



CITY OF MILWAUKIE

AGENDA

January 10, 2023

PLANNING COMMISSION

milwaukieoregon.gov

Hybrid Meeting Format: the Planning Commission will hold this meeting both in person at City Hall and through Zoom video. The public is invited to watch the meeting in person at City Hall, online through the City of Milwaukie YouTube page (https://www.youtube.com/channel/UCRFbfaq3OnDWLQKSB_m9cAw), or on Comcast Channel 30 within city limits.

If you wish to provide comments, the city encourages written comments via email at planning@milwaukieoregon.gov. Written comments should be submitted before the Planning Commission meeting begins to ensure that they can be provided to the Planning Commissioners ahead of time.

To speak during the meeting, visit the meeting webpage (<https://www.milwaukieoregon.gov/bc-pc/planning-commission-110>) and follow the Zoom webinar login instructions.

1.0 Call to Order – Procedural Matters — 6:30 PM

1.1 Native Lands Acknowledgment

2.0 Planning Commission Minutes – Motion Needed

2.1 October 25, 2022

2.2 November 8, 2022

3.0 Information Items

4.0 Audience Participation — This is an opportunity for the public to comment on any item not on the agenda

5.0 Community Involvement Advisory Committee (CIAC)

6.0 Hearing Items

6.1 Conditional Use for a Vacation Rental in the R-MD

Summary: Conditional Use for a Vacation Rental

Applicant: Crystalyn Keating

Address: 11611 SE 33rd Ave

File: CU-2002-006

Staff: Senior Planner Vera Koliass

7.0 Work Session Items

7.1 Code Amendments: Climate Friendly Equitable Communities Rulemaking

Summary: Review and provide feedback on the Climate Friendly Equitable Communities Code Amendments

Staff: Assistant Planner Ryan Dyar

7.2 Code Amendments: Housekeeping

Summary: Review and provide feedback on proposed housekeeping code amendments

Staff: Vera Koliass Senior Planner

8.0 Planning Department/Planning Commission Other Business/Updates

9.0 Forecast for Future Meetings

January 24,
2023

ZA-2022-003 cont. Downtown Design Review code amendments

Milwaukie Planning Commission Statement

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

1. **PROCEDURAL MATTERS.** If you wish to register to provide spoken comment at this meeting or for background information on agenda items please send an email to planning@milwaukieoregon.gov.
2. **PLANNING COMMISSION and CITY COUNCIL MINUTES.** City Council and Planning Commission minutes can be found on the City website at www.milwaukieoregon.gov/meetings.
3. **FORECAST FOR FUTURE MEETINGS.** These items are tentatively scheduled but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.
4. **TIME LIMIT POLICY.** The Commission intends to end each meeting by 10:00pm. The Planning Commission will pause discussion of agenda items at 9:45pm to discuss whether to continue an agenda item to a future date or finish the item.

Public Hearing Procedure

Those who wish to testify should attend the Zoom meeting posted on the city website, state their name and city of residence for the record, and remain available until the Chairperson has asked if there are any questions from the Commissioners. Speakers are asked to submit their contact information to staff via email so they may establish standing.

1. **STAFF REPORT.** Each hearing starts with a brief review of the staff report by staff. The report lists the criteria for the land use action being considered, as well as a recommended decision with reasons for that recommendation.
2. **CORRESPONDENCE.** Staff will report any verbal or written correspondence that has been received since the Commission was presented with its meeting packet.
3. **APPLICANT'S PRESENTATION.**
4. **PUBLIC TESTIMONY.** Comments or questions from interested persons and testimony from those in support or opposition of the application.
5. **QUESTIONS FROM COMMISSIONERS.** The commission will have the opportunity to ask for clarification from staff, the applicant, or those who have already testified.
6. **REBUTTAL TESTIMONY FROM APPLICANT.** After all public testimony, the commission will take rebuttal testimony from the applicant.
7. **CLOSING OF PUBLIC HEARING.** The Chairperson will close the public portion of the hearing. The Commission will then enter into deliberation. From this point in the hearing the Commission will not receive any additional testimony from the audience but may ask questions of anyone who has testified.
8. **COMMISSION DISCUSSION AND ACTION.** It is the Commission's intention to make a decision this evening on each issue on the agenda. Planning Commission decisions may be appealed to the City Council. If you wish to appeal a decision, please contact the Planning Department for information on the procedures and fees involved.
9. **MEETING CONTINUANCE.** Prior to the close of the first public hearing, any person may request an opportunity to present additional information at another time. If there is such a request, the Planning Commission will either continue the public hearing to a date certain or leave the record open for at least seven days for additional written evidence, argument, or testimony. The Planning Commission may ask the applicant to consider granting an extension of the 120-day time period for making a decision if a delay in making a decision could impact the ability of the City to take final action on the application, including resolution of all local appeals.

Meeting Accessibility Services and Americans with Disabilities Act (ADA) Notice

The city is committed to providing equal access to public meetings. To request listening and mobility assistance services contact the Office of the City Recorder at least 48 hours before the meeting by email at ocr@milwaukieoregon.gov or phone at 503-786-7502. To request Spanish language translation services email espanol@milwaukieoregon.gov at least 48 hours before the meeting. Staff will do their best to respond in a timely manner and to accommodate requests. Most Council meetings are broadcast live on the city's YouTube channel and Comcast Channel 30 in city limits.

Servicios de Accesibilidad para Reuniones y Aviso de la Ley de Estadounidenses con Discapacidades (ADA)

La ciudad se compromete a proporcionar igualdad de acceso para reuniones públicas. Para solicitar servicios de asistencia auditiva y de movilidad, favor de comunicarse a la Oficina del Registro de la Ciudad con un mínimo de 48 horas antes de la reunión por correo electrónico a ocr@milwaukieoregon.gov o llame al 503-786-7502. Para solicitar servicios de traducción al español, envíe un correo electrónico a espanol@milwaukieoregon.gov al menos 48 horas antes de la reunión. El personal hará todo lo posible para responder de manera oportuna y atender las solicitudes. La mayoría de las reuniones del Consejo de la Ciudad se transmiten en vivo en el canal de YouTube de la ciudad y el Canal 30 de Comcast dentro de los límites de la ciudad.

Milwaukie Planning Commission:

Lauren Loosveldt, Chair
Joseph Edge, Vice Chair
Aaron Carpenter
Amy Erdt
Joshua Freeman
Greg Hemer
Jacob Sherman

Planning Department Staff:

Laura Weigel, Planning Manager
Vera Koliás, Senior Planner
Brett Kolver, Senior Planner
Adam Heroux, Associate Planner
Ryan Dyar, Assistant Planner



CITY OF MILWAUKIE

PLANNING COMMISSION MINUTES

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

October 25, 2022

Present: Lauren Loosveldt, Chair
Joseph Edge, Vice chair
Amy Erdt
Greg Hemer
Robert Massey
Jacob Sherman

Staff: Justin Gericke, City Attorney
Brett Kelter, Senior Planner
Adam Heroux, Associate Planner
Laura Weigel, Planning Manager

Absent: Joshua Freeman

Council: Lisa Batey
Kathy Hyzy

(00:10:24)

1.0 Call to Order — Procedural Matters*

Chair Loosveldt called the meeting to order at 6:30 p.m., read the conduct of meeting format into the record, and Native Lands Acknowledgment.

Note: *The information presented constitutes summarized minutes only. The meeting video is available by clicking the Video link at <http://www.milwaukieoregon.gov/meetings>.*

(00:11:25)

2.0 Planning Commission Minutes

August 23, 2022, minutes were approved with a 7-0 vote.

(00:12:05)

3.0 Information Items

No information was presented for this portion of the meeting.

(00:12:18)

4.0 Audience Participation

No information was presented for this portion of the meeting.

(00:12:50)

5.0 Community Involvement Advisory Committee (CIAC)

Laura Weigel requested that follow-up items from the joint Neighborhood District Association (NDA) / Community Involvement Advisory Committee (CIAC) meeting be

revisited during the November 8, 2022, Planning Commission meeting. The Commission agreed to Weigel's request. **Commissioner Hemer** expressed his disappointment with the NDA representation at the October 11, 2022 meeting. **Hemer** encouraged staff and commissioners to create a more robust public process for the Transportation Systems Plan (TSP). **Chair Loosveldt** expressed her disappointment with the lack of NDA participation at the October 11, 2022, meeting. **Weigel** stated Jason Wachs, Community Engagement Coordinator, provided outreach to the NDAs about the meeting. **Weigel** also speculated that COVID could still be influencing in-person participation. **Weigel** assured Hemer that there will be additional opportunities for the public to engage in the TSP process. **Weigel** shared that public engagement online has been good for the Housing Capacity Needs Analysis Survey. **Loosveldt** spoke to the city's efforts to capture community engagement and applauded the city's strategies. **Commissioner Sherman** also noted his disappointment in the lack of NDA turnout and expressed his desire to find a solution. **Commissioner Massey** stated there was only one chair present at the NDA Leadership meeting and speculated the lack of leadership presence influenced the minimal NDA participation during the joint NDA/CIAC meeting. **Massey** asked Hemer if his concern is that the TSP Citizen Advisory Group is too small and does not adequately represent the community. **Hemer** stated that his concern is that people feel like their public input is not going to matter. **Hemer** pointed out that the Engage Milwaukie website collects input from the community but there is a lack of reporting back to the community. **Weigel** reiterated that her department has done extensive public outreach around all the land use projects that happened during COVID and that survey results were reported. **Hemer** noted that the Engage Milwaukie surveys do not allow for public comment. **Weigel** shared that there is a recommendation to Council to add a 7th position to the TSP Advisory Committee; to ensure all neighborhoods are represented on the committee. **Weigel** noted an additional recommendation is being made to add a second Public Safety Advisory Committee member to the TSP Advisory Council. **Hemer** explained he is going to create a report to detail findings that are of concern. **Commissioner Erdt** cautioned that any public comments shared from the Engage Milwaukie site should only be shared if a disclosure to share is on the site. **Erdt** shared her positive experience with community conversations and stated the community is engaged. **Erdt** expressed her desire to bridge the gap between community conversations and community participation in a more structured forum. **Sherman** referenced the International Association for Public Participation and the spectrum of public participation. **Sherman** stated there might be a mismatch between the type of community participation being solicited verses the type of participation the community would like. **Loosveldt** encouraged the Commission to share information and feedback about the conversations they are having, as a member of the community, with other residents.

(00:32:27)

6.0 Work Session Items

6.1 Parks Discussion

Councilor Hyzy presented to the Commission information about the City of Milwaukie's potential withdraw from North Clackamas Parks and Recreation

(NCPRD). **Hyzy** shared that City Council added a third goal in 2022; the goal to improve Milwaukie's Park System and Services. **Hyzy** explained how the two original goals, 1) Climate Change and Resilience and 2) Equity, Justice and Inclusion are relevant and supportive of the third goal. **Hyzy** highlighted the benefits of parks: livability, health, reduction in carbon dioxide, equitable access to greenspace, and community engagement. **Hyzy** reviewed current parks funding, decision making entities and Milwaukie's dedication to parks improvements. **Hyzy** noted that making the transition away from NCPRD means that Milwaukie will have more control over its parks. **Hyzy** summarized the next steps: public engagement, analysis of funding alternatives and possible revision of parks master plan. **Justin Gericke** announced a new parks website <https://www.ourmilwaukieparks.com/> and the public Parks Forum scheduled for November 10th at 6pm at the Ledding Library.

Commissioner Sherman clarified that Milwaukie has 3.93 dedicated park acreage per 1,000 residents and the State of Oregon Comprehensive Outdoor Recreation Plan guidance recommends 6.25 acres to 13.5 acres per 1,000 residents. **Councilor Batey** pointed out NCPRD's postponement of building Milwaukie Bay Park. **Councilor Hyzy** stated that over the past year, all council members, have testified at the Clackamas County Board of Commissioners to express their concerns with NCPRD.

Commissioner Sherman asked Councilors if they had heard concerns about the District Advisory Committee potentially trying to reallocate the System Development Charges (SDCs). **Councilor Batey** explained that NCPRD is looking to eliminate the required allocation of SDCs to the zones in which they were collected from; this revision would allow NCPRD to spend SDCs collected in one zone to be spent in another zone. **Councilor Hyzy** referenced the new buildings coming online in Milwaukie and speculated that roughly three million dollars in SDCs to be collected. **Hyzy** stated NCPRD is looking to pool SDCs starting as soon as January 2023.

Vice Chair Edge asked if the Councilors thought the SDC rate at .54 per \$1,000. tax rate is too low to cover expenses. **Edge** asked specifically about natural and connected habitat maintenance. **Councilor Hyzy** stated that she could not speak to the tax rate but noted that if given the authority, the City, will allocate money in alignment with values. **Hyzy** explained that city staff are currently maintaining areas, like retention ponds. **Hyzy** acknowledged that part of the work that needs to happen is to take the time to analyze the SDC rate.

Commissioner Massey asked why the county commission is slowing down the city's departure. **Councilor Batey** stated she thought some of the commission's motivation is to capture Milwaukie's SDCs and to apply those funds to the Concord Project. **Batey** shared that only Commissioner Savas lives in the district and that he often drives the direction of the District Advisory Committee (DAC). **Batey** elaborated on the Concord School Project and noted NCPRD's desire to make the old school into a community center. **Hyzy** reiterated that this is not an us and them issue. **Hyzy** explained that Milwaukie makes things happen because

of the work that the city is doing to achieve its goals. **Commissioner Hemer** asked why a separate board of governors couldn't be created if the Board of County Commissioners is the problem. **Batey** explained that this idea was something presented to the voters in 2014 but that the idea was also comingled with a rate hike, and it ultimately did not pass with the voters. **Batey** summarized that if a 5-year levy passes and Milwaukie leaves the district, a parks master planning process will happen. **Batey** stated that it would be through the master planning process that Milwaukie would discover what people want and how best to move forward with funding. **Chair Loosveldt** suggested not using the word master when referring to the parks planning process due to its negative connotation. **Batey** announced that the Parks Town Hall meeting will be November 10th 6-7:30 at the library.

(01:24:57)

7.0 Hearing Items

(01:25:03)

7.1 ZA-2022-006, Code Amendments: EV Charging Infrastructure

Brett Kelper, cited the Milwaukie Municipal Code (MMC) where the criteria can be found: MMC Section 19.902 Amendments to Maps and Ordinances and MMC Section 19.1008 Type V Review. **Kelper** reviewed the new state requirements for Electric Vehicle (EV) charging infrastructure, citing House Bill 2180 and the Climate Friendly & Equitable Communities (CFEC) Rulemaking. **Kelper** explained that House Bill 2180 is being implemented through the building code. **Kelper** shared that the climate friendly rules need to be adopted by the end of March 2023. **Kelper** stated that both HB 2180 and CFEC are applicable to new construction. **Kelper** reviewed the different levels of EV charging infrastructure. **Kelper** defined EV Capable, EV Ready, and EV Installed. **Kelper** reiterated that the goal of the new rules is to provide infrastructure that supports EV charging and that the new state rules do not require installed EV chargers nor EV-ready wiring and outlet, only conduit to parking spaces and room in the electrical panel.

Adam Heroux named the equity considerations that will be directly impacted by the new rules. **Heroux** reviewed the goals within the Climate Action Plan related to EV charging. **Heroux** shared with the Commission that City Council supported increased requirements beyond the CFEC and HB 2180 standards and requested compliance options that prioritize installed chargers. **Heroux** explained the commercial and residential compliance scenarios for minimum compliance with the new state rules and the proposed enhanced compliance options that expand the number of EV spaces above the minimum requirements. **Heroux** stated that applicants choosing to meet the minimum requirements are asked to include 5% installed chargers in commercial buildings and 10% installed chargers in multifamily residential and mixed-use buildings. **Heroux** reviewed the approval criteria for Type V Code Amendments and the decision-making options.

Commissioner Hemer confirmed that the compliance scenario chart in the staff report is the most current. **Commissioner Sherman** suggested that the compliance scenario table be made into two different tables in the code, one for commercial and one for residential. **Brett Kelper** clarified that the compliance table was for illustration purposes only and will not be included in the code. The amendments are divided into two short sections that clearly outline the different standards for commercial and residential development. **Commissioner Massey** asked how the new proposal aligns with the state building code restrictions. **Kelper** explained that providing the option for EV-charger installation versus required installation means that the proposed amendments are not subverting the building code.

Chair Loosveldt called for any public testimony—there was none.

Vice Chair Edge commended staff on their efforts to consolidate and present the amendments in a user-friendly manner while also fulfilling City Council's goals. **Chair Loosveldt** applauded staff on their due diligence and efforts to provide well-thought-out code amendments. **Commissioner Sherman** stated he liked the two pathways presented.

ZA-2022-006, Code Amendments: EV Charging Infrastructure, was approved for recommendation by a 6-0 vote.

(01:47:03)

7.2 **ZA-2022-003, Code Amendments: Downtown Design Review**

Brett Kelper, cited the Milwaukie Municipal Code (MMC) where the criteria can be found: MMC Section 19.902 Amendments to Maps and Ordinances and MMC Section 19.1008 Type V Review. **Kelper** reviewed the current code, citing the Downtown Development Standards (MMC 19.304), Downtown Design Standards (MMC 19.508), and Downtown Design Guidelines (separate document). **Kelper** pointed out challenges due to the misalignment between design standards and guidelines. **Kelper** stated that the unclear applicability of guidelines created barriers and confusion for applicants, staff, and reviewers. **Kelper** noted that some of the development standards that impact design have needed a variance instead of being funneled through the design review process. **Kelper** shared the proposed solutions: revised sections of related code (MMC 19.304, 19.508, 19.907), alignment of design guidelines and design standards and the elimination of gaps, establishment of two review paths for downtown projects (Type I & II), and repeal of the Downtown Design Guidelines document. **Kelper** named the key changes to code:

- moving design-related developments standards into design standards,
- expanding design standards from seven to 14,
- applying downtown design standards to multifamily buildings downtown,
- allowing all new buildings that meet design standards to get Type I review,
- updating most graphics

Brett Kveler recapped the Commission's work session conversation from September 27th and clarified the actions taken post work session. **Kveler** noted: the creation of a simplified list of Type I and Type II activities, the continued requirement of a 6-ft step back above the base maximum height, added provision to address blank walls on street-visible facades, and an increased max floor area ratio (FAR) to be consistent with max building height. **Kveler** called out two specific recommendations that the Commission had for Council: (1) the development of a process that would require public art be integrated into new buildings and (2) exploration of ways to expand public involvement earlier in the development process. **Kveler** reviewed the approval criteria for Type V code amendments.

Vice Chair Edge asked if the purpose of this project is to make sure there are standards for all the guidelines and guidelines for all the standards. **Edge** pointed out that it seems the amendments seek to align information. **Brett Kveler** stated there is relatively little new code and more rearranging, clarifying, and extracting the most important information from the Downtown Design Guidelines. **Edge** asked if there was much discussion amongst the Design Landmarks Committee (DLC) about public art standards. **Kveler** said there was not much discussion. **Edge** asked if the DLC recommended that the Commission do away with the 6-ft step back. **Kveler** said the DLC noted it as a question to be raised with the Commission and that the DLC did not have a strong single point recommendation about the step back. **Commissioner Hemer** asked if the requirement for a clear and objective path effectively eliminates the ability to have a public art requirement. **Kveler** stated the staff report tries to highlight the complicated factors that make it difficult for public art to be put into a clear and objective process. **Hemer** asked if it is the planning department's job to write the rules for public art. **Kveler** explained that a purpose statement, clear and objective standards, and discretionary guidelines would need to be developed to establish a public art standard. **Kveler** noted that the development of a public art program did not seem immediately accessible. **Commissioner Sherman** expressed the ambiguity that often exists within the Type III review process regarding what is a public benefit. **Sherman** noted that an applicant could tell the commission what the art is. **Kveler** noted that a process where the applicant can show staff that they are meeting the standards for public art would eliminate the need for a discretionary review in front of the commission. **Sherman** gave examples of potential standards and noted how interpretive discussions about what is art could be avoided. **Kveler** stated that the challenge would be to craft language that is specific enough to identify public art options while also being flexible enough for a developer to incorporate the type of public art they want without having the application go through a Type III review process solely because of the ambiguity of the public art.

Commissioner Massey commended the planning team on simplifying the downtown design process and expressed not wanting to miss the opportunity to incorporate a public art standard into the downtown design review process. **Commissioner Hemer** expressed concern over introducing a discretionary review

process for public art within the Type I review process. **Brett Kolver** confirmed that a discretionary process within the Type I review would not be appropriate, as it would conflict with the clear and objective standards. **Justin Gericke** explained that the applicant has the right to build once they meet the clear and objective criteria and diverting any part of the Type I process towards a discretionary component eliminates the intent of the Type I process. **Hemer** stated that a list of public art options would be needed. **Gericke** noted that the list could be endless. **Elizabeth Decker**, the consultant on this amendment project, explained that public art was not discussed in depth during the project because there are no public art standards in the current downtown design review code. **Vice Chair Edge** asked if the Type I process could require a certain amount of space be set aside for art. **Kolver** said yes, a space set aside for public art could be defined. **Edge** asked if the space and art design itself were not comingled and only the space set-aside was a factor in the Type I review process, would the Type I review meet the legal requirements. **Gericke** stated he needed to think about the process and was not sure if a space requirement was a good element to include within the clear and objective process. **Edge** explained that a building's certificate of occupancy would not be tied to the public art design but rather that a separate review process would exist to look at proposed public art design. **Gericke** said that the separate public art design review process would need to be established so that the developer would be aware of what is being asked of them. **Edge** asked if a fee in lieu of public art option could work, with funds going towards public art. **Gericke** stated that a fee in lieu of art still involves the establishment of another program. **Edge** wondered if a 1%-for-the-arts type of program would be something appropriate for the commission to explore. **Edge** explained that 1% of the development fee could be set aside for art. **Edge** asked **Gericke** if the commission's role could include recommendations to Council regarding possible avenues for the creation of a required public art component for new development. **Gericke** said both the fee in lieu of option and the 1% allocation of funds could be explored. **Gericke** clarified that the commission could make a recommendation to Council to consider options for the creation of a public arts requirement. **Sherman** stated his optimism for finding a path to public art.

Commissioner Sherman inquired about the wording within the staff report regarding public notice. **Brett Kolver** listed some of the various public notice methods that might be utilized: mailings, electronic, NDA new Letter, and signage at the site.

Vice Chair Edge stated that the public art discussion has been going on for a long time. **Edge** specified that the time is right to conclude this project with its current scope. **Edge** noted he is hopeful that public art can be formulated into clear and objective language within code but did not feel the time was right to hold up the current project. **Edge** recommended approval for the current project. **Edge** stated Council needs to be aware of how important public art is, especially in the downtown. **Edge** noted that the public art conversation needs to be robust, include various entities, and needs to evolve in a meaningful way.

Chair Loosveldt agreed with Edge's statements. **Commissioner Hemer** acknowledged that the current amount of work done to align code is robust. However, **Hemer** announced his desire to not move the work forward without the inclusion of public art and noted this may be the only real opportunity to address this topic and get something done. **Hemer** expressed frustration about past attempts to move the public art discussion into implementation. **Commissioner Massey** stated he shared Hemer's concern. **Commissioner Sherman** agreed with Hemer that now is the opportunity to do something. **Sherman** stated he was concerned that the public art topic would not find its way back into discussion. **Commissioner Erdt** asked what delaying the recommendation of the code amendments would mean for staff. **Laura Weigel** said it meant that staff would need to look at work plans and consider the complexity of the ask. **Weigel** acknowledged an uncertain timeline. **Edge** stated a city-wide public art program is what is needed to properly address this issue. **Edge** declared it is not the work of the commission to come up with such program. **Sherman** expressed that framing it as a program is not necessary and is over-complicating it.

Commissioner Sherman made a motion to continue the hearing to January 24, 2023. **Commissioner Massey** second the motion.

ZA-2022-003, Code Amendments: Downtown Design Review Commission was continued to January 24, 2023, with a 4-2 vote.

(02:54:37)

8.0 Planning Department/Planning Commission Other Business/Updates

No items discussed.

(02:54:50)

9.0 Forecast for Future Meetings

November 8, 2022	Hearing Item(s):	1. CU-2022-003 – Barbara Lynn Way conditional use for vacation rental
	Work Session Item(s):	1. Code Amendments: Climate-Friendly and Equitable Communities (tentative)
December 13, 2022	Hearing Item(s):	1. VR-2022-009 – Alpha Stone Works variance to design standards in MUTSA zone 2. Code Amendments: Climate Friendly and Equitable Communities
	Work Session Item(s):	1. Draft Housing Capacity Analysis

Meeting adjourned at approximately 9:26 p.m.

Respectfully submitted,

Suzanne Couttouw, Administrative Specialist II



CITY OF MILWAUKIE

PLANNING COMMISSION MINUTES

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

November 8, 2022

Present: Joseph Edge, Vice chair
Amy Erdt
Joshua Freeman
Greg Hemer
Jacob Sherman

Staff: Ryan Dyar, Assistant Planner
Justin Gericke, City Attorney
Laura Weigel, Planning Manager

Absent: Lauren Loosveldt, Chair
Robert Massey

(00:08:00)

1.0 Call to Order — Procedural Matters*

Vice Chair Edge called the meeting to order at 6:30 p.m., read the conduct of meeting format into the record, and Native Lands Acknowledgment.

Note: *The information presented constitutes summarized minutes only. The meeting video is available by clicking the Video link at <http://www.milwaukieoregon.gov/meetings>.*

(00:14:08)

2.0 Planning Commission Minutes

September 13, 2022, minutes were approved with a 5-0 vote.

(00:14:48)

3.0 Information Items

Laura Weigel reminded Commission that it is Election Day. **Weigel** announced that city offices will be closed on Friday, November 11th, for Veteran's Day. **Weigel** expressed appreciation to all Veterans.

(00:15:13)

4.0 Audience Participation

No information was presented for this portion of the meeting.

(00:16:13)

5.0 Community Involvement Advisory Committee (CIAC)

Laura Weigel stated follow-up items requested from the joint Neighborhood District Association (NDA) / Community Involvement Advisory Committee (CIAC) meeting will be presented during the December 13, 2022, Planning Commission meeting. **Commissioner Hemer** expressed his appreciation to staff and Council for taking a pause and reexamining the public involvement piece related to the Transportation Systems Planning process.

(00:19:16)

6.0 Hearing Items

6.1 CU-2022-003, 4843 SE Barbara Lynn Way, Conditional Use for a Vacation Rental

Ryan Dyar announced the applicable sections of the Milwaukie Municipal Code (MMC): MMC19301, MMC19905 and MMC191006. **Dyar** presented the staff report. **Dyar** gave an overview of the existing site. **Dyar** noted that the house is in the Cereghino Farms Subdivision and the subdivision was annexed into the City of Milwaukie in 2019. **Dyar** stated the property in question is zoned R-MD. **Dyar** clarified the difference between a vacation rental and a short-term rental. **Dyar** reviewed the approval criteria and pointed out the three criteria that are most relevant to the application: (1) operations and physical characteristics of proposed use are reasonably compatible with nearby uses, (2) all identified impacts will be mitigated to extent practicable and (3) proposed use will not have unmitigated nuisance impacts greater than those usually generated by uses allowed outright. **Dyar** specified that staff believe the proposal meets the criteria. **Dyar** summarized specifics to the proposal: no physical alterations are proposed, the rental is marketed towards families, the owner/operator is nearby, cameras are installed to monitor noise levels, and a rental agreement includes restrictions to mitigate potential nuisances in the neighborhood. **Dyar** noted that staff received one opposition to the proposal from a resident of Cereghino Farms Subdivision. **Dyar** explained the four options applicable to the application to the Commission. **Dyar** stated staff recommend the approval of the request and adopt the recommended findings with modifications to finding 6(a)(6) and adopt the recommended conditions of approval. **Dyar** commented on the housing affordability goal within the Comprehensive Plan and the language pertaining to monitoring and regulating vacation rentals to reduce their impact on the availability and long-term affordability of housing. **Dyar** said staff believed the proposal complies with the affordability and vacation rental language within policy 7.2.9 because of the conditional use review process.

Commissioner Hemer asked if the city has control over the rental agreement. **Justin Gericke** stated the city would not have any jurisdiction over the specific rental form being used but rather the elements in the rental agreement that are part the conditions for approval. **Commissioner Sherman** asked if the conditional use can be revoked by the city. **Gericke** said the conditional use can be revoked. **Sherman** asked if the conditional use transfers when a new owner takes

over the property. **Gericke** stated he was unsure if the conditional use would transfer. **Vice Chair Edge** asked if the covenants, conditions, and restrictions (CC&Rs) related to this property should be taken into consideration by the Commission. **Gericke** noted that CC&Rs are not part of the approval criteria.

Justine Syck, applicant, spoke about her investment into the property and noted that the CC&Rs do not have rental restrictions. **Syck** assured the Commission that someone is always available to address any unexpected needs of the property.

