



CITY OF MILWAUKIE

AGENDA

July 24, 2018

PLANNING COMMISSION

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

- 1.0 Call to Order - Procedural Matters — 6:30 PM**
- 2.0 Planning Commission Minutes – Motion Needed**
 - 2.1 February 23, 2018
- 3.0 Information Items**
- 4.0 Audience Participation** – This is an opportunity for the public to comment on any item not on the agenda
- 5.0 Public Hearings** – Public hearings will follow the procedure listed on reverse
- 6.0 Worksession Items**
 - 6.1 Summary: Room Service Code Amendments – Housekeeping 2018 Part 2
Staff: Vera Kolas, Associate Planner
- 7.0 Planning Department Other Business/Updates**
- 8.0 Planning Commission Committee Updates and Discussion Items** – This is an opportunity for comment or discussion for items not on the agenda.
- 9.0 Forecast for Future Meetings:**
 - August 14, 2018
 - 1. Public Hearing: ZA-2018-003 – Re-zone R-3 to R-2.5 at Llewellyn St & 44th Ave
 - 2. Worksession: Room Service Code Amendments
 - August 28, 2018
 - 1. TBD

Milwaukie Planning Commission Statement

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

1. **PROCEDURAL MATTERS.** If you wish to speak at this meeting, please fill out a yellow card and give to planning staff. Please turn off all personal communication devices during meeting. For background information on agenda items, call the Planning Department at 503-786-7600 or email planning@milwaukieoregon.gov. Thank You.
2. **PLANNING COMMISSION MINUTES.** Approved PC Minutes can be found on the City website at www.milwaukieoregon.gov.
3. **CITY COUNCIL MINUTES** City Council Minutes can be found on the City website at www.milwaukieoregon.gov/meetings.
4. **FORECAST FOR FUTURE MEETING.** These items are tentatively scheduled, but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.
5. **TIME LIMIT POLICY.** The Commission intends to end each meeting by 10:00pm. The Planning Commission will pause discussion of agenda items at 9:45pm to discuss whether to continue the agenda item to a future date or finish the agenda item.

Public Hearing Procedure

Those who wish to testify should come to the front podium, state his or her name and address for the record, and remain at the podium until the Chairperson has asked if there are any questions from the Commissioners.

1. **STAFF REPORT.** Each hearing starts with a brief review of the staff report by staff. The report lists the criteria for the land use action being considered, as well as a recommended decision with reasons for that recommendation.
2. **CORRESPONDENCE.** Staff will report any verbal or written correspondence that has been received since the Commission was presented with its meeting packet.
3. **APPLICANT'S PRESENTATION.**
4. **PUBLIC TESTIMONY IN SUPPORT.** Testimony from those in favor of the application.
5. **NEUTRAL PUBLIC TESTIMONY.** Comments or questions from interested persons who are neither in favor of nor opposed to the application.
6. **PUBLIC TESTIMONY IN OPPOSITION.** Testimony from those in opposition to the application.
7. **QUESTIONS FROM COMMISSIONERS.** The commission will have the opportunity to ask for clarification from staff, the applicant, or those who have already testified.
8. **REBUTTAL TESTIMONY FROM APPLICANT.** After all public testimony, the commission will take rebuttal testimony from the applicant.
9. **CLOSING OF PUBLIC HEARING.** The Chairperson will close the public portion of the hearing. The Commission will then enter into deliberation. From this point in the hearing the Commission will not receive any additional testimony from the audience, but may ask questions of anyone who has testified.
10. **COMMISSION DISCUSSION AND ACTION.** It is the Commission's intention to make a decision this evening on each issue on the agenda. Planning Commission decisions may be appealed to the City Council. If you wish to appeal a decision, please contact the Planning Department for information on the procedures and fees involved.
11. **MEETING CONTINUANCE.** Prior to the close of the first public hearing, any person may request an opportunity to present additional information at another time. If there is such a request, the Planning Commission will either continue the public hearing to a date certain, or leave the record open for at least seven days for additional written evidence, argument, or testimony. The Planning Commission may ask the applicant to consider granting an extension of the 120-day time period for making a decision if a delay in making a decision could impact the ability of the City to take final action on the application, including resolution of all local appeals.

