



Regular Session

RS

Milwaukie City Council

COUNCIL REGULAR SESSION

REVISED AGENDA

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

APRIL 18, 2023

(Revised April 14, 2023)

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 [city's YouTube channel](#) or Comcast Cable channel 30 in city limits. **For Zoom login** visit <https://www.milwaukieoregon.gov/citycouncil/city-council-regular-session-347>.

To participate in this meeting by phone dial 1-253-215-8782 and enter Webinar ID 841 6722 7661 and Passcode: 097479. To raise hand by phone dial *9.

Written comments may be delivered to City Hall or emailed to ocr@milwaukieoregon.gov. Council will take verbal comments.

Note: agenda item times are estimates and are subject to change.

Page #

- 1. **CALL TO ORDER** (6:00 p.m.)
 - A. **Pledge of Allegiance**
 - B. **Native Lands Acknowledgment**

- 2. **ANNOUNCEMENTS** (6:01 p.m.) **2**

- 3. **PROCLAMATIONS AND AWARDS**
 - A. **2022 Volunteer of the Year – Award** (6:05 p.m.)
Staff: Jason Wachs, Community Engagement Coordinator
 - B. **Milwaukie Farmers Market 25th Anniversary – Proclamation** (6:20 p.m.) **4**
Presenter: Celebrate Milwaukie, Inc.
 - C. **Earth Day – Proclamation** (6:25 p.m.) **5**
Staff: Natalie Rogers, Climate & Natural Resources Manager
 - D. **National Library Week – Proclamation** (6:30 p.m.) **6**
Staff: Brent Husher, Library Director

- 4. **SPECIAL REPORTS**
 - A. **None Scheduled.**

- 5. **COMMUNITY COMMENTS** (6:35 p.m.)
To speak to Council, please submit a comment card to staff. Comments must be limited to city business topics that are not on the agenda. A topic may not be discussed if the topic record has been closed. All remarks should be directed to the whole Council. The presiding officer may refuse to recognize speakers, limit the time permitted for comments, and ask groups to select a spokesperson. **Comments may also be submitted in writing before the meeting, by mail, e-mail (to ocr@milwaukieoregon.gov), or in person to city staff.**

6. **CONSENT AGENDA (6:40 p.m.)**
 Consent items are not discussed during the meeting; they are approved in one motion and any Council member may remove an item for separate consideration.
- A. **Approval of Council Meeting Minutes of:** **8**
 - 1. **March 7, 2023, work session,**
 - 2. **March 7, 2023, regular session,**
 - 3. **March 14, 2023, study session,**
 - 4. **March 21, 2023, work session,**
 - 5. **March 21, 2023, regular session, and**
 - 6. **April 3, 2023, site visit.**
 - B. **Approval of an Oregon Liquor and Cannabis Commission Application for Wong's Garden, 10820 SE Oak Street – Full On-Premises Sales** **25**
 - C. **Approval of an Oregon Liquor and Cannabis Commission Application for Wagon with the Dragon, 11301 SE 21st Avenue – Limited Off-Premises Sales** **26**
 - D. **Adoption of an Audit Report Correction Plan – Motion (added to the agenda)** **27**
7. **BUSINESS ITEMS**
- A. **None Scheduled.**
8. **PUBLIC HEARINGS**
- A. **Minor Housekeeping Code Amendments – Ordinance (6:45 p.m.)** **32**
 Staff: Vera Koliass, Senior Planner
9. **COUNCIL REPORTS**
- A. **Council Goals Adoption – Resolution (7:45 p.m.) (changed to resolution adoption)** **113**
 Presenters: City Council
 - B. **Legislative and Regional Issues – Discussion (removed from the agenda; moved to the April 18 work session)**
10. **ADJOURNMENT (8:45 p.m.)**

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

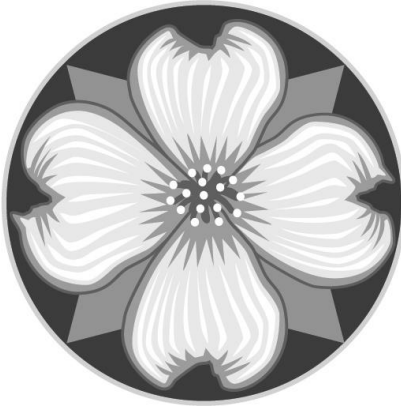
The city is committed to providing equal access to public meetings. To request listening and mobility assistance services contact the Office of the City Recorder at least 48 hours before the meeting by email at ocr@milwaukieoregon.gov or phone at 503-786-7502. To request Spanish language translation services email espanol@milwaukieoregon.gov 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 [city's YouTube channel](#) 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 ocr@milwaukieoregon.gov o llame al 503-786-7502. Para solicitar servicios de traducción al español, envíe un correo electrónico a espanol@milwaukieoregon.gov 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 [canal de YouTube de la ciudad](#) 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.

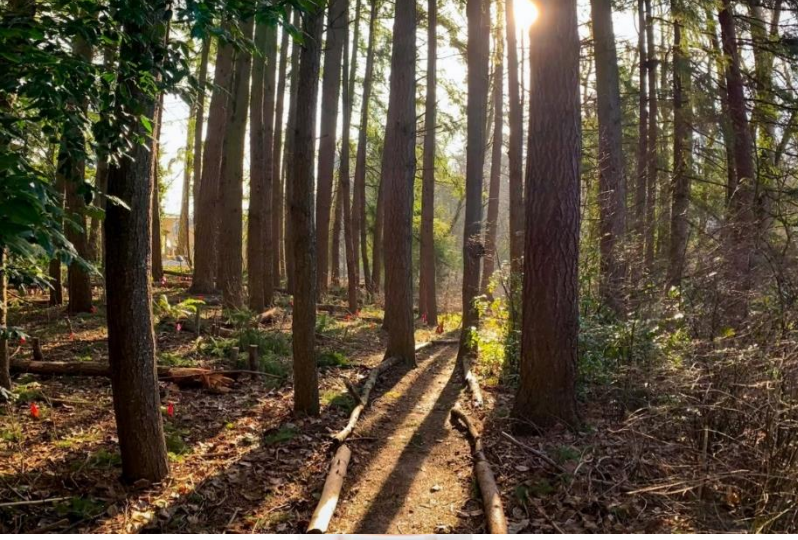


RS Agenda Item

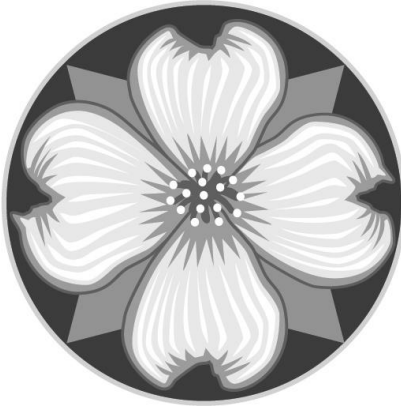
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Announcements

Mayor's Announcements – April 18, 2023



- **Earth Day Volunteer Restoration Event – Sat., Apr. 22 (9 – 11 AM)**
 - Volunteer to restore the Willow Place Natural Area (4699 SE Pennywood Dr.)
 - Register to volunteer at www.milwaukieoregon.gov/sustainability/earth-day-restoration-event
- **Prescription Drug Drop-Off and Document Shredding Day – Sat., Apr. 22 (10 AM – 2 PM)**
 - The event includes the collection of unused or expired prescription drugs and a truck will be on hand to shred sensitive documents.
 - The event takes place at the Public Safety Building Parking Lot, 3200 SE Harrison St. Please enter the lot from Railroad Ave. and exit onto Harrison St.
- **City Manager Open Door Session – Fri., Apr. 28 (9 – 10 AM)**
 - Ask questions, raise concerns, or just find out what the city is doing
 - Session takes place at City Hall, 10722 SE Main St.
- **20th Annual Friends of Ledding Library Plant Sale – May 13, 14 (9 AM – 4 PM) and 20 (10 AM – 1 PM)**
 - Sale takes place at Milwaukie Floral & Garden, 3306 SE Lake Rd.
 - If you are interested in volunteering at the sale, or would like to donate plants, please email leddingfriends.plantsale@gmail.com.
- **LEARN MORE AT WWW.MILWAUKIEOREGON.GOV OR CALL 503-786-7555**



RS Agenda Item

3

Proclamations & Awards

2022 Volunteer of the Year Award





Criteria for Choosing the Winner

- Anyone who resides in Milwaukie or members of a non-profit organization/business that serves the Milwaukie community
- Longevity of service to the community
- Some contribution of volunteer service in 2022 within the nominee's total volunteer efforts
- Service within the city limits of Milwaukie
- Some contribution to a city related activity within the total effort is preferred (i.e. board, commission, committee, NDA, etc.), but not required

2022 Nominations

- The nomination process for 2022 began on Nov. 28, 2022 and ended on Feb. 15, 2023
- Thirteen community members were nominated. Listed in alphabetical order by last name.
 1. Jamie Berry
 2. Charles Bird
 3. Roy W. Burge
 4. Pam Denham
 5. Terri Geier Brindell
 6. Greg Hemer
 7. Heather Hobson
 8. Stephanie Hollingshead
 9. Susanna Pai
 10. Virginia Pai
 11. Wilda Parks
 12. Elizabeth Start
 13. Samantha Swindler

Elizabeth Start – 2022 Volunteer of the Year

- Equity Steering Committee (Jan. 2022 to present)
- Linwood NDA
 - Vice-Chair (2021)
 - Chair since May 2022
- Comprehensive Plan Advisory Committee (2016 – 2019)
- Master Recycler since 2014
- Member of Oregon Recycling Advisory Council
- Board member of Women's Foundation of Oregon
- Volunteers with ReDeploy
- And so much more!



PROCLAMATION

WHEREAS the Milwaukie Farmers Market and Celebrate Milwaukie Inc. (CMI) started in 1999 with just seven vendors; from those humble beginnings, the Market now enters its 25th season with 85 vendors per week, and over 125 vendors over the course of a season; and

WHEREAS in addition to growing over these past 25 years the Milwaukie Farmers Market has become a beloved institution in our city and a cornerstone of the Milwaukie community, and beyond; not only do the Market and its vendors provide high-quality food and products for local families, but the Market provides a meeting place for everyone and helps to strengthen connections in our community from May through October; and

WHEREAS the Milwaukie Farmers Market is proud to offer a wide variety of local and unique products from a multitude of incredible vendors; over the past 25 seasons, the Market has supported and nurtured numerous small businesses, helping local farmers, producers, and artisans start, develop, and grow their businesses in a supportive environment; the Milwaukie Farmers Market and CMI are also proud to support our neighbors with food supplement programs such as Supplemental Nutrition Assistance Program (SNAP), Women, Infants, and Children (WIC) program, and Double Up Food Bucks; and

WHEREAS as the Milwaukie Farmers Market starts its 25th season, the City of Milwaukie is proud to have them as an important part of our community and the city thanks everyone who supports the Market, in particular the wonderful vendors and customers, and the city encourages everyone to join us in visiting many times during this celebratory 25th season, starting on Opening Day on May 7th.

NOW, THEREFORE, I, Lisa M. Batey, Mayor of the City of Milwaukie, a municipal corporation in the County of Clackamas, in the State of Oregon, do hereby proclaim **MAY 2023** to be the monthlong celebration of the **25th Anniversary of the Milwaukie Farmers Market**.

IN WITNESS, WHEREOF, and with the consent of the City Council of the City of Milwaukie, I have hereunto set my hand on this 18th day of **April 2023**.

Lisa M. Batey, Mayor

ATTEST:

Scott S. Stauffer, City Recorder

PROCLAMATION

WHEREAS the People of this City, “The Dogwood City of the West”, are proud to reside amid the natural beauty of the Pacific Northwest and the State of Oregon, and all the trees, plants, waterways, and wildlife encompassed in this region that give character and life to the landscape; and

WHEREAS the first Earth Day was proclaimed on April 22, 1970, and its annual observance has encouraged the conservation, protection and appreciation of our planet’s ecosystems and natural resources through environmental volunteerism and climate action; and

WHEREAS the Milwaukie Community has embraced carbon and sustainability goals in the face of climate change, the most pressing threat for our planet; and

WHEREAS The City of Milwaukie has adopted a Climate Action Plan, Urban Forest Management Plan, and Comprehensive Plan that includes strategies and policies that will enable our city to conserve natural resources, promote a healthy urban forest, encourage sustainable behaviors, and improve community environmental resiliency; and

WHEREAS The City of Milwaukie declared a climate emergency on January 21, 2020, and called for the acceleration of the climate goals established in the Climate Action Plan to address the urgency of the climate crisis and call on community members to take part in climate action in their own homes, businesses, and communities; and

WHEREAS education, partnerships, and community actions for restoring and protecting our ecosystems, climate, and planet are promoted and honored by all Milwaukie residents, as is the shared desire for a resilient community, environmental justice, and access to nature for all community members; and

WHEREAS the City of Milwaukie proudly recognizes all who protect and preserve the environment and climate through participation in Earth Day activities by taking a proactive role in the protection of our community’s precious natural resources.

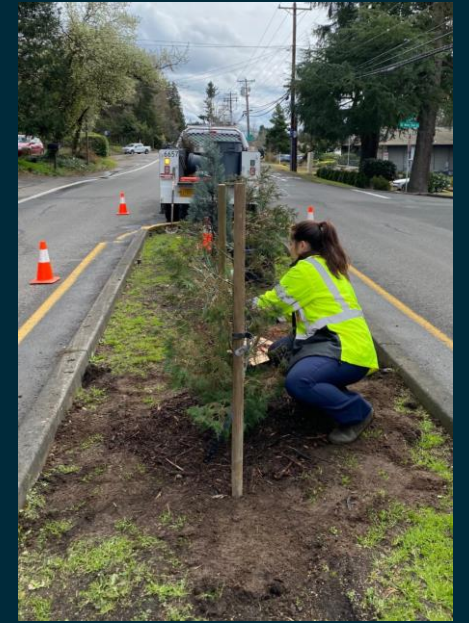
NOW, THEREFORE, I, Lisa Batey, Mayor of the City of Milwaukie, a municipal corporation in the County of Clackamas, in the State of Oregon, do hereby proclaim April 22, 2023, Earth Day.

IN WITNESS, WHEREOF, and with the consent of the City Council of the City of Milwaukie, I have hereunto set my hand on this 18th day of April 2023.

Lisa M. Batey, Mayor

ATTEST:

Scott Stauffer, City Recorder



**RS 3. C.
4/18/23
Presentation**



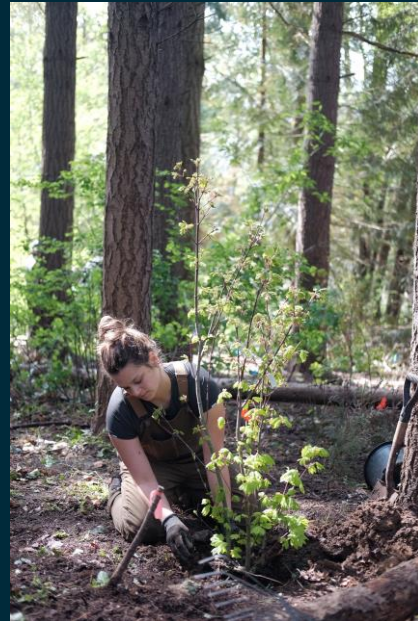


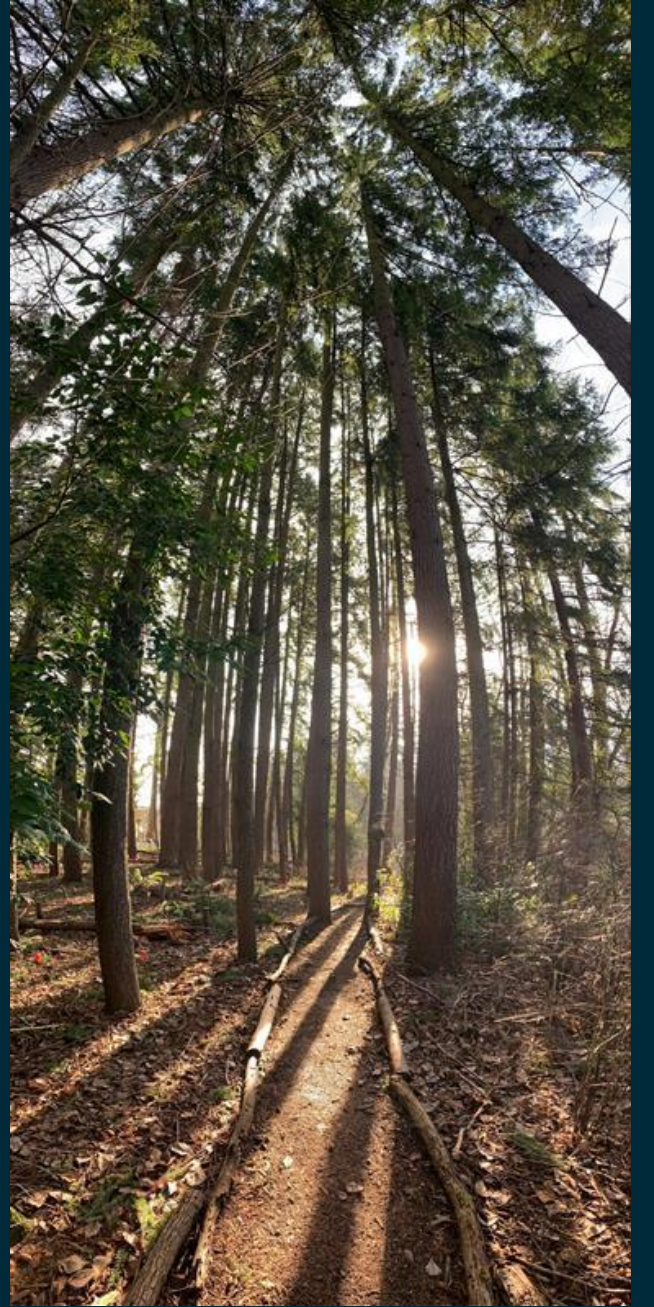












Join us for Earth Day!

Saturday, April 22nd

9am to 11am

Willow place Natural Area

4699 SE Pennywood Dr
Milwaukie,, OR 97222

Reduce your transportation impact – walk,
bike, or carpool if possible!

Register ahead at:
milwaukieoregon.gov/sustainability/earth-day-restoration-event

Questions? Contact Galen at:
hoshovskyg@milwaukieoregon.gov
503-786-7660



Milwaukie's other residents

PROCLAMATION

WHEREAS libraries provide the opportunity for everyone to pursue their passions and engage in lifelong learning, allowing them to live their best life; and

WHEREAS libraries have long served as trusted institutions for all members of the community regardless of race, ethnicity, creed, ability, sexual orientation, gender identity, or socio-economic status; and

WHEREAS libraries strive to develop and maintain programs and collections that are as diverse as the populations they serve and ensure equity of access for all; and

WHEREAS libraries adapt to the ever-changing needs of their communities, continually expanding their collections, services, and partnerships; and

WHEREAS libraries play a critical role in the economic vitality of communities by providing internet and technology access, literacy skills, and support for job seekers, small businesses, and entrepreneurs; and

WHEREAS libraries are accessible and inclusive places that promote a sense of local connection, advance understanding, civic engagement, and shared community goals; and

WHEREAS libraries are cornerstones of democracy, promoting the free exchange of information and ideas for all; and

WHEREAS libraries, librarians, and library workers are joining library supporters and advocates across the nation to celebrate National Library Week; and

WHEREAS the City of Milwaukie wishes to recognize National Library Week in recognition of the importance of libraries in our community and in appreciation of the staff who do so much to make the Ledding Library a regional destination.

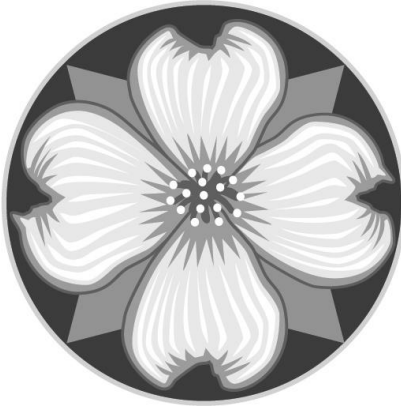
NOW, THEREFORE, I, Lisa M. Batey, Mayor of the City of Milwaukie, a municipal corporation in the County of Clackamas, in the State of Oregon, do hereby proclaim **APRIL 23-29, 2023**, to be **NATIONAL LIBRARY WEEK** in Milwaukie.

IN WITNESS, WHEREOF, and with the consent of the City Council of the City of Milwaukie, I have hereunto set my hand on this 18th day of April 2023. During this week, I encourage all residents to visit our library to explore the wealth of resources available.

Lisa M. Batey, Mayor

ATTEST:

Scott S. Stauffer, City Recorder



RS Agenda Item

5

Community Comments

Scott Stauffer

From: Bernie Stout <usabs1@nethere.com>
Sent: Friday, April 14, 2023 4:48 PM
To: OCR
Subject: RE: INNOVATE UPDATE CODES

This Message originated outside your organization.

Both would be good.

Thanks,

From: OCR [mailto:OCR@milwaukieoregon.gov]
Sent: Friday, April 14, 2023 8:11 AM
To: Bernie Stout; OCR
Subject: RE: INNOVATE UPDATE CODES

Good morning Bernie – would you like this message to be sent to the City Council or staff? If staff, which department?

SCOTT STAUFFER, CMC

City Recorder
he • him • his
City of Milwaukie
p: 503.786.7502

From: Bernie Stout <usabs1@nethere.com>
Sent: Friday, April 14, 2023 5:45 AM
To: OCR <OCR@milwaukieoregon.gov>
Subject: INNOVATE UPDATE CODES

This Message originated outside your organization.

Friday, April 14, 2023

Dear City of Milwaukie Oregon,

Recently talked to Vera Kalias, AICP Senior Planner. Vera explained the current Middle Housing criteria. Hopefully this will increase my property values so I can afford to move as far from the Portland

Metro Area as possible.

In addition to the future please consider the following.

- The United States Post Office is now posting on every home listed for sale a notice. New owners are required to place the mail box at the curb. This will reduce parking in every neighborhood.
- This leads me to the following impact and additional element to the formula that you are dealing with more population.

EXAMPLE OF ADDITIONAL COMPLICATIONS: SINGLE FAMILY HOMES BEING LEGALLY, PARTIALLY LEGAL, AND ILLEGAL CONVERTED. THESE ARE ACTUAL CURRENT EVENTS.

1. HOUSE #1 - Was purchased remodeled and put on the market. It did not sell. Recently a Duplex Permit was issued. No other permits have been applied for. Construction and alterations have started.
2. HOUSE #2 – A few years ago an apartment was finished out with a full sized kitchen in the laundry room down stairs. Second Laundry was added upstairs. Code inspection investigated and seemingly could not identify the addition and alterations made to the electrical & plumbing systems. The **ONLY threshold for a kitchen is RANGE/OVEN**. This was avoided by installing a two burner cook top. Currently there are plumbing permits for other projects. Two of which were never finalized. **Rents out as separate living space**
3. HOUSE #3 – Converted and area in the basement with full kitchen (installed full sized **RANGE W/OVEN**) **second set of laundry equipment installed upstairs . Rents out as separate living space, ALL DONE WITHOUT ANY PERMITS**

The past two months all three houses have had additional activities. Observable at **each** have been electrical contractor trucks, painting contractors, plumbing, and other utility trucks.

In closing am requesting the City of Milwaukie to consider improvements on the threshold (**RANGE/OVEN**) **to be expanded.**

THIS SHOULD NOT BE A ALL THRESHOLD BUT, ANY PART OF THE FOLLOWING.

1. Any method of cooking
2. Separate egress/ ingress
3. Separate Mail boxes
4. Separate Utility meters electrical, gas, or water.
5. Any separate living space that Rent is being collected
6. Please, think of additional means of improving the criteria.

Currently the community is more of a "WILD WEST" environment and the Building & Code Enforcement departments do not seemingly have the tools to get home owners to comply.

Thank You,

Bernie Stout

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Re: Written Testimony for Agenda 5, **Community Comment**, Regular Session, April 18, 2023

To: Mayor Batey; Council President Nicodemus, Councilors Khosrobadi, Massey, and Stavenjord; and City Manager Ann Ober.

Re: Ninth Circuit Court of Appeals panel decides against Berkley's Natural Gas Ban, as federal law pre-empts state and local bans on natural gas utility service

Yesterday, April 17, 2023 a three judge panel for the Ninth Circuit Court of Appeals ruled that the **City of Berkley can not deny natural gas connections** [in this case, involving new building construction via the use of City building code]. Seems the federal law called the Energy Policy and Conservation Act pre-empts state and local laws in the matter of natural gas bans.

Here's the link to this Ninth Circuit Court of Appeals Opinion:

<https://cdn.ca9.uscourts.gov/datastore/opinions/2023/04/17/21-16278.pdf>

Hence, Milwaukie City Council and City staff should not pursue, or at least defer further work on, its resolution to ban natural gas service.

For that matter, in the bigger scheme of things, City Council should rethink the goal of Net Zero and de-emphasize its priority in City budgeting and planning. I very much doubt the full repercussions and uncertainties of achieving net zero were adequately previewed within the Visioning Process conducted now several years ago.

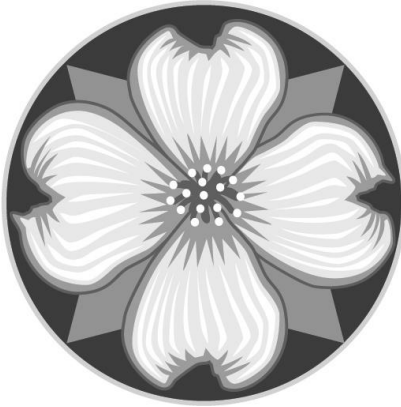
As this Ninth Circuit Court Opinion demonstrates, there are forces at work globally which will most likely overwhelm any City efforts on climate. Local environment should be the chief concern of City government when it comes to the environment, and not so much global warming and the more speculative idea (or what IPCC scientists grade as having low scientific confidence) of increasing severity of weather events.

