



Work Session

WS

Milwaukie City Council

COUNCIL WORK SESSION

City Hall Council Chambers
10722 SE Main Street
www.milwaukieoregon.gov

AGENDA

JULY 17, 2018

			Page #
1.	4:00 p.m.	City Hall Facility Discussion Staff: Peter Passarelli, Public Works Director	6
2.	4:30 p.m.	Library Ballot Survey Staff: Ann Ober, City Manager, and Leila Aman, Development Manager	9
3.	5:00 p.m.	Housekeeping Code Amendments Round 2 Staff: Denny Egner, Planning Director, and Vera Kolas, Associate Planner	12
4.	5:30 p.m.	Adjourn	

Americans with Disabilities Act (ADA) Notice

The City of Milwaukie is committed to providing equal access to all public meetings and information per the requirements of the ADA and Oregon Revised Statutes (ORS). Milwaukie City Hall is wheelchair accessible and equipped with Assisted Listening Devices; if you require any service that furthers inclusivity please contact the Office of the City Recorder at least 48 hours prior to the meeting by email at ocr@milwaukieoregon.gov or phone at 503-786-7502 or 503-786-7555. Most Council meetings are streamed live on the City's website and cable-cast on Comcast Channel 30 within Milwaukie City Limits.

Executive Sessions

The City Council may meet in Executive Session pursuant to ORS 192.660(2); all discussions are confidential and may not be disclosed; news media representatives may attend but may not disclose any information discussed. Executive Sessions may not be held for the purpose of taking final actions or making final decisions and are closed to the public.

Meeting Information

Times listed for each Agenda Item are approximate; actual times for each item may vary. Council may not take formal action in Study or Work Sessions. Please silence mobile devices during the meeting.



COUNCIL WORK SESSION

City Hall Council Chambers
10722 SE Main Street
www.milwaukieoregon.gov

MINUTES

JULY 17, 2018

Mayor Mark Gamba called the Council meeting to order at 4:01 p.m.

Present: Council President Lisa Batey; Councilors Angel Falconer, Wilda Parks, Shane Abma

Staff: Associate Planner Vera Kolias	Engineering Director Charles Eaton
Assistant City Manager Kelly Brooks	Fleet and Facilities Supervisor Damien Farwell
City Manager Ann Ober	Housing and Economic Development Coordinator Valeria Vidal
City Recorder Scott Stauffer	Library Director Katie Newell
City Attorney Tim Ramis	Planning Director Denny Egner
Development Manager Leila Aman	Public Works Director Peter Passarelli

1. City Hall Facility Discussion

Mr. Passarelli explained that the City needed more employee space due to increased staffing levels and maxed-out office areas. He discussed the costs to convert the City Hall Council Chambers and conference room into office space and move the current chambers and conference room into the garage bay (also known as the Fire Bay). He noted the City's work with a structural engineering firm to renovate the garage bay and provided example floor plans for each of the three project phases. The group discussed the Phase 1 second-floor layout and the availability of conference rooms.

Mr. Passarelli provided an overview of Phase 2 changes on the first-floor of City Hall. He noted the process of insulating the walls in the garage bay. **Councilor Parks** and **Mayor Gamba** noted the sound-proofing that would need to occur. The group discussed different options for restrooms and Americans with Disabilities Act (ADA) accessibility. The group noted the square footage of the garage bay and discussed where the audio/visual room could be located. **Councilor Abma** noted the importance of Council and audience placement in relation to the media screens located in the new chambers. The group discussed the importance of meeting rooms being available for community groups and City groups.

Mr. Passarelli provided an overview of Phase 3 modifications for reconfiguring the current chambers and other City Hall spaces on the second floor.

Mr. Farwell and the group noted that redesign concepts for the first-floor reception area were being considered. **Ms. Ober** noted conversations with the Milwaukie Police Department (MPD) related to safety requirements. **Mr. Farwell** explained that a space needs assessment would be done to evaluate employee work areas at City Hall.

Mr. Passarelli provided project timelines. The group noted the need to temporarily shift Study Session meetings to the Public Safety Building (PSB). **Ms. Ober** noted the City had already hired more staff, so the need for office space was immediate.

Mr. Passarelli noted coordination issues and other concerns, including Municipal Court operations, staff parking, and accessibility.

Council President Batey and **Mr. Passarelli** discussed building reinforcement materials. **Councilor Falconer** looked forward to the opportunities for the new garage bay space and thanked everyone for being flexible to maximize the existing space.

2. Library Ballot Survey

Ms. Aman asked Council to review proposed ballot measure language meant to clarify the use of existing Library construction funds. She provided background on the Library project, noting the funding issues raised at a Planning Commission meeting. She reported that the project had been approved by the Planning Commission in April 2018, and Council had upheld the Planning Commission decision upon appeal in June 2018.

Ms. Aman explained that the City wanted to make sure the proposed Library building complied with the 2016 bond measure language for intended use of funds. She noted that the City had two options to seek validation, through court proceedings or go back to the ballot and ask the community to confirm the use of the general obligation bond for construction of a new library building. She explained why staff had selected the Court validation proceeding as the most transparent and timely option. She explained that a trial date had been set for August 6, 2018, and depending on when a decision was delivered by the judge, the City should be prepared to put language on the ballot to refer to voters. She explained the timelines and deadlines for submitting a ballot measure.

The group discussed the language of the ballot caption, question, and summary. It was Council consensus to use the term "library bond" in the caption and question, and use "general obligation bond" in the summary. **Mayor Gamba** and **Mr. Ramis** discussed the possibility of sharpening language in the summary. It was Council consensus to move up the sentence in the summary noting that no new taxes would be levied because of the measure. The group discussed potential changes to the summary language. **Ms. Ober** noted Council would revisit this at the end of tonight's Regular Session meeting.

3. Housekeeping Code Amendments Round 2

Ms. Ober and **Ms. Kolias** noted that some of the proposed changes to the Milwaukie Municipal Code (MMC) were housekeeping and some were related to policy.

Ms. Kolias explained why staff was proposing to create MMC Section 19.510, Green Building Standards and how the section related to North Milwaukie Industrial Area (NMIA) zoning. She discussed green standards and energy efficiency standards.

Ms. Ober clarified that there were some cost concerns about adding additional building requirements. She noted the difficulty of staff tracking various programs and standards and the need to evaluate different programs. The group discussed various local and national green and energy efficiency programs.

Mr. Egner noted that staff had not talked to developers or other key constituents about the proposed changes. He noted timelines and explained the work that still needed to be done. The group discussed energy costs. **Council President Batey** and **Mr. Egner** discussed the possibility of providing some form of public education about the changes. The group noted the importance of reaching out to developers.

Ms. Ober noted that this conversation was only about energy efficiency and did not include any renewal components. **Mayor Gamba** and **Ms. Ober** noted the different energy efficiency rating requirements. **Councilor Abma** and **Ms. Kolias** discussed efficiency certification processes. The group continued to discuss differences between programs such as the Energy Trust of Oregon (ETO)'s Path to Net Zero, LEED (Leadership in Energy and Environment Design) certification, and more. The group noted funding sources for different programs.

Mr. Egner and **Ms. Ober** noted next steps in the MMC amendments process.

Ms. Kolias noted that some proposed changes would affect the Green Building Standards section of the MMC and would be discussed at a future Work Session. She noted that Council President Batey had submitted questions about the changes to staff.

Ms. Kolias and **Council President Batey** discussed clarifying MMC language related to banners as temporary wall signs. The group discussed the logistics of temporary signs and the proposed three-month time limit for temporary signs.

Ms. Kolias discussed the proposal to eliminate step-backs from the Development Standards. She noted the proposal would keep the standard in the Downtown Design section of the MMC. **Mr. Egner** explained why staff was recommending the change.

The group noted that Council and staff would need more time to discuss the proposed MMC amendments.

Councilor Abma asked for clarification between the definition of livestock and pets. He also noted the "character of the neighborhood" line discussing odor in the marijuana business standards section, and the group discussed how that line could be re-worded.

Councilor Falconer and **Mayor Gamba** noted they wanted to discuss the proposed change regarding a maximum number of units on dead-end streets.

Ms. Ober asked Council to email staff any additional concerns.

Councilor Parks asked about the proposal to reduce the number of chickens allowed.

Ms. Kolias noted that staff was proposing that the City allow the same number of chickens that Clackamas County allowed.

Mayor Gamba adjourned the Work Session at 5:33 p.m.

Respectfully submitted,



Amy Aschenbrenner, Administrative Specialist II

This page intentionally left blank.



Memorandum

To: City Council
From: Alma Flores, Community Development Director
CC: Ann Ober, City Manager
Date: July 11, 2018
Re: Community Development Department Projects - City Council Update for July 17

Community

Development/Housing/Economic Development

- Milwaukie Housing Affordability Strategy: 2018-2023
- Housing Authority of Clackamas County: Hillside Manor rehabilitation and Hillside Master Plan
- Coho Point at Kellogg Creek Development
- South Downtown Area
- Harrison and Main Street Site
- Downtown Parking Strategy

Planning

- Comprehensive Plan Update
- Land Use/Development Review
 - City Council
 - Planning Commission
- Design and Landmarks Committee

Building

- June in Review to come

Engineering

- Private Development—Public Improvements
 - Engineering Projects
-

Community Development/Economic Development/Housing

Milwaukie Housing Affordability Strategy (MHAS): 2018-2023

- The **Milwaukie Housing Affordability Strategy** will be before council on July 17, 2018 for adoption. The five-year action plan has short-, mid-, and long- term actions for the next five years. A housing and economic development coordinator has been hired to help implement the plan and put the short-term actions in motion. Help me welcome Valeria Vidal as the new coordinator.

Housing Authority of Clackamas County (HACC): Hillside Manor Rehabilitation and Hillside Master Plan

- HACC submitted an application for 9% Low Income Housing Tax Credits (LIHTC) to Oregon Housing and Community Services (OHCS) on April 16th, 2018 to fund the Hillside Manor rehabilitation. OHCS will make recommendations to the Housing Stability Council in August, at which time HACC will know if it is being moved forward for a funding award.
- The Master Planning consultant team for Hillside has been selected with Scott Edwards Architecture to lead the process. The kickoff for the Master Plan

occurred on June 27th at the HACC 80th anniversary celebration. Public engagement and design charrettes will begin in the fall. Various opportunities to provide feedback on the plan will occur throughout the one-year process.