The City of Milwaukie will make reasonable accommodation for people with disabilities. Please notify us no less than five (5) business days prior to the meeting.

Milwaukie Planning Commission:

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

Planning Department Staff:

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



PLANNING COMMISSION MINUTES

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

FEBRUARY 13, 2018

Present: Kim Travis, Chair
John Henry Burns, Vice Chair
Adam Argo
Joseph Edge
Sherry Grau
Greg Hemer

Staff: Denny Egner, Planning Director
David Levitan, Senior Planner
Vera Koliass, Associate Planner
Dan Olsen, City Attorney

Absent: Scott Jones

1.0 Call to Order – Procedural Matters*

Chair Travis called the meeting to order at 6:30 p.m. and read the conduct of meeting format into the record.

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

2.0 Planning Commission Minutes

2.1 December 12, 2017

Commissioner moved Hemer and Commissioner Argo seconded to approve the December 12, 2017 Planning Commission minutes as presented. The motion passed unanimously.

3.0 Information Items

Denny Egner, Planning Director, welcomed Joseph Edge as a new Commissioner.

Commissioner Edge said he lived in Oak Grove, just south of Milwaukie, but was a lifelong resident of the area and attended school in Milwaukie. He looked forward to the opportunity to serve on the Planning Commission.

Mr. Egner added that the new Community Vision document was distributed to the Commission for their reference notebooks.

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

Charles Mays, Casa de Tamales, thanked the City for the new Parking Enforcement Officer. He added that the Milwaukie Bay Park was in need of maintenance.

5.0 Public Hearings

5.1 Summary: Jackson St Driveway Variance
Applicant/Owner: Ann and Bodo Heiliger
Address: 5047 SE Jackson St

File: VR-2017-013
Staff: Vera Kolas, Associate Planner

Chair Travis called the hearing to order and read the conduct of quasi-judicial hearing format into the record.

Gene Zaharie, 5273 SE Jackson St, noted that only three of the Commissioners stated they had visited the site and questioned if that caused concern for the Commissioners considering that half of the Commission had not visited the site.

Commissioner Argo responded that that the Commission received a detailed staff report for the proposal and property.

Vera Kolas, Associate Planner, presented the staff report via PowerPoint. She described the background of the house and property, and noted that the house was constructed with a front yard setback of less than 15 ft. The previous owner had converted the attached garage to living space without permits. The applicant sought permits to bring the property into compliance and was informed of the residential off-street parking requirements, with which the property could not comply. The applicant was seeking a variance to the parking requirement to allow for the parking space to be within the front yard setback.

Ms. Kolas noted the key question was if the request was reasonable and added that the effort and cost of constructing a new driveway on the west side of the house would not have a corresponding benefit to the neighborhood to require that alternative. One of the recommended conditions was to bring the current driveway access more into compliance. She reviewed the comment received and decision-making options.

Chair Travis called for the applicant's testimony.

Bodo Heiliger, 5047 SE Jackson St Milwaukie, and **Dan Jensen, applicant's father-in-law**, noted that final approval for the permits to bring the converted garage into compliance was contingent on the approval of this variance request. **Mr. Jensen** added that, although the cost of paving the driveway was high, they would not prefer to have the driveway located on the west side as that would take away most or all of the front yard.

Chair Travis called for public testimony.

Gene Zaharie, 5273 SE Jackson St, stated that he attended the recent Hector Campbell Neighborhood District Association meeting and the NDA Chair had spoken in favor of the variance request.

Commissioner Hemer asked staff if Jackson St was on the Safe Routes to School project list.

- **Mr. Heiliger** stated that it was not part of the SAFE program.
- **Mr. Egner** added that Jackson St was a local street and priority was given to streets that made connections such as park to park or school to park, etc., which Jackson St would not be considered for that.

