

**CITY OF MILWAUKIE
PLANNING COMMISSION
Milwaukie City Hall
10722 SE Main Street
TUESDAY, October 10, 2017
6:30 PM**

COMMISSIONERS PRESENT

Greg Hemer, Chair
Adam Argo, Vice Chair
John Burns
Kim Travis

STAFF PRESENT

Denny Egner, Planning Director
Vera Kolias, Associate Planner
Amy Koski, Economic Development
Coordinator

COMMISSIONERS ABSENT

Scott Jones

1.0 Call to Order – Procedural Matters

Chair Hemer called the meeting to order at 6:30 pm 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>.*

Chair Hemer announced that due to the lack of a quorum, several agenda items would be taken out of order.

2.0 Planning Commission Minutes

2.1 May 25, 2017

2.2 June 27, 2017

This item was postponed to October 24, 2017.

3.0 Information Items – None

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 – None

6.0 Worksession Items

6.1 Summary: North Milwaukie Industrial Area (NMIA) Code Amendments
Staff: Vera Kolias/Amy Koski

This agenda item was addressed following Item 6.2 Comprehensive Plan Update.

Vera Kolias, Associate Planner, presented the staff report via PowerPoint, and reviewed the proposed code amendments needed to implement the NMIA Framework Plan. She identified key items for the Commission's input, and noted that the worksession for the Comprehensive Plan amendments and design and development standards for the project was scheduled for the next Commission meeting.

Chair Hemer called for public testimony.

Denise Emmerling-Baker, 10606 SE Main St, #213, Milwaukie, stated she was a member of the Historic Milwaukie Neighborhood District Association (NDA) and the NMIA Advisory Committee. She said she was a strong proponent of making the area mixed-use. She noted that flooding would continue to occur and thought the best way to avoid damage and have a viable business was to have structured parking below the business; however, parking structures were expensive, so she believed residential use was needed. She added:

- Community input suggested improving Johnson Creek and making the area more mixed-use would promote that suggestion.
- The area was a prime location for residential with the bike path connecting Sellwood to Portland.
- She did not see how mixed-use could negatively affect Milwaukie's plans to increase employment or the look of the area. Many existing businesses would support and coexist with residences.

Chair Hemer noted the Commission agreed and had made the area between SE Milport Rd and Hwy 224 mixed-use, but Council had reversed the decision.

Ms. Kolias clarified the Comprehensive Plan amendment was part of the process, and Council had not agreed to mixed-use in the North Milwaukie Employment (NME) area, which the Plan language maintained as an employment zone that prohibited residential uses. The Commission could disagree and staff could present two versions to Council: one representing the Commission's recommendation to expand the Tacoma Station Area Mixed Use (MUTSA) Zone and one representing Council's direction.

Commissioner Travis asked about the timing of the Comprehensive Plan Update Project with the NMIA Framework Plan and the process if a neighborhood wanted to reconsider the uses of a node.

Mr. Egner replied by the time the neighborhood node discussion was in progress, the NMIA Framework Plan should be close to completion. He suggested further discussion about whether the neighborhood node concept was just about residential neighborhoods or did it also include industrial neighborhoods.

Ms. Emmerling-Baker said she wanted to ensure the floodplain liability issues that would render the land unusable had been carefully considered.

Mr. Egner said the amendments would update existing policies in the Comprehensive Plan that addressed the floodplain and protection of the natural area; he predicted that no radical changes would be made. The question was how to integrate the Plan and those policies in a better way.

Peter Stark, 2939 NW Cornell Rd, Portland, OR, stated he was on the NMIA Committee and wanted to specifically address the Mill End Store and surrounding property. The Dietrichs were the owners of the Mill End Store and were concerned about losing their store, which had already flooded twice. The Dietrichs were willing to commit to help develop the area by building a mixed-use development, the only type that would allow structured parking underneath. Zoning the property as MUTSA would allow the Dietrichs to proceed with their development. The Mill End Store had been around for 100 years and the Dietrichs wanted to continue to provide employment. He added that City Council had expressed concern about the proximity of residential to industrial uses, but housing already existed in the Plan and impacts could be addressed in the Code language. Council was also concerned about mixed-use competing with

downtown yet several mixed-uses existed in the area that might not be allowed with the proposed zoning. The current zoning would just be added to floodplain area.

A commercial corridor through industrial lands could be a benefit to the employees and businesses, such as coffee shops and daycare services, which were critical. Sprinkling residential in the industrial areas helped promote growth.

Amy Koski, NMIA Project Manager, explained Council believed more flexibility was being added to the NME area by allowing commercial uses, which currently were not allowed. Council also weighed the risk of putting residents and employees in a floodplain area. Council did not want the mixed-use in the southwest portion of the NME to impact development of residential mixed-use in the downtown area. Council's decision also regarded employment preservation, as roughly 75% of the city was zoned residential and only about 12% was industrial.

The Commission discussed the key issues staff sought input on with regard to uses in the NME with additional comments from members of the audience. Key comments and feedback were as follows:

Daycare: Staff confirmed daycare traffic trips could be absorbed into the worst-case traffic scenario, which had been based on office and industrial uses. The purpose of allowing a daycare was for its convenience to workers or close residents; it was not intended as a destination. The Commission agreed daycare facilities would be needed but should be incorporated into a business building for safety and security and not a standalone building.

Warehouse/Wholesale: As proposed, the MUTSA zone permitted both warehousing and wholesale uses. The characteristics of both could be similar and staff asked if the uses needed to be separated. Staff would return with trip generation data for warehouse and wholesale businesses, as well as the market demand for both uses.

High Impact Commercial: The Commission agreed to the proposed change to eliminate this category of conditional uses as staff believed it could be absorbed in the regular Table of Uses to simplify the Code language.

Hotel/Motel: The Code currently proposed that hotel/motel be allowed by conditional use in the MUTSA. The question was if hotel/motel uses should be allowed in the remainder of the NME area.

- **Ms. Emmerling-Baker** stated she thought the area was a prime location for a hotel, as there were no adequate hotels in the area, and Reed College, Waverly Country Club, and Providence Milwaukie Hospital were nearby.
- One concern was that hotel/motel would not produce the kind of industrial employment being sought in the zone.
- **Mr. Stark** said the Silver Cloud Inn was a good example because it was used primarily by business people coming to visit other businesses in Portland's northwest industrial area. Keeping a hotel/motel use in the MUTSA made sense. If the MUTSA was expanded to the southwest area, the Dietrichs were also prominent hotel owners and might be willing to consider the possibility of building a hotel on the Mill End property.

The Commission agreed to leave the language as is and table the issue for further discussion.

Building heights:

- Green building should be a criterion for a height bonus.
- Discussion regarded whether a bonus height should be allowed for residential in a residential zone. Defining public benefits, amenities, and exceptional design was difficult when deciding whether to allow variances.

The Commission supported a bonus height for green building and not requiring it as a variance to provide greater certainty.

- Staff would revise the language to clarify height was based on feet and not stories to accommodate higher ceilings for mixed and industrial uses.
- **Daniel Newberry, 1900 SE Millport, Milwaukie, OR**, expressed concern about taller, heavier structures in an earthquake hazard zone.

Staff would check if different standards were required in an earthquake hazard area and if additional building heights would require greater setbacks from Johnson Creek in the MUTSA and NME to prevent shadowing trees and the natural area.

Limit wholesale trade and warehouse distribution in the MUTSA: The 10,000 sq ft maximum was a placeholder. Warehouse distribution would be allowed throughout the NME, but the smaller MUTSA was intended to be a more mixed-use area. A warehouse that housed products for a business was not considered a warehouse use.

- **Mr. Stark** stated the market would determine what was successful or not. Businesses strictly for warehousing would not pay a premium for a location, but the Commission did not want to discourage a business like Amazon by creating zoning that would not allow them to locate there.
- In the smaller MUTSA, reducing the amount of commercial trip traffic was a beneficial feature. Wholesale trade and warehouse distribution should not be permitted due to heavy trip generation or make it a conditional use.
- Providing flexibility and allowing the market to decide seemed like the right approach. The MUTSA was a flexible area and would hopefully see some mixed-use and residential development. Anticipating the uses was difficult but high value warehousing should not be discouraged.

The Commission agreed to permit wholesale trade and warehouse distribution outright in the MUTSA with no references to a certain square footage.

Waste management: Staff said that Council wanted to find a way to allow the existing use to continue and modify without going through a conditional use process. In the rest of the district, some type of recycling/waste management might be appropriate through a conditional use process.

Mr. Newberry noted the NMIA stakeholder group discussed how the decision could have an impact on regional traffic, not just Milwaukie's. If too much focus was placed on jobs per square foot, the wholesale/warehouse businesses would be forced farther from the center of Portland causing an increase in traffic. Milwaukie was one of the closest areas to the center of Portland.

The Commission consented that waste management would be a conditional use in the NME.

Size limits for satellite campuses or labs and higher-education classrooms:

Mr. Newberry suggested clearly defining "trade school." Trying to make a distinction between schools and trade schools was problematic. American Medical Response (AMR) was already renting part of a building for training.

The Commission agreed staff should work on a better definition.

Different design standards for specific streets:

- Staff noted the proposed MUTSA currently called for more pedestrian-oriented street frontages, but on which streets should alternative design standards apply?

- Also, since much of the development in the near term would be retrofits, language was needed to ensure that compliance with the design standards was not triggered by small improvement projects. Thresholds for applicability were needed.
- Alternative standards were needed for street frontages to allow a discretionary approach for developers to create more active spaces that would complement the design characteristics of a warehousing building, for example.

Staff would return with design standards and suggestions as to where those standards should apply with input from the consultants at the next worksession.

Expansion of the MUTSA:

- The Commission discussed expansion of a mixed-use zone over the southwestern portion of the NMIA. Commission members said that if Council wanted affordable housing, more residential areas, and a mixed-use look, why were they concerned with competing with downtown? The area had walkability and livability and should have housing.
- The Commission supported allowing MUTSA zoning for the Mill End Store, which was a community-based employer, and the need for a structure for managing flood control in the future.
- Staff clarified the Housing Needs Analysis (HNA) estimated that about 1,200 dwelling units were needed for the 20-year planning period, but a number of those units were already coming online, so no overwhelming need existed currently for additional units.
- Local industrial employers wanted more training for and integration with residents to have access to a larger workforce. Expanding the definition of trade school and allowing MUTSA in the southwest area with the Employment Opportunity Analysis (EOA).
- The Commission questioned why the Council believed that allowing mixed-use would have a detrimental effect on the development downtown or that it would not pencil out economically.
 - **Mr. Egner** explained there was some concern about where residential development should be focused. Most of the discussion was about trying to preserve land for employment uses. Allowing housing everywhere would limit employment. Overall, housing demand was partially based on what land was available. A lot of land was small infill parcels, as shown in the Buildable Lands Inventory (BLI) and some sites could accommodate mixed-use. The EOA helped inform how to create the environment to attract the type of employment uses Milwaukie desired.
- Residential could be a catalyst to redevelopment, which was an opportunity for access to Johnson Creek and for restoration projects as a condition of redevelopment.
- Did the Johnson Creek Watershed Council have an opinion through the NMIA process on how the potential zoning scenarios would benefit or detract from Johnson Creek?
 - **Mr. Canfield** noted he saw nothing in the table about setbacks from Johnson Creek; however, it was discussed in the NMIA process. If improving that section of the creek was a priority, setbacks should be included in the Plan. The Commission should consider what zoning would most likely achieve the desired goals for Johnson Creek.
 - While 50-ft setbacks were required in the City's natural resource zones, 50 ft would probably not be enough to allow a bike or pedestrian path, for example, if Johnson Creek was to be a transportation or recreation corridor.
- Staff clarified there were multiple categories of CSUs and schools were called out as specific uses rather than the general term of "institutions." Charities and nonprofits were considered an institutional use under the CSU umbrella; however, they would probably be considered an office use.
- **Mr. Stark** acknowledged employment was the primary goal, but when a property could not be developed for employment use, what should happen? The owner of the Mill End Store was ready to develop and provide employment.

- **Ms. Kolias** confirmed staff would not go before Council until December 19th.

Following clarifications from staff, the Commission agreed to recommend expansion of the MUTSA in the southwest quadrant but not propose uses drastically different from the MUTSA in the northern area.

Staff agreed to look at the riparian buffer in the NMIA Plan to find more ways to call out the issues concerning Johnson Creek.

6.2 Summary: Comprehensive Plan Update
Staff: David Levitan/Denny Egner

Denny Egner, Planning Director, described a flow chart showing the proposed process for the Comprehensive Plan (Plan) Update to be completed in two years. The updates would be organized around the five Superactions in the Community Vision and Action Plan, and sustainability filters that consider People, Planet, Place, and Prosperity would also be applied. The focus would be on policy rather than addressing related Code work, Transportation Systems Plan (TSP) updates, and perhaps updating some of the City's inventories, all of which would occur later.

Key comments from the Commission and responses to Commissioner questions by staff were as follows:

- Major changes to the Comprehensive Plan Land Use Map would complicate the process. Map issues would be identified and addressed in each work block, and then synthesized in the final step. Changes to maps and zoning could be a key outcome of the process. The focus was to ensure the City's policies were sound and reflected the Vision. Some cleanup items related to the Plan maps were needed, such as on the Willamette Greenway map and issues regarding the CL Limited Commercial and GC Commercial-General Zones. Defining the neighborhood nodes or major commercial centers could result in map changes and would be part of the neighborhood meeting process.
- Commissioners could raise concerns about the Comprehensive Plan at the joint session with City Council next week.
- Sending the Comprehensive Plan Update to the NDAs to distribute to their members would help facilitate the City's meetings.
- While the neighborhood desires needed to be considered, setting the right expectations about the results of the process was important.

6.3 Summary: Planning Commission Workplan
Staff: Denny Egner

Denny Egner, Planning Director, noted the joint worksession with City Council next week and encouraged the Commissioners to attend. He highlighted key projects in the staff report, noting an application was received for the Milwaukie High School and that the application for the Ledding Library Expansion was expected at the beginning of the year.

Chair Hemer said he wanted to add a historic sign standard to the list, which could be a Design and Landmarks Committee (DLC) project. He believed the Planning Commission needed a better understanding of City Council's goals with regard to some Council decisions. He requested a review of the issues the Commission had sent to Council with a quick summary regarding the Council's decisions, including the NMIA Plan. If Council chooses a land use goal or project, the Commission should be told about it.

Mr. Egner agreed a briefing on land use issues would be good, noting staff could update the

Commission on affordable housing and the Climate Action Plan, which could eventually produce planning-related tasks.

7.0 Planning Department Other Business/Updates

Mr. Egner noted that there were three applicants for the vacant Commission position, and 67 people had applied for the Comprehensive Plan Advisory Committee. The Committee was to be comprised of 15 members, not counting Commissioner Travis and the Council members who would be liaisons.

8.0 Planning Commission Committee Updates and Discussion Items – This is an opportunity for comment or discussion for items not on the agenda.

Chair Hemer recognized Mr. Egner for receiving an Oregon APA Award for Outstanding Public Involvement on the Visioning Comprehensive Planning process.

Mr. Egner confirmed the appeal hearing at City Council for the Project Galaxy application would be October 17, 2017 regarding the 6-ft step back variance the Commission had allowed.

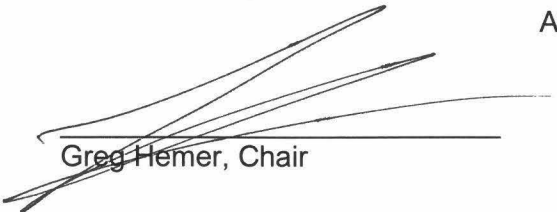
9.0 Forecast for Future Meetings:

- | | |
|------------------|---|
| October 17, 2017 | 1. City Council Joint Session: PC Workplan |
| October 24, 2017 | 1. Public Hearing: S-2017-003 11159 SE Maplehurst Rd
Subdivision |

Meeting adjourned at approximately at 8:43 pm.

Respectfully submitted,

Alicia Martin, Administrative Specialist II



Greg Hemer, Chair



AGENDA

MILWAUKIE PLANNING COMMISSION Tuesday, October 10, 2017, 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 May 25, 2017

2.2 June 27, 2017

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

6.0 Worksession Items

6.1 Summary: North Milwaukie Industrial Area (NMIA) Code Amendments
Staff: Vera Kolias/Amy Koski

6.2 Summary: Comprehensive Plan Update (discussion only)
Staff: David Levitan/Denny Egner

6.3 Summary: Planning Commission Workplan
Staff: Denny Egner

7.0 Planning Department Other Business/Updates

8.0 Planning Commission Committee Updates and Discussion Items – This is an opportunity for comment or discussion for items not on the agenda.

9.0 Forecast for Future Meetings:

October 17, 2017 1. City Council Joint Session: PC Workplan

October 24, 2017 1. Public Hearing: S-2017-003 11159 SE Maplehurst Rd Subdivision

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:

Greg Hemer, Chair
Adam Argo, Vice Chair
Shannah Anderson
John Henry Burns
Sherry Grau
Scott Jones
Kim Travis

Planning Department Staff:

Denny Egner, Planning Director
David Levitan, Senior Planner
Brett Kever, Associate Planner
Vera Kolias, Associate Planner
Mary Heberling, Assistant Planner
Alicia Martin, Administrative Specialist II

**CITY OF MILWAUKIE
PLANNING COMMISSION
SPECIAL SESSION
MINUTES
Milwaukie City Hall
10722 SE Main Street
THURSDAY, MAY 25, 2017
6:30 PM**

COMMISSIONERS PRESENT

Greg Hemer, Chair
Adam Argo, Vice Chair
John Burns
Sherry Grau
Kim Travis

STAFF PRESENT

Denny Egner, Planning Director
Amy Koski, Economic Dev. Coordinator
Brett Kelter, Associate Planner
Alex Roller, Engineering Tech II

COMMISSIONERS ABSENT

Shannah Anderson

1.0 Call to Order – Procedural Matters*

Chair Hemer 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 Worksession Item

- 2.1 Summary: North Milwaukie Industrial Area Draft Framework Plan and Implementation Strategy Overview
Staff: Amy Koski

Amy Koski, Economic Development Coordinator, stated the update on the North Milwaukie Industrial Area (NMIA) Plan was to get feedback on key concepts and prepare for the upcoming public hearing. She noted the extensive public process used in developing the draft Framework Plan and Implementation Strategy over the last nine months.

Alex Dupey, MIG, presented the NMIA Draft Framework Plan (Plan) and Implementation Strategy overview via PowerPoint, and noted the Plan was intended to maintain and increase the area's employment potential for next 20 years even as changes occurred in technology, transportation, industry, etc.

Key comments and responses to Commissioner questions from staff and Mr. Dupey were as follows:

- The vision, goals, and objectives had already been vetted through a significant public process, which included the NMIA Advisory Committee, City Council, and a public meeting; some of the comments received had been incorporated.
- While incubator and smaller businesses were the new trend, larger lots with easy truck access were preferable for warehousing and distribution. Transitioning warehouses to flex space and housing smaller incubator spaces was the kind of low-cost adaptive reuse of the older and well-maintained buildings presently occurring in the NMIA. Businesses were also looking for walkable destinations, such as retail, restaurants, and transit that supported the area.
- The Plan would help address how to shift from the adaptive reuse of existing buildings to new construction in the near-term to reach the project vision to attract innovative and entrepreneurial businesses that would increase employment density, provide family wage jobs, and transition from a regional to world-class area.

- The NMIA was best suited for small-scale manufacturing. Heavy manufacturing required a lot of space and would locate elsewhere.
- The sewer treatment systems described in the Plan could be funded through a variety of funding mechanisms, including a local improvement district; however, further study was required.
- In the ecodistrict section, other green infrastructure options should be considered, like green streets and roofs, as well as riparian restoration rather than concepts like sewer mining, which was further out in terms of feasibility and application.

Discussion and comments regarding whether the Ecodistrict Framework made sense and was achievable in the NMIA's long-term vision included:

- A more tangible definition was needed of the achievements necessary to declare the area an ecodistrict. Strengthening the targets and linking the specific actions to implement would facilitate knowing an ecodistrict had been achieved.
- The climate action plan was yet undeveloped.
- The ecodistrict concept should be driven by businesses and not hamper businesses looking to relocate to the area. The ecodistrict could be a selling feature for the City of repurposing the existing buildings. Over-regulations could hamper the development and site changeover, but the City could take actions to help transition the area in concert with the vision of an ecodistrict.

Discussion and comments regarding the proposed zoning, the appropriate amount of commercial/retail square footage, and the minimum and maximum building heights was as follows:

- City Council established a policy direction to not add residential in the new NMIA Zone, but to preserve the existing industry and employment uses.
- The Business Industrial (BI) Zone in Milwaukie was a good example for the southern portion of the NMIA in terms of buildings size and a local retail and restaurant hub serving the employees.
- No feedback or concerns had been received about tall structures next to the highway. Solar access and other design standards would apply to building heights to avoid shading issues around Johnson Creek. Given Johnson Creek's reputation as a great amenity, it was important to pay particular attention to how development would interact with that environment.
- Public agencies owned a large portion and key areas of the NMIA. Those agencies were represented on the advisory committees along with property and business owners, residents, nonprofit organizations, and City staff.
- Manufacturers should be able to have retail space to sell their manufactured goods, but retail as a primary use should not be allowed.
- The ODOT building and large old tree in front were defining elements of the area. Including language to preserve, relocate, and repurpose the ODOT building was suggested. Opportunities to repurpose the buildings could infuse interest into the area in the short-term. ODOT was a willing partner on the advisory group and participated in conversations about what to do with the site, which ODOT now used only for vehicle storage

Ms. Koski announced the public open house on June 27 at 4:30 pm would be followed by the Planning Commission public hearing at 6:30 pm. The City Council public hearing was scheduled for July 18, 2017. Commissioners were asked to email any further comments or questions on transportation to staff.

Chair Hemer called for a brief recess and reconvened the meeting at approximately 7:46 pm.

3.0 Public Hearing

- 3.1 Summary: Rusk Rd Planned Development
 Applicant/Owner: Brownstone Development, Inc. / Turning Point Church
 Address: 13333 SE Rusk Rd
 File: PD-2017-01
 Staff: Brett Kelter

Chair Hemer reopened the public hearing and read the conduct of quasi-judicial hearing format into the record.

Vice Chair Argo declared a potential conflict of interest, noting two members of the applicant's team, Scott Emmens and Zachary Horowitz, were former coworkers. He has had no conversations with any applicant team member about the application.

Chair Hemer declared that when he worked at Milwaukie Lumber five years ago, he had worked with the late Ernie Green, who worked for Brownstone Development.

Vice Chair Argo and **Commissioner Grau** indicated they had reviewed the materials from the previous hearing and were prepared to participate.

Chair Hemer called for public testimony.

In Support

Edward Hacmac, 13033 SE Rusk Road, stated that although his property flooded twice in the last decade, he believed the culvert under the expressway would reduce the risk of the subject property flooding. Traffic was his biggest concern. The school district has a plan to eventually relocate the nearby bus barn, which should dramatically affect traffic. The district line for the two area high schools bisects the property and could cause increased traffic depending on which school system the site ends up feeding into. He suggested working with the church and using its property to help address traffic and wetlands issues. Some wetlands and oaks could be saved by relocating lots from the southwest portion of the site to the area near the community gardens and rearranging the turnaround at the end. Changes along Rusk Road could create an extra lane for turn lane at the Highway 224 intersection.

