



MILWAUKIE

Dogwood City of the West

To: Design and Landmarks Committee
From: Brett Kever, Associate Planner and DLC Liaison
Date: September 15, 2009
Subject: Preparation for September 23, 2009, Meeting

Greetings!

The conference room at the Public Safety Building is not available, so next week's meeting will be at the **2nd floor Conference Room at City Hall at 6:30 p.m.** The agenda is enclosed (see Enclosure 1). You may note the absence of the Riverfront Park design review application—it should be ready for the October meeting.

Meeting Minutes

The August 18 minutes were sent previously for review and comment. The current draft is included (see Enclosure 2).

Worksession on Residential Design Standards

Katie will lead the discussion on an upcoming code amendment project that would include revisions to the City's residential design standards (see Enclosure 3). She will explain the opportunity to involve the DLC in this project, and we can talk about how it relates to the Committee's ongoing discussion about urban design.

September 22 Planning Commission meeting

To follow up on Becky's e-mail from earlier this month, please consider attending the Planning Commission meeting on Tuesday, September 22, at 6:30 p.m. at City Hall. You might enjoy the presentation of design concepts for the sewage treatment plant that were prepared by architecture students from the University of Oregon as part of Metro's Nature in Neighborhoods program. Then we can share reactions and thoughts at the DLC meeting the following evening.

Let me know if you have questions about anything on the agenda. See you next Wednesday at City Hall at 6:30 p.m.!

Enclosures

1. September 23, 2009, meeting agenda
2. August 18, 2009, meeting minutes
3. Residential Design Standards staff report



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Dogwood City of the West

Design and Landmarks Committee Meeting Agenda

2nd floor Conference Room, City Hall
10722 SE Main St

6:30 p.m., Wednesday, September 23, 2009

1. **CALL TO ORDER**
2. **MEETING MINUTES** **3 min.**
 - a. **August 18, 2009**
3. **INFORMATION ITEMS—None**
4. **WORKSESSION ITEM** **45 min.**
 - a. **Residential Design Standards project overview (Katie Mangle)**
5. **APPLICATION REVIEW ITEMS—None**
6. **OTHER BUSINESS** **15 min.**
 - a. **Update on Jackson Street Bus Shelter project (Katie Mangle)**
 - b. **Open House on Light Rail Downtown Station (October 5)**
7. **ADJOURN**

24 **3. INFORMATION ITEMS**

25 **a. Meeting transcription**

26 **Brett Kelper, Associate Planner**, informed the Committee that due to budget cuts, Paula
27 Pinyerd from ABC Transcription Services would only attend formal application reviews in the
28 future.

29 Li Alligood, Assistant Planner, would prepare meeting minutes for worksessions and regular
30 meetings during the 2009/2010 fiscal year. These minutes would be less detailed and more of
31 a summary than the minutes for formal application reviews.

32 **4. WORKSESSION ITEMS**

33 **a. Preparation for Riverfront Park application**

34 **Mr. Kelper** explained that the purpose of the evening's meeting was to hold an informal
35 worksession to explore potential questions or points of clarification to be addressed by the
36 applicant prior to the official application review.

37 **Ryan Marquardt, Associate Planner**, presented the conceptual plan for the Riverfront Park
38 application to be reviewed by the Committee in September. He stated that the application was
39 very significant because it was the first priority in the Milwaukie Downtown and Riverfront Land
40 Use Framework Plan adopted in 2000. He explained that the role of a waterfront park for
41 recreation and community identity could not be understated, and that this application review
42 would be an exciting milestone for downtown revitalization.

43 **Katie Mangle, Planning Director**, pointed out that the worksession would be different from
44 the Trolley Trail application review in that the worksession component would be totally
45 separated from design review. The purpose of the worksession was to talk about the process
46 of the application review rather than the actual project. She stated that the official Committee
47 review of the application would follow a public meeting format, which would begin with the staff
48 report, followed by testimony from the applicant and the public, and concluding with
49 Committee deliberation and decision.

50 **Mr. Marquardt** provided an overview of the Riverfront Park site. The site is zoned Downtown
51 Open Space (DOS) and is located within the Willamette Greenway overlay (WG). The
52 proposal would close the current access to the Jefferson Street boat ramp, which would be
53 moved farther south. The park would contain a festival lawn, an amphitheater, a play area, a

54 boat ramp, a pavilion, restrooms, and parking. It is unclear at this point how severe the slope
55 of the festival lawn, if any, might be. The uses for the festival lawn are still under discussion
56 but do not currently include the Milwaukie Farmers Market.

57 **The Committee** asked if electricity would be available in the amphitheater for performers.

58 **Mr. Marquardt** stated that he did not know if there was electricity, and that he would look into
59 the question.

60 **Mr. Hemer** identified several areas that he would like more information about: how long/wide
61 the proposed boat ramp is and how many people can stand on it; how many parking spaces
62 are being removed and replaced at the park; and how many parking spaces are currently
63 available for the existing boat ramp. He noted concerns about on-site maneuvering for
64 vehicles towing boats.

65 **Chair Ives** noted that during festivals in the park, the boat ramp would essentially be closed
66 down and that most boat owners would prefer a pull-through parking stall rather than the pull-
67 in parking stalls proposed.

68 **Mr. Marquardt** noted that the design was conceptual and, in fact, the current proposal differed
69 from the concept being shown.

70 **Chair Ives** showed images of the Wilsonville Water Park and stated that the water feature at
71 Riverfront Park should be designed for children to play in it; she suggested that such a feature
72 could draw people and their families downtown on the weekends, particularly in the summer.

73 **Chair Ives** expressed concern about the amphitheater design and the proposal to show
74 movies on the wall of the proposed bathroom structure; she pointed out the reverse slope
75 toward the river and noted that the slope was the opposite of what showing movies would
76 seem to call for.

77 **The Committee** noted that the proposed water feature appeared very urban and hard-edged,
78 and that it would prefer to see something with a more natural appearance that utilizes
79 materials such as stone rather than brick or concrete.

80 **Ms. Mangle** suggested Committee members visit Tanner Springs Park in Portland; it is a park
81 in a very urban area that provides a contrast between natural and man-made features.

82 **Mr. Kelper** asked how the Committee would distinguish its general responses to the proposed
83 project from its official review of the design, since all of the Committee's findings must be
84 connected to the Milwaukie Downtown Design Guidelines (Design Guidelines).

85 **Mr. Marquardt** presented a discussion of the Design Guidelines to be considered: Milwaukie
86 Character Guidelines, Pedestrian Emphasis Guidelines, Architecture Guidelines, Lighting
87 Guidelines, and Sign Guidelines. He stated that the key guideline, in his opinion, was the
88 Milwaukie Character Guideline. He stated that he was interested in additional information
89 about the pedestrian bridge design due to its prominence in the park.

90 **Ms. Mangle** stated that the current plans are at 70% design and it was unlikely that significant
91 changes such as relocating the parking lots would be made; however, there would be many
92 design details that the Committee could influence.

93 **Mr. Marquardt** asked the Committee members which areas of the site they were most
94 concerned with and suggested that the applicant might be able to supply 3-D renderings of
95 these areas.

96 **The Committee** indicated that it would like to see renderings of the water feature, the
97 bathroom structure, the pedestrian bridge, the play structure, and any historical or way-finding
98 signage.

99 **Mr. Kelper** stated that if the Committee was not comfortable with the level of detail presented
100 at the application review, it could recommend a condition to have the final plans referred back
101 to the Committee after the Planning Commission hearing.

102 **Ms. Mangle** stated that the Committee could choose to continue the application review in
103 order to obtain more detail from the applicant, but the criterion for recommendation was
104 substantial conformance with the Design Guidelines rather than complete compliance.

105 **The Committee** took a break at 6:53 p.m. and reconvened at 7:15 p.m.

106 **Chair Ives** asked whether a Committee request for redrawn designs from the applicant would
107 be part of the natural flow of a project, or would it throw a wrench in a fast-track schedule?

108 **Mr. Marquardt** responded that these types of requests were often part of the natural flow of a
109 project.

110 **Ms. Mangle** stated that the Committee could condition its recommendation to allow the project
111 to continue while also addressing the concerns of the Committee. She stated that the

112 Committee should seek to strike a balance between influencing the final design and changing
113 things outright or recommending denial of the application; denial would be a very hard stance
114 to take and the Committee should be aware of the potential ramifications. She stated that the
115 design would not be changed before the Committee review but there would still be opportunity
116 for input.

117 **Chair Ives** noted that she had attended a Riverfront Committee meeting and shared the
118 Committee's concerns about the water feature, and that the architect had indicated the design
119 would not change. She expressed concerns about the potential future expense if the City did
120 not plan for things such as children playing in the fountain and a sound system for the
121 amphitheater.

122 **The Committee** agreed that the Riverfront Park was a very important project that would be in
123 place for many years, and the members felt a responsibility to ensure the project was the best
124 it could be.

125 **Ms. Mangle** suggested that, while the Committee would be reviewing the proposal according
126 to the Design Guidelines, the committee members could also choose to write a separate letter
127 expressing their concerns and wishes for the park.

