

**CITY OF MILWAUKIE  
PLANNING COMMISSION  
MINUTES  
Milwaukie City Hall  
10722 SE Main Street  
TUESDAY, November 27, 2012  
6:30 PM**

**COMMISSIONERS PRESENT**

Lisa Batey, Chair  
Clare Fuchs, Vice Chair  
Scott Churchill  
Mark Gamba  
Wilda Parks  
Chris Wilson

**STAFF PRESENT**

Steve Butler, Planning Director  
Ryan Marquardt, Senior Planner  
Li Alligood, Associate Planner  
Brett Kelter, Associate Planner  
Kari Svanstrom, Associate Planner  
Peter Watts, City Attorney

**COMMISSIONERS ABSENT**

Shaun Lowcock

**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 July 31, 2012**

**It was moved by Commissioner Wilson and seconded by Vice Chair Fuchs to approve the July 31, 2012, Planning Commission minutes as presented. The motion passed with two abstentions by Chair Batey and Commissioner Churchill who were not present at that meeting.**

**2.2 September 25, 2012**

**It was moved by Commissioner Wilson and seconded by Commissioner Parks to approve the September 25, 2012, Planning Commission minutes as presented. The motion passed with one abstention by Vice Chair Fuchs who was not present at that meeting.**

**2.3 October 23, 2012 joint meeting with DLC**

**It was moved by Commissioner Gamba and seconded by Vice Chair Fuchs to approve the October 23, 2012, Planning Commission and Design and Landmarks Committee minutes as presented. The motion passed with two abstentions by Commissioners Wilson and Churchill who were not present at that meeting.**

**3.0 Information Items**

There were no information items.

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

**5.0 Public Hearings**

5.1 Summary: Downtown Code Amendments  
Applicant: City of Milwaukie  
File: ZA-12-02  
Staff: Ryan Marquardt

**Chair Batey** opened the public hearing for ZA-12-02 and read the conduct of continued legislative hearing into the meeting record. No new conflicts of interest or ex parte contacts were declared.

**Ryan Marquardt, Senior Planner**, presented the staff report via PowerPoint and reviewed the November 20, 2012, worksession between the Commission and City Council. He noted the direction staff was seeking, noted the fast track timeline, and summarized the Commission's concerns and questions: about policy implications, the abbreviated timeline, and the relationship between the proposed amendments and trying to fix larger issues with downtown zoning.

He said that Chair Batey and Commissioner Gamba had gone to the meeting and shared those concerns with Council. Council had agreed that the Planning Commission should take more time with the amendments—that there was no need to rush it through before the end of the year. They also agreed to take a later look at the broader issues. They also discussed having an interim agreement for public area requirements for existing buildings, so as not to discourage new businesses until the code amendment process was complete—that agreement might move forward to Council before the ZA-12-02 amendments.

**Chair Batey and Commissioner Gamba** agreed with Mr. Marquardt's summary.

**Mr. Marquardt** noted that the scope of ZA-12-02 should not expand, that more extensive amendments would be addressed as a separate project.

He said that staff was seeking the Commission's direction on two things: (1) whether to continue forward with ZA-12-02 or table all of those amendments to be part of a larger project in the future, and (2) specific provisions within ZA-12-02:

- Public area requirements: whether to provide relief by not requiring frontage improvements for changes of use and small additions, or only for changes of use.
- Code cleanup items: whether to continue forward with these amendments to make the code more readable and user-friendly.
- Day care and downtown-oriented manufacturing uses: whether to continue forward with the idea of allowing those uses downtown.
- Downtown Office Zone retail and restaurant limitations: whether to remove the requirement that retail and restaurant uses would have to be part of developments that included office or other outright permitted uses. Size limitations could also be made more restrictive.
- Main street storefronts: whether to remove the requirement that all ground-floor frontages be restaurant or retail uses, to open it up to allow offices; having interior dimension requirements for new construction on Main Street; and the "active use" idea.

He said that a broader set of downtown amendments might be considered in a one-year time frame starting in February 2013. He outlined staff's proposed issues to consider as part of those amendments:

- Public area requirements.
- Implementation of the South Downtown Concept Plan.
- Number of zones in the small downtown area.
- What uses allowed and where.

Staff would want input from the DLC, Planning Commission, and Council. They would probably set up a project steering committee of downtown businesses, property owners, and NDA interested parties. The outreach plan would also include getting early feedback from agencies, including Metro, ODOT, and DLCD.

Staff would need to research the project history from the 2001 downtown Zoning Code amendments, in order to understand how and why the downtown code was developed as it was.

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

**The Commission** took up staff's first question, whether to continue forward with ZA-12-02 or table all of those amendments to be part of larger project in the future.

**Commissioner Gamba** noted the City Charter stated that the Planning Commission was responsible for keeping the Comprehensive Plan current. He said the downtown code was an example of how the Comprehensive Plan wasn't current. He suggested proceeding with the downtown code amendments as part of beginning the Comprehensive Plan (Comp. Plan) update process.

**Vice Chair Fuchs** asked for staff input about continuing with ZA-12-02.

**Mr. Marquardt** said that—while a holistic, more comprehensive approach to code amendments was generally best—staff had been directed by Council to make targeted amendments to the downtown code to address the items that were most problematic and easiest to fix.

**Commissioner Churchill** said he thought it was worth doing correctly rather than with a "band-aid" approach. He agreed with taking small steps toward the Comp. Plan update. He wanted a commitment from the Commission to get something down by the end of 2013.

**Commissioner Parks** asked if beginning the full review of the Comp. Plan in a segmented approach was viable.

**Steve Butler, Planning Director**, said a good approach to the Comp. Plan update would be to begin with a major outreach effort, including a thorough public survey. Another approach would be to start with just the land use element of the Comp. Plan.

**Vice Chair Fuchs** said there was value in starting with the smaller package of downtown amendments now and then moving toward the larger project.

**Chair Batey** said that, whether or not they went forward with the smaller set of amendments now, there could still be issues arise that they couldn't foresee. She hoped that staff and the Commission would be willing to take those up in a timely manner as well.

**Commissioner Wilson** said he was supportive of either approach. His concern was to hear the thoughts of key stakeholders. He felt that some of the proposed short-term amendments were also limiting to new businesses; e.g., size limitations.

**Commissioner Gamba** said he'd be comfortable moving forward with the small changes package, but only if there was a commitment from the Commission and Council to complete the Comp. Plan update.

**Commissioner Churchill** shared the same concern.

**Chair Batey** felt the long-term downtown code update needed to be decoupled from the Comp. Plan update. She said it was not feasible as a phase of the Comp. Plan update.

**Commissioner Parks** was concerned that downtown improvements not get delayed by being part of the Comp. Plan update.

**Mr. Butler** agreed with Chair Batey. He said that, if the Commission wanted the downtown amendments completed by the end of 2013, it would be best to move forward with a very thorough downtown code update, including a "specific area plan," but not try to frame it as part of the larger Comp. Plan update. It would form a good foundation going forward into the update.

**Commissioner Gamba** asked about the timeline for the Comp. Plan update.

**Mr. Butler** said that 2 to 2.5 years was a more realistic timeframe for the Comp. Plan update than 18 months. It was possible to shave it down to 18 months, but it would then have to be very focused and would rush the process.

**Commissioners Gamba and Churchill** discussed the desirability of moving forward on the large amendment package in a timely manner, to be in place before light rail construction. They both felt that a thorough downtown code review, with a good public outreach component, could encourage developers and let them know that the City was addressing their needs.

Churchill expected that Council wouldn't financially support the Comp. Plan update. But a specific area plan would probably be supported.

**Mr. Marquardt** suggested focusing on the specific provisions within ZA-12-02 for which staff had requested direction. He clarified that there wouldn't be more public involvement for ZA-12-02, so he suggested either moving forward with it now or tabling it until the larger amendment package.

**Commissioner Churchill** said he'd be willing to go ahead with the smaller amendment package, as long as there was a written recommendation from the Planning Commission to Council that we move ahead to a specific area plan to address the downtown growth issues (with the ultimate goal of CP



**Commissioner Churchill** didn't think there was funding support from Council for a Comp. Plan update.

Chair Batey thought the downtown amendments needed to happen faster than a Comp. Plan update could happen.

Mr. Marquardt mentioned that they had received comments from a couple of Hector Campbell NDA members saying that downtown code amendments shouldn't be fast-tracked.

**The Commission** took a straw poll about the specific provisions within ZA-12-02.

- Public area requirements: The majority supported not requiring frontage improvements for changes of use and additions up to 1,500 sq ft.
- Code cleanup items: The consensus was to support continuing forward with amendments to make the code more readable and user-friendly.
- Day care and downtown-oriented manufacturing uses: The majority supported: (1) allowing day care up to 3,000 sq ft as an outright use in downtown; (2) allowing downtown-oriented manufacturing and light industrial as long as it was associated with a retail storefront.
- Downtown Office Zone retail and restaurant limitations: The majority supported: (1) removing the requirement that retail and restaurant uses would have to be part of developments that included office or other outright permitted uses; (2) retaining the 5,000 sq ft limitation, with the additional allowance of an additional 5,000 sq ft for manufacturing associated with the primary use, to a maximum of 10,000 sq ft total.
- Main street storefronts: The consensus was to table the following questions for the larger amendment project: (1) whether to remove the requirement that all ground-floor frontages be restaurant or retail uses, to open it up to allow offices; (2) having interior dimension requirements for new construction on Main Street; and (3) the "active use" idea.

**The Commission** agreed, after the straw poll, not to make decisions at this hearing but to wait for staff to draft the new text and bring it to the next meeting. They further directed staff to include a written recommendation from the Planning Commission to Council to move ahead on the broader amendment project to address downtown growth issues.

**Mr. Butler** pointed out that the e-mail from DLC Chair Greg Hemer supported that same approach.

**Mr. Marquardt** said that staff could send out a notice of the next hearing and that, if the Commission wanted to allow more time for public comment, he recommended waiting until the January 8, 2013, meeting.

**It was moved by Commissioner Gamba and seconded by Commissioner Churchill to continue ZA-12-02, Downtown Code Amendments, to a date certain of January 8, 2013. The motion passed unanimously.**

**6.0 Worksession Items – None**

## **7.0 Planning Department Other Business/Updates**

### **7.1 Tacoma Station Area Plan (TSAP) Meetings**

**Mr. Butler** said that two briefings were scheduled on the TSAP on Wednesday, November 28: (1) Technical Advisory Committee from 3-5 p.m., and (2) Stakeholder Advisory Group from 6:30-8:30 p.m. Both meetings would be at the Pond House.