Lynn Schumacher, neighbor, directly adjacent to applicant's property, testified that the HOA rules stated that no homeowner shall operate a business out of their home. **Schumacher** noted the presence of many people staying for only a night or two at 4843 SE Barbara Lynn Way. **Schumacher** stated she and her family do not feel safe when new groups of people come and go. **Schumacher** noted that parties have been loud and disruptive and that cars are parked on the street. **Schumacher** explained she is not opposed to the property being used as a long-term rental but opposes the idea of having the property be a vacation rental. **Schumacher** stated the neighbors are close and try to solve problems together. **Schumacher** declared again that she does not feel safe with strangers coming and going. **Commissioner Hemer** asked if Schumacher thought parts of the rental agreement have been violated in the past. **Schumacher** speculated that the lease has been broken in the past, noting that parking three cars in the garage is impossible considering the items that are in the garage.

Charles Olson, Milwaukie Resident, asked the Commission why a conditional use permit needs to be obtained. **Vice Chair Edge** explained that the Commission needs to regulate vacation rentals to protect affordability of housing in the city. **Ryan Dyar** stated conditional uses are land uses identified that could be appropriate for a particular zone if certain conditions are met to support the proposed use. **Olson** asked if a vacation rental is considered residential use. **Dyar** stated in this situation it would be considered more commercial in nature. **Olson** pointed out the CC&Rs restrict commercial use. **Olson** wondered how residents can ensure the CC&Rs are enforced. **Justin Gericke** explained a homeowner can raise concerns with the HOA and often a mediation process can address the area of concern. **Olson** shared that an ad for the property lists the property as sleeping 12 people yet one of the conditions stipulates a maximum of 10 people. **Commissioner Sherman** asked about the fence on the property. **Schumacher** stated the fence is 6ft tall. **Sherman** inquired about the rock retaining wall and any natural screening that is in place. **Syck** stated there is not any additional barrier, but she is happy to add one.

Justine Syck stated that legal guidance she sought explained Airbnb rentals are not considered commercial use and are deemed residential use. **Syck** noted House Bill 2534 to take effect December 31, 2022. **Syck** shared the language of the House Bill 2534. **Syck** stated there have been no parties at the property. **Commissioner Erdt** asked **Syck** if she had data about the number of Airbnb homes in the area. **Syck** explained she is a realtor and likes the ability to offer her

clients a place to stay. **Syck** stated she thought there were only 2 comparable Airbnb properties in Milwaukie. **Hemer** inquired about the ad that states the property can accommodate 12 people. **Syck** said she can amend the ad on Airbnb to 10 people.

Commissioner Sherman noted that changes to the rental agreement may need to include a change to the no pet policy and a realistic number of parking spaces. **Sherman** stated privacy impacts might need to be addressed. **Vice Chair Edge** asked Justin Gericke his thoughts about the Commission's discretion to apply conditions and adjust the findings. **Justin Gericke** stated the items listed in the lease will be enforceable. **Gericke** explained that if people park on the street, it will violate the lease and a complaint could be made to the city. **Gericke** noted some conditions might not be reasonable. **Gericke** said privacy screening is something commonly dealt with in development. **Gericke** shared that the neighbors and applicant have the choice to continue their discussion to find solutions to meet all needs. **Commissioner Erdt** appreciated the applicant sharing that there are only two other comparable Airbnb rentals in Milwaukie. **Commissioner Hemer** stated a provision that would mitigate the possibility of renters climbing on the neighbor's fence would be reasonable. **Commissioner Freeman** thought more dialogue between applicant and residents was needed. **Edge** offered a 10-minute recess for staff to connect with the applicant to see if a continuance is in the best interest of all or alternatively that the Commission creates some reasonable mitigation measures that can be applied as conditions. The Commission discussed the various conditions of approval that could be addressed.

The Commission unanimously approved a 10-minute recess.

(01:34:55)

Ryan Dyar stated staff was able to discuss issues with the applicant and believe staff can recommend approval with some amendments to the findings and conditions of approval. **Dyar** shared the new amendments:

1. Parking – Staff recommend that the rental agreement restrict off street parking. Applicant agrees to use that language in rental agreement.
2. Retaining Wall – Applicant will include signs on retaining wall and fences that state no climbing on wall or fence. Applicant agrees to plant mature vegetation by the retaining wall to deter climbing.

Commissioner Hemer asked for clarification around the rental agreement. **Dyar** stated that a sample representation of a rental agreement was submitted with the application. **Dyar** explained that one of the conditions of approval could be for the applicant to adopt the sample agreement, with revisions, as the actual rental agreement to be used. **Hemer** asked if allowing pets was part of the rental agreement revision. **Dyar** stated yes. **Justin Gericke** recommended that staff use the same language on the rental agreement as submitted in the application.

Commissioner Freeman asked for clarification about signage on the property. **Gericke** explained the proposed placement of "no climbing on the wall" signage throughout the property and the applicant's willingness to put

language, that prohibits climbing on the wall, in the rental agreement.

Commissioner Sherman asked for clarification around occupancy and pets in the rental agreement. **Gericke** offered the Commission the opportunity to continue the hearing which would allow time for the rental agreement to be revised and submitted to the Commission. **Sherman** stated he would be most comfortable having the final rental agreement to refer to. **Vice Chair Edge** questioned if spelling out the changes that need to occur to the sample rental agreement, along with making the submittal of the final rental agreement, to the city, one of the conditions, could meet the needs of the Commission. **Edge** also stated the conditions could just as well be tied to the conditions of approval for the permit; the applicant can then revise the rental agreement to follow the approval. **Sherman** reviewed the discrepancies between the sample agreement and the revisions that need to happen. The group discussed the occupancy limits and whether to include children under two as part of the count. **Dyar** recommended using the age of a child to define who not to include in the occupancy count. **Edge** stated he was comfortable with children two and under not counting towards the occupancy limit of 10. **Hemer** stated preference to simply limit occupancy to 10 people. **Justine Syck** agreed to include language in the rental agreement that limits occupancy to 10 people regardless of age. **Dyar** recapped the conditions of approval:

- Modify the sample rental agreement to include language that will meet the conditions of approval.
- The modified sample rental agreement will become the final rental agreement used by the applicant.
- The applicant will add signage on the property to discourage people from climbing on retaining wall and fence.
- Vegetation will be planted to discourage climbing on walls and fence.
- Update language in sample rental agreement to include no on-street parking.
- Update language in sample rental agreement to allow one pet.

CU-2022-003, 4843 SE Barbara Lynn Way, Conditional Use for a Vacation Rental, was approved by a 5-0 vote.

(02:01:10)

7.0 Work Session Items

(02:01:13)

7.1 Code Amendments: Climate Friendly Equitable Communities (CFEC)

Ryan Dyar, reminded the Commission of the prior actions that led to the proposed code amendments: Climate Action Plan, Comprehensive Plan, Governor Browns Executive Order, City Council Direction, and the Planning Commission briefing on Climate Friendly Equitable Communities (CFEC). **Dyar** explained that included in the staff report are the removal of vehicle parking requirements, the removal of references to require parking, and minor, and non-

substantive, language changes to keep consistency within code. **Dyar** noted that there is additional opportunity to adjust code language within the rules around large parking lots and bicycle parking. **Dyar** detailed that code language amendments related to large parking lots needs to be adopted by June 30, 2023. **Dyar** noted that changes to the bicycle parking code can align with a major update to the Transportation Systems Plan. **Dyar** explained that currently the number of bike parking spaces is determined and contingent on the number of car parking spaces. **Dyar** shared that removing language around minimum parking mandates from the code creates a situation where an applicant could apply for a new development and not have to provide the number of bicycle parking spaces that the city might like to see.

Dyar reviewed the ¼ acre surface parking lot requirements. **Dyar** summarized the three options available to an applicant and stated the applicant must provide one of the three options. **Dyar** noted that the option to install solar panels or pay a \$1,500 fee-in-lieu per parking space is not a current proposal in the staff report and it is unclear if this option will be included in the final proposal due to the lack of clarity around the solar option. **Dyar** continued to outline the two additional options: comply with OAR 330-135-0010 or provide a tree canopy that covers at least 50% of the parking lot at maturity but no more than 15 years after planting. **Dyar** clarified that Oregon Administrative Rule only applies to public projects and a percentage of the project needs to go towards clean energy. **Dyar** said that staff are working to align the residential tree code with the tree canopy option as to have clear and objective criteria that be referred to. **Commissioner Hemer** confirmed a maximum number of parking spots is still a condition to adhere to. **Hemer** inquired about the tree canopy logistics. **Dyar** stated developing standards that support the tree canopy option is complex. **Dyar** explained that Urban Forestry staff have a list of specific trees that may be referred to in support of administration. **Hemer** noted the potential conflict between light standards and tree standards. **Dyar** confirmed there are a lot of design elements to adhere to and more intention might be needed from builders. **Commissioner Sherman** inquired about the issuance of performance standards related to tree canopy. **Dyar** confirmed that performance standards are required. **Sherman** asked about the guidance related to physical space around a tree. **Dyar** stated the rules also require guidance around planting. **Dyar** shared that staff may refer to the Residential Tree Code for that guidance. **Commissioner Erdt** asked about safety. **Dyar** explained the upkeep of property and storm management is addressed in other codes. **Dyar** explained that there is rule that large parking lots incorporate pedestrian infrastructure. **Vice Chair Edge** pointed out that parking design standards for large parking lots should be viewed through the lens of potential future land use and redevelopment and coded as such, to align with Section 8, Policy 8.2.2 of the Comprehensive Plan. **Dyar** said he would seek information on how to align the code in a way that supports future land use and redevelopment.

Ryan Dyar shared that new administrative rules apply to bike parking. **Dyar** reviewed the new CFEC bike parking requirements. **Dyar** explained that

amendments to code will be made once the transportation System Plan is updated. **Dyar** stated Milwaukie Municipal Code (MMC) is already in compliance with most of the new administrative rules. **Dyar** pointed out that MMC is not in compliance around the CFEC requirement which ensures sufficient space for cargo/family bike parking. **Dyar** noted staff will be further exploring and addressing this requirement. **Dyar** reiterated that the change related to CFEC is the quantity requirements related to bike parking. **Dyar** called out the non-CFEC related changes: clarification around short vs long term bicycle parking and bicycle rack design improvements. **Dyar** reviewed the various units, that are site specific, that can be taken into consideration for determining the quantity of bike parking along with other various factors to consider. **Dyar** noted that the MMC needs to incorporate clear and objective standards related to short term and long-term parking. **Dyar** expanded on rack design and explained the constraints of the Wave Rack and the School Yard Rack. **Dyar** shared that staff would like to move towards requiring the Inverted -U Rack design.

Vice Chari Edge suggested the quantity of bike parking spaces should be tied to the mode split and bike riding goals within the Transportation Systems Plan (TSP). **Laura Weigel** noted that an interim solution is needed prior to the adoption of an updated TSP. **Edge** inquired about policy that supports split targets as per the 2013 adopted TSP. **Weigel** noted that policy might not have been created but that she would investigate **Edge's** inquiry. **Commissioner Sherman** commented that long term bike parking should include charging capability for electric bikes. **Sherman** stated long term bike parking at transit is secure. **Edge** noted that bike parking needs are contingent on a person's route and may change often. **Dyar** noted bike parking within residential, multifamily, and mixed use is determined using current code language, but all other land uses need to be addressed. **Dyar** stated factors like mode share goal, number of employees and business square footage are possible components to determine bike parking goals. **Edge** said a transportation impact analysis, specifically the trip generator metric, could support the overall determination of bike parking spaces per building. **Sherman** asked if additional amenities, like shower facilities, might be considered along with the bike parking requirements. **Edge** agreed that amenities and long-term biking facilities are within the scope of this update. **Weigel** noted that she was going to readjust the hearing date, for bicycle parking, from December 13th to either January 10th or 24th.

(02:50:08)

8.0 Planning Department/Planning Commission Other Business/Updates

Commissioner Hemer asked if public comment can be reopened on January 24th, 2023, for the public art discussion, as it relates to the downtown code. **Laura Weigel** said she would inquire about the process to reopen public comment.

(02:51:21)

9.0 Forecast for Future Meetings

December 13, 2022 Hearing Item(s): 1. VR-2022-009 – Alpha Stone Works
variance to design standards in
MUTSA zone

Work Session Item(s): 1.Draft Housing Capacity Analysis
2.Code Amendments: Climate Friendly
and Equitable Communities

Meeting adjourned at approximately 9:22 p.m.

Respectfully submitted,

Suzanne Couttouw, Administrative Specialist II



CITY OF MILWAUKIE

To: Planning Commission
Through: Laura Weigel, Planning Manager
From: Vera Kolas, Senior Planner
Date: January 3, 2023, for January 10, 2023, Public Hearing
Subject: **File:** CU-2022-006
Applicant/Owner: Crystalyn Keating
Address: 11611 SE 33rd Ave
Legal Description (Map & Tax Lot): 11E36DB03600
NDA: Lake Road

ACTION REQUESTED

Approve application CU-2022-006 and adopt the recommended Findings and Conditions of Approval found in Attachments 1 and 2. This action would allow for the single-detached dwelling on the site to be used as a Vacation Rental.



Figure 1. 11611 SE 33rd Ave.

BACKGROUND INFORMATION

A. Site and Vicinity

The site is approximately 5,000 sq ft and is on the west side of 33rd Ave. It is developed with a single-detached dwelling. The property and the properties in the immediate vicinity are zoned Moderate Density Residential (R-MD). See Figure 2.

B. Zoning Designation

The subject property is within the Moderate Density Residential Zone (R-MD) (see Figure 3). The surrounding area is also zoned R-MD.



Figure 2. Site and Vicinity

C. Comprehensive Plan Designation

Moderate Density (MD)

D. Land Use History

The home was built in 1967 as part of the 1906 Quincy Addition subdivision. There are no land use cases associated with this property in the city.

E. Proposal

The applicant is seeking land use approval for a Conditional Use to allow the single-detached dwelling to be used as a Vacation Rental.



Figure 3. Zoning

The project requires approval of the following applications:

- Conditional Use – CU-2022-006

KEY QUESTIONS

Approval criteria for a new Conditional Use.

Summary

A short-term rental is a housing unit, an accessory dwelling unit (ADU), or a room within a housing unit that is rented out for lodging for a period of fewer than 30 days in length. It is an accessory use to a primary residence and allowed as a home occupation where the residence must be occupied by the owner or operator for a minimum of 270 days per year. Short-term rentals are permitted as home occupations.

A vacation rental is a housing unit that is rented out to a single party for a period of fewer than 30 days in length where there are no primary occupants or where the residents who occupy the unit do so for fewer than 270 days per year. A vacation rental's primary use is more commercial in nature than a short-term rental. Because vacation rentals function differently in a neighborhood, they are permitted as a conditional use in residential zones.

MMC 19.905 establishes criteria for approval for a new conditional use. The three criteria that relate the most to a vacation rental in a moderate-density residential zone are:

1. The operating and physical characteristics of the proposed use will be reasonably compatible with, and have minimal impact on, nearby uses;

2. All identified impacts will be mitigated to the extent practicable; and
3. The proposed use will not have unmitigated nuisance impacts, such as from noise, odor, and/or vibrations, greater than usually generated by uses allowed outright at the proposed location.

The applicant indicates that the house will maintain the appearance of a single-detached dwelling and lists examples of tactics they will employ to mitigate any impacts to nearby properties. Examples include:

- Using ITrip, a vacation rental management company to manage all bookings, enforcement of house rules, and manage cleaning and trash/recycling. ITrip will be immediately available 24 hours per day to respond to and address any issues that may arise and will also have staff in the area that can respond in a timely manner.
- No commercial events or meetings will be permitted
- Quiet hours (10 PM – 7 AM) including decibel meters to monitor noise level
- Software to detect occupancy levels beyond what is permitted (max of 8 people)
- Non-smoking property
- There are a total of four off-street parking spaces on the property. Guests will be told that there is to be no on-street parking.
- House rules will be sent to all guests and will be posted in the house.

MMC Subsection 19.905.9.H includes specific standards governing vacation rentals, including the requirement that fire and building codes are satisfied for the rental unit, that a business registration is obtained, and that notice is sent to neighbors within 300 ft of the subject parcel. That notice must include the property owner's contact information, contact information for the vacation rental operator, and the City of Milwaukie Police non-emergency telephone number. The applicant has indicated that these standards can be met.

Staff believes that the applicant has provided information that shows how they can meet the approval criteria for a conditional use, especially any impact that may occur with the surrounding neighbors. The recommended Conditions of Approval will ensure compliance with these approval criteria and the standards governing vacation rentals.

CONCLUSIONS

Staff recommendation to the Planning Commission is as follows:

1. Approve the Conditional Use for 11611 SE 33rd Ave. This will result in the ability to use the home as a Vacation Rental.
2. Adopt the attached Findings in Attachment 1 and the Conditions of Approval in Attachment 2.

CODE AUTHORITY AND DECISION-MAKING PROCESS

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

- MMC Section 19.301 Moderate-Density Residential (R-MD)
- MMC Section 19.905 Conditional Use
- MMC Section 19.1006 Type III Review

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

The Commission has four decision-making options as follows:

- A. Approve the application subject to the recommended Findings with no conditions of approval.
- B. Approve the application with modified Findings and Conditions of Approval. Such modifications need to be read into the record.
- C. Deny the application upon finding that it does not meet approval criteria.
- D. Continue the hearing.

The final decision on this application, which includes any appeals to the City Council, must be made by April 4, 2023, in accordance with the Oregon Revised Statutes and the Milwaukie Zoning Ordinance. The applicant can waive the time period in which the application must be decided.

COMMENTS

- A. Notice of the proposed changes was given to the following agencies and persons: Milwaukie Building Department; Milwaukie City Attorney; Milwaukie Neighborhood District Association Program Manager; Milwaukie Community Development Director; Lake Road Neighborhood District Association (Chair and Land Use Committee Members); Clackamas Fire District #1 (CFD #1).
- B. A public notice was mailed to all residents and property owners within 300 ft of the site.

ATTACHMENTS

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

	Public Copies	E-Packet
1. Recommended Findings in Support of Approval	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Conditions of Approval	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- | | | |
|---|-------------------------------------|-------------------------------------|
| 3. Applicant's Submittal Materials (received November 23, 2022) | | |
| a. Application Forms | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Narrative | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Property photos | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Comments received | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |

Key:

Public Copies = materials posted online to application website (<https://www.milwaukieoregon.gov/planning/cu-2022-006>).

E-Packet = meeting packet materials available one week before the meeting, posted online at <https://www.milwaukieoregon.gov/bc-pc/planning-commission-110>.

EXHIBIT 1
Findings in Support of Approval
File #CU-2022-006, 11611 SE 33rd Ave, Vacation Rental

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

1. The applicant, Crystalyn Keating, has applied for approval of a Conditional Use for a Vacation Rental at 11611 SE 33rd Ave. This site is in the R-MD Zone. The land use application file number is CU-2022-006.
2. The applicant is proposing to use the single-detached dwelling on the property as a Vacation Rental.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Subsection 19.301 Moderate Density Residential Zone (R-MD)
 - MMC Subsection 19.905 Conditional Uses
 - MMC Subsection 19.1006 Type III Review
4. The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review. A public hearing was held on January 10, 2023, as required by law.
5. MMC 19.301 Moderate Density Residential Zone
 - a. MMC 19.301.2 establishes allowed uses for the Moderate Density Residential Zone. Vacation rentals are allowed in the R-MD zone per approval through the Conditional Use process.

The applicant does not reside at the property and is proposing to use the single-detached dwelling on the site as a vacation rental. The applicant has applied for Conditional Use approval.

The Planning Commission finds that this standard is met.
6. MMC 19.905 Conditional Uses

MMC 19.905 establishes a process for evaluating certain uses that may be appropriately located in some zoning districts, if appropriate for the specific site on which they are proposed. Although conditional uses may provide needed services or functions in the community, they are subject to conditional use review because they may adversely change the character of an area or adversely impact the environment, public facilities, or adjacent properties. The conditional use review process allows for the establishment of conditional uses when they have minimal impacts or when identified impacts can be mitigated through conditions of approval. The review process also allows for denial when concerns cannot be resolved or impacts cannot be mitigated.

ATTACHMENT 1

Approval of a conditional use does not constitute a zone change and is granted only for the specific use requested. Approval is subject to such modifications, conditions, and restrictions as may be deemed appropriate by the review authority.

MMC Subsection 19.905.2.A provides that the provisions of Section 19.905 apply to uses identified as a conditional use in the base zone in Chapter 19.300. MMC Subsection 19.905.3.A provides that the establishment of a new conditional use must be evaluated through a Type III review per Section 19.1006.

- a. MMC 19.905.4.A establishes approval criteria for approving a new conditional use.

The applicant is proposing to establish a new conditional use with a vacation rental for the home. It meets the approval criteria as follows:

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

The existing home is 1,178 sq ft in size and located on a 5,000-sq ft lot. The lot is fenced on three sides and the home includes a two-car attached garage and sufficient driveway space for two additional cars.

The physical characteristic of the property will not change. No improvements are proposed to the lot or the home. The Vacation Rental use will not change the residential character of the lot or building.

The Planning Commission finds that this criterion is met.

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

The physical characteristic of the property will not change. No improvements are proposed to the home. The applicant intends to use the home as a vacation rental.

The operating characteristics and residential character of the home will remain unchanged. The house rules include measures to ensure compatibility with nearby uses. The private off-street parking area accommodates four parked cars limiting any potential negative impacts to parking on the public street.

The Planning Commission finds that this criterion is met.

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

The house rules, which will be sent to guests and will be posted in the house include quiet hours, a no-smoking policy, maximum occupancy of the home, and as discussed above, ample off-street parking. The applicant's management company is available 24 hours a day and has staff who lives in the area and can conveniently address any problems.

As discussed below, the applicant will be required to notify properties within 300 ft of the subject parcel of the vacation rental. The notification will include the

ATTACHMENT 1

contact information for the property owners, any property managers, and the City of Milwaukie Police non-emergency line.

The Planning Commission finds that this criterion is met.

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

The residential character of the site will stay the same and will continue to have no greater unmitigated nuisance impacts than what is currently allowed outright. The visitors to the Vacation Rental would be using the unit as a residential property; consequently, impacts should be similar in nature to what is permitted by right. As stated above, the applicant also has strict quiet hours and no smoking inside or outside policies in the house rules. Moreover, the applicant has demonstrated that these policies will be enforced through monitoring technology and that the applicant has the capacity to address concerns in a timely fashion.

The Planning Commission finds that this criterion is met.

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

There are no proposed changes to the existing house or lot. As it currently exists, the home is an existing single-detached dwelling in the R-MD zone on a 5,000 sq ft lot. There are no overlay zones or special areas, and the standards are met in Section 19.905 as demonstrated in the findings.

The Planning Commission finds that this criterion is met.

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

The following goal under the housing section of the Comprehensive Plan is found to be applicable to the proposal. Goal 7.2 [Housing] Affordability and Policy 7.2.9 in the Comprehensive Plan speak directly to vacation rentals

- Goal 7.2 [Housing] Affordability

- Provide opportunities to develop housing that is affordable at a range of income levels.

- Policy 7.2.9: Monitor and regulate vacation rentals to reduce their impact on the availability and long-term affordability of housing.

Section 7 of the Comprehensive Plan, Housing Goals and Policies, speaks to monitoring and regulating vacation rentals to reduce their impact on the availability and long-term affordability of housing. By requiring vacation

ATTACHMENT 1

rentals to obtain a conditional-use permit in the Moderate Density Residential Zone, the City can monitor the prevalence of vacation rentals, and if appropriate, adopt additional regulations to further the goal of housing affordability. There are currently five approved vacation rentals in the city.

The Planning Commission finds that through the acquisition of a conditional-use permit, the proposed use is consistent with the Comprehensive Plan and the criterion is met.

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

There are adequate public transportation facilities and public utilities for the site. Renters for the proposed use will generally have a personal/rented vehicle that they can park on the property. The applicants have an off-street parking area that can accommodate four vehicles and prevents the need for any renters to park on the public street.

The Planning Commission finds that this criterion is met.

The Planning Commission finds that the approval criteria for a conditional use are met with this proposal.

b. MMC Subsection 19.905.9 Standards Governing Conditional Uses

As per MMC 19.905.9, a conditional use must comply with the standards of the base zone, and any overlay zones or special areas, in which it is located, except as these standards have been modified by the Planning Commission when authorizing the conditional use and as otherwise modified by the standards in this subsection.

MMC Subsection 19.905.9.H establishes the following specific requirements for vacation rentals:

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

Compliance with the requirements established by MMC 19.905.9.H is an ongoing obligation for the applicants.

ATTACHMENT 1

As proposed, the Planning Commission finds that the proposed vacation rental meets the applicable standards of MMC 19.905.9.

The Planning Commission finds that the proposed vacation rental meets the applicable standards of MMC 19.905 and is approvable as a conditional use.

7. The application was referred to the following departments and agencies on December 7, 2022:

- Milwaukie Community Development Director
- Milwaukie Engineering Department
- Milwaukie Building Official
- Clackamas County Fire District #1
- Lake Road Neighborhood District Association Chairperson and Land Use Committee

A public notice was mailed to all residents and property owners within 300 ft of the site.

Paul Hawkins from the Lake Road NDA submitted a comment stating no objections to the proposal.

EXHIBIT 2
Conditions of Approval
File # CU-2022-006, 11611 SE 33rd Ave, Vacation Rental

Conditions

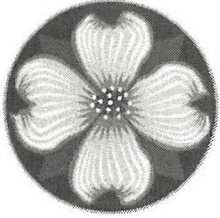
1. As per MMC Subsection 19.905.9.H, the following requirements must be met:
 - a. Prior to initial occupancy, the Building Official must verify that building code and fire code standards are satisfied.
 - b. With annual filing of MMC Title 5 Business Tax, the operator must send a notice to neighbors within 300 ft that includes the following information:
 - (1) Property owner contact information;
 - (2) Vacation rental operator and/or property manager contact information; and
 - (3) City of Milwaukie Police non-emergency telephone number.

2. Conditional Use Permit

As per MMC Subsection 19.905.6, the City will issue a conditional use permit upon the approval of this application to establish a conditional use. The conditional use permit will include the following information:

- a. A description of the use that has been approved by the City.
- b. Restrictions and/or conditions of approval placed upon the use.
- c. Ongoing responsibilities required for the operation of the conditional use.
- d. Allowance for the transfer of rights and responsibilities upon change in ownership of either the use or the property containing the use.
- e. Procedures for review, revisions, and suspension of the conditional use permit.

The applicant must record the conditional use permit with the Clackamas County Recorder's Office and provide a copy to the City prior to commencing operations allowed by the conditional use permit.



MILWAUKIE PLANNING
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 Milwaukie OR 97206
 503-786-7630
 planning@milwaukieoregon.gov

ATTACHMENT 3
 RECEIVED

NOV 23 2022

CITY OF MILWAUKIE
 PLANNING DEPARTMENT

Application for Land Use Action

Primary File #: CU-2022-006

Review type*: I II III IV V

CHECK ALL APPLICATION TYPES THAT APPLY:

- | | | |
|---|--|---|
| <input type="checkbox"/> Amendment to Maps and/or | <input type="checkbox"/> Land Division: | <input type="checkbox"/> Residential Dwelling: |
| <input type="checkbox"/> Comprehensive Plan Map Amendment | <input type="checkbox"/> Partition | <input type="checkbox"/> Manufactured Dwelling Park |
| <input type="checkbox"/> Zoning Text Amendment | <input type="checkbox"/> Property Line Adjustment | <input type="checkbox"/> Temporary Dwelling Unit |
| <input type="checkbox"/> Zoning Map Amendment | <input type="checkbox"/> Replat | |
| <input type="checkbox"/> Code Interpretation | <input type="checkbox"/> Subdivision | <input type="checkbox"/> Transportation Facilities Review** |
| <input type="checkbox"/> Community Service Use | <input type="checkbox"/> Miscellaneous: | <input type="checkbox"/> Variance: |
| <input checked="" type="checkbox"/> Conditional Use | <input type="checkbox"/> Barbed Wire Fencing | <input type="checkbox"/> Use Exception |
| <input type="checkbox"/> Development Review | <input type="checkbox"/> Mixed Use Overlay Review | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Director Determination | <input type="checkbox"/> Modification to Existing Approval | <input type="checkbox"/> Willamette Greenway Review |
| <input type="checkbox"/> Downtown Design Review | <input type="checkbox"/> Natural Resource Review** | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Extension to Expiring Approval | <input type="checkbox"/> Nonconforming Use Alteration | Use separate application forms for: |
| <input type="checkbox"/> Historic Resource: | <input type="checkbox"/> Parking: | • Annexation and/or Boundary Change |
| <input type="checkbox"/> Alteration | <input type="checkbox"/> Quantity Determination | • Compensation for Reduction in Property Value (Measure 37) |
| <input type="checkbox"/> Demolition | <input type="checkbox"/> Quantity Modification | • Daily Display Sign |
| <input type="checkbox"/> Status Designation | <input type="checkbox"/> Shared Parking | • Appeal |
| <input type="checkbox"/> Status Deletion | <input type="checkbox"/> Structured Parking | |
| | <input type="checkbox"/> Planned Development | |

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant—see reverse): 11611 SE 33rd Ave, LLC
 Mailing address: 3560 SW Troy St. Portland State/Zip: OR 97219
 Phone(s): 503-891-0643 Email: _____
 Please note: The information submitted in this application may be subject to public records law.