128 The Riverfront Park application review was tentatively scheduled for Wednesday, September
129 23, 2009, at 6:30 p.m.

130 **b. Continued discussion on urban design**

131 **Vice Chair Siri Bernard** and **Chair Ives** provided photos for discussion. The Committee
132 favored way-finding signage, sidewalk and hanging planters in the downtown area, and unique
133 buildings with context-appropriate design.

134 **5. APPLICATION REVIEW ITEMS—None**

135 **6. OTHER BUSINESS**

136 **a. Update on Jackson Street Bus Shelter project**

137 **Ms. Mangle** provided an update. The open house earlier in August was fairly successful; there
138 was no negative feedback and some positive feedback from attendees. She reiterated that
139 green roofs on the shelter were possible and that the overall project was still promising.

140 **b. Historic properties slide show**

141 **Ms. Mangle** informed the Committee that the City’s arts organization, ArtMob, has proposed a
142 project similar to the historic properties slide show. They were working with a web design class
143 at Milwaukie High School; Ms. Mangle suggested that the Committee might be able to utilize
144 that type of resource as well.

145 **Vice Chair Bernard** suggested that City Councilor Deborah Barnes might be willing have her
146 students assist with the project.

147 **Ms. Mangle** suggested that if Ms. Wisner could provide a framework for the historic properties
148 slide show, City staff could assist with adding images and reduce Ms. Wisner’s time
149 commitment.

150 **7. ADJOURN**

151 The meeting adjourned at 7:50 p.m.

152
153

154 _____
155 Becky Ives, Chair



MILWAUKIE

Dogwood City of the West

To: Design and Landmarks Committee
From: Katie Mangle, Planning Director
Date: September 15, 2009, for September 23, 2009 Worksession
Subject: Smart Development Code Assessment Project

ACTION REQUESTED

None. This is a briefing for information only, in anticipation of a future grant that could fund a project to develop commercial and residential design standards for areas outside of downtown. If such a grant is received, the DLC will be involved in the aspects of the project related to design standards for residential and commercial development.

BACKGROUND INFORMATION

B. Receipt of Code Assistance Grant

In 2008, the City received a grant from the Oregon Transportation Growth Management (TGM) Code Assistance Program to fund a Smart Growth Code Assessment of Milwaukie's Zoning Code (Title 19). The TGM Program promotes smart development principles that enable communities to meet transportation needs while retaining their livability and economic vitality. These principles include: integrating land use and transportation planning, making efficient use of land and resources, designing human-scaled, walkable communities, assuring good connections between local destinations, and promoting pedestrian, bicycle and transit-oriented development.

The City asked the consultant on this project, Angelo Planning Group, to conduct a preliminary assessment of the code, focusing on the following four key areas:

1. **Residential Design Standards** - A review of Milwaukie's minimum standards for height, lot coverage, relation to the street, and architectural features for single and multifamily residential buildings. It also addressed how the City limits the different types of housing that can be built.
2. **Land Use Review Criteria and Procedures** - A review of application processes and approval criteria. It included how Milwaukie considers special cases through variances, nonconforming uses, etc.

3. **Downtown Zone Standards and Uses** - A review of whether some of the City's regulations for specific uses and building form may be getting in the way of achieving the vision for a revitalized downtown.
4. **Manufacturing Zone Standards and Uses** - A review of whether the City's standards for land in the industrial zone support the goal of maintaining the areas for employee-intensive industry.

While discussing the Evaluation Memo, the Planning Commission requested that staff add a fifth category: **Design Standards for Commercial Development** outside of downtown Milwaukie.

The grant has allowed an independent planning expert who has worked with development codes in many communities to evaluate Milwaukie's code, diagnose known and hidden problems, and suggest alternative approaches that could work for this community.

CODE ASSESSMENT FINDINGS

Angelo Planning Group's first deliverable, a memo reporting on the findings of their assessment, provided an overview of the City's existing code as it relates to the four key areas. It also identified the problems associated with these areas and a range of potential solutions. Excerpts from this memo (the sections related to residential design and downtown standards) are included as Attachment 1. Key findings of the evaluation are summarized below:

1. Residential Design Standards

- Milwaukie has basic standards for single family home design that are less restrictive than many other cities'. There are no specific standards for garages (location, length/percentage of façade), and the standards do not apply to significant expansions of existing homes.
- Milwaukie has standards relating to lot size, building setbacks and height, and lot coverage. The lot coverage standards are relatively restrictive – builders are incentivized to build up if they can not build out.
- The City should consider different approaches to make new buildings fit better into neighborhoods. Alternatives include variable lot coverage standards tied to size of the lot (used in Lake Oswego and Portland), or require a step-down in building height or larger side yard setbacks.
- The existing ordinance discourages a variety of housing types in single-family zones by establishing confusing standards and excessive process for Accessory Dwelling Units (ADUs) and duplexes.
- Milwaukie has no design standards for multi-family residential development (only height and setback standards).

2. Land Use Review Processes and Procedures

- Milwaukie lacks a traditional "development review" chapter that allows the city to review new development outside of the building permit process.
- The number of review types is complex and potentially confusing, and some applications use a level of review that is excessive relative to the type of project.
- Many important approval criteria, such as for variances, include language that is vague and ill-defined.
- Since many of the required review procedures are based in state law, the City should consider adopting all or part of the state's Model Code for Small Cities.

3. Downtown Zones

- It can be difficult to attract the desired higher density development and mix of uses that support more urban streetscapes if the market is not ready. Even though Milwaukie's long-term vision is codified through its zoning code, some requirements, such as the one insisting on ground-floor retail, may not be economically viable. This challenge is heightened if the City lacks the funds to invest in the public infrastructure of sidewalks and other downtown amenities.
- The code requires all buildings in the Downtown Storefront zone to have retail or restaurant uses on the ground floor. In the Downtown Office zone, the code limits retail and restaurant uses on the ground floor. These types of use requirements are much more restrictive than those for successful Main Street areas in other cities.
- The minimum height requirement (35 feet/3 stories) for new buildings along Main Street is aggressive when compared with regulations that apply to other "Main Street" or "Town Center" districts in the region.
- Many existing uses and one-story buildings in the downtown zones are non-conforming with standards. This greatly constrains how existing buildings can be used until the property completely redevelops to meet the standards of the code.
- Since *all* of the sites in the Downtown Residential zones contain non-conforming uses and buildings, the code should provide better guidance about how to handle incremental changes in buildings and uses before an entire site is redeveloped.
- The zoning ordinance lacks graphics or photos to illustrate key standards and/or guidelines.
- Almost all forms of development and redevelopment undergo some kind of design review. However, the design guidelines do not provide sufficient direction to developers or review bodies to determine compliance with the guidelines.

4. Manufacturing Zone

- Given the lack of specific definitions for industrial uses, property owners, industrial users and the Planning Director often have to struggle with the challenge of trying to decide if a specific proposed use fits the very broad and general list of uses in the M zone.
- The existing ordinance does not include clear definitions or descriptions of permitted industrial uses or use categories.
- Section 19.103 (Definitions) includes definitions for some, but not all, uses listed in the Milwaukie Zoning Ordinance. However, there are no definitions for industrial uses such as manufacturing, processing, fabrication, packaging, assembly, etc.

ACTION PLAN

Following worksession discussions with the Planning Commission and City Council, staff created the Action Plan included as Attachment 2. The final deliverable from APG during this phase of the code assessment project was the Action Plan. The Action Plan identifies and prioritizes needed code amendments for the near term and will inform the scope of work for Phase II of this project.

NEXT STEPS

Phase II, which is expected to be funded by another TGM grant during the 2009-10 fiscal year, will build on the work completed during the assessment phase and will include the drafting of new code language for those needed code amendments that have been identified as high priority on the Action Plan.

Staff expects that Phase II of this project will likely include code amendments for new and/or revised design standards for commercial and residential development. Given that around the same time the Planning Commission will likely be reviewing other code amendments, i.e. Natural Resources Overlay and Off-Street Parking, staff suggested, and the commissioners agreed, that the Commission delegate formulation of amendments related to design standards to the DLC. Staff believes that this would be a good use of the DLC's skills and time and allow the Planning Commission to focus on development review and other code amendments.

ATTACHMENTS

1. Excerpts from Code Evaluation Memo from Angelo Planning Group, dated July 2, 2009
2. Action Plan memo and summary table, dated August 27, 2009

Note: the full City of Milwaukie Code Assessment Final Report is available on the City's website at: <http://www.ci.milwaukie.or.us/departments/planning/planning.html> under "Planning Projects".

Memorandum

Date: July 2, 2009

To: Katie Mangle, City of Milwaukie
Susan Shanks, City of Milwaukie

From: Mary Dorman, AICP
Serah Overbeek, AICP

cc: Rachel Ferdaszewski, TGM Code Assistance Grant Manager

Re: Task 2 - Code Evaluation Memo

Development regulations, by their nature, are often complex and difficult to understand. Even planning staff, developers and planning commissioners, who regularly work with codes, often have problems with interpreting and implementing their local land use regulations. The TGM code assistance program is intended to help local jurisdictions modernize codes to address the principles of smart development and also help make a city's codes and procedures clearer and easier to understand and implement.

In early 2009, the state Transportation and Growth Management (TGM) program awarded Milwaukie a grant to fund a phased code review and revision project. The first phase of the project allows the City to strategically review several problematic sections of the zoning Code and identify options and priorities for potential amendments that the City could adopt in the future with anticipated Phase 2 funding from the TGM code assistance program.

