



AGENDA

MILWAUKIE PLANNING COMMISSION Tuesday October 26, 2010, 6:30 PM

MILWAUKIE CITY HALL
10722 SE MAIN STREET

- 1.0 **Call to Order - Procedural Matters**
- 2.0 **Planning Commission Minutes** – Motion Needed
 - 2.1 August 24, 2010
- 3.0 **Information Items**
- 4.0 **Audience Participation** – This is an opportunity for the public to comment on any item not on the agenda
- 5.0 **Public Hearings** – Public hearings will follow the procedure listed on reverse
- 6.0 **Worksession Items**
 - 6.1 Summary: Comprehensive Plan Discussion
Material provided at the meeting
Staff Person: Katie Mangle
 - 6.2 Summary: Residential Standards Project Set-up
Staff Person: Katie Mangle, with guest Marcy McInnelly of SERA Architects
- 7.0 **Planning Department Other Business/Updates**
- 8.0 **Planning Commission Discussion Items** – This is an opportunity for comment or discussion for items not on the agenda.
- 9.0 **Forecast for Future Meetings:**
 - November 9, 2010
 - 1. Worksession: Water Master Plan *tentative*
 - 2. Worksession: Land Use and Development Review Process Tune-up (Briefing #6): Review of draft chapters: Conditional Uses, Variances, Nonconforming Situations, Amendments, Development Review, and Procedures
 - November 23, 2010
 - 1. tentatively cancelled

Milwaukie Planning Commission Statement

The Planning Commission serves as an advisory body to, and a resource for, the City Council in land use matters. In this capacity, the mission of the Planning Commission is to articulate the Community's values and commitment to socially and environmentally responsible uses of its resources as reflected in the Comprehensive Plan

1. **PROCEDURAL MATTERS.** If you wish to speak at this meeting, please fill out a yellow card and give to planning staff. Please turn off all personal communication devices during meeting. For background information on agenda items, call the Planning Department at 503-786-7600 or email planning@ci.milwaukie.or.us. Thank You.
2. **PLANNING COMMISSION MINUTES.** Approved PC Minutes can be found on the City website at www.cityofmilwaukie.org
3. **CITY COUNCIL MINUTES** City Council Minutes can be found on the City website at www.cityofmilwaukie.org
4. **FORECAST FOR FUTURE MEETING.** These items are tentatively scheduled, but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.
5. **TME LIMIT POLICY.** The Commission intends to end each meeting by 10:00pm. The Planning Commission will pause discussion of agenda items at 9:45pm to discuss whether to continue the agenda item to a future date or finish the agenda item.

Public Hearing Procedure

Those who wish to testify should come to the front podium, state his or her name and address for the record, and remain at the podium until the Chairperson has asked if there are any questions from the Commissioners.

1. **STAFF REPORT.** Each hearing starts with a brief review of the staff report by staff. The report lists the criteria for the land use action being considered, as well as a recommended decision with reasons for that recommendation.
2. **CORRESPONDENCE.** Staff will report any verbal or written correspondence that has been received since the Commission was presented with its meeting packet.
3. **APPLICANT'S PRESENTATION.**
4. **PUBLIC TESTIMONY IN SUPPORT.** Testimony from those in favor of the application.
5. **NEUTRAL PUBLIC TESTIMONY.** Comments or questions from interested persons who are neither in favor of nor opposed to the application.
6. **PUBLIC TESTIMONY IN OPPOSITION.** Testimony from those in opposition to the application.
7. **QUESTIONS FROM COMMISSIONERS.** The commission will have the opportunity to ask for clarification from staff, the applicant, or those who have already testified.
8. **REBUTTAL TESTIMONY FROM APPLICANT.** After all public testimony, the commission will take rebuttal testimony from the applicant.
9. **CLOSING OF PUBLIC HEARING.** The Chairperson will close the public portion of the hearing. The Commission will then enter into deliberation. From this point in the hearing the Commission will not receive any additional testimony from the audience, but may ask questions of anyone who has testified.
10. **COMMISSION DISCUSSION AND ACTION.** It is the Commission's intention to make a decision this evening on each issue on the agenda. Planning Commission decisions may be appealed to the City Council. If you wish to appeal a decision, please contact the Planning Department for information on the procedures and fees involved.
11. **MEETING CONTINUANCE.** Prior to the close of the first public hearing, *any person* may request an opportunity to present additional information at another time. If there is such a request, the Planning Commission will either continue the public hearing to a date certain, or leave the record open for at least seven days for additional written evidence, argument, or testimony. The Planning Commission may ask the applicant to consider granting an extension of the 120-day time period for making a decision if a delay in making a decision could impact the ability of the City to take final action on the application, including resolution of all local appeals.

The City of Milwaukie will make reasonable accommodation for people with disabilities. Please notify us no less than five (5) business days prior to the meeting.

Milwaukie Planning Commission:

Jeff Klein, Chair
Nick Harris, Vice Chair
Lisa Batey
Teresa Bresaw
Scott Churchill
Chris Wilson
Mark Gamba

Planning Department Staff:

Katie Mangle, Planning Director
Susan Shanks, Senior Planner
Brett Kelter, Associate Planner
Ryan Marquardt, Associate Planner
Li Alligood, Assistant Planner
Alicia Stoutenburg, Administrative Specialist II
Paula Pinyerd, Hearings Reporter

CITY OF MILWAUKIE
PLANNING COMMISSION
MINUTES
Milwaukie City Hall
10722 SE Main Street
TUESDAY, August 24, 2010
6:30 PM

COMMISSIONERS PRESENT

Nick Harris, Vice Chair
 Lisa Batey
 Scott Churchill
 Teresa Bresaw
 Mark Gamba

STAFF PRESENT

Katie Mangle, Planning Director
 Susan Shanks, Senior Planner
 Brett Kelper, Associate Planner

COMMISSIONERS ABSENT

Jeff Klein, Chair
 Chris Wilson

1.0 Call to Order – Procedural Matters

Vice Chair Harris called the meeting to order at 6:37 p.m. and read the conduct of meeting format into the record.

2.0 Planning Commission Minutes

2.1 May 25, 2010 –*continued from July 27, 2010*

Katie Mangle, Planning Director, noted that revised drafts of the May 25, 2010 Planning Commission meeting minutes were distributed to the Commissioners at the dais that included some changes Commissioner Batey suggested via email to both staff and the Commissioner. Administrative Specialist II Alicia Stoutenburg had listened to the tapes and made some changes based on the audio record, but some of the suggested changes did not coincide with what was actually stated at the meeting.