Chair Travis closed the public testimony.

Planning Commission Deliberation

Commissioner Hemer agreed with Commissioner Burns' suggestion to allow for the apron to be constructed at the time that Jackson St was improved.

- **Commissioner Edge** agreed, although parking requirements may be different in 15-20 years and therefore the condition may not be applicable. He believed the current driveway was consistent with the neighborhood and unimproved street, and the cost of the apron was excessive for little gain.
- **Mr. Egner** was unclear of the implications of removing the requirement as set by the Engineering Department. However, the Commission could remove the condition from their approval but that may not remove the Public Works standard for paving the driveway.
- **Commissioner Burns** said he was not inclined to require additional asphalt for the apron as Jackson St was very unimproved.

Commissioner Hem moved and Commissioner Edge seconded to approve application VR-2017-013 for 5047 SE Jackson St with the recommended findings and conditions as amended to remove Condition 1.A. The motion passed unanimously.

5.2 Summary: Ledding Library Temporary Locations
Applicant/Owner: Amy Winterowd/City of Milwaukie
Address: 9600 SE Main St
File: CSU-2017-009
Staff: Vera Kalias, Associate Planner

Chair Travis called the hearing to order and read the conduct of quasi-judicial hearing format into the record.

Vera Kalias, Associate Planner, presented the staff report via PowerPoint. The proposal was for the City of Milwaukie to use a portion of the TriMet Park and Ride location on SE Main St as a temporary location for the Ledding Library during the reconstruction project. She reviewed the land use history for the site and noted that the application was for a new approval for the use of the site by the library. The proposal for the temporary modular building had been revised due to a change in availability and the new proposal was distributed to the Commission. She described the property features and its proximity to downtown. Additional square footage of the site would be occupied by bicycle racks, ADA features, garbage screening, and 10-11 parking spaces for library use. There would be self-contained sanitary tanks and would be managed by a company. The modular building would be in place until approximately September 2019 and no permanent library-related improvements were proposed.

Ms. Kalias reviewed the key issues and noted the use was compatible with the surrounding areas as there were a variety of industrial uses in the area that functioned with a variety of hours. The site was close in proximity to downtown and was accessible to pedestrian and bicycle traffic. She confirmed that a permit was not required to park in the Park and Ride parking lot.

Chair Travis called for the applicant's testimony.

Amy Winterowd, Plan B Consultancy, 696 McVey Ave Ste. 202 Lake Oswego, OR 97034, and Katie Newell, Ledding Library Director, provided the applicant's testimony.

Ms. Winterowd reviewed the background for the project regarding the bond measure passed

by citizens with the intent of renovation and remodeling of the Ledding Library. However, through due diligence, issues such as safety and seismic hazards compared with the cost/benefit analysis, it became clear that remaining onsite during construction would prove hazardous. Sites for a temporary location for the library were researched but were found to be limited for the needed criteria such as within the library district, accessibility to public transit, walkability, short lease term, etc. In addition, use by the library of the TriMet property would be at no cost to the City.

Commissioner Edge was concerned about access from the bus stop to the temporary building for disabled or mobility-impaired patrons.

Ms. Winterowd responded that she was open to additional suggestions but added that the property was very flat compared to the current library site. She noted that the proposal met the requirements.

Vice Chair Burns asked if co-locating with the Oak Grove Library had been considered.

Ms. Newell responded that Oak Grove was the last remaining branch of the Clackamas County Library, was overcrowded, had minimal parking, and could not facilitate the Ledding Library staff or materials. The temporary location would allow for current staff and materials to serve current patrons.

Mr. Egner noted that the intent of the proposal was as a temporary location for the library and therefore not require extensive site improvements.

Chair Travis closed public testimony.

Planning Commission Deliberation

Commissioners Argo and Hemer, and Vice Chair Burns supported the proposal.

Commissioner Edge would like to see some form of separation for pedestrians between public transit stop and the building.