### **7.2 Assisted Annexation Program**

**Mr. Butler** said the deadline for the last batch of assisted annexations was Friday, November 30, at 5:00 p.m. Currently 24 applications had been submitted for the last batch. Through the entire program 50 or more properties had been annexed.

**Mr. Marquardt** explained the deadline. There was a cost to the City in having such a program, so the two-year deadline was set by City Council in 2010 when they established the program for the annexations in the Northeast Sewer Extension Area.

## **8.0 Planning Commission Discussion Items**

### **8.1 Friends of Trees Planting**

**Chair Batey** mentioned an event scheduled at North Clackamas Park to plant along the Mount Scott Creek and watershed on December 8.

**Mr. Butler** said the project work there was almost finished.

### **8.2 Klein Point**

**Chair Batey** asked the status of this project.

**Mr. Butler** said the project was completed, with ribbon cutting scheduled on December 1.

## **9.0 Forecast for Future Meetings:**

December 11, 2012	1. Worksession: Tacoma Station Area Plan
January 8, 2012	1. Officer Elections

Meeting adjourned at approximately 8:40 p.m.

Respectfully submitted,

Alicia Martin, Administrative Specialist II  
Marcia Hamley, Administrative Specialist II

  
\_\_\_\_\_  
Lisa Batey, Chair



## **AGENDA**

### **MILWAUKIE PLANNING COMMISSION Tuesday, November 27, 2012, 6:30 PM**

**MILWAUKIE CITY HALL  
10722 SE MAIN STREET**

- 1.0 Call to Order - Procedural Matters**
- 2.0 Planning Commission Minutes** – Motion Needed
  - 2.1 July 31, 2012
  - 2.2 September 25, 2012
  - 2.3 October 23, 2012 joint meeting with 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** – Public hearings will follow the procedure listed on reverse
  - 5.1 Summary: Downtown Code Amendments (continued)  
Applicant: City of Milwaukie  
File: ZA-12-02  
Staff: Ryan Marquardt
- 6.0 Worksession Items—None**
- 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:**
  - December 11, 2012 1. Worksession—Tacoma Station Area Plan
  - January 8, 2013 1. Officer Elections

### 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](mailto: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](http://www.cityofmilwaukie.org)
3. **CITY COUNCIL MINUTES** City Council Minutes can be found on the City website at [www.cityofmilwaukie.org](http://www.cityofmilwaukie.org)
4. **FORECAST FOR FUTURE MEETING.** These items are tentatively scheduled, but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.
5. **TIME LIMIT POLICY.** The Commission intends to end each meeting by 10:00pm. The Planning Commission will pause discussion of agenda items at 9:45pm to discuss whether to continue the agenda item to a future date or finish the agenda item.

### Public Hearing Procedure

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

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

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

### **Milwaukie Planning Commission:**

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

### **Planning Department Staff:**

Steve 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 31, 2012  
6:30 PM**

**COMMISSIONERS PRESENT**

Clare Fuchs, Vice Chair  
Chris Wilson  
Mark Gamba  
Shaun Lowcock

**STAFF PRESENT**

Scot Siegel, Interim Planning Director  
Ryan Marquardt, Associate Planner  
Peter Watts, City Attorney

**COMMISSIONERS ABSENT**

Lisa Batey, Chair  
Scott Churchill

**1.0 Call to Order – Procedural Matters\***

Vice Chair Fuchs 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—None****3.0 Information Items**

There were no information items.

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

**5.0 Public Hearings**

5.1 Summary: North Clackamas Park Restoration Project (continued from 7/24/12)

Applicant/Owner: Clackamas County Water Environment Services/

City of Milwaukie

Address: 5440 SE Kellogg Creek Dr.

File: NR-12-02, CSU-12-06

Staff: Ryan Marquardt

41  
42 **Ryan Marquardt, Associate Planner**, presented the staff report. The proposed project work  
43 would involve restoration of riparian areas of Camas Creek and its confluence with Mt. Scott  
44 Creek, decommissioning of trails, creation of new paths and lookouts, a proposed back-channel  
45 alcove for fish habitat, and a proposed pedestrian bridge replacement further up Camas Creek.  
46 The project areas included Water Quality Resources and Habitat Conservation Areas. Staff  
47 recommended approval of the proposal with the findings and conditions as written.

48  
49 **Gail Shaloum, Clackamas County Water Environment Services**, presented for the applicant.

50  
51 **Tonia Burns, North Clackamas Parks and Recreation District**, testified as a partner with  
52 Clackamas County.

53  
54 **Dick Shook, 4815 SE Casa del Rey Drive**, testified in favor.

55  
56 **Freda Green, 4401 SE Aldercrest**, testified with some questions and concerns. These were  
57 addressed and discussed by Ms. Shaloum, Ms. Burns, Commissioner Wilson, and the City  
58 Attorney.

59  
60 **Commissioner Wilson** asked how the fence/boundary would be enforced, which was  
61 addressed by Ms. Burns.

62  
63 **Vice Chair Fuchs** closed public testimony.

64  
65 **The Commission** deliberated briefly.

66  
67 **Commissioner Gamba moved to approve NR-12-02 and CSU-12-06, North Clackamas**  
68 **Park Restoration Project, as written. Commissioner Lowcock seconded the motion,**  
69 **which passed unanimously.**

70  
71 **6.0 Worksession Items—None**

72

73

**7.0 Planning Department Other Business/Updates**

**7.1 Planning Department vacancies**

Planning Director and Senior Planner interviews were in progress.

**8.0 Planning Commission Discussion Items**

**8.1 New Planning Commissioner**

City Council was scheduled to appoint Wilda Parks at their August 7 meeting.

**9.0 Forecast for Future Meetings:**

August 14, 2012 Meeting was cancelled.

August 28, 2012 1. Public Hearing: NR-12-05 Blount parking expansion *tentative*

Meeting adjourned at approximately 7:33 p.m.

Respectfully submitted,

Alicia Martin, Administrative Specialist II  
Marcia Hamley, Administrative Specialist II

---

Clare Fuchs, Vice Chair

**CITY OF MILWAUKIE  
PLANNING COMMISSION  
MINUTES  
Milwaukie City Hall  
10722 SE Main Street  
TUESDAY, SEPTEMBER 25, 2012  
6:30 PM**

**COMMISSIONERS PRESENT**

Lisa Batey, Chair  
Scott Churchill  
Mark Gamba  
Shaun Lowcock  
Wilda Parks  
Chris Wilson

**STAFF PRESENT**

Steve Butler, Planning Director  
Ryan Marquardt, Senior Planner  
Brett Kelter, Associate Planner  
Beth Ragel, Community Services Program  
Coordinator  
Damien Hall, City Attorney

**COMMISSIONERS ABSENT**

Clare Fuchs, Vice Chair

**1.0 Call to Order – Procedural Matters\***

**Chair Batey** called the meeting to order at 6:35 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—None.****3.0 Information Items****3.1 Introduction of new Planning Director**

**Steve Butler, Planning Director**, was welcomed and introduced himself and discussed his background working in the state of Washington.

**3.2 Introduction of new Planning Commission Alternate**

**Sine Adams** was introduced and welcomed.

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



41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73

**5.0 Public Hearings**

5.1 Summary: PMLR Substation Building

Applicant/Owner: Jeff Joslin, KKK Consulting/Leah Robbins, TriMet

Address: 2316 SE Monroe St

File: CSU-12-08

Staff: Brett Kelter

**Brett Kelter, Associate Planner**, presented the staff report. The proposal includes an access easement agreement with the property to the south, 2305 SE Washington, a professional office building. He addressed the approval criteria for community service uses. Staff recommended approval of the application.

**Bob Hastings, TriMet architect**, presented for the applicant. He explained that the substation would be providing power only when trains came in or out of the station. The conditioned air ventilation system wouldn't be as loud as other systems. Screening panels would discourage graffiti. The proposal would use solar energy panels on the metal roof. Lights would be screened.

**Chair Batey** asked about frequency of employees accessing the building.

**Mr. Hastings** said employees would probably access the site weekly rather than daily and more so in the summer than other times of year. They wouldn't be large vehicles.

**Commissioner Wilson** asked if there would be any use limitations imposed on the adjoining property that will provide access.

**Joe Recker, TriMet**, said it would be an "easement in gross," so the exact location of the easement could vary over time if the adjoining property owner ever wanted to develop their property.

**Commissioner Wilson** asked about noise levels from the condenser or a backup generator.

74 **Mr. Hastings** said there would be no generator. The condenser sound would be more like a  
75 residential air conditioner sound.

76  
77 **Commissioners Lowcock and Churchill** asked about TriMet's plans for the materials from the  
78 demolished building.

79  
80 **Mr. Hastings** said that TriMet would look for recycling opportunities throughout the project,  
81 including those materials.

82  
83 **Commissioners Lowcock and Churchill** asked about the possibility of using thin film solar  
84 instead of photovoltaic panels.

85  
86 **Mr. Hastings** said that was a possibility.

87  
88 **Commissioner Gamba** asked if the mature walnut tree by the front porch of the existing house  
89 could be saved.

90  
91 **Jeb Doran, TriMet** said the location of the grounding mat would preclude that.

92  
93 **Commissioner Gamba** requested that TriMet consider planting some trees/plantings along the  
94 eastern side of the accessway property, abutting the church property.

95  
96 **Jeb Doran, TriMet** said that wouldn't be possible on the eastern side, but maybe on the  
97 western side of the accessway property adjacent to railroad right-of-way.

98  
99 **Mr. Kelter** mentioned that the conditions are written to encourage TriMet to seek funding for a  
100 green roof.

101  
102 **Mr. Kelter** clarified that condition 5.F covers either photovoltaic panels or thin film.

103  
104 Public testimony was closed and the Planning Commission deliberated.

105  
106 Condition 5.F was amended as follows:  
107

F. Construct the proposed roof-mounted solar ~~photovoltaic~~ energy array if funding becomes available before building construction, with encouragement to use locally built components. TriMet shall actively seek funding for the proposed solar roof.

**It was moved by Commissioner Wilson and seconded by Commissioner Lowcock to approve CSU-12-08, PMLR Substation Building, as amended. The motion passed unanimously.**

5.2 Summary: Murals Program/Sign Code Amendments

Applicant/Owner: City of Milwaukie

File: ZA-12-01

Staff: Ryan Marquardt and Beth Ragel

**Ryan Marquardt, Senior Planner**, presented the staff report. Due to legislation requiring signage be treated in a "content-neutral" manner, the current code didn't distinguish between commercial billboards and murals. Because murals were good for community identity and self-expression, the City was looking for a way to treat them differently.