Commissioner Batey explained that at the bottom of Page 4, she believed the minutes were written in a way that sounded more definite that the Corps had said there would be no delay, and it was not that conclusive.

- **Commissioner Bresaw** believed that was the perception.
- Changes on Pages 8 and 9 were to make the record a bit clearer; Page 13 was important because she did not believe Ms. Herrigel wanted to be on the record stating that construction would definitely begin in Summer 2011.
- On Page 7, in Line 221 she was certain that “non-motorized boat launch” was being referred to as opposed to “boat ramp”. The boat ramp has been at the center of the Riverfront Park

42 Plan for several years; stating that it had been removed in the July 2008 version is not true.
43 Line 226 stating the access was primarily a pedestrian access for view the water only was
44 also untrue.

45
46 **Ms. Mangle** clarified that Line 226 was written as stated on the recording. The minutes should
47 be a record of the meeting and not what was meant to be said. She was hesitant to change the
48 statement in Lines 224 through 226, because it seemed to be a sentence that just was not
49 stated correctly. Lines 221 and 222 could be made more straightforward by inserting “**non-**
50 **motorized**” to clarify the meaning, if the Commission was confident that was what the speaker
51 meant. The proper way to address misstatements would be for the Commission to note in the
52 current meeting’s minutes that the Commission acknowledged that a statement was intended to
53 mean something different, so it was in the record.

- 54 • She confirmed that Commissioners should ask for clarification about uncertain statements
55 made by staff or other Commissioners.

56
57 **Commissioner Batey moved to approve the revised, distributed copy of the May 25, 2010**
58 **Planning Commission minutes, and annotate in the August 24, 2010 minutes that the**
59 **references on Page 7 to “boat ramp” may have been intended to reference the non-**
60 **motorized boat launch, not the actual motorboat ramp. Commissioner Bresaw seconded**
61 **the motion, which was approved 3 to 0 to 2 with Commissioners Churchill and Gamba**
62 **abstaining.**

63

64 2.2 June 29, 2010

65 **Commissioner Bresaw moved to approve the June 29, 2010 Planning Commission**
66 **minutes as written. Commissioner Gamba seconded, passed 4 to 0 to 1 with**
67 **Commissioner Batey abstaining.**

68

69 **3.0 Information Items**– None

70

71 **4.0 Audience Participation** –This is an opportunity for the public to comment on any item
72 not on the agenda. There was none.

73

74 **5.0 Public Hearings** – None

75

76 **6.0 Worksession Items**

77 6.1 Summary: Natural Resources Overlay Project briefing #6

78 Staff Person: Brett Kelter

79 **Brett Kelter, Associate Planner**, presented the staff report, reviewing the background,
 80 projected timeline, and Code issues regarding the Natural Resources Overlay (NRO) project.

81

82 The Commission and staff discussed the NRO, including comments and questions as follows:

- 83 • Except for the one larger property seeking to add Habitat Conservation Area (HCA) to their
 84 property, staff had sent all the changes they felt appropriate to the HCA Inventory Maps to
 85 Metro to see if they agreed with the methodology used. Most changes suggested to Metro
 86 for the HCA Inventory Maps regard areas designated as HCA that are actually paved, have
 87 a structure, or are small isolated areas.
- 88 • Staff would like people at the open house to look at displayed maps to see what has
 89 been identified as HCA on their property. If they see some error, staff might present a
 90 secondary list of corrections to Metro if they align with the methodology used by staff.
 91 Staff did not want to present information at the open house without knowing that the
 92 suggested changes would comply with Title 13.
- 93 • The City was in a position to take a more detailed look at the HCA resources identified in
 94 the city. About 730 properties were identified as being touched by HCA and staff had
 95 done a good job of looking section by section and identifying areas where things might
 96 be inaccurately captured.
- 97 • Staff focused more on cleaning up the edges of what was being identified as the
 98 resource. If only a corner of a house was designated as being in the HCA, staff carved
 99 around the structure rather than going in and surgically removing every structure.
 100 Property owners with lots completely covered by HCA would go through the map
 101 verification process and correct the map if they were doing an addition on their house or
 102 some other project.
- 103 • An area indicated to be removed near Spring Park on Page 45 (1S1E35D) was a hole in the
 104 original map that the City had to accept at this point.
- 105 • A note should be made to Metro for consistency. The area is a large wetland with a
 106 channel that is wet 8 months of the year, if not more. It is in the Sparrow Street right-of-
 107 way.
- 108 • The Zoning Code in general does not apply to items in the right-of-way.

- 109 • A specific process is required to add HCA areas to the map, but staff could talk to
110 Metro about known HCA areas that do not appear on the maps so they are identified
111 for when analysis is done.
- 112 • Another vacant block on the bottom left corner of Page 45 near Arnell's year-round boat
113 dock would be covered by the WQR buffer.
- 114 • Staff was trying to determine the process for owners who believe there should be more HCA
115 on their property than what was shown. No incentives exist to encourage people to do so. It
116 would be easier for people to agree with the map unless they are motivated to correct it.
- 117 • Gary Michael's property on 19th Ave has a lot of HCA that the owner is managing
118 and considers himself a steward of the preserves. Staff believed it bothers him that
119 the land is shown inaccurately, and that if it is going to be regulated, the mapping
120 should be more thorough.
- 121 • One incentive for wanting to change the map would be to try to guarantee some
122 protection for the property once it passes on to another owner.
- 123 • Going through the more detailed process would more accurately identify more
124 valuable portions of HCA on the property; however, the potential exists that some
125 HCA shown on the map may be pared away to fit the actual conditions following a
126 deeper analysis.
- 127 • The waterfront edge shown on Page 46, 2S1E02A seemed like a section that would
128 obviously be HCA, being right on the river bank, yet it was excluded.
- 129 • The middle of the river is considered HCA as well because of how the inventory was
130 done. WQRs and HCAs overlap to some degree.
- 131 • That particular area was not a concern because it is not in the city and because it was
132 already protected by the WQR Overlay.
- 133 • Another inaccuracy was noted near the railroad just south of the city limits where a lot of
134 vegetation exists. The inaccuracy was probably based on the scale of the original
135 inventory. .
- 136 • The actual maps which become part of the record are not consistent. The map seemed to
137 be marked sloppily and had holes.
- 138 • The Metro representative explained that a higher level inventory was done using aerial
139 photography and the information Metro had available about the location of streams,
140 rivers, etc. Some variation existed and changed from one taking of aerial photos to
141 another.

