

## NOTICE OF CITY COUNCIL MEETING

The City Council of the City of King City will hold a Regular City Council Meeting at 7:00 p.m., Wednesday-August 1, 2018 at the King City Hall, 15300 SW 116<sup>th</sup> Ave, King City, Oregon 97224

AGENDA		Action Item
<b>***REGULAR SESSION***</b>		
<i>Moment of Silence</i>		Time:
7:00 p.m.	1. <b>CALL TO ORDER</b>	
	2. <b>ROLL CALL</b>	
	3. <b>PLEDGE OF ALLEGIANCE</b>	
	4. <b>APPROVAL OF MINUTES:</b>	M S A
7:05 p.m.	5. <b>OPEN FORUM:</b> We welcome public comment. At this time, the Council will be happy to receive your comment pertaining to items on the agenda (including, questions, suggestions, complaints and items for future agendas). Each person's time will be limited to three minutes.	
7:15 p.m.	6. <b>UNFINISHED BUSINESS:</b>	
7:25 p.m.	7. <b>NEW BUSINESS:</b>	M S A
	7.1 Special Presentation Washington County Tobacco Awareness	
	7.2 Consider Planning Commission Applicant Smith Siromaskul	M S A
	7.3 Consider Engagement Letter for Accounting Services – Marr	No Action
	7.4 Consider and Discuss Ordinance O-2018-03 Amending Chapter 2.34 – authorize work sessions and the cancellation of a second monthly meeting	2 <sup>nd</sup> Reading M S A
	7.5 Consider and Discuss – NMU Ordinance 2018-04 An Ordinance amending for Chapter 16.102 of King City's Community Development Code.	2 <sup>nd</sup> Reading M S A
7:45 p.m.	8. <b>POLICE CHIEF'S REPORT</b>	
7:50 p.m.	9. <b>CITY MANAGER'S REPORT</b>	
7:55 p.m.	10. <b>MAYOR'S AND COUNCILOR'S REPORTS</b>	Time:
8:25 p.m.	11. <b>ADJOURN</b>	
<b>NEXT MEETING SCHEDULED FOR AUGUST 15, 2018 @ 7:00 PM</b>		
The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to Mike Weston, City Recorder, 503-639-4082.		
M=Motion; S=Second; A=Action/Vote		



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## Washington County Tobacco Prevention City Officials Interview Tool – 2018

1. Is the use of tobacco/marijuana among youth a concern to the leadership?
2. What formal policies, practices and laws are in place in your community in regards to retailers selling tobacco and tobacco use in public places?
3. What formal policies, practices and laws are in place in your community in regards to retailers selling marijuana and marijuana use?
4. Do you think what has been done is adequate to discourage the use and exposure to tobacco among youth, or should more be done?
5. Do you think what has been done is adequate to discourage the use and exposure to marijuana among youth, or should more be done?
6. What do you believe are the primary obstacles to addressing:
  - a. Tobacco use/exposure among youth?
  - b. Marijuana use/exposure among youth?
7. What are your thoughts on the following evidence based strategies that have been implemented in other communities in Oregon:
  - a. Licensing businesses that sell tobacco products.
  - b. Restrict selling tobacco/marijuana:
    - i. Within a certain distance from schools.
    - ii. Within a certain distance from other businesses selling tobacco/marijuana.
    - iii. Require the posting of tobacco cessation resources like the Oregon Tobacco Quit Line in tobacco inside and/or outside retail outlets.
8. What is your position on limiting smoking:
  - a. Dining areas outside bars/restaurants.
  - b. Streets and sidewalks in crowded zone such as downtown areas.



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# APPLICATION FOR APPOINTMENT TO BOARD or COMMISSION



Name: \_\_\_\_\_ Date: \_\_\_\_\_  
Last First Middle

Home Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Is this address within the City? \_\_\_\_\_ I've lived in King City since: \_\_\_\_\_

Telephone No.: \_\_\_\_\_  
Home Work Cell/Mobile

E-Mail Address: \_\_\_\_\_

Are you a registered Voter in the State of Oregon? \_\_\_\_\_

Present Occupation: \_\_\_\_\_

Which Committee(s) would you like to be appointed to?

***Dates of meetings are listed at the end of this application.  
Please make sure those dates work with your schedule before you apply.***

- ☐ City Council\*  
    Budget Committee  
☐ Planning Commission  
☐ Other

Employment, professional, and volunteer background:

Previous City appointments, offices or activities:

As additional background for the Mayor and City Council, please answer the following questions. Feel free to add additional pages.

1. What experience/training/qualifications do you have for this particular board or commission? You may attach a resume.
2. What specific contribution do you hope to make?
3. What community topics concern you that relate to this board or commission? Why do you want to become a member?

4. Describe your involvement in relevant community groups and activities. (Lack of previous involvement will not disqualify you from consideration.)

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Meeting dates** (all meeting dates are subject to change or additions)

- City Council\* - meets the First and Third Wednesday of the month
- Budget Committee – meets in April-May to consider City budget for new fiscal year
- Planning Commission – Fourth Wednesday of the month

*Please be advised members of the City Council, the Planning Commission are required to file an annual **Statement Of Economic Interest** with the State of Oregon. A sample reporting form is available from the City Records Office at 15300 SW 116th Ave, King City, OR 97224 indicating the type of information you will be required to disclose if you are appointed.*

**For office use only:**

<b>Date Received:</b>	<b>Please return this form to:</b> City Recorder 15300 SW 116th Ave King City, OR 97224 503-639-4082 503-639-3771(FAX) <a href="mailto:rsmith@ci.king-city.or.us">rsmith@ci.king-city.or.us</a>
<b>Date Considered:</b>	
<b>Action by Council:</b>	
<b>Term Expires:</b>	

\*The Council members are elected at large by City voters and serve four-year terms. The process to select a candidate for the vacancy will be initiated at the time a vacancy exists in accordance with the King City Charter, Chapter IV, Section 17(1) and (2).



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## Smith Siromaskul

Senior Traffic Engineer

Smith Siromaskul serves as a national resource within HDR for innovative intersection and interchange design and is a nationally recognised expert on the evaluation and design of diverging diamond interchanges. He is experienced in traffic engineering and highway planning and design. His project experience includes the rehabilitation and upgrading of major urban and rural highway and freeway facilities and the implementation of managed lanes. His duties have included traffic microsimulation, geometric design, traffic/accident analysis, intersection design studies, the development of traffic signal plans, site development, and preparation of construction contract documents. He has also participated in a number of value engineering studies as the roadway design or traffic engineer on the project team.

### EDUCATION

Bachelor of Science, Civil Engineering (Trans Sys Design; Photogrammetry / Surveying), University of Illinois Urbana-Champaign, 1999

### REGISTRATIONS

Professional Engineer, California, No. 73589 Issued: 07/01/2008, Expires: 12/31/2019

Professional Engineer, Oregon, No. 77453PE Issued: 06/30/2006, Expires: 06/30/2020

Professional Engineer, Florida, No. 78369 Issued: 12/1/2014, Expires: 02/28/2019

Professional Engineer, Virginia, No. 0402049728 Issued: 09/30/2011, Expires: 09/30/2019

Professional Engineer, British Columbia, No. 160563 Issued: 5/1/2011, Expires: 2019

### PROFESSIONAL MEMBERSHIPS

Institute of Transportation Engineers (ITE), Member, 2002-Present

### INDUSTRY TENURE

19 years

### RELEVANT EXPERIENCE

**4<sup>th</sup> Bridge Crossing of the Panama Canal, Ministerio de Obras Públicas de Panamá, Panama City, Panama.** Traffic/Roadway Engineer. HDR served as an independent reviewer of the design-build proposals submitted to the ministry. HDR was brought in specifically to review the roadway design and the traffic microsimulation work performed by the RFP Preparer and the Proposing teams. The project area includes large system and service interchanges on either side of the Panama Canal. Traffic analysis was performed in Aimsun and Vissim.

**SHRP2 LO4 Incorporating Travel Time Reliability in Traffic Simulation Models, Florida Department of Transportation, Tallahassee, FL.** Lead Traffic Engineer. FDOT has identified reliability as a key performance measure that should be tracked at the system level and used to compare alternative improvements in project planning analyses. This study will develop an ongoing procedure for FDOT to use in routine analysis of alternative improvements. Microsimulation is widely used by FDOT especially in support of PD&E projects, interchange access justification analyses, and the managed lane program. Integration of the federally developed SHRP2 LO4 products into simulation models will provide FDOT an ability to consistently predict reliability measures and objectively evaluate alternatives at the project level. This would provide the missing link to the current FDOT process in the application of reliability measures in comparative alternative analysis.

**US 192 Bus Rapid Transit Corridor Capacity Improvement Study, Florida Department of Transportation, Osceola County, FL.** Traffic Engineer/Roadway Concept Development. The FDOT has requested that HDR perform a detailed operational analysis to improve traffic operations along US 192 that are compatible with Bus Rapid Transit (BRT) implementation. This study developed corridor-wide improvements to the typical section to enhance multimodal opportunities and utilize

innovative intersection treatments to improve all of the signalized intersections on the corridor with only minor impacts. The US 192 corridor study portion is approximately 23 miles in length with 15 major intersections and 44 total signals. The study portion extends from US 27 in the west to Florida's Turnpike (Shady Lane Park & Ride) in the east. The resulting improvement concept incorporated median-running BRT and improved all of the signals within the corridor to the point that it would perform better in the future than they do today while requiring only minor right-of-way acquisition.

**Okeechobee Road at NW 87<sup>th</sup> Avenue, Florida Department of Transportation, Medley, FL.** Traffic Engineer/Concept Development – Maintenance of Traffic.

This project improved an at-grade intersection into a three-level interchange. HDR was responsible for development of the construction staging strategy and Smith led the development of the staging concepts and their analysis using Vissim software.

**Okeechobee Road at NW 116<sup>th</sup> Street, Florida Department of Transportation, Hialeah Gardens, FL.** Traffic Engineer/Roadway Concept Development.

This project improved the overcapacity intersection of Okeechobee Road (SR 25) and NW 116<sup>th</sup> Street/Hialeah Gardens Blvd. from the existing at-grade intersection to a grade separated echelon intersection. The intersection area is complicated by high truck volumes, two adjacent frontage roads and a canal system. Smith was responsible for the development of an alternative improvement concept, traffic microsimulation of the concept in Vissim, oversight of the roadway design, and development of the construction staging concepts. The complex staging required a first of its kind intersection blending elements of a rotary, median u turn, and a restricted crossing u turn intersection. Vissim was also performed on the various construction stages due to their complexity and reliance on multiple interconnected signals.

**Okeechobee Road at Krome Avenue, Florida Department of Transportation, Miami-Dade County, FL.** Traffic Engineer/Roadway Concept Development.

This is a capacity improvement project along Okeechobee Road (SR 25) which is a vital transportation link, SIS Corridor, and freight route connecting to SR 997/Krome Avenue, SR 821/HEFT, and SR 826/Palmetto Expressway. The purpose of this project is enhance safety and mobility by implementing modifications to geometry, access management, and intersection operations along Okeechobee Road, the Frontage Road, and major side streets. Intersection improvements include widening the turning radius to accommodate the design vehicle WB-62 FL, reconstruction with rigid pavement at critical intersections, and constructing adequate acceleration and deceleration lanes at each intersection. The major signalized intersection with Krome Avenue posed a design challenge with a high-volume of left-turns, a skewed intersection alignment, and a high-speed rural context.

**District-Wide (DW) Traffic Operational Studies for Innovative Intersection and Interchange Treatments, FDOT District 7, 7 Counties, FL.** Traffic

Engineer/Roadway Concept Development. Analysis and conceptual design support of roundabouts, interchanges, and intersections. Assignments have included over a dozen roundabout screenings using the FDOT three-step screening process, median u-turn and displaced left-turn intersection analyses and designs, and interchange reconfiguration analyses and designs.

**Low-Cost Innovative Intersection Analysis, TxDOT Austin District, Austin, TX.** Traffic Engineer. HDR was retained by TxDOT to develop innovative, low-cost improvements to relieve congestion along five major corridors in Central Texas (RM 1431, US 79, US 183, RM 2222, and RM 620). Smith assisted in the development of comprehensive simulation models using Vissim and analyzed a diverging diamond intersection at RM 1431/IH 35.

As part of the RM 1431 Corridor Study for TxDOT, HDR identified IH 35/RM 1431 interchange as a bottleneck that is becoming a roadblock for the City in attracting major developments (e.g. HEB, Bass Pro Shop etc.). The interchange provides access to IH 35 for IKEA, a major outlet mall, and numerous universities. Moreover, the recently upgraded 6-lane bridge structure is already at capacity and is the main source of the congestion. HDR analyzed this location for a potential diverging diamond interchange (DDI) since the interchange characteristics (traffic patterns, access configurations, existing collector-distributor (C-D) road etc.) proved to be ideal. Through our unique modeling and schematic design, we developed a unique DDI footprint that utilizes the existing bridge structures. We proposed a single lane C-D road for the southbound direction and utilized the existing northbound lane to maintain continuous frontage road operations. The proposed DDI concept will provide 70% reduction in delay. HDR utilized our advanced 3-D animation and visualization tools to build support from TxDOT, City, stakeholders, developers, and elected officials.

**I-95 at Broward Blvd. PD&E, Florida Department of Transportation, Fort Lauderdale, FL.** Traffic Engineer/Roadway Concept Development. HDR is developing the PD&E for an interchange improvement at I-95 and Broward Blvd. The interchange area is extremely congested and includes an existing park and ride lot, commuter rail, and express bus service. The future interchange must maintain access from the managed lanes on I-95 directly to and from the park and ride lot and directly to and from Broward Blvd. The study improvements must also be compatible with the I-95 Express Lanes improvements underway as part of a separate project.

**I-95 at Commercial Blvd. and at Cypress Creek Road PD&E, Florida Department of Transportation, Oakland Park, FL.** Traffic Engineer/Roadway Concept Development. HDR is providing transportation planning and traffic engineering services to support the PD&E for interchange improvements for I-95 between Commercial Blvd and Cypress Creek Rd in Fort Lauderdale, FL. HDR is leading all traffic analysis activities in the project development process and alternative evaluation. HDR developed innovative interchange solutions that were analyzed with microsimulation and is leading the Systems Interchange Modification Report for the interchange improvements. HDR is performing an inventory of existing ITS equipment in the project limits and evaluating impacts/modifications to the ITS components resulting from the project improvements. HDR is also evaluating multi-modal accommodations and impacts (railroad, transit, FXE airport) to be considered with the proposed improvements.

**I-240 Interstate Access Reports, Tennessee Department of Transportation, Memphis, Shelby County, TN.** Traffic Engineer. This project consists of the development of three separate IAR's pertaining to the modification of six interchanges along the I-240 corridor from the I-55 interchange to the I-40 interchange. Recommendations for improvement along the I-240 corridor included the addition of one through lane to both directions of travel on I-240 and the

modification of selected interchanges along the study corridor to mitigate existing congestion and safety issues.

**Florida's Turnpike at US 301 Interchange Improvement, Florida Department of Transportation, Wildwood, FL.** Traffic Engineer. This is an ongoing study whose purpose is to review the potential widening or realignment along an 8-mile segment of US 301. The study also considers interchange improvements at Florida's Turnpike. Options considered at the interchange include a roundabout diamond interchange, a diverging diamond interchange, and a tight diamond interchange.

**Lee Road at Gunnery Road, Lee County, Orlando, FL.** Traffic Engineer/Roadway Concept Development. HDR is developing alternatives and designing improvements at the intersection of Lee Boulevard and Gunnery Road to relieve traffic congestion in a manner compatible with the proposed Mixed Use Activity Center that is currently under development. The project includes conducting public involvement/information meetings, traffic analysis and simulation, developing conceptual design plans for alternative intersection improvements, establishing right-of-way impacts, utility coordination, cost estimates and produce design plans for the preferred alternative. The concepts developed consider and address safety for all road users including pedestrians, cyclists, motorists and public transit.

**Downtown Tampa Interchange, Florida Department of Transportation, Tampa, FL.** Traffic Engineer/Roadway Concept Development. HDR was responsible for existing and future volume development on arterials, I-275/Downtown interchange concept development, VISSIM microsimulation traffic analysis, and AIMSUN mesoscopic simulation analysis. Managed Lanes are being added in the median of I-275 and I-4 in addition to the I-275/Downtown interchange reconfiguration.

**Osceola Parkway Extension / SR 417 / Boggy Creek Road Interchange Concepts, Orlando International Airport, Orlando, FL.** Traffic Engineer/Roadway Concept Development. HDR is providing planning services to reconfigure roadway access for the south side of the airport. This effort is related to the proposed Osceola Parkway Extension and potential modifications of current concepts to include a direct connection from that facility to the airport at the SR 417 / Boggy Creek Road interchange. HDR developed planning-level alignments and configurations for roadways and interchanges associated with the Osceola Parkway Extension, performed a fatal flaw evaluation, and facilitated close coordination and meetings with community partners and stakeholders such as Orange County, City of Orlando, Osceola Expressway Authority (OCX), Central Florida Expressway Authority (CFX), and Tavistock.

**Milepost A-38 to A-44, Quakertown Interchange, Pennsylvania Turnpike Commission, Quakertown, PA.** Traffic Engineer/DDI Design Lead. HDR is a sub consultant to Pennoni Associates for the six-mile reconstruction and widening of the Pennsylvania Turnpike Commission's Northeast Extension from Milepost A-38 to A-44. Originally scoped to provide only design services for four overhead structures crossing the mainline, HDR was asked to perform an independent analysis on the feasibility of reconstructing the Quakertown Interchange as a Diverging Diamond Interchange due to the reputation of our internal expertise. Previous analysis by the prime consultant resulted in a larger interchange type causing property and noise disputes with the local municipality. HDR's team was



able to quickly mobilize and prove to the client that a DDI is feasible for this location by providing detailed explanation of three potential alternatives. HDR was then further retained in a design management capacity to provide oversight and design support for the resulting amendment to the interchange study.

**U5710: Eastwood and Military Cutoff Road Intersection Improvement, North Carolina Department of Transportation, Wilmington, NC.** Traffic

Engineer/Roadway Concept Development. This planning project involves the improvement and reconstruction of a critical over-capacity arterial intersection along a major evacuation route from the Atlantic coast. The existing intersection has high volumes on all approaches with evenly balanced turns and a significant skew angle. HDR was asked to develop concepts to increase capacity at the intersection through grade separations and a possible conversion to an interchange.

The project involved the development of a shortlist of improvement concepts that were brought forward into more detailed analysis and design. Conceptual roadway layouts and VISSIM models were created for the 5 shortlisted alternatives to allow for a qualitative comparison of operations, cost, and constructability.

**I-10 at US 29 Interchange Improvement, Florida Department of Transportation, Pensacola, FL.** Traffic Engineer/Interchange Concept

Development. HDR was selected to provide design services for the reconstruction of the Interstate 10 interchange at Highway 29 to increase capacity and correct operational and safety issues such as left-hand entrance ramps, acceleration/deceleration lane lengths, weaving distances, sight distances, and bridge clearances. This interchange is on the Strategic Intermodal System (SIS) and is part of a Hurricane Evacuation Route. The project involved significant impacts to a mainline railroad bridge and the mitigation of significant weaving problems with a nearby system interchange.

**ABQ Ride Central Avenue ART Final Design, ABQ Ride, Albuquerque, NM.**

Traffic/Roadway Engineer. HDR completed the Feasibility Study and Alternative Analysis and are currently preparing preliminary engineering drawings and NEPA documentation for this 10-mile arterial BRT project on Central Avenue. The project will construct dedicated center running BRT lanes and 20 center stations that will link several of the region's major activity centers including Downtown Albuquerque, the Medical Center district, and the University of New Mexico. The project will include BRT in both an exclusive and semi-exclusive running way; transit signal priority treatment at major intersections; stations featuring level boarding, distinctive shelters, off board fare collection; next bus arrival technology; an enhanced pedestrian realm including widening and landscaped sidewalks, and public art. HDR is providing public involvement, program management, project management, design, environmental documentation, and FTA support and compliance.

**I-264 at US 42 VE Study, Kentucky Transportation Cabinet, Louisville, KY.**

Traffic/Roadway Engineer. The project interchange includes a complex arterial intersection immediately adjacent to the I-264 interchange. The VE study developed and evaluated alternative interchange concepts and resulted in 5 recommendations narrowed down from 37 ideas.

**SR 710 at Northlake Blvd. Intersection Improvement, Florida Department of Transportation, Palm Beach Gardens, FL.** Traffic/Roadway Engineer. The

project involved reconstruction of a large at-grade intersection adjacent to a heavy rail crossing. The public had rejected the previous preferred alternative requiring the development of a new concept. The new intersection concept includes elements of a diverging diamond interchange, a quadrant road, and a displaced left turn. Proof of concept analysis was performed in VISSIM. The project includes the final design of the intersection and two miles of arterial to the south of the intersection.

**I-95 at SR 200 DDI Peer Review, Florida Department of Transportation, Hero, FL.** Traffic/Roadway Engineer. The project involved a peer review of the final design plans for a DDI. Smith's role was the review of the signing and pavement making, roadway design, and signal design plans.

**US 98 at Tyndall Air Force Base, Florida Department of Transportation, Panama City, FL.** Traffic Engineer/Interchange Concept Development. This PD&E Study involved a one-mile segment of SR 30 (US 98) on Tyndall AFB in Bay County, Florida. It included engineering and environmental evaluation which resulted in an EA for approval by both FDOT and the Air Force. It was the first EA approved by FDOT D3 under NEPA Assignment, allowing the project to advance to Design-Build. The project considered dual needs to reduce east/west travel delays on US 98, and to provide north/south access improvement for vehicles traveling between the north (flightline) and the south (supply) side of the base. Alternatives evaluated included a flyover to separate Tyndall AFB traffic from through traffic, alternative interchange configurations at Tyndall Drive, vehicular queuing lanes for Tyndall AFB traffic, and consolidation of the gates. FHWA was the Lead Agency, and the Tyndall AFB was a Cooperating Agency.

**Glenn Highway at Muldoon Road DDI VE Study, Alaska Department of Transportation, Anchorage, AK.** Traffic and Roadway Engineer. Smith represented both the roadway design and traffic engineering disciplines during the study. The project involved the first diverging diamond interchange in the State. The VE team was tasked with validating the concept and providing detailed review of the DDI design elements.

**I-4 Ultimate, Florida Department of Transportation, Orlando, FL.** Traffic Engineer/Interchange Concept Development. The project involves a complete reconstruction of a large segment of I-4 to include two new managed lanes in each direction for the length of the corridor. The project area incorporates 31 miles of I-4 through the heart of the City of Orlando. 17 service interchanges and 2 system interchanges fall within the project area. Managed lanes access points included slip ramps to and from the general use lanes as well as direct connect access from system interchanges and direct arterial interchanges. Multiple alternative technical concepts were created for each interchange and a project-wide VISSIM analysis was performed to justify changes to the baseline alternative. Changes in the project improvements required the reevaluation of the SAMR.

**Airport Way at 82<sup>nd</sup> Avenue, Port of Portland, Portland, OR.** Traffic Engineer/Interchange Concept Development. This planning project developed a preferred alternative for the conversion of an intersection immediately adjacent to the terminal facilities at the Portland International Airport. Multiple interchange and intersection improvements were brainstormed at a design charrette and later reduced to a shortlist of alternatives forwarded to more detailed design. The resulting analysis produced a preferred ultimate alternative as well as staged

improvements that could be implemented over time to reach the full build with minimal throwaway work. The preferred alternative was a hybrid diverging diamond interchange that could be staged as a partially unsignalized DDI with three ramp terminals.

**I-4 Beyond the Ultimate, SIMR Update, Florida Department of Transportation, Orlando, FL.** Traffic Engineer/Interchange Concept Development. This planning project includes the implementation of managed lanes throughout the corridor as well as the conceptual development of a preferred alternative for each interchange along 50 miles of I-4 north and south of the City of Orlando. 5 system interchanges and dozens of service interchanges fall within the corridor which also includes braided ramps and collector distributor systems. Managed lanes ingress and egress points included slip ramps, direct connect ramps from other system roadways, and direct connect interchanges. Conceptual layouts as well as VISSIM analyses were performed for each of the interchanges.

**Groat Road Interchanges, Edmonton, City of Edmonton, AB.** Traffic Engineer/Interchange Concept Lead. The project involved the development of a shortlist of interchange concepts at two locations to be brought forward into more detailed analysis and design. The project area included the interchanges on both sides of the North Saskatchewan River near downtown Edmonton. Significant topographical issues along with multiple approaches, the river crossing, multimodal paths, and event traffic were among the challenges encountered during the project. The preferred alternative at the north interchange involved a clockwise circulating roundabout. The short turnaround for the project included a joint site visit and design charrette involving City staff, Synchro and VISSIM analysis, as well as a conceptual design for each of the shortlisted alternatives.

**I-80 at 1<sup>st</sup> Avenue, Iowa Department of Transportation, Coralville, IA.** Traffic Engineer/Interchange Concept Lead. The interchange study area for this project included a nearby shopping mall as well as proposed industrial, office, and commercial development adjacent to the interchange area. Multiple concepts were developed for the interchange and the approaching corridor to ensure a balance of access and operations.

**US 36 Phase 2 Design-Build, Colorado Department of Transportation, Denver, CO.** Traffic Engineer/DDI Design Lead. The project includes the construction of managed lanes along the US 36 corridor as well as the implementation of a diverging diamond interchange with transit facilities. Corridor signal timing through the interchange and interfacing with adjacent timing plans under two different jurisdictions was performed in VISSIM.

**I-75 at SR 56 Interchange, Florida Department of Transportation, Tampa, FL.** Traffic Engineer/DDI Design Lead. The project includes the construction of collector-distributor roads leading into the nearby I-75/I-275 interchange and the construction of a diverging diamond interchange at SR 56. The travel patterns at the project site required the implementation of signal timing unlike any other DDI. The interchange also included the implementation of a multi-use path through the interchange to extend the local trail system across I-75. This project included the fast-tracking of the approval of an IOAR.