Chair Travis acknowledged that the project was new to everyone and that once it got underway, issues would arise and would be addressed accordingly.

Commissioner Hemer moved and Commissioner Argo seconded to approve application CSU-2017-009 for the Ledding Library temporary location at 9600 SE Main St with the recommended findings and conditions as presented. The motion passed unanimously.

6.0 Worksession Items

- 6.1 Summary: Comprehensive Plan Update Project update
Staff: David Levitan, Senior Planner

David Levitan, Senior Planner, presented the staff report via PowerPoint. He reviewed the background of the project to-date regarding the Comprehensive Plan Advisory Committee (CPAC), background reports, upcoming events and meetings, and the consultants involved with the project.

Mr. Levitan reviewed the CPAC membership that included representatives from most of the Neighborhood District Associations (NDAs), City Council, downtown businesses, and Chair Travis as the Planning Commission liaison. The NDA members were key in supporting direct community feedback and participation. The CPAC's charter focused on harnessing the community connection, to help shape public involvement, and to refine policy priorities. The Comprehensive Plan had not been updated in 30 years and the update was focused on reorganizing the Plan, removing redundancies, and to make it a more readable document. **Mr. Levitan** reviewed the CPAC meetings held to date and the feedback received. He noted that the new Arts & Culture topic was not included in the current Comprehensive Plan.

Mr. Egner added that as part of the Block 1 policy process, the project team would reach out to the NDAs for feedback on neighborhood nodes and to share information regarding the planning and policy process.

Chair Travis was in the Public Involvement topic group at the last meeting and she described that the group brainstormed ideas around improving public involvement, etc. There would be five meetings for each policy block and she looked forward to future discussions and outcomes at the meetings. The other topic groups included Economic Development, Urban Growth Management, and Arts & Culture.

Mr. Levitan noted that the City Manager, Ann Ober, had suggested the need to provide a foundation regarding the role of the City and the true role of the Comprehensive Plan to prevent more vision-related actions, etc. A matrix that incorporated existing Plan policies, policy language from the Vision, and policy priorities established at earlier meetings would be the framework for the discussion at the next meeting. The policies would be arranged in a way that would make it easy for the members to think through what the community's priorities would be, what policies should be included while meeting state-wide planning goals and being consistent with the community vision and other City documents.

Mr. Levitan reviewed the Background Reports that provided context for each topic area and included questions to consider for policy language. A condensed summary of each topic would be included at the beginning of each Plan element. He reviewed the Block 1 topics and added that although the Arts and Culture topic was not related to a state-wide goal, it was raised as an important topic that came through the Community Visioning process. There would be three CPAC meetings, a town hall, and an online open house in the next months and staff would return to the Commission to review recommended policies in July. He reviewed additional outreach planned with the non-English speaking community, youth engagement, artMOB and Milwaukie Museum, and coordination with the Climate Action Plan process.

Mr. Egner noted that the purpose of the topic blocks was to pin down policies into a document to be organized and critiqued until the hearing process began. Each topic block related to a state-wide planning goal. He added that the Climate Action Plan would likely effect a number of city activities and departments with topics around land use, transportation, and energy and building. Staff would request that representatives for the Climate Action Plan present the project to the Commission.

Mr. Levitan described the concept of neighborhood hubs that resulted from the Community Vision process. Staff would attend all NDA meetings in March to begin the discussion and the consultant would help the design and economic analysis for the neighborhood hubs. Staff would return to the Commission to review that work.

Mr. Levitan reviewed the key questions for the Commission regarding specific policies, updates from staff, and policy recommendation worksessions.

Mr. Egner noted that, regarding the Urban Growth Management Area (UGMA), the agreement with Clackamas County needed to be updated as soon as a draft was agreed upon. Then, depending on the results of the updated Comprehensive Plan, the agreement may need to be revisited to ensure consistency between the two. He discussed issues around annexation of and services to the larger tracts of land on the edge of the city. However, many services had been given to other special districts and there was little incentive for properties to annex into the city, and some of the city's zoning was lower density than the correlating county zoning.

