

CITY OF MILWAUKIE
PLANNING COMMISSION MINUTES
TUESDAY, SEPTEMBER 23, 1997

COMMISSIONERS PRESENT

Pat Lent
Terry LaRocque
Tim Havel
Michael Smith
Charles Stoudt

STAFF PRESENT

Dan Pava,
Senior Planner
Stacy Lawson,
Assistant Planner
Shirley Richardson,
Hearings Reporter

COMMISSIONERS ABSENT

Bryan Cosgrove

1.0 CALL TO ORDER

The meeting was called to order at 6:45 p.m.

2.0 PROCEDURAL QUESTIONS -- None.

3.0 INFORMATION ITEMS

4.0 PLANNING COMMISSION MINUTES -- September 9, 1997

Terry LaRocque moved to approve the minutes of September 9, 1997, as corrected. **Charles Stoudt** seconded. MOTION CARRIED 3-0. Pat Lent and Mike Smith were not at that meeting.

Discussion followed on a motion that was made by Terry LaRocque on the findings for denial of SP-97-01, Clackamas Christian Center Sign Permit Application. There was a question as to whether a Commissioner could vote on an issue when he was not at the meeting of that hearing. **Terry LaRocque** noted that he had read the minutes and all the pertinent information on this hearing and felt he was eligible to vote.

Tim Havel moved to amend the corrections to the minutes to show that the motion for findings for denial of SP-97-01 CARRIED 3-1. Terry LaRocque voted in opposition. **Charles Stoudt** seconded. MOTION CARRIED 4-0. Mike Smith was not at that meeting.

CITY OF MILWAUKIE PLANNING COMMISSION

Minutes of September 23, 1997

Page ... 2

Staff was asked to find out whether Terry LaRocque could be counted as a voter on this issue since he was not at the meeting.

5.0 PUBLIC COMMENTS -- None.

6.0 PUBLIC HEARINGS -- None

7.0 WORKSESSIONS

7.1 Regional Center Implementation Phase I (CPA-97-03/ZA-97-03/ZC-97-03)

Vice-Chair Lent opened discussion on the Regional Center Implementation Plans. **Dan Pava** reviewed Phase I of the Comprehensive Plan text and map amendments proposed as part of implementation of the Regional Center Master Plan.

The Regional Center Master Plan document is in the process of revision to incorporate comments made by the Regional Center Steering Committee. A final draft is scheduled for Planning Commission review on October 14, 1997. City Council consideration of the Planning Commission's recommendation is scheduled for November 4, 1997.

Text and map amendments and zoning changes being reviewed this evening will be used as tools to implement the adopted Regional Center Master Plan. The proposed changes for the Regional Center Master Plan will be reviewed by the Planning Commission on October 28, 1997, and reviewed by City Council on December 2, 1997.

The Comprehensive Plan amendments proposed are solely to Chapter 4 (Land Use). Only minimal changes are being made at this time because in 1998, under Periodic Review, the Comprehensive Plan will be revised and updated in its entirety. Right now, the intent is to make sure the essential pieces of the Plan are in place and support adoption of the Regional Center Master Plan as an ancillary document.

Dan Pava then reviewed with the Commissioners the proposed changes as outlined in information from their packets. Chapter 4 of the Comprehensive Plan predates the 2040 planning effort.

CITY OF MILWAUKIE PLANNING COMMISSION

Minutes of September 23, 1997

Page ... 3

- Language change in Objective #2 to include “and foster implementation of the Regional Center Master Plan.”
- Adding a suggested density of 25-50 units per acre in areas that are proposed to be designated as Regional Center land use.
- A definition for “townhouse” has been added because there was a need for a definition of this type of housing type as one of the alternatives. It will be used as one of the tools to increase density in the designated Regional Center land use area.

Charles Stoudt asked for the definition of “fee-simple lot.” **Dan Pava** explained that this was a lot that could be purchased and a title obtained showing purchase.

Pat Lent suggested that these definitions be added to the definitions of the Zoning Ordinance which are used for the amendments to the Regional Center Master Plan.

Terry LaRocque asked about the term “contained parking” in Policy 3(f). **Stacy Lawson** stated that the intent was for on-site parking. At Periodic Review, Staff will review the Comprehensive Plan language in detail for clarity.

- **Dan Pava** related that Policy 7 (a.-f.) is the most important policy text addition to implement the Regional Center Master Plan. It provides a framework for the Regional Center. It addresses land use map designation, mixed use (residential/office/commercial), R-O-C Zone, multimodal transportation options, parking requirements and shared parking, and diverse range of higher-density housing.

Pat Lent noted that the philosophy on off-street parking has changed dramatically. The Comprehensive Plan discouraged on-street parking in the downtown.

Tim Havel asked if parking ratios had been designated for the Regional Center land use area? **Dan Pava** stated that Section 500 was adopted as revised with the TPR Standards. This is subject to Title 2, Parking in the Metro Functional Plan, which will set parking maximums. The current

CITY OF MILWAUKIE PLANNING COMMISSION

Minutes of September 23, 1997

Page ... 4

parking ratio is: 1/300 sq.ft. for office space and 1/250 sq.ft. for retail space. Shared parking is encouraged, off-street surface parking lots are discouraged.

- (e) **Terry LaRocque** requested that the proposed Policy 7e read, "...on-street parking, shared parking, and enclosed-parking are the most appropriate..." instead of parking structures.

Staff was asked to define affordable housing as used in Policy 7f before using it as part of the language.

- Language in Policy 5 (Objective #5 - Housing Choice) was changed to include Regional Center lands..."
- References to the Regional Center were inserted into the Economic Base Element of Chapter 4. Reference is also made to the Hovee Report, which was accepted as adequate documentation for the Regional Center.

Terry LaRocque suggested that in Policy 1, (Objective #5 - Housing Choice) to be consistent, infill housing techniques should be subject to design review.

- References were added in Objective #1 (Objective #5 - Housing Choice) to the Hovee Report; and a new Policy 10 was included.

- **Dan Pava** noted that the term "regional center" currently used in the Comprehensive Plan under the Commercial Land Use Objective refers to shopping centers; therefore language qualifying this has been added, and now the term "Regional Shopping Center" has replaced "Regional Centers" throughout the Comprehensive Plan since "Regional Center" now has a specific connotation. Revisions have been made to delete the entire notion of a "Downtown Office Center" and replace it with "Regional Center Area." Policy #1 (Objective #7 - Commercial Land Use) has been revised to refer to Clackamas Town Center as the primary regional commercial shopping center."

- A new Policy 6, under Commercial Land Use Objective #8, was added that states, "The Regional Center Master Plan design guidelines shall apply to major renovations undertaken within the C-CS district." **Dan Pava** stated that the C-CS district is the Milwaukie MarketPlace, which is within the Regional Center Master Plan boundaries.

CITY OF MILWAUKIE PLANNING COMMISSION

Minutes of September 23, 1997

Page ... 5

- Objective #12 addresses the changing of the "Downtown Office Center" in the Comprehensive Plan to the "Regional Center." These changes will delete obsolete references and setting up new policy framework for the Regional Center Master Plan.

- City Council is currently looking at design options for McLoughlin Boulevard. Policy 6 (Objective #13 - McLoughlin Boulevard) has been updated to recognize that the Regional Center Master Plan and the Riverfront Concept Plan recommendations will be incorporated into the redesign of McLoughlin Boulevard. Since the Willamette Greenway is an overlay as part of the Regional Center area, it too is mentioned in these changes. Policy 2, Objective #3 (Willamette Greenway) is also being revised to reference the Riverfront Concept Plan and the Regional Center Master Plan.

Stacy Lawson then reviewed Section the 318, the proposed Mixed Use Overlay Zone. She stated that the purpose of the amendments at this point, is to have an interim way to deal with development while finalizing the 10-year design review plan. The intent is to provide more information that is consistent with the Regional Center Master Plan. This Regional Center Land Use designation and a combination of a Mixed Use Overlay Zone will be applied to the Zoning Map.

The focus is on uses that are appropriate for the Regional Center. The intent is to exempt from review changes of use without exterior alterations, sale of property, as well as normal maintenance and repair for legal existing structures.

If new applications are for more than a change of use, it could be evaluated for a minor development review. The criteria for approval is that the application is in compliance with Milwaukie's Comprehensive Plan, the Regional Center Master Plan, the guidelines and requirements of the MU Overlay Zone, complies with any requirements of the underlying zone which have not been superseded by the provisions of the Mixed Use Overlay Zone, and complies with Sections 400, 500, and 1400 of the Zoning Ordinance.

A Minor Development Review may be approved by the Community Development Director. Larger structures, which involve new structures, parking lots, CC&R's, etc. within the Mixed Use Overlay Zone, would require a pre-application conference, review development standards with Staff, and minor quasi-judicial review before the Planning Commission. Application materials required are outlined on Page 4.

CITY OF MILWAUKIE PLANNING COMMISSION

Minutes of September 23, 1997

Page ... 6

Terry LaRocque stated that he would like to see daycare as a primary use. Also there should be a differential between professional offices as opposed to a contractor's office or medical offices. **Pat Lent** suggested that personal services be flexible to include computer repair, office equipment, office services, electronic repairs, theaters, etc.

Pat Lent asked if limiting the number of curb cuts is necessary for this Zone? **Stacy Lawson** stated that Staff would have to review curb cuts as they relate to drive ins.

Stacy Lawson reported that most of the development standards are direct language out of the Regional Center Master Plan. Other features that would be useful would be the daycare (as mentioned before), affordable housing, etc.

Pat Lent asked if drinking fountains could be a development standard. **Stacy Lawson** stated that she would check with Public Works to see if this standard is feasible. Discussion followed on composting, recycling, community gardens, and solid waste receptacles being incorporated in multi-family construction.

Stacy Lawson reported that specific subareas and sites have been designated. The intent was to go through the Regional Center Master Plan and identify the requirements that were specific to identified sites or groups of sites. Specific sites in Section 318.10 address general requirements for subareas 1, 2, 4, and 5. When full design review is done, neighborhood aspects will be included.

Pat Lent asked about view corridors in the Regional Center area. **Stacy Lawson** stated that this language comes from the Regional Center Master Plan and that the view should be kept open towards the river. Corridors are not addressed.

