



**COMPREHENSIVE PLAN  
IMPLEMENTATION PROJECT –  
PROPOSED CODE AMENDMENTS  
HEARING #3**

Planning Commission

November 9, 2021

Vera Kolas, Senior Planner &  
Natalie Rogers, Climate and Natural  
Resources Manager

# COMPREHENSIVE PLAN - POLICY MANDATES

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- Increase supply of middle housing; provide housing choice
- Increase the tree canopy and preserve existing trees
- Manage parking to enable middle housing and protect trees



# PUBLIC ENGAGEMENT – SUMMARY OF ACTIVITIES

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- Project webpages (City of Milwaukie and Engage Milwaukie)
- Pilot newsletter articles: 12 articles
- CPIC meetings: 9
- Stakeholder interviews: 32 interviews in October
- Virtual open houses: 3 (English and Spanish)
- Community Surveys: 2 (English and Spanish)
- Email blasts and social media posts
- Handouts (English and Spanish)
  - Library, Farmers Market, Hillside, Wichita Center, Northwest Housing
- Neighborhood District Association (NDA) presentations
- Small group discussions (in both Spanish and English)
- Planning Commission and City Council updates



# PUBLIC ENGAGEMENT – PUBLIC HEARINGS

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- 9/1 – 35-day public notice
  - Project webpages (City of Milwaukie and Engage Milwaukie)
  - Email blast, including all NDAs
  - Executive Summary posted
  - City social media
- 9/22 – 20-day notice
  - Email blast
  - Direct mail postcard to all residential and business properties
- 9/28 – presentation to Rotary
- 10/6 and 10/15 – Measure 56 notice to all residential properties
- October Pilot newsletter article
- Tree code outreach and education materials: Fall/Winter



# PC CODE REVIEW SCHEDULE

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October 12 & October 26

- *Middle housing and parking*
- *Public testimony/Deliberation*

**TONIGHT: Development-Related Tree Code**

- Public testimony/Deliberation
- Recommendation to Council



# CC CODE REVIEW SCHEDULE

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December 21: Council work session

January 18 : Council hearing #1

February 1: Council hearing #2

February 15: Council hearing #3 – Adoption



# SUMMARY OF RECOMMENDED REVISIONS FROM PC

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- **Allow** flag lots and back lots in subdivisions
- **Reduce** minimum off-street parking for **middle housing** to **0 spaces per dwelling unit** for middle housing, except cottage clusters.
  - **Reduce** minimum off-street parking for **cottage clusters** in the R-MD zone to **0.5 spaces per cottage**.
- **Reduce the minimum lot size** for all middle housing types, except cottage clusters and townhouses, **to 3,000 sq ft**
- **Reduce** minimum setbacks for **income-restricted housing**



# CODE AMENDMENTS – MIDDLE HOUSING/PARKING

Questions?





# CODE AMENDMENTS – TREE CODE

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- **Trees in Milwaukie's Comp. Plan**
- **Milwaukie Urban Forest program**
- **Why 40% Canopy Cover?**
- **Trees and development**
- **Draft tree code overview**
  - Private non-development tree code
  - Development tree code
- **Low Income Assistance**
- **Draft Fee Types**



# TREES IN MILWAUKIE'S COMPREHENSIVE PLAN

2017



2018



2019



## CITY OF MILWAUKIE COMPREHENSIVE PLAN



ADOPTED AUGUST 18, 2020  
ORD. 2196

2020

*“In 2040, Milwaukie is a flourishing city that is entirely equitable, delightfully livable, and completely sustainable.... Milwaukie nurtures a verdant canopy of beneficial trees, promotes sustainable development, and is a net-zero energy city.”*  
– Milwaukie 2040 Community Vision



# MILWAUKIE'S URBAN FOREST PROGRAM

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- Taking care of Milwaukie's public trees
  - Natural resource team
  - Nursery
  - Emergency natural resource response
  - Invasive species management
  - Raingarden and detention pond management
  - Restoration
- Public tree code
- Outreach and Education
  - Initial arborist consultations

