

**CITY OF MILWAUKIE
PLANNING COMMISSION
DESIGN & LANDMARKS COMMITTEE
JOINT MEETING
MINUTES
Milwaukie City Hall
10722 SE Main Street
TUESDAY, OCTOBER 23, 2012
6:30 PM**

COMMISSIONERS PRESENT

Lisa Batey, Chair
Clare Fuchs, Vice Chair
Shaun Lowcock
Mark Gamba
Wilda Parks

STAFF PRESENT

Steve Butler, Planning Director
Bill Monahan, City Manager
Ryan Marquardt, Senior Planner
Li Alligood, Associate Planner (DLC Liaison)
Kari Svanstrom, Associate Planner

COMMISSIONERS ABSENT

Scott Churchill
Chris Wilson

DLC MEMBERS PRESENT

Greg Hemer, Chair
Jim Perrault, Vice Chair
Becky Ives
Scott Barbur

DLC MEMBERS ABSENT

Chantelle Gamba

1.0 Call to Order – Procedural Matters*

Chair Lisa Batey called the meeting to order at 6:32 p.m. and read the conduct of meeting format into the record.

DLC Chair Greg Hemer called the meeting of the Design and Landmarks Committee (DLC) to order.

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

DLC Vice Chair Jim Perrault entered.

The Commission proceeded to Item 6.1 before Item 2.0.

6.0 Worksession Items

- 6.1 Summary: Government Ethics Training
Staff: Bill Monahan

Bill Monahan, City Manager, reviewed government ethics related to conflicts of interest and referred to the meeting packet.

- A declaration of potential or actual conflicts of interest must be made at each meeting where the source of conflict is discussed.
- He provided a handout, "Guide for Public Officials," which was also available at www.oregon.gov/ogec, and suggested that the Commission invite Ethics Commission staff to provide next year's ethics training.

The Commission and the DLC returned to Item 2.0.

2.0 Planning Commission and Design and Landmarks Committee Minutes

2.1 July 24, 2012 (PC)

Commissioner Mark Gamba moved to approve the July 24, 2012, Planning Commission minutes as presented. Commissioner Shaun Lowcock seconded the motion, which passed unanimously.

2.2 August 28, 2012 (PC)

Commissioner Mark Gamba moved to approve the August 28, 2012, Planning Commission minutes as presented. Vice Chair Clare Fuchs seconded the motion, which passed unanimously.

2.3 July 2, 2012 (DLC)

DLC Vice Chair Perrault moved to approve July 2, 2012, DLC minutes as presented. DLC Member Scott Barbur seconded the motion, which passed unanimously.

3.0 Information Items

Stephen Butler, Planning Director, introduced Kari Svanstrom, Associate Planner. The Commission and Committee welcomed her to the City.

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

Chair Batey stated that the Commission did not normally take public comment during worksession items, so any comments on the proposed downtown code amendments should be made during the audience participation agenda item.

Ed Parecki, Owner, 10600 SE McLoughlin Blvd, expressed his opposition to the proposed downtown code amendments.

Troy Reichlein, Owner, 11074 SE 21st, discussed questions and concerns about existing and proposed downtown use allowances and the proposed downtown code amendments.

5.0 Public Hearings – None

6.0 Worksession Items (continued)

6.2 Summary: Downtown Code Amendments

Staff: Ryan Marquardt

Ryan Marquardt, Senior Planner, provided an overview of downtown code amendments via PowerPoint presentation.

- Staff had prepared the proposed amendments at the direction of Council.
- The amendments were not intended to address all of the issues in the downtown zones, but rather the “low hanging fruit.”

The Commission and the DLC asked questions regarding:

- How the amendments implemented the South Downtown Concept
- Potential impacts on the existing nonconforming uses
- How much downtown properties had spent constructing PARs or in fees in lieu of construction (FILOC)

The Commission and the DLC expressed concerns about:

- The narrow focus of the amendments
- The accelerated timeline for adoption
- The effect of reducing distinctions between the DO and DS zones without broader public outreach

Mr. Marquardt provided the following clarifications:

- South Downtown Concept Plan implementation would be a separate, larger project. The current amendments were intended to address very specific issues.
- The proposed amendments were not intended to change any zoning.
- Although the comments were valid and important, Council had directed staff to move forward with the amendments as proposed. Additional amendments would require significant public outreach and a longer timeline.
- The DLC would not have another meeting about the amendments; the first Planning Commission hearing was scheduled for November 13, 2012.

Chair Batey asked staff to provide information about and comparison of rental rates for office and commercial spaces for the public hearing.

Mr. Marquardt confirmed that the adoption draft amendments would retain the existing 5,000 square foot maximum for retail uses in the DO zone.

7.0 Planning Department Other Business/Updates

7.1 Project Updates

Mr. Butler provided a brief update on the Transportation System Plan (TSP) updates and the Tacoma Station Area Plan, and indicated that more detailed briefings would be scheduled for a future Commission meeting.

8.0 Planning Commission and Design and Landmarks Committee Discussion Items

8.1 Planning Department Work Program Updates

Mr. Butler provided an overview of the current status of the Commercial Core Enhancement Program (CCEP) and discussed potential future Planning Department work program items.

9.0 Forecast for Future Meetings:

Planning Commission

November 13, 2012 1. Public Hearing: ZA-12-02 Downtown Code Amendments
2. Worksession: TSP update

November 27, 2012 1. Public Hearing: ZA-12-02 Downtown Code Amendments (tentative)

Design and Landmarks Committee

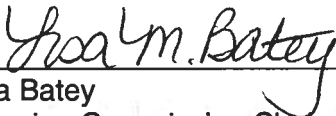
November 14, 2012 1. Worksession: Milwaukie's Historic Preservation Program

December 3, 2012 1. Worksession: TBD

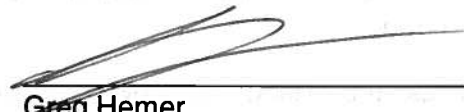
Meeting adjourned at 9:12 p.m.

Respectfully submitted,

Li Alligood, Associate Planner



Lisa Batey
Planning Commission Chair


Greg Hemer
DLC Chair



AGENDA

MILWAUKIE PLANNING COMMISSION and DESIGN AND LANDMARKS COMMITTEE Tuesday, October 23, 2012, 6:30 PM

**MILWAUKIE CITY HALL
10722 SE MAIN STREET**

- 1.0 Call to Order - Procedural Matters**
- 2.0 Planning Commission and Design and Landmarks Committee Minutes** – Motion Needed
 - 2.1 July 24, 2012 (PC)
 - 2.2 August 28, 2012 (PC)
 - 2.3 July 2, 2012 (DLC)
- 3.0 Information Items**
- 4.0 Audience Participation** – This is an opportunity for the public to comment on any item not on the agenda
- 5.0 Public Hearings** – None
- 6.0 Worksession Items**
 - 6.1 Summary: Government Ethics Training
Staff: Bill Monahan
 - 6.2 Summary: Downtown Code Amendments
Staff: Ryan Marquardt
- 7.0 Planning Department Other Business/Updates**
- 8.0 Planning Commission Discussion Items** – This is an opportunity for comment or discussion for items not on the agenda.
- 9.0 Forecast for Future Meetings:**
 - November 13, 2012
 - 1. Public hearing: Downtown Code Amendments
 - 2. Worksession: TSP update (tentative)
 - November 27, 2012
 - 1. Public hearing: Downtown Code Amendments (tentative)

Milwaukie Planning Commission Statement

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

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

Public Hearing Procedure

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

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

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

Planning Commission: Design & Landmarks Committee:

Lisa Batey, Chair	Greg Hemer, Chair
Clare Fuchs, Vice Chair	Jim Perrault, Vice Chair
Scott Churchill	Scott Barbur
Mark Gamba	Chantelle Gamba
Shaun Lowcock	Becky Ives
Wilda Parks	
Chris Wilson	

Planning Department Staff:

Stephen Butler, Planning Director
Ryan Marquardt, Senior Planner
Li Alligood, Associate Planner
Brett Kelter, Associate Planner
Kari Svanstrom, Associate Planner
Marcia Hamley, Administrative Specialist II
Alicia Martin, Administrative Specialist II

CITY OF MILWAUKIE
PLANNING COMMISSION
MINUTES
Milwaukie City Hall
10722 SE Main Street
TUESDAY, July 24, 2012
6:30 PM

COMMISSIONERS PRESENT

Lisa Batey, Chair
Chris Wilson
Mark Gamba
Scott Churchill
Clare Fuchs
Shaun Lowcock

STAFF PRESENT

Scot Siegel, Interim Planning Director
Brett Kelter, Associate Planner
Li Alligood, Associate Planner
Justin Gerike, City Attorney

1.0 Call to Order – Procedural Matters*

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

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

2.0 Planning Commission Minutes

2.1 June 12, 2012

Commissioner Fuchs moved to approve the June 12, 2012, Planning Commission minutes as presented. **Commissioner Churchill** seconded the motion, which passed unanimously.

3.0 Information Items

Chair Batey clarified that at the July 10th, 2012, Planning Commission meeting there was a tie vote for the Vice Chair position between Commissioners Churchill and Fuchs. The Commissioner elected would fulfill the Vice Chair position through the end of the year.

Chair Batey moved to elect Commissioner Fuchs as Vice Chair. **Commissioner Churchill** seconded the motion, which passed unanimously.

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

5.0 Public Hearings

5.1 Summary: North Clackamas Park Restoration
Applicant/Owner: Clackamas County Water Environment Services/City of Milwaukie
Address: 5440 SE Kellogg Creek Dr
File: NR-12-02
Staff: Ryan Marquardt (not present)

Chair Batey opened the public hearing for NR-12-02 and read the conduct of minor quasi-judicial hearing into the meeting record.

Commissioner Gamba moved to continue the hearing for NR-12-02 to the special meeting of the Planning Commission on July 31, 2012. Commissioner Fuchs seconded the motion, which passed unanimously.

5.2 Summary: Natural Resource Review for Crystal Creek (Light Rail) *continued from 7/10/12*
Applicant/Owner: KLK Consulting/TriMet
Addresses: 2519, 2525, & 2535 SE Harrison St
File: NR-12-01
Staff: Brett Kelter

Chair Batey opened the public hearing for NR-12-01 and read the conduct of continued minor quasi-judicial hearing into the meeting record.

Commissioner Gamba declared a potential but not actual conflict of interest.

Chair Batey opened the record so that staff might present new information requested by the Planning Commission at the last hearing.

Brett Kelter, Associate Planner, presented the staff report via PowerPoint. He entered new information from the applicant into the record as Exhibit 2. He reminded the Commission of the three approval criteria that the application avoided impacts, minimized unavoidable impacts, and mitigated for impacts. Staff recommendation was to approve with revised findings and conditions.

Jeb Doran, TriMet, summarized the additional information provided to the Commission that addressed chemical weed control, potential trackway pollutants, water quality and hydrology issues, and best management practices for water quality resources. He noted the additional 2,700 sq ft of mitigation area and plantings. He explained that the request for water quality monitoring would be difficult due to the amount and variety of surrounding sources of potential pollutants. The MSDS for Rodeo Herbicide was entered into the record as Exhibit 3.

Commissioner Churchill inquired about chemical application coverage, saturation, and rate of application.

Mr. Doran noted that the application met and exceeded the City's requirements for the project, and TriMet worked to be a good partner.

Commissioner Fuchs pointed out that Condition 1-C.ii should read 2,700 sq ft of mitigation area rather than 2,900 sq ft.

Chair Batey closed public testimony.