Stacy Lawson noted that one of the 10 essentials could be additional setbacks at the street corridor for the second-story construction could be used for a corridor effect. Another suggestion was to assure that commercial/office is permitted on second or third floors when retail is on the ground floor, within commercial corridors in the town center such as Harrison Street. Also, if there is a historic site, provide some sort of historic reference, "historic structure" to give identity and incentive. There was a suggestion to change #19 to say historic structure which then gives a density transfer or some type of bonus. This will discourage demolition of important structures.

Stacy Lawson reported that in order to have consistency with underlying zones, Staff identified zones that had a mixed use overlay zone above it. One of the changes proposed is that the M-Zone (Manufacturing), currently located on the "Pendleton site" and extending to the Murphy site does not mesh with the mixed use idea. In order to implement the Regional Center Master Plan, Staff is proposing a interim change to the ROC district (Residential/Office/Commercial). This will give a chance to redevelop these sites with more flexibility.

Terry LaRocque noted that there are no references to floor/area ratios. **Stacy Lawson** stated that floor/area ratios are not included in this interim mixed use overlay zone. Goals have not been developed for floor/areas. This will be addressed in the formal design review process.

It was suggested that the working document land-use maps use standard planning colors. Also, it was asked that there be a distinction between the kinds of public lands (parking structures, building, parks, etc.) **Dan Pava** stated that Staff will review how best to delineate different public lands uses, and report back to the Commission. He stated that it would likely require changes at the text level.

Intensity was discussed as it relates to change in uses. It was determined that under the proposed Section 318, a change in use with no change in intensity and no exterior change would be exempt.

Because there are a number of existing uses on the site that are not necessarily in compliance with the new regulations, they will all be identified as pre-existing legal non-conforming uses.

Dan Pava asked if the Planning Commission had further comments about the overall proposals for amending Chapter 4 of the Comprehensive Plan and the Zoning Ordinance. It was the consensus of the Planning Commission that they were in support of the proposed amendments with the concerns mentioned tonight. The focus on these proposed amendments should be clarity and understandability. It was noted that the Visioning process should always be kept in mind when making these amendment changes.

7.0 DISCUSSION ITEMS

Terry LaRocque voiced concern about the safety factor of leaving the Public Safety Building out of the driveway onto Monroe Street. He asked if Staff would check into the legality of the site distance with the wall that is on the left as you

CITY OF MILWAUKIE PLANNING COMMISSION

Minutes of September 23, 1997

Page ... 8

leave the driveway. It blocks the view of on-coming traffic and he has had several near misses leaving the building. **Dan Pava** stated that he would check into the situation and report back to the Commission.

8.0 OLD BUSINESS

8.1 Light Rail Study Update -- No Report

8.2 2040 Study Update -- No Report

9.0 OTHER BUSINESS

9.1 **Historical Resources Commission Report** None.

9.2 **Town Center Area Task Force Report** -- None.

9.3 **Community Development Report** -- None.

10.0 Next Meeting -- October 14, 1997

Tim Havel moved to adjourn the meeting of September 23, 1997. **Terry LaRocque** seconded. MOTION PASSED UNANIMOUSLY. The meeting adjourned at 8:50 p.m.



Pat Lent, Vice-Chair



Shirley Richardson, Hearings Reporter

Packet

**MILWAUKIE PLANNING COMMISSION
 WORKSESSION AGENDA
 Public Safety Building Community Room, 3200 SE Harrison
 Tuesday, September 23, 1997
 6:30 pm**

		ACTION REQUIRED
1.0	Call to Order	
2.0	Procedural Questions	
3.0	Information Items City Council Minutes: September 2, 1997 (upon approval by Council)	Information Only
4.0	Planning Commission Minutes: September 9, 1997	Motion Needed
5.0	Public Comment This is an opportunity for the public to comment on any item not on the agenda	
5.0	Public Hearings - None	
7.0	Worksession	
7.1	Regional Center Implementation Phase I (CPA-97-03/ZA-97-03/ZC-97-03)	Discussion Only
8.0	Discussion Items	
9.0	Old Business	
9.1	Light Rail Study Update	Information Only
9.2	2040 Study Update	Information Only
10.0	Other Business/Updates	
10.1	Historic Resources Commission Report	Information Only
10.2	Town Center Area Task Force Report	Information Only
10.3	Community Development Report	Review and Comment

11.0	Next Meeting - October 14, 1997	
11.1	Regional Center Master Plan (CPA-97-01) - 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 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 persons 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 786-7650.

Milwaukie Planning Commission

Michael Smith, Chair
Bryan Cosgrove
Tim Havel
Terry LaRocque
Pat Lent, Vice-Chair
Charles Stoudt

Community Development Department Staff

Maggie Collins, Community Development Director
Dan Pava, Senior Planner
Susan Heiser, Senior Planner
Stacy Lawson, Assistant Planner
Jeanne Garst, Office Assistant
Marcia Hamley, Office Assistant
Shirley Richardson, Recording Secretary

Milwaukie Community Development Department
September 16, 1997

TO: Milwaukie Planning Commission

FROM: *MC* Maggie Collins, Community Development Director

RE: **Community Development Department Report for September 23, 1997 Meeting**

1. ADDITIONAL MATERIAL. Terry LaRocque spied the attached article in the *Oregon Planners' Journal* and thought it would be good background for the Commission.

2. BOARDS AND COMMISSIONS WORKSHOP. This is a reminder that the annual Board and Commission Workshop sponsored by the City Council is scheduled for Saturday, September 27th, from 8:30 am to 12 noon at the OIT Conference Room, 7226 SE Harmony Road. This year, one of this session's desired outcomes is definition of the role of City Boards and Commissions in Neighborhood Visioning processes. This will be a chance for Planning Commissioners to interact with members of the City's Neighborhood District Associations.

3. PLANNING COMMISSION RECRUITMENT. There is still time for you to encourage interested Milwaukie residents to apply for the vacant Planning Commission post. Let me know if you need more of the brochures passed out at the last meeting (786-7651).

Cc: CD Staff
Dan Bartlett, City Manager

OREGON PLANNERS' JOURNAL

Volume 14

September, 1997

Number 6

In This Issue

Cover Story	1
<i>Cara Seiderman</i>	
From the President	2
<i>Kenn Battaile</i>	
From the Editor	3
<i>Richard Carson</i>	
Letters To the Editor	4
<i>Jason Seivers</i> <i>David Seigneur</i>	
LCDC Wins Court Case	5
<i>Mitch Rhose</i>	
Metro Area Planners	6
Worth Quoting	8

Next Month

Re-Inventing Statewide
Land Use Planning

Public Transportation A Financial Winner Pays A 4-to-1 Return On Investment To Taxpayers

by **Cara Seiderman**

American taxpayers earn \$62 billion per year from their \$15 billion investment in public transportation, a 4-to-1 return on the money, according to a study released today on the economic benefits of transportation. This is the first comprehensive national study to quantify the return on taxpayer investments in public transportation.

"This is the first study to disprove the long-standing myth that public transport is a highly subsidized form of social welfare for the needy, while roads and highways pay for themselves," said Hank Dittmar, Executive Director of the Surface Transportation Policy Project. "We need to balance the benefits of transit that this study clearly defines against enormous subsidies for roads and highways, estimated to be as much as \$300 billion annually when you take into account external health, safety, and environmental costs."

The study also found that cities, suburbs and towns would need over 27,000 new miles of freeway without transit—enough to fill a nine lane highway with bumper-to-bumper traffic from New York to Los Angeles.

The report, entitled "Dollars and Sense: The Economic Case for Public Transportation in America," finds that investment in public transportation primarily benefits drivers because it reduces traffic congestion. In addition, public transportation cuts down congestion costs — estimated at \$50 billion — by up to \$19 billion per year. Transit saves \$33.7 billion annually due to improved movement of people and goods. Public transportation travel, including Amtrak, saves costly wear and tear on roads and decreases the need for new roads. Without transit, for example, the Capitol Beltway would have to be 29 lanes wide.

"People intuitively understand that America's economy depends on the safe and efficient transport of people and goods," said William A. Millar, President, American Public Transit Association. "To its detractors, transit is considered marginal to the real business' of transportation, while in fact, it plays an essential part in making the overall transportation system work. The fiction is that highways alone are about economic development and jobs. The truth is and report shows, that transit is increasingly the lever that elected and business leaders are using to pry more efficiency out of their transportation systems."

Public transportation travel is about 20 times safer than travel by auto given the number of miles traveled and reduces the number of deaths and injuries on the nation's roads and highways at a public cost savings of between \$2 and \$5 billion. Without existing transit in the New York /New Jersey area, the road would carry nearly 2 million additional cars and need 10,396 more new miles of freeway to accommodate them. The report also shows that taxpayers support increased public investments in transit service.

Currently, the debate over the future of public transportation spending and whether to decrease the federal investment in public transportation is raging on Capitol Hill as Congress gears up to rewrite ISTEA, the federal transportation law. The battle centers around whether the country will decrease or increase funding for more public transportation. The 1991 passage of ISTEA (the Intermodal Surface Transportation Efficiency Act or "ice tea") supported funding for more public transportation alternatives. Some transit critics have called for abolishing the federal transit program altogether.

The reauthorization of the \$155 billion ISTEA—the largest non-defense spending bill Congress will consider this session—funded an innovative systems approach to transportation which sought to better integrate the use of subways, light rail, commuter rail, bus travel,

(continued on page 6)

Public Transportation A Financial Winner

(continued from page 6)

The nation contains nearly 4 million miles of interstate highways, urban freeways, local roads and streets. Without public transportation the report claims there would be an additional 5 million cars jamming into America's cities; people would spend another 367 million hours each year sitting in traffic jams; and almost 200,000 more fatalities, injuries and accidents would occur every year on the nation's roads.

The report argues for more investment in public transportation citing a growing demand. In areas like Portland, St. Louis, Atlanta and Dallas, where substantial improvements have been made in the quality of transit services, the market has responded: ridership has shot up as transit captures a larger share of the public, including people with automobiles.

