

CITY OF MILWAUKIE
PLANNING COMMISSION MINUTES
TUESDAY, AUGUST 14, 2001

COMMISSIONERS PRESENT

Tracy Cook, Chair
Judith Borden
Barbara Cartmill
Donald Hammang
Mike Miller

COMMISSIONERS ABSENT

Howard Steward

STAFF PRESENT

Alice Rouyer,
 Planning Director
John Gessner,
 Senior Planner
Kenneth Kent,
 Associate Planner
Shirley Richardson,
 Hearings Reporter

1.0 CALL TO ORDER

The meeting was called to order at 6:30 p.m.

2.0 PROCEDURAL QUESTIONS -- None.

3.0 PLANNING COMMISSION MINUTES -- July 24, 2001

Barbara Cartmill moved to approve the minutes of July 24, 2001, as presented.

Mike Miller seconded the motion. MOTION CARRIED 5-0.

Ayes: Cook, Cartmill, Hammang, Miller; abstentions: Borden; Nays: None.

4.0 INFORMATION ITEMS

4.1 City Council Work session Minutes

4.2 City Council Minutes

5.0 PUBLIC COMMENT -- None.

6.0 PUBLIC HEARINGS

6.1 Applicant: Gary and Sharon Klein
Owner: Same
Location: 10795 SE Riverway Lane
Proposal: Applicants are requesting approval to remodel and add on to a single-family residence located on the Natural

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Resource and Willamette Greenway Overlay zones. A Natural Resource Review and a Willamette Greenway Conditional Use permit are requested.

File Numbers: NR-01-03 and WG-01-01
NDA: Historic Milwaukie

Chair Cook opened the public hearing on Natural Resource Review NR-01-03 and Willamette Greenway Conditional Use Permit WG-01-01, an action that will allow for an 869 square foot addition to the footprint of an existing single-family residence at 10795 Riverway Lane. The criteria to be addressed are found in Milwaukie Zoning Ordinance Sections 302 - Residential Zone R-2; 322 - Natural Resource Overlay Zone; 320 - Willamette Greenway Zone WG; 600 - Conditional Use; and 1011.3 - Minor Quasi-Judicial Review.

Chair Cook asked if there were any conflicts of interest or ex-parte contacts to declare? There were none. **Chair Cook** asked if any member of the Planning Commission visited the site; three hands were raised. No one who visited the site spoke to anyone at the site or noted anything different from what is indicated in the Staff Report. No one in the audience challenged the impartiality of any Commission member or the jurisdiction of the Planning Commission to hear this matter.

STAFF REPORT

Kenneth Kent reviewed the staff report with the Commission. He reported that the applicant is prosing to add approximately 869 sq.ft. to the existing residence. The home will be remodeled adding a new roof structure increasing the overall height up to a total of 24 feet and adding the second floor area. The proposed additions include a 6-foot expansion along the front of the house to the north and a 14-foot expansion to the east side of home partially behind the garage.

The natural resource features for this property include the Willamette River and Johnson Creek. The resource boundary and the NR zone are defined as the 100-year floodplain. The proposed addition will extend the building further to the east. The addition will be 30 feet from the resource boundary, up to 210 feet from the normal bank of Johnson Creek.

It is staff's opinion that the development has been designed to have the least amount of impact on the natural features/values of the site. The project site has been dedicated to a residential use and maintains an adequate setback from the river. The project site currently has a vegetative buffer that extends from 50 to 60

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feet from the ordinary high water line to the level portion of the lot where the home and surrounding improved yard are located.

Staff finds that the proposal is consistent with the applicable criteria of the Milwaukie Zoning Ordinance and recommends approval with recommended findings and conditions of approval.

QUESTIONS FROM THE COMMISSIONERS

Mike Miller asked for clarification of the 50% rule as indicated in the staff report. **Ken Kent** stated that the applicant has not requested approval of the 50% rule as it applies to the removal of trees. Removal of trees in the natural resource zone would require an additional review. If any of the mature trees along the Willamette River are to be removed, the Planning Commission must review it.

CORRESPONDENCE RECEIVED -- None.

APPLICANT TESTIMONY

Speaking: Gary Klein, 3115 NE 58th, Portland

Mr. Klein reported that his property is located at 10795 SE Riverway Lane. He thanked Ken for a very thorough report. He stated that he is aware that if a certain number of trees are to be removed, they must be replaced. He has no plans for removing any trees at this time.

Mr. Klein stated that he plans on following all the criteria and requirements of this application. The six-foot addition on the north side of the house is the farthest away from the natural resource area. The backside of the garage addition is a combination of like uses in the home. The second floor will not change the look of the home.

TESTIMONY IN FAVOR -- None.

QUESTIONS FROM THE COMMISSIONERS -- None.

QUESTIONS OR COMMENTS -- None.

TESTIMONY IN OPPOSITION -- None.

ADDITIONAL COMMENTS FROM STAFF -- None.

QUESTIONS FROM THE COMMISSIONERS

DELIBERATION AMONG THE COMMISSIONERS

Chair Cook closed the public portion of the hearing and opened the meeting to discussion among the Commissioners.

Mike Miller asked that staff make a statement about the 50% rule on tree removal. **Alice Rouyer** stated that this rule is outlined on Page 9 of the staff report. The statement applies to the fact that not more than 50% of the trees will be removed. Any tree removal, however, will require the applicant to come back before the Planning Commission for review.

Barbara Cartmill moved to approve Natural Resource application NR-01-03 and Willamette Greenway WG-01-01 for an 869 square foot addition to the footprint of an existing single-family residence at 10975 Riverway Lane and adopt recommended Findings and Conditions of Approval as stated in the staff report.

Judith Borden seconded the motion. THE MOTION CARRIED 5-0.

Ayes: Cook, Borden, Cartmill, Hammang, Miller; Nays: None.

- 6.2 Applicant: City of Milwaukie
Owner: N/A
Location: N/A
Proposal: A Zone Amendment and Comprehensive Plan Amendment to adopt adequate public facility and transportation impact analysis requirements and adopt various other provisions to implement the Transportation System Plan (TSP) in accordance with a grant from the State of Oregon.
File Numbers: ZA-01-02 and CPA -01-02
NDA: All

Chair Cook opened the public hearing on applications Comprehensive Plan Amendment CPA-01-02 and Zoning Amendment ZA-01-02, an action that will allow Zoning Code amendments, changes to the Subdivision Ordinance, Municipal Code amendments, Comprehensive Plan revisions, and a new Transportation Design Manual.

Chair Cook asked if there were any conflicts of interest or ex-parte contacts to declare? There were none.

STAFF REPORT

John Gessner reviewed the staff report with the Commission. This project was funded by a grant from the State. He introduced the other staff members who worked on the project: Randy McCourt, DKS Associates (Traffic Engineering Consultant); Mary Dorman (Code Writing Consultant); Paul Roeger, Civil Engineer; Dennis Lively, City Engineer; and Brion Barnett, Associate Engineer.

The key elements of this project:

- The Zoning and Subdivision Ordinances will be consolidated into the Municipal Code.
- Builds upon existing adequate public facilities requirements. Public facilities requirements have been modified so that a payment or deferral of actual construction is provided when associated with a capital improvement project.
- Adoption of level of service performance standards for intersections. The Planning Commission under a land use application would review these standards when a traffic impact study is required.
- A Traffic Impact Analysis will be required when there is a score of 100 or more using the proposed method to determine threshold when a study is required.
- There are legal limitations on the extent of improvements that may be required by the city. There must be a direct relationship between the impact created by the development and the improvement required. Also, the scale of the improvement must be roughly proportional to the impacts created by the development.
- The distance area for administrative decisions has been increased to 300 feet.
- Staff is proposing that the City Council adopt a Transportation Design Manual. **Brion Barnett** stated that there have not been any guidelines in the past that allowed staff to get the improvements that were needed. This will help bring to the forefront any traffic impacts that may affect the neighborhoods. This is a draft of the manual and minor revisions will be made in the future.

John Gessner stated that the decision as to whether or not a project requires a traffic impact study should be objective and consistent. Staff is proposing a scoring method that achieves this goal. No one else in the metropolitan area is using this scoring process; however, it has been tested through a number of projects that have already been approved. The model is operating as staff was expecting.

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Staff was requested to draft flexible regulations that do not involve too much process. The results of the request were new regulations that address the business community needs and assurance that there are administrative ways to grant minor adjustments or exceptions.

These revisions will protect the neighborhoods from traffic impacts of non-residential traffic.

1. Any project that results in 25 or more through trips will be required to do a neighborhood study.
2. The traffic impact analysis that reaches the threshold will require an analysis of how trips from a given site are distributed.

The Planning Commission will review any application that requires a traffic impact analysis. This will allow the neighborhood residents the opportunity to comment on the impact study.

Input has been received from stakeholders. One response from Mr. Whitlow requesting that the city consider a system development charge credit. Developers could have the opportunity to make all the improvements necessary and get a credit back from the city for the cost in excess of what their rough proportional cost would be. Staff will be asking City Council if this is something that they want pursued. These revisions can be approved without this development credit in the Code.

Another response was received by Dave Hamilton, Norris and Stevens, with a concern about the inequity of how smaller projects trigger application requirements different than larger projects. Staff feels that the \$100,000 threshold may not be appropriate. By raising the threshold, it would reduce concerns about the inequity. Staff is asking that a recommendation be sent to City Council in support of this threshold being increased to \$200,000 rather than the \$100,000 as indicated on Page 6.2 (20) of the staff report.

Staff has done an analysis on the approval criteria in the Comprehensive Plan and Zoning Ordinance and find that the regulations are consistent and requests that a favorable recommendation be made to City Council. A public hearing is scheduled for September 18, 2001.

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QUESTIONS FROM THE COMMISSIONERS

Barbara Cartmill asked if the system development charge credit could be made separate from these revisions and be subject to review and decision at another time? **John Gessner** stated that it would be appropriate.

Chair Cook asked for clarification of what sections of the code the increase in project dollar amount would be found. **John Gessner** stated that it could be found in Sections 1404.1 and 1405.

Mike Miller asked if these revisions would result in the elimination of developer agreements related to sidewalks and streets. **John Gessner** stated that the revisions eliminate developer agreements for providing required improvements within the right-of-way. It has been replaced with an option to provide payment in lieu of construction. The money would be held by the City to do the improvements if the developer does not construct them.

TESTIMONY IN FAVOR -- None.

QUESTIONS OR COMMENTS

Speaking: Teresa Bresaw, 12744 SE Weedman Court, Milwaukie

Ms. Bresaw stated that she is with the Lake Road Neighborhood Association. She stated that she had several questions.

1. Because some streetlights are being placed in the middle of the block rather than at the corners, she asked if these revisions address this new process?
2. Will the public right-of-way be changed or remain as stated in the staff report: street, curb to curb; green space for trees; and sidewalk on both sides of the street? Her neighborhood has street, sidewalk, and public right-of-way extending into yards about four and a half feet.
3. Will the stubbed streets be opened up to traffic if there are more than 20 homes in the neighborhood?
4. The staff report indicates that new development shall be connected to a collector or arterial by a paved street. Does new development mean more than one house and does this mean that a new one-home development cannot have a non-paved driveway?

TESTIMONY IN OPPOSITION -- None.

ADDITIONAL COMMENTS FROM STAFF

Brion Barnett stated that Section 1.3.5 of the draft Design Guidelines, on Page 6.2 (119), indicates that the City has adopted the standards for the American National Standard Practice for Roadway Lighting. The location is based on a functional classification that requires certain foot-candles based on class.

Mike Miller asked if there is a standard that calls for the distance between streetlights? **Brian Barnett** reported that the city does not have lighting guidelines. **Randy McCourt**, DKS Associates, stated that the standard goes by coverage of lighting rather than placement. All new development will be held to that standard of coverage. Individual development is currently responsible for providing the safe level of the standard.

Mike Miller asked what is the process for a resident if they feel their street lighting is inadequate? **Brian Barnett** stated that he would talk to someone in the Engineering Department about the adequacy of lighting on her street. A measurement will be taken and the results reviewed to bring the lighting up to adequate levels.

Brion Barnett put the diagram on Page 6.2 (189) on the overhead projector. He reviewed with the audience the right-of-way requirements. What is shown on the diagram is what the city would like to see in the future.

Donald Hammang asked if consideration was given to the saving of trees with the right-of-way street designs? **John Gessner** stated that the regulations apply uniformly over the city. There is reasonable discretion given to insure that valuable resources can be saved.

John Gessner stated that the provision requiring closed-end street systems connection through an existing street was adopted the spring of 1998 when the Functional Plan Compliance was done. The provision applies only to development created after the adoption date. These revisions will not force the streets to be pushed through.

In regards to the question about new development needing a paved driveway, **John Gessner** stated that this is an old provision of the subdivision regulations. These revisions would not require the paving of existing gravel driveways. The Zoning Ordinance today requires that driveways be paved. New development must have paved driveways.

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Ms. Bresaw stated that she feels the streetlights make more sense at the corners. This is where there is more of a chance of an accident. She voiced concern that the standards may always be minimum standards and maybe not always the best in every situation. **Brion Barnett** stated that there are standards in place now where there were none before. The intersection lighting requirements generally double the requirement for a normal block way.

QUESTIONS FROM THE COMMISSIONERS

Judith Borden asked for clarification of the memo, Summary of Miscellaneous Provisions, point 2, for substantial redevelopment. **John Gessner** stated that it is the building that is subject to permit, not just buildings in general in the neighborhood. The language will be revised to make it clear that it is in reference to the site building or buildings.

Mike Miller asked if this reference was to one of multiple buildings or a single building that occupies the entire site? **John Gessner** stated that the intent is to get to the value of improvements on the property. The level of existing investment is used as a gauge to apply the requirements for public improvements. The value of on-site improvements against the need for public improvements in the street. This applies to all buildings. **Alice Rouyer** stated that County Assessor data is broken down to all improvements on the lot, not just building. The language of the definition will be revised.

Mike Miller asked if this revision puts the greater burden for the application process on those that have the lower valued area? **John Gessner** stated that there are exemptions for single-family residences. The definition of substantial improvement does not apply to single-family residences.

DELIBERATION AMONG THE COMMISSIONERS

Chair Cook closed the public portion of the hearing and opened the meeting to discussion among the Commissioners.

Judith Borden moved to recommend to City Council approval of applications Comprehensive Plan Amendment CPA-01-02 and Zoning Amendment ZA-01-02 for the Transportation System Plan Implementation Project with the revisions discussed tonight for Sections 1404.1C, 1405B, and changes of language in the Summary of Miscellaneous Revisions, Number Two found in Chapter 19.103 -

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Definitions for the definition of Substantial Redevelopment. **Mike Miller** seconded the motion. THE MOTION CARRIED 5-0.

Ayes: Cook, Borden, Cartmill, Hammang, Miller; Nays: None.

Mike Miller commends John Gessner for all of the good work he has done on this project and for staying on task for so long. The rest of the Commission concurred.

7.0 WORKSESSION -- None.

8.0 DISCUSSION ITEMS

Barbara Cartmill expressed interest in consideration of the system development credit as mentioned by staff. If the right development came along that established a precedent for forwarding the money to complete a project, the idea that there is a mechanism for recovery somewhere down the line, she feels the city would benefit from the improvement. This may bring more development into Milwaukie.

Judith Borden stated that it is a good idea to encourage developers to bear the cost to do some of these improvements in hopes of getting some sort of credit.

John Gessner stated that he feels this is something that should be reviewed and would probably not induce growth. It will give the city another tool to help get the improvements that the City needs. The City of Gresham, Washington County, and other agencies are using this form of reimbursement.

Mike Miller and Chair Cook also stated that they were in favor of this concept. **Alice Rouyer** stated that John Gessner would forward to City Council as a comment that the Planning Commission is in favor of the idea of the development charge credit.

Discussion followed on how the development charge credit would apply. This would apply only if a developer went over and above what the Commission or Council requires as part of their application.

9.0 OLD BUSINESS -- None

10.0 OTHER BUSINESS/UPDATES

10.1 Matters from the Planning Director

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John Gessner/Senior Planner **Alice Rouyer** announced that John Gessner was promoted to Senior Planner effective August 1, 2001. Congratulations were given by the Commission.

Alice Rouyer announced that Gary Firestone is in Europe and Dana Krawczak will be sitting in for him until he returns. Ms. Krawczak has experience in municipal law and comes well qualified.

North Industrial Grant Award **Alice Rouyer** announced that Milwaukie was awarded the North Industrial Grant. Staff will be working with Oregon Department of Transportation (ODOT) on the scope of work and the process of hiring a consultant for the project.

Building Department Report **Alice Rouyer** reported that she now manages the Building Department. The service will not change and they will continue to work with Happy Valley. In time, the city is considering taking over the electrical program completely.

Flag Lot Standards **Alice Rouyer** reported that in June, City Council asked staff to address the flag-lot standards. One of the requests was to see if the flag-lot standards could be eliminated. There is nothing in the Metro Functional Plan that requires the city to have flag-lot standards; however, from a legal standpoint, it would be very difficult to eliminate them. After a Council worksession, there was support in having the Planning Commission work on tightening up the standards.

At the next work session, staff will be bringing the first draft of Phase I of the subdivision re-write. This will include re-plat standards, lot-line adjustment standards, as well as some new and improved lot design standards.


Design and Landmark Commission Report **Barbara Cartmill** reported that the Commission went on a field trip to downtown Portland and reviewed mixed-use examples, office mix with retail, and different types of architecture. She leaned to appreciate window placement, rooflines, etc. It was a good experience for all the Commissioners.

- 11.0 NEXT MEETING -- August 28, 2001
- 11.1 Continuation of South Corridor discussion from July 24, 2001
- 11.2 Review draft Subdivision Ordinance amendments

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Barbara Cartmill moved to adjourn the meeting of July 24, 2001. **Mike Miller** seconded. MOTION PASSED UNANIMOUSLY. The meeting adjourned at 8:05 p.m.


Tracy Cook, Chair


Shirley Richardson, Hearings Reporter

AGENDA

MILWAUKIE PLANNING COMMISSION

**MILWAUKIE CITY HALL, 10722 SE MAIN STREET
TUESDAY, August 14, 2001
6:30 PM**

		ACTION REQUIRED
1.0	Call to Order	
2.0	Procedural Questions	
3.0	Planning Commission Minutes	Motion Needed
3.1	July 24, 2001	
4.0	Information Items	
4.1	City Council Minutes (upon approval by Council) – to PC members only	Information Only
4.2	City Council Worksession Minutes (upon approval by Council) – to PC members only City	
5.0	Public Comment	
	This is an opportunity for the public to comment on any item not on the agenda	
6.0	Public Hearings	
6.1	Type of Hearing: Minor Quasi Judicial Applicant: Gary and Sharon Klein Owner: Same Location: 10795 SE Riverway Lane Proposal: Applicants are requesting approval to remodel and add on to a single family residence located in the Natural Resource and Willamette Greenway Overlay zones. A Natural Resource Review and Willamette Greenway Conditional Use permit are required. File Numbers: NR-01-03 and WG-01-01 NDA: Historic Milwaukie Staff Person: Kenneth Kent	Discussion and Motion Needed
6.2	Type of Hearing: Legislative Applicant: City of Milwaukie Owner: N/A Location: N/A Proposal: A Zone Amendment and Comprehensive Plan Amendment to adopt adequate public facility and transportation impact analysis requirements; and adopt various other provisions to implement the Transportation System Plan (TSP) in accordance with a grant from the State of Oregon. File Numbers: ZA-01-02 and CPA-01-02 NDA: All Staff Person: John Gessner	
7.0	Worksession Items - None	
8.0	Discussion Items	
	This is an opportunity for comment or discussion by the Planning Commission for items not on the agenda.	Review and Decision
9.0	Old Business	
10.0	Other Business/Updates	
10.1	Matters from the Planning Director	
10.1.a	North Industrial Grant Award	
10.1.b	Building Department Report	
10.1.c	City Council discussion regarding flag lots	
10.2	Design and Landmark Commission Report	Information Only Review and Comment
11.0	Next Meeting: August 28, 2001 - Worksession	
11.1	Continuation of South Corridor discussion from July 24, 2001 Review draft Subdivision Ordinance amendments The above items are tentatively scheduled, but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.	

THE MILWAUKIE PLANNING COMMISSION WELCOMES YOUR INTEREST IN THESE AGENDA ITEMS. FEEL FREE TO COME AND GO AS YOU PLEASE.

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

Public Hearing Procedure

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.** THE STAFF REPORT IS FOLLOWED BY ANY VERBAL OR WRITTEN CORRESPONDENCE WHICH HAS BEEN RECEIVED SINCE THE COMMISSION WAS PRESENTED WITH ITS PACKETS.
3. **APPLICANT'S PRESENTATION.** WE WILL THEN HAVE THE APPLICANT MAKE A PRESENTATION, FOLLOWED BY:
4. **PUBLIC TESTIMONY IN SUPPORT.** TESTIMONY FROM THOSE IN FAVOR OF THE APPLICATION.
5. **COMMENTS OR QUESTIONS.** COMMENTS OR QUESTIONS FROM INTERESTED PERSONS WHO ARE NEITHER IN FAVOR NOR OPPOSED TO THE APPLICATION.
6. **PUBLIC TESTIMONY IN OPPOSITION.** WE WILL THEN TAKE TESTIMONY FROM THOSE IN OPPOSITION TO THE APPLICATION.
7. **QUESTIONS FROM COMMISSIONERS.** WHEN YOU TESTIFY, WE WILL ASK YOU TO COME TO THE FRONT PODIUM AND GIVE YOUR NAME AND ADDRESS FOR THE RECORDED MINUTES. PLEASE REMAIN AT THE PODIUM UNTIL THE CHAIR PERSON HAS ASKED IF THERE ARE ANY QUESTIONS FOR YOU FROM THE COMMISSIONERS.
8. **REBUTTAL TESTIMONY FROM APPLICANT.** AFTER ALL TESTIMONY, WE WILL TAKE REBUTTAL TESTIMONY FROM THE APPLICANT.
9. **CLOSING OF PUBLIC HEARING.** THE CHAIR PERSON WILL CLOSE THE PUBLIC PORTION OF THE HEARING. WE WILL THEN ENTER INTO DELIBERATION AMONG THE PLANNING COMMISSIONERS. FROM THIS POINT IN THE HEARING WE WILL NOT RECEIVE ANY ADDITIONAL TESTIMONY FROM THE AUDIENCE, BUT WE MAY ASK QUESTIONS OF ANYONE WHO HAS TESTIFIED.
10. **COMMISSION DISCUSSION/ACTION.** IT IS OUR INTENTION TO MAKE A DECISION THIS EVENING ON EACH ISSUE BEFORE US. DECISIONS OF THE PLANNING COMMISSION MAY BE APPEALED TO THE CITY COUNCIL. IF YOU DESIRE TO APPEAL A DECISION, PLEASE CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT DURING NORMAL OFFICE HOURS FOR INFORMATION ON THE PROCEDURES AND FEES INVOLVED.
11. **MEETING CONTINUANCE.** THE PLANNING COMMISSION MAY, IF REQUESTED BY ANY PARTY, ALLOW A CONTINUANCE OR LEAVE THE RECORD OPEN FOR THE PRESENTATION OF ADDITIONAL EVIDENCE, TESTIMONY OR ARGUMENT. ANY SUCH CONTINUANCE OR EXTENSION REQUESTED BY THE APPLICANT SHALL RESULT IN AN EXTENSION OF THE 120-DAY TIME PERIOD FOR MAKING A DECISION.

The Planning Commission's decision on these matters may be subject to further review or may be appealed to the City Council. For further information, contact the Milwaukie Planning Department office at 786-7600.

Milwaukie Planning Commission:

Tracy Cook, Chair
Judith Borden, Vice Chair
Laura Cartmill
Ed Hammang
Melanie Miller
Howard Steward

Community Development Department Staff:

Alice Rouyer, Planning Director
John Gessner, Associate Planner
Ken Kent, Associate Planner
Lindsey Nesbitt, Assistant Planner
Jeanne Garst, Staff Assistant
Marcia Hamley, Office Assistant
Shirley Richardson, Hearings Reporter



TO: Milwaukie Planning Commission

THROUGH: Alice Rouyer, Planning Director *AR*

FROM: Kenneth Kent, Associate Planner *KK*

DATE: August 14, 2001

SUBJECT: NR-01-03, WG-01-01; Addition to an Existing Single Family Residence Located within a Natural Resource Area and the Willamette Greenway Zone at 1075 SE Riverway Lane.

I. ACTION REQUESTED

Approve applications NR-01-03 and WG-01-01 for an 869 square foot addition to the footprint of an existing single family residence at 1075 Riverway Lane and adopt recommended Findings and Conditions of Approval.

II. CODE AUTHORITY

Milwaukie Zoning Ordinance Sections

- 302 – Residential Zone R-2
- 322 - Natural Resource Overlay Zone
- 320 - Willamette Greenway Zone WG
- 600 - Conditional Uses
- 1011.3 - Minor Quasi-Judicial Review

III. DECISION-MAKING PROCESS

The Natural Resource Overlay and Willamette Greenway applications are subject to quasi-judicial review, which requires the Planning Commission to consider whether the applicant has demonstrated compliance with approval criteria of the code sections identified above. In quasi-judicial reviews, the Commission assesses the application against applicable

approval criteria and evaluates testimony received at the public hearing. The Commission has three decision-making options as follows:

1. Approve the application upon finding that all approval criteria have been met.
2. Approve the application subject to conditions when they are needed for compliance with approval criteria.
3. Deny the application upon a finding that they do not meet approval criteria.

The final decision on this application, which includes any appeals to the City Council, must be made by October 25, 2001 in accordance with the Oregon Revised Statutes.

IV. KEY ISSUES

1. Has the applicant demonstrated that there is a development setback that adequately protects the Natural Resource, per Section 322.7.A.2?
2. Is the proposed addition compatible with the scenic, natural, historic, economic and recreational character of the Willamette River?
3. Is the minimum 25-foot vegetative buffer maintained between the Ordinary High Water Line of the Willamette River?

V. BACKGROUND

1. Statistics

Location:	1075 Riverway Lane
Property Owner:	Gary and Sharon Klein
Applicant:	Gary and Sharon Klein
Zone:	Residential Zone R-2, Natural Resource Overlay Zone NR, and Willamette Greenway Zone WG
Lot Size	1.60 Acres (including east side of Johnson Creek Development site: 1.17 Acres (50,993 square feet)
Tax Lot	11E35AA04400
Proposed Use:	Addition to Existing Single Family Residence

2. Site History

The subject property is situated at the northwest corner of the confluence of the Willamette River and Johnson Creek. The site is located within the Residential Zone R-2, the Natural Resource Overlay Zone and Willamette Greenway Overlay Zone. The existing residence was constructed in approximately 1948, with an addition occurring in about 1955 and installation of a pool in about 1960. The property obtains access over Riverway Lane, which is a private street. Willamette Greenway and Natural Resource Review applications were approved on August 10, 1999 for realignment of Riverway Lane onto the former Portland Traction Company rail right-of-way that is now owned by several of the property owners along Riverway Lane.

3. **Summary Project Description**

The applicant is proposing to add approximately 869 square feet to the existing residence. The proposal involves a remodel that will add a new roof structure, increasing the height of the home up to 24 feet and expanding second floor area. The proposed additions include a 6 foot extension across the front (north) side of the home, and a 14 foot extension to the back of the garage to the east.

See Exhibit 2 for a reduction of the site plan. A site inventory of trees located along the resource boundary is included in Exhibit 4. See Exhibit 3 - Applicant's Narrative for further project information.

VI. **ANALYSIS OF PROPOSAL**

Evaluation of Zoning Criteria

Natural Resource Overlay

The site is designated as a Natural Resource Site in the Comprehensive Plan and is therefore subject to the Natural Resource Overlay Zone. The resource feature on the subject property is the riverfront of the Willamette River along the south side of the property and Johnson Creek along the southeast side of the property. Comprehensive Plan Chapter 3 – Environmental and Natural Resources Element establishes policies for protection of natural resource areas and their associated values through preservation, conservation, mitigation and acquisition of resources.

The Comprehensive Plan identifies that riparian buffers provide significant tree and vegetative cover, flood protection, sediment and erosion control, groundwater discharge and recharge, and wildlife habitat. Section 322.7 specifies standards for development activities located in NR areas. These standards generally protect resources by limiting the type of activity, its location, or by limiting or compensating development impacts by requiring mitigation.

The resource boundary for the Willamette River and Johnson Creek is defined as the 100-year floodplain. The applicant has depicted the 100-year flood elevation on the site plan, which shows that the existing building and the proposed addition are not located within the resource boundary. The proposed addition to the east side of the home would be located approximately 25 to 30 feet from the resource boundary. The proposed addition will be from approximately 103 to 210 feet from the bank of Johnson Creek. The creek is approximately 40 feet lower in elevation than the pad of the residence.

Has the applicant demonstrated that there is a development setback that adequately protects the resource, per Section 322.7.A.2?

It is staff's opinion that the development has been designed to have the least amount of impact on the natural features/values of the site. The goal of the Natural Resource Overlay Zone is to assure adequate protection of resources where development occurs either within or adjacent to the resource. Protection of the resources means maintaining as much of the natural function of the resource as possible.

Metro Function Plan Title 3 establishes a 50-foot development setback from natural resource sites for the region. For water features, the setback is measured from the high bank. The proposed project will be located approximately 100 feet from the high bank, meeting this standard.

Willamette Greenway Overlay

The Willamette Greenway Zone is designed to protect, conserve, enhance and maintain the natural, scenic, historic, recreational and economic qualities along the Willamette River. The applicant's narrative explanation of how the application meets the WG Zone is found in Exhibit 4.

Is the proposed addition compatible with the scenic, natural, historic, economic and recreational character of the Willamette River?

The project site has been dedicated to a residential use and maintains an adequate setback from the river. The scale of the additional building area will have minimal impact on the Willamette River Greenway.

Is the minimum 25-foot vegetative buffer maintained between the Ordinary High Water Line of the Willamette River?

Properties within the Willamette Greenway Zone are required to maintain a vegetative buffer of 25 feet from the ordinary high water line of the river. The ordinary high water line of the Willamette River is from approximately 120 to 130 feet from the proposed addition.

NR-01-03, WG-01-01
August 14, 2001 Planning Commission
Page 5 of 6

The project site currently has a vegetated buffer that extends from 50 to 60 feet from the ordinary high water line to the level portion of the lot where the home and surrounding improved yard are located.

The proposed additions meet the yard requirements and other development standards of the underlying R-2 Zone.

VII. COMMENTS

As of August 7, 2001, no comments have been received regarding this application.

VIII. CONCLUSION

The proposal is consistent with the applicable criteria of Milwaukie Zoning Ordinance Section 322-Natural Resource Overlay Zone and Section 320- Willamette Greenway Zone.

IX. RECOMMENDED FINDINGS

1. Gary and Sharon Klein (Applicants/Owners) are proposing to add approximately 869 square feet to the existing residence at 1057 Riverway Lane.
2. Applications NR-01-03 and WG-01-01 have been processed and public notice provided in accordance with requirements of Zoning Ordinance Section 1011.3 Quasi-Judicial Review.
3. The proposal is consistent with the applicable criteria of Milwaukie Zoning Ordinance Section 322-Natural Resource Overlay Zone and Section 320-Willamette Greenway Zone.
4. Various salmonid "species" have been listed as threatened in the region and regulations have been issued prohibiting actions that result in a "take". The regulations implementing the take prohibition list development as an activity that can result in a take. However, the rules also acknowledge that development can be properly conducted without resulting in a take. A condition of approval requires compliance with all applicable laws, including the Endangered Species Act. Therefore, the activities authorized by this approval will not result in a violation of the Endangered Species Act.

X. RECOMMENDED CONDITIONS OF APPROVAL

1. Prior to issuance of a building permit, final site and architectural development plans shall be in substantial conformance with the plans approved by this action. Reference is made to development plans stamped received at Milwaukie Planning Department, June 15, 2001, application submission materials, and minutes of the Planning Commission's public hearing.

2. Prior to issuance of a building permit, the following shall be submitted to the satisfaction of the Planning Director:
 - a. Narrative of all actions taken to comply with these conditions of approval;
 - b. Narrative description of all changes made to the plans but not required by these conditions of approval.
3. Prior to issuance of a building permit, and commencement of any earth disturbing activities, the applicant shall submit an erosion control plan and obtain an erosion control permit.
4. Prior to start of construction or any earth disturbing activity, erosion controls and construction barriers shall be installed and inspected by the City in accordance with an approved erosion control permit.
5. Prior to final inspection, a detailed narrative of actions taken to comply with all conditions of this approval shall be submitted to the satisfaction of the Planning Director.
6. The applicant shall comply with all applicable federal, state and local laws and regulations relating to environmental protections, including but not limited to the Endangered Species Act and all water quality and stream protection regulations.

IX. EXHIBITS

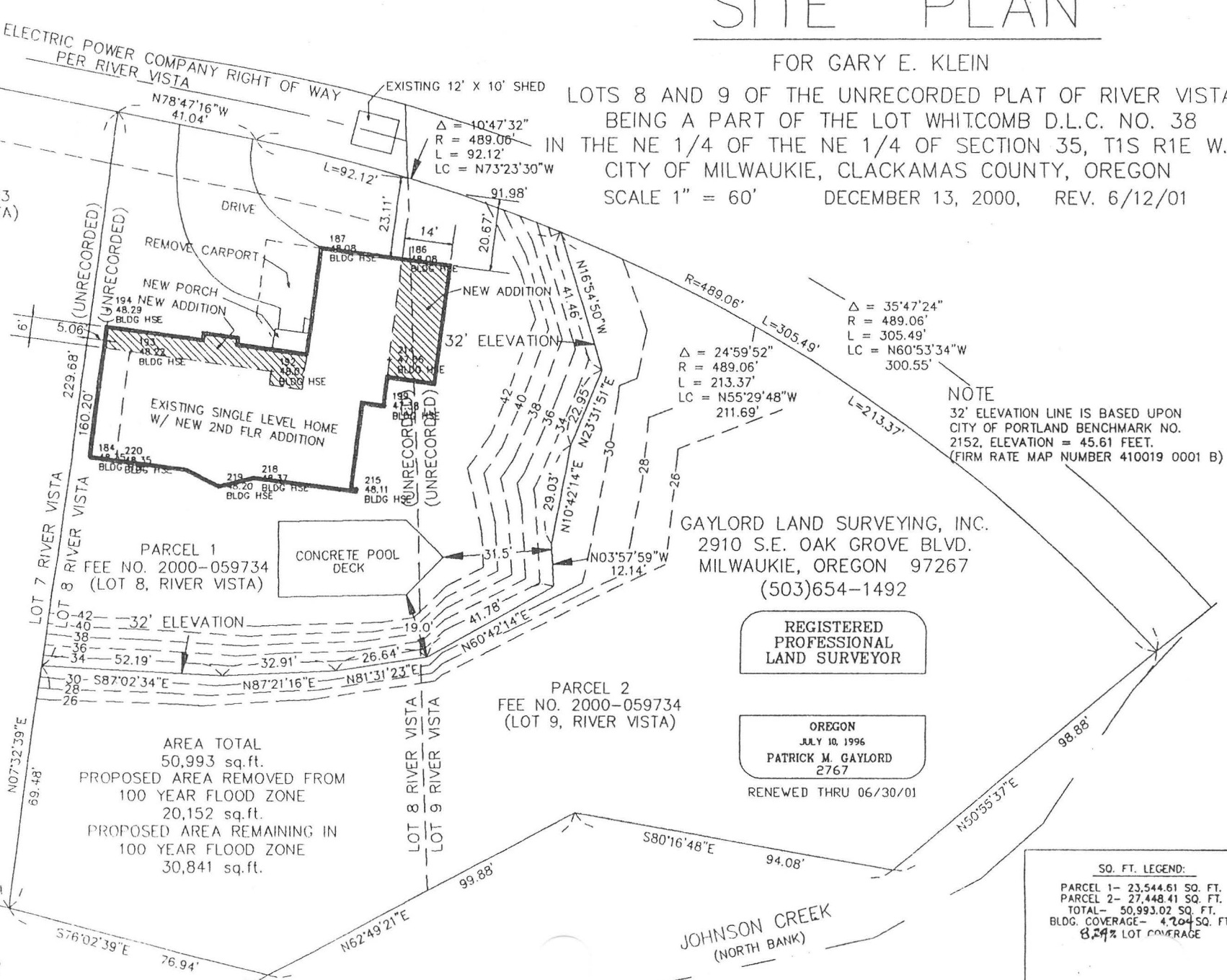
1. Vicinity Map
2. Proposed Site Plan (Reduced)
3. Applicant's Narrative
4. Full Size Site Plan, Floor Plan and Architectural Elevations, 100 Year Flood Line and Ordinary High Water Line (Planning Commission Only)

SITE PLAN

FOR GARY E. KLEIN

LOTS 8 AND 9 OF THE UNRECORDED PLAT OF RIVER VISTA BEING A PART OF THE LOT WHITCOMB D.L.C. NO. 38 IN THE NE 1/4 OF THE NE 1/4 OF SECTION 35, T1S R1E W.M. CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON SCALE 1" = 60' DECEMBER 13, 2000, REV. 6/12/01

FEE NO. 86-39433 (LOT 7, RIVER VISTA)



NOTE
 32' ELEVATION LINE IS BASED UPON CITY OF PORTLAND BENCHMARK NO. 2152, ELEVATION = 45.61 FEET. (FIRM RATE MAP NUMBER 410019 0001 B)

GAYLORD LAND SURVEYING, INC.
 2910 S.E. OAK GROVE BLVD.
 MILWAUKIE, OREGON 97267
 (503)654-1492

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
 JULY 10, 1996
 PATRICK M. GAYLORD
 2767
 RENEWED THRU 06/30/01

AREA TOTAL 50,993 sq. ft.
 PROPOSED AREA REMOVED FROM 100 YEAR FLOOD ZONE 20,152 sq. ft.
 PROPOSED AREA REMAINING IN 100 YEAR FLOOD ZONE 30,841 sq. ft.

SQ. FT. LEGEND:
 PARCEL 1- 23,544.61 SQ. FT.
 PARCEL 2- 27,448.41 SQ. FT.
 TOTAL- 50,993.02 SQ. FT.
 BLDG. COVERAGE- 4,204 SQ. FT.
 8.24% LOT COVERAGE

SCALE 1" = 60'
 PROJECT NO. 97027-C

WILLAMETTE (NORTH BANK)

JOHNSON CREEK (NORTH BANK)

EXHIBIT 3

6.1 9

City of MILWAUKIE

Application for Land Use Action

Natural Resource &
Willamette Greenway

NATURAL RESOURCE REVIEW Information

A. DESCRIBE PROPOSAL - The 53-year old Family Home is in disrepair with concerns of: dry rot, plumbing problems, electrical, roof damage, ant infestation, potential heating system failure, out-dated weatherization/insulation, floor damage, lighting, and design flaws. Adding to the footprint will bring the bedroom areas together (North of the West wing). Also it will bring the divided shop/storage area along with the garage area together (East of the North wing). These two additions outside of the footprint will give us a better design and make a more valuable home to the beautiful Milwaukie River Front.

B. TEXT OF CRITERIA:

322.7 Development standards

A. The Family home and it's proposed additions are outside of the 100-year floodplain as established by FEMA. Proof of this is in the letter dated April 20, 2001 to "The Honorable Carolyn Tomei, Mayor, City of Milwaukie, Case # 01-10-181A, and LOMR-FW form of the same date & Case #. A copy of these two items are included within this package. In Milwaukie's statutes "Natural Resource Overly zone NR", section 19.322.2 on page 308-91 the "Riparian Arcas" arc within the 100-year floodplain, and this Family home is outside of that area. Also the proposed additions are outside of the "twenty-five feet inland from the mean high water line" area.

1. Site Preparation of the construction area will be as required and will include black erosion control material to be placed around the site perimeter. No work will be done in the 100-year floodplain or on the bank.
2. Adequate setbacks will be maintained on all sides of the house to protect the resource site.
3. Parking areas will stay as it exists. Trash collection areas will be in the garage or screened by vegetation. Both of these areas are on the North side of the house, and will not be seen from the creek or the river. Storage areas will be inside the house, or screened by vegetation also. We have no display areas.
4. Noise, dust, and glare will be kept to a minimum during the remodeling of the house. This is a remodel of a residential home with no commercial activity.
5. Outdoor lighting will be for safety related purposes around the home.

B. Development activities:

1. We will maintain the existing paths to, and within the natural resource area.
2. Please refer to the site plan for the location of mature trees. We are not planning removal of any trees in the proposed addition area. In the future, we will not remove over the 50% of the mature standing trees. And if we remove any mature standing tree(s), we will replace it /them one-for-one even if not over the 50% rule.
3. We will follow this rule, but have no plans to use it.
4. We do not plan to remove any natural trees or shrubs in the Natural Resource area for any of our house additions. When the house is completed, we will add appropriate landscaping areas around the home.
5. Natural riparian vegetation will not be touched within 15 feet horizontally above the normal high water line, except for maintenance of paths listed in this section B, #1 above.
6. No detrimental changes will be made in this area.
7. No land cuts or trenching will be made in the 100- year floodplain.
8. No development will be made in the 100-year floodplain.
9. No additional roadways will be added.
10. We will follow standard or better construction safeguards to keep harm from the Natural Resource area.
11. Not applicable. No development will be made in the 100-year floodplain.

C. SUBMIT SITE PLAN/MAP

See the submitted plans marked "Site Plan" with 12 copies, and information in write-up of "Site Plan Checklist".

D. OTHER SPECIFIC REQUIREMENTS

322.8 Site survey required - All remodeling & additions are above/outside of the 100-year floodplain, and they are also outside of the "twenty-five feet inland from the mean high water line" area.

322.9 Site survey content

A. Again, see the submitted plans marked "Site Plan".

B. The 53-year old Family Home is in disrepair with concerns of: dry rot, plumbing problems, electrical, roof damage, ant infestation, potential heating system failure, out-dated weatherization/insulation, floor damage, lighting, and design flaws. Adding to the footprint will bring the bedroom areas together* (North of the West wing). Also it will bring the divided shop/storage area along with the garage area together* (East of the North wing). These two additions outside of the footprint will give us a better design and make a more valuable home to the beautiful Milwaukie River Front. * = These two additions are over 50 feet from the 100-year Floodplain, and over 100 feet from the "twenty-five feet inland from the mean high water line" area.

322.10 Mitigation plans - The remodeling and additions all over 50 feet from the 100-year Floodplain, and over 100 feet from the "twenty-five feet inland from the mean high water line" area they are not in direct contact of the natural resource area.

E. SUBMIT NOTICE LABELS AND MAP - These are attached to this package.

CONDITIONAL USE – WILLAMETTE GREENWAY Information

A. DESCRIBE PROPOSAL - The 53-year old Family Home is in disrepair with concerns of: dry rot, plumbing problems, electrical, roof damage, ant infestation, potential heating system failure, out-dated weatherization/insulation, floor damage, lighting, and design flaws. Adding to the footprint will bring the bedroom areas together (North of the West wing). Also it will bring the divided shop/storage area along with the garage area together (East of the North wing). These two additions outside of the footprint will give us a better design and make a more valuable home to the beautiful Milwaukie River Front.

B. ADDRESS APPROVAL CRITERIA**601.2 Applicant's responsibilities**

A, B, C, D, & E. This use, standards of the zone, goal, policies, shape, location, existence of improvements, natural features, transportation meets requirements of a conditional use in the zone currently applied to the site.

602 Standards Governing Conditional uses

602.1 Yards – This is residential property and the home will not exceed 35 feet in height. The property is over 92 feet wide, thus at all time the proportions show the yard is at least 2-times the height of the home's principal structure.

602.2 Height exception - This home/structure will not exceed both; 35 feet, and the height restriction for this property in the zone.

602.3 Access to property and building openings – My home is on a private street. Glare, excessive noise and other effects will not adversely effect any adjacent residential property.

320.6 Criteria

A. This property has been Zoned R-2 for over 40 years and has had my family home on it for over 53 years. This is in the Willamette River Greenway Plan as residential as it will continue to be.

B. My home will become even more compatible with the scenic, natural, historic, economic, and recreational character of the river with these improvements.

C. The home improvements will not hurt or harm the views either towards or away from the river. We are not altering the vegetation.

D. Landscaping is going to remain natural, aesthetic enhancements to the home will improve its livability, open spaces will remain, and vegetation will remain too, as listed before.

E. No public access is to be removed or changed.

F. The family home is oriented towards water & recreational use, and will be to the greatest possible degree.

G. We plan no change in the views from the river to the downtown, except to do prudent maintenance and trimming within the zoning limits.

I. As list in "G" directly above, the natural environment will follow within the Natural Resource Overlay zoning limits.

J. I will work with all my powers with the Design Review Committee in listening to ideas, advice and recommendations, as appropriate.

K. This request is consistent with applicable plans and programs of the Division of State Lands to the best of my knowledge.

L. This request for improvement to my family home is within Vegetation Buffer Plan and conditions of subsection 320.8. A-C to the best my knowledge.

C. SUBMIT SITE PLAN/MAP (12 COPIES) - This has been done.

D. OTHER SPECIFIC REQUIREMENTS – Other attachments have been added to this package.

E. SUBMIT NOTICE LABELS AND MAP – These have been add to this package.

CONDITIONAL USE – WILLAMETTE GREENWAY Information

A. DESCRIBE PROPOSAL - The 53-year old Family Home is in disrepair with concerns of: dry rot, plumbing problems, electrical, roof damage, ant infestation, potential heating system failure, out-dated weatherization/insulation, floor damage, lighting, and design flaws. Adding to the footprint will bring the bedroom areas together (North of the West wing). Also it will bring the divided shop/storage area along with the garage area together (East of the North wing). These two additions outside of the footprint will give us a better design and make a more valuable home to the beautiful Milwaukie River Front.

B. COMPREHENSIVE PLAN GOALS AND POLICIES:

19.320 Willamette Greenway zone WG.

19.320.1 Purpose -

19.320.2 Area Defined -

19.320.3 Limitations on Use -

Prohibited uses:

- A. The remodeling of my home will not exceed the height of 35 feet.
- B. My home will not be a Residential floating structure.
- C. It will not be a new private noncommercial boathouse(s) or storage structure(s), including temporary structure(s).
- D. It also will not be New private noncommercial docks.
- E. It will not be any grading and tree cutting except as allowed in subsections 19.320.8 (B) (1)-(6).

19.320.4 Definitions -

19.320.5 Procedures -

- A. WG zone is subject to the provisions of Chapter 19.60

B. Notify Oregon Department of Transportation per subsection 19.1011.3D.

C. Follow WG zone Section 19.320 with Willamette Greenway design plan.

- D. The intensification (change in the home by altering the outside appearance and additions) to follow the criteria in subsection 19.320.6.
- E. The vegetation/buffer plan is to remove only part of two lawn areas around the home and add flowerbeds when the remodeling is complete. NO Natural Resource areas are to be altered, except as maintenance is required.
- F. Follow guidelines in regards to written notice to the Oregon Parks and Recreation department by Certified mail-return receipt requested. Also notify the Oregon division of State Lands, Oregon Department of Fish and Wildlife, and the State Marine Board.
- G. The property/home that is being remodeled is not in wetlands or submerged or submersible lands within the Willamette River Greenway.

19.320.6 Criteria -

- A. This property/home is committed to an urban use, as defined under the State Willamette River Greenway Plan.
- B. This property/home remodel is compatible with the scenic, natural, historic, economic, and recreational charter of the river.

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JUN 25 2001

CITY OF MILWAUKIE
PLANNING DEPARTMENT

- C. This property/home remodel will protect the views of both towards and away from the river.
- D. We will remove only part of two lawn areas around the home and add flowerbeds when the remodeling is complete. The property/home will have minimal change in appearance to the river and vegetation between them is not changing. NO Natural Resource areas are to be altered, except as maintenance is required.
- E. This will not decrease any existing public access to any public property (Willamette Greenway, etc.).
- F. With the remodeling of our home and maintenance of our paths water-oriented and recreational use will be more practical.
- G. This will not alter and views between the Willamette River and Downtown.
- H. We are following all the requirements and guideline for the natural resources overlay zone review.
- I. We are looking forward to working with the design review committee as appropriate.
- J. We are working to conform to comprehensive plan policies with our home and property.
- K. This request to remodel is consistent with applicable plans and programs of the Division of State Lands.
- L. A vegetation buffer plan is in place because we are not decreasing any natural area, only two small portions of existing lawn next to the home. See subsection 19.320.8 (A)-(C) below.

19320.7 Setbacks - NO additions to the footprint of the existing home is happening between the home and the river.

19.320.8 Vegetation Buffer Requirements -

- A. There is and it will remain as a Vegetation Buffer Strip of Native Vegetation between the river at the ordinary high water line to twenty-feet upland.
- B. Again, there is and it will remain as a Vegetation Buffer Strip of Native Vegetation between the river at the ordinary high water line to twenty-feet upland. Thus there is no buffer plan, except to maintain paths and current natural vegetation. (No write-up for #1, 2, 3, a, b, c, 4, 5, & 6 under this "B" because of no removal of vegetation in the buffer area.)
- C. As noted in "B" directly above maintenance of paths and natural vegetation will continue.

19320.9 Private Noncommercial Docks - This area does not apply. We are doing nothing in this area.

19320.10 Greenway Design Plan -



To: Neighborhood District Association Chairs &
Land Use Committees

CC: Michelle Gregory, Neighborhood Services Manager

From: John Gessner, Senior Planner *JG*

Subject: TSP Implementation Staff Report

Date: August 14, 2001

Action Requested

This memo is for information purposes; no action is requested. Please see a copy of the staff report for the Planning Commission's August 14, 2001 hearing on the Transportation System Plan Implementation project.

The proposed reorganization of the zoning ordinance results in changes to a great many pages of code. In an attempt to reduce photocopy and distribution costs staff has not included a rather large exhibit with this report. Exhibit 4, Part B contains mostly housekeeping and organizational changes and therefore has not been distributed. The most important changes are included in this packet.

If you would like to receive this exhibit please contact John Gessner, Project Manager at 503-786-7652 or gessnerj@ci.milwaukie.or.us and copies will be provided as soon as possible.



To: Planning Commission

Through: Alice Rouyer, Planning Director *ACK*
Dennis Lively, City Engineer *DML*

From: John Gessner, Senior Planner *JG*

Subject: Applications CPA-01-02 & ZA-01-02
Transportation System Plan Implementation Project

Date: August 14, 2001

I. ACTION REQUESTED

Recommend approval of ordinances for the following elements of the Transportation System Plan Implementation Project:

1. Zoning amendments including:
 - a. New traffic impact analysis requirements;
 - b. Simplified application procedures for small-scale projects;
 - c. Revised "adequate transportation facility" requirements; and
 - d. driveway spacing and access management standards.
2. Changes to the subdivision regulations by relocating street and other transportation design standards to the zoning chapter of the municipal code.
3. Municipal code amendments that clarify all street work within the city requires a permit.
4. Comprehensive Plan Amendments revising the functional classification of certain streets, and adopting a "transit master plan".
5. New Transportation Design Manual that includes street design standards, traffic impact analysis and other guidelines.

II. BACKGROUND & NEXT STEPS

1. Staff Report & Related Materials

This staff report provides summary information and analysis of the proposed comprehensive plan and municipal code changes. The proposed code changes are extensive, many of which are required to only move existing code within the regulations. Exhibit 1 contains proposed findings in support of adoption. A summary of the changes has been provided in Exhibit 2. The report demonstrating compliance with approval criteria in Exhibit 3, draft code is attached in Exhibit 4, and the draft transportation design manual is found in Exhibit 5.

The materials distributed with this report were also distributed to the City Council Neighborhood District Associations, and numerous other stakeholders on June 29, 2001.

2. Project Objectives

The City has few tools to evaluate the traffic impacts of development and ensure implementation of the Milwaukie Transportation System Plan, which was adopted in 1997. With direction from City Council and Planning Commission, the project team¹ has been developing the following:

- a. New regulations that:
 1. Require City review of traffic impacts of new development;
 2. implement goals and policies of the Milwaukie Transportation System Plan, and
 3. ensure compliance with state and regional transportation plans.
- b. A "transportation design manual" that centralizes design standards and other elements managing the street system as needed to control how transportation facilities are constructed.

3. Key Elements

a. Consolidation of Existing Codes

The Zoning and Subdivision Ordinances, now separate documents, will be consolidated into the municipal code. Since the municipal code is already available via the Internet, consolidation will improve public access to subdivision and zoning regulations.

¹ The project's technical advisory committee is composed of staff from Public Works, Planning, Neighborhood Services and consultants DKS Associates and Dorman & Company.

b. **Adequate Public Facility Regulations**

Since 1988, the city already has had an “adequate public facility” code that requires public improvements be provided at the time of development. An exception allows work to be deferred by means of an agreement to participate in a future local improvement district. This approach has been widely used in the past. The proposed regulations eliminate use of developer’s agreement based on direction from the City Council and Planning Commission. Under the proposed regulations developers will be required to construct improvements or pay the City for the cost of improvements.

c. **Performance Standards for Intersections**

The proposal includes “level of service” standards for all intersections in the city. In accordance with the adequate public facility requirements, deficient intersections must be brought up to standard at the time of development. An exception may be granted when city improvements will be constructed in the near future.

d. **Traffic Impact Analysis**

Development that may have traffic impacts will be required to submit a traffic impact analysis prior to approval. The purpose of the study is to identify impacts and ensure measures needed to reduce the impacts are provided.

e. **Legal Limitations**

Case law limits the extent of improvements that may be required by the city. U.S. Supreme Court decisions on land use cases establish two standards in deciding development proposals. The first requires that there be a direct relationship between the impact created by development and the improvement required. The second requires that the scale of the improvement be roughly proportional to the impacts created by the development. Staff believes the proposed regulations are consistent with these standards.

f. **Transportation Design Manual**

A “transportation design manual” has been developed to facilitate consistent transportation design and administration of traffic impact study requirements. The manual, contains standards on street design and guidelines for preparation of traffic impact studies.

e. **Public Information and Outreach**

Extensive public information and outreach efforts have been made to give interested parties an opportunity to comment. The materials were presented at a total of eight work sessions. The four work sessions with the City Council were televised. In addition, staff presented the project at a quarterly leadership meeting of Neighborhood District Associations and a regular meeting of the Lake Road NDA. Project materials have been sent to numerous stakeholders including private property owners and managers, County and state agencies, Clackamas County Schools, and others.

f. **Change in Notice Area.**

The notice area for applications decided by the Planning Director and applications decided by the Commission have been increased from 150 and 250 feet to 300 feet respectively.

g. **City Council Adoption Hearing**

A public hearing for City Council adoption has been tentatively scheduled for September 18, 2001 pending Planning Commission passing recommendation to the City Council.