APPLICANT'S REPRESENTATIVE (if different than above): Crystalyn Keating
 Mailing address: 3560 SW Troy St. Portland, OR 97219 State/Zip: OR 97219
 Phone(s): 979-540-9348 Email: Crystal@Coast2CoastHousebuyers.com

SITE INFORMATION:

Address: 11611 SE 33rd Ave Map & Tax Lot(s): 11E36DB / 11E36DB & 3600
 Comprehensive Plan Designation: _____ Zoning: R-MD Size of property: 5,000 sq ft

PROPOSAL (describe briefly):

Vacation Rental

SIGNATURE: I attest that I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code Subsection 19.1001.6.A. If required, I have attached written authorization to submit this application. To the best of my knowledge, the information provided within this application package is complete and accurate.
 Submitted by:  Date: 11/21/22

IMPORTANT INFORMATION ON REVERSE SIDE

*For multiple applications, this is based on the highest required review type. See MMC Subsection 19.1001.6.B.1.
 ** Natural Resource and Transportation Review applications may require a refundable deposit.

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

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

Type V applications may be initiated by any individual.

PREAPPLICATION CONFERENCE:

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

DEPOSITS:

Deposits require completion of a Deposit Authorization Form, found at www.milwaukieoregon.gov/building/deposit-authorization-form

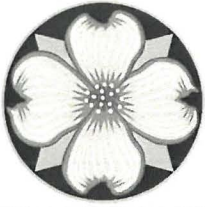
REVIEW TYPES:

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

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

THIS SECTION FOR OFFICE USE ONLY:

FILE TYPE	FILE NUMBER	AMOUNT <small>(after discount, if any)</small>	PERCENT DISCOUNT	DISCOUNT TYPE	DATE STAMP
Primary file	CU-2022-006	\$ 2,000			
Concurrent application files		\$			
		\$			
		\$			
		\$			
Deposit (NR/TFR only)				<input type="checkbox"/> Deposit Authorization Form received	
TOTAL AMOUNT RECEIVED: \$			RECEIPT #:	RCD BY:	
Associated application file #s (appeals, modifications, previous approvals, etc.):					
Neighborhood District Association(s):					
Notes:					



MILWAUKIE PLANNING
6101 SE Johnson Creek Blvd
Milwaukie OR 97206
503.786.7600
planning@milwaukieoregon.gov

PREAPPLICATION CONFERENCE WAIVER

I/We, 11411 SE 33rd Ave, LLC (print), as applicant(s)/property owner(s) of 11411 SE 33rd Ave Milwaukie, OR (address of property), request to waive the requirement for a preapplication conference for the submission of a **Type II / III / IV / V** (circle one) land use application per MMC Subsection 19.1002.2 Applicability.

Please provide an explanation for the waiver request:

MMC Section 19.1002 Preapplication Conference is provided on the reverse

Applicant understands the process and request to waive the preapplication conference.

Signed: [Signature]
Applicant/Property Owner

Approved: _____
Planning Director

19.1002 PREAPPLICATION CONFERENCE

19.1002.1 Purpose

The purpose of the preapplication conference is to acquaint the applicant or applicant's representative with the requirements of the municipal code in preparation for submission of a land use application, including relevant approval criteria, development standards, and procedures. The preapplication conference is not an exhaustive review of all potential issues or requirements. Furthermore, the information provided by the City is not binding, and it does not preclude the City from raising new issues or identifying additional requirements during the land use review process.

19.1002.2 Applicability

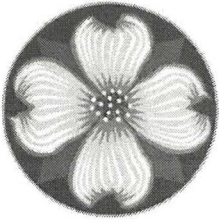
- A. For Type I applications, a preapplication conference is optional.
- B. For Type II, III, IV, and V applications, and expedited annexations per Section 19.1104, a preapplication conference is required, with the following exceptions:
 - 1. The Planning Director may waive the preapplication conference requirement for proposals that are not complex or, for some other reason, would not benefit from a formal conference.
 - 2. A preapplication conference is not required for City-initiated Type IV or V applications.

19.1002.3 Preapplication Conference Procedures

The Planning Director shall adopt administrative rules for how the City processes preapplication conferences. The rules shall ensure that preapplication conferences are held in a timely fashion and provide a thorough explanation of all required City permits, fees, and approvals for any given development proposal. They shall include standards for scheduling, conducting, and communicating the outcomes of preapplication conferences.

19.1002.4 Preapplication Conference Expiration

- A. A preapplication conference is valid for 2 years. If a land use application or development permit has not been submitted within 2 years of the conference date, the applicant is required to schedule a new preapplication conference prior to submittal. This requirement may be waived per Subsection 19.1002.2.B.1.
- B. An applicant may request additional preapplication conferences at any time. There is no limit to the number of preapplication conferences that may be requested.
- C. If a development proposal is significantly modified after a preapplication conference occurs, the Planning Director may require a new preapplication conference. The City may refuse to accept a land use application or development permit for a significantly altered development proposal until a new preapplication conference is held.

**MILWAUKIE PLANNING**

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Submittal Requirements

**For all Land Use Applications
(except Annexations and Development Review)**

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

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

1. **All required land use application forms and fees**, including any deposits.

Applications without the required application forms and fees will not be accepted.

2. **Proof of ownership or eligibility to initiate application** per MMC Subsection 19.1001.6.A.

Where written authorization is required, applications without written authorization will not be accepted.

3. **Detailed and comprehensive description** of all existing and proposed uses and structures, including a summary of all information contained in any site plans.

Depending upon the development being proposed, the description may need to include both a written and graphic component such as elevation drawings, 3-D models, photo simulations, etc. Where subjective aspects of the height and mass of the proposed development will be evaluated at a public hearing, temporary onsite "story pole" installations, and photographic representations thereof, may be required at the time of application submittal or prior to the public hearing.

4. **Detailed statement** that demonstrates how the proposal meets the following:

A. All applicable development standards (listed below):

1. **Base zone standards** in Chapter 19.300.
2. **Overlay zone standards** in Chapter 19.400.
3. **Supplementary development regulations** in Chapter 19.500.
4. **Off-street parking and loading standards and requirements** in Chapter 19.600.
5. **Public facility standards and requirements**, including any required street improvements, in Chapter 19.700.

B. All applicable application-specific approval criteria (check with staff).

C. Compliance with the Tree Code (MMC 16.32): www.milwaukieoregon.gov/trees

These standards can be found in the MMC, here: www.qcode.us/codes/milwaukie/

5. **Site plan(s), preliminary plat, or final plat** as appropriate.

See Site Plan, Preliminary Plat, and Final Plat Requirements for guidance.

6. **Copy of valid preapplication conference report**, when a conference was required.

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APPLICATION PREPARATION REQUIREMENTS:


- Electronic copies of all application materials are required at the time of submittal.

ADDITIONAL INFORMATION:

- Neighborhood District Associations (NDAs) and their associated Land Use Committees (LUCs) are important parts of Milwaukie's land use process. The City will provide a review copy of your application to the LUC for the subject property. They may contact you or you may wish to contact them. Applicants are strongly encouraged to present their proposal to all applicable NDAs prior to the submittal of a land use application and, where presented, to submit minutes from all such meetings. NDA information: www.milwaukieoregon.gov/citymanager/what-neighborhood-district-association.
- By submitting the application, the applicant agrees that City of Milwaukie employees, and appointed or elected City Officials, have authority to enter the project site for the purpose of inspecting project site conditions and gathering information related specifically to the project site.

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

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

Applicant Signature: 
 Date: 11/21/22

Official Use Only

Date Received (date stamp below):

Received by: _____

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TYPE III CONDITIONAL USE REQUEST

11611 SE 33rd Ave Milwaukie, OR

Tax Lot: 11E36DB03600

REQUEST

Applicant/owner, Scott Dalinger as registered owner of 11611 SE 33rd Ave LLC., is requesting a Type-III Conditional Use to operate a Vacation Rental located at 11611 SE 33rd Ave. The property is a single family detached home totaling 1,178 square feet and has three (3) bedrooms, two (2) bathrooms, full kitchen, living room, and dining room and 2 car garage.

The applicant will use ITrip, a vacation rental management company, to manage all bookings, enforcement of house rules, and handle all cleaning, including the garbage and recycling. ITrip will be immediately available 24 hours a day to respond and address any issues that may arise via phone and will also have someone on the staff in the area that can respond in a timely manner.

The home will continue to retain the appearance of a residential household and will not house more persons' than the property was built for. The home will have 3 bedrooms used for the vacation rental and will be rented as a whole-house to one group of no more than 8 persons at a time. This would allow for two families with multiple children staying together.

The home has a two car garage with two additional off- street parking spaces in the driveway. House Rules will state there is to be no on-street parking and provide information to all guests as to where parking is allowed on the property.

All guests will be provided information on local restaurants/shopping, local transportation and transit information, maps, and access locations. Neary medical facilities and other resources will be provided.

The home will be designated as a non-smoking property and guests will be informed of that policy prior to arrival as well as that information posted in the house rules.

Kitchen access will be provided in the home, but there will be no provisions for food or alcohol services provided. No commercial events, meetings or events are proposed.

Smoke detectors are provided in each bedroom of the home and hallway and carbon monoxide detectors are provided in each floor where a carbon monoxide source is located.

No exterior alterations to the house are proposed.

House Rules will require that there are quiet hours between 10PM and 7AM. Rules will be continually implemented and will be enforced by ITrip. A full copy of the House Rules will be

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emailed to all guests prior to their arrival and a copy will be placed in the home in a prominent location. ITrip uses decibel meters to maximize noise levels and will take quick action when noise levels reach above a certain level. They also use an electronic device counter to monitor how many bodies are in the home to ensure it does not surpass the allowed limit. A copy of the house rules pertaining to noise, parking, emergency contacts is included in this application and enforcement of the rules is outlined therein.

PROPERTY DESCRIPTION

The property is a one level single family home with a two car attached garage and two car driveway. The home has a fence around the sides and back of the yard, covered deck in the backyard and landscaped lawn. Spacious living room, kitchen with island that opens to a dining room. Two guest bedrooms, guest bathroom, and a primary bedroom with ensuite bath.

BENEFITS TO LOCAL BUSINESS

Guests will be provided with a guidebook to local businesses. Vacation rentals are a great way of generating income for local businesses.

BENEFITS TO NEIGHBORS

Vacation rentals provide a great resource for neighbors and locals of the area who have family and friends that would like to visit and stay close to the area. Vacation Rental properties are also maintained frequently to ensure that both the interior and exterior of the property are kept to high standards of cleanliness and appearance which is an important aspect for the neighboring homes.

NEIGHBORHOOD IMPACTS

The property will be maintained, cleaned, and reviewed after every guest departure and on a routine basis to ensure it is kept to the high standards for the neighborhood and surrounding areas. House rules and regulations will be strictly enforced. Any interior or exterior issues that need to be addressed will be done so immediately. Designated parking spaces will be provided for guests to ensure there are no parking or traffic issues that may arise.

TITLE 19 ZONING

Chapter 19.300- Base Zones-

*Response: Property is located in zone R-MD in which vacation rentals are allowed as a Conditional Use.

Chapter 19.400-Overlay Zones and Special Areas

*Reponse: Property is not located in an overlay zone

Chapter 19.600-Off Street Parking and Loading

*Response: The home has a two car garage with 2 additional off-street parking spaces in the driveway for a total of 4 off-street parking spaces. Guests will be providing information regarding rules for parking and location of designated parking spaces which will be located in the driveway and garage.

Chapter 19.905-Conditional Uses

19.905.4-Approval Criteria

A) Establishment of a new conditional use, or major modification of an existing conditional use, shall be approved if the following criteria are met:

1.The Characteristics of the lot are suitable for the proposed use considering size, shape, location, topography, existing improvements and natural features.

RESPONSE: Applicant feels the characteristics of the lot are suitable for a Vacation Rental property. The size, shape, topography, existing improvements and natural features of the property are consistent with other properties in the area and do not conflict with the properties in the area or with the proposed use. Home is located in the Lake Road Neighborhood with an excellent walk score and convenient access to local businesses including restaurants and shopping

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

RESPONSE: Applicant believes that the operating and physical characteristics of the Proposed vacation rental will be reasonably compatible with and have minimal impact on nearby uses. The single family home will retain the appearance and function of a single family home with no changes.

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3. All identified impacts will be mitigated to the extent practicable.

RESPONSE: Applicant will be using Itrip to manage the vacation rental property. Itrip will be responsible for managing all of the bookings, cleaning services, and will be the contact to respond to any issues immediately. They will be on site after every guest departure to manage the garbage, recycling, and maintain the property both inside and out. The management company will enforce all House Rules and will be immediately available to address any issues that may arise.

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

RESPONSE: The property will have designated quiet hours from 10PM to 7AM and those will be strictly enforced both indoors and outdoors. The management company will provide and use software that will detect any noise and occupancy levels above a certain decibel and will have a strict policy regarding that outlined in the House Rules as well as provided prior to guest arrival.

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

RESPONSE: The home is located in zone R-MD and the proposed use will comply with all applicable development standards and requirements for the base zone as well as the standards required in Section 19.905. The property is not located in an overlay zone or special area.

6. The proposed use is consistent with applicable Comprehensive Plan Policies related to the proposed use.

RESPONSE: Property is found to be consistent with all applicable Comprehensive Plan Policies related to the proposed use.

7. Adequate public transportation facilities and public utilities will be available to service the proposed use prior to occupancy pursuant to Chapter 19.700

RESPONSE: The property is approximately 1.1 miles from the MAX orange line and there are also two bus lines available near the property. Bus Line #29 which is located at Lake/Webster road and bus line #152 are less than one mile and walking distance from the home. The vacation rental will be made available to no more guests than the property was built for and the current public utilities at the home should be adequate for the proposed usage.

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B) Minor modification of an existing conditional use shall be approved if the following criteria are met:

1. The proposed modification will not significantly increase the intensity of the use at this location.

RESPONSE: The property will maintain the appearance of a single family dwelling and appearance for a household and will not have more persons staying in the home than what the property was built for. The home is a 3 bedroom/2 bathroom home and the max occupancy of guests will be limited to 8 persons. The home will be rented as a whole home to one group at a time with no more than 6-8 persons allowed in the group, this would accommodate a group consisting of two families with children.

2. The proposed modification will comply with all applicable development standards and requirements of the base zone, any overlay zones or special areas, and the standards in Section 19.905

RESPONSE: All applicable development standards and requirements of the base zone, any overlay zones or special areas, and standards set in Section 19.905 will be in compliance with for the proposed modification of use.

3. The proposed modification will not negatively impact nearby uses, protected natural features, or public facilities more than the original conditional use.

REPNSE: The proposed modification of a vacation rental will not have any negative impact or create more of an impact to the nearby uses, protected natural features, or public facilities than its original conditional use.

4. The proposed modification will comply with any conditions of approval from the original conditional use proposal.

RESPONSE: The property will not have any changes from the original conditional use approval and the proposed modification will comply with any conditions of approval from the original.

19.905.9.H STANDARDS GOVERNING CONDITIONAL USES

Section H-Vacation Rentals- Operation of a vacation rental requires the following:

1. Prior to initial occupancy, the Building Official shall verify that the building code and fire code standards are satisfied.

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ANSWER: A paid inspection will be requested prior to initial occupancy so that the building official may verify that all building code and fire code standards are met and satisfied.

- a. With annual filing of MMC Title 5 Business Tax, the operator shall send a notice to neighbors within 300 feet that includes the following information:
- b. Property Owner Contact Information
- c. Vacation Rental Operator and/or property manager contact information; and
- d. City of Milwaukie Police nonemergency telephone number.

ANSWER: Annual Filing of the MMC Title 5 Business Tax will be filed and a notice will be mailed to all neighbors with 300 feet. The notice will include the property owners contact information, the contact for Itrip which will be managing the property, and the City of Milwaukie Police nonemergency telephone number.

Tax Lot ID	11E36DB03600
Address	11611 SE 33rd Ave Milwaukie, OR
Building Value	232,040
Land Value	198,052
Total Value	430092
Year Built	1967
Building Sq Footage	1,178
GIS Acres	
In Milwaukie?	Yes
Neighborhood	Lake Road
Zoning Code	R-MD
Zoning Code Description	Moderate Density Residential
Garbage Hauler	Waste Management of Oregon
Garbage Hauler Contact	1-800-808-5901
Milwaukie Water Service Area	Yes
Milwaukie Sewer Service Area	Yes
In Urban Renewal Area	No
100 Year Flood Plain	No

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Maximum Occupancy

The maximum number of occupants of this home shall not exceed **8 people**. Please do not exceed the maximum occupancy.

Noise Ordinance

This home is located in a quiet residential neighborhood. Parties are **prohibited** at the property. Quiet hours for this home are 10pm-7am. Please refrain from making excessive noise during these times. Any complaints are grounds for immediate eviction.

Parking

There are two off-street parking spaces in the driveway, with additional parking in the garage if needed. Please refrain from parking on the street.

Important + Contact + Info

Medical / Fire / Police Emergencies:	911
Local Contact: Elizabeth Rieke / iTrip Vacations: (503) 809-8460 (secondary)	(503) 230-0534 (primary)
Poison Control:	1-800-222-1222

Emergency + Medical

Legacy-GoHealth Urgent Care

- 1900 Mcloughlin Blvd Ste 127 Oregon City OR 97045
- 503-305-6159
- Open 8am – 8pm daily

Providence Milwaukie Hospital

- 10150 SE 32nd Ave Milwaukie OR 97222
- 503-513-8300
- Open 24 hours



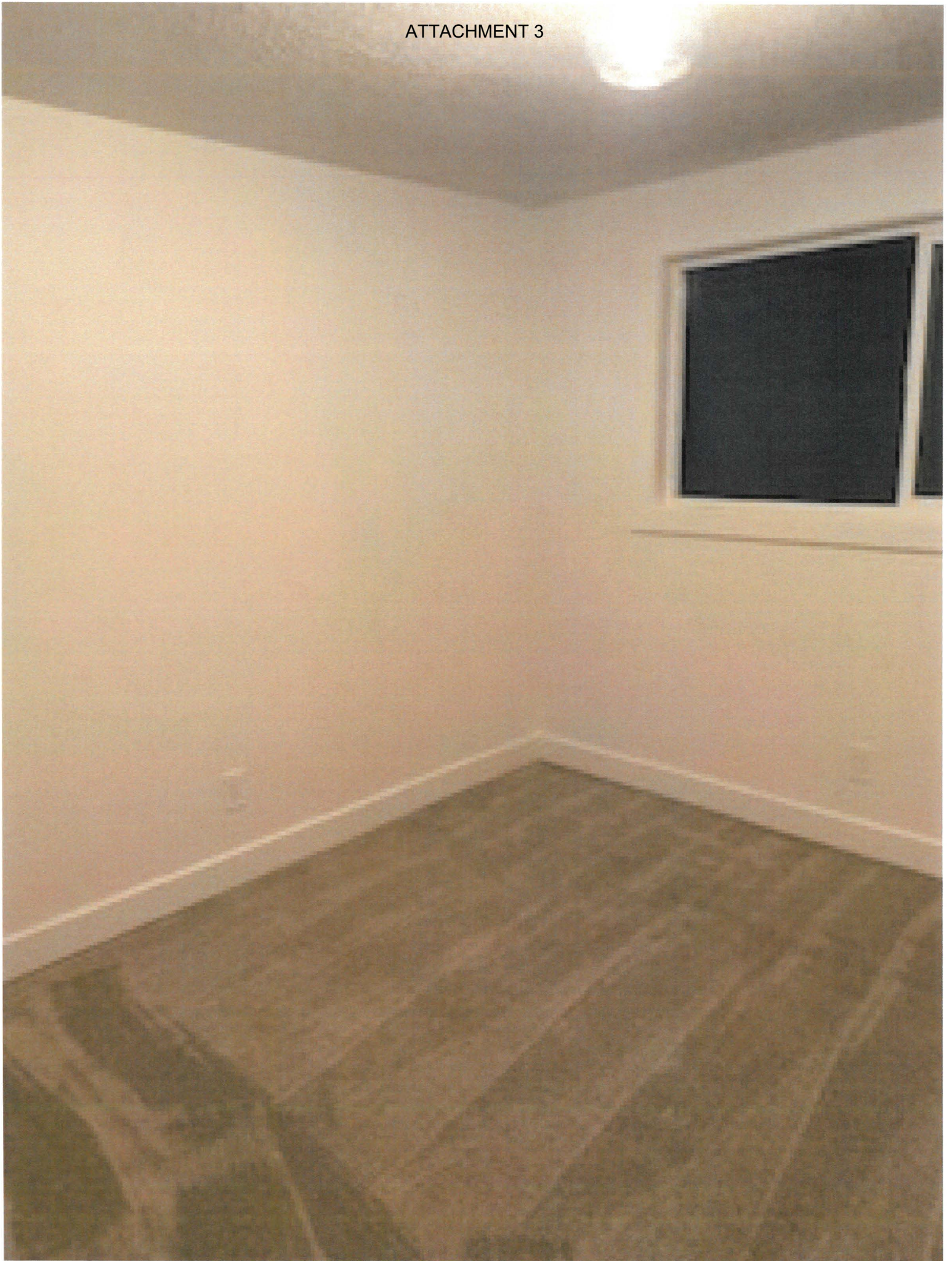




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iTrip Rental Agreement

iTrip Vacations Northwest / 6655 SW Hampton St. #120 / Tigard, OR 97223

Phone: (503) 230-0534 / Fax: / csnw@itrip.net

Tenant: Phone: Email:

Address:

AGREEMENT

iTrip Vacations Northwest, the Agent of the Owners, and Tenant agree as follows: Above Tenant is at least twenty-five (25) years of age (an "adult") and will be an occupant of the unit [REDACTED] during the entire reserved dates. In addition to Tenant, other authorized occupants may be family members or friends of Tenant. Use of the premises will be denied to persons not falling within the foregoing categories. Should any unauthorized persons occupy or use the Premises, Tenant shall vacate the premises immediately without any refund. No key will be issued to anyone who is not an adult.

RESERVATIONS

may be placed up to one (1) year in advance but is subject to the rates in effect for the year said reservations are placed. All times are Central Standard Time and currency is USD unless otherwise noted. While every effort will be made to have the unit available for check in at 4:00 pm, during high season cleaning crew may require additional cleaning time and check in may be delayed up to 5 pm.

DEPOSIT

A deposit totaling 50% of the agreed upon Total Amount is due with acceptance of rental agreement. Payment of deposit shall be deemed as acceptance of this rental agreement. Payment may be made by traveler's checks, bank money order, wire transfer, or certified check or major credit card. Personal checks will be accepted upon approval; if funds are not credited within Ten days booking will be cancelled. The deposit amount is \$

BALANCE

Balance is due 60 days prior to arrival date and includes a refundable damage deposit. The balance is due on [REDACTED]. Payment may be made by traveler's checks or certified check or major credit card. Personal checks will be accepted upon approval; if funds are not credited within seven days booking will be cancelled; if this happens, deposits will be refunded less a \$150.00 administrative fee. Damage deposit will be refunded within 7 -10 days of checkout pending inspection by cleaning firm.

CANCELLATION POLICY

In the event that you must cancel your reservation, please be aware that cancellations must occur at least 30 days prior to arrival date. If cancellation occurs 30 days or more prior to arrival date all monies will be refunded with the exception of a \$150.00 administrative fee. GUESTS THAT CANCEL WITHIN THE 30-DAY TIME FRAME BEFORE CHECK-IN WILL BE CHARGED THE FULL AMOUNT. There will be no refund for early departure unless authorities request mandatory evacuation. Vacation Insurance through RentalGuardian is recommended.

HAZARDOUS PRACTICES

Do not dismantle smoke detectors as they are there for your protection. Use the overhead stove fan when cooking to avoid accidental, activation of smoke detector alarm.

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ITEMS LEFT ON PROPERTY

Any items left that a guest wishes to be returned and shipped will incur a \$30 fee plus shipping.

PETS

Please refer to the property information about specific pet details. Pets are never allowed on the furniture or beds. Please pick up after your pet during your stay and check the grounds before you check out.

FAMILY RENTAL ONLY

Reservations made for teenagers or young single groups will not be honored without any accompanying adult staying in the unit at ALL times. We require at least one member of the party to be 25 (twenty-five) years of age! Any violators will be evicted according to local statutes with forfeiture of all monies.

FALSIFIED RESERVATION

Any reservation obtained under false pretense will be subject to forfeiture of reservation deposit, damage deposit, and/or balance of rental payment.

HOUSEKEEPING

There is **no daily maid service**. Linens and towels are included and not to be taken from the unit. An initial setup of trash liners, bathroom paper, soap is provided. There is a onetime cleaning fee. Additional cleaning fees will be due in the event that cleaning involves the removal of excessive sand.

UTILITIES

No compensation will be given for temporary outage of electricity, gas, water, cable, or telephone service. Outages will be reported immediately, and all efforts will be made to have them restored as soon as possible. Please note that you may want to bring a calling card for placing long distance phone calls, as these are restricted.

KEYS

Keys will most likely be handled through electronic locks with pass codes for your stay, or door locks that will make your keys available for your stay. If keys will need to be accessed another way, information will be given on what to do.

NONSMOKING UNIT

Smoking is strictly prohibited. Your damage deposit will be forfeited and you will incur an additional charge for carpet cleaning and deodorizing if any evidence of smoking is found.

ENTRY BY OWNER

Owner or owner's agents may enter the premises under the following circumstances: in case of an emergency; to make any necessary or agreed upon repairs, alterations, or improvements; supply necessary or agreed upon services or show the premises to prospective purchasers, renters or contractors. Owner will provide renter with at least 24 hours notice of Owners intent to enter (except in the case of an emergency).

RULES AND REGULATIONS

1. Tenant agrees to leave the premises and its contents in the same condition, neat and tidy, as Tenant found the premises to be upon move-in, normal wear and tear expected. Beds should be stripped of linens and placed in a pile in each bedroom for housekeeping.
2. All dishes are to be washed and all garbage removed from the premises and placed in outside receptacles. Please place trash bins in front of house for pickup.

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3. No glitter or confetti is to be used or dispersed on the property. Failure to comply will result in extra cleaning fees of at least \$300.00 at a minimum.
4. The maximum number of occupants shall not 8 people, not including a child in a crib.
5. Furnishings are not to be removed from the premises for use outside or in other properties.
6. Pets are considered on a case by case basis. If you wish to bring your animal please message me about the situation and we'll go from there. There is a \$100 pet fee for the trip if your pet is accepted. Pets are never allowed on the furniture or beds. Please pick up after your pet during your stay and check the grounds before you check out to avoid additional fees.
7. Smoking is not allowed in the unit.
8. Reservations are not made by or for a minor, defined as any person under the age of twenty-five (25).
9. Tenant and any guest of Tenant shall obey all laws of the state of the rental resides in, as well as local laws, at all times while they are on the premises. Failure to abide by these laws, or the above rules, may cause tenant to be asked to vacate the premises and forfeit all rents and security/damage deposits.
10. There shall be no noise that can be heard outside the home between the hours of 10pm - 7am. If noise is an issue, you will get a written warning text message to the number that booked the reservation and/or a phone call. If noise does not stop, you will be fined or possibly evicted immediately.

SLEEPING CAPACITY/DISTURBANCES

Tenant and all other occupants will be required to vacate the premises and forfeit the rental fee and security deposit for any of the following: Occupancy exceeding the sleeping capacity of 8, using the premises for any illegal activity, causing damage to the premises rented or to any of the neighboring properties and **any other acts which interferes with neighbors' right to quiet enjoyment of their premises.**

Violations of our noise or maximum number of guests agreed to at the time of booking will result in possible fines or immediate eviction with all loss of all rents. Depending on severity if there is a noise situation we may call and issue a warning or proceed with a \$300 fine. If we cannot reach the guest that booked the property someone will show up to at a minimum issue a \$300 fine and/or evict the entire group immediately. Any delay will result in us involving the authorities and trespassing every person on the property as well as the loss of all rents. Additional fines or damages may be assessed after removal.

HOLD HARMLESS

iTrip or the Owner, does not assume any liability for loss, damage or injury to persons or their personal property. Neither does owner accept any liability for any inconveniences, damage, loss or injury arising from any temporary defects or stoppage in supply of water, gas, cable service, electricity or plumbing, as well as due to weather conditions, natural disasters, acts of God, or other reasons beyond its control.

POOL & PATIO

Tenant hereby acknowledges that if the premises they have reserved includes a community pool and the undersigned agrees and acknowledges that the community pool and patio/deck can be dangerous areas, that the deck/patio can be slippery when wet, and that injury may occur to anyone who is not careful. With full knowledge of the above facts and warnings, the undersigned Tenant accepts and assumes all risks involved to Tenant and all of Tenant's guests in or related to the use of the community pool and patio areas.

MAINTENANCE

Please report any maintenance needs for the premises to the us and we will respond as quickly as possible. Refunds will not be made for maintenance issues including, but not limited to heating and air conditioning, appliances, televisions, and stereos.

LINENS/TOWELS/SUPPLIES

ATTACHMENT 3

The owners furnish linens and towels. Any lost or damaged linens will be deducted from your deposit or automatically billed to the card you used. An initial supply of paper products is provided. Extra items needed are the responsibility of the Tenant. Limited cleaning supplies may be provided. We recommend that you bring any special items that you may need.