Eugene Zaharie (5273 SE Jackson St) was called forward to testify but was no longer present. **Mr. Egner** later read aloud the comment that Mr. Zaharie had written on his sign-in slip.

In Opposition

The following people were called for public testimony, but they were no longer in attendance: Christina McCusker, Dan Sweet, John Christianson, Jean Dugan, Brad Whittington, and Mark Fitzsimmons.

Kirby Broderick, 6109 SE Eric St, suggested solutions to several issues, including flooding resulting from prior fill and development, as well as traffic and pedestrian safety. He questioned the foundation of the application, and contended the application was not an affordable housing solution but rather would offer housing at prices the market would bear.

Dominic Maze, 2705 SE 62nd Ave, Portland, noted he was a professional biologist familiar with the ecology and hydrology of this site. While building on the fill area was appropriate, the wetland and oak habitat on the site made most of the site inappropriate for housing. His professional opinion differed from the arborist's report in that he found no diseased Oregon white oaks on the site.

- He disagreed that retention ponds improved water quality, arguing there was a net loss of water quality at the site with the disturbance of the wetlands and their canopy. He urged the

Commission not to allow the variance for this housing development near this rare Oregon white oak woodland growing with ash trees.

- He believed the retention ponds would not be adequate to handle the extremely highwater table in the floodplain in the winter, given the amount of impervious surface proposed. In addition, the non-native plants slated for the retention ponds were not appropriate to the site and would require the use of herbicides in the retention ponds.

Wallace Brown, 5824 SE Kellogg Creek Dr, said there was significant risk for flooding with the addition of more impervious surface at the site, and he noted the back of his property at the corner of Kellogg Creek Dr and Rusk Rd flooded every year. He would like to see more risk mitigation. While Milwaukie should encourage growth, the community should also consider what risk they were encouraging in the future and whether this site plan was the best way to mitigate that risk.

Joseph Edge, Oak Grove Community Council (Clackamas CPO) Director, said the Department of Land Conservation and Development (DLCD) was currently working to implement the new regulations for cities participating in the Federal Emergency Management Agency (FEMA) flood insurance program by March 2018. Most of the houses constructed on the site would lie within the 500-year flood plain, which would see more frequent flood activity due to climate change. The Commission should consider how to mitigate the risk to life and property with creative developments that took into account the increased frequency of a 500-year flood. He agreed this was not a proposal for affordable housing; a development selling at market rates with the residents dependent on cars was not affordable housing for families. He encouraged the Commission to consider what outstanding amenities were being offered and to consider the impacts of allowing variances to create sites without buildable areas outside of the Habitat Conservation Areas (HCAs). He added that the National Marine Fisheries Service (NMFS) was drafting new regulations for development in floodplains, including the 500-year floodplain.

John Ritchie, 7016 SE Savannah St, stated that he and his wife were longtime residents and were concerned about the proposed 92-unit development's impact on the quality of life in the area. While they were not against building homes, they did question whether 92 units were appropriate for this property. They supported previous comments about not impacting the environmentally-sensitive portion of the site. They were looking for a quality development to upgrade the quality of life in the area.

Beverly Curtis, 13182 SE Pennywood Ct, questioned how families could pay the costs of homeownership, including expensive flood insurance and homeowner association fees, if this was affordable housing. She questioned whether the number of children that would live in the development and their impact on the neighborhood schools had been estimated. She asked if the most current floodplain map was being used, and if there was an example of a similar development somewhere.

Mr. Egner read a comment from Eugene Zaharie, 5273 SE Jackson St, in support of the application stating, "92 is better than 80."

Additional Comments by staff:

Referencing PowerPoint slides, staff responded to comments and questions raised previously by the Commission, as well as by the applicant and public testimony, as follows:

- Although the Oregon Department of Fish & Wildlife (ODFW) had provided information to staff via email explaining what "strategy habitat" meant, staff had not yet had time to review it. Copies of the email with the links were available.
- Staff was still researching Commissioner Burn's question about the Department of State Lands (DSL) and the history and legality of the fill.

- Any development on the site would trigger right-of-way improvements and affect the eight oaks in the public right-of-way. Flexibility for designing the right-of-way improvements to save the eight oaks was discussed.
- Staff described how the traffic impact study was used to determine what road improvements should be required. Staff had evaluated the movements at Rusk Rd and Hwy 224 and upheld the recommended condition of expanding the right-turn lane at the intersection.
 - Staff agreed with redoing the traffic counts on a regular school day, although they did not think a recount would change the result in terms of the development's traffic impact.
 - The standard methodology of a traffic impact study involves using the Institute of Transportation Engineers (ITE) trip generation manual, which sets trip generation counts by category of housing type. Housing type also determined system development charges, etc.
 - The undeveloped right-of-way on Rusk Rd is sufficient to widen and extend the turn lane without having to purchase property.
- Staff did not advocate filling in the floodplain, but would administer the rules in Milwaukie Municipal Code Title 18 Flood Hazards for evaluating a proposal to fill in the floodplain.
 - Staff was not sure how the new National Marine Fisheries Service (NMFS) floodplain requirements would affect the City when they were finally implemented. The Commission was encouraged to consider the floodplain alteration issues in the context of the Natural Resources review and the Code's intent to protect the natural resources. The standard was to avoid, minimize, and mitigate impacts to the natural resources. There was also a requirement to build at least one foot above the base flood elevation.
 - When considering the density bonus, the Commission had broad discretion to identify the approach to the floodplain as something to consider in whether or not the development was outstanding.

• **Mr. Kelter** reviewed the five general approval criteria for a planned development that applied with or without a density bonus request. The third criterion regarding capacity of existing utilities could be used by the Commission to address traffic concerns, whether or not required improvements were triggered. The fourth and fifth criteria, along with the natural resource review, could provide discretion to consider factors such as floodplain impacts. Mr. Kelter added that requiring outstanding design and extraordinary amenities for the density bonus (beyond the maximum allowed 80 units) effectively functioned as a sixth criterion.

Mr. Kelter noted that the Commission's deliberation could include the Commissioners' own assessments and their evaluation. He reminded them that one question to consider was whether alternatives to the development had been sufficiently explored with regard to natural resources.

Staff responded to four points of concern raised by the applicant during their presentation:

- The prospect of adding a right-turn lane on Rusk Rd has already been addressed.
- Public access to the trail system could be considered as either a condition or an element of the proposal.
- North Clackamas Parks & Recreation District (NCPRD) indicated an interest and willingness to discuss how NCPRD might be involved with the open space, but they did not want to simply contract for maintenance of the area.
- A proposed condition of approval required that the FEMA maps, which also addressed flood insurance requirements, be revised before construction.
- Although the planned development approval expired after six months, the Code offered flexibility to use a phased timeline for the development plan and program.

- Some suggested revisions to the findings and conditions in light of the natural resource report provided by ESA were as follows:
 - A condition to allow the City to look at the site again after the FEMA map corrections, to more accurately capture the HCAs (especially with respect to the oak trees) and correct the City's natural resource administrative map for the site.
 - A condition to preserve prior restoration plantings on the site where practicable.
 - A condition to take measurements along the bottom of the proposed slope to confirm the actual disturbances resulting from the physical construction.
 - A condition for a weed control and mitigation plan.
- Staff would need additional supporting material and time to evaluate the alternative revised site plan. The applicant could choose to extend the 180-day land use clock, if needed.
- Staff recommended the Commission continue the hearing and provide direction to staff and the applicant about changes the Commissioners would like to see. Staff highlighted several questions for the Commission to consider in light of the revised plan during deliberations.

Mr. Egner confirmed that the Commission could use the findings presented by staff to approve the original plan. However, staff believed the Commission would prefer the revised plan or a different plan over the original plan.

Applicant's Rebuttal

Chair Hemer called for the applicant's rebuttal.

Serah Breakstone, Senior Planner, DOWL, noted Mr. Kelter's comment about the flexibility regarding the half-street improvements on Kellogg Creek Dr that would allow saving the oak trees and stated that the applicant was willing to work with Engineering to figure out how to save more of the trees.

Scott Emmens, Senior Civil Engineer/Project Manager, DOWL, discussed the stormwater facilities. While the City preferred not to detain water on the site, the wetlands impact triggered a SLOPES V requirement for stormwater detention on the site. The applicant had followed the latest guidelines for retention ponds. With respect to the retention pond size, the team's predevelopment conditions were modeled after the 100% forested area found by Lewis & Clark. The water quality facilities were designed to detain the maximum pre- versus post-development conditions.

- He described how a worst-case-scenario methodology was applied to the site to draw the 70-ft flood stage elevation across the entire site, even though part of the site had a FEMA flood stage elevation of 66 ft. He believed the proposed mitigation more than compensated for the floodplain impact and created 600 cubic yards more of available storage on the site than what was there previously.
- He confirmed that the proposed mitigation would not improve the floodplain upstream or downstream, but only on the site itself.

John Van Staveren, Wetland Scientist, Pacific Habitat Services, 9540 SW Commerce Circle, Wilsonville, said he understood the concerns of the Watershed Council regarding the natural resources in this area. He reviewed the process his team went through in conducting the natural resource studies, including a wetland delineation approved by DSL, a plan presented at the neighborhood meeting, and an onsite meeting with the Army Corps of Engineers and DSL to review the plan. In accordance with the directive to avoid, minimize, and mitigate, the applicant's team minimized the wetland impact to .07 acres of impact on the wetland extremities, down from half an acre of impact. He added:

- It appeared that all of the oaks would be saved through redesign. As part of the required HCA mitigation, the applicant would need to complete the unfinished restoration of the riparian area and habitat.

- The criteria to treat stormwater came from the NMFS determination that Coho salmon were adversely affected by stormwater entering essential salmon habitat, such as Mt. Scott Creek, and there were treatment and detention requirements to mitigate the effect, which exceeded the requirements of local jurisdictions in Oregon. NMFS was currently reviewing the stormwater treatment plan for this site.
- He acknowledged that the endangered and at-risk species listed in the letter from ODFW were found in the area and creeks. The letter was general and appropriate in reflecting the ODFW's charge to protect habitat, but it did not go into detail about any physical impacts or mitigation related to the project.
- With regard to Mr. Maze's testimony about potential damage to the oaks from nearby development activities, he suggested asking the team's professional arborist for her opinion on the risk level involved.
- He confirmed that the rare plant found at the site and at Crater Lake would not be directly impacted nor was it a protected species. However, its level of protection did merit investigation.

Chris Brehmer, Principal Engineer/Licensed Traffic Engineer, Kittelson & Associates, reviewed the items in his memorandum responding to public testimony and distributed to the Commission. Although Kittelson received concurrence from review agencies that the trip rates used were appropriate, the traffic impacts of using single-family detached trip rates had been evaluated, and the trips generated were still within the agency performance standards. He addressed additional questions from the Commission as follows:

- Although the first traffic study was not done during a school day, the counts had been adjusted based on a similar study nearby and had yielded results that he was confident represented the conditions at Rusk Rd. In his professional opinion, he did not see a problem meeting the City's or any agencies' standards.
- Although ODOT prioritized traffic flow on highways with regard to traffic light rotation, when existing conditions changed due to growth in background and regional traffic, rotation times may increase to accommodate the greater demand on the side street.
- If a condition was made to expand the right-turn lane, he requested that flexibility be provided with the turn lane design; if the right-of-way was insufficient for the design, private developers could not exercise eminent domain to obtain additional property to complete a required improvement.

Ms. Breakstone observed that "affordable housing" had many different meanings, definitions, and connotations. The proposed housing was intended to be affordable at the market rate for working households with moderate incomes. She read a statement from the April 4th memo from Johnson Economics in support of the intended cost-sensitive starter family market that would value the local amenities and proximity to employment and commercial services. She noted the many values on the site--from floodplain storage, wetlands, white oaks, and the stream--to its development potential. The proposed revised site plan allowed the developer to maximize the development potential of the property while protecting the white oaks and minimizing the impacts to the natural area.

The applicant's team addressed additional questions from the Commission as follows:

- The church was not part of the development area or the 13.9 acres of the site plan.
- Currently, the improvements shown on the site plan along Rusk Road were limited to closing off the existing driveway in the southeast corner of the site. There was no room for a bike lane southbound on Rusk Rd from Hwy 224. The bike/ped trail connecting to the cul-de-sac went through the site and on to Kellogg Creek Dr. Since the right-of-way along the church frontage on the western side of Rusk extended only six inches behind the existing sidewalk, any church frontage improvements would be up to the church.

- The developer would accept a condition to allow public use of the soft surface trail and the bike/ped connection, per the developer's original intention.
- The applicant had not drafted language for a condition about granting the western open space to NCPRD.

Randy Myers, Brownstone Homes, 20475 S Fernview, West Linn, OR, confirmed that Brownstone would welcome continued discussion with NCPRD about taking over the open space. However, a public easement across the entire property could be an issue with regard to illegal camping. The condition also depended on how many units they were allowed, due to the break point involved. If 92 units were approved, he would sell the land to NCPRD for \$1. The developer disagreed with reducing the plan to 88 units, as the project functioned on volume of sales rather than individual sales and removing units escalated the costs per unit. He added:

- The preference was for NCPRD and the Watershed Council to manage the open space; however, the applicant was agreeable to the homeowner's association (HOA) providing funds to the Watershed Council to maintain the tract.
- He noted there was a certain window of time in which they could develop the site because of fill issues, adding they could not move fill in October.

Chair Hemer asked Mr. Runyard whether the Watershed Council would be willing to take money from the developer to maintain the creek.

Chris Runyard, responded he did not know, as that would be a discussion item for the Board. He agreed NCPRD was probably the best agency to deal with a contiguous wetland and oak forest.

Commissioner Burns asked if Mr. Runyard would be willing to accept the density bonus in exchange for guaranteed protection of the rest of the site by NCPRD according to the revised plan. **Mr. Runyard** replied no, he was not prepared to negotiate away what little old growth oak trees and wetlands were left in this area that had already been compromised.

Chair Hemer confirmed the applicant had no further rebuttal and closed the public testimony portion of the hearing.

Planning Commission Deliberation

Chair Hemer suggested continuing the hearing to allow the applicant to conduct a new traffic study on a school day and for staff to draft new conditions and findings to support the revised plan, including one accessway and a right-of-way alignment that did not remove any oaks. The Commission would also further review the information presented tonight. He believed the original traffic study was flawed because it did not count the actual traffic on Rusk Rd.

Commissioner Burns concurred, stating it would be wrong to move forward without another traffic study. He cited the amount and unanimity of the public testimony about how bad the traffic really was versus the professional traffic engineers' credible testimony.

Mr. Egner confirmed that the inclusion of new information would require the Commission to reopen the hearing for the applicant and public comment, but the testimony could be limited to the new information of the traffic study, the conditions, and the revised findings only.

Chair Hemer noted that the main issues raised during public testimony were flooding, traffic, density, and environmental impacts. He did not know if the revised plan changed the flooding issue and noted the Commission needed to consider whether there was enough public benefit for the 92-unit density.

Commissioner Grau suggested that the Commissioners discuss what they defined as 'exceptional' and the criteria for meeting that standard in light of the requirement that the project provide sufficient public benefit to merit the density bonus.

Mr. Egner confirmed that the revised plan required a variance to the number of lots served by one access. If the Commission rejected the variance request, the applicant would have to put in a second accessway, which could possibly reduce the density.

The Commission was in consensus that the revised plan was better than the original proposed plan and that the site was available for homebuilding. The Commission also consented to go through the process again with the revised plan and questions related to the planned development zone then instead of now.

Discussion by the Commission continued with these key comments:

Commissioner Grau asked if any other Commission member wanted to hear from the arborist besides herself.

- Staff was asked to have an arborist corroborate the information from the environmental scientist regarding the ecological effects described.
- A straw poll was conducted regarding the requested 92 units. Commissioner Burns believed he could approve the 92 units. Commissioner Grau and Vice Chair Argo were unsure, and Commissioner Travis was not sold on 92 units.
 - The Commission needed to understand the intensity of use introduced on the site and the related aspects. Although the traffic engineers were confident another traffic study would confirm the project still met the intersection thresholds, the level of service designation did not address pedestrian safety.
 - The 92 units were leverage to achieve other benefits in the site plan, such as further minimizing the wetland impacts, protecting all the oaks, turning the wetlands over to NCPRD for protection indefinitely, and providing safer passage for kids. Achieving those objectives with 80 units was preferable, but 92 units was acceptable in order to achieve those benefits.
 - The arborist's professional opinion about the oaks along the edge of the development near the slope was needed before determining whether 92 units would be acceptable.
 - The amount of excavation required or how the bank would look were both unknowns, and there were an infinite number of possibilities. The Commission had already seen two alternate proposals with different amounts of cut and fill and different amounts of oaks preserved or removed.
- With regard to the findings, the arborist's opinion was of more consequence than the applicant doing another traffic study.
- The Commission agreed that saving and protecting the oaks was a criterion for exceptional design. The arborist's opinion really mattered because the Commission needed to know that the oaks would be saved now and would live for another 10 years.

Chair Hemer suggested using the revised plan with the accessway variance and the right-of-way change that saved the most oaks. He did not believe the 92 units should be an issue if the arborist's testimony was what would sway the Commission.

Mr. Egner said staff would work with the applicant to get all the background information they needed to bring back a set of findings and conditions, plus a new arborist report and a new traffic study.

The Commission requested the following information from staff:

- Confirm that sufficient right-of-way existed to widen the right-turn lane on Rusk Rd and that there were no other issues involving the right-of-way.

- Talk with NCPRD, draft a finding to turn the open space over to them and determine what things NCPRD would want to list as conditions.
- Confirm that the school district would be moving the bus barn in a couple of years.
- Provide the square footage of the fill proposed under the revised plan.
- Determine what was being built on the existing fill versus new fill, and research any potential liability or history regarding the illicit fill.

It was moved by Commissioner Grau and seconded by Vice Chair Argo to continue the public hearing for PD-2017-01 for 13333 SE Rusk Rd to a date certain of June 27, 2017. The motion passed unanimously.

4.0 Planning Department Other Business/Updates – None

5.0 Planning Commission Committee Updates and Discussion Items – None

6.0 Forecast for Future Meetings:

- | | |
|---------------|--|
| June 13, 2017 | 1. Public Hearing: PD-2017-002 13333 SE Rusk Rd- <i>continued tentative</i> |
| | 2. Public Hearing: DEV-2017-006/VR-2017-002 29 th Ave Triplex |
| | 3. Public Hearing: S-2017-002 4217 SE Railroad Ave |
| | 4. Public Hearing: VR-2017-004 11630 SE 27 th Ave ADU |
| June 27, 2017 | 1. Public Hearing: S-2017-002 4217 SE Railroad Ave- <i>continued tentative</i> |
| | 2. Public Hearing: WG-2017-002 Eagle and 21 st Avenue |
| | 3. Public Hearing: NMIA Framework Plan and Implementation Strategy |
| | 4. Worksession: Vision/Comprehensive Plan Update |

Chair Hemer confirmed the Commission would not have the worksession scheduled on June 27th and that the Rusk Rd public hearing would be addressed first on June 27th.

Meeting adjourned at approximately 10:34 pm.

Respectfully submitted,

Alicia Martin, Administrative Specialist II

Greg Hemer, Chair

**CITY OF MILWAUKIE
PLANNING COMMISSION
MINUTES
Milwaukie City Hall
10722 SE Main Street
TUESDAY, June 27, 2017
6:30 PM**

COMMISSIONERS PRESENT

Greg Hemer, Chair
Adam Argo, Vice Chair
John Burns
Sherry Grau
Scott Jones

STAFF PRESENT

Denny Egner, Planning Director
Amy Koski, Economic & Resource
Development Coordinator

COMMISSIONERS ABSENT

Kim Travis
Shannah Anderson

1.0 Call to Order – Procedural Matters*

Chair Hemer called the meeting to order at 6:30 pm 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 April 25, 2017
- 2.2 May 9, 2017

It was moved by Commissioner Jones and seconded by Commissioner Burns to approve the April 25, 2017 and May 9, 2017 Planning Commission minutes as presented. The motion passed unanimously.

3.0 Information Items - There were none.

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: Rusk Rd Planned Development
Applicant/Owner: Brownstone Development, Inc./Turning Point Church
Address: 13333 SE Rusk Rd
File: PD-2017-001 (master file)
Staff: Brett Kelter

Chair Hemer called the public hearing to order, noting the hearing was to be continued to a certain date of July 25, 2017.

It was moved by Commissioner Grau and seconded by Commissioner Jones to continue the public hearing of PD-2017-001 for 13333 SE Rusk Rd to a date certain of July 25, 2017. The motion passed unanimously.

CITY OF MILWAUKIE PLANNING COMMISSION

Minutes of June 27, 2017

Page 2

5.2 Summary: North Milwaukie Industrial Area Framework Plan and Implementation Strategy

Applicant: City of Milwaukie

Staff: Amy Koski

Chair Hemer called the public hearing to order and read the conduct of a legislative hearing format into the record.

Amy Koski, Economic Development Coordinator, noted that she and City consultant, Alex Dupey, had previously provided an overview of the North Milwaukie Industrial Area (NMIA) Draft Framework Plan and Implementation Strategy.

Alex Dupey, Director of Planning Services, MIG, briefly highlighted the key components of the Framework Plan and Implementation Strategy via PowerPoint, noting the history and existing conditions of the NMIA and describing key areas that required further input from the Planning Commission.

Ms. Koski described the history of the current zoning and the zoning changes proposed in the Framework Plan. She noted City Council's policy direction concurred with public feedback, which was to limit residential use to the north consolidated M-TSA zoned section and not allow it in the newly proposed NMIA zone. The Commission's input was sought on residential use in the NMIA, general feedback on the concept plan, and if there were other concerns that needed to be addressed.

Key discussion items and responses to Commissioner questions were as follows:

- The 65-ft building height limit reflected the building heights in M-TSA Subareas 1 and 2 and the 5-story height limit in downtown. Taller buildings allow for more intense use and staff was concerned about increased intensity that may negatively impact the highway and trigger highway improvements under the State Transportation Planning Rule (TPR)
- A 1,000-ft buffer was required for any marijuana production sites in the NMIA, therefore the number of facilities would be limited.
- Retail uses were envisioned to primarily serve employees in the NMIA district, not as destination retail. Although the M-TSA promoted mixed use residential and smaller manufacturing, the 5,000 sq ft limit per use would help minimize traffic. Mitigating for traffic was an issue for rezoning.
- The Plan was setting a framework for more specific zoning discussions later. Specifics on how to accommodate retail and the uses allowed by zoning were more detailed than what the Framework Plan addressed.
- The Transportation Impact Analysis (TIA) would clarify what impact the proposed Plan would have on the transportation system and whether mitigations would be needed for Oregon Department of Transportation (ODOT). The TIA would enable the City to solve transportation impacts at the planning stage rather than the project stage.
 - The TPR analysis was not required for adoption of this plan, but a sensitivity analysis was needed to understand the general traffic impacts. For zoning purposes, the TPR and consideration from ODOT might be necessary; ODOT could require mitigations for a high level of increased traffic within its system. Substantial traffic differences existed between a 60,000 and 20,000 sq ft commercial building,
 - For the traffic sensitivity analysis, all four M-TSA subareas would be combined. A baseline was established as part of the existing traffic conditions in the existing zoning

CITY OF MILWAUKIE PLANNING COMMISSION

Minutes of June 27, 2017

Page 3

within the four subareas, but a sensitivity analysis would show the area as it would be with the proposed changes. The baseline was in the existing conditions report available on the project website.