III. ANALYSIS

1. **How have concerns raised by the Planning Commission and City Council in past work sessions been addressed?**

Council/Commission Concern	Staff Response
The determination of "when" a traffic study is needed should be objective to ensure consistent actions on the part of the City.	A scoring method was developed to help ensure that all projects are judged against the same criteria.
New regulations should be crafted so that minor deviations can be handled without too much "process" or burden on the applicant.	The Planning Director or City Engineer can approve minor deviations from minimum requirements of the code. Criteria have been created to ensure consistency and appropriateness. The conventional variance process will be used for major deviations.
Sight distance and stopping distance requirements may be excessive.	After internal discussion, staff dropped the proposed stopping distance standards citing insufficient need. To ensure appropriate sight distance standards, the code allows the City Engineer to reduce sight distances when conditions are acceptable.

Council/Commission Concern	Staff Response
When is it appropriate to deny an application based on traffic impacts?	Under the proposed regulations a project may be denied if it results in traffic impacts that can not be mitigated. An alternative to denial would be to allow development to proceed but only when required improvements are in-place.
Neighborhoods should be protected from traffic impacts of non-residential development.	Traffic studies will be required for development proposals based on the type of land use and potential trip generation. Conditional uses and community service overlay uses will trigger a traffic study when trip generation exceeds 200 trips per day. In addition, projects that create more than 25 daily through-trips in a neighborhood requires a study of neighborhood impacts.
Can cumulative impacts of traffic be managed?	The traffic impact study and adequate facility requirements improve the city's ability to manage traffic by ensuring needed improvements are provided. The regulations however do not limit the potential for new vehicle trips related to regional traffic and changes in demographic and socio-economic patterns .

3. Comments

An information packet was distributed on June 29, 2001 to the Planning Commission, City Council, Neighborhood and Land Use Chairs, certain property owners, managers, and business operators², North Clackamas School District; Clackamas County Development and Transportation; Clackamas Education Service District; Providence Hospital; Milwaukie Downtown Development Association, and Northwest Housing Associates. See below for a summary of concerns and comments that were received:

Mark Whitlow, Esq., Perkins Coie

Mr. Whitlow has suggested that the City consider adopting regulations that would allow transportation system fees to be credited when a developer makes substantial improvements in excess of their proportional share of traffic impacts.

² John Murphy, The Murphy Company; Gene Dieringer, Dieringer Properties, Inc owner of King Road shopping center; Robert Gant (Real Estate Professional); Andrew Franklin, ODS; Dave Hamilton, Norris & Stevens (Real Estate Professional)

It is conceivable that in order to comply with adequate public facility requirements, improvements beyond what the developer alone may be responsible will be needed due to existing deficiencies. In such cases the developer may elect to construct the needed improvements. Under the present regulations, the developer would be required to pay a transportation system development charge in addition to paying for construction of transportation improvements. The suggested system development charge credit would allow the developer to recover a portion of these costs. Staff is investigating this suggestion and may have additional information to report at the August 14, 2001 public hearing.

Dave Hamilton, Norris & Stevens

Mr. Hamilton has expressed concern about the method used to determine whether a development proposal is subject to the Type I process or the Type II process. Projects with comparatively low square footage are able to spend more per square foot than larger projects without the burden of the Type II application. There is concern that the process creates unequal treatment of development proposals based on value of construction cost.

As proposed, projects with construction value less than \$100,000 are reviewed under Type I procedures. Projects with greater construction value are reviewed under the Type II process unless all street improvements are already in place. Type I actions are simple sign-offs and do not require notice to adjoining property owners. The Type II process involves submission of a formal application, notice to property owners and may be referred to the Planning Commission.

Staff is considering alternatives and will report to the Planning Commission at the August 14, 2001 public hearing.

4. Compliance with Approval Criteria

Staff believes the proposed amendments are consistent with approval criteria for changes to the comprehensive plan and zoning ordinance. See Exhibit 6 for detailed analysis of compliance.

EXHIBITS

- 1. Recommendation and Findings**
- 2. Code summary**
- 3. Compliance Report**
- 4. Code amendments**
- 5. Transportation Design Manual**

Exhibit-1 Recommended Findings in Support of Approval
Transportation System Plan Implementation Project
August 14, 2001

1. The City desires to adopt comprehensive plan and code amendments that implement the Transportation System Plan consistent with the State Transportation Plan Rule and Regional Transportation Plan.
2. Amendment applications CPA-01-02 and ZA-01-02 accomplish this goal.
2. Required legal and public notices have been provided in accordance with Milwaukie Municipal Code Chapter 19.900 and the Oregon Revised Statutes.
3. The proposed amendments are consistent with Milwaukie Municipal Code Chapter 19.905-Approval Criteria for All Amendments and Comprehensive Plan Chapter 2-Plan Review and Amendment Process.

Exhibit 2-Summary of Code Revisions

Milwaukie Municipal Code Chapter 19.1400- Transportation Planning, Design Standards, and Procedures

Key Elements

1. Consolidates and reorganizes multiple sections of the Municipal Code and Zoning Ordinance and Subdivision Ordinances related to streets and transportation.
2. Creates a new administrative process for review of exceptions and waivers when transportation design standards can not be met. (Sec. 1403)
3. Simplifies transportation review for small-scale projects by allowing sign-off at time of building permit review. This change eliminates the existing land use application process for small-scale projects. (1405.1)
4. Reorganizes the transportation element of Milwaukie Municipal Code Chapter 15.32 for required public facility improvements. (Sec. 1406)
5. Creates new performance standards for intersections. (Sec. 1406.4)
6. Requires traffic impact analysis for projects are likely to have a traffic impact, which is determined by the "threshold scoring" method¹. (Sec. 1407)
7. Requires new development to provide mitigation in rough proportion to the traffic impacts created. (1407.3)
8. Specifies options for mitigating traffic impacts. (Sec. 1407.4)
9. Reorganizes existing Subdivision Ordinance provisions for street design standards. (Sec. 1408 –1409)
10. Simplifies existing transportation improvement standards by replacing existing Table 1405 with the new Table 3.
11. Creates new provisions concerning access management and driveway placement.

¹ The threshold scoring method is described in the Roadway Design Manual. Projects are rated against several parameters including existing conditions, trip generation, location, and relationship to city transportation plans. Projects that score 100 points or greater are required to conduct a traffic study. Staff specifies the scope and study area once a determination is made. The traffic study is reviewed as part of the land use application process.

Summary of Revised Milwaukie Municipal Code Chapter 12.08

Street and Sidewalk Excavation, Construction, and Repair

1. Work on streets and related transportation facilities is subject to existing permit requirements. (Chapter 12.08.02(A))
2. A pre-application conference with the Milwaukie City Engineer for transportation projects prior to submitting an application for work in the right-of-way. (Chapter 12.08.02(B))
3. Notice must be provided to the Milwaukie City Engineer no less than 120 days prior to starting work within the right-of-way. (Chapter 12.08.02(I))

Summary of Milwaukie Municipal Code Chapter 17-Subdivision Regulations Revisions

1. Relocate standard for "pedestrian ways" to draft Transportation Design Manual. (Section 17.16.070(B))
2. Relocate street design standards to draft Transportation Design Manual. (Section 17.28)
3. Relocate requirement for pedestrian and bicycle connections to draft Transportation Design Manual. (Section 17.28.080)

Summary of Miscellaneous Revisions

1. New definitions to add to Milwaukie Municipal Code (MMC) Chapter 19.103 and Chapter 17.08.230.
"Neighborhood street: Means a roadway that serves to allow local traffic in and out from residential areas to arterials and collectors. Neighborhood streets are similar to local streets in design (with residential frontage), but carry more traffic and are commonly used by local residents. Neighborhood streets do not provide citywide circulation, but mainly serve an immediate neighborhood. Because their traffic levels are greater than local streets and potential for speeding can be higher, neighborhood traffic management techniques can be appropriate."
2. New definitions to add to MMC Chapter 19.103
"Substantial redevelopment: Means any renovation, expansion, or alteration of an existing building that has a development permit value that exceeds 50 percent of the real market value of buildings as determined by the County Assessor. The Building Official shall determine development permit value."

3. Revisions to MMC Downtown Zones (19. 312)
 Amend "clear vision area" reference on page 312-14 (5.b).
 Change reference from MMC Chapter 12.24 to MMC Chapter 19.1400.
4. Relocate MMC Title 12-Streets, Sidewalks, and Public Places to Transportation Design Manual but retain permit authority, administration, and penalty provisions.
5. Delete MMC Chapter 12.24 – Clear Vision at Intersections (Relocated to MMC 19.1400)
6. MMC Chapter 15. Revise as necessary to coordinate with proposed administration and authority proposed under MMC19.1400.
7. Amend Chapter 5, Goal 2, transportation, Public Facilities, and Energy Conservation by adding a new Objective (#7).
 Objective #7: To protect the functional classification, capacity and level of service of the transportation system.

Policies

1. The City will establish an "adequate transportation facility" requirement and performance standards to ensure that allowed land uses are consistent with the identified function, capacity and level of service of the transportation system.
 2. The City will establish a traffic impact analysis procedure to provide a consistent framework for evaluation of traffic and transportation impacts related to plan amendment, zone change, conditional use, and development review applications. Findings of the analysis will be used as the basis for reasonable and proportional mitigation of transportation impacts.
8. Revise Transportation System Plan as follows:
 - a. Adopt Public Transit Master Plan Map.
 - b. Revise Functional Classifications to be consistent with RTP as follows:

<u>Street</u>	<u>Change to.</u>
Johnson Creek Boulevard	Collector of Regional Significance
17 th	Collector
River Road	Collector
Lake Road	Minor Arterial
King Road	Minor Arterial
Harrison Street	Minor Arterial
Linwood Avenue	Minor Arterial

Oatfield Road

Minor Arterial

9. All residential zones and commercial zones are revised as follows:
 - a. Delete references to Section 411-Major Street Setbacks, which is relocated to Section 1400, transportation regulations.
 - b. Add requirement to comply with Section 1400.
10. Section 315 Community Shopping Center Zone C-CS, delete requirement for traffic impact analysis, which is required under the revised Section 1400.
11. Section 318 Mixed Use Overlay Zone, delete requirement for bicycle and pedestrian connections, which has been relocated to the revised Section 1400.
12. Section 321 Community Service Overlay Zone
 - a. For schools, pedestrian access is subject to Section 1400.
 - b. For churches, convents and related facilities, delete adequate public facility requirement, which is covered under Section 1400 and Milwaukie Municipal Code Chapter 15.
13. Section 322 Natural Resource Overlay Zone, delete requirement to dedicate easement, when the site includes a planned trail.
14. Section 400 Supplementary Regulations
 - a. Replace references to Section 1400 where needed to implement clear vision requirements at intersections.
 - b. Relocate Section 411, Table 1 Major Street Setbacks to Section 1400.
 - c. Relocate Section 423 Closed End Street System Prohibited to Section 1400.
15. Section 500 Offstreet Parking and Loading,
 - a. Section 503.12 Curb Cuts, insert requirement to comply with access spacing standards of Section 1400.
 - b. Section 505 Bicycle Parking
 1. Add bike parking requirement at transit centers
 2. Add parking ratio for required bike parking at transit centers.
 3. Add qualification that bike lockers can be used when covered bike parking is required.

16. Section 905 Approval Criteria for All Amendments, add requirement that proposed amendments to Comprehensive Plan and Zoning Ordinance or Map must demonstrate consistency with planned capacity of the street system; requires traffic impact analysis for all amendments.
17. Section 600 Conditional Uses
 - a. Add requirement for all conditional uses to comply with Section 1400.
 - b. Section 602.7 and 602.8, delete standard prohibiting traffic from moving through adjoining areas. This section is replaced by traffic impact analysis requirements of Section 1400.
18. Section 1000 Administrative Provisions, change notice areas for Type II and Minor Quasi-Judicial applications to 300 feet.

Exhibit 3 Compliance with Approval CriteriaTransportation System Plan Implementation Project
August 14, 2001**I. Compliance with Comprehensive Chapter 2, Objective #1, Policy 7-Approval Criteria.**

All Plan amendments will be evaluated based on the following criteria:

1. Conformance with the Comprehensive Plan, its goals, policies, and spirit.

- a. The Milwaukie Comprehensive Plan is a guide for physical development of the City. It includes goals for neighborhoods, natural resources, business and economic development, and the transportation system and public facilities. An overriding management policy of the Comprehensive Plan follows:

Public facilities and services will adequately serve existing residents and business, and not be overburdened by new public or private development.

The proposal is consistent with this policy since its purpose is to ensure that transportation facilities are adequate to accommodate new development.

- b. Chapter 1 outlines the City's citizen involvement policies, which are designed to ensure meaningful and ongoing public participation in comprehensive planning and land use activities. The Transportation System Plan Implementation project includes extensive outreach efforts. Staff believes this effort has been, and will continue to be, consistent with public involvement policies.

Public information efforts have included the following:

- Presentations at four work sessions each of the City Council and Planning Commission;
- distribution of project information;
- appearances at Neighborhood District Association meetings,;
- articles in the city newsletter: *The Pilot*,;
- direct mailings to key stakeholders, and
- legal notices publicizing the August 14, 2001 public hearing.

- c. Policies concerning economic and industrial development are included in Chapter 4-Land Use, Economic Base and Industrial/Commercial Land Use Element. Polices of this section

specify that adequate public facilities to serve industrial and commercial areas will be provided.

The proposed regulations are consistent with economic development polices since its purpose is to ensure adequate transportation facilities citywide.

- d. Similar to above the Neighborhood Element of Chapter 4 specifies objectives to provide adequate public facilities, implement traffic safety programs, and improve neighborhood traffic circulation.

The proposal meets these objectives though the review of traffic and transportation needs at the time of development review.

- e. In 1997 the City Council adopted elements of the City's Transportation System Plan, which is a guide for developing and improving the street network. The purpose of this project is to implement key features of the Transportation System Plan and is therefore consistent with the Comprehensive Plan.

2. Public need for the change.

The public and other need for the project is described below:

- a. While the City adopted the Transportation System Plan, it did not adopt regulations that implement the plan. State law requires that regulations be adopted to implement plans. The plan itself reflects public policies and needs concerning the development and improvement of the City's street network. This project meets these needs.
- b. The project is funded by a grant of the Oregon Department of Transportation and Department of Land Conservation and Development. The Department of Transportation has required that city plans and regulations be updated to meet recent changes in the state Transportation Plan Rule and Regional Transportation Plan.
- c. The project improves the City's ability to manage transportation infrastructure at the time of development review. There is a public need and interest in ensuring review of traffic impacts for the purposes of protecting residential neighborhoods, reducing safety hazards and reducing congestion, and protecting existing business and economic development opportunities.

3. Public need will be best satisfied with this particular change.

The needs identified above are directly addressed proposed adequate facility and traffic impact study requirements. No alternative approaches that meet project objectives have been identified.

4. The change will not adversely affect the health, safety, and welfare of the Community.

The purpose of the project is to improve the health, safety, and welfare of the community through evaluation of traffic impacts and implementation of transportation polices.

5. The change is in conformance with applicable Statewide Planning Goals.

State planning statutes are implemented through nineteen statewide planning goals that address a broad range of public issues. The project is consistent with the following Goals

- a. Goal 1-Citizen Involvement though execution of city public involvement policies.
- b. Goal 11-Public Facilities and Services, by linking adequacy of transportation facilities to land use decisions and implementing methods to ensure traffic impacts are mitigated.
- c. Goal 12-Transportation Plan Rule, through implementation of level of service standards that protect the performance of intersections and support of pedestrian, bicycle, and transit faculties.

6. The change is consistent with Metro Urban Growth Management Functional Plan and applicable regional policies.

The proposal is consistent with Functional Plan Title 6-Regional Accessibility and with the Regional Transportation Plan Table 1-2 and Chapter 6-Implementation.

II. Compliance with Zoning Ordinance Section 905

Milwaukie Zoning Ordinance Section 905 requires all amendments to meet the following criteria.

- a. The proposed amendment must conform to applicable Comprehensive Plan goals, policies, and objectives and be consistent with the provisions of City ordinances, Metro Urban Growth Management Functional Plan, and applicable regional policies.

The amendments are consistent with the Comprehensive Plan, Functional Plan, and Regional Transportation Plan as demonstrated above.

- b. The anticipated development must meet the intent of the proposed zone, taking into consideration the following factors: site location and character of the area, the predominant land use pattern and density of the area, the potential for mitigation measures adequately addressing development effects, any expected changes in the development pattern for the area, the need for uses allowed by the proposed zone amendment, and the lack of suitable alternative sites already appropriately zoned for the intended use or uses. The Planning Commission and City Council shall use its discretion to weigh these factors in determining the intent of the proposed zone.

Exhibit 3 TSP Implementation
August 14, 2001

This criterion applies to development in association with rezonings and, therefore, does not apply to this project.

- c. The proposed amendment will meet or can be determined to reasonably meet applicable regional, state, or federal regulations.

The amendment is consistent with the Statewide Planning Goals and the Metro Urban Growth Management Functional Plan. There are no known federal regulations that apply to the proposal.

- d. The proposed amendment demonstrates that existing or planned public facilities and services can accommodate anticipated development of the subject site without significantly restricting potential development within the affected service area.

This criterion relates to proposed changes that involve development that uses public infrastructure and facilities. Accordingly, it does not apply to this project.

Exhibit 4- Draft Amendments to MMC 19.1400**Chapter 19.1400, Transportation Planning, Design Standards,
and Procedures, revised 8/7/01****1401 Purpose**

The purposes of this Chapter include the following:

- A. Provide standards and procedures to implement provisions of the State Transportation Planning Rule (OAR 660, Division 12) and local, regional and state transportation system plans;
- B. Implement performance measures to protect the functional classification, capacity and level of service of transportation facilities;
- C. Assure that new development provides transportation improvements in rough proportion to identified impacts of the development; and
- D. Assure that transportation improvements are designed and connected to accommodate multiple modes of travel, including pedestrian, bicycle, transit and auto.

1402 Administration

- A. The Planning Director shall administer provisions of this chapter that apply to property excluding public rights-of-way. The City Engineer shall administer provisions that apply to public rights-of-way.
- B. The City Engineer shall prepare and administer a Transportation Design Manual including the following subject to any limitations of this Code:
 - 1. Design standards for transportation facilities located in public rights-of-way;
 - 2. Policies, programs, or procedures related to neighborhood traffic management, school trip safety, capital improvements planning, and system development charges;
 - 3. Traffic impact analysis methods, procedures, and submission requirements that implement Chapter 1408-Traffic Impact Analysis;
 - 4. Facility maintenance policies and procedures;
 - 5. Other provisions or requirements as needed or desired to manage the City's transportation system and its components.

The manual shall be adopted by resolution of the City Council and may be only revised by Council resolution.

- C. Provisions of this Chapter shall be coordinated with Title 12-Street, Sidewalks, and Public Places; Chapter 15.32-Public Facilities Improvements; Chapter 15.36 Public Works Standards; Chapter 13.28-

Capital Improvements; and Chapter 13.30 Reimbursement Districts. Any conflict between this Chapter and another shall be resolved by administrative determination of the City Engineer and Planning Director as applicable.

- D. The City shall implement a system to collect and administer fees collected in-lieu of constructing improvements required under provisions of this Title.

1403 Exception, Adjustment, or Variance.

A. Intent

The criteria in this chapter reflect the need for flexibility in the application of transportation requirements and design standards to respond to unique site characteristics or hardship situations. Criteria are provided for different categories of exceptions and adjustments.

B. Review Process.

All requests for adjustments and exceptions shall be processed in accordance with 1011.2-Type II—Administrative Review procedures and shall be concurrent with the application for land use approval.

C. Adjustments.

The transportation facility design standards and of Chapter 1400 and the Transportation Design Manual may be adjusted in accordance with Table 3 and the criteria listed below. Transportation facility design standards apply only to improvements located within public rights-of-way. An adjustment to a design standard may be granted when the City Engineer finds it is consistent with the following based upon professional judgement and accepted engineering practices:

1. In all cases the adjustment is consistent with the intent of Chapter 1400 and the Milwaukie Transportation System Plan.
2. The adjustment serves to protect significant features including trees, historic or other valued buildings, water resources, and the like where means to ensure continued protection of the resource are secured and implemented; or
3. Strict compliance with the design standard will result in a potentially hazardous condition; or
4. Strict compliance is deemed infeasible due to engineering limitations including connectivity to adjoining facilities and stormwater management; or
5. Existing transportation facilities that serve the site are adequately sized and are in usable and safe condition but do not meet a dimensional standard;

6. Cost of required improvements shall not be a basis for granting an adjustment.

D. Exceptions.

The City Engineer may waive compliance with transportation facility design standards for improvements located in the right-of-way in the following cases.

1. An approved and funded capital improvement project that benefits the site is scheduled for construction within three years of the land use approval; or
2. the developer pays to the City a fee in lieu of construction costs for required site improvements and there will be no safety hazards as determined by the City Engineer; or
3. a local improvement district, which includes the development site, has been approved.

E Variances

Requests for relief from any provision of this chapter or the roadway design manual that can not be modified under 1403.C or 1403.D shall be reviewed under provisions of Chapter 700-Variance, Exceptions, and Home Improvements.

1404 Applicability

Chapter 1400 is applicable to the following general categories of development, except as limited by Chapter 1404.1:

- A. New construction, including residential, commercial, industrial, or other;
- B. Creation of new lots by partition, subdivision, and planned development; and
- C. Substantial redevelopment (as defined in Chapter 103 of this Ordinance) of multifamily, commercial, industrial, and institutional uses.
- D. The following are subject to traffic impact analysis requirements of Chapter 1408 when the action increases development potential of land uses.
 1. Proposed changes to Comprehensive Plan or Land Use Map.
 2. Proposed changes to Milwaukie Municipal Code Chapter 19 or zoning map.

1404.1 Limitations

- A. Development of a detached or attached single-family dwelling on an existing lot.

The only provisions of Chapter 1400 that apply to single-family residential development on existing lots are:

- 1. 1407.2 Adequacy Requirement (excluding Level of Service standards)
- 2. Chapter 1409.1.B, Required frontage
- 2. Chapter 1409.2.B, Right-of-way dedication;
- 3. Chapter 1409.2.E., Vision clearance;
- 4. Chapter 1410.2, Public sidewalks; and
- 5. Chapter 1413, Access management.

- B. Development in the Downtown Zones.

Specific development and design standards and public area requirements have been adopted for the Downtown Zones. Therefore, only the following provisions of Chapter 1400 shall apply in the Downtown Zones:

- 1. Chapter 1405.4, Notice & coordinated review;
- 2. Chapter 1408, Transportation impact analysis; and
- 3. Chapter 1413, Access management.

- C. New construction or substantial redevelopment, as defined in Chapter 103, when the estimated value of the construction improvements in any two year period is less than \$100,000, and when a traffic study is not required is exempt from Chapter 1408.2 Adequacy Requirements.

1405 DEVELOPMENT REVIEW PROCESS

The review procedure used to confirm compliance with Chapter 1400 varies depending on the review procedure applicable to the proposed development.

1405.1 Type I Application Review

Type I review procedures are set forth in Chapter 1011.1. Type I review is used to check compliance with applicable provisions of Chapter 1400 for the following unless a concurrent application will require Minor or Major Quasi-Judicial review in which case the application will be processed under Chapters 1011.3 and 1011.4 respectively:

- A. Development of a new detached or attached single-family dwelling on an existing lot.

- B. New construction or substantial redevelopment, as defined in Chapter 103, when the estimated value of the construction improvements is less than \$100,000; and a transportation impact analysis is not required by Chapter 1408; and
- C. New construction or substantial redevelopment, as defined in Chapter 103, when the estimated value of the construction improvements exceed \$100,000; and as follows:
 - 1. frontage improvements that meet the design standards of Chapter 1400 are in place or will be provided prior to occupancy, and
 - 2. a traffic impact study is not required in accordance with Chapter 1408.

1405.2 Type II Review

Type II review procedures are set forth in Chapter 1011.2. Type II application review process shall be used to confirm compliance with Chapter 1400 unless a concurrent application will require Minor or Major Quasi-Judicial review in which case the application will be processed under Chapters 1011.3 or 1011.4 as applicable:

- A. Type II review is required in the following situations:
 - 1. When a transportation impact analysis is required by Chapter 1405;
 - 2. When an adjustment or exception to a transportation facility design standard of Chapter 1400 or the Transportation Design Manual is requested.

1405.3 Minor or Major Quasi-Judicial Review

Review procedures for Minor and Major Quasi-Judicial Review are set forth in Chapters 1011.3 and 1011.4, respectively. A separate application and fee is required for the Chapter 1400 compliance review; however, the application will be consolidated and reviewed concurrent with the Minor or Major Quasi-Judicial Review.

1405.4 Notice and Coordinated Review

- A. Specific notice requirements. In addition to the general notice provisions set forth in Chapter 1100, the City shall provide notice of applications submitted for Chapter 1400 review as outlined below:
 - 1. Notice to ODOT if the proposed development generates more than 200 vehicle trips per day, is within 200 feet of a State highway or within 1320 feet of a State highway interchange ramp.
 - 2. Notice to Metro and Clackamas County if the proposed development is within 200 feet of a designated arterial or collector

- roadway, as identified in Figure 6.1 of the Milwaukie Comprehensive Plan.
3. Notice to Metro if the proposed development is within 200 feet of a designated regional multi-use trail, as identified in the Regional Transportation Plan.
 4. Notice to Tri-Met if the proposed development (excluding single family development on an existing lot) is within 200 feet of an existing transit route.
- B. Maps of areas subject to notice. The Transportation Design Manual includes maps that outline the areas subject to the specific notice requirements described above.
- C. Coordinated review. The City shall coordinate the development application review and conditions with the agencies listed above. If there is a deadline for agency submittal of comments and suggested conditions, it shall be included in the original notice provided by the City. The agency shall indicate if additional permits or approvals are required for access or transportation improvements separate from the City of Milwaukie requirements.

1405.5 Approval Criteria

Criteria for decisions under Chapter 1400 are as follows:

- A. The proposed development and related transportation improvements comply with procedures, requirements, and standards of Chapter 1400, and the Transportation Design Manual unless an exception or adjustment has granted in accordance with Chapter 1403 or a variance has been granted in accordance with Chapter 19.700.
- B. If a transportation impact analysis is required, the findings of the analysis ensure that the development will provide transportation improvements and mitigation in rough proportion to the identified impacts of the development.
- C. All required improvements identified under city review of a traffic impact analysis shall be provided or otherwise accommodated in accordance with Chapter 1407.4-Mitigation.
- D. The proposed development will not result in hazardous or unsafe transportation conditions or unacceptable level of service impacts that cannot be mitigated.

1406 Neighborhood Through-trip Study.

Any non-residential development adding more than 25 through vehicles per day to an adjacent residential local street will require assessment and mitigation of local street impacts. Through trips are defined as those to and from a development that

have neither an origin nor a destination in the neighborhood. The through-trip study shall include the following:

- A. An estimate of the number of through trips per day on adjacent residential streets created by the development and the existing counts for the same streets.
- B. Traffic management strategies shall be identified to mitigate the impacts of increased through trips attributed to new development consistent with Section 1408.3-Rough Proportionality and 1408.4-Mitigation.

This provision shall be implemented independent of Section 1408-Traffic Impact Analysis when the development proposal does not require a traffic study in accordance with 1408.2.B-Threshold Scoring. If a traffic impact analysis is required, the through-trip study shall be included in the traffic study.

1407 Adequate Transportation Facility Requirement

1407.1 Purpose

The purpose of this Chapter is to ensure that streets, sidewalks, and other transportation facility design elements are safe, convenient, and adequate to accommodate the impacts of new development or redevelopment consistent with the State Transportation Plan Rule and Milwaukie Comprehensive Plan, Transportation System Plan, and Capital Improvement Plan.

1407.2 Adequacy Requirement

Rights-of-way, streets, sidewalks, necessary public improvements, and other public transportation facilities shall be adequate at the time of development or shall be made adequate in a timely manner for all development projects subject to review under Chapter 1400. This provision applies to transportation facilities located in the public right-of-way abutting the development site.

The provision may also apply to transportation facilities located in rights-of-way that do not abut the site when a Traffic Impact Analysis conducted under Chapter 1408 demonstrates that affected facilities are insufficient to accommodate the impacts of the proposed development. In such cases transportation improvements are required in rough proportion to the impacts created by the development in accordance with Chapter 1408.

1407.3 Definition of Necessary Improvements

As used in 1407.2, "necessary improvements" are:

- A. Improvements identified as necessary in a transportation impact analysis to comply with the adequate public facility requirement.
- B. Improvements otherwise identified as necessary for compliance with 1407.4.B.

1407.4 Definition of Adequacy

As used in 1407.2, "adequate" means the following:

- A. Compliance with Level of Service D for all intersections, except those on Oregon Highway 99E, which shall be subject to the following:
 - 1. Level Of Service E for the two-hour morning peak period;
 - 2. Level Of Service E for the second hour of the evening two-hour peak period;
 - 3. Level Of Service F for the first hour of the morning or evening two-hour peak period; and
- B. Compliance with the design standards specified in Chapter 19 and the Transportation Design Manual, including but not limited to the following:
 - 1. Right-of-way width;
 - 2. Functional classification cross-section;
 - 3. Transportation facility design standards;
 - 4. Pedestrian, bicycle and transit standards; and
 - 5. Access management standards.

1407.5 Determination of Level of Services

Level of Service is determined by using the latest edition of the *Highway Capacity Manual* (Transportation Research Board). Comparable measures of performance, including volume to capacity analysis, may be substituted for Level of Service analysis, as outlined in the Transportation Design Manual.

1407.6 Definition of Timely

As used in 1407.2, "timely" means the following:

- A. Necessary transportation improvements will be constructed by the developer or through another mechanism, such as a local improvement district. Necessary improvements shall be completed, or the developer shall provide the City with a deposit, letter of credit, performance bond or other surety satisfactory to staff, prior to:
 - 1. Prior to the City conducting final inspections for occupancy approval; or
 - 2. Recording of the plat in the case of a subdivision or partition; or

- B. Necessary transportation improvements are included in the Milwaukie Capital Improvement Plan, are fully funded and are scheduled to be under construction within three years of the date the land use approval is issued.

1408 Transportation Impact Analysis

1408.1 Intent

A Transportation Impact Analysis (TIA) documents the expected impacts of a proposed development on the surrounding transportation system and the adequacy of the transportation system to serve the proposed development. The TIA provides a consistent framework to evaluate transportation impacts and the basis to assess reasonable and proportionate mitigation of impacts. Frontage improvements are a development requirement and shall not be considered mitigation of transportation impacts.

1408.2 Applicability

- A. All projects that require development review under Chapter 1400 shall schedule a pre-application conference with the Planning Director and City Engineer or designees prior to submittal of the land use application.
- B. Based on the information provided by the applicant, the City will determine whether a transportation impact analysis is required under the "threshold scoring" method described in the Transportation Design Manual.
- C. The City may also require a pre-application conference and transportation impact analysis for quasi-judicial plan amendment, zone change and conditional use permit applications.
- D. The determination of whether a traffic impact analysis is required is not a land use action and may not be appealed.
- E. If it is determined that a traffic impact analysis is required, the City shall specify the required content and impact area of the project, consistent with the guidelines in the Transportation Design Manual.
- F. If the application requires specific notice to ODOT or Clackamas County under the provisions of 1405.4, the City will request agency input to establish a coordinated scope for the traffic impact analysis.
- G. The traffic impact analysis shall be submitted with the application materials for land use approval. Failure to submit the traffic impact analysis shall be grounds for deeming the application incomplete pursuant to Chapter 1004 and ORS 227.178.
- H. The decision-making authority may apply conditions to land use decisions as needed to satisfy adequate transportation facility requirements of

Chapter 1408 or otherwise mitigate transportation impacts described in the traffic impact analysis.

1408.3 Rough Proportionality

- A. Mitigation of impacts due to increased demand for transportation facilities associated with the development proposal shall be provided in rough proportion to the transportation impacts of the development. These impacts shall be identified by the traffic impact analysis conducted under Chapter 1408.2.
- B. The applicant shall bear the burden of demonstrating proportionate impacts to motor vehicle, pedestrian, bicycle, and transit facilities related to the development proposal.
- C. The estimation of rough proportionality does not require precision, though it shall be as precise as possible given available analytical methods. Accepted engineering methods shall be used when available and appropriate. Limitations of available engineering methods and practices do not preclude estimation of rough proportionality through other approaches. Professional judgement and reasoning may be used to describe proportional impacts in terms that allow identification of required mitigation. In identifying proportional impacts the following shall be considered:
 - 1. Condition and capacity of existing facilities within the impact area in relation to city standards;
 - 2. Existing vehicle, bicycle, pedestrian, and transit use within the impact area;
 - 3. The effect of increased demand on transportation facilities related to the proposed development and any other approved development within the impact area;
 - 4. Applicable Transportation System Plan/Comprehensive Plan policies and network action plans;
 - 5. Whether any route affected by increased demand within the impact area is listed in any city program including School Trip Safety; Neighborhood Traffic Management; Capital Improvement; System Development Improvement, or others;
 - 6. Accident history within the impact area;
 - 7. Potential increased safety risks to transportation facility users, including pedestrians and cyclists; and
 - 8. Other considerations as may be specified in the development review process and communicated in writing by the City.

1408.4 Mitigation

- A. Mitigation of transportation impacts shall be provided by the applicant when there is an increase in demand for transportation facilities, including the following trip-types within the impact area. Increase in demand is demonstrated through a traffic impact analysis conducted under this Chapter.
 - a. motor vehicle
 - b. pedestrian
 - c. bicycle
 - d. transit.

- B. Mitigation options include, but are not limited to, the following:
 - 1. On and off-site improvements constructed by the developer (beyond required frontage improvements) can be considered as mitigation of transportation impacts.
 - 2. Demand management programs may be used as mitigation when applied as conditions of land use approval.
 - 3. Payment of in-lieu fee may be used to meet mitigation requirements where it is not practical to construct improvements due to cost or timing considerations. The in-lieu fee shall be commensurate with the cost of physical mitigation improvements. Such payments shall be reserved by the city for future transportation projects that serve the project impact area.
 - 4. Correction of off-site transportation deficiencies within the impact area, not substantially related to the impacts of the project, may be credited toward mitigation requirements.
 - 5. Construction of on-site facilities or facilities located within the right-of-way adjoining the project site that exceed minimum required standards and which have a public transportation benefit may be considered toward meeting mitigation requirements.

1409 Street Requirements and Design Standards

1409.1 General Provisions

- A. Streets shall be designed and improved in accordance with the standards of this Chapter and the Transportation Design Manual.
- B. Streets shall be designed in consideration of Chapter 5 of the Milwaukie Comprehensive Plan. Chapter 5, Figure 6.1 illustrates the Functional Classification of Streets; Figure 6.10 illustrates the Street Master Plan

- C. No development permit shall be issued unless it complies with the Adequate Transportation Facility Requirement set forth in Chapter 1408.
- D. No development permit shall be issued unless the development has frontage or approved access to a public street. If the development does not have frontage along a public street, an access easement sufficient to accommodate required improvements will be required.
- E. All transportation facilities shall be designed and improved in accordance with the standards of this Chapter and the Transportation Design Manual. ODOT facilities shall be designed consistent with state and federal standards.
- F. Cross-sections for street improvements by functional classification are included in the Transportation Design Manual.
- G. Special setbacks have been established for specific collector and arterial streets in Milwaukie. Refer to Table 2 for streets subject to special setbacks. The special setback area (parallel to the centerline of the subject street) shall be treated as an additional required yard area and shall be reserved for future street widening purposes.
- H. Right-of-way shall be provided in accordance with the widths shown in Table 3 and may not be varied under provisions of this Chapter.
- I. Transportation facility design standards shall be provided in accordance with the dimensions shown as "required" on Table 3.
- J. Under provisions of Chapter 1403-Adjustments and Exceptions, the City Engineer may authorized adjustments to transportation facility design standards not less than the "minimum allowed" dimensions in Table 3.

1409.2 Street Functional Classification & Improvement Standards

- A. Right-of-way and Improvements. Table 3 specifies right-of-way widths and improvement standards by street functional classification. The Transportation Design Manual includes cross-sections that illustrate the improvements (e.g., lanes, parking strip, sidewalk, etc.) associated with each functional classification and right-of-way width.
- B. Dedication. All streets and necessary right-of-way shall be dedicated to the public for street purposes in accordance with Table 3 and Chapter 1407 Adequate Transportation Facility Requirements. Additional dedication may be required at intersections for intersection improvements identified as needed by the Milwaukie Transportation System Plan or a transportation impact analysis conducted under Chapter 1408.
- C. Improvements. No development shall occur unless the development has frontage or approved access to a public street.

1. Any new street or additional street width planned as a portion of an existing street shall be dedicated and improved in accordance with this Chapter.
 2. New development shall be connected to the street network by a paved street.
 3. Half-street improvements, as opposed to full-width street improvements, are generally not acceptable. However, half-street improvements may be approved where essential to reasonable development of the property and when the review authority finds that it will be possible to obtain the dedication and/or improvement of the remainder of the street when property on the other side of the half-street is developed. The minimum width for a half-street improvement shall be 20 feet.
 4. To ensure adequate access to a development site, the review authority may require off-site street improvements concurrent with development if warranted by a Transportation Impact Analysis.
 5. Where necessary to give access or permit future development of adjoining land, streets shall be extended to the boundary lines of the tract to be developed, and:
 - a. These street stubs to adjoining properties are not considered to be cul-de-sacs since they are intended to continue as through streets at such time as the adjoining property is developed.
 - b. A barricade and sign shall be constructed at the end of the street that shall not be removed until authorized by the City Engineer. The cost of the barricade and sign shall be included in the street construction cost.
 - c. Temporary hammerhead turnouts or temporary cul-de-sac bulbs shall be constructed for stub streets in excess of 150 feet in length.
 - d. In order to assure the eventual continuation or completion of the street, reserve strips may be required.
 - e. Drainage facilities shall be provided to properly manage storm water run-off from temporary dead-ends.
- D. Traffic calming may be required in the design of a proposed street through the development review process or through the Neighborhood Traffic Management Program for existing streets. Traffic calming devices shall be designed to the standards in the Transportation Design Manual.
- E. Vision Clearance. No signs, structures, or vegetation in excess of three feet in height shall be placed in "vision clearance areas" at intersections of

streets, driveways, and alleys based on the guidelines in the most recent edition of the "AASHTO Policy on Geometric Design of Highways and Streets" (Green Book). The City Engineer may vary sight distance standards in the interest of preserving significant vegetation, or other valued features, where the variance will not cause undue safety hazards.

- F. Additional Setbacks from Major Streets. Yards abutting a major street are subject to additional yard requirements. Yards shall be measured so that the minimum distance from the center line of the right-of-way to the closest point of a building shall be in accordance with Table 2.

1408.3 General Street Design Standards

- A. Street layout and connectivity. Street layouts shall be generally rectilinear and may be aligned to physically adapt streets to topography or other natural conditions; or to provide a variety of alignments or grid patterns within an interconnected street system.
- B. Block length and local street connections.
1. For residential or mixed use parcels with a total size less than 3 acres, no block may be more than 800 feet in length between intersecting streetlines unless it is adjacent to an arterial street or unless topography or the location of adjoining street justifies an exception. The average perimeter of blocks formed by streets shall not exceed 1,600 feet, except where street location is restricted by natural topography, wetlands, or other bodies of water.
 2. For residential or mixed-use parcels with a total size of 3 acres or larger, no block may be more than 530 feet between intersecting street lines and the average perimeter of blocks formed by streets shall not exceed 1,600 feet .
- C. Cul-de-sacs shall only be provided when no opportunity exists for creating a through street connection. The lack of present ownership or control over abutting property shall not be grounds for construction of a cul-de-sac. For parcels of land to be subdivided with a total size of three acres or larger, a street ending in a cul-de-sac shall have a maximum length of 200 feet, measured from the cross street right-of-way to the farthest point of right-of-way containing the cul-de-sac. For parcels of land to be subdivided with a total size of less than three, a street ending in a cul-de-sac shall have a maximum length of 400 feet, measured from the cross street right-of-way to the farthest point of right-of-way containing the cul-de-sac. A cross-section for cul-de-sacs is provided in the Transportation Design Manual.
- D. Pedestrian/bicycle accessways shall be required to provide mid-block connections between blocks that exceed 600 feet, or to link the end of a

- cul-de-sac with a nearby collector or arterial street or activity center. The standards for accessways are provided in Chapters 1410 and 1411.
- E. Closed end street systems, as defined in Chapter 103 may serve no more than 20 dwellings.
 - F. Alleys. Alleys are encouraged in commercial and industrial developments. Alleys are allowed in residential districts with the approval of the Planning Commission, subject to the standards in the Transportation Design Manual.
 - G. Street design details. Standards for design speed, horizontal/vertical curves, grades and curb return radius are specified by street functional classification in the Transportation Design Manual.
 - H. Street names. No street name may be used which will duplicate or be confused with the name of an existing street, except for extensions of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area.
 - J. Railroad crossings. Where an adjacent development results in a need to install or improve a railroad crossing, the cost for such improvements may be a condition of development approval, or another equitable means of cost distribution subject to Chapter 1407-Adequate Transportation Facilities and 1408-Traffic Impact Analysis as applicable.
 - K. Street signs. The City shall install all street signs, relative to traffic control and street names, as specified by the City Engineer for any development. The cost of signs shall be the responsibility of the developer.
 - L. Traffic signals. The location of traffic signals shall be noted on approved development plans. Where a proposed intersection will result in an immediate need for a traffic signal, a signal meeting approved specifications shall be installed.
 - M. Streetlights. The location of streetlights shall be noted on approved development plans. Streetlights shall be installed in accordance with regulations adopted by the City.

1409.4 General Intersection Design Standards

- A. Connecting street intersections shall be located to provide for traffic flow, safety, and turning movements, as conditions warrant.
- B. Street and intersection alignments for local streets should facilitate local circulation but avoid alignments that encourage non-local through traffic.
- C. Streets should generally be aligned to intersect at right angles (90 degrees). Angles of less than 75 degrees will not be permitted unless the City Engineer has approved a special intersection design.

- D. New streets shall intersect with existing street intersections so that centerlines are not offset, except as provided in Table 1. Where existing streets adjacent to a proposed development do not align properly, conditions may be imposed on the development to provide for proper alignment.

Table 1. Street/Intersection Spacing

Street Classification	Minimum Distance Between Street Intersections	Maximum Distance Between Street Intersections
Arterial	530 feet	1000 feet
Collector	300 feet	600 feet
Neighborhood Route	150 feet	400 feet
Local	100 feet	530 feet

Table 2 Additional Yard Requirements

<u>Major Street</u>	<u>Distance from Centerline</u> (plus yard requirements in zone)
Firwood Street (55 th to Stanley)	25 feet
Harmony Road	40 feet
Harrison Street (Milwaukie Expressway to 44th)	40 feet
Harrison Street (Milwaukie Expressway to McLoughlin)	30 feet
Harvey Street (32nd to 42nd)	25 feet
Howe Street (42 nd to 43 rd)	30 feet
Johnson Creek Boulevard	30 feet
King Road	40 feet
Linwood Avenue	40 feet
Lake Road	30 feet
Logus Road	25 feet
Monroe Street (52nd to Linwood)	30 feet
Oak Street	30 feet
Oatfield Road	30 feet
Ochoco Street	30 feet
Olsen Street	25 feet
Railroad Avenue	30 feet
River Road (south of Lark Street)	30 feet
Roswell Street (32 nd to 42 nd)	25 feet
Washington Street (west of Railroad)	30 feet
Willow Street (Windsor Drive to Stanley)	25 feet
River Road (City limits to Lark)	30 feet
17 th Avenue (Ochoco to McLoughlin)	40 feet
32nd Avenue (north of Harrison)	30 feet
37 th Avenue (Lake Road to Grogan)	25 feet
40th Avenue (Harvey to Railroad)	40 feet
42nd Avenue (Johnson Creek Blvd to Howe Street)	30 feet
42nd Avenue (Harrison Street to King Road)	30 feet
43rd Avenue (Howe to King)	30 feet
55 th Avenue (Firwood to Johnson Creek Blvd.)	25 feet

Table 3 Transportation Facility Design Standards

Dimensions are shown in feet

Classification	Right of Way	Travel Lane		On-street Parking		Sidewalks		Landscape Strips		Bike Lane/ Combined Bike &/Travel Lane	
		Req'd.	Min. Allowed	Req'd.	Min. Allowed ¹	Req'd.	Min. Allowed	Req'd.	Min. Allowed	Req'd.	Min. Allowed
Arterial ²	73	12	11	8	7/6	10	5	5	0	6/16	5/14
Collector ³	61	11	10	8	7/6	8	5	5	0	6/16	5/14
Neighborhood	52	10	10	8	7/6	6	4	5	0	6/16	5/14
Local	52	10	10	8	7/6	6	4	5	0	6/16	5/14
Truck Route	n/a	12	11	8	7/6	n/a	n/a	n/a	n/a	6/16	5/14
Bus Route	n/a	12	11	8	7/6	n/a	n/a	n/a	n/a	6/16	5/14

Arterials⁴

Collectors

Neighborhood Routes

OR Highway 99E*	Johnson Creek Blvd.*	Main Street	Roswell Street	Logus Road
OR Expressway 224*	17 th Avenue*	Stanley Avenue	Olsen Street	27 th Avenue
Linwood Avenue*	32 nd Avenue	Oak Street	Harvey Street	37 th Avenue
Lake Road*	Washington Street	Monroe Street	Brookside Drive	Wood Avenue
King Road*	Jefferson Street	Jackson Street	Regents Street	Washington Street/Ida Lane
Harrison Street*	34th Avenue	Railroad Avenue	Willow Street	Furnberg Drive/71 st Avenue
River Road*	42 nd Avenue	Rusk Road	Mason Lane	Cedar Crest Drive
	43 rd Avenue	37 th Avenue	Howe Street	Home Avenue

*Street shown with an asterisk indicate the route is a regional facility in accordance with the Regional Transportation Plan

¹ Minimum residential on-street parking is 6 feet. Minimum commercial on-street parking on is 7 feet.

² Right-of-way requirements for Oregon Highway 99E and Expressway 224 shall be determined by Oregon Department of Transportation. Required rights-of-way for the following arterials supercede Table 1408.5: Oatfield Road, 60 feet; Linwood Avenue, 64 feet;

³ Right of way requirements for 17th Avenue are 72 feet between Highway 99E and Expressway 224; north of Expressway 224, 60 feet.

⁴ Minor arterials include Linwood Avenue, Lake, Harrison, King, and Oatfield Roads. McLoughlin Blvd. south of Harrison is a major arterial, north of Harrison it is a principal arterial.

1410 Pedestrian Requirements and Standards

1410.1 General Provisions

- A. Pedestrian facilities, including public sidewalks, on-site walkways, and pedestrian/bicycle accessways, shall be designed and improved in accordance with the standards of this Chapter and the Transportation Design Manual.
- B. Goals, objectives and policies relating to walking are included in Chapter 5 of the Milwaukie Comprehensive Plan and provide the context for the pedestrian requirements and standards. Figure 3.1 of the Comprehensive Plan illustrates the Walkways Network Master Plan and Figure 3.2 illustrates the Walkways Action Plan.
- C. Federal Americans with Disabilities Act (ADA) requirements for pedestrian facilities shall apply where there is a conflict with City standards.

1410.2 Public sidewalks

- A. Requirement. Public sidewalks are required on the public street frontage of all new development (including detached and attached single family dwellings on existing lots), all land divisions, and substantial redevelopment of commercial, industrial, multifamily and institutional uses. Public sidewalks are generally constructed within the dedicated public right-of-way, but may be located outside of the right-of-way within an easement with the approval of the City Engineer.
- B. Design Standards. Standards and cross-section details for the location, width and design of public sidewalks are included in the Transportation Design Manual.
- C. Maintenance. Maintenance of sidewalks, curbs, and planting strips is the continuing obligation of the adjacent property owner in accordance with Chapter 12.04.

1410.3 On-site walkways and circulation

- A. Requirement. All new development (excluding single family) and substantial redevelopment of commercial, industrial, multifamily and institutional uses shall provide a system of walkways that encourage safe and convenient pedestrian movement within the site and connections to off-site destinations. On-site walkways shall link the site with the public street sidewalk system. Walkways are required between parts of a site where the public is invited to walk. Walkways are not required between buildings or portions of a site that are not intended or likely to be used by pedestrians, such as truck loading docks and warehouses.

- B. Location. A walkway into the site shall be provided for every 300 feet of street frontage.
- C. Connections. Walkways shall connect building entrances to one another and building entrances to adjacent public streets and existing or planned transit stops. On-site walkways shall connect with walkways, sidewalks, bicycle facilities, alleys and other bicycle or pedestrian connections on adjacent properties used or planned for commercial, multifamily, institutional or park use. The City may require connections to be constructed and extended to the property line at the time of development.
- D. Routing. Walkways shall be reasonably direct. Driveway crossings shall be minimized. Internal parking lot circulation and design shall provide reasonably direct access for pedestrians from streets and transit stops to primary buildings on the site.
- E. Design Standards. Walkways shall be constructed with a hard surface material and shall be no less than 5 feet in width. If adjacent to a parking area where vehicles will overhang the walkway, a 7-foot wide walkway shall be provided. The walkways shall be separated from parking areas and internal driveways using curbing, landscaping, or distinctive paving materials. On-site walkways shall be lighted to an average 0.5 foot-candle level. Stairs or ramps shall be provided where necessary to provide a direct route.

1410.4 Pedestrian/bicycle accessways

- A. Intent. Pedestrian/bicycle accessways are intended to provide safe and convenient connections within and from new residential subdivisions, multi-family developments, planned developments, shopping centers and commercial districts to adjacent and nearby residential areas, transit stops and neighborhood activity centers where public street connections between such uses are unavailable.

Public street connections for cars, pedestrians and bicycle circulation are preferable to accessways. Pedestrian/bicycle accessways should only be used to ensure connectivity to nearby neighborhood activity centers in areas where no other public street options are available.

- B. Requirement. Pedestrian/bicycle accessways shall be required in the following situations:
 - 1. In residential and industrial districts where a street connection is not feasible and the addition of an accessway would reduce walking or bicycling distance by 400 feet or more, and by at least 50 percent over other available pedestrian routes to an existing transit stop, a planned transit route, or to a school, shopping center, or neighborhood park.

2. In commercial and community service overlay districts where addition of an accessway would reduce walking or bicycling distance by 200 feet, and by at least 50 percent over other available pedestrian routes to an existing transit stop, a planned transit route, or to a school, shopping center, or neighborhood park.
 3. For purposes of 1 and 2 above, other available pedestrian routes include public sidewalks and walkways within shopping centers, planned developments and industrial districts. Routes may cross parking lots on adjoining properties if the route is open to the public for pedestrian use, is a paved surface and is unobstructed.
 4. Accessways shall be located to provide a reasonably direct connection between likely pedestrian destinations.
- C. Design Standards. An accessway shall have a minimum right-of-way width of 15 feet and shall be improved to a minimum width of ten feet and paved with a hard surface material. If an accessway also provides secondary fire access or a public utility corridor, its right-of-way width shall be at least 20 feet with a minimum 15-foot wide paved surface. Additional standards relating to entry points, maximum length, visibility, and lighting of accessways are provided in the Design Manual.
- E. Ownership, liability and maintenance of accessways. To enable access and allow maintenance over time for all pedestrian/bicycle accessways, the City Engineer can require one of the following:
1. That the accessways be dedicated to the public and accepted by the City as public right-of-way prior to the final approval of the development; or
 2. That approval of the development shall be contingent upon granting to the public access easements to such accessways; or
 3. That the developer incorporate the accessway into recorded easements or tract(s) of common ownership which specifically requires the property owners and future property owners who are subject to such easements or are owners of such tracts to provide for the ownership, liability and maintenance of the accessway.

1411 Bicycle Requirements and Standards

1411.1 General Provisions

- A. Bicycle facilities, including on-street bike lanes, off-street bikeways, and bicycle parking, shall be designed and improved in accordance with the standards of this Chapter, the bicycle parking provisions of Chapter 505, and the Transportation Design Manual.

- B. Goals, objectives and policies relating to bicycling are included in Chapter 5 of the Milwaukie Comprehensive Plan. Figure 4.1 of the Comprehensive Plan illustrates the Bikeways Network Master Plan and Figure 4.2 illustrates the Bikeways Action Plan.

1411.2 Bike Lanes and Bikeways

- A. Requirement. Bike lanes and bikeways shall be provided in accordance with the Milwaukie Transportation System Plan. Except as amended by the Transportation System Plan, bike lanes shall be provided along collector and arterial streets.
- B. Timing of Construction. To assure continuity and safety, bike lanes and bikeways will generally be constructed as part of the construction or improvement of collector and arterial streets.
- C. Design Standards. Bike lanes shall be 6 feet wide and shall be provided for each direction of travel allowed on the street. Bike lanes and bikeways shall be constructed consistent with the design guidelines and standards delineated in the latest edition of the Oregon Bicycle Plan. Excerpts of the guidelines and standards are provided in the Transportation Design Manual.

1411.3 Bicycle Parking

Bicycle parking requirements are set forth in Chapter 505.

1412 Transit Requirements and Standards

1412.1 General Provisions

- A. Transit facilities, including bus stops, shelters and related facilities, shall be designed and improved in accordance with Tri-Met standards and the requirements and standards of this Chapter and the Transportation Design Manual.
- B. Goals, objectives and policies relating to transit are included in Chapter 5 of the Milwaukie Comprehensive Plan.