**I-95 Express Phase 3 Corridor Design Consultant, Florida Department of Transportation, SE Florida.** Traffic Engineer/Interchange Concept Lead. This

61-mile extension of managed lanes along I-95 from Fort Lauderdale northward included a corridor-length travel demand and VISSIM model. The analysis served to optimize ingress and egress points as well as to identify system bottlenecks and establish a preferred lane configuration to be designed and then issued as design-build RFPs.

**I-75 at Bee Ridge Road Interchange, Florida Department of Transportation, Sarasota, FL.** Traffic Engineer/Interchange Concept Lead. The project area included a high volume at-grade signalized intersection immediately adjacent to a major interchange. The scope of the project includes reconstruction and widening of I-75. Among the significant improvements, the existing partial cloverleaf interchange will be replaced by a hybrid interchange combining diverging diamond interchange and continuous flow intersection components while also replacing the nearby intersection with a continuous flow intersection with displaced left turns on every approach. Smith led the design effort of the interchange and intersection improvements as well as the VISSIM analysis on the corridor and assisted on the reevaluation of the IMR as the concept was changed from the PD&E.

**I-39 and Harrison Avenue Diverging Diamond Interchange Project, Illinois Department of Transportation, Rockford, IL.** Traffic Engineer/DDI Design Lead. Smith oversaw the peer review and design guidance at the conceptual design level for a DDI project at I-39 and Harrison Avenue.

The project involved detailed design review for operational and geometric layout of the DDI. The review included a detailed design memorandum highlighting necessary changes to improve operations, avoid fatal flaws, and improve safety through geometric design. In addition to the geometric peer review, the project also analyzed crash data and developed a safety component of the review.

**US 10 / Wis 441 Diverging Diamond Interchange Peer Review, Wisconsin Department of Transportation, Winnebago County, WI.** Traffic Engineer/DDI Design Lead. Smith was the project manager on the project providing peer review and design guidance at the 30% design level for the Oneida Street DDI along the Wis 441 corridor.

The project involved detailed design review for operational and geometric layout of the DDI as well as a VISSIM reanalysis of the arterial corridor to confirm lane configurations and signal timing for progression in both directions. The geometric review included a detailed design report and workshop that expanded on the project itself by including design lessons learned from around the county on DDI projects. The workshop acting as a review meeting, but also doubled as lessons learned training.

The project will include a similar review and design workshop at 90% design.

**US 51 Diverging Diamond Interchange Peer Review at Beltline Hwy and at WI 50, Wisconsin Department of Transportation, Dane County, WI.** Traffic Engineer/DDI Design Lead. Smith was the project manager on the project providing peer review of traffic simulation and roadway design guidance at the 30% design level for 2 DDI projects along the US 51 corridor.

The project involved detailed design review for operational and geometric layout of the DDI as well as a VISSIM model of the interchange and the adjacent signals on the arterial corridor. The review included a detailed design memorandum highlighting necessary changes to improve operations, avoid fatal flaws, and improve safety through geometric design.

**I-43/Brown Deer Road Diverging Diamond Interchange Peer Review, Wisconsin Department of Transportation, Milwaukee County, WI.** Traffic Engineer/DDI Design Lead. Smith was the project manager on the project providing VISSIM analysis and geometric peer review and design guidance at the 15% design level for a DDI project at I/43 and Brown Deer Road. The project involved detailed design review for operational and geometric layout of the DDI as well as development of corridor signal timing along the arterial. The review included a detailed design memorandum highlighting necessary changes to improve operations, avoid fatal flaws, and improve safety through geometric design.

**I-70 at US 77, Kansas Department of Transportation, Junction City, KS.** Traffic Engineer/DDI Design Lead. Smith was the project manager on the project providing peer review and design guidance at each submittal of the PS&E plans for a new DDI interchange. This project is implementing a DDI to increase interchange capacity while remaining under the existing bridge structure. HDR provided review services throughout the project to improve the design, leading to increased safety and improved operations at the interchange. As part of this review contract, HDR conducted a 2-day DDI training and workshop that involved teaching KDOT staff the ins and outs of DDI design, from an operations and geometry perspective. This training involved presentations as well as hands on design work in the computer lab.

**Alice Road / I-80 Interchange Project, Iowa Department of Transportation, West Des Moines, IA.** Traffic Engineer/DDI Design Lead. Smith performed the VISSIM analysis on the project area supporting the alternatives analysis on the project. The project evaluated and developed preliminary design of a Diverging Diamond Interchange and a partial Cloverleaf. Designed were evaluated for capacity, safety, and cost with the goal of selecting a preferred alternative for the interchange.

**I-95 at Broward Boulevard Interchange, Florida Department of Transportation, Fort Lauderdale, FL.** Traffic Engineer/Interchange Concept Development Lead. This project is an offshoot of the I-95 Express Lanes CDC Project that is adding dedicated managed lanes (HOV 3+/HOT) along 71 miles of I-95. The interchange project area includes approximately 2 miles of a high volume arterial corridor that serves as the main entrance to downtown Fort Lauderdale. The main interchange at I-95 serves arterial to freeway traffic as well as managed lanes to park and ride ramps. The park and ride serves 5 bus lines, heavy rail, light rail, and streetcar lines that travel down both the arterial and freeway corridors. The interchange concept developed as part of this project must serve the many competing interests at this location while minimizing right-of-way impacts to this highly constrained urban project site. Smith is leading concept development effort as well as the VISSIM analysis for the study area.

**I-75 at University Parkway Interchange, Florida Department of Transportation, Sarasota, FL.** Traffic Engineer/DDI Design Lead. The project area included approximately 3 miles of a high volume arterial corridor in Sarasota. The improvements are necessary to sustain acceptable traffic flow within the corridor through the year 2035. The scope of the project is to reconstruct the existing diamond interchange, which accommodates six 12-foot travel lanes on I-75, to a DDI that accommodates the I-75 ultimate 10-lane configuration with two express lanes and three general purpose lanes.

This DDI, which is 12 lanes, will be the largest DDI in the world when it opens. Analysis was done on 3 different Diverging Diamond Interchange types at this location before the preferred alternative was selected. The 3 types were a typical DDI, Braided DDI, and a Splintered DDI. Ultimately the typical DDI option was chosen due to cost and ROW constraints. The project also examined improvements at the two major intersections east and west of the DDI and provided forward compatible concepts that plan for future needs. Smith led the design effort of the diverging diamond interchange option as well as the VISSIM analysis on the University Parkway corridor.

**I-25 at College Avenue Diverging Diamond Interchange, Wyoming Department of Transportation, Cheyenne, WY.** Roadway Engineer. Smith led the effort to develop the roadway alignment at the College Avenue interchange, the traffic analysis for the interchange, and oversaw the development of the 30% plans for the State's first DDI. This project includes peer review of the remainder of the project up to construction.

**I-90 at Roselle Road DDI Preliminary Analysis, Illinois Department of Transportation, Schaumburg, IL.** Traffic Engineer/DDI Design Lead. Smith led the effort to develop the VISSIM model of the Roselle Road corridor approaching the Northwest Tollway. The analysis included a high volume suburban arterial corridor.

**New Circle Road Improvements, Kentucky Transportation Cabinet, Lexington, KY.** Traffic Engineer/DDI Design Lead. Smith led the VISSIM analysis that included New Circle Road (a freeway encircling the city of Lexington) and the interchanges of Old Frankfort Road and Leestown Road. The models included signalized intersections within a mile of the interchange. Smith also oversaw the roadway design of the diverging diamond interchanges.

**Peer Review: South Colony Drive DDI Design, North Texas Turnpike Authority, The Colony, TX.** Lead Engineer. Smith led the peer review of a consultant-designed diverging diamond interchange. The peer review covered all design aspects of the project including signing and striping, and construction staging. This interchange is the first DDI in the State of Texas. This project included modifications and new freeway interchanges at 3 locations. One of which was a DDI interchange. The project is planning to implement the DDI in phases and will initially open to traffic as a 3-legged DDI. Future phases of the project will complete the 4<sup>th</sup> leg making this a full DDI. HDR was contracted to provide design support and guidance through preliminary design of the project and peer reviews of the design at each submittal. Through this peer review HDR helped the agency avoid critical geometric mistakes that would have impacted the operations of the DDI.

**I-70/79 at Murtland Avenue DDI Analysis and Design Peer Review, Pennsylvania Department of Transportation, Washington, PA.** Lead Engineer. Smith led the peer review of a consultant-designed diverging diamond interchange. VISSIM analysis was performed for the interchange area including the adjacent signalized intersections within a mile on either side of I-70/79. The peer review covered all design aspects of the project including signing and striping, and construction staging. This interchange is the first DDI in the State of Pennsylvania.



**41<sup>st</sup> Street Corridor Study, South Dakota Department of Transportation, Sioux Falls, SD.** Traffic Engineer/DDI Design Lead. Smith led the effort to perform a VISSIM analysis of the 41<sup>st</sup> Street corridor and the I-29/41<sup>st</sup> Street interchange, South Dakota's first DDI. Improvements along the three-mile long corridor were also modeled which included access control changes and signal coordination.

**Cayuga and Maryland Avenue Bridge Replacement, Minnesota Department of Transportation, St. Paul, MN.** The Cayuga Project is located on I-35E between University Avenue and Maryland Avenue in Saint Paul, MN. The scope of the project includes reconstruction and realignment of I-35E. Among the significant improvements, the existing Pennsylvania Avenue/I-35E interchange will be replaced by a new interchange at Cayuga Street, correcting the current safety and operational issues at Pennsylvania and improving access for Saint Paul's recently constructed Phalen Boulevard corridor. The Maryland Avenue interchange will also be improved with a diverging diamond interchange as one of the leading options that progressed into design. Smith led the design effort of the diverging diamond interchange option as well as the VISSIM analysis on the Maryland Avenue corridor and the Interchange Control Evaluation Report and Interchange Access Request for the Maryland Avenue interchange. He was also involved in the CORSIM analysis of the larger Cayuga study area.

**I-85 Cabarrus Design-Build, North Carolina Department of Transportation, Raleigh, NC.** Traffic Engineer/DDI Design Lead. Smith led the effort to assess the feasibility of modifying the preferred alternative at two of the interchanges in the project for conversion into diverging diamond interchanges. Smith also led the design effort for the roadway elements related to the diverging diamond interchanges.

**Peer Review: I-88 at IL 59 DDI Design, Illinois Department of Transportation, Naperville, IL.** Lead Engineer. Smith led the peer review of a consultant-designed diverging diamond interchange. The review covered all aspects of the project from traffic modeling and simulation through roadway design, signing and striping, and construction staging. This interchange is the first DDI in the State of Illinois.

**DDI Analysis and Design, I-25 at College Drive, Wyoming Department of Transportation, Cheyenne, WY.** Traffic Engineer. HDR approached the Wyoming DOT about the implementation of a DDI at this location. HDR showed how a DDI could increase the operational capacity without modifying the existing structure. The DOT sole sourced HDR a contract to complete analysis and a traffic study and went on to sole source HDR the preliminary design work and public involvement work.

Smith led the effort to perform a fatal flaw analysis to assess the feasibility of retrofitting existing interchanges with diverging diamond interchanges. The analysis was performed using a VISSIM model built for each of two interchanges, both located on I-15 in Cheyenne, one at Central Avenue and one at College Avenue. The College Avenue interchange involved nearby truck stops and heavy truck volumes while the Central Avenue location was more commuter and passenger car oriented.

Smith oversaw the design of the interchange through 30% design and the review of the DOT design of the PS&E through 100% and advertisement.

**DDI Analysis and Design, I-25 at Fillmore Blvd., Colorado Department of Transportation, Colorado Springs, CO.** Traffic Engineer. Smith led the development of a VISSIM model to assess the feasibility of a diverging diamond interchange in a high-volume location just south of downtown Colorado Springs. A nearby high volume intersection created queues that impacted the interchange ramp terminals. The alternative developed included a diverging diamond interchange as well as a displaced left turn (continuous flow intersection) at the nearby intersection to allow the system to operate.

**TH 694/TH 10/TH 51 Value Engineering Study, Minnesota Department of Transportation.** Traffic and Roadway Engineer. Smith represented both the roadway design and traffic engineering disciplines during the study. The project involved a complicated interchange with three freeway approaches, one expressway approach, and four surface street approaches. Freeway and arterial operations as well as ramp terminal operations were critical concerns that were addressed by the recommended alternative.

**Highway to Highway, Alaska Department of Transportation, Anchorage, AK.** Traffic Engineer. Assisted in microsimulation efforts on a large project that involves traffic analysis over a wide range of scenarios for a large geographic area. A nearly city-wide VISSIM microsimulation model has been developed using a combination of Synchro, TransCAD and VISUM platforms. A Synchro model was built for over 100 intersections and 7 interchanges for the base condition. This model was transferred to VISUM, which with TransCAD OD volumes, created a VISSIM network with balanced Origin-Destination volumes that matched existing counts. This base VISSIM network will be used to compare alternatives under future condition volumes based on the regional TransCAD model. The future conditions models will focus on the impacts to the local system as well as the new connecting freeway operations.

**Diverging Diamond Interchange Design Guidelines Development, Utah Department of Transportation.** Traffic and Roadway Engineer. Smith played a crucial role as part of the project team that developed the design guidelines for diverging diamond interchanges within the State of Utah. The project team included agency and consultant staff. The final guidelines include all facets of DDI design as well as guidance on traffic analysis methodologies that will be required for use for UDOT projects. Some of the design-related items include horizontal and vertical geometry, sight distance, roadway cross sections, intersection angles, and pedestrian and bicycle treatments.

**Hood River Interchange, Oregon Department of Transportation, Hood River, OR.** Lead Traffic Engineer. Smith led the development of a traffic simulation model of closely spaced interchanges on I-84 to develop staging plans to minimize impacts to traffic flow during construction. The simulation model also includes the modeling of a toll plaza for a nearby toll bridge. The staging developed for the project includes a temporary implementation of a split diamond interchange utilizing an adaptive signal system. Calibration of existing conditions and evaluation of various alternatives were completed using VISSIM.

**Beck Road Interchange, Four Square, Post Falls, ID.** Traffic Engineer. HDR is developing access alternatives for a big box development near I-90 in Post Falls, Idaho. Among the alternatives modeled were several DDI's. VISSIM microsimulation of alternatives was performed to accurately assess the



performance of the DDI alternatives for the project.

**Oregon Bridge Delivery Partners JV, Oregon Bridge Delivery Partners Work Order #1.** Mobility Engineer. OBDP is the program manager for the delivery of 350 bridges on the state highway system over the course of 8 years. Responsibilities included traffic simulation in CORSIM, VISSIM, and SimTraffic to determine construction-related traffic delays, development of a program monitoring and evaluation plan, four corridor-level transportation management plans, and project-level transportation management plan guidance documents. Work also includes coordination with structural and roadway engineers to develop traffic control plans for each project while maintaining statewide freight mobility. During the course of the Program, developed the Work Zone Traffic Analysis tool for ODOT and co-authored the ODOT Work Zone Traffic Analysis Manual. Played a critical role in ODOT's acceptance of Diverging Diamond Interchanges.

**Airport Way Interchange, Oregon Department of Transportation, Region 1** Traffic Engineer. Project involved the development of alternatives for the reconstruction of a major interchange in the Portland metropolitan area that is the primary access to Portland International Airport. Responsibilities included VISSIM microsimulation of alternatives including the microsimulation of adaptive signals on multiple corridors within the project area.

**Muir Woods Transportation Data Update, National Park Service** Traffic Engineer. Project involved an assessment of existing and future conditions in the Muir Woods National Monument vicinity including the interchange of US 101 and CA 1 in Mill Valley, CA. Microsimulation was performed in Synchro/SimTraffic to assess the performance of several signalized intersections in close proximity in a highly congested corridor.

**I-10, Congress to 29th Street, Arizona DOT-Tucson, Tucson, AZ.** Traffic Engineer. Project involves complete reconstruction of the length of I-10 through the Tucson metro area. Responsibilities included traffic simulation of a roadway network encompassing the entire Tucson metro area under four different scenarios to determine overall impacts of construction staging on the roadway network.

**Bensenville Intermodal Pavement Plans, Canadian Pacific Railway.** Civil Engineer. Performed site topographic survey, site design, construction survey staking, bid package production, issue, and collection along with construction management for an asphalt and storm drainage project for intermodal service.

**Caledonia to Menomonee, Canadian Pacific Railway.** Civil Engineer. Completed site survey, crossover design, and construction services.

**Detroit River Tunnel Project, DRTP, Detroit, MI.** Transportation Engineer. HDR was selected to complete the Phase I engineering study involving the construction of a new rail tunnel under the Detroit River and the conversion of the existing rail tunnel to a truck tunnel. The project involved ongoing coordination with MDOT, FHWA, U.S. Department of State, U.S. Army Corps of Engineers, City of Detroit, and various utilities. Specific duties included CORSIM modeling of the project area and development of conceptual designs for a U.S. Customs facility.

**CFLHD Hoover Dam Bypass, Federal Hwy. Administration CFLHD, Denver, Colorado.** Transportation Engineer. HDR was selected to complete the Phase

I/Phase II Design of new roadway bypassing the Hoover Dam through the creation of a four-lane access controlled freeway segment with interchanges at each end. Responsibilities included the design of two new interchanges, selection of bridge crossing location, realignment of existing roads, and development of new alignment alternatives through an environmentally sensitive canyon corridor.

**US 183A Turnpike (CTRMA), HNTB Corp., TX.** Transportation Engineer. As the program manager for the CTRMA, the HNTB/HDR team has been authorized to plan for the development of the US 183A from SH 45 to the San Gabriel River project in Williamson County. The team has refined and updated the schematic, is purchasing ROW for the project, and is developing the selection process for a Comprehensive Development Agreement (CDA) to potentially allow the CDA to design/build/maintain/operate the proposed toll facility. responsible for the review of Phase I geometrics for cost saving options for approximately 12 miles of six-lane toll way/freeway in central Texas. Responsible for preliminary design modifications including interchange design, intersection design, right-of-way modifications, frontage road design, and engineering quantity/cost estimates.

**FA 309 (US Route 30) Corridor Study, Illinois Department of Transportation, IL.** Transportation Engineer. HDR was selected to complete a corridor study for the U.S. Route 30. The study includes the evaluation of the feasibility of several corridors based on social, economic, environmental and engineering issues. Responsibilities included traffic analysis including traffic projections for the corridor alternatives, signal warrant analysis, and roundabout analysis and geometric design.

**FAP 332, Illinois 394 Improvements, Phase I, from I-80 South to Will / Kankakee County Line, Illinois Department of Transportation, IL.** Project Engineer. HDR was selected to complete the Environmental Class of Action Determination (Phase I) Study for 14.5 miles of IL Route 394 through five municipalities in Cook and Will County. Responsibilities included the redesign of two interchanges, design of three new interchanges (including two single-point urban interchanges), and three new grade separations, intersection design studies, geometric design, and capacity analysis.

**FAP Route 340 EIS - I-355 Southern Extension, from I-55 to I-80, Illinois Department of Transportation, Cook, DuPage and Will Counties, Illinois, IL.** Transportation Engineer. HDR was selected to prepare a Draft Environmental Impact Statement (EIS) and Section 4(f) Evaluation, a Supplement to the Draft EIS, a Final EIS, and a Supplement to the Final EIS; preparation of a Draft Combined Location/Design Report; organization of an extensive public involvement program including a formal Public Hearing; development of a Record of Decision document; project task scheduling; budget monitoring; and preliminary interchange designs with appropriate traffic capacity analysis.

**Illinois Route 6, Interchange Justification Study, Illinois Department of Transportation, District 4, Northwest Peoria, IL.** Project Engineer. Work performed included trip generation, trip distribution, traffic capacity analysis, the Traffic Impact Study, preparation of the study report, and interchange conceptual design.

**Interstate Route 294 and Interstate Route 57 Interchange Study/Environmental Assessment (EA), Phase I, Illinois State Toll Hwy.**

**Authority, Chicago, IL.** Transportation Engineer. Project included the Phase I Study of an interchange at Interstate Route 57 and Interstate Route 294. Responsibilities included geometric design using Microstation and GEOPAK.

**South Tri-State Corridor Enhancement Project, Illinois State Toll Hwy.**

**Authority, IL.** Transportation Engineer. HDR was selected to provide a Context Sensitive Solution (CSS) approach to the development of beautifying the I-294 Widening Project from Illinois Route 394 to Interstate Route 80. The project involved the development of aesthetic treatments to adjacent noise wall and landscape areas. Specific tasks included conducting stakeholder workshops and public involvement meetings, coordinating with adjacent municipalities, and developing conceptual design of opportunity areas.

**Route 367 Improvements PMC, Missouri DOT Headquarters, MO.**

Transportation Engineer. HDR is functioning in the role of Project Management Consultant (PMC) for Missouri Department of Transportation (MoDOT) on the Route 367 Improvement Project in North St. Louis County. Used STAMINA/OTPIMA 2.0 to evaluate noise impacts over a 6-mile existing at-grade roadway corridor to be redesigned to a grade separated facility.

**St. Francis Hospital Traffic Study, MSBI.** Lead Engineer. HDR was selected to complete a traffic impact study for the expansion of St. Francis Hospital whose proposed plan included the reduction in the number of traveled lanes of an adjacent street as well as the removal of on-street parking. Analysis was conducted to determine the impacts of such an improvement. Responsibilities included data collection and analysis at two unsignalized intersections and one signalized intersection, projection of traffic generated by the addition to the existing hospital facility, projection of traffic to the design year 2020, and preparation of a report of the findings of the analyses and the potential impact upon the surrounding roadway network of a reduction of travel lanes.

**Roseland Community Hospital Planned Development Amendment & Parking Lot Design, Roseland Community Hospital, Chicago, IL.** Project Engineer.

Project included the redesign of 3 individual parking lots located on the Roseland Community Hospital Campus. Initial phases of the project included parking studies and traffic studies to identify traffic flows and patterns. Parking lots were then designed in conjunction with a landscape architect to meet the City's zoning code and landscape ordinance. New parking lot design meets updated detention requirements for the City of Chicago Department of Water Management for onsite detention. Mr. Siromaskul's specific responsibilities included data collection and analysis to determine the effects of closing a side street near the hospital.

**SH-36 Schematic, Sylva Engineering Corp., Houston, TX.** Transportation Engineer. Improvements project to SH-36, which is a designated hurricane evacuation route. The purpose of this project is to improve mobility on SH-36 from Freeport, Texas to Sugar Land, Texas (approx. 16 miles) by upgrading from an existing two lane to a four lane divided facility. Specific responsibilities included development of utility plans and proposed signing and pavement marking plans.

**TxDOT San Antonio District Evergreen Contract, TxDOT- Austin District, San Antonio, TX.** Transportation Engineer. HDR was retained by TxDOT for a three-year, multiple delivery order contract. 21 Work Orders have been issued under this

contract. Specific responsibilities included roadway design and traffic analysis of freeway weaving segments.

## **Publications**

### **Articles**

Jonathan Henderson, Smith Siromaskul, "Road Construction: Outer Space", Roads and Bridges, 9/6/2012

Smith Siromaskul, William D. Baldwin, "Developing and Implementing Delay Thresholds in Oregon", Transportation Management and Engineering, Volume 12, Number 2, 4/2008

Smith Siromaskul, "Diverging Diamond Interchanges", ASCE Illinois Journal, Volume 48, Number 6, 7/2007

### **Presentations and Papers**

Smith Siromaskul, "The Art of Innovative Concept Development: What is the Next Big Thing in Intersections and Interchanges?", 2018 COMTO Conference, Baltimore, MD, 7/30/2018

Smith Siromaskul, Jeremy Dilmore, "A Different Take on BRT – A Case Study of Improving Operations for All Users", 5<sup>th</sup> Urban Streets Symposium, Raleigh, NC 5/21/2017

Smith Siromaskul, Jeremy Dilmore, "US 192: A Case Study in Bus Rapid Transit Integration with Innovative Intersection Treatments", Transportation Association of Canada Annual Conference, Saskatoon, SK 9/30/2018

Smith Siromaskul, Karen Giese, "Making a Case for Microsimulation as a Concept Development Tool: Case Studies of Innovative Design Concepts", 2016 Transportation Association of Canada Annual Conference, Fredericton, NS 9/16/2016; 7<sup>th</sup> International Symposium on Enhancing Highway Performance, Berlin, Germany 6/12/2016

Smith Siromaskul, "The Art of Alternative Design: When and How to Use Them", 2015 Transportation Association of Canada Annual Meeting, Charlottetown, PEI 9/24/2015

Smith Siromaskul, Laycee Kolkman, Jose Rodriguez, "DDI – The Crossroads to the Future", 2014 Western Association of State Highway and Transportation Officials Conference, Albuquerque, NM 7/13/2014

Smith Siromaskul, "DDI Workshop", Symposium on Alternative Intersection and Interchange Design, Salt Lake City, UT 7/20/2014

Smith Siromaskul, "Diverging Diamond Interchange Variants", 2013 Alberta Transport, Alberta Roadbuilders and Heavy Construction Association, Consulting Engineers of Alberta (AT-ARHCA-CEA) "Tri-Party" Transportation Conference, Red Deer, AB 3/11/2013

Smith Siromaskul, "Diverging Diamond Interchanges: State of the Practice", Roads and Bridges Live 2011, Las Vegas, NV 11/8/2011

Smith Siromaskul, "Diverging Diamond Interchanges Lessons Learned", 2012 Western Association of State Highway and Transportation Officials Conference, Colorado Springs, CO 7/9/2012

Smith Siromaskul, "Diverging Diamond Interchange Design 101", 2009 Canadian ITE Conference, Montreal, QC 6/3/2009, 2009 ITE District 6 Conference, Denver, CO 7/13/2009 (Winner – 2009 ITE District 6 Best Paper by a Young Professional Award)

Smith Siromaskul, Reggie Chandra, "Finding a Rhythm: Adapting VISSIM for Adaptive Signals", 2009 Canadian ITE Conference, Montreal, QC 6/1/2009

Smith Siromaskul, "Oregon's Traffic Web Tool – Traffic Data Access and Work Zone Traffic Analysis", 2009 Canadian ITE Conference, Montreal, QC 6/2/2009

Smith Siromaskul, Steven B. Speth, "A Comparative Analysis of Diverging Diamond Interchange Operations", Institute of Transportation Engineers, Anaheim, CA, 8/17/2008 (Winner – 2008 ITE District 6 Best Paper by a Young Professional Award)

Smith Siromaskul, William D. Baldwin, Toews, V. Irene, "Oregon's Work Zone Traffic Analysis Program: Data Collection to Delay Analysis", North American Traffic Monitoring Exposition and Conference 2008, Washington, D.C., 8/6/2008

Smith Siromaskul, "Diverging Diamond Interchanges - Answers to Frequently Asked Questions", 2008 CITE District and Quad Regional Conference, Victoria, BC, 4/26/2008

Smith Siromaskul, Jeremy L. Jackson, Toews, V. Irene, "The Next Step in Oregon's Statewide Work Zone Traffic Analysis Program:", 2008 CITE District and Quad Regional Conference, Victoria, BC, 4/25/2008

Smith Siromaskul, Steven B. Speth, "Different Drivers, Different Driving: A look at varying driver characteristics and their impact on operations", Institute of Transportation Engineers, Miami, FL, 3/30/2008

Smith Siromaskul, "Innovating Oregon's Work Zone Traffic Analysis Program", 2007 ITE Annual Meeting and Exhibit, Pittsburgh, Pennsylvania, 8/5/2007



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**R. MICHAEL MARR**

Accountant

First Bank of Tigard Building  
12420 SW Main Street  
Tigard, Oregon 97223

July 14, 2018

City of King City  
Attn: Michael Weston, City Manager  
15300 S.W. 116<sup>th</sup> Avenue  
King City, Oregon 97224

Michael,

As an Accountant, I am subject to many rules and codes including accordance with Statements on Standards for Accounting and Review Services (SSARS) promulgated by the Accounting and Review Services Committee of the AICPA and compliance with the AICPA's Code of Professional Conduct, including the ethical principles of integrity, objectivity, professional competence, and due care.