ISTEA required public participation in transportation spending decision-making, thus democratizing a process historically dominated from the top down primarily by Congress and the states. Cities, local communities and taxpayers were bound by decisions in which they had little input. ISTEA for the first time gave communities and states flexibility in how money could be allocated. Transit ridership increased by 15 percent from 1970 to 1994 even though transit fares increased by nearly 42 percent during the same period. By comparison, the price of gasoline, decreased by 42.5 percent.

Since 1991, the public, through local decision-making, has shifted \$3 billion to transit investment from highway funds, an indication, according to the report that ISTEA unleashed the demand for transit.

The report recommends that Congress keep the basic structure of ISTEA and increase transit investment, including money for new rail starts, modernization, investment in bus systems and intercity trains rural transit. In addition, it calls for a national access program; sustained and coordinated research to better inform the transportation planning process; and a level playing field in transportation tax policy.

"Dollars and Sense" was released by the Campaign for Efficient Passenger Transportation, a coalition of transportation, business, environmental, labor and community groups dedicated to progressive transportation policy. Donald Camph, President, Aldaron, Inc. prepared the report for the Campaign. Camph is an internationally recognized transportation policy and finance expert. For more information contact Niki Mitchell, Kelly Behan, Environmental Media Services 202/463-6670; Valerie Holford, Cindy Hoffman, Fenton Communications 202/822-5200

Ramblin's

(continued from page 2)

The President, with the advice and consent of the Board, shall appoint two Planning Commissioners one each from a city and a county, who shall be responsible for building, and promoting the relationship of the chapter with the appointed planning officials in the state.

These changes are intended as clarification and to state the responsibility of the Planning Commissioner member of the Board.

I hope that you will give careful consideration to these bylaw changes, which have been endorsed by the Board for your consideration. Please return your ballot as soon as possible.

I plan to see you at OPI. And remember:

**Despite what they may say,
A village short of a planner is not also short a village idiot.**

Thanks for ramblin'. See you . . . Kenn B.



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TO: Milwaukie Planning Commission
FROM: Community Development Department
RE: Comprehensive Plan Maps for Worksession
DATE: September 23, 1997

Attached are the Map Exhibits for the two staff reports included in your packet. Please use these common maps when reviewing your reports.

MAP 1	=	Exhibit Number 2
MAP 3	=	Exhibits Number 3 and 4
LAND USE MAP	=	Exhibit Number 5

Proposed Regional Center Land Use Designations and Coterminous Mixed Use Overlay and R-O-C Zones Map One


 Proposed Regional Center Land Use Areas.
(Including lands currently under Public Lands designation)
Coterminous Mixed Use Overlay.

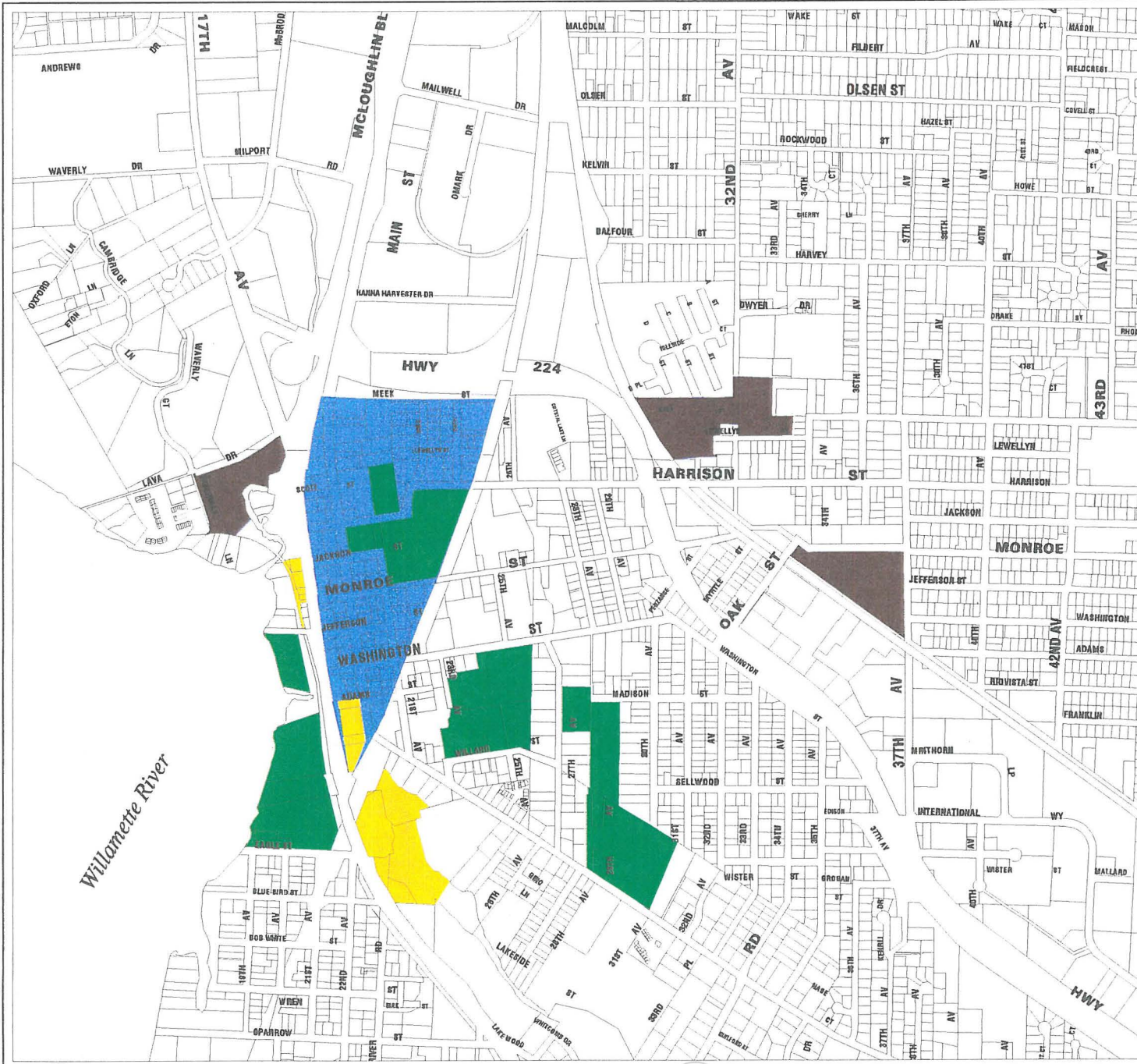
Exhibit 2



Department Of
Community
Development



Proposed Regional Center
Land Use Designations
and Coterminous Mixed Use
Overlay and R-O-C Zones:
Map Three

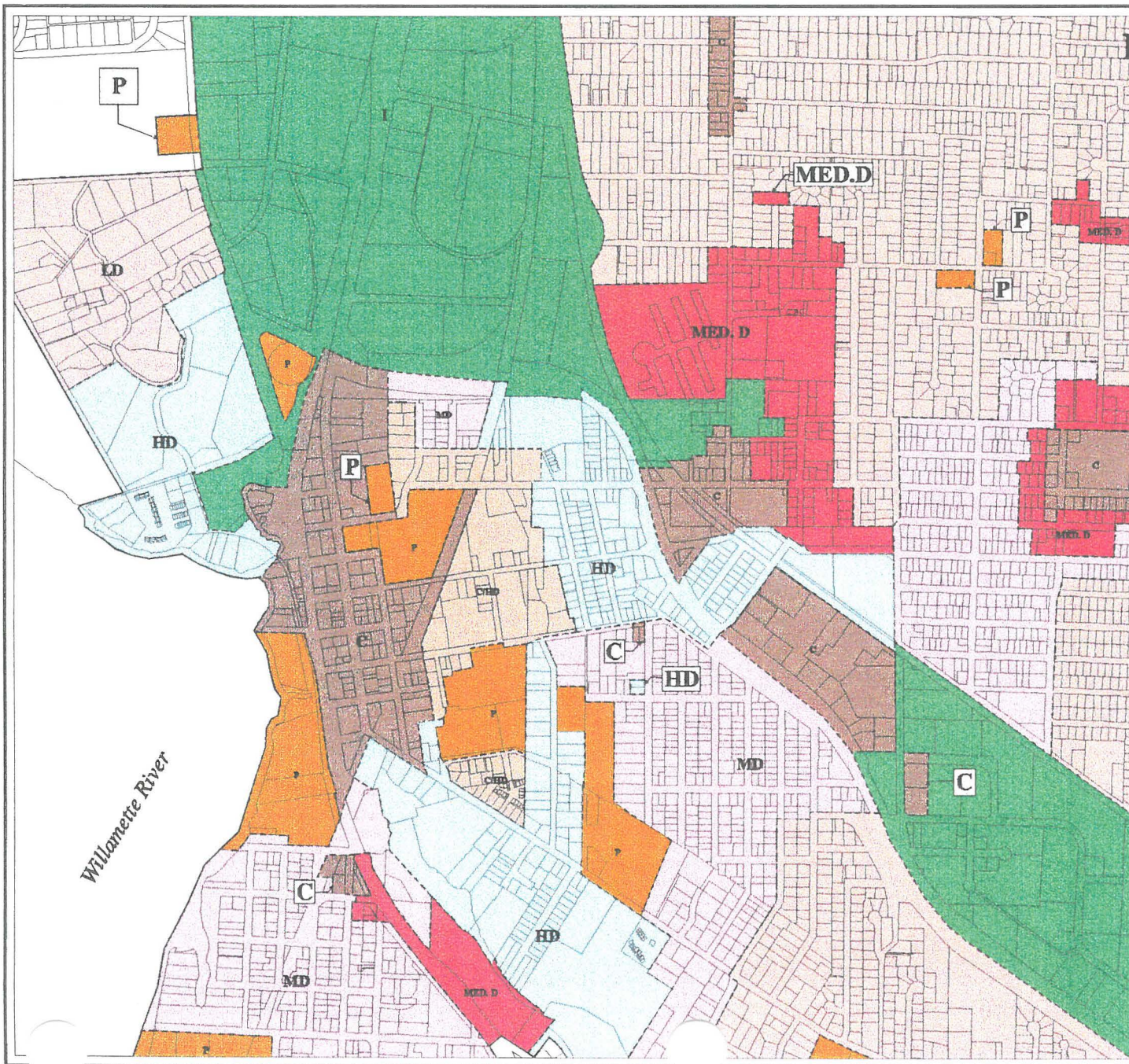


- Proposed Regional Center Land Use Areas within Mixed Use Overlay Zone
- Existing Public Lands within the Regional Center
- Proposed Public Lands
- Proposed R-O-C Zone

Exhibit 3

Department Of
Community
Development





LAND USE

- LD - LOW DENSITY
- MD - MODERATE DENSITY
- MED.D - MEDIUM DENSITY
- HD - HIGH DENSITY
- C - COMMERCIAL
- C/HD - MIXED USE
- I - INDUSTRIAL
- P - PUBLIC

Sheet 5



Department Of
Community
Development






*****MEMORANDUM*****
PLANNING COMMISSION WORKSESSION

September 23, 1997

To: Milwaukie Planning Commission

From: Maggie Collins, Community Development Director
Daniel Pava AICP, Senior Planner 

Subject: Comprehensive Plan Amendment Related to Implementation of the Regional Center Master Plan - File No. CPA 97-03

Action Requested

Planning Commission guidance is requested as Community Development staff prepares for Comprehensive Plan text and map amendments intended to implement the Regional Center Master Plan (RCMP). Staff will present suggested Comprehensive text and map amendments and associated zoning text and map amendments.