- The proposed retail square footage limitations were due to the number of trips being generated and the site's location attracting drive-by customers. Electrical power substations and utilities did not generate traffic, so they did not have the same proposed square-footage limitations.

Mr. Egner confirmed the City received written correspondence not included in the packet that was distributed prior to the meeting. At the open house, he spoke with Mike Donovan, who works for Pendleton Woolen Mills and expressed concern about the reduction in retail square footage, but said he wanted more time to look it over before commenting.

Chair Hemer called for public testimony.

Ed Zumwalt, 10888 SE 29th Ave, Milwaukie, said he believed there were misunderstandings about what the rezoning would mean for the Dietrich's Mill End Store property and asked the Commission to consider the Dietrich's when considering the zoning of their property.

Eric Hovey, Economic and Development Consultant, stated he had done an economic viability evaluation for future redevelopment of the Oregon Worsted (Mill End Store) site, owned by Mr. Dietrich. The property was the only site in the NMIA located completely within the 100-year floodplain, which meant future redevelopment must be elevated above the floodplain, likely requiring structured parking on the ground level with additional levels above. In the metro area, only office, housing, and retail development supported the cost of building structured parking; however, the current zoning and the proposal only allowed industrial and office uses and precluded housing and limited retail. The Oregon Worsted property's situation was unique among properties in the NMIA area.

Peter Stark, 2939 NW Cornell Rd, Portland, OR, stated he was a consultant representing the Dietrichs and served on the NMIA Project Advisory Group (PAG). He noted the PAG had concerns about the Oregon Worsted site and wanted to address this site in particular. He referenced the floodplain map used in the NMIA document and that the Oregon Worsted property and adjacent property were the only ones impacted by the floodplain. The Commission had authority to create an overlay or exception because of the floodplain and unique condition of these properties. Without some concessions regarding residential use on this site, there was no way for the Dietrichs to redevelop the property. He added:

- Since the site was buffered by roadways and landscaping, there were options to ensure residential development, there were ways to work with the Dietrichs to ensure the development did not negatively impact the residential or industrial uses.
- Housing at this location could be an attractor for the retail downtown and also serve as workforce housing to support the industrial area.

Nancy Bishop Dietrich spoke about the history of Oregon Worsted Company and its involvement in the community. She requested a zoning overlay be included in the proposal to allow mixed use in the residential area. As a non-conforming use, they could not use grandfather rights to rebuild due to their location in the flood zone. She noted the family had the support of their neighbors and the Downtown Business Association.

CITY OF MILWAUKIE PLANNING COMMISSION

Minutes of June 27, 2017

Page 4

Howard Dietrich, 9701 SE McLoughlin Blvd, Milwaukie, noted the 65,000-sq ft Mill End Store had a number of long-term employees, and was a destination retail use and brought consumers into Milwaukie. He added:

- Since purchasing the property, the zoning had changed so no fill or building was allowed in the floodplain, which eliminated the ability to rebuild if another flood occurred. He noted that they purchased the property many years ago at the City's request. Building residential above the retail would allow them to rebuild the property to include their Mill End Store.
- The Dietrichs were a contributor to the community and wanted to be able to continue business in their current location.
- He noted the Bishop family had been in Milwaukie since before 1918, and that the proposed plan would also eliminate Pendleton Woolen Mills. These historic businesses were part of the fabric that made Milwaukie special.

Brian Heiberg, Heiberg Garbage & Recycling, 2300 SE Hanna Harvester Dr, Milwaukie, stated his company was in a good location and currently the business was an outright permitted use. However, the proposed Plan would change the business to a conditional use. He was very concerned about what that would do to future expansion opportunities. He wanted the company to remain a permitted use, noting they had been there for 25 years with no issues or problems.

Scott Churchill, 2708 SE Munroe St, Milwaukie, said he supported the NMIA Plan, which addressed a critical part of the city needing development. The area had some unique parcels, including the Mill End Store site, which was in the floodplain and had some development issues without a special overlay zone. He added:

- Workforce housing was needed in the area given the gentrification within the city that was pushing out affordable housing. The City was trying to create a workforce zone for employment, but if housing costs drove the employees to live in other areas, it would be a problem. Having workforce housing above the Mill End Store was a great opportunity and encouraged the Commission to consider workforce housing closely.
- He supported Mr. Stark and Mr. Hovey's research and encouraged the Commission to consider an overlay zone as proposed by Mr. Stark.

Mr. Dietrich confirmed that if granted a mixed-use overlay, he would plan the development now, and hope to develop before another flood occurred.

Chair Hemer called for staff comments.

Staff distributed and highlighted the letter from City Manager Ann Ober that addressed concerns heard in a recent meeting with the Dietrichs, Mr. Stark, Community Development Director Alma Flores, and Ms. Koski. Staff added:

- The floodplain section of the code did not include any provisions for rebuilding non-conforming uses in the floodplain, so if the Mill End Store building flooded or burned down, it could not likely be rebuilt without the building being elevated above the floodplain.
- While no specific flood zones existed, the entire area was tied to FEMA maps, which showed the entire area in the floodplain.
- Different code provisions applied depending on whether a structure was in the floodplain or floodway.
- The subject proposal would not negatively impact current property owners, other than to provide them with more flexibility by allowing an office use to be built.

CITY OF MILWAUKIE PLANNING COMMISSION

Minutes of June 27, 2017

Page 5

- The proposed land uses would not preclude development with parking underneath. The Plan addressed what land uses should be developed outside of the floodplain.
- The advisory group extensively discussed including residential in the NMIA zone; however, the Plan envisioned the area, primarily the new NMIA zone, as an entrepreneurial incubator and innovation district rather than a residential area. The majority of the advisory committee agreed the NMIA should be an employment focused district. The M-TSA still provided mixed use and those densities were proposed to be increased. City Council also indicated a desire for employment in the district, rather than housing.

Chair Hemer called for a brief recess, reconvening the meeting at approximately 8:48 pm. He confirmed there were no further public comments and closed the public hearing.

Discussion continued regarding the key issues and the Commission concurred on the following points:

- Item P8 in document S.5.2, related to marijuana businesses and production in the NMIA zone, needed further explanation prior to the proposal being sent to Council. Marijuana businesses and production should be zoned as a conditional use in the NMIA zone.
- Some bonuses, such as building height and floor-area ratio (FAR) bonuses, should be allowed to encourage the ecodistrict and employment/entrepreneurial incubator goals of the district. Further details would be discussed during the code drafting phase.
- Allow 20,000 sq ft retail developments and 30,000 sq ft conditional use developments without the 5,000 sq ft retail restriction in the M-TSA zone.
- An overlay zone of M-TSA standards would be established with a 10-year sunset and no stand-alone multifamily use allowed in the quadrant south of Milport Rd between McLoughlin Blvd and 17th Ave. The Commission was split on including the sunset clause.
 - The Commission had deliberated the pros and cons of implementing a site specific, mixed use overlay on the Oregon Worsted site or extending the M-TSA zone in the quadrant south of Milport Rd. The quadrant bordered residential uses and featured livability benefits and connectivity to Sellwood and downtown. Concerns were raised about increased property values resulting in the highest and best land uses changing to high utilization residential, which would displace jobs and existing businesses and resources.
 - Different approaches were discussed, including extending the M-TSA zone and creating a floating zone or overlay with a sunset clause.
- The Heiberg waste management site should remain a permitted use.

It was moved by Vice Chair Argo and seconded by Commissioner Grau to recommend to City Council adoption by resolution of the North Milwaukie Industrial Area Framework Plan and Implementation Strategy as amended. The motion passed unanimously.

Meeting adjourned at approximately 10:00 pm.

Respectfully submitted,

Alicia Martin, Administrative Specialist II

Greg Hemer, Chair



To: Planning Commission
Through: Dennis Egner, Planning Director
From: Vera Kolas, Associate Planner
Date: October 3, 2017, for October 10, 2017 Worksession
Subject: NMIA Code Amendments Briefing

ACTION REQUESTED

No action. Review the North Milwaukie Industrial Area (NMIA) plan and code amendments developed by staff and provide direction about implementing the changes under consideration. This is a briefing for discussion only.

BACKGROUND INFORMATION

On July 18, 2017, after multiple advisory group meetings and public open houses, and 3 Planning Commission meetings, City Council adopted a resolution directing staff to prepare plan and code amendments to implement the NMIA Framework Plan and Implementation Strategy. The plan focuses on increasing employment density in the area, providing amenities to serve employees, and accommodating office and industrial flex space. A draft table of proposed uses that was provided to the Commission during one of the worksessions is included as Attachment 3. Since the Council adoption of the resolution, staff has met to fine-tune the proposed amendments; based on the in-depth discussion of the proposed code amendments, there are some changes between the original draft table and the proposed code amendment language in Attachments 1 and 2.

Staff has prepared a package of amendments intended to implement the plan, as well as streamline and simplify the code.

Key Changes

The proposed amendments are detailed, but the key changes are summarized here: (Please refer to Attachments 1 and 2 for draft language):

- Reduce the total number of zones in the NMIA from 5 to 2
 - Combine the Manufacturing Zone and Tacoma Station Area Overlay Zone Subarea 4 areas into a new North Milwaukie Employment Zone (NME)

- Combine Tacoma Station Area Overlay Zone Subareas 1-3 into a single new Tacoma Station Area Mixed-Use Zone (MUTSA)
- Delete the Tacoma Station Area Overlay Zone
- Propose code language that is organized in a way that is more consistent with the Commercial Mixed-Use Zones
- Amend the NMIA Plan to incorporate elements of the Tacoma Station Area Plan (TSAP) that were not addressed, then delete the TSAP as an ancillary plan to the Comprehensive Plan. (This document, which would reconcile the two plans, is not part of this package and will be the subject of a future worksession.)

KEY QUESTIONS

1. Uses
 - a. Should Day Care uses be permitted in the proposed NME?
 - b. Staff has combined Warehouse and Wholesale uses. Does the Commission agree with that proposal?
 - c. Staff proposes to eliminate the High Impact Commercial category of uses and has included specific uses within the existing table of uses. Does the Commission agree with that proposal?
 - d. Should hotel/motel uses be permitted in the MUTSA?
2. The current maximum building height in both proposed zones is 65 ft (5 stories). Staff has discussed a maximum height of up to 90 ft (7 stories). If the maximum height were increased to 90 ft, should it be available as a height bonus, or as a height variance? What criteria should be applicable? Potential criteria, from the existing zoning code, include:
 - a. Bonus criteria: Green Building, residential (MUTSA)
 - b. Variance criteria: Provides public benefits/amenities, Exceptional design
3. How should we limit wholesale trade and warehouse distribution in the MUTSA?
4. Waste management uses are proposed to be by Conditional Use in the NME (including grandfathering the existing use on SE Hanna Harvester Dr) and not permitted in the MUTSA. Does the Commission agree with this proposed language?
5. Should there be size limits for schools for satellite campuses and/or training labs and classrooms for community college and medical institutions?
6. Should the proposed design standards be different for specific streets (such as Main St and McBrod Ave, for example)?

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 code amendment language – <u>underline</u> / strikeout format	☒	☒	☒
2. Draft code amendment language – clean format	☒	☒	☒
3. Proposed Zoning Table and Definitions – June 23, 2017	☒	☒	☒

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-179>.

Underline/Strikeout Amendments

Zoning Ordinance

CHAPTER 19.300 BASE ZONES

19.312 NORTH MILWAUKIE INDUSTRIAL AREA

19.312.1 Purpose

- A. The Tacoma Station Area Mixed Use Zone (MUTSA) is intended to support the goals and policies of the North Milwaukie Industrial Area (NMIA) Plan. The MUTSA district is intended to take advantage of its unique location near the Tacoma light rail station and provide opportunities for a wide range of uses. The primary uses in this zone include housing, limited commercial and service-related office use, high intensity office employment, and industrial uses including uses involved in production, manufacturing and processing, of goods.
- B. The North Milwaukie Employment Zone (NME) Zone is intended to support the goals and policies of the NMIA Plan and retain the area as a viable industrial and employment zone. The primary uses in the zone are intended to be uses involved in production, manufacturing, processing, and transportation of goods, as well as uses providing opportunities for higher intensity employment such as production-related office, laboratories, and research and development uses. Limited specific uses not involving the production and transportation of goods, which are appropriate for industrial areas due to their use characteristics, are also allowed. Service-related office and commercial uses are intended to be incidental uses that are minor in relation to the industrial uses on a site and should be subordinate and accessory to the industrial uses in the zone.

19.312.2 Uses

A. Permitted Uses

Uses allowed outright in the commercial mixed-use zones are listed in Table 19.312.2 with a "P." These uses are allowed if they comply with the development and design standards and other regulations of this title.

B. Community Service Uses

Uses listed in Table 19.312.2 as "CSU" are permitted only as community service uses in conformance with Section 19.904.

C. Conditional Uses

Uses listed in Table 19.312.2 as "CU" are permitted only as conditional uses in conformance with Section 19.905.

C. Nonconforming Uses, Structures, and Development

Existing structures and uses that do not meet the standards for the commercial mixed-use zones 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

Proposed Code Amendment

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 19.312.2, and not considered accessory or similar pursuant to Subsections 19.312.2.F and G below, are prohibited. Uses listed with an “N” in Table 19.312.2 are also prohibited.

E. Limited Uses

Uses listed in Table 19.312.2 as “L” are permitted only as limited uses in conformance with Section 19.312.5.

F. Accessory Uses

Uses that are accessory to a primary use are allowed if they comply with all development standards.

G. 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 19.312.2. The unlisted use shall be subject to the standards applicable to the similar example use.

Table 19.312.2 Uses Allowed in Commercial Mixed-Use Zones			
Uses and Use Categories	NME	MUTSA	Standards/Additional Provisions
<u>Residential</u>			
<u>Multifamily</u>	<u>N</u>	<u>P</u>	<u>Subsection 19.505.3 Multifamily Housing</u>
<u>Mixed use residential</u>	<u>N</u>	<u>P</u>	<u>Subsection 19.312.6 Development Standards for All Uses</u>
<u>Live/work units</u>	<u>N</u>	<u>P</u>	<u>Subsection 19.505.6 Live/Work Units</u>
<u>Commercial</u>			
<u>Office</u> <u>1. Production-related office uses are characterized by activities that, while conducted in an office-like setting, involve less face-to-face customer contact and do not tend to generate foot traffic. Their operations are less service-oriented than traditional office uses and focus on the development, testing, research, production, processing, packaging, or assembly of goods and products.</u> <u>Examples include: corporate headquarters, architects, engineers, financial services or accounting firm headquarters, call offices/call center, software and internet content development and publishing; telecommunication service providers;</u>	<u>P</u>	<u>P</u>	

Proposed Code Amendment

Table 19.312.2 Uses Allowed in Commercial Mixed-Use Zones			
Uses and Use Categories	NME	MUTSA	Standards/Additional Provisions
<u>data processing; television, video, radio, and internet studios and broadcasting; scientific and technical services; government and utility research offices; call centers, marijuana testing and research facilities, and medical and dental labs or research/bioscience facility.</u> 2. Service-Related Office <u>Traditional service-related office uses are characterized by activities that generally focus on direct in-person, customer-focused services including government, professional, medical, or financial services. These office uses generally involve a high level of face-to-face customer contact and are typically expected to generate foot traffic.</u> <u>Examples include: professional services such as lawyers; financial businesses such as lenders, retail brokerage houses, bank branches, or real estate agents; sales offices; government offices and public utility offices; counseling offices; and medical and dental clinics.</u>	<u>L</u>	<u>L</u>	<u>Subsection 19.312.4 Standards for Limited Uses</u>
<u>Drinking establishments</u> <u>Drinking establishments primarily involve the sale of alcoholic beverages for on-site consumption.</u> <u>Examples include taverns, bars, or cocktail lounges.</u>	<u>L</u>	<u>L/CU</u>	<u>Subsection 19.312.4 Standards for Limited Uses</u>
<u>Eating establishments</u> <u>Eating establishments primarily involve the sale of prepared food and beverages for on-site consumption or takeout. Eating establishments may include incidental sales of alcoholic beverages.</u> <u>Examples include restaurants, delicatessens, retail bakeries, coffee shops, concession stands, and espresso bars.</u>	<u>L</u>	<u>L/CU</u>	<u>Subsection 19.312.4 Standards for Limited Uses</u>
<u>Retail-oriented sales</u> <u>Sales-oriented retail firms are involved in the sale, leasing, and rental of new or used products to the general public.</u>	<u>L</u>	<u>L</u>	<u>Subsection 19.312.4 Standards for Limited Uses</u>

Proposed Code Amendment

Table 19.312.2 Uses Allowed in Commercial Mixed-Use Zones			
Uses and Use Categories	NME	MUTSA	Standards/Additional Provisions
<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.</u>			
<u>Marijuana retailer</u> <u>Marijuana retailer means a state-licensed business that sells or distributes marijuana and marijuana-derived products to consumers. A marijuana retailer may sell or distribute recreational or medical marijuana.</u>	<u>N</u>	<u>L</u>	Subsection 19.312.4 Standards for Limited Uses Subsection 19.509.2 Security and Odor Control for Certain Marijuana Businesses <u>See Marijuana Businesses</u>
<u>Personal service</u> <u>Personal service 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>L</u>	<u>L</u>	Subsection 19.312.4 Standards for Limited Uses
<u>Day care.</u> <u>Day care is the provision of regular childcare, with or without compensation, to 4 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>N</u>	<u>L</u>	Subsection 19.312.4 Standards for Limited Uses
<u>Hotel/motel</u>	<u>N</u>	<u>CU</u>	Subsection 19.905 Conditional Uses
<u>Adult entertainment businesses¹</u>	<u>N</u>	<u>CU</u>	Subsection 19.905 Conditional Uses
Industrial, Manufacturing and Production			
<u>Manufacturing and production.</u> <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.</u> <u>Examples include: alternative energy development; biosciences; food and</u>	<u>P</u>	<u>P</u>	

Proposed Code Amendment

Table 19.312.2 Uses Allowed in Commercial Mixed-Use Zones			
Uses and Use Categories	NME	MUTSA	Standards/Additional Provisions
<u>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.</u>			
<u>Construction: Contractors and Related Businesses</u> <u>This category comprises businesses whose primary activity is performing specific building or other construction-related work, on- or off-site.</u> <u>Examples include: residential and nonresidential building construction, utility/civil engineering construction, specialty trade contractors, and moving companies.</u>	<u>P</u>	<u>P</u>	
<u>Wholesale Trade, Warehousing, Distribution</u> <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.</u> <u>Examples include: operating warehousing and storage facilities for general merchandise, refrigerated goods, and other products and materials that have been manufactured and are generally being stored in anticipation of delivery to final customer. Includes fleet parking. Ministorage facilities (generally used by many individual customers to store personal property) are not considered industrial warehousing and storage and are not permitted.</u>	<u>P</u>	<u>L</u>	Subsection 19.312.4 Standards for Limited Uses

Proposed Code Amendment

Table 19.312.2 Uses Allowed in Commercial Mixed-Use Zones			
Uses and Use Categories	NME	MUTSA	Standards/Additional Provisions
Repair and Service This category comprises firms involved in repair and servicing of industrial, business, or consumer electronic equipment, machinery, and related equipment, products, or by-products. <u>Examples include: welding shops; machine shops; tool, electric motor, and industrial instrument repair; sales, repair, or storage of heavy machinery, metal, and building materials; heavy truck servicing and repair; tire retreading or recapping; exterminators, including chemical mixing or storage and fleet storage and maintenance; janitorial and building maintenance services that include storage of materials and fleet storage and maintenance; fuel oil distributors; solid fuel yards; and large-scale laundry, dry-cleaning, and carpet cleaning plants. Few customers come to the site, particularly not general public daily customers. Auto service and repair shops for personal vehicles are not included in this category and are not permitted.</u>	<u>P</u>	<u>L</u>	Subsection 19.312.4 Standards for Limited Uses
Trade Schools This category comprises establishments whose primary purpose is to provide training for industrial needs and job-specific certification. <u>Examples include: electronic equipment repair training, truck-driving school, welding school, training for repair of industrial machinery, job skills training classrooms, and other industrial/employment skills training.</u>	<u>P</u>	<u>P</u>	
Creative Space <u>Industrial/manufacturing space specifically for artist-type uses.</u> <u>Examples include: artist manufacturing studios (welding, pottery, ceramics, painting, glass, etc.); sound stage and/or film production; set design and production; music studio/production.</u>	<u>P</u>	<u>P</u>	
Waste Management² <u>This category comprises businesses that provide garbage and recycling</u>	<u>CU/P</u>	<u>N</u>	

Proposed Code Amendment

Table 19.312.2 Uses Allowed in Commercial Mixed-Use Zones			
Uses and Use Categories	NME	MUTSA	Standards/Additional Provisions
hauling, including fleet parking and maintenance. Storage of waste or recycling materials collected by a waste management business for any period of time is not permitted.			
Community Service Use			
Only the following community service uses are included in this district:		Section 19.904 Community Service Uses	
1. Institutions			See Trade Schools
a. Government offices	P	P	
b. Public transit facilities or passenger terminal	CSU	CSU	
c. Schools (public or private)	CSU	CSU	
d. Recreation facilities (public or private)	CSU	CSU	
e. Parks and open space	P	P	
f. Transitional or correctional facility (public or private)	CSU	CSU	
g. Hospital	CSU	CSU	
2. Infrastructure			
a. Utilities (water, sewer, and storm sewer facilities including but not limited to sewage pumping stations, water wells, pump stations, sewer mining)	P	P	
b. Communication facilities (includes WCF)	P	P	
c. Electrical power substations; solar facilities	P	P	
Marijuana Businesses			
1. Marijuana retailers subject to the standards of Subsections 19.312.4 and 19.509.1.	N	L	Subsection 19.509.2 Security and Odor Control for Certain Marijuana Businesses
2. Marijuana processing, testing, research, and warehousing subject to the standards of Subsection 19.509.2.	P	P	Subsection 19.509.2 Security and Odor Control for Certain Marijuana Businesses
3. Marijuana production subject to the conditional use process and the standards of Subsections 19.509.2 and 19.509.3.	CU	CU	Subsection 19.509.2 Security and Odor Control for Certain Marijuana Businesses Subsection 19.509.3 Marijuana Production Limitations Section 19.905 Conditional Uses

P = Permitted.

N = Not permitted.

Proposed Code Amendment

L = Limited

CSU = Permitted with community service use approval subject to provisions of Section 19.904. Type III review required to establish a new CSU or for major modification of an existing CSU. Type I review required for a minor modification of an existing CSU.

CU = Permitted with conditional use approval subject to the provisions of Section 19.905. Type III review required to establish a new CU or for major modification of an existing CU. Type I review required for a minor modification of an existing CU.

1. When considering an adult entertainment business, the following criteria shall be used:
 - a. The proposed location of an adult entertainment business shall not be within 500 ft of an existing or previously approved adult entertainment business or within 500 ft of either a public park, a church, a day-care center, a primary, elementary, junior high, or high school, or any residentially zoned property.
 - b. Distances shall be measured in a straight line, without regard to intervening structures, between the closest structural wall of the adult entertainment business and either the closest property line of the applicable property or the closest structural wall of any preexisting or previously approved adult entertainment business.
2. Waste Management uses in existence prior to December 31, 2017 are Permitted; uses proposed after that date are permitted as a Conditional Use.

