



CITY OF MILWAUKIE

PLANNING COMMISSION MINUTES

City Hall Council Chambers
10722 SE Main Street
www.milwaukieoregon.gov

October 12, 2021

Present: Lauren Loosveldt, Chair
Joseph Edge, Vice Chair
Greg Hemer
Robert Massey
Jacob Sherman
Amy Erdt
Absent: Adam Khosroabadi

Staff: Vera Kolas, Senior Planner
Justin Gericke, City Attorney
Laura Weigel, Planning Manager

(00:12:54)

1.0 Call to Order — Procedural Matters*

Chair Loosveldt called the meeting to order at 6:30 p.m. and read the conduct of meeting format into the record.

Note: *The information presented constitutes summarized minutes only. The meeting video is available by clicking the Video link at <http://www.milwaukieoregon.gov/meetings>.*

(00:13:21)

2.0 Meeting Minutes

The August 10, 2021 minutes were approved with a 6 – 0 vote.

(00:15:17)

3.0 Information Items

Laura Weigel, Planning Manager, shared that there will be a presentation and discussion with City Council on the Oak Lodge governance options October 19.

(00:15:53)

4.0 Audience Participation

No information was presented for this portion of the meeting.

(00:16:45)

5.0 Hearing Items

(00:16:52)

5.1 PD-2021-001, Hillside Final Planned Development

Vera Kolias, Senior Planner, shared the staff report. The preliminary planned development was approved on March 23, 2021. The planned development will be located at 2889 SE Hillside Court and constructed in two phases, key features of the development included:

- Mixed income multi-family community (30% - 80% AMI)
- 600 total units, of which 400 are new, 100 are replacements, and 100 current units will remain (Hillside Tower).
- Opportunities for commercial and office uses along 32nd Ave.
- 41% open space and 29% tree canopy
- Green Building Construction

The existing Hillside Tower on the Northwest portion of the property will remain. The planned development requires a zone change on the northern portion of the property to Residential Medium- and High-Density (R1) and General Mixed-Use (GMU). A ten-lot subdivision allows the planned development to be phased. The applicant's proposed planned development includes lowering the minimum setback to 5 feet in the R1 zone except where adjacent to an R-7 zone on the northern boundary of the site. A parking modification is required as 0.82 parking spaces per unit are proposed including on street parking. 375 bike parking spaces are included in the plan.

The applicants made several changes to their narrative from the approved preliminary planned development. The changes include redesigning frontage on 32nd Ave., removing references to a new bike lane on 32nd Ave., changing phase 1 to include Lot C, changing the description of architectural character, and the relationship to Central Milwaukie Bikeways Concept plan.

Comments were received from Kate Hawkins and Avi Tayar, P.E., Oregon Department of Transportation (ODOT) which are reflected in the conditions of approval. Additionally, Sharon Johnson commented in support of the application.

Staff found the final development plan consistent with the preliminary plan. Staff recommended that the Planning Commission recommend approval to City Council of the final planned development and program subject to the recommended findings, conditions of approval, and other requirements.

Commissioner Hemer noted not all the residential lots in the planned developments have driveways and asked what off-site or on-street parking was available. **Kolias** responded that the planned development includes parking lots for multifamily developments, on-street parking, and off-street parking. **Kolias** further noted that as the phases of development begin, the development plans will need to be reviewed to ensure they are consistent with the parking requirements in the code and as approved by the planned development.

Commissioner Sherman asked whether staff had any traffic concerns or plans based on the comments received from ODOT. **Kolias** responded that the

comments received from ODOT were flagging the implication of development at the nearby Murphy site. The Transportation Impact Study conducted for this application did not indicate any off-site traffic improvements were necessary.

The applicants shared the updates to the Planned Development since the preliminary application was approved. The applicants have used a variety of public outreach methods to engage the current residents and the surrounding community including holding resident meetings, creating a monthly newsletter, circulating hard copies of application materials, and meeting with the Ardenwald Neighborhood District Association. Working with TriMet, the applicant team changed the frontage along SE 32nd Ave. to consolidate various bus stops into one larger stop. The planned development was consolidated into two phases to ensure constant utility and resident access to the existing Hillside Tower.

Stewart Hayman, a resident, asked if any traffic mitigation would be performed east of the property along King Rd. **The applicants** responded that the traffic impact study conducted did not indicate negative impacts to any King Rd intersections. **Commissioner Sherman** asked staff if any improvements are planned for the intersection at King Rd and 42nd Ave. **Kolias** responded that staff is unaware of any improvements planned at the intersection.

The Planning Commission discussed the application. **Vice Chair Edge and Commissioner Sherman** expressed appreciation for the frontage changes made along 32nd Ave and noted their support for the application.

PD-2021-001, Hillside Final Planned Development, was approved by a 6-0 vote.