Background

Milwaukie is one of nine Regional Centers designated in accordance with the Metro Urban Growth Management Functional Plan. It was initially designated as a Regional Center through the adoption process of the Metro 2040 Growth Concept Map and Regional Urban Growth Goals & Objectives (RUGGO's) in December 1995. This was predicated on the December 1994 Metro Council resolution to approve the preferred growth alternative associated with the RUGGO's and the Regional Growth Concept Map. The Milwaukie City Council on November 1, 1994, had an unanimous vote supporting designation of Milwaukie as a Regional Center.

The Community Development Department received a Transportation and Growth Management Grant in 1996 to develop a Regional Center Master Plan for Milwaukie. The Regional Center Steering Committee approved a work program in September 1996, and work commenced shortly afterward. The Milwaukie Regional Center planning process has two major components: work

products developed by City and professional consultant staffs, and recommendations provided through a citizen working group process.

The RCMP Steering Committee convened on August 21 to review a draft of the RCMP and it was the Committee consensus that the document be sent to the Planning Commission for a public hearing and recommendation to the City Council. The RCMP is scheduled for a Planning Commission public hearing on October 14, and City Council consideration for adoption on November 4, as an ancillary document to the Milwaukie Comprehensive Plan. The Comprehensive Plan text and map amendments being discussed at this worksession will be presented to the Planning Commission at the public hearing scheduled for October 28.

Proposal

At the same time the Steering Committee moved the RCMP forward for public review and adoption, the Committee supported the City's Staff recommendation to develop and adopt a first round of RCMP implementation actions. Staff is proposing the following: (1) Application of a new Comprehensive Plan Map Designation; and (2) Application of a new Overlay Zoning District.

To reduce the amount of paper, only those pages on which proposed Comprehensive Plan text changes occur are enclosed. New language is in "bold face;" text proposed for deletion is shown as "strike-through."

Exhibit 1 is a collection of the proposed text changes to the Milwaukie Comprehensive Plan. *A new Regional Center Comprehensive Plan map designation is proposed.* Staff proposes minimal revisions to Chapter 4 of the Comprehensive Plan at this time essentially to acknowledge the adoption of the Regional Center Master Plan as an Ancillary Document. Periodic review next year will afford the opportunity for more global changes to the Comprehensive Plan. **Exhibits 2, 3 and 4** are maps that depict how the new land use designation and an associated Mixed Use Overlay Zone could be applied to specific areas within the Regional Center boundaries. The maps also show existing designated Public Lands, and those lands recently acquired by the City but still designated under other Comprehensive Plan map designations. **Exhibit 5** is a map showing the current Comprehensive Plan land use designations.

Exhibits:

1. Proposed Text Revisions to Chapter 4 of the Milwaukie Comprehensive Plan
2. Map Showing Proposed Regional Center Land Use & Mixed Use Overlay Zone Areas
3. Map Showing Existing Public Lands with Proposed Regional Center Land Use Areas & Proposed R-O-C Primary Zone Designated Parcels
4. Map Showing Proposed Regional Center Land Use Areas and Proposed New Public Lands
5. Current Comprehensive Plan Land Use Map for the Proposed Milwaukie Regional Center

CHAPTER 4 - LAND USE

RESIDENTIAL LAND USE AND HOUSING ELEMENT

Last Rev. Ord. #1772 10/18/94

All other lands within the Milwaukie area have few, if any, constraints for development.

Policies

1. Policies and standards found in the Historic Resources, Natural Hazard and Open Spaces, Scenic Areas, and Natural Resources Elements of the Environmental and Natural Resources Chapter apply, where applicable, throughout the City. Through its regular zoning, building and safety enforcement process, the City will implement those policies in Special Policies Classification areas and direct urban development toward more suitable areas through density transfer.
2. Prior to the approval of any building permit or other development approval, the developer of any vacant land within special policies classification areas must submit a report indicating how the applicable policies in the Environmental and Natural Resources Chapter are to be met. The report will describe the proposed type of site preparation and building techniques, how these techniques meet the applicable policies, and the mitigative measures, if any, proposed to lessen impacts during construction.

OBJECTIVE #2 - RESIDENTIAL LAND USE: DENSITY AND LOCATION

To locate higher density residential uses so that the concentration of people will help to support public transportation services and major commercial centers— and foster implementation of the Regional Center Master Plan.

Planning Concept

The most basic concept underlying residential land use policy in Milwaukie is that the City is and will continue to be composed primarily of single family neighborhoods. Housing types resulting in higher densities are to be concentrated in order to support public transportation services and major commercial centers, have close proximity to major streets, and to lessen the impact of through traffic on single family areas. A range of housing types is encouraged in all areas of the City, as long as the character of existing neighborhoods is not dramatically altered by new development. The Land Use Plan for the City, Map 7, shows how residential areas of differing density will be distributed throughout the City.

Table 2 summarizes the amount of vacant buildable land within each residential land use category, the total number of new dwelling units which would result from full development of these vacant buildable lands, and the amount of residential units by type. These figures do not include density bonuses which

percent multifamily. The overall net residential density at full development will be approximately 6 units per acre while new development will occur at approximately 9 units per acre.

Table 2

FUTURE HOUSING CHARACTERISTICS

Residential Area	Vacant Gross Buildable Acres	Net Buildable Acres (Less R-O-W*)	Net Density	New Units	% New Units
Single-Family ¹					
Low Density	226.40	169.8	5.50	933	40.2
Mod. Density	<u>32.40</u>	<u>24.0</u>	8.70	<u>208</u>	<u>9.0</u>
	258.50	193.8		1,141	49.2
MultiFamily					
Med. Density	18.84	17.9	14.50	259	11.2
High Density	<u>50.23</u>	<u>47.8</u>	19.30	<u>922</u>	<u>39.6</u>
	69.07	65.8		1,181	50.8
TOTAL	327.57	259.5	8.95	2,322	100.0

*Right-of-way deductions are: 25% for Single-Family; 5% for MultiFamily

The number of persons expected to reside within the City at full development is estimated at 22,200. This figure assumes a 95 percent occupancy rate and 2.41 persons per unit overall.

¹Including mobile homes in mobile home parks and manufactured housing.

Policies

- Residential densities will be based on the following net* density ranges:

Low Density - up to 6.7 units per net acre
 Moderate Density - 6.8 to 10.7 units per net acre
 Medium Density - 10.8 to 15.0 units per net acre
 High Density - 15.1 to 31.2 units per net acre
Regional Center -25 to 50 units per net acre

*In calculating buildable lands, density standards will be applied to net parcel areas to determine the maximum number of dwelling units

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 units within one dwelling structure, each normally occupied by one family, sharing common structural walls.

Townhouse - Two or more single family attached units each constructed on a separate fee-simple lot. Townhouses on interior lots may have zero side yard setbacks.

Multifamily (Condominium) - a single structure containing 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 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.

- 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.

7. Regional Center Areas will be designated based on the following policies:

a. Regional Plan Areas will be those sites identified within the six subareas depicted on the Subareas Map in the Regional Center Master Plan as suitable for redevelopment. Within the Regional Center areas designated on Map 7, mixed use development combining residential high density housing with retail and/or service commercial, and/or offices is required. This is intended to foster a Regional Center environment in accordance with the Regional Center Master Plan.

b. A mixed use zone will be applied to designated Regional Center Areas to implement the Regional Center Master Plan.

c. In mixed use developments that include retail and/or office and residential, the retail and/or office are to occupy the first level and residential uses, are to be placed above. Specific ratios of retail and office to residential shall be specified by the Mixed Use Zone.

d. The Residential-Office-Commercial (R-O-C) Zone is the most appropriate Zoning district for the Regional Center Area.

e. The Regional Center Area shall be served by multimodal transportation options: therefore, on-street parking, shared parking and parking structures are the most appropriate parking options in the Regional Center Area. Off-Street surface parking is to be discouraged.

f. A variety of higher density housing is desired in a designated Regional Center Area, and the City shall work cooperatively with the private sector to provide a diverse range of affordable housing.

The City of Milwaukie will not immediately zone all high density or Regional Center land for maximum development. ~~Some~~ The areas involved are already predominantly developed at a lower density, leaving only pockets of vacant land currently suitable for immediate density increases. The rezoning will occur over time, and will be consistent with the Regional Center Master Plan based on applications which can demonstrate consistency with plan policies, as set forth in the City's Comprehensive Plan and, with public facility plans and standards, adequate to support maximum development. This process will ensure that development will occur with a timely, orderly, and efficient provision of public facilities and services as required by State Goal 11.