- Beth Ragel, Community Services Program Coordinator, and the City Arts Committee had been working for a couple of years to develop a mural program. They looked at how other communities handled murals. They did an extensive community survey and held several worksessions and meetings, including meetings with City Council.
- They were now proposing a program that would treat murals as public art. Properties that were commercial, industrial, or community service uses would be eligible to apply, with ad hoc committee review, and with Milwaukie Arts Committee having final review.
- The draft mural code, Title 20, would go to City Council.
- The Commission was only being asked to review proposed amendments to Title 14, the Sign Code. Those amendments would clarify that public art murals were exempt from the Sign Ordinance. Title 20 was not a land use regulation and the Commission was not being asked to make a recommendation on that.

**Commissioners** asked questions about mural program regulations and how the review process would work.

**Beth Ragel, Community Services Program Coordinator**, described some of those details.

**Phil Phan, North Clackamas School District Vietnamese Community Liaison** spoke in favor of the sign code amendments to allow a mural program. He said the District was interested in developing a mural program for Milwaukie High School students that would recognize cultural diversity. He had met with several arts agencies and received great support for such a project.

**Val Hubbard, Arts Committee Member**, said they had received a lot of community support for the proposed mural program. She mentioned Milwaukie High School and Dark Horse as wanting to have murals. She said murals would make the city livable and fun.

**Jeff Davis, Arts Committee Member**, spoke in support of the proposed mural program and expanding art and expression in Milwaukie. The Committee really supported involving kids in art.

**Chair Batey** asked about churches and religious murals.

**Mr. Davis** said the approval process would address that. He noted that Portland has only approved one religious mural through a similar process.

**Mr. Marquardt** distributed a letter of support from **Alicia Hamilton**.

Public testimony was closed and the Planning Commission deliberated.

**Commissioner Parks** mentioned how a mural program helped a small agricultural community in California become one of the most economically viable downtowns in the central valley.

**Commissioners** made suggestions for Council to consider.

- Removing the 30-foot limitation or keeping the limit but outlining a process for possible exceptions. Also prohibiting building a new wall just for a mural.
- Expanding NDA notification to all neighborhoods rather than only notifying neighborhood where the mural would be placed.
- Taking testimony at the Arts Committee meetings.

174

175 **Mr. Marquardt** said they could work on the draft code to address some of these suggestions  
176 before it goes to Council. He said the Commission would still be able to give comments to  
177 Council on future drafts of the mural code.

178

179 **It was moved by Commissioner Gamba and seconded by Commissioner Parks to**  
180 **recommend that City Council approve ZA-12-01, Murals Program/Sign Code**  
181 **Amendments, as presented. The motion passed unanimously.**

182

183 **6.0 Worksession Items**

184

185 **7.0 Planning Department Other Business/Updates**

186 7.1 Planning Commission notebook updates

187

188 **The Commissioners** noted receipt of an updated staff list.

189

190 7.2 Planning Commission training

191

192 **The Commissioners** made arrangements for new commissioners and staff to attend the  
193 training in Salem on September 27.

194

195 7.3 Recommended cancellation of October 9 meeting

196

197 **Mr. Butler** recommended cancelling the next meeting, as there are no agenda items.

198

199 **8.0 Planning Commission Discussion Items**

200

201 **The Commission and staff** discussed the current status of Riverfront Park, the amendments  
202 for Residential Development Standards, and the Tacoma Station Area Plan.

203

204 **9.0 Forecast for Future Meetings:**

205 October 9, 2012 Meeting cancelled by Planning Commission

206 October 23, 2012 1. Worksession: Ethics training

207 2. Worksession: PAR & Downtown Code Refresh update

CITY OF MILWAUKIE PLANNING COMMISSION  
Minutes of September 25, 2012  
Page 7

208

209 Meeting adjourned at approximately 8:00 p.m.

210

211

212

213

Respectfully submitted,

214

215

Marcia Hamley, Administrative Specialist II

216

217

218

219

220

---

Lisa Batey, Chair

**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.

45

46 **6.0 Worksession Items**

47 6.1 Summary: Government Ethics Training

48 Staff: Bill Monahan

49

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

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

57

58 The Commission and the DLC returned to Item 2.0.

59

60 **2.0 Planning Commission and Design and Landmarks Committee Minutes**

61 2.1 July 24, 2012 (PC)

62

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

66

67 2.2 August 28, 2012 (PC)

68

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

72

73 2.3 July 2, 2012 (DLC)

74

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

77

78 **3.0 Information Items**



79

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

82

83 **4.0 Audience Participation** –This is an opportunity for the public to comment on any item not on  
84 the agenda.

85

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

89

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

92

93 **Troy Reichlein, Owner, 11074 SE 21<sup>st</sup>**, discussed questions and concerns about existing and  
94 proposed downtown use allowances and the proposed downtown code amendments.

95

96 **5.0 Public Hearings** – None

97

98 **6.0 Worksession Items (continued)**

99 6.2 Summary: Downtown Code Amendments

100 Staff: Ryan Marquardt

101

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

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

107

108 **The Commission and the DLC** asked questions regarding:

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

113

114 **The Commission and the DLC** expressed concerns about:

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

119

120 **Mr. Marquardt** provided the following clarifications:

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

129

130 **Chair Batey** asked staff to provide information about and comparison of rental rates for office and

131 commercial spaces for the public hearing.

132

133 **Mr. Marquardt** confirmed that the adoption draft amendments would retain the existing 5,000

134 square foot maximum for retail uses in the DO zone.

135

136 **7.0 Planning Department Other Business/Updates**

137 7.1 Project Updates

138

139 **Mr. Butler** provided a brief update on the Transportation System Plan (TSP) updates and the

140 Tacoma Station Area Plan, and indicated that more detailed briefings would be scheduled for a

141 future Commission meeting.

142

143 **8.0 Planning Commission and Design and Landmarks Committee Discussion Items**

144 8.1 Planning Department Work Program Updates

145

**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



## Memorandum

**To:** Milwaukie Planning Commission

**Through:** Steve Butler, Planning Director

**From:** Ryan Marquardt, Senior Planner

**Date:** November 21, 2012, for November 27, 2012, Public Hearing

**Re:** ZA-12-02, Downtown Code Amendments – continued hearing

---

On November 13, 2012, the Planning Commission continued the hearing on the downtown code amendments (File #ZA-12-02).

The materials for the Planning Commission packet include a revised version of the underline/strikeout and clean copy version of the proposed amendments. These replace Attachment 1, Exhibits B and C from the November 13, 2012 staff report. The revisions are strictly limited to grammar, section reference corrections, and other similar edits resulting from the proof reading process for code amendments.

Staff does not have further information to provide on the amendments to the Planning Commission with the packet. During the staff presentation portion of the continued hearing, staff plans to address some of the points raised during testimony and deliberation. Staff also plans to offer suggestions for edits to the amendments, and parsing the amendments to aid Planning Commission in making a recommendation to City Council at the meeting.

### Attachments

1. Draft Ordinance (updated exhibits only) (attached)  
Exhibit B: Amendments – underline/strikeout version  
Exhibit C: Amendments – clean version

## Underline/Strikeout Amendments

### Zoning Ordinance

#### CHAPTER 19.300 BASE ZONES

##### 19.304 DOWNTOWN ZONES

###### 19.304.1 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.

###### 19.304.2 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 19.304-1. 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 pedestrian-oriented 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 rowhouses and multifamily 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

## Proposed Code Amendment

engage at least 1 street right-of-way and include a pedestrian-oriented entry and well-landscaped parking lots.

### C. Downtown Office (DO)

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.

## 19.304.3 Uses

### A. Permitted Uses

Uses allowed in the downtown zones are listed in Table 19.304.3 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 19.304.3 Downtown Zones—Uses					
Use Categories	Downtown Storefront	Downtown Commercial	Downtown Office	Downtown Residential	Downtown Open Space
<b>Residential</b>					
<del>Single-family detached</del>	N	N	N	N	N
Rowhouse	L[1]	N	N	L[1]	N
Multifamily	L[240]	P	N	P	N
Senior and retirement housing	N	P	N	P	N

## Proposed Code Amendment

Second-floor housing	P	P	P	P	N
<b>Commercial/Office<sup>+</sup></b>					
<del>Automobile service station</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>
Automobile repair	N	L[32]	N	N	N
Commercial recreation	P	P	P	N	N
Eating/drinking establishment	P	P	L[43]	N	N
Financial institution	P	P	P	N	N
Theater	P	P	P	N	N
Hotel/motel	N	P	P	N	N
Office, professional and administrative	<del>PL</del> [4]	P	P	L[5]	N
Parking facility	P	P	P	N	L[6]
Personal/business services	<del>PL</del> [7]	P	P	L[5]	N
Retail trade	P	P	L[43]	L[5]	N
<u>Manufacturing and production</u>	<u>L</u> [7]	<u>L</u> [7]	<u>L</u> [7]	<u>L</u> [7]	<u>N</u>
<del>Industrial</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>
<b>Other</b>					
<del>Adult entertainment</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>
Community service uses	L[8]	L[8]	L[8]	L[8]	L[8]
<u>Day care/childcare</u>	<u>L</u> [9]	<u>L</u> [9]	<u>L</u> [9]	<u>L</u> [9]	<u>N</u>
Marinas, boat ramp	N	N	N	N	P
Parks, plazas, open space	P	P	P	P	P
<del>Transit centers</del>	<del>L</del> [9]	<del>L</del> [9]	<del>N</del>	<del>N</del>	<del>N</del>

<sup>+</sup> 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 19.304-2 and Subsection 19.304.4.B.7 for details).

## B. Limited Uses

Uses that are allowed subject to limitations are listed in Table 19.304.3 with an “L.” These uses are allowed if they comply with the limitations listed in Subsection 19.304.3.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 19.304.3 with an “N,” or uses not listed above, are prohibited as new uses.

## E. Accessory Uses

## Proposed Code Amendment

---

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 19.304.3. The unlisted use shall be subject to the standards applicable to the similar listed use.

### G. ~~Limited Uses~~ Limitations

The following provisions describe the use limitations and correspond with the footnote numbers for uses listed with an “L” in Table 19.304.3.

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 19.304-1). 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 19.304-1). Townhouses shall not be located within 50 ft of the Main Street frontage within the “Village Concept Area.”
2. Multifamily 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 19.304-1.
- ~~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.
- ~~43.~~ In the Downtown Office Zone, eating and drinking establishments and retail trade uses are limited to 10,000-5,000 sq ft in floor area per use on the ground floor. ~~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 19.304-2), office uses are only allowed on or above the second floor.~~
5. 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 an 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.
6. Parking facilities in the Downtown Open Space Zone are limited to surface lots.
7. Manufacturing and production are only permitted in combination with a retail or eating/drinking establishment use.  
  