PARKING

Please refer to the individual property details for information on the maximum number of vehicles. Don't hesitate to ask if you have any questions.

TELEPHONES

are not provided.

CORONAVIRUS/COVID-19 NOTICE AND HEALTH & SAFETY PRECAUTIONS

COVID-19 is an extremely contagious virus and is believed to spread mainly through person to person contact. Transmission through surfaces is also possible.

Governmental authorities recommend social distancing and limitations on the congregation of groups of people. It is impossible for the community to continuously disinfect all amenities and furnishings in a manner to totally eradicate the potential spread of COVID-19.

We cannot guarantee that you, your children, family, or guests using a vacation home or any amenities or common areas will not become exposed to COVID-19 while in the home or adjacent areas.

By using these amenities and common areas, you voluntarily assume the risk that you or other members of your party may be exposed to or infected by COVID-19 or other diseases such as the flu and that such exposure or infection may result in a serious medical condition, including personal injury, illness, permanent disability or death.

By using this home or these amenities, you are accepting sole responsibility for such risks and/or occurrences that you or other members of your party may experience or incur as a result of such use and you forever release, waive, relinquish and discharge the property manager, the homeowner and all directors, officers, employees, agents or other representatives of the property manager and/or homeowner (the "Representatives") from any and all claims, demands, liabilities, rights, damages, expenses and cause of action of whatever kind or nature, and any other losses of any kind, whether known or unknown, foreseen or unforeseen, as a result of you and your party being a guest at this vacation home. [I further promise not to sue the property manager, the homeowner or any of the Representatives.]

All persons must abide by Centers for Disease Control recommendations and the following rules:

- No more than 8 people may congregate together at any time.
- Social distancing must be observed, including maintaining a distance of at least 6 feet from other people.
- Use common-sense precautions to minimize your own physical contact with surfaces which may have been touched by others.
- Please wipe-down any high-touch surfaces prior to use and clean after use if possible.

If you are experiencing any of the known symptoms of COVID-19, or if within the past 14 days you have come into contact with anyone suspected of infection or who is experiencing such symptoms, then you should immediately cease using all recreational amenities and common areas at the home and take steps as recommended by the CDC for minimizing the exposure of other persons to possible contagion.

LIMITED DAMAGE WAIVER PROGRAM

1. **Terms of Waiver:** As an enrolled, Covered Guest, staying at an iTrip Franchisee property, under this plan, you will not be obligated to pay for Covered Damage (defined below) to real or personal property of the owner of the rental unit located within the rental unit occupied by the Covered Guest. When the Covered Guest purchases this plan, the property manager waives the right to charge the Covered Guest for Covered Damage to the unit as a result of your inadvertent acts or omissions during the duration of the Stay. Maximum limit of this waiver of liability is \$725.00 aggregate per stay.

ATTACHMENT 3

2. **Conditions:** The Limited Damage Waiver Program has certain conditions. Covered Damage does not include, and the Covered Guest remains liable for, the following: • Damages caused by Intentional Acts of a Covered Guest • Damages caused by gross negligence or willful and wanton conduct. • Any damage that the Covered Guest does not report to iTrip staff in writing by the time the Covered Guest checks out of the unit. • Damage from theft without a valid police report. • Damage caused by any pet or other animals brought onto the premises by any Guests, whether or not the property is "pet friendly". • Damage or loss of any property owned by or brought onto the premises by a Covered Guests or invitee of Covered Guest. • Property Damage resulting from any motorized vehicle or watercraft operated by a Covered Guest. • Damaged Caused by any forbidden items or property usage including but not limited to BBQ Grills, Candles, Cigarettes, etc.
3. **Definitions:** • "Covered Damage": All damages to property of the unit's owner, up to \$725.00 in the aggregate for each Stay, that occurs during the Covered Guest's stay and that is the result of the inadvertent acts or omissions of the Covered Guest or the Covered Guest's invitee, excluding the damages listed in the conditions section above. • "Covered Guest": All registered guests and all persons booked to share the same unit of accommodations, and have paid the required plan cost. • "Stay": The stay at an iTrip unit, from the date of a Covered Guest's check-in to the date of check-out.
4. **Administrative Procedure:** iTrip staff will administer and determine whether a damage qualifies as Covered Damage. Such staff will have the sole authority to determine the nature and extent of damages, necessary repairs and eligibility for the waiver of liability described herein. The Covered Guest must report any theft or damage to the unit or its contents to iTrip staff by the time of check-out or any otherwise applicable damage waiver for such Covered Guest will be void. The iTrip Franchisee has ultimate claim administration authority. Arbitration is required prior to litigation.
5. **Terms of Coverage:** The plan takes effect upon check-in on the booked arrival date to an iTrip unit. All coverage shall terminate upon normal check-out time of the iTrip unit or the departure of the Covered Guest, whichever occurs first.
6. **Fee:** \$29.00 for your covered stay. This fee is non-refundable.

IMPORTANT NOTE

Violation of any condition of the terms of iTrip voids the Damage Waiver Program without refund of any portion of booking/damage waiver fee. Guest Agrees that damages not covered by the Damage Waiver Program or in excess of the Damage Waiver Program limit of \$725.00 shall be paid by guest immediately. Guest authorizes iTrip to charge the cost of damages to guest's credit card in accordance with this agreement and the terms and conditions of the rental agreement. By submitting payment for this reservation, you authorize iTrip to include the costs of this Damage Waiver Program in your reservation. Please contact iTrip directly if you do not wish to participate in this plan or assignment.

Unless Tenant elects the Limited Damage Waiver Program, Tenant agrees to pay for damage to the Unit or property within the Unit, except normal wear and tear, that occurs during the Tenant's stay in the Unit. Tenant authorizes iTrip to charge the amount of damages, as determined solely by iTrip, to guest's credit card in accordance with this agreement

The undersigned agrees to pay all collection costs, court costs, and legal fees incurred to collect delinquent balances from the rental or damage done to the property.

ADDITIONAL TERMS AND CONDITIONS

The undersigned Tenant, for himself/herself, his/her heirs, assignors, executors, and administrators, fully releases and discharges Owner from any and all liabilities, claims, demands, and causes of action by reason of any injury, loss of damage by whatever nature which has or have occurred, or may occur to the undersigned, or any of his/her guests as a result, or in connection with the occupancy of the premises and agrees to hold Owner free and harmless of any claim or suit arising there from. In any action concerning the rights, duties or liabilities of the parties to this agreement, their principals, agents, successors or assignees the prevailing party shall be entitled to recover any reasonable attorneys fees and costs. Owner reserves the right to terminate this Agreement upon their discretion at any time.

CREDIT CARD AUTHORIZATION:

I understand and consent to the use of the credit card provided without original signature on the charge slip, I understand that by "clicking" that I have read the terms and conditions of this property, I am bound by this agreement and I have signed "electronically, and that this Credit Card Authorization cannot be revoked and will not terminate until 90 days after leased premises are vacated. Charges may include but not limited to: unauthorized long distance telephone, cable, satellite TV or internet charges, damages beyond normal wear and tear.

Please remember that you are renting a private home. Please treat it with the same respect you would like shown in your own home.

ATTACHMENT 4

From: [Paul Hawkins](#)
To: [Vera Kolas](#)
Subject: Re: CU-2022-006
Date: Monday, December 12, 2022 8:21:54 AM

This Message originated outside your organization.

Good Morning Vera,

It's very possible that my initial problems accessing the complete application were on my end. After learning the history of the home at 11611 SE 33 Ave. and seeing it now, the improvements are welcoming. Their application is thorough and answered all my questions. They have partnered with an experienced management company and with the neighbors approval, I think this application can move forward.

Thank you,
Paul Hawkins
Lake Road Neighborhood Association

On Mon, Dec 12, 2022 at 6:10 AM Vera Kolas <KolasV@milwaukieoregon.gov> wrote:

Hello Paul,

I received your voicemail message saying that you were unable to open some of the materials for the proposed vacation rental at 11611 SE 33rd Ave.

The referral and the application materials are available here:
<https://www.milwaukieoregon.gov/planning/cu-2022-006>.

Please let me know if you still have issues opening either of the documents.

Thank you,

Vera

Vera Kolas, AICP

Senior Planner

she • her • hers



CITY OF MILWAUKIE

To: Planning Commission

Through: Laura Weigel, Planning Manager

From: Ryan Dyar, Assistant Planner

Date: December 30th, 2022, for January 10th, 2023, Work Session

Subject: Proposed Code Amendments: Climate Friendly Equitable Community (CFEC), Parking Amendments

ACTION REQUESTED

No action. Review the proposed code amendments related to compliance with the new Transportation Planning Rule (TPR) which was written through the Climate Friendly Equitable Communities rulemaking process. Provide direction about implementing the changes under consideration. This is a briefing for discussion only in advance of a public hearing.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

November 8, 2022: Staff updated Planning Commission on the code amendment process and asked for direction on updating the city's requirements for bicycle parking.

September 13, 2022: Staff provided Planning Commission with an overview of the new administrative rules and reported on the direction provided by City Council at their August 16th meeting. Planning Commission concurred with the majority City Council response and expressed a desire to eliminate parking mandates citywide in response to the new rules.

August 16, 2022: Staff provided City Council with an overview of the new administrative rules and asked for direction on implementing the new rules related to parking. Most of the City Council expressed a desire to eliminate parking mandates citywide considering the requirements in OAR 660-012-0440, Parking Reform Near Transit Corridors.

September 21, 2021: Council adopts Council Goals for 2021-2022 of climate change mitigation and resilience action, and equity, justice, and inclusion.

August 18, 2020: Council adopts the Milwaukie Comprehensive Plan, which includes several policies aimed at reducing GHG emissions.

October 2, 2018: Council adopts the Climate Action Plan to achieve carbon neutrality by reducing greenhouse gas (GHG) emissions and offsetting or capturing as much carbon as the Milwaukie community emits.

ANALYSIS

Recap of CFEC and Parking Regulation Requirements

As noted above, on September 13th, staff briefed Planning Commission on the CFEC rulemaking process. The process, initiated by Governor Brown's [Executive Order 20-04](#), was signed on March 10, 2020. It directed state agencies and commissions to take action to reduce greenhouse gas emissions. In response, the Department of Land Conservation and Development (DLCD) initiated the CFEC rulemaking process, which ultimately amended three sections of the Oregon Administrative Rules (OAR) that regulate how local jurisdictions in metropolitan areas do land-use and transportation planning. The full summary of those changes can be viewed in the [staff report](#) from September 13, 2022.

Many of the changes to the administrative rules will be addressed through the update of Milwaukie's Transportation System Plan (TSP); others related to parking regulation must be implemented before June 30th of 2023. Under the new rules, jurisdictions have the option to either eliminate minimum vehicle parking quantity requirements from their zoning codes entirely or adopt more complex regulations that allow for some minimum quantity requirements but disallow jurisdictions from applying those mandates to various land uses and in certain geographies (e.g., Region 2040 Town Centers). For Milwaukie, the implementation of one rule, OAR 660-012-0440 Parking Reform Near Transit Corridors, narrows the choice between these two approaches, as the effect of implementing the rule results in the elimination of parking mandates for approximately 80% of the city by area or 81% of tax lots in the city. For this reason, rather than apply parking quantity mandates for a relatively small geography and limited range of land uses, the majority of City Councilors (3/4) and Mayor Gamba recommended eliminating minimum parking quantity requirements citywide. On September 13th, Planning Commission agreed with this recommendation.

Proposed Amendments

Staff has reviewed the administrative rules, consulted with DLCD staff, and reviewed professional literature and other jurisdictions' development regulations to develop the proposed amendments.

Eliminate Parking Minimums and OAR 660-012-0405 Compliance

Attachment #1 contains a draft of the code amendments that would remove minimum parking quantity requirements and references to required parking from the zoning code. The proposed amendments also implement the provisions of [OAR 660-012-0405](#), which collectively aim to promote parking efficiency and mitigate the negative impacts of vehicle parking infrastructure. Specifically, the rule requires that development codes ensure carpool/vanpool spaces have prioritized placement in new developments, that they encourage shared parking, and that they require that builders account for the drawbacks of large newly constructed surface parking lots (those over ¼ acre in size) by providing shade trees or by investing in green energy.

With regards to carpool/vanpool and shared parking requirements, staff believes the Milwaukie Municipal Code (MMC) already complies with the new rules. To satisfy the new requirements for large surface parking lots, staff drafted amendments with the Milwaukie Urban Forester that

leverage the recently adopted standards and processes for residential tree canopy in Title 16 of the MMC (see Subsection 19.606.4 in Attachment #1). Commissioners should note that the administrative rules—in conjunction with a [guidance document](#) provided by DLCD— are relatively prescriptive; there is little room for municipal discretion in implementing these requirements. However, there is one notable difference between the administrative rules and the proposal in Attachment #1. The rules allow builders to mitigate the negative impacts of large surface parking areas by installing on-site solar. If a solar installation is not desirable or possible—and the builder cannot or does not want to satisfy the requirement by providing a tree canopy to cover 50% of the lot—they can satisfy the requirement under the OAR by paying a fee-in-lieu of solar development into a city or state fund for equitable solar or wind energy development. Staff excluded the fee-in-lieu option from the proposed code amendments because there is currently no city or state fund set up to accept the fee-in-lieu payment.¹

Bicycle Parking Quantity and Development Requirements

The draft amendments also include proposed changes to the city’s bicycle parking requirements (see MMC 19.609 in Attachment #1). The primary justification for updating MMC 19.609 is that the existing bicycle parking quantity requirements in MMC 19.609 for new and redeveloping commercial, industrial, and community service uses are derived from the minimum number of required vehicle parking spaces. With the elimination of minimum vehicle parking requirements, the city needs a new approach to ensure that an adequate quantity of bicycle parking spaces is provided.

After reviewing professional literature and requirements in other jurisdictions, staff recommends temporarily adding a table to MMC 19.609.2 that mirrors the bicycle parking quantity requirements in the existing code. Commissioners should note that the calculations have been modified to facilitate a more direct calculation; rather than having applicants calculate the minimum number of required vehicle parking spaces and then take 10% of that number, the standards have been reduced to 10% of the original requirement. Additionally, the quantity and location standards for certain middle housing developments have been refined to require covered and secured bicycle parking at a ratio of one bicycle parking space per dwelling unit. Under the existing code, it is assumed that each middle housing development will provide two spaces; however, the code section does not stipulate where or how those spaces should be provided. For the time being, staff recommends leaving other location and rack standards for bicycle parking as is, with the understanding that the Planning Division will take a complete look at quantity and development standards either as a standalone project prior to the TSP kickoff, or as part of the TSP process itself. As indicated during the November 8th, 2022, work session, staff recognize that the existing bicycle parking quantity and design standards are insufficient; however, unlike other changes that are being recommended because of this rulemaking, the city has more discretion and an extended timeframe to update bicycle parking standards. Staff would like to spend more time working through the details to ensure the

¹ Staff have consulted with DLCD about the Oregon Department of Energy (DOE) fund referenced in the OAR. As of mid-December, it was unclear if DOE could accept funds

bicycle parking quantity and development standards adopted are appropriate for the needs and goals of Milwaukie.

Updating Language

The proposed amendments also include minor non-CFEC-related changes to establish consistent language within the MMC, including changing the title Planning Director to Planning Manager and changing the term single family dwelling to single detached dwelling.

Key Questions

None. This work session is intended as a briefing before the first public hearing on February 14th, 2023.

Next Steps

- Planning Commission public hearing: February 14, 2023.
- City Council public hearing: March 7th, 2023.

ATTACHMENTS

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

	PC Packet	Public Copies	Packet
1. Draft code amendments (underline/strikeout format)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. OAR 660-012-0405 and OAR 660-012-0630	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Key:

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

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

E-Packet = packet materials available online at <https://www.milwaukieoregon.gov/bc-pc/planning-commission-110>.

Underline/Strikeout Amendments

Title 16 Environment

Chapter 16.32 Tree Code

16.32.042 TREE PRESERVATION AND PLANTING IN RESIDENTIAL ZONES

A. Applicability

The tree preservation and planting standards in this subsection apply to the following types of development in residential zones:

- ~~1. Land divisions.~~
- ~~2. Construction of a new residential dwelling unit that results in an increase of building footprint.~~
- ~~3. Construction of a new residential dwelling unit that does not result in an increase of building footprint. For applications meeting this criteria, only Subsections 16.32.042.F, 16.32.042.H and 16.32.042.J will apply.~~

1. The tree preservation and planting standards in this subsection apply to the following types of development in residential zones:

- a. Land divisions.
- b. Construction of a new residential dwelling unit that results in an increase of building footprint.
- c. Construction of a new residential dwelling unit that does not result in an increase of building footprint. For applications meeting this criteria, only Subsections 16.32.042.F, 16.32.042.H and 16.32.042.J will apply.

2. The following sections apply in any zone whenever MMC 19.606.4 is applicable, and the applicant seeks to comply with 19.606.4.C.3 by establishing a tree canopy.

- a. 16.32.042.F Protection Standards
- b. 16.32.042.G Soil Volume Standards
- c. 16.32.042.H Submittal Requirements

F. Tree Protection Standards

Trees to be retained must be protected from development impacts according to the standards in this subsection to be eligible for tree preservation and tree canopy credit. For applications meeting criteria as outlined in Subsections 16.32.042.A.1.a and 16.32.042.A.1.b ~~16.32.042.A.1 and 16.32.042.A.2~~, a tree protection plan prepared by an ISA certified arborist that demonstrates adequate protection of the trees to be preserved as approved by the Urban Forester is required. Tree protection methods and specifications must be consistent with ISA best management practices using either the following prescriptive path or performance path tree protection methods:

H. Submittal Requirements

For applications for construction of a new residential dwelling unit that does not result in an expansion of building footprint (Subsection ~~16.32.042.A.1.c~~ ~~16.32.042.A.3~~), applicants must demonstrate compliance with the applicable provisions of Subsection 16.32.042.F by submitting a report including elements outlined in Subsection 16.32.042.H.2. For applications for land subdivision (Subsection ~~16.32.042.A.1.a~~ ~~16.32.042.A.4~~) or construction of a new residential dwelling unit that results in an expansion of the building footprint (Subsection ~~16.32.042.A.1.b~~ ~~16.32.042.A.2~~) an ISA certified arborist that is also tree risk assessment qualified (TRAQ) must demonstrate compliance with the applicable provisions of Subsections 16.32.042.B through 16.32.042.G. Other professionals such as engineers, landscape architects, soil scientists, and surveyors may assist the project arborist as needed in preparing the required information, but the arborist must organize, review, and approve the final product. The minimum submittal requirements include an inventory of existing trees, tree preservation plan, tree canopy plan, and arborist report with the following elements:

I. Non-Development Tree Permit Requirements

1. Applicability

A permit is required prior to the removal of the following trees in residential zones on property that is outside the right-of-way and not owned or maintained by the City:

- a. Trees that are at least 6-inch DBH.
- b. Trees that are less than 6-inch DBH as specified on the City of Milwaukie Rare or Threatened Tree List.
- c. Trees that were planted to meet any requirements in Section 16.32.042.

Permits are not required in residential zones when tree removal is approved with development listed in Subsection ~~16.32.042.A.1.a~~ ~~16.32.042.A~~. Permits are also not required in residential zones for the removal of trees that are grown for commercial agricultural or horticultural purposes including fruit trees, nut trees, or holiday trees.

Title 19 Zoning Ordinance

CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS

19.201 DEFINITIONS

As used in this title:

“Carport” means a stationary structure consisting of a roof, its supports, and not more than 1 wall (or storage cabinets substituting for a wall) used to shelter motor vehicles, recreational vehicles, or boats. ~~A structure is only considered to be a carport when it is being used to meet minimum off-street parking requirements.~~

CHAPTER 19.300 BASE ZONES

19.303 COMMERCIAL MIXED-USE ZONES

19.303.3 Development Standards

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

Table 19.303.3 summarizes some of the development standards that apply in the commercial mixed-use zones. Development standards are presented in detail in Subsection 19.303.4.

Table 19.303.3 Commercial Mixed Use Zones—Summary of Development Standards			
Standard	GMU	NMU	Standards/ Additional Provisions
A. Lot Standards			
1. Minimum lot size (sq ft)	1,500	1,500	
2. Minimum street frontage (ft)	25	25	
B. Development Standards			
1. Minimum floor area ratio	0.5:1	0.5:1	Subsection 19.303.4.A Floor Area Ratio
2. Building height (ft)			Subsection 19.303.4.B Building Height
a. Base maximum	45	45	Section 19.510 Green Building Standards Subsection 19.911.7 Building Height Variance in the General Mixed Use Zone
b. Maximum with height bonus	57–69	Height bonus not available	
3. Street setbacks (ft)			Subsection 19.303.4.C Street Setbacks
a. Minimum street setback	0–15 ¹	None	Section 19.501.2 Yard Exceptions
b. Maximum street setback	10–20 ²	10	
c. Side and rear setbacks	None	None	
4. Frontage occupancy	50%	None	Subsection 19.303.4.D Frontage Occupancy Requirements Figure 19.303.4.D Frontage Occupancy Requirements
5. Maximum lot coverage	85%	85%	
6. Minimum vegetation	15%	15%	Subsection 19.504.6 Minimum Vegetation
7. Primary entrances	Yes	Yes	Subsection 19.303.4.E Primary Entrances
8. Off-street parking <u>standards</u> required	Yes	Yes	Chapter 19.600 Off-Street Parking and Loading
9. Transit street	Yes	Yes	Subsection 19.505.8 Building Orientation to Transit

10. Transition measures	Yes	Yes	Subsection 19.504.5 Transition Area Measures
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19.303.6 Additional Provisions

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

B. Section 19.600 Off-Street Parking and Loading

Contains standards for vehicle and bicycle parking, including ~~required~~ maximum number of spaces and design standards for parking and loading areas where provided.

19.304 DOWNTOWN ZONES

Table 19.304.4 CONTINUED			
Downtown Zones—Summary of Development Standards			
Standard	DMU	OS	Standards/ Additional Provisions
B. Development Standards CONTINUED			
5. Frontage occupancy requirements	50–90%	None	Subsection 19.304.5.E Frontage Occupancy Requirements Figure 19.304-6 Minimum Frontage Occupancy
6. Primary entrances	Yes	No	Subsection 19.304.5.F Primary Entrances
7. Off-street parking <u>standards</u> required	Yes, where applicable	Yes, where applicable	Subsection 19.304.5.G Off-Street Parking Chapter 19.600 Off-Street Parking and Loading
8. Open space	Yes, where applicable	Yes, where applicable	Subsection 19.304.5.H Open Space Subsection 19.508.4.G Open Space/Plazas
9. Transition measures	Yes, where applicable	No	Subsection 19.304.5.I Transition Measures Subsection 19.504.5 Transition Area Measures

19.304.5 Detailed Development Standards

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

G. Off-Street Parking

ATTACHMENT 1

1. Intent

The desired character for the DMU Zone, particularly along Main St, is defined by a continuous façade of buildings close to the street, with adjacent on-street parking.

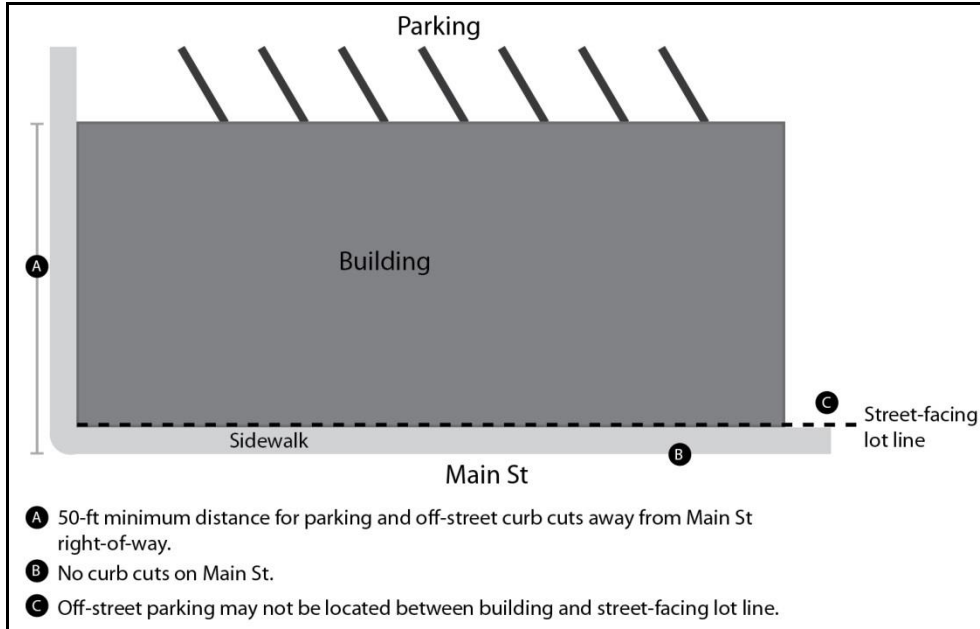
2. Standards

- a. Off-street parking for residential uses is subject to the ~~required at the ratios established in Table 19.605.1. All other applicable standards of Chapter 19.600 apply.~~
- b. If off-street parking is provided for nonresidential uses, the parking maximums in Table 19.605.1 shall apply. All other applicable standards of Chapter 19.600 shall also apply.
- c. Off-street surface parking lots (including curb cuts) shall not be located within 50 ft of the Main St right-of-way. Off-street surface parking lots approved prior to October 31, 2015, the effective date of Ordinance #2106, are exempt from this prohibition. This exemption applies only to the property owner on file with the Clackamas County Assessor as of October 31, 2015, the effective date of Ordinance #2106, and is dissolved upon transfer of ownership.

The Planning Commission may permit off-street parking lots and curb cuts within 50 ft of the Main St right-of-way only upon finding, through Type III Variance review pursuant to Section 19.911, that:

- (1) The overall project meets the intent of providing a continuous façade of buildings close to Main St.
 - (2) The off-street parking area or curb cut is visually screened from view from Main St.
 - (3) The community need for the off-street parking area or curb cut within 50 ft of Main St outweighs the need to provide a continuous façade of buildings in that area.
- d. Off-street parking shall not be located between a building and the street-facing lot line.

Figure 19.304.5.G.2 Off-Street Parking Standards



~~3. Exemptions~~

~~All nonresidential uses are exempt from the off-street parking requirements.~~

19.304.8 Variances

The Planning ~~Manager~~ Director or Planning Commission may authorize variances to the development standards under Subsection 19.304.4 in accordance with procedures of Section 19.911. (Ord. 2218 § 2 (Exh. B), 2022; Ord. 2170 § 2, 2019; Ord. 2168 § 2, 2019; Ord. 2134 § 2, 2016; Ord. 2120 § 2, 2016; Ord. 2110 § 2 (Exh. G), 2015; Ord. 2106 § 2 (Exh. F), 2015; Ord. 2094 § 2, 2015; Ord. 2059 § 2, 2013; Ord. 2051 § 2, 2012; Ord. 2025 § 2, 2011)

19.310 BUSINESS INDUSTRIAL ZONE BI

19.310.6 Standards

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

H. Landscaping

15% of the site must be landscaped, except for sites adjacent to Hwy. 224, which shall provide landscaping to 20% 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 stormwater runoff. A bond or financial guarantee for landscape completion shall be required.

CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

19.505 BUILDING DESIGN STANDARDS

19.505.4 Cottage Cluster Housing

C. Development Standards

The standards listed below in Table 19.505.4.C.1 are the applicable development and design standards for cottage cluster housing. Additional design standards are provided in Subsection 19.505.1.

Table 19.505.4.C.1 (CONTINUED)		
Cottage Cluster Development Standards		
Standards	R-MD	R-1, R-2, R-2.5, R-3, R-1-B
E. Impervious Area, Vegetated Area (CONTINUED)		
2. Vegetated site area (minimum)	35%	35%
F. Community and Common Space		
1. Community building footprint (maximum) ¹	1,000 sf	1,000 sf
2. Common Space	19.505.1.D	19.505.1.D
G. Parking (see also 19.505.1.D.3)		
1. Automobile parking spaces per primary home (minimum)	0.5	0.5
2 1. Dry, secure bicycle parking spaces per home (minimum)		1.5
3 2. Guest bicycle parking spaces per home (minimum)		0.5

2. Off-Street Parking

- a. ~~There must be at least 0.5 off-street parking spaces per dwelling unit per Table 19.505.4.B.1. When off-street parking is provided, the parking space must be located together with parking spaces for other cottages in a common area, and not located on the same lot as an individual cottage unit.~~
- b. A cottage cluster parking area must be set back from the street. The distance of the setback is dependent on the orientation of the structure or lot. If the axis of the longest dimension of the parking area has an angle of 45 degrees or more to the lot line, the narrow dimension may be within 5 ft of the street. If the angle is less than 45 degrees, the parking area must be at least 20 ft from the street.
- c. If there are more than 8 units in a cottage cluster and off-street parking is provided, there must be at least 2 separate parking areas with a minimum of 4 parking spaces in each area. A drive aisle connecting the 2 areas is permitted if a separate driveway access for each area is not permitted per Chapter 12.16 Access Management.