Commissioner Hemer voiced concerns about the possible lack of diversity of the CPAC. He was also concerned about the focus on downtown through the process while potentially underrepresenting the east side of the city. Although the Comprehensive Plan stated that the NDAs would be advisory to the Planning Commission City Council and should be notified of any land use or legislative decisions, the current CPAC membership did not include two of the NDAs and therefore excluded their participation. He felt the communication between the project team and the NDAs and Land Use Committees had been inadequate.

7.0 Planning Department Other Business/Updates

Mr. Egner noted that staff was proposing an amendment to remove the Scott Park Master Plan from the Comprehensive Plan. The plan had not been updated or implemented in 30 years and conflicted with the proposed Ledding Library reconstruction design. This proposal was determined to be the best solution for the situation. In addition, the Urban Renewal Plan included a project to update the Scott Park Master Plan.

A proposal for the Comprehensive Plan update project was to remove all the park master plans as ancillary documents to the Comprehensive Plan.

8.0 Planning Commission Discussion Items

9.0 Forecast for Future Meetings:

- | | |
|-------------------|--|
| February 27, 2018 | 1. Public Hearing: CSU-2017-010 Rowe Middle School Improvements |
| March 13, 2018 | 1. Public Hearing: CSU-2017-007 Milwaukie High School Renovation |

Meeting adjourned at approximately 8:48 p.m.

Respectfully submitted,

Alicia Martin, Administrative Specialist II

Kim Travis, Chair



CITY OF MILWAUKIE

To: Planning Commission
Through: Dennis Egner, Planning Director
From: Vera Kalias, Associate Planner
Date: July 2, 2018, for July 9 10, 2018, Worksession
Subject: 2018 Code Amendments: Round 2 Briefing

ACTION REQUESTED

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

BACKGROUND INFORMATION

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

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

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

- **Revising the definitions of "public park", "livestock", and "live/work unit";**
 - The proposed definition of public park removes a reference to the City Community Services Department which no longer exists.
 - The proposed definition of livestock clarifies that this term refers to animals such as goats, sheep, etc. that are not kept as pets. This is related to the proposed language regarding agricultural uses in the residential zones.
 - The proposed definition of live/work unit provides flexibility in the design of live/work units. The current code language essentially requires that these units are multi-story.

The change is related to a proposed revision for live/work design and development standards.

- **Revising the regulations for agricultural uses in residential zones;**
The proposed language clarifies that livestock animals are different from animals kept as pets.
- **Revising a number of sections with "personal/business services" to provide consistency throughout the code;**
- **Revising the permitted number of chickens allowed as an accessory use;**
The proposed language lowers the maximum number of chickens and other fowl that can be kept to 6 from 50. This matches the Clackamas County code and also responds to complaints received from residents.
- **Modifying the odor control standards for marijuana businesses;**
The proposed language responds to a conflict with the Oregon Building Code and removes specific mechanical and ventilation requirements from the zoning code.
- **Revising the landscaping standard for multi-family development;**
The proposed language allows trees that are not nuisance trees to be planted, rather than requiring only native trees to provide flexibility in species selection.
- **Amending the maximum height and height variance language in the DMU zone;**
The proposed language corrects an inconsistency between the table of standards and Figure 19.304-4 as well as accounts for the permitted height bonus numerical standards.
- **Revising access standards;**
The proposed language allows for a modification to the access spacing standards for driveways and intersections rather than requiring a Type III Variance. The modification process is already outlined in Title 12 and is under the authority of the Engineering Director.
- **Creating a new code section regulating seasonal and temporary uses;**
The proposed language creates a process for review and approval of temporary uses, such as parking for construction workers and boat rentals at Milwaukie Bay Park. This type of permit does not currently exist in the municipal code.
- **Allowing signs for historic property identification;**
The proposed language creates an exemption for signs for historic properties and heritage trees, including standards for the signs and what qualifies as an historic property.
- **Banners and temporary signs;**
The proposed language would disallow banner-type signs to be used as permanent wall signs in order to require higher quality signage. The proposed language also includes a 3-month time limit for temporary signs; no time limit currently exists.
- **Requiring businesses that are closed to remove signs;**

The proposed language requires that signs for businesses that have closed must be removed within 6 months. The purpose is to reduce clutter as well as confusion when signs are still up for businesses that no longer exist.