Policies

1. 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. Such techniques may include the reduction of lot size standards in established neighborhoods; allowing single family attached housing units in appropriate areas; and encouraging the construction of small housing units.
2. The City will encourage the development of larger subdivisions and PUDs that use innovative development techniques for the purpose of reducing housing costs as well as creating an attractive living environment. Such techniques to reduce costs may include providing a variety of housing size, type, and amenities. An additional housing unit will be allowed for each unit priced for sale at twenty-five (25) percent below the average new single family housing cost established in the most recent edition of "Real Estate Trends," published semi-annually by the Metropolitan Portland Real Estate Research Committee, Inc. Overall project density may not exceed the allowable density plus ten (10) percent, which may be added to the Planned Unit Development bonus.
3. Manufactured housing is encouraged in the City as long as density standards and other applicable policies are met. The City will encourage the provision of housing at types and densities indicated in the City's housing needs assessments summarized on Table 2.
4. Mobile home parks will be allowed in Low, Moderate, and Medium Density areas in zones allowing development at 6-12 units per acre, and will be subject to park design and appearance standards and review in a public hearing.
5. Although not all higher density and Regional Center lands will immediately be zoned for maximum permissible densities, the rezoning of these lands will be approved when it can be demonstrated that adequate public facilities exist or can be provided in accordance with City plans and standards to support increased development.

OBJECTIVE #6 - HOUSING ASSISTANCE

To assist low and moderate income households in obtaining adequate housing which is consistent with other housing objectives and policies.

Policies

and appliances. This is true for most small community commercial centers since comparison shopping increasingly occurs at large shopping centers. Downtown Milwaukie, however, has continued to attract commercial investment in the form of commercial service uses including banks, insurance and professional offices. ~~There is now a gradual change occurring in the role of downtown from a major shopping center for the entire area, to a more local shopping center with expanding office and service uses.~~ The Regional Center Master Plan and the Milwaukie Vision Statement provide the most current Council direction for the future of downtown Milwaukie. There has also been increased interest in developing the downtown waterfront area by encouraging new business investment and improving the image of the overall downtown. The Riverfront Concept Plan provides Council direction for the Milwaukie waterfront.

Policies in this Economic Base and Industrial/Commercial Land Use Element together with technical studies and inventories found in the Industrial and Commercial Land Use working paper, the Community Needs Survey, "Community Development in Milwaukie: Problems, Prospects, Policies," by Lord and LeBlanc, 1977, "Economic Development Commission Recommendations," 1979, the Economic Background and Discussion Document, 1987, the Community Questionnaire and the Portland General Electric Business Retention and Expansion Assessment and the Riverfront Market Analysis, 1986, address the Statewide Planning Goals 2 and 9. The Regional Center Master Plan contains guidance for identifying select sites for mixed use commercial development in the expanded city center. The Plan was influenced by the Commercial, Housing and Transportation Working Groups Report, 1997, and by the Economic Development Assessment for Milwaukie Regional Center Study Area (Hovey) 1997.

OBJECTIVE #1 - ECONOMIC DEVELOPMENT

The City will encourage an increase in the overall economic development activity within the City, will strive to retain existing businesses as well as actively attract new businesses, particularly those identified as having growth potential.

Planning Concepts

Milwaukie relies on a strong industrial tax base to keep residential tax rates low. The outlook for continued growth in industrial development, given the present City boundaries, is limited, as much of the vacant industrial land may be difficult to develop. Some opportunities for redevelopment exist in the Johnson Creek Industrial Area. The City will strive to ensure that existing industrial facilities continue to be adequately served by roads, drainage, water and sewer. The following economic development policies are derived from recommended policies found in the Lord and LeBlanc report and recommendations from the City's Comprehensive Plan Review Committee. Policy 10 is derived from the Regional Center Master Plan and supporting documentation such as the Hovey report cited above.

Policies

1. The City will ensure that there is adequate land available with public services provided to meet the need for economic growth and development.
2. The City will review national, state and local trends for major categories of commercial and industrial uses that could be expected to locate in the City, identify local businesses which may expand and types

5. The City will explore opportunities for using local, regional, state, or federal funds to support or stimulate economic development programs, and will work with regional and state agencies and the business community to identify opportunities to locate new industries in the City.
6. The City will ensure that public services now serving industrial areas are adequately maintained to serve industrial needs. Public services and facilities will be upgraded as necessary.
7. The City will ensure, through the provision of public services and facilities, that existing businesses are retained and enhanced within the City. When the needs of businesses or industries cannot be met at their present location, the City may provide assistance in identifying alternative sites and relocating the enterprise elsewhere within the City.
8. The City will lobby strongly for roadway and other improvements outside of the City that bear heavily on the community's industrial complex, such as efforts to reduce congestion on McLoughlin Boulevard and Hwy. 224, improvement of public transit service, improved access for the Johnson Creek Industrial Area to I-205 and improved connections between Milwaukie and downtown Portland.
9. The City will coordinate its Urban Growth Management Plan for the unincorporated area with its economic development plans to ensure that City growth will retain an economically advantageous balance of land use.
10. The City will implement the Regional Center Master Plan in order to promote economic development based on compatible mixed uses within the designated Regional Center land use areas.

OBJECTIVE #2 - EMPLOYMENT OPPORTUNITY

To continue to support a wide range of employment opportunities for Milwaukie citizens.

Policies

1. The City will give a high priority, first, to the retention of existing businesses and, second, to the recruitment of new businesses which provide long-term employment opportunities.

2. The City will encourage new professional and service-oriented employment opportunities to meet the diverse needs of City residents.
3. The City will encourage private or semi-public day care centers in various areas of Milwaukie.
4. The City will support home occupations (income-producing activities in the home) as long as these activities do not detract from the residential character of the area.
5. The Mixed Use Overlay Zone and the Residential-Commercial-Office Zone shall be applied to lands designated within the Regional Center Area, in order to foster economic opportunity.

OBJECTIVE #3 - COORDINATION

To continue to participate in economic development and employment programs and develop a working partnership with the private sector and various agencies to meet the economic development needs of Milwaukie.

Policies

1. The City will participate in and coordinate with other governmental agencies including Clackamas County, Metro, Port of Portland, the Oregon Economic Development Department, and other state and federal agencies in planning and implementing economic development and employment programs.
2. The City will cooperate with the private sector to achieve economic development in the City by streamlining development processes, providing site service and facilities information, identifying vacant lands and providing market information.

OBJECTIVE #4 - INDUSTRIAL LAND USE

To encourage new industries to locate within the three major industrial areas of the City, in order to take maximum advantage of existing access and public facilities serving industry.

Policies

- The operational characteristics of the facility will be compatible with surrounding uses and include consideration of: 1) hours of operation, 2) delivery and shipping characteristics, 3) noise, 4) lighting, and 5) other use characteristics.
2. Policies in the Air, Water and Land Resources Quality Element are particularly relevant to industrial facility operation, and will be considered when reviewing economic development proposals.

OBJECTIVE #6 - COMMERCIAL LAND USE

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

Planning Concepts

Commercial land use policies are based on the assumption that most comparison goods purchases will be made at major regional shopping centers, day-to-day shopping needs will be met by local shopping centers, and that small convenience commercial centers will provide for frequent, one-stop shopping needs. For the purpose of categorizing and establishing commercial centers, in Milwaukie, the following types of centers are defined:

- Regional Shopping Centers - A major commercial facility serving about 250,000 people primarily for comparison shopping for clothes, household goods and furniture. Examples include Lloyd Center, Washington Square, Downtown Portland and Clackamas Town Center. None are currently located within Milwaukie.
- Community Center - A commercial shopping center providing limited comparison shopping and day-to-day shopping serving (generally) 90,000 people on 15-30 acres, and containing at least 200,000 square feet of leasable space. The center should contain a department store (soft goods/clothing), a drug/variety or discount store, a supermarket, retail shops, and related uses. The City currently has one site located at Hwy. 224 and Oak St.
- District Center - A commercial site or area serving 6,000-10,000 people on 5-15 acres for regular shopping needs. A district center would likely contain a supermarket, drug and variety store, bank, gas station, etc. Examples include Food Warehouse, S.E. 82nd Avenue/King Road, the Oak Grove Fred Meyer, and the Wichita Town Center.

- Highway Oriented Center - A commercial node or strip development dependent upon street traffic for business. Highway oriented centers are normally located along freeways or expressways at interchanges or along major or minor arterials and are generally service-oriented, providing for limited needs of nearby residents or people driving through the area. Examples include McLoughlin Boulevard and Harrison St. at Hwy. 224.
- ~~Downtown Office Center~~ Regional Center Areas - ~~The~~ Downtown Milwaukie Area is a unique mixed use and commercial center, in itself. This area is designated as a Regional Center by the Metro Urban Growth Management Functional Plan. It provides area-wide services as well as limited neighborhood services. Commercial uses are primarily office, service, and retail, providing financial, personal, and business services, governmental and cultural services. The emphasis is on creating a compact mixed use environment with pedestrian amenities and high quality transit service and multimodal street networks.

Policies

1. New commercial developments or redevelopments shall be located in designated areas unless expansion or creation of a new commercial designated area is justified as per Policy 2, below.
2. Expansion or creation of commercial designated areas will be evaluated against the following criteria: (a) those having an historical commitment to commercial use, (b) access to a transportation network appropriate for the scale of development proposed, (c) significant traffic increase shall not result on streets of collector or less status serving low density residential areas, (d) that no more suitable location(s) exist within the City for this designation, (e) that zoning allowed by the designation is compatible with adjacent uses, and (f) compliance with all applicable Plan policies, including the Regional Center Master Plan.

OBJECTIVE #7 - COMMERCIAL LAND USE: REGIONAL SHOPPING CENTERS

To accommodate major comparison shopping needs within existing regional shopping centers.

Planning Concepts

Regional shopping centers serve a large area (about 250,000 people) and are normally located on sites with a high amount of visual exposure and major arterial and/or freeway access. Several regional shopping centers provide shopping opportunities in the metropolitan area surrounding Portland.

Policies

1. The City recognizes and supports the Clackamas Town Center as the primary regional commercial shopping center serving the Milwaukie area.

OBJECTIVE #8 - COMMERCIAL LAND USE: COMMUNITY CENTER

To provide for the weekly and comparison goods shopping needs of the City's and surrounding areas' residents.