CHAPTER 19.600 OFF-STREET PARKING AND LOADING

19.601 PURPOSE

Chapter 19.600 regulates off-street parking and loading areas on private property outside the public right-of-way. The purpose of Chapter 19.600 is to: ~~provide adequate, but not excessive, off-street parking;~~ support efficient streets; avoid unnecessary conflicts between vehicles, bicycles, and pedestrians; encourage bicycling, transit, and carpooling; minimize parking impacts to adjacent properties; improve the appearance of parking areas; and minimize environmental impacts of parking areas.

Regulations governing the provision of on-street parking within the right-of-way are contained in Chapter 19.700. The management of on-street parking is governed by Chapter 10.20. Chapter 19.600 does not enforce compliance with the Americans with Disabilities Act (ADA). ADA compliance on private property is reviewed and enforced by the Building Official. (Ord. 2218 § 2 (Exh. B), 2022; Ord. 2106 § 2 (Exh. F), 2015; Ord. 2025 § 2, 2011)

19.602 APPLICABILITY

19.602.1 General Applicability

The regulations of Chapter 19.600 apply to all off-street parking areas and off-street loading areas, ~~whether required by the City as part of development or a change in use, per Subsection 19.602.3, or voluntarily installed for the convenience of users, per Subsection 19.602.4.~~ Activity that is not described by Subsections 19.602.3 or 4 is exempt from compliance with the provisions of Chapter 19.600. Changes to nonconforming off-street parking and loading are addressed through Chapter 19.600 and not through the provisions of Chapter 19.800.

19.602.5 Improvements to Existing Off-Street Parking and Loading Areas

A. Purpose

The purpose of Subsection 19.602.5 is to improve nonconforming off-street parking and loading areas as redevelopment occurs. These improvements should occur in conjunction with a development or change in use.

B. Limitations on Required Improvements

The cost of materials for any required improvements shall not exceed 10% of the development permit value of the associated development, redevelopment, and/or tenant improvements associated with a change in use. The cost of capital equipment such as manufacturing or operational equipment is exempt from the building permit value for purposes of this regulation. This exemption does not include building infrastructure such as electrical, plumbing, heating, venting, or air conditioning equipment.

C. Areas of Required Improvement

The Planning Director will evaluate the applicant's parking plan and use the prioritized list below when determining what improvements will be required.

1. Paving and striping of parking areas, per Subsection 19.606.3.A.
- ~~2. Minimum required vehicle parking spaces, per Section 19.605.~~
- ~~2.3.~~ Minimum required bicycle parking spaces, per Section 19.609.
- ~~3.4.~~ Landscaping of existing buffers, islands, and medians, per Subsection 19.606.2.D.

~~4.5.~~ New perimeter landscape buffers, islands, and medians, as applicable, per Subsection 19.606.2.

~~5.6.~~ Other applicable standards within Chapter 19.600, as determined by the Planning ~~Director~~ Manager.

(Ord. 2161 § 2, 2018; Ord. 2025 § 2, 2011)

19.603 REVIEW PROCESS AND SUBMITTAL REQUIREMENTS

19.603.1 Review Process

The Planning ~~Manager~~ Director shall apply the provisions of Chapter 19.600 in reviewing all land use and development permit applications, except when an application is subject to a quasi-judicial land use review or appeal, in which case the body reviewing the application or appeal has the authority to implement and interpret the provisions of Chapter 19.600.

19.603.2 Submittal Requirements

Except for ~~single-family~~ single detached dwellings or development situations where no off-street parking is being provided, a development or change in use subject to Chapter 19.600 as per Section 19.602 shall submit a parking plan, drawn to scale. The parking plan shall show that all applicable standards are met, and shall include but not be limited to the items listed below, unless waived by the Planning ~~Director~~ Manager.

- A. Delineation of individual spaces and wheel stops.
- B. Drive aisles necessary to serve spaces.
- C. Accessways, including driveways and driveway approaches, to streets, alleys, and properties to be served.
- D. Pedestrian pathways and circulation.
- E. Bicycle parking areas and rack specifications.
- F. Fencing.
- G. Abutting land uses.
- H. Grading, drainage, surfacing, and subgrading details.
- I. Location and design of lighting fixtures and levels of illumination.
- J. Delineation of existing and proposed structures.
- K. Parking and loading area signage.
- L. Landscaping, including the following information.
 - 1. The location and area of existing and proposed trees, vegetation, and plant materials, including details about the number, size, and species of such items.
 - 2. Notation of the trees, plants, and vegetation to be removed, and protection measures for existing trees and plants to be preserved.

(Ord. 2025 § 2, 2011)

19.604 GENERAL PARKING STANDARDS

19.604.1 Parking Provided with Development Activity

~~All required off-street parking areas shall be provided at the time the structure is built; at the time a structure or site is enlarged; or when there is change in use or an increase in density or intensity.~~
All required off-street parking areas shall be provided in conformance with the standards of Chapter 19.600 prior to issuance of a certificate of occupancy, or final development permit approval, or as otherwise specified in any applicable land use decision.

19.604.2 Parking Area Location

Accessory parking shall be located in one or more of the following areas:

- A. On the same site as the primary use for which the parking is accessory.
- B. On a site owned by the same entity as the site containing the primary use that meets the standards of Subsection 19.605.4.B.2. Accessory parking that is located in this manner shall not be considered a parking facility for purposes of the base zones in Chapter 19.300.
- C. Where parking is approved in conformance with Subsection 19.605.2.
- ~~D. Where shared parking is approved in conformance with Subsection 19.605.4.~~

19.604.3 Use of Converting Off-Street Parking Areas

~~All required off-street parking areas shall continually be available for the parking of operable vehicles of intended users of the site. Required parking shall not be rented, leased, sold, or otherwise used for parking that is unrelated to the primary or accessory use of the site, except where a shared parking agreement per Subsection 19.605.4 has been recorded. Subsection 19.604.3 does not prohibit charging fees for parking when the parking serves the primary or accessory uses on site.~~

When converting an automobile parking area to another use, access for emergency vehicles must be maintained, and adequate parking for truck loading should be considered.

~~19.604.4 Storage Prohibited~~

~~No required off-street parking area shall be used for storage of equipment or materials, except as specifically authorized by Subsection 19.607.2 Commercial Vehicle, Pleasure Craft, and Recreational Vehicle Parking. (Ord. 2218 § 2 (Exh. B), 2022; Ord. 2025 § 2, 2011)~~

19.605 VEHICLE PARKING QUANTITY REQUIREMENTS

The purpose of Section 19.605 is to ensure that development ~~provides adequate, but not excessive, does not provide excessive~~ vehicle parking based on their estimated parking demand. Subsection 19.605.1 establishes parking ratios for common land uses, and Subsection 19.605.3 allows certain exemptions and reductions to these ratios based on location or on-site amenities. Modifications to the established parking ratios and determinations of parking requirements for unique land uses are allowed with discretionary review per Subsection 19.605.2.

~~Nonresidential development in the Downtown Mixed Use (DMU) and Open Space (OS) Zones is exempt from the requirements of Section 19.605.~~

~~19.605.1 Minimum and Maximum Requirements~~ Parking Maximums

- A. ~~Development shall provide at least the minimum and not~~ When off-street parking is provided with development, the number of spaces shall not be more than the maximum number of

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parking spaces as listed in Table 19.605.1. Modifications to the standards in Table 19.605.1 may be made as per Section 19.605. Where multiple ratios are listed, the Planning ~~Manager~~ Director shall determine which ratio to apply to the proposed development or use.

- B. When a specific use has not been proposed or identified at the time of permit review, the Planning Manager ~~Director~~ may elect to assign a use category from Table 19.605.1 to determine the ~~minimum required and~~ maximum allowed parking. Future tenants or property owners are responsible for compliance with Chapter 19.600 per the applicability provisions of Section 19.602.
- C. If a proposed use is not listed in Table 19.605.1, the Planning ~~Manager~~ Director has the discretion to apply the ~~quantity~~ maximum requirements of a similar use listed in the table upon finding that the listed use and unlisted use have similar parking demands. If a similar use is not listed, the ~~quantity~~ maximum allowance requirements will be determined per Subsection 19.605.2.
- D. ~~Where the calculation of minimum parking spaces does not result in a whole number, the result shall be rounded down to the next whole number.~~ Where the calculation of maximum parking spaces does not result in a whole number, the result shall be rounded to the nearest whole number.
- E. Parking spaces for disabled persons, and other improvements related to parking, loading, and maneuvering for disabled persons, shall conform to the Americans with Disabilities Act and shall be subject to review and approval by the Building Official. Spaces reserved for disabled persons are included in the ~~minimum required and~~ maximum allowed number of off-street parking spaces.
- F. Uses that have legally established parking areas that exceed the maximum number of spaces allowed by Section 19.605 prior to June 17, 2010, the effective date of Ordinance #2015, shall be considered nonconforming with respect to the quantity requirements. Such uses shall not be considered parking facilities as defined in Section 19.201.

Table 19.605.1		
Minimum To Maximum Off-Street Parking Standards Requirements		
Use	Minimum Required	Maximum Allowed
A. Residential Uses		
1. Single detached dwellings, including manufactured homes.	1 space per primary dwelling unit.	No maximum.
2. Multi-Unit Dwellings	1 space per dwelling unit.	2 spaces per dwelling unit.
3. Middle Housing ¹		
a. Duplexes	0	1 space per dwelling unit
b. Triplexes	0	1 space per dwelling unit
c. Quadplexes	0	1 space per dwelling unit
d. Townhouses ²	0	1 space per dwelling unit
e. Cottage Clusters	0.5 spaces per dwelling unit	1 space per dwelling unit
4. Residential homes and similar facilities allowed by right in residential zones.	1 space per dwelling unit plus 1 space per employee on the largest shift.	Minimum required parking plus 1 space per bedroom.

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5. Accessory dwelling units (ADU).	No additional space required unless used as a vacation rental, which requires 1 space per rental unit.	No maximum.
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Table 19.605.1 CONTINUED Minimum To Maximum Off-Street Parking Standards Requirements		
Use	Minimum Required	Maximum Allowed
B. Community Service and Other Public Uses		
1. Religious institutions.	1 space per 4 seats.	1 space per 2 seats.
2. Day-care center (“family day-care” as defined in Section 19.201 has no parking requirements).	2 spaces per 1,000 sq ft of floor area.	3.5 spaces per 1,000 sq ft of floor area.
3. School—elementary or junior high.	1 space per classroom.	2 spaces per classroom.
4. School—senior high.	0.25 spaces per student, plus 1 space per staff.	0.33 spaces per student, plus 1 space per staff.
5. Meeting room, club, lodge, or association.	5 spaces per 1,000 sq ft of floor area, or 1 space per 4 seats if seats are permanently installed.	16.66 spaces per 1,000 sq ft of floor area, or 1 space per 3 seats if seats are permanently installed.
6. Library, museum, art gallery.	1 space per 1,000 sq ft of floor area.	1.2 spaces per 1,000 sq ft of floor area.
7. Nursing, convalescent, and extended-care facilities.	1 space per 4 beds.	1 space per 3 beds.
C. Lodging Places		
1. Motel, hotel, boarding house.	1 space per lodging unit.	1.5 spaces per lodging unit.
2. Bed and breakfast establishments.	1 space per lodging unit, plus 1 space for the permanent residence.	1.5 spaces per lodging unit, plus 2 spaces for the permanent residence.
D. Commercial Uses—Recreational		
1. Indoor recreation, such as a health club, gym, bowling alley, arcade, etc.	3 spaces for each 1,000 sq ft of floor area.	5.5 spaces per 1,000 sq ft of floor area.
2. Theater, auditorium, or stadium.	1 space per 4 seats.	1 space per 3 seats.
E. Commercial Uses—Retail Goods		
1. Eating and drinking establishments.	4 spaces per 1,000 sq ft floor area.	15 spaces per 1,000 sq ft of floor area.
2. General retail—grocery stores, convenience stores, specialty retail and shops.	2 spaces per 1,000 sq ft of floor area.	5 spaces per 1,000 sq ft of floor area.
3. Bulk retail—furniture and home furnishings, appliances, vehicles, building materials, and similar large items.	1 space per 1,000 sq ft of floor area.	3 spaces per 1,000 sq ft of floor area.

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4. Gas stations.	No minimum.	1.25 spaces per 4 pumps.
F. Commercial Uses—Services		
1. General office, including banks.	2 spaces per 1,000 sq ft of floor area.	3.4 spaces per 1,000 sq ft of floor area.
2. Medical/dental office (non-hospital), veterinary clinic.	3.9 spaces per 1,000 sq ft of floor area.	4.9 spaces per 1,000 sq ft of floor area.
Table 19.605.1 CONTINUED		
Minimum To Maximum Off-Street Parking Standards Requirements		
Use	Minimum Required	Maximum Allowed
F. Commercial Uses—Services CONTINUED		
3. Personal services, such as a barbershop, beauty parlor, etc.	4 spaces per 1,000 square floor area.	5.4 spaces per 1,000 sq ft of floor area.
4. Commercial services, such as dry cleaners and repair shops (does not include vehicle repair).	2.8 spaces per 1,000 sq ft of floor area.	5.1 spaces per 1,000 sq ft of floor area.
5. Vehicle repair.	2 spaces per 1,000 sq ft of floor area.	2.5 spaces per 1,000 sq ft of floor area.
6. Quick vehicle repair and servicing, such as oil change and tire shops.	2 spaces per service bay.	3 spaces per service bay.
7. Mortuary/funeral home.	1 space per 5 chapel or parlor seats.	1 space per 3 chapel or parlor seats.
8. Car wash.	No minimum.	2 spaces per wash bay for self-service washes, or 2 spaces per 1,000 sq ft of floor area for full-service washes.
G. Industrial Uses		
1. Manufacturing.	1 space per 1,000 sq ft of floor area.	2 spaces per 1,000 sq ft of floor area.
2. Storage, warehouse, wholesale establishment less than 150,000 sq ft.	0.5 spaces per 1,000 sq ft of floor area.	1 space per 1,000 sq ft of floor area.
3. Storage, warehouse, wholesale establishment 150,000 sq ft or greater.	0.3 spaces per 1,000 sq ft of floor area.	0.4 spaces per 1,000 sq ft of floor area.
4. Mini-warehouse; self-service storage.	1 space per 45 storage units, plus 1 space per employee of the largest shift.	1 space per 20 storage units, plus 1 space per employee of the largest shift.

1 For middle housing developments located on streets classified as Arterials or Collectors in the Transportation System Plan, 0.5 off-street parking spaces per dwelling unit are required.

2 For townhouse developments of 8 or more townhouses, 0.5 off-street parking spaces per dwelling unit are required. Successive or phased townhouse developments to avoid this requirement are not permitted.

19.605.2 Maximum Quantity Modifications and Required Parking Determinations

Subsection 19.605.2 allows for the modification of ~~minimum~~ and maximum parking ratios from Table 19.605.1 as well as the determination of ~~minimum~~ and maximum parking requirements.

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Parking determinations shall be made when the proposed use is not listed in Table 19.605.1 and for developments with parking demands that are ~~either lower than the minimum required or higher than the maximum allowed~~.

A. Applicability

The procedures of Subsection 19.605.2 shall apply in the following situations:

1. If the proposed use is not listed in Table 19.605.1 and the ~~quantity requirements~~ maximum allowed quantity for a similar listed use cannot be applied.
2. If the applicant seeks a modification from the ~~minimum required or maximum allowed~~ quantities as calculated per Table 19.605.1.

B. Application

Determination of parking ratios in situations listed above shall be reviewed as a Type II land use decision, per Section 19.1005 Type II Review. The application for a determination must include the following:

1. Describe the proposed uses of the site, including information about the size and types of the uses on site, and information about site users (employees, customers, residents, etc.).
2. Identify factors specific to the proposed use and/or site, such as the proximity of transit, parking demand management programs, availability of shared parking, and/or special characteristics of the customer, client, employee or resident population that affect parking demand.
3. Provide data and analysis specified in Subsection 19.605.2.B.3 to support the determination request. The Planning Manager may waive requirements of Subsection 19.605.2.B.3 if the information is not readily available or relevant, so long as sufficient documentation is provided to support the determination request.
 - a. Analyze parking demand information from professional literature that is pertinent to the proposed development. Such information may include data or literature from the Institute of Transportation Engineers, American Planning Association, Urban Land Institute, or other similar organizations.
 - b. Review parking standards for the proposed use or similar uses found in parking regulations from other jurisdictions.
 - c. Present parking quantity and parking use data from existing developments that are similar to the proposed development. The information about the existing development and its parking demand shall include enough detail to evaluate similarities and differences between the existing development and the proposed development.
 - d. For middle housing, provide occupancy and use data quantifying conditions of the on-street parking system within one block of the middle housing development.
 - e. ~~Identify factors specific to the site, such as the preservation of a priority tree or trees, or planting of new trees to achieve 40% canopy, as identified in Chapter 16.32.~~
4. Propose a ~~minimum and~~ maximum parking ratio. For phased projects, and for projects where the tenant mix is unknown or subject to change, the applicant may propose a maximum range ~~(low and high number of parking spaces)~~ for each development phase

~~and both a minimum and maximum number of parking spaces to be provided at buildout of the project.~~

5. Address the approval criteria in Subsection 19.605.2.C.

C. Approval Criteria

The Planning Manager shall consider the following criteria in deciding whether to approve the determination or modification. The Planning Manager, based on the applicant's materials and other data the Planning Manager deems relevant, shall set the ~~minimum parking requirement and~~ maximum parking allowed. Conditions of approval may be placed on the decision to ensure compliance with the parking determination.

1. All modifications and determinations must demonstrate that the proposed parking quantities are reasonable based on existing parking demand for similar use in other locations; parking quantity allowances requirements for the use in other jurisdictions; and professional literature about the parking demands of the proposed use.
- ~~2. In addition to the criteria in Subsection 19.605.2.C.1, requests for modifications to decrease the amount of minimum required parking shall meet the following criteria:~~
 - ~~a. The use, frequency, and proximity of transit, parking demand management programs, and/or special characteristics of the site users will reduce expected vehicle use and parking space demand for the proposed use or development, as compared with the standards in Table 19.605.1.~~
 - ~~b. The reduction of off-street parking will not adversely affect available on-street parking.~~
 - ~~c. The requested reduction is the smallest reduction needed based on the specific circumstances of the use and/or site, or is otherwise consistent with city or comprehensive plan policy.~~
23. In addition to the criteria in Subsection 19.605.2.C.1, requests for modifications to increase the amount of maximum allowed parking shall meet the following criteria:
 - a. The proposed development has unique or unusual characteristics that create a higher-than-typical parking demand.
 - b. The parking demand cannot be accommodated by shared or joint parking arrangements or by increasing the supply of spaces that are exempt from the maximum amount of parking allowed under Subsection 19.605.3.A.
 - c. The requested increase is the smallest increase needed based on the specific circumstances of the use and/or site.

19.605.3 Exemptions and By-Right Reductions to Quantity Requirements

The following exemptions and by-right reductions cannot be used to further modify any parking modification or determination granted under Subsection 19.605.2.

A. Exemptions to Maximum Quantity Allowance

The following types of parking do not count toward the maximum amount of parking allowed on a site. This exemption applies only to the quantity requirements of Section 19.605 and not to the other requirements of Chapter 19.600. The City may impose conditions to ensure that parking spaces associated with these parking types are appropriately identified and used for the intended purpose.

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1. Spaces for a parking facility.
2. Spaces for a transit facility or park and ride facility.
3. Storage or display areas for vehicle sales.
4. Employee carpool parking, when spaces are dedicated or reserved for that use.
5. Fleet parking.
6. Truck loading areas.

~~B. Reductions to Minimum Parking Requirements~~

~~Applicants are allowed to utilize multiple reductions from Subsections 19.605.3.B.2-7, provided that the total reduction in required parking does not exceed 25% of the minimum quantity requirement listed in Table 19.605.1. The total reduction in required parking is increased to 30% in the Downtown Mixed Use Zone DMU. The total reduction in required parking is increased to 50% for affordable housing units as defined in Subsection 19.605.3.B.8. Applicants may not utilize the reduction in Subsection 19.605.3.B.1 in conjunction with any other reduction in Subsection 19.605.3.B.~~

~~1. Reductions for Neighborhood Commercial Areas~~

~~The minimum parking requirements of Table 19.605.1 shall be reduced by 50% for the properties described below:~~

- ~~a. Properties zoned Commercial Limited (C-L).~~
- ~~b. Properties zoned Commercial Neighborhood (C-N).~~
- ~~c. Properties in the Neighborhood Mixed Use (NMU) Zone in the area bounded by 40th Ave, King Rd, 44th Ave, and Jackson St.~~

~~2. Proximity to Public Transit~~

- ~~a. Parking for commercial and industrial uses may be reduced by up to 10% if the development is within 500-ft walking distance, as defined in Subsection 19.605.3.B.2.d, of a transit stop with a peak hour service frequency of 30 minutes or less.~~
- ~~b. Parking for multi-unit developments and middle housing may be reduced by up to 20% if the development is within 500-ft walking distance, as defined in Subsection 19.605.3.B.2.d, of a transit stop with a peak hour service frequency of 30 minutes or less.~~
- ~~c. Parking for all uses except single detached dwellings may be reduced by 25% if the development is within 1,000-ft walking distance, as defined in Subsection 19.605.3.B.2.d, of a light rail transit stop, or if it is located in the Downtown Mixed Use Zone DMU.~~
- ~~d. In determining walking distance, the applicant shall measure the shortest route along sidewalks, improved pedestrian ways, or streets if sidewalks or improved pedestrian ways are not present. Walking distance shall be measured along the shortest course from the point on the development site that is nearest to the transit stop.~~

~~3. Multitenant Commercial Sites~~

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~~Where multiple commercial uses occur on the same site, minimum parking requirements shall be calculated as described below. The Planning Manager shall have the authority to determine when multiple uses exist on a site.~~

~~a. Use with highest parking requirement. The use that has the largest total number of minimum parking spaces required shall be required to provide 100% of the minimum number of parking spaces.~~

~~b. All other uses. All other uses on the site shall be required to provide 80% of the minimum number of parking spaces.~~

~~4. Carpool/Vanpool~~

~~Commercial and industrial developments that provide at least 2 carpool/vanpool parking spaces may reduce the required number of parking spaces by up to 10%. This reduction may be taken whether the carpool/vanpool space is required pursuant to Section 19.610 or voluntarily provided.~~

~~5. Bicycle Parking~~

~~The minimum amount of required parking for all non-single detached residential uses, other than middle housing, may be reduced by up to 10% for the provision of covered and secured bicycle parking in addition to what is required by Section 19.609. A reduction of one vehicle parking space is allowed for every 6 additional bicycle parking spaces installed. The bicycle spaces shall meet all other standards of Section 19.609. If a reduction of 5 or more stalls is granted, then on-site changing facilities for bicyclists, including showers and lockers, are required. The area of an existing parking space in an off-street parking area may be converted to bicycle parking to utilize this reduction.~~

~~6. Car Sharing~~

~~Required parking may be reduced by up to 5% if at least one off-street parking space is reserved for a vehicle that is part of a car sharing program. The car sharing program shall be sufficiently large enough, as determined by the Planning Manager, to be accessible to persons throughout Milwaukie and its vicinity. The applicant must provide documentation from the car sharing program that the program will utilize the space provided.~~

~~7. Provision of Transit Facility Improvements~~

~~The number of existing required parking spaces may be reduced by up to 10% for developments that provide facilities such as bus stops and pull-outs, bus shelters, or other transit-related facilities. A reduction of one parking space is allowed for each 100-sq ft of transit facility provided on the site.~~

~~8. Affordable Housing~~

~~Parking minimums in Table 19.605.1 may be reduced for the following:~~

~~a. For any multi-unit dwelling unit or middle housing dwelling unit that meets the exemption standards as defined in Section 3.60.050, the minimum parking requirement for that unit may be reduced by 25%.~~

19.605.4 Shared Parking

~~Some or all of a use's required parking spaces may be accommodated off-premises on the parking area of a different site through shared parking, pursuant to the standards of Subsection 19.605.4.~~

~~The standards of Subsection 19.605.4 do not apply to voluntary shared parking agreements that are not created in order to conform to the quantity requirements of Section 19.605.~~

~~A. Review~~

~~The Planning Director shall determine, in accordance with Section 19.1004 Type I Review, whether the shared parking standards are met. The Planning Director may require a nonconforming parking area be brought into conformance, or closer to conformance as per Subsection 19.602.5, before it may be used for shared parking.~~

~~B. Standards~~

- ~~1. The applicant must demonstrate that the shared parking area has a sufficient quantity of spaces for the uses that will share the parking area. The Planning Director may require the applicant to provide data substantiating the claim that the proposed parking is sufficient for multiple uses during peak hours of demand for each use.~~
- ~~2. The nearest parking spaces shall be no further than 1,000 ft from the principal structure(s) or use(s). The measurement shall be along a route that is adequately illuminated; has vertical or horizontal separation from travel lanes within the right-of-way; uses legal crosswalks for right-of-way crossing; and has an asphalt, concrete, or similar surface material. The applicant may propose to construct new facilities or modify existing facilities to comply with Subsection 19.605.4.B.2.~~
- ~~3. Legal documentation between the property owners that guarantees access to the shared parking shall be recorded with the County. The documentation shall be reviewed and approved by the Planning Director prior to being recorded. The agreement shall run with the land and not be tied to property ownership. The agreement shall not be terminated without City approval. The request for terminating the agreement must demonstrate that the properties in the agreement and their uses will comply with the quantity requirements of Section 19.605 after dissolution of the agreement. A copy of the recorded documentation shall be provided to the City prior to obtaining a building permit. (Ord. 2218 § 2 (Exh. B), 2022; Ord. 2186 § 2, 2019; Ord. 2161 § 2, 2018; Ord. 2112 § 2 (Exh. B), 2015; Ord. 2106 § 2 (Exh. F), 2015; Ord. 2051 § 2, 2012; Ord. 2025 § 2, 2011)~~

19.605.4.5 Electric Vehicle (EV) Charging Requirements

Required EV charging spaces. All uses that are commercial, industrial, multi-unit with 5 or more units, or mixed-use with 5 or more units must include sufficient space for electrical service capacity to support at least a Level 2 EV charger at required EV charging spaces as outlined below. For terms not defined elsewhere in Title 19, see applicable sections of the state building code and/or OAR 918-460-0200.

A. Commercial and Industrial Parking

For commercial and industrial uses that provide off-street parking, choose one of the following:

1. At least 50% of the total number of parking spaces provided must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger; or
2. At least 20% of the total number of parking spaces provided must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV

charger. At least 5% of parking spaces provided must include an installed Level 2 or Level 3 EV charger. Parking spaces with installed chargers count toward the 20% minimum requirement.

B. Multi-Unit and Mixed-Use Residential Parking

For buildings with 5 or more dwelling units where off-street parking spaces are provided, choose one of the following:

1. All (100%) of the parking spaces provided must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger; or
2. At least 40% of parking spaces provided must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger. At least 10% of

parking spaces provided must include an installed Level 2 or Level 3 EV charger. Parking spaces with installed chargers count toward the 40% minimum requirement.

19.606 PARKING AREA DESIGN AND LANDSCAPING

The purpose of Section 19.606 is to ensure that off-street parking areas are safe, environmentally sound, aesthetically pleasing, and that they have efficient circulation. The requirements in Subsection 19.606.4 apply to all types of development where a quarter acre parking lot or larger is provided. All other These standards apply to all types of development where parking is provided, except for middle housing, single detached dwellings, and adult foster/care homes, residential homes.

19.606.1 Parking Space and Aisle Dimensions

- A. The dimensions for ~~required~~ off-street parking spaces and abutting drive aisles, where required, shall be no less than in Table 19.606.1. The minimum dimensions listed in Table 19.606.1 are illustrated in Figure 19.606.1.

v					
Angle (A)	Width (B)	Curb Length (C)	1-Way Aisle Width (D)	2-Way Aisle Width (D)	Depth (E)
0° (Parallel)	8.5'	22'	12'	19'	8.5'
30°	9'	17'	12'	19'	16.5'
45°	9'	12'	13'	19'	18.5'
60°	9'	10'	17'	19'	19'
90°	9'	9'	22'	22'	18'

C. Perimeter Landscaping

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

1. Dimensions

The minimum width of perimeter landscape areas are shown in Table 19.606.2.C.1. Where a curb provides the border for a perimeter landscape area, the dimension shall be measured from the inside of the curb(s). The Planning ~~Director~~ Manager may reduce the

required minimum width of a perimeter landscaping area where existing development or site constraints make it infeasible to provide drive aisles, parking spaces, and the perimeter landscaping buffer width listed in Table 19.606.2.C.1.

19.606.3 Additional Design Standards

A. Paving and Striping

Paving and striping are required for all ~~required~~ 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. Permeable paving surfaces may be used to reduce surface water runoff and protect water quality.

D. Pedestrian Access and Circulation

Subsection 19.504.910 establishes standards that are applicable to an entire property for on-site walkways and circulation. The purpose of Subsection 19.606.3.D is to provide safe and convenient pedestrian access routes specifically through off-street parking areas. Walkways required by Subsection 19.606.3.D are considered part of the on-site walkway and circulation system required by Subsection 19.504.910.