Sincerely,

Elvis Clark

Ardenwald neighborhood

Milwaukie 97222



RS Agenda Item

6

Consent Agenda

COUNCIL WORK SESSION

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

MINUTES**MARCH 7, 2023**

Council Present: Councilors Adam Khosroabadi, Robert Massey, Rebecca Stavenjord, and
Council President Desi Nicodemus, and Mayor Lisa Batey

Staff Present: Joseph Briglio, Community Development Director Nicole Madigan, Deputy City Recorder
Justin Gericke, City Attorney Ann Ober, City Manager
Vera Kolias, Senior Planner Scott Stauffer, City Recorder

Mayor Batey called the meeting to order at 4:01 p.m.

1. Milwaukie Station Food Carts – Discussion

Briglio introduced Richard Johnson of the Johnson Group who manages the contract for the Milwaukie Station Food Cart Pod. **Johnson** provided an update on the pod and noted that the main concern for the future of the pod was the new sewer requirement for food cart wastewater disposal. **Johnson** explained how carts store wastewater, how a connection to the sewer main was never installed, and how a grease interceptor is required for the new sewer connection. **Johnson** expressed concern for when the sewer installation would start as the period between spring and fall generates the most business for the carts.

Johnson explained that in previous years the pod was experiencing disturbances from Milwaukie High School (MHS) students but due to graduation, new signage, and more vocal cart owners the issues were being addressed. **Johnson** also noted that damage caused by houseless individuals had improved. **Johnson** shared promotional difficulties for the pod which included the absence of First Friday events and regulations on where signs could be posted. **Johnson** appreciated the relationship with the city.

Mayor Batey, Johnson, and Briglio commented on sign regulations and communication issues with Oregon Department of Transportation (ODOT).

Mayor Batey, Briglio, and Johnson discussed the sewer installation for the food cart starting no later than the end of April and how the carts would connect to the system.

Mayor Batey noted that the Porchfest event would return in July and **Briglio** added there have been rumors regarding the return of First Friday.

Councilor Khosroabadi appreciated Johnson assisting cart owners during the COVID-19 pandemic but was concerned by the lack of social media promotion. **Khosroabadi** and **Johnson** discussed ideas on how to promote the pod and whether assistance would be provided to cart owners during closures for the sewer project.

The group discussed the positive financial impact to the carts generated by MHS students, creating an engaging and inviting environment for students, and noted that students were going to the pod during class times.

Councilor Khosroabadi asked whether there were plans for site improvements such as adding outdoor heating. **Johnson** replied that site improvements had been slow as the lease did not allow for long term planning, but adding heat was being considered.

Mayor Batey and Johnson commented on the Pint Size Pub cart and the group commented on how social media promotion would benefit the pod overall.

Mayor Batey, Johnson, and Briglio commented on addressing concerns over rats and disposal of garbage.

2. Housing Code Amendments – Discussion

Kolias reported that the proposed amendments were minor and meant only to clarify and clean up the code. **Kolias** shared the process of how the amendments came before Council and what the next steps would be. **Kolias** presented proposed amendments to the zoning map and land division code. **Ober, Mayor Batey, and Kolias** commented and provided clarification on the authorized staff person for setting bond amounts for developments. **Kolias** answered a previous question Mayor Batey had on bond amounts for replating property lines noting when a replat would require bonding.

Kolias presented proposed amendments for the zoning code definitions and lot coverage associated with accessory structures. The group discussed Mayor Batey's concerns around the proposed amendment for lot coverage.

Kolias presented a proposed amendment for the North Milwaukie Innovation Area (NMIA) section of the code to include e-commerce businesses. The group discussed concerns around traffic impacts and wage discrepancies for large direct-to-consumer fulfillment centers but also ease of access to nutrition, creation of jobs, and that direct-to-consumer services have become a standard for saving time and getting resources to those without transportation. The group agreed that staff would pull the e-commerce NMIA item from the amendments package and return with information on relative salaries, traffic impacts around other urban fulfillment centers, whether size limit or use restrictions could be put in place, and the vacancy rate for NMIA as well as the types of businesses that have been established in the last five years. **Kolias** shared an additional proposed amendment for the NMIA section of the code that included updating a graphic.

Kolias presented proposed amendments for ensuring consistency with Oregon Statewide Planning Goal 15, and for accessory structures clarifying exemptions and adding requirements from an existing list to a table.

Kolias explained the changes made to the building design standards were only a reorganizing of the code and the only new language added was in a single section and was due to state compliance.

Kolias presented a proposed amendment for the type III review. **Mayor Batey** asked if a Measure 56 notice is sent out to everyone in the city and **Kolias** responded that when needed, the notice would be sent out to everyone one affected by the proposed property changes and when an owner rezones their own property no Measure 56 notice was required. **Kolias** reviewed proposed amendments for appeals and annexations. **Mayor Batey** asked if the proposed 120-day rule amendment for annexations was consistent with the law and **Kolias** and **Briglio** responded confirmed it was.

Mayor Batey and **Kolias** discussed whether a replat fee was being eliminated.

Councilor Massey commended staff for successfully completing the tedious work involved in cleaning up the housing code.

3. Adjourn

Mayor Batey adjourned the meeting at 5:26 p.m.

Respectfully submitted,

Nicole Madigan, Deputy City Recorder

COUNCIL REGULAR SESSION

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

MINUTES

MARCH 7, 2023

Council Present: Councilors Adam Khosroabadi, Robert Massey, Rebecca Stavenjord, and Council President Desi Nicodemus, and Mayor Lisa Batey

Staff Present: Joseph Briglio, Community Development Director	Tessie Prentice, Civil Engineer
Ryan Dyar, Assistant Planner	Jeff Rogerson, Police Sargent
Jennifer Garbely, Assistant City Engineer	Scott Stauffer, City Recorder
Justin Gericke, City Attorney	Luke Strait, Police Chief
Ann Ober, City Manager	Jason Wachs, Community Engagement
Peter Passarelli, Public Works Director	Coordinator

Mayor Batey called the meeting to order at 5:59 p.m.

1. CALL TO ORDER

A. Pledge of Allegiance.

B. Native Lands Acknowledgment.

2. ANNOUNCEMENTS

Mayor Batey announced upcoming activities, including the city board and committee recruitment process, a Minthorn Springs clean-up event, a repair fair at the library, a Welcome Home Vietnam Veterans event, and an electrification information session. **Council President Nicodemus** noted a Black and Indigenous health care provider selfcare day.

3. PROCLAMATIONS AND AWARDS**A. Women's History Month – Proclamation**

Linda Carr, Siri Bernard, and Sarah Harris with the Milwaukie Historical Society introduced the proclamation and commented on the lives of women who have influenced Milwaukie. **Mayor Batey** proclaimed March to be Women's History Month.

B. Southern Police Institute (SPI) Graduation – Recognition

Strait introduced the SPI training program. **Rogerson** provided an overview of the SPI course work and experience. **Strait** recognized Rogerson for earning straight-A grades at the institute. **Strait** and **Ober** explained how the Milwaukie Police Department (MPD) uses the SPI program for internal leadership training.

Council President Nicodemus and **Councilor Stavenjord** asked about the trauma informed policing course that Rogerson had taken at SPI. **Rogerson** explained that the course was new and remarked on the skills learned through course.

Councilor Khosroabadi thanked MPD for proactively seeking SPI training.

4. SPECIAL REPORTS

A. 2022 Volunteer of the Year Selection Process – Award

Wachs introduced the award selection process, noting award criteria and past winners. Council participated in a secret ballot process to select the 2022 Volunteer of the Year.

Stauffer announced the first round of voting results: Samantha Swindler received two votes, Elizabeth Start received two votes, and Terri Geier-Brindell received one vote.

Stauffer announced the second round of voting results: Samantha Swindler received two votes, Elizabeth Start received three votes.

Start was declared the recipient of the 2022 Volunteer of the Year award and **Wachs** noted upcoming events where the award recipient would be honored.

5. COMMUNITY COMMENTS

Mayor Batey reviewed the public comment procedures and **Ober** reported that there was no follow-up report from the February 21 community comments.

Ley Garnett, Milwaukie resident, expressed frustration about receiving a parking ticket for parking in a private lot and asked Council to adopt private parking lot regulations. The group clarified that the ticket had not been issued by the city and was for a higher fine amount than the city's parking citations. They also noted that private property owners can charge fees for parking on their property.

6. CONSENT AGENDA

It was moved by Council President Nicodemus and seconded by Councilor Khosroabadi to approve the Consent Agenda as presented.

A. City Council Meeting Minutes:

1. February 7, 2023, Work Session, and
2. February 7, 2023, Regular Session.

B. Resolution 10-2023: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing an application for a state parks and recreation grant for the Scott Park project.

C. Resolution 11-2023: A resolution of the City Council of the City of Milwaukie, Oregon, granting an exemption for a 28-unit low-income housing development owned and operated by Northwest Housing Alternatives, Inc.

D. Resolution 12-2023: A resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, approving the award of a contract for construction of the Wastewater System Improvements (CIP2021-X39) to McDonald Excavating, Inc.

E. Resolution 13-2023: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing an intergovernmental agreement for the lending of personnel in Clackamas County when personnel are unable to get to their normal reporting location during an emergency.

F. Resolution 14-2023: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing contracts for the recipients of affordable housing funds (Construction Excise Tax (CET) Program).

Motion passed with the following vote: Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting "aye." [5:0]

Mayor Batey recessed the meeting at 6:54 p.m. so Council could meet as the Milwaukie Redevelopment Commission. The meeting was reconvened at 6:59 p.m.

7. BUSINESS ITEMS

A. Council Goals – Discussion

Mayor Batey provided an overview of previous Council goals discussions.

Council President Nicodemus, Councilor Massey, and Mayor Batey expressed support for keeping climate change, equity, justice, and inclusion, and parks, as goals.

Councilor Khosroabadi expressed concern about when the goals would be revisited, and **Ober** commented on the timing of revisiting each goal. **Khosroabadi** commented on the urgency of housing affordability and the city being able to accomplish its goals.

Ober suggested Mayor Batey and Council President Nicodemus would draft a goals resolution for Council to consider. **Mayor Batey** did not want to include timeframes for revisiting the goals in the resolution and wondered where Council members were on the proposed climate fee. **Batey** did not think the city should push climate and park fees in the same year and supported not considering a climate fee in 2023.

Council discussed housing affordability issues, bills meant to address affordability being considered by the state legislature, what cities can do to address housing, and the impact of fees on residents.

Mayor Batey summarized that a goals resolution would be drafted, and **Ober** suggested Council could discuss a draft resolution at the March 14 study session.

Mayor Batey recessed the meeting at 7:23 p.m. and reconvened at 7:30 p.m.

B. Climate Friendly Equitable Communities (CFEC) Parking Reform – Discussion

Briglio introduced Dyar. **Dyar** provided an overview of the CFEC parking code amendments, noting changes made in response to new state rules and how CFEC updates would impact the Transportation System Plan (TSP) update project.

Dyar presented the city's options for parking reforms, noted Council's previous discussions of the options and the Planning Commission's recommendation to adopt code amendments. **Mayor Batey** and **Dyar** noted the city's neighborhood district associations (NDAs) had been notified of the proposed code changes.

Dyar reported that TriMet would be adding a bus line which would impact where the city could mandate parking rules. **Dyar** cited parking related actions in the Climate Action Plan (CAP) and Comprehensive Plan and reviewed the proposed code amendments.

Mayor Batey and **Dyar** remarked on what bicycle parking changes had been proposed.

Councilor Massey noted that the governor's executive order that had initiated the state rule changes had been challenged in court and asked if a judicial ruling could impact the code changes. **Briglio** and **Gericke** remarked on the likelihood of the order being struck down and what the city could do if that happened.

The group expressed frustration that the state was forcing cities to revisit housing and parking work so soon after the state had required such work be done through the requirements of the middle housing legislation, House Bill (HB) 2001, passed in 2019.

Ober and **Dyar** explained that Council would be asked to adopt the CFEC code reforms in April. The group remarked on when to Council should consider the code changes and it was Council consensus to schedule adoption for the April 18 regular session.

8. PUBLIC HEARING

A. Washington Area Improvements Project Best Value Contracting – Resolution

Call to Order: **Mayor Batey** called the hearing on contracting to order at 7:53 p.m.

Purpose: **Mayor Batey** announced that the purpose of the hearing was to take public comment on the proposed contracting process for the Washington area project.

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

Staff Presentation: **Garbely** explained why staff recommended that best value contracting be used for the Washington area project, noting the points system and how contractors could be selected. **Mayor Batey** and **Garbely** noted that the best value contracting process was in the city's Public Contracting Rules (PCRs).

Prentice provided an overview of the work to be included in the project, noting the project's proximity to schools and collector and arterial streets, and the project's complicated in-water work in Spring Creek and next to Hager's Pond.

Garbely remarked that best value contracting would help identify the best contractors to do specific parts of the project. **Mayor Batey**, **Garbely**, and **Prentice** noted the role JLA Public Consulting and contractors would provide in terms of public outreach.

Councilor Massey asked about the project's timeframe and **Prentice** remarked on the timing of going out to bid for a contract and when in-water work could be done. **Massey**, **Prentice**, and **Garbely** noted it would likely be a two-year project.

Mayor Batey and **Prentice** commented that the vehicle counts reported for the arterial streets in the project area seemed low.

Correspondence: No correspondence had been received on the topic.

Audience Testimony: No audience member wished to speak on the topic.

Questions from Council to Staff: **Councilor Khosroabadi** asked if the best value contracting could be used for other projects and **Garbely** commented on other engineering projects that may use the process. **Gericke** and **Ober** noted the contracting process used was based on each project and that some contracting process changes would be presented to Council in the next year.

Close Public Comment: **It was moved by Councilor Stavenjord and seconded by Councilor Massey to close the public comment part of the Washington Area Improvement project contracting practice. Motion passed with the following vote: Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting "aye." [5:0]**

Mayor Batey closed the public hearing at 8:09 p.m.

Council Decision: **It was moved by Council President Nicodemus and seconded by Councilor Khosroabadi to approve the resolution, acting as the Local Contract Review Board, adopting findings, and allowing the use of best value contracting for the Washington Street Area Improvements Project. Motion passed with the following vote: Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting "aye." [5:0]**

Resolution 15-2023:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, ADOPTING FINDINGS, AND ALLOWING THE USE OF BEST VALUE CONTRACTING FOR THE WASHINGTON STREET AREA IMPROVEMENTS.

9. COUNCIL REPORTS

A. Legislative and Regional Issues – Discussion

Ober and **Mayor Batey** discussed a trend in state legislation that has impacted cities' home rule authority and the involvement of the League of Oregon Cities (LOC) in the bill process. The group remarked on bills dealing with system development charges (SDCs) for affordable housing projects. It was Council consensus that Ober could discuss home rule authority with other cities and lawmakers and bring requests for the city to take a position on specific home rule related legislation to Council.

Ober and **Briglio** reported that State Representative Mark Gamba had asked for the city's input on a bill that could impact the city's ability to grant variances for land use projects. The group remarked on the status of the variance bill and other housing bills, what the impact of variance and SDC changes could have on Milwaukie, and how Council can best take positions on policy issues and specific bills.

Stauffer provided an update on bills the city was tracking and Council position letters that had been drafted for Council to consider. **Mayor Batey** reviewed the issues referenced in each letter, including federal rail safety regulations, federal funding for TriMet bus electrification, and state bills addressing photo radar, marijuana taxes, and extending enterprise zones. The group discussed the wording of each letter and whether to support the policy position and send the letters. It was Council consensus to send the letters regarding federal funding for bus electrification and the state bills.

The group discussed how often staff would provide bill tracker updates to Council.

Councilor Massey noted that a Council member serves as the Budget Committee vice chair, a position that had not been previously discussed by the current Council. **Massey** was interested in serving as the committee vice chair. Council expressed support for Massey serving as the Budget Committee vice chair and noted the committee would need to formally make that appointment at a meeting.

Mayor Batey, **Stauffer**, and **Ober** discussed the proclamation request process and efforts to limit the number of proclamations on any given agenda. **Batey** reported that the city had received a request for a proclamation which would be respectfully declined.

Councilor Stavenjord reported on issues discussed at a recent Clackamas County Coordinating Committee (C4) meeting.

10. ADJOURNMENT

It was moved by Council President Nicodemus and seconded by Councilor Khosroabadi to adjourn the Regular Session. Motion passed with the following vote: Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting "aye." [5:0]

Mayor Batey adjourned the meeting at 9:12 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder

COUNCIL STUDY SESSION

Ledding Library, 10660 SE 21st Ave
& Zoom Video Conference (www.milwaukieoregon.gov)

MINUTES

March 14, 2023

Council Present: Councilors Adam Khosroabadi, Robert Massey, Rebecca Stavenjord, and Council President Desi Nicodemus, and Mayor Lisa Batey

Staff Present: Joseph Briglio, Community Development Director
Ann Ober, City Manager
Nicole Madigan, Deputy City Recorder

Mayor Batey called the meeting to order at 5:15 p.m.

1. Clackamas Water Environment Services (WES) Annual Report

Greg Geist, WES Director, presented the 2023 State of the District Annual Report. **Geist** provided an overview of the WES service area and its functionality. **Geist** provided an overview of how the rate dollar is utilized and emphasized that certain debt has stayed within the applicable rate zone. **Geist** explained how reasonable and predictable rate increases are best practices and highlighted that Milwaukie rates have not increased in the last three years. **Geist** shared WES' sewer rate harmonization model and explained that by 2031 rates in the district's zones would be the same. **Geist** reiterated that the rate development model is contingent on WES's Capital Improvement Plan (CIP).

Geist shared that WES's five-year CIP considers all areas served by WES and requires thoughtful planning. **Geist** provided an update on past and projected improvements to the Kellogg Creek Water Resource Recovery Facility. **Mayor Batey** asked **Geist** about staffing at the Kellogg Creek Water Resource Recovery Facility. **Geist** explained how automation and rethinking employee configuration was necessary during the COVID-19 pandemic so services would not be interrupted. **Geist** highlighted that the Milwaukie Good Neighbor Agreement had been revised to include a larger program area and as part of that agreement, WES pays roughly \$132,000 directly to the city to be used on projects within the program area. **Geist** noted that program funds can be used on various items: pathways, parks, education, trails, habitat restoration and other projects in alignment with WES's mission.

Geist reviewed the upgrades happening at the Tri-City Water Resource Recovery Facility and explained how the improvements upstream benefit the Kellogg facility. **Geist** expressed appreciation for the city's work with WES to improve inflow and infiltration (I&I) sources. **Geist** explained that improvement projects like the Clackamas Interceptor protects the Kellogg facility from being overburdened. **Geist** talked about the 3-Creeks Natural Area Floodplain Enhancement Project located by the Clackamas Community College (CCC) Harmony Campus. **Geist** shared WES' new vision statement and noted that it focuses on helping people become more aware of how important clean water is. **Geist** noted the many partnerships that WES has created to invest in the community.

2. Parking Management Study Update – Discussion

Joseph Briglio introduced Rick Williams of Rick Williams Consulting (RWC). **Briglio** provided context for the development of the Downtown Parking Management

Plan/Strategy update. **Briglio** discussed the new developments in progress and the parking spaces that would be associated with those developments.

Williams provided an overview of the study area in 2018 and 2022. **Williams** reviewed the data collected in both years of the study and explained how illegal parking is identified within the data. **Williams** noted that the 2022 data collection included Saturday parking. **Williams** presented the 2018 strategy recommendations within the Downtown Parking Management Plan and an implementation timeline for the 28 strategies identified in 2018. **Williams** shared a data analysis for 2018 and 2022 that covered occupancy rates and on-street and off-street performance. **Williams** pointed out that the biggest change in data from both years is where the constraints are happening. **Council** discussed capacity changes, parking lots and types of buildings adjacent to the lots.

Williams reviewed considerations for 2023 and confirmed that the Downtown Parking Management Plan is a viable document with relevant strategies that can be implemented in the years to come. **Mayor Batey** confirmed that **Williams** did not discuss parking with private property owners. **Williams** explained organic shared use agreements and the importance of tracking those agreements. The group discussed innovative tools to direct a driver to available parking, personal observations about parking, motorcycle/bike spaces, the impact of telework, e-parking, signage improvements for the lot across from City Hall, private ticketing, and the city's willingness to work with businesses and people that have specific parking needs. **Williams** reiterated using parking spaces as a community-based resource.

Ober shared with Council that next steps are contingent on timing and Council priorities. **Ober** noted that parking will come up in the neighborhood hubs discussions and **Ober** and **Briglio** agreed that it would be helpful to check-in annually around parking to be aware as needs change. **Williams** reiterated that the Parking Management Plan is a future resource when the timing is right.

3. Council Goals

Council discussed how goals are communicated with the public. **Ober** explained that an article can go in the city's monthly newsletter The Pilot. **Ober** reiterated Council's website was a resource. **Ober** offered communication that calls out effective and efficient government as a piece of that message. The group discussed previous language in resolutions and edited the draft resolution language. **Ober** reminded Council about ongoing key pieces of work within each of the proposed goals.

4. Adjourn

Mayor Batey adjourned the meeting at 7:15 p.m.

Respectfully submitted,

Suzanne Couttouw, Administrative Specialist II

COUNCIL WORK SESSION

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

MINUTES

MARCH 21, 2023

Council Present: Councilors Adam Khosroabadi, Robert Massey, Rebecca Stavenjord, and
Council President Desi Nicodemus, and Mayor Lisa Batey

Staff Present: Justin Gericke, City Attorney
Nicole Madigan, Deputy City Recorder
Ann Ober, City Manager
Peter Passarelli, Public Works Director
Scott Stauffer, City Recorder

Mayor Batey called the meeting to order at 4:00 p.m.

1. Board and Committee Overview – Discussion

Stauffer explained the goal of the presentation was to provide general information about the city's boards and committees and receive Council feedback on a couple topics. **Stauffer** provided an overview of the boards and committees and **Mayor Batey** asked for clarification on the whether the Milwaukie Redevelopment Commission (MRC) was considered an ad hoc committee. **Stauffer** explained that the MRC and the MRC Community Advisory Committee (CAC) were considered part of the standing boards and committees, noting they were also a separate legal entity. **Stauffer** continued with the overview which included city history that corresponded with the boards and committees, the appointment process for new board and committee members, and how boards and committees are supported by staff liaisons.

The group discussed how the annual recruitment process works and **Stauffer** noted that boards and committees were in the process of updating their bylaws. The group discussed the proposed Spark Hire video interview questions.

The group considered whether term dates for boards and committees should be changed to allow for using fair weather events such as the Milwaukie Farmer's Market for recruitment. It was Council consensus to leave board and committee terms ending on June 30.

The group discussed whether the youth program should continue. Council expressed interest in continuing the program and shared ideas on how to improve recruitment and the group discussed if there were legal age restrictions on how young a volunteer on a board or committee could be.

The group discussed whether a broad definition of resident should be included in the code to allow those who may live beyond the city limits to fill resident seats on boards and committees. Council was not interested in adding or changing resident language in the code but did want to be flexible in allowing Milwaukie business owners and those who reside within the city's Urban Growth Management Area (UGMA) to be considered for resident seats. Staff would follow up with Council to provide the number of nonresidents permitted on each board and committee.

It was Council consensus that Councilor Stavenjord and Council President Nicodemus would follow up with staff to provide rewritten questions for Spark Hire.

2. Legislative and Regional Policy Issues – Discussion

Stauffer presented upcoming legislative dates and the list of bills scheduled for hearings that Council was interested in. Council considered a letter of support drafted by Mayor Batey on Oregon House Bill (HB) 2713. **Councilors Massey** and **Khosroabadi** agreed to support the letter and **Councilor Stavenjord** and **Council President Nicodemus** would follow up with Stauffer after further consideration. The group discussed HB3090. **Ober** and **Mayor Batey** commented on the lack of legislative informative meetings over spring break.

3. Adjourn

Mayor Batey announced that after the meeting Council would meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660 (2)(h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

Mayor Batey adjourned the meeting at 5:27 p.m.

Respectfully submitted,

Nicole Madigan, Deputy City Recorder

COUNCIL REGULAR SESSION

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

MINUTES

MARCH 21, 2023

Council Present: Councilors Adam Khosroabadi, Robert Massey, Rebecca Stavenjord, and Council President Desi Nicodemus, and Mayor Lisa Batey

Staff Present: Jennifer Garbely, Assistant City Engineer
Justin Gericke, City Attorney
Brett Kelper, Senior Planner
Ann Ober, City Manager

Peter Passarelli, Public Works Director
Scott Stauffer, City Recorder
Laura Weigel, Planning Manager

Mayor Batey called the meeting to order at 6:09 p.m.

1. CALL TO ORDER

A. Pledge of Allegiance.

B. Native Lands Acknowledgment.

2. ANNOUNCEMENTS

Mayor Batey announced upcoming activities, including the city's annual board and committee recruitment, a city manager open door session, Earth Day events, and a prescription drug drop-off and document shredding event. **Councilors Stavenjord and Khosroabadi** wished all Milwaukians a peaceful Ramadan.

3. PROCLAMATIONS AND AWARDS

A. Outstanding Milwaukie High School (MHS) Student – Award

Kim Kellogg, MHS Principal, introduced Norah Schmidt and Council congratulated them on their academic and extra-curricular activities.

B. Welcome Home Vietnam Veterans Day – Proclamation

Stauffer commented on the Welcome Home Vietnam Veterans event the community held on March 18 and thanked the veterans service groups who supported the event for their work. Council received reports on veteran support programs and projects from **Jerry Craig** with American Legion Post 180; **Phyllis Hines** with the Susannah Lee Barlow Chapter Daughters of the American Revolution (DAR); **Siri Bernard**, Milwaukie Historical Society; **Tina Kennedy**, Fort Kennedy; **Robert Haltiner**, Disabled American Veterans (DAV); **Gus Bedwell**, Clackamas County Veterans Service Office; and **Christina Wood**, the Mission Continues. **Mayor Batey** proclaimed March 29, 2023, to be Welcome Home Vietnam Veterans Day in Milwaukie.