~~In the portions of the Downtown Storefront Zone where ground floor retail/restaurant uses are required (see Figure 19.304-2), personal/business service uses are limited to a maximum of 25% of the ground floor area of an individual building.~~

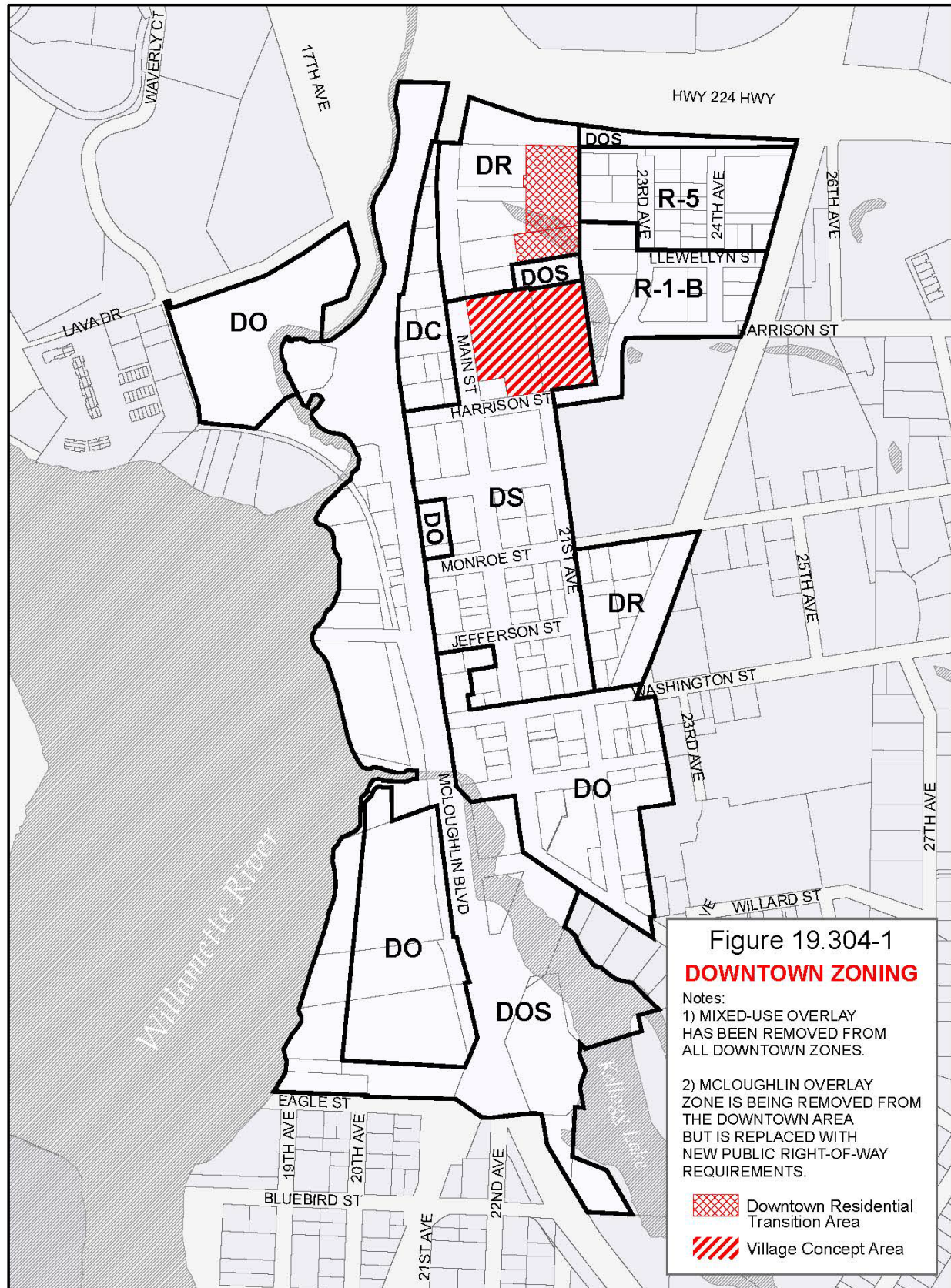


**Proposed Code Amendment**

---

8. ~~New~~ A new community service uses, or expansion/alteration of an existing community service use, ~~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. Transit centers shall comply with the public area requirements for transit centers.~~
9. Day care and childcare uses are limited to 3,000 sq ft.
- ~~10. Multifamily 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 19.304-1.~~

# Proposed Code Amendment



## Proposed Code Amendment

**19.304.4 Development Standards****A. Purpose**

The development standards address several issues of particular importance to maintaining the appropriate character for the downtown zones. Table 19.304.4 summarizes the development standards that apply in the downtown zones.

<b>Table 19.304.4 Downtown Zones—Development Standards</b>					
<b>Standard</b>	<b>Downtown Storefront</b>	<b>Downtown Commercial</b>	<b>Downtown Office</b>	<b>Downtown Residential</b>	<b>Downtown Open Space</b>
1. Minimum lot size	750 sq ft	10,000 sq ft	5,000 sq ft	750/5,000 sq ft <sup>1</sup>	None
2. Minimum street frontage	15'	30'	30'	15'/30' <sup>1</sup>	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 19.304-3)					
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 19.304-4)					
Minimum	0'	0'	0'	0'	0'
Maximum	10'	50'	10'	None	None
7. Other setbacks (side and rear)	None	None	None	15' <sup>2</sup>	None
8. Spaces for ground-floor active uses-retail (see Figure 19.304-2)	Yes	Yes	Yes	No	No
9. Ground-floor windows/doors (see Figure 19.304-5)	Yes	Yes	Yes	No	No
10. Drive-through facilities	No	No	No	No	No
11. Off-street parking required	No	Yes	No/Yes <sup>3</sup>	Yes	Yes
12. Landscaping	None	10%	None	15%	20%

<sup>1</sup> 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.

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

<sup>3</sup> 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 19.304.4 is supplemented by the explanation of the development standards provided in Subsection 19.304.4.B below, and the following figures:

