



## AGENDA

### MILWAUKIE PLANNING COMMISSION Tuesday January 10, 2012, 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 October 11, 2011 *continued from 11/22/11*
- 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: Residential Development Standards – Single-Family Development and Design, Conditional Uses  
Presentation: Katie Mangle and Ryan Marquardt
- 7.0 **Planning Department Other Business/Updates**
  - 7.1 Summary: Work Plan forecast for 2012
- 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:**
  - January 24, 2012      1. Worksession: Residential Development Standards – Accessory Dwelling Units, Accessory Structures
  - January 31, 2012      1. Joint study session with City Council: Residential Development Standards project
  - February 14, 2012      1. Public Hearing: Residential Development Standards (tentative)

### 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](mailto: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](http://www.cityofmilwaukie.org)
3. **CITY COUNCIL MINUTES** City Council Minutes can be found on the City website at [www.cityofmilwaukie.org](http://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:**

Lisa Batey, Chair  
Nick Harris, Vice Chair  
Scott Churchill  
Chris Wilson  
Mark Gamba  
Russ Stoll  
Clare Fuchs

#### **Planning Department Staff:**

Katie Mangle, Planning Director  
Susan Shanks, Senior Planner  
Brett Kelter, Associate Planner  
Ryan Marquardt, Associate Planner  
Li Alligood, Assistant Planner  
Alicia Martin, Administrative Specialist II

**CITY OF MILWAUKIE**  
**PLANNING COMMISSION**  
**MINUTES**  
**Milwaukie City Hall**  
**10722 SE Main Street**  
**TUESDAY, October 11, 2011**  
**6:30 PM**

**COMMISSIONERS PRESENT**

Lisa Batey, Chair  
 Chris Wilson  
 Mark Gamba  
 Russ Stoll  
 Clare Fuchs  
 Scott Churchill (arrived during Item 6.1)

**STAFF PRESENT**

Katie Mangle, Planning Director  
 Kenny Asher, Community Development and  
 Public Works Director  
 Susan Shanks, Senior Planner

**COMMISSIONERS ABSENT**

Nick Harris, Vice Chair

**1.0 Call to Order – Procedural Matters**

Chair Batey 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 – None.**

**3.0 Information Items – None.**

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

**5.0 Public Hearings – None.**

The Planning Commission addressed Agenda Item 7.0 at this time.

**6.0 Worksession Items**

This item was taken out of order.

- 6.1 Summary: Residential Design Standards Project – Conditional Uses in Residential Zones  
 Staff Person: Susan Shanks

**Susan Shanks, Senior Planner**, distributed a paper copy of her PowerPoint presentation, which she reviewed as part of her staff report. The last three sets of images showed examples

42 of different building footprints in areas of Milwaukie with various building sizes and were  
43 provided as a reference when considering size limits.

44 The two key questions for the Commission were if the City should allow more Conditional Uses  
45 (CU) in its residential zones; and if so, should CUs have limits on location or size, for example,  
46 or should that be left to the CU review process.

47

48 She and **Katie Mangle, Planning Director**, addressed questions from the Commission as  
49 follows:

- 50 • A CU permit ran with the property and the use specifically approved by the Commission. All  
51 CU decisions were Type III Commission decisions.
- 52 • The Neighborhood District Associations (NDAs) would be part of the process, but had not  
53 been specifically approached about this project yet, although some NDA members were on  
54 the Residential Development Standards Steering Committee. Ms. Mangle had discussions  
55 with David Aschenbrenner about allowing more kinds of uses so people could walk to local  
56 neighborhood shops rather than having to go downtown or to big box stores.
  - 57 • If acceptable to the Commission, staff would introduce the project to the community at  
58 the open house scheduled for October 20 and then do whatever outreach is needed.
- 59 • This project was completely separate from the Commercial Core Enhancement (CCEP),  
60 which was limited to specific geographical areas. This project addressed more of a citywide  
61 problem, but on residentially zoned lots along arterial streets, whereas the 32nd Ave and  
62 42nd Ave Corridors Project dealt with commercially zoned lots.
  - 63 • This project would be a nice compliment to the Corridors Project. For example, areas  
64 along 32<sup>nd</sup> Ave not zoned Commercial would benefit from this proposal.

65

66 Discussion amongst the Commission and staff continued with these key comments:

- 67 • **Commissioner Gamba** agreed this project was critical to the walkability issue, and although  
68 the proposal was moving in the right direction, it did not go far enough. As proposed, retail  
69 would not be allowed in some R-7 and R-10 Zones along some arterials, which was an area  
70 he would push further.
- 71 • Staff clarified that the Residential Design Standards Project was not about rezoning any  
72 areas or lots zoned residential along the corridors that traversed the city. This project was  
73 more of a Code adjustment project regarding the types of uses that would be allowed  
74 conditionally and not about rezoning property. The Corridors Project would be an  
75 appropriate place to rezone property.

- 76 • Many uses could already be approved as a Community Service Use (CSU) within these  
77 zones; so technically, only a minor amendment was being proposed.
- 78 • **Chair Batey** preferred that this project not be done generally across the zones, but along  
79 certain streets, and perhaps not just streets defined as arterials because 32<sup>nd</sup> Ave might be  
80 a good one for the part that was zoned residential. She suggested just naming the streets to  
81 be included within the amendment.
- 82 • Should CUs have limits? If any residential property were allowed to have these types of  
83 uses, the CU review process still provided a lot of discretion for evaluating impacts and the  
84 appropriateness of citing that particular use.
- 85 • **Commissioner Fuchs** was concerned about the potential for the Commission to be  
86 accused of showing partiality to certain businesses. The Code should provide some  
87 predictability for allowing conditional office type uses on these streets. Without any  
88 guidelines, a lot of time and money could be spent to have something not approved or  
89 approved but with many conditions.
- 90 • Staff responded that would become a different kind of project. They were definitely not  
91 proposing to come up with a new review process or new set of objective standards for  
92 certain kinds of uses in certain locations.
- 93 • Something could be included, perhaps as an approval criterion in the CU Review  
94 Chapter that the intent of allowing CUs was to result in businesses that served the  
95 neighborhood. Such a statement was not really a criterion or hard and fast standard, but  
96 would give some indication of whether or not the applicant might get approval, while also  
97 provide the Commission more direction by which to judge the application.
- 98 • **Commissioner Stoll** noted there was a lot of room for offices in low-density residential  
99 areas. Many businesses would be perfectly fine operating out of someone's home. If the City  
100 was going to legalize these types of CUs, they should be allowed just about anywhere.
- 101 • Staff explained that many businesses operating in residential zones fall under the home  
102 occupation category, which differed from CUs.
- 103 • A home occupation was when someone lived on a property and operated their  
104 business from their home. Employees were allowed and home occupations did not  
105 require approvals but had performance measures. As long as the City did not receive  
106 complaints or the home occupation did not become a nuisance to the neighbors,  
107 home occupation is allowed. Also, the home the business operates from must  
108 maintain the character of a single-family home, and it could not look or act like a  
109 business.

- 110           • Certain businesses were outright prohibited, such as auto repair, and the goods used  
111           in the business operation could not be visible to the public. The goal of the home  
112           occupation standards was to keep the business invisible.
- 113           • CUs did not have to be owner-occupied and allowed for more of a public face to the  
114           community.
- 115           • In walkable neighborhoods, people get many of their needs met within a 20-minute walk.  
116           With fewer limits, someone could have their business a block from their house and not have  
117           to commute to other areas. With CUs, the Commission had the discretion to deny the use if  
118           a business would be heinous for the neighborhood.
- 119           • Businesses that were home conversions were included under CUs in this project.
- 120           • Residential Design Standards would only apply to new construction, not to an existing home  
121           where someone moved in and wanted a change of use.
- 122           • Adding onto an existing residential home [for business purposes] would result in the  
123           home no longer being residential in some ways, but commercial and no commercial  
124           design standards currently exist. Design standards were use based on and applied to a  
125           specific use, not the zone.
- 126           • The new CU approval criteria were discretionary enough that the Commission would be  
127           able to look at modifications to the building in the CU process. The CU process provided  
128           for a lot of discretion in terms of mitigating impacts for things such as eyesores.
- 129           • Someone wanting to modify an existing CU did not have blanket approval for the use and  
130           the site. Depending on the level of modification, it would be subject to either staff or  
131           Commission review, similar to the CSU standard currently in place for modifications.
- 132           • **Commissioner Fuchs** believed lot coverage percentage should be limited, not building size  
133           or square footage.
- 134           • Currently, most CUs did not come with their own set of development standards, but the  
135           approval criteria required that the standards of the underlying zone be met. The  
136           residential lot coverage, setback, and all those standards would still apply, but not the  
137           design standards. Development standards were tied to the zone, not to the use.
- 138           • Again, the CU process would enable the Commission to alter things on a case-by-case  
139           basis to make the use more compatible.
- 140           • CU permits were only revocable if a violation of the approval criteria occurred and/or a  
141           condition of approval was not satisfied.

142

143   **Chair Batey** called for public testimony.

144

145 **David Mealey, 5111 SE Lake Rd**, addressed the Commission regarding his R-10 zoned  
146 property on Lake Rd, the old Folio farmhouse, with the windmill and the barn. He hoped the new  
147 Code would remain simple; adding a 2,500 sq ft limit was what he needed.