Effective not later than December 31, 2015, Accountants such as myself are required to secure Engagement Letters from all Clients for whom financial statements are prepared. SSARS 21 AR-C Section 70 introduces a new type of non-attest client financial statement standard: "Preparation of Financial Statements" that may be used by a third party, not just management. This preparation standard essentially allows an Accountant to prepare financial statements for a client without a report; only a disclaimer (no assurance is provided) is required on each page of the statements. If a client wants a report, they will have to step up to a higher standard compilation or even a higher review or audit. The term "report" generally applies to financial statements wherein the Accountant is providing an "assurance" as to the accuracy and correctness of the financial statements.

I have been preparing monthly financial statements for the City of King City for over 20 years, providing correct and accurate information to the best of my ability. That effort will continue without interruption or change should you elect to sign the Engagement Letter enclosed. Our working relationship has been essentially a "verbal, handshake agreement" to date; for the sake of compliance, we must formalize this relationship with a written document, the Engagement Letter.

I am hopeful that you, on behalf of the City of King City, will find agreement with the text of the Engagement Letter. Should you have any questions about any part of the Engagement Letter, please let me know and we can discuss it. I need to point out that, except for the personalization of the Engagement Letter, it is in a language and format as prescribed by the Statements on Standards for Accounting and Review Services (SSARS).

Please READ, sign and return the enclosed Engagement Letter to me so that I can proceed to provide you services in 2018 and beyond.

Sincerely,

R. Michael Marr  
Accountant, EA/LTC#4852/ATA/ABA\*

RMM/dbm

Enclosure: Engagement Letter FY 2018-2019

\*Enrolled to practice before the Internal Revenue Service / Licensed Tax Consultant – State of Oregon

\*Accredited Tax Advisor / Accredited Business Advisor

Accredited by the Accreditation Council for Accountancy and Taxation

**R. MICHAEL MARR**

Accountant

First Bank of Tigard Building  
12420 SW Main Street  
Tigard, Oregon 97223

July 14, 2018

City of King City  
15300 S. W. 116<sup>th</sup> Avenue  
King City, Oregon 97224

**ENGAGEMENT LETTER**

This letter confirms the services City of King City has asked R. Michael Marr, Accountant (the Firm) to perform and the terms under which the Firm has agreed to do that work. Please read this letter carefully because it is important to both the Firm and you that you understand what you can and cannot expect from the Firm's work. In other words, the Firm wants you to know the limitations of the services you have asked the Firm to perform. If you are confused at all by this letter or believe the Firm has misunderstood what you need, please call to discuss this letter before you sign it.

**You have requested that the Firm prepare financial statements of City of King City, which comprise the monthly and fiscal year to date Statement of Assets, Liabilities and Equity – Modified Accrual Basis and the related Statement of Revenues and Expenditures – Modified Accrual Basis of City of King City as of the one and appropriate months ended July through June 30 for the fiscal year then ended, beginning July 1, 2018. The Firm confirms its acceptance and its understanding of this Engagement to prepare the financial statements of City of King City by means of this letter. Unless otherwise declared, this Engagement is a Month to Month Engagement of indefinite duration and subject to termination by either the City of King City or the Firm at any time.**

The Firm's Responsibilities

The objective of the Firm's engagement is to prepare financial statements in accordance with accounting principles used for the modified accrual basis of accounting based on information provided by you. The Firm will conduct this engagement in accordance with Statements on Standards for Accounting and Review Services (SSARs) promulgated by the Accounting and Review Services Committee of the AICPA and comply with the AICPA's Code of Professional Conduct, including the ethical principles of integrity, objectivity, professional competence, and due care.

The Firm is not required to, and will not, verify the accuracy or completeness of the information you will provide to the Firm for the engagement or otherwise gather evidence for the purpose of expressing an opinion or a conclusion. Accordingly, the Firm will not express an opinion or a conclusion or provide any assurance on the financial statements.

The Firm's Engagement cannot be relied upon to identify or disclose any financial statement misstatements, including those caused by fraud or error, or to identify or disclose any wrongdoing within the entity or noncompliance with laws and regulations.

Management Responsibilities

The Engagement to be performed is conducted on the basis that management acknowledges and understands that the Firm's role is to prepare financial statements in accordance with accounting principles used for the modified accrual basis of accounting. Management has the following overall responsibilities that are fundamental to the Firm's undertaking the Engagement to prepare your financial statements in accordance with SSARs:

- a. The prevention and detection of fraud
- b. To ensure that the entity complies with the laws and regulations applicable to its activities
- c. The accuracy and completeness of the records, documents, explanations, and other information, including significant judgments, you provide to the Firm for the Engagement to prepare financial statements



- d. To provide the Firm with:
1. Documentation, and other related information that is relevant to the preparation and presentation of the financial statements
  2. Additional information that may be requested for the purpose of the preparation of the financial statements, and
  3. Unrestricted access to persons within City of King City of whom the Firm determines necessary to communicate

**The financial statements will not be accompanied by a report**

However, you agree that the financial statements will clearly indicate that no assurance is provided on them.

**You agree to provide the Firm with requested information, documentation, and explanations of supporting data to be included in your financial statements on a timely basis. If you fail to comply with this requirement or any of the terms of this Engagement, as outlined herein, the Firm reserves the right to withdraw from this Engagement without completing your financial statements.**

**Although the Firm will inform the appropriate level of management of any material errors and of any evidence or information that comes to the Firms attention during the performance of the preparation that fraud or an illegal act may have occurred, this Engagement cannot be relied upon and will not include any procedures designed to detect or disclose or report fraud, errors, theft or illegal acts and you agree that the Firm will have no responsibility to do so. The Firm does not obtain, receive, re-read, audit, review or compile cancelled checks or copies as part of a preparation.**

You may request that the Firm perform additional services not contemplated by this Engagement letter. If this occurs the Firm will communicate with you regarding the scope and estimated cost of these additional services. Engagements for additional services may necessitate that the Firm amend this letter or issue a separate Engagement letter to reflect the obligations of both parties. ***In the absence of written communications from the Firm documenting any other services, the Firms services will be limited to and governed by the terms of this Engagement letter.***

In the unlikely event that circumstances occur which the Firm in its sole discretion believe could create a conflict with either the ethical standards of the Firm or the ethical standards of the Firms profession in continuing its engagement, the Firm may suspend its services until a satisfactory resolution can be achieved, or the Firm may resign from the engagement. The Firm will notify you of such conflicts as soon as practicable, and will discuss with you any possible means of resolving them prior to suspending its services.

It is the Firms policy to keep records related to this Engagement for seven (7) years after which they are destroyed. However, the Firm does not keep any original client records, so the Firm will return those to you at the completion of the services rendered under this Engagement. When records are returned to you, it is your responsibility to retain and protect your records for possible future use, including potential examination by any government or regulatory agencies.

In the interest of facilitating the Firms services to your entity, the Firm may communicate by facsimile transmission or send electronic mail over the Internet. Such communications may include information that is confidential to your entity. While the Firm will use its best efforts to keep such communications secure in accordance with the Firms obligations under applicable laws and professional standards, you recognize and accept that the Firm has no control over the unauthorized interception of these communications once they have been sent and consent to the Firms use of these electronic devices during this Engagement.

July 14, 2018  
City of King City

**ENGAGEMENT LETTER**

The Firms fee for these accounting services will be based on its standard rates and the time required, plus out of pocket expenses. Billings become delinquent if not paid within 10 days of the invoice date. If billings are not paid within 60 days of the invoice date, at the Firms election, the Firm will stop all work until your account is brought current, or the Firm will withdraw from this Engagement. You acknowledge and agree that the Firm is not required to continue work in the event of your failure to pay on a timely basis for services rendered as required by this Engagement letter. You further acknowledge and agree that in the event the Firm stops work or withdraws from this Engagement as a result of your failure to pay on a timely basis for services rendered as required by this Engagement letter, the Firm shall not be liable to you for any damages that occur as a result of the Firm ceasing to render services. The Firms services will conclude upon delivery of the completed financial statements discussed above and for all prior engagements or upon the Firms suspension of services or resignation from the Engagement.

In the event that the Firm receives a summons or subpoena requesting that the Firm produce documents from this engagement or testify about this Engagement, the Firm will notify you prior to responding to it if the Firm is legally permitted to do so. You may, within the time permitted for the Firm to respond to any request, initiate such legal action as you deem appropriate to protect information from discovery. If you take no action within the time permitted for the Firm to respond, or if your action does not result in a judicial order protecting the Firm from supplying requested information, the Firm may construe your inaction or failure as consent to comply with the request. In the event that any portion of this Engagement letter is deemed invalid or unenforceable, said finding shall not operate to invalidate the remainder of this Engagement letter.

In recognition of the relative risks and benefits of this agreement to both City of King City and R. Michael Marr, Accountant, City of King City and R. Michael Marr, Accountant have discussed and have agreed on the fair allocation of risk between them. As such, City of King City agrees, to the fullest extent permitted by law, to limit the liability of R. Michael Marr, Accountant to City of King City for any and all claims, losses, costs, and damages of any nature whatsoever, so that the total aggregate liability of R. Michael Marr, Accountant to City of King City shall not exceed R. Michael Marr, Accountant total fee for services rendered under this agreement. City of King City and R. Michael Marr, Accountant intend and agree that this limitation apply to any and all liability or cause of action against R. Michael Marr, Accountant, however alleged or arising, unless otherwise prohibited by law. Both parties agree that there is a one-year limitation period to bring a claim against R. Michael Marr, Accountant for errors and omissions. The one-year period will begin upon the date of R. Michael Marr, Accountant or their representative's signature on the statements covered by this Engagement letter.

Please date, sign and return the enclosed copy of this letter to acknowledge your agreement with and acceptance of your responsibilities and the terms of this Engagement. It is the Firms policy to initiate services after we receive the executed Engagement letter. If any provision of this agreement is declared invalid or unenforceable, no other provision of this agreement is affected and all other provisions remain in full force and effect.

Sincerely,

R. Michael Marr, Accountant

The Firm appreciates the opportunity to serve you. By your signature below, you acknowledge that you understand and agree that the Firms services are limited in scope and they are not designed to detect fraud, employee embezzlement or other fraudulent activities involving your bank accounts.

City of King City,      By: \_\_\_\_\_  
                                 Title: \_\_\_\_\_  
                                 Date: \_\_\_\_\_

# ***REQUEST FOR COUNCIL ACTION***

**DATE ACTION REQUESTED: July 18, 2018**

**Order \_\_\_\_ Ordinance X Resolution \_\_\_\_ Motion \_\_\_\_ Information X**  
**No. No. O-2018-03 No.**

**SUBJECT: An Ordinance Amending Chapter 2.34  
Of The King City Municipal Code To Authorize  
Work Sessions And The Cancellation Of A Second  
Monthly Meeting, Subject To All Requirements Of  
Public Meetings And Public Records Law.**

**Contact Person (Preparer) for this  
Motion: Ronnie Smith, City Recorder  
Ed Trompke, City Attorney  
Dept.: City Manager & Legal**

## **RECOMMENDATION:**

The staff is recommending to the City Council to discuss and consider the finding from staff to adopt Ordinance O-2018-13 amending Chapter 2.34 of the King City Municipal Code to authorize work sessions and the cancellation of a second monthly meeting, subject to all requirements of public meetings and public records law.

## **EXECUTIVE SUMMARY:**

See staff report

## **FISCAL IMPACT:**

See staff report

## **STRATEGIC ASSESSMENT:**

**File can be found at:**



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# ***ORDINANCE No. 2018-\_\_\_\_\_***

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**AN ORDINANCE AMENDING CHAPTER 2.34 OF THE KING CITY MUNICIPAL CODE TO AUTHORIZE WORK SESSIONS AND THE CANCELLATION OF A SECOND MONTHLY MEETING, SUBJECT TO ALL REQUIREMENTS OF PUBLIC MEETINGS AND PUBLIC RECORDS LAW**

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## **RECITALS:**

**WHEREAS**, Article 7, Section 7.01 of the King City Charter provides that “[t]he Council shall meet regularly in the City at least once each month at a time and place designated by the Council’s rules and may meet at other times in accordance with the rules” and

**WHEREAS**, Section 2.34.020 of the King City Municipal Code states:

“The council shall meet on the first and third Wednesday of each month at a time between two p.m. and seven p.m. The exact meeting time shall be established by resolution. When the first or third Wednesday of the month falls on a holiday, the council shall meet at the same time on the following day. A regular meeting may be cancelled by the council if done at an earlier regularly scheduled meeting; however, the council must meet at least once each month.” and

**WHEREAS**, the City Council finds that it would be beneficial to occasionally use the first meeting of each month as a work session for the purpose of working on and discussing complex or long term issues for the City; and

**WHEREAS**, a work session must comply with all of the requirements of a public meeting; i.e. notice, agenda, minutes, etc., and must also comply with the Council’s rules in Chapter 2.34 of the King City Municipal Code; and

**WHEREAS**, Section 2.34.020 can be interpreted to require two meetings per month; and

**WHEREAS**, the City Council occasionally only requires one meeting in a month to conduct the City’s business and the current cancellation procedure can be cumbersome;

## **NOW, THEREFORE, THE CITY OF KING CITY ORDAINS AS FOLLOWS:**

SECTION 1. Section 2.34.020 of the King City Municipal Code is amended to read as follows:

In accordance with Article 7, Section 7.01 of the King City Charter, the City Council shall hold a regular meeting at least once each month. This meeting will take place on the third Wednesday of each month with the meeting time for the regular meetings to be set by resolution. All other Council meetings will be either work sessions or special meetings and typically scheduled on the first Wednesday of each month. Work sessions or special meetings will be held at 7:00 pm unless noticed otherwise.

SECTION 2. This Ordinance shall be effective 30 days after its adoption.

Read the first time on \_\_\_\_\_, and moved to second reading by \_\_\_\_\_ vote of the City Council.

Read the second time and adopted by the City of King City Council on \_\_\_\_\_.

Signed by the Mayor on \_\_\_\_\_.

\_\_\_\_\_  
Kenneth Gibson, Mayor

ATTEST:

Approved as to Form:  
Jordan Ramis PC

\_\_\_\_\_  
Ronnie L. Smith, City Recorder

\_\_\_\_\_  
City Attorney

**Ordinance O-2017-02**  
**Exhibit A**



## **KING CITY COUNCIL STAFF REPORT**

Agenda Item: 7.1  
Meeting Date: July 18, 2018

To: Mayor and Council

Through: Mike Weston, City Manager

Subject: Work Sessions for City Council

From: Ronnie Smith, City Recorder & GIS Specialist  
Date: June 4, 2018

### **ACTION REQUESTED**

The staff is recommending to the City Council to discuss and consider the finding from staff to adopt Ordinance O-2018-13 amending Chapter 2.34 of the King City Municipal Code to authorize work sessions and the cancellation of a second monthly meeting, subject to all requirements of public meetings and public records law.

### **HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**

The City Charter states in section 7.01 (a) "the Council shall meet regularly in the City at least once each month at a time and place designated by the council rules." 7.02 (a) also states that "Council shall determine its own procedural rules and order of business."

Ordinance No. O-93-04 established rules of order for all city council meeting and proceedings. In 2004 the City Council passed an Ordinance replacing Municipal code section 2.040.010 and amending provisions of section 2.04.020 and 2.34.020 that established 2:00 pm city council meeting times and prohibit the council to vote on items after 5:00 pm. The city of King City Ordained as follows:

**Section 1.** Section 2.04.010 of the King City Municipal Code is hereby repealed. See attachment.

**Section 2.** The title of Section 2.04.020 is changed to "Public Meetings" and the section text is amended to read as follows: "All meetings of the Council shall be open to the public. The minutes of Council meetings shall be kept in a book to be known as the Journal which shall be a public record."

**Section 3.** Section 2.34.020 is amended to read as follows: "The Council shall meet on the first and third Wednesday of each month at a time between 2:00 P.M. and 7:00 P.M. The exact meeting time shall be established by resolution. When the first or third Wednesday of the month falls on a holiday, the Council shall meet at the same time on the following day. A regular meeting may be cancelled by the Council if done at an earlier regularly scheduled meeting; however, the Council must meet at least once each month."

### **FINDINGS**

The City Staff finds that it would be beneficial to occasionally use the first meeting of each month as a work session for the purpose of working on and discussing complex or long-term issues for the City and that a work



session must comply with all of the requirements of a public meeting; i.e. notice, agenda, minutes, etc., and must also comply with the Council's rules in Chapter 2.34 of the King City Municipal Code.

Section 2.34.020 of the Municipal Code can be interpreted to require two meetings per month. The City Council occasionally only requires one meeting in a month to conduct the City's business, and the current cancellation procedure can be cumbersome

Staff is recommending that the City Council look at and discusses the following King City Municipal Code proposed amendment:

Section 2.34.020:

In accordance with Article 7, Section 7.01 of the King City Charter, the City Council shall hold a regular meeting at least once each month. This meeting will take place on the third Wednesday of each month with the meeting time for the regular meetings to be set by resolution. All other Council meetings will be either work sessions or special meetings and typically scheduled on the first Wednesday of each month. Work sessions or special meetings will be held at 7:00 pm unless noticed otherwise.

It is also important to note that City Council Can not vote on anything in a work session, because section 2,34,010 prohibits it. The City would also need to follow all the other formalities, e.g., Notices, agenda, minutes, public meeting laws and public records.

## **BACKGROUND**

The City Council procedure process is a method used to allow public input.

## **CONCURRENCE**

The City Manager and the Legal team at Jordan Ramis concur with these findings

## **FISCAL IMPACTS**

This will not increase the amount of employee time.

## **WORKLOAD IMPACTS**

This will not negatively affect the workload.

## **ALTERNATIVES**

Not adopting the resolution.

## **ATTACHMENTS**

1. Exhibit A – Ordinance No. O-93-04
2. Exhibit B – Ordinance No. O-04-03
3. Exhibit C – Chapter 2.34
4. Exhibit D – City Charter Article 7
5. Proposed Ordinance O-2018-03

## **ATTACHMENTS**

# CITY OF KING CITY

ORDINANCE NO. O-93-04

## AN ORDINANCE ESTABLISHING RULES OF ORDER FOR ALL CITY COUNCIL MEETINGS AND PROCEEDINGS.

WHEREAS, the Council of the City of King City finds it prudent to maintain order at all council meetings and proceedings, and create uniformity so the public may be adequately represented, and;

WHEREAS, the City Charter of the City of King City, Chapter IV, Section 9, states "[T]he Council shall, by ordinance, prescribe rules to govern its meetings and proceedings...", this ordinance is written to establish the rules governing all council meetings and proceedings.

### THE CITY OF KING CITY ORDAINS AS FOLLOWS:

The rules governing all council meetings and proceedings shall conform to the following:

#### Section 1. Definition of a Meeting.

a. A meeting exists whenever a "Public Body" conducts "public business". There must be a quorum for there to be a "public body". Generally, a quorum is reached when 50 percent plus one of the members are present. For example, with King City's seven member Council, it takes four Council Members to constitute a quorum for a Council meeting, unless the full seven Council positions are not filled. If one or more vacancies exist, a quorum is a majority of the Council members in office.

b. The public's business includes discussing any policy or administrative matters that pertain to the City. Gatherings for a non-public purpose are permitted. For example, it is possible for a quorum of Council members to attend a wedding, funeral, lecture, or party and not violate the law as long as there is no discussion of public business at the gathering. If public business is discussed by a quorum, even if there is no voting, then a meeting is being held; and the rules of notice, location, and deliberations discussed below must be complied with. A "workshop" (work session) is a public meeting. The law does not prevent two or three Council members from discussing what will happen at a Council Meeting (ORS 197.610)

Section 2. Meeting Times. The Council shall meet at 2:00 P.M. on the First and Third Wednesday of each month in the Council Chambers No vote on an item before the Council will be allowed

after 5:00 P.M. (Ord. O-90-29, §1, 1990; Ord. O-89-10, (part), 1989; Ord. 2, §2, 1966)

Section 3. Location of Council Meetings. Public meetings must be held within the geographical limits of the City. The only exception is for "training sessions" when there is no public business conducted or discussed. Such sessions may occur outside the City limits. (Ord. 2, §3, 1966)

Section 4. Attendance.

a. Councilors will inform the Mayor, City Manager, or City Recorder if they are unable to attend any Council meeting. Additionally, the Mayor will inform the Council President regarding any absence by the Mayor.

b. A Council position may be declared vacant if a Councilor is absent from the City for 60 consecutive days without the consent of the Council or fails to attend two consecutive Council meetings, unless the Councilor has been given approval by the Council before the second absence. (King City Charter, Chapter IV, Section 18(d))

Section 5. Council Seating.

a. During regular-session Council meetings, Councilors will be seated by the Chair; the Mayor will be seated in the center.

b. There will be no specified seating arrangement for any other meeting of the Council.

Section 6. Agenda.

a. The City Manager, with the approval of the Mayor, shall prepare an agenda of the business to be presented at a regular or special meeting of the Council.

b. No land use issue shall be added to an agenda later than ten (10) working days before the next regular meeting of the Council. The Council and staff shall endeavor to submit all agenda items (and materials) to the City Manager for consideration on the agenda for the Council Meeting not later than 5:00 p.m. on the Wednesday preceding the next regular meeting of the Council. The Council shall consider at the meeting only matters that appear on the agenda for that meeting or are introduced by a Council member or the Mayor. Council members and the Mayor shall endeavor to have subjects they wish considered submitted in time to be placed on the agenda.

c. Notice of regular Council meetings shall be given in the following manner:

Cause notice to be published in a local newspaper and/or post agenda of the meeting in three public places, a



minimum of 24 hours preceding the next regular meeting of the Council. Provide agenda and supporting material to the press. Distribute agenda to persons that have requested such. (Ord. O-89-10, (part), 1989; Ord. 2, §4, 1966)

Section 7. Order of Business. The order of business at Council Meetings shall be determined by the Mayor or as follows: (King City Charter, Chapter IV, Section 21(b)(4).)

1. Call meeting to order (recognize members absent).
2. Roll call.
3. Flag salute.
4. Welcome and inform audience of procedure to be used for recognition of participant(s).
5. Presentation of awards.
6. Open forum.
7. Minutes.
8. Public hearings.
9. Police report.
10. Unfinished business.
11. New business.
12. City Manager's report.
13. Council reports.
14. Ordinances and resolutions.
15. Adjournment.

Section 8. Special Meetings. Special meetings may be called for, and held by the Council whenever necessary provided the call is put in writing, signed by the Mayor and/or the President of the Council, and posted at the door of City Hall and Town Hall at least twenty-four hours before the meeting. The special meeting notice shall include a list of all subjects to be considered. Only those subjects listed may be considered at the special meeting. (Ord. O-89-10, (part), 1989; Ord. 2, §5, 1966)

Section 9. Council Meetings Are Open to the Public. ORS 192.630 requires Council meetings to be conducted publicly. All deliberations and proceedings of the Council are open to the public unless an executive session is called subject to the requirements listed below.