1412.2 Transit Facilities

- A. Notice and Coordination with Tri-Met. When development of a multifamily, commercial, office, or institutional use is proposed within 200 feet of an existing or planned transit route, notice shall be provided to Tri-Met as outlined in Chapter 1405.4. Tri-Met may recommend that transit-related facilities be constructed at the time of development to support transit use.
- B. Factors Determining Transit Requirements. The factors that determine the level of transit facility requirements include but are not limited to street classification, existing and planned level of transit service in adjacent streets, block length, proximity of major pedestrian destinations, existing

and anticipated ridership, and transit needs of a development. Required improvements may include provision of an easement for a bus stop, benches, shelters, bus turnouts, curb extensions, median refuges for pedestrian crossings, public telephones, or pedestrian lights. The required improvements shall reflect a reasonable and proportionate share of the impacts of the development.

- C. Location of Transit Facilities. Transit facilities shall be located at controlled street intersections, where possible. If recommended by Tri-Met and required by the Director, a bus stop shall consist of at least a bus stop pad designed in compliance with the ADA. The location of the bus stop shall be chosen so that there is a connection to an accessible route. Where a bus stop has already been established within 500 feet of the affected development, a new bus stop shall only be provided if recommended by Tri-Met and required by the Director. Otherwise, the developer shall upgrade the existing stop through provision of improved waiting facilities (i.e., installation of benches, shelters or landscaping).

1412.3 Building Orientation to Transit

The following requirements apply to all new multi-family, commercial, office, and institutional development within 500 feet of an existing or planned transit route measured along the public sidewalk that provides direct access to the transit route:

- A. Building Orientation to Transit Street. New buildings shall have their primary orientation toward a transit street or, if not adjacent to a transit street, a public right-of-way which leads to a transit street. The primary building entrance shall be visible from the street and shall be directly accessible from a sidewalk connected to the public right-of-way. A building may have more than one entrance. If the development has frontage on more than one transit street, the primary building entrance may be oriented to either street or to the corner.
- B. Maximum Setbacks Adjacent to Transit Street. When adjacent to a street served by transit, new commercial, office or institutional development, including uses authorized under Chapter 321-Community Service Overlay Zone, shall be set back no more than 30 feet from the right-of-way that is providing transit service.
1. An individual building may be set back more than 30 feet, provided the building is part of an approved phased development that will result in a future building(s) that complies with the 30 foot setback standard.
 2. For sites with multiple buildings, the maximum distance from a street with transit to a public entrance of the primary building shall be no more than 100 feet.

3. If the proposed building is part of an institutional campus, the Director may allow flexibility in the setback and orientation of the building. As a trade-off for this flexibility, enhanced sidewalk connections shall be provided between the institutional building(s) and nearby transit stops.
4. If the site abuts more than one street served by transit, then the maximum setback requirement need only apply to one street.

1413 Access Management Standards

1413.1 General Provisions

- A. Access permit required. Access to a public street requires an access permit in accordance with the following:
1. Permits for access to City streets shall be subject to review and approval by the City Engineer based on the adopted City standards contained in this Chapter. An access permit may be in the form of a letter to the applicant, or it may be attached to a land use decision notice as a condition of approval.
 2. Permits for access to State highways shall be subject to review and approval by Oregon Department of Transportation (ODOT), except when ODOT has delegated this responsibility to the City or Clackamas County. Decisions regarding access permits to State highways shall be based on access standards adopted by ODOT.
 3. Permits for access to County highways shall be subject to review and approval by Clackamas County, except where the County has delegates this responsibility to the City. Decisions regarding access permits to County highways shall be based on access standards adopted by Clackamas County.

B. Access Spacing Targets

All development shall be provided public street access. Access roads (public and/or private), driveways, and easements shall be as set forth in other sections of these Design Standards. Spacing of access points (public street and/or driveways) shall meet the criteria in Table XX to the greatest extent practicable. The minimum spacing is measured between the nearest points of the point of curvature on the curb return(s) of public streets or the top of the wings of any driveway.

TABLE XX
Access Spacing

Street Classification	Minimum, feet
Arterial	600
Collector	300
ODOT Facilities (ORE 99E, ORE 224)	Per Appendix C of OHP

Spacing criteria is based upon several factors including stopping sight distance, ability of turning traffic to leave a through lane with minimal disruption to operation, minimizing right turn conflict overlaps, maximizing egress capacity and reducing compound turning conflicts where queues for turning/decelerating traffic encounter conflicting movements from entering/exiting streets and driveways.

C. Modification of Access Spacing Targets.

Any development that deviates from the access spacing (public street or driveway) targets will be required to prepare an access study that assesses transportation impacts adjacent to the project frontage within a distance equal to the access spacing requirements established in Section 1400. For example, for a site with arterial access, analysis would include evaluation of site access and capacity along the project frontage plus capacity and access issues within 530 feet of the adjacent property. The access study shall include the following:

1. Review of site access spacing and design.
2. Traffic impacts adjacent to the site within a distance equal to the access spacing distance from the project site.
3. Review of all modes of transportation to the site.
4. Where access spacing targets are not met a series of mitigation measures shall be identified including assess of (but not limited to) medians, consolidation of access, shared driveways, temporary access, provision of future consolidated access or other measures that would be acceptable to the City Engineer or designee.

C. Driveways. Access to private property shall be permitted with the use of driveway curb cuts. The access points with the street shall be the minimum necessary to provide access while not inhibiting the safe

- circulation and carrying capacity of the street. Driveways shall meet all applicable guidelines of the Americans with Disabilities Act.
- C. Access study requirements. The City or other agency with access jurisdiction may require an access study prepared by a qualified professional to determine access requirements.
 - D. Authority to restrict access. To provide for increased traffic movement on congested streets and to eliminate turning movement problems, the City Engineer may restrict the location of driveways on streets and require that driveways be placed on adjacent streets, upon the finding that the proposed access would:
 - 1. Cause or increase existing hazardous traffic conditions; or
 - 2. Provide inadequate access for emergency vehicles; or
 - 3. Cause hazardous conditions that would constitute a clear and present danger to the public health, safety, and general welfare.
 - E. Conditions of approval. The City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements for shared driveways, development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system.

1413.2 Location of Driveway Access

- A. Double frontage. When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street.
- B. Distance from property line. Unless a shared access is proposed or required, new curb cuts for driveway access shall be at least 7 ½ feet from the property line in residential districts and at least 10 feet from the property line in all other districts.
- C. New single family development fronting arterials or collectors. Direct individual access to arterial or collector streets from detached or attached single-family dwellings and lots shall be discouraged. Direct access shall be considered only if there is no practical alternative way to access the site and only if the driveway is designed to allow for vehicles to turn around on-site (via a hammerhead or loop).
- D. Backing into the right-of-way prohibited. Driveways shall be designed to contain all vehicle backing movements onsite, except for detached or attached single family uses on local streets.

- E. Minimum distance from driveway to intersection curb return. To protect the safety and capacity of street intersections, the following minimum distance from the intersection curb return to the bottom of the driveway wing shall be maintained:
 1. For local and neighborhood streets, driveways for detached or attached single family residential shall be located at least 45 feet from the intersection curb return, or located as far away from the curb return as possible.
 2. Driveways for multifamily and all other uses accessing local and neighborhood streets shall be located at least 100 feet from the intersection curb return.
 3. For arterials and collectors, driveways shall be located beyond the end of queue of traffic during peak hour conditions or a minimum of 400 feet for arterials and 300 feet for collectors, whichever is greater.

1413.3 Number and Size of Driveways

- A. Number. The number of access points on arterial and collector streets from any development shall be minimized whenever possible through the use of shared driveways and coordinated on-site circulation patterns.
 1. One driveway per site frontage will be the normal number allowed. For residential properties, additional site access is permitted by use of a mountable curb and reinforced sidewalk in accordance with design requirements of the Transportation Design Manual.
 2. Multi-family, commercial or industrial developments with street frontage greater than 150 feet may request an additional driveway, if needed.
- B. Shared driveways. Within commercial, industrial and multi-family areas, shared driveways and internal access between similar uses are encouraged to reduce the number of access points to the higher classified roadway, to improve internal site circulation, and to reduce local trips or movements on the street system. Shared driveways or internal access between uses will be established by means of common access easements.
- C. Driveway size. Driveway openings (curb cuts) shall be the minimum width necessary to provide the required number of vehicle travel lanes (9 feet for each travel lane). The following standards (measured where the front property line meets the sidewalk or right-of-way) are required to provide adequate site access, minimize surface water runoff, and avoid conflicts

between vehicles and pedestrians. This Chapter does not apply to requirements for flag lots, which are found in Title 17.

1. Single family attached and detached uses shall have a minimum driveway width of 9 feet and a maximum width of 18 feet.
2. Three-family uses shall have a minimum driveway width of 16 feet and a maximum width of 20 feet.
3. Multiple family uses with between 4 and 7 dwellings shall have a minimum driveway width of 20 feet, and a maximum width of 24 feet.
4. Multiple family uses with more than 8 dwelling units, and off-street parking areas with 16 or more spaces, shall have a minimum driveway width of 24 feet, and a maximum width of 30 feet.
5. Commercial, office and institutional uses shall have a minimum driveway width of 12 feet, and a maximum width of 36 feet.
5. Industrial uses shall have a minimum driveway width of 15 feet, and a maximum width of 45 feet.

Maximum driveway widths for commercial and industrial uses may be increased if the City Engineer determines that more than two lanes are required based on the number of trips generated or the need for turning lanes.

**SECTION 300
USE ZONES****301 RESIDENTIAL ZONE R-10**

In an R-10 Zone the following regulations shall apply:

301.1 Outright uses permitted

In an R-10 Zone the following uses and their accessory uses are permitted outright:

- A. Single-family detached dwelling.
- B. Residential home.
- C. Agricultural or horticultural use, provided that:
 - 1. a retail or wholesale business sales office is not maintained on the premises; and
 - 2. poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.
- D. Any other use similar to the above and not listed elsewhere.

301.2 Conditional uses permitted

In an R-10 Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 600:

- A. Temporary real estate office in a subdivision.
- B. Single-family attached dwelling.
- C. Senior and retirement housing.
- D. Type 2 accessory dwelling unit.
- E. Any other use similar to the above and not listed elsewhere.

301.3 Standards

In an R-10 Zone the following standards shall apply:

- A. Lot size: Lot area shall be at least 10,000 square feet, and the lot area shall be not less than an average of 7,000 square feet for dwelling of a single-family attached complex. Lot width shall be at least 30 feet for an interior single-family attached unit. Average lot depth shall be at least 100 feet. Lot width shall be at least 70 feet.

- B. Front yard: A front yard shall be at least 20 feet.
- C. Side yard: A side yard shall be at least 10 feet, except on corner lots a side yard shall be at least 20 feet on the side abutting the street. For interior single-family attached units, side yards are not required.
- D. Rear yard: A rear yard shall be at least 20 feet.
- E. ~~Yard abutting a major street: A yard abutting a major street listed in Section 411 shall be established in accordance with the standard set forth therein.~~
- F. Off-street parking and loading: As specified in Section 500.
- G. Height restriction: Maximum height of a structure shall be 2½ stories or 35 feet, whichever is less.
- H. Lot coverage: Maximum area that may be covered by one dwelling structure and accessory buildings shall not exceed 30 percent of the total area of the lot.
- I. Minimum vegetation: Minimum area that must be left or planted in trees, grass, shrubs, barkdust for planting beds, etc. will be 35 percent of the total area of the lot.
- J. ~~Aeeess~~Frontage requirement: Every lot shall abut a public street other than an alley for at least 35 feet except as provided in the Subdivision Ordinance. The lot for an interior single-family attached unit shall abut a public street for at least 20 feet.
- K. Minimum density: Minimum development densities for subdivision, planned development, mixed use development, and other proposals reviewed by the Planning Commission, pursuant to subsection 1103.1, Minor Quasi-Judicial review, shall be at least 3.5 to 4.4 dwelling units per net acre.
- L. Transportation requirements and standards: As specified in Section 1400.

302 RESIDENTIAL ZONE R-7

In an R-7 Zone the following regulations shall apply:

302.1 Outright uses permitted

In an R-7 Zone the following uses and their accessory uses are permitted outright:

- A. Single-family detached dwelling.
- B. Residential home.
- C. Agricultural or horticultural use, provided that:
 - 1. a retail or wholesale business sales office is not maintained on the premises; and
 - 2. poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.
- D. Any other use similar to the above and not listed elsewhere.

302.2 Conditional uses permitted

In an R-7 Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 600:

- A. Temporary real estate office in a subdivision.
- B. Single-family attached dwelling.
- C. Senior and retirement housing.
- D. Type 2 accessory dwelling unit.
- E. Any other use similar to the above and not listed elsewhere.

302.3 Standards

In an R-7 Zone the following standards shall apply:

- A. Lot size: Lot area shall be at least 7,000 square feet. For a single-family attached complex the lot area shall be an average of at least 7,000 square feet per unit. Lot width shall be at least 60 feet. The minimum lot width shall be 30 feet for interior single-family attached units. Average lot depth shall be at least 80 feet.
- B. Front yard: A front yard shall be at least 20 feet.
- C. Side yard: A side yard shall be at least 5 feet and one side yard shall be at least 10 feet, except on corner lots a side yard shall be at least 20 feet on the side abutting the street. For interior single-family attached units, side yards are not required.

- D. Rear yard: A rear yard shall be at least 20 feet.
- E. ~~Yard abutting a major street: A yard abutting a major street listed in Section 411 shall be established in accordance with the standard set forth therein.~~
- F. Off-street parking and loading: As specified in Section 500.
- G. Height restriction: Maximum height of a structure shall be 2½ stories or 35 feet, whichever is less.
- H. Lot coverage: Maximum area that may be covered by the dwelling structure and accessory buildings shall not exceed 30 percent of the total area of the lot.
- I. Minimum vegetation: Minimum area that must be left or planted in trees, grass, shrubs, barkdust for planting beds, etc. will be 30 percent of the total area of the lot.
- J. ~~Aeeess~~Frontage requirement: Every lot shall abut a public street other than an alley for at least 35 feet, except as provided in the Subdivision Ordinance. The lot for an interior single family attached unit shall abut a public street for at least 20 feet.
- K. Minimum density: Minimum development densities for subdivision, planned development, mixed use development, and other proposals reviewed by the Planning Commission, pursuant to subsection 1103.1, Minor Quasi-Judicial review, shall be at least 5.0 to 6.2 dwelling units per net acre.
- L. Transportation requirements and standards: As specified in Section 1400.

303 RESIDENTIAL ZONE R-5

In an R-5 Zone the following regulations shall apply:

303.1 Outright uses permitted

In an R-5 Zone the following uses and their accessory uses are permitted outright:

- A. Single-family detached dwelling.
- B. Single-family attached dwelling.
- C. Residential home.
- D. Agricultural or horticultural use, provided that:
 - 1. a retail or wholesale business sales office is not maintained on the premises; and
 - 2. poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 feet per head of livestock.
- E. Any other use similar to the above and not listed elsewhere.

303.2 Conditional uses permitted

In an R-5 Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 600:

- A. Temporary real estate office in a subdivision.
- B. Senior and retirement housing.
- C. Type 2 accessory dwelling unit.
- D. Any other use similar to the above and not listed elsewhere.

303.3 Standards

In an R-5 Zone the following standards shall apply:

- A. Lot size: Lot area shall be at least 5,000 square feet. For single-family attached dwellings the lot area shall be an average of at least 5,000 square feet per dwelling unit. Lot width shall be at least 50 feet. For interior single-family attached dwellings the lot width shall be at least 30 feet. Average lot depth shall be at least 80 feet.
- B. Front yard: A front yard shall be at least 20 feet.

- C. Side yard: A side yard shall be at least 5 feet, and there shall be one additional foot of side yard for each 3 feet of height over 2 stories or 25 feet, whichever is less, except on corner lots a side yard shall be at least 15 feet on the side abutting the street. For interior, single-family attached dwellings side yards are not required.
- D. Rear yard: A rear yard shall be at least 20 feet.
- E. ~~Yard abutting a major street: A yard abutting a major street listed in Section 411 shall be established in accordance with the standard set forth therein.~~
- F. Off-street parking and loading: As specified in Section 500.
- G. Height restriction: Maximum height of a structure shall be 2½ stories or 35 feet, whichever is less.
- H. Lot coverage: Maximum area that may be covered by the dwelling structure and accessory buildings shall not exceed 35 percent of the total area of the lot.
- I. Minimum vegetation: Minimum area that must be left or planted in trees, grass, shrubs, barkdust for planting beds, etc. will be 25 percent of the total area of the lot.
- J. Transition area: A transition area shall be maintained according to Section 414.
- K. ~~A~~AccessFrontage requirement: Every lot shall abut a public street other than an alley for at least 35 feet, except as provided in the Subdivision Ordinance. The lots for interior single-family attached units shall abut a public street for at least 20 feet.
- L. Minimum density: Minimum development densities for subdivision, planned development, mixed use development, and other proposals reviewed by the Planning Commission, pursuant to subsection 1103.1, Minor Quasi-Judicial review, shall be at least 7.0 to 8.7 dwelling units per net acre.
- M. Transportation requirements and standards: As specified in Section 1400.

304 RESIDENTIAL ZONE R-3

In an R-3 Zone the following regulations shall apply:

304.1 Outright uses permitted

In an R-3 Zone the following uses and their accessory uses are permitted outright:

- A. Single-family, detached dwelling.
- B. Agricultural or horticultural use, provided that:
 - 1. a retail or wholesale business sales office is not maintained on the premises; and
 - 2. poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.
- C. Single-family attached dwelling.
- D. Residential home.
- E. Any other uses similar to the above and not listed elsewhere.

304.2 Conditional uses permitted

In an R-3 Zone the following conditional uses and their accessory uses are permitted subject to provisions of Section 600:

- A. Temporary real estate office in a subdivision.
- B. Boarding, lodging, or rooming house.
- C. Senior and retirement housing.
- D. Offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists, and others of a professional nature whose activities generate a minimal amount of traffic.
- E. Multifamily condominium or apartment dwelling.
- F. Type 2 accessory dwelling unit.
- G. Congregate housing facility.
- H. Any other uses similar to the above and not listed elsewhere.

304.3 Standards

In an R-3 Zone the following standards shall apply:

- A. Lot size: Lot area shall be at least 5,000 square feet. For single-family attached dwellings the lot area shall be an average of at least 3,000 square feet per dwelling unit. Lot width shall be at least 50 feet. For interior single-family attached units the lot width shall be at least 30 feet. Average lot depth shall be at least 80 feet.
- B. Front yard: A front yard shall be at least 15 feet.
- C. Side yard: A side yard shall be at least 5 feet, and there shall be one additional foot of side yard for each 3 feet of height over two stories or 25 feet, whichever is less, except on corner lots a side yard shall be at least 15 feet on the side abutting the street. For interior single-family attached and condominium units, side yards are not required.
- D. Rear yard: A rear yard shall be at least 15 feet.
- E. ~~Yard abutting a major street: A yard abutting a major street listed in Section 411 shall be established in accordance with the standard set forth therein.~~
- F. Off-street parking and loading: As specified in Section 500.
- G. Height restriction: Maximum height of a structure shall be 2½ stories or 35 feet, whichever is less.
- H. Lot coverage: Maximum area that may be covered by the dwelling structure and accessory buildings shall not exceed 40 percent of the total area of the lot.
- I. Minimum vegetation and open space: Minimum area that must be left or planted in trees, grass, shrubs, barkdust for planting beds, or left as open space or used as recreational area, etc. will be 35 percent of the total area of the lot. At least half of this area will be of the same general character as the area with dwelling units.
- J. ~~Access~~Frontage requirements: Every lot shall abut a public street other than an alley for at least 35 feet, except as provided in the Subdivision Ordinance. Lots for interior single-family attached units will abut a public street for at least 20 feet.
- K. Transition area: A transition area shall be maintained according to Section 414.
- L. Minimum density: Minimum development densities for subdivision, planned development, mixed use development, and other proposals reviewed by the Planning Commission, pursuant to subsection 1103.1, Minor Quasi-Judicial review, shall be at least 11.6 to 14.5 dwelling units per net acre.
- M. Transportation requirements and standards: As specified in Section 1400.

305 RESIDENTIAL ZONE R-2.5

In an R-2.5 Zone the following regulations shall apply:

305.1 Permitted uses

- A. Single-family dwelling.
- B. Single-family attached dwelling.
- C. Residential home.
- D. Agricultural or horticultural uses, provided that:
 - 1. a retail or wholesale business sales office is not maintained on the premises; and
 - 2. poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.
- E. Any other use similar to the above and not listed elsewhere.

305.2 Conditional uses

- A. Boarding, lodging, or rooming house.
- B. Senior and retirement housing.
- C. Multifamily condominium or apartment.
- D. Congregate housing facility.
- E. Offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists, and others of a professional nature whose activities generate a minimal amount of traffic.
- F. Any other use similar to the above and not listed elsewhere.

305.3 Standards

In an R-2.5 Zone the following standards shall apply:

- A. Lot size: Single-family dwellings—3,000 square feet. Attached dwellings—2,500 square feet average per unit.
- B. Lot dimensions: Width at building line, measured at front setback: 1) single-family dwelling—40 feet; 2) attached dwellings—25 feet. Depth for all types of uses—75 feet.

- C. Set backs: Front yard—15 feet. Side yard—A side yard shall be at least 5 feet, and there shall be one additional foot of side yard for each 3 feet of height over two stories or 25 feet, whichever is less, except on corner lots a side yard shall be at least 15 feet on the side abutting the street. For interior single-family attached and condominium units, side yards are not required.
- D. Height of structure: Maximum height shall not exceed 35 feet.
- E. Parking: As specified in Section 500.
- F. Lot coverage: 40 percent maximum.
- G. Minimum vegetation and open space: Thirty-five percent of the lot must be planted in trees, grass, shrubs, barkdust for planting beds, or left as open space, or used as recreational area. At least half of this area will be of the same general character as the area with the dwelling units.
- H. ~~Aceess~~Frontage requirements: Every lot shall abut a public street for at least 35 feet; except as provided in the Subdivision Ordinance, and attached residential lots which shall abut a public street for at least 20 feet.
- I. Transition area: A transition area shall be maintained according to Section 414.
- J. Minimum density: Minimum development densities for subdivision, planned development, mixed use development, and other proposals reviewed by the Planning Commission, pursuant to subsection 1103.1, Minor Quasi-Judicial review, shall be at least 11.6 to 17.4 dwelling units per net acre.
- K. Transportation requirements and standards: As specified in Section 1400.

306 RESIDENTIAL ZONE R-2

In an R-2 Zone the following regulations shall apply:

306.1 Outright uses permitted

In an R-2 Zone the following uses and their accessory uses are permitted outright:

- A. Single-family detached dwelling.
- B. Residential home.
- C. Agricultural or horticultural use, provided that:
 - 1. a retail or wholesale business sales office is not maintained on the premises; and
 - 2. poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.
- D. Single-family attached, multifamily condominiums, multifamily apartment dwellings.
- E. Congregate housing facility.
- F. Any other use similar to the above and not listed elsewhere.

306.2 Conditional uses permitted

In an R-2 Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 600:

- A. Boarding, lodging, or rooming house.
- B. Senior and retirement housing.
- C. Offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists, and others of a professional nature whose activities generate a minimal amount of traffic, except in transitional areas.
- D. Hotel or motel.
- E. Marina
- F. Type 2 accessory dwelling unit
- G. Any other use similar to the above and not listed elsewhere.

306.3 Standards

In an R-2 Zone the following standards shall apply:

- A. Lot size: Lot area shall be at least 5,000 square feet. Lot area for the first dwelling unit shall be at least 5,000 square feet and there shall be not less than an average of 2,500 square feet for each dwelling unit over one. Lot width shall be at least 50 feet. For interior single-family attached and condominium units lot width shall be at least 30 feet. Average lot depth shall be at least 80 feet. Single-family attached, multifamily condominium, and multifamily apartment dwellings are permitted with less than 3,000 square feet per unit provided that traffic does not move through adjacent lower density areas.
- B. Front yard: A front yard shall be at least 15 feet.
- C. Side yard: A side yard shall be at least 5 feet, and there shall be one additional foot of side yard for each 3 feet of height over two stories or 25 feet, whichever is less, except on corner lots a side yard shall be at least 15 feet on the side abutting the street. For interior single-family attached and condominium units, side yards are not required.
- D. Rear yard: A rear yard shall be at least 15 feet.
- E. ~~Yard abutting a major street: A yard abutting a major street listed in Section 411 shall be established in accordance with the standard set forth therein.~~
- F. Off-street parking and loading: As specified in Section 500.
- G. Height restriction: Maximum height of a structure shall be three stories or 45 feet, whichever is less.
- H. Lot coverage: Maximum area that may be covered by the dwelling structure and accessory buildings shall not exceed 45 percent of the total area of the lot.
- I. Minimum vegetation and open space: Minimum area that must be left or planted in trees, grass, shrubs, barkdust for planting beds, or left as open space or used as recreational area, etc. will be 35 percent of the total area of the lot. At least half of this area will be of the same general character as the area with dwelling units.
- J. ~~Access~~Frontage requirements: Every lot shall abut a public street other than an alley for at least 35 feet except as provided in the Subdivision Ordinance. Lots for interior single-family attached and condominium units shall abut a public street for at least 20 feet.
- K. Transition area: A transition area shall be maintained according to Section 414.
- L. Minimum density: Minimum development densities for subdivision, planned development, mixed use development, and other proposals reviewed by the Planning Commission, pursuant to subsection 1103.1, Minor Quasi-Judicial review, shall be at least 11.6 to 17.4 dwelling units per net acre.
- M. Transportation requirements and standards: As specified in Section 1400.

307 RESIDENTIAL-BUSINESS OFFICE-COMMERCIAL ZONE R-1-B

In an R-1-B Zone the following regulations shall apply:

307.1 Outright uses permitted

In an R-1-B Zone the following uses and their accessory uses are permitted outright:

- A. Single-family detached dwelling.
- B. Agricultural or horticultural use, provided that:
 - 1. a retail or wholesale business sales office is not maintained on the premises; and
 - 2. poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.
- C. Single-family attached dwelling.
- D. Residential home.
- E. Condominium, multifamily condominium, and multifamily apartment dwellings.
- F. Congregate housing facility.
- G. Senior and retirement housing.
- H. Offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists, and others whose activities generate a minimal amount of traffic.
- I. Offices of administrative, editorial, educational, executive, financial, governmental, philanthropic, insurance, real estate, religious, research, scientific, or statistical organizations whose activities generate a minimal amount of traffic.
- J. Any other use similar to the above and not listed elsewhere.

307.2 Conditional uses permitted

In an R-1-B Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 600:

- A. Temporary real estate office in a subdivision
- B. Boarding, lodging, or rooming house.
- C. Hotel or motel.
- D. Marina.

- E. Any other use similar to the above and not listed elsewhere.

307.3 Standards

In an R-1-B Zone the following standards shall apply:

- A. Lot size: Lot area shall be at least 5,000 square feet. Lot area for the first dwelling unit shall be at least 5,000 square feet and for each dwelling unit over one there shall be not less than an average of 1,400 square feet. Lot width shall be at least 50 feet. For interior single-family attached and condominium units this lot width shall be at least 30 feet.
- B. Front yard: A front yard shall be at least 15 feet.
- C. Side yard: A side yard shall be at least 5 feet, and there shall be one additional foot of side yard for each 3 feet of height over two stories or 25 feet, whichever is less, except on corner lots a side yard shall be at least 15 feet on the side abutting the street.
- D. Rear yard: A rear yard shall be at least 15 feet.
- E. ~~Yard abutting a major street: A yard abutting a major street listed in Section 411 shall be established in accordance with the standard set forth therein.~~
- F. Off-street parking and loading: As specified in Section 500.
- G. Height restriction: Maximum height of a structure shall be three stories or 45 feet, whichever is less.
- H. Lot coverage: Maximum area that may be covered by the principal structure and accessory buildings shall not exceed 50 percent of the total area of the lot.
- I. Minimum vegetation: Minimum area that must be left or planted in trees, grass, shrubs, etc. shall be 15 percent of the total area of the lot.
- J. ~~Access~~Frontage requirement: Every lot shall abut a public street other than an alley for at least 35 feet except as provided in the Subdivision Ordinance. Lots for interior single-family attached and condominium units shall abut a public street for at least 20 feet.
- K. Transition area: A transition area shall be maintained according to Section 414.
- L. Minimum density: Minimum residential densities for subdivision, planned development, mixed use development, and other proposals reviewed by the Planning Commission, pursuant to subsection 1103.1, Minor Quasi-Judicial review, shall be at least 25 to 32 dwelling units per net acre.
- M. Transportation requirements and standards: As specified in Section 1400.

308 RESIDENTIAL ZONE R-1

In an R-1 Zone the following regulations shall apply:

308.1 Outright uses permitted

In an R-1 Zone the following uses and accessory uses are permitted outright:

- A. Single-family detached dwelling.
- B. Agricultural or horticultural use, provided that:
 - 1. a retail or wholesale business sales office is not maintained on the premises; and
 - 2. poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.
- C. Single-family attached, multifamily condominium, multifamily apartment dwelling.
The above type dwellings are permitted with less than 3,000 square feet per unit provided that traffic does not move through adjacent lower density areas.
- D. Residential home.
- E. Senior and retirement housing.
- F. Congregate housing facility.
- G. Any other use similar to the above and not listed elsewhere.

308.2 Conditional uses permitted

In an R-1 Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 600:

- A. Temporary real estate office in a subdivision.
- B. Boarding, lodging, or rooming house.
- C. Offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists, and others of a professional nature whose activities generate a minimal amount of traffic, except in transitional areas.
- D. Hotel or motel.
- E. Marina.
- F. Any other use similar to the above and not listed elsewhere.

308.3 Standards

In an R-1 Zone the following standards shall apply:

- A. Lot size: Lot area shall be at least 5,000 square feet. Lot area for the first dwelling unit shall be at least 5,000 square feet and there shall be not less than 1,400 square feet for each dwelling unit over one. Lot width shall be at least 50 feet. Lot width for single-family attached and condominium units shall be at least 30 feet. Average lot depth shall be at least 80 feet. Single-family attached, multifamily condominium, multifamily apartment dwellings are permitted with less than 3,000 square feet per unit provided that traffic does not move through adjacent lower density areas.
- B. Front yard: A front yard shall be at least 15 feet.
- C. Side yard: A side yard shall be at least 5 feet, and there shall be one additional foot of side yard for each 3 feet of height over two stories or 25 feet, whichever is less, except on corner lots a side yard shall be at least 15 feet on the side abutting the street. For interior single-family attached and condominium units, side yards are not required.
- D. Rear yard: A rear yard shall be at least 15 feet.
- E. ~~Yard abutting a major street: A yard abutting a major street listed in Section 411 shall be established in accordance with the standard set forth therein.~~
- F. Off-street parking and loading: As specified in Section 500.
- G. Height restriction: Maximum height of a structure shall be three stories or 45 feet, whichever is less.
- H. Lot coverage: Maximum area that may be covered by the dwelling structure and accessory buildings shall not exceed 45 percent of the total area of the lot.
- I. Minimum vegetation and open spaces: Minimum area that must be left or planted in trees, grass, shrubs, barkdust for planting beds, or left as open space or used as recreational area, etc. will be 35 percent of the total area of the lot. At least half of this area will be of the same general character as the area with dwelling units.
- J. ~~Access~~Frontage requirements: Every lot shall abut a public street other than an alley for at least 35 feet except as provided in the Subdivision Ordinance. Lots for interior single-family attached and condominium units shall abut a public street for at least 20 feet.
- K. Transition area: A transitional area shall be maintained according to Section 414.
- L. Use restrictions: Authorized commercial uses are permitted on the ground floor only. Office uses are permitted on the ground level and first floor. At least 50 percent of the floor area within a project shall be used for residential purposes.
- M. Transportation requirements and standards: As specified in Section 1400.

- M. Minimum density: Minimum residential densities for subdivision, planned development, mixed use development, and other proposals reviewed by the Planning Commission, pursuant to subsection 1103.1, Minor Quasi-Judicial review, shall be at least 25 to 32 dwelling units per net acre.

309 RESIDENTIAL-OFFICE-COMMERCIAL ZONE R-O-C

In an R-O-C Zone, the following regulations shall apply:

309.1 Outright uses permitted

In an R-O-C Zone the following uses and their accessory uses are permitted outright:

- A. Single-family detached dwelling.
- B. Single-family attached dwelling.
- C. Residential home.
- D. Multifamily condominium dwelling.
- E. Multifamily apartment dwelling.
- F. Congregate housing facility.
- G. Senior and retirement housing.
- H. Offices.
- I. Retail trade establishment such as a food store, drugstore, gift shop, hardware store selling primarily from a shelf-goods inventory.
- J. Personal service business such as a barber shop, tailor shop, or laundry and dry cleaning pickup station.
- K. Funeral home.
- L. Commercial recreation and motion picture theater.
- M. Eating establishment.
- N. Hotel or motel.
- O. Parking facility.
- P. Repair, maintenance, or service of the type of goods to be found in any permitted retail trade establishment.
- Q. Financial institution.
- R. Trade or commercial school.
- S. Department or furniture store.
- T. Any other use similar to the above and not listed elsewhere.

309.2 Conditional uses permitted

In an R-O-C Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 600:

- A. Boarding, lodging, or rooming house.
- B. Any other use similar to the above and not listed elsewhere.

309.3 Standards

In an R-O-C Zone the following standards shall apply:

- A. Lot size: Lot area shall be at least 5,000 square feet. Lot area for the first dwelling unit shall be at least 5,000 square feet and for dwelling units over one there shall be not less than an average of 1,400 square feet. Lot width shall be at least 50 feet. Lot width for interior single-family attached and condominium units shall be at least 30 feet. Average lot depth shall be at least 80 feet.
- B. Front yard: A front yard shall be at least 15 feet.
- C. Side yard: A side yard shall be at least 5 feet, and there shall be one additional foot of side yard for each 3 feet of height over two stories or 25 feet, whichever is less, except on corner lots a side yard shall be at least 15 feet on the side abutting the street. For interior single-family attached and condominium units, side yards are not required.
- D. Rear yard: A rear yard shall be at least 15 feet.
- E. ~~Yard abutting a major street: A yard abutting a major street listed in Section 411 shall be established in accordance with the standard set forth therein.~~
- F. Off-street parking and loading: As specified in Section 500.
- G. Height restriction: Maximum height of a structure shall be three stories or 45 feet, whichever is less.
- H. Use restrictions: Authorized commercial uses are permitted on the ground floor only. Office uses are permitted on the ground level and first floor. At least 50 percent of the floor area within a project shall be used for residential purposes.
- I. Lot coverage: Maximum area that may be covered by the principal structure and accessory buildings shall not exceed 50 percent of the total area of the lot.
- J. Minimum vegetation: Minimum area that must be left or planted in trees, grass, shrubs, barkdust for planting beds, etc., shall be 15 percent of the total area of the lot.

SECTION 309—RESIDENTIAL-OFFICE-
COMMERCIAL ZONE R-O-C

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- K. AcessFrontage requirement: Every lot shall abut a public street other than an alley for at least 35 feet except as provided in the Subdivision Ordinance. Lots for interior single-family attached and condominium units shall abut a public street for at least 20 feet.
- L. Transition area: A transition area shall be maintained according to Section 414.
- M. Minimum density: Minimum residential densities for subdivision, planned development, mixed use development, and other proposals reviewed by the Planning Commission, pursuant to subsection 1103.1, Minor Quasi-Judicial review, shall be at least 25 to 32 dwelling units per net acre.
-
- N. Transportation requirements and standards: As specified in Section 1400.

309.4 Prohibited uses

The following uses and their accessory uses are prohibited:

- A. Adult entertainment business.

310 NEIGHBORHOOD COMMERCIAL ZONE C-N

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

310.1 Outright uses permitted

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

- A. No uses permitted outright.

310.2 Conditional uses permitted

In a C-N Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 600:

- A. A food store not exceeding 2,500 square feet of floor area.
- B. A store providing convenience goods and services for a local area.
- C. Laundry.
- D. Eating establishment.
- E. Any other use similar to the above and not listed elsewhere.

310.3 Standards

In a C-N Zone the following standards shall apply:

- A. Lot size: Lot area shall be at least 5,000 square feet but not greater than 25,000 square feet. Lot width shall be at least 50 feet. Average lot depth shall be at least 80 feet.
- B. Front yard: A front yard shall be at least 15 feet.
- C. Side yard: A side yard shall be at least 5 feet, and there shall be one additional foot of side yard for each 3 feet of height over two stories or 25 feet, whichever is less, except on corner lots a side yard shall be at least 15 feet on the side abutting the street.
- D. Rear yard: A rear yard shall be at least 10 feet.
- E. ~~Yard abutting a major street: A yard abutting a major street listed in Section 411 shall be established in accordance with the standard set forth therein.~~
- F. Off-street parking and loading: As specified in Section 500.
- G. Height restriction: Maximum height of a structure shall be 2½ stories or 35 feet, whichever is less.
- H. Lot coverage: Maximum area that may be covered by the dwelling structure and accessory buildings shall not exceed 40 percent of the total area of the lot.

- I. Minimum vegetation: Minimum area that must be left or planted in trees, grass, shrubs, etc. shall be 20 percent of the total area of the lot.
- J. Screening: Neighborhood commercial uses must be screened from adjacent residential uses.
- K. ~~Access~~Frontage requirement: Every lot shall abut a public street other than an alley for at least 35 feet.
- L. Transportation requirements and standards: As specified in Section 1400.

310.4 Prohibited uses

The following uses and their accessory uses are prohibited:

- A. Adult entertainment business.

311 LIMITED COMMERCIAL ZONE C-L

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

311.1 Outright uses permitted

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

- A. Offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists, and others of a professional nature.
- B. Offices of administrative, editorial, educational, executive, financial, governmental, philanthropic, insurance, real estate, religious, research, scientific, or statistical organizations.
- C. Retail trade establishment such as a food store, drugstore, gift shop, hardware store, selling primarily from a shelf-goods inventory.
- D. Personal service business such as a barber shop, tailor shop, or laundry and dry cleaning pickup station.
- E. Any other use similar to the above and not listed elsewhere.

311.2 Conditional uses permitted

In a C-L Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 600:

- A. Funeral home.
- B. Marina and boat sales.
- C. Parking facility.
- D. Repair, maintenance, or service of the type of goods to be found in any permitted retail trade establishment.
- E. Financial institution.
- F. Trade or commercial school.
- G. Single-family detached dwelling.
- H. Agricultural or horticultural use, provided that poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.
- I. Single-family attached dwelling, multifamily apartment, and condominium dwelling.

- J. Senior and retirement housing.
- K. Residential home.
- L. Congregate housing facility.
- M. High-impact commercial, except adult entertainment businesses.
- N. Any other use similar to the above and not listed elsewhere.

311.3 Standards

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

- A. Lot size: None, except as follows for dwelling: Lot area shall be at least 5,000 square feet. Lot area for the first dwelling unit shall be at least 5,000 square feet and for dwelling units over one there shall be not less than an average of 1,000 square feet. Lot width shall be at least 50 feet. Lot width for interior single-family attached and condominium units shall be at least 30 feet. Average lot depth shall be at least 80 feet.
- B. Front yard: None, except as provided in subsections 311.3.E and 311.3.F below.
- C. Side yard: None, except as provided in subsections 311.3.E and 311.3.F below.
- D. Rear yard: None, except as provided in subsections 311.3.E and 311.3.F below.
- E. ~~Yard abutting a major street: A yard abutting a major street listed in Section 411 shall be established in accordance with the standards set forth therein.~~
- F. Transition area: A transition area shall be maintained according to Section 414.
- G. ~~AccessFrontage requirement: Entrances from a public street to properties in this zone shall be located to minimize traffic congestion and avoid directing traffic onto residential streets.~~ Every lot shall abut a public street other than an alley for at least 35 feet except as permitted under the Subdivision Ordinance. Lots for interior single-family attached and condominium units shall abut a public street for at least 20 feet.
- H. Off-street parking and loading: As specified in Section 500.
- I. Height restriction: Maximum height of any structure shall be three stories or 45 feet, whichever is less.
- J. Open use: A use not contained within an enclosed building, such as open storage, abutting or facing a residential zone, shall be screened with a sight-obscuring fence not less than 6 feet high.
- K. Minimum vegetation: Minimum area that must be left or planted in trees, grass, shrubs, barkdust for planting beds, etc., shall be 15 percent of the total area of the lot.

L. Transportation requirements and standards: As specified in Section 1400.

311.4 Prohibited uses

The following uses and their accessory uses are prohibited:

- A. Adult entertainment businesses.

313 GENERAL COMMERCIAL ZONE C-G

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

313.1 Outright uses permitted

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

- A. Offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists, and others of a professional nature.
- B. Offices of administrative, editorial, educational, executive, financial, governmental, philanthropic, insurance, real estate, religious, research, scientific, or statistical organizations.
- C. Retail trade establishment such as a food store, drugstore, gift shop, hardware store, selling primarily from a shelf-goods inventory.
- D. Personal service business such as a barber shop, tailor shop, or laundry and dry cleaning pickup station.
- E. A use permitted outright in this zone with drive-in service facilities.
- F. Funeral home.
- G. Eating establishment.
- H. Marina.
- I. Parking facility.
- J. Repair, maintenance, or service of the type of goods to be found in any permitted retail trade establishment.
- K. Financial institution.
- L. Trade or commercial school.
- M. Department or furniture store.
- N. Automobile, boat, trailer, or other vehicle or equipment sales and service.
- O. Car wash.
- P. Carpenter or cabinet shop.
- Q. Furniture upholstery.
- R. Building materials supply.
- S. Plumbing, heating, ventilation or electrical shop.

- T. Printing plant.
- U. Repair garage.
- V. Automobile service station.
- W. Sign painting shop.
- X. Tire shop.
- Y. Any other use similar to the above and not listed elsewhere.

313.2 Conditional uses permitted

In a C-G Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 600:

- A. Animal hospital or boarding kennel.
- B. Auditorium or stadium.
- C. Contractor's storage yard.
- D. Sheet metal shop.
- E. Agricultural or horticultural use, provided that poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.
- F. Drinking establishment.
- G. High-impact commercial, except adult entertainment businesses.
- H. Any other use similar to the above and not listed elsewhere.

313.3 Standards

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

- A. Lot size: None. Lot width shall be at least 50 feet. Average lot depth shall be at least 80 feet.
- B. Front yard: None, except as provided in subsections 313.3.E and 313.3.F below.
- C. Side yard: None, except as provided in subsections 313.3.E and 313.3.F below.
- D. Rear yard: None, except as provided in subsections 313.3.E and 313.3.F below.
- E. ~~Yard abutting a major street: A yard abutting a major street listed in Section 411 shall be established in accordance with the standards set forth therein.~~
- F. Transition area: A transition area shall be maintained according to Section 414.

- G. ~~Access~~Frontage requirement: ~~Entrances from a public street to properties in this zone shall be located to minimize traffic congestion and avoid directing traffic onto residential streets.~~ Every lot shall abut a public street other than an alley for at least 35 feet.
- H. Off-street parking and loading: As specified in Section 500.
- I. Height restriction: Maximum height of a structure shall be three stories or 45 feet, whichever is less.
- J. Lot coverage: Maximum area that may be covered by buildings and structures shall not exceed 85 percent of the total area of the lot.
- K. Open use: A use not contained within an enclosed building, such as open storage, abutting or facing a residential zone, or which would be visible from a public street, shall be screened with a sight-obscuring fence not less than 6 feet high.

Except for open storage, the following uses shall be conducted within an enclosed building:

1. Carpenter or cabinet shop.
 2. Furniture upholstery.
 3. Plumbing shop.
 4. Repair garage.
 5. Sign painting shop.
 6. Tire shop.
 7. Heating or ventilation shop.
- L. Minimum vegetation: Minimum area that must be left or planted in trees, grass, shrubs, bark dust for planting beds, etc., shall be 15 percent of the total area of the lot.
- M. Transportation requirements and standards: As specified in Section 1400.

313.4 Prohibited uses

The following uses and their accessory uses are prohibited:

- A. Adult entertainment business.

314 MANUFACTURING ZONE M

Statement of purpose: The purpose of this Manufacturing Zone is to promote clean, employee-intensive industries which may also include related accessory uses, such as commercial and office uses, which serve the industrial area.

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

- A. Any combination of manufacturing, office, and/or commercial uses are allowed when at least 25 percent of the total project involves an industrial use as described under subsection 314.1.B. The combined uses shall provide at least 10 employees per acre.
- B. A use which involves the collection and assembly of durable goods, warehousing of goods, transshipment of goods from other sources, and/or the assembly of goods from products which have been processed elsewhere, general manufacturing and production.
- C. Commercial and office uses which are accessory to the industrial use(s). Such uses may include gymnasium, health club, secretarial services, sandwich deli, small restaurant, and retail/wholesale commercial use and showroom.
- D. May produce small amounts of noise, dust, vibration, or glare, but may not produce off-site impacts that create a nuisance, as defined by DEQ or the City Noise Ordinance.
- E. Has access to a collector or arterial street.
- F. ~~Provision for sidewalks and mass transit facilities (i.e. bus stop shelter, trash receptacle, benches) shall be made.~~
- G. A permitted use may require outside storage areas. These storage areas shall be screened with a sight-obscuring fence or dense plantings from any adjoining residential uses or public streets.
- H. Warehouse use which is accessory to an industrial use.

314.2 Preexisting uses and developments

Notwithstanding the provisions of Section 800, Nonconforming Uses, 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 amendments prohibiting retail uses in excess of 60,000 square feet, 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.

314.3 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 Uniform Fire Code, Article 80.
- B. New residential construction, churches, public schools.
- C. Retail uses greater than 60,000 square feet gross floor area per building or business are prohibited on all lots included in mapped "Employment" or "Industrial" areas as shown on Milwaukie Comprehensive Plan Title 4 Lands Map, April 6, 1999.

314.4 Authority and appeal of Administrative decisions

If the Community Development Director has any questions regarding the applicant's ability to meet the criteria in subsection 314.1, the request may be scheduled for review by the Planning Commission. In addition, a member of the public may appeal a use administratively approved or denied by the Community Development Director to the Planning Commission. See Section 1001 for appeal procedures.

314.5 Conditional uses

- A. Natural resource extraction

Open pit and gravel excavating or processing shall not be permitted nearer than 50 feet 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 feet to the right-of-way line of an existing platted street or an existing public utility right-of-way.

An open pit or sand and gravel operation shall be enclosed by a fence suitable to prevent unauthorized access.

A rock crusher, washer, or sorter shall not be located nearer than 500 feet 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 insure that such establishments do not become unduly or unnecessarily disruptive.

In addition, when considering an adult entertainment business, the following criteria shall be used: The proposed location of an adult entertainment business shall not be within 500 feet of an existing or previously approved adult entertainment business or within 500 feet of either a public park, a church, a day-care center, a primary, elementary, junior high, or high school, or any residentially zoned property, both of which 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 impacted property or the closest structural wall of any preexisting or previously approved adult entertainment business.

314.6 Site development requirements

A.	Setbacks:	Front	20 feet
		Side	None*
		Corner side yard	10 feet
		Rear	None*

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

- B. Height: 45 feet
- C. Parking and loading: See Section 500
- D. Landscaping

Fifteen percent landscaping of the site is required. A variety of trees, shrubbery, and ground cover is encouraged. Street trees are required along street frontages and within parking lots to help delineate entrances, provide shade, and permeable areas for storm water runoff. A bond or a financial guarantee of performance will be required.

- E. Site access: One curb cut (45 feet maximum) per 150 feet of street frontage.
- F. Transition area

When the industrial development is adjacent to and within 120 feet of areas zoned for residential uses, the following characteristics will be considered:

- 1. Noise
- 2. Lighting
- 3. Hours of operation

4. Delivery and shipping
5. Height of structure
6. Distance to residential zone boundary

The Commission may attach conditions to reduce any potentially adverse impacts to residential properties.

G. Transportation requirements and standards: As specified in Section 1400.

315 COMMUNITY SHOPPING COMMERCIAL ZONE C-CS

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

315.1 Uses

Development shall be a community-scale shopping center.

A. Such center shall include at least three out of the four following uses:

1. Department store uses.
2. Drug and/or variety store uses.
3. Food supermarket.
4. Retail specialty shops.

B. Such center may include the following additional uses:

1. Eating and drinking establishment.
2. Financial institution.
3. Entertainment use (theater, etc.).
4. 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 percent of the total floor space of the center is devoted to such uses.
7. Any other uses determined by the Planning Commission to be similar and compatible to the above-listed uses.

C. Uses prohibited shall be: industrial, warehousing, vehicular sales or service, motels, adult entertainment business, machinery sales or repair, contractor's office, and similar uses as determined by the Planning Commission.

315.2 Scale

The minimum size of the community-scale shopping center shall be 200,000 gross leasable square feet. Construction of the center may be phased, however, and the first phase must be at least 140,000 square feet. If construction is phased, all phases must be completed in 3 years.

315.3 Procedure

- A. Application review; minimum requirements:
1. Site development plan showing site and adjacent streets, access, parking, circulation, landscaped areas, location of buildings, location of pedestrian walkways, location of utilities, service areas, loading areas, lighting, utilities, and public facilities.
 2. Landscaping plan showing size, species, and location of plant materials, irrigation system, site contouring.
 3. Preliminary architectural plans indicating floor plans, elevations, building orientation, and signing.
 4. Phasing plan, if proposed.
 5. Detailed traffic report, analyzing existing traffic, traffic generation, turning movements, and impact on adjacent streets. Report shall recommend roadway improvements needed to mitigate impacts as specified in Section 1400.
 6. Proposed on- and off-site improvements to the remaining public facilities (water, sanitary sewer, and storm sewer).

- B. ~~The Community Development Director shall forward the proposed application to the State Highway Division of the Department of Transportation, Tri Met, to the City Public Works Director, City Fire Chief, City Police Chief, and any other applicable review agency. In addition, the application shall be entered on the Planning Commission's next available agenda. Reviewers shall have 15 working days to respond in writing.~~

~~The Planning Commission shall hold a public hearing as provided in Section 1011. The Planning Commission shall review the application against the approval criteria. The Commission shall issue a notice of decision with findings and conditions.~~

~~The notice of decision shall be forwarded to the applicant and all reviewing agencies. A decision may be appealed as provided in Section 1002.~~

The application shall be reviewed under Minor Quasi-Judicial review procedures as provided in Section 1011.

315.4 Criteria for approval

An application for development will be approved if it meets the following criteria:

- A. It complies with the application requirements under Section 315.3.A above.
- B. It meets the scale requirements of Section 315.2 above.
- C. It meets the use requirements of Section 315.1 above.

- D. It meets the development standards of Section 315.5 below.
- E. The site plan and building orientation/design shall address the following guidelines:
 - 1. Create an aesthetically pleasing development by the use of quality materials and the arrangement of buildings, landscaping, and parking.
 - 2. Relate functionally to the site, surroundings, and internally.
 - 3. Be designed to maximize safety and convenience, for the motorist and pedestrian.
 - 4. Be designed to consider crime prevention techniques.
 - 5. Signs shall be integrated into the design of the center.

315.5 Development standards

- A. Setbacks (minimum) from property line:
 - 1. Along Hwy. 224: 30 feet.
 - 2. Along Oak Street: 40 feet.
 - 3. Along 37th Street: 20 feet.
 - 4. From other property lines: 5 feet.
- B. Heights (maximum):
Three stories or 45 feet, whichever is less.
- C. Access:
 - 1. Maximum of 2 curb cuts along Oak St. frontage.
 - 2. Maximum of 3 curb cuts along 37th St. frontage.
 - 3. Location of access points to be approved by the Public Works Director, after consultation with the State Highway Division.
- D. Landscaping:
 - 1. A minimum of 20 percent of the net site area shall be landscaped. Net site area is gross site area minus right-of-way (R-O-W) dedications.
 - 2. All setback areas to be landscaped.
 - 3. A landscaped berm on the Hwy. 224 and Oak St. frontages shall be installed. The berm shall be designed to provide visual relief from the parking and activity areas of the center. The berm may be 'tapered' down on either side of access drives.

- 4. An irrigation system shall be installed for the landscaped areas.
- 5. Trees (minimum 6 feet high at time of planting) shall be planted, at least one every 50 feet, along the bermed landscaped areas adjacent to streets.
- 6. "Landscaped" shall mean a combination of ground cover, shrubbery, and trees installed to form a unified landscape.
- 7. A bond or financial guarantee of performance will be required.

E. Utilities:

All utilities (electric, gas, telephone) shall be installed underground.

F. Transit:

Reserve areas for transit facilities (bus turnout, shelter, benches, station, etc.) for the use of mass transit if requested by Tri-Met in their review of the project as specified in Section 1400.

G. Public facilities:

All necessary public facilities (water, sanitary sewer, storm sewer, streets) must be improved to meet City and State standards.

H. Parking requirements of Section 500.

I. Design standards:

- 1. Roof-mounted mechanical equipment shall be screened from view.
- 2. Loading and delivery areas should be separated from parking and pedestrian areas.
- 3. A minimum of eighty percent of the floor space shall be designed as an enclosed mall (where access from one store to another is possible without walking outside). Alternatively, a pedestrian walkway covering is permitted, if designed to shelter pedestrians from inclement weather.
- 4. Outdoor trash or delivery areas are screened from the public's view.

J. Transportation requirements and standards: As specified in Section 1400.

318 MIXED USE OVERLAY ZONE MU

318.1 Purpose

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

318.2 General applicability

The Mixed Use Overlay Zone will be attached to the primary zone for properties identified as critical to the efforts of the City to develop a mix of uses within the Town Center Master Plan area. These properties include, but are not limited to, those within Sites 2-1, 2-2, and 2-6 of Subarea 2 and Site 4-1 of Subarea 4 of the Town Center Master Plan. The MU Overlay Zone will be applied to the Zoning Map.

318.3 Primary uses

Provisions of Section 318 are intended to allow mixed use development, subject to the processes identified in subsection 318.6 below, including retail, commercial, office, and residential development, as listed below.

- A. Retail commercial uses such as food store, drugstore, gift shop, and hardware store selling shelf goods primarily. (Drive-up convenience stores are not permitted.)
- B. Multifamily attached condominium dwellings.
- C. Multifamily attached apartment dwellings.
- D. Single-family attached small lot townhouses.
- E. Professional offices.
- F. Personal service businesses such as haircutting shop, tailor shop, laundry and dry-cleaning pickup station, shoe repair, computer and bicycle repair, office equipment and services, and electronics repair.
- G. Motion picture theater (adult theaters are not permitted).
- H. Restaurant and cafe, outdoor seating where provided for in the site design and located off of the public sidewalk area. (Drive-in and drive-thru food establishments are not permitted.)
- I. Brew pub which serves food.
- J. Hotel.
- K. Parking facility.
- L. Financial institution (without drive-up tellers).

