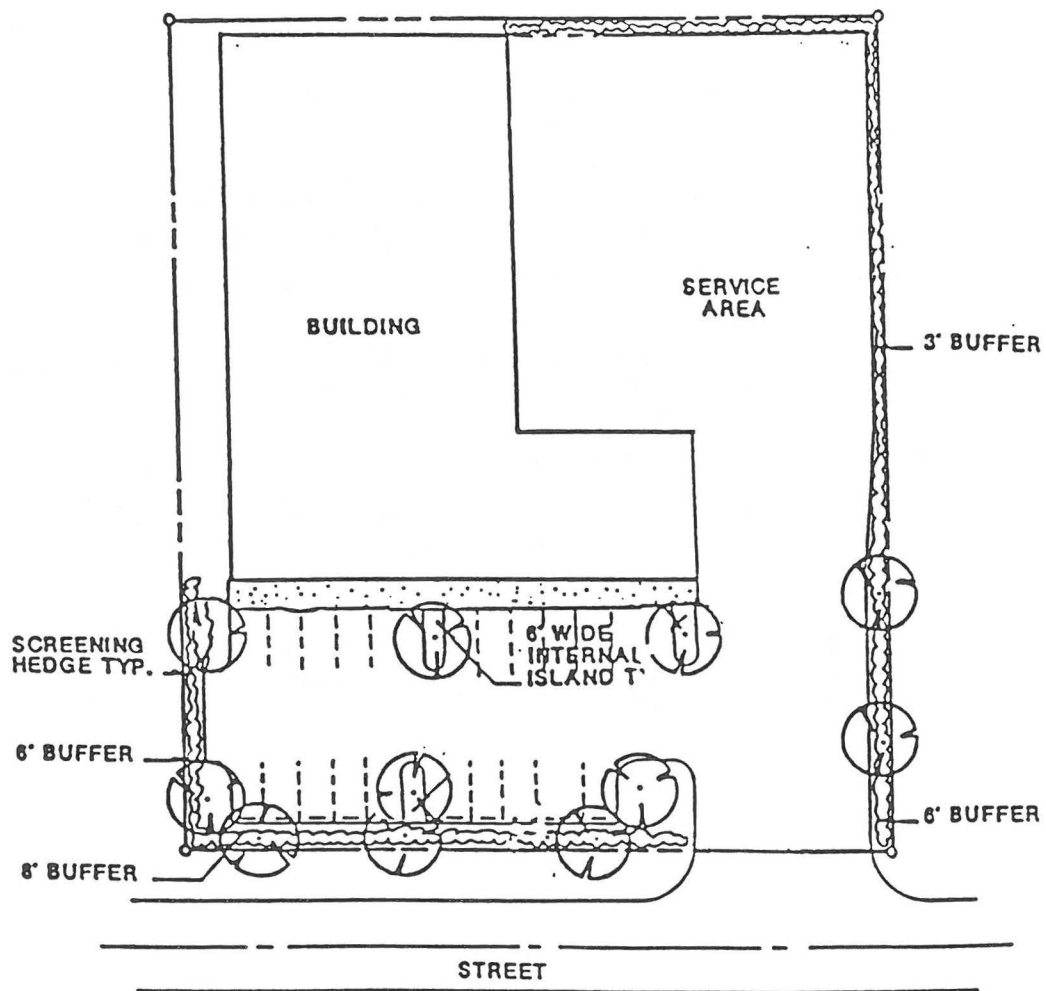


Figure 503.15.A.2
Perimeter Buffer Adjacent