



CITY OF MILWAUKIE

PLANNING COMMISSION MINUTES

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

February 28, 2023

Present: Jacob Sherman, Chair
Joshua Freeman, Vice Chair
Aaron Carpenter
Joseph Edge
Greg Hemer

Staff: Vera Kolias, Senior Planner
Laura Weigel, Planning Manager
Adam Moore, Parks Development
Coordinator

Absent: Lauren Loosveldt
Amy Erdt

(00:12:01)

1.0 Call to Order — Procedural Matters*

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

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

(00:13:10)

2.0 Planning Commission Minutes

2.1 January 24, 2023, minutes were approved with a 5-0 vote.

(00:13:46)

3.0 Information Items

Planning Manager, Laura Weigel reminded the public that the city is currently taking applications for new members to join Milwaukie's boards and commissions.

(00:15:00)

4.0 Audience Participation

No information was presented for this portion of the meeting.

(00:15:36)

5.0 Community Involvement Advisory Committee (CIAC)

Commissioner Greg Hemer reminded the CIAC that the Planning Commission would like the Land Use Chairs invited to the next CIAC meeting.

(00:18:37)

6.0 Hearing Items

No information was presented for this portion of the meeting.

(00:18:43)

7.0 Work Session Items

Agenda revision: Work session item 7.2 Parks briefing will take place before 7.1 Variance code update

(00:18:53)

7.2 Parks Briefing

Parks Development Coordinator, Adam Moore, introduced himself and presented the staff report to the commission. **Moore** reviewed the 'Public Involvement Plan' that took place over the last year regarding park development within the city. Public engagement included planning meetings, open houses, pop-ups, and focus groups. Public engagement survey statistic: Total of 631 surveys with 27% from new participants and 8% from BIPOC communities.

Moore presented the final Bowman-Brae concept plan.

- Adds in a swing set, pollinator garden, play log, drinking fountain, and drop off area.
- Acquisition of property between park and SE Where Else Lane has begun.
- Tree placement has adjusted to meet the comments from October & December. Will add more if the budget allows.
- Play features to be designed with community groups in Spring of 2023

Moore presented the final Balfour concept Plan.

- Paths and lawn have changed to protect trees. Also adds rock hoppers, drinking fountain, and drop off area.
- Replaces community garden with shelter and water play table.
- City council directed staff to protect trees as opposed to adding a community garden in areas that could harm tree roots.
- Half street improvements to come later with the rest of Balfour Street in 2025
- Play features to be designed with community groups of 2023

Moore presented the final Scott concept plan

- Includes inclusive playground and nature-based play elements.
- Amphitheater stage will be accessible with programming improvements.
- Play features to be designed with community groups in Spring of 2023.

Moore reviewed the upcoming next steps: Bowman-Brae and Balfour Parks - Type III development review: community service use. Scott Park – Type III development review:

Natural resources. All three parks: Playground design in Spring and Summer 2023, final design and permitting until late Fall 2023, construction early Winter 2024, ribbons cut October 2024. **Vice Chair Joshua Freeman** asked if there is currently a fence in the location that staff has proposed a fence near the pond causeway within Scott Park. **Moore** clarified there is not currently a fence and explained the need to construct a fence due to safety concerns. **Commissioner Greg Hemer** inquired about signage to feed the ducks at Scott Park. **Moore** clarified there is a sign stating to not feed the waterfowl and that the city will maintain that signage. **Vice Chair Freeman** asked a clarifying question regarding next steps with community engagement. **Moore** explained that staff has planned meetings scheduled to keep City Council, the parks & recreation board, and the NDA's engaged and involved with the design of the playground features. Additional engagement will happen if plans need to be revisited. **Hemer** asked about the tree canopy at Bowman-Brae park. **Moore** explained the open lawn concept as being important to the community as well as affordable. **Commissioner Joseph Edge** expressed wanting the Johnson Creek Watershed Council to have an opportunity to provide feedback on the concept plans. **Moore** clarified that a lot of their active members are on the parks and recreation board and have been present at the planning meetings, **Moore** agreed to reach out to the Johnson Creek Watershed Council for a formal comment on the plans as well. **Commissioner Aaron Carpenter** inquired about lifespan and future cost to maintain the updated parks. **Moore** explained that longevity has been a big consideration with these park concepts and that the city is working on securing additional funding for future improvements/maintenance, **Moore** also noted that the city has been consulting with North Clackamas Parks and Recreation District staff as Milwaukie's parks are still cared for by the county. The briefing closed with appreciation for both staff and members of the Lake Road and Ardenwald-Johnson Creek Neighborhood District Associations.