- 148 • He stated that the Lake Rd NDA supported his property moving from a home occupation to  
149 an outright CU.
- 150 • Currently, his home occupation status had certain limitations. One key item was that the  
151 proposal would permit him to put up a little signage, so people would not pass the property  
152 and then call to ask for directions as they currently did 90% of the time. Presently, all he was  
153 allowed was a 2 ft x2 ft sign.
- 154 • The property lent itself to a small office use more so than a residence.
- 155 • Being able to use the space without it being a split use would be helpful.
- 156 • The property was 1½ acres, of which ¾ of an acre was useful. The parking, if done  
157 tastefully, would blend into the neighborhood without being an eyesore, while maintaining  
158 the residential characteristics and lending itself to the walkability Commissioner Gamba  
159 mentioned.
- 160 • He noted the use and 2,000 sq ft limitations in the proposal, adding he had a chiropractic  
161 massage clinic and a yoga studio, which he would love to see added to the lower density  
162 residence. If that did not happen, he would shut down the yoga studio, but he would love to  
163 be allowed to use the properties in different ways.
- 164 • The benefit to the City, Commission, and residents was that the proposal provided some  
165 yardstick to measure things by as some conditions had to be met and maintained, and the  
166 Commission would determine whether an application met the conditions. This gave the  
167 Commission an element of control and the businessperson something to aim for.

168

169 Staff confirmed that the reference in the current draft to office use being limited to no more than  
170 2,000 sq ft was the actual floor area, not the footprint.

171

172 **Marty Stiven, Land Use Planning Consultant, 8 North St, Lake Oswego**, stated she had  
173 been working with Mr. Mealey and the City and watching this process for the last year to figure  
174 out how Mr. Mealey's business could be allowed not as a home occupation.

- 175 • She understood the concerns about allowing CUs throughout the city, and believed limiting it  
176 to arterials was a good way to start. This would open the door for the many nonconforming  
177 businesses that already exist.

- 178 • The CU process gave the Commission an opportunity to identify every use on every  
179 property and judge them on their own merits. Not only did the Commission get to look at the  
180 site and use, and require the applicant to meet the CU criteria, but the Commission could  
181 also impose very specific conditions of approval for each business for each use in each  
182 neighborhood based on each individual site.
- 183 • She was concerned about the 2,000 sq ft limitation because what would the  
184 business/property owner do if the whole building could not be converted? Was the goal to  
185 make nonconforming uses legitimate? A better performance standard than a size limitation  
186 was needed, because no matter what size was set, a remnant square footage would result.
- 187 • She questioned whether a performance standard was needed because the Commission  
188 would review each individual use. A 4,000 sq ft building might be perfectly acceptable in one  
189 location, where in a different location it needed to be limited to 1,000 sq ft because of the  
190 availability of land for parking, lighting, etc.
- 191 • Any proposals would be limited to the same setbacks, lot coverage, and heights as  
192 residents, so a building would be compatible in scale to the residential development. As to  
193 parking impact, if it were not appropriate, the Commission would not have to approve the  
194 application.

195

196 **Mr. Mealey** added that when he was pursuing other commercial properties, it was clear that if  
197 the property did not have enough room for parking, it would not be approved. He had looked but  
198 numerous properties turned out not to be feasible in terms of parking and other conditions listed  
199 under the existing regulations, such as egress and traffic impact. He did not see that this would  
200 be any different. Limiting CUs to arterials was important. He would not necessarily want to have  
201 a parking lot behind his house if he lived in a residential neighborhood. He liked the discussion  
202 about identifying defined roads that lent themselves to these kinds of clear-cut conditions.

203 Discussion amongst staff and the Commission continued as follows:

- 204 • Impacts regarding traffic, site distances, etc., are addressed in the approval criteria for CUs.  
205 The underlying concept of the proposed changes was to reduce car trips, and although valid  
206 long-term, there would be immediate traffic impacts as people tried to turn into or out of what  
207 used to be residential driveways.
- 208 • Staff introduced some reasonable requirements in the Transportation Code update for traffic  
209 studies, which were previously required no matter what. The Engineering Director would  
210 now look at applications on a case-by-case basis to see how that type of business would



- 211 operate and impact traffic before deciding if a traffic study was needed. This would be part  
212 of the CU review on staff's end.
- 213 • Staff added that the City's concurrency policy regarding sidewalk and transportation  
214 improvements was rather aggressive, so proportional mitigation was required.
  - 215 • The City currently allowed CSUs on all these locations, so a large government office  
216 building would be allowed, but not a small private office building. This Code change  
217 would provide for private offices. While the CSU and CU criteria were different, the City  
218 could still require transportation and other analyses. Engineering also requires accesses  
219 to be consolidated when necessary.
  - 220 • If a home occupation wanted a CU for some reason, the owners could still reside there,  
221 because the residential use would still be an outright allowed use in the zone. Home  
222 occupation standards allow for a wide range of businesses.
  - 223 • A much larger structure could be built on Mr. Mealey's property and still comply with the  
224 setbacks. If he was approved for a CU and decided to replace the current structure with an  
225 8,000 sq ft structure it would be considered a modification and subject to additional review  
226 by staff and/or the Commission.
  - 227 • Staff explained that a number of zones had existing CUs, such as the Type II ADUs only  
228 conditionally allowed in all residential zones. However, the CU process for the average  
229 person was daunting and could not be done lightly or quickly, so the proposed amendments  
230 would not open the floodgates for any rapid or big changes. The proposal would allow some  
231 motivated people or the right property and business to get a CU approval. This was not a big  
232 risk for the City in terms of suddenly getting lots of big, incompatible CUs in residential  
233 zones, whether along arterial streets or not. It was a pretty arduous process to go through  
234 and pay for.
  - 235 • The gains for the City from this proposal included:
    - 236 • Having more personal, service-oriented businesses integrated into existing  
237 neighborhoods rather than being in single locations spread throughout the city. People  
238 might be able to walk down their street to go to doggy daycare, get a cup of coffee, or  
239 shop at a resale store, potentially reducing car trips.
    - 240 • More property becoming available for people wanting to incubate a small business, or  
241 who might otherwise be unable to lease a commercially zoned property.
    - 242 • The possibility of converting some nonconforming uses to CUs, changing the regulation  
243 framework under which they currently must operate which could be limiting for buying,  
244 selling, and changing the property.

- 245 • Given the nature of the CU process, the number of properties being discussed, and the fact  
246 that this did not regard vacant land necessarily, the proposal did not seem to detract or pose  
247 a risk of increasing vacancies in the downtown districts.
- 248 • The City has heard that Milwaukie citizens did not want everything focused on  
249 downtown, but that the City pay attention to the corridors. Most land along the arterials  
250 was zoned for residential, which was unusual. The fact that there were a lot of home  
251 occupations, institutions, nonconforming, and potentially illegal uses along these  
252 corridors was an indication that low density residential might not be the best use of land  
253 along an arterial. Staff hoped this proposal would help make the corridors healthier in  
254 terms of integrating more uses into the community, but in a way that could actually  
255 increase the property values because the uses would be fully legal, growing home  
256 occupations and not nonconforming.
- 257 • **Chair Batey** said that while the residential portions of 32<sup>nd</sup> Ave seemed an obvious place for  
258 CUs, she could not see upper River Rd and 22<sup>nd</sup> Ave ever being a viable place for CUs  
259 because of the traffic and egress for cars. Even if there was a business geared toward  
260 walking, that was probably the single most dangerous place to walk in Milwaukie. The  
261 arterial did not seem to be the right measure; listing streets seemed a better way to go.  
262 Although River Rd was going to be getting sidewalks, etc., the improvements were not on a  
263 large scale and would not happen anytime soon.
- 264 • **Commissioner Fuchs** suggested identifying 42<sup>nd</sup> Ave and the south frontage of Hwy 224  
265 across from the Albertson's shopping center. She agreed the parcel on Hwy 224 between  
266 Oak Street Square and Monroe Street should also be included.
- 267 • Successful neighborhoods in Portland were built around intersections or nodes. Opening up  
268 a long linear arterial strip might not be an advantage. Identifying nodes of development,  
269 such as in the Clinton neighborhood in southeast Portland, would help concentrate and grow  
270 20-minute walkable neighborhoods.
- 271 • Staff would check with the City Attorney regarding the legal line where this Code  
272 amendment would become a rezone.
- 273 • **Commissioner Churchill** said they were working backwards from the end result  
274 envisioned. The ultimate arterial development was Hwy 99 in Milwaukie, which was not what  
275 anyone wanted on the City's arterials. Nodes of small neighborhoods were better.
- 276 • Staff noted some areas like 32<sup>nd</sup> Ave had somewhat of a linear aspect especially with  
277 regard to zoning. However, some great viable, bustling neighborhoods existed in  
278 Portland that are in corridors, such as the Hawthorne Blvd area.