19.312.3 Specific Prohibited Uses

Any use which has a primary function of storing or manufacturing explosive materials or other hazardous material as defined by the Oregon Fire Code, Chapter 27.

- F. In addition, when considering an adult entertainment business, the following criteria shall be used:
1. The proposed location of an adult entertainment business shall not be within 500 ft of an existing or previously approved adult entertainment business or within 500 ft of either a public park, a church, a day-care center, a primary, elementary, junior high, or high school, or any residentially zoned property.
 2. Distances shall be measured in a straight line, without regard to intervening structures, between the closest structural wall of the adult entertainment business and either the closest property line of the applicable property or the closest structural wall of any preexisting or previously approved adult entertainment business.

19.312.4 Standards for Limited Uses

The following standards apply to those uses listed as limited (L) in Table 19.312.2.

A. Retail, Service-Related Office, Eating and Drinking Establishments, and Personal Service Uses

To ensure that these uses are limited in size and scale and do not dominate land intended for manufacturing and higher intensity employment uses, the following standards apply. See Figure 19.313.6.B for an illustration of the size limitations.

1. In the NME, the total gross leasable square footage of an individual retail, service-related office, eating and drinking establishment, and personal service use shall not exceed 5,000 sq ft or 40% of the floor area of an individual building, whichever is less. In the MUTSA and the NME, the total gross leasable square footage for a development shall not exceed 20,000 sq ft.
2. In the NME and MUTSA, multiple retail, service-related office, eating and drinking establishments, and personal service uses shall not exceed 20,000 cumulative gross leasable sq ft within the same development project. For the purposes of this section, a development project is defined as:
 - a. A single building with 50,000 sq ft or more of gross floor area.

Proposed Code Amendment

b. Multiple buildings, each with less than 50,000 sq ft of gross floor area, that share common development features (such as access, parking, or utilities), whether or not the buildings are located on the same or a different parcel or lot.

3. In the NME, retail, service-related office, eating and drinking establishments, and personal service uses shall not be permitted in a stand-alone building. They must be included within a building whose primary purpose is for an allowed manufacturing use. The retail, service-related office, eating and drinking establishment, and personal service use is not required to be related to the primary manufacturing use. Food carts are permitted as a stand-alone use.

4. In the MUTSA, eating and drinking establishments that exceed the above standards may be approved through a conditional use review pursuant to Section 19.905.

B. Other Uses

1. In the MUTSA, the gross leasable square footage for wholesale, warehouse, storage uses shall not exceed 10,000 sq ft.

2. In the MUTSA, the following repair and service uses, or similar, are not permitted: sales, repair, or storage of heavy machinery; heavy truck servicing and repair; tire retreading or recapping; fleet storage and maintenance; fuel oil distributors; and solid fuel yards.

3. The gross leasable square footage for day care uses shall not exceed 5,000 sq ft.

Proposed Code Amendment

Figure 19.312.4.A (Need to revise this figure)
Size Limitations for Retail, Service Office, Eating and Drinking Establishments, and Personal Service Uses



19.312.5 Development Standards

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

Table 19.312.5 summarizes some of the development standards that apply in the mixed-use zone. Development standards are presented in detail in Subsection 19.312.6.

Table 19.312.5 North Milwaukie Industrial Area —Summary of Development Standards			
Standard	NME	MUTSA	Standards/ Additional Provisions
A. Lot Standards			
1. Minimum lot size (sq ft)	None	None	
2. Minimum street frontage (ft)	None	None	
B. Development Standards			
1. Floor area ratio (min/max)	0.5:1/3:1	0.5:1/3:1	
2. Building height (ft)			
a. Minimum	25	25	

Proposed Code Amendment

b. Maximum (Bonus/variance)	65-90	65-90	Subsection 19.XXXX – Building height bonus/Building height variance
3. Street setbacks (ft)			Subsection 19.312.6.A Setbacks
a. Minimum street setback	10	10	
b. Maximum street setback	None	None	
c. Side and rear setbacks	0-10 ¹	0-10	
4. Maximum lot coverage	85%	85%	
5. Landscaping	15%	15%	Subsection 19.312.6.B Landscaping
6. Off-street parking required	Yes	Yes	Subsection 19.312.6.E Parking, Loading, and Unloading Areas Chapter 19.600 Off-Street Parking and Loading
C. Other Standards			
1. Residential density requirements (dwelling units per acre)			Subsection 19.202.4 Density Calculations
a. Stand-alone residential			
(1) Minimum	N/A	None	
(2) Maximum	N/A	32.0	
b. Mixed-use buildings	N/A	32.0	
2. Signs	Yes	Yes	Subsection 14.16.050 Commercial Zone Subsection 19.312.6.H Signage for Non-manufacturing Uses
3. Design Standards	Yes	Yes	Subsection 19.312.6.I Design Standards for All New Construction and Major Exterior Alterations

3. Side and rear lot lines abutting a residential zone have a minimum 10-ft setback. Side and rear lot lines not abutting a residential have no required setback.

19.312.6 Development Standards for All Uses

The following detailed development standards describe additional allowances, restrictions, and exemptions related to the development standards of Table 19.312.6.

The following development standards apply to all uses in the MUTSA Zone and the NME Zone as specifically noted.

A. Setbacks

1. Front

- a. Buildings that are 2 stories or less than 25 ft high with a front setback along Main St have no minimum setback requirement.
- b. Buildings that are more than 2 stories and at least 25 ft high with a front setback along Main St have a minimum 5-ft setback.
- c. Front yard setbacks along any other street have a minimum 10-ft setback.
- d. In the NME, all development with frontage on Main Street shall have a 10-ft front yard setback.

Proposed Code Amendment

2. Side and rear

- a. Side and rear lot lines abutting a residential zone have a minimum 10-ft setback.
- b. Side and rear lot lines not abutting a residential zone have no required setback.

B. Landscaping (NME and MUTSA)

15% landscaping of the site is required. The required landscape area shall comply with the following:

- 1. Permitted landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, and outdoor hardscape features.
- 2. No more than 20% of the required landscape area shall be covered in mulch or barkdust. Mulch or barkdust under the canopy of trees or shrubs is excluded from this limit.
- 3. Hardscape features (i.e., patios, decks, plazas, and similar) may cover up to 10% of the required landscape area.
- 4. Trees shall have a minimum 2-in caliper at time of planting, measured at 4 ft above grade.
- 5. Shrubs shall be planted from 5-gallon containers or larger.
- 6. All landscaped area that is not planted with trees and shrubs, or covered with nonplant material (barkdust or mulch), shall have ground cover plants that are sized and spaced as follows: a minimum of 1 plant per 12 in on center in triangular spacing, or other planting pattern that is designed to achieve 75% coverage of the area not covered by shrubs and tree canopy.
- 7. All plantings shall be maintained on an ongoing basis and shall be replaced if vegetation is diseased, dying, or dead.

C. Public Facility Improvements

As specified in Chapter 19.700.

D. Screening of Outdoor Uses (NME and MUTSA)

Outdoor uses shall be screened as follows:

- 1. All outdoor storage areas shall be screened from adjacent properties by a 6-ft-high sight-obscurng fence or wall or by the use of vegetation. Vegetation used to screen outdoor storage areas shall be of such species, number, and spacing to provide the required screening within 1 year after planting.
- 2. All screened or walled outdoor use and storage areas which abut a public street shall be set back a minimum of 25 ft from the property line(s). Within that setback area trees and evergreen shrubs shall be planted. The plants shall be of such a variety and arranged to allow only minimum gaps between foliage of mature trees and plants within 4 years of planting.
- 3. All plantings used to screen outdoor uses shall be maintained on an ongoing basis and shall be replaced if vegetation is diseased, dying, or dead.

E. Parking, Loading, and Unloading Areas

In the NME and MUTSA, parking, loading, and unloading areas shall be located as follows:

- 1. Parking, loading, and unloading areas shall not be located within required setbacks.

Proposed Code Amendment

2. No loading or unloading facilities shall be located adjacent to lands designated for residential uses, or residential community services, if there are alternative locations of adequate size on the subject site. No loading area shall be located between the front of a building and a front lot line, regardless of required setbacks.

3. Parking Requirements

In the NME, the following parking requirements apply and supersede any conflicting requirements found in Table 19.605.1 or other sections of the code.

a. Office Uses

(1) Minimum number of parking spaces: 2 per 1,000 sq ft of gross floor area

(2) Maximum number of parking spaces: 4.1 per 1,000 sq ft of gross floor area

b. Retail and Personal Service Uses

(1) Minimum number of parking spaces: 2 per 1,000 sq ft of gross floor area

(2) Maximum number of parking spaces: 6.2 per 1,000 sq ft of gross floor area

c. Manufacturing Uses

(1) Minimum number of parking spaces: 1 per 1,000 sq ft of gross floor area

(2) Maximum number of parking spaces: none

4. The minimum and maximum parking requirements may be modified consistent with Section 19.605.2 Quantity Modifications and Required Parking Determinations.

F. External Effects (NME and MUTSA)

The potential external effects of manufacturing uses shall be minimized as follows:

1. Except for exterior lighting, operations producing heat or glare shall be conducted entirely within an enclosed building.

2. Potential nuisances such as noise, odor, electrical disturbances and other public health nuisances are subject to Title 8 Health and Safety.

3. Roof-mounted mechanical equipment, such as ventilators and ducts, for buildings located adjacent to residential districts, arterial streets, or transit streets, shall be contained within a completely enclosed structure that may include louvers, latticework, or other similar features. This screening requirement does not apply to roof-mounted solar energy systems or wind energy systems.

G. Additional Standards

Chapter 19.500 Supplementary Development Regulations contains additional standards that may apply. (Ord. 2134 § 2, 2016; Ord. 2094 § 2, 2015; Ord. 2071 § 5, 2013)

H. Signage for Non-manufacturing Uses

At least 1 pedestrian-oriented sign shall be provided along the building façade that faces the street. Pedestrian-oriented signs may be attached to the building, an awning, a kiosk, hanging, or otherwise so long as they are displayed no higher than 10 ft above the sidewalk and face the street. All signs must comply with Title 14 Signs.

I. Design Standards for All New Construction and Major Exterior Alterations

Manufacturing and nonmanufacturing uses shall comply with the standards below in the MUTSA and all development with frontage along Main St in the NME. Exterior maintenance

Proposed Code Amendment

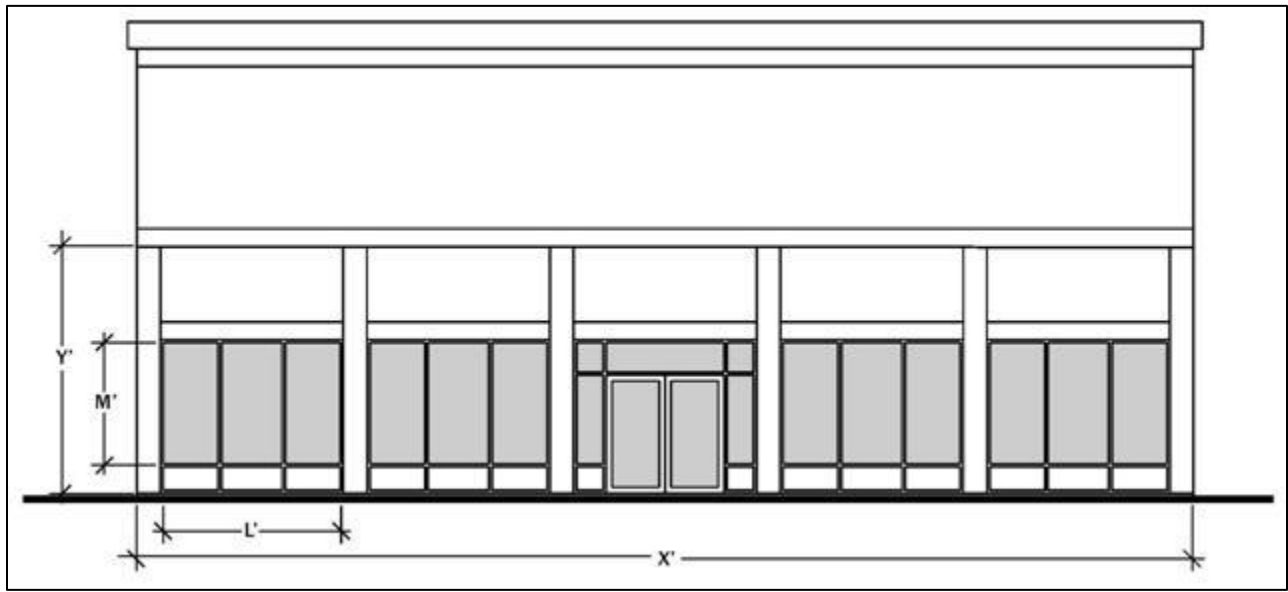
and repair, and minor exterior alterations, are not subject to these standards. Subsection 19.313.7.M below defines exterior maintenance and repair and major/minor exterior alterations.

1. Ground-Floor Windows and Doors

Long expanses of blank walls facing the street or other public area have negative impacts on the streetscape and the pedestrian environment. To minimize these effects, the standards of this section are intended to enhance street safety and provide a comfortable walking environment by providing ground-level features of interest to pedestrians. All exterior walls facing the street or sidewalk must meet the following standards:

- a. In the MUTSA, 50% of the ground-floor street wall area must consist of openings (30% in the NME); i.e., windows or glazed doors. The ground-floor street wall area is defined as the area up to the finished ceiling height of the space fronting the street or 15 ft above finished grade, whichever is less. See Figure 19.313.7.L.1.a. Window coverage is defined as the total ground-floor window area divided by the total ground-floor street wall area.

Figure 19.312.6.I.1.a
Ground-Floor Windows and Doors



Area Calculation for Ground-Floor Windows and Doors:

Single window area = $L \times M$

Total window area (TWA) = $(L \times M) \times (\text{number of window bays, including transparent doors})$

Total ground-floor street wall area = $X \times Y$

- b. Ground-floor windows shall be distributed along the wall area such that there are no lengths of windowless wall greater than 20 ft.
- c. Clear glazing is required for ground-floor windows. Nontransparent, reflective, or opaque glazing are not permitted.

Proposed Code Amendment

- d. Ground-floor windows shall allow views into storefronts, working areas, or lobbies. No more than 50% of the window area may be covered by interior furnishings including but not limited to curtains, shades, signs, or shelves. Signs are limited to a maximum coverage of 20% of the window area.

2. Windows

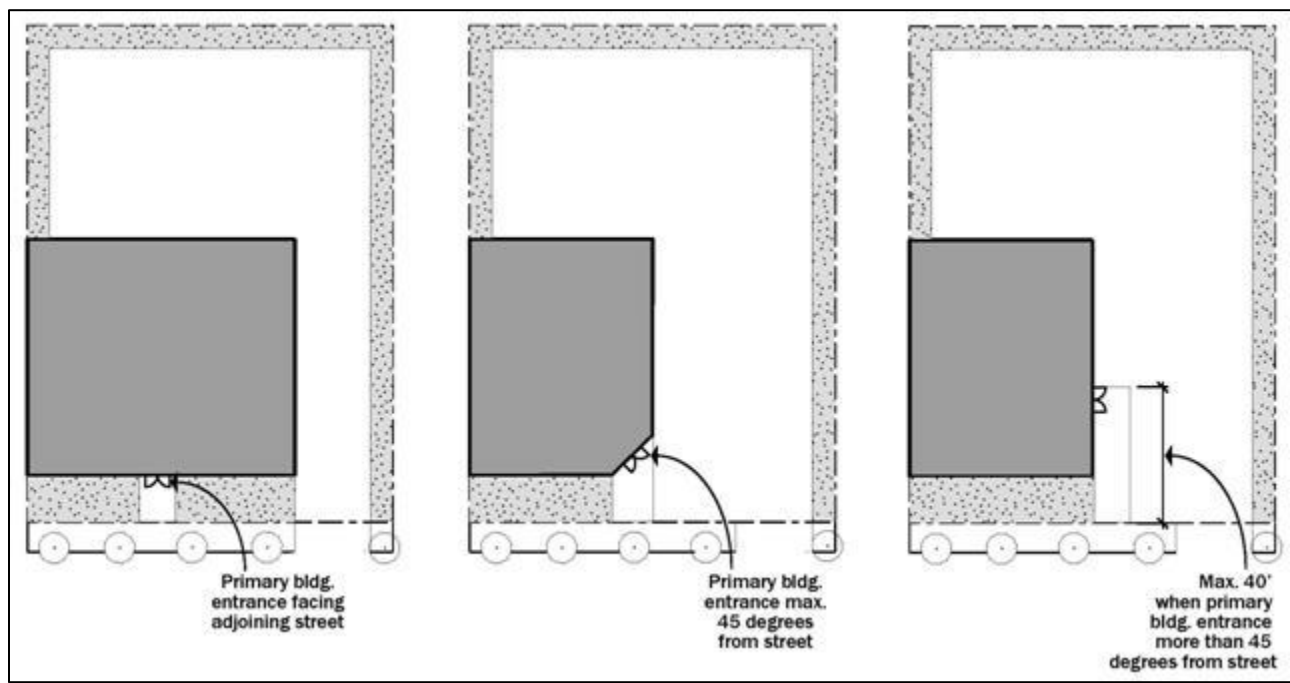
The following standards are applicable to building windows facing streets, courtyards, and/or public squares.

- a. Windows shall be “punched” openings recessed a minimum of 2 in from the wall surface.
- b. Window height shall be equal to or greater than window width.
- c. The following windows are prohibited.
 - (1) Reflective, tinted, or opaque glazing.
 - (2) Simulated divisions (internal or applied synthetic materials).
 - (3) Exposed, unpainted metal frame windows.

3. Building Orientation

All buildings shall have at least one primary building entrance (e.g., dwelling entrance, customer entrance, tenant entrance, lobby entrance, or breezeway/courtyard entrance) facing an adjoining street (i.e., within 45 degrees of the street property line). If the building entrance is turned more than 45 degrees from the street (e.g., front door is on a side wall), the primary entrance shall not be more than 40 ft from a street sidewalk, except to provide pedestrian amenities. In all cases, a walkway shall connect the primary entrance to the sidewalk. See Figure 19.312.6.I.3 for illustration.

Figure 19.312.6.I.3
Building Entrances



Proposed Code Amendment

4. Weather Protection

All building entrances shall include an awning, canopy, recess, or some other form of shelter to provide weather protection and shade for users.

5. Design Standards for Walls

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

- 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.
 - (3) Plywood paneling.
 - (4) Brick with dimensions larger than 4 x 8 x 2 in.
 - (5) Vinyl or metal cladding.
 - (6) Composite wood fiberboard or composite cement-based siding.

6. Design Standards for Roofs

The following standards are applicable to building roofs.

- a. Flat roofs shall include a cornice with no less than 6 in depth (relief) and a height of no less than 12 in.
- b. Mansard or decorative roofs on buildings less than 3 stories are prohibited.

J. Definitions for Applicability of Design Standards

- 1. Exterior maintenance and repair includes refurbishing, painting, and weatherproofing of deteriorated materials, as well as in-kind restoration or replacement of damaged materials. Exterior maintenance and repair does not include replacement of materials due to obsolescence or when associated with minor or major exterior renovation, as defined below. Exterior maintenance and repair does not include the placement of signs.
- 2. Minor exterior alterations include the exterior alterations of any portion of a structure that do not fall within the definitions of “exterior maintenance and repair” or “major exterior alterations.” Minor exterior alterations include, but are not limited to, the application or installation of finish building treatments, including windows and other glazing, doors, lintels, copings, vertical and horizontal projections (including awnings), and exterior sheathing and wall materials. Minor exterior alteration does not include the placement of signs.
- 3. Additions not exceeding 250 sq ft may be considered minor exterior alterations only when the additional floor area is designed and used for utility, HVAC, other mechanical equipment, ADA upgrades, or egress required by applicable fire safety or building codes.
- 4. Major exterior alterations include any of the following:
 - a. Alterations that do not fall within the definitions of “exterior maintenance and repair” or “minor exterior alterations.”

Proposed Code Amendment

- b. Demolition or replacement of more than 25% of the surface area of any exterior wall or roof.
- c. Floor area additions that exceed 250 sq ft or do not meet the limited purposes as defined under the minor exterior alteration (ADA upgrades, etc.).
- 5. The design standards in Subsection 19.312.6.L above are applicable to major exterior alterations as follows:
 - a. Major exterior alterations involving a wall(s) shall comply with the design standards for walls and the design standards for windows for that wall(s).
 - b. Major exterior alterations involving a roof shall comply with the design standards for roofs.

19.312 TACOMA STATION AREA MANUFACTURING ZONE M-TSA

19.312.1 Purpose

The M-TSA Zone is intended to support the goals and policies of the Tacoma Station Area Plan and retain the area as a viable industrial zone as the uses allowed by the Tacoma Station Area Overlay Zone become established. The primary uses in the zone are intended to be uses involved in production, manufacturing, processing, and transportation of goods. Some specific uses not involving goods, which are appropriate for industrial areas due to their use characteristics, are also allowed. Office uses are intended to be subordinate and accessory to the industrial uses, and commercial uses are intended to be incidental uses that are minor in relation to the industrial uses on a site.

19.312.2 Use Categories

The categories of land uses that are permitted in the M-TSA Zone are listed in Table 19.312.2. Permitted uses are designated with a "P." A "C" in this table indicates a use that may be authorized as a conditional use in conformance with Chapter 19.905. An "L" indicates a use that is permitted outright with certain limitations as described in Subsection 19.312.6. Uses not listed in the table are not allowed.

All uses must comply with the land use district standards of this section and all other applicable requirements of the Zoning Ordinance. If it is unclear whether a proposed use is allowed under the use categories, the applicant may submit a Director determination application per Subsection 19.903 to resolve the issue.

