



COUNCIL REGULAR SESSION

City Hall Council Chambers, 10722 SE Main Street
& Zoom Video Conference (www.milwaukieoregon.gov)

2353rd Meeting

MINUTES

MARCH 1, 2022

Council Present: Councilors Lisa Batey, Angel Falconer, Desi Nicodemus, Council President Kathy Hyzy, and Mayor Mark Gamba

Staff Present: Joseph Briglio, Community Development Director
Justin Gericke, City Attorney
Brandon Gill, Information Technology (IT) Manager
Vera Kolas, Senior Planner
Ann Ober, City Manager
Peter Passarelli, Public Works Director

Natalie Rogers, Climate & Natural Resources Manager
Scott Stauffer, City Recorder
Laura Weigel, Planning Manager
Courtney Wilson, Urban Forester

Mayor Gamba called the meeting to order at 6:00 p.m.

1. CALL TO ORDER

A. Pledge of Allegiance.

B. Native Lands Acknowledgment.

2. ANNOUNCEMENTS

Mayor Gamba announced upcoming community activities, including a women's history month heritage lecture, two poetry reading events, and a mason bee workshop.

3. PROCLAMATIONS AND AWARDS

A. Women's History Month – Proclamation

Linda Carr, Milwaukie Historical Society, remarked on the impact women have had on the community. **Mayor Gamba** proclaimed March to be Women's History Month.

B. Enid Briggs Memorial – Proclamation

Carr and **Al Scott**, a member of the Brigg's family, commented on Enid's life and work in Milwaukie. **Mayor Gamba** read the proclamation memorializing Enid Briggs.

4. SPECIAL REPORTS

A. City Manager Updates – Report

Ober encouraged the public to watch the February 28 Budget Committee meeting video to learn about ongoing projects and provided an update on the replat of the current city hall site. **Ober** and **Stauffer** encouraged Council to project clearly into the Chambers microphones and the group commented on wearing masks during Council meetings.

5. COMMUNITY COMMENTS

Mayor Gamba reviewed the public comment procedures and **Ober** reported that there was no follow-up report from the February 15 community comments. No audience member wished to speak to Council.

6. CONSENT AGENDA

It was moved by Councilor Batey and seconded by Councilor Falconer to approve the Consent Agenda as presented.

A. City Council Meeting Minutes:

1. February 1, 2022, Work Session, and
2. February 1, 2022, Regular Session.

B. Resolution 17-2022: A resolution of the City Council of the City of Milwaukie, Oregon, making an appointment to the Park and Recreation Board.

C. Resolution 18-2022: A resolution of the City Council of the City of Milwaukie, Oregon, granting an exemption from property taxes for a 28-unit low-income housing development owned and operated by Northwest Housing Alternatives, Inc.

D. Resolution 19-2022: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing an intergovernmental agreement with Clackamas County Water Environment Services for the regional inflow and infiltration reduction grant program.

E. Resolution 20-2022: A resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, authorizing execution of a contract with GovBuilt for software as a service to support permitting, licensing, land use, and code enforcement.

Motion passed with the following vote: Councilors Falconer, Batey, Nicodemus, and Hyzy and Mayor Gamba voting “aye.” [5:0]

7. BUSINESS ITEMS

A. Annexation of 5905 SE Hazel Place – Ordinance

Kolias explained that the request to annex the property was due to an emergency sewer connection. **Councilor Batey** and **Kolias** remarked on what caused an emergency sewer connection.

It was moved by Councilor Falconer and seconded by Councilor Batey for the first and second readings by title only and adoption of the ordinance annexing a tract of land identified as Tax Lot 1S2E30DA05100 and located at 5905 SE Hazel Pl into the city limits of the City of Milwaukie (File #A-2021-006). Motion passed with the following vote: Councilors Falconer, Batey, Nicodemus, and Hyzy and Mayor Gamba voting “aye.” [5:0]

Ober read the ordinance two times by title only.

Stauffer polled the Council with Councilors Batey, Nicodemus, Hyzy, and Falconer and Mayor Gamba voting “aye.” [5:0]

Ordinance 2214:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ANNEXING A TRACT OF LAND IDENTIFIED AS TAX LOT 1S2E30DA05100 AND LOCATED AT 5905 SE HAZEL PL INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE (FILE #A-2021-006).

8. PUBLIC HEARING

A. Comprehensive Plan Implementation, Housing and Parking Code Amendments (continued) – Ordinance and Resolution

Call to Order: **Mayor Gamba** called the continued public hearing on the proposed amendments to the code, file #ZA-2021-002, to order at 6:34 p.m.