1. Pedestrian access shall be provided for off-street parking areas so that no parking space is further than 100 ft away, measured along vehicle drive aisles, from a building entrance, or a walkway that meets the standards of Subsection 19.606.3.D.2.
2. Walkways through off-street parking areas must be continuous, must lead to a building entrance, and meet the design standards of Subsection 19.504.9.E.

E. Internal Circulation

1. General Circulation

The Planning ~~Director~~ Manager has the authority to review the pedestrian, bicycle, and vehicular circulation of the site and impose conditions to ensure safe and efficient on-site circulation. Such conditions may include, but are not limited to, on-site signage, pavement markings, addition or modification of curbs, and modifying drive aisle dimensions.

F. Lighting

Lighting is required for parking areas with more than 10 spaces. The Planning ~~Director~~ Manager may require lighting for parking areas of less than 10 spaces if the parking area would not be safe due to the lack of lighting. Lighting shall be designed to enhance safe access for vehicles and pedestrians on the site, and shall meet the following standards:

1. Lighting luminaires shall have a cutoff angle of 90 degrees or greater to ensure that lighting is directed toward the parking surface.
2. Parking area lighting shall not cause a light trespass of more than 0.5 footcandles measured vertically at the boundaries of the site.
3. Pedestrian walkways and bicycle parking areas in off-street parking areas shall have a minimum illumination level of 0.5 footcandles, measured horizontally at the ground level.
4. Where practicable, lights shall be placed so they do not shine directly into any WQR and/or HCA location. The type, size, and intensity of lighting shall be selected so that impacts to habitat functions are minimized. (Ord. 2218 § 2 (Exh. B), 2022; Ord. 2168 § 2,

2019; Ord. 2161 § 2, 2018; Ord. 2106 § 2 (Exh. F), 2015; Ord. 2051 § 2, 2012; Ord. 2036 § 3, 2011; Ord. 2025 § 2, 2011)

19.606.4 Surface Parking Areas Over One-Quarter Acre

A. Purpose

To comply with OAR 660-012-0405 and to mitigate the negative impacts of large surface parking lots such as increased ambient temperatures, increased stormwater run-off, and diminished pedestrian connectivity, all newly proposed surface parking areas that are greater than one-quarter acre in size must comply with the standards in Subsection 19.606.4.

B. Measurement

Calculating the one-quarter acre (10,890 sq ft) threshold is based on the cumulative area measured around the perimeter of all parking spaces, vehicle maneuvering areas, interior walkways, and interior landscaping areas. This requirement applies even when parking areas are scattered throughout a property or span multiple lots but serve a common use or uses.

C. General Requirements

Parking areas that are over one-quarter acre in size must comply with all the standards below.

1. Development must provide trees along driveways.
2. Development must provide street-like design and features along driveways including curbs, pedestrian facilities, and buildings built up to sidewalks and walkways. Compliance with Subsection 19.504.10 satisfies this requirement.
3. Developments must provide one of the following:
 - a. Installation of solar panels with a generation capacity of at least 0.5 kilowatts per parking space on the property. Panels may be located anywhere on the property so long as their placement complies with other development standards in the Milwaukie Municipal Code.
 - b. Actions that comply with OAR 330-135-0010. This provision applies to public projects only. Public projects spending 1.5% on green energy need not take additional steps under this Subsection.
 - c. Tree canopy covering at least 50 percent of the parking lot at maturity but no more than 15 years after planting, as measured per 19.606.4.D.

D. Tree Canopy Coverage Standards

The following standards apply when providing tree canopy coverage under this Subsection.

1. Calculating Parking Lot Area to be Covered by Tree Canopy

When calculating the area required to be covered by a tree canopy for the purposes of this Subsection, the following rules must be followed:

- a. All surface areas on which a vehicle is designed to maneuver, such as drives, drive-through lanes, drive-aisles, and parking stalls, must be included.
- b. Areas not used for passenger vehicles, such as loading areas, interior landscaped areas, interior walkways not designed to be used by a passenger vehicle, and areas that are permanently used for outdoor storage, can be excluded when calculating this area.

2. Calculating Tree Canopy Coverage

When calculating tree canopy coverage to comply with this Subsection, the following rules must be followed:

- a. The expected diameter of the tree crown at 15 years must be used to calculate tree canopy coverage, regardless of if the tree is mature at that time.
- b. The area under the expected canopy at 15 years that is either paved surface, including parking stalls and maneuvering areas, loading areas, walkways that are interior to the parking area, and interior and perimeter parking area landscaping will count towards meeting the required canopy coverage standard.
- c. The existing canopy of trees preserved on-site and providing coverage of the subject parking area can be counted towards the canopy coverage standard. The current diameter of a preserved tree's crown must be used to calculate tree canopy coverage. Or, if the tree was newly planted, the expected diameter of the tree crown area at 15 years can be used. Preserved trees used to meet this standard must be at least 2 in diameter at breast height if deciduous and at least 5 ft tall if coniferous.
- d. Trees located off-site, including those in the public right-of-way, do not count towards the canopy coverage standard.
- e. Newly planted trees that are isolated in disconnected individual planters do not count towards the canopy coverage standard. The canopy of preserved trees that are isolated and at least 12 in diameter at breast height can count toward the canopy coverage standard.
- f. Canopy that covers structures does not count towards the canopy coverage standard unless covering a roofed but unenclosed structure that is used for protecting an automobile, bicycle, garbage/recycling area, or similar area from the elements.
- g. Canopy area of significant overlap does not count towards the canopy coverage standard. Significant overlap is defined as any overlap greater than 5 ft. The overlap measurement is the length of a line segment within the overlap area of a line between tree canopy trucks/centers. See Figure 19.606.4 for an example of this measurement.

3. Tree Plan Submittal Requirements

The following must be submitted to demonstrate compliance with this standard at the time development permits are submitted or with any land-use application subject to this Subsection and Subsection 19.906.

- a. A tree plan must be submitted to the Urban Forester or designee per the submittal requirements in Subsection 16.32.042.H
- b. The tree plan shall be prepared by an ISA-certified arborist in coordination with local utility providers. The final tree plan must be reviewed and approved by the Urban Forester.

4. General Tree Planting and Maintenance Requirements

In providing trees under Subsection 19.606.4, plantings shall comply with the following standards.

- a. Trees must be planted in continuous trenches in perimeter and interior landscaping areas and spaced to maintain a continuous canopy 15 years after planting. Canopy spacing will be measured based on the expected diameter of the tree crown 15 years after planting. Sections of the canopy are considered continuous when there is no space greater than 5 ft between two or more projected crown areas. Gaps in the canopy are permitted to accommodate other features of the parking area, such as drive aisles
- b. Applicants must submit a soil volume and protection plan for approval by the Urban Forester or designee as outlined in Subsection 16.32.042.G Soil Volume Standards.
- c. Applicants must submit a tree protection plan for approval by the Urban Forester or designee as outlined in Subsection 16.32.042.F Tree Protection Standards.
- d. Trees must be maintained to ensure their survival and long-term health. Inspection of tree health will occur at the time of site development and, to ensure tree survival, three to five years after planting.

19.607 OFF-STREET PARKING STANDARDS FOR RESIDENTIAL AREAS

19.607.1 Residential Driveways and Vehicle Parking Areas

Subsection 19.607.1 is intended to preserve residential neighborhood character by establishing off-street parking standards. The provisions of Subsection 19.607.1 apply to passenger vehicles and off-street parking areas for single detached dwellings, duplexes, triplexes, quadplexes, townhouses, cottage clusters, and residential homes in all zones, unless specifically stated otherwise.

A. Dimensions

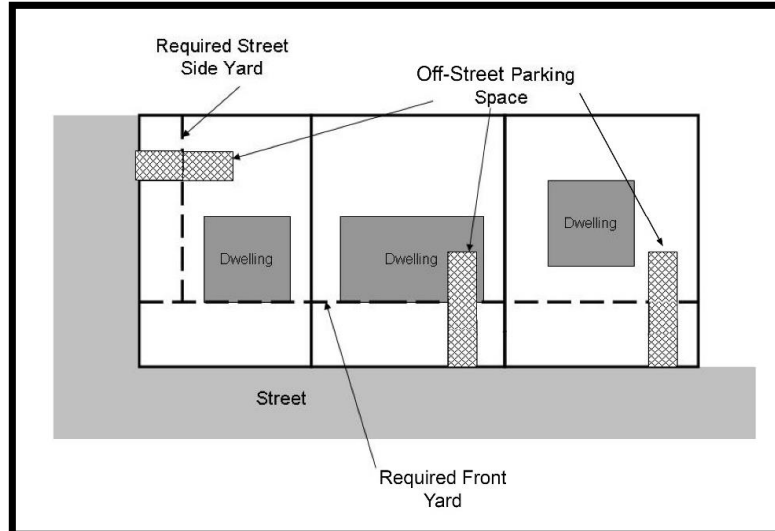
Off-street parking space dimensions for required parking spaces are 9 ft wide x 18 ft deep.

B. Location

- ~~1. Off-street vehicle parking shall be located on the same lot as the associated dwelling, unless shared parking is approved per Subsection 19.605.4. Tandem (end-to-end) parking is allowed for individual units.~~
12. No portion of an off-street parking space ~~the required parking space~~ is allowed within the following areas. ~~See Figure 19.607.1.A.1~~ 19.607.1.B.2. These standards do not apply to off-street parking for cottage clusters, which are subject to the standards in Subsection 19.505.4.
 - a. Within an adjacent public street right-of-way or access easement.
 - b. Over a public sidewalk.

Figure 19.607.1.B.2
Parking Space Location

ATTACHMENT 1



C. Parking Surface Materials

Parking of vehicles shall only be allowed on surfaces described in Subsection 19.607.1.C.

1. The following areas are required to have a durable and dust-free hard surface, and shall be maintained for all-weather use. The use of pervious concrete, pervious paving, driveway strips, or an in-ground grid or lattice surface is encouraged to reduce stormwater runoff.

~~a. Required parking space(s).~~

a. b. All vehicle parking spaces and maneuvering areas located within a required front or street-side yard. Areas for boat or RV parking outside of required front or street-side yards are exempt from this requirement and may be graveled.

b. e. All off-street parking and maneuvering areas for an adult foster/care home. ~~residential home.~~

2. Maneuvering areas and ~~unrequired~~ parking areas that are outside of a required front or side yard are allowed to have a gravel surface.

19.607.2 Commercial Vehicle, Pleasure Craft, and Recreational Vehicle Parking

Subsection 19.607.2 is intended to preserve residential neighborhood character by minimizing the impacts created by the parking and storing of commercial vehicles, pleasure crafts, and recreational vehicles. The standards of Subsection 19.607.2 apply to off-street parking areas for cottage clusters, rowhouses, duplexes, ~~single-family~~ single detached dwellings, and residential homes in all zones.

- A. Commercial vehicles shall not be permitted to be parked or stored in the front yard or required street side yard on cottage cluster, rowhouse, duplex, ~~single-family~~ single detached dwelling, or residential home properties. Commercial vehicles may be present anywhere on these properties for up to 12 hours in 1 day if the vehicle is engaged in loading or unloading materials for a residence(s).
- B. Recreational vehicles and pleasure crafts on middle housing, ~~cottage cluster, rowhouse, duplex, single-family~~ single detached, or adult foster/care home ~~residential home~~ properties must comply with the following regulations:

1. On residential lots less than 1 acre, only 1 recreational vehicle or private pleasure craft that is not located in an enclosed structure such as a garage shall be allowed. Canoes and other crafts less than 12 ft long shall be exempt from this requirement. On lots larger than 1 acre, 1 additional recreational vehicle or private pleasure craft that is not located in an enclosed structure is allowed for each 1/2 acre of area over 1 acre.
2. 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 lot used for middle housing, ~~a cottage cluster, rowhouse, duplex, single-family~~ single detached dwelling, or adult foster/care home residential home.

19.608 LOADING

19.608.2. Number of Loading Spaces

The Planning ~~Director~~ Manager shall determine whether to require off-street loading for commercial, industrial, public, and semipublic uses. The ratios listed below should be the minimum required unless the Planning Director finds that a different number of loading spaces are needed upon reviewing the loading needs of a proposed use.

A. Residential Buildings

Buildings where all of the floor area is in residential use should meet the following standards:

1. Fewer than 50 dwelling units on a site that abuts a local street: no loading spaces required.
2. All other buildings: 1 loading space.

B. Nonresidential and Mixed-Use Buildings

Buildings where any floor area is in nonresidential uses should meet the following standards:

1. Less than 20,000 sq ft of total floor area: no loading spaces required.
2. 20,000 to 50,000 sq ft of total floor area: 1 loading space.
3. More than 50,000 sq ft of total floor area: 2 loading spaces.

19.609 BICYCLE PARKING

19.609.1 Applicability

Bicycle parking shall be provided for all new commercial, industrial, community service use, and residential development, ~~middle housing, and multi-unit residential development~~. Temporary and seasonal uses (e.g., fireworks and Christmas tree stands) and storage units are exempt from Section 19.609. Bicycle parking shall be provided in the Downtown Mixed Use Zone and at transit centers.

19.609.2 Quantity of Spaces

A. The quantity of required bicycle parking spaces shall be as described in this subsection. In no case shall less than 2 spaces be provided.

1. Unless otherwise specified, ~~the number of bicycle parking spaces shall be at least 10% of the minimum required vehicle parking for the use.~~ development must provide at least the minimum number of bicycle parking spaces listed in Table 19.609.2.

2. The number of bicycle parking spaces at transit centers shall be provided at the ratio of at least 1 space per 100 daily boardings.

~~3. Multi-unit residential and middle housing development with 4 or more units must provide one space per unit. Parking for cottage cluster developments is specified in Table 19.505.4.C.1.~~

3. Where the calculation of minimum bicycle parking spaces does not result in a whole number, the result shall be rounded down to the next whole number.

Table 19.609.2	
Minimum Bicycle Parking Quantity Requirements	
Use	Minimum Required
<u>1. Single detached dwellings, including manufactured homes.</u>	<u>0 spaces per primary dwelling unit.</u>
<u>2. Multi-Unit Dwellings</u>	<u>1 space per dwelling unit.</u>
<u>3. Middle Housing</u>	
<u>a. Duplexes</u>	<u>1 space per dwelling unit</u>
<u>b. Triplexes</u>	<u>1 space per dwelling unit</u>
<u>c. Quadplexes</u>	<u>1 space per dwelling unit</u>
<u>d. Townhouses</u>	<u>1 space per dwelling unit</u>
<u>e. Cottage Clusters</u>	<u>See Table 19.505.4.C.1. for cottage cluster development bicycle parking requirements.</u>
<u>4. Residential homes and similar facilities allowed by right in residential zones.</u>	<u>0.1 space per dwelling unit plus 0.1 space per employee on the largest shift.</u>
<u>5. Accessory dwelling units (ADU).</u>	<u>0</u>
<u>B. Community Service and other Public Uses</u>	
<u>1. Religious institutions.</u>	<u>0.1 space per 4 seats.</u>
<u>2. Day-care center (“family day-care” as defined in Section 19.201 has no parking requirements).</u>	<u>0.2 spaces per 1,000 sq ft of floor area.</u>
<u>3. School—elementary/junior high.</u>	<u>0.1 space per classroom.</u>
<u>4. School—senior high.</u>	<u>0.025 spaces per student, plus 0.1 space per staff.</u>
<u>5. Meeting room, club, lodge, or association.</u>	<u>0.5 spaces per 1,000 sq ft of floor area, or 0.1 space per 4 seats if seats are permanently installed.</u>
<u>6. Library, museum, art gallery.</u>	<u>0.1 space per 1,000 sq ft of floor area.</u>
<u>7. Nursing, convalescent, and extended-care</u>	<u>0.1 space per 4 beds.</u>

ATTACHMENT 1

<u>facilities.</u>	
C. Lodging Places	
<u>1. Motel, hotel, boarding house.</u>	<u>0.1 space per lodging unit.</u>
<u>2. Bed and breakfast establishments.</u>	<u>0.1 space per lodging unit, plus 0.1 space for the permanent residence.</u>
D. Commercial Uses—Recreational	
<u>1. Indoor recreation, such as a health club, gym, bowling alley, arcade, etc.</u>	<u>0.3 spaces for each 1,000 sq ft of floor area.</u>
<u>2. Theater, auditorium, or stadium.</u>	<u>0.1 space per 4 seats.</u>
E. Commercial Uses—Retail Goods	
<u>1. Eating and drinking establishments.</u>	<u>0.4 spaces per 1,000 sq ft floor area.</u>
<u>2. General retail—grocery stores, convenience stores, specialty retail and shops.</u>	<u>0.2 spaces per 1,000 sq ft of floor area.</u>
<u>3. Bulk retail—furniture and home furnishings, appliances, vehicles, building materials, and similar large items.</u>	<u>0.1 space per 1,000 sq ft of floor area.</u>
<u>4. Gas stations.</u>	<u>2</u>
F. Commercial Uses—Services	
<u>1. General office, including banks.</u>	<u>0.2 spaces per 1,000 sq ft of floor area.</u>
<u>2. Medical/dental office (non-hospital), veterinary clinic.</u>	<u>0.39 spaces per 1,000 sq ft of floor area.</u>
<u>3. Personal services, such as a barbershop, beauty parlor, etc.</u>	<u>0.4 spaces per 1,000 square floor area.</u>
<u>4. Commercial services, such as dry cleaners and repair shops (does not include vehicle repair).</u>	<u>0.28 spaces per 1,000 sq ft of floor area.</u>
<u>5. Vehicle repair.</u>	<u>0.2 spaces per 1,000 sq ft of floor area.</u>
<u>6. Quick vehicle repair and servicing, such as oil change and tire shops.</u>	<u>0.2 spaces per service bay.</u>
<u>7. Mortuary/funeral home.</u>	<u>0.1 space per 5 chapel or parlor seats.</u>
<u>8. Car wash.</u>	<u>2</u>
G. Industrial Uses	
<u>1. Manufacturing.</u>	<u>0.1 space per 1,000 sq ft of floor area.</u>
<u>2. Storage, warehouse, wholesale establishment less than 150,000 sq ft.</u>	<u>0.05 spaces per 1,000 sq ft of floor area.</u>
<u>3. Storage, warehouse, wholesale establishment 150,000 sq ft or greater.</u>	<u>0.03 spaces per 1,000 sq ft of floor area.</u>
<u>4. Mini-warehouse; self-service storage.</u>	<u>0.1 space per 45 storage units, plus 0.1 space per employee of the largest shift.</u>

B. Covered or enclosed bicycle parking. A minimum of 50% of the bicycle spaces shall be covered and/or enclosed (in lockers or a secure room) in any of the following situations:

1. When 10% or more of vehicle parking is covered.

~~2. If more than 10 bicycle parking spaces are required.~~

~~3. Multifamily residential development with 4 or more units.~~

1. A minimum of 50% of the bicycle spaces shall be covered and/or enclosed (in lockers or a secure room) in any of the following situations:

a. When 10% or more of vehicle parking is covered.

b. If more than 10 bicycle parking spaces are required.

c. Multifamily residential development with 4 or more units.

2. All required bicycle parking for single detached and middle housing developments must be covered and or/enclosed (inside dwelling units, lockers, or a secure room). This standard does not apply to cottage clusters. See Table 19.505.4.C.1. for cottage cluster development bicycle parking requirements.

19.609.3 Space Standards and Racks

A. The dimension of each bicycle parking space shall be a minimum of 2 x 6 ft. A 5-ft-wide access aisle must be provided. If spaces are covered, 7 ft 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.

B. Lighting shall conform to the standards of Subsection 19.606.3.F.

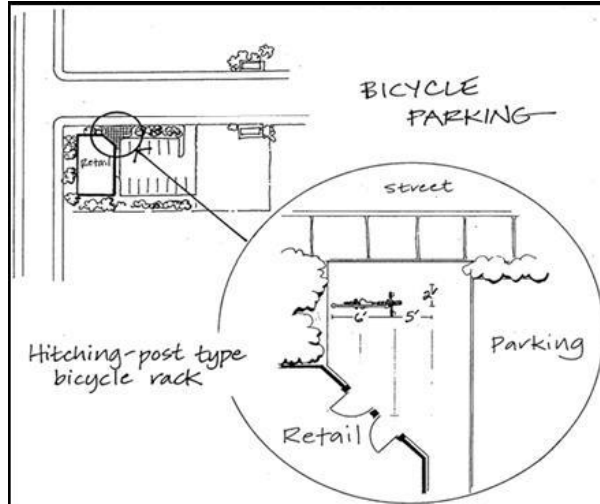
19.609.4 Location

A. Bicycle parking facilities shall meet the following requirements:

1. Located within 50 ft of the main building entrance.
2. Closer to the entrance than the nearest non-ADA designated vehicle 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 rights-of-way.
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. The bicycle parking area in the right-of-way must leave a clear, unobstructed width of sidewalk that meets the Engineering Department's Public Works Standards for sidewalk passage. See Figure 19.609 for illustration of space and locational standards. A right-of-way permit is required.

Bicycle Parking



(Ord. 2218 § 2 (Exh. B), 2022; Ord. 2106 § 2 (Exh. F), 2015; Ord. 2051 § 2, 2012; Ord. 2025 § 2, 2011)

19.610 CARPOOL AND VANPOOL PARKING

19.610.2 Number of Spaces

The number of carpool/vanpool parking spaces shall be at least 10% of the minimum amount of required parking spaces provided. ~~The minimum amount of required parking spaces shall take into account the reduction allowed by Subsection 19.605.3.B.4.~~

19.611 PARKING STRUCTURES

The purpose of Section 19.611 is to regulate the design and location of structured parking, and to provide appropriate incentives for the provision of structured parking. Structured parking is allowed to accommodate parking ~~that is required~~ for a specific use, or as a parking facility that is a use by itself.

19.611.1 Permitted Zones and Review Procedures

- A. Parking structures, including underground parking, are allowed in all zoning districts except the ~~moderate density~~ and Open Space Zones. A parking structure can be permitted through approval of a Community Service Use application in all zones except the Open Space Zone. A parking structure to be used for commercial parking in the Downtown Mixed Use Zone must be permitted through approval of a conditional use application.

19.611.2 Compliance with Other Sections of Chapter 19.600

- A. ~~Spaces in parking structures can be used to satisfy the minimum quantity requirements of Section 19.605.~~ Spaces in parking structures are exempt from counting against maximum parking allowances if the spaces are utilized for types of parking listed in Subsection 19.605.3.A.

CHAPTER 19.900 LAND USE APPLICATIONS

19.901 INTRODUCTION

Uses or development that are regulated by Titles 14, 17, and 19 of the Milwaukie Municipal Code shall submit and obtain approval for all required land use applications prior to establishment or construction. Table 19.901 below contains a complete list of the City's land use applications and the location of the provisions that govern their submittal, review, and approval. It also identifies the review type(s) associated with each application type. The review type determines who is given notice about land use and development proposals, when the City has to make a decision on a land use application, and who makes the final decision. Descriptions of the different review types and the procedures associated with them are located in Chapter 19.1000. Decision makers for each review type are listed in Table 19.1001.5.

Table 19.901 CONTINUED Land Use Applications		
Application Type	Municipal Code Location	Review Types
Land Divisions:	Title 17	
Final Plat	Title 17	I
Lot Consolidation	Title 17	I
Partition	Title 17	II
Property Line Adjustment	Title 17	I, II
Replat	Title 17	I, II, III
Subdivision	Title 17	III
Middle Housing Land Division	Title 17	II
Miscellaneous:	Chapters 19.500	
Barbed Wire Fencing	Subsection 19.502.2.B.1.b-c	II
Modification to Existing Approval	Section 19.909	I, II, III
Natural Resource Review	Section 19.402	I, II, III, V
Nonconforming Use Alteration	Chapter 19.804	III
Parking:	Chapter 19.600	
Quantity Determination	Subsection 19.605.2	II
Quantity Modification	Subsection 19.605.2	II
Shared Parking	Subsection 19.605.4	†
Structured Parking	Section 19.611	II, III
Planned Development	Section 19.311	IV
Residential Dwellings:	Section 19.910	
Manufactured Dwelling Park	Subsection 19.910.3	III
Temporary Dwelling Unit	Subsection 19.910.4	I, III
Sign Review	Title 14	Varies
Transportation Facilities Review	Chapter 19.700	II
Variances:	Section 19.911	
Use Exception	Subsection 19.911.5	III

Variance	Subsection 19.911.1-4	II, III
Willamette Greenway Review	Section 19.401	III

19.905 CONDITIONAL USES

19.905.5 Conditions of Approval

The Planning Commission, or Planning Director in the case of minor modifications, may impose conditions of approval that are suitable and necessary to assure compatibility of the proposed use with other uses in the area and minimize and mitigate potential adverse impacts caused by the proposed use.

Conditions of approval may include, but are not limited to, the following aspects of the proposed use:

- A. Limiting the hours, days, place, and manner of operation.
- B. Requiring structure and site design features that minimize environmental impacts such as those caused by noise, vibration, air pollution, glare, odor, carbon emissions, and dust.
- C. Requiring additional front, rear, or side yard width.
- D. Limiting building height, size, or location or limiting lot coverage.
- E. Limiting or otherwise designating the size, number, or location of vehicle access points from the street.
- F. Requiring additional landscaping or screening of off-street parking and loading areas.
- G. Limiting or otherwise designating the location, intensity, and shielding of outdoor lighting.
- H. Requiring screening or landscaping for the protection of surrounding properties.
- I. Requiring and designating the size, height, location, and materials for fences.
- J. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, and drainage areas.
- K. Requiring adequate public transportation facilities and public utilities prior to occupancy.
- ~~L. Requiring off-street parking.~~

19.910 RESIDENTIAL DWELLINGS

19.910.3 Manufactured Dwelling Parks

D. Development Requirements

All manufactured dwelling parks shall meet the following minimum requirements:

- 7. Off-street parking and recreational vehicle parking shall be provided as per Chapter 19.600. ~~If 24-ft 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 ft of the manufactured dwellings they serve.~~

Attachment #2

Pertinent Oregon Administrative Rules, CFEC Code Amendments

660-012-0405

Parking Regulation Improvements

(1) Cities and counties shall adopt land use regulations as provided in this section:

(a) Designated employee parking areas in new developments shall provide preferential parking for carpools and vanpools;

(b) Property owners shall be allowed to redevelop any portion of existing off-street parking areas for bicycle-oriented and transit-oriented facilities, including bicycle parking, bus stops and pullouts, bus shelters, park and ride stations, and similar facilities; and

(c) In applying subsections (a) and (b), land use regulations must allow property owners to go below existing mandated minimum parking supply, access for emergency vehicles must be retained, and adequate parking for truck loading should be considered.

(2) Cities and counties shall adopt policies and land use regulations that allow and encourage the conversion of existing underused parking areas to other uses.

(3) Cities and counties shall adopt policies and land use regulations that allow and facilitate shared parking.

(4) Cities and counties shall adopt land use regulations for any new development that includes more than one-quarter acre of surface parking on a lot or parcel as provided below:

(a) Developments must provide one of the following:

(A) Installation of solar panels with a generation capacity of at least 0.5 kilowatt per parking space on the property. Panels may be located anywhere on the property. In lieu of installing solar panels on site, cities may allow developers to pay \$1,500 per parking space in the development into a city or county fund dedicated to equitable solar or wind energy development or a fund at the Oregon Department of Energy designated for such purpose;

(B) Actions to comply with OAR 330-135-0010; or

(C) Tree canopy covering at least 50 percent of the parking lot at maturity but no more than 15 years after planting.

ATTACHMENT 2

(b) Developments must provide street trees along driveways but are not required to provide them along drive aisles; and

(c) Developments must provide street-like design and features along driveways including curbs, pedestrian facilities, and buildings built up to pedestrian facilities.

(d) Development of a tree canopy plan under this section shall be done in coordination with the local electric utility, including pre-design, design, building and maintenance phases.

(e) In providing trees under subsections (a), (b) and (c), the following standards shall be met. The tree spacing and species planted must be designed to maintain a continuous canopy. Local codes must provide clear and objective standards to achieve such a canopy. Trees must be planted and maintained to maximize their root health and chances for survival, including having ample high-quality soil, space for root growth, and reliable irrigation according to the needs of the species. Trees should be planted in continuous trenches where possible. The city or county shall have minimum standards for planting and tree care no lower than 2021 American National Standards Institute A300 standards, and a process to ensure ongoing compliance with tree planting and maintenance provisions.

(5) Cities and counties shall establish off-street parking maximums in appropriate locations, such as downtowns, designated regional or community centers, and transit-oriented developments.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012 & ORS 197.712

History:

[LCDD 3-2022, adopt filed 08/17/2022, effective 08/17/2022](#)

[LCDD 2-2022, temporary adopt filed 06/01/2022, effective 06/01/2022 through 11/27/2022](#)

660-012-0630

Bicycle Parking

(1) Cities and counties shall require and plan for adequate parking to meet the increasing need for travel by bicycle and other small-scale mobility devices.

(2) Cities and counties shall require covered, secure bicycle parking for all new multifamily development or mixed-use development of four residential units or more, and new office and institutional developments. Such bicycle parking must include at least one bicycle parking space for each residential unit.