- M. Trade or commercial school.
- N. Department or furniture store.
- O. Bed and breakfast.
- P. Service station without associated minimart—minor repair service allowed if approved through a Mixed Use Overlay review application.
- Q. Farmers' market.
- R. Public park or community meeting area.
- S. Youth center.
- T. Day-care facilities.
- U. Any other use similar to the above and not listed elsewhere.

318.4 Applicability

Development review and approval, pursuant to subsection 318.6, is required for all development on sites having a Mixed Use Overlay Zone, unless the proposed development qualifies for an exception under subsection 318.5.

318.5 Exemptions from review

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

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

318.6 Development review process and criteria

- A. Preapplication conference

Prior to submittal of an application for development within the MU Overlay Zone, the applicant shall be required to attend a preapplication conference with Community Development staff. The applicant must submit a specific written proposal and a site plan drawn to scale in order to schedule a preapplication conference.

At the preapplication conference, staff shall determine the applicable development review procedure which would apply to the applicant's specific proposal. Staff shall provide appropriate application materials and outline the applicable review procedure. The applicant shall be required to schedule an appointment with staff to submit the completed MU Overlay review application.

B. Planning Commission review

The Planning Commission shall review development requests within the Mixed Use Overlay Zone, per the procedures outlined in subsection 1011.3, Minor Quasi-Judicial review.

C. Criteria

The Planning Commission may grant approval of a Mixed Use Overlay review upon a determination that the following circumstances exist:

1. The proposed project is in compliance with the Milwaukie Comprehensive Plan.
2. The proposed project is in compliance with the Town Center Master Plan (TCMP).
3. The proposed project is in compliance with the guidelines and requirements of the MU Overlay Zone.
4. The proposed project complies with any requirements of the underlying zone which have not been superseded by the provisions of the Mixed Use Overlay Zone.
5. The proposed project complies with Sections 400, 500, and 1400 of the Zoning Ordinance.

D. Minor development review

The Community Development Director may approve minor changes in any development permit or small scale improvements to legally existing uses, through the process designated under subsection 1011.1 of the Zoning Ordinance (Type I Administrative review), provided that such changes:

1. do not increase the intensity of any use;
2. meet the requirements of the underlying zone and the specific site design standards of subsection 318.8;
3. are consistent with the Town Center Master Plan;
4. do not significantly affect adjacent property or uses, will not cause any deterioration or loss of any natural feature or open space, nor significantly affect any public facility; and
5. do not affect any conditions specifically placed on the development by the Planning Commission or City Council.

318.7 Application materials

An application for a Mixed Use Overlay review shall include the following:

- A. Name, address, and telephone number of applicant and/or property owner.
- B. Address and reference map number of the subject property.
- C. North Arrow, scale, and date of revision.
- D. Narrative concerning the proposed request, including a written report identifying how the proposal complies with the applicable approval criteria outlined in subsection 318.6.C.
- E. Copy of deed showing ownership or interest in the subject property. If the applicant is not the owner or sole owner, written authorization from the owner or joint owner(s) of the property shall be submitted allowing the applicant to apply for the Mixed Use Overlay review.
- F. Vicinity map.
- G. Comprehensive Plan and Zoning designations of subject property.
- H. A map showing existing uses, structures, lot lines, topography, and the location of existing and proposed utilities and easements within 100 feet of the property.
- I. A map showing the location of all existing trees, their types, location, and diameter at 5 feet from grade. This map shall be based on a surveyed location of the trees. The map shall identify which trees, if any, are proposed for removal. This tree map may be combined with the landscaping plan if the resulting plan is legible.
- J. 12 copies of detailed and dimensioned plans, drawn to scale for the specific project, including, but not limited to, the site development plan, building elevations, floor plans, landscaping plan, and parking plan.

These plans shall show: lot dimensions based on a survey of the property; existing and proposed property boundaries; the distance from structures to property lines and between structures; the building footprint with all projections; and location of driveways, walkways, paved areas, and disabled access and parking. Parking shall address all requirements of Sections 500 and 1400 of the Zoning Ordinance.

- K. Color and material samples of paint, siding, and roof material.
- L. A sign program, where applicable.
- M. Reduced copies (8.5" x 11") of all plans and maps.
- N. Any information required by other provisions of local, state, or federal law.
- O. Additional drawings, surveys, studies, or other materials necessary to understand or support the proposed use, as required by the Community Development Department through the preapplication process.

- P. Notice labels and map.
- Q. Payment of the applicable fee.

318.8 Development standards

Except as provided in subsection 318.9.A.1, the following development standards apply to all proposals which have been determined to be subject to the Mixed Use Overlay Zone. Development in this overlay zone shall follow the standards and guidelines for development and for specific sites, as indicated below. All development proposals shall comply and not conflict with the Milwaukie Comprehensive Plan and the Town Center Master Plan.

- A. Commercial and commercial/residential mixed use (office uses are included in the Commercial designation).
 - 1. Proposed development shall incorporate a 1:0.5 to 1:2.0 floor area ratio of commercial to residential development. (For every 1 square foot of commercial, a minimum of ½ square foot of residential would be required, and up to 2 square feet of residential will be permitted.)
 - 2. Retail and/or service uses are required for the on-street level of any development. Residential and office or additional commercial development can be considered for below-grade development or for stories above the street level.
 - 3. Angled parking shall be developed where street right-of-ways are wide enough.
 - 4. Parking for commercial and residential uses shall be located to the rear or side of a proposed development. Where parking is to be located at the side of a structure, an eight-foot-wide landscape strip shall separate the parking area from the sidewalk.
 - 5. Shared parking shall be provided where feasible. Shared bicycle parking shall be permitted when primary pedestrian entrances are located not more than 100 feet from the shared bicycle parking area. The shared bicycle parking must be located in an area of high visibility adjacent to a pedestrian walkway or sidewalk.
 - 6. All primary ground floor common residential entries or individual unit entries of street frontage units shall be oriented to the street, not to the interior or to a parking lot. Projecting features such as porches, balconies, bay and dormer windows, and roof pediments are encouraged for structures facing a street.
 - 7. Where structured parking is proposed, it shall be placed in the middle of a block, with commercial and retail uses at the street level. Innovative decorative designs are required to mask any portion of the upper structure which is visible from the street. Parking dimensions shall not include support posts of the underground or above-ground parking structure.

8. Parking which is provided without a parking structure shall comply with the dimensional and landscaping requirements of Section 500 of the Zoning Ordinance.
9. Auto-oriented and drive-in uses are prohibited, except for service stations without related minimarts when a conditional use has been approved.
10. A minimum of 60 percent of the ground floor wall area in retail development abutting pedestrian ways and plazas shall consist of nonreflective windows and doorways.
11. Outdoor displays and cafe areas shall be permitted subject to City right-of-way permits and related standards. If an outdoor display is located on private property adjacent to the right-of-way, the display shall not impede traffic on the public sidewalk, and the displays and daily display signs shall be removed each evening. Cafe seating shall be permitted on private property adjacent to the public sidewalk with approval under the site design/conditional use permit process. Outdoor cafe seating on private property need not be removed each evening.
12. Residential development shall incorporate shared parking, circulation and bike parking opportunities whenever possible. A planting strip shall separate the right-of-way and the sidewalk. High- and medium-density residential development is encouraged to have an articulated front facade which makes the building appear to be segmented or similar to the size and bulk of single family residential units, where possible.
13. Owners of existing single-family homes within the Mixed Use Overlay Zone may apply for a conditional use permit to allow a detached secondary living unit, an attached secondary living unit, or conversion to a duplex or triplex, provided that one of the units shall remain owner-occupied. Sound insulating and energy-efficient materials shall be provided in any of the above conversions of existing space. Setbacks and development standards of the underlying zone must be met.
14. No outside storage is allowed, with the exception of garbage dumpsters, which are screened by a solid wood fence with a gate, or fully contained individual storage units associated with residential uses.
15. If a project maximizes the residential density allowed in this overlay zone and by the Comprehensive Plan Town Center designation, additional retail or office uses can be permitted on the site through the site design/conditional use review process.
16. Projects accommodating a combination of residential, with retail or office, uses may cluster, combine, or separate the uses on portions of a single property, or a series of properties which are in the process of merger.
17. Residential densities between 25 and 50 dwelling units per acre shall be permitted within the Mixed Use Overlay Zone if the proposed project incorporates 7 out of 13 of the requirements listed in 318.8.A.18.

18. All new development shall comply with at least 6 of the following “essential” requirements.
 - a. Special awning treatment.
 - b. Special grate or paving treatment, landscaping, planter boxes or pots, and pedestrian-scale lighting between sidewalk and entrance of the building.
 - c. Provision for public art or historical reference in the form of a plaque or public display.
 - d. Special street lighting or other custom-designed street furniture or similar amenities.
 - e. Development of public space, including, but not limited to, plazas, gathering areas, or special landscaped areas.
 - f. Residential uses above ground-level retail space.
 - g. Enhanced transit amenities such as covered bus shelters or bike lockers.
 - h. Upgraded noise buffering on attached residential units.
 - i. Provision of protected play areas in residential development.
 - j. Provision of enhanced pedestrian accessways from rear parking areas to the frontage street.
 - k. Provision of decorative drinking fountains or other custom-designed street furniture.
 - l. Structured parking consistent with subsection 318.8.A.7.
19. If a property to be developed includes an historic structure or a single-family home which is in good repair or can be easily repaired, the applicant may propose a density transfer in conjunction with a PD development in order to retain the single-family housing stock while allowing some higher density development on the same or an adjacent parcel, which is combined with the parcel on which the single-family home is located.
20. In areas where new development abuts existing single-family development, a 20-foot buffer area of landscaping shall be provided and consideration shall be given to additional setback of second, third, or fourth stories.
- ~~21. Bicycle and pedestrian routes shall be provided to permit direct connection from the development to the following:
 - a. nearby residential development such as adjoining subdivisions, other residential uses, or mixed use projects;~~

- b. ~~public right of ways and other bicycle and pedestrian paths;~~
- e. ~~existing and planned commercial services, schools, and parks; and/or~~
- d. ~~other neighborhoods.~~

~~Connecting routes may be provided by way of public right of way dedications or easements. Such routes shall be provided wherever possible to reduce walking distance between pedestrian destinations. Reservation of future on-site easements or right-of-ways for future development of improved routes may be required when the timing of development does not warrant present construction of improved paths. Provision of improved pedestrian or bicycle routes shall not eliminate any requirement to provide sidewalks along a proposed or existing roadway. All pedestrian routes shall be constructed in accordance with standards specified by the Public Works Department.~~

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21. Bicycle and pedestrian routes and facilities shall be provided consistent with the requirements and standards of Section 1400.

318.9 Specific sites in Subareas 2 and 4

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

A. Subarea 2

1. Sites 2-1 and 2-2 (Murphy Plywood site)

These sites may be developed with a mix of commercial and commercial/residential space with limited service and retail uses, including restaurants. In such cases, retail uses shall be located on the ground floor adjacent to pedestrian walkways. Development of commercial and mixed uses at these sites shall comply with the provisions of subsection 318.8.

Business Industrial (BI) uses as set forth in Section 324 shall also be allowed. The development of BI uses on Sites 2-1 and 2-2 shall comply with the development requirements of Section 324, except that outdoor storage shall be permitted. In this case, the 32nd Avenue and Meek Street property lines shall be considered front yards and a 20-foot setback shall be applied. These setbacks shall be landscaped in accordance with subsection 503.19.A.6, and provided with a sight-obscuring wooden fence adjacent to the public right-of-way and residential property lines. The Planning Commission may allow these setbacks to be reduced to 10 feet, where the proposed design of the buffer is of a high quality and includes: 1) the use of masonry walls, or other acceptable material, of up to 8 feet in height; 2) enhanced landscaping; and 3) one of the elements listed in subsection 318.8.A.18. Development of BI uses on the site is not required to comply with the standards set forth in subsections 318.8 and 309.3.

2. Site 2-6 (Providence Milwaukie Hospital site)

This site shall be developed with a primary emphasis on specialized senior assisted-living housing and related support services that are tied to the adjacent hospital and medical complex. Development should provide for housing and medical services which will meet the needs of an aging population. The provisions of subsection 318.8.A.1 and 2 shall not apply to Site 2-6. Applications for Site 2-6 will be subject to a design review. Alternative designs appropriate to meet the intent of subsection 318.8.A.4, 6, and 21 will be evaluated by the Planning Commission.

B. Subarea 4

1. This site shall be developed with high-density (16-24 dwelling units per acre) diverse housing types. Retail, office, or lodging uses are also allowed at a 2:1 ratio (for every 2 square feet of residential, 1 square foot of commercial will be permitted). Commercial uses on the site shall be limited to those listed in subsections 318.3.E, F, H, L, R, S, and T. Commercial use may be increased to a 1:1 ratio (1 square foot of commercial for every 1 square foot of residential), if amenities 2, 3, 4, 5, 7, 8, 9, and 11 of subsection 318.8.A.18 are provided. A report on the status of contamination on this site shall be submitted with any proposed development.

Minimum vegetation for the site shall be 30 percent. Particular attention shall be paid to landscaping, which shall be designed to provide buffers to the residential neighborhoods to the north and east. Building heights shall also be designed to provide a transition for the neighboring residential properties. The height limit within 50 feet of the Monroe Street or 37th Avenue right-of-way shall be 2 stories or 35 feet, whichever is less. The building height for the remainder of the development on this site is 3 stories or 45 feet, whichever is less. Building setbacks from property lines shall be 15 feet for the front and rear yards and 5 feet for side yards. Minimum lot standards shall conform to the R-O-C standards, except that the minimum lot width for single-family attached and condominium units may be reduced to 20 feet wide if amenities 2, 4, 5, 7, 8, and 9 of subsection 318.8.A.18 are provided. The distance between buildings on the same lot shall be 6 feet for 1 story and a minimum of 5 feet per every story over 1.

318.10 Consistency with underlying zones

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

A. R-O-C Zone

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

B. WG Zone

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

C. NR Zone

The requirements of the Natural Resource Overlay Zone and the MU Overlay Zone both apply to a property which is subject to both overlay zones. An NR application must be processed prior to or concurrent with a development proposal under the MU Overlay Zone. If a project is determined not to be subject to the MU Overlay Zone, but is also an NR Zone property, a separate determination of the applicability of the NR zone must be made.

318.11 Validity of uses

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

318.12 Nonconforming uses

- A. Milwaukie Code provisions regarding construction, discontinuance, improvement, or change of nonconforming uses, as contained in Section 800, are applicable to uses within the MU Overlay Zone.
- B. In addition to meeting requirements as specified in Section 800, development proposals involving nonconforming uses or structures must also comply with the setback, landscaping, and access standards of the MU Overlay Zone.

321 COMMUNITY SERVICE OVERLAY ZONE CSO

321.1 Purpose

This Section provides for the development of special uses which, because of their public convenience, necessity, and unusual character, may be appropriate in one district but not another. This Section also provides for the review and approval of various kinds of public and private facilities including utility and recreational facilities. The Community Service Overlay will function as an overlay designation for public and private institutions in most zones and districts.

321.2 Applicability

Any community service development shall be subject to the provisions of this Section, unless otherwise directed in primary zones. Community service uses include private and public utilities, institutions, and recreational facilities as listed below.

- A. Institutions: public/private and other public facilities
1. Schools, public or private, and their accompanying sports facilities, day-care centers, private kindergartens.
 2. Government office buildings for local, state, or federal government such as a city hall, courthouse, correctional facilities, or other similar buildings.
 3. Hospital.
 4. Cemetery.
 5. Nursing or convalescent home.
 6. Churches.
 7. Community meeting building.
 8. Temporary or transitional facility.
 9. Other similar uses as determined by the Planning Commission.
- B. Utilities:
1. Sewage pumping stations.
 2. Water wells, pump stations, and related facilities.
 3. Electrical power substations.
 4. Telephone switching station.
 5. Public Works shops, road shops, yards, bus barns, equipment and material storage yards, and other similar uses.

- 6. Telephone, microwave facilities.
- 7. Radio and television transmission facilities, including studios.
- 8. Public transit facilities.
- 9. Passenger terminal
- 10. Other similar uses as determined by the Planning Commission.

C. Recreation facilities: public or private

- 1. Private club, fraternal organization, lodge, grange.
- 2. Public and/or privately owned parks including golf courses.
- 3. The 40-Mile Loop.
- 4. Other similar uses as determined by the Planning Commission.

321.3 Notice requirements

The Planning Commission shall hold a public hearing for a community service use request per the procedures outlined in subsection 1011.3.C, Minor Quasi-Judicial review, Community Service Overlay.

321.4 Authority to grant or deny a community service use

A. An application for a community service use may be allowed if:

- 1. the requirements of the underlying zone are met;
- 2. specific standards for the uses found in subsections 321.7-321.10 are met; and
- 3. ~~_____~~ the hours and levels of operation of the proposed use can be adjusted to be reasonably compatible with surrounding uses. ~~For solid waste facilities, this shall mean:~~

~~a. Hours of operation~~

~~If a solid waste facility is to be located within 500 feet of property planned, zoned, or used for residential purposes, no solid waste facility shall be in operation between the hours of 7:00 p.m. and 7:00 a.m.~~

~~b. Traffic~~

~~No solid waste facility shall be approved except where all vehicular access to and from the solid waste facility site is via a City of Milwaukie designated arterial street or Oregon Department of Transportation highway. No solid waste facility shall be approved~~

where the level of service at the nearest arterial intersection that would serve the facility is below a level of service "C" (higher than a volume/capacity ratio of .8), as defined by the Highway Capacity Manual, Special Report 209, Transportation Research Board, 1985. Further, no solid waste facility shall be approved where the design capacity of the adjacent roadway is exceeded by existing or future traffic.

e.Litter control

The applicant shall provide to the City of Milwaukie at the time of application a plan for daily litter control. Said plan shall include identification of personnel, financing, available tools and facilities, methods to be used, and a method for public contact to notify operators of litter, noise, or other operational problems.

d.Noise

Noise levels shall comply with Chapter 8.08 (Noise Control) of the Milwaukie Municipal Code.

e.Storage

All materials shall be stored within an enclosed building except as follows: 1) where all materials are stored within an area enclosed by a solid, opaque wall or fence 8 feet or more in height and landscaped along all street frontages, and, 2) when located at least 250 feet from property planned, zoned, or used as residential, and, 3) where all materials are nonputrescible.

f.After hours use

Any containers provided for after hours donation of recyclable materials only shall be located at least 250 feet from any property planned, zoned, or used for residential purposes.

g.Glare

Exterior light shall be in accordance with the latest recommendations of the Illumination Engineering Society. Glare from either direct or indirect sources shall not exceed 0.5 footcandles. Site lighting shall be hooded and directed downwards, onto the site.

h.Materials handled

No hazardous wastes, as defined and regulated by ORS 466.005 as amended, shall be disposed on the site.

- B. In permitting a community service use or the modification of an existing one, the Planning Commission, or the Community Development Director in the case of a minor change, may impose suitable conditions which assure compatibility of the use with other uses in the vicinity. These conditions may include but are not limited to:
 - 1. limiting the manner in which the use is conducted by restricting the time an activity may take place and by minimizing such environmental effects as noise and glare;
 - 2. establishing a special yard, setback, lot area, or other lot dimension;
 - 3. limiting the height, size, or location of a building or other structure;
 - 4. designating the size, number, location, and design of vehicle access points;
 - 5. increasing roadway widths, requiring street dedication, and/or requiring improvements within the street right-of-way including full street improvements;
 - 6. designating the size, location, screening, drainage, surfacing or other improvement of a parking area or truck loading area; and/or
 - 7. limiting or otherwise designating the number, size, location, height, and lighting of signs.

- C. The Community Development Director may approve minor changes in any development permit, provided that such change:
 - 1. does not increase the intensity of any use, or the density of residential use;
 - 2. meets all requirements of the underlying zone and specific standards;
 - 3. does not significantly affect adjacent property or uses, will not cause any deterioration or loss of any natural feature or open space, nor significantly affect any public facility; and
 - 4. does not affect any conditions specifically placed on the development by the Planning Commission or City Council.

- D. The Planning Commission will hold a public hearing on the establishment of the proposed community service use. If the Commission finds that the establishment of the community service use is in the general public interest and that the benefits to the public outweigh the possible adverse impacts of the use, then the Commission may approve the designation of the site for community service use. If the commission finds otherwise, the application may be denied. This approval will result in the application of the Community Service Overlay designation to a particular piece of land, subject to any conditions the Planning Commission may attach.

321.5 Application requirements

An application for approval of a community service use shall include the following:

- A. Name, address, and telephone number of applicant and/or property owner.
- B. Map number and/or subdivision block and lot.
- C. Narrative concerning the proposed request.
- D. Copy of deed, or other document showing ownership or interest in property. If applicant is not the owner, the written authorization from the owner for the application shall be submitted.
- E. Vicinity map.
- F. Comprehensive Plan and zoning designations.
- G. A map showing existing uses, structures, easements, and public utilities and showing proposed development, placement of lot lines, etc.
- H. Detailed plans for the specific project.
- I. Any information required by other applicable provisions of local, state, or federal law.
- J. Proof of payment of the applicable fees.
- K. Additional drawings, surveys, or other material necessary to understand the proposed use may be required.

321.6 Review of application

Upon receipt of an application, the Director shall:

- A. Review the application for completeness and shall either accept the application or return it to the applicant with a written list of omissions within 7 calendar days of the date of submittal. Date of acceptance shall be noted.
- B. A preapplication conference may be scheduled at the request of either the applicant or staff.
- C. As soon as an application is accepted as complete, notice will be sent if required by Section 1011.
- D. A field visit to the site will be required prior to preparation of the staff report.

321.7 Specific standards for schools

(Public, private or parochial, elementary, secondary, preschool, nursery schools, kindergartens, and day-care centers are included.)

- A. Public elementary or secondary schools shall provide the site area/pupil ratio required by state law. Other schools shall provide one acre of site area for each 75 pupils of capacity or for each two and one-half classrooms, whichever is greater, except as provided in subsection 321.7.B below.
- B. Preschools, nursery schools, day-care centers, or kindergartens shall provide a fenced, outdoor play area of at least 75 square feet for each child of total capacity, or a greater amount if so required by state law. In facilities where groups of children are scheduled at different times for outdoor play, the total play area may be reduced proportionally based on the number of children playing out-of-doors at one time. However, the total play area may not be reduced by more than one half. These uses must comply with the State Children's Services Division requirements as well as the City provisions.
- C. Walkways, both on and off the site, ~~will~~shall be provided as necessary for safe pedestrian access to schools, subject to the requirements and standards of Section 1400.
- D. Sight-obscuring fence of four to six feet in height shall be provided to separate the play area from adjacent residential uses.
- E. Public facilities must be adequate to serve the facility.
- F. Safe loading and ingress and egress will be provided on and to the site.
- G. Off-street parking (including buses) shall be provided as per Section 500.
- H. Minimum setback requirements:

Front yard	20 feet
Rear yard	20 feet
Side yard	20 feet

Setbacks may be increased depending on the type and size of school in order to insure adequate buffering between uses and safety for students.
- I. Bicycle facilities are required which adequately serve the facility.
- J. Fifteen (15) percent of the total site is to be landscaped.

321.8 Specific standards for nursing or convalescent homes

- A. Public services must be adequate to serve the facility.
- B. Facilities will access on arterial or collector streets.

- C. Setbacks must be the greater of 25 feet or the setback of an adjacent residential zone or of the underlying zone.
- D. Maximum height shall not exceed 45 feet.
- E. Buffering of noise and light from adjacent streets and between adjacent properties may be required.
- F. Sites which could cause hazard to disoriented patients through proximity to heavily traveled streets, water hazards, or ravines or steep slopes shall not be approved unless the applicant can satisfy the Commission that safety measures will be used to prevent injury to patients.
- G. On parcels surrounded by existing dwellings, additional conditions may be necessary to:
 - 1. mitigate the effects of traffic caused by shift changes, particularly regarding noise at night and safety of school children in transit; and/or
 - 2. maintain neighborhood scale, particularly regarding size of structure, width of driveway, signs, exterior lighting, and placement of parking facilities.
- H. Conversion of existing dwellings may be allowed if State codes and rules can be met and the conditions of this Section are satisfied.
- I. Off-street parking must be provided as per Section 500.
- J. Fifteen (15) percent of the total site is to be landscaped.

321.9 Specific standards for churches, convents, and related facilities

- A. A church spire may exceed the maximum height limitation.
- B. The lot is of sufficient size to allow all required yards to be equal to at least two thirds of the height of the principal structure.
- C. ~~Public facilities are adequate and, in particular, access streets have capacity to carry projected traffic.~~
- D. Fifteen (15) percent of the total site is to be landscaped.
- E. Off-street parking as per Section 500.

321.10 Specific standards for institutions: public/private and other facilities not covered by other standards

- A. Utilities, streets, or other improvements necessary for the public facility or institutional use shall be provided by the agency constructing the use.

- B. When located in or adjacent to a residential zone, access should be located on a collector street if practicable. If access is to a local residential street, consideration of a request shall include an analysis of the projected average daily trips to be generated by the proposed use and their distribution pattern, and the impact of the traffic on the capacity of the street system which would serve the use. Uses which are estimated to generate fewer than 20 trips per day are exempted from this subsection 321.10.B
- C. When located in a residential zone, lot area shall be sufficient to allow required setbacks that are equal to a minimum of two thirds of the height of the principal structure. As the size of the structure increases, the depth of the setback must also increase to provide adequate buffering.
- D. The height limitation of a zone may be exceeded to a maximum height of 50 feet provided subsection 321.10.C is met.
- E. Noise-generating equipment shall be sound-buffered when adjacent to residential areas.
- F. Lighting shall be designed to avoid glare on adjacent residential uses and public streets.

Where possible, hours and levels of operation shall be adjusted to make the use compatible with adjacent uses.

321.11 Specific standards for solid waste facilities

A. Hours of operation

- 1. If a solid waste facility is to be located within 500 feet of property planned, zoned, or used for residential purposes, no solid waste facility shall be in operation between the hours of 7:00 p.m. and 7:00 a.m.

B. Traffic

No solid waste facility shall be approved except where all vehicular access to and from the solid waste facility site is via a City of Milwaukie designated arterial street or Oregon Department of Transportation highway. No solid waste facility shall be approved unless consistent with the Level of Service standards of Section 1400.

C. Litter control

The applicant shall provide to the City of Milwaukie at the time of application a plan for daily litter control. Said plan shall include identification of personnel, financing, available tools and facilities, methods to be used, and a method for public contact to notify operators of litter, noise, or other operational problems.

D. Noise

Noise levels shall comply with Chapter 8.08 (Noise Control) of the Milwaukie Municipal Code.

E. Storage

All materials shall be stored within an enclosed building except as follows:

- 1) where all materials are stored within an area enclosed by a solid, opaque wall or fence 8 feet or more in height and landscaped along all street frontages, and,
- 2) when located at least 250 feet from property planned, zoned, or used as residential, and,
- 3) where all materials are nonputrescible.

F. After-hours use

Any containers provided for after-hours donation of recyclable materials only shall be located at least 250 feet from any property planned, zoned, or used for residential purposes.

G. Glare

Exterior light shall be in accordance with the latest recommendations of the Illumination Engineering Society. Glare from either direct or indirect sources shall not exceed 0.5 footcandles. Site lighting shall be hooded and directed downwards, onto the site.

H. Materials handled

No hazardous wastes, as defined and regulated by ORS 466.005 as amended, shall be disposed on the site.

G.

322.3 Primary uses

The provisions of Section 322 do not prohibit uses allowed by the primary zone. However, the amount and placement of uses and development may be regulated in order to meet the purpose and provisions of this Section.

322.4 Applicability

Development review and approval is required prior to development for sites having a Natural Resource Overlay Zone that are proposed for the following development activities:

- A. New structural development.
- B. Fills, excavations, and modifications of drainage patterns, except as provided in subsection 322.5.D.
- C. Site modifications, including new or changes to: parking and maneuvering areas, loading areas, exterior storage, landscaped areas, or identified resources.
- D. Exterior expansion of any building or activity.
- E. New above- or below-ground utility structures, except as provided in subsection 322.5.F.
- F. Dedication and purchase of new public rights-of-way, including extensions of existing rights-of-way, except where the federal NEPA process is followed.
- G. Removal of trees, or the cutting or clearing of any noncultivated (natural) vegetation.
- H. Resource enhancement activities.
- I. Other uses not specifically exempted from review, including land divisions.

322.5 Exemptions from review

The following uses are exempt from development review:

- A. Change of use where there are no exterior alterations to buildings or structures, or increases in floor area, impervious surfaces, or storage areas.
- B. The sale of property.
- C. The normal maintenance and repair necessary for an existing use.
- D. Customary dredging and channel maintenance of existing drainage facilities, but not the temporary or permanent placement of fill or dredge spoils.
- E. Temporary emergency procedures necessary for the safety or protection of property.
- F. Single utility poles required to provide service to the local area.
- G. Development in compliance with an approved natural resource management plan (refer to subsection 322.11) or mitigation plan (refer to subsection 322.10).

322 NATURAL RESOURCE OVERLAY ZONE NR

322.1 Purpose

This Section is intended to provide protection for natural resources or areas with natural resource values that have been identified by the City as providing benefits to the public. Such areas include sites meeting the standards of Statewide Planning Goal 5 for open space, scenic, or natural values.

The Natural Resource Overlay Zone provides protection for natural resource sites depending upon the characteristics of the resource.

The overlay zone is intended to allow development in situations where adverse impacts from the development can be avoided or mitigated. In addition, the regulations of this Section are an important factor in the City's compliance with Statewide Planning Goal 5 and also serve to encourage coordination between City, State, and federal agencies concerned with natural resource regulatory programs.

322.2 Designations

The Natural Resource Overlay Zone will be attached to the primary zone for properties identified as requiring protection by the City's Natural Resource Inventory. The overlay zone will be applied on the Zoning Map to show natural resource areas described as follows:

- A. Riparian areas—The NR Overlay Zone will be assigned to identified natural resource sites fronting water bodies, including rivers, creeks, lakes, and ponds. The boundary of this overlay zone shall be the same as the 100-Year Floodplain as established by FEMA, except for that area fronting the Willamette River from Johnson Creek to the south end of the sewage treatment plant site, where the boundary shall be 25 feet inland (measured horizontally) from the mean high water line as established by the Oregon Division of State Lands.
- B. Wetland areas—The NR Overlay Zone will be assigned to identified natural resource sites containing wetlands. The specific boundary of this overlay zone has not been identified by the Natural Resources Inventory and therefore shall generally follow identified tax lot boundaries until such time as specific on-site studies, normally as part of a development request, can more clearly delineate the wetland location.
- C. Habitat areas—The NR Overlay Zone will be assigned to nonriparian and nonwetland natural resource sites containing habitat values such as wooded areas, naturally vegetated areas, areas with rare or endangered flora and fauna, or similar areas, as identified by the Natural Resources Inventory. The specific boundary of this overlay zone has not been identified by the Natural Resources Inventory and therefore shall generally follow identified tax lot boundaries until such time as specific on-site studies, normally as part of a development request, can more clearly delineate the habitat location.

2. Development in areas of dense standing trees will be designed to minimize the numbers of trees to be cut. No more than 50 percent of mature standing trees (of 6-inch diameter or greater at a 5-foot height) shall be removed without a one-for-one replacement with comparable species. The site plan for the proposed activity shall identify all mature standing trees by type, size, and location, which are proposed for removal, and where and what type of tree replacement (if applicable) is to occur.
3. Harvesting of uncultivated timber is not permitted, except as allowed by subsection 322.7.B.2 above.
4. Areas of standing trees, shrubs, and natural vegetation will remain connected or contiguous, particularly along natural drainage courses, except where mitigation is approved, so as to provide a transition between the proposed development and the natural resource, provide opportunity for food, water, and cover for animals located within the natural resource location, and to protect the visual amenity values of the natural resource.
5. Natural riparian vegetation along streams and drainageways will be maintained and preserved, except where mitigation is approved. Such vegetation will be maintained for a minimum distance of 15 feet from the normal high water line in those areas with slopes of 10 percent or less. Where slopes exceed 10 percent, an additional foot of vegetation should be preserved for each additional percent of slope increase. Selective cutting, trimming, and thinning may be allowed as necessary for access to the waterway.
6. Storm water flows as a result of proposed development within and to natural drainage courses shall not exceed natural flows as determined by the City Public Works Department.
7. Construction practices for all projects, private and public, will include steps to ensure that land cuts are not exposed to storm water. Land and trenches will be graded to allow direct flow into natural drainage courses. Grading shall not expose unprotected surfaces to water flows and possible erosion.
8. The development will be designed to have the least amount of impact on the natural features/values of the site as possible. The design should look at alternatives (design and location) to mitigate the impact.
9. Road crossings of major natural drainage courses will be minimized as much as possible.
10. The construction phase of the development must be done in such a manner to safeguard the portions of the site within the Natural Resource Overlay Zone that have not been approved for development. The effect of this is that construction equipment, construction materials, excess fill, runoff, etc. will not ultimately harm the natural resource area.

322.6 Development review process

The Planning Commission shall review applicable development requests within the Natural Resource Overlay Zone. The review process shall be the same as for the Minor Quasi-Judicial review for Community Service Overlay uses as described in subsection 1011.3.

322.7 Development standards

In addition to requirements of the primary zone, applicants for development activities within the Natural Resource Overlay Zone shall provide a written report, as required by the Community Development Director, identifying how the activity complies with the following standards:

- A. Development activities within a designated Natural Resource Site, which is adjacent to or outside of the specific natural resource location, may show by on-site survey that the boundary of the NR Overlay Zone should exclude the activity site, but in any event, must comply with the following:
 - 1. Site preparation and construction practices shall be followed that prevent drainage of hazardous materials or erosion, pollution, or sedimentation to the adjacent natural resource location.
 - 2. A development setback which adequately protects the resource site is required.
 - 3. Development consisting of vehicle maneuvering and parking areas, outside storage and display areas, and trash collection areas shall also be screened from the natural resource location by sight-obscuring vegetation or fencing.
 - 4. Outdoor activities, including open fabrication or operations which create large amounts of noise, dust, or glare, except for river-related and river-dependent uses, are not allowed due to their higher potential for adverse impacts on adjacent natural resource locations.
 - 5. The types, sizes, and intensities of lights must be placed so that they do not shine directly into the natural resource locations.
- B. Development activities within a natural resource location shall comply with the following:
 - 1. Development of trails, rest points, viewpoints, and other facilities for the enjoyment of the resource must be done in such a manner so as to reduce impacts on the natural resource while allowing for the enjoyment of the natural resource.

- C. A site plan indicating new natural resource locations to be created as part of mitigation or existing natural resource locations to be enhanced.
- D. A narrative describing the proposed mitigation or enhancement activity.

322.11 Natural resource management plans

Natural resource management plans may be approved as part of the development review process for larger-scale, long-term or phased developments. This approval would allow the proposed development to occur without the need for additional development reviews, provided the proposal follows the approved plan.

The natural resource management plan should include a site survey of the natural resources, a site plan, and mitigation plan. Modifications to an approved plan would require a new development review process.

322.12 Preparation of plans and surveys

Natural resource site surveys, mitigation plans, and management plans shall be prepared by competent professionals with expertise in natural resources. The applicant is responsible for the preparation of plans and surveys and for obtaining professional assistance appropriate to the nature of the particular plan or survey.

322.13 Density transfer and clustering

Density transfer or clustering of development may be allowed, provided density standards of the primary zone are not exceeded, in order to avoid modifications to natural resource areas. Additional requirements for density transfer or clustering are as follows:

- A. Mitigation of the natural resources is not feasible for the site; or
- B. The natural resource values are such that modifications to the natural resource location are not desirable; and
- C. The density standards of the primary zone are not exceeded for the overall properties involved; and
- D. The natural area is preserved by one of the following methods:
 - 1. Dedication to the City of Milwaukie.
 - 2. Donation to a natural resource conservancy organization.
 - 3. Designation as common area to be protected and maintained as a natural area by a home owners association or similar covenants.
 - 4. Creation of dedicated easements or other legal protection measures as approved by the City Attorney.

11. A mitigation plan shall be required for development activities that would adversely impact the natural resource values of the site, as per subsection 322.10.

322.8 Site surveys required

The applicant for a development activity will be required to perform an on-site survey to inventory the location, nature, and characteristics of the natural resources when:

- A. the extent of the natural resource location is not specifically identified by the City natural Resources Inventory;
- B. the applicant believes the Natural Resource Overlay Zone boundary is inaccurate; or
- C. modifications impacting the natural resource are proposed.

322.9 Site survey content

The site survey shall include the following:

- A. A scaled site plan which clearly identifies:
 1. the nature and characteristics of the natural resources on the site, including a description of species observed and habitat;
 2. the location of both existing and proposed structures, parking/maneuvering areas, utilities, and other development;
 3. the physical characteristics of the site including slope, water course location, and vegetation location and type to include species list and community types, with approximate percentage coverage, groves of trees, and all individual trees 6 inches in diameter or larger at 5 feet above the ground; and
 4. information provided for the site from the City Natural Resources Inventory.
- B. A narrative describing the proposed activity and its relation to the location of the natural resources.

322.10 Mitigation plans

Development within a natural resource location has the potential of degrading or destroying the natural resource and its resource values. If avoidance of the resource area is not practical, a mitigation plan will be required if the development has the potential for reducing the natural resource value of the site in question to the point of no longer qualifying as a natural resource site on the City Natural Resources Inventory.

The mitigation plan shall include the following:

- A. The site survey with affected natural resource locations clearly located.
- B. A narrative describing the natural resources being removed or affected.

322.14 Density transfer off the site

Density transfer for residential development may be made to adjacent properties, provided the standards of subsection 322.13 are met. Approval of development review requests involving density transfer off the site shall be made by the Planning Commission by a Minor Quasi-Judicial review process. In such a case, gross site density shall be determined by adding the lot areas of both the lot with the natural resource area and the adjacent lot receiving the density transfer, and dividing this total by the primary zone area requirement per unit.

322.15 Variance for density transfer and clustering

Variations for setbacks, building height, lot coverage, access and other standards of the primary zone may be allowed as part of a density transfer and clustering proposal. The review of the variance shall follow procedures of Sections 703 and 704. Three approval criteria must be met as follows:

- A. No feasible alternatives exist to negate the need for a variance.
- B. The variance will create no compatibility problems or adverse effects upon other properties.
- C. The variance is required to adequately protect the natural resource values of the site.

322.16 Modification of Natural Resource Overlay Zone boundaries

Natural Resource Overlay Zone boundaries may be modified as part of the development review process identified in subsection 322.6 to reflect new boundary information obtained as part of site studies or to include new mitigation areas proposed as part of development. All other requests for boundary changes are processed as provided for in Section 900, Amendments, and follow the Major Quasi-Judicial review process of subsection 1011.4.

322.17 Dedication for trails

~~If a proposal is on a lot that has a recreational trail designation shown either on the City Zoning Map or Comprehensive Plan Land Use Map, the easement for the trail must be granted prior to the issuance of a building permit. The trail must be constructed, a bond provided for that purpose, or a developer's agreement signed prior to the issuance of occupancy permits.~~

~~322.18~~322.17 Coordination among regulatory agencies

The regulations of other agencies may apply to development proposals for natural resource areas. These agencies may include the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, the Environmental Protection Agency, the Oregon Division of State Lands, and the Oregon Department of Fish and Wildlife. The City will notify applicable agencies for referral responses to specific development proposals prior to the issuance of City permits. The City should also encourage the applicant to contact applicable agencies before development plans are completed so as to consider the requirements and restrictions that may be imposed by the agencies.

4. Rental and development information offices, handyman and maintenance services, and other business offices and services in association with allowed uses in the development.
5. Recycling center, provided that any storage of materials shall be adequately screened.
6. Accessory uses and structures not otherwise prohibited which are customarily accessory and incidental to any outright permitted or limited use.
7. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

324.4 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 324.4.B below, shall include:
 1. a restaurant or deli, offering at least breakfast and/or lunch items, without a drive-in or drive-through service;
 2. office supply and equipment, sales, or service;
 3. 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;
 4. a bank or other financial institution;
 5. a computer or other similar small electronic office machines store, sales, and service; and
 6. any other use similar and compatible to the above-listed uses.
- B. Limitations and conditions on the development of the limited uses itemized above shall be as follows:
 1. All limited uses shall be located, arranged, and integrated within the district to serve primarily the shopping and service needs of clients, businesses, and employees of the district.
 2. Limited uses may occupy up to a maximum of 25 percent of the square footage of a building. A limited use that is to be located in a building and exceeds 25 percent of the building's square footage shall be reviewed as a conditional use.
 3. Maximum floor area for a limited use shall be 4,000 square feet.
 4. All limited uses shall comply with the standards under subsection 324.6.

324 BUSINESS INDUSTRIAL ZONE BI

324.1 Purpose

This Section is adopted to implement the policies of the Comprehensive Plan for industrial land uses providing a mix of clean, employee-intensive, industrial and office uses, with associated services, in locations supportive of mass transit and the regional transportation network.

324.2 Uses permitted outright

- A. The following business and industrial uses are allowed outright, subject to the standards of subsection 324.6.
1. Experimental, research, film, or testing laboratories, provided no operation shall be conducted or equipment used which would create hazards and/or nuisances off the site.
 2. Manufacturing, processing, fabrication, packaging, or assembly of products from previously prepared materials.
 3. Printing, publishing, bookbinding, graphic or photographic reproduction, blueprinting, or photo processing.
 4. Trade schools primarily serving the business community within the area.
- B. Business and professional offices, including product design, sales, service, packaging; corporate headquarters or regional offices.
- C. Warehousing and distribution.
- D. Any other use similar to the above uses but not listed elsewhere.

324.3 Accessory uses

- A. Uses accessory to and in conjunction with uses permitted outright may include the following:
1. Employee lounges and dining rooms, employee day-care facilities, conference rooms for tenant use, newsstands, central mail room and self-service postal and banking facilities, and product information and display areas.
 2. Executive, administrative, design, or product showroom offices provided in conjunction with uses listed under subsection 324.2 above.
 3. Indoor and outdoor recreational facilities, such as swimming pools, saunas, game and craft rooms, exercise and dance studios, community meeting rooms, lounges, playgrounds, tennis and other courts, bike and walking trails, and pedestrian plazas and courts, which are provided in association with uses listed in subsection 324.2 above.

- D. Rear yard: No rear yard shall be required except as provided in subsection 324.6.E below.
- E. ~~Yard abutting a major street: A yard abutting a major street listed in Section 411 shall be established in accordance with the standards set forth herein.~~
- F. Off-street parking and loading: As specified in Section 500.
- G. Site access: One curb cut (45 feet maximum) per 150 feet of street frontage, or fraction thereof, for industrial uses; and one curb cut per 100 feet of street frontage or fraction thereof, for business park, limited, or conditional uses.
- H. Height restriction: Maximum height of a structure shall be three stories or 45 feet, whichever is less.
- I. Landscaping: 15 percent of the site must be landscaped, except for sites adjacent to Hwy. 224, which shall provide landscaping to 20 percent of the site. This should consist of a variety of lawn, trees, shrubbery, and ground cover. Street trees must be provided along street frontages and within required off-street parking lots to help delineate entrances, provide shade and permeable areas for storm water runoff. A bond or financial guarantee for landscape completion shall be required.
- J. Screening and outside storage: Outside storage adjacent to International Way, Freeman Way, 37th Ave., Lake Road, or Hwy. 224 is prohibited.

Outside storage in side or rear yards is allowed, provided it is enclosed by a sight-obscuring fence or vegetative screen.
- K. Building siting and design: Buildings and sites shall be designed using the following principles:
 - 1. Sites shall be developed to the maximum extent practicable, so that buildings have solar access and utilize other natural features in their design.
 - 2. Assure that building placement and orientation and landscaping allow ease of security surveillance.
 - 3. Design buildings with shapes, colors, materials, textures, lines, and other architectural design features which enhance the character of the district and complement the surrounding area and development, considering, but not limited to, the following techniques:
 - a. Use color, materials, and architectural design to visually reduce the scale and impact of large buildings.
 - b. Use building materials and features that are durable and consistent with the proposed use of the building, level of exposure to public view, and exposure to natural elements.
 - 4. To the extent possible, screen or mask roof-mounted mechanical equipment, except solar collection apparatus, from view.

324.5 Conditional uses

- A. Conditional uses may be established in a Business Industrial District subject to review and action on the specific proposal, pursuant to Section 600, Conditional Uses. Approval shall not be granted unless the proposal satisfies the criteria in Section 600; and, in addition, the proposed use:
1. will have minimal adverse impact on the appropriate development of outright permitted uses on abutting properties and the surrounding area considering location, size, design, and operating characteristics of the use;
 2. is compatible with the character and scale of uses allowed within the district and on a site no larger than necessary for the use and operational requirements of the use;
 3. will provide vehicular and pedestrian access, circulation, parking, and loading areas which are compatible with uses on the same site or adjacent sites; and
 4. is a needed service/product in the district, considering the mix of potential clientele and the need to maintain high-quality development in a highly visible area.
- B. Uses allowed subject to the above conditions are:
1. Public and private community buildings, indoor and outdoor recreational facilities, such as swimming pools, racquetball clubs, athletic clubs, health and exercise spas, gymnasiums, tennis courts, playground, and other similar uses, developed to serve primarily the recreational needs of clients and employees of the district.
 2. Miniwarehousing, ministorage, public storage, and similar commercial facilities that lease storage space to the general public.
 3. A limited use or uses that exceed 25 percent of the building's square footage as per subsection 324.4.B.2 above.

324.6 Standards

In the BI District, the following standards shall apply to all uses:

- A. Lot size: None, except that lots created shall be of a size sufficient to fulfill the applicable standards of this district.
- B. Front yard: A front yard shall be at least 20 feet unless additional setback is required in subsection 324.6.E below.
- C. Side yard: No side yard shall be required except on corner lots where a side yard shall be at least 10 feet on the side abutting the street, unless additional setback is required in subsection 324.6.E below.

5. Orient major service activity areas (e.g., loading, delivery, and garbage collection, etc.) of the development away from major streets.
 6. Arrange use and buildings to maximize opportunities for shared circulation, access, parking, loading, pedestrian walkways and plazas, recreation areas, and transit-related facilities.
 7. Provisions for bus shelters, bike racks, street furniture, kiosks, drinking fountains, art sculptures, and/or other pedestrian and transit amenities ~~should be considered~~ as required by Section 1400.
- L. Nuisances: The use shall not be of a type or intensity which produces dust, odor, smoke, fumes, noise, glare, heat, or vibrations which are incompatible with other uses allowed in this zone; and the use does not produce off-site impacts that create nuisance as defined by the Oregon D.E.Q. and the City Noise Ordinance.

324.7 **Validity of uses**

In the BI Zone, uses that are subject to the provisions of this zone and were legally established/occupied on or prior to the effective date of the zone, shall be considered as legally approved permitted, limited, or conditional uses as described by the BI Zone.

- B. A greenhouse or hothouse may be maintained accessory to a dwelling provided nothing grown is sold on the premises.
- C. A guest house without kitchen facilities may be maintained accessory to a dwelling.
- D. Regardless of the yard requirements of the zone, a side or rear yard may be reduced to 3 feet for an accessory structure erected more than 60 feet from a street other than an alley, provided the structure is detached from other buildings by 6 feet or more and does not exceed a height of one story nor an area of 480 square feet.
- E. Keeping of livestock or poultry shall be in buildings that fully comply with building and sanitary codes. The keeping of chickens or other domestic or domesticated fowl shall not exceed 50 in number and shall require the written consent of all owners of real property (or a part thereof) within 100 feet of any point on the boundary of the property on which the chickens or domesticated fowl are proposed to be kept.
- F. Keeping of colonies of bees shall be prohibited except that the Planning Commission may approve an application to keep not more than two colonies of bees whenever such application is accompanied by the written consent of all the owners of real property (or a part thereof) within 100 feet of any point on the boundary of the property on which the bees are proposed to be kept.
- G. Regardless of the yard requirements of the zone, a side, rear, or front yard may be reduced to 3 feet for an uncovered patio, deck, or swimming pool not exceeding 18 inches in height above the average grade of the adjoining ground (finished elevation).
- H. Amateur and CB radio equipment and operations shall be considered an accessory use. Radio and television structures or towers outside of dwellings shall be subject to building regulations. Such structures and towers shall conform to height, yard, and other standards of the Zoning Ordinance. Any deviation from these standards will require a variance by the Planning Commission. Operational characteristics and limitations of such equipment shall be as established and administered by the FCC.

402 TYPE 1 ACCESSORY DWELLING UNIT

Type 1 accessory dwelling unit is a permitted accessory use in all residential zones that allow single-family detached structures subject to the following.

402.1 Purpose

To provide the means for reasonable accommodation of accessory dwelling units, providing affordable and decent housing while providing home owners with alternative financial resources, thereby encouraging maintenance of existing housing stock. It is the intent of this Section that development of accessory dwelling units not diminish the single-family character of a neighborhood and that any single-family residence containing an accessory dwelling maintain the appearance of a single-family dwelling as viewed from the street. Any conversion or alteration of a single-family structure that requires exterior additions or modifications must be designed so that the outward appearance of the structure is consistent

SECTION 400 SUPPLEMENTARY REGULATIONS

401 ACCESSORY USES, GENERAL PROVISIONS

401.1 Limitations

Accessory uses shall comply with all requirements for the principal use except where specifically modified by this Ordinance and shall comply with the following limitations:

- A. Fences, walls, and plantings may be constructed or maintained in yards with the following limitations:

Fences, walls, or plantings shall be constructed or maintained in yards only so as to permit unobstructed vision of passenger vehicle operations when approaching intersecting streets or driveways. Fence, wall, and planting standards to maintain unobstructed vehicle vision are to be provided by City Public Works as part of the Clear Vision determination process specified ~~within the Municipal Code in Section 1400.~~ Fences and walls on lot perimeters in areas other than those obstructing the vision of passenger vehicle operators shall be constructed or maintained to the following standards:

1. Residential zones and residential uses in all zones: Maximum height 6 feet for rear and side yards, 42 inches for front yards. No electrified, barbed, or razor wire fencing is permitted.
2. Commercial zones: Maximum height 6 feet. No electrified wire is permitted. Barbed or razor wire may be permitted for security purposes on top of a maximum height fence, following a Type II Administrative review as per Section 1011.2 in which a determination has been made that the proposed fencing will not adversely impact the health, safety, or welfare of adjacent property occupants. All outdoor storage shall require a 6-foot-high sight-obscuring fence.
3. Industrial zones: Maximum height 8 feet. No electrified wire is permitted. Barbed or razor wire may be permitted for security purposes on top of a maximum height fence, except where such fencing is proposed adjacent to residential zones or residential uses, in which case such may be allowed following a Type II Administrative review as per Section 1011.2 in which a determination has been made that the proposed fencing will not adversely impact the health, safety, or welfare of adjacent property occupants. All outdoor storage shall require a sight-obscuring fence with a minimum height of 6 feet.

In all cases, fence and wall height shall be measured from the top of the fence or wall to the highest ground level within a 1-foot horizontal distance from the fence.

402.6 Use, alteration, or conversion of structure

Type 1 accessory dwelling units may be located in a single-family residential structure provided the following criteria are met.

- A. All exterior modifications shall be consistent with general design characteristics of single-family residential design. In reviewing applications for exterior modifications for consistency of architectural treatment with existing design, consideration shall be given to design elements such as, but not limited to, placement of doors and windows, finish materials, location of parking, lighting, and the like.
- B. For fronting lots, only one entrance to the residential structure shall face the street. Exterior access to the accessory unit shall be located in side or rear yards or by means of the existing main entrance.
- C. No portion of a building that encroaches within a required yard setback may be converted to or used as an accessory dwelling unit.
- D. Exterior lighting for accessory unit doorways shall not encroach beyond the property line of the lot on which it is located.
- E. No fire escape or exterior stair for access to an upper level may be located on the front of the building.
- F. No more than 1 accessory dwelling unit per lot is permitted.

402.7 Required parking

Off-street parking shall be provided in accordance with Section 500. If new parking must be constructed to meet minimum required parking, it shall be located contiguous to existing parking.

403 STORAGE IN FRONT YARD

Vehicles that are partially dismantled or do not have a valid State license shall not be stored more than 10 days in a required front yard or street side yard. All vehicles, licensed or unlicensed, shall be stored in driveway areas only. Vehicles used for commercial purposes (such as trucks) shall be screened or stored from view of the street.

404 CLEAR VISION AREAS

A clear vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad according to the provisions of the ~~Clear Vision Ordinance~~ Section 1400.

405 MAINTENANCE OF MINIMUM ORDINANCE REQUIREMENTS

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

with general design characteristics of single-family structures and is consistent with the architectural treatment of the existing structure.

402.2 **Approval required**

Type 1 accessory dwelling units are subject to subsection 1011.2, Type II Administrative review. Applications shall be made on forms provided by the Planning Department and shall be accompanied by the following information.

- A. Completed application forms.
- B. Site plan showing the following:
 - 1. Lot lines and location and dimensions of existing and proposed structures with yard dimensions.
 - 2. Location and dimension of existing and proposed parking.
 - 3. Location of structures on adjoining lots.
- C. Dimensioned architectural drawings showing existing and proposed floor plans and elevations. Elevations are to identify existing and proposed details such as siding material, window and door design, roof style and height, and otherwise as necessary to demonstrate compliance with the requirements of this regulation. Floor plans are to identify existing and proposed layout with all spaces identified.

402.3 **General**

- A. The applicant must demonstrate the proposed modifications comply with applicable building and fire safety codes.
- B. Notwithstanding the maximum allowable gross floor area of 600 square feet, the accessory dwelling unit shall not exceed 40 percent of the gross floor area of the primary structure.
- C. Construction of an accessory dwelling unit is subject to Milwaukie Municipal Code Chapter 13.28, Capital Improvements.