to Parking Area Driveway

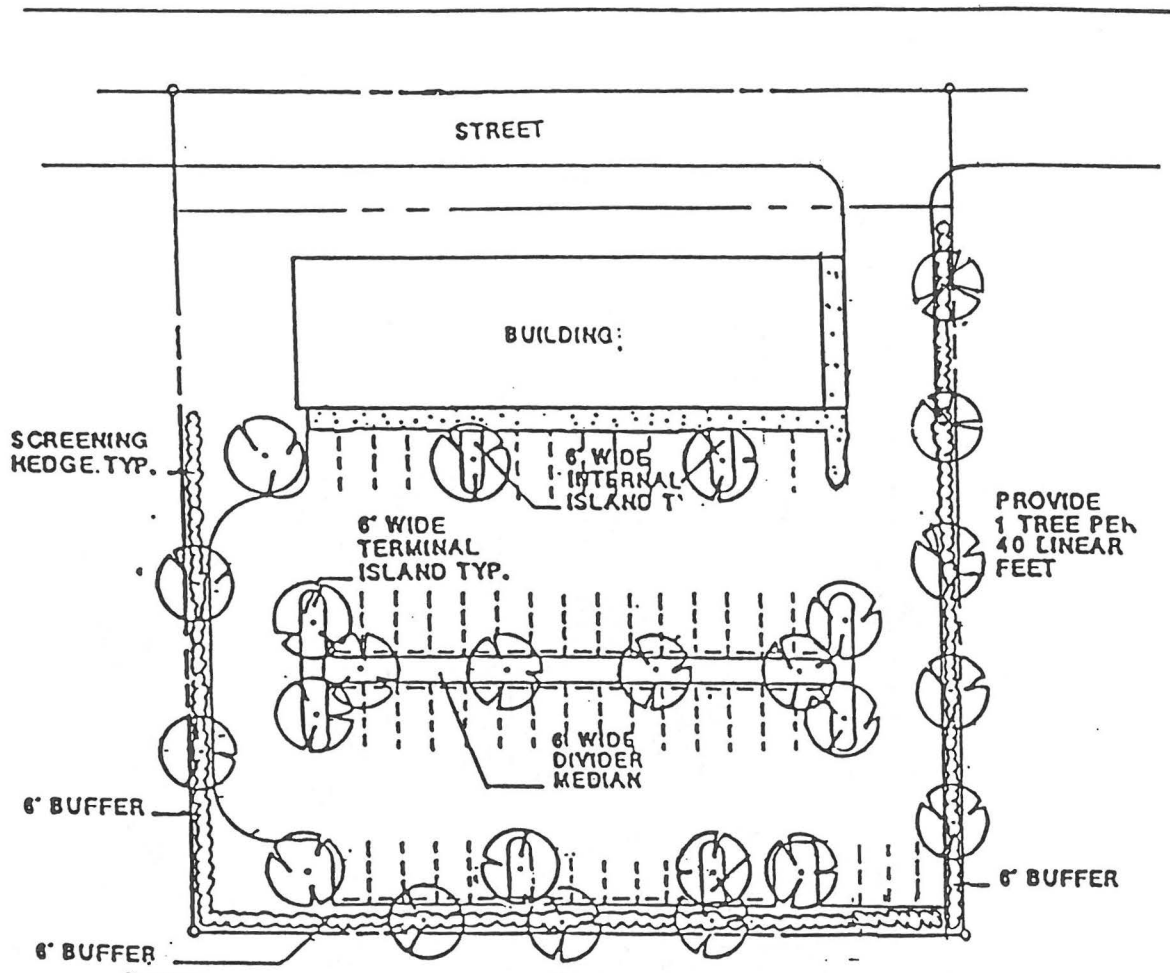


Figure 503.15.B.1
