



CITY OF MILWAUKIE

PLANNING COMMISSION MINUTES

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

August 9, 2022

Present: Joseph Edge, Vice Chair
Greg Hemer
Robert Massey
Jacob Sherman

Staff: Adam Heroux, Associate Planner
Brett Kelper, Senior Planner
Vera Kolias, Senior Planner
Laura Weigel, Planning Manager

Absent: Lauren Loosveldt, Chair
Amy Erdt

(00:02:26)

1.0 Call to Order — Procedural Matters*

Vice Chair Edge called the meeting to order at 6:30 p.m., read the conduct of meeting format into the record, and Native Lands Acknowledgment.

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

(00:04:25)

2.0 Meeting Minutes

(00:04:26)

2.1 May 24, 2022 Meeting Minutes

The May 24, 2022 minutes were approved as written with a 4-0 vote.

(00:05:23)

2.2 June 28, 2022 Meeting Minutes

The June 28, 2022 minutes were approved as written with a 4-0 vote.

(00:06:00)

3.0 Information Items

No information was presented for this portion of the meeting.

(00:16:07)

4.0 Audience Participation

No information was presented for this portion of the meeting.

(00:6:31)

5.0 Community Involvement Advisory Committee (CIAC)

Laura Weigel, Planning Manager, noted that staff is working to provide direction to the CIAC and plan to provide an update at the following meeting when Chair Loosveldt returns. Weigel also noted that Commissioner Massey will represent the CIAC at the Quarterly Neighborhood District Association (NDA) leadership meeting September 15. **Commissioner Massey** requested that staff provide direction at the next meeting regarding what role he should serve at the quarterly NDA meeting.

(00:08:24)

6.0 Work Session Items

(00:08:25)

6.1 Code Amendments: Downtown Design Review

Brett Kelter, Senior Planner, shared that staff has worked with the Design and Landmarks Committee (DLC) since March of 2016 to update the Downtown Design Guidelines document (DDG) and the downtown design review code. Project goals evolved throughout the process, originally focusing on updating images in the DDG and later broadening to include updating the DDG text and the downtown design review code itself. The relevant code sections are MMC 19.304 Downtown Development Standards, 19.508 Downtown Design Standards, MMC 19.907 Downtown Design Review, and the DDG. Nonresidential and mixed-use buildings downtown that meet design standards are subject to a Type II review; those buildings that do not are subject to Type III review to address the applicable design guidelines. Multifamily buildings downtown may be subject to a Type I, II, or III review and can elect to be reviewed under multifamily or downtown design standards or guidelines.

Kelter continued, the DLC identified several issues with the current code and review processes including misalignment of design standards and guidelines, unclear applicability of guidelines, and development standards that impact design. To remedy the identified issues the DLC has recommended revising code sections related to downtown design review, aligning design standards and guidelines, and repealing the DDG. Key changes include expanding the design standards from seven elements to 14, moving design-related development standards into the design standards section, and updating graphics. Additionally, the DLC proposed requiring multifamily buildings downtown to address the downtown design standards/guidelines while retaining a Type I review process. Notably, the proposed Type I review process would include a public notice to inform nearby properties of the proposed development but without an opportunity for public comment.

Commissioner Hemer noted the difficulty in defining Milwaukie's downtown character and expressed a preference for clear and objective standards. Hemer suggested requiring applicants for any new downtown building to meet with the Historic Milwaukie NDA prior to application submittal. Hemer suggested that meeting with the NDA could replace public noticing for the proposed Type I review process. **Vice Chair Edge** reiterated Commissioner Hemer's suggestion. **Commissioner Massey** asked staff if the City can require applicants to meet with the applicable NDA. **Weigel** responded yes in general, but that staff would need to confirm that the City can require meeting with the applicable NDA for a Type I application. **Commissioner Sherman** expressed concerns about extending timelines for applicants and suggested eliminating the NDA requirement in favor of simply encouraging applicants to meet with the NDA. **Vice Chair Edge** reiterated Commissioner Sherman's concerns regarding longer timelines due to NDA requirements but noted support for the requirement even so. **Commissioner Hemer** suggested there is often a long amount of time between a preapplication conference and the application submittal. **Kelver** responded that the time between preapplication conference and application submittal varies. Kelver continued, noting the importance of clear and objective standards when establishing design regulations and cautioning against inviting public comment in situations where applicants have met the current standards. **Commissioner Hemer** responded that conversations between the applicant and the NDA early in the application process could result in design changes that are preferable to community members. **Commissioner Sherman** noted that the Commission can recommend design standards to City Council that voice the community's preferences, which could prevent the need to meet with the NDA for each application.

Commissioner Massey asked for clarification regarding the proposed review processes for development in the Downtown Mixed Use (DMU) zone. **Kelver** responded that staff proposes to eliminate the current Type II review for nonresidential and mixed-use buildings that meet design standards and instead use the Type I review process currently used by multifamily residential buildings that meet the design standards. **Vice Chair Edge and Commissioner Sherman** expressed support for reducing the review process of any building that meets design standards from a Type II to a Type I process.