(01:04:12)

7.1 Variance Code Update

Senior Planner, Vera Kolas, presented the staff report. **Kolas** noted the background and project goals for the code update as follows:

- Review of Type III variance applications
- Clarification
- More substantive
- Not a departure from established policy

Kolas explained the process for updating code as follows:

- Planning Commission: 1 work session
- City Council: 1 work session
- Notification provided to NDA's
- Code Commentary posted with 30-day notice
- Public hearings

The staff report includes the following proposed amendments:

Title 12 Access Management - Expand City Engineer's authority to modify requirements

- Modification with access study rather than variance

Kolias explained that for the current access standards and requirements, a Type III variance does not seem like the right process to modify engineering safety standards.

Kolias noted that the modification process already exists within the current code for some standards, but not all, and that the proposed code amendment would include what the access study would be, what it would require, and what information the city engineer would need to modify those standards. It is noted that Staff also discussed what the appeal process would be as the current code is not clear. **Commissioner Joseph Edge** asked a clarifying question regarding the proposed amendment and the transportation system plan update process, inquiring if the city engineer has the authority to override a policy to allow an access on a segment of street where policy intends for such access not to occur.

Kolias explained that there are sections of the code that state staff cannot deny access to an existing parcel, it's when the city is creating new properties through a partition that the authority of the city engineer can come into play. **Edge** questioned the appeal process. **Kolias** elaborated on the question and current process, and let the commission know that staff will return with additional information regarding the inquiry.

Chair Sherman noted that the penalty for 12.16.070 is quite minor, but later retracted his comment.

Zoning Code – Definitions – Plex development

- Distinguish “plexes” from cottage clusters and townhouses

Kolias explained how plexes behave differently than cottages, cottage clusters, and town houses, in some sections of the current code, staff would like to use the term ‘plex development’ and have a definition for it.

Kolias shared proposed amendments to the Milwaukie Municipal Code (MMC):

- MMC 19.301 and 19.302 - Revise minimum lot size for a townhouse on a corner lot. Accommodate larger min. street yard setback.

Chair Sherman asked if we should think more broadly about corner lots. **Kolias** agreed that developing corner lots has been challenging for property owners. **Weigel** let the commission know that corner lots will be added to the ongoing code-fix list. **Edge** asked what the policy specifications are for the street side yard setback. **Kolias** noted that corner lots are treated like a front yard, maintaining a relationship with the street similar to the way a front yard does. **Edge** noted that this is consistent with the policy regarding buildings needing to compliment the public realm. **Carpenter** asked how this would affect applicants who apply for a partition used to establish new lots. **Kolias** explained the process the applicant would have to go through in that scenario. **Chair Sherman** asked if the commission is interested in reducing the minimum street side yard setback, **Edge** answered yes. **Carpenter** noted the logistical and safety reasons behind having setbacks and suggested it be reviewed by engineering staff. **Weigel** expressed this as a valid conversation worth starting but it is not necessarily a “housekeeping plus” issue. **Chair Sherman** agreed and suggested presenting this briefing to the City Council.

Kolias shared proposed amendments to the Milwaukie Municipal Code (MMC):

- MMC 19.303 – GMU Zone - Remove the Type III height variance requirement for projects using 2 height bonuses.