The Commission discussed the proposed use of chemicals on the trackway; applicable City criteria; and the appropriate number of mitigation plantings.

Commissioner Gamba moved to approve NR-12-01, Natural Resource Review for Crystal Creek (Light Rail), with amendments to the findings and conditions with additional square footage of mitigation area and plantings, and updated exhibits, as discussed. **Commissioner Fuchs** seconded the motion, which passed with **Commissioner Churchill** opposing.

107 Applicant/Owner: KLK Consulting/TriMet
108 Address: 2103 SE Adams St
109 File: CSU-12-07, DR-12-05, VR-12-04
110 Staff: Li Alligood

111

112 **Chair Batey** opened the public hearing for CSU-12-07, DR-12-05, VR-12-04 and read the
113 conduct of minor quasi-judicial hearing into the meeting record.

114

115 **Li Alligood, Associate Planner**, presented the staff report via PowerPoint. She reviewed key
116 issues and potential impacts, and noted that conditions were written to mitigate those potential
117 impacts. She read into the record an additional proposed condition of approval requiring green
118 roof, should funding become available. She clarified the conditions regarding the easement.
119 Staff recommendation was to approve with the proposed findings and conditions.

120

121 **Mr. Doran and Bob Hastings, TriMet**, reviewed the project elements and related site and
122 street improvements. They reviewed roof design options, including the Design and Landmarks
123 Committee's preference for a green roof. The design includes improved access for the
124 neighboring site. They requested approval with the recommended conditions in the staff report.

125

126 **Commissioners Fuchs and Churchill** asked questions about the woven wire panels proposed
127 for the exterior of the building.

128

129 **Mr. Hastings and Mr. Doran** addressed their questions about the material and also described
130 some general architectural considerations.

131

132 **Design and Landmarks Committee (DLC) Chair Greg Hemer and DLC Member Becky Ives**
133 reported on the DLC meeting and their recommended conditions of approval.

134

135 **Greg Hemer, Milwaukie Lumber, 10998 SE 21st Ave**, was concerned about TriMet trucks
136 blocking access for the neighboring property's trucks. He also had concerns about safety and
137 security.

138

139 **Ms. Alligood** described the Type I Development Review process, which would be invoked if

there were proposed design changes after the Planning Commission hearing. She also clarified that any proposed new construction would require Type III Design Review.

Justin Gerike, City Attorney, addressed Mr. Hemer's concern about truck access.

Mr. Doran and Mr. Hastings addressed the access and safety concerns.

Ms. Alligood and Mr. Gerike proposed a new Finding and a new Condition to address the green roof.

Commissioner Gamba moved to approve CSU-12-07, DR-12-05, VR-12-04, PMLR Signal and Communications Building, with the additional finding and condition. **Commissioner Churchill** seconded the motion, which was approved unanimously.

6.0 Worksession Items

7.0 Planning Department Other Business/Updates

7.1 Planning Commission Notebook Replacement Pages – Zoning Ordinance Map

8.0 Planning Commission Discussion Items

8.1 Planning Department vacancies

Scot Siegel, Interim Planning Director, reported that recruitment was underway to hire a new Planning Director and Senior Planner, with the goal of filling the Director position by early September and the Senior Planner position to follow.

9.0 Forecast for Future Meetings:

July 31, 2012 1. Public Hearing: NR-12-02 North Clackamas Park Restoration Project

August 14, 2012 1. Public Hearing: CSU-12-07 PMLR Signal and Communications Building *continued tentative*

173 2. Public Hearing: NR-12-02 North Clackamas Park Restoration
174 Project *continued tentative*

175

176

177 Meeting adjourned at approximately 8:33 p.m.

178

179

180

181 Respectfully submitted,

182

183 Alicia Martin, Administrative Specialist II

184 Marcia Hamley, Administrative Specialist II

185

186

187

188 _____

189 Lisa Batey, Chair

CITY OF MILWAUKIE
PLANNING COMMISSION
MINUTES
Milwaukie City Hall
10722 SE Main Street
TUESDAY, August 28, 2012
6:30 PM

COMMISSIONERS PRESENT

Lisa Batey, Chair
Clare Fuchs, Vice Chair
Chris Wilson
Mark Gamba
Scott Churchill
Shaun Lowcock

STAFF PRESENT

Scot Siegel, Interim Planning Director
Brett Kelter, Associate Planner
Brad Albert, Civil Engineer
Damien Hall, City Attorney

COMMISSIONERS ABSENT

Wilda Parks

1.0 Call to Order – Procedural Matters*

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

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

2.0 Planning Commission Minutes

2.1 June 20, 2012

It was moved by Commissioner Gamba and seconded by Vice Chair Fuchs to approve the June 20, 2012, Planning Commission minutes as presented. The motion passed unanimously.

2.2 July 10, 2012

Chair Batey suggested Item 8.0 be removed the following language be added: "Planning Commission held a vote for Vice Chair which resulted in a tie vote. The issue was deferred to the next meeting."

It was moved by Commissioner Gamba and seconded by Commissioner Churchill to approve the July 10, 2012, Planning Commission minutes as amended. The motion passed unanimously.

3.0 Information Items

Scot Siegel, Interim Planning Director, noted that the new Planning Director, Steve Butler, would begin at the City on September 17. The Residential Development Standards hearing (ZA-11-03) had been continued to the September 18 City Council hearing. Mr. Siegel would continue to work with the City until October 5.

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

Jeff Klein noted that he had voted against approval of an application for expansion of the Portland Parks and Recreation maintenance facility at 8545 SE McLoughlin Blvd in 2009 (CSU-09-02), and the building was now occupied by a tax-paying business that had relocated from Portland as a result of the Portland – Milwaukie light rail project. He noted that he had been correct to vote against the application.

5.0 Public Hearings

5.1 Summary: Blount Parking Lot Expansion

Applicant/Owner: Compass Engineering/Blount International, Inc.

Address: 4909 SE International Way

File: NR-12-05

Staff: Brett Kelter

Chair Batey opened the public hearing for NR-12-05 and read the conduct of minor quasi-judicial hearing into the meeting record.

Brett Kelter, Associate Planner, presented the staff report and recommendation via PowerPoint. He explained the project, and noted approval criteria, recommendations, and conditions.

The Commission asked staff to clarify the type of plantings and extent of the mitigation, the extent of the proposed grading, and whether new future buildings would trigger frontage improvements on International Way.

Sarah Hartung, ESA, explained the selection of trees and shrubs for mitigation planting.

Brad Albert, Civil Engineer, explained the amount of grading that would be required for the project, and stated that some future public improvements would be required if new buildings were proposed on the site.

Chair Batey called for the Applicant's presentation.

John Arand, Blount Corporation, presented the application and described the need for additional employee parking.

The Commission asked questions regarding alternative options; on-site parking management; plans for future development on the site; and landscaping options for the proposed parking lot.

John McConnaughey, Environmental Technology Consultants, approached the Commission and responded to questions regarding the impact of paving on tree health; wetland restoration as related to salmon habitat; potential for relocation of proposed mitigation planting to other areas on site; and potential for redesign of the parking lot to retain existing trees.

Ms. Hartung noted that some of the trees on the proposed site plan had been mislabeled as cottonwood trees, but were actually ash trees, and others were invasive trees. She answered questions regarding retaining existing trees and relocating some mitigation planting to other areas of the site.

Mr. Kelter provided clarification regarding parking area landscaping requirements.

There was no public testimony.

Chair Batey closed the public testimony portion of the hearing and opened Commission deliberation.

110

111 **The Commission** discussed safety along International Way; potential modifications to the
112 grading plan; potential for a tree preservation plan; and revisions to the mitigation plan to
113 include other parts of the property.

114

115 **The Commission** directed staff to revise the conditions of approval as discussed.

116

117 The Commission took a brief recess and reconvened at 8:45pm.

118

119 **Mr. Kelter** reviewed proposed revisions to the conditions of approval.

120

121 **The Commissioners** discussed potential redesigns of the parking area; the content of revised
122 conditions; and whether the hearing should be continued to allow for additional information.

123

124 **Damien Hall, City Attorney**, clarified conditions of approval could not be discretionary.

125

126 **Commissioner Churchill** requested that language be included in the Notice of Decision to
127 encourage the applicant to prepare a parking management plan.

128

129 **The Commission** held an extensive discussion about revisions to the conditions of approval.

130

131 **Mr. Siegel** and **Mr. Kelter** reviewed the revised conditions of approval, including the following
132 (references to renumbered conditions):

- 133 • Added Condition 1.B.ii
- 134 • Added Condition 1.C
- 135 • Revised Condition 1.E.ii
- 136 • Revised Condition 1.E.iv

137

138 **It was moved by Chair Batey and seconded by Commissioner Churchill to approve NR-**
139 **12-05 with staff's recommended amendments to the conditions of approval, and directing**
140 **staff to make conforming changes to the findings of approval. The motion passed**
141 **unanimously.**

142

6.0 Worksession Items – None

7.0 Planning Department Other Business/Updates – None

8.0 Planning Commission Discussion Items – None

9.0 Forecast for Future Meetings:

September 11, 2012 1. Public Hearing: CSU-12-11 City of Milwaukie Court Relocation

September 25, 2012 1. Public Hearing: CSU-12-08 PMLR Substation Building

2. Public Hearing: Murals Program / Sign Code Amendments

Meeting adjourned at approximately 9:30 p.m.

Respectfully submitted,

Alicia Martin, Administrative Specialist II

Lisa Batey, Chair

CITY OF MILWAUKIE
 DESIGN AND LANDMARKS COMMITTEE
 MEETING MINUTES
 Milwaukie City Hall
 10722 SE Main St
 MONDAY, JULY 2, 2012
 6:30 PM

DLC MEMBERS PRESENT

Greg Hemer, Chair
 Jim Perrault, Vice Chair
 Becky Ives
 Chantelle Gamba
 Scott Barbur

STAFF PRESENT

Li Alligood, Associate Planner (DLC Liaison)
 Scot Siegel, Interim Planning Director
 Peter Watts, City Attorney

DLC MEMBERS ABSENT

None

1.0 Call to Order – Procedural Matters

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

2.0 Design and Landmarks Committee Minutes

2.1 May 23, 2012

Chair Hemer requested that his statement regarding ex parte contacts regarding the light rail station design review application be included in the minutes.

DLC Member Chantelle Gamba moved to approve the May 23, 2012, Design and Landmarks Committee minutes as amended. **DLC Member Jim Perrault** seconded the motion. The amended minutes were approved unanimously.

***Note:** The information presented constitutes summarized minutes only. The meeting audio is available from the Planning Department upon request.*

3.0 Information Items

Peter Watts, City Attorney, advised Chair Hemer to read a statement regarding ex parte contacts and a potential conflict of interest related to light rail applications.

41

42 **Chair Hemer** noted that the Committee would be reviewing a light rail-related building during
43 the design review portion of the meeting.

- 44 • He read a statement regarding his ex parte contacts as a member of the PMLR Citizen
45 Advisory Committee (CAC) and as an employee of Milwaukie Lumber.
- 46 • He read a statement regarding a potential conflict of interest regarding light rail-related
47 applications due to his employment with Milwaukie Lumber, which provides construction
48 materials to many contractors in the region.

49

50 There were no information items.

51

52 **4.0 Audience Participation** –This is an opportunity for the public to comment on any item
53 not on the agenda. There was none.

54

55 **5.0 Public Meetings**

56 5.1 Summary: PMLR Signal and Communications Building

57 Applicant/Owner: Jeff Joslin, KKK Consulting/TriMet

58 Address: 2103 and 2105 SE Adams St

59 File: DR-12-05

60 Staff: Li Alligood, Associate Planner

61

62 **Chair Hemer** opened the public meeting for DR-12-05 and read the conduct of design review
63 meeting into the meeting record.