Purpose: **Mayor Gamba** announced that the purpose of the hearing was to receive the staff report and take public comment on the proposed housing and parking code amendments as part of a multi-meeting hearing on the Comprehensive Plan code implementation project.

Conflict of Interest: no Council member declared a conflict of interest.

Staff Presentation: **Kolias** provided an overview of the housing and parking code implementation project, noting the goal of the changes.

Kolias discussed the impacts of Oregon House Bill (HB) 2001 on the proposed code and the goal to reduce the number of residential zones. **Councilor Batey** and **Kolias** remarked on residential zoning types and noted that most zones were R-7.

Kolias discussed the goal to reduce the number of land use designations and changes to housing definitions in the code. **Councilor Batey**, **Kolias**, and **Mayor Gamba** commented on differences between the current and proposed land use designations and definitions in terms of how housing density is calculated. They noted that tree protections were not called out in the housing density calculations.

Kolias reviewed current and proposed housing development standards for different lot sizes. The group commented on the Planning Commission's consideration of whether to allow smaller lots to be developed into multiple housing units and how land value impacts a developers' ability to build multi-unit housing structures.

Kolias reported that the proposed code would allow attached and detached multi-unit housing developments. **Councilor Batey** and **Kolias** remarked on differences between detached housing units and accessory dwelling units (ADUs).

Kolias discussed the proposed building height standard changes. The group commented on how yard setbacks and building height impacts a neighborhood feel.

Kolias presented proposed changes to lot coverage and minimum vegetation standards and remarked on how building height could influence a developers' decision making in terms of saving trees and maximizing the use of a lot. **Mayor Gamba** and **Kolias** remarked on whether building height and size rules could trigger tree code requirements and if those rules could deter the city's ability to reach its tree canopy goal.

Kolias discussed example scenarios that illustrated what would be allowed under the proposed code given certain lot sizes for single-family and multi-unit housing types. The group remarked on the examples and the housing types the code would allow and noted the Planning Commission's deliberation on development standards.

Mayor Gamba and **Kolias** remarked on the public comments that had observed that some of the city's residential design standards were not energy efficient and the possibility of revisiting the standards to address such concerns.

Kolias reviewed proposed code changes related to ADUs. **Mayor Gamba**, **Kolias**, and **Councilor Batey** commented on building an ADU or a detached duplex, noting how each would have different parking, density requirements, and frontage improvements.

Councilor Batey and **Kolias** remarked on why the proposed code would treat three-year old garages differently in terms of ADU conversion processes. **Councilor Batey** suggested the three-year term would encourage some developers to cheat the system.

Kolias discussed the proposed code changes related to townhouses, noting HB 2001 requirements. **Councilor Batey** and **Kolias** remarked on how townhomes could be located next to each other in sets of four homes in a row.

Kolias reviewed proposed code changes related to cottage cluster developments in high and moderate density zones. **Mayor Gamba**, **Kolias**, and **Councilor Batey** remarked on whether carriage houses, garages that are remodeled to be ADUs, should be allowed.

Kolias provided an overview of proposed code changes related to flag lots and back lots and the impact of Oregon Senate Bill (SB) 458 on middle housing land divisions. **Councilor Batey** and **Kolias** noted how the “parent house” is determined on a property that similar additional units were built on. They remarked on how SB 458 requirements set-up developers’ decisions on what type of middle housing to build.

Kolias discussed proposed parking code changes, noted requirements set by HB 2001 and the results of a city parking study, and the Planning Commission’s recommendations related to how much parking to require per housing unit. **Mayor Gamba** asked staff to estimate how much street parking would be available for the different parking requirements levels based on the parking study data.

Kolias reported that staff had added a recommendation that Council amend the proposed code changes to require 0.5 parking spaces per dwelling units for middle housing developments located on certain arterial and collector streets. **Councilor Batey** and **Kolias** remarked on their conversations with a planner from the City of Tigard about that city’s recent parking requirement changes that were like the proposed code.

Mayor Gamba recessed the meeting at 8:07 p.m. and reconvened at 8:15 p.m.

Audience Testimony:

Elvis Clark, Milwaukie resident, suggested that a parking study review be required for middle housing developments where no on-site parking was required and remarked on areas of Milwaukie where it was hard to find on-street parking.

Conduct of Hearing: **Mayor Gamba** reviewed the public commenting procedures.