Hemer asked clarifying questions comparing the different residential zoning bonuses and qualifications. **Edge** commented on the idea of only giving height bonuses when there are mixed uses, **Edge** also noted that the code is currently promoting more residential development which is consistent with the city's goals of housing affordability and incentivizing residential development. **Weigel** noted that this is more of a policy question and not a housekeeping issue. **Weigel** suggested including this conversation into staff's upcoming HUB work.

Kolias shared proposed amendments to the Milwaukie Municipal Code (MMC):
MMC 19.312 – NMIA – Revise the applicability of design standards

- only for development within 50 feet of a front or street side lot line.
- 2017 SE Moores St example (VR-2022-009)

Edge asked a clarifying question regarding visibility vs distance from the street. **Kolias** replied that it is specific to a measured distance. **Edge** stated the intent is what is visible from the street, if it was reasonable to expect that new development may occur in that 50 ft or more than it may be fine to not have the same standards, **Edge** would like to honor the existing policy by finding something clear and objective beside the proposed measurement requirement. Per **Chair Sherman's** request, **Kolias** offered examples of what adopting the new policy would look like. **Chair Sherman** asked a follow up question regarding approving new construction and non-conforming structures. **Kolias** replied that the hope for the NMIA is to see redevelopment. **Carpenter** inquired about the landscaping requirements, **Kolias** replied that those requirements would remain as they are.

Kolias shared proposed amendments to the Milwaukie Municipal Code (MMC):
Supplementary Dev Regulation (MMC 19.500)

- Allow back decks to encroach up to 6 ft into rear yard; same standards as the front porches
- Revise applicability of design standards to a Type B accessory structure – up to 600 sq ft = metal siding.

Chair Sherman asked what the setback requirements would be. **Kolias** answered 5 feet. **Vice Chair, Josh Freeman** asked if it would apply to ADU's, **Kolias** answered that ADU's have their own design standards. **Chair Sherman** clarified the accessory types, heights, and setbacks. **Carpenter** asked about lot coverage requirements. **Kolias** answered that this amendment complies with the lot coverage requirements. The commission discussed urban forestry requirements.

Kolias shared proposed amendments to the Milwaukie Municipal Code (MMC):
Cottage Clusters (MMC 19.505.4)

-Allow up to 3 attached cottages in the R-MD

- Provides for more efficient construction
- All other size standards for dwellings remain

-Limit attached cottages in the R-HD to 4

- Eliminate perceived conflict with multi-unit development

Hemer asked clarifying questions regarding the size and definition of cottage clusters.

Kolias provided examples and explained the specifics of this amendment as it pertains to the R-MD. **Carpenter** asked if this type of accommodation effects density. **Kolias**

replied that there is no maximum density for middle housing. **Chair Sherman** commented on the public concerns regarding affordability. **Edge** and **Vice Chair Freeman** extended their support for the proposed amendment.

Parking (MMC 19.600) – Clarify applicability of EV infrastructure requirements

- New parking spaces AND new structure
- Includes new commercial parking structures

Chair Sherman asked if the new structure definition applied to major renovations.

Carpenter asked a clarifying question regarding a section of the staff report.

Chair Sherman asked if there were any additional questions or comments regarding the work session. **Hemer** advocated for new code that would require a 6 ft screen/barrier between vacation rental homes and the neighboring homes. **Vice Chair Freeman** and **Carpenter** expressed comments of ambivalence. **Chair Sherman** offered support of the proposal.

(02:32:02)

8.0 Planning Department/Planning Commission Other Business/Updates

Chair Sherman reminded the public that the city is currently taking applications for new members to join Milwaukie's boards and commissions.

Hemer advertised for the Ledding Library's upcoming program, 'The Councilors'.

Weigel gave an update on the progress of the TSP as well as the HUBS work that staff will be continuing work on. **Chair Sherman** updated the commission and staff on the Hillside planned development.

(02:34:18)

9.0 Forecast for Future Meetings

March 14th, 2023: Canceled

March 28th, 2023: Canceled

Meeting adjourned at approximately 9:00 p.m.

Respectfully submitted,

Petra Johnson, Administrative Specialist II