4. SPECIAL REPORTS

A. None Scheduled.

5. COMMUNITY COMMENTS

Mayor Batey reviewed the comment procedures. **Stauffer** noted that no audience member wished to address Council.

6. CONSENT AGENDA

It was moved by Council President Nicodemus and seconded by Councilor Massey to approve the Consent Agenda as amended.

~~A. City Council Meeting Minutes: (removed from the agenda)~~

- ~~1. February 14, 2023, study session,~~
- ~~2. February 21, 2023, Work Session, and~~
- ~~3. February 21, 2023, Regular Session.~~

B. An Oregon Liquor and Cannabis Commission (OLCC) application for Eastside Distilling, 2150 SE Hannah Harvester Drive – Name Change.

Motion passed with the following vote: Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting “aye.” [5:0]

7. BUSINESS ITEMS

A. Meek Street Project Property Purchase – Resolution

Garbely provided an overview of the Meek Street Stormwater Project, noted the need to improve the stormwater infrastructure in the area around Harrison, Meek, and Oak streets, and the long-term effort required to acquire the property from the railroad.

Mayor Batey thanked staff for their work on the project and noted that the requested action was for the city to buy property and approve a property easement.

It was moved by Councilor Stavenjord and seconded by Councilor Khosroabadi to approve the resolution authorizing the acquisition of property and easements from the Union Pacific Railroad (UPRR) Company. Motion passed with the following vote: Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting “aye.” [5:0]

Resolution 16-2023:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE ACQUISITION OF PROPERTY AND EASEMENTS FROM THE UNION PACIFIC RAILROAD (UPRR) COMPANY.

Mayor Batey recessed the meeting at 7:41 p.m. and reconvened at 7:48 p.m.

8. PUBLIC HEARING

A. Downtown Design Review (DDR) Adoption – Ordinance

Call to Order: **Mayor Batey** called the continued public hearing on the proposed DDR code amendments, File #ZA-2022-003, to order at 7:49 p.m.

Purpose: **Mayor Batey** announced that the purpose of the hearing was to take public comment on the proposed DDR code amendments.

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

Staff Presentation: **Kelver** provided an overview of the multi-year effort to review and update the DDR code, provided a comparison of the current and proposed code, and noted issues addressed by the Design and Landmarks Committee (DLC) including unclear discretionary review types, aligning processes, limiting street-facing blank walls, and reorganizing how the DDR code is arranged.

Kelver reported that the Planning Commission had recommended Council adopt the proposed DDR code changes and noted several minor adjustments to the ordinance that staff had made since the ordinance had been posted for the hearing. **Kelver** noted Council's decision-making options and the relevant approval criteria.

Mayor Batey asked about the blank-wall issue and a proposed public art program. **Kelver** commented on the inclusion of art in downtown and the recent use of blank walls. **Batey** and **Kelver** noted development requirements related to blank walls and how public art murals are reviewed by the Arts Committee.

Councilor Khosroabadi and **Kelver** remarked on why a public art option requirement had not been proposed, noting the difficulty in defining a mural in clear and objective terms. **Gericke** noted issues related to requiring art on private property. **Kelver** observed that staff wasn't against a public art program but believed the DDR code was not the right place for such a program.

Mayor Batey, **Kelver**, and consultant **Elizabeth Decker** discussed the proposed changes to right-of-way (ROW) weather protection requirements. They commented on the proposal to increase the allowed height of the ground floor of commercial buildings to 15-feet to accommodate heating, air conditioning, and ventilation (HVAC) systems.

Correspondence: Staff reported that one set of written comments had been received.

Conduct of Hearing: **Mayor Batey** reviewed the public comment procedures.

Audience Testimony:

Greg Hemer, Milwaukie resident, suggested the city would not need to judge art in public spaces and encouraged Council to add an art program to the proposed DDR code changes. **Mayor Batey** and **Hemer** noted that Hemer's proposal did not include or identify a body to review a public art proposal.

Jacob Sherman, Milwaukie resident, thanked staff for their work on the DDR code and proposed changes to the DDR code related to art and artistic elements in open spaces. **Mayor Batey** and **Sherman** commented on artistic elements and **Councilor Massey** and **Sherman** noted that the Planning Commission had voted to recommend Council adopt the proposed DDR code although some commissioners had sent a letter encouraging Council to add a public art program. **Batey** and **Sherman** noted that the Commission had not spoken to the Arts Committee about the program.

Staff Response to Testimony:

Mayor Batey noted that Council had previously discussed a public art program.

Gericke remarked on the need for clear and objective criteria in the DDR code and why an arts program could not meet that criteria and suggested that state law did allow cities to adopt an art program on private property. The group commented on whether Council could enact a tax or fee for an arts program, whether the DDR was the right vehicle for an arts program, and the challenges of identifying criteria for public art.

Gericke, **Ober**, and **Weigel** remarked on what the city could do to develop an arts program, noting the impact such a program would have on staff workload.

Questions from Council to Staff:

The group commented on the legality of Hemer's arts program proposal, the challenges of requiring public art on private property, and what is the appropriate vehicle for an art on private property program.

Close Public Comment: It was moved by Councilor Massey and seconded by Council President Nicodemus to close the public comment part of the hearing on the proposed Downtown Design Review code amendments. Motion passed with the following vote: Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting “aye.” [5:0]

Mayor Batey closed the public hearing at 9:02 p.m.

Council Discussion:

Mayor Batey agreed that Hemer’s proposal was not clear and objective and should not be included in the proposed DDR code changes.

Councilor Massey suggested Council continue the hearing to another meeting to allow time to gather more information about whether the city could levy an art tax. Council discussed whether more information would inform Council’s vote on the proposed DDR program and noted the proposed code changes included other references to art.

Council President Nicodemus and Mayor Batey suggested Council adopt the DDR code at the present meeting and revisit public art at a future meeting. Councilor Massey did not believe a continuance would cause an issue.

Ober observed that creating an arts program would require a years’ worth of community outreach and noted what staff would do if Council postponed adoption of the DDR code.

Councilors Stavenjord and Khosroabadi wanted the city to consider an arts program and did not believe the proposed DDR code adoption needed to be delayed. Gericke and Khosroabadi commented on how an arts tax could be added to the code later.

Councilor Massey supported adopting the DDR code at the present meeting. Mayor Batey and Massey noted there were development projects waiting for an updated DDR code and the group commented on keeping an arts program on the city’s radar.

Council Decision: It was moved by Council President Nicodemus and seconded by Councilor Khosroabadi for the first and second readings by title only and adoption of the ordinance amending Municipal Code (MMC) Title 19 Zoning Ordinance for the purpose of updating and reorganizing the Downtown Design Review process (File #ZA-2022-003). Motion passed with the following vote: Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting “aye.” [5:0]

Ober read the ordinance two times by title only.

Stauffer polled the Council with Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting “aye.” [5:0]

Ordinance 2226:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING MUNICIPAL CODE (MMC) TITLE 19 ZONING ORDINANCE FOR THE PURPOSE OF UPDATING AND REORGANIZING THE DOWNTOWN DESIGN REVIEW PROCESS (FILE #ZA-2022-003).

9. COUNCIL REPORTS

A. Council Goals Adoption – Resolution

Mayor Batey explained that the goals resolution would be moved to a future meeting.

10. ADJOURNMENT

Councilor Khosroabadi wished Iranians a happy Persian new year!

Mayor Batey announced that after the meeting Council would continue an executive session meeting started before the regular session pursuant to Oregon Revised Statute (ORS) 192.660 (2)(h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

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

Mayor Batey adjourned the meeting at 9:25 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder

COUNCIL SITE VISIT

The Bertman House, 11022 SE 37th Avenue
(www.milwaukieoregon.gov)

MINUTES

APRIL 3, 2023

Council Present: Councilors Adam Khosroabadi, Council President Desi Nicodemus, and Mayor Lisa Batey

Council Absent: Councilors Robert Massey and Rebecca Stavenjord

Staff Present: Peter Passarelli, Public Works Director

Members of Council and Passarelli participated in a site visit and tour of the Bertman House. Council took no actions.

Respectfully submitted,

Peter Passarelli, Public Works Director



MILWAUKIE POLICE DEPARTMENT

Memorandum

To: Mayor Batey and Milwaukie City Council
From: Luke Strait, Police Chief *LS*
Through: Ann Ober, City Manager
Date: April 4, 2023
Re: OLCC Application – Wong’s Garden – 10820 SE Oak St. Milwaukie, 97222

Action requested:

It is respectfully requested the council approve the OLCC application for Wong’s Garden Restaurant located at 10820 SE Oak St. Milwaukie, 97222.

We have conducted a background check and find no reason to deny the request for the liquor license.



MILWAUKIE POLICE DEPARTMENT

Memorandum

To: Mayor Batey and Milwaukie City Council
From: Luke Strait, Police Chief *LS*
Through: Ann Ober, City Manager
Date: April 5, 2023
Re: OLCC Application – Wagon with the Dragon – 11301 SE 21st Ave, Milwaukie

Action requested:

It is respectfully requested the council approve the OLCC application for Wagon with the Dragon located at 11301 SE 21st Ave, Milwaukie 97222.

We have conducted a background check and find no reason to deny the request for the liquor license.

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Reviewed: Toby LaFrance, Finance Director

From: Michael Osborne, Assistant Finance Director

Subject: **Audit Report Corrective Plan**

Date Written: Apr. 12, 2023

ACTION REQUESTED

Council is asked to adopt the city's Audit Report Corrective Plan.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

The requested action is in reference to an auditor comment on deficient internal controls made by the city's audit firm Aldrich CPA's and Advisors LLP (Aldrich).

ANALYSIS

During the fiscal year 2022 audit, Aldrich reported a deficiency in the city's internal controls. The deficiency is detailed in the attached letter to Council. Staff takes this deficiency very seriously and has listed a corrective plan of action in the attached letter to the Oregon Secretary of State (SOS). Staff asks that Council review the plan and provide feedback as necessary.

BUDGET IMPACT

Staff is looking at available accounting software to aid in new Government Accountability Standards Board (GASB) requirements, leases, and subscription reporting. An estimate for the software appears to be between \$7,000 and \$15,000 depending on the city's needs.

WORKLOAD IMPACT

Staff's workload will be unchanged. Staff will just be updating processes and procedures.

CLIMATE IMPACT

None.

COORDINATION, CONCURRENCE, OR DISSENT

Staff has reached out to cities of Oregon City and Lake Oswego for best practices and ways to update Milwaukie's processes and procedures.

STAFF RECOMMENDATION

Staff recommends that Council adopt by motion the plan of action outlined in the letter to the SOS. Staff is already in the process of updating work papers and schedules.

ATTACHMENTS

1. Letter from Aldrich dated March 28, 2023, in reference to FY2022 Audit.
2. Letter drafted to Oregon SOS dated April 18, 2023, listing city's plan of action.



Aldrich CPAs + Advisors LLP
5665 SW Meadows Road, #200
Lake Oswego, OR 97035

To the Honorable Mayor and City Council
City of Milwaukie
Milwaukie, Oregon

In planning and performing our audit of the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of City of Milwaukie (City) as of and for the year ended June 30, 2022, in accordance with auditing standards generally accepted in the United States of America, we considered the City's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, we do not express an opinion on the effectiveness of the City's internal control.

Our consideration of internal control was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and, therefore, material weaknesses or significant deficiencies may exist that were not identified. However, as discussed below, we identified certain deficiencies in internal control that we consider to be significant deficiencies.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A material weakness is a deficiency, or a combination of deficiencies in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected, on a timely basis. We did not identify any deficiencies in internal control that we consider to be material weaknesses.

A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance. We consider the following deficiency in internal control to be a significant deficiency:

The City did not have appropriate internal controls in place to identify and correct errors in the trial balance, supporting schedules, and draft annual comprehensive financial report (ACFR). Due to this, errors were identified during audit procedures resulting in journal entries and corrections to the supporting schedules and draft ACFR. We recommend the City implement internal controls to ensure misstatements are caught and corrected timely.

This communication is intended solely for the information and use of management, City Council, and others within the City of Milwaukie, and is not intended to be and should not be used by anyone other than these specified parties.

Aldrich CPAs + Advisors LLP

Lake Oswego, Oregon
March 28, 2023

Oregon Secretary of State,
Audits Division
255 Capitol St. NE, Suite #500
Salem, OR 97310

April 18, 2023

Plan of Action for the city of Milwaukie

The city of Milwaukie respectfully submits the following corrective action plan in response to deficiencies reported in our audit of fiscal year ended June 30, 2022. The audit was completed by the independent auditing firm Aldrich CPA's and Advisors LLP and reported the deficiency listed below. The plan of action was adopted by the City Council at their meeting on April 18, 2023, as indicated by signatures below.

The deficiencies are listed below, including the adopted plan of action and timeframe for each.

- Deficiency #1

Significant Deficiency Reported: "The City did not have appropriate internal controls in place to identify and correct errors in the trial balance, supporting schedules, and draft annual comprehensive financial report (ACFR). Due to this, errors were identified during audit procedures resulting in journal entries and corrections to the supporting schedules and draft ACFR. We recommend the City implement internal controls to ensure misstatements are caught and corrected timely."

a. Plan of action as follows:

- Updated our financial and written ACFR files to bring up to date and correct old and outdated formulas and processes. We have reach out to neighboring cities to identify best practices and implementing them into our standards.
- Update work papers and schedules specifically: deferred revenue, court receivables, and accounts receivable. We updated these to account for better tracking of the accounts and to follow Aldrich CPA's expectations.
- The city is also looking into accounting software to help with reporting regarding leases (GASB 87) and the upcoming IT subscription tracking (GASB 96). We anticipate the automation of this new tracking can help with end of year reporting.
- Finally, the city has filled all financial vacancies and is currently fully staffed. We are in the process of examining the past audit and finding ways to improve. With a year of experience, we anticipate what our auditors are looking for and can provide work schedules and support to meet their expectations.

b. Timeframe for implementation.

- The city is already in the process of updating work papers and schedules to improve for next year and has reviewed our end of year audit procedures to improve best practices. The city is reviewing available software and will have it implemented by the time of Aldrich's fieldwork in July 2023.



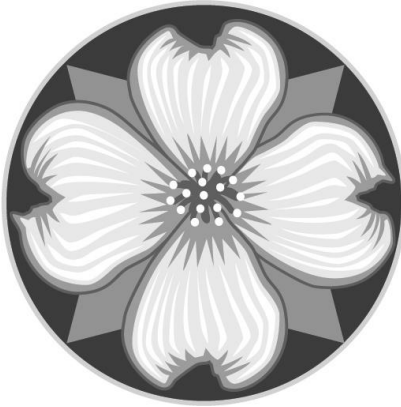
Mayor, Lisa Batey

Signature

Toby LaFrance, Finance Director

Signature

Cc: Oregon Secretary of State, Audit Division
Aldrich CPA's and Advisors LLP



RS Agenda Item

8

Public Hearings

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Apr. 4, 2023

Reviewed: Laura Weigel, Planning Manager

From: Vera Kolias, Senior Planner

Subject: **Minor Code Fixes: Housekeeping Code Amendments**

ACTION REQUESTED

Council is asked to open the public hearing for land use file #ZA-2023-001, discuss the proposed amendments to the Milwaukie Municipal Code (MMC) Title 19 (Zoning), Title 17 (Land Division), and the Zoning map, take public testimony, provide direction to staff regarding any desired revisions to the proposed amendments, and vote to approve file #ZA-2023-001 and adopt the proposed ordinance and recommended Findings in Support of Approval found in Attachment 1.

BACKGROUND INFORMATION

- [March 7, 2023](#): Council held a work session to review proposed code amendments.
- [February 14, 2023](#): Planning Commission held a public hearing and voted 6-0 to recommend approval of the code amendments (See Attachment 1).

Over several years, planning department staff has been tracking issues with current zoning code language and has made recommendations for amended language. These items have been identified through a variety of means, including:

- Questions about specific code language that have been raised by the public on multiple occasions and that are not easily answered,
- Changes in state law requiring amendments to local codes,
- Implementation of the comprehensive plan. and
- Code interpretation applications.

Over the past several months, staff has created categories for code amendment packages to help organize the various amendments and to help with the overall department workplan:

- **Large efforts** which will each be its own project – examples include: Willamette Greenway Overlay re-write (MMC 19.401); Natural Resources code re-write (MMC 19.402); Historic Preservation Overlay Zone (MMC 19.403).
- **Substantive code amendments** – examples include a review of Type III Variance applications to determine if changes are warranted to simplify processes.
- **“Housekeeping”** – these are amendments that are clarifications or minor tweaks that are not intended to affect meaning or intent of existing regulations. Housekeeping

amendments are a way of cleaning up the code. These are the types of amendments included in this package.

ANALYSIS

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

1. Final plat bonding language (MMC 17.24.060)
 - **Revise** the language to state that the City Manager or designee(s) have the authority to set the bond amount to provide for contingency staff when needed.
2. Definitions (MMC 19.201)
 - **Revise** the definition of **family childcare home** to be consistent with state law (Oregon House Bill (HB) 3109).
 - **Revise** the definition of **major pruning** so it matches the definition in the tree code (MMC 16.32).
 - **Revise** the definition of **structure** to clarify that storage containers, sheds, and carports are considered structures. This allows the minimum setbacks to be applied.
 - **Delete** the definition of **primary entrance** because the code already includes “building entrance.”
3. Lot coverage language in the residential zones (MMC 19.301.5.B and MMC 19.302.5.B):
 - The current language states that the additional lot coverage for a residential dwelling is only for a new dwelling or an addition that does not exceed 20 ft in height.
 - This is an issue because the lot coverage bonus does not include accessory structures which are also part of a residential property and are consistent with the intent of the bonus, which is to allow people to add on to their structures and stay on the property. If someone proposes a new home with an accessory structure and meets the standard, they can take advantage of the bonus. But if someone wishes to add a small accessory structure to a property that is already developed, they cannot take advantage of the bonus. The issue becomes one of timing rather than development intent.
 - Staff proposes to allow people to use the 10-percentage point lot coverage increase even for building an accessory structure. Staff’s experience is that it seems like the timing of what gets built when should not disqualify some sites where the result would be the same.
4. North Milwaukie Innovation Area (NMIA) (MMC 19.312).
 - **Amend** the list of permitted uses to include consumer e-commerce businesses (fulfillment centers) and to clarify that in-person retail-oriented businesses are not the intended businesses in the wholesale trade and warehousing list of permitted uses. This revision is proposed to provide consistency with the common understanding that a warehouse use with a fulfillment center would not be considered a traditional retail use, even though the business is selling directly to

consumers. The proposed amendment draws a clear distinction between traditional brick and mortar retail businesses with on-site sales and direct to consumer e-commerce businesses which are more in keeping with the allowed warehouse use.

- **UPDATE: Based on Council discussion at the March 7 work session, staff has removed this proposed code amendment from the package. This item requires a larger discussion that is beyond the scope of a “housekeeping” amendment.**
 - **Revise** the graphic associated with key streets to be consistent with the word list in MMC 19.312.7.
5. Willamette Greenway (MMC 19.401.5)
- **Revise** the list of activities exempt from review to ensure consistency with statewide Goal 15.
6. Supplementary Development Regulations for Accessory Structures (MMC 19.502.2)
- **Revise** the language for residential accessory structures to clarify that retaining walls are exempt from the requirements and limitations.
 - **Include** street side yard requirements in Table 19.502.2.A.1.a rather than in a word list.
7. Building Design Standards – Single Detached Dwellings and Middle Housing Residential Development (MMC 19.505)
- **Re-organize** the design standards so that the cottage cluster and townhouse code sections are all-inclusive (MMC 19.505.1, 19.505.4, and 19.505.5). Staff acknowledges that the draft code appears to have a lot of new code language, but in fact it reflects duplicate code in two additional sections – it is not new language (other than some minor amendments reflective state law).
 - The current language consolidates many design standards for single detached dwellings and middle housing, but also includes separate sections for cottage cluster and townhouse development with additional standards.
 - This is an issue because developers of middle housing must read through two different code sections, creating confusion for both the public and staff in making sure all standards are followed.
 - Staff proposes to treat one to four dwellings, cottage clusters, and townhouse developments separately so that all applicable standards are housed in their own sections to ensure clarity and simplification of the code. While duplicative, it allows each type of housing to include all applicable standards in one code section.
 - **Modify** the design details section so that the list of roofing materials includes clay tile or slate materials rather than just the word “tile.”

8. Type III Public Notice (MMC 19.1006.3)
 - **Revise** the language to clarify that a Measure 56 notice is not required for owner-imitated zoning map amendments.
9. Appeals – Notice of Decision (MMC 19.1010.7)
 - **Add** language to include instructions on issuing a notice of decision for appeals.
10. Annexations (19.1102)
 - **Clarify** that annexations are exempt from the 120-day rule, per a City Attorney opinion.
11. Zoning Map
 - Amend the zoning map by renaming the high-density residential (HDR) zone to R-HD, both in the zoning code and on the zoning map.

BUDGET IMPACT

None.

WORKLOAD IMPACT

The proposed code amendments help to clarify existing code, which will assist staff and the public in interpreting code requirements.

CLIMATE IMPACT

There are no identified climate impacts resulting from these minor code fixes.

COORDINATION, CONCURRENCE, OR DISSENT

None.

STAFF RECOMMENDATION

Staff recommends that Council adopt the ordinance, findings, and proposed code amendments found in Attachment 1.

ALTERNATIVES

None.

ATTACHMENTS

1. Ordinance
 - a. Findings in Support of Approval
 - b. Code Amendments (underline/strikeout)
 - c. Code Amendments (clean)

COUNCIL ORDINANCE No.

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING MUNICIPAL CODE TITLE 14 SIGNS, TITLE 17 LAND DIVISION, TITLE 19 ZONING, AND THE ZONING MAP TO MAKE MINOR CHANGES TO SELECT SECTIONS FOR THE PURPOSE OF CLARIFICATION AND IMPROVED EFFECTIVENESS (FILE #ZA-2023-001).

WHEREAS the proposed amendments to Milwaukie Municipal Code (MMC) Titles 14, 17, and 19 and the Zoning Map make changes and clarifications that will more effectively communicate and implement existing policy; and

WHEREAS legal and public notices have been provided as required by law, and opportunities for public review and input has been provided; and

WHEREAS on February 14, 2023, the Planning Commission conducted a public hearing as required by MMC 19.1008.5 and adopted a motion in support of the amendments; and

WHEREAS the City Council finds that the proposed amendments are in the public interest of the City of Milwaukie.

Now, Therefore, the City of Milwaukie does ordain as follows:

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

Section 2. Amendments. The Milwaukie Municipal Code (MMC) is amended as described in Exhibit B (underline/strikeout version), and Exhibit C (clean version).

Section 3. Effective Date. The amendments shall become effective 30 days from the date of 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 Council on _____.

Signed by the Mayor on _____.

Lisa M. Batey, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

**Recommended Findings in Support of Approval
File #ZA-2023-001, Minor Code Fix Amendments**

Sections of the Milwaukie Municipal Code not addressed in these findings are found to be inapplicable to the decision on this application.

1. The applicant, the City of Milwaukie, proposes to amend various regulations that are contained in Title 14 Sign Ordinance, Title 17 Land Division, Title 19 Zoning Ordinance of the Milwaukie Municipal Code (MMC), and the Zoning Map. The land use application file number is ZA-2023-001.
2. The purpose of the proposed code amendments is as a collection of “housekeeping” amendments – clarifications or minor tweaks – that are not intended to affect the meaning or intent of existing regulations; they are not intended to be a change in policy. The amendments are located in several titles of the municipal code:
 - Zoning Map
 - Rename the HDR zone to R-HD
 - Municipal Code –
 - MMC 17.28 – Land Division – Clarify bonding authority
 - Zoning Ordinance –
 - MMC 19.201 – Clarification to the definitions of: family child care home, major pruning, structure, and primary entrance.
 - MMC 19.301 – Clarification of lot coverage allowance
 - MMC 19.312 – NMIA zone – permitted uses; correction to Key Streets graphic
 - MMC 19.401 – Willamette Greenway – clarification of exempt activities
 - MMC 19.502 – Accessory Structures – clarification within development standards
 - MMC 19.505 – Building Design Standards – clarification and reorganization of code section for middle housing
 - MMC 19.1006 – Clarification regarding Measure 56 notice requirements
 - MMC 19.1010 – Clarification to process for Notice of Decision for appeals.
 - MMC 19.1102 – Clarification to 120-day rule and annexations
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC 19.902 Amendments to Maps and Ordinances
 - MMC 19.1000 Review Procedures
4. The application has been processed and public notice provided in accordance with MMC Section 19.1008 Type V Review. Public hearings were held on February 14, 2023 and April 18, 2023 as required by law.
5. MMC 19.902 Amendments to Maps and Ordinances
 - a. MMC 19.902.5 establishes requirements for amendments to the text of the zoning ordinance. The City Council finds that these requirements have been met as follows.

- (1) MMC Subsection 19.902.5.A requires that changes to the text of the land use regulations of the Milwaukie Municipal Code shall be evaluated through a Type V review per Section 19.1008.

The Planning Commission held a duly advertised public hearing on February 14, 2023. A public hearing before City Council was held on April 18, 2023. Public notice was provided in accordance with MMC Subsection 19.1008.3.

- (2) MMC Subsection 19.902.5.B establishes the approval criteria for changes to land use regulations of the Milwaukie Municipal Code.
 - (a) MMC Subsection 19.905.B.1 requires that the proposed amendment be consistent with other provisions of the Milwaukie Municipal Code.

The proposed amendments have been coordinated with and are consistent with other provisions of the Milwaukie Municipal Code. The amendments are clarifying in nature and are not intended to affect policy.

- (b) MMC Subsection 19.902.5.B.2 requires that the proposed amendment be consistent with the goals and policies of the Comprehensive Plan.

Only the goals, objectives, and policies of Comprehensive Plan that are listed below are found to be relevant to the proposed text amendment.

- (i) Goal 4.3 for the Willamette Greenway reads as follows:

Coordinate public and private land uses and ensure compatibility of uses within the Willamette Greenway.

Policy 4.3.1 states:

Utilize the Willamette Greenway Zone in combination with underlying land use designations to manage uses and implement City Willamette Greenway objectives and Statewide Planning Goal 15.