- 142 • In general, staff was trying to list questionable areas, including those noted by the
143 Commission, so that they are part of the record, and at least would be considered
144 appropriately when an application came in that dealt with HCA later.
- 145 • Another inconsistency was on Pages 47 and 48 with regard to Kellogg Creek and the trestle
146 section. Page 47 included the trestle on the west side of Hwy 99/McLoughlin Blvd where as
147 Page 48 showed it as being removed from the HCA.
- 148 • Why exclude the trestle on the southwest side of McLoughlin Blvd when currently trees,
149 plants, etc., exist beneath it. If the trestle was ever removed, then the overlay would be
150 in place.
- 151 • As a matter of consistency, that area should either all be included or all removed.
- 152 • Inconsistencies also exist regarding Monroe St because habitat was also shown crossing
153 Washington St and Harrison St, too.
- 154 • Staff removed areas where a paved surface existed with no canopy over it. Areas with a
155 canopy over the street were left in, such as on 19th Ave near Gary Michael's property.
156 Though the rules do not apply to the right-of-way, the understanding is that there is
157 canopy and therefore habitat, so someone could be affected by proximity to that canopy.
158 There had been some discussion and debate, but staff decided for the time being that
159 areas with complete canopy over a paved service would be left in.
- 160 • If someone wanted to do something on their property, the City would verify their
161 proximity to what was being shown as complete canopy and validate their plan for
162 how they would manage construction to mitigate effects on that canopy.
- 163 • A canopy was noted that had been excluded, which looked like an alignment challenge with
164 Metro's original map that might be skewed, causing the exclusion.
- 165 • The Metro representative involved with the original inventory suggested going tit for tat,
166 carving out and adding areas to the inventory, but admitted she was not involved in the
167 Code part of it, or the cross-referencing with economic development value, etc. The
168 inventory involved aerial photography, and some distances/relationships to water
169 features and streams. Identifying those specific distances seemed like a more thorough
170 analysis.
- 171 • Some limitations exist as far as what the City is allowed to do. To expand the HCA area,
172 the City would have to do the scientific analysis, as well as an Economic, Social,
173 Environmental, and Energy (ESEE) analysis, which must be verified by the State. Staff
174 was just trying to do some easy things to make the given maps a bit better for Milwaukie.

- 175 • Ideally, it would be great if staff could do the analysis, but the City does not have a
176 local wetlands inventory or other needed items. Given the budget and current scope,
177 staff wanted the maps done consistently. Commissioners should note and send to
178 staff anything they do not think is quite right. Staff will do the same thing at the open
179 house as well.
- 180 • Every time someone is affected by the NRO, the first step in the process would be to
181 look at the map and verify that it is correct. While it is presumed to be correct in
182 some way, opportunity exists to correct the map every time as well.
- 183 • Talking to other jurisdictions, some of which have been implementing these maps
184 for a year or 2 now, map verification is really where the action is, so the HCA
185 Inventory Maps are really living maps in that regard.
- 186 • Metro might provide more specific direction about how to make nominal map
187 corrections to include certain areas where more specific analysis was not necessary.
- 188 • Issues involving the model Code's 100 ft trigger boundary were noted. Staff questioned
189 whether 100 ft is the right distance for Milwaukie, which is highly residential. The WQR
190 Overlay includes a 50 ft buffer, so in most cases the water quality feature is already
191 protected. Reducing the trigger distance to 50 ft is being considered because staff wants to
192 verify the boundary and make sure measures are taken to protect the resource, even when
193 it is not on the property on which a project is proposed.
- 194 • Staff would do most of the boundary verification for the applicant by using the HCA maps
195 and tax lot information. A surveyor would not be required.
- 196 • Staff has discussed not charging a fee for either the construction management plan or
197 boundary verification to get people to go through staff.
- 198 • The cost to the City needs to be considered.
- 199 • The current draft Code states that applicants separated from the resource by a paved
200 roadway would not need to go through the boundary verification process.
- 201 • With regard to areas like 19th Ave and the large canopy, staff would look for the paved
202 street during the boundary verification process, when the applicant would bring in site
203 photos and more detailed information about conditions on their property. If the HCA
204 comes through the right-of-way right on the edge of an applicant's property, staff would
205 not require boundary verification or a construction management plan because the paved
206 roadway separates the applicant from the rest of the resource, even with canopy
207 overhead.

- 208 • It would get confusing when an applicant has HCA that is paved like Monroe St,
 209 creating a situation where 2 rules oppose one another.
- 210 • If the roadway is exempted, it raises the question why the canopy would be retained
 211 on the map if the applicant would be exempt anyway.
- 212 • In many places, the roadway's location is uncertain. The Inventory Map is based on
 213 aerial photos where the roadway is covered in canopy, and on many Milwaukie streets
 214 the whole roadway is not paved. A perfect example would be SE 19th Ave; staff could not
 215 go in and do the mapping with the City's current resources.
- 216 • If no resource existed on the property, staff wanted to limit what the applicant submitted to
 217 just showing that everyone knows where the boundary is located and confirming that the
 218 resource was not actually on the applicant's property. The applicant may need to provide a
 219 construction management plan depending on what is actually proposed on the property.
- 220 • The list of prohibitions about what can and cannot be done in the resource area, like
 221 using weed and feed, would not apply to the applicant if no resource area exists on the
 222 property.
- 223 • The 50-ft trigger boundary could work in some areas, but the grade of the ground was also
 224 important to consider.

225

226 **Mr. Kelper** reviewed different scenarios including residential properties considering construction
 227 and what limitations there might be on disturbance of the HCA as well as how a partition
 228 scenario might be considered with HCA involved.

229

230 Planning Commission Discussion

231

- 232 • The Code needed to be definitive about what is considered disturbance. Would temporary
 233 disturbance count, like digging a trench for pipes, or only what is ultimately seen at the end
 234 of the project?
- 235 • Although not reviewed by the Commission, mitigation is still required.
- 236 • Adjustments like leniency options for setbacks were built into the Code. Owners could push
 237 development closer to the front setback, for example, to stay out of the resource. This
 238 principle from the model Code provided flexibility for owners, and enabled them to avoid
 239 having to request an official variance from the Commission. Many zones have a 20-ft front
 240 yard setback, which is pretty big. The model Code suggested a zero front yard setback.
 241 Should 5, 10, or 15 ft be considered?