The purpose of this memorandum is to provide an evaluation of specific areas of Milwaukie's Zoning and Land Division Ordinances to identify problems and options for improvements. The code review and this evaluation memo focus on the following key areas identified in the scope of work for the Phase 1 code assessment:

- Residential design standards
- Land use review criteria and procedures
- Downtown zone standards and uses
- Manufacturing zone standards and uses

For each area listed above, this memo provides an assessment of existing code language, a discussion of any problems or issues that were identified, and options for improvements. Where appropriate, examples from the Model Code and other jurisdictions are also provided in the Attachments.



I. Residential Design Standards

There are a number of areas within the city's residential standards identified as needing revisions and improvements.

- Single-family residential design standards
- Compatibility standards for residential infill and redevelopment
- Multi-family design standards
- Housing type variety and accessory dwelling units

Overview of Existing Single Family Residential Design Standards

Section 19.425 of the Milwaukie code contains design standards that apply to new single and two-family dwellings. These standards regulate main entrance orientation, street-facing windows, and require at least three building elevation features such as bay windows, recessed entry, porches, roof eaves, and certain exterior building materials.

There are also some standards located in the individual use zones in Chapter 19.300. These standards are more related to site layout than the design of the building. These standards regulate setbacks, building height, lot coverage and frontage, and vegetated areas.

Problems with Residential Design Standards

The existing residential design standards are minimal and do not always result in the type of aesthetic that is desired in single-family residential neighborhoods.

1. The location of garages is not currently regulated in Milwaukie's code and can result in "snout house" development in which the garage dominates the street-facing elevation, both in bulk and in proximity.
2. In addition, staff has indicated that developers frequently choose not to provide roof eaves (which are one of the optional design features in Milwaukie's existing design standards) because the current definition of lot coverage requires that eaves be counted towards the maximum lot coverage standard. In order to maximize lot coverage, developers chose to omit roof eaves, which results in development that is typically considered less aesthetic and not visually compatible with surrounding homes.
3. The existing lot coverage standards for the lower density residential zones (R-10, R-7, and R-5) may be overly restrictive in terms of allowable building footprint. In order to maximize building square footage within a small building footprint, builders may be compelled to construct taller buildings that may be out of character with surrounding development.
4. Currently, the residential design standards only apply to new single-family development and not to exterior remodels or expansions of existing homes. Staff is concerned that un-regulated expansions may result in the same types of problems described above. Staff is considering whether or not residential design standards should apply to expansions as well as new development.



Discussion of Potential Solutions

Staff would like to consider options to supplement the existing design standards. This section provides examples of design standards and approaches used in other jurisdictions. A number of residential design alternatives are also discussed in the following section about infill compatibility and won't be repeated here.

Garages. As mentioned previously, the design and location of a garage can significantly affect the appearance of a house and its compatibility with surrounding houses. The city can control this affect by regulating the location and size of street-facing garages. Several example code approaches are provided below.

- The Model Code recommends establishing front, side and rear setbacks of 20 feet for attached and detached garages.
- The City of Portland Community Design Standards (Chapter 33.218) require that attached garages facing a street be no more than 40 percent of the length of the street-facing façade, or 12 feet, whichever is greater. The front of the garage can be no closer to the front property line than the front of the house. In addition, garage doors must be less than 75 square feet in area.
- The City of Beaverton requires all attached garages to be recessed at least four feet from the front of the building, not including porches, when facing a public street.
- The City of Canby code provides a number of options for garages that are intended to prevent garages from obscuring or dominating the main entrance of the house. If the garage standards are not met, then the developer must comply with additional design standards. The design “menu” offered is similar to Milwaukie’s except that it incorporates garage design and requires more design elements. Section 16.21.030 from Canby’s code is provided in Attachment C.

Roof eaves. The city could consider revising its current definition of lot coverage. The existing definition is:

“Lot coverage” means the footprint of a building or buildings on a lot, measured from the outermost projection of the structure expressed as a percentage of the total lot area.

The Model Code recommends lot coverage be defined as the total percentage of a lot “covered by building(s) or impervious surfaces, as allowed by the applicable land use district development standards.”

The City of Beaverton defines building coverage as “That percentage of the total lot area covered by buildings, including covered parking areas.” Furthermore, if the city wants developers to provide eaves, the code could be revised to require eaves rather than making them an optional design element.

Lot coverage. Additionally, the city may also want to reconsider the existing lot coverage standards, particularly in the lower density residential zones. Currently, the lot coverage maximums for the R-10, R-7 and R-5 zones are 30 and 35 percent. For a 7,000 square foot lot, the lot coverage standard of 30 percent would mean a building footprint no greater than 2,100 square feet, including any garage and accessory structures. This limitation may be compelling developers to build taller houses with more bulk in order to get the desired square footage within the allowable building footprint. The Model Code recommends a lot coverage maximum of 40 percent for single-family detached dwellings in the low density zones. Some jurisdictions allow as much as 50 to 60 percent lot coverage for single-family homes. The Model Code also allows greater lot coverage for duplexes (60 to 70 percent in low and medium density zones).



Increasing the lot coverage standard may also encourage a greater variety of housing types. More discussion about housing types is provided in the next section.

There are a number of other design standards that the city could consider to supplement the existing code language. Generally, the city will need to decide what level of regulation for single-family housing is appropriate for Milwaukie. Because the city does not require any land use review for single-family development, design standards should be clear and objective so that no discretionary review is necessary to determine compliance.

Single-family remodels. The city will also need to decide if design standards should be applied to single-family remodels. Currently, the code only requires design standards for “new one and two family dwellings” and does not address the issue of remodels that add square footage to a home. The Model Code recommends that residential development standards apply to major remodels, which are defined as projects that increase the floor area by 50 percent or more. In the City of Canby, remodels that add less than 50 percent of the existing floor area, or are not visible from a public street, are exempt from the design standards. If the city opts to require design standards for some remodels, it should specify whether or not the standards apply to the entire structure, or just that portion being remodeled.

Overview of Existing Residential Infill Standards

Section 19.416 of the Milwaukie code is intended to provide a transition area between multi-family, commercial, or industrial developments that are located within 100 feet of a lower density area. For example, these standards would apply when a new commercial development was proposed adjacent to a residential zone. The standards would require some kind of physical separation between the two zones, such as a roadway or open space. They may also limit the allowable density of the new development, based on the density of the lower-density zone. The code also contains a section of design standards for new one and two family dwellings, but the provisions have not been considered effective in terms of promoting compatibility.

Problems with Residential Infill

The transition area provisions mentioned above do not address compatibility between exiting residential development and new infill or remodel development within the same zone. Under the current code, developers tend to maximize the allowable building envelope which can result in new infill structures that do not “fit in” with surrounding development in terms of both bulk and design. This is especially true in neighborhoods that contain primarily older homes that were developed around the same time, and therefore have similar qualities (for example: front porches, setbacks, heights, and architectural features). Infill development often does not include these same qualities and can look incongruous with the rest of the neighborhood. The discussion below includes several examples of approaches that have been taken in other jurisdictions to address this issue.

Discussion of Potential Solutions

Model Code. The Model Code contains a section of residential infill standards that are intended to “ensure compatibility of new development and redevelopment in existing subdivisions.” These provisions focus on setbacks and building heights, but also include a statement about comparable architecture. The full text from this section of the Model Code is provided in Attachment A and summarized below.



-
- New single-family homes must have a building height and front yard setback similar to adjacent, existing single-family homes on the same side of the street.
 - The building design of the new home must follow, or borrow from, a recognized architectural style of the community (Craftsman, Bungalow, Tudor, Colonial, etc.). This includes elements such as color, materials, roof shapes, windows and doors, and other architectural details.

If the city were to implement a similar approach, it should consider how such standards would be implemented and reviewed, in particular the height limitations. It may be problematic to require a developer to assess existing building heights, and the measurements would need to be confirmed by city staff in order to ensure compliance. If building plans for the existing houses are not readily available, this could require a site visit and extra staff time and resources. Furthermore, the current height limit in Milwaukie's residential zones is typically 35 feet, which generally allows for two stories. If a developer were limited to only one story because the adjacent existing houses were only one story, this may be perceived as unfair.

City of Canby. Canby's development code contains provisions for infill homes that are intended to "promote compatibility between new development and existing homes, and to provide for the efficient use of residential land." The standards apply to new infill homes and remodels of existing homes where the remodel increases the floor area by more than 50 percent, not including garage area. The following is a summary of the standards.

- For infill residences exceeding one story, the maximum allowable lot coverage is 35 percent, not including garages. This is a lower percentage than typically allowed in Canby's residential zones (no lot coverage limit exists for the low density R-1 zone, and the lot coverage standards for medium and high density zones are 60-70 percent).
- Garages may be up to 50 percent of the length of the street-facing façade and may not be closer to the street than the primary residence.
- Front yard setbacks must be within five feet of the setback for the closest existing home on the same side of the street.
- Infill homes cannot exceed 28 feet in height.
- A height step-up standard applies so that building height at the interior and rear setback lines does not exceed one story.