Section 10. Requirements of Executive Sessions.

a. An executive (closed) session may be called to discuss the matters listed below, but no executive session may be held to take final action or make a final decision. Public notice must be given in compliance with ORS 192.640. Only the Council, specific staff members, and media representatives can attend executive sessions. The press must be told that they may not report the substance of an executive session. A major reason for allowing members of the news media to attend such sessions is to keep them informed concerning the background of deliberations so

they have a better understanding of any decisions made as a result of the meeting. Written minutes must be taken at the executive meeting and conform to ORS 192.650. Material discussed during an executive session should not be disclosed. ORS 192.660, 192.610.

b. The topic areas for which an executive session may be called are as follows:

1. ... to consider the employment of a public officer, employee, staff members, or individual agent. This applies only to the employment of specific individuals.
2. ... to consider the dismissal or disciplining of, or to hear complaints or charges against a public officer, employee, staff member, or individual agent, unless the individual requests an open hearing.
3. ... to deliberate with persons designated by the governing body to carry on labor negotiations.
4. ... to deliberate with persons designated by the governing body to negotiate real estate transactions.
5. ... to consider records exempt by law from public inspections.
6. ... to consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations.
7. ... to consult with counsel concerning legal rights and duties with regard to current litigation or litigation likely to be filed.
8. ... to review and evaluate the employment related performance of the chief executive officer, a public officer, employee, or staff member unless the person whose performance is being reviewed and evaluated requests an open hearing.

c. If the subject does not specifically fall within the terms of the above list, it cannot be the subject of an executive session.



d. The enforcement of the public meeting statutes falls under the jurisdiction of the state courts. Any person affected by a decision of the Council may file a suit in circuit court to require compliance, and prevent violations of the public meetings, or willful misconduct of any members of the governing body, such members are personally liable to the governing body for the amount paid to the successful challenger. ORS 192.680.

e. An executive session may be called during a regular, special, or emergency meeting or may be called separately. No formal actions can be taken during an executive session. Normally, the Council members indicate what they think until an informal consensus is achieved. When the Council reconvenes in open session, formal action may be taken. ORS 192.660(1).

Section 11. Roberts Rules of Order, Newly Revised.

a. Roberts Rules of Order, Newly Revised, shall be used as the guideline for conduct of Council Meetings, except in those cases where specific provisions contrary to Roberts Rules are provided herein. (Ord. 2, §10, 1966)

b. The Chair will not condone any inappropriate conduct in a meeting. The meetings will be conducted in an orderly and dignified manner in accordance with the parliamentary authority adopted by the City. The interpretation by the parliamentarian, the City Attorney, or the Council's designee will be final.

c. If in the Chair's judgement any persons is not in accordance with these rules, that person will be asked to leave. If that person does not leave, that person will be escorted out by the police, physically if necessary.

d. The Council has an obligation to be clean and simple in its procedures when considering the questions coming before it. It should avoid invoking the finer points of parliamentary rules which may serve only to obscure the issues and arouse the suspicions of the audience at public meetings and the citizens of the City in general.

Section 12. Information Included in the Minutes.

a. The Minutes are the permanent record of the proceedings of the Council. They must be approved by the Council at a subsequent meeting.

b. Written minutes must include the following information:

1. Members present;
2. Motion(s), proposal(s), resolution(s), order(s), ordinance(s), and measure(s) proposed, and their disposition;

3. Results of all votes, by member;
4. The substance of any discussion on any matter;
5. A reference to any document discussed at the meeting.
6. Must bear the signature of the clerk/recorder.

(ORS 192.650)

Section 13. Public Hearings.

a. City Recorder shall announce prior to each public hearing the nature of the matter to be heard as it is set forth on the agenda.

b. Declarations:

1. The Presiding Officer will ask if any member of the Council has a conflict of interest in the matter.
2. The Presiding Officer will ask if any member of the Council has had any exparte contact he wishes to disclose.
3. The Presiding Officer will ask if anyone from the audience wishes to challenge any member of the council from acting on the matter.

c. The Presiding Officer will ask for staff report.

d. The Presiding Officer will then declare the hearing to be open and invite members of the audience to be heard in the following order:

1. Information in addition to staff report.
2. Persons in favor of the stated matter.
3. Persons speaking in opposition.
4. Persons who are neutral.
5. Staff report and the responses.

e. The Presiding Officer will close the public hearing.

f. The Council deliberates to a vote.

Section 14. Rules of Debate.

a. Participation: The Mayor, or any Councilor may move a question, second a motion, debate, and vote.



b. Motions: A question is presented for decision by the Council by means of a motion. A list of available motions and the rules for passage are set forth below:

1. Friendly Amendment: A formal motion to amend a main motion shall not be necessary if the proposed amendment is accepted by the maker and the second of the main motion.
2. Withdrawing a Motion: A motion may be withdrawn prior to a vote by the maker of the motion.
3. Reconsideration: A motion to reconsider an action by the Council may be made during the same meeting at which the action was taken. A motion to reconsider must be made by a Councilor that voted with the prevailing side, but may be seconded by any member.
4. Repeal: Except as provided below, any action of the Council may be repealed. A motion to repeal may be offered at any meeting following the meeting at which the subject action was taken. The motion must be made by a Councilor who voted with the prevailing side, but may be seconded by any member. A motion to repeal shall be passed by a two-thirds vote of members present and eligible to vote, unless notice has been given of the intent to offer the motion. If notice of intent is published on the printed agenda under "Business from Council," a motion to repeal shall be passed by a majority of members present and eligible to vote. The following actions may not be repealed:
  - A. An action that can be reached by a motion to reconsider.
  - B. An executed contract or agreement.
  - C. A final written land use decision, unless the motion is made within 21 days of approval and specifies one or more reasons why the findings in favor of the decision are incorrect.
  - D. An action which either legally or by its nature cannot be undone.

c. Discussion: The presiding officer shall call on Councilors for discussion in random order. Once a Councilor has obtained the floor, he or she shall not be interrupted without leave of the Councilor except as provided by these rules. Each Councilor may speak twice on any motion as a matter of right. No Councilor shall speak for a second time until each member has had the opportunity to speak once. Any Councilor may speak for a third and subsequent time after receiving approval of the Council. The moving Councilor shall have the privilege of final comment on the motion. Councilors shall limit their discussion to five minutes each time a member speaks. No limits are placed on Council discussions prior to a motion.

d. Preservation of Order: The presiding officer shall preserve order and decorum, discourage personal attacks, and confine Council debate to the question under discussion. The presiding officer may eject from the meeting any person in attendance, including any Councilor, who becomes disorderly, abusive, or disruptive, or who fails to, or refuses to obey a ruling of the presiding officer regarding a matter of order or procedure. The presiding officer may summon the assistance of a police officer to assist in maintaining order.

e. Points of Order: Any Councilor may request a ruling from the presiding officer regarding procedure or preservation of order by calling for a point of order. The presiding officer shall determine the point of order, subject to appeal by any Councilor. An appeal shall be decided by majority vote.

LIST OF MOTIONS					
TO DO THIS	YOU SAY THIS	MAY YOU INTERRUPT SPEAKER?	MUST YOU BE SECONDED?	IS THE MOTION DEBATABLE?	VOTE REQUIRED
Introduce business (a main motion)	"I move that.."	No	Yes	Yes	Majority
Amend a motion	"I move to amend this motion"	No	Yes	Yes	Majority
Divide the motion into parts for separate vote	"I move the question be divided..."	No	Yes	Yes	Majority
*Suspend further consideration of something	"I move we table this matter"	No	Yes	No	Majority



LIST OF MOTIONS					
TO DO THIS	YOU SAY THIS	MAY YOU INTERRUPT SPEAKER?	MUST YOU BE SECONDED?	IS THE MOTION DEBATABLE?	VOTE REQUIRED
*Take up a matter previously tabled	"I move to take from the table..."	No	Yes	No	Majority
Postpone consideration of something	"I move we postpone this matter until..."	No	Yes	Yes	Majority
Have something studied further	"I move we refer this to..."	No	Yes	Yes	Majority
End debate	"I move the previous question"	No	Yes	No	2/3 vote
*Adjourn the meeting	"I move that we adjourn"	No	Yes	No	Majority
Recess the meeting	"I move that we recess until..."	No	Yes	No	Majority
*Complain about noise, room temperature, etc.	"Point of privilege"	Yes	No	No	No vote
*Object to procedure or to personal affront	"Point of order"	Yes	No	No	No vote Chair decides
*Request Information	"Point of Information"	Yes	No	No	No vote
*Object to considering some matter	"I object to consideration of this"	Yes	No	No	2/3 vote
*Reconsider something already disposed of	"I move we reconsider action on..."	Yes	Yes	Yes	Majority
*Consider something not in scheduled order	I move we suspend the rules and..."	No	Yes	No	Majority
*Vote on a ruling by the presiding officer	"I appeal the presiding officer's decision"	Yes	Yes	Yes	Majority

\* = NOT AMENDABLE

Section 15. Smoking During Public Meetings.

a. State law prohibits any person from smoking in any room in which a public meeting is occurring or about to occur. "Smoking" refers to any lighted smoking instrument (Ord. O-90-4, §3, 1990)

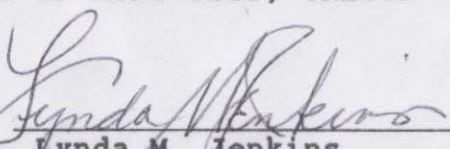
b. Violation of this law is punishable by a fine of \$10. (Ord. O-90-4, §4, 1990) (ORS 192.710, 192.990)

PASSED by the City Council of the City of King City and signed by me in authentication of its passage this 5th day of May, 1993.

CITY OF KING CITY, OREGON

First Reading May 5, 1993

By:

  
Lynda M. Jenkins  
Mayor - King City

Second Reading May 5, 1993

ATTEST:

By:

  
Terrylynn Bednarzyk  
City Recorder



Ayes - Anderson      Noes - None  
         Chamberlain  
         Garrett  
         McCaige  
         Jenkins

CITY OF KING CITY, OREGON  
ORDINANCE No. O-04-03

AN ORDINANCE REPEALING KING CITY MUNICIPAL CODE SECTION 2.04.010 AND AMENDING PROVISIONS OF SECTIONS 2.04.020 AND 2.34.020 THAT ESTABLISH 2:00 P.M. CITY COUNCIL MEETING TIMES AND PROHIBIT THE COUNCIL TO VOTE ON ITEMS AFTER 5:00 P.M.

WHEREAS, Chapter IV, Section 9 of the King City Charter authorizes the City Council to designate a meeting time by the Council's Rules; and

WHEREAS, Section 2.34.020 of the King City Municipal Code currently sets the City Council meeting time at 2:00 P.M. on the first and third Wednesday of each month; and

WHEREAS, Section 2.04.010 also establishes City Council meeting date and time; and

WHEREAS, both Sections 2.04.020 and 2.34.030 discuss the location of City Council meetings; and

WHEREAS, the City Council finds that it would be advantageous to have some flexibility in establishing meeting times; and

WHEREAS, the City Council finds that it is unnecessary to discuss City Council meeting date, time, and location in several sections of the King City Municipal Code; and

WHEREAS, the City Council also finds that it is unnecessary to limit its ability to vote on an item after a specific time. Now, therefore

THE CITY OF KING CITY ORDAINS AS FOLLOWS:

Section 1. Section 2.04.010 of the King City Municipal Code is hereby repealed.

Section 2. The title of Section 2.04.020 is changed to "Public Meetings" and the section text is amended to read as follows: "All meetings of the Council shall be open to the public. The minutes of Council meetings shall be kept in a book to be known as the Journal which shall be a public record."

Section 3. Section 2.34.020 is amended to read as follows: "The Council shall meet on the first and third Wednesday of each month at a time between 2:00 P.M. and 7:00 P.M. The exact meeting time shall be established by resolution. When the first or third Wednesday of the month falls on a holiday, the Council shall meet at the same time on the

Ordinance No. O-04-03 1

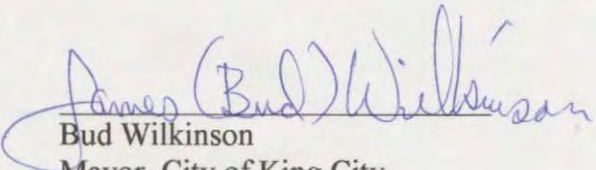
REPEALING KING CITY MUNICIPAL CODE SECTION 2.04.010 AND AMENDING SECTIONS 2.04.020 AND 2.34.020

following day. A regular meeting may be cancelled by the Council if done at an earlier regularly scheduled meeting; however, the Council must meet at least once each month.”

Section 4. This ordinance shall be effective 30 days from the date of its passage.

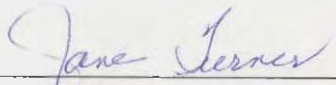
PASSED AND APPROVED this 18<sup>th</sup> day of March, 2004.

First Reading 3/3/04

  
Bud Wilkinson  
Mayor, City of King City

Second Reading 3/18/04

ATTEST:

  
Jane Turner  
City Manager/Recorder, City of King City



**EXHIBIT A**  
**Ordinance No. O-04-03**

**2.04.010 Regular meeting date and time.**

Council must meet at least once each month.

The council shall hold its regular meetings ~~on the first and third Wednesday of each month beginning at two p.m. local time, except when said day falls on a legal holiday, in which event the council shall meet at the same hour on the following day.~~ Regular meetings may be canceled by the council if done at an earlier regularly scheduled meeting; however council must meet at least once each month.

**2.04.020 Meeting Place. Public Meetings.**

The council shall meet at such place within the city limits as of the city as its members may determine. All meetings of the Council shall be open to the public. The minutes of Council meetings shall be kept in a book to be known as the Journal which shall be a public record.

\*\*\*

**2.34.020 Meeting Times.**

The Council shall meet ~~at two p.m.~~ on the first and third Wednesday of each month ~~in the council chambers at a time between 2:00 P.M. and 7:00 P.M.~~ No vote on an item before the council will be allowed after five p.m. The exact meeting time shall be established by resolution. When the first or third Wednesday of the month falls on a holiday, the Council shall meet at the same time on the following day. A regular meeting may be cancelled by the Council if done at an earlier regularly scheduled meeting; however, the

## Chapter 2.34

### CITY COUNCIL RULES OF ORDER

#### Sections:

- 2.34.010 Definition of a meeting.
- 2.34.020 Meeting times.
- 2.34.030 Location of council meetings.
- 2.34.040 Attendance.
- 2.34.050 Council seating.
- 2.34.060 Agenda.
- 2.34.070 Order of business.
- 2.34.090 Council meetings are open to the public.
- 2.34.100 Requirements of executive sessions.
- 2.34.110 Roberts Rules of Order, newly revised.
- 2.34.120 Information included in the minutes.
- 2.34.130 Public hearings.
- 2.34.140 Rules of debate.

#### 2.34.010 Definition of a meeting.

A. A meeting exists whenever a "public body" conducts "public business." There must be a quorum for there to be a "public body." Generally, a quorum is reached when fifty percent plus one of the members are present. For example, with King City's seven-member council, it takes four council members to constitute a quorum for a council meeting, unless the full seven council positions are not filled. If one or more vacancies exist, a quorum is a majority of the council members in office.

B. The public's business includes discussing any policy or administrative matters that pertain to the city. Gatherings for a nonpublic purpose are permitted. For example, it is possible for a quorum of council members to attend a wedding, funeral, lecture, or party and not violate the law as long as there is no discussion of public business at the gathering. If public business is discussed by a quorum, even if there is no voting, then a meeting is being held; and the rules of notice, location, and deliberations discussed below must be complied with. A "workshop" (work session) is a public meeting. The law does not prevent two or three council members from discuss-

ing what will happen at a council meeting (ORS 197.610) (Ord. O-93-4 § 1, 1993)

#### 2.34.020 Meeting times.

The council shall meet on the first and third Wednesday of each month at a time between two p.m. and seven p.m. The exact meeting time shall be established by resolution. When the first or third Wednesday of the month falls on a holiday, the council shall meet at the same time on the following day. A regular meeting may be cancelled by the council if done at an earlier regularly scheduled meeting; however, the council must meet at least once each month. (Ord. O-04-3 § 3, 2004; Ord. O-93-4 § 2, 1993)

#### 2.34.030 Location of council meetings.

Public meetings must be held within the geographical limits of the city. The only exception is for "training sessions" when there is no public business conducted or discussed. Such sessions may occur outside the city limits. (Ord. O-93-4 § 3, 1993)

#### 2.34.040 Attendance.

A. Councilors will inform the mayor, city manager, or city recorder if they are unable to attend any council meeting. Additionally, the mayor will inform the council president regarding any absence by the mayor.

B. A council position may be declared vacant if a councilor is absent from the city for sixty consecutive days without the consent of the council or fails to attend two consecutive council meetings, unless the councilor has been given approval by the council before the second absence. (King City Charter, Chapter IV, Section 18(d)) (Ord. O-93-4 § 4, 1993)

#### 2.34.050 Council seating.

A. During regular-session council meetings, councilors will be seated by the chair; the mayor will be seated in the center.

B. There will be no specified seating arrangement for any other meeting of the council. (Ord. O-93-4 § 5, 1993)



#### **2.34.060 Agenda.**

A. The city manager, with the approval of the mayor, shall prepare an agenda of the business to be presented at a regular or special meeting of the council.

B. No land use issue shall be added to an agenda later than ten working days before the next regular meeting of the council. The council and staff shall endeavor to submit all agenda items (and materials) to the city manager for consideration on the agenda for the council meeting not later than five p.m. on the Wednesday preceding the next regular meeting of the council. The council shall consider at the meeting only matters that appear on the agenda for that meeting or are introduced by a council member or the mayor. Council members and the mayor shall endeavor to have subjects they wish considered submitted in time to be placed on the agenda.

C. Notice of regular council meetings shall be given in the following manner:

Cause notice to be published in a local newspaper and/or post agenda of the meeting in three public places, a minimum of 24 hours preceding the next regular meeting of the Council. Provide agenda and supporting material to the press. Distribute agenda to persons that have requested such.  
(Ord. O-93-4 § 6, 1993)

#### **2.34.070 Order of business.**

The order of business at council meetings shall be determined by the mayor or as follows: (King City Charter, Chapter IV, Section 21(b)(4).)

A. Call meeting to order (recognize members absent);

B. Roll call;

C. Flag salute;

D. Welcome and inform audience of procedure to be used for recognition of participant(s);

E. Presentation of awards;

F. Open forum;

G. Minutes;

H. Public hearings;

I. Police report;

J. Unfinished business;

K. New business;

L. City Manager's report;

M. Council reports;

N. Ordinances and resolutions;

O. Adjournment. (Ord. O-93-4 § 8, 1993)

#### **2.34.090 Council meetings are open to the public.**

ORS 192.630 requires council meetings to be conducted publicly. All deliberations and proceedings of the council are open to the public unless an executive session is called subject to the requirements listed below. (Ord. O-93-4 § 9, 1993)

#### **2.34.100 Requirements of executive sessions.**

A. An executive (closed) session may be called, by a motion passed by a majority of the city council, in accordance with ORS 192.660, but no executive session may be held to take final action or make a final decision. Public notice must be given in compliance with ORS 192.640. The press must be told, either verbally or in writing, that they may not report the substance of an executive session. Minutes must be taken of the meeting either by written or tape recorded method. Material discussed during an executive session must not be disclosed. ORS 192.660, 192.610.

B. Reserved.

C. If the subject does not specifically fall within the terms of the above list, it cannot be the subject of an executive session.

D. The enforcement of the public meeting statutes falls under the jurisdiction of the state courts. Any person affected by a decision of the council may file a suit in circuit court to require compliance, and prevent violations of the public meetings, or wilful misconduct of any members of the governing body, such members are personally liable to the governing body for the amount paid to the successful challenger. ORS 192.680.

E. An executive session may be called during a regular, special, or emergency meeting or may be called separately. No formal actions can be taken during an executive session. Normally, the council members indicate what they think until an informal consensus is achieved. When the council reconvenes in open session, formal action may be taken. ORS

192.660(1). (Ord. O-94-5 § 2, 1994; O-94-4 § 2, 1994; Ord. O-93-4 § 10, 1993)

**2.34.110 Roberts Rules of Order, newly revised.**

A. In accordance with Section 2.04.100, Roberts Rules of Order, newly revised, shall be used as the guideline for conduct of council meetings, except in those cases where specific provisions contrary to Roberts Rules are provided herein.

B. The chair will not condone any inappropriate conduct in a meeting. The meetings will be conducted in an orderly and dignified manner in accordance with the parliamentary authority adopted by the city. The interpretation by the parliamentarian, the city attorney, or the council's designee will be final.

C. If in the chair's judgement any person is not in accordance with these rules, that person will be asked to leave. If that person does not leave, that person will be escorted out by the police, physically if necessary.

D. The council has an obligation to be clean and simple in its procedures when considering the questions coming before it. It should avoid invoking the finer points of parliamentary rules which may serve only to obscure the issues and arouse the suspicions of the audience at public meetings and the citizens of the city in general. (Ord. O-95-3 § 4, 1995; Ord. O-93-12 § 3, 1993; Ord. O-93-4 § 11, 1993)

**2.34.120 Information included in the minutes.**

A. The minutes are the permanent record of the proceedings of the council. They must be approved by the council at a subsequent meeting.

B. Written minutes must include the following information:

1. Members present;
2. Motion(s), proposal(s), resolution(s), order(s), ordinance(s), and measure(s) proposed, and their disposition;
3. Results of all votes, by member;
4. The substance of any discussion on any matter;
5. A reference to any document discussed at the meeting.

6. Must bear the signature of the clerk/recorder.

C. Minutes of executive sessions shall be kept in accordance with subsections (A) and (B) of this section. Instead of written minutes, a record of any executive session may be kept in the form of a sound tape recording which need not be transcribed unless otherwise provided by law in accordance with ORS 192.650. (Ord. O-93-12 § 4, 1993; Ord. O-93-4 § 12, 1993)

**2.34.130 Public hearings.**

A. City recorder shall announce prior to each public hearing the nature of the matter to be heard as it is set forth on the agenda.

B. Declarations.

1. The presiding officer will ask if any member of the council has a conflict of interest in the matter.

2. The presiding officer will ask if any member of the council has had any ex parte contact he wishes to disclose.

3. The presiding officer will ask if anyone from the audience wishes to challenge any member of the council from acting on the matter.

C. The presiding officer will ask for staff report.

D. The presiding officer will then declare the hearing to be open and invite members of the audience to be heard in the following order:

1. Information in addition to staff report;
2. Persons in favor of the stated matter;
3. Persons speaking in opposition;
4. Persons who are neutral;
5. Staff report and the responses.

E. The presiding officer will close the public hearing.

F. The council deliberates to a vote. (Ord. O-93-4 § 13, 1993)

**2.34.140 Rules of debate.**

A. Participation. The mayor, or any councilor may move a question, second a motion, debate, and vote.

B. Motions. A question is presented for decision by the council by means of a motion. A list of available motions and the rules for passage are set forth below:



1. Friendly Amendment. A formal motion to amend a main motion shall not be necessary if the proposed amendment is accepted by the maker and the second of the main motion.

2. Withdrawing a Motion. A motion may be withdrawn prior to a vote by the maker of the motion.

3. Reconsideration. A motion to reconsider an action by the council may be made during the same meeting at which the action was taken. A motion to reconsider must be made by a councilor that voted with the prevailing side, but may be seconded by any member.

4. Repeal. Except as provided below, any action of the council may be repealed. A motion to repeal may be offered at any meeting following the meeting at which the subject action was taken. The motion must be made by a councilor who voted with the prevailing side, but may be seconded by any member. A motion to repeal shall be passed by a two-thirds vote of members present and eligible to vote, unless notice has been given of the intent to offer the motion. If notice of intent is published on the printed agenda under "Business from Council," a motion to repeal shall be passed by a majority of members present and eligible to vote. The following actions may not be repealed:

a. An action that can be reached by a motion to reconsider;

b. An executed contract or agreement;

c. A final written land use decision, unless the motion is made within twenty-one days of approval and specifies one or more reasons why the findings in favor of the decision are incorrect;

d. An action which either legally or by its nature cannot be undone.

C. Discussion. The presiding officer shall call on councilors for discussion in random order. Once a councilor has obtained the floor, he or she shall not be interrupted without leave of the councilor except as provided by these rules. Each councilor may speak twice on any motion as a matter of right. No councilor shall speak for a second time until each member has had the opportunity to speak once. Any councilor may speak for a third and subsequent time after receiving approval of the council. The moving councilor shall have the privilege of final comment on the motion. Councilors shall limit their discussion to five

minutes each time a member speaks. No limits are placed on council discussions prior to a motion.

D. Preservation of Order. The presiding officer shall preserve order and decorum, discourage personal attacks, and confine council debate to the question under discussion. The presiding officer may eject from the meeting any person in attendance, including any councilor, who becomes disorderly, abusive, or disruptive, or who fails to, or refuses to obey a ruling of the presiding officer regarding a matter of order or procedure. The presiding officer may summon the assistance of a police officer to assist in maintaining order.

E. Points of Order. Any councilor may request a ruling from the presiding officer regarding procedure or preservation of order by calling for a point of order. The presiding officer shall determine the point of order, subject to appeal by any councilor. An appeal shall be decided by majority vote.

LIST OF MOTIONS					
To Do This	You Say This	May You Interrupt Speaker?	Must You be Seconded?	Is the Motion Debatable?	Vote Required
Introduce business (a main motion)	"I move that..."	No	Yes	Yes	Majority
Amend a motion	"I move to amend this motion"	No	Yes	Yes	Majority
Divide the motion into parts for separate vote	"I move the question be divided..."	No	Yes	Yes	Majority
*Suspend further consideration of something	"I move we table this matter"	No	Yes	No	Majority
*Table up a	"I move	No	Yes	No	Majority

matter previously tabled	to take from the table..."				ity
Postpone consideration of something	"I move we postpone this matter until..."	No	Yes	Yes	Majority
Have something studied further	"I move we refer this to..."	No	Yes	Yes	Majority
End debate	"I move the previous question..."	No	Yes	No	2/3 vote
*Adjourn the meeting	"I move that we adjourn"	No	Yes	No	Majority
Recess the meeting	"I move that we recess until..."	No	Yes	No	Majority
*Complain about noise, room temperature, etc.	"Point of privilege"	Yes	No	No	No vote
*Object	"Point	Yes	No	No	No

t to proce- dure or to per- sonal affront	of or- der"				vote — Cha ir de- cide s
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\* Not amendable

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LIST OF MOTIONS (1993)					
To Do This	You Say This	May You Interrupt Speaker?	Must You be Seconded?	Is the Motion Debatable?	Vote Required
*Request information	"Point of Information"	Yes	No	No	No vote
*Object to considering some matter	"I object to consideration of this"	Yes	No	No	2/3 vote
*Reconsider something already disposed of	"I move we reconsider action on..."	Yes	Yes	Yes	Majority immediately
*Consider something not in scheduled order	"I move we suspend the rules and..."	No	Yes	No	Majority
*Vote on a ruling by the presiding officer	"I appeal the presiding officer's decision"	Yes	Yes	Yes	Majority

\* Not amendable

(Ord. O-93-4 § 14, 1993)

## Chapter 2.38 PROCEDURES FOR FILLING OF COUNCIL VACANCY

### Sections:

- 2.38.010 When procedures begin.
- 2.38.020 Notification of vacancies.
- 2.38.030 Acknowledgement of applications.
- 2.38.040 Determination of qualifications.
- 2.38.050 Interviewing candidates.

