

Welcome



**MILWAUKIE COMPREHENSIVE  
PLAN IMPLEMENTATION  
COMMITTEE (CPIC)**

**Meeting #4**

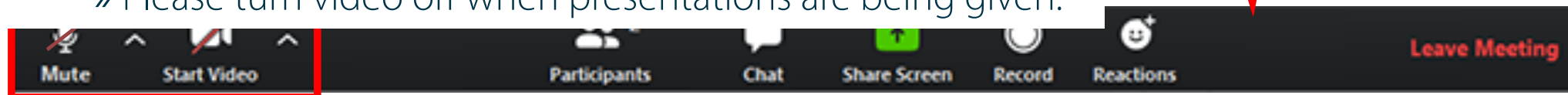
December 17, 2020, 6 – 8 PM

## Zoom Meeting Procedures

This meeting is in webinar mode.

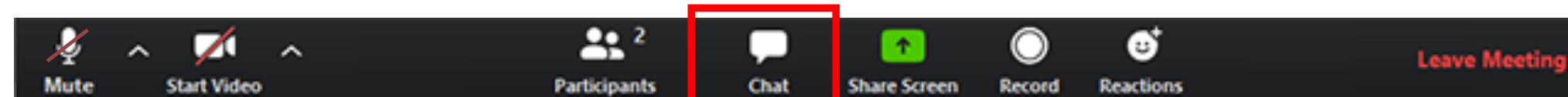
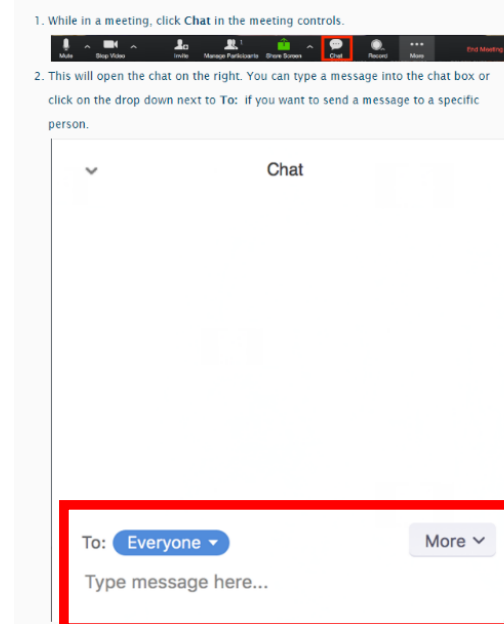
- » Staff, consultants and CPIC members are “panelists” and can speak.
- » Audience members are “participants” and are muted but can use the Q&A function.
- » Please turn microphones off.
- » Please turn video off when presentations are being given.

Meeting control bar



Use the chat feature to ask questions or comment

- » Click on Chat to type in your questions or make a comment.
- » Meeting facilitator will monitor the Chat



## Introductions

### CPIC

- » Joel Bergman
- » Micah Meskel
- » Nicole Zdeb
- » Renee Moog
- » Sharon Johnson
- » Celestina DiMauro
- » Daniel Eisenbeis
- » Matthew Bibeau
- » Stephan Lashbrook
- » Ada Gonzalez
- » Dominique Rossi
- » Eugene Zaharie
- » Jennifer Dillan
- » Lisa Batey, CC Rep
- » Joseph Edge, PC Rep

### Tree Board

- » Kathleen Brennan-Hunter, Chair
- » Gina Dake, Vice Chair
- » Ley Garnett
- » Rebecca Ives
- » Jon Brown
- » **Christina Harris**
- » **Madison Tucker**

### Design and Landmarks Committee

- » Cynthia Schuster, Chair
- » Brett Laurila, Vice Chair
- » Mary Neustadter
- » Tracy Orvis
- » Evan Smiley

### City of Milwaukee

- » Vera Kolas, AICP, Senior Planner
- » Mary Heberling, AICP, Assistant Planner
- » Leila Aman, Community Development Director
- » Laura Weigel, Planning Manager
- » Peter Passarelli, Public Works Director
- » Natalie Rogers, Climate Action and Sustainability Coordinator
- » Brett Kolver, Associate Planner
- » Julian Lawrence, Urban Forester

### Consultants

- » Marcy McInelly, AIA (Urbsworks, Inc.)
- » Kimi Sloop (Barney & Worth, Inc.)

## Objectives for this meeting

- » Learn about survey responses from community engagement activities
- » Learn about technical team findings from the code audit and discuss possible solutions
- » Learn about what Form Based Codes (FBCs) are and how they may help achieve Milwaukie's Comprehensive Plan goals
- » Provide input on key findings of the Code Audit and discuss clear and objective standards for achievement of the policy mandates
- » Learn about next steps in the project

## Committee Charge

- » **Support the City** by helping to involve a variety of different stakeholders in the decision-making process, offering feedback on a code audit and draft code concepts and ensuring that the diverse interests of the Milwaukie community are reflected in the code and map amendments.
- » **Be the primary liaisons** to the Milwaukie community, provide feedback on public involvement efforts, code concepts and amendments, and advance recommendations to the Planning Commission and City Council.
- » **Interact with** City of Milwaukie staff, particularly the Planning Division and its consultant team.
- » The CPIC will **meet monthly** throughout the code amendment process, with adoption of the final code package plan targeted for early Summer 2021. Subcommittees may also be established to work on specific tasks and will hold meetings as necessary.
- » CPIC members are also encouraged to **help facilitate meetings** with their neighborhood district associations and other community organizations.
- » **Promote opportunities for public involvement**, disperse information to the Milwaukie community, and solicit feedback concerning the Comprehensive Plan Implementation project.