402.4 **Ownership and tenancy**

Either the primary residence or the accessory unit must be occupied by the property owner. Proof of owner-occupancy shall be made annually in accordance with a procedure and submission requirements established by the Planning Director. Ownership of the accessory units shall not be subdivided or otherwise separated from ownership of the primary residence.

402.5 **Business license required**

A Milwaukie business license is required for operation of rental property, pursuant to Milwaukie Municipal Code Chapter 5.04.

C. To ensure better light, air, and vision on more heavily traveled streets, any yard abutting a major street listed in the following Table 1 shall be established so that the minimum distance from the centerline of the street to the face of any structure shall be as specified.

Table 1

<u>Major Street</u>	<u>Distance from Centerline</u> (plus yard requirements in zone)
Harmony Road.....	40 feet
Harrison Street (Milwaukie Expressway to 44th).....	40 feet
Harrison Street (Milwaukie Expressway to McLoughlin).....	30 feet
Harvey Street (32nd to 42nd).....	30 feet
Home Avenue.....	30 feet
Johnson Creek Boulevard.....	30 feet
King Road.....	40 feet
Linwood Avenue.....	40 feet
Lake Road.....	30 feet
Logus Road.....	25 feet
Monroe Street (52nd to Linwood).....	30 feet
Oak Street.....	30 feet
Oatfield Road.....	30 feet
Ochoco Street.....	30 feet
Railroad Avenue.....	30 feet
Railroad Avenue.....	30 feet
River Road (Ochoco to McLoughlin).....	40 feet
River Road (south of 6th Street).....	30 feet
Roswell Avenue.....	25 feet
Washington Street (west of Railroad).....	30 feet
7th Avenue.....	30 feet
32nd Street (north of Harrison).....	30 feet

406 DUAL USE OF REQUIRED OPEN SPACE

No lot area, yard, or other open space or off-street parking or loading area which is required by this Ordinance for one use shall be used to meet the required lot area, yard, or other open space or off-street parking area for another use, except as provided in subsection 503.1.D.

407 BUILDINGS ON THE SAME LOT

A minimum distance of 6 feet shall be maintained between a building designed for dwelling purposes and other buildings on the same lot. In R-10, R-7, R-5, and R-3 zones, only one building designed for dwelling purposes shall be permitted per lot.

408 DISTANCE FROM PROPERTY LINE

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

409 PROJECTIONS FROM BUILDINGS

Architectural features such as cornices, eaves, canopies, sunshades, gutters, steps, unroofed landings, and flues may project up to 24 inches into a required side yard or 36 inches into a required front or rear yard.

410 LOT SIZE REQUIREMENTS, GENERAL EXCEPTIONS

If a lot or the aggregate of contiguous lots or parcels platted prior to effective date of this Ordinance has an area or dimension which does not meet the requirements of this Ordinance, the lot or aggregate holdings may be put to a use permitted outright subject to the other requirements of the zone in which the property is located except that a residential use shall be limited to a single-family dwelling or to the number of dwelling units consistent with the density requirements of the zone. However, no dwelling shall be built on a lot with less area than 3,000 square feet, or with no frontage on a public street. Section 410 shall not apply in the Downtown Zones.

411 YARD REQUIREMENTS, GENERAL EXCEPTIONS

411.1 Exceptions

The following exceptions to the yard requirements are established for a lot in any one:

- A. The required front yard need not exceed the average depth of the two abutting front yards within 100 feet of the proposed structure.
- B. The required front yard need not exceed the average depth of the abutting front yard within 100 feet of the proposed structure and the required front yard depth.

416 DENSITY AND DEDICATION OF PARK LAND

In exchange for the dedication of park land, residential density may be increased (and lot sizes decreased) so that overall parcel density remains the same.

417 DENSITY AND HOUSING COST

For any housing development proposed, an additional housing unit will be allowed for each unit priced for sale at 25 percent below the average new single-family housing cost. The cost shall be that established in the most recent edition of "Real Estate Trends", published semiannually by the Metropolitan Portland Real Estate Research Committee, Inc. Overall project density may not exceed the allowable density plus 10 percent. The planned unit development density increase specified in Section 319 and this density increase are additive.

418 TEMPORARY STRUCTURE PERMITS

418.1 Requirements for approval

Upon application of the property owner, the Community Development Director may approve the location of a temporary structure, such as a motor home, recreational vehicle, or trailer house, for use as a temporary residence during construction of a permanent dwelling for a period not to exceed 6 months where:

- A. there is an emergency hardship resulting from a natural catastrophe such as fire, flood, storm, etc.;
- B. the applicant has applied for a building permit for a permanent dwelling;
- C. the temporary structure will be owner-occupied;
- D. the temporary structure must be removed upon completion of the permanent structure and prior to the issuance of the final certificate of occupancy;
- E. the use is consistent with the Milwaukie Comprehensive Plan; or
- F. there is no other reasonable alternative to use of a temporary structure.

418.2 Approval conditions

In addition, the applicant must satisfy the following conditions for approval:

- A. City approval of a sewage disposal system for the structure.
- B. Screening of the structure to minimize any adverse visual impact on surrounding property.
- C. Placement of manufactured skirting around the structure.
- D. Any other condition imposed by the Community Development Director to safeguard the public health, safety, convenience, and general welfare.

40th Street (Harvey to Railroad).....	40 feet
42nd Street (north of Harvey).....	30 feet
43rd Street (south of Covell).....	30 feet

412 BUILDING HEIGHT LIMITATIONS, GENERAL EXCEPTIONS

Projections such as chimneys, spires, domes, elevator shaft housings, flagpoles, and other similar objects not used for human occupancy are not subject to the building height limitations of this Ordinance, except as provided in an L-F Zone.

413 ADDITIONAL BUILDING HEIGHT

One additional story may be permitted in excess of the required maximum standard. An additional 10 percent of site area that is retained in vegetation beyond the minimum is required for each additional story. This provision does not apply to the R-10, R-7, R-5, or Downtown Zones.

414 TRANSITION AREA

414.1 Transition measures

In zones where multifamily, commercial, or industrial projects are proposed that are within 100 feet of areas designated for lower density, transition measures shall be applied in order to minimize the impact on lower density uses. The Downtown Zones are exempt from this Section. The transition measures shall be subject to Planning Commission review at a public hearing per subsection 1011.3, Minor Quasi-Judicial review, and shall include one or a combination of the following. The Planning Commission may apply conditions to such approval as will meet the objectives of this Section.

- A. Roadways separating projects.
- B. Open areas (developed or undeveloped) separating new structures from adjacent parcels. A minimum distance equal to the required front yard of adjacent parcels will be established and maintained as open area. Natural vegetation, landscaping, or fencing will be provided to the 6-foot level to screen living rooms from direct view across open areas.
- C. Gradual density changes. A new project may not have a density greater than 25 percent of the allowable density on lower density residential parcels abutting the project. If abutting parcels have a variety of allowable residential densities, parcels with similar allowable densities abutting the highest percentage of the project perimeter will govern.

415 MINIMUM VEGETATION

In the vegetation area a maximum of area shall be for planting and a minimum for bark dust. Plans for development shall include landscaping plans which shall be reviewed for conformance to this standard.

- D. Each manufactured dwelling unit or accessory structure shall maintain a minimum 10-foot setback from the private street and the nearest point of the unit or accessory structure. If the manufactured dwelling space is on the side of a private street bounded by a sidewalk, the unit or accessory structure shall be set back 10 feet from the sidewalk. Each unit or accessory structure shall be separated from any unit or accessory structure on an adjacent space by a minimum of 15 feet.
- E. A minimum of 15 percent of the gross site area shall be reserved for common open space for the use of all residents. Open space requirements may include up to 100 square feet per unit of indoor facilities. Outdoor open space areas should be suitably landscaped.
- F. A manufactured dwelling park shall have an entrance drive from a public street. Access to individual units shall be from private streets within the site which have a minimum width of 24 feet of paving from curb to curb. A paved sidewalk shall be provided along at least one side of each private street in the park and shall be a minimum of 3 feet in width. Parking shall be permitted on one side of those private streets constructed with a minimum width of 30 feet of paving.
- G. Off-street parking and recreational vehicle parking shall be provided as per Section 500 of the Zoning Ordinance. If 24-foot-wide streets are constructed, an additional off-street parking space per each 2 manufactured dwelling spaces shall be provided as visitor spaces. These parking spaces shall be within 100 feet of the manufactured dwellings they serve.
- H. Except for a structure which conforms to the State definition of a manufactured dwelling accessory structure, no other extension shall be attached to a manufactured dwelling, except a garage or carport constructed to the specifications of the Oregon State Structural Specialty Code.
- I. All manufactured dwellings shall be set onto an excavated area with perimeter foundation, and the excavated area shall be backfilled, or the dwelling must be installed with an approved foundation siding/skirting enclosing the entire perimeter of the dwelling. Foundation siding/skirting and backup framing shall be weather-resistant, noncombustible, or self-extinguishing materials which blend with the exterior siding of the dwelling. Below grade level and for a minimum distance of 6 inches above finish grade, the materials shall be resistant to decay or oxidation. The siding shall be installed in accordance with manufacturer's recommendations or approved equal standards.
- J. Requirements for lighting, utility systems, decks, play areas, park sanitation, and maintenance not specified herein shall be those specified in OAR 814-28, Mobile Home Parks and OAR 814-23, Mobile Homes, Manufactured Homes, Recreational Vehicles and Accessory Buildings or Structures.
- K. Standards of the underlying zone also apply except where otherwise provided for in this Section.
- L. The entire manufactured dwelling park shall comply with the above requirements prior to occupancy.

418.3 Review process

Applications for temporary structures shall be processed according to subsection 1011.1, Type I Administrative review. Temporary permits that exceed the 6-month time period allowed under subsection 418.1 must be reviewed by the Planning Commission under subsection 1011.3.

419 MANUFACTURED DWELLING PARKS

419.1 Purpose

This Section is intended to complement the policies of the Comprehensive Plan to provide for a variety of housing types including manufactured dwelling parks in areas with suitable services and facilities in zones allowing 6-12 dwelling units per acre.

419.2 Application

Manufactured dwelling park developments are only allowed in the R-3, R-5, and R-7 Zones. A site plan review is required prior to development of a manufactured dwelling park within these zones. The development must show conformance with all requirements of this Section.

Each application for a manufactured dwelling park shall include a plot plan drawn to scale of the specific layout of the entire park. The plot plan shall include both the dimensions and the existing and proposed locations of all utilities, roadways, structures, parking, landscaping and open areas, and manufactured dwelling spaces on the site. In addition, the location of structures on adjacent properties shall be shown.

419.3 General requirements

Manufactured dwelling parks shall be subject to review under subsection 1011.3 of the Zoning Ordinance, Minor Quasi-Judicial review.

419.4 Development requirements

All manufactured dwelling parks shall meet the following minimum requirements:

- A. The minimum size of a manufactured dwelling park shall be 2 acres.
- B. The number of units allowed in the manufactured dwelling park will be subject to the density requirements of the underlying zone after 15 percent of the site has been deducted for access drives.
- C. A minimum setback of 15 feet will be observed between all manufactured dwellings and the outer boundary of the manufactured dwelling park. Exterior boundaries of the park shall be screened to a height of 6 feet by a sight-obscuring solid wall, fence, or evergreen or other suitable hedge planting, exclusive of required openings.

It shall be the responsibility of the property owner to install and maintain required landscaping and irrigation systems.

- C. The unit shall have a roof with a pitch of at least 3 inches in 12 inches.
- D. The unit shall have a garage or carport constructed with exterior siding and roofing which, in color, materials, and appearance, matches the manufactured home. The Community Development Director may, at the time of placement permit application, require an attached or detached garage in lieu of a carport where such is consistent with the predominant construction of immediately surrounding dwellings.
- E. The unit shall have exterior siding and roofing which, in color, materials, and appearance, is similar to the exterior siding and roofing material commonly in use on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the Community Development Director. Materials that shall not be allowed include bare metal siding or roofing.
- F. The unit shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the State building code as defined in ORS 455.010.
- G. The unit shall comply with the definition for manufactured home as identified in this Section.
- H. The unit shall comply with single-family parking and paving standards as described in Section 500.

420.5 Implementation of siting standards

- A. For unit placement on an individual lot within all R-Zones, the siting standards shall be administered as part of the building permit process for the unit placement.
- B. Manufactured home placement as authorized by the temporary structure permit process of Section 418 is not subject to the siting standards of this Section.

420.6 Occupancy of units

All approval and siting standards of this Section shall be complied with before a manufactured home placed on an individual lot may be approved for occupancy.

420.7 Review processes

- A. Siting standards of this Section shall be reviewed as part of the building review procedures of subsection 1011.1.
- B. Subdivision processes and procedures are those contained in the City Subdivision Ordinance.

420 MANUFACTURED HOME PLACEMENT

420.1 Purpose

This Section is intended to meet State legislative requirements for the placement of manufactured homes on individual lots and to provide standards for unit placement.

420.2 Applicability

Manufactured homes placed on individual lots are subject to the provisions of this Section. Treatment of manufactured homes by zones is shown on the following table:

**Table 2
Manufactured Home Placement by Zone**

Zone	Permitted Outright	Conditional Use	Temporary Permit	Manuf. Home Subdivision
R-10	X		X	X
R-7	X		X	X
R-5	X		X	X
R-3	X		X	X
R-2.5	X		X	X
R-2	X		X	X
R-1-B	X		X	X
R-1	X		X	X
R-O-C	X		X	X

420.3 Definitions

For the purposes of this Section, the following definition shall apply:

- A. "Manufactured home" means a single-family residential structure as defined in ORS 446.003(25)(a)(C) which includes a Department of Housing and Urban Development (HUD) label certifying that the structure is constructed in accordance with the Manufactured Housing Construction and Safety Standards of 1974 (42 USC Sections 5401 et. seq.) as amended on August 22, 1981.

420.4 Siting standards

Manufactured homes placed on individual lots shall meet the following standards:

- A. The unit shall be multisectional (double-wide or wider) and enclose a floor area of not less than 1,000 square feet.
- B. The unit shall be placed on an excavated and backfilled foundation with the bottom no more than 12 inches above grade and enclosed at the perimeter by skirting of pressure treated wood, masonry, or concrete wall construction and complying with the minimum setup standards of the adopted State Administrative Rules for Manufactured Dwellings, Chapter 918.

421.5 Review of recycling collection areas

- A. Review of recycling collection areas for new multifamily dwelling projects that require conditional use approval shall be made by the Planning Commission following the procedures of Section 1011.3, Minor Quasi-Judicial review.
- B. Review of recycling collection areas for new multifamily projects that are permitted outright shall be made at the time of project building permit review following the procedures of Section 1011.1, Type I Administrative review.

422 HOME OCCUPATIONS

It is the intent of these regulations to support and encourage home occupations but at the same time protect the residential character of the City's residential neighborhoods. A home occupation shall be allowed as an accessory use to all residential uses permitted by right, subject to the following restrictions and approval requirements. No home occupation shall be approved for a use which is not reasonably demonstrated to be accessory and clearly incidental to the residential use. All activities permitted under this Section must be consistent with subsection 422.1. In all cases the home occupation must demonstrate conformance with standards that protect against adverse impacts to neighboring residential uses.

422.1 Home occupation use standards

A home occupation shall:

- A. be incidental and accessory to the residential use of the property;
- B. maintain the residential character of the building and premises;
- C. not have the outward appearance of a business;
- D. not detract from the residential character of the neighborhood; and
- E. be owned and operated by an occupant of the dwelling.

422.2 Special considerations

In evaluating whether an application for home occupation meets the standards of subsection 422.1, the Planning Director may consider potential impacts related to the following characteristics of a home occupation, among others, as necessary for the proper administration of these regulations.

- A. Number of on-site employees who are not members of the family residing on the premises
- B. Use of the home to distribute or receive goods
- C. Use of the premises for parking of customer, client, or employee vehicles

421 MULTIFAMILY RECYCLING AREAS

421.1 Purpose

This Section is intended to promote recycling and to meet requirements of ORS 459.165, which requires local jurisdictions to provide opportunities for recycling, and ORS Chapter 90, which requires landlords to provide a location in multifamily residential dwelling projects for recycling.

421.2 Definition

For the purposes of this Section, the following definition shall apply:

- A. Recycling collection area: A specific location where recyclable materials may be deposited and contained for regular collection by a material collection service.

421.3 Applicability

All new multifamily apartment and condominium dwelling projects, and projects proposing unit expansion to existing multifamily apartment and condominium dwellings, must provide area(s) for recycling collection subject to the standards herein.

421.4 Recycling collection area standards

Standards for recycling collection areas are as follows:

- A. The recycling collection area must provide containers to accept the following recyclable materials: glass, newspaper, corrugated cardboard, tin, and aluminum.
- B. The recycling collection area must be located at least as close to the dwelling units as the closest garbage collection/container area.
- C. Recycling containers must be covered either by roof or weatherproof lids.
- D. If located outdoors, the recycling collection area must be screened from the street and adjacent properties by sight-obscuring materials.
- E. The recycling collection area(s) must have a collection capacity of at least 100 cubic feet in size for every 10 dwelling units or portion thereof.
- F. The recycling collection area must be easily accessible to collection service personnel between the hours of 6 a.m. and 6 p.m.
- G. The recycling collection area and containers must be clearly labeled, to indicate the type and location of materials accepted, and properly maintained to ensure continued use by tenants.
- H. City Fire Department approval will be required for all recycling collection areas.
- I. Review and comment for all recycling collection areas will be required from the appropriate franchise collection service.

2. Any home occupation for which enforcement action was brought to seek compliance with conditions of prior approval in the year prior to the application for renewal

Applications for home occupation may be approved, denied, or approved with conditions.

422.9 Revocation

A home occupation approval may be revoked by the Planning Director upon a finding that the applicant provided false or incomplete information, that activities related to the home occupation are inconsistent with the standards of this Section, that activities related to the home occupation are inconsistent with conditions of approval, or that activities not related to the home occupation being conducted on the same premises constitute a violation of any section of the Milwaukie Municipal Code and related ordinances. No aspect of this Section shall prevent enforcement of violations as otherwise provided in this Ordinance or the Milwaukie Municipal Code.

422.10 Application fee

A fee established by resolution of the City Council shall be paid to the City of Milwaukie upon the filing of an application. Such fees shall not be refundable.

422.11 Limitations

Only 1 home occupation is allowed per residence, except that 2 may be permitted provided no employees not residing in the home are engaged in the conduct of any business activity on the premises.

~~423 CLOSED-END STREET SYSTEMS PROHIBITED~~

~~423 No more than 25 dwelling units may be developed on a new closed-end street system that is created after the effective date of this subsection, except where topography; barriers such as railroads, freeways, or existing development, or environmental constraints such as, but not limited to, wetlands or water features, prevent through street extension. For the purpose of this restriction, "existing development" shall mean built improvements including streets, associated utilities, and permanent residential, commercial, or institutional structures.~~

422.3 Prohibitions and use restrictions

- A. Outside display or storage of merchandise, materials, or equipment on the premises or any adjacent right-of-way is prohibited.
- B. Creation of noise, odor, smoke, gases, fallout, vibration, heat, or glare that is detectable beyond the limits of the property is prohibited.
- C. In the case of on-premise instruction, no more than 5 enrollees shall be present at the same time.
- D. Motor vehicle, boat, or trailer repair is prohibited as a home occupation.

422.4 Permitted signage

Only 1 home occupation sign is permitted on any property with an approved home occupation. Home occupation signs shall conform to standards governing "on-premise signs" in accordance with Section 14.12.010(A) of the Milwaukie Municipal Code. Home occupation signs shall not be located within the public right-of-way. Home occupation signs located within the public right-of-way may be removed by the City without prior notice.

422.5 Approvals required

No business or commercial activity may be conducted without prior approval of a home occupation application by the Planning Director. All applications for home occupation shall be submitted to, and in such form as may be required by, the Planning Director. Home occupations require a Milwaukie business license.

422.6 Term of approval

Home occupation approvals are in effect for one year from the official date of approval, as shown on the application form. Continuation of business activity associated with an expired home occupation shall be considered a violation of these regulations.

422.7 Annual renewal required

All approved home occupations require annual renewal. Annual renewals shall be reviewed for consistency with the standards governing home occupations. It is the responsibility of the operator of the home occupation to submit application for renewal in a timely fashion.

422.8 Approval process

- A. Applications for home occupation shall be subject to review procedures of subsection 1011.1, Type I Administrative review, except as provided in subsection 422.8.B.
- B. For renewals, a Type II Administrative review shall be required for the following.
 - 1. Any home occupation for which an enforcement action was brought for violation of home occupation regulations in the year prior to the application for renewal.

503.2 Shared parking

Shared parking shall be permitted for two or more uses when there is no conflict in operating hours. Parking spaces shall be no further than 300 feet from the principal structure(s) or use(s). Legal documentation shall be recorded with the County, and provided to the City, between separate developers sharing parking prior to obtaining a building permit.

503.3 Minimum number of required parking spaces and maximum allowable parking

- A. Parking shall be provided for all uses in accordance with specifications of Table 503.9. Where a use is not named in Table 503.9, determination of applicable parking standards shall be made in accordance with subsection 503.5.
- B. Except as provided herein, parking provided shall not be less than "minimum parking required" nor shall parking provided exceed "maximum allowable parking" as shown in Table 503.9.

503.4 Special exemption from maximum allowable parking standards

The following uses shall be exempt from maximum allowable parking standards of Table 503.9. This exemption does not limit any provision or authority to restrict the size, location, or design of such uses. On sites where the following parking is provided, it shall not be included in the parking count used for determining maximum allowable parking.

- A. Structured parking
- B. Valet lots
- C. Pay lots
- D. Employee carpool parking, when such areas are dedicated by way of on-site reservation or dedication
- E. Fleet parking
- F. Automobile sales lots
- G. Truck loading areas

503.5 Determination of parking zone classification

- A. Zone A
 - 1. All areas zoned DS, DC, DO, DR, DOS, and Mixed Use Overlay shall be classified Zone A; and
 - 2. all properties located within one-quarter mile walking distance of a transit bus stop that provides 20-minute peak hour service shall be classified Zone A. In determining walking distance, the shortest course measured along sidewalks, improved pedestrian ways, or streets, where sidewalks or improved pedestrian ways are not present, shall be used. Walking distance shall be measured from the nearest point of the subject lot located along the

SECTION 500 OFF-STREET PARKING AND LOADING

501 PURPOSE

The purpose of this Section is to provide adequate off-street parking and loading, to avoid congestion on the streets, to avoid unnecessary conflicts between vehicles and pedestrians, to encourage the use of bicycles and mass transit, and to facilitate access from streets to off-street parking lots and from structures to off-street parking and loading spaces.

502 APPLICABILITY OF PROVISIONS

The standards and procedures of Section 500 shall apply to all development, remodeling, and changes of use that increase parking and loading demand.

The standards and procedures of this Section shall also apply to uses with nonconforming parking and loading facilities, in an attempt to bring them into conformance with current standards when remodeling or change in use occurs.

503 OFF-STREET PARKING STANDARDS

503.1 General provisions

- A. Off-street parking shall be required in all districts except for the Downtown Storefront Zone and the portion of the Downtown Office Zone located to the north of Washington Street and east of McLoughlin Boulevard.
- B. Off-street parking shall be provided at the time the structure is erected, prior to the issuance of a certificate of occupancy, at the time any use of a structure or land is enlarged, or when there is an increase in density or intensity.
- C. Off-street parking shall be provided on the site unless joint use or shared parking is approved and is located within 300 feet of the principal structure or use.
- D. It shall be the obligation of the property owner to comply with the regulations of Section 500 and to maintain the parking area.
- E. Parking areas shall be available for the parking of operable vehicles of residents, customers, and employees and shall not be used for the storage of vehicles or materials.

related to hardship shall be reviewed in accordance with variance procedures in Section 700.

- B. For uses requiring a minimum of 10 or more parking spaces, inclusive of all uses in the case of mixed used, required parking may be reduced by up to 15 percent of the minimum required for sites located in Parking Zone A, upon a demonstration the modification is warranted, pursuant to subsection 503.8.A, and meets the following criteria.
1. Will not result in undue site congestion;
 2. will not result in traffic hazards on the site or adjoining streets; and
 3. will not result in an undue reduction in the availability of on-street parking or parking located in facilities owned and/or operated by the City.
- C. A reduction of up to 25 percent of total required parking may be granted for new development, redevelopment, and substantial improvements subject to subsection 503.8.A and 503.8.B in such cases where:
1. the project is utilizing shared parking in accordance with subsection 503.2; or
 2. for mixed use projects, the site is located within Parking Zone A and no less than $\frac{1}{2}$ of the total gross floor area is dedicated to residential uses.
- For the purposes of this Section, "substantial improvement" shall mean any construction, renovation, or modification where the value of proposed site and building improvements exceeds 30 percent of the value of the land and buildings thereon. Any request for reduction of required parking pursuant to subsection 503.8.C shall be subject to Section 600, Conditional Uses.
- D. Mitigation of adverse impacts such as those named above in subsection 503.8.B may be required as a condition necessary to make a reduction of required parking acceptable.
- E. Maximum parking allowed may be increased up to 15 percent of the applicable standard, subject to subsection 503.8.A, and further subject to compliance with all zoning standards and management of related storm water runoff.

nearest street frontage that allows for the shortest walking distance. The transit provider shall be the official source for transit stop location and peak service availability.

B. Zone B

1. All properties not located within Zone A shall be classified Zone B.

503.6 Determination of required parking for unlisted uses

The Planning Director shall determine the minimum required parking spaces and maximum allowable parking spaces for all uses not listed in Table 503.9; unless an application is under review by the Planning Commission, in which case the Commission shall make the determination. In all determinations for unlisted uses, the applicant shall be required to submit studies or technical information about the use, parking demand, traffic (vehicle trip) generation, and otherwise as deemed necessary to make a determination. The City may consider testimony and publications of individuals, agencies, or institutions experienced in parking and traffic engineering in its determination of parking standards.

503.7 Reduction of required parking

Notwithstanding provisions for modification of parking requirements found in subsection 503.8, the following reductions of minimum required parking may be taken by right. Reductions provided below may not be taken jointly. No reduction taken pursuant to this Section shall discount required minimum parking used in any request for modification of required parking. In determining walking distance, the shortest course measured along sidewalks, improved pedestrian ways, or streets, where sidewalks or improved pedestrian ways are not present, shall be used. Walking distance shall be measured from the point on the subject lot located nearest to the transit stop along the shortest course.

- A. Parking for commercial and industrial uses may be reduced by 10 percent providing the development is within 500 feet walking distance of a transit stop.
- B. Parking for multifamily uses may be reduced by 20 percent providing the development is located within 500 feet walking distance of a transit stop.
- C. Commercial and industrial developments may reduce the required number of parking spaces by 10 percent if at least one carpool/vanpool space is located near the entrance of the structure.

503.8 Modification of minimum and maximum parking

- A. Minimum parking required and maximum parking allowed may be modified by the Planning Director; unless there is an application under review by the Planning Commission, in which case the Commission shall consider the request for modification. Any request must demonstrate the modification is acceptable through parking and traffic analyses prepared by a qualified professional using methods generally accepted in the field. The procedure for Planning Director review shall be in accordance with subsection 1011.1, Type I Administrative review. This provision shall not be used in cases of zoning hardship. Any proposed modification of parking

5. School—senior high	.33 space per student, plus 1 space per staff.	.25 space per student, plus 1 space per staff.	Same as Zone A
C. Lodging places			
1. Motel, hotel	.9 space per lodging unit.	1.1 spaces per lodging unit.	Same as Zone A
2. Boarding house	1 space per guest room.	1.25 spaces per guest room.	Same as Zone A
3. Bed and breakfast establishment	1 space per guest room, plus 1.5 spaces per permanent residents.	1 space per guest room, plus 2 spaces per permanent residents.	Same as Zone A
D. Places of public assembly			
1. Auditorium or meeting room (other than church or school)	1 space per 4 seats, or 1 space per 60 square feet of floor area.	1 space per 3 seats, or 1 space per 45 square feet of floor area.	Same as Zone A
2. Club, lodge, or association	1 space per 4 persons allowed within the maximum occupancy load as established by local, State, fire, building, or health codes.	1 space per 3 persons allowed within the maximum occupancy load as established by local, State, fire, building, or health codes.	Same as Zone A
3. Library, museum, art gallery	1 space per 1,000 square feet of gross floor area.	1.2 spaces per 1,000 square feet of gross floor area.	Same as Zone A
E. Commercial uses—recreational			
1. Amusement park	1 space for each 1,000 square feet of gross floor area.	Same as minimum.	Same as Zone A
2. Billiard hall	1 space per table, plus 1 space per employee of the largest shift.	Same as minimum.	Same as Zone A
3. Bowling alley	2 spaces for each alley, plus 1 space per employee of the largest shift.	4 spaces for each alley, plus 1 space per employee of the largest shift.	Same as Zone A
4. Dance hall, skating rink, or gymnasium	1 space per 100 square feet of gross floor area.	1 space per 50 square feet of gross floor area.	Same as Zone A
5. Golf driving range	1 space per each driving tee.	1.5 spaces per each driving tee.	Same as Zone A
6. Indoor arena or theater	1 space per 4 seats, or 1 space per 5 occupants as calculated under the Uniform Building Code.	1 space per 3 seats.	Same as Zone A
7. Miniature golf	1.25 spaces per hole.	1.5 spaces per hole.	Same as Zone A
8. Race track or stadium	1 space per 4 seats, or 1 space for 8 feet of bench length.	1 space per 3.5 seats, or 1 space for 6 feet of bench length.	Same as Zone A
9. Indoor racquet courts	2 spaces per court, plus 1 space per employee of largest shift.	3 spaces per court, plus 1 space per employee of largest shift.	Same as Zone A

503.9 Number of required off-street parking spaces

Table 503.9			
Minimum to maximum off-street parking requirements:			
Use	Minimum Required	Zone A Maximum Allowed	Zone B Maximum Allowed
A. Residential uses			
1. 1- and 2-unit attached home; manufactured home; single-family detached	2 spaces per dwelling unit, one of which must be covered.	Not applicable.	Not applicable.
2. Flag lots	2 spaces per dwelling unit, one of which must be covered, plus 1 additional parking space per dwelling unit, which shall not be located within any access strip or required paved turnaround area.	Not applicable.	Not applicable.
3. Studio or 1-bedroom unit 600 sf or less (see Section 100)	1 space per dwelling unit; enclosure/cover not required.	None.	None.
4. Attached dwellings containing 3 or more dwelling units	1.25 spaces per dwelling unit, one of which shall be covered. 1 space (10 feet by 25 feet) for every 12 dwelling units for recreational vehicles, boats, etc.	2 spaces per dwelling unit, one of which shall be covered. 1 space (10 feet by 25 feet) for every 12 dwelling units for recreational vehicles, boats, etc.	Same as Zone A
5. Mobile home park	2 spaces per dwelling unit, one of which shall be covered. 1 space (10 feet by 25 feet) for every 10 dwelling units for recreational vehicles, boats, etc.	Same as minimum.	Same as Zone A
6. Residential employees, staff, caregivers, and caretakers	1 space per each full-time equivalent (FTE) employee or fraction thereof over .5 FTE, in addition to the normal residential space requirements.	Same as minimum.	Same as Zone A
B. Residential support uses			
1. Church	1 space per 5 seats, or 1 space per 12 lineal feet of bench.	1 space per 3 seats, or 1 space per 8 lineal feet of bench.	Same as Zone A
2. College, university, institute of higher learning	1 space per 3 students.	1 space per 2 students.	Same as Zone A
3. Day-care center	1 space per employee on the largest shift, plus 1 space per facility vehicle, plus 1 space per 8 pupils.	1 space per employee on the largest shift, plus 1 space per facility vehicle, plus 1 space per 5 pupils.	Same as Zone A
4. School—elementary or junior high	1.75 spaces per classroom.	1.5 spaces per classroom.	Same as Zone A

8. Personal services	1 space per 125 square feet of floor area.	1 space per 100 square feet of floor area.	Same as Zone A
9. Repair shops (items other than motorized vehicles)	1 space per 350 feet of gross floor area.	1 space per 300 feet of gross floor area.	Same as Zone A
10. Car wash			
a. Self-serve	2 spaces, plus 1 space per wash bay (clear of the right-of-way)	2 spaces, plus 2 spaces per wash bay (clear of the right-of-way)	Same as Zone A
b. Full-serve	1 space per 1,000 square feet of gross floor area.	Same as minimum.	Same as Zone A
11. Dry cleaners	1 space per 350 square feet of gross floor area.	1 space per 300 square feet of gross floor area.	Same as Zone A
12. Mortuary/funeral home	1 space per each 5 chapel or parlor seats, plus 1 space per 2 employees of the largest shift, plus 1 space reserved for hearse or company vehicle.	1 space per each 4 chapel or parlor seats, plus 1 space per 2 employees of the largest shift, plus 1 space reserved for hearse or company vehicle.	Same as Zone A
13. Automotive, truck, and trailer rental	1 space per 400 square feet of gross floor area.	1 space per 350 square feet of gross floor area.	Same as Zone A
H. Industrial uses			
1. Manufacturing	1 space per 1,000 square feet of gross floor area.	1.25 spaces per 1,000 square feet of gross floor area.	Same as Zone A
2. Storage, warehouse, wholesale establishment less than 150,000 square feet	1 space per 1,500 square feet of gross floor area.	1 space per 1,000 square feet of gross floor area.	Same as Zone A
3. Storage, warehouse, wholesale establishment greater than or equal to 150,000 square feet	1 space per 3,000 square feet of gross floor area.	1 space per 2,500 square feet of gross floor area.	1 space per 2,000 square feet of gross floor area.
4. Miniwarehouse; self-service storage	1 space per 12 storage units, plus 1 space per employee of the largest shift.	1 space per 10 storage units, plus 1 space per employee of the largest shift.	Same as Zone A

F. Commercial uses—retail goods			
1. Eating and drinking establishments			
a. Sit-down	10 spaces per 1,000 square feet of gross floor area.	15 spaces per 1,000 square feet of gross floor area.	Same as Zone A
b. Fast food	9.9 spaces per 1,000 square feet of gross floor area, plus minimum of 5 off-street waiting spaces per drive-in lane.	12.4 spaces per 1,000 square feet of gross floor area, plus minimum of 5 off-street waiting spaces per drive-in lane.	14.9 spaces per 1,000 square feet of gross floor area, plus minimum of 5 off-street waiting spaces per drive-in lane.
2. Convenience store	4 spaces per 1,000 square feet of gross floor area.	5 spaces per 1,000 square feet of gross floor area.	Same as Zone A
3. Grocery store	1 space per 245 square feet of gross floor area.	1 space per 200 square feet of gross floor area.	1 space per 165 square feet of gross floor area.
4. Apparel and department stores	3 spaces per 1,000 square feet of gross floor area.	4 spaces per 1,000 square feet of gross floor area.	Same as Zone A
5. Furniture and home furnishings	1 space per 1,000 square feet of gross floor area.	1.5 spaces per 1,000 square feet of gross floor area.	Same as Zone A
6. Gas stations			
a. Gas-only	1 space per 4 pumps.	1.25 spaces per 4 pumps.	Same as Zone A
b. Full-service	1 space per 4 pumps, plus 2 spaces per service bay, plus 1 space per each 1.5 employees of the largest shift.	1.25 spaces per 4 pumps, plus 2 spaces per service bay, plus 1 space per each 1.5 employees of the largest shift.	Same as Zone A
7. Auto, boat, or trailer sales	1 space per 1,000 square feet of gross showroom floor area, plus 1 space per 2 employees of the largest shift.	2 spaces per 1,000 square feet of gross showroom floor area, plus 1 space per 2 employees of the largest shift.	Same as Zone A
G. Commercial uses—services			
1. Banking			
a. Automatic teller	2 spaces per machine.	Same as minimum.	Same as Zone A
b. Bank (walk-in only)	3 spaces per 1,000 square feet of gross floor area.	4 spaces per 1,000 square feet of gross floor area.	Same as Zone A
c. Bank (with drive-in windows)	3 spaces per 1,000 square feet of gross floor area, plus sufficient stacking room for 4 cars and a bypass lane.	3.5 spaces per 1,000 square feet of gross floor area, plus sufficient stacking room for 4 cars and a bypass lane.	Same as Zone A
2. Barber shop or beauty parlor	1 space per 125 square feet of floor area.	1 space per 100 square feet of floor area.	Same as Zone A
3. Health practitioner's office	4 spaces per 1,000 square feet of floor area.	5 spaces per 1,000 square feet of floor area.	Same as Zone A
4. Animal hospital/veterinary clinic	4 spaces per 1,000 square feet of floor area.	5 spaces per 1,000 square feet of floor area.	Same as Zone A
5. Hospital	1 space per bed.	2 spaces per bed.	Same as Zone A
6. Nursing, convalescent, and extended-care facilities	1 space per 4 beds.	1 space per 3 beds.	Same as Zone A
7. Professional services	1 space per 370 square feet of gross leasable area.	1 space per 295 square feet of floor area.	1 space per 245 square feet of floor area.

503.11 Paving and striping

Paving and striping shall be required for all maneuvering and standing areas. Off-street parking areas shall have a durable and dust-free hard surface, shall be maintained for all-weather use, and shall be striped to show delineation of parking spaces and directional markings for driveways and accessways.

503.12 Curb cuts

Curb cuts to parking areas shall be the minimum number necessary to provide access while not inhibiting the safe circulation and carrying capacity of the street. Curb cuts shall comply with the access spacing standards of Section 1400.

503.13 Aisles

Aisles shall be required in parking areas greater than 3 spaces. Parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles may enter the street in a forward manner.

503.14 Connections

Parking areas shall be designed to connect with parking areas on adjacent sites to eliminate the use of the street for cross movements.

503.15 Lighting

Lighting of a parking area shall be required and shall be designed to enhance safe access for vehicles and pedestrians on the site. Parking area lighting shall be situated to avoid glare and be deflected so as not to shine on adjacent property.

503.16 Drainage

All areas used for circulation and parking shall meet City standards for surface water runoff.

503.17 Pedestrian access

Pedestrian access through parking areas shall be attractive, separated from vehicular circulation and parking, lighted, and provide direct access. Walkways shall be required in parking areas over 20 spaces and shall be buffered by landscaping or a curb.

503.18 Park-and-ride facilities

Park-and-ride facilities may be encouraged or required as part of development review for uses along transit routes. These uses have days and hours not in conflict with weekday use (e.g., churches, fraternal organizations) and may be encouraged or required to allow a portion of their parking area to be used for a park-and-ride lot.

503.19 Landscaping

Parking area landscaping shall be required in all districts and for all uses other than single-family and duplex residences. Landscaping shall be based on the following standards.

503.10 Off-street parking space standards

- A. A minimum of 50 percent of spaces shall be regular-sized spaces and a maximum of 50 percent can be compact spaces. Handicapped spaces shall be according to federal and State requirements.
- B. The minimum dimensions for required off-street parking spaces shall be as follows:

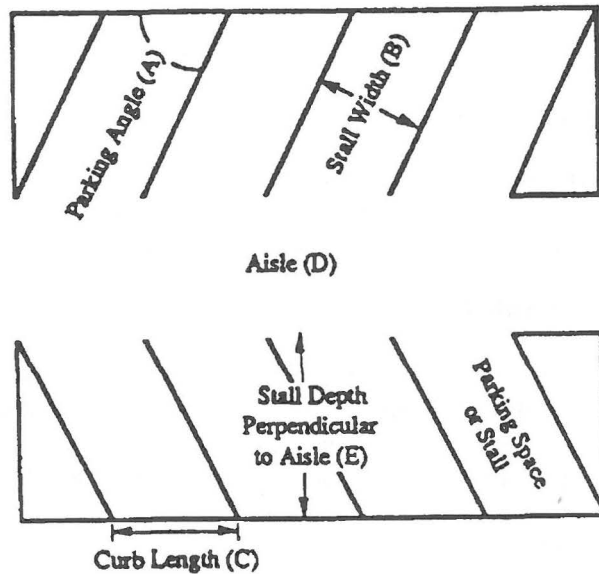
Table 503.10 Minimum Parking Space and Aisle Dimensions [1] [2]						
Angle (A)	Type	Width (B)	Curb Length (C)	1-Way Aisle Width (D)	2-Way Aisle Width (D)	Stall Depth (E)
0° (Parallel)	Regular	9 ft.	22 ft. 6 in.	12 ft.	24 ft.	8 ft.
	Compact	7 ft.	19 ft. 6 in.	12 ft.	24 ft.	7 ft. 6 in.
30°	Regular	9 ft.	18 ft.	12 ft.	24 ft.	17 ft.
	Compact	7 ft. 6 in.	15 ft.	12 ft.	24 ft.	14 ft.
45°	Regular	9 ft.	12 ft. 6 in.	12 ft.	24 ft.	19 ft.
	Compact	7 ft. 6 in.	10 ft. 6 in.	12 ft.	24 ft.	16 ft.
60°	Regular	9 ft.	10 ft. 6 in.	18 ft.	24 ft.	20 ft.
	Compact	7 ft. 6 in.	8 ft. 6 in.	15 ft.	24 ft.	16 ft. 6 in.
90°	Regular	9 ft.	9 ft.	24 ft.	24 ft.	19 ft.
	Compact	7 ft. 6 in.	7 ft. 6 in.	22 ft.	24 ft.	15 ft.

Notes:

[1] See Figure 503.10

[2] See State and federal (Americans with Disabilities Act) requirements for the number and dimensions of required disabled parking spaces.

**Figure 503.10
Parking Dimension Factors**



2. Divider medians of a minimum of 6 feet in width shall be provided, as measured from inside of curb to inside of curb. This may substitute for interior islands, provided that 1 tree is planted every 40 feet and that the remainder of the buffer area shall be landscaped as identified in subsection 503.19.A.6 above.
 3. A row of parking spaces shall be terminated on each end by a terminal island, of a minimum 6 feet in width from inside of curb to inside of curb. This shall be provided that 1 tree is planted every 40 feet and the remainder of the buffer area shall be landscaped as identified in subsection 503.19.A.6 above.
- C. Parking bumpers or wheel stops, of a minimum of 4 inches in height, shall be provided at parking spaces to prevent vehicles from encroaching on the street right-of-way, adjacent landscaped areas, or pedestrian walkways.
 - D. Preservation of existing trees is encouraged in the off-street parking area and may be credited toward the total number of trees required, based on staff's review.
 - E. Installation of parking area landscaping shall be required before a certificate of occupancy is issued, unless a performance bond is posted with the City. Then landscaping shall be installed within 6 months thereafter or else the bond will be foreclosed and plant materials installed by the City.
 - F. Parking area landscaping shall be maintained in good and healthy condition by the property owner, owner's agent, or the holder of the certificate of occupancy, as determined by the City.
 - G. An applicant may propose an alternative landscaping plan as part of undergoing an alternative parking plan, as required in subsection 503.6.
 - H. A landscaping plan shall be required. It shall be drawn to scale and shall accompany development permit applications for all developments, excluding single-family and two-family dwelling structures. The plan shall show the information required for the parking plan in subsection 503.20, and the following additional information:
 1. a list of existing vegetation by type, including number, size, and species of trees;
 2. a proposal to protect existing trees;
 3. a list of existing natural features;
 4. the location and space of existing and proposed plant materials;
 5. a list of plant material types by botanical and common names;
 6. notation of trees to be removed;
 7. size and quantity of plant materials;
 8. irrigation plan; and

- A. Perimeter landscaping of parking areas may be considered as part of site landscaping already required. Perimeter landscaping shall meet the following standards which are illustrated in Figures 503.19.A.1 and 503.19.A.2.
1. A minimum of 8 feet of landscaped buffer area between off-street parking area and right-of-way shall be provided, as measured from inside of curb to inside of curb or edge of right-of-way.
 2. A minimum of 6 feet of landscaped buffer area shall be provided, as measured from inside of curb to inside of curb, between off-street parking area and lot line when not next to right-of-way. This standard is not applicable in the Downtown Zones.
 3. A minimum of 6 feet of landscaped buffer area shall be provided, as measured from inside curb to inside curb, between off-street parking area and other uses on the site; e.g., buildings, open space, storm water system. Landscaped islands may be used as an alternative to a landscaped buffer area between buildings.
 4. A minimum of 8 feet of landscaped buffer area shall be provided, as measured from the inside of curb to inside of curb, on both sides of driveway into off-street parking area.
 5. One landscaped island shall be required per every 8 parking spaces. The islands shall be a minimum of 6 feet in width, as measured from the inside of curb to inside of curb, and shall include 1 tree per island. If 2 islands are located contiguously, they may be combined and counted as 2 islands with 2 trees planted.
 6. Landscaping requirements for perimeter buffer areas shall be as follows: 1 tree to be planted every 40 lineal feet of landscaped buffer area. The remainder of the buffer area shall be grass, ground cover, mulch, shrubs, trees, or other landscape treatment other than concrete and pavement.
 7. Where off-street parking areas abut a property boundary, continuous screening of plant materials shall be provided along the perimeter buffer area. Provision of screening may be phased in multiphase projects and is optional along access drives, where not contiguous to off-street parking areas or buildings.
- B. Interior landscaping of parking areas shall be required and shall meet the following standards which are illustrated in Figures 503.19.B.1, 503.19.B.2, and 503.19.B.3.
1. One landscaped island shall be required per every 8 parking spaces. The interior islands shall be a minimum of 6 feet in width, as measured from the inside of curb to inside of curb, and shall include 1 tree per island. If 2 interior islands are located contiguously, they may be combined and counted as 2 islands with 2 trees planted.

503.22 Recreational vehicles and pleasure crafts

This Section is intended to preserve residential neighborhood character by minimizing the impacts of parking and storage activities in residential zones.

Recreational vehicles and pleasure crafts may be parked and stored on private residential property subject to the following conditions:

- A. The vehicle located in the yard of a residential lot shall be kept in a clean and neat appearance and in usable condition at all times.
- B. On lots less than 1 acre, only 1 recreational vehicle or private pleasure craft which is not located in an enclosed structure such as a garage, shall be allowed per residential lot. Canoes and other crafts less than 12 feet in length shall be exempt from this requirement.
- C. No vehicle or pleasure craft shall be lived in, have housekeeping maintained, or have hook-up to utilities while parked or stored on, or otherwise attached or moored to, a residential lot.
- D. Vehicles that require State licensing shall have a current vehicle registration plate at all times.
- E. A recreational vehicle or pleasure craft may be parked anywhere on a residential lot for up to 24 hours for the purposes of loading or unloading the vehicle.
- F. A recreational vehicle or pleasure craft is encouraged to be parked or stored in the side or rear area of a residential lot provided it is located at least 3 feet from any lot line. It may be parked or stored on a gravel surface. Recreational vehicles or pleasure crafts greater than 10 feet in height shall be set back 7½ feet from a side or rear lot line.
- G. No recreational vehicles or private pleasure crafts shall be parked or stored in the public right-of-ways.

504 OFF-STREET LOADING STANDARDS

504.1 General provisions

- A. Off-street loading shall be required for commercial, industrial, public, and semipublic uses, as appropriate, for the receipt or distribution of merchandise by vehicles. Such uses shall have 1 or more spaces for standing, loading, and unloading of vehicles. Off-street loading is not required in the Downtown Storefront and Downtown Office Zones.
- B. Loading areas shall be provided on the site; shall be separated from parking areas; and, in cases where 2 separate uses exist on 1 parcel of land, the total required off-street loading shall be the sum of the requirements for each use separately.
- C. It shall be the obligation of the property owner to comply with the regulations of this Section and to maintain the loading area(s).

9. method for maintenance of landscaping.

503.20 **Parking plan**

A parking plan shall be required. It shall be drawn to scale and shall accompany development permit applications for all developments, excluding single-family and two-dwelling structures. The plan shall show that all elements related to Section 500 are met, and shall include but is not limited to:

- A. delineation of individual spaces;
- B. circulation area necessary to serve spaces;
- C. access to streets, alleys, and properties to be served;
- D. curb cuts;
- E. type of landscaping, fencing, or other materials;
- F. abutting land uses;
- G. grading, drainage, surfacing, and subgrading details;
- H. location of lighting fixtures;
- I. delineation of all structures and obstacles to on-site circulation; and
- J. specification of signs and wheel stops.

503.21 **Off-street vehicle parking in residential zones**

This section is intended to preserve residential neighborhood character by providing for off-street parking standards in residential zones.

- A. Off-street parking for vehicles in residential zones shall be located on the same lot as the dwelling. Any additional required parking, such as for multifamily dwellings, may be located on a separate parcel, not greater than 300 feet from the space to the building entrance, to be measured as the most direct pedestrian route.
- B. The required off-street paved parking spaces in residential zones shall not be located in the side yard setbacks.
- C. The uncovered required parking for one- and two-family dwellings in residential zones shall be permitted in the front yard setback.
- D. Off-street residential parking areas and driveways shall be paved with a minimum driveway width of 9 feet and parking space dimension of 9 by 20 feet.
- E. Commercial vehicles over 1½ ton shall not be permitted to be parked or stored in residential zoning districts.

parking spaces at transit centers shall be provided at the ratio of 1 space per 100 daily boardings.

505.3 Space standards and racks

The dimension of each bicycle parking space shall be a minimum of 2½ by 6 feet. A 5-foot-wide access aisle must be provided. If spaces are covered, 7 feet of overhead clearance must be provided. Bicycle racks must be securely anchored and designed to allow the frame and 1 wheel to be locked to a rack using a high security, U-shaped, shackle lock.

505.4 Location

A. Bicycle parking facilities shall be:

1. located within 50 feet of the main building entrance;
2. closer to the entrance than the nearest automobile parking space;
3. designed to provide direct access to a public right-of-way;
4. dispersed for multiple entrances;
5. in a location that is visible to building occupants or from the main parking lot;
6. designed not to impede pedestrians along sidewalks or public right-of-ways; and
7. separated from vehicle parking areas by curbing or other similar physical barriers.

B. The public right-of-way may be utilized for bicycle parking when parking cannot be reasonably accommodated on the site and the location is convenient to the building's front entrance. If a public sidewalk is used for parking, a minimum of 4 feet of clear, unobstructed sidewalk must be maintained.

See Figure 505 below for illustration of space and locational standards.

505.5 Covered or enclosed bicycle parking

Covered or enclosed bicycle parking shall be provided when 10 percent or more of automobile parking is covered. If more than 10 bicycle parking spaces are required, then a minimum of 50 percent of the bicycle spaces shall be covered and/or enclosed (lockers).

505.6 Lighting

Lighting shall be provided in bicycle parking areas to illuminate facilities at least as well as automobile parking areas.

504.2 Number of loading spaces required

The minimum number of loading spaces required for commercial, industrial, public, and semipublic uses shall be as follows:

<u>Building size</u>	<u>Required loading spaces</u>
Under 5,000 square feet	0
From 5,000 to under 25,000 square feet	1
From 25,000 to under 60,000 square feet	2
60,000 square feet and over	3

504.3 Loading space standards

The minimum size dimensions for an off-street loading space shall be: width of 12 feet, clearance of 16 feet, and length for local delivery of 30 feet, or 60 feet for semitrailer trucks.

504.4 Site standards

- A. Off-street loading areas shall observe the minimum front and side yard setbacks for structures.
- B. Off-street loading areas shall be located where not a hindrance to travel lanes, walkways, public or private streets, or adjacent properties.

504.5 Paving

Off-street loading areas shall be paved and have a durable hard surface.

504.6 Lighting

Lighting of loading areas shall be required and shall be designed to be situated so as to avoid glare and be deflected so as not to shine on adjacent property where dwellings exist.

504.7 Storage prohibited

The accumulation of goods in loading areas shall be prohibited when it renders the space useless for loading and unloading of goods.

505 BICYCLE PARKING

505.1 Applicability

Bicycle parking shall be provided for all new commercial, Business Industrial (BI), Community Service (CSO), and multifamily development, except for temporary and seasonal uses (e.g., fireworks and Christmas tree stands) and storage units. Bicycle parking shall be provided in the Downtown Zones and at transit centers.

505.2 Number of spaces

The number of bicycle parking spaces shall be at least 10 percent of the required automobile parking for the use. In no case shall less than 2 spaces be provided. The number of bicycle

507.2 Height

Height of parking structure shall not exceed the maximum height requirement of the underlying zone, unless otherwise permitted by the City based on review of site plan and impacts on adjacent properties.

507.3 Design standards for structured parking

- A. Exterior finish shall be similar to principal building.
- B. Shall be compatible in appearance, size, scale, and bulk of the supported use(s).
- C. Shall meet minimum setback and yard requirements.
- D. Shall comply with perimeter landscaping requirements of surface lots.
- E. Must provide commercial on first floor of structured parking in commercial zones.
- F. Shall provide safe pedestrian connections between parking structure and principal building.
- G. Shall provide adequate lighting to ensure motorist and pedestrian safety within the structured parking facility and connecting pedestrian ways to the principal building.

