

**CITY OF MILWAUKIE
PLANNING COMMISSION
MINUTES
Milwaukie City Hall
10722 SE Main Street
TUESDAY, March 24, 2015
6:30 PM**

COMMISSIONERS PRESENT

Sine Bone, Chair
Shannah Anderson
Scott Barbur
Greg Hemer

STAFF PRESENT

Denny Egner, Planning Director
Li Alligood, Senior Planner
Vera Kolas, Associate Planner
Peter Watts, City Attorney

COMMISSIONERS ABSENT

Shaun Lowcock, Vice Chair
Gabe Storm

1.0 Call to Order – Procedural Matters*

Chair Bone 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.milwaukieoregon.gov/meetings>*

2.0 Planning Commission Minutes

2.1 December 9, 2014

It was moved by Commissioner Hemer and seconded by Commissioner Anderson to approve the December 9, 2014, Planning Commission minutes as presented. The motion passed unanimously.

3.0 Information Items

Denny Egner, Planning Director, noted that the public workshop for the Monroe Street Neighborhood Greenway Concept Plan project held the previous week was well-attended. The next Project Advisory Committee (PAC) meeting was scheduled for the following week or so.

The next Moving Forward Milwaukie PAC meeting was scheduled for April 1st to discuss the Neighborhood Main Streets component of the project, which was the third and final component.

Mr. Egner also noted the City Council would discuss the Moving Forward Milwaukie Downtown Plan and Code Amendments and the Medical Marijuana Dispensaries regulations at the next few meetings.

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: Cambridge Ln ADU Variance
Applicant/Owner: Lyndon Murray

Address: 9908 SE Cambridge Ln
File: VR-2015-001, ADU-2015-001
Staff: Vera Kolas

Chair Bone called the hearing to order and read the conduct of quasi-judicial hearing format into the record.

Vera Kolas, Associate Planner, presented the staff report via PowerPoint. The proposed ADU would be located near the existing garage and use the existing driveway and off-street parking. The code required the ADU to be located 10 ft behind the front yard, which would be the façade of the primary dwelling unit or at least 40 ft behind the front lot line; the maximum allowed footprint of an ADU was 800 sq ft. The request was for a variance to the 40 ft setback to allow for a 25 ft front yard setback, and a variance to the maximum footprint to allow for a 1,100 sq ft footprint.

Staff had not identified any negative impacts of the proposal and recommended approval for the proposal with the findings and conditions as presented.

Chair Bone called for the applicant's testimony.

Lindon Murray, applicant and property owner, explained his intent of the proposal and the reasoning for the location of the ADU with regard to the established trees on the property, the original orientation of the home to 17th Ave., etc.

Chair Bone called for public testimony.

James Skinner, 1621 SE McBrod St, lived adjacent to the subject property. The proposed ADU would not impact his property and was in support of the proposal.

Steve Ahmend, 10005 SE Cambridge Ln, inquired as to why the setback variance was necessary on such a large property.

- **Mr. Egner** noted that the intent of the setback requirements; however, those requirements were difficult to apply to this unique property with regard to the layout and position of the existing home on the property. The proposed location seemed to be appropriate on this property.

Chair Bone closed public testimony and opened the Planning Commission discussion.

The Commission agreed that the request was reasonable given the context of the property, the original orientation, and scale of the property.

It was moved by Commissioner Hemer and seconded by Commissioner Barbur to approve application VR-2015-001 and ADU-2015-001 for the Cambridge Ln ADU Variance with findings and conditions as presented. The motion passed unanimously.

5.2 Summary: Kellogg Bike/Pedestrian Bridge Connections
Applicant/Owner: City of Milwaukie, Stacy Bluhm
Address: Kellogg Lake Light Rail Bridge
File: DR-2015-001
Staff: Li Alligood

Chair Bone called the hearing to order and read the conduct of quasi-judicial hearing format into the record.

Commissioner Hemer declared an ex parte conflict that he was a member of the Portland-to-Milwaukie Light Rail (PMLR) citizen advisory committee and had had discussions regarding the pedestrian bridge but noted that those discussions were not in regard to this specific application and design of the connections.

Li Alligood, Senior Planner, presented the staff report via PowerPoint. She oriented the Commission to the bridge noting that the pedestrian bridge platform had been built but the connections had not, which was the focus of this discussion. She reviewed the background of the light rail and pedestrian bridges, and described the project elements for the proposed connections which included galvanized steel railings, ashlar stone-like wall finishes, and round columns. She reviewed the Design and Landmarks Committee (DLC) recommendations as noted, and reviewed the decision-making options for the Commission and comments received.

Commissioner Hemer asked about lighting for the connections.

- **Ms. Alligood** responded that there was a lighting plan approved by the DLC for the bridge and so it was assumed that the same lighting would continue for the connections. However, at this time there was no funding for the lighting.

Chair Bone called for the applicant's testimony.

Brad Albert, Civil Engineering, for Stacy Bluhm, Light Rail Construction Manager, noted the background of the proposed design, budget and design alternatives and constraints, and added that the pedestrian bridge would be owned by the City of Milwaukie.

Staff and the applicant answered questions from the Commission regarding the Milwaukie Black color, galvanized steel, wall construction, and lighting.

Chair Bone called for public testimony.

David Aschenbrenner, 11505 SE Home Ave, was also a member of the PMLR citizen advisory committee and noted that this project needed to be completed. He was in support of the proposed design.

Chair Bone closed public testimony.

The Commission discussed the project elements, and agreed that lighting was essential and emphasized that it should be made a priority.

It was moved by Commissioner Barbur and seconded by Commissioner Hemer to approve application DR-2015-001 for the Kellogg Bike/Pedestrian Bridge Connections with the findings and conditions as presented. The motion passed unanimously.

6.0 Worksession Items

- 6.1 Summary: Moving Forward Milwaukie Central Milwaukie Plan and Code Amendments #2
Staff: Vera Kolias and Denny Egner

Vera Kolias, Associate Planner, presented the staff report via PowerPoint. The focus of tonight's worksession was on the proposed code amendments. She reviewed the project goals, and noted the vision and implementation of the vision.

The proposed code amendments included a new General Mixed Use (GMU) zone, a Flex Space (FS) overlay zone, added permitted uses, and new/revised Development Standards, Design Standards, and land use review procedures. She reviewed the key proposals.

- Update the current zones to a single GMU zone over much of the area, with the Flex Space overlay applied to a portion of the Murphy site. Per public feedback, the R1 and R2 zones of Penzance and Myrtle Streets would remain, as would the C-CS zoning of the Milwaukie Marketplace.
- Development Standards with regard to minimum lot size, building height, street setbacks, residential edge treatments, frontage occupancy requirements, and primary entrances.
- Preliminary Circulation Plans would be a new development regulation to guide site development on large sites by establishing a conceptual plan for access, connectivity, and circulation.

Staff answered questions from the Commission. The group discussed circulation plans and staff explained that they were geared toward future development and were to work together with MMC Chapter 19.700 Public Facility Improvements.

Ms. Kolias reviewed the proposed Design Standards which were similar to those in the Downtown Design Standards with regard to corners, weather protection, exterior building materials, windows and doors, and roofs.

Current land use review procedures were for Type I Development Review throughout the area but for the Murphy and McFarland sites which required a Type III review, which proved to be restrictive to development. The proposed amendments to the review procedures would allow for Type I Development Review throughout the GMU, which currently exists for the C-G zone, with a provision to allow for a Type II variance for design standards.

Ms. Kolias asked the Commission for feedback and direction on key issues, including commercial parking lots, circulation plans, ground-floor windows/doors, applicability of proposed design and development standards, and land use review procedures.

The Commission agreed that commercial parking lots should be a Conditional Use rather than permitted outright as they were currently.

The Commission discussed the merit of Type II review for development in order to notify the neighborhood rather than allowing for only Type I review for all development other than those that required a Type II variance.

- **David Aschenbrenner, 11505 SE Home Ave**, agreed with Commissioners Hemer and Lowcock that Type I review was not sufficient. The Type II review notice gave generally-sufficient information of the proposal and approval criteria for neighbors to review and allowed for public comment.

The Commission agreed to further discuss the development review process and flex space at the next worksession.

7.0 Planning Department Other Business/Updates

8.0 Planning Commission Discussion Items

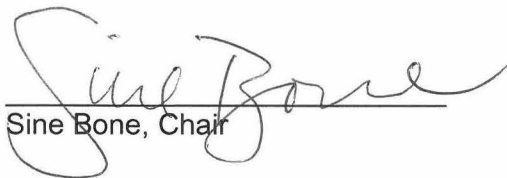
9.0 Forecast for Future Meetings:

- | | |
|----------------|---|
| April 14, 2015 | 1. Worksession: MFM Central Milwaukie Plan and Code Amendments <i>tentative</i> |
| April 28, 2015 | 1. Public Hearing: CPA-2015-001 MFM Central Milwaukie Plan and Code Amendments <i>tentative</i> |

Meeting adjourned at approximately 9:23 p.m.

Respectfully submitted,

Alicia Martin, Administrative Specialist II


Sine Bone, Chair



AGENDA

MILWAUKIE PLANNING COMMISSION Tuesday, March 24, 2015, 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 November 25, 2014~~

2.2 December 9, 2014

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: Cambridge Ln ADU Variance

Applicant/Owner: Lyndon Murray

Address: 9908 SE Cambridge Ln

File: VR-2015-001, ADU-2015-001

Staff: Vera Kolas

5.2 Summary: Kellogg Bike/Pedestrian Bridge Connections

Applicant/Owner: City of Milwaukie, Stacy Bluhm

Address: Kellogg Lake Light Rail Bridge

File: DR-2015-001

Staff: Li Alligood

6.0 Worksession Items

6.1 Summary: Moving Forward Milwaukie Central Milwaukie Plan and Code Amendments

Staff: Vera Kolas and Denny Egner

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:

April 14, 2015 1. Worksession: MFM Central Milwaukie Plan and Code Amendments
tentative

April 28, 2015 1. Public Hearing: CPA-2015-001 MFM Central Milwaukie Plan and Code
Amendments *tentative*

Milwaukie Planning Commission Statement

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

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

Public Hearing Procedure

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

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

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

Milwaukie Planning Commission:

Sine Bone, Chair
Shaun Lowcock, Vice Chair
Shannah Anderson
Scott Barbur
Greg Hemer
Gabe Storm

Planning Department Staff:

Denny Egner, Planning Director
Li Alligood, Senior Planner
Brett Kelter, Associate Planner
Vera Kolias, Associate Planner
Alicia Martin, Administrative Specialist II

**CITY OF MILWAUKIE
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MINUTES
Milwaukie City Hall
10722 SE Main Street
TUESDAY, November 25, 2014
6:30 PM**

COMMISSIONERS PRESENT

Sine Bone, Chair
Wilda Parks, Vice Chair
Shannah Anderson
Greg Hemer
Shaun Lowcock
Gabe Storm
Scott Barbur

STAFF PRESENT

Denny Egner, Planning Director
Li Alligood, Senior Planner
Peter Watts, City Attorney

1.0 Call to Order – Procedural Matters*

Chair Bone 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 September 9, 2014

It was moved by Vice Chair Parks and seconded by Commissioner Hemer to approve the September 9, 2014, Planning Commission minutes as presented. The motion passed unanimously.

3.0 Information Items

Denny Egner, Planning Director, noted that a public workshop for the Monroe Street Neighborhood Greenway Concept Plan was scheduled for December 3, 2014, at the Public Safety Building.

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: 2nd Story Variance
Applicant/Owner: Ron Woodruff/Perry Nordby
Address: 9925 SE 37th Ave
File: VR-14-02
Staff: Li Alligood

Chair Bone called the hearing to order and read the conduct of quasi-judicial hearing format into the record.

Li Alligood, Senior Planner, presented the staff report via PowerPoint. She oriented the Planning Commission to the site and zoning, and explained the proposal for a variance to the street side yard setback. She explained that R-7 zoning called for 20 ft side yard setback but this section of Harvey St required an additional setback to allow for future street-widening which resulted in a 25 ft setback to this property. The existing home encroached in the setback but was legal due to being built before these standards.

Ms. Alligood reviewed a previous variance request approved by the Commission that allowed for a reduction of the side yard setback to allow for the garage to come in line with the rest of the house. She displayed the previous drawings and site plans as submitted for approval and permits that included the single-story garage addition. However, the actual construction resulted in a second story addition and therefore was not substantially conforming to the approved plans. A stop work order had been placed on the project. The Planning Director determined that an additional Type III Variance Request application would be needed for the addition story.

Ms. Alligood added that the applicant had requested a total of three variances: extending the existing nonconformity by adding the second story, and two variances to the front yard and rear yard setback to construct a covered patio.

Staff did not identify any negative impacts of the proposed variance and no mitigation of any impacts was required. Staff recommended approval with the recommended findings and conditions of approval. Ms. Alligood reviewed the decision-making options.

Vice Chair Parks clarified that none of these variance requests would encroach more into the side yard setback.

Commissioner Lowcock asked why the need for the second story.

Perry Nordy, Applicant, noted that it would be for additional living space. He would have preferred to wait for approval of the second story by the City but the builder and architect built it anyway.

Chair Bone called for public testimony.

David Vidan, Copacetic Construction, 3958 SE Wake St, explained how it was decided to add a second story and felt that there was no negative impact to the neighbors. He acknowledged that the permitting process was gone about incorrectly but asked that they be allowed to proceed with the project.

Stephanie and Daniel Nadue, 3503 SE Harvey St, were in support of the project and felt that it improved the neighborhood.

Chair Bone closed public testimony.

Commissioner Lowcock thought that most of the issues were sorted out through the previous variance request. He wanted to see the project completed.

Commissioner Storm would like to have heard from the neighbor as a second story was impactful but acknowledged that they had the opportunity to comment and did not.

The Commission felt that the second story was in proportion and appealing.

Commissioner Storm noted that he was concerned of setting precedent for building first and asking for approval later.

Commissioner Barbur agreed but thought that the applicants learned their lesson.

It was moved by Vice Chair Parks and seconded by Commissioner Hemer to approve the 2nd Story Variance application VR-14-02 for 9925 SE 37th Ave with the findings and conditions as presented.

Mr. Nordby clarified if the project could now move forward.

Mr. Egner affirmed that given that all of the appropriate building permits were submitted and approved. However, this approval would have an appeal period and therefore moving forward may create risk if an appeal was submitted.

5.2 Summary: Commercial-Limited Zoning Amendment
 Applicant: City of Milwaukie
 File: ZA-14-03
 Staff: Denny Egner

Chair Bone called the hearing to order and read the conduct of legislative hearing format into the record.

Denny Egner, Planning Director, presented the staff report via PowerPoint. He had initiated the proposal at the interest of City Council. The proposal was to add “eating establishments” to the list of permitted uses for three properties in the Limited Commercial C-L zone along 32nd Ave. Initially the issue of adding “eating establishments” to the rest of the C-L zones would have been addressed through the Neighborhood Main Streets component of the Moving Forward Milwaukie project. However, due to the complexity of the downtown and central Milwaukie pieces of that project, the Neighborhood Main Streets work has been delayed until the spring of 2015. This proposal was initiated to address properties at the corner of 32nd Ave and Olsen St as an interim solution that was intended to rectify a problem with the existing nonconforming uses. He explained why this application was being reviewed as a Type III map amendment and reviewed the approving criteria including compatibility with the surrounding area and lack of alternative sites available.

Mr. Egner reviewed the staff recommendation for approval of the findings and text amendments with limitations on drive-through uses and size. He noted the decision-making options.

Chair Bone verified that this area could change again overall once the Moving Forward Milwaukie project covered this portion of the project.

Mr. Egner concurred and noted that there would need to be much thought and public outreach as part of that project to determine what the community wanted for that area.

Mr. Watts clarified that although the text for the zone was being changed under this application, it would only apply to three specific properties.

Commissioner Hemer asked if it would then be possible to remove these uses in the future.

Mr. Egner responded that that could happen but did not believe it would.

Commissioner Hemer noted that staff was making an assumption that eating and drinking establishments would indeed be allowed in the C-L zone.

Mr. Egner replied that was not necessarily the case and that was why staff limited this application to these few properties. However, he knew it would be part of the Moving Forward Milwaukie project and that there was interest by members of the Council to address the nonconforming uses in that area.

Ms. Alligood clarified that the basis of understanding was the Neighborhood Main Streets project in 2012 that addressed this area. Project participants expressed strong support for uses such as restaurants and coffee shops and other uses that were not currently allowed. Staff therefore felt that that supported this approach specific to eating establishments, not drinking establishments.

Mr. Egner and Ms. Alligood reminded the Commission that the trip generation estimate noted in the staff report was based on the ITE Manual which was based on a broad variety of scenarios across the country and so they believed overestimated the trips.

Chair Bone asked if there was any public comment received.

Mr. Egner noted one comment in support was received.

Chair Bone called for public testimony.

Liz Martin, Liz's Creative Café, 9401 SE 32nd Ave, thanked staff for their work on this application. She noted that the café was currently 1500 sq ft with no plan to expand. Her original plan for the café included hosting art and wine parties. However, since the land use compatibility statement to allow for alcohol was denied, she had to reconfigure her business plan. She had no intention of changing it into a bar; it was a family establishment with a kids play area, and hosted mom groups, etc. There had been a lot of community support for the café. She appreciated the Commission's consideration.

Chair Bone read a comment in support from April Ariel.

Chair Bone closed public testimony.

The Planning Commission deliberated.

Commissioner Hemer did not understand why the other two properties were included in this application. It was clear what the intent for one of the properties was, but the future of the other two properties was unknown.

Mr. Watts explained the implications of the scenarios under the zone change.

The Commission and staff verified that any change of use or expansion of these properties would trigger traffic impact and parking review.

Chair Bone called for a straw poll on the 3250 sf size limit. The majority of the Commissioners were in favor with Commissioners Storm and Barbur opposing.

It was moved by Commissioner Lowcock and seconded by Commissioner Anderson to recommend approval to City Council of legislative application ZA-14-03, for amendments to the Commercial-Limited Zone to allow eating establishments, with the recommended findings and conditions as presented. The motion passed with Commissioner Hemer opposing.

6.0 Worksession Items

7.0 Planning Department Other Business/Updates

Vice Chair Parks reminded the Commission of the Monroe Street Neighborhood Greenway project open house on December 3rd, 2014.

8.0 Planning Commission Discussion Items

Commissioner Lowcock asked for an update on the Wine:30 parklet.

Mr. Egner responded that it had been removed as part of the program's requirements. An extension had been requested but was denied by City Council. He noted it was a pilot program and would need to be reviewed again in order to make any changes that were found to be needed. He felt the program was a success but there had been concern about parking from some businesses.

9.0 Forecast for Future Meetings:

- | | |
|------------------|--|
| December 9, 2014 | 1. Public Hearing: ZA-14-03 Commercial-Limited Zoning Amendment <i>continued tentative</i> |
| | 2. Public Hearing: DR-14-07 Reliable Credit Parking Lot |
| | 3. Worksession: CPA-14-02 Moving Forward Milwaukie Downtown Plan and Code Amendments |
| January 13, 2014 | 1. Public Hearing: DR-14-07 Reliable Credit Parking Lot <i>continued tentative</i> |
| | 2. Public Hearing: CPA-14-02 Moving Forward Milwaukie Downtown Plan and Code Amendments #1 |

Meeting adjourned at approximately 8:13 p.m.

Respectfully submitted,

Alicia Martin, Administrative Specialist II

Sine Bone, Chair

**CITY OF MILWAUKIE
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Milwaukie City Hall
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TUESDAY, December 9, 2014, 2014
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Greg Hemer
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STAFF PRESENT

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2.0 Planning Commission Minutes**3.0 Information Items**

Denny Egner, Planning Director, noted that the Monroe Street Neighborhood Greenway Concept Plan project open house on December 3rd was well-attended and commended Vice Chair Parks on chairing the meeting. He added that there was a split opinion on the project so far but there was good feedback received. The consultant team and advisory committee would work on a draft concept plan to bring back to the public in the next few months.

Vice Chair Parks stated that it was a good meeting and added that a number of attendees lived elsewhere in Milwaukie but saw the need for improvements along Monroe St.

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: Reliable Credit Parking Lot
Applicant/Owner: Sisul Engineer/ L&B Holzman LLC
Address: 10605 SE Main St
File: DR-14-07
Staff: Vera Kolias

Chair Bone called the hearing to order and read the conduct of quasi-judicial hearing format into the record.

Commissioner Barbur stated that, as a member of the Historic Milwaukie Neighborhood District Association (NDA), he declared an ex parte contact because the applicant had attended the July 14, 2014, NDA meeting and discussed the demolition of the building. However, he did not participate in the discussion and abstained from the vote of the NDA.

Commissioner Hemer declared that he spoke with Val Ballestrem, a Design and Landmarks Committee (DLC) member, and had discussed the design review meeting. The information discussed was no different than what was reflected in the DLC minutes provided in the meeting packet.

Vera Kolias, Associate Planner, presented the staff report via PowerPoint. She oriented the Commission to the project site and to the area zoning and uses. She reviewed the proposal to construct a surface parking lot for employees which would include landscaping and additional lighting. She noted that a surface parking lot was a permitted use in this location. The proposal required Downtown Design Review but demolition of the existing building only required a permit issued by the Building Official. A revised site plan was submitted at the DLC meeting and included a seat wall along Main St to the corner of Scott St and more ornamental light fixtures.

Ms. Kolias reviewed the approval criteria of compliance with Title 19 and with Downtown Design Guidelines. She identified key issues for the Commission to address with regard to the Downtown Design Guidelines:

- Did the proposed design reinforce Milwaukie's sense of place and provide human scale to the pedestrian environment?
 - Ease of access to the building and sidewalks was addressed in the proposal.
 - The landscaping, seat wall, and lighting provided enclosure, human scale, and safe and comfortable places where people could stop to sit or rest.
 - The DLC recommended a façade wall that would mimic a storefront to provide the street wall, and for the applicant to submit two alternative designs upon submittal of the development review applications.
 - The parking lot as proposed did not provide enough unique qualities or interest to meet the character guidelines.
 - **Ms. Kolias** displayed examples of alternative edge treatments of structural wall facades as recommended by the DLC.
- Was the newly proposed lighting consistent with the recommended ornamental style?
 - **Ms. Kolias** displayed the original proposed lighting, which was the same as the existing lighting in the Reliable Credit Parking lot, and the ornamental lighting recommended by the guidelines, which the revised proposal included.
 - The DLC had recommended a combination of the ornamental and utilitarian lighting; the ornamental would be along Main St and the utilitarian lighting would be allowed to provide additional lighting elsewhere in the parking lot.

Ms. Kolias noted that an additional requirement for existing office uses that required a minimum of 44 vehicle spaces and 4 bicycle spaces. A condition for the application was written to address this issue. She reviewed the proposed conditions recommended by the DLC. Several comments submitted were in opposition to the demolition of the building. Staff recommendation was that the proposal complied with the standards and guidelines as conditioned. She reviewed the decision-making options.

Ms. Kolias answered questions of the Commission.

- The DLC recommendation was for a structural wall that would include seating that would satisfy the requirement for a place for pedestrians to sit and rest
- The bicycle parking requirement would apply to the entire site, but should be located near the building.
- There would be a total of 34 parking spaces for the entire site, and the number of required vanpool/carpool parking spaces was included.

Chair Bone called for the applicant's testimony.

Lee Holzman, owner of Reliable Credit and subject property, 2542 SW Hillcrest Dr, Portland, was concerned about available parking in the area around his business once the block to the south at Main St and Harrison St was developed by Metro and the City of Milwaukie. He was doing what he could to minimize that impact for his customers and employees. He noted that there was dialogue with the City to explore other options but those options would need to be long-term solutions. If the parking lot was in fact constructed, he would ensure it would look as pleasing as was possible.

Tom Sisul, Sisul Engineering, 375 Portland Ave, Gladstone, addressed the recommendation of the storefront façade and noted that if it was required, the ornamental lighting would be on the backside of the wall and create shadows and block light. There had only been a week to review the DLC's recommendations but his suggestion was to propose the original seat wall and include 4 ft columns that would not block light or sightlines. There was no conflict with the remaining conditions and was willing to adhere to the recommendations.

The applicants answered questions of the Commission.

- Of the 21 current spaces, there were only 10 spaces exclusively for employees. By adding the 13 spaces with this proposal, it would preserve the current customer parking.
- The parking lot would be available for use after business hours; people park in the current lot for the farmers market, etc.
- Regarding the narrow lot, most of the measurements for the proposal were near minimum. The intent of the proposed lot was for employee parking whereas customer parking would be near the entrance to the building. Therefore, there may be less pedestrian frequency in this lot.
- Electric vehicle parking had not been considered but that could be retrofitted later on.
- The shoebox light style was proposed in order to reduce light pollution into the residential units across the street. The recommended ornamental fixtures spread light wider and therefore may result in more shadows. If the shoebox fixtures were used alongside the recommended wall, they would serve to light the parking stalls only rather than provide light along Main St.
- Regarding alternative transportation of the employees, there was one bike rider, one bus rider, and one employee that intended to take light rail once service began.

Mr. Egner clarified that the Commission had the final decision authority; and the DLC recommendation was for the development review return to the Committee but it was up to the Commission to decide if that should occur.

Chair Bone called for public testimony.

Neutral:

Denise Baker, 10606 SE Main St, appreciated the recommended modifications to the proposal, and the applicants for their open communication. She understood that the owner's concerns; however, she saw the amount of people that did business at Wind Horse Coffee, Roger & Ives, and Casa de Tamales. The owner had rights but the guidelines and community wanted retail businesses, not a wall that mimicked retail storefronts. Forward planning needed to be considered and perhaps there were other options to be considered. A plain parking lot would never make a downtown Main St vibrant.

Charles Mayes, Casa de Tamales, respected the owner and his right to build the parking lot but hoped Mr. Holzman would reconsider. He noted that Casa de Tamales drew most of its customers from outside of Milwaukie, so was a big draw for downtown. Since the proposed parking lot would be available after hours, the owner could provide electricity, water, and gas hookups lot so that it could be used in the future for such things as food vendors. There would be a lot of people that would be put out of work if the parking lot was built. With regard to the number of employees of the owner that drove single-passenger cars, he hoped that Mr. Holzman could better incentivize carpooling, public, or alternative transportation for his employees.

In Opposition:

Roger Thompson, 10606 SE Main St, lived across the street from the property and worked in a business located in the buildings to be demolished. He noted that 90% of the businesses patrons came from outside of the district, which therefore brought customers into the neighborhood that would frequent other businesses. He was a long-time resident and was very encouraged about increased retail on Main St and felt that it was what the downtown really needed. He was concerned as to why employees could not walk to work from other nearby and free parking areas. There were a lot of positive things happening for Milwaukie so removing viable retail on Main St would be detrimental. He encouraged the Commission to mediate with Mr. Holzman to find solutions that would save retail businesses in downtown Milwaukie.

Cheree Heppe, 10606 SE Main St, had lived in Milwaukie since 2012. She asked what kind of people it took to make a community; a resident considered the wellbeing of the community as a whole. Community membership was more than just the exercise of rights; it included the mindful application of responsibility and the best interest was not always served by dollars and cents, but by good will. Not many towns retain specialty businesses like ethnic eateries, amazing coffee shops, and trendy art shops. She assumed most of the applicant's employees were sighted and drove; she stated that she was blind and commutes by bus into Portland and walks 10 blocks to work every day. The parking lot across Harrison St seemed to be a viable option for employee parking and seemed to have availability during the week. Removing part of the charm and uniqueness of Milwaukie and replacing it with a parking lot removed business activity and would spoil livability, viability, and flavor of the town. Sometimes it was not about what can be done but what should be done.

Stephanie Hower, 4185 SE Howe St, noted she was new resident and homeowner in Milwaukie. She saw that the downtown was growing and rebuilding and chose Milwaukie because she saw the direction it was going in. She disagreed that a parking lot that resulted in

the loss of local businesses contributed in any way to a “sense of place” and therefore did not meet the design guidelines. She commuted by public transit and foot year-round and across busy streets and, along with her, many of her coworkers did not have assigned parking. She noted that her employer supported, encouraged, and funded use of alternative transportation. She addressed the applicant to not be a villain of downtown Milwaukie by closing Main St business but to be a hero by working with the City to help create a safer pedestrian experience. She asked the applicant who they expected to be their customers in a growingly-vacant downtown.

Ben Rousseau, 3264 SE Lake Rd, noted he moved to Milwaukie 4 years ago and was drawn by the vibrancy of the farmers market, First Friday event, and other community attractions. He and his family frequented businesses downtown including Wind Horse Coffee, and added that these types of places were important for the community. A parking lot would destroy a sense of place and took the city away from the goals that it was working toward with the Moving Forward Milwaukie project, and would set a negative tone for attracting new businesses to downtown.

Robert Morgan, 10554 SE Main St, noted that he was in opposition to the proposal but believed in rights of ownership as well. He understood the struggles Mr. Holzman had with parking, and added that the government had not been accommodating with regard utilizing to the parking lot across the street from Mr. Holzman’s business and other downtown businesses. However, a façade of demolished businesses would appear like a tombstone. He asked the Commission consider other solutions to the parking issue.

James Knights, 10987 SE 28th Ave, frequented the businesses to be demolished. He was in support of all of the comments given so far. He noted he would be shocked if there was not another solution to satisfy both parties other than removing businesses.

Chair Bone asked for questions from the Commission.

Commissioner Hemer asked how long the decision would stand for if the Commission made a decision.

- **Ms. Kolias** replied that the permit applications would need to be filed within two years of the decision and completion of construction would need to be completed within four years.
- **Commissioner Hemer** verified that the approval then would be "grandfathered in" once the code changes under the Moving Forward Milwaukie project became effective.

Chair Bone closed the public testimony.

The Commission deliberated.

Vice Chair Parks noted that the Commission was charged with looking at the code and how the proposal met the approval criteria, and acknowledged that the property owner had the right to demolition. However, it was both difficult and interesting to listen to the different perspectives on this proposal. As a citizen, she hoped that whatever the outcome of the meeting, the discussions would continue to find other solutions that could satisfy the heart of Milwaukie and the business interests of Milwaukie. She liked the idea of installing utilities in order to provide opportunity for community use. Regarding design, she was more in favor of a structural wall rather than a low wall around the parking lot.

Chair Bone agreed about the structural wall. She referred to the discussions within the Moving

Forward Milwaukie project with regard to urban design and the street wall, to maintain visual interest for the pedestrian. She also agreed that the proposal was difficult to consider; the Commissioners themselves frequented the businesses involved. There was little the Commission could do with the code as it was written today. She commended the applicant for searching for a solution for his employees, but she hoped that he would continue communication with the Mayor and other staff to find other solutions. She commuted and walked to work herself, and recognized there was a safety problem with the intersection at Main St and Harrison St. However, it was unfortunate that these businesses may be lost in the community.

Commissioner Barbur noted the question of the structural wall design element. The seat wall with seating for the pedestrians was important; could the two be combined in order to satisfy both elements. He was also concerned about the safety issues that may come with a wall with regard to lighting and hiding spaces.

Commissioner Hemer noted that the proposal, as far as parking lots, included appealing elements. A wall would hide much of that, including the ornamental lighting elements; a solution could be wall-mounted lighting on both sides of the wall. He asked about the time frame of the approval because he understood that the property owner was planning ahead; the current parking lot being used was an opportunity site for development under the MFM [Moving Forward Milwaukie] project. Demolition and construction of the parking lot would be costly, so his speculation was that the owner was protecting his options. He believed the proposal was approvable by the code and the right of the property owner. Creating a condition to consider including utilities would be ideal.

Commissioner Lowcock noted from a citizen standpoint, he agreed with the public testimony and concern about the loss of business in downtown for a number of reasons, particularly with the goals of the MFM project in mind. However, the Commission was only tasked with reviewing if the proposal met the approval criteria, and it did. He agreed with the safety concerns about a structural wall. He was in favor of providing utilities to the lot in order to facilitate food carts, etc. He recognized that the property owner was being a sound businessman and protecting his options for the future. He hoped that the hearing process would encourage the owner to keep the dialogue with the City open to find solutions in order to keep the businesses alive.

Vice Chair Parks appreciated the concerns about the safety regarding the structural wall.

Mr. Egner reminded the Commission that the DLC recommendation included that the application return to the DLC to review the final design elements once permits were to be submitted. He noted that the Commission could condition that the DLC address the lighting concerns and safety issues. There was flexibility for the Commission.

Chair Bone noted the specific condition 4.C to amend to require lighting and transparency.

Vice Chair Parks noted that the applicant had stated they were willing to work with the community to make the parking lot as fitting as possible and that they were aware of the concern.

Mr. Watts noted that there were a few decision points involved; first, did the Commission want to require a wall; secondly, did they want a seating-height wall or a storefront height wall; and lastly, did they want to send it back to the DLC for final design review.

Mr. Egner clarified that the DLC recommended a wall with storefront openings that included seating areas.

Vice Chair Parks agreed that sending the final design elements back to the DLC was a good condition.

It was moved by Commissioner Hemer and seconded by Vice Chair Parks to approve land use application DR-14-07 for 10605 SE Main St with the findings and conditions as amended by Condition 4A to include "and shall light the sidewalk and the parking lot". The motion passed unanimously.

Commissioner Hemer asked how this approval related to the amendments that were involved with the Moving Forward Milwaukie plan and code amendments.

Li Alligood, Senior Planner, explained that the under current code, surface parking lots were prohibited within 50 ft of Main St south of Harrison St. The existing code treated the area north of Harrison St very differently. The Moving Forward Milwaukie draft code amendments would standardize those requirements to include that prohibition along Main St. She believed that was the reason this application came forward now; once the proposed amendments were approved, this type of application would not be approvable without a variance with high standards.

Commissioner Lowcock asked about the parking lots across from City Hall between Harrison St and Jackson St.

Ms. Alligood responded that the lots were known as the Texaco Site and was approved as a conditional use.

Mr. Egner noted that the Texaco Site was designated as an opportunity site and the City had been approached by developers with interest in the site. Staff would be discussing with City Council early next year about if they would like to move forward with a marketing program for the site. He was unsure what that process would look like, however, and there were some issues to work out if the site were to be developed. He noted that there was a request for the supplemental budget to include funding for an updated downtown parking plan.

6.0 Worksession Items

- 6.1 Summary: CPA-14-02 Moving Forward Milwaukie Downtown Plan and Code Amendments- Downtown & Riverfront Land Use Framework Plan
 Staff: Li Alligood and Denny Egner

Li Alligood, Senior Planner, presented the staff report via PowerPoint and noted that this was the 11th and final worksession of this project. Tonight was to review the proposed amendments to the Downtown and Riverfront Land Use Framework Plan (Framework Plan).

The Commission had requested staff to provide additional information about incentivizing green building, what programs were in place in other similar communities, and what other certification programs were available. **Ms. Alligood** reviewed the results.

- Ashland and Dallas, OR, had density bonuses for residential projects that were Earth Advantage or LEED certified for a variety of green elements. Certification was verified by a third party.

- Earth Advantage and LEED certifications could be applied to residential, commercial, and mixed-use buildings.
- **Ms. Alligood** clarified that 'density' could mean more but smaller units, an additional story, or floor-to-area ratio (FAR).
- **Commissioner Hemer** was concerned about a height bonuses since many citizens were had issue with taller building heights in downtown.
 - **Ms. Alligood** clarified that the proposal was to reduce the building height in downtown to 3 stories but added that proposals for bonuses would be cumulative for green building and open space that could result in a 5 story building; that would be the maximum height in downtown south of North Main Village.
 - **Mr. Egner** added there could be 3 height or FAR bonus options for including residential, green building, or open spaces in the development, and could be cumulative up to an additional 2 stories.
- **Ms. Alligood** noted that she was seeking direction on which bonuses should be included since the draft proposals would be available to the public on Friday, December 12, along with notice of the public hearing.
- **Chair Bone** believed these incentives should be included in the draft proposals and the menu option would be the best method for up to an additional 2 stories. She acknowledged that maybe these bonuses were not aggressive, but hoped that it would make clear to developers that the community was interested in these features and types of development.
- **Ms. Alligood** confirmed the Commission's direction to include incentives for certifiable green building programs, and to present the options as a menu to choose up to 2 of 3 bonuses.