- 279       • Zoning around the Safeway area was literally just a block, and some businesses wanted  
280       to string out from that area. While stringing the zoning out a long way was probably not  
281       the way to go, the question was whether the Commission wanted that, and if so, to what  
282       point was that acceptable.
- 283       • **Commissioner Wilson** preferred opening it up to the entire city as opposed to nitpicking the  
284       map. The Commission could work on it in the future as applications came forward.
- 285       • **Commissioner Gamba** agreed opening it up might keep it from looking like a rezoning.  
286       As the gatekeepers, the Commission would strategically look at what made sense for a  
287       node.
- 288       • **Commissioner Fuchs** was worried that at that point, they were almost doing away with  
289       zoning.
- 290       • **Commission Churchill** agreed, adding they would then just be looking at denial on a  
291       case-by-case basis.
- 292       • **Chair Batey** could see the Commission having someone want to do something on a  
293       completely residential street that the Commission did not want to allow, and then they would  
294       have to justify why it was different from another project they had approved.
- 295       • **Commissioner Fuchs** added it would be on a street that was never planned or built for  
296       that amount of traffic.
- 297       • **Commissioners Wilson** and **Gamba** explained that such projects were self-limiting  
298       because applicants would still have to abide by the Residential Development Standards.  
299       For example, a parking lot could not cover an entire lot because a certain amount of  
300       green space is required.
- 301       • The CU aspect was not the core of the Residential Design Standards project. If the  
302       Commission's direction was to develop and identify nodes, staff would probably not include  
303       CUs in the project. The nodes suggestion would be better suited as its own individual project  
304       and would need to be addressed in the Comprehensive Plan.
- 305       • CUs could be limited to arterials and collectors with the areas identified on a map and from  
306       there the Commission could attempt to modify it.
- 307       • **Commissioner Churchill** cautioned that once they started that slippery slope and  
308       opened it up without controlling the intent, it could get away from them. If the intent was  
309       to drive development toward nodes, they should wait until they could identify or limit the  
310       areas where that would be allowed.

- 311           • This could be accomplished with a Comprehensive Plan change and a zone change  
312           for those nodes as a part of a bigger project; however, this would not happen for at  
313           least two or three years.
- 314   • Nodes would not be created through the CU process but by a set of standards that worked  
315   together with design, uses, and the entire thing. These were corridors. Corridors and main  
316   streets were also part of the city, part of healthy neighborhoods, and part of how people get  
317   around.
- 318   • Regarding the 32<sup>nd</sup> Ave and 42<sup>nd</sup> Ave Commercial Corridor Projects, they would be  
319   discussing how to make 42<sup>nd</sup> Ave more of a node, but 32<sup>nd</sup> Ave would always be a  
320   corridor, a main street. Each area was a little different. Moving forward with the CU  
321   proposal would not weaken the other urban design conversations. Even if nodes were  
322   the big idea, this project would be a bad tool to achieve that end.
- 323   • Opening it up to the collectors would create some nodes.
- 324   • **Chair Batey** was more concerned about having some control over the design and size, but  
325   was less concerned about the strip aspect of it.
- 326   • Rather than having an arbitrary number concerning size, it could be tied either to the scale  
327   of the neighborhood or size of the existing building. This same concept was used to govern  
328   setbacks, where one could average the setback of the two houses on either side of the  
329   proposed project. The new building being constructed would need to stay within some kind  
330   of a mean or average of the surrounding buildings.
- 331   • Staff already struggled with the simple setback averaging standard in determining what  
332   range should be used as the averaging tool. The CU process provides the Commission  
333   a lot of discretion to make decisions versus creating objective standards. Remove the  
334   arbitrary size limits was an option.

335

336 The Commission took the following straw polls:

- 337   • Should the City allow more CUs in its residential zones?
- 338       • All Commissioners responded 'yes' with the exception of Commission Churchill who  
339       responded 'possibly'.
- 340   • Should there be limits on location for the CUs?
- 341       • All Commissioners responded 'yes' with the exception of Commissioner Wilson who  
342       responded 'no'.
- 343   • Should there be limits on size for the CUs?

- 344       • All Commissioners responded 'yes' with the exception of Commissioners Wilson and  
345           Gamba who responded 'no'.  
346
- 347 Discussion continued about the CU process addressing the size issue with these comments:
- 348       • The CU proposal was not necessarily just for existing buildings, but for residential lots with a  
349           new building, a modified home, or the removal and replacement of a home with a new  
350           business building.
- 351       • If the Residential Design Standards applied, they would already include some things about  
352           mass and compatibility with surrounding structures, so an arbitrary size limit might not be  
353           needed.
- 354       • Concern was expressed about the huge white house on the east side of 32<sup>nd</sup> Ave possibly  
355           being converted to a CU, like doctors' offices; it would not be a residential scale building at  
356           that point.
- 357       • The CU chapter included approval criteria as well as specific standards for specific kinds  
358           of CUs, which were very limited and covered things like surface mining. One standard  
359           for yards stated the yard of a CU in a residential zone had to be enough to make the  
360           building compatible. The standards could be beefed up to address some of the  
361           concerns.
- 362       • Since CUs had to come before the Commission to get their use at all, they did not have to  
363           be concerned about having a size limit because the Commission could just say 'no'.
- 364       • The Commission would need a tool to deny the CU on a very large lot. An appropriate  
365           size parcel and appropriate size development by residential standards on a very large lot  
366           would result in a very large commercial impact.
- 367       • A larger building would need more parking and have more potential traffic impacts.  
368           Through the CU process, the Commission could determine that too many impacts  
369           existed even without addressing the size of the building.
- 370       • Being on a collector or arterial, there were ways around impacts shown in traffic  
371           engineering reports.
- 372       • Staff had confirmed with the City Attorney that not having any standards and leaving it  
373           completely up to Commission's discretion would not open the City up to legal problems.
- 374       • Staff would research other cities to find different options or ways to craft some approval  
375           criteria or standards for the CU section, or find something not quite as arbitrary as a size  
376           limitation.

- 377 • **Commissioner Churchill** noted a size limit could be set and then take an exception case  
378 on a very large lot. Leaving it wide open would leave them open to many things to have to  
379 backtrack and try to constrain.
- 380 • The 2,000 sq ft size was a good size for a commercial use in a residential neighborhood  
381 even on an arterial. Larger parcels and larger developments would have traffic  
382 generation impacts off and on the arterial, which was what they were trying to avoid.  
383 They did not want to generate trips but walkable, nodable neighborhoods with their own  
384 character.
  - 385 • He preferred starting with a limit and then the applicant could make a case for exceeding  
386 the limit.
  - 387 • Staff was also directed to look at size differences between existing buildings and scrape-  
388 offs. If there was a 2,500 sq ft building and the limit was 2,000 sq ft, what was supposed to  
389 be done with the remaining 500 sq ft?
  - 390 • Staff clarified that the Commission had general concerns about impacts and compatibility  
391 with the scale of the neighborhood.

392

393 **Mr. Mealey** reminded that the Code discussed specific uses like offices. The list of CUs was  
394 very limited, and that list was being expanded to just a small extent to permit small offices and  
395 other things in low-density zones. While the high-density zones allowed retail services, only a  
396 half dozen more uses were added, which was important criteria to consider.

397

398 The Commission took a brief recess and reconvened at 8:24 p.m.

399

## 400 6.2 Summary: South Downtown – Implementation Strategy

401 Staff Presentation: Katie Mangle, Kenny Asher

402 **Ms. Mangle** stated City Council had adopted the South Downtown Concept as the vision for the  
403 area south of Washington Street. Staff wanted to enlist the Commission's feedback on some  
404 ideas as the project moved forward. She and Mr. Asher presented the South Downtown  
405 Implementation Strategy, noting the changes property owners could make outside of any  
406 regulatory changes would be critical to bringing South Downtown to life. A one-page handout  
407 was distributed that outlined the latest informational update regarding the project and included  
408 the resolution adopted by Council.

409

410 **Kenny Asher, Community Development & Public Works Director**, reviewed the City's  
411 history with the Center for Environmental Structure (CES) beginning in 2008, and the humanist  
412 development philosophy they worked by. CES had worked with the "Group of 9" to create a  
413 Pattern Language for South Downtown that highlighted the aspects of the area that the  
414 community wanted to celebrate and preserve.

- 415 • Due to communication issues, the City changed firms and partnered with Walker Macy to  
416 extract implementable ideas from the Pattern Language, and the project was now in Phase  
417 4.
- 418 • He summarized the South Downtown Concept Plan, noting the public space circulation,  
419 plaza location, preserved views, and pedestrian connectivity with the light rail station.
- 420 • City Council adopted the plan on September 6, 2011. Staff had asked Council to adopt the  
421 Concept Plan by resolution. Adoption of the Concept Plan alone was not enough – staff was  
422 now working on how to implement the ideas.
- 423 • Presented a list of "Important Patterns for Buildings in the South Downtown" and noted that  
424 Ms. Mangle and he had reviewed the Pattern Language in depth to tease out the essentials  
425 and conflicts and determine the realities of implementation.

426  
427 **Ms. Mangle** described the challenges with the concepts, and that holding to the great ideas in  
428 the Concept Plan and Pattern Language would require creativity and innovation. She noted that  
429 the adopted Downtown and Riverfront Framework Plan and the South Downtown Concept Plan  
430 had many similar ideas and concepts, including the mixed-use, people-oriented development;  
431 connection to parks and creeks; etc. However, there were specific use and anchor ideas that  
432 were different in the South Downtown Concept Plan. She noted the Concept Plan was geared  
433 toward smaller scale development and activity rather than bigger scale campus-type  
434 development.

435  
436 **Mr. Asher** clarified that along with Council's endorsement of the Concept Plan, the resolution  
437 included a work plan for the Planning and Community Development Departments, which  
438 involved zoning code changes and other work to allow for the implementation of the Concept  
439 Plan and light rail station area plans. He reviewed the aspects of the Pattern Language that  
440 would be carried forward:

- 441 • The granularity and texture pattern allowed for development of the area over time with  
442 incremental changes, to make it more livable and comfortable. There would need to be a  
443 balance between flexibility and restrictions of development.

- 444 • The pattern that new construction is unregulated was inconsistent with other patterns and  
445 went too far. Although the City wanted to allow for faster transitions for development, there  
446 still needed to be some regulation.