- **Creating a new code section for green building standards;**
The proposed language creates a new section for green building standards as identified for building height bonuses in the GMU, NMU, and NMIA zones as well as the local approval criteria for the Vertical Housing Development Zone. The proposed language is revised to include a requirement for energy efficiency.
- **Revising the permitted uses in the Manufacturing zone;**
The proposed language would allow repair and service shops for personal vehicles in the Manufacturing zone.
- **Revising live/work standards;**
The proposed language includes language that allows live/work units to be either multi-story or single-floor units to provide flexibility in their design.
- **Adding language specific to vacation rentals in the standards governing conditional uses;**
The proposed language includes standards for vacation rentals, including a requirement for a building inspection and notification to neighbors.
- **Revising the standards for street layout and connectivity;**
The proposed language changes the standard for dead-end streets such that a cul-de-sac with no more than 20 units could be built off a dead-end-street. The current language would not permit this.
- **Revising the review process for wireless communication facilities, including a list of exemptions;**
The proposed language further clarifies the permitting process for wireless communication facilities, including a list of exemptions, reflecting a ruling by the Federal Communications Commission. The proposed language also adds references to Title 21, alerting applicants to other city code requirements such as franchise agreements.
- **Revising a standard for Accessory Dwelling Units (ADUs)**
The proposed language regarding allowing 1 ADU per single family home is a requirement of SB 1051.
- **Revising the maximum width for a trail in the Natural Resources code**
The proposed language revises the maximum width for a trail identified as a Special Use for Type II review from 10 ft to 12 ft to account for ODOT revisions to minimum trail width.
- **Revising parking lot landscaping standards;**
The proposed language changes the spacing of trees from 1 tree for every 40 lineal ft to every 30 lineal ft and also adds a requirement for a minimum tree canopy within 10

years. The proposed language is intended to result in species selection and plantings that provide better shade in parking areas.

- **Clarifying language related to boundary changes.**

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

ATTACHMENTS

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

	PC Packet	Public Copies	E- Packet
1. Draft code amendment language (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-10>.

Underline/Strikeout Amendments

TITLE 11 MISCELLANEOUS PERMITS

11.05 TEMPORARY USES, PERMITS, AND REGULATIONS

11.05.010 Uses

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

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

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

11.05.020 Application and Fee

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

11.05.030 Permit Approval

A. Findings of Fact

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

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

B. Time Limits

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

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

Renewals may be provided as follows:

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

C. Conditions

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

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

D. Revocation

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

TITLE 12 STREETS, SIDEWALKS, AND PUBLIC PLACES

CHAPTER 12.16 ACCESS MANAGEMENT

12.16.040 ACCESS REQUIREMENTS AND STANDARDS

C. Accessway Location

4. Distance from Intersection

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

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

TITLE 14 SIGN ORDINANCE

CHAPTER 14.04 GENERAL PROVISIONS

14.04.030 DEFINITIONS

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

CHAPTER 14.16 SIGN DISTRICTS

14.12.010 Exempted Signs

B. Temporary signs which are nonilluminated, have an overall face area not exceeding 16 square feet, are not permanently installed, and are intended to be located on property for short durations of time. Such signs may include, but are not limited to, real estate lease and sales, political signs, building permits, public hearing notices, construction signs, garage sale, open house, special event, holiday, and similar signs. Temporary signs shall be removed within 3 months. ~~a reasonable period of time.~~

N. Signs or tablets, (including names of buildings and the date of erection) when cut into any masonry surface or constructed of bronze or other similar durable noncombustible surface, that meet the following requirements:

1. Not to exceed 2 sq ft for wall signs and placed no higher than 6 ft above ground level;
or,

2. 2 sq ft and no taller than 3 ft for a monument sign; and

3. This exemption is limited to:

a. historic properties as listed in Appendix A of the Milwaukie Comprehensive Plan;
or

b. any building that is shown to be at least 50 years old; or

c. a City-identified heritage tree; or

d. an historic site recognized and acknowledged by the City Council.