Coho Point at Kellogg Creek Development

- The Development Manager is in active negotiations with the developer. The development team presented initial massing, grading/balance cut and fill strategy for the site to get it out of the floodplain. They have also proposed an access plan for the site. There is potential that the Adams street right of way may be necessary for both balancing the site and providing access. Staff are considering options to for further consideration. The next steps are for the development team to refine grading plan, and the City has agreed to contract geotechnical study of the site. In the interim the development manager has been working with Guardian, Dr. Bolouri and the City attorney to draft an agreement that will allow Guardian to use the Coho site for construction parking. The intent is to help relieve pressure and concern of businesses about construction worker parking. Guardian will use access provided by Bolouri from Washington to access the site, and will be clearing out brush under the supervision of the City arborist.

South Downtown Area

- The website for [South Downtown](#) has been launched! It is a work in progress but provides project information, construction information, and will serve as a landing page for the community to learn more about what is happening in South Downtown including street closures.
 - Staff has been working with Axeltree (former Bernard's Garage) to define a traffic control plan for their upcoming underground work which is expected to commence as soon as the permit is issued. This may result in temporary closures on Washington street in the immediate future.
 - Staff are also working with Axeltree to define their traffic control plan for the construction of the building. The City expects to release a bid for the City improvement projects in July. Staff continues to do outreach to businesses, including attending monthly Historic Milwaukie NDA, engaging with the DMBA and working with project partners at Axeltree, and Milwaukie High School.

Harrison and Main Street Site

- Staff have been touring interested parties through downtown Milwaukie and the Harrison and Main site and anticipates a release of the RFQ in the late summer. The RFQ is being held until the parking study is complete and the south downtown work has gone to bid. A public hearing to declare the 5% interest in common in Metros site and a remnant piece of property will be held in August.

Downtown Parking Study

- A draft strategy and data analysis has been completed and informed by several interviews and focus groups. The existing conditions, and future forecast and draft strategy was presented to Council at the July 10 study session. The Development Manager will be working with the consultant to finalize a draft of the report for Council adoption in September.

Downtown Wayfinding – Implementation

- The final sign designs and color palette have been approved by staff and fabrication of the signs is beginning. Staff has scheduled an interim inspection of the fabrication for July 19th. Delivery of the signs is expected to be the week of July 30th. Installation will occur late summer.

Planning

Comprehensive Plan Update

- The City Council, Planning Commission, and the Design and Landmarks Committee met together on June 12 to hear a presentation by Becky Steckler of the University of Oregon's Urbanism Next program. Ms. Steckler discussed the impacts of emerging technologies on cities.
- The online survey for public input regarding Block 1 policies and goals closed on June 14. Block 1 addresses public involvement, growth management, economic development, and arts and culture. Results will be available for upcoming meetings with the Council, Planning Commission, and CPAC.
- The City Council (June 19), Planning Commission (June 26), and CPAC (June 27) will each have one more opportunity to review the Block 1 goals and policies, before they are scheduled to be "pinned down" by Council resolution at their July 17 meeting.
- On June 13, staff had a work session with Scott/Edwards Architects team to refine concepts for neighborhood hubs. The work was based on the input provided by neighborhood district association members at a series of meetings in May.

Land Use/Development Review¹

- City Council Review
 - AP-2018-001 – On June 5, the City Council voted to affirm the Planning Commission's approval of applications for Community Service Use and Downtown Design Review to allow reconstruction of the Ledding Library (master file CSU-2018-002).
 - AP-2018-002 – On July 17, the City Council will continue the public hearing on an appeal of the Planning Commission decision to approve artificial turf fields and lights at the Milwaukie High School Lake Rd Sports Complex (file #CSU-2018-001).
 - ZA-2017-003; CPA-2017-002 – North Milwaukie Industrial Area (NMIA) Plan and Code Amendments – On June 19, the City Council opened and continued the public hearing to the August 21 meeting.
 - ZA-2018-001 – The City Council held a public hearing on a set of "housekeeping" code amendments on June 19 and approved a revised list of amendments. The few that were held over will be handled in the next round of amendments (ZA-2018-004).
 - ZA-2018-004 – The City Council is scheduled to review and discuss the next round of code amendments in a worksession on July 17th.
 - A-2018-001 – The public hearing for annexation of the property at 5809 SE Hazel Pl is scheduled for August 7 with City Council.
- Planning Commission Review
 - S-2018-001 (master file) and VR-2018-005 (master file) – Completeness reviews are underway for two applications: 1) An application for a 7-lot subdivision on Railroad Ave and 2) An application for development of a 15-unit multifamily building at 6115 SE Harmony Rd. Hearing dates have not yet been set.
 - ZA-2018-004 – The Planning Commission is scheduled to review and discuss the next round of code amendments in a worksession on July 10th.
 - ZA-2018-003 – A public hearing with the Planning Commission has been scheduled for August 14, for a zoning map amendment for 4 properties at Llewellyn St and 44th Ave. The proposal is to change the zoning from R-3 to R-2.5.

¹ Only those land use applications requiring public notice are listed here.

Design and Landmarks Committee (DLC)

- The DLC has been meeting monthly to develop a proposal for revisions to the downtown development standards and guidelines. Their next meeting is scheduled for August 6.

Building

June in review to come

Engineering

Private Development—Public Improvements

- Mission Park Subdivision – 14-lot subdivision near 52nd on the South side of King Rd. Work complete. Building permits under review now.
- Eagle St & 21st Ave development – Eagle St is being extended east to provide access to 3 new houses fronting Eagle St and 21st Ave. Under construction now.
- Keil Crossing subdivision – 19-lot subdivision at intersection of 42nd Ave and Railroad Ave. Construction complete. Building permits expected soon.
- Northwest Housing Alternatives – Intersection of SE Lake and SE 24th/Willard. Site work and frontage improvements under construction now.
- 9548 SE 40th Ave – New single-family house that is constructing frontage improvements. Construction underway.
- Silas heights Subdivision – 11-lot subdivision that will connect Maplehurst Rd to the end of 66th Ave. Plans under review.
- Rosebank Estates subdivision – 4-lot subdivision that will extend Melody Ln from 42nd Ave. Plans under review
- 22nd Ave & Wren St – New single-family house. Plans under review
- Wichita Park improvements (frontage and park structures) – plans approved. Park construction underway now, frontage improvements to follow shortly after.
- 5158 SE Mullen St Improvements – frontage improvements that will extend Mullen St east from 51st Ave for 180 ft. Construction underway

Engineering Projects:

Kronberg Park Multi-Use Walkway

- Consultant is moving forward with the 100% design drawings and preparing documents to go out to BID for construction.

2018 Clay Sewer Pipe Replacement

- The City received bids on July 10, 2018. A contractor has been selected to perform the contract work. Construction is anticipated to begin August 2018, and will be completed by May 1, 2019. Engineering Department is requesting Council's approval of the contract award at the July 17, 2018 meeting.

Main Street Crossing Lowering

- 100% design drawings are finalized and staff is preparing railroad crossing permit applications.

Washington Street Storm and Main Street Water Quality

- 100% design drawings are being finalized and BID documents are being prepared for construction.

Washington Street Reconstruction

- 100% design drawings are being finalized and BID documents are being prepared for construction.

Meek Storm water Improvements

- 90% design drawings are currently being reviewed and working on property and easement purchases for the construction of the project.

Kellogg Creek Bridge

- The contractor is performing finish work on railing, prepping sidewalk, and installing storm water piping. Staff anticipates traffic being rerouted to new bridge by end of July. Possible bridge closures of short duration may occur. The project is on schedule to be completed this summer.

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: July 10, 2018

Reviewed: Peter Passarelli, Public Works Director, Kelly Brooks, Assistant City Manager
Blanca Marston (as to form), Administrative Specialist

From: Damien Farwell, Fleet and Facilities Supervisor

Subject: **City Hall Garage Bay Conversion to Council Chambers/Conference Room**

ACTION REQUESTED

The City of Milwaukie Public Works Facilities Division requests that City Council approve the concept to convert the City Hall Garage Bay to serve as Council Chambers, Work Room and Conference Room, as well as update City Hall Entry. Existing Conference Room and Council Chambers will be converted to work cubes under a separate project.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

2007: A design proposal was made by Myhre Group Architects in 2007 to convert the City Hall Garage Bay to chambers and court as well as add a rear entrance and garden at a cost of \$887,000. Proposal was not pursued past the design phase.

2010: Ankrom Moisan Architects completed a Space Needs Study in 2010. The study anticipated growth as well as identified a need for closer proximity between City working groups. A number of methods were suggested to meet growth as well as proximity needs. Solutions included a City Hall addition (18,000 SF, \$5 million), a new City Hall (40,000 SF, \$12 million) or a Community Development addition (2500 SF, \$370,000).

2011: In 2011, Group Mackenzie Architects reviewed both the Ankrom Moisan Space Needs Study and a Facility Condition Assessment performed by Faithful Gould in 2009. The Group Mackenzie Report estimated the cost of proximity inefficiency (primarily IT, Community Development, Engineering and Planning) at \$187,000 per year. Based on the monetary cost of inefficiency, the growth rate of the City, the projected cost of upkeep on City buildings, as well as projected efficiencies gained in a new building, Group Mackenzie recommended the sale of our City Hall, and the construction of a new City Hall building at a cost of 10 million dollars.

ANALYSIS

The recent approval of the first phase of the Safe Access for Everyone (SAFE) program with its associated staffing requirements and Council's decision to hire an in-house attorney has resulted in the need for increased employee office space. The City Hall Garage Bay is underutilized as storage space and has potential for adaptive reuse to meet both the demand for more employee office space at City Hall and greater connection between departments. The proposed design

involves relocation of Council Chambers and Conference Room downstairs to the Garage Bay, and the repurposing of the existing Conference Room and Chambers to office space.

The City of Milwaukie engaged Peterson Structural Engineers to perform a seismic assessment of both City Hall and the Public Safety Building (PSB). The resulting report confirms the City Hall structure was built to professional standards of the time. New standards are more stringent, but there are no conditions requiring immediate retrofit. The report made a few recommendations that directly inform the Garage Bay Project: if we intend to add a door in the garage bay, we should do so where there is an existing window to preserve shear strength, and we may want to add shear (plywood) to any walls we are opening anyway.