# AGENDA

Comprehensive Plan Implementation Committee Meeting #4- Agenda		
Time	Topic	Who
5:45 – 6:00 pm	Login to Webinar and Conference Line	All committee members
5 minutes 6:00 – 6:05 pm	Meeting protocol and introductions	Vera Kolias, Marcy McInelly
20 minutes 6:05– 6:25 pm	<ul style="list-style-type: none"> <li>· Project updates</li> <li>· Q&amp;A</li> </ul>	Kimi Sloop, Marcy McInelly
20 minutes 6:25 – 6:45 PM	<ul style="list-style-type: none"> <li>· Summary of code audit findings and Q&amp;A</li> </ul>	Marcy McInelly
10 minutes 6:45– 6:55 PM	<ul style="list-style-type: none"> <li>· Form based code introduction</li> </ul>	Marcy McInelly
50 minutes 6:55 – 7:45 PM	<ul style="list-style-type: none"> <li>· Key issues from code audit</li> <li>· Interactive exercise</li> </ul>	Marcy McInelly, Kimi Sloop
5 minutes 7:45 – 7:50 PM	Next steps	Vera Kolias
10 minutes 7:50 – 8:00 PM	Public questions	
8:00 PM	Adjourn	

# Overall project schedule

- » Adoption targeted for early Summer 2021
- » The CPIC will meet about once a month
- » Role of CPIC is to review project updates at meetings, provide diverse input, share with other residents



## PROJECT UPDATES

### Work Tasks 1 - 3

- » Stakeholder interviews
- » Virtual Open House 1, survey
- » Conducted code audit, identified key issues and recommendations
- » Conducted survey of neighborhood conditions
- » Commissioned parking survey (4 neighborhoods)
- » Technical team members interviewed Milwaukie staff, review boards (e.g., Tree Board), and outside experts in other cities about parking, trees and middle housing

### Next Phase Tasks 3 - 4

- » In December - February develop code concepts, build on recommendations
- » Public engagement Round 2

## **VIRTUAL OPEN HOUSE – BY THE NUMBERS**

- » 93 completed surveys (3 others provided written comments)
- » 230 people clicked through stations
- » 3 people clicked through the Spanish version
- » 170 people registered on Bang the Table for the first time
  - » 80% of the respondents own their own home
  - » 89% of the respondents self-identified as Caucasian, 5% as people of color



## WHAT PEOPLE SAID

- » Priorities that benefit the entire Milwaukie community are the most important.
- » Consistency of middle housing design with the scale/form of existing neighborhoods was the least important priority. However, it was identified as a concern to almost half of the respondents.
- » Respondents felt more positively than negatively about middle housing.
- » Almost all (90%) of the respondents believe that tree protections will provide shading/cooling and environmental benefits.
- » Reducing parking requirements appeared to be of the greatest concern to the survey respondents.
- » When implemented, the ability to achieve the desired goals was the greatest concern.

## WHAT WE LEARNED

- » We have more work to do
- » People need to understand why they should register on Bang the Table – working with City’s communications team to get people registered before the next round of outreach/explain why registering is important
- » We need greater input from the BIPOC community – meeting with the City’s new equity manager in January to enhance our outreach efforts
- » People responded to a personal “ask” – next round of involvement includes more one-on-one outreach (meeting in a box)
- » Current events out of our control may have reduced participation – not an excuse, just a theory
- » We can do better

# CODE AUDIT

## CITY OF MILWAUKIE COMPREHENSIVE PLAN



ADOPTED AUGUST 18, 2020  
ORD. 2196



urbsworks

**Date:** 03 December 2020

**Subject:** Milwaukie Comprehensive Plan Implementation – Code Audit Report

**To:** City of Milwaukie Project Management Team

**From:** Marcy McInelly AIA, Pauline Ruegg, Erika Warhus, Urbsworks, Inc.

### CODE AUDIT SUMMARY REPORT

#### Introduction

##### Implementing the Comprehensive Plan

In 2015, as part of its project Milwaukie All Aboard, the city initiated a dialogue with the community to update its 20-year old vision statement and identify an Action Plan. Building on its visioning process, the city then spent two years working hand in hand with the community to update its Comprehensive Plan. Updating the Comprehensive Plan is a major undertaking that Oregon requires cities to complete on a periodic basis. An update can be conducted as a check-the-boxes exercise, or it can be used to bring a community together, to foster important conversation about the future, and to memorialize a compelling vision. The Milwaukie Comprehensive Plan adopted in August of 2020 is an example of the latter. Now that it is adopted, the Plan will guide decisions that shape Milwaukie for the next ten to twenty years.

The adoption of the Comprehensive Plan establishes a mandate for Milwaukie to update any lagging land use policies and practices that may be holding the city back from realizing its vision. One major area where current policies and practices need to be updated is the zoning code. The city made it an early priority to update the zoning code in single dwelling residential areas. These areas of the zoning code will need to be amended in order to achieve a number of Comprehensive Plan goals related to increasing community diversity, preparing for population growth, protecting natural resources, and improving climate resiliency.

The effect of these zoning changes will be both very large and very slow. Very large in that the Milwaukie areas affected equal over 70% of the land within the City; very slow in that these changes will occur somewhat randomly, lot by lot, and gradually over a long period of time. While the changes are very important, they will not happen overnight. Making the changes does create a framework for addressing historic patterns of inequity.

##### Exclusion and lack of affordability

Changes to Milwaukie's zoning are focused on a singular aspect of American cities from a certain era: single family zoning. Most western US cities and suburban areas developed after regulations were adopted in the mid-19<sup>th</sup> century that dictated the size of residential lots; the form and shape of dwellings; the types and numbers of households that could live in them; and requirements for providing parking on-site. In effect, single family zoning created large areas with only one kind of housing, which many Americans could not afford. These neighborhoods became monocultures of housing, and by extension, monocultures of people, segregated by age, race, income, and household type.