Figure 19.304-2—Required Retail Ground-Floor Active Use Areas

Figure 19.304-3—Maximum Building Heights

Figure 19.304-4—Build-to Lines

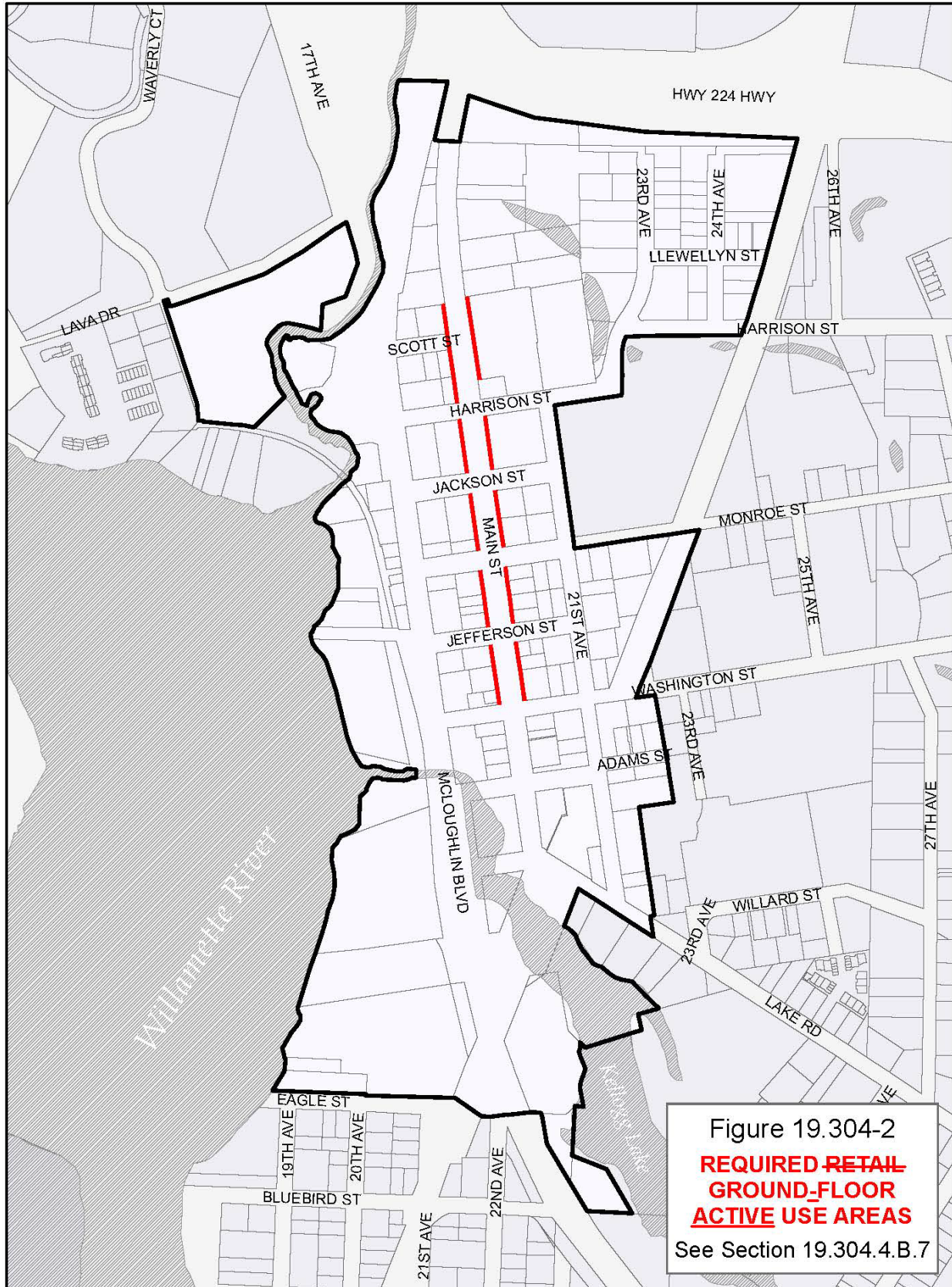
**Proposed Code Amendment**

---

Figure 19.304-5—Required Ground-Floor Windows and Openings

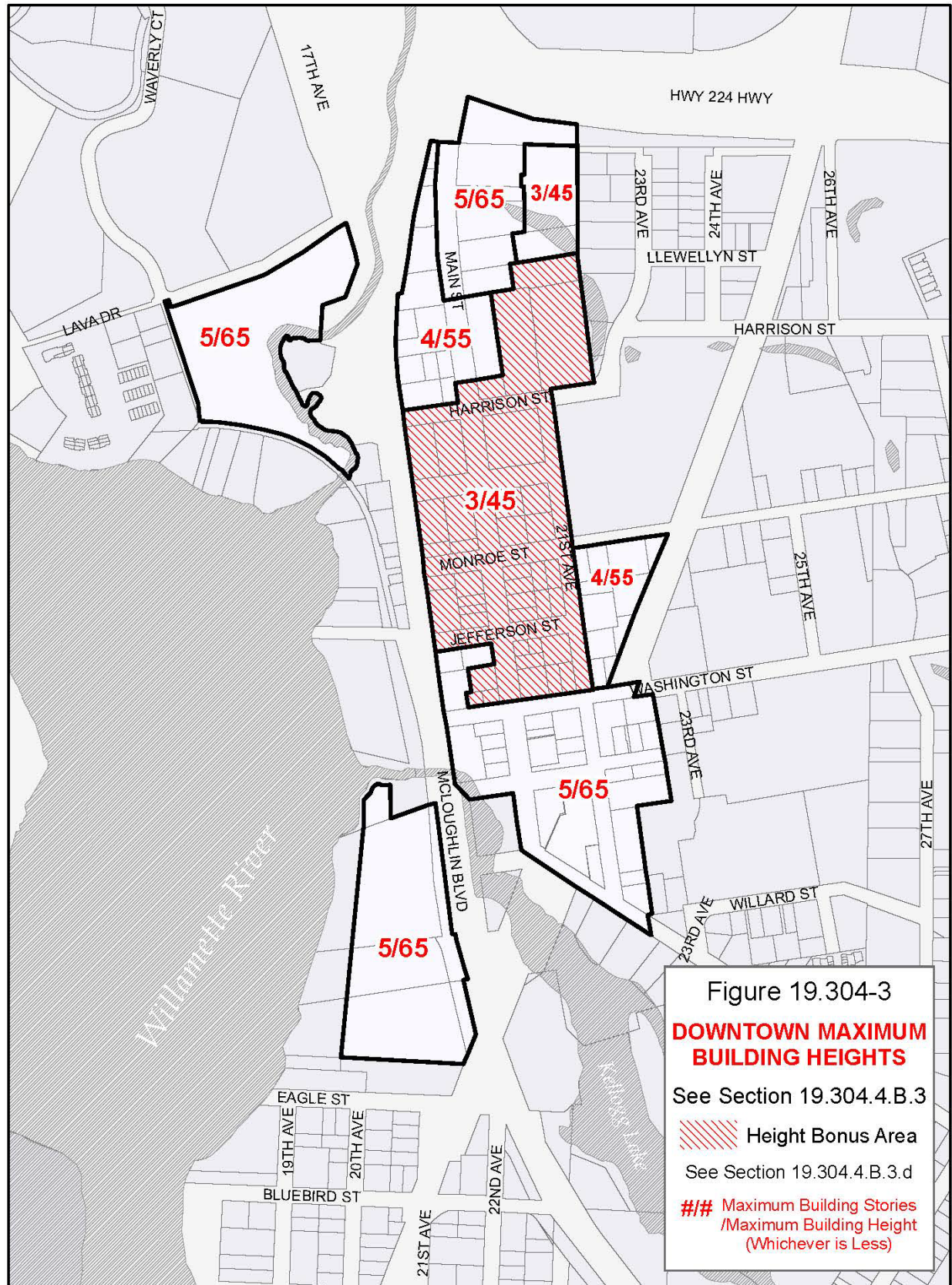


## Proposed Code Amendment



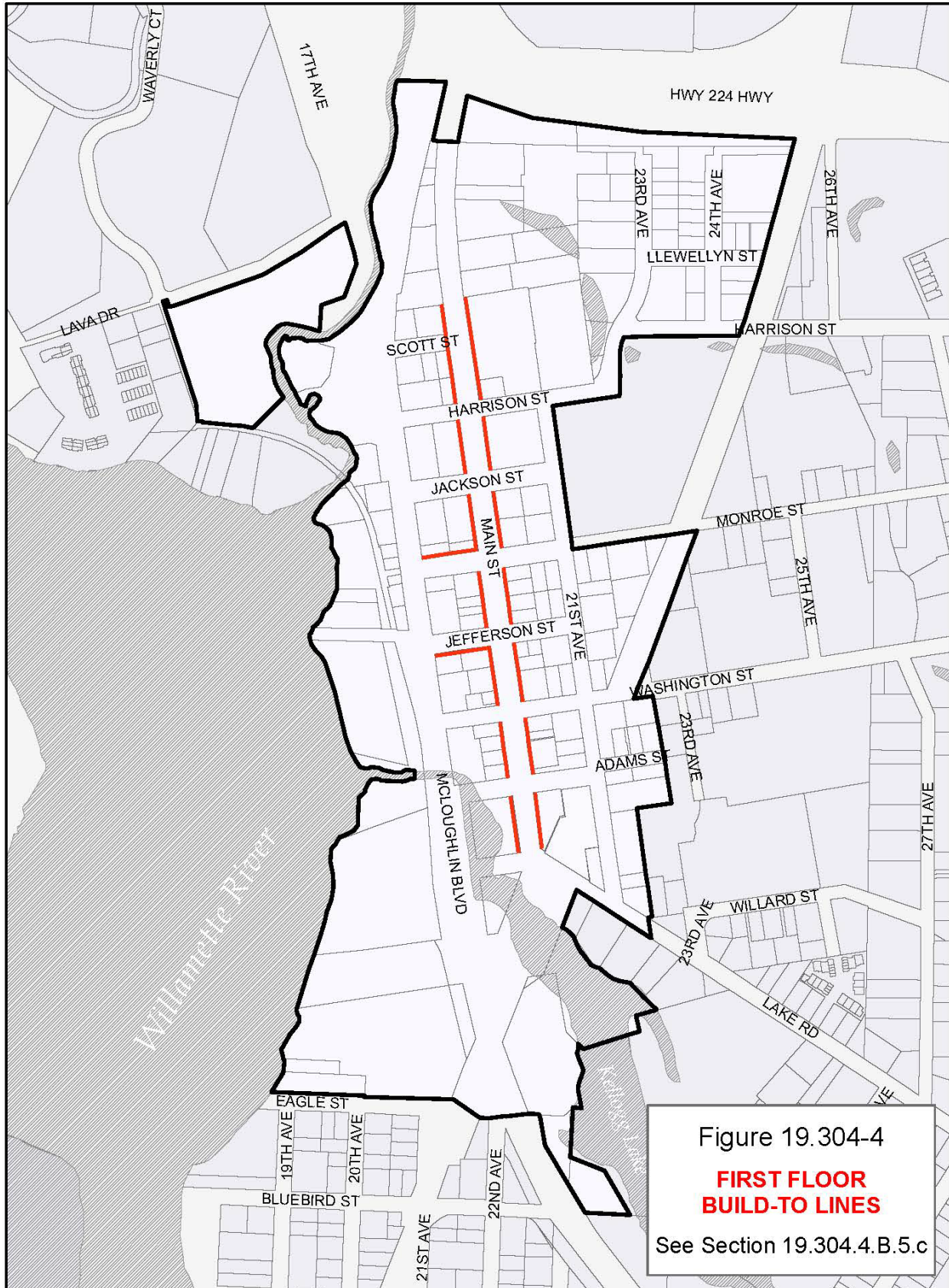


## Proposed Code Amendment



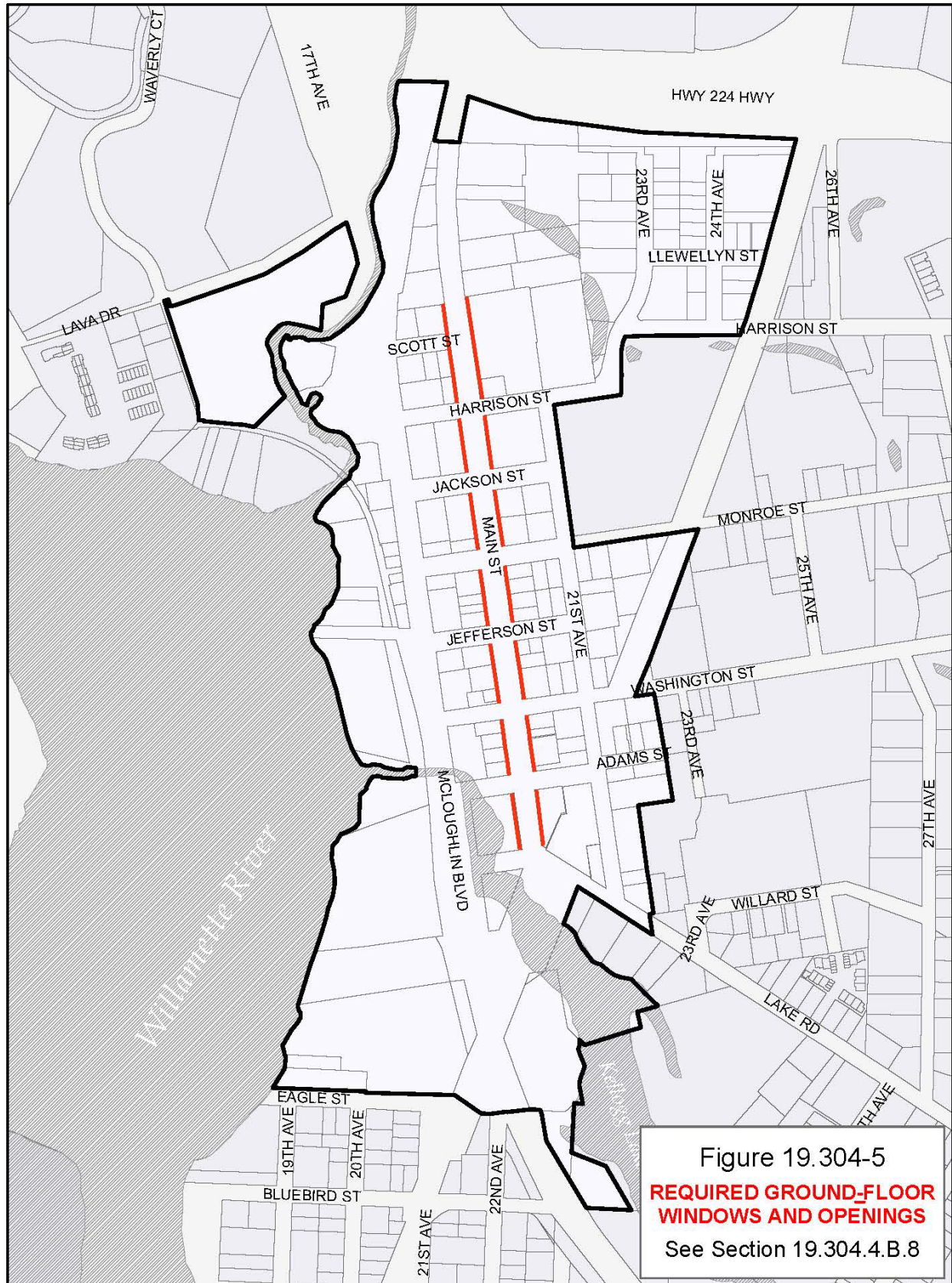


## Proposed Code Amendment





Proposed Code Amendment





---

**Proposed Code Amendment**


---

**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 19.304.4 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 19.304.4 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 and public parks and plazas.