64

65 **Ms. Alligood** presented the staff report via PowerPoint presentation.

- 66 • The Committee was reviewing the signal and communications building design against the
67 Downtown Design Guidelines.
- 68 • The Committee would make a recommendation to the Planning Commission for its
69 consideration.
- 70 • The applicant had requested a modification to the design standard related to roofs, and
71 authorization to use prohibited wall materials.
- 72 • Staff suggested a condition of approval related to building lighting.

73

Jeb Doran, TriMet, presented an overview of the project via PowerPoint presentation.

- **Mr. Doran and Bob Hastings, TriMet**, responded to questions from the Committee regarding clarification of the height of the on-site retaining walls, the grade of Adams St, the potential for a green roof on the building, development standards, off-street parking, and public site access.

Chair Hemer called for public testimony.

Neutral:

Patrick O'Donnell, Myles O'Donnell & Co., 2105 SE Adams St: The signal and communications building site would be accessed through his property. He was concerned about closing the western access from Adams; turning area for the vehicles on site; the proposed retaining wall and fencing along Adams; and other parking impacts on his site.

Ms. Alligood offered some clarifications. The DLC was reviewing the design of the building and site, and the Planning Commission would review other issues such as access. TriMet had submitted a land use application to determine the amount of required off-street parking, and the City had determined that none was required. The applicant had requested a variance to the minimum FAR, which would be reviewed by the Planning Commission on July 24, 2012.

Mr. Doran and Mr. Hastings responded to questions from the Committee.

- **Mr. Hastings** noted that the green roof was TriMet's preferred alternative, but that funding was not yet available. He stated that TriMet would continue to seek funding for the green roof alternative, and the roof design would be finalized before construction of the building. A solar roof was not being proposed for this site due to potential for vandalism and obstruction of sun to the site by proposed landscape trees.
- **Mr. Doran** suggested that TriMet could install a metal shield to hide the south-facing light fixture from view, and noted that the fixture would be pointed downward to provide a wall-washing effect.

Chair Hemer closed public testimony at 8:30 and called for a recess.

107 **The Committee** reconvened at approximately 8:40.

108

109 **The Committee** discussed the proposed design and conditions of approval. The Committee
110 strongly preferred the green roof alternate to the proposed standing seam metal roof and
111 discussed the possibility of recommending a condition of approval requiring installation of a
112 green roof.

113

114 **Mr. Watts** advised the Committee against establishing a condition of approval requiring a green
115 roof, citing the 2008 Land Use Final Order (LUFO) for the light rail alignment, which stated that
116 municipalities could not apply conditions of approval when funding was not available.

117

118 **The Committee** discussed the possibility of a painted metal roof rather than galvalume metal,
119 and the proposed condition regarding shielding the light fixtures on the building.

- 120 • Determined that a colored metal roof was less preferable than a green roof.
- 121 • The south-facing light fixture was visible to pedestrians and should be shielded. The
122 Committee agreed with Mr. Doran's suggestion regarding installing a metal shield.

123

124 **The Committee** directed staff to revise the proposed condition of approval to clarify that the
125 south-facing light fixture should be shielded from pedestrian view, to revise the findings to
126 support both the metal and green roof options, and to provide the following statement to the
127 Planning Commission:

128

129 "The DLC strongly prefers the green roof as an alternative to the standing seam metal
130 roof. If funding becomes available, the Committee's expectation is that the green roof will
131 be installed."

132

133 **DLC Member Becky Ives moved to recommend approval of Design Review application**
134 **DR-12-05 with the amended conditions of approval, and with a statement expressing**
135 **strong preference for the green roof alternative. Ms. Gamba seconded the motion. The**
136 **motion was approved unanimously.**

137

138 **Note:** *The information presented constitutes summarized minutes only. The Design Review*
139 *meeting audio is available from the Planning Department upon request.*

140

6.0 Worksession Items

6.1 Summary: 2012/2013 Work Plan Discussion

Staff: Li Alligood

Ms. Alligood noted that the August meeting of the DLC was an update to City Council. She reviewed the 2010/2011 Work Plan, and asked Committee members to think of achievable projects or goals for the upcoming year.

Mr. Hemer suggested that the Committee provide an overview of the Façade Improvement Program and noted that he was still interesting in establishing the DLC as a Historic Resources Commission in order to access federal funds for historic structure rehabilitation.

Ms. Ives suggested that the DLC procure a scanner for the Milwaukie Museum so visitors could save electronic copies of the materials there. **Jim Perrault, Vice Chair**, noted that he had an extra scanner and would be happy to donate it to the Milwaukie Museum.

7.0 Other Business/Updates

7.1 September meeting date

Ms. Alligood noted that the regularly scheduled September meeting date fell on the Labor Day holiday. **The Committee** agreed to establish an alternative date via e-mail.

7.2 Planning Department staffing update

Ms. Alligood noted that **Scot Siegel, Siegel Planning Services LLC**, had been brought on as Interim Contract Project Planner, and was now the Interim Planning Director during the search for a new permanent Planning Director.

Mr. Siegel noted that the position announcement for both the Senior Planner and Planning Director positions had closed on June 29, and that the City had received more than 50 applications for each position.

7.3 Cover memo/communication

Ms. Alligood noted that for the past couple of years, the DLC Liaison had provided a cover memo with each month's meeting materials. She asked if it was helpful to the Committee members. The Committee said that it was helpful and requested that the cover memo continue.

8.0 Design and Landmarks Committee Discussion Items

8.1 Ethics training

Mr. Hemer noted that he had contacted the Oregon State Ethics Commission to determine whether he had a potential or actual conflict of interest regarding light rail applications due to his role as a public official and his employment with Milwaukie Lumber. He encouraged the other Committee members to review the State ethics policies.

9.0 Forecast for Future Meetings:

August 7, 2012 1. City Council Update

September 3, 2012 1. Overview of Façade Improvement Program

October 1, 2012 1. TBD

Meeting adjourned at approximately 9:30 p.m.

Respectfully submitted,
Li Alligood, Associate Planner

Greg Hemer, Chair



To: Planning Commission
Design and Landmarks Committee

From: Steve Butler, Planning Director
Li Alligood, Associate Planner

Date: October 16, 2012, for October 23, 2012, Joint Worksession

Subject: Government Ethics – Conflict of Interest Training

ACTION REQUESTED

None. This is a briefing for discussion only.

BACKGROUND INFORMATION

Ongoing training is important both to bring new Commission and Committee members up to speed and allow experienced members to reflect on past and future challenges. At this meeting, Bill Monahan, City Manager, will provide an overview of what each Commissioner and DLC member needs to know about government ethics in Oregon and conflicts of interest. Mr. Monahan will provide an overview of the basics of government ethics, including:

- Why does the government have regulations regarding ethics?
- Who and what does ORS Chapter 244 regulate?
- What are potential and actual conflicts of interest?
- How should conflicts of interest be addressed?

There will be opportunity for discussion and questions during and after the training. See Attachment 1 for additional information. Mr. Monahan will provide additional materials at the meeting.

ATTACHMENTS

Attachments are provided only to the Planning Commission and Design and Landmarks Committee unless noted as being attached. All material is available for viewing upon request.

1. Conflict of Interest Presentation



To: Planning Commission
Design and Landmarks Committee

Through: Steve Butler, Planning Director

From: Ryan Marquardt, Senior Planner

Date: October 17, 2012, for October 23, 2012, Worksession

Subject: Downtown Code Amendments

ACTION REQUESTED

None. This is a briefing for discussion only.

BACKGROUND INFORMATION

A. History of Prior Actions and Discussions

This is the first time that the Planning Commission and the Design and Landmarks Committee has discussed the amendments to the downtown zones that are currently being considered.

B. Downtown Zoning Obstacles

Staff, City Council, and many others in the community have identified 2 aspects of downtown zoning that make it difficult for new businesses to open in downtown Milwaukie:

1. Public Area Requirements; and,
2. Strict limitations on ground-floor uses.

It is common to require that new development that increases the use of transportation facilities to contribute to improving those facilities. Since adopting a streetscape plan for downtown in 2000 (Ord. 1880), Milwaukie has placed much of the burden for constructing frontage improvements on developers and new business owners.

In 2008, Milwaukie modified its policy for when downtown development would trigger frontage improvements. The trigger changed from a building permit value to one based on the amount of new trips being added to the system. During the last 2 years, City Council

has requested that this policy be revisited again to raise the threshold so streetscape improvements are required less often.

For several years, staff and others in the development community have noted that the zoning codes adopted in 2000 to implement the Downtown Plan are prescriptive and strict. Revisiting these standards was included as part of a broader evaluation of Milwaukie's commercial areas. That project is no longer going forward, but City Council has since identified these issues with the downtown code as a high priority project.

They are technically simple amendments that would focus on resolving the most problematic obstructions to achieving the overall vision of creating a lively downtown. Staff has drafted a preliminary set of zoning code amendments to achieve the following objectives:

1. Allow a broader array of businesses to occupy buildings at the ground-floor level in downtown, particularly on Main Street and in the Downtown Office zone

The current code restricts ground-floor uses facing Main Street to retail and "personal services", while retail uses are severely restricted in the area south of Washington St. As a result, some storefronts have remained empty for years while building owners have turned away interested tenants. The proposed amendments would allow for a wider variety of occupants, increasing the odds that Main Street will be continuously occupied and active even while the street matures to support more retail over time.

2. Reduce the responsibility of development to fund implementation of the streetscape plan.

The current code requires that all changes of use and development that increases trips must contribute to streetscape improvements. As a result, most new tenants, particularly if a space is converting from office to retail, must pay for or construct frontage improvements. The proposed amendments would still require new buildings to construct full frontage improvements. However, changes of use and small expansions would only be required to construct improvements required to mitigate traffic and safety impacts.

The full text of the proposed amendments and commentary on the policy changes is available in Attachment 1. Staff will present the content of the amendments in more detail during the staff presentation of this item at the October 23rd meeting.

C. Amendment Adoption Schedule

City Council has considered the issues with downtown zoning at a study session in April 2011, a worksession in June 2012, and a study session in August 2012. City staff was directed at the latest study session to proceed as quickly as possible to adopt the zoning code amendments to implement the changes described above.

Drafts of the zoning amendments were distributed to downtown businesses and property owners in early September for comment and review. Staff will continue to take comments and revise the proposed amendments as we prepare for hearings this fall.

The amendments are planned to proceed on the following time schedule for adoption.

- November 13, 2012 – 1st Planning Commission recommendation hearing

- November 27, 2012 – 2nd Planning Commission recommendation hearing (if necessary)
- December 4, 2012 – 1st City Council adoption hearing
- December 18, 2012 – 2nd City Council adoption hearing (if necessary)

ATTACHMENTS

1. Proposed Code Amendments (attached)

19.310 DOWNTOWN ZONES

Feedback from the downtown business community and broader Milwaukie community indicates a desire for more flexible zoning in downtown. The downtown zones should allow a broader range of uses in more areas, encourage active uses (not just retail) on the ground floor while not precluding future retail uses.

Data show that there is a basic relationship between the number of people living and working in a given district and the number of "urban amenities." As the number of total people (residents plus employees) goes up, so does the number of amenities. These urban amenities are a set of land uses that together comprise an active urban environment.