The Comprehensive Plan touches on how Oregon, as a state, and areas in Milwaukie enacted "Exclusion Laws." These laws banned slavery but also prohibited Black people from settling or remaining in the territory, and later from owning property or entering into contracts. Exclusion was further enacted through specific discriminatory laws and housing practices, such as racist deed restrictions (only banned in 1948). More subtle forms of exclusion continued, largely through the mapping and designation of single family zoning over wide expanses of America cities, including Milwaukie. By the time of the 1968 passage of federal Fair Housing Laws, racial exclusion practices continued "de facto," through zoning.

Richard Rothstein, in "The Color of Law," details how even after all of the achievements of the civil rights movement—the desegregation of schools, swimming pools, water fountains, employment, and transportation—one remaining

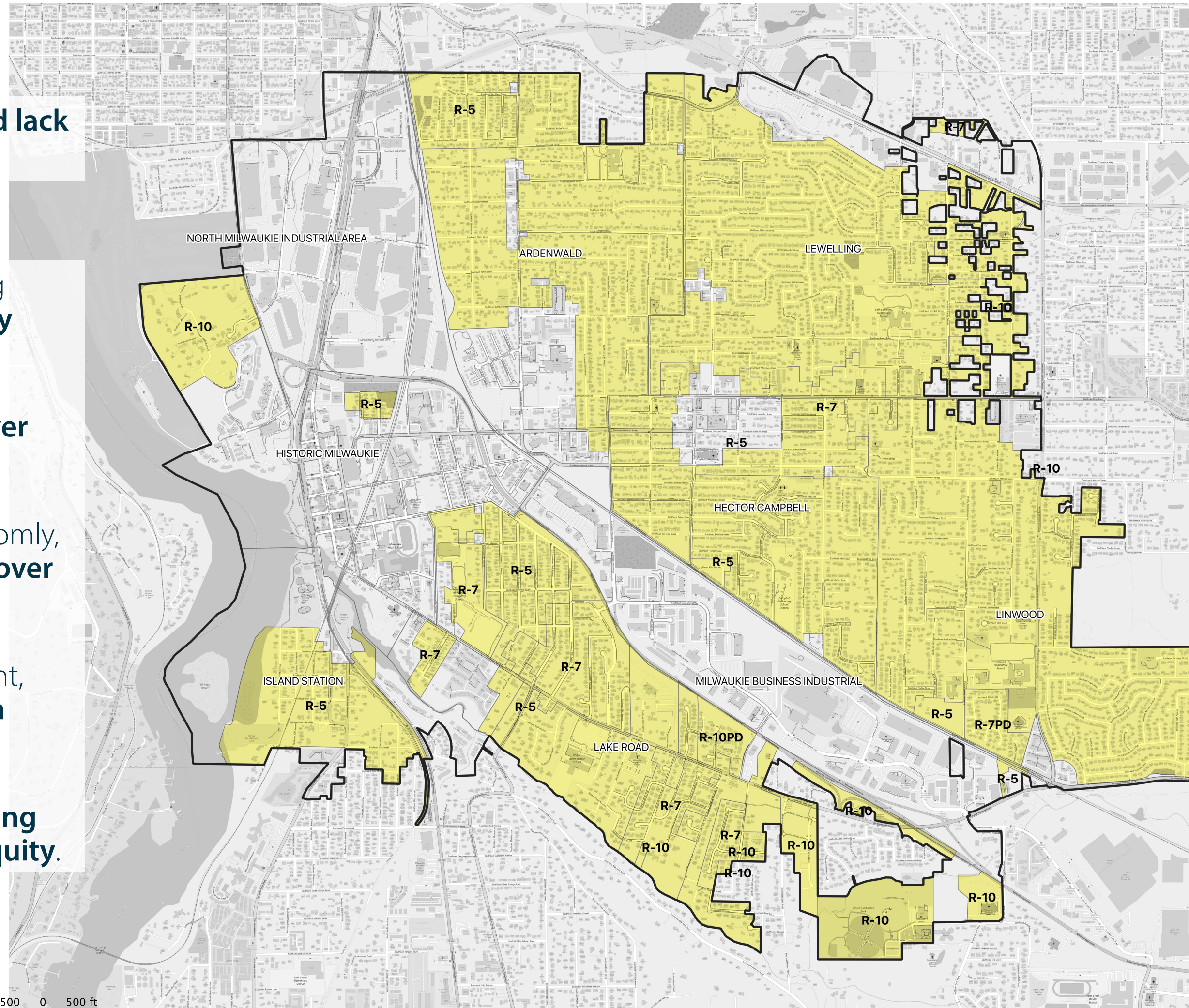
# CODE AUDIT

*Evaluating the amendments  
(lenses)  
.....  
Equity  
Affordability  
Sustainability  
Livability*