- 242 • Neighbors would care about side setbacks and should have some input.
- 243 • Varying front yard setbacks was a big concern because it gets into the discussion about
- 244 sidewalks and why people do not want them because they are right at their front door.
- 245 Allowing the front setback to vary substantially means building closer to where the street
- 246 improvements would be, perhaps resulting in people being more resistant to street
- 247 improvements.
- 248 • Front yard setbacks should be no less than 15 ft.
- 249 • Rather than reducing the front yard setback to avoid the HCA, mitigate for some loss of
- 250 resource/canopy cover by building more habitat canopy in the front yard.
- 251 • In that case, however, the front yard would not be designated HCA, while the
- 252 boundary of the HCA would be reduced. The next applicant who wants to develop
- 253 could push it back a little further.
- 254 • The question was what is the intent of the HCA. If the intent is to provide canopy, then
- 255 recreating more HCA canopy by mitigating for an area with no tree canopy being lost in
- 256 the HCA was appropriate.
- 257 • That canopy would no longer be classified HCA, so people could cut down trees in
- 258 the front yard, because now their house extends into what used to be HCA. There
- 259 would be no way to counter balance the HCA in any meaningful way long term.
- 260 • A tree ordinance could be created to preserve trees in the front yard.
- 261 • It seemed that Metro saw value in canopy identified well out of the range of the 100 ft
- 262 from the water resource as habitat canopy, so providing more canopy should be a
- 263 trade off.
- 264 • Short term it made perfect sense, but the problem is that long term the HCA has
- 265 been pushed out historically, and a little island of the HCA has not been placed in the
- 266 front yard where somebody cannot affect it.
- 267 • Only HCA property where there truly is no canopy would be taken out.
- 268 • The idea from a policy making standpoint was not to have a burden on the property
- 269 owner, but find incentives to help people avoid the resource and mitigate impacts, etc.
- 270 • Having reduced front setbacks was site-contingent. Island Station had mostly 60 ft
- 271 rights-of-way, and sidewalks might not be built at the edge of the right-of-way. The
- 272 slope on 19th Ave made building a sidewalk unfeasible, so reducing the setback to 10
- 273 ft might make sense in some situations. In other places, it would be a real problem.
- 274 • Perhaps the setback variances should be a Type III quasi-judicial review, not an
- 275 outright allowed reduction.

- 276 • The current 20-ft setback involved more than aesthetics; scale is also important.
277 Adjusting front yard setbacks was a slippery slope that could result in everything
278 having a 5-ft front yard.
- 279 • Developing into HCA areas with no tree canopy was not as much of a detriment.
280 Some areas were designated HCA because they were in the floodplain.
- 281 • Exchanging front yard areas with areas designated as having canopy value in the
282 HCA that were outside the 100-ft water resource setback but had no canopy should
283 be an option.
- 284 • The need to have tools to trade off with the homeowner was understood, but the
285 last resource would be reducing the front yard setback because effectually it
286 brings in the scale of the street, and narrows the solar access and solar window
287 of that street.
- 288 • Reduced front setbacks seemed contrary to the new TSP that created a new vision for
289 Milwaukie with improved streets, sidewalks, and bike lanes. Allowing owners to build
290 closer to the street just increases the resistance to improvements. Most people think the
291 right-of-way is their front lawn. There are areas where the right-of-way is half of what
292 people consider their front lawns.
- 293 • Aesthetics were also an issue because the size of the street makes a big difference on
294 how close structures should be built to the street.
- 295 — For example, people would complain if the City could build River Rd according to the
296 TSP. Their perception is that a sidewalk would be put in 5 ft from their front door,
297 because they were originally allowed to build really close to the lot lines and not made
298 to maintain the 20 ft setback.
- 299 • The draft Code was setup to let property owners with a significant amount of natural
300 resources do a partition if they met certain nondiscretionary standards, which would be a
301 Type II review. If those standards could not be met, the applicant would come before the
302 Commission and may need to do the full impact evaluation of how the partition would affect
303 the property, resource, etc. Staff sought input from the Commission about what would be a
304 good and fair tool to use as incentive to limit impacts to natural resources.
- 305 • One suggestion was to transfer the required density to provide the least disturbance to a
306 resource.
- 307 • Again, the accuracy of the maps is critical to avoid innumerable headaches later.
- 308 • Commissioners Batey and Gamba had no issue with transferring the density.

- 309 • Allowing a density transfer was considered as a tool only for properties with HCA
310 because the City was imposing a higher level of regulation on properties covered by
311 HCA. It was also another tool to encourage people to design away from and protect the
312 resources without necessarily having to go through an entire minor quasi judicial process
313 to do so. Allowing other properties the opportunity to transfer densities could be
314 discussed later.
- 315 • While other property owners might question why they could not do the same, the City
316 would have an answer for them.
- 317 • The land owned by the Wetlands Conservancy [near Gary Michael's property] was
318 actually created as a result of this type of allowance. When the subdivision was
319 created, that developer was allowed to cluster the same number of units a little
320 tighter together with some slightly smaller lots to be able to set aside that wetland.
321 The City previously had that type of allowance, but lost it at some point. Without the
322 allowance, the whole parcel would probably have been developed.
- 323 • The need to create a toolbox that allows some compensation was understood, so staff
324 was not forced to deny an applicant a reasonable use of land. However, the results of
325 such tools were of concern. It could create higher density triplexes, resulting in more
326 traffic generation and a decrease in the neighborhood's value.
- 327 • **Mr. Kever** agreed these were fair points. However, he added that by transferring the
328 density in the example, 2 lots would not be developed at all, and instead of having 3
329 houses, 3 units would be built together, which may mean that the street does not
330 need to be a through street but could continue as a dead-end street.
- 331 • The 3 concepts staff sought feedback about from the Commission were:
- 332 • Onsite density transfer, concentrating development onsite.
- 333 • Offsite density transfer, which would not be easy for the City to track.
- 334 • Allow the owner 30% more density if they develop outside of the HCA; however, the
335 community would probably not be interested in increasing density.
- 336 • Development did not run the City; it was the balance of property rights versus other
337 protections.
- 338 • The impact of a triplex affecting property values could be controlled to some degree by
339 design standards and some things being worked on in the Code revision project. The
340 City should have 2-, 3-, and 4-unit infill developments, such as those seen in Sellwood
341 and southeast Portland.