### 2.38.060 Appointment procedures.

### 2.38.080 Form of vote.

### 2.38.010 When procedures begin.

A. The process to select a candidate for the vacancy will be initiated at the time a vacancy exists in accordance with the King City Charter, Chapter IV, Section 17(1) and (2).

B. A majority of the council shall make every effort to fill vacant Councilor position within three months. (Ord. O-94-2 § 4, 1994; Ord. O-93-5 § 1,

### 2.38.020 Notification of vacancies.

A. The city manager shall cause, by publication in a newspaper of general circulation in King City, applications to be filed by all interested qualified candidates. Applications will be accepted for thirty days after the first publication. (King City Charter, Chapter IV, Section 14(a)).

B. Remaining councilors shall immediately canvas their contacts for possible candidates.

C. The city manager will inquire, by letter, to those applications of the prior year, as to whether or not they wish to resubmit their applications, and/or remain on a list of interested persons.

D. At the end of the thirty-day period, receipt of applications will cease. (Ord. O-95-3 § 5, 1995; Ord. O-93-13 § 2, 1993; Ord. O-93-5 § 2, 1993)

### 2.38.030 Acknowledgement of applications.

An application shall be acknowledged by letter, within one week of its receipt, by the city manager or his designee. In addition, council procedures for filling vacancies (copy of Ord. O-93-05) and the King City Charter will be included with the letter. (Ord. O-93-5 § 3, 1993)

### 2.38.040 Determination of qualifications.

King City Charter, Chapter IV, Section 12(b) and Section 14(a) shall be used by the council to determine which applicants are qualified. (Ord. O-93-5 § 4, 1993)



8. Issue search warrants;
  9. Perform other judicial and quasi-judicial functions assigned by ordinance or authorized by state law.
- H. To the extent now or hereafter permitted by state law, the Council may by ordinance designate a state court and the judges thereof to perform and exercise all or any part of the Municipal Court's and Municipal Judge's powers, functions, and jurisdiction. If the designation is complete, the office of the Municipal Judge is abolished. The Council at any time may by ordinance recall any powers, functions and jurisdiction designated and such action shall reestablish the office of Municipal Judge.

## **Article 6 DEPARTMENTS, OFFICES, AND AGENCIES**

### *Section 6.01* Creation and Supervision

- A. The City Council may establish city departments, offices, or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices and agencies.
- B. All departments, offices, and agencies shall be organized and reorganized, and shall be under the direction and supervision of the City Manager.
- C. All appointments and promotions of city officers and employees shall be made solely on the basis of merit and fitness demonstrated by a valid and reliable examination or other evidence of competence.
- D. By ordinance, the Council may affirm the rights of city personnel to participate in political activities and may limit those activities to the extent necessary for orderly and effective operation of the city government.

## **Article 7 PROCEDURE**

### *Section 7.01* Meetings

- A. The Council shall meet regularly in the City at least once each month at a time and place designated by the Council's rules and may meet at other times in accordance with the rules. Special meetings may be held on the call of the Mayor or of four (4) or more Council members and, whenever practicable, upon no less than twenty-four hours notice to each member. Except as allowed by state law, all Council meetings shall be public; however, the Council may meet in a closed or executive session as allowed by state law.

### *Section 7.02* Rules and Journal

- A. The Council shall determine its own procedural rules and order of business and shall provide for keeping minutes of its proceedings. The minutes shall be public records.

### *Section 7.03* Quorum and Vote

- A. A majority of the Council members shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the Council. When a quorum of the Council is present, the concurrence of a majority of those present and voting shall decide any matter before it except as this Charter provides otherwise. No council member present shall abstain from voting without first stating reasons in detail at the meeting.
- B. No action of the Council, shall be valid or binding unless adopted by the affirmative vote of the majority of a quorum.
- C. Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the minutes.

## **Article 8 ORDINANCES**

*Section 8.01* Generally, The City Council will exercise its legislative authority by adopting ordinances. The enacting clause of all ordinances shall be "The City of King City ordains as follows:"

# ***REQUEST FOR COUNCIL ACTION***

**DATE ACTION REQUESTED: July 18, 2018**

<b>Order</b> ____	<b>Ordinance</b> <u>X</u>	<b>Resolution</b> ____	<b>Motion</b> ____	<b>Information</b> ____
<b>No.</b>	<b>No. 2018-04</b>	<b>No.</b>		

**SUBJECT: Ordinance No. 2018-04, Amending the Community Development Code and Comprehensive Plan to Add a Neighborhood Mixed-Use Zone.**

**Contact Person (Preparer) for this Motion: Ronnie Smith, City Recorder  
Ed Trompke, City Attorney  
Dept.: City Manager & Legal**

## **RECOMMENDATION:**

Adopt Ordinance No. 2018-04, An Ordinance Amending the Community Development Code and the Comprehensive Plan to Adopt a New Neighborhood Mixed-Use Zone.

## **EXECUTIVE SUMMARY:**

The attached ordinance represents the Planning Commission recommendation to the City Council to adopt a new Neighborhood Mixed-Use (NMU) Zone district. This district is intended to be applied in residential areas where neighborhood-scale commercial uses and commercial/residential mixed-use development would be appropriate and complementary to the surrounding residential neighborhood.

In addition to the NMU Zone (CDC Chapter 16.102), new definitions are proposed for CDC 16.24.020 Definition of Specific Terms. The King City Comprehensive Plan is also proposed for amendment to recognize this new zoning district and to provide location criteria, which will be used to help evaluate future proposals to rezone property to the NMU designation.

The Planning Commission considered the proposed Community Development Code and Comprehensive Plan amendments at public hearings on April 11, April 25 and May 9, 2018 and following deliberations, recommended approval of the Community Development Code and Comprehensive Plan amendments.

## **FISCAL IMPACT:**

## **STRATEGIC ASSESSMENT:**

**File can be found at:**



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**AN ORDINANCE AMENDING THE COMMUNITY  
DEVELOPMENT CODE AND THE COMPREHENSIVE PLAN  
TO ADOPT A NEW NEIGHBORHOOD MIXED-USE ZONE**

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**RECITALS:**

**WHEREAS**, the City is proposing amendments to the King City Community Development Code and the City's Comprehensive Plan to allow for the adoption of a new Neighborhood Mixed-Use Zone; and

**WHEREAS**, the City provided notice of the hearings before the Planning Commission and City Council of the post-acknowledgement amendments as required by state law, including notice to the Department of Land Conservation and Development 35 days prior to the initial evidentiary hearing consistent with ORS 197.610; and

**WHEREAS**, on April 11, April 25 and May 9, 2018, the King City Planning Commission held a series of public hearings and recommended approval of the proposed Community Development Code and Comprehensive Plan amendments; and

**WHEREAS**, on July 18, 2018, the City Council of King City held a public hearing, to consider the Planning Commission's recommendation, hear public testimony, apply applicable decision-making criteria, and to consider appropriate findings and conclusions in support of adoption.

**NOW, THEREFORE, THE CITY OF KING CITY ORDAINS AS FOLLOWS:**

SECTION 1. Findings: Findings of fact in support of the amendments are adopted by the City Council and attached as Exhibit A.

SECTION 2. Amendments: The King City Community Development Code is amended as shown in Exhibit B, attached hereto (CDC Chapters 16.102 – Neighborhood Mixed-Use Zone (NMU) and 16.24 – Definition of Specific Terms). The King City Comprehensive Plan is amended as shown in Exhibit C, attached hereto, to recognize the new zone and to provide location criteria.

SECTION 3. Effective Date: This Ordinance shall be effective 30 days after its adoption.

Read the first time on \_\_\_\_\_, and moved to second reading by \_\_\_\_\_ vote of the City Council.

Read the second time and adopted by the City of King City Council on \_\_\_\_\_.

Signed by the Mayor on \_\_\_\_\_.

\_\_\_\_\_  
Kenneth Gibson, Mayor

ATTEST:

Approved as to Form:  
Jordan Ramis PC

\_\_\_\_\_  
Ronnie L. Smith, City Recorder

\_\_\_\_\_  
City Attorney

**Ordinance No. 2018-04**  
**Exhibit A**

**Adopted Findings and Conclusions**

The relevant criteria are found in the King City Comprehensive Plan. Because the plan is organized using the Statewide Planning Goals, the city and state goals are addressed simultaneously.

*Citizen Involvement - Goal 1: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

The CDC and plan amendments were created with citizen input. The proposed amendment was advertised as required by the CDC, and the Planning Commission and City Council held a combined total of four public hearings to consider public testimony. This goal is satisfied.

*Land Use Planning - Goal 2: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

The city has adopted the King City Comprehensive Plan and Community Development Code in accordance this goal, and as noted above, citizens participated in that process as well as being involved in the creation of the amendments to create a new Neighborhood Mixed-Use Zone district in the CDC. This goal is satisfied.

*Agricultural Lands — Goal 3 and Forest Lands — Goal 4*

These goals are not relevant because the amendments are intended for urban rather than resource land.

*Open spaces, scenic and historic areas, and natural resources — Goal 5: To conserve open space and protect natural and scenic resources.*

Historic resources, open space and natural resources, consisting primarily of drainageways and wetlands, are recognized in the plan and will continue to be protected in accordance with current standards and requirements. This goal is satisfied.

*Air, water and land resource quality — Goal 6: To maintain and improve the quality of the air, water, and land resources of the state.*

As noted under Goal 5 above, existing open space and natural resource areas will continue to be regulated and protected as they are today. The major intention behind the NMU Zone is to allow improved access to commercial services by allowing neighborhood-scale commercial and mixed-use development opportunity within the city. In addition, improvement to the pedestrian environment and promotion of active transportation will have a modest beneficial effect on air quality. This goal is satisfied.

### *Natural Disasters and Hazards — Goal 7*

This goal will not be affected because all current regulations related to natural hazard avoidance, protection, and mitigation will continue to be in effect wherever the NMU Zone is ultimately applied. This goal is satisfied.

### *Recreational Needs — Goal 8: To satisfy the recreation needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

The proposed NMU Zone is not intended for providing significant recreational opportunities. However, the NMU Zone includes provisions to improve the pedestrian environment, and this could include small plazas and similar open space areas. This goal is satisfied.

### *Economy — Goal 9: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

The NMU Zone is designed to improve walking access to commercial services within the community.

Urban design aspects of the zone promote an attractive, neighborhood-scale appearance and character for commercial and mixed-use development. This goal is satisfied.

### *Housing — Goal 10: To provide for the housing needs of citizens of the state.*

The new NMU Zone promotes the principle of allowing a greater degree of mixed-use than is currently allowed in residential areas. It also allows for a range of housing types, such as townhomes, apartments, and live-work units that tend to be more affordable. This goal is satisfied.

### *Public Facilities and Services — Goal 11: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

The NMU Zone will not allow significant increases in density or impacts on public facilities or services compared to other city zoning districts. This goal is satisfied.

### *Transportation — Goal 12: To provide and encourage a safe, convenient and economic transportation system.*

A primary objective of the NMU Zone is to enable more walking and bicycling trips to access commercial services. The standards also include requirements to create superior pedestrian connectivity and environments. This goal is satisfied.

### *Energy Conservation — Goal 13: To conserve energy.*

The promotion of active transportation and allowing a greater degree of mixed-use development in the city is expected to help replace short vehicular trips with walking,

bicycling, or transit trips. This will help reduce energy use. This goal is satisfied.

*Urbanization — Goal 14: To provide for an orderly and efficient transition from rural to urban land use.*

While this goal is not directly relevant, the allowance for neighborhood-scale commercial and mixed-use development could modestly reduce the demand for more housing outside of the current UGB. This goal is satisfied.



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# MEMORANDUM

TO: King City Council  
FROM: Keith Liden, Planning Consultant  
SUBJECT: LU 2018-02, Neighborhood Mixed-Use Zone  
King City Comprehensive Plan and Code Amendment  
Report and Planning Commission Recommendation  
DATE: June 14, 2018

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## Introduction

On April 11<sup>th</sup> and 25<sup>th</sup>, and May 9<sup>th</sup>, the Planning Commission reviewed a proposed legislative Comprehensive Plan Amendment (CPA) and Community Development Code (CDC) amendment to adopt a new Neighborhood Mixed-Use Zone. These discussions led to a number of amendments to the original proposal drafted by the staff. The attached draft ordinance represents the Planning Commission recommendation to the City Council to adopt a new Neighborhood Mixed-Use (NMU) Zone district. This district is intended to be applied in residential areas where neighborhood-scale commercial uses and commercial/residential mixed-use development would be appropriate and complementary to the surrounding residential neighborhood. The Planning Commission recommended several changes to the draft during its May hearing. These amendments are shown in track changes in the document.

In addition to the NMU Zone (CDC Chapter 16.102), new definitions are proposed for CDC 16.24.020 Definition of Specific Terms. The King City Comprehensive Plan is also proposed for amendment to recognize this new zoning district and to provide location criteria, which will be used to help evaluate future proposals to rezone property to the NMU designation.

## Recommended Findings and Conclusions

The relevant criteria are found in the King City Comprehensive Plan. Because the plan is organized using the Statewide Planning Goals, the city and state goals are addressed simultaneously.

*Citizen Involvement - Goal 1: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

The CDC and plan amendments were created with citizen input. The proposed amendment was advertised as required by the CDC, and the Planning Commission and City Council held a combined total of four public hearings to consider public testimony. This goal is satisfied.

*Land Use Planning - Goal 2: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

The city has adopted the King City Comprehensive Plan and Community Development Code in accordance with this goal, and as noted above, citizens participated in that process as well as being involved in the creation of the amendments to create a new Neighborhood Mixed-Use Zone district in the CDC. This goal is satisfied.

*Agricultural Lands – Goal 3 and Forest Lands – Goal 4*

These goals are not relevant because the amendments are intended for urban rather than resource land.

*Open spaces, scenic and historic areas, and natural resources – Goal 5: To conserve open space and protect natural and scenic resources.*

Historic resources, open space and natural resources, consisting primarily of drainageways and wetlands, are recognized in the plan and will continue to be protected in accordance with current standards and requirements. This goal is satisfied.

*Air, water and land resource quality – Goal 6: To maintain and improve the quality of the air, water, and land resources of the state.*

As noted under Goal 5 above, existing open space and natural resource areas will continue to be regulated and protected as they are today. The major intention behind the NMU Zone is to allow improved access to commercial services by allowing neighborhood-scale commercial and mixed-use development opportunity within the city. In addition, improvement to the pedestrian environment and promotion of active transportation will have a modest beneficial effect on air quality. This goal is satisfied.

*Natural Disasters and Hazards – Goal 7*

This goal will not be affected because all current regulations related to natural hazard avoidance, protection, and mitigation will continue to be in effect wherever the NMU Zone is ultimately applied. This goal is satisfied.

*Recreational Needs – Goal 8: To satisfy the recreation needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

The proposed NMU Zone is not intended for providing significant recreational opportunities. However, the NMU Zone includes provisions to improve the pedestrian environment, and this could include small plazas and similar open space areas. This goal is satisfied.

*Economy – Goal 9: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

The NMU Zone is designed to improve walking access to commercial services within the community.



Urban design aspects of the zone promote an attractive, neighborhood-scale appearance and character for commercial and mixed-use development. This goal is satisfied.

*Housing – Goal 10: To provide for the housing needs of citizens of the state.*

The new NMU Zone promotes the principle of allowing a greater degree of mixed-use than is currently allowed in residential areas. It also allows for a range of housing types, such as townhomes, apartments, and live-work units that tend to be more affordable. This goal is satisfied.

*Public Facilities and Services – Goal 11: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

The NMU Zone will not allow significant increases in density or impacts on public facilities or services compared to other city zoning districts. This goal is satisfied.

*Transportation – Goal 12: To provide and encourage a safe, convenient and economic transportation system.*

A primary objective of the NMU Zone is to enable more walking and bicycling trips to access commercial services. The standards also include requirements to create superior pedestrian connectivity and environments. This goal is satisfied.

*Energy Conservation – Goal 13: To conserve energy.*

The promotion of active transportation and allowing a greater degree of mixed-use development in the city is expected to help replace short vehicular trips with walking, bicycling, or transit trips. This will help reduce energy use. This goal is satisfied.

*Urbanization – Goal 14: To provide for an orderly and efficient transition from rural to urban land use.*

While this goal is not directly relevant, the allowance for neighborhood-scale commercial and mixed-use development could modestly reduce the demand for more housing outside of the current UGB. This goal is satisfied.

**EXHIBIT A**  
**Comprehensive Plan and CDC Amendments**

**Chapter 16.102**  
***Planning Commission Recommendation – 6.14.18***  
**NEIGHBORHOOD MIXED-USE ZONE (NMU)**  
*NEW*

**Sections:**

- 16.102.010 Purpose.**
- 16.102.020 Permitted uses.**
- 16.102.030 Conditional uses.**
- 16.102.040 Dimensional and density requirements.**
- 16.102.050 Design requirements.**
- 16.102.060 Additional requirements.**

**16.102.010 Purpose.**

The purpose of the NMU zone is to provide a mix of residential, retail, service, and business needs of surrounding residential neighborhoods while maintaining a compatible scale and character with those neighborhoods. It is intended for relatively small sites within or adjacent to residential neighborhoods.

**16.102.020 Permitted uses.**

A permitted use is a use which is allowed outright but is subject to all applicable provisions of this title. If a use is not listed as a permitted use, it may be held to be a similar unlisted use under the provisions of Chapter 16.82. Permitted uses in the NMU district are as follows:

- A. Dwelling, single-family attached and detached 0-foot side yard;
- B. Dwelling, multi-family;
- C. Duplex;
- D. Office;
- E. Retail sales and service conducted entirely indoors except for outdoor display as provided in 16.102.060 C. or is subject to liquor license review according to Chapter 5.05 of this title;
  - 1. Sales-oriented;
  - 2. Personal service-oriented; and
  - 3. Entertainment-oriented.
- F. Live-work unit approved as a Type I or II home occupation as provided in Chapter 16.172;
- G. Community services;
- H. Religious assembly;
- I. Family care;
- J. Residential facility; and
- K. Adult day care (family care).

**16.102.030 Conditional uses.**

A conditional use is a use which is subject to a discretionary decision by the planning commission. The approval criteria are set forth in Chapter 16.156. If a use is not listed as a conditional use, it may be held to be a similar unlisted use under the provisions of Chapter 16.82. Conditional uses in the NMU district are as follows:

- A. Live-work unit that does not qualify for Type I or II home occupation approval as provided in Chapter 16.172;

B. Retail sales and service conducted partially or completely outside of a building or subject to liquor license review according to Chapter 5.05 of this title;

1. Sales-oriented,
2. Personal service-oriented, and
3. Entertainment-oriented;

C. Utilities;

D. Public safety facilities; and

E. Parks and open space.

#### **16.102.040 Dimensional and density requirements.**

A. The dimensional requirements in the NMU district are:

<b>Dimensional Requirements Table</b>	
<b>Minimum land area per unit</b>	
Duplex	3,000 min.
Single-family detached	1,600 min.
Single-family attached and 0-foot setback units	1,500 min.
Multi-family units	1,500 min./
Live-work units	1,500 min.
Non-residential and mixed-use (non-residential and multi-family) buildings	None
<b>Minimum average lot width (per lot)</b>	
Duplex	48 feet
Single-family detached	40 feet
Single-family attached and 0-foot setback detached units	20 feet
Multi-family units	48 feet
Live-work units	24 feet
Non-residential and mixed-use (non-residential and multi-family) buildings	None
<b>Minimum average lot depth (per lot)</b>	
Duplex	60 feet
Single-family detached	
Single-family attached and 0-foot setback detached units	60 feet
Multi-family units	60 feet
Live-work units	60 feet
Non-residential and mixed-use (non-residential and multi-family) buildings	None
<b>Setbacks (measured from property lines, except as noted)</b>	
<u>Front yard</u>	
Residential and live-work	10 feet minimum and 26 feet maximum to front building wall. 6 feet minimum and 15 feet maximum to front porch.

Dimensional Requirements Table	
Non-residential and mixed-use (non-residential and multi-family) buildings measured from the nearest edge of the clear zone or supplemental zone.	<p>18 feet from the nearest edge of the public sidewalk to front of garage entrance. The front lot line shall be used if a sidewalk will not be present prior to occupancy permit.</p> <p>Building placement and frontage standards in Section 16.102.060 B. shall be satisfied. 0-6 feet or <math>\geq 18</math> feet to a garage entrance if driveway parking is allowed.</p>
<p><u>Front yard – corner</u> For corner lots, at least one street frontage shall meet the front yard requirements above. For the second front yard, the property owner/applicant may apply the following standards: Residential and live-work</p> <p>Non-residential and mixed-use (non-residential and multi-family) buildings measured from the nearest edge of the clear zone or supplemental zone.</p>	<p>6 feet minimum for a side yard facing a street. 18 feet from the nearest edge of the public sidewalk to front of garage entrance. The front lot line shall be used if a sidewalk will not be present prior to occupancy permit.</p> <p>Building placement and frontage standards in Section 16.102.060 B. shall be satisfied. 0-6 feet or <math>\geq 18</math> feet to a garage entrance if driveway parking is allowed.</p>
<p><u>Side yard – interior</u> Residential and live-work</p> <p>Non-residential and mixed-use (non-residential and multi-family) buildings</p>	<p>0 feet minimum, except as required by the Uniform Building Code (UBC), or a minimum of 3 feet. In all cases, 0-foot setback buildings shall either (1) be attached at the property line or (2) have a minimum separation of 6 feet.</p> <p>0 feet minimum, for side yard lot lines adjacent to other property zoned NMU or LC, except as required by the Uniform Building Code (UBC), or a minimum of 3 feet. In all cases, 0-foot setback buildings shall either (1) be attached at the property line or (2) have a minimum separation of 6 feet. 10 feet minimum, for side yard lot lines adjacent to property that is not zoned NMU or LC.</p>

<b>Dimensional Requirements Table</b>	
<u>Rear yard</u> Residential and Live-Work     Non-residential and mixed-use (non-residential and multi-family) buildings	10 feet minimum for residential building. 0 feet for a detached accessory building less than 18 feet in height. 0-6 feet or $\geq 18$ feet to a garage entrance to an alley.  10 feet minimum adjacent to property zoned NMU or LC. 20 feet minimum, for side yard lot lines adjacent to property that is not zoned NMU or LC. 5 feet for a detached accessory building less than 18 feet in height. 0-6 feet or $\geq 18$ feet to a garage entrance to an alley.
<b>Minimum landscaped area</b>	
Single-family attached, single-family detached 0-foot side yard, duplex, and multi-family dwellings	20% of the total lot area <sup>1</sup>
Live-work units	20% of the total lot area <sup>1</sup>
Non-residential and mixed-use (non-residential and multi-family) buildings	15% of the total lot area <sup>1</sup>
<b>Building height</b>	
Single-family attached, single-family detached 0-foot side yard, duplex, and multi-family dwellings	35 feet
Live-work units	35 feet
Non-residential and mixed-use (non-residential and multi-family) buildings	35 feet <sup>2</sup>
Accessory structures	18 feet
<b>Residential (only) density standards</b>	
Maximum	12 units per gross acre (Chapter 16.146)
Minimum	80% of the allowed maximum
<b>Commercial, mixed-use (non-residential &amp; multi-family) and live-work floor area standards</b>	
Commercial including: Office, Retail sales and service (sales-, personal service-, and entertainment-oriented)	Maximum 1.5 to 1 FAR <sup>3</sup>
Live-work units	Commercial floor area shall not exceed 50% of the total floor area of the live-work unit

- 1 The landscaped area per lot may be reduced when common open space is provided. In this case, the total landscaped area on lots and common areas must total a minimum of 20%.
- 2 Building height may be increased to a maximum of 45 feet as provided in Figure 1.
- 3 Floor area ratios (FARs) apply to the total floor area in a mixed-use project regardless of the use.

- B. The maximum building height of thirty-five feet in subsection (a) of this section shall increase one foot for each additional foot of building setback over twenty-five feet from a residential zoning district, up to a maximum building height of forty-five feet as illustrated in Figure 1. In the case of a public street right-of-way lying between the NMU Zone and a residential zone, the setback shall be calculated using the right-of-way centerline in lieu of the property line.