Ms. Alligood continued and presented the proposed amendments to the Downtown and Riverfront Land Use Framework Plan. She summarized the plan that was adopted in 2000 and noted the fundamental concepts about how downtown Milwaukie should function that included the use of anchors and attractors, emphasis on Main St as a healthy retail street, and the importance of connecting downtown to the river. The vision and concepts were implemented through the City's use, design, and development standards.

Ms. Alligood referred to the 2013 project Fresh Look Milwaukie: Downtown Road Map that reviewed the vision for downtown, with the resulting findings that the vision still reflected what the community wanted but the Framework Plan should be refreshed. Three adopted plans that helped to refine the vision and draft the proposed amendments were the Transportation System Plan, the Riverfront Park Master Plan, and the South Downtown Concept Plan. She explained how each plan's policies influenced the refreshed Framework Plan with regard to removal of the downtown transit center, final design and concepts of the Riverfront Park, and the defined character of the light rail station area and projects that would shape that area. Projects that have been completed that implement the vision since the Framework Plan's adoption included the North Main Village, Riverfront Park Phase I, the light rail alignment and station, restoration of Kellogg Creek (initiated) and Johnson Creek (completed). Current projects included planning for Kronberg Park, Riverfront Park Phase II, the Kellogg Bicycle and Pedestrian Bridge, and the Adams Street Connector. She displayed the existing and proposed fundamental concepts map for downtown, noting the importance of south downtown and Adams St and 21st Ave connections, renewed interest in McLoughlin Blvd and the connection to the Riverfront Park, and the concept of gateways at the north and south ends of downtown.

Mr. Egner noted that most of the conceptual illustrations were taken out of the Framework Plan as most of them were no longer applicable or unrealistic.

Ms. Alligood added that the Comprehensive Plan and Framework Plan were intended to be broad policy documents but included detailed schematic designs for individual sites that proved to be confusing and misleading because those designs were not the only way those sites could be developed. Staff proposed to remove those schematics to make the plans more clear in terms of concepts and policies rather than setting unrealistic expectations of what a concept may look like.

Commissioner Lowcock asked how the proposed dam removal affected the concepts for downtown.

- **Ms. Alligood** responded that the Kellogg-for-Coho initiative assumed the removal of the dam and restoration of Kellogg Creek to occur and the project was incorporated into the Framework Plan.
- **Mr. Egner** noted that the project was currently on hold since the dam removal had to be coordinated with a new McLoughlin Blvd bridge. There were a number of state and federal agencies involved with the project and so the regulatory aspect of the project was complex. There was funding for the restoration of the creek but not for the bridge at this time.

Chair Bone requested that the section titles be reconsidered to be more appropriate and indicative.

The Commission agreed that the proposed Framework Plan was concise and more readable.

Mr. Egner and **Ms. Alligood** suggested that the proposed amendments be available to the public in its entirety on Friday December 12th when the public notice was done but for the public hearings be broken up into focus sections. The Commission agreed.

Commissioner Lowcock thanked Ms. Alligood and Mr. Egner for their work on this project.

7.0 Planning Department Other Business/Updates

7.1 Planning Commission Notebook Update Pages

8.0 Planning Commission Discussion Items

9.0 Forecast for Future Meetings:

- | | |
|------------------|---|
| January 13, 2015 | 1. Public Hearing: CPA-14-02 Moving Forward Milwaukie
Downtown Plan and Code Amendments #1 |
| | 2. Public Hearing: DR-14-07 Reliable Credit Parking Lot <i>continued tentative</i> |
| January 27, 2015 | 1. Public Hearing: CPA-14-02 Moving Forward Milwaukie
Downtown Plan and Code Amendments #2 |

Meeting adjourned at approximately 9:33 p.m.

Respectfully submitted,

Alicia Martin, Administrative Specialist II

Sine Bone, Chair



MILWAUKIE

Dogwood City of the West

To: Planning Commission

Through: Dennis Egner, Planning Director

From: Vera Kolias, Associate Planner

Date: March 17, 2015, for the March 24, 2015, Public Hearing

Subject: File: VR-2015-001; ADU-2015-001
Applicant: Lyndon Murray
Owner(s): Lyndon Murray
Address: 9908 SE Cambridge Ln
Legal Description (Map & Taxlot): 1S1E26DB01400
NDA: Historic Milwaukie

ACTION REQUESTED

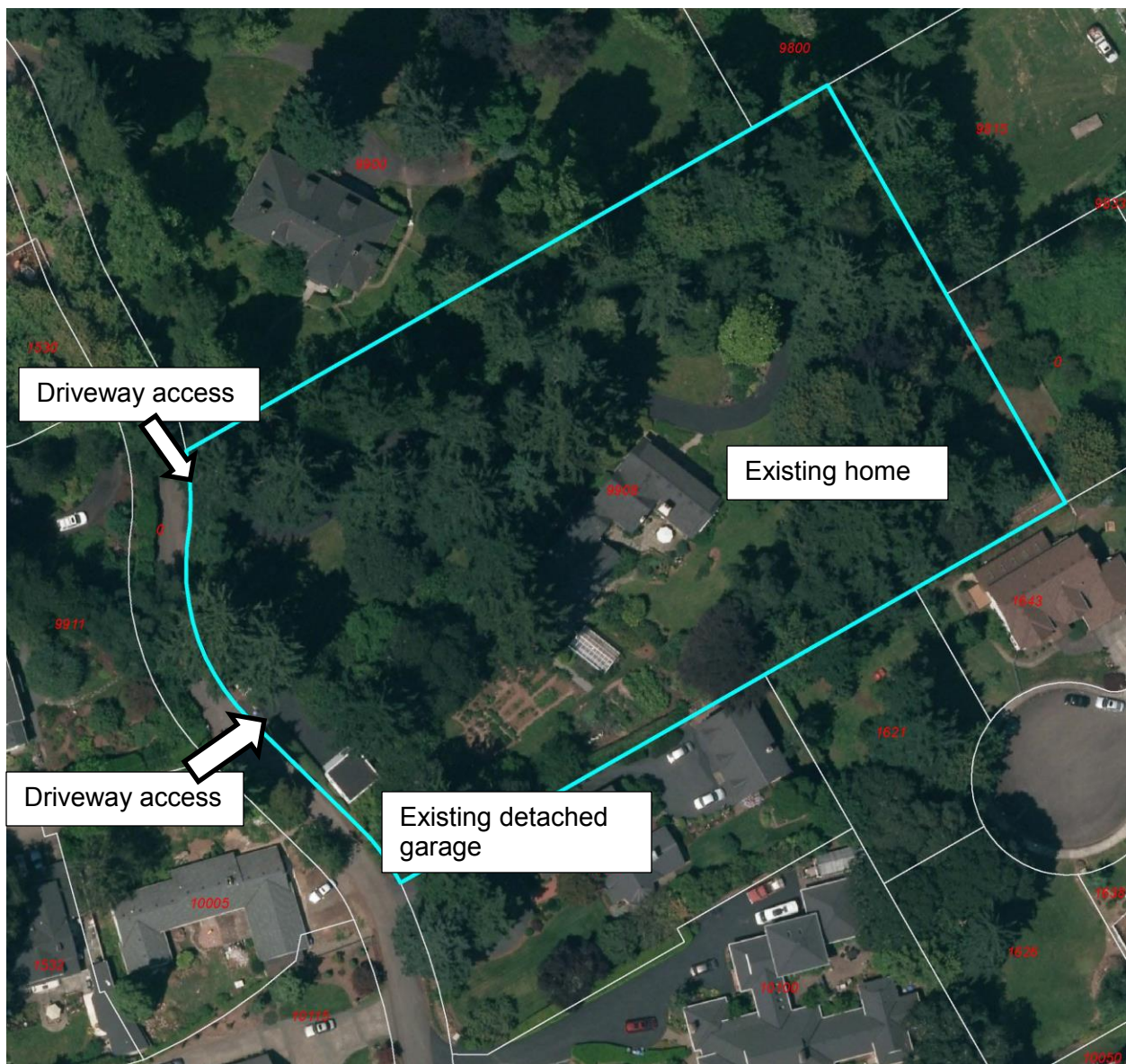
Approve application VR-2015-001 and adopt the recommended Findings and Conditions of Approval found in Attachments 1 and 2. This action would allow for the construction of the proposed 1,105 SF detached accessory dwelling unit (ADU) 25 ft from the front property line.

BACKGROUND INFORMATION

The existing home is located on SE Cambridge Lane, a private road. The property is heavily wooded and is approximately 2.37 acres. The existing home is located in the center of the lot and is listed as a "Contributing" historic property on the City's Cultural Resources Inventory. The home is situated such that the rear of the home faces the roadway.

Also located on the site is a 400 SF garage situated adjacent to Cambridge Ln which has a separate curb cut and driveway from the main house. The proposal is to construct a 1,105-SF detached ADU positioned close to the existing garage utilizing the existing paved access apron and off-street parking (see Figures 1-5).

Figure 1. Existing conditions



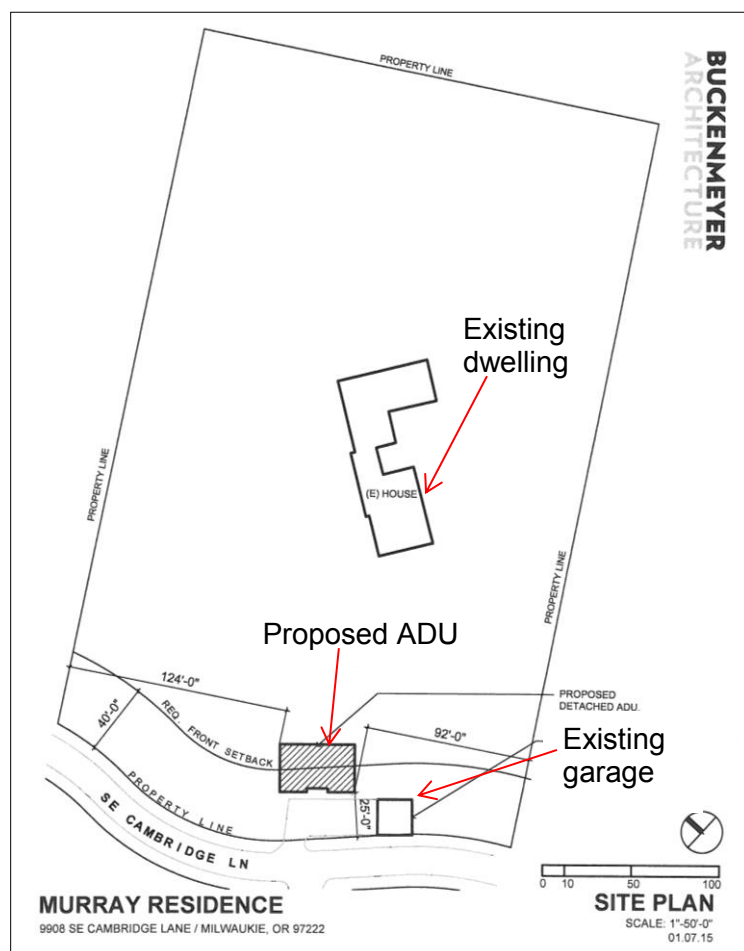
Source: 2014 RLIS data

Figure 2. Existing Conditions – street view



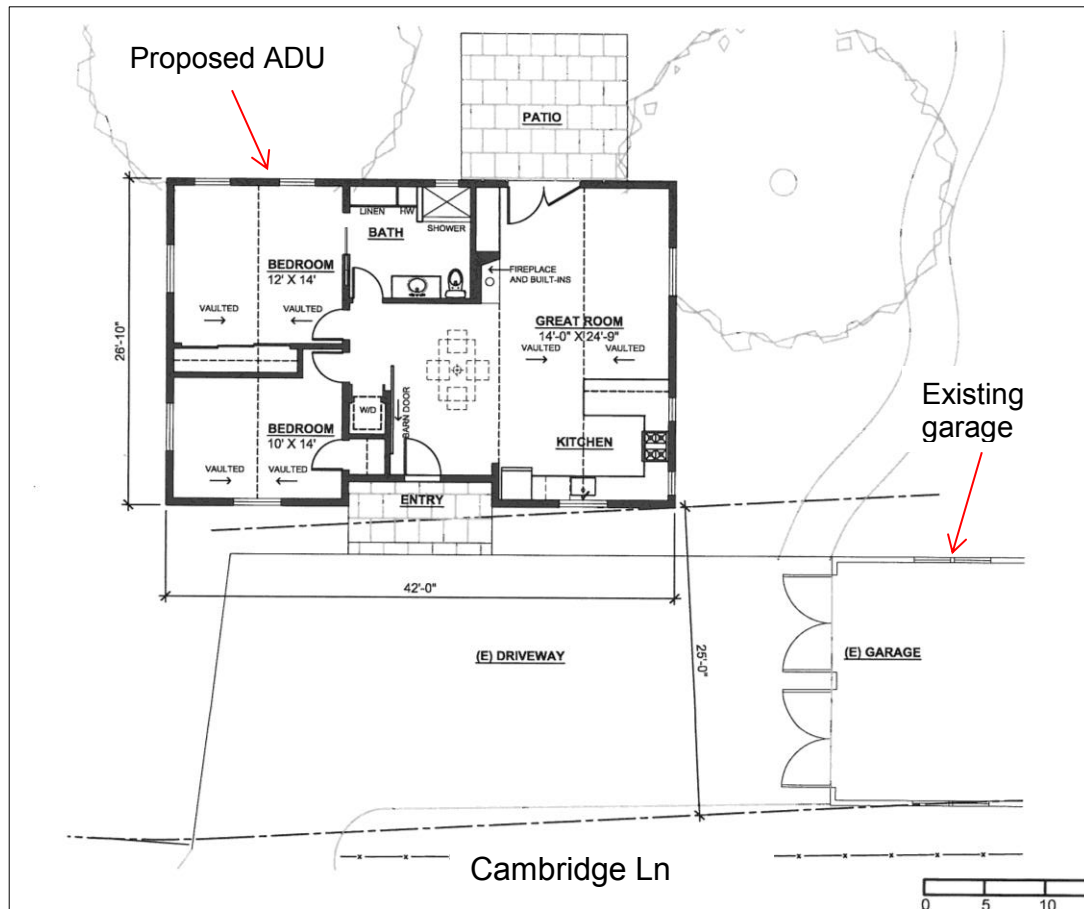
Source: Google Maps Street View

Figure 3. Proposal



Source: Applicant's materials

Figures 4-5. Proposal - Detail



Source: Applicant's materials



A. Site and Vicinity

The subject property is a residential lot zoned Residential R-10 in the Historic Milwaukie neighborhood. The property is located on SE Cambridge Lane, which is a private road. The property is approximately 2.37 ac in area and is developed with a single-family detached dwelling and a detached garage.

The surrounding properties are developed with single-family detached dwellings.

B. Zoning Designation

Residential zone R-10

C. Comprehensive Plan Designation

Low Density Residential LD

D. Proposal

The applicant is seeking land use approvals for a variance to the required front yard setback for an ADU and a variance to the maximum footprint of an ADU. See Attachment 3 for details.

The required front yard setback for a detached ADU is 10 ft behind the front yard (10 ft behind front façade of the primary dwelling) unless located at least 40 ft from the front lot line. The maximum allowed footprint of an ADU is 800 sf.

The proposal includes the following:

1. Variance to the front yard setback from 40 ft to 25 ft and a variance to the maximum footprint of an ADU to permit the construction of a 1,105 sf detached ADU (see Attachment 3).

The proposal requires approval of the following applications:

1. Type III Variance Review: Per MMC 910.1.E.4.b, detached accessory dwelling units are not allowed to exceed any of the maximums associated with a Type II review without approval of a variance.

KEY ISSUES

Summary

Staff has identified the following key issues for the Planning Commission's deliberation. Aspects of the proposal not listed below are addressed in the Findings (see Attachment 1) and generally require less analysis and discretion by the Commission.

- A. Does the proposed variance have any negative impacts?

Analysis

A. Does the proposed variance have any negative impacts?

Staff has not identified any negative impacts of the proposal. Although the ADU is proposed to be located in the front yard less than the required 40 ft from the front property line, the site is heavily wooded and landscaped, the ADU will have no impact on the single-family character of the neighborhood. Further, the location of the ADU exceeds the minimum front yard setback for a primary dwelling unit in the R-10 zone. Its location takes advantage of an existing curb cut and driveway apron, minimizing the need to remove trees and other vegetation.

The existing 8 ft hedge along Cambridge Ln will be maintained and the ADU will be positioned such that there will be minimal sight lines into the property. No houses would directly face the ADU and it is located more than 90 ft from the nearest side lot line. Additional landscaping will be added following construction.

CONCLUSIONS

A. Staff recommendation to the Planning Commission is as follows:

1. Approve the variance review for the construction of the proposed 1,105 SF detached accessory dwelling unit (ADU) 25 ft from the front property line.
2. Adopt the attached Findings and Conditions of Approval.

CODE AUTHORITY AND DECISION-MAKING PROCESS

The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC).

- MMC Section 19.301 Low Density Residential Zones
- MMC Section 19.910.1 Accessory Dwelling Units
- MMC Section 19.911 Variances
- MMC Section 19.1006 Type III Review

This application is subject to Type III review, which requires the Planning Commission to consider whether the applicant has demonstrated compliance with the code sections shown above. In Type III reviews, the Commission assesses the application against review criteria and development standards and evaluates testimony and evidence received at the public hearing.

The Commission has 4 decision-making options as follows:

- A. Approve the application subject to the recommended Findings and Conditions of Approval.
- B. Approve the application with modified Findings and Conditions of Approval. Such modifications need to be read into the record.
- C. Deny the application upon finding that it does not meet approval criteria.
- D. Continue the hearing to April 14, 2015.

The final decision on these applications, which includes any appeals to the City Council, must be made by June 5, 2015, in accordance with the Oregon Revised Statutes and the Milwaukie

Zoning Ordinance. The applicant can waive the time period in which the application must be decided.

COMMENTS

Notice of the proposed project was given to the following agencies and persons: Milwaukie Building Division; Milwaukie Engineering Department; Clackamas Fire District #1; and the Historic Milwaukie Neighborhood District Association Chairperson and Land Use Committee. Notice of the application was also sent to surrounding property owners within 300 ft of the site on March 4, 2015, and a sign was posted on the property on March 4, 2015. No comments were received. Staff will continue to collect comments and will provide any comments received with the Commission at the hearing.

ATTACHMENTS

Attachments are provided as indicated by the checked boxes. All material is available for viewing upon request.

	Early PC Mailing	PC Packet	Public Copies	E- Packet
1. Recommended Findings in Support of Approval	☐	☒	☒	☒
2. Recommended Conditions of Approval	☐	☒	☒	☒
3. Applicant's Narrative and Supporting Documentation dated December 15, 2014 and January 7, 2015. (sent to Planning Commission March 5, 2015)				
a. Narrative – Existing and Proposed Uses	☒	☐	☒	☒
b. Narrative – Accessory Dwelling Units and Type III Variance	☒	☐	☒	☒
d. Site Plan (dated January 7, 2015)	☒	☐	☒	☒
g. Elevations (dated January 7, 2015)	☒	☐	☒	☒
h. Enlarged Plan (dated January 7, 2015)	☒	☐	☒	☒
4. Comments Received	☐	☒	☒	☒

Key:

Early PC Mailing = paper materials provided to Planning Commission at the time of public notice 20 days prior to the hearing.

PC Packet = paper materials provided to Planning Commission 7 days prior to the hearing.

Public Copies = paper copies of the packet available for review at City facilities and at the Planning Commission meeting.

E-Packet = packet materials available online at <http://www.milwaukieoregon.gov/planning/planning-commission-123>.

Recommended Findings of Approval
File #VR-2015-001; ADU-2015-001, 9088 SE Cambridge Ln Variance

Sections of the Milwaukie Municipal Code not addressed in these findings are found to be inapplicable to the decision on this application.

1. The applicant, Lyndon Murray, has applied for relief from the minimum front yard setback for accessory structures and from the maximum size of an accessory dwelling unit (ADU) to construct a 1,105 sf accessory dwelling unit 25 ft from the front property line at 9088 SE Cambridge Ln. This site is in the R-10 Zone. The land use application file numbers are VR-2015-001 and ADU-2015-001.
2. The proposal requires variances to the required 40 ft front yard setback for an ADU in the R-10 zone and the maximum footprint of 800 sf for an ADU.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Section 19.301 Low Density Residential Zones
 - MMC Section 19.910.1 Accessory Dwelling Units
 - MMC Section 19.911 Variances
 - MMC Section 19.1006 Type III Review
4. The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review. Per MMC 19.1001.6, the two applications are being reviewed concurrently according to the highest numbered review type required. A public hearing was held on March 24, 2015, as required by law.
5. MMC 19.301 Low Density Residential Zones
 - a. MMC 19.301 establishes the development standards that are applicable to this site. Table 1 summarizes the existing and proposed conditions on the subject property with respect to the standards relevant to this proposal.

The existing house is centered in the lot and is located more than 200 ft from Cambridge Ln. The existing detached garage is legally nonconforming and is located with a 0.6 ft encroachment into the right-of-way.

The applicant has proposed a 1,105 sf ADU located 25 ft from the front property line, near the existing detached garage.

Table 1. Compliance with relevant R-10 standards

R-10 Zone	Standards	Existing	Proposed
Lot Coverage	30% max.	Approx. 4.5%	Approx. 5.6%
Front Yard Setback	20 ft	200+ ft (house) 0 ft (existing detached garage)	No change

The Planning Commission finds that the proposal complies with the applicable standards of the R-10 zone.

6. MMC Chapter 19.910.1 Accessory Dwelling Units

- a. MMC 19.910.1 establishes the design and development standards that are applicable to ADUs. Table 2 summarizes the existing and proposed conditions on the subject property with respect to the standards relevant to this proposal.

The applicant has proposed a 1,105 sf ADU located 25 ft from the front property line near the existing detached garage.

Table 2. Compliance with relevant ADU standards

ADU	Type I	Type II	Proposed
Maximum Structure Footprint	600 sf	800 sf	1,105 sf ¹
ADU Front Yard Setback	10 ft behind front yard (10' behind front façade of the primary dwelling) unless located at least 40' from the front lot line		25 ft ²
Design Standards	(1) A detached accessory structure shall include at least 2 of the design details listed below. An architectural feature may be used to comply with more than 1 standard.		
	(a) Covered porch at least 5 ft deep, as measured horizontally from the face of the main building façade to the edge of the deck, and at least 5 ft wide.		n/a
	(b) Recessed entry area at least 2 ft deep, as measured horizontally from the face of the main building façade, and at least 5 ft wide.		Entry is recessed 2 ft
	(c) Roof eaves with a minimum projection of 12 in from the intersection of the roof and the exterior walls.		Eaves will project 12 in
	(d) Horizontal lap siding between 3 to 7 in wide (the visible portion once installed). The siding material may be wood, fiber-cement, or vinyl.		n/a
	(e) Window trim around all windows at least 3 in wide and 5/8 in deep.		n/a
Privacy Standards	(1) A detached accessory dwelling unit permitted through a Type II review may be required to include privacy elements to meet the Type II review approval criteria. Privacy standards are required on or along wall(s) of a detached accessory dwelling unit, or portions thereof, that meet all of the following conditions.		
	(a) The wall is within 20 ft of a side or rear lot line.		>90 ft
	(b) The wall is at an angle of 45 degrees or less to the lot line.		n/a

¹ The applicant has requested a variance to the maximum structure footprint standards for an ADU.

² The applicant has requested a variance to the minimum front yard setback for an ADU in the R-10 zone.

ADU	Type I	Type II	Proposed
	(c) The wall faces an adjacent residential property.		n/a
	(2) A detached accessory dwelling unit meets the privacy standard if either of the following standards is met.		
	(a) All windows on a wall shall be placed in the upper third of the distance between a floor and ceiling.		n/a
	(b) Visual screening is in place along the portion of a property line next to the wall of the accessory dwelling unit, plus an additional 10 lineal ft beyond the corner of the wall. The screening shall be opaque; shall be at least 6 ft high; and may consist of a fence, wall, or evergreen shrubs. Newly planted shrubs shall be no less than 5 ft above grade at time of planting, and they shall reach 6 ft high within 1 year. Existing features on the site can be used to comply with this standard.		Complies with standard. Existing plantings (8' high hedge) provide screening.

Upon approval of the variance requests, the Planning Commission finds that the proposal complies with the applicable standards for a detached ADU in the R-10 zone.

- b. MMC 19.910.1.D establishes the criteria for approving a Type II accessory dwelling unit.

An application for an accessory dwelling unit reviewed through a Type II review shall be approved if the following criteria are met.

(1) *The standards in Subsection 19.910.1.D.1 are met.*

- a. *An accessory dwelling unit is an allowed use in the base zones, and any applicable overlay zones or special areas, where the accessory dwelling unit would be located.*

ADUs are permitted in the R-10 zone. The Planning Commission finds that this criterion is met.

- b. *The primary use of property for the proposed accessory dwelling unit is a single-family detached dwelling.*

The primary use of the subject property is a single-family dwelling. The Planning Commission finds that this criterion is met.

- c. *One accessory dwelling unit per lot is allowed.*

This is the only ADU proposed on the subject property. The Planning Commission finds that this criterion is met.

d. The development standards of Subsection 19.910.1.E are met.

Table 2 identifies all of the design and development standards in Subsection 19.910.E and how the proposed ADU complies with them. Structures are allowed to exceed any of the maximums associated with a Type II review with approval of a variance per Section 19.911. A variance application has been submitted.

The Planning Commission finds that, as conditioned, this criterion is met.

(2) *The accessory dwelling unit is not incompatible with the existing development on the site, and on adjacent lots, in terms of architectural style, materials, and colors.*

The proposed ADU is designed in a manner that mirrors to the features of the main house. The design is not incompatible with homes on adjacent lots.

The Planning Commission finds that this criterion is met.

(3) *The massing of the accessory dwelling unit and its placement on the site maximizes privacy for, and minimizes impacts to, adjacent properties.*

The existing 8 ft high hedge along Cambridge Ln will be maintained to provide privacy. The ADU is positioned opposite the junction of Cambridge Ln and Eton Ln providing minimal sight lines into the property. No houses directly face the ADU and it is located more than 90 ft from the nearest side lot line.

The Planning Commission finds that this criterion is met.

(4) *There will be an appropriate level of screening for nearby yards and dwellings, provided by the design of the accessory dwelling unit and existing and proposed vegetation and other screening.*

The lot is currently heavily wooded; the southern lot line has a combination of 12 ft high hedges, large trees and shrubs. The view from the west is obscured by an 8 ft high hedge. Additional landscaping will be installed following construction.

The Planning Commission finds that this criterion is met.

7. MMC Chapter 19.911 Variances

a. MMC 19.911.3 establishes the review process for variance applications.

The applicant has requested a variance to the required front yard setback for an ADU located 25 ft from the front property line rather than the required 40 ft. This request exceeds the allowable variance of 25% or 10 ft permitted through Type II review.

The applicant has also requested a variance to allow a 1,105 sf ADU rather than the maximum footprint of 800 sf.

The Planning Commission finds that the application is subject to Type III Variance review for the proposed construction of an ADU with a footprint of 1,105 sf located 25 ft from the front property line.

b. MMC 19.911.4.B establishes criteria for approving Type III Variance applications.

An application for a Type III Variance shall be approved when all of the criteria in either 19.911.4.B.1 or 2 have been met. An applicant may choose which set of criteria to meet based upon the nature of the variance request, the nature of the development proposal, and the existing site conditions.

The applicant has chosen to address the criteria of 19.911.4.B.1 Discretionary Relief Criteria.

- (1) *The applicant's alternatives analysis provides, at a minimum, an analysis of the impacts and benefits of the variance proposal as compared to the baseline code requirements.*

The additional 305 sf over the maximum 800 sf footprint, as well as the 25 ft rather than 40 ft setback, will have a negligible impact given the size of the property, existing screening, distance from property lines, and the fact that there are no neighbors directly opposite the proposed location of the ADU. The ADU will be used for reasonable accommodation for relatives and/or a means for additional income for the property owners. It is accessory to the primary structure and has been designed to ensure no impact to neighbors and privacy both for the ADU residents and adjacent properties.

The impacts and benefits of the proposal are the same as those that would occur with the baseline code requirements, and there are no negative impacts related to the variance proposal. The Planning Commission finds that this criterion is met.

- (2) *The proposed variance is determined by the Planning Commission to be both reasonable and appropriate, and it meets one or more of the following criteria:*

- (a) *The proposed variance avoids or minimizes impacts to surrounding properties.*

As the site is heavily wooded and landscaped, the ADU will have minimal impact on the single-family character of the neighborhood. Its location takes advantage of an existing curb cut and driveway apron, minimizing the need to remove trees and other vegetation.

The existing 8 ft hedge along Cambridge Ln will be maintained. The ADU will be positioned such that there will be minimal sight lines into the property. No houses would directly face the ADU and it is located more than 90 ft from the nearest side lot line. The applicant's materials state that additional landscaping will be added following construction.

The Planning Commission finds that this criterion is met.

- (b) *The proposed variance has desirable public benefits.*

"Public benefits" are typically understood to refer to benefits to be enjoyed by members of the general public as a result of a particular project, or preservation of a public resource. Aesthetic improvements of a specific and limited nature do not typically constitute a public benefit.

The Planning Commission finds that this criterion is not applicable.

- (c) *The proposed variance responds to the existing built or natural environment in a creative and sensitive manner.*

This criterion encourages flexibility in site planning and development when the existing built or natural environment provide challenges to standard development or site planning.

The proposed design of the ADU is in keeping with the architecture of both the existing home and the existing detached garage.

The Planning Commission finds that this criterion is met.

(3) *Impacts from the proposed variance will be mitigated to the extent practicable.*

As noted in Finding 7.b (1), the Commission finds there are no negative impacts and no mitigation is needed.

The Planning Commission finds that this criterion is met.

The Planning Commission finds that these criteria are met.

8. As per MMC 19.906.2.C, the proposed development is exempt from the requirement to submit a development review application and the other requirements of MMC 19.906 Development Review. However, the proposal must still comply with all applicable development standards and will be reviewed during the building permit review process.
9. As per MMC 19.1001.7.E, this variance request shall expire and become void unless the proposed development completes the following steps:
 - A. Obtain and pay for all necessary development permits and start construction within 2 years of land use approval (by March 24, 2017).
 - B. Pass final inspection and/or obtain a certificate of occupancy within 4 years of land use approval (by March 24, 2019).
10. The application was referred to the following departments and agencies on February 9, 2015: Milwaukie Building Division; Milwaukie Engineering Department; Clackamas Fire District #1; and the Historic Milwaukie Neighborhood District Association. Notice of the application was also sent to surrounding property owners within 300 ft of the site on March 4, 2015, and a sign was posted on the property on March 4, 2015. The following is a summary of the comments received by the City.
 - **No comments were received.**

Recommended Conditions of Approval
File #VR-2015-001; ADU-2015-001, 9088 SE Cambridge Ln Variance

1. At the time of submission of any building permit application, the following shall be resolved:
 - a. Final plans submitted for building permit review shall be in substantial conformance with plans approved by this action, which are the plans stamped "received" by the City on January 8, 2015.
 - b. Provide a narrative describing any changes made after the issuance of this land use decision that are not related to these conditions of approval.
2. Prior to final inspection of any building permit, the following shall be resolved:
 - a. Provide a narrative describing any changes made after the issuance of this land use decision that are not related to these conditions of approval.

Additional Requirements

The following items are not conditions of approval necessary to meet applicable land use review criteria. They relate to other development standards and permitting requirements contained in the Milwaukie Municipal Code and Public Works Standards that are required at various point in the development and permitting process.

1. Development activity on the site shall be limited to 7 a.m. to 10 p.m. Monday through Friday and 8 a.m. to 5 p.m. Saturday and Sunday, per MMC Subsection 8.08.070(l).



PLANNING DEPARTMENT
6101 SE Johnson Creek Blvd
Milwaukie OR 97206

PHONE: 503-786-7630
FAX: 503-774-8236
E-MAIL: planning@milwaukieoregon.gov

ATTACHMENT 3

Application for Land Use Action

Master File #: VP-2015-001

Review type*: ☐ I ☐ II ☒ III ☐ IV ☐ V

CHECK ALL APPLICATION TYPES THAT APPLY:

- ☐ Amendment to Maps and/or Ordinances:
 - ☐ Comprehensive Plan Text Amendment
 - ☐ Comprehensive Plan Map Amendment
 - ☐ Zoning Text Amendment
 - ☐ Zoning Map Amendment
- ☐ Code Interpretation
- ☐ Community Service Use
- ☐ Conditional Use
- ☐ Development Review
- ☐ Director Determination
- ☐ Downtown Design Review
- ☐ Extension to Expiring Approval
- ☐ Historic Resource:
 - ☐ Alteration
 - ☐ Demolition
 - ☐ Status Designation
 - ☐ Status Deletion

- ☐ Land Division:
 - ☐ Final Plat
 - ☐ Lot Consolidation
 - ☐ Partition
 - ☐ Property Line Adjustment
 - ☐ Replat
 - ☐ Subdivision
- ☐ Miscellaneous:
 - ☐ Barbed Wire Fencing
 - ☐ Bee Colony
- ☐ Mixed Use Overlay Review
- ☐ Modification to Existing Approval
- ☐ Natural Resource Review
- ☐ Nonconforming Use Alteration
- ☐ Parking:
 - ☐ Quantity Determination
 - ☐ Quantity Modification
 - ☐ Shared Parking
 - ☐ Structured Parking

- ☐ Planned Development
- ☒ Residential Dwelling:
 - ☒ Accessory Dwelling Unit
 - ☐ Duplex
 - ☐ Manufactured Dwelling Park
 - ☐ Temporary Dwelling Unit
- ☐ Sign Review
- ☐ Transportation Facilities Review
- ☒ Variance:
 - ☐ Use Exception
 - ☒ Variance
- ☐ Willamette Greenway Review
- ☐ Other: _____

Use separate application forms for:

- Annexation and/or Boundary Change
- Compensation for Reduction in Property Value (Measure 37)
- Daily Display Sign
- Appeal

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant—see reverse): LYNDON C MURRAY

Mailing address: 9908 SE CAMBRIDGE LANE Zip: 97222

Phone(s): 503-913-6634 E-mail: LYNDONM@COMCAST.NET

APPLICANT'S REPRESENTATIVE (if different than above): MARTY BUCKENMEYER

Mailing address: 2517 NE 47th AVENUE PORTLAND OR Zip: 97213

Phone(s): 503-484-5334 E-mail: MARTY@BUCKENMEYERLLC.COM

SITE INFORMATION:

Address: 9908 SE CAMBRIDGE LANE Map & Tax Lot(s): 11E26DB01400/00017387

Comprehensive Plan Designation: SINGLE FAMILY RESIDENTIAL Zoning: R-10 Size of property: 2.37 ACRES

PROPOSAL (describe briefly):

APPLY FOR A TYPE III VARIANCE FOR AN ADU 1100sq ft in size
AND 22' FROM THE PROPERTY LINE

SIGNATURE:

ATTEST: I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code (MMC) Subsection 19.1001.6.A. If required, I have attached written authorization to submit this application. To the best of my knowledge, the information provided within this application package is complete and accurate.

Submitted by: Lyndon C. Murray Date: 12/15/14

IMPORTANT INFORMATION ON REVERSE SIDE

WHO IS ELIGIBLE TO SUBMIT A LAND USE APPLICATION (excerpted from MMC Subsection 19.1001.6.A):

Type I, II, III, and IV applications may be initiated by the property owner or contract purchaser of the subject property, any person authorized in writing to represent the property owner or contract purchaser, and any agency that has statutory rights of eminent domain for projects they have the authority to construct.

