



# Milwaukie City Council



### **COUNCIL WORK SESSION**

### AGENDA

APRIL 19, 2022

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

**Council will hold this meeting in-person and through video conference.** The public may attend the meeting by coming to City Hall or joining the Zoom webinar, or watch the meeting on the <u>city's YouTube channel</u> or Comcast Cable channel 30 in city limits. **For Zoom login** visit <u>https://www.milwaukieoregon.gov/citycouncil/city-council-work-session-298</u>.

**To participate in this meeting by phone** dial **1-253-215-8782** and enter Webinar ID **847 1299 8920** and Passcode: **331507** To raise hand by phone dial \*9.

**Written comments** may be delivered to City Hall or emailed to <u>ocr@milwaukieoregon.gov</u>. Council may take limited verbal comments.

Not	Page #	
1.	Planning Commission – Annual Update (4:00 p.m.) Staff: Laura Weigel, Planning Manager	1
2.	<ol> <li>Statt: Laura Weigel, Planning Manager</li> <li>Vertical Housing Development Zone – Discussion (5:00 p.m.)</li> </ol>	

**3.** Adjourn (5:30 p.m.)

#### Meeting Accessibility Services and Americans with Disabilities Act (ADA) Notice

Staff: Joseph Briglio, Community Development Director

The city is committed to providing equal access to public meetings. To request listening and mobility assistance services contact the Office of the City Recorder at least 48 hours before the meeting by email at <u>ocr@milwaukieoregon.gov</u> or phone at 503-786-7502. To request Spanish language translation services email <u>espanol@milwaukieoregon.gov</u> at least 48 hours before the meeting. Staff will do their best to respond in a timely manner and to accommodate requests. Most Council meetings are broadcast live on the <u>city's YouTube channel</u> and Comcast Channel 30 in city limits.

#### Servicios de Accesibilidad para Reuniones y Aviso de la Ley de Estadounidenses con Discapacidades (ADA)

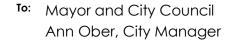
La ciudad se compromete a proporcionar igualdad de acceso para reuniones públicas. Para solicitar servicios de asistencia auditiva y de movilidad, favor de comunicarse a la Oficina del Registro de la Ciudad con un mínimo de 48 horas antes de la reunión por correo electrónico a <u>ocr@milwaukieoregon.gov</u> o llame al 503-786-7502. Para solicitar servicios de traducción al español, envíe un correo electrónico a <u>espanol@milwaukieoregon.gov</u> al menos 48 horas antes de la reunión. El personal hará todo lo posible para responder de manera oportuna y atender las solicitudes. La mayoría de las reuniones del Consejo de la Ciudad se transmiten en vivo en el <u>canal de YouTube de la ciudad</u> y el Canal 30 de Comcast dentro de los límites de la ciudad.

#### **Executive Sessions**

The City Council may meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660(2); all discussions are confidential; news media representatives may attend but may not disclose any information discussed. Final decisions and actions may not be taken in executive sessions.



### **COUNCIL STAFF REPORT**



4/19/22 OCR USE ONLY

WS 1.

Date Written: Apr. 7, 2022

- Reviewed: Ann Ober, City Manager, and Joseph Briglio, Community Development Director
  - From: Laura Weigel, Planning Manager

### Subject: Joint Meeting — Planning Commission Work Program

### ACTION REQUESTED

Each year Council holds a joint meeting with the Planning Commission to discuss the upcoming work program and bylaws. The Planning Commission bylaws were updated last year. As a result, the request is to just discuss the work program.

### HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

The Commission bylaws were established in 2010 and were revised in 2017.

On October 8, 2019, the Commission discussed its draft work program for 2020.

On <u>November 24, 2020</u>, the Commission discussed its draft work program and discussed revisions to its bylaws, and on <u>January 12, 2021</u>, continued discussing the revised bylaws, which they approved for recommendation to Council for its consideration.

On <u>April 20, 2021</u> the Council held a joint session with the Commission to discuss the 2021 workplan and proposed updates to the Commission bylaws.

On June 15, 2021 Council adopted the revised Commission bylaws including appointing the Commission to serve as the city's Community Involvement Advisory Committee (CIAC).

On <u>November 9, 2021</u> the Commission began holding time on the agenda to act as the CIAC and will continue do so moving forward.

### DISCUSSION

The Commission serves the city by reviewing and advising on matters related to planning and zoning, as set forth in the Comprehensive Plan and zoning, sign, and land division ordinances. The Commission does this by presiding over land use and development applications, guiding the development of long-range plans, and proposing updates and amendments to the Milwaukie Municipal Code (MMC) and Comprehensive Plan. Planning department staff works closely with the Commission to make progress in all these areas. The major accomplishments of the last year and the work program for the coming year are outlined below.

### A. Major Accomplishments in 2021

The Commission worked on several significant projects since last discussing its work program with Council. Projects included:

- Comprehensive Plan Implementation Phase One initiated the process of adopting revised housing, parking, and development related tree code after and year and a half of public process.
- Development Review: The development review counter at the city's Johnson Creek Boulevard (JCB) office was closed to the public the first half of 2021 due to public health concerns related to COVID-19. Although JCB was closed business continued as usual by providing development review services over the phone and through email and web-based meetings and preapplication conferences. JCB opened to the public in mid-June 2021 and staff continue to maintain a high level of customer service.
  - Development review has required a significant amount of the Commission's time over the past year. The Commission held 19 public hearings on 14 different land use applications including:
    - Comprehensive Plan Implementation
    - Zoning Code Updates
    - 7 Variance Request
    - 1 Planned Development
    - 1 Conditional Use
  - The three largest projects to be approved in 2021 were Hillside (500 new units), Coho Point (195 new units) and Henley Place (178 new units).
- A joint meeting of the Commission and the Neighborhood District Associations (NDAs) was held on <u>October 21, 2021.</u> As a result of this meeting planning did the following:
  - Revised Planning's <u>submitted applications webpage</u> by adding a description of the application, the NDA location of the application and a hyperlink to the NDA. Also added a link to the pre-application page.
  - Held a revised Land Use 101 training on March 31, 2022, open to NDA's and the public. There were eight attendees.
  - Planning staff is in the process of updating its website to make it more user friendly.