Commissioner Hemer asked if the activities proposed to no longer require downtown design review will be reviewed under another process. **Kelver** responded that some activities may be reviewed under other parts of the zoning code where applicable. Kelver added, the activities staff is proposing to remove from the list of those needing downtown design review do not currently have any design standards against which to review. **Vice Chair Edge, Commissioner Massey, and Commissioner Sherman** noted support for removing certain activities lacking applicable design standards from the downtown design review process.

Kelver continued, the DLC suggested reducing the step back standard for

buildings that exceed the base height from 6 ft along the entire frontage to 6 ft for at least 50% of frontage, with a minimum setback length of 20 ft.

Commissioner Hemer noted the controversy of the previous increases in maximum building height, with those increases acting as the impetus for the step back standard. Hemer requested public engagement if the standard will be reduced as proposed and suggested using Engage Milwaukie for the public engagement.

Kelver noted additional housekeeping items, including increasing the minimum density standard for townhouses to maintain consistency with density standards in the R-MD zone and removing the maximum height limit based on number of stories while retaining the maximum height limit measured in feet. **Vice Chair Edge and Commissioner Sherman** noted support for the proposed amendments. **Commissioner Hemer** requested background information regarding why both height measures are currently being used. **Commissioner Massey** expressed concern for removing the number of stories measure as it is a more accessible way to understand proposed building heights.

Commissioner Hemer requested that public art installations, zero-energy buildings, and electric vehicle (EV) charging station requirements be included in further downtown design discussions. **Kelver** requested clarification on the suggested zero-energy requirement. **Hemer** responded that the requirement would ensure that buildings produce zero greenhouse gasses. **Commissioner Sherman** suggested implementing energy efficiency requirements through building performance standards like what is used by the City of Portland. **Kelver** added that staff is working on a code package for EV charging requirements that will be reviewed by the Commission before the end of the year. **Commissioner Sherman** noted similar EV charging requirements being implemented by the City of Portland and regulations coming from the US Access Board regarding EV parking space design. **Commissioner Massey** suggested using LEED certification levels as standards for new buildings in the downtown mixed-use zone. **Vice Chair Edge** noted support for using third-party certifications or standards for City performance standards.

(01:29:15)

6.2 Code Amendments: Boarding House - definitions

Adam Heroux, Associate Planner and Vera Koliass, Senior Planner, shared the staff report, provided background on boarding houses in the City, historic use of the dwelling type and proposed a replacement definition. Boarding houses are permitted on a conditional use basis within the City and have been included in City code since the first code created in 1946, currently there are no existing boarding houses. Historically a low-cost residential room with some shared facilities including kitchen, eating, and bathroom and separated units has been referred to as residential hotels, boarding houses, rooming houses, and lodging houses. The term single room occupancy (SRO) is used to encapsulate all these terms. Staff proposes removing the current term boarding house from City code

and replacing it with micro-unit development. A micro-unit development is a room offered for rent which would not otherwise constitute an independent dwelling. **Commissioner Hemer** asked if a single-family home renting two rooms individually would be considered a micro development under the new definition. **Heroux** responded that if the units were fully separated, having their own locks, then yes.

Commissioner Hemer expressed concern with a definition that reclassifies single-unit homes that are currently renting rooms such that the use is no longer permitted and suggested adding language specifying the development as a multi-unit building.

Commissioner Massey asked if there is a demand for market-rate SROs. **Heroux** responded that there is current demand in larger markets such as New York and Seattle.

Commissioner Sherman asked for clarification around the distinction between SROs and similar units where the length of stay is typically less than a month. **Heroux** responded similar configurations with shorter stays would be considered a hotel and subsequently a commercial use.

Commissioner Hemer asked for clarification regarding the distinction between micro-unit developments and transitional housing. **Kolias** responded that staff will review both definitions to ensure each are used to describe a unique use. **Commissioner Sherman** asked what the distinction was between micro units and adult foster care facilities. **Kolias** responded that adult foster care facilities are defined by the state and are intended for facilities where residents receive care from licensed nurses.

Vice Chair Edge asked why the development located at NW 14th and NW Pettygrove in Portland wasn't included as an example of micro-units in Portland. **Weigel** responded that it may have been inadvertently excluded from staff's research.

Commissioner Hemer asked if there are any restrictions preventing a micro unit development from being built under our current code and if a micro unit development is a unique use.

Commissioner Sherman suggested staff research Kevin Cavanaugh's properties in the Portland metro.

(02:07:00)

8.0 Planning Department/Planning Commission Other Business/Updates

Weigel shared that a new Planning Commissioner was appointed at the last Council meeting.

(02:08:45)

10.0 Forecast for Future Meetings:

August 23, 2022	Hearing Item(s):	1. VR-2022-005, 2433 SE Dove St 2. NR-2022-001, Milwaukie Bay Park, 11211 SE McLoughlin Blvd
	Work Session Item(s):	1. Downtown Design Review 2. Code Amendments: High Density Zones
September 13, 2022	Hearing Item(s):	1. VR-2022-007, 9696 SE Omark Dr.
	Work Session Item(s):	1. Code Amendments: Climate Friendly Equitable Communities

Meeting adjourned at approximately 8:30 p.m.

Respectfully submitted,

Will First, Administrative Specialist II