- 342 • Onsite density transfer was not bad; the issue was how to control the quality of the
343 project.
- 344 • The matter was complex enough that it should come before the Commission as a minor
345 quasi-judicial review.
- 346 • **Ms. Mangle** suggested drafting this part of the Code and returning for review at another
347 worksession with the understanding that it could be removed; decision making levels
348 would also be included.
- 349
- 350 **Mr. Kelper** continued by discussing ordinary activities, like landscaping and maintenance which
351 the Code would allow to continue. The City wanted to avoid property owners tearing out a
352 designated resource area to install lawns, gardens, etc., but to maintain them where they exist.
- 353
- 354 **Commissioner Gamba:**
- 355 • Believed normal farming activities needed to be further defined. Was a 10 ft by 10 ft garden
356 plot considered a normal farming activity? Language regarding the exempt activities was
357 clear, but what is farming? A tractor pulling a plow causes a level of disturbance and
358 destruction to the life in the soil that was only now being recognized. Nothing will grow in soil
359 that has been farmed for too long; not tilling the soil will enable things to grow there forever.
- 360 • **Mr. Kelper** explained that the language about farming in the draft Code actually came
361 from the current Code, which relates to the WQR protection. His understood that the
362 idea was to have an allowance for farming activity as long as that activity is not
363 producing a direct discharge into the WQR.
- 364 • Stated that was a very limited view on the problems it is causing.
- 365 • **Mr. Kelper** understood, adding that the WQR protections came from another Metro title
366 the City addressed in the early 2000's.
- 367 • He confirmed that Commissioner Gamba wanted staff to spend time now to see if a
368 greater level of protection should exist or discussion occur about activities that could
369 impact the WQR.
- 370 • The trigger in the current language was 'does it increase stormwater discharge to the
371 Water Quality Resource area".
- 372 • Noted the need for a construction plan if within 100 ft of a resource because of dust that
373 might be raised. Fields being plowed should cause similar concerns.
- 374

375 **Mr. Kelper** concluded by reviewing clarifications made regarding tree removal, restoration, and
376 natural resource management plans, which would provide property owners with a long-term
377 view of managing their property and blanket approval of their plan.

- 378 • He displayed a sample construction management plan, and an Oregon City boundary
379 verification form where someone would go out into the field and make some observations
380 about their property to help facilitate administration of the Code.
- 381 • Another worksession would be held before the open house, which was to inform people
382 about how their property could be affected by the NRO, and also connect them with other
383 resources, ideas and information.
- 384 • Information requested by the Commission about permitting and monitoring things like
385 dripping lawnmowers would be sent to the Commissioners via email.

386

387 **Commissioner Bresaw** asked if anyone in the audience had any comments.

388

389 **Don Jost**, said he lives on a level lot off Lake Rd near the North Clackamas School District
390 office. He was concerned about the 50-100 ft boundary, which has been discussed several
391 times. His view was that 100 ft was way too far of an encroachment into the property owner's
392 property. Most lots in the c are less than 10,000 sq. ft, which means most have a 100 ft property
393 line. If a property owner wants to add a patio or deck, they would have to go through this
394 process, and it didn't make any sense to him. Reducing the trigger boundary to 50 ft would
395 eliminate a lot of problems.

- 396 • His neighbor has a Christmas tree farm and there are issues there because certainly the
397 property drains into the WQR.

398

399 [The following section recorded as mostly inaudible, and has been inferred from notes and
400 audio.](#)

401

402 **Christopher Burkett, 4405 SE Bryant Court**, said he appreciated the work staff was doing. It
403 had been a long process and most jurisdictions just adopt Metro's model Code. His biggest
404 concern regarded existing landscape and continuing to allow it. Some stipulations say it is
405 exempt from a lot of these requirements, yet the requirements still impact landscaping,
406 especially trees. Many situations are difficult to write into the Code that provide flexibility for
407 what happens in the natural environment, like beavers felling trees, which creates a peculiar
408 situation.

- 409 • He was concerned about how the Overlay would affect property owners with fully
410 landscaped properties long term. If weeding was not done at certain intervals, would the
411 property owner with HCA be out of compliance? How will owners who take care of their
412 property and are responsible be affected? What about the removal of native species and
413 planting of nonnative species? A person should be able to live on their property without
414 these regulations.

415

416 **Dick Shook, 4815 SE Casa Del Rae Dr**, echoed concerns about the accuracy of the maps. It
417 was hard for people to look at the maps when the streams' locations are not indicated correctly.
418 For example Page 54, shows Kellogg Creek running through the baseball diamond at North
419 Clackamas Park. It behooves the Commission to get the maps as accurate as possible. As a
420 real stream advocate, he was concerned about someone looking at the map [inaudible]. He has
421 a riparian corridor on his property [inaudible]. He was also concerned about what the Overlay
422 will allow moving forward in water work [inaudible] gets pushed off for a year.

423

424 The Commission took a brief recess.

425

426 6.2 Summary: Development Review Process Tune-Up Code Project briefing #3

427 Staff Person: Susan Shanks

428 **Susan Shanks, Senior Planner**, presented the staff report, reviewing the project's background
429 and schedule, and overviews of Milwaukie Municipal Code (MMC) Chapters 19.600 Conditional
430 Uses, 19.900 Amendments, 19.700 Variances, Exceptions, and Home Improvement
431 Exceptions, and 19.800 Nonconforming Situations.

432

433 Discussion from the Commission about specific Code Chapters was as follows:

434

435 MCC 19.900 Amendments

- 436 • It was odd to have the rules for how to amend a document in the middle; they are usually at
437 the beginning or the end.
- 438 • Staff is considering a total reorganization of the Code so it would make more sense.

439

440 MCC 19.800 Nonconforming Situations:

441

442 The following section has missing audio for approximately 21.27 minutes, and has been inferred
443 from notes.

444

445 Ms. Shanks asked for questions about nonconformities and the different types of variances.

446

447 Batey asked what kind of variance, nonconformity, and exceptions are used in other cities?

448

449 • Many cities use variances and exceptions, but the City of Milwaukie only has a use
450 exception [when it] seems that a variance applies.

451

452 **Ms. Shanks** distributed two documents:

- 453 • A chart providing an overview of historical Code changes involving variances.
- 454 • A one-page table listing and describing the City's variance requests submitted over the last
455 5 years; many were quasi-judicial and did not meet Type II review criteria.
 - 456 • The table was to give a sense of the types of variances requested; ...doesn't preclude
457 requesting a variance for anything.
 - 458 • The number of requested variances had fallen to about 4 or 5 since mid 1980s.

459

460 **Commissioner Batey** noted that the timing of Code changes shown on the chart was
461 interesting, since more variances were allowed, following Mike Miller being on the Commission.
462 Mr. Miller was adamant about variances being rarely given.