The urban amenities these code amendments would allow and encourage include:

- Retail uses such as a bike shop, book store, clothing store, garden store, grocery store, wine store, and music store
- Eating/drinking establishment uses such as a bakery, bar, brew pub, coffee shop, deli, fast food restaurant, full service restaurant, and wine bar
- Personal/business service uses such as a dry cleaner, salon, or copy center
- Commercial recreation uses such as a yoga studio, gym, or video arcade
- Convenience services such as small-scale day care/child care centers to serve downtown employees
- Entertainment uses, such as a movie or live theater

Many of these uses are already allowed or exist downtown, but some, such as retail, eating/drinking establishment, and personal/service business uses, are limited to certain areas of downtown or are only permitted as part of a newly constructed mixed use building. These amendments are intended to encourage the location of urban amenities throughout the downtown area.

Key proposed amendments include the following:

- Allow a broader range of uses, including office, personal and business services in the DS and DO Zones.
- Remove requirement for ground floor retail uses in DS zone, and replace with requirement that new buildings fronting Main Street be designed to accommodate active uses such as retail and restaurants. This provides greater use flexibility while encouraging more retail along Main Street over time, as the market supports it.
- Eliminate the 5000 sf limit on retail and restaurant uses in the DO zone. Currently these uses are allowed only if they are part of a larger office development. The proposed code creates greater flexibility for the DO zone, making similar to the DS zone in allowing retail shops and restaurants as standalone uses and not limiting the size of uses.

Proposed Code Amendment with Commentary

- Allow limited "Manufacturing and Production" uses in combination with a retail use or eating/drinking establishment. This would permit uses such as brewpubs and small-scale food production and sales.
- Remove "Transit Center" from the downtown use table. This change does not affect the allowance of the existing and approved transit facilities downtown. The change removes a use that is no longer envisioned as part of the downtown area. A "Transit Center" (TC), as defined by TriMet, is "a major transit hub served by several bus or rail lines." Downtown currently has an approved light rail stop that will be served by one light rail line. The bus stops in downtown are in the public right-of-way and are not subject to the zoning ordinance.¹

19.310.5, Public Area Requirements

Amendments to this section simplify the code language related to PARs. Much of the text restates the procedures and standards in Chapter 19.700. The amendments would simplify this section to include a basic description about PARs, and direct the reader to Chapter 19.700 regarding implementation and standards.

Chapter 19.700

19.702.3 Downtown zones

This is a new section that would establish exemptions for some development downtown. The exempt activities would be:

- Changes in use - such as changing space from office to retail
- Expansions of 3,000 sq ft or less. This number was arrived at as follows: the average commercial floor area per tax lot in downtown is about 5,500 sq ft. This figure excludes the ODS Building, city hall, and churches downtown. The proposed threshold would allow, on average, an increase of 50% in floor area to be exempt

¹ The 2000 Downtown Framework Plan, adopted at the same time as the downtown zones, identified a bus transit center use for the Safeway/North Main site. However in 2001, Council decided not to pursue a bus transit center on the site in favor of a mixed-use development (North Main Village). Unfortunately, the Framework Plan and downtown use table were not amended at the same time to remove the "transit center" use designation. Eliminating the Transit Center use designation makes the table consistent with the established city policy to eliminate construction of a downtown transit center - a policy which was first established by rejecting the transit center use on the North Main Village site by zoning ordinance amendment in 2005, and then by committing to dissolve the downtown transit center altogether as per the adopted 2007 Transportation System Plan.

from frontage requirements. The time limit is proposed to prevent property owners from avoiding required improvements by redeveloping a building in phases.

These activities would be exempt from requirements for frontage improvements. In the downtown zones, the frontage improvements are the PARs. They would not be exempt from all of Chapter 19.700 for the following reasons:

- A change of use could have significant impacts on the transportation system if a large office building converted to a retail use. Provisions in Chapter 19.700 would still allow the Engineering Director to study the impacts of the development and require improvements necessary to keep the transportation system safe and functional. Mitigation may include things such as stop signs, traffic signals, and turn lanes. Only large changes of use would necessitate a traffic study and require impact mitigation; smaller changes of use would not be studied.
- Chapter 19.700 contains important provisions about coordination with other agencies and procedures for review of permits and development. An outright exemption from Chapter 19.700 would cut put these important and legally required notices and procedures.

19.703 REVIEW PROCESS

The amendments in this section contain the specific language that exempts downtown changes of use and expansions from the frontage requirements.

19.708 TRANSPORTATION FACILITY REQUIREMENTS

There are administrative amendments to this section reflect the inclusion of PAR requirements into the public works standards. When Chapter 19.700 was revised in 2009, PARs were implemented directly from a Comprehensive Plan ancillary document.

19.710 DOWNTOWN REIMBURSEMENT

This section establishes a mechanism to reimburse applicants that incurred PAR related expenses shortly before the proposed exemptions become effective. Applicants that obtained development permits between August 1, 2012 and the effective date of the new PAR exemptions are eligible for reimbursement of PAR expenses. This section will automatically be repealed 1 year after it becomes effective.

CHAPTER 19.300 BASE ZONES

19.310 DOWNTOWN ZONES

19.310.1 Purpose

This section of the Zoning Ordinance implements the Downtown and Riverfront Land Use Framework Plan, Milwaukie Comprehensive Plan, and Town Center Master Plan. The downtown and riverfront area is envisioned as the focus of the community. Five zones are designated to reflect the distinctions between different areas of the Downtown and Riverfront Land Use Framework Plan, ~~and to focus pedestrian-oriented retail uses to the traditional downtown core along Main Street.~~ Specific development standards, public area requirements, and design standards are adopted for the downtown zones to assure an active, attractive, and accessible environment for shoppers, employees and residents.

19.310.2 Characteristics of the Downtown Zones

Five specific zones are adopted to implement the Downtown and Riverfront Land Use Framework Plan. The zones are shown on Figure 19.310-1. The “Zoning Map of Milwaukie, Oregon” provides a larger-scale map of zone boundaries. The zones reflect the varied land uses, densities, and urban design character planned for different areas, as described and illustrated in the Downtown and Riverfront Land Use Framework Plan. The characteristics of the individual zones are described below.

A. Downtown Storefront (DS)

The Downtown Storefront Zone is established to preserve and enhance the commercial “Main Street” character of downtown Milwaukie, ensuring that new development in areas designated DS is compatible with this desired character. This zone allows a full range of retail, service, business, and residential uses. A range of downtown active Retail uses, such as retail, restaurant, and offices, are encouraged ~~required~~ on the ground floors of buildings fronting on Main Street with storefront design standards. Office and/or Residential ~~residential~~ uses are allowed only on upper floors. Warehousing and industrial ~~Industrial~~ uses are not allowed. The desired character for this zone includes buildings that are built to the right-of-way and oriented toward the pedestrian, with primary entries located along streets rather than parking lots. A “Village Concept Area” has been established in the DS Zone to allow a broader mix of uses on the site at the northeast corner of Main and Harrison streets ~~a City-owned site adjacent to the library, City Hall, a high-density residential area to the north, and existing Main Street storefront uses.~~ These uses include townhouses and multifamily apartment/condominium buildings.

B. Downtown Commercial (DC)

The Downtown Commercial Zone is established to allow auto-accommodating commercial development in the area between McLoughlin Boulevard and Main Street, north of Harrison Street. A range of retail, service, office, and residential uses is permitted to support a gradual transition to higher densities and a greater mix of uses. Boulevard enhancements will improve the visual character of McLoughlin Boulevard and provide a link to the riverfront and adjacent downtown zones. The desired character for this zone includes buildings that engage at least 1 street right-of-way and include a pedestrian-oriented entry and well-landscaped parking lots.

C. Downtown Office (DO)

Draft Code Amendment with Commentary

The Downtown Office Zone is established to provide for office, entertainment, and hotel uses along high-visibility major arterial streets, as designated by the City of Milwaukie's Transportation System Plan. ~~Retail commercial uses are limited to support the primary uses (office, entertainment, and hotel establishments) and encourage retail development along Main Street.~~ The desired character for this zone will vary depending on the nature of the proposed use and individual site features.

D. Downtown Residential (DR)

The Downtown Residential Zone is established to increase housing opportunities in close proximity to downtown shopping, transit, and open space amenities. The major types of new housing will be apartments and condominiums. Minimum densities of 30 units per acre will assure that land is used efficiently and will increase the customer base for nearby businesses. Additionally, the higher densities will support urban features such as parking under structures and durable building materials. Development at minimum densities of 10 units per acre up to a maximum of 30 units per acre will be permitted in the Downtown Residential Transition Area ~~a defined portion of the Downtown Residential Zone~~ to provide a transition to lower-density residential zones. The desired character for the Downtown Residential Zone includes buildings located close to and oriented to the public sidewalk, with off-street parking located under or internal to building sites.

E. Downtown Open Space (DOS)

The Downtown Open Space Zone is established to implement the "Public" designation of the Milwaukie Comprehensive Plan and to provide a specific zone to accommodate open space, park, and riverfront uses. The Downtown Open Space Zone is generally applied to lands that are in public ownership along the Willamette River, Kellogg Creek, Spring Creek, and Johnson Creek in the downtown area. The desired character for the Downtown Open Space Zone includes parkland, open space, and riverfront amenities.

19.310.3 Uses

A. Permitted Uses

Uses allowed in the downtown zones are listed in Table 19.310.3 with a "P." These uses are allowed if they comply with the development and design standards, any applicable design guidelines, and other regulations of this title.

Table 19.310.3 Downtown Zones—Uses					
Use Categories	Downtown Storefront	Downtown Commercial	Downtown Office	Downtown Residential	Downtown Open Space
Residential					
Single-family detached	N	N	N	N	N
Townhouse	L[1]	N	N	L[1]	N
Multifamily apartment/ condominium	L[2-10]	P	N	P	N
Senior and retirement housing	N	P	N	P	N
Second-floor housing	P	P	P	P	N
Commercial/Office¹					
Automobile service station	N	N	N	N	N

Proposed Code Amendment with Commentary

Automobile repair	N	<u>L[32]</u>	N	N	N
Commercial recreation	P	P	P	N	N
Eating/drinking establishment	P	P	<u>P L[3]</u>	N	N
Financial institution	P	P	P	N	N
Table 19.310.3 CONTINUED Downtown Zones—Uses					
Use Categories	Downtown Storefront	Downtown Commercial	Downtown Office	Downtown Residential	Downtown Open Space
Commercial/Office¹ CONTINUED					
Theater	P	P	P	N	N
Hotel/motel	N	P	P	N	N
Office, professional and administrative	<u>P L[4]</u>	P	P	<u>L[45]</u>	N
Parking facility	P	P	P	N	<u>L[56]</u>
Personal/business services	<u>P L[7]</u>	P	P	<u>L[65]</u>	N
Retail trade	P	P	<u>P L[3]</u>	<u>L[45]</u>	N
<u>Manufacturing and production</u>	<u>L[7] N</u>	<u>L[7] N</u>	<u>L[7] N</u>	<u>L [7] N</u>	<u>L [7] N</u>
<u>Industrial</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
Other					
<u>Adult entertainment</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
Community service uses	<u>L[8]</u>	<u>L[8]</u>	<u>L[8]</u>	<u>L[8]</u>	<u>L[8]</u>
<u>Day care/childcare</u>	<u>L[9]</u>	<u>L[9]</u>	<u>L[9]</u>	<u>L[9]</u>	<u>L[9]</u>
Marinas, boat ramp	N	N	N	N	P
Parks, plazas, open space	P	P	P	P	P
<u>Transit centers</u>	<u>L[9]</u>	<u>L[9]</u>	<u>N</u>	<u>N</u>	<u>N</u>

¹ Certain uses are permitted in the Downtown Storefront Zone, but are not allowed in the required retail ground floor use area along Main Street (see Figure 19.310-2 and Subsection 19.310.4.B.7 for details).