447

448 **Mr. Asher** added that for early implementation, the Community Development Department  
449 understood that there needed to be more activity in that part of town. Some ideas for “small  
450 moves” to start using the area included adding a mid-week Farmers’ Market, cleaning and  
451 painting buildings, adding food carts, closing the street for events, etc.

- 452 • Work for the light rail station and with property owners was still continuing.

453

454 Comments and questions from the Commission were addressed by Mr. Asher and Ms. Mangle  
455 with additional discussion as noted:

- 456 • One suggestion for a “small move” was to have a band and food booths to create some kind  
457 of critical mass element in South Downtown on first Fridays. One month, the Clackamas  
458 County Parks and Recreation District had a kids van doing kids’ activities. The City should  
459 have things to get people to South Downtown and start thinking about it as place to go.

- 460 • Some of what used to be abandoned or nasty little parking lots were now some of the most  
461 hopping places in the entire city of Portland because of food carts. Nothing brings people  
462 together like little collections of great, cheap food.

- 463 • Something to be considered with the food carts was their impact on the downtown  
464 restaurants, although the increased activity might encourage more business for them.

- 465 • An information kiosk could be placed in the plaza with a conceptual drawing including  
466 Kellogg Creek, Riverfront Park, and South Downtown so that people visiting the site would  
467 get excited about all the different plans.

- 468 • There should be something for teens in the area other than just a pizza place. This issue of  
469 doing whatever possible to connect with the high school had been brought up a lot during  
470 the Advisory Committee.

- 471 • High school students liked the food cart idea as well.

- 472 • **Commissioner Churchill** agreed with compelling smaller scale development discussed in  
473 the second bullet of the staff report on 6.2 Page 3 but some existing buildings still did not  
474 have the appropriate scale for that plaza, such as the post office building.

- 475 • Regarding the point that commercial space could receive occupancy space with minimal  
476 interior finishes, he stated that when trying to develop a fabric off a plaza like that,



- 477 encouraging commercial space to receive occupancy permits with minimal interior  
478 finishes could lead to the wrong scale development in that area.
- 479 • If the post office building, for example, was not encouraged to really break the scale  
480 down, it could detract from the concept of the plaza and the development in the area.
  - 481 • Mr. Asher responded that the tension in the Concept Plan was captured in those two  
482 patterns. On one hand, they wanted a place that could develop with a certain quality of  
483 almost yeoman-like, do-it-yourself, noncorporate, organic approach to development, which  
484 meant the Codes could not be too prohibitive. There needed to be a certain freedom to allow  
485 individuals to exercise their construction or craft. In this planning process, people got excited  
486 that this really was about the community and about real people doing real work in creating  
487 and using the area. They were trying not to lose that creative element while also trying to  
488 protect the area from being downtrodden or ramshackle. Protecting plaza and outdoor  
489 spaces, the scale of buildings and how to address public spaces, etc., were all important,  
490 but also created that tension.
  - 491 • Staff discussions regarded this area coming together over time, and maybe the rules  
492 would change over time. If the plaza was not finished in the first five years, maybe they  
493 did not need to hold those buildings to the standard of protecting the plaza but  
494 encourage life and reuse in the area. They could get to the point where adjustments are  
495 needed, because the place was maturing and the plaza was in their sights, so at that  
496 point, the buildings had a different job to do.
  - 497 • Trying to insert that fourth dimension of time into the regulatory framework was one way  
498 to deal with the tension, because the job of the place would change over time.
  - 499 • If the existing buildings remained for a long time and low rent uses are allowed forever,  
500 the City would not get some of the qualities and spaces desired. On the other hand, if  
501 certain qualities and spaces were required on Day One, they would not get the life and  
502 artisan quality that people wanted.
  - 503 • Staff was asked to remind the Commission who owned the parcels indicated on Pages 14 of  
504 the parcel framework and Page 22 of the Walker Macy plan.
  - 505 • The .13 acres on the southwest corner of Washington St and Main St was owned by Dr.  
506 Belori, the dentist. Everything else in the lighter shade of purple was owned by the City.  
507 Across Main St, the .13 acre, .08 acre, .26 acre and .13 acre was owned by the  
508 Bernards. The .26 acre and .18 acre was owned by the Shipleys. Across Adams St to  
509 the south, the .37 acre, which people called the post office building, was also owned by  
510 the Shipleys. Everything in yellow overlapping the light rail station, and the .16 acre on

- 511 the east side of the light rail station in purple, would all be owned by TriMet. Even though  
512 today it was a combination of Union Pacific and private ownership, TriMet would acquire  
513 that property for the light rail project. The triangle site to the east of the light rail platforms  
514 hopefully would be sold for development to do the train station building which was an  
515 idea that came from this planning process.
- 516 • **Commissioner Churchill** noted it came down to two primary landowners, the Shipleys  
517 and Bernards. He asked how the City would encourage development of those parcels in  
518 a way that reinforced the organic growth so it becomes the fabric they were trying to  
519 achieve from earlier studies, given the existing compilation.
  - 520 • **Mr. Asher** replied that was another tension. Everyone in the community might love  
521 the plan except for the property owners, and they needed to be careful about that  
522 because laws exist that would protect their property rights.
  - 523 • They needed to think about the sequencing of development and desired outcome,  
524 but also the common sense of incremental development.
    - 525 • The garage in the Bernard holdings was particularly well suited for an adaptive  
526 reuse in short order. As an example, the auto shops in Portland that have  
527 become brew pubs. The configuration of the building facing Washington St is  
528 tailor-made for that idea, which has been shared with Mr. Bernard.
  - 529 • Issues exist about where retail use is allowed, but three buildings were present that had  
530 potential. The idea was not to think about South Downtown as one ultimate plan, but to  
531 plan for a process of enlivening the area by changing the zoning.
    - 532 • The City needed a zoning code that worked over time and with different scales of  
533 buildings.
    - 534 • One issue was that the current downtown zoning Code mandated the ultimate build-  
535 out now, which was one thing holding them back. The block with Bernard's Garage  
536 was a perfect case study. The owners had bigger visions, but were limited by the  
537 zoning. Redevelopment using new buildings, old buildings, or a combination was  
538 possible that met the goals of the Pattern Language. Code language was needed to  
539 allow for all those scenarios, but insisted on what is important.
  - 540 • The areas across Washington St and across 21<sup>st</sup> Ave would be the first areas outside the  
541 South Downtown area to be impacted by new development, as well as the area right across  
542 from the light rail station. Would the new zoning tools apply to those areas as well?

- 543 • **Ms. Mangle** replied 'no'. The study was very specific to the South Downtown area  
544 largely because it was so highly redevelopable. In that way, it was different from areas  
545 north of Washington St.
- 546 • One aspect of the Commercial Core Enhancement Program was a downtown Code  
547 refresh. They had a good vision, but some Code elements were hindering them from  
548 realizing that vision. They hoped to do the refresh for all of downtown. In trying not to  
549 hold that off for too many years, staff had been identifying the low hanging fruit for  
550 that project. Similar to the CUs conversation, the City might be able to allow a more  
551 robust list of uses with a few small changes and without having to turn it into a huge  
552 project.
- 553 • Staff was thinking about the whole area, while also trying to limit the scope, because  
554 all the work being done was so specific to this area, and they wanted to respect that.  
555 Also, in terms of workload management, staff wanted to make sure they were not  
556 biting off more than they could chew.
- 557 • The original group talked about the South Downtown project being a Genesis point,  
558 where they changed the way things were done and then that would spread throughout  
559 the city.
- 560 • The .18 acre lot owned by the Shipleys across from the post office would be a great  
561 backdrop for a series of food carts. It would not have to be right on the plaza center, but  
562 would certainly draw to downtown and feed to the high school.
- 563 • Adams St would have to be closed sooner rather than later because of light rail, so with  
564 that parking lot plus the Adams St right-of-way, there was quite a bit of space for that  
565 type of thing.
- 566 • In thinking about next steps, it was important to remember that the area would be torn up  
567 almost entirely on the 21<sup>st</sup> Ave side as soon as the light rail construction began. They  
568 needed to be careful about what they took on and tried to pull off during all the construction  
569 activity.
- 570 • The little section of Lake Rd between Main St and 21<sup>st</sup> Ave was being renamed by Council  
571 direction to Main St, as a continuation of Main St, which was a good change.
- 572 • The light rail project would provide quite a few street improvements, and maybe staff would  
573 figure out how to get improvements on Adams St as well. The construction would be  
574 unfortunate, but a lot of the streetscapes would become a lot nicer as a result of the light rail  
575 project.