(01:02:33)

5.2 ZA-2021-002, Middle Housing Code

Kolias shared the staff presentation. It included the background and goal of the code amendments as well as the policy mandates and aspects of the comprehensive plan which informed the project. The presentation focused on the middle housing and parking aspects of the proposed code amendments. The proposed code amendments ensure compliance with state House Bill 2001 (HB 2001) which requires middle housing to be permitted in all residential zones for detached single-unit dwellings. **Kolias** noted a change in the timeline of the public hearings to provide adequate public notice. **Kolias** summarized the timeline of the public engagement and public notice process.

The proposed code amendments consolidate eight residential zones to six zones merging R-5, R-7, and R-10 into R-MD. The consolidation of these residential zones would not alter the geographic boundaries of the zones. The four existing residential land use designations in the comprehensive plan will be consolidated into two. Low-density (LD) and moderate-density (MD) will be moderate-density (MD) and medium-density (Med. D) and high-density (HD) will be high-density

(HD).

Commissioner Hemer asked when R1 zones will be added along arterial streets. **Kolias** responded that rezoning residential zones and addressing high-density zones will be done through the neighborhood Hubs project. **Commissioner Sherman** asked how the public notice process would be carried out considering the multi-phased rezoning. **Kolias** responded that staff will thoughtfully consider the rezoning process and the corresponding public engagement efforts to prevent unnecessary notices. **Commissioner Sherman** asked staff to consider adding protections for residents of manufactured dwelling parks.

Kolias noted key code amendments around accessory dwelling units (ADUs) and updates to development standards. ADUs will be permitted by right, subject to design and development standards. Footprint requirements will be revised for accessory structures more than three years old when converted to an ADU. Additionally, a new Type II variance for Type B ADUs seeking a small increase in size will be created. **Commissioner Sherman** asked why the proposed Type II variance was not also applied to Type A ADUs. **Kolias** responded that Type B ADUs are larger than Type As, a size increase of Type A ADUs does not require the proposed Type II variance.

Kolias noted that existing development standards limit the form and type of housing allowed. The proposed development standards would comply with HB 2001, simplify the existing residential zones, and permit a broader range of housing types. To provide development flexibility, attached and detached units will be permitted. The proposed code amendments will establish a universal set of design standards that applies to all middle housing. **Vice Chair Edge** asked for clarification regarding why the updated standards applied to lots with a single dwelling unit noting the 10% lot coverage bonus. **Kolias responded** the grouping of 1-4 dwelling units was created to establish design standards for lots which are not multi-family housing, which is defined as five or more units. **Kolias** noted the two sections for increases in lot coverage, one for single family dwelling units and one for middle housing, should be combined into one. **Vice Chair Edge** asked if rear lot standards were added to the code. **Kolias** responded back lot and flag lot design and development standards are located in section 19.504.8.

Kolias shared updates to the code in relation to townhouses. Proposed standards are a combination of the state's Large City Model Code and design modeling and recommendations from the project consultant. HB 2001 requirements for townhouses dictate a minimum lot size of 1500 square feet, 20 feet minimum street frontage, and permitting four consecutive attached townhouses. The proposed code amendments allow a maximum of four attached townhouses, ensure sufficient curb and plant strip area, and require shared accesses to be spaced at least 24 feet apart. **Commissioner Sherman** asked what requirements are used to prevent a wall-like effect. **Kolias** responded that townhouses are subject to design standards which have articulation requirements to prevent a wall-like effect.

Kolias shared the code amendments for cottage clusters. HB 2001 requires cottage clusters be permitted on lots over 7,000 square feet, prevents maximum lot coverage and density, limits individual building footprints, and establishes design standards in the Large City Model Code. The proposed code amendments would allow detached units in moderate-density zones and attached units in high-density zones. Proposed design standards for cottage clusters include a max building footprint of 900 feet and a maximum building height of two stories. **Commissioner Hemer** asked why there is a 12 unit maximum for moderate-density zones and 8 unit maximum in high-density zones. **Kolias** responded that attached units are allowed in high-density zones, each of which has two dwelling units therefore more total units are permitted in high-density zones. **Vice Chair Edge** asked whether cottage clusters were permitted on back lots. **Kolias** responded that the requirements created in HB 2001 ensures cottage clusters are allowed on any lot of a certain size.

Kolias shared the code amendments around middle housing and parking. HB 2001 requires one parking space per unit, which can be in the driveway or setback. Reductions may be granted for proximity to transit and income-restricted housing. The parking modification process has been updated to allow further flexibility for parking requirements. **Commissioner Sherman** asked if parking stall widths are being changed in the proposed code updates. **Kolias** responded no.