B. Limited Uses

Uses that are allowed subject to limitations are listed in Table 19.310.3 with an “L.” These uses are allowed if they comply with the limitations listed in Subsection 19.310.3.G below, and if they comply with the development and design standards, any applicable design guidelines, and other regulations of this title.

C. Nonconforming Uses

Existing structures and uses that do not meet the standards for a particular downtown zone may continue in existence. Alteration of a nonconforming use or structure that is not in compliance with applicable standards shall be subject to the provisions of Chapter 19.800 Nonconforming Uses. For privately owned property with legal nonconforming uses and structures within the Downtown Open Space Zone, Subsection 19.803.2 is not applicable, but all other provisions of Chapter 19.800 shall apply.

D. Prohibited Uses

Uses listed in Table 19.310.3 with an “N” or uses not listed above are prohibited as new uses.

E. Accessory Uses

Uses that are accessory to a primary use are allowed if they comply with all development standards. Accessory uses include but are not limited to restrooms in City parks and refreshment stands at the library.

F. Similar Uses

The Planning Director, through a Type I review, may determine that a use that is not listed is considered similar to a listed use in Table 19.310.3. The unlisted use shall be subject to the standards applicable to the similar listed use.

G. Limited Uses

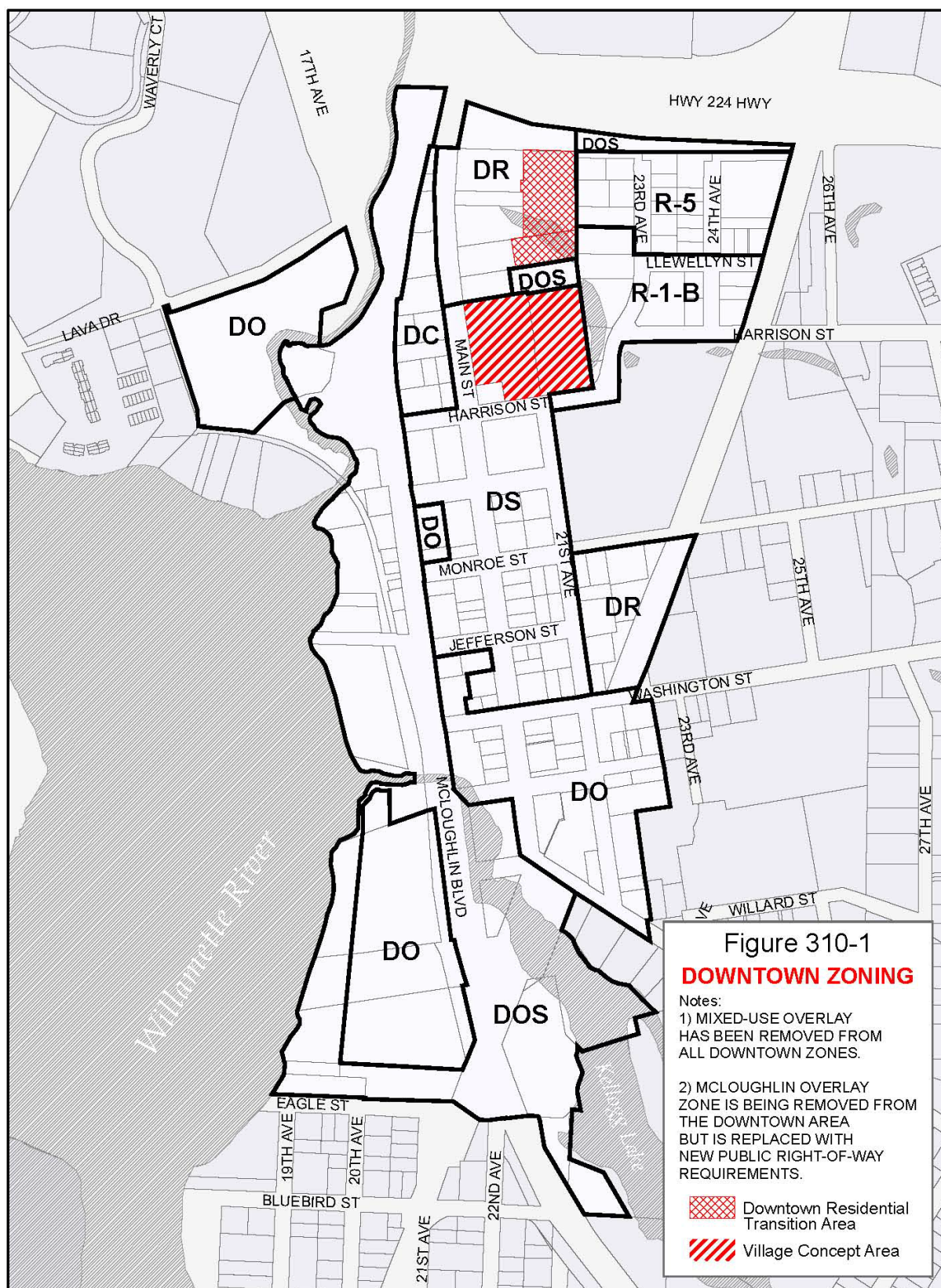
The following provisions describe the use limitations and correspond with the footnote numbers for uses listed with an "L" in Table 19.310.3.

1. Townhouse development is permitted only in a limited area of the Downtown Residential Zone as identified on the Zoning Map (see "Downtown Residential Transition Area ~~Transitional Residential Area~~" on Figure 19.310-1). This limited use provision is intended to provide an opportunity for owned, attached housing at a minimum density of 10 units per acre. Townhouse development is permitted only in a limited area of the Downtown Storefront Zone as identified on the Zoning Map (see "Village Concept Area" on Figure 19.310-1). Townhouses shall not be located within 50 ft of the Main Street frontage within the "Village Concept Area."
2. Multifamily apartment/condominium building development is permitted only in a limited area of the Downtown Storefront Zone as identified on the Zoning Map. See "Village Concept Area" on Figure 19.310-1.
- ~~32. Automobile/motor vehicle repair (excluding body and fender repair and painting) is permitted in the Downtown Commercial Zone when conducted within a completely enclosed building.~~
- ~~3. In the Downtown Office Zone, eating and drinking establishments and retail trade uses are limited to 5,000 sq ft in floor area per use. These limited uses may only be developed as part of a mixed use building that supports a primary permitted use (e.g., office, hotel and financial institution).~~
- ~~4. In the portions of the Downtown Storefront Zone where ground floor retail/restaurant uses are required (see Figure 19.310-2), office uses are only allowed on or above the second floor.~~
- ~~45. Office, personal service, and retail trade uses in the Downtown Residential Zone may only be developed as part of a mixed use building that includes housing. Office, personal service, and retail trade uses in the Downtown Residential Zone are limited to the ground floor; and individual office, personal service, or retail uses may not exceed 5,000 sq ft in floor area. Home occupations are permitted in accordance with Section 19.507 of this title.~~
- ~~56. Parking facilities in the Downtown Open Space Zone are limited to surface lots.~~
- ~~67. Individual personal/business service uses are limited to 5,000 square feet exclusive of parking area. These types of uses are allowed but limited in size to assure that they will not dominate the commercial area and to limit their potential impacts on residential and commercial uses. In the portions of the Downtown Storefront Zone where ground floor retail/restaurant uses are required (see Figure 19.310-2), personal/business service uses are limited to a maximum of 25% of the ground floor area of an individual building.~~

Proposed Code Amendment with Commentary

7. Manufacturing and production are only permitted in combination with a retail or eating/drinking establishment use.
8. New community service uses or expansion/alteration of an existing community service use that is not otherwise allowed by Table 19.310.3~~in the downtown zones~~ may be permitted if approved under Section 19.904 and shall comply with the development and design standards of this section.
9. Day care and childcare uses are limited to 3,000 square feet.
- ~~9. Transit centers shall comply with the public area requirements for transit centers.~~
- ~~10. Multifamily apartment/condominium building development is permitted only in a limited area of the Downtown Storefront Zone as identified on the Zoning Map. See "Village Concept Area" on Figure 19.310-1.~~

Draft Code Amendment with Commentary



Proposed Code Amendment with Commentary

19.310.4 Development Standards

A. Purpose

The development standards address several issues of particular importance to maintaining the appropriate character for the downtown zones. Table 19.310.4 summarizes the development standards that apply in the downtown zones.

Table 19.310.4 Downtown Zones—Development Standards					
Standard	Downtown Storefront	Downtown Commercial	Downtown Office	Downtown Residential	Downtown Open Space
1. Minimum lot size	750 sq ft	10,000 sq ft	5,000 sq ft	750/5,000 sq ft ¹	None
2. Minimum street frontage	15 ft	30 ft	30 ft	15 ft/30 ft ¹	None
3. Floor area ratio					
Minimum	1:1	0.3:1	0.5:1	NA	NA
Maximum	4:1	2:1	3:1	NA	NA
4. Building height (see Figure 19.310-3)					
Minimum	35'	25'	25'	None	None
Maximum	45'-55'	55'	65'	45'-65'	None
5. Residential density					
Minimum	None	None	None	10-30 U/Acre	None
Maximum	None	None	None	None	None
6. Street setback (see Figure 19.310-4)					
Minimum	0'	0'	0'	0'	0'
Maximum	10'	50'	10'	None	None
7. Other setbacks (side and rear)	None	None	None	15' ²	None
8. Ground-floor active uses/retail (see Figure 19.310-2)	Yes	Yes	Yes	No	No
9. Ground-floor windows/doors (see Figure 19.310-5)	Yes	Yes	Yes	No	No
10. Drive-through facilities	No	No	No	No	No
11. Off-street parking required	No	Yes	No/Yes ³	Yes	Yes
12. Landscaping	None	10%	None	15%	20%

¹ Townhouse lots may be as small as 750 sq ft with a minimum street frontage of 15 ft. All other lots created in the DR zone shall be a minimum of 5,000 sq ft with a minimum street frontage of 30 ft.

² Setbacks are required only where the DR zone abuts a lower-density residential zone.

³ Off-street parking is not required in the DO zone to the north of Washington Street and east of McLoughlin Boulevard. Off-street parking is required in the DO zone located outside of this boundary.