(3) Cities and counties shall require bicycle parking for all new retail development. Such bicycle parking shall be located within a short distance from the main retail entrance.

(4) Cities and counties shall require bicycle parking for all major transit stations and park-and-ride lots.

(5) Cities and counties shall require bicycle parking in climate-friendly areas, Metro Region 2040 centers, and near key destinations identified as provided in OAR 660-012-0360.

ATTACHMENT 2

(6) Cities and counties shall allow and provide for parking and ancillary facilities for shared bicycles or other small-scale mobility devices in climate-friendly areas, Metro Region 2040 centers, and near key destinations identified as provided in OAR 660-012-0360.

(7) Cities and counties shall require bicycle parking for any land use where off-street motor vehicle parking is mandated. The minimum number of bicycle parking spaces shall be no less than the greater of:

(a) Twice the number of mandated motor vehicle parking spaces, raised to the power of 0.7, rounded to the next highest whole number; or

(b) As otherwise provided in this rule.

(8) Cities and counties shall ensure that all bicycle parking provided must:

(a) Allow ways to secure at least two points on a bicycle;

(b) Be installed in a manner to allow space for the bicycle to be maneuvered to a position where it may be secured without conflicts from other parked bicycles, walls, or other obstructions;

(c) Be in a location that is convenient and well-lit; and

(d) Include sufficient bicycle parking spaces to accommodate large bicycles, including family and cargo bicycles.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012 & ORS 197.712

History:

[LCDD 3-2022, adopt filed 08/17/2022, effective 08/17/2022](#)

[LCDD 2-2022, temporary adopt filed 06/01/2022, effective 06/01/2022 through 11/27/2022](#)



CITY OF MILWAUKIE

To: Planning Commission
Through: Laura Weigel, Planning Manager
From: Vera Koliias, Senior Planner
Date: January 3, 2022, for January 10, 2023, Work Session
Subject: Housekeeping code amendments

ACTION REQUESTED

None. This is a briefing for discussion only. Staff requests feedback from the Planning Commission in advance of a future public hearing.

BACKGROUND INFORMATION

Over the course of several years, Planning Department staff has been tracking issues with current zoning code language and has made recommendations for amended language. These items have been identified through a variety of means, including:

- Questions about specific code language that have been raised by the public on multiple occasions and that are not easily answered;
- Changes in state law requiring amendments to local codes;
- Implementation of the comprehensive plan; and
- Code interpretation applications.

Over the past several months, planning staff has created categories for code amendment packages to help organize the various amendments and to help with the overall department workplan:

- **Large efforts** which will each be its own project – examples include: Willamette Greenway Overlay re-write (MMC 19.401); Natural Resources code re-write (MMC 19.402); Historic Preservation Overlay Zone (MMC 19.403)
- **Substantive code amendments** – examples include a review of Type III Variance applications to determine if changes are warranted to simplify processes.
- **Housekeeping** – these are amendments that are clarifications or minor tweaks that are not intended to affect meaning or intent of existing regulations. Housekeeping amendments are a way of cleaning up the code.

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

1. Final plat bonding language (MMC 17.24.060)
 - **Add** the City Engineer and Community Development Director to the list of staff that have the authority to set the bond amount to provide for contingency staff when needed and recognizes that the City Engineer typically sets the bond amount as a matter of practice.
2. Definitions (MMC 19.201)
 - **Revise** the definition of **family child care home** to be consistent with state law (HB 3109).
 - **Revise** the definition of **major pruning** so it matches the definition in the tree code (MMC 16.32).
 - **Revise** the definition of **structure** to clarify that storage containers, sheds, and carports are considered structures. This allows the minimum setbacks to be applied.
 - **Delete** the definition of **primary entrance** because the code already includes “building entrance”.
3. Lot coverage language in the residential zones (MMC 19.301.5.B and MMC 19.302.5.B):
 - The current language states that the additional lot coverage for a residential dwelling is only for a new dwelling or an addition that does not exceed 20 ft in height.
 - This is an issue because the lot coverage bonus does not include accessory structures which are also part of a residential property and are consistent with the intent of the bonus, which is to allow people to add on to their structures and stay on the property. If someone proposes a new home with an accessory structure and meets the standard, they can take advantage of the bonus. But if someone wishes to add a small accessory structure to a property that is already developed, they cannot take advantage of the bonus. The issue becomes one of timing rather than development intent.
 - Staff proposes to allow people to use the 10-percentage point lot coverage increase even for building an accessory structure. Staff’s experience is that it seems like the timing of what gets built when should not disqualify some sites where the end result would be the same.
4. North Milwaukie Innovation Area (NMIA) (MMC 19.312).
 - **Amend** the list of permitted uses to include consumer e-commerce businesses and to clarify that in-person retail-oriented businesses are not the intended businesses in the wholesale trade and warehousing list of permitted uses. This revision is proposed to provide consistency with the common understanding that a warehouse use with a fulfillment center would not be considered a traditional

retail use, even though the business is selling directly to consumers. The proposed amendment draws a clear distinction between traditional brick and mortar retail businesses with on-site sales and direct to consumer e-commerce businesses which are more in keeping with the allowed warehouse use.

- **Revise** the graphic associated with key streets to be consistent with the word list in MMC 19.312.7.
5. Willamette Greenway (MMC 19.401.5)
 - **Revise** the list of activities exempt from review to ensure consistency with statewide Goal 15.
 6. Supplementary Development Regulations for Accessory Structures (MMC 19.502.2)
 - **Revise** the language for residential accessory structures to clarify that retaining walls are exempt from the requirements and limitations.
 - **Include** street side yard requirements in Table 19.502.2.A.1.a rather than have that requirement be in a word list.
 7. Building Design Standards – Single Detached Dwellings and Middle Housing Residential Development (MMC 19.505)
 - **Re-organize** the design standards so that the cottage cluster and townhouse code sections are all-inclusive (MMC 19.505.1, 19.505.4, and 19.505.5). Staff acknowledges that the draft code appears to have a lot of new code language, but in fact it reflects duplicate code in two additional sections – it is not new language (other than some minor amendments reflective state law).
 - The current language consolidates many design standards for single detached dwellings and middle housing, but also includes separate sections for cottage cluster and townhouse development with additional standards.
 - This is an issue because developers of middle housing must read through two different code sections, creating confusion for both the public and staff in making sure all standards are followed.
 - Staff proposes to treat one to four dwellings, cottage clusters, and townhouse developments separately so that all applicable standards are housed in their own sections to ensure clarity and simplification of the code. While duplicative, it allows each type of housing to include all applicable standards in one code section.
 - **Modify** the design details section so that the list of roofing materials includes clay tile or slate materials rather than just the word “tile.”
 8. Type III Public Notice (MMC 19.1006.3)
 - **Revise** the language to clarify that a Measure 56 notice is not required for owner-imitated zoning map amendments.

9. Appeals – Notice of Decision (MMC 19.1010.7)
 - **Add** language to include instructions on issuing a notice of decision for appeals.
10. Annexations (19.1102)
 - **Clarify** that annexations are exempt from the 120-day rule, per a City Attorney opinion.

ATTACHMENTS

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

	PC Packet	Public Copies	Packet
1. Proposed code (underline/strikeout)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Key:

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

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

E-Packet = packet materials available online at <https://www.milwaukieoregon.gov/bc-pc/planning-commission-110>.

Underline/Strikeout Amendments

Title 17 Land Division

CHAPTER 17.16 APPLICATION REQUIREMENTS AND PROCEDURES

17.16.040 LOT CONSOLIDATION AND PROPERTY LINE ADJUSTMENT

The following shall accompany applications for lot consolidation and property line adjustments:

- E. A plan drawn to scale showing the following details:
1. Scale, north arrow, and date of map;
 2. Tax map and lot number identifying each property involved in the application;
 3. Adjacent rights-of-way, with width shown;
 4. Location, width, and purpose of any recorded easements and/or plat restrictions;
 5. Proposed property lines and dimensions of the affected lots;
 6. The area of each lot;
 7. Location of existing structures to remain and proposed structures, if any, with setbacks shown to all existing and proposed lot lines; and
 8. Deeds of the properties involved; ~~and~~
 9. ~~Application fee as adopted by the City Council. (Ord. 1907 (Attach. 1), 2002)~~

CHAPTER 17.24 FINAL PLAT

17.24.060 BOND

A. The applicant shall file with the notice one of the following to assure his or her full and faithful performance:

1. An agreement to make improvements in a form approved by the City Attorney;
2. A letter of credit;
3. Cash.

B. Such assurance of full and faithful performance shall be for a sum determined by the Public Works Director, City Engineer, or Community Development Director as sufficient to cover the

Proposed Code Amendments

cost of the improvements and repairs, including related engineering and incidental expenses, and to cover the cost of City inspection.

C. If the applicant fails to carry out said improvements and the City has unreimbursed costs or expenses resulting from such failure, the City may call the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds the cost incurred by the City, the City shall release the remainder. If the amount of the bond or cash deposit is less than the cost incurred by the City, the applicant shall be liable to the City for the difference. (Ord. 1907 (Attach. 1), 2002)

Title 19 Zoning Ordinance

CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS

19.201 DEFINITIONS

"Family child care home" means a child care facility in a dwelling that is caring for not more than 16 children and is certified under ORS 329A.280 (2) or is registered under ORS 329A.330. A family child care home is a "Family day care" means a private residence occupied by the family day care provider and is permitted in all areas zoned for residential or commercial purposes and used as a home occupation by the provider. for the care of fewer than 13 children, including children of the provider, regardless of full-time or part-time care status.

Commented [VK1]: Included to be in compliance with HB 3109.

"Major pruning" means removal of more than 20% of a tree's canopy, or injury or cutting of over 40 15% of the root system, during any 12-month period.

"Primary building entrance" means the entrance to a building that most pedestrians are expected to use. Generally, each building has one primary entrance; however, some buildings may have more than one primary entrance or may have entrances that open directly into the building's lobby or principal interior ground-level circulation space.

~~"Primary entrance" means the entrance to a building that most pedestrians are expected to use. Generally, each building has 1 primary entrance. Primary entrances are the widest entrances of those provided for use by pedestrians. In multitenant buildings, primary entrances open directly into the building's lobby or principal interior ground-level circulation space. When a multitenant building does not have a lobby or common interior circulation space, each tenant's outside entrance is a primary entrance. In single-tenant buildings, primary entrances open directly into lobby, reception, or sales areas.~~

"Structure" means something constructed or built and having a fixed base or fixed connection to the ground or another structure. Structures include storage containers, prefabricated sheds, pop-up carports, etc. (Streets and utilities are excluded from this definition.)

CHAPTER 19.300 BASE ZONES

19.301 MODERATE DENSITY RESIDENTIAL ZONES

Table 19.301.4 Moderate Density Residential Development Standards

Standard	R-MD				Standards/ Additional Provisions
	Lot size (square feet)				
	1,500 – 2,999	3,000–4,999	5,000-6,999 ²	7,000 and up	
B. Lot Standards					
Flag lot	NA ³	25	25	25	Subsection 19.504.76 Flag Lot and Back Lot Design and Development Standards
Double flag lot	NA ³	25	25	25	
C. Development Standards					
1. Minimum yard requirements for primary structures (ft)					Subsection 19.504.76 Flag Lot and Back Lot Design and Development Standards
Front yard	20	20	20	20	
Side yard	5	5	5	5/10	Subsection 19.301.5.C Front Yard Minimum Vegetation
Street side yard	15	15	15	20	
Rear yard	15	20	20	20	
Minimum vegetation (percent of total lot area)	15%	25%	25%	30%	Subsection 19.504.65 Minimum Vegetation

19.301.5 Additional Development Standards

B. Lot Coverage

The lot coverage standards in Subsection 19.301.4.B.4 are modified for specific uses and lot sizes as described below. The reductions and increases are combined for properties that are described by more than one of the situations below.

2. Increased Lot Coverage for Single Detached and Middle Housing Dwellings

a. The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 10 percentage points for development of a single detached dwelling, ~~or an addition to an existing single detached dwelling, or an accessory structure,~~ provided that the portions of ~~the~~ any structure(s) on the site that are in excess of 20 ft high are limited to the lot coverage standard listed in Subsection 19.301.4.B.4. Only portions of the structure(s) that are less than 20 ft are allowed to exceed the listed lot coverage standard. See Figure 19.301.5.B.2 for an illustration of this allowance.

b. The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 10 percentage points for development of a middle housing dwelling (except for

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townhouses and cottage clusters), ~~or~~ an addition to an existing middle housing dwelling (except for townhouses and cottage clusters), or an accessory structure, provided that the portions of any structure(s) on the site that are in excess of 20 ft high are limited to the lot coverage standard listed in Subsection 19.301.4.B.4. Only portions of the structure(s) that are less than 20 ft are allowed to exceed the listed lot coverage standard. See Figure 19.301.5.B.2 for an illustration of this allowance.

A Type II variance per Subsection 19.911.4.A, to further increase this lot coverage allowance, is prohibited.

H. Additional Standards

Depending upon the type of use and development proposed, the following sections of Chapter 19.500 Supplementary Development Regulations may apply. These sections are referenced for convenience, and do not limit or determine the applicability of other sections within the Milwaukie Municipal Code.

1. Subsection 19.504.4 Buildings on the Same Lot
2. Subsection 19.504.~~76~~ Flag Lot and Back Lot Design and Development Standards

19.302 HIGH DENSITY RESIDENTIAL ZONES

Table 19.302.4		
High Density Residential Development Standards		
Standard	HDR	Standards/ Additional Provisions
A. Lot Standards		
4. Minimum street frontage requirements (ft)		<u>Subsection 19.504.6</u> Flag Lots
a. Townhouse	20	
b. Standard lot	35	
c. Flag lot	25	
d. Double flag lot	25	
B. Development Standards		
5. Minimum vegetation (percent of total lot area)	15%	<u>Subsection 19.504.75</u> Minimum Vegetation

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		Subsection 19.302.5.C Minimum Vegetation Subsection 19.302.5.D Front Yard Minimum Vegetation
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19.302.5 Additional Development Standards

B. Lot Coverage

The lot coverage standards in Subsection 19.302.4.B.4 are modified for specific uses and lot sizes as described below. The reductions and increases are additive for lots that are described by one or more of the situations below.

1. Increased Lot Coverage for Single Detached Dwellings

a. The maximum lot coverage percentage in Subsection 19.302.4 is increased by 10 percentage points for development of an addition to an existing single detached dwelling or an accessory structure, provided that the portions of ~~the any structure(s)~~ on the site that are in excess of 20 ft high, or in excess of one story, are limited to the lot coverage standard listed in Subsection 19.302.4.B.4. Only portions of the structure(s) that are less than 20 ft high, and no taller than one story, are allowed to exceed the listed lot coverage standard. See Figure 19.302.5.B.1 for an illustration of this allowance.

b. The maximum lot coverage percentage in Subsection 19.302.4 is increased by 10 percentage points for development of a middle housing dwelling (except for townhouses and cottage clusters), ~~or an addition to an existing middle housing dwelling (except for townhouses and cottage clusters),~~ or an accessory structure, provided that the portions of ~~the any structure(s) on the site~~ that are in excess of 20 ft high are limited to the lot coverage standard listed in Subsection 19.302.4.B.4. Only portions of the structure(s) that are less than 20 ft are allowed to exceed the listed lot coverage standard. See Figure 19.302.5.B.1 for an illustration of this allowance.

A Type II variance per Subsection 19.911.4.A, to further increase this lot coverage allowance, is prohibited.

K. Additional Standards

Depending upon the type of use and development proposed, the following sections of Chapter 19.500 Supplementary Development Regulations may apply. These sections are referenced for convenience, and do not limit or determine the applicability of other sections within the Milwaukie Municipal Code.

1. Subsection 19.504.4 Buildings on the Same Lot

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2. Subsection 19.504.~~76~~ Flag Lot and Back Lot Design and Development Standards
3. Subsection 19.504.~~87~~ On-Site Walkways and Circulation
4. Subsection 19.504.~~98~~ Setbacks Adjacent to Transit

19.312 NORTH MILWAUKIE INNOVATION AREA

Table 19.312.2			
Uses Allowed in the North Milwaukie Innovation Area			
Uses and Use Categories	NME	MUTSA	Standards/Additional Provisions
Industrial, Manufacturing and Production			
1. Floor area ratio (min/max)	0.5:1/3:1	0.5:1/3:1	
Wholesale trade, warehousing, distribution This category comprises establishments engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, or professional business users; <u>direct to consumer e-commerce</u> ; or to other wholesalers, generally without transformation, and rendering services incidental to the sale of merchandise. Wholesalers sell or distribute merchandise exclusively to other businesses, not the general public, and normally operate from a warehouse or office and are not intended for walk-in traffic or in-person retail-oriented sales.	25 45-90	25 45-90	Subsection 19.312.6.A Building height bonus Subsection 19.510 Green Building Standards

Table 19.312.5			
North Milwaukie Innovation Area — Summary of Development Standards			
Standard	NME	MUTSA	Standards/Additional Provisions
B. Development Standards			
6. Flexible ground-floor space	Yes, where applicable	Yes, where applicable	Subsection 19.312.7.B.7 A.6 Flexible ground-floor space
8. Frontage occupancy	50%	50%	Subsection 19.312.7.8 A.7 Frontage occupancy

19.312.7 Development Design Standards for All Uses in the MUTSA and on NME Key Streets

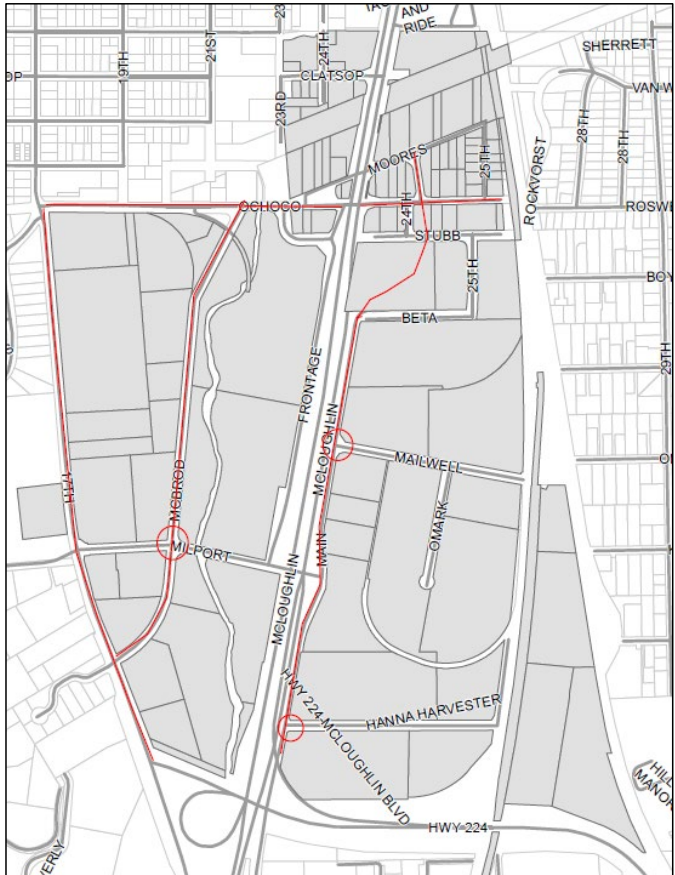
The following development standards apply to all uses in the MUTSA Zone and in the NME Zone on properties located on the following key streets and key corners: McBrod Avenue, Main Street, 17th Avenue, and Ochoco Street (see Figure 312.7.1).

Figure 19.312.7.1

Key Streets



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CHAPTER 19.400 OVERLAY ZONES AND SPECIAL AREAS

19.401 WILLAMETTE GREENWAY ZONE

19.401.5 Procedures

The following procedures shall govern the application of WG zones:

- B. Willamette Greenway review is not required for any of the activities listed below:
7. Establishment of residential accessory structures or uses, such as lawns, gardens, and play areas, subject to the vegetation buffer requirements of Subsection 19.401.8;

CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

19.502 ACCESSORY STRUCTURES

19.502.1 General Provisions

A. No accessory structure shall encroach upon or interfere with the use of any adjoining property or public right-of-way, including, but not limited to, streets, alleys, and public and private easements, unless permitted in accordance with Chapter 12.14.

H. Retaining walls are exempt from accessory structure limitations.

19.502.2 Specific Provisions for Accessory Structures

Table 19.502.2.A.1.a CONTINUED			
Residential Accessory Structure Height and Footprint Standards			
Standard	Type A	Type B	Type C
Required rear yard	3 ft	5 ft	Base zone required rear yard
Required side yard	3 ft	5 ft	Base zone required side yard
<u>Required street side yard</u>	<u>Base zone required street side yard</u>		
Required front yard	Not allowed in front yard unless the structure is at least 40 ft away from the front lot line.		

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

1. Fences, walls, and 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. Fences, walls, and plantings shall meet clear vision standards provided in Chapter 12.24. 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:

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a. Residential Zones and Residential Uses in All Zones

Maximum height is 6 ft for rear, street side, and side yards; 42 in for front yards, except that for flag lots fences in the front yard may be 6 ft. No electrified, barbed, or razor wire fencing is permitted. Specific standards for fences on cottage cluster developments are contained in Subsection 19.505.4.E.3. All fences on the interior of a middle housing plex development shall be no more than 3 ft high. Fences along the perimeter of the development may be up to 6 ft high, except as restricted by Chapter 12.24 Clear Vision at Intersection. Chain-link fences are prohibited.

1. Maximum height is 6 ft for rear, street side, and side yards; 42 in for front yards, except that for flag lots fences in the front yard may be 6 ft.
2. No electrified, barbed, or razor wire fencing is permitted.
3. Specific standards for fences on cottage cluster developments are contained in Subsection 19.505.4.E.3.
4. Middle housing plex development. All fences on the interior of a development shall be no more than 3 ft high. Fences along the perimeter of the development may be up to 6 ft high, except as restricted by Chapter 12.24 Clear Vision at Intersection. Chain-link fences are prohibited.

19.504 SITE DESIGN STANDARDS

~~19.504.4~~ Distance from Property Line

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

~~19.504.5~~ 4 Transition Area Measures

~~19.504.6~~ 5 Minimum Vegetation

~~19.504.7~~ 6 Flag Lot and Back Lot Design and Development Standards

Figure 19.504.7.6.E

Figure 19.504.7.6.F

~~19.504.8~~ 7 On-Site Walkways and Circulation

~~19.504.9~~ 8 Setbacks Adjacent to Transit

~~19.504.10~~ 9 Preliminary Circulation Plan

D. Screening of Adjoining Properties

Flag lots and back lots must be screened in accordance with this subsection. Fencing and screening must conform to the clear vision standards of Chapter 12.24. Fencing must conform to the standards of Subsection 19.502.2.B.

2. Driveways on flag lots and back lots must be screened to the greatest extent practicable. Continuous screening along lot lines of the flag lot, or back lot, abutting any neighboring lot that is not part of the parent lot from which the flag lot, or back lot, was created is required as described below. See Figures 19.504.7.6.E. and 19.504.7.6.F.

19.505 BUILDING DESIGN STANDARDS

19.505.1 ~~Single Detached Dwellings and Middle Housing~~ One- to Four-Unit Residential Development

A. Purpose

The design standards for one- to four- ~~(1—4)~~-unit dwellings (including single detached dwellings, duplexes, triplexes, and quadplexes), ~~cottage clusters, and townhouses~~ require a minimum level of design on every dwelling. These standards are intended to promote attention to detail, human-scale design, street visibility, and privacy of adjacent properties, while affording flexibility to use a variety of architectural styles.

Dwellings must address the following design objectives:

- a. Articulation – All street-facing buildings must incorporate design elements that break up façades into smaller planes.
- b. Eyes on the street – A certain percentage of the area of each street-facing façade must be windows or entrance doors.
- c. Main entrance – On street-facing façades, at least one main entrance must meet standards for location, orientation, and visibility.
- d. Detailed design – All street-facing buildings must include several features selected from a menu.

In addition, site design standards are intended to facilitate the development of attractive housing that encourages multimodal transportation. They encourage good site design, which contributes to livability, safety, and sustainability; helps create a stronger community; and fosters a quality environment for residents and neighbors.

Site design is intended to meet the following objectives:

1. Livability –Development should contribute to a livable neighborhood by incorporating visually pleasing design, minimizing the impact of vehicles, emphasizing pedestrian and bicycle connections, and providing public and private open spaces for outdoor use.
2. Compatibility –Development should have a scale that is appropriate for the surrounding neighborhood and maintains the overall residential character of Milwaukie.
3. Safety and Functionality –Development should be safe and functional, by providing visibility into and within a residential development and by creating a circulation system that prioritizes bicycle and pedestrian safety.

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- 4. Sustainability –Development should incorporate sustainable design and building practices, such as energy conservation, preservation of trees and open space, quality building materials, and alternative transportation modes.

B. Applicability of Design Standards

The building design standards in this subsection apply to the ~~types of development listed~~ development of one to four units when the closest wall of the street-facing façade is within 50 ft of a front or street side lot line and to dwellings in a cluster or grouping, either facing a shared open space (e.g., a common courtyard) or a pedestrian path. The site design standards apply to plex developments (i.e., two to four units).

Commented [VK2]: OAR 660-046-0205(2) A Large City may not apply design standards to Middle Housing created as provided in OAR 660-046-0230.

~~1. Placement of a new manufactured home on a lot outside of a manufactured home park is subject to the requirements of Section 19.506 and the standards of Subsection 19.505.1.~~

1. New construction

The full list of design standards applies to construction of new single detached and plex dwellings.

Table 19.505.1.B.1 Applicability by Housing Type

Design Standard	1-4 units
Articulation	[2]
Eyes on the street	[2] [3]
Main entrance	[2] [3]
Detailed design	[2]
Common open space	
Pedestrian circulation	[1] [5]
Off street parking	
Privacy and screening	[1]
Recycling areas	[5]
Sustainability	[6]

~~2. Applicable to the entire site~~

~~3. Applicable to dwellings facing the street~~

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- ~~4. Applicable to dwellings in a cluster or grouping, either facing a shared open space (e.g. a common courtyard) or a pedestrian path.~~
- ~~5. Applicable to clustered parking where parking spaces exceed 4~~
- ~~6. Applicable only for additions or new buildings~~
- ~~7. Applicable only for new buildings~~

2. Expansions of single detached dwellings structures in Subsection 19.505.1.B.1 that add area to any street-facing façade are subject to ~~the design standards for such expansions are applicable as follows:~~

- a. Expansions that add 75 sq ft or less of street-facing façade area are exempt from all design standards in Subsection 19.505.1.
- b. Expansions that add more than 75 sq ft and less than 200 sq ft of street-facing façade area are subject to Subsection 19.505.1.C.2 Eyes on the Street. The expanded façade area must meet the standards of Subsection 19.505.1.C.2 without consideration of the original street-facing façade area.
- c. Expansions that add 200 sq ft or more of street-facing façade area are subject to the following design standards:
 - (1) The entire street-facing façade shall comply with Subsection 19.505.1.C.2 Eyes on the Street.
 - (2) Subsection 19.505.1.C.3 Main Entrance is applicable if an expansion would create a new main entrance. No expansion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the design standard.
 - (3) Subsection 19.505.1.C.1 Articulation is applicable for expansions that add 20 lineal ft or more to the length of the street-facing façade.
- d. Subsection 19.505.1.C.4 Detailed Design is not applicable for expansions. However, no expansion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the Detailed Design standards.
- e. Multiple expansions are allowed within a five-year period if the street-facing façade will comply with the design standards that would have been applicable if the expansions occurred at the same time.
- f. Conversions of an attached garage to a habitable residential space. When applicable, the design standards apply only to the street-facing façade of the garage being converted. The following design standards are applicable:
 - (1) Subsection 19.505.1.C.3 Main Entrance is applicable if the garage conversion would create a new main entrance. No conversion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the design standard.
 - (2) Subsection 19.505.1.C.4 Detailed Design is not applicable. However, no conversion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the design standard.

Commented [VK3]: 660-046-0230
Middle Housing Conversions

(1) Additions to, or conversions of, an existing detached single-family dwelling into Middle Housing is allowed in a Large City pursuant to OAR 660-046-0205(2), provided that the addition or conversion does not increase nonconformance with applicable clear and objective standards, unless increasing nonconformance is otherwise permitted by the Large City's development code.

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3. Remodels, additions, and conversions that create new dwelling units.

- a. Internal conversion of an existing single detached dwelling, or an addition to an existing single detached dwelling, into a duplex, triplex, or quadplex (as provided in OAR 660-046-0230) is exempt from this section, provided that the conversion or addition does not increase nonconformance with applicable clear and objective standards. New duplexes, triplexes, and quadplexes created by adding square footage on a site occupied by an existing single detached dwelling must comply with this section.
- a. ~~that convert an attached garage to a habitable residential space. When applicable, the design standards apply only to the street-facing façade of the garage being converted. The following design standards are applicable:~~
 - a. ~~Subsection 19.505.1.C.3 Main Entrance is applicable if the garage conversion would create a new main entrance. No conversion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the design standard.~~
 - b. ~~Subsection 19.505.1.C.4 Detailed Design is not applicable. However, no conversion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the design standard.~~
- b. Conversion of an existing accessory structure into a plex dwelling unit must meet the Eyes on the Street standard for the street-facing façade(s).