City of Salem. The City of Salem's Development Design Handbook includes design guidelines and standards for compact residential development that is intended to be used in established single-family districts with properties no larger than five acres. The purpose of the Compact Development overlay zone is to allow for a variety of housing types while assuring through design guidelines and standards that new development adapts to the established character of existing neighborhoods. The standards include provisions for landscaping, street trees, building orientation and articulation, private open space, and parking and circulation. To encourage compatibility between new and existing structures, the height of new buildings is limited to 28 feet at the required minimum setback. An additional one foot of building height is allowed per one foot of additional setback beyond the minimum (up to the maximum building height of the underlying zone). The full text from the design handbook is included in Attachment D.

It's important to note that these standards only apply in areas the city has identified as having significant character that should be maintained and protected. The Compact Development overlay zone applies



primarily to single-family neighborhoods within the urban growth boundary. New construction in those areas must go through development design review and are subject to the design guidelines and standards. Applicants may choose to either meet the design standards (which require no public notice or hearing) or meet the design guidelines (which requires notice and discretionary review).

City of Portland. Portland’s Zoning Code contains a chapter (Chapter 33.218) of community design standards that can be applied in certain situations as an alternative to going through the design review process. The chapter includes objective standards that do not require a discretionary review by the city. Eligible applicants can chose to either meet the clear and objective standards in this chapter or go through the discretionary design review process. To be eligible for this option, the project must be located in a designated design overlay zone (Alternative Design Density Overlay, Design Overlay, Historic Resources Protection Overlay, and some plan districts). The stated purpose of the community design standards is to “ensure that new development enhances the character and livability of Portland’s neighborhoods.” Some highlights from the community design standards chapter are provided below.

- Neighborhood contact is required for proposals that create three or more new dwelling units.
- A vicinity plan is required and must show the footprint and lot lines of the proposed development, and footprints and lot lines of all abutting development on the same side of the street.
- Setbacks for the new development are based on setbacks of existing abutting development.
- Building elevations larger than 500 square feet must be divided into distinct planes by a porch, dormer, bay window, or recessed entrance.
- Buffers are required between new developments in higher density residential zones abutting existing development in lower residential zones.

Portland also uses varying lot coverage standards in conjunction with height and setback standards to control the overall bulk of structures in the single-family zones (Chapter 33.110). The standards are intended to ensure that “taller buildings will not have such a large footprint that their total bulk will overwhelm adjacent houses.” Allowable lot coverage depends on the size of the lot. An example table from the Portland code is provided below.

Table 110-4 Maximum Building Coverage Allowed in the RF through R2.5 Zones [1]	
Lot Size	Maximum Building Coverage
Less than 3,000 sq. ft.	50% of lot area
3,000 sq. ft. or more but less than 5,000 sq. ft.	1,500 sq. ft. + 37.5% of lot area over 3,000 sq. ft.
5,000 sq. ft. or more but less than 20,000 sq. ft.	2,250 sq. ft. + 15% of lot area over 5,000 sq. ft.
20,000 sq. ft. or more	4,500 sq. ft. + 7.5% of lot area over 20,000 sq. ft.

Notes:

[1] Group Living uses are subject to the maximum building coverage for institutional development stated in Table 110-5.

Generally, smaller lots are allowed a higher percentage of lot coverage than larger lots. An alternative to this approach would be to regulate floor area ratio (FAR), which is discussed in more detail in the next section.

[Note: The City of Lake Oswego uses both lot coverage and FAR in the single-family residential zones.]



City of Redondo Beach, California. In a 2003 staff report by the Redondo Beach Planning Department, the issue of incompatible infill development was addressed through adoption of new residential design guidelines. The staff report contains a thorough evaluation of tools that can be used to address compatibility of new single-family homes in established neighborhoods. A summary of the staff report is provided below. Text from the Redondo Beach development code is provided in Attachment E.

- Floor-area ratio (FAR) is an effective tool for limiting the floor area of a building in proportion to the lot size. The city determined that a FAR of 0.60 to 0.70 resulted in homes that were visually compatible with the surrounding neighborhood. Some FAR bonuses are allowed for developments that include certain design elements such as an increased second-floor setback.
- The staff report notes that FAR helps to ensure that the buildable area of homes is proportionate to the lots size, but does not necessarily reduce the appearance of bulk from the public view. To address the issue of bulk, a second story setback can be used and can “soften the impact on adjacent existing single-story homes.”
- The report does not recommend the use of lot coverage standards because they may limit options for homeowners wanting to make a small addition to an existing one-story home. If the lot coverage maximum is already achieved, the only option for an addition would be to add a second story, which may be financially or physically unfeasible. Furthermore, it may limit the ability of homeowners to develop accessory structures on their lot.
- The location of a garage can significantly affect the compatibility of a new home with existing homes. Garages that are built close to the front property line and dominate the street-facing façade are often out of character with older homes, which tend to have detached garages located in the rear of the lot.

Overview of Existing Multi-family Design Standards

The existing Milwaukie code does not include any design standards for multi-family development outside of downtown zones. The code does contain some general development standards that would apply to multi-family housing such as yard requirements and height restrictions. Section 19.416 also contains some provisions that would apply to a new multi-family project being located adjacent to (within 100 feet) a lower density zone. Those transition provisions are intended to provide a buffer between developments in zones of differing densities. However, there are no standards to address design elements that are particular to multi-family developments, such as building mass, open space, and site layout requirements.

Problems with Multi-family Development

Multi-family development is permitted as a conditional use in the R-3 zone and as an outright permitted use in the R-2 zone. Multi-family developments tend to have larger building sizes, different architectural styles, taller building heights, different site layouts, and more parking when compared to single- or two-family developments. As such, new multi-family development located in an established single-family neighborhood can be inconsistent with its surroundings in terms of bulk and aesthetics. The transition area provisions mentioned above only apply when the multi-family development is in a different, adjacent zone; therefore, they are not effective at regulating compatibility between developments in the same zone, specifically the R-2 zone, the majority of which is developed at single-family residential densities.



Staff would like to consider code options for clear and objective design standards to apply to new multi-family developments in order to regulate aesthetics and compatibility with surrounding uses.

Discussion of Potential Solutions

Model Code. The Model Code provides a section of design standards for multi-family housing that may be suitable for adoption into Milwaukie's code. The design standards limit the allowable length or width of the building, require open space, and regulate building orientation and the location of parking areas. The full language from the Model Code is provided in Attachment A.

The Model Code also contains some standards intended to regulate attached townhomes when there are three or more attached dwellings. These standards require alley access for subdivisions consisting primarily of townhomes or duplexes. It also requires common areas to be maintained by a homeowners association. Milwaukie's existing code does not include specific design standards for attached housing, except two-family dwellings (duplexes). The city may want to consider including some of the Model Code standards for attached housing with the multi-family standards.

The Model Code also contains a section on building height step-downs that is applied to new multi-family development abutting an existing single-family residence. The intent of the step-down is to "provide compatible scale and relationships between new multi-story buildings and existing single-story dwellings". The language from the Model Code is provided in Attachment A.

City of Beaverton. The City of Beaverton Community Development Code contains some fairly prescriptive standards for building articulation and variety that apply to any attached residential development in any zone. These standards limit the length of any residential building to 200 feet, which is slightly higher than the Model Code recommendation. It also requires that any multi-family building visible from a public street have a "minimum portion of the elevation devoted to permanent architectural features designed to provide articulation and variety." Architectural features include windows, recessed doors, and changes in material types. The code regulates spacing between architectural features, as well as roof form, building entrances, building materials, and building orientation. The full text from Section 60.05.15 of the Beaverton code is provided in Attachment B.

City of Canby. The City of Canby provides a more flexible approach to regulating compatibility of multi-family developments. The code contains a matrix of design criteria that are intended to promote compatibility and aesthetics. Points are assigned to each design criterion and in order for a development to be considered compatible; it must "score" a certain percentage (65 percent) of available points. Some elements are required, and the rest are optional so long as the total score meets the minimum percentage. There are also bonus points available; however, bonus points cannot be counted towards the minimum 65 percent, so it is unclear if there is any incentive for developers to achieve points beyond the required minimum.

The benefit to this approach is that it provides a balance between prescriptive and flexible standards. Canby has identified elements that it considers critical to multi-family development and those elements are required. Other elements are optional and this allows the developer some flexibility and creativity in meeting the overall point requirement. The full text from Section 16.21.070 of Canby's code is provided in Attachment C.



Overview of Existing Housing Type and Accessory Dwelling Unit Standards

Accessory dwelling units. The city currently has two types of ADUs: Type 1 and Type 2. Type 1 ADUs are defined as being between 225 and 600 square feet in size, not exceeding 40% of the floor area of the primary structure, and meeting the requirements of Section 19.404. This section contains some site and design standards and requires that Type 1 ADUs be approved through a Type II Administrative Review process. Type 2 ADUs are defined as any unit other than a Type 1 ADU and permitted by Section 19.602.10 (conditional uses). Type 2 ADUs generally cannot exceed 50% of the floor area of the primary structure or be larger than 800 square feet in size.

Housing type. A review of the city's use zones in Chapter 19.300 indicates that the city identifies four dwelling types in the code:

- Single-family detached dwelling;
- Single-family attached dwelling, which is two dwelling units sharing a common wall on the same lot (duplex);
- Multifamily, which is either a condominium or apartment structure with three or more units on the same lot; and
- Type 1 and 2 ADUs, which are considered incidental and subordinate to a detached single-family dwelling.