#### B. 2022-2023 Work Program

The purpose of the joint meeting on April 19 between the Commission and Council is to provide an opportunity for discussion and to build a mutual understanding of goals and priorities moving forward (Attachment 1).

#### **Development Review**

Before discussing the numerous projects slated for 2022-2023 it is important to note that development review accounts for a large amount of Commission and staff time. Development review projects are unpredictable and as result long-range project progress can be impacted. That said, staff does its utmost to keep long range projects on schedule.

### Comprehensive Plan Implementation Project, Phase Two

Staff has already started working on phase two of implementation:

• Kick-off the new Transportation System Plan (TSP) project. In 2021 the city received a \$250,000 Transportation Growth Management (TGM) grant. Staff has been working

with the Oregon Department of Transportation (ODOT) to finalize the scope of work. The next step is to select a consultant. Once the consultant is selected the finalized scope is sent to the Oregon Depart of Justice for review which could take up to three months. The expectation is that the project will officially kick-off with the public in late summer/early fall 2022. The project must be complete by June 2024.

- Kick-off the Neighborhood Hubs project in the summer of 2022. Staff is currently developing a project approach and scope of work to discuss with Council this summer.
  - As part of the Hubs work staff will also potentially explore consolidating commercial designations and rezone with new updated zones.
- Consolidate high density residential zones and revise definitions.

### Housing Capacity Analysis (HCA) / Housing Production Strategy (HPS)

The city is required by the state (Oregon House Bill (HB) 2003) to create an HCA and HPS. The city was awarded a \$127,00 grant to complete this work by June of 2023. A consultant has been hired and the project is officially underway. The first meeting with the Housing Capacity Technical Committee (HCTC) is scheduled to occur in late April.

### Revise the Downtown Design Review Standards and Process

From 2018-2020 the Design and Landmarks Committee (DLC) worked on updating the downtown design guidelines and to better integrate them with the design standards in the code. The project has been on hiatus since early 2020. Staff is currently revising the scope with the consultant to complete this project by the end of 2022. The effort will eliminate existing gaps between the current design standards and design guidelines and should reduce ambiguity in the review process.

### Other Code Projects:

### Climate Friendly Equitable Communities Rulemaking Code Updates as Required

On March 10, 2020, Governor Kate Brown issued Executive Order 20-04, directing state agencies to reduce climate pollution. In response, the Oregon Land Conservation and Development Commission (LCDC) is in the process of updating Oregon's Transportation Planning Rules and related administrative rules. The LCDC is slated to adopt the <u>new rules</u> in May 2022. Most of the new rules apply to local TSPs and will be addressed through the city's update to that document. Two of the rules related to parking (660-12-430 and 440) will apply by December 2022. One is a reduction of parking mandates for specific development types and the other is the removal of parking requirements within priority transit corridors and light rail. Several more rules related to parking more will likely apply by March 2023. Staff will provide a briefing on the applicable rules this summer.

### Electric Vehicle Charging Code Update (Oregon HB 2180)

On July 1, 2022, the state building code will require the following newly constructed building types to include provisions for electrical service capacity for charging electric vehicles for a no less than 20 percent of parking spaces:

- o Commercial buildings under private ownership,
- o Multifamily residential buildings with five or more residential dwelling units, and
- Mixed-use buildings consisting of privately owned commercial space and five or more residential dwelling units.

The city through its land use process may require that each newly constructed building described above include provisions for electrical service capacity to accommodate more than 20 percent of vehicle parking spaces in the garage or parking area for the building. Staff will be bringing the proposed code changes to the Commission and Council in late summer 2022.

#### C. 2024-2026 Work Plan

### Comprehensive Plan Implementation Project, Phase Three

Phase Three work is anticipated to kick-off in the latter half of 2023 and continue through 2026. Projects include:

- Updating the Natural Resources Inventory
- Expanding flood plain protection
- Potentially creating a new parks/institutions zone
- Revising the Willamette Greenway zone to establish two tiers of review and create a clear and objective path for housing
- Reviewing/consolidating/updating Downtown and Central Milwaukie plans to potentially create one plan with subplans included
- Updating the Historic Resources Inventory

#### **D.** Planning Commission Bylaws

In 2021 the Commission and Council worked together to update the Commission's bylaws which included assigning the Commission to serve as the CIAC specific to land use as well as a making a minor change to the meeting minute signature process (Attachment 2).

The need to streamline the city's boards and committees (BC) bylaws was discussed by Council and staff over the past several years which resulted in a new bylaw template that was approved by Council 2021. Staff will be working with the Commission over the next year to update the bylaws to reflect recent updates to the template.

### **BUDGET IMPACT**

The planning department has sufficient funding to carry out the objectives outlined in this report for the current biennium.

### WORKLOAD IMPACT

The work for the current biennium has been assigned to specific staff and workloads are being adjusted to accommodate projects in addition to providing a high level of customer service for development review.

### **CLIMATE IMPACT**

Several of the projects for 2022-2023 can have an impact on climate goals for the community. The Comprehensive Plan Implementation Phase Two includes a full revision of the city's TSP which will focus on how the city can reduce vehicle miles travelled and greenhouse gas emissions and facilitate energy efficiency through improvements to the transportation system with a particular focus on prioritizing actions that will help vulnerable populations and impacted communities adapt to climate change impacts.