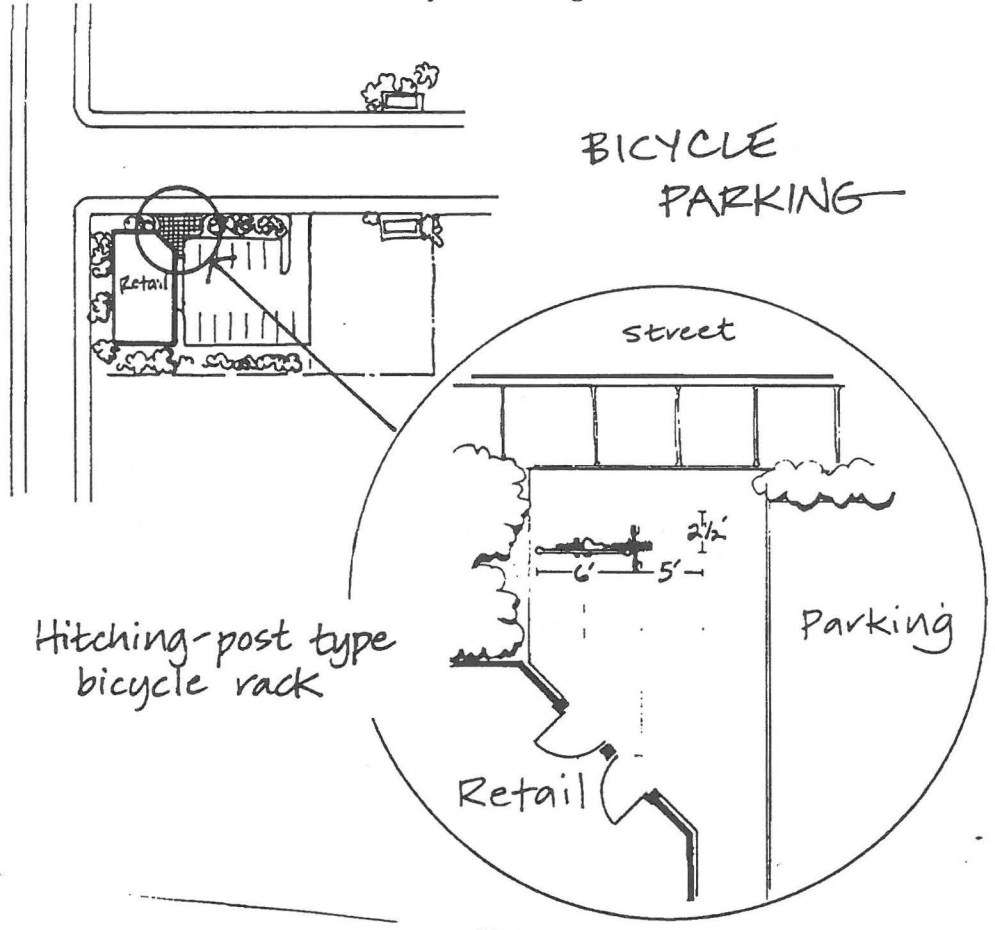
507.4 Incentives for provision of structured parking

- A. An applicant shall be allowed an additional .5 square feet of development for every 1 square foot of structured parking provided. The applicant shall meet the other requirements of the Zoning Ordinance.
- B. If structured parking is underground, the applicant shall be relieved from providing the required off-street parking landscaping and can locate the underground structure within any part of the setback and yard area.

507.5 Alternative parking plan required

An applicant that seeks to provide structured parking shall provide an alternative parking plan, reflecting the requirements of this Section, for approval by the City.

Figure 505
Bicycle Parking



506 CARPOOL AND VANPOOL PARKING

New industrial, institutional, and commercial development with 50 or more employees shall provide carpool/vanpool parking. Carpool/vanpool parking shall be provided for at least 10 percent of the required parking.

507 STRUCTURED PARKING

507.1 Permitted zones

Structured parking, including underground parking, shall be permitted in the DS, DC, DO, DR, C-L, C-G, M, C-CS, CSO, and BI Zones.

Figure 503.19.A.2
Perimeter Buffer Adjacent to Parking Area Driveway

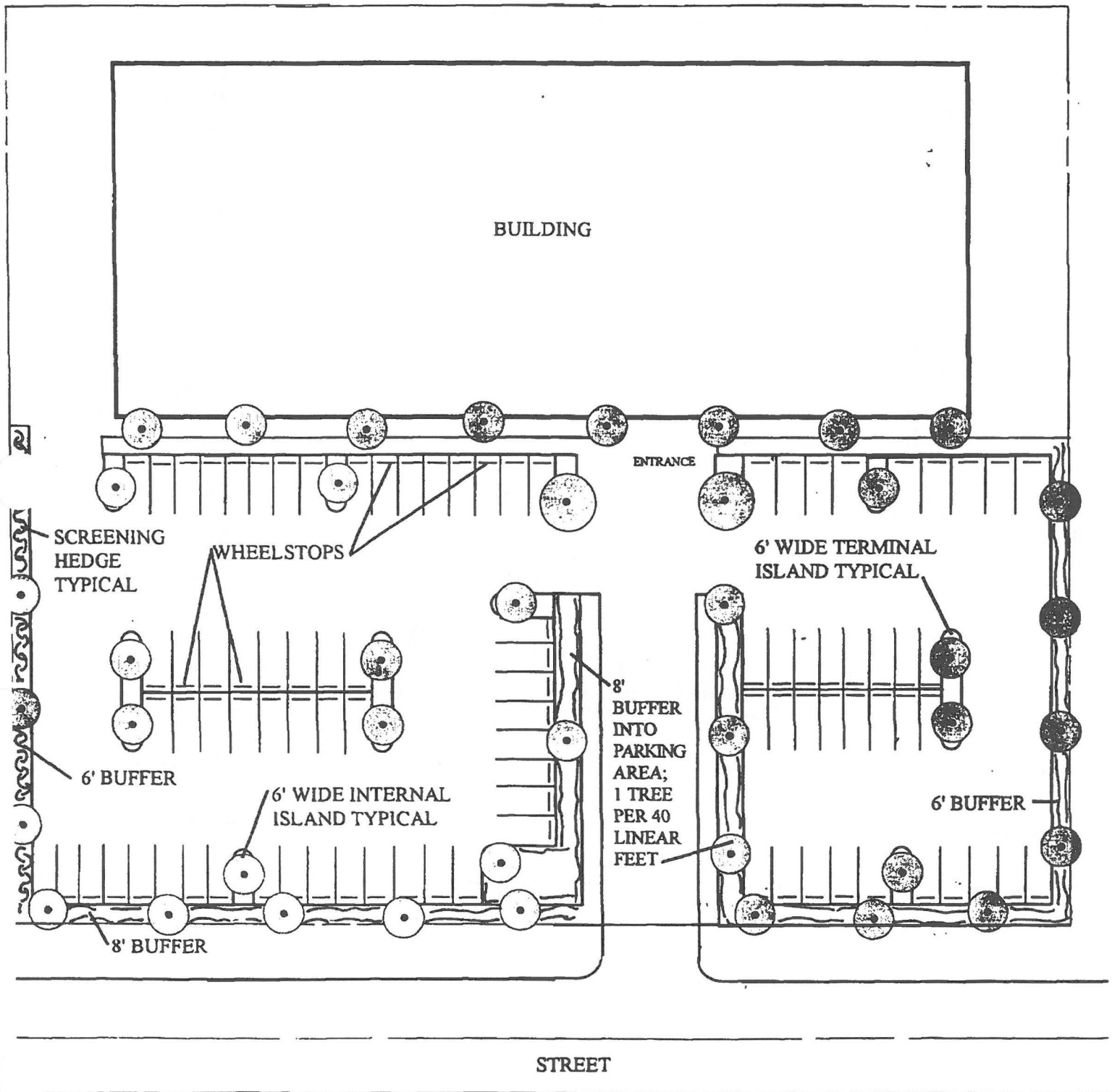


Figure 503.19.A.1
Perimeter Buffer Adjacent to Road Right-of-Way

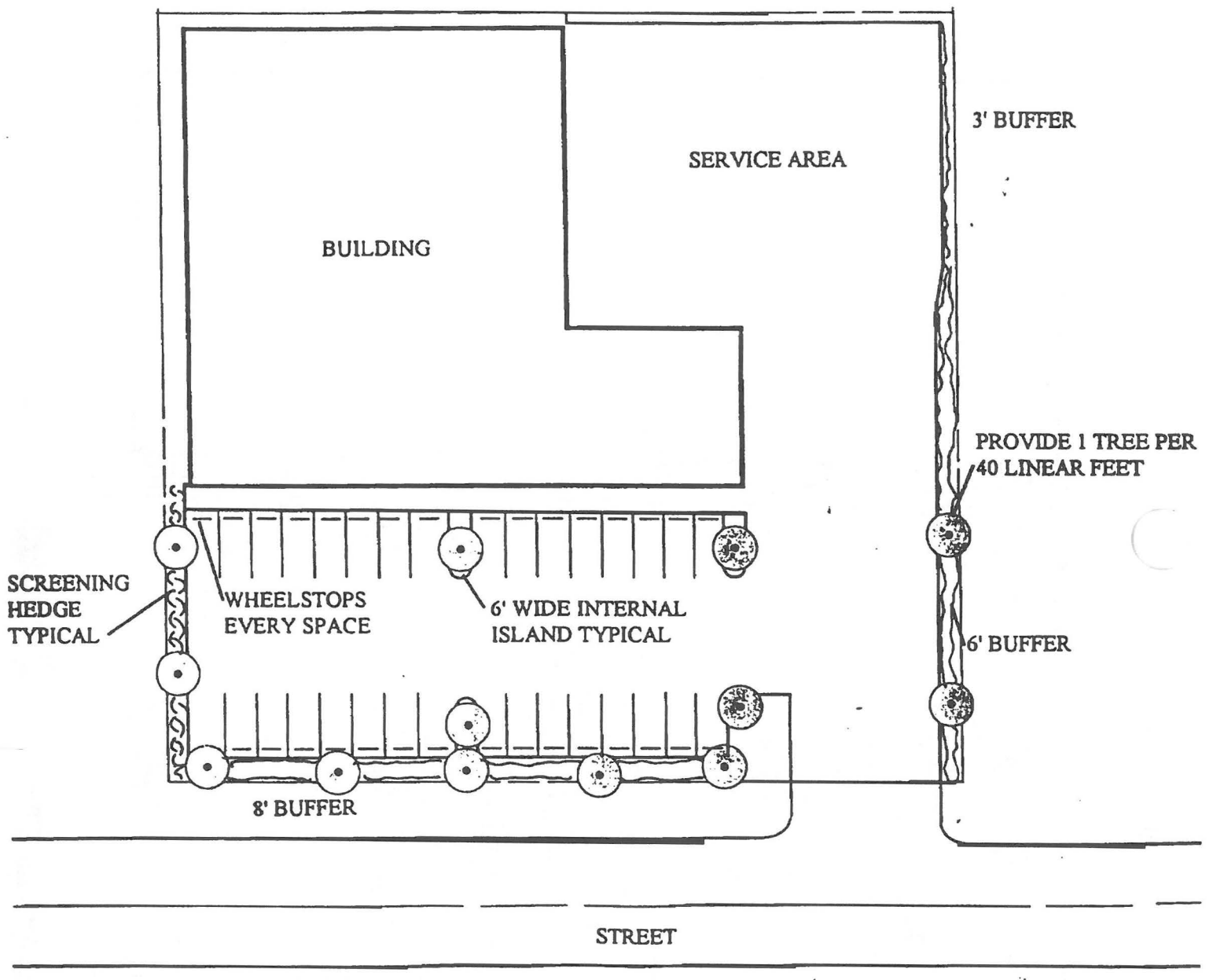


Figure 503.19.B.2
Divider Medians

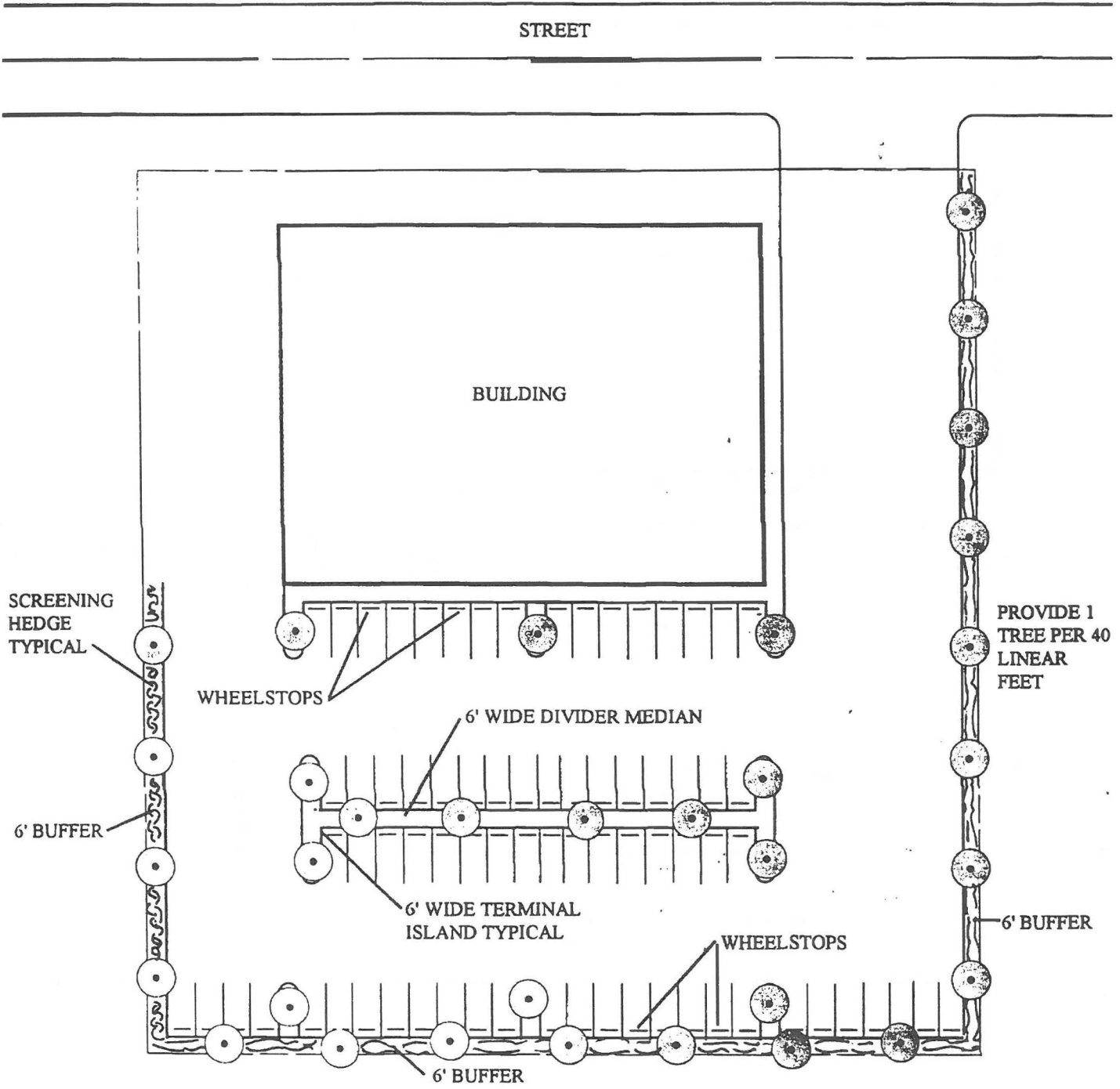


Figure 503.19.B.1
Internal Islands

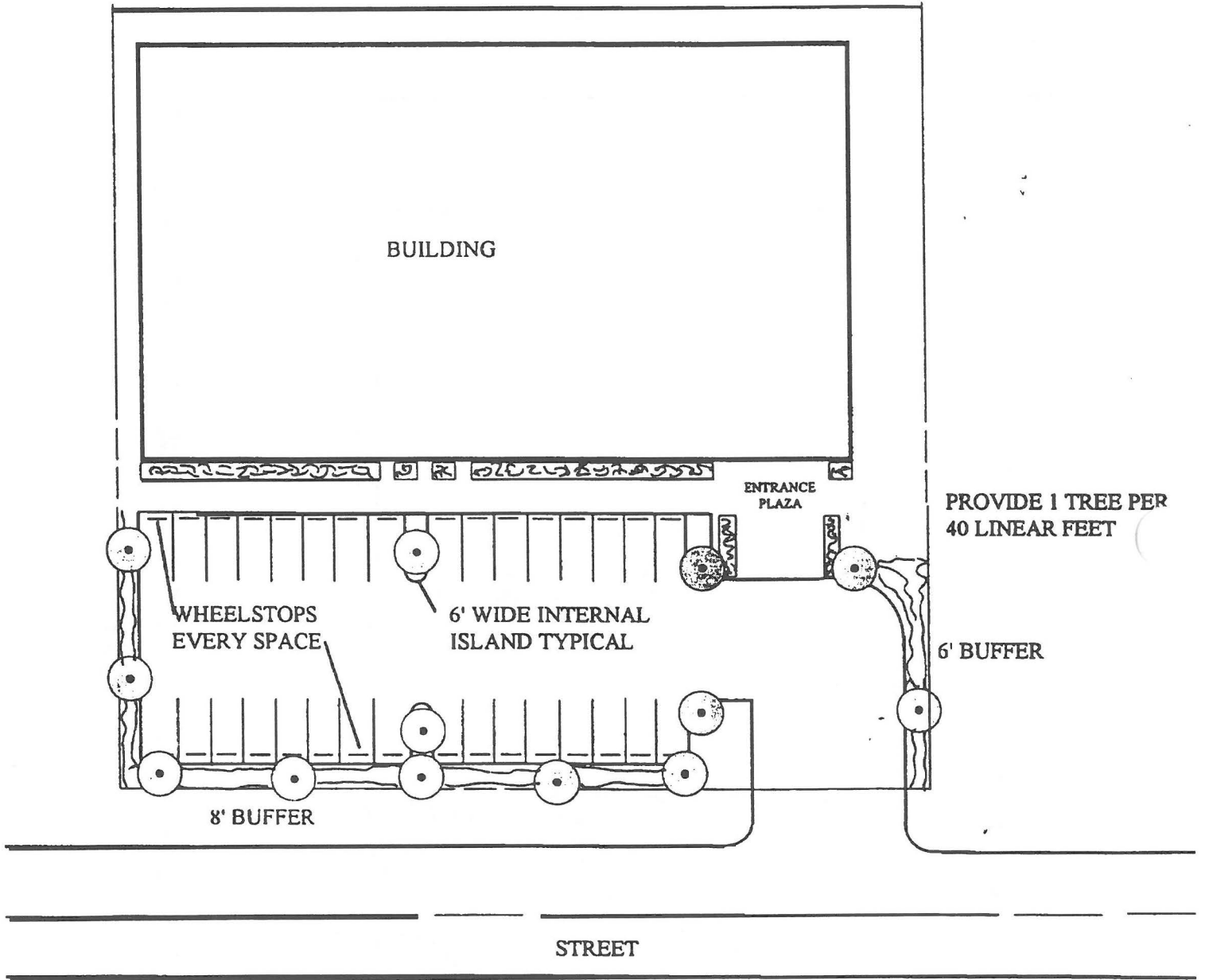
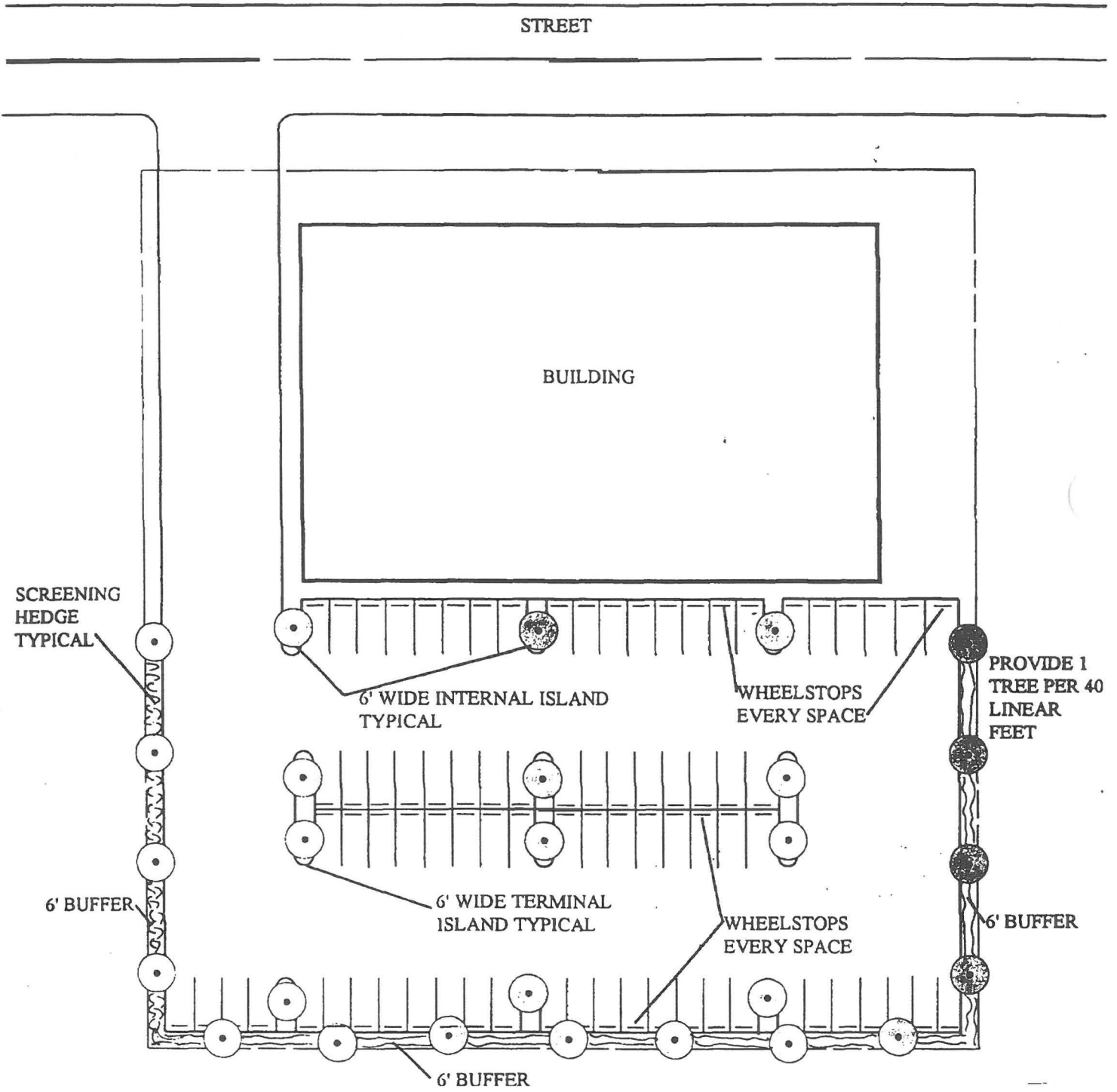


Figure 503.19.B.3
Terminal Islands



The Planning Commission may attach conditions and restrictions to any conditional use approved. The setbacks and limitations of the underlying district shall be applied to the conditional use, unless specifically varied by the Commission. Conditions and restrictions may include a specific limitation of uses, landscaping requirements, off-street parking, performance standards, performance bonds, and other conditions, restrictions, or safeguards that would uphold the intent of the Comprehensive Plan and mitigate any adverse effect upon adjoining properties which may result by reason of a conditional use being allowed.

601.4 Conditional use permit

When a conditional use permit is approved by the Planning Commission, a written permit will be issued to the applicant, in the form of a letter from the Planning staff, prior to development of the use. The permit shall stipulate any modifications, conditions, and restrictions imposed by the Planning Commission, in addition to those specifically set forth in this Ordinance. A "Notice of Conditions" will be recorded with the County Clerk in the deed files. These conditions may be changed after the granting of a permit only by mutual agreement of the Planning Commission and the permit holder. A conditional use permit runs with the land and is not affected by a change of ownership.

- A. The permit shall become void if construction has not begun within six months, or a request has not been made for a time extension.
- B. The Planning Commission may, upon receiving a written request from the applicant, extend the conditional use permit for a period not to exceed one year.

601.5 Reconsideration of a conditional use permit

Approved conditional uses shall be reconsidered by the Planning Commission at a public hearing, after a complaint has been received by the Planning staff, provided the following criteria have been met:

- A. The complaint(s) must be in writing, signed by the complainant, and the required fee must be paid.
- B. The complaint(s) must address one of the following:
 - 1. Violations of the standards listed in the Comprehensive Plan or implementing ordinances for the use involved.
 - 2. Failure to satisfy a condition or restriction imposed on the specific use when approval was granted.
 - 3. Incidents which have occurred as a direct result of the conditional use that are detrimental to the health, safety, property, or general welfare of the public.

Reconsideration of a conditional use permit may result in suspension or revocation of the approval under subsection 601.6.

601.6 Suspension or revocation of a permit

SECTION 600 CONDITIONAL USES

601 AUTHORIZATION TO GRANT OR DENY CONDITIONAL USES

All applications for conditional uses shall be evaluated by the Planning Commission at a public hearing per subsection 1011.3, Minor Quasi-Judicial review, under the specific criteria listed in Section 601 through Section 602. The Planning Commission may approve or deny the application. If the decision is to approve, the Planning Commission may impose any conditions deemed necessary to protect the public health, safety, or general welfare from potentially deleterious effects resulting from approval of the permit, or to fulfill the public need for services created by approval of the request.

Approval of a conditional use shall not constitute a change of zoning classification and shall be granted only for the specific use requested subject to such modifications, conditions, and restrictions as may be deemed appropriate by the Planning Commission, or as specifically provided herein.

601.1 Existing use

In the case of a use existing prior to the effective date of this Ordinance and now classified as a conditional use, any alterations, including but not limited to change in use, lot area, or alteration of structure, shall come before the Planning Commission to assure conformance with all current requirements for such a conditional use.

601.2 ~~Applicant's responsibilities~~ Review criteria

~~At the public hearing the applicant~~ Applicant's for conditional use shall provide evidence that all requirements of this Ordinance relative to the proposed use are satisfied, and demonstrate that the proposed use also satisfies the following criteria:

- A. The use meets the requirements of a conditional use in the zone currently applied to the site.
- B. The use meets the standards for the underlying zone.
- C. The proposal satisfies the goals and policies of the Comprehensive Plan which apply to the proposed use.
- D. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements, and natural features.
- E. The proposed use is timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use.
- F. The proposed use complies with the transportation requirements and standards of Section 1400.

601.3 Conditions

In considering a conditional use application for surface mining, the following minimum requirements shall apply:

- A. Open pit and gravel excavating or processing shall not be permitted nearer than 50 feet 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 feet to the right-of-way line of an existing or platted street or an existing public utility right-of-way.
- B. Production from an open pit or the removal of sand and gravel shall not leave a slope exceeding one foot horizontal for one foot vertical.
- C. An open pit or sand and gravel operation shall be enclosed by a fence suitable to prevent unauthorized access.
- D. A rock crusher, washer, or sorter shall not be located nearer than 500 feet 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.

602.5 Junk or wrecking yard

In considering a conditional use application for a junk or wrecking yard, the Planning Commission shall require that it be enclosed by a sight-obscuring fence not less than 6 feet high.

602.6 High-impact commercial use

In considering a conditional use application for a high-impact commercial use, the Planning Commission shall consider the following:

- A. Nearness to dwellings, churches, hospitals, or other uses which require a quiet environment.
- B. Building entrances, lighting, exterior signs, and other features which could generate or be conducive to noise or other disturbance for adjoining uses.
- C. Parking vehicles and pedestrian access and circulation could contribute to noise or attract habitual assembly or unruly persons.
- D. Hours of operation.
- E. 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 insure that such establishments do not become unduly or unnecessarily disruptive.

602.7 Single-family attached dwellings

In considering a conditional use application for single-family attached dwellings, the Planning Commission shall consider the following:

A conditional use permit may be suspended or revoked by the Planning Commission when any condition or restriction imposed is not satisfied.

- A. A conditional use permit shall be suspended only after a hearing before the Planning Commission. Written notice of the hearing shall be given to the permit holder by certified mail at least 10 working days prior to the hearing.
- B. A suspended permit may be reinstated when, in the judgment of the Planning Commission, the conditions or restrictions imposed on the approval have been satisfied within a time frame set by the Planning Commission.
- C. A revoked permit shall not be reinstated. A new application must be made to the Planning Commission, and a public hearing held.

601.7 Review of a conditional use permit upon change in ownership, use, or tenant

Upon first learning of the change in ownership, use, or tenant, the Director shall conduct an Administrative review of the status of the conditional use permit. If the Director finds that the conditions attached to the permit have not been met, the Director shall notify the new owner or tenant of the conditions and/or restrictions. If the Director deems it necessary to achieve compliance, a hearing before the Planning Commission may be scheduled to consider suspension or revocation of the conditional use permit, in accordance with subsection 601.6.

602 STANDARDS GOVERNING CONDITIONAL USES

A conditional use shall comply with the standards of the zone in which it is located, except as these standards have been modified in authorizing the conditional use and as otherwise modified as follows:

602.1 Yards

In a residential zone, yard width shall be equal to at least two thirds of the height of the principal structure. In any zone, additional yard requirements may be imposed.

602.2 Height exception

A church or public building may be built to exceed the height limitations of the zone in which it is located to a maximum height of 50 feet, except as provided in an L-F Zone, if the total floor area of the building does not exceed one and one-half times the area of the site and if the yard dimensions in each case are equal to at least two thirds of the height of the principal structure.

602.3 Access to property and building openings

The City may limit or prohibit vehicle access from a conditional use to a residential street, and it may limit or prohibit building openings within 50 feet of residential property in a residential zone if the openings will cause glare or excessive noise or will otherwise adversely affect adjacent residential property.

602.4 Surface mining

1. The unit is in conformance with the site development requirements of the underlying zone.
 2. One off-street parking space is provided for the accessory unit in addition to the required parking for the primary dwelling.
 3. Garage or carport space may not be converted to an accessory dwelling unit, unless parking standards can be met after the completion of the unit.
 4. Public facilities must be adequate to serve both dwelling units, as determined by the Public Works Department.
 5. One unit shall be occupied by the property owner.
 6. The Planning Commission may impose conditions regarding modification of building height, landscaping, buffering and orientation of the accessory unit to protect privacy of the neighbors, and any other conditions deemed necessary to ensure compliance with the requirements of this section, except that no condition may be imposed that prohibits rental occupancy, separate access, and full kitchens in any accessory unit.
 7. Conditions of approval shall be part of the deed restrictions.
 8. No more than one additional unit is allowed.
- B. Requirements for conversion of existing space:
1. Cannot exceed 50 percent of the existing structure.
 2. Each unit shall be a minimum of 250 square feet.
 3. No fire escape or exterior stair for access to an upper level may be located on the front of a building.
- C. Requirements for addition:
1. Does not exceed one bedroom
 2. The maximum area is 800 square feet.

- A. Whether a structure of a similar type is within 200 feet.
- B. Relationship to neighboring uses.
- C. Street access.
- D. Terrain of the site. ~~The project shall not cause traffic to move through the adjoining lower density areas.~~

602.8 Multifamily condominium and apartment dwellings

In considering a conditional use application for multifamily condominium and apartment dwellings, the Planning Commission shall consider the following:

- A. Relationship to neighboring uses.
- B. Street access.
- C. Terrain of the site.

~~The project shall not cause traffic to move through adjoining lower density areas.~~

602.9 Senior and retirement housing

In considering a conditional use application for senior and retirement housing the Planning Commission shall consider the following:

- A. Pedestrian access to transit.
- B. Pedestrian access to convenience facilities such as grocery store, pharmacy, laundromat, park and open space, and senior activity center.
- C. Pedestrian access to banking, churches, hospitals, and restaurants.
- D. Quality of project as a living environment for residents.
- E. Minimizing impact on the surrounding area.

The Planning Commission may recommend to the City Council an increase in density to as much as that permitted by the next higher zone. The City Council shall make the final decision on density increase.

An applicant is required to submit materials and the Planning Commission shall attach conditions which will ensure that the special nature of the housing, and groups to be served, are clearly defined and maintained in perpetuity. Also a project is required to meet the definition for this type of housing defined in Section 103.

602.10 Type 2 accessory dwelling unit

A Type 2 accessory dwelling unit may be allowed in conjunction with a detached single-family dwelling by conversion of existing space, or by means of an addition.

- A. Requirements for conversion of existing space or addition:

- A. Applicable requirements of Section 1003.
- B. Reasons for requesting the Zoning Map amendment.
- C. Description of existing site conditions, including but not limited to topography, public facilities and service, natural hazards, natural areas or open space, historic sites, transportation, current uses of the subject site, and current zoning of the subject site.
- D. Description of the intended use or uses.
- E. Identification on a detailed site plan of public facilities both existing and proposed; existing and proposed structures and site development details, including display of setback and other zoning standards compliance information; and an indication of mitigation or other measures proposed for purposes of health, safety, or welfare within the community.
- F. The approval criteria of Section 905.

904 REQUIREMENTS FOR ZONING TEXT AMENDMENTS

904.1 Proposals for zoning text amendments must provide written evidence that the following requirements are satisfied:

- A. Applicable requirements of Section 1003.
- B. Reasons for requesting the proposed text amendments.
- C. Explanation of how the proposed text amendment is consistent with other provisions of this Ordinance.
- D. The approval criteria of Section 905.

905 APPROVAL CRITERIA FOR ALL AMENDMENTS

905.1 For all proposals, the applicant shall have the burden of proof regarding the following criteria:

- A. The proposed amendment must conform to applicable Comprehensive Plan goals, policies, and objectives and be consistent with the provisions of City ordinances, Metro Urban Growth Management Functional Plan, and applicable regional policies.
- B. The anticipated development must meet the intent of the proposed zone, taking into consideration the following factors: site location and character of the area, the predominant land use pattern and density of the area, the potential for mitigation measures adequately addressing development effects, any expected changes in the development pattern for the area, the need for uses allowed by the proposed zone amendment, and the lack of suitable alternative sites already appropriately zoned for the intended use or uses. The Planning Commission and City Council shall use its discretion to weight these factors in determining the intent of the proposed zone.

SECTION 900 AMENDMENTS

901 INITIATION OF AMENDMENTS

An amendment to the Milwaukie Zoning Map or to the text of this Ordinance may be initiated by the City Council, by the Planning Commission, or by the application of a property owner.

902 AMENDMENT PROCEDURE

902.1 The following application and review procedures shall be in effect for all proposed amendments:

- A. The Planning Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after the application has been determined to be complete by the Director. Zoning Map amendments shall follow the procedures outlined in subsection 1011.4, Major Quasi-Judicial review. Zoning text amendments shall follow the procedures outlined in subsection 1011.5, Legislative actions.
- B. Notice to Metro. The Planning Department shall provide notice to Metro of any proposed amendment to the Comprehensive Plan or Zoning Ordinance, subject to Milwaukie Zoning Ordinance subsection 1011.4, Major Quasi-Judicial review, and 1011.5, Legislative actions. Any copy of notice required pursuant to subsections 1011.4 and 1011.5, and provided to Oregon Department of Land Conservation and Development (DLCD) pursuant to ORS 197.610 or 197.615, shall be sent to Metro's Executive Officer at least 45 days before the final hearing on the adoption of any amendment. Notice to Metro shall include the same content as notice to DLCDC pursuant to ORS 197.610 or 197.615 and, if available, shall include analysis demonstrating that the proposed amendments are consistent with the Metro Urban Growth Management Functional Plan. If the analysis demonstrating consistency with the functional plan is not included in the initial notice, a report containing the analysis shall be delivered to Metro no later than 14 days before a final hearing.
- C. Denial of the proposed amendment shall be final unless it is appealed to the City Council as provided under Section 1002 of this Ordinance.
- D. Upon approval of the proposed amendment by the Planning Commission, the Director shall provide a report of the Commission's recommendation to the City Council within 40 days after the hearing.

903 REQUIREMENTS FOR ZONING MAP AMENDMENTS

903.1 Proposals for Zoning Map amendments must provide evidence that all requirements of this Ordinance relative to the proposed use or uses are satisfied, in addition to addressing the following:

- C. The proposed amendment will meet or can be determined to reasonably meet applicable regional, State, or federal regulations.
- D. The proposed amendment demonstrates that existing or planned public facilities and services can accommodate anticipated development of the subject site without significantly restricting potential development within the affected service area.
- E. The proposed amendment is consistent with the functional classification, capacity and level of service of the transportation system. A transportation impact analysis may be required subject to the provisions of Section 1400.

906 CONDITIONS OF APPROVAL

Conditions of approval may be applied to Zoning Map amendments for purposes of fulfilling identified need for public facilities and/or meeting applicable regional, State, or federal regulations. Conditions of approval may include actual construction of facilities or a performance contract, bond, or escrow account to assure installation of public facilities to specified standards.

907 MODIFICATION OF OFFICIAL ZONING MAP

For Zoning Map amendments not involving conditions of approval, Community Development staff shall modify the Official Zoning Map of the City of Milwaukie at such time as the ordinance of adoption goes into effect. For Zoning Map amendments involving conditions of approval, Zoning Map modification shall not occur until all conditions of approval are satisfied by verification by appropriate City staff.

908 REVOCATION

If conditions of approval are not met within 2 years of ordinance adoption, the Planning Commission shall hold a public hearing to consider the revocation of the approved zoning. This review shall follow the procedures of subsection 1011.3, Minor Quasi-Judicial review. The Planning Commission may also, upon determination that the applicant is making satisfactory progress towards completing conditions of approval, grant one time extension not to exceed a maximum of 2 years.

1004 REVIEW OF APPLICATION

The Community Development Director shall review the application for completeness. If an application is incomplete, the Community Development Director shall notify the applicant of exactly what information is missing, within 30 calendar days of receipt of the application, in order to allow the applicant the ability to submit the missing information. The application shall be deemed complete for purposes of commencing the 120-day processing time upon receipt of the missing information. If the applicant refuses to submit the missing information, the application shall also be deemed complete for purposes of commencing the 120-day processing time on the 31st day after the application was initially received. Applications requiring a public hearing shall not be scheduled until the application is deemed complete.

1005 CONCURRENT REVIEWS

Applications for more than one land use review on the same property, and all integral parts of the same development proposal, may be processed in a single hearing at the request of the applicant. Separate findings shall be required for each decision and one decision may be rendered contingent upon another decision. Concurrent reviews of applications are subject to the 120-day time limit.

1006 FILING FEES

A fee as established by resolution of the City Council, to aid in defraying the City's cost of processing applications, shall be paid to the City of Milwaukie upon the filing of an application. Such fees shall not be refundable. Fees for preparation of written transcripts shall not exceed the actual cost of the transcript up to \$500.00, plus one half of the actual cost over \$500.00.

1007 APPLICABLE STANDARDS AND CRITERIA

If the application was complete when first submitted, or the applicant submits the requested additional information within 180 calendar days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

1008 EX PARTE CONTACT

Prior to rendering a decision, no member of a review body shall communicate, directly or indirectly, with any person interested in the outcome or any representative in connection with any issue involved in an application except upon notice and opportunity for all parties to participate. Should such communications occur, the member of the review body shall:

- 1008.1** **enter into the record the substance of any such written or oral communication; and**
- 1008.2** **publicly announce the content of the communication and provide an opportunity to rebut the substance of the contact.**

SECTION 1000 ADMINISTRATIVE PROVISIONS

1001 ENFORCEMENT

The Community Development Director shall have the power and duty to enforce the provisions of this Ordinance. An appeal from a ruling by the Community Development Director regarding a requirement of the Ordinance may be made only to the Planning Commission.

1002 TIME LIMIT AND APPEAL FROM RULING OF PLANNING COMMISSION

Final action or ruling on any request pursuant to this Ordinance, including resolution of all appeals under ORS 227.180, shall be given within 120 calendar days after an application is received and is deemed complete. This does not apply to an amendment to an acknowledged comprehensive plan or adoption of a new land use regulation. A waiver of the 120-day processing time limit may be granted upon submission of a written request for extension by all applicants. Any action or ruling of the Planning Commission pursuant to this Ordinance may be appealed to the City Council within 15 calendar days after the Planning Commission has rendered its decision. Written notice of the appeal shall be filed with the City Recorder. If the appeal is not filed within the 15-day period, the decision of the Planning Commission shall be final. If the appeal is filed, a report and recommendation on the Planning Commission's decision shall be forwarded to the City Council; and the Council shall hold a public hearing on the appeal within 40 calendar days of receiving a request for an appeal. An appeal of a Planning Commission decision shall specify, in detail, the issues or findings in contention so as to afford the City Council and interested parties an adequate opportunity to respond to and resolve each issue. Notice for the appeal hearing shall: be provided to the applicant and other persons as otherwise provided by law; include a description of applicable criteria; include a street address or other geographical reference; state the time, date, and location of the hearing; state that failure to raise an issue in person or by letter precludes appeal and that failure to specify to which criterion the comment is directed precludes appeal based on that criterion; and be mailed at least 10 calendar days before the hearing. At the commencement of the City Council appeal hearing, a statement shall be made to those in attendance that: describes the applicable substantive criteria, testimony and evidence must be directed at the issues raised in the appeal, and failure to address a criterion precludes an appeal based on that criterion.

1003 FORM OF PETITIONS, APPLICATIONS, AND APPEALS

All petitions, applications, and appeals provided for in this Ordinance shall be made on forms prescribed by the City. Applications shall be accompanied by plans and specifications, drawn to scale, showing the actual shape and dimensions of the lot to be built upon; the sizes and locations on the lot of the buildings and other structures, existing and proposed; the existing and intended use of each building, structure, or part thereof; the number of families, if any, to be accommodated thereon; and such other information as is needed to determine conformance with this Ordinance.

- B. Administrative action. If a public hearing is requested, the application shall follow the procedures of subsection 1011.3, Minor Quasi-Judicial review. The Director or the applicant may immediately request a public hearing if it appears that the application has potential for controversy or there is difficulty in applying the applicable criteria. If no request for a public hearing is received by the Community Development Director, the Director may grant the application, either with or without conditions, without a hearing, if applicable criteria are met. The applicant, property owner, and all property owners within the notification area shall be renotified if a final decision is changed. If either the applicant or persons with concerns are not satisfied with the Director's decision, they may appeal per the provisions of Section 1002 and the matter will be subject to the provisions of subsection 1011.3, Minor Quasi-Judicial review.
- C. Public hearing. If any interested person or notified property owner responds and requests an opportunity to testify at a public hearing, a hearing shall be scheduled according to the "Public Hearing Schedule" outlined by the Community Development Department and shall follow procedures outlined in subsection 1001.3, Minor Quasi-Judicial review.

1011.3 Minor Quasi-Judicial review

A Minor Quasi-Judicial procedure requires a public hearing in front of the Planning Commission.

- A. Preapplication conference. A preapplication conference may or may not be required. The applicant or the Director may request a preapplication conference.
- B. Public notification. Notice shall be mailed to the property owner and applicant, if different, and to all property owners within ~~250~~300 feet of the outer boundaries of the site, not less than 20 days prior to the date of the hearing. In addition, a sign that is legible from the closest street, indicating the date of the public hearing, shall be posted on the subject property not less than 10 days prior to the date of the hearing.
- C. Notice for Community Service Overlay uses and community scale shopping center use. Notice for development of community service uses shall be mailed to the applicant, property owner, and all property owners within ~~250~~300 feet of the outer boundaries of the site. The names and addresses for this purpose shall be those shown on the current records of the County Assessor. In addition, a sign that is legible from the closest street, indicating the date of the public hearing, shall be posted on the subject property not less than 10 days prior to the date of the hearing. Notice of a hearing shall be published once each week for two consecutive weeks in a newspaper of general circulation in the city of Milwaukie, of which the second publication shall be not less than 5 days prior to the date of the hearing.
- D. Notice for development within the Willamette Greenway Zone. Notice of a hearing on a conditional use in the WG Zone shall follow the procedures subsection 1011.3.C, above. Also, interested groups and the Oregon Department of Transportation (ODOT) shall be notified of a public hearing. ODOT shall be notified by "certified mail, return receipt requested."

1009 DECISIONS

A decision may be made to grant, grant with conditions, modify, or deny an application as provided by the applicable approval criteria.

1010 MANDAMUS AUTHORIZED

If the City of Milwaukie does not take action on an application for a permit or zone change within the 120-day time period, an applicant may apply in the Circuit Court of Clackamas County for a writ of mandamus to compel the City to either make a decision or show that the approval would violate a substantive provision of the City's Comprehensive Plan or land use regulations.

1011 PROCEDURES

1011.1 Type I Administrative review

A Type I procedure is an administrative process and the decision, based on the relevant standards, is made by the Community Development Director without a public hearing. Such decision is final for the purposes of review upon signing by the Director if all standards are met. Section 1001 provides for appeal of decision by the Community Development Director.

- A. Notification. No notification is required.
- B. Decision. A decision shall grant or deny the application. The decision will be made within 10 days of receipt of an application in the Community Development Department. An applicant will be notified by phone or by mail within 5 days of the decision. Any decision may be appealed to the Planning Commission per Section 1001 of the Zoning Ordinance.

1011.2 Type II Administrative review

A Type II procedure provides for an administrative decision with the option of a public hearing.

- A. Public notification. Within 15 days of the receipt of an application, the Director will mail a Notice of Tentative Decision. This notice shall contain a description of the request and shall describe the tentative decision made by the Director, including findings and conclusions based on the applicable criteria. It will specify the deadline for submission to request a public hearing and provide for potentially affected persons to communicate concerns to the Director, who will take them into account in reaching a final decision on the application. The notice shall be mailed to the owner, applicant, and all property owners within ~~450~~300 feet of the outer boundaries of the site. The names and addresses used for this purpose shall be those shown on the current records of the County Assessor. At least 14 days shall be given from the date of the notice to state objections or request a public hearing. The notice shall also contain a listing of the applicable criteria upon which the decision was based.

- E. Decision. The Planning Commission shall conduct the public hearing and render a decision on the matter including findings, conclusions, and conditions, if necessary, based on compliance with the applicable Comprehensive Plan goals and policies and other applicable implementing ordinances. Community Development staff shall notify the applicant, the property owner if different, and any individual who testified, either in person or in writing, at the hearing, within 5 days after the final decision.

1011.4 Major Quasi-Judicial review

A Major Quasi-Judicial action provides for a Zoning Map amendment or a Comprehensive Plan Map amendment.

- A. Preapplication conference. A preapplication conference shall be required. The applicant or the Director may request a preapplication conference.
- B. Public notification. Public notice shall be mailed to the applicant of the subject property, the property owner if different, and all property owners and residents within 400 feet of the site, at least 10 days prior to the date of the scheduled hearing. Notice of a hearing shall be published once each week for two consecutive weeks in a newspaper of general circulation in the city of Milwaukie, of which the second publication shall be not less than 5 days prior to the date of the hearing. In addition, a sign that is legible from the closest street, indicating the date of the public hearing, shall be posted on the subject property not less than 10 days prior to the date of the hearing.
- C. Notice for deletion of Historic Preservation Overlay Zone. Notice for deletion of an Historic Preservation Overlay Zone shall follow the procedures of subsection 1011.4.B above. In addition, notice of a public hearing shall also be mailed to the Oregon Department of Land Conservation and Development (DLCDD).
- D. Decision. The Planning Commission shall conduct the public hearing and may deny the application or recommend approval to the City Council based on compliance with the applicable Comprehensive Plan goals and policies and compliance with subsection 903.1 of the Zoning Ordinance. A denial of the proposed amendment shall be final unless it is appealed to the City Council as provided under Section 1002. Upon a recommendation of approval of the proposed amendment by the Planning Commission, within 40 calendar days after the hearing, a report recommending approval shall be provided to the City Council. This recommendation shall include findings of fact and conclusions. The City Council shall conduct a public hearing. Public notification of this hearing shall be given as per subsection 1011.4.B above. Community Development staff shall notify the applicant, the property owner if different, and any individual who testified, either in person or in writing, at the hearing, within 5 days after the final decision.

1011.5 Legislative actions

Legislative actions provide for the establishment and modification of legislative land use policies and plans. This includes, but is not confined to a Zoning Ordinance or Comprehensive Plan text amendment, adoption of a neighborhood plan or area design guidelines, or establishment of a plan district.

- A. Public notification. Notice of a hearing shall be published once each week for two consecutive weeks in a newspaper of general circulation in the city of Milwaukie, of which the second publication shall not be less than 5 days prior to the date of the hearing. Preliminary neighborhood meetings or other public meetings may be held, as appropriate, prior to the public hearing.

- B. Decision. The Planning Commission shall conduct a public hearing and shall make a decision based on compliance with the applicable goals and policies of the Comprehensive Plan. The Planning Commission shall prepare a recommendation to the City Council. If the Commission denies the proposal, and it was the initiator of the proposal, the matter shall be terminated. If the proposal was initiated by the City Council and the Commission denies it, the proposal shall be forwarded to City Council with a report and recommendation of denial. If the proposal is approved by the Commission, a report and recommendation, including findings and conclusions, shall be forwarded to Council. The City Council shall conduct a public hearing. Public notification of this hearing shall be given as per subsection 1011.5.A above.

1012 RECESS OF HEARING

The Planning Commission or City Council may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to resume shall be announced.

1013 TIME LIMIT ON A PERMIT FOR A CONDITIONAL USE OR VARIANCE

Authorization of actions covered by Sections 600, 700, and 800 shall be void after six months unless substantial construction pursuant thereto has taken place. However, the Planning Commission may at its discretion extend authorization for an additional one year upon request.

- D. Zoning and existing uses within the tract and two hundred feet on all sides, including the location and use of all existing structures indicating those that will remain and those to be removed;
- E. Approximate location of areas subject to inundation or stormwater overflow with approximate high-water elevation. Location, width, direction, and flow of all watercourses on or abutting the tract;
- F. Natural features, such as rock outcroppings, marshes, wooded areas, and isolated preservable trees, including type and caliper;
- G. Floodway and floodplain boundary.

17.16.050. Proposed plan of land partitioning.

The following information shall be included on the preliminary plat:

- A. The location, width, name, and approximate centerline grade and curve radii of all streets; the relationship of all streets to any projected streets as planned by the City; if road will continue beyond plat, an existing ground and finished grade profile;
- B. The location, width, and purpose of easements;
- C. The location, approximate dimensions, and area of all lots;
- D. Lot and block numbers;
- E. Proposed use of the property, including sites, if any, for multifamily dwellings, shopping center, churches, industry, parks, schools, playgrounds, or public or semipublic uses.

17.16.060. Partial development.

Where the plat to be subdivided contains only part of the tract owned or controlled by the subdivider, the Planning Commission may require a sketch of a tentative layout for streets and utilities in the unsubdivided portion.

17.16.070. Supplemental information.

The following information shall be submitted with the preliminary plat:

- A. A vicinity map shall be drawn at a scale of one inch equals four hundred feet, showing all existing subdivisions, streets, and nonsubdivided land ownership between the proposed subdivision and the nearest existing arterial or collector streets and showing how proposed streets may be extended to connect with existing streets. At a minimum, the vicinity map shall depict future street connections for land within 400 feet of the subject property;
- ~~B. Pedestrian ways. In any block over 600 feet in length between intersecting street lines, a pedestrian way with a minimum right of way width of 15 feet shall be improved to a minimum width of ten feet and paved with a hard surface material. In new developments, pedestrian ways shall not be considered as a substitute for a full street connection that provides access for motor vehicles, bicycles, and pedestrians. When desirable for public convenience, pedestrian ways may be required to connect to cul-de-sacs or to pass through oddly shaped blocks. The subdivider shall install sidewalks through all pedestrian ways in conformity with standards of the city.~~

CHAPTER 17.16 PRELIMINARY PLAT

17.16.010. Submission of plans.

The subdivider shall prepare a preliminary plat and such improvement plans and other supplementary material as may be required to indicate the general objectives of the development. The subdivider shall submit twelve copies of the preliminary plat to the Public Works Director at least twenty-five days prior to the Planning Commission meeting. A filing fee, as determined from time to time by resolution of the City Council, shall be paid by the subdivider upon submission of the preliminary plat.

17.16.020. Scale.

The preliminary plat shall be drawn on a sheet eighteen inches by twenty-four inches or a multiple thereof at a scale of one inch equals one hundred feet or, for areas over one hundred acres, one inch equals two hundred feet.

17.16.030. Required information.

The following general information shall be shown on the preliminary plat:

- A. Proposed name of the subdivision. The name shall not duplicate nor resemble the name of another subdivision in the County and shall be approved by the Planning Commission;
- B. Date, north point, and scale of drawing;
- C. Appropriate identification clearly stating the map is a preliminary plat;
- D. Location of the subdivision by section, township, and range; and a legal description sufficient to define the location and boundaries of the proposed tract. Approximate acreage enclosed;
- E. Names and addresses of the owner, subdivider, and engineer or surveyor.
- F. Date the property was surveyed if available. (A survey is not required for preliminary plat.)

17.16.040. Existing conditions shown on plat.

The following existing conditions shall be shown on the preliminary plat:

- A. The location, width, and names of all existing or platted streets within or adjacent to the tract, together with easements, railroad right-of-way, and other important features, such as section lines and corners, city boundary lines, and monuments;
- B. Contour lines related to an established bench mark or other datum approved by the Public Works Director, with intervals at a minimum of two feet for slopes up to ten percent and five feet for slopes over ten percent;
- C. The location within the subdivision, and in the adjoining streets and property, of existing sewers, water mains, culverts, storm drain system, and electric conduits or lines proposed to service the property to be subdivided, and invert elevations of sewer manholes, drain pipes, and culverts;

C.B. _____ Proposed deed restrictions, if any, in outline form;

D.C. _____ Improvements to be made by the developer and the approximate time such improvements are to be completed. Sufficient detail regarding proposed improvements shall be submitted so that they may be checked for compliance with the objectives of this Ordinance, State law, and other applicable City ordinances. If the nature of the improvements is such that it is impractical to prepare all necessary details prior to approval of the preliminary plat, the additional details shall be submitted at least thirty days prior to the approval time of the final plat if requested.

17.16.080. Preliminary review of proposal.

After submission of a preliminary plat by the subdivider, the Public Works Director shall send the preliminary plat to appropriate affected agencies. Sufficient time shall be given for such agencies to provide a response. Such agencies may include the school district, State Highway Department, and Clackamas County.

17.16.090. Approval.

Preliminary plat submittals shall be processed according to Section 10.05(C) of the Zoning Ordinance, Minor Quasi-Judicial Review.

CHAPTER 17.24 CREATION OF STREETS AND WAYS

17.24.010. Creation of streets outside subdivision.

- A. The creation of a street shall be in conformance with requirements for a subdivision, except, however, the Planning Commission may approve the creation of a street to be established by deed without full compliance with the regulations applicable to subdivisions provided any of the following conditions exist:
1. The establishment of the street is initiated by the City Council or County and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street;
 2. The tract in which the street is to be dedicated is one acre or less and such dedication in the judgment of the Planning Commission is not an attempt to evade the provisions of this Ordinance governing the control of land partitioning.
- B. In those cases where approval of a street may be given without full compliance with the regulations applicable to a subdivision, a copy of the proposed deed shall be submitted to the City at least five days prior to the Planning Commission meeting at which consideration is requested. The deed and such information as may be submitted shall be reviewed by the Planning Commission and, if not in conflict with the objectives or standards of these regulations, may be approved subject to any conditions necessary to preserve these standards.

17.24.020. Creation of ways.

The Planning Commission may approve an easement of way to be established by deed without full compliance with these regulations, provided such an easement is the only responsible method by which a portion of a lot large enough to warrant partitioning into two parcels may be provided with vehicular access and adequate utilities. If the existing lot is large enough to partition into more than two parcels, ordinarily a street must be dedicated. Standards for approving such partitions without street dedication shall be adopted by the Planning Commission.

