



# CITY OF MILWAUKIE

## NOTICE OF PUBLIC HEARING

### Amendments to Milwaukie Zoning Ordinance and Municipal Code

The **Milwaukie City Council** will hold a public hearing at 6:00 p.m. on Tuesday, May 17, 2022, at Milwaukie City Hall, 10722 SE Main Street, to consider a recommendation for proposed Municipal code text and map amendments related to middle housing land divisions (Land Use File #ZA-2022-001): <https://www.milwaukieoregon.gov/citycouncil/city-council-regular-session-324>.

This matter was previously heard by the Planning Commission at a hearing on April 12, 2022, where the Commission unanimously recommended approval of the proposed amendments. The video of that meeting can be accessed here: <https://www.milwaukieoregon.gov/bc-pc/planning-commission-93>.

#### COMMUNITY DEVELOPMENT

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6101 SE Johnson Creek Blvd, Milwaukie, Oregon 97206  
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### Summary of Proposed Changes

- Municipal Code – multiple sections
  - The proposed code amendments ensure compliance with Oregon Senate Bill 458 and related sections of the Oregon Revised Statutes regarding middle housing and income-restricted housing. The legislation requires cities to allow land divisions for any HB 2001 middle housing type (duplexes, triplexes, fourplexes, townhomes, and cottage clusters) built in accordance with the cities' middle housing code provisions adopted under ORS 197.758. The result of such "middle housing land division" will be exactly one dwelling on each resulting lot.
  - Cities retain the ability to require or condition certain things, including further division limitations, street frontage improvements, and right-of-way dedication if the original parcel did not make such dedications. However, cities may not subject applications to approval criteria outside of what is provided in the bill, including that a lot or parcel require driveways, vehicle access, parking, min/max street frontage, or requirements inconsistent with House Bill 2001.
  - A brief summary of the amendments is as follows:
    - Amend MMC Section 19.1005 to specify the Type II review process for reviewing Middle Housing Land Divisions and Expedited Land Divisions. The applicable Type II review process must be complete within 63 days.
    - Amend various sections of MMC Title 17 – Land Division to comply with the specific requirements of middle housing and expedited land divisions. Tentative plans for the division must include the following:
      - A proposal for development of middle housing in compliance with the Oregon residential specialty code and applicable middle housing land use regulations,
      - Separate utilities for each dwelling unit,
      - Easements necessary for utilities, pedestrian access, common use areas or shared building elements, dedicated driveways/parking, and dedicated common area,
      - One dwelling unit per each resulting lot or parcel (except common areas), and
      - Demonstration that the buildings will meet the Oregon residential specialty code.

**To learn more about the proposal:** Call the staff contact assigned to the proposal or visit the project webpage at <http://www.milwaukieoregon.gov/planning/za-2022-001>. The staff report on the proposal will also be available for public viewing after 8 a.m. on **Tuesday, May 10, 2022**, on the city's website at the meeting website noted above.

Copies of information in the file can be obtained for a reasonable fee. Copies of applicable City ordinances and the Comprehensive Plan are also available for review on the city's website.

**To comment on a proposal:** You are invited to attend this hearing or submit comments in writing before the meeting time. You may send written comments in advance to the staff contact listed below, or you may submit

your comments in person at the hearing. If you want to present verbal testimony, either pro, con, or to raise questions, you will be invited to speak following the applicant's testimony. Testimony and comments at this hearing must be directed towards the criteria identified. If you submit a written comment or comment in person at the hearing, you will be sent a copy of the decision or recommendation. All written and verbal comments become part of the permanent record.

**Failure to raise an issue with sufficient specificity, and accompanied by statements or evidence sufficient to afford the responsible parties an opportunity to respond to the issue, will preclude any appeal on that issue to the Land Use Board of Appeals (LUBA).**

If you have any questions, please contact Vera Kolas, Associate Planner, in the Planning Department at 503-786-7653 or [koliasv@milwaukieoregon.gov](mailto:koliasv@milwaukieoregon.gov).

*The City of Milwaukie is committed to providing equal access to information and public meetings per the Americans with Disabilities Act (ADA). If you need special accommodations, please call 503-786-7600 at least 48 hours prior to the meeting.*