Staff's goal is to add space for up to 11 employees to City Hall. City employees will team with Di Loreto Architecture and use previous space studies as well as current feedback to recommend which group(s) move to City Hall. The proposed method provides a low cost and high value solution, as well as near term relief. A previous Capital Improvement Plan (CIP) project, the update of the City Hall entry, has been rolled into the Garage Bay Scope to maintain consistent design elements within City Hall. The Facilities Department has established an architectural services contract with Di Loreto Architecture to provide pre-design schematic, design development, and construction documents. At the end of the design development stage we will be able to procure preliminary contractor pricing. We will use the construction documents to go out to bid for the construction phase.

SCOPE

Second Floor (Phase 1)

Reconfigure City Hall Conference Room

- 4-6 cubes, whatever fits easily, cube walls between workstations.
- 1 conference space for 4-6, cube walls okay.
- Likely need to temporarily repurpose the guest work space outside of City Recorder's office. The ultimate use of this space will be sorted out as part of the space needs study for phase 2.
- Cubes to be reused in phase 3.

First Floor (Phase 2)

- Reconstruct the 1,400 SF Garage Bay into City Council Chambers. Maintain usable bay doors with the redesign.
- Renovate the main reception desk area (approximately 400 SF)

Preliminary Design	approximately 6 weeks
Construction Drawings	approximately 4 weeks
Construction Completion	approximately 8 months, dependent on final design.

Second Floor (Phase 3) – Reconfigure City Council Chambers and other City Hall spaces (will follow space needs study that will begin in the fall).

- 8-10 cubes (includes the 4-6 above in phase 1).
- 3 additional walled offices.
- Addresses odd cube in finance.
- Media room moves downstairs.
- One 'medium' conference room upstairs, 10-12.

PROJECT SCHEDULE

2018

- June and July – Share information, identify alternative meeting locations and solutions, formalize Phase 1 project Scope.
- July 30th – City Hall Conference Room no longer available.
- August 1 – Begin City Hall Conference Room construction.
- August 7 – City Council Study Session moves to PSB.
- September 1 – Partial engineering staff relocation to City Hall.

2019

- April/May – City Council moves to Fire Bay.
- June – Council Chambers no longer available for meetings.
- September – Project completion. Remainder of Engineering team relocates to City Hall.

BUDGET IMPACTS

Architect's fees for design work through construction documents will be \$40,000. Total construction costs are budgeted at \$370,000.

A separate \$50,000 project has been identified for the conversion of Council Chambers and conference rooms to offices.

WORKLOAD IMPACTS

Efforts in managing the project can be absorbed across current facilities staffing.

COORDINATION, CONCURRENCE, OR DISSENT

Have coordinated with Finance as well as City Manager's office.

STAFF RECOMMENDATION

Staff recommends the repurpose of the City Hall Garage Bay to Council Chambers and Conference room, update of the City Hall Entry, and conversion of former Council Chambers and Conference Room to office space.

ALTERNATIVES

- 1) Take no action. Staff view the Garage Bay as valuable and underutilized space. We have an established need to improve proximity between city working groups, as well as add employees at City Hall; both needs are addressed.
- 2) Improve the Bay as workspace (cubes) and both Conference Room and Chambers remain upstairs. This option simplifies the project somewhat as the media center would not move and Chambers and Conference rooms would not be repurposed. Chambers and Conference Room would not be updated. The City would not gain a larger, flexible space.

ATTACHMENTS

N/A

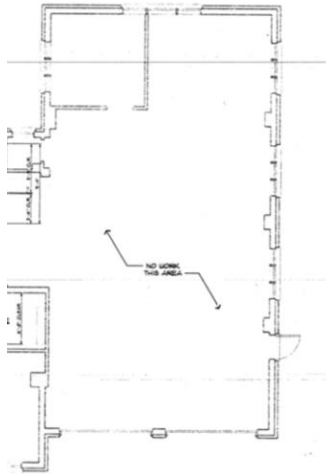


CITY OF MILWAUKIE

City Hall Garage Bay
Renovation Update
July 17th, 2018



City Hall Garage Bay Renovation



- Safe Access for Everyone (SAFE) program staffing requirements and new in-house attorney has resulted in the need for increased employee office space.
 - Staff's goal is to add space for up to 11 employees
- City Hall Garage Bay underutilized as storage space.
- Total project costs are estimated at \$370,000 for the Garage Bay conversion.
- Additional \$50,000 budgeted for the conversion of Council Chambers and Conference rooms to office space.
- The City of Milwaukie engaged Peterson Structural Engineers to perform a seismic assessment of City Hall.
 - Garage Bay has non structural deficiencies that will need addressed
 - Fire Suppression Piping Bracing
 - Independent Light Fixture Support

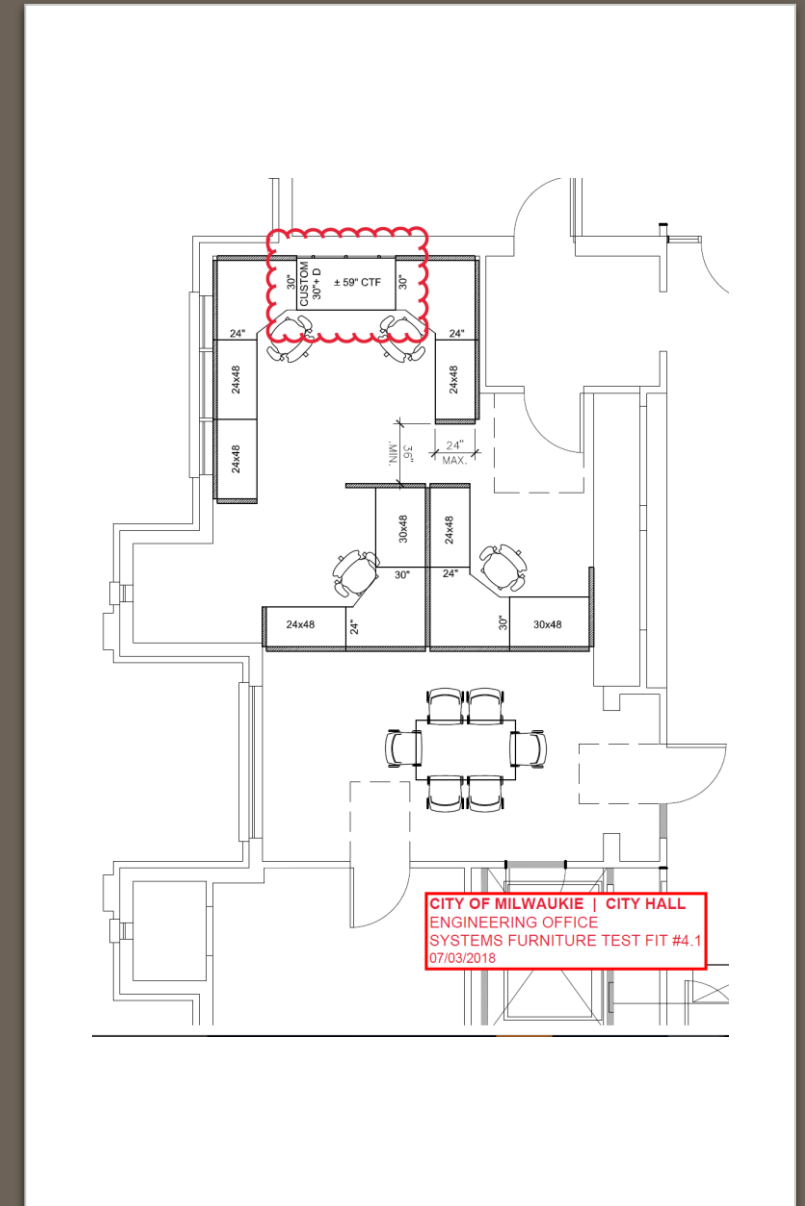
City Hall Garage Bay Renovation



- The Project involves relocation of Council Chambers and Conference Room downstairs to the Garage Bay, and the repurposing the existing Conference Room and Chambers to office space.
- Facilities has established an architectural services contract with DiLoreto Architecture to provide
 - Pre-design Schematic
 - Design Development
 - Preliminary Contractor Pricing
 - Construction Documents

Scope: Second Floor Phase 1

- Reconfigure City Hall Conference Room
 - 4-6 cubes, whatever fits easily, cube walls between workstations.
 - 1 conference space for 4-6, cube walls okay.
 - Likely need to temporarily repurpose the guest work space outside of City Recorder's office.
 - The ultimate use of this space will be sorted out as part of the space needs study for phase 2.
 - Cubes to be reused in phase 3.



First Floor

Phase 2

- Reconstruct the 1,400 SF Garage Bay into City Council Chambers.
 - Maintain usable bay doors with the redesign.
- Renovate the main reception desk area (approximately 400 SF)