The Milwaukie code currently has nine residential zones, including two mixed-use commercial/residential zones. The lower density zones allow single-family attached and detached dwellings; the medium and higher density zones (R-3 and up) allow multi-family development as well.

Type 2 ADUs are permitted as a conditional use in all the residential zones except the R-1, R-2.5, and mixed-use zones. Type 1 ADUs are not mentioned in any of the residential zones. However, the language in Section 19.404 states that Type 1 ADUs are permitted in all residential zones that allow single-family detached structures (which is true for all Milwaukie's residential zones).

Problems with Housing Type and ADU Standards

Staff would like to explore options for encouraging a greater variety of housing types. However, there are a number of areas in the existing code that could be acting as a barrier to housing type variety.

1. In the lower density zones (R-10, R-7, and R-5), the required lot sizes for duplex dwellings are excessive and may make duplex development infeasible. For example, in the R-7 zone, the minimum required lot size for a single-family detached home is 7,000 square feet. For a duplex, the lot size must be an average of at least 7,000 square feet per unit. This requires a fairly large lot for duplex development. Also, even if lot size is met, duplexes require conditional use approval in the R-7 and R-10 zones.
2. Outside of the downtown zones, there are no provisions for attached, zero lot line houses (townhomes or row houses). This type of housing is not defined in the definitions section of the code, and is not addressed in any of the residential use lists in Chapter 19.300. There is some language in some of the use zones that refers to "interior single-family attached units" that appears to be left-over from a previous version of the code. It is unclear what this language applies to.



3. Type 1 ADUs are not listed as permitted uses in the residential use zones. The language in Section 19.404 states that they are permitted in all residential zones, subject to the standards contained in that section. It would be clearer for the user if Type 1 ADUs were listed as permitted uses in each residential zone.
4. Type 1 ADUs are permitted through a Type II Administrative Review, which requires public notice with the option of a public hearing if requested. This may be an excessive amount of review and act as a deterrent for home owners who may otherwise like to construct an ADU on their property.
5. Type 2 ADUs are permitted as a conditional use in all residential zones except the R-2.5, R-1, and the mixed-use zones (R-1-B and R-O-C). It is unclear if Type 2 ADUs were intentionally left out of these zones, or if it was done in error.
6. Requiring conditional use approval for construction of an ADU may be acting as a disincentive for property owners due to cost, time needed for review, and the ability of the planning commission to impose additional conditions on the ADU.
7. The language in Section 19.602.10, which contains standards for Type 2 ADUs, states that they are “allowed in conjunction with a detached single-family dwelling by conversion of existing space, or by means of an addition”. This implies that Type 2 ADUs must be attached to a single-family dwelling, rather than be a stand-alone structure. Again, this may serve as a disincentive to property owners who would like to build an ADU that is not attached to the primary residence (like above a detached garage).

Discussion of Potential Solutions

Lot size for duplexes. The Model Code recommends a minimum lot size of 6,000-9,000 square feet for duplexes in low density residential zones. The city may want to consider allowing smaller per unit lot sizes for duplexes to encourage more of this type of housing development. Furthermore, duplexes could be permitted outright on corner lots in lower density zones (R-7 and R-10) or along higher classification streets in order to encourage more duplex development. For corner lot duplex development, each unit could be oriented to a different street to maintain the overall character of a single family dwelling.

Zero lot line housing. The city could consider revising the definitions section to include a definition for this type of housing. The Model Code defines a townhome as “a dwelling unit located on its own lot which shares one or more common or abutting walls with one or more dwelling unit. The common wall must be shared for at least 50 percent of the length of the side of the dwelling.” In addition, the city would need to revise the allowable use lists in the residential zones in order to permit townhome development where desired. As mentioned previously, the Model Code contains a section of development standards for townhome developments that could be used to regulate design and site layout.

ADUs. There are a number of revisions that the city could consider in order to clarify the ADU standards and encourage ADU development.

- For consistency, Type 1 ADUs should be listed as permitted uses within the zone use lists. The city may also want to clarify whether or not Type 2 ADUs are allowed as conditional uses in the R-2.5, R-1, and the mixed-use zones (R-1-B and R-O-C) zones.
- The Model Code recommends permitting ADUs through a Type I procedure, which is an administrative decision that does not include public notice, public hearing, or opportunity for



appeal. The Model Code contains a set of clear and objective standards that must be met for ADU development. The Milwaukie code has some standards in place for Type 1 ADUs; however, the city may want to amend the standards to make them more objective and reduce the level of required review to Type I Administrative Review.

- There does not appear to be a significant difference between Type 1 and Type 2 ADUs, and the current approach may be resulting in unnecessary confusion for property owners. The city may want to consider re-evaluating the existing ADU standards and explore the option of combining the two types into one, amending the standards, and reducing the level of review required. The City of Portland has a chapter for ADU development standards that may provide a useful example. That chapter has been included in Attachment F.



III. Downtown Zones

Overview of Existing Downtown Zones – Chapter 19.312

The City Council adopted the Milwaukie Downtown and Riverfront Plan (Plan) in 2000. The plan provides a framework for new development and redevelopment that recognizes and builds upon the character and history of the downtown and reconnects Milwaukie to the Willamette River. To implement the Plan, the City Council adopted five downtown zones to reflect the distinctions between different areas of the plan, and to focus pedestrian-oriented retail uses to the traditional downtown core along Main Street. Specific use and development standards, public area requirements, and design standards were adopted for the downtown zones to assure an active, attractive, and accessible environment for shoppers, employees and residents.

The City recently adopted Transportation Code Amendments which changed how the public area requirements are implemented in the downtown zones. Specifically, downtown and non-downtown projects are now treated the same with regard to impact-based triggers for transportation improvements.

¹ <http://www.oregon.gov/LCD/TGM/modelCode05.shtml>



Additionally, the fee in lieu of construction (FILOC) option is now available for projects in the downtown area as it is elsewhere in the city. The City is also evaluating the feasibility of an urban renewal district to provide a tool to support and leverage public improvements that can help attract and shape development in the downtown area.

Key provisions of the code relating to the Downtown Storefront (DS), the Downtown Office (DO) and the Downtown Residential (DR) zones are highlighted below. Attachment G includes the code figures that illustrate the applicability of the standards.

Downtown Storefront. The Downtown Storefront (DS) zone was established to preserve and enhance the commercial “Main Street” character of downtown Milwaukie. Along a five-block stretch of lots fronting on Main Street as shown on Figure 312-2:

- Ground-floor retail/restaurant uses are *required*
- Office and residential uses are *not allowed* on the ground floor but are permitted up upper floors
- Personal/business service uses are *limited* to a maximum of 25 percent of the ground floor area of individual buildings

The development standards for the DS zone require:

- A *minimum* building height of 35 feet for lots fronting on Main Street
- A *maximum* street setback of 10 feet
- Ground-floor windows and doors

Downtown Office. The Downtown Office (DO) zone was established to accommodate office, entertainment, and hotel uses along high-visibility arterial streets. Retail uses are limited to support the primary uses and encourage retail development along Main Street. Within the DO zones shown on Figure 312-1:

- Offices, entertainment and hotel uses are *permitted*
- Residential uses are *limited* to the second floor or above
- Eating and drinking establishments and retail trade uses are *limited* to 5000 square feet in floor area per use and may only be developed as part of a mixed use building

The development standards for the DO zone require:

- A *minimum* building height of 25 feet
- A *maximum* street setback of 10 feet
- Ground floor windows and doors along specific streets

Downtown Residential. The Downtown Residential zone was established to increase housing opportunities in close proximity to downtown shopping, transit, and open space amenities. The major types of new housing will be apartments and condominiums. Within the DR zones shown on Figure 312-2:

- A variety of housing types are *permitted*



- Office, personal/business services and retail trade uses may only be permitted as part of a mixed use building that includes housing. These uses are limited to the ground floor and may not exceed 5000 square feet in floor area

The development standards for the DR zone require:

- A minimum density of 30 units/acre for stand-alone multifamily apartment/condominium dwellings and senior/retirement housing
- Minimum densities of 10 units per acre for the downtown residential transition area
- 15% landscaping
- Off-street parking

Design Review. When the Downtown Zones were adopted, the City also implemented a design review process for major exterior alterations and new development that only applies in the downtown area. The design review process is outlined in Section 19.312.7 of the code. Key elements of the process are highlighted below:

- The code provides three different design review tracks based on the proposed use and the scale of the development (e.g., Type I for stand-alone residential and exterior maintenance; Type II for minor exterior alteration visible from public spaces; and Minor Quasi-judicial review for major exterior alteration and new development)
- Design standards are provided for walls, windows, roofs
- Specific types of windows and roofs are *prohibited* as are specific building materials
- The design guidelines used in design review are not included in the Zoning Ordinance but are instead adopted by resolution of the City Council
- The code does not include any illustrations of the design standards or guidelines

Problems with the Downtown Zones

The City is committed to the vision outlined in the Downtown and Riverfront Plan. However, after implementing the Downtown Zones for nine years, staff has found that the specific and prescriptive standards do not provide enough flexibility to accommodate a gradual transition between existing uses and buildings and the future vision.