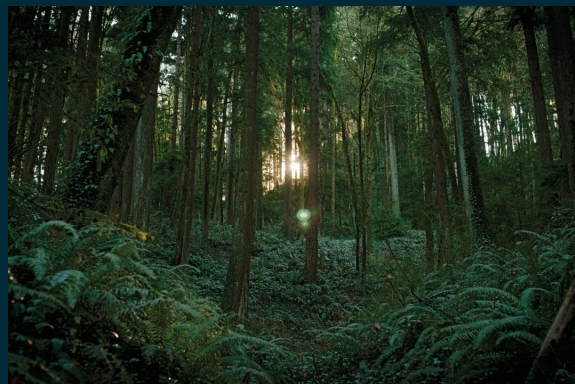


# WHY 40% CANOPY COVER?

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- Measurable Goal
- American Forests
- Urban Heat Island
  - Up to 9° Temperature Reduction
- Balance urbanization and natural systems
  - Habitat
  - Stormwater
  - Air quality

“According to a national analysis by U.S. Forest Service researchers David Nowak...and Eric Greenfield, a 40-60 percent urban tree canopy is attainable under ideal conditions in forested states. ” – American Forests



*Forest Park, Portland, OR*



# WHY 40% CANOPY COVER?



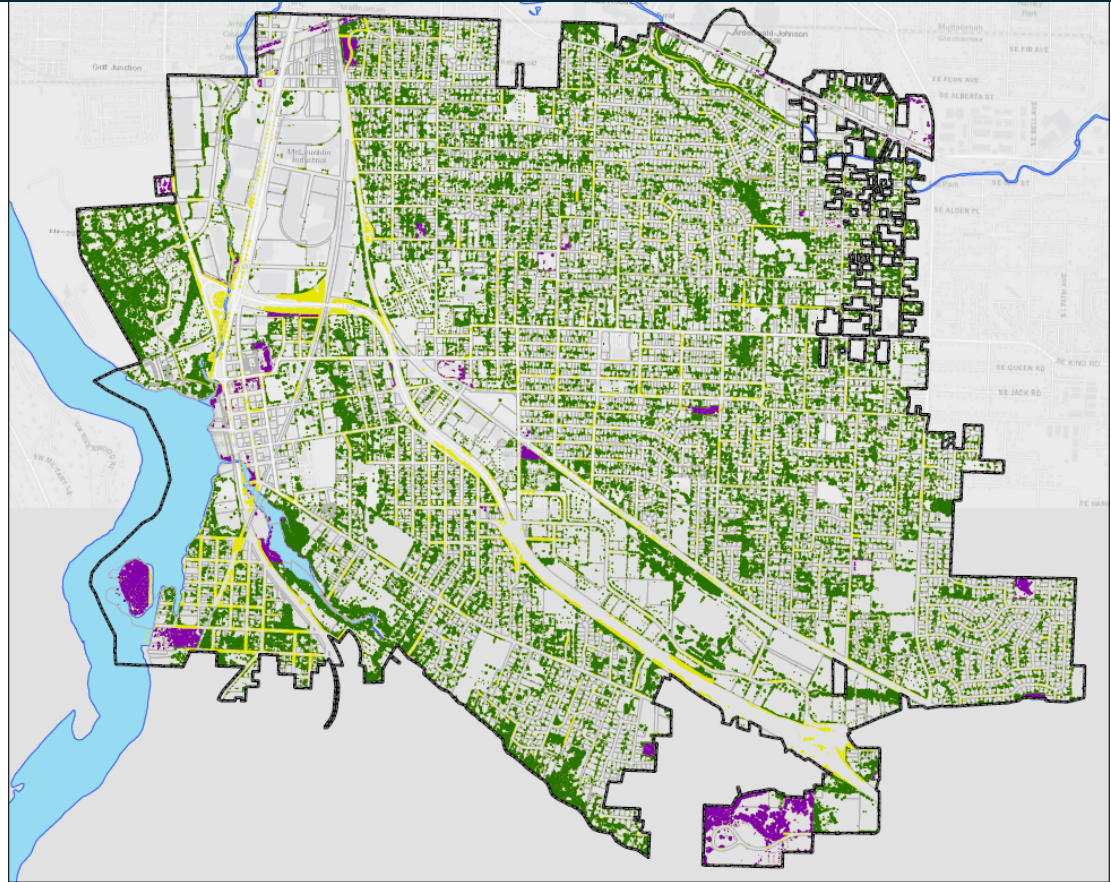
## City of Milwaukie 2014 Tree Canopy Coverage Over Private & Public Property

- City of Milwaukie
- Canopy Over Private Parcels
- Canopy Over Public Parcels
- Canopy Over Public Right-of-Way

*Note: Developed using LIDAR and imagery collected in the summer of 2014. Canopy was detected using a combination of normalized difference vegetation index (NDVI) from the imagery and feature heights from LIDAR.*