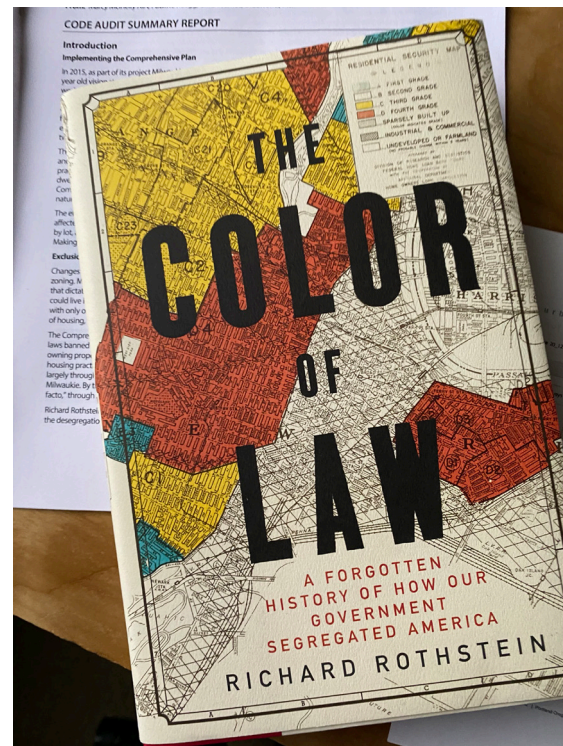
- » The Comprehensive Plan guides decisions that **shape Milwaukie for next 10 - 20 years**
- » Vision and policies provide **a mandate**
- » Update **land use policies and practices** that are holding city back from realizing the vision
- » Zoning Code needs to be amended to:
  - » increase community diversity
  - » prepare for population growth
  - » protect natural resources
  - » improve climate resiliency

## Addressing exclusion and lack of affordability

- » The effect of these zoning changes will be **both very large and very slow**
- » Very large: Areas equal **over 70% of city land**
- » Very slow: Occuring randomly, lot by lot, and **gradually over a long period of time.**
- » The changes are important, but they **will not happen overnight.**
- » A framework for **addressing historic patterns of inequity.**



## Addressing exclusion and lack of affordability



- » Changes are focused on a singular aspect of American cities: **single family zoning**
- » Large areas with only one kind of housing which **many Americans could not afford**
- » **Segregated cities** by age, race, income, and household type
- » Even after 1968 passage of federal Fair Housing Laws, racial exclusion practices continued “de facto,” **through zoning**
- » After other achievements of the civil rights movement one remaining form of segregation in neighborhoods remains: segregated zoning.
- » **Milwaukie’s history is not unique**; every metropolitan city in America had similar laws and practices in place.
- » Milwaukie is unique, however, **in setting a vision for a more diverse community** and **articulating policies to accomplish** this vision in its Comprehensive Plan

## Addressing a housing crisis, needs and goals

- » In Oregon and the country, **major generational and demographic shifts** are affecting **housing supply and demand**
- » Recent **national shifts**: Great Recession, new households forming, young people growing up, older people downsizing
- » Recent **Milwaukie shifts**: development of the MAX Orange Line light rail and increasing population
- » National and local trends have combined to create **a housing crisis**
- » Supply of housing is **not keeping up with demand**
- » The need for affordable housing has reached **a state of emergency**

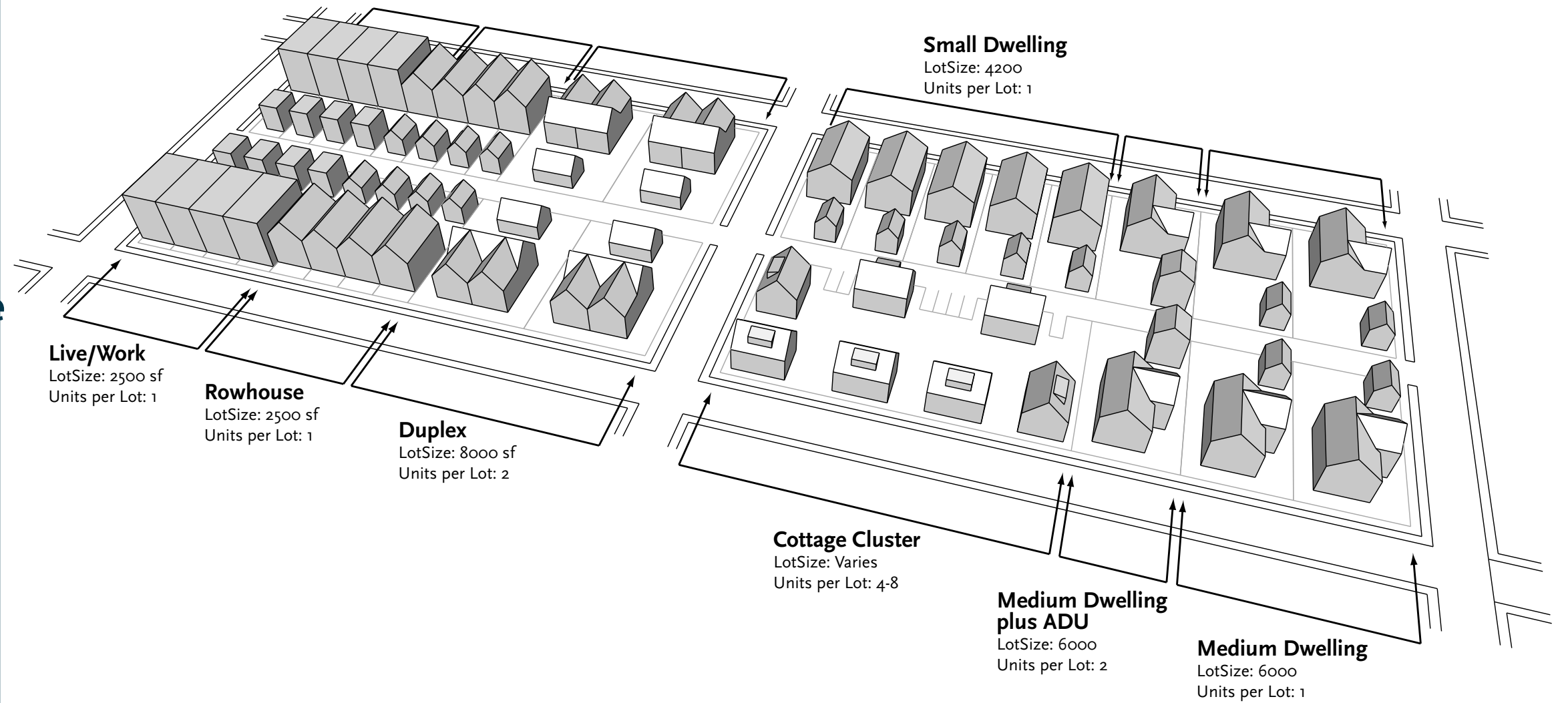
## Addressing a housing crisis, needs and goals