Type V applications may be initiated by any individual.

PREAPPLICATION CONFERENCE:

A preapplication conference may be required or desirable prior to submitting this application. Please discuss with Planning staff.

REVIEW TYPES:

This application will be processed per the assigned review type, as described in the following sections of the Milwaukie Municipal Code:

- Type I: Section 19.1004
- Type II: Section 19.1005
- Type III: Section 19.1006
- Type IV: Section 19.1007
- Type V: Section 19.1008

THIS SECTION FOR OFFICE USE ONLY:

FILE TYPE	FILE NUMBER	FEE AMOUNT*	PERCENT DISCOUNT	DISCOUNT TYPE	DEPOSIT AMOUNT	DATE STAMP
Master file	VR-2015-001	\$ 2000			\$	RECEIVED JUL 08 2015 CITY OF MILWAUKIE PLANNING DEPARTMENT
Concurrent application files	ADU-2015-001	\$ 1060	25%		\$	
		\$			\$	
		\$			\$	
		\$			\$	
SUBTOTALS		\$			\$	
TOTAL AMOUNT RECEIVED: \$ 2750			RECEIPT #:			RCD BY: CS9
Associated application file #s (appeals, modifications, previous approvals, etc.):						
Neighborhood District Association(s): Historic Milwaukie						
Notes:						

*After discount (if any)



PLANNING DEPARTMENT
6101 SE Johnson Creek Blvd
Milwaukie OR 97206

PHONE: 503-786-7630
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For all Land Use Applications
(except Annexations and Development Review)

Submittal Requirements

All land use applications must be accompanied by a signed copy of this form (see reverse for signature block) and the information listed below. The information submitted must be sufficiently detailed and specific to the proposal to allow for adequate review. Failure to submit this information may result in the application being deemed incomplete per the Milwaukie Municipal Code (MMC) and Oregon Revised Statutes.

Contact Milwaukie Planning staff at 503-786-7630 or planning@milwaukieoregon.gov for assistance with Milwaukie's land use application requirements.

1. **All required land use application forms and fees**, including any deposits.
Applications without the required application forms and fees will not be accepted.
2. **Proof of ownership or eligibility to initiate application** per MMC Subsection 19.1001.6.A.
Where written authorization is required, applications without written authorization will not be accepted.
3. **Detailed and comprehensive description** of all existing and proposed uses and structures, including a summary of all information contained in any site plans.
Depending upon the development being proposed, the description may need to include both a written and graphic component such as elevation drawings, 3-D models, photo simulations, etc. Where subjective aspects of the height and mass of the proposed development will be evaluated at a public hearing, temporary on-site "story pole" installations, and photographic representations thereof, may be required at the time of application submittal or prior to the public hearing.
4. **Detailed statement** that demonstrates how the proposal meets all applicable application-specific approval criteria (check with staff) and all applicable development standards (listed below):
 - a. **Base zone standards** in Chapter 19.300.
 - b. **Overlay zone standards** in Chapter 19.400.
 - c. **Supplementary development regulations** in Chapter 19.500.
 - d. **Off-street parking and loading standards and requirements** in Chapter 19.600.
 - e. **Public facility standards and requirements**, including any required street improvements, in Chapter 19.700. *N/A*
5. **Site plan(s), preliminary plat, or final plat** as appropriate.
See Site Plan, Preliminary Plat, and Final Plat Requirements for guidance.
6. **Copy of valid preapplication conference report**, when a conference was required.

APPLICATION PREPARATION REQUIREMENTS:

- Five hard copies of all application materials are required at the time of submittal (unless submitted electronically). Staff will determine how many additional hard copies are required, if any, once the application has been reviewed for completeness.
- All hard copy application materials larger than 8½ x 11 in. must be folded and be able to fit into a 10- x 13-in. or 12- x 16-in. mailing envelope.
- All hard copy application materials must be collated, including large format plans or graphics.

ADDITIONAL INFORMATION:

- Neighborhood District Associations (NDAs) and their associated Land Use Committees (LUCs) are important parts of Milwaukie's land use process. The City will provide a review copy of your application to the LUC for the subject property. They may contact you or you may wish to contact them. Applicants are strongly encouraged to present their proposal to all applicable NDAs prior to the submittal of a land use application and, where presented, to submit minutes from all such meetings. NDA information: <http://www.milwaukieoregon.gov/communityservices/neighborhoods-program>.
- Submittal of a full or partial electronic copy of all application materials is strongly encouraged.

As the authorized applicant I, (print name) LYNDON C MURRAY, attest that all required application materials have been submitted in accordance with City of Milwaukie requirements. I understand that any omission of required items or lack of sufficient detail may constitute grounds for a determination that the application is incomplete per MMC Subsection 19.1003.3 and Oregon Revised Statutes 227.178. I understand that review of the application may be delayed if it is deemed incomplete.

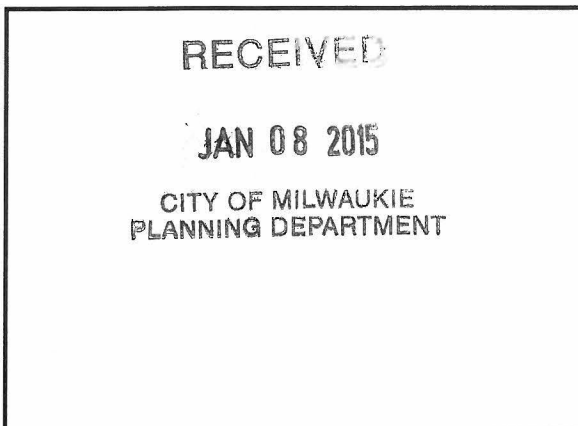
Furthermore, I understand that, if the application triggers the City's sign-posting requirements, I will be required to post signs on the site for a specified period of time. I also understand that I will be required to provide the City with an affidavit of posting prior to issuance of any decision on this application.

Applicant Signature: Lyndon C. Murray

Date: 12/15/14

Official Use Only

Date Received (date stamp below):



ADU – 9908 SE Cambridge Lane
Application Standards and Criteria Response

Contents	
1.	Application for Land Use Action
2.	Submittal Requirements
3.	Review Extent – Property within extent of review
4.	Detailed Description of the Proposal
5.	Purpose of the Application
6.	19.910.1 Accessory Dwelling Units and Response
7.	19.911 Variances and Responses
8.	Pre-Application Conference Report
9.	Use Exceptions
10.	Site Survey 8-21-14
11.	Site Plan
12.	Elevations
13.	Site Photographs
14.	Lot Coverage Ratios
15.	Letter to Immediate Neighbors and Sample Responses
16.	Historic Milwaukie Neighborhood District Association
17.	Dwelling Extension valuation
18.	Proof of Ownership

RECEIVED

JAN 08 2015

CITY OF MILWAUKIE
PLANNING DEPARTMENT

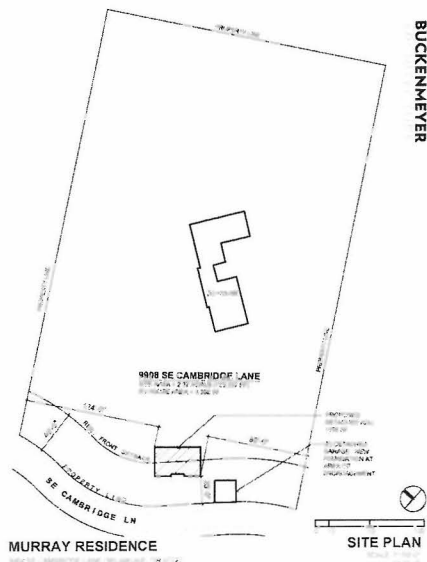
ADU – 9908 SE Cambridge Lane
Application Standards and Criteria Response

REVIEW EXTENT

VARIANCE

It has been determined that two development standards (setbacks and footprint) have not been met and a Type III variance review is required

PROPERTY WITHIN THE EXTENT OF THE REVIEW



Address Information

9908 SE CAMBRIDGE
LN, MILWAUKIE OR.
97222

Building Characteristics

Sq Ft	3862
Year Built	1912

Tax Information

Map Number (TLNO)	11E26DB01400
Parcel Number	00017387
Est. Acres	2.37

DETAILED PROPOSAL DESCRIPTION

Owners are applying for approval to construct a one-story detached Accessory Dwelling Unit (ADU) on the property. And are requesting Type III Variances for an expanded footprint from 800sf to 1,105 square feet and a 25' vs. 40' front yard setback.

Background

- The well-known Portland architect Morris Whitehouse built the main house in 1912. The house was modified in the mid-1960's when some of the key architectural features were either removed or modified. The house was updated substantially between 2004-2006 and, where possible, original features put back to the extent possible, e.g., sunroom.

ADU – 9908 SE Cambridge Lane
Application Standards and Criteria Response

- The property is located in the R10 Residential Zone in the Historical District of Milwaukie and the house located on 2.37 acres, or 103,237 sf. The lot is heavily wooded and extensively landscaped and classified as Contributory.



- The house is centered in the lot with the front of the house facing East with access gained from Cambridge Lane to the West. This creates the anomalous situation in which the back yard is classified as the front yard requiring the front yard set back of 40' be applied instead of the rear yard set back of 5'.
- The owners presented the plans to Historic Milwaukie Neighborhood District Association at the 12/8/14 meeting. The Committee endorsed the plans without dissent.
- The owners have written to the immediate neighbors sharing the plans. Positive verbal and written responses have been received.

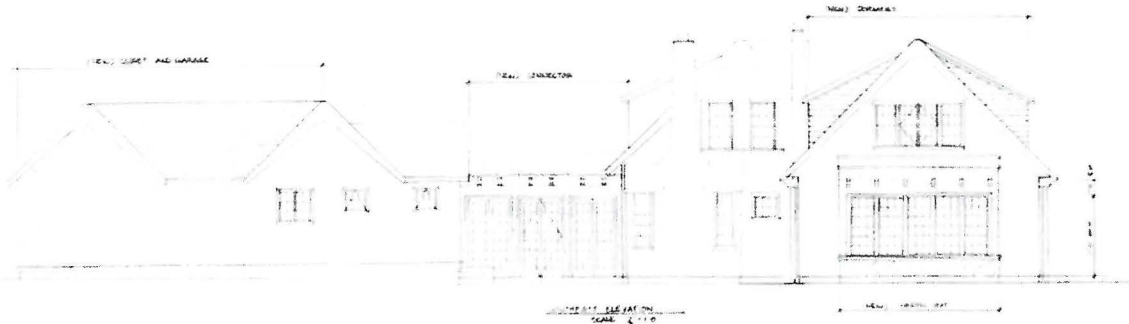
The current view of the house:



Key design features of the house are the multiple roof peaks; rolled edges to the roof simulating a thatched cottage look, stucco siding and casement windows with small panes.

ADU – 9908 SE Cambridge Lane
Application Standards and Criteria Response

During the recent restoration, the detached 600 sf. cottage was incorporated into the main house by replacing the decaying breezeway with a permanent hallway. It has the same architectural features as the main house. And a double garage added to the cottage replacing the dilapidated covered carport.



The new garage replicates the main architectural features creating an “always been there feel”:

The plan is to respect the beauty of the original cottage duplicating its look and feel and incorporating the architectural features of double-peaked rolled roof, casement windows and stucco siding, but increasing its size.



FRONT (SE CAMBRIDGE) ELEVATION

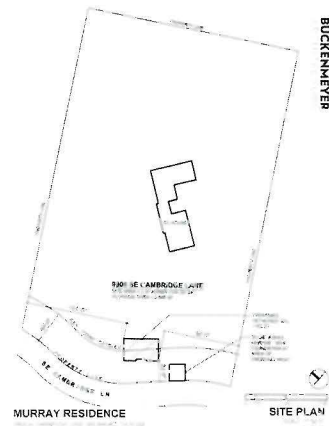
At the western property line on the private road – Cambridge Lane – is a 20' x 20' garage with a ~45' x 20' blacktop off-street gated apron. Currently, this garage is under-utilized and in need of some

ADU – 9908 SE Cambridge Lane
Application Standards and Criteria Response

renovation. The plan is to create a courtyard feel positioning the cottage close to the garage (13') and 25' back from the property line taking full advantage of the blacktop apron and the off-street parking it provides, and making more effective use of the garage.



In addition, the site has also been chosen to maximize privacy for the residents of the ADU and for the neighbors. The existing ~8' high hedge along Cambridge Lane will be maintained. And the ADU positioned opposite the junction of Cambridge and Eton Lanes providing minimal sightlines into the property. Additional landscaping will be added following construction.



Parking

Regulations (MMC Section 19.607) require that a property containing an ADU and primary dwelling must provide 2 off-street parking spaces (minimum 9 ft. by 18 ft.) upon development. Required spaces cannot be located in a required front or street side yard. Parking and maneuvering areas must be paved or otherwise hard, durable, dust-free surfaces.

Per the Pre-Application Conference the City confirms that the property currently contains an attached two-car garage and a paved driveway, which are located outside of the required front yard setback and meet the minimum off-street parking requirements for a primary structure and an ADU. The existing paved driveway and detached two-car garage are legally nonconforming in regards to the front yard setbacks; the proposed ADU would not bring them further out of conformance.

ADU – 9908 SE Cambridge Lane
Application Standards and Criteria Response

PURPOSE OF THIS APPLICATION

The purpose of this application is to get approval to build the ADU and obtain variances for the 25' front yard setback and 1,105 sf. foot print.

With the exception of the requested variances to the setback and footprint the planned ADU meets all the requirements stipulated in the Development Standards under the Milwaukie Municipal Code, Chapter 19.900 Land Use Applications.

However, a summary of the elements follows:

19.910.1 Accessory Dwelling Units	Response
A. Purpose To provide the means for reasonable accommodation of accessory dwelling units, providing affordable housing, opportunity to house relatives, and a means for additional income for property owners, thereby encouraging maintenance of existing housing stock. It is the intent of this subsection that development of accessory dwelling units not diminish the single-family character of a neighborhood.	• The proposed 1105 sf. ADU is 1.07% of the total lot square footage. When added to the existing structures, the total lot coverage ratio is 5.6%, far below the minimum requirement. • As the site is heavily wooded and landscaped, the ADU will have a minimal impact on the single-family character of the neighborhood. • Adding the ADU and attaching the required Deed Restriction mitigates the risk of future sub-division of the property further preserving the character of neighborhood and the historical Contributory classification.

D. Approval Standards and Criteria	Response
1. An application for an accessory dwelling unit reviewed through a Type I review shall be approved if the following standards are met.	
a. An accessory dwelling unit is an allowed use in the base zones, and any applicable overlay zones or special areas, where the accessory dwelling unit would be located.	Complies. ADU's are permitted in the location
b. The primary use of property for the proposed accessory dwelling unit is a single-family detached dwelling.	Complies. The ADU will be used for reasonable accommodation, providing affordable housing, opportunity to house relatives, and a means for additional

ADU – 9908 SE Cambridge Lane
Application Standards and Criteria Response

	income for the property owners
c. One accessory dwelling unit per lot is allowed.	Complies. Only one unit is being requested
d. The development standards of Subsection 19.910.1.E are met.	Complies
e. The proposal complies with all other applicable standards of this title.	Complies

An application for an accessory dwelling unit reviewed through a Type II review shall be approved if the following criteria are met.	Response
a. The standards in Subsection 19.910.1.D.1 are met.	Complies
b. The accessory dwelling unit is not incompatible with the existing development on the site, and on adjacent lots, in terms of architectural style, materials, and colors.	Complies. The proposed design specifically mirrors the features of the main house and the original cottage. There are no comparable houses on adjacent lots that are similar in architectural style, materials and color
c. The massing of the accessory dwelling unit and its placement on the site maximizes privacy for, and minimizes impacts to, adjacent properties.	Complies. The site has also been chosen to maximize privacy for the residents of the ADU and for the neighbors. The existing ~8' high hedge along Cambridge Lane will be maintained. And the ADU positioned opposite the junction of Cambridge and Eton Lanes providing minimal sightlines into the property. No houses directly face the ADU and it is located ~90' from the nearest side lot line. Additional landscaping will be added following construction
d. There will be an appropriate level of screening for nearby yards and dwellings, provided by the design of the accessory dwelling unit and existing and proposed vegetation and other screening.	Complies. The lot is heavily wooded. The southern lot line, >90' away, has a combination of >12' high hedges, trees and shrubs. There is a minimal sight line from the northern lot line 124' away, as there are many very large mature Doug Firs, Maples, etc. The view from the west is obscured by the 8' existing hedge

Table 19.910.1.E.4.b Footprint, Height, and Required Yards for Detached Accessory			
Level of Review	Type I	Type II	Response
Maximum Structure Footprint	600 sq ft	800 sq ft	Request 1,105 sf

ADU – 9908 SE Cambridge Lane
Application Standards and Criteria Response

Maximum Structure Height	15', limited to 1 story	25', limited to 2 stories	Complies (18'). One story
Required Side and Rear Yard	Base zone requirement for side and rear yard	5'	Complies (>90')
Required Front Yard	10' behind front yard as defined in Section 19.201, unless located at least 40' from the front lot line.	10' behind front yard as defined in Section 19.201, unless located at least 40' from the front lot line.	Request 25'
Required Street Side Yard	Base zone requirement for street side yard	Base zone requirement for street side yard	n/a

Design Standards	Response
(1) A detached accessory structure shall include at least 2 of the design details listed below. An architectural feature may be used to comply with more than 1 standard.	
(a) Covered porch at least 5 ft deep, as measured horizontally from the face of the main building façade to the edge of the deck, and at least 5 ft. wide.	n/a
(b) Recessed entry area at least 2 ft deep, as measured horizontally from the face of the main building façade, and at least 5 ft wide.	Entry is recessed 2'-0".
(c) Roof eaves with a minimum projection of 12" from the intersection of the roof and the exterior walls.	Eaves will project 12" minimum.
(d) Horizontal lap siding between 3 to 7 in wide (the visible portion once installed). The siding material may be wood, fiber-cement, or vinyl.	n/a
(e) Window trim around all windows at least 3 in wide and 5/8 in deep.	n/a

Privacy Standards	Response
(1) Privacy standards are required for detached accessory dwelling units processed through a Type I review. A detached accessory dwelling unit permitted through a Type II review may be required to include privacy elements to meet the Type II review approval criteria. Privacy standards are required on or along wall(s) of a detached accessory dwelling unit, or portions thereof, that meet all of the following conditions.	

ADU – 9908 SE Cambridge Lane
Application Standards and Criteria Response

(a) The wall is within 20 ft of a side or rear lot line.	>90'
(b) The wall is at an angle of 45 degrees or less to the lot line.	N/A
(c) The wall faces an adjacent residential property.	N/A
(2) A detached accessory dwelling unit meets the privacy standard if either of the following standards is met.	
(a) All windows on a wall shall be placed in the upper third of the distance between a floor and ceiling.	N/A
(b) Visual screening is in place along the portion of a property line next to the wall of the accessory dwelling unit, plus an additional 10 lineal ft. beyond the corner of the wall. The screening shall be opaque; shall be at least 6 ft high; and may consist of a fence, wall, or evergreen shrubs. Newly planted shrubs shall be no less than 5 ft above grade at time of planting, and they shall reach 6 ft high within 1 year. Existing features on the site can be used to comply with this standard.	Complies. Existing plantings provide screening.

19.911 VARIANCES

C. Type III Variances Type III variances allow for larger or more complex variations to standards that require additional discretion and warrant a public hearing consistent with the Type III review process. Any variance request that is not specifically listed as a Type II variance per Subsection 19.911.3.B shall be evaluated through a Type III review per Section 19.1006.	
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B. Type II Variances	Response
Type II variances allow for limited variations to numerical standards. The following types of variance requests shall be evaluated through a Type II review per Section 19.1005:	
1. A variance of up to 40% to a side yard width standard.	Not requested
2. A variance of up to 25% to a front, rear, or street side yard width standard. A front yard width may not be reduced to less than 15 ft through a Type II review.	Not requested
3. A variance of up to 10% to lot coverage or minimum vegetation standards.	Not requested
4. A variance of up to 10% to lot width or depth standards.	Not requested
5. A variance of up to 10% to a lot frontage standard.	Not requested
6. A variance to compliance with Subsection 19.505.1.C.4 Detailed Design, or with Subsection 19.901.1.E.4.c.(1) in cases where a	Not requested

ADU – 9908 SE Cambridge Lane
Application Standards and Criteria Response

unique and creative housing design merits flexibility from the requirements of that subsection.	
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C. Type III Variances

Type III variances allow for larger or more complex variations to standards that require additional discretion and warrant a public hearing consistent with the Type III review process. Any variance request that is not specifically listed as a Type II variance per Subsection 19.911.3.B shall be evaluated through a Type III review per Section 19.1006.

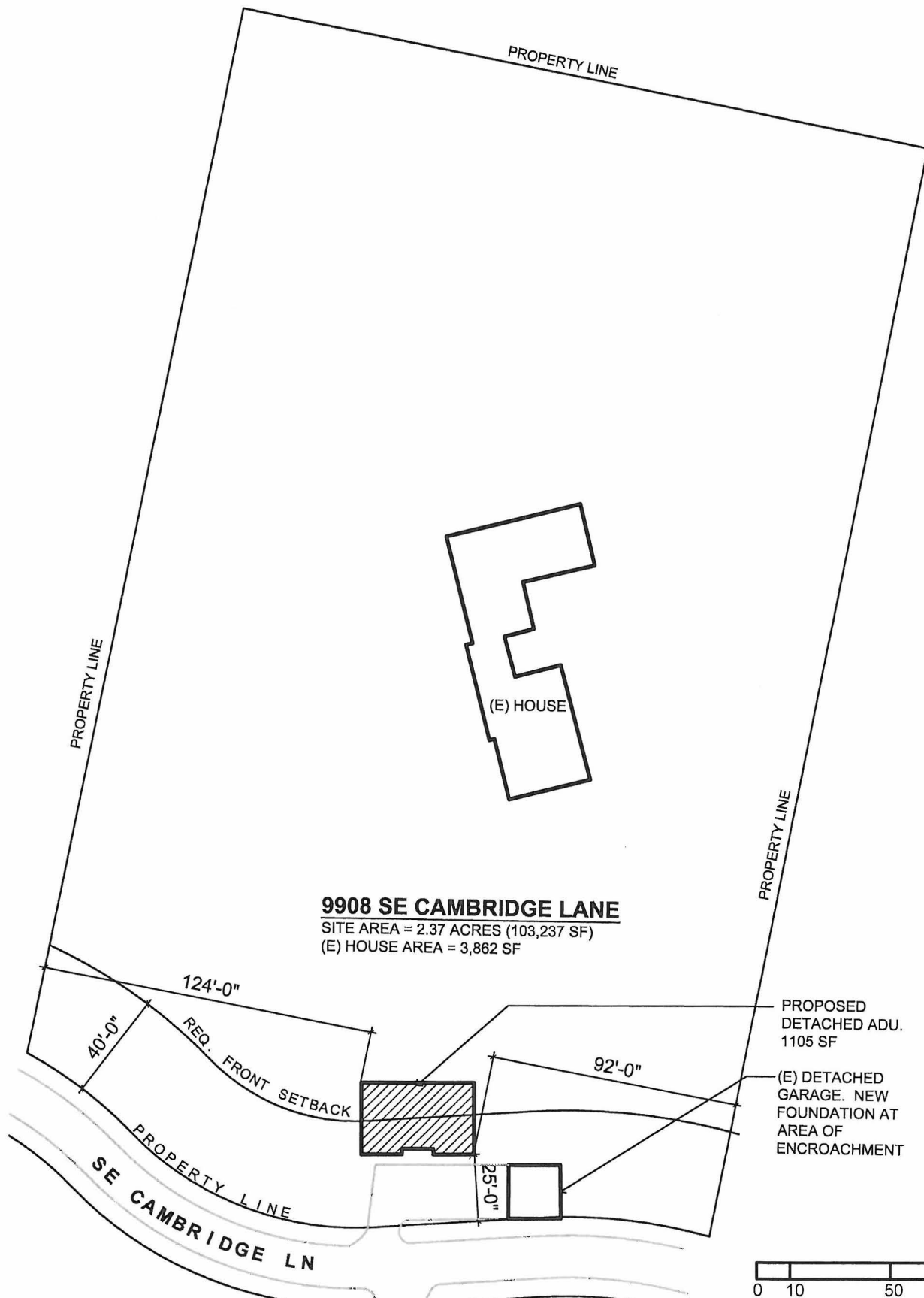
B. Type III Variances	Response
An application for a Type III variance shall be approved when all of the criteria in either Subsection 19.911.4.B.1 or 2 have been met. An applicant may choose which set of criteria to meet based upon the nature of the variance request, the nature of the development proposal, and the existing site conditions.	
1. Discretionary Relief Criteria	
a. The applicant's alternatives analysis provides, at a minimum, an analysis of the impacts and benefits of the variance proposal as compared to the baseline code requirements.	The extra 305sf. over the 800sf baseline being requested will have negligible impact on the neighborhood and immediate neighbors because of the size of the lot (103,237sf). The existing screening provides highly restricted site lines into the property and of the ADU, and there are no neighbors directly opposite the location. Consequently, the 25' setback will also have negligible impact.
b. The proposed variance is determined by the Planning Commission to be both reasonable and appropriate, and it meets one or more of the following criteria:	
(1) The proposed variance avoids or minimizes impacts to surrounding properties.	The proposed structure is only one-story tall and will be screened from the street by existing ~8' high hedge. Substantial side yard setbacks are also provided
(2) The proposed variance has desirable public	The proposed project fulfills the

ADU – 9908 SE Cambridge Lane
Application Standards and Criteria Response

benefits.	city goal to encourage housing alternatives that respond to changing housing and demographic needs. Adding the ADU and attaching the required Deed Restriction mitigates the risk of future sub-division of the property, further preserving the neighborhood character and maintaining the historical classification as Contributory.
(3) The proposed variance responds to the existing built or natural environment in a creative and sensitive manner.	The proposed project respects the beauty of the existing house, duplicating its look and feel and incorporating the architectural features of double-peaked rolled roof, casement windows and stucco siding
c. Impacts from the proposed variance will be mitigated to the extent practicable.	There are minimal sightlines into the property. The proposed project will be screened from the street by existing ~8' high hedge. Substantial side yard setbacks are also provided with views to the ADU heavily obscured by existing mature trees and shrubs. Additional landscaping will be provided after construction adding additional screening and privacy
2. Economic Hardship Criteria	
a. Due to unusual site characteristics and/or other physical conditions on or near the site, the variance is necessary to allow reasonable economic use of the property comparable with other properties in the same area and zoning district.	n/a
b. The proposed variance is the minimum variance necessary to allow for reasonable economic use of the property.	n/a
c. Impacts from the proposed variance will be mitigated to the extent practicable.	n/a

ADU – 9908 SE Cambridge Lane
Application Standards and Criteria Response

19.911.5 Use Exceptions A. Applicability A use exception is a type of variance intended to allow uses that are not allowed outright or conditionally by a property's base zone, overlay zones, or special areas. Use exceptions shall not be granted to allow uses that are specifically prohibited by a property's base zone, overlay zones, or special areas.	Response
B. Review Process A use exception shall be evaluated through a Type III review per Section 19.1006.	
C. Approval Criteria Economic hardship shall not be a primary basis for allowance of a use exception nor shall circumstances of which the applicant had prior knowledge be considered upon application. The Planning Commission may authorize exceptions to uses established by Title 19 upon a determination that all of the following criteria have been met:	
1. Exceptional circumstances exist on or near the property over which the property owner has no control.	n/a
2. None of the allowed or conditionally allowed uses for which the property is zoned are practicable.	n/a
3. The proposed use will not be detrimental to surrounding properties, natural resource areas, or public health, safety, or welfare.	n/a
4. Impacts from the proposed use will be mitigated to the extent practicable.	n/a

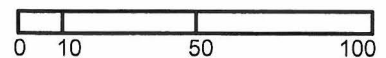


9908 SE CAMBRIDGE LANE

SITE AREA = 2.37 ACRES (103,237 SF)
(E) HOUSE AREA = 3,862 SF

PROPOSED
DETACHED ADU.
1105 SF

(E) DETACHED
GARAGE. NEW
FOUNDATION AT
AREA OF
ENCROACHMENT



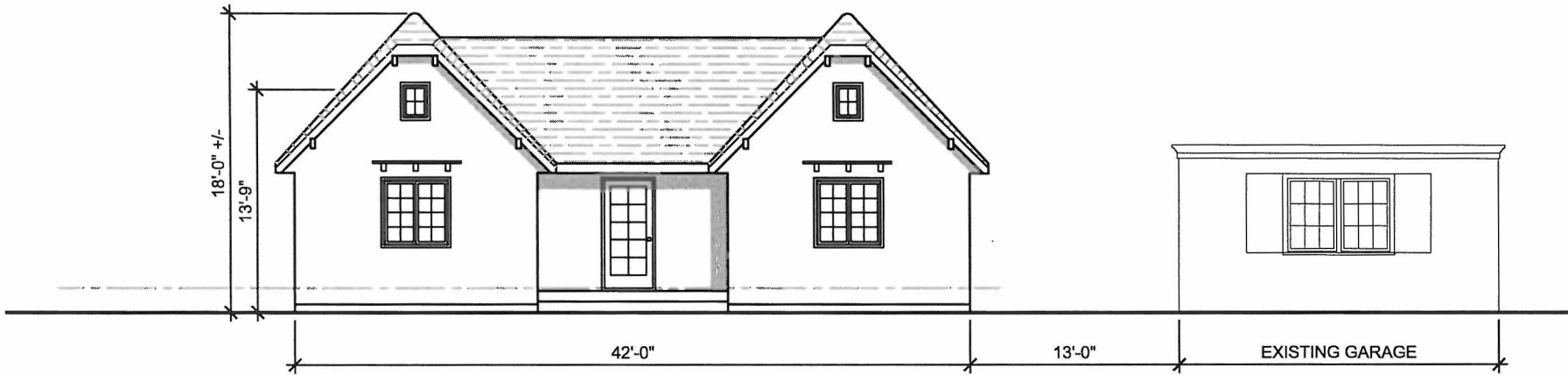
MURRAY RESIDENCE

9908 SE CAMBRIDGE LANE / MILWAUKIE, OR 97222

SITE PLAN

SCALE: 1"=50'-0"

01.07.15



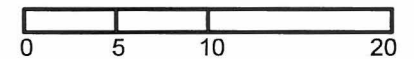
FRONT (SE CAMBRIDGE) ELEVATION



SIDE ELEVATION

MURRAY RESIDENCE

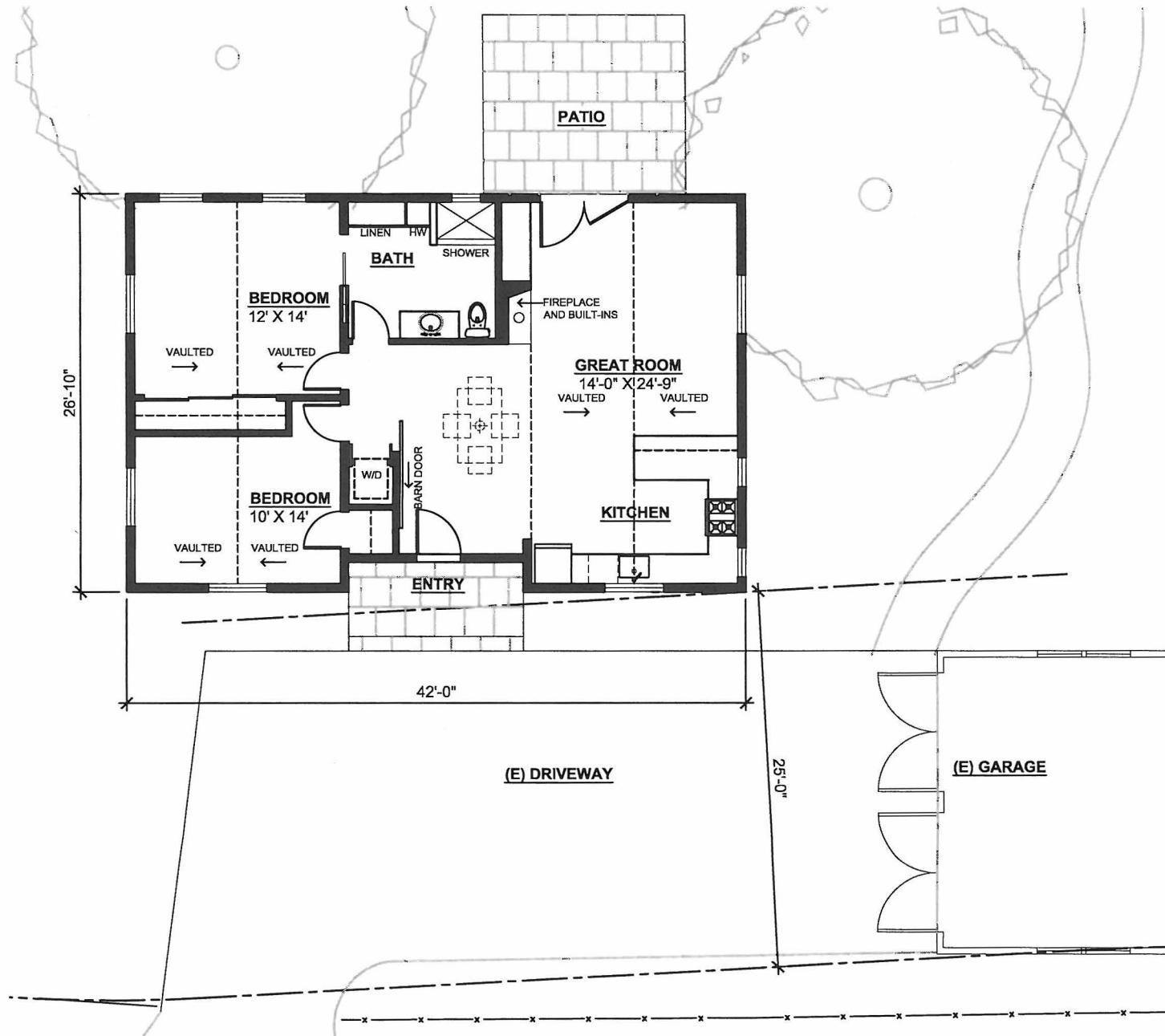
9908 SE CAMBRIDGE LANE / MILWAUKIE, OR 97222



ELEVATIONS

SCALE: 1" = 10'-0"

01.07.15



MURRAY RESIDENCE

9908 SE CAMBRIDGE LANE / MILWAUKIE, OR 97222

0 5 10 20
ENLARGED PLAN

SCALE: 1" = 10'-0"

01.07.15







Lot Coverage and Vegetation Calculations
9908 SE Cambridge Lane

December 17, 2014

Item	Dimensions	SF
House	3862	3,862
Old Garage	20' x 20'	400
Greenhouse	24' x 13' 4"	320
Tool Shed	14' 6" x 8' 8"	126
Proposed ADU	42' 6" x 26' 0"	1,105
Total Area		5,813
Lot Area	2.37 acres	103,237
Lot Coverage		5.6%

Clackamas County Fire District #1

Fire Prevention Office



E-mail Memorandum

To: Vera Kolias, Associate Planner, City of Milwaukie
From: Matt Amos, Fire Inspector, Clackamas Fire District #1
Date: 3/16/2015
Re: 9908 SE Cambridge Lane, 1,105 sf ADU

This review is based upon the current version of the Oregon Fire Code (OFC), as adopted by the Oregon State Fire Marshal's Office. The scope of review is typically limited to fire apparatus access and water supply, although the applicant must comply with all applicable OFC requirements. When buildings are completely protected with an approved automatic fire sprinkler system, the requirements for fire apparatus access and water supply may be modified as approved by the fire code official. The following items should be addressed by the applicant:

COMMENTS:

- 1) The Fire District has no comments for this proposal.