Policies

1. The City's Community Shopping Center will be located on Highway 224, between Oak and 37th Streets.
2. The Community Shopping Center will be designed to be an attractive community focal point.
3. The Center will be designed and constructed so that all portions of the overall development are consistent in style and function.
4. The Center will increase comparative and one-stop shopping services, thereby reducing vehicular trips outside the City, and providing better shopping services to the area.
5. The Zoning Ordinance will contain a Community Shopping Center district with specific standards for development. The provisions will implement these Plan policies.
6. The Regional Center Master Plan design guidelines shall apply to major renovations undertaken within the C-CS district.

OBJECTIVE #9 - COMMERCIAL LAND USE: DISTRICT CENTERS

To provide maximum convenience to City residents for regular and convenience shopping needs by concentrating commercial uses into selected commercial clusters.

Planning Concepts

Two District Centers currently serve as the primary commercial centers within the City: Food Warehouse at King Road and S.E. 42nd Avenue, and the Wichita Town Center at King and Linwood. Others in the Milwaukie area: 82nd Avenue at King Road, the intersection of Thiessen and Webster Roads, and the area near the Oak Grove Fred Meyer on McLoughlin Blvd.

Policies

1. The two District Centers within the City, shown on Map 7, will be the primary commercial areas providing for the day-to-day shopping needs of City residents.

4. Highway oriented commercial centers should locate at freeway interchanges or major arterial intersections instead of in strip development patterns.
5. Strip development patterns may be continued in areas already developed as such if adequate site development design, access coordination, and buffering measures are provided.

OBJECTIVE #12 - DOWNTOWN OFFICE REGIONAL CENTER

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

Planning Concepts

Downtown Milwaukie has been designated by ~~is currently changing from a major shopping center for the area to an expanding office and service center providing for both area wide and local needs. The role of small community commercial centers is diminishing nationwide as centers for comparison good shopping. This trend is currently evident in downtown Milwaukie and is expected to continue.~~ Metro as one of nine areas in the Portland metropolitan region that will be Regional Centers typified by a mix of residential and commercial uses.

The future role for the downtown as ~~an office and service~~ Regional center will ~~retain~~ revitalize the area as a focus of community identity and pride. The community also realizes the potential for waterfront development as a downtown focal point for enhancing existing and attracting new businesses and residential development within the Regional Center.

The following policies are derived in part from policies recommended in the Regional Center Master Plan ~~Lord and LeBlanc report, and the Waterfront Redevelopment Plan, and the Riverfront Concept Plan.~~

Policies

1. Downtown Milwaukie and specifically those lands designated as Regional Center on Map 7 will be considered a ~~Downtown Office~~ Regional Center, serving area-wide needs as well as the needs of local residents.
2. Through zoning and other implementation measures, adequate opportunity for mixed use development ~~increased office building~~ will be ensured to

establish downtown Milwaukie as a Regional ~~or subregional office and employment~~ Center.

3. A mix of residential, office and commercial uses is ~~encouraged~~ required ~~in individual structures downtown, as long as retail uses are contiguous to existing retail development. Map 7 shows lands designated for downtown commercial and office uses.~~ in the Regional Center Area.
4. A Mixed Use Area adjacent to downtown is established to include residential, commercial and office uses in single structures. See Objective 3, Policy 6 in the Residential Land Use and Housing Element.
5. The City will focus redevelopment efforts in the Regional Center Area and on the waterfront. The City will develop ~~an~~ improvement and management programs for the downtown and waterfront area. Various methods for local and outside funding, including grants and tax increment financing, will be explored for improvements deemed necessary such as parking, street lighting, landscaping, street furniture, paving and traffic management.
6. Downtown public improvements will be coordinated with private improvement efforts by local property owners. The aim of all public improvements will be to stimulate and support private investments in the area.
7. In its planning for downtown, the City will establish location(s) for major public transit stations or interchange facilities. The City will continue to work closely with Metro and Tri-Met in planning for transit improvements (see Transportation Element).

OBJECTIVE #13 - MCLOUGHLIN BOULEVARD

To provide for limited highway service uses along McLoughlin Boulevard while improving the visual and pedestrian-oriented linkages between downtown and the Willamette River, and making McLoughlin Blvd. more attractive.

Planning Concepts

The highway service uses currently located along McLoughlin Boulevard through downtown are service oriented rather than retail shopping in that they are designed to serve the needs of people moving through the community rather than local residents. Numerous driveways and curb cuts allow traffic turning movements which contribute to congestion along the highway. Both sides of

McLoughlin Boulevard lack aesthetic treatment and pedestrian facilities resulting in a visual, functional and psychological barrier between downtown and the Willamette River. Future transportation improvements along the McLoughlin corridor may provide an opportunity to reduce these barriers.

Policies

1. The City will work with the Oregon Department of Transportation (ODOT) and Metro during their transportation planning programs to identify appropriate land uses and access arrangements along McLoughlin Boulevard. The City will integrate its own downtown improvement plans and waterfront plans with these regional transportation planning programs (see Transportation Element).
2. The opportunity will be taken during any improvement or modification of the McLoughlin corridor to create new and more efficient vehicular access to the riverfront, as well as pedestrian access not in conflict with motorized transportation.
3. Improved pedestrian and bicycle connections will be provided between downtown and the riverfront through the provision of pedestrian paths, amenities, signals, separated crossings, etc. designed to ensure the safety of pedestrians and bicyclists.
4. The visual and land use relationship between the downtown area of Milwaukie and its waterfront will be improved.
5. Visual and pedestrian amenities will be required along the "downtown" portion of McLoughlin Blvd. These include street trees, landscaped medians, turn bays rather than continuous turn lanes and pedestrian supportive features on the right of way.
6. The City will work with ~~encourage~~ ODOT to provide a long term solution to McLoughlin Blvd. problems in Milwaukie. ~~This could include the relocation of McLoughlin Blvd. to the east, resulting in a better integration of the downtown area with proposed riverfront improvements.~~ Redesign shall incorporate Regional Center Master Plan and Riverfront Concept Plan recommendations.

OBJECTIVE #14 - MILWAUKIE EXPRESSWAY

To ensure that the Milwaukie Expressway continues to effectively serve adjacent employment centers.

5. The Greenway Design Plan, when approved and adopted, will replace the Willamette Greenway Conditional Use Process with a Greenway Design Review Process.

OBJECTIVE #3 - LAND USE

To encourage the cooperation of public and private ownerships to provide compatible uses within the Willamette Greenway.

Policies

1. The land use designations on Map 7 will serve as guidelines for establishing the Greenway Design Plan.
2. Intensification of uses, changes in use, or development of new uses are permitted only when consistent with the City's adopted Willamette Greenway Element, ~~and~~ the Greenway Design Plan, the Riverfront Concept Plan and the Regional Center Master Plan.
3. Within the Willamette Greenway Boundary, a Willamette Greenway Conditional Use Permit must be obtained prior to any new construction or intensification of an existing use. This policy applies until the Greenway Design Plan is adopted.
4. Through the Willamette Greenway conditional use process, setbacks shall be established on a case-by-case basis for uses not water-dependent or water related so that they are directed away from the river. Existing and proposed uses that are water-dependent and water-oriented may be permitted near or at the water's edge. This policy applies until the Greenway Design Plan is adopted.



*****MEMORANDUM***
PLANNING COMMISSION WORKSESSION**

September 23, 1997

To: Milwaukie Planning Commission

**From: Maggie Collins, Community Development Director
Susan Heiser, Senior Planner
Stacy Lawson, Assistant Planner**

**Subject: Proposed Zoning Text and Map Amendments Related to Implementation of
the Regional Center Master Plan - File Nos. ZA 97-03, ZC 97-03**

Action Requested

Community Development staff requests Planning Commission review and recommendation on the proposed Zoning Text Amendment to add a Mixed Use Overlay Zone as Zoning Ordinance Section 318, (Exhibit 1) and for a Zoning Map Amendment to add this overlay to the Regional Center Master Plan (RCMP) subarea 1 as well as five (5) specific sites within other RCMP subareas (Exhibit 2). The Zoning Map Amendment also proposes to change the primary zoning district for the 5 specific sites to the R-O-C (Residential/Office/Commercial) Zoning District, Zoning Ordinance Section 309 (Exhibit 3).

Background

These amendments are proposed to implement the first stage of the Regional Center Master Plan and to facilitate development consistent with the Plan as well as the concurrently proposed Comprehensive Plan Amendments. Additional Draft Zoning Text and Map Amendments, necessary to implement the RCMP, will be ready for Planning Commission Work Sessions in January 1998.

Proposal

At the same time the Steering Committee moved the RCMP forward for public review and adoption, the Committee supported the City's Staff recommendation to develop and adopt a first round of RCMP implementation actions. Staff is proposing the following: (1) Application of a new Comprehensive Plan Map Designation; and (2) Application of a new Overlay Zoning District.

Exhibit 6 provides development and design guidelines to allow mixed uses at specific sites within the City's RCMP area. The Mixed Use Overlay Zone is intended to be an interim zone, the standards of which would be incorporated into a primary mixed use zone district as part of the next phase of Zoning Amendments.

Exhibit 2 shows locations where the Mixed Use Overlay Zone is proposed to be applied and **Exhibit 3** shows sites where the primary zoning district is proposed to change to the R-O-C District. Rezoning of these underlying zoning districts is necessary for consistency with the Regional Center Comprehensive Plan Designation proposed for these sites as well as to facilitate development under the MU Overlay Zone. The specific parcels which require this zoning change include:

SITE	EXISTING COMP. PLAN	PROPOSED COMP. PLAN	EXISTING ZONING	PROPOSED ZONING
Murphy Site 1	Industrial	Regional Center	M	R-O-C
Murphy Site 2	Industrial	Regional Center	M	R-O-C
Proto Tool	Industrial	Regional Center	M	R-O-C
McFarland	Medium Density	Regional Center	R-2	R-O-C
Pendleton	Industrial	Regional Center	M	R-O-C

Exhibits 7 and 8 respectively, show the existing Zoning Designations for these subject sites, and contain the current R-O-C Zoning District provisions. The R-O-C regulations are not proposed to be revised as part of this Zoning Amendment.