*Public parcels defined as any parcel with owner listed as 'City of Milwaukie', 'City of Portland', 'Clackamas County', 'Metro', or 'State of Oregon.'*

*Percentage of tree canopy was determined by removing all tree canopy found within publicly-owned parcels or outside of parcel boundaries. In 2014, the estimate for tree canopy over private property was roughly 676.7 acres, representing 80% of Milwaukie's 844.57 total acres of canopy.*



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

Date: Wednesday, July 16, 2018

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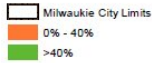
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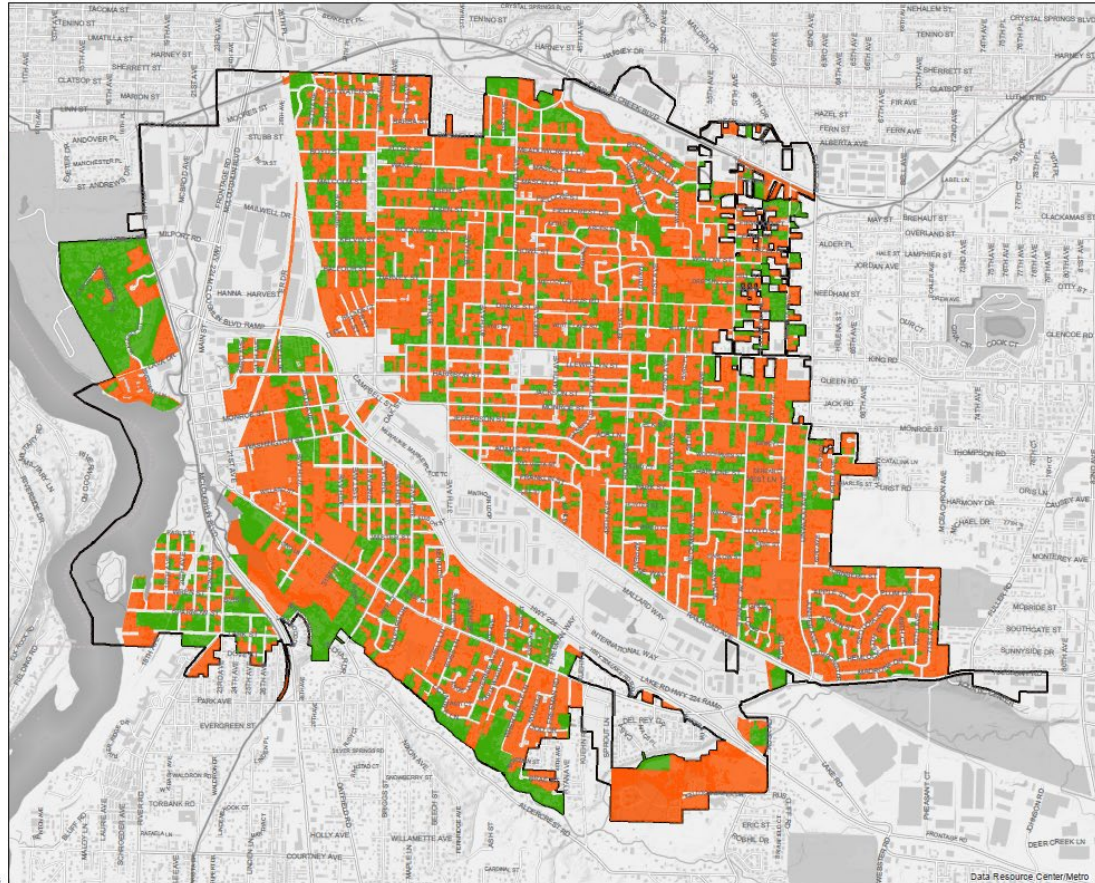
# WHY 40% CANOPY COVER?