### COORDINATION, CONCURRENCE, OR DISSENT

Planning, community development, engineering, and public works staff have a role in the work forecasted.

### STAFF RECOMMENDATION

Staff recommends that the Council and Commission review and discuss the workplan.

### ALTERNATIVES

None.

### ATTACHMENTS

- 1. 2022-2026 Planning Work Forecast
- 2. Planning Commission Bylaws

	Pl	annir	ng Work	Forecast 20	22-202	6											
Task	Plan/Zone Map	Code Change	Engagement Level	Team	Consultant Needed		<b>2022</b>		<b>2023</b>	04 01		2 <b>4</b> Q3 Q4	4 01	202			026
CURRENT PLANNING																	<u> </u>
A. Comp Plan Implementation- Phase 1 + HB 2001																	
1. Housing, Tree and Parking Code implementation April Adoption	Yes	Yes	High	Co-Lead: CD & Planning Support: Engineering (SDCs) + Outreach: CMO	Yes												
3. Comp Plan Implementation - Phase 2															_		
1. Transportation Systems Plan – Update – multi-year effort	Yes	Yes	High	Lead: Planning Support: Engineering + Outreach: CMO	Yes												
2. Neighborhood Hubs	Yes	Yes	High	Lead: Planning Support: CD; Engineering + Outreach: CMO	Yes												
<ol> <li>Housing Needs Analysis Update/Housing Production Strategy (Required)</li> </ol>	Yes	Yes	High	Lead: Planning Support: None	Yes								Γ				
4. Downtown Design Review Update	Yes	Yes	Moderate/High	Lead: Planning Support: None	Yes		1			Т	1		T				
5. Residential High Density Zones Review	Yes	Yes	Low	Lead: Planning	No								1				
Comp Plan Implementation - Phase 3				Support: None						_							
Natural Resources Inventory and Code Update	Yes	Yes	High	Lead: Planning Support: None + Outreach: CMO	Yes												
<ol> <li>Flood Protection – Consider creating a zoning overlay for added protection</li> </ol>	Yes	Yes	High	Lead: Planning Support: Engineering													
<ol> <li>Parks and Institutions Zone – Create a new zone</li> </ol>	Yes	Yes	Moderate	Lead: Planning Support: None	Maybe												
4. Willamette Greenway – Update code	Yes	Yes	Moderate	Lead: Planning Support: None	Maybe												
5. New Plan that consolidates/updates all downtown plans	Yes	Yes	High	Lead: Planning Support: None	Yes												
6. Historic Resources Inventory Update	Yes	Yes	Moderate	Lead: Planning Support: CMO + Outreach: CMO	Yes												
<ol> <li>Urban Growth Management Agreement – adopt a new agreement with the County</li> </ol>	Yes	No	Low	Lead: Planning & City Attorney Support: Public Works, CMO, & Engineering	Not likely												
D. Other Planning-Related Plan/Code Amendments								 									
1. EV Charging Code Update	No	Yes	Low														
(HB 2180 & Gov Climate Order) 2. Climate Friendly Equitable Communities (Gov. Brown Executive Order 20-04)	Yes	Yes	Low							╉			$\uparrow$		┼╏	+	
3. Sign Code Update	No	Yes	Moderate to High	Lead: Planning Support: City Attorney	Maybe												
4. Bi-annual Housekeeping Code Amendments	No	Yes	Low	Lead: Planning Support: None	No												
<ol> <li>Natural Resources Code Amendment – Add clear and objective standards (if required)</li> </ol>	No	Yes	Moderate	Lead: Planning Support: City Attorney	No												
Completed Projects																	
1. Flood Protection – Update code section required by DLCD	Maybe	Yes	Moderate	Lead: Planning Support: Engineering	No								Ι				
<ol> <li>Central Milwaukie Bikeways Plan – TSP and Central Milwaukie Plan Amendment</li> </ol>	Yes	No	Moderate	Lead: Planning Support: Engineering	Yes – Grant Funded												
<ol> <li>Emergency shelter during natural disasters and temporary transitional housing for those experiencing houselessness - code updates</li> </ol>	No	Yes	Moderate & High	Lead: CDD Support: Planning	No												

#### MILWAUKIE PLANNING COMMISSION BYLAWS

#### ARTICLE I NAME

The name of this commission is the Planning Commission (Commission).

#### ARTICLE II PURPOSE, AUTHORITY, AND OBJECTIVE

- A. <u>Purpose.</u> The purpose of the Commission is to serve as an advisory body to, and a resource for, the City Council in land use matters. In addition, the Commission will carry out the roles and responsibilities as assigned under Milwaukie Municipal Code (MMC) Section 2.16.010.
- B. <u>Authority.</u> The Commission is authorized by ORS 227 and MMC Chapter 2.16.
- **C.** <u>**Objective.**</u> The Commission's objectives include articulating the community's values and commitment to socially and environmentally responsible uses of its resources as reflected in the Comprehensive Plan.
- **D.** <u>**Open Meetings.**</u> All meetings of the Commission are open to the public. The Commission has the authority to conduct an executive session under ORS 192.660.

#### **ARTICLE III MEMBERSHIP**

- A. <u>Appointment.</u> Each Commission member will be appointed by the Mayor with the consent of Council, consistent with MMC 2.10.030 G. Members will serve at the pleasure of the Council.
- **B.** <u>**Term of Office.**</u> Terms are for a period of four years. Commission members may serve no more than two consecutive full terms, unless there is an interval of at least one term prior to reappointment. The Council may waive this limitation if it is in the public interest to do so.
- **C.** <u>Membership.</u> The Commission consists of seven members. No more than two members may be non-residents, and no more than two members can be engaged in the same kind of occupation, business, trade, or profession. No member may be a City of Milwaukie officer, agent, or employee; and no more than two voting members of the Commission may engage principally in the buying, selling, or developing of real estate for profit as individuals; or members of any partnership, or officers or employees of any corporation that engages principally in the buying, selling, or developing of real estate for profit.
- **D.** <u>Vacancies and Removal.</u> Vacancies are filled in the same manner as the original appointments. A member of the Commission may be removed by the appointing authority, after hearing, for misconduct or nonperformance of duty.
- E. <u>Attendance.</u> Upon failure of any member to attend three consecutive meetings, the Commission may recommend termination of that appointment to the Council, and the Council may remove the incumbent from the Commission and declare the position vacant to be filled in the manner of a regular appointment.