- » Milwaukie, having declared a state of housing emergency since 2015, is **ahead of other cities**
- » Has already made **numerous incremental amendments**
- » **Has partially addressed** issues of housing choice and affordability
- » This project: **Think bigger and be bolder**

*Rethink the single-family neighborhood, and in the process, rethink the role of parking and how to codify the contribution of trees*



**Oregon legislature House  
Bill 2001 (HB 2001) for  
Middle Housing**



“Neither of us have that ‘white picket fence’ fantasy. We don’t feel the need to own our own home, but we do need to feel like we’ve made a home for ourselves.”



MILWAUKIE RESIDENTIAL STANDARDS PROJECT | FUTURE HOUSING TRENDS

URBSWORKS | SPRING 2011

“My partner works from home, and we have a dog, so we needed a bit more space than your typical apartment provides. It’s a little house with a little yard, but that’s all we need.”



MILWAUKIE RESIDENTIAL STANDARDS PROJECT | FUTURE HOUSING TRENDS

URBSWORKS | SPRING 2011

# Who lives in middle housing?

“We have a large, tight-knit, multi-generational family. Having a bigger house wasn’t just a nice to have—it was a need to have.”



MILWAUKIE RESIDENTIAL STANDARDS PROJECT | FUTURE HOUSING TRENDS

URBSWORKS | SPRING 2011

“We moved here because it was affordable and safe, with a pleasant small-town atmosphere. We hope to stay here because this is where so many of our friends are.”



MILWAUKIE RESIDENTIAL STANDARDS PROJECT | FUTURE HOUSING TRENDS

URBSWORKS | SPRING 2011



"I wish we could own a house, but that just doesn't seem like it's in the cards for us right now. Until we make that a reality, we rent an apartment near transit, so we can work our way up to where we want to be."



"Our parents weren't born here, but we feel just like everybody else. We are grateful for the opportunities we've been given, and we aspire to live the American dream."

# Who lives in middle housing?



"I wanted to be close to a good public school for my kids. It's important to me that we live somewhere with a sense of community where people watch out for each other."



"We could afford to buy small house here. I hate throwing money away on rent. I'm trying to build a good foundation for my kids so they feel secure."

## **POLICY MANDATE**

- » **Increase supply of middle or attainable housing and provide equitable access and housing choice for all**
- » **Increase the tree canopy and preserve existing trees**
- » **Manage parking to enable middle housing and protect trees**



## **POLICY MANDATE: HOUSING**

### **Key findings and recommendations**

#### **Increase the supply of middle and attainable housing and provide equitable access and housing choice for all**

- » Permit more forms of housing in low and medium density zones
- » Scale and location of new housing consistent with city goals of tree protection and complement public realm
- » Remove code and procedures that are barriers to reduce cost of development and encourage new forms of attainable housing
- » Prohibit additional requirements for middle housing that are more restrictive than those faced by single detached dwellings



## **POLICY MANDATE: HOUSING**

### **Key findings and recommendations**

- » Allow duplexes across all residential zones (HB 2001)
- » Amend permitted residential types - middle housing (HB 2001)
- » Review low and moderate density zones to identify where triplexes, quadplexes, townhouses, and cottage clusters should be permitted
- » Consolidate residential zones / permit middle housing types equitably across entire city
- » Revise housing type definitions / use table
- » Simplify and reduce amount of design standards and make them clear and objective so all housing types subject to same standards
- » Permit all housing types using same approval type as single detached dwellings
- » Increase flexibility for street and frontage improvements to reduce cost burden on middle housing development



## **POLICY MANDATE: TREES**

### **Key findings and recommendations**

#### **Increase the tree canopy and preserve existing trees**

- » Trees are key to Milwaukie's quality of life - reduce stormwater runoff, improve health outcomes, reduce heat island effect and help city meet climate change goals
- » Trees another system of infrastructure, established Tree Board, updating Public Works Standards for street trees
- » Target of 40% tree canopy
- » Increase equitable access to trees and their benefits
- » Flexibility needed in siting and design of buildings and design standards to preserve existing large and old-growth trees while reducing barriers to attainable housing



## **POLICY MANDATE: TREES**

### **Key findings and recommendations**

- » Lack standards currently that preserve large trees on private sites
- » Flexible standards needed that consider site and neighborhood characteristics and areas of current deficiency
- » Need tree protection as well as preservation
- » Continued enforcement of planting and preservation standards will require on-going staff/funding resources
- » Create new code with clear and objective standards for preservation and planting of priority tree species for both development and non-development on private property





## **POLICY MANDATE: PARKING**

### **Key findings and recommendations**

#### **Manage parking to enable middle housing and protect trees**

- » Minimize on-site parking requirements in new developments in order to reduce vehicle emissions, encourage use of alternate transportation, and create more energy-efficient land use pattern.
- » Right-size parking requirements to reduce cost of developing housing and encourage range of middle housing types - less parking equals less cost
- » Reduce parking required on-site to preserve more trees - less paved area