Internal Islands

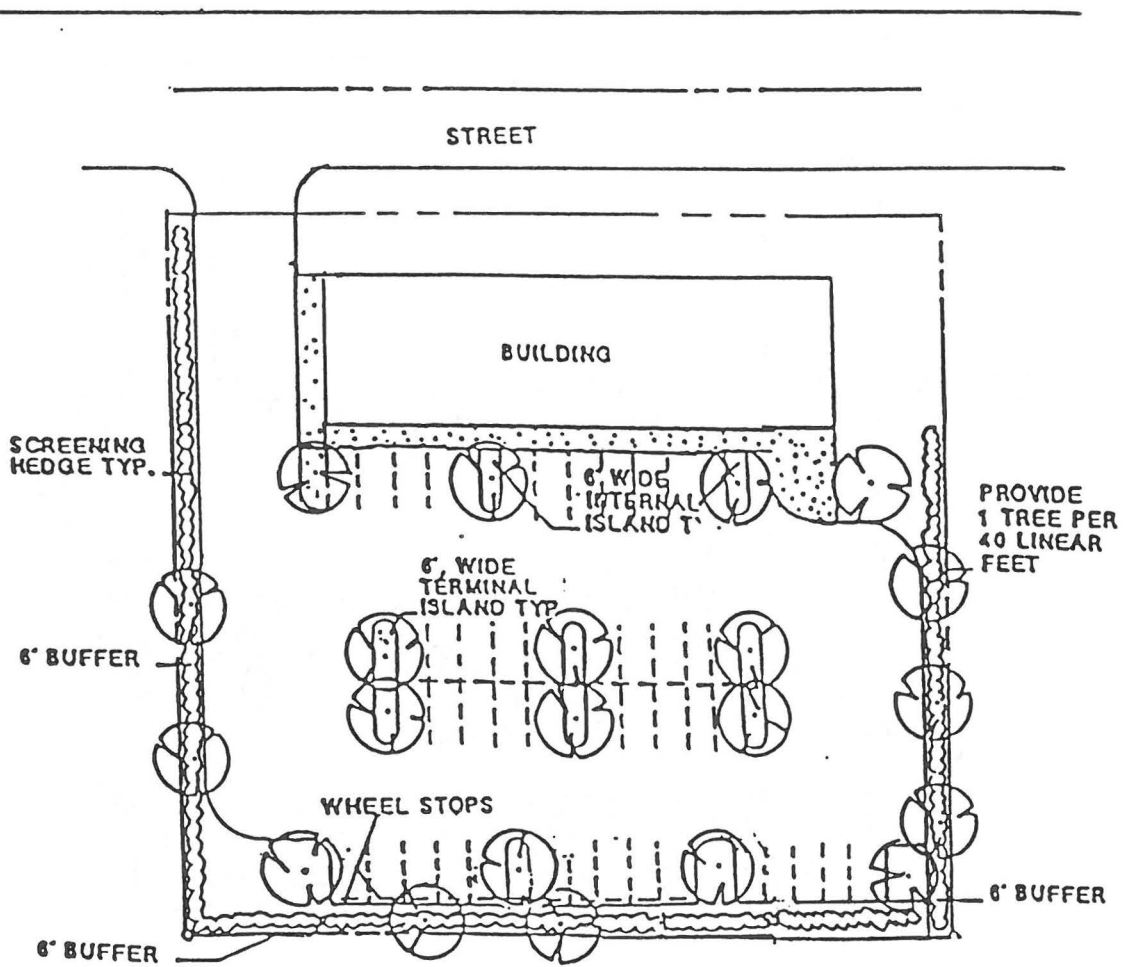


Figure 503.15.B.2
Divider Medians