**F.** <u>**Compensation.**</u> Commission members will receive no compensation for their service, but will be fully reimbursed for all duly authorized expenses.

#### **ARTICLE IV OFFICERS AND STAFFING**

- A. <u>Officers.</u> The officers consist of a Chair and a Vice Chair who will be selected by the membership and who will serve at the pleasure of the membership for one year. Nominations and election of new officers will be taken from the floor at the Commission's first meeting of the calendar year. Officers may be re-elected. In the event that an officer is unable to complete the specified term, a special election will be held for the completion of the term.
- **B.** <u>**Chair.**</u> The Chair will preside at all deliberations and meetings of the Commission and call special meetings in accordance with these Bylaws and review Commission agendas with the staff liaison.
- **C.** <u>Vice Chair.</u> During the absence, disability, or disqualification of the Chair, the Vice Chair will exercise or perform all duties and be subject to all the responsibilities of the Chair. In the absence of the Chair and Vice Chair, the remaining members present will elect an acting Chair.
- **D.** <u>Staff.</u> The City of Milwaukie Planning Department will provide staff support to the Commission for: land use issues, meeting notifications, postponements, final disposition of matters, and other steps taken or acts performed by the Commission, which include administrative housekeeping functions such as word processing, minutes preparation, copying, and information gathering to the extent the budget permits.

#### **ARTICLE V ORGANIZATIONAL PROCEDURES**

- A. <u>Meetings.</u> The Commission will hold meetings as necessary at a time and place designated by staff consistent with Oregon Public Meetings Law. Typically, the Commission meets at least once a month on the second and/or fourth Tuesday at 6:30 p.m. at City Hall. Commission meetings will end no later than 10:00 p.m., unless extended by majority vote of the Commissioners present and participating in the Agenda item that is under consideration at that time. An extension to 10:30 p.m. is allowed by Commission action. If a meeting has not concluded at 10:30 p.m., the Commission may vote on the Agenda item, consider another extension of up to 30 minutes, or vote to continue the item to the next available meeting.
- B. <u>Quorum.</u> A quorum is four of the voting membership of the Commission. If a quorum is not attained fifteen minutes following the scheduled time of call to order, the meeting will be cancelled. In the event it is known by the Director prior to a meeting that a quorum will not be present at any meeting, the Director will notify the Commission members. All items scheduled for the meeting will be automatically continued to a regularly scheduled meeting unless the Director determines that a special meeting is needed. The Director will post notice of the continuance on the exterior doors of City Hall notifying the public of the continuance and specifying the date and time when the continued items will be before the Commission. The Notice will remain through the evening on which the meeting is originally scheduled.

- C. <u>Order of Business.</u> The Chair will have the authority to arrange the order of business as is deemed necessary to achieve an orderly and efficient meeting. In general, the order of business will be as follows:
  - 1. Call to order Procedural Matters
  - 2. Minutes
  - 3. Information Items
  - 4. Audience Participation
  - 5. Public Hearings
  - 6. Worksession Items
  - 7. Planning Department Other Business/Updates
  - 8. Planning Commission Discussion Items
  - 9. Forecast for Future Meetings.
- D. <u>Voting.</u> All members who are present at a Commission Meeting, including the Chair and Vice Chair, are allotted one vote each on all motions. The concurrence of a majority of the Commission members present will be required to decide any matter. In the case of a tie vote, the matter is not complete. One new motion may be made. If a majority vote is not obtained on that motion the agenda item fails. A motion may be made by any Commissioner with the exception of the presiding officer. All Commissioners, when a vote is taken, will vote unless he or she abstains from voting and cites the reason for the record. Staff will call the roll, altering the order of members called. The Chair will vote last.
- E. <u>Reconsideration of Actions Taken.</u> A member who voted with the majority may move for a reconsideration of an action at the same meeting only. The second of a motion may be a member of the minority. Once a matter has been reconsidered, no motion for further reconsideration will be made without unanimous consent of the Commission.
- **F.** <u>Minutes.</u> A staff representative or designee will be present at each meeting and will provide for a sound, video, or digital recording, or written minutes of each meeting. The record of the meeting, whether preserved in written minutes or sound, video, or digital recording, will include at least the following information:
  - Names of the Commission members present;
  - All motions and proposals, and their disposition;
  - The results of all votes and the vote of each Commission member by name;
  - The substance of any discussion on any matters; and,
  - A reference to any document discussed at the meeting;

Written minutes need not be a verbatim transcript, but give a true reflection of the matters discussed at the meeting and the views of the participants.

Minutes shall be reviewed and voted upon by the Commission at a regular meeting.

Upon approval of the minutes by the Commission, a staff representative will sign and make the minutes available to the public within a reasonable time after the meeting.

- **G.** <u>**Repeal or Amendments.**</u> The Commission may review these bylaws periodically and forward suggested revisions to the Council for approval. These bylaws may be repealed or amended, or new bylaws may be adopted by a majority vote of the Council on its own initiative, or upon a recommendation from the Commission.
- **H.** <u>Meeting Conduct.</u> The meeting conduct for this Commission is these bylaws except where superseded by or local, state, or federal law.
- I. <u>Statement of Economic Interest.</u> Commissioners are required to file annual statements of economic interest as required by ORS 244.050 with the Oregon Government Standards and Practices Commission.