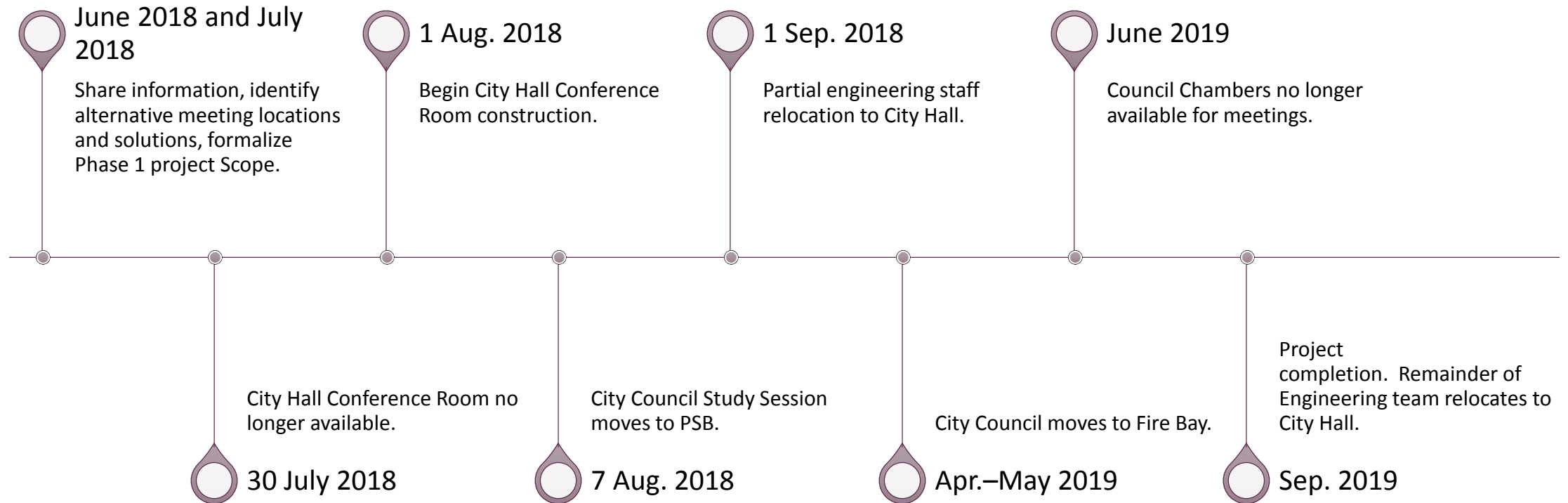


Second Floor Phase 3

- Reconfigure City Council Chambers and other City Hall spaces.
 - 8-10 cubes (includes the 4-6 above in phase 1).
 - 3 additional walled offices.
- Addresses office space in finance.
- Media room moves downstairs.
- One 'medium' conference room upstairs, 10-12
- Initial Space Needs Assessment Completed
 - Further Refinement for final configuration needed
- Moderate Phase 3 design component for walled office spaces



Project Schedule



Coordination Issues and other concerns



- Meeting Space Options and Scheduling
 - City Council - PSB
 - Committee Meetings
 - Staff Meeting
- Court Operations
- Staff Parking
- Secure Bike Parking
- Accessibility

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Reviewed: Ann Ober, City Manager

From: Leila Aman, Development Manager

Date Written: July 13, 2018

Subject: Draft Ballot Language for the Milwaukie Ledding Library

ACTION REQUESTED

Review proposed ballot language.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[February 16, 2016](#), the Milwaukie City Council adopted Resolution No. 18-2016 which referred to the voters of the city a Referendum to be considered at the May 17, 2016 election to authorize the City to “issue up to \$9,200,000 of general obligation bonds library improvements” for the Milwaukie Ledding Library. The Library Bond measure was placed on the May 16th, 2016 ballot.

[June 7th, 2016](#) Milwaukie City Council authorized a resolution to certify the election results approving the Library Bond measure.

[April 10th, 2018](#) a public hearing on the Milwaukie Ledding Library project was held before the Milwaukie Planning Commission and was approved with conditions by the Planning Commission. The Notice of Decision to Approve with Conditions was issued on April 13, 2018. The appeal period closed at 5:00 p.m. on April 30, 2018.

[April 23, 2018](#) The City of Milwaukie called a City Council Special Session, and invited the Library Task Force, Library Foundation and Friends of the Library to outline the City’s proposed approach to seek a judicial validation under ORS 33.710 and 33.720 to determine the regularity and legality of certain government actions. The approach was put forward to ensure total transparency by seeking validation from an objective third party to interpret the bond language and make a determination as to whether the Library project as designed meets the intent of the bond and that bond proceeds can be used for a new building.

On April 30th, 2018 Tom Madden, on behalf of the Historic Milwaukie Neighborhood District Association Land Use Committee, submitted an appeal of the Planning Commission decision approving the Ledding Library Master Land Use File #CSU-2018-002. This appeal was based on two main aspects: the language of the bond measure and the items identified in the letter that the Land Use Committee submitted to the Planning Commission during the Library’s land use hearing.

On May 11th, 2018 The City of Milwaukie initiated a Validation Proceeding to Determine Regularity and Legality of the City of Milwaukie’s Contracts and Decisions in Connection with

Resolution 18-2016. The City commenced the validation proceeding for the purpose of efficiently and effectively establishing that the City's use of bond proceeds for improvements described in the Notice of Decision is lawful and consistent with the Library Bond Measure.

[June 5th, 2018](#) The City Council held a public hearing on the appeal of the Ledding Library. The City Council voted unanimously to tentatively affirm the Planning Commission's approval and the recommended findings and conditions of approval for master land use file #CSU-2018-002. The Bond issues raised by Mr. Madden were not considered as part of this hearing because there is no approval criteria for funding in a land use proceeding and was thus not considered as part of the decision.

[June 19, 2018](#) The City Council voted unanimously to approve the draft final written decision for the land use application. The Notice of Decision and Final Order were issued and mailed on June 21, 2018.

An Answer in Opposition to the City's Validation Proceeding was filed by a private citizen, Mr. Tom Madden on June 18, 2018. The City Attorney and Mr. Madden have agreed to a hearing process and schedule. The hearing has now been set for August 6, 2018.

ANALYSIS

Confirming that the proposed Library building is in compliance with the 2016 Library Bond ballot measure approved by voters is a necessary and important one. The City believes that the project as designed meets the voter's intent and is the best option for the public, in terms of safety and value based on the condition of the existing structure the improvements outlined in the ballot and input from the public.

There are two tracks that would enable the City to confirm compliance with the Library Bond ballot measure: a judicial validation or a new ballot measure in November that would explicitly approve spending the previously funds on new construction. Both processes impact the project timeline and add both cost and complexity, particularly if the construction start date is delayed into the rainy season. Timing and cost were key considerations in the City's decision to move forward with a judicial validation. It was anticipated that a judicial validation would provide resolution in a more timely manner, thus reducing project cost and timeline impacts.

Concurrent to this effort, City staff also explored timing related to a possible new ballot measure to ensure that all options were available if a judicial validation was not received in time to move forward. The purpose of this dual track was to ensure that the project moves forward as efficiently as possible and to deliver a library to the citizens of Milwaukie for the resources that had been previously approved.

The August 6th, 2018 hearing date is six weeks later than had been initially anticipated when the City opted to move forward with a judicial validation. The last day to refer a ballot for the November election is August 15th, 2018. We cannot predict whether a decision will be rendered prior to the final submission date. Therefore staff is recommending that the City move forward with draft ballot language (Exhibit A – to be presented at the Council meeting) to confirm the use of previously authorized Library Bond funds for the new library. The measure will not be a request for any new tax payer funding. If approved staff will proceed with testing the language via a survey to assure the language is written clearly and in line with the design developed for the library.

These are steps necessary to move forward and be prepared to submit language for a November ballot measure to ensure that the clarification of the bond funds can be achieved in order to begin construction on the library as soon as practicable should a judicial validation not be received prior to that date. The City has until September 6th, 2018 to pull the measure from the ballot should the City receive validation.

BUDGET IMPACTS

Unknown

WORKLOAD IMPACTS

Unknown

COORDINATION, CONCURRENCE, OR DISSENT

The City Manager concurs with the recommendation.

STAFF RECOMMENDATION

Council consents to use the draft ballot language.

ALTERNATIVES

n/a

ATTACHMENTS

1. Proposed draft bond measure language (will be presented at Council)



REVISED Draft Ballot Language for the Milwaukie Ledding Library

Milwaukie City Council Regular Session
July 17, 2018

WS 2.
7/17/18
Presentation

No new taxes will be levied as a result of this measure.

If approved, this measure would authorize the City of Milwaukie to spend previously approved General Obligation (GO) Bond funds, in their entirety, on either the remodel or rebuilding of the Ledding Library and removes the Pond House from the project. Voters approved the issuance of \$9,200,000 GO Bonds for library repairs and improvements on May 17, 2016. Since then, a study of the existing building found significant deficiencies that led the City to propose removing and rebuilding the structure. This measure authorizes the 2016 approved bond funds to be expended by the City to remodel or rebuild the library. If approved, any project costs previously expended for either a remodel or rebuild of the library will be an authorized expenditure of the \$9,200,000 bond funds.





EXHIBIT A

(FINAL VERSION WILL BE IN ATTACHED FORM SEL 802)

CAPTION – 10 words

Validate Expenditure of previously authorized Library Bond Funds. (10)

QUESTION – 20 words

Shall the City be authorized to use existing GO Bond funds to renovate or rebuild the Ledding Library? (20)

SUMMARY – 175 words

If approved, this measure would authorize the City of Milwaukie to spend previously approved General Obligation Bond funds, in their entirety, on either the remodel or rebuilding of the Ledding Library and deletes the Pond House from project. Voters approved the issuance of \$9,200,000 GO Bonds for library repairs and improvements on May 17, 2016. Since then, extensive study of the existing library building has led the City to consider the option of removing the library and rebuilding it. If approved, this measure authorizes these existing funds to be expended by the City to remodel or rebuild. Further, if this measure is approved, project costs previously expended for either a remodel or rebuild of the library will be an authorized expenditure of the previously approved \$9,200,000 bond funds. No new taxes will be levied as a result of this measure. (175)

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: July 9, 2018

Reviewed: Alma Flores, Community Development Director, and Denny Egner, Planning Director

From: Vera Kolias, Associate Planner

Subject: **2018 Code Amendments – Round 2 briefing**

ACTION REQUESTED

None. Review the package of code amendments developed by staff. This is a briefing for discussion only.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[June 19, 2018](#): City Council held a public hearing and adopted housekeeping code amendments. A number of proposed amendments were held to be considered in a follow-up round of code amendments.

[July 24, 2018](#): Planning Commission will hold a worksession to discuss the proposed code amendment package. The Planning Commission was scheduled to hold a worksession on [July 10, 2018](#), but the meeting was canceled.

ANALYSIS

Over the course of several years, Planning Department staff has been tracking issues with current zoning code language and has made suggested corrections. These items have been identified through a variety of means, including multiple instances of the same questions from the public that are not easily answered, code interpretation applications, and onerous land use review procedures for specific types of small development proposals, to name a few. To date, there are over 100 individual items on the "code fix" list.

The Planning Department brought a package of "housekeeping" code amendments in 2016 and in June 2018. Housekeeping amendments are clarifications or minor tweaks, and are not intended to affect the meaning or intent of existing regulations. The current package of proposed code amendments includes some simple housekeeping corrections, but primarily involve more significant changes, including changes in policy.

The current package of proposed code amendments includes the following items (Please refer to Attachment 1 for draft language).