Primary problems with the existing Downtown Zones are summarized below:

1. Many of the existing uses (such as offices) and one-story buildings in the Downtown Storefront (DS) zone are “non-conforming” with zoning regulations that require ground-floor retail uses and 3-story buildings.
2. The downtown zones are very prescriptive regarding use and are unclear as to what would constitute an allowed use in some instances, specifically:
 - a. The Downtown Residential (DR) zone is very restrictive of non-residential uses unless they are part of a mixed use building. Since *all* of the buildings in the DR zones have non-conforming uses and buildings, the code should provide better guidance about how to handle incremental changes in buildings and uses before an entire site is redeveloped.



-
- b. The ground-floor retail requirement in the DS zone and the limitations on personal and business services and office uses in the DO and DR zone have had the effect of preferring vacant storefronts over active uses.
 - c. The definition of “personal/business services” in Section 19.103 (Definitions) lists example uses, but doesn’t really define the broader characteristics of the use. This makes it difficult to determine if some proposed uses that aren’t listed as examples are permitted in the Downtown Zones.
3. The minimum height (35 feet/3 stories) for buildings fronting on Main Street in the DS zone is quite aggressive when compared with regulations adopted for other designated town centers within the region.
 4. The Design Standards section (Section 19.312.6) is difficult to follow and understand. The addition of tables and illustrations would be helpful. Also, the list of prohibited materials is highly restrictive.
 5. Major exterior alterations and construction of new buildings in the Downtown Zones must go through a discretionary design review process. The design guidelines do not provide sufficient direction to developers or review bodies to determine compliance with the guidelines.
 6. The public area requirements that apply only in the Downtown Zones may be acting as a disincentive to new private investment in the downtown area.

Discussion of Potential Solutions

Reactivating Main Street is a major focus on the Downtown and Riverfront Plan and the Downtown Zones. However, it can be difficult to attract the desired higher density development and mix of uses that support more urban streetscapes if the market is not ready. Even with a long-term vision that is codified through zoning as in Milwaukie, requirements for ground-floor retail may not be supported economically in the short to medium-term because an increase in land values and demand is needed to drive higher-density, mixed-use redevelopment projects. This challenge is heightened if cities lack the funds to invest in the public infrastructure of sidewalks and other downtown amenities.

Consider Type II review for change of use. Many of the existing buildings and uses in the downtown zones do not conform to the use restrictions and limitations or development standards of the existing ordinance. Section 19.312.3 states:

Existing structures and uses that do not meet the standards for a particular downtown zone may continue in existence. Alteration of a nonconforming use or structure that is not in compliance with applicable standards shall be subject to the provisions of Chapter 19.800, Nonconforming Uses.

Categorizing buildings and uses as “nonconforming” complicates financing for improvements and also provides a barrier to incremental and organic changes to existing buildings in the interim period before redevelopment is supported by the market. The City may want to consider providing a Type II review option distinct from the Nonconforming Use Chapter to provide more flexibility for a transition of uses in existing buildings that could help to activate the downtown area.

Consider more flexible approach to ground-floor uses. Many jurisdictions in the Portland region have backed away from rigid requirements for ground-floor retail uses, and have instead required new building spaces to be designed so that they can be adapted to active uses such as retail once the market is ready.



These more flexible standards seek to establish good “bones” for active uses such as high ceilings, large floor plates, specific construction types and transparent faces of the buildings fronting on public spaces.

Some code examples from other jurisdictions are summarized below, with example code language provided in Attachment H.

Portland. The City of Portland has adopted zoning ordinance standards for “active building uses” in several town centers, including Hollywood, St. Johns and Kenton. The standards typically apply to *new development* on sites with frontage on designated enhanced pedestrian streets (such as Sandy Boulevard in the Hollywood District). *Alterations or exterior improvements to existing development are exempt from the regulations.*

Portland’s zoning standards for town center districts focus more on the location and design of the building and are more flexible in allowing a range of ground floor office and personal service uses in addition to restaurants and retail that can help to activate pedestrian streets. Additionally, *Portland’s regulations do not limit ground-floor office or service uses to a specified square footage or percentage of the total floor area.*

Hillsboro. The City of Hillsboro has adopted standards for “street level uses” in Mixed Use Districts. The intent of these standards is to establish mixed use developments, with commercial storefronts, and create a vibrant pedestrian environment.

The range of uses permitted in Hillsboro’s Mixed Use Districts is considerably broader than the uses listed in the Milwaukie and Portland ordinances. For example, Hillsboro permits street level uses such as personal, business and consumer services, daycare, product repair or services for consumer and business goods, medical clinics, and community service uses in addition to retail and eating and drinking establishments. The “storefront” space dimensions are similar to Portland’s, with minor differences (12 foot height in Portland vs. 13 feet in Hillsboro; 25 foot depth in Portland vs. 30 foot depth in Hillsboro).

Gresham. The City of Gresham has adopted a Downtown Plan District that includes six specific sub-districts. The historic downtown core along Main Street is included in the Central Urban Core (CUC) sub-district. The range of uses permitted in the CUC sub-district is quite broad, and includes offices, clinics, retail trade, retail service, business service and mixed-use development. There is no specific requirement for ground-floor retail uses along Main Street in Gresham.

Lake Oswego. The majority of the downtown core area of Lake Oswego is included in the East End Commercial (EC) zone. A very broad range of uses are permitted in the EC zone, with some limitations on the size of individual uses. Permitted uses include but are not limited to retail sales and service, food markets, restaurants, personal services, business services, offices and medical clinics. Beyond the flexible approach to permitted uses, Lake Oswego has adopted very specific requirements for building design in the downtown area.

To complement basic zoning requirements, the City of Lake Oswego has successfully established active ground floor retail uses in its downtown district by making targeted public investments and leveraging their negotiating power through the use of urban renewal. In 1986, the Lake Oswego Redevelopment Agency (LORA) adopted an urban renewal plan for the downtown district, making tax increment financing available for new downtown projects. LORA then negotiated with developers to provide ground floor retail uses with various incentives. While the code does not explicitly prohibit non-retail uses from the ground floor, the standards help to foster a



building environment that is conducive to ground floor retail over other types of uses such as banks, hair salons and copy shops.

As development and redevelopment has occurred over the last decade with substantial investments in the downtown area and market demand, rents in the district have increased to the extent that ground floor space is not as affordable for non-retail uses such as personal service uses and offices. Through this process, market forces encourage non-retail uses to locate on the upper floors, while the ground floor use is reserved for retail businesses that are typically able to pay higher rents.

Reconsider minimum building heights. As noted earlier, the existing code requires a minimum building height of 35 feet for new buildings that front on specific blocks of Main Street in the Downtown Storefront zone. The purpose of the height standards is to promote a compatible building scale and establish a consistent streetscape. Buildings fronting on other streets in the DS zone shall be a minimum height of 25 feet.

Many jurisdictions in the Portland region have backed away from rigid requirements for *minimum* building heights in town centers and corridors, and instead have focused on providing targeted incentives for taller buildings in appropriate areas. Also, some jurisdictions have written code standards to require that new 1-story buildings be designed to accommodate later addition of a 2nd or 3rd story.

Code examples from other jurisdictions are summarized below, with excerpts of code text provided in Attachment I.

Portland. The Portland Zoning Code does not require a minimum building height in any of the designated town center or corridor plan districts. As noted above, Portland has instead taken the approach of providing incentives for taller buildings in specific locations. The Commercial Storefront (CS) zone is applied along many of the traditional corridor streets in Portland, including streets such as Division, Fremont, Belmont, Clinton, etc. A maximum Floor Area Ratio (FAR) for this zone is set at 3 to 1, with a maximum building height of 45 feet. Additionally, a minimum of 50% of the site area must be covered by a building.

Portland's zone standards focus on maximum building setbacks, ground floor window standards, and no requirements for off-street parking to reinforce an active pedestrian environment. However, there is no requirement that new buildings be constructed to a minimum height or include a minimum of 2 stories.

Gresham. The table of Development Standards in Gresham's Downtown Plan identifies a minimum building height of 2 stories for the Central Urban Core (CUC). However, the code also includes flexibility for expansion of existing buildings and also provides an option to build a 1-story building that can accommodate later installation of a second floor.

Lake Oswego. The Building Siting and Massing Standards for the EC zone require that new buildings be at least two stories tall. However, the code also provides some flexibility for one-story buildings for entry areas, outdoor restaurants, or as a step down to an adjacent one story viable structure or when a minimum height of 20 feet is maintained at the right-of-way or street side building edge.

Reconsider prohibited materials. Milwaukie's existing design standards for the Downtown Zones prohibit EFIS or other synthetic stucco panels and split-face or other masonry block at the street level of all buildings in the downtown zones. Additional materials are prohibited at all levels of buildings in the



downtown zones, including plywood paneling; vinyl or metal cladding; composite wood fiberboard or composite cement-based siding; metal panels, except at penthouse level.

Building materials are constantly evolving. Is it appropriate or necessary to prohibit specific building materials if a discretionary review process is required for new non-residential construction? The city may want to consider limiting the list of prohibited materials to stand-alone residential buildings and letting the developer make the case regarding durability, compatibility, etc. for specific materials that are subject to discretionary design review.