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

CHAPTER 14.28 REMOVAL OF SIGNS IN VIOLATION

14.28.010 ABANDONED SIGN

A. Time Limit

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

TITLE 17 LAND DIVISION

CHAPTER 17.12 APPLICATION PROCEDURE AND APPROVAL CRITERIA

17.12.020 APPLICATION PROCEDURE

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

TITLE 19 ZONING

CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS

19.201 DEFINITIONS

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

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

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

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

CHAPTER 19.300 BASE ZONES

19.301 LOW DENSITY RESIDENTIAL ZONES

19.301.3 Use Limitations and Restrictions

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

19.302 MEDIUM AND HIGH DENSITY RESIDENTIAL ZONES

19.302.3 Use Limitations and Restrictions

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

Proposed Code Amendment

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

19.303 COMMERCIAL MIXED-USE ZONES

19.303.2 Uses

Table 19.303.2 Uses Allowed in Commercial Mixed-Use Zones			
Uses and Use Categories	GMU	NMU	Standards/Additional Provisions
Commercial^{3, 4}			
Personal/business services Personal-service-oriented Personal/business services Personal-service-oriented firms are involved in providing consumer services. Examples include hair, tanning, and spa services; pet grooming; photo and laundry drop-off; dry cleaners; and quick printing.	P	P	

19.303.3 Development Standards

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

19.303.4 Detailed Development Standards

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

A. Floor Area Ratio

1. Intent

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

2. Standards

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

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

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

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

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

3. Exemptions

The following are exempt from the minimum FAR requirement:

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

B. Building Height

1. Intent

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

2. Standards

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

3. Height Bonuses

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

Proposed Code Amendment

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

a. Residential

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

b. Green Building

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

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

c. Building Height Variance

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

19.304 DOWNTOWN ZONES

19.304.2 Uses

Table 19.304.2			
Uses Allowed in Downtown Zones—Uses			
Uses and Use Categories	DMU	OS	Standards/ Additional Provisions
Commercial			
Personal/business services Personal-service-oriented Personal/business services Personal-service-oriented firms are involved in providing consumer services. Examples include hair, tanning, and spa services; pet grooming; photo and laundry drop-off; dry cleaners; and quick printing.	P/CU	N	Subsection 19.304.3.A.3 Commercial use limitations Section 19.905 Conditional Uses

19.304.4 Development Standards

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

19.304.5 Detailed Development Standards

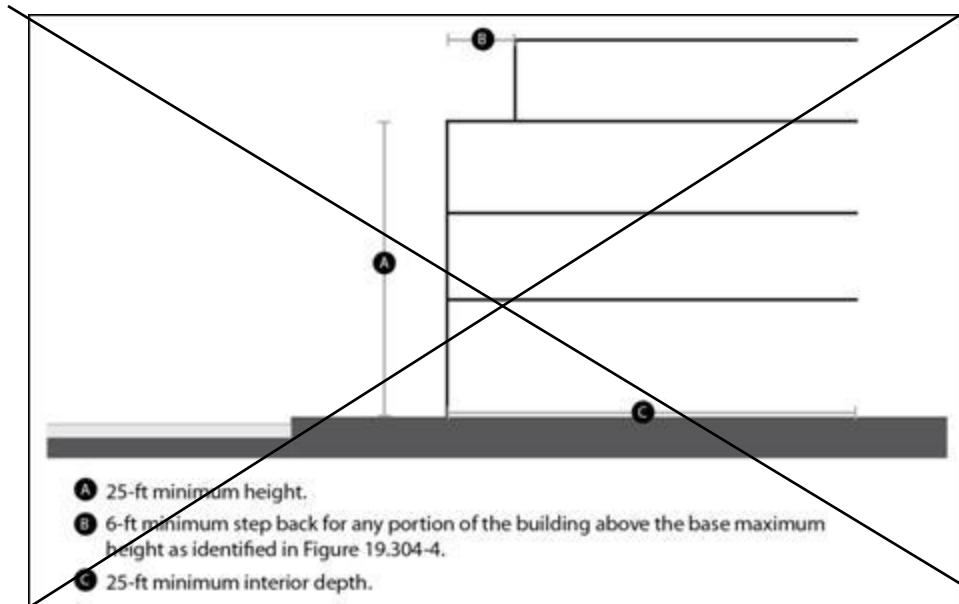
The following detailed development standards describe additional allowances, restrictions, and exemptions related to the development standards of Table 19.304.4.