1. Revising the definitions of "public park", "livestock", and "live/work unit";
 - The proposed definition of public park removes a reference to the City Community Services Department which no longer exists.

- The proposed definition of livestock clarifies that this term refers to animals such as goats, sheep, etc. that are not kept as pets. This is related to the proposed language regarding agricultural uses in the residential zones.
 - The proposed definition of live/work unit provides flexibility in the design of live/work units. The current code language essentially requires that these units are multi-story. The change is related to a proposed revision for live/work design and development standards.
2. Revising live/work standards;
 - The proposed language includes language that allows live/work units to be either multi-story or single-floor units to provide flexibility in their design.
 3. Revising the regulations for agricultural uses in residential zones;
 - The proposed language clarifies that livestock animals are different from animals kept as pets.
 4. Revising a number of sections with personal/business services to provide consistency throughout the code;
 5. Revising the permitted number of chickens allowed as an accessory use;
 - The proposed language lowers the maximum number of chickens and other fowl that can be kept to 6 from 50. This matches the Clackamas County code and also responds to complaints received from residents.
 6. Modifying the odor control standards for marijuana businesses;
 - The proposed language responds to a conflict with the Oregon Building Code and removes specific mechanical and ventilation requirements from the zoning code.
 7. Revising the landscaping standard for multi-family development;
 - The proposed language allows trees that are not nuisance trees to be planted, rather than requiring only native trees to provide flexibility in species selection.
 8. Amending the maximum height and height variance language in the DMU zone;
 - The proposed language corrects an inconsistency between the table of standards and Figure 19.304-4 as well as accounts for the permitted height bonus numerical standards.
 9. Revising access standards;
 - The proposed language allows for a modification to the access spacing standards for driveways and intersections rather than requiring a Type III Variance. The modification process is already outlined in Title 12 and is under the authority of the Engineering Director.
 10. Creating a new code section regulating seasonal and temporary uses;
 - The proposed language creates a process for review and approval of temporary uses, such as parking for construction workers and boat rentals at Milwaukie Bay Park. This type of permit does not currently exist in the municipal code.
 11. Allowing signs for historic property identification;
 - The proposed language creates an exemption for signs for historic properties and heritage trees, including standards for the signs and what qualifies as an historic property.
 12. Banners and temporary signs;

- The proposed language would disallow banner-type signs to be used as permanent wall signs in order to require higher quality signage. The proposed language also includes a 3-month time limit for temporary signs; no time limit currently exists.
13. Requiring businesses that are closed to remove signs;
- The proposed language requires that signs for businesses that have closed must be removed within 6 months. The purpose is to reduce clutter as well as confusion when signs are still up for businesses that no longer exist.
14. Creating a new code section for green building standards;
- The proposed language creates a new section for green building standards as identified for building height bonuses in the GMU, NMU, and NMIA zones as well as the local approval criteria for the Vertical Housing Development Zone. The proposed language is revised to include a requirement for energy efficiency.
15. Revising the permitted uses in the Manufacturing zone;
- The proposed language would allow repair and service shops for personal vehicles in the Manufacturing zone.
16. Adding language specific to vacation rentals in the standards governing conditional uses;
- The proposed language includes standards for vacation rentals, including a requirement for a building inspection and notification to neighbors.
17. Revising the standards for street layout and connectivity;
- The proposed language changes the standard for dead-end streets (“closed-end street system”) such that a cul-de-sac with no more than 20 units could be built off a dead-end-street. The current language would not permit this. The amendment provides opportunity for additional development.
18. Revising the review process for wireless communication facilities, including a list of exemptions;
- The proposed language further clarifies the permitting process for wireless communication facilities, including a list of exemptions, reflecting a ruling by the Federal Communications Commission. The proposed language also adds references to Title 21, alerting applicants to other city code requirements such as franchise agreements, as well as other revisions recommended by the ROW/Contracts Coordinator.
19. Revising a standard for Accessory Dwelling Units (ADUs)
- The proposed language regarding allowing 1 ADU per single family home is a requirement of SB 1051.
20. Revising the maximum width for a trail in the Natural Resources code
- The proposed language revises the maximum width for a trail identified as a Special Use for Type II review from 10 ft to 12 ft to account for ODOT revisions to minimum trail width.
21. Revising parking lot landscaping standards;
- The proposed language changes the spacing of trees from 1 tree for every 40 lineal ft to every 30 lineal ft and also adds a requirement for a minimum tree canopy within 10 years. The proposed language is intended to result in species selection and plantings that provide better shade in parking areas.
22. Clarifying language related to boundary changes.

- The proposed language clarifies that a boundary change within an approved subdivision requires a subdivision replat.

Staff has identified the following key items for discussion at the worksession: #5, 7, 11, 14, and 19.

BUDGET IMPACTS

None.

WORKLOAD IMPACTS

The proposed revisions are intended to make clarifications and to assist staff in project review.

COORDINATION, CONCURRENCE, OR DISSENT

The proposed revisions were reviewed by the City Manager, Community Development Director, the Engineering Director, the Public Works Director, the Development Project Manager, and the ROW/Contracts Coordinator.

ATTACHMENTS

1. Draft code amendment language (underline/strikeout)

Underline/Strikeout Amendments

TITLE 11 MISCELLANEOUS PERMITS

11.05 TEMPORARY USES, PERMITS, AND REGULATIONS

11.05.010 Uses

Approval may be granted for structures or uses which are temporary or seasonal in nature, such as:

- A. Seasonal sales uses on private property and on land owned by the City of Milwaukie. These activities include, but are not limited to, the sale of produce, rental of recreational equipment, provision of recreational lessons, or sale of products at a park owned by the City of Milwaukie.
- B. Temporary real estate offices;
- C. Construction parking;
- D. Construction trailers;
- E. Construction offices;
- F. Other temporary uses similar to those listed above as determined by the City Manager

Approval may be granted provided such uses are consistent with the intent of the underlying zoning district and comply with other provisions of this code. These activities are intended to be in use for a limited duration and shall not become a permanent part of a site.

11.05.020 Application and Fee

An application for a temporary use shall be filed with the City and accompanied by the fee specified in the adopted fee schedule. The applicant is responsible for submitting a complete application which addresses all review criteria. Temporary use permits shall be subject to the requirements set forth in this section.

11.05.030 Permit Approval

A. Findings of Fact

A temporary use permit (TUP) may be authorized by the City Manager or designee provided that the applicant submits a narrative and detailed site plan that demonstrates that the proposed use:

1. Generally does not have negative impacts and is not inconsistent with the standards and limitations of the zoning district in which it is located;
2. Meets all applicable City and County health and sanitation requirements;
3. Meets all applicable Uniform Building Code requirements; and
4. On-site real-estate offices, construction offices, and construction trailers shall not be approved until land use approval and building permits, if applicable, have been issued.

B. Time Limits

The temporary use or structure shall be removed upon expiration of the temporary use permit, unless renewed by the City Manager or designee.

1. Temporary construction offices, construction trailers, and real estate offices shall not be issued for a period exceeding one (1) year. The applicant may request a renewal for additional time to allow completion of the project provided that the applicant provides a narrative describing the need for additional time and an anticipated date of project completion.
2. Other temporary uses, that are not temporary events per MMC 11.04, shall be issued a permit for up to one (1) year to accommodate the duration of the proposed temporary use.

Renewals may be provided as follows:

- a. A renewal permit may be obtained for a period of one (1) year after providing a narrative describing how the use will remain temporary and how the use is not and will not become permanent.
- b. A temporary use permit shall not be renewed for more than three (3) consecutive years; however, a renewal may be obtained annually for uses that do not exceed a four-month period of time per year.

C. Conditions

In issuing a temporary use permit, the City Manager or designee may impose reasonable conditions as necessary to preserve the basic purpose and intent of the underlying zoning district. These conditions may include, but are not limited to the following:

1. Increased yard dimensions;
2. Fencing, screening or landscaping to protect adjacent or nearby property;
3. Limiting the number, size, location or lighting of signs;
4. Restricting certain activities to specific times of day; and
5. Reducing the duration of the temporary use permit to less than one (1) year.

D. Revocation

Any departure from approved plans not authorized by the City Manager or designee shall be cause for revocation of applicable building and occupancy permits. Furthermore if, in the City's determination, a condition or conditions of TUP approval are not or cannot be satisfied, the TUP approval, or building and occupancy permits, shall be revoked.

TITLE 12 STREETS, SIDEWALKS, AND PUBLIC PLACES

CHAPTER 12.16 ACCESS MANAGEMENT

12.16.040 ACCESS REQUIREMENTS AND STANDARDS

C. Accessway Location

4. Distance from Intersection

To protect the safety and capacity of street intersections, the following minimum distance from the nearest intersecting street face of curb to the nearest edge of driveway apron shall be maintained. Where intersecting streets do not have curb, the distance shall be measured from the nearest intersecting street edge of pavement.

Distance from intersection may be modified with a modification as described in MMC 12.16.040.B.2.

TITLE 14 SIGN ORDINANCE

CHAPTER 14.04 GENERAL PROVISIONS

14.04.030 DEFINITIONS

Sign, Wall. "Wall sign" means any sign painted on, attached to, or installed against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall, the angle of said wall not to exceed thirty degrees from the vertical. Wall signs may not project more than 12 inches from the wall to which they are attached. Painted wall decorations which include a message are considered to be wall signs. Banners and similar signs may not be used as wall signs.

CHAPTER 14.16 SIGN DISTRICTS

14.12.010 Exempted Signs

- B. Temporary signs which are nonilluminated, have an overall face area not exceeding 16 square feet, are not permanently installed, and are intended to be located on property for short durations of time. Such signs may include, but are not limited to, real estate lease and sales, political signs, building permits, public hearing notices, construction signs, garage sale, open house, special event, holiday, and similar signs. Temporary signs shall be removed within 3 months. ~~a reasonable period of time.~~
- N. Signs or tablets, (including names of buildings and the date of erection) when cut into any masonry surface or constructed of bronze or other similar durable noncombustible surface, that meet the following requirements:
1. Not to exceed 2 sq ft for wall signs and placed no higher than 6 ft above ground level;
or,
 2. 2 sq ft and no taller than 3 ft for a monument sign; and
 3. This exemption is limited to:
 - a. historic properties as listed in Appendix A of the Milwaukie Comprehensive Plan;
or
 - b. any building that is shown to be at least 50 years old; or
 - c. a City-identified heritage tree; or
 - d. an historic site recognized and acknowledged by the City Council.