The proposed amendments revises the list of activities exempt from review to ensure consistency with Statewide Goal 15.

- (ii) Goal 11.1 for Economic Development reads as follows:

Provide a diverse range of uses, services, and amenities that contribute to a sustainable, equitable, and resilient economy and are adaptable to changing land uses and technology.

Policy 11.1.2 states:

Adapt to industry trends and emerging technologies that have the potential to affect employment, land use, and infrastructure needs, such as automation, the sharing economy, autonomous vehicles, and other future technological advances.

The proposed amendments add e-commerce and fulfillment centers to the list of permitted uses in the North Milwaukee Innovation Area Zone.

(iii) Goal 7.1 for Housing (Equity) states:

Enable and encourage housing options that meet the needs of all residents, with a specific focus on uplifting historically disenfranchised communities and eliminating disparities for populations with special needs or lower incomes. To continue to encourage an adequate and diverse range of housing types and the optimum utilization of housing resources to meet the housing needs of all segments of the population.

Policy 7.1.2 states:

Establish development standards that regulate size, shape, and form and are not exclusively focused on regulating density.

Goal 8.3 for Urban Design and Land Use states:

Provide a clear and straightforward design review process for development in Milwaukee along with incentives to achieve desired outcomes.

The intent of the proposed amendments is to re-organize the design standards so that the cottage cluster and townhouse code sections are all-inclusive (MMC 19.505.1, 19.505.4, and 19.505.5). Staff acknowledges that the draft code appears to have a lot of new code language, but in fact it reflects duplicate code in two additional sections – it is not new language (other than some minor amendments reflective state law).

- *The current language consolidates many design standards for single detached dwellings and middle housing, but also includes separate sections for cottage cluster and townhouse development with additional standards.*
- *This is an issue because developers of middle housing must read through two different code sections, creating confusion for both the public and staff in making sure all standards are followed.*
- *Staff proposes to treat one to four dwellings, cottage clusters, and townhouse developments separately so that all applicable standards are housed in their own sections to ensure clarity and simplification of the code. While duplicative, it allows each type of housing to include all applicable standards in one code section. re- to the definition of “senior and retirement housing” is to align the definition with the current market by providing flexibility in unit type and size. This revision will allow developments to meet the needs of the market and provide options for different household sizes and for different income levels.*

- (c) MMC Subsection 19.902.5.B.3 requires that the proposed amendment be consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

The proposed amendments were sent to Metro for comment. Metro did not identify any inconsistencies with the Metro Urban Growth Management Functional Plan or relevant regional policies.

- (d) MMC Subsection 19.902.5.B.4 requires that the proposed amendment be consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

The proposed amendments were sent to the Department of Land Conservation and Development (DLCDD) for comment. DLCDD did not identify any inconsistencies with relevant State statutes or administrative rules.

The proposed amendments are found to be consistent with the Transportation Planning Rule for the following reason. The proposed text amendment does not impact the transportation system given that the amendments are clarifying in nature and do not create the opportunity for any more vehicle trips than are currently allowed by other similar uses in each respective zone.

- (e) MMC Subsection 19.902.5.B.5 requires that the proposed amendment be consistent with relevant federal regulations.

Relevant federal regulations are those that address land use, the environment, or development in the context of local government planning. Typically, regulations such as those set forth under the following acts may be relevant to a local government land use process: the Americans with Disabilities Act, the Clean Air Act, the Clean Water Act, the Endangered Species Act, the Fair Housing Act, the National Environmental Policy Act, the Religious Land Use and Institutionalized Persons Act, and the Resource Conservation and Recovery Act. None of these acts include regulations that impact the subject proposal or that cannot be met through normal permitting procedures. Therefore, the proposal is found to be consistent with federal regulations that are relevant to local government planning.

6. MMC 19.1000 establishes the initiation and review requirements for land use applications. The City Council finds that these requirements have been met as follows.
- a. MMC 19.1001.6 requires that Type V applications be initiated by the Milwaukie City Council, Planning Commission, Planning Director, or any individual.
- The amendments were initiated by the Planning Manager on January 3, 2023.*
- b. MMC Section 19.1008 establishes requirements for Type V review. The procedures for Type V review have been met as follows:
- (1) Subsection 19.1008.3.A.1 requires opportunity for public comment.

Opportunity for public comment and review has been provided. The City Council had a work session on the proposed amendments on March 7, 2023. The Planning Commission had a work session about the proposed amendments on January 10, 2023.

The current version of the draft amendments has been posted on the City's website since January 12, 2023. On January 17, 2023 staff emailed NDA leaders with information about the Planning Commission hearing and a link to the draft proposed amendments.

- (2) Subsection 19.1008.3.A.2 requires notice of public hearing on a Type V Review to be posted on the City website and at City facilities that are open to the public at least 30 days prior to the hearing.

A notice of the Planning Commission's February 14, 2023, hearing was posted as required on January 12, 2023. A notice of the City Council's April 18, 2023 public hearing was posted as required on March 16, 2023.

- (3) Subsection 19.1008.3.A.3 requires notice be sent to individual property owners if the proposal affects a discrete geographic area or specific properties in the City.

The Planning Manager has determined that the proposal affects a large geographic area. Notice to individual property owners and individual properties was not required.

- (4) Subsection 19.1008.3.B requires notice of a Type V application be sent to the Department of Land Conservation and Development (DLCD) 35 days prior to the first evidentiary hearing.

Notice of the proposed amendments was sent to DLCD on January 10, 2023.

- (5) Subsection 19.1008.3.C requires notice of a Type V application be sent to Metro 35 days prior to the first evidentiary hearing.

Notice of the proposed amendments was sent to Metro on January 10, 2023.

- (6) Subsection 19.1008.3.D requires notice to property owners if, in the Planning Director's opinion, the proposed amendments would affect the permissible uses of land for those property owners.

The proposed amendments generally do not further restrict the use of property. In general, the proposed amendments implement current interpretation or add flexibility and provide clarification.

- (7) Subsection 19.1008.4 and 5 establish the review authority and process for review of a Type V application.

The Planning Commission held a duly advertised public hearing on February 14, 2023 and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on April 18, 2023 and approved the amendments.

Underline/Strikeout Amendments**Title 17 Land Division****CHAPTER 17.16 APPLICATION REQUIREMENTS AND PROCEDURES****17.16.040 LOT CONSOLIDATION AND PROPERTY LINE ADJUSTMENT**

The following shall accompany applications for lot consolidation and property line adjustments:

- E. A plan drawn to scale showing the following details:
1. Scale, north arrow, and date of map;
 2. Tax map and lot number identifying each property involved in the application;
 3. Adjacent rights-of-way, with width shown;
 4. Location, width, and purpose of any recorded easements and/or plat restrictions;
 5. Proposed property lines and dimensions of the affected lots;
 6. The area of each lot;
 7. Location of existing structures to remain and proposed structures, if any, with setbacks shown to all existing and proposed lot lines; and
 8. Deeds of the properties involved; and
 9. ~~Application fee as adopted by the City Council. (Ord. 1907 (Attach. 1), 2002)~~

CHAPTER 17.24 FINAL PLAT**17.24.060 BOND**

A. The applicant shall file with the notice one of the following to assure his or her full and faithful performance:

1. An agreement to make improvements in a form approved by the City Attorney;
2. A letter of credit;
3. Cash.

B. Such assurance of full and faithful performance shall be for a sum determined by the City Manager or designee(s) ~~Public Works Director~~ as sufficient to cover the cost of the

improvements and repairs, including related engineering and incidental expenses, and to cover the cost of City inspection.

C. If the applicant fails to carry out said improvements and the City has unreimbursed costs or expenses resulting from such failure, the City may call the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds the cost incurred by the City, the City shall release the remainder. If the amount of the bond or cash deposit is less than the cost incurred by the City, the applicant shall be liable to the City for the difference. (Ord. 1907 (Attach. 1), 2002)

Title 19 Zoning Ordinance

CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS

19.201 DEFINITIONS

“Family child care home” means a child care facility in a dwelling that is caring for not more than 16 children and is certified under ORS 329A.280 (2) or is registered under ORS 329A.330. A family child care home is a “Family day care” means a private residence occupied by the family day care provider and is permitted in all areas zoned for residential or commercial purposes and used as a home occupation by the provider. for the care of fewer than 13 children, including children of the provider, regardless of full-time or part-time care status.

“Front lot line” means, in the case of an interior lot, the lot line separating the lot from the street other than an alley; in the case of a corner lot, a line separating the lot from the street on which the existing or contemplated development will face; and, in the case of a through lot, a line separating the lot from the street on which the contemplated development will face. In the case of a flag lot or back lot, the front lot line is the lot line closest to the street from which the property takes access, excluding lot lines that are part of the pole portion of the flag lot.

“Major pruning” means removal of more than 20% of a tree’s canopy, or injury or cutting of over ~~40~~ 15% of the root system, during any 12-month period.

“Primary building entrance” means the entrance to a building that most pedestrians are expected to use. Generally, each building has one primary entrance; however, some buildings may have more than one primary entrance or may have entrances that open directly into the building’s lobby or principal interior ground-level circulation space.

~~“Primary entrance” means the entrance to a building that most pedestrians are expected to use. Generally, each building has 1 primary entrance. Primary entrances are the widest entrances of those provided for use by pedestrians. In multitenant buildings, primary entrances open directly into the building’s lobby or principal interior ground-level circulation space. When a multitenant building does not have a lobby or common interior circulation space, each tenant’s outside~~

entrance is a primary entrance. In single-tenant buildings, primary entrances open directly into lobby, reception, or sales areas.

“Structure” means something constructed or built and having a fixed base or fixed connection to the ground or another structure. Structures include storage containers, prefabricated sheds, pop-up carports, etc. (Streets and utilities are excluded from this definition.)

CHAPTER 19.300 BASE ZONES

19.301 MODERATE DENSITY RESIDENTIAL ZONES

Table 19.301.4 Moderate Density Residential Development Standards					
Standard	R-MD				Standards/ Additional Provisions
	Lot size (square feet)				
	1,500 – 2,999	3,000–4,999	5,000-6,999²	7,000 and up	
B. Lot Standards					
Flag lot	NA ³	25	25	25	Subsection 19.504.76 Flag Lot and Back Lot Design and Development Standards
Double flag lot	NA ³	25	25	25	
C. Development Standards					
1. Minimum yard requirements for primary structures (ft)					Subsection 19.504.76 Flag Lot and Back Lot Design and Development Standards Subsection 19.301.5.C Front Yard Minimum Vegetation Subsection 19.504.65 Minimum Vegetation
Front yard	20	20	20	20	
Side yard	5	5	5	5/10	
Street side yard	15	15	15	20	
Rear yard	15	20	20	20	
Minimum vegetation (percent of total lot area)	15%	25%	25%	30%	

19.301.5 Additional Development Standards

B. Lot Coverage

The lot coverage standards in Subsection 19.301.4.B.4 are modified for specific uses and lot sizes as described below. The reductions and increases are combined for properties that are described by more than one of the situations below.

2. Increased Lot Coverage for Single Detached and Middle Housing Dwellings

- a. The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 10 percentage points for development of a single detached dwelling, ~~or an addition~~

to an existing single detached dwelling, or an accessory structure, provided that the portions of ~~the~~ any structure(s) on the site that are in excess of 20 ft high are limited to the lot coverage standard listed in Subsection 19.301.4.B.4. Only portions of the structure(s) that are less than 20 ft are allowed to exceed the listed lot coverage standard. See Figure 19.301.5.B.2 for an illustration of this allowance.

b. The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 10 percentage points for development of a middle housing dwelling (except for townhouses and cottage clusters), ~~or an addition to an existing middle housing dwelling (except for townhouses and cottage clusters),~~ or an accessory structure, provided that the portions of any structure(s) on the site that are in excess of 20 ft high are limited to the lot coverage standard listed in Subsection 19.301.4.B.4. Only portions of the structure(s) that are less than 20 ft are allowed to exceed the listed lot coverage standard. See Figure 19.301.5.B.2 for an illustration of this allowance.

A Type II variance per Subsection 19.911.4.A, to further increase this lot coverage allowance, is prohibited.

H. Additional Standards

Depending upon the type of use and development proposed, the following sections of Chapter 19.500 Supplementary Development Regulations may apply. These sections are referenced for convenience, and do not limit or determine the applicability of other sections within the Milwaukie Municipal Code.

1. Subsection 19.504.4 Buildings on the Same Lot
2. Subsection 19.504.~~7~~6 Flag Lot and Back Lot Design and Development Standards

19.302 HIGH DENSITY RESIDENTIAL ZONES

Table 19.302.4		
High Density Residential Development Standards		
Standard	HDR R-HD	Standards/ Additional Provisions
A. Lot Standards		
4. Minimum street frontage requirements (ft)		<u>Subsection 19.504.6</u> Flag Lots
a. Townhouse	20	

b. Standard lot	35	
c. Flag lot	25	
d. Double flag lot	25	
B. Development Standards		
5. Minimum vegetation (percent of total lot area)	15%	<p>Subsection 19.504.75 Minimum Vegetation</p> <p>Subsection 19.302.5.C Minimum Vegetation</p> <p>Subsection 19.302.5.D Front Yard Minimum Vegetation</p>

19.302.5 Additional Development Standards

B. Lot Coverage

The lot coverage standards in Subsection 19.302.4.B.4 are modified for specific uses and lot sizes as described below. The reductions and increases are additive for lots that are described by one or more of the situations below.

1. Increased Lot Coverage for Single Detached Dwellings

a. The maximum lot coverage percentage in Subsection 19.302.4 is increased by 10 percentage points for development of an addition to an existing single detached dwelling or an accessory structure, provided that the portions of ~~the any structure(s)~~ on the site that are in excess of 20 ft high, or in excess of one story, are limited to the lot coverage standard listed in Subsection 19.302.4.B.4. Only portions of the structure(s) that are less than 20 ft high, and no taller than one story, are allowed to exceed the listed lot coverage standard. See Figure 19.302.5.B.1 for an illustration of this allowance.

b. The maximum lot coverage percentage in Subsection 19.302.4 is increased by 10 percentage points for development of a middle housing dwelling (except for townhouses and cottage clusters), ~~or an addition to an existing middle housing dwelling (except for townhouses and cottage clusters),~~ or an accessory structure, provided that the portions of ~~the any structure(s)~~ on the site that are in excess of 20 ft high are limited to the lot coverage standard listed in Subsection 19.302.4.B.4. Only portions of the structure(s) that are less than 20 ft are allowed to exceed the listed lot coverage standard. See Figure 19.302.5.B.1 for an illustration of this allowance.

A Type II variance per Subsection 19.911.4.A, to further increase this lot coverage allowance, is prohibited.

K. Additional Standards

Depending upon the type of use and development proposed, the following sections of Chapter 19.500 Supplementary Development Regulations may apply. These sections are referenced for convenience, and do not limit or determine the applicability of other sections within the Milwaukie Municipal Code.

1. Subsection 19.504.4 Buildings on the Same Lot
2. Subsection 19.504.76 Flag Lot and Back Lot Design and Development Standards
3. Subsection 19.504.87 On-Site Walkways and Circulation
4. Subsection 19.504.98 Setbacks Adjacent to Transit

19.303 COMMERCIAL MIXED-USE ZONES

19.303.2 Uses

Table 19.303.2			
Uses Allowed in Commercial Mixed-Use Zones			
Uses and Use Categories	GMU	NMU	Standards/Additional Provisions
Residential			
Mixed use ²	P	P	<u>Subsection 19.505.7 Nonresidential Development</u>
Day care. ⁷ Day care is the provision of regular childcare <u>child care</u> , with or without compensation, to 4 or more children by a person or person(s) who are not the child's parent, guardian, or person acting in place of the parent, in a facility meeting all State requirements. Examples include nursery schools, before- and after-school care facilities, and child development centers.	P	P	

7. Day care and ~~childcare~~ child care uses are limited to 5,000 sq ft.

19.303.3 Development Standards

These development standards are intended to ensure that new development in the commercial mixed-use zones is appropriate for a mixed-use district in terms of building mass and scale, how the building addresses the street, and where buildings are located on a site.

Table 19.303.3 summarizes some of the development standards that apply in the commercial mixed-use zones. Development standards are presented in detail in Subsection 19.303.4.

Table 19.303.3			
Commercial Mixed Use Zones—Summary of Development Standards			
Standard	GMU	NMU	Standards/ Additional Provisions
Development Standards			
7. Primary <u>building</u> entrances	Yes	Yes	Subsection 19.303.4.E Primary <u>Building</u> Entrances

E. Primary Building Entrances

1. Intent

To promote pedestrian-friendly development by providing building entrances that are oriented to the sidewalk or other public space and connected with clearly marked pedestrian walkways.

2. Standards

a. All new buildings shall have at least 1 primary entrance facing an abutting public street (i.e., within 45 degrees of the street property line); or, if the building entrance must be turned more than 45 degrees from the public street (i.e., front door is on a side or rear elevation) due to the configuration of the site or similar constraints, a pedestrian walkway must connect the primary entrance to the sidewalk.

b. Where a development contains multiple buildings and there is insufficient public street frontage to meet the above building orientation standards for all buildings on the subject site, a building’s primary entrance may orient to a plaza, courtyard, or similar pedestrian space containing pedestrian amenities. When oriented this way, the primary entrance(s), plaza, or courtyard shall be connected to the street by a pedestrian walkway.

c. If a development is on a corner in the GMU Zone, the primary building entrance may be oriented toward either street.

d. If a development is on the corner of 32nd Ave or 42nd Ave and another street in the NMU Zone, the primary building entrance must be oriented toward 32nd Ave or 42nd Ave.

19.312 NORTH MILWAUKIE INNOVATION AREA

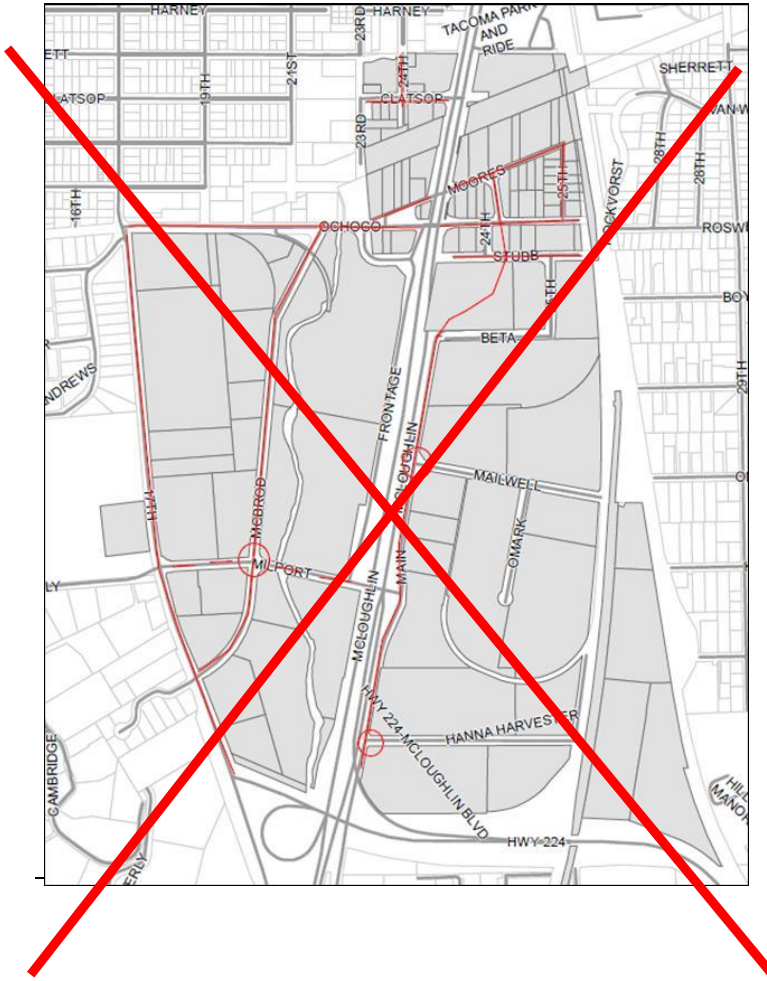
Table 19.312.5			
North Milwaukie Innovation Area — Summary of Development Standards			
Standard	NME	MUTSA	Standards/Additional Provisions
B. Development Standards			
6. Flexible ground-floor space	Yes, where applicable	Yes, where applicable	Subsection 19.312.7.B.7 A.6 Flexible ground-floor space
8. Frontage occupancy	50%	50%	Subsection 19.312.7.8 A.7 Frontage occupancy

19.312.7 Development Design Standards for All Uses in the MUTSA and on NME Key Streets

The following development standards apply to all uses in the MUTSA Zone and in the NME Zone on properties located on the following key streets and key corners: McBrod Avenue, Main Street, 17th Avenue, and Ochoco Street (see Figure 312.7.1).

Figure 19.312.7.1

Key Streets



B. Willamette Greenway review is not required for any of the activities listed below:

- 7. Establishment of residential accessory structures or uses, such as lawns, gardens, and play areas, subject to the vegetation buffer requirements of Subsection 19.401.8;

CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

19.502 ACCESSORY STRUCTURES

19.502.1 General Provisions

A. No accessory structure shall encroach upon or interfere with the use of any adjoining property or public right-of-way, including, but not limited to, streets, alleys, and public and private easements, unless permitted in accordance with Chapter 12.14.

H. Retaining walls are exempt from accessory structure limitations.

19.502.2 Specific Provisions for Accessory Structures

Table 19.502.2.A.1.a CONTINUED			
Residential Accessory Structure Height and Footprint Standards			
Standard	Type A	Type B	Type C
Required rear yard	3 ft	5 ft	Base zone required rear yard
Required side yard	3 ft	5 ft	Base zone required side yard
<u>Required street side yard</u>	<u>Base zone required street side yard</u>		
Required front yard	Not allowed in front yard unless the structure is at least 40 ft away from the front lot line.		

B. Fences, walls, and plantings may be constructed or maintained in yards with the following limitations:

- 1. Fences, walls, and plantings shall be constructed or maintained in yards only so as to permit unobstructed vision of passenger vehicle operations when approaching intersecting streets or driveways. Fences, walls, and plantings shall meet clear vision standards provided in Chapter 12.24. Fences and walls ~~on lot perimeters~~ in areas other than those obstructing the vision of passenger vehicle operators shall be constructed or maintained to the following standards:

a. Residential Zones and Residential Uses in All Zones

~~Maximum height is 6 ft for rear, street side, and side yards; 42 in for front yards, except that for flag lots fences in the front yard may be 6 ft. No electrified, barbed, or razor wire fencing is permitted. Specific standards for fences on cottage cluster developments are contained in Subsection 19.505.4.E.3. All fences on the interior of a middle housing plex development shall be no more than 3 ft high. Fences along the perimeter of the development may be up to 6 ft high, except as restricted by Chapter 12.24 Clear Vision at Intersection. Chain-link fences are prohibited.~~

1. Maximum height is 6 ft for rear, street side, and side yards; 42 in for front yards, except that for flag lots fences in the front yard may be 6 ft.
2. No electrified, barbed, or razor wire fencing is permitted.
3. Specific standards for fences on cottage cluster developments are contained in Subsection 19.505.4.E.3.
4. Middle housing plex development. All fences on the interior of a development shall be no more than 3 ft high. Fences along the perimeter of the development may be up to 6 ft high, except as restricted by Chapter 12.24 Clear Vision at Intersection. Chain-link fences are prohibited.

19.504 SITE DESIGN STANDARDS

~~19.504.4~~ **Distance from Property Line**

~~Where a side or rear yard is not required and a structure is not to be erected at the property line, it shall be set back at least 3 ft from the property line.~~

~~19.504.5~~ **4 Transition Area Measures**

~~19.504.6~~ **5 Minimum Vegetation**

~~19.504.7~~ **6 Flag Lot and Back Lot Design and Development Standards**

Figure 19.504.7.6.E

Figure 19.504.7.6.F

~~19.504.8~~ **7 On-Site Walkways and Circulation**

~~19.504.9~~ **8 Setbacks Adjacent to Transit**

~~19.504.10~~ **9 Preliminary Circulation Plan**

D. Screening of Adjoining Properties

Flag lots and back lots must be screened in accordance with this subsection. Fencing and screening must conform to the clear vision standards of Chapter 12.24. Fencing must conform to the standards of Subsection 19.502.2.B.

2. Driveways on flag lots and back lots must be screened to the greatest extent practicable. Continuous screening along lot lines of the flag lot, or back lot, abutting any neighboring lot that is not part of the parent lot from which the flag lot, or back lot, was created is required as described below. See Figures 19.504.7.6.E. and 19.504.7.6.F.

19.505 BUILDING DESIGN STANDARDS

19.505.1 ~~Single Detached Dwellings and Middle Housing~~ One- to Four-Unit Residential Development

A. Purpose

The design standards for one- to four- (1–4)-unit dwellings (including single detached dwellings, duplexes, triplexes, and quadplexes), ~~cottage clusters, and townhouses~~ require a minimum level of design on every dwelling. These standards are intended to promote attention to detail, human-scale design, street visibility, and privacy of adjacent properties, while affording flexibility to use a variety of architectural styles.

Dwellings must address the following design objectives:

- a. Articulation – All street-facing buildings must incorporate design elements that break up façades into smaller planes.
- b. Eyes on the street – A certain percentage of the area of each street-facing façade must be windows or entrance doors.
- c. Main entrance – On street-facing façades, at least one main entrance must meet standards for location, orientation, and visibility.
- d. Detailed design – All street-facing buildings must include several features selected from a menu.

In addition, site design standards are intended to facilitate the development of attractive housing that encourages multimodal transportation. They encourage good site design, which contributes to livability, safety, and sustainability; helps create a stronger community; and fosters a quality environment for residents and neighbors.

Site design is intended to meet the following objectives:

1. Livability –Development should contribute to a livable neighborhood by incorporating visually pleasing design, minimizing the impact of vehicles, emphasizing pedestrian and bicycle connections, and providing public and private open spaces for outdoor use.
2. Compatibility –Development should have a scale that is appropriate for the surrounding neighborhood and maintains the overall residential character of Milwaukee.
3. Safety and Functionality –Development should be safe and functional, by providing visibility into and within a residential development and by creating a circulation system that prioritizes bicycle and pedestrian safety.