Exhibits:

6. Proposed Zoning Text for Section 318 - Mixed Use Overlay Zone
2. Map Showing Proposed regional Center Land Use & Mixed Use Overlay Areas
3. Map Showing Existing Public Lands with Proposed Regional Center Land Use Areas & Proposed R-O-C Primary Zoning Designated Parcels
7. Map Showing Existing Primary Zoning District Designations
8. Zoning Ordinance Section 309 - Existing R-O-C Regulations

DRAFT

Section 318 - Mixed Use Overlay Zone MU

318 Mixed Use Overlay Zone MU**318.1 Purpose**

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

318.2 General Applicability

Mixed Use Overlay Zone will be attached to the primary zone for properties identified as critical to the efforts of the City to develop a mix of uses within the Regional Center Master Plan area. These properties include, but are not limited to, the following: those within Subarea 1 of the Regional Center Master Plan; Site 6-1 in Subarea 6; Sites 2-1, 2-2, and 2-6 in Subarea 2; and Site 4-1 in Subarea 4. The MU Overlay Zone will be applied to the Zoning Map.

318.3 Primary Uses

Provisions of Section 318 are intended to allow mixed use development, subject to the processes identified in Section 318.6 below, including retail, commercial, office and residential development, as listed below.

318.3

- A. Retail Commercial Uses such as food store, drugstore, gift shop, hardware store selling shelf goods primarily. Drive-up convenience stores are not permitted.
- B. Multifamily Attached Condominium Dwellings
- C. Multifamily Attached Apartment Dwellings
- D. Single Family Detached Small Lot Townhomes
- E. Offices
- F. Personal Service businesses such as haircutting shop, tailor shop, or laundry and drycleaning pickup station, shoe repair
- G. Motion Picture Theater (Adult Theaters are not permitted)
- I. Restaurant & Cafe, outdoor seating where provided for in the site design and located off of the public sidewalk area (Drive-in and Drive-thru food establishments are not permitted)
- J. Brew Pub which serves food
- K. Hotel
- L. Parking Facility

- M. Financial Institution
- N. Trade or Commercial School
- O. Department or furniture store
- P. Bed and Breakfast
- Q. Service Station without associated mini-mart - minor repair service allowed if approved through a Mixed Use Overlay Review application.
- R. Farmer's Market
- S. Public Park or Community Meeting Area
- T. Youth Center
- U. Any other use similar to the above and not listed elsewhere.

318.4 Applicability

Development review and approval pursuant to Section 318.7 is required for all development on sites having a Mixed Use Overlay Zone, unless the proposed development qualifies for an exception under Section 318.6 below.

318.5 Definitions

Townhouse: An attached residential structure which retains private ownership of a portion of the land around it, generally in the form of a small front and/or rear yard. A Townhouse can be located in the center a large project or it can be located adjacent to an existing street. The front door is not required to open onto a street if it is on the interior of a development. If a townhouse property is adjacent to an existing street it is required to have its front door on the street.

318.6 Exemptions From Review

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

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

318.7 Development Review Process and Criteria

- A. **Preapplication Conference** Prior to submittal of an application for development with in the MU Overlay Zone, the applicant shall be required to attend a preapplication conference with Community Development staff. The applicant must have a specific proposal and a site plan drawn to scale in order to qualify for a pre-application conference.

At the preapplication conference, staff shall determine the applicable development review procedure which would apply to the applicant's specific proposal. Staff shall provide appropriate application materials and outline the applicable review procedure. The applicant shall be required to schedule an appointment with staff to submit the completed MU Overlay review application.

- B. **Planning Commission Review** The Planning Commission shall review development requests within the Mixed Use Overlay Zone, per the procedures outlined in section 1011.3, Minor Quasi-Judicial review.

- C. **Criteria**

The Planning Commission may grant approval of a use which is located in the MU Overlay area and has undergone a Mixed Use Overlay Review application upon a determination that the following circumstances exist:

1. The proposed project is in compliance with Milwaukie's Comprehensive Plan.
2. The proposed project is in compliance with the Regional Center Master Plan (RCMP).
3. The proposed project is in compliance with the guidelines and requirements of the MU Overlay Zone.
4. The proposed project complies with any requirements of the underlying zone which have not been superseded by the provisions of the Mixed Use Overlay Zone.
5. The proposed project complies with Sections 400, 500 and 1400 of the Zoning Ordinance.

- D. **Minor Development Review**

The Community Development Director may approve minor changes in any development permit or small scale improvements to legally existing uses.

through the process designated under Section 1011.1 of the Zoning Ordinance (Type I Administrative Review), provided that such changes:

1. Do not increase the intensity of any use;
2. Meet the requirements of the underlying zone and the specific site design standards of Section 318.9;
3. Are consistent with the Regional Center Master Plan;
4. Do not significantly affect adjacent property or uses, will not cause any deterioration or loss of any natural feature or open space, nor significantly affect any public facility; and
5. Do not affect any conditions specifically placed on the development by the Planning Commission or City Council.

318.8 Application Materials

An application for a Mixed Use Overlay review shall include the following:

- A. Name, address and telephone number of applicant and/or property owner.
- B. Address and reference map number of the subject property.
- C. North Arrow, scale and date of revision.
- D. Narrative concerning the proposed request, including a written report identifying how the proposal complies with the applicable approval criteria outlined in subsection 318.8.
- E. Copy of deed showing ownership or interest in the subject property. If the applicant is not the owner or sole owner, written authorization from the owner or joint owner(s) of the property shall be submitted allowing the applicant to apply for the Mixed Use Overlay Review.
- F. Vicinity Map.
- G. Comprehensive Plan and Zoning Designations of subject property.
- H. A map showing existing uses, structures, lot lines, topography, and the location of existing and proposed utilities and easements within 100 feet of the property.

- I. A map showing the location of all existing trees, their types, location and diameter at 5 feet from grade. This map shall be based on a surveyed location of the trees. The map shall identify which trees, if any, are proposed for removal. This Tree Map may be combined with the landscaping plan if the resulting plan is legible.
- J. 12 Copies of detailed and dimensioned plans drawn to scale for the specific project including, but not limited to, the site development plan, building elevations, floor plans and landscaping plan, parking plan.

These plans shall show: lot dimensions based on a survey of the property; existing and proposed property boundaries; the distance from structures to property lines and between structures; the building foot print with all projections; location of driveways, walkways, paved areas and disabled access and parking. Parking shall address all requirements of Sections 500 and 1400 of the Zoning Ordinance.

- K. Color and material samples of paint, siding and roof material.
- L. A sign program, where applicable.
- M. Reduced copies (8.5 x 11) of all plans and maps.
- N. Any information required by other provisions of local, state or federal law.
- O. Additional drawings, surveys, studies or other materials necessary to understand or support the proposed use, as required by the Community Development Department through the pre-application process.
- P. Notice Labels and Map.
- Q. Payment of the applicable fees.

318.9 Development Standards

The following Development Standards apply to all proposals which have been determined to be subject to the Mixed Use Overlay Zone. Development in this overlay zone shall follow the standards and guidelines for development and for specific sites, as indicated below. All development proposals shall comply with

and not be in conflict with Milwaukie's Comprehensive Plan and the Regional Center Master Plan (Currently in Draft Form).

- A. Commercial and Commercial/Residential Mixed Use (office uses are included in the Commercial designation)
 - 1. Proposed development shall incorporate a 1:.05 to 1:2.0 floor area ratio of commercial to residential development (For every one square foot of commercial, a minimum of one-half square foot of residential would be required and up to 2 square feet of residential will be permitted). Where parking is to be located at the side of a structure, an eight foot wide landscape strip shall separate the parking area from the sidewalk.
 - 2. Angled parking shall be developed where street rights-of-way are wide enough.
 - 3. Parking for commercial and residential uses shall be located to the rear or side of a proposed development.
 - 4. Shared parking shall be provided where feasible. Shared bicycle parking shall be permitted when primary pedestrian entrances are located not more than 100 feet from the shared bicycle parking area. The shared bicycle parking must be located in an area of high visibility adjacent to a pedestrian walkway or sidewalk.
 - 5. All primary ground floor common residential entries or individual unit entries of street frontage units shall be oriented to the street, not to the interior or to a parking lot. Projecting features such as porches, balconies, bays and dormer windows and roof pediments are encouraged for structures facing a street.
 - 6. Where structured parking is proposed, it shall be placed in the middle of a block, with commercial and retail uses at the street level. Innovative decorative designs are required to mask any portion of the upper structure which is visible from the street. Parking dimensions shall not include support posts of the underground or above ground parking structure
 - 7. Parking which is provided without a parking structure shall comply with the dimensional and landscaping requirements of Section 500 of the Zoning Ordinance.
 - 8. Development which includes the construction of a new structure or the gutting of an existing structure for redevelopment and requires 20 or more parking spaces shall include underground/below grade parking or incorporate a parking structure consistent with Section 318.7(A)(1)(d)

above. As an option, if a community parking structure fund is established, payment into the structure fund may be made in lieu of provision of a parking structure on-site, as required by the standard terms for contribution toward the community parking structure.

Parking space standards shall meet the dimensional requirements of Section 500. Parking dimensions shall not include support posts of the underground or above ground parking structure. If on-street parking is improved, or located as a result of the proposal, as determined by the Planning Commission, credit will be given toward compliance with the minimum number of parking spaces necessary.

9. Auto oriented and drive-in uses are prohibited except for service stations without related mini-marts when a conditional use has been approved.
10. A minimum of 60% of the ground floor wall area in retail development abutting pedestrian ways and plazas shall consist of non-reflective windows and doorways.
11. Outdoor displays and cafe areas shall not be permitted to block the public sidewalk and shall be subject to a right-of-way permit and the related standards. If an outdoor display is located on private property adjacent to the right of way, the display shall not impede traffic on the public sidewalk and the displays and daily display signs shall be removed each evening. Cafe seating shall be permitted on private property adjacent to the public sidewalk with approval under the site design / conditional use permit process. Outdoor Cafe seating on private property need not be removed each evening.
12. Residential Development shall incorporate shared parking, circulation and bike parking opportunities whenever possible. A planting strip shall separate the right-of-way and the sidewalk. High and Medium density residential development is encouraged to have an articulated front facade which makes the building appear to be segmented or similar to the size and bulk of single family residential units, where possible.
13. In High Density and Medium density residential areas and in residential areas existing single family homes which are not proposed for immediate development may apply for a conditional use permit to allow a detached secondary living unit or an attached secondary living unit or conversion to a duplex or triplex. Sound insulating and energy efficient materials shall be provided in any of the above conversions of existing space. Setbacks and development standards of the underlying zone must be met.