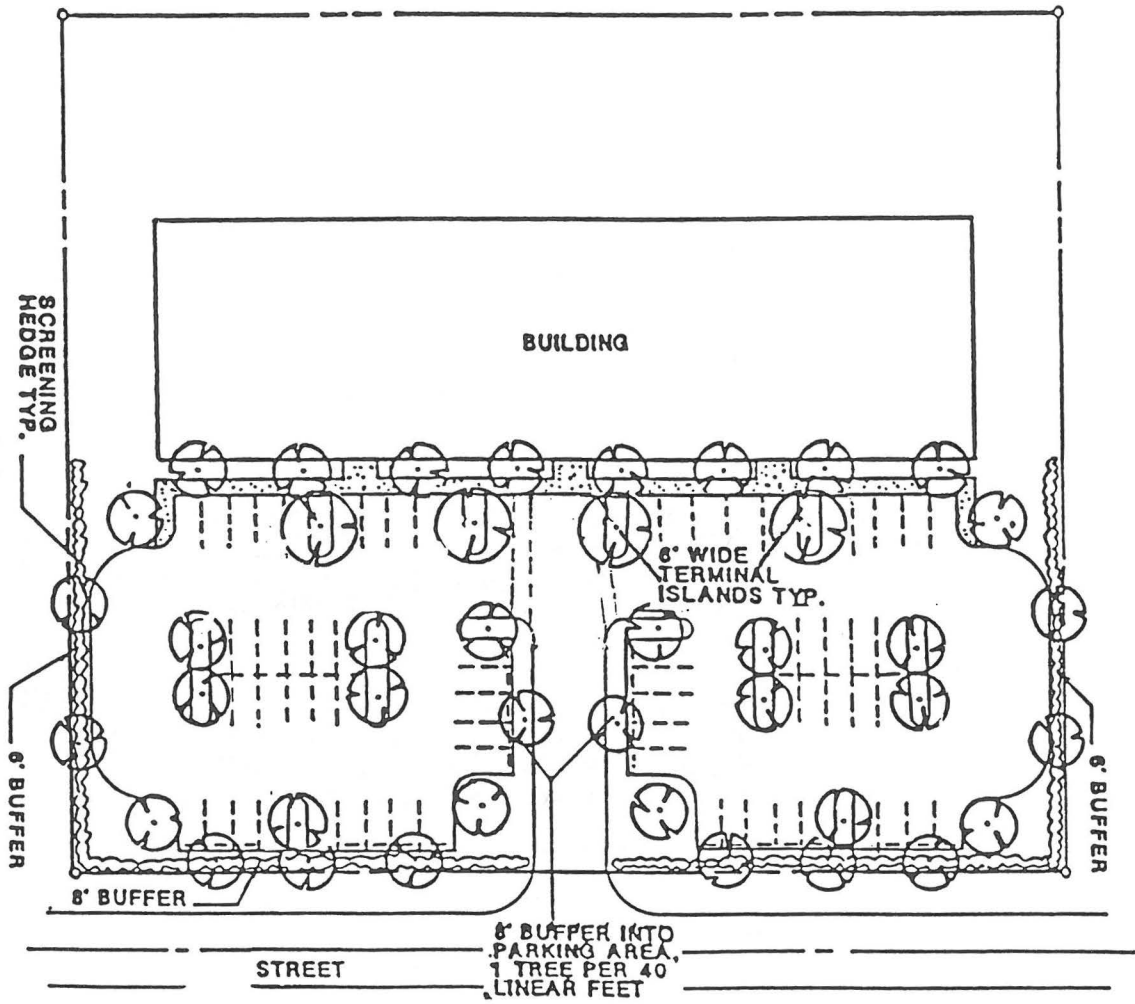
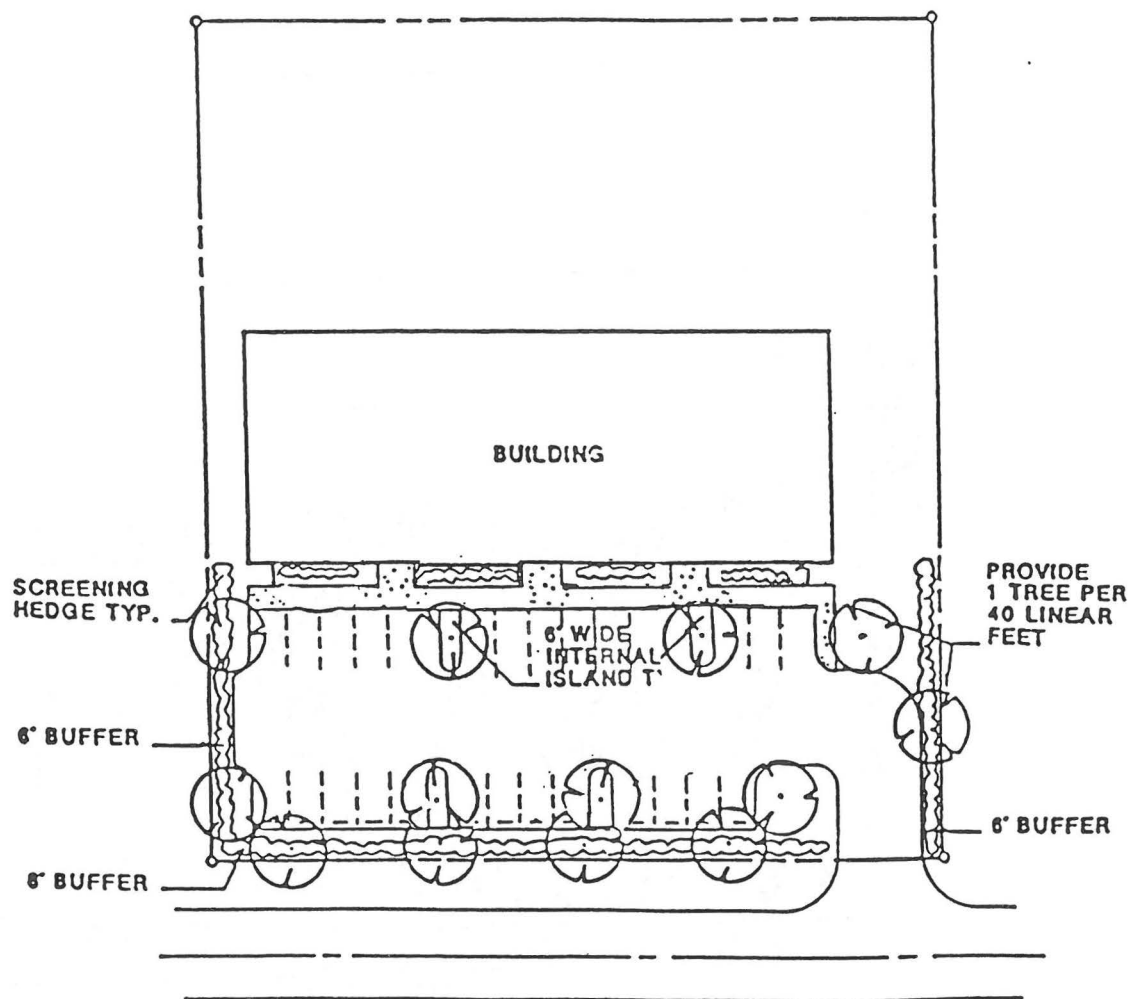