Table 19.312.2 M-TSA Zone Uses	
Use Category	Status
A. Construction: Contractors and Related Businesses	
This category comprises businesses whose primary activity is performing specific building or other construction-related work, on- or off-site. Examples include: residential and nonresidential building construction, utility/civil engineering construction, specialty trade contractors, and moving companies. Any associated on-site office use must be accessory to the primary construction business consistent with Subsection 19.312.2.G.1.	P
B. Manufacturing	

Proposed Code Amendment

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
C. Wholesale Trade	
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. Associated retail is only allowed as an accessory use in conformance with Subsection 19.312.2.G.2 and other applicable standards in this section.	P
D. Warehousing and Storage	
This category comprises industries that are primarily engaged in operating warehousing and storage facilities for general merchandise, refrigerated goods, and other products and materials that have been manufactured and are generally being stored in anticipation of delivery to final customer. Examples include: transportation and distribution uses with loading docks, temporary outdoor storage, and fleet parking. Ministorage facilities (generally used by many individual customers to store personal property) are not considered industrial warehousing and storage and are not permitted in the M-TSA Zone.	P
E. Trade Schools	
This category comprises establishments whose primary purpose is to provide training for industrial needs and job-specific certification. Examples include: electronic equipment repair training, truck-driving school, welding school, training for repair of industrial machinery, and other industrial skills training.	P
F. Accessory Uses and Structures	
This category comprises uses and structures defined as incidental and subordinate to the main use of a property and located on the same lot as the main use, including accessory parking.	P
G. Limited Uses	
This category comprises uses that are primarily intended to support and serve other allowed uses in the M-TSA Zone. Limited uses are divided into two subcategories. See Subsection 19.312.6 for applicable limitations on these uses. 1. Administration and Support in Office Buildings — This subcategory comprises uses in office-type buildings that are accessory to industrial uses. They administer, oversee, and manage companies; manage financial assets and securities; do research and design; do laboratory testing; and/or provide document preparation and other industrial support services. Examples include: corporate offices, company business offices, call centers, and other office-type uses that primarily serve other industries and do not generate a significant number of daily customer visits. 2. Retail Commercial and Professional Services — This subcategory comprises the sale of goods, materials, and professional services. Examples of retail commercial uses include: restaurants, minimarts, factory outlet stores, and office supply stores. Examples of professional services that cater to employees and customers include: bank branches, day-care centers, dry cleaners, and health clubs.	L

Proposed Code Amendment

H. Exclusive Heavy Industrial Uses	
This category comprises uses exclusive to heavy industrial. Examples include: rock crushing facilities; natural resource extraction facilities; aggregate storage and distribution facilities; and concrete and/or asphalt batch plants. See Subsection 19.312.5.A.	G
I. Waste Management	
This category comprises businesses that provide garbage and recycling hauling, including fleet parking and maintenance. Storage of waste or recycling materials collected by a waste management business for any period of time is not permitted.	P
J. Repair and Service	
This category comprises firms involved in repair and servicing of industrial, business, or consumer electronic equipment, machinery, and related equipment, products, or by-products. Examples include: welding shops; machine shops; tool, electric motor, and industrial instrument repair; sales, repair, or storage of heavy machinery, metal, and building materials; heavy truck servicing and repair; tire retreading or recapping; exterminators, including chemical mixing or storage and fleet storage and maintenance; janitorial and building maintenance services that include storage of materials and fleet storage and maintenance; fuel oil distributors; solid fuel yards; and large-scale laundry, dry cleaning, and carpet cleaning plants. Few customers come to the site, particularly not general public daily customers. Auto service and repair shops for personal vehicles are not included in this category and are not allowed in the M-TSA Zone.	P
K. High-Impact Commercial Use	
This category comprises uses that generate substantial traffic, noise, light, irregular hours, or other potential impact on the community. Examples include, but are not limited to: drinking establishments, commercial recreation, adult entertainment businesses, theaters, hotels, and motels. See Subsection 19.312.5.B.	G
L. Marijuana Businesses (as Limited and Conditional Uses)	
This category includes the following businesses: 1. Marijuana retailers subject to the standards of Subsections 19.312.6.B and 19.509.1. 2. Marijuana processing, testing, research, and warehousing subject to the standards of Subsection 19.509.2. 3. Marijuana production subject to the conditional use process and the standards of Subsections 19.509.2 and 19.509.3.	L G1

P = Permitted.

L = Limited.

G = Conditional use.

1 = Only marijuana production is subject to the conditional use process.

19.312.3 Preexisting Uses and Developments

Notwithstanding the provisions of Chapter 19.800 Nonconforming Uses and Development, prohibited uses and structures located in any mapped “employment” or “industrial” area, as shown on the Milwaukie Comprehensive Plan Title 4 Lands Map, that were lawfully in existence prior to May 6, 1999, and would be impacted by the size limitations on retail uses in Subsection 19.312.6, are considered to be approved uses and structures for the purposes of this section. If such a preexisting use or development is damaged or destroyed by fire, earthquake, or other natural force, then the use will retain its preexisting status under this provision, so long as it is substantially reestablished within 3 years of the date of the loss.

Notwithstanding the provisions of Chapter 19.800 Nonconforming Uses and Development, prohibited uses and structures located in any mapped “industrial” area, as shown on the Milwaukie Comprehensive Plan Title 4 Lands Map, that were lawfully in existence prior to March

Proposed Code Amendment

~~17, 2009, may continue and expand to add up to 20% more floor area and 10% more land area than exists on the above-stated date. This expansion requires a conditional use review.~~

~~19.312.4 Specific Prohibited Uses~~

- ~~A. Any use which has a primary function of storing, utilizing, or manufacturing explosive materials or other hazardous material as defined by the Oregon Fire Code, Chapter 27.~~
- ~~B. New residential, religious institutions, or public schools.~~

~~19.312.5 Standards for Conditional Uses~~

~~The following standards apply to those uses listed as conditional (C) in Table 19.312.2.~~

~~A. Exclusive Heavy Industrial Uses~~

- ~~1. Open pit and gravel excavating or processing shall not be permitted nearer than 50 ft to the boundary of an adjoining property line, unless written consent of the owner of such property is first obtained. Excavating or processing shall not be permitted closer than 30 ft to the right-of-way line of an existing platted street or an existing public utility right-of-way.~~
- ~~2. An open pit or sand and gravel operation shall be enclosed by a fence suitable to prevent unauthorized access.~~
- ~~3. A rock crusher, washer, or sorter shall not be located nearer than 500 ft to a residential or commercial zone. Surface mining equipment and necessary access roads shall be constructed, maintained, and operated in such a manner as to eliminate, as far as is practicable, noise, vibration, or dust which is injurious or substantially annoying to persons living in the vicinity.~~

~~B. High Impact Commercial Uses~~

~~When considering a high impact commercial use, the Commission shall consider the following:~~

- ~~1. Nearness to dwellings, churches, hospitals, or other uses which require a quiet environment.~~
- ~~2. Building entrances, lighting, exterior signs, and other features which could generate or be conducive to noise or other disturbance for adjoining uses.~~
- ~~3. Parking vehicles and pedestrian access and circulation could contribute to noise or attract habitual assembly or unruly persons.~~
- ~~4. Hours of operation.~~
- ~~5. In addition to consideration of the above with respect to building and site design, the Planning Commission may attach conditions or standards of performance and impact, and methods for monitoring and evaluating these, to ensure that such establishments do not become unduly or unnecessarily disruptive.~~
- ~~6. In addition, when considering an adult entertainment business, the following criteria shall be used:~~
 - ~~a. The proposed location of an adult entertainment business shall not be within 500 ft of an existing or previously approved adult entertainment business or within 500 ft of either a public park, a church, a day care center, a primary, elementary, junior high, or high school, or any residentially zoned property.~~

Proposed Code Amendment

- b. ~~Distances shall be measured in a straight line, without regard to intervening structures, between the closest structural wall of the adult entertainment business and either the closest property line of the applicable property or the closest structural wall of any preexisting or previously approved adult entertainment business.~~

C. ~~Marijuana Production~~

- 1. ~~Marijuana production shall be subject to the security and odor control standards of Subsection 19.509.2 and the marijuana production limitations set forth in subsection 19.509.3.~~

19.312.6 ~~Standards for Limited Uses~~

~~The following standards apply to those uses listed as limited (L) in Table 19.312.2.~~

A. ~~Administration and Support in Office Buildings~~

~~Only administrative and support offices which are related to the operation of a manufacturing use on the property are permitted in the M-TSA Zone. No greater than 20% of the floor area of a building may be used for administrative office space.~~

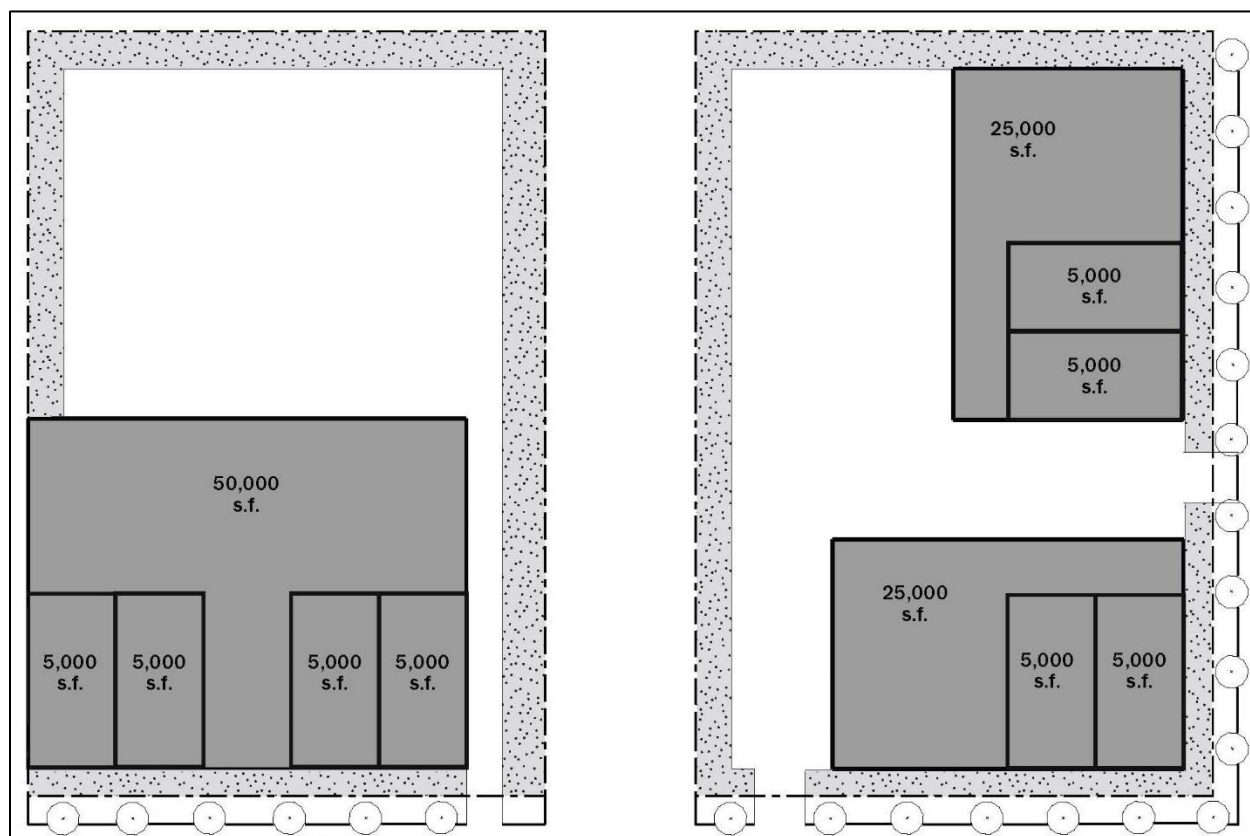
B. ~~Retail Commercial and Professional Services~~

~~In order to ensure that these uses are limited in size and scale and do not dominate land intended for manufacturing uses, the following standards apply. See Figure 19.312.6.B for an illustration of the size limitations.~~

- 1. ~~The total gross leasable square footage of an individual retail or professional service use shall not exceed 5,000 sq ft or 40% of the floor area of an individual building, whichever is less.~~
- 2. ~~Multiple retail or professional service uses shall not exceed 20,000 cumulative gross leasable sq ft within the same development project. For the purposes of this section, a development project is defined as:~~
 - a. ~~A single building with 50,000 sq ft or more of gross floor area.~~
 - b. ~~Multiple buildings, each with less than 50,000 sq ft of gross floor area, that share common development features (such as access, parking, or utilities), whether or not the buildings are located on the same or a different parcel or lot.~~
- 3. ~~Retail and professional service uses shall not be permitted in a stand-alone building. They must be included within a building whose primary purpose is for an allowed manufacturing use. The retail commercial or professional service use is not required to be related to the primary manufacturing use. Food carts are permitted as a stand-alone use.~~

Proposed Code Amendment

Figure 19.312.6.B
Size Limitations for Retail and Professional Service Uses

**19.312.7 Development Standards for All Uses**

The following development standards apply to all uses in the M-TSA Zone.

A. ~~Setbacks (Minimum)~~

~~Front: 20 ft~~

~~Side: None*~~

~~Corner side yard: 10 ft~~

~~Rear: None*~~

~~* Except when abutting a residential district, in which case the setback shall match the abutting property.~~

B. ~~Height (Maximum)~~

~~45 ft~~

C. ~~Parking and Loading~~

~~See Chapter 19.600.~~

D. ~~Landscaping~~

~~15% landscaping of the site is required. The required landscape area shall comply with the following:~~

Proposed Code Amendment

- ~~1. Permitted landscape materials include trees, shrubs, ground cover plants, nonplant ground covers, and outdoor hardscape features.~~
- ~~2. No more than 20% of the required landscape area shall be covered in mulch or barkdust. Mulch or barkdust under the canopy of trees or shrubs is excluded from this limit.~~
- ~~3. Hardscape features (i.e., patios, decks, plazas, and similar) may cover up to 10% of the required landscape area.~~
- ~~4. Trees shall have a minimum 2-in caliper at time of planting, measured at 4 ft above grade.~~
- ~~5. Shrubs shall be planted from 5-gallon containers or larger.~~
- ~~6. All landscaped area that is not planted with trees and shrubs, or covered with nonplant material (barkdust or mulch), shall have ground cover plants that are sized and spaced as follows: a minimum of 1 plant per 12 in on center in triangular spacing, or other planting pattern that is designed to achieve 75% coverage of the area not covered by shrubs and tree canopy.~~
- ~~7. All plantings shall be maintained on an ongoing basis and shall be replaced if vegetation is diseased, dying, or dead.~~

~~E. Public Facility Improvements~~~~As specified in Chapter 19.700.~~~~F. Screening of Outdoor Uses~~~~Outdoor uses shall be screened as follows:~~

- ~~1. All outdoor storage areas shall be screened from adjacent properties by a 6-ft-high sight-obscuring fence or wall or by the use of vegetation. Vegetation used to screen outdoor storage areas shall be of such species, number, and spacing to provide the required screening within 1 year after planting.~~
- ~~2. All screened or walled outdoor use and storage areas which abut a public street shall be set back a minimum of 25 ft from the property line(s). Within that setback area trees and evergreen shrubs shall be planted. The plants shall be of such a variety and arranged to allow only minimum gaps between foliage of mature trees and plants within 4 years of planting.~~
- ~~3. All plantings used to screen outdoor uses shall be maintained on an ongoing basis and shall be replaced if vegetation is diseased, dying, or dead.~~

~~G. Parking, Loading, and Unloading Areas~~~~Parking, loading, and unloading areas shall be located as follows:~~

- ~~1. Parking, loading, and unloading areas shall not be located within required setbacks.~~
- ~~2. No loading or unloading facilities shall be located adjacent to lands designated for residential uses, or residential community services, if there are alternative locations of adequate size on the subject site.~~

~~H. External Effects~~~~The potential external effects of manufacturing uses shall be minimized as follows:~~

Proposed Code Amendment

- ~~1. Except for exterior lighting, operations producing heat or glare shall be conducted entirely within an enclosed building.~~
- ~~2. Potential nuisances such as noise, odor, electrical disturbances and other public health nuisances are subject to Title 8 Health and Safety.~~
- ~~3. Roof-mounted mechanical equipment, such as ventilators and ducts, for buildings located adjacent to residential districts, arterial streets, or transit streets, shall be contained within a completely enclosed structure that may include louvers, latticework, or other similar features. This screening requirement does not apply to roof-mounted solar energy systems or wind energy systems.~~

~~I. Additional Standards~~

~~Chapter 19.500 Supplementary Development Regulations contains additional standards that may apply.~~

~~19.406 TACOMA STATION AREA OVERLAY ZONE TSA~~

~~19.406.1 Purpose~~

~~This overlay zone implements the Tacoma Station Area Plan and will help ensure that future development in the station area is consistent with the vision established in the plan. The overlay zone is intended to facilitate the following:~~

- ~~A. A mix of employment and other appropriate uses with employment densities that support light rail transit, particularly in close proximity to the Tacoma light rail station.~~
- ~~B. Support for existing businesses.~~
- ~~C. An appropriate amount of parking for employees and visitors.~~
- ~~D. Attractive building designs and public facilities.~~
- ~~E. A simple and timely review process for new development.~~

~~19.406.2 Applicability~~

~~The standards and requirements in this section apply to all properties within the Tacoma Station Area Overlay Zone as shown on the Zoning Map.~~

~~19.406.3 General Provisions~~

~~The following provisions apply to all development within the Tacoma Station Area Overlay Zone.~~

~~A. Consistency with Base Zone~~

~~The M-TSA Zone is the base zone for the properties within the Tacoma Station Area Overlay Zone 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.~~

~~B. Off-Site Impacts~~

~~In order to ensure greater compatibility between manufacturing and nonmanufacturing uses in the Tacoma station area, the following off-site impact standards apply in Subareas 1-3.~~

~~1. Applicability~~

Proposed Code Amendment

~~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 August 1, 2013, the effective date of Ordinance #2071, 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 0.5 footcandles of light.~~

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.~~

C. ~~Additional Standards~~

~~In addition to the standards of the base zone and the overlay zone, the following chapters contain requirements and standards that may apply:~~

- ~~1. Chapter 19.500 Supplementary Development Regulations~~
- ~~2. Chapter 19.600 Off-Street Parking and Loading~~
- ~~3. Chapter 19.700 Public Facility Improvements~~
- ~~4. Chapter 19.800 Nonconforming Uses and Development~~

D. ~~Street Design~~

Proposed Code Amendment

~~New or improved streets within the station area shall be constructed consistent with the street design cross sections established in the Public Works Standards.~~

~~E. Review Process~~

~~All new or expanded/modified development in the overlay zone will be processed through Type I or Type II Development Review consistent with Section 19.906.~~

19.406.4 Tacoma Station Area Overlay Zone Subareas

~~The Tacoma Station Area Overlay Zone has been divided into four subareas to further refine the design and appropriate mix of uses within the station area. Subarea boundaries are shown on the Zoning Map. The intent of the subareas is to recognize that the station area is not anticipated to develop uniformly in the future. Lands closest to the future Tacoma light rail station are expected to support a different mix of uses and design standards than lands further from the station. The transportation network, existing and planned, also establishes a distinction between the varying transportation demands associated with anticipated land uses within the subareas. As such, street design cross sections for the Tacoma station area, found in the Public Works Standards, may vary by subarea. The following subsections define the four subareas and provide specific requirements and standards for each.~~

19.406.5 Subarea 1: North of Springwater

~~A. Subarea Boundary~~

~~Subarea 1 is located north of the Springwater Corridor and south of the Tacoma light rail station, as shown on the Zoning Map.~~

~~B. Subarea Characteristics~~

~~Due to its proximity to the Tacoma light rail station, Subarea 1 is intended to develop a mix of land uses, including retail commercial and limited residential uses that cater to light rail users. Subarea 1 is anticipated to develop as an active “station area community” supported by convenient access to light rail.~~

~~C. Permitted Uses~~

~~Permitted uses in Subarea 1 are the same as those permitted in the base M-TSA Zone, with the following exceptions:~~

- ~~1. Professional service and office uses are permitted in a stand-alone building with no size limitations (they do not need to be accessory to a manufacturing use).~~
- ~~2. Multifamily residential is permitted outright in a stand-alone building or in stories above a ground-floor commercial or office use.~~

~~D. Limited and Prohibited Uses~~

~~The following uses are not allowed or are allowed with limitations.~~

- ~~1. Retail uses are permitted in a stand-alone building (they do not need to be accessory to a manufacturing use). Retail uses shall not exceed 60,000 sq ft per building or development project.~~
- ~~2. Warehousing and storage uses, as defined in Subsection 19.312.2.D, are allowed only as accessory or secondary uses to a permitted use. Stand-alone warehouse and storage uses are prohibited.~~
- ~~3. Only those manufacturing uses that comply with the off-site impact standards in Subsection 19.406.3.B are allowed.~~

Proposed Code Amendment

E. ~~Development Standards for Nonmanufacturing Uses~~

~~In addition to the standards in the base M-TSA Zone, nonmanufacturing uses shall comply with the standards below.~~

1. ~~Density~~

~~The density standards below apply to developments that include residential uses.~~

a. ~~Minimum Density~~

~~There is no minimum residential density standard.~~

b. ~~Maximum Density~~

~~The maximum residential density is 32.0 dwelling units per acre.~~

2. ~~Floor Area Ratio~~

~~Minimum of 0.5:1 and maximum of 3:1.~~

3. ~~Building Height~~

~~Minimum of 25 ft and maximum of 65 ft.~~

4. ~~Minimum Setbacks~~**a. ~~Front~~**

~~(1) Buildings that are 2 stories or less than 25 ft high with a front setback along Main St have no minimum setback requirement.~~

~~(2) Buildings that are more than 2 stories and at least 25 ft high with a front setback along Main St have a minimum 5 ft setback.~~

~~(3) Front yard setbacks along any other street have a minimum 10 ft setback.~~

b. ~~Side and rear~~

~~(1) Side and rear lot lines abutting a residential zone have a minimum 10 ft setback.~~

~~(2) Side and rear lot lines not abutting a residential zone have no required setback.~~

5. ~~Parking Location~~

~~No surface parking shall be located within a front setback. No loading area shall be located between the front of a building and a front lot line, regardless of required setbacks.~~

6. ~~Signage~~

~~At least 1 pedestrian-oriented sign shall be provided along the building façade that faces the street. Pedestrian-oriented signs may be attached to the building, an awning, a kiosk, hanging, or otherwise so long as they are displayed no higher than 10 ft above the sidewalk and face the street. All signs must comply with Title 14 Signs.~~

7. ~~Stand-Alone Multifamily Residential Development~~

~~Stand-alone multifamily residential development shall comply with Subsection 19.505.3 Multifamily Housing. In addition, the ground floor of stand-alone multifamily buildings shall be constructed to meet building code standards for a retail use. This will facilitate efficient conversion of the ground-floor space from residential to retail in the future.~~

Proposed Code Amendment

F. Design Standards for All New Construction and Major Exterior Alterations

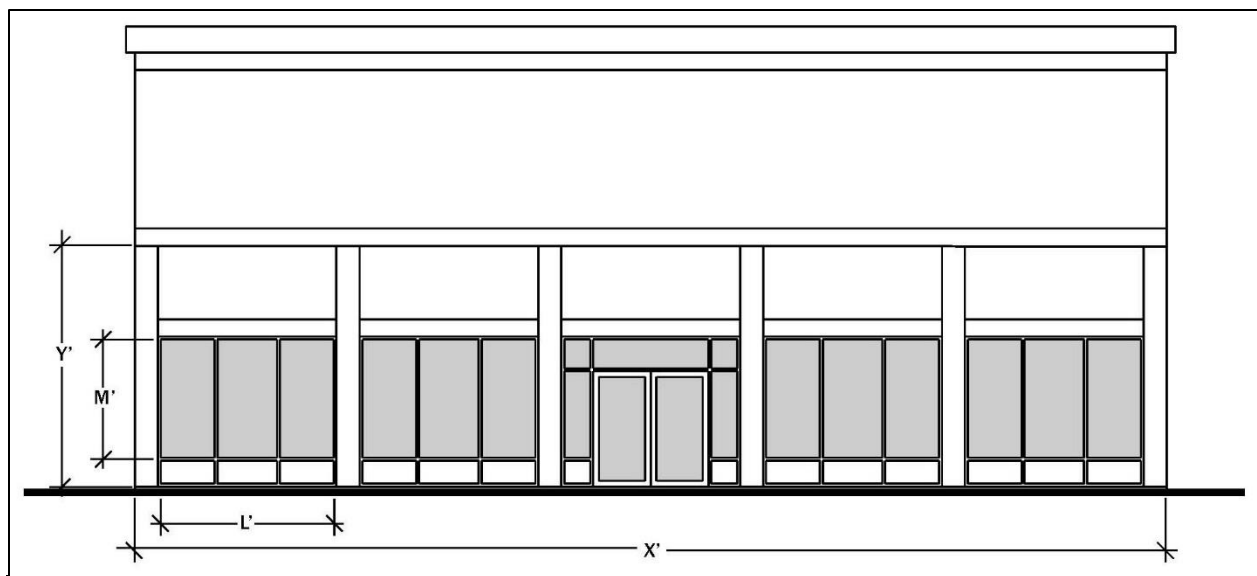
In addition to the standards in the base M-TSA Zone, both manufacturing and nonmanufacturing uses shall comply with the standards below. Exterior maintenance and repair, and minor exterior alterations, are not subject to these standards. Stand-alone multifamily buildings are not subject to these standards. Subsection 19.406.5.G below defines exterior maintenance and repair and major/minor exterior alterations.