Except when installed within a park, only 1 sign per property is permitted. The sign may not be installed in the public right-of-way unless permitted as an encroachment within the public right-of-way per MMC 12.14.

CHAPTER 14.28 REMOVAL OF SIGNS IN VIOLATION

14.28.010 ABANDONED SIGN

A. Time Limit

Abandoned signs and sign structures shall be removed within 180 days of the time that a sign is no longer used on the structure. Signs for businesses that have closed must be removed within 6 months of the business closure.

TITLE 17 LAND DIVISION

CHAPTER 17.12 APPLICATION PROCEDURE AND APPROVAL CRITERIA

17.12.020 APPLICATION PROCEDURE

Table 17.12.020 Boundary Change Review Procedures			
Boundary Change Action	Type I	Type II	Type III
1. Lot Consolidation Other Than Replat			
a. Legal lots created by deed.	X		
2. Property Line Adjustment			
a. Any adjustment that is consistent with the ORS and this title.	X		
b. Any adjustment that modifies a plat restriction.		X	
3. Partition Replat			
a. Any modification to a plat that was decided by the Planning Commission.			X
b. Parcel consolidation.	X		
c. Actions not described in 3(a) or (b).		X	
4. Subdivision Replat			
a. <u>Any modification to a plat affecting 4 or more lots.</u>			X

TITLE 19 ZONING

CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS

19.201 DEFINITIONS

"Livestock" means domestic animals, such as cattle, horses, sheep, hogs, or goats, raised for home use (such as meat, milk, or shearing) or for profit.

"Live/work unit" means a dwelling unit where residential and nonresidential spaces are combined and where the dwelling unit is the principal residence of the business operator/proprietor. ~~Nonresidential spaces are typically located on the ground floor and residential spaces are located on upper floors.~~

"Personal/business services" means the provision of services to individuals or businesses. Typical uses include laundromats/dry cleaners, tanning salons, barbers, beauty salons, shoe repair, copy centers, secretarial services, pet grooming and pet day care, and blueprint services.

"Public park" means a park, playground, swimming pool, reservoir, or athletic field within the City which is under the control, operation, or management of the City of Milwaukie-Community Services Department.

CHAPTER 19.300 BASE ZONES

19.301 LOW DENSITY RESIDENTIAL ZONES

19.301.3 Use Limitations and Restrictions

- A. Agricultural or horticultural uses are permitted, provided that the following conditions are met.
1. Retail or wholesale sales associated with an agricultural or horticultural use are limited to the allowances for a home occupation per Section 19.507.
 2. Unless raised as a household pet, ~~livestock, other than usual household pets, are not~~ shall not be housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 sq ft per head of livestock.
 3. Poultry kept for the production of meat or for commercial sale of eggs are not housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than 1 acre. Poultry kept for other purposes are not subject to these limitations and are allowed per Subsection 19.503.1.C.
 4. Livestock shall be properly and humanely caged or housed, and proper sanitation shall be maintained at all times.
 5. All livestock food shall be stored in rodent-proof receptacles.
-

19.302 MEDIUM AND HIGH DENSITY RESIDENTIAL ZONES

19.302.3 Use Limitations and Restrictions

- A. Agricultural or horticultural uses are permitted, provided that the following conditions are met.
1. Retail or wholesale sales associated with an agricultural or horticultural use are limited to the allowances for a home occupation per Section 19.507.
 2. Unless raised as a household pet, ~~livestock, other than usual household pets, are not~~ shall not be housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than 1 acre, nor having less than 10,000 sq ft per head of livestock.
 3. Poultry kept for the production of meat or for commercial sale of eggs are not housed or kept within 100 ft of any dwelling not on the same lot, nor on a lot less than 1 acre. Poultry kept for other purposes are not subject to these limitations and are allowed per Subsection 19.503.1.C.
 4. Livestock shall be properly and humanely caged or housed, and proper sanitation shall be maintained at all times.

5. All livestock food shall be stored in rodent-proof receptacles.

19.303 COMMERCIAL MIXED-USE ZONES

19.303.2 Uses

Table 19.303.2 Uses Allowed in Commercial Mixed-Use Zones			
Uses and Use Categories	GMU	NMU	Standards/Additional Provisions
Commercial^{3, 4}			
<u>Personal/business services</u> Personal-service-oriented <u>Personal/business services</u> 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.	P	P	

19.303.3 Development Standards

Table 19.303.3 Commercial Mixed Use Zones—Summary of Development Standards			
Standard	GMU	NMU	Standards/ Additional Provisions
B. Development Standards			
1. Minimum floor area ratio	0.5:1	0.5:1	Subsection 19.303.4.A Floor Area Ratio
2. Building height (ft) a. Base maximum b. Maximum with height bonus	45 57–69	45 Height bonus not available	Subsection 19.303.4.B Building Height Section 19.510 <u>Green Building Standards</u> Subsection 19.911.7 Building Height Variance in the General Mixed Use Zone

19.303.4 Detailed Development Standards

The following detailed development standards describe additional allowances, restrictions, and exemptions related to the development standards of Table 19.303.3.

A. Floor Area Ratio

1. Intent

The floor area ratio (FAR) is a tool for regulating the intensity of development. Minimum FARs help to ensure that the intensity of development is controlled. In some cases, FAR densities are provided for provision of a public benefit or amenity to the community.

2. Standards

- a. The minimum floor area ratio in Table 19.303.3 applies to all nonresidential building development.

~~The base maximum building height in the GMU Zone is 3 stories or 45 ft, whichever is less. Height bonuses are available for buildings that meet the standards of Subsection 19.303.4.B.3.~~

- b. Required minimum floor area ratio shall be calculated on a project-by-project basis and may include multiple contiguous parcels. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FAR.

~~Buildings in the GMU Zone shall provide a step back of at least 15 ft for any street-facing portion of the building above the base maximum height as shown in Figure 19.303.4.B.2.b.~~

- c. If a project is to be developed in phases, the required FAR must be met for the land area in the completed phase(s), without consideration of the land area devoted to future phases.

3. Exemptions

The following are exempt from the minimum FAR requirement:

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

B. Building Height

1. Intent

Maximum building height standards promote a compatible building scale and relationship of one structure to another.

2. Standards

- a. The base maximum building height in the GMU Zone is 3 stories or 45 ft, whichever is less. Height bonuses are available for buildings that meet the standards of Subsection 19.303.4.B.3.
- b. Buildings in the GMU Zone shall provide a step back of at least 15 ft for any street-facing portion of the building above the base maximum height as shown in Figure 19.303.4.B.2.b.
- c. The maximum building height in the NMU Zone is 3 stories or 45 ft, whichever is less. No building height bonuses are available in the NMU Zone.

3. Height Bonuses

To incentivize the provision of additional public amenities or benefits beyond those required by the baseline standards, height bonuses are available for buildings that include desired public amenities or components, increase area vibrancy, and/or help meet sustainability goals.

A building in the GMU Zone can utilize up to 2 of the development incentive bonuses in Subsection 19.303.4.B.3.a. and ~~3.b~~ Section 19.510, for a total of 2 stories or 24 ft of additional height, whichever is less. Buildings that elect to use both height bonuses for a 5-story building are subject to Type III review per Subsection 19.911.7 Building Height Variance in the General Mixed Use Zone.

a. Residential

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

b. Green Building

Project proposals that receive approvals and certification as identified in Section 19.510 are permitted 1 additional story or an additional 12 ft of building height, whichever is less.

~~Project proposals that receive certification (any level) under an ANSI-approved green building rating system (e.g., LEED, Green Globes, or Earth Advantage) are permitted 1 additional story or an additional 12 ft of building height, whichever is less.~~

c. Building Height Variance

Additional building height may be approved through Type III variance review, per Subsection 19.911.7 Building Height Variance in the General Mixed Use Zone.

19.304 DOWNTOWN ZONES

19.304.2 Uses

Table 19.304.2 Uses Allowed in Downtown Zones— Uses			
Uses and Use Categories	DMU	OS	Standards/ Additional Provisions
Commercial			
Personal/business services Personal-service-oriented Personal/business services 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.	P/CU	N	Subsection 19.304.3.A.3 Commercial use limitations Section 19.905 Conditional Uses

19.304.4 Development Standards

Table 19.304.4 Downtown Zones—Summary of Development Standards			
Standard	DMU	OS	Standards/ Additional Provisions
A. Development Standards			
1. Building height (ft)			
a. Minimum	25	None	Subsection 19.304.5.B Building Height
b. Maximum	45-69 35-65 (height bonus available)	15	Figure 19.304-4 Base Maximum Building Heights Subsection 19.304.5.I Transition Measures Subsection 19.304.5.B.3 Height Bonuses Section 19.510 Green Building Standards

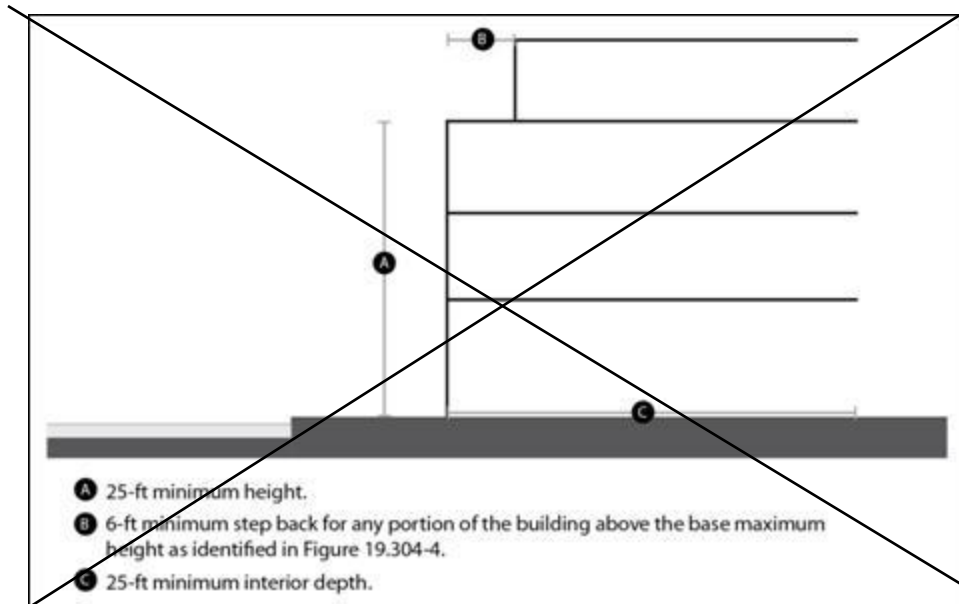
19.304.5 Detailed Development Standards

The following detailed development standards describe additional allowances, restrictions, and exemptions related to the development standards of Table 19.304.4.