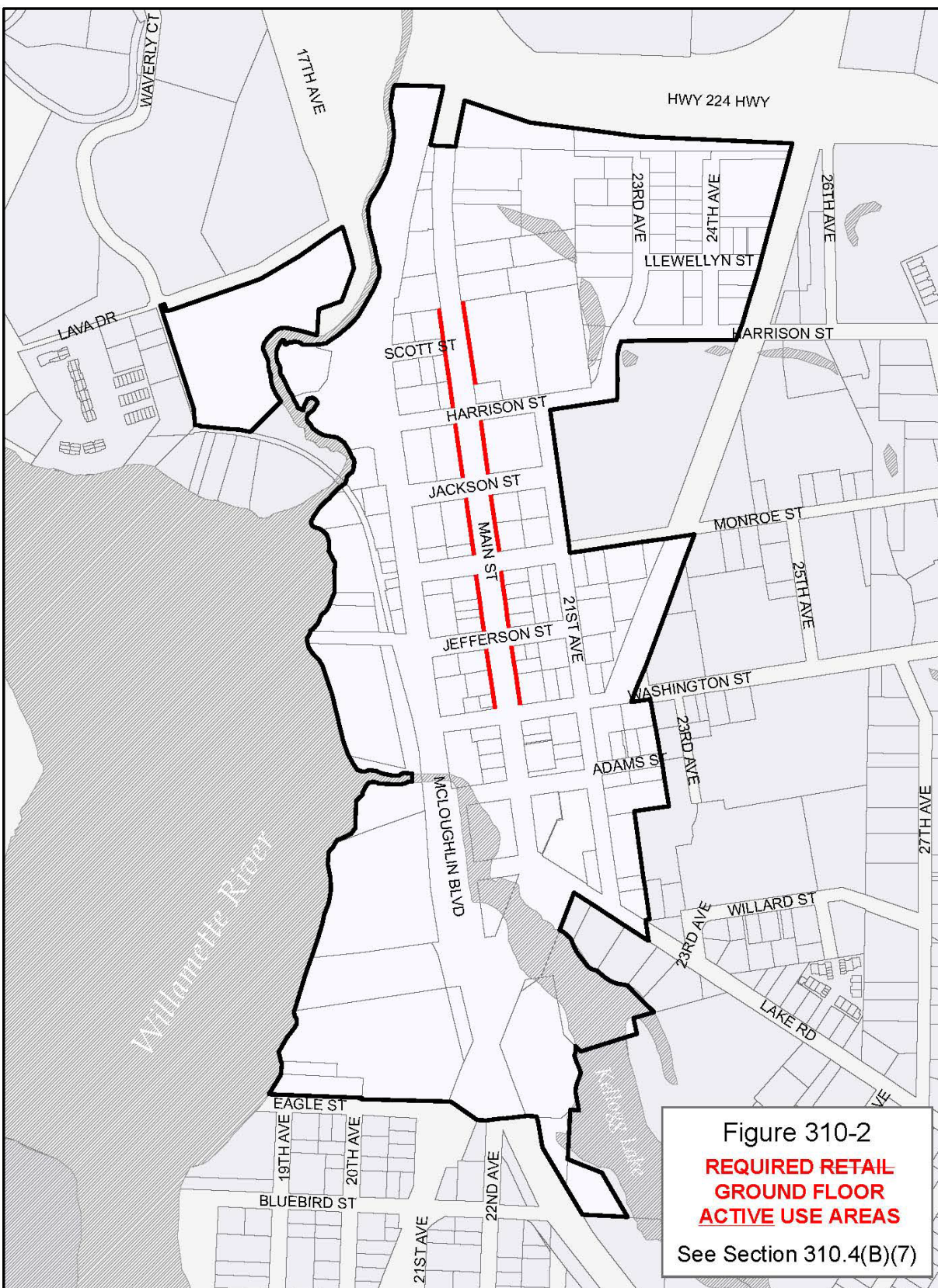
Table 19.310.4 is supplemented by the explanation of the development standards provided in Subsection 19.310.4.B below, and the following figures:

Figure 19.310-2—Required Retail Ground Floor Active Use Areas

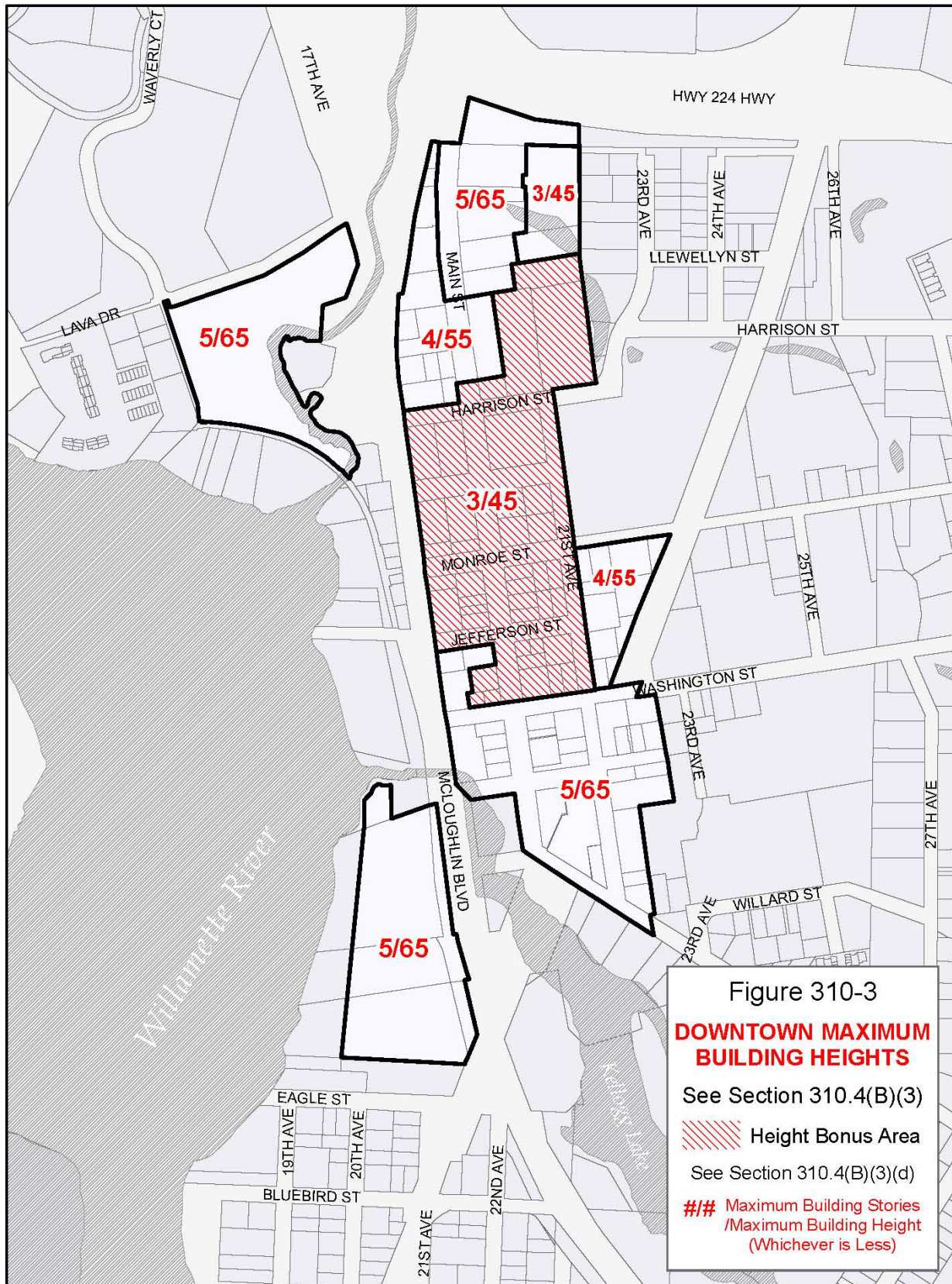
Figure 19.310-3—Maximum Building Heights

Figure 19.310-4—Build-to Lines

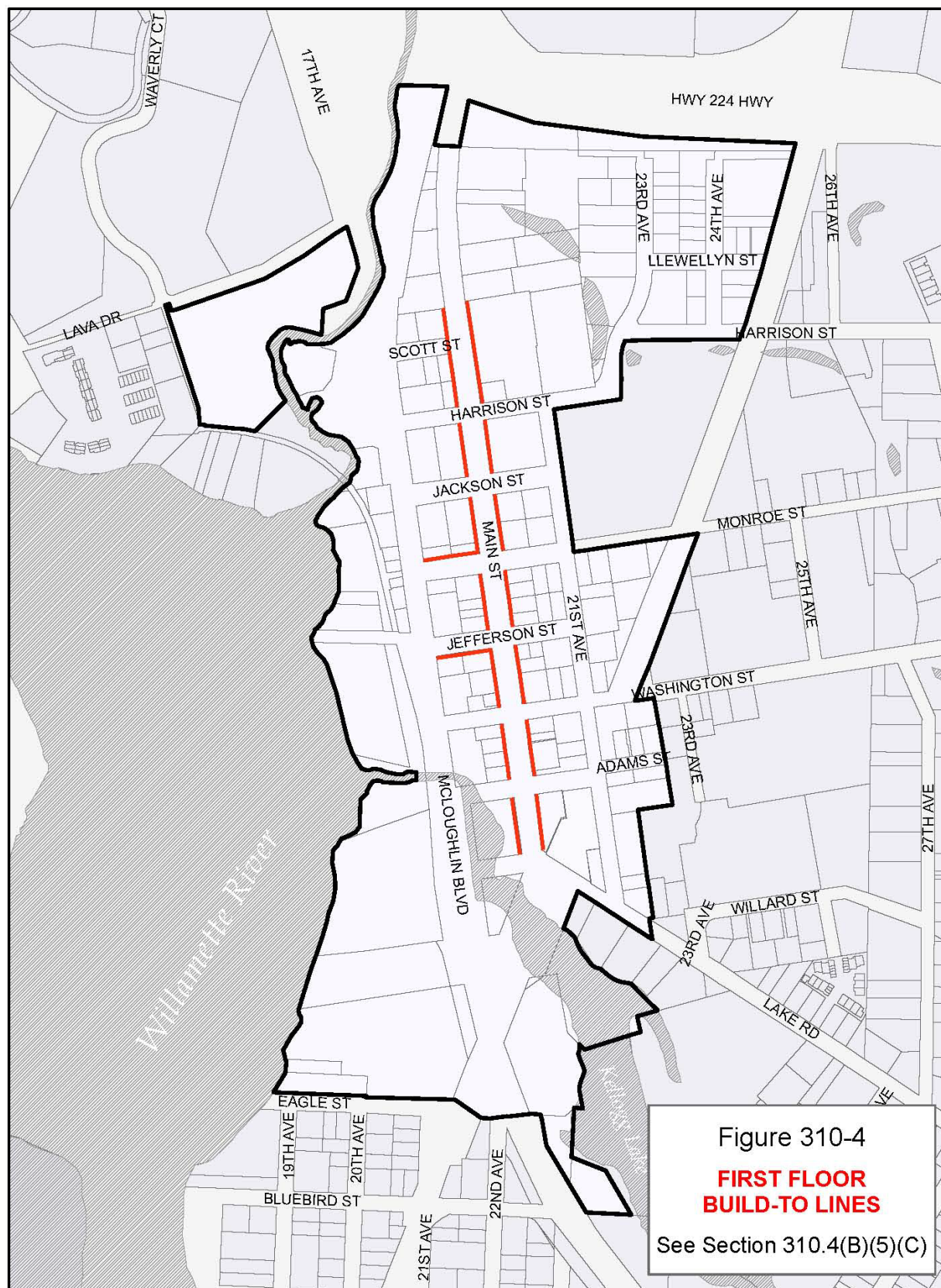
Figure 19.310-5—Required Ground Floor Windows and Openings