Kolias shared the proposed code amendments for flag lots and back lots. The proposed code permits middle housing on back lots, reduces front and rear flag lot setbacks to 20 feet, and allows the pole portion of flag lots to count toward minimum lot size. **Commissioner Sherman** asked if there was still a pole width requirement. **Kolias** responded that the proposed code establishes minimum pole width standards but allows for variances when appropriate. **Commissioner Hemer** asked if the maximum back lot restriction was per pole or per parent property and if back lots were to be allowed in new subdivisions. **Kolias** responded it is per parent property and that back lots are currently prohibited in new subdivisions as they are intended for infill development. **Chair Loosveldt** asked if commissioners would support allowing back lots in new subdivisions. **Commissioner Erdt** asked why new subdivisions would intentionally build back lots. **Commissioner Sherman** noted he would only support back lots as infill development. **Commissioner Massey** asked what the intention of the back lot restriction was. **Kolias** noted the code is written to discourage flag lots, but to fully understand the intent behind the restriction, examining the legislative history is necessary. **Vice Chair Edge** noted that back lots should be discouraged although some review type such as a Type III variance should be available for those who do wish to develop back lots. **Commissioner Erdt** reiterated Vice Chair Edge and noted her support for a variance process to increase flexibility.

Vice Chair Edge noted HB 2001's language stating municipalities should not expect increased density of more than 3% due to changes in middle housing

and asked if staff knew why that language was included in the bill. **Kolias** responded that staff is not aware but will find out for the next hearing.

Vice Chair Edge asked how many single unit dwellings have been permitted in the City since 2009. **Kolias** responded 133 units were permitted since 2009. **Vice Chair Edge** asked how much further the proposed code goes beyond what is required by HB 2001 and shown in the Large City Model Code. **Kolias** responded the key difference between the City's proposed code and the Large City Model Code is that the City allows detached units in duplex, triplex, and quadplexes.

Vice Chair Edge asked what capacity is available for new development in low density zones. **Kolias** responded the City's capacity for new development in low density zones is 765 units. **Vice Chair Edge** noted the low predicted change in middle housing based on the 3% prediction in HB 2001. Further, Edge noted the City's desire to solve housing issues and asked staff and the commission to allow quadplexes on any lot.

Commissioner Erdt asked if the City has any goals for expanding the share of owner-occupied units and expressed support for increasing the share of owner-occupied housing. **Kolias** responded that three quarters of the projected housing needs of the city are owner-occupied units.

Chair Loosveldt asked whether the same standards that apply to quadplex were intended to apply to cottage clusters. **Kolias** responded that the same articulation, glazing, and detailed design building design standards apply but only to the street facing units. Several site design standards however are unique to cottage clusters.

Micah Meskel, a resident, commented in support of the proposed code amendments. He noted staff should consider introducing off-street parking maximums, lowering minimum parking requirements to one spot per unit for all units, and eliminating parking restrictions for affordable units.

Neil Schulman, Executive Director of North Clackamas Watershed Council, commented in support of the proposed code amendments. Schulman noted support for increased incentives for green infrastructure and reduced parking requirements.

The commissioners discussed the proposed code amendments. **Commissioner Hemer** noted concern in eliminating off street parking requirements citing potential hazards of running cords to the street for electric vehicle charging as a primary concern. **Commissioner Sherman** noted the half space requirement for high-density zones and one space for medium-density zones for cottage clusters and asked the commission and staff to consider only requiring half of a parking space per unit regardless of density. **Vice Chair Edge** noted his support to reduce parking minimums. **Commissioner Massey** expressed concerns for reducing parking minimums. **Commissioner Hemer** asked how an owner-occupied single unit lot could have half a parking space. **Commissioner Sherman** responded his proposal of reducing all parking minimums be for middle housing.

Chair Loosveldt, Vice Chair Edge, Commissioner Hemer, and Commissioner Sherman expressed support to allow all middle housing types on any lot where a single unit be allowed. **Commissioner Massey** asked whether the current zoning hierarchy is designed to blend high-density zones into low-density zones. **Kolias** noted that the same design standards will be used for single unit housing and middle housing. **Vice Chair Edge** asked when the housing needs analysis and capacity study will be revisited. **Weigel** answered that the City will conduct a housing needs analysis and housing production strategy during 2022 and 2023.

Vice Chair Edge asked if any density bonuses or incentives are awarded for protected affordable housing. **Kolias** responded the only incentive for affordable housing is a parking reduction. **Chair Loosveldt** encouraged staff to explore incentives to encourage income-restricted affordable housing. **Commissioner Erdt** suggested the City start conversations with affordable housing developers to explore various incentives to encourage affordable developments.

The commission voted to continue ZA-2021-002, Middle Housing Code Amendments, on October 26, 2021 by a 6-0 vote.

(03:23:55)

6.0 Planning Department Other Business/Updates

No information was presented for this portion of the meeting.

(03:23:55)

7.0 Planning Commission Committee Updates and Discussion Items

No information was presented for this portion of the meeting.

(03:24:50)

8.0 Forecast for Future Meetings

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| October 21, 2021 | 1. Work Session: Joint meeting with NDA's |
| October 26, 2021 | 1. Public Hearing: VR-2021-014, 23 rd Ave Property Line Adjustment 2. Public Hearing: Middle Housing Code – Hearing #2 |
| November 09, 2021 | 1. Public Hearing: VR-2021-015, Filbert St ADU Conversion 2. Public Hearing: Middle Housing and Tree Code – Hearing #3 |

Meeting adjourned at approximately 9:44 p.m.

Respectfully submitted,

Will First, Administrative Specialist II