#### **ARTICLE VI DUTIES OF OFFICERS**

- A. <u>Duties of the Chair.</u> The Chair or Vice Chair, in addition to the duties in Article IV, will preserve the order and decorum of the meeting.
  - 1. The Chair may assess the audience at the beginning of the meeting, and, with the consent of the Commission, announce reasonable time limits.
  - 2. The Chair will direct the planning staff to summarize the issues to be addressed and the criteria to be applied by the Commission during its deliberations, following the conclusion of public hearing testimony.
  - 3. The Chair will summarize the hearing results and state the appeal process\_at the conclusion of the public hearing.
- B. <u>Requesting Response and Opinion.</u> The Chair will ask for response and opinion from the members of the Commission.
- **C.** <u>Appointments to Specific Projects on Committees.</u> The Chair may appoint Commissioners to specific projects or committees, and may select a Commissioner to be spokesperson for the Commission when the Chair or Vice Chair is unavailable.
- **D.** <u>**Confer with Director.**</u> The Chair or Vice Chair shall confer with the Planning Director (Director) on a regular basis outside scheduled meetings concerning the direction each expects of the Commission.
- E. <u>Orientation of New Members.</u> The Chair, in conjunction with the Director, will orient new members.

#### **ARTICLE VII DUTIES OF THE COMMISSION**

- A. <u>Duty of Commissioner.</u> Commissioners will address all those who come before the Commission in a formal and courteous manner.
- **B.** <u>Absence From a Meeting.</u> If a Commissioner is unable to attend a meeting, it is that Commissioner's responsibility to inform the Community Development staff and/or the Commission Chair of that fact prior to the meeting to be missed.

- **C.** <u>Site Visits.</u> Prior to Commission meetings, Commissioners are encouraged to visit sites that are subjects for land use actions. If a Commissioner visits a site, he or she will report on the record any information gained from the site visit that is not consistent with the information included in the application or staff report.
- **D.** <u>Method of Handling Conflicts by Members.</u> In accordance with ORS 244.135: (1) A member of the Commission will not participate in any Commission proceeding or action in which any of the following has a direct or substantial financial interest:
  - 1. The Commission or the spouse, brother, sister, child, parent, father-in-law, mother-in-law of the Commissioner; or
  - 2. Any business in which the Commissioner is then serving or has served within the previous two years; or
  - 3. Any business with which the Commissioner is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.

Any actual or potential interest must be disclosed at the meeting of the Commission where the action is being taken.

- E. <u>Meeting Preparation</u>. Commissioners will prepare for participation at a meeting by fully reviewing the staff report and materials provided by the Director. If a Commissioner is unable to attend a hearing on a quasi-judicial application that is continued to another hearing, the Commissioner will not take part in the continuance hearing unless the Commissioner:
  - 1. Reviews the staff report and materials provided by the Director as well as:
    - a. all materials submitted at the hearing, and
    - b. any additional materials prepared by the planning staff applicable to the application, and
    - c. either the audio recording of the hearing or the draft minutes of the hearing.
  - 2. Declares that they are prepared to participate.
- **F.** <u>**Duties Assigned by Council.</u>** The Commission will carry out the duties assigned to it by Council relating to development, updating, and general maintenance of the Milwaukie Zoning Ordinance and the Milwaukie Comprehensive Plan.</u>
  - a. The Commission will serve as the Community Involvement Advisory Committee (CIAC). Each Commissioner will be considered appointed to the CIAC at the same time as he or she is appointed to the Commission and will serve on the CIAC for the duration of their term. The CIAC will implement the City's community involvement program pursuant to the requirements and relevant guidelines set forth in Statewide Planning Goal 1 and the Comprehensive Plan specific to land use that addresses:

- Opportunities for widespread public involvement
- Effective two-way communication with the public
- The ability for the public to be involved in all phases of the planning process
- Making technical information easy to understand
- Feedback mechanisms for policy-makers to respond to public input, and
- Adequate financial support for public involvement efforts.
- b. The Planning Commission will reserve time on every agenda to meet as needed as the CIAC, and will convene for an annual meeting.
- 2. <u>Other Duties.</u> At least once per year, the Commission will hold a meeting to which Neighborhood District Association (NDA) leaders (e.g., the NDA chair and the chair of the land use committee) <u>are</u> invited to discuss land use issues and community outreach with the Commission.

#### ARTICLE VIII GOALS AND OBJECTIVES

- A. <u>Annual Goal Review.</u> The Commission will review the Council goals annually for establishment of Commission goals which enhance and augment those of the Council.
- B. <u>Establishment of Commission Goals.</u> The Commission will establish goals, at a minimum, annually.

WS 1. 4/19/22 Presentation

Joint City Council & Planning Commission Worksession April 19, 2022 Laura Weigel, Planning Manager



- 2021 Accomplishments
- 2022-2026 Work Program







# PLANNING COMMISSION 2021

Development review and Comp Plan Implementation has required a significant amount of the Commission's time over the past year.

The Commission held 19 public hearings on 14 different land use applications.