Consider changes to the Design Review Process. As described earlier in this memo, the Design Landmarks Committee (DLC) reviews major exterior alterations and new development in the Downtown Zones, and provides a recommendation to the Planning Commission for a final minor-quasi judicial land use decision. Because discretionary design review is only required in the Downtown Zones, the uncertainty and extra expense associated with the design review process may be a disincentive to private investment and new construction in the downtown area.

Design review decisions are subject to the 120-day clock for final local land use decision after an application has been accepted as complete. Scheduling a design review application for review by both the DLC and the Planning Commission can be cumbersome for an applicant and staff. Additionally, the role and responsibility of the DLC relative to the Planning Commission should be clarified.

The City might want to consider if it would be more useful for the DLC to provide design input to the applicant earlier in the process, perhaps shortly after a pre-application conference with staff. A more informal “design guidance” approach could be used to provide input and insights on key design objectives that should be addressed as more detailed plans are prepared for review by the Planning Commission. This could be a separate application, with a modest review fee.

The city could also consider if the minor quasi-judicial design review process should be limited to construction of new buildings only, with exterior alterations handled through a staff review. Additionally, photographs and/or simple illustrations could be included in the code or in a separate handbook to provide examples of the types of buildings that are considered consistent with the design standards and guidelines.

Memorandum

Date: August 27, 2009

To: Katie Mangle, City of Milwaukie
Susan Shanks, City of Milwaukie

From: Mary Dorman, AICP
Serah Overbeek, AICP

cc: Rachel Ferdaszewski, TGM Code Assistance Grant Manager

Re: Smart Development Code Evaluation - Action Plan

This Action Plan has two primary objectives: to summarize existing problems within the Milwaukie Municipal Code (MMC) as described in the Code Evaluation Memorandum, and to identify and prioritize desired outcomes intended to address those problems. The Action Plan does not recommend actual code amendments; instead, it provides a framework for future code work that will be completed during Phase 2 of the Code Assistance project.

The Action Plan focuses on six key areas.

- **Residential design standards.** The City would like to explore tools that could be used to encourage residential infill development that is compatible with the look and feel of existing single-family neighborhoods. This includes an evaluation of new design standards for multi-family developments.
- **Housing variety.** The City would like to consider code amendments to encourage a greater variety of housing types, including accessory dwelling units (ADUs), townhomes, and duplex development.
- **Land use review processes and procedures.** The City would like to clarify, streamline, and consolidate the various different review processes currently used, and explore creation of a new Development Review chapter.
- **Downtown zone standards and uses.** The City would like to explore options to provide more flexibility in uses and selected development standards for the downtown zones while retaining the vision of the Downtown and Riverfront Plan.
- **Manufacturing zone standards and uses.** The City is seeking ways to define and clarify the list of allowed uses, and provide clear and objective standards for development in the Manufacturing zone.



- **Commercial design standards.** The Phase 1 Code Assistance project did not include an evaluation of commercial zones outside of downtown. However, the Planning Commission has indicated that they would like to consider appropriate uses, development and design standards for the four commercial zones as part of the Phase 2 Code Assistance project. Therefore, this topic area is included in the Action Plan.

The Evaluation Memo focused on specific problems and included examples of code approaches the City could consider in drafting code amendments to address those problems. The Action Plan summarizes those problems within the framework of potential code amendment projects - some of them relatively small and targeted, others larger and more complex - without defining the actual code amendment proposal.

For each of the six areas listed above, the Action Plan table provides the following information:

- **Code section.** Where applicable, the affected section of the MMC is listed. In some cases, a new code section is being proposed and there is no existing section to reference.
- **Desired outcome and problem statement.** A summary of the identified problem is provided, along with the desired outcome based on adopted Milwaukie Comprehensive Plan policies. In general, for all changes to the code, the City aspires to achieve the following:
 - Replace subjective, unclear policy with clear standards.
 - Encourage investment while ensuring that development meets Comprehensive Plan goals for high quality, environmentally sensitive, and pedestrian-friendly development.
 - Allow for site-specific design for smart and low-impact development through alternative review processes.
 - Develop standards and procedures that are easy to understand and implement.
- **Proposal type.** “Refine existing approach” indicates that the code already includes provisions to meet Comprehensive Plan objectives and revisions would refine the tools used by the City to meet those objectives. “Develop new approach” indicates that the existing code does not address Comprehensive Plan objectives and new code is needed.
- **Key notes and questions.** Where applicable, significant observations or questions from the Evaluation Memo and Planning Commission and City Council work sessions are provided.
- **Next steps.** This section indicates the critical steps that will need to be taken by the City before new code language can be developed and adopted.
 - “Urban design support” indicates that the City may want to work with an urban designer/architect to develop new design standards and graphics. In general, staff and the Planning Commission expressed interest in using more graphics and tables in the code to convey design standards and guidelines in a more user-friendly fashion.
 - “Additional analysis/research” refers to the need for more research before the City can write new code language. This work could include reviewing model codes and codes from other jurisdictions, analyzing historical development trends, utilizing GIS data, and evaluating building permits to better understand local characteristics.
 - “CC/PC work session” implies that a work session with the Planning Commission and/or City Council will likely be necessary in order to develop and refine code



amendments. CC/PC work sessions would be in addition to the standard public hearings.

- “Public outreach effort” means that the city will likely need to do some targeted outreach to stakeholder groups to guide the code amendment process for specific topic areas. Again, this public outreach would be in addition to the standard public involvement options provided as part of the code amendment adoption process.
- **Priority.** Identifies the level of priority for both City staff and the Planning Commission as low, medium, or high. This is intended to provide guidance for the City in determining which elements should be included in the Phase 2 Code Assistance scope of work and budget.

Milwaukie Action Plan Table

Topic	Code Section	Desired Outcome and Problem Statement	Proposal Type		Key Issues and Questions	Next Steps				Priority
			Refine Existing Approach	Develop New Approach		Urban Design Support	Additional Analysis/Research	CC/PC Work Session	Public Outreach Effort	H= High M= Medium L= Low
Residential Design Standards										
Single-Family Architectural Design	19.301 - 19.309, 19.425	<p>Outcome: Promote high quality design and a flexible design approach that supports the character and livability of existing neighborhoods.</p> <p>Problems:</p> <ul style="list-style-type: none"> ▪ No design standards exist for garages. ▪ No design standards exist for home additions. ▪ Minimal design standards exist for new homes. ▪ Existing design standards, coupled with existing development standards, can result in undesirable designs, i.e. no eaves. 	√		<ul style="list-style-type: none"> ▪ What level of design regulation is appropriate for single-family housing? ▪ Should there be a discretionary design review option to allow for design variations? ▪ Should particular construction materials be required or prohibited (similar to downtown standards)? ▪ If design standards are applied to home additions, should they apply to all or just some types of home additions? ▪ Should the existing design menu approach be refined or a new approach developed? ▪ Should the location and design of garages be regulated? 	√	√	√	√	H
Infill Compatibility		<p>Outcome: Ensure that the scale of new development fits with existing</p>		√	<ul style="list-style-type: none"> ▪ Should infill development be limited by the height and mass of existing development? If so, what are the best tools for 	√	√	√	√	H

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			Refine Existing Approach	Develop New Approach		Urban Design Support	Additional Analysis/Research	CC/PC Work Session	Public Outreach Effort	H= High M= Medium L= Low
		<p>neighborhoods.</p> <p>Problems:</p> <ul style="list-style-type: none"> ▪ No requirement that new development consider existing development with regard to height and mass. ▪ Low lot coverage standards minimize building footprint allowance, which often leads to taller/bulkier homes. ▪ Development standards for large and small lots are the same, which can result in larger (and often incompatible) homes on larger lots. 			<p>Milwaukie?</p> <ul style="list-style-type: none"> ▪ Should infill home development be subject to more and/or different regulations than additions to existing homes? ▪ Should development standards be different for different size lots? 					
Multifamily Residential	Not in existing code.	<p>Outcome:</p> <p>Establish design standards for multi-family dwellings to ensure high quality construction and design.</p> <p>Problems:</p>		√	<ul style="list-style-type: none"> ▪ What level of design regulation is appropriate for multifamily housing? ▪ Should standards be clear and objective or should there be a discretionary design review option to allow for design 	√	√	√	√	M

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		<ul style="list-style-type: none"> No design standards exist for multi-family development in non-downtown zones. 			variations? <ul style="list-style-type: none"> Should particular construction materials be required or prohibited (similar to downtown standards)? 					
Housing Variety										
Accessory Dwelling Units (ADUs)	19.301 - 19.309, 19.402.4, 19.602.10	<p>Outcome: Encourage a diverse range of housing types to meet the housing needs of all segments of the population.</p> <p>Problems:</p> <ul style="list-style-type: none"> ADU approval process is often excessive and appears to discourage ADU development. ADU design standards are minimal and difficult to apply due to their subjectivity. Type 1 ADUs are allowed, but not listed, as permitted uses in residential zones. 	√		<ul style="list-style-type: none"> Should the City reduce the level of review required for ADUs to encourage a greater variety of housing types? What kinds of design standards are appropriate for ADUs? Should there be different design standards for conversions vs. additions? Should there be two types of ADUs? Should ADUs be allowed as stand-alone detached structures or as part of existing detached structures? If so, design standards for accessory structures may need to be 		√	√	√	L