*Contact Clackamas Fire District #1 at 503-742-2660 for any questions.



MILWAUKIE

Dogwood City of the West

To: Planning Commission

Through: Dennis Egner, Planning Director

From: Li Alligood, Senior Planner

Date: March 17, 2015, for March 24, 2015, Public Hearing

Subject: File: DR-2015-001, WG-2015-001

Applicant: Stacy Bluhm for the City of Milwaukie

Owner(s): Property – TriMet; Bridge and connections – City of Milwaukie

Address: Kellogg Lake Bicycle/Pedestrian Bridge

Legal Description (Map & Tax Lot): TriMet right-of-way on Tax Maps 1S1E36BC and 36BC between Lake Rd and McLoughlin Blvd

NDA: Historic Milwaukie and Island Station

ACTION REQUESTED

Approve application DR-2015-001, WG-2015-001 and the recommended Findings and Conditions of Approval found in Attachments 1 and 2. This action would allow for construction of connections and landings between the Kellogg Lake Bicycle/Pedestrian Bridge and the northern and southern banks of Kellogg Lake.

BACKGROUND INFORMATION

During the land use approval process for the Kellogg light rail bridge, in 2011, TriMet advanced a design for a proposed bicycle/pedestrian bridge to be constructed beneath the light rail bridge. The design for the bicycle/pedestrian bridge was approved as part of that land use process (File #WG-11-01), but the design for the connections between the bridge and the banks of Kellogg Lake was not. The bicycle/pedestrian bridge was constructed in 2014; at the time, funding was not available to connect the bridge to grade.

As shown in Figures 1 and 2, the bicycle/pedestrian bridge is not currently connected to the northern and southern banks of Kellogg Lake. The final step to creating a multimodal connection between downtown Milwaukie and Kronberg Park and the Island Station neighborhood is funding and constructing the bridge connections. This application would complete the bicycle/pedestrian connection between downtown Milwaukie and the light rail station to the

north; and Kronberg Park, the Trolley Trail, and the Island Station neighborhood to the south. Pending approval of the proposal, construction would begin in April 2015.

Figure 1. Northern Lake Rd perspective, January 2015



Source: Lee Leighton, Westlake Consultants

Figure 2. Southern Kronberg Park perspective, January 2015



Source: Lee Leighton, Westlake Consultants

A. Site and Vicinity

The Kellogg Lake bicycle/pedestrian bridge is located beneath the Kellogg light rail bridge crossing Kellogg Lake south of downtown. The site contains the Kellogg light rail bridge. Although Kellogg Lake is a mapped natural resource and a portion of the area is located within the flood plain, all proposed work will occur outside of the flood plain.

Land use file #WG-11-01 included approval and mitigation of an additional 375 sq ft of the Habitat Conservation Area (HCA) at the northern end of the bridge to accommodate future

bicycle/pedestrian bridge connections. The proposal will disturb approximately 142 sq ft of the HCA, which is less than the permitted disturbance area.

The surrounding area consists of the Main St light rail station to the north; a single-family home to the east; Kronberg Park to the south; and Kellogg Lake to the west.

B. Zoning Designation

DOS Downtown Open Space and WG Willamette Greenway Overlay. Much of the site lies within a mapped water quality resource (WQR) and habitat conservation area (HCA).

C. Comprehensive Plan Designation

P Public

D. Land Use History

- **2014:** DEV-14-01, approved, permitted installation of the Kellogg Lake bicycle/pedestrian bridge structure.
- **2011:** WG-11-01 (AP-11-01), approved with conditions, approved the design of the Kellogg Lake bicycle/pedestrian bridge and up to 375 sq ft of permanent disturbance of the HCA for construction of the connections and landings.

E. Proposal

The applicant is seeking land use approvals for construction of connections between the Kellogg Lake bicycle/pedestrian bridge structure and Lake Rd to the north and Kronberg Park to the south. The proposal includes the following elements as traveling from north to south:

- At the north landing, a concrete sidewalk is supported by a modular block retaining wall. The retaining wall ranges in height from flush at the north end to approximately 15 ft tall at the south end.
- Between the north landing and the bicycle/pedestrian bridge structure, a concrete deck is supported by a concrete slab and cross beam, mounted on a single concrete column.
- At the south landing, a concrete deck connects directly to the bank.

The project requires approval of the following applications by the Planning Commission:

1. Downtown Design Review (DR-2015-001)

The bicycle/pedestrian bridge landings are located within the Downtown Open Space Zone. All new construction in the downtown zones is subject to downtown design review.

2. Willamette Greenway Overlay (WG-2015-001)

The proposed connections and landings are located entirely within the Willamette Greenway Overlay Zone. All new development in the WG Overlay Zone is subject to review to ensure that the natural and recreational qualities of the river are protected.

F. Specific Design Elements

The proposed design includes the following elements:

- Railings – Galvanized steel railings are proposed. The Design and Landmarks Committee supports the use of galvanized steel railings.
- Wall finishes - The surface of the retaining wall is proposed to resemble ashlar stone, similar to that used on the retaining walls and abutments along Lake Rd and at the light rail station. The Design and Landmarks Committee has requested that the profile and coursing of the ashlar stone design be similar to the abutment walls and retaining walls of the station, if no additional cost is incurred.
- Columns – Round columns reflect the shape of the Kellogg light rail bridge support columns. Concrete cross beams and slabs support the concrete deck.

See Attachment 3.f for illustrations of these elements.

KEY ISSUES**Summary**

Staff has identified the following key issues for the Planning Commission's deliberation. Aspects of the proposal not listed below are addressed in the Findings (see Attachment 1) and generally require less analysis and discretion by the Commission.

- A. Do you concur with the Design and Landmarks Committee (DLC) recommendations related to the retaining wall surface, the use of galvanized steel railings, and recommendations related to the Willamette Greenway review?

Analysis

- A. Do you concur with the Design and Landmarks Committee (DLC) recommendations related to the retaining wall surface, the use of galvanized steel railings, and recommendations related to the Willamette Greenway review**

The DLC reviewed the Downtown Design Review and Willamette Greenway conditional use review aspects of the proposed development. At a design review meeting on March 9, 2015, the DLC recommended approval of the proposal with the following revisions:

- The ashlar stone surface of the retaining wall should be similar in profile and pattern to the ashlar stone pattern of the existing abutment walls and retaining walls of the light rail bridge and station, if no additional cost is incurred.
- Preference for galvanized steel railings rather than "Milwaukie black" railings.

With respect to the Willamette Greenway, the DLC agreed that the proposed development is consistent with the nature of existing development on the site, which is largely not visible from the river. Views to and from the river will not be affected by the proposed development and the site does not provide public access to the river.

In short, the proposed development is consistent with the objectives and policies for the Willamette Greenway, as established in both the Milwaukie Comprehensive Plan and Zoning Ordinance.

CONCLUSIONS

A. Staff recommendation to the Planning Commission is as follows:

1. Approve the application for the proposed Kellogg Lake bicycle/pedestrian bridge connections and landings. This will result in the construction of connections between the bicycle/pedestrian bridge structure and landings at the northern and southern ends.
3. Adopt the attached Findings and Conditions of Approval.

B. Staff recommends the following key conditions of approval (see Attachment 2 for the full list of Conditions of Approval):

- Retaining wall finish must have the appearance of ashlar stone.
- Railings must be galvanized steel.

CODE AUTHORITY AND DECISION-MAKING PROCESS

The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC).

- MMC 19.1006 Type III Review
- MMC Section 19.907 Downtown Design Review
- MMC Section 19.1011 Design Review Meetings
- MMC Section 19.401 Willamette Greenway Zone
- MMC Section 19.905 Conditional Uses

This application is subject to Type III review, which requires the Planning Commission to consider whether the applicant has demonstrated compliance with the code sections shown above. In Type III reviews, the Commission considers the DLC recommendation, assesses the application against review criteria and development standards and evaluates testimony and evidence received at the public hearing.

The Commission has 4 decision-making options as follows:

- A. Approve the application upon finding that all approval criteria have been met.
- B. Approve the application subject to the recommended Findings and Conditions of Approval.
- C. Approve the application with modified Findings and Conditions of Approval. Such modifications need to be read into the record.
- D. Deny the application upon finding that it does not meet approval criteria. Findings of Denial need to be read into the record.

The final decision on these applications, which includes any appeals to the City Council, must be made by June 16, 2015, in accordance with the Oregon Revised Statutes and the Milwaukie Zoning Ordinance. The applicant can waive the time period in which the application must be decided.

COMMENTS

Notice of the proposed changes was given to the following agencies and persons: City of Milwaukie Engineering, Building, and Planning, Oregon Department of Transportation (ODOT), Oregon Parks and Recreation Department (OPRD), Oregon Division of State Lands (DSL), Oregon Department of Fish and Wildlife (ODFW), State Marine Board, and the Historic Milwaukie and Island Station Neighborhood District Associations (NDAs). The following is a summary of the comments received by the City. See Attachment 4 for further details.

- **Pam Denham, Island Station Land Use Committee:** No concerns.

ATTACHMENTS

Attachments are provided as indicated by the checked boxes. All material is available for viewing upon request.

	Early PC Mailing	PC Packet	Public Copies	E- Packet
1. Recommended Findings in Support of Approval	☐	☒	☒	☒
2. Recommended Conditions of Approval	☐	☒	☒	☒
3. Applicant's Narrative and Supporting Documentation dated February 17 and 20, 2015.				
a. Narrative	☒	☐	☒	☒
b. Downtown Design Review Checklist	☒	☐	☒	☒
c. Site Plan	☒	☐	☒	☒
d. North Approach	☒	☐	☒	☒
e. South Approach with revised landing (dated February 20)	☒	☐	☒	☒
f. Elevations	☒	☐	☒	☒
4. Public Comments Received	☐	☒	☒	☒

Key:

Early PC Mailing = paper materials provided to Planning Commission at the time of public notice 20 days prior to the meeting.

PC Packet = paper materials provided to Planning Commission 7 days prior to the hearing.

Public Copies = paper copies of the packet available for review at City facilities and at the Planning Commission hearing.

E-Packet = packet materials available online at <http://www.milwaukieoregon.gov/planning/planning-commission-123>.

Recommended Findings in Support of Approval
File #DR-2015-001, WG-2015-001, Kellogg Lake Bicycle/Pedestrian Bridge

Sections of the Milwaukie Municipal Code not addressed in these findings are found to be inapplicable to the decision on this application.

1. The applicant, Stacy Bluhm for the City of Milwaukie, has applied for approval to construct connections and landings between the Kellogg Lake Bicycle/Pedestrian Bridge and Lake Rd to the north and Kronberg Park to the south in the TriMet right-of-way on Tax Maps 1S1E36BC and 36BC between Lake Rd and McLoughlin Blvd. This site is in the Downtown Open Space Zone. The land use application file numbers are DR-2015-001 and WG-2015-001.
2. The applicant is seeking land use approvals for construction of connections between the Kellogg Lake bicycle/pedestrian bridge structure and Lake Rd to the north and Kronberg Park to the south. The proposal includes the following elements as traveling from north to south:
 - At the north landing, a concrete sidewalk is supported by a modular block retaining wall. The retaining wall ranges in height from flush at the north end to approximately 15 ft tall at the south end.
 - Between the north landing and the bicycle/pedestrian bridge structure, a concrete deck is supported by a concrete slab and cross beam, mounted on a single concrete column.
 - At the south landing, a concrete deck connects directly to the bank.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC 19.1006 Type III Review
 - MMC Section 19.907 Downtown Design Review
 - MMC Section 19.1011 Design Review Meetings
 - MMC Section 19.401 Willamette Greenway Zone
 - MMC Section 19.905 Conditional Uses
4. The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review and MMC Section 19.1011 Design Review Meetings. A public design review meeting was held on March 10, 2015, and a public hearing was held on March 24, 2015, as required by law.
5. MMC Section 19.907 Downtown Design Review
 - a. MMC Subsection 19.907.2 Applicability

MMC 19.907.2 establishes that all new construction and changes to buildings and/or properties in the downtown zones is subject to design review.

The proposed development involves construction of a structural connection between the existing bicycle and pedestrian bridge and the banks of Kellogg Lake to the north and south.

The Planning Commission finds that the proposed development is subject to design review in accordance with the procedures provided in MMC Subsection 19.907.5.
 - b. MMC Subsection 19.907.5 Application Procedure

MMC 19.907.5 establishes the procedures by which applications for design review shall be processed. As per MMC 19.907.5.C, major exterior alterations are subject to Type III review.

The Planning Commission finds that, as new construction, the proposed development is subject to Type III downtown design review.

c. MMC Subsection 19.907.6 Application

MMC 19.907.6 establishes the requirements for downtown design review applications, including a completed design review checklist, written statement describing how the proposal meets applicable design guidelines, and site plan showing the proposed development.

The applicant's submittal includes a completed design review checklist, narrative describing the proposed development and addressing applicable criteria, and site plans showing the proposed improvements.

The Planning Commission finds that this standard is met.

d. MMC 19.907.7 establishes the approval criteria for design review applications. The approval authority may approve, approve with conditions, or deny a design review application based on the following criteria:

(1) Compliance with Title 19 Zoning Ordinance

The applicable standards pertain to wall design and minimum landscaping requirements.

- (a) Subsection 19.301.6.2 contains the design standards for walls. The applicant is not proposing any wall-mounted mechanical equipment or any prohibited wall materials.
- (b) Subsection 19.304.4 contains the minimum landscaping requirements for the Downtown Open Space Zone. At least 20% of the site must be landscaped. Per WG-11-01, approximately 70% of the site is landscaped and exceeds the minimum.

The Planning Commission finds that this approval criterion has been met.

(2) Substantial consistency with the Downtown Design Guidelines

Refer to Table 1 below for detailed findings.

The Planning Commission finds that the proposal, as conditioned, is substantially consistent with the Downtown Design Guidelines and that this approval criterion has been met.

(3) Submittal of a complete application and applicable fee as adopted by the City Council

The Community Development Department of the City of Milwaukie is the applicant of record for this request. Staff has completed the appropriate forms; there is no fee for an application generated by a General Fund department. This approval criterion has been met.

The Planning Commission finds that the approval criteria for downtown design review are met.

6. MMC Subsection 19.401 Willamette Greenway Zone

a. MMC Subsection 19.401.5 Procedures

MMC 19.401 establishes standards for the Willamette Greenway overlay designation. The subject property is within the Willamette Greenway zone as shown on the City's zoning map.

The project involves the substantial alteration of natural site characteristics and constitutes "development" as defined in MMC Subsection 19.401.4. The proposed development is subject to conditional use review standards of MMC 19.905 and the approval criteria of MMC 19.401.6.

b. MMC Subsection 19.401.6 Criteria

MMC 19.401.6 establishes the criteria for approving conditional uses in the Willamette Greenway zone.

(1) *Whether the land to be developed has been committed to an urban use, as defined under the State Willamette River Greenway Plan*

The State Willamette River Greenway Plan defines "lands committed to urban use" as "those lands upon which the economic, developmental and locational factors have, when considered together, made the use of the property for other than urban purposes inappropriate. Economic, developmental and locational factors include such matters as ports, industrial, commercial, residential or recreational uses of property; the effect these existing uses have on properties in their vicinity, previous public decisions regarding the land in question, as contained in ordinances and such plans as the Lower Willamette River Management Plan, the city or county comprehensive plans, and similar public actions."

The subject property is zoned for Downtown Open Space use and is already developed with a light rail bridge and a bicycle and pedestrian bridge. The land is committed to an urban use.

The Planning Commission finds that this criterion is met.

(2) *Compatibility with the scenic, natural, historic, economic, and recreational character of the river*

The presence of a light rail and pedestrian bridge at this location was approved by WG-11-01 and associated approvals. That action included a requirement that an Ashlar stone appearance be used on the retaining walls, structural walls and other surfaces supporting the bridge, consistent with the visual character of the Portland-Milwaukie Light Rail Alignment project. Surface treatment with a similar Ashlar stone appearance on the retaining walls necessary to form the abutments for the pedestrian bridge link extensions will ensure that the proposed structures are compatible with the approved design vocabulary and the environmental appearance created by the bridge's construction at this location along Kellogg Creek.

The Design and Landmarks Committee has determined that a galvanized steel finish is most appropriate for the proposed railings, in order to complement the design vocabulary of the light rail bridge. A condition has been established to ensure the use of an Ashlar stone appearance on the retaining walls and galvanized steel on the proposed railings. The proposed development presents no significant impacts to the character of the river and is compatible.

The Planning Commission finds that, as conditioned, this criterion is met.

(3) *Protection of views both toward and away from the river*

Much of the bridge will not be viewable from the Willamette River, nor will it obscure views toward the river, due to the presence of the existing freight rail trestle. Because the pedestrian bridge itself is lower than the trestle, there is no significant view opportunity to the west. On the other hand, the proposed project will create new eastward viewing opportunities from a vantage point above Kellogg Lake, just east of the railroad trestle, that have never been accessible to the public before. This will be a significant contribution to visual access to the Kellogg Lake scenic corridor, consistent with this approval criterion.

The Planning Commission finds that this criterion is met.

(4) *Landscaping, aesthetic enhancement, open space, and vegetation between the activity and the river, to the maximum extent practicable*

The bicycle and pedestrian bridge connections will create view opportunities looking eastward, upstream along the Kellogg Lake corridor. The proposed linking structures will provide bicycle and pedestrian access to the bridge, and across Kellogg Creek, where users can frequently and safely enjoy these scenic amenities. The use of Ashlar stone visual treatment of exposed surfaces will ensure that a coherent, high-quality visual character is maintained along the banks of Kellogg Lake.

The Planning Commission finds that this criterion is met.

(5) *Public access to and along the river, to the greatest possible degree, by appropriate legal means*

In addition to making bicycle and pedestrian connections to multimodal facilities on both ends of the bridge, the proposed connections will also make connections to planned future trails within or along the Kellogg Lake corridor itself.

The Planning Commission finds that this criterion is met.

(6) *Emphasis on water-oriented and recreational uses*

Kellogg Lake is not an opportune location for navigation between it and the Willamette River because the lake is dammed at its mouth. The bicycle and pedestrian bridge connections will provide residents and visitors new views of Kellogg Lake and the Willamette River as well as access to new recreational opportunities.

The Planning Commission finds that this criterion is met.

(7) *Maintain or increase views between the Willamette River and downtown*

The bicycle and pedestrian bridge connections will provide users with unique views of downtown Milwaukie, including Dogwood Park, Kronberg Park, Kellogg Lake, and the Willamette River to the west that are currently not available by any other means. The bridge will not block views between the Willamette River and downtown Milwaukie.

The Planning Commission finds that this criterion is met.

(8) *Protection of the natural environment according to regulations in Section 19.402*

WG-11-01 included mitigation for an additional 375 sq ft of permanent disturbance within the mapped habitat conservation area (HCA) to accommodate future construction of the bicycle and pedestrian bridge connections and landings. The proposed disturbance area within the HCA is 142 sq ft.

The Planning Commission finds that this criterion is met.

- (9) *Advice and recommendations of the Design and Landmark Committee, as appropriate*

The Design and Landmarks Committee (DLC) has reviewed the proposal and recommends approval of the project as conditioned.

The Planning Commission finds that this criterion is met.

- (10) *Conformance to applicable Comprehensive Plan policies*

The applicable Comprehensive Plan policies are those of Chapter 3: Environmental and Natural Resources and Chapter 4: Land Use.

Chapter 3: Environmental and Natural Resources

- (a) Natural Hazards Element

- (i) *Objective #1 – Floodplain*

Like the pedestrian bridge itself, the proposed pedestrian ramp linkages are elevated above the 100-year flood elevation, and will be supported by structures designed to withstand flood events without compromising flows. The proposed design is therefore consistent with these policies.

- (b) Open Spaces, Scenic Areas, and Natural Resources Element

- (i) *Objective #1 – Open Space*

The proposed project will link the Kellogg Lake bicycle/pedestrian bridge with bicycle and pedestrian facilities on both sides of Kellogg Lake, and will create eastward viewing opportunities from a vantage point above Kellogg Lake that has never been accessible to the public before. These will be significant contributions to passive recreational opportunities the City intends to foster within the Kellogg Lake/Kellogg Creek corridor over time. The proposed project therefore furthers this Policy.

- (ii) *Objective #3 – Scenic Areas*

Currently, views into the Kellogg Lake corridor from Dogwood Park are obstructed by the existing railroad trestle located immediately west of the Kellogg Bridge. The proposed project will create new eastward viewing opportunities from a vantage point above Kellogg Lake, just east of the railroad trestle, that has not been accessible to the public for decades. This will be a significant contribution to visual access to the Kellogg Lake scenic corridor. The proposed project therefore furthers this Policy.

Chapter 4: Land Use

- (a) Economic Base and Industrial/Commercial Land Use Element

(i) *Objective #6 – Commercial Land Use*

Convenient and safe pedestrian access is an important element for achieving successful economic development in a mixed-use district. The proposed project will provide the necessary pedestrian connectivity for a safe and efficient pedestrian linkage between the Downtown area/Lake Road Station and neighborhoods to the south of Kellogg Lake.

(ii) *Objective #2 – Town Center*

The proposed project represents the final land use approval necessary to follow through on the City's work with TriMet to design and construct the Kellogg Bicycle/Pedestrian Bridge in conjunction with the Portland-Milwaukie Light Rail Project. This approval will permit the design and construction of the bicycle and pedestrian landing linkages necessary to functionally connect the Kellogg Lake bicycle/pedestrian bridge, which has now been constructed, to bicycle and pedestrian facilities on both banks of the Kellogg Lake corridor.

(b) Recreational Needs Element

(i) *Objective #7 – Riverfront Recreation*

The proposed project will link the Kellogg Lake bicycle/pedestrian bridge with bicycle and pedestrian facilities on both sides of Kellogg Lake, and will create eastward viewing opportunities from a vantage point above Kellogg Lake that has never been accessible to the public before. These will be significant contributions to recreational opportunities the City intends to foster within the Kellogg Lake/Kellogg Creek corridor over time.

(c) Willamette Greenway Element

(i) *Objective #7 – Central Riverfront*

The proposed project is subject to Willamette Greenway Review because it is located within the designated Willamette Greenway Zone. That review process furthers implementation of this Objective and its applicable Policies. In addition to creating safe and efficient bicycle and pedestrian linkage between the Downtown/Lake Road Station and neighborhoods to the south of Kellogg Lake, the project will create eastward viewing opportunities from a vantage point above Kellogg Lake that has not been accessible to the public for decades. These will all be significant contributions to public access, public recreational use, and visual access within the Kellogg Lake/Kellogg Creek corridor, as well as improving transportation capacity, specifically for pedestrian-mode travel.

Chapter 5: Transportation, Public Facilities, and Energy Conservation

(a) Transportation Element

The proposed project will provide the linkages necessary to activate the Kellogg Lake Bicycle/Pedestrian Bridge as a functioning part of the City's multi-modal transportation system. The addition of this new bicycle and pedestrian access route will contribute to livability, safety and travel

choices by facilitating walking trips between the Downtown area and neighborhoods south of Kellogg Lake, on an efficient and well-lighted bicycle and pedestrian bridge adjacent to the Milwaukie/Main Street Station of the Portland-Milwaukie Light Rail Extension project. The proposal is therefore consistent with these Goals of the Transportation Element.

The City's transportation goals are implemented through the Transportation System Plan (TSP). The proposal conforms to the policies of the TSP as follows.

(i) *TSP Chapter 5: Pedestrian Element*

The proposed project is a critical element to implement Project AU in accordance with the Pedestrian Element of the Transportation System Plan.

(ii) *TSP Chapter 6: Bicycle Element*

The proposed project is a critical element to implement Project AC in accordance with the Bicycle Element of the TSP.

(b) Energy Conservation Element

(i) *Objective #2 – Transportation System*

The proposed project will provide the linkages necessary to activate the Kellogg Lake Bicycle/Pedestrian Bridge as a functioning part of the City's multi-modal transportation system. This new bicycle and pedestrian access route will facilitate walking and cycling trips between the Downtown area/Lake Road Station and neighborhoods south of Kellogg Lake, on an efficient and well-lighted pedestrian bridge. The proposal is therefore consistent with this Objective and Policy.

(11) *The request is consistent with applicable plans and programs of the Division of State Lands*

The proposed development is not inconsistent with any known plans or programs of the Department of State Lands.

(12) *A vegetation buffer plan meeting the conditions of Subsections 19.401.8.A through C*

The proposal does not revise or disturb the vegetation buffer plan approved by WG-11-01.

The Planning Commission finds that the proposed development meets all relevant approval criteria provided in MMC 19.401.6.

The Planning Commission finds that the proposed development meets all applicable standards of the Willamette Greenway zone.

7. MMC Section 19.905 Conditional Uses

MMC 19.905 establishes regulations for conditional uses, including standards for reviewing modifications to existing conditional uses.

a. MMC Subsection 19.905.3 Review Process

MMC 19.905.3 establishes the process by which a new conditional use, or a major or minor modification of an existing conditional use, must be reviewed.

As noted in Finding 6-a, the proposed development is an activity within the Willamette Greenway zone that requires review as a conditional use. The existing use on the subject property is a bicycle and pedestrian bridge constructed as part of the Portland-Milwaukie light rail project. The proposed development, which includes structures and retaining walls to connect the bridge to grade, represents a major modification to the existing conditional use.

MMC 19.905.3.A requires that a major modification of an existing conditional use be evaluated through the Type III review process per MMC Section 19.1006.

b. MMC Subsection 19.905.4 Approval Criteria

MMC 19.905.4.A establishes the general criteria for approval of a new conditional use or a major modification to an existing conditional use.

- (1) *The characteristics of the lot are suitable for the proposed use considering size, shape, location, topography, existing improvements, and natural features.*

The site is currently developed with a light rail bridge and pedestrian and bicycle bridge. The proposed connections respond to the topography of the site and connect the existing bicycle and pedestrian bridge with grade on either end.

The Planning Commission finds that this standard is met.

- (2) *The operating and physical characteristics of the proposed use will be reasonably compatible with, and have minimal impact on, nearby uses.*

Nearby uses include the light rail bridge, light rail station, a single-family home, and Kronberg Park. The operating characteristics of the proposed connections will be compatible with the adjacent light rail station and light rail bridge, and will have minimal impact on nearby uses.

The Planning Commission finds that this standard is met.

- (3) *All identified impacts will be mitigated to the extent practicable.*

The primary impact of the proposed development will be allowing use of the bicycle and pedestrian bridge, which is currently inaccessible due to the lack of connections to grade. No impacts beyond those approved by WG-11-01 have been identified.

The Planning Commission finds that this standard is met.

- (4) *The proposed use will not have unmitigated nuisance impacts, such as from noise, odor, and/or vibrations, greater than usually generated by uses allowed outright at the proposed location.*

The proposed development will provide bicycle and pedestrian access to the bridge and points south, but will not have impacts greater than uses allowed outright in the DOS zone, including parks and plazas.

The Planning Commission finds that this standard is met.

- (5) *The proposed use will comply with all applicable development standards and requirements of the base zone, any overlay zones or special areas, and the standards in Section 19.905.*

As addressed in various other findings, the proposed development will comply with all applicable development standards, requirements of the underlying Downtown Office zone and other applicable overlay zones, and the standards of MMC 19.905.

The Planning Commission finds that this standard is met.

- (6) *The proposed use is consistent with applicable Comprehensive Plan policies related to the proposed use.*

As addressed in Finding 6-b-10, the proposed development is consistent with all relevant policies in the Comprehensive Plan.

The Planning Commission finds that this standard is met.

- (7) *Adequate public transportation facilities and public utilities will be available to serve the proposed use prior to occupancy pursuant to Chapter 19.700.*

The Engineering Department has reviewed the proposal and confirmed that existing public transportation facilities and public utilities are adequate to serve the proposed development.

The Planning Commission finds that this standard is met.

The Planning Commission finds that the proposed development meets all of the approval criteria outlined in MMC 19.905.4.A for a major modification to an existing conditional use.

c. MMC Subsection 19.905.5 Conditions of Approval

MMC 19.905.5 establishes the types of conditions that may be imposed on a conditional use to ensure compatibility with nearby uses. Conditions may be related to a number of issues, including access, landscaping, lighting, and preservation of existing trees.

The Planning Commission finds that, as proposed, the new development sufficiently mitigates any potential negative impacts and that no additional conditions are necessary to ensure compatibility with nearby uses.

d. MMC Subsection 19.905.6 Conditional Use Permit

MMC 19.905.6 establishes standards for issuance of a conditional use permit, including upon approval of a major modification of an existing conditional use. The provisions include a requirement to record the conditional use permit with the Clackamas County Recorder's Office and provide a copy to the City prior to commencing operations allowed by the conditional use permit.

The Planning Commission finds that the proposed development is consistent with the relevant standards established in MMC 19.905 for conditional uses.

8. The application was referred to the following departments and agencies on February 18, 2015:
- Milwaukie Building Division
 - Milwaukie Engineering Department
 - Island Station Neighborhood District Association Chairperson and Land Use Committee

- Historic Milwaukie Neighborhood District Association Chairperson and Land Use Committee

In addition, notice of the application was provided to the Oregon Department of Transportation (ODOT), Oregon Department of Parks and Recreation, Department of State Lands, Oregon Department of Fish and Wildlife, and State Marine Board on March 17, 2015.

The comments received are summarized as follows:

- **Pam Denham, Island Station NDA Land Use Committee Co-Chair:** No concerns.

Table 1. Downtown Design Guidelines Compliance

DESIGN GUIDELINES—MILWAUKIE CHARACTER	
Guideline	Findings
<u>Reinforce Sense of Place</u> <i>Strengthen the qualities and characteristics that make Milwaukie a unique place.</i>	The proposed project provides connections and landings between the banks of Kellogg Lake and the bicycle/pedestrian bridge beneath the light rail deck of the Kellogg Lake Bridge constructed as part of the Portland-Milwaukie Light Rail Alignment. This critical set of functional linkages for the Kellogg Lake bicycle/pedestrian bridge will strengthen visual and functional bicycle and pedestrian relationships between the Downtown area, Kellogg Lake, and neighborhoods located to the south. The proposal meets this guideline.
<u>Integrate the Environment</u> <i>Building design should build upon environmental assets.</i>	By virtue of its location and the bicycle and pedestrian linkages it will create, the project furthers achievement of several recommended design guidelines: • Walkways oriented toward water elements; • Public access; • Natural and/or man-made elements engaging water edges; and • Places where people can directly see, touch and hear the water. The proposal meets this guideline.
<u>Establish or Strengthen Gateways</u> <i>Projects should use arches, pylons, arbors or other transitions to mark special or primary entries and/or borders between public and private spaces.</i>	The Kellogg Lake Bicycle/Pedestrian Bridge will be a completely new bicycle and pedestrian route for access to the Downtown area from neighborhoods to the south. Because it is located beneath the light rail deck of the Kellogg Lake Bridge, its context does not lend itself to construction of vertical elements such as formal symbolic gates; however, crossing Kellogg Lake is itself a significant transition between places that announces one's imminent arrival into the Downtown area. For this reason, a design strategy that downplays the visual importance of the bridge itself maintains focus on the Kellogg Lake/Kellogg Creek natural corridor, into which it provides unique and novel vistas. The proposal meets this guideline.

DESIGN GUIDELINES—MILWAUKIE CHARACTER	
Guideline	Findings
<u>Consider View Opportunities</u> <i>Building designs should maximize views of natural features or public spaces.</i>	By bringing online a new bicycle and pedestrian facility that provides unique views of Dogwood Park, Kronberg Park, Kellogg Lake, and the Willamette River, the project furthers achievement of two recommended design guidelines: • Views of parks, and • Views of natural features such as streams, lakes, ponds or specimen landscape plantings. The proposal meets this guideline.
<u>Consider Context</u> <i>A building should strengthen and enhance the characteristics of its setting, or at least maintain key unifying patterns.</i>	As noted above, the Kellogg Lake Bicycle/Pedestrian Bridge is situated beneath the light rail deck of the Kellogg Lake Bridge, where it can be seen primarily from locations along the banks of Kellogg Lake. This context does not lend itself to grandiose decoration or construction of vertical elements such as formal symbolic gates. Rather, emphasis is placed on the experience of crossing Kellogg Lake, a significant transition that announces one's imminent arrival into (or departure from) the Downtown area. The use of galvanized steel railings complements the design vocabulary of the light rail bridge. A condition has been established to ensure the use of galvanized railings for the connections. For this reason, a design strategy that downplays the visual importance of the bridge itself maintains focus on the Kellogg Lake/Kellogg Creek natural corridor, into which it provides unique and novel vistas. The proposal, as conditioned, meets this guideline.

DESIGN GUIDELINES—MILWAUKIE CHARACTER	
Guideline	Findings
<u>Promote Architectural Compatibility</u> <i>Buildings should be “good neighbors.” They should be compatible with surrounding buildings by avoiding disruptive excesses. New buildings should not attempt to be the center of attention.</i>	Findings for the pedestrian bridge in WG-11-01 noted that it “incorporates and celebrates the intricate and angular support beam pattern present in the freight rail bridge,” in contrast to the “visually low-key [light rail] bridge with simple lines that do not compete with the neighboring freight rail bridge.” Thus, the approved design vocabulary for the two components of the Kellogg Lake bridge intentionally juxtaposes them against the adjacent rail trestle bridge, incorporating some structural features in the bicycle/pedestrian bridge while making a completely contrasting statement with the light rail deck and support structure. For the bicycle/pedestrian bridge connections and landings, a simple, functional deck structure and railings compatible with the railing/balustrade design of the pedestrian bridge will provide the necessary functionality without “pulling focus” from the interplay among the three bridges’ structural elements (as viewed from points along Kellogg Lake), or from the Kellogg Lake corridor (as viewed from points along the pedestrian bridge and its ramps). The proposal meets this guideline.
<i>(4 other guidelines related to Milwaukie Character)</i>	None of the other Milwaukie Character Design Guidelines are applicable to the proposal.

DESIGN GUIDELINES—PEDESTRIAN EMPHASIS	
Guideline	Findings
<u>Reinforce and Enhance the Pedestrian System</u> <i>Barriers to pedestrian movement and visual and other nuisances should be avoided or eliminated, so that the pedestrian is the priority in all development projects.</i>	The project furthers achievement of these elements in the Description: • Pedestrian routes that are attractive and convenient; and • Walkways should be direct and free of barriers such as utility poles or other obstructions. The proposed bicycle/pedestrian bridge ramp links are essential to achieve the intended functionality of the Kellogg Lake Bicycle/Pedestrian Bridge. Situated on the lower level (below the light rail deck), the pedestrian bridge provides safety and weather protection for bicyclists and pedestrians, and allows the connecting links to paths on both banks of Kellogg Lake to be less steep. The proposal meets this guideline.
<u>Define the Pedestrian Environment</u> <i>Provide human scale to the pedestrian environment, with variety and visual richness that enhance the public realm.</i>	For an aesthetic appearance compatible with the surfaces of other structural elements of the Kellogg Lake Bridge construction, retaining walls visible from pedestrian locations (including planned future trails along the banks of Kellogg Lake in this area) will be surfaced with an Ashlar stone appearance similar to that used on retaining walls and other bridge support elements. A condition has been established to ensure the Ashlar stone appearance. The strategy aims to achieve visual compatibility of materials and appearance, without pulling focus from views of the Kellogg Lake/Kellogg Creek corridor environment. As conditioned, the proposal meets this guideline.
<u>Protect the Pedestrian from the Elements</u> <i>Protect pedestrians from wind, sun and rain.</i>	The bicycle/pedestrian bridge on the lower level (below the light rail deck) provides weather protection for pedestrians. Because the proposed linkages at both ends of the bridge will connect to uncovered open spaces and walkways or trails, canopies or other covering structures are not warranted. The proposal meets this guideline.