## **POLICY MANDATE: PARKING**

### **Key findings and recommendations**

- » Ensure adequate parking—encourage reducing reliance on vehicles while considering current parking needs
- » Number of required on-site parking spaces places burden on middle housing (cost, space)
- » On-street parking cannot be used to meet parking demand for new middle housing
- » Local streets thought of as infrastructure for moving cars (congestion) instead of for people (safer, creative designs)
- » Explore feasibility of reducing parking minimums in tandem with use of on-street space and on-site design
- » Ensure code does not preclude creative parking approaches
- » Quantify underused on-street parking spaces to calibrate real impacts of new development on existing supply

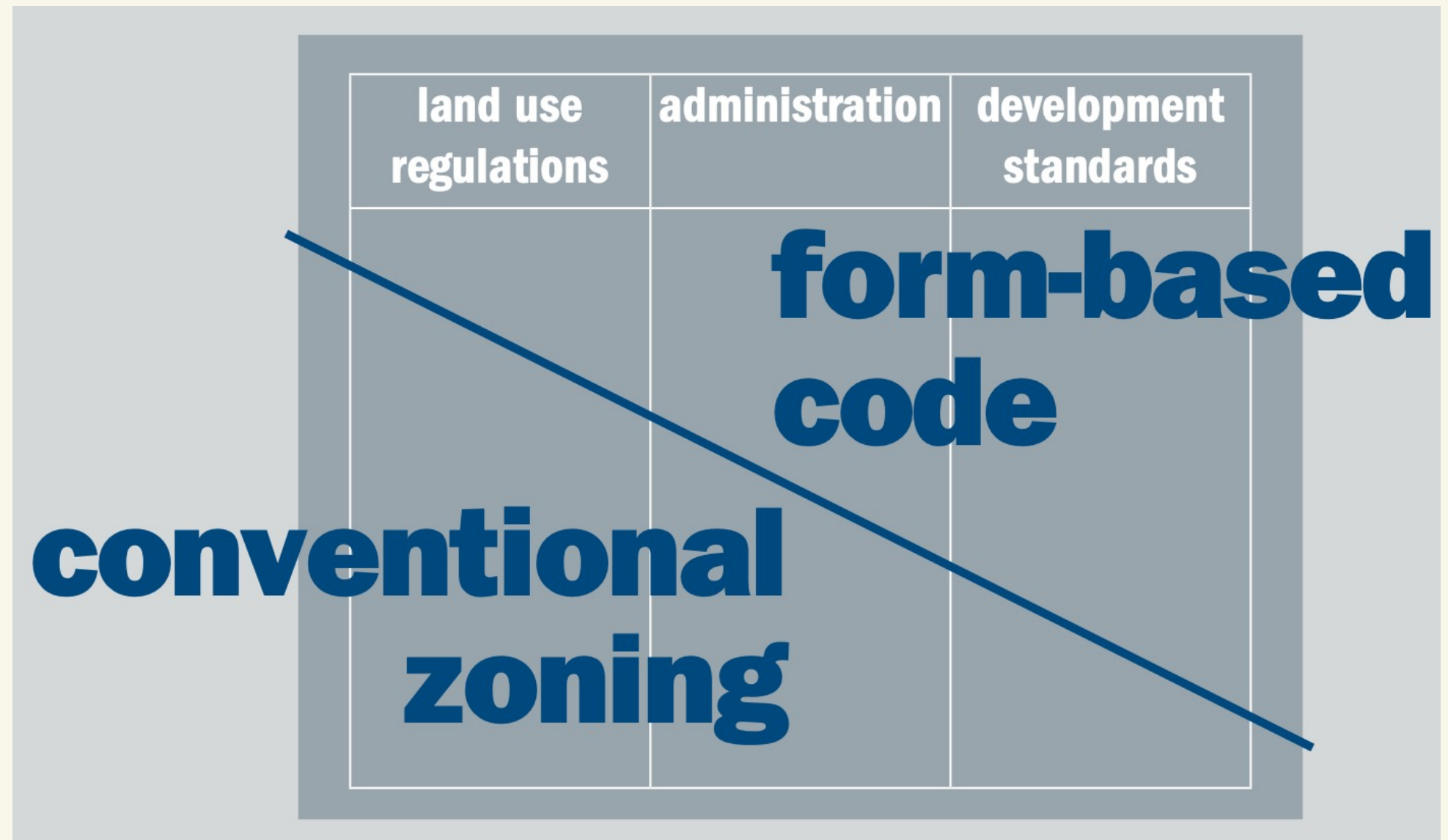
## CLEAR AND OBJECTIVE STANDARDS

### Existing standards in Milwaukie Code (Section 19.503.3)

- » **Discretionary:** The development should provide sufficient open space for the purpose of outdoor recreation, scenic amenity, or shared outdoor space for people to gather.
- » **Clear and objective:** Common open space shall be provided as follows:
  - » For buildings with more than 5 dwelling units, a minimum of 10% of the gross site area, or 750 sq ft, whichever is greater, shall be designated as common open space.
  - » The minimum dimension for any common open space shall be 20 ft.
  - » Projects with 20 units or less shall provide at least 2 of the following common open space features. Projects with more than 20 units shall provide at least 4 of the features: recreation area, play fields, children's play area, sport courts, gardens, permanent picnic tables, swimming pools, walking trails, pedestrian amenities, or similar items.
  - » If a development includes a children's play area, the play area shall be located such that it is visible from at least 50% of the abutting units. Play areas shall not be located within required yards.
  - » User amenities—such as tables, benches, trees, shrubs, planter boxes, garden plots, drinking fountains, spas, or pool—may be placed in the outdoor area.

## FORM BASED CODES

*“A form-based code is a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. A form-based code is a regulation, not a mere guideline, adopted into city, town or county law. A form-based code offers a powerful alternative to conventional zoning regulation”*



## FORM BASED CODES

### Form Based Codes consist of two components:

- » **Regulating Plan** is similar to or the same as a zoning map
- » **Development Standards** are clear and objective, dimensional standards that regulate shape, size, and location of structures and other items on site (parking, landscaping, open space).