463

464 Staff clarified the table indicated submitted variance applications, not approvals. Many of the
465 applications were withdrawn or never submitted.

466 • There were not a lot of variances relative to the number of applications received overall.

467

468 MCC 19.700 Variances, Exceptions, and Home Improvement Exceptions

469 **Ms. Shanks** and **Ms. Mangle** reviewed the background information, sample scenarios, key
470 issues, and the subsequent proposed changes to MCC 19.700. Attachment 2 was included in
471 the discussion.

472 • The purpose statement is for making the policy intent clear. Approval criteria are needed to
473 implement that intent.

474 • Staff posed the question, "What kind of a tool should a variance be: a creative tool for
475 better/best projects or a defensive tool?"

- 476 • The Commission's answer/intent goes to purpose statement.

477

478 [Audio recording restarted.](#)

479

480 MCC 19.700 Variances, Exceptions, and Home Improvement Exceptions (HIE)

- 481 • **Ms. Shanks** read from Section 19.701, the introduction to the Variance Chapter, stating,
482 "The Planning Director and/or the Planning Commission may attach conditions which it finds
483 necessary to lessen the impact of the variance on nearby property and protect the general
484 welfare of the City and achieve the purpose of this title." This was not called out as a
485 purpose statement, but just generally talked about variances.

486

487 Discussion from the Commission continued as follows:

- 488 • The approval criteria are important; a purpose statement is more aspirational.
- 489 • A purpose statement shows intent; without a purpose statement, the spirit to which the Code
490 was written is unknown.
- 491 • The purpose statement in many other jurisdictions' codes talk about intent. Some Code
492 criteria appear black and white, but sometimes it is difficult to know which way to go in a
493 particular situation. A purpose statement provides a framework within which to interpret
494 and apply the Code, which cannot cover every possible scenario.
- 495 • Views differed about whether the sample purpose statements provided in the packet were
496 pretty much the same.
- 497 • If the City created a purpose statement, it would not talk about meeting the intent of the
498 Code, but about providing some flexibility. Instead, it would possibly say that everything
499 should meet the Code standards, unless there is potentially a taking.
- 500 • Attachment 2, the memorandum from Angelo Planning Group, provides different
501 approaches from cities that use variances as a problem-solving tool.
- 502 • No real industry standard exists about the differences between "variances," "exceptions,"
503 and "adjustments;" the cities had just chosen different words. Some used minor variances or
504 special variances and defined it in a way that made sense for their community. The City of
505 Milwaukie uses "variances," "use exceptions," and "home improvement exceptions."
506 Variance is generally the most common word used.
- 507 • Some things should be easy to vary, and others more discretionary. Perhaps different
508 words should be used to delineate that which was easy, like variances, and something

- 509 more difficult to approve, or discretionary, where the Commission had to determine the
510 best option for a particular situation.
- 511 • The Commission was asked to consider which approach to use with regard to variances:
512 maintain the approach of never approving a variance unless certain and specific thresholds
513 are met; or use a variance as a problem-solving tool to allow for small variations in certain
514 situations, and also allow for other variations in larger, more complex projects to make them
515 better. Once the Commission knows the direction to go, staff could craft a purpose
516 statement.
 - 517 • Uncontested variances or those with non-confrontational reaction from the notification
518 process should be a Type II review. Variances that result in confrontational responses by
519 one or more adjacent property owners should be brought before the Commission.
 - 520 • The only approval criteria for altering nonconforming structures is not to have
521 negative impact on adjacent properties, so staff advises property owners that
522 approval will be easier with their neighbors support and if others agree that there is
523 no impact.
 - 524 • Building into the system the potential for logic and review of a given project on an
525 individual basis without being roped into Code that would cause someone to do the
526 wrong thing or conflict with Code was a very large step forward.
 - 527 • It was frustrating to see the Commission find a solution that cannot be achieved due
528 to the Code, leaving everyone frustrated. Situations will occur where someone will go
529 through the whole process, but the Commission could still say the project is not good
530 enough. Staff needed clear direction about the approach from the Commission in
531 order to develop the right criteria.
 - 532 • There are so many exceptions to so many rules. It is very hard to be specific, because it
533 is always the end result that is important.
 - 534 • The purpose statement should encourage something different than what is actually
535 written; sometimes the applicant's idea is better than what the Code will allow. Reading
536 what other cities are doing provided good ideas.
 - 537 • Nonconforming uses and nonconforming structures are two very different things that are
538 addressed separately in the Code although included in the same chapter. Nonconforming
539 structures relate to the types of variances people ask for, and alterations to such are a Type
540 II review. Altering or expanding a nonconforming use is a Type III.

- 541 • What is the problem with the existing 10% rule? How often are there variances? Some
542 variances on the list were only reviewed by the Commission because they were part of a
543 larger, more complicated project other than what came before the Commission.
- 544 • The biggest issue is that the approval criteria for the Type II and Type III are exactly the
545 same. Type II reviews are supposed to be less discretionary, but the approval criteria
546 really do require a lot of discretion to be made. The 10% standard is also very low.
- 547 • 10% of 10 ft is only 1 ft, while the applicant might need 2 ft. Staff encourages
548 applicants to use the Home Improvement Exception (HIE) if they meet that criteria
549 because the approval is more guaranteed.
- 550 • The problems result from the combination of the discretionary criteria and the 10%
551 standard being very low.
- 552 • How can specific criteria be used when so many different things can be varied? Varying a
553 side setback is very different than varying height.
- 554 • The numeric standards are for pretty basic items, like setbacks, lot coverage, etc. Few
555 numeric standards exist where a small variation in most instances would not have a
556 great impact.
- 557 • The issue is to cap the standard at the right number and create more appropriate
558 approval criteria. Currently if someone met the 10% standard, the approval criteria state
559 that no alternatives are available.
- 560 • Perhaps the idea of 'no contest' would fit here; the application would be a Type II if it is
561 20% or less and no complaints are received.
- 562 • Numerical items would be the easier ones, but go-no go items like street improvements are
563 harder cases.
- 564 • Currently, no Type II variance exists for the easy items. The HIE is limited to duplexes
565 and houses in existence for 5 years or more, and allows some variation to lot coverage
566 and setbacks, but not height. Such variance requests would be easy and staff believes
567 having small variations to enable owners to maintain their homes and make small
568 alterations would be appropriate.
- 569 • The fee structure would be set so that the City could collect additional fees, which could be
570 addressed as needed.
- 571 • Staff was not proposing any change to the time lapse for conditional uses or nonconforming
572 uses. Discussion would include whether 6 months is the right period of time, and staff is also
573 discussing having limits to nonconforming uses, all of which could be further discussed at
574 the next meeting.