## 2014 Canopy - >40% Residential Canopy Coverage Goal



Developed by City of Milwaukee GIS using 2014 Metro Tree Canopy



Data Source: City of Milwaukee GIS, Cheekman County GIS, Metro Data Resource Center

Date: Wednesday, November 2, 2022

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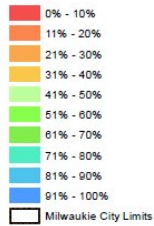
Data Resource Center/Metro



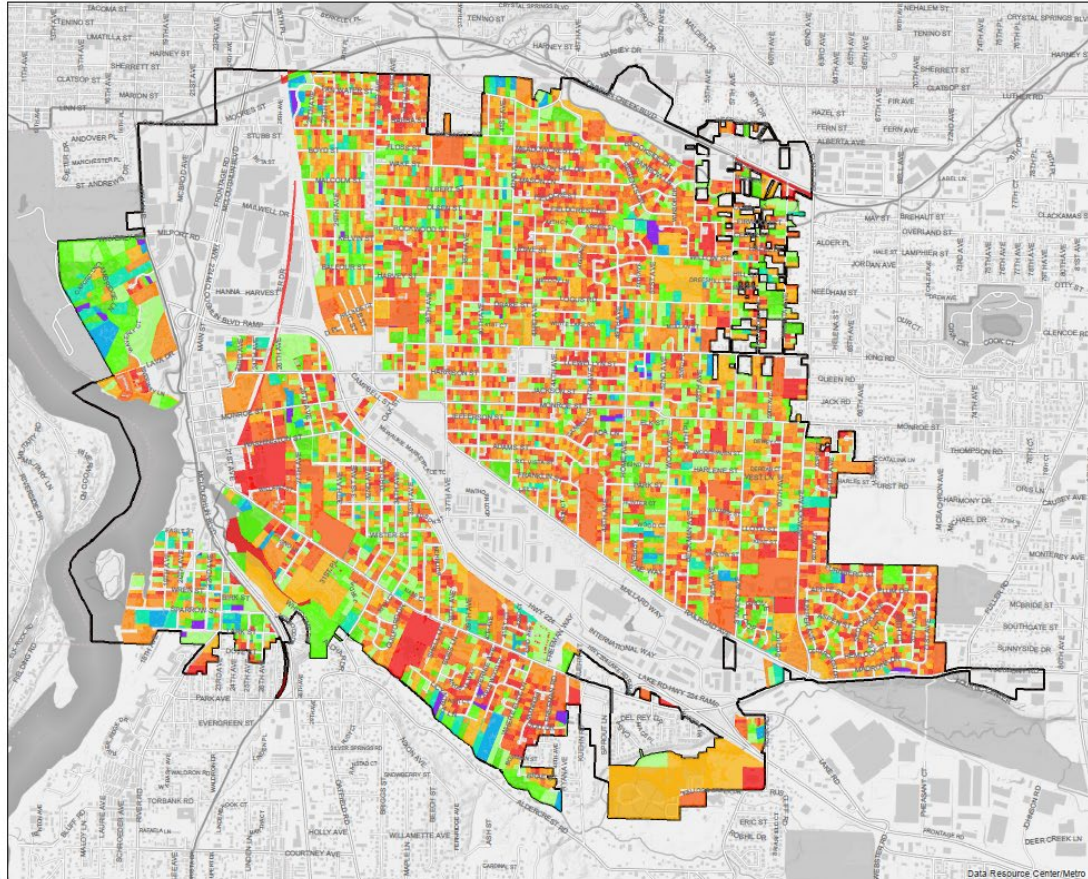
# WHY 40% CANOPY COVER?



## 2014 Canopy - As a Percent of Residential Taxlot Area



Developed by City of Milwaukee GIS using 2014 Metro Tree Canopy



Date Source: City of Milwaukee GIS, Clickemata County GIS, Metro Data Resource Center

Date: Wednesday, November 3, 2023

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Data Resource Center/Metro





Questions?



# TREES IN DEVELOPMENT

- Landscaping vs. Green Infrastructure
- Construction conditions not suitable for new plantings
- Developer vs Tenant/Owner benefits
  - Economic
  - Health
  - Environmental
  - Longevity



# TREES IN DEVELOPMENT



# TREES IN DEVELOPMENT

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# TREES IN DEVELOPMENT



# TREES IN DEVELOPMENT



# DRAFT TREE CODE OVERVIEW

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- Supplement to public tree code
- Developed with Tree Board, arborist consultants, CPIC, staff
- Residential zones only
- Residential non-development tree code
  - Overview
  - Common Questions
- Development tree code
  - Overview



# RESIDENTIAL NON-DEVELOPMENT

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- Tree removals not related to development
  - Landscaping
  - Tree-specific removals
- Permit for removal if tree DBH >6"
  - Type 1 Permit for streamlined approval standards
  - Type 2 Permit for multiple removals or removals not meeting Type 1 standards
  - City Manager Appeal Process
- Replanting requirements – fee in lieu option
- Notice requirement for Type 2 >18" DBH and healthy
- Agricultural trees exempted