### Benefits of Form Based Codes include:

- » Allow community to promote their vision and focus on key elements they want
- » More visual (graphics and tables) so easier to use and understand
- » Can be easier to administer if staff and review boards learn new language of regulating form of development
- » Regulations tailored to fit specific place - sensitive to neighborhood context and conditions
- » Clear and objective development standards help streamline approval - applicants and code administrators get to “yes” more quickly

# INTERACTIVE EXERCISE

» Help us consider clear and objective standards for the three mandate areas: **Housing, trees, and parking**

» Example question: How can **housing** be regulated using **clear and objective language**?

*Remember: Clear and objective means the requirement is measurable and can be met with a yes or no answer.*

## Q1: Middle Housing (5 minutes)

### EXAMPLE OF A CLEAR AND OBJECTIVE STANDARD FOR HOUSING

#### C. Standards

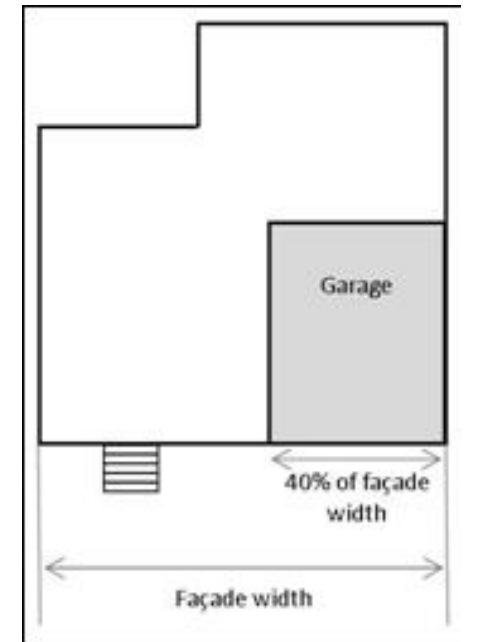
1. The front of a garage or carport can be no closer to the front lot line than the longest street-facing wall of the house that encloses living area. The following exceptions apply:

- a. A garage or carport may extend up to 5 ft in front if there is a covered front porch and the garage or carport does not extend beyond the front of the porch.
- b. A garage may extend up to 5 ft in front if the garage is part of a 2-story façade that has a window at least 12 sq ft in area on the second story that faces the street.

2. The width of a street-facing garage door(s), as measured between the inside of the garage door frame, may not exceed 40% of the total width of the street-facing façades on the same street frontage as the garage door. See Figure 19.505.2.C.2.

Notwithstanding this limit, a dwelling is allowed one (1) 12-ft-wide garage door, regardless of the total width of street-facing façades. The maximum allowed garage door width may be increased to 50% of the total width of the street-facing façade if a total of 7 detailed design elements in Subsection 19.505.1.C.4 are included on the street-facing façade.

**Figure 19.505.2.C.2**  
**Maximum Garage Width**



**Example for housing**

## Q2: Trees (5 minutes)

### EXAMPLE OF A CLEAR AND OBJECTIVE STANDARD FOR TREES

**Note: This is an example goal and standard, not an existing adopted standard**

1. All trees greater than 30" Diameter Breast Height (DBH) shall be preserved.

If the tree cannot be preserved the options are (example options):

- Replace the tree with multiple smaller trees on the same site or lot.
- Pay an "in lieu fee" into a mitigation fund which is used to implement urban forestry goals in another location within the city. An example is a local urban forestry fund for tree maintenance, preservation, and/or tree planting.

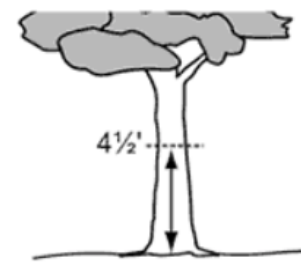
Examples of exceptions that are often specified in urban forestry standards:

- A tree may be removed if it is a nuisance tree, a hazard tree, it conflicts with an approved building permit, it is dead, in an advanced state of decline, or has sustained physical damage.

Example of a removal standard:

- If a tree is removed it must be removed in a manner consistent with the tree care industry standards outlined in the most current version of the ANSI A300 Standards for Tree Care Operations.

**Figure 80-4  
Measuring Tree Size for Existing Trees**



## Q3: Parking (5 minutes)

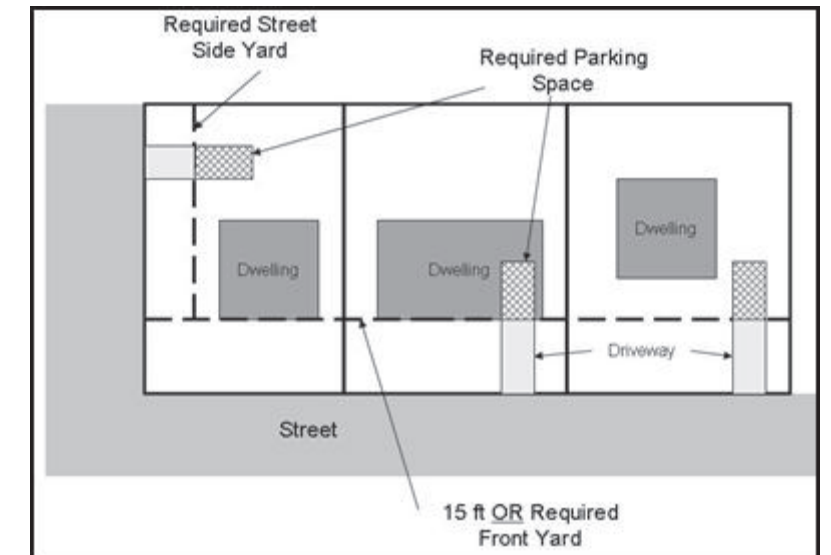
### EXAMPLE OF A CLEAR AND OBJECTIVE STANDARD FOR PARKING / MIDDLE HOUSING

#### B. Location

1. Off-street vehicle parking shall be located on the same lot as the associated dwelling, unless shared parking is approved per Subsection 19.605.4.