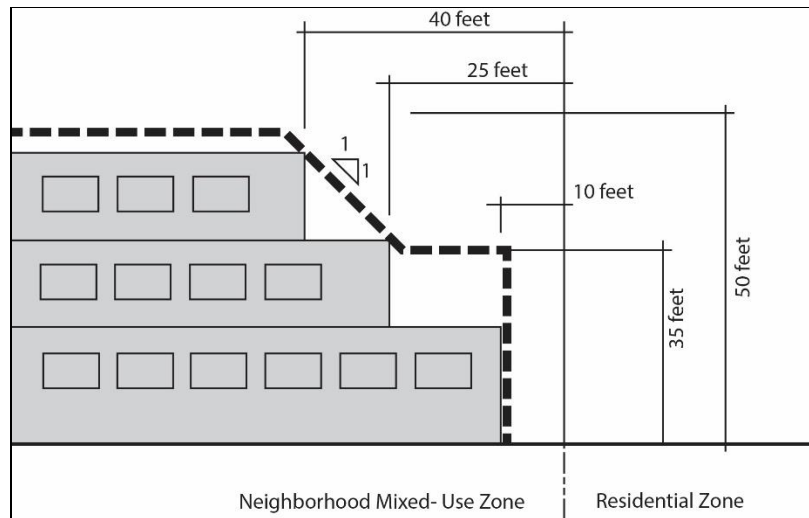


Figure 1. Building Height

**16.102.050 Design requirements.**

In addition to the dimensional requirements in Section 16.102.040, the following design requirements of this section shall apply.

- A. Residential development shall comply with the following standards:

Design Requirements Table – Residential Development	
<b>Main entrance</b>	
Location	Within 8 feet of the longest front building wall. The applicant/owner may select which street frontage to use for a corner lot.
Orientation	Face the street at an angle that does not exceed 45 degrees; or Open onto a porch, which has: <ul style="list-style-type: none"> <li>• A minimum of 25 square feet with a minimum dimension of 4 feet;</li> <li>• At least one entrance facing the street; and</li> <li>• A roof that covers at least 30 percent of the porch area (see Figure 2).</li> </ul>
<b>Front windows</b> - First floor of all dwellings.	
Minimum glazing area	20 sq. ft. for each building wall facing a street. Windows in entry or garage doors shall not be included to meet this standard.

<b>Design Requirements Table – Residential Development</b>	
Maximum window sill height	4 ft. above finished first floor elevation for the window(s) necessary to meet the 20 sq. ft. minimum glazing area standard. No sill height standard for all other windows.
<b>Garage door frontage</b> - Maximum percentage of the building width allowed for the garage door.	
Single-family detached units	50% when the garage setback is the same or less than the front building wall. The garage door setback shall be no more than 6 feet less than the front building wall setback.
	60% when the garage setback is at least 2 feet behind the front building wall or front porch.
	70% when the garage setback is at least 4 feet behind the front building wall or front porch.
Single-family attached, duplex, multi-family units, and live-work units	30% when the garage setback is less than the front building wall or front porch. 60% when the garage setback is equal to or greater than the front building wall. 70% when the garage setback is at least 4 feet behind the front building wall or front porch.
Minimum garage door width	Notwithstanding the above requirements for garage door widths, a residence shall be permitted to have one garage door that is up to 10 feet wide.
<b>Attached units</b>	
Maximum number of attached single family, multi-family units, or live-work units	12 units.
<b>Required outdoor area</b>	
Duplex, single-family attached, detached single-family units with one 0-foot setback, and live-work units	Minimum contiguous rear or side yard outdoor area of 200 square feet shall be provided on each lot, of which no dimension shall be less than 10 feet. This standard is not required when the garage for the residence is located in the rear yard.
Multi-family units	Minimum contiguous rear or side yard outdoor area of 200 square feet shall be provided for each unit on the lot, of which no dimension shall be less than 15 feet.
Common outdoor area alternative	In lieu of meeting the outdoor area requirements for each lot, a common outdoor area may be provided for the development. This common outdoor area shall have a minimum contiguous area of 400 square feet per unit in the development with a minimum size of 4,000 square feet, of which no dimension shall be less than 40 feet.



B. Non-residential and mixed-use development shall comply with the following standards:

<b>Design Requirements Table: Non-Residential and Mixed-Use Development</b>	
<b>Main building entrance</b>	
Location and Orientation	<p>Primary customer and/or resident entrances for buildings with frontage on a collector or arterial street shall meet one of the following:</p> <ul style="list-style-type: none"> <li>• Be within 20 feet of, and facing the street upon which the building has frontage; or</li> <li>• Be located on the side of the building within 50 feet direct walking distance from the public sidewalk along the collector or arterial street.</li> </ul> <p>For buildings that have more than one main entrance, only one entrance must meet this requirement.</p>
<b>Front windows – Ground floor of all building facades facing a street.</b>	
Minimum glazing area	40% for any ground floor building wall facing a street (Figure 2).
Operable front windows	Windows that are designed to open join interior and exterior spaces during temperate weather may be used to satisfy the minimum glazing area standard. This may include the glazed area on operable doors that are supplemental to the main entry door.
Maximum window sill height	4 feet above finished first floor elevation for the window(s) necessary to meet the minimum glazing area standard. No sill height standard for all other windows.
<b>Distinct ground floor – commercial uses</b>	
Office and retail sales and service (sales-, personal service- and entertainment-oriented)	<p>This standard applies to buildings that have any floor area in non-residential uses. The ground level of the primary structure must be visually distinct from upper stories. This separation may be provided by:</p> <ol style="list-style-type: none"> <li>1. A cornice above the ground level;</li> <li>2. An arcade;</li> <li>3. Changes in material or texture; or</li> <li>4. A row of clerestory windows on the building's street facing elevation.</li> </ol>
<b>Garage door frontage - Maximum percentage of the building width allowed for the garage door.</b>	
Minimum garage door width	Notwithstanding the above requirements for garage door widths, a residence shall be permitted to have one garage door that is up to 10 feet wide.
<b>Required outdoor area</b>	
Office and retail sales and service (sales-, personal service- and entertainment-oriented)	The maximum coverage of buildings and impervious surfaces shall not exceed 85% of the total lot area.

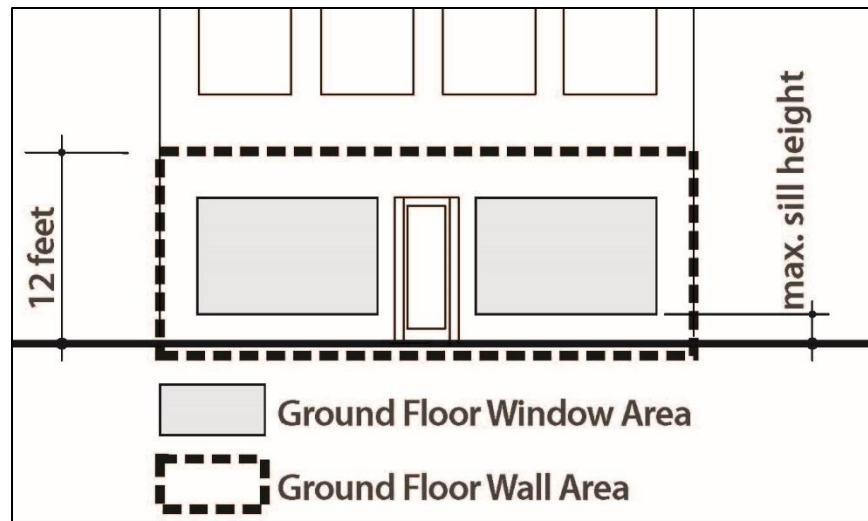


Figure 2. Minimum Glazing Area

**16.102.060 Additional requirements.**

**A. Street Frontage Improvement Standards.**

1. Street frontage improvements shall be determined by the City Engineer.
2. For mixed-use or commercial development, the following additional street frontage improvements elements (Figure 3.) shall be required:
  - a. A sidewalk clear zone with a minimum width of 6 feet; and
  - b. Street furniture zone with a minimum width of 5 feet, including the curb.
3. An optional supplemental zone may (Figures 3. and 4.) be provided between the building the clear zone for residential, commercial, or mixed-use development subject to the following standards:
  - a. A maximum depth between the clear zone and building façade of 20 width of feet;
  - b. Use of this area for additional sidewalk width, patio, landscaping or similar improvements; and
  - c. No vehicle driveways, parking, or loading are permitted within a supplemental zone.
4. The street furniture zone may be used for on-street parking provided:
  - a. The clear zone retains a minimum width of 6 feet (Figure 5); and
  - b. The street requirements in Sections 16.124.050 and 060 are met.

Figure 3. Street Frontage Improvement Elements

Figure 4. Supplemental Zone

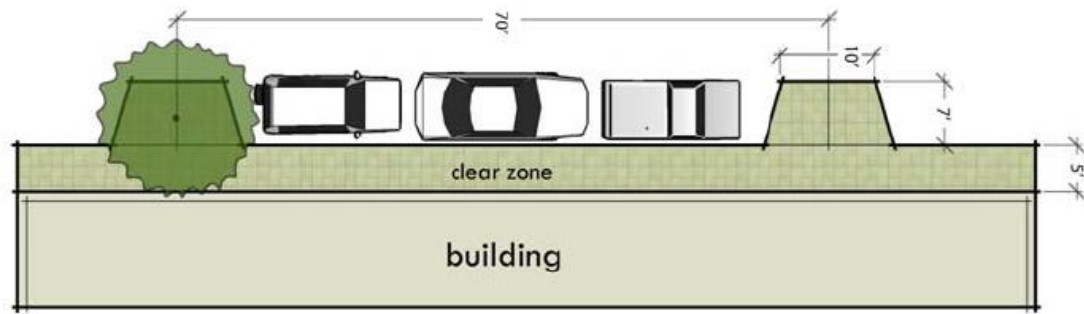


Figure 5. On-Street Parking in the Furniture Zone

B. Building Placement and Frontage Standards.

1. A minimum of 50% of the property frontage length along the site's principal street must consist of continuous building façade built up to the property line, clear zone, or supplemental zone, if one is provided (Figure 6).
2. For corner lots, a minimum of 40% of the property frontage length along the site's secondary street, which intersects with the primary street, must consist of continuous building façade built up to the property line, clear zone, or supplemental zone, if one is provided (Figure 7).

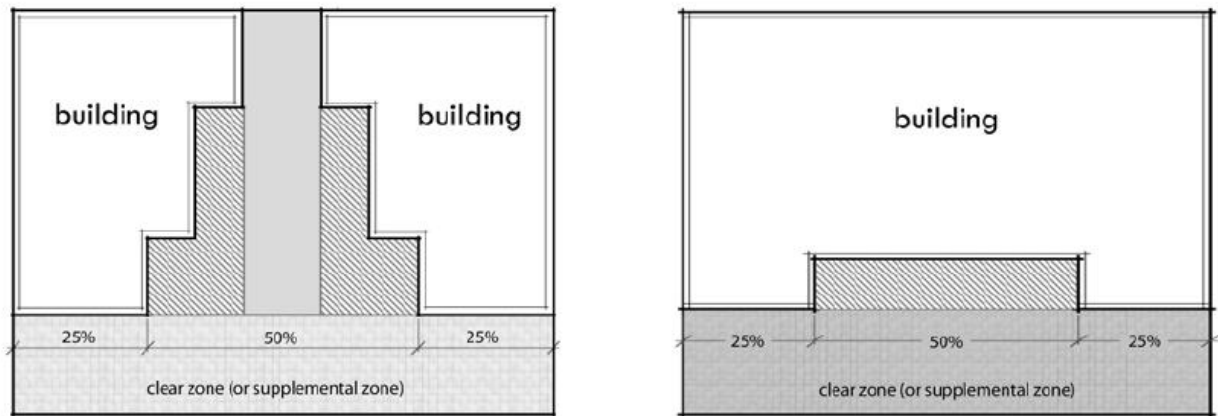


Figure 6. Building Façade Location along the Principal Street

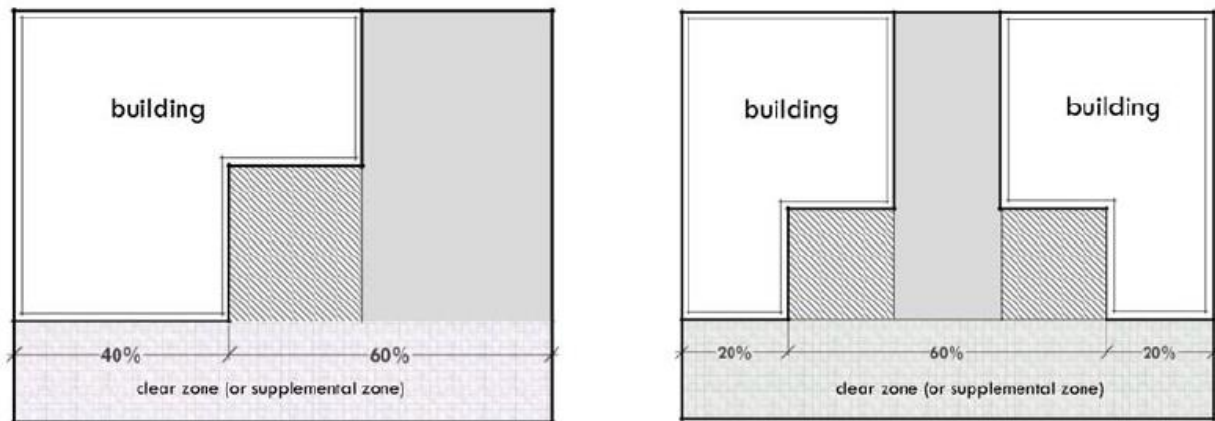


Figure 7. Building Façade Location along a Secondary Street

C. Outdoor Display.

1. Except as provided in subsection 2. of this section, all business and display of merchandise shall be conducted wholly within an enclosed building.
2. Subject to an administrative review and approval by the city manager, outdoor storage and display may be permitted when all of the following conditions are satisfied:
  - a. The amount of outdoor storage and display of merchandise does not exceed five percent of the gross floor area of the business;
  - b. Pedestrian, bicycle, wheel chair and motor vehicle access to and within the property is not impeded in any way;
  - c. The clear zone and street furniture zone are not used for this purpose;
  - d. The outdoor storage and display is in conformity with any conditions of development permit or building permit approval; and
  - e. The outdoor storage and display satisfies all relevant provisions of this title and other applicable requirements of this code.

D. Outdoor Activities.

1. Exterior work activities, including product storage or assembly are prohibited in the NMU Zone.
2. Outdoor eating areas, entertainment, outdoor markets, and similar activities are allowed in the NMU Zone. However, they shall be prohibited within the clear zone and street furniture zone.
3. Permitted outdoor activities shall be located a minimum of 20 feet from any adjacent residential zoning district. This setback area shall be landscaped and include a solid wall or fence with a minimum height of 6 feet to enhance privacy and attenuate potential noise impacts.
4. Outdoor speakers – Exterior speakers may be used provided:
  - a. They are only in use during the hours of operation, but no later than 10:00 pm; and
  - b. They are not audible beyond the property line.

E. Surface Parking Location.

1. Surface parking shall be prohibited between the front of buildings and the front lot line or clear zone;

2. Surface parking shall be located a minimum of 10 feet from any adjacent residential zoning district. This setback area shall be landscaped and include a wall or fence with a minimum height of 6 feet or evergreen vegetation that would provide screening equivalent to a fence.
  3. Surface parking located along a street frontage shall have a landscape buffer with a minimum width of 5 feet that is designed to provide screening of vehicles.
- F. Loading and Service Areas and Mechanical Equipment.
1. All loading areas, exterior garbage cans, garbage collection and recycling areas shall be screened from the street and adjacent properties. Fencing and/or landscaping of sufficient density and height shall be provided to screen such areas from view.
  2. Mechanical equipment located on the ground, such as heat pumps, cooling equipment, and generators shall be screened from the street and any adjacent residentially zoned properties.
  3. Mechanical equipment placed on roofs must be screened with a parapet or other screen around the equipment that is as tall as the highest point of the equipment.
  4. In addition to the above requirements for mechanical equipment, exhaust fans for kitchens shall be located a minimum of 50 feet from a residential zone.
- G. Exterior Lighting.
1. On-site pedestrian walkways must be lighted to a level where the circulation system can be used at night by employees, residents, and customers.
  2. Exterior lighting shall be located and designed to not shed light or glare on nearby properties.
- H. Exterior Finish Materials –
1. Street-facing facades shall consist predominantly of a simple palette of durable materials such as brick, stone, stucco, wood siding, and wood shingles.
  2. Split-faced block and gypsum reinforced fiber concrete shall only be used in limited quantities.
  3. Fencing shall be made of durable and attractive materials. The following fence materials are prohibited:
    - a. Plastic or vinyl; and
    - b. Chain link.
  4. The following building materials are prohibited on street facades and shall not collectively be used on more than 50% of any other building façade:
    - a. Vinyl PVC siding;
    - b. T-111 plywood;
    - c. Exterior insulation finishing (EIFS);
    - d. Corrugated metal;
    - e. Opaque glass; and
    - f. Sheet pressboard.
- I. Hours of Operation.
- To maintain a compatible relationship with surrounding residential uses, business hours shall be between the hours of 8 am and 10 pm. No business shall be conducted outside of these time limits unless approved as a conditional use as provided in this title.

## ADDITIONAL CDC AMENDMENTS

### **16.24.020 Definition of Specific Terms.**

“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 with separate access and residential spaces are located on upper floors or the rear of the building.

“Floor area ratio (FAR)” means the amount of building floor area in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of 2 to 1 means there is 2 square feet of floor area for every 1 square foot of site area. Public utility easements may be excluded from the site area when calculating the FAR.

“Frontage length” means the length of a property frontage along a street right-of-way. In the case of corner lots, the right-of-way of the intersecting street or streets shall not be included in measuring this distance.

“Principal street” means the street adjacent to a property with the highest transportation hierarchy classification. Other abutting streets, if any, are deemed to be secondary streets. Determination of the principal street shall be done using the following priority:

- Arterial street;
- Collector street;
- Neighborhood collector street; and
- Local street.

“Sidewalk zones” refers to three different zones on public sidewalks that include:

- “Clear zone,” which is the unobstructed portion for walking.
- “Street tree and furniture zone,” which is the portion of the sidewalk adjacent to the curb in which street trees may be planted. This zone is also intended for the placement of street furniture including seating, street lights, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks, public utility equipment, and similar elements in a manner that does not obstruct pedestrian access or motorist visibility.
- “Supplemental zone,” which lies between the clear zone and the street-facing building façade or front yard landscaping. This zone is intended to public uses including window shopping, plaza, outdoor café, or patio.

### **16.156.060 Approval Standards for Specific Uses.**

#### **D. Live-Work Unit in the NMU Zone**

1. Deliveries shall be made between the hours of 8 am and 6 pm;
2. Deliveries shall not require the use of tractor trailers, semi-trucks, or heavy equipment;
3. There shall be no offensive noise, vibration smoke, dust, odors, heat, or glare noticeable at or beyond the property line resulting from the operation;
4. The home occupation shall be operated entirely within the unit, including storage of any materials;

5. Indoor storage and use of materials or products shall not exceed the limitations imposed by the provisions of applicable building and fire codes, and there shall be no storage and/or distribution of toxic or flammable materials;
6. A maximum of 60% of the total floor area of the live-work unit may be devoted to the business use;
7. Sufficient parking shall be provided on-site and/or on-street along the property frontage for employees and customers;
8. The following uses are not allowed:
  - a. Auto-body repair and painting;
  - b. Ongoing mechanical repair conducted outside of an entirely enclosed building
  - c. Junk and salvage operations; and
  - d. Storage and sale of fireworks.

E. Motel

F. Office and Retail Sales and Service Uses in the NMU Zone

1. Deliveries shall be made between the hours of 8 am and 6 pm;
2. Nearby properties shall be buffered from potential adverse noise and visual impacts including, but not limited to vehicles, heating and air conditioning units, exhaust fans, outdoor trash and recycling, headlights, exterior lighting, and associated outdoor activity;
3. The transportation system is capable of safely supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to collector or arterial streets, transit availability, on-street parking impacts, access requirements, and neighborhood impacts;
4. Access to a local street may be allowed only if it is found that adverse traffic impacts will not be created for surrounding properties.
5. Safe and convenient pedestrian and bicycle access shall be provided to the site

G. Parks and Open Space (subsequent lettering amended accordingly)

## **RELATED COMPREHENSIVE PLAN AMENDMENTS WEST KING CITY PLANNING AREA**

### **PLAN IMPLEMENTATION**

#### **Commercial and Retail Opportunities**

As noted above, residential development is the primary use intended for the West King City Planning Area. Commercial and retail opportunities presently exist along SW Pacific Highway, located approximately 1/3 mile to the east. As shown in Figure 2, there are several improved pedestrian and bi-cycle connections between the West King City Planning Area and these commercial services.

To provide additional opportunities for neighborhood-serving commercial uses, a Neighborhood Mixed-Use designation is included as a land use type, which could be applied in the West King City Planning Area. This would require a Comprehensive Plan Amendment and Zone Change, which is consistent with King City Comprehensive Plan.

## **Land Use Designations and Location Criteria**

The local criteria are intended to provide guidance for the Planning Commission and City Council when land use designations for specific area within the City are proposed to be amended. These criteria describe the basic characteristics a property or properties should have to be eligible for a particular land use designation. The primary characteristics of the City land use designations are first described followed by location criteria. It is intended that these location criteria, associated with each land use designation, be construed in a flexible manner, in the interest of accommodating proposals which may not comply with all the applicable criteria but are found to be in the public interest and capable of harmonious integration into the community. The burden to prove a proposal's conformity with the Comprehensive Plan should vary according to the degree of change and impact on the community. The more significant the change or potential impact, the more strictly the criteria should be interpreted.

### **Low Density Residential**

#### **SF - Single Family Residential:**

This land use designation is intended to apply to established single family residential properties within the City prior to June 5, 1991.

#### **R-9 - Small Lot and Attached Residential:**

This land use designation is intended to apply to annexed properties that were zoned R-9 in Washington County or that are within the West King Planning Area. (Ord. O-02-4 § 1 (part), 2002)

#### **Purpose of the SF and R-9 Designations:**

These two designations are intended for detached single family residential use on lots larger than two thousand eight hundred square feet in size. In addition, the R-9 zone permits attached single family dwellings, and residential care facilities. (Ord. O-02-4 § 1 (part), 2002)

#### **Location Criteria:**

Properties designated SF or R-9 should have the following location characteristics:

1. Direct Access to collector and local streets. Generally, these designations should apply to land which does not have direct access to major collector and arterial routes.
2. Land that is not suitable for more intensive development because of natural constraints such as unstable soils, poor drainage, and flooding.
3. Land that is not suitable for more intensive development because of limited facility and service capacity. The important facilities and services to be considered include, but are not limited to, sewer, water, storm drainage, police and fire protection, health services, public transit, and street capacity.
4. No commitment of the immediate area to medium high density residential or commercial development.



## **Medium Density Residential**

### **A/T - Apartment/Townhouses:**

This land use designation is intended to apply to established residential properties within the City prior to June 5, 1991.

### **R-12 Attached Residential:**

This land use designation is primarily intended to apply to properties within the West King City Planning Area. (Ord. O-02-4 § 1 (part), 2002)

### **R-15 - Multi-family Residential:**

This land use designation is intended to apply to annexed properties that were zoned R-15 in Washington County.

### **Purpose of the A/T, R-12, and R-15 Designations:**

These three designations allow for multi-family residential development in addition to the single family residences and residential care facilities of the SF and R-9 designations. The A/T designation requires a maximum of one unit per two thousand five hundred square feet of land area (approximately sixteen units per acre) and the R-12 and R-15 designations allow maximum densities of twelve and fifteen units per acre, respectively. (Ord. O-02-4 § 1 (part), 2002)

### **Location Criteria:**

Properties designated A/T, R-12, or R-15 should have the following location characteristics:

1. Direct access to collector or arterial streets.
2. No natural development limitations such as unstable soils or flooding that affect significant portions of the property.
3. Facility and service capacity that is adequate to accommodate development of this density. The important facilities and services to be considered include but are not limited to sewer, water, storm drainage, police and fire protection, health services, public transit, and street capacity.
4. The availability of public transit within one-half mile of the site.

## **Medium High Density Residential**

### **R-24 - Multi-family Residential:**

This land use designation is intended to apply to annexed properties that were zoned R-24 in Washington County or to properties that are found to be consistent with these criteria and Comprehensive Plan policies.

### **Purpose of the R-24 Designation:**

This designation allows for the same array of uses as the A/T and R-15 designations but with an allowed maximum density of 24 units per acre.

### **Location Criteria:**

Properties designated R-24 should have the following location characteristics:

1. Direct access to collector or arterial streets.

2. No natural development limitation such as unstable soils or flooding that affect significant portions of the property.
3. Sufficient facility and service capacity to accommodate this type of commercial development. The important facilities and services to be considered include but are not limited to sewer, water, storm drainage, police and fire protection, parks, health services, public transit, and street capacity.
4. Opportunities will be available to achieve a compatible relationship with surrounding land uses including but not limited to:
  - The site configuration and characteristics that allow for the privacy of adjacent residential uses.
  - Activities on the site that will not interfere with nearby residential uses.
  - The availability of public transit within one-quarter mile of the site.
  - Commercial services within one-half mile of the site.
5. No commitment of the immediate area to low or medium density residential development.

## **Mixed Use**

### **NMU – Neighborhood Mixed-Use:**

This land use designation is intended to apply to properties, which are within or adjacent to existing or future residential neighborhoods.

### **Purpose of the NMU Designation:**

This designation allows for a mix of neighborhood-scale commercial and medium density residential uses. It allows for medium density residential development consistent with the R-12 designation, neighborhood serving businesses, or a combination of commercial and residential uses in one development.

### **Location Criteria:**

Properties designated NMU should have the following location characteristics.:

1. The site shall have direct access to a collector or arterial street. Access to a collector or arterial street via a local street may be appropriate to comply with driveway access requirements and if it is found that adverse traffic impacts will not be created for surrounding properties, which are greater than what is possible under the existing zoning.
2. Sufficient facility and service capacity to accommodate this type of development. The important facilities and services to be considered include but are not limited to sewer, water, storm drainage, police and fire protection, health services, public transit, and street capacity.
3. Traffic congestion, parking, or safety problems shall not be created or exacerbated by commercial development on the site. This determination shall be based upon such considerations as street capacity, existing and projected traffic volumes, speed limits, number and type of turning movements, and the traffic generating characteristics of the potential commercial and residential activities on the site.
4. No natural development limitations such as unstable soils or flooding that affect significant portions of the property.
5. Opportunities will be available to achieve a compatible relationship with surrounding land uses including but not limited to:

- The site configuration and characteristics that allow for the privacy of adjacent residential uses.
  - Commercial activities on the site that will not interfere with nearby residential uses.
6. Significant unique natural features on the site which can be maintained.