1. Ground-Floor Windows and Doors

Long expanses of blank walls facing the street or other public area have negative impacts on the streetscape and the pedestrian environment. To minimize these effects, the standards of this section are intended to enhance street safety and provide a comfortable walking environment by providing ground-level features of interest to pedestrians. All exterior walls facing the street or sidewalk must meet the following standards:

- a. 50% of the ground-floor street wall area must consist of openings; i.e., windows or glazed doors. The ground-floor street wall area is defined as the area up to the finished ceiling height of the space fronting the street or 15 ft above finished grade, whichever is less. See Figure 19.406.5.F.1.a. Window coverage is defined as the total ground-floor window area divided by the total ground-floor street wall area.

Figure 19.406.5.F.1.a
Ground-Floor Windows and Doors



Area Calculation for Ground-Floor Windows and Doors:

Single window area = $L \times M$

Total window area (TWA) = $(L \times M) \times (\text{number of window bays, including transparent doors})$

Total ground-floor street wall area = $X \times Y$

- b. Ground floor windows shall be distributed along the wall area such that there are no lengths of windowless wall greater than 20 ft.

Proposed Code Amendment

- ~~c. Clear glazing is required for ground-floor windows. Nontransparent, reflective, or opaque glazing are not permitted.~~
- ~~d. Ground-floor windows shall allow views into storefronts, working areas, or lobbies. No more than 50% of the window area may be covered by interior furnishings including but not limited to curtains, shades, signs, or shelves. Signs are limited to a maximum coverage of 20% of the window area.~~

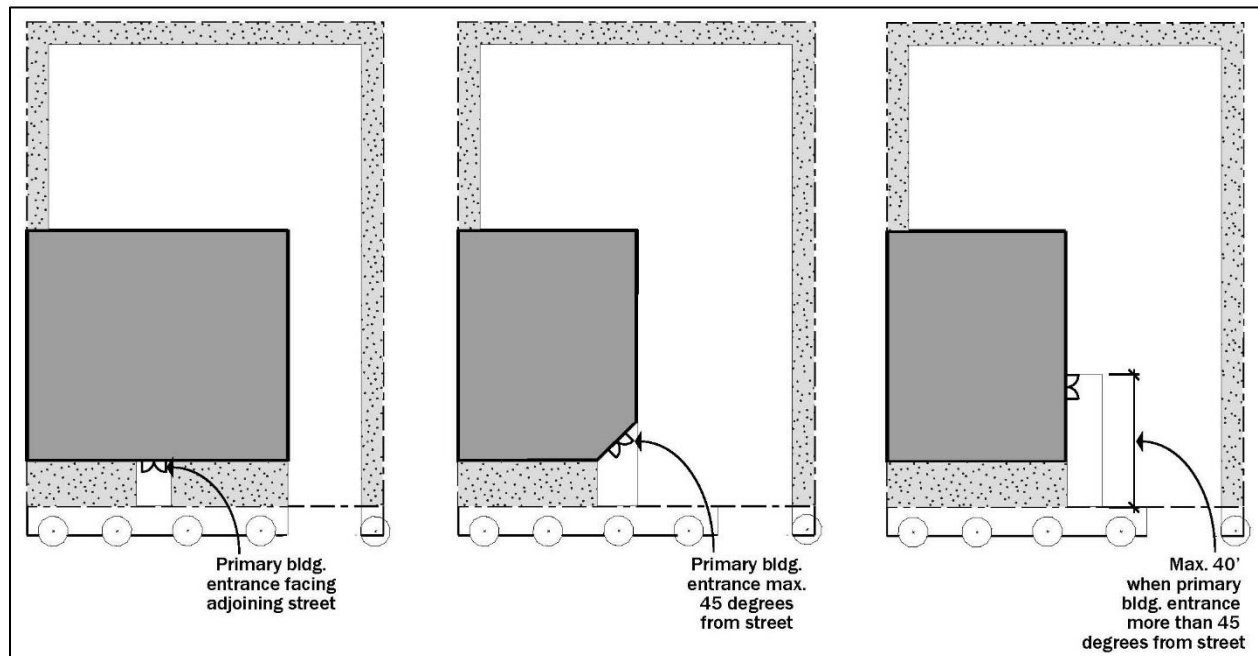
2. ~~Windows~~

~~The following standards are applicable to building windows facing streets, courtyards, and/or public squares.~~

- ~~a. Windows shall be “punched” openings recessed a minimum of 2 in from the wall surface.~~
- ~~b. Window height shall be equal to or greater than window width.~~
- ~~c. The following windows are prohibited.~~
 - ~~(1) Reflective, tinted, or opaque glazing.~~
 - ~~(2) Simulated divisions (internal or applied synthetic materials).~~
 - ~~(3) Exposed, unpainted metal frame windows.~~

3. ~~Building Orientation~~

~~All buildings shall have at least one primary building entrance (e.g., dwelling entrance, customer entrance, tenant entrance, lobby entrance, or breezeway/courtyard entrance) facing an adjoining street (i.e., within 45 degrees of the street property line). If the building entrance is turned more than 45 degrees from the street (e.g., front door is on a side wall), the primary entrance shall not be more than 40 ft from a street sidewalk, except to provide pedestrian amenities. In all cases, a walkway shall connect the primary entrance to the sidewalk. See Figure 19.406.5.F.3 for illustration.~~

Proposed Code Amendment**Figure 19.406.5.F.3
Building Entrances****4. Weather Protection**

All building entrances shall include an awning, canopy, recess, or some other form of shelter to provide weather protection and shade for users.

5. Design Standards for Walls

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

- 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.
 - (3) Plywood paneling.
 - (4) Brick with dimensions larger than 4 x 8 x 2 in.
 - (5) Vinyl or metal cladding.
 - (6) Composite wood fiberboard or composite cement-based siding.

6. Design Standards for Roofs

The following standards are applicable to building roofs.

- a. Flat roofs shall include a cornice with no less than 6 in depth (relief) and a height of no less than 12 in.
- b. Mansard or decorative roofs on buildings less than 3 stories are prohibited.

Proposed Code Amendment

G. ~~Definitions for Applicability of Design Standards~~

1. ~~Exterior maintenance and repair includes refurbishing, painting, and weatherproofing of deteriorated materials, as well as in-kind restoration or replacement of damaged materials. Exterior maintenance and repair does not include replacement of materials due to obsolescence or when associated with minor or major exterior renovation, as defined below. Exterior maintenance and repair does not include the placement of signs.~~
2. ~~Minor exterior alterations include the exterior alterations of any portion of a structure that do not fall within the definitions of "exterior maintenance and repair" or "major exterior alterations." Minor exterior alterations include, but are not limited to, the application or installation of finish building treatments, including windows and other glazing, doors, lintels, copings, vertical and horizontal projections (including awnings), and exterior sheathing and wall materials. Minor exterior alteration does not include the placement of signs.~~
3. ~~Additions not exceeding 250 sq ft may be considered minor exterior alterations only when the additional floor area is designed and used for utility, HVAC, other mechanical equipment, ADA upgrades, or egress required by applicable fire safety or building codes.~~
4. ~~Major exterior alterations include any of the following:~~
 - a. ~~Alterations that do not fall within the definitions of "exterior maintenance and repair" or "minor exterior alterations."~~
 - b. ~~Demolition or replacement of more than 25% of the surface area of any exterior wall or roof.~~
 - c. ~~Floor area additions that exceed 250 sq ft or do not meet the limited purposes as defined under the minor exterior alteration (ADA upgrades, etc.).~~
5. ~~The design standards in Subsection 19.406.5.F above are applicable to major exterior alterations as follows:~~
 - a. ~~Major exterior alterations involving a wall(s) shall comply with the design standards for walls and the design standards for windows for that wall(s).~~
 - b. ~~Major exterior alterations involving a roof shall comply with the design standards for roofs.~~

19.406.6 Subarea 2: West of McLoughlin

A. ~~Subarea Boundary~~

~~Subarea 2 is located north of Ochoco St, surrounding the Springwater Corridor west of McLoughlin Blvd, as shown on the Zoning Map.~~

B. ~~Subarea Characteristics~~

~~This subarea is intended to develop with a mix of employment and residential uses, including live/work units that can be compatible with surrounding manufacturing uses.~~

C. ~~Permitted Uses~~

~~Permitted uses in Subarea 2 are the same as those permitted in the base M-TSA Zone, with the following exceptions:~~

Proposed Code Amendment

- ~~1. Professional service and office uses are permitted in a stand-alone building with no size limitations (they do not need to be accessory to a manufacturing use).~~
- ~~2. Multifamily residential is permitted outright in a stand-alone building or in stories above a ground-floor commercial or office use.~~
- ~~3. Rowhouse development is permitted and can include live/work style units with groundfloor work space or commercial space.~~

~~D. Limited and Prohibited Uses~~

~~The following uses are not allowed or are allowed with limitations.~~

- ~~1. Retail uses are permitted in a stand-alone building (they do not need to be accessory to a manufacturing use). Retail uses shall not exceed 20,000 sq ft per building or development project.~~
- ~~2. Warehousing and storage uses, as defined in Subsection 19.312.2.D, are allowed only as accessory or secondary uses to a permitted use. Stand-alone warehouse and storage uses are prohibited.~~
- ~~3. Only those manufacturing uses that comply with the off-site impact standards in Subsection 19.406.3.B are allowed.~~

~~E. Conditional Use~~

~~A retail use of up to 30,000 sq ft may be permitted subject to conditional use approval, per Section 19.905.~~

~~F. Development and Design Standards~~

~~In addition to the standards in the base M-TSA Zone, the development and design standards for Subarea 1 in Subsections 19.406.5.E-G also apply to Subarea 2, with the following addition: Rowhouse development in Subarea 2 shall comply with Subsection 19.505.5 Rowhouses.~~

19.406.7 Subarea 3: Mixed Employment

~~A. Subarea Boundary~~

~~Subarea 3 is located between Beta St and Springwater Corridor, east of McLoughlin Blvd, as shown on the Zoning Map.~~

~~B. Subarea Characteristics~~

~~Subarea 3 is intended to develop as a relatively intense mixed employment district including office, light manufacturing, research and development, and other general employment uses, along with supporting retail/commercial uses. Subarea 3 is also appropriate for larger-scale civic or institutional uses.~~

~~C. Permitted Uses~~

~~Permitted uses in Subarea 3 are the same as those permitted in the base M-TSA Zone, with the following exceptions:~~

- ~~1. Professional service uses are permitted in a stand-alone building with no size limitations (they do not need to be accessory to a manufacturing use).~~
- ~~2. Multifamily residential is permitted outright in a stand-alone building or in stories above a ground-floor commercial or office use. Deed restrictions will apply to multifamily~~

Proposed Code Amendment

~~development in order to reduce potential conflicts between residential uses and surrounding manufacturing uses.~~

~~D. Limited and Prohibited Uses~~

~~The following uses are not allowed or are allowed with limitations.~~

- ~~1. Retail uses are permitted in a stand-alone building (they do not need to be accessory to a manufacturing use). Retail uses shall not exceed 20,000 sq ft per building or development project. Development standards for manufacturing uses will be the standards of the base zone plus additional standards similar to those in the Business Industrial Zone Subsection 19.310.6.~~
- ~~2. Warehousing and storage uses, as defined in Subsection 19.312.2.D, are allowed only as accessory or secondary uses to a permitted use. Stand-alone warehouse and storage uses are prohibited.~~
- ~~3. Only those manufacturing uses that comply with the off-site impact standards in Subsection 19.406.3.B are allowed.~~

~~E. Conditional Uses~~

- ~~1. Recreation and entertainment uses are allowed in Subarea 3 subject to conditional use approval, per Section 19.905. In permitting this use, the Planning Commission shall evaluate the following approval criteria:~~
 - ~~a. The recreation and entertainment use is not inconsistent with the land use and urban design recommendations for Subarea 3 as described in the Tacoma Station Area Plan.~~
 - ~~b. The recreation and entertainment use would establish a facility that is of benefit to the Milwaukie community and that is unique enough to attract visitors and users from elsewhere in the region.~~
 - ~~c. The layout of the site and its structures feature high-quality design and materials. The site shall be designed in a manner that encourages transit use through location of building entrances, building orientation, and connections to public rights-of-way that connect to the Tacoma Light Rail Station.~~
- ~~2. A retail use of up to 30,000 sq ft may be permitted subject to conditional use approval, per Section 19.905.~~

~~F. Development and Design Standards~~

~~In addition to the standards in the base M-TSA Zone, the development and design standards for Subarea 1 in Subsections 19.406.5.E-G also apply to Subarea 3, with the following addition: All development with frontage along Main St shall have a 10-ft front setback.~~

19.406.8 Subarea 4: Manufacturing

~~A. Subarea Boundary~~

~~Subarea 4 is located south of Beta St and north of Highway 224, as shown on the Zoning Map.~~

~~B. Subarea Characteristics~~

Proposed Code Amendment

~~This subarea is intended to continue to develop as a manufacturing district with some flexibility for nonmanufacturing uses to occur at higher levels than would be allowed in the base M-TSA Zone.~~

~~C. Permitted Uses~~

~~Permitted uses in Subarea 4 are the same as those permitted in the base M-TSA Zone, with the following exceptions: Retail commercial and professional service uses may be permitted in a stand-alone building (they do not need to be accessory to a manufacturing use). The size limitations of the base M-TSA Zone Subsections 19.312.6.C.1-2 still apply.~~

~~D. Limited and Prohibited Uses~~

~~The following uses are not allowed or are allowed with limitations: Warehousing and storage uses, as defined in Subsection 19.312.2.D, are allowed only as accessory or secondary uses to a permitted use. Stand-alone warehouse and storage uses are prohibited.~~

~~E. Parking Requirements~~

~~In Subarea 4, the following parking requirements apply and supersede any conflicting requirements found in Table 19.605.1 or other sections of the code.~~

~~1. General Office Uses~~

- ~~a. Minimum number of parking spaces: 2 per 1,000 sq ft of gross floor area~~
- ~~b. Maximum number of parking spaces: 4.1 per 1,000 sq ft of gross floor area~~

~~2. Retail Commercial Uses~~

- ~~a. Minimum number of parking spaces: 2 per 1,000 sq ft of gross floor area~~
- ~~b. Maximum number of parking spaces: 6.2 per 1,000 sq ft of gross floor area~~

~~3. Manufacturing Uses~~

- ~~a. Minimum number of parking spaces: 1 per 1,000 sq ft of gross floor area~~
- ~~b. Maximum number of parking spaces: none~~

~~4. The minimum and maximum parking requirements in Subsection 19.406.8.E may be modified consistent with Section 19.605.2 Quantity Modifications and Required Parking Determinations.~~

~~F. Development and Design Standards~~

~~In addition to the development standards in the base M-TSA Zone, the design standards in Subsections 19.406.5.F-G also apply to developments that have frontage on Main St in Subarea 4, with the following exceptions:~~

- ~~1. All development with frontage along Main St shall have a 10-ft front setback.~~
- ~~2. The ground-floor window coverage requirement in Subsection 19.406.5.F.1.a is reduced to 30% in this subarea.~~

Clean Amendments

Zoning Ordinance

CHAPTER 19.300 BASE ZONES

19.312 NORTH MILWAUKIE INDUSTRIAL AREA

19.312.1 Purpose

- A. The Tacoma Station Area Mixed Use Zone (MUTSA) is intended to support the goals and policies of the North Milwaukie Industrial Area (NMIA) Plan. The MUTSA district is intended to take advantage of its unique location near the Tacoma light rail station and provide opportunities for a wide range of uses. The primary uses in this zone include housing, limited commercial and service-related office use, high intensity office employment, and industrial uses including uses involved in production, manufacturing and processing, of goods.
- B. The North Milwaukie Employment Zone (NME) Zone is intended to support the goals and policies of the NMIA Plan and retain the area as a viable industrial and employment zone. The primary uses in the zone are intended to be uses involved in production, manufacturing, processing, and transportation of goods, as well as uses providing opportunities for higher intensity employment such as production-related office, laboratories, and research and development uses. Limited specific uses not involving the production and transportation of goods, which are appropriate for industrial areas due to their use characteristics, are also allowed. Service-related office and commercial uses are intended to be incidental uses that are minor in relation to the industrial uses on a site and should be subordinate and accessory to the industrial uses in the zone.

19.312.2 Uses

A. Permitted Uses

Uses allowed outright in the commercial mixed-use zones are listed in Table 19.312.2 with a “P.” These uses are allowed if they comply with the development and design standards and other regulations of this title.

B. Community Service Uses

Uses listed in Table 19.312.2 as “CSU” are permitted only as community service uses in conformance with Section 19.904.

C. Conditional Uses

Uses listed in Table 19.312.2 as “CU” are permitted only as conditional uses in conformance with Section 19.905.

C. Nonconforming Uses, Structures, and Development

Existing structures and uses that do not meet the standards for the commercial mixed-use zones 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

Proposed Code Amendment

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 19.312.2, and not considered accessory or similar pursuant to Subsections 19.312.2.F and G below, are prohibited. Uses listed with an “N” in Table 19.312.2 are also prohibited.

E. Limited Uses

Uses listed in Table 19.312.2 as “L” are permitted only as limited uses in conformance with Section 19.312.5.

F. Accessory Uses

Uses that are accessory to a primary use are allowed if they comply with all development standards.

G. 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 19.312.2. The unlisted use shall be subject to the standards applicable to the similar example use.

Table 19.312.2 Uses Allowed in Commercial Mixed-Use Zones			
Uses and Use Categories	NME	MUTSA	Standards/Additional Provisions
Residential			
Multifamily	N	P	Subsection 19.505.3 Multifamily Housing
Mixed use residential	N	P	Subsection 19.312.6 Development Standards for All Uses
Live/work units	N	P	Subsection 19.505.6 Live/Work Units
Commercial			
Office 1. Production-related office uses are characterized by activities that, while conducted in an office-like setting, involve less face-to-face customer contact and do not tend to generate foot traffic. Their operations are less service-oriented than traditional office uses and focus on the development, testing, research, production, processing, packaging, or assembly of goods and products. Examples include: corporate headquarters, architects, engineers, financial services or accounting firm headquarters, call offices/call center, software and internet content development and publishing; telecommunication service providers;	P	P	

Proposed Code Amendment

Table 19.312.2 Uses Allowed in Commercial Mixed-Use Zones			
Uses and Use Categories	NME	MUTSA	Standards/Additional Provisions
data processing; television, video, radio, and internet studios and broadcasting; scientific and technical services; government and utility research offices; call centers, marijuana testing and research facilities, and medical and dental labs or research/bioscience facility. 2. Service-Related Office Traditional service-related office uses are characterized by activities that generally focus on direct in-person, customer-focused services including government, professional, medical, or financial services. These office uses generally involve a high level of face-to-face customer contact and are typically expected to generate foot traffic. Examples include: professional services such as lawyers; financial businesses such as lenders, retail brokerage houses, bank branches, or real estate agents; sales offices; government offices and public utility offices; counseling offices; and medical and dental clinics.	L	L	Subsection 19.312.4 Standards for Limited Uses
Drinking establishments Drinking establishments primarily involve the sale of alcoholic beverages for on-site consumption. Examples include taverns, bars, or cocktail lounges.	L	L/CU	Subsection 19.312.4 Standards for Limited Uses
Eating establishments Eating establishments primarily involve the sale of prepared food and beverages for on-site consumption or takeout. Eating establishments may include incidental sales of alcoholic beverages. Examples include restaurants, delicatessens, retail bakeries, coffee shops, concession stands, and espresso bars.	L	L/CU	Subsection 19.312.4 Standards for Limited Uses
Retail-oriented sales Sales-oriented retail firms are involved in the sale, leasing, and rental of new or used products to the general public.	L	L	Subsection 19.312.4 Standards for Limited Uses

Proposed Code Amendment

Table 19.312.2 Uses Allowed in Commercial Mixed-Use Zones			
Uses and Use Categories	NME	MUTSA	Standards/Additional Provisions
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.			
Marijuana retailer Marijuana retailer means a state-licensed business that sells or distributes marijuana and marijuana-derived products to consumers. A marijuana retailer may sell or distribute recreational or medical marijuana.	N	L	Subsection 19.312.4 Standards for Limited Uses Subsection 19.509.2 Security and Odor Control for Certain Marijuana Businesses See Marijuana Businesses
Personal service Personal service firms are involved in providing consumer services. Examples include hair, tanning, and spa services; pet grooming; photo and laundry drop-off; dry cleaners; and quick printing.	L	L	Subsection 19.312.4 Standards for Limited Uses
Day care. Day care is the provision of regular childcare, with or without compensation, to 4 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. Examples include nursery schools, before- and after-school care facilities, and child development centers.	N	L	Subsection 19.312.4 Standards for Limited Uses
Hotel/motel	N	CU	Subsection 19.905 Conditional Uses
Adult entertainment businesses ¹	N	CU	Subsection 19.905 Conditional Uses
Industrial, Manufacturing and Production			
Manufacturing and production. 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	P	P	

Proposed Code Amendment

Table 19.312.2 Uses Allowed in Commercial Mixed-Use Zones			
Uses and Use Categories	NME	MUTSA	Standards/Additional Provisions
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.			
Construction: Contractors and Related Businesses This category comprises businesses whose primary activity is performing specific building or other construction-related work, on- or off-site. Examples include: residential and nonresidential building construction, utility/civil engineering construction, specialty trade contractors, and moving companies.	P	P	
Wholesale Trade, Warehousing, Distribution 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: operating warehousing and storage facilities for general merchandise, refrigerated goods, and other products and materials that have been manufactured and are generally being stored in anticipation of delivery to final customer. Includes fleet parking. Ministorage facilities (generally used by many individual customers to store personal property) are not considered industrial warehousing and storage and are not permitted.	P	L	Subsection 19.312.4 Standards for Limited Uses

Proposed Code Amendment

Table 19.312.2 Uses Allowed in Commercial Mixed-Use Zones			
Uses and Use Categories	NME	MUTSA	Standards/Additional Provisions
Repair and Service This category comprises firms involved in repair and servicing of industrial, business, or consumer electronic equipment, machinery, and related equipment, products, or by-products. Examples include: welding shops; machine shops; tool, electric motor, and industrial instrument repair; sales, repair, or storage of heavy machinery, metal, and building materials; heavy truck servicing and repair; tire retreading or recapping; exterminators, including chemical mixing or storage and fleet storage and maintenance; janitorial and building maintenance services that include storage of materials and fleet storage and maintenance; fuel oil distributors; solid fuel yards; and large-scale laundry, dry-cleaning, and carpet cleaning plants. Few customers come to the site, particularly not general public daily customers. Auto service and repair shops for personal vehicles are not included in this category and are not permitted.	P	L	Subsection 19.312.4 Standards for Limited Uses
Trade Schools This category comprises establishments whose primary purpose is to provide training for industrial needs and job-specific certification. Examples include: electronic equipment repair training, truck-driving school, welding school, training for repair of industrial machinery, job skills training classrooms, and other industrial/employment skills training.	P	P	
Creative Space Industrial/manufacturing space specifically for artist-type uses. Examples include: artist manufacturing studios (welding, pottery, ceramics, painting, glass, etc.); sound stage and/or film production; set design and production; music studio/production.	P	P	
Waste Management² This category comprises businesses that provide garbage and recycling	CU/P	N	

P = Permitted.
N = Not permitted.