- 4. Sustainability –Development should incorporate sustainable design and building practices, such as energy conservation, preservation of trees and open space, quality building materials, and alternative transportation modes.

B. Applicability of Design Standards

The building design standards in this subsection apply to the types of development listed development of one to four units when the closest wall of the street-facing façade is within 50 ft of a front or street side lot line and to dwellings in a cluster or grouping, either facing a shared open space (e.g., a common courtyard) or a pedestrian path. The site design standards apply to plex developments (i.e., two to four units).

~~1. Placement of a new manufactured home on a lot outside of a manufactured home park is subject to the requirements of Section 19.506 and the standards of Subsection 19.505.1.~~

1. New construction

The full list of design standards applies to construction of new single detached and plex dwellings.

Table 19.505.1.B.1 Applicability by Housing Type

Design Standard	1-4 units
Articulation	{3}
Eyes on the street	{3}{3}
Main entrance	{3}{3}
Detailed design	{3}
Common open space	
Pedestrian circulation	{2}{6}
Off-street parking	
Privacy and screening	{2}
Recycling areas	{6}
Sustainability	{7}

- ~~2. Applicable to the entire site~~
- ~~3. Applicable to dwellings facing the street~~

- ~~4. Applicable to dwellings in a cluster or grouping, either facing a shared open space (e.g. a common courtyard) or a pedestrian path.~~
 - ~~5. Applicable to clustered parking where parking spaces exceed 4~~
 - ~~6. Applicable only for additions or new buildings~~
 - ~~7. Applicable only for new buildings~~
2. Expansions of single detached dwellings structures in Subsection 19.505.1.B.1 that add area to any street-facing façade are subject to. ~~The design standards for such expansions are applicable as follows:~~
- a. Expansions that add 75 sq ft or less of street-facing façade area are exempt from all design standards in Subsection 19.505.1.
 - b. Expansions that add more than 75 sq ft and less than 200 sq ft of street-facing façade area are subject to Subsection 19.505.1.C.2 Eyes on the Street. The expanded façade area must meet the standards of Subsection 19.505.1.C.2 without consideration of the original street-facing façade area.
 - c. Expansions that add 200 sq ft or more of street-facing façade area are subject to the following design standards:
 - (1) The entire street-facing façade shall comply with Subsection 19.505.1.C.2 Eyes on the Street.
 - (2) Subsection 19.505.1.C.3 Main Entrance is applicable if an expansion would create a new main entrance. No expansion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the design standard.
 - (3) Subsection 19.505.1.C.1 Articulation is applicable for expansions that add 20 lineal ft or more to the length of the street-facing façade.
 - d. Subsection 19.505.1.C.4 Detailed Design is not applicable for expansions. However, no expansion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the Detailed Design standards.
 - e. Multiple expansions are allowed within a five-year period if the street-facing façade will comply with the design standards that would have been applicable if the expansions occurred at the same time.
 - f. Conversions of an attached garage to a habitable residential space. When applicable, the design standards apply only to the street-facing façade of the garage being converted. The following design standards are applicable:
 - (1) Subsection 19.505.1.C.3 Main Entrance is applicable if the garage conversion would create a new main entrance. No conversion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the design standard.
 - (2) Subsection 19.505.1.C.4 Detailed Design is not applicable. However, no conversion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the design standard.

3. Remodels, additions, and conversions that create new dwelling units.

- a. Internal conversion of an existing single detached dwelling, or an addition to an existing single detached dwelling, into a duplex, triplex, or quadplex (as provided in OAR 660-046-0230) is exempt from this section, provided that the conversion or addition does not increase nonconformance with applicable clear and objective standards. New duplexes, triplexes, and quadplexes created by adding square footage on a site occupied by an existing single detached dwelling must comply with this section.
- ~~a. that convert an attached garage to a habitable residential space. When applicable, the design standards apply only to the street-facing façade of the garage being converted. The following design standards are applicable:~~
- ~~a. Subsection 19.505.1.C.3 Main Entrance is applicable if the garage conversion would create a new main entrance. No conversion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the design standard.~~
- ~~b. Subsection 19.505.1.C.4 Detailed Design is not applicable. However, no conversion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the design standard.~~
- b. Conversion of an existing accessory structure into a plex dwelling unit must meet the Eyes on the Street standard for the street-facing façade(s).

4. Placement of a new manufactured home on a lot outside of a manufactured home park is subject to the requirements of Section 19.506 and the standards of Subsection 19.505.1.

C. Dwelling Standards

All buildings that meet the applicability provisions in Subsection 19.505.1.B ~~shall~~ must meet the following design standards. The graphics provided are intended to illustrate how development could comply with these standards and should not be interpreted as requiring a specific architectural style. An architectural feature may be used to comply with more than one standard.

An applicant may request a variance to the Detailed Design standards in Subsection 19.505.1.C.4 through a Type II review, pursuant to Subsection 19.911.3.B. Variances to any other design standards requires a variance through a Type III review, per Subsection 19.911.3.C.

1. Articulation

All buildings must incorporate design elements that break up all street-facing façades into smaller planes as follows. See Figure 19.505.1.C.1 for illustration of articulation.

- a. For buildings with 30-60 ft of street frontage, a minimum of ~~four~~ one of the following elements must be provided along the street-facing façades-;
- (1) A porch at least 5 ft deep.
 - (2) A balcony that is at least 2 ft deep and is accessible from an interior room.
 - (3) A bay window that extends at least 2 ft wide.

- (4) A section of the façade that is recessed by at least 2 ft deep and 6 ft long.
- (5) A gabled dormer.
- b. For buildings with over 60 ft of street frontage, at least 4one element in Subsection 19.505.1.C.1.a(1)-(4) above must be provided for every 30 ft of street frontage. Elements must be distributed along the length of the façade so that there are no more than 30 ft between 2two elements.
- c. For buildings with less than 30 ft of street frontage, the building articulation standard is not applicable.

3. Main Entrance

At least 4one main entrance must meet both of the following standards. See Figure 19.505.1.C.3 for illustration of main entrances. Dwellings on flag lots or back lots are exempt from these main entrance design standards.

- a. Be no further than 8 ft behind the longest street-facing wall of the building.
- b. Face the street, be at an angle of up to 45 degrees from the street, or open onto a porch. If the entrance opens up onto a porch, the porch must meet all of these additional standards:
 - (1) Be at least 25 sq ft in area with a minimum 4-ft depth.
 - (2) Have at least 4one porch entry facing the street.
 - (3) Have a roof that is no more than 12 ft above the floor of the porch.
 - (4) Have a roof that covers at least 30% of the porch area.

4. Detailed Design

All buildings shall include at least 5five of the following features on any street-facing façade. See Figure 19.505.1.C.4 for illustration of detailed design elements.

- g. Clay tile, slate, or wood shingle roofs.
- q. The following design element counts as two (2) elements. Dwelling must be built to meet universal access as follows:
 - a) Dwelling must have a bedroom on the ground floor.
 - b) A ramp complying with R311.8 Oregon Residential Specialty Code (ORSC) must be provided to the main entrance of the dwelling.
 - c) Doors must have a minimum clear width of 32 inches.
 - d) Horizontal and vertical grab bars must be provided in one bathroom on the main floor at the toilet, bath and shower. (See ANSI A117-1 section 609 for size and location requirements.)

D. Site Design Standards

The site design standards do not apply to single detached dwellings, only to plex developments.

1. Minimum separation between detached units is 6 ft.

1. Common Open Space

~~Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents. Common courtyards must meet the following standards:~~

- ~~a. The common courtyard must be a single, contiguous piece.~~
- ~~b. Cottages must abut the common courtyard on at least two sides of the courtyard.~~
- ~~c. The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster (as defined in subsection (1) of this section (C)).~~
- ~~d. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.~~
- ~~e. The common courtyard must be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard must not exceed 75 percent of the total common courtyard area.~~
- ~~f. Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard must count toward the courtyard's minimum dimension and area. Parking areas, required setbacks between cottages, and driveways do not qualify as part of a common courtyard.~~

42. Pedestrian circulation

The on-site pedestrian circulation system must include the following:

- a. Continuous connections between the primary buildings, streets abutting the site, ground level entrances, common buildings, common open space, and vehicle and bicycle parking areas.
- b. At least 4~~one~~ pedestrian connection to an abutting street frontage for each 200 linear ft of street frontage.
- c. Pedestrian walkways must be separated from vehicle parking and maneuvering areas by physical barriers such as planter strips, raised curbs, or bollards.
- d. Walkways must be constructed with a hard surface material ~~must be permeable for stormwater~~, and must be no less than 3 ft wide. If adjacent to a parking area where vehicles will overhang the walkway, a 7-ft-wide walkway must be provided. The walkways must be separated from parking areas and internal driveways using curbing, landscaping, or distinctive paving materials.

20ff-Street Parking

1. ~~Off-street parking may be arranged in clusters, subject to the following standards:~~
 - ~~i. Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than five (5) contiguous spaces.~~

- ~~ii. Cottage cluster projects with 16 cottages or more are permitted parking clusters of not more than eight (8) contiguous spaces.~~
- ~~iii. Parking clusters must be separated from other spaces by at least four (4) feet of landscaping.~~
- ~~iv. Clustered parking areas may be covered.~~
- ~~1. Off-street parking spaces and vehicle maneuvering areas must not be located:
 - ~~i. Within of 20 feet from any street property line, except alley property lines;~~
 - ~~ii. Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.~~
 - ~~iii. Off-street parking spaces must not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.~~~~
- ~~2. Landscaping, fencing, or walls at least three feet tall must separate clustered parking areas and parking structures from common courtyards and public streets.~~
- ~~3. Garages and carports (whether shared or individual) must not abut common courtyards.~~
- ~~4. Individual attached garages up to 200 square feet must be exempted from the calculation of maximum building footprint for cottages.~~
- ~~5. Individual detached garages must not exceed 400 square feet in floor area.~~
- ~~6. Garage doors for attached and detached individual garages must not exceed 20 feet in width.~~

3. Privacy and screening

- a. Mechanical and communication equipment and outdoor garbage and recycling areas must be screened so they are not visible from streets and common open spaces.
- b. Utilities such as transformers, heating and cooling, electric meters, and other utility equipment must not be located within 5 ft of a front entrance and must be screened with sight-obscuring materials.
- c. All fences on the interior of the development must be no more than 3 ft high. Fences along the perimeter of the development may be up to 6 ft high, except as restricted by Chapter 12.24 Clear Vision at Intersection. Chain-link fences are prohibited.

4. Sustainability

In order to promote more sustainable development, plex developments must incorporate the following elements:

- a. Building orientation that does not preclude utilization of solar panels, or an ecoroof on at least 20% of the total roof surfaces.
- b. Windows that are operable by building occupants.

- c. Window orientation, natural shading, and/or sunshades to limit summer sun and to allow for winter sun penetration.

5. Recycling areas

A recycling area or recycling areas within a plex development must meet the following standards:

- a. The recycling collection area must provide containers to accept the following recyclable materials: glass, newspaper, corrugated cardboard, tin, and aluminum.
- b. The recycling collection area must be located at least as close to the dwelling units as the closest garbage collection/container area.
- c. Recycling containers must be covered by either a roof or weatherproof lids.
- d. The recycling collection area must have a collection capacity of at least 100 cu ft in size for every 10 dwelling units or portion thereof.
- e. The recycling collection area must be accessible to collection service personnel between the hours of 6:00 a.m. and 6:00 p.m.
- f. The recycling collection area and containers must be labeled, to indicate the type and location of materials accepted, and properly maintained to ensure continued use by tenants.
- g. Fire Department approval will be required for the recycling collection area.
- h. Review and comment for the recycling collection area will be required from the appropriate franchise collection service.

19.505.3 Multi-Unit Housing

B. Applicability

4. Any activity not described in Subsections 19.505.3.B.1-3 19.505.3.D.2.a through 19.505.3.D.2.c is exempt from the design elements in this subsection.

19.505.4 Cottage Cluster Housing

Table 19.505.4.C.1 Cottage Cluster Development Standards		
Standards	R-MD	R-HD , GMU, NMU R-1, R-2, R-2.5, R-3, R-1-B
A. Home Types		
1. Building types allowed, minimum and maximum number per cluster	Detached cottages 3 minimum 12 maximum dwelling units	Detached and Attached 3 minimum 12 maximum dwelling units
B. Home Size		
1. Max building footprint per home	900 sf	
2. Max average floor area per dwelling unit	1,400 sf	
C. Height		
1. Max height	25 feet or 2 stories, whichever is greater	

2. Max structure height between 5 & 10 ft of rear lot line	15 ft	
3. Max height to eaves facing common green	1.618 times the narrowest average width between two closest buildings	
D. Setbacks, Separations, and Encroachments		
1. Separation between structures (minimum)	6 ft	
2. Side and rear site setbacks	5 ft	
3. Front site setback (minimum)	10 ft	
4. Front site setback (maximum)	20 ft	
5. Separation between clusters (minimum)	10 ft	
E. Impervious Area, Vegetated Area		
1. Impervious area (maximum)	60%	65%
2. Vegetated site area (minimum)	35%	35%
F. Community and Common Space		
1. Community building footprint (maximum) ¹	1,000 sf	1,000 sf
2. Common Space	<u>19.505.1.D-19.505.4.E.1</u>	<u>19.505.1.D-19.505.4.E.1</u>
G. Parking (see also 19.505.1.D.3)		
1. Automobile parking spaces per primary home (minimum)	0.5	0.5
2. Dry, secure bicycle parking spaces per home (minimum)	1.5	
3. Guest/ <u>short-term</u> bicycle parking spaces per home (minimum)	0.5	

¹ Use of an existing home, per Subsection 19.505.4.E.4, as the community building is exempt from this standard. Community buildings are not required in a cottage cluster development.

D. Cottage Standards

1. Size

The total footprint of a cottage unit must not exceed 900 sq ft, and the maximum average floor area for a cottage cluster is 1,400 sq ft per dwelling unit.

2. Height

The height for all structures must not exceed 25 ft or two stories, whichever is greater.

3. Orientation

a. Cottages must be clustered around a common courtyard, meaning they abut the associated common courtyard or are directly connected to it by a pedestrian path, and must meet the following standards:

- (1) Each cottage within a cluster must either abut the common courtyard or must be directly connected to it by a pedestrian path.
- (2) A minimum of 50% of cottages within a cluster must be oriented to the common courtyard and must:
 - (a) Have a main entrance facing the common courtyard;
 - (b) Be within 10 ft from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and
 - (c) Be connected to the common courtyard by a pedestrian path.
- (3) Cottages within 20 ft of a street property line may have their entrances facing the street.
- (4) Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that is directly connected to the common courtyard.

4. Design

The design standards in this subsection apply to cottages when the closest wall of the street-facing façade is within 50 ft of a front or street side lot line, when the front of the cottage faces the street, and to dwellings in a cluster or grouping, either facing a shared open space (e.g. a common courtyard) or a pedestrian path. An architectural feature may be used to comply with more than one standard.

An applicant may request a variance to the Detailed Design standards in Subsection 19.505.4.C.4 through a Type II review, pursuant to Subsection 19.911.3.B. Variances to any other design standards requires a variance through a Type III review, per Subsection 19.911.3.C.

1. Articulation

All buildings must incorporate design elements that break up all street-facing façades into smaller planes as follows:

a. For buildings with 30-60 ft of street frontage, a minimum of one of the following elements must be provided along the street-facing façades.

- (1) A porch at least 5 ft deep.
- (2) A balcony that is at least 2 ft deep and is accessible from an interior room.

(3) A bay window that extends at least 2 ft wide.

(4) A section of the façade that is recessed by at least 2 ft deep and 6 ft long.

(5) A gabled dormer.

- b. For buildings with less than 30 ft of street frontage, the building articulation standard is not applicable.

2. Eyes on the Street

At least 15% of the area of each street-facing façade must be windows or entrance doors.

- a. Windows used to meet this standard must be transparent and allow views from the building to the street. Glass blocks and privacy windows in bathrooms do not meet this standard.
- b. Half of the total window area in the door(s) of an attached garage counts toward the eyes on the street standard. All of the window area in the street-facing wall(s) of an attached garage count toward meeting this standard.
- c. Window area is considered the entire area within the outer window frame, including any interior window grid.
- d. Doors used to meet this standard must face the street or be at an angle of no greater than 45 degrees from the street.
- e. Door area is considered the portion of the door that moves. Door frames do not count toward this standard.

3. Main Entrance

At least one main entrance must meet both of the following standards.

- a. Be no further than 8 ft behind the longest street-facing wall of the building.
- b. Face the street, be at an angle of up to 45 degrees from the street, or open onto a porch. If the entrance opens up onto a porch, the porch must meet all of these additional standards.
- (1) Be at least 25 sq ft in area with a minimum 4-ft depth.
- (2) Have at least one porch entry facing the street.
- (3) Have a roof that is no more than 12 ft above the floor of the porch.
- (4) Have a roof that covers at least 30% of the porch area.

4. Detailed Design

All buildings shall include at least five of the following features on any street-facing façade.

- a. Covered porch at least 5 ft deep, as measured horizontally from the face of the main building façade to the edge of the deck, and at least 5 ft wide.

- b. Recessed entry area at least 2 ft deep, as measured horizontally from the face of the main building façade, and at least 5 ft wide.
- c. Offset on the building face of at least 16 in from one exterior wall surface to the other.
- d. Dormer that is at least 4 ft wide and integrated into the roof form.
- e. Roof eaves with a minimum projection of 12 in from the intersection of the roof and the exterior walls.
- f. Roof line offsets of at least 2 ft from the top surface of one roof to the top surface of the other.
- g. Tile or wood shingle roofs.
- h. Horizontal lap siding between 3 to 7 in wide (the visible portion once installed). The siding material may be wood, fiber-cement, or vinyl.
- i. Brick, cedar shingles, stucco, or other similar decorative materials covering at least 40% of the street-facing façade.
- j. Gable roof, hip roof, or gambrel roof design.
- k. Window trim around all windows at least 3 in wide and 5/8 in deep.
- l. Window recesses, in all windows, of at least 3 in as measured horizontally from the face of the building façade.
- m. Balcony that is at least 3 ft deep, 5 ft wide, and accessible from an interior room.
- n. One roof pitch of at least 500 sq ft in area that is sloped to face the southern sky and has its eave line oriented within 30 degrees of the true north/south axis.
- o. Bay window at least 2 ft deep and 5 ft wide.
- p. Attached garage width, as measured between the inside of the garage door frame, of 35% or less of the length of the street-facing façade.
- q. The following design element counts as two elements. Dwelling must be built to meet universal access as follows:
 - a) Dwelling must have a bedroom on the ground floor.
 - b) A ramp complying with R311.8 Oregon Residential Specialty Code (ORSC) must be provided to the main entrance of the dwelling.
 - c) Doors must have a minimum clear width of 32 in.
 - d) Horizontal and vertical grab bars must be provided in one bathroom on the main floor at the toilet, bath and shower. (See ANSI A117-1 section 609 for size and location requirements.)

E. Site Design and Other Standards

1. Number of Cottages Allowed

A cottage cluster must include a minimum of ~~3~~three cottages and a maximum of 12 cottages, subject to Table 19.505.4.B.1. Minimum separation between detached units is 6 ft.

42. Common Open Space

Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents. Common courtyards must meet the following standards:

- a. The common courtyard must be a single, contiguous piece.
- b. Cottages must abut the common courtyard on at least two sides of the courtyard.
- c. The common courtyard must contain a minimum of 150 sq ft per cottage within the associated cluster (as defined in Subsection 19.505.1.C.1).
- d. The common courtyard must be a minimum of 15 ft wide at its narrowest dimension.
- e. The common courtyard must be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard must not exceed 75% of the total common courtyard area.
- f. Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard must count toward the courtyard's minimum dimension and area. Parking areas, required setbacks between cottages, and driveways do not qualify as part of a common courtyard.

23. Pedestrian Circulation

The on-site pedestrian circulation system must include the following:

- a. Continuous connections between the primary buildings, streets abutting the site, ground level entrances, common buildings, common open space, and vehicle and bicycle parking areas.
- b. At least one pedestrian connection to an abutting street frontage for each 200 linear ft of street frontage.
- c. Pedestrian walkways must be separated from vehicle parking and maneuvering areas by physical barriers such as planter strips, raised curbs, or bollards.
- d. Walkways must be constructed with a hard surface material, ~~must be permeable for stormwater,~~ and must be no less than 3 ft wide. If adjacent to a parking area where vehicles will overhang the walkway, a 7-ft-wide walkway must be provided. The walkways must be separated from parking areas and internal driveways using curbing, landscaping, or distinctive paving materials.

4. Off-Street Parking

- a. There must be at least 0.5 off-street parking spaces per dwelling unit per Table 19.505.4.B.1. The parking space must be located together with parking spaces for other cottages in a common area, and not located on the same lot as an individual cottage unit.
- b. A cottage cluster parking area must be set back from the street. The distance of the setback is dependent on the orientation of the structure or lot. If the axis of the longest dimension of the parking area has an angle of 45 degrees or more to the lot line, the narrow dimension may be within 5 ft of the street. If the angle is less than 45 degrees, the parking area must be at least 20 ft from the street.
- c. If there are more than 8 units in a cottage cluster, there must be at least 2two separate parking areas with a minimum of 4four parking spaces in each area. A drive aisle connecting the 2two areas is permitted if a separate driveway access for each area is not permitted per Chapter 12.16 Access Management.
- d. Parking spaces may be located within a garage or a carport. Garages or carports in a cottage cluster may not contain more than 4four parking spaces, must be at least 10 ft from any cottage dwelling; and must match the materials, trim, and roof pitch of the cottages. The interior height of a garage or carport shall not exceed 8 ft high, unless a modification is requested for cases that would use space saving parking technology (e.g., interior car stacking) that might require additional interior height. This modification would be requested per Section 19.911 Variances.
- e. Parking spaces that are not in a garage or carport must be screened from common open space, public streets, and adjacent residential uses by landscaping and/or screen, such as a fence. Chain-link fencing with slats are not allowed as a screen.

2. Off-street parking may be arranged in clusters, subject to the following standards:

- i. Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than five contiguous spaces.
- ii. Cottage cluster projects with 16 cottages or more are permitted parking clusters of not more than eight contiguous spaces.
- iii. Parking clusters must be separated from all other areas by at least 4 ft of landscaping.
- iv. Clustered parking areas may be covered.

3. Off-street parking spaces and vehicle maneuvering areas must not be located:

- i. Within of 20 ft from any street property line, except alley property lines;

- ii. Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.
- iii. Off-street parking spaces must not be located within 10 ft of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 ft of other property lines.

35. Fences

All fences on the interior of the development shall be no more than 3 ft high. Fences along the perimeter of the development may be up to 6 ft high, except as restricted by Chapter 12.24 Clear Vision at Intersection. Chain-link fences are prohibited.

46. Conversions

A preexisting single detached dwelling may remain on a lot or parcel with a cottage cluster as described below:

- a. The preexisting single detached dwelling may be nonconforming with respect to the requirements of the applicable code;
- b. The preexisting single detached dwelling may be expanded up to the maximum height, footprint, or unit size required by the applicable code; however, a preexisting single detached dwelling that exceeds the maximum height, footprint, or unit size of the applicable code may not be expanded;
- c. The preexisting single detached dwelling may count as a unit in the cottage cluster or as the community building;
- d. The floor area of the preexisting single detached dwelling does not count towards any cottage cluster average or cottage cluster project average or total unit or community building size limits.

19.505.5 Townhouses

B. Applicability

1. The standards of Subsection 19.505.5 apply to single dwellings on their own lot, where the dwelling shares a common wall across a side lot line with at least one other dwelling, and where the lots meet the standards for a townhouse lot in both Section 19.302 and Subsection 19.505.5.E. Townhouse development may take place on existing lots that meet the lot standards for townhouse lots or on land that has been divided to create new townhouse lots.
2. Development standards for townhouses are in Subsections 19.301.4 and 19.302.4.

~~3. Design standards for single detached dwellings in Subsections 19.505.1 and 19.505.2 are also applicable to townhouses.~~

43. Dwelling units that share a common side wall and are not on separate lots are subject to the standards for single detached dwellings, middle housing, or multi-unit housing.

45. Creation of new lots or parcels as part of a townhouse development is subject to the applicable land division process in Title 17 of this code.

C. Townhouse Design Standards

~~4. Design~~

The design standards in this subsection apply to townhouses when the closest wall of the street-facing façade is within 50 ft of a front or street side lot line. An architectural feature may be used to comply with more than one standard.

An applicant may request a variance to the Detailed Design standards in Subsection 19.505.5.C.4 through a Type II review, pursuant to Subsection 19.911.3.B. Variances to any other design standards requires a variance through a Type III review, per Subsection 19.911.3.C.

1. Articulation

All buildings must incorporate design elements that break up all street-facing façades into smaller planes as follows.

a. For buildings with 30-60 ft of street frontage, a minimum of one of the following elements must be provided along the street-facing façades.

(1) A porch at least 5 ft deep.

(2) A balcony that is at least 2 ft deep and is accessible from an interior room.

(3) A bay window that extends at least 2 ft wide.

(4) A section of the façade that is recessed by at least 2 ft deep and 6 ft long.

(5) A gabled dormer.

b. For buildings with less than 30 ft of street frontage, the building articulation standard is not applicable.

2. Eyes on the Street

At least 15% of the area of each street-facing façade must be windows or entrance doors.

a. Windows used to meet this standard must be transparent and allow views from the building to the street. Glass blocks and privacy windows in bathrooms do not meet this standard.

b. Half of the total window area in the door(s) of an attached garage counts toward the eyes on the street standard. All of the window area in the street-facing wall(s) of an attached garage count toward meeting this standard.

- c. Window area is considered the entire area within the outer window frame, including any interior window grid.
- d. Doors used to meet this standard must face the street or be at an angle of no greater than 45 degrees from the street.
- e. Door area is considered the portion of the door that moves. Door frames do not count toward this standard.