DESIGN GUIDELINES—PEDESTRIAN EMPHASIS	
Guideline	Findings
<u>Provide Places for Stopping and Viewing</u> <i>Provide safe, comfortable places where people can stop to sit and rest, meet and visit with each other, and otherwise enjoy the downtown surroundings.</i>	Although the deck of the bicycle/pedestrian bridge does not provide widened viewing areas (i.e., belvederes) specifically for stopping and viewing, the twelve-foot deck is wide enough to allow people to stop and gaze without obstructing pass-by movements by other pedestrians and cyclists. A twelve-foot deck width is also used on the proposed ramp linkages. The proposal meets this guideline.
<u>Create Successful Outdoor Spaces</u> <i>Spaces should be designed for a variety of activities during all hours and seasons.</i>	As discussed above, the bicycle/pedestrian bridge is designed to maintain visual emphasis on the whole Kellogg Lake natural area, including viewpoints and walkways to which the bicycle/pedestrian bridge will connect. This approach recognizes that the bridge and its connecting ramps are not a destination in themselves, and that success arises from providing physical and visual access to the Kellogg Lake/Kellogg Creek corridor from bicycle/pedestrian facilities. The proposal meets this guideline.
<u>Integrate Barrier-Free Design</u> <i>Accommodate handicap access in a manner that is integral to the building and public right-of-way and not designed merely to meet minimum building code standards.</i>	The design of the proposed linking ramps meets maximum slope requirements of the Americans with Disabilities Act (ADA). The proposal meets this guideline.

DESIGN GUIDELINES—ARCHITECTURE	
Guideline	Findings
<u>Wall Materials</u> <i>Use materials that create a sense of permanence.</i>	The connections and landing abutment will be faced with materials having an Ashlar stone appearance, similar to materials used on the retaining walls supporting pedestrian paths, for a consistent, high-quality appearance. A condition has been established to ensure the use of materials with an Ashlar stone appearance. As conditioned, the proposal meets this guideline.

DESIGN GUIDELINES—ARCHITECTURE	
Guideline	Findings
<u>Green Architecture</u> <i>New construction or building renovation should include sustainable materials and design.</i>	The proposed technique for constructing the bicycle/pedestrian link abutments using modular concrete block walls is a sustainable practice because of production efficiencies achieved in the manufacturing of the components on the one hand, and their durability and longevity in actual installations, resulting in low overall life-cycle costs and maintenance/repair needs. The proposal meets this guideline.
<u>Building Security</u> <i>Buildings and site planning should consider and employ techniques that create a safe environment.</i>	Like the Kellogg Lake Bicycle/Pedestrian Bridge, the proposed connections will be visible from many positions in public spaces along the banks of Kellogg Lake, including points along Lake Road and Kronberg Park. Bicyclists and pedestrians approaching the bridge will have a clear view all the way across, for surveillance to assess whether conditions are safe to proceed onto the bridge. The proposal meets this guideline.
<i>(9 other guidelines related to Pedestrian Emphasis)</i>	None of the other Pedestrian Emphasis Design Guidelines are applicable to the proposal.

DESIGN GUIDELINES—LIGHTING	
Guideline	Findings
<i>(4 guidelines related to Lighting)</i>	None of the Lighting Guidelines are applicable to this proposal.

DESIGN GUIDELINES—SIGNS	
Guideline	Findings
<i>(7 guidelines related to Signs)</i>	None of the Sign Guidelines are applicable to this proposal.

Recommended Conditions of Approval
File #DR-2015-001, WG-2015-001, Kellogg Lake Bicycle/Pedestrian Bridge

1. At the time of submission of the associated development permit application, the following shall be resolved:
 - a. Final plans submitted for building permit review shall be in substantial conformance with plans approved by this action, which are the plans stamped received by the City on February 17, 2015, and except as otherwise modified by these conditions.
 - b. Final construction plans shall demonstrate the following:
 - (1) The elevation of the retaining walls has the appearance of Ashlar stone. The Design and Landmarks Committee (DLC) strongly prefers that the profile, size, and coursing of the pattern are similar to the existing abutment and retaining walls of the light rail station, if no additional cost is required.
 - (2) The railings are made of galvanized steel.
 - c. Provide a narrative describing all actions taken to comply with these conditions of approval.
 - d. Provide a narrative describing any changes made after the issuance of this land use decision that are not related to these conditions of approval

Additional Requirements

1. An application for Type I development review is required in conjunction with the submittal of the associated development permit application.
2. Limitations on Development Activity
Development activity on the site shall be limited to 7 a.m. to 10 p.m. Monday through Friday and 8 a.m. to 5 p.m. Saturday and Sunday, as per MMC Subsection 8.08.070(I).
3. Prior to final inspection for the associated development permit, the following shall be resolved:
 - a. The applicant shall record the conditional use permit issued by the City upon approval of the proposed development. The conditional use permit shall be recorded with the Clackamas County Recorder's Office, and a copy of the recorded permit shall be provided to the Planning Director.
4. Expiration of Approval
As per MMC 19.1001.7.E.1.a, proposals requiring any kind of development permit must complete both of the following steps:
 - a. Obtain and pay for all necessary development permits and start construction within 2 years of land use approval.
 - b. Pass final inspection and/or obtain a certificate of occupancy within 4 years of land use approval.

KELLOGG LAKE PEDESTRIAN BRIDGE CONNECTIONS

PROJECT DESCRIPTION

The proposed project consists of constructing connections and landings at both the north and the south ends of the Kellogg Lake Bicycle/Pedestrian Bridge, which was constructed by TriMet pursuant to the approval of WG-11-01 (“Light Rail Bridge over Kellogg Lake and McLoughlin Blvd”) and associated case files (referred to collectively hereafter as “WG-11-01”). The bicycle/pedestrian bridge crossing Kellogg Lake is situated beneath the light rail deck (the top level of the bridge), spanning between the central support columns of the light rail bridge. A detailed design for the linking structures between the banks of Kellogg Lake and the ends of the pedestrian bridge was deferred until funding had been identified, so specific approval (i.e., this application) was deferred until the present time.

The proposed construction requires review and approval pursuant to:

- Willamette Greenway Overlay Zone (WG) requirements in Section 19.401
- Downtown Design Review pursuant to Section 19.907

SECTION 19.401 WILLAMETTE GREENWAY OVERLAY ZONE (WG)

The proposal is a form of “Development” as defined in §19.401.4. It is not a prohibited use per §19.401.3. Conditional Use approval is therefore required per that subsection and §19.401.5.D.

Section 19.401.5.E requires submittal of a vegetation/buffer plan **unless the proposed development does not impact the vegetation buffer defined in Subsection 19.401.8.** In this case, pedestrian linkages were contemplated in the Kellogg bridge’s design and associated impact mitigation activities (approved under WG-11-01), including approximately 500 square feet of additional mitigation for the bicycle/pedestrian bridge landings. The mitigation plan as approved by WG-11-01 is not being revised in the required buffer area; therefore, no vegetation/buffer plan is required in conjunction with this request,

Section 19.401.6 Approval Criteria

The following shall be taken into account in the consideration of a conditional use:

- A. Whether the land to be developed has been committed to an urban use, as defined under the State Willamette River Greenway Plan;

ANALYSIS AND RECOMMENDED FINDING: The WG-11-01 approval committed the corridor in which the Kellogg Lake Bicycle/Pedestrian Bridge is located to urban use. This criterion is met.

- B. Compatibility with the scenic, natural, historic, economic, and recreational character of the river;

ANALYSIS AND RECOMMENDED FINDING: The presence of a light rail and pedestrian bridge at this location was approved by WG-11-01 and associated approvals. That action included a requirement that an Ashlar stone appearance be used on the retaining walls,

structural walls and other surfaces supporting the bridge, consistent with the visual character of the Portland-Milwaukie Light Rail Alignment project. Surface treatment with a similar Ashlar stone appearance on the retaining walls necessary to form the abutments for the pedestrian bridge link extensions will ensure that the proposed structures are compatible with the approved design vocabulary and the environmental appearance created by the bridge's construction at this location along Kellogg Creek.

- C. Protection of views both toward and away from the river;

ANALYSIS AND RECOMMENDED FINDING: Currently, views into the Kellogg Lake corridor from the Willamette River/Dogwood Park and vicinity are obstructed by the existing railroad trestle located immediately west of the Kellogg Bridge. Because the pedestrian bridge itself is lower than the trestle, there is no significant view opportunity to the west. On the other hand, the proposed project will create new eastward viewing opportunities from a vantage point above Kellogg Lake, just east of the railroad trestle, that has never been accessible to the public before. This will be a significant contribution to visual access to the Kellogg Lake scenic corridor, consistent with this approval criterion.

- D. Landscaping, aesthetic enhancement, open space, and vegetation between the activity and the river, to the maximum extent practicable;

ANALYSIS AND RECOMMENDED FINDING: As noted above, the pedestrian bridge will create view opportunities looking eastward, upstream along the Kellogg Lake corridor. The proposed linking structures will provide bicycle and pedestrian access to the bridge, and across Kellogg Creek, where users can frequently and safely enjoy these scenic amenities. The use of Ashlar stone visual treatment of exposed surfaces will ensure that a coherent, high-quality visual character is maintained along the banks of Kellogg Lake.

- E. Public access to and along the river, to the greatest possible degree, by appropriate legal means;

ANALYSIS AND RECOMMENDED FINDING: In addition to making bicycle and pedestrian connections to multimodal facilities on both ends of the bridge, the proposed connections will also make connections to planned future trails within or along the Kellogg Lake corridor itself. The proposed project is therefore consistent with this requirement.

- F. Emphasis on water-oriented and recreational uses;

ANALYSIS AND RECOMMENDED FINDING: Kellogg Lake is not an opportune location for navigation between it and the Willamette River because the trestle structure does not allow watercraft to pass. This criterion is not applicable at this location.

- G. Maintain or increase views between the Willamette River and downtown;

ANALYSIS AND RECOMMENDED FINDING: The Kellogg Lake Bicycle/Pedestrian Bridge's specific location – underneath the light rail deck of the Portland-Milwaukie Light

Rail bridge crossing Kellogg Lake – provides only glimpses of the Willamette River through the trestle bridge immediately to the west, and it is too low for visual access to the downtown area. Strictly speaking, this criterion is not applicable. (Notably, however, the creation of scenic views into the Kellogg Lake/Kellogg Creek corridor is in keeping with its principles.)

H. Protection of the natural environment according to regulations in Section 19.402;

ANALYSIS AND RECOMMENDED FINDING: The requirements of this Section were addressed in the mitigation plan approved as part of WG-11-01, which took into account impacts anticipated to occur with construction of the linking ramp structures. The proposed plan is consistent with those assumptions, so no modification of the mitigation plan or further analysis is required.

I. Advice and recommendations of the Design and Landmark Committee, as appropriate;

ANALYSIS AND RECOMMENDED FINDING: [Response pending review by that Committee.]

J. Conformance to applicable Comprehensive Plan policies;

ANALYSIS AND RECOMMENDED FINDING: Staff reviewed Objectives and Policies in the Comprehensive Plan and identified the following excerpts (emphasis added) as being applicable to the proposed project. Each excerpt is followed by a brief recommended finding statement.

City of Milwaukie – Comprehensive Plan

OVERRIDING MANAGEMENT POLICIES

During preparation of the Comprehensive Plan, four overriding policies emerged which directed Plan preparation:

- **Public and private actions will result in a net benefit for existing City residents and will contribute to the improvement of the local business and industrial economy.**
- **Existing natural resources and developments of character will be preserved, and new development will contribute to improving the quality of the living environment, and to a sense of City-wide identity and pride.**
- Neighborhoods, their identity, and security, will be maintained and enhanced by all actions resulting from public and private activities.
- Public facilities and services will adequately serve existing residents and businesses, and not be overburdened by new public or private development.

RECOMMENDED FINDING: The proposed project will improve bicycle and pedestrian connectivity, safety and access to transit, especially for pedestrians traveling between the Downtown area/Lake Road Station and neighborhoods located south of Kellogg Lake. The project will also provide bicycle and pedestrian access to the bicycle/pedestrian bridge crossing Kellogg Lake, which provides attractive view opportunities to the east, upstream along the Kellogg Lake corridor. For these reasons, the proposed project is consistent with these Policies.

CHAPTER 3 — ENVIRONMENTAL AND NATURAL RESOURCES

OBJECTIVE #1 — FLOODPLAIN

To manage identified 100 year floodplains in order to protect their natural function as waterways, and to protect the lives and property of those individuals and concerns currently located within and along the floodplain boundary.

Policies

1. New construction and development will be regulated so that water flow will not be increased. The capacity of the floodplain shall not be reduced by development activities.
2. Construction materials which may be inundated will be of such strength and quality that they will not deteriorate, and they must be able to withstand the pressure and velocity of flowing water.
3. The finished elevations of the lowest floor of buildings and streets will be a minimum of 1.0 foot above the 100 year flood elevation.
4. Whenever possible, the floodplain will be retained as open space and used for recreation, wildlife areas, or trails. Dedication of lands or public easements within the floodplain is encouraged when indicated by the Recreational Needs Element, and may be required as a condition of development along creeks and rivers or other water bodies or wetlands.
5. The City will continue to participate in the FEMA Flood Insurance Program and will update its current flood hazard ordinance as necessary to comply with future revisions to that program.

RECOMMENDED FINDING: Like the pedestrian bridge itself, the proposed pedestrian ramp linkages are elevated above the 100-year flood elevation, and will be supported by structures designed to withstand flood events without compromising flows. The proposed design is therefore consistent with these Policies.

OPEN SPACES, SCENIC AREAS, AND NATURAL RESOURCES ELEMENT

GOAL STATEMENT: To conserve open space and protect and enhance natural and scenic resources in order to create an aesthetically pleasing urban environment, while preserving and enhancing significant natural resources.

Background and Planning Concepts [excerpt]:

Due to Milwaukie's physical setting and current level of development, few major natural resource features remain undisturbed and visible within the City. **Areas along Kellogg Lake, parts of Kellogg Creek**, some riparian areas along the Willamette River, the steep slopes south of Lake Road, small bands of riparian vegetation along Johnson Creek, parts of Spring Creek, and other scattered wetland and upland resources **have sufficient natural vegetation to allow the natural processes of habitat development and vegetative successional stages to occur. Active fish habitat exists within the City in the Willamette River, Kellogg Creek, and Johnson Creek. These waterways contain anadromous fish species.**

Milwaukie's future role as an urban community with a healthy mix of industrial, commercial, and residential uses, is compatible with the conservation of the City's remaining open spaces and natural resources. Policies in this element and the Willamette Greenway Element will allow certain types of development to occur providing natural resources, to the extent possible, are protected.

OBJECTIVE #1 — OPEN SPACE

To protect the open space resources of Milwaukie to improve the quality of the environment, provide a diversity of natural visual character within the City, and provide residents with ecological, educational, and recreational experiences in a variety of environmental settings.

Policy 3. The natural resources along Johnson Creek, Kellogg Creek, and **Kellogg Lake** will be considered open space of special importance to all City residents. **Passive recreational public use of these areas for walking trails, nature parks, and the like will be encouraged.**

RECOMMENDED FINDING: The proposed project will link the Kellogg Lake bicycle/pedestrian bridge with bicycle and pedestrian facilities on both sides of Kellogg Lake, and will create eastward viewing opportunities from a vantage point above Kellogg Lake that has never been accessible to the public before. These will be significant contributions to passive recreational opportunities the City intends to foster within the Kellogg Lake/Kellogg Creek corridor over time. The proposed project therefore furthers this Policy.

OBJECTIVE #3 — SCENIC AREAS

Significant scenic and view sites will be preserved for the enjoyment of present and future City residents as well as for visitors to the City.

Planning Concepts

The most significant scenic views in the City are oriented toward the Willamette River. However, only near downtown Milwaukie are public viewing sites possible, since established residential areas occupy the higher more prominent sites near the bank. **The view of Kellogg Lake from Dogwood Park is also considered scenic.** Preservation of these visual relationships is the primary objective of these policies and the Willamette River Greenway Policies.

Policy 1. Future plans for the Milwaukie riverfront area will include consideration of viewing opportunities between downtown and the Willamette River, as well as special places on the riverfront for enjoying views of the river and its activities. **Development plans for Dogwood Park will include maintenance of public access and opportunities for viewing Kellogg Lake.**

RECOMMENDED FINDING: Currently, views into the Kellogg Lake corridor from Dogwood Park are obstructed by the existing railroad trestle located immediately west of the Kellogg Bridge. The proposed project will create new eastward viewing opportunities from a vantage point above Kellogg Lake, just east of the railroad trestle, that has never been accessible to the public before. This will be a significant contribution to visual access to the Kellogg Lake scenic corridor. The proposed project therefore furthers this Policy.

CHAPTER 4 — LAND USE

ECONOMIC BASE AND INDUSTRIAL/ COMMERCIAL LAND USE ELEMENT

GOAL STATEMENT: To continue to support and encourage the development of a broad industrial base in the City, and to encourage the expansion of service facilities in the community.

Policy 10. The City will implement the Town Center Master Plan to promote economic development based on compatible mixed uses within the Town Center.

RECOMMENDED FINDING: Convenient and safe pedestrian access is an important element for achieving successful economic development in a mixed-use district. The proposed project will provide the necessary pedestrian connectivity for a safe and efficient pedestrian linkage between the Downtown area and neighborhoods to the south of Kellogg Lake. The proposed project is therefore consistent with this Policy.

OBJECTIVE #6 — COMMERCIAL LAND USE

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

...

- Town Center Areas - The downtown Milwaukie area is a unique mixed use and commercial center. This area is designated as a Town Center by the Metro 2040 Growth Concept. It provides area-wide services as well as limited neighborhood services. Commercial uses are primarily office, service, and retail, providing financial, personal, and business services, governmental and cultural services. **The emphasis is on creating a compact mixed use environment with pedestrian amenities and high quality transit service and multimodal street networks.**

RECOMMENDED FINDING: As noted above, convenient and safe pedestrian access is an important element for achieving successful economic development in a mixed-use district. The proposed project will provide the necessary pedestrian connectivity for a safe and efficient pedestrian linkage between the Downtown area/Lake Road Station and neighborhoods to the south of Kellogg Lake. The proposed project is therefore consistent with this Objective.

OBJECTIVE #12 — TOWN CENTER

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

Planning Concepts

Downtown Milwaukie is designated by Metro as a Town Center typified by a mix of residential and commercial uses.

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

Policy 5. In its planning for downtown, the City will establish location(s) for major public transit stations or interchange facilities. **The City will continue to work closely with Metro and Tri-Met in planning for transit improvements (see Transportation Element and Downtown and Riverfront Public Area Requirements).**

RECOMMENDED FINDING: The proposed project represents the final land use approval necessary to follow through on the City's work with TriMet to design and construct the Kellogg Bicycle/Pedestrian Bridge in conjunction with the Portland-Milwaukie Light Rail Project (as previously approved by WG-11-01). This approval will permit the design and construction of the bicycle and pedestrian landing linkages necessary to functionally connect the Kellogg Lake bicycle/pedestrian bridge, which has now been constructed, to bicycle and pedestrian facilities on both banks of the Kellogg Lake corridor. The proposed project is therefore consistent with this Policy.

RECREATIONAL NEEDS ELEMENT

GOAL STATEMENT: To provide for the recreational needs of present and future City residents by maximizing the use of existing public facilities, encouraging the development of private recreational facilities, and preserving the opportunity for future public recreational use of vacant private lands.

OBJECTIVE #7 — RIVERFRONT RECREATION

To maximize the recreational use of the Willamette River shoreland and waterways.

Planning Concepts

The Willamette River shoreland and waterways offer the most significant potential to improve recreational opportunities in Milwaukie. A 1979 Port of Portland report and a 1986 Marketing Study analyzed the feasibility for developing the City boat launch area as a marina. A marina near downtown, linked with public lands such as the grounds of the Kellogg Wastewater Treatment Plant, Elk Rock Island, and Spring Park would form a riverfront corridor providing a variety of river-oriented experiences. Even more significant is the notion of the riverfront area linked to the proposed 40-mile loop trail system (see Map 8) with potential for a southern arm extending to North Clackamas Park.

Policy 2. Existing waterfront park lands will be developed to maximize use and enjoyment of the river, while maintaining the environmental integrity of sensitive areas (See corresponding policies in Open Space, Natural Resources and Greenway Elements).

RECOMMENDED FINDING: As noted above, the proposed project will link the Kellogg Lake bicycle/pedestrian bridge with bicycle and pedestrian facilities on both sides of Kellogg Lake, and will create eastward viewing opportunities from a vantage point above Kellogg Lake that has never been accessible to the public before. These will be significant contributions to recreational opportunities the City intends to foster within the Kellogg Lake/Kellogg Creek corridor over time. The proposed project therefore furthers this Policy.

WILLAMETTE GREENWAY ELEMENT

GOAL STATEMENT: To protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

Background and Planning Concept

The State of Oregon together with the City of Milwaukie has designated the City's western boundary as part of the Willamette Greenway. Under State law, the qualities of the Willamette River corridor are to be protected, conserved, and enhanced, consistent with the uses present at the time the Greenway Statute was adopted (1975), for natural, scenic, historic, and recreational land uses. **Greenway boundaries include all land within 150 feet of the ordinary low water line of the Willamette River and such additional land, including Kellogg Lake and lands along its south shore, as is indicated on Map 5.**

The City has adopted a Willamette Greenway Boundary which includes Kellogg Lake and lands south of the lake. The waters of the lake and the predominantly undeveloped lands south of the lake provide considerable open space and wildlife habitat. Lands north of the lake are for the most part developed for residential purposes.

The City has established a **Willamette River Greenway conditional use procedure** in compliance with State law to require a greenway conditional use permit for any intensification, change of use, or development within the Greenway. Proposals are currently reviewed and evaluated on a case-by-case basis without the guidance of an overall design plan. Because of the historical, scenic, and recreational importance of the Willamette Riverfront to the City and nearby neighborhoods, residents and City officials have determined that such a design plan is necessary to effectively implement the Willamette Greenway objectives.

Inventory of Resources and Uses

A variety of resources and uses are associated with the Willamette River Greenway. Resources include recreation sites, fishing areas, historical sites, significant natural resources, scenic areas, vegetative cover, fish and wildlife habitats, and floodplains. The predominant land use within the Greenway is residential, although lands adjacent to McLoughlin Blvd. are currently developed as commercial, including services (such as boat repair), retail, office, and log transfer station. The site between Kellogg Creek and the Island Station Neighborhood contains the Kellogg Creek Sewage Treatment Plant. Of the total river frontage within the City, approximately 30% is in public ownership.

Recreation sites include the Jefferson Street boat ramp and viewpoint, a minipark with viewpoint at the sewage treatment plant, and Spring Park, an undeveloped park on the southern edge of the City. Formal public access for fishing areas is limited to the boat ramp.

Significant Natural areas within the Greenway include portions of Kellogg Lake and Creek, Johnson Creek, and the Willamette River and their associated riparian and upland areas. Resource values of these areas include wildlife habitat, flood control, erosion control, groundwater recharge, water quality, recreational opportunities, and visual amenities and character. Wildlife areas require sufficient buffers from human activity in order for maximum wildlife use to occur. (Resource values are discussed in more detail in the background ESEE analysis for natural areas.) **The downtown area provides the major viewing opportunity accessible to the public. The only unobstructed view corridor is from Jefferson Street looking west. The only publicly accessible view site on Kellogg Lake is from Dogwood Park.**

Kellogg Lake, Kellogg Creek, and Johnson Creek have fishery resources. Kellogg Lake contains warm-water species such as large mouth bass, crappies, bullhead catfish, and bluegills. Steelhead trout and Coho salmon pass through the lake and Kellogg Creek on their way to Mt. Scott Creek to spawn. Anadromous species are also found in Johnson Creek. Erosion, caused when riparian vegetation along the creek and

lake is removed during development, threatens the water quality of these waterways and the fishery resources they contain.

Policies in this element, applicable policies contained in the other elements of the Land Use Chapter, and policies in the Environment and Natural Resources Chapter, address Statewide Planning Goal 15.

OBJECTIVE #7 — CENTRAL RIVERFRONT

To acquire property necessary for public open space, public trails, riverfront access and riverfront-related development, consistent with the Downtown and Riverfront Land Use Framework Plan.

Policies

1. The City has adopted a Downtown and Riverfront Land Use Framework Plan to reconnect downtown Milwaukie to the Willamette River. **The Willamette River, Johnson Creek, and Kellogg Creek all provide beautiful natural borders to the downtown area.** The Downtown and Riverfront Land Use Framework Plan capitalizes on these natural resources, by restoring the creeks and connecting the river to the historic blocks of downtown. The plan implements updated designations for the riverfront and addresses the following issues:

- **Public access.**
- Safe pedestrian access across McLoughlin Boulevard.
- **Public recreational use.**
- **Natural resource protection.**
- Historic resource protection.
- **Visual access.**
- **Transportation.**
- Riverfront-related commercial development and redevelopment.
- Public-private partnerships for the riverfront.
- Redevelopment of Kellogg Wastewater Treatment Plant.

RECOMMENDED FINDING: The proposed project, to link the Kellogg Lake bicycle/pedestrian bridge with bicycle and pedestrian facilities on both sides of Kellogg Lake, is subject to Willamette Greenway Review because it is located within the designated Willamette Greenway Overlay Zone. That review process furthers implementation of this Objective and its applicable Policies. In addition to creating safe and efficient bicycle and pedestrian linkage between the Downtown/Lake Road Station and neighborhoods to the south of Kellogg Lake, the project will create eastward viewing opportunities from a vantage point above Kellogg Lake that has never been accessible to the public before. These will all be significant contributions to public access, public recreational use, and visual access within the Kellogg Lake/Kellogg Creek corridor, as well as improving transportation capacity, specifically for pedestrian-mode travel. The design and construction of the proposed linkages is consistent with impact mitigations for the Kellogg Bridge project (approved by WG-11-01), which contribute to natural resource protection within the corridor. The proposed project therefore is consistent with this Policy.

CHAPTER 5 — TRANSPORTATION, PUBLIC FACILITIES AND ENERGY CONSERVATION

TRANSPORTATION ELEMENT

The Transportation System Plan (TSP) is an ancillary Comprehensive Plan document that contains the City’s long-term transportation goals and policies for pedestrians, cyclists, drivers, transit users, and freight carriers. It provides for the coordination of transportation improvements at the local level and the integration of the local transportation system with the regional transportation system. It also identifies the transportation issues, policies, and projects that are important to the community.

Transportation goals form the basis for how the local transportation system will be developed and maintained over the long term. Given their importance, the City involved agency, business, and citizen stakeholders in developing goals that support a multimodal approach to transportation planning that reflects how citizens think about and experience the transportation system. Since they are equally important in different ways, they are not listed in order of importance or priority.

Goal 1: Livability. Design and construct transportation facilities in a manner that enhances the livability of Milwaukie’s community.

Goal 2: Safety. Develop and maintain a safe and secure transportation system.

Goal 3: Travel Choices. Plan, develop, and maintain a transportation system that provides travel choices and allows people to reduce the number of trips made by single-occupant vehicles.

RECOMMENDED FINDING: The proposed project will provide the linkages necessary to activate the Kellogg Lake Bicycle/Pedestrian Bridge as a functioning part of the City’s multi-modal transportation system. The addition of this new bicycle and pedestrian access route will contribute to livability, safety and travel choices by facilitating walking trips between the Downtown area and neighborhoods south of Kellogg Lake, on an efficient and well-lighted bicycle and pedestrian bridge adjacent to the Milwaukie/Main Street Station of the Portland-Milwaukie Light Rail Extension project. The proposal is therefore consistent with these Goals of the Transportation Element.

TSP CHAPTER 5: PEDESTRIAN ELEMENT

“Construct bike-ped overpass over Kellogg Creek” is identified as Proposed Project “AU” to Enhance Existing Pedestrian Connection in Figure 5-1a, Pedestrian Master Plan, and in Figure 5-1b, Pedestrian Master Plan Downtown Inset. Project AU is also listed in the High Priority Projects grouping of Table 5-1, Pedestrian Master Plan Projects, and in Table 5-3, Pedestrian Action Plan, which “identifies the highest priority projects that

are reasonably expected to be funded with local funds by 2035, which meets the requirements of the State’s Transportation Planning Rule.”

RECOMMENDED FINDING: The proposed project is a critical element to implement Project AU in accordance with the Pedestrian Element of the TSP.

TSP CHAPTER 6: BICYCLE ELEMENT

“Construct bike-ped overpass over Kellogg Creek” is identified as Proposed Project “AC” to Enhance Existing Bicycle Connection in Figure 6-8a, Bicycle Master Plan, and in Figure 6-8b, Bicycle Master Plan Downtown Inset. Project AC is also listed in the High Priority Projects grouping of Table 6-2, Bicycle Master Plan Projects, and in Table 6-3, Bicycle Action Plan, which “identifies the highest priority projects that are reasonably expected to be funded with local funds by 2035, which meets the requirements of the State’s Transportation Planning Rule.”

RECOMMENDED FINDING: The proposed project is a critical element to implement Project AC in accordance with the Bicycle Element of the TSP.

ENERGY CONSERVATION ELEMENT

GOAL STATEMENT: To conserve energy by encouraging energy efficient land use patterns and transportation systems, and by encouraging the construction industry and private homeowners to participate in energy conservation programs.

OBJECTIVE #2 — TRANSPORTATION SYSTEM

To encourage an energy efficient transportation system.

Policy 1. Through policies contained in the Transportation Element, the City will encourage the following:

- Improvements to improve the efficiency of major highways and arterials,
- Improvements to the regional and local public transit system including passenger waiting facilities to encourage transit usage for appropriate trips,
- **Improvements to the pedestrian and bicycle system linking neighborhood and community facilities, and improving access to transit corridors.**

RECOMMENDED FINDING: The proposed project will provide the linkages necessary to activate the Kellogg Lake Bicycle/Pedestrian Bridge as a functioning part of the City’s multi-modal transportation system. This new bicycle and pedestrian access route will facilitate walking and cycling trips between the Downtown area/Lake Road Station and neighborhoods south of Kellogg Lake, on an efficient and well-lighted pedestrian bridge. The proposal is therefore consistent with this Objective and Policy.

K. The request is consistent with applicable plans and programs of the Division of State Lands;

ANALYSIS AND RECOMMENDED FINDING: Notice of this application has been provided to DSL, so the agency can comment on the record as appropriate. Because construction of the abutments for the bridge ramp landings is located well outside the ordinary high water mark of Kellogg Lake, no conflict with DSL plans and programs is anticipated.

- L. A vegetation buffer plan meeting the conditions of Subsections 19.401.8.A through C.

ANALYSIS AND RECOMMENDED FINDING: The proposed construction is consistent with the vegetation buffer plan previously approved as part of WG-11-01, which included impact mitigation for the pedestrian ramp connections.

Section 19.304.6 Design Standards in the Downtown Zones

Per Subsection A, the intent of the Design Standards is to “encourage building design and construction with durable, high-quality materials.” The Design standards are applicable to major exterior alterations in the downtown zones, pursuant to Section 19.304.6.B and the definition in Section 19.304.6.B.3.a.

The Design Standards in Section 19.304.6.C apply specifically to:

- Residential development (not applicable);
- Walls (applicable, see below);
- Windows (not applicable); and
- Roofs (not applicable)

Design standards for walls (Section 19.304.6.C.2) [emphasis added]:

The following standards are **applicable to the exterior walls of buildings facing streets, courtyards, and/or public squares in all of the downtown zones.**

- a. Exterior wall-mounted mechanical equipment is prohibited.
- b. The following wall materials are prohibited at the street level of the building:
 - (1) EIFS or other synthetic stucco panels;
 - (2) Splitface or other masonry block.
- c. The following wall materials are prohibited at all levels of the building in all downtown zones:
 - (1) Plywood paneling;
 - (2) Brick with dimensions larger than 4 by 8 by 2 in;
 - (3) Spandrel glazing/curtain wall;
 - (4) Vinyl or metal cladding;
 - (5) Composite wood fiberboard or composite cement-based siding, except as permitted in the Downtown Residential Zone in Subsection 19.304.6.C.2.d.(3);
 - (6) Metal panels, except at penthouse level.
- d. The following wall materials are permitted only in the Downtown Residential Zone where densities are less than 30 units per acre:
 - (1) Board and batten cladding (limited to a maximum of 20% of the wall area);
 - (2) Wood shingles;
 - (3) Composite wood fiberboard or composite cement-based siding.

ANALYSIS AND RECOMMENDED FINDING: Retaining wall construction is proposed for the abutments where the connections will land on the north and south banks of Kellogg Lake. The surface treatment of the retaining walls will create the appearance of Ashlar stone on their exposed (visually accessible) surfaces, for consistency and compatibility with surface treatment of walls and certain other structural elements of the Kellogg Lake Bridge construction of the Portland-Milwaukie Light Rail Alignment project. The project does not involve any wall-mounted mechanical equipment or the use of any materials prohibited by this Section. Based on these facts, the proposed project complies with these requirements.

SECTION 19.907 DOWNTOWN DESIGN REVIEW

The proposed project is a “major exterior alteration” as defined in Subsection 19.304.6.B.3.a. (*Alterations that do not fall within the definitions of “exterior maintenance and repair” or “minor exterior alterations”*) and is therefore subject to Type III Design Review per Subsection 19.907.5.C. It is not subject to Type II review under subsections 1 or 2.

19.907.6 Application: Applications for design review shall be filed with the Planning Department on forms prescribed by the Planning Director. Design review applications shall include a narrative explaining how the development considered each of the Downtown Design Guidelines. The applicant shall demonstrate consistency with the design guidelines and compliance with applicable zoning criteria. In addition to all information specified on the “Submittal requirements” and “Site plan requirements” forms, each application for design review shall be accompanied by the following information:

- A. Completed design review checklist.
- B. Written statement that describes how the proposal meets applicable design guidelines. Where a guideline is not met, the applicant shall provide justification indicating why it is not applicable or demonstrate other site or project characteristics that warrant an exception.
- C. Show footprints of surrounding buildings, including driveways and pedestrian connections.
- D. Location, dimension, and setbacks of all proposed buildings, structures, walls, and fences.
- E. Dimensioned building elevations indicating height, exterior materials, colors, and details of exterior architectural features, such as cornices, windows, and trim.
- F. A streetscape drawing showing the relationship of the proposed project to adjacent buildings.
- G. Frontage improvements in the public right-of-way per the Public Area Requirements.

ANALYSIS AND RECOMMENDED FINDING: The completed design review checklist (per Subsection A) is attached as Exhibit A, and this narrative/findings document satisfies Subsection B. TriMet has provided project construction documentation, including drawings that satisfy the requirements of Subsections C through G, which is attached as Exhibit B. The submittal requirements for this review have been met. With respect to Subsection G,

improvements in the public right-of-way per the Public Area Requirements have already been completed as part of the light rail construction work to date.

Section 19.907.7 Approval Criteria for Design Review

The approval authority may approve, approve with conditions, or deny design review based on the following approval criteria:

- A. Compliance with Title 19;

ANALYSIS AND RECOMMENDED FINDING: The proposed project is located in the Downtown Open Space (DOS) zone, in which minimum development site landscaping of 20% is required per Table 19.304.4, Downtown Zones—Development Standards. As noted above in this narrative, previously approved WG-11-01 accounted for connections and landings in calculations for Habitat Conservation Area (HCA) impact mitigation, and the proposed project is consistent with those figures. Approximately 70% of the development site was found to be landscaped in the WG-11-01 approval, satisfying the landscaping requirement. Other applicable provisions of Title 19 are recited and addressed specifically in other sections of this narrative/findings document.

- B. Substantial consistency with the Downtown Design Guidelines; and

ANALYSIS AND RECOMMENDED FINDING: This requirement is met by the detailed review of applicable requirements in the Downtown Design Guidelines, below following the response to Subsection C. Please refer to that section.

- C. Submittal of a complete application and applicable fee as adopted by the City Council.