14. No outside storage is allowed, with the exception of garage dumpsters which are screened by a solid wood fence with a gate or fully contained individual storage units associated with residential uses.
15. If a project maximizes its residential density under this overlay district and the Comprehensive Plan Regional Center designation, additional retail or office uses can be permitted on the site through the site design/conditional use review process. The intent is to provide a mix of uses which create a vibrant regional center while allowing for maximum residential densities on sites where medium and high density residential uses are allowed.
16. If a project undergoes the site design/conditional use review process and is determined to be able to accommodate some combination of residential and retail or office uses, the uses may be clustered, combined or separated on portions of a single property or a series of properties which are in the process of merger.
17. High Density Residential development between 25 and 50 dwelling units per acre is encouraged if the proposed project incorporates 6 out of 10 of the following amenities.
18. All new development shall comply with six of the following “10 essentials” requirements.
 1. Special awning treatment
 2. Special grate or paving treatment, landscaping, planter boxes or pot and pedestrian scale lighting between sidewalk and entrance of the building.
 3. Provision for public art
 4. Special street lighting as approved by MDDA or Street Clock Installation.
 5. Development of public space, including but not limited to public plazas or gathering areas, special landscaped areas.
 6. Residential uses above retail units.
 7. Enhanced transit amenities such as covered bus shelters or bike lockers.
 8. Upgraded noise buffering on attached residential units
 9. In medium density areas, provision of protected play areas in residential development
 10. Provision of enhanced pedestrian accessways from rear parking areas to the frontage street.
19. If a property to be developed includes a historic home or a single-family home which is in good repair or can be easily repaired, the applicant may

propose a density transfer in conjunction with a PD development in order to retain the single family housing stock and while allowing some higher density development on the same or an adjacent parcel, which is combined with the parcel on which the single-family home is located.

20. In areas where new development abuts existing single-family development, a 20 foot buffer area of landscaping shall be provided and consideration shall be given to additional setback of second, third or fourth stories.

318.10 Specific Sites in Subareas 1, 2, 4, and 6

The following additional requirements apply to proposed development in specific Subareas and on specific sites.

A. Subarea 1

1. General Requirements

- a. Building height shall be limited to four stories east of Main Street and to 3 stories west of Main Street within Subarea 1.
- b. Buildings shall be located within 10 feet of the property line on all sides of a parcel within Subarea 1. An additional setback will be permitted on a corner to allow for clear sight triangles and corner entrances.
- c. Properties fronting along McLoughlin Boulevard between Harrison and Washington shall dedicate a 10 foot strip adjacent to the building frontage for boulevard-related improvements. This area may be used for the daily display of merchandise or for outdoor seating associated with food service.

2. Site 1-4

Any new use or proposed development of the current Junior High site shall incorporate a public plaza or public open space element, augmented by special landscaping and/or public art. The Junior High site is intended to support a mix of public openspace, high density 25-50 units per acre residential development, and retail development on the ground floor and above fronting on 21st street. Ground floor retail development should be incorporated into development on this property whenever possible.

3. Site 1-3

This site is intended to support high density residential primarily, with limited retail and residential support services. The density on this site is intended to be 25 - 50 dwelling units per acre. This site shall incorporate ground floor retail development.

4. Parcels R11E36BB2600, 3100, 3200 and R11E35AA1800 and 1700

This site shall be primarily retail and shall have retail at a minimum on the ground floor. Residential uses and residential support services can be located on upper floors.

5. Other specific sites in Subarea 1

Special landscaping shall be provided on infill sites 1-2, 1-3 and 1-7 as identified on the Subarea 1 Map dated October, 1997 of the Regional Center Master Plan.

High density diversified housing types shall be developed on sites 1-1, 1-2, and 1-3 of the Subarea 1 Map dated October, 1997 of the Regional Center Master Plan. The density on these sites shall be a minimum of 25 dwelling units per acre and a maximum of 50 dwelling units per acre; and shall incorporate underground parking and limited retail or services uses as secondary uses.

B. Subarea 2

1. Site 2-1

This site shall be developed into a mixed use of commercial and mixed use commercial/residential space with limited service and retail uses, including restaurants. Commercial and residential mixed-use ordinances should provide for a diversity of housing which will meet the needs of an aging population. Retail uses shall be located on the ground floor adjacent to pedestrian walkways.

2. Site 2-2

This site shall be developed with a primary emphasis on commercial and commercial/residential mixed uses, including restaurants. Residential units shall be developed at a density of 25 units per acre. Retail uses shall be located on the ground floor adjacent to pedestrian walkways.

3. Site 2-6

This site shall be developed with a primary emphasis on office, service, retail and residential uses, including restaurants. Residential units shall be developed at a density of 25 units per acre. Retail uses shall be located on the ground floor.

C. Subarea 4

1. Site 4-1

This site shall be developed with high density (25 - 50 dwelling units per acre), diverse housing types and a mix of retail and residential uses, with ground floor retail facing streets and residential on the interior and on upper floors. Structured parking shall be located under the units. Opportunities for pedestrian and other connections to a future light rail station shall be considered. A report on the status of contamination of a portion of this site shall be submitted with any proposed development. The identified contamination must be verified as contained, and may not be suitable for residences. Particular attention shall be paid to landscaping on this site. Height limit on this site is four stories unless 8 of the items listed in Section 318.9 (A)(18) are incorporated, in which case 5 stories will be permitted.

D. Subarea 6

1. Site 6-1

This site shall be developed to include Medium Density Residential at 25 dwelling units per acre.

318.11 Consistency with Underlying Zones

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

1. **ROC** - The uses and process stipulated in the MU Overlay Zone supersede those identified in the R-0-C Zone. The minimum lot size shall be 5000 square feet, and the density shall be controlled by the MU Overlay and the Comprehensive Plan alone. No yards are required. The height restriction is based on the MU Overlay height allowance. The lot coverage requirement and transition area requirement are removed in favor of the site design process. Use restrictions are superseded by those in the MU Overlay Zone.

2. **C-G** - The uses and process stipulated in the MU Overlay Zone supersede those identified in the CG Zone. The minimum lot size shall be 5000 square feet, and the density shall be controlled by the MU Overlay and the Comprehensive Plan alone. No yards are required. The height restriction is based on the MU Overlay height allowance. The lot coverage requirement and transition area requirement are removed in favor of the site design process. Use restrictions are superseded by those in the MU Overlay Zone.
3. **CC** - The uses and process stipulated in the MU Overlay Zone supersede those identified in the CC Zone. The minimum lot size shall be 5000 square feet, and the density shall be controlled by the MU Overlay and the Comprehensive Plan alone. The height restriction is based on the MU Overlay height allowance. Use restrictions of the CC Zone are superseded by the requirements of the MU Overlay Zone. The lot coverage requirement and transition area requirement are removed in favor of the site design process.
4. **CL** - The uses and process stipulated in the MU Overlay Zone supersede those identified in the CL Zone. The minimum lot size shall be 5000 square feet, and the density shall be controlled by the MU Overlay and the Comprehensive Plan alone. The height restriction is based on the MU Overlay height allowance. The lot coverage requirement and transition area requirement are removed in favor of the site design process. No special frontage requirements are included for condominium or interior single-family attached structures. No outside storage is allowed, with the exception of garage dumpsters which are screened by a solid wood fence with a gate or fully contained individual storage units associated with residential uses.
5. **CL/MC** - The uses and process stipulated in the MU Overlay Zone supersede those identified in the CLMC Zone. Uses allowed subject to MU Overlay Zone requirements control, however, the prohibited uses in Section 325.4 of the MC Overlay Zone apply. Applications for development in a CL/MC/MU Zone will be controlled by the requirements of both the MC and MU Overlays. If a conflict arises between the standards of the underlying zone, the MC Overlay and the MU Overlay, the MU Overlay provisions will govern. Compliance with the requirements of these zones will be assessed in a combined Site Design/Conditional Use Permit application.
6. **R-5** - The uses and process stipulated in the MU Overlay Zone supersede those identified in the R-5 Zone. The minimum lot size shall be 5000 square feet, and the density shall be controlled by the MU Overlay

and the Comprehensive Plan alone. Yard setback requirements do not apply. The height restriction is based on the MU Overlay height allowance. The lot coverage requirement and transition area requirement are removed in favor of the site design process. No separate requirement for access for interior single-family attached unit shall apply.

7. **R-1-B** The uses and process stipulated in the MU Overlay Zone supersede those identified in the R-1-B Zone. Minimum Lot size is 5000 square feet, but density is controlled by the MU Overlay and the Comprehensive Plan only. Yard setback requirements do not apply. The height restriction is based on the MU Overlay height allowance. The lot coverage requirement and transition area requirement are removed in favor of the site design process. No separate requirement for access for interior single-family attached unit shall apply.
8. **WG** The requirements of the Willamette Greenway Overlay Zone control when in conflict with the provisions of the MU Overlay Zone. Compliance with the Willamette Greenway Overlay requires that a Conditional Use Permit be reviewed and approved. When a Willamette Greenway Zone and an Mixed Use Zone both overlay a property, a single Site Design/Conditional Use Permit application may be processed. The fee set for the Site Design/Conditional Use Permit shall be the fee paid for the combined application.
9. **NR** The requirements of the Natural Resources Overlay Zone and the MU Overlay Zoning District both apply to a property which is subject to both Overlay Zones. An NR application must be processed prior to or concurrent with a development proposal under the MU Overlay Zone. If a project is determined not to be subject to the MU Overlay zone but is also an NR Zone property, a separate determination of the applicability of the NR zone must be made.

318.12 Validity of Uses

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

318.13 Nonconforming Uses

- A. Milwaukie Code provisions regarding construction of, discontinuance, improvement, or change of nonconforming uses, as contained in Section 800 are applicable to uses within the MU Overlay Zone.

- B. In addition to meeting requirements as specified in Section 800, development proposals involving nonconforming uses or structures must also comply with the setback, landscaping and access standards of the MU Overlay Zone.

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 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 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 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 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.