3. Main Entrance

At least one main entrance must meet both of the following standards.

- a. Be no further than 8 ft behind the longest street-facing wall of the building.
- b. Face the street, be at an angle of up to 45 degrees from the street, or open onto a porch. If the entrance opens up onto a porch, the porch must meet all of these additional standards.
 - (1) Be at least 25 sq ft in area with a minimum 4-ft depth.
 - (2) Have at least one porch entry facing the street.
 - (3) Have a roof that is no more than 12 ft above the floor of the porch.
 - (4) Have a roof that covers at least 30% of the porch area.

4. Detailed Design

All buildings shall include at least five of the following features on any street-facing façade.

- a. Covered porch at least 5 ft deep, as measured horizontally from the face of the main building façade to the edge of the deck, and at least 5 ft wide.
- b. Recessed entry area at least 2 ft deep, as measured horizontally from the face of the main building façade, and at least 5 ft wide.
- c. Offset on the building face of at least 16 in from one exterior wall surface to the other.
- d. Dormer that is at least 4 ft wide and integrated into the roof form.
- e. Roof eaves with a minimum projection of 12 in from the intersection of the roof and the exterior walls.
- f. Roof line offsets of at least 2 ft from the top surface of one roof to the top surface of the other.
- g. Tile or wood shingle roofs.
- h. Horizontal lap siding between 3 to 7 in wide (the visible portion once installed). The siding material may be wood, fiber-cement, or vinyl.
- i. Brick, cedar shingles, stucco, or other similar decorative materials covering at least 40% of the street-facing façade.
- j. Gable roof, hip roof, or gambrel roof design.

- k. Window trim around all windows at least 3 in wide and 5/8 in deep.
- l. Window recesses, in all windows, of at least 3 in as measured horizontally from the face of the building façade.
- m. Balcony that is at least 3 ft deep, 5 ft wide, and accessible from an interior room.
- n. One roof pitch of at least 500 sq ft in area that is sloped to face the southern sky and has its eave line oriented within 30 degrees of the true north/south axis.
- o. Bay window at least 2 ft deep and 5 ft wide.
- p. Attached garage width, as measured between the inside of the garage door frame, of 35% or less of the length of the street-facing façade.
- q. The following design element counts as two elements. Dwelling must be built to meet universal access as follows:
 - a) Dwelling must have a bedroom on the ground floor.
 - b) A ramp complying with R311.8 Oregon Residential Specialty Code (ORSC) must be provided to the main entrance of the dwelling.
 - c) Doors must have a minimum clear width of 32 in.
 - d) Horizontal and vertical grab bars must be provided in one bathroom on the main floor at the toilet, bath and shower. (See ANSI A117-1 section 609 for size and location requirements.)

~~1. Townhouses are subject to the design standards for single detached dwelling housing in Subsection 19.505.1.~~

~~2~~ 5. Townhouses must include an area of transition between the public realm of the right-of-way and the entry to the private dwelling. The entry may be either vertical or horizontal, as described below.

a. A vertical transition shall be an uncovered flight of stairs that leads to the front door or front porch of the dwelling. The stairs must rise at least 3 ft, and not more than 8 ft, from grade. The flight of stairs may encroach into the required front yard, and the bottom step must be at least 4 ft from the front lot line.

b. A horizontal transition shall be a covered porch with a depth of at least 6 ft. The porch may encroach into the required front yard, but it must be at least 4 ft from the front lot line.

D. Number of Townhouses Allowed

In the High Density Zone, no more than ~~4~~four consecutive townhouses that share a common wall(s) are allowed. A set of ~~4~~four townhouses with common walls is allowed to be adjacent to a separate set of ~~4~~four townhouses with common walls.

In the R-MD zone, the maximum number of consecutive attached townhouses is ~~four~~4.

E. Townhouse Lot Standards

1. Townhouse development is allowed only where there are at least ~~2~~two abutting lots on the same street frontage whose street frontage, lot width, lot depth, and lot area meet or exceed the base zone requirements listed in Tables 19.301.4 and 19.302.4.
2. Townhouse development must meet the minimum lot size of 1,500 sq ft.

F. Driveway Access and Parking

1. Garages on the front façade of a townhouse, off-street parking areas in the front yard, and driveway accesses in front of a townhouse are prohibited unless the following standards are met. See Figure 19.505.5.F.1.
 - a. Development of ~~2~~two or ~~3~~three townhouses has at least one shared access between the lots, and development of ~~4~~four townhouses has ~~2~~two shared accesses.
 - b. Outdoor on-site parking and maneuvering areas do not exceed 10 ft wide on any lot.
 - c. The garage width does not exceed 12 ft, as measured from the inside of the garage door frame.
 - d. Shared accesses are spaced a minimum of 24 ft apart.

19.507 HOME OCCUPATION STANDARDS

It is the intent of these regulations to support and encourage home occupations but at the same time protect the residential character of the City's residential neighborhoods. A home occupation shall be allowed as an accessory use to all residential uses permitted by right, subject to the following restrictions. Home occupation businesses, ~~which~~that are not clearly accessory and incidental to the residential use, are prohibited. All activities permitted under this section must be consistent with this section.

CHAPTER 19.900 LAND USE APPLICATIONS

19.910 RESIDENTIAL DWELLINGS

19.910.0 Accessory Dwelling Units

E. Standards

4. Standards for Detached Accessory Dwelling Units

c. design standards

(1) A detached accessory ~~structure~~ dwelling unit must include at least 2 of the design details listed below. An architectural feature may be used to comply with more than one standard.

19.911 Variances

19.911.4 Approval Criteria

A. Type II Variances

An application for a Type II variance shall be approved when all of the following criteria have been met:

1. The proposed variance, or cumulative effect of multiple variances, will not be detrimental to surrounding properties, natural resource areas, or public health, safety, or welfare.
 2. The proposed variance will not interfere with planned future improvements to any public transportation facility or utility identified in an officially adopted plan such as the Transportation System Plan or Water Master Plan.
 3. Where site improvements already exist, the proposed variance will sustain the integrity of, or enhance, an existing building or site design.
 4. Impacts from the proposed variance will be mitigated to the extent practicable.
 5. The proposed variance would allow the development to preserve a priority tree or trees, or provide more opportunity to plant new trees to achieve 40% canopy, as required by Chapter 16.32 (when applicable).
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CHAPTER 19.1000 REVIEW PROCEDURES**19.1006 TYPE III REVIEW****19.1006.3 Type III Public Notice**

D. Mailed Notice

3. Notice requirements specific to Zoning Map amendments are as follows:

- b. A Measure 56 notice that conforms to Subsection 19.1008.3.D shall be mailed at least 20 days, but not more than 40 days, prior to the first public hearing on the application to all owners of property affected by the proposal. A Measure 56 notice is not required for owner-initiated zoning map amendments when the subject property or properties are owned by a single person or entity.

19.1010 APPEALS**19.1010.7 Notice of Decision**A. Written notice of decision shall be mailed to the following parties within 7 days of the date of the decision:

1. The applicant and/or the applicant's authorized representative.
2. The owner(s) of record of the subject property.
3. Any group or individual who submitted written comments at or prior to any public hearing.
4. Any group or individual who submitted oral testimony during any public hearing.
5. Any governmental agency that is entitled to receive notice per the municipal code or has requested notice of the decision.
6. Any group or individual who requested notice of the decision, including those who signed the attendance sheet at any public hearing on the application.

B. The notice of decision shall include the following:

1. A description of the proposal with sufficient detail to explain the project background.
2. A description of the hearings and process to date.
3. A statement of the limitations on evidence.

4. A statement of the applicable criteria, findings, and conditions of approval.
6. A statement that only persons who submitted comments or made an appearance of record at a public hearing on the application have standing to appeal the decision by filing a written appeal within the appeal period for the Land Use Board of Appeals.
7. A statement that the complete case file is available for review, including findings, conclusions, and conditions of approval, if any. The notice shall list when and where the case file is available and the name and telephone number of the City representative to contact about reviewing the case file.
8. A summary of the requirements for appealing the decision to the Land Use Board of Appeals.

19.1010.7 g Remand from the Land Use Board of Appeals

CHAPTER 19.1100 ANNEXATIONS AND BOUNDARY CHANGES

19.1102 ANNEXATIONS

19.1102.1 Administration and Approval Process

E. Annexation petitions are exempt from the requirements of ORS 227.178 that the city must take final action on the application within 120 days after the application is deemed complete.

19.1203 SOLAR ACCESS FOR NEW DEVELOPMENT

19.1203.4 Exemptions from Design Standard

A development is exempt from Subsection 19.1203.3 if the Planning Manager ~~Director~~ finds the applicant has shown that one or more of the following conditions apply to the site. A development is partially exempt from Subsection 19.1203.3 to the extent the Planning Manager ~~Director~~ finds the applicant has shown that one or more of the following conditions apply to a corresponding portion of the site. If a partial exemption is granted for a given development, the remainder of the development shall comply with Subsection 19.1203.3.

The following sections relate to re-naming the HDR zone to R-HD only.

14.040.030 Definitions

“Residential zones” means the R-MD and ~~HDR~~ R-MD Residential Zones as defined in the Zoning Ordinance.

14.16.020 HIGH DENSITY RESIDENTIAL ZONE

No sign shall be installed or maintained in the ~~HDR~~ R-HD Zone, except as allowed under Section 14.12.010 Exempted Signs, or as otherwise noted in Table 14.16.020.

Table 14.16.020 Standards for Signs in High Density Residential Zone ~~HDR~~ R-HD

Table 19.107.1 Classification of Zones	
Zone Description	Abbreviated Description
Base Zones	
Residential	R-MD
Residential	HDR <u>R-HD</u>

19.302 HIGH DENSITY RESIDENTIAL ZONES

The high density residential zones is Residential Zone R-HD. ~~HDR~~ This zone implements the high density residential land use designations in the Milwaukie Comprehensive Plan.

Table 19.302.2 High Density Residential Uses Allowed		
Use	HDR <u>R-HD</u>	Standards/ Additional Provisions
Residential Uses		
Use	HDR <u>R-HD</u>	Standards/ Additional Provisions

Table 19.302.4 High Density Residential Development Standards		
Standard	HDR <u>R-HD</u>	<u>Standards/</u> <u>Additional Provisions</u>

Table 19.505.4.C.1 Cottage Cluster Development Standards		
Standards	R-MD	HDR-R-HD
A. Home Types		
1. Building types allowed, minimum and maximum number per cluster	Detached cottages 3 minimum 12 maximum dwelling units	Detached and Attached 3 minimum 12 maximum dwelling units

Table 19.904.10.C Wireless Communication Facilities—Type and Review Process				
Towers		WCFs Not Involving New Tower		
Zones	New Monopole Tower up to 100 Ft	Building Rooftop or Wall Mounted Antenna	Water Towers, Existing Towers, and Other Stealth Designs	On Existing Utility Pole in Row with or w/out Extensions
HDR-R-HD	N	P/I/II	P/I/II	P/I/II

F. Location and Size Restrictions

2. Height: maximum heights. Also see Table 19.904.10.C.

a. Height Restrictions

The maximum height limitation of the monopole tower and antennas shall not exceed the following:

(1) BI, M, NME, and MUTSA Zones: 100 ft.

(2) New towers are not permitted in the ~~R-HD~~ HDR, R-MD, GMU, NMU, C-N, C-G, C-L, OS, and DMU Zones.

19.1104.1 Administration and Approval Process

Table 19.1104.1.E Zoning and Land Use Designations for Boundary Changes		
County Zoning Designation	Assigned City Zoning Designation	Assigned Comprehensive Plan Land Use Designation
R-20	R-MD	Low Moderate density residential
R-15	R-MD	Low Moderate density residential
R-10	R-MD	Low Moderate density residential

R-8.5	R-MD	Low <u>Moderate</u> density residential
R-7	R-MD	Low <u>Moderate</u> density residential
MR1	HDR <u>R-HD</u>	Medium <u>High</u> density residential
MR2	HDR <u>R-HD</u>	Medium <u>High</u> density residential
PMD	HDR <u>R-HD</u>	High density residential
HDR	HDR <u>R-HD</u>	High density residential
SHD	HDR <u>R-HD</u>	High density residential

Clean Amendments

Title 17 Land Division

CHAPTER 17.16 APPLICATION REQUIREMENTS AND PROCEDURES

17.16.040 LOT CONSOLIDATION AND PROPERTY LINE ADJUSTMENT

The following shall accompany applications for lot consolidation and property line adjustments:

- E. A plan drawn to scale showing the following details:
 - 1. Scale, north arrow, and date of map;
 - 2. Tax map and lot number identifying each property involved in the application;
 - 3. Adjacent rights-of-way, with width shown;
 - 4. Location, width, and purpose of any recorded easements and/or plat restrictions;
 - 5. Proposed property lines and dimensions of the affected lots;
 - 6. The area of each lot;
 - 7. Location of existing structures to remain and proposed structures, if any, with setbacks shown to all existing and proposed lot lines; and
 - 8. Deeds of the properties involved.

(Ord. 1907 (Attach. 1), 2002)

CHAPTER 17.24 FINAL PLAT

17.24.060 BOND

- A. The applicant shall file with the notice one of the following to assure his or her full and faithful performance:
 - 1. An agreement to make improvements in a form approved by the City Attorney;
 - 2. A letter of credit;
 - 3. Cash.

B. Such assurance of full and faithful performance shall be for a sum determined by the City Manager or designee(s) as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses, and to cover the cost of City inspection.

C. If the applicant fails to carry out said improvements and the City has unreimbursed costs or expenses resulting from such failure, the City may call the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds the cost incurred by the City, the City shall release the remainder. If the amount of the bond or cash deposit is less than the cost incurred by the City, the applicant shall be liable to the City for the difference. (Ord. 1907 (Attach. 1), 2002)

Title 19 Zoning Ordinance

CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS

19.201 DEFINITIONS

“Family child care home” means a child care facility in a dwelling that is caring for not more than 16 children and is certified under ORS 329A.280 (2) or is registered under ORS 329A.330. A family child care home is a private residence occupied by the family day care provider and is permitted in all areas zoned for residential or commercial purposes and used as a home occupation by the provider.

“Front lot line” means, in the case of an interior lot, the lot line separating the lot from the street other than an alley; in the case of a corner lot, a line separating the lot from the street on which the existing or contemplated development will face; and, in the case of a through lot, a line separating the lot from the street on which the contemplated development will face. In the case of a flag lot or back lot, the front lot line is the lot line closest to the street from which the property takes access, excluding lot lines that are part of the pole portion of the flag lot.

“Major pruning” means removal of more than 20% of a tree’s canopy, or injury or cutting of over 15% of the root system, during any 12-month period.

“Primary building entrance” means the entrance to a building that most pedestrians are expected to use. Generally, each building has one primary entrance; however, some buildings may have more than one primary entrance or may have entrances that open directly into the building’s lobby or principal interior ground-level circulation space.

“Structure” means something constructed or built and having a fixed base or fixed connection to the ground or another structure. Structures include storage containers, prefabricated sheds, pop-up carports, etc. (Streets and utilities are excluded from this definition.)

CHAPTER 19.300 BASE ZONES

19.301 MODERATE DENSITY RESIDENTIAL ZONES

Table 19.301.4 Moderate Density Residential Development Standards					
Standard	R-MD				Standards/ Additional Provisions
	Lot size (square feet)				
	1,500 – 2,999	3,000–4,999	5,000-6,999 ²	7,000 and up	
B. Lot Standards					
Flag lot	NA ³	25	25	25	Subsection 19.504.6 Flag Lot and Back Lot Design and Development Standards
Double flag lot	NA ³	25	25	25	
C. Development Standards					
1. Minimum yard requirements for primary structures (ft)					Subsection 19.504.76 Flag Lot and Back Lot Design and Development Standards
Front yard	20	20	20	20	
Side yard	5	5	5	5/10	Subsection 19.301.5.C Front Yard Minimum Vegetation
Street side yard	15	15	15	20	
Rear yard	15	20	20	20	
Minimum vegetation (percent of total lot area)	15%	25%	25%	30%	Subsection 19.504.65 Minimum Vegetation

19.301.5 Additional Development Standards

B. Lot Coverage

The lot coverage standards in Subsection 19.301.4.B.4 are modified for specific uses and lot sizes as described below. The reductions and increases are combined for properties that are described by more than one of the situations below.

2. Increased Lot Coverage for Single Detached and Middle Housing Dwellings

a. The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 10 percentage points for development of a single detached dwelling, or an addition to an existing single detached dwelling, or an accessory structure, provided that the portions of any structure(s) on the site that are in excess of 20 ft high are limited to the lot coverage standard listed in Subsection 19.301.4.B.4. Only portions of the structure(s) that are less than 20 ft are allowed to exceed the listed lot coverage standard. See Figure 19.301.5.B.2 for an illustration of this allowance.

b. The maximum lot coverage percentage in Subsection 19.301.4.B.4 is increased by 10 percentage points for development of a middle housing dwelling (except for

townhouses and cottage clusters), or an addition to an existing middle housing dwelling (except for townhouses and cottage clusters), or an accessory structure, provided that the portions of any structure(s) on the site that are in excess of 20 ft high are limited to the lot coverage standard listed in Subsection 19.301.4.B.4. Only portions of the structure(s) that are less than 20 ft are allowed to exceed the listed lot coverage standard. See Figure 19.301.5.B.2 for an illustration of this allowance.

A Type II variance per Subsection 19.911.4.A, to further increase this lot coverage allowance, is prohibited.

H. Additional Standards

Depending upon the type of use and development proposed, the following sections of Chapter 19.500 Supplementary Development Regulations may apply. These sections are referenced for convenience, and do not limit or determine the applicability of other sections within the Milwaukie Municipal Code.

1. Subsection 19.504.4 Buildings on the Same Lot
2. Subsection 19.504.76 Flag Lot and Back Lot Design and Development Standards

19.302 HIGH DENSITY RESIDENTIAL ZONES

Table 19.302.4		
High Density Residential Development Standards		
Standard	HDR-R-HD	Standards/ Additional Provisions
A. Lot Standards		
4. Minimum street frontage requirements (ft)		Subsection 19.504.6 Flag Lots
a. Townhouse	20	
b. Standard lot	35	
c. Flag lot	25	
d. Double flag lot	25	
B. Development Standards		
5. Minimum vegetation (percent of total lot area)	15%	Subsection 19.504.5 Minimum Vegetation Subsection 19.302.5.C Minimum

		<p>Vegetation</p> <p>Subsection 19.302.5.D Front Yard Minimum Vegetation</p>
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19.302.5 Additional Development Standards

B. Lot Coverage

The lot coverage standards in Subsection 19.302.4.B.4 are modified for specific uses and lot sizes as described below. The reductions and increases are additive for lots that are described by one or more of the situations below.

1. Increased Lot Coverage for Single Detached Dwellings

a. The maximum lot coverage percentage in Subsection 19.302.4 is increased by 10 percentage points for development of an addition to an existing single detached dwelling or an accessory structure, provided that the portions of ~~the~~ any structure(s) on the site that are in excess of 20 ft high, or in excess of one story, are limited to the lot coverage standard listed in Subsection 19.302.4.B.4. Only portions of the structure(s) that are less than 20 ft high, and no taller than one story, are allowed to exceed the listed lot coverage standard. See Figure 19.302.5.B.1 for an illustration of this allowance.

b. The maximum lot coverage percentage in Subsection 19.302.4 is increased by 10 percentage points for development of a middle housing dwelling (except for townhouses and cottage clusters), an addition to an existing middle housing dwelling (except for townhouses and cottage clusters), or an accessory structure, provided that the portions of any structure(s) on the site that are in excess of 20 ft high are limited to the lot coverage standard listed in Subsection 19.302.4.B.4. Only portions of the structure(s) that are less than 20 ft are allowed to exceed the listed lot coverage standard. See Figure 19.302.5.B.1 for an illustration of this allowance.

A Type II variance per Subsection 19.911.4.A, to further increase this lot coverage allowance, is prohibited.

K. Additional Standards

Depending upon the type of use and development proposed, the following sections of Chapter 19.500 Supplementary Development Regulations may apply. These sections are referenced for convenience, and do not limit or determine the applicability of other sections within the Milwaukie Municipal Code.

1. Subsection 19.504.4 Buildings on the Same Lot

- 2. Subsection 19.504.6 Flag Lot and Back Lot Design and Development Standards
- 3. Subsection 19.504.7 On-Site Walkways and Circulation
- 4. Subsection 19.504.8 Setbacks Adjacent to Transit

19.303 COMMERCIAL MIXED-USE ZONES

19.303.2 Uses

Table 19.303.2			
Uses Allowed in Commercial Mixed-Use Zones			
Uses and Use Categories	GMU	NMU	Standards/Additional Provisions
Residential			
Mixed use ²	P	P	Subsection 19.505.7 Nonresidential Development

19.303.3 Development Standards

These development standards are intended to ensure that new development in the commercial mixed-use zones is appropriate for a mixed-use district in terms of building mass and scale, how the building addresses the street, and where buildings are located on a site.

Table 19.303.3 summarizes some of the development standards that apply in the commercial mixed-use zones. Development standards are presented in detail in Subsection 19.303.4.

Table 19.303.3			
Commercial Mixed Use Zones—Summary of Development Standards			
Standard	GMU	NMU	Standards/ Additional Provisions
Development Standards			
7. Primary building entrances	Yes	Yes	Subsection 19.303.4.E Primary Building Entrances

E. Primary Building Entrances

- 1. Intent

To promote pedestrian-friendly development by providing building entrances that are oriented to the sidewalk or other public space and connected with clearly marked pedestrian walkways.

2. Standards

- a. All new buildings shall have at least 1 primary entrance facing an abutting public street (i.e., within 45 degrees of the street property line); or, if the building entrance must be turned more than 45 degrees from the public street (i.e., front door is on a side or rear elevation) due to the configuration of the site or similar constraints, a pedestrian walkway must connect the primary entrance to the sidewalk.
- b. Where a development contains multiple buildings and there is insufficient public street frontage to meet the above building orientation standards for all buildings on the subject site, a building’s primary entrance may orient to a plaza, courtyard, or similar pedestrian space containing pedestrian amenities. When oriented this way, the primary entrance(s), plaza, or courtyard shall be connected to the street by a pedestrian walkway.
- c. If a development is on a corner in the GMU Zone, the primary building entrance may be oriented toward either street.
- d. If a development is on the corner of 32nd Ave or 42nd Ave and another street in the NMU Zone, the primary building entrance must be oriented toward 32nd Ave or 42nd Ave.

19.312 NORTH MILWAUKIE INNOVATION AREA

Table 19.312.5			
North Milwaukie Innovation Area — Summary of Development Standards			
Standard	NME	MUTSA	Standards/Additional Provisions
B. Development Standards			
6. Flexible ground-floor space	Yes, where applicable	Yes, where applicable	Subsection 19.312.7.B.7 A.6 Flexible ground-floor space
8. Frontage occupancy	50%	50%	Subsection 19.312.7.8-A.7 Frontage occupancy

19.312.7 Design Standards for All Uses in the MUTSA and on NME Key Streets

The following development standards apply to all uses in the MUTSA Zone and in the NME Zone on properties located on the following key streets and key corners: McBrod Avenue, Main Street, 17th Avenue, and Ochoco Street (see Figure 312.7.1).

CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

19.502 ACCESSORY STRUCTURES

19.502.1 General Provisions

A. No accessory structure shall encroach upon or interfere with the use of any adjoining property or public right-of-way, including, but not limited to, streets, alleys, and public and private easements, unless permitted in accordance with Chapter 12.14.

H. Retaining walls are exempt from accessory structure limitations.

19.502.2 Specific Provisions for Accessory Structures

Table 19.502.2.A.1.a CONTINUED			
Residential Accessory Structure Height and Footprint Standards			
Standard	Type A	Type B	Type C
Required rear yard	3 ft	5 ft	Base zone required rear yard
Required side yard	3 ft	5 ft	Base zone required side yard
Required street side yard	Base zone required street side yard		
Required front yard	Not allowed in front yard unless the structure is at least 40 ft away from the front lot line.		

B. Fences, walls, and plantings may be constructed or maintained in yards with the following limitations:

1. Fences, walls, and plantings shall be constructed or maintained in yards only so as to permit unobstructed vision of passenger vehicle operations when approaching intersecting streets or driveways. Fences, walls, and plantings shall meet clear vision standards provided in Chapter 12.24. Fences and walls in areas other than those obstructing the vision of passenger vehicle operators shall be constructed or maintained to the following standards:

a. Residential Zones and Residential Uses in All Zones

1. Maximum height is 6 ft for rear, street side, and side yards; 42 in for front yards, except that for flag lots fences in the front yard may be 6 ft.
2. No electrified, barbed, or razor wire fencing is permitted.

3. Specific standards for fences on cottage cluster developments are contained in Subsection 19.505.4.E.3.
4. Middle housing plex development. All fences on the interior of a development shall be no more than 3 ft high. Fences along the perimeter of the development may be up to 6 ft high, except as restricted by Chapter 12.24 Clear Vision at Intersection. Chain-link fences are prohibited.

19.504 SITE DESIGN STANDARDS

19.504.4 Transition Area Measures

19.504.5 Minimum Vegetation

19.504.6 Flag Lot and Back Lot Design and Development Standards

Figure 19.504.6.E

Figure 19.504.6.F

19.504.7 On-Site Walkways and Circulation

19.504.8 Setbacks Adjacent to Transit

19.504.9 Preliminary Circulation Plan

D. Screening of Adjoining Properties

Flag lots and back lots must be screened in accordance with this subsection. Fencing and screening must conform to the clear vision standards of Chapter 12.24. Fencing must conform to the standards of Subsection 19.502.2.B.

2. Driveways on flag lots and back lots must be screened to the greatest extent practicable. Continuous screening along lot lines of the flag lot, or back lot, abutting any neighboring lot that is not part of the parent lot from which the flag lot, or back lot, was created is required as described below. See Figures 19.504.6.E. and 19.504.6.F.