ANALYSIS AND RECOMMENDED FINDING: The Planning Department of the City of Milwaukie is the applicant of record for this request. Staff has completed the appropriate forms; there is no fee for an application generated by a General Fund department.

DOWNTOWN DESIGN GUIDELINES

Excerpt from Introduction/Design Review Process, page 6:

“Development projects are reviewed to determine consistency with development and design standards of the Downtown Zones and substantial consistency with the design guidelines. Where a project is not found consistent with the design guidelines, staff or the Design and Landmarks Commission may impose conditions of approval requiring the project to be modified to be consistent, or it can be established that design details or other site factors warrant finding for approval of the project without meeting the particular design guidelines.”

ANALYSIS AND RECOMMENDED FINDING: Both the Design Standards and Design Guidelines are largely premised on the building as the basic unit of development. As a result, many standards and guidelines are not applicable, or apply only tangentially to the proposed pedestrian bridge connections. In Table 1 below, staff has quoted the

elements of the Downtown Design Guidelines and has provided corresponding analyses. Table 1 should be read in conjunction with the Design Review Checklist attached as Exhibit A.

Table 1. Milwaukie Downtown Design Guidelines

Guideline	Analysis
Milwaukie Character Elements:	
Reinforce Sense of Place	The proposed project provides connections and landings between the banks of Kellogg Lake and the bicycle/pedestrian bridge beneath the light rail deck of the Kellogg Lake Bridge constructed as part of the Portland-Milwaukie Light Rail Alignment. This critical set of functional linkages for the Kellogg Lake bicycle/pedestrian bridge will strengthen visual and functional bicycle and pedestrian relationships between the Downtown area, Kellogg Lake, and neighborhoods located to the south.
Integrate the Environment	By virtue of its location and the bicycle and pedestrian linkages it will create, the project furthers achievement of several recommended design guidelines: • walkways oriented toward water elements; • public access; • natural and/or man-made elements engaging water edges; and • places where people can directly see, touch and hear the water.
Promote Linkages to Horticultural Heritage	Not Applicable because the project does not relate specifically to this Design Guideline.
Establish or Strengthen Gateways	The Kellogg Lake Bicycle/Pedestrian Bridge will be a completely new bicycle and pedestrian route for access to the Downtown area from neighborhoods to the south. Because it is located beneath the light rail deck of the Kellogg Lake Bridge, its context does not lend itself to construction of vertical elements such as formal symbolic gates; however, crossing Kellogg Lake is itself a significant transition between places that announces one's imminent arrival into the Downtown area. For this reason, a design strategy that downplays the visual importance of the bridge itself maintains focus on the Kellogg Lake/Kellogg Creek natural corridor, into which it provides unique and novel vistas.

Guideline	Analysis
Consider View Opportunities	By bringing online a new bicycle and pedestrian facility that provides unique views of Dogwood Park, Kronberg Park, Kellogg Lake, and the Willamette River, the project furthers achievement of two recommended design guidelines: • views of parks, and • views of natural features such as streams, lakes, ponds or specimen landscape plantings.
Consider Context	As noted above, the Kellogg Lake Bicycle/Pedestrian Bridge is situated beneath the light rail deck of the Kellogg Lake Bridge, where it can be seen primarily from locations along the banks of Kellogg Lake. This context does not lend itself to grandiose decoration or construction of vertical elements such as formal symbolic gates. Rather, emphasis is placed on the experience of crossing Kellogg Lake, a significant transition that announces one's imminent arrival into (or departure from) the Downtown area. For this reason, a design strategy that downplays the visual importance of the bridge itself maintains focus on the Kellogg Lake/Kellogg Creek natural corridor, into which it provides unique and novel vistas.
Promote Architectural Compatibility	Findings for the pedestrian bridge in WG-11-01 noted that it “incorporates and celebrates the intricate and angular support beam pattern present in the freight rail bridge,” in contrast to the “visually low-key [light rail] bridge with simple lines that do not compete with the neighboring freight rail bridge.” Thus, the approved design vocabulary for the two components of the Kellogg Lake bridge intentionally juxtaposes them against the adjacent rail trestle bridge, incorporating some structural features in the bicycle/pedestrian bridge while making a completely contrasting statement with the light rail deck and support structure. For the bicycle/pedestrian bridge connections and landings, a simple, functional deck structure and railings compatible with the railing/balustrade design of the pedestrian bridge will provide the necessary functionality without “pulling focus” from the interplay among the three bridges’ structural elements (as viewed from points along Kellogg Lake), or from the Kellogg Lake corridor (as viewed from points along the pedestrian bridge and its ramps).

Guideline	Analysis
Preserve Historic Buildings	Not Applicable because no designated historic building is within the project area.
Use Architectural Contrast Wisely	Not Applicable because this guideline and its recommendations focus specifically on how buildings in the Downtown area relate to surrounding buildings and features.
Integrate Art	Not Applicable because the project does not include a public art component.
Pedestrian Emphasis Elements	
Reinforce and Enhance the Pedestrian System	The project furthers achievement of these elements in the Description: • pedestrian routes that are attractive and convenient; and • walkways should be direct and free of barriers such as utility poles or other obstructions. The proposed bicycle/pedestrian bridge ramp links are essential to achieve the intended functionality of the Kellogg Lake Bicycle/Pedestrian Bridge. Situated on the lower level (below the light rail deck), the pedestrian bridge provides safety and weather protection for bicyclists and pedestrians, and allows the connecting links to paths on both banks of Kellogg Lake to be less steep.
Define the Pedestrian Environment	For an aesthetic appearance compatible with the surfaces of other structural elements of the Kellogg Lake Bridge construction, retaining walls visible from pedestrian locations (including planned future trails along the banks of Kellogg Lake in this area) will be surfaced with an Ashlar stone appearance similar to that used on retaining walls and other bridge support elements. The strategy aims to achieve visual compatibility of materials and appearance, without pulling focus from views of the Kellogg Lake/Kellogg Creek corridor environment.
Protect the Pedestrian from the Elements	The bicycle/pedestrian bridge on the lower level (below the light rail deck) provides weather protection for pedestrians. Because the proposed linkages at both ends of the bridge will connect to uncovered open spaces and walkways or trails, canopies or other covering structures are not warranted.

Guideline	Analysis
Provide Places for Stopping and Viewing	Although the deck of the bicycle/pedestrian bridge does not provide widened viewing areas (i.e., belvederes) specifically for stopping and viewing, the twelve-foot deck is wide enough to allow people to stop and gaze without obstructing pass-by movements by other pedestrians and cyclists. A twelve-foot deck width is also used on the proposed ramp linkages.
Create Successful Outdoor Spaces	As discussed above, the bicycle/pedestrian bridge is designed to maintain visual emphasis on the whole Kellogg Lake natural area, including viewpoints and walkways to which the bicycle/pedestrian bridge will connect. This approach recognizes that the bridge and its connecting ramps are not a destination in themselves, and that success arises from providing physical and visual access to the Kellogg Lake/Kellogg Creek corridor from bicycle/pedestrian facilities.
Integrate Barrier-Free Design	The design of the proposed linking ramps meets maximum slope requirements of the Americans with Disabilities Act (ADA).
Architecture Elements:	
Corner Doors	Not Applicable because the project involves no doors.
Retail and Commercial Doors	
Residential Doors	
Wall Materials	The connections and landing abutment will be faced with materials having an Ashlar stone appearance, similar to materials used on the retaining walls supporting pedestrian paths, for a consistent, high-quality appearance.
Wall Structure	Not Applicable because the guideline and recommendations involve the relationship among building elements such as windows, columns and bays in relation to streetscape locations.
Retail Windows	Not Applicable because the project involves no windows.
Residential Bay	

Guideline	Analysis
Windows	
Silhouette and Roofline	Not Applicable because the project involves no roof.
Rooftops	
Green Architecture	The proposed technique for constructing the bicycle/pedestrian link abutments using modular concrete block walls is a sustainable practice because of production efficiencies achieved in the manufacturing of the components on the one hand, and their durability and longevity in actual installations, resulting in low overall life-cycle costs and maintenance/repair needs.
Building Security	Like the Kellogg Lake Bicycle/Pedestrian Bridge, the proposed connections will be visible from many positions in public spaces along the banks of Kellogg Lake, including points along Lake Road and Kronberg Park. Bicyclists and pedestrians approaching the bridge will have a clear view all the way across, for surveillance to assess whether conditions are safe to proceed onto the bridge. Bridge illumination (discussed in more detail below) enables such surveillance to occur also during hours of darkness.
Parking Structures	Not Applicable because the project involves no parking lot or parking structure.
Lighting Elements	
Exterior Building Lighting	Not Applicable because the project does not involve construction of a building.
Parking Lot Lighting	Not Applicable because the project involves no parking lot or parking structure.
Landscape Lighting	As approved by the Design and Landmarks Committee per WG-11-01, bridge illumination will be achieved by a set of seven LED luminaires casting light down onto the bridge deck. The luminaires will be mounted atop columns on the east side of the pedestrian bridge at a typical distance of approximately 39 feet.
Sign Lighting	Not Applicable because the project involves no illuminated signs.

Guideline	Analysis
Signs Elements	Not Applicable because the project involves no signage.
Wall Signs	
Hanging or Projecting Signs	
Window Signs	
Awning Signs	
Information and Guide Signs	
Kiosk Monument Signs	
Temporary Signs	

FINDING: The proposed plan and supporting materials demonstrate compliance with all applicable Downtown Design Guidelines.

ATTACHMENT 3b

DOWNTOWN DESIGN REVIEW CHECKLIST

Project/Applicant Name: City of Milwaukie / Kellogg Lake Bicycle/Pedestrian Bridge Connections and Landings

Project Address: Kellogg Lake Bridge section of Portland-Milwaukie Light Rail Alignment

Application Submission Date: Feb 17, 2015

Zoning: Downtown Open Space (DOS)

Building Use: not applicable

Completed By: Planning Staff **on:** February 17, 2015

STANDARDS AND GUIDELINES

A. Development and Design Standards	Complies		
	Yes	No	NA
1. Development Standards			
a. Permitted Use	☒	☐	☐
b. Minimum Lot Size	☐	☐	☒
c. Floor Area Ratio	☐	☐	☒
d. Building Height	☐	☐	☒
e. Residential Density	☐	☐	☒
f. Street Setbacks	☐	☐	☒
g. Side and Rear Setbacks	☐	☐	☒
h. Ground-floor Retail	☐	☐	☒
i. Ground-floor Windows/Doors	☐	☐	☒
j. Drive-through Facilities	☐	☐	☒
k. Off-street Parking Requirements	☐	☐	☒
l. Landscaping	☒	☐	☐
2. Design Standards			
a. Residential Entries and Porches	☐	☐	☒
b. Garages and Parking Areas	☐	☐	☒
c. Courtyards	☐	☐	☒
d. Balconies	☐	☐	☒
e. Walls	☒	☐	☐
f. Windows	☐	☐	☒
g. Roofs	☐	☐	☒
B. Design Guidelines			
1. Milwaukie Character			
a. Reinforce Milwaukie's Sense of Place	☒	☐	☐
b. Integrate the Environment	☒	☐	☐
c. Promote Linkages to Horticultural Heritage	☐	☐	☒
d. Establish or Strengthen Gateways	☒	☐	☐
e. Consider View Opportunities	☒	☐	☐
f. Consider Context	☒	☐	☐
g. Promote Architectural Compatibility	☒	☐	☐
h. Preserve Historic Buildings	☐	☐	☒
i. Use Architectural Contrast Wisely	☐	☐	☒
j. Integrate Art	☐	☐	☒

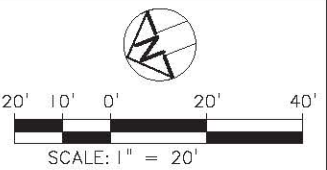
DOWNTOWN DESIGN REVIEW CHECKLIST

		Complies		
		Yes	No	NA
2. Pedestrian Emphasis				
a. Reinforce and Enhance the Pedestrian System.....	☒	☐	☐	
b. Define the Pedestrian Environment.....	☒	☐	☐	
c. Protect the Pedestrian from the Elements.....	☒	☐	☐	
d. Provide Places for Stopping and Viewing	☒	☐	☐	
e. Create Successful Outdoor Spaces	☒	☐	☐	
f. Integrate Barrier-Free Design.....	☒	☐	☐	
3. Architecture				
a. Corner Doors	☐	☐	☐	☒
b. Retail and Commercial Doors.....	☐	☐	☐	☒
c. Residential Doors	☐	☐	☐	☒
d. Wall Materials	☐	☐	☐	☒
e. Wall Structure	☐	☐	☐	☒
f. Retail Windows.....	☐	☐	☐	☒
g. Residential Bay Windows	☐	☐	☐	☒
h. Silhouette and Roofline	☐	☐	☐	☒
i. Rooftops	☐	☐	☐	☒
j. Green Architecture	☒	☐	☐	☐
k. Building Security.....	☒	☐	☐	☐
l. Parking Structures	☐	☐	☐	☒
4. Lighting				
a. Exterior Building Lighting.....	☐	☐	☐	☒
b. Parking Lot Lighting	☐	☐	☐	☒
c. Landscape Lighting	☒	☐	☐	☐
d. Sign Lighting	☐	☐	☐	☒
5. Signs				
a. Wall Signs.....	☐	☐	☐	☒
b. Hanging or Projecting Signs	☐	☐	☐	☒
c. Window Signs.....	☐	☐	☐	☒
d. Awning Signs	☐	☐	☐	☒
e. Information and Guide Signs	☐	☐	☐	☒
f. Kiosk Monument Signs.....	☐	☐	☐	☒
g. Temporary Signs	☐	☐	☐	☒

Notes:

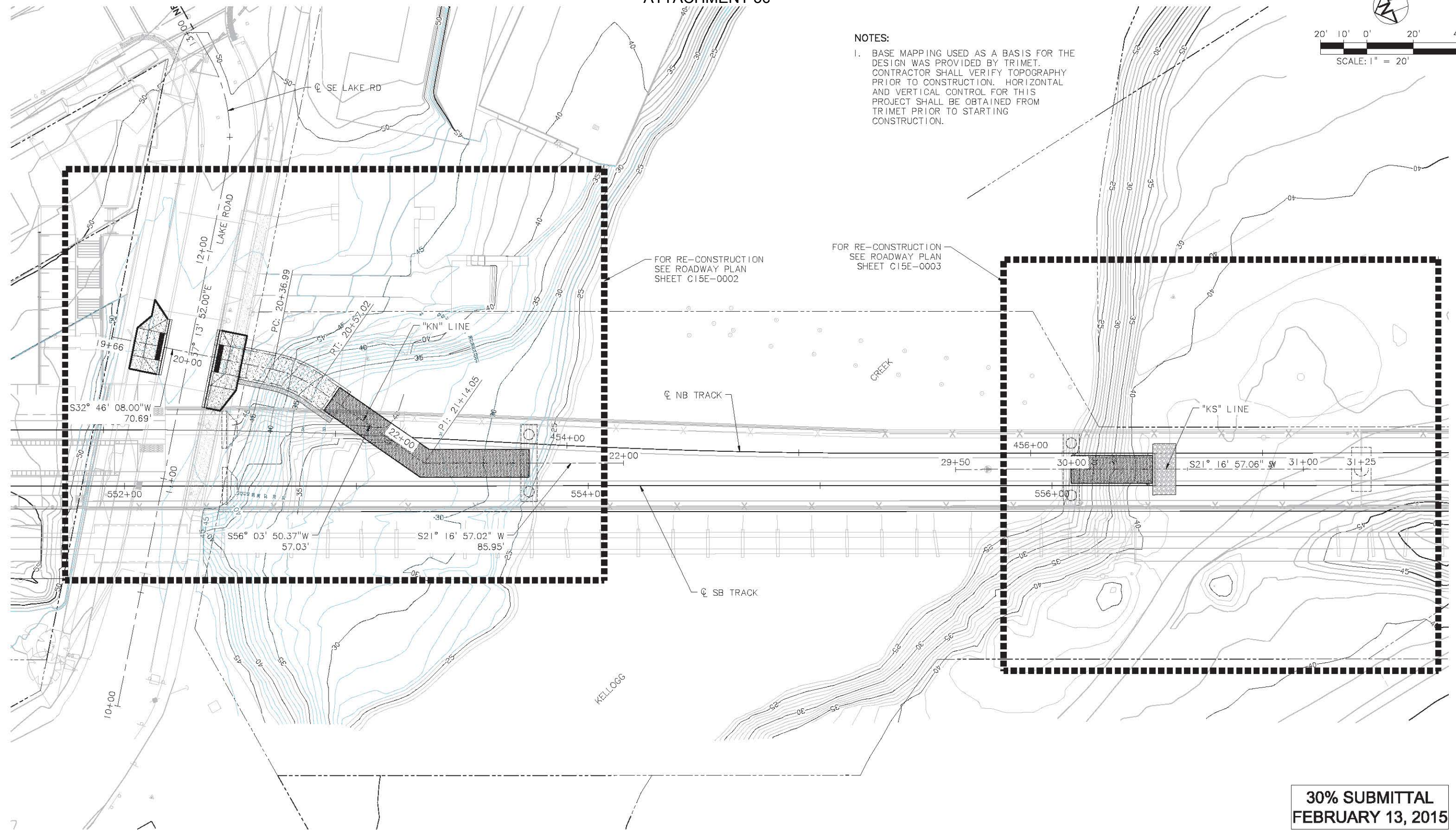
See accompanying narrative/findings document for detailed discussion of checklist items.

ATTACHMENT 3c



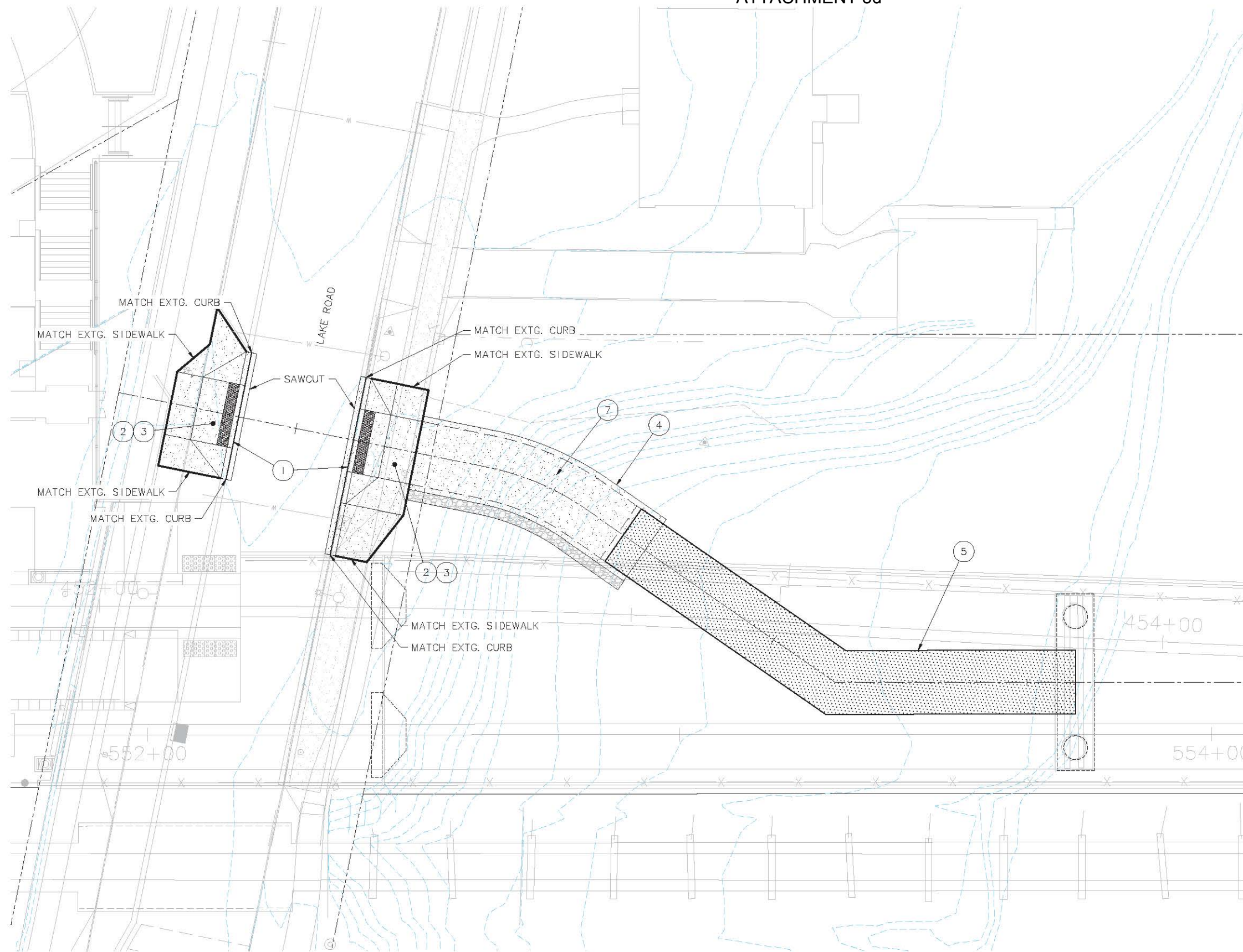
NOTES:

- I. BASE MAPPING USED AS A BASIS FOR THE DESIGN WAS PROVIDED BY TRIMET. CONTRACTOR SHALL VERIFY TOPOGRAPHY PRIOR TO CONSTRUCTION. HORIZONTAL AND VERTICAL CONTROL FOR THIS PROJECT SHALL BE OBTAINED FROM TRIMET PRIOR TO STARTING CONSTRUCTION.



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FEBRUARY 13, 2015

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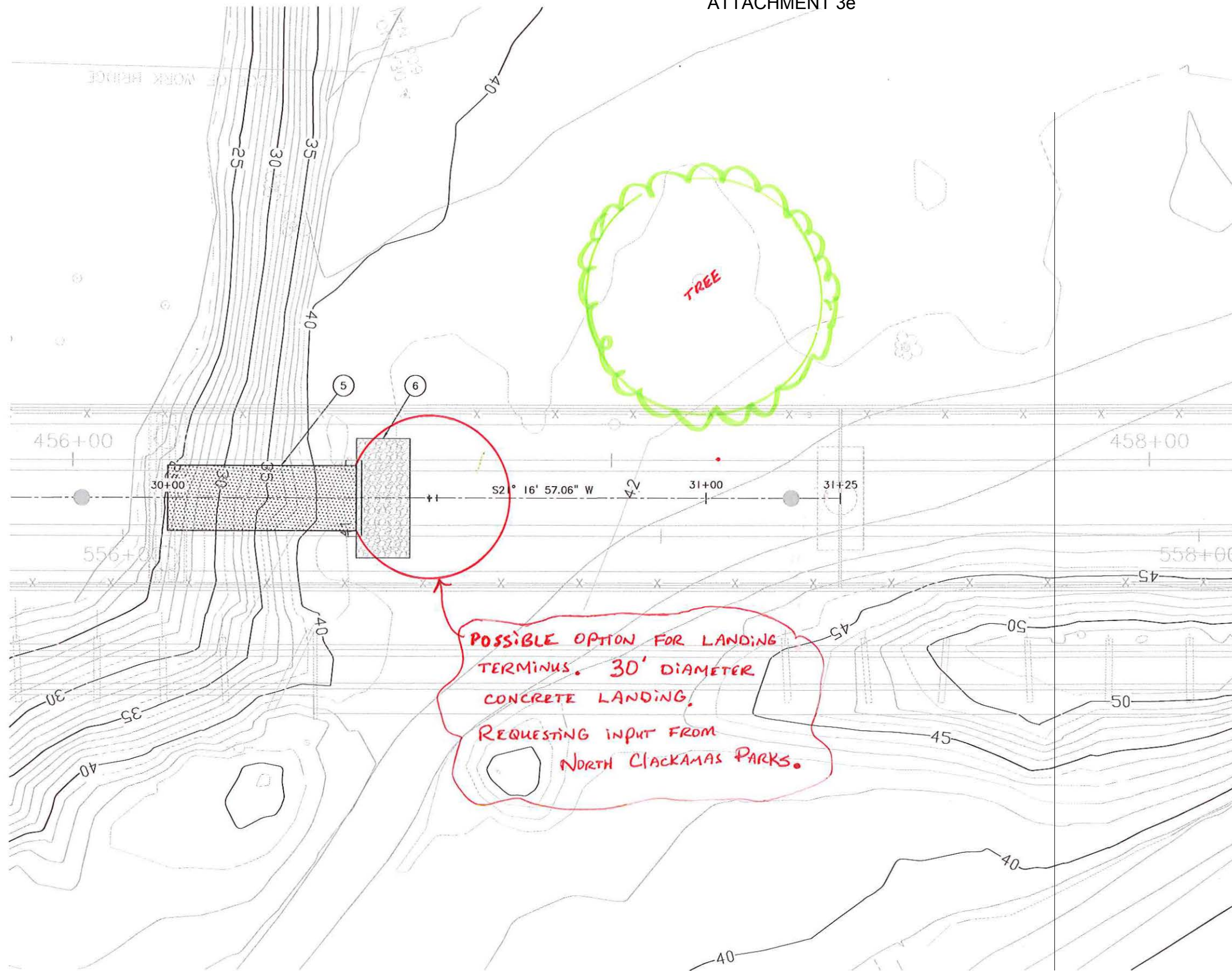
1. BASE MAPPING USED AS A BASIS FOR THE DESIGN WAS PROVIDED BY TRIMET. CONTRACTOR SHALL VERIFY TOPOGRAPHY PRIOR TO CONSTRUCTION. HORIZONTAL AND VERTICAL CONTROL FOR THIS PROJECT SHALL BE OBTAINED FROM TRIMET PRIOR TO STARTING CONSTRUCTION.
2. ALL CONSTRUCTION WITHIN THE RIGHT OF WAY TO CONSTRUCTED BE PER CITY OF MILWAUKIE STANDARDS.

- 1 CONSTRUCT DOWNTOWN CURB AND GUTTER
(SEE COM STD DWG 703)
- 2 CONSTRUCT MID-BLOCK SIDEWALK RAMP
(SEE COM STD DWG 505)
- 3 INSTALL TACTILE PAVERS (TRUNCATED DOMES)
(SEE COM STD DWG 517)
- 4 CONSTRUCT MODULAR RETAINING WALL
(SEE STRUCTURAL DRAWINGS FOR DETAILS)
- 5 CONSTRUCT BRIDGE
(SEE STRUCTURAL DRAWINGS FOR DETAILS)
- 6 CONSTRUCT RAIL BALLAST
(SEE DETAIL 2/C15E-0005)
- 7 CONSTRUCT 8" THICK CONC. SIDEWALK

	PCC ROADWAY/SIDEWALK
	RAIL BALLAST

30% SUBMITTAL
FEBRUARY 13, 2015

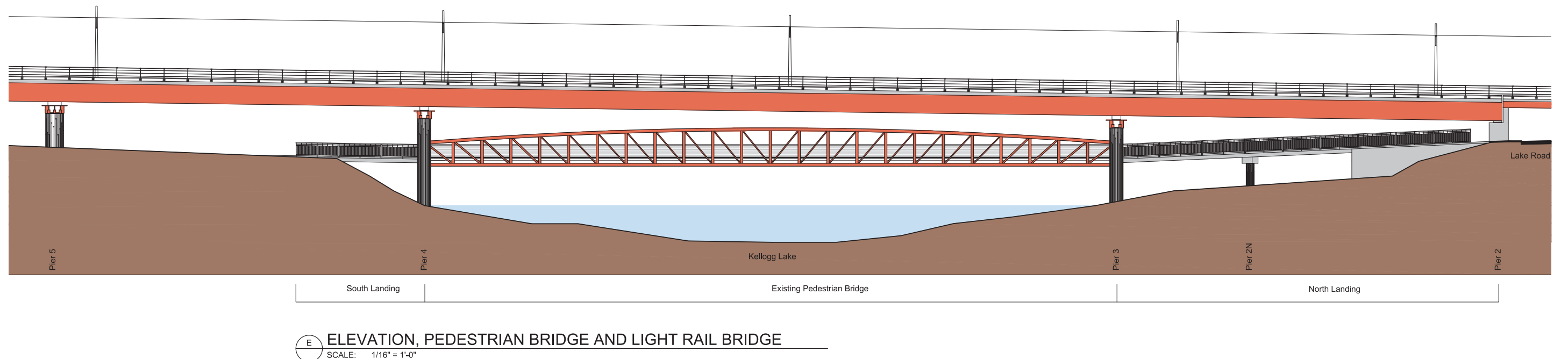
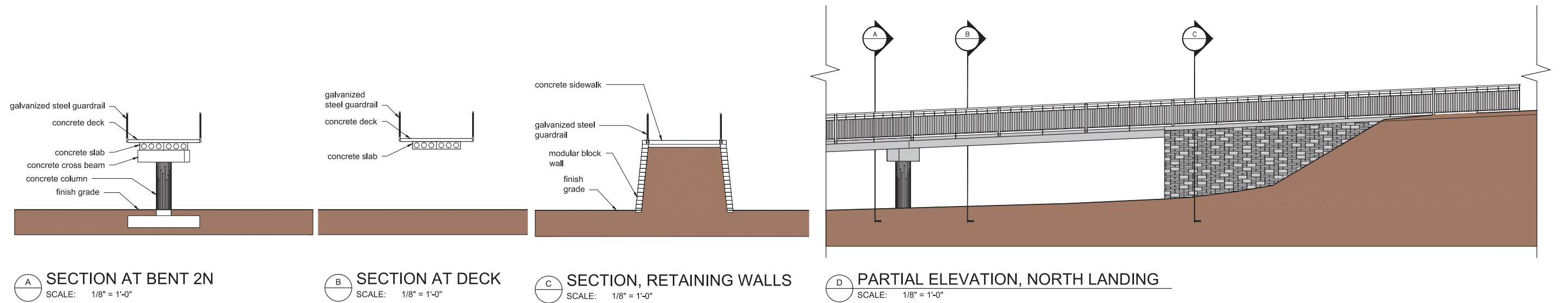
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- 
- RAIL BALLAST

30% SUBMITTAL
FEBRUARY 5, 2015

[illegible]



KELLOGG PEDESTRIAN BRIDGE LANDINGS

February 16, 2015



waterleaf

419 SW 11th Ave
Suite 200
Portland OR 97205
Ph 503 228 7571
Fx 503 273 8891



From: Pamela Denham <pamdenham@gmail.com>
Sent: Tuesday, March 03, 2015 7:24 PM
To: Alligood, Li; Gary Michael; Ellen Chaimov; Chaimov, Ellen; paulrrasmussen@yahoo.com
Subject: Land use file # DR-2015-001, WG-2015-001

Hi Li,

The Land Use Committee for Island Station has reviewed the application and found no problems that we feel need to be addressed.

I have one question though; on page 13 L. there is mention of a "vegetation buffer plan previously approved as part of WG-11-01". There is no information other than that in this correspondence - where can I see the buffer plan?

Thanks,

Pam Denham, Island Station Land Use member

cc: Gary Michael
Ellen Chiamov
Paul Rasmussen



To: Planning Commission

Through: Dennis Egner, Planning Director
Li Alligood, Senior Planner/Acting Planning Director

From: Vera Kolias, Associate Planner

Date: March 17, 2015, for March 24, 2015, Worksession

Subject: Moving Forward Milwaukie Briefing #2: Phase 2, Central Milwaukie

ACTION REQUESTED

None. This is a briefing for discussion only. This is the 13th in a series of Moving Forward Milwaukie project briefings to the Planning Commission, and the second to focus on Central Milwaukie. Staff is seeking feedback about the proposed draft zoning code amendments for Central Milwaukie.

BACKGROUND INFORMATION

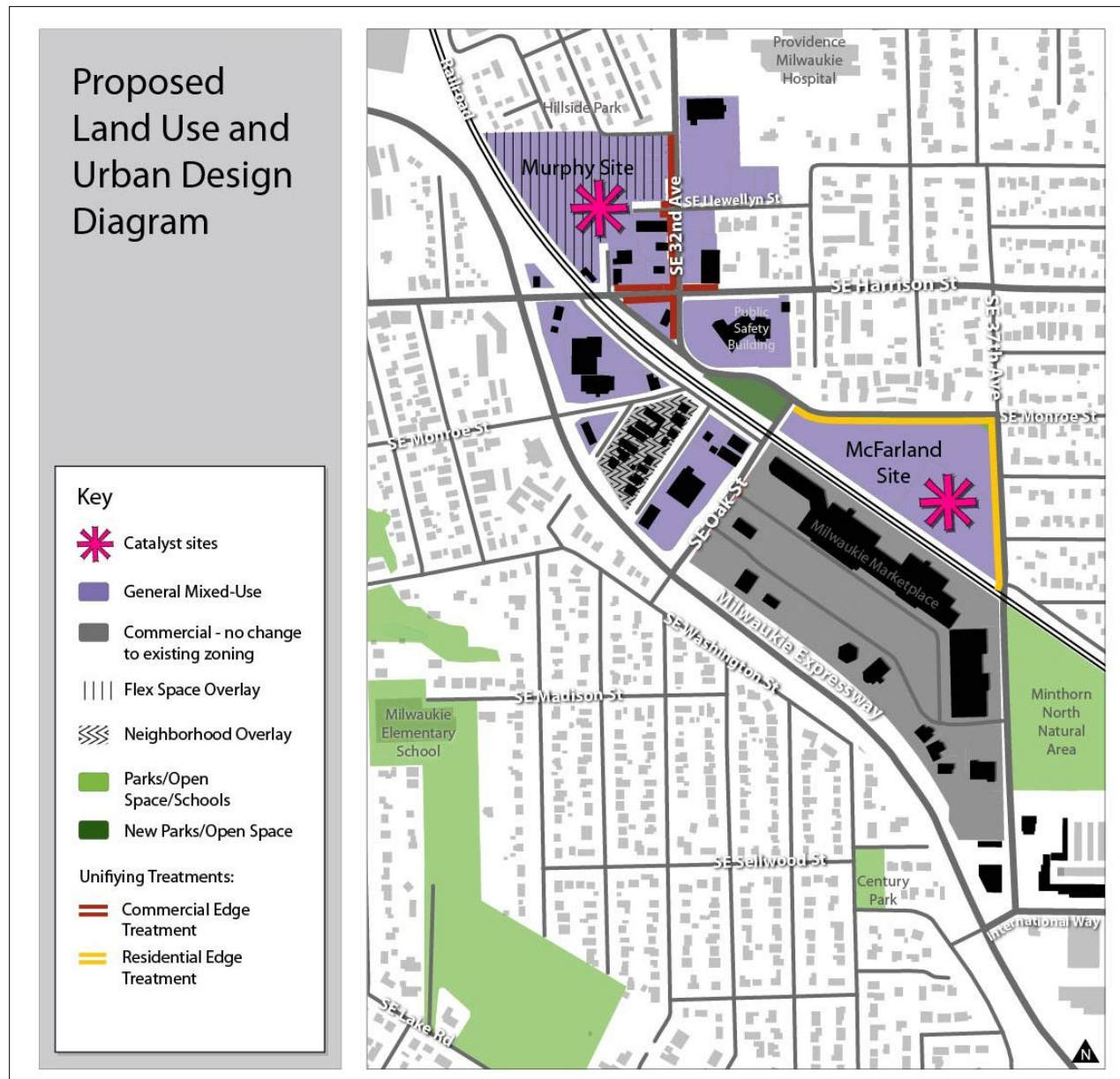
The *Moving Forward Milwaukie: Enhancing our Commercial Districts* (MFM) project began in July 2013 and will continue into mid-2015. The goal of the MFM project is to achieve appropriate development and redevelopment in the city's commercial areas by removing barriers and creating incentives.