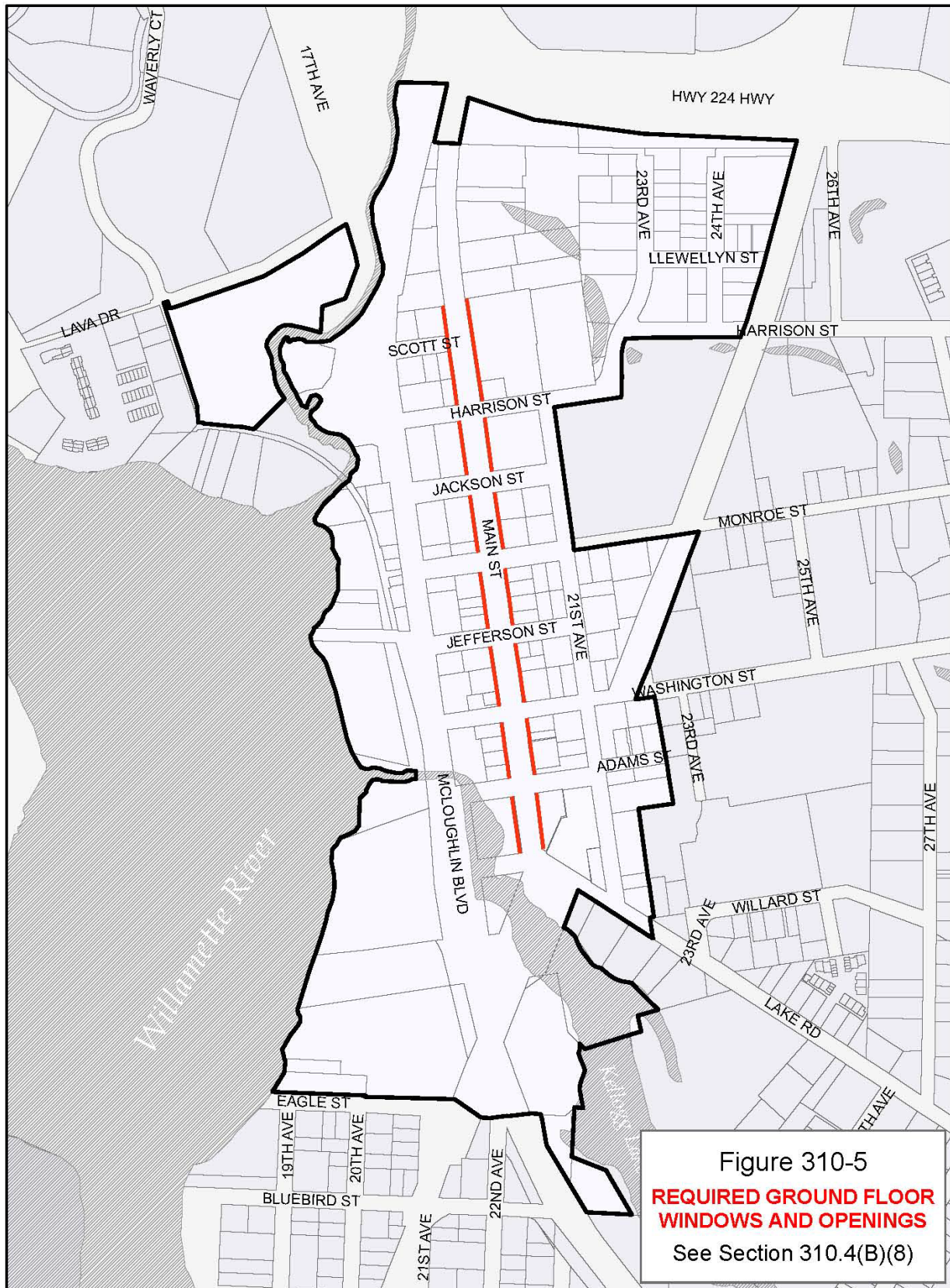
Proposed Code Amendment with Commentary



Draft Code Amendment with Commentary



Proposed Code Amendment with Commentary



B. Explanation of Development Standards

1. Minimum Lot Size

New lots created in the downtown zones shall meet the minimum lot size standards of Table 19.310.4 as further described below.

- a. New lots in the Downtown Storefront zone and townhouse lots in the Downtown Residential Zones (in the Downtown Residential Transition Area ~~transitional residential area~~ only) shall be a minimum of 750 sq ft, with a minimum street frontage of 15 ft.
- b. New lots in the Downtown Office and Downtown Residential Zones (other than those in the Downtown Residential Transition Area ~~transitional residential area~~) shall be a minimum of 5,000 sq ft, with a minimum street frontage of 30 ft.
- c. New lots in the Downtown Commercial Zone shall be a minimum of 10,000 sq ft, with a minimum street frontage of 30 ft.
- d. Land divisions shall comply with applicable provisions of the Land Division Ordinance (Title 17 of the Milwaukie Municipal Code).

2. Floor Area Ratios

The floor area ratio (FAR) is a tool for regulating the intensity of development. Minimum floor area ratios help to ensure that the intensity of development is controlled and that more intense forms are confined to appropriate areas of the downtown.

- a. The minimum floor area ratios in Table 19.310.4 apply to all nonresidential building development.
- b. Required minimum floor area ratios shall be calculated on a project-by-project basis and may include multiple contiguous parcels. In mixed use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.
- c. If a project is to be developed in phases, the required FAR must be met for the land area in the completed phase(s), without consideration of the land area devoted to future phases.
- d. The following uses are exempt from the minimum floor area ratios: transit centers, public parks and plazas, and commercial parking facilities.

3. Building Height

Minimum and maximum building height standards serve several purposes. They promote a compatible building scale and relationship of one structure to another. Building height standards also establish a consistent streetscape.

- a. Minimum building heights are specified in Table 19.310.4. The minimum building height of 35 ft for the Downtown Storefront Zone applies only to buildings that front on Main Street. Buildings fronting on other streets in the Downtown Storefront Zone shall be a minimum height of 25 ft.
- b. The minimum building height standards apply to new commercial, office, and mixed use buildings. The standards do not apply to additions to existing buildings, accessory structures, or to buildings with less than 1,000 sq ft of floor area.

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- c. Maximum building heights are specified in Table 19.310.4 and illustrated on Figure 19.310-3. If there is a conflict between Table 19.310.4 and Figure 19.310-3, the maximum building height provisions of Figure 19.310-3 shall control.
- d. An opportunity is provided for a height bonus in a defined area of the downtown plan. For the area identified on Figure 19.310-3 as the height bonus area, the base building height is 3 stories or 45 ft, whichever is less. However, if at least 1 floor or 25% of the gross floor area is devoted to residential uses, the building is allowed a height of 4 stories or 55 ft, whichever is less.

4. Residential Density

There is a minimal amount of land available for new housing development within the downtown zones. Minimum densities are applied in the Downtown Residential Zone to assure efficient use of land at densities that support transit use and nearby downtown businesses.

- a. Minimum densities for the downtown residential transition area shall be 10 units per acre (see Figure 19.310-1). The maximum density for the residential transition area shall be 30 units per acre.
- b. Minimum densities for standalone multifamily apartment/condominium dwellings and senior/retirement housing in the Downtown Residential and Downtown Commercial Zones shall be 30 units per acre. Maximum residential densities are controlled by height limits.
- c. There are no minimum density requirements when residential units are developed as part of a mixed use building in the Downtown Storefront, Downtown Commercial, and Downtown Office Zones. The minimum density standards apply only to stand-alone residential buildings. Second-floor housing is allowed in the Downtown Storefront, Downtown Commercial, and Downtown Office Zones. Maximum residential densities for mixed use buildings are controlled by height limits.

5. Street Setbacks

Buildings are allowed and encouraged to build up to the street right-of-way in all downtown zones. Required build-to lines are established in specific areas of the downtown to ensure that the ground floors of buildings engage the street right-of-way (see Figure 19.310-4). The build-to line ensures compatibility and harmony between buildings, enabling a series of different buildings to maintain or establish a continuous vertical street wall.

- a. No minimum street setbacks are required in any of the downtown zones.
- b. The downtown zones are exempt from the clear vision area requirements of Chapter 12.24 of the Milwaukie Municipal Code, with the exception of driveway and street intersections with McLoughlin Boulevard.
- c. First-floor build-to lines (required zero setbacks) are established for block faces identified on Figure 19.310-4. The build-to line includes a necessary degree of flexibility:
 - (1) Projections or recesses of up to 18 in are allowed.
 - (2) Doorways may be set back a maximum of 8 ft from the build-to line.

- d. Maximum street setbacks of 10 ft are established for the Downtown Storefront and Downtown Office Zones. The 50-ft maximum setback for the Downtown Commercial Zone applies only to the McLoughlin Boulevard frontage. A build-to line (zero setback) is established for the Downtown Commercial Zone along the Main Street frontage.

6. Other Setbacks

No specific side or rear yard setbacks are required for the downtown zones with the exception of the Downtown Residential Zone, where a minimum 15-ft side/rear yard setback is required where the Downtown Residential Zone abuts lower-density residential zones.

7. Ground-Floor Active Uses ~~Retail/Restaurants~~

Active Retail uses and eating/drinking establishments are required at the ground floors of buildings fronting on Main Street and identified on Figure 19.310-2. New buildings in the required ground floor active use areas shall be designed and constructed to accommodate active uses such as retail and eating/drinking establishments. This standard is met where not less than 75% of the ground floor space in a new building fronting Main Street meets the following requirements:

- a. The ground floor height, as measured from the finished floor to the ceiling, or from the finished floor to the bottom of the structure above (as in a multistory building), must be at least 12 feet. The bottom of the structure above is the lowest portion of the structure and includes supporting beams, and any heating, ventilation and/or fire suppression sprinkler systems.
- b. The interior floor area adjacent to Main St. must be at least 25 feet deep, as measured from the inside building wall or windows facing Main Street.

~~This requirement will ensure that continuous retail storefronts and eating/drinking establishments are established and maintained along Main Street, to attract pedestrians and strengthen the shopping environment. When required, the retail uses and/or eating/drinking establishments must comprise at least 75% of the ground floor area of a building.~~

8. Ground-Floor Windows/Doors

Long expanses of blank walls facing the street or other public area have negative impacts on the streetscape and the pedestrian environment. To minimize these effects, the standards of this section are intended to enhance street safety and provide a comfortable walking environment by providing ground-level features of interest to pedestrians in specific areas of the downtown zones.

- a. For block faces identified on Figure 19.310-5 (Ground-floor Windows and Openings), the exterior wall(s) of the building facing the street/sidewalk must meet the following standards:
 - (1) 50% of the ground-floor street wall area must consist of openings; i.e., windows or glazed doors. The ground-floor street wall area is defined as the area up to the finished ceiling height of the space fronting the street or 15 ft above finished grade, whichever is less.
 - (2) Doors and/or primary entrances must be located on the block faces identified on Figure 19.310-5, and must be unlocked when the business located on the

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premises is open. Doors/entrances to second-floor residential units may be locked.

- (3) Clear glazing is required for ground-floor windows. Nontransparent, reflective, or opaque glazings are not permitted.
- (4) Ground-floor windows for buildings on the block faces identified on Figure 19.310-5 shall allow views into storefronts, working areas, or lobbies. No more than 50% of the window area may be covered by interior furnishings including but not limited to curtains, shades, signs, or shelves. Signs are limited to a maximum coverage of 20% of the window area.

9. Drive-Through Facilities

Drive-through facilities can conflict with the easy, safe, and convenient movement of pedestrians. Therefore, drive-through facilities are prohibited in the downtown zones to create a pedestrian-friendly environment where transit, bicycles, and walking are encouraged.

10. Off-Street Parking

The desired character for the Downtown Storefront Zone, particularly along Main Street, is defined by a continuous façade of buildings close to the street, with adjacent on-street parking.

- a. Development in the Downtown Storefront Zone, and the portion of the Downtown Office Zone located to the north of Washington Street and east of McLoughlin Boulevard, is exempt from the maximum and minimum quantity requirements for vehicle parking in Section 19.605.
- b. With the exception of the two areas identified in Subsection 19.310.4.B.10.a above, standards and provisions of Chapter 19.600 shall apply to development in the downtown zones.
- c. Off-street surface parking lots (including curb cuts) shall not be located within 50 ft of the Main Street right-of-way. The Planning Commission may permit off-street parking lots and curb cuts within 50 ft of the Main Street right-of-way only on the finding in a public hearing that:
 - (1) The overall project meets the intent of providing a continuous façade of buildings close to Main Street;
 - (2) The off-street parking area or curb cut is visually screened from view from Main Street; and
 - (3) The community need for the off-street parking area or curb cut within 50 ft of Main Street outweighs the need to provide a continuous façade of buildings in that area.