### COMPREHENSIVE PLAN IMPLEMENTATION - PHASE 1





### **DEVELOPMENT REVIEW-HILLSIDE**





### **DEVELOPMENT REVIEW-COHO POINT**





### **DEVELOPMENT REVIEW-HENLEY PLACE**





### **DEVELOPMENT REVIEW-DOGWOOD STATION**





## ANNUAL JOINT MEETING PC & NDA'S

#### CURRENT APPLICATIONS

### 2022

Master File	Туре	Description/Address	NDA
MLP-2022-001	Type II Minor Land Partition	4215 SE King Rd`	Hector Campbell Lewelling
ZA-2022-001	Municipal Code Amendment	Expedited Land Division Code Amendments for Middle Housing	None (city-wide)



## ANNUAL JOINT MEETING PC & NDA'S





### 2022-2023+ WORKPLAN



# **DEVELOPMENT REVIEW**

- Middle Housing Application Review
- SB 458 Applications
- Parks
  - Milwaukie Bay Park Final Phase
  - Balfour, Bowman, Scott



### **COMPREHENSIVE PLAN IMPLEMENTATION-PHASE 2**

- Housing Capacity/Production Strategy
- Transportation System Plan





### **COMPREHENSIVE PLAN IMPLEMENTATION-PHASE 2**

### Neighborhood Hubs

### Downtown Design Review & Process





### **ADDITIONAL UPCOMING PROJECTS**

- Climate Friendly Equitable Communities -Parking
  - Reduce parking mandates near frequent transit and for certain development types (end of 2022)
  - Parking mandate reform (March 2023)



### **ADDITIONAL UPCOMING PROJECTS**

- Electric Vehicle Charging Code Update
   SB 2180 Requirements (July)
  - Climate Friendly Equitable Communities
     Requirements goes beyond SB 2180 (March 2023)



## COMPREHENSIVE PLAN IMPLEMENTATION-PHASE 3



Willamette Greenway Historic Resources Natural Resources



Flood Protection Parks & Institutions Zone Downtown Plans Consolidation









### **COUNCIL STAFF REPORT**

- To: Mayor and City Council Ann Ober, City Manager
- Reviewed: Ann Ober, City Manager
  - From: Joseph Briglio, Community Development Director

Subject: Vertical Housing Development Zone Sunset Discussion

### **ACTION REQUESTED**

Council is asked to provide direction on whether staff should pursue extending the existing Vertical Housing Development Zone (VHDZ) or allow it to sunset on July 1, 2022.

#### HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

<u>April 4, 2017</u>: Council considered expansion of the VHDZ and authorized submittal of an application to Oregon Housing and Community Services (OHCS). Council asked staff to return with modified options for the proposed boundary and flexibility in administering the program.

**June 13**, **2017**: Council authorized staff to proceed with an application to the state's VHDZ to expand the boundary following modification of the draft resolution to market the zone only for five years and to come back to Council to define local criteria.

July 5, 2017: Council adopted Resolution 65-2017 authorizing an application to be submitted to the state's VHDZ program.

<u>September 19, 2017</u>: Council approved additional local criteria for qualified projects (i.e., green building certification) and the five-year sunset clause.

#### ANALYSIS

Council adopted <u>Resolution 65-2017</u> on July 5, 2017, which authorized staff to pursue an expanded VHDZ with the caveat that it would sunset in five years (July 1, 2022) and include additional local criteria (i.e., green building certification) for designating qualified projects. Qualified projects within a VHDZ are eligible to receive up to a 10-year property tax abatement on the value of new construction for up to 20 percent per residential floor (for the first four floors above a commercial ground floor). The total property tax abatement of new construction is limited to no more than 80 percent; however, if the developer provides income restricted units at 80% of area median income (AMI) or below, an additional partial property tax exemption on the land value assessment may be given. The general program details are as follows:

- Projects were previously certified through the State OHCS but following the passage of Oregon Senate Bill (SB) 310 in July 2017, administrative responsibility was transferred to the cities and counties with a certified program.
- A zone must be in a qualifying area, consistent with state criteria defined as:
  - Completely comprised by the core area of an urban center,
  - Entirely within one-half mile radius of existing/planned light rail station,
  - Entirely within one-quarter mile of fixed-route transit service, or

WS 2. 4/19/22 OCR USE ONLY



- Contains property for which land-use comprehensive plan and implementing ordinances effectively allow "mixed-use" with residential.
- Tax abatements are applied only to the assessed value of the building, not the land.
- However, an additional partial property tax exemption on the value of the land assessment may be given if some (at least one floor) of the residential housing is designated as income-restricted at 80 percent of AMI or below.
- Each qualifying project is provided with the abatement for a maximum 10-year period.
- The abatement applies to all taxing jurisdictions. Taxing jurisdictions have the option to "opt out" of the zone. Clackamas Fire District #1 (CFD1) was the only taxing jurisdiction that had previously opted out.
- The Council added a "green building certification" criterion for a project to qualify.
- The city's zone is set to expire July 1, 2022.

The purpose of the VHDZ is to encourage and incentivize vertical mixed-use development in designated areas of the city. The city's community development staff have approved one qualified development project, Axletree Apartments, over the last five years. The Council is now tasked with deciding whether to allow the VHDZ to expire on July 1, or direct staff to work on extending it to a future date. To a certain extent, the imminent sunset of the VHDZ presents a philosophical question to Council. That query is whether there is still a need to incentivize mixed-use development or does the program simply provide a benefit for projects that would likely occur because of current market conditions. The advantage of pursuing an extension is that it would assist developers with financing their projects and ensure green building certification. Although it's not a requirement, the program also encourages the creation of income-restricted units. Pursuing an extension will require additional staff time and resources because the process would entail re-approaching the taxing jurisdictions and amending the VHDZ code.

### **BUDGET IMPACT**

A VHDZ allows for a 10-year tax abatement on new buildings up to 20 percent per floor for the first four floors above ground floor commercial. The abatement cannot exceed 80 percent of the value of the new building. The abatement applies to all taxing jurisdictions that do not opt out when the zone is created. Property taxes on existing land, and at least 20 percent of the new construction, are preserved. For Milwaukie, this means foregoing some property tax revenue, as well as increment in urban renewal areas, on new construction during the abatement period. After 10 years, the full value of the project is placed upon the tax rolls.