Table 17.28.020 Transportation Improvement Standards								
	MAJOR ARTERIAL		MINOR ARTERIAL		COLLECTOR		LOCAL	
	Res./ Ind.	Comm./ Inst.	Res./ Ind.	Comm./ Inst.	Res./ Ind.	Comm./ Inst.	Res.	Comm./ Inst./ Ind.
R-O-W Minimum (Set-back Sidewalk)	97'	101'	73'	77'	77'	79'	47'	65'
R-O-W Minimum (Curbed Sidewalk)	89'	95'	65'	71'	69'	71'	39'	57'
Pavement Width	72'	72'	48'	48'	52'	52'	24'	40'
Travel Lanes (#)	5	5	3	3	2	2	1+	2
— Width	12'	12'	12'	12'	12'	12'	10'	12'
Parking Lanes (#)	None	None	None	None	None, 1 or 2	None, 1 or 2	2	None, 1 or 2
— Width	—	—	—	—	8'	8'	7'	8'
Bike Lanes (#)	2	2	2	2	2	2	None	None
— Width	6'	6'	6'	6'	6'	6'	—	—
Park Strip (Minimum)	5'	5'	5'	5'	5'	5'	5'	5'
Sidewalk:								
— Curbed	7'	10'	7'	10'	7'	8'	6'	7'
— Set-Back	6'	8'	6'	8'	6'	7'	5'	6'

Notes:

Res.: Residential zones: R-10, R-7, R-5, R-3, R-2.5, R-2, R-1, PD

Ind.: Industrial zones: M, BI

Comm.: Commercial zones: R-1-B, R-O-C, C-N, C-L, C-G, C-CS

Inst.: Institutional zone overlay: CSO

(For Downtown Zones, see Downtown and Riverfront Public Area Requirements.)

1. R-O-W width includes an additional 3' for curb width (6" each) and space for construction forms behind sidewalks (1' each).

2. The number of travel lanes for major and minor arterials includes a center turn lane or median strip.

3. Minimum R-O-W and pavement widths are provided for streets with two parking lanes.

Where existing conditions, particularly the topography or the size and shape of land parcels, make it otherwise impractical to provide buildable lots, the Planning Commission may accept a narrower right-of-way. If necessary, slope or utility easements may be required.

C. Reserve strips:

Reserve strips controlling the access to streets will not be approved unless they are necessary for the protection of the public welfare or of substantial property rights, and in these cases they may be required. The control and disposal of the land composing such strips shall be placed within the jurisdiction of the City under conditions approved by the Planning Commission.

D. Alignment:

All streets other than access streets or cul-de-sacs as far as practical shall be in alignment with existing streets by continuations of the centerline thereof. In the case of access streets, jogs creating "T" intersections shall have centerline offsets of not less than two hundred fifty feet.

CHAPTER 17.28 DESIGN STANDARDS

17.28.010. Conformity of subdivision.

The subdivision shall conform with any development plans of the City and shall take into consideration any preliminary plans made in anticipation thereof. The subdivision shall conform with the requirements of State laws and with the standards established by the City.

17.28.020. Streets.

A. General.

~~Requirements and standards for the layout, design and improvement of streets, pedestrian facilities, bicycle facilities and transit facilities are included in Section 1400 of the Zoning Ordinance and are applicable to all land divisions. The location, width, and grade of streets shall be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land served by the streets. The street system shall assure an adequate traffic circulation system. Intersection angles, grades, tangents, and curves shall be appropriate for the traffic to be carried and to the terrain. Where their location is not shown in a development plan, the arrangement of streets in a subdivision shall either:~~

~~Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or~~

~~2. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.~~

~~B. Transportation improvements.~~

~~B. Transportation improvements shall meet the following standards listed in Table 17.28.020.~~

M. Streets adjacent to railroad right of way.

Whenever the proposed subdivision contains or is adjacent to a railroad right of way, provision shall be required for a street approximately parallel to and on each side of such right of way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with the due consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen plantings along the railroad right of way.

N. Frontage streets.

Where a subdivision abuts or contains an arterial street, the Planning Commission may require frontage streets, reverse frontage lots with suitable depth, screen plantings contained in a nonaccess reservation along the rear or side property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

O. Alleys.

Alleys may be provided in commercial and industrial districts, unless other permanent provisions for access to off street parking and loading facilities are made as approved by the Planning Commission. Alley intersections and sharp changes in alignment shall be avoided, but where necessary corners shall be cut off sufficiently to permit safe vehicular movement.

P. Lots in subdivisions shall be arranged so that driveways to less than four lots shall not be allowed unless it can be shown no other alternative is possible.

17.28.030. Blocks.**A. General.**

The length, width, and shape of blocks shall take into account the need for adequate lot size, convenient access, circulation, and traffic safety, and shall recognize the limitations of the topography.

B. Size Block length and perimeter.

For parcels of land to be subdivided with a total size of three acres or larger, No block may be more than eight hundred 530 feet in length between intersecting streetlines unless it is adjacent to an arterial street, except where topography, barriers including railroads, freeways, or existing development, or environmental constraints including but not limited to wetlands or water features warrant exception, or unless the topography or the location of adjoining streets justifies an exception. The average perimeter of blocks formed by streets shall not exceed 1,600 feet, except where street location is restricted by natural topography, wetlands, or other bodies of water. For the purpose of this section, "existing development" means built improvements including streets, associated utilities, and permanent residential, commercial, or institutional structures. Modification of the block length and perimeter standards shall only be permitted under variance provisions of Zoning Ordinance Section 700.

E. Future extension of streets.

~~Where necessary to give access to or permit satisfactory future subdivision of adjoining land in the opinion of the Planning Commission, streets shall be extended to the boundary of the subdivision and the resulting dead end streets may be approved without a turnaround. Consideration shall be given to grades permitting continuation. Reserve strips may be required to preserve the objectives of street extensions.~~

F. Intersection angles.

~~Streets shall be laid out to intersect at an angle as near to a right angle as practical, but in no case less than sixty degrees, unless there is a special intersection design. Right of way lines at street intersections shall have a minimum corner radius of fifteen feet.~~

G. Existing streets.

~~Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision.~~

H. Half streets.

~~Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, when in conformity with the other requirements of these regulations, and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips and street plugs may be required to protect the objectives of a half street.~~

I. Cul de sacs.

~~Cul de sacs shall only be provided when no opportunity exists for creating a through street connection. A street ending in a cul de sac shall have a maximum length of 400 feet, measured from the cross street right of way to the end of the cul de sac.~~

J. Street names.

~~No street name may be used which will duplicate or be confused with the name of an existing street. Street names and numbers shall conform to the established pattern in the city and shall be subject to the approval of the Planning Commission.~~

K. Street grades.

~~Grades shall not exceed six percent on arterial streets, three percent on minor arterial streets, ten percent on collectors and fifteen percent on local or any other street or driveway. In flat areas allowances shall be made for finished street grades having a minimum slope of 0.5 percent.~~

L. Street curves.

~~Centerline radii of curves shall not be less than three hundred feet on arterial streets, one hundred fifty feet on collector streets, or seventy five feet on other streets. On arterial streets there shall be a tangent of not less than one hundred feet between curves.~~

condominium complexes. Minimum access requirements for lots in the Downtown Zones shall conform to the standards in the Zoning Ordinance Section 312.

C. Lot sidelines.

The sidelines of lots, as far as practicable, shall run at right angles to the street upon which the lots face, or on curved streets, shall be radial to the curve.

D. Double frontage.

Double frontage and reversed frontage lots should be avoided except where essential to provide separations of residential development from railroads, traffic arteries, adjacent nonresidential uses, or to overcome specific disadvantages of topography and orientation.

17.28.070. Public open spaces.

- A. Due consideration shall be given by the subdivider to the allocation of suitable areas for schools, parks, and playgrounds to be dedicated for public use.
- B. Where a proposed park, playground, or other public use shown in a development plan adopted by the City is located in whole or in part in a subdivision, the Planning Commission may require the dedication or reservation of such area within the subdivision.
- C. Where considered desirable by the Planning Commission, and where a development plan of the City does not indicate proposed public use area, the Planning Commission may require the dedication or reservation of areas or sites of a character, extent, and location suitable for the development of parks and other public use.
- D. If the subdivider is required to reserve land area for park, playground, or other public use, such land shall be acquired by the appropriate public agency within eighteen months following plat approval, at a price agreed upon prior to approval of the plat, or such reservation shall be released to the subdivider.
- E. New residential projects will require the dedication of land if the development corresponds to park locations defined in the parks and recreation master plan.
- F. In exchange for the dedication of park land, the allowable density on the remaining lands will be increased, so that the overall parcel density remains the same.

~~17.28.040. Closed end street systems prohibited.~~

~~New subdivisions located on any closed end street system that is created after the effective date of this regulation, shall not result in more than 25 single family lots, or the resulting number of lots upon which 25 dwelling units may be developed under the regulations of the zoning district in which the subdivision is located. This provision shall not apply in cases where topography; barriers including railroads, freeways, or existing development; or environmental constraints including, but not limited to, wetlands or water features, prevent extension of a through street. For the purpose of this restriction, "existing development" shall mean built improvements including streets, associated utilities, and permanent residential, commercial, or institutional structures.~~

17.28.050. Easements.

A. Utility lines.

Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated wherever necessary. The easements shall be at least ten feet wide and centered on rear or side lot lines.

B. Watercourses.

If a subdivision is traversed by a watercourse such as a drainage way, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of the watercourse, and such further width as will be adequate for the purpose of including construction and maintenance. Streets, parkways, bicycle ways or pedestrian ways parallel to major watercourses may be required.

~~C. Pedestrian ways.~~

~~In any block over 600 feet in length between intersecting street lines, a pedestrian way with a minimum right of way width of 15 feet shall be improved to a minimum width of ten feet and paved with a hard surface material. In new developments, pedestrian ways shall not be considered as a substitute for a full street connection that provides access for motor vehicles, bicycles, and pedestrians. When desirable for public convenience, pedestrian ways may be required to connect to cul-de-sacs or to pass through oddly shaped blocks. The subdivider shall install sidewalks through all pedestrian ways in conformity with standards of the City.~~

17.28.060. Lots.

A. Size and shape.

Lot size, width, shape, and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. Minimum lot standards shall conform to the City Zoning Ordinance. In areas that are not served by a public sewer, minimum lot sizes shall be not less than the requirements for the proper installation of a sewage disposal system before a building permit will be issued.

B. Access.

Each lot shall abut upon a public street other than an alley for a width of at least thirty-five feet except for flag lots and lots for interior dwellings of single-family attached, town house, and

~~17.28.080. Pedestrian and bicycle connections.~~

~~Bicycle and pedestrian routes shall be provided to permit direct connection from the subdivision to the following:~~

~~A. nearby development such as adjoining subdivisions or other residential uses;~~

~~B. public right of ways and other bicycle and pedestrian paths;~~

~~C. existing and planned commercial services, schools, and parks; and/or~~

~~D. other neighborhoods.~~

~~Connecting routes may be provided by way of public right of way dedications or easements. Such routes shall be provided wherever possible to reduce walking distance between pedestrian destinations. Reservation of future on-site easements or right of ways for future development of improved routes may be required when the timing of development does not warrant present construction of improved paths. Provision of improved pedestrian or bicycle routes shall not eliminate any requirement to provide sidewalks along a proposed or existing roadway. All pedestrian routes shall be constructed in accordance with standards specified by the Public Works Department.~~

D. Sanitary sewers.

When the subdivision is within two hundred feet of an existing public sewer main, sanitary sewers shall be installed to serve each lot in accordance with standards adopted by the City. When the subdivision is more than two hundred feet from an existing public sewer main, the Planning Commission, with the advice of the Public Works Director, may approve alternate sewer disposal systems.

E. Drainage.

Drainage of surface water shall be provided as determined by the Planning Commission with the advice of the Public Works Director in accordance with the development plans of the City.

F. Underground utility and service facilities.

All utility lines, including, but not limited to, those required for electric, communication, lighting, and cable television services and related facilities, shall be placed underground, except surface-mounted transformers, surface-mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, high-capacity electric and communication feeder lines, and utility transmission lines operating at fifty thousand volts or above. The subdivider shall make all necessary arrangements with the serving utility to provide the underground services.

G. Street light standards.

Street light standards shall be installed in accordance with regulations adopted by the City.

H. Street signs.

Street name signs shall be installed at all street intersections and dead-end signs shall be installed at the entrance to all dead-end streets and cul-de-sacs in accordance with standards adopted by the City. Other signs may be required upon the recommendation of the Public Works Director.

I. Monuments.

Monuments shall be placed at all lot and block corners, angle points, points of curves in streets, at intermediate points and shall be of such material, size, and length as required by State law or with standards. Any monuments that are disturbed before all improvements are completed by the subdivider shall be replaced to conform to the requirements of State law.

J. Water.

Water mains and fire hydrants shall be installed to serve each lot in accordance with standards adopted by the City.

17.36.030. Guarantee.

All improvements installed by the subdivider shall be guaranteed as to workmanship and material for a period of one year following acceptance by the City. Such guarantee shall be secured by cash deposit or bond in the amount of the value of the improvements as set by the Public Works Director. Said cash or bond shall comply with the terms and conditions of Section 17.20.070 of this Ordinance.

CHAPTER 17.36 IMPROVEMENTS

17.36.010. Improvement procedures.

In addition to other requirements, improvements installed by the subdivider, either as a requirement of these regulations or at his own option, shall conform to the requirements of this Ordinance and to improvement standards and specifications followed by the City. The improvements shall be installed in accordance with the following procedure:

- A. Work shall not begin until plans have been checked for adequacy and approved by the City in writing. All such plans shall be prepared in accordance with requirements of the City.
- B. Work shall not begin until the City has been notified in advance, and if work is discontinued for any reason, it shall not be resumed until the City is notified.
- C. Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest.
- D. Provision for all underground utilities, including, but not limited to, water, sanitary sewers, and stormdrains, installed in streets by the subdivider shall be constructed prior to the surfacing of streets. Stubs for service connections shall be extended to property lines long enough to avoid disturbing the street improvements when service connections are made. How utilities are to be serviced shall be indicated.
- E. A map showing all public improvements as built shall be filed with the City upon completion of the improvements. All such maps shall be prepared in accordance with requirements of the City.

17.36.020. Required improvements.

If any part of the subdivision is within the city, the following improvements shall be installed at the expense of the subdivider:

A. Streets.

Streets within the subdivision and streets partially within the subdivision shall be graded for the entire right-of-way width, constructed and surfaced in accordance with standards adopted by the City in Section 1400 of the Zoning Ordinance. Existing streets which abut the subdivision shall be graded, constructed, reconstructed, surfaced, or repaired as determined by the Planning Commission with the advice of the Public Works Director.

B. Curbs.

Curbs shall be constructed in accordance with standards adopted by the City.

C. Sidewalks.

Sidewalks shall be constructed in accordance with standards adopted by the City.

CHAPTER 17.44 EXCEPTIONS AND VARIANCES

17.44.010. Exception—Large-scale development.

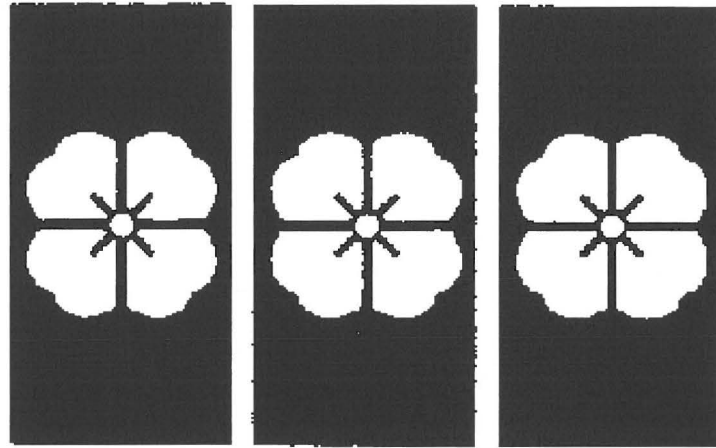
The Planning Commission may modify the standards and requirements of this Ordinance if the subdivision plat comprises a complete neighborhood unit, a large-scale shopping center, or a planned industrial area. The Planning Commission shall determine that such modifications are not detrimental to the public health, safety, and welfare and that adequate provision is made within the development for traffic circulation, open space, and other features that may be required in the public interest.

17.44.020. Variance—Application.

When necessary, the Community Development Director or the Planning Commission may authorize variances to standards within the Subdivision Ordinance following the criteria of Section ~~702~~ 700 of the Zoning Ordinance. ~~Process procedures shall be those of Section 1013 of the Zoning Ordinance.~~ In granting a variance, the Planning Commission or Community Development Director may attach conditions which they find necessary to lessen the impact of the variance on nearby property, protect the general welfare of the city, and achieve the purposes of this ordinance.

DRAFT TRANSPORTATION DESIGN MANUAL

C I T Y O F



MILWAUKIE

**CITY OF MILWAUKIE
COMMUNITY DEVELOPMENT**

August 3, 2001

VERSION 3.0

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Chapter 1

Street Design Requirements

1.1 GENERAL DESIGN REQUIREMENTS

All street designs shall provide for the safe and efficient travel of all modes of travel for the public. Streets shall be designed to meet or exceed minimum guidelines set forth in the following references and as defined in this design manual, except that alternate design specifications may be accepted by the City Engineer based upon professional judgement and acceptable engineering practices:

"A Policy on Geometric Design of Highways and Streets," American Association of State Highway and Transportation Officials (latest edition, also referred to as the "Green Book")

"Manual on Uniform Traffic Control Devices for Streets and Highways," Federal Highway Administration, with Oregon Supplements, Oregon Department of Transportation (latest edition).

"Guide for the Development of Bicycle Facilities," AASHTO (latest edition)

"American National Standard Practice for Roadway Lighting," ANSI/IESNA R-8-00, Illuminating Engineering Society of America (latest edition)

"Highway Capacity Manual," Transportation Research Board (latest edition)

"Trip Generation," Institute of Transportation Engineers (latest edition)

"Parking Generation," Institute of Transportation Engineers (latest edition)

"Regional Transportation Plan," Metro, August 10, 2000.

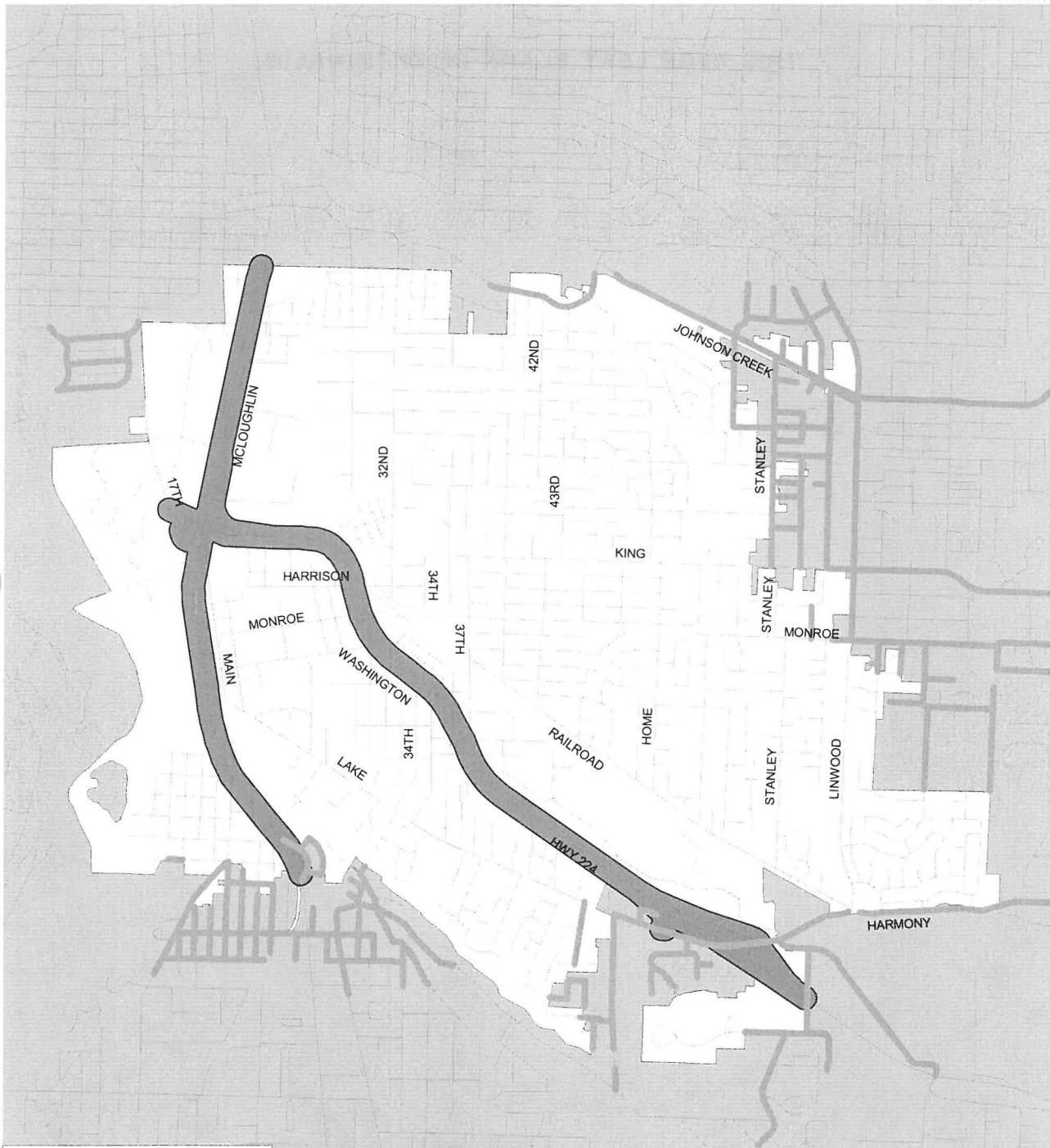
"Oregon Highway Plan," Oregon Department of Transportation, May 1999, amendment December 13, 2000.

1.2 JURISDICTION AND STREET DESIGNS

Streets within Milwaukie have elements that are under the jurisdiction of the City of Milwaukie, Oregon Department of Transportation and Clackamas County. The design standards for each of these jurisdictions apply to the streets under their control. Figure 1 shows the areas of jurisdiction for ODOT and Clackamas County (based upon the Clackamas County Road Map Atlas, 1997). Additionally, transportation facilities

operated and maintained by Tri-Met and Metro involve each of these agencies design standards. Figure 2 summarizes these areas. The 200 foot buffer area around these

**City of Milwaukie
TSP Code Implementation**



Legend

-  ODOT Jurisdiction
-  County Jurisdiction
-  City of Milwaukie



**Figure 1
ODOT and County
Jurisdiction**

City of Milwaukie
TSP Code Implementation

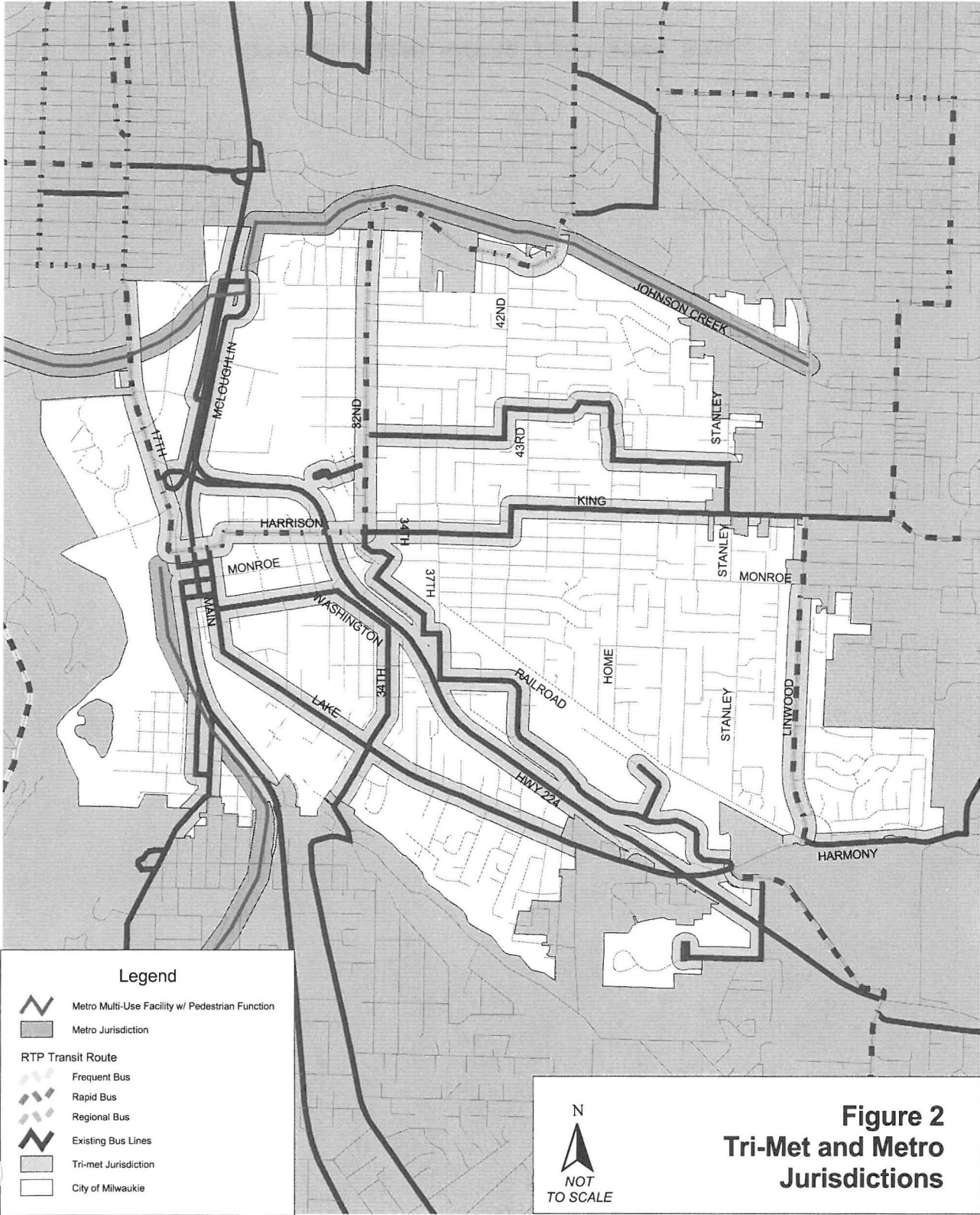


Figure 2
Tri-Met and Metro
Jurisdictions

facilities represents the notice area required in the Milwaukie Municipal Code Chapter 19.1400.

1.3 FUNCTIONAL CLASSIFICATION AND ITS RELATIONSHIP TO DESIGN

The street functional classifications as defined in Chapter 5 of the City of Milwaukie Comprehensive Plan shall be utilized to determine:

- the appropriate mix of modal activities/cross section,
- intersection and access spacing standards, and
- design parameters (design speed, curvature, grade, ...)

Classifications are defined in the Comprehensive Plan as freeways, arterials, collectors, neighborhood routes and local streets. Figure 3 summarizes the current City of Milwaukie functional classification map. The following sections outline the relationship between street design and functional classification.

1.3.1 Cross Sections/Right-of-Way/Pavement Width

Functional classification is used to group the types of street cross sections. All streets in Milwaukie shall have a minimum of 50 feet of right-of-way. Exceptions to this standard include the following:








- Arterial and collector streets with greater traffic needs (with rights-of-way defined in Figure 4);
- Certain streets within the jurisdiction of ODOT or Clackamas County;
- Cul-de-sac streets which can utilize 40 feet of right-of-way (or as approved by the City Engineer);
- Alleys in residential areas where no driveway frontage is provided or commercial areas for loading access (as approved by the City Engineer)

How is Right-of-way Determined for a Street? The standard right-of-way for a public street in Milwaukie is 50 feet. The selection of an appropriate street cross section for a local residential street is based upon ultimate traffic volume. When a residential street has a traffic volume of less than 1,500 vehicles per day, the right-of-way is width is 50 feet and the pavement cross section is 28 feet curb to curb. For residential streets that carry 1,500 or more vehicles per day, the right-of-way is width is 52 feet and the pavement cross section is 32 feet curb to curb.

Existing collector streets requiring standard 52 feet of right-of-way include the following:

- Monroe west of ORE 224
- Stanley Avenue
- 34th for 600 feet north of Lake Road
- 32nd Avenue
- 43rd Avenue/Howe Street/42nd Avenue

REVISED FUNCTIONAL CLASSIFICATION

-  FREEWAYS AND REGIONAL ROUTES
-  ARTERIALS
-  COLLECTORS
-  NEIGHBORHOOD
-  LOCALS
-  CITY OF MILWAUKIE
-  COUNTY LAND WITHIN UGBMA

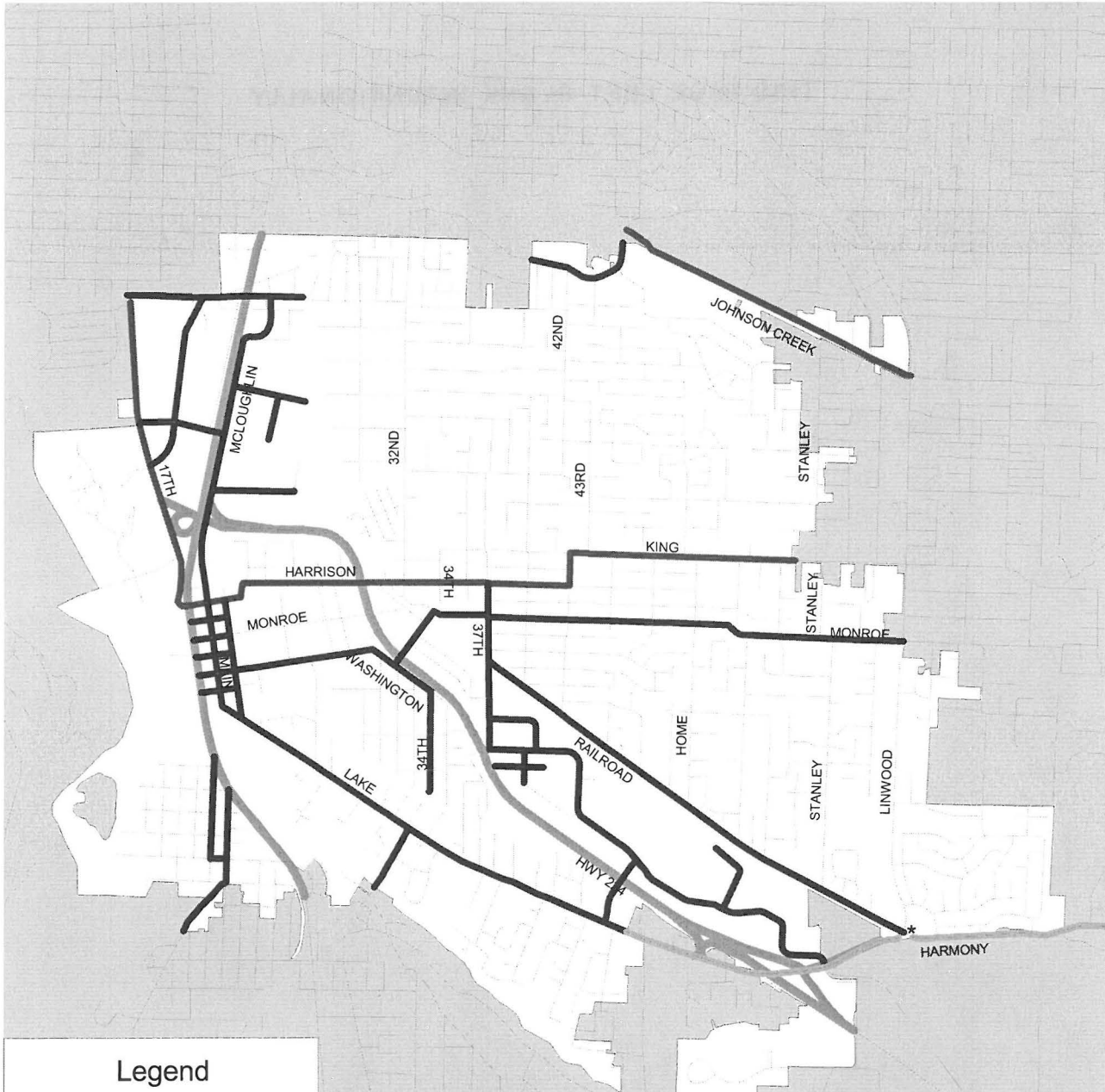
This Map is part of the Milwaukee Transportation System Plan that was adopted by the City Council on July 15, 1997 by Ordinance #1820. It is an official part of the Milwaukee Comprehensive Plan.

FIGURE 6.1

Transportation
System
Plan



City of Milwaukie
TSP Code Implementation



Legend

Street ROW width Required

- 61 feet
- 65 feet
- 73 feet
- ODOT Facility
- Clackamas County Facility
- City of Milwaukie

* Note: This section of Harmony Road is approximately 100 feet in right-of-way.



Figure 4
City Streets where 60 feet
or greater of ROW
is required

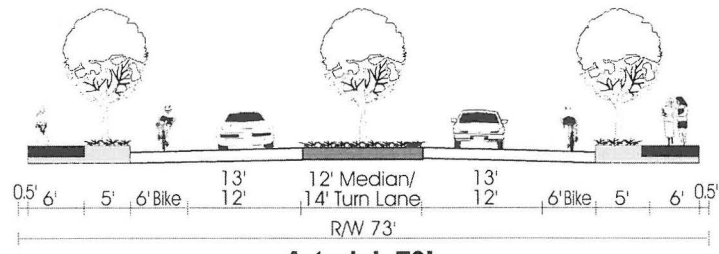
City streets where 60 feet or more of right-of-way are required are documented in Figure 2. Streets requiring 60 feet or more of required right-of-way include multi-lane streets (three lanes or more), two lane arterial/collector streets and any two-lane industrial streets.

Two other right-of-way cross sections are allowed that are less than 50 feet. For cul-de-sac streets, 40 feet of right-of-way (accommodating 24 feet curb-to-curb width) is permitted. Use of the 40 foot cross section for any other application requires written documentation regarding the safety of the application and the approval of the City Engineer. For limited application, alleys are allowed for commercial loading areas between two public streets or residential applications where dwelling units front a public street without driveways. Alleys require a 30 foot right-of-way.

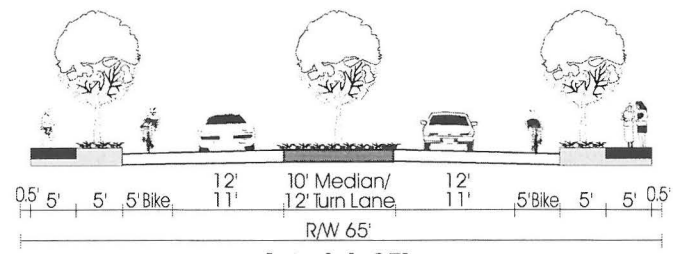
Figures 5 and 6 outline arterial/collector and local/neighborhood cross sections to be used in Milwaukie. Together with Figure 4, these provide the definitions to right-of-way needs. Any request for right-of-way deviations (Milwaukie Municipal Code Chapter 19.1400) shall be approved prior to preparation of engineering submittals or design plans to the City.

Multiple Lane Streets. The Transportation System Plan (TSP) and, where necessary, the Transportation Impact Study will provide identification of streets that require more than two lanes for travel. This includes the need for turning lanes (left or right turn) or bicycle lanes. While the TSP outlines certain locations where bicycle lanes or additional vehicle turning lanes are necessary, evaluation of site impacts may dictate provision of other turning lanes. Right-of-way for right turning lanes is not included in the cross section diagrams (Figures 5 and 6) and must be added to the basic right-of-way requirement. Additionally, where a center left turn lane is required on a two lane cross section, additional right-of-way may be necessary at such intersections.

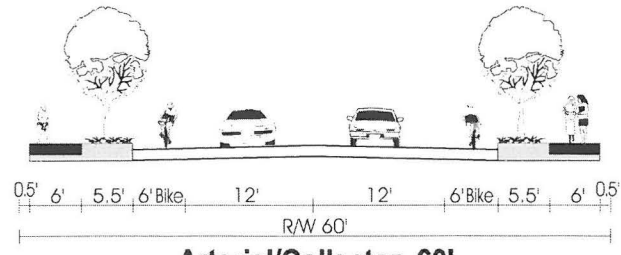
Medians. Raised medians are required for any street with five or more lanes in width in the City of Milwaukie. When medians are utilized and design speeds are at or above 35 MPH, two feet of shy distance will be required (between the face of median curb and the edge of travel lane). At design speeds of 30 MPH, one foot of shy distance should be utilized, and at or below 25 MPH, no shy distance is required. Street lighting meeting the standard for the functional classification of street shall be utilized when medians are provided.



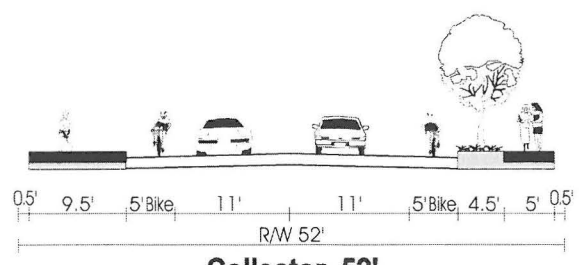
Arterial 73'



Arterial 65'



Arterial/Collector 60'



Collector 52'

Notes:

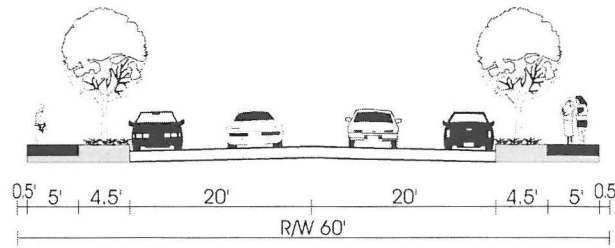
1. Turn lanes (left and right turns) may require additional right-of-way.
2. Dimension for on-street parking in addition to those stated.
3. Sidewalk 5' minimum with landscape strip. Where sidewalk is curb tight 9.5' minimum for Collector, 10' minimum for Arterial. For a landscape strip adjacent to the curb or curb tight sidewalks, width includes curb.
4. When median provided add 1' shy distance for 30 mph streets, 2' for streets 35 mph or greater.



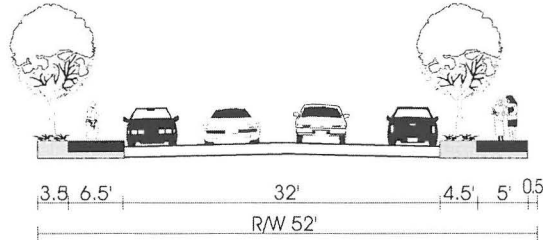
CITY OF MILWAUKIE, OREGON – PUBLIC WORKS DEPT.

ARTERIAL/COLLECTOR STREET CROSS SECTIONS

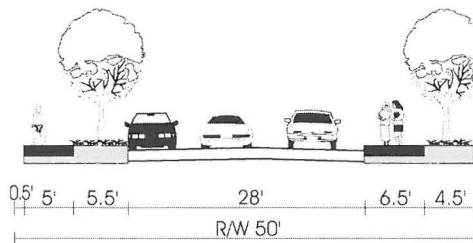
Figure 5



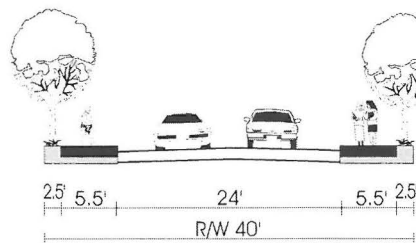
Commercial/Industrial 60'
On-street Parking



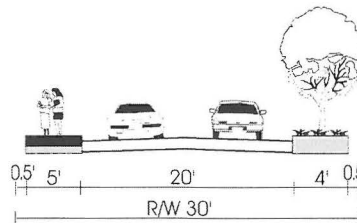
Residential 52' >1500 vpd
On-street Parking



Residential 50' <1500 vpd
One Side On-street Parking



Cul-de-sac 40' <250 vpd
No On-street Parking



Alley 30'
No On-street Parking

Notes:

1. Use of landscape strip typically symmetric about street cross section. Samples show examples of landscape strip and curb tight sidewalk for reference.
2. Sidewalk 5' minimum with landscape strip. Where sidewalk is curb tight, provide 6' sidewalk on Local/Neighborhood Street, not including curb width. For alley minimum sidewalk 4.5', for cul-de-sac minimum sidewalk 5' (not including curb width).



CITY OF MILWAUKIE, OREGON – PUBLIC WORKS DEPT.

LOCAL/NEIGHBORHOOD STREET CROSS SECTIONS

Figure 6

Design Variations. Table 1 provides design guidance where the individual street elements of a cross section may need to vary to accommodate unique features of an individual corridor (to address issues of severe topography, barriers (such as freeways, railroads) or environmental constraints (such as wetlands, water features, historic trees or other sensitive environmental features)). Table 1 is applicable only in conditions that can be described as constrained for the above reasons and provides the minimum design dimensions that can be applied to tailor a cross section to the unique circumstances, with the approval of the City Engineer.

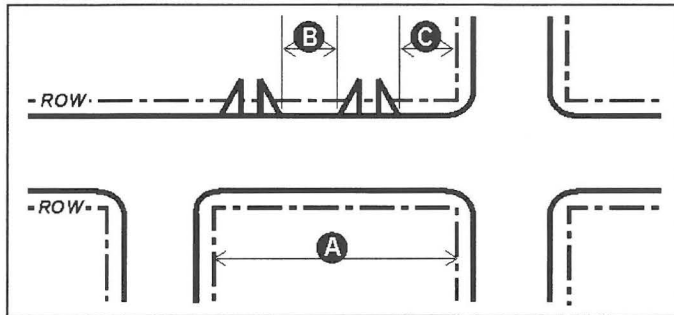
**Table 1
Minimum Criteria in Assessment of Street Cross Section Elements in Right-of-Way**

Vehicle Lane Widths: (minimum widths)	Truck Route=12 feet Bus Route=11 feet Arterial=11 feet Collector=10 feet Neighborhood=10 feet Local=9 feet Turn Lane=10 feet
On-Street Parking:	Industrial Street = 8 feet Commercial Street = 7 feet Residential Street = 6 feet
Bike Lanes: (minimum widths)	New Construction = 6 feet Reconstruction = 5 feet
Bike Accommodation: (minimum width)	New Construction=15 feet Reconstruction=14 feet
Curb Extensions for Pedestrians:	Consider on any Walkway
Sidewalks: (minimum width)	With landscape strip = 5 feet Without landscape strip = 4.5 feet* (alley), 5 feet* (culdesac) 6 feet* (local/neighborhood) 8 feet* (collector) 10 feet* (arterial)
Landscape Strips:	Preferred (Consider on any Walkway)
Medians:	5-Lane=Required 3-Lane=Optional
Neighborhood Traffic Management:	Local/Neighborhood/Collector = Appropriate (collectors must consider emergency and transit needs) Arterials = Allowable with Council approval and minimum of 50% frontage zoned residential (must also consider emergency and transit needs)
Transit	Arterial or Collector Streets (Neighborhood Streets=Under Special Circumstances
Access Control	Arterial: Max. Public Street Spacing = 1000 feet Minimum Public Street Spacing = 530 feet Collector: Max. Public Street Spacing = 600 feet Minimum Public Street Spacing = 300 feet
Turning Lanes	When required, width must be added to right-of-way at intersection (common for streets above 5,000 vehicles per day)

* - Curb tight sidewalk width does not include the width of the curb.

1.3.2 Intersections and Access Spacing

Access spacing involves the consideration of the placement of driveways and public streets in relation to one another. When traffic volumes increase and access spacing is frequent, the safety of motor vehicles, pedestrians, bicycles freight movement and transit is directly impacted. The design of intersections also influences access spacing issues. Milwaukie Municipal Code Chapter 19.1400 addresses several elements of intersection and access spacing design including:



- Minimum Spacing
- Driveways
- Clear Sight Zone
- Connectivity

This manual provides additional information regarding those elements and addresses the following:

- Intersection Alignment
- Turn Lanes
- Curb Returns

Minimum Spacing. Access spacing criteria is based upon several factors including stopping sight distance, ability of turning traffic to leave a through lane with minimal disruption to operation, minimizing right turn conflict overlaps, maximizing egress capacity and reducing compound turning conflicts where queues for turning/decelerating traffic encounter conflicting movements from entering/exiting streets/driveways. All development must have access to a public street. Access roads (public and/or private), driveways, and easements shall be in accordance with Milwaukie Municipal Code Chapter 19.1400. Minimum spacing on arterial or collector streets facilitates safe operation of traffic and preserves their functional integrity. Minimum spacing is measured between the nearest points of the right of way lines (see A above) of public streets or the top of the wings of any driveway (see B and C above).

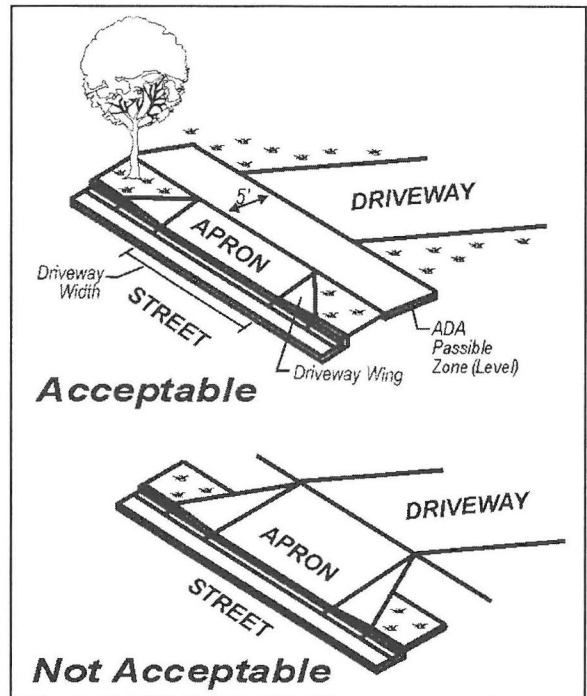
Access Studies: Any proposed access point (public street or driveway) that does not meet the minimum spacing standards shall require a transportation impact analysis to be conducted. The scoping of this study may be refined or limited, prior to analysis, with the approval of the City Engineer.

Driveways. Access to private property shall be permitted with the use of driveway curb cuts, as outlined in Milwaukie Municipal Code Chapter 19.1400. The number of driveway points with public streets shall be the minimum necessary to provide access while not inhibiting the safe circulation and carrying capacity of the street. Driveways shall meet all applicable guidelines of the Americans with Disabilities Act (ADA). This

includes a level area for passage. Driveways shall be constructed per standards shown in Figures 7 (residential) and 8 (commercial).

Shared Driveways. Within commercial, industrial, and multi-family areas, shared driveways and internal access between similar uses are encouraged to reduce the number of access points to the higher classified roadways, to improve internal site circulation, and to reduce local trips or movements on the street system. Shared driveways or internal access between uses can be established by means of common access easements at the time of development. For commercial, industrial and multi-family uses driveway placement should minimize directing traffic through local residential streets.

Shared driveways should be considered when the space between a proposed driveway and adjacent property line is less than 1/2 the minimum driveway/public street spacing standard. Driveway spacing criteria shall not be construed to prohibit access to small parcels. If minimum spacing requirement would result in no access to the site, a driveway with restricted turn movements or temporary access may be permitted until such time as adjoining parcels develop allowing for the potential to share access points.

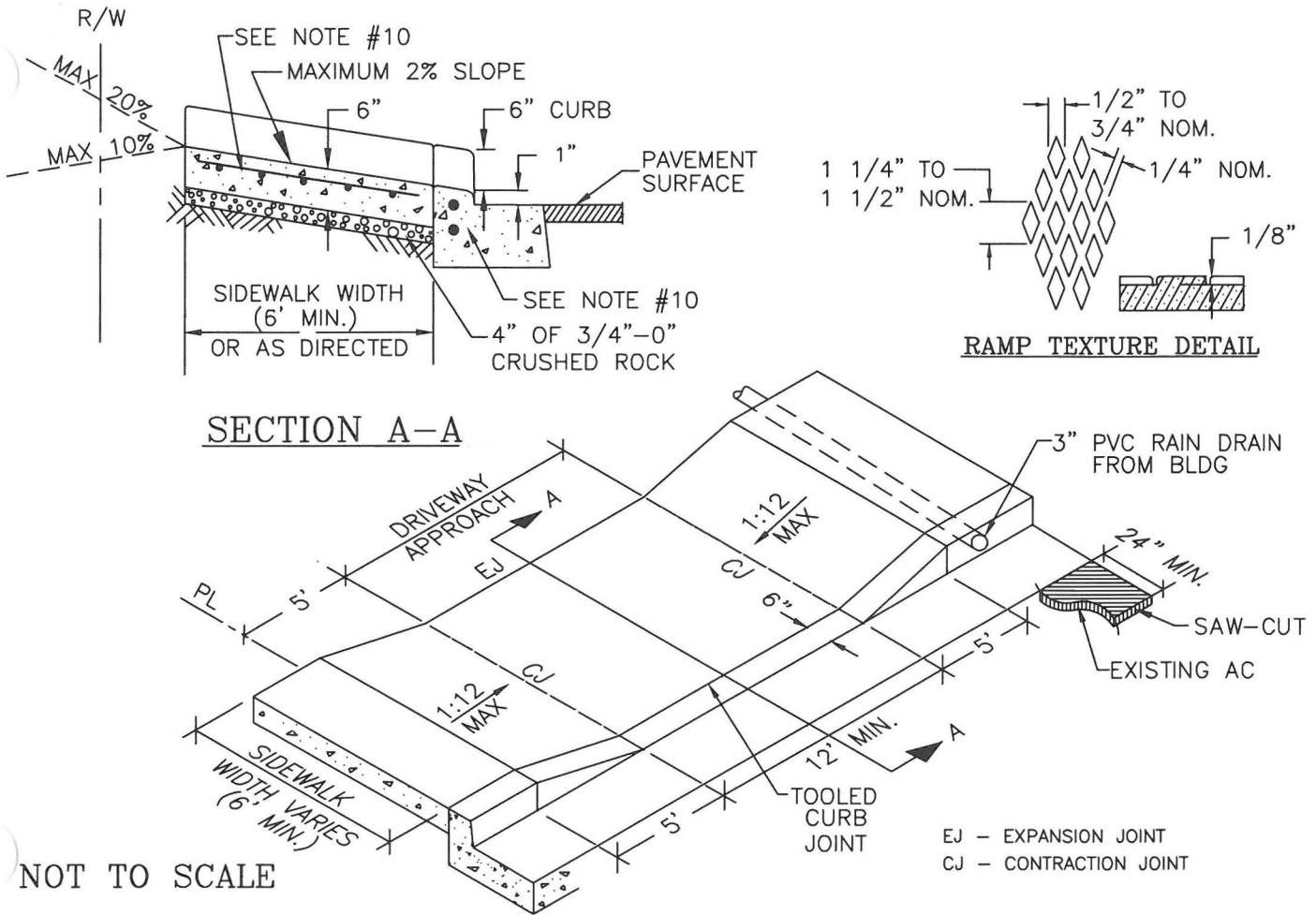


Clear Sight Zones/Sight Distance. All new or modified access points shall provide for clear sight distance meeting the requirements outlined in the AASHTO Green Book. A registered Civil or Traffic Engineer from the State of Oregon shall sign a document indicating the adequate provision of clear sight distance for every new or modified access point (driveway or public street). Within the sight distance triangle, no obstruction to sight distance above three feet high shall be permitted. This is particularly important for sight distance between vehicles and pedestrians.