Figure 503.15.B.3
Terminal Islands



MEMORANDUM

COMMUNITY DEVELOPMENT DEPARTMENT
CITY OF MILWAUKIE

September 6, 1994

To: Milwaukie Planning commission
From: Maggie Collins, Community development Director
Re: Department Report for 9/13/94 Planning Commission Meeting

Action Requested

For your information.

Discussion

1. You have two attachments:

For a Light Rail study update before your next Commission meeting, Metro has scheduled some more public meetings, should the spirit move you.

For a Metro 2040 Study background update, I am enclosing this article about high-density housing. It was in a Metro advisory committee packet, and serves as a starting point for many conversations about how to effectively grow "up," not "out."

2. September 24 (Saturday) features two events: the Ardenwald Neighborhood Safety Fair, at Ardenwald School; and the next two sessions of the Vision Project Policy Committee, at the Milwaukie Center. You're invited to attend and observe the workings of the Policy Committee, and of course, you're invited to attend the Ardenwald neighborhood event.
3. As representatives of Milwaukie, Craig Lomnicki, Jean Schreiber and Dan Bartlett are in Iwaki, Japan, Milwaukie's Sister City, until September 9.

It was pointed out to me that only by osmosis could the Planning Commission know for sure that Tim Corbett has resigned as Public Works Director. Filling in as Interim Director is Greg Dreschler.

cc: Dan Bartlett
C.D. Staff