Correspondence: staff reported that correspondence on the housing and parking code amendments had been received from Pamela Quinlan, Teresa Bresaw, 1000 Friends of Oregon, Elvis Clark, Jill Bowers, Teresa Evans, Siri Bernard, Judy Schoepp, Proud Ground, Claire Hobson, David Aschenbrenner, Bernie Stout, Ronelle Coburn and Chris Ortolano, Lisa Gunion-Rinker, the Oregon Education Association, Tory and Yvonne McVay, Krista Downs, and Becki Hayes.

Audience Testimony (continued):

Ronelle Coburn, Milwaukie RIP representative, read a statement encouraging Council to require one parking space per new middle housing unit. **Mayor Gamba** and **Coburn** remarked on the construction estimates used by members of the Planning Commission in the Commission’s recommendation that Council adopt a parking code that requires zero on-site parking for new middle housing units.

Russ Stoll, Milwaukie resident, expressed support for the updated Comprehensive Plan and thank Council and staff for their work on the new document.

The group noted that Bernie Stout had submitted a speaker registration card to yield time to Coburn and had not wanted to speak.

Tony Jordan, Parking Reform Network President, remarked that other cities had removed on-site parking requirements and encouraged Council to adopt the parking code as recommended by the Planning Commission.

Joseph Edge, Planning Commissioner, remarked on the need for the city to encourage the development of affordable housing and suggested the proposed code would support such new construction.

Nate Ember, unincorporated Clackamas County resident, applauded the city's Comprehensive Plan update work and suggested that the proposed code be amended to allow for attached duplex style housing and incentives to preserve historic homes. **Mayor Gamba** and **Ember** commented on the definition of historic homes and other elements on a lot that the city might want to preserve. **Councilor Batey** and **Ember** noted why single-family housing units could not be stacked on top of each other without triggering other code sections that would make a construction project more expensive.

Michael Andersen, senior housing researcher at the Sightline Institute, suggested that it was unlikely that Milwaukie would see a lot of duplex and infill housing projects built once the code made it more feasible to do based on how few had been built in other cities in the region where such housing had been possible for decades. **Council President Hyzy** and **Andersen** remarked on research done by Andersen that looked at the economics of converting a single-family home into multi-family housing and how Milwaukie's market for multi-family housing compared to other cities.

Staff Response to Testimony: Staff had no response to the public comments.

Questions from Council to Staff: **Councilors Falconer** and **Batey** asked about the commercial building code requirements for stacked housing and **Kolias** suggested staff would provide such information at the next hearing.

Councilor Batey asked that staff provide additional definitions and triggers for affordable housing incentives and other items at the next hearing.

The group discussed how to proceed with the hearing at the current and next meetings.

Councilor Batey and **Mayor Gamba** noted several parts of the housing and parking code that may require wording changes or further consideration by Council. **Kolias** reported staff would follow-up on the items at the next hearing.

Mayor Gamba asked for Council feedback on the proposal to not require onsite parking for middle housing developments that are not on arterial or collector streets. The group discussed the proposal, and it was noted that Council wanted additional information from staff before making a decision.

Close Public Comment: **It was moved by Councilor Falconer and seconded by Council President Hyzy to close the public comment part of the hearing on the proposed housing and parking code amendments for the current session with the understanding that further public comment would be taken at the next session. Motion passed with the following vote: Councilors Batey, Nicodemus, Falconer, and Hyzy and Mayor Gamba voting "aye." [5:0]**

11214

Mayor Gamba closed the public testimony part of the hearing at 8:54 p.m.

Continue Hearing: **It was moved by Councilor Falconer and seconded by Council President Hyzy to continue the hearing on the Comprehensive Plan Code Amendments, file #ZA-2021-002, to a date certain of March 15, 2022. Motion passed with the following vote: Councilors Falconer, Batey, Nicodemus, and Hyzy and Mayor Gamba voting “aye.” [5:0]**

Mayor Gamba closed the public hearing at 8:54 p.m.

9. COUNCIL REPORTS

None.

10. ADJOURNMENT

It was moved by Councilor Nicodemus and seconded by Councilor Falconer to adjourn the Regular Session. Motion passed with the following vote: Councilors Falconer, Batey, Nicodemus, and Hyzy and Mayor Gamba voting “aye.” [5:0]

Mayor Gamba adjourned the meeting at 8:55 p.m.

Respectfully submitted,



Scott Stauffer, City Recorder