Proposed Code Amendment

L = Limited

CSU = Permitted with community service use approval subject to provisions of Section 19.904. Type III review required to establish a new CSU or for major modification of an existing CSU. Type I review required for a minor modification of an existing CSU.

CU = Permitted with conditional use approval subject to the provisions of Section 19.905. Type III review required to establish a new CU or for major modification of an existing CU. Type I review required for a minor modification of an existing CU.

1. When considering an adult entertainment business, the following criteria shall be used:
 - a. The proposed location of an adult entertainment business shall not be within 500 ft of an existing or previously approved adult entertainment business or within 500 ft of either a public park, a church, a day-care center, a primary, elementary, junior high, or high school, or any residentially zoned property.
 - b. Distances shall be measured in a straight line, without regard to intervening structures, between the closest structural wall of the adult entertainment business and either the closest property line of the applicable property or the closest structural wall of any preexisting or previously approved adult entertainment business.
2. Waste Management uses in existence prior to December 31, 2017 are Permitted; uses proposed after that date are permitted as a Conditional Use.

19.312.3 Specific Prohibited Uses

Any use which has a primary function of storing or manufacturing explosive materials or other hazardous material as defined by the Oregon Fire Code, Chapter 27.

- F. In addition, when considering an adult entertainment business, the following criteria shall be used:
1. The proposed location of an adult entertainment business shall not be within 500 ft of an existing or previously approved adult entertainment business or within 500 ft of either a public park, a church, a day-care center, a primary, elementary, junior high, or high school, or any residentially zoned property.
 2. Distances shall be measured in a straight line, without regard to intervening structures, between the closest structural wall of the adult entertainment business and either the closest property line of the applicable property or the closest structural wall of any preexisting or previously approved adult entertainment business.

19.312.4 Standards for Limited Uses

The following standards apply to those uses listed as limited (L) in Table 19.312.2.

A. Retail, Service-Related Office, Eating and Drinking Establishments, and Personal Service Uses

To ensure that these uses are limited in size and scale and do not dominate land intended for manufacturing and higher intensity employment uses, the following standards apply. See Figure 19.313.6.B for an illustration of the size limitations.

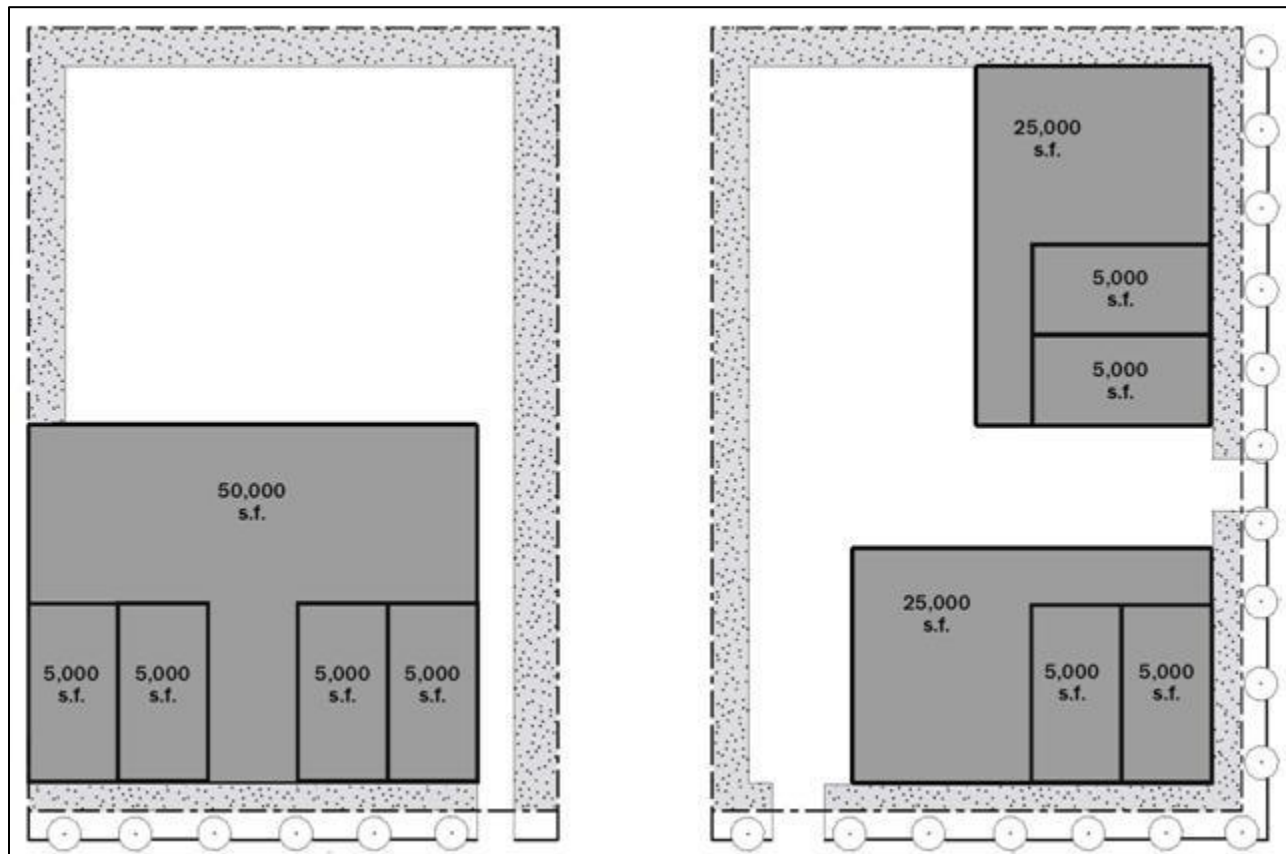
1. In the NME, the total gross leasable square footage of an individual retail, service-related office, eating and drinking establishment, and personal service use shall not exceed 5,000 sq ft or 40% of the floor area of an individual building, whichever is less. In the MUTSA and the NME, the total gross leasable square footage for a development shall not exceed 20,000 sq ft.
2. In the NME and MUTSA, multiple retail, service-related office, eating and drinking establishments, and personal service uses shall not exceed 20,000 cumulative gross leasable sq ft within the same development project. For the purposes of this section, a development project is defined as:
 - a. A single building with 50,000 sq ft or more of gross floor area.

Proposed Code Amendment

- b. Multiple buildings, each with less than 50,000 sq ft of gross floor area, that share common development features (such as access, parking, or utilities), whether or not the buildings are located on the same or a different parcel or lot.
 - 3. In the NME, retail, service-related office, eating and drinking establishments, and personal service uses shall not be permitted in a stand-alone building. They must be included within a building whose primary purpose is for an allowed manufacturing use. The retail, service-related office, eating and drinking establishment, and personal service use is not required to be related to the primary manufacturing use. Food carts are permitted as a stand-alone use.
 - 4. In the MUTSA, eating and drinking establishments that exceed the above standards may be approved through a conditional use review pursuant to Section 19.905.
- B. Other Uses
- 1. In the MUTSA, the gross leasable square footage for wholesale, warehouse, storage uses shall not exceed 10,000 sq ft.
 - 2. In the MUTSA, the following repair and service uses, or similar, are not permitted: sales, repair, or storage of heavy machinery; heavy truck servicing and repair; tire retreading or recapping; fleet storage and maintenance; fuel oil distributors; and solid fuel yards.
 - 3. The gross leasable square footage for day care uses shall not exceed 5,000 sq ft.

Proposed Code Amendment

Figure 19.312.4.A (Need to revise this figure)
Size Limitations for Retail, Service Office, Eating and Drinking Establishments, and Personal Service Uses



19.312.5 Development Standards

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

Table 19.312.5 summarizes some of the development standards that apply in the mixed-use zone. Development standards are presented in detail in Subsection 19.312.6.

Table 19.312.5 North Milwaukie Industrial Area —Summary of Development Standards			
Standard	NME	MUTSA	Standards/ Additional Provisions
A. Lot Standards			
1. Minimum lot size (sq ft)	None	None	
2. Minimum street frontage (ft)	None	None	
B. Development Standards			
1. Floor area ratio (min/max)	0.5:1/3:1	0.5:1/3:1	
2. Building height (ft)			
a. Minimum	25	25	

Proposed Code Amendment

b. Maximum (Bonus/variance)	65-90	65-90	Subsection 19.XXXX – Building height bonus/Building height variance
3. Street setbacks (ft)			Subsection 19.312.6.A Setbacks
a. Minimum street setback	10	10	
b. Maximum street setback	None	None	
c. Side and rear setbacks	0-10 ¹	0-10	
4. Maximum lot coverage	85%	85%	
5. Landscaping	15%	15%	Subsection 19.312.6.B Landscaping
6. Off-street parking required	Yes	Yes	Subsection 19.312.6.E Parking, Loading, and Unloading Areas Chapter 19.600 Off-Street Parking and Loading
C. Other Standards			
1. Residential density requirements (dwelling units per acre)			Subsection 19.202.4 Density Calculations
a. Stand-alone residential			
(1) Minimum	N/A	None	
(2) Maximum	N/A	32.0	
b. Mixed-use buildings	N/A	32.0	
2. Signs	Yes	Yes	Subsection 14.16.050 Commercial Zone Subsection 19.312.6.H Signage for Non-manufacturing Uses
3. Design Standards	Yes	Yes	Subsection 19.312.6.I Design Standards for All New Construction and Major Exterior Alterations

1. Side and rear lot lines abutting a residential zone have a minimum 10-ft setback. Side and rear lot lines not abutting a residential have no required setback.

19.312.6 Development Standards for All Uses

The following detailed development standards describe additional allowances, restrictions, and exemptions related to the development standards of Table 19.312.6.

The following development standards apply to all uses in the MUTSA Zone and the NME Zone as specifically noted.

A. Setbacks**1. Front**

- a. Buildings that are 2 stories or less than 25 ft high with a front setback along Main St have no minimum setback requirement.
- b. Buildings that are more than 2 stories and at least 25 ft high with a front setback along Main St have a minimum 5-ft setback.
- c. Front yard setbacks along any other street have a minimum 10-ft setback.
- d. In the NME, all development with frontage on Main Street shall have a 10-ft front yard setback.

Proposed Code Amendment

2. Side and rear
 - a. Side and rear lot lines abutting a residential zone have a minimum 10-ft setback.
 - b. Side and rear lot lines not abutting a residential zone have no required setback.

B. Landscaping (NME and MUTSA)

15% landscaping of the site is required. The required landscape area shall comply with the following:

1. Permitted landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, and outdoor hardscape features.
2. No more than 20% of the required landscape area shall be covered in mulch or barkdust. Mulch or barkdust under the canopy of trees or shrubs is excluded from this limit.
3. Hardscape features (i.e., patios, decks, plazas, and similar) may cover up to 10% of the required landscape area.
4. Trees shall have a minimum 2-in caliper at time of planting, measured at 4 ft above grade.
5. Shrubs shall be planted from 5-gallon containers or larger.
6. All landscaped area that is not planted with trees and shrubs, or covered with nonplant material (barkdust or mulch), shall have ground cover plants that are sized and spaced as follows: a minimum of 1 plant per 12 in on center in triangular spacing, or other planting pattern that is designed to achieve 75% coverage of the area not covered by shrubs and tree canopy.
7. All plantings shall be maintained on an ongoing basis and shall be replaced if vegetation is diseased, dying, or dead.

C. Public Facility Improvements

As specified in Chapter 19.700.

D. Screening of Outdoor Uses (NME and MUTSA)

Outdoor uses shall be screened as follows:

1. All outdoor storage areas shall be screened from adjacent properties by a 6-ft-high sight-obscurer fence or wall or by the use of vegetation. Vegetation used to screen outdoor storage areas shall be of such species, number, and spacing to provide the required screening within 1 year after planting.
2. All screened or walled outdoor use and storage areas which abut a public street shall be set back a minimum of 25 ft from the property line(s). Within that setback area trees and evergreen shrubs shall be planted. The plants shall be of such a variety and arranged to allow only minimum gaps between foliage of mature trees and plants within 4 years of planting.
3. All plantings used to screen outdoor uses shall be maintained on an ongoing basis and shall be replaced if vegetation is diseased, dying, or dead.

E. Parking, Loading, and Unloading Areas

In the NME and MUTSA, parking, loading, and unloading areas shall be located as follows:

1. Parking, loading, and unloading areas shall not be located within required setbacks.

Proposed Code Amendment

2. No loading or unloading facilities shall be located adjacent to lands designated for residential uses, or residential community services, if there are alternative locations of adequate size on the subject site. No loading area shall be located between the front of a building and a front lot line, regardless of required setbacks.

3. **Parking Requirements**

In the NME, the following parking requirements apply and supersede any conflicting requirements found in Table 19.605.1 or other sections of the code.

- a. **Office Uses**

- (1) Minimum number of parking spaces: 2 per 1,000 sq ft of gross floor area
 - (2) Maximum number of parking spaces: 4.1 per 1,000 sq ft of gross floor area

- b. **Retail and Personal Service Uses**

- (1) Minimum number of parking spaces: 2 per 1,000 sq ft of gross floor area
 - (2) Maximum number of parking spaces: 6.2 per 1,000 sq ft of gross floor area

- c. **Manufacturing Uses**

- (1) Minimum number of parking spaces: 1 per 1,000 sq ft of gross floor area
 - (2) Maximum number of parking spaces: none

4. The minimum and maximum parking requirements may be modified consistent with Section 19.605.2 Quantity Modifications and Required Parking Determinations.

- F. **External Effects (NME and MUTSA)**

The potential external effects of manufacturing uses shall be minimized as follows:

1. Except for exterior lighting, operations producing heat or glare shall be conducted entirely within an enclosed building.
2. Potential nuisances such as noise, odor, electrical disturbances and other public health nuisances are subject to Title 8 Health and Safety.
3. Roof-mounted mechanical equipment, such as ventilators and ducts, for buildings located adjacent to residential districts, arterial streets, or transit streets, shall be contained within a completely enclosed structure that may include louvers, latticework, or other similar features. This screening requirement does not apply to roof-mounted solar energy systems or wind energy systems.

- G. **Additional Standards**

Chapter 19.500 Supplementary Development Regulations contains additional standards that may apply. (Ord. 2134 § 2, 2016; Ord. 2094 § 2, 2015; Ord. 2071 § 5, 2013)

- H. **Signage for Non-manufacturing Uses**

At least 1 pedestrian-oriented sign shall be provided along the building façade that faces the street. Pedestrian-oriented signs may be attached to the building, an awning, a kiosk, hanging, or otherwise so long as they are displayed no higher than 10 ft above the sidewalk and face the street. All signs must comply with Title 14 Signs.

- I. **Design Standards for All New Construction and Major Exterior Alterations**

Manufacturing and nonmanufacturing uses shall comply with the standards below in the MUTSA and all development with frontage **along Main St in the NME**. Exterior maintenance

Proposed Code Amendment

and repair, and minor exterior alterations, are not subject to these standards. Subsection 19.313.7.M below defines exterior maintenance and repair and major/minor exterior alterations.

1. Ground-Floor Windows and Doors

Long expanses of blank walls facing the street or other public area have negative impacts on the streetscape and the pedestrian environment. To minimize these effects, the standards of this section are intended to enhance street safety and provide a comfortable walking environment by providing ground-level features of interest to pedestrians. All exterior walls facing the street or sidewalk must meet the following standards:

- a. In the MUTSA, 50% of the ground-floor street wall area must consist of openings (30% in the NME); i.e., windows or glazed doors. The ground-floor street wall area is defined as the area up to the finished ceiling height of the space fronting the street or 15 ft above finished grade, whichever is less. See Figure 19.313.7.L.1.a. Window coverage is defined as the total ground-floor window area divided by the total ground-floor street wall area.

Figure 19.312.6.I.1.a
Ground-Floor Windows and Doors



Area Calculation for Ground-Floor Windows and Doors:

Single window area = $L \times M$

Total window area (TWA) = $(L \times M) \times (\text{number of window bays, including transparent doors})$

Total ground-floor street wall area = $X \times Y$

- b. Ground-floor windows shall be distributed along the wall area such that there are no lengths of windowless wall greater than 20 ft.
- c. Clear glazing is required for ground-floor windows. Nontransparent, reflective, or opaque glazing are not permitted.

Proposed Code Amendment

- d. Ground-floor windows shall allow views into storefronts, working areas, or lobbies. No more than 50% of the window area may be covered by interior furnishings including but not limited to curtains, shades, signs, or shelves. Signs are limited to a maximum coverage of 20% of the window area.

2. Windows

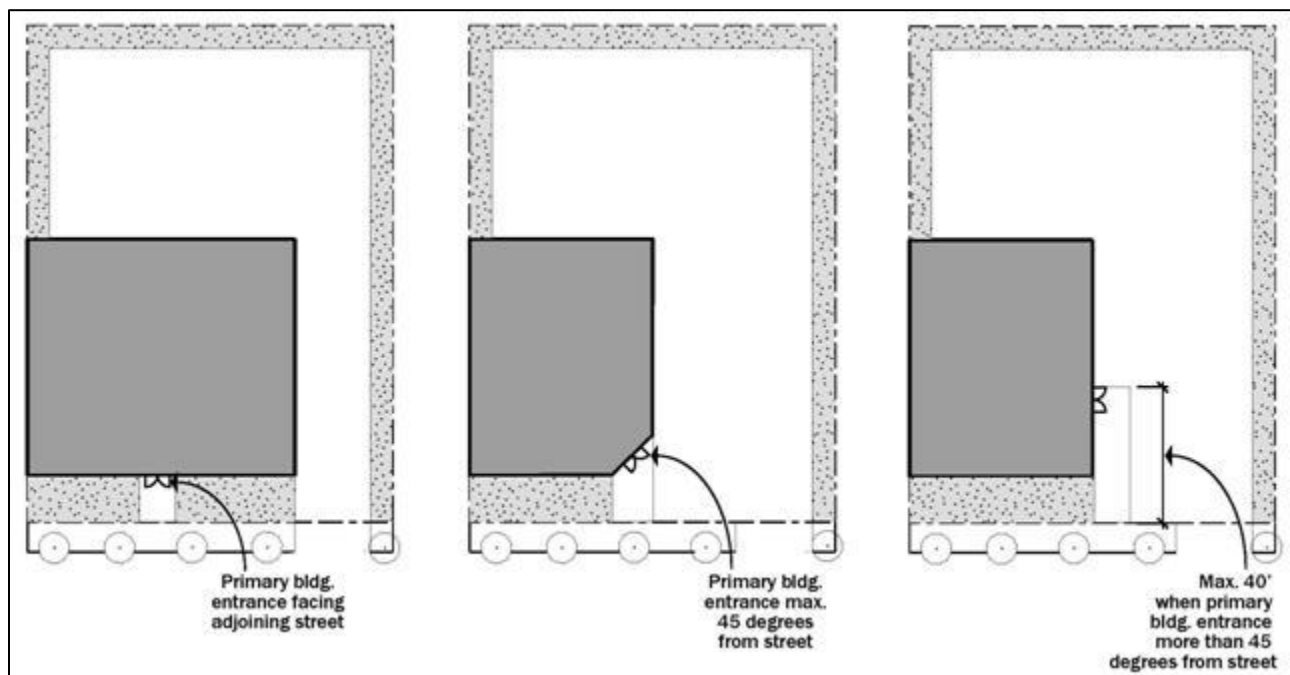
The following standards are applicable to building windows facing streets, courtyards, and/or public squares.

- a. Windows shall be “punched” openings recessed a minimum of 2 in from the wall surface.
- b. Window height shall be equal to or greater than window width.
- c. The following windows are prohibited.
 - (1) Reflective, tinted, or opaque glazing.
 - (2) Simulated divisions (internal or applied synthetic materials).
 - (3) Exposed, unpainted metal frame windows.

3. Building Orientation

All buildings shall have at least one primary building entrance (e.g., dwelling entrance, customer entrance, tenant entrance, lobby entrance, or breezeway/courtyard entrance) facing an adjoining street (i.e., within 45 degrees of the street property line). If the building entrance is turned more than 45 degrees from the street (e.g., front door is on a side wall), the primary entrance shall not be more than 40 ft from a street sidewalk, except to provide pedestrian amenities. In all cases, a walkway shall connect the primary entrance to the sidewalk. See Figure 19.312.6.I.3 for illustration.

**Figure 19.312.6.I.3
Building Entrances**



Proposed Code Amendment

4. Weather Protection

All building entrances shall include an awning, canopy, recess, or some other form of shelter to provide weather protection and shade for users.

5. Design Standards for Walls

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

- 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.
 - (3) Plywood paneling.
 - (4) Brick with dimensions larger than 4 x 8 x 2 in.
 - (5) Vinyl or metal cladding.
 - (6) Composite wood fiberboard or composite cement-based siding.

6. Design Standards for Roofs

The following standards are applicable to building roofs.

- a. Flat roofs shall include a cornice with no less than 6 in depth (relief) and a height of no less than 12 in.
- b. Mansard or decorative roofs on buildings less than 3 stories are prohibited.

J. Definitions for Applicability of Design Standards

- 1. Exterior maintenance and repair includes refurbishing, painting, and weatherproofing of deteriorated materials, as well as in-kind restoration or replacement of damaged materials. Exterior maintenance and repair does not include replacement of materials due to obsolescence or when associated with minor or major exterior renovation, as defined below. Exterior maintenance and repair does not include the placement of signs.
- 2. Minor exterior alterations include the exterior alterations of any portion of a structure that do not fall within the definitions of “exterior maintenance and repair” or “major exterior alterations.” Minor exterior alterations include, but are not limited to, the application or installation of finish building treatments, including windows and other glazing, doors, lintels, copings, vertical and horizontal projections (including awnings), and exterior sheathing and wall materials. Minor exterior alteration does not include the placement of signs.
- 3. Additions not exceeding 250 sq ft may be considered minor exterior alterations only when the additional floor area is designed and used for utility, HVAC, other mechanical equipment, ADA upgrades, or egress required by applicable fire safety or building codes.
- 4. Major exterior alterations include any of the following:
 - a. Alterations that do not fall within the definitions of “exterior maintenance and repair” or “minor exterior alterations.”

Proposed Code Amendment

- b. Demolition or replacement of more than 25% of the surface area of any exterior wall or roof.
 - c. Floor area additions that exceed 250 sq ft or do not meet the limited purposes as defined under the minor exterior alteration (ADA upgrades, etc.).
- 5. The design standards in Subsection 19.312.6.L above are applicable to major exterior alterations as follows:
 - a. Major exterior alterations involving a wall(s) shall comply with the design standards for walls and the design standards for windows for that wall(s).
 - b. Major exterior alterations involving a roof shall comply with the design standards for roofs.