19.505 BUILDING DESIGN STANDARDS

19.505.1 One- to Four-Unit Residential Development

A. Purpose

The design standards for one-to four-unit dwellings (including single detached dwellings, duplexes, triplexes, and quadplexes), require a minimum level of design on every dwelling. These standards are intended to promote attention to detail, human-scale design, street visibility, and privacy of adjacent properties, while affording flexibility to use a variety of architectural styles.

Dwellings must address the following design objectives:

- a. Articulation – All street-facing buildings must incorporate design elements that break up façades into smaller planes.
- b. Eyes on the street – A certain percentage of the area of each street-facing façade must be windows or entrance doors.
- c. Main entrance – On street-facing façades, at least one main entrance must meet standards for location, orientation, and visibility.
- d. Detailed design – All street-facing buildings must include several features selected from a menu.

In addition, site design standards are intended to facilitate the development of attractive housing that encourages multimodal transportation. They encourage good site design, which contributes to livability, safety, and sustainability; helps create a stronger community; and fosters a quality environment for residents and neighbors.

Site design is intended to meet the following objectives:

1. Livability –Development should contribute to a livable neighborhood by incorporating visually pleasing design, minimizing the impact of vehicles, emphasizing pedestrian and bicycle connections, and providing public and private open spaces for outdoor use.
2. Compatibility –Development should have a scale that is appropriate for the surrounding neighborhood and maintains the overall residential character of Milwaukie.
3. Safety and Functionality –Development should be safe and functional, by providing visibility into and within a residential development and by creating a circulation system that prioritizes bicycle and pedestrian safety.
4. Sustainability –Development should incorporate sustainable design and building practices, such as energy conservation, preservation of trees and open space, quality building materials, and alternative transportation modes.

B. Applicability of Design Standards

The building design standards in this subsection apply to the development of one to four units when the closest wall of the street-facing façade is within 50 ft of a front or street side lot line and to dwellings in a cluster or grouping, either facing a shared open space (e.g., a common courtyard) or a pedestrian path. The site design standards apply to plex developments (i.e., two to four units).

1. New construction

The full list of design standards applies to construction of new single detached and plex dwellings.

2. Expansions of single detached dwellings in Subsection 19.505.1.B.1 that add area to any street-facing façade are subject to the design standards as follows:

- a. Expansions that add 75 sq ft or less of street-facing façade area are exempt from all design standards in Subsection 19.505.1.
 - b. Expansions that add more than 75 sq ft and less than 200 sq ft of street-facing façade area are subject to Subsection 19.505.1.C.2 Eyes on the Street. The expanded façade area must meet the standards of Subsection 19.505.1.C.2 without consideration of the original street-facing façade area.
 - c. Expansions that add 200 sq ft or more of street-facing façade area are subject to the following design standards:
 - (1) The entire street-facing façade shall comply with Subsection 19.505.1.C.2 Eyes on the Street.
 - (2) Subsection 19.505.1.C.3 Main Entrance is applicable if an expansion would create a new main entrance. No expansion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the design standard.
 - (3) Subsection 19.505.1.C.1 Articulation is applicable for expansions that add 20 lineal ft or more to the length of the street-facing façade.
 - d. Subsection 19.505.1.C.4 Detailed Design is not applicable for expansions. However, no expansion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the Detailed Design standards.
 - e. Multiple expansions are allowed within a five-year period if the street-facing façade will comply with the design standards that would have been applicable if the expansions occurred at the same time.
 - f. Conversions of an attached garage to a habitable residential space. When applicable, the design standards apply only to the street-facing façade of the garage being converted. The following design standards are applicable:
 - (1) Subsection 19.505.1.C.3 Main Entrance is applicable if the garage conversion would create a new main entrance. No conversion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the design standard.
 - (2) Subsection 19.505.1.C.4 Detailed Design is not applicable. However, no conversion shall bring the street-facing façade out of conformance, or further out of conformance if already nonconforming, with the design standard.
3. Remodels, additions, and conversions that create new dwelling units.
 - a. Internal conversion of an existing single detached dwelling, or an addition to an existing single detached dwelling, into a duplex, triplex, or quadplex (as provided in OAR 660-046-0230) is exempt from this section, provided that the conversion or addition does not increase nonconformance with applicable clear and objective standards. New duplexes, triplexes, and quadplexes created by adding square footage on a site occupied by an existing single detached dwelling must comply with this section.
 - b. Conversion of an existing accessory structure into a plex dwelling unit must meet the Eyes on the Street standard for the street-facing façade(s).

4. Placement of a new manufactured home on a lot outside of a manufactured home park is subject to the requirements of Section 19.506 and the standards of Subsection 19.505.1.

C. Dwelling Standards

All buildings that meet the applicability provisions in Subsection 19.505.1.B must meet the following design standards. The graphics provided are intended to illustrate how development could comply with these standards and should not be interpreted as requiring a specific architectural style. An architectural feature may be used to comply with more than one standard.

An applicant may request a variance to the Detailed Design standards in Subsection 19.505.1.C.4 through a Type II review, pursuant to Subsection 19.911.3.B. Variances to any other design standards requires a variance through a Type III review, per Subsection 19.911.3.C.

1. Articulation

All buildings must incorporate design elements that break up all street-facing façades into smaller planes as follows. See Figure 19.505.1.C.1 for illustration of articulation.

- a. For buildings with 30-60 ft of street frontage, a minimum of one of the following elements must be provided along the street-facing façades:
 - (1) A porch at least 5 ft deep.
 - (2) A balcony that is at least 2 ft deep and is accessible from an interior room.
 - (3) A bay window that extends at least 2 ft wide.
 - (4) A section of the façade that is recessed by at least 2 ft deep and 6 ft long.
 - (5) A gabled dormer.
- b. For buildings with over 60 ft of street frontage, at least one element in Subsection 19.505.1.C.1.a(1)-(4) above must be provided for every 30 ft of street frontage. Elements must be distributed along the length of the façade so that there are no more than 30 ft between two elements.
- c. For buildings with less than 30 ft of street frontage, the building articulation standard is not applicable.

3. Main Entrance

At least one main entrance must meet both of the following standards. See Figure 19.505.1.C.3 for illustration of main entrances. Dwellings on flag lots or back lots are exempt from these main entrance design standards.

- a. Be no further than 8 ft behind the longest street-facing wall of the building.
- b. Face the street, be at an angle of up to 45 degrees from the street, or open onto a porch. If the entrance opens up onto a porch, the porch must meet all of these additional standards:
 - (1) Be at least 25 sq ft in area with a minimum 4-ft depth.

- (2) Have at least one porch entry facing the street.
- (3) Have a roof that is no more than 12 ft above the floor of the porch.
- (4) Have a roof that covers at least 30% of the porch area.

4. Detailed Design

All buildings shall include at least five of the following features on any street-facing façade. See Figure 19.505.1.C.4 for illustration of detailed design elements.

- g. Clay tile, slate, or wood shingle roofs.
- q. The following design element counts as two elements. Dwelling must be built to meet universal access as follows:
 - a) Dwelling must have a bedroom on the ground floor.
 - b) A ramp complying with R311.8 Oregon Residential Specialty Code (ORSC) must be provided to the main entrance of the dwelling.
 - c) Doors must have a minimum clear width of 32 in.
 - d) Horizontal and vertical grab bars must be provided in one bathroom on the main floor at the toilet, bath and shower. (See ANSI A117-1 section 609 for size and location requirements.)

D. Site Design Standards

The site design standards do not apply to single detached dwellings, only to plex developments.

1. Minimum separation between detached units is 6 ft.
2. Pedestrian circulation

The on-site pedestrian circulation system must include the following:

- a. Continuous connections between the primary buildings, streets abutting the site, ground level entrances, common buildings, common open space, and vehicle and bicycle parking areas.
- b. At least one pedestrian connection to an abutting street frontage for each 200 linear ft of street frontage.
- c. Pedestrian walkways must be separated from vehicle parking and maneuvering areas by physical barriers such as planter strips, raised curbs, or bollards.
- d. Walkways must be constructed with a hard surface material and must be no less than 3 ft wide. If adjacent to a parking area where vehicles will overhang the walkway, a 7-ft-wide walkway must be provided. The walkways must be separated from parking areas and internal driveways using curbing, landscaping, or distinctive paving materials.

3. Privacy and screening

- a. Mechanical and communication equipment and outdoor garbage and recycling areas must be screened so they are not visible from streets and common open spaces.
- b. Utilities such as transformers, heating and cooling, electric meters, and other utility equipment must not be located within 5 ft of a front entrance and must be screened with sight-obscuring materials.
- c. All fences on the interior of the development must be no more than 3 ft high. Fences along the perimeter of the development may be up to 6 ft high, except as restricted by Chapter 12.24 Clear Vision at Intersection. Chain-link fences are prohibited.

4. Sustainability

In order to promote more sustainable development, plex developments must incorporate the following elements:

- a. Building orientation that does not preclude utilization of solar panels, or an ecoroof on at least 20% of the total roof surfaces.
- b. Windows that are operable by building occupants.
- c. Window orientation, natural shading, and/or sunshades to limit summer sun and to allow for winter sun penetration.

5. Recycling areas

A recycling area or recycling areas within a plex development must meet the following standards:

- a. The recycling collection area must provide containers to accept the following recyclable materials: glass, newspaper, corrugated cardboard, tin, and aluminum.
- b. The recycling collection area must be located at least as close to the dwelling units as the closest garbage collection/container area.
- c. Recycling containers must be covered by either a roof or weatherproof lids.
- d. The recycling collection area must have a collection capacity of at least 100 cu ft in size for every 10 dwelling units or portion thereof.
- e. The recycling collection area must be accessible to collection service personnel between the hours of 6:00 a.m. and 6:00 p.m.
- f. The recycling collection area and containers must be labeled, to indicate the type and location of materials accepted, and properly maintained to ensure continued use by tenants.
- g. Fire Department approval will be required for the recycling collection area.
- h. Review and comment for the recycling collection area will be required from the appropriate franchise collection service.

19.505.3 Multi-Unit Housing

B. Applicability

4. Any activity not described in Subsections 19.505.3.B.1-3 is exempt from the design elements in this subsection.

19.505.4 Cottage Cluster Housing

Table 19.505.4.C.1 Cottage Cluster Development Standards		
Standards	R-MD	R-HD, GMU, NMU
A. Home Types		
1. Building types allowed, minimum and maximum number per cluster	Detached cottages 3 minimum 12 maximum dwelling units	Detached and Attached 3 minimum 12 maximum dwelling units
B. Home Size		
1. Max building footprint per home	900 sf	
2. Max average floor area per dwelling unit	1,400 sf	
C. Height		
1. Max height	25 ft or 2 stories, whichever is greater	
2. Max structure height between 5 & 10 ft of rear lot line	15 ft	
3. Max height to eaves facing common green	1.618 times the narrowest average width between two closest buildings	
D. Setbacks, Separations, and Encroachments		
1. Separation between structures (minimum)	6 ft	
2. Side and rear site setbacks	5 ft	
3. Front site setback (minimum)	10 ft	
4. Front site setback (maximum)	20 ft	
5. Separation between clusters (minimum)	10 ft	
E. Impervious Area, Vegetated Area		
1. Impervious area (maximum)	60%	65%
2. Vegetated site area (minimum)	35%	35%
F. Community and Common Space		
1. Community building footprint (maximum) ¹	1,000 sf	1,000 sf
2. Common Space	19.505.4.E.1	19.505.4.E.1
G. Parking (see also 19.505.1.D.3)		
1. Automobile parking spaces per primary home (minimum)	0.5	0.5
2. Dry, secure bicycle	1.5	

parking spaces per home (minimum)	
3. Guest/short-term bicycle parking spaces per home (minimum)	0.5

¹ Use of an existing home, per Subsection 19.505.4.E.4, as the community building is exempt from this standard. Community buildings are not required in a cottage cluster development.

D. Cottage Standards

1. Size

The total footprint of a cottage unit must not exceed 900 sq ft, and the maximum average floor area for a cottage cluster is 1,400 sq ft per dwelling unit.

2. Height

The height for all structures must not exceed 25 ft or two stories, whichever is greater.

3. Orientation

a. Cottages must be clustered around a common courtyard, meaning they abut the associated common courtyard or are directly connected to it by a pedestrian path, and must meet the following standards:

- (1) Each cottage within a cluster must either abut the common courtyard or must be directly connected to it by a pedestrian path.
- (2) A minimum of 50% of cottages within a cluster must be oriented to the common courtyard and must:
 - (a) Have a main entrance facing the common courtyard;
 - (b) Be within 10 ft from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and
 - (c) Be connected to the common courtyard by a pedestrian path.
- (3) Cottages within 20 ft of a street property line may have their entrances facing the street.
- (4) Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that is directly connected to the common courtyard.

4. Design

The design standards in this subsection apply to cottages when the closest wall of the street-facing façade is within 50 ft of a front or street side lot line, when the front of the cottage faces the street, and to dwellings in a cluster or grouping, either facing a shared open space (e.g. a common courtyard) or a pedestrian path. An architectural feature may be used to comply with more than one standard.

An applicant may request a variance to the Detailed Design standards in Subsection 19.505.4.C.4 through a Type II review, pursuant to Subsection 19.911.3.B. Variances to any other design standards requires a variance through a Type III review, per Subsection 19.911.3.C.

1. Articulation

All buildings must incorporate design elements that break up all street-facing façades into smaller planes as follows:

- a. For buildings with 30-60 ft of street frontage, a minimum of one of the following elements must be provided along the street-facing façades.
 - (1) A porch at least 5 ft deep.
 - (2) A balcony that is at least 2 ft deep and is accessible from an interior room.
 - (3) A bay window that extends at least 2 ft wide.
 - (4) A section of the façade that is recessed by at least 2 ft deep and 6 ft long.
 - (5) A gabled dormer.
- b. For buildings with less than 30 ft of street frontage, the building articulation standard is not applicable.

2. Eyes on the Street

At least 15% of the area of each street-facing façade must be windows or entrance doors.

- a. Windows used to meet this standard must be transparent and allow views from the building to the street. Glass blocks and privacy windows in bathrooms do not meet this standard.
- b. Half of the total window area in the door(s) of an attached garage counts toward the eyes on the street standard. All of the window area in the street-facing wall(s) of an attached garage count toward meeting this standard.
- c. Window area is considered the entire area within the outer window frame, including any interior window grid.
- d. Doors used to meet this standard must face the street or be at an angle of no greater than 45 degrees from the street.
- e. Door area is considered the portion of the door that moves. Door frames do not count toward this standard.

3. Main Entrance

At least one main entrance must meet both of the following standards.

- a. Be no further than 8 ft behind the longest street-facing wall of the building.
- b. Face the street, be at an angle of up to 45 degrees from the street, or open onto a porch. If the entrance opens up onto a porch, the porch must meet all of these additional standards.
 - (1) Be at least 25 sq ft in area with a minimum 4-ft depth.
 - (2) Have at least one porch entry facing the street.
 - (3) Have a roof that is no more than 12 ft above the floor of the porch.
 - (4) Have a roof that covers at least 30% of the porch area.

4. Detailed Design

All buildings shall include at least five of the following features on any street-facing façade.

- a. Covered porch at least 5 ft deep, as measured horizontally from the face of the main building façade to the edge of the deck, and at least 5 ft wide.
- b. Recessed entry area at least 2 ft deep, as measured horizontally from the face of the main building façade, and at least 5 ft wide.
- c. Offset on the building face of at least 16 in from one exterior wall surface to the other.
- d. Dormer that is at least 4 ft wide and integrated into the roof form.
- e. Roof eaves with a minimum projection of 12 in from the intersection of the roof and the exterior walls.
- f. Roof line offsets of at least 2 ft from the top surface of one roof to the top surface of the other.
- g. Tile or wood shingle roofs.
- h. Horizontal lap siding between 3 to 7 in wide (the visible portion once installed). The siding material may be wood, fiber-cement, or vinyl.
- i. Brick, cedar shingles, stucco, or other similar decorative materials covering at least 40% of the street-facing façade.
- j. Gable roof, hip roof, or gambrel roof design.
- k. Window trim around all windows at least 3 in wide and 5/8 in deep.
- l. Window recesses, in all windows, of at least 3 in as measured horizontally from the face of the building façade.
- m. Balcony that is at least 3 ft deep, 5 ft wide, and accessible from an interior room.
- n. One roof pitch of at least 500 sq ft in area that is sloped to face the southern sky and has its eave line oriented within 30 degrees of the true north/south axis.
- o. Bay window at least 2 ft deep and 5 ft wide.
- p. Attached garage width, as measured between the inside of the garage door frame, of 35% or less of the length of the street-facing façade.

- q. The following design element counts as two elements. Dwelling must be built to meet universal access as follows:
- a) Dwelling must have a bedroom on the ground floor.
 - b) A ramp complying with R311.8 Oregon Residential Specialty Code (ORSC) must be provided to the main entrance of the dwelling.
 - c) Doors must have a minimum clear width of 32 in.
 - d) Horizontal and vertical grab bars must be provided in one bathroom on the main floor at the toilet, bath and shower. (See ANSI A117-1 section 609 for size and location requirements.)

E. Site Design and Other Standards

1. Number of Cottages Allowed

A cottage cluster must include a minimum of three cottages and a maximum of 12 cottages, subject to Table 19.505.4.B.1. Minimum separation between detached units is 6 ft.

2. Common Open Space

Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents. Common courtyards must meet the following standards:

- a. The common courtyard must be a single, contiguous piece.
- b. Cottages must abut the common courtyard on at least two sides of the courtyard.
- c. The common courtyard must contain a minimum of 150 sq ft per cottage within the associated cluster (as defined in Subsection 19.505.1.C.1).
- d. The common courtyard must be a minimum of 15 ft wide at its narrowest dimension.
- e. The common courtyard must be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard must not exceed 75% of the total common courtyard area.
- f. Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard must count toward the courtyard's minimum dimension and area. Parking areas, required setbacks between cottages, and driveways do not qualify as part of a common courtyard.

3. Pedestrian Circulation

The on-site pedestrian circulation system must include the following:

- a. Continuous connections between the primary buildings, streets abutting the site, ground level entrances, common buildings, common open space, and vehicle and bicycle parking areas.
- b. At least one pedestrian connection to an abutting street frontage for each 200 linear ft of street frontage.
- c. Pedestrian walkways must be separated from vehicle parking and maneuvering areas by physical barriers such as planter strips, raised curbs, or bollards.
- d. Walkways must be constructed with a hard surface material and must be no less than 3 ft wide. If adjacent to a parking area where vehicles will overhang the walkway, a 7-ft-wide walkway must be provided. The walkways must be separated from parking areas and internal driveways using curbing, landscaping, or distinctive paving materials.

4. Off-Street Parking

- a. There must be at least 0.5 off-street parking spaces per dwelling unit per Table 19.505.4.B.1. The parking space must be located together with parking spaces for other cottages in a common area, and not located on the same lot as an individual cottage unit.
- b. A cottage cluster parking area must be set back from the street. The distance of the setback is dependent on the orientation of the structure or lot. If the axis of the longest dimension of the parking area has an angle of 45 degrees or more to the lot line, the narrow dimension may be within 5 ft of the street. If the angle is less than 45 degrees, the parking area must be at least 20 ft from the street.
- c. If there are more than 8 units in a cottage cluster, there must be at least two separate parking areas with a minimum of four parking spaces in each area. A drive aisle connecting the two areas is permitted if a separate driveway access for each area is not permitted per Chapter 12.16 Access Management.
- d. Parking spaces may be located within a garage or a carport. Garages or carports in a cottage cluster may not contain more than four parking spaces, must be at least 10 ft from any cottage dwelling; and must match the materials, trim, and roof pitch of the cottages. The interior height of a garage or carport shall not exceed 8 ft high, unless a modification is requested for cases that would use space saving parking technology (e.g., interior car stacking) that might require additional interior height. This modification would be requested per Section 19.911 Variances.

- e. Parking spaces that are not in a garage or carport must be screened from common open space, public streets, and adjacent residential uses by landscaping and/or screen, such as a fence. Chain-link fencing with slats are not allowed as a screen.
1. Off-street parking may be arranged in clusters, subject to the following standards:
 - i. Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than five contiguous spaces.
 - ii. Cottage cluster projects with 16 cottages or more are permitted parking clusters of not more than eight contiguous spaces.
 - iii. Parking clusters must be separated from all other areas by at least 4 ft of landscaping.
 - iv. Clustered parking areas may be covered.
 3. Off-street parking spaces and vehicle maneuvering areas must not be located:
 - i. Within of 20 ft from any street property line, except alley property lines;
 - ii. Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.
 - iii. Off-street parking spaces must not be located within 10 ft of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 ft of other property lines.

5. Fences

All fences on the interior of the development shall be no more than 3 ft high. Fences along the perimeter of the development may be up to 6 ft high, except as restricted by Chapter 12.24 Clear Vision at Intersection. Chain-link fences are prohibited.

6. Conversions

A preexisting single detached dwelling may remain on a lot or parcel with a cottage cluster as described below:

- a. The preexisting single detached dwelling may be nonconforming with respect to the requirements of the applicable code;
- b. The preexisting single detached dwelling may be expanded up to the maximum height, footprint, or unit size required by the applicable code; however, a preexisting single detached dwelling that exceeds the maximum height, footprint, or unit size of the applicable code may not be expanded;

- c. The preexisting single detached dwelling may count as a unit in the cottage cluster or as the community building;
- d. The floor area of the preexisting single detached dwelling does not count towards any cottage cluster average or cottage cluster project average or total unit or community building size limits.

19.505.5 Townhouses

B. Applicability

1. The standards of Subsection 19.505.5 apply to single dwellings on their own lot, where the dwelling shares a common wall across a side lot line with at least one other dwelling, and where the lots meet the standards for a townhouse lot in both Section 19.302 and Subsection 19.505.5.E. Townhouse development may take place on existing lots that meet the lot standards for townhouse lots or on land that has been divided to create new townhouse lots.
2. Development standards for townhouses are in Subsections 19.301.4 and 19.302.4.
3. Dwelling units that share a common side wall and are not on separate lots are subject to the standards for single detached dwellings, middle housing, or multi-unit housing.
4. Creation of new lots or parcels as part of a townhouse development is subject to the applicable land division process in Title 17 of this code.

C. Townhouse Design Standards

The design standards in this subsection apply to townhouses when the closest wall of the street-facing façade is within 50 ft of a front or street side lot line. An architectural feature may be used to comply with more than one standard.

An applicant may request a variance to the Detailed Design standards in Subsection 19.505.5.C.4 through a Type II review, pursuant to Subsection 19.911.3.B. Variances to any other design standards requires a variance through a Type III review, per Subsection 19.911.3.C.

1. Articulation

All buildings must incorporate design elements that break up all street-facing façades into smaller planes as follows.

- a. For buildings with 30-60 ft of street frontage, a minimum of one of the following elements must be provided along the street-facing façades.
 - (1) A porch at least 5 ft deep.
 - (2) A balcony that is at least 2 ft deep and is accessible from an interior room.
 - (3) A bay window that extends at least 2 ft wide.
 - (4) A section of the façade that is recessed by at least 2 ft deep and 6 ft long.
 - (5) A gabled dormer.

- b. For buildings with less than 30 ft of street frontage, the building articulation standard is not applicable.

2. Eyes on the Street

At least 15% of the area of each street-facing façade must be windows or entrance doors.

- a. Windows used to meet this standard must be transparent and allow views from the building to the street. Glass blocks and privacy windows in bathrooms do not meet this standard.
- b. Half of the total window area in the door(s) of an attached garage counts toward the eyes on the street standard. All of the window area in the street-facing wall(s) of an attached garage count toward meeting this standard.
- c. Window area is considered the entire area within the outer window frame, including any interior window grid.
- d. Doors used to meet this standard must face the street or be at an angle of no greater than 45 degrees from the street.
- e. Door area is considered the portion of the door that moves. Door frames do not count toward this standard.

3. Main Entrance

At least one main entrance must meet both of the following standards.

- a. Be no further than 8 ft behind the longest street-facing wall of the building.
- b. Face the street, be at an angle of up to 45 degrees from the street, or open onto a porch. If the entrance opens up onto a porch, the porch must meet all of these additional standards.
 - (1) Be at least 25 sq ft in area with a minimum 4-ft depth.
 - (2) Have at least one porch entry facing the street.
 - (3) Have a roof that is no more than 12 ft above the floor of the porch.
 - (4) Have a roof that covers at least 30% of the porch area.

4. Detailed Design

All buildings shall include at least five of the following features on any street-facing façade.

- a. Covered porch at least 5 ft deep, as measured horizontally from the face of the main building façade to the edge of the deck, and at least 5 ft wide.
- b. Recessed entry area at least 2 ft deep, as measured horizontally from the face of the main building façade, and at least 5 ft wide.
- c. Offset on the building face of at least 16 in from one exterior wall surface to the other.

- d. Dormer that is at least 4 ft wide and integrated into the roof form.
 - e. Roof eaves with a minimum projection of 12 in from the intersection of the roof and the exterior walls.
 - f. Roof line offsets of at least 2 ft from the top surface of one roof to the top surface of the other.
 - g. Tile or wood shingle roofs.
 - h. Horizontal lap siding between 3 to 7 in wide (the visible portion once installed). The siding material may be wood, fiber-cement, or vinyl.
 - i. Brick, cedar shingles, stucco, or other similar decorative materials covering at least 40% of the street-facing façade.
 - j. Gable roof, hip roof, or gambrel roof design.
 - k. Window trim around all windows at least 3 in wide and 5/8 in deep.
 - l. Window recesses, in all windows, of at least 3 in as measured horizontally from the face of the building façade.
 - m. Balcony that is at least 3 ft deep, 5 ft wide, and accessible from an interior room.
 - n. One roof pitch of at least 500 sq ft in area that is sloped to face the southern sky and has its eave line oriented within 30 degrees of the true north/south axis.
 - o. Bay window at least 2 ft deep and 5 ft wide.
 - p. Attached garage width, as measured between the inside of the garage door frame, of 35% or less of the length of the street-facing façade.
 - q. The following design element counts as two elements. Dwelling must be built to meet universal access as follows:
 - a) Dwelling must have a bedroom on the ground floor.
 - b) A ramp complying with R311.8 Oregon Residential Specialty Code (ORSC) must be provided to the main entrance of the dwelling.
 - c) Doors must have a minimum clear width of 32 in.
 - d) Horizontal and vertical grab bars must be provided in one bathroom on the main floor at the toilet, bath and shower. (See ANSI A117-1 section 609 for size and location requirements.)
5. Townhouses must include an area of transition between the public realm of the right-of-way and the entry to the private dwelling. The entry may be either vertical or horizontal, as described below.
- a. A vertical transition shall be an uncovered flight of stairs that leads to the front door or front porch of the dwelling. The stairs must rise at least 3 ft, and not more than 8 ft, from grade. The flight of stairs may encroach into the required front yard, and the bottom step must be at least 4 ft from the front lot line.
 - b. A horizontal transition shall be a covered porch with a depth of at least 6 ft. The porch may encroach into the required front yard, but it must be at least 4 ft from the front lot line.