The MFM project is focused on bringing new activity to Milwaukie's commercial districts. The project consists of 3 phases: Downtown; Central Milwaukie; and the "neighborhood main streets" of 32nd and 42nd avenues. Phase 1, the downtown plan and code amendments, are moving through the adoption process, and Phase 2, the Central Milwaukie plan and code amendments, are being prepared to begin the adoption process. The MFM project is the first official City project to define a boundary for the Central Milwaukie district and establish a vision for its future. See Figure 1.

Figure 1. Central Milwaukie Project Area

A. History of Prior Actions and Discussions

- **March 10, 2015:** The Commission reviewed the proposed *Central Milwaukie Land Use and Transportation Plan* and proposed amendments to Chapter 4 of the Comprehensive Plan and the Transportation System Plan.
- **August 26, 2014:** Staff provided an overview of key proposed downtown code amendments and draft Central Milwaukie concepts. The Commission discussed the proposed code amendments and provided suggestions for Central Milwaukie.

Figure 2. Proposed Land use and Urban Design Diagram

KEY DISCUSSION ITEMS

A. Project Goals

The goals of the Moving Forward Milwaukie project are to:

- *Remove barriers.* Provide enough flexibility to allow for market-driven development while ensuring that new development meets the community's expectation.
- *Create incentives.* Provide regulatory and/or financial incentives to encourage development that implements the community's vision for central Milwaukie – encourage developers to go "above and beyond" what the market might support.
- *Allow good things to happen.* Support new life for existing buildings and new development that provides the amenities and activity the community desires.

The Draft Central Milwaukie Land Use and Transportation Plan (CM LU&T Plan) is the first proposed vision for Central Milwaukie. The Guiding Principles and Fundamental Concepts of the Plan inform the City's policies for the area, which in turn inform, and are implemented by, regulations. The policies are implemented through a combination of use, development, and design standards, and are applied through land use review.

The draft amendments in Attachment 1 seek to implement the project goals in Central Milwaukie through the following Fundamental Concepts (see page 9 of the CM LU&T Plan):

- *Facilitate development of the Murphy and McFarland opportunity sites*
 - Allow employment uses on the Murphy opportunity site, such as light industrial and light manufacturing.
- *Promote high-quality, urban design that is complementary to the surrounding area*
 - New design standards will ensure that Central Milwaukie is attractive and pedestrian friendly.
 - New development standards will ensure that new buildings provide a sense of enclosure and define the streetscape.
 - Use "residential edge treatment" standards on Monroe St and 37th Ave to ensure streetscape compatibility between any development on the McFarland site and the residential properties it faces.
 - Use "commercial edge treatment" standards on 32nd Ave to create a pedestrian friendly and attractive streetscape on this key street (See Figures 19.313.X on pages 12 and 13 in Attachment 1). Refer to Figure 2.
- *Encourage a range of housing types as a part of new mixed-use development*
 - Streamline and expand the range of allowed uses throughout Central Milwaukie, including residential uses.
 - Allow mixed-use buildings throughout Central Milwaukie.

They are also intended to implement the policies for new development laid out in the Plan (see page 14 of the CM LU&T Plan):

1. Be of a compatible scale and character with the existing neighborhood.

2. Provide respectful transitions between new and existing structures.
3. Conform to building envelopes that preserve access to light and air and require appropriate setbacks along neighborhood streets, transitioning in size and scale toward adjacent residential structures.
4. Provide ground level open space.
5. Development within the Flex Space overlay should mitigate impacts to nearby residential areas.
6. Compose building facades with a substantial area of transparent windows or doors to provide visual connection between activities inside and outside the building.
7. Orient buildings' primary entrances toward the street.
8. Provide landscaping in the area between the building and the street.
9. Limit parking in the yard between the building and the street.
10. Apply existing streetscape standards.

The following is a summary of the key aspects of the proposed amendments for discussion on March 24. See Attachment 1 for the draft proposed zoning code amendments in underline/strikeout format.

Use Standards

These standards determine what types of uses are permitted and what level of land use review, if any, is required.

Standard/Use	Purpose/Intent	Existing	Proposed
Zoning	Create a vibrant, mixed-use district	CG zone, R-O-C zone, MU overlay	- General Mixed Use Zone GMU - Flex Space Overlay on portion of Murphy Site
Residential uses	Create a vibrant, mixed-use district	Residential only permitted on Murphy and McFarland sites and Penzance/Myrtle area	Allow multifamily residential uses throughout Central Milwaukie
Commercial parking facility		Not listed as permitted use	Question for Commission

Development Standards

These standards shape the location, size, and massing of new development. The proposed revisions are intended to bring buildings closer to the street to create a pedestrian-friendly environment.

Standard	Purpose/Intent	Existing	Proposed
Residential uses	Create a vibrant, mixed-use district	Residential only permitted on Murphy and McFarland sites and Penzance/Myrtle area	Allow multifamily residential uses throughout Central Milwaukie
Street setbacks	Buildings are allowed and encouraged to build up to the street right-of-way in the GMU zone.	None	- No minimum street setback - Max = 10-20 ft - When building is set back from the sidewalk, landscaping is required. - No vehicle parking permitted between the building and the street.
Building height	Encourage the provision of residential uses and/or green building certification	Maximum height 3 stories/45 feet	- Allow up to 1 story bonus height if buildings devote at least 25% of the area to residential uses, - OR 1 story bonus height with green building certification

Design standards

These standards are intended to establish a baseline level of design for new development to ensure that new development is attractive and provides ground floor/pedestrian-level interest.

Standard	Purpose/Intent	Existing	Proposed
Primary entrances	To promote pedestrian-friendly development by providing building entrances that are oriented to the sidewalk or other	None	All new buildings shall have at least one primary entrance facing an abutting public street

	public space and connected with clearly-marked pedestrian walkways		
Residential edge	Development that is adjacent to or abutting lower density residential zones should be compatible with existing neighborhoods.	Setbacks must match adjacent front yard setback.	- A minimum setback shall apply. - Step back applies to buildings within 50 ft of 37th Ave and Monroe St.
Frontage occupancy	To establish a consistent “street wall” along key streets.	None	Certain block faces, a minimum of 50 percent of the site frontage must be occupied by a building or buildings.
Corners	To reinforce intersections as an important place for people to gather.	None	Buildings at the corner of two public streets shall incorporate one specific design feature.
Weather protection	Through the use of awnings and canopies along the ground floor of buildings, to protect pedestrians from rain and provide shade; to encourage window shopping and lingering; and to create visual interest on the ground floor of a building.	None	All ground floor building entries shall be protected from the weather by canopies, or recessed behind the front building façade at least 3 feet
Exterior building materials	To provide a sense of permanence through the use of certain permitted building materials; to provide articulation and visual interest to larger buildings; and to allow for a variety of materials and designs	None	Standards specify primary, secondary, and prohibited material types.
Windows and doors	To enhance street safety and provide a comfortable pedestrian environment by	None	For non-residential and mixed-use buildings, a minimum

	providing ground-level transparency between the interior of buildings and the sidewalk.		percentage of the ground-floor street wall must consist of openings.
Roofs	To enliven the pedestrian experience and create visual interest.	None	Permitted roof forms are specified.
Rooftop equipment and screening	To integrate mechanical equipment into the overall building design.	None	Specifies requirements to screen roof-mounted mechanical equipment.
Ground level screening	To integrate mechanical equipment into the overall building design.	None	Specifies requirements to screen mechanical equipment, outdoor storage, and outdoor garbage and recycling areas.

Land Use Review Procedures

The goal of the project is to streamline the review process for development in commercial areas by establishing clear standards for new buildings.

Standard	Purpose/Intent	Existing	Proposed
Land use review	Streamline the review process to reduce uncertainty and risk, while establishing new design standards to ensure attractive development	All development on Murphy, McFarland, and a portion of Providence Hospital site subject to Type III land use review	- Development that meets development and design standards permitted through Type I review - Some revisions permitted through Type II Variance Review - Circulation plan required for larger sites (3+ acres?)

B. Discussion

Staff is seeking Commission feedback about the proposed list of revisions to the use, development, and design standards in central Milwaukie. Are the following proposals appropriate?

- Ground floor windows/doors
- Preliminary circulation plan
- Commercial parking lots
- Where design and development standards apply

NEXT STEPS

The first hearing for the draft Central Milwaukie plan and code amendments is tentatively scheduled for Tuesday, April 28. In order to allow for discussion and public testimony, staff anticipates 2 Planning Commission hearings on the amendment package. Staff requests Planning Commission feedback about whether an April 28 hearing is reasonable, or if additional worksessions on the draft amendments are desired.

ATTACHMENTS

Attachments are provided as indicated by the checked boxes. All material is available for viewing upon request.

	PC Packet	Public Copies	E- Packet
1. Draft Central Milwaukie Code Amendments – March 10, 2015 Discussion Draft (underline/strikeout)	☒	☒	☒

Key:

PC Packet = paper materials provided to Planning Commission 7 days prior to the meeting.

Public Copies = paper copies of the packet available for review at City facilities and at the Planning Commission meeting.

E-Packet = packet materials available online at <http://www.milwaukieoregon.gov/planning/planning-commission-123>.

Underline/Strikeout Amendments

Title 14 Signs

CHAPTER 14.04 GENERAL PROVISIONS

14.04.030 DEFINITIONS

The following words and phrases where used in this title shall, for the purposes of this title, have the meanings respectively ascribed to them in this section:

"Downtown zones" means the DMU, Downtown Mixed Use and OS, Open Space Zones as defined in the Zoning Ordinance.

"Other commercial zones" means the C-L, Limited Commercial; DMU, Downtown Mixed Use; C-CS, Community Shopping Commercial; GMU, General Mixed-Use Zones; and C-G, General Commercial Zones, as defined in the Zoning Ordinance.

"Residential-office-commercial zone" means the ~~R-O-C~~, ~~and R-1-B~~, ~~and DR~~ Zones as defined in the Zoning Ordinance.

Underline/Strikeout Amendments

Zoning Ordinance

CHAPTER 19.100 INTRODUCTORY PROVISIONS

19.107 ZONING

19.107.1 Zone Classifications

For the purposes of this title, the following base zones and overlay zones are established in the City per Table 19.107.1:

Table 19.107.1 Classification of Zones	
Zone Description	Abbreviated Description
Base Zones	
Residential	R-10
Residential	R-7
Residential	R-5
Residential	R-3
Residential	R-2.5
Residential	R-2
Residential	R-1
Residential-Business Office	R-1-B
Residential-Office-Commercial	R-O-C
Downtown Mixed Use	DMU
<u>General Mixed Use</u>	<u>GMU</u>
Open Space	OS
Neighborhood Commercial	C-N
Limited Commercial	C-L
General Commercial	C-G
Community Shopping Commercial	C-CS
Manufacturing	M
Business Industrial	BI
Tacoma Station Area Manufacturing	M-TSA
Planned Development	PD
Overlay Zones	
Willamette Greenway	WG
Historic Preservation	HP
Mixed Use	MU
<u>Flex Space Overlay</u>	<u>FSO</u>
Aircraft Landing Facility	L-F
Tacoma Station Area Plan	TSAP

CHAPTER 19.300 BASE ZONES

19.313 GENERAL MIXED USE ZONE GMU

19.313.1 Purpose

The General Mixed Use Zone is intended to recognize the importance of Central Milwaukie as a primary commercial center and promote a mix of uses that will support a lively and economically robust district. It is also intended to ensure high quality urban development that is pedestrian-friendly and complementary to the surrounding area.

19.313.2 Uses

A. Permitted Uses

Uses allowed outright in the GMU zone are listed in Table 19.313.2 with a "P." These uses are allowed if they comply with the development and design standards and other regulations of this title.

B. Conditional Uses

Uses listed in Table 19.313.2 as "CU" are permitted only as conditional uses in conformance with Section 19.905.

C. Nonconforming Uses, Structures and Development

1. Existing structures and uses that do not meet the standards for the GMU zone may continue in existence. Alteration or expansion of a nonconforming use, structure or development that brings the use, structure or development closer to compliance may be allowed through Development Review pursuant to Section 19.906. Alteration or expansion of a nonconforming use or structure that does not bring the use or structure closer to compliance may be allowed through a Type III Variance pursuant to Section 19.911. Except where otherwise stated in this section, the provisions of Chapter 19.800 Nonconforming Uses and Development apply.

D. Prohibited Uses

Uses not listed in Table 19.313.2, and not considered accessory or similar pursuant to (E) and (F) below, are prohibited.

E. Accessory Uses

Uses that are accessory to a primary use are allowed if they comply with all development standards. For the purposes of this section, drive-through facilities are considered an accessory use and must conform to Section 19.606.3.

F. Similar Uses

The Planning Director, through a Type I review, may determine that a use that is not listed is considered similar to an example use listed in Table 19.313.2. The unlisted use shall be subject to the standards applicable to the similar example use.

Proposed Code Amendment

Table 19.313.2 General Mixed Use Zone - Uses		
Uses and Use Categories		Standards/Additional Provisions
Residential		
<u>Rowhouse¹</u>	<u>P</u>	Subsection 19.505.5 <u>Standards for Rowhouses</u>
<u>Multifamily</u>	<u>P</u>	Subsection 19.505.3 <u>Design Standards for Multifamily Housing</u>
<u>Mixed use</u>	<u>P</u>	
<u>Live/work units</u>	<u>P</u>	Subsection 19.505.6 <u>Standards for Live/Work Units</u>
<u>Senior and retirement housing</u>	<u>P</u>	Subsection 19.505.3 <u>Design Standards for Multifamily Housing</u>
Commercial		
<u>General office.</u> Professional and administrative office means professional, executive, management, or administrative offices of firms or organizations. Typical uses include offices for professionals such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants, or others who through training are qualified to perform services of a professional nature, and where no storage or sale of merchandise exists.	<u>P</u>	
<u>Eating and drinking establishments.</u> Eating and Drinking Establishments primarily involve the sale of prepared food and beverages for consumption on-site or take-away. Examples include: restaurants, delicatessens, retail bakeries, taverns, brew-pubs, coffee shops, concession stands, and espresso bars.	<u>P</u>	
<u>Indoor recreation.</u> Indoor recreation consists of for-profit facilities providing active recreational uses of a primarily indoor nature. Examples include: gyms, dance studios, tennis, racquetball and soccer centers, recreational centers, skating rinks, bowling alleys, arcades, shooting ranges, and movie theaters.	<u>P</u>	
<u>Retail oriented sales.</u> Sales-oriented retail firms are involved in the sale, leasing, and rental of new or used	<u>P</u>	

Proposed Code Amendment

<u>products to the general public.</u> <u>Examples include: stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronics, fabric, gifts, groceries, hardware, household products, jewelry, pets and pet products, pharmaceuticals, plants, printed materials, stationery, and printed and electronic media. May also include car sales and other auto-oriented retail uses.</u>		
Personal service oriented. <u>Personal service oriented firms are involved in providing consumer services.</u> <u>Examples include: hair, tanning and spa services, pet grooming, photo and laundry drop-off, dry cleaners, and quick printing.</u>	<u>P</u>	
Repair oriented². <u>Repair-oriented uses are establishments providing product repair of consumer and business goods.</u> <u>Examples include: repair of televisions and radios, bicycles, clocks, jewelry, guns, small appliances, office equipment, tailors and seamstresses, shoe repair, locksmiths, upholsterers, and some automobile and boat service and repair.</u>	<u>P</u>	
Day care³. <u>Day Care is the provision of regular child care, with or without compensation, to four or more children by a person or person(s) who are not the child's parent, guardian, or person acting in place of the parent, in a facility meeting all state requirements.</u> <u>Examples include: nursery schools, before-and-after school care facilities, and child development centers.</u>	<u>P</u>	
Commercial lodging. <u>Commercial Lodging includes for-profit residential facilities where tenancy is typically less than one month.</u> <u>Examples include: hotels, motels, and bed-and-breakfast establishments. Does not include senior and retirement housing.</u>	<u>P</u>	
Boarding, lodging, or rooming house. <u>Generally means a private home where lodgers rent one or more rooms for one or more nights, and sometimes for extended periods of weeks, months, and years. The common parts of the house are maintained, and some services, such</u>	<u>CU</u>	Section 19.905 <u>Conditional Uses</u>

Proposed Code Amendment

as laundry and cleaning, may be supplied. Examples include: Boarding house and cooperative housing		
<u>Commercial parking facility.</u> Parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Commercial Parking facility. Examples include structured parking, short- and long-term fee parking facilities, commercial district shared parking lots and commercial shuttle parking.	[P or CU]	
<u>Manufacturing and Production</u>		
<u>Manufacturing and production⁴.</u> Uses are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Examples include processing of food and related products; catering establishments; breweries, distilleries, and wineries; weaving or production of textiles or apparel; woodworking, including cabinet makers; manufacture or assembly of machinery, equipment, instruments, including musical instruments, vehicles, appliances, precision items, and other electrical items; and production of artwork and toys.	<u>P</u>	
<u>Institutional</u>		
<u>Community service uses</u>	<u>CSU</u>	<u>Section 19.904</u> <u>Community Service Uses</u>

Footnotes:

1. The limit of 4 consecutive row houses established in 19.505.5 does not apply in the GMU zone. In the GMU zone, there is no limit on the number of consecutive row houses.
2. Repair oriented uses are permitted in the GMU Zone only when conducted within a completely enclosed building.
3. Day care and childcare uses are limited to 5,000 sq. ft.
4. Manufacturing and production uses are limited to 5,000 sq ft in floor area per use on the ground floor and are only permitted when associated with, and accessory to, a related retail oriented sales or eating/drinking establishment use. For purposes of this subsection, manufacturing and production involve goods that are sold or distributed beyond or outside of the associated on-site eating or drinking establishment or retail trade use. For example, a brewing facility that

Proposed Code Amendment

distributes or sells its products elsewhere would be considered a manufacturing and production use, while a restaurant kitchen that prepares food that is purchased on-site would not be considered manufacturing or production.

19.313.3 Development Standards

A. Purpose

These development standards are intended to ensure that new development in the GMU zone is appropriate for a mixed use district in terms of building mass and scale, how the building addresses the street, and where buildings are located on a site.

Table 19.313.3 summarizes some of the development standards that apply in the GMU zone. Development standards are presented in full in Subsection 19.313.3 (B).

Table 19.313.3 General Mixed Use Zone - Summary of Development Standards		
<u>Standard</u>	<u>General Mixed Use Zone</u>	<u>Standards/Additional Provisions</u>
<u>1. Lot Standards</u>		
a. <u>Minimum lot size (sq ft)</u>	<u>1,500</u>	<u>19.313.3.B.1</u>
b. <u>Minimum street frontage (ft)</u>	<u>25</u>	<u>19.313.3.B.2</u>
<u>2. Development Standards</u>		
<u>Minimum Floor area ratio¹</u>	<u>0.5:1</u>	<u>19.313.3.B.3</u>
<u>Base Maximum Building height (ft)</u>	<u>45</u>	<u>19.313.3.B.4</u>
<u>Maximum Building height with height bonus (ft)</u>	<u>57</u>	<u>19.313.3.B.4.b</u>
<u>Setbacks (ft)</u>		
<u>Minimum street setback</u>	<u>0-15</u>	<u>19.313.3.B.6</u>
<u>Maximum street setback</u>	<u>10-20²</u>	<u>19.313.4.B</u>
<u>Minimum side and rear setbacks</u>	<u>None</u>	
<u>Maximum lot coverage</u>	<u>85%</u>	<u>19.313.3.B.7</u>
<u>Minimum vegetation</u>	<u>15%</u>	<u>19.313.3.B.8</u>
<u>Off-street parking required</u>	<u>Yes</u>	<u>Chapter 19.600</u> <u>Off-Street Parking and Loading</u>
<u>Primary entrances</u>	<u>Yes</u>	<u>19.313.3.B.9</u>
<u>Transit Street</u>	<u>Yes</u>	<u>19.505.7</u>
<u>Transition Area Measures</u>	<u>Yes</u>	<u>19.504.6</u>
<u>3. Other Standards</u>		
<u>Residential density (dwelling units per acre)</u>		<u>19.313.3.B.5</u>
<u>Stand-alone residential</u>		<u>19.501.4 Density Exceptions</u>
<u>(a) Minimum</u>	<u>25</u>	
<u>(b) Maximum</u>	<u>50</u>	<u>19.202.4 Density Calculations</u>
<u>Mixed use buildings</u>	<u>None</u>	

Proposed Code Amendment

<u>Signs</u>	<u>Yes</u>	<u>Section 14.16.XXX Commercial Zones</u>
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Footnotes:

1. Commercial parking facilities and public parks and plazas are exempt from the minimum floor area ratio requirement.
2. Commercial edge standards apply to properties as shown on Figure 19.313.X.

19.313.4 Detailed Development Standards

The following detailed development standards describe additional allowances, restrictions, and exemptions related to the development standards of Table 19.313.3

A. Floor Area Ratio

1. Intent

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. In some cases, FAR densities are provided for provision of a public benefit or amenity to the community.

2. Standards

The minimum floor area ratio in Table 19.313.3 applies to all nonresidential building development.

Required minimum floor area ratio 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 FAR.

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.

3. Exemptions

The following are exempt from the minimum floor area ratio requirement.

- a. Parking facilities
- b. Public parks and plazas

B. Building Height

1. Intent

Minimum and maximum building height standards serve several purposes. They promote a compatible building scale and relationship of one structure to another. A minimum building height is established to ensure that the traditional building scale for the downtown area is maintained.

2. Standards

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a. The base maximum building height in the GMU zone is 3 stories or 45 feet, whichever is less, unless the height bonus in (b) below is applied.

b. Height Bonuses

A building can utilize 1 of the development incentive bonuses of this subsection.

(i) Residential Height Bonus - New buildings that devote at least 1 story or 25% of the gross floor area to residential uses are permitted 1 additional story or an additional 12 ft of building height, whichever is less.

(ii) Green Building Bonus - Project proposals that receive certification (any level) under an ANSI-approved green building rating system (e.g., LEED, Green Globes or Earth Advantage certified) are permitted an additional story or an additional 12 ft of building height, whichever is less, is allowed.

3. Exemptions

The following are exempt from the minimum building height standards.

a. Additions to existing buildings.

b. Accessory structures.

c. Buildings with less than 1,000 sq ft of floor area.

C. Residential Density

1. Intent

Minimum densities are applied to residential development in the GMU zone to assure efficient use of land at densities that support transit use and nearby businesses.

2. Standards

a. Minimum density for standalone residential development in the GMU zone is 25 units per acre.

b. There are no minimum density requirements when residential units are developed as part of a mixed use building or development.

c. Maximum residential densities for mixed use buildings are controlled by height limits.

3. Exemption

There are no minimum density requirements when residential units are developed as part of a mixed use building.

D. Street Setbacks

1. Intent

Buildings are allowed and encouraged to build up to the street right-of-way in the GMU zone. This ensures that buildings engage the street right-of-way.

2. Standards

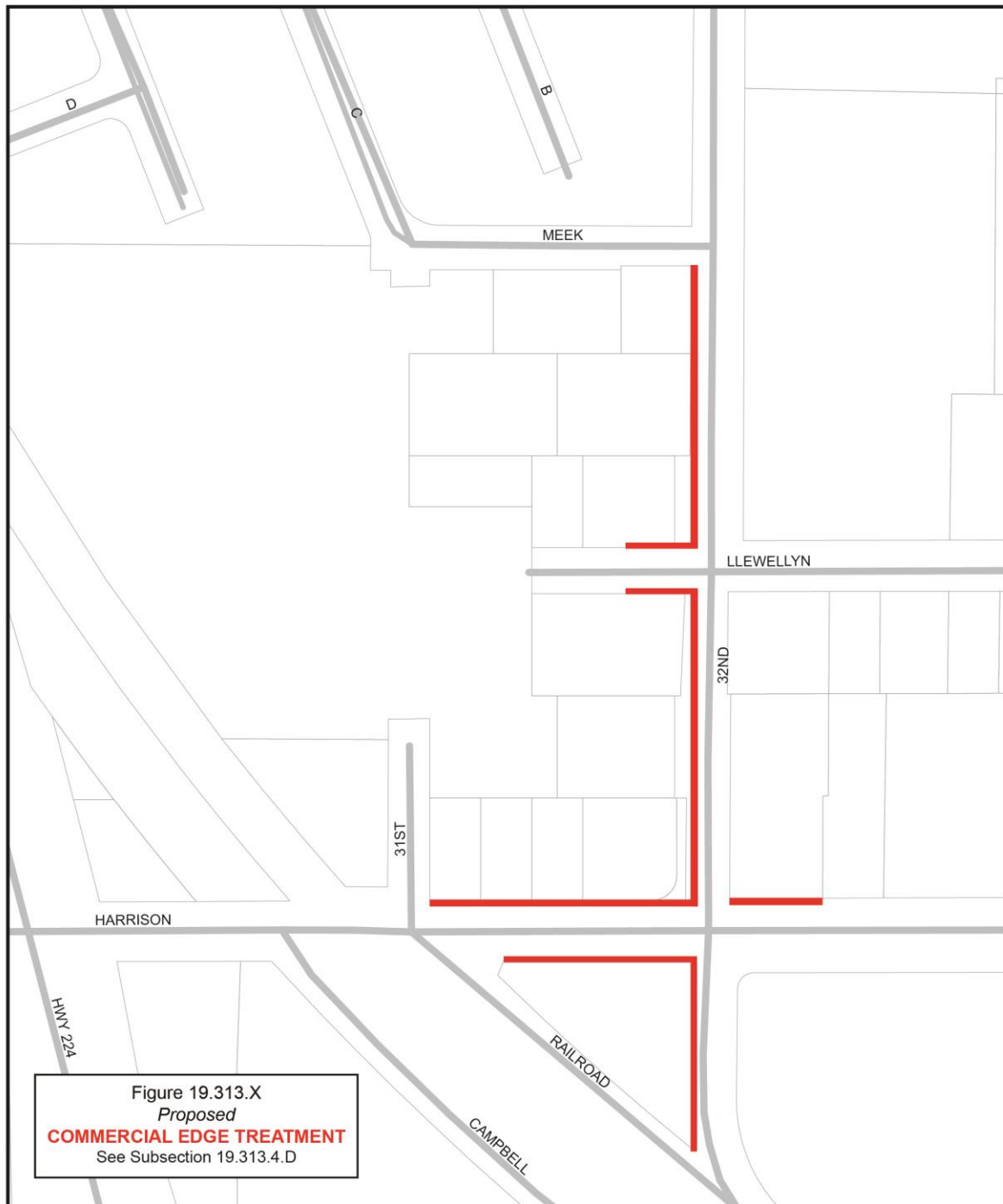
Proposed Code Amendment

- a. No minimum street setbacks are required, except for Residential Street Edges in 19.313.5.
- b. Commercial edge. For properties shown as having a commercial edge on Figure 19.313.X, the following standards apply.
 - (i). No minimum street setback is required. Maximum street setback is 10 feet.
 - (ii). The area within the street setback, if provided, shall be landscaped.
- c. When a building is set back from the sidewalk, the setback area must be landscaped.
 - (i). The setback area may include usable open space such as plazas, courtyards, terraces and small parks.
 - (ii). Usable open space may be counted toward the minimum vegetation requirement in Subsection (F) below.
- d. No vehicle parking is permitted between the building and the street. Vehicle parking must be located behind and/or to the side of buildings except in cases of a through-lot or lots which front on 3 or more streets, in which case this standard applies to 2 streets.
- E. Lot coverage. The maximum area that may be covered by primary and accessory buildings shall not exceed 85 percent of the total lot area.
- F. Minimum vegetation. The minimum vegetation area that shall be retained or planted in trees, grass, shrubs, bark dust for planting beds, etc., shall be 15 percent of the total lot area.
- G. Primary entrances.
 - 1. Intent
To promote pedestrian-friendly development by providing building entrances that are oriented to the sidewalk or other public space and connected with clearly-marked pedestrian walkways.
 - 2. Standards
 - a. All new buildings shall have at least one primary entrance facing an abutting public street (i.e., within 45 degrees of the street property line); or, if the building entrance must be turned more than 45 degrees from the public street (i.e., front door is on a side or rear elevation) due to the configuration of the site or similar constraints, a pedestrian walkway must connect the primary entrance to the sidewalk.
 - b. Where a development contains multiple buildings and there is insufficient public street frontage to meet the above building orientation standards for all buildings on the subject site, a building's primary entrance may orient to plaza, courtyard, or similar pedestrian space containing pedestrian amenities. When oriented this way, the primary entrance(s), plaza, or courtyard shall be connected to the street by a pedestrian walkway.
 - c. If a development is on a corner, the primary entrance may be oriented toward either street.

19.313.5 Standards for Residential Street Edges

- A. Residential edge. For properties shown as having a residential edge on **Figure 19.313.X**, and for development that occurs adjacent to or abutting an R3 or an R5 zone, the following standards apply.
- a. A minimum setback of [10-15 feet] shall apply.
 - b. Along the property line adjacent to the residential zone, buildings within 50 feet of 37th Ave and Monroe St shall provide a step back of at least 6 feet for any portion of the building above 35 feet.
 - c. A height bonus consistent with Section 19.313.3.B(4)(b) may only be applied to buildings or portions of a building that are at least 50 feet away from the adjacent residential zone.

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19.313.5 Additional Provisions

Depending upon the type of use and development proposed, the following sections of the Milwaukie Code may apply. These sections are referenced for convenience, and do not limit or determine the applicability of other sections within the Milwaukie Municipal Code.

- A. Section 19.500 Supplementary Development Regulations. This section contains standards for site and building design that will apply to most new types of development, including residential and commercial. Relevant sections include:
1. 19.501 General Exceptions
 2. 19.502 Accessory Structures
 3. 19.503 Accessory Uses
 4. 19.504 Site Design Standards
 5. 19.505 Building Design Standards
 6. 19.507 Home Occupation Standards
- B. Section 19.600 Off-Street Parking and Loading. Contains standards for vehicle and bicycle parking, including required number of spaces and design standards for parking and loading areas.
- C. Section 19.700 Public Facility Improvements. Contains standards for transportation, utility and other public facility improvements that may be required as part of development.

CHAPTER 19.400 OVERLAY ZONES AND SPECIAL AREAS

~~19.404 MIXED USE OVERLAY ZONE MU~~

~~19.404.1 Purpose~~

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

~~19.404.2 General Applicability~~

~~The Mixed Use Overlay Zone will be attached to the primary zone for properties identified as critical to the efforts of the City to develop a mix of uses within the Town Center Master Plan area. These properties include, but are not limited to, those within Sites 21, 22, and 26 of Subarea 2 and Site 41 of Subarea 4 of the Town Center Master Plan. The MU Overlay Zone will be applied to the Zoning Map.~~

~~19.404.3 Primary Uses~~

~~Provisions of Section 19.404 are intended to allow mixed use development, subject to the processes identified in Subsection 19.404.6 below, including retail, commercial, office, and residential development, as listed below.~~

- ~~A. Retail commercial uses such as food store, drugstore, gift shop, and hardware store selling shelf goods primarily (drive-up convenience stores are not permitted);~~
- ~~B. Multifamily dwellings;~~
- ~~C. Rowhouses;~~
- ~~D. Professional offices;~~
- ~~E. Personal service businesses such as haircutting shop, tailor shop, laundry, and dry cleaning pickup station, shoe repair, computer, and bicycle repair, office equipment and services, and electronics repair;~~
- ~~F. Motion picture theater (adult theaters are not permitted);~~
- ~~G. Restaurant and cafe, outdoor seating where provided for in the site design and located off of the public sidewalk area (drive-in and drive-through food establishments are not permitted);~~
- ~~H. Brew pub which serves food;~~
- ~~I. Hotel;~~
- ~~J. Parking facility;~~
- ~~K. Financial institution (without drive-up tellers);~~
- ~~L. Trade or commercial school;~~
- ~~M. Department or furniture store;~~
- ~~N. Bed and breakfast;~~
- ~~O. Service station without associated minimart—minor repair service allowed if approved through a mixed use overlay review application;~~

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- ~~P. Farmers' market;~~
- ~~Q. Public park or community meeting area;~~
- ~~R. Youth center;~~
- ~~S. Day care facilities;~~
- ~~T. Any other use similar to the above and not listed elsewhere.~~

19.404.4 Applicability

~~Development review and approval, pursuant to Subsection 19.404.6, is required for all development on sites having a Mixed Use Overlay Zone, unless the proposed development qualifies for an exception under Subsection 19.404.5.~~

19.404.5 Exemptions from Review

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

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

19.404.6 Development Review Process and Criteria

A. Preapplication Conference

- ~~1. Prior to submittal of an application for development within the MU Overlay Zone, the applicant shall be required to attend a preapplication conference with Community Development staff. The applicant must submit a specific written proposal and a site plan drawn to scale in order to schedule a preapplication conference.~~
- ~~2. At the preapplication conference, staff shall determine the applicable development review procedure which would apply to the applicant's specific proposal. Staff shall provide appropriate application materials and outline the applicable review procedure. The applicant shall be required to schedule an appointment with staff to submit the completed MU overlay review application.~~

B. Planning Commission Review

~~The Planning Commission shall review development requests within the Mixed Use Overlay Zone, per the procedures outlined in Section 19.1006 Type III Review.~~

C. Criteria

~~The Planning Commission may grant approval of a mixed use overlay review upon a determination that the following circumstances exist:~~

- ~~1. The proposed project is in compliance with the Milwaukie Comprehensive Plan;~~
- ~~2. The proposed project is in compliance with the Town Center Master Plan (TCMP);~~
- ~~3. The proposed project is in compliance with the guidelines and requirements of the MU Overlay Zone;~~
- ~~4. The proposed project complies with any requirements of the underlying zone which have not been superseded by the provisions of the Mixed Use Overlay Zone;~~

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- ~~5. The proposed project complies with Chapters 19.500, 19.600, and 19.700 of the Zoning Ordinance.~~

~~D. Minor Development Review~~

~~The Planning Director may approve minor changes in any development permit or small scale improvements to legally existing uses, through the process designated under Section 19.1004 Type I Review, provided that such changes:~~

- ~~1. Do not increase the intensity of any use;~~
- ~~2. Meet the requirements of the underlying zone and the specific site design standards of Subsection 19.404.8;~~
- ~~3. Are consistent with the Town Center Master Plan;~~
- ~~4. Do not significantly affect adjacent property or uses, will not cause any deterioration or loss of any natural feature or open space, nor significantly affect any public facility; and~~
- ~~5. Do not affect any conditions specifically placed on the development by the Planning Commission or City Council.~~

19.404.7 Application Materials

An application for a mixed use overlay review shall include the following:

- ~~A. Name, address, and telephone number of applicant and/or property owner;~~
- ~~B. Address and reference map number of the subject property;~~
- ~~C. North arrow, scale, and date of revision;~~
- ~~D. Narrative concerning the proposed request, including a written report identifying how the proposal complies with the applicable approval criteria outlined in Subsection 19.404.6.C;~~
- ~~E. Copy of deed showing ownership or interest in the subject property. If the applicant is not the owner or sole owner, written authorization from the owner or joint owner(s) of the property shall be submitted allowing the applicant to apply for the mixed use overlay review;~~
- ~~F. Vicinity map;~~
- ~~G. Comprehensive plan and zoning designations of subject property;~~
- ~~H. A map showing existing uses, structures, lot lines, topography, and the location of existing and proposed utilities and easements within 100 ft of the property;~~
- ~~I. A map showing the location of all existing trees, their types, location, and diameter at 5 ft from grade. This map shall be based on a surveyed location of the trees. The map shall identify which trees, if any, are proposed for removal. This tree map may be combined with the landscaping plan if the resulting plan is legible;~~
- ~~J. Detailed and dimensioned plans, drawn to scale for the specific project, including, but not limited to, the site development plan, building elevations, floor plans, landscaping plan, and parking plan. These plans shall show lot dimensions based on a survey of the property; existing and proposed property boundaries; the distance from structures to property lines and between structures; the building footprint with all projections; and location of driveways, walkways, paved areas, and disabled access and parking. Parking shall address all requirements of Chapters 19.600 and 19.700 of the Zoning Ordinance;~~
- ~~K. Color and material samples of paint, siding, and roof material;~~
- ~~L. A sign program, where applicable;~~