2. No portion of the required parking space is allowed within the following areas.

- Within the required front yard or within 15 ft of the front lot line, whichever is greater.
- Within a required street side yard.



Example for trees

Example for parking

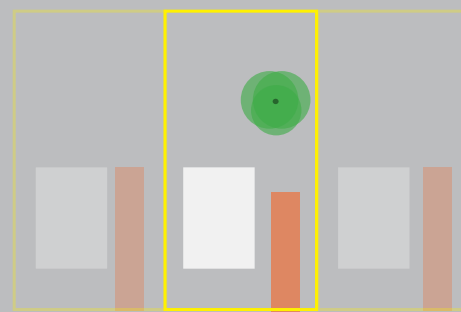
## Tradeoffs exercise

We are starting with a residential lot with a single dwelling structure on it, along with a big tree, and one parking space.

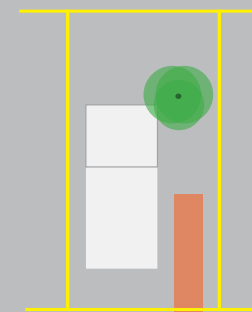
» We are adding one additional unit to create a duplex structure.

» Two dwelling units can be created on this site in the following ways: 1) Through an internal conversion, 2) with new construction or 3) by adding a structure.

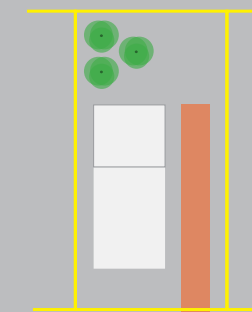
We will be discussing the different trade-offs of three different scenarios.



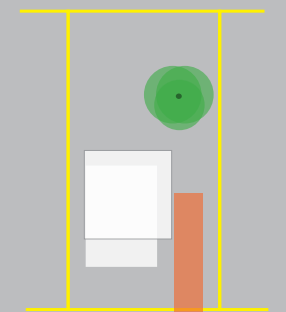
- » Existing single dwelling on a lot
- » Mature tree on site
- » Parking on site



- » A second unit is added
- » Additional parking is accommodated on the street
- » Mature tree stays

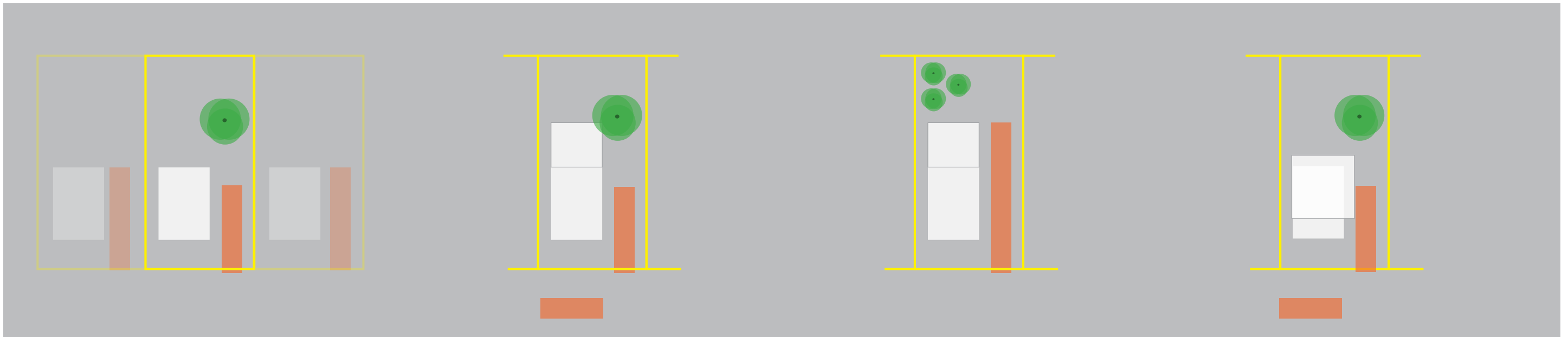


- » A second unit is added
- » Additional parking must be accommodated on site
- » Mature tree is removed
- » Smaller trees planted



- » A second unit is added
- » Additional parking is accommodated on the street
- » Mature tree stays
- » Permeable surfaces remain





*We are starting with a residential lot with a single dwelling structure on it, along with a big tree, and one parking space.*

*We are discussing the different trade-offs of three different scenarios.*

### Scenario 1:

- » Add a structure that is low profile and attached to the original structure.
- » The building footprint expands to about 1.5 times its original size.
- » The additional parking space is accommodated on the street.
- » The large tree on site remains.

### Scenario 2:

- » Add a structure that is low profile and attached to the original structure.
- » The building footprint expands to about 1.5 times its original size.
- » The additional parking space must be accommodated on the site.
- » The large tree on the site is taken down, and younger replacement trees are planted on the site.

### Scenario 3:

- » Add a structure that is higher profile, in the form of stacked dwelling units.
- » The building pops up to 2 or 2-½ times its original height, while the building footprint remains nearly the same.
- » The additional parking space is accommodated on the street. The large tree on site remains.

*There is more space for trees and permeable surfaces in this scenario, since the building footprint stays the same and additional parking is accommodated on the street.*

» Next steps

» Public questions

» Adjourn



Thank you