Proposed Zoning Table and Definitions

Proposed Primary Land Use Category	Proposed Zoning	
	MTSA (combined 1-3)	NMIA
MANUFACTURING		
Construction: Contractors and Related Businesses	P	P
Manufacturing and Production	P	P
Waste Management	N	P
Repair and Service	P	P
Creative space	P	P
DISTRIBUTION		
Wholesale Trade	P	P
Warehousing and Storage	P ¹	P
OFFICE²		
Service Office • <i>High level of face to face customers</i>	P	L ^{3,4}
Production Office • <i>Limited face to face interaction with customers</i>	P	P
Research and Development/bioscience	P	P
Trade Schools	P	P
COMMERCIAL/RETAIL		
Retail Sales	L ⁴	L ⁴
Eating and drinking establishments	P	L ⁵
Personal Service	P	L ⁶
Repair-oriented	P	P
Hotel/Motel	CU	N
COMMUNITY SERVICE USE		
Government offices	P	P
Public Transit Facilities or passenger terminal	CSU	CSU
Schools (public or private)	CSU	CSU
Recreation facilities (public or private)	CSU	CSU
Parks and open space	P	P
Transitional or correctional facility (public or private)	CSU	CSU
Hospital	CSU	CSU
INFRASTRUCTURE		
Utilities (sewage pumping stations, water wells, pump stations)	P	P
Communication facilities (includes WCF)	P	P

¹ Warehouse must be accessory to an industrial use or other permitted use

² See definitions for Service Office and Production Office

³ Not permitted on the ground floor

⁴ Limitation on maximum size of retail uses and offices; limited in NMIA – intended as employee amenities

⁵ Limitation on maximum size of restaurants; intended as employee amenities

⁶ Limitation on maximum size of personal service uses; intended as employee amenities

Proposed Zoning Table and Definitions

Electrical power substations	P	P
RESIDENTIAL		
Single family/duplex	N	N
Multifamily	P	N
Mixed Use	P	N
Live/work	P	N
MARIJUANA BUSINESSES		
Retailers	P	N
Processing, testing, research, warehousing	P	P
Production	P ⁷	P ⁷

P = Permitted

L = Limited

N = Not Permitted/Prohibited

CSU= Community Service Review (Type III)

CU = Conditional Use Review (Type III)

⁷ Subject to the standards of Subsections 19.509.2 and 19.509.3

Proposed Zoning Table and Definitions

DEFINITIONS

Manufacturing

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.

Creative Space

Industrial/manufacturing space specifically for artist-type uses. Examples include: artist manufacturing studios (welding, pottery, ceramics, glass, etc.); sound stage and/or film production; set design and production; music studio/production

Construction Related Businesses

This category comprises businesses whose primary activity is performing specific building or other construction-related work, on- or off-site. Examples include: residential and nonresidential building construction, utility/civil engineering construction, specialty trade contractors, and moving companies. Any associated on-site office use must be accessory to the primary construction business.

Repair and Service

This category comprises firms involved in repair and servicing of industrial, business, or consumer electronic equipment, machinery, and related equipment, products, or by-products. Examples include: welding shops; machine shops; tool, electric motor, and industrial instrument repair; sales, repair, or storage of heavy machinery, metal, and building materials; heavy truck servicing and repair; tire retreading or recapping; exterminators, including chemical mixing or storage and fleet storage and maintenance; janitorial and building maintenance services that include storage of materials and fleet storage and maintenance; fuel oil distributors; solid fuel yards; and large-scale laundry, dry-cleaning, and carpet cleaning plants. Few customers come to the site, particularly not general public daily customers. Auto service and repair shops for personal vehicles are not included in this category and are not allowed.

Waste Management

This category comprises businesses that provide garbage and recycling hauling, including fleet parking and maintenance. Storage of waste or recycling materials collected by a waste management business for any period of time is not permitted

Proposed Zoning Table and Definitions

Wholesale Trade

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.

Warehousing and Storage

This category comprises industries that are primarily engaged in operating warehousing and storage facilities for general merchandise, refrigerated goods, and other products and materials that have been manufactured and are generally being stored in anticipation of delivery to final customer. Examples include: transportation and distribution uses with loading docks, temporary outdoor storage, and fleet parking. Ministorage facilities (generally used by many individual customers to store personal property) are not considered industrial warehousing and storage and are not permitted.

Service-related Office

Traditional office uses are characterized by activities that generally focus on business, government, professional, medical, or financial services. These office uses generally involve a high level of face-to-face customer contact and are typically expected to generate foot traffic.

Examples include: professional services such as lawyers; financial businesses such as lenders, retail brokerage houses, bank branches, or real estate agents; sales offices; government offices and public utility offices; dance/theatre studios; counseling offices; government or utility service offices; and medical and dental clinics.

Production-related Office

Production-related office uses are characterized by activities that, while conducted in an office-like setting, involve less face-to-face customer contact and do not tend to generate foot traffic. Their operations are less service-oriented than traditional office uses and focus on the development, testing, research, production, processing, packaging, or assembly of goods and products.

Examples include: corporate headquarters, architects, engineers, financial services or accounting firm headquarters, call offices/call center, software and internet content development and publishing; telecommunication service providers; data processing; television, video, radio, and internet studios and broadcasting; scientific and technical services; government and utility research offices; call centers, marijuana testing and research facilities, and medical and dental labs or research facility.

Retail Sales

Sales-oriented retail firms are involved in the sale, leasing, and rental of new or used products to the general public.

Proposed Zoning Table and Definitions

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.

Personal Service

Personal-service-oriented firms are involved in providing consumer services.

Examples include hair, tanning, and spa services; pet grooming; photo and laundry drop-off; dry cleaners; and quick printing.

Repair-oriented

Repair-oriented uses are establishments providing product repair of consumer and business goods.

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 service and repair.

Eating and drinking establishment

Eating and drinking establishments primarily involve the sale of prepared food and beverages for on-site consumption or takeaway.

Examples include restaurants, delicatessens, retail bakeries, taverns, brewpubs, coffee shops, concession stands, wine bars, and espresso bars.



MILWAUKIE

Dogwood City of the West

To: Planning Commission and City Council

From: Denny Egner, Planning Director

Date: October 2, 2017 for the October 10, 2017 Planning Commission Worksession and the Joint Planning Commission/City Council Meeting on October 17, 2017

Subject: 2018 Planning Commission Work Program and Bylaw Review

ACTION REQUESTED

Review and comment on the draft Planning Commission work program and goals for 2018 and the Commission's bylaws. The Commission is scheduled to meet with the City Council to discuss its work program and bylaws on October 17, 2017.

BACKGROUND INFORMATION

The City Council and Planning Commission meet annually to discuss the Planning Commission's work program and goals. The last joint meeting to discuss the Planning Commission work program and goals was on October 18, 2016. The Commission's bylaws were reviewed and changes suggested at that meeting. Final amendments to the bylaws were reviewed by the Commission in February and adopted by the Council on April 4, 2017.

The Planning Commission serves the City by reviewing and advising on matters related to planning and zoning, as set forth in the Comprehensive Plan and Zoning, Sign, and Land Division ordinances. It does this by deciding land use and development applications, developing long-range plans, and proposing updates and amendments to the Milwaukie Municipal Code and Comprehensive Plan. Planning staff works closely with the Commission to make progress in all of these areas.

A. Major Accomplishments in 2016/17

The Planning Commission has worked on a number of significant projects since the last discussion of the Commission's work program. Projects included:

Projects

- **Visioning** – The Vision and Action Plan was adopted by the City Council on September 5, 2017. The Commission held work sessions related to the Vision and many Commissioners participated in community events.

- **North Milwaukie Industrial Area** – On July 18, 2017, the Council adopted a resolution directing staff to move forward with the preparation of code amendments and programs to implement the North Milwaukie Industrial Area concept plan. Over the previous year, the Commission participated in several work sessions related to the plan.
- **Housekeeping Code Amendments** – The Planning Commission held a public hearing on the Housekeeping Code amendments on December 13, 2016. The amendments were adopted by the Council on February 7, 2017.
- **Sign Code Amendments** – Sign Code amendments were split off from the housekeeping amendments and addressed through a separate action. The Planning Commission recommended approval of the amendments on February 28, 2017 and the Council approved the ordinance amendments on April 4, 2017.
- **Development Review** – Development review has required a large component of the Commission's time over the past year. The Commission has held public hearings on 16 land use applications including:
 - 4 Residential Subdivisions;
 - 4 Willamette Greenway permits;
 - 2 Community Service Uses;
 - 2 Conditional Uses;
 - 2 Variances (not associated with another application);
 - 1 Downtown Development Review; and
 - 1 Historic Resource Demolition.

B. Draft Work Program and Goals for 2018

City Council Goals

City Council goals for the 2017/19 biennium were adopted on May 2, 2017 and include the following:

- **Housing** - Find and work with partners to add new affordable housing units, and to encourage the private market to develop housing options that are affordable for Milwaukians at every income level and stage of life.
- **Climate Action Plan** - Create a Milwaukie Climate Action Plan and determine the city's current carbon footprint as a first step towards dramatically reducing the city's carbon impact.
- **Milwaukie Bay Park** - Work with North Clackamas Parks and Recreation Department (NCPRD) and our Parks and Recreation Board (PARB) to explore potential changes to the current master plan and to prioritize the accumulation of funding necessary to complete Milwaukie Bay Park by 2022.

Depending on the goal, there will be different levels of involvement by the Commission. The Council Goals require some involvement by the Planning Commission. Each goal is addressed briefly below:

- **Housing** – The Planning Commission will be involved in any zoning ordinance text or map changes that might result from the process. *Commission involvement in 2018: moderate.*
- **Climate Action Plan** – Commission involvement will be limited and will generally be focused on zoning or subdivision code amendments that come from the process. *Commission involvement in 2018: low.*
- **Milwaukie Bay Park** – The current plan for the park was approved through the development review process. Depending on what changes are proposed, it is unclear whether the Planning Commission will be involved in the review. *Commission involvement in 2018: low.*

Planning and Community Development Projects

The following projects are those that are currently being addressed by the Planning staff. Some of these projects will require involvement by the Planning Commission.

- **Annual Code Maintenance** – Staff intends to hold a work session with the Planning Commission regarding necessary code amendments before the end of 2017. Hearings will be held in early 2018. *Commission involvement in 2018: moderate.*
- **North Milwaukie Industrial Area** – In September, City Council passed a resolution directing staff to prepare plan and code amendments to implement the North Milwaukie Industrial Area (NMIA) Plan. A worksession with the Commission on the code amendments is scheduled for October 10, 2017. As currently envisioned, the work will result in adoption of two new zone districts covering the entire NMIA. In addition, the NMIA plan will replace the Tacoma Station Area Plan as the ancillary Comprehensive Plan document for the area. *Commission involvement in October to December of 2017: high. Commission involvement in 2018: low.*
- **Comprehensive Plan Update** – The City is initiating a major effort to update the Comprehensive Plan. Commissioner Travis has been selected by the Commission as the Commission's member assigned to the Comprehensive Plan Advisory Committee. The project will update background information for all elements of the plan and involve a detailed review of all plan policies. Two draft background documents, an Economic Opportunities Analysis and a Housing Needs Analysis, have been prepared and will be brought to the Commission and Council for review. *Commission involvement in 2018: high (A high level of involvement is expected over the next 2 years).*
- **Willamette Greenway Update** – As part of the update to the Comprehensive Plan, the City is applying for a Technical Assistance Grant to update the Willamette Greenway element of the plan. The work will involve adoption of a new map, along with new plan policies and code language. *Commission involvement in 2018: moderate.*
- **Cottage Cluster Study** – The City has received a grant from Metro to identify candidate sites for cottage cluster development. An outcome of the project is likely to be a set of recommendations to amend the City's current cottage cluster code standards. *Commission involvement in 2018: moderate.*
- **Development Review** – Land use applications are expected for the following projects in the coming year:

- Milwaukie High School Remodel and related projects – Lake Rd baseball field lighting and Rowe Middle School tennis court expansion;
- Ledding Library redevelopment; and
- Coho Point at Kellogg Creek (Cash Spot site) redevelopment.

Commission involvement in 2018: high.

C. Planning Commission Bylaws

The joint meetings with City Council provide an opportunity to review bylaws and suggest any changes that are needed. Staff has not identified issues with the bylaws. A copy of the bylaws is attached.

D. Commission and Council Discussion

At the October 10, 2017, Planning Commission meeting, staff seeks the Commission's input regarding the draft 2018 work program prior to the Commission discussion with City Council on October 17, 2017. Staff believes that the Comprehensive Plan update project will require a significant amount of attention from the Planning Commission during this work planning period but there should be time for additional projects. The Planning Commission, in consultation with City Council, will need to prioritize which projects will receive attention. Suggested points for discussion at the October 10 and October 17 meetings include:

- Are there questions or clarifications needed regarding any of the projects listed above?
- Are there other projects that you would add for consideration in the work program?
- How should projects be prioritized?

ATTACHMENT:

1. Milwaukie Planning Commission Bylaws

MILWAUKIE PLANNING COMMISSION BYLAWS**ARTICLE I NAME**

The name of this commission is the Planning Commission (Commission).

ARTICLE II PURPOSE, AUTHORITY, AND OBJECTIVE

- A. **Purpose.** The purpose of the Commission is to serve as an advisory body to, and a resource for, the City Council in land use matters. In addition, the Commission shall carry out the roles and responsibilities as assigned under Milwaukie Municipal Code (MMC) Section 2.16.010.
- B. **Authority.** The Commission is authorized by ORS 227 and MMC Chapter 2.16.
- C. **Objective.** The Commission's objectives include articulating the community's values and commitment to socially and environmentally responsible uses of its resources as reflected in the Comprehensive Plan.
- D. **Open Meetings.** All meetings of the Commission are open to the public. The Commission has the authority to conduct an executive session under ORS 192.660.

ARTICLE III MEMBERSHIP

- A. **Appointment.** Each Commission member shall be appointed by the Mayor with the consent of Council, consistent with MMC 2.10.030 G. Members shall serve at the pleasure of the Council.
- B. **Term of Office.** Terms are for a period of four years. Commission members may serve no more than two consecutive full terms, unless there is an interval of at least one term prior to reappointment. The Council may waive this limitation if it is in the public interest to do so.
- C. **Membership.** The Commission consists of seven members. No more than two members may be non-residents, and no more than two members shall be engaged in the same kind of occupation, business, trade, or profession. No member may be a City of Milwaukie officer, agent, or employee; and no more than two voting members of the Commission may engage principally in the buying, selling, or developing of real estate for profit as individuals; or members of any partnership, or officers or employees of any corporation that engages principally in the buying, selling, or developing of real estate for profit.
- D. **Vacancies and Removal.** Vacancies are filled in the same manner as the original appointments. A member of the Commission may be removed by the appointing authority, after hearing, for misconduct or nonperformance of duty.
- E. **Attendance.** Upon failure of any member to attend three consecutive meetings, the Commission may recommend termination of that appointment to the Council, and the Council may remove the incumbent from the Commission and declare the position vacant to be filled in the manner of a regular appointment.

- F. **Compensation.** Commission members shall receive no compensation for their service, but shall be fully reimbursed for all duly authorized expenses.

ARTICLE IV OFFICERS AND STAFFING

- A. **Officers.** The officers consist of a Chair and a Vice Chair who shall be selected by the membership and who shall serve at the pleasure of the membership for one year. Nominations and election of new officers shall be taken from the floor at the Commission's first meeting of the calendar year. Officers may be re-elected. In the event that an officer is unable to complete the specified term, a special election shall be held for the completion of the term.
- B. **Chair.** The Chair shall preside at all deliberations and meetings of the Commission and call special meetings in accordance with these Bylaws and review Commission agendas with the staff liaison. The Chair shall sign all documents memorializing Commission actions in a timely manner after action by the Commission.
- C. **Vice Chair.** During the absence, disability, or disqualification of the Chair, the Vice Chair shall exercise or perform all duties and be subject to all the responsibilities of the Chair. In the absence of the Chair and Vice Chair, the remaining members present shall elect an acting Chair.
- D. **Staff.** The City of Milwaukie Planning Department will provide staff support to the Commission for: land use issues, meeting notifications, postponements, final disposition of matters, and other steps taken or acts performed by the Commission, which include administrative housekeeping functions such as word processing, minutes preparation, copying, and information gathering to the extent the budget permits.

ARTICLE V ORGANIZATIONAL PROCEDURES

- A. **Meetings.** The Commission shall hold meetings as necessary at a time and place designated by staff consistent with Oregon Public Meetings Law. Typically, the Commission meets at least once a month on the second and/or fourth Tuesday at 6:30 p.m. at City Hall. Commission meetings shall end no later than 10:00 p.m., unless extended by majority vote of the Commissioners present and participating in the Agenda item that is under consideration at that time. An extension to 10:30 p.m. is allowed by Commission action. If a meeting has not concluded at 10:30 p.m., the Commission may vote on the Agenda item, consider another extension of up to 30 minutes, or vote to continue the item to the next available meeting.
- B. **Quorum.** A quorum is four of the voting membership of the Commission. The concurrence of a majority of the Commission members present shall be required to decide any matter. In the case of a tie vote, the matter is not complete. One new motion may be made. If a majority vote is not obtained on that motion the agenda item fails. If a quorum is not attained fifteen minutes following the scheduled time of call to order, the meeting shall be cancelled. In the event it is known by the Director prior to a meeting that a quorum will not be present at any meeting, the Director shall notify the Commission members. All items scheduled for the meeting shall be automatically continued to a regularly scheduled meeting unless the Director determines that a special meeting is needed. The Director shall post notice of the continuance on the exterior

doors of City Hall notifying the public of the continuance and specifying the date and time when the continued items will be before the Commission. The Notice shall remain through the evening on which the meeting is originally scheduled.

- C. Order of Business.** The Chair shall have the authority to arrange the order of business as is deemed necessary to achieve an orderly and efficient meeting. In general, the order of business will be as follows:
1. Call to order – Procedural Matters
 2. Minutes
 3. Information Items
 4. Audience Participation
 5. Public Hearings
 6. Worksession Items
 7. Planning Department Other Business/Updates
 8. Planning Commission Discussion Items
 9. Forecast for Future Meetings.
- D. Voting.** All members who are present at a Commission Meeting, including the Chair and Vice Chair, are allotted one vote each on all motions. A motion may be made by any Commissioner with the exception of the presiding officer. All Commissioners, when a vote is taken, shall vote unless he or she abstains from voting and cites the reason for the record. Staff shall call the roll, altering the order of members called. The Chair shall vote last.
- E. Reconsideration of Actions Taken.** A member who voted with the majority may move for a reconsideration of an action at the same meeting only. The second of a motion may be a member of the minority. Once a matter has been reconsidered, no motion for further reconsideration shall be made without unanimous consent of the Commission.
- F. Minutes.** A staff representative or designee shall be present at each meeting and shall provide for a sound, video, or digital recording, or written minutes of each meeting. The record of the meeting, whether preserved in written minutes or sound, video, or digital recording, shall include at least the following information:
- Names of the Commission members present;
 - All motions and proposals, and their disposition;
 - The results of all votes and the vote of each Commission member by name;
 - The substance of any discussion on any matters; and,
 - A reference to any document discussed at the meeting;

Written minutes need not be a verbatim transcript, but give a true reflection of the matters discussed at the meeting and the views of the participants.

Written minutes of a meeting will be made available to the public within a reasonable time after the meeting.

Minutes shall be reviewed and voted upon by the Commission at a regular meeting.

- G. **Repeal or Amendments.** The Commission may review these bylaws periodically and forward suggested revisions to the Council for approval. These bylaws may be repealed or amended, or new bylaws may be adopted by a majority vote of the Council on its own initiative, or upon a recommendation from the Commission.
- H. **Meeting Conduct.** The meeting conduct for this Commission is these bylaws except where superseded by or local, state, or federal law.
- I. **Statement of Economic Interest.** Commissioners are required to file annual statements of economic interest as required by ORS 244.050 with the Oregon Government Standards and Practices Commission.

ARTICLE VI DUTIES OF OFFICERS

- A. **Duties of the Chair.** The Chair or Vice Chair, in addition to the duties in Article IV, shall preserve the order and decorum of the meeting.
 - 1. The Chair may assess the audience at the beginning of the meeting, and, with the consent of the Commission, announce reasonable time limits.
 - 2. The Chair will direct the planning staff to summarize the issues to be addressed and the criteria to be applied by the Commission during its deliberations, following the conclusion of public hearing testimony.
 - 3. The Chair will summarize the hearing results and state the appeal process at the conclusion of the public hearing.
- B. **Requesting Response and Opinion.** The Chair will ask for response and opinion from the members of the Commission.
- C. **Appointments to Specific Projects on Committees.** The Chair may appoint Commissioners to specific projects or committees, and may select a Commissioner to be spokesperson for the Commission when the Chair or Vice Chair is unavailable.
- D. **Confer with Director.** The Chair or Vice Chair shall confer with the Planning Director (Director) on a regular basis outside scheduled meetings concerning the direction each expects of the Commission.
- E. **Orientation of New Members.** The Chair, in conjunction with the Director, shall orient new members.

ARTICLE VII DUTIES OF THE COMMISSION

- A. **Duty of Commissioner.** Commissioners shall address all those who come before the Commission in a formal and courteous manner.
- B. **Absence From a Meeting.** If a Commissioner is unable to attend a meeting, it is that Commissioner's responsibility to inform the Community Development staff and/or the Commission Chair of that fact prior to the meeting to be missed.

- C. **Site Visits.** Prior to Commission meetings, Commissioners are encouraged to visit sites that are subjects for land use actions. If a Commissioner visits a site, he or she shall report on the record any information gained from the site visit that is not consistent with the information included in the application or staff report.
- D. **Method of Handling Conflicts by Members.** In accordance with ORS 244.135: (1) A member of the Commission shall not participate in any Commission proceeding or action in which any of the following has a direct or substantial financial interest:
1. The Commission or the spouse, brother, sister, child, parent, father-in-law, mother-in-law of the Commissioner;
 2. Any business in which the Commissioner is then serving or has served within the previous two years; or
 3. Any business with which the Commissioner is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.
 4. Any actual or potential interest shall be disclosed at the meeting of the Commission where the action is being taken.
- E. **Meeting Preparation.** Commissioners shall prepare for participation at a meeting by fully reviewing the staff report and materials provided by the Director. If a Commissioner is unable to attend a hearing on a quasi-judicial application that is continued to another hearing, the Commissioner shall not take part in the continuance hearing unless the Commissioner:
1. Reviews the staff report and materials provided by the Director as well as:
 - a. all materials submitted at the hearing, and
 - b. any additional materials prepared by the planning staff applicable to the application, and
 - c. either the audio recording of the hearing or the draft minutes of the hearing.
 2. Declares that they are prepared to participate.
- F. **Duties Assigned by Council.** The Commission shall carry out the duties assigned to it by Council relating to development, updating, and general maintenance of the Milwaukie Zoning Ordinance and the Milwaukie Comprehensive Plan.

ARTICLE VIII GOALS AND OBJECTIVES

- A. **Annual Goal Review.** The Commission shall review the Council goals annually for establishment of Commission goals which enhance and augment those of the Council.
- B. **Establishment of Commission Goals.** The Commission shall establish goals, at a minimum, annually.