**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 19.304.4. 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.

## Proposed Code Amendment

---

- c. Maximum building heights are specified in Table 19.304.4 and illustrated on Figure 19.304-3. If there is a conflict between Table 19.304.4 and Figure 19.304-3, the maximum building height provisions of Figure 19.304-3 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 19.304-3 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 19.304-1). The maximum density for the residential transition area shall be 30 units per acre.
- b. Minimum densities for stand-alone multifamily 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 19.304-4). 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 19.304-4. 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

## Proposed Code Amendment

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. Spaces for Ground-Floor Active Uses ~~Retail/Restaurants~~

Spaces that accommodate active uses ~~Retail uses and eating/drinking establishments~~ are required at the ground floors of buildings fronting on Main Street and identified on Figure 19.304-2. 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 no less than 75% of the ground-floor space in a new building fronting Main Street meets the following requirements.

- a. The ground-floor height must be at least 12 feet, 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). 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.

For block faces identified on Figure 19.304-5 (Ground-Floor Windows and Openings), the exterior wall(s) of the building facing the street/sidewalk must meet the following standards:

- a. 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.
- b. Doors and/or primary entrances must be located on the block faces identified on Figure 19.304-5, and must be unlocked when the business located on the premises is open. Doors/entrances to second-floor residential units may be locked.

## Proposed Code Amendment

---

- c. Clear glazing is required for ground-floor windows. Nontransparent, reflective, or opaque glazings are not permitted.
- d. Ground-floor windows for buildings on the block faces identified on Figure 19.304-5 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 19.304.4.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~~ Milwaukie Downtown and Riverfront Plan: Public Area Requirements.

---

**Proposed Code Amendment**


---

- 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.

### 19.304.5 Public Area Requirements

#### A. Purpose

The Milwaukie Downtown and Riverfront Plan: Public Area Requirements (PAR) is an ancillary document to the Milwaukie Comprehensive Plan. The purpose of the PAR is to ensure that, as revitalization occurs in downtown, 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 PAR 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 rights-of-way included in the PAR shall be consistent with the PAR 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~~

~~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~~

## Proposed Code Amendment

---

~~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 19.702.2-3 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 encourage new uses in, and revitalization of, existing structures in downtown and to recognize that the transportation infrastructure in downtown is more complete than in other areas of the city.

##### B. Exemptions

---

**Proposed Code Amendment**


---

1. For expansions or conversions that increase the combined gross floor area 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**

No 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.

1. Subsequent development is exempt per Subsection 19.702.3.B.1 if the total floor area of the initial development and subsequent development does not exceed 3,000 sq ft.
2. Subsequent development is not exempt per Subsection 19.702.3.B.1 if the total floor area of the initial development and subsequent development is greater than 3,000 sq ft. Review per Chapter 19.700 is based on all floor areas that are involved with the development.

**19.702.4~~3~~ 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 only be required to provide transportation improvements that are 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 section using the standards and guidelines contained in Section 19.708. On-site frontage improvements are not required for downtown development that is exempt per Subsection 19.702.3.B.

---

## Proposed Code Amendment

---

### 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 implement the streetscape design of the Milwaukie Downtown and Riverfront Plan: Public Area Requirements (PAR). 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 (PAR) per Subsection 19.304.5.

##### 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 (PAR) 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 PAR 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 PAR 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.

D. 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 subsection shall be for one of the following expenses.
1. The total amount paid to the City by the party or parties requesting reimbursement 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 a 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 a receipt for 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 be effective for one year from \_\_\_\_\_, 2012, the effective date of Ord. # \_\_\_\_\_. On the 365th 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.

## **"Clean" Amendments**

### **Zoning Ordinance**

#### **CHAPTER 19.300 BASE ZONES**

##### **19.304 DOWNTOWN ZONES**

###### **19.304.1 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. 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.

###### **19.304.2 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 19.304-1. 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 pedestrian-oriented uses, such as retail, restaurant, and offices, are encouraged on the ground floors of buildings fronting on Main Street with storefront design standards. Residential uses are allowed only on upper floors. Warehousing and 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. These uses include rowhouses and multifamily 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)**

## Proposed Code Amendment

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. 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 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.

## 19.304.3 Uses

### A. Permitted Uses

Uses allowed in the downtown zones are listed in Table 19.304.3 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 19.304.3 Downtown Zones—Uses					
Use Categories	Downtown Storefront	Downtown Commercial	Downtown Office	Downtown Residential	Downtown Open Space
<b>Residential</b>					
Rowhouse	L[1]	N	N	L[1]	N
Multifamily	L[2]	P	N	P	N
Senior and retirement housing	N	P	N	P	N
Second-floor housing	P	P	P	P	N
<b>Commercial/Office</b>					
Automobile repair	N	L[3]	N	N	N
Commercial recreation	P	P	P	N	N

**Proposed Code Amendment**

Eating/drinking establishment	P	P	L[4]	N	N
Financial institution	P	P	P	N	N
Theater	P	P	P	N	N
Hotel/motel	N	P	P	N	N
Office, professional and administrative	P	P	P	L[5]	N
Parking facility	P	P	P	N	L[6]
Personal/business services	P	P	P	L[5]	N
Retail trade	P	P	L[4]	L[5]	N
Manufacturing and production	L[7]	L[7]	L[7]	L[7]	N
<b>Other</b>					
Community service uses	L[8]	L[8]	L[8]	L[8]	L[8]
Day care/childcare	L[9]	L[9]	L[9]	L[9]	N
Marinas, boat ramp	N	N	N	N	P
Parks, plazas, open space	P	P	P	P	P

**B. Limited Uses**

Uses that are allowed subject to limitations are listed in Table 19.304.3 with an “L.” These uses are allowed if they comply with the limitations listed in Subsection 19.304.3.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 19.304.3 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 19.304.3. The unlisted use shall be subject to the standards applicable to the similar listed use.

**G. Use Limitations**

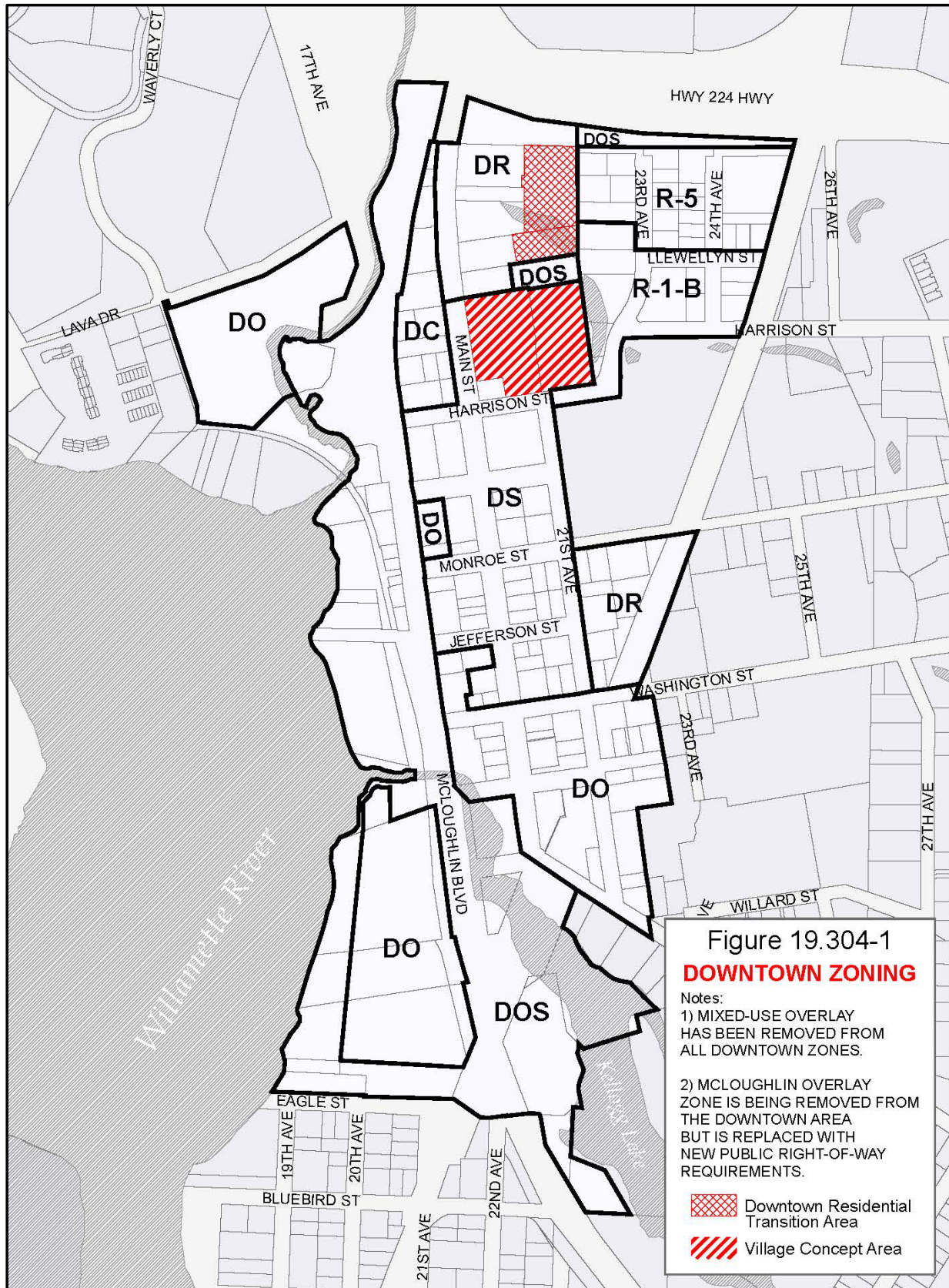
## Proposed Code Amendment

---

The following provisions describe the use limitations and correspond with the footnote numbers for uses listed with an “L” in Table 19.304.3.

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” on Figure 19.304-1). 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 19.304-1). Townhouses shall not be located within 50 ft of the Main Street frontage within the “Village Concept Area.”
2. Multifamily 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 19.304-1.
3. 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.
4. In the Downtown Office Zone, eating and drinking establishments and retail trade uses are limited to 10,000 sq ft in floor area per use on the ground floor.5. 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 an individual office, personal service, or retail use may not exceed 5,000 sq ft in floor area. Home occupations are permitted in accordance with Section 19.507 of this title.
6. Parking facilities in the Downtown Open Space Zone are limited to surface lots.
7. Manufacturing and production are only permitted in combination with a retail or eating/drinking establishment use.
8. A new community service use, or expansion/alteration of an existing community service use, 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 sq ft.