### WORKLOAD IMPACT

If Council chooses to allow the VHDZ to sunset, then there will be no workload impacts to community development staff; however, if it decides to direct staff to extend the VHDZ, then staff will have to reprogram time and resources to address the regulatory requirements for doing so (i.e., taxing jurisdiction notification and code amendment).

### **CLIMATE IMPACT**

Qualifying development projects are required to meet Milwaukie Municipal Code (MMC) Chapter 19.510 "Green Building Standards." Therefore, if the VHDZ is allowed to sunset, the tax incentive would no longer be available to developers and the city could no longer require green building certification as a condition of receiving the abatement.

### COORDINATION, CONCURRENCE, OR DISSENT

Community development, administrative services, and the city manager are in concurrence with staff's recommendation below.

#### STAFF RECOMMENDATION

The purpose of the VHDZ is to incentivize and spur mixed-use development in targeted areas of the city. Over the last five years, the city has approved one qualified project, Axletree Apartments, in south downtown. This was a market rate project that received an 80 percent abatement (the maximum amount) on the assessed building value. The VHDZ was certainly a benefit to the developer and may have been included in part of their consideration for building in Milwaukie versus another area; however, given the current health of the residential and commercial markets, staff does not believe that the benefit is entirely necessary to attract and provoke development in Milwaukie. It is also not fully clear that the cost of foregone tax is worth the benefit of extending the zone.

Staff recommends allowing the program to sunset July 1, 2022.

#### **ALTERNATIVES**

The Council could direct staff to proceed with extending the VHDZ.

#### **ATTACHMENTS**

Resolution 65-2017
 VHDZ Map

### CITY OF MILWAUKIE COUNCIL RESOLUTION No. 65-2017

#### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING TO APPLY TO THE STATE OF OREGON VERTICAL HOUSING DEVELOPMENT ZONE PROGRAM

WHEREAS, Milwaukie City Council's goals for the 2017-2018 biennium include housing affordability; and

WHEREAS, City's economic development strategy includes core initiatives to increase tools and programs to address land, labor, infrastructure, capital, and marketing for economic development-related projects; and

WHEREAS, City Council requests to sunset the Vertical Housing Development Zone in five years from the date it is implemented, will need to define the parameters for when an application is deemed complete to meet the five-year sunset, and would like to reserve the opportunity to build in local criteria to the front end of the State application process for Vertical Housing Development Zone projects to ensure they meet the city's vision and goals; and

WHEREAS, encouraging development of residential mixed uses within the downtown area can bring more vitality, demand for downtown retail and services, and long-term community wealth with affordability components that will be fully taxed after the partial abatement period ends.

**Now, Therefore, be it Resolved** that by the City Council of the City of Milwaukie, the city hereby requests that the proposed zone be designated a Vertical Housing Development Zone and Council directs staff to file an application to the State of Oregon.

Be it further Resolved, that the Vertical Housing Development Zone will sunset in Milwaukie Oregon July 2022.

Introduced and adopted by the City Council on 7/5/17.

This resolution is effective on  $\frac{7/5/17}{5}$ 

Mark Gamba, Mayor

APPROVED AS TO FORM: Jordan Ramis PC

ATTEST:

Scott S. Stauffer, City Recorder

City Attorney

Page 1 of 1 - Resolution No. 65-2017



### Milwaukie Final Proposed Vertical Housing Development Zone (VHDZ)



City of Milwaukie VHDZ Final Proposed Boundary

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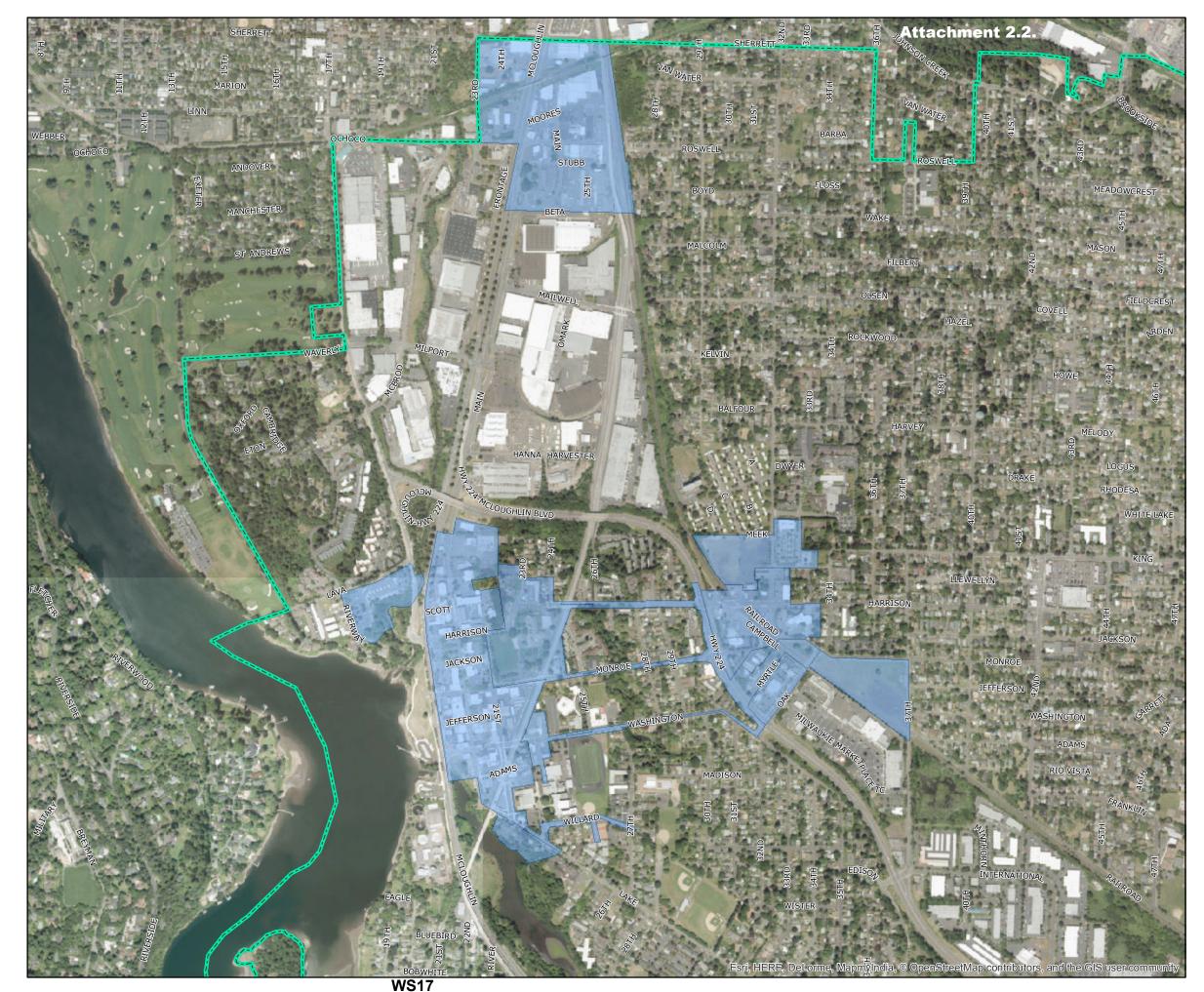
Data Sources: City of Milwaukie GIS, Clackamas County GIS, Metro Data Resource Center, Oregon DEQ