575

576 **Ms. Mangle** encouraged the Commission to further review the memorandum and Codes, which
577 were available online. As a legislative amendment, the Commission could discuss the matter
578 online via email. With the Commission's permission, staff would begin working with their
579 consultant to develop reasonable criteria and decision-making. Further discussion about
580 variances and nonconforming use would occur at the next meeting. Commissioners were invited
581 to contact staff with any additional comments.

582

583 **Ms. Shanks** added she would contact Commissioner Batey and former Commissioner Mike
584 Miller when the draft is ready for review.

585

586 **7.0 Planning Department Other Business/Updates**

587 7.1 CPA-10-02 Wastewater Master Plan

588 **Ms. Mangle** updated the Commission about the Wastewater Master Plan. Engineering staff has
589 worked for several years to update the Master Plan, which would be adopted into the
590 Comprehensive Plan, where all utility master plans should be located.

- 591 • Some of the delay in getting the Master Plan adopted stemmed from issues in how the
592 Capital Improvement Plan is managed. Developing a good plan has been difficult in the
593 context of some ongoing issues and negotiations. For instance, the Northeast Sewer
594 Extension Project being implemented is already outdated and needs to be updated.
- 595 • The Engineering staff was continuing to work on drafting the plan and is working with the
596 Citizens Utility Advisory Board and City Council. Some public outreach would be done this
597 fall. Staff anticipated holding an in-depth worksession with the Commission in
598 September/October and a hearing for adoption in December.
- 599 • She explained that the Capital Improvement Plan was part of the budget and addressed by
600 the Budget Committee and City Council. The Wastewater Master Plan is part of the
601 Comprehensive Plan. Any changes to the Comprehensive Plan must come through the
602 Commission before going to City Council. All of these plans and policies should fit together
603 in a more understandable network, and was part of staff's ongoing effort to reorganize and
604 clean up the City's systems.

605

606 **8.0 Planning Commission Discussion Items**

607 **Commissioner Batey** asked for an update on Riverfront Park.

- 608 • **Ms. Mangle** replied that JoAnn Herrigel had been working on the non-motorized boat ramp
 609 issue, as well as the outstanding design review issues. Ms. Herrigel has been contacting the
 610 Willamette River Keepers, and was very much in contact with the State permitting agencies.
 611 An answer was expected regarding the State permitting in December.

612
 613 **Vice Chair Harris** announced the last concert of the Concert in the Park series would be held
 614 August 25th in Llewellyn Park featuring Curtis Delgado and Alan Hagar.

615
 616 **Commissioner Bresaw** asked about a particular tree affected by the widening of Lake Rd for
 617 the project.

- 618 • **Ms. Mangle** replied that several people had asked about the tree, and the Engineering
 619 Director and project staff were going to verify which tree was being discussed and get an
 620 answer. The project was being designed to save as many trees as possible, but not all could
 621 be saved.

622

623 **9.0 Forecast for Future Meetings:**

624 September 14, 2010 1. Worksession: CPA-10-02 Wastewater Master Plan
 625 2. Worksession: Development Review Process Tune-Up Code
 626 Project, review of draft chapters

627 September 28, 2010 1. Worksession: Milwaukie's' Comprehensive Plan – Thinking
 628 about, and Planning for, the Future

629

630 **Ms. Mangle** reviewed the forecast with these additional comments:

- 631 • The Wastewater Master Plan worksession would not be held at the next meeting, allowing
 632 for more focus on the Tune-Up Code Project.
- 633 • Kenny Asher, Community Development and Public Works Director, would be present at the
 634 September 28th meeting to discuss the South Downtown Concept Plan. Staff hoped to
 635 present the material first at the farmers' market and then to City Council for a blessing of
 636 sorts to continue work on the Concept.
- 637 • Discussion would begin on the Comprehensive Plan; staff hoped to do some long-range
 638 planning over the next year.
- 639 • No hearings were scheduled or in the works at this time. Two applications were expected to
 640 come in, but getting them to the Commission would take a few months.

- 641 • Urban Renewal was not off the table, but was part of the long-range planning conversation
642 and downtown Code refresh and would be discussed more this fall. She would have an
643 update in September. The City needs to decide whether to use it or not, and if not, how
644 would that change the City's long-range plans.

645

646 Meeting adjourned at 9:43 p.m.

647

648

649

Respectfully submitted,

650

651

652

653

654

Paula Pinyerd, ABC Transcription Services, Inc. for
Alicia Stoutenburg, Administrative Specialist II

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656

657

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659

660

Jeff Klein, Chair



To: Planning Commission
From: Katie Mangle, Planning Director *KM*
Date: October 15, 2010, for October 26, 2010, Worksession
Subject: Residential Development Standards Project Setup

ACTION REQUESTED

None. This is a briefing for discussion only. Staff is seeking feedback from the Commission on the refined scope of work and public involvement plan for the upcoming Residential Development Standards project.

BACKGROUND INFORMATION

A. History of Prior Actions and Discussions

- **March 2010:** Staff provided the Commission with a copy of the intergovernmental agreement between the City and the State of Oregon that commits the City to prepare draft code amendments based on priorities that were identified in the 2009 *Smart Growth Code Assessment Final Report*.
- **October 2009:** Staff presented the 2009 *Smart Growth Code Assessment Final Report* to Council. Council concurred with the code amendment priorities identified in the report and requested that staff move forward with the next phase of the project.
- **September 2009:** Design and Landmarks Committee held a worksession to discuss the residential design standards element of the code assessment project.
- **August 2009:** Planning Commission reviewed and provided concurrence on the Action Plan presented in the 2009 *Smart Growth Code Assessment Final Report*.
- **July - August 2009:** Planning Commission held two worksessions to discuss the consultant's code assessment findings prepared during Phase I of the Smart Growth Code Assistance project.

B. Action Plan Recommendations

In 2009, the City completed the *Smart Growth Code Assessment Final Report*, which included an assessment of key aspects of Milwaukie's zoning code and an Action Plan for improvement. Over the past six months, staff and the Commission have been focused on the first part of the Action Plan, a "tune up" of the City's development review procedures. The other top priority of the Commission, however, was a review and update of the various policies that together add up to shape the location and form of new residential development in Milwaukie. See Attachment 1 for an excerpt from the 2009 Action Plan, which summarizes the policy questions, research required, and potential changes needed.