- 576 • During light rail construction, at least one lane of 21<sup>st</sup> Ave would have to stay open  
577 because emergency vehicles could not make it under the existing railroad trestle.  
578 • The presence of the construction was important to consider when wanting to draw high  
579 school students to the plaza for lunch to spark vitality in South Downtown.  
580

581 **Ms. Mangle** stated staff would return for additional discussion on this issue.  
582

583 The Commission continued to Item 9.0 Forecast for future meetings at this time.  
584

585 **7.0 Planning Department Other Business/Updates** 7.1 Neighborhood

586 Corridors Project: 32<sup>nd</sup> and 42<sup>nd</sup> Avenues

587 This item was taken out of order and addressed following 5.0 Public Hearings.  
588

589 **Ms. Mangle** explained the Commercial Core Enhancement Program has been envisioned as a  
590 multifaceted Planning project to deal with various issues such as economic development, urban  
591 renewal, downtown and commercial area enhancement. The City was awarded a grant by Metro  
592 of more than \$200,000 to do that work, but it was now stuck in a lawsuit, limiting access to the  
593 funds. Staff has been considering what to move forward on without the grant, and decided to  
594 focus on the 32<sup>nd</sup> Ave and 42<sup>nd</sup> Ave corridor areas. The project would not be very complex, but  
595 would require a lot of neighborhood and property owner involvement, specifically from  
596 commercial property owners in the area. Key items to address would be zoning and policy  
597 changes to nurture economic development and maintain a nice scale. Some Planning budget  
598 funding would be dedicated to the project, and a team of Portland State University graduate  
599 students from the Planning program would be recruited to help with outreach, including  
600 interviewing property owners, etc. This project would probably start up in early 2012. Parts of  
601 the project would involve uses, building design standards, and could include signs.  
602

603 **7.2 Electronic Signs Project: Council Hearing**

604 **Ms. Mangle** stated staff was preparing for a City Council public hearing on October 18 on the  
605 Electronic Sign Code Amendments package adopted by the Commission last month. She  
606 wanted to ensure that at least one Commissioner attended the hearing so Council could hear  
607 directly from someone on the Commission. Councilors expressed concerns about three aspects  
608 of the proposal, the time limit, size limit, and retroactivity, which involved whether proposed time

609 limit changes would apply to existing signs. She envisioned that changes would be made to get  
 610 the amendments adopted and having the Commissioners explain why the Code was crafted as  
 611 it was could be useful.

612 The Commission had deliberately stated that the standards would apply to all signs regardless  
 613 of when they were constructed.

- 614 • Staff was asked to prepare a few alternatives, which would be shared with the Commission  
 615 on Friday when presented to Council. The sense was there was not a question about the  
 616 overall goals of the project, but about the same details the Commission had heard from  
 617 people and had wrestled with. No new letters or correspondence had been received outside  
 618 of what had been included in the Commissioners' meeting packets.
- 619 • In the Sign Code draft, the time limit was two minutes and the size limit was 50% or 50 sq ft,  
 620 whichever was larger.

621

622 **Chair Batey** encouraged everyone who was able to attend the City Council hearing.

623

624 The Planning Commission returned to 6.0 Worksession Items at this time.

625

626 **8.0 Planning Commission Discussion Items – None.**

627

628 **9.0 Forecast for Future Meetings:**

629 October 25, 2011 1. Public Hearing: CSU-11-02 Ukrainian Bible Church  
 630 2. Worksession: Residential Design Standards Project Draft Code  
 631 Amendments

632 November 8, 2011 1. Public Hearing: WG-11-01 Kellogg Lake light rail bridge  
 633 2. Public Hearing: MOD-11-01 Trolley Trail for light rail

634

635 **Ms. Mangle** confirmed the forecast was still accurate and briefly reviewed the upcoming  
 636 meeting items. Chair Batey was the only sitting Commissioner when the CSU was previously  
 637 approved for the Ukrainian Bible Church; this modification was minor comparatively. She sought  
 638 direction about how to navigate through the Residential Design Standards Project without  
 639 having to repeat policy discussions at the Commission that were addressed by the Steering  
 640 Committee. She encouraged the Commissioners to meet for a study session with Ms. Shanks if  
 641 needed. Staff tentatively scheduled two hearings for the Kellogg Lake Bridge and Trolley Trail  
 642 applications.

643

644 Meeting adjourned at 9:17 p.m.

645

646

647

Respectfully submitted,

648

649

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651

652

Paula Pinyerd, ABC Transcription Services, Inc. for

653

Alicia Martin, Administrative Specialist II

654

655

656

\_\_\_\_\_  
Lisa Batey, Chair



# MILWAUKIE

*Dogwood City of the West*

**To:** Planning Commission

**Through:** Katie Mangle, Planning Director

**From:** Ryan Marquardt, Associate Planner

**Date:** January 4, 2012, for January 10, 2012, Worksession

**Subject:** Residential Development Standards Recommendations – Single-family Dwelling Development & Design Standards; Conditional Uses (briefing 2 of 3)

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## **ACTION REQUESTED**

None. This is a briefing for discussion only. This is the 2nd of 3 worksessions scheduled to prepare the Planning Commission for the first hearing on code amendments related to the Residential Development Standards (RDS) project.

## **BACKGROUND INFORMATION**

### **A. History of Prior Actions and Discussions**

- **December 13, 2011:** The Commission was briefed on topics in the RDS code amendments, focusing on multifamily standards, cottage cluster housing, rowhouses, and land/building ownership configurations.
- **October 25, 2011:** The Commission was briefed on the proposed code amendments for the Residential Development Standards project and identified topics for further discussion.
- **October 11, 2011:** The Commission discussed one aspect of the project: conditional uses in residential zones.
- **September, 2011:** The Planning Commission discussed some aspects of the proposed multifamily design standards during a joint study session with City Council.
- **June, 2011:** The Planning Commission discussed some aspects of the proposed single family design and development standards during a joint work session with City Council.
- **October 2010:** Staff provided the Planning Commission with a project setup summary including the scope of work and project schedule, and discussed the formation of a Commission subcommittee to guide the project.

- **March 2010:** Staff provided the Planning 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.
- **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. Adoption Schedule

At the January 10th meeting, staff will ask the Planning Commission if it is ready to hold the first hearing on adoption of the RDS code amendments on February 14, 2012. This schedule would allow for one more worksession on January 24, 2012 to discuss accessory dwelling units, accessory structure regulations, and any other topics that commissioners want to revisit before opening the public hearing. Staff anticipates at least two Planning Commission public hearings on the amendments.

If the Commission indicates it is ready to proceed on February 14th, staff will send out a Measure 56 notice by January 25, 2012. This notice is required by state law to be sent to all property owners when proposed regulations may affect the permissible uses on their property. The notice must be sent out no later than 20 days prior to the first hearing on the proposed regulations. Staff estimates the notice will be sent to over 7,000 properties in the city. A draft of the Measure 56 notice is in Attachment 1, and staff welcomes any comments commissioners may have on the notice and its content.

Staff encourages commissioners to read through the commentary sections of the most recent draft of the code amendments. The most recent draft is available on the Planning Department home page (<http://www.ci.milwaukie.or.us/planning>) under the "Residential Development Standards Update Project" heading. Reading the commentary will provide an overview of the contents of the amendments. It may help commissioners decide if one more worksession is adequate to address questions or comments about the amendments before considering the amendments at a public hearing.

## RESIDENTIAL DEVELOPMENT STANDARDS PROJECT TOPICS

This section of the report describes the topics that staff will cover at the worksession on January 10, 2012. The Planning Commission selected these topics for further discussion in October 2011.

### A. Single-family Dwelling Design Standards

One of the major goals of the RDS project is to improve the design of new and significantly expanded single-family dwellings. The zoning code currently has a very minimal set of design standards that are among least stringent in the region. The RDS amendments would improve include the following standards.



1. Articulation

The standards require elements on the dwelling's façade that prevent the building from presenting a blank wall. One element is required for every 30 lineal feet of the façade, and the elements may include a porch, balcony, bay window, or offset in the building's face.

2. Eyes on the Street

This requires that the street-facing façade have windows and entry doors on at least 15% of its area. This standard is intended to increase the visibility of the street from private dwellings, which helps to increase the overall safety of the street. It also makes dwellings appear more inviting.

3. Main Entrances

Main entrances are required to face the street or open onto a porch that faces the street. A door must also be either on the longest street-facing wall or be no further than 8 ft behind the longest street-facing wall.

4. Design Details

A dwelling must include 5 out of a list of 14 design details. The details include items such as siding, eave depth, or larger porch area. These details are intended to enhance the appearance of the dwelling through inclusion of quality materials and façade elements.

These standards would apply to new dwellings, the street-facing façade of additions greater than 300 sq ft, and the street-facing façade of garage conversions.

**B. Garage Standards**

The RDS amendments include some basic standards for the placement of garages. The basic standard is that a garage cannot be closer to the street than the front of the house. There are exceptions that allow the garage to be up to 5 ft in front of the house if the garage is even with a front porch or there is a second story with windows above the garage. Attached garages are also limited to 35% of the width of a street-facing wall, though an attached garage of up to 12 ft in width is allowed regardless of the percentage.

**C. Garage Standards**

The RDS amendments include some basic standards for the placement of garages. The basic standard is that a garage cannot be closer to the street than the front of the house. There are exceptions that allow the garage to be up to 5 ft in front of the house if the garage is even with a front porch or there is a second story with windows above the garage. Attached garages are also limited to 35% of the width of a street-facing wall, though an attached garage of up to 12 ft in width is allowed regardless of the percentage.

**D. Lot Coverage**

The Planning Commission wanted more information about the different lot coverage allowances. Lot coverage is a development standard that regulates how much of a lot's area is covered by structures. Patios, driveways, and other impervious surfaces are not counted as lot coverage, though they count against the standard that requires a certain percentage of a lot to be vegetated. The current lot coverage standard is a set numerical percentage that

applies equally to all lots in the same zone. The RDS amendments would modify the lot coverage standards as follows.

1. Decreased Lot Coverage for Large Lots

Large lots would be defined as any lot in the R-10, R-7, or R-5 zone that is at least 2.5 times the minimum lot size for the zone. The lot coverage for large lots would be decreased by 10 percentage points. The rationale for this change is to prevent structures on these lots from being out of scale in comparison to structure sizes allowed on most lots within the zone. Though the lots may be larger, the structures are not necessarily spaced further apart from neighboring properties, particularly for lots with a large lot depth.