## **Type 1 Approval Standards**

- Dead/dying/diseased
- Unmitigable infrastructure impacts
- Public safety risk
- Invasive
- Fire hazard
- Public transportation ROW projects
- Utility infrastructure or building permit
- One Healthy Tree per Year <18" DBH



# RESIDENTIAL NON-DEVELOPMENT

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**Does this make property owners plant new trees on their property if they're not removing any?**

**No.** No one is required to plant new trees on their property unless fulfilling removal permit requirements.

**Is a permit needed to prune trees?**

**No.** A permit is not needed to prune trees on private property.

**Can I remove a large invasive tree?**

**Yes!** The city encourages the removal of invasive trees on the Oregon Noxious Weed List. Permit processes are in place to streamline invasive tree removal and reduce barriers to removal.

**Trees are expensive to maintain. Does the tree code affect this cost to maintain existing trees?**

Unless you are removing a tree, the tree code does not regulate private tree maintenance. Property owners are encouraged to maintain their trees on their properties with or without tree code. The city is working on ways to assist tree owners and connect them with resources.

**Why now for private tree code?**

The city is looking to implement residential tree code now through the comprehensive plan implementation process to ensure the community goals around housing, parking and tree canopy are well balanced.





The background is a dark blue field filled with stylized, abstract shapes representing leaves and foliage. The colors used are bright orange, light blue, and white. Some shapes have small white dots or are surrounded by smaller, similar shapes, creating a sense of depth and movement. The overall style is modern and graphic.

Questions or Code  
Comments?

# RESIDENTIAL DEVELOPMENT

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- Tree removals and preservation related to development
  - Land Divisions
  - Construction of new residential dwelling units
- Key standards
  - Preservation Standards
  - Canopy Standards
  - Protection Standards
  - Soil Volume Standards



# RESIDENTIAL DEVELOPMENT – PRESERVATION STANDARDS

- Established to protect existing trees on site
- No breakdown of species priority besides additional fees for removal of rare or threatened species
- Invasive species not included
- Mitigation required if removing past 30% onsite canopy (20% for affordable housing)

New Canopy Coverage	Mitigation Fee
<30% - 22.5%	Ex. \$2000
<22.5% - 15%	Ex. \$2000
<15% - 7.5%	Ex. \$2000
<7.5% - 0%	Ex. \$2000



**30% Existing Site Canopy**  
Removal of tree  
24% site coverage  
**Ex. \$2000 Mitigation Fee**



**50% Existing Site Canopy**  
Removal of tree  
20% site coverage  
**Ex. \$4000 Mitigation Fee**



**90% Existing Site Canopy**  
Removal of 3 trees  
70% site coverage  
**Ex. No Mitigation Fee**



# RESIDENTIAL DEVELOPMENT – CANOPY STANDARDS

- Tree canopy goals of 40% canopy cover by 2040
- Canopy standards ensure **intentional preservation and planting** on development sites to achieve canopy goals
- 40% tree canopy coverage required on completed development sites through **existing tree canopy** or through **future mature canopy of new plantings**
- Mitigation is performed if unable to meet canopy standards



Tree Location	% Canopy Credit
Existing onsite	100%
Planted onsite	75%
Existing ROW	50%
Planted ROW	50%

## 10% Site Canopy after Removal

- 7000 sq ft lot
- 700 sq ft existing canopy
- Needs 2800 sq ft to meet canopy standard

### New plantings:

2 white oak

2000 sq ft at maturity  
x 75% Canopy Credit  
x 2 trees

= **3000 sq ft canopy credit**

**3700 total site canopy coverage**  
**52.8% Final Canopy Coverage**

*Alternatively...*

1 Oak @ 1500 sq ft credit  
2200 total site canopy coverage  
600 sq ft mitigation required



The background is a dark navy blue. It is decorated with various stylized leaf and foliage shapes. There are large, irregular shapes in bright orange and light blue. Some of these shapes have smaller, simpler shapes inside them, like a white leaf with a blue stem and a yellow leaf with a white stem. There are also small, simple shapes like circles and teardrops scattered throughout. The overall style is modern and graphic.

Questions or Code  
Comments?

