



# CITY OF MILWAUKIE

**Milwaukie Zoning Code  
Proposed Amendments for  
Housekeeping Amendments  
Round 3  
September 2018  
ZA-2018-005**

Municipal Code - Title 19 Zoning Ordinance  
Chapter 19.400 Overlay Zones and Special Areas

Please contact Vera Koliass, Associate Planner with the City of Milwaukie Planning Department, at 503-786-7653 or [koliassv@milwaukieoregon.gov](mailto:koliassv@milwaukieoregon.gov) with questions or comments about the proposed code amendments and/or the code adoption process

## Reader Guide

### **Commentary**

A commentary section precedes each section of code amendments. The commentary provides a non-technical summary of the proposed amendments and highlights proposed policy changes. The commentary section is labeled as commentary and presented in Comic Sans font (the same font of this sentence).

### **Amendments**

Unless otherwise noted in the document, underlined text is proposed text, and ~~strike through~~ text is existing code language proposed for deletion. Standards shown in [brackets] are those that still require Planning Commission discussion and direction.

### **Context/Surrounding Code**

The chapter, section, and subsection for the proposed code amendments are listed for reference in this document. Line breaks, like the one below, between subsequent amendments indicate that there is intervening text within the section or subsection that is not included in this document.

---

Please be advised that this document shows only sections of code for which amendments are proposed, along with limited surrounding sections for context. It does not include all sections of the Milwaukie Municipal Code.

## COMMENTARY

### TITLE 19 ZONING

#### CHAPTER 19.400

#### OVERLAY ZONES AND SPECIAL AREAS

The proposed amendments to Title 19 are focused on the development of public recreational trails and pathways in the Willamette Greenway and/or in mapped natural resource areas. The amendments would exempt these types of trails from Willamette Greenway conditional use review if they are located more than 150 ft from the river. The amendments would also increase the maximum width of a trail or pathway allowed under Type II land use review from 10 ft to 12 ft. This change makes trails and pathways consistent with current Oregon Department of Transportation standards for multi-use paths.

### Underline/Strikeout Amendments

#### TITLE 19 ZONING ORDINANCE

#### CHAPTER 19.400 OVERLAY ZONES AND SPECIAL AREAS

##### 19.401 WILLAMETTE GREENWAY ZONE WG

##### 19.401.5 Procedures

The following procedures shall govern the application of WG zones:

- A. In the WG Zone, all uses and their accessory uses are permitted subject to the provisions of Section 19.905, except as noted in Subsection 19.401.5.B and Subsection 19.401.5.D.
- B. Willamette Greenway review is not required for any of the activities listed below:
  12. Reasonable emergency procedures as necessary for the safety or protection of property; ~~and~~
  13. New at grade public recreational pathways, trails, or walkways constructed of permeable material, up to 12 ft in width, when located a minimum of 150 ft from the top of Willamette riverbank, and when meeting the requirements of Section 19.402 if applicable;
  14. Improvements to existing at grade public recreational pathways, trails, or walkways constructed of permeable material, up to 12 ft in width, and when meeting the requirements of Section 19.402 if applicable; and
  15. Other activities similar to those listed in “1” through “~~13~~2” above. Such Director determinations, including a finding of consistency with Goal 15, shall be made in accordance with Section 19.903.

---

## 19.402 NATURAL RESOURCES NR

### 19.402.11 Development Standards

#### E. Standards for Special Uses

Unless they are exempt per Subsection 19.402.4, or do not meet the nondiscretionary standards for HCAs provided in 19.402.11.D, the special uses listed in Subsection 19.402.7.A are subject to Type II review if they comply with the applicable standards in Subsection 19.402.11.E. Otherwise, the special uses listed in Subsection 19.402.7.A are subject to Type III review and the general discretionary review criteria provided in Subsection 19.402.12.

#### 4. Walkways and Bike Paths

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

- a. Walkways and bike paths within WQRs or HCAs shall not exceed a ~~40~~12-ft width.