As an example, a 7,000 sq ft lot in the R-7 zone allows 2,100 sq ft of lot coverage (30%). A 17,500 sq ft lot in the R-7 zone allows a lot coverage of 5,250 sq ft. The proposed change would limit the lot coverage to 3,500 sq ft (20%).

2. Increased Lot Coverage for Accessory Dwelling Units

Lot coverage would be increased by 5 percentage points for construction of a new detached Accessory Dwelling Unit (ADU). This would make it somewhat easier for properties to be able to add an ADU. For a 7,000 sq ft lot, the 5% increase would allow an additional 350 sq ft of lot coverage.

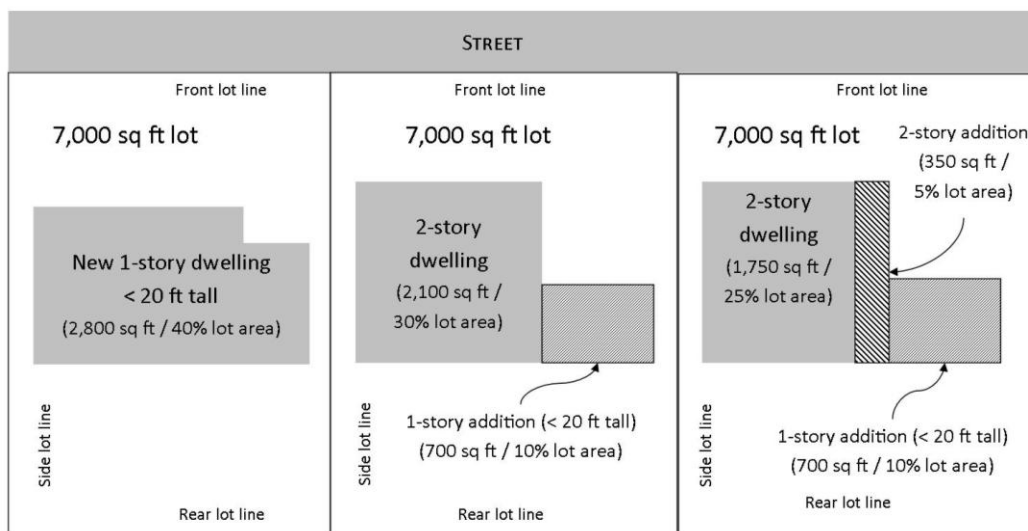
3. Increased Lot Coverage for Duplexes and Rowhouses

Lot coverage would be increased by 20 percentage points for duplexes and rowhouses. Duplexes are allowed outright in the R-5 – R-1-B zones, and allowed in specific places or with discretionary review in the R-10 and R-7 zones. Rowhouses are allowed only in the R-3 – R-1-B zones. The lot coverage increases may make both of these types of development more feasible to build.

4. Increased Lot Coverage for Single-Family Dwellings

Lot coverage would be increased by 10 percentage points for single-family detached dwellings, regardless of whether they are new development or additions to existing development. The limitation on this increase is that portions of the building in excess of the regular lot coverage standard are limited to 20 ft / 1-story in height. All other development standards (setbacks, minimum vegetation) must be met. Milwaukie's lot coverage standards are more stringent than most other jurisdictions in the region, and this allowance provides some flexibility from the standard while also limiting the mass of the increased building size. This allowance is available in all residential zones (R-10 – R-1-B).

The figures below illustrate how the increased lot coverage could work for a 7,000 sq ft lot.



Figures illustrate lots at 40% lot coverage in various configurations. Not to scale.

These lot coverage adjustments are all allowed outright, meaning that no additional land use approvals are needed. The adjustments also work cumulatively, so that a property could take advantage of an increase for an ADU as well as an increase for an addition to a single-family dwelling.

Staff did explore other approaches to controlling the massing of development on a lot. The most common alternative to lot coverage appears to be regulating the Floor Area Ratio (FAR) of a lot. This approach limits the amount of floor maximum amount of floor area (habitable areas within a dwelling) based on the lot size. One drawback of this approach is that there is less certainty about the form of a building. An FAR regulation may result in a 2-story building that is roughly similar to the footprint of nearby existing developments, or a 1-story building that has twice the footprint of the nearby developments. Lowering the FAR to limit the footprint of a 1-story building would result in correspondingly narrower 2-story houses. Staff believes that the combination of height limits and lot coverage standards will yield a more predictable style of development. Regulating FAR also introduces complications about regulating sheds, carports, and garages. The area in or under these structures do not count as floor area. Switching to an FAR regulation would still require a lot coverage standard to address the size of these structures.

## E. Building Height Measurement

Planning Commission asked for a more detailed explanation of how building height is measured. The proposed amendments would change the method for determining building height. Building height is determined by the distance between the base and top of the building. These two points can be defined in different ways.

The current code defines the base as either “the adjoining street centerline grade” or “the average elevation of the finished grade at the front of the building” if the building is set back from the street. The top of the building is defined as “the highest point of the roof surface of a

flat roof, [...] the deck line of a mansard roof, or [...] the mean height between the eaves and the ridge for a gable, hip, or gambrel roof”.

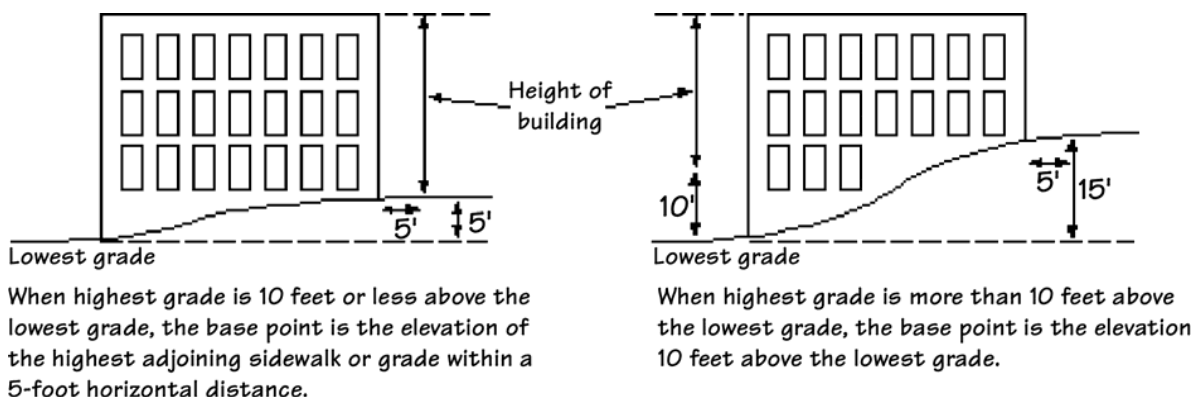
An issue with this method of measurement is when a lot slopes downward from the street. Although the height limit on the front of the building is limited, the building height at the rear of the building can be very tall if the land slopes downward steeply.

The proposed amendments would determine a base point as described in the figure below. For flat lots (less than 10 ft elevation difference), the base is the highest point within a 5 ft distance of the building. For lots that have more than a 10 ft elevation difference, the base is a point that is 10 ft above the lowest grade.

The measurement of height on flat lots would not change in any significant way, while the measurement of height on sloped lots would better account for topography in measurement of the building height.

The proposed measurement for the roof height would not change in any substantive way. Figures would be added to better illustrate the roof heights for various roof styles.

### Proposed Building Height Measurement Methodology



## F. Conditional Uses

The Planning Commission wanted to further discuss the allowance for a broader range of commercial uses as conditional uses in some residential zones.

In the current code, professional offices and similar uses are allowed as conditional uses in the R-3, R-2, R-2.5, and R-1 zones. They are permitted outright in the R-1-B zone, and not allowed in the R-10, R-7, and R-5 zones. There are not any further criteria that would qualify or disqualify a site from having an office use, such as location or site size.

The RDS amendments would not change the allowance for offices in the R-3 – R-1-B zones. The amendments would add ‘personal and business services’ (dry cleaners, salon, etc.) as conditionally allowed uses in the R-3 – R-1-B zones. There would not be any further location or other criteria that would qualify or disqualify a site from these uses.

The other change in the RDS amendments is that offices would be allowed as conditional uses in the R-10, R-7 and R-5 zones. There are two limitations on office uses in these zones: (1) The property is located on an arterial street; and (2) The use is limited to 2,000 sq ft or

less, with an exemption that may be granted to exceed 2,000 sq ft for use of an existing building.

An alternate idea for allowance of office uses in the R-10 – R-5 zones is to allow them at nodes where major streets intersect, rather than along arterial streets.

Attachment 2 shows areas eligible for offices as a conditional use based on having frontage on an arterial street. The major areas where offices could be permitted are along Linwood Ave, Lake Rd, King Rd east of 42nd Ave, and Harrison St between 34th and 40th.

Attachment 3 shows areas eligible for offices as a conditional use based on being within 300 ft of the intersection of a highway or arterial street and a collector, highway, or arterial. These criteria are staff's initial thoughts on the appropriate intersections and distances. The major nodes where offices would now be allowed are 2 nodes on River Rd at 22nd Ave and McLoughlin Blvd; Lake Rd at Oatfield Rd/34th Ave; Oak St at Highway 224; and 37th at Harrison St.

Staff supports the proposal to allow offices as a conditional use along arterial streets for multiple reasons.

1. Lots along arterial streets are often not as desirable for residential uses.

A general analysis of land values supports the idea that lots along arterials streets are not as desirable. Attachment 4 illustrates land value per square foot for lots in the R-10, R-7 and R-5 zones. The map shows that lots on arterial streets tend to have a lower land value than lots not located on arterials. A rough calculation of average land values confirms this general trend. The average land value (price per square foot) of R-10, R-7 and R-5 lots on arterials streets is about \$5.86 per square foot, while the average land value of all other lots in these zones is \$10.03 per square foot.