B. Building Height**2. Standards**

- ~~d. Buildings shall provide a step back of at least 6 ft for any street-facing portion of the building above the base maximum height as identified in Figure 19.304-4.~~

**Figure 19.304.5.B.2
Building Height Standards**



3. Height Bonuses

c. Green Building

Project proposals that receive approvals and certification as identified in Section 19.510 are permitted 1 additional story or an additional 12 ft of building height, whichever is less.

New buildings that receive certification (any level) under an ANSI-approved green building rating system (e.g., LEED, Earth Advantage, or Green Globes certified) are permitted 1 additional story or an additional 12 ft of building height, whichever is less.

Height bonus eligibility shall be verified at the time of building permit submittal and shall be contingent upon submittal of green building certification. The height bonus may be binding under a development agreement and height bonus awards may be revoked, and/or other permits or approvals may be withheld, if the project fails to achieve certification.

19.306 LIMITED COMMERCIAL ZONE C-L

In a C-L Zone the following regulations shall apply:

19.306.1 Uses Permitted Outright

In a C-L Zone the following uses and their accessory uses are permitted outright:

- D. Personal/business services ~~Personal service business~~ such as a barber shop, tailor shop, or laundry and dry cleaning pickup station.
-

19.307 GENERAL COMMERCIAL ZONE C-G

In a C-G Zone the following regulations shall apply:

19.307.1 Uses Permitted Outright

In a C-G Zone the following uses and their accessory uses are permitted outright:

- D. Personal/business services ~~Personal service business~~ such as a barber shop, tailor shop or laundry, and dry cleaning pickup station;
-

19.308 COMMUNITY SHOPPING COMMERCIAL ZONE C-CS

In a C-CS Zone the following regulations shall apply:

19.308.1 Uses

Development shall be a community-scale shopping center.

B. Such center may include the following additional uses:

1. Eating and drinking establishment;
 2. Financial institution;
 3. Entertainment use (theater, etc.);
 4. Personal/business services ~~Personal service businesses~~;
 5. Repair, service or maintenance of goods authorized in this district;
 6. Offices, clinics, or trade schools, provided no more than 15% of the total floor space of the center is devoted to such uses;
 7. Marijuana retailer subject to the standards of Subsection 19.509.1;
 8. Indoor recreation;
 9. Any other uses determined by the Planning Commission to be similar and compatible to the above-listed uses.
-

19.310 BUSINESS INDUSTRIAL ZONE BI

19.310.4 Limited Uses

- A. Limited retail or service uses may be allowed that primarily service the needs of BI Zone clients, employees, and businesses, as opposed to the general public. These uses, subject to the provisions of Subsection 19.310.4.B below, shall include:
3. Personal/business services ~~Personal service businesses~~ such as a barber, beauty parlor, tailor, dressmaking, shoe repair shop, self-service laundry, dry cleaning, photographer, instruction studios, or similar uses;
-

19.309 MANUFACTURING ZONE M

19.309.2 Permitted Uses

Permitted uses are limited to industrial uses meeting the following criteria:

- H. The following uses are allowed outright and do not need to be part of a project involving an industrial use as described under Subsection 19.309.2.B

2. 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 Zone.

CHAPTER 19.400 OVERLAY ZONES AND SPECIAL AREAS

19.402 NATURAL RESOURCES NR

19.402.11 Development Standards

4. Walkways and Bike Paths

In addition to the requirements of Subsection 19.402.11.E.1; walkways and bike paths that are not exempted by Subsection 19.402.4, or that do not meet the nondiscretionary standards for HCAs provided in Subsection 19.402.11.D, and that are proposed to be constructed or improved with gravel, pavement, pavers, wood, or other materials, shall comply with the following standards:

- a. Walkways and bike paths within WQRs or HCAs shall not exceed a ~~10~~12-ft width.
-

CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

19.503 ACCESSORY USES

19.503.1 General Provisions

- C. The keeping of chickens or other domestic or domesticated fowl shall not exceed ~~6~~50 in number. Subsections 19.301.3 and 19.302.3.A contain additional regulations on keeping chickens or other domesticated fowl in the residential zones.
-

19.505 BUILDING DESIGN STANDARDS**19.505.3 Multifamily Housing**

Table 19.505.3.D Multifamily Design Guidelines and Standards		
Design Element	Design Guideline (Discretionary Process)	Design Standard (Objective Process)
8. Landscaping	Landscaping of multifamily developments should be used to provide a canopy for open spaces and courtyards, and to buffer the development from adjacent properties. Existing, healthy trees should be preserved whenever possible. Landscape strategies that conserve water shall be included. Hardscapes shall be shaded where possible, as a means of reducing energy costs (heat island effect) and improving stormwater management.	a. For every 2,000 sq ft of site area, 1 tree shall be planted or 1 existing tree shall be preserved. Preserved tree(s) must be at least 6 inches in <u>diameter at breast height (DBH) and cannot be listed as a nuisance species in the Milwaukee Native Plant List.</u> (1) New trees must be listed as native trees in the Milwaukee Native Plant List. (2) Preserved tree(s) must be at least 6 in diameter at breast height (DBH) and cannot be listed as a nuisance species in the Milwaukee Native Plant List. b. Trees shall be planted to provide, within 5 years, canopy coverage for at least 1/3 of any common open space or courtyard. Compliance with this standard is based on the expected growth of the selected trees. c. On sites with a side or rear lot line that abuts an R-10, R-7, or R-5 Zone, landscaping, or a combination of fencing and landscaping, shall be used to provide a sight-obscuring screen 6 ft high along the abutting property line. Landscaping used for screening must attain the 6 ft height within 24 months of planting. d. For projects with more than 20 units: (1) Any irrigation system shall minimize water use by incorporating a rain sensor, rotor irrigation heads, or a drip irrigation system. (2) To reduce the "heat island" effect, highly reflective paving materials with a solar reflective index of at least 29 shall be used on at least 25% of hardscape surfaces.

19.505.6 Live/Work Units**C. Use Standards**

- Any nonresidential use allowed in the base zone within which a live/work unit is legally located may be conducted on the premises of that live/work unit.
- At least one of the employees of the commercial portion of the live/work unit must reside in the unit.
- If the live/work unit is multistory, ~~The ground floor of a live/work unit can be used for either commercial or residential purposes. When the ground floor is being used as part of the dwelling, the provisions of Subsection 19.508.4.E.5.e are not applicable.~~
- A live/work unit is allowed instead of, or in addition to, a home occupation as defined by Section 19.201.

D. Development Standards

In addition to the standards of the base zone, live/work units shall comply with all of the following standards.

1. The nonresidential portion of the unit shall occupy at least 25% of the gross floor area.
2. If the live/work unit is multistory, the nonresidential portion of the building shall be located on the ground floor and the residential unit shall be located on the upper floors or to the rear of the nonresidential portion. Live/work units may be single-floor units, in which case a separation between the residential and nonresidential uses is not required.
3. Employees shall be limited to occupants of the residential portion of the building plus up to 3 persons not residing in the residential portion.

~~E. Design Standards~~

- ~~1. Live/work units are subject to the design standards of Subsection 19.508.~~
 - ~~2. The transitional entry standards of Subsection 19.505.5.C.2 do not apply to live/work units.~~
-

19.509 MARIJUANA BUSINESS STANDARDS

19.509.2 Security and Odor Control for Certain Marijuana Businesses

- A. The operation shall be entirely indoors, within a fully-enclosed, secure building meeting building codes adopted by the City of Milwaukie and all other applicable state regulations.
 - B. ~~Odor shall be managed through the installation of activated carbon filters on exhaust outlets to the building exterior from any rooms used for all production, processing, testing, research, and warehousing uses. A marijuana business shall use an air filtration and ventilation system that ensures that all odors associated with the marijuana is confined to the licensed premises to the extent practicable. For the purposes of this provision, the standard for judging "objectionable or offensive odors" shall be that of an average, reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and the odor is detected. Negative air pressure shall be maintained within the rooms. Exhaust outlets shall be a minimum of 25 ft from a property line.~~
 - ~~C. An alternative odor control system may be approved by the building official based on a report by a mechanical engineer licensed by the State of Oregon, demonstrating that the alternative system will control odor equally or better than the required activated carbon filtration system.~~
-

19.510 Green Building Standards

Green building is the practice of creating structures and using processes that are environmentally responsible and resource-efficient throughout a building's life cycle from siting to design, construction, operation, maintenance, renovation, and deconstruction. For the purposes of height bonuses and/or meeting the local criteria for the Milwaukie Vertical Housing Development Zone, a green building shall be defined as a building that receives both of the following approvals:

- A. Certification (any level) under an ANSI-approved green building rating system (e.g., LEED, Earth Advantage, or Green Globes certified); and

- B. Documentation from Energy Trust of Oregon's New Buildings program that confirms participation in the Path to Net Zero program offering.

Height bonus eligibility shall be verified at the time of building permit submittal and shall be contingent upon submittal of green building certification. The height bonus may be binding under a development agreement and height bonus awards may be revoked, and/or other permits or approvals may be withheld, if the project fails to achieve certification.

CHAPTER 19.600 OFF-STREET PARKING AND LOADING

19.606.2 Landscaping

B. General Provisions

4. Required trees shall be species that, within 10 years of planting, will provide a minimum of 20-ft diameter shade canopy. Compliance with this standard is based on the expected growth of the selected trees.

C. Perimeter Landscaping

The perimeter landscaping of parking areas shall meet the following standards which are illustrated in Figure 19.606.2.C.