B. Building Height

2. Standards

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

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



3. Height Bonuses

c. Green Building

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

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

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

19.306 LIMITED COMMERCIAL ZONE C-L

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

19.306.1 Uses Permitted Outright

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

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

19.307 GENERAL COMMERCIAL ZONE C-G

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

19.307.1 Uses Permitted Outright

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

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

19.308 COMMUNITY SHOPPING COMMERCIAL ZONE C-CS

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

19.308.1 Uses

Development shall be a community-scale shopping center.

B. Such center may include the following additional uses:

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

19.310 BUSINESS INDUSTRIAL ZONE BI

19.310.4 Limited Uses

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

19.309 MANUFACTURING ZONE M

19.309.2 Permitted Uses

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

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

2. Repair and Service

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

CHAPTER 19.400 OVERLAY ZONES AND SPECIAL AREAS

19.402 NATURAL RESOURCES NR

19.402.11 Development Standards

4. Walkways and Bike Paths

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

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

CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

19.503 ACCESSORY USES

19.503.1 General Provisions

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

19.505 BUILDING DESIGN STANDARDS

19.505.3 Multifamily Housing

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

19.505.6 Live/Work Units

C. Use Standards

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

D. Development Standards

Proposed Code Amendment

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

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

~~E. Design Standards~~

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

19.509 MARIJUANA BUSINESS STANDARDS

19.509.2 Security and Odor Control for Certain Marijuana Businesses

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

19.510 Green Building Standards

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

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

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

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

CHAPTER 19.600 OFF-STREET PARKING AND LOADING

19.606.2 Landscaping

B. General Provisions

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

C. Perimeter Landscaping

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

2. Planting Requirements

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

CHAPTER 19.700 PUBLIC FACILITY IMPROVEMENTS

19.708 TRANSPORTATION FACILITY REQUIREMENTS

E. Street Layout and Connectivity

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

CHAPTER 19.900 LAND USE APPLICATIONS

19.904 COMMUNITY SERVICE USES

19.904.11 Standards for Wireless Communication Facilities

A. Applicability

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

C. Application Process

1. Type I Review Exemptions

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

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

2. Type I Review

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

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

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

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

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

23. Type II Review

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

34. Type III Review

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

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

Proposed Code Amendment

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

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

II = Type II review—provides for an administrative decision

I = Type I review—provides for an administrative decision

P = Permitted N = Not Permitted

D. Application Submittal Requirements

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

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

F. Location and Size Restrictions

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

G. Development Standards for All WCFs

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

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

19.905 CONDITIONAL USES

19.905.9 Standards Governing Conditional Uses

H. Vacation Rentals

Operation of a vacation rental requires the following:

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

19.910 RESIDENTIAL DWELLINGS

19.910.1 Accessory Dwelling Units

D. Approval Standards and Criteria

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

19.911 VARIANCES

19.911.6 Building Height Variance in the Downtown Mixed Use Zone

B. Applicability

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