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		<ul style="list-style-type: none"> ▪ Type 2 ADUs are allowed, but not listed, as conditional uses in residential zones. ▪ ADUs are required to be attached to existing dwellings. 			updated.					
Townhouses	19.301 - 19.309	<p>Outcome: Encourage a diverse range of housing types to meet the housing needs of all segments of the population.</p> <p>Problems:</p> <ul style="list-style-type: none"> ▪ Remnant and fragmented code provisions imply that townhouses are allowed in certain zones, but they are not explicitly listed as a permitted use in any non-downtown residential zones. ▪ Lot size, lot coverage, and setback standards for townhouse developments are unclear ▪ No design standards exist for townhouses in non-downtown 		√	<ul style="list-style-type: none"> ▪ Should townhouses be outright or conditionally allowed in all non-downtown residential zones? Are there areas or zones where townhouses should not be allowed? ▪ What lot sizes are appropriate for townhouse development? ▪ What are the best tools to ensure compatibility with surrounding development? Should there be limitations on the number of townhouses allowed in a row? ▪ Should there be different design standards for townhouses or should they be subject to single or multifamily design standards? 	√	√	√	√	L

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			Refine Existing Approach	Develop New Approach		Urban Design Support	Additional Analysis/Research	CC/PC Work Session	Public Outreach Effort	H = High M = Medium L = Low
		zones.								
Duplexes	19.301 - 19.309	<p>Outcome: Encourage a diverse range of housing types to meet the housing needs of all segments of the population.</p> <p>Problems:</p> <ul style="list-style-type: none"> ▪ Required minimum lot sizes for duplexes are restrictive. ▪ Conditional use approval in certain zones may be excessive. 	√		<ul style="list-style-type: none"> ▪ Should duplexes be allowed and/or encouraged along streets with higher classifications (i.e., arterials)? ▪ Should duplexes be outright allowed on corner lots in zones where they are only otherwise conditionally allowed? ▪ Are there areas or zones where duplexes should not be allowed? ▪ What lot sizes are appropriate for duplex development? 	√	√	√	√	L
Review Processes & Procedures										
Amendments and Administrative Provisions	19.900, 19.1000	<p>Outcome: Provide review processes and procedures that are consistent with Oregon state law and that are clear and complete.</p>			<ul style="list-style-type: none"> ▪ How can the City consolidate and streamline the review types to provide consistency and clarity, and avoid unnecessary processing? 		√			H

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			Refine Existing Approach	Develop New Approach		Urban Design Support	Additional Analysis/Research	CC/PC Work Session	Public Outreach Effort	H = High M = Medium L = Low
		<p>Problems:</p> <ul style="list-style-type: none"> ▪ The City’s administrative procedures are outdated, incomplete, unclear, and poorly organized. ▪ Having five review types may be overly complex. ▪ The process for a Director’s Interpretation is not clear. ▪ There is no existing process for modification of approved plans. 			<ul style="list-style-type: none"> ▪ Should the City establish a process and review criteria for modification of approved plans? 					
Conditional Uses, Variances & Exceptions, and Nonconforming Uses	19.600, 19.700, 19.800	<p>Outcome: Develop reasonable review criteria and an appropriate level of review for all land use actions.</p> <p>Problems:</p> <ul style="list-style-type: none"> ▪ The City does not have a “Development Review” chapter that allows staff to review new development outside the building 	√		<ul style="list-style-type: none"> ▪ Should the City reorganize its code and establish a Development Review chapter or should we continue to use the same organizational structure? ▪ Should approval criteria be more permissive for some types of variances but not others? 		√	√		H

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		permit process. <ul style="list-style-type: none"> ▪ It can be difficult to determine the appropriate level of review for some land use actions. ▪ The required level of review may be excessive for some land use actions ▪ The approval criteria for variances are difficult to meet. ▪ The provisions for establishing a legal non-conforming use are not always appropriate. 								
Downtown Zones										
Downtown Uses	19.312	Outcome: Foster downtown revitalization by protecting existing businesses, capturing unrealized market niches, and responding to the current marketplace. Problems: <ul style="list-style-type: none"> ▪ There are many existing non-conforming uses. ▪ Permitted uses in each downtown 	√		<ul style="list-style-type: none"> ▪ How can the City provide a more flexible approach to ground-floor uses while continuing to encourage retail uses along Main Street? ▪ Should there be a different approach to nonconforming uses in the downtown zones? 		√	√	√	M

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		zone are overly prescriptive and may be inhibiting downtown revitalization.								
Downtown Design Standards	19.312	<p>Outcome: Ensure high quality construction and design that implements Milwaukie’s urban design vision for downtown.</p> <p>Problems:</p> <ul style="list-style-type: none"> ▪ Design standards are minimal and focus on what the City doesn’t want rather than on what it does want. ▪ Minimum height requirements are restrictive. ▪ List of prohibited building materials is restrictive. ▪ Public area requirements may act as a disincentive to downtown developers. 	√		<ul style="list-style-type: none"> ▪ Should the City could establish more flexible building height standards and develop incentives for construction of taller buildings? ▪ Should the City revise building material restrictions to allow greater flexibility for developers? ▪ How can the City encourage more adaptable ground-floor retail spaces? ▪ Illustrations of the design standards would help applicants and staff implement the code. 	√	√	√	√	M
Downtown Design Review	19.312	<p>Outcome: Establish a design review process that is clear, reasonable, and</p>	√		<ul style="list-style-type: none"> ▪ How can the City clarify and streamline the review process for downtown development 			√	√	M

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Topic	Code Section	Desired Outcome and Problem Statement	Proposal Type		Key Issues and Questions	Next Steps				Priority
			Refine Existing Approach	Develop New Approach		Urban Design Support	Additional Analysis/Research	CC/PC Work Session	Public Outreach Effort	H= High M= Medium L = Low
		<p>effective.</p> <p>Problems:</p> <ul style="list-style-type: none"> ▪ Determining the project type (maintenance, minor alteration, major alteration) and the required level of review is often difficult. Applicability section is overly complex and confusing. ▪ Existing review process can be excessive and may serve as a disincentive to developers. ▪ Design guidelines are difficult to apply due to their subjectivity. They do not provide adequate direction for determining compliance. 			projects?					
Manufacturing Zone										
Use and Development Standards	19.314	<p>Outcome: Promote clean, employee-intensive industries.</p> <p>Problems:</p> <ul style="list-style-type: none"> ▪ Permitted uses are overly broad and 	√	(√)	<ul style="list-style-type: none"> ▪ What kinds of industries are most appropriate for this area? ▪ Is it feasible or realistic to require a certain level of employment? ▪ Is the list of allowed uses overly 		√	√	√	L

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		<p>either undefined or ill-defined.</p> <ul style="list-style-type: none"> ▪ There is insufficient guidance for measuring and enforcing the requirement that 25% of “the total project involves an industrial use.” ▪ There is insufficient guidance for measuring and enforcing the requirement that “the combined uses shall provide at least 10 employees per acre.” ▪ Size limitations on retail uses only apply in the Title 4 boundary, which is a very small portion of the M zone. ▪ Development standards are minimal and development review process is unclear. 			restrictive and outdated? If so, what is the best way to update and clarify M-zone uses given: (1) the multi-tenant and multi-building characteristics of this area, and (2) the evolving nature of industry in this country?					
Commercial Zones										
Commercial Uses	19.307, 19.309, 19.310, 19.311, 19.313, 19.315	<p>Outcome: Allow uses that meet residents’ shopping and service needs in a way that minimizes neighborhood impacts.</p>	√		<ul style="list-style-type: none"> ▪ Should there be six different commercial zones? ▪ What is the best way to allow for an appropriate mix of uses in the City’s different commercial areas? Should the 		√	√		H

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		<p>Problems:</p> <ul style="list-style-type: none"> ▪ Use lists are quite limited for CN and CL zones. ▪ All uses in the CN zone require conditional use approval. ▪ Some newer types of businesses (e.g. yoga studios, doggie daycare) are not explicitly listed in the code. ▪ The definitions for “high-impact commercial,” “commercial recreation,” and “commercial school” are overly broad and outdated. 			<p>scale of the use be a consideration or just the use itself?</p> <ul style="list-style-type: none"> ▪ Should the City undertake commercial district planning to bridge the gap between zoning regulations and design standards? 					
Commercial Design Standards	Not in existing code.	<p>Outcome: Establish design standards for commercial development to ensure high quality construction and design that contributes to neighborhood character.</p> <p>Problems:</p> <ul style="list-style-type: none"> ▪ Milwaukie has minimal design 		√	<ul style="list-style-type: none"> ▪ What level of design regulation is appropriate for commercial development? ▪ Should standards be clear and objective or should there be a discretionary design review option to allow for design variations? ▪ Should particular construction 	√	√	√	√	H

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			Refine Existing Approach	Develop New Approach		Urban Design Support	Additional Analysis/Research	CC/PC Work Session	Public Outreach Effort	H= High M= Medium L= Low
		standards for commercial development relative to similar-size cities. <ul style="list-style-type: none"> ▪ Transition Area Review (19.403.7) only applies to commercial development next to lower density zones. 			materials be required or prohibited (similar to downtown standards)?					