PROJECT SETUP

The Residential Standards project will be different from many other recent code amendment projects. Though the project's outcome will be code amendments this will require, and be an opportunity for, the community to visualize the status quo – what may result from our existing policies – and discuss other alternative approaches. This discussion about the larger community questions will set the framework for the subsequent code writing, so it will be important to include a broad swath of the community.

Staff has begun to outline the scope and public involvement process in greater detail. Please review the Project Setup Summary (attachment 2) and come prepared to discuss each aspect of the project. Marcy McInelly, AIA, of local firm SERA Architects, will collaborate with Angelo Planning Group on this project. She will bring some fresh ideas about engaging the community in a discussion about housing design, and will join us at this work session.

ATTACHMENTS

Attachments are provided only to the Planning Commission unless noted as being attached. All material is available for viewing upon request.

1. 2008 Code Assessment Action Plan
2. Project setup summary



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 Milwaukee 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

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
Infill Compatibility		<p>Outcome: Ensure that the scale of new development fits with existing 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. 		√	<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 Milwaukie? 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? 	√	√	√	√	H
Multifamily Residential	Not in existing code.	<p>Outcome: Establish design standards for multi-family dwellings to ensure high quality construction and design.</p> <p>Problems:</p> <ul style="list-style-type: none"> No design standards exist for multi- 		√	<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 variations? 	√	√	√	√	M

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
		family development in non-downtown zones.			<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. Type 2 ADUs are allowed, but not listed, as conditional uses in residential zones. ADUs are required to be attached to existing dwellings. 	√		<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 updated. 		√	√	√	L

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
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 zones. 		√	<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
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>	√		<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 	√	√	√	√	L

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
		<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. 			<p>where they are only otherwise conditionally allowed?</p> <ul style="list-style-type: none"> ▪ Are there areas or zones where duplexes should not be allowed? ▪ What lot sizes are appropriate for duplex development? 					

Residential Standards Project: Summary

Single Family Residential

Primary objectives:

- Improve existing objective building standards (windows, eaves, etc.)
- Consider standards to address infill compatibility

Secondary objectives:

- Update base zone development standards (setbacks, height, etc.)
- Consider policy changes to allow a greater diversity of housing types (ADUs, duplexes)
- Review lists of uses and conditional uses.

Multi-family Residential

Primary objectives:

- Introduce new building and site design standards

Secondary objectives:

- Consider policy changes to allow a greater diversity of housing types (cottage housing, townhouses)
- Update base zone development standards (setbacks, height, etc.)
- Review lists of allowed and conditional uses.



Residential Standards Project:

Ground Rules

This project will:

- focus on code and standards needed to better implement current Comp Plan policy
- not consider rezoning or density changes
- be based on 2008 Action Plan approved by PC and CC
- be mostly funded by TGM grant, which expires June, 2011
- streamline the Residential base zone code sections to be easier to use and understand, and update related definitions
- use a lot of illustrations – to explain existing policy, analyze alternatives, and include in the new code





Residential Standards Project: Community Discussion

- Early outreach is proposed to involve a broader swath of the community to frame the policy questions raised by this project:
 - How can we ensure that every new building is a good neighbor?
 - Given the lifestyle shifts that are shaping the housing needs of Milwaukie (retirement downsizing, while young families are moving to Milwaukie), what range of housing types should Milwaukie allow?
 - Assuming that quality of design and control of impacts are essential, what kinds of limits are important to retain?



Residential Standards Project: Subcommittee

A subcommittee of the Planning Commission would provide guidance to staff on project approach, policy choices, and alternative solutions, and make a recommendation to the Planning Commission and City Council.

Proposed Membership

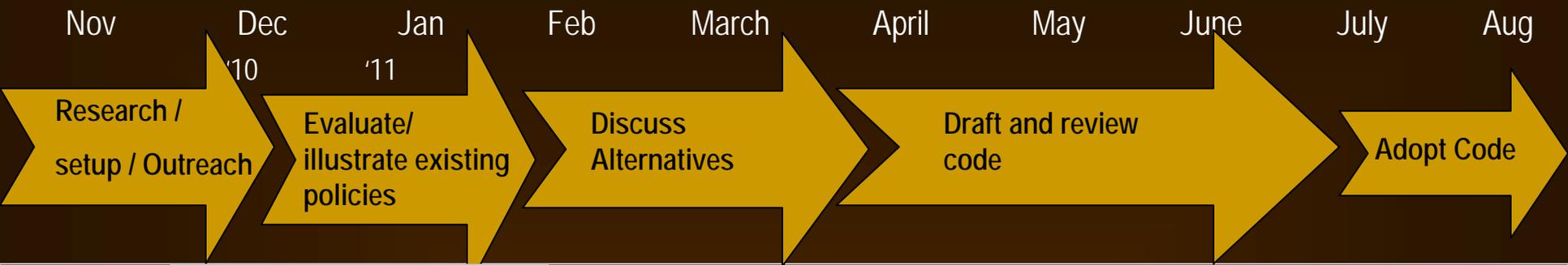
- 3-4 Planning Commissioners
- 1-2 DLC members
- 1 City Councilor
- 4-6 NDA representatives
- 1 builder
- 1-2 MFR property owners

Proposed Meeting Agendas

1. Intro/ background/ objectives: Problem definition, Comp Plan policy, illustrate existing policy
2. SFR Part 1: Case studies, discuss applicability (expansions), housing variety
3. SFR Part 2: Alternative approaches, recommended approach
MFR Part 1: Case studies, Alternative approaches, discussion
4. MFR Part 2: Recommended approach
Recommended regulation changes
5. Review 1st draft code amendments. Subsequent code draft reviews to be completed at regularly scheduled Planning Commission mtgs.



Residential Development Standards Project Timeline



CONSULTANT

- Alternative approaches memo. ID good models.
- Review existing policies. Lead community discussion about infill housing design.
- Create illustrations: existing policy and prototype sites
- Recommended Approaches memo
- Draft baseline chapters (SFR & MFR)
- MFR draft Design Standards
- Code draft #2
- Code draft #3

CITY STAFF

- Code History memo
- ID case study sites
- Gather community direction
- Work with subcommittee to establish recommended approach
- Test drive draft code
- Finalize proposal for hearings and adoption

Subcommittee	★	●	●	●	●	●	●	Public Hearings
Planning Commission	●						● ●	●
City Council	●						●	●



● = project discussed during regular meeting

★ = community discussion