The land value map and statistics are a broad-level analysis that is influenced by multiple variables. However, the data does show that the subset of R-10, R-7 and R-5 lots on arterial streets does have a lower average land value.

2. Allowing offices as a conditional use helps to allow the best use of residentially zoned properties on arterial streets.

In addition to being less desirable for residential uses, lots along arterial streets are likely more desirable for office uses, as evidenced by the high number of home occupations and nonconforming office uses that exist in these corridors. Staff believes that site visibility and proximity to higher traffic volumes is the main factor in being less desirable for residential and more desirable for office uses.

3. Allowing offices as a conditional use along arterial allows more options for land uses for a larger number properties.

Allowing office uses for nodes would allow some properties in the city to take advantage of having a wider array of possible uses. However, it would extend this to a more limited number of properties than allowing office uses along arterial streets. There are about 300 lots that would be eligible based on having frontage on an arterial street. There are approximately 100 lots that would be eligible based on node areas described above. This is mostly a function of Milwaukie having few intersections of major streets that are not already zoned for commercial or high density residential uses.

## **ATTACHMENTS**

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

1. Draft Measure 56 Notice
2. Map of Properties Eligible for Office Uses – Arterial Frontage
3. Map of Properties Eligible for Office Uses – Major Street Intersection Nodes
4. Map of Properties Eligible for Office Uses – Land Value of R-10, R-7 and R-5 Lots

**THIS IS TO NOTIFY YOU THAT THE CITY IS CONSIDERING ADOPTION OF LAND USE REGULATIONS THAT MAY AFFECT THE PERMISSIBLE USES OF YOUR PROPERTY**  
(Land Use File #ZA-11-03)



**WHY THE CITY IS SENDING THIS NOTICE**

State law requires cities to inform property owners about proposed land use regulation changes that may affect what development projects can be constructed on their property. You are receiving this notice because you are the owner of residential property in the City, and the proposed changes to the City's residential development and design standards potentially affect every residential property in Milwaukie.

**HOW THE PROPOSED REGULATIONS MIGHT AFFECT YOUR PROPERTY**

The land use regulations will revise the standards for residential development and design. If you are considering development or redevelopment of a residential property in the City, the proposed regulations may affect the standards the project is subject to and the process it would have to go through to gain approval.

**WHY THE CITY IS PROPOSING NEW REGULATIONS**

The City currently has design standards for new single-family homes, but there has been neighborhood concern about new infill housing (and significant additions) not being compatible with existing housing in height or scale. In addition, the City doesn't have design standards for multifamily housing and doesn't allow certain kinds of housing that many property owners want, such as detached accessory dwelling units (i.e. granny flats or mother-in-law suites), rowhouses, and cottage clusters. In response to these community concerns, City Council directed staff to address these issues through this project. To address these issues, the City is proposing to change its land use regulations, which are located in Title 19 of the Milwaukie Municipal Code, to revise the City's residential development and design standards.

**THE PUBLIC PROCESS TO DATE**

City Council directed the City's Planning Department to begin this project in 2009. These proposed regulations are the result of an 18-month long project to update the City's residential development and design standards. To date, City staff has conducted online surveys; interviews with community members; hosted stakeholder focus groups with Neighborhood Association leaders and developers; held a Housing Choices Workshop and a project Open House; and provided 13 staff updates to the Planning Commission and City Council. In February 2011, staff convened a 10-member project steering committee to guide the project policy. A full description of public outreach activities to date is located at <http://www.ci.milwaukie.or.us/planning/community-involvement-and-outreach>. Although a great deal of work has been done, the project is ongoing and there are still opportunities for participation and comment.

**HOW TO LEARN MORE ABOUT THE PROPOSED REGULATIONS**

- The City will be hosting an informal question and answer session about the proposed amendments on **Wednesday, January 18, from 3 to 6 p.m. in the City Hall Conference Room, 2<sup>nd</sup> floor.**
- Project information is available on the City's website: <http://www.ci.milwaukie.or.us/planning/residential-development-standards-update-project>.
- The proposed regulations, all supporting documents, and all applicable City ordinances are available for review at the Johnson Creek Facility (address at bottom of page) or online at: <http://www.ci.milwaukie.or.us/planning/residential-development-standards-update-project>. Copies of the materials can be obtained at a reasonable cost.

### SUMMARY OF PROPOSED CHANGES

- The regulations apply to new single-family houses and new multifamily buildings, as well as some additions to existing residential buildings.
- Density standards (the number of dwelling units permitted per acre) will not change. Rather, the regulations will provide additional tools to shape the design and form of multifamily development where it is already allowed.
- Proposed revisions to single-family standards include:
  - Establishing a maximum percentage of a house's façade that can be composed of a garage to make sure that garages do not dominate the front of the house.
  - Requiring additional design features on the street-facing walls of new houses to make sure that new houses contribute positively to the neighborhood and pedestrian environment.
  - Compatibility standards to make sure new houses respect existing houses.
  - Permitting detached accessory dwelling units in all residential zones. This would allow a property owner to have a smaller house in the rear of the lot, or an apartment above a detached garage.
- Proposed revisions to multifamily standards include:
  - Establishing design standards for multifamily residential development. This would require new multifamily development to meet site and building design standards.
  - Allow cottage cluster and rowhouse development in the zones where multifamily development is already allowed.
- Proposed revisions to accessory structure standards include:
  - Allowances for larger accessory structures with additional setbacks. Currently, accessory structures cannot exceed 500 square feet for a typical lot in the City.
  - Prohibiting tarps and other fabric structures where they can be seen from the sidewalk or street.
  - A new section for sustainability-related accessory structures, such as rainwater cisterns and wind mills.

### HOW TO COMMENT ON THE PROPOSED REGULATIONS

The Milwaukie Planning Commission will hold a public hearing on the proposed changes (Land Use File #ZA-11-03) at the date, time, and location listed below:

**Date:** Tuesday, February 14, 2012  
**Time:** 6:30 p.m.  
**Location:** Milwaukie City Hall – 10722 SE Main Street – Council Chambers, 2nd floor

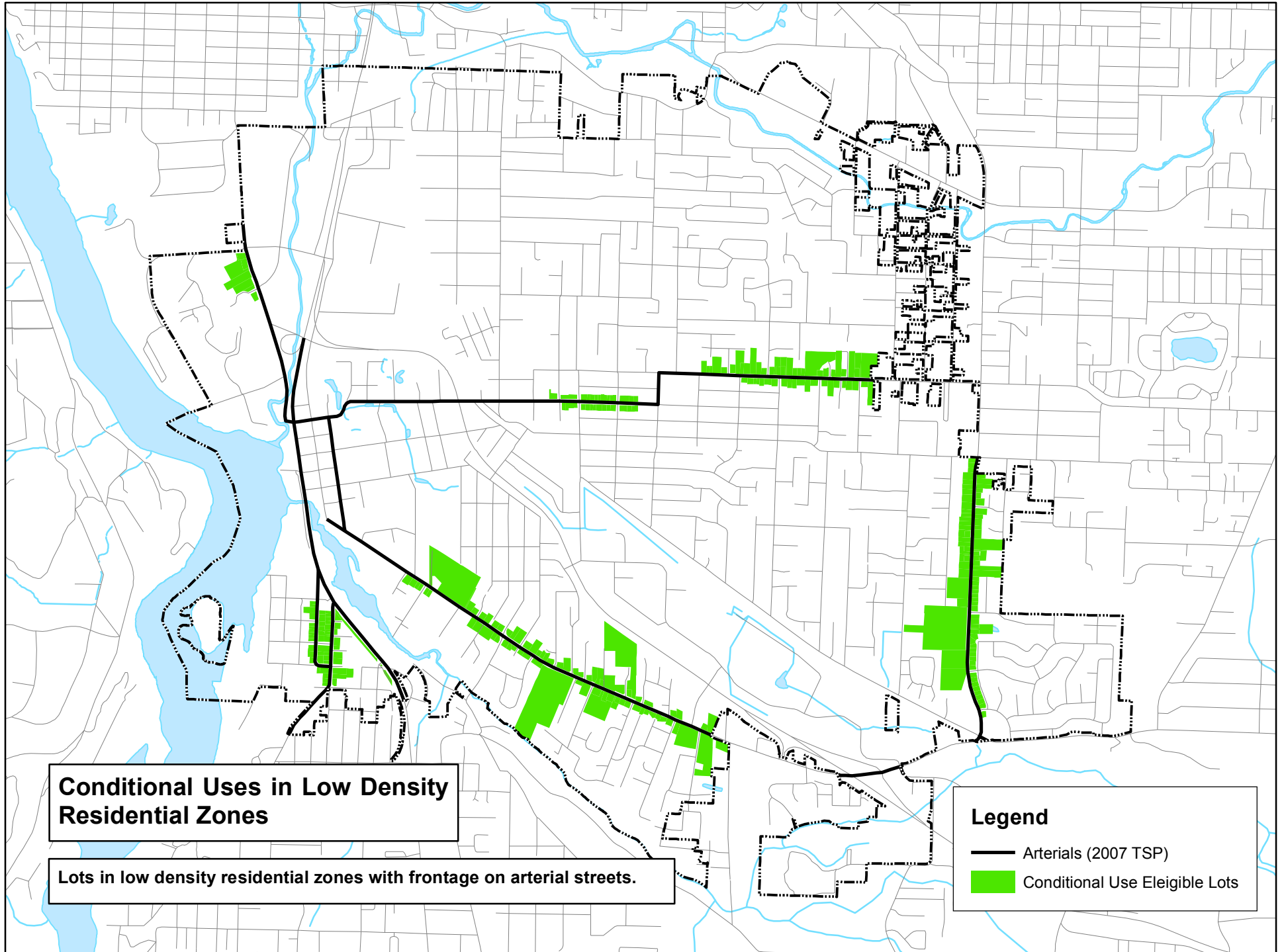
The materials provided to the Planning Commission for the hearing will be available at 8:00 a.m. on Wednesday, **February 8, 2012**, at the Planning Department, Ledding Library (local information shelf), City Hall (10722 SE Main St), and online at <http://www.ci.milwaukie.or.us/planning/planning-commission-50>. If the Planning Commission recommends approval, the proposed regulations will be considered for adoption by the Milwaukie City Council at a future public hearing.