## **Commercial**

### **LC - Limited Commercial:**

This land use designation applies to all commercial properties in the City.

#### **Purpose of the LC Designation:**

The City commercial center provides a mix of retail, service and business needs for the community. This commercial area, identified in the King City Comprehensive Plan and the Bull Mountain Community Plan, is located along Pacific Highway.

#### **Location Criteria:**

Properties designated LC should have the following location characteristics.:

1. The site shall have direct access to a major collector or arterial street.
2. Sufficient facility and service capacity to accommodate this type of commercial development.  
The important facilities and services to be considered include but are not limited to sewer, water, storm drainage, police and fire protection, health services, public transit, and street capacity.
3. Traffic congestion or safety problems shall not be created or exacerbated by commercial development on the site. This determination shall be based upon such considerations as street capacity, existing and projected traffic volumes, speed limits, number and type of turning movements, and the traffic generating characteristics of the potential commercial activities on the site.
4. No natural development limitations such as unstable soils or flooding that affect significant portions of the property.
5. Opportunities will be available to achieve a compatible relationship with surrounding land uses including but not limited to:
  - The site configuration and characteristics that allow for the privacy of adjacent residential uses.
  - Commercial activities on the site that will not interfere with nearby residential uses.
  - Significant unique natural features on the site which can be maintained.
6. Public transit is available to the site or the immediate area.
7. Contiguity with existing commercial proper-ties.



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**Chapter 16.102**

***Planning Commission Recommendation – 6.14.18***

**NEIGHBORHOOD MIXED-USE ZONE (NMU)**

*NEW*

**Sections:**

- 16.102.010 Purpose.**
- 16.102.020 Permitted uses.**
- 16.102.030 Conditional uses.**
- 16.102.040 Dimensional and density requirements.**
- 16.102.050 Design requirements.**
- 16.102.060 Additional requirements.**

**16.102.010 Purpose.**

The purpose of the NMU zone is to provide a mix of residential, retail, service, and business needs of surrounding residential neighborhoods while maintaining a compatible scale and character with those neighborhoods. It is intended for relatively small sites within or adjacent to residential neighborhoods.

**16.102.020 Permitted uses.**

A permitted use is a use which is allowed outright but is subject to all applicable provisions of this title. If a use is not listed as a permitted use, it may be held to be a similar unlisted use under the provisions of Chapter 16.82. Permitted uses in the NMU district are as follows:

- A. Dwelling, single-family attached and detached 0-foot side yard;
- B. Dwelling, multi-family;
- C. Duplex;
- D. Office;
- E. Retail sales and service conducted entirely indoors except for outdoor display as provided in 16.102.060 C. or is subject to liquor license review according to Chapter 5.05 of this title;
  - 1. Sales-oriented;
  - 2. Personal service-oriented; and
  - 3. Entertainment-oriented.
- F. Live-work unit approved as a Type I or II home occupation as provided in Chapter 16.172;
- G. Community services;
- H. Religious assembly;
- I. Family care;
- J. Residential facility; and
- K. Adult day care (family care).

**16.102.030 Conditional uses.**

A conditional use is a use which is subject to a discretionary decision by the planning commission. The approval criteria are set forth in Chapter 16.156. If a use is not listed as a conditional use, it may be held to be a similar unlisted use under the provisions of Chapter 16.82. Conditional uses in the NMU district are as follows:

- A. Live-work unit that does not qualify for Type I or II home occupation approval as provided in Chapter 16.172;

B. Retail sales and service conducted partially or completely outside of a building or subject to liquor license review according to Chapter 5.05 of this title;

1. Sales-oriented,
2. Personal service-oriented, and
3. Entertainment-oriented;

C. Utilities;

D. Public safety facilities; and

E. Parks and open space.

#### 16.102.040 Dimensional and density requirements.

A. The dimensional requirements in the NMU district are:

Dimensional Requirements Table	
<b>Minimum <del>and average lot size</del> land area per unit</b>	
Duplex	<del>3,600</del> 3,000 min./ <del>4,000 avg. square feet</del>
<del>Single-family detached</del>	<del>1,600 min.</del>
Single-family attached and 0-foot setback units	<del>1,600</del> 1,500 min./ <del>2,000 avg. square feet</del>
Multi-family units	<del>1,600</del> 1,500 min./ <del>2,000 avg. square feet</del>
Live-work units	<del>1,600</del> 1,500 min.
Non-residential and mixed-use (non-residential and multi-family) buildings	None
<b>Minimum average lot width (per lot)</b>	
Duplex	48 feet
<del>Single-family detached</del>	<del>40 feet</del>
Single-family attached and 0-foot setback detached units	<del>24</del> 20 feet
Multi-family units	48 feet
Live-work units	24 feet
Non-residential and mixed-use (non-residential and multi-family) buildings	None
<b>Minimum average lot depth (per lot)</b>	
Duplex	60 feet
<del>Single-family detached</del>	
Single-family attached and 0-foot setback detached units	60 feet
Multi-family units	60 feet
Live-work units	60 feet
Non-residential and mixed-use (non-residential and multi-family) buildings	None
<b>Setbacks (measured from property lines, except as noted)</b>	
Front yard Residential and live-work	10 feet minimum and 26 feet maximum to front building wall. 6 feet minimum and 15 feet maximum to front porch.



Dimensional Requirements Table	
Non-residential and mixed-use (non-residential and multi-family) buildings measured from the nearest edge of the clear zone or supplemental zone.	<p>18 feet from the nearest edge of the public sidewalk to front of garage entrance. The front lot line shall be used if a sidewalk will not be present prior to occupancy permit.</p> <p>Building placement and frontage standards in Section 16.102.060 B. shall be satisfied. 0-6 feet or <math>\geq</math> 18 feet to a garage entrance if driveway parking is allowed.</p>
<p><u>Front yard – corner</u> For corner lots, at least one street frontage shall meet the front yard requirements above. For the second front yard, the property owner/applicant may apply the following standards: Residential and live-work</p> <p>Non-residential and mixed-use (non-residential and multi-family) buildings measured from the nearest edge of the clear zone or supplemental zone.</p>	<p><del>8</del>-6 feet minimum for a side yard facing a street. 18 feet from the nearest edge of the public sidewalk to front of garage entrance. The front lot line shall be used if a sidewalk will not be present prior to occupancy permit.</p> <p>Building placement and frontage standards in Section 16.102.060 B. shall be satisfied. 0-6 feet or <math>\geq</math> 18 feet to a garage entrance if driveway parking is allowed.</p>
<p><u>Side yard – interior</u> Residential and live-work</p> <p>Non-residential and mixed-use (non-residential and multi-family) buildings</p>	<p>0 feet minimum, except as required by the Uniform Building Code (UBC), or a minimum of 3 feet. In all cases, 0-foot setback buildings shall either (1) be attached at the property line or (2) have a minimum separation of 6 feet.</p> <p>0 feet minimum, for side yard lot lines adjacent to other property zoned NMU or LC, except as required by the Uniform Building Code (UBC), or a minimum of 3 feet. In all cases, 0-foot setback buildings shall either (1) be attached at the property line or (2) have a minimum separation of 6 feet. 10 feet minimum, for side yard lot lines adjacent to property that is not zoned NMU or LC.</p>

<b>Dimensional Requirements Table</b>	
<u>Rear yard</u> Residential and Live-Work      Non-residential and mixed-use (non-residential and multi-family) buildings	10 feet minimum for residential building. 0 feet for a detached accessory building less than 18 feet in height. 0-6 feet or $\geq 18$ feet to a garage entrance to an alley.  10 feet minimum adjacent to property zoned NMU or LC. 20 feet minimum, for side yard lot lines adjacent to property that is not zoned NMU or LC. 5 feet for a detached accessory building less than 18 feet in height. 0-6 feet or $\geq 18$ feet to a garage entrance to an alley.
<b>Minimum landscaped area</b>	
Single-family attached, single-family detached 0-foot side yard, duplex, and multi-family dwellings	20% of the total lot area <sup>1</sup>
Live-work units	20% of the total lot area <sup>1</sup>
Non-residential and mixed-use (non-residential and multi-family) buildings	15% of the total lot area <sup>1</sup>
<b>Building height</b>	
Single-family attached, single-family detached 0-foot side yard, duplex, and multi-family dwellings	35 feet
Live-work units	35 feet
Non-residential and mixed-use (non-residential and multi-family) buildings	35 feet <sup>2</sup>
Accessory structures	18 feet
<b>Residential (only) density standards</b>	
Maximum	12 units per gross acre (Chapter 16.146)
Minimum	80% of the allowed maximum
<b>Commercial, mixed-use (non-residential &amp; multi-family) and live-work floor area standards</b>	
Commercial including: Office, Retail sales and service (sales-, personal service-, and entertainment-oriented)	Maximum 1.5 to 1 FAR <sup>3</sup>
Live-work units	Commercial floor area shall not exceed 50% of the total floor area of the live-work unit

- 1 The landscaped area per lot may be reduced when common open space is provided. In this case, the total landscaped area on lots and common areas must total a minimum of 20%.
- 2 Building height may be increased to a maximum of 45 feet as provided in Figure 1.
- 3 Floor area ratios (FARs) apply to the total floor area in a mixed-use project regardless of the use.

- B. The maximum building height of thirty-five feet in subsection (a) of this section shall increase one foot for each additional foot of building setback over twenty-five feet from a residential zoning district, up to a maximum building height of forty-five feet as illustrated in Figure 1. In the case of a public street right-of-way lying between the NMU Zone and a residential zone, the setback shall be calculated using the right-of-way centerline in lieu of the property line.

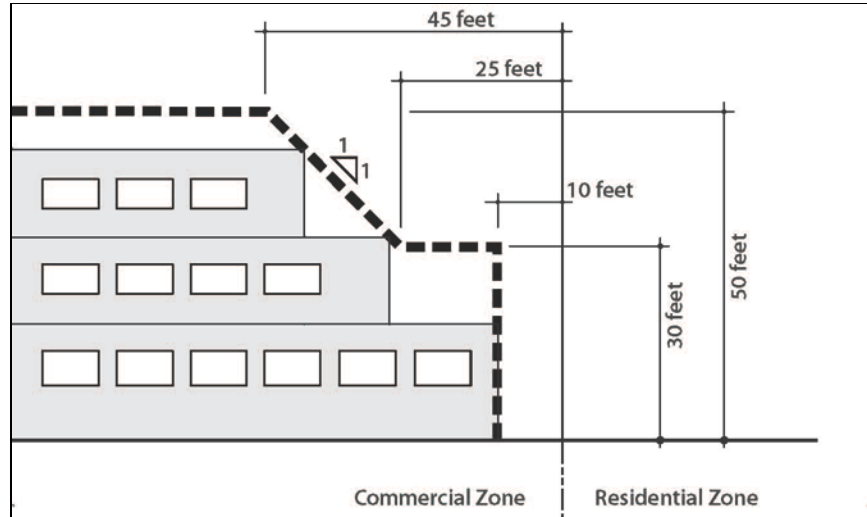


Figure 1. Building Height **need to amend showing min. of 35' and max. of 45'**

#### 16.102.050 Design requirements.

In addition to the dimensional requirements in Section 16.102.040, the following design requirements of this section shall apply.

- A. Residential development shall comply with the following standards:

Design Requirements Table – Residential Development	
<b>Main entrance</b>	
Location	Within 8 feet of the longest front building wall. The applicant/owner may select which street frontage to use for a corner lot.
Orientation	Face the street at an angle that does not exceed 45 degrees; or Open onto a porch, which has: <ul style="list-style-type: none"> <li>• A minimum of 25 square feet with a minimum dimension of 4 feet;</li> <li>• At least one entrance facing the street; and</li> <li>• A roof that covers at least 30 percent of the porch area (see Figure 2).</li> </ul>
<b>Front windows</b> - First floor of all dwellings.	
Minimum glazing area	20 sq. ft. for each building wall facing a street. Windows in entry or garage doors shall not be included to meet this standard.

<b>Design Requirements Table – Residential Development</b>	
Maximum window sill height	4 ft. above finished first floor elevation for the window(s) necessary to meet the 20 sq. ft. minimum glazing area standard. No sill height standard for all other windows.
<b>Garage door frontage</b> - Maximum percentage of the building width allowed for the garage door.	
Single-family detached units	50% when the garage setback is the same or less than the front building wall. The garage door setback shall be no more than 6 feet less than the front building wall setback.
	60% when the garage setback is at least 2 feet behind the front building wall or front porch.
	70% when the garage setback is at least 4 feet behind the front building wall or front porch.
Single-family attached, duplex, multi-family units, and live-work units	30% when the garage setback is less than the front building wall or front porch. 60% when the garage setback is equal to or greater than the front building wall. 70% when the garage setback is at least 4 feet behind the front building wall or front porch.
Minimum garage door width	Notwithstanding the above requirements for garage door widths, a residence shall be permitted to have one garage door that is up to 10 feet wide.
<b>Attached units</b>	
Maximum number of attached single family, multi-family units, or live-work units	12 units.
<b>Required outdoor area</b>	
Duplex, single-family attached, detached single-family units with one 0-foot setback, and live-work units	Minimum contiguous rear or side yard outdoor area of 200 square feet shall be provided on each lot, of which no dimension shall be less than 10 feet. This standard is not required when the garage for the residence is located in the rear yard.
Multi-family units	Minimum contiguous rear or side yard outdoor area of 200 square feet shall be provided for each unit on the lot, of which no dimension shall be less than 15 feet.
Common outdoor area alternative	In lieu of meeting the outdoor area requirements for each lot, a common outdoor area may be provided for the development. This common outdoor area shall have a minimum contiguous area of 400 square feet per unit in the development with a minimum size of 4,000 square feet, of which no dimension shall be less than 40 feet.

B. Non-residential and mixed-use development shall comply with the following standards:

<b>Design Requirements Table: Non-Residential and Mixed-Use Development</b>	
<b>Main building entrance</b>	
Location and Orientation	<p>Primary customer and/or resident entrances for buildings with frontage on a collector or arterial street shall meet one of the following:</p> <ul style="list-style-type: none"> <li>• Be within 20 feet of, and facing the street upon which the building has frontage; or</li> <li>• Be located on the side of the building within 50 feet direct walking distance from the public sidewalk along the collector or arterial street.</li> </ul> <p>For buildings that have more than one main entrance, only one entrance must meet this requirement.</p>
<b>Front windows – Ground floor of all building facades facing a street.</b>	
Minimum glazing area	40% for any ground floor building wall facing a street (Figure 2).
Operable front windows	Windows that are designed to open join interior and exterior spaces during temperate weather may be used to satisfy the minimum glazing area standard. This may include the glazed area on operable doors that are supplemental to the main entry door.
Maximum window sill height	4 feet above finished first floor elevation for the window(s) necessary to meet the minimum glazing area standard. No sill height standard for all other windows.
<b>Distinct ground floor – commercial uses</b>	
Office and retail sales and service (sales-, personal service- and entertainment-oriented)	<p>This standard applies to buildings that have any floor area in non-residential uses. The ground level of the primary structure must be visually distinct from upper stories. This separation may be provided by:</p> <ol style="list-style-type: none"> <li>1. A cornice above the ground level;</li> <li>2. An arcade;</li> <li>3. Changes in material or texture; or</li> <li>4. A row of clerestory windows on the building's street facing elevation.</li> </ol>
<b>Garage door frontage - Maximum percentage of the building width allowed for the garage door.</b>	
Minimum garage door width	Notwithstanding the above requirements for garage door widths, a residence shall be permitted to have one garage door that is up to 10 feet wide.
<b>Required outdoor area</b>	
Office and retail sales and service (sales-, personal service- and entertainment-oriented)	The maximum coverage of buildings and impervious surfaces shall not exceed 85% of the total lot area.

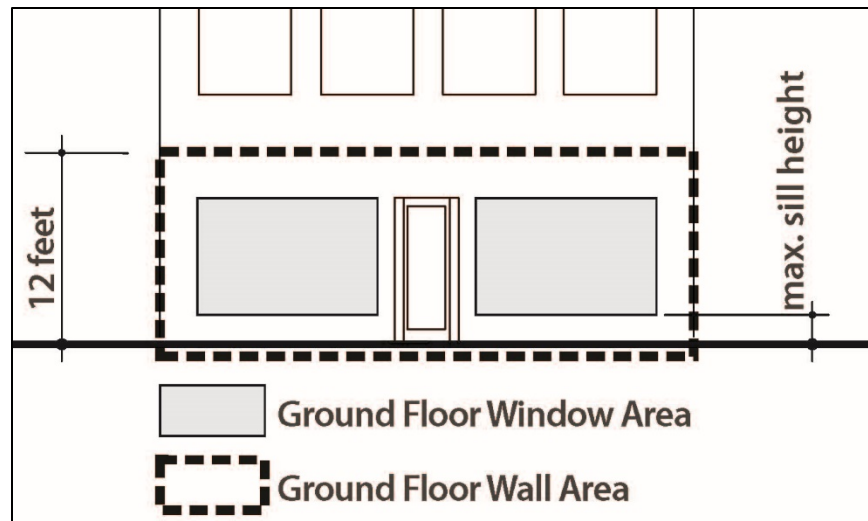


Figure 2. Minimum Glazing Area

**16.102.060 Additional requirements.**

**A. Street Frontage Improvement Standards.**

1. Street frontage improvements shall be determined by the City Engineer.
2. For mixed-use or commercial development, the following additional street frontage improvements elements (Figure 3.) shall be required:
  - a. A sidewalk clear zone with a minimum width of 6 feet; and
  - b. Street furniture zone with a minimum width of 5 feet, including the curb.
3. An optional supplemental zone may (Figures 3. and 4.) be provided between the building the clear zone for residential, commercial, or mixed-use development subject to the following standards:
  - a. A maximum depth between the clear zone and building façade of 20 width of feet;
  - b. Use of this area for additional sidewalk width, patio, landscaping or similar improvements; and
  - c. No vehicle driveways, parking, or loading are permitted within a supplemental zone.
4. The street furniture zone may be used for on-street parking provided:
  - a. The clear zone retains a minimum width of 6 feet (Figure 5); and
  - b. The street requirements in Sections 16.124.050 and 060 are met.



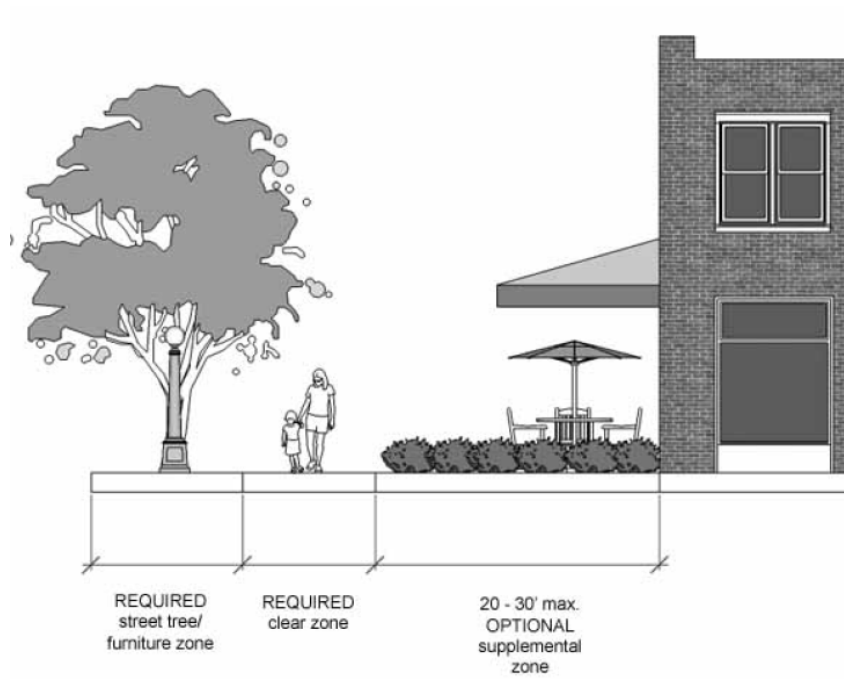


Figure 3. Street Frontage Improvement Elements

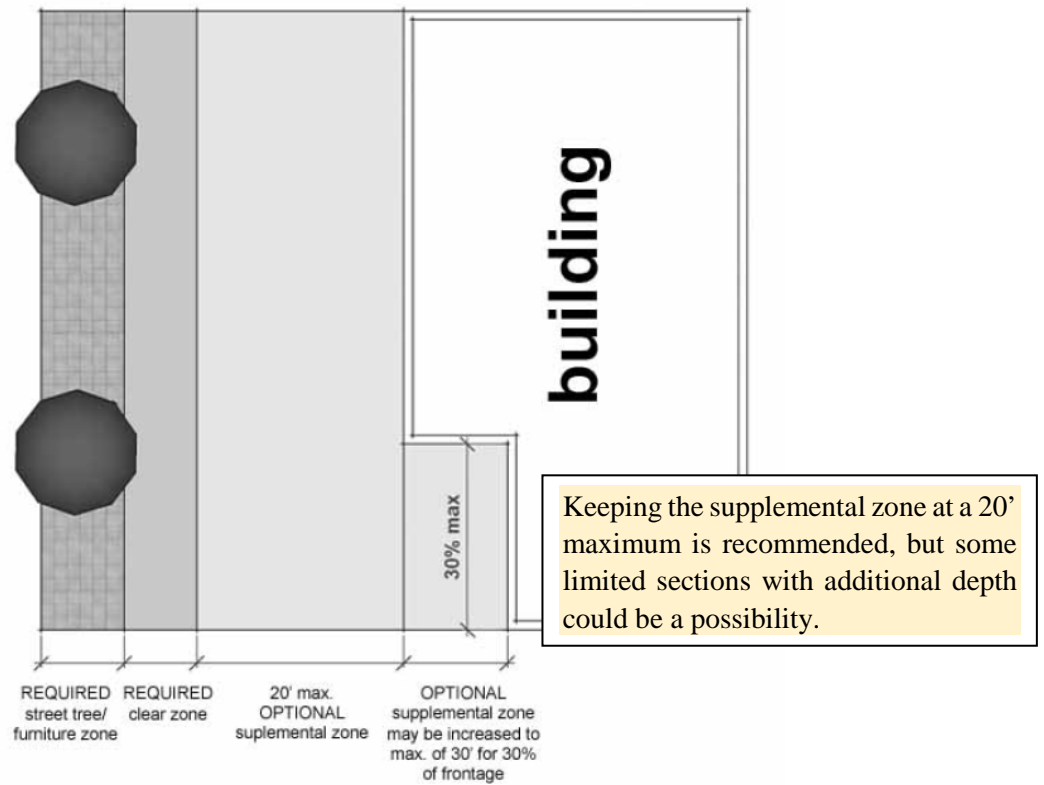


Figure 4. Supplemental Zone

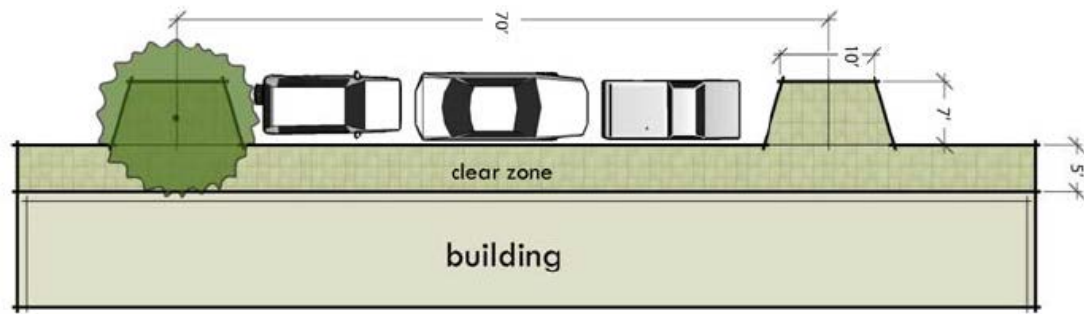


Figure 5. On-Street Parking in the Furniture Zone

B. Building Placement and Frontage Standards.

1. A minimum of 50% of the property frontage length along the site's principal street must consist of continuous building façade built up to the property line, clear zone, or supplemental zone, if one is provided (Figure 6).
2. For corner lots, a minimum of 40% of the property frontage length along the site's secondary street, which intersects with the primary street, must consist of continuous building façade built up to the property line, clear zone, or supplemental zone, if one is provided (Figure 7).