Date: Wednesday, September 06, 2017

The information depicted on this map is for general reference only. The City of Milwaukie cannot accept any responsibility for errors, omissions or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of errors would be appreciated.

GIS Coordinator City of Milwaukie 6101 SE Johnson Creek Blvd. Milwaukie, OR 97206 (503) 786-7498

1	1,000	2,000
		Feet



WS 2. 4/19/22 Presentation

# Vertical Housing Development Zone

City Council – Work Session April 19, 2022

# What is a Vertical Housing Development Zone?

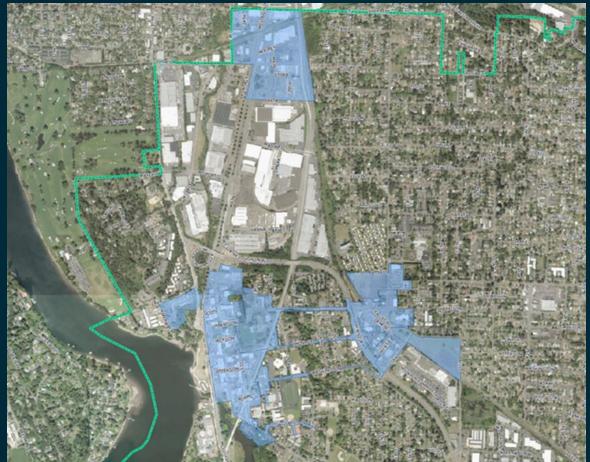


### Economic Development Incentive to spur Vertical Mixed-Use Projects

- 10-year property tax abatement on new buildings up to 20% per floor for mixed-use projects
  - Abatement cannot exceed 80% of the value of the new building construction
  - Additional partial tax abatement on the land value for affordable housing projects

# **BACKGROUND & OVERVIEW**

- SB 310 (2017): Transferred the administrative responsibility to local municipalities
- 2017: City Council authorized the expansion of the VHDZ
  - 5-Year Program
  - Local criteria: Green Building Certification
- The 5-Year Sunset is coming up
  - July 2022



# **PROGRAM OUTCOMES**

### **Five Year Assessment**

### **One Project Approved:**

• Axletree – 110 Market Rate Units

### Prior to program sunset (Assumed)

- Coho Point
- Dogwood Station



# DISCUSSION

- Extend or Sunset?
- If extended, next steps would include:
  - Reach out to taxing districts
  - 45-day public notice to taxing districts
  - Resolution of Approval/Amend Code with updated Sunset





	Rents based on Actual Income Limits 2021									
<u>% MFI</u>	<u>75% of 0 Bdrm</u>	<u>0 Bdrm</u>	<u>1 Bdrm</u>	<u>2 Bdrm</u>	<u>3 Bdrm</u>	<u>4 Bdrm</u>	5 Bdrm			
30%	\$380	\$507	\$544	\$653	\$754	\$841	\$928			
35%	\$444	\$592	\$634	\$762	\$880	\$981	\$1,083			
40%	\$507	\$677	\$725	\$871	\$1,006	\$1,122	\$1,238			
45%	\$570	\$761	\$816	\$979	\$1,131	\$1,262	\$1,393			
50%	\$634	\$846	\$906	\$1,088	\$1,257	\$1,402	\$1,548			
55%	\$697	\$930	\$997	\$1,197	\$1,383	\$1,542	\$1,702			
60%	\$761	\$1,015	<u>\$1,088</u>	\$1,306	\$1,509	\$1,683	\$1,857			
8 <mark>0%</mark>	\$1,015	\$1,354	\$1,451	\$1,742	\$2,012	\$2,244	\$2,477			

Crystal Lake Apts - \$1795 (2 bed / 2 bath); \$1470 1 bed/1 bath

Hamlin Manor - \$995 1 bed/1 bath

Chestnut Place Apts -\$1,605 (2 bed / 2 bath) \$1182 (1 bed / 1 bath)

### Below are rent ranges for similar nearby apartments

Beds	Average Size	Lowest	Typical	Premium
Studio	484 Sq Ft	\$1,394	\$1,631	\$1,869
1 Bed	797 Sq Ft	\$1,200	\$1,542	\$1,971
2 Beds	897 Sq Ft	\$1,795	\$2,076	\$2,506