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- ~~M. Reduced copies (8½ by 11 in) of all plans and maps;~~
- ~~N. Any information required by other provisions of local, State, or federal law;~~
- ~~O. Additional drawings, surveys, studies, or other materials necessary to understand or support the proposed use, as required by the Planning Department through the preapplication process;~~
- ~~P. Notice labels and map;~~
- ~~Q. Payment of the applicable fee.~~

19.404.8 Development Standards

~~Except as provided in Subsection 19.404.9.A.1, the following development standards apply to all proposals which have been determined to be subject to the Mixed Use Overlay Zone. Development in this overlay zone shall follow the standards and guidelines for development and for specific sites, as indicated below. All development proposals shall comply and not conflict with the Milwaukie Comprehensive Plan and the Town Center Master Plan.~~

- ~~A. Commercial and Commercial/Residential Mixed Use (office uses are included in the commercial designation)~~
 - ~~1. Proposed development shall incorporate a 1:0.5 to 1:2.0 floor area ratio of commercial to residential development. (For every 1 sq ft of commercial, a minimum of ½ sq ft of residential would be required, and up to 2 sq ft of residential will be permitted.)~~
 - ~~2. Retail and/or service uses are required for the on-street level of any development. Residential and office or additional commercial development can be considered for below-grade development or for stories above the street level.~~
 - ~~3. Angled parking shall be developed where street rights-of-way are wide enough.~~
 - ~~4. Parking for commercial and residential uses shall be located to the rear or side of a proposed development. Where parking is to be located at the side of a structure, an 8-ft wide landscape strip shall separate the parking area from the sidewalk.~~
 - ~~5. Shared parking shall be provided where feasible. Shared bicycle parking shall be permitted when primary pedestrian entrances are located not more than 100 ft from the shared bicycle parking area. The shared bicycle parking must be located in an area of high visibility adjacent to a pedestrian walkway or sidewalk.~~
 - ~~6. All primary ground floor common residential entries or individual unit entries of street frontage units shall be oriented to the street, not to the interior or to a parking lot. Projecting features such as porches, balconies, bay and dormer windows, and roof pediments are encouraged for structures facing a street.~~
 - ~~7. Where structured parking is proposed, it shall be placed in the middle of a block, with commercial and retail uses at the street level. Innovative decorative designs are required to mask any portion of the upper structure which is visible from the street. Parking dimensions shall not include support posts of the underground or aboveground parking structure.~~
 - ~~8. Parking which is provided without a parking structure shall comply with the dimensional and landscaping requirements of Chapter 19.600 of the Zoning Ordinance.~~
 - ~~9. Auto-oriented and drive-in uses are prohibited, except for service stations without related minimarts when a conditional use has been approved.~~

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- ~~10. A minimum of 60% of the ground floor wall area in retail development abutting pedestrian ways and plazas shall consist of nonreflective windows and doorways.~~
- ~~11. Outdoor displays and café areas shall be permitted subject to City right of way permits and related standards. If an outdoor display is located on private property adjacent to the right of way, the display shall not impede traffic on the public sidewalk, and the displays and daily display signs shall be removed each evening. Café seating shall be permitted on private property adjacent to the public sidewalk with approval under the site design/conditional use permit process. Outdoor café seating on private property need not be removed each evening.~~
- ~~12. Residential development shall incorporate shared parking, circulation, and bike parking opportunities whenever possible. A planting strip shall separate the right of way and the sidewalk. High and medium density residential development is encouraged to have an articulated front façade which makes the building appear to be segmented or similar to the size and bulk of single family residential units, where possible.~~
- ~~13. Owners of existing single family homes within the Mixed Use Overlay Zone may apply for a conditional use permit to allow a detached secondary living unit, an accessory dwelling unit, or conversion to a duplex or multifamily dwelling with 3 units, provided that 1 of the units shall remain owner occupied. Sound insulating and energy efficient materials shall be provided in any of the above conversions of existing space. Setbacks and development standards of the underlying zone must be met.~~
- ~~14. No outside storage is allowed, with the exception of garbage dumpsters, which are screened by a solid wood fence with a gate, or fully contained individual storage units associated with residential uses.~~
- ~~15. If a project maximizes the residential density allowed in this overlay zone and by the Comprehensive Plan Town Center designation, additional retail or office uses can be permitted on the site through the site design/conditional use review process.~~
- ~~16. Projects accommodating a combination of residential, with retail or office, uses may cluster, combine, or separate the uses on portions of a single property, or a series of properties which are in the process of merger.~~
- ~~17. Residential densities between 25 and 50 dwelling units per acre shall be permitted within the Mixed Use Overlay Zone if the proposed project incorporates 7 out of 13 of the requirements listed in Subsection 19.404.8.A.18 below.~~
- ~~18. All new development shall comply with at least 6 of the following "essential" requirements:~~
 - ~~a. Special awning treatment;~~
 - ~~b. Special grate or paving treatment, landscaping, planter boxes or pots, and pedestrian scale lighting between sidewalk and entrance of the building;~~
 - ~~c. Provision for public art or historical reference in the form of a plaque or public display;~~
 - ~~d. Special street lighting or other custom designed street furniture or similar amenities;~~
 - ~~e. Development of public space, including, but not limited to, plazas, gathering areas, or special landscaped areas;~~
 - ~~f. Residential uses above ground level retail space;~~

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- ~~g. Enhanced transit amenities such as covered bus shelters or bike lockers;~~
 - ~~h. Upgraded noise buffering on attached residential units;~~
 - ~~i. Provision of protected play areas in residential development;~~
 - ~~j. Provision of enhanced pedestrian accessways from rear parking areas to the frontage street;~~
 - ~~k. Provision of decorative drinking fountains or other custom designed street furniture;~~
 - ~~l. Structured parking consistent with Subsection 19.404.8.A.7 above.~~
- ~~19. If a property to be developed includes an historic structure or a single family home which is in good repair or can be easily repaired, the applicant may propose a density transfer in conjunction with a PD development in order to retain the single family housing stock while allowing some higher density development on the same or an adjacent parcel, which is combined with the parcel on which the single family home is located.~~
- ~~20. In areas where new development abuts existing single family development, a 20-ft buffer area of landscaping shall be provided and consideration shall be given to additional setback of second, third, or fourth stories.~~
- ~~21. Bicycle and pedestrian routes shall be provided consistent with the requirements and standards of Chapter 19.700.~~

~~19.404.9 Specific Sites in Subareas 2 and 4~~

~~The following additional requirements apply to proposed development in specific subareas and on specific sites:~~

~~A. Subarea 2~~

- ~~1. Sites 2-1 and 2-2 (Murphy Plywood Site)~~
 - ~~a. These sites may be developed with a mix of commercial and commercial/residential space with limited service and retail uses, including restaurants. In such cases, retail uses shall be located on the ground floor adjacent to pedestrian walkways. Development of commercial and mixed uses at these sites shall comply with the provisions of Subsection 19.404.8.~~
 - ~~b. Business Industrial (BI) uses as set forth in Section 19.310 shall also be allowed. The development of BI uses on Sites 2-1 and 2-2 shall comply with the development requirements of Section 19.310, except that outdoor storage shall be permitted. In this case, the 32nd Avenue and Meek Street property lines shall be considered front yards and a 20-ft setback shall be applied. These setbacks shall be landscaped in accordance with Subsection 19.606.2.C.2, and provided with a sight-obscuring wooden fence adjacent to the public right-of-way and residential property lines. The Planning Commission may allow these setbacks to be reduced to 10 ft, where the proposed design of the buffer is of a high quality and includes: (1) the use of masonry walls, or other acceptable material, of up to 8 ft in height; (2) enhanced landscaping; and (3) one of the elements listed in Subsection 19.404.8.A.18. Development of BI uses on the site is not required to comply with the standards set forth in Subsections 19.404.8 and 19.303.3.~~
- ~~2. Site 2-6 (Providence Milwaukie Hospital Site)~~

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~~This site shall be developed with a primary emphasis on specialized senior assisted-living housing and related support services that are tied to the adjacent hospital and medical complex. Development should provide for housing and medical services which will meet the needs of an aging population. The provisions of Subsections 19.404.8.A.1 and 2 shall not apply to Site 2-6. Applications for Site 2-6 will be subject to a design review. Alternative designs appropriate to meet the intent of Subsections 19.404.8.A.4, 6, and 21 will be evaluated by the Planning Commission.~~

B. ~~Subarea 4~~

- ~~1. This site shall be developed with high density (16 to 24 dwelling units per acre) diverse housing types. Retail, office, or lodging uses are also allowed at a 2:1 ratio (for every 2 sq ft of residential, 1 sq ft of commercial will be permitted). Commercial uses on the site shall be limited to those listed in Subsections 19.404.3.D, E, G, K, Q, R, and S. Commercial use may be increased to a 1:1 ratio (1 sq ft of commercial for every 1 sq ft of residential), if amenities b, c, d, e, g, h, i, and k of Subsection 19.404.8.A.18 are provided. A report on the status of contamination on this site shall be submitted with any proposed development.~~
- ~~2. Minimum vegetation for the site shall be 30%. Particular attention shall be paid to landscaping, which shall be designed to provide buffers to the residential neighborhoods to the north and east. Building heights shall also be designed to provide a transition for the neighboring residential properties. The height limit within 50 ft of the Monroe Street or 37th Avenue right of way shall be 2 stories or 35 ft, whichever is less. The building height for the remainder of the development on this site is 3 stories or 45 ft, whichever is less. Building setbacks from property lines shall be 15 ft for the front and rear yards and 5 ft for side yards. Minimum lot standards shall conform to the R-O-C standards, except that the minimum lot width for rowhouses may be reduced to 20 ft wide if amenities b, d, e, g, h, and i of Subsection 19.404.8.A.18 are provided. The distance between buildings on the same lot shall be 6 ft for 1 story and a minimum of 5 ft per every story over 1.~~

19.404.10 Consistency with Underlying Zones

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

A. ~~R-O-C Zone~~

~~The uses and processes stipulated in the MU Overlay Zone supersede those identified in the R-O-C Zone. The minimum lot size shall be 5,000 sq ft, and the density shall be controlled by the MU overlay and the Comprehensive Plan alone. No yards are required. The height restriction is based on the MU overlay height allowance. The lot coverage requirement and transition area requirement are removed in favor of the site design process. Use restrictions are superseded by those in the MU Overlay Zone.~~

B. ~~WG Zone~~

~~The requirements of the Willamette Greenway overlay Zone control when in conflict with the provisions of the MU Overlay Zone. Compliance with the Willamette Greenway overlay requires that a conditional use permit be reviewed and approved. When a Willamette Greenway Zone and a mixed use zone both overlay a property, a single site design/conditional use permit application may be processed. The fee set for the site design/conditional use permit shall be the fee paid for the combined application.~~

C. ~~Natural Resources~~

Proposed Code Amendment

~~The requirements established in Section 19.402 for natural resources and those of the MU Overlay Zone both apply to a property which is subject to both designations. Any required Natural Resource Review application must be processed prior to, or concurrent with, a development proposal under the MU Overlay Zone. If a project is determined not to be subject to requirements of the MU Overlay Zone but is also on a property that includes natural resources regulated by Section 19.402, a separate determination of the applicability of Section 19.402 must be made.~~

~~19.404.11 Validity of Uses~~

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

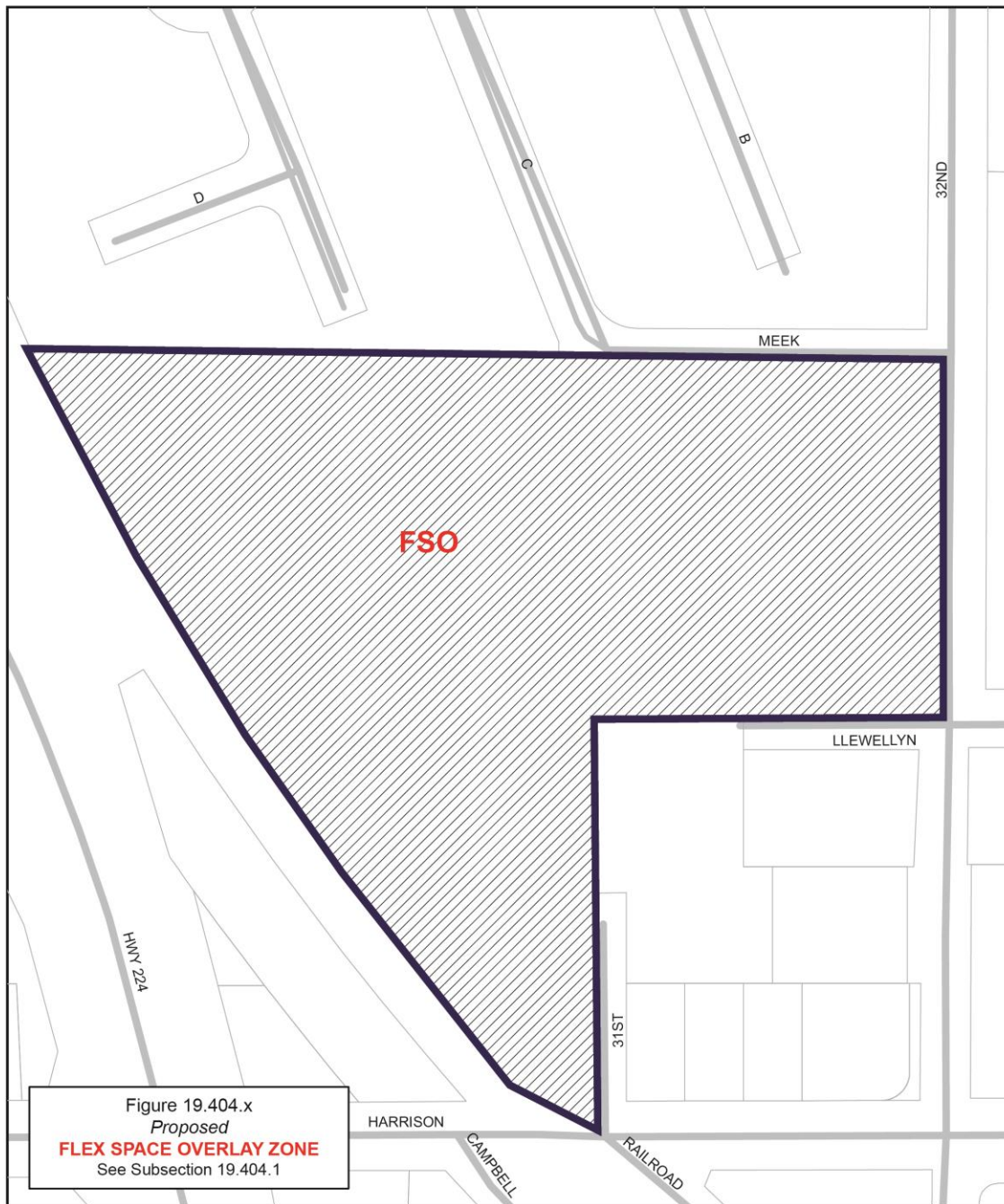
~~19.404.12 Nonconforming Uses~~

- ~~A. Milwaukie Code provisions regarding construction, discontinuance, improvement, or change of nonconforming uses, as contained in Chapter 19.800, are applicable to uses within the MU Overlay Zone.~~
- ~~B. In addition to meeting requirements as specified in Chapter 19.800, development proposals involving nonconforming uses or structures must also comply with the setback, landscaping, and access standards of the MU Overlay Zone.~~

19.404 FLEX SPACE OVERLAY ZONE

19.404.1 Purpose

The Flex Space Overlay implements the Central Milwaukie Land Use and Transportation Plan and is intended to provide flexibility for development of an identified opportunity site within Central Milwaukie (Figure 19.404.X). This overlay provides targeted opportunities for employment uses and promotes buildings that can accommodate a variety of uses that may change over time. Uses in the Flex Space Overlay may include employment-intensive uses beyond those allowed in the underlying zone, and may change as appropriate to respond to market conditions and developer needs.

Proposed Code Amendment

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19.404.2 Applicability

The standards and requirements of this section apply to all properties within the Flex Space Overlay as indicated on the Zoning Map.

19.404.3 Consistency with base zone

The General Mixed Use Zone GMU is the base zone for properties within the Flex Space Overlay and all requirements of the base zone apply unless otherwise noted in this section. Where conflicts occur between this section and other sections of the code, the standards and requirements of this section shall supersede.

19.404.4 Permitted Uses

In addition to those uses allowed by the base zone (GMU), Table 19.404.4 lists uses that are permitted within the Flex Space Overlay.

<u>Table 19.404.4</u> <u>Flex Space Overlay - Uses</u>	
<u>Industrial Use Categories</u>	<u>Flex Space Overlay</u>
<u>Industrial service.</u> Industrial services are engaged in repair and/or servicing of industrial, business or consumer machinery, equipment, products or by-products or in training or instruction of such repair or servicing. Examples include: electrical contractors, equipment rental facilities, tool or instrument repair, and data storage facilities.	P
<u>Manufacturing¹.</u> This category comprises establishments engaged in the mechanical, physical, or chemical transformation of materials, substances, or components into new products, including the assembly of component parts. Examples include: alternative energy development; biosciences; food and beverage processing; software and electronics production; printing; fabrication of metal products; products made from manufactured glass; products made from rubber, plastic, or resin; converted paper and cardboard products; and microchip fabrication. Manufacturing may also include high-tech and research and development companies.	P
<u>Wholesale Trade.</u> This category comprises establishments engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, or professional business users; or to other wholesalers, generally without transformation, and rendering services incidental to the sale of merchandise. Wholesalers sell or distribute merchandise exclusively to other businesses, not the general public, and normally operate from a warehouse or office and are not intended for walk-in traffic. Examples include: mail order houses; sale and/or rental of machinery, building materials, special trade tools, janitorial supplies and restaurant equipment; and wholesalers of food, clothing, auto parts, building hardware and office supplies.	P

Proposed Code Amendment

Trade Schools. <u>This category comprises establishments whose primary purpose is to provide training for industrial needs and job-specific certification.</u> <u>Examples include: electronic equipment repair training, truck-driving school, welding school, training for repair of industrial machinery, and other industrial skills training.</u>	P
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Footnotes:

1. Manufacturing uses shall only be conducted in an enclosed space. The following manufacturing uses are not allowed: explosive materials, concrete and asphalt mixing or batching, rock crushing and aggregate storage.

19.404.5 Design Standards

The design standards in MMC 19.505.6 Commercial and Mixed Use Development apply to new mixed use and non-residential development in the Flex Space Overlay.

19.404.6 Additional provisions

A. Off-Site Impacts. In order to ensure compatibility between manufacturing and nonmanufacturing uses, the following off-site impact standards apply.

1. Applicability. The off-site impact standards in this section apply to all new machinery, equipment, and facilities associated with manufacturing uses. Machinery, equipment, or facilities that were at the site and in compliance with existing regulations as of the effective date of this ordinance, are not subject to these off-site impact standards.
2. Noise. The City's noise control standards and requirements in Chapter 8.08 apply.
3. Vibration. Continuous, frequent, or repetitive vibrations that exceed 0.002g peak are prohibited. Generally, this means that a person of normal sensitivities should not be able to feel any vibrations.
 - a. Temporary vibrations from construction activities or vehicles leaving the site are exempt.
 - b. Vibrations lasting less than 5 minutes per day are exempt.
 - c. Seismic or electronic measuring equipment may be used when there are doubts about the level of vibrations.
4. Odor. Continuous, frequent, or repetitive odors are prohibited. The odor threshold is the point at which an odor may just be detected. An odor detected for less than 15 minutes per day is exempt.
5. Illumination. Machinery, equipment, and facilities may not directly or indirectly cause illumination on other properties in excess of 0 (zero) footcandles of light.

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6. Measurements. Measurements for compliance with these standards may be made from the property line or within the property of the affected site. Measurements may be made at ground level or at habitable levels of buildings.
7. Documentation. An applicant must provide documentation certified by a registered engineer or architect, as appropriate, to ensure that the proposed activity can achieve compliance with these standards.

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CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

19.504 SITE DESIGN STANDARDS

19.504.1 Clear Vision Areas

A clear vision area shall be maintained on the corners of all property at the intersection of 2 streets or a street and a railroad according to the provisions of the clear vision ordinance in Chapter 12.24.

19.504.2 Maintenance of Minimum Ordinance Requirements

No lot area, yard, other open space, or off-street parking or loading area shall be reduced by conveyance or otherwise below the minimum requirements of this title, except by dedication or conveyance for a public use.

19.504.3 Dual Use of Required Open Space

No lot area, yard, or other open space or off-street parking or loading area which is required by this title for one use shall be used to meet the required lot area, yard, or other open space or off-street parking area for another use, except as provided in Subsection 19.605.4.

19.504.4 Buildings on the Same Lot

- A. In R-10, R-7, and R-5 Zones, 1 primary dwelling shall be permitted per lot. A detached accessory dwelling unit may be permitted per Subsection 19.910.1.
- B. In the R-3 Zone, 1 single-family detached dwelling shall be permitted per lot. A detached accessory dwelling unit may be permitted per Subsection 19.910.1. Multifamily housing, with multiple structures designed for dwelling purposes, may be permitted as a conditional use per Section 19.905.

19.504.5 Distance from Property Line

Where a side or rear yard is not required and a structure is not to be erected at the property line, it shall be set back at least 3 ft from the property line.

19.504.6 Transition Area Measures

Where commercial or industrial development is proposed abutting or adjacent to properties zoned for lower-density residential uses, the following transition measures shall be required. These additional requirements are intended to minimize impacts on lower-density residential uses.

- A. All yards that abut, or are adjacent across a right-of-way from, a lower-density zone shall be at least as wide as the required front yard width of the adjacent lower-density zone. This additional yard requirement shall supersede the base zone yard requirements for the development property where applicable.
- B. All yards that abut, or are adjacent across a right-of-way from, a lower-density zone shall be maintained as open space. Natural vegetation, landscaping, or fencing shall be provided to the 6-ft level to screen lower-density residential uses from direct view across the open space.

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19.504.7 Minimum Vegetation

No more than 20% of the required vegetation area shall be covered in mulch or bark dust. Mulch or bark dust under the canopy of trees or shrubs is excluded from this limit. Plans for development shall include landscaping plans which shall be reviewed for conformance to this standard.

19.504.X Preliminary Circulation Plan

A Preliminary Circulation Plan is intended to guide site development by establishing a plan for access, connectivity, and circulation. A preliminary circulation plan is a conceptual plan in that it does not establish a precise alignment for street, pedestrian, or bicycle facilities.

A. Applicability. A Preliminary Circulation Plan is required for development on sites [3-4] acres and larger that are subject to Development Review per MMC 19.906 and are either:

1. Vacant

2. The proposed new development or redevelopment will result in reconfiguration of the transportation and development pattern for >50% of the site.

B. Approval criteria. In reviewing a proposed Preliminary Circulation Plan, the Planning Director shall find compliance with the relevant portions of the Comprehensive Plan, Transportation System Plan, and MMC 19.708 Transportation Facility Requirements.

C. Permit process. A new Preliminary Circulation Plan or a revision to an approved Preliminary Circulation Plan are subject to Type II review per Section 19.1005.

19.505 BUILDING DESIGN STANDARDS**19.505.1 ~~Design Standards for Single-Family Dwellings and Duplexes~~****19.505.2 ~~Garages and Carports Standards~~****19.505.3 ~~Design Standards for Multifamily Housing~~****19.505.4 ~~Design Standards for Cottage Cluster Housing~~****19.505.5 ~~Standards for Rowhouses~~****19.505.6 Commercial and Mixed Use Development.**

A. Purpose. The design standards contained in this section are intended to encourage building design and construction with durable, high-quality materials. The design standards support development of an attractive, cohesive and pedestrian-friendly commercial area. The design standards do not prescribe a particular building or architectural style.

B. Applicability.

1. The design standards in this section apply to new commercial, institutional, manufacturing and mixed use buildings within the GMU zone.
2. The standards in this section do not apply to rowhouses or live/work units. Rowhouses and live/work units are subject to the design standards in Section 19.505.5 Rowhouses.
3. The standards in this section do not apply to stand-alone multifamily housing. Stand-alone multifamily buildings are subject to the design standards in Section 19.505.3 Multifamily.

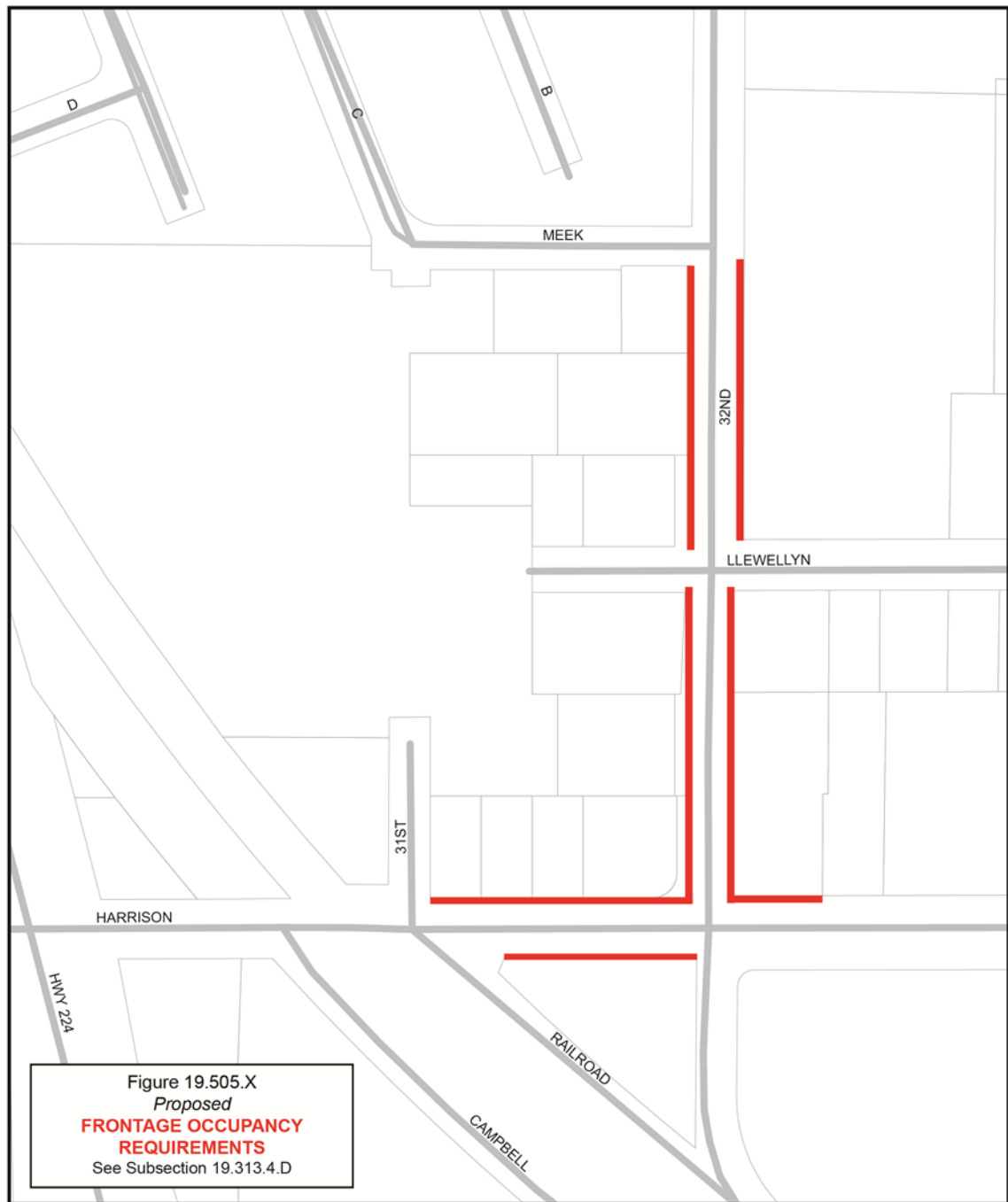
C. Design Standards

All buildings that meet the applicability provisions in Subsection 19.505.6.B shall meet the following design standards.

An applicant may request a variance to the Design Standards in Subsection 19.505.1.C through a Type II review, pursuant to Subsection 19.911.3.B.

1. Frontage occupancy requirements. The intent of this standard is to establish a consistent "street wall" along key streets. Minimum frontage occupancy requirements are established for block faces identified on Figure 19.505.X. The requirements apply as follows:
 - a. For block faces identified on Figure 19.505.X, 50 percent of the site frontage must be occupied by a building or buildings. If the development site has frontage on more than one street, the frontage occupancy requirement must be met on one street only.
 - b. Building facades with recesses incorporated to comply with façade articulation requirements are considered to be occupying the site frontage if the recesses do not exceed 24 inches.

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2. Corners. The intent of this standard is to reinforce intersections as an important place for people to gather.

Buildings at the corner of two public streets (for the purposes of this standard an alley is not considered a public street) shall incorporate one of the following features:

- a. Locate the primary entry to the building at the corner
- b. A prominent architectural element, such as increased building height or massing, a cupola, a turret or a pitched roof at the corner of the building or within 20 feet of the corner of the building;
- c. The corner of the building cut at a 45 degree angle

3. Weather Protection. The intent of this standard is, through the use of awnings and canopies along the ground floor of buildings, to protect pedestrians from rain and provide shade; to encourage window shopping and lingering; and to create visual interest on the ground floor of a building.

Buildings shall provide weather protection for pedestrians as follows:

- a. Minimum weather protection coverage.
 - i. All ground floor building entries shall be protected from the weather by canopies, or recessed behind the front building façade at least 3 feet.
- b. Weather protection design. Weather protection shall comply with applicable building codes, and shall be designed to be visually compatible with the architecture of a building. Where applicable, weather protection shall be designed to accommodate pedestrian signage (e.g., blade signs) while maintaining required vertical clearance.

4. Exterior Building Materials. The intent of this standard is to provide a sense of permanence through the use of certain permitted building materials; to provide articulation and visual interest to larger buildings; and to allow for a variety of materials and designs.

The following standards are applicable to the exterior walls of new buildings facing streets, courtyards, and/or public squares. Table 19.505-X specifies the primary, secondary and prohibited material types referenced in this standard.

- a. Buildings shall utilize primary materials for at least 60 percent of the building facades.
- b. Secondary materials are permitted on no greater than 40 percent of each building facade.
- c. Accent materials are permitted on no greater than 10 percent of each building facade as trims or accents (e.g. flashing, projecting features, ornamentation, etc.).
- d. Buildings shall not utilize materials listed as (N) prohibited.
- e. For existing development, façade modifications that affect more than 50 percent of the façade shall comply with standards in this section. The [Planning Director] may waive this requirement if application of the standards would create an incongruous appearance of existing and new materials.

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Table 19.505-X Commercial Exterior Building Materials	
<u>Material Type</u>	<u>Nonresidential and Mixed-Use</u>
<u>Brick</u>	<u>P</u>
<u>Stone/masonry</u>	<u>P</u>
<u>Stucco</u>	<u>P</u>
<u>Glass (transparent, spandrel)</u>	<u>P</u>
<u>Concrete (poured in place or precast)</u>	<u>P</u>
<u>Finished wood, wood veneers and wood siding</u>	<u>S</u>
<u>Finished metal panels, such as anodized aluminum, stainless steel or copper, featuring a polished, brushed or patina finish</u>	<u>S</u>
<u>Concrete blocks with integral color (ground, polished or glazed finishes)</u>	<u>S</u>
<u>Fiber reinforced cement siding and panels</u>	<u>S</u>
<u>Ceramic tile</u>	<u>S</u>
<u>Concrete blocks with integral color (split face finish)</u>	<u>A</u>
<u>Standing seam and corrugated metal</u>	<u>A</u>
<u>Glass block</u>	<u>A</u>
<u>Vegetated wall panels or trellises</u>	<u>A</u>
<u>Vinyl siding</u>	<u>N</u>
<u>Exterior insulation finishing system (EIFS)</u>	<u>N</u>

P = Primary Material

S = Secondary Material

A = Accent Material

N = Prohibited Material

5. Windows and Doors. The standards of this section are intended to enhance street safety and provide a comfortable pedestrian environment by providing ground-level transparency between the interior of buildings and the sidewalk.

- a. For non-residential and mixed use buildings, [30-40] percent 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 feet above finished grade, whichever is less.
- b. For all buildings, the following applies:

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- i. Nonresidential ground floor windows must have a visible transmittance (VT) of 0.6 or higher.
- ii. Doors and/or primary entrances must be located on the street-facing block faces and must be unlocked when the business located on the premises is open. Doors/entrances to second-floor residential units may be locked.
- iii. Clear glazing is required for ground-floor windows. Nontransparent, reflective, or opaque glazings are not permitted.
- iv. The bottom edge of windows along pedestrian ways shall be constructed no more than 36 inches above grade.
- v. Ground-floor windows for nonresidential uses shall allow views into storefronts, working areas, or lobbies. Signs are limited to a maximum coverage of 50 percent of the required window area.
- c. Windows shall be designed to provide shadowing. This can be accomplished by recessing windows 4 inches into the façade and/or incorporating trim of a contrasting material or color.
- d. For all building windows facing streets, courtyards, and/or public squares in the downtown, the following window elements are prohibited:
 - i. Reflective, tinted, or opaque glazing
 - ii. Simulated divisions (internal or applied synthetic materials)
 - iii. Exposed, unpainted metal frame windows

6. Roofs

- a. Roof forms. The intent of this standard is to enliven the pedestrian experience and create visual interest.
The roof form of a building shall follow one (or a combination) of the following forms:
 - i. Flat roof with parapet or cornice
 - ii. Hip roof
 - iii. Gabled roof
 - iv. Dormers
 - v. Shed roof.
- b. All sloped roofs exposed to view from adjacent public or private streets and properties shall have a minimum [4/12-5/12] pitch.
- c. Sloped roofs shall have eaves, exclusive of rain gutters, that project from the building wall at least 12 inches.
- d. All flat roofs or those with a pitch of less than [4/12-5/12] shall be architecturally treated or articulated with a parapet wall that projects vertically above the roof line at least 12 inches and/or a cornice that projects from the building face at least 6 inches.
- e. When an addition to an existing structure or a new structure is proposed in an existing development, the roof forms for the new structure(s) shall have similar slope and be constructed of the same materials as the existing roofing.

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7. Rooftop equipment and screening. The intent of this standard is to integrate mechanical equipment into the overall building design.

a. The following rooftop equipment does not require screening:

- i. Solar panels, wind generators, and green roof features;
- ii. Equipment under two feet in height.

b. Elevator mechanical equipment may extend above the height limit a maximum of 16 feet provided that the mechanical shaft is incorporated into the architecture of the building.

c. Satellite dishes, communications equipment and all other roof-mounted mechanical equipment shall be limited to 10 feet in height, shall be set back a minimum of five feet from the roof edge and shall be screened from public view and from views from adjacent buildings by one of the following methods:

- i. A screen around the equipment that is made of a primary exterior finish material used on other portions of the building or wood fencing or masonry;
- ii. Green roof features or regularly maintained dense evergreen foliage that forms an opaque barrier when planted.

d. Required screening shall not be included in the building's maximum height calculation.

8. Ground-level screening. Mechanical and communication equipment and outdoor storage and outdoor garbage and recycling areas shall be screened so they are not visible from streets and other ground-level private open space and common open spaces.

19.505.67 Building Orientation to Transit

The following requirement applies to all new commercial, office, mixed use and institutional development within 500 ft of an existing or planned transit route measured along the public sidewalk that provides direct access to the transit route:

New buildings shall have their primary orientation toward a transit street or, if not adjacent to a transit street, a public right-of-way which leads to a transit street. The primary building entrance shall be visible from the street and shall be directly accessible from a sidewalk connected to the public right-of-way. A building may have more than 1 entrance. If the development has frontage on more than 1 transit street, the primary building entrance may be oriented to either street or to the corner.