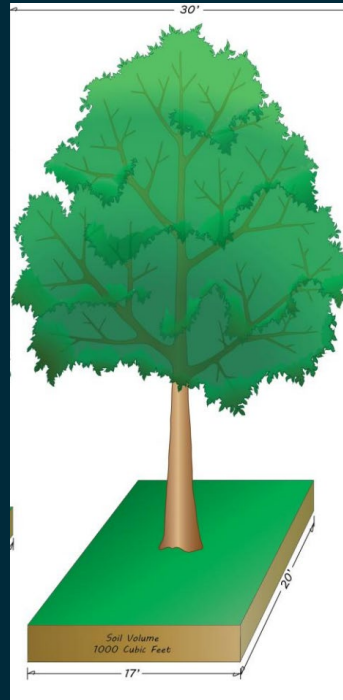
# RESIDENTIAL DEVELOPMENT – PROTECTION STANDARDS

- Construction practices without consideration to trees can lead to tree harm and death
- **Protection standards ensure preserved trees are protected from development impacts**
- Protection standards must be followed to obtain the preservation and canopy credits – standards include:
  - development of a tree protection plan
  - establishment of root protection zones
  - management of encroachment into root protection zones
  - protection fencing requirements
- When the prescriptive path is not practicable, the applicant may propose alternative measures and instead follow a performance path under guidance of an International Society of Arboriculture (ISA) certified arborist.



# RESIDENTIAL DEVELOPMENT – SOIL VOLUME STANDARDS

- Requires appropriate soil volume for new plantings to improve the tree's chance of long-term success
- 1,000 cubic feet of soil volume per tree planted
- Soil volume plan created by an arborist is required, and **soil volume methods and specifications must be consistent with ISA best management practices**
- The project arborist must verify the soil volume plan was successfully implemented prior to tree planting



# RESIDENTIAL DEVELOPMENT : MITIGATION STANDARDS

- Mitigation standards are established when tree preservation or canopy standards cannot be met.
  - Mitigation fees associated with the percent canopy removed (preservation standard) and the total canopy percentage needed to meet 40% lot coverage (canopy standard) would be paid by the permit applicant
- Applicants may apply for a variance in lieu of a mitigation fee for alternative construction designs and techniques that provide additional sustainability benefits to the site
  - Planning Commission Review



*Credit: Murphy Mears Architects*





# DEVELOPMENT PROCESS FOR TREES

## Tree Inventory

Arborist inventories trees over 6" DBH and creates site map

- Keep/Remove
- Canopy Size
- Species
- Condition
- Rare or Threatened
- Invasive
- Total site canopy

## Preservation Plan

Arborist/contractor collects preservation and construction plans for site

- Map to scale
- Construction, fencing, soil compaction and BMP areas

## Tree Canopy Plan

Arborist/contractor creates planting and site canopy plan site

- Map of existing trees and new plantings' canopies at maturity
- Soil volume areas and details
- Setbacks and root barriers
- Final site canopy including new trees

## Arborist Report

Arborist summarizes prior steps and justifies mitigation

- Preservation standard
- Canopy standard
- Tree protection standard
- Soil volume standard
- Variance proposal



The background is a dark blue field filled with various abstract shapes. There are large, stylized leaves in shades of orange and light blue. Some leaves have white outlines or internal details. There are also smaller, simpler shapes in orange, blue, and grey, some with small white dots or patterns. The overall style is modern and graphic.

Questions or Code  
Comments?

# PRIVATE TREE CODE – LOW INCOME ASSISTANCE

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- To the extent that city funds are available, the City Manager may exempt a property owner from the permit fee, removal fees and replanting fees when the owner demonstrates household income that is at or below 80 percent of median household income for the Portland-Vancouver-Hillsboro, OR-WA Metropolitan Statistical Area.
- Consistent with CET, HES and public tree code



# RESIDENTIAL DEVELOPMENT – POTENTIAL FEE TYPES

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## Non-Development

### *Private Tree Removal or Major Tree Permit*

- Permit Application Fee

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- Removal Fee (type 2 permit)
- Fee in Lieu Planting and Establishment Fee (in lieu of planting)
- Enforcement/Restoration Fee
  - Damaged Tree
  - Removed Tree

## Development

### *Residential Construction Tree Plan Review*

- Minor Permit Review
  - Major Permit Review
  - Tree Site Inspections
- 

### *Development Tree Mitigation Fees*

- Fee in Lieu of Preservation Standard
- Fee in Lieu of Canopy Standard
- Threatened or Rare Tree Removal
- Enforcement/Restoration Fee
  - Damaged Tree
  - Removed Tree