D. Number of Townhouses Allowed

In the High Density Zone, no more than four consecutive townhouses that share a common wall(s) are allowed. A set of four townhouses with common walls is allowed to be adjacent to a separate set of four townhouses with common walls.

In the R-MD zone, the maximum number of consecutive attached townhouses is four.

E. Townhouse Lot Standards

1. Townhouse development is allowed only where there are at least two abutting lots on the same street frontage whose street frontage, lot width, lot depth, and lot area meet or exceed the base zone requirements listed in Tables 19.301.4 and 19.302.4.
2. Townhouse development must meet the minimum lot size of 1,500 sq ft.

F. Driveway Access and Parking

1. Garages on the front façade of a townhouse, off-street parking areas in the front yard, and driveway accesses in front of a townhouse are prohibited unless the following standards are met. See Figure 19.505.5.F.1.
 - a. Development of two or three townhouses has at least one shared access between the lots, and development of four townhouses has two shared accesses.
 - b. Outdoor on-site parking and maneuvering areas do not exceed 10 ft wide on any lot.
 - c. The garage width does not exceed 12 ft, as measured from the inside of the garage door frame.
 - d. Shared accesses are spaced a minimum of 24 ft apart.

19.507 HOME OCCUPATION STANDARDS

It is the intent of these regulations to support and encourage home occupations but at the same time protect the residential character of the City's residential neighborhoods. A home occupation shall be allowed as an accessory use to all residential uses permitted by right, subject to the following restrictions. Home occupation businesses, that are not clearly accessory and incidental to the residential use, are prohibited. All activities permitted under this section must be consistent with this section.

CHAPTER 19.900 LAND USE APPLICATIONS

19.910 RESIDENTIAL DWELLINGS

19.910.0 Accessory Dwelling Units

E. Standards

4. Standards for Detached Accessory Dwelling Units

c. design standards

(1) A detached accessory dwelling unit must include at least 2 of the design details listed below. An architectural feature may be used to comply with more than one standard.

19.911 Variances

19.911.4 Approval Criteria

A. Type II Variances

An application for a Type II variance shall be approved when all of the following criteria have been met:

1. The proposed variance, or cumulative effect of multiple variances, will not be detrimental to surrounding properties, natural resource areas, or public health, safety, or welfare.
 2. The proposed variance will not interfere with planned future improvements to any public transportation facility or utility identified in an officially adopted plan such as the Transportation System Plan or Water Master Plan.
 3. Where site improvements already exist, the proposed variance will sustain the integrity of, or enhance, an existing building or site design.
 4. Impacts from the proposed variance will be mitigated to the extent practicable.
 5. The proposed variance would allow the development to preserve a priority tree or trees, or provide more opportunity to plant new trees to achieve 40% canopy, as required by Chapter 16.32 (when applicable).
-

CHAPTER 19.1000 REVIEW PROCEDURES

19.1006 TYPE III REVIEW

19.1006.3 Type III Public Notice

D. Mailed Notice

3. Notice requirements specific to Zoning Map amendments are as follows:

b. A Measure 56 notice that conforms to Subsection 19.1008.3.D shall be mailed at least 20 days, but not more than 40 days, prior to the first public hearing on the application to all owners of property affected by the proposal. A Measure 56 notice is not required for owner-initiated zoning map amendments when the subject property or properties are owned by a single person or entity.

19.1010 APPEALS

19.1010.7 Notice of Decision

A. Written notice of decision shall be mailed to the following parties within 7 days of the date of the decision:

1. The applicant and/or the applicant's authorized representative.
2. The owner(s) of record of the subject property.
3. Any group or individual who submitted written comments at or prior to any public hearing.
4. Any group or individual who submitted oral testimony during any public hearing.
5. Any governmental agency that is entitled to receive notice per the municipal code or has requested notice of the decision.
6. Any group or individual who requested notice of the decision, including those who signed the attendance sheet at any public hearing on the application.

B. The notice of decision shall include the following:

1. A description of the proposal with sufficient detail to explain the project background.

2. A description of the hearings and process to date.
3. A statement of the limitations on evidence.
4. A statement of the applicable criteria, findings, and conditions of approval.
6. A statement that only persons who submitted comments or made an appearance of record at a public hearing on the application have standing to appeal the decision by filing a written appeal within the appeal period for the Land Use Board of Appeals.
7. A statement that the complete case file is available for review, including findings, conclusions, and conditions of approval, if any. The notice shall list when and where the case file is available and the name and telephone number of the City representative to contact about reviewing the case file.
8. A summary of the requirements for appealing the decision to the Land Use Board of Appeals.

19.1010.8 Remand from the Land Use Board of Appeals

CHAPTER 19.1100 ANNEXATIONS AND BOUNDARY CHANGES

19.1102 ANNEXATIONS

19.1102.1 Administration and Approval Process

E. Annexation petitions are exempt from the requirements of ORS 227.178 that the city must take final action on the application within 120 days after the application is deemed complete.

19.1203 SOLAR ACCESS FOR NEW DEVELOPMENT

19.1203.4 Exemptions from Design Standard

A development is exempt from Subsection 19.1203.3 if the Planning Manager finds the applicant has shown that one or more of the following conditions apply to the site. A development is partially exempt from Subsection 19.1203.3 to the extent the Planning Manager finds the applicant has shown that one or more of the following conditions apply to a corresponding portion of the site. If a partial exemption is granted for a given development, the remainder of the development shall comply with Subsection 19.1203.3.

The following sections relate to re-naming the HDR zone to R-HD only.

14.040.030 Definitions

“Residential zones” means the R-MD and R-HD Residential Zones as defined in the Zoning Ordinance.

14.16.020 HIGH DENSITY RESIDENTIAL ZONE

No sign shall be installed or maintained in the R-HD Zone, except as allowed under Section 14.12.010 Exempted Signs, or as otherwise noted in Table 14.16.020.

Table 14.16.020 Standards for Signs in High Density Residential Zone R-HD

Table 19.107.1 Classification of Zones	
Zone Description	Abbreviated Description
Base Zones	
Residential	R-MD
Residential	R-HD

19.302 HIGH DENSITY RESIDENTIAL ZONES

The high density residential zones is Residential Zone R-HD. This zone implements the high density residential land use designations in the Milwaukie Comprehensive Plan.

Table 19.302.2 High Density Residential Uses Allowed		
Use	R-HD	Standards/ Additional Provisions
Residential Uses		
Use	R-HD	Standards/ Additional Provisions

Table 19.302.4 High Density Residential Development Standards		
Standard	R-HD	Standards/ Additional Provisions

Table 19.505.4.C.1 Cottage Cluster Development Standards		
Standards	R-MD	R-HD
A. Home Types		
1. Building types allowed, minimum and maximum number per cluster	Detached cottages 3 minimum 12 maximum dwelling units	Detached and Attached 3 minimum 12 maximum dwelling units

Table 19.904.10.C Wireless Communication Facilities—Type and Review Process				
Towers		WCFs Not Involving New Tower		
Zones	New Monopole Tower up to 100 Ft	Building Rooftop or Wall Mounted Antenna	Water Towers, Existing Towers, and Other Stealth Designs	On Existing Utility Pole in Row with or w/out Extensions
R-HD	N	P/I/II	P/I/II	P/I/II

F. Location and Size Restrictions

2. Height: maximum heights. Also see Table 19.904.10.C.

a. Height Restrictions

The maximum height limitation of the monopole tower and antennas shall not exceed the following:

- (1) BI, M, NME, and MUTSA Zones: 100 ft.
- (2) New towers are not permitted in the R-HD, R-MD, GMU, NMU, C-N, C-G, C-L, OS, and DMU Zones.

19.1104.1 Administration and Approval Process

Table 19.1104.1.E Zoning and Land Use Designations for Boundary Changes		
County Zoning Designation	Assigned City Zoning Designation	Assigned Comprehensive Plan Land Use Designation
R-20	R-MD	Moderate density residential

R-15	R-MD	Moderate density residential
R-10	R-MD	Moderate density residential
R-8.5	R-MD	Moderate density residential
R-7	R-MD	Moderate density residential
MR1	R-HD	High density residential
MR2	R-HD	High density residential
PMD	R-HD	High density residential
HDR	R-HD	High density residential
SHD	R-HD	High density residential



Milwaukie Zoning Map Proposed Amendments

- City of Milwaukie
- County Boundary
- MUTSA
- BI
- GMU
- C-CS
- DMU
- C-G
- C-L
- C-N
- NMU
- OS
- M
- NME
- R-MD
- R-HD

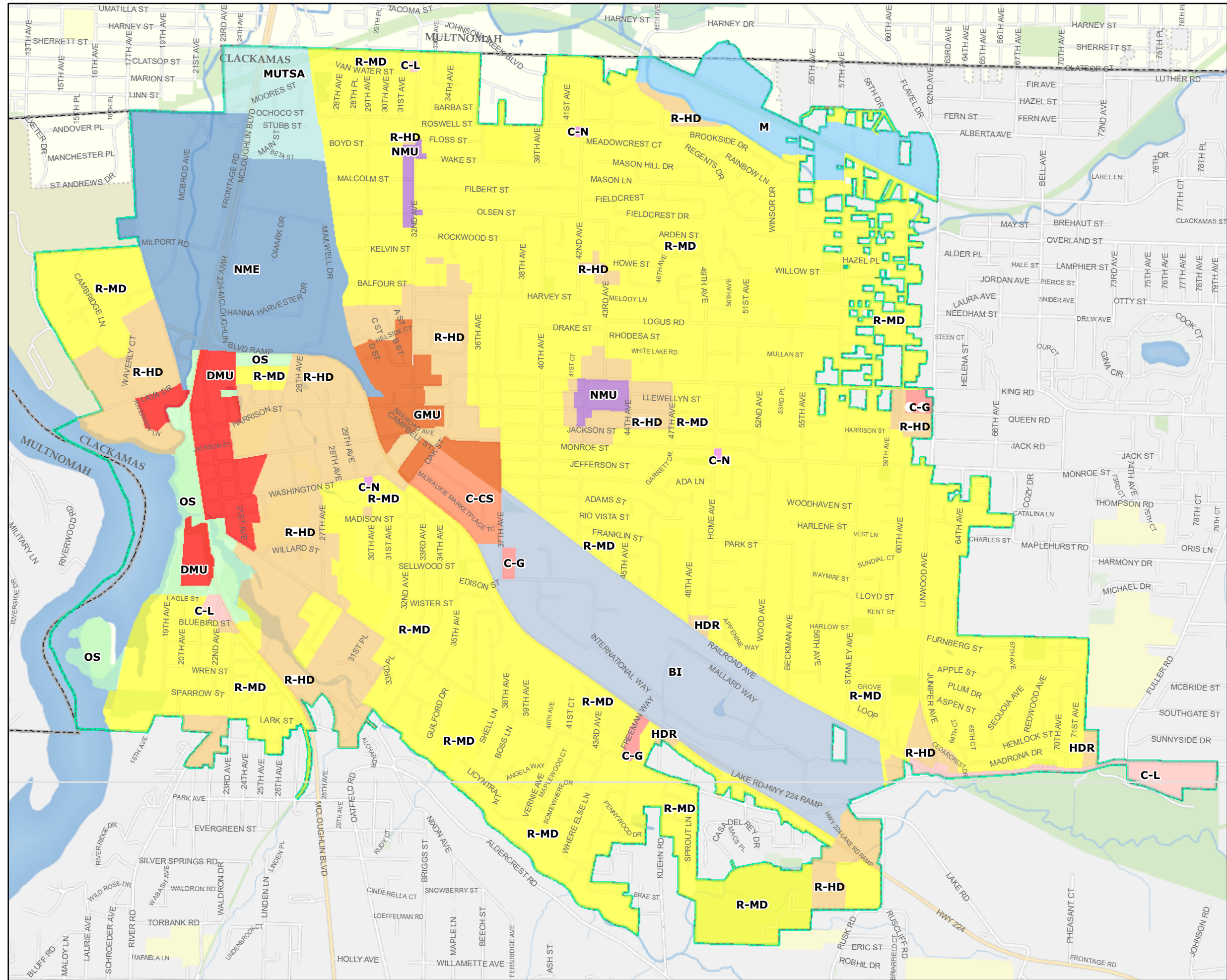
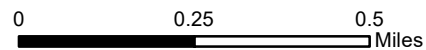


Data Sources: City of Milwaukie GIS, Clackamas County GIS, Metro Data Resource Center

Date: Wednesday, November 16, 2022

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) 786-7687



**RS 8. A. 4/18/23
Presentation**

Housekeeping Code Amendments

Presentation to the
City Council
Vera Kolas, Senior Planner
April 18, 2023



- Project goals:
 - Clarification
 - Consistency with code interpretations
 - Not intended to change policy



- PC
 - Feb 14 public hearing – recommended approval
- CC
 - March 7 work session
 - April 18 public hearing
- Notification provided to NDAs; Code Commentary posted with 30-day notice



PROPOSED AMENDMENTS

- Zoning Map
 - HDR changed to R-HD
- Title 17 Land Division Code
 - Revise authorized staff for setting bonds to City Manager or designee(s).



PROPOSED AMENDMENTS

- Zoning Code - Definitions
 - Family child care home
 - Major pruning
 - Structure
 - Primary entrance



PROPOSED AMENDMENTS

- MMC 19.301 and 19.302 – lot coverage
 - Allow accessory structures as part of the bonus.



PROPOSED AMENDMENTS

- ~~MMC 19.312 – NMIA~~
 - ~~Include e-commerce businesses as part of wholesale and warehousing (**fulfillment centers**)~~
 - ~~Revise the Key Streets graphic to match the text~~
- MMC 19.401 – Willamette Greenway
 - Clarify list of exemptions to comply with Goal 15
- MMC 19.502 – Accessory Structures
 - Retaining wall exemption
 - Add street side yard to table



PROPOSED AMENDMENTS

- MMC 19.505 – Building Design Standards
 - Re-organize section completely
 - 1-4 units; cottage cluster; townhouses all-inclusive sections
 - No new language (except state law compliance)



PROPOSED AMENDMENTS

- MMC 19.1006 – Type III review
 - M56 Notice not required for owner-initiated map amendments
- MMC 19.1010 – Appeals
 - Notice of Decision requirement and process added
- MMC 19.1102 – Annexations
 - Not subject to 120-day rule



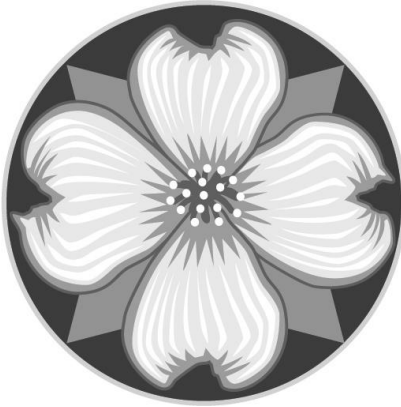
RECOMMENDATION

Staff recommends that Council approve the package of code amendments.



Questions?





RS Agenda Item

9

Council Reports

COUNCIL RESOLUTION No.**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ADOPTING COUNCIL GOALS FOR 2023 AND 2024.**

WHEREAS establishing Council goals dedicates resources and capacity to address areas that are not yet embedded within the current work of the city; and

WHEREAS city staff create efficient government through strategic investment in infrastructure, professional and compassionate community service and law enforcement, effective organizational management, and the thoughtful application of city policy; and

WHEREAS Council discussed goals at our Council retreat in late January, our meeting on March 7, 2023, and our study session on March 14, 2023, and hereby identifies the following goals to serve as the city's primary objectives for the remainder of 2023 and 2024.

GOAL 1: CLIMATE CHANGE MITIGATION AND RESILIENCE ACTION:

WHEREAS Climate change is the single largest threat to the future citizens of Milwaukie; and

WHEREAS the Milwaukie Community Vision calls for Milwaukie to become a net zero city by the year 2040 as our contribution towards forestalling the worst effects of climate change; and

WHEREAS the city has adopted a Climate Action Plan (CAP) in 2017, and in the first five years has accomplished some things called for by that plan, but much remains to be accomplished.

Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the city will take aggressive steps to minimize climate change and increase climate-related resilience by continuing to implement specific actions identified in the City's Climate Action Plan that provide the greatest impact possible.

GOAL 2: EQUITY, JUSTICE, AND INCLUSION:

WHEREAS Black, Indigenous, and other People of Color have suffered horrific inequities and crimes against humanity such as slavery, slaughter, rape, theft of land and property, medical experimentation, forced relocation, denial of basic human rights, and restriction from generational wealth building in this country for centuries; and

WHEREAS the Milwaukie 2040 vision calls for a flourishing city that is ENTIRELY EQUITABLE, delightfully livable and completely sustainable for ALL residents; and

WHEREAS in adopting the 2020 Comprehensive Plan and ensuing code and zoning revisions, the city has begun to reverse the code and zoning that has disenfranchised our Black, Indigenous, and other People of color neighbors for almost a century; and

WHEREAS the Milwaukie Police Department has engaged with members of the community of Black, Indigenous, and other People of Color in revising and updating use of force, hiring, promotion and other police policies; and

WHEREAS the Council established the Equity Steering Committee as an advisory body on actions to further equity and social justice, including consulting on the forthcoming assessment and plan which will identify the areas of greatest need for equity-focused actions by the city.

Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that this city further commits to the pursuit of an entirely equitable Milwaukie by supporting the implementation of policies, procedures, practices, and training needs identified in the forthcoming plan to lead to a city that is more responsive to, more trusted by, and more reflective of the community we serve.

GOAL 3: IMPROVING MILWAUKIE'S PARKS SYSTEM AND SERVICES

WHEREAS the Clackamas Board of County Commissioners, acting as the Board for the North Clackamas Parks and Recreation District (NCPRD), has, for over two years, declined to move forward with construction of Milwaukie Bay Park; and

WHEREAS in over thirty years as a part of NCPRD, the city has purchased property for eventual development as parks and has raised the funding to develop most of the parks in Milwaukie; and

WHEREAS city staff has estimated that we have over \$900,000 worth of deferred maintenance in our parks; and

WHEREAS these and other recent developments have made clear that addressing deficiencies in the construction, management, and maintenance of Milwaukie's parks is an important priority demanding significant staff time, as the city determines how best to serve the community's needs and desires from their park system.

Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that this city further commits to the difficult work of determining whether and under what terms to leave the NCPRD and establish a city parks department; securing funding for that department; and engaging in a system planning process to identify community priorities for parks and recreation.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the following City Council goals are adopted for 2023 and 2024.

- Climate Change Mitigation and Resilience Action; and
- Equity, Justice, and Inclusion; and
- Improving Milwaukie's Parks System and Services

Introduced and adopted by the City Council on **April 18, 2023**.

This resolution is effective immediately.

Lisa M. Batey

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

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Portland City Council plans to retract funding promised to spur Black economic resilience



By **Alex Zielinski** (OPB)

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A plan crafted amid 2020's racial justice reckoning hasn't turned out the way either city leaders or civic activists intended.

At the height of Portland's racial justice protests in 2020, Portland City Council members made a series of specific budget investments and cuts to reflect their support of the movement centered on police accountability and racial equity.

One was a recurring annual \$1.9 million commitment to a new anti-racist organization called Reimagine Oregon. The money, which came out from the city's cannabis tax fund, was intended for Reimagine Oregon to use to spur economic growth and stability for Black Portlanders.

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Nearly three years after making that commitment, Reimagine Oregon leaders say they haven't received a penny. And now, the city is making sure they never do.

On Wednesday, Portland City Council is expected to retract all cannabis tax money previously reserved for Reimagine Oregon in a budget vote. The proposal to redirect the money comes as an affront to those who trusted the city was interested in supporting its Black community in 2020.

“All of this totally flies in the face of the equity strategy and goals that the city says it adheres to.” Justice Rajee, director of Reimagine Oregon, said. “It’s hurtful.”

The spirit of 2020

Reimagine Oregon began in July 2020 as a volunteer-led coalition of [Black leaders calling on](#) local and state officials to pass anti-racist policies, like decriminalizing fare violations on public transit and removing police officers from schools. The organization formed under the nonprofit Urban League of Portland, which offers some organizational support and funding. In August 2021, they hired Rajee to lead the new group. He remains the only staff member.

In June 2020, the city council made a number of concrete steps inspired by the racial justice movement sparked by George Floyd's May murder. Those included [a \\$15 million cut to the Portland Police Bureau](#) and a plan to redistribute that money to other city programs. The process continued in November 2020, when city leaders met to make adjustments to the June budget.

A proposal introduced by Wheeler would give Reimagine Oregon two pots of money. The first was \$1.5 million from the police budget that would allow Reimagine Oregon to gather feedback from Portland's Black community on how city dollars could best support Black Portlanders. The city defined this as a “process that seeks to promote anti-racist investments by expanding economic opportunities, wealth creation, and restorative justice to communities that have been disproportionately impacted by police violence, mass incarceration, cannabis prohibition, and the criminal legal system.” These investments could be anything from small business grants to money to help people clear criminal records, depending on what the community recommended.

abuse programs, or small businesses. This funding was intended for Reimagine Oregon to invest in Black Portlanders after gathering community input on where the money should go. City leaders promised to make a recurring \$1.9 million contribution to a fund that would be used as directed by the Black community.

Reimagine Oregon organizers initially weren't interested in taking the city's dollars. According to Rajee, Reimagine Oregon's leadership was "concerned that the city was only choosing to invest these dollars as a trick to make them look good during a time of public outcry and waste our time." The organization only agreed to accept the money after city leaders insisted that their commitment was genuine. Reimagine Oregon organizers hoped the process to grant Black Portlanders the ability to help decide how city dollars should be spent would serve as a model for how civic institutions should engage with Portland's Black community in the future.

But when it came time for Reimagine Oregon to use the city's funds, the process began to break down. According to Rajee, the city never offered an official grant agreement to Reimagine Oregon — a document that must be signed before the city sends any money to an outside organization. Despite repeated requests to the Office of Community and Civic Life, which oversees the cannabis funds, Rajee said he wasn't able to secure an agreement.

A spokesperson for the Office of Community and Civic Life said that their agency was not in total control of the funds and noted that many staff members who were initially involved in the process have left the city.

Some of that money initially promised has reached the organization. In December 2022, Reimagine Oregon signed an agreement with the city to accept the \$1.5 million from the police bureau promised two years' prior to gather Black Portlanders' input on how eventual funding should be equitably distributed. But the city has yet to hand over the millions in cannabis funds promised to actually fund the chosen investments.

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Due to the annual accumulation of cannabis funds promised in 2020, Reimagine Oregon now has just under \$5 million set aside by the city for it to use. But the advocacy group has no way to actually access that money.

It's that pot of money that City Commissioner Mingus Mapps called attention to during an April 12 city council meeting, at which commissioners were proposing mid-year adjustments to the annual budget. Seeing that the funds for Reimagine Oregon hadn't been used, Mapps suggested reallocating them.

"Since 2020, Reimagine Oregon has struggled to get these dollars out the door," Mapps said.

Mapps, the only Black member of Portland City Council, did not acknowledge the fact that the funding had never reached Reimagine Oregon in the first place at the meeting. Instead, he pressed Rajee to detail what projects the money has supported. Rajee explained that his organization hasn't received any of the promised dollars.

Rajee characterized Mapps' line of questioning as "disingenuous," especially since he had sent an email to all city commissioners two days prior detailing the status of those funds.

When asked by OPB, Mapps did not say whether or not he knew Reimagine Oregon hadn't received any city funding prior to the budget meeting. In an email, Mapps simply reiterated, "The funding was earmarked for a participatory budgeting project for Reimagine Oregon, which has not gotten off the ground to this day."

Mapps put forward a budget amendment last week to return the accumulated \$4,900,000 to the city's pool of cannabis tax funding available for any outside organizations that apply for it and win city approval. Mapps noted that the money may be better spent on public safety programs or substance abuse treatment.

Rajee said that creating programs to build wealth in the local Black community can directly address the issues Mapps' raised.

"To say that these things are in opposition is callous and distasteful," Rajee said.

Other leaders in Portland's Black community say the decision erodes any trust the city had previously earned.

"Portlanders, and especially communities of color in Portland, have extremely little faith

founding members, told city leaders last week. “When we see our elected officials commit to solving a problem like persistent racial injustice, only to yank that support we wonder where the vision and commitment to bettering our city is.”

Mapps’ won support from Commissioners Rene Gonzalez and Dan Ryan, making a majority on the five-member council.

Mayor Wheeler voted against the proposal, saying that he believes the city is close to getting the set-aside money passed through to Reimagine Oregon. Commissioner Carmen Rubio also rejected the plan, placing blame on the city for not following through on its commitment to the Black community.

“The amendment in front of us today... it breaks community trust and undermines the community’s key goal for this money — to be in control of the decision-making process,” Rubio said.

Rajee said he’s disappointed and that the upcoming vote shows that Reimagine Oregon leaders were right to be wary of the city’s financial offer in 2020. He believes Mapps’ framing of Reimagine Oregon’s work threatens the group’s future success.

“This stunt proves to be a part of a repeated pattern of institutional racism where [the] Black community gets blamed for poor behavior the city is doing and trying to hide,” Rajee said.

Rubio and Wheeler voted against Mapps’ amendment, but the proposal moved forward with the majority of the council’s support. On Wednesday, commissioners will hold a second vote on the budget package. It’s expected to pass.

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