## Proposed Code Amendment



## Proposed Code Amendment

### 19.304.4 Development Standards

#### A. Purpose

The development standards address several issues of particular importance to maintaining the appropriate character for the downtown zones. Table 19.304.4 summarizes the development standards that apply in the downtown zones.

Table 19.304.4 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 <sup>1</sup>	None
2. Minimum street frontage	15'	30'	30'	15'/30' <sup>1</sup>	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 19.304-3)					
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 19.304-4)					
Minimum	0'	0'	0'	0'	0'
Maximum	10'	50'	10'	None	None
7. Other setbacks (side and rear)	None	None	None	15' <sup>2</sup>	None
8. Spaces for ground-floor active uses (see Figure 19.304-2)	Yes	Yes	Yes	No	No
9. Ground-floor windows/doors (see Figure 19.304-5)	Yes	Yes	Yes	No	No
10. Drive-through facilities	No	No	No	No	No
11. Off-street parking required	No	Yes	No/Yes <sup>3</sup>	Yes	Yes
12. Landscaping	None	10%	None	15%	20%

<sup>1</sup> 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.

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

<sup>3</sup> 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 19.304.4 is supplemented by the explanation of the development standards provided in Subsection 19.304.4.B below, and the following figures:

Figure 19.304-2—Required Ground-Floor Active Use Areas

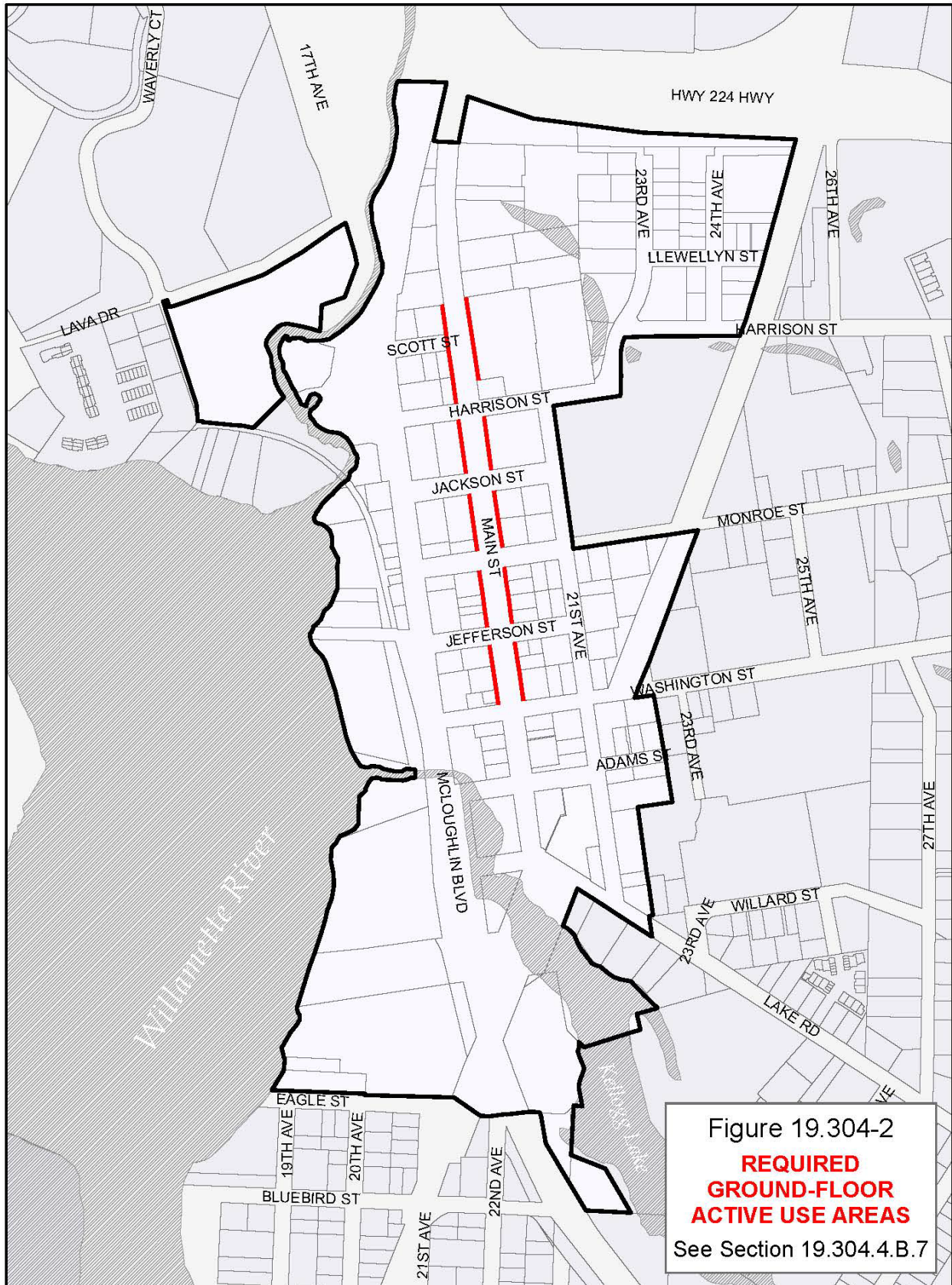
Figure 19.304-3—Maximum Building Heights