# OUTREACH TO COMMUNITY



# Questions?

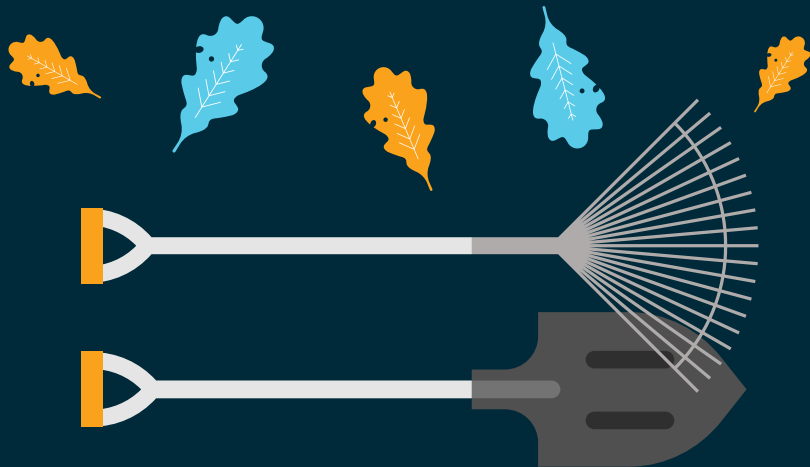
[urbanforest@milwaukieoregon.gov](mailto:urbanforest@milwaukieoregon.gov)

503-789-7655

[milwaukieoregon.gov/trees](http://milwaukieoregon.gov/trees)

Natalie Rogers

Climate and Natural Resources Manager



# CODE AMENDMENTS – RECOMMENDATION & VOTE

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- Questions from PC?
- Vote/recommendation to Council?
  - Continued hearing would be 12/14



# CC CODE REVIEW SCHEDULE

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December 21: Council work session