Commented [VK4]: See ORS reference above.

4. Placement of a new manufactured home on a lot outside of a manufactured home park is subject to the requirements of Section 19.506 and the standards of Subsection 19.505.1.

C. Dwelling Standards

All buildings that meet the applicability provisions in Subsection 19.505.1.B ~~shall~~ must meet the following design standards. The graphics provided are intended to illustrate how development could comply with these standards and should not be interpreted as requiring a specific architectural style. An architectural feature may be used to comply with more than one standard.

An applicant may request a variance to the Detailed Design standards in Subsection 19.505.1.C.4 through a Type II review, pursuant to Subsection 19.911.3.B. Variances to any other design standards requires a variance through a Type III review, per Subsection 19.911.3.C.

1. Articulation

All buildings must incorporate design elements that break up all street-facing façades into smaller planes as follows. See Figure 19.505.1.C.1 for illustration of articulation.

- a. For buildings with 30-60 ft of street frontage, a minimum of ~~four~~ one of the following elements must be provided along the street-facing façades:
 - (1) A porch at least 5 ft deep.
 - (2) A balcony that is at least 2 ft deep and is accessible from an interior room.
 - (3) A bay window that extends at least 2 ft wide.

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- (4) A section of the façade that is recessed by at least 2 ft deep and 6 ft long.
- (5) A gabled dormer.
- b. For buildings with over 60 ft of street frontage, at least ~~4~~one element in Subsection 19.505.1.C.1.a(1)-(4) above must be provided for every 30 ft of street frontage. Elements must be distributed along the length of the façade so that there are no more than 30 ft between ~~2~~two elements.
- c. For buildings with less than 30 ft of street frontage, the building articulation standard is not applicable.

3. Main Entrance

At least ~~4~~one main entrance must meet both of the following standards. See Figure 19.505.1.C.3 for illustration of main entrances. Dwellings on flag lots or back lots are exempt from these main entrance design standards.

- a. Be no further than 8 ft behind the longest street-facing wall of the building.
- b. Face the street, be at an angle of up to 45 degrees from the street, or open onto a porch. If the entrance opens up onto a porch, the porch must meet all of these additional standards:
 - (1) Be at least 25 sq ft in area with a minimum 4-ft depth.
 - (2) Have at least ~~4~~one porch entry facing the street.
 - (3) Have a roof that is no more than 12 ft above the floor of the porch.
 - (4) Have a roof that covers at least 30% of the porch area.

4. Detailed Design

All buildings shall include at least ~~5~~five of the following features on any street-facing façade. See Figure 19.505.1.C.4 for illustration of detailed design elements.

- g. Clay tile, slate, or wood shingle roofs.
- q. The following design element counts as two ~~(2)~~ elements. Dwelling must be built to meet universal access as follows:
 - a) Dwelling must have a bedroom on the ground floor.
 - b) A ramp complying with R311.8 Oregon Residential Specialty Code (ORSC) must be provided to the main entrance of the dwelling.
 - c) Doors must have a minimum clear width of 32 ~~inches~~.
 - d) Horizontal and vertical grab bars must be provided in one bathroom on the main floor at the toilet, bath and shower. (See ANSI A117-1 section 609 for size and location requirements.)

D. Site Design Standards

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The site design standards do not apply to single detached dwellings, only to plex developments.

1. Minimum separation between detached units is 6 ft.

1. Common Open Space

Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents. Common courtyards must meet the following standards:

- a. The common courtyard must be a single, contiguous piece.
- b. Cottages must abut the common courtyard on at least two sides of the courtyard.
- c. The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster (as defined in subsection (1) of this section (C)).
- d. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.
- e. The common courtyard must be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard must not exceed 75 percent of the total common courtyard area.
- f. Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard must count toward the courtyard's minimum dimension and area. Parking areas, required setbacks between cottages, and driveways do not qualify as part of a common courtyard.

42. Pedestrian circulation

The on-site pedestrian circulation system must include the following:

- a. Continuous connections between the primary buildings, streets abutting the site, ground level entrances, common buildings, common open space, and vehicle and bicycle parking areas.
- b. At least ~~4~~one pedestrian connection to an abutting street frontage for each 200 linear ft of street frontage.
- c. Pedestrian walkways must be separated from vehicle parking and maneuvering areas by physical barriers such as planter strips, raised curbs, or bollards.
- d. Walkways must be constructed with a hard surface material, must be permeable for stormwater, and must be no less than 3 ft wide. If adjacent to a parking area where vehicles will overhang the walkway, a 7-ft-wide walkway must be provided. The walkways must be separated from parking areas and internal driveways using curbing, landscaping, or distinctive paving materials.

2 Off Street Parking

1. Off street parking may be arranged in clusters, subject to the following standards:
 - i. Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than five (5) contiguous spaces.

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- ~~ii. Cottage cluster projects with 16 cottages or more are permitted parking clusters of not more than eight (8) contiguous spaces.~~
- ~~iii. Parking clusters must be separated from other spaces by at least four (4) feet of landscaping.~~
- ~~iv. Clustered parking areas may be covered.~~
- ~~1. Off-street parking spaces and vehicle maneuvering areas must not be located:
 - ~~i. Within of 20 feet from any street property line, except alley property lines;~~
 - ~~ii. Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.~~
 - ~~iii. Off-street parking spaces must not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.~~~~
- ~~2. Landscaping, fencing, or walls at least three feet tall must separate clustered parking areas and parking structures from common courtyards and public streets.~~
- ~~3. Garages and carports (whether shared or individual) must not abut common courtyards.~~
- ~~4. Individual attached garages up to 200 square feet must be exempted from the calculation of maximum building footprint for cottages.~~
- ~~5. Individual detached garages must not exceed 400 square feet in floor area.~~
- ~~6. Garage doors for attached and detached individual garages must not exceed 20 feet in width.~~

3. Privacy and screening

- a. Mechanical and communication equipment and outdoor garbage and recycling areas must be screened so they are not visible from streets and common open spaces.
- b. Utilities such as transformers, heating and cooling, electric meters, and other utility equipment must not be located within 5 ft of a front entrance and must be screened with sight-obscuring materials.
- c. All fences on the interior of the development must be no more than 3 ft high. Fences along the perimeter of the development may be up to 6 ft high, except as restricted by Chapter 12.24 Clear Vision at Intersection. Chain-link fences are prohibited.

4. Sustainability

In order to promote more sustainable development, plex developments must incorporate the following elements:

- a. Building orientation that does not preclude utilization of solar panels, or an ecoroof on at least 20% of the total roof surfaces.
- b. Windows that are operable by building occupants.

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- c. Window orientation, natural shading, and/or sunshades to limit summer sun and to allow for winter sun penetration.

5. Recycling areas

A recycling area or recycling areas within a plex development must meet the following standards:

- 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 by either a roof or weatherproof lids.
- d. The recycling collection area must have a collection capacity of at least 100 cu ft in size for every 10 dwelling units or portion thereof.
- e. The recycling collection area must be accessible to collection service personnel between the hours of 6:00 a.m. and 6:00 p.m.
- f. The recycling collection area and containers must be labeled, to indicate the type and location of materials accepted, and properly maintained to ensure continued use by tenants.
- g. Fire Department approval will be required for the recycling collection area.
- h. Review and comment for the recycling collection area will be required from the appropriate franchise collection service.

19.505.3 Multi-Unit Housing

B. Applicability

- 4. Any activity not described in Subsections ~~19.505.3.B.1-3~~ ~~19.505.3.D.2.a through 19.505.3.D.2.c~~ is exempt from the design elements in this subsection.

19.505.4 Cottage Cluster Housing

Table 19.505.4.C.1 Cottage Cluster Development Standards		
Standards	R-MD	<u>HDR R-1, R-2, R-2.5, R-3, R-4-B</u>
A. Home Types		
1. Building types allowed, minimum and maximum number per cluster	Detached cottages 3 minimum 12 maximum dwelling units	Detached and Attached 3 minimum 12 maximum dwelling units
B. Home Size		
1. Max building footprint per home	900 sf	
2. Max average floor area per dwelling unit	1,400 sf	
C. Height		
1. Max height	25 feet or 2 stories, whichever is greater	

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2. Max structure height between 5 & 10 ft of rear lot line	15 ft	
3. Max height to eaves facing common green	1.618 times the narrowest average width between two closest buildings	
D. Setbacks, Separations, and Encroachments		
1. Separation between structures (minimum)	6 ft	
2. Side and rear site setbacks	5 ft	
3. Front site setback (minimum)	10 ft	
4. Front site setback (maximum)	20 ft	
5. Separation between clusters (minimum)	10 ft	
E. Impervious Area, Vegetated Area		
1. Impervious area (maximum)	60%	65%
2. Vegetated site area (minimum)	35%	35%
F. Community and Common Space		
1. Community building footprint (maximum) ¹	1,000 sf	1,000 sf
2. Common Space	19.505.1.D-19.505.4.E.1	19.505.1.D-19.505.4.E.1
G. Parking (see also 19.505.1.D.3)		
1. Automobile parking spaces per primary home (minimum)	0.5	0.5
2. Dry, secure bicycle parking spaces per home (minimum)	1.5	
3. Guest bicycle parking spaces per home (minimum)	0.5	

¹ Use of an existing home, per Subsection 19.505.4.E.4, as the community building is exempt from this standard. Community buildings are not required in a cottage cluster development.

D. Cottage Standards

1. Size

The total footprint of a cottage unit must not exceed 900 sq ft, and the maximum average floor area for a cottage cluster is 1,400 sq ft per dwelling unit.

2. Height

The height for all structures must not exceed 25 ft or two stories, whichever is greater.

3. Orientation

a. Cottages must be clustered around a common courtyard, meaning they abut the associated common courtyard or are directly connected to it by a pedestrian path, and must meet the following standards:

- (1) Each cottage within a cluster must either abut the common courtyard or must be directly connected to it by a pedestrian path.
- (2) A minimum of 50% of cottages within a cluster must be oriented to the common courtyard and must:
 - (a) Have a main entrance facing the common courtyard;
 - (b) Be within 10 ft from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and
 - (c) Be connected to the common courtyard by a pedestrian path.
- (3) Cottages within 20 ft of a street property line may have their entrances facing the street.
- (4) Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that is directly connected to the common courtyard.

4. Design

The design standards in this subsection apply to cottages when the closest wall of the street-facing façade is within 50 ft of a front or street side lot line, when the front of the cottage faces the street, and to dwellings in a cluster or grouping, either facing a shared open space (e.g. a common courtyard) or a pedestrian path. An architectural feature may be used to comply with more than one standard.

An applicant may request a variance to the Detailed Design standards in Subsection 19.505.4.C.4 through a Type II review, pursuant to Subsection 19.911.3.B. Variances to any other design standards requires a variance through a Type III review, per Subsection 19.911.3.C.

1. Articulation

All buildings must incorporate design elements that break up all street-facing façades into smaller planes as follows:

- a. For buildings with 30-60 ft of street frontage, a minimum of one of the following elements must be provided along the street-facing façades.
 - (1) A porch at least 5 ft deep.
 - (2) A balcony that is at least 2 ft deep and is accessible from an interior room.
 - (3) A bay window that extends at least 2 ft wide.

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(4) A section of the façade that is recessed by at least 2 ft deep and 6 ft long.

(5) A gabled dormer.

- b. For buildings with less than 30 ft of street frontage, the building articulation standard is not applicable.

2. Eyes on the Street

At least 15% of the area of each street-facing façade must be windows or entrance doors.

- a. Windows used to meet this standard must be transparent and allow views from the building to the street. Glass blocks and privacy windows in bathrooms do not meet this standard.
- b. Half of the total window area in the door(s) of an attached garage counts toward the eyes on the street standard. All of the window area in the street-facing wall(s) of an attached garage count toward meeting this standard.
- c. Window area is considered the entire area within the outer window frame, including any interior window grid.
- d. Doors used to meet this standard must face the street or be at an angle of no greater than 45 degrees from the street.
- e. Door area is considered the portion of the door that moves. Door frames do not count toward this standard.

3. Main Entrance

At least one main entrance must meet both of the following standards.

- a. Be no further than 8 ft behind the longest street-facing wall of the building.
- b. Face the street, be at an angle of up to 45 degrees from the street, or open onto a porch. If the entrance opens up onto a porch, the porch must meet all of these additional standards.
- (1) Be at least 25 sq ft in area with a minimum 4-ft depth.
- (2) Have at least one porch entry facing the street.
- (3) Have a roof that is no more than 12 ft above the floor of the porch.
- (4) Have a roof that covers at least 30% of the porch area.

4. Detailed Design

All buildings shall include at least five of the following features on any street-facing façade.

- a. Covered porch at least 5 ft deep, as measured horizontally from the face of the main building façade to the edge of the deck, and at least 5 ft wide.
- b. Recessed entry area at least 2 ft deep, as measured horizontally from the face of the main building façade, and at least 5 ft wide.

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- c. Offset on the building face of at least 16 in from one exterior wall surface to the other.
- d. Dormer that is at least 4 ft wide and integrated into the roof form.
- e. Roof eaves with a minimum projection of 12 in from the intersection of the roof and the exterior walls.
- f. Roof line offsets of at least 2 ft from the top surface of one roof to the top surface of the other.
- g. Tile or wood shingle roofs.
- h. Horizontal lap siding between 3 to 7 in wide (the visible portion once installed). The siding material may be wood, fiber-cement, or vinyl.
- i. Brick, cedar shingles, stucco, or other similar decorative materials covering at least 40% of the street-facing façade.
- j. Gable roof, hip roof, or gambrel roof design.
- k. Window trim around all windows at least 3 in wide and 5/8 in deep.
- l. Window recesses, in all windows, of at least 3 in as measured horizontally from the face of the building façade.
- m. Balcony that is at least 3 ft deep, 5 ft wide, and accessible from an interior room.
- n. One roof pitch of at least 500 sq ft in area that is sloped to face the southern sky and has its eave line oriented within 30 degrees of the true north/south axis.
- o. Bay window at least 2 ft deep and 5 ft wide.
- p. Attached garage width, as measured between the inside of the garage door frame, of 35% or less of the length of the street-facing façade.
- q. The following design element counts as two elements. Dwelling must be built to meet universal access as follows:
 - a) Dwelling must have a bedroom on the ground floor.
 - b) A ramp complying with R311.8 Oregon Residential Specialty Code (ORSC) must be provided to the main entrance of the dwelling.
 - c) Doors must have a minimum clear width of 32 in.
 - d) Horizontal and vertical grab bars must be provided in one bathroom on the main floor at the toilet, bath and shower. (See ANSI A117-1 section 609 for size and location requirements.)

E. Site Design and Other Standards

1. Number of Cottages Allowed

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A cottage cluster must include a minimum of ~~3~~three cottages and a maximum of 12 cottages, subject to Table 19.505.4.B.1. Minimum separation between detached units is 6 ft.

12. Common Open Space

Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents. Common courtyards must meet the following standards:

- a. The common courtyard must be a single, contiguous piece.
- b. Cottages must abut the common courtyard on at least two sides of the courtyard.
- c. The common courtyard must contain a minimum of 150 sq ft per cottage within the associated cluster (as defined in Subsection 19.505.1.C.1).
- d. The common courtyard must be a minimum of 15 ft wide at its narrowest dimension.
- e. The common courtyard must be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard must not exceed 75% of the total common courtyard area.
- f. Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard must count toward the courtyard's minimum dimension and area. Parking areas, required setbacks between cottages, and driveways do not qualify as part of a common courtyard.

23. Pedestrian Circulation

The on-site pedestrian circulation system must include the following:

- a. Continuous connections between the primary buildings, streets abutting the site, ground level entrances, common buildings, common open space, and vehicle and bicycle parking areas.
- b. At least one pedestrian connection to an abutting street frontage for each 200 linear ft of street frontage.
- c. Pedestrian walkways must be separated from vehicle parking and maneuvering areas by physical barriers such as planter strips, raised curbs, or bollards.
- d. Walkways must be constructed with a hard surface material, must be permeable for stormwater, and must be no less than 3 ft wide. If adjacent to a parking area where vehicles will overhang the walkway, a 7-ft-wide walkway must be provided. The walkways must be separated from parking areas and internal driveways using curbing, landscaping, or distinctive paving materials.

4. Off-Street Parking

a. There must be at least 0.5 off-street parking spaces per dwelling unit per Table 19.505.4.B.1. The parking space must be located together with parking spaces for other cottages in a common area, and not located on the same lot as an individual cottage unit.

b. A cottage cluster parking area must be set back from the street. The distance of the setback is dependent on the orientation of the structure or lot. If the axis of the longest dimension of the parking area has an angle of 45 degrees or more to the lot line, the narrow dimension may be within 5 ft of the street. If the angle is less than 45 degrees, the parking area must be at least 20 ft from the street.

c. If there are more than 8 units in a cottage cluster, there must be at least ~~2~~two separate parking areas with a minimum of ~~4~~four parking spaces in each area. A drive aisle connecting the ~~2~~two areas is permitted if a separate driveway access for each area is not permitted per Chapter 12.16 Access Management.

d. Parking spaces may be located within a garage or a carport. Garages or carports in a cottage cluster may not contain more than ~~4~~four parking spaces, must be at least 10 ft from any cottage dwelling; and must match the materials, trim, and roof pitch of the cottages. The interior height of a garage or carport shall not exceed 8 ft high, unless a modification is requested for cases that would use space saving parking technology (e.g., interior car stacking) that might require additional interior height. This modification would be requested per Section 19.911 Variances.

e. Parking spaces that are not in a garage or carport must be screened from common open space, public streets, and adjacent residential uses by landscaping and/or screen, such as a fence. Chain-link fencing with slats are not allowed as a screen.

2. Off-street parking may be arranged in clusters, subject to the following standards:

- i. Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than five contiguous spaces.
- ii. Cottage cluster projects with 16 cottages or more are permitted parking clusters of not more than eight contiguous spaces.
- iii. Parking clusters must be separated from other spaces by at least 4 ft of landscaping.
- iv. Clustered parking areas may be covered.

3. Off-street parking spaces and vehicle maneuvering areas must not be located:

- i. Within of 20 ft from any street property line, except alley property lines;

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- ii. Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.
- iii. Off-street parking spaces must not be located within 10 ft of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 ft of other property lines.

35. Fences

All fences on the interior of the development shall be no more than 3 ft high. Fences along the perimeter of the development may be up to 6 ft high, except as restricted by Chapter 12.24 Clear Vision at Intersection. Chain-link fences are prohibited.

46. Conversions

A preexisting single detached dwelling may remain on a lot or parcel with a cottage cluster as described below:

- a. The preexisting single detached dwelling may be nonconforming with respect to the requirements of the applicable code;
- b. The preexisting single detached dwelling may be expanded up to the maximum height, footprint, or unit size required by the applicable code; however, a preexisting single detached dwelling that exceeds the maximum height, footprint, or unit size of the applicable code may not be expanded;
- c. The preexisting single detached dwelling may count as a unit in the cottage cluster or as the community building;
- d. The floor area of the preexisting single detached dwelling does not count towards any cottage cluster average or cottage cluster project average or total unit or community building size limits.

19.505.5 Townhouses

B. Applicability

1. The standards of Subsection 19.505.5 apply to single dwellings on their own lot, where the dwelling shares a common wall across a side lot line with at least one other dwelling, and where the lots meet the standards for a townhouse lot in both Section 19.302 and Subsection 19.505.5.E. Townhouse development may take place on existing lots that meet the lot standards for townhouse lots or on land that has been divided to create new townhouse lots.
2. Development standards for townhouses are in Subsections 19.301.4 and 19.302.4.

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~~3. Design standards for single detached dwellings in Subsections 19.505.1 and 19.505.2 are also applicable to townhouses.~~

43. Dwelling units that share a common side wall and are not on separate lots are subject to the standards for single detached dwellings, middle housing, or multi-unit housing.

45. Creation of new lots or parcels as part of a townhouse development is subject to the applicable land division process in Title 17 of this code.

C. Townhouse Design Standards

~~4. Design~~

The design standards in this subsection apply to townhouses when the closest wall of the street-facing façade is within 50 ft of a front or street side lot line. An architectural feature may be used to comply with more than one standard.

An applicant may request a variance to the Detailed Design standards in Subsection 19.505.5.C.4 through a Type II review, pursuant to Subsection 19.911.3.B. Variances to any other design standards requires a variance through a Type III review, per Subsection 19.911.3.C.

1. Articulation

All buildings must incorporate design elements that break up all street-facing façades into smaller planes as follows.

a. For buildings with 30-60 ft of street frontage, a minimum of one of the following elements must be provided along the street-facing façades.

(1) A porch at least 5 ft deep.

(2) A balcony that is at least 2 ft deep and is accessible from an interior room.

(3) A bay window that extends at least 2 ft wide.

(4) A section of the façade that is recessed by at least 2 ft deep and 6 ft long.

(5) A gabled dormer.

b. For buildings with less than 30 ft of street frontage, the building articulation standard is not applicable.

2. Eyes on the Street

At least 15% of the area of each street-facing façade must be windows or entrance doors.

a. Windows used to meet this standard must be transparent and allow views from the building to the street. Glass blocks and privacy windows in bathrooms do not meet this standard.

b. Half of the total window area in the door(s) of an attached garage counts toward the eyes on the street standard. All of the window area in the street-facing wall(s) of an attached garage count toward meeting this standard.

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- c. Window area is considered the entire area within the outer window frame, including any interior window grid.
- d. Doors used to meet this standard must face the street or be at an angle of no greater than 45 degrees from the street.
- e. Door area is considered the portion of the door that moves. Door frames do not count toward this standard.

3. Main Entrance

At least one main entrance must meet both of the following standards.

- a. Be no further than 8 ft behind the longest street-facing wall of the building.
- b. Face the street, be at an angle of up to 45 degrees from the street, or open onto a porch. If the entrance opens up onto a porch, the porch must meet all of these additional standards.
 - (1) Be at least 25 sq ft in area with a minimum 4-ft depth.
 - (2) Have at least one porch entry facing the street.
 - (3) Have a roof that is no more than 12 ft above the floor of the porch.
 - (4) Have a roof that covers at least 30% of the porch area.

4. Detailed Design

All buildings shall include at least five of the following features on any street-facing façade.

- a. Covered porch at least 5 ft deep, as measured horizontally from the face of the main building façade to the edge of the deck, and at least 5 ft wide.
- b. Recessed entry area at least 2 ft deep, as measured horizontally from the face of the main building façade, and at least 5 ft wide.
- c. Offset on the building face of at least 16 in from one exterior wall surface to the other.
- d. Dormer that is at least 4 ft wide and integrated into the roof form.
- e. Roof eaves with a minimum projection of 12 in from the intersection of the roof and the exterior walls.
- f. Roof line offsets of at least 2 ft from the top surface of one roof to the top surface of the other.
- g. Tile or wood shingle roofs.
- h. Horizontal lap siding between 3 to 7 in wide (the visible portion once installed). The siding material may be wood, fiber-cement, or vinyl.
- i. Brick, cedar shingles, stucco, or other similar decorative materials covering at least 40% of the street-facing façade.
- j. Gable roof, hip roof, or gambrel roof design.

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- k. Window trim around all windows at least 3 in wide and 5/8 in deep.
- l. Window recesses, in all windows, of at least 3 in as measured horizontally from the face of the building façade.
- m. Balcony that is at least 3 ft deep, 5 ft wide, and accessible from an interior room.
- n. One roof pitch of at least 500 sq ft in area that is sloped to face the southern sky and has its eave line oriented within 30 degrees of the true north/south axis.
- o. Bay window at least 2 ft deep and 5 ft wide.
- p. Attached garage width, as measured between the inside of the garage door frame, of 35% or less of the length of the street-facing façade.
- q. The following design element counts as two elements. Dwelling must be built to meet universal access as follows:
 - a) Dwelling must have a bedroom on the ground floor.
 - b) A ramp complying with R311.8 Oregon Residential Specialty Code (ORSC) must be provided to the main entrance of the dwelling.
 - c) Doors must have a minimum clear width of 32 in.
 - d) Horizontal and vertical grab bars must be provided in one bathroom on the main floor at the toilet, bath and shower. (See ANSI A117-1 section 609 for size and location requirements.)

~~1. Townhouses are subject to the design standards for single detached dwelling housing in Subsection 10.505.1.~~

2.5. Townhouses must include an area of transition between the public realm of the right-of-way and the entry to the private dwelling. The entry may be either vertical or horizontal, as described below.

- a. A vertical transition shall be an uncovered flight of stairs that leads to the front door or front porch of the dwelling. The stairs must rise at least 3 ft, and not more than 8 ft, from grade. The flight of stairs may encroach into the required front yard, and the bottom step must be at least 4 ft from the front lot line.
- b. A horizontal transition shall be a covered porch with a depth of at least 6 ft. The porch may encroach into the required front yard, but it must be at least 4 ft from the front lot line.

D. Number of Townhouses Allowed

In the High Density Zone, no more than 4four consecutive townhouses that share a common wall(s) are allowed. A set of 4four townhouses with common walls is allowed to be adjacent to a separate set of 4four townhouses with common walls.

In the R-MD zone, the maximum number of consecutive attached townhouses is four4.

E. Townhouse Lot Standards

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1. Townhouse development is allowed only where there are at least ~~2~~two abutting lots on the same street frontage whose street frontage, lot width, lot depth, and lot area meet or exceed the base zone requirements listed in Tables 19.301.4 and 19.302.4.
2. Townhouse development must meet the minimum lot size of 1,500 sq ft.

F. Driveway Access and Parking

1. Garages on the front façade of a townhouse, off-street parking areas in the front yard, and driveway accesses in front of a townhouse are prohibited unless the following standards are met. See Figure 19.505.5.F.1.
 - a. Development of ~~2~~two or ~~3~~three townhouses has at least one shared access between the lots, and development of ~~4~~four townhouses has ~~2~~two shared accesses.
 - b. Outdoor on-site parking and maneuvering areas do not exceed 10 ft wide on any lot.
 - c. The garage width does not exceed 12 ft, as measured from the inside of the garage door frame.
 - d. Shared accesses are spaced a minimum of 24 ft apart.

19.507 HOME OCCUPATION STANDARDS

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. Home occupation businesses, ~~which that~~ are not clearly accessory and incidental to the residential use, are prohibited. All activities permitted under this section must be consistent with this section.

CHAPTER 19.1000 REVIEW PROCEDURES

19.1006 TYPE III REVIEW

19.1006.3 Type III Public Notice

D. Mailed Notice

3. Notice requirements specific to Zoning Map amendments are as follows:
 - b. A Measure 56 notice that conforms to Subsection 19.1008.3.D shall be mailed at least 20 days, but not more than 40 days, prior to the first public hearing on the application to all owners of property affected by the proposal. A Measure 56 notice is

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not required for owner-initiated zoning map amendments when the subject property or properties are owned by a single person or entity.

19.1010 APPEALS

19.1010.7 Notice of Decision

A. Written notice of decision shall be mailed to the following parties within 7 days of the date of the decision:

1. The applicant and/or the applicant's authorized representative.
2. The owner(s) of record of the subject property.
3. Any group or individual who submitted written comments at or prior to any public hearing.
4. Any group or individual who submitted oral testimony during any public hearing.
5. Any governmental agency that is entitled to receive notice per the municipal code or has requested notice of the decision.
6. Any group or individual who requested notice of the decision, including those who signed the attendance sheet at any public hearing on the application.

B. The notice of decision shall include the following:

1. A description of the proposal with sufficient detail to explain the project background.
2. A description of the hearings and process to date.
3. A statement of the limitations on evidence.
4. A statement of the applicable criteria, findings, and conditions of approval.
6. A statement that only persons who submitted comments or made an appearance of record at a public hearing on the application have standing to appeal the decision by filing a written appeal within the appeal period for the Land Use Board of Appeals.
7. A statement that the complete case file is available for review, including findings, conclusions, and conditions of approval, if any. The notice shall list when and where the case file is available and the name and telephone number of the City representative to contact about reviewing the case file.
8. A summary of the requirements for appealing the decision to the Land Use Board of Appeals.

Commented [VK5]: Addresses the issue of no instructions in this section on the requirements to issue a notice of decision in an appeal.

19.1010.7 g Remand from the Land Use Board of Appeals

CHAPTER 19.1100 ANNEXATIONS AND BOUNDARY CHANGES

19.1102 ANNEXATIONS

19.1102.1 Administration and Approval Process

E. Annexation petitions are exempt from the requirements of ORS 227.178 that the city must take final action on the application within 120 days after the application is deemed complete.

19.1203 SOLAR ACCESS FOR NEW DEVELOPMENT

19.1203.4 Exemptions from Design Standard

A development is exempt from Subsection 19.1203.3 if the Planning Manager ~~Director~~ finds the applicant has shown that one or more of the following conditions apply to the site. A development is partially exempt from Subsection 19.1203.3 to the extent the Planning Manager ~~Director~~ finds the applicant has shown that one or more of the following conditions apply to a corresponding portion of the site. If a partial exemption is granted for a given development, the remainder of the development shall comply with Subsection 19.1203.3.