11. Minimum Landscaping/Open Space

The minimum landscaping/open space requirements are established to provide amenities for downtown residents, promote livability, and help soften the effects of built and paved areas.

- a. Required landscaping/open space in the downtown zones may include courtyards, roof top gardens, balconies, terraces, and porches.

- b. Where possible, jointly improved landscaped areas are encouraged to facilitate continuity of landscape design. Street trees are required in all downtown zones as outlined in the public area requirements.
- c. All material in the minimum required landscaped area shall be live plant material. Materials such as bark or river rock may be used only if approved as part of the overall landscaping plan.

12. Right-of-Way Projections

Right-of-way projections of up to 4 ft are permitted in all downtown zones for upper-level, unenclosed balconies. All applicable building, fire, safety and public works standards shall also be met prior to permitting such balcony projections.

19.310.5 Public Area Requirements

A. Purpose

The Milwaukie Downtown and Riverfront Land Use Framework Plan: Public Area Requirements plan is an Ancillary Document to the Milwaukie Comprehensive Plan. The purpose of the Public Area Requirements plan is to ensure that as revitalization occurs in downtown that there will be a consistent and high-quality public right-of-way that establishes a safe, comfortable, contiguous pedestrian-oriented environment. Public area requirements are defined as improvements within the public right-of-way and include, but are not limited to, sidewalks, bicycle lanes, on-street parking, curb extensions, lighting, street furniture, and landscaping. The Public Area Requirements plan is implemented through Chapter 19.700 and the Milwaukie Public Works Standards.

~~The City has two adopted plans that guide the revitalization of downtown Milwaukie. The first focuses on land uses in the downtown zones entitled Milwaukie Downtown and Riverfront Land Use Framework Plan. The second focuses on public area requirements in the downtown zones entitled Milwaukie Downtown and Riverfront Plan: Public Area Requirements. Public area requirements are defined as improvements within the public right-of-way and include, but are not limited to, sidewalks, bicycle lanes, on-street parking, curb extensions, lighting, street furniture, and landscaping. The purpose of the public area requirements plan is to ensure the development of a consistent and high-quality public right-of-way that establishes a safe, comfortable, contiguous pedestrian-oriented environment with a unified urban design.~~

B. Applicability, Review Process and Standards

Development in downtown zones is subject to the review process and standards of Chapter 19.700 as specified in the chapter's applicability provisions. Required public improvements along right-of-ways included in the Public Area Requirements plan shall be consistent with the plan as implemented in the Milwaukie Public Works Standards.

~~All downtown development projects that meet the applicability provisions of Section 19.702 are subject to Chapter 19.700 in its entirety, with the exception of specified portions of Section 19.708 that pertain to street requirements and design standards for non-downtown development projects. Street requirements and design standards for development projects in the downtown zones are governed by the Milwaukie Downtown and Riverfront Plan: Public Area Requirements. These requirements and standards also apply to all street sections shown in the public area requirements plan even when the development project is not in a downtown zone.~~

C. ~~Review Process~~

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~~All downtown development projects that meet the applicability provisions of Section 19.702 shall submit all appropriate applications per Subsection 19.703.2. For downtown development projects requiring a land use application, the applicant shall schedule a preapplication conference with the City prior to submittal of the application. Land use applications for downtown development projects shall be submitted in accordance with Subsection 19.703.2 and processed in accordance with Chapter 19.1000.~~

~~D. Street Design Standards~~

~~If the Engineering Director determines that the proposed development has impacts on the transportation system pursuant to Section 19.704, the Community Development Director will identify the type, size, and location of needed improvements to the public right-of-way using the Milwaukie Downtown and Riverfront Plan: Public Area Requirements as a guide. The Engineering Director will then conduct a proportionality analysis pursuant to Section 19.705. If none of the needed improvements are determined to be proportional to the development's impacts, the proposed development will be required to comply with the City's safety and functionality standards, which are contained in Subsection 19.703.3.C. If only some of the needed improvements are determined to be proportional to the development's impacts, the Community Development Director will determine which improvements the proposed development will be required to fund or construct. Appeal of the City's proportionality analysis is allowed pursuant to Subsection 19.703.5.B.~~

CHAPTER 19.700 PUBLIC FACILITY IMPROVEMENTS

19.702 APPLICABILITY

19.702.1 General

Chapter 19.700 applies to the following types of development in all zones:

- A. Partitions.
 - B. Subdivisions.
 - C. Replats that increase the number of lots.
 - D. New construction.
 - E. Modification or expansion of an existing structure ~~(including single-family residential expansions as described in Subsection 19.702.2)~~ or a change or intensification in use that results in any one of the following: See Subsections 19.702.2 and 19.702.3 for specific applicability provisions for single-family residential development and development in Downtown zones.
 - 1. A new dwelling unit.
 - 2. Any increase in gross floor area.
 - 3. Any projected increase in vehicle trips, as determined by the Engineering Director.
-

19.702.3 Downtown zones

A. Purpose.

The purpose of the specific exemptions for some types of development in downtown Milwaukie is to recognize that the transportation infrastructure in downtown is more

complete than in other areas of the city, and to encourage new uses in and revitalization of existing structures in downtown.

B. Exemptions.

1. For expansions or conversions that increase the combined gross floor of all structures by 3,000 sq ft or less, Chapter 19.700 applies. Frontage improvements for these increases in floor area are exempt as described in the approval criterion of Subsection 19.703.3.B.
2. For changes of use, Chapter 19.700 applies. Frontage improvements for these increases in floor area are exempt as described in the approval criterion of Subsection 19.703.3.B.

C. Limitation to exemptions.

Not more than 1 exempt increase in gross floor area as described in Subsection 19.702.3.B.1 is allowed every 10 years. The 10-year period starts from the date the city issues an occupancy permit or final inspection for the expanded or converted development.

Chapter 19.700 applies to subsequent development that would exceed this limitation as follows.

- a. The subsequent development(s) is exempt per Subsection 19.702.3.B.1 if the total floor area of the initial development and subsequent development(s) do not exceed 3,000 sq ft.
- b. The subsequent development(s) is not exempt per Subsection 19.702.3.B.1 if the total floor area of the initial development and subsequent development(s) is greater than 3,000 sq ft. The review of Chapter 19.700 is based on all floor areas that are involved with the development.

19.702.43 Exemptions

19.703 REVIEW PROCESS

19.703.3 Approval Criteria

B. Transportation Facility Improvements

Development shall provide transportation improvements and mitigation at the time of development in rough proportion to the potential impacts of the development per Section 19.705 Rough Proportionality, except as allowed by Section 19.706 Fee in Lieu of Construction.

Development in downtown zones that is exempt per Subsection 19.702.3.B shall provide only transportation improvements identified by a Transportation Impact Study as necessary to mitigate the development's transportation impacts. Such development is not required to provide on-site frontage improvements.

19.703.4 Determinations

B. Street Design

Given the City's existing development pattern, it is expected that most transportation facility improvements will involve existing streets and/or will serve infill development. To ensure that required improvements are safe and relate to existing street and development conditions, the Engineering Director will determine the most appropriate street design cross

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section using the standards and guidelines contained in Section 19.708. On-site frontage improvements are not required for development downtown that is exempt per Subsection 19.702.3.B.

19.708 TRANSPORTATION FACILITY REQUIREMENTS

19.708.1 General Street Requirements and Standards

A. Access Management

All development subject to Chapter 19.700 shall comply with access management standards contained in Chapter 12.16.

B. Clear Vision

All development subject to Chapter 19.700 shall comply with clear vision standards contained in Chapter 12.24.

C. Development in Downtown Zones

Street design standards and right-of-way dedication for the downtown zones are subject to the requirements of the Milwaukie Public Works Standards, which implements the streetscape design of the Milwaukie Downtown and Riverfront Plan: Public Area Requirements plan. Unless specifically stated otherwise, the standards in Section 19.708 do not apply to development located in the downtown zones or on street sections shown in the public area requirements plan per Subsection 19.310.5.

D. Development in Non-Downtown Zones

Development in a non-downtown zone that has frontage on a street section shown in the Milwaukie Downtown and Riverfront Plan: Public Area Requirements plan is subject to the requirements of the Milwaukie Public Works Standards, which implements the street design standards and right-of-way dedication requirements contained in the plan that document for that street frontage. The following general provisions apply only to street frontages that are not shown in the Milwaukie Downtown and Riverfront Plan: Public Area Requirements and for development that is not in any of the downtown zones listed in Subsection 19.708.1.C above:

19.710 DOWNTOWN REIMBURSEMENT

19.710.1 Reimbursement Eligibility

In downtown zones, the City will reimburse property owners for certain expenditures related to frontage improvements. The city will reimburse those requesting reimbursement for expenditures that meet all of the following criteria.

A. The expenditure is required as a prerequisite to obtaining a development or building permit.

B. The development approved by the permit for which the expenditure was a prerequisite, has been completed in its entirety.

C. The expenditure is either a payment made to the City as a fee in lieu of construction pursuant to Section 19.706, or is the amount paid to construct right-of-way frontage improvements, pursuant to Subsection 19.703.3.B.

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- D. Either the fee in lieu of construction was paid to the City or the right-of-way permits for the frontage improvements were issued, between the dates of August 1, 2012 and _____, 2012, the effective date of Ord. # _____.
- E. The development or change in use would have been exempt under Subsection 19.702.3.B.
- F. The expenditures for which reimbursement is requested were made by the party or parties requesting reimbursement, or the successors in interest of such parties.

19.710.2 Reimbursement Amount

- A. Reimbursement by the City under this section shall be for one of the following expenses.
1. The total amount paid by the party or parties requesting reimbursement to the City as a fee in lieu of construction for right-of-way improvements on the property's frontage.
 2. The total amount expended by the party or parties requesting reimbursement on right-of-way improvements along the property's frontage.
- B. The following expenses are not eligible for reimbursement by the City: System Development Charges, improvements identified as required mitigation by a Traffic Impact Study per Section 19.704, permit fees, or inspection fees.

19.710.3 Reimbursement Process

A property owner in the downtown zone must initiate the reimbursement process by submitting a written request for reimbursement to the Community Development Director.

- A. The written request for reimbursement must include the following information.
1. The address or tax lot number of the property in question.
 2. The name of the person or persons (individual or corporate) that are requesting the reimbursement.
 3. Documentation of current ownership of the property in question.
 4. The amount of the requested reimbursement.
 5. Written documentation of the payment to the City of a fee in lieu of construction or the amount expended on the construction of right-of-way improvements, by the party or parties requesting reimbursement, or the predecessors in interest to such parties.
 6. A copy of the decision requiring the construction of the subject right-of-way improvements or the payment of the subject fee in lieu of construction, for which reimbursement is requested.
- B. Upon receipt of a written request for reimbursement, the Community Development Director shall review the request for consistency with the requirements and standards of this section. This review is not a land use decision.
- C. Upon approval of a reimbursement request, the City shall make the funds payable to the requesting party or parties within 60 days.

19.710.4 Time Limit on Reimbursement

Section 19.710 shall no longer be effective 365 days after it becomes effective. On the 366th day after the effective date, this section shall be automatically repealed, no longer part of the Milwaukie Municipal Code, and no longer of any effect within the City.