January 18 : Council hearing #1

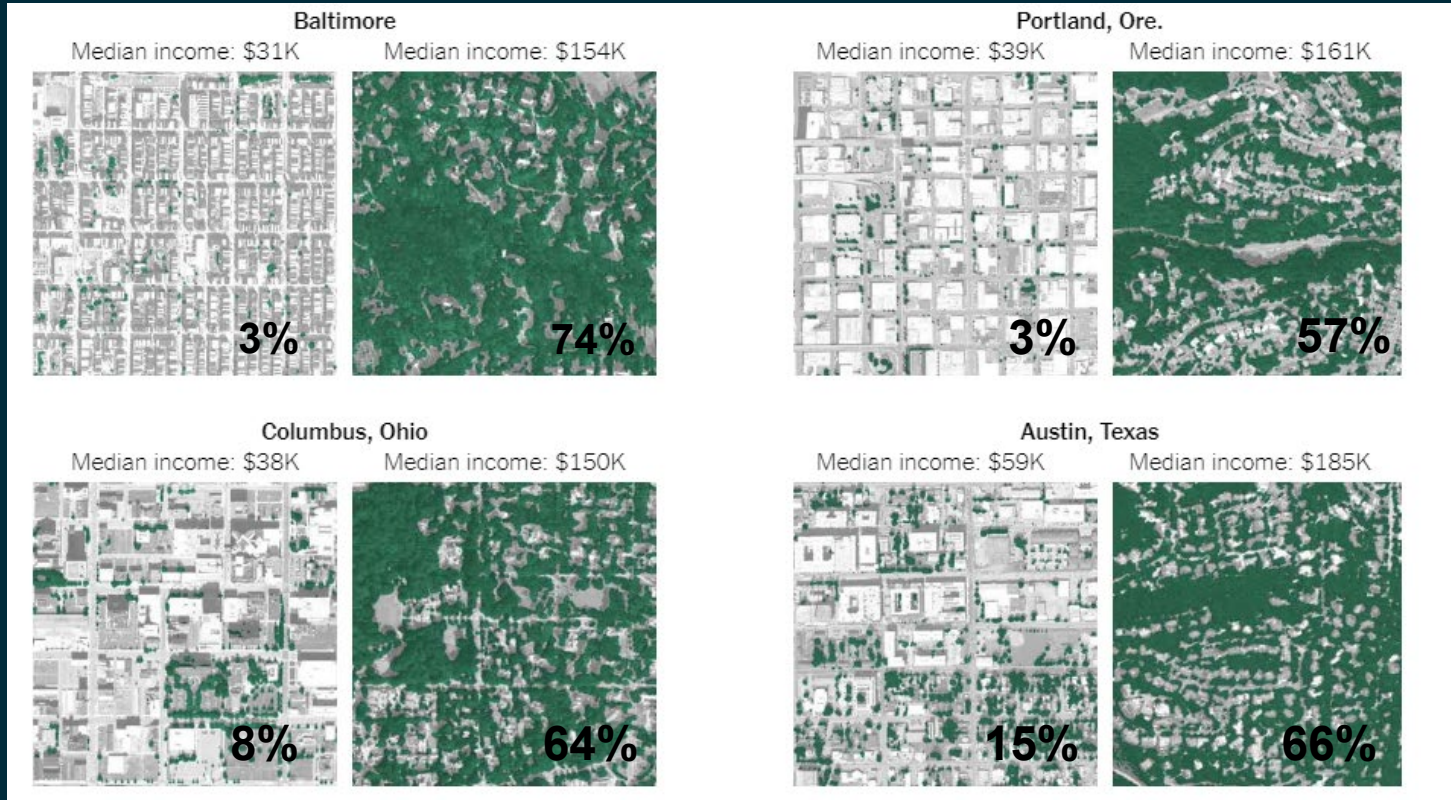
February 1: Council hearing #2

February 15: Council hearing #3 – Adoption





# WHY 40% CANOPY COVER?



*Since When Have Trees Existed Only for Rich Americans? – New York Times Opinion*

# RECOMMENDED REVISIONS FROM PC - PARKING

- **Footnote:** Except for properties located on an **arterial or collector street**, where the minimum off-street parking required is **X spaces/unit (unless constructed and permitted per the City Engineer and MMC 19.700)**.

<b>Arterial</b>	<b>Collector</b>
17 <sup>th</sup> Ave; 21 <sup>st</sup> Ave; 22 <sup>nd</sup> Ave	32 <sup>nd</sup> Ave; 34 <sup>th</sup> Ave; 37 <sup>th</sup> Ave; 42 <sup>nd</sup> Ave; 43 <sup>rd</sup> Ave
McLoughlin Blvd	Main St
Oatfield Rd	Stanley Ave
River Rd	Monroe St
Harrison St	Railroad Ave
King Rd	Washington St
Linwood Ave	
Lake Rd	Johnson Creek Blvd



# PARKING CODE – RESIDENTIAL PARKING STUDY - 2021

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The sample neighborhood study zones:

- Lake Road; Lewelling; Ardenwald; Island Station

Methodology:

- 10 AM and 2 AM occupancy counts following an inventory count to assess parking demand (vehicles per residential unit)



# RESIDENTIAL PARKING STUDY – PARKING SUPPLY

	Lake Road	Lewelling	Ardenwald	Island Station	Total	
<b>Residential Units</b>	190	154	171	131	646	
<b>Supply</b>	<b>On-Street Stalls/Unit</b>	2.37	2.64	1.20	2.18	2.09
	<b>Driveway Stalls/Unit</b>	1.75	2.29	1.68	1.82	1.87
	<b>Surface Lot Stalls/Unit</b>	-	-	0.25	0.14	0.09
	<b>Total Stalls Studied/Unit</b>	4.12	4.93	3.13	4.13	4.05

Higher  
than  
average

Lower  
than  
average



# RESIDENTIAL PARKING STUDY – PARKING DEMAND

		Lake Road	Lewelling	Ardenwald	Island Station	Total
<b>Residential Units</b>		190	154	171	131	646
<b>Demand</b>	<b>On-Street Vehicles/Unit</b>	0.89	0.29	0.29	0.36	0.48
	<b>Driveway Vehicles/Unit</b>	1.16	1.60	1.58	1.48	1.44
	<b>Surface Lot Vehicles/Unit</b>	-	-	0.18	0.11	0.07
	<b>Total Vehicles/Unit</b>	2.05	1.89	2.05	1.95	1.99



# RESIDENTIAL PARKING STUDY - FINDINGS

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- Minimum average parking demand approximately 2.0 vehicles per residential unit at the peak hour.
  - This includes approximately 1.5 vehicles per unit parked on-site.
  - On-street demand = 0.48 vehicles/unit
  - In no cases does demand exceed or constrain supply capacity (on site or on-street)
- Neighborhood conditions vary: Much of on-street parking supply is unimproved, which could reduce on-street supply if improvements were made (e.g., curbs, paving).
- Notable percentage of residential units with multiple vehicles (3 or more) parking on-site.