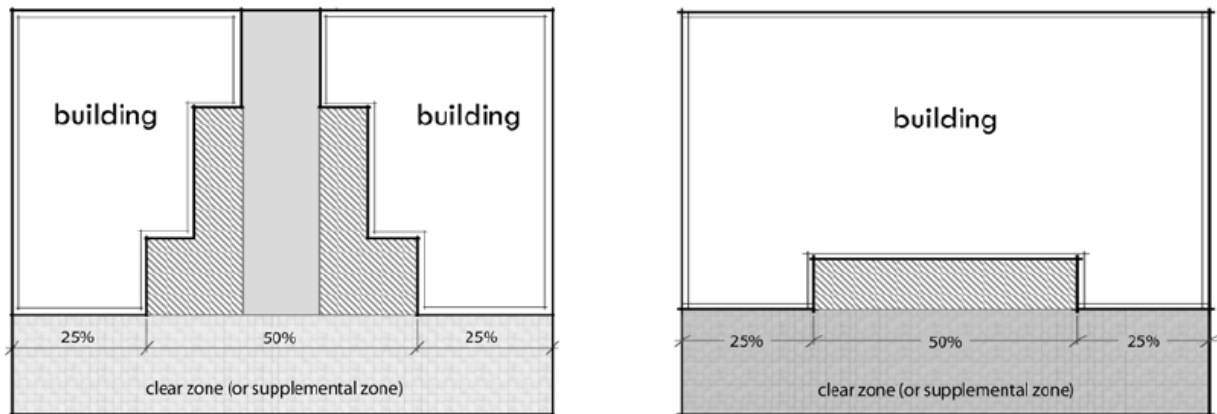


Figure 6. Building Façade Location along the Principal Street

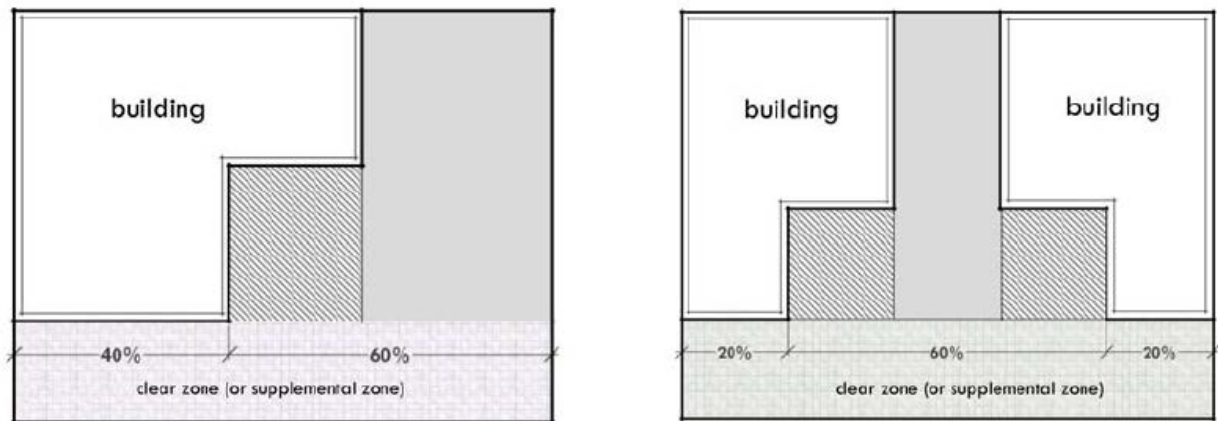


Figure 7. Building Façade Location along a Secondary Street

C. Outdoor Display.

1. Except as provided in subsection 2. of this section, all business and display of merchandise shall be conducted wholly within an enclosed building.
2. Subject to an administrative review and approval by the city manager, outdoor storage and display may be permitted when all of the following conditions are satisfied:
  - a. The amount of outdoor storage and display of merchandise does not exceed five percent of the gross floor area of the business;
  - b. Pedestrian, bicycle, wheel chair and motor vehicle access to and within the property is not impeded in any way;
  - c. The clear zone and street furniture zone are not used for this purpose;
  - d. The outdoor storage and display is in conformity with any conditions of development permit or building permit approval; and
  - e. The outdoor storage and display satisfies all relevant provisions of this title and other applicable requirements of this code.

D. Outdoor Activities.

1. Exterior work activities, including product storage or assembly are prohibited in the NMU Zone.
2. Outdoor eating areas, entertainment, outdoor markets, and similar activities are allowed in the NMU Zone. However, they shall be prohibited within the clear zone and street furniture zone.
3. Permitted outdoor activities shall be located a minimum of 20 feet from any adjacent residential zoning district. This setback area shall be landscaped and include a solid wall or fence with a minimum height of 6 feet to enhance privacy and attenuate potential noise impacts.
4. Outdoor speakers – Exterior speakers may be used provided:
  - a. They are only in use during the hours of operation, but no later than 10:00 pm; and
  - b. They are not audible beyond the property line.

E. Surface Parking Location.

1. Surface parking shall be prohibited between the front of buildings and the front lot line or clear zone;

2. Surface parking shall be located a minimum of 10 feet from any adjacent residential zoning district. This setback area shall be landscaped and include a wall or fence with a minimum height of 6 feet or evergreen vegetation that would provide screening equivalent to a fence.
  3. Surface parking located along a street frontage shall have a landscape buffer with a minimum width of 5 feet that is designed to provide screening of vehicles.
- F. Loading and Service Areas and Mechanical Equipment.
1. All loading areas, exterior garbage cans, garbage collection and recycling areas shall be screened from the street and adjacent properties. Fencing and/or landscaping of sufficient density and height shall be provided to screen such areas from view.
  2. Mechanical equipment located on the ground, such heat pumps, cooling equipment, and generators shall be screened from the street and any adjacent residentially zoned properties.
  3. Mechanical equipment placed on roofs must be screened with a parapet or other screen around the equipment that is as tall as the highest point of the equipment.
  4. In addition to the above requirements for mechanical equipment, exhaust fans for kitchens shall be located a minimum of 50 feet from a residential zone.
- G. Exterior Lighting.
1. On-site pedestrian walkways must be lighted to a level where the circulation system can be used at night by employees, residents, and customers.
  2. Exterior lighting shall be located and designed to not shed light or glare on nearby properties.
- H. Exterior Finish Materials –
1. Street-facing facades shall consist predominantly of a simple palette of durable materials such as brick, stone, stucco, wood siding, and wood shingles.
  2. Split-faced block and gypsum reinforced fiber concrete shall only be used in limited quantities.
  3. Fencing shall be made of durable and attractive materials. The following fence materials are prohibited:
    - a. Plastic or vinyl; and
    - b. Chain link.
  4. The following building materials are prohibited on street facades and shall not collectively be used on more than 50% of any other building façade:
    - a. Vinyl PVC siding;
    - b. T-111 plywood;
    - c. Exterior insulation finishing (EIFS);
    - d. Corrugated metal;
    - e. Opaque glass; and
    - f. Sheet pressboard.
- I. Hours of Operation.
- To maintain a compatible relationship with surrounding residential uses, business hours shall be between the hours of 8 am and 10 pm. No business shall be conducted outside of these time limits unless approved as a conditional use as provided in this title.

## ADDITIONAL CDC AMENDMENTS

### 16.24.020 Definition of Specific Terms.

“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 with separate access and residential spaces are located on upper floors or the rear of the building.

“Floor area ratio (FAR)” means the amount of building floor area in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of 2 to 1 means there is 2 square feet of floor area for every 1 square foot of site area. Public utility easements may be excluded from the site area when calculating the FAR.

“Frontage length” means the length of a property frontage along a street right-of-way. In the case of corner lots, the right-of-way of the intersecting street or streets shall not be included in measuring this distance.

“Principal street” means the street adjacent to a property with the highest transportation hierarchy classification. Other abutting streets, if any, are deemed to be secondary streets. Determination of the principal street shall be done using the following priority:

- Arterial street;
- Collector street;
- Neighborhood collector street; and
- Local street.

“Sidewalk zones” refers to three different zones on public sidewalks that include:

- “Clear zone,” which is the unobstructed portion for walking.
- “Street tree and furniture zone,” which is the portion of the sidewalk adjacent to the curb in which street trees may be planted. This zone is also intended for the placement of street furniture including seating, street lights, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks, public utility equipment, and similar elements in a manner that does not obstruct pedestrian access or motorist visibility.
- “Supplemental zone,” which lies between the clear zone and the street-facing building façade or front yard landscaping. This zone is intended to public uses including window shopping, plaza, outdoor café, or patio.

### 16.156.060 Approval Standards for Specific Uses.

#### D. Live-Work Unit in the NMU Zone

1. Deliveries shall be made between the hours of 8 am and 6 pm;
2. Deliveries shall not require the use of tractor trailers, semi-trucks, or heavy equipment;
3. There shall be no offensive noise, vibration smoke, dust, odors, heat, or glare noticeable at or beyond the property line resulting from the operation;
4. The home occupation shall be operated entirely within the unit, including storage of any materials;

5. Indoor storage and use of materials or products shall not exceed the limitations imposed by the provisions of applicable building and fire codes, and there shall be no storage and/or distribution of toxic or flammable materials;
6. A maximum of 60% of the total floor area of the live-work unit may be devoted to the business use;
7. Sufficient parking shall be provided on-site and/or on-street along the property frontage for employees and customers;
8. The following uses are not allowed:
  - a. Auto-body repair and painting;
  - b. Ongoing mechanical repair conducted outside of an entirely enclosed building
  - c. Junk and salvage operations; and
  - d. Storage and sale of fireworks.

E. Motel

F. Office and Retail Sales and Service Uses in the NMU Zone

1. Deliveries shall be made between the hours of 8 am and 6 pm;
2. Nearby properties shall be buffered from potential adverse noise and visual impacts including, but not limited to vehicles, heating and air conditioning units, exhaust fans, outdoor trash and recycling, headlights, exterior lighting, and associated outdoor activity;
3. The transportation system is capable of safely supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to collector or arterial streets, transit availability, on-street parking impacts, access requirements, and neighborhood impacts;
4. Access to a local street may be allowed only if it is found that adverse traffic impacts will not be created for surrounding properties.
5. Safe and convenient pedestrian and bicycle access shall be provided to the site

G. Parks and Open Space (subsequent lettering amended accordingly)

## **RELATED COMPREHENSIVE PLAN AMENDMENTS WEST KING CITY PLANNING AREA**

### **PLAN IMPLEMENTATION**

#### **Commercial and Retail Opportunities**

As noted above, residential development is the primary use intended for the West King City Planning Area. Commercial and retail opportunities presently exist along SW Pacific Highway, located approximately 1/3 mile to the east. As shown in Figure 2, there are several improved pedestrian and bi-cycle connections between the West King City Planning Area and these commercial services.

To provide additional opportunities for neighborhood-serving commercial uses, a Neighborhood Mixed-Use designation is included as a land use type, which could be applied in the West King City Planning Area. This would require a Comprehensive Plan Amendment and Zone Change, which is consistent with King City Comprehensive Plan.



## **Land Use Designations and Location Criteria**

The local criteria are intended to provide guidance for the Planning Commission and City Council when land use designations for specific area within the City are proposed to be amended. These criteria describe the basic characteristics a property or properties should have to be eligible for a particular land use designation. The primary characteristics of the City land use designations are first described followed by location criteria. It is intended that these location criteria, associated with each land use designation, be construed in a flexible manner, in the interest of accommodating proposals which may not comply with all the applicable criteria but are found to be in the public interest and capable of harmonious integration into the community. The burden to prove a proposal's conformity with the Comprehensive Plan should vary according to the degree of change and impact on the community. The more significant the change or potential impact, the more strictly the criteria should be interpreted.

### **Low Density Residential**

#### **SF - Single Family Residential:**

This land use designation is intended to apply to established single family residential properties within the City prior to June 5, 1991.

#### **R-9 - Small Lot and Attached Residential:**

This land use designation is intended to apply to annexed properties that were zoned R-9 in Washington County or that are within the West King Planning Area. (Ord. O-02-4 § 1 (part), 2002)

#### **Purpose of the SF and R-9 Designations:**

These two designations are intended for detached single family residential use on lots larger than two thousand eight hundred square feet in size. In addition, the R-9 zone permits attached single family dwellings, and residential care facilities. (Ord. O-02-4 § 1 (part), 2002)

#### **Location Criteria:**

Properties designated SF or R-9 should have the following location characteristics:

1. Direct Access to collector and local streets. Generally, these designations should apply to land which does not have direct access to major collector and arterial routes.
2. Land that is not suitable for more intensive development because of natural constraints such as unstable soils, poor drainage, and flooding.
3. Land that is not suitable for more intensive development because of limited facility and service capacity. The important facilities and services to be considered include, but are not limited to, sewer, water, storm drainage, police and fire protection, health services, public transit, and street capacity.
4. No commitment of the immediate area to medium high density residential or commercial development.

## **Medium Density Residential**

### **A/T - Apartment/Townhouses:**

This land use designation is intended to apply to established residential properties within the City prior to June 5, 1991.

### **R-12 Attached Residential:**

This land use designation is primarily intended to apply to properties within the West King City Planning Area. (Ord. O-02-4 § 1 (part), 2002)

### **R-15 - Multi-family Residential:**

This land use designation is intended to apply to annexed properties that were zoned R-15 in Washington County.

### **Purpose of the A/T, R-12, and R-15 Designations:**

These three designations allow for multi-family residential development in addition to the single family residences and residential care facilities of the SF and R-9 designations. The A/T designation requires a maximum of one unit per two thousand five hundred square feet of land area (approximately sixteen units per acre) and the R-12 and R-15 designations allow maximum densities of twelve and fifteen units per acre, respectively. (Ord. O-02-4 § 1 (part), 2002)

### **Location Criteria:**

Properties designated A/T, R-12, or R-15 should have the following location characteristics:

1. Direct access to collector or arterial streets.
2. No natural development limitations such as unstable soils or flooding that affect significant portions of the property.
3. Facility and service capacity that is adequate to accommodate development of this density. The important facilities and services to be considered include but are not limited to sewer, water, storm drainage, police and fire protection, health services, public transit, and street capacity.
4. The availability of public transit within one-half mile of the site.

## **Medium High Density Residential**

### **R-24 - Multi-family Residential:**

This land use designation is intended to apply to annexed properties that were zoned R-24 in Washington County or to properties that are found to be consistent with these criteria and Comprehensive Plan policies.

### **Purpose of the R-24 Designation:**

This designation allows for the same array of uses as the A/T and R-15 designations but with an allowed maximum density of 24 units per acre.

### **Location Criteria:**

Properties designated R-24 should have the following location characteristics:

1. Direct access to collector or arterial streets.

2. No natural development limitation such as unstable soils or flooding that affect significant portions of the property.
3. Sufficient facility and service capacity to accommodate this type of commercial development. The important facilities and services to be considered include but are not limited to sewer, water, storm drainage, police and fire protection, parks, health services, public transit, and street capacity.
4. Opportunities will be available to achieve a compatible relationship with surrounding land uses including but not limited to:
  - The site configuration and characteristics that allow for the privacy of adjacent residential uses.
  - Activities on the site that will not interfere with nearby residential uses.
  - The availability of public transit within one-quarter mile of the site.
  - Commercial services within one-half mile of the site.
5. No commitment of the immediate area to low or medium density residential development.

## **Mixed Use**

### **NMU – Neighborhood Mixed-Use:**

This land use designation is intended to apply to properties, which are within or adjacent to existing or future residential neighborhoods.

### **Purpose of the NMU Designation:**

This designation allows for a mix of neighborhood-scale commercial and medium density residential uses. It allows for medium density residential development consistent with the R-12 designation, neighborhood serving businesses, or a combination of commercial and residential uses in one development.

### **Location Criteria:**

Properties designated NMU should have the following location characteristics.:

1. The site shall have direct access to a collector or arterial street. Access to a collector or arterial street via a local street may be appropriate to comply with driveway access requirements and if it is found that adverse traffic impacts will not be created for surrounding properties, which are greater than what is possible under the existing zoning.
2. Sufficient facility and service capacity to accommodate this type of development. The important facilities and services to be considered include but are not limited to sewer, water, storm drainage, police and fire protection, health services, public transit, and street capacity.
3. Traffic congestion, parking, or safety problems shall not be created or exacerbated by commercial development on the site. This determination shall be based upon such considerations as street capacity, existing and projected traffic volumes, speed limits, number and type of turning movements, and the traffic generating characteristics of the potential commercial and residential activities on the site.
4. No natural development limitations such as unstable soils or flooding that affect significant portions of the property.
5. Opportunities will be available to achieve a compatible relationship with surrounding land uses including but not limited to:

- The site configuration and characteristics that allow for the privacy of adjacent residential uses.
  - Commercial activities on the site that will not interfere with nearby residential uses.
6. Significant unique natural features on the site which can be maintained.

## **Commercial**

### **LC - Limited Commercial:**

This land use designation applies to all commercial properties in the City.

### **Purpose of the LC Designation:**

The City commercial center provides a mix of retail, service and business needs for the community. This commercial area, identified in the King City Comprehensive Plan and the Bull Mountain Community Plan, is located along Pacific Highway.

### **Location Criteria:**

Properties designated LC should have the following location characteristics.:

1. The site shall have direct access to a major collector or arterial street.
2. Sufficient facility and service capacity to accommodate this type of commercial development.  
The important facilities and services to be considered include but are not limited to sewer, water, storm drainage, police and fire protection, health services, public transit, and street capacity.
3. Traffic congestion or safety problems shall not be created or exacerbated by commercial development on the site. This determination shall be based upon such considerations as street capacity, existing and projected traffic volumes, speed limits, number and type of turning movements, and the traffic generating characteristics of the potential commercial activities on the site.
4. No natural development limitations such as unstable soils or flooding that affect significant portions of the property.
5. Opportunities will be available to achieve a compatible relationship with surrounding land uses including but not limited to:
  - The site configuration and characteristics that allow for the privacy of adjacent residential uses.
  - Commercial activities on the site that will not interfere with nearby residential uses.
  - Significant unique natural features on the site which can be maintained.
6. Public transit is available to the site or the immediate area.
7. Contiguity with existing commercial proper-ties.

**CITY OF KING CITY  
PLANNING COMMISSION MEETING MINUTES**

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**Call to Order:** A regular meeting of the King City Planning Commission was held at the King City Hall beginning at 9:36 a.m. on Wednesday, May 9th, 2018. Chair Commissioner Griffith called the regular Planning Commission to Order at 9:30 a.m.

**Roll Call:** **The following Planning Commission members were present:**

Chair Commissioner Carolyn Griffith  
Commissioner Laurie Petrie  
Commissioner Ann Marie Paulsen  
Commissioner Jessica Poehler

**Absent:**

Commissioner John Walter - Excused  
Commissioner Marc Manelis - Excused

Commissioner Quintien Harold – resigned

**Staff present included:**

City Manager (CM) Mike Weston

**Approval of Minutes None**

**Agenda Item 3: Public Hearing:**

This public hearing was continued from April 25, 2018. The draft ordinance is largely the same as the one reviewed on April 25<sup>th</sup> with following amendments. They are summarized below:

**Amendment Summary Table**

<b>CDC Section</b>	<b>Differences between 4.25.18 draft and 5.1.18 draft</b>
16.102.020 Permitted Uses	Retail sales and service uses are considered permitted if they are not conducted outside or if they need a liquor license review according to Chapter 5.50 of the King City Municipal Code. Office is placed back on the permitted list because those uses tend to be low-key, and they are conducted indoors.

CDC Section	Differences between 4.25.18 draft and 5.1.18 draft
16.102.030 Conditional Uses	<p>The retail sales uses that are conducted outdoors and/or need liquor license approval are retained as conditional uses.</p> <p>Parks and open space are in the conditional use category. The definition in 16.24.030 E. would include even small plazas in this category. Since we do want to encourage small public/semi-public spaces, we may want to consider allowing small plazas (perhaps with a size limit) as permitted uses.</p>
16.102.040 Dimensional and Density Requirements	No change.
16.102.060 A. Street Frontage Improvement Standards	No change.
16.102.060 B. Building Placement and Frontage Standards	No change.
16.102.060 D. Outdoor Activities	No change.
16.102.060 H. Exterior Finish Materials	Deleted the term “spandrel” glass and use “opaque” glass instead.
16.102.060 G. Hours of Operation	No change.
16.24.020 Definition of Specific Terms	No change.

CDC Section	Differences between 4.25.18 draft and 5.1.18 draft
<p><b>Definitions - Additional Considerations</b></p>	<p>Currently, the definition for “retail sales and service” includes 5 categories of use types: 1) sales -oriented, 2) personal service-oriented, 3) entertainment-oriented, 4) repair-oriented, and 5) drive-through facilities (see 16.24.030 D.). The current draft does not allow either repair or drive-through as a permitted or conditional use in the NMU Zone. The concerns we have discussed regarding the “right” mix of neighborhood-scale uses has really been centered around what uses in the entertainment-oriented category to allow in a neighborhood.</p> <p>We could consider adding a 6<sup>th</sup> retail sales and service category for “neighborhood-oriented” uses. This list would generally be a subset of uses included in the current retail sales and service categories (especially entertainment-oriented) that we find to be the most suitable for a neighborhood context. We could also identify specific uses not allowed as the code does now at the end of the retail sales and service definition.</p> <p>With this approach, we would then refer to “neighborhood-oriented” retail sales and service uses as we define them and delete reference to the other commercial use types. This could prove to be a cleaner approach to saying you can have this use, but here are the exceptions, provisos, etc. We would need to revisit the conditional use approval criteria in 16.156.060.</p>
<p>16.156.060 Approval Standards for Specific Uses</p>	<p>No change.</p>
<p>Comprehensive Plan Location Criteria</p>	<p>No change.</p>



After a short discussion Chair Commissioner Griffith opened the floor for Public comment.

Mark Dane of Mark Dane Planning:

Spoke about the depth and width of the lots, roads and ROW for public utilities.

Mr. Dane mentioned the importance of having the Single-family attached, and 0-foot setback detached units set at 20-foot-wide instead of the 24-foot wide.

He also, asked the Commissioners about the average 2,000 square feet and mention that it doesn't make much sense for the dimensional requirements. Staff didn't have the answer.

Chair Commissioner Griffith asked for Mr. Dane for clarification;

1. Single-family attached and 0-foot setback detached units set at 20-foot-wide;
2. Decrease the 1,600 min to 1,500 min and take out the average for Single-family attached and 0-foot setback detached units.

CM Weston would like to add the following:

3. Add a line item for Single-family detached 24-foot-wide.
4. Keep the 1,600 min square feet for Single-family detached 24-foot-wide.
5. Decrease Duplex from 3,600 to 3,000 min

Commissioner Paulsen suggested the following:

Single-family attached and 0-foot setback units      1,500 min. square feet

Multi-family units      1,500 min.

Live-work units      1,500 min.

There was a discussion on Live-Work Units one of the main topics was considering different access points to the resident's area and possibly prohibit retail sales.

#### **Amendments to 16.102.040 Dimensional and density requirements.**

1. Duplex 3,000 min. Square Feet with a 40' min lot width;
2. Single-family detached Lot size 1,600 Sq. Ft with a 24 min lot width;
3. Single-family attached lot size 1,500 Sq. Ft. with a 20' min lot width;
4. take out the average for Single-family attached and 0-foot setback detached units.
5. Multi-family units 1,500 min. Sq. Ft. with a 20' min lot width;
6. Live-work units 1,500 min. Sq. Ft. with a 20' min lot width.
7. Lot depth stays the same;
8. Front yard – corner 6 feet minimum for a side yard facing a street.

#### **Amendments to 16.24.020 Definition of Specific Terms.**

1. Live-work unit: After ground floor add separate access.
  - a. " Nonresidential spaces are typically located on the ground floor with *separate access*, and residential spaces are located on upper floors or the rear of the building."

**MOTION MADE BY COMMISSIONER PAULSEN TO RECOMMEND FORWARDING  
WITH AMENDMENTS TO THE CITY COUNCIL FOR CONSIDERATION ON  
CHAPTER 16.102 NEIGHBORHOOD MIXED-USE ZONE (NMU),  
SECONDED BY COMMISSIONER POEHLER.**

**VOICE VOTE: 4-AYES – 0-NEYS – 0 ABSTENTIONS– 0- RECUSED  
THE MOTION CARRIED 4-0.**

**Agenda Item 4: Commissioner Reports:**

None

**Agenda Item 5: Staff Reports:**

CM weston spoke about the Memo from Keith Lidan attached.

**Agenda Item 6: Adjournment**

**COMMISSIONOR PETRIE MOVED TO ADJOURN THE MEETING, COMMISSIONER  
PAULSEN SECONDED, THE MEETING ADJOURNED AT 10:31 A.M**

Respectfully Submitted by:

Attested by:

\_\_\_\_\_  
Ronnie Smith  
City Recorder

\_\_\_\_\_  
Mike Weston  
City Manager



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## The Oregonian

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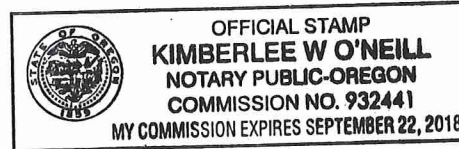
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The Oregonian 07/07, 07/14/2018

  
Principal Clerk of the Publisher



Sworn to and subscribed before me this 18th day of July 2018

  
Notary Public

#### PUBLIC NOTICE

The city of King City will hold a public hearing before the King City City Council regarding the draft Neighborhood Mixed-Use Zone (NMU) as a new Chapter 16.102 of the King City Community Development Code (CDC), which is part of the King City Municipal Code. In addition, the King City Comprehensive Plan is proposed for amendment to recognize this new zoning district. If adopted, it will serve as a new zoning district, which could be applied to suitable properties within the city. The primary intent of this new district is to allow for neighborhood-scale commercial and mixed-used development to serve surrounding residential neighborhoods. The approval criteria for evaluating the plan include:

- King City Comprehensive Plan, and
- Statewide planning goals.

The City Council will consider public testimony and a Planning Commission recommendation prior to making a decision regarding adoption of the proposed CDC and Comprehensive Plan amendments.

Failure of an issue to be raised in the hearings, in person or by letter, or failure to provide sufficient specificity to afford the approval authority an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

**The public hearing before the City Council is scheduled for Wednesday, July 18, 2018 at 7:00 p.m., at King City Hall, located at 15300 S. W. 116th Avenue, King City, OR 97224.**

Copies of the draft NMU Zone and Comprehensive Plan amendments will be available at King City Hall, 15300 S. W. 116th Avenue. In addition, the plan draft and all of the materials related to the development of the plan may be found on the city's website at

[http://www.ci.king-city.or.us/government/public\\_notices/hearings.php](http://www.ci.king-city.or.us/government/public_notices/hearings.php)

Questions and requests for additional information should be directed to:

Michael Weston, City Manager  
mwatson@ci.king-city.or.us  
503.639.4082

Keith Liden, Contract City Planner  
Keith.liden@gmail.com  
503.757.5501