Figure 19.304-4—Build-to Lines

Figure 19.304-5—Required Ground-Floor Windows and Openings

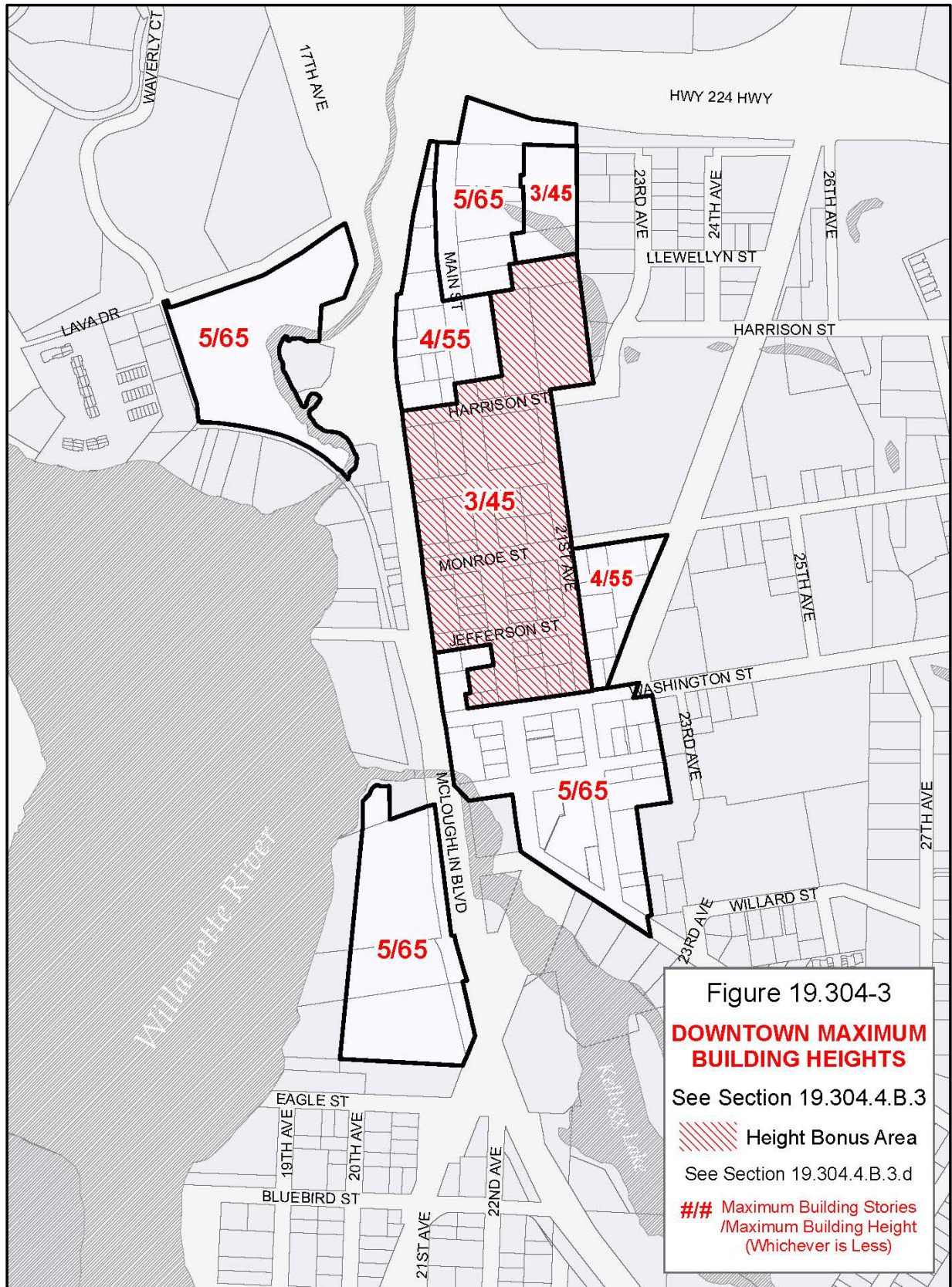


## Proposed Code Amendment



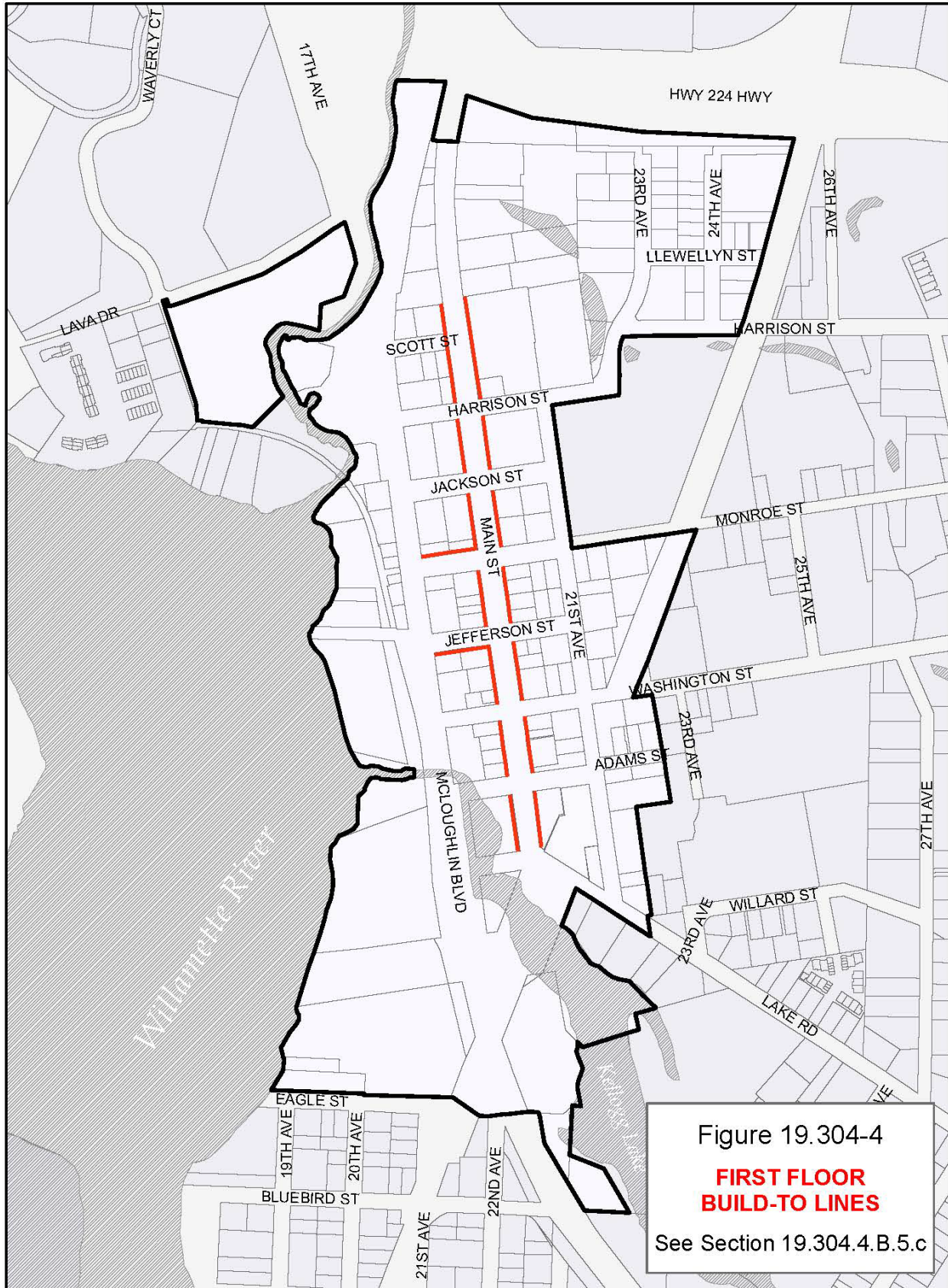


## Proposed Code Amendment



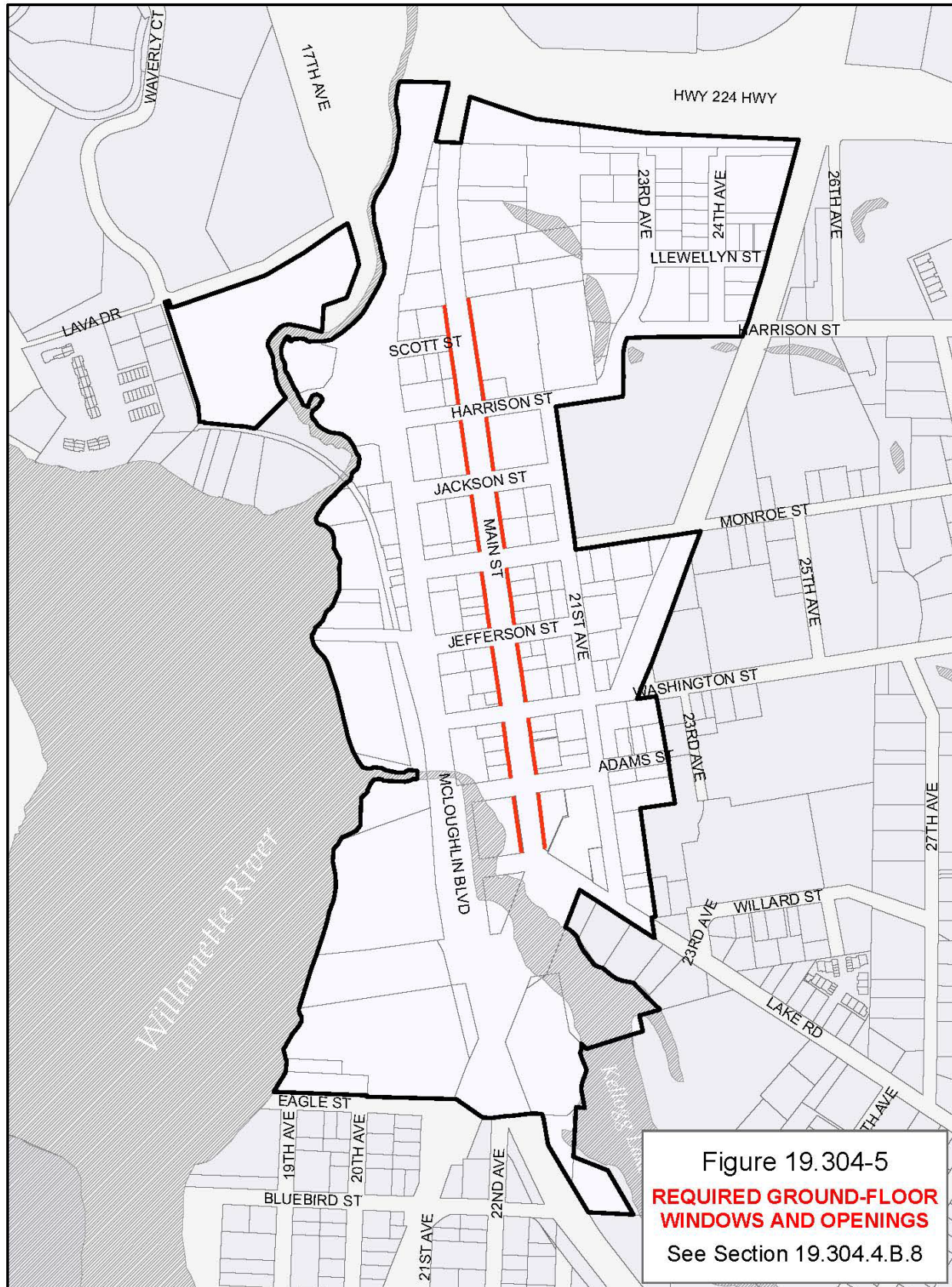


## Proposed Code Amendment





**Proposed Code Amendment**



**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 19.304.4 as further described below.

- a. New lots in the Downtown Storefront Zone and townhouse lots in the Downtown Residential Zone (in the Downtown Residential Transition 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) 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 19.304.4 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: commercial parking facilities and public parks and plazas.

**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 19.304.4. 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.
- c. Maximum building heights are specified in Table 19.304.4 and illustrated on Figure 19.304-3. If there is a conflict between Table 19.304.4 and Figure 19.304-3, the maximum building height provisions of Figure 19.304-3 shall control.

## Proposed Code Amendment

---

- d. An opportunity is provided for a height bonus in a defined area of the downtown plan. For the area identified on Figure 19.304-3 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 19.304-1). The maximum density for the residential transition area shall be 30 units per acre.
- b. Minimum densities for stand-alone multifamily 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 19.304-4). 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 19.304-4. 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. Spaces for Ground-Floor Active Uses

Spaces that accommodate active uses are required at the ground floors of buildings fronting on Main Street and identified on Figure 19.304-2. 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 no less than 75% of the ground-floor space in a new building fronting Main Street meets the following requirements.

- a. The ground-floor height must be at least 12 feet, 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). 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.

## 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.

For block faces identified on Figure 19.304-5 (Ground-Floor Windows and Openings), the exterior wall(s) of the building facing the street/sidewalk must meet the following standards:

- a. 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.
- b. Doors and/or primary entrances must be located on the block faces identified on Figure 19.304-5, and must be unlocked when the business located on the premises is open. Doors/entrances to second-floor residential units may be locked.
- c. Clear glazing is required for ground-floor windows. Nontransparent, reflective, or opaque glazings are not permitted.
- d. Ground-floor windows for buildings on the block faces identified on Figure 19.304-5 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

**Proposed Code Amendment**

---

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 19.304.4.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 Milwaukie Downtown and Riverfront Plan: 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.

**19.304.5 Public Area Requirements****A. Purpose**

The Milwaukie Downtown and Riverfront Plan: Public Area Requirements (PAR) is an ancillary document to the Milwaukie Comprehensive Plan. The purpose of the PAR is to ensure that, as revitalization occurs in downtown, 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 PAR is implemented through Chapter 19.700 and the Milwaukie Public Works Standards.

**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 rights-of-way included in the PAR shall be consistent with the PAR as implemented in the Milwaukie Public Works Standards.

---

## **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 or a change or intensification in use that results in any one of the following. See Subsections 19.702.2-3 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 encourage new uses in, and revitalization of, existing structures in downtown and to recognize that the transportation infrastructure in downtown is more complete than in other areas of the city.

**B. Exemptions**



## **Proposed Code Amendment**

---

1. For expansions or conversions that increase the combined gross floor area 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**

No 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.

1. Subsequent development is exempt per Subsection 19.702.3.B.1 if the total floor area of the initial development and subsequent development does not exceed 3,000 sq ft.
2. Subsequent development is not exempt per Subsection 19.702.3.B.1 if the total floor area of the initial development and subsequent development is greater than 3,000 sq ft. Review per Chapter 19.700 is based on all floor areas that are involved with the development.

## **19.702.4 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 only be required to provide transportation improvements that are 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 section using the standards and guidelines contained in Section 19.708. On-site frontage improvements are not required for downtown development 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 implement the streetscape design of the Milwaukie Downtown and Riverfront Plan: Public Area Requirements (PAR). 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 (PAR) per Subsection 19.304.5.

#### **D. Development in Non-Downtown Zones**

Development in a non-downtown zone that has frontage on a street section shown in the (PAR) 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 PAR for that street frontage. The following general provisions apply only to street frontages that are not shown in the PAR 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.
- D. 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.

## **Proposed Code Amendment**

---

### **19.710.2 Reimbursement Amount**

- A. Reimbursement by the City under this subsection shall be for one of the following expenses.
  - 1. The total amount paid to the City by the party or parties requesting reimbursement 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 a 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 a receipt for 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 be effective for one year from \_\_\_\_\_, 2012, the effective date of Ord. #\_\_\_\_\_. On the 365th 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.