2. Planting Requirements

Landscaping requirements for perimeter buffer areas shall include 1 tree planted per ~~30~~ 40 lineal ft of landscaped buffer area. Where the calculation of the number of trees does not result in a whole number, the result shall be rounded up to the next whole number. Trees shall be planted at evenly spaced intervals along the perimeter buffer to the greatest extent practicable. The remainder of the buffer area shall be grass, ground cover, mulch, shrubs, trees, or other landscape treatment other than concrete and pavement.

CHAPTER 19.700 PUBLIC FACILITY IMPROVEMENTS

19.708 TRANSPORTATION FACILITY REQUIREMENTS

E. Street Layout and Connectivity

5. ~~Closed-end street systems~~ Streets with a permanent turnaround may serve no more than 20 dwellings.
-

CHAPTER 19.900 LAND USE APPLICATIONS

19.904 COMMUNITY SERVICE USES

19.904.11 Standards for Wireless Communication Facilities

A. Applicability

The placement, construction, or modification of wireless communication facilities are subject to the provisions of this subsection. In addition, wireless communication facilities shall comply with all municipal codes, heretofore or hereafter amended.

C. Application Process

1. Type I Review Exemptions

The following are exempt from the provisions of this chapter, subject to any other applicable provisions of this code:

- a. Temporary WCF during an emergency declared by the City.
- b. Temporary WCF located on the same site as, and during the construction of, a permanent WCF for which appropriate permits have been granted.
- c. Licensed amateur (ham) radio stations.
- d. Satellite dish antennas 6 ft or less in diameter when located in nonresidential zones, and satellite dish antennas 3 ft or less in diameter when located in residential zones, including direct to home satellite services, when used as an accessory use of the property.

2. Type I Review

- a. Modification of WCFs involving the following activities are subject to Section 19.1004, provided that the proposal does not substantially change the physical dimensions of the support structure:

- (1) Changing the number of antennas.
- (2) Removal of existing transmission equipment.
- (3) Replacement of existing transmission equipment.

- b. For the purposes of this section, a modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

- (1)a.For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 ft, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than 10 ft, whichever is greater;
- (2)b.For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 ft, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than 6 ft;
- (3)e.For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed 4 cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
- (4)d.It entails any excavation or deployment outside the current site;
- (5)e.It would defeat the concealment elements of the eligible support structure; or

(6)f. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment.

23. Type II Review

Placement, construction, or modification of WCFs not involving the construction of a new monopole, other than those activities described in Subsection 19.904.11.C.1, are subject to Section 19.1005 Type II Review, provided that the antennas and base equipment comply with the standards contained in this subsection. Also see Table 19.904.11.C.

34. Type III Review

All proposed new monopole towers, and projects exceeding the applicability for Type II review, are subject to Section 19.1006 Type III Review. Also see Table 19.904.11.C.

Table 19.904.11.C Wireless Communication Facilities—Type and Review Process				
Towers		WCFs Not Involving New Tower		
Zones	New Monopole Tower 100 Ft	Building Rooftop or Wall Mounted Antenna	Water Towers, Existing Towers, and Other Stealth Designs	On Existing Utility Pole in Row with or w/out Extensions
BI	III	P/I/II	P/I/II	P/I/II
M	III	P/I/II	P/I/II	P/I/II
M-TSA	III	P/I/II	P/I/II	P/I/II
C-N	N	P/I/II	P/I/II	P/I/II
C-G	N	P/I/II	P/I/II	P/I/II
C-L	N	P/I/II	P/I/II	P/I/II
C-CS	N	P/I/II	P/I/II	P/I/II
OS	N	P/I/II	P/I/II	P/I/II
DMU	N	P/I/II	P/I/II	P/I/II
GMU	N	P/I/II	P/I/II	P/I/II
NMU	N	P/I/II	P/I/II	P/I/II
R-1-B	N	P/I/II	P/I/II	P/I/II
R-1	N	N	P/I/II	P/I/II
R-2	N	N	P/I/II	P/I/II
R-2.5	N	N	P/I/II	P/I/II

Proposed Code Amendment

R-3	N	N	P/ <u>I</u> / <u>II</u>	P/ <u>I</u> / <u>II</u>
R-5	N	N	P/ <u>I</u> / <u>II</u>	P/ <u>I</u> / <u>II</u>
R-7	N	N	P/ <u>I</u> / <u>II</u>	P/ <u>I</u> / <u>II</u>
R-10	N	N	P/ <u>I</u> / <u>II</u>	P/ <u>I</u> / <u>II</u>

III = Type III review—requires a public hearing in front of the Planning Commission

II = Type II review—provides for an administrative decision

I = Type I review—provides for an administrative decision

P = Permitted **N** = Not Permitted

D. Application Submittal Requirements

In addition to the required submittal material the following must also be included with the application:

1. Applications for a WCF that will include a new monopole tower:
 - a. A narrative description of:
 - (1) Tower location;
 - (2) Design;
 - (3) Height;
 - (4) Antenna location and type for all planned antennas;
 - (5) Indication of the number of additional antennas the tower will be able to accommodate;
 - (6) Right-of-way license number;
 - (7) Type of service provided.
2. WCF Not Including a New Tower
 - a. Detailed narrative description describing the proposed antenna location, design and height, the right-of-way license number, and the type of service provided.

F. Location and Size Restrictions

2. Height: maximum heights. Also see Table 19.904.11.C.
 - d. For antennas on utility poles in the right-of-way, a one 15-ft extension is permitted to the original installation by the owner. The carrier may replace the existing pole with a new utility pole not to exceed 15 ft above the height of the pole that is to be replaced. Equipment cabinets shall be attached to the utility pole. Where this is not practicable, the base equipment shall be subject to requirements of Subsection 19.904.11.G.1.b.

G. Development Standards for All WCFs

9. Discontinued Use of and Removal of WCFs
 - a. Any WCF not operated for a continuous period of 6 months shall be considered abandoned. The WCF owner is required to remove all abandoned facilities and base equipment within 90 days after notice from the City of Milwaukie.

- b. If the owner of the WCF cannot be located or is no longer in business, it shall be the responsibility of the landowner on whose property the WCF is located to remove the abandoned facility and base equipment.
 - c. If the landowner is the City of Milwaukie, the City may invoice the owner of the WCF for the removal.
-

19.905 CONDITIONAL USES

19.905.9 Standards Governing Conditional Uses

H. Vacation Rentals

Operation of a vacation rental requires the following:

- 1. Prior to initial occupancy, the Building Official shall verify that building code and fire code standards are satisfied.
 - 2. With annual filing of MMC Title 5 Business Tax, the operator shall send a notice to neighbors within 300 ft that includes the following information:
 - a. Property owner contact information;
 - b. Vacation rental operator and/or property manager contact information; and
 - c. City of Milwaukie Police nonemergency telephone number.
-

19.910 RESIDENTIAL DWELLINGS

19.910.1 Accessory Dwelling Units

D. Approval Standards and Criteria

- 1. An application for an accessory dwelling unit reviewed through a Type I review shall be approved if the following standards are met.
 - a. An accessory dwelling unit is an allowed use in the base zones, and any applicable overlay zones or special areas, where the accessory dwelling unit would be located.
 - b. The primary use of property for the proposed accessory dwelling unit is a single-family detached dwelling.
 - c. One accessory dwelling unit per ~~lot~~ single family home or per lot is allowed.
-

19.911 VARIANCES

19.911.6 Building Height Variance in the Downtown Mixed Use Zone

B. Applicability

The Type III building height variance is an option for proposed buildings that exceed the base maximum building heights or stories and allowed height through bonuses specified in Figure 19.304-4 ~~and~~ or do not elect to use the height bonuses in Subsection 19.304.5.B.3.

Code Amendments

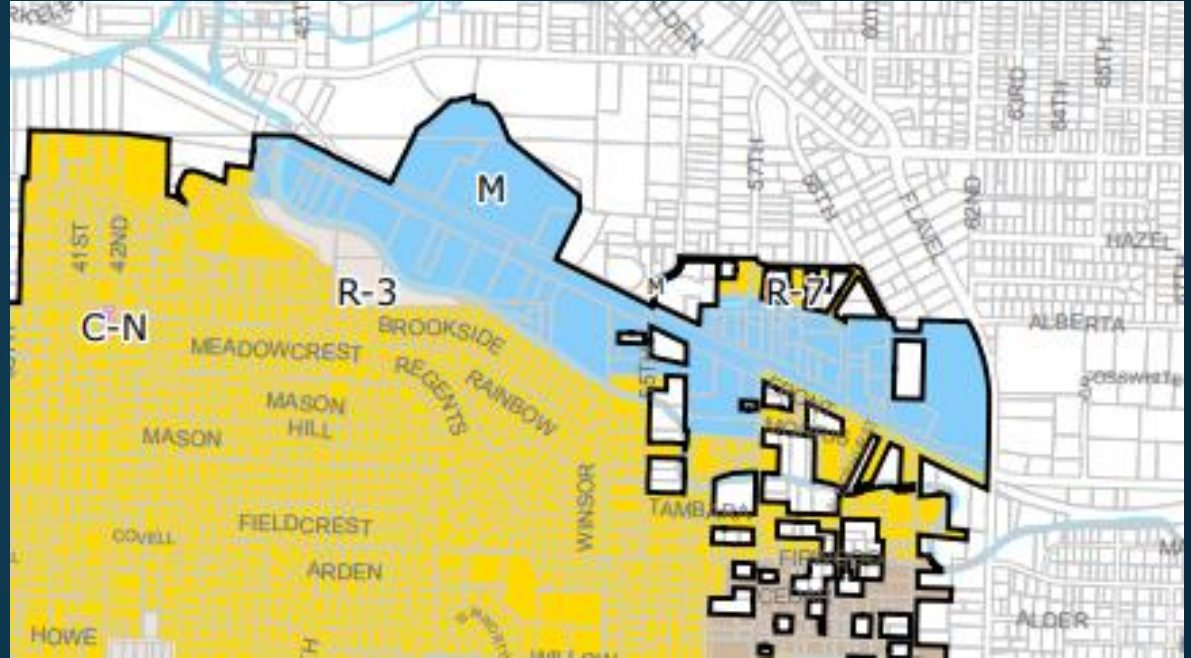
City Council Worksession

July 17, 2018

Vera Kolas, Associate Planner



- 



- Clarify that streets with a permanent turnaround can have no more than 20 dwellings.