AASHTO outlines sight distance requirements for various conditions. As a minimum, three conditions for sight distance must be met:

1. Intersection of public streets or driveways with arterial and collector streets where the minor street is stop controlled (AASHTO Case B1)
2. Driveways to local residential and commercial streets
3. Uncontrolled intersections of public streets (AASHTO Case A)

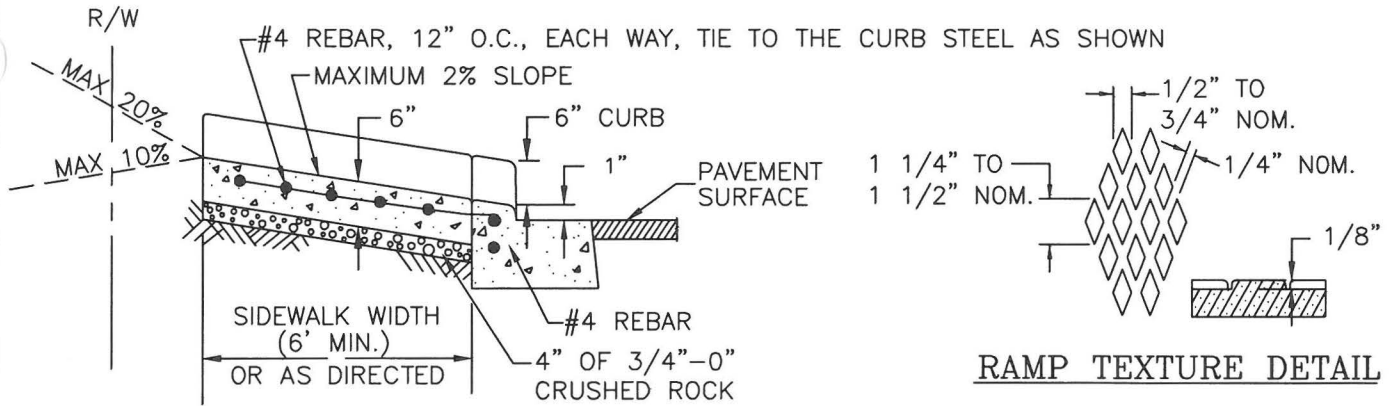
Sight distance requirements for Case B1 (vehicles turning left from a minor street stop condition) are summarized in Table 2. This criteria applies to all intersecting public streets, driveways intersecting arterial and collector streets and industrial driveways. The basic calculation assumptions are described below and outlined in the attached sketch. A driver on the approach street should be able to see each vehicle on the



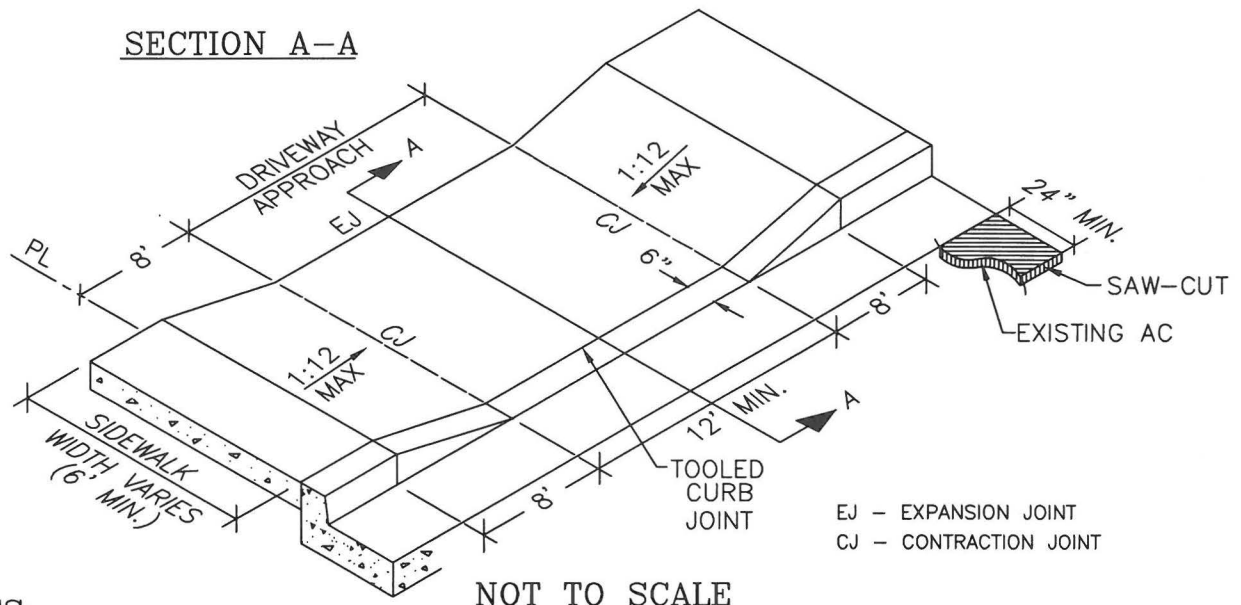
1. WIDTH OF SIDEWALK VARIES WITH STREET FUNCTIONAL CLASSIFICATION OR AS DIRECTED BY THE CITY ENGINEER.
2. EXPANSION JOINTS SHALL BE 1/2" WIDE, PREFORMED ASPHALT IMPREGNATED MATERIAL OR EQUAL EXTENDING FROM SUBGRADE TO FINISHED GRADE.
3. CONTRACTION JOINTS SHALL BE 1/8" TO 1/4" WIDE. DEPTH OF THE JOINT SHALL BE A MIN. OF 1/3 THE THICKNESS OF THE CONCRETE.
4. ALL SURFACES SHALL BE LIGHTLY BROOMED AND EDGED IN A WORKMANLIKE MANNER. PLACE TACTILE WARNING PATTERN ON RAMPS.
5. SAW CUT EXISTING CURBS THAT ARE TO BE REMOVED. IF LESS THAN 3' TO EXISTING JOINT, REMOVE TO THE JOINT.
6. EXISTING A/C IN FRONT OF THE APPROACH SHALL BE SAW CUT ALONG A LINE PARALLEL TO THE CURB AT A MIN. DISTANCE OF 24" AWAY FROM THE FACE OF THE CURB (OR CONCRETE GUTTER OUTER EDGE) AND REPLACED WITH HOT "C" MIX WITH MIN. THICKNESS OF 4" OR MATCH EXISTING, WHICHEVER IS GREATER. MAY REQUIRE INFRARED REPAIR.
7. CONCRETE SHALL BE 3500 PSI AT 28 DAYS.
8. CURB JOINT SHALL BE A TROWLED JOINT WITH A MINIMUM 1/2" RADIUS ALONG THE BACK OF CURB.
9. 8' CURB TRANSITIONS WILL BE REQUIRED IF WARRANTED BY LOCAL TRAFFIC CONDITIONS.
10. AT DISCRETION OF THE CITY ENGINEER, 6" X 6" #10 WIRE MESH IN APPROACH, #4 REBAR IN CURB AND MONO-POUR OF APPROACH & CURB MAY BE REQUIRED.

Z:\Engineer\TDDWG\APPROVED\STREETS\STR-0009 10-6-98 10:18:30 am EST

<p>CITY OF</p> <p>MILWAUKIE</p>	<p>CITY OF MILWAUKIE, OREGON - PUBLIC WORKS DEPT.</p> <p>RESIDENTIAL DRIVEWAY (CURBLINE SIDEWALK WITH ADA RAMPS)</p>	<p>DRAWING NO.</p> <p>Figure 7</p>																
<p>APPROVED</p> <p>CITY ENGINEER</p> <p>DATE</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;">NO.</th> <th style="width: 70%;">REVISIONS</th> <th style="width: 10%;">DATE</th> <th style="width: 15%;">BY</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1</td> <td>AC REPLACEMENT REQUIREMENTS, NOTES</td> <td style="text-align: center;">10/8/98</td> <td style="text-align: center;">AS</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	REVISIONS	DATE	BY	1	AC REPLACEMENT REQUIREMENTS, NOTES	10/8/98	AS									
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1	AC REPLACEMENT REQUIREMENTS, NOTES	10/8/98	AS															



RAMP TEXTURE DETAIL



NOT TO SCALE

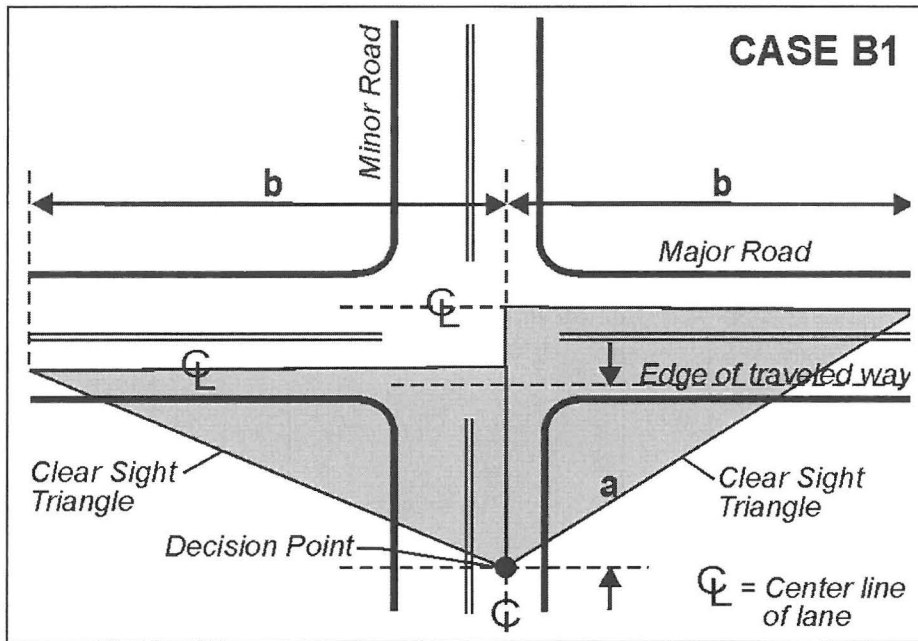
NOTES:

1. WIDTH OF SIDEWALK VARIES WITH STREET FUNCTIONAL CLASSIFICATION OR AS DIRECTED BY THE CITY ENGINEER.
2. EXPANSION JOINTS SHALL BE 1/2" WIDE, PREFORMED ASPHALT IMPREGNATED MATERIAL OR EQUAL EXTENDING FROM SUBGRADE TO FINISHED GRADE.
3. CONTRACTION JOINTS SHALL BE 1/8" TO 1/4" WIDE. DEPTH OF THE JOINT SHALL BE A MIN. OF 1/3 THE THICKNESS OF THE CONCRETE.
4. ALL SURFACES SHALL BE LIGHTLY BROOMED AND EDGED IN A WORKMANLIKE MANNER. PLACE TACTILE WARNING PATTERN ON RAMPS PER ADA STANDARDS.
5. SAW CUT EXISTING CURBS THAT ARE TO BE REMOVED. IF LESS THAN 3' TO EXISTING JOINT, REMOVE TO THE JOINT.
6. EXISTING A/C IN FRONT OF THE APPROACH SHALL BE SAW CUT ALONG A LINE PARALLEL TO THE CURB AT A MIN. DISTANCE OF 24" AWAY FROM THE FACE OF THE CURB (OR CONCRETE GUTTER OUTER EDGE) AND REPLACED WITH HOT "C" MIX WITH MIN. THICKNESS OF 4" OR MATCH EXISTING, WHICHEVER IS GREATER. MAY REQUIRE INFRARED REPAIR.
7. CONCRETE SHALL BE 3500 PSI AT 28 DAYS. 4000 PSI CONCRETE AND MONO-POUR OF APPROACH AND CURB MAY BE REQUIRED AT DISCRETION OF THE CITY ENGINEER.
8. CURB JOINT SHALL BE A TROWLED JOINT WITH A MINIMUM 1/2" RADIUS ALONG THE BACK OF CURB.

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CITY OF MILWAUKIE, OREGON - PUBLIC WORKS		DRAWING NO.													
COMMERCIAL DRIVEWAY (CURBLINE SIDEWALK WITH ADA RAMPS)		Figure 8													
APPROVED _____ CITY ENGINEER	DATE _____	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;">NO.</th> <th style="width: 60%;">REVISIONS</th> <th style="width: 15%;">DATE</th> <th style="width: 20%;">BY</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1</td> <td>AC REPLACEMENT REQUIREMENTS, NOTES</td> <td style="text-align: center;">12/9/98</td> <td style="text-align: center;">AS</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	REVISIONS	DATE	BY	1	AC REPLACEMENT REQUIREMENTS, NOTES	12/9/98	AS					
NO.	REVISIONS	DATE	BY												
1	AC REPLACEMENT REQUIREMENTS, NOTES	12/9/98	AS												

intersecting street within the criteria for sight distance established in AASHTO's Green Book. Poles, trees and similar obstructions are allowable within the sight distance area only if it can be shown that such obstructions do not prevent the continuous view of the vehicle approaching on the intersecting street.



Speed – Posted speed at 25 MPH or below. Above 25 MPH, highest of 85th percentile, design speed or posted speed for all others.

Driver Eye Position (a) – 14.4 to 17.8 feet back from near edge of traveled way, 3.5 to 7.6 feet above the pavement (to account for passenger car and truck drivers eye heights)

Edge of Travel Way – Based upon a marked edge line (such as a bicycle lane stripe or right edge line) or the edge of pavement or the extension of the curb line across the intersection or driveway throat.

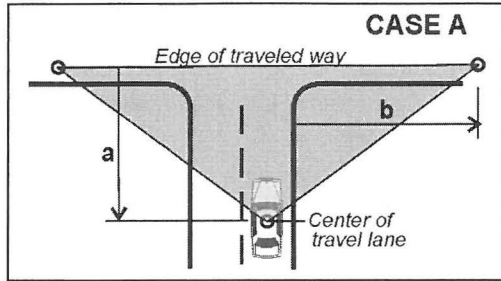
**Table 2
Corner Intersection Sight Distance Guide**

Minor Street Stop Condition: Case B1

Speed (MPH)	Minimum Corner Sight Distance – b (Feet)
20	225
25	280
30	335
35	390
40	445
45	500

Note: Use of this table does not preclude the need of designers to meet requirements set forth in the AASHTO Green Book for intersection sight distance.

When considering sight distance for driveways on residential local or neighborhood streets or commercial driveways on local streets, the (a) dimension would be 14.4 feet and would be measured to the extended curb line or six feet toward the center line of the roadway if on-street parking is allowed on the adjoining side of street. The (b) dimension is as follows (based upon AASHTO Green Book Case A, no traffic control):



- Residential local (25 MPH) b = 115 feet
- Neighborhood street (25 MPH) b = 115 feet
- Commercial local street (20 MPH) b = 90 feet

The final case is for uncontrolled intersections (no stop signs on any approach – AASHTO Case A). The criteria for this situation require the (a) and (b) dimensions to be the same (115 feet for 25 MPH, 90 feet for 20 MPH).

Connectivity. Connectivity shall conform to the Milwaukie Municipal Code Chapter 19.1400.

Intersection Alignment: New streets shall intersect with existing street intersections so that centerlines are not offset, except as provided by the public street spacing criteria in the Milwaukie Municipal Code Chapter 19.1400. Where existing streets adjacent to a proposed development do not align properly, conditions may be required of the development to provide for proper alignment. The interior angle of intersecting streets should be as close to right angles (90 degrees) as possible. In no case shall the interior angle of the centerline of an intersecting street be less than 75 degrees.

Intersection Approach Tangent. All intersections should have at least 25 feet of tangent approach to an intersection measured along the intersecting right-of-way lines.

Turn Lanes: The warrants for left or right turn lanes shall be determined by the following sources:

1. Unsignalized Left Turn Lanes – “Volume Warrants for Left Turn Storage Lanes at Unsignalized Grade Intersections,” Highway Research Board, Report Number 211, 1967.
2. Unsignalized Right Turn Lanes – “Intersection Channelization Design Guide,” National Cooperative Highway Research Program Report 279, 1985, pages 63-65.
3. Signalized Intersections – Based upon capacity needs to retain adequate performance as determined in “Highway Capacity Manual,” Transportation Research Board HCM 2000, 2000.

Turn Lane Tapers: The deceleration taper approaching turn lane can be designed as straight line or reversing curves. The length of the taper shall be defined in AASHTO’s Green Book as an 8:1 taper for design speeds of 30 mph and 15:1 for design speeds of and above 50 mph. For speeds in between 30 mph and 50 mph, taper rates should be interpolated. For design speeds below 30 mph, the minimum taper shall be as identified in the AASHTO Green Book (50 feet). For example a 12 foot left turn lane on a 30 mph street would require a 96 foot deceleration taper.

Curb Return Radius: Curb return radius at street intersections shall be designed to accommodate all expected traffic. Curb extensions and/or special crosswalk/sidewalk features designed to enhance pedestrian safety may be required to encourage pedestrian usage. Minimum curb radius required shall be as follows:

Intersection Type	Minimum Radius
Local/Neighborhood with Collector/ Local/Neighborhood	20'
Local/Neighborhood with Arterial	25'
Collector with Arterial/Collector	25'
Turning Transit Route on Arterial or Collector	35'
Arterial with Arterial	35'

Streets serving significant traffic volume, commercial/industrial properties or bus routes may be required to install larger curb radius as required for large vehicle movements, as determined by the City Engineer. Truck turning paths should be checked for each new or modified public street intersection, providing notation of truck types that are unable to turn between travel lanes without encroaching into on-coming traffic on any arterial or collector. The City Engineer or designee will need to approve any intersection design that limits any vehicle movements. Encroachment into on-coming lanes is allowable on neighborhood and local streets.

1.3.3 Design Speed

Design speeds for classified streets shall be as follows:

Arterial	30 - 45 mph
Collector	25 - 35 mph
Neighborhood	25 mph
Local	25 mph

Where the 85th percentile vehicle speed of existing traffic is a speed in excess of design speeds listed, the higher speed will be used for design purposes. For new local and neighborhood streets, design speeds will not exceed 25 mph without the approval of the City Engineer or designee (design of these streets should attempt to maintain 85th percentile speeds at the design speed). Above 35 mph, the design speed should be set 5 mph above the posted speed zone. At or below 35 mph, the design speed and posted speed should be the same.

1.3.4 Street Curvature and Grade

Horizontal Curves: Horizontal curve radius (on centerline) for each street classification shall be designed according to the roadway design speed per the AASHTO Green Book. The radius shall not be less than the following, as established in the Subdivision Ordinance:

<u>Functional Classification</u>	<u>Subdivision Ordinance</u>	<u>AASHTO Green Book</u>
Arterial	300'	600' - 750'
Collector	150'	150' - 500'
Local/Neighborhood	75'	100' - 165'

Vertical Curves: Vertical curve length shall be utilized when the profile of the street grade changes. Curves are based on the design criteria in the AASHTO Green Book which include: (1) design speed, (2) crest vertical curve, and (3) sag vertical curve. Stopping sight distance for crest and sag vertical curves shall be based on sight distance and headlight sight distance, respectively. All vertical curves shall be parabolic and the length shall be computed for each location.

Grades: Minimum grade for all streets shall be 0.0050 feet per foot (0.50%) however, in all cases street grades shall allow for proper and adequate drainage. Cul-de-sac "bulbs" shall have a minimum slope of 0.0060 feet per foot (0.60%). Maximum grades for each street classification shall be as follows:

Arterial	0.060 ft./ft.	(6%)
Collector	0.100 ft./ft.	(10%)
Neighborhood/Local/Driveway	0.150 ft./ft.	(15%)

1.3.5 Street Lighting

Street lighting along a project's frontage shall be the responsibility of each development. Where street lighting is appropriate, lighting plans shall conform to American National Standard Practice for Roadway Lighting (latest edition), by functional classification of roadway. Streets with medians will have lighting (verify with subdivision ord).

1.3.6 Neighborhood Traffic Management

The City of Milwaukie has a separate policy and process that address neighborhood traffic calming elements of a street. The program involves only residential streets. Residential streets, as defined in the plan, are either a "Local" street, a "Neighborhood Route," or a "Collector" street as identified in the Transportation System Plan. Collector streets must consider emergency and/or transit needs. Residential arterials may be considered in the neighborhood traffic management program if approved by the City Council. More than 50% of the abutting properties must be zoned Residential before the street or street section can be classified as residential. Arterials must also consider emergency and/or transit needs.

The current neighborhood traffic management plan does not address provision of traffic calming measures on new streets. However, specific measures can be considered in design that would preserve the functional integrity of local residential streets (25 MPH speeds) with the approval of the City Engineer.

1.4 OTHER TRANSPORTATION DESIGN STANDARDS

1.4.1 Stub Streets

Residential subdivisions providing public streets will, where appropriate, provide accommodations to extend streets to adjacent undeveloped lands by stubbing streets to the property line of adjacent lands. A barricade shall be placed at the end of the stub street as part of the project, including a sign that states that the stub street may be extended at a future date.

Design for cul-de-sac, turnarounds and hammerhead street ends shall be according to the requirements for fire vehicle access (Figure 9).



1.4.2 Parking

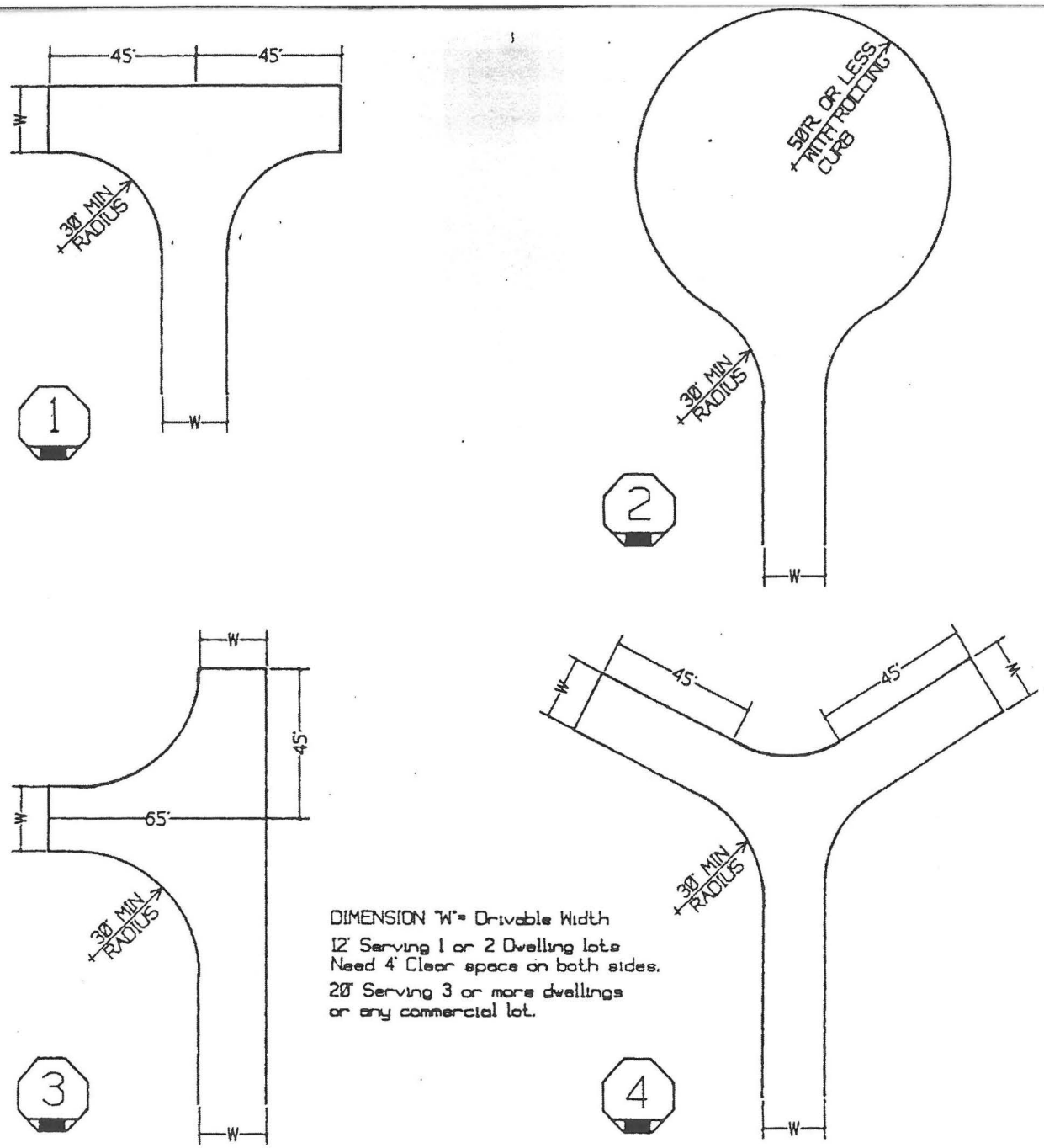
On-street parking shall be restricted as follows:

1. Arterials – On-street parking should not be allowed within the distance back from the cross street equal the 95% percentile queue of existing and future traffic (based upon forecasts from the current Transportation System Plan).
2. Collector - No parking within 40' of the point of curb return.
3. Local - No parking within 20' of the point of curb return.
4. Cul-de-sac - No parking allowed within the 50' radius cul-de-sac turnaround.

1.4.3 Sidewalks

Sidewalks with curbs shall be provided along the frontage to new developments and street projects. Sidewalks shall be buffered from the roadway to provide for the safety and comfort of pedestrians. Minimum width of sidewalks shall be five feet when separated from the street (for example with a landscape strip) and 6.0 feet when curb tight (not including the width of curb). Residential sidewalk design standards are provided on Figure 10 (STR-0037).

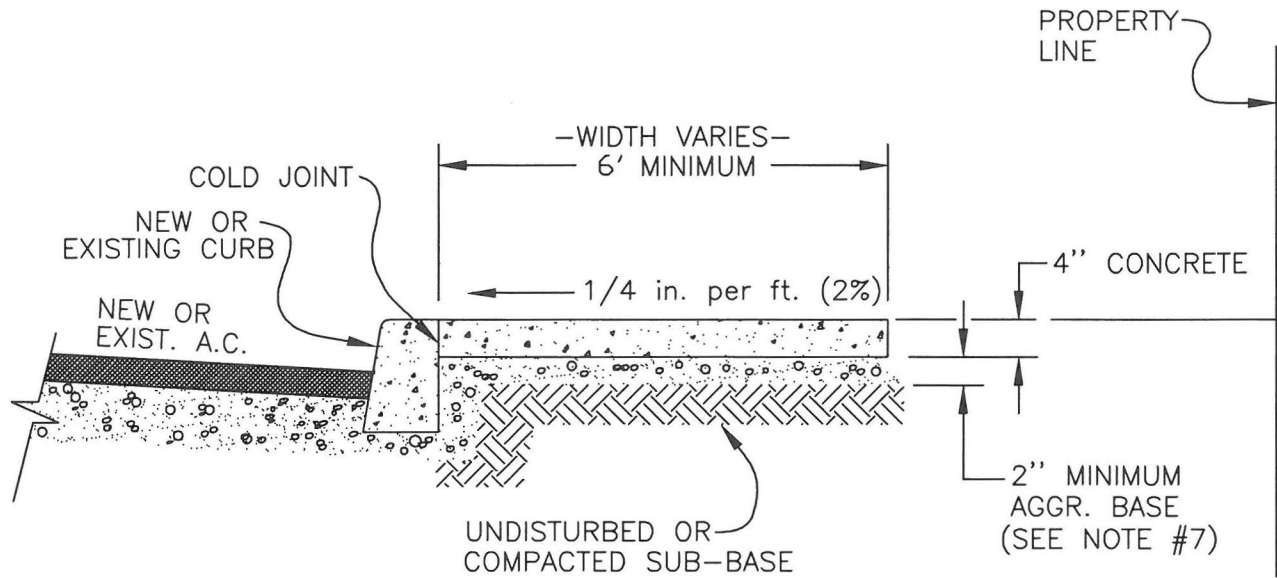
Sidewalk design shall meet the requirements of the American Disabilities Act (ADA). The following sections summarize key elements of design to address ADA needs.



DIMENSION "W" = Drivable Width
 12' Serving 1 or 2 Dwelling lots
 Need 4' Clear space on both sides.
 20' Serving 3 or more dwellings
 or any commercial lot.

<p>Not to Scale</p> <p>Drawn: Pierce Date: 3/12/97</p>	<p>Examples are minimum standard</p> <p>Local Fire Marshal approval of construction plans required prior to construction</p>	<p>FIRE VEHICLE ACCESS TURN AROUND OPTIONS</p> <p>AHJ:</p>
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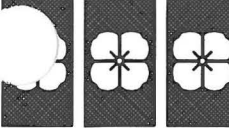
Figure 9
 Turnaround Options

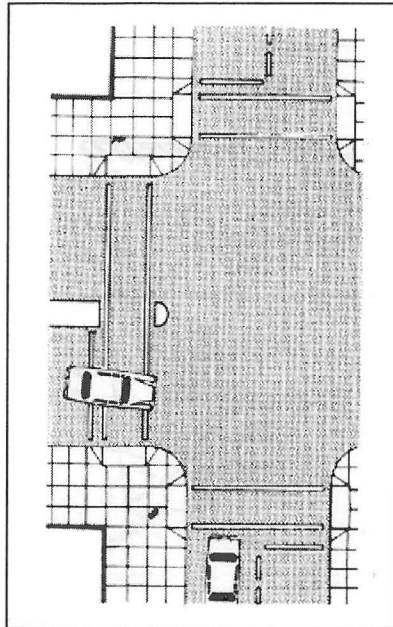


NOTES:

1. CONCRETE SHALL BE 3500 P.S.I. @ 28 DAYS (MINIMUM)
I.E., CLASS 3500-1 1/2 PER A.P.W.A. SEC. 212.1 THRU 212.4,
SLUMP RANGE 2" TO 4" (MAX.).
2. MINIMUM SIDEWALK THICKNESS SHALL BE 4".
3. 1/4" TO FT. CROSS SLOPE (2%).
4. BROOM FINISH WITH TOOLED EDGES (SHINERS NOT REQUIRED)
5. SIDEWALK PANELS SIDES SHALL BE EQUAL TO WIDTH (4x4, 5x5, etc.).
6. EXPANSION JOINTS AT EACH SIDE OF DRIVEWAY APPROACHES, AT
UTILITY VAULTS, WATER METER BOXES AND EVERY 45 FEET.
7. CONTRACTION JOINTS EVERY 15 FEET MAXIMUM.
8. AGGREGATE BASE SHALL BE 3/4" OR 1" MINUS CRUSHED ROCK
CONFORMING TO A.P.W.A. SECTION 207.2.05, COMPACTED TO
95% DENSITY PER A.P.W.A. SECTION 207.3.04B.

ATTENTION: ALL CONCRETE WORK IN THE CITY RIGHT-OF-WAY REQUIRES FORM AND SUB-GRADE INSPECTION AND APPROVAL BY PUBLIC WORKS PERSONNEL PRIOR TO POURING CONCRETE.

CITY OF  MILWAUKIE	CITY OF MILWAUKIE, OREGON – PUBLIC WORKS DEPT. RESIDENTIAL SIDEWALK (CURBTIGHT W/TYPE "C" CURB)	DRAWING NO. Figure 10
APPROVED CITY ENGINEER	NO. REVISIONS DATE BY	
DATE		



Sidewalk design shall meet the requirements of the American Disabilities Act (ADA). The following sections summarize key elements of design to address ADA needs.

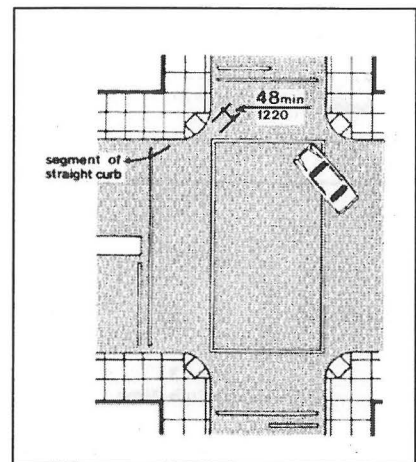
Slope and clearance: Sidewalks shall have a maximum slope equal to the slope of the roadway and a cross slope no greater than 1:50 where possible. Where steeply sloped roadways and constrained right-of-way result in steep slopes, the least possible slope shall be provided. All utilities with facilities in the sidewalk area shall locate their facilities to be in conformance with the 36 inch minimum horizontal clearance. A seven foot vertical clearance above the sidewalk shall be maintained.

Sidewalk Ramps. All intersections shall contain sidewalk ramps (for access) located within the curb return. Two (2) ramps per curb return are preferred. Locations of sidewalk ramps shall be designed with regard to storm water flows,

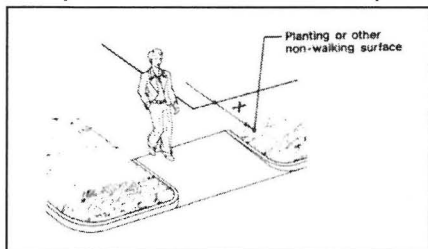
street grades, and pole locations. Other factors may also dictate sidewalk ramp location.

The minimum width of a curb ramp shall be three feet exclusive of flared sides.

If diagonal (single corner type) curb ramps are utilized, the bottom of diagonal curb ramps shall have 48 inch minimum clear space as shown .



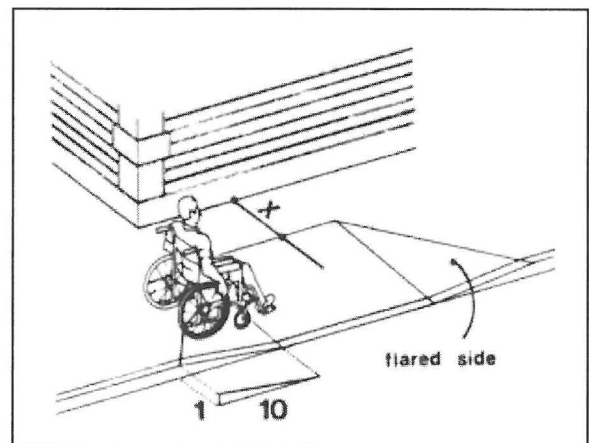
Where the sidewalk ramp is completely contained within a planting strip or other non-walking surface, so that pedestrians would not normally cross the sides, the curb ramp sides can have steep sides including vertical returned curbs.



Sidewalk ramps shall have flares with a maximum slope of 1:10. If the clearance for the landing at the top of the sidewalk ramp (measured from the top of the ramp to the edge of the walkway or closest

obstruction is denoted as "x") is less than 48 inches, then the slope of the flared side shall not exceed 1:12.

The least possible slope shall be used for any ramp. The maximum slope of a ramp in new construction shall be 1:12. Curb ramps and



ramps to be constructed on existing sites or in existing buildings or facilities where space limitations prohibit the use of a 1:12 slope (or less), slopes and rises are permitted as follows: a) a slope between 1:10 and 1:12 is allowed for a maximum rise of 6 inches; b) a slope between 1:8 and 1:10 is allowed for a maximum rise of 3 inches. A slope steeper than 1:8 is not allowed.

Mail Boxes and Large Poles. Where large poles, clustered mail boxes or other large objects are within the proposed sidewalk space, the new sidewalk design shall be widened to provide a minimum of four foot clear space.

Crosswalks. Crosswalk pavement markings shall only be used for intersections controlled by traffic signals, stop signs, or other locations approved by the City Engineer or designee. The sidewalk curb ramps shall be located wholly within the crosswalk marking limits (not including the wing flares).

1.4.4 Bicycle Facilities

The City's Comprehensive Plan adopted the "Milwaukie Bicycle Master Plan" from the Transportation System Plan. This plan summarizes the City's policy and implementation strategies for bike facilities within the City and for connection with metropolitan bike facilities. The City's plan has adopted both AASHTO and ODOT standards and criteria as the minimum guidelines for bike facilities design, construction, and control.

The City's adopted guidelines for bikeways consist of the following:

1. AASHTO, "Guide to Development of Bicycle Facilities, 1999
2. ODOT, "Oregon Bicycle & Pedestrian Plan", 1995
3. Manual on Uniform Traffic Control Devices with Oregon supplements by Oregon Transportation Commission, 2000

Design Criteria. Bicycle lanes shall be six feet wide for new construction and five feet wide for street reconstruction projects. The required width for off-street shared bicycle/pedestrian trails shall be 12 feet (8 feet is the minimum width, acceptable in constrained design circumstances due to physical, topographic or environmental features).

All bike facilities shall have a minimum cross-slope of two percent (2%) and a maximum cross-slope of five percent (5%). On curved alignments, the cross-slope shall be to the inside of the curve.

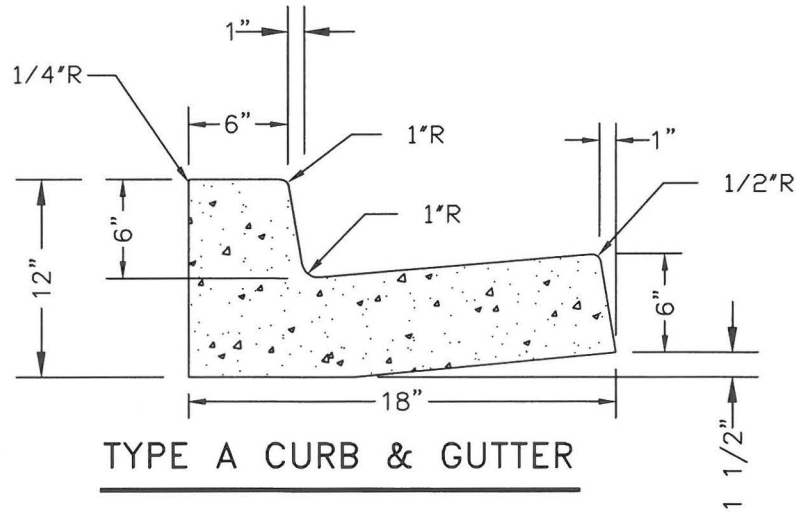
6.2 205

Off-street bicycle path curvature will be based on a minimum design speed of 20 MPH. Grades shall be limited to a maximum of five percent (5%) for off-street bicycle paths. Where topography dictates, grades over five percent (5%) are acceptable when a higher design speed is used and additional width is provided.

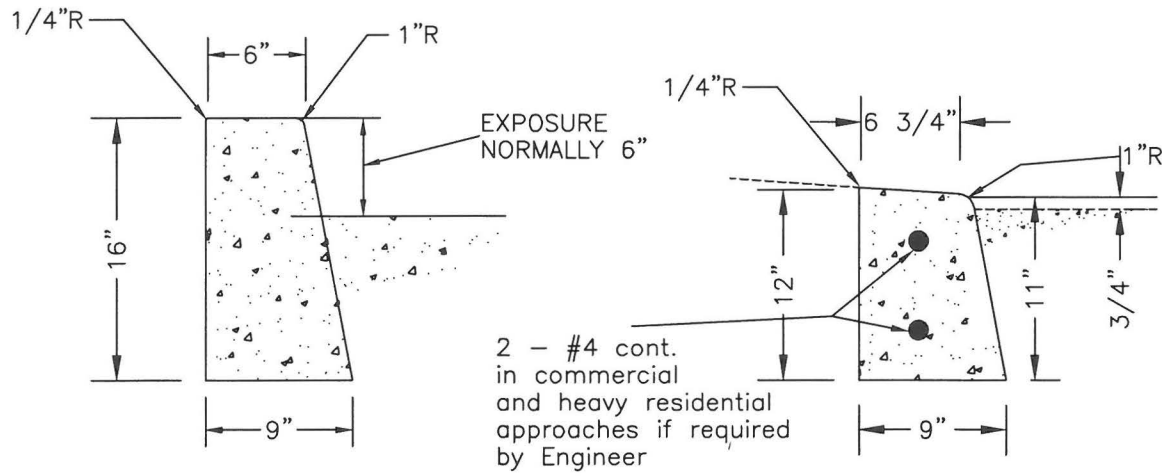
When culverts cross off-street bicycle paths or lanes, the ends of the pipe shall be no closer than five feet from the edge of the bike facility.

1.4.5 Curbs

Standard curb types are outlined in Milwaukie standard plan STR-0003 (see Figure 11).



TYPE A CURB & GUTTER



TYPE C CURB

CURB AT DRIVEWAY

NOTES:

1. Curbs and gutters shown may be used with either A.C. or P.C.C. pavements.
2. Transitions from one type curb to another will be detailed on project plans as necessary.
3. Contraction joint to be installed every 15' of curb and shall extend at least 50% through the curb or curb and gutter. Felt expansion joint to be installed every 45' of curb.
4. 3500 p.s.i. concrete to be used for all curbs, 2"-4" slump

CURB QUANTITIES CU. YD. PER LIN. FT.	
TYPE	QUANTITY
A	0.04942
C	0.03085



CITY OF MILWAUKIE, OREGON - PUBLIC WORKS DEPT.

CURB, TYPE A AND TYPE C

DRAWING NO.

Figure 11

APPROVED	NO.	REVISIONS	DATE	BY
CITY ENGINEER	DATE			

Chapter 2

Transportation Impact Study Guidelines

2.1 PURPOSE

A Transportation Impact Study documents the adequacy of the transportation system to serve a proposed land use or development proposal and the expected impacts of the proposal on the surrounding transportation system. The transportation impact study guidelines establish uniform guidelines for conducting transportation impact studies for proposed development activities, whether new or existing, which require access or modification of access to the City's street system. These guidelines are used to ensure consistent and proper planning and engineering practices in conjunction with land use actions being considered in the City.

2.2 DETERMINING WHEN A TRANSPORTATION STUDY IS REQUIRED

A threshold scoring approach will be utilized to assist in the determination of when a transportation impact study is required. The purpose of this approach is to:

- Assess the likelihood of potential adverse traffic and safety impacts of development based upon trip generation and conditions of the site and project impact area;
- Identify known traffic and transportation facility deficiencies in the impact area of the project;
- Identify transportation plans and projects anticipated in the project area; and
- Ensure traffic and transportation issues are identified and addressed prior to submission of a land use application.

2.2.1 Timing

Traffic and transportation issues will be identified in a pre-application conference to be held prior to submission of a land use application. The City Engineer will review project information, city records and other information as appropriate when applying the threshold scoring method. Vehicle trip generation rates are subject to approval by the City Engineer.

2.2.2 Method

Traffic and transportation parameters related to the project and the surrounding area including trip rates, land use, transportation plans and projects are assigned individual scores as shown in Table 3. These scores shall be used in determining when a traffic impact analysis is required for development and land use proposals. Scores are added

together to arrive at a total score. A traffic impact analysis is required when the total score is greater than 99 points.

**Table 3
Threshold System Scoring Procedure**

Parameter	Points
Any change to a land use designation, zoning district, or development standard that increases development potential, density, or intensity of use.	100
Any use over 500 vehicle trips per day (vpd)	100
Any use 300-499 vpd	75
Any use 200-299 vpd	65
Any use 100-199 vpd	45
Any use less than 100 vpd	25
Community Service Overlay Use or Conditional Use in any residential zone or within 500' of a residential zone.	60
More than 25 through trips on a local street.	50
Intersection below city Level of Service standard within 500' of the project site.	30
Project site within 500' of a school walking route.	20
Project site within 500' of a Capital Improvement Project or Transportation System Development Charge Project.	15
Project site within 250 feet of a Transportation System Plan (TSP) bikeway, walkway, or other TSP project.	10

2.3 SCOPE OF THE TRANSPORTATION IMPACT STUDY

The City Engineer shall approve the study area, intersections to be studied, trip rates, traffic distribution, and required content of the traffic study based on the following elements. The City Engineer may require the study to include elements not shown below when based on accepted practice or professional judgement.

2.3.1 Preparation

A neighborhood assessment, access study or transportation impact study shall be prepared and certified by staff and/or a registered Traffic or Civil Engineer in the State of Oregon. All costs for transportation studies *and* review shall be paid by the applicant.

2.3.2 Transportation Study Outline

The study area for a transportation impact study shall be defined in the pre-application meeting and scoping process. Generally, the study area will consist of a zone within a ½ mile radius, as determined by the City Engineer or designee. Project impacts greater than 10% above the existing traffic volumes may require a study area greater than ½ mile. A transportation Impact Study shall include the following elements, unless waived by the City Engineer (Table 4 provides the checklist that will be utilized for each project to determine study content – it will also be used to check studies for completeness):

Introduction and Summary. Include trip generation, summary of transportation operation and mitigation.

Existing Conditions. This section should include a study area description and existing study area level of service.

Impacts. This section should include a brief review of the site plan including a site plan layout, project related trip analysis, and an evaluation of the project site plan. A figure showing the assumed Future Year roadway network (number and type of lanes at each intersection) should be provided.

Mitigation. Project specific and area-wide specific mitigation measures should be recommended.

Appendix. This section should include counts, capacity calculations, warrant analysis and any information necessary to convey a complete understanding of the technical adequacy

2.3.3 Transportation Impact Study Methodology

1. Neighborhood through-traffic impact assessment as outlined in Milwaukie Municipal Code Chapter 19.1400.

2. Project description including site location map and characteristics as well as all existing and proposed land uses for the site.

3. Study area description including description of roadway (roadway classification, posted speed, ADT volumes, number of lanes, traffic control, width of road, pedestrian/bicycle facilities), transit stops and service, parking conditions, existing geometric deficiencies, collision data (vehicle, bicycle and pedestrian) at study area intersections¹, and other pertinent features. Planned roadway improvements identified in the City's Comprehensive Plan and in the Metro Regional

¹ An average of 2 collisions per year over the most recent 3 years at a particular intersection shall mandate further study of the intersection.

Table 4: TRANSPORTATION IMPACT STUDY CHECKLIST

Project Name: _____

City Reference Code: _____

Score

THRESHOLD SCORING

Transportation Impact Study Required with score of 99 or greater

Yes No Study Required Comment: _____ Date: _____

BACKGROUND INFORMATION

Yes No Oregon PE Stamp and Signature

INTRODUCTION AND SUMMARY

Yes No

EXISTING CONDITIONS

Yes No Roadway Network - summary of roadway classifications and description of study area
 Yes No Analysis Periods Correct (AM, Mid-day, PM Afternoon_____, Saturday_____, Other_____)
 Yes No Existing Traffic Operations (Existing Level of Service, traffic volumes (new counts), speeds , accident data)

IMPACTS

Yes No Trip Generation - Daily, peak hour trips generated by site development: ITE Trip Generation Manual /Survey
 Yes No Level of Service Analysis - projected LOS with site build out, existing traffic, and background traffic growth
 Yes No Future year 20 year analysis
 Yes No Signal Warrant Analysis
 Yes No Turn Lane Warrant Analysis
 Yes No Access Spacing Standards
 Yes No Analysis of sight distance at frontage road access point(s)
 Yes No Neighborhood Traffic Analysis
 Yes No Identify safe route to school or school bus stop (Contact with school district)
 Yes No Analysis of safe pedestrian/bicycle access to nearest transit stop (if within 1/2 mile of project site)
 Yes No Identify accessibility to public transit

MITIGATION

Yes No Identify need for right/left turn lanes, storage capacity and length
 Yes No Identify possible corrections of any LOS deficiencies
 Yes No Identify any access deficiencies (including transit/pedestrian/bicycle connections)
 Yes No Identify any TDM measures

FIGURES

Yes No Vicinity Map
 Yes No Site Plan
 Yes No Existing peak hour turn movement volumes (counts conducted within previous 12 months)
 Yes No Trip Distribution (%) including Added Project Peak Hour Traffic Volumes (see sample)
 Yes No Approved Projects Peak Hour Traffic Volumes (see sample)
 Yes No TSP Future Year turn movement volumes comparison
 Yes No Programmed transportation improvements and transportation mitigation outlined in study

TABLES

Yes No Intersection Performance Existing Conditions
 Yes No Project Trip Generation
 Yes No Intersection Level of Service

OTHER

Yes No Technical appendix - sufficient material to convey complete understanding of traffic issues (e.g. HCM analyses, trip generation calculations, signal warrant analyses, turn lane warrant analyses, etc.)

Completed By: _____

Date: _____

Transportation Plan should be identified. A figure showing the study area as well as a figure showing existing AM and PM peak hour intersection turn movement volumes should be provided along with estimates of bicycle, pedestrian and transit usage adjacent to the project site.

4. Identification and statement of compliance with applicable policies of the Transportation System Plan and Comprehensive Plan.

5. Volumes will be acceptable if collected within 12 months of acceptance of the transportation impact study.

6. Analysis Scenarios include existing conditions, existing + project and existing + project + other approved projects. For plan amendments and zone change projects or sites with non-conforming access, analysis using the currently available 20 year travel forecasts will be required.

7. Peak Hour shall include the evening peak (typically 4-6 PM). For land uses with significant trip generation at other times of the day (for example schools in the afternoon, employment sites in the morning peak), additional peak hour analysis may be required by the City Engineer.

8. Trip Generation will be computed based upon the Institute of Transportation Engineers *Trip Generation (current edition)*. Evaluation of the average and formula trip rates shall be provided to the City Engineer prior to commencing the study. If the City Engineer determines that the data in *Trip Generation* is not adequate or available for the proposed land use, a survey of a directly comparable site as the basis of the trip generation will be required. The trip generation rate from such surveys will be approved by the City Engineer prior to application in the Transportation Impact Study. For comprehensive plan and zoning amendments, a table comparing trip generation between the existing zoning condition and the proposed project trip generation shall be provided.

9. Intersection level of service should be determined for study area intersections for the peak hours using the *2000 Highway Capacity Manual*² (or current edition). The level of service results shall be shown in a table.

10. Project-related trip analysis shall include expected trip generation, trip distribution, and trip assignment. A table should be provided identifying the type and size of each proposed land use, daily and peak hour vehicle trip rates³ and the total number of daily and peak hour vehicle trips. A figure showing Project Trip Distribution (in percent) should be provided. Trip distributions shall be based upon 1) travel forecast model results; 2) analysis of site travel patterns document in the impact study; and/or 3) actual traffic counts or surveys of comparable uses.

² Highway Capacity Manual, Transportation Research Board HCM 2000, 2000.

³ Based upon Trip Generation, Institute of Transportation Engineers most current edition or actual similar site surveys/counts.

11. An evaluation of the project site plan should include site access locations, vehicle queue storage, left turn/right turn lane needs, pedestrian circulation and conflicts, parking, existing deficiencies, and efficiency of proposed vehicular circulation/facilities, and recommendations for on-site channelization and traffic controls.

12. An evaluation of project impacts on street operating conditions to include:

- a. An analysis of level of service and volume/capacity at study area intersections and project access points. The level of service results for study area intersections and access points should be shown in a table with the level of service calculation sheets provided in the appendix of the report. Approved projects should be those projects approved by the City yet not constructed. The City will provide a listing of approved projects (from their CIP or other funding programs).
- b. Operational analysis should include turning conflicts and queue spill-back locations which may adversely affect adjacent intersections or driveways. Turn lane warrants should be evaluated for project access points and all unsignalized study area intersections.
- c. Neighborhood street impacts will be assessed by estimating the number of vehicle trips that will travel to/from the proposed development through a residential local or neighborhood street. All such streets with greater than 10 vehicle trips per hour in any hour of the day will be identified and compared to existing traffic volumes on each street exceeding the threshold. Measures appropriate to minimize the impact of speeding, volume and noise to the neighborhood shall be identified.
- d. Assessment of pedestrian, bicycle and transit accessibility to the site.
- e. A discussion of traffic safety impacts:
 - i. Signal warrant analysis and Four-way stop analysis based on the *Manual on Uniform Traffic Control Devices for Streets and Highways* (MUTCD) should be conducted at study area unsignalized intersections. Traffic signals are intended for crossings of public streets for all modes of transportation. Their use shall be limited to those appropriate per the guidelines in OAR 731-020-300 and 731-020-400.
 - ii. Left turn lane requirements for different scenarios should utilize *A Policy on Geometric Design of Highways and Streets, (AASHTO) 1990, page 791 (or current edition)*. If storage lanes are required, the study will include the length of the storage lane needed and its storage capacity. Provision of turn lanes will be consistent with policy for arterial and collector streets.

- iii. Project access should be evaluated including sight distance requirements based on AASHTO (including but not limited to page 762).
- iv. Access spacing to adjacent driveways/public streets (including both sides of the street) shall be documented, as required in Chapter 1)
- v. Pedestrian and Bicycle safety issues. The study should address the safety of pedestrians leaving and entering the site. For residential projects it should address provision of a safe walking environment for students leaving the site and traveling to the nearest Elementary and Middle/Junior High Schools, or to the nearest school bus stop(s) serving these and High Schools. The study will also address when and where the school bus stop is provided. If school bus service is not provided, the walking path to the corresponding elementary and/or junior high schools shall be identified. The school district shall be contacted to discuss locations for bus pull-outs.⁴ For all land uses, safe pedestrian and bicycle access to the nearest transit stop (if within 1/4 mile of the development) shall be identified.
- vi. Bicycle access for the site should be identified indicating the closest bicycle lane (existing or comprehensive plan) and their status in terms of connectivity within the City.
- vii. The transit accessibility of the project shall be described and evaluated. Planned transit system changes/modifications shall be documented including bus stop locations⁵.

13. Other Issues as determined in the pre-application meeting and scoping process (provided in writing by the City). These may include citizen issues, agency issues identified in scoping letters or other transportation related concerns specific to the project site.

14. Statement of Assumptions – The transportation impact study shall clearly describe all assumptions utilized in the analysis (this material can be documented in the appendix).

2.2.4 Mitigation Requirement and Options

Mitigation measures for site access and transportation system improvements shall be required when the standard for public facilities are not met. This may include the following (subject to rough proportionality and mitigation provisions of the Milwaukie Municipal Code Chapter 19.1400):

- The location, nature, and extent of all project specific and area-wide mitigation measures to achieve acceptable operating conditions for both the short-term and long-term study year shall be identified. Mitigation of both on-site and off-site

⁴ Contact North Clackamas School District Transportation Department Director.

⁵ Contact Tri-Met Service Planning.

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transportation deficiencies reasonably related to the impacts of the proposed development shall be identified for the safe and efficient flow of motor vehicles, bicycles, pedestrians, transit and freight. The study shall discuss whether the recommended improvements (both on-site and off-site) are reasonably related to and roughly proportional to the impacts of the development.

- Where performance standards noted above are not met, mitigation measures including but not limited to street connectivity, demand management, shared access permission, lane geometry, future streets, traffic control enhancement or other measures shall be identified to correct the deficiency.



To: Planning Commission

From: Alice Rouyer, Planning Director *AR*

Subject: Matters from the Planning Director: Grant Award; North Industrial Land Use/Transportation Study

Date: August 7, 2001 for the August 14 meeting

Action Requested

No action required. Information only.

Background

Staff is pleased to announce that the City of Milwaukie has received a \$100,000 grant award from the State of Oregon Transportation & Growth Management (TGM) program. The grant will fund a land use and transportation study in the north industrial area. Below is an excerpt from the grant application, providing a brief description of the study:

Milwaukie's north industrial area is in transition. Over the past five years, several large manufacturing and distribution facilities have vacated the area, leaving large empty buildings. Over time, the City anticipates that property owners will be seeking to redevelop these properties, transitioning to other types of land uses that are more responsive to demand in the real estate market. As this area experiences pressure for redevelopment, the City needs to ensure that land uses, infrastructure, transportation, and development codes are consistent with new employers demanding space in this area. In addition, the City needs to have a cohesive plan in place to attract tenants to locate in this district who provide high quality employment. When development codes that are unresponsive to the market, local governments often face pressure to rezone these properties to other (non-industrial) commercial uses.

The City's Comprehensive Plan recognizes this area as a valuable employment asset to the City. A portion of the district is identified as a Metro Functional Plan "Employment" Area. Both Metro and

the City have acknowledged that the City is deficient in meeting its Functional Plan employment targets. The City expects this project to provide the tools needed to boost employment in the city and region.

North Industrial Project Objectives

The proposed project is intended to do the following:

- *Protect the City's employment land base, while allowing for the area to evolve to respond to changing market conditions.*
- *Identify the land use demand for redevelopment. What types of industrial uses can the City anticipate as the area redevelops in the next 20 years?*
- *Establish clear, modern land use and development regulations that are responsive to the emerging market for industrial redevelopment.*
- *Identify if existing transportation infrastructure will be able to accommodate redevelopment anticipated in the area.*
- *Develop a plan to accommodate any needed infrastructure and provide the level of access necessary to attract investment in industrial redevelopment.*
- *Seek input and participation from area property owners and adjacent neighborhood leaders.*
- *Present the plan and new regulations for adoption by elected officials.*

Over the next few months, staff will be working with Oregon Department of Transportation (ODOT) staff to develop a full scope of work for the project and a Request for Proposal to recruit a project consultant. The project is expected to begin in early 2002, depending on the scheduling for completing these early project tasks with ODOT.