**The Planning Commission is interested in hearing your comments on this proposal.** You are invited to attend any or all of the hearings and/or submit written comments to the Planning Department before the hearing begins. You may also submit written comments or present verbal testimony at any or all of the hearings.

Contact Info: Li Alligood, Assistant Planner  
 Planning Department; 6101 SE Johnson Creek Blvd; Milwaukie, OR 97206  
 Email: [alligoodl@ci.milwaukie.or.us](mailto:alligoodl@ci.milwaukie.or.us)  
 Phone: 503-786-7627

*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.*



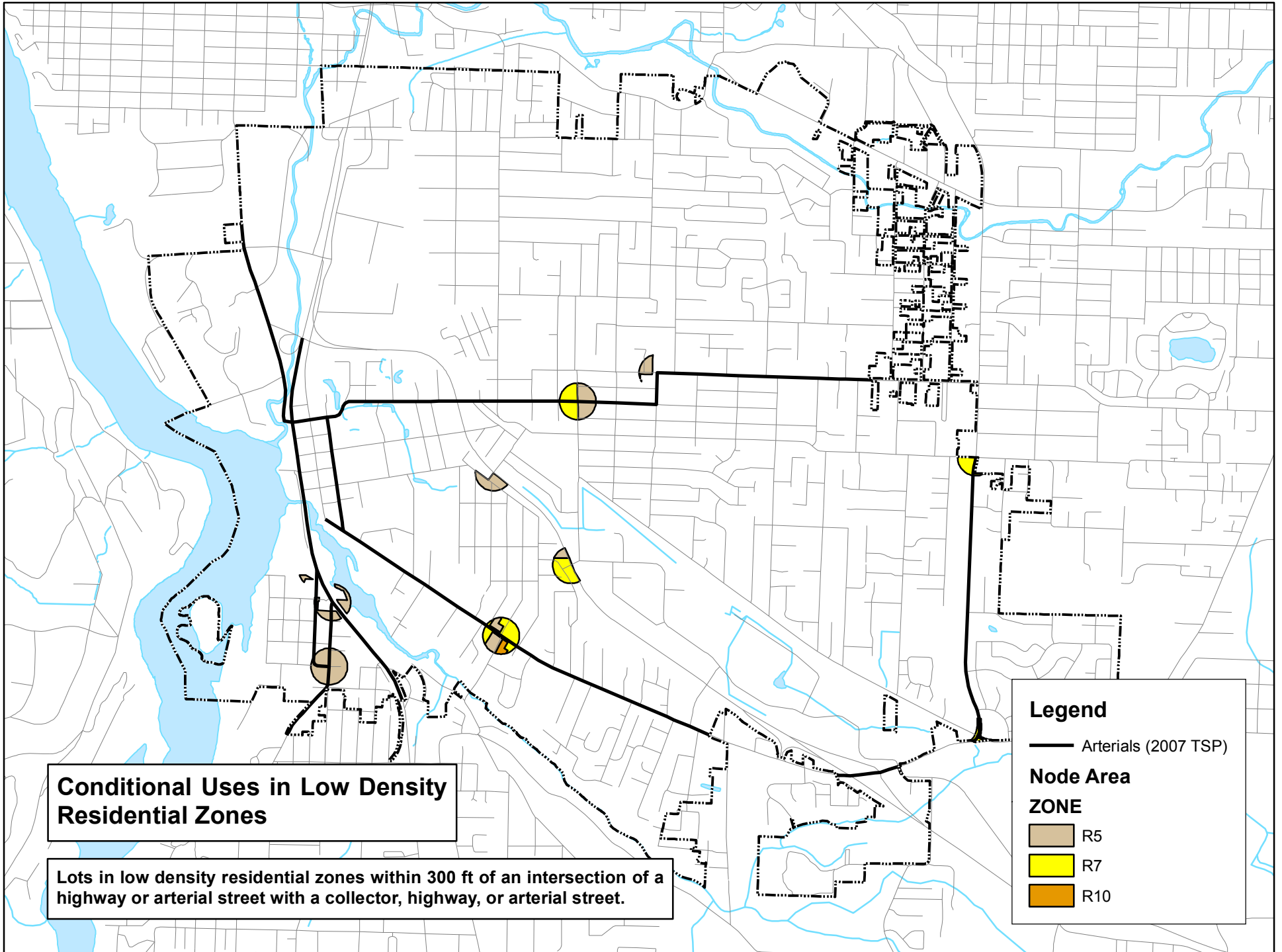


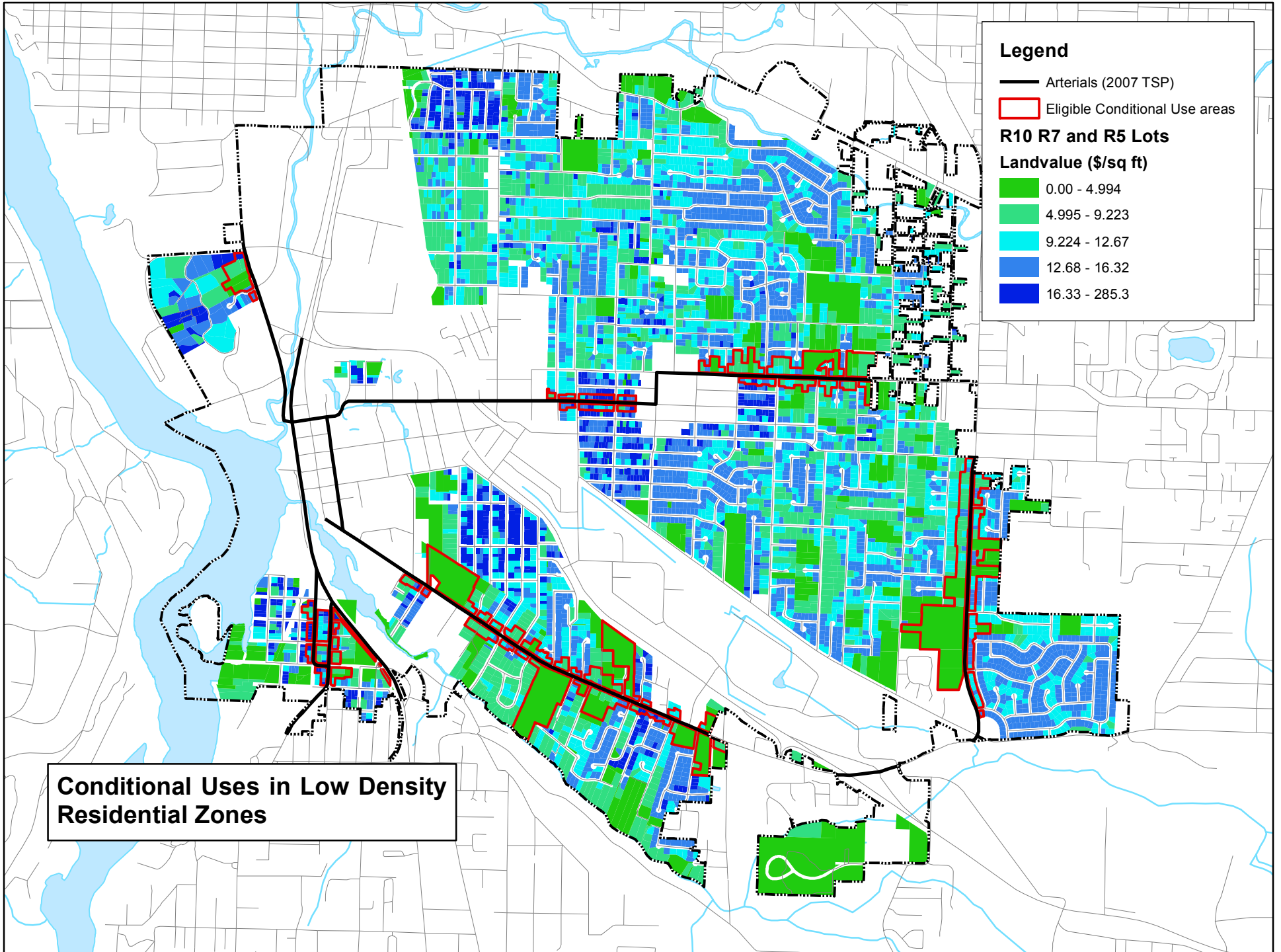
**Conditional Uses in Low Density Residential Zones**

Lots in low density residential zones with frontage on arterial streets.

**Legend**

- Arterials (2007 TSP)
- Conditional Use Eligible Lots





